

(a). Upon approval by the commanding officer of the detachment, company or higher command, exercising direct supervision and control over the witness:

(1) Military personnel of the United States and of United Nations serving with the tactical armed forces or with the Offices of Military Government of the United States.

(2) Non-military personnel serving with or employed by the tactical armed forces of the United States.

(3) Other persons subject to United States Military Law including dependents of persons in categories (1) and (2) above.

(b) Upon approval by a Director of an Office of Military Government, or his designee, exercising supervision over the witness:

(1) Non-military personnel serving with or employed by the Offices of Military Government.

(2) Dependents of persons in category (1) above if subject to United States Military Law.

2. The testimony of persons authorized by the approving authority to appear as witnesses in German Courts shall be given only upon such conditions as may be specified by the approving authority provided, however that:

(a) The matter on which the testimony is sought is not classified matter,

(b) the testimony is not prejudicial to the interests of Military Government or of the Armed Forces of the United States, and

(c) that copies of official papers and copies of reports of inquiries are not requested or furnished in connection with such testimony. ³

3. German courts shall not issue subpoenas requiring the attendance of such witnesses. The requests by a German court shall include a statement of the title and nature of the action, together with a statement of the facts proposed for proof by the testimony sought.