Article XXI

1. The members of the Visiting Force and the Civilian Component shall remain at all times under the national command and overall control of the Sending State in accordance with its laws and regulations.

2. Subject to the provisions of this Article:

(a) the authorities of the Sending State shall have the right to exercise within the Receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the Sending State over the members of the Visiting Force and the Civilian Component; and

(b) the authorities of the Receiving State shall have criminal jurisdiction over the members of the Visiting Force and the Civilian Component with respect to offences committed within the Receiving State and punishable by the law of the Receiving State.

3. (a) The authorities of the Sending State shall have the right to exercise exclusive jurisdiction over the members of the Visiting Force and the Civilian Component with respect to offences, including offences relating to the security of the Sending State, punishable by the law of the Sending State but not by the law of the Receiving State.

(b) The authorities of the Receiving State shall have the right to exercise exclusive jurisdiction over the members of the Visiting Force and the Civilian Component with respect to offences, including offences relating to the security of the Receiving State, punishable by the law of the Receiving State but not by the law of the Sending State.

(c) For the purposes of this paragraph and paragraph 4, a security offence against a Party shall include:

(i) treason against that Party; and

(ii) sabotage, espionage or violation of any law relating to official secrets of that Party, or secrets relating to the national defence of that Party.

4. In cases where the right to exercise jurisdiction is concurrent, the following rules shall apply:

(a) the authorities of the Sending State shall have the primary right to exercise jurisdiction over the members of the Visiting Force and the Civilian Component in relation to:

(i) offences solely against the property or security of the Sending State, or offences solely against the person or property of another member of the Visiting Force or the Civilian Component; or

(ii) offences arising out of any act or omission done in the performance of official duties;

(b) in the case of any other offence, the authorities of the Receiving State shall have the primary right to exercise jurisdiction;

(c) if the Party having the primary right to exercise jurisdiction decides not to exercise jurisdiction, it shall notify the authorities of the other Party as soon as practicable; and

(d) the authorities of the Party having the primary right to exercise jurisdiction shall give sympathetic consideration to a request from the authorities of the other Party for a waiver of its right in cases where that other Party considers such waiver to be of particular importance.

5. (a) Unless otherwise mutually determined by the Parties, the authorities of the Parties shall assist each other in the arrest of members of the Visiting Force or the Civilian Component in the Receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with paragraphs 2 to 4.

(b) With regard to subparagraph (a), if a Party seeks to refuse such assistance, that Party shall immediately consult with the other Party to consider whether such assistance can be provided.

(c) The authorities of the Receiving State shall promptly notify the authorities of the Sending State of the arrest of any member of the Visiting Force or the Civilian Component.