

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

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AG 386.5 (5 Sep 51) LS-L
SCAPIN 2167

5 September 1951

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Exercise of Jurisdiction over Property

1. Reference is made to Memorandum for the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers, AG 015 (27 Jun 47) LS-L, SCAPIN 1740, subject: Amendment to Exercise of Criminal Jurisdiction, 27 June 1947, which prohibits, unless duly authorized, the possession, taking, receipt or disposal of property of the occupation forces or any member thereof, or of any member attached to or accompanying such forces.

2. Notwithstanding the provisions of SCAPIN 1740, Japanese courts and government agencies are authorized to exercise civil and criminal jurisdiction over all property in Japan, except in cases involving the following categories of property:

a. Military currencies, such as Military Payment Certificates, as issued by the United States Armed Forces, or British Armed Forces Special Vouchers, as issued by the British Commonwealth Occupation Force;

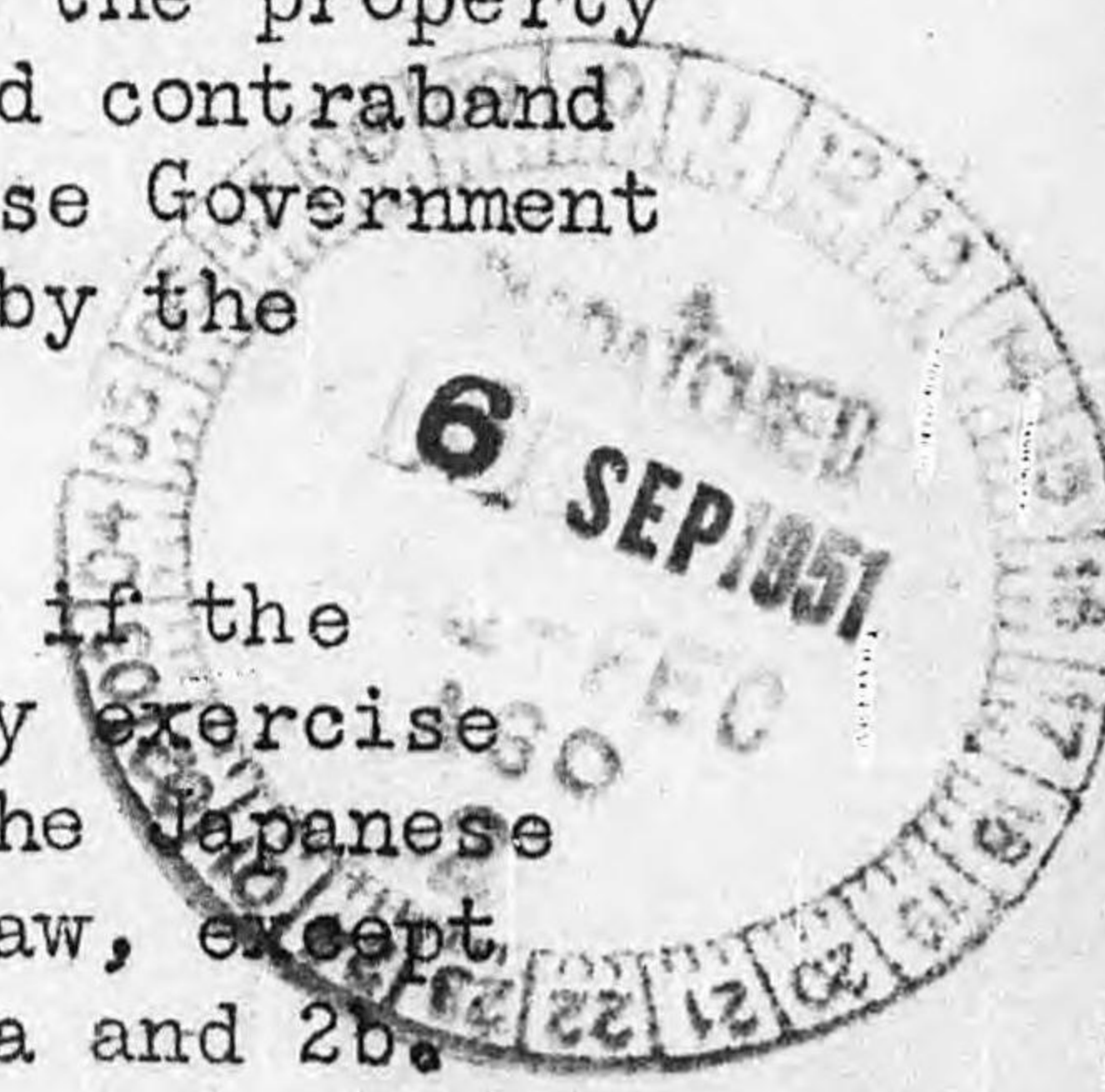
b. Property of any foreign government represented in Japan;

c. Property where the claimant thereto, if any, or the possessor thereof, if known, is not subject to the civil or criminal jurisdiction of Japanese courts or agencies.

3. a. Property described in 2a and 2b, coming under the cognizance of the Japanese authorities, will be turned over forthwith to the appropriate Allied authorities for disposition.

b. Property described in 2c will be held by the Japanese Government and reported forthwith to the Allied authorities. However, when such property is seized by occupation authorities from occupation personnel, it will not be turned over to the Japanese Government until the Contraband Tribunal has made its initial ruling that the property in question is contraband. Property, if finally declared contraband by the Allied authorities, may be released to the Japanese Government for disposition. Released property will be disposed of by the Japanese Government.

c. If there is no claimant to the property, or if the possessor thereof is unknown, the Japanese Government may exercise jurisdiction, which is conclusive upon final action by the Japanese Government or its agencies in accordance with Japanese law, except for the categories of property described in paragraphs 2a and 2b.



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4. The Japanese Government is authorized to exercise jurisdiction over property in accordance with Japanese law, and the provisions herein.

5. For the information of the Japanese Government, the occupation forces in Japan have been advised of the policy of the General Headquarters, Supreme Commander for the Allied Powers, that unless specifically authorized to the contrary by the Supreme Commander, in a particular case, the provisions of Circular 23, General Headquarters, Supreme Commander for the Allied Powers, 7 July 1948, entitled "Contraband," shall not be applicable to cases in which the Japanese Government is authorized to exercise jurisdiction. Generally, the intent and effect of this policy is not to deny but rather to limit the jurisdiction of the occupation forces in contraband matters.

6. For the purpose of implementation, the Japanese Government is authorized to communicate with appropriate staff sections of General Headquarters, Supreme Commander for the Allied Powers, on matters within the scope of this memorandum.

FOR THE SUPREME COMMANDER:

C. C. B. Warden
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Colonel, AGC *B*
Adjutant General