

(g) To communicate with a representative of the Government of the sending State and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the United Nations forces shall have the right to police any United Nations forces facilities. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities.

(b) Outside these facilities, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United Nations forces.

11. If the provisions of article XVII of the Administrative Agreement between the Government of Japan and the Government of the United States of America, signed at Tokyo on February 28, 1952, as amended by the Protocol signed at Tokyo on September 29, 1953, are further amended, Parties to this Protocol shall, after consultation, make similar amendments to the corresponding provisions of this article, provided the forces of the sending State concerned are under circumstances similar to those giving rise to such further amendment.

AGREED OFFICIAL MINUTES REGARDING ARTICLE CONCERNING CRIMINAL JURISDICTION

Re paragraph 1(a) and paragraph (2a):

The scope of persons subject to the military law of the sending States shall be communicated, through the Joint Board, to the Government of Japan by the Governments of the sending States.

Re paragraph 2(c):

The Governments of the sending States shall inform the Government of Japan and the Government of Japan shall inform the Governments of the sending States of the details of all security offences mentioned in this subparagraph and the provisions governing such offences in the existing laws of their respective countries.

Re paragraph 3(a) (ii):

Where a member of the United Nations forces or of the civilian components thereof is charged with an offence, a certificate issued by or on behalf of his commanding officer stating that the alleged offence, if committed by him, arose out of an act or omission done in the performance of official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

The above statement shall not be interpreted to prejudice in any way article 318 of the Japanese Code of Criminal Procedure.

Re paragraph 3(c):

1. Mutual procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Board. These procedures shall be similar to those adopted by the Joint Committee under the Japan-United States Administrative Agreement.

2. Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offences