

9. In cases where the right to exercise jurisdiction is concurrent, the following rules shall apply;

- (a) The military authorities of Canada shall have the primary right to exercise jurisdiction over a person subject to the military law of Canada in relation to
  - (i) offences solely against the property or security of Canada, or offences solely against the person or property of a member or of a dependent; and
  - (ii) offences arising out of any act done or omission to do anything in the performance of official duty.
- (b) In the case of any other offence, the authorities of Nigeria shall have the primary right to exercise jurisdiction.
- (c) If the Government having the primary right decides not to exercise jurisdiction, it shall notify the other Government as soon as practical. The authorities of the Government having the primary right shall give sympathetic consideration to a request from the authorities of the other Government for a waiver of its right in cases where that other Government considers such waiver to be of particular importance.

10. The foregoing provisions of the Article shall not imply any right for the military authorities of Canada to exercise jurisdiction over persons who are nationals of or ordinarily resident in Nigeria unless they are persons subject to the military law of Canada.

11. (a) The authorities of Nigeria and Canada shall assist each other in the arrest of members or their dependents in the territory of Nigeria and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.
  - (b) A member may exercise in respect of members of the Armed Forces of Nigeria powers of arrest as if he were a member of the Armed Forces of Nigeria of relative rank.
  - (c) A member of the Armed Forces of Nigeria may exercise in respect of members, powers of arrest as if he were a member of the Canadian Forces of relative rank but any member so arrested shall be handed over to the military authorities of Canada for custody.
  - (d) The civil authorities of Nigeria shall notify promptly the military authorities of Canada of the arrest of any member or dependent.
  - (e) An accused member over whom Nigeria is to exercise jurisdiction shall, if he is in the custody of the military authorities of Canada, remain in Canadian custody until he is charged by Nigeria.
12. (a) The authorities of Nigeria and Canada shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.
- (b) The authorities of Canada and Nigeria shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.