

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

LPO 500
22 November 1946

AG 386.3 (22 Nov 46)CPC/FP
(SCAFIN 1354)

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT
THROUGH: Central Liaison Office, Tokyo
SUBJECT: Restitution of United Nations Nationals' Property Wrongfully Transferred

1. Reference is made to Memorandum for Imperial Japanese Government, AG 386.3 (6 May 46)CPC, SCAFIN 926, 6 May 1946, subject, "Procedure for Returning Property in Japan to Nationals of the United Nations," from General Headquarters, Supreme Commander for the Allied Powers.

2. The "Receipt Form" attached to the above referenced memorandum as Part 2, Annex A, is hereafter obsolete and the "Receipt Form" attached hereto as Annex A is substituted therefor.

3. The Imperial Japanese Government is directed to provide the necessary procedures for the restitution of properties owned by United Nations nationals in Japan on 7 December 1941, which have been the subject of transfer under duress, wrongful acts of confiscation, dispossession or spoliation, whether pursuant to legislation or by procedure purporting to follow forms of law or otherwise, and such restitution will be made under conditions as follows:

a. General Headquarters, Supreme Commander for the Allied Powers will issue a directive to the Imperial Japanese Government in each case of restitution, stating time and place for delivery of property to be restored and transfer of title thereto.

b. Receipt in the form of the "Receipt for Restitution to United Nation National of Wrongfully Transferred Property in Japan" attached hereto as Annex A, and containing all provisions therein, will be executed in original and seven copies and distributed in accordance with distribution as shown on the bottom of page 2 of the receipt form. All copies will be signed.

Recd by Japan 1888 - 22 Apr 48

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RSIC: Memo to Imperial Japanese Government, file AG 386.3,
subject, "Restitution of United Nation Nationals'
Property Wrongfully Transferred."

c. Separate pages will be used where space provided
in "Receipt for Restitution to United Nation National of Wrong-
fully Transferred Property in Japan" is insufficient and notation
to that effect inserted in space provided.

d. Receipt will be the result of a joint inventory
by the Restoree and Representative of the Imperial Japanese
Government.

4. In each case of restitution the Representative of the
Imperial Japanese Government will present to the Military Government
Officer in the locality in which the property to be restituted is
located a copy of the Directive requiring the restitution. The Military
Government Officer or his representative will witness the restitution.

FOR THE SUPREME COMMANDER:

John B. Cooley

JOHN B. COOLEY,
Colonel, RGD,
Adjutant General.

1 Incl
Receipt for Restitution
to United Nation National
of Wrongfully Transferred
Property in Japan

RECEIPT FOR RESTITUTION TO UNITED NATION NATIONALS OF
WRONGFULLY TRANSFERRED PROPERTY IN JAPAN

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File No. _____

LAND AND BUILDINGS

STOCKS AND BONDS

MERCHANDISE (separate list)

HOUSEHOLD GOODS & PERSONAL EFFECTS (separate list)

CASH AND DEPOSITS

OTHER ASSETS

The signatures of the Restoree and the authorized representative of the Imperial Japanese Government, respectively, which appear on this document, attest to the fact that the Imperial Japanese Government has on this date delivered and transferred and thereby restored property as listed with title thereto and custody thereof to the Restoree pursuant to the Supreme Commander for the Allied Powers' instructions to the Imperial Japanese Government as contained in SCAPIN 1354, subject, "Restitution of United Nations Nationals' Property Wrongfully Transferred," AG 386.3 (22 Nov 46)CPC/FP, dated 22 November 1946, and the Restoree has accepted such delivery, restoration,

ANNEX A

Inclosure 1 to SCAPIN 1354

RECEIPT FOR RESTITUTION TO UNITED NATION NATIONALS OF
WRONGFULLY TRANSFERRED PROPERTY IN JAPAN

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ownership and custody of such property from the Imperial Japanese Government. Such delivery, restoration, transfer of title, custody and acceptance are hereby acknowledged, upon conditions as follows:

1. Restoree agrees to remit to the Imperial Japanese Government the amount of funds received as payment for the property at the time of transfer or which was deposited in a blocked account in the name of the Restoree upon being sold by the Imperial Japanese Government. However, payment of such amounts shall be made only after settlement of claims for loss or damage.

2. The return of the above listed property to Restoree as is does not prejudice the claim of Restoree against the Imperial Japanese Government and/or Japanese nationals for damages to property, rent, depreciation, and other ascertainable losses.

3. All funds derived from transactions involving the property and deposited in a blocked bank account in the name of Restoree subsequent to 7 December 1941 will be unblocked and Restoree permitted to draw upon them. However, withdrawals from such accounts will be subject to general applicable restrictions.

4. The restoration of property to Restoree does not prevent the property from being assigned to reparations as a prior claim, but in such case Restoree shall not be precluded from other means of redress.

5. The restoration of property to Restoree shall not be considered as the basis for permission to operate the property in case special permission of General Headquarters, Supreme Commander for the Allied Powers, is required.

6. It is understood and agreed that Restoree will make appropriate, equitable adjustment and abide by any Inter-Allied decision with respect to any conflicting claims to the property, described above and hereby returned to him, that may be made by other nations or their nationals.

7. Anyone injured by the restoration of the property to Restoree shall look to the Imperial Japanese Government for relief.

Dated at _____

this _____ day of _____, 1946

Name _____ Name _____ Capacity _____

Nationality _____ on behalf of the Imperial Japanese Government.

Address _____

Seal

Capacity _____ Restoree

Witness:

Name _____

Capacity _____

Distr. - 4 copies (including orig) - General Headquarters, Supreme Commander
for the Allied Powers
2 copies - Restoree
2 copies - Imperial Japanese Government