Annex
relating to Article XXI

1. In implementing paragraphs 5(a) and 6(a) of Article XXI, the Sending State shall not obstruct the lawful exercise of the territorial jurisdiction of the Receiving State in accordance with this Agreement.

2. With regard to paragraph 5(a) of Article XXI, the Parties mutually determine that the authorities of a Party shall not be obliged to provide such assistance in cases where that Party considers that such assistance would be inconsistent with its obligations under applicable international agreements existing at the time of entry into force of this Agreement.

3. In all cases other than those noted in paragraph 2 above, with regard to paragraph 5(a) of Article XXI, a Party shall give sympathetic consideration to a request from the other Party to allow the latter not to provide such assistance.

4. With regard to paragraph 2 above, if the authorities of a Party do not provide such assistance, that Party shall immediately consult with the other Party.

5. With regard to paragraph 5(a) of Article XXI, if the authorities of a Party do not provide assistance in handing over the person sought to the other Party, the Party that does not provide the assistance shall, to the extent permitted under its law, submit the case to its authorities for the purpose of prosecution, at the request of the other Party.

6. While the Parties have the obligation to assist each other in accordance with paragraphs 5(a) and 6(a) of Article XXI, when the authorities of a Party do not provide assistance to the extent permitted by those paragraphs, such non-assistance shall not be construed as obstruction referred to in paragraph 1 above.

7. A member of the Visiting Force or the Civilian Component who is arrested, detained, charged or prosecuted under the jurisdiction of the Receiving State shall have, in addition to those set out in paragraph 8 of Article XXI, the following procedural safeguards:

(a) he or she shall not be arrested or detained without being at once informed of the charge against him or her nor without the immediate privilege of counsel; nor shall he or she be detained without adequate cause;

(b) no cruel punishments shall be imposed upon him or her, consistent with the law of the Receiving State;

(c) he or she shall have the right to challenge the legality of pre-trial detention;

(d) he or she shall be entitled to cross-examine the witnesses against him or her; and

(e) he or she shall, if he or she considers it necessary, have the services of a competent interpreter, consistent with the law of the Receiving State.

8. The Sending State shall have the right upon request to have access at any time to a member of the Visiting Force or the Civilian Component who is confined or detained by the Receiving State.