

FEC-004/36FEC-RESTRICTEDFEC-004/3629 January 1948FAR EASTERN COMMISSION

CHAIRMAN OF COMMITTEE NO. 2:  
ECONOMIC AND FINANCIAL AFFAIRS  
(References: SC-050/2, FEC 004/35)

Note by the Secretary General

At its eighty-ninth meeting, 29 January 1948, the Far Eastern Commission unanimously approved the recommendation of the Steering Committee that Mr. J. F. Ford of the United Kingdom be elected Chairman of Committee No. 2 Vice Mr. F. C. Everson of the United Kingdom.

NELSON T. JOHNSON  
Secretary General

FEC-004/36

FEC-004/37FEC-RESTRICTEDFEC-004/3716 February 1948FAR EASTERN COMMISSION

CHAIRMAN AND DEPUTY CHAIRMAN OF COMMITTEE NO. 6: ALIENS IN JAPAN  
(References: FEC-004/28, 004/29)

Note by the Secretary General

1. With the departure from the Commission of Mr. Francis Lacoste and Mr. F. C. Everson the positions of Chairman and Deputy Chairman of Committee No. 6: Aliens in Japan have become vacant.

2. The French Representative on the Commission has designated Mr. Paul Guerin as French member of Committee No. 6 in place of Mr. Lacoste (MI-004/19).

3. The United Kingdom Representative on the Commission has designated Mr. M. B. Thresher as United Kingdom member of Committee No. 6 in place of Mr. Everson (MI-004/16).

4. In accordance with normal Commission practice, the Secretary General proposes that the Steering Committee recommend to the Far Eastern Commission the election of Mr. Paul Guerin as Chairman of Committee No. 6 vice Mr. Francis Lacoste, and the election of Mr. M. B. Thresher as Deputy Chairman vice Mr. F. C. Everson.

NELSON T. JOHNSON  
Secretary General

FEC-004/37

FEC-004/38FEC-RESTRICTEDFEC-004/3817 February 1948FAR EASTERN COMMISSION

CHAIRMAN AND DEPUTY CHAIRMAN OF COMMITTEE NO. 6: ALIENS IN JAPAN  
(References: FEC-004/37; FEC-004/28, 004/29)

Note by the Secretary General

1. The Steering Committee at its ninety-second meeting, 17 February 1948, recommended the election of Mr. Paul Guerin (France) as Chairman of Committee No. 6: Aliens in Japan vice Mr. Francis Lacoste and Mr. M. B. Thresher (United Kingdom) as Deputy Chairman vice Mr. F. C. Everson.

2. The above recommendations of the Steering Committee are forwarded herewith for the consideration of the Far Eastern Commission.

NELSON T. JOHNSON  
Secretary General

FEC-004/38

FEC-004/39FEC-RESTRICTEDFEC-004/3919 February 1948FAR EASTERN COMMISSIONCHAIRMAN AND DEPUTY CHAIRMAN OF COMMITTEE NO. 6: ALIENS IN JAPAN  
(Reference: FEC-004/38)Note by the Secretary General

The Far Eastern Commission at its ninety-fourth meeting, 17 February 1948, approved the recommendations of the Steering Committee that Mr. Paul Guerin (France) be elected Chairman of Committee No. 6: Aliens in Japan vice Mr. Francis Lacoste and Mr. M. B. Thresher (United Kingdom) Deputy Chairman vice Mr. F. C. Everson.

NELSON T. JOHNSON  
Secretary General

FEC-004/39

FEC-004/40FEC-RESTRICTEDFEC-004/4020 February 1948FAR EASTERN COMMISSION

CHAIRMAN OF COMMITTEE NO. 3:  
CONSTITUTIONAL AND LEGAL REFORM  
(References: MI-004/21; 004/15)

Note by the Secretary General

1. With the departure from the Commission of Mr. B. R. Sen the position of Chairman of Committee No. 3 has become vacant.
2. On 29 December 1947, Mr. J. Vesugar was designated by the Indian Representative on the Commission to succeed Mr. B. R. Sen as Indian Member of Committee No. 3 (MI-004/15). On 14 February 1948, Mr. R. K. Nehru was designated by the Indian Representative to succeed Mr. Vesugar as Indian Member of Committee No. 3 (MI-004/21).
3. In accordance with normal Commission practice, the Secretary General proposes that the Steering Committee recommend to the Far Eastern Commission the election of Mr. R. K. Nehru as Chairman of Committee No. 3 vice Mr. B. R. Sen.

NELSON T. JOHNSON  
Secretary General

FEC-004/40

FEC-004/41FEC-RESTRICTEDFEC-004/4124 February 1948FAR EASTERN COMMISSION

CHAIRMAN OF COMMITTEE NO. 3:  
CONSTITUTIONAL AND LEGAL REFORM  
(References: MI-004/21; 004/15)

Note by the Secretary General

The Steering Committee, at its ninety-third meeting, 24 February 1948, recommended to the Far Eastern Commission the election of Mr. R. K. Nehru as Chairman of Committee No. 3 vice Mr. B. R. Sen.

NELSON T. JOHNSON  
Secretary General

FEC-004/41

FEC-004/42FEC-RESTRICTEDFEC-004/4226 February 1948FAR EASTERN COMMISSION

CHAIRMAN OF COMMITTEE NO. 3:  
CONSTITUTIONAL AND LEGAL REFORM  
(References: MI-004/21; 004/15)

Note by the Secretary General

The Far Eastern Commission, at its ninety-fifth meeting, 26 February 1948, approved the recommendation of the Steering Committee that Mr. R. K. Nehru be elected as Chairman of Committee No. 3 vice Mr. B. R. Sen.

NELSON T. JOHNSON  
Secretary General

FEC-004/42

FEC-004/43FEC-RESTRICTEDFEC-004/4331 August 1951

FAR EASTERN COMMISSION  
SCHEDULE OF FAR EASTERN COMMISSION MEETINGS  
POSTPONEMENT

Note by the Secretary General

At the suggestion of the U.S. representative the Far Eastern Commission Meeting scheduled for 6 September 1951 has been postponed to 20 September 1951.

NELSON T. JOHNSON  
Secretary General

FEC-004/43



FEC-005

1 March 1946

FAR EASTERN COMMISSION

PRESS RELATIONS

Note by the Secretary General

The enclosure, a proposed policy on press relations, approved at the second meeting of the Steering Committee on 28 February 1946, is circulated for the consideration of the Commission.

NELSON T. JOHNSON  
Secretary General

FEC-005

E N C L O S U R EP R E S S R E L A T I O N S

The Secretary General is authorized to prepare formal statements on behalf of the Commission for issuance to the press. The last item on each agenda of Commission meetings will be "Press Release", at which time the Commission may issue particular instructions to the Secretary General with respect to the release for that meeting. The releases will be given the press through the U. S. Department of State Press Room, which has contact with all interested agencies. This authorization is for official releases only and does not limit in any way the freedom of members to make such statements to the press individually as they in their judgment may care to.

FEC-005/1

11 March 1946

FAR EASTERN COMMISSIONPROPOSED PRESS RELEASENote by the Secretary General

The enclosure, a press release proposed by the Secretariat, giving a summary of the functions of each committee of the Far Eastern Commission, is circulated for the information of the Far Eastern Commission.

NELSON T. JOHNSON  
Secretary General

FEC-005/1

ENCLOSUREPROPOSED PRESS RELEASECommittee No. 1: Reparations

Seizure and disposition of Japanese overseas property and investments; goods and materials within Japan; restitution of looted property; and related topics.

Committee No. 2: Economic and Financial Affairs

Extent and character of Japanese industry, commerce and agriculture necessary for a viable economy in Japan; measures necessary to establish such an economy; financial problems; and related topics.

Committee No. 3: Constitutional and Legal Reform

The Emperor, Diet, Cabinet, local government, political parties, a Bill of Rights, machinery for drafting a new constitution, electoral system and reform of the police system and related topics.

Committee No. 4: Strengthening of Democratic Tendencies

Establishment of freedom of speech, of religion and of thought, and respect for the fundamental human rights; positive policy for the reorientation of the Japanese; other measures to strengthen democratic tendencies and related topics.

Committee No. 5: War Criminals

Identification, apprehension and trial of persons suspected of war crimes.

Committee No. 6: Aliens in Japan

Enemy nationals other than Japanese; friendly aliens.

FEC-005/2

15 March 1946

FAR EASTERN COMMISSION

PROPOSED PRESS RELEASE

Note by the Secretary General

The enclosure, containing the revised text of FEC 005/1 as approved at the third meeting of the Far Eastern Commission on March 14, 1946, is circulated for information.

NELSON T. JOHNSON  
Secretary General

FEC-005/2

E N C L O S U R EPROPOSED PRESS RELEASECommittee No. 1: Reparations

Reparation of goods and materials; restitution of looted property; and related topics.

Committee No. 2: Economic and Financial Affairs

Extent and character of Japanese industry, commerce and agriculture necessary for a viable economy in Japan; measures necessary to establish such an economy; financial problems; and related topics.

Committee No. 3: Constitutional and Legal Reform

The Emperor, Diet, Cabinet, local government, political parties, a Bill of Rights, machinery for drafting a new constitution, electoral system and reform of the police system and related topics.

Committee No. 4: Strengthening of Democratic Tendencies

Establishment of freedom of speech, of religion and of thought, and respect for the fundamental human rights; positive policy for the reorientation of the Japanese; other measures to strengthen democratic tendencies and related topics.

Committee No. 5: War Criminals

Identification, apprehension and trial of persons suspected of war crimes.

Committee No. 6: Aliens in Japan

Friendly aliens: Neutrals: and enemy nationals other than Japanese.

FEC 005/3

23 April 1946

FAR EASTERN COMMISSION

PRESS RELATIONS

Note by the Secretary General

At its tenth meeting, 23 April 1946, the Steering Committee unanimously approved the following amendment to the press policy of the Commission as contained in FEC 005:

After each Commission meeting the Chairman is authorized to hold a press conference to supplement the press release for such meeting.

NELSON T. JOHNSON  
Secretary General

FEC 005/3

FEC-0061 March 1946FAR EASTERN COMMISSIONCOMMISSION MEETINGSNote by the Secretary General

The enclosure, a recommendation on Commission meetings agreed to by the Steering Committee at its second meeting on 28 February 1946, is circulated for the consideration of the Commission.

NWELSON T. JOHNSON  
Secretary General

FEC-006



E N C L O S U R ECOMMISSION MEETINGS

1. The Commission will meet regularly on Wednesdays at 10:30 a.m., and at other times at the call of the Chairman or upon the request of a member.

2. The first item on each Agenda will be approval of the minutes of the preceding meeting.

3. An unofficial verbatim record of the meetings of both the Commission and the Steering Committee will be kept on file in the Secretariat. These records will not be circulated but will be available for reference as desired.

FEC-006/1RESTRICTEDFEC-006/11 July 1947FAR EASTERN COMMISSION

PROPOSAL OF SECRETARY GENERAL FOR  
COMMISSION SUMMER SCHEDULE  
(Reference: Min. - 63rd FEC Mtg.)

Note by the Secretary General

1. The enclosure, a recommendation of the Secretary General for a summer schedule for the Far Eastern Commission, is circulated herewith for the consideration of the Commission.

2. The enclosure is based upon suggestions on this subject made by Commission members at the sixty-third meeting on 26 June 1947.

NELSON T. JOHNSON  
Secretary General

FEC-006/1

RESTRICTEDE N C L O S U R EPROPOSAL OF SECRETARY GENERAL FOR  
COMMISSION SUMMER SCHEDULE

1. The Secretary General proposes that after the stated meeting of the Commission on July 24, no meeting of the Commission be scheduled until 28 August. This would give the Commission five weeks of recess during what should prove to be the hottest period of the summer.

2. It is suggested that working committees and the Steering Committee arrange their work in order to give the Commission an opportunity to complete action on all urgent items now under consideration before the beginning of the recess period. A list of items currently before the Commission and its committees is indicated below, together with a designation of those items, the completion of which appears to be possible before the beginning of the proposed recess.

3. It is further suggested that committee schedules for the period in which the Commission is in recess be left to each committee to decide. It is possible that committees will wish to plan some sort of a recess during the same period in which the Commission is recessed. In that event, committees probably would not wish to stand in recess for more than three weeks i.e., the last week in July and the first two weeks in August, and probably would wish to re-convene the week preceding the first Commission meeting following the recess, namely, the week of 18 August, in order to resume the consideration of business for submission to the Commission at its 28 August meeting. However, final decision on schedules of committee meetings during this period should be left to each working committee.

4. At any time during the recess period a meeting of the Commission can be called by the Chairman upon the request of any member or whenever urgent business arises. In the arrangement of working committee schedules, the same understanding should be incorporated. If important items of business are submitted to the Secretary General during the recess period, these will be referred to the appropriate committee chairmen and the chairmen can then decide whether to summon a special committee meeting.

5. All Commission and committee members who intend to leave Washington during the recess period should advise the Secretariat of their address, so that it will be possible for the Secretariat to inform them of any special meetings that may be called.

6. The Secretariat will continue to operate throughout the summer. Documents will continue to be distributed in the usual fashion.

7. The following items of business are now before the Commission and the committees:

a. Commission

- (1) Secretary General's report (FEC-215/9)
- (2) Press Release on Basic Policy (FEC-238/2)
- (3) Whaling (FEC-231/4)
- (4) Disarmament (FEC-017/5)

RESTRICTEDb. Steering Committee

- (1) Reduction of Japanese industrial war potential (FEC-084/12)
- (2) Amendment to trade representatives policy (FEC-088/5)

c. Reparations

- (1) Restitution (C1-002/33)
- (2) Division of shares (C1-219/12)
- (3) Reparations allocations procedures (C1-211/8)
- (4) Soviet information request (C1-212/1)

(Of these, the restitution paper is the nearest to completion, and action on this paper will probably be completed before the Commission recesses)

d. Economics

- (1) Interim import-export policies (C2-017/13)
- (2) Reopening of trade with Japan (FEC-228)
- (3) Temporary extension of electric furnace retention policy (FEC-239/1)
- (4) Final industrial levels (FEC-218)
- (5) Zaibatsu reform (FEC-230)
- (6) Possibility of consideration of U. S. paper on agrarian reform

(Of these, the first three items are likely to be completed before the recess period.)

e. Democratic Tendencies

- (1) Japanese external relations (FEC-236; FEC-240)

(The committee may possibly have this item ready for completion before the recess period.)

f. Aliens in Japan

- (1) Proposals of fines of military courts (FEC-241)

(This proposal may be completed before the recess period.)

FEC-006/2

FEC-RESTRICTED

FEC-006/2

23 June 1948

FAR EASTERN COMMISSION

SECRETARY GENERAL'S PROPOSAL FOR A SUMMER SCHEDULE FOR 1948

Note by the Secretary General

1. In response to numerous indications from members that some formal recess period for the Commission and its Committees would be desirable during the summer months, the Secretary General makes the following proposal:

2. It is recommended that both the Commission and its committees agree to stand in recess, subject to the call of the Chairman, from August 1 until September 7, the first working day after the Labor Day holiday.

3. During the recess period the Secretariat will, of course, continue to operate as usual, and information studies, reports, etc., will continue to be circulated. The Secretary General will be responsible for keeping the Chairman of the Commission and the Chairman of Committees advised of any important matters which may arise during the recess period which might necessitate the convening of special meetings.

4. All delegation members who intend to leave Washington during the recess period are asked to advise the Secretary General of their vacation addresses, in order that it may be possible to reach them in case of necessity.

5. For the convenience of members in discussing this proposal, a calendar of the months of June, July, August, and September is reproduced below.

SAMUEL S. STRATTON  
Acting Secretary General

JUNE						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
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JULY						
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AUGUST						
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SEPTEMBER						
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FEC-006/3FEC-RESTRICTEDFEC-006/31 July 1948FAR EASTERN COMMISSIONFAR EASTERN COMMISSION'S SUMMER  
SCHEDULE FOR 1948  
(Reference: FEC-006/2)Note by the Secretary General

At its 113th meeting on 1 July 1948 the Commission unanimously adopted the proposal of the Secretary General that the Commission and its committees stand in recess, subject to the call of the Chairman, from August 1 until September 7, 1948, and subject also to the following additional stipulations set forth in FEC-006/2:

a. During the recess period the Secretariat will function as usual. Information studies, reports, summaries, etc., will continue to be circulated. The Secretary General will be responsible for keeping the Chairman of the Commission and chairmen of committees advised of any important matters which may arise during the recess period which might necessitate the convening of special meetings.

b. All delegation members who intend to leave Washington during the recess period are asked to advise the Secretary General of their vacation addresses, in order that it may be possible to reach them in case of necessity.

SAMUEL S. STRATTON  
Acting Secretary General

FEC-006/3

FEC-006/4

FEC-RESTRICTED

FEC-006/4

8 June 1949

FAR EASTERN COMMISSION

SECRETARY GENERAL'S PROPOSAL FOR A SUMMER SCHEDULE FOR 1949

Note by the Secretary General

1. In response to numerous indications from members that some formal recess period for the Commission and its Committees would be desirable during the summer months, the Secretary General makes the following proposal:

a. It is recommended that both the Commission and its Committees agree to stand in recess, subject to the call of the Chairman, from August 1 until September 6, the first working day after the Labor Day holiday.

b. During the recess period the Secretariat will continue to operate as usual, and information studies, special reports, etc., will continue to be circulated. The Secretary General will be responsible for keeping the Chairman of the Commission and the Chairmen of Committees advised of any important matters which may arise during the recess period which might necessitate the convening of special meetings.

c. It is further suggested that all delegation members who plan to leave Washington during the recess period advise the Secretary General of their vacation addresses, in order that it may be possible to reach them in case of necessity.

2. For the convenience of members in discussing this proposal, a calendar of the months of June, July, August, and September is reproduced below.

NELSON T. JOHNSON  
Secretary General

JUNE						
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JULY						
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AUGUST						
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SEPTEMBER						
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FEC-006/5FEC-RESTRICTEDFEC-006/523 June 1949FAR EASTERN COMMISSIONSECRETARY GENERAL'S PROPOSAL FOR A SUMMER SCHEDULE FOR 1949Note by the Secretary General

The Far Eastern Commission at its 158th meeting, 23 June 1949, approved FEC-006/4, Secretary General's proposal for a Summer Schedule for 1949, which recommended that both the Commission and its Committees stand in recess, subject to the call of the Chairman from 1 August until 6 September 1949.

NELSON T. JOHNSON  
Secretary General

FEC-006/5



FEC-006/6

FEC-RESTRICTED

FEC-006/6

5 June 1950

FAR EASTERN COMMISSION

SECRETARY GENERAL'S PROPOSAL FOR A SUMMER SCHEDULE FOR 1950

Note by the Secretary General

1. Last summer, following a procedure established in 1948, the Far Eastern Commission agreed to stand in recess, subject to the call of the Chairman, from August 1 until September 6. In response to recent indications from members that some formal summer recess period for the Commission and its Committees would be desirable again this year, the Secretary General makes the following proposal:

a. It is recommended that both the Commission and its Committees agree to stand in recess, subject to the call of the Chairman, from Friday, July 28 until Tuesday, September 5, the first working day after the Labor Day holiday.

b. During the recess period the Secretariat will continue to operate as usual, and information studies, special reports, etc., will continue to be circulated. The Secretary General will be responsible for keeping the Chairman of the Commission and the Chairmen of Committees advised of any important matters which may arise during the recess period which might necessitate the convening of special meetings.

c. It is further suggested that all delegation members who plan to leave Washington during the recess period advise the Secretary General of their vacation addresses, in order that it may be possible to reach them in case of necessity.

2. For the convenience of members in discussing this proposal, a calendar of the months of June, July, August, and September is reproduced below.

NELSON T. JOHNSON  
Secretary General

JUNE							JULY							AUGUST							SEPTEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3						1			1	2	3	4	5						1	2	
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	3	4	5	6	7	8	9
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	10	11	12	13	14	15	16
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	17	18	19	20	21	22	23
25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30	31			24	25	26	27	28	29	30
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FEC-006/7FEC-RESTRICTEDFEC-006/715 June 1950FAR EASTERN COMMISSIONSECRETARY GENERAL'S PROPOSAL FOR A SUMMER SCHEDULE FOR 1950  
Approval by FEC, 15 June 1950Note by the Secretary General

The Far Eastern Commission at its 195th meeting, 15 June 1950, approved FEC-006/6, Secretary General's proposal for a Summer Schedule for 1950, which recommended that both the Commission and its Committees stand in recess, subject to call of their respective Chairmen, from 28 July until 5 September 1950.

NELSON T. JOHNSON  
Secretary General

FEC-006/7

FEC-RESTRICTED

FEC-006/8

FEC-006/8

4 June 1951

FAR EASTERN COMMISSION

SECRETARY GENERAL'S PROPOSAL FOR A SUMMER SCHEDULE FOR 1951

Note by the Secretary General

1. Last summer, following a procedure established in previous years, the Far Eastern Commission agreed to stand in recess, subject to the call of the Chairman, from 28 July until 5 September. In response to recent indications from members that some formal summer recess period for the Commission and its Committees would be desirable again this year, the Secretary General makes the following proposal:

a. It is recommended that both the Commission and its Committees agree to stand in recess, subject to the call of the Chairman, from Friday, 27 July until Tuesday, 4 September, the first working day after the Labor Day holiday.

b. During the recess period the Secretariat will continue to operate as usual, and information studies, special reports, etc., will continue to be circulated. The Secretary General will be responsible for keeping the Chairman of the Commission and the Chairmen of Committees advised of any important matters which may arise during the recess period which might necessitate the convening of special meetings.

c. It is further suggested that all delegation members who plan to leave Washington during the recess period advise the Secretary General of their vacation addresses, in order that it may be possible to reach them in case of necessity.

2. For the convenience of members in discussing this proposal, a calendar of the months of June, July, August, and September is reproduced below.

NELSON T. JOHNSON  
Secretary General

JUNE							JULY							AUGUST							SEPTEMBER								
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
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3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11	2	3	4	5	6	7	8		
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15		
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22		
24	25	26	27	28	29	30	29	30	31	26	27	28	29	30	31	23	24	25	26	27	28	29	30						

FEC-006/9FEC-RESTRICTEDFEC-006/912 June 1951FAR EASTERN COMMISSIONSECRETARY GENERAL'S PROPOSAL FOR A SUMMER SCHEDULE FOR 1951  
Approval by FEC, 8 June 1951Note by the Secretary General

The Far Eastern Commission at its 218th meeting 8 June 1951, approved FEC-006/8, Secretary General's proposal for a Summer Schedule for 1951, which recommended that both the Commission and its Committees stand in recess, subject to call of their respective Chairmen, from 27 July until 4 September 1951.

NELSON T. JOHNSON  
Secretary General

~~SECRET~~

FEC-007

4 March 1946

CLASSIFICATION CHANGED	
TO	<i>Unclassified</i>
BY AUTHORITY	<i>FEC-007/10</i>
	<i>11/15/51</i>

*Unclassified*COPY NO. 208FAR EASTERN COMMISSIONIDENTIFICATION, APPREHENSION AND TRIAL  
OF PERSONS SUSPECTED OF WAR CRIMESNote by the Secretary General

1. The Directive to the Supreme Commander for the Allied Powers on the Identification, Apprehension and Trial of Persons Suspected of War Crimes, which was circulated for the information of the old Far Eastern Advisory Commission as FEAC 8, is hereby submitted to the Far Eastern Commission at the request of the United States Delegation and is referred to Committee No. 5 on War Criminals for consideration.

2. It is requested that this cover page be substituted for the cover page on FEAC 8 and that the document be classified as Secret.

3. The attention of all concerned is invited to this classification which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON  
Secretary General

FEC-007

TOP SECRET

COPY NO. \_\_\_\_\_

FEAC 8

24 October 1945

Pages 1 - 6, incl.

FAR EASTERN ADVISORY COMMISSION

IDENTIFICATION, APPREHENSION AND TRIAL OF  
PERSONS SUSPECTED OF WAR CRIMES

Note by the Secretary

1. The enclosure, a Directive to the Supreme Commander for the Allied Powers on the Identification, Apprehension and Trial of Persons Suspected of War Crimes, is circulated for the information of the Far Eastern Advisory Commission.

2. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

SECRETARIAT

FEAC 8

TOP SECRET

DIRECTIVE ON THE IDENTIFICATION, APPREHENSION  
AND TRIAL OF PERSONS SUSPECTED OF WAR CRIMES

This directive is issued to you as Supreme Commander for the Allied Powers.

1. The term "war crimes" as used herein, includes:

A. Planning, preparation, initiation of waging of a war of aggression or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

B. Violations of the laws or customs of war. Such violations shall include but not be limited to murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of, or an, occupied territory, murder or ill-treatment of prisoners of war or internees or persons on the seas or elsewhere, improper treatment of hostages, plunder of public or private property, wanton destruction of cities, towns or villages or devastation not justified by military necessity.

C. Murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population, before or during the war or persecutions on political, racial or religious grounds in execution of or in connection with any crime defined herein whether or not in violation of the domestic law of the country where perpetrated.

2. The offense need not have been committed after a particular date to render the responsible party or parties subject to arrest, but, in general, should have been committed since, or in the period immediately preceding the Mukden in-

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cident of September 18, 1931. The preponderance of cases may be expected to relate to the years since the Lukouchiao incident of July 7, 1937.

3. You will, in the areas subject to your jurisdiction, take all practicable measures to identify, investigate, apprehend and detain all persons whom you suspect of having committed war crimes as defined in paragraph 1, subparagraphs B and C above, and all persons whom any one of the United Nations or Italy notifies to you as being charged with such crimes. You will similarly apprehend and detain the persons deemed to be liable under paragraph 1 A above, who are named in any list which may be sent you by the United States National War Crimes Office and such other persons against whom you have probable cause for charging under paragraph 1 A upon the basis of evidence available to you. In executing these tasks you will require from the Japanese such assistance as you deem necessary.

4. You will hold suspected war criminals in close confinement, without access to the press or other media of public information, and without distinction as to rank or position, as befits ordinary criminals.

5. As Supreme Commander for the Allied Powers, you have power (a) to appoint special international military courts (which term shall be held to mean tribunals of any kind), composed of military or naval officers or civilians of two or more of the United Nations, for the trial, under any applicable law, domestic or international, including the laws and customs of war, of Far Eastern war criminals where the alleged offenders are, in the Supreme Commander's opinion, appropriately to be tried by an international court; and (b) to prescribe or approve rules of procedure for such tribunals. The appointment of any such international court will be discussed by the Supreme Commander or his designated representative in advance with the appropriate local officers or representatives of each nation to be represented upon such a court and fair arrangements will be made for



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appropriate representation of each such nation upon the court. No such officer or civilian will be appointed to serve upon such a court without the approval of the local commander of the forces of his nation or such other official as any nation may prescribe to give such approval for its own nationals. In the appointment of any such international court and in all trials before it, the international character of the court and of the authority by which it is appointed should be properly recognized and emphasized, particularly in dealings with the Japanese people. Until further authorization by the Joint Chiefs of Staff, no international court for the trial of persons charged with offenses of the type described in paragraph 1 A above will be established by the Supreme Commander. In submitting any plan for the appointment of such a court, you should specify the particular offenses and alleged offenders to be tried before the court and the nature of the coordination of the plan effected by you on a military level with representatives of the nations to be represented upon the court.

6. You will have (a) the responsibility for carrying out the judgements of any international courts or tribunals and (b) the power to approve, reduce or otherwise alter any sentence imposed by such a court or tribunal, but not to increase the severity thereof.

7. You may authorize the military command of any nation participating in the occupation of Japan, including the United States, to establish special military courts to deal with war criminals not held or requested by you for trial before an international court or tribunal. Such courts should be separate from courts which may be set up to deal with current offenses against the occupation or infractions of military discipline.

8. Subject to the provisions of paragraph 16, you will promptly comply with a request by the Government of any one of the United Nations or Italy for the delivery to it of any person who is stated in such request to be charged with a war

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crime, subject to the following exceptions:

(1) Persons who have held high political, civil or military positions in the Japanese Empire or in one of its allies, co-belligerents or satellites, will not be delivered, pending decision whether such persons should be tried before an international military court or tribunal. Suspected war criminals desired for trial before such tribunal, or persons desired as witnesses at trials before the tribunal, will not be turned over to the nation requesting them so long as their presence is desired in connection with such trials.

(2) Where persons are requested by more than one of the Governments above mentioned for trial of a war crime, you will make your own determination based on all the circumstances, including the relative seriousness of the respective charges against such a person and the national interests involved, and will deliver the requested person to a particular United Nation or Italy accordingly.

9. Compliance with any request for the delivery of a suspected war criminal should not be delayed on the ground that other requests for the same person are anticipated.

10. Delivery of a suspected war criminal to a requesting government shall be subject to the condition that if such person is not brought to trial, tried and convicted within six months from the date he is so delivered, he will be returned to you if requested for trial by any of the other United Nations or Italy.

11. You will take under your control, pending decision by higher authorities as to its eventual disposition, property, real and personal, found in areas subject to your jurisdiction and owned or controlled by persons taken into custody pursuant to the provisions of paragraph 3 above.

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12. You will take such measures as you deem necessary to insure that witnesses to war crimes will be available when required.

13. The execution of death sentences should be deferred when you have reason to believe that the testimony of those convicted would be of value in the trial of other war criminals.

14. You will arrest any national of a United Nation who is requested, or whom you believe may be desired, by his government as a renegade or quisling. Subject to the provisions of paragraph 16, such persons should normally be turned over as soon as practicable to their government.

15. You should (a) promptly establish an agency, acting under your command, to investigate reports on war crimes and to collect and analyze evidence, to arrange for the apprehension and prompt trial of suspects, to prepare, supervise and conduct the prosecution of individuals and organizations before appropriate international military courts or tribunals, and to recommend to you which individuals and organizations should be prosecuted, before what courts they should be tried and what persons should be secured as witnesses, and (b) should provide, after discussion with the local representatives of the nations involved and in a manner consistent with efficient administration, for equitable inclusion in the membership of such agency of suitable representatives of the United States, China, Great Britain, and the Soviet Union and of other appropriate United Nations. This agency should advise the Supreme Commander and other military commanders for the Allies on matters relating to war criminals. This agency should attach importance to the investigation of the evidence that offenses of the type described in paragraph 1 A above have been committed, should collect and analyze the evidence with respect to such offenses and should recommend to you a plan for the trial of such offenses and the charges to be preferred. Any such plan should provide for the use of rules of procedure and

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the application of principles in accord with those adopted for use by the International Military Tribunal for Europe established by the agreement executed 8 August 1945, except where change is necessitated by differing circumstances in the Far East. Such plan should also provide that, for the trial of persons charged with offenses of the type described in paragraph 1 A any international court appointed by the Supreme Commander should be selected by him from persons nominated by the appropriate military commanders of the several nations to be represented upon such court. This agency should also maintain a central record and information office of Japanese war criminals and war crimes, the records and files of which should be available to any interested United Nation.

16. Military commanders having custody of alleged offenders requested for trial under the provisions of paragraphs 8 and 14 above, if in doubt as to whether such persons should be turned over to the requesting nation for trial, may consult their government and in appropriate cases leave the matter to be dealt with through diplomatic channels. Within the main islands of Japan, you as the Supreme Commander for the Allied Powers will have custody of such alleged offenders and will consult the Joint Chiefs of Staff in cases of doubt.

17. You will take no action against the Emperor as a war criminal pending receipt of a special directive concerning his treatment.

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FEC-007/1

4 March 1946

CLASSIFICATION CHANGED	
TO	<u>Unclassified</u>
BY AUTHORITY OF	<u>FEC-007/1</u>
DATE	<u>11/15/51</u>
BY	-----

COPY NO. 204FAR EASTERN COMMISSIONAPPREHENSION AND PUNISHMENT OF WAR CRIMINALS IN THE FAR EASTNote by the Secretary General

1. The Policy of the United States in regard to the Apprehension and Punishment of War Criminals in the Far East, which was circulated for the information of the old Far Eastern Advisory Commission as FEAC 7, is hereby submitted to the Far Eastern Commission at the request of the United States Delegation and is referred to Committee No. 5 on War Criminals for consideration.

2. It is requested that this cover page be substituted for the cover page on FEAC 7 and that the document be classified as Secret.

3. The attention of all concerned is invited to this classification which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON  
Secretary General

FEC-007/1

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COPY NO. \_\_\_\_\_

FEAC 724 October 1945Pages 1 - 6, incl.FAR EASTERN ADVISORY COMMISSIONAPPREHENSION AND PUNISHMENT OF WAR CRIMINALS IN THE FAR EASTNote by the Secretary

1. The enclosure, the Policy of the United States in regard to the Apprehension and Punishment of War Criminals in the Far East, is circulated for the information of the Far Eastern Advisory Commission.

2. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

SECRETARIAT

FEAC 7

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POLICY OF THE UNITED STATES IN REGARD TO THE APPREHENSION  
AND PUNISHMENT OF WAR CRIMINALS IN THE FAR EAST

1. The term "war crimes" as used herein, includes:

A. Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements and assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

B. Violations of the laws or customs of war. Such violations shall include but not be limited to murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of, or in, occupied territory murder or ill-treatment of prisoners of war or persons on the seas, or elsewhere improper treatment of hostages, plunder of public or private property, wanton destruction of cities, towns or villages or devastation not justified by military necessity.

C. Murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population, before or during the war or prosecutions on political, racial or religious grounds in execution of or in connection with any crime defined herein whether or not in violation of the domestic law of the country where perpetrated.

2. The offense need not have been committed after a particular date to render the responsible party or parties subject to arrest but, in general, should have been committed since, or in the period immediately preceding the Mukden incident of September 18, 1931. The preponderance of cases may be expected to relate to the years since the Lukouchiao incident of July 7, 1937.

3. All practicable measures should be taken to identify, investigate, apprehend, and detain all persons suspected of having committed war crimes as defined in paragraph 1 above and

FAR EASTERN COMMISSION

26 December 1945

MEMORANDUM TO ALL MEMBERS:

SUBJECT: Comments on FEAC 7.

As a result of informal discussion among the French, the British, the Chinese and the United States representatives on the Subcommittee, and at the direction of the Chairman, it is suggested that the written comments which were to be prepared on FEAC 8 should rather be based on FEAC 7. Reference should be made to the subtitling and paragraphing of FEAC 7, in order to facilitate the discussion of the comments in the Subcommittee.

NELSON T. JOHNSON  
Secretary General



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all persons whom any one of the United Nations or Italy charges with such crimes.

4. Suspected war criminals should be held in close confinement, without access to the press or other media of public information, and without distinction as to rank or position, as befits ordinary criminals.

5. The Supreme Commander for the Allied Powers should have power (a) to appoint special international military courts (which term should be held to include tribunals of any type) composed of military or naval officers or civilians of two or more of the United Nations, for the trial, under any applicable law, domestic or international, including the laws and customs of war, of Far Eastern war criminals where the alleged offenders are, in the Supreme Commander's opinion, appropriately to be tried by an international court; and (b) to prescribe or approve rules of procedure for such courts. The appointment of any such international court should be discussed by the Supreme Commander or his designated representative in advance with the appropriate local officers or representatives of each nation to be represented upon such a court and fair arrangements should be made for appropriate representation of each such nation upon the court. No such officer or civilian should be appointed to serve upon such a court without the approval of the local commander of the forces of his nation or such other official as any nation may prescribe to give such approval for its own nationals. In the appointment of any such international court and in all trials before it, the international character of the court and of the authority by which it is appointed should be properly recognized and emphasized, particularly in dealings with the Japanese people. For the trial of persons charged with offenses of the type described in paragraph 1 A any international court appointed by the Supreme Commander should be selected by him from persons nominated by the appropriate military commanders of the several nations to be represented upon such court. Before appointing

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an international court for the trial of such persons, the Supreme Commander should report for the approval of the Joint Chiefs of Staff his plans for the appointment of such court, the particular offenses and alleged offenders to be tried before it, and the nature of the coordination of the plan effected by him on a military level with the representatives of the nations to be represented upon the court. Any such plan should provide for the use of rules of procedure and the application of principles in accord with those adopted for use by the International Military Tribunal for Europe established by the Agreement executed 8 August 1945, except where change is necessitated by differing circumstances in the Far East. The Joint Chiefs of Staff should arrange through the State Department for coordinating the plan with each nation to be represented on the proposed court so far as such coordination has not been effected on a military level. This power of the Supreme Commander to appoint such international courts, should prove adequate to provide for the trial of all of the several type of offenders mentioned in paragraph 1 above. The Supreme Commander for the Allied Powers should have (a) the responsibility for carrying out the judgments of any international courts appointed by him or created by such special agreements, and (b) the power to approve, reduce or otherwise alter any sentence imposed by such a court but not to increase the severity thereof.

6. The Supreme Commander for the Allied Powers (a) should promptly establish an agency, acting under his Command to investigate reports of war crimes, to collect and analyze evidence, to arrange for the apprehension and prompt trial of suspects, to prepare, supervise and conduct the prosecution of individuals and organizations before international military courts or tribunals, and to recommend to the Supreme Commander which individuals and organizations should be prosecuted, before what courts they should be tried and what persons should be secured as witnesses, and (b) should provide, after discussion with the

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local representatives of the nations involved, and in a manner consistent with efficient administration, for equitable inclusion in the membership of such agency of suitable representatives of the United States, China, Great Britain and the Soviet Union and of other United Nations. This agency should advise the Supreme Commander and other Military commanders for the Allies on matters relating to war criminals. This agency should attach importance to the investigation of the evidence that offenses of the type described in paragraph 1 A above have been committed, should collect and analyze the evidence of such offenses and should recommend to the Supreme Commander a plan as indicated in paragraph 5 above for the appointment of an international court for the trial of such offenses and the charges to be preferred. This agency should also maintain a central record and information office of Japanese war criminals and war crimes, the records and files of which should be available to any interested United Nation.

7. The military command of any nation (including the United States) participating in the occupation of areas previously dominated by Japan may upon the authorization of the Supreme Commander for the Allied Powers establish special national military courts to deal with war criminals not held or requested by the Supreme Commander for trial by an international military court or tribunal of the types referred to in paragraph 6 above. Such courts should be separate from courts which may be set up to deal with current offenses against the occupation or infractions of military discipline.

8. Military commanders of forces of occupation in the Far East should promptly comply with a request by the government of any one of the United Nations or Italy for the delivery to it of any person who is stated in such request to be charged with a war crime, subject to the following exceptions:

(1) Persons who have held high political, civil or military positions in the Japanese Empire or in one of its allies, co-belligerents or satellites, should not be

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delivered, pending decision whether such person should be tried before an international military court or tribunal. Suspected war criminals desired for trial before such a court or tribunal or persons desired as witnesses at such trials will not be turned over to the nation requesting them so long as their presence is desired in connection with such trials.

(2) Where persons are requested by more than one of the Governments above mentioned for trial of a war crime, the military commanders concerned should make their determinations based on all the circumstances, including the relative seriousness of the respective charges against such a person and the national interests involved, and should deliver the requested person to a particular United Nation or Italy accordingly.

9. Compliance with any request for the delivery of a suspected war criminal should not be delayed on the ground that other requests for the same person are anticipated.

10. Delivery of a suspected war criminal to a requesting government should be subject to the condition that if such person is not brought to trial, tried and convicted within six months from the date he is so delivered, he will be returned to the authority who made delivery if he has been requested for trial by any of the other United Nations or Italy.

11. Military commanders should take under their control, pending subsequent decisions as to its eventual disposition, property, real and personal, found in areas of their respective jurisdiction and owned or controlled by persons taken into custody pursuant to the provisions of paragraph 3 above.

12. Such measures as are deemed necessary should be taken to insure that witnesses to war crimes will be available when required.

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13. The execution of death sentences should be deferred if there is reason to believe that the testimony of those convicted would be of value in the trial of other war criminals.

14. Any national of any United Nation who may be requested, or who there is reason to believe may be desired, by his government as a renegade or quisling, should be arrested. Such persons should normally be turned over as soon as practicable to their government.

15. Military commanders having custody of alleged offenders requested under paragraphs 8 and 14 above, if in doubt as to whether such persons should be turned over to the demanding nation for trial, should consult their government and, in appropriate cases, leave the matter to be dealt with through diplomatic channels. Within the main islands of Japan, the Supreme Commander for the Allied Powers will have custody of such alleged offenders and should consult the Joint Chiefs of Staff in cases of doubt.

SECRETFEC-007/24 March 1946

CLASSIFICATION CHANGED	
TO	<u>Unclassified</u>
BY	<u>FEC-007/10</u>
	<u>4/15/51</u>
BY	
FAR EASTERN COMMISSION	

COPY NO. 92APPREHENSION AND PUNISHMENT OF WAR CRIMINALS IN THE FAR EASTNote by the Secretary General

1. The enclosure, a communication from the United Kingdom Delegation to the Secretary General, dated 4 March 1946, embodying amendments to FEC-007/1, is circulated for the information of the Commission and is referred to Committee No. 5 on War Criminals for consideration.

2. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON  
Secretary General

FEC-007/2

SECRETE N C L O S U R EPROPOSED AMENDMENTS TO FEC 007/1

The United Kingdom Delegate proposes the following amendments to FEC-007/1 on the Apprehension and Punishment of War Criminals in the Far East:

For paragraph 5 substitute:

"5. Supreme Commander, Allied Forces in the Pacific, should have

(a) power to appoint special international military courts (which term should be held to include tribunals of any type) composed of military, naval, or air force officers or civilians representing any two or more of the states members of the Far Eastern Commission for the trial under any applicable law, domestic or international, including the laws and customs of war, of the Far Eastern war criminals indicted by the Governments of these states, and

(b) power to prescribe, subject to consultation with the representatives of those governments, rules of procedure for such courts. The Supreme Commander shall appoint to each international court a judge nominated by each state represented on the Far Eastern Commission which signifies its desire to participate in the work of such court. In the appointment of the international courts and in all trials before them, the international character of the courts and of the authority by which they were appointed and under which they act should be properly emphasized and recognized, particularly in dealings with the Japanese people. The Supreme Commander for the Allied Powers should have, (a) the responsibility for carrying out the judgements of any international courts appointed by him, and (b) the power to approve, reduce or otherwise alter any sentences imposed by any such courts, but not to increase the severity thereof, subject to the advice and consent of the Allied Council for Japan."

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In paragraph 6, for "United States, China, Great Britain, and the Soviet Union and of the other United Nations" substitute "states members of the Far Eastern Commission".

In paragraph 7, delete: "upon the authorization of the Supreme Commander for the Allied Powers!"



~~FEC CONFIDENTIAL~~

*Confidential*

FEC-007/3

29 March 1946

FAR EASTERN COMMISSION

APPREHENSION, TRIAL AND PUNISHMENT OF WAR  
CRIMINALS IN THE FAR EAST

Note by the Secretary General

The proposed policy for the Apprehension, Trial and Punishment of War Criminals in the Far East, as unanimously agreed to by COMMITTEE NO. 5: WAR CRIMINALS at its third meeting, 29 March 1946, is forwarded herewith for the consideration of the Far Eastern Commission.

NELSON T. JOHNSON  
Secretary General

CLASSIFICATION CHANGED	
TO	<i>Unclassified</i>
BY AUTHORITY	<i>FEC-007/10</i>
DATE	<i>11/15/51</i>
BY	

FEC-007/3

E N C L O S U R EPOLICY IN REGARD TO THE APPREHENSION, TRIAL AND  
PUNISHMENT OF WAR CRIMINALS IN THE FAR EAST

1. The term "war crimes" as used herein, includes:

a. Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements and assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

b. Violations of the laws or customs of war. Such violations shall include but not be limited to murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of, or in, occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, or elsewhere improper treatment of hostages, plunder of public or private property, wanton destruction of cities, towns or villages or devastation not justified by military necessity.

c. Murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population, before or during the war or prosecutions on political, racial or religious grounds in execution of or in connection with any crime defined herein whether or not in violation of the domestic law of the country where perpetrated.

2. The offense need not have been committed after a particular date to render the responsible party or parties subject to arrest but, in general, should have been committed since, or in the period immediately preceding the Mukden incident of September 18, 1931. The preponderance of cases may be expected to relate to the years since the Lukouchiao incident of July 7, 1937.

3. All practicable measures should be taken to identify, investigate, apprehend, and detain all persons suspected of having committed war crimes, as defined in paragraph 1 above, and all persons whom any one of the United Nations or Italy charges with such crimes.

4. Suspected war criminals should be held in close confinement, without access to the press or other media of public information, and without distinction as to rank or position, as befits ordinary criminals.

5. The Supreme Commander for the Allied Powers should have:

(a) power to appoint special international military courts (which term should be held to include tribunals of any type) composed of military, naval, or air force officers or civilians representing any two or more of the states members of the Far Eastern Commission for the trial under any applicable law, domestic or international, including the laws and customs of war, of the Far Eastern war criminals indicted by the Governments of these states, and

(b) power to prescribe, subject to consultation with the representatives of those governments, rules of procedure for such courts. The Supreme Commander shall appoint to each international court a judge nominated by each state represented on the Far Eastern Commission which signifies its desire to participate in the work of such court. In the appointment of the international courts and in all trials before them, the international character of the courts and of the authority by which they were appointed and under which they act should be properly emphasized and recognized, particularly in dealings with the Japanese people. The Supreme Commander for the Allied Powers should have, (1) the responsibility for carrying out the judgments of any international courts appointed by him, and (2) the power to approve, reduce or otherwise alter any sentences imposed by any such courts, but not to increase the severity thereof, after consultation with the Allied Council for Japan and the Representatives in Japan of the other Powers, members of the Far Eastern Commission.

6. The Supreme Commander for the Allied Powers (a) should promptly establish an agency, acting under his Command to investigate reports of war crimes, to collect and analyze evidence, to arrange for the apprehension and prompt trial of

suspects, to prepare, supervise and conduct the prosecution of individuals and organizations before international military courts or tribunals, and to recommend to the Supreme Commander which individuals and organizations should be prosecuted, before what courts they should be tried and what persons should be secured as witnesses, and (b) should provide, after discussion with the local representatives of the nations involved, and in a manner consistent with efficient administration, for equitable inclusion in the membership of such agency of suitable representatives of the States members of the Far Eastern Commission. This agency should advise the Supreme Commander and other Military commanders for the Allies on matters relating to war criminals. This agency should attach importance to the investigation of the evidence that offenses of the type described in paragraph 1 A above have been committed, should collect and analyze the evidence of such offenses and should recommend to the Supreme Commander a plan as indicated in paragraph 5 above for the appointment of an international court for the trial of such offenses and the charges to be preferred. This agency should also maintain a central record and information office of Japanese war criminals and war crimes, the records and files of which should be available to any interested United Nation.

7. The military command of any nation (including the United States) participating in the occupation of areas previously dominated by Japan may establish special national military courts to deal with war criminals not held or requested by the Supreme Commander for trial by an international military court or tribunal of the types referred to in paragraph 6 above. Such courts should be separate from courts which may be set up to deal with current offenses against the occupation or infractions of military discipline.

8. Military commanders of forces of occupation in the Far East should promptly comply with a request by the government of any one of the United Nations or Italy for the delivery to it of any person who is stated in such request to be charged with a war crime, subject to the following exceptions:

(1) Persons who have held high political, civil or military positions in the Japanese Empire or in one of its allies, co-belligerents or satellites, should not be delivered pending decision whether such person should be tried before an international military court or tribunal. Suspected war criminals desired for trial before such a court or tribunal or persons desired as witnesses at such trials will not be turned over to the nation requesting them so long as their presence is desired in connection with such trials.

(2) Where persons are requested by more than one of the Governments above mentioned for trial of a war crime, the military commanders concerned should make their determinations based on all the circumstances, including the relative seriousness of the respective charges against such a person and the national interests involved, and should deliver the requested person to a particular United Nation or Italy accordingly.

9. Compliance with any request for the delivery of a suspected war criminal should not be delayed on the ground that other requests for the same person are anticipated.

10. Delivery of a suspected war criminal to a requesting government should be subject to the condition that if such person is not brought to trial, tried and convicted within six months from the date he is so delivered, he will be returned to the authority who made delivery if he has been requested for trial by any of the other United Nations or Italy.

11. Military commanders should take under their control, pending subsequent decisions as to its eventual disposition, property, real and personal, found in areas of their respective jurisdiction and owned or controlled by persons taken into custody pursuant to the provisions of paragraph 3 above.

12. Such measures as are deemed necessary should be taken to insure that witnesses to war crimes will be available when required.

13. The execution of death sentences should be deferred if there is reason to believe that the testimony of those convicted would be of value in the trial of other war criminals.

14. Any national of any United Nation who may be requested, or who there is reason to believe may be desired, by his government as a renegade or quisling, should be arrested. Such persons should normally be turned over as soon as practicable to their government.

15. Military commanders having custody of alleged offenders requested under paragraphs 8 and 14 above, if in doubt as to whether such persons should be turned over to the demanding nation for trial, should consult their government and, in appropriate cases, leave the matter to be dealt with through diplomatic channels. Within the main islands of Japan, the Supreme Commander for the Allied Powers will have custody of such alleged offenders and should consult the Joint Chiefs of Staff in Cases of doubt.

FEC 007/4

4 April 1946

FAR EASTERN COMMISSION

APPREHENSION, TRIAL AND PUNISHMENT OF WAR CRIMINALS IN THE FAR EAST

Note by the Secretary General

1. FEC-007/3, a policy relative to the apprehension, trial and punishment of war criminals in the Far East, was unanimously agreed to by the Far Eastern Commission at its seventh meeting on 3 April 1946, with the following typographical corrections:

- (a) P. 1, para. 1, a: Change spelling to "planning" and "preparation".
- (b) P. 2, para. 5: Delete "in the Pacific" after "Supreme Commander for the Allied Powers".
- (c) P. 5, para. 14: Change spelling to "desired".

2. The letter of transmittal of the Secretary General, forwarding this policy decision on behalf of the Far Eastern Commission to the Secretary of State of the United States Government in accordance with the Terms of Reference, is circulated herewith as an enclosure.

NELSON T. JOHNSON  
Secretary General

FEC 007/4

E N C L O S U R EEXCERPT FROM MINUTES OF SEVENTH MEETINGOF THEFAR EASTERN COMMISSION3 APRIL 1946

"SIR CARL BERENDSEN referred to paragraph 3 and said that although this paragraph empowered any of the United Nations or Italy to charge any individual with war crimes, it should be understood that the Supreme Commander should take no action against the Japanese Emperor without a further directive from the United States Government. In other words, paragraph 17 of the existing directive (FEC 007) should remain in force.

"GENERAL MC COY said that he would point out to the U. S. Government that paragraph 3 of FEC 007/3 should not be construed to authorize any action against the Emperor as a war criminal.

"THE COMMISSION approved FEC 007/3, with the understanding that the directive to be forwarded by the U. S. Government to the Supreme Commander would be so worded as to exempt the Japanese Emperor from indictment as a war criminal without direct authorization."



ENCLOSURELETTER OF TRANSMITTAL

4 April 1946

The Honorable James F. Byrnes  
Secretary of State  
Washington, D.C.

My dear Mr. Secretary:

The Terms of Reference of the Far Eastern Commission provide that one of the functions of the Commission should be to "formulate the policies, principles and standards in conformity with which the fulfillment by Japan of its obligations under the terms of surrender may be accomplished".

It is further provided that when such decisions are made by the Far Eastern Commission, "The United States Government shall prepare directives in accordance with the policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency".

At a meeting of the Far Eastern Commission held at 2516 Massachusetts Avenue, Northwest, Washington, D.C. on 3 April 1946 the enclosed policy decision was unanimously agreed to.

As Secretary General of the Far Eastern Commission, I have been instructed to forward this decision to you on behalf of the Commission, in order that the appropriate directives may be prepared and transmitted to the Supreme Commander in accordance with the Terms of Reference.

As there was some discussion in the Commission as to the bearing this policy decision might be construed to have upon the status of the Japanese Emperor, I am enclosing for information and guidance in the preparation of an appropriate directive to the Supreme Commander for the Allied Powers an excerpt from the minutes of the Commission's meeting.

The Honorable James F. Byrnes

Page 2

4 April 1946

Reference is to paragraph 17 of the original United States directive to the Supreme Commander for the Allied Powers on Identification, Apprehension and Trial of Persons Suspected of War Crimes, which reads:

"17. You will take no action against the Emperor as a war criminal pending receipt of a special directive concerning his treatment."

Respectfully yours,

Nelson T. Johnson  
Secretary General

*Confidential*~~CONFIDENTIAL~~COPY NO. 204

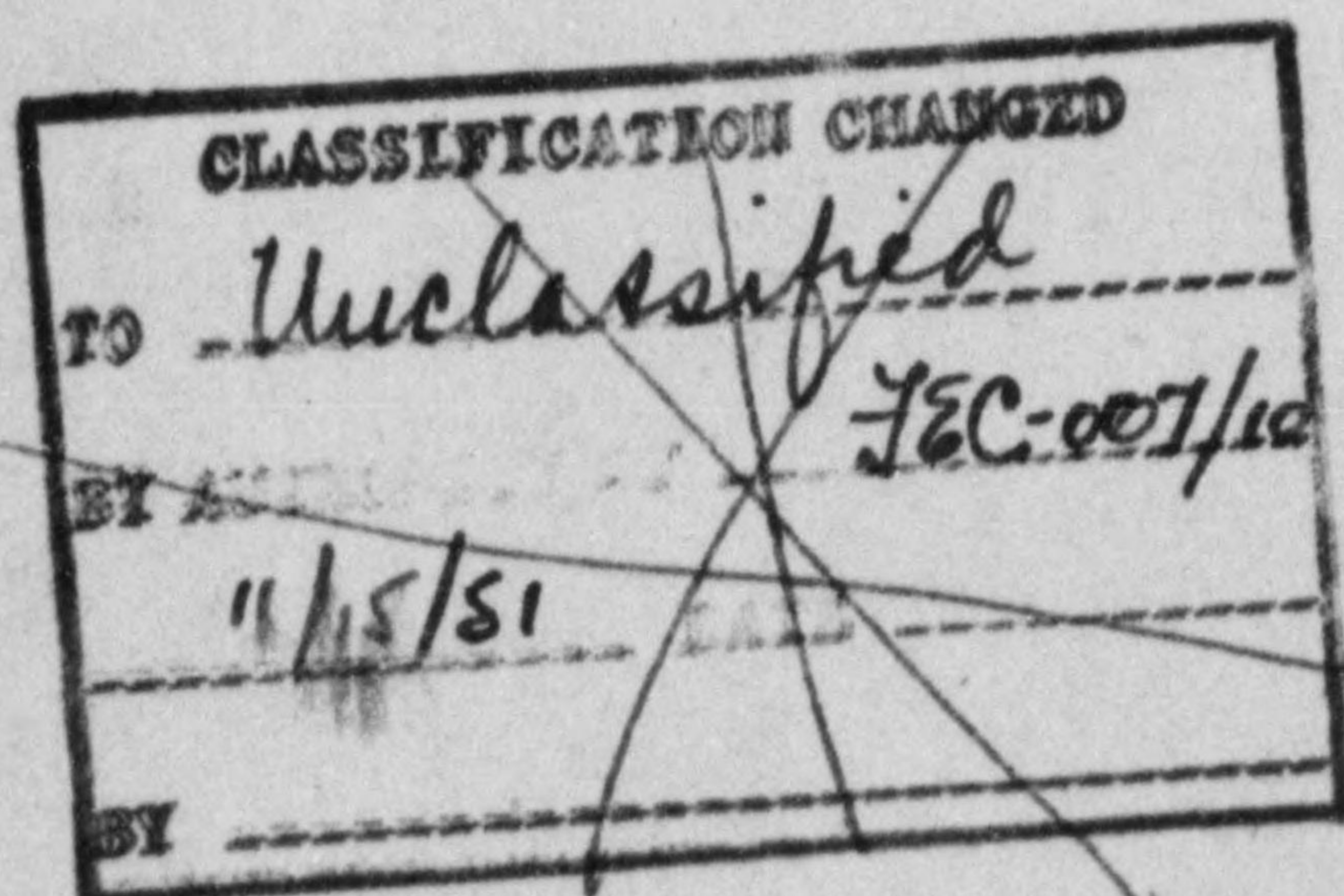
FEC 007/5

11 April 1946FAR EASTERN COMMISSIONLIST OF MAJOR JAPANESE WAR CRIMINALS  
SUBMITTED BY THE AUSTRALIAN GOVERNMENTNote by the Secretary General

1. The enclosure, a communication from the Secretary General of the United Nations War Crimes Commission to the Chairman of the Far Eastern Commission transmitting a list of major Japanese war criminals presented to the United Nations War Crimes Commission by the Australian Government, is circulated herewith for the consideration of the Far Eastern Commission, and is referred to COMMITTEE NO. 5: WAR CRIMINALS

2. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON  
Secretary General



FEC 007/5

ENCLOSURELIST OF MAJOR JAPANESE WAR CRIMINALS  
SUBMITTED BY THE AUSTRALIAN GOVERNMENT

1. In accordance with the recommendations adopted by the United Nations War Crimes Commission on 29th August, 1945, the Australian National Office presents a first list of major Japanese war criminals and those holding key positions. The list includes criminals falling within the first two categories of the Commission's recommendations, viz:

a. "Those Japanese responsible for the plans or policies which resulted in (these) abominable crimes and atrocities... The case against these major criminals is that they have devised, set in motion and carried out the criminal plans and enterprises which incited or resulted in the aggressions, cruelties and brutalities which have outraged the civilised world".

b. "That those Japanese holding key positions in the civil, military or economic life of Japan who, perhaps, did not devise or set in motion plans which resulted in these crimes and barbarities, but nevertheless directed the carrying out of such plans within Japan or in the territories of more than one of the United Nations.....This category of criminals includes those individuals and officials, usually in key-positions in the Government, who have willingly planned the details of and put into execution the monstrous schemes of the Japanese leaders. It also includes those brutal and ruthless criminals who, both inside and outside Japan, have been guilty of mass criminality towards the nationals of many of the United Nations. Among such persons were those in charge of certain Prisoner-of-War and civilian internment camps where the people of many nations have been starved, tortured, murdered or otherwise atrociously mal-treated.

2. It is realised that many of the names herein listed will appear in the lists of other National Offices. Moreover this list is in no sense comprehensive and it is intended to present supplementary lists in the near future.

3. The evidence presented against these herein listed is not elaborated in detail since the individuals concerned are for the most part widely known for their activities. The Australian National Office suggests that in each case these activities justify the listing of such individuals in accordance with the categories specified above and proposes that further investigation of records and evidence not at the disposal of the Australian National Office be undertaken with a view to presenting adequately documented charges.

4. The persons herein listed are charged with the committing, or with participating in the formulation or execution of a common plan or a conspiracy to commit crimes against peace and crimes against humanity as defined in Article 6 of the Inter-Allied Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis of 8th August, 1945.

5. This list has been passed by the Chairman of the Australian War Crimes Commission after consultation with the Australian experts in Japanese affairs responsible for compiling it.

<u>NAME</u>	<u>DESIGNATION</u>	<u>ACTIVITIES</u>
1. AIKAWA, Yoshisule	Governmental Adviser & Company Director	Adviser to (Govt.) Technical Board since July 1944. Economic adviser to Manchukuo Govt.; President of Japan industries; President of Manchuria Industrial Development Corporation 1942 etc.
2. AOKI, Kazuo	Finance Department	Minister Greater East Asia Affairs under Tojo Nov. 1942-July 1944. Supreme adviser to Nanking Government 1940-42; Home Min. under Tojo Sep-Oct. 1942.
3. DOIHARA, Kenji	General	C. in-C. Eastern Army May 1943-Mar. 1944. Inspector General Military Education since Apl. 1945. Supreme War Councillor since May 1945.
4. FURUNO, Inosuke	Journalist	President of Domei News Agency; Councillor Singapore Journalist Association since Jan. 1944.
5. HATA, Shunroku	Field Marshall	Inspector-General of Military Education since Nov. 1944. War Minister under Abe Aug. 1939-Jan. 1940 and under Yonai Jan. - July 1940. Supreme Commander Jap. forces in China Feb. 1941-Nov. 1944. Promoted Field Marshall and to Board of Field Marshals and Admirals June 1944.
6. HIRANUMA, Kiichiro (Baron)	Statesman	President Privy Council 1936-1939 and since April 1945; Prime Minister 1939; Minister without Portfolio under Konoye Dec. 1940; Home Minister under Konoye Dec. 1940-July 1941; Minister without portfolio under Konoye July-Oct. 1941; Minister without portfolio Sep. 1942; President Nat. Defence League since June 1945.
7. HIROHITO	Emperor of Japan	
8. HIROTA, Koki	Foreign Office	Foreign Minister under Konoye June 1937-May 1938; former Prime minister 1936-37; former pupil of Mitsuru Toyama of Black Dragon Socy.

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|------------------------------|-------------------|---|
| 9. HOMMA, Masaharu           | Lt.-General       | C.-in-C. Philippines 1941-42. Chairman of Board of Directors of Philippines Society since 1943.   |
| 10. IIDA, Shojiro            | Lt.-General       | C.-in-C. Indo-China July 1941, Burma 1941-43, and Central Army Japan Feb.-Dec. 1944.  |
| 11. IKEDA, Kiyoshi           | Home Ministry     | Inspector-General of Police Department of Military Administration of Malaya, May 1942; Chief Naval Administrator of Hainan Island 1942-44; Director of Police Bureau of Korean Govt. 1931-36; Supt. General of Tokio Met. Police Board 1939.      |
| 12. IMAMURA, Hitoshi         | Lt.General        | C-in-C. Japanese Forces Java until 1943. Vice Chief of Staff Kwantung Army 1936-37, Sec.-Gen. Infantry School 1937.   |
| 13. ISHIDA, Otsugoro         | Maj.General       | Head of General H.Q. of the Military Police (Gendarmerie) since Nov. 1944; former Director Military Police School, Tokyo.   |
| 14. ISHIWATA, Sotaro         | Politician        | Minister to Imperial Household since June 1945; Finance Minister under Tojo Feb.-July 1944; Supreme Economic Adviser to Nanking Government 1943-44; Sec.General Imperial Rule Assistance Association 1941; Adviser to Foreign Minister Oct. 1942. |
| 15. ITAGAKI, Seishiro        | General           | C-in-C Jap forces in Malaya since early 1943; C-in-C Korea Army 1941-43; Chief of Staff Jap. forces in China 1939-41; War Minister Jan.-Aug.39.   |
| 16. ITO, Bunkichi<br>(Baron) |                   | President of various mining companies, Adviser to Munitions President Jap. Mining Control Association; Member of House of Peers; Director of several companies.   |
| 17. IWAMURA, Michiyo         | Public Prosecutor | Minister for Justice under Tojo 1941-44.  |
| 18. KAWASAKI, Yoshikuma      | Industrailist     | Managing Director of Kawasaki Heavy Industries, Dockyards etc.  |

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|-------------------------------|---------------------|---|
| 19. KAYA, Okinori             | Finance Department  | Finance Minister under Tojo Oct. 1941-Feb. 1944; President of North China Development Company, 1939; Chairman of Special Committee for Increase of war Production of Great Japan Political Assn. Since May 1945.    |
| 20. KIDO, Koichi (Marquis)    | House of Peers      | Lord Keeper of the Privy Seal since 1940.   |
| 21. KIMURA, Hyotaro           | General             | C-in-C. Burma since Aug. 1941; Vice War Minister under Tojo until Mar. 1943; Chief of Army Ordnance Supreme War Councillor Mar. 1943-Aug. 1944.   |
| 22. KINOSHITA, Eiichi         | Major-General       | Director of Military Police since Nov. 1944; Provost Marshal in China.  |
| 23. KONOYE, Fumimaro (Prince) |                     | Prime Minister June 1937-Jan. 1939; Established Imperial Rule Assistance Association Oct. 1940.   |
| 24. KUBOTA, Seizo             | Heavy Industrialist | Managing Director of Showa Steel Works, Adviser to Planning Board June 1945.  |
| 25. KUZUU, Yoshihisa          |                     | President Kokuryukai (Black Dragon) Society, Councillor of Imperial Rule Assistance Association since Oct. 1944.  |
| 26. MATSUI, Iwane             | General             | C-in-C. Japanese Forces in Shanghai in China Incident Sep. 1937-Feb. 1938; President New Asia Movement since Aug. 1944; Helped found Great Asia Society 1933; President of Imperial Reservists Association 1935-37. |
| 27. MATSUKATA, Gisaburo       | Journalist          | Director-General of the Greater East Asia Press Federation in Manchukuo.  |
| 28. MATSUMOTO, Kenjiro        | Political Adviser   | Former adviser to Tojo Cabinet 1943-44; President of various industrial companies.  |
| 29. MATSUZAKA, Hiromasa       | Home Ministry       | Minister of Justice since July 1944; Procurator-General of Supreme Court from July 1941; officially active in March 15 and April 16 Communist cases, the Goshi railway case and 2nd Tokyo City scandal case.        |



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|---------------------------------|----------------------|---|
| 30. MIMURA, Kiichi              | Industrialist        | President of Sumitomo Industrial Company; Senior Managing Director Sumitomo Mining Co. G.E.A. adviser July 1945.  |
| 31. MITSUI, Takakimi<br>(Baron) | Industrialist        | President of Mitsui Gomei Kaisha.   |
| 32. MITSUI, Yonematsu           | Industrialist        | President of Japan-China Trade Association, sole trade organ for Japanese merchants central China; President of various industrial undertakings including Japan Iron & Steel Industrial Federation.   |
| 33. MOMOKI, Choji               |                      | Chief of Labour Dept. of Business Bureau of Iron & Steel Control Assn. since Mar. 1944; Director of various industrial companies.   |
| 34. MUKAI, Tadaharu             | Industrialist        | Connected with Mitsui, Managing Director of Mitsui Bussen Kaisha Dec. 1937-Jan. 1944.   |
| 35. MURATA, Shozo               | Governmental Adviser | Ambassador to Philippines Oct. 1943; Former Managing Director Osaka Shosen Kaisha Supreme Adviser to Japanese Military Administration in Philippines; Company Director and Shipping Magnate.  |
| 36. NAGATOMO, Tsuguo            | Major-General        | Commander of Osaka Gendamerie since March 1944.   |
| 37. NAITO, Kenichi              | Home Ministry        | Mayor of Singapore since July 1943; Formerly Sectional Chief of Police Bureau of Home Ministry; Director of Welfare Bureau of Military Administration of Malaya, Oct. 1942, Drew up Military Administration's 5-year plan for economic development of Southern regions. |
| 38. OBATA(Kobata)<br>Tadayoshi  | Industrialist        | Managing Director of Great Japan Patriotic Labour Service Assn. until Sep. 1944; Managing Director of Sumitomo Wire and Cable Works; Director of North China Gold Mining Coy., Sumitomo Aluminium Coy. etc.   |
| 39. OKAIDE, Shoesei             | Administrator        | Military Administrator of Java.   |
| 40. OKAMURA, Yasujiro           | General              | Supreme Commander, China, since Nov. 1944; Distinguished himself in operations against Hankow 1938 and Honan in 194   |

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|---|---------------------|---|
| 41. OKI, Shigeru                        | Lt. General         | Former Commander of Gendamerie H. Q. Aug. 1943-Oct. 44.   |
| 42. OKIDO, Sanjii                       | Lt. General         | Chief of Military Police (Gendamerie) H. Q. since Oct. 1944   |
| 43. OKURA, Kishichiro<br>(Baron)        |                     | Head of Okura financial interests; President Japan-Italy Society.   |
| 44. OTANI, Yonetaro                     | Industrialist       | President of Otani Heavy Industries.  |
| 45. SHIBA, Koshiro                      | Industrialist       | Chairman of Board of Directors of Mitsubishi Heavy Industries from their establishment, 1934, Director of various companies; Chief of Mitsubishi Nagasaki Dockyards 1917. |
| 46. SHIBUSAWA, Keizo<br>(Viscount)      | Banker              | Governor of Bank of Japan since March 1944; formerly Vice-Governor. Connected with various banks and finance companies.   |
| 47. SHIMADA, Katsunosuke                | Industrialist       | Executive Director of Mitsui Gomei Kaisha; Director of Mitsui Mining Co; Director of Japan airways etc.   |
| 48. SHIMADA, Shigetaro                  | Admiral             | Supreme War Councillor from Aug. 1944; Navy Minister under Tojo 1941-44.  |
| 49. SHIMAOKA, Ryotaro                   | Industrialist       | Economic Adviser to Manchuria Dec. 1944; Director of various mining and other industrial companies in Manchukuo.  |
| 50. SHIMOMURA, Sadamu                   | General             | C-in-C. North China since Nov. 1944; Commander of Forces in Shanghai area Mar. 1942-Mar. 1944.  |
| 51. SHINDO, Kazuma                      |                     | President of Genyosha (Black Ocean) Society).   |
| 52. SUGIYAMA, Hajime                    | Field Marshal       | Directed military operations from outbreak of war. Minister of War under Koiso since July 1944.   |
| 53. SUMITOMO,<br>Kichizaemon<br>(Baron) | Banker              | President of Sumitomo Honsha; Director of Sumitomo Bank; Life Insurance Company.  |
| 54. TAKAHASHI, Hisashi                  | Journalist          | One of the Managing Directors of Domei News Agency.   |
| 55. TANIGUCHI, Tsuneji                  | Finance<br>Ministry | Vice-Governor of Bank of Japan since March 1944; Vice Minister in Tojo Cabinet.   |

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|-----------------------------------|--------------------|--|
| 56. TERAUCHI, Hisaichi<br>(Count) | Field-<br>Marshall | C-in-C. Southern Regions<br>1941-1945; Army representa-<br>tive to Nazi Convention at<br>Nuremberg 1939.   |
| 57. TOGO, Shigenori               | Foreign<br>Office  | Foreign Minister under Tojo<br>and Overseas Minister   |
| 58. TOJO, Hideki                  | General            | Prime Minister at outbreak<br>of Greater East Asia war;<br>Minister for Home Affairs;<br>War Minister 1941-44;<br>C.G.S. Feb. 1944.  |
| 59. TSUKADA, Osamu                | Lt. General        | C. of S. Japanese Forces<br>Southern Areas 1942.   |
| 60. UMEZU, Yoshijiro              | General            | Chief of Army General Staff<br>since July 1944 and Supreme<br>War Councillor; C-in-C. of<br>Kwantung Army 1939-1944.   |
| 61. USHIROKU, Jun                 | General            | Supreme War Councillor and<br>Vice Chief of General Staff<br>since Nov. 1944; Commander<br>of Central Defence H.Q. in<br>Japan Aug. 1942; Inspector-<br>General Military Aviation<br>March 1944. |
| 62. YAMASHITA, Tomoyuki           | General            | Captured Singapore; Supreme<br>Commander of Japanese Forces<br>Malaya at outbreak of war.<br>S.C. Jap Forces in Philippine<br>since Nov. 1944.   |
| 63. YAMAWAKI, Masataka            | General            | C-in-C. Borneo since Oct.<br>1942; Director of Military<br>Education 1938-9; Vice<br>Minister of War 1939; Pres-<br>ident of Military Staff<br>College 1941.                                     |
| 64. YONAI, Mitsumasa              | Admiral            | Navy Minister Feb. 1937-Aug.<br>1939; Prime Minister Jan.-<br>July 1940; Navy Minister<br>July 1944-Aug. 1945.   |

APPENDIXLETTERS OF TRANSMITTAL

UNITED NATIONS WAR CRIMES COMMISSION

Lansdowne House,

Berkeley Square,

London, W. I.

15th March, 1946.

Sir,

I have the honour to transmit to you herewith a copy of a letter which has been addressed to the Allied Council for Japan and to the International Staff of Prosecutors, in Tokyo, enclosing a list of Japanese major war criminals presented to this Commission by the Australian Government.

I have been instructed by the Commission to submit these documents to you for your information.

I have the honour to be,

Sir,

Your obedient Servant,

/s/ G. A. Ledingham

Secretary General.

The Chairman.  
Far Eastern Commission,  
Washington, D. C.  
U. S. A.

## UNITED NATIONS WAR CRIMES COMMISSION

Lansdowne House,  
Berkeley Square,  
London, W. I.

1st March, 1946.

Sir,

In accordance with the recommendations adopted by the United Nations War Crimes Commission on 29th August, 1945, the Australian National War Crimes Office has submitted to the Commission the first List of major Japanese war criminals and those holding key positions. All persons included in the List were charged with crimes against peace, war crimes and crimes against humanity which are within the Four-Power Agreement of 8th August, 1945, for the Prosecution and punishment of the Major War Criminals of the European Axis, as well as within General MacArthur's order establishing the International Tribunal for the Far East which was released in Tokyo on January 19th, 1946.

The above List was considered by the Commission at its meeting held on February 13th, 1946, with the result that the Commission entrusted me as its Chairman to refer the List to the Allied Council for Japan and the International Prosecuting Section in Tokyo for further action. The Commission was of the opinion that, though this matter falls within the jurisdiction of the United Nations War Crimes Commission, in view of the fact that evidence relating to the charges brought against persons named in the List was available in Tokyo and not in London, the Commission considered the best practical method to be to refer the List to the above mentioned bodies which had special jurisdiction.

I was also instructed by the Commission to say that in case the Council (Prosecuting Section) did not see fit to proceed with the List, the Commission would appreciate if the List could be referred back to the Commission who would take what action it deemed proper.

In any case, the Commission would appreciate if it could be duly informed of whatever action is taken by the Council (Prosecuting Section) on the matter.

I am, Sir,

Your obedient Servant,

Allied Council for Japan.

(sgd) WRIGHT.

C/o Supreme Commander,

Tokyo, Japan.

International Prosecution Section.

C/o Supreme Allied Commander,

Tokyo, Japan.

FEC-007/6

26 April 1946

FAR EASTERN COMMISSION

TRIAL OF JAPANESE WAR CRIMINALS

Note by the Secretary General

1. The enclosure, a directive to the Supreme Commander for the Allied Powers from the United States Government on the trial of Japanese war criminals, is circulated herewith for the information of the Far Eastern Commission and is referred to COMMITTEE NO. 5: WAR CRIMINALS for consideration.

2. A certified copy of this U. S. directive, which has been forwarded to the Supreme Commander for the Allied Powers, has been filed with the Commission by the United States Government in accordance with Section III, paragraph 4, of the Terms of Reference.

NELSON T. JOHNSON  
Secretary General

FEC-007/6

ENCLOSURE

The trial and punishment of Japanese war criminals who have been or may be apprehended, before appropriate military courts or tribunals will be proceeded with by you without delay. This is in accordance with the desire of the President. A more comprehensive directive and statement of policy will be furnished you shortly, which will be based upon the flexible procedure adopted in Europe.



~~CONFIDENTIAL~~

FEC 007/8

23 May 1946

CLASSIFICATION CHANGED	
TO	<u>Unclassified</u>
BY	<u>FEC 007/12</u>
	<u>11/15/51</u> DATE
BY	-----

COPY NO. 136FAR EASTERN COMMISSIONAPPREHENSION AND PUNISHMENT OF WAR CRIMINALS (JAPAN)Note by the Secretary General

1. The enclosure, a United States directive to the Supreme Commander for the Allied Powers on apprehension and punishment of war criminals in Japan, is circulated herewith for the information of the Far Eastern Commission.
2. This directive was forwarded to the Supreme Commander for the Allied Powers on 10 November 1945.
3. A certified copy of this U. S. policy directive to the Supreme Commander for the Allied Powers has been filed with the Commission in accordance with Section III, paragraph 4, of the Terms of Reference.
4. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press

NELSON T. JOHNSON  
Secretary General

FEC 007/8

## E N C L O S U R E

CONFIDENTIAL

10 November 1945

Serial No. 19.

APPREHENSION AND PUNISHMENT OF WAR CRIMINALS (JAPAN)

Position of United States Government is that Tojo, his cabinet, and other persons charged with crimes in category A in paragraph 1 of the policy of the United States in regard to the apprehension and punishment of war criminals in the Far East\* should be tried by an international tribunal.

Other Allied signatories to Japanese surrender document have been requested to nominate panel of their nationals for appointment by you as members of such international tribunal. Transmission to the Allied governments of the United States policy \* commits the United States to afford such governments a reasonable opportunity to participate in trials by international tribunal. State Department is making further representations to expedite action by other signatories. If the latter delay unduly or do not desire to participate, it is probable that the United States will proceed on a unilateral basis.

Subject to the above, you are already fully authorized to proceed immediately with trial of war criminals for offenses in categories B and C of paragraph 1 of the policy referred to\*. Such trials should be held as soon as practicable.

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\* FEC 007/1

~~CONFIDENTIAL~~

FEC-007/7

15 May 1946

CLASSIFICATION CHANGED	
TO	<i>Unclassified</i>
BY	<i>FEC-007/7</i>
	<i>11/15/51</i> <i>5/17/48</i>
BY	

COPY NO. 133FAR EASTERN COMMISSIONAPPREHENSION, TRIAL AND PUNISHMENT OF WAR  
CRIMINALS IN THE FAR EASTNote by the Secretary General

1. The enclosure, a United States directive to the Supreme Commander for the Allied Powers forwarding the statement of policy of the Far Eastern Commission on apprehension, trial, and punishment of war criminals in the Far East, is circulated herewith for the information of the Commission. *Dir fwd. SCAP 23 Apr 46*

2. A certified copy of this U. S. policy directive to the Supreme Commander for the Allied Powers, has been filed with the Commission in accordance with Section III, paragraph 4, of the Terms of Reference.

3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON  
Secretary General

FEC-CONFIDENTIALSerial No. 40APPREHENSION, TRIAL, AND PUNISHMENT OF WAR CRIMINALS  
IN THE FAR EAST

The following directive, prepared by the Department of State to implement the policy adopted by the Far Eastern Commission on 3 April 1946 under the provisions of paragraph 11, A, 1 of its terms of reference, has been received from the State, War and Navy Departments for transmission to SCAP for his guidance in accordance with paragraph III, 1 of those terms of reference. This directive supersedes the policy of the United States in regard to the apprehension and punishment of war criminals in the Far East\*.

"DIRECTIVE ON THE APPREHENSION, TRIAL, AND  
PUNISHMENT OF WAR CRIMINALS IN THE FAR EAST

1. The term "war crimes" as used herein, includes:

a. Planning, preparation, initiation or waging of war of aggression or a war in violation of international treaties, agreement and assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

b. Violations of the laws or customs of war. Such violations shall include but not be limited to murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of, or in, occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, or elsewhere improper treatment of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages or devastation not justified by military necessity.

c. Murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war or persecutions on political, racial or religious grounds in execution of or in connection with any crime defined herein whether or not in violation of the domestic law of the country where perpetrated.

2. The offense need not have been committed after a particular date to render the responsible party or parties subject to arrest, but, in general, should have been committed since, or in the period immediately preceding the Mukden incident of September 18, 1931. The preponderance of cases may be expected to relate to the years since the Lukouchiao incident of July 7, 1937.

3. You will take all practicable measures to identify, investigate, apprehend, and detain all persons suspected of having committed war crimes, as defined in paragraph 1 above, and all persons whom any one of the United Nations or Italy charges with such crimes.

4. You will hold suspected war criminals in close confinement, without access to the press or other media of public information, and without distinction as to rank or position, as befits ordinary criminals.

5. As Supreme Commander for the Allied Powers, you have:

a. power to appoint special international military courts (which term should be held to include tribunals of any type)

\*Serial No. 11

FEC-CONFIDENTIAL

composed of military, naval, or air force officers or civilians representing any two or more of the states members of the Far Eastern Commission for the trial under any applicable law, domestic or international, including the laws and customs of war, of the Far Eastern war criminals indicted by the governments of these states, and

b. power to prescribe, subject to consultation with the representatives of those governments, rules of procedure for such courts. You will appoint to each international court a judge nominated by each state represented on the Far Eastern Commission which signifies its desire to participate in the work of such court. In the appointment of the international courts and in all trials before them, the international character of the courts and of the authority by which they were appointed and under which they act should be properly emphasized and recognized, particularly in dealings with the Japanese people. You will have, (1) the responsibility for carrying out the judgments of any international courts appointed by you, and (2) the power to approve, reduce or otherwise alter any sentences imposed by any such courts, but not to increase the severity thereof, after consultation with the Allied Council for Japan and the representatives in Japan of the other powers, members of the Far Eastern Commission.

6. You should (a) promptly establish an agency, acting under your command to investigate reports of war crimes, to collect and analyse evidence, to arrange for the apprehension and prompt trial of suspects, to prepare, supervise and conduct the prosecution of individuals and organizations before international military courts of tribunals, and to recommend to you which individuals and organizations should be prosecuted, before what courts they should be tried and what persons should be secured as witnesses, and (b) should provide, after discussion with the local representatives of the nations involved, and in a manner consistent with efficient administration, for equitable inclusion in the membership of such agency of suitable representatives of the States members of the Far Eastern Commission. This agency should advise you and other military commanders for the Allies on matters relating to war criminals. This agency should attach importance to the investigation of the evidence that offenses of the type described in paragraph 1 a above have been committed, should collect and analyse the evidence of such offenses and should recommend to you a plan as indicated in paragraph 5 above for the appointment of an international court for the trial of such offenses and the charges to be preferred. This agency should also maintain a central record and information office of Japanese war criminals and war crimes, the records and files of which should be available to any interested United Nation.

7. The military command of any nation (including the United States) participating in the occupation of areas previously dominated by Japan may establish special national military courts to deal with war criminals not held or requested by you for trial by an international military court or tribunal of the types referred to in paragraph 6 above. Such courts should be separate from courts which may be set up to deal with current offenses against the occupation or infractions of military discipline. Your authorization will be required for the setting up of such courts within your command.

8. Military commanders of forces of occupation in the Far East should promptly comply with a request by the government of any one of the United Nations or Italy for the delivery to it of

FEC-CONFIDENTIAL

any person who is stated in such request to be charged with a war crime, subject to the following exceptions:

a. Persons who have held high political, civil, or military positions in the Japanese Empire or in one of its allies, co-belligerents or satellites, will not be delivered, pending decision whether such person should be tried before an international military court or tribunal. Suspected war criminals desired for trial before such a court or tribunal or persons desired as witnesses at such trials will not be turned over to the nation requesting them so long as their presence is desired in connection with such trials.

b. Where persons are requested by more than one of the governments above-mentioned for trial of a war crime, the military commanders concerned should make their determinations based on all circumstances, including the relative seriousness of the respective charges against such a person and the national interests involved, and should deliver the requested person to a particular United Nation or Italy accordingly.

9. Compliance with any request for the delivery of a suspected war criminal should not be delayed on the ground that other requests for the same person are anticipated.

10. Delivery of a suspected war criminal to a requesting government should be subject to the condition that if such person is not brought to trial, tried and convicted within six months from the date he is so delivered, he will be returned to the authority who made delivery if he has been requested for trial by any of the other United Nations or Italy.

11. Military commanders should take under their control, pending subsequent decisions as to its eventual disposition, property, real and personal, found in areas of their respective jurisdiction and owned or controlled by persons taken into custody pursuant to the provisions of paragraph 3 above.

12. You will take such measures as are deemed necessary to insure that witnesses to war crimes will be available when required.

13. The execution of death sentences should be deferred if there is reason to believe that the testimony of those convicted would be of value in the trial of other war criminals.

14. You will arrest any national of any United Nation who may be requested, or who there is reason to believe may be desired, by his government as a renegade or quisling. Such persons should normally be turned over as soon as practicable to their government.

15. Military commanders having custody of alleged offenders requested under paragraphs 8 and 14 above, if in doubt as to whether such persons should be turned over to the demanding nation for trial, should consult their government and, in appropriate cases, leave the matter to be dealt with through diplomatic channels. Within the main islands of Japan, you will have custody of such alleged offenders and should consult the Joint Chiefs of Staff in cases of doubt.

16. Paragraph 3 of this directive shall not be construed to authorize any action against the Emperor as a war criminal. You will take no action against the Emperor as a war criminal pending receipt of a special directive concerning his treatment."

FEC-007/9

CLASSIFICATION CHANGED	
TO	-----
BY	-----
	DATE
BY	-----

FEC-007/917 May 1948FAR EASTERN COMMISSION

APPREHENSION, TRIAL AND PUNISHMENT OF WAR CRIMINALS  
IN THE FAR EAST  
(References: FEC-007/7, FEC-054/9)

Note by the Secretary General

In accordance with a request from the Assistant Secretary of State paragraphs one through seven of the U. S. Directive to SCAP, Serial No. 40, regarding Apprehension, Trial and Punishment of War Criminals in the Far East (FEC-007/7 as corrected by FEC-054/9) filed with the Far Eastern Commission on May 15, 1946 in accordance with Section III, paragraph 4 of the Terms of Reference, has been downgraded to unclassified.

NELSON T. JOHNSON  
Secretary General

FEC-007/9

FEC-007/10FEC-007/1015 November 1951FAR EASTERN COMMISSIONAPPREHENSION AND PUNISHMENT OF WAR CRIMINAL  
IN THE FAR EASTDirective Serial No. 11  
(Reference: FEC-007/1)Note by the Secretary General

1. Upon recommendation of the United States Government FEC-007/1 (4 March 1946), a United States directive to the Supreme Commander for the Allied Powers regarding the apprehension and punishment of war criminals in the Far East, is from this date graded to UNCLASSIFIED.

2. All holders of FEC-007/1 are requested to make the appropriate change in their copies of this document.

NELSON T. JOHNSON  
Secretary General

FEC-007/10



FEC-007/11FEC-007/1115 November 1951FAR EASTERN COMMISSIONIDENTIFICATION, APPREHENSION AND TRIAL  
OF PERSONS SUSPECTED OF WAR CRIMES  
Directive Serial No. 12  
(Reference: FEC-007)Note by the Secretary General

1. Upon recommendation of the United States Government FEC-007 (4 March 1946), a United States directive to the Supreme Commander for the Allied Powers regarding the identification, apprehension and trial of persons suspected of war crimes, is from this date graded to UNCLASSIFIED.

2. All holders of FEC-007 are requested to make the appropriate change in their copies of this document.

NELSON T. JOHNSON  
Secretary General

FEC-007/11

FEC-007/12FEC-007/1215 November 1951FAR EASTERN COMMISSIONAPPREHENSION AND PUNISHMENT OF WAR CRIMINALS  
(JAPAN)Directive Serial No. 19  
(Reference: FEC-007/8)Note by the Secretary General

1. Upon recommendation of the United States Government FEC-007/8 (23 May 1946), a United States directive to the Supreme Commander for the Allied Powers regarding the apprehension and punishment of war criminals (Japan), is from this date graded to UNCLASSIFIED.

2. All holders of FEC-007/8 are requested to make the appropriate change in their copies of this document.

NELSON T. JOHNSON  
Secretary General

FEC-007/12

FEC-007/13FEC-007/1312 December 1951FAR EASTERN COMMISSION

TRIAL OF JAPANESE WAR CRIMINALS  
Directive Serial No. 7  
(Reference: FEC-007/6)

Note by the Secretary General

1. Upon recommendation of the United States Government FEC-007/6 (26 April 1946), a United States directive to the Supreme Commander for the Allied Powers regarding the trial of Japanese war criminals, is from this date graded to UNCLASSIFIED.

2. All holders of FEC-007/6 are requested to make the appropriate change in their copies of this document.

NELSON T. JOHNSON  
Secretary General

FEC-007/13

FEC-008

1 March 1946

FAR EASTERN COMMISSION

OFFICIAL LANGUAGES

Note by the Secretary General

1. The enclosure, a proposed policy on official languages, approved at the second meeting of the Steering Committee on 28 February 1946, is circulated for the consideration of the Commission.

NELSON T. JOHNSON  
Secretary General

FEC-008

ENCLOSUREOFFICIAL LANGUAGES

1. The Russian, Chinese, and French languages shall be recognized equally with English as official languages for verbal statements at sessions of the Commission and of its committees and for Commission documentation.

2. Documents of the Commission and of its committees and minutes of meetings will be prepared in the English, Russian, Chinese, and French languages.

3. The necessary interpreters and translators will be supplied by the appropriate delegations to assist the Secretariat staff in this work.

FEC-009

1 March 1946

FAR EASTERN COMMISSION

COMMISSION DOCUMENTS

Note by the Secretary General

1. The enclosure, a proposed policy on the numbering of FEC documents and the status of FEAC documents, approved at the second meeting of the Steering Committee on 28 February 1946, is circulated for the consideration of the Commission.

NELSON T. JOHNSON  
Secretary General

FEC-009

E N C L O S U R ECOMMISSION DOCUMENTS

1. FEC documents shall be numbered consecutively, beginning with 001.

2. No documents or decisions of the Far Eastern Advisory Commission shall be binding upon the Far Eastern Commission, but, shall remain available for reference in the Secretariat.

FEC-010

4 March 1946

FAR EASTERN COMMISSION

ESTABLISHMENT OF COMMITTEE ON REPARATIONS

Note by the Secretary General

1. The proposal by the United Kingdom Delegate for the establishment of a separate Committee on Reparations, which was circulated for the information of the old Far Eastern Commission as FEC 17, is hereby submitted by the United Kingdom Delegate for the consideration of the Far Eastern Commission.

2. It is requested that this cover page be substituted for the cover page on FEC 17.

NELSON T. JOHNSON  
Secretary General.

FEC-010



FEC 17

21 January 1946

FAR EASTERN COMMISSION

ESTABLISHMENT OF WORKING  
COMMITTEE ON REPARATIONS

Note by the Secretary General

The enclosure, a proposal by the United Kingdom Delegate for the establishment of a separate Working Committee on Reparations, is circulated for the information of members of the Far Eastern Commission prior to its formal presentation by the United Kingdom Delegate at the first meeting of the Far Eastern Commission in Washington.

FOR THE SECRETARY GENERAL:

ERLE R. DICKOVER

E N C L O S U R EWorking Committee on Reparations

The United Kingdom delegate on the Far Eastern Commission proposes that the Commission should set up a Committee to report on the guiding principles which should govern the exaction of reparations from Japan. The terms of reference suggested for this committee are as follows:

(1) To consider and recommend what general principles should govern the framing of the Reparations Plan so that it will make the maximum overall reparations to countries entitled to reparations, be compatible with the disarming of Japan's industrial war potential, and be such as to ensure (a) that the successful conclusion of the tasks entrusted to the forces of occupation will not be prejudiced, (b) that Japanese reparations will not result directly or indirectly in a burden being imposed on any of the Allies, and (c) that the Japanese people will be left able to exist without enlisting relief from outside, and at a standard not out of line with other Asiatic countries.

(2) To consider and recommend what form reparations should take; in particular (a) in what forms reparations in kind should be exacted and, if continuing deliveries are required, how long they should continue, (b) whether Japanese labour should be used for reparations purposes and if so on what basis and how long it should continue, (c) questions arising out of the disposal of Japanese overseas assets.

(3) To consider and recommend what criteria should govern the assessment of the claims of countries entitled to reparations.

FEC 010/1

25 April 1946

FAR EASTERN COMMISSION

ESTABLISHMENT OF INTER-ALLIED REPARATIONS COMMITTEE

Note by the Secretary General

1. The enclosure, a memorandum by the United States representative proposing the establishment of an Inter-Allied Reparations Committee, is circulated for the information of the Far Eastern Commission and referred to COMMITTEE NO. 1; REPARATIONS for consideration.

2. Attention is invited to the fact that the enclosure proposes that the Inter-Allied Reparations agency be established as a body "administratively within the Commission", not as an autonomous Inter-Allied Reparations Commission.

NELSON T. JOHNSON  
Secretary General

FEC 010/1

ENCLOSUREESTABLISHMENT OF INTER-ALLIED REPARATIONS COMMITTEE

The Government of the United States wishes to propose to the Far Eastern Commission adoption of the following terms of reference for its Reparations Committee.

1. a. Establishment

An Inter-Allied Reparations Committee for Japan composed of one representative each of the member governments of the Far Eastern Commission shall be established by the Commission. As a body administratively within the Commission, the Reparations Committee shall function under the terms of reference of the Commission, and employ its voting procedure, administrative machinery and Secretariat facilities.

b. Functions

(1) The following functions shall be delegated to the Reparations Committee by the Far Eastern Commission:

(a) To determine the categories, and the total amounts within those categories, of Japanese assets both within and outside Japan which shall be made available for payment of reparations/as distinguished from restitution and war booty/.

(b) To invite the presentation of reparations claims by countries which participated in the war against Japan or suffered from the effects of Japanese aggression, and to allocate percentages of the several categories of Japanese assets declared available for reparations to claimant countries on the basis of its own determination of

1. categories of damage and cost, both direct and indirect;

2. the evaluation of total claims to be allowed within such categories;

3. the capacity of claimant countries to absorb and utilize Japanese assets claimed as reparations;

4. value of Japanese assets physically located within each claimant country.

(c) To consider such other related matters as may be assigned to it by the Far Eastern Commission.

(2) In the performance of these functions, the Reparations Committee shall operate within the framework of over-all occupation policies and objectives as determined by the Far Eastern Commission. In this respect the Commission shall retain the power to review the decisions of the Committee. Subject to this qualification, the Committee shall have the authority to make binding decisions within its area of competence. Such decisions requiring implementation in Japan shall be transmitted directly by the Committee through the Commission Secretariat to the United States Government for transmittal to the Supreme Commander for the Allied Powers.

(3) The Supreme Commander for the Allied Powers shall be responsible for all technical and administrative operations in Japan required to carry out the decisions of the Reparations Committee with respect to Japanese assets controllable in Japan. His responsibility shall include the designations of specific industrial plants and items of equipment for removal from Japan in accordance with the decisions of the Committee as to over-all categories and amounts of such facilities to be removed. It shall also include the allocation of such facilities to claimant countries in accordance with the decisions of the Committee as to the respective shares allotted to such countries within each category of assets. In the event of a conflict of claims to a specific item of equipment by two or more countries the Supreme Commander may at his discretion refer the issue to the Far Eastern Commission for adjustment by the Reparations Committee.