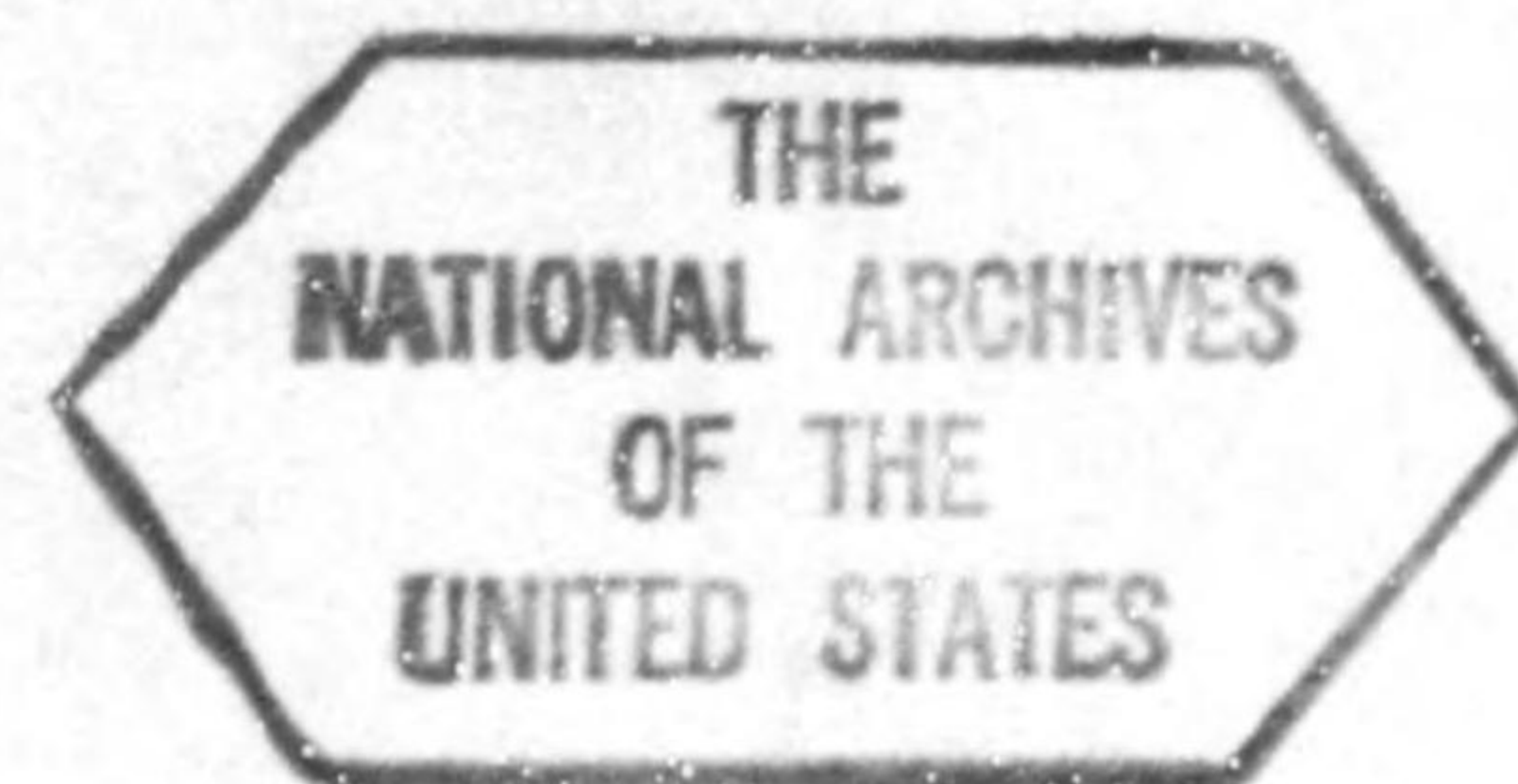


**GHQ/SCAP Records(RG 331)**  
**Description of contents**



- (1) Box no. 2242
- (2) Folder title/number: (12)  
Confinement of War Criminals & Excessive  
Confinement of Prisoners
- (3) Date: Feb. 1947 - May 1949

(4) Subject:

Classification	Type of record
220	e

(5) Item description and comment:

(6) Reproduction:  Yes  No

(7) Film no.

Sheet no.

DRAFT

25 May 1949

1. Reference is made to letter of the Assistant Secretary of the Army, dated 7 March, 1949, subject as above.
2. While all of the convicted war criminals tried and adjudged in Japan are and will continue to be prisoners of the Allied Powers, responsibility for carrying out the judgments of the several international courts was specifically charged to the Supreme Commander pursuant to the policy decision of the Far Eastern Commission adopted on 3 April 1946. Thus far the Commanding General, Eighth Army, has been immediately charged with their custody.
3. Your letter with enclosures has been given careful consideration and it is believed entirely feasible and proper and within the authority of the Supreme Commander to transfer custody of these prisoners in due course to the Japanese authorities. It is not believed that the expert advice of the Department of Justice in their handling and care is necessary.
4. The matter of post-treaty supervision and control is, of course, as you point out, for the consideration of the treaty conferees.

DRAFT 25 May 1949

GENERAL HEADQUARTERS  
FAR EAST COMMAND  
APO 500

SUBJECT: Confinement of Convicted War Criminals

TO: Assistant Secretary of the Army  
Department of the Army  
Washington, D. C.

1. Final disposition of war criminals convicted by international courts has been under constant study by the Supreme Commander for the Allied Powers who, apart from the executive authority inherent to his office, was specifically directed by Far Eastern Commission policy adopted 3 April 1946, that:

"as Supreme Commander for the Allied Powers, you have:

.....b.(1) The responsibility for carrying out the judgements of any International Courts appointed by you, ...."

2. Careful consideration of the question has lead to these decisions: (1) that the war criminals will be transferred in the ~~immediate~~<sup>NEAR</sup> future to the custody of local authorities with control and supervision of such custody retained in the occupation forces, and that during the period of the occupation adequate qualified personnel is available to provide necessary advice on care and handling of the prisoners; and (2) that supervision and control of continued confinement upon the signing of a peace treaty should be provided in negotiations leading thereto.

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

APD 500  
26 April 1946

GENERAL ORDERS )

NO.....:20 )

General Orders No. 1, General Headquarters, Supreme Commander for the Allied Powers, 19 January 1946, subject as below, is superseded. The Charter of the International Military Tribunal for the Far East established by Proclamation of the Supreme Commander for the Allied Powers, 19 January 1946, is amended, and as amended, reads as follows:

CHARTER OF THE  
INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

SECTION I

CONSTITUTION OF TRIBUNAL

ARTICLE 1. Tribunal Established. The International Military Tribunal for the Far East is hereby established for the just and prompt trial and punishment of the major war criminals in the Far East. The permanent seat of the Tribunal is in Tokyo.

ARTICLE 2. Members. The Tribunal shall consist of not less than six members nor more than eleven members, appointed by the Supreme Commander for the Allied Powers from the names submitted by the Signatories to the Instrument of Surrender, India, and the Commonwealth of the Philippines.

ARTICLE 3. Officers and Secretariat.

a. President. The Supreme Commander for the Allied Powers shall appoint a Member to be President of the Tribunal.

b. Secretariat.

(1) The Secretariat of the Tribunal shall be composed of a General Secretary to be appointed by the Supreme Commander for the Allied Powers and such assistant secretaries, clerks, interpreters, and other personnel as may be necessary.

(2) The General Secretary shall organize and direct the work of the Secretariat.

(3) The Secretariat shall receive all documents addressed to the Tribunal, maintain the records of

(GO 20, GHQ, SCAP, 1946)

the Tribunal, provide necessary clerical services to the Tribunal and its members, and perform such other duties as may be designated by the Tribunal.

ARTICLE 4. Convening and Quorum, Voting, and Absence.

a. Convening and Quorum. When as many as six members of the Tribunal are present, they may convene the Tribunal in formal session. The presence of a majority of all members shall be necessary to constitute a quorum.

b. Voting. All decisions and judgments of this Tribunal, including convictions and sentences, shall be by a majority vote of those members of the Tribunal present. In case the votes are evenly divided, the vote of the President shall be decisive.

c. Absence. If a member at any time is absent and afterwards is able to be present, he shall take part in all subsequent proceedings; unless he declares in open court that he is disqualified by reason of insufficient familiarity with the proceedings which took place in his absence.

SECTION II

JURISDICTION AND GENERAL PROVISIONS

ARTICLE 5. Jurisdiction Over Persons and Offenses. The Tribunal shall have the power to try and punish Far Eastern war criminals who as individuals or as members of organizations are charged with offenses which include crimes against Peace. The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

a. Crimes against Peace: Namely, the planning, preparation, initiation or waging of a declared or undeclared war of aggression, or a war in violation of international law, treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

b. Conventional War Crimes: Namely, violations of the laws or customs of war;

c. Crimes against Humanity: Namely, murder, extermination, enslavement, deportation, and other inhumane acts committed before or during the war, or persecutions on political or racial grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated. Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common

(GO 20, GHD, SCAP, 1946)

plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any person in execution of such plan.

ARTICLE 6. Responsibility of Accused. Neither the official position, at any time, of an accused, nor the fact that an accused acted pursuant to order of his government or of a superior shall, of itself, be sufficient to free such accused from responsibility for any crime with which he is charged, but such circumstances may be considered in mitigation of punishment if the Tribunal determines that justice so requires.

ARTICLE 7. Rules of Procedure. The Tribunal may draft and amend rules of procedure consistent with the fundamental provisions of this Charter.

ARTICLE 8. Counsel.

a. Chief of Counsel. The Chief of Counsel designated by the Supreme Commander for the Allied Powers is responsible for the investigation and prosecution of charges against war criminals within the jurisdiction of this Tribunal and will render such legal assistance to the Supreme Commander as is appropriate.

b. Associate Counsel. Any United Nation with which Japan has been at war may appoint an Associate Counsel to assist the Chief of Counsel.

SECTION III

FAIR TRIAL FOR ACCUSED

ARTICLE 9. Procedure for Fair Trial. In order to insure fair trial for the accused the following procedure shall be followed:

a. Indictment. The indictment shall consist of a plain, concise, and adequate statement of each offense charged. Each accused shall be furnished, in adequate time for defense, a copy of the indictment, including any amendment, and of this Charter, in a language understood by the accused.

b. Language. The trial and related proceedings shall be conducted in English and in the language of the accused. Translations of documents and other papers shall be provided as needed and requested.

c. Counsel for Accused. Each accused shall have the right to be represented by counsel of his own selection, subject to the disapproval of such counsel at any time by the Tribunal. The accused shall file with the General Secretary of the Tribunal the name of

(GO 20, GH, SCAP, 1946)

his counsel. If an accused is not represented by counsel and in open court requests the appointment of counsel, the Tribunal shall designate counsel for him. In the absence of such request the Tribunal may appoint counsel for an accused if in its judgment such appointment is necessary to provide for a fair trial.

d. Evidence for Defense. An accused shall have the right, through himself or through his counsel (but not through both), to conduct his defense, including the right to examine any witness, subject to such reasonable restrictions as the Tribunal may determine.

e. Production of Evidence for the Defense. An accused may apply in writing to the Tribunal for the production of witnesses or of documents. The application shall state where the witness or document is thought to be located. It shall also state the facts proposed to be proved by the witness or the document and the relevancy of such facts to the defense. If the Tribunal grants the application the Tribunal shall be given such aid in obtaining production of the evidence as the circumstances require.

ARTICLE 10. Applications and Motions before Trial. All motions, applications, or other requests addressed to the Tribunal prior to the commencement of trial shall be made in writing and filed with the General Secretary of the Tribunal for action by the Tribunal.

#### SECTION IV

#### POWERS OF TRIBUNAL AND CONDUCT OF TRIAL

ARTICLE 11. Powers. The Tribunal shall have the power:

- a. To summon witnesses to the trial, to require them to attend and testify, and to question them.
- b. To interrogate each accused and to permit comment on his refusal to answer any question.
- c. To require the production of documents and other evidentiary material.
- d. To require of each witness an oath, affirmation, or such declaration as is customary in the country of the witness, and to administer oaths.
- e. To appoint officers for the carrying out of any task designated by the Tribunal, including the power to have evidence taken on commission.

ARTICLE 12. Conduct of Trial. The Tribunal shall:

- a. Confine the trial strictly to an expeditious hearing of

(GO 20, GHQ, SCAP, 1946)

the issues raised by the charges.

b. Take strict measures to prevent any action which would cause any unreasonable delay and rule out irrelevant issues and statements of any kind whatsoever.

c. Provide for the maintenance of order at the trial and deal summarily with any contumacy, imposing appropriate punishment, including exclusion of any accused or his counsel from some or all further proceedings, but without prejudice to the determination of the charges.

d. Determine the mental and physical capacity of any accused to proceed to trial.

ARTICLE 13. Evidence.

a. Admissibility. The Tribunal shall not be bound by technical rules of evidence. It shall adopt and apply to the greatest possible extent expeditious and non-technical procedure, and shall admit any evidence which it deems to have probative value. All purported admissions or statements of the accused are admissible.

b. Relevance. The Tribunal may require to be informed of the nature of any evidence before it is offered in order to rule upon the relevance.

c. Specific evidence admissible. In particular, and without limiting in any way the scope of the foregoing general rules, the following evidence may be admitted:

- (1) A document, regardless of its security classification and without proof of its issuance or signature, which appears to the Tribunal to have been signed or issued by any officer, department, agency or member of the armed forces of any government.
- (2) A report which appears to the Tribunal to have been signed or issued by the International Red Cross or a member thereof, or by a doctor of medicine or any medical service personnel, or by an investigator or intelligence officer, or by any other person who appears to the Tribunal to have personal knowledge of the matters contained in the report.
- (3) An affidavit, deposition or other signed statement.
- (4) A diary, letter or other document, including sworn or unsworn statements, which appear to the Tribunal to contain information relating to the charge.



(GO 20, GHQ, SCAP, 1946)

- (5) A copy of a document or other secondary evidence of its contents, if the original is not immediately available.

d. Judicial Notice. The Tribunal shall neither require proof of facts of common knowledge, nor of the authenticity of official government documents and reports of any nation nor of the proceedings, records, and findings of military or other agencies of any of the United Nations.

e. Records, Exhibits, and Documents. The transcript of the proceedings, and exhibits and documents submitted to the Tribunal, will be filed with the General Secretary of the Tribunal and will constitute part of the Record.

ARTICLE 14. Place of Trial. The first trial will be held at Tokyo, and any subsequent trials will be held at such places as the Tribunal decides.

ARTICLE 15. Course of Trial Proceedings. The proceedings at the Trial will take the following course:

- a. The indictment will be read in court unless the reading is waived by all accused.
- b. The Tribunal will ask each accused whether he pleads "guilty" or "not guilty."
- c. The prosecution and each accused (by counsel only, if represented) may make a concise opening statement.
- d. The prosecution and defense may offer evidence, and the admissibility of the same shall be determined by the Tribunal.
- e. The prosecution and each accused (by counsel only, if represented) may examine each witness and each accused who gives testimony.
- f. Accused (by counsel only, if represented) may address the Tribunal.
- g. The prosecution may address the Tribunal.
- h. The Tribunal will deliver judgment and pronounce sentence.

#### SECTION V

#### JUDGMENT AND SENTENCE

ARTICLE 16. Penalty. The Tribunal shall have the power to

(GO 20, GHQ, SCAP, 1946)

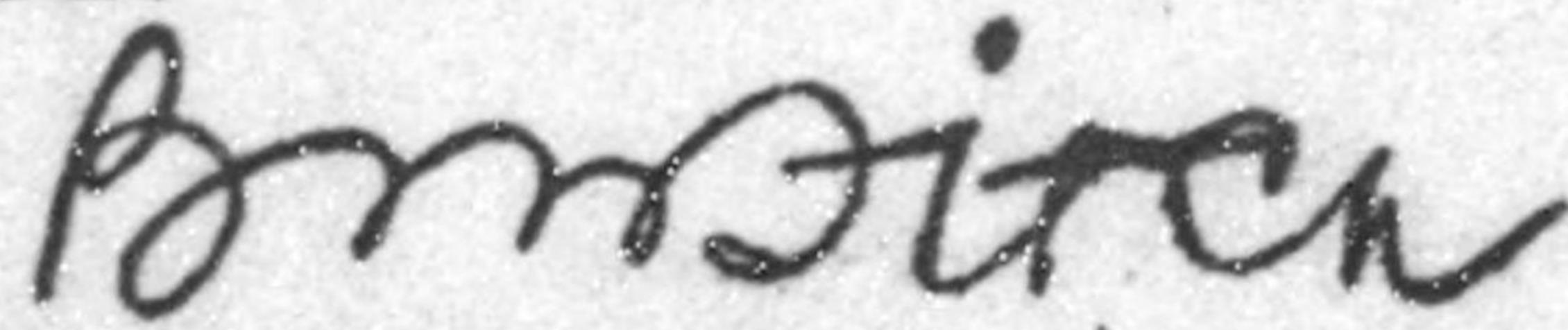
impose upon an accused, on conviction, death, or such other punishment as shall be determined by it to be just.

ARTICLE 17. Judgment and Review. The judgment will be announced in open court and will give the reasons on which it is based. The record of the trial will be transmitted directly to the Supreme Commander for the Allied Powers for his action. Sentence will be carried out in accordance with the Order of the Supreme Commander for the Allied Powers, who may at any time reduce or otherwise alter the sentence, except to increase its severity.

By command of General MacARTHUR:

RICHARD J. MARSHALL  
Major General, General Staff Corps,  
Chief of Staff.

OFFICIAL:



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

**SECRET**

19  
e-~~10~~  
D-1

Confinement of Convicted War Criminals

Legal Section

27 May 49

DS  
JA  
GS  
G-1  
G-2  
G-3  
G-4  
CIB  
PM  
MD  
PH (in turn)

1. After the conference held on 16 May 1949 on the subject problem, Legal Section circulated a proposed memo for the CofS and a proposed reply to the Department of the Army. (TAB E). Several interested Staff Sections indicated concurrence therein.

2. Upon reconsideration of the proposed reply, it is believed that the form thereof should be modified. The modification, as contained in TAB F, retains the principles agreed upon at the conference, namely: that the custody of war criminals confined in Japan should be transferred to the Japanese authorities; that such transfer should be made in "due course"; that expert advice from the Department of Justice in the care and handling of the prisoners is not necessary; and that post-treaty supervision and control of war criminals are matters for the treaty conference.

3. It will be recalled that at the conference the opinion was expressed that SCAP already had the authority to transfer custody of war criminals to the Japanese authorities by virtue of the Far Eastern Commission's policy decision of 3 April 1946, which gives SCAP the responsibility for carrying out judgments of International War Crimes Courts. For this reason, the modified reply eliminates the suggestion for reference of the problem to the Far Eastern Commission.

4. The modified reply is brief and consequently could be dispatched by radio.

5. Legal Section submits said modified proposed reply as a substitute for TAB E and requests your concurrence or comments thereon.

6. After action by interested Sections on modified proposed reply, the staff study will be appropriately amended.

1 Incl  
Prop reply

-----C. R. L.-----

**SECRET**

GS/CRI/JB/JK

**CONFIDENTIAL**

**BRAFY**

**GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS**

**OUTGOING MESSAGE**

**Date: 27 May 1949 LS-L**

**FROM: SCAP  
TO : DEPT OF THE ARMY. . . . . PRIORITY**

**Reference letter Assistant Secretary of the Army  
dated 7 Mar 49, subject: Confinement of Convicted War Criminals.**

While all convicted war criminals tried and adjudged in Japan are and will continue to be prisoners of Allied Powers, responsibility for carrying out judgments of several International Courts was specifically charged to SCAP pursuant to policy decision of FEC adopted 3 Apr 46. Thus far CG, Eighth Army, has been immediately charged with their custody.

Your letter with inclosure has been given careful consideration and it is believed entirely feasible and proper and within authority of SCAP to transfer custody of these prisoners in due course to Japanese authorities. It is not believed that expert advice of Department of Justice in their handling and care is necessary.

Matter of post-treaty supervision and control is, of course, as you point out, for consideration of treaty conferees.

<b>Concurrences:</b>	<b>Date:</b>		<b>Date:</b>
DS _____	_____	JA _____	_____
GS s/ C W _____	28 May _____	G-3 _____	_____
G-2 _____	_____	G-3 _____	_____
G-4 _____	_____	GIE _____	_____
PI _____	_____	MD _____	_____
PH _____	_____		

**CONFIDENTIAL**

**CONFIDENTIAL**

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
Legal Section

16 May 1949

MEMORANDUM OF CONFERENCE

SUBJECT: Summary of Conference re Confinement of Convicted War Criminals

1. At a conference called by Legal Section held on 16 May 1949 at the Meiji Building, Tokyo, to consider the question of confinement of Convicted War Criminals in Japan, the following were present: G-1 (Maj Banks); G-2 (Col Pulliam, Lt Col Whitmore, Mr. Carusi); G-3 (Maj Steckla); PM (Lt Col Griffith, Lt Col Loftin); Public Health and Welfare (Col Mollohan); Medical Sec (Lt Col Blake); JAG Sec (Col Hickman, Lt Col Williamson); DS (Mr. Finn); CI&E (Mr. O'Brien); LS (Mr. Liggitt, Mr. Bassin, Mr. Straitiff, Maj Willoughby); 8th Army (Lt Col Browne, JA, Col Phelps, FM).

2. Government Section informed Legal Section by telephone that it had no interest in the subject of the conference. G-4 telephoned its concurrence to Legal Section.

3. Mr. Bassin stated that the conference was called to discuss LS proposed reply to a Department of Army letter dated 7 Mar 49 which requested CINCPAC views, comments and recommendations with respect to: (a) Transfer of custody of convicted Japanese war criminals to the Japanese authorities with control and supervision in U.S. authorities. (b) The accomplishment of this transfer within 1 year. (c) The desirability of securing expert advice from the Department of Justice as to the treatment of the prisoners. (d) The supervision and control of such war criminals after withdrawal of US forces or upon signing of peace treaty by provisions in negotiations leading thereto.

4. Mr. Bassin further stated that under present policy as contained in JCS 1512/15, 7 June 46, Japanese convicted war criminals are to be confined in occupied areas as long as US forces remained in occupation thereof; that LS proposed a reply to the Department of the Army letter, recommending the transfer of the Japanese war criminals within 1 year to Japanese custody, under occupation control and supervision, and that supervision and control of continued confinement after withdrawal of Occupation Forces or upon the signing of peace treaty should be provided in negotiations leading thereto. It was further stated that in regard to the recommendations just mentioned, the matter be submitted to the Far Eastern Commission. LS stated that with regard to the expert advice from the Department of Justice concerning the treatment of prisoners, adequate qualified personnel were presently available in this theater and therefore such assistance was not required.

5. Upon presenting the previous outline of LS position, Mr. Bassin solicited the views of the conferees. FM, FEC (Col Loftin) stated that he concurred in the paper, but raised the question as to why the securing of the

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expert advice of the Justice Department was not recommended. In response thereto it was stated that LS felt that there was adequate qualified personnel in this theater to care for the prisoners. Col Pulliam pointed out that there were penology experts already in the theater and that the Japanese authorities had received the views of these experts. Col Pulliam stated that the Japanese Government could assimilate Sugamo Prison into its general prison system. Col Hickman stated that as long as SCAP Occupation Forces remained in Japan that there would be no necessity for expert advice from the Department of Justice, but that he did not believe we should foreclose any assistance from the Department of Justice after the Occupation Forces left. In view of Col Hickman's statement it was agreed that the proposed reply should be modified so that it would state that the Department of Justice advice was not required during the occupation period.

6. G-1 (Maj Banks) stated that he concurred with the document as presented but wished to emphasize the fact that this was a policy question which should be properly considered by the Far Eastern Commission.

7. G-3 (Maj Steckla) stated that he concurred in the paper as presented and that his primary concern was with any question concerning the movement of prisoners.

8. G-2 (Col Pulliam, G-2 PSD) expressed the view that in implementing any policy which would be approved along the lines presented by LS some time would be required in order that the transfer to the Japanese Government could be effected; G-2, Public Safety concurred in the proposed reply.

9. Public Health & Welfare (Col Mollohan) stated that his section concurred.

10. Lt Col Blake, Medical Section stated that his section concurred.

11. Diplomatic Section (Mr. Finn) suggested that paragraph 4 of proposed reply be modified to indicate that the Department of the Army in considering the advisability of presenting the paper to the Far Eastern Commission be aware of the fact that a precedent has been established by accepting Japanese war criminals from the Chinese for incarceration at Sugamo Prison, since other Far East states might request similar treatment by having Japanese war criminals in their custody transferred to Sugamo Prison. It was agreed at the conference that this modification would be made.

12. Col Hickman expressed the view that SCAP could require the Japanese to assume custody of the prisoners in Sugamo Prison under SCAP supervision and control. There was no disagreement with this view, however, Mr. Bassin, LS, pointed out while SCAP could require such transfer that it would appear advisable to postpone any unilateral action by SCAP on this question until the Department of the Army could consider SCAP views on this subject.

13. In response to DS' (Mr. Finn) suggestion concerning the precedent established by accepting the Japanese war criminals from China for confinement in Japan, LS (Mr. Straitiff) stated that he believed it would be highly desirable to have all Japanese war criminals outside of Japan confined in Japan.

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However, he felt that was a problem which should be considered at some later time. Col Hickman believed that in the consideration of this problem, budgetary factors would be an important element.

14. Lt Col Williamson, JA Section, suggested that the proposed reply refer to the Japanese prisoners as being under control of the Occupation Forces rather than under the control of the US. He believed that use of the term "US" in paragraph 3 of proposed reply should be deleted in view of the international nature of the subject. This suggestion was adopted. Mr. Bassin, LS, expressed the view that even though Japanese war criminals were convicted outside of Japan by national courts such as in Guam, Philippines and China, the war criminals came under the international jurisdiction of SCAP when confined in Japan.

15. Lt Col Williamson, JA, stated that the question of clemency for convicted war criminals in Japan should be considered even though he felt that it would not be necessary to include this question in the present paper. It was generally agreed that the question of clemency was a problem that should be discussed at some other time and made the subject of a separate study for the Chief of Staff, and that it was a problem which could be determined at the SCAP level. Col Hickman stated that in discussing this question with Col Chaplin, PM, that there was considerable feeling in granting good conduct time to war criminals. Col Hickman also pointed out that the question of clemency was apparently under consideration in the US Zone in Germany and that at present there was consistency of position in both Japan and Germany.

16. Lt Col Browne, JAG, 8th Army, expressed the view that SCAP should maintain surveillance over the Japanese and their operation of Sugamo Prison and that no releases or paroles be made without SCAP approval, and that adequate provisions for control should be effected after withdrawal of the Occupation Forces. Col Browne also stated that CG, 8th Army had no opposition to the paper.

17. CIE (Mr. O'Brien) stated that he concurred in the paper as did Col Phelps, PM, 8th Army.

18. Mr. Bassin asked whether there were any opposition to the modifications suggested, and there were none. He also stated that LS would submit a staff study on the proposed reply to the Staff Sections concerned for final concurrence prior to the presentation of the document to the Chief of Staff. The conference adjourned at approximately 1000 hours.

*J. Bassin*  
J. BASSIN  
LS - Meiji 362

**CONFIDENTIAL**

FILE UNDER: *Cessive Confinement of  
Prisoners (0005)*

I N D E X S H E E T

DATE: *22 Aug '47*

FROM: *Oppen*

TO: ✓

SUBJECT: *GPR-*

*Protracted Trials in the District  
of Nagano Military Government*

DOCUMENT FILED UNDER:

CLASSIFIED FILE:

*Memos for the Record*



HEADQUARTERS  
NAGANO MIL GOVT TEAM  
APO 181

23 July 1947

324/3

SUBJECT: Excessive Detention of Accused Japanese Nationals.

THRU : Commanding Officer,  
Kanto Mil Govt Region,  
APO 201, U S Army.

TO : Commanding General,  
Eighth Army,  
APO 343, U S Army.

1. In compliance with paragraph 5, Operational Directive No. 43, your Headquarters, 1947, a check was made of the Public Prosecutor's Office, Nagano Prefecture, to determine the extent of compliance with the Supreme Commander for the Allied Powers' Directive to the effect that prolonged detention of Japanese suspected of complicity in the commission of crimes would not be countenanced.

2. The inspection revealed that 10 persons are being detained and have been detained for a period longer than 60 days. A breakdown by lengths of period detained follows:

76 days	- 1	accused	
79 "	- 1	"	
102 "	- 1	"	
178 "	- 1	"	
193 "	- 3	"	(co-defendants)
334 "	- 3	"	(cc-defendants)

3. The above cases do not include cases in which the accused has been released on bail although the initial period of confinement was more than 60 days. There are a total of 75 cases in which the period of confinement and period of release on bail exceeds 60 days. In 23 of these cases, the suspect was detained for 60 days or more before being released on bail. The most exaggerated case of this type involves confinement before bail of a period of 414 days and release on bail for a period of 1010 days. In five cases the defendants have disappeared since their release on bail. In five more of the cases, the defendants are ill and action has been suspended until after their recovery. In one case, the defense counsel is also counsel for an alleged war criminal and therefore has been unable to appear in the Nagano court so the judge has postponed the case until such time that the defense counsel may be at court. In one case, the defense introduced new and unexpected evidence which necessitated the prosecution to ask for continuance of the trial in order to make an extensive investigation of the case. The remainder of the cases, according to the prosecutor, have been delayed since promulgation of new constitution, in order that detention cases may be expedited in preference to cases in which the accused has been released on bail.

4. From the observations of this Headquarters the most common causes of delay in arriving at a decision in criminal cases are as follows:

a. Delay in investigation and the preparation of charges by the Prosecutor's Office.

b. Poor utilization of authority by the presiding judge. A representative of this headquarters has on numerous occasions visited courts when a case was scheduled to begin at 0900, but would actually begin at 1000 or even 1100. In some cases the judge was not present but frequently the reason for delay is that the accused failed to appear. Judges did not make any attempt to correct this condition.

c. Another common cause of delay is for the accused to retain a very busy lawyer as defense counsel. The more wealthy individuals even retain a defense counsel who has offices in Tokio and is acting as defense counsel for alleged war criminals. As a result the case drags on for months and even years. Each time the judge schedules a hearing on the case the defense lawyer requests postponement as he is too busy to attend the trial. The judge grants the postponement. As a result the more wealthy individuals are able to delay action on simple criminal cases until evidence and witnesses are either missing or difficult to find.

d. Another common cause of delay is the present procedure of appeals. It is very common for a person to be convicted in a Local Court and sentenced to prison. The person immediately appeals the case. Usually they are released from prison. Instead of merely ruling on a point of law, the higher court holds a complete new trial. With the court procedure as it is this means that many months elapse before the next higher court can complete the new trial.

5. The Police Department, Procurator's Office and Courts were notified that this Headquarters would maintain surveillance and make spot checks in order to insure compliance with Operational Directive No. 43 Headquarters Eighth Army, 14 May 1947.

FOR THE SENIOR MILITARY GOVERNMENT OFFICERS

*Thomas H. Stratton*  
THOMAS H. STRATTON  
Major, CMP  
Executive Officer

1st Ind

KGS/ya

HEADQUARTERS KANTO MILITARY GOVERNMENT REGION, APO 201, 30 July 1947

TO: Commanding General, IX Corps, APO 309

*KGS*  
K G S

W J.

BASIC: Ltr, Hq Nagano Mil Govt Team, subj: "Excessive Detention of  
Accused Japanese Nationals", dtd 23 July 1947.

Mil Govt 014

2d Ind

ZMW/mr

HEADQUARTERS IX CORPS, APO 309. 5 AUG 1947

4575 TO: Commanding General, Eighth Army, APO 343.

(IX) R.E.N. 250.53

000.5(MG-L)

3rd Ind

Headquarters Eighth Army, APO 343

TO: Supreme Commander for the Allied Powers, APO 500

1. Report concerning excessive pre-trial confinement of Japanese in Nagano prefecture is forwarded for your information.

2. Although the new code of criminal procedure when promulgated should do much to remedy the conditions indicated, it is believe that some of the conditions mentioned in paragraph 4 could be corrected by appropriate action on the part of the Ministry of Justice.

FOR THE COMMANDING GENERAL:

R SCHAFFER  
Lt Col, AGD  
Asst Adj Gen

26 April 1947

MEMORANDUM FOR THE CHIEF, GOVERNMENT SECTION

SUBJECT: Speedy Administration of Justice: Prompt Trial of Offenses or Release on Bail Pending Trial

1. A conference was held in Government Section on 24 April 1947: present were President Hosono of the Supreme Court of Japan, Mr. Hussey, Dr. Oppler, Lt. Ito and the Undersigned.
2. Mr. Hussey stated that he wished the Supreme Court, through President Hosono, to inform the Lower Courts of the necessity of acting promptly in order to insure speedy and fair trials of persons accused, so that a continuation of past instances of endless delay and consequent incarceration of the accused person pending trial would be avoided. Dr. Oppler, in support of this statement, pointed out that Japanese law permits release on bail and that the courts should make use of these provisions; that the United States Judges must grant bail in most cases save for capital offenses; that the courts have a vital interest in the speedy administration of justice.
3. President Hosono said that the Supreme Court could not very well remedy this situation by such a statement under the present conditions. He suggested that an order or directive from GHQ would be much more successful.
4. Mr. Hussey replied that the Supreme Court had been requested to do this because of its standing and dignity, and the weight it bore in the judicial system. He pointed out that this was not a directive to the Supreme Court but advice; that this should not be considered as interference with the judicial function or the prerogatives of the Court.
5. President Hosono said that he would be delighted to accept such a suggestion, and that he would send out advisory instructions to all of the Judges within a week with reference to the problem.

HOWARD MEMERS  
Courts and Law Division

*Copy in  
Hosono  
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47

000-V  
X-Memos

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
Government Section

22 April 1947

MEMORANDUM FOR THE RECORD

SUBJECT: Excessive Detention of Prisoners

In conference with officials of the Ministry of Justice this morning, the attached instructions to public prosecutors (Tab "A") were approved for dispatch. At the same time, the attached press release (Tab "B") will be issued by the Minister of Justice.

ALFRED R. HUSSEY, JR.  
Special Assistant to the Chief  
Government Section

K  
G S FILES  
B

Draft of press release

Many reports having been received of excessive delays in the handling of cases by the public procurator's offices and in court trials, resulting in the detention of prisoners for unnecessarily extended periods contrary to the spirit of the new Constitution and in violation of basic civil rights, the Ministry of Justice has issued the following instruction to public procurators all over the country to draw their special attention to the promotion of pending trials and the shortening of the period of unconvicted detention.

The number, as of the last day of February, of unconvicted inmates detained in prisons all over the country is 9,359, among which 8,378 are pending in trials of the first instance and the remaining 981 pending in trials of the second instance and higher courts. Speaking of the number of days of unconvicted detention, 3,199 are under 15 days, 1,634 under one month, 1,634 under two months, 1,139 under three months, 1,274 under six months and 766 over six months.

(The full content of said instruction will be released)

The Ministry of Justice is at the same time aware that the aftermath of war has brought about a heavy increase in crime, that procurators offices are understaffed and court dockets overcrowded. The Ministry is undertaking measures designed to relieve these conditions in courts and procurators' offices.

Tab "A"

**Instruction by Minister of Justice  
to all Public Procurators of the Nation**

The people of Japan are fully as interested in the protection of the rights of innocent persons as they are in the punishment of the guilty. Arrest is a necessary preliminary to arraignment and trial but every person is entitled by right to immediate arraignment and speedy trial and no man should be arrested unless adequate evidence tending to establish his guilt has been secured. Detention pending investigation is warranted only in the most extreme cases. Prolonged detention pending trial because of crowded dockets or administrative breakdown is justified only when release would create a danger to society.

The foregoing principles are basic in the establishment of a democratic Japan. The attention of the Minister of Justice has been called to frequent violations of these principles. It is disclosed of late that one accused indicted in preliminary examination was kept detained throughout six months without one examination later. Such practices, constituting the denial of the civil liberties of the individual citizens of Japan, are contrary to the spirit of the new Constitution and repeated specific instructions of the Minister. The responsibility of the public procurators is clear and insofar as they have failed to discharge these responsibilities their conduct is open to serious criticism.

All public procurators are now instructed to take those steps necessary to insure the rapid investigation, the speedy trial and the early dismissal or disposition of all criminal cases. Public procurators will be held responsible for the prevention of the excessive detention of persons suspected of complicity in the commission of crimes. Where adequate evidence

of guilt is available, it is the responsibility of the procurator to move for an early and speedy trial. When an early trial is not possible, conditional releases should immediately be sought. Where the evidence is not available, immediate and unconditional discharge should be requested. As public servants you are charged with the duty to use your best endeavors to secure the fair and speedy administration of justice.

*Job "B"*



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
Government Section

14 April 1947

MEMORANDUM FOR THE RECORD

SUBJECT: Excessive Confinement of Prisoners

1. On this day officials of the Ministry of Justice submitted a report of the Arai case, wherein a prisoner was held pending trial for a period of 247 days.

2. The officials were instructed that the facts submitted warranted the issuance of a public statement by the Ministry of Justice condemning public procurators for excessive delay in either bringing cases to trial or releasing prisoners on bail or as cleared of charges, and directing that care be taken in the future to prevent repetition of any such situation. They were told to call the attention of all procurators to the fact that the public was as interested in protecting the rights of innocent people as it was in securing punishment of the guilty.

3. The officials were further asked to suggest to the Chief Justice of the Supreme Court that he, if he so desires, advise all judges to be on the lookout for cases of excessive confinement and to take all steps necessary to protect the civil liberties of individuals.

4. A copy of the statement and instructions to be issued by the Ministry of Justice will be submitted to this Section for approval prior to its issuance.

*Alfred R. Hussey, Jr.*  
ALFRED R. HUSSEY, JR.  
Special Assistant to the Chief  
Government Section

*WIK*  
*file*

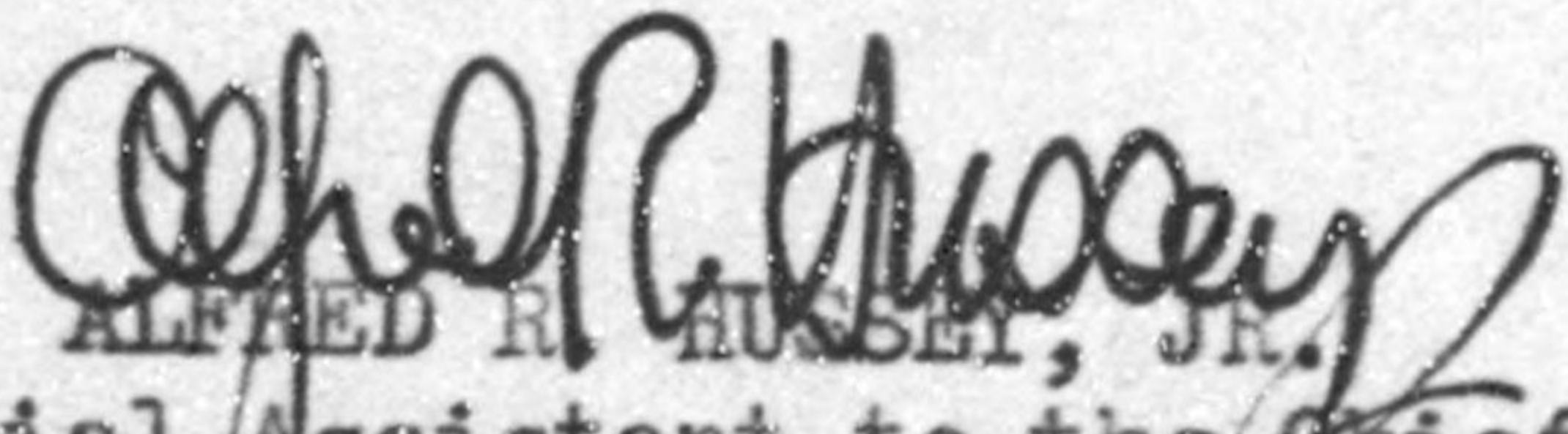
GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
Government Section

11 April 1947

MEMORANDUM FOR THE RECORD

SUBJECT: Excessive Confinement of Criminal Suspects

1. At 1200 this day, the attached statement (Tab "A") was read and presented to the Vice Minister of Justice and the Bureau Chiefs of the Ministry of Justice.
2. The information was forwarded from the Provost Marshal to Government Section under date of 31 March, enclosing letter and indorsement from 8th Army (Tab "B").
3. The 8th Army is being advised of the action taken and is being requested to check on compliance in the field.

  
ALFRED R. RUSSEY, JR.  
Special Assistant to the Chief  
Government Section

*file*  
*one*



11 April 1947

In the matter of the excessive confinement of Japanese prisoners without trial you are informed that information in our possession discloses that there are 100 prisoners in Utsunomiya and Tochigi prisons being held for examination or trial who have been incarcerated for periods from a minimum of 30 days to a maximum of 337 days. All but 31 cases have been in prison for over 60 days. Lists of these cases are now handed to you. You are directed to proceed immediately and without fail to secure the release of these prisoners or their trial. You will report weekly by Friday noon to this section, in writing and in detail, the disposition of all cases handled during the week and you will in all events dispose of all cases by 10 May.

In the case of ARAI, Kinjiro held at Utsunomiya for examination for a period of 247 days, you will immediately and without fail suspend all court officials including the procurator and judge responsible for this confinement, you will undertake an immediate investigation of the confinement and you will report in writing to this section by noon on 14 April the results of such investigation.

The protracted confinement of persons taken into custody upon suspicion of complicity in criminal activities pending investigation is a clear violation of the spirit of the new Constitution. It is a deprivation of individual liberty without due process of law. Every man is entitled to be informed of specific charges against him and to be given full opportunity to answer those charges and defend himself against them at the earliest opportunity. Neither convenience of public official nor any consideration of expense to the state should be permitted to interfere.

Protracted imprisonment without trial, whether pending investigation or because of a crowded docket, is contrary to the spirit of the Civil Liberties Directive of this Headquarters of 4 October 1945. The conduct of the officials responsible for conditions in Utsunomiya and Tochigi is looked upon in a grave light by this Headquarters. These cases are examples of a course of conduct for which the Ministry of Justice and the police have been notorious in the past. Such conduct cannot be condoned and will not be permitted to continue.

Tab "B" same as  
Tab "A" to memo to G/S etc 14 Apr.

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
Government Section

14 April 1947

MEMORANDUM FOR THE CHIEF OF STAFF

SUBJECT: Excessive Confinement of Prisoners

1. By Ltr, Hqs IX Corps, APO 309, file MIL GOVT 014.1, dtd 17 Mar 47, subj: "Excessive Pre-trial and Pre-sentence Confinement of Prisoners by Japanese Procurators and Courts," attached as Tab "A," SCAP was informed of 100 cases in Utsunomiya and Tochigi prisons of confinement ranging from 30 to 337 days. In every case, the prisoner was confined during investigation or awaiting trial.

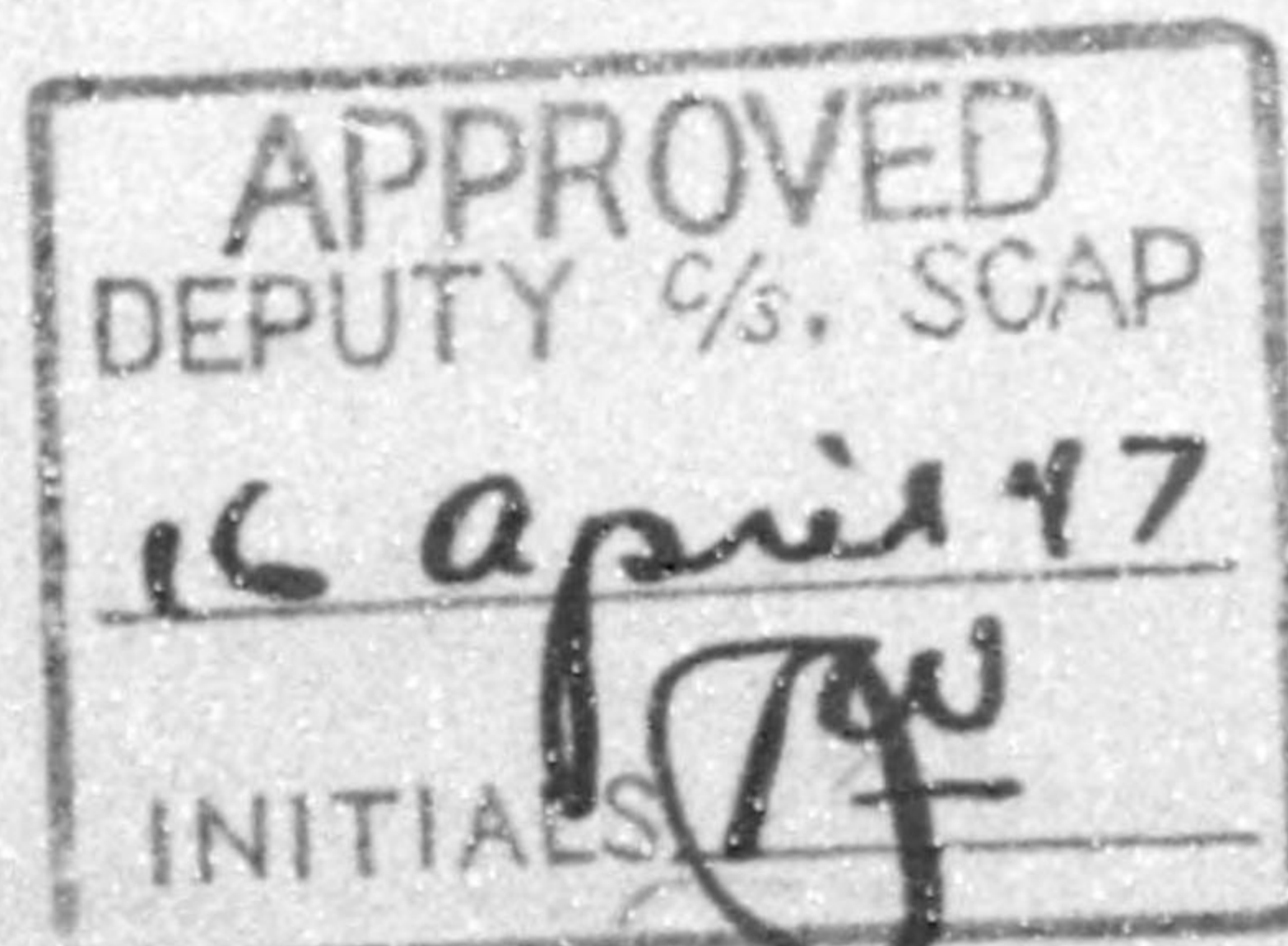
2. Deeming such confinement to be excessive and a violation of civil liberties, and aware that excessive pre-trial confinement frequently on no more than suspicion of complicity is characteristic of Japanese judicial procedure, Government Section on 11 April 1947 called the attention of the Ministry of Justice of the Imperial Japanese Government to the matters reported in the reference letter and directed them to proceed immediately and without fail to secure the release or trial of every prisoner on the list, and further directed them to take the steps necessary to prevent the recurrence of any such situation.

3. In order that the Supreme Commander may be kept fully informed of the progress of the Imperial Japanese Government in complying with these instructions, it is recommended that the attached letter, Tab "B," be approved and dispatched.

*Courtney Whitney*  
COURTNEY WHITNEY,  
Brigadier General, U. S. Army,  
Chief, Government Section

2 Incls

1. Ltr, Hqs IX Corps, dtd  
17 Mar 47, (Tab "A")
2. Ltr, CG 8th Army, (Tab "B")



GENERAL HEADQUARTERS  
FAR EAST COMMAND  
CHECK SHEET

(Do not remove from attached sheets)

File No:

Subject: Excessive Confinement of Japanese  
Prisoners Without Trial

Note  
No.

From: PM

To: Government Section

Date: 31 March 1947

(1)

Attached correspondence is forwarded as a matter pertaining to your office. The Provost Marshal Section is not in a position to influence the matter of operation of Japanese courts.

1. Incl:  
Correspondence

*W.P.*

--- W. G. P. ---

Ltr, Hqs IX Corps, APO 309, file MIL GOVT 014.1, dtd 17 Mar 47, subj: Excessive Pre-trial and Pre-sentence Confinement of Prisoners by Japanese Procurators and Courts.

AG 000.5 (MG-L)

3rd Ind

MAR 26 P.M.

Headquarters Eighth Army, APO 343

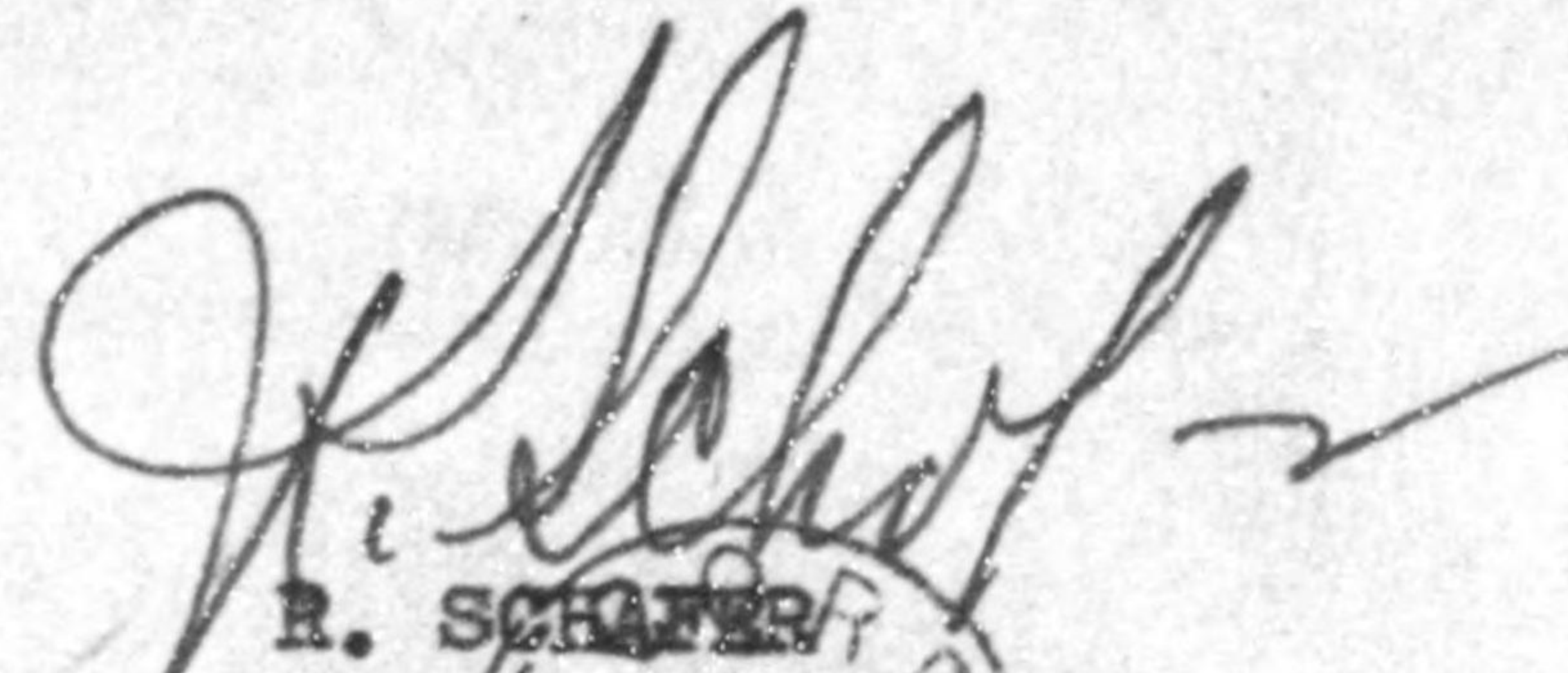
TO: Supreme Commander for the Allied Powers, APO 500

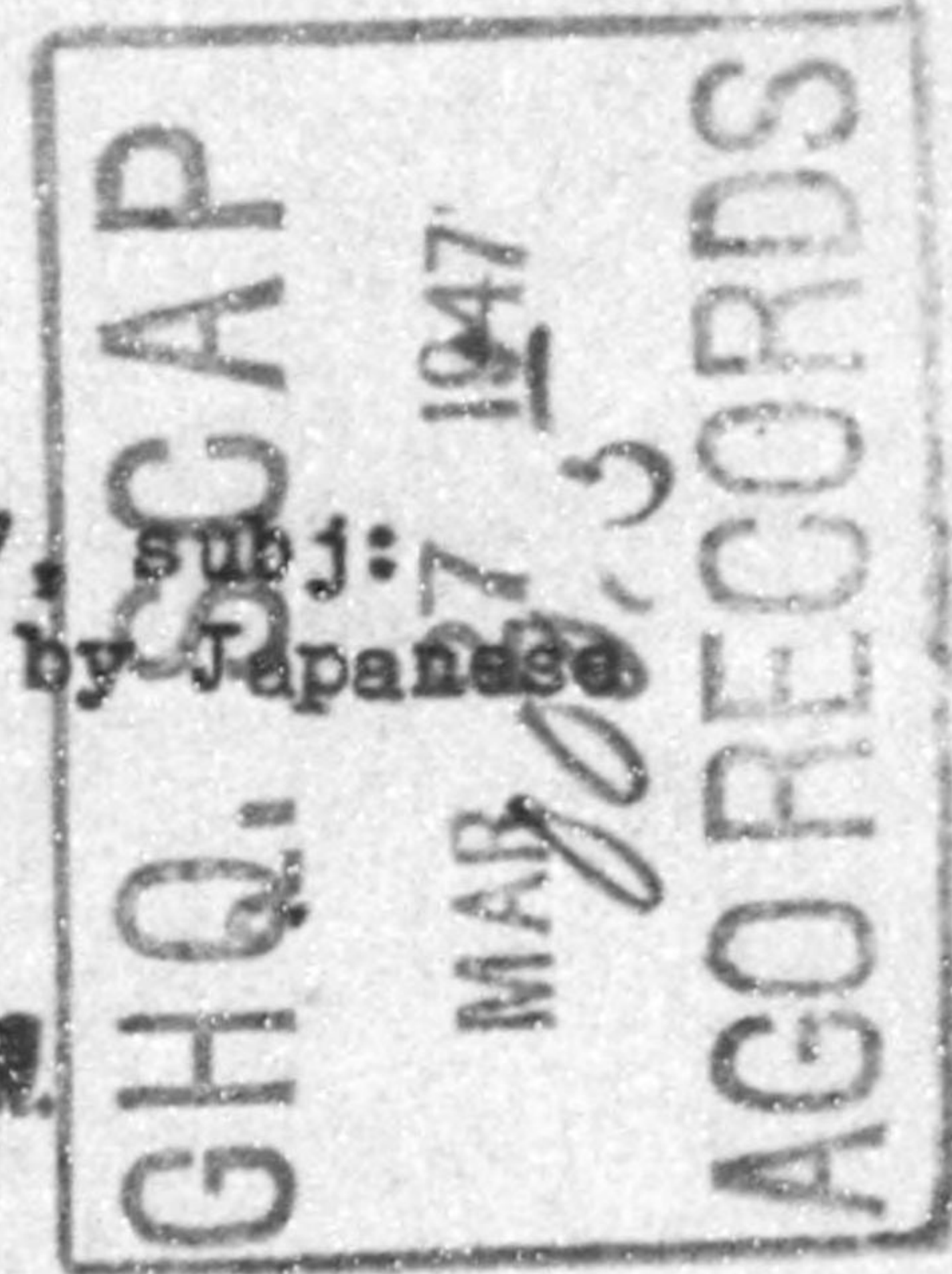
1. Forwarded for your information and consideration.
2. It is expected that the application of the civil liberties provisions of the new constitution and the pending revision of the code of criminal procedure will provide a remedy for this situation.

FOR THE COMMANDING GENERAL:

8

2 Incls:  
n/c

  
R. SCHAEFER  
Lt. Col, AGD  
Asst Adj Gen  
MG





0005  
5687  
BASIC: Ltr, Tochi Military Government Team, subj: "Excessive Pre-trial and Pre-sentence Confinement of Prisoners by Japanese Procurators and Courts", dated 6 March 1947.

MIL GOVT 014.1

2d Ind.

*JMW*  
JMW/mfc

HEADQUARTERS IX CORPS, APO 309, 17 March 1947.

TO: Commanding General, Eighth Army, APO 343.

Concur in recommendation contained in paragraph 4, basic communication.

FOR THE COMMANDING GENERAL:

2 Incls:  
n/c

(IX)

*W. H. Sheard*  
W. H. SHEARD  
LT. COL. AGD 250,53  
ASST. ADJUTANT GENERAL

58.11

BASIC: Ltr, Tochigi Mil Govt Team, Subj: Excessive Pre-trial and Pre-sentence Confinement of Prisoners by Japanese Procedures and Courts, dtd 6 March 1947.

1st Ind.

RAN/ks

HEADQUARTERS KANTO MILITARY GOVERNMENT REGION, APO 201, 12 March 1947.

TO: Commanding General, IX Corps, APO 309.

Forwarded.

FOR THE COMMANDING OFFICER:

*Kenneth G. See*  
KENNETH G. SEE  
1st Lt., QMC  
Adjutant

2 Incls:  
n/c

RECEIVED  
MAR 13 1947  
KANTO MILITARY GOVERNMENT REGION

HEADQUARTERS  
TOCHIGI MILITARY GOVERNMENT TEAM  
Utsunomiya, Tochigi Prefecture, Japan

APO 201  
6 March 1947

SUBJECT: Excessive Pre-trial and Pre-sentence Confinement of  
Prisoners by Japanese Procurators and Courts.

THRU : Commanding Officer, Kanto Military Government Region,  
APO 201.

TO : Commanding General, Headquarters IX Corps, APO 309.

1. An investigation of the Utsunomiya and Tochigi Prisons has revealed the fact that prisoners are being confined for excessive periods. There are 82 prisoners confined in the Utsunomiya Prison for periods in excess of 30 days, the maximum being 255 days, and there are 17 prisoners similarly confined in the Tochigi Prison, with the maximum time 337 days. Lists of the prisoners, showing dates of confinements are enclosed.

2. The confinement date commences with the date the police turned the prisoner over to the Procurator's Office (the Prison) and does not include incarceration time in police jails.

3. The general reason given is that the press of work and the difficulty of investigation has prevented trial. However, in the case of one, K. Arai (No.3 on Utsunomiya list) the Court blandly stated that he was confined because he wouldn't confess, and this after spending 247 days in a crowded prison cell.

4. It is the opinion of this Headquarters that the matter of expediting trial of these and subsequent prisoners should be taken up with the Tokyo Court officials. Local court authorities are doing nothing to remedy the situation.

FOR THE COMMANDING OFFICER:

*Carl D. Sutherland*  
CARL D. SUTHERLAND  
Major, Inf.  
Executive Officer

2 Incl:

1. List of Prisoners in Utsunomiya Prison.
2. List of Prisoners in Tochigi Prison.

List of Prisoners in Utsunomiya Prison

21 February 1947

<u>Charge</u>	<u>Entering</u>	<u>Days</u>	<u>Utsunomiya Court</u>	<u>Name</u>
Burglary	6/11	255	Examination	* Katsuo Itagaki
Embezzlement	6/19	247	"	Kinjiro Arai
Theft	6/22	244	District Court	Soji Tamano
Threat	7/26	210	Local Court	Sankichi Tabei
Theft	7/27	209	Supreme Court	* Masamori Sampei
Attempted murder	8/ 2	203	Examination	Tadashi Tokoi
Theft	8/20	195	Local Court	Michizo Kaneko
Burglary	8/23	182	Examination	* Toshifumi Yamazaki
Burglary	8/26	179	District Court	Saburo Takano
Burglary	9/14	160	Examination	Sadaichi Kuwashima
Burglary	9/14	160	"	* Kuniyoshi Takakura
Burglary	9/14	160	"	Ryoya Hojo
Theft	9/18	156	Local Court	* Ichinosuke Ishii
Embezzlement	9/26	148	" "	Chikayoshi Shidori
Fraud	9/27	147	" "	Jungo Fukuda
Illegal possession of weapons	10/ 9	135	" "	Shoichi Takano
Theft	10/11	133	" "	Shoichi Kurata
Burglary	10/14	130	District Court	* Eisaburo Watanabe
Threat	10/14	130	Local Court	Tadaaki Maruyama
Embezzlement	10/23	121	" "	Kujuro Iino
Theft	10/24	120	" "	Kiyoshi Suzuki
Theft	10/24	120	" "	Hideo Kimura
Fraud	11/ 5	108	" "	Bunsaku Hanawa
Murder	11/ 7	106	District Court	Shizuo Hoshi
Theft	11/ 9	104	" "	Ryutaro Kobayashi
Burglary	11/13	101	Examination	* Yutaro Kurata
Burglary	11/13	101	"	* Sakae Naoi
Fraud	11/14	100	Local Court	* Seiji Watanabe
Theft	11/15	99	" "	* Masao Kitano
Threat	11/18	95	District Court	Kunio Terauchi
Theft	11/21	92	Local Court	* Katsuji Toyama
Theft	11/28	85	" "	* Kiyoshi Mori
Theft	11/28	85	" "	* Ryohei Taguchi
Abduction	12/ 2	81	Examination	* Shoichiro Iijima
Incendiarism	12/ 2	81	District Court	* Roku Yoshizawa (Female)
Murder	12/ 2	81	Examination	* Ine Yanase (Female)
Slander	12/ 2	81	Local Court	Takeshi Kimura
Theft	12/ 4	79	" "	Senshiro Shibayama

Fraud	12/11	72	Examination	Shime Hirota
Theft	12/13	70	Local Court	Hiroshi Yoshiwara
Theft	12/16	67	" "	✓ Yoichi Naoi
Theft	12/16	67	" "	✓ Hatsumi Watanabe
Theft	12/16	67	" "	✓ Masami Arai
Theft	12/16	67	" "	✓ Kenkichi Ogawa
Fencing	12/16	67	" "	✓ Chuzo Saito
Theft	12/16	67	" "	✓ Toichiro Akutsu
Fencing	12/16	67	" "	✓ Taro Imai
Fencing	12/16	67	" "	✓ Shogaku Hosaka
Theft	12/16	67	" "	✓ Shōju Naoi
Fencing	12/19	64	" "	✓ Isao Arai
Theft	12/19	64	" "	Teiryu Yoshino
Fencing	12/19	64	" "	Chokichi Takeda
Theft	12/19	64	" "	✓ Koseki Kanemoto
Theft	12/21	62	" "	Hidero Kato
Theft	12/23	60	" "	✓ Moriaki Yamauchi
Theft	12/24	59	" "	✓ Saburo Kayase
Theft	12/24	59	" "	Yukichi Hoshino
Theft	12/26	57	" "	✓ Toyokichi Yamamiya
Theft	12/26	57	" "	✓ Akio Sato
Threat	12/27	56	" "	Hideo Hirose
Illegal posse- ssion of weapons	12/27	56	" "	✓ Toshisuke Ogihara
Fencing	12/28	55	" "	Rokuro Matsumoto
Theft	12/28	55	District Court	Eirai Cho
Burglary	12/31	52	" "	Yoshio Tamura
Assault, threat & attempted rape	1/ 8	44	" "	Kenzo Hashida
Fraud	1/11	41	Local Court	Kazuma Toyosawa
Theft	1/12	40	" "	Ichiro Gomibuchi
Theft	1/14	38	" "	✓ Shogo Baba
Fencing	1/16	36	" "	Saburo Ayuse
Theft	1/16	36	" "	Shiro Yajima
Theft	1/16	36	" "	Takashi Shiraishi
Theft	1/16	36	" "	Isao Kaneko
Fraud	1/18	34	" "	✓ Shonen Sakai
Fraud	1/21	31	" "	Takeshi Kodake
Theft	1/21	31	" "	Takajiro Iwata
Theft	1/21	31	" "	✓ Kiichi Saito
Theft	1/21	31	" "	✓ Hideo Kumegawa
Illegal posse- ssion of weapons	1/22	30	" "	✓ Kenjuro Noguchi
Theft	1/22	30	" "	Mitsuo Furuhashi
Theft	1/22	30	" "	✓ Goromatsu Fujimoto
Burglary	1/22	30	District Court	✓ Tomokichi Kaneko
Burglary	1/22	30	" "	✓ Hisatoshi Sato

List of Prisoners in Tochigi Prison

20 February 1947

<u>Charge</u>	<u>Entering</u>	<u>Days</u>	<u>Court</u>	<u>Name</u>
Murder	3/20	337	Examination	Etsutaro Tarumi
Murder & Aban- donment of corpse	8/15	189	Examination	Hide Kojima (Female)
Burglary	8/17	187	Examination	Ryozo Arai
Burglary	8/19	185	Examination	› Teizo Tagishi
Burglary	8/19	185	Examination	› Yoshinobu Umeda
Burglary	8/19	185	Examination	› Katsumi Matsuoka
Theft	9/16	156	Tochigi Local Court	Masuo Embutsu
Attempted murder	10/24	119	Examination	› Isamu Kameyama
Burglary	10/24	119	Examination	› Ikko Hisano
Murder	10/30	87	Examination	› Seisaku Yamaguchi
Burglary	12/ 2	80	Examination	› Gensaburo Yaguchi
Burglary	12/ 2	80	Examination	› Mitsuo Kobayashi
Incendiarism	12/14	68	Examination	Kiyo Takaiwa (Female)
Theft	12/31	51	Ashikaga Local Court	Takeshi Kawata
Fraud	1/11	40	Tochigi Local Court	Yoshio Kobayashi
Fraud, indecen- cy & abduction	1/15	35	Examination	* Isamu Watanabe
Fraud, indecen- cy & abduction	1/15	35	Examination	› Takekichi Ode

Inclcsure #2



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**GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS**

AG 000.5 (18 Apr 47)CS

AFG 500  
18 April 1947

**SUBJECT : Excessive Confinement of Prisoners.**

**REFERENCE:** Ltr, Hqs IX Corps, AFG 309, file Hll Govt 014.1, dtd  
17 Mar 47, subj: Excessive Pre-trial and Pre-sentence  
Confinement of Prisoners by Japanese Procurators and Courts.

**TO :** Commanding General, Eighth Army, AFG 343.

1. On Friday, 11 April, the Vice Minister of Justice and the Bureau Chiefs of the Ministry of Justice were informed of the matters reported by the reference letter and were directed to proceed immediately to secure the release or the trial of every prisoner on the list by 10 May 1947.
2. The officials of the Ministry of Justice were further informed that the Supreme Commander for the Allied Powers would not countenance the protracted detention of persons suspected of complicity in the commission of crimes, that it was the responsibility of the Imperial Japanese Government to secure speedy investigation and speedy trial or release of all such suspects.
3. It is requested that the substance of these instructions be transmitted to all military government units in the field and that they be directed to supervise compliance and report violations that come to their attention.

**BY COMMAND OF GENERAL HEADQUARTERS:**

MAILED 140<sup>U</sup> APR 18'47 AG - GHQ

R. M. LEVY,  
Colonel, AGD,  
Adjutant General.

Ⓢ G S COMEBACK