

case of an autopsy for purposes of criminal investigation, a German judge, may be present during the autopsy. In the cases where a German court or authority is competent to order an autopsy, the second and third sentences of this paragraph shall apply *mutatis mutandis* if the military authorities of a sending State have an interest in the results of such autopsy.

2. Where so authorized by the law of a sending State, the military authorities of that State shall have the right to take possession of the personal property of the deceased within the Federal territory and to apply it, in the first place, to the payment of any preferential charges which may be prescribed by the law of that sending State and, in the second place, to the settlement of any other debts incurred in the Federal territory and for which there exists a legal obligation to pay in that territory and thereafter to dispose of the remainder in accordance with the law applicable to the estate of the deceased. The provisions of this paragraph shall not apply if the deceased was a German.

3. The forces shall have the right at agreed sites to establish and maintain cemeteries as may be necessary in the fulfilment of their defence responsibilities.

ARTICLE 17

1. Where, in order to decide upon the authority competent to exercise jurisdiction with respect to an offence, it is necessary to determine whether an act is punishable by the law of a sending State, the German court or authority dealing with the case shall suspend the proceedings and shall notify the competent authority of the sending State. The appropriate authority of the sending State may, within twenty-one days after receipt of the notification, or at any time if such notification has not yet been made, submit to the German court or authority a certificate stating whether or not the act is punishable by the law of the sending State. If the certificate is affirmative on this point, it shall specify the provision or legal basis under which the act is punishable, as well as the penalty prescribed.

2. The German court or authority shall make its decision in conformity with the certificate. In exceptional cases, however, such certificate may, at the request of the German court or authority, be made the subject of review through discussions between the Federal Government and the diplomatic mission in the Federal Republic of the sending State.

3. If it is to be determined whether an offence is punishable under German law, the procedure provided in paragraphs 1 and 2 of this Article shall apply *mutatis mutandis* with respect to the offence, the certificate being then issued by the supreme competent administrative authority of the Federal Republic or of the German Land concerned.

4. The provisions of paragraphs 1, 2 and 3 of this Article shall not apply as between the Federal Republic and any sending State which informs the Federal Republic that it does not intend to avail itself of these provisions or to extend the benefits thereof to the Federal Republic.

ARTICLE 18

1. Whenever, in the course of criminal proceedings against a member of a force or of a civilian component, it becomes necessary to determine