

ARTICLE 8

Security

Canada shall take measures to ensure the security and protection within Canada of the persons and property of trainees.

ARTICLE 9

Security

Malaysia shall take measures to prevent the disclosure by a trainee, after the cessation of his training, to other governments to any unauthorized person of classified Canadian information of which he may become cognizant in the course of his official duties.

ARTICLE 10

Claims

Canada waives all claims against Malaysia for damage done to any property owned by Canada where such damage is caused by a trainee acting in the capacity as a trainee.

ARTICLE 11

Canada and Malaysia 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 death or injury suffered by a trainee in the performance of his duties, Malaysia shall indemnify Canada in respect of costs incurred and damages paid by Canada in dealing with such a claim.

ARTICLE 12

A claim against Malaysia 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 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 Malaysian 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 Malaysian authorities may be sent to the claimant directly or through the Deputy Minister of the Department of National Defence.