

5.—(a) The authorities of Japan and the military authorities of the sending State shall assist each other in the arrest of members of the United Nations forces or of the civilian components thereof, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of Japan shall notify promptly the military authorities of the sending State of the arrest of any member of the force of that sending State or of the civilian component thereof, or a dependent.

(c) The custody of an accused member of the force of a sending State or of the civilian component thereof over whom Japan is to exercise jurisdiction shall, if he is in the hands of that sending State, remain with that State until he is charged by Japan.

6.—(a) The authorities of Japan and the military authorities of the sending State 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 Japan and the military authorities of the sending State shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7.—(a) A death sentence shall not be carried out in Japan by the military authorities of the sending State if the legislation of Japan does not provide for such punishment in a similar case.

(b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the sending State for the assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the sending State under the provisions of this article within the territory of Japan.

8. Where an accused has been tried in accordance with the provisions of this article either by the authorities of Japan or by the military authorities of a sending State and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the territory of Japan by the authorities of another State, Party to this Protocol. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of Japan.

9. Whenever a member of the United Nations forces or of the civilian components thereof, or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled—

(a) To a prompt and speedy trial;

(b) To be informed, in advance of trial, of the specific charge or charges made against him;

(c) To be confronted with the witnesses against him;

(d) To have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of Japan;

(e) To have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;

(f) If he considers it necessary, to have the services of a competent interpreter; and