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## ARTICLE X

1. The Government of Micronesia shall have the right to exercise civil jurisdiction over United States personnel, except for those matters arising from the performance of their official duties.
2. For purposes of the applicability of criminal law, the defense sites within the territory of Micronesia are sites reserved or acquired for the use of the United States and are within the concurrent jurisdiction of the United States and Micronesia.
3. The United States shall have the exclusive right to exercise criminal and disciplinary jurisdiction over members of the Armed Forces of the United States and shall have the primary right to exercise the criminal and disciplinary jurisdiction conferred on the military and civilian authorities of the United States by the law of the United States over all other United States personnel.
4. The Government of Micronesia shall have the primary right to exercise criminal jurisdiction over all United States personnel other than members of the Armed Forces of the United States with respect to those offenses which are punishable by the law of Micronesia, but not the law of the United States.
5. If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

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6. (a) The authorities of the United States and the authorities of the Government of Micronesia shall assist each other in the arrest of United States personnel in the territory of Micronesia and in handing them over to the authority which is to have custody in accordance with the following provisions.

(b) The authorities of the Government of Micronesia shall notify promptly the authorities of the United States of the arrest of any United States personnel. The authorities of the United States shall promptly notify the authorities of the Government of Micronesia of the arrest of any United States personnel in any case in which the Government of Micronesia has the primary right to exercise jurisdiction.

(c) The custody of an accused United States personnel over whom the Government of Micronesia is to exercise jurisdiction shall, if he is in the hands of the military authorities of the United States, remain with the authorities of the United States pending the conclusion of all judicial proceedings and until custody is requested by the authorities of the Government of Micronesia. If he is in the hands of the Government of Micronesia, he shall, upon request, be handed over to the authorities of the United States and remain in their custody pending completion of all judicial proceedings and until custody is requested by the authorities of the Government of Micronesia. The authorities of the United States shall promptly make any such accused available to the authorities of the Government of Micronesia upon their request for purposes of investigation and trial, and shall take all appropriate measures to that end and to prevent any prejudice to the course of justice.

7. (a) The authorities of the United States and the authorities of the Government of Micronesia shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of the United States and Micronesia shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

8. Where an accused has been tried in accordance with the provisions of this Article either by the authorities of the United States or Micronesia and has been acquitted, or has been convicted and is serving, or has served, his sentence, or his sentence has been remitted or suspended, or he has been pardoned, he may not be tried again for the same offense within the territory of Micronesia by the authorities of the other State. However, nothing in the paragraph shall prevent the authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Micronesia.

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9. Whenever a member of the Force is prosecuted under the jurisdiction of the Government of Micronesia, he shall be entitled:

- (a) to a prompt and speedy trial;
- (b) to be informed, in advance of trial, of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of the Government of Micronesia;
- (e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in the territory of Micronesia;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the Government of the United States and to have such a representative present at his trial.