

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

第
29
號
AG 015 (19 Feb 46) LS
(SCAPIN - 756)

AGO 500
19 February 1946

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT.

THROUGH : Central Liaison Office, Tokyo.

SUBJECT : Exercise of Criminal Jurisdiction.

1. Japanese courts will henceforth exercise no criminal jurisdiction over United Nations Nationals or organizations, including corporations. All pending criminal proceedings in which Nationals of the United Nations are defendants will be reported to this headquarters; further action by Japanese Courts with respect to such defendants will be stayed; and the defendants will be held subject to directions from authorized representatives of the Supreme Commander for the Allied Powers.

2. Japanese courts will henceforth exercise no criminal jurisdiction over the following offenses:

a. Acts prejudicial to the security of the Occupation Forces, or any member thereof, or any person attached to or accompanying such forces.

b. Killing or assaulting any member of the Occupation Forces, or any person attached to or accompanying such forces.

c. Unauthorized possession, taking receipt or disposal of property of the Occupation Forces or any member thereof, or of any person attached to or accompanying such forces.

d. Interfering with or hindering the arrest of any person sought, or assisting in or furthering the escape of any person detained, by the Occupation Forces or by others pursuant to the direction of the Supreme Commander for the Allied Powers or his authorized subordinates.

e. Interfering

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e. Interfering with, refusing information required by, making any false or misleading statement orally or in writing to, or defrauding in any manner, any member of the Occupation Forces or any person attached to or accompanying such forces in a matter of official concern.

f. Acts on behalf or in support of any organization dissolved or declared illegal by the Supreme Commander for the Allied Powers or dissolved or declared illegal at the order of the Supreme Commander for the Allied Powers.

g. Conspiracies to commit, or acts which aid or abet the commission of, any of the foregoing offenses.

3. Japanese courts will continue to exercise jurisdiction over acts prejudicial to the objectives of the occupation insofar as such acts constitute violations of Japanese law. However, military occupation courts may also assume jurisdiction over such acts or any other acts which are prejudicial to the objectives of the occupation.

4. The Commanding General of the Eighth Army and the Commander, Fifth Fleet, have directed to appoint military occupation courts including commissions and provost courts with jurisdiction over the foregoing persons and offenses.

5. a. Military commissions are authorized to impose sentences which may include:- fines; imprisonment at hard labor, or both, or specified alternative imprisonment in lieu of payment of fines; expulsion; confiscation, padlocking and forfeiture of estates; and death.

b. Provost courts are authorized to impose sentences including:- fines not to exceed Seventy-five thousand (¥75,000) Yen; imprisonment at hard labor not to exceed five (5) years, or both, or specified alternative confinement in lieu of payment of fine; expulsion; confiscation and padlocking respecting properties

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properties not exceeding seventy-five thousand (¥ 75,000) yen in value.

6. The Imperial Japanese Government shall have no authority to arrest United Nations Nationals, except (a) in areas where Allied troops are not actually present on duty and there is a reasonable suspicion that a serious crime has been committed by a United Nations National, or (b) when otherwise directed by the Supreme Commander for the Allied Powers or his authorized subordinates: provided that, when such persons are taken into custody, the apprehending authority will immediately report the incident to the nearest Allied Military Authority and deliver such persons upon instructions from such Authority.

7. The Japanese people and all other persons in Japan will be informed of this directive.

FOR THE SUPREME COMMANDER:

B.M. FITCH,
Brigadier General, AGD
Adjutant General.

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聯合軍總司令部發日本政府宛覺書

(一九四六年二月十九日附A G O 一五 L S S O A P I N 七五六)

刑事司法權ノ行使ニ關スル件

一、日本裁判所ハ爾今聯合國々民又ハ團體ヲ含ム機關ニ對スル刑事司法權ヲ行使セラルベシ 聯合國々民ガ被告トナリ居ル繁續ノ刑事訴訟手續ハ凡テ本司令部ニ報告セラルベク斯種被告ニ關スル日本裁判所ニ依ル爾後ノ裁判ハ中止セラレ而シテ右被告ハ聯合國最高司令官ノ正當ナル代表ノ指令ニ從フベシ

二、日本裁判所ハ左記犯罪ニ對シ爾今刑事司法權ニ行セザルベシ

(イ) 占領軍又ハ其ノ構成員或ハ右軍隊ニ所屬シ又ハ之ニ附隨スル人員ノ安全ニトリ有害ナルベキ行爲

(ロ) 占領軍ノ構成員或ハ右軍隊ニ所屬シ又ハコレニ附隨スル人員ニ對スル殺人又ハ暴行行爲

(ハ) 占領軍又ハ其ノ構成員或ハ右軍隊ニ所屬シ又ハ之ニ附隨スル人員

ノ財産ヲ許可ナク占有シ奪取シ受領シ又ハ區分スル行爲

(ニ) 占領軍又ハ聯合軍總司令部官ノ指示ニ從フ其ノ他ノ者或ハ權限アル

其ノ下僚ニ依リ搜索ヲ受ケ居ル者ノ逮捕ニ干涉シ又ハ之ヲ阻害シ

或ハ同様抱禁セラレ居ル者ノ逃亡ヲ援助シ又ハ助スル行爲

(ホ) 占領軍ノ構成員或ハ右軍隊ニ所屬シ又ハ之ニ附隨スル人員ニ依リ

公的事項ニ付要求セラレタル情報提供ヲ妨害シ拒絕シ口頭タルト

報告文書ニ於テタリト問ハズ虛偽アルカ又ハ誤解ヲ招クガ如キ

陳述ヲナシ或ハ何等カノ方法ニ依リ前記ノ者ヲ欺瞞スル行爲

(ヘ) 聯合軍最高司令官ニ依リ解散セシメラレタルカ又ハ不法ナル旨宣

言セラレタルカ或ハ聯合軍最高司令官ノ命令ニ基キ解散セシメラ

レタルカ又ハ不法ナル旨宣言セラレタル機關ニトリ有利トナルカ

又ハ右機關ヲ支持スル行爲

(ト) 前記各犯罪遂行ノ陰謀或ハ之ガ遂行ヲ援助シ又ハ教唆スル行爲

三、日本裁判所ハ占領ノ目的ニトリ有害ナルベキ行爲ガ日本法律ノ侵犯ヲ構成スル限りニ於テ右行爲ニ對スル司法權ノ行使ヲ繼續ス但シ

軍事占領裁判所モ亦斯種行為又ハ占領ノ目的ニトリ有害ナルベキ爾
余ノ行為ニ對スル司法權ヲ行使スルコトヲ得

四、第八軍總司令官及第五艦隊長官ハ前記各人及各犯罪ニ對スル司法
權ヲ有スル軍事占領裁判所（委員會ヲ含ム）及憲兵裁判所ヲ任命ス
ベキ旨指令ヲ受ケタリ

五、(1)軍事委員會ハ罰金懲役又ハ其ノ併科罰金支拂ニ代スル特定ノ代
替ノ禁錮追放資産ノ押收封鎖及沒收竝ニ死刑ヲ包含スル判決ヲ行フ
オ權限ヲ有ス

(2)憲兵裁判所ハ七萬五十圓ヲ超エザル罰金期間五年ヲ超エザル懲役
又ハ其ノ併科或ハ罰金支拂ニ代フル特定ノ代替拘禁追放價格七萬
五千圓ヲ超エザル財産ニ關スル押收及封鎖ヲ含ム判決ヲ行フノ權
限ヲ有ス

六、日本政府ハ(1)聯合軍ガ現實ニ駐屯勤務中ナラザル地域ニ於テシカ
モ聯合國々民ニ依リ重大ナル犯罪ガ行ハレタル合理的嫌疑存スル場
合

(2)聯合國最高司令官又ハ權限アル其ノ下僚ニ依リ本指令ト相異スル
指令ガ發セラレタル場合ヲ除キ聯合國々民ヲ逮捕スルノ權限ヲ有
セザルベシ但シ本人ガ拘禁セラレタルトキハ逮捕官憲ハ直ニ事件
ヲ最寄ノ聯合軍當局ニ通報シ右當局ノ指示ニ基キ本人ヲ引渡スベ
シ

七、日本人及日本ニ在ル他ノ一切ノ者ハ本指令ニ付通報セラルベシ

最高司令官代理

高級副官

準將 B M 「フイチ」