DEPARTMENT OF THE NAVY
U.S. NAVAL SUPPORT ACTIVITY
PSC 817 BOX 1
FPO AE 09622-1000

NAVSUPPACT NAPLES INST 5800.5A
N01J

13 JUL 2009

NAVSUPPACT NAPLES INSTRUCTION 5800.5A

From: Commanding Officer, U.S. Naval Support Activity, Naples, Italy

Subj: SERVICE OF ITALIAN CRIMINAL AND CIVIL SERVICE OF PROCESS AT U.S. NAVAL SUPPORT ACTIVITY, NAPLES, ITALY

Ref: (a) 32 CFR 720.20 et seq.
(b) The Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters, 15 Nov 65, 20 U.S.T. 1361; 658 U.N.T.S. (1977)
(c) NAVSUPPACT NAPLES INST 5112.2E
(d) JAGINST 5800.7E (JAGMAN), Chapter 6
(e) NATO Status of Forces Agreement, Article VIII, Paragraphs 5(G), 9

Encl: (1) Copy of Service of Process Envelope (Servizio Notificazione Atti Giudiziari)

1. Purpose. Pursuant to references (a) through (e), this instruction prescribes the procedures for coordinating Italian Criminal, Civil, or Service of Process on individuals at U.S. Naval Support Activity (NAVSUPPACT), Naples, Italy.

2. Cancellation. NAVSUPPACT NAPLES INST 5800.5.

3. Scope and Applicability. This instruction applies to all personnel stationed at NAVSUPPACT Naples, to include all tenant commands.

4. Action

a. Service by Mail. According to Italian law, Judicial Service of Process by mail must be enclosed in the green envelope entitled Servizio Notificazione Atti Giudiziari (see enclosure (1) for sample). Italian Judicial Service of Process can be divided into either attempted Service of Process on the United States or attempted Service of Process on individuals assigned or employed at NAVSUPPACT Naples.

(1) Service of Process on the United States. This type of Service of Process will arrive enclosed in the Servizio Notificazione Atti Giudiziari envelope. It will usually be addressed to "Commando Marina Militare." Upon receipt of this Service of Process, the Postal Department will notify the Commaner, Navy Region Europe, Africa, Southwest Asia Office of the General Counsel, via PS Form 3883.

(2) Service of Process by Mail on Individuals. This Service of Process will usually be addressed to an individual. The Postal Department will use standard U.S. Registered Mail notifications to inform the individual of the receipt of mail. If the individual does not collect his/her mail, the Postal Department will return the mail to the sender.

b. Personal Service of Process for Civil Litigation. The NAVSUPPACT Naples Security Department is responsible for the access of individuals to NAVSUPPACT Naples, Italy. Process servers will be referred to Security's Italian Liaison Department (India Seven). Security will coordinate any interaction between the Process Server and the individual being served.

(1) Security will contact the individual being served and request that he/she report to the India Seven office. If India Seven cannot contact the person to be served, they will provide the Process Server with the following Fleet Mail Center Address:

Name of Person
Name of Command
Base della Marina Militare USA
Viale Fulco Ruffo di Calabria
80144 Napoli.

(2) If the individual refuses to report, Security will inform the Process Server that the individual refuses to accept the paperwork, and will provide the Process Server with the Fleet Mail Center Address listed above. Security will then file a Report of Investigation (ROI) indicating that the individual refused Service of Process.

c. Personal Service of Process for Criminal Actions

(1) Service of Process for criminal actions is performed by Italian police officers. Security coordinates with these agencies on any criminal action Service of Process.

(a) Upon being notified of a Service of Process, Security will first notify U.S. Region Legal Service Office, Europe and Southwest Asia (RLSO EURSWA), via phone and email. If the Italian police provide a fax of the Service of Process, said fax will be transmitted to RLSO EURSWA upon receipt by Security. Security will then contact the NAVSUPPACT Naples Staff Judge Advocate (SJA) to apprise him/her of the situation.

(b) RLSO EURSWA will contact the individual and advise him/her of his/her rights.

(c) Security shall advise the individual of his/her rights to counsel before any questioning by any investigative agency (Italian police, NCIS, CID, Security, etc.) The individual must also be advised of his/her right to remain silent.

(d) Security will liaison with RLSO EURSWA to assist in appointing defense counsel to the individual before allowing any interrogation by any investigative agency.

(2) Service of Process on individuals who have transferred or PCS'd already will be served on the Foreign Criminal Jurisdiction Office of RLSO EURSWA.

d. Service of a Servizio Notificazione Atti Giudiziari for a Criminal Case

(1) Upon notification that a Servizio Notificazione Atti Giudiziari for a criminal case is to be served on an individual, Security will immediately notify the individual and RLSO EURSWA. Under Italian law it is mandatory to accept service of this Servizio Notificazione Atti Giudiziari for a criminal case.

5. Inquiries. Parties wishing to serve process by mail without having a specific address for the individual to be served will be provided the Fleet Mail Center mailing address listed above. Inquiries as to service of process on the U.S. Government will be directed to the Commander, Navy Region Europe, Africa, Southwest Asia Office of the General Counsel at 626-7816.

R. B. RABUSE

Distribution:
NAVSUPPACT NAPLES INST 5216.4W
Lists: I through VII

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13 JUL 2009

SERVIZIO NOTIFICAZIONE ATTI GIUDIZIARI

N. 3952 Rep.

L'Ufficiale Giudiziario

Ufficio Unico
di notificazione Atti in Materia Civile
presso la Corte di Appello di Napoli

AVVERTENZE

Sulla presente busta devono applicarsi francobolli per l'importo complessivo delle seguenti tasse.

1 Francatura e raccomandazione delpiego.
2 Francatura e raccomandazione della ricevuta di ritorno.

La presente raccomandata deve inscriversi sui fogli 1 1 A

Deve
destinat
consegn
addetta
destinat
di men
anni.

AG
76192107335-7

Raccomandata N. 50

COMANDO MARINA AMERICANA
(U.S. NAVAL SUPPORT ACTIVE)
LEGAL OFFICE BOX N° 8 Viale
Fulco Ruffo di Calabria
(80144) - NAPOLI -

GRAFICH IDA - CALVIZZANO (NA) - 081/7123471

Enclosure (1)