	Location	Jurisdiction
Local Courts:	Mito	Kasima-gun (Natuumi, Oya, Numasaki, Tomoe, Tokusyuku, Suwa, Hokota, Singu, Kamisima, Siratori)
	Ota	Kuzi-gun
		Naka-gun
	Tutiura	Niiharu-gun
		Inasiki-gun (Hatosaki, Anzyu, Kihara, Kimihara, Hunasima, Ami, Asahi, Okada, Kukizaki, Usiku)
		Tukuba-gun
	Ryugasaki	Kitasoma-gun
		Inasikik-gun
	Azabu	Namagata-gun
		Kasima-gun
	Simotuma	Makabe-gun
		Yuki-gun,
		Tikuba-gun (Yosinuma, Takasae)

TOTIGI KEN

	Location	Jurisdiction
District Court:	Utunomiya	Totigi Ken
Local Courts:	Utunomiya	Utunomiya-si, Kawati-gun, Kamituga-gun
		Sioya-gun (Miyori, Kuriyama, Huziwara, Hunayu, Omiya, Uziie, Akutu)
	Otawara	Nasu-gun
		Sioya-gun
	Totigi	Simotuga-gun
		Kamituga-gun
	Asikaga	Asikaga-si
		Aso-gun
		Asikaga-gun
		Kamituga-gun (Asio)

GUNMA KEN

	Location	Jurisdiction
District Court:	Maebasi	Gunma Ken
Local Courts:	Maebasi	Maebasi-si
		Seta-gun
		Sawa-gun
		Gunma-gun (Hukuoka,Onuma)
		Yamada-gun (Azuma, Motosoeya, Soeya, Komayose, Nurumaki, Meini Toyoaki, Sibukawa, Ikaho, Kana-Sima, Nagao, Sirosatoi, Onokami)
	Numata	Tone-gun
	Nitta	Kiriu-si,
		Nitta-gun
		Ora-gun
		Yamada-gun
	Takasaki	Takasaki-si
		Usui-gun
		Gunma-gun
		Tano-gun
	Naganozyo	Agatuma-gun
	Kitakanra	Kitakanra-gun
		Tano-gun (Hamba,Nakazato,Ueno)

NAGANO KEN

	Location	Jurisdiction
District Court:	Nagano	Nagano Ken.
Local Courts:	Nagano	Nagano-si
		Kamitakai-gun
		Kamiminoti-gun
		Sarasina-gun
		Hanisina-gun (Kiyono, Matusiro, Nisizyo, Toyosaka, Higasizyo, Terao)
	Iiyama	Simominouti-gun
		Simotakai-gun
	Ueda	Ueda-si,
		Tiisagata-gun
		Kitasaku-gun (Kitamimaki)
		Sarasina-gun (Murakami, Tikaraisi, Kamiyamada)
		Hanisina-gun
	Iwamurada	Minamisaku-gun
		Kitasaku-gun
	Matumoto	Matumoto-si
		Higasitikuma-gun
		Minamiazumi-gun
	Kiso	Nisitikuma-gun
	Omati	Kitaazumi-gun
	Kamisuwa	Suwa-gun
	Ina	Kamiina-gun
	Iida	Simoina-gun

NIIGATA KEN

District Court:	Niigata	Niigata Ken.
Local Courts:	Niigata	Niigata-si
		Nakakambara-gun
		Nisikambara-gun
	Sanzyo	Minamikambara-gun
		Nakakambara-gun (Nanatani)
		Nisikambara-gun (Yakiko, Kugami, Zizodo, Aozu, Yosida, Yonozu, Matunaga, Konakagawa, Tubame, Moike, Simakami)
		Santo-gun (Okozu)
	Sibata	Kitakambara-gun
		Kitakambara-gun
	Murakami	Iwafune-gun
	Nagaoka	Nagaoka-si,
		Kosi-gun,
		Kitauonuma-gun
		Minamikambara-gun (Omo, Ina, Niigata, Mitake, Kuzumaki, Nakanosima)
		Santo-gun
	Kasiwazaki	Kariha-gun
	Muikamati	Minamiuonuma-gun
		Nakauonuma-gun
	Takata	Takata-si,

	Location	Jurisdiction
Local Courts:	Takata	Higasikubiki-gun
		Nakakubiki-gun
	Itoigawa	Nisikubiki-gun
	Aikawa	Sado-gun

OSAKA APPELLATE COURT DISTRICT

KYOTO FU

District Court:	Kyoto	Kyoto fu.
Local Courts:	Kyoto	Kyoto-si, Atago-gun
		Katuno-gun
		Otokuni-gun
		Uzi-gun
		Kuze-gun
		Tuzuki-gun
		Soraku-gun
	Sonobe	Hunai-gun
		Minamikuwada-gun
		Kitakuwada-gun
	Miyazu	Yosa-gun
	Mineyama	Naka-gun
		Takeno-gun
		Kumano-gun
	Maizuru	Kasa-gun
	Hukutiyama	Amada-gun
		Ikaruga-gun
		Kasa-gun (Kozorikami, Komo-ri, Kawanisi, Kawahigasi, Arizikami, Arizisimo)

OSAKA FU

District Court:	Osaka	Osaka fu.
Local Courts:	Osaka	Osaka-si,
		Misima-gun
		Toyono-gun
		Kitakawati-gun
		Minamikawati-gun (Kasihara, Siki), Nakakawati-gun
	Sakai	Sakai-si
		Semboku-gun
		Minamikawati-gun
		Nakakawati-gun (Amami, Nunose, Matubara, Miyake, Ega)
	Kisiwada	Kisiwada-si
		Semboku-gun (Sinoda, Otu, Tadaoka, Minami-Ozi, Kitai-keda, Kitamatuo, Minami-keda, Minamiyokoyama, Yokoyama, Minamimatuo, Yamatakk)

HYOGO KEN

	Location	Jurisdiction
District Court:	Kobe	Kyogo Ken.
Local Courts:	Kobe	Kobe-si
		Nisinomiya-si
		Muko-gun
	Itami	Amagasaki-si
		Kawabe-gun
		Arima-gun
	Akasi	Akasi-si
	Sasayama	Taki-gun
	Kaibara	Higami-gun
	Himezi	Himezi-si, Kako-gun
		Innami-gun
		Sikama-gun
		Kanzaki-gun
	Yasiro	Kato-gun
		Taka-gun
		Kasai-gun
	Tatuno	Ibo-gun
		Ako-gun
	Toyooka	Kinosaki-gun
		Izusi-gun
		Yabu-gun
		Asako-gun
		Mikata-gun
	Sumoto	Tuna-gun
		Nihara-gun

NARA KEN

District Court:	Nara	Nara Ken.
Local Courts:	Nara	Nara-si
		Soekami-gun
		Akoma-gun
		Yamabe-gun
		Siki-gun
	Katuragi	Kitakaturagi-gun
		Takaiti-gun
		Minamikaturagi-gun
	Uda	Uda-gun
		Yosino-gun (Ogawa-gun, Sigo, Takami, Kamiryumon)
	Gojyo	Uti-gun
		Yosino-gun

SIGA KEN

District Court:	Otu	Siga Ken
Local Courts:	Otu	Otu-si
		Siga-gun
		Kurita-gun
		Yasu-gun
		Takasima-gun
	Minakuti	Koga-gun
	Hikone	Inukami-gun, Gamo-gun, Kanzaki-gun,
		Uti-gun

	Location	Jurisdiction
Local Courts:	Nagahama	Sakata-gun
		Higasiassi-gun
		Ika-gun

WAKAYAMA KEN

	Location	Jurisdiction
District Court:	Wakayama	Wakayama Ken.
Local Courts:	Wakayama	Wakayama-si
		Kaiso-gun
		Arita-gun
		Naga-gun
	Myozi	Ito-gun
		Naga-gun (Ikeda, Nagata, Kokawa, Nate, Ozi, Karizyuku, Kawabara, Kaminate, Ozu, Ryumon, Tomobuti)
	Tanabe	Nisimuro-gun, Hideka-gun (Sokawa, Ryusin, Kamisanzi, Nakasanzi, Simosanzi, Kiyokawa, Takagi, Kaminabe, Minabetyo, Iwasiro)
		Higasimuro-gun (Osima)
	Gobo	Hidake-gun
	Singu	Higasimuro-gun
		Singu-si

TOKUSIMA KEN

District Court:	Tokusima	Tokusima Ken
Local Courts:	Tokusima	Tokusima-si
		Myoto-gun
		Katuura-gun
		Myosai-gun
		Itano-gun
	Tomioka	Naka-gun
		Kaifu-gun
	Wakimati	Nima-gun
		Miyosi-gun
	Kawasima	Oe-gun
		Awa-gun

KAGAWA KEN

District Court:	Takamatu	Kagawa Ken
Local Courts:	Takamatu	Takamatu-si
		Okawa-gun
		Kita-gun
		Syodo-gun
		Kagawa-gun
		Ayauta-gun (Hutyu, Hasioka, Yamanouti, Syowa, Sue, Takimiya, Hayuka, Nisibun, Yamada, Sogisyo)

	Location	Jurisdiction
Local Courts:	Marugame	Marugame-si
		Nakatado-gun
		Ayauta-gun
	Kananonzi	Mitoyo-gun

KOTI KEN

District Court:	Koti	Koti Ken
Local Courts:	Koti	Koti-si
		Kami-gun
		Nagaoka-gun
		Tosa-gun
		Agawa-gun
	Susaki	Takaoka-gun
	Aki	Aki-gun
	Nakamura	Mata-gun

NAGOYA APPELLATE COURT DISTRICT

AITI KEN

District Court:	Nagoya	Aiti Ken.
Local Courts:	Nagoya	Nagoya-si
		Seto-si
		Aiti-gun
		Higasikasugai-gun
		Nisikasugai-gun
		Ama-gun
		Tita-gun (Arimatu-tyo,
		Otaka-gyo)
	Itinomiya	Itinomiya-si
		Niwa-gun
		Haguri-gun
		Nakasima-gun
	Handa	Tita-gun
	Okazaki	Okazaki-si
		Hekikai (Omi)-gun
		Hazu-gun
		Nukada,
		Nisikamo-gun
		Higasikamo-gun
	Toyohasi	Toyohasi-si
		Hoi-gun
		Atumi-gun
		Yana-gun (Isimaki)
	Sinsiro	Minamisidara-gun,
		Kitasidara-gun
		Yana-gun

MIE KEN

	Location	Jurisdiction
District Court:	Anotu	Mie Ken.
Local Courts:	Anotu	Tu-si
		Suzuka-gun
		Kawage-gun
		Ano-gun
		Itisi-gun
	Matuzaka	Matuzaka-si
		Iinami-gun
		Take-gun
	Ueno	Ayama-gun
		Naga-gun
	Yokkaiti	Yokkaiti-si
		Kuwana-gun
		Inabe-gun
		Mie-gun
	Yamada	Uziyamada-si,
		Watarai-gun
		Sima-gun
		Take-gun (Misedani, Ogi-Hara, Ryonai, Osugitani)
	Kinomoto	Minamimuro-gun
		Kitamuro-gun

GIFU KEN

District Court:	Gifu	Gifu Ken
Local Courts:	Gifu	Gifu-si,
		Inaba-gun
		Hasima-gun
		Motosu-gun
		Yamagata-gun
		Kamo-gun (Tawara, Tomioka)
		Mugi-gun
	Yawata	Guzyo-gun
	Ogaki	Ogaki-si
		Kaizu-gun
		Yoro-gun
		Fuwa-gun
		Ahati-gun
		Ibi-gun
	Mitake	Kani-gun
		Toki-gun
		Kna-gun
	Takayama	Ono-gun
		Masita-gun
		Yosiki-gun

HUKUI KEN

District Court:	Hukui	Hukui ken.
Local Courts:	Hukui	Hukui-si
		Asuha-gun
		Yosida-gun
		Sakai-gun
		Nyu-gun (Kosino, Simonisaki Kunimi, Denka, Misiago, Nidata)

	Location	Jurisdiction
Local Courts:	Takefu	Nanzyo-gun
		Imadati-gun
		Nyu-gun
	Ono	Ono-gun
	Turuga	Turuga-gun
		Mikata-gun
	Obama	Onyu-gun
		Oi-gun

ISIKAWA KEN

District Court:	Kanazawa	Isikawa Ken
Local Courts:	Kanazawa	Kanazawa-si
		Isikawa-gun
		Kahoku-gun
		Nomi-gun (Kawakita)
	Komatu	Enuma-gun
		Nomi-gun
	Wazima	Hugesi-gun
		Suzu-gun
	Nanao	Kasima-gun
		Hakui-gun

TOYAMA KEN

District Court:	Toyama	Toyama Ken.
Local Courts:	Toyama	Toyama-si
		Kaminiikawa-gun
		Nakaniikawa-gun (Sango, Hunahasi, Terada, Rita, Omori, Gohyakkoku, Takano, Uwadan, Higasitani, Sitadan, Kamagahuti, Tateyama),
		Nei-gun
	Uozu	Simoniikawa-gun
		Nakaniikawa-gun
	Takaoka	Takaoka-si
		Imizu-gun
		Himi-gun
		Nisitonami-gun (Daigo, Oze, Hukuoka, Sanno, Tateno, Higasigoi, Hukuda, Kuniyosi, Isizutumi, Akamaru, Goiyama, Nisigoi)
	Demati	Higasitonami-gun
		Nisitonami-gun

HIROSHIMA APPELLATE COURT DISTRICT

HIROSHIMA KEN

	Location	Jurisdiction
District Court:	Hirosima	Hirosima Ken.
Local Courts:	Hirosima	Hirosima-si
		Asa-gun
		Yamagata-gun
		Aki-gun
		Saeki-gun
		Kamo-gun
		Toyota-gun (Kodani, Nyuno, Koti, Tono, Takani, Kuba, Nomi, Kawamoto, Kuwanasi, Toyota)
	Kure	Kure-si
		Aki-gun (Syowa, Oya, Etazima, Ondo, Kurahasizima, Simokamakarizima, Kamikamakarizima)
		Saeki-gun (Takata, Naka, Kanokawa, Mitaka, Oki, Hukae, Ogaki, Hitonose)
		Kamo-gun (Simokurose, Kamikurose, Nominoo, Nakakurose, Gobara, Hiro, Nigata)
	Takehara	Kamo-gun (Takehara, Ato, Kawaziri, Nakagiri, Utunoumi, Mitukuti, Hayatabara, Mitu, Simono, Higasino, Syono)
		Toyota-gun
	Onomiti	Onomiti-si
		Mitugi-gun
		Sera-gun
		Toyota-gun (Okusa, Hunaki, Takasaka, Nagatami, Numatahigasi, Tanoura, Sunami, Higasiikuti, Myoga, Kitaikuti, Sagiura)
		Numakuma-gun
	Hukuyama	Hukuyama-si
		Hukayasu-gun
		Asina-gun
		Zinseki-gun
		Numakuma-gun (Yamate, Gobun, Yokosima, Tasima, Titose, Kumano, Minomi, Taziri, Tomo, Hasirizima).
	Hutami	Hutami-gun
		Takata-gun
		Hiba-gun (Kutiminami-Kutikita, Simotakanoyama, Kamitakanoyama)
	Shobara	Hiba-gun
		Konu-gun (Tahusa)

YAMAGUTI KEN

Location		Jurisdiction
District Court:	Yamaguti	Yamaguti Ken
Local Courts:	Yamaguti	Yamaguti-si
		Saba-gun
		Yosiki-gun
		Mine-gun
	Tokuyama	Tuno-gun
		Kumage-gun
	Hagi	Hagi-si
		Abu-gun
		Otu-gun
	Iwakuni	Kuga-gun
		Osima-gun
	Simonoseki	Simonoseki-si
		Toyoura-gun
	Hunaki	Ube-si
		Asa-gun

OKAYAMA KEN

District Court:	Okayama	Okayama ken
Local Courts:	Okayama	Okayama-si
		Mitu-gun
		Akaiwa-gun
		Wake-gun
		Oku-gun
		Zyodo-gun
		Kosima-gun
		Tukubo-gun
		Kibi-gun
	Tamasima	Kurasiki-si
		Asakuti-gun
		Tukubo-gun (Obie, Sugo, Nakasu, Kiyone, Tokiwa, Yamate, Misu)
		Kibi-gun (Okada, Kawage, Nima, Hoida, Kurese, Yada, Sono, Simbon, Yamada, Kusiro, Hada, Zinzai)
	Kasaoka	Oda-gun
		Sizuki-gun
	Takahasi	Zyobo-gun
		Kawakami-gun
		Kibi-gun (Simokura, Nineto, Hiyosi, Tomiyama-Yamato)
	Niimi	Otetu-gun
	Tuyama	Tuyama-si
		Tomada-gun
		Katuta-gun
		Aita-gun
		Kume-gun
	Katuyama	Maniwa-gun

TOTTORI KEN

	Location	Jurisdiction
District Court:	Tottori	Tottori ken
Local Courts:	Tottori	Tottori-si
		Iwami-gun
		Yazu-gun
		Kedaka-gun
	Kurayosi	Tohaku-gun
	Yonago	Yonago-si
		Seihaku-gun
		Hino-gun

HIMANE KEN

District Court:	Matue	Simane Ken
Local Courts:	Matue	Matue-si.
		Yatuka-gun
		Nogi-gun
	Kisuki	Ohara-gun
		Nita-gun
		Iisi-gun
	Imaiti	Hinokawa-gun
		Ano-gun
	Hamada	Naka-gun
	Masuda	Mino-gun
		Kanoasi-gun
	Omori	Nima-gun
		Oti-gun
	Saigo	Okinosima-gun

EHIME KEN

District Court:	Matuyama	Ehime ken.
Local Courts:	Matuyama	Matuyama-si
		Onsen-gun
		Kamiukena-gun
		Iyo-gun
	Ozu	Kita-gun
	Yawatahama	Nisiúwa-gun
	Saizyo	Nii-gun,
		Syuso-gun
		Uma-gun
	Imaharu	Imaharu-si
		Oti-gun
	Uwazima	Uwazima-si

NAGASAKI APPELLATE COURT DISTRICT

NAGASAKI KEN

District Court:	Nagasaki	Nagasaki ken
Local Courts:	Nagasaki	Nagasaki-si
		Nisisonoki-gun
		Kitatakaku-gun (Koga)
	Omura	Higasisonoki-gun
		Kitatakaku-gun
	Simabara	Minamitakaku-gun
	Sasebo	Sasebo-si
		Nisisonoki-gun (Sakawa, Amodaka, Kurose)
		Higasisonoki-gun (Muja, Orioze,
		Haiki, Egami, Sakiharie)

	Location	Jurisdiction
Local Courts:	Sasebo	Kitamatuura-gun (Kurosima, Kotika, Taira, Konoura, Kosasa, Saza, Yosii Setibara, Nakazato, Ainoura, Ono, Kaize, Yunoki)
	Hirato	Kitamatuura-gun
	Musyozu	Eki-gun
	Fukue	Minamimatuura-gun

SAGA KEN

District Court:	Saga	Saga ken.
Local Courts:	Saga	Saga-si
		Saga-gun
		Kanzaki-gun
		Mujaki-gun
		Ogi-gun
	Takeo	Kinosima-gun
		Huzitu-gun
	Imari	Nisimatuura-gun
	Karatu	Karatu-si
		Higasimatuura-gun

FUKUOKA KEN

District Court:	Fukuoka	Fukuoka ken.
Local Courts:	Fukuoka	Fukuoka-si
		Kasuya-gun
		Munakata-gun
		Tikusi-gun
		Sawara-gun
		Itosima-gun
	Amagi	Asakura-gun
	Iizuka	Iizuka-si
		Kaho-gun
	Nogata	Nogata-si
		Kurate-gun
		Onga-gun (Nakama, Katuki)
	Kurume	Kurume-si
		Mii-gun
		Mituma-gun (Yasutake, Daizenzi, Araki, Nisimuda, Inutuka, Mituma)
	Yosii	Ukiha-gun
	Yanagawa	Omuta-si
		Yamato-gun
		Miike-gun
		Mituma-gun
	Yame	Yame-gun
	Kokura	Kokura-si
		Wakamatu-si
		Yawata-si
		Mozi,
		Tobata-si
		Onga-gun
		Kiku-gun
	Yukuhasi	Miyako-gun
		Tikuzyo-gun
	Tagawa	Tagawa-gun

OITA KEN

Location		Jurisdiction
District Court:	Oita	Oita Ken
Local Courts:	Oita	Oita-si
		Beppu-gun
		Oita-gun
		Hayami-gun (Isigaki, Kitayufu, Minami-Yufu)
		Kitaamabe-gun (Kawazoi,Nyu,Ozai, Kozai,Sakanoiti, Kanzaki)
		Ono-gun (Inukai)
	Kituki	Yayami-gun
		Higasikunisaki-gun
		Nisikunisaki-gun (Tawara, Asada)
	Usuki	Kitaamabe-gun
		Ono-gun (Kawanobori, Tano, Notuiti, Toncue, Minaminotu)
	Saiki	Minamiamabe-gun
		Ono-gun (Sigeoka, Onoiti)
	Takeda	Naciri-gun
		Ono-gun
	Nakatu	Nakatu-si
		Simoge-gun
		Usa-gun
	Tamatu	Nisikumisaki-tun
		Higasikumisaki-gun (Taketazu, Kami imi, Imi, Himezima, Kumage, Kunoura)
	Hayami-gun (Tateisi	Hayami-gun (Tateisi)
		Usa-gun (Fube, Kitamaki)
	Hida	Hida-gun
		Kusu-gun

KUMAMOTO KEN

District Court:	Kumamoto	Kumamoto Ken.
Local Courts:	Kumamoto	Kumamoto-si
		Hotaku-gun
		Kikuti-gun (Kitagosi, Morikawa, Hiramagi, Otu, Seta, Zimnai, Tuda, Haramizu-gosi, Sisui, Nisi-gosi, Tasima)
		Aso-gun (Nisikino, Yamanisi)
		Kamimasiki-gun (Hakusui)
		Simomasiki-gun
	Misumi	Uto-gun
		Simomaski-gun (Sugiai, Moritomi)
		Amakusa-gun (Moboritate, Iwa, Kami, Naka, Yusima)
	Takase	Tamana-gun
	Mifune	Kamimasiki-gun
		Aso-gun (Sugenoo, Mamihara, Omine)
		Simomasiki-gun (Sugikami, Kumanosyo, Toyoda, Toyono, Nakayama, Tosine, Tomoti, Higasitomoti)
	Yamaga	Kamoto-gun
		Kikuti-gun
	Miyazi	Aso-gun
	Yatusiro	Yatusiro-gun

	Location	Jurisdiction
Local Courts:	Yatusiro	Asikita-gun
	Amakusa	Amakusa-gun
	Hitoyosi	Kuma-gun

KAGOSIMA KEN

District Court:	Kagosima	Kagosima Ken
Local Courts:	Kagosima	Kagosima-si
		Kagosima-gun
		Kumaga-gun
		Hioki-gun
	Kaziki	Aira-gun
		Isa-gun
		Soo-gun (Takarabe, Sueyosi)
	Tiran	Kawanabe-gun
		Ibusiki-gun
	Kawati	Satuma-gun
		Izumi-gun
		Hioki-gun (Kusikino, Itiku, Higasu-tiku)
	Kanoya	Kimotuki-gun
		Soo-gun
	Osima	Osima

MIYASAKI KEN

District Court:	Miyasaki	Miyasaki Ken
Local Courts:	Miyasaki	Miyasaki-si
		Miyasaki-gun
		Higasimorotaka-gun
		Koyu-gun
	Obi	Minaminaka-gun
	Miyakonozyo	Miyakonozyo-si
		Kitamorotaka-gun
		Hisimorotaka-gun
	Nobeoka	Nobeoka-si
		Higasuisuki-gun
	Takatiyo	Nisuisuki-gun

OKINAWA KEN

District Court:	Naha	Okinawa ken
Local Courts:	Naha	Naha-si
		Syuri-si
		Simaziri-gun
		Nakagami-gun
		Kunigami-gun
	Hirara	Miyako-gun
		Yaseyama-gun

MIYAGI APPELLATE COURT DISTRICT

MIYAGI KEN

District Court:	Sendai	Miyagi ken
Local Courts:	Sendai	Sendai-si
		Natori-gun
		Miyagi-gun
		Kurokawa-gun
	Okawara	Sibata-gun
		Katta-gun
		Igu-gun
		Watari-gun

	Location	Jurisdiction
Local Courts:	Furukawa	Sida-gun
		Kami-gun
		Tamatukuri-gun
		Tota-gun
		Kurihara-gun
	Isimaki	Osika-gun
		Mono-gun
		Motoyosi-gun (Zyusanhama)
	Toyona	Tome (Toyoma)-gun
		Motoyosi-gun (Yanaizu, Yokoyama)
	Kesennuma	Motoyosi-gun

HUKUSIMA KEN

District Court:	Hukusima	Hukusima ken
Local Courts:	Hukusima	Hukusima-si
		Sinobu-gun
		Date-gun
		Adati-gun
	Soma	Soma-gun
	Koriyama	Koriyama-si
	Sirakawa.....	Nisisirakawa-gun
		Iwase-gun
		Higasisirakawa-gun
		Isikawa-gun
	Wakamatu	Wakamatu-si
		Minamiaizu-gun
		Kitasizu-gun
		Yama-gun
		Onuma-gun
	Taira	Taira-si
		Futaba-gun
		Iwaki-gun

YAMAGATA KEN

District Court:	Yamagata	Yamagata ken.
Local Courts:	Yamagata	Yamagata-si, Minamimurayama-gun
		Higasimurayama-gun
		Nisimurayama-gun
		Kitamurayama-gun
		Higasiokitama (Nakagawa)
	Sinzyo	Mogami-gun
	Yonezawa	Yonezawa-si
		Minamiokitama-gun
		Nisiokitama-gun
		Higasiokitama-gun
	Turuoka	Turuoka-si
		Higasitagawa-gun
		Nisitagawa-gun
	Sakata	Sakata-si
		Askumi-gun
		Nisitagawa-gun (Sodeura)
		Higasitagawa-gun (Yamato) Yaesato
		Zyoman, Sakae, Hirono

IWATE KEN

	Location	Jurisdiction
District Court:	Morioka	Iwate ken.
Local Courts:	Morioka	Morioka-si
		Iwate-gun
		Siwa-gun
	Hanamaki	Hienuki-gun
		Waka-gun
		Isawa-gun (Aisari)
	Ninche	Ninohe-gun
		Kunohe-gun
	Tono	Kamihei-gun
		Kesen-gun
	Miyako	Simohei-gun
	Itinoseki	Nisiiwai-gun
		Higasiiwai-gun
	Mizusawa	Esasi-gun
		Isawa-gun
		Higasiiwai-gun (Seibo)

AKITA KEN

District Court:	Akita	Akita ken
Local Courts:	Akita	Akita-si
		Minamiakia-gun
		Kawabe-gun
		Yuri-gun (Sinohama)
	Nosiro	Yamamoto-gun
	Honzyo	Yuri-gun
	Odate	Kitaakita-gun
		Kazuno-gun
	Yokote	Hiraga-gun
	Yuzawa	Okati-gun
		Hiragoa-gun (Masuda, Zyumonzi)
	Omagari	Semboku-gun
		Hiraga-gun (Kakumagawa, Kawanisi)

AOMORI KEN

District Court:	Aomori	Aomori ken
Local Courts:	Aomori	Aomori-si
		Higasitugaru-gun
		Simokita-gun
		Kamikita-gun (Yokohama, Tenmabayasi Nohezi, Katti, Sitinohe, Urno-tate, Ofukanai, Rokkasyo
	Gosyogawa	Kitatugaru-gun
		Nakatugaru (Niiwa)
		Minamitugaru-gun (Hataoka)
	Hirosaki	Hirosaki-si
		Nakatugaru-gun
		Minamitugaru-gun
	Asigasawa	Nisitugaru-gun
	Hatinohe	Hatinohe-si
		Sannohe-gun
		Kamikita-gun

SAPPORO APPELLATE COURT DISTRICT

HOKKAIDO KEN

	Location		Jurisdiction
District Court:	Sapporo		Hokkaido Ken
Local Courts:	Sapporo)		
	Iwaizumi)		
	Muroran)	SAPPORO - DISTRICT COURT	
	Urakawa)		
	Otaru)		
	Iwauti)		
	Hakodate)		
	Esasi)	HAKODATE - DISTRICT COURT	
	Asahigawa)		
	Nayoro)	ASAHIGAWA - DISTRICT COURT	
	Masike)		
	Wakkanai)		
	Kusiro)		
	Abasiri)	KUSIRO - DISTRICT COURT	
	Nokkeusi)		
	Nemuro)		

KARAHUTO

District Court:	Karahuto	Karahuto
Local Courts:	Maoka	
	Toyohara	

FILE UNDER: **COURTS**

INDEX SHEET

DATE: **21 February, 1947**

FROM: **OPPLER** TO: **Chief, P.A.D.**

SUBJECT: **INFORMATION ON THE PRESIDENT OF THE TOKYO APPELLATE COURT - SAKANO**

DOCUMENT FILED UNDER: CLASSIFIED FILE:

MEMOS TO CHIEFS OF DIVISIONS

11a.

52 DISTRICT COURTS (CHIHO SAIBANSHO)

ALPHABETICAL LISTING BY NAME OF COURT

NAME OF COURT	PREFECTURE	LOCATION
1. Akita District Court	Akita	Akita-shi
2. Anozu District Court	Mie	Tsu-shi
3. Aomori District Court	Aomori	Aomori-shi
4. Asahigawa District Court	Hokkaido	Asahigawa-shi
5. Chiba District Court	Chiba	Chiba-shi
6. Fukui District Court	Fukui	Fukui-shi
7. Fukuoka District Court	Fukuoka	Fukuoka-shi
8. Fukushima District Court	Fukushima	Fukushima-shi
9. Gifu District Court	Gifu	Gifu-shi
10. Hakodate District Court	Hokkaido	Hakodate-shi
11. Hiroshima District Court	Hiroshima	Hiroshima-shi
12. Kagoshima District Court	Kagoshima	Kagoshima-shi
13. Kanagawa District Court	Ishikawa	Kanazawa-shi
14. Karafuto District Court 1/	Karafuto	----------
15. Kobe District Court	Hyogo	Kobe -shi
16. Kochi District Court	Kochi	Kochi-shi
17. Kofu District Court	Yamanashi	Kofu-shi
18. Kumamoto District Court	Kumamoto	Kumamoto-shi
19. Kushiro District Court	Hokkaido	Kushiro-shi
20. Kyoto District Court	Kyoto	Kyoto-shi
21. Maebashi District Court	Gumma	Maebashi-shi
22. Matsue District Court	Shimane	Matsue-shi
23. Matsuyama District Court	Ehime	Matsutama-shi
24. Mito District Court	Ibaraki	Mito-shi

NAME OF COURT	PREFECTURE	LOCATION
25. Miyazaki District Court	Miyazaki	Miyazaki-shi
26. Morioka District Court	Iwate	Morioka-shi
27. Nagano Dustrict Court	Nagano	Nagano-shi
28. Nagasaki District Court	Nagasaki	Nagasaki-shi
29. Nagoya District Court	Aichi	Nagoya-shi
30. Naha District Court	Okinawa	Naha-shi
31. Nara District Court	Nara	Nara-shi
32. Niigata District Court	Niigata	Niigata-shi
33. Oita District Court	Oita	Oita-shi
34. Okayama District Court	Okayama	Okayama-shi
35. Osaka District Court	Osaka	Osaka-shi
36. Otsu District Court	Shiga	Otsu-shi
37. Saga District Court	Saga	Saga-shi
38. Sapporo District Court	Hokkaido	Sapporo-shi
39. Sendai District Court	Miyagi	Sendai-shi
40. Shizuoka District Court	Shizuoka	Shizuoka-shi
41. Takamatsu District Court	Kagawa	Takamatsu-shi
42. Tokyo Court of Civil Affairs	Tokyo	Tokyo-shi
43. Tokyo Court of Criminal Aff's	Tokyo	Tokyo-shi
44. Tokushima District Court	Tokushima	Tokushima-shi
45. Tottori District Court	Tottori	Tottori-shi
46. Toyama District Court	Toyama	Toyama-shi
-- Tsu District Court, See Anozu, 2		
47. Urawa District Court	Saitama	Urawa-shi
48. Utsunomiya District Court	Tochigi	Utsunomiya-shi
49. Wakayama District Court	Wakayama	Wakayama-shi

NAME OF COURT	PREFECTURE	LOCATION
50. Yamagata District Court	Yamagata	Yamagata-shi
51. Yamaguchi District Court	Yamaguchi	Yamaguchi-shi
52. Yokohama District Court	Kanagawa	Yokohama-shi

1/ Karafuto is not a prefecture of Japan Proper but its courts are integrated with the judicial system of Japan.

§2 DISTRICT COURTS (CHIHO SAIBANSHO)

ALPHABETICAL LISTING BY PREFECTURE (KEN) 1/

PREFECTURE	LOCATION
Aichi	Nagoya
Akita	Akita
Aomori	Aomori
Chiba	Chiba
Ehime	Matsuyama
Fukui	Fukui
Fukuoka	Fukuoka
Fukushima	Fukushima
Gifu	Gifu
Gumma	Maebashi
Hiroshima	Hiroshima
Hokkaido	Sapporo
"	Asahigawa*
"	Hakodate*
"	Kushiro
Hyogo	Kobe
Ibaraki	Mito
Ishikawa	Kanazawa
Iwate	Morioka
Kagawa	Takamatsu
Kagoshima	Kagoshima
Kanagawa	Yokohama
Karafuto 2/	Toyohara (?)
Kochi	Kochi
Kumamoto	Kumamoto

PREFECTURE	LOCATION
Kyoto	Kyoto
Mie	Tsu 1/
Miyagi	Sendai
Miyazaki	Miyazaki
Nagano	Nagano
Nagasaki	Nagasaki
Nara	Nara
Niigata	Niigata
Oita	Oita
Okayama	Okayama
Okinawa	Naha
Osaka	Osaka
Saga	Saga
Saitama	Urawa
Shiga	Otsu
Shimane	Matsue
Shizuoka	Shizuoka
Tochigi	Utsunomiya
Tokushima	Tokushima
Tokyo	Tokyo (2 courts)
Tottori	Tottori
Toyama	Toyama
Wakayama	Wakayama
Yamagata	Yamagata
Yamaguchi	Yamaguchi
Yamanashi	Kofu

1/ All of the District Courts listed a re located at the Prefectural Capital except for those in Hokkaido which are indicated by asterisk. All District Courts in Japan Proper

bear the name of the location except the court at Tsu (Mie Ken) which is known as the Anozu District Court.

2/ Karafuto is not properly a Ken but its courts are integrated with the judicial system of Japan Proper.

Courts

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

Files

250.4'

18 September 1946

MEMORANDUM FOR EXECUTIVE COMMITTEE IN CHARGE OF SPLIC

SUBJECT: Administrative Litigation

Circulate

In a meeting on the 17th of September 1946 new provisions pertaining to administrative litigation were discussed by Mr. Oppler and Mr. Blakemore of the Government Section, Messrs. Naito (Ministry of Justice), Fujiyama and Hirota (CLO), Professor TANAKA Jiro (Tokyo Imperial University and a member of the Provisional Legislative Investigating Committee) and Judge Tanaka (Japanese Administrative Court).

The present outline draft of the Administrative Litigation law implies the abolition of the existing Court of Administrative Litigation, and also the exercise of general jurisdiction over administrative questions by ordinary courts. The effect of the latter will make the acts of any administrative official subject to judicial review, in contrast to the present situation in which litigation is possible only in those situations specifically authorized by statute.

The details of the outline draft under consideration contain few points relating in any way to SCAP policy. The only article questioned by Mr. Blakemore and Mr. Oppler was that which provides for an initial hearing by Appellate Courts of cases involving the property of administrative acts of national officials. It is felt that the provision for initial hearings at the District Court level rather than in Appellate Courts would, as a practical matter, facilitate recourse to the courts and thus would encourage judicial challenges of the illegal acts of national governmental, as well as local, officials.

T. L. BLAKEMORE

9

Courts

250-11

( ) ~~Information~~ ( )

Comments on WD Study re Occupation Courts.

G-1 TO: ~~Director~~ Chief of Staff 29 July 1946
JA
Dipl. Sect.
Govt. Sect. ✓
Legal Sect.
CMP

Comments and recommendations pertaining to War Department Staff Study concerning occupation courts submitted for approval.

Incl: G-1 Comments on WD
Study re Occupation Courts

- E. M. A. - - - - - - - -

CONFIDENTIAL

8

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 015 (29 Jul 46)GA

APO 500
29 July 1946

SUBJECT: Comments on War Department Staff Study, Subject: Clarification of Legal Status of Dependents and Other United States Nationals in Occupied Areas. (AGAO-S-WDSCA 014, 19 Jun 46)

1. STATEMENT OF THE PROBLEM: The War Department has requested views on the following:

a. The establishment of a policy as to criminal trials of all United Nations nationals in Japan and Korea except United States military personnel and civilians subject to military law under Article of War 2.

b. The establishment or utilization of appropriate military government courts to try and determine all civil suits to which any United Nations national may be party.

2. FACTS BEARING ON THE PROBLEM:

a. The War Department, by letter dated 3 July 1946 (Tab A), has requested the views of The Supreme Commander for the Allied Powers on the subject staff study (Tab B). This study recognizes the present or future existence of communities of United Nations nationals, many without military status, within occupied areas, and recommends that a War Department policy be adopted for the trial of such civilians for criminal offenses, and that a system of courts be established or utilized to try civil disputes involving all United Nations nationals, applying the substantive law of either the District of Columbia

Code or the indigenous codes as amended and modified by military government law.

b. Under the existing budget no additional personnel may be requisitioned to operate any proposed occupation court system.

3. DISCUSSION:

a. Criminal Jurisdiction: All United States military personnel and civilians defined by Article of War 2(d), including their dependents (see Winthrop, Military Law and Precedents, 2d Ed., p. 99 n. 94), are presently triable by United States Army courts-martial. Similar military and civilian personnel of other United Nations are subject to trial by military courts of their respective nations. Other United Nations nationals, such as business men or tourists unconnected with the occupation, are not subject to courts of the forces of the nation of which they are a part, but are triable before military occupation courts established by Letter Order to Commanding General, Eighth Army, AG 015 (19 Feb 46) LS, General Headquarters, Supreme Commander for the Allied Powers, 19 February 1946, subject: "Establishment of Military Occupation Courts." (Tab C). Pursuant thereto, United States and British Commonwealth occupation courts are now operating. These courts may try not only their own nationals who are not subject to military law, but those of other non-occupying United Nations who do not accompany an armed force. It follows therefore that all United Nations

nationals are now amenable to criminal justice in the occupied areas.

b. The War Department Study (Tab B, par. 18) contemplates a statement of policy limiting trials of persons subject to military law, civilian or military, to trial by courts-martial only, a policy presently in effect here. It is believed desirable that this policy be broadened to make possible the utilization of an occupation tribunal whose jurisdiction would co-extend with that of courts-martial for the trial of military personnel and civilians subject to military law for certain minor offenses such as traffic violations. As it appears from the attached study (Tab B, par. 6) that persons subject to military law are now being tried by military government courts in Germany, similar authorization for this area should be requested.

c. Civil Jurisdiction: Pursuant to FWX 89117 (Tab D), The Supreme Commander for the Allied Powers by directive, AG 015 (26 Feb 46) LS, (SCAPIN-777) (Tab E), has divested Japanese tribunals of civil jurisdiction over United Nations nationals or organizations attached to or accompanying the Allied armed forces, thereby leaving no tribunal or quasi-tribunal with present power to hear and determine civil controversies arising out of tort, contract, domestic relations or other causes among such personnel. Other United Nations nationals have recourse to the Japanese civil courts, now open and functioning, and in

addition are protected by The Supreme Commander for the Allied Powers who may review the proceedings and take such action as may be considered necessary for the protection of their rights, SWNCC 192/3, App. "A", "C", Approved 18 Dec 45 by JCS, OPD 336(19 Dec 45) (Tab F); (Tab D, par. 4); (Tab E, par. 2a). Claims by non-United Nations nationals against United Nations nationals attached to or accompanying the Armed Forces are presented to the representative of The Supreme Commander for the Allied Powers by the Japanese Government (Tab D, par. 3). To provide a method of settling other civil controversies to which United Nations nationals attached to or accompanying the Armed Forces may be party, the establishment of a forum having civil jurisdiction within the framework of the present occupation courts is suggested.

6. Consistent with the United States Army and Navy Manual of Military Government and Civil Affairs, FM 27-5, par. 42c, and Article 43, Hague Convention, FM 27-10, pars. 282, 285, (Tab G), as well as the established principles of private international law and the conflicts of law, the indigenous substantive law of Japan with such modifications as The Supreme Commander for the Allied Powers is compelled to make should be announced as the civil law of the occupied area. A single appellate tribunal should be established to determine appeals in proper cases.

c. Present budgetary limitations require utilization of personnel within the framework of the existing occupation court system.

4. CONCLUSIONS:

a. (1) The occupation courts now functioning are adequate to try criminal offenses of all United Nations nationals in the area, not triable by courts of the forces of the nation of which they are a part.

(2) An extension of the present policy as to trial of military personnel and civilians subject to military law so as to give occupation courts concurrent jurisdiction with military courts of their own nation over such persons as to minor offenses, is desirable. This would accord with existing procedure in the German occupied area (Tab B, par. 6).

b. (1) Establishment of civil tribunals, with both trial and appellate jurisdiction, within the present occupation court structure is necessary to try and determine civil suits to which United Nations nationals attached to or accompanying the armed forces may be party, applying the substantive indigenous law.

(2) Claims by non-United Nations nationals against United Nations nationals attached to or accompanying the armed forces will be presented to The Supreme Commander for the Allied Powers through the Japanese Government.

(3) Civil controversies affecting other United Nations nationals are triable in Japanese courts subject to review and revision by The Supreme Commander for the Allied Powers.

5. RECOMMENDATION: Dispatch of radio (Tab H).

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 015 (19 Feb 46) LS

APO 500
19 February 1946

SUBJECT: Establishment of Military Occupation Courts.

TO : Commanding General, Eight Army, APO 343.
Commander, Fifth Fleet, FPO

1. ESTABLISHMENT. The Commanders of the above identified units are hereby given exclusive authority to establish within their respective commands military commissions and provost courts for all occupation forces, in accordance with paragraph 1 of JCS directive (WX 89117, 19 Dec 1945); and paragraphs 38-47, inclusive, section VII, United States Army and Navy Manual of Military Government and Civil Affairs (War Dept. FM 27-5; Navy Dept. OpNav 50E-3), 22 December 1943, for the trial of offenses other than war crimes.

2. APPOINTMENT AND CONTROL. a. The appointment and control of military commissions are vested solely in the Commanders of the units named.

b. The appointment and control of provost courts are vested in the Commanders of the units named, and may be delegated to such subordinate commanders as they may designate.

3. JURISDICTION. a. Cases Properly Referred. Military Occupation Courts shall have power to try only such cases or classes of cases as are properly referred to them by the appointing authority.

b. Jurisdiction Over Persons. Criminal jurisdiction over persons will be exercised as follows:

(1) In the cases of military and naval personnel and persons attached to or accompanying an occupying force, by the appropriate military court of the force of which they are a part;

(2) In the case of a national of one of the occupying forces, by a court of his nationality;

(3) In the case of other United Nations nationals, by the court having jurisdiction in the place where the offense is committed;

(4) In the case of all other persons who commit any of the offenses listed in paragraph 3c, by the court to which the case is referred.

c. Jurisdiction Over Crimes. Military Occupation Courts shall have exclusive jurisdiction over the following offenses committed within the occupied territory regardless of when the offense was committed:

(1) Crimes committed by United Nations nationals; (with respect to pending cases, the following communication had been forwarded to the Imperial Japanese Government: "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) Acts prejudicial to the security of the Occupation Forces or any member thereof, or any person attached to or accompanying such forces;

(3) Killing or assaulting any member of the Occupation Forces, or any person attached to or accompanying such forces;

(4) 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;

(5) 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;

(6) 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 person attached to or accompanying such forces in a matter of official concern;

(7) Acts on behalf of 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;

(8) Acts prejudicial to the objectives of the occupation which the Commanders of the above identified units or their authorized subordinates see fit to remove from the jurisdiction of the Japanese courts;

(9) Conspiracies to commit, or acts which aid or abet the commission of, any of the offenses listed in paragraph 3c above.

4. PROCEDURE. a. Charges. Charges shall be signed under oath by a person subject to military or naval law having either personal knowledge thereof or knowledge based upon information and belief.

b. Oaths. The members of military occupation courts and court personnel will be sworn as prescribed by the appointin[illegible] authorities.

c. Challenges. No peremptory challenge will be accor[illegible] Challenge for cause shall be permitted and when exercised the challenged member may be examined under oath as to his qualifications. The challenged member need not withdraw, and the preside[illegible] shall rule upon the challenge unless he

be the challenged member, in which case the designated law member will rule thereon. The rulings of the president or the law member in each case shall be final and conclusive.

d. Conduct of Proceedings. The Military Occupation Courts shall be guided generally by the applicable rules of procedure prescribed by the Manual for Courts-Martial, 1928, as amended; but, the commanders of the above designated units shall have power to prescribe changes in such rules or make additional rules of procedure as they may deem necessary. Unless superior authority directs otherwise, a military commission shall have power to and shall as the occasion arises make such rules for the conduct of its proceedings as it shall deem necessary for a full and fair trial of the matters before it consistent with this order, and with the customs and usages of war in like cases. Such evidence shall be admitted as would have probative value to a reasonable man, or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. All questions as to the admissibility of evidence shall be decided by the law member and in his absence by the president of the commission.

e. Conviction. The concurrence of two-thirds of the members of the commission present shall be necessary for both conviction and sentence. The acquittal or conviction and the sentence, if any, will be announced in open session unless otherwise directed by the convening authority.

f. Common Trial. Common trial of two or more accused is authorized.

5. RIGHTS OF AN ACCUSED. The following rights will be accorded to an accused:

a. To have a copy of the charges before trial;

b. To consult his counsel before the trial and to be represented by him before the Military Occupation Court;

c. To be present at the trial, to present available witnesses in his own behalf, and testify in his own behalf if he so desires;

d. To cross-examine witnesses;

e. To have present with him and his counsel a qualified interpreter in case the accused does not understand the language of the court.

6. SENTENCE. 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 fine; 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 years; or both; or specified alternative confinement in lieu of payment of fine; expulsion; confiscation and padlocking respecting properties not exceeding seventy-five thousand (75,000) yen in value.

7. Records. a. Military commissions will make a record of their proceedings conforming as nearly as practicable with that prescribed for a general court-martial.

b. Provost courts will generally keep records of their proceedings similar to that prescribed for a summary court-martial, unless directed to make a record conformaing generally to that prescribed for a special court-martial.

8. REVIEW AND EXECUTION. a. All records of trial by milita occupation courts will be examined and acted upon by the appointi authority. The appointing authority shall have the power to entertain and consider any appeal or petition by or on behalf of the accused; to stay execution of the sentence; to disapprove th findings or set aside any finding of guilty, to disapprove, susp mitigate, or remit the sentence in whole or in part; or to order a new trial; and, in addition, shall have the power to commute death sentences, but in no way to increase the sentence of the court.

b. No death sentence will be carried into execution without confirmation by the Supreme Commander for the Allied Powers.

9. OFFICES OF RECORD. The records of all military commiss not involving the death sentence will be filed in the office of the staff judge advocate of the appointing authority. The recor of military commissions involving the death sentence after confir atory action by the Supreme Commander will be filed in the offic of the staff judge advocate of the appointing authority. The records of all provost courts will be filed in the office of the staff judge advocate of the lowest command echelon exercising general court-martial jurisdiction within the command from which such provost court was appointed.

10. MILITARY COMMISSION ORDERS. Military commission orders similar in form to general court-martial orders will be promulgat ed by the appointing authority.

For the Supreme Commander:

TAB D

COPY

CONFIDENTIAL

19 December 1945

TO : CINCAFPAC ADV CINCAFPAC (TO MACARTHUR)

FROM : WASHINGTON (FROM JOINT CHIEFS OF STAFF)

NR : TWX 89117

The following instructions, received from War and Navy Depts. are furnished for your guidance:

1. You will provide that no Criminal jurisdiction of any sort will be exercised by the Japanese Courts with respect to United Nations Nationals or Organizations. (including corporations), but that such Criminal jurisdiction will be exercised by Military Courts of the United Nations, as follows:

(A) In the case of Military or Naval personnel and persons accompanying the Armed Forces, Courts of the Nation of the Forces of which they are a part,

(B) In the case of a National of 1 of the Occupying Powers, by a Military Court of his Nationality,

(C) In the case of other United Nations Nationals, The Allied Military Court having jurisdiction in the particular territory.

2. You will strictly limit the authority of the Japanese to take any National of a United Nation into custody.

(A) To those areas of Japan not actually in Allied Military Occupation, and

(B) In such areas, only to those cases in which there is a reasonable suspicion that a serious offense has been committed. You will place the Japanese Authorities under specific orders to hand over such a person forthwith to the nearest Allied Military Authorities.

CONFIDENTIAL

COPY

INCOMING MESSAGE

CONFIDENTIAL
PRIORITY

WASHINGTON RADIO NUMBER WX 89117 continued.

3. You will provide that no Civil jurisdiction of any sort will be exercised by the Japanese Courts with respect to United Nations Nationals or Organizations (including corporations), attached to or accompanying the Armed Forces. You will provide that Civil Claims against such persons or organizations shall be presented to you or your representative by the Japanese Government.

4. You will direct that decisions in all Civil cases affecting other United Nations Nationals or organizations, or in which such Nationals or organizations are or may become parties, shall be subject to review, including revision or such other action as may be considered necessary for the protection of their rights, by The Supreme Commander or his representative.

5. You will take such steps as you deem necessary, including suspension of proceedings, to ensure that in the conduct of such civil cases the rights of United Nations Nationals or organizations parties thereto are adequately protected.

6. It is recognized that the available United States Legal Officers will be barely sufficient to deal with such cases as involve United States Nationals. You may therefore advise the responsible commanders of other Allied Forces that assistance in such cases as involve their Nationals must be supplied by them.

WARCOS

TOO: 181915Z
MCM: USFC 28

DISTRIBUTION:

ACTION COPY TO:
LEGAL SECTION

INFORMATION COPIES TO:
COMMANDER-in-CHIEF
CHIEF OF STAFF

CONFIDENTIAL

PRIORITY

TAB E

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 015 (26 Feb 46) LS
(SCAPIN 777)

APO 500
26 February 1946

MEMORANDUM FOR: Imperial Japanese Government

THROUGH : Central Liaison Office, Tokyo.

SUBJECT : Exercise of Civil Jurisdiction.

1. a. Japanese tribunals will henceforth exercise no civil jurisdiction with respect to United Nations nationals or organizations (including corporations) attached to or accompanying the Allied Armed Forces.

b. Civil Claims against such persons or organizations will be presented to the Imperial Japanese Government, which, if it believes the claims to be meritorious and supported by good and sufficient evidence, will forward them to the Supreme Commander for the Allied Powers.

2. a. Decisions in all civil cases affecting other United Nations nationals or organizations, or in which such nationals or organizations are or may become parties, shall be subject to review, including revision or such other action as may be considered necessary, by the Supreme Commander for the Allied Powers or his authorized representatives.

b. The Supreme Commander for the Allied Powers or his authorized representatives will take such steps as are deemed necessary, including suspension of proceedings, to ensure that in the conduct of such civil cases the rights of the United Nations nationals or organizations parties thereto are adequately protected.

3. The Imperial Japanese Government will immediately report to the Supreme Commander for the Allied Powers, all civil cases hereafter instituted or now pending in Japanese tribunals affecting United Nations nationals or organizations (including corporations). Such reports will include names and nationalities of the parties, nature of the case, the relief sought and the status of the proceedings.

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

FOR THE SUPREME COMMANDER:

TAB F

CONFIDENTIAL

APPENDIX "A"

Draft Reply to Aide Memoire from the British Embassy

1. Reference is made to the Aide Memoire of the British Embassy dated August 24, 1945 (REF:0107 / / 45), regarding the exercise of jurisdiction over United Nations nationals in Japan during the period of Allied occupation.

2. To allow Japanese courts to exercise jurisdiction in criminal cases involving nationals of the United Nations during the period of stress incident to military occupation might well prove embarrassing to these courts as well as to the Governments and nationals of the United Nations. The Government of the United States therefore agrees with His Majesty's Government that during the period of military occupation, Japanese courts should not exercise jurisdiction in criminal matters over nationals of the United Nations, and that where there is reasonable suspicion that a serious offense has been committed by such a national in areas not actually in Allied military occupation, it may be necessary to allow Japanese authorities to take such a national into custody but that this should be under a specific obligation forthwith to turn him over to the appropriate Allied military authorities.

3. It is the view of this Government that civil claims by Japanese nationals against United Nations nationals attached to or accompanying the occupying forces should be the subject of claims submitted by the Japanese government to the Supreme Commander, or his appropriate Allied representatives. With respect to other civil cases, a different situation would

seem to be presented, and the reasons for depriving local courts of customary jurisdiction would not seem to obtain to the same extent. As to these cases, the Government of the United States believes that the Supreme Commander should (1) direct that decisions in all civil cases affecting United Nations nationals or organizations shall be subject to review, including revision, or such other action as may be considered necessary for the protection of their rights, by the Supreme Commander or his representative and (2) take such steps as he deems necessary to ensure that in the trial of such civil cases the rights of United Nations nationals or organizations parties thereto are adequately protected.

4. The foregoing procedures would avoid the placing of an undue burden on the occupying authority and also would avoid the implication of a reversion of extraterritorial jurisdiction, which might give rise to apprehension and misunderstanding not only in Japan but also throughout the Far East. Should the courts at any time demonstrate a lack of purpose or ability to deal fairly with nationals of the United Nations, the Supreme Commander has the authority to change the courts or otherwise deal with the situation.

CONFIDENTIAL

SECRET

APPENDIX "C"

DISCUSSION

1. It is clear that no criminal jurisdiction of any sort be exercised by the Japanese courts with respect to United Nations nationals or organizations (including corporations) but that such criminal jurisdiction should be exercised by military courts of the United Nations as follows:

a. In the case of military or naval personnel and persons accompanying the armed forces, courts of the nation of the forces of which they are a part, and

b. In the case of other United Nations nationals, the Allied military court having jurisdiction in the particular territory.

2. It appears that it may be necessary to permit Japanese authorities, in certain strictly limited circumstances, to take a United Nations national into custody; but as suggested in paragraph 3 of the British Aide Memoire, this power should in any event be restricted:

a. To areas (if any) of Japan not actually in Allied military occupation, and

b. In such areas, only to cases in which there is a reasonable suspicion that a serious offense has been committed.

Japanese authorities should be under a specific obligation to hand over such a person forthwith to the Allied military authorities under pain of rigorous punishment if any delay occurs.

3. With respect to civil jurisdiction, it is well established practice for a military occupant to deny local courts jurisdiction over persons attached to or accompanying the occupying forces. Normally, civil claims against such persons are presented to the occupant by local authorities. No reason is perceived why such practice should not be followed in Japan.

4. As to other United Nations nationals, it is believed that the existing jurisdiction of the Japanese civil courts in civil cases involving such persons should be continued. The Supreme Commander, under his general powers to accomplish the objectives of the occupation, has the authority to review decisions in such proceedings and likewise, to take such steps as he deems necessary to insure that the rights of United Nations nationals are not prejudiced during the course of litigation. By the exercise of his authority, the Supreme Commander should insure that the interests of United Nations nationals are adequately protected in the Japanese civil courts.

5. Use of the existing Japanese civil courts in the conduct of civil proceedings involving United Nations nationals would avoid placing an undue burden on the occupying authority and would also avoid an implication of a reversion to extra-territorial jurisdiction, which might give rise to apprehension and misunderstanding not only in Japan but also throughout the Far East. The establishment of Allied military courts, as

proposed by the British, might well impose an undue burden upon the Supreme Commander since Japanese law would generally be applicable and the Allied forces would have few persons, if any, who could handle such litigation satisfactorily. Should the Japanese civil courts, at any time, demonstrate a lack of purpose or ability to deal fairly with nationals of the United Nations, the Supreme Commander has the authority to change the courts or otherwise deal with the situation.

TAB 6

UNITED STATES ARMY AND NAVY MANUAL OF
MILITARY GOVERNMENT AND CIVIL AFFAIRS
FM 27-5

* * * * * *

SECTION VII
MILITARY COMMISSIONS, PROVOST COURTS, AND CLAIMS

* * * * * *

42. JURISDICTION.

* * * * * *

c. Over Civil Cases. If the civil courts of the occupied territory are open and functioning satisfactorily, they should ordinarily be permitted to hear and determine civil cases, except claims or suits brought against the occupying force or its government over which they have no jurisdiction. If such courts are not functioning, and military occupation is likely to be brief, it will probably be unnecessary to make any provision at all for the disposition of civil cases. However, at his discretion, the theater commander may confer jurisdiction upon military commissions or provost courts to hear and determine civil cases or may establish separate courts for such cases, and may issue such regulations as to them and as to the execution of their judgments and decrees as he may deem proper. The law to be followed in civil cases is that of the occupied territory, with such modifications as the theater commander has been compelled to make.

* * * * * *

BASIC FIELD MANUAL
RULES OF LAND WARFARE
FM 27-10

* * * * * *

ADMINISTRATION OF OCCUPIED TERRITORY

* * * * * *

282. Duty to restore law and order.—The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all measures in his power to restore, and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country (H.R., art. 43).

* * * * * *

285. The laws in force.-The principal object of the occupant is to provide for the security of the invading army and to contribute to its support and efficiency and the success of its operations. In restoring public order and safety he will continue in force the ordinary civil and criminal laws of the occupied territory which do not conflict with this object. These laws will be administered by the local officials as far as practicable. All crimes not of a military nature and which do not affect the safety of the invading army are left to the jurisdiction of the local courts.

TAB H

EMA/JB(LS)/ajr

29 July 1946

SCAP

WASHAG.....ROUTINE

PARIN REFERENCE LETTER AND STAFF STUDY ABLE GEORGE PARIN ABLE OBOE DASH SUGAR DASH WILLIAM DOG SUGAR CHARLIE ABLE BAKER ONE FOUR PARIN NINE JUNE FOUR SIX PARIN DATED THREE JULY FOUR SIX FOLLOWING COMMENTS OFFERED CLN PARIN ABLE PARIN REFER TABS WILLIAM XRAY EIGHT NINE ONE ONE SEVEN CHA ONE NINE DECEMBER FOUR FIVE AND SUGAR WILLIAM MAN CHARLIE CHARLIE ONE NINE TWO SLASH THREE CHA TWO EIGHT NOVEMBER FOUR FIVE FD PARIN BAKER PARIN RECOMMEND NO CHANGE IN EXISTING CRIMINAL JUSTICE SYSTEM WHICH NOW INCLUDES JURISDICTION OVER AND PROTECTS ALL UNITED NATIONS NATIONALS IN OCCUPIED AREAS FD PARIN CHARLIE PARIN REQUEST JURISDICTION OF PRESENT OCCUPATION COURTS BE EXTENDED TO UNITED NATIONS NATIONALS ATTACHED TO OR ACCOMPANYING ARMED FORCES FOR MINOR OFFENSES SUCH AS TRAFFIC VIOLATIONS CHA SIMILAR TO SYSTEM IN GERMANY REFER PARAGRAPH SIX YOUR STAFF STUDY FD PARIN DOG PARIN EXISTING DIRECTIVES AS IMPLEMENTED PROVIDE JURISDICTION OVER ALL CIVIL CONTROVERSIES INVOLVING UNITED NATIONS NATIONALS EXCEPT THOSE ATTACHED TO OR ACCOMPANYING ARMED FORCES FD PARIN HAVE PARIN RECOMMEND ESTABLISHMENT OF CIVIL TRIBUNALS USING INDIGENOUS SUBSTANTIVE LAW WITHIN FRAMEWORK OF PRESENT OCCUPATION COURT SYSTEM WITH TRIAL AND APPELLATE JURISDICTION OVER CIVIL CONTROVERSIES INVOLVING UNITED NATIONS NATIONALS ATTACHED TO OR ACCOMPANYING ARMED FORCES FD PARIN FOX PARIN IMPOSSIBILITY SECURING ADDITIONAL PERSONNEL.

ROUTINE

INFORMATION COPY GOVERNMENT SECTION

29 July 1946

SCAP

WARTAG.....ROUTINE

(Continued)

UNDER BUDGET LIMITATIONS STRONGLY SUGGESTS ADOPTION OF FOREGOING RECOMMENDATIONS PD PARAS GEORGE PARAS COMMENTS ON STAFF STUDY ON WHICH FOREGOING BASED FOLLOWS AIR MAIL PD

OFFICIAL:

JOHN D. COOLEY
Colonel, AGD
Adjutant General

APPROVED BY:

E. M. ALMOND
Major General, GSC
Asst Chief of Staff, G-1

****
*MEMO FOR RECORD - 29 July 1946 *
*Ltr AGAO-S-WDSCA (19 Jun 46) dtd 3 July 46 requested *
*SCAP'S comments onWD Staff Study Subj: Clarification *
*of Legal Status of United States Nationals in *
*Occupied Areas. Foregoing message summarizes comments. *
*Detailed comments follow by air in SCAP Staff Study *
*dated 29 July 46 Subj: As Above. *
* JB JB ASJ MJI 362 **
****

ROUTINE

Courts

Comments on Court Organization Survey.

Mr. Oppler Comdr Hussey 25 March 1946

The survey does not list the local courts and their jurisdiction. Information on them should be added as item I (4).

I (1)

4. Special cases (Crimes against the Imperial Family, etc.)

Because of their importance the special cases should be listed instead of the "etc."

5. Special lawsuits (lawsuits under special law)

Should be specified if not by enumeration, so at least by illustration.

II (1) Performs, as representing public interests,
(2) Other functions provided for in laws and ordinances.
(3)

This description appears too vague; some illustration of the "other functions" would be desirable. An Item (4) should be added covering public prosecutors at the local courts.

Principal Personnel.

1. Supreme Court

I suggest to list, in addition to the Chief President, the names of the presidents of the several divisions, indicating the jurisdiction of these divisions.

7C

Courts

Meeting with Japanese Women Lawyers

Alfred C. Oppler — Comdr. Hussey — 15 Mar 46

Capt Goodrich of C I & E had arranged a meeting with women lawyers in Radio Tokyo Building. Capt Goodrich, and most of the time, Lt. J. Roest took part in my conversations with the five Japanese women lawyers who were present.

I asked them to consider anything I would say as informal and as the expression of my opinion as an individual and not as an official. I, furthermore, emphasized that women lawyers were the natural fighters for legal equality and for the cause of democracy.

The discussion was chiefly concerned with the following questions.

a. Independence of Judges.
b. Judicial review.
c. Position of public prosecutors.
d. Position of lawyers.

We had to labor with the difficulty of interpretation. Only two of the women were able to understand English. Apart from this usual handicap, it was conspicuous that the women held back with their opinion. The reason for their reluctance to speak out might be that they were afraid of each other. Furthermore they are obviously not accustomed to discuss problems thoroughly with men. Finally, this first meeting was not prepared so that they did not know in advance what subject matter was to be discussed. In many cases they replied to my questions: "That is a very difficult question."

Still they expressed themselves as follows:

a. They were in favor of the appointment of judges of the inferior courts by the President of the Supreme Court instead of the Cabinet, as the Japanese draft of a constitution provides.

This opinion was, however, not completely uninfluenced by my remarks, because it was easy to realize that I favored such an arrangement.

Spontaneously they said that the age limit of 70 years for the retirement of judges was too high.

b. Without being influenced, they advocated the abolition of the Court for Administrative Litigation and the transfer of its functions to the Supreme Court.

7B

Meeting with Japanese Woman Lawyers.

Comdr. Hussey 15 Mar 46

Alfred C. Oppler

(CONT'D)

c. They held that the power of the public prosecutor to decide what cases were to be brought to trial was not abused for political purposes, but was only employed in order to drop petty cases. The danger of political abuse might, in their opinion, arise with the growth of party politics in the government.

d. They told us that they have not yet organized a women lawyer association but were fighting for having it established. In the whole of Japan there are only 11 women lawyers. The reason of this infinitesimal percentage lies, according to their opinion mainly in the rigid requirements of the examination for lawyers and in the fact that girls, not having enjoyed the same educational facilities as boys, go into the examinations less well prepared.

The women delivered the enclosed memorandum on family law. We agreed that our conversations should be continued after the election. In the meantime they will supply me with material concerning Japanese family laws which discriminate against the female sex so that the next meeting can be adequately prepared.

Courts

Establishment of Provost Courts.

Alfred C. Oppler Comdr. Hussey 15 Mar 46

A meeting was held in the office of the Adjutant General of the Eighth Army in Yokohama.

Present were: from the office of the A.G., Col. J. J. O'Brien, Lt. Col. C. Reichmann, from the Civil Intelligence Section, GHQ, Lt. Col. J. B. Schindel, Maj. J. S. Carusi, Maj. J. F. Aiso, from the Government Section, Alfred C. Oppler.

An Operational Directive, dated 11 March 1946, concerning Establishment of Military Occupation Provost Courts was presented by the A.G., Eighth Army. This Directive follows closely the Directive of GHQ, Legal Section, AG 015 of 19 February 1946. Both Directives are attached to this memorandum.

The "compliance cases" in which our Government Section is particularly interested are mainly covered by the provision 4c(6) and, with regard to dissolved or illegal organizations, by 4c(7) of the Directive of the Eighth Army. Since provost courts are authorized to impose sentence up to five years of hard labor and 75,000Yen fine, they will, as a rule, try compliance cases. They will have power to try only such cases or classes of cases as are properly referred to them by the appointing authority. Serious crimes for which the above penalties are to be considered inadequate will be tried by military commissions (4a). For "appointing authority" see No. 2 of the Directive.

There was no reason to object to the inclusion of compliance cases into this scheme. I emphasized, however, that these cases may frequently involve complicated legal and administrative problems and that it would be desirable to have legally trained officers as judges. Col. O'Brien replied that not enough legally trained officers were available.

Provost Courts will be established throughout the country. As far as no occupation forces are garrisoned in prefectural districts, "travelling provost courts" might have to be established.

It remains to be seen how the provost courts will work in practice. Their activity should be observed by the Government Section.

7A

Courts, Jurisdiction

24 Feb. 1946

CONFIDENTIAL

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

Ltr
PA
File

OUTGOING MESSAGE

GSPA CW/CLK/

250.41

FROM: GHQ SCAP

TO : EIGHTH ARMY . . . . . PRIORITY

240615

SUBJECT CIN CIVIL JURISDICTION OF JAPANESE COURTS PD PARA ONE PD JAPANESE GOVERNMENT IS BEING DIRECTED THAT JAPANESE COURTS WILL EXERCISE NO CIVIL JURISDICTION OVER UNITED NATIONS NATIONALS OR ORGANIZATIONS PAREN INCLUDING CORPORATIONS PAREN ATTACHED TO OR ACCOMPANYING THE ALLIED ARMED FORCES PD JAPANESE COURTS RETAIN CIVIL JURISDICTION OVER OTHER UNITED NATIONS NATIONALS AND ORGANIZATIONS CMA SUBJECT TO REVIEW AND SUPERVISION OF SUGAR CHARLIE ABLE PETER INCIUDING AUTHORITY TO SUSPEND PROCEEDINGS AT ANY TIME PD PARA TWO PD LEGAL SECTION SUGAR CHARLIE ABLE PETER HAS BEEN DESIGNATED RESPONSIBLE SECTION FOR REVIEW BY SUGAR CHARLIE ABLE PETER PD GOVERNMENT SECTION HAS BEEN DESIGNATED RESPONSIBLE SECTION WITHIN SUGAR CHARLIE ABLE PETER FOR MATTERS RELATING TO SUPERVISION OF JAPANESE COURTS EXERCISING CIVIL JURISDICTION OVER UNITED NATIONS NATIONALS AND ORGANIZATIONS PD PARA THREE PD EIGHTH ARMY WILL SUPERVISE JAPANESE COURTS EXERCISING CIVIL JURISDICTION OVER UNITED NATIONS NATIONALS AND ORGANIZATIONS CMA OTHER THAN THOSE ATTACHED TO OR ACCOMPANYING THE ALLIED ARMED FORCES CMA WITH AUTHORITY TO SUSPEND PROCEEDINGS WHENEVER NECESSARY TO PROTECT THE RIGHTS OF SUCH NATIONALS AND ORGANIZATIONS PD AUTHORITY TO REMOVE UNACCEPTABLE COURT PERSONNEL IS RETAINED BY SUGAR CHARLIE ABLE PETER PD PARA FOUR PD SPECIAL REPORTS WILL BE RENDERED DIRECT TO SUGAR CHARLIE ABLE PETER BY THE MOST EXPEDITIOUS MEANS IN EVERY CASE WHERE PROCEEDINGS ARE SUSPENDED AND IN EVERY CASE WHERE REMOVAL OF UNACCEPTABLE COURT PERSONNEL IS RECOMMENDED CMA WITH INFORMATION COPIES FORWARDED THROUGH CHANNELS PD MONTHLY

D-58197 7

CONFIDENTIAL

Govt Sect

RETURN COPY

C O N F I D E N T I A L

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

OUTGOING MESSAGE GSPA CW/CLK/

FROM: GHQ SCAP

TO : EIGHTH ARMY . . . . . PRIORITY

SUMMARY REPORTS OF MILITARY GOVERNMENT ACTIVITIES WILL INCLUDE REPORT OF ALL ACTION TAKEN UNDER AUTHORITY HEREBY GRANTED PD DELEGATION OF AUTHORITY IS AUTHORIZED

OFFICIAL:

APPROVED:

B. M. FITCH
Brigadier General, U. S. Army
Adjutant General

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

approved by C/S.

(B)

Handling and transmission of the literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 44g and 53a (3) (Changes No. 3) of AR 380-5, 15 March 1944.

C O N F I D E N T I A L

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG APO 500

STAFF MEMORANDUM)
NO. . . . .)

CIVIL ACTIONS IN JAPANESE COURTS

1. Japanese Courts have been divested of all jurisdiction in civil claims against United Nations nationals or organizations (including corporations) attached to or accompanying the Allied Armed Forces. All such claims will be presented to SCAP through the Imperial Japanese Government and referred to the Legal Section.

2. Japanese Courts will retain jurisdiction in civil cases affecting other United Nations nationals, subject to review by Legal Section, SCAP.

3. Eighth Army is responsible for supervision of Japanese Courts exercising civil jurisdiction over United Nations nationals and organizations, including authority to suspend proceedings at any time in order adequately to protect their rights, but not including authority to remove unacceptable court personnel. This authority is retained by SCAP.

4. Government Section is staff section within SCAP responsible for advising the Supreme Commander on matters relating to the supervision of civil cases involving United Nations nationals or organizations.

By command of General MacARTHUR:

C O N F I D E N T I A L

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CUTGOING MESSAGE GSPA CW/CLK/

FROM: GHQ SCAP

TO : EIGHTH ARMY . . . . . PRIORITY

Subject: Civil Jurisdiction of Japanese Courts.

Japanese Government is being directed that Japanese courts will exercise no civil jurisdiction over United Nations nationals or organizations (including corporations) attached to or accompanying the Allied Armed Forces. Japanese Courts retain civil jurisdiction over other United Nations nationals and organizations, subject to review and supervision of SCAP including authority to suspend proceedings at any time.

Legal Section SCAP has been designated responsible section for review by SCAP. Government Section has been designated responsible section within SCAP for matters relating to supervision of Japanese Courts exercising civil jurisdiction over United Nations nationals and organizations.

Eighth Army will supervise Japanese Courts exercising civil jurisdiction over United Nations nationals and organizations, other than those attached to or accompanying the Allied Armed Forces, with authority to suspend proceedings whenever necessary to protect the rights of such nationals and organizations. Authority to remove unacceptable court personnel is retained by SCAP.

Special reports will be rendered direct to SCAP by the most expeditious means in every case where proceedings are suspended and in every case where removal of unacceptable court personnel is recommended, with information copies forwarded through channels. Monthly summary reports of Military Government activities will include report of all action taken under authority hereby granted. Delegation of authority is authorized.

OFFICIAL:

B. M. FITCH
Brigadier General, U. S. Army
Adjutant General

APPROVED:

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

C O N F I D E N T I A L

FEB/rh

Exercise of Civil Jurisdiction.

C/S Government Section 13 February 1946

3 1. Supervision of civil courts by Military Government Headquarters and Headquarters Companies under direction of Government Section, GHQ, SCAP, not favorably considered.

2. Proposed Staff memorandum should be rewritten stating Government Section SCAP is responsible section within SCAP for supervision of civil cases affecting United Nations nationals.

3. Proposed radio to Eighth Army should be rewritten to direct Eighth Army to supervise civil cases affecting United Nations nationals within jurisdiction of Japanese Courts and authorizing Eighth Army to suspend proceedings.

3 Incl:
1 Staff Memorandum
2 Outgoing Radio
3 Memo for Imperial Japanese Government

S. J. C.

5 Feb

Check out —
Taken 6 C/S by hand
1300 22 Feb

CW/CLK/GAN/jmh

Exercise of Civil Jurisdiction.

C/S 22 Feb 46

4 1. Proposed staff memorandum (Tab A) and radio to Eighth Army (Tab B), rewritten in accordance with note number 3, and proposed directive to Imperial Japanese Government, as originally submitted, (Tab C), are inclosed.

2. Dependent upon the extent of the work involved, this Section will of course require additional qualified personnel in order to carry out its responsibilities under the proposed Staff Memorandum efficiently and with dispatch. These will be requisitioned separately as required.

3 Incls:
Identified above.

- - - - - - - - - - - - - - - - - - - C. W. - - - - - - - - - - -

Govt Sec File

Courts

250.3/

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

AG 015 (19 Feb 46) LS

APO 500
19 February 1946

SUBJECT: Establishment of Military Occupation Courts.

TO : Commanding General, Eighth Army, APO 343.
Commander, Fifth Fleet, FPO

1. ESTABLISHMENT. The Commanders of the above identified units are hereby given exclusive authority to establish within their respective commands military commissions and provost courts for all occupation forces, in accordance with paragraph 1 of JCS directive (WX 89117, 19 Dec 1945); and paragraphs 38-47, inclusive, section VII, United States Army and Navy Manual of Military Government and Civil Affairs (War Dept. FM 27-5; Navy Dept. OpNav 50E-3), 22 December 1943, for the trial of offenses other than war crimes.

2. APPOINTMENT AND CONTROL. a. The appointment and control of military commissions are vested solely in the Commanders of the units named.

b. The appointment and control of provost courts are vested in the Commanders of the units named, and may be delegated to such subordinate commanders as they may designate.

3. JURISDICTION. a. Cases Properly Referred. Military Occupation Courts shall have power to try only such cases or classes of cases as are properly referred to them by the appointing authority.

b. Jurisdiction Over Persons. Criminal jurisdiction over persons will be exercised as follows:

(1) In the case of military and naval personnel and persons attached to or accompanying an occupying force, by the appropriate military court of the force of which they are a part;

(2) In the case of a national of one of the occupying forces, by a court of his nationality;

(3) In the case of other United Nations nationals, by the court having jurisdiction in the place where the offense is committed;

(4) In the case of all other persons who commit any of the offenses listed in paragraph 3c, by the court to which the case is referred.

c. Jurisdiction Over Crimes. Military Occupation Courts shall have exclusive jurisdiction over the following offenses committed within the occupied territory regardless of when the offense was committed:

(1) Crimes committed by United Nations nationals; (with respect to pending cases, the following communication had been forwarded to the Imperial Japanese Government: "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) Acts prejudicial to the security of the Occupation Forces or any member thereof, or any person attached to or accompanying such forces;

(3) Killing or assaulting any member of the Occupation Forces, or any person attached to or accompanying such forces;

(4) 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;

(5) 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;

(6) 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 person attached to or accompanying such forces in a matter of official concern;

(7) Acts on behalf of 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;

(8) Acts prejudicial to the objectives of the occupation which the Commanders of the above identified units or their authorized subordinates see fit to remove from the jurisdiction of the Japanese courts;

(9) Conspiracies to commit, or acts which aid or abet the commission of, any of the offenses listed in paragraph 3c above.

4. PROCEDURE. a. Charges. Charges shall be signed under oath by a person subject to military or naval law having either personal knowledge thereof or knowledge based upon information and belief.

b. Oaths. The members of military occupation courts and court personnel will be sworn as prescribed by the appointing authorities.

c. Challenges. No peremptory challenge will be accorded. Challenge for cause shall be permitted and when exercised the challenged member may be examined under oath as to his qualifications. The challenged member need not withdraw, and the president shall rule upon the challenge unless he

be the challenged member, in which case the designated law member will rule thereon. The rulings of the president or the law member in each case shall be final and conclusive.

d. Conduct of Proceedings. The Military Occupation Courts shall be guided generally by the applicable rules of procedure prescribed by the Manual for Courts-Martial, 1928, as amended; but, the commanders of the above designated units shall have power to prescribe changes in such rules or make additional rules of procedure as they may deem necessary. Unless superior authority directs otherwise, a military commission shall have power to and shall as the occasion arises make such rules for the conduct of its proceedings as it shall deem necessary for a full and fair trial of the matters before it consistent with this order, and with the customs and usages of war in like cases. Such evidence shall be admitted as would have probative value to a reasonable man, or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. All questions as to the admissibility of evidence shall be decided by the law member and in his absence by the president of the commission.

e. Conviction. The concurrence of two-thirds of the members of the commission present shall be necessary for both conviction and sentence. The acquittal or conviction and the sentence, if any, will be announced in open session unless otherwise directed by the convening authority.

f. Common Trial. Common trial of two or more accused is authorized.

5. RIGHTS OF AN ACCUSED. The following rights will be accorded to an accused:

a. To have a copy of the charges before trial;

b. To consult his counsel before the trial and to be represented by him before the Military Occupation Court;

c. To be present at the trial, to present available witnesses in his own behalf, and testify in his own behalf if he so desires;

d. To cross-examine witnesses;

e. To have present with him and his counsel a qualified interpreter in case the accused does not understand the language of the court.

6. SENTENCE. 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 fine· 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 years; or both; or specified alternative confinement in lieu of payment of fine; expulsion; confiscation and padlocking respecting properties not exceeding seventy-five thousand (75,000) yen in value.

7. Records. a. Military commissions will make a record of their proceedings conforming as nearly as practicable with that prescribed for a general court-martial.

b. Provost courts will generally keep records of their proceedings similar to that prescribed for a summary court-martial, unless directed to make a record conformaing generally to that prescribed for a special court-martial.

8. REVIEW AND EXECUTION. a. All records of trial by military occupation courts will be examined and acted upon by the appointing authority. The appointing authority shall have the power to entertain and consider any appeal or petition by or on behalf of the accused; to stay execution of the sentence; to disapprove the findings or set aside any finding of guilty, to disapprove, suspend mitigate, or remit the sentence in whole or in part; or to order a new trial; and, in addition, shall have the power to commute death sentences, but in no way to increase the sentence of the court.

b. No death sentence will be carried into execution without confirmation by the Supreme Commander for the Allied Powers.

9. OFFICES OF RECORD. The records of all military commissions not involving the death sentence will be filed in the office of the staff judge advocate of the appointing authority. The records of military commissions involving the death sentence after confirmatory action by the Supreme Commander will be filed in the office of the staff judge advocate of the appointing authority. The records of all provost courts will be filed in the office of the staff judge advocate of the lowest command echelon exercising general court-martial jurisdiction within the command from which such provost court was appointed.

10. MILITARY COMMISSION ORDERS. Military commission orders similar in form to general court-martial orders will be promulgated by the appointing authority.

For the Supreme Commander:

Reference: 091 - Memos to Japanese Government - No 779.
Exercise of Criminal Jurisdiction.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)

File No:

Subject: Occupation Courts.

NOTE NO.	FROM: Govt. Sec.	TO: C/S	DATE: 13 Feb 46

1. Request decision on Staff Study submitted by Legal Section thru CIS and GS on organization and jurisdiction of Occupation Courts.

2. Occupation forces issued orders to Japanese procurators and courts several months ago prohibiting trial of Koreans in Japanese courts. This order has resulted in many Koreans being held in custody as no other courts are available for holding such trials. In many instances the accused has been held in jail longer than the usual sentence imposed for a conviction of the crime. This unduly long imprisonment has caused serious unrest, including attempted jail breaking.

C. W.

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Above matters were referred by C/S to Col. Brittain 2-3 for completion. He called for conference on 13 Feb. & showed me modifications of recommendations & asked for suggestions on how to cover a certain situation. I made a suggestion but did NOT indicate any change after basic principle. Nichols Powers Actg Sec.

5

1. If an opportunity to comment had been given this Section, the problems now presented would have been called to the attention of the Chief of Staff prior to dispatch of the message from this Headquarters (CA 53993, 23 October 1945) which concurred in the proposed JCS directive (WX 77593, 21 October 1945) referring to the establishment of Military Occupation Courts. However, this is the first time the directive of the Joint Chiefs of Staff, (WX 77593), as proposed or as issued, (WX 89117), has been submitted to or considered by this Section notwithstanding that:

a. Between 17 August 1945 and 20 October 1945 the problem of Military Courts was continuously studied and recommendations made by this Section. The very problems now under consideration had been anticipated, plans drawn, and recommendations made to minimize their difficulties prior to receipt on 21 October 1945 of the proposed JCS directive.

b. On 22 August 1945 the draft submitted of a General Order relating to Military Occupation Courts embodied the principle of concurrent jurisdiction and was approved personally by the C-in-C. (Tab "A"). Issuance was deferred on the ground that Military Courts were not immediately required in Japan. On 18 September 1945 a command letter, file AG 014.1 (18 Sept 45)MC, Subject: Establishment of Military Occupation Courts, was published as recommended by this Section authorizing concurrent jurisdiction in Korea.

c. Only one day before the receipt of the proposed JCS directive, the complete file respecting Military Occupation Courts was sent to the Legal Section by direction of the Chief of Staff.

2. As appears in each draft regarding Military Occupation Courts as prepared and submitted by this Section, it has consistently been our opinion that jurisdiction of such courts should be concurrent. This Section is still of this opinion. The opinion is based upon the following:

(1) Korean nationals should not be discriminated against by this Headquarters.

(2) Assumption of all functions of maintaining the peace of all United Nations nationals and Koreans exceeds the ability of the present strength of the Occupation forces.

(3) Establishment of extraterritorial rights for the duration of the occupation for Koreans, Formosans and Chinese permanently residing in Japan is anamolous, and contrary to U.S. policy in such areas as China.

3. It is essential that a clear statement of jurisdiction over crimes committed by Koreans, Formosans and Chinese be made.

a. JCS Radio message EX 89117, 19 December 1945, proposed Memo from IJC, file AG 0.015 (12 Jan 46)LS (Incl 8) and proposed command letter to CG Eighth Army and Com 5th Flt file AG 0.015 (12 Jan 46)LS (Incl 9) all use the phrase "United Nations nationals or organizations, (including corporations)". Memo to IJC file AG 312.4 (31 Oct 45)GS does not include Korea as a member of (a) United Nations, (b) Neutral Nations, (c) Enemy Nations or (d) nations whose status has changed as a result of the war. The Japanese Government, the Eighth Army and the Fifth Fleet would be uninformed of jurisdiction in criminal matters as to Koreans.

b. Since the surrender of Japan some minority groups of Koreans, Formosans and Chinese in Japan have reacted most violently from their previous oppressed condition. Some have interpreted liberation as license. Crimes of violence by these elements are rapidly increasing. Several attempts to effect jail breaks of imprisoned Koreans have been made. Attempts to arrest Koreans charged with crime by Japanese police have been defied by Korean mobs. Korean groups have proposed setting up a separate police force. Japanese law enforcement agencies are defied by the Koreans and are uncertain of their authority and jurisdiction.

4. Facts to be considered in determining position to be taken respecting criminal jurisdiction over Koreans:

a. The phrase "United Nations nationals" includes Chinese. This phrase probably includes Formosan Chinese because Formosa was under Chinese jurisdiction prior to the Sino-Japanese War following which sovereignty was transferred to Japan; In the opinion of the Legal Advisor to the State Department the terms of the Instrument of Surrender, the Potsdam Declaration and the Cairo Conference divested Japan of the sovereignty over Formosa (also Korea and other areas); The Cairo Conference determined that sovereignty over Formosa was to be returned to China; as Japan has been divested of sovereignty and China is the

ultimate recipient of sovereignty and no intermediate holder has been provided, it is concluded that sovereignty presently is in China; sovereignty being in China, the citizens of Formosa are Chinese subjects and therefore United Nations nationals and subject to the jurisdiction of the Occupation Courts.

b. Determination of nationality, whether Korean or Chinese, of an accused creates serious investigation problems. Investigation to determine nationality will require the services of many translators and interpreters in Japanese, Korean and Chinese languages. In minor cases the determination of which court has jurisdiction will take as long as or longer than the normal sentence imposed for the offense.

c. The Memo to the IJG, file AG 0.015 (4 Oct 45)GS subject: Removal of Restrictions on Political, Civil and Religious Liberties prohibits the Japanese Government from discriminating by law between any persons by reason of race or nationality. Any discrimination by this headquarters against Koreans favoring Formosans, Chinese and other United Nations nationals would be inconsistent with the policy announced in this memorandum.

d. Korea and all matters affecting Korea at the present time are unusually newsworthy. Koreans are unusually adept at utilizing the press to air their grievances before the world. Any discrimination against Koreans would be dramatically presented in the press at every opportunity.

e. The Commanding General of the 1st Cavalry Division has directed the Japanese to cease trial of Korean, Formosan and [illegible] prisoners and the Commanding General of the 77th Div[illegible] Formosan prisoners and will repatriate all Ko[illegible] 21 January 1946.

f. From the foregoing it is concluded that Koreans should be treated in the same manner as United Nations nationals.

5. Facts relating to exclusive jurisdiction of United Nations nationals including Koreans as contrasted with optional jurisdiction.

a. Literal compliance with the terms of JCS Directive message NL: WX 89117, 19 December 1945 in addition to requiring that no

ultimate recipient of sovereignty and no intermediate holder has been provided, it is concluded that sovereignty presently is in China; sovereignty being in China, the citizens of Formosa are Chinese subjects and therefore United Nations nationals and subject to the jurisdiction of the Occupation Courts.

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e. The Commanding General of the 1st Cavalry Division has directed the Japanese to cease trial of Korean, Formosan and Chinese prisoners and the Commanding General of the 77th Division has repatriated Formosan prisoners and will repatriate all Korean prisoners on 21 January 1946.

f. From the foregoing it is concluded that Koreans should be treated in the same manner as United Nations nationals.

5. Facts relating to exclusive jurisdiction of United Nations nationals including Koreans as contrasted with optional jurisdiction.

a. Literal compliance with the terms of JCS Directive message NL: WX 89117, 19 December 1945 in addition to requiring that no

criminal jurisdiction be exercised by Japanese Courts requires that the Japanese police refrain from taking into custody any United Nations nationals in any area actually in Allied Military Occupation. This Section concurs in the statement of Legal Section in Note No. 5 para 2. Strict construction of the message requires that the Japanese police be prohibited from taking United Nations nationals into custody in any area in Japan.

b. Estimates of the number of Koreans, Formosan and Chinese now in Japan are not all in agreement. Estimates of those who intend to remain in Japan and refuse repatriation are likewise inaccurate. An analysis indicates the following table may be fairly accurate.

	KOREANS	FORMOSANS	CHINESE
To be repatriated (G-3 report, 9 Jan 46)	702,363	20,726	1,195
To remain in Japan	150 - 200,000	10,000	Unknown

These persons are distributed in varied numbers throughout Japan. Compliance with JCS directive message WX 89117, 19 Dec 45, will require the entire law enforcement machinery, i.e. police, prosecutors, courts, interpreters, stenographers, court attendants, etc., to cover all four main islands of Japan.

c. This Section concurs in the opinion of the GCCIO in Note No. 6, 12 January 1946, par 4, and particularly that any weakness shown in the operation of Military Occupation Courts would undeservedly discredit this Headquarters.

d. An anomalous situation will exist under the proposed directive in that the Koreans, Formosans and Chinese who elect not to be repatriated, and intend to reside permanently in Japan, will be subject to arrest and trial exclusively by Occupation Police and Courts while Japanese who are their neighbors and workers will be subject to arrest and trial by Japanese Police and Courts. Upon the termination of the occupation these Koreans, Formosans and Chinese will revert to Japanese jurisdiction which well could result in internal disorders of a serious nature which in turn would unnecessarily disturb international relations in this area.

-4-

6. It is recognized that it would be unfortunate to make any move at this time which would emphasize to JCS that the action previously taken by this headquarters was ill-considered, and the following recommendations have accordingly been shaped to avoid placing this headquarters in an unfavorable light.

7. Action Recommended.

a. That a message be dispatched to JCS stating:

(1) The appearance of discrimination against Koreans in the matter of jurisdiction of Military Occupation Courts should be avoided.

(2) That exclusive jurisdiction over United Nations nationals including Koreans by Military Occupation Courts will impose a burden on the Occupation Forces in arrest, investigation, prosecution, trial and review that is beyond the ability of the present strength of the Forces.

(3) That in view of these facts this headquarters proposes to issue, on 31 January 1946, a directive establishing Military Occupation Courts substantially as set forth in Tab "A" attached.

Incl 1: Tab "A" as indicated.

- C.W. - - - - - - -

TAB
A

OFFENSES AGAINST THE OCCUPATION

MILITARY OCCUPATION COURTS

To the People of Japan:

ARTICLE I

CRIMES AND OFFENCES

1. The following offences are punishable by death or such lesser penalty as a Military Occupation Court may impose:

a. Acts in defiance or contravention of the Instrument of Surrender of Japan or any ordinance, order, notice, directive or regulation issued by the Supreme Commander for the Allied Powers to the Japanese people.

b. Killing or assaulting any member of the Occupation Forces.

c. Stealing, obtaining by fraud, or unauthorized possession of property belonging to the Occupation Forces or a member thereof.

d. Furthering the escape of any person detained by the Occupation Forces or pursuant to direction of the Supreme Commander for the Allied Powers

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

f. Acts 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 said Supreme Commander.

g. Conduct hostile or disrespectful to the Occupation Forces or any of the United Nations.

h. Acts in violation of the laws and usages of war or to the prejudice of the security, good order or interests of the Occupation Forces or any mbmber thereof.

Page 7

ARTICLE II

Military Occupation Courts

1. Military Occupation Courts are hereby established by the Supreme Commander for the Allied Powers. Such Courts shall consist of Military Commissions and Provost Courts.

2. Military Occupation Courts shall have jurisdiction over all persons in Japan except military personnel of the Allied Powers subject to the military, naval, or air force law of such powers and serving under the command of the Supreme Commander for the Allied Powers.

3. Military Occupation Courts will have jurisdiction over:

a. The crimes and offences enumerated in Article I of this ordinance.

b. Without relieving the Japanese Courts of the duty to enforce all orders, laws and directions issued by the Japanese Government in pursuance of orders or directives of the Supreme Commander for the Allied Powers and to enforce all laws of Japan, the Military Occupation Courts may take jurisdiction of, try, and adjudicate any violation of any such order, law or directive or any violation of Japanese law;

c. Any case or proceeding removed to any Military Occupation Court from a Japanese Court by order of the Supreme Commander for the Allied Powers.

4. Except as authorized by the Supreme Commander for the Allied Powers, Japanese Courts will not have jurisdiction over any case involving offences or violations of the types referred to above in subdivision a. of paragraph 3, or over any case involving the military personnel described above in paragraph 2, ~~or any national of the United Nations~~ or which involves the construction of any ordinance, order, notice, regulation or directive issued by the Supreme Commander for the Allied Powers to the Japanese people.

5. Every accused before a Military Occupation Court shall have the following rights:

a. To have, in advance of trial, a copy of the charges upon which he is to be tried.

b. To be present at his trial, to give evidence and to examine or cross-examine any witness; but the court may proceed in the absence of the accused if the accused has applied for and been given permission to be absent, or if the accused is believed to be a fugitive from justice;

e. To consult a lawyer before trial and to conduct his own defense or to be represented at the trial by a lawyer of his own choice, subject to the right of the court to debar any person from appearing before the court;

d. In any case in which a sentence of death may be imposed, to be represented by an officer of the Allied Forces, if he is not otherwise represented;

e. To bring with him to trial such material witnesses in his defence as he may wish, or to have them summoned by the court at his request, if practicable;

f. To apply to the court for an adjournment where necessary to enable him to prepare his defence;

g. To have the proceedings translated, when he is otherwise unable to understand the language in which they are conducted;

h. In the event of conviction, and within a time fixed by the Rules of the Military Occupation Courts, to file a petition setting forth grounds why the finding and sentence should be set aside or modified.

6. Military Occupation Courts shall be composed as follows:

a. Military Commissions shall consist of not less than three officers of the armed forces of the Allied Powers.

b. Provost Courts shall consist of one or more such officers.

c. Military Occupation Courts may appoint such advisors to sit with and advise the court, but without vote, and such clerks, interpreters, and other persons, necessary for the conduct of the business of the court, as may be authorized by the authority appointing any such court.

7. Military Occupation Courts shall have the following powers of sentence:

a. Military Commissions are authorized to impose any lawful sentence which may include fines, imprisonment at hard labor, and death;

b. Provost Courts are authorized to impose fines not exceeding ~~twenty~~-five thousand yen, or imprisonment at hard labor not to exceed five (5) years, or both;

c. In addition to, or in lieu of the punishments described above, Military Occupation Courts may impose penalities of expulsion, confiscation and padlocking, and make such other orders with respect to the person, property or business of the

accused as are just and reasonable. Military Occupation Courts may impound money, grant bail, accept and forfeit the security thereof or, order arrests, compel the attendance and detention of witnesses, punish summarily for contempt and have such other powers as may be appropriate and necessary to the proper administration of justice.

8. Cases adjudicated by Military Occupation Courts shall be reviewed as follows:

a. A record of every case in which a petition for review is filed and of such other cases as shall be determined in accordance with the Rules of Military Occupation Courts, shall be reviewed by such officer or officers as may be designated for that purpose by or under the authority of the Supreme Commander for the Allied Powers.

b. The reviewing authority shall have power to set aside any finding of guilty, to suspend, reduce, commute or modify a sentence, to order a new trial, and to make such other orders as may be appropriate, but shall not set aside a finding of not guilty. The reviewing authority may increase the sentence in any case in which a petition review has been filed which is considered to be frivolous, but shall not otherwise increase any sentence.

c. No sentence of death shall be executed unless and until confirmed in writing by the Supreme Commander for the Allied Powers, or such other officer as he may designate. The confirming authority shall have, with respect to such sentence, all the powers of a reviewing authority.

9. Rules of Military Occupation Courts not inconsistent with this ordinance, prescribing the procedure of such courts and the mode of exercise of the powers conferred may be made, amended or supplemented by or under the authority of the Supreme Commander for the Allied Powers.

ARTICLE XXI

OFFICIAL LANGUAGE

English will be the official language of the Military Occupation Courts. The English text of this ordinance is the official text, the Japanese translation being provided for convenience, and every person affected by it will be held to the fullfillment of its terms as expressed in its official text.

ARTICLE XV

EFFECTIVE DATE

This ordinance shall be effective from the 31st day of August 1945.

BY ORDER OF THE SUPREME COMMANDER FOR THE ALLIED POWERS

Shown by John R. Allison,
32nd Military Gov. Hqs
American Club, Tokyo.
Tel. (23) 1853

Headquarters 1st Cavalry Division
APO 201. HFW/pw.

7 January 1946.

Subject; Dispositions Chinese, Korean, and Formosan Criminal Cases.

To; Commanding General, 1st Brigade APO 201.
Commanding General, 2nd Brigade APO 201.
Commanding General, Division Artillery, APO 201.
Commanding General, 32nd Artillery, Government Co. APO 343.
Commanding Officer, 82nd Artillery Government Co. APO 201.

1. Pending the issuance of further instructions from higher headquarters it is directed that the following policy be adapted with respect to Chinese, Koreans or Formosans who violate either Japanese law or occupational directives.

a. Reaffirm to Japanese police officials that they have the authority to arrest persons in categories cited.

b. Require police to render immediate reports to Commanding officers of Military Government Companies in Chiba, Tokyo and Yamanashi Prefectures when an arrest has been made.

c. Public safety or legal officers of military government company to make prompt investigation and full report direct to this headquarters recommending trial of subject either by a provost court (maximum 2 years imprisonment) or Military Commission.

d. Japanese Officials to be informed that pending further instructions to the contrary they can not try subject persons.

e. Commanding Officers of Military Government Companies to call on Commanding officer of tactical troops in area for assistance in every case where there appears to be some danger of a riot or disturbance of dangerous nature.

2. In most prefectures, Koreans have formed organization and it is recommended that conference be held when leaders of the organizations with regard to unlawful acts on the part of their members with.

By Command of Major General Chase;

W. L. Ken.
Lt. Col. AGO. Adjutant General.

Concerning the Jurisdiction of the Courts.

1. All offences committed by officers and men of the Allied forces and serious offences committed agaist the Allied forces (for instance, an armed uprising), shall be, regardless of the nationality of the offenders, dealt with by Allied judicial organs.

2. However, as regards offences other than the foregoing, it is desired that their trials will be left to Japanese courts. There arises the question of what constitute "serious offences against the Allied forces," and it is hoped that the necessary step will be taken to clarify this point.

3. If the above interpretation is accepted regarding the matter of judicial jurisdiction, all cases which do not involve "serious offences against the Allied forces" will come to be handled by Japanese courts. Now criticisms have been raised on two or three occasions from the Allied side that the penalties meted out by Japanese courts are too light. The Ministry of Justice has given careful consideration to the matter. Under the date of January 7 it has sent instructions to all procuraters throughout Japan that in the case of offences against the Allied forces they should demand specially heavier penalties within the limits of existing law than are ordinarily demanded to the other similar offences. It is hoped that this will resolve the problem, and remove the cause for Allied criticism in the future.

4. As regards the jurisdiction over Chinese (excepting the Allied military personnel), Koreans and Formosans, which has been a source of frequent trouble, it would practically as well as theoretically work out well if all cases except those involving serious offences against the Allied forces were left to Japanese courts.

5. Although there seems to be room for doubt as to whether or not the Chinese laborers in Japan are prisoners of war, the Japanese government is of the opinion that they are not P.O.W. (At least it is obvious that not all of them are P.O.W.) Accordingly, the offences committed by these Chinese, or the offences committed against them by Japanese, should, the Japanese government believes, come under the jurisdiction of Japanese courts.

6. Finally, it should be added that the Japanese judicial system is complete and that the judges have both confidence and ability to conduct a fair and speedy trial of any case under the afore-mentioned category.

3

The Japanese Manslaughter Case at Sakata.

1. On October 23, 1945, at Sakata, Yamagata Prefecture, a Takahashi and four other Japanese killed a Chinese named Ko Teiroku, who had stolen some fish they had caught. The slayers were immediately apprehended and indicted before the Yamagata District Court. But owing to intervention by Brigadier General Dorne (?) of the Allied occupation force there who claimed Allied jurisdiction over the case, the court procedure was brought to a standstill at the court and the case has remained unsettled ever since.

2. The Japanese Government believes and hopes that this case comes under Japanese jurisdiction for the following two reasons.

(a) According to investigations that have been conducted, Ko Teiroku cannot be considered a P.O.W.; and the crime in question is not one committed against the Allied force.

(b) Even granting that Ko Teiroku is a P.O.W., since he was killed in an attempt to steal and the subsequent fracas, the case is simply one of manslaughter. It can not by any way be said to be a serious offence committed against the Allied force.

WX-77593

21 Oct. Draft Directive. Advise SCAP requested.
No objections. - ~~28 Oct 45~~ L Sonly.
CA 53993 28 Oct 45

From C.G. XI Corps. dtd. 24 Dec
To: (all Div' under XI Corps) – (not H.C. Co.)

Organization will investigate all Chinese or Koreans apprehended by Japanese civilian police and upon completion forward complete reports to this Hq. with recommendation as to trial before provo court or military commission.

Signed. Hall

Note: this believed to be paraphrase of 8th Army radio to Corps

H.W.S

CENTRAL LIAISON OFFICE

On 12 Jan. '46, the officer in
Charge of the prisons in Hokkaido
was orally asked by the Legal
section, 77 Division through the
Government of Hokkaido that
he be prepared to repatriate all
Koreans in the prisons in Hokkaido.

~~Of~~ at present there are
179 Koreans ~~in~~ in 8 prisons
~~179~~ including those who are
not sentenced yet.

Korean want our police.
Had to use PSO to arrest Korean

82ND MILITARY GOVERNMENT COMPANY
APO 181

7 January 1946

SUBJECT: Criminal Prosecution of Koreans and Chinese.

TO: Chief Procurator, Chiba Ken.

1. You are hereby directed to cease prosecution of Koreans and Chinese in Japanese Courts.

2. A report of cases involving Chinese and Koreans which have already been referred to you for trial will be submitted to this headquarters within 24 hours from this date containing the following information;

a. Name of accused in both Japanese and Korean or Chinese form

b. Address of accused.

c. Date he was confined.

d. Jail or prison in which he is confined.

e. Crime of which he is accused, including reference to law under which he is being held.

f. Short account of circumstances of the crime.

3. You will be held responsible for the compliance with this directive of all procurators within Chiba Prefecture.

F. J. STEVENSON.
Lt Col, AC
Commanding.

Kofu — Yamanashi Prefecture

~~Mobashi~~ [illegible]

CENTRAL LIAISON OFFICE

SAPPORO LIAISON OFFICE

HEADQUARTERS 77TH INFANTRY DIVISION
APO 77

MG-Sec

21 December 1945

Mr. Ko Ishii
Post-War Liaison Office
Sapporo, Hokkaido

Sir:

1. There are two (2) Chinese nationals in the Naebo Prison, Sapporo, They are CHIN YUKOKU and SHA CHU SEN. Chin Yukoku was confined 7 August 1945 under a two (2) year, three (3) month sentence. He was convicted of theft. Sha Chu Sen was confined 17 May 1945 under a three (3) year, nine (9) month sentence. He was convicted of attempted rape.

2. In line with my previously expressed desire that all Chinese nationals be repatriated, it is requested that these two (2) Chinese be released from the Naebo Prison in the custody of the Japanese police. That they be escorted by the police to Hakodate to arrive there in time to place them on the ferry that will sail on 24 December 1945 for Aomori.

3. It is further requested that the Japanese police maintain custody of the two (2) Chinese until such time as they leave the Japanese mainland for China. At that time the prisoners may be delivered to the Commanding Officer of the ship that will transfer them to China.

EDWIN H. RANDLE
Brigadier General, U.S.Army.

Killing of U.S. Sentry at Sapporo

1. Incident.

19 Dec 1945 a U.S. sentry was stabbed to death with a dagger by Katsuori TAMURA and 2 others(all Japaneses) at Sapporo.

2. Disposition of incident.

Following the immediate arrests of the three culprits the Sapporo District Prosecator's Office requested the local Occupationary Army to allow the Japanese authorities to try them and informed the said army that the principal offender would be punishable by death penalty under the Japanese Law. The Occupationary Army replied that they had decided to try the chief culprit Tamura but that concerning the trials of the other two they were awaiting reply from General Headquarters and that action in this regard be withheld for the time being and the disposition of this incident up to the present time is as above.

Courts

20.0.41

WVR

Establishment of Military Occupation Courts.
Chief of Staff

21 Jan 1946

1. If an opportunity to comment had been given this Section, the problems now presented would have been called to the attention of the Chief of Staff prior to dispatch of the message from this Headquarters (CA 53993, 28 October 1945) which concurred in the proposed JCS directive (WX 77593, 21 October 1945) referring to the establishment of Military Occupation Courts. However, this is the first time the directive of the Joint Chiefs of Staff, (WX 77593), as proposed or as issued, (WX 89117), has been submitted to or considered by this Section notwithstanding that:

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c. Only one day before the receipt of the proposed JCS directive, the complete file respecting Military Occupation Courts was sent to the Legal Section by direction of the Chief of Staff.

2. As appears in each draft regarding Military Occupation Courts as prepared and submitted by this Section, it has consistently been our opinion that jurisdiction of such courts should be concurrent. This Section is still of this opinion. The opinion is based upon the following:

(1) Korean nationals should not be discriminated against by this Headquarters.

(2) Assumption of all functions of maintaining the peace of all United Nations nationals and Koreans exceeds the ability of the present strength of the Occupation forces.

4

Govt Sect File Copy

(3) Establishment of extraterritorial rights for the duration of the occupation for Koreans, Formosans and Chinese permanently residing in Japan is anamalous, and contrary to U.S. policy in such areas as China.

3. It is essential that a clear statement of jurisdiction over crimes committed by Koreans, Formosans and Chinese be made.

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b. Since the surrender of Japan some minority groups of Koreans, Formosans and Chinese in Japan have reacted most violently from their previous oppressed condition. Some have interpreted liberation as license. Crimes of violence by these elements are rapidly increasing. Several attempts to effect jail breaks of imprisoned Koreans have been made. Attempts to arrest Koreans charged with crime by Japanese police have been defied by Korean mobs. Korean groups have proposed setting up a separate police force. Japanese law enforcement agencies are defied by the Koreans and are uncertain of their authority and jurisdiction.

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ultimate recipient of sovereignty and no intermediate holder has been provided, it is concluded that sovereignty presently is in China; sovereignty being in China, the citizens of Formosa are Chinese subjects and therefore United Nations nationals and subject to the jurisdiction of the Occupation Courts.

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b. Estimates of the number of Koreans, Formosan and Chinese now in Japan are not all in agreement. Estimates of those who intend to remain in Japan and refuse repatriation are likewise inaccurate. An analysis indicates the following table may be fairly accurate.

	KOREANS	FORMOSANS	CHINESE
To be repatriated (G-3 report, 9 Jan 46)	702,363	20,736	1,195
To remain in Japan	150 - 200,000	10,000	Unknown

These persons are distributed in varied numbers throughout Japan. Compliance with JCS directive message WX 89117, 19 Dec 45, will require the entire law enforcement machinery, i.e. police, prosecutors, courts, interpreters, stenographers, court attendants, etc., to cover all four main islands of Japan.

c. This Section concurs in the opinion of the OCCIO in Note No. 6, 12 January 1946, par 4, and particularly that any weakness shown in the operation of Military Occupation Courts would undeservedly discredit this Headquarters.

d. An anomalous situation will exist under the proposed directive in that the Koreans, Formosans and Chinese who elect not to be repatriated, and intend to reside permanently in Japan, will be subject to arrest and trial exclusively by Occupation Police and Courts while Japanese who are their neighbors and workers will be subject to arrest and trial by Japanese Police and Courts. Upon the termination of the occupation these Koreans, Formosans and Chinese will revert to Japanese jurisdiction which well could result in internal disorders of a serious nature which in turn would unnecessarily disturb international relations in this area.

6. It is recognized that it would be unfortunate to make any move at this time which would emphasize to JCS that the action previously taken by this headquarters was ill-considered, and the following recommendations have accordingly been shaped to avoid placing this headquarters in an unfavorable light.

7. Action Recommended.

a. That a message be dispatched to JCS stating:

(1) The appearance of discrimination against Koreans in the matter of jurisdiction of Military Occupation Courts should be avoided.

(2) That exclusive jurisdiction over United Nations nationals including Koreans by Military Occupation Courts will impose a burden on the Occupation Forces in arrest, investigation, prosecution, trial and review that is beyond the ability of the present strength of the Forces.

(3) That in view of these facts this headquarters proposes to issue, on 21 January 1946, a directive establishing Military Occupation Courts substantially as set forth in Tab "A" attached.

Incl 1: Tab "A" as indicated.

- C.W. - - - - - - -

GENERAL HEADQUARTERS, U. S. ARMY FORCES, PACIFIC
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

Courts

RETURN to Govt. Sec.

INCOMING MESSAGE

CONFIDENTIAL
PRIORITY

19 DECEMBER 1945

250.41

TO : CINCAFPAC ADV CINCAFPAC(TO MACARTHUR)

FROM : WASHINGTON (FROM JOINT CHIEFS OF STAFF)

NR : WX 89117

The following instructions, received from War and Navy Depts, are furnished for your guidance:

1. You will provide that no Criminal jurisdiction of any sort will be exercised by the Japanese Courts with respect to United Nations Nationals or Organizations. (including corporations), but that such Criminal jurisdiction will be exercised by Military Courts of the United Nations, as follows:

(A) In the case of Military or Naval personnel and persons accompanying the Armed Forces, Courts of the Nation of the Forces of which they are a part,

(B) In the case of a National of 1 of the Occupying Powers, by a Military Court of his Nationality,

(C) In the case of other United Nations Nationals, The Allied Military Court having jurisdiction in the particular territory.

2. You will strictly limit the authority of the Japanese to take any National of a United Nation into custody.

(A) To those areas of Japan not actually in Allied Military Occupation, and

(B) In such areas, only to those cases in which there is a reasonable suspicion that a serious offense has been committed. You will place the Japanese Authorities under specific orders to hand over such a person forthwith to the nearest Allied Military Authorities.

31305

CONFIDENTIAL
PRIORITY

16

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GENERAL HEADQUARTERS, U. S. ARMY FORCES PACIFIC
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

INCOMING MESSAGE

CONFIDENTIAL
PRIORITY

WASHINGTON RADIO NUMBER WX 69117 CONTINUED.

3. You will provide that no Civil jurisdiction of any sort will be exercised by the Japanese Courts with respect to United Nations Nationals or Organizations (including corporations), attached to or accompanying the Armed Forces. You will provide that Civil claims against such persons or organizations shall be presented to you or your representative by the Japanese Government.

Stateless

4. You will direct that decisions in all Civil cases affecting other United Nations Nationals or organizations, or in which such Nationals or organizations are or may become parties, shall be subject to review, including revision or such other action as may be considered necessary for the protection of their rights, by The Supreme Commander or his representative.

5. You will take such steps as you deem necessary, including suspension of proceedings, to ensure that in the conduct of such civil cases the rights of United Nations Nationals or organizations parties thereto are adequately protected.

6. It is recognized that the available United States Legal Officers will be barely sufficient to deal with such cases as involve United States Nationals. You may therefore advise the responsible commanders of other Allied Forces that assistance in such cases as involve their Nationals must be supplied by them.

WARCOS

TOO: 181915 Z
MCN: USFC 28
DISTRIBUTION:

ACTION COPY TO:
LEGAL SECTION
INFORMATION COPIES TO:
COMMANDER-in-CHIEF
CHIEF OF STAFF
C C I O
G-1

CONFIDENTIAL
PRIORITY

Handling and transmission of the literal plain text of this message as correspondence of the same classification has been authorized by the War Department in accordance with the provisions of paragraphs 44g and 53a (3) (Changes No. 3) of AR 380-5, 15 March 1944.

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U.S. Courts

INTRODUCTION

1. ESTABLISHMENT OF MILITARY COURTS. Upon the military occupation of territory, if it is determined to set up military government therein, military courts are established by ordinance, proclamation, or other form of order of the Military Governor, who ordinarily is the Theater Commander. These courts are the instruments and the responsibility of the military government. They are exceptional military courts to be distinguished from courts-martial. At least during the initial phases of occupation, operation of the local courts is frequently suspended. In the event that the local courts are suspended and particularly if they are likely to be suspended for any substantial period, until such time as the Military Governor may order the reopening or establishment of local courts, military courts may handle cases arising under local, i.e.,indigenous law in the occupied territory giving preference to criminal cases. Only when specifically directed by the Military Governor should military courts undertake the trial of civil cases. It should be the policy of the military government, if consistent with security, to permit the criminal and civil courts that are functioning upon occupation to continue to function, or, if closed, to be reopened as quickly as possible as an aid to the restoration of law and order.

2. BASIC PRINCIPLE. The purposes of military courts are the protection of the fighting forces from interference by the civilian population, and the advancement of military objectives by the punishment of offenses against the laws and usages of war, proclamations, ordinances, orders, regulations and other civil affairs enactments of the occupying forces. All such enactments must be interpreted and all military courts must be conducted with a view to the attainment of these purposes.

3. PROCEDURE OF MILITARY COURTS. To serve the necessities of the military situation, civilians in the occupied territory who have been charged with offenses must be brought swiftly to trial, and in the event of conviction, punished promptly. Speed in trial and punishment is mandatory because of the rapid moral disintegration, increased crime, and dispersal of witnesses and records which normally occur upon occupation. Once an offense has been established, appropriate punishment should be imposed to discourage similar offenses. A technical and legalistic viewpoint must not be allowed to interfere with swift administration of justice. Military courts should not be required to comply with legal technicalities which may allow persons clearly guilty of unlawful acts against the occupying forces to escape punishment. All that is required is that an offender be accorded a prompt and fair trial. Not only must the trial be fair but also it must appear to be fair. In the confusion following in the wake of combat, it is essential that the swiftest possible procedure be adopted which will fulfill such requirements.

4. MISCELLANEOUS. The Rules of Procedure (Part I) and appropriate forms of summons, warrant of arrest, charge sheets, commitment, record of proceedings, etc., (Part III), contained in this manual are intended to provide useful information as to the conduct of military courts. In addition, a guide to the use of

the rules (Part II) has been prepared to assist further those officers who have had little or no legal experience and who may be called upon to serve on military courts. A specimen form of ordinance (proclamation) establishing military courts has been prepared (Part IV). Part I, unclassified, should be made available to accused persons and their representatives. It is helpful if the Rules of Procedure are separately printed in the indigenous language in booklet form for the use of the local lawyers who appear before military courts in any occupied territory. Each form should be printed both in English and the indigenous language when that form has to be read or used by the local inhabitants, as well as by members of the United States forces.

It is anticipated that the Rules of Procedure will be applicable to military courts in all occupied territory.

Whenever necessary, however, the Military Governor, whose responsibility it is to put rules of procedure in effect, may alter or supplement these Rules of Procedure, the Guide to Procedure and Forms, so that they may serve the circumstances of any particular situation.

Instructions should be issued setting forth who may appoint the members of the various types of military courts and who may review and confirm the decisions of such courts. To avoid delays that would be occasioned by the issuance of orders from time to time in individual names, appropriate commanding officers should, at or before the commencement of military government in any territory, issue orders appointing generally all civil affairs officers under their commands to sit as Summary Provost Courts in such territory, subject to the direction of the commanding officers of civil affairs detachments or tactical units that individual officers among those generally appointed shall actually enter upon or cease to perform such duties.

To meet conditions existing in any occupied territory detailed instructions should be issued setting forth, among other matters, the precise method and channels for the reference of cases to higher courts by lower courts or by officers of military government, the transmittal of records and the review of cases, the forms to be used, the treatment of seized or impounded property and fines, the keeping of any case registration book, card index, or other permanent record of cases tried by any court, and the preservation and custody of the individual records of cases which have been reviewed and concluded. Instructions also should be issued concerning the treatment to be given as to any person either claiming before any court or believed by any court or officer to have the right to be treated as a "prisoner of war" and as to any person or classes of persons who have been designated by appropriate authority for trial by special tribunals and thus not subject to the jurisdiction of the military courts of military government.

To the extent possible all amendments of or supplements to the Rules, (Part I); Guide (Part II), or Forms (Part III) made necessary by reason of orders or instructions, should be contained in the Rules, Guide and Forms prescribed for use in any occupied territory. The Ordinance (Proclamation) Part IV may be amended or supplemented to meet conditions in any occupied territory.

In the preparation of this manual cognizance has been taken of the types of problems which arise in connection with the operation of military courts in occupied territory. Full use has been made of United States Army and Navy Manual of Military Government and Civil Affairs, FM 27-5, OPNAV 50E-3, dated 22 December 1943; Restricted, Consolidated Instructions for Allied Military Courts with Specimen Forms and Rules of Procedure, prepared by the Allied Control Commission (Italy); Restricted, Technical Manual for Legal and Prison Officers, Military Government (Germany); Restricted, Civil Affairs Manual, Procedure for Military Government Courts, United States Navy, OPNAV 13-23, dated 15 November 1944, and anticipated problems that will arise in the Far East.