

ARTICLE X

Claims

Canada waives all claims against the Sudan for losses of, or damage to, any property owned or used by Canada where such loss or damage is caused by a trainee acting in the course of his official duties and where there is no evidence of neglect or malice on the part of the trainee.

ARTICLE XI

Canada and the Sudan waive all claims against each other for injury or death suffered by a trainee or a member of the Canadian Forces while either is engaged in the performance of his official duties. Where a claim is made against Canada by any person for the injury or death suffered by a trainee in the performance of his duties, Sudan shall indemnify Canada in respect of costs incurred and damages paid by Canada in dealing with such a claim.

ARTICLE XII

A claim against the Sudan, 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 Article shall not apply to any claim arising in connection with the death or injury to a trainee.

ARTICLE XIII

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 the Sudan 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 Sudan authorities may be sent to the claimant directly or through the Deputy Minister of the Department of National Defence.
- (d) Nothing in this Article 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.