

ARTICLE 12

A claim against Kenya, or a trainee arising out of an act or omission of a trainee in the performance of his official duties, shall be assimilated to and be dealt with by Canada as if it were a claim arising out of the activities of a member of the Canadian Forces in the performance of his official duties in Canada. This paragraph shall not apply to any claim arising in connection with the death of or injury to a trainee.

ARTICLE 13

Ex-gratia Payments

Claims against trainees arising out of acts or omissions in Canada not done in the performance of official duty may be dealt with in the following manner:

- (a) Canadian authorities may investigate the incident giving rise to the claim and prepare a report on the case including an estimate of the amount of money which the Canadian authorities consider would represent reasonable compensation for the death, injury or property damage or loss suffered by the claimant.
- (b) The report may be delivered to Kenya authorities who, upon receipt, shall decide without delay whether to offer an ex-gratia payment, and, if so, of what amount.
- (c) Any offer of an ex-gratia payment or payment itself by the Kenya authorities may be sent to the claimant directly or through the Deputy Minister of the Department of National Defence.
- (d) Nothing in this paragraph affects the jurisdiction of courts in Canada to entertain an action against a trainee unless and until there has been payment in full satisfaction of the claim.
- (e) Where the claim has been adjudicated by a court in Canada or Kenya and a judgment rendered in favour of the claimant, the Kenya authorities will consider whether to make an ex-gratia payment to satisfy the judgment, or to take such other steps as they may within the bounds of Kenya domestic legislation to seek compliance with the judgment.

ARTICLE 14

Immigration

On the conditions specified in the second paragraph of this article and subject to compliance with the formalities established by Canada relating to entry into, and departure from, Canada, of military trainees from foreign countries, trainees shall be exempt from passport and visa regulations on entering or leaving Canada.

The following documents only will be required in respect of trainees and they must be presented on demand:

- (a) personal identity card issued by Kenya,
- (b) individual or collective movement order, in the English or French language, issued by the appropriate authorities of Kenya, and
- (c) international certification in the English or French language of vaccination against smallpox within three years of entry into Canada.