

described in paragraph 3(a) (ii) committed against the State or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offences are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

*Re paragraph 4:*

Persons with the dual nationality of a sending State and Japan who are subject to the military law of the sending State and who have been brought to Japan by the sending State shall not be considered as nationals of Japan, but shall be considered as nationals of the sending State for the purposes of this paragraph.

*Re paragraph 5:*

1. In case the Japanese authorities have arrested an offender who is a member of the United Nations forces or of the civilian components thereof, or a dependent subject to the military law of the sending State with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will, unless they deem that there is adequate cause and necessity to retain such offender, release him to the custody of the military authorities of the sending State provided that he shall, on request, be made available to the Japanese authorities, if such be the condition of his release. The authorities of the sending State shall, on request, transfer his custody to the Japanese authorities at the time he is indicted by the latter.

2. The military authorities of the sending State shall promptly notify the Japanese authorities of the arrest of any member of the United Nations forces, or of the civilian components thereof or a dependent in any case in which Japan has the primary right to exercise jurisdiction.

*Re paragraph 9:*

1. The rights enumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by the provisions of the Japanese Constitution. In addition to these rights, a member of the United Nations forces or of the civilian components thereof, or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution:—

- (a) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.
- (b) He shall enjoy the right to a public trial by an impartial tribunal.
- (c) He shall not be compelled to testify against himself.
- (d) He shall be permitted full opportunity to examine all witnesses.
- (e) No cruel punishments shall be imposed upon him.

2. The authorities of the sending State shall have the right upon request to have access at any time to members of the force of that State or of the