

FEC-203

Reparations and  
Restitution Teams

REPARATIONS & RESTITUTION TEAMS

FEC-203

Reparations &  
Restitution Teams  
in Japan



FEC - 203

Reparations &  
Restitution Teams  
in Japan

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FEC-203RESTRICTEDFEC-20319 February 1947FAR EASTERN COMMISSION

COMPOSITION, FUNCTIONS, AND OPERATIONS OF REPARATIONS,  
RESTITUTION, AND RESTORATION MISSIONS IN JAPAN  
(Reference: C1-002/10)

Note by the Secretary General

The enclosure, a statement relative to the composition, functions, and operations of reparations, restitution, and restoration missions in Japan, is submitted by the United States Representative and is circulated herewith for the information of the Far Eastern Commission.

NELSON T. JOHNSON  
Secretary General

FEC-203



RESTRICTEDE N C L O S U R ECOMPOSITION, FUNCTIONS, AND OPERATIONS OF REPARATIONS,  
RESTITUTION, AND RESTORATION MISSIONS IN JAPAN

In response to inquiries by members of the FEC, the U.S. Government in consultation with SCAP has prepared the following statement clarifying the composition, functions, and operations of reparations, restitution, and restoration missions in Japan.

1. Composition of missions.

Each country which is a member of the FEC is authorized to have an official reparations, restitution, and restoration mission in Tokyo consisting of five individuals. FEC countries will also be authorized additional technical aides and clerical assistants for the above purposes, not to exceed twenty in number at this time. This numerical limitation is made necessary by present shortages of transportation and accommodations. SCAP will arrange for logistic support for missions which do not have independent facilities in Japan. Dollar credit or currency acceptable to the U.S. must be made available to pay for any support received from U.S. resources. Dependents of members of the missions and their staffs will not be cleared for entry into Japan at this time.

2. Functions of missions.

Only members of official missions and not members of their technical staff will be authorized to deal with SCAP on behalf of their governments on problems of reparations, restitution, and restoration. Specific functions are as follows:

(a) In reparations matters to present official claims for assignment of particular facilities to their country as reparations, inspection of facilities to determine desirability, consultation with SCAP regarding delivery, transportation and other technical matters concerned with receipt of reparations goods.

(b) In restitution matters to present the official claims of their governments for goods looted therefrom, to request that search be made for missing items believed to be in Japan, to accept title to goods on behalf of their governments and to arrange for the transportation of such property from Japan.

(c) In restoration matters to identify and arrange for the protection and preservation of property belonging to nationals of their country which is located in Japan and to present on behalf of their governments any claims for damage or loss to such property.



RESTRICTED

ENCLOSURE

COMPOSITION, FUNCTIONS, AND OPERATIONS OF REPARATIONS, RESTITUTION, AND RESTORATION MISSIONS IN JAPAN

In response to inquiries by members of the FEC, the U.S. Government in consultation with SCAP has prepared the following statement clarifying the composition, functions, and operations of reparations, restitution, and restoration missions in Japan.

1. Composition of missions.

*only 5 mbrs are authorized reps.*

*In each country*

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*to inspect property (purpose) identify of other*

(b) In restitution matters to present the official claims of their governments for goods looted therefrom, to request that search be made for missing items believed to be in Japan, to accept title to goods on behalf of their governments and to arrange for the transportation of such property from Japan.

*OK (US) (inspection)*

(c) In restoration matters to identify and arrange for the protection and preservation of property belonging to nationals of their country which is located in Japan and to present on behalf of their governments any claims for damage or loss to such property.

*3. 4 mbrs (Barrett) show changes?*



File in  
FEC - 203

FEC-203 //

RESTRICTED  
~~FEC-203~~  
13 March  
19 February 1947

FAR EASTERN COMMISSION

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COMPOSITION, FUNCTIONS, AND OPERATIONS OF REPARATIONS,  
RESTITUTION, AND RESTORATION MISSIONS IN JAPAN  
(Reference: C1-002/10, ~~FEC-203~~)

Note by the Secretary General

The enclosure, a statement relative to the composition, functions, and operations of reparations, restitution, and restoration missions in Japan, is submitted by the United States Representative and is circulated herewith for the information of the Far Eastern Commission.

NELSON T. JOHNSON  
Secretary General



The yen expenditures for maintenance of the above mentioned missions in Japan shall be charged <sup>on</sup> the Japanese Government's account and the supplying of yen funds should be exercised in accordance with the provisions of FEC-056/2 adopted by the Far Eastern Commission in respect to the procedures for supplying yen to representatives of the Allied Governments in Japan.

*WSPA addita to FEC-203*

*Free yen will be supplied to the above missions in accordance with the provisions of FEC-056/2.*



CI-203/1RESTRICTEDCI-203/113 March 1947

FAR EASTERN COMMISSION  
COMPOSITION, FUNCTIONS, AND OPERATIONS OF REPARATIONS,  
RESTITUTION, AND RESTORATION MISSIONS IN JAPAN  
(Reference: CI-002/10, FFC-203)

Note by the Secretary General

1. At the 68th meeting of Committee No. 1: Reparations on 3 March, 1947 the Netherlands member called attention to the omission in paragraph 2(b) of FFC-203 of an "inspection provision" similar to that mentioned in paragraph 2(a) of the same paper. He said it was the view of his Government that an "inspection provision" should be added to paragraph 2(b). The U.S. member said he would consult his Government on the matter. At the 70th meeting of Committee No. 1 on 12 March, 1947 the U.S. member informed the Committee that omission of the "inspection provision" from paragraph 2(b) had been inadvertent and that his Government would interpret the paragraph as permitting inspection in the same manner as provided in paragraph 2(a).

2. At the 69th meeting of Committee No. 1: Reparations on 7 March, 1947 the U.S.S.R. member proposed that the provisions of FFC-056/2 regarding Procedures for Supplying Yen to Representatives of Allied Governments in Japan should be included in FFC-203, Reparations and Restitution Missions in Japan, so that maintenance of these teams would be one of the costs of occupation to be met by the Japanese Government. The U.S. member agreed to obtain information on this matter from his Government.

None reply - US.

Nelson T. Johnson  
Secretary General

CI-203/1



RESTRICTEDCI-203/215 April 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONS

COMPOSITION, FUNCTIONS, AND OPERATIONS OF REPARATIONS,  
RESTITUTION, AND RESTORATION MISSIONS IN JAPAN:  
U.S. LEGAL OPINION ON PROCEDURES FOR SUPPLYING YEN  
(Reference: CI-203/1, FEC-203; CI-002/10; EC-056/2)

Note by the Secretary General

1. The enclosure, an opinion by the Legal Advisor of the U. S. Department of State concerning the application to reparations and restitution missions in Japan of the provisions of FEC-056/2 regarding procedures for supplying yen to representatives of Allied Governments in Japan, is circulated herewith for the consideration of COMMITTEE NO. 1: REPARATIONS.

2. At the 69th meeting of Committee No. 1 on 7 March 1947, the Soviet member proposed that the provisions of FEC-056/2 regarding Procedures for Supplying Yen to Representatives of Allied Governments in Japan should be included in FEC-203, Reparations and Restitution Missions in Japan, so that maintenance of these teams would be one of the costs of occupation to be met by the Japanese Government (CI-203/1). The U. S. member agreed to obtain information on this matter from his Government.

NELSON T. JOHNSON  
Secretary General

CI-203/2



RESTRICTEDE N C L O S U R ECOMPOSITION, FUNCTIONS, AND OPERATIONS OF REPARATIONS,  
RESTITUTION, AND RESTORATION MISSIONS IN JAPAN:  
U.S. LEGAL OPINION ON PROCEDURES FOR SUPPLYING YEN

Pursuant to the request of the Soviet member at the 69th meeting of Committee No. 1, on 7 March 1947, that the U. S. member obtain the view of his Government concerning the application to reparations and restitution missions in Japan of the provisions of FEC-056/2 regarding procedures for supplying yen to representatives of Allied Governments in Japan, the U. S. member submitted the question to the Legal Advisor of the Department of State, and has received the following opinion:

"Under FEC-056/2, the Supreme Commander is authorized to advance yen to meet necessary official expenses incurred by authorized Allied commissions and missions assigned to the Supreme Commander's staff. It would seem that the missions described in your question would qualify for such advances either as 'authorized Allied commissions,' or as 'missions assigned to the Supreme Commander's staff'. If these missions are not to be assigned to the staff of the Supreme Commander, they would still qualify as 'authorized Allied commissions'."



SC-203RESTRICTEDSC-203/317 April 1947FAR EASTERN COMMISSIONCOMPOSITION, FUNCTIONS, AND OPERATIONS OF REPARATIONS,  
RESTITUTION, AND RESTORATION MISSIONS IN JAPAN  
(Reference: C1-002/10, FEC-203)Note by the Secretary General

1. The enclosure, a statement by the United States Representative relative to the composition, functions and operations of reparations, restitution and restoration missions in Japan, is forwarded herewith by Committee No. 1: Reparations to the STEERING COMMITTEE for information.

2. The original statement by the U. S. Representative (FEC-203) was referred to Committee No. 1 on 19 February, 1947. Certain amendments to the paper were subsequently adopted. At its eighty-fourth Meeting on 16 April 1947 the Committee agreed to forward the enclosure to the Steering Committee for forwarding to the Far Eastern Commission for information. The Committee, with the New Zealand Member abstaining, agreed that the enclosure is acceptable and that no policy decision by the Commission is called for at this time.

NELSON T. JOHNSON  
Secretary General

SC-203/3



RESTRICTEDE N C L O S U R ECOMPOSITION, FUNCTIONS, AND OPERATIONS OF REPARATIONS,  
RESTITUTION, AND RESTORATION MISSIONS IN JAPAN

In response to inquiries by members of the FEC, the U.S. Government in consultation with SCAP has prepared the following statement clarifying the composition, functions, and operations of reparations, restitution, and restoration missions in Japan.

1. Composition of missions.

Each country which is a member of the FEC is authorized to have an official reparations, restitution, and restoration mission in Tokyo consisting of five individuals. FEC countries will also be authorized additional technical aides and clerical assistants for the above purposes, not to exceed twenty in number for each country at this time. This numerical limitation is made necessary by present shortages of transportation and accommodations. SCAP will arrange for logistic support for missions which do not have independent facilities in Japan. Dollar credit or currency acceptable to the U. S. must be made available to pay for any support received from U. S. resources. Dependents of members of the missions and their staffs will not be cleared for entry into Japan at this time.

2. Functions of missions.

Only members of official missions and not members of their technical staff will be authorized to deal with SCAP on behalf of their governments on problems of reparations, restitution, and restoration. Specific functions are as follows:

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(b) In restitution matters to inspect property for purposes of identification, to present the official claims of their governments for goods looted therefrom, to request that search be made for missing items believed to be in Japan, to accept title to goods on behalf of their governments and to arrange for the transportation of such property from Japan.

(c) In restoration matters to identify and arrange for the protection and preservation of property belonging to nationals of their country which is located in Japan and to present on behalf of their governments any claims for damage or loss to such property.

3. Supplying Yen to Missions

Under FEC-056/2, the Supreme Commander is authorized to advance yen to meet necessary official expenses incurred by authorized Allied commissions and missions assigned to the Supreme Commander's staff. The missions described above would qualify for such advances either as "authorized Allied commissions" or as "missions assigned to the Supreme Commander's staff". If these missions are not to be assigned to the staff of the Supreme Commander, they would still qualify as "authorized Allied commissions".



FEC-203/4RESTRICTEDFEC-203/422 April 1947

*Approved  
by FEC  
24 Apr 47  
55th FEC  
mtg*

FAR EASTERN COMMISSIONCOMPOSITION, FUNCTIONS, AND OPERATIONS OF REPARATIONS,  
RESTITUTION AND RESTORATION MISSIONS IN JAPAN  
(References: FEC-203 series; CI-002/10)Note by the Secretary General

The enclosure, a statement by the United States Representative relative to the composition, functions and operations of reparations, restitution and restoration missions in Japan, is forwarded herewith for the information of the Far Eastern Commission. The Steering Committee at its sixtieth meeting, 22 April 1947, approved, with the Soviet member abstaining, the recommendation of Committee No. 1: Reparations that the enclosure be forwarded for the information of the Commission.

NELSON T. JOHNSON  
Secretary General

FEC-203/4



RESTRICTEDE N C L O S U R ECOMPOSITION, FUNCTIONS, AND OPERATIONS OF REPARATIONS,  
RESTITUTION, AND RESTORATION MISSIONS IN JAPAN

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CONFIDENTIALCOPY NO. 133FEC-056/25 August 1946FAR EASTERN COMMISSIONINTERIM PROCEDURES FOR SUPPLYING YEN TO REPRESENTATIVES OF  
ALLIED GOVERNMENTS IN JAPANNote by the Secretary General

1. The enclosure, a United States interim directive to the Supreme Commander for the Allied Powers on interim procedures for supplying yen to representatives of Allied Governments in Japan, is circulated herewith for the information of the Far Eastern Commission.

2. A certified copy of this interim 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.

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-056/2



CONFIDENTIAL

Serial No. 55

23 July 1946

INTERIM DIRECTIVE TO THE SUPREME COMMANDER  
FOR THE ALLIED POWERS, ISSUED UNDER THE  
PROVISIONS OF PARAGRAPH III, 3, OF THE  
TERMS OF REFERENCE OF THE FAR EASTERN  
COMMISSION

INTERIM PROCEDURES FOR SUPPLYING YEN TO REPRESENTATIVES OF  
ALLIED GOVERNMENTS IN JAPAN

The following, received from the State, War and Navy Departments, is furnished for your guidance and supersedes directive on reports by Allied governments on yen expenditures by their occupation troops in Japan\* which is hereby cancelled:

1. You are authorized to advance yen to meet necessary official expenses incurred in Japan by Far Eastern Commission, national delegations of the Far Eastern Commission, authorized Allied commissions, missions assigned to the Supreme Commander for the Allied Powers staff, national representatives and their staffs on the Allied Council for Japan, and Allied governments for their occupation forces in Japan.

2. Yen advanced under above authorization should be limited to such amounts as can reasonably be regarded as occupation expenses, including reasonable salary or other compensation to personnel to enable maintenance of reasonable standard of living in Japan, hire of Japanese or other local employees, and purchase of necessary official supplies and equipment which it is impracticable to import.

3. You should take appropriate steps and establish appropriate procedures to ensure that excessive amounts of yen are not issued under the above authorization.

4. You should maintain a detailed record of all yen advances and submit monthly report to Joint Chiefs of Staff containing detailed statement of amounts of yen currency furnished by you under this authorization.

\*Serial No. 32



F.

FEC-204

Property of Convicted and  
Accused War Criminals

*Property of Convicted and Accused War Criminals -  
Reparations*

*FEC - 204 Series*

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*Property of Convicted  
& Accused War Criminals*

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FEC - 204 Series

Property of Convicted  
& Accused War Criminals

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CI-006

Treatment of Property of Convicted  
War Criminals

<u>Paper no.</u>	<u>Subject</u>	<u>History</u>
<p><del>18 June</del> CI-006</p>		<p>18 June -- Report by U.S. on war criminals in Germany, to Com. 1.</p> <p>20 June -- Com 1 refers subject to Com. 5, then to go to Com. 2.</p>
<p>CI-006/1</p>	<p><del>report</del> Imperial Jap. ordinance</p>	<p>24 June - Info of Com. 1 12 July -- Report from Com. 5.</p>



COPY NO. 95FEC-204CONFIDENTIALFEC-204 ✓24 February 1947FAR EASTERN COMMISSIONPROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS  
(Reference: C5-005)Note by the Secretary General

1. The enclosure, a proposed policy relative to the disposition of property of convicted and accused war criminals submitted by the United States representative, is circulated herewith for the consideration of the Far Eastern Commission and is referred to COMMITTEE NO. 5: WAR CRIMINALS for consideration.

2. Committee No. 5 at its fourth meeting on 10 July 1946 considered a request by Committee No. 1: Reparations to consider whether the property of convicted Japanese war criminals might be used for reparations and deferred action.

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-204



CONFIDENTIALENCLOSUREPROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS

1. The property of convicted war criminals should not be forfeited in absence of an order by the tribunal.
2. Property forfeited and fines levied pursuant to an order of a war crimes tribunal should be applied by the Supreme Commander for the Allied Powers to defray costs of the occupation.
3. The property of accused who die before completion of trial should be returned to the legal heirs, unless it is claimed that its acquisition was unlawful, or inconsistent with occupation policy directives, or unless its release to the legal heirs would be inconsistent with such directives. In such cases, the death should not prevent its forfeiture or other treatment pursuant to occupation policy directives.



COPY NO. 95FEC-204/1CONFIDENTIALFEC-204/1 ✓10 March 1947FAR EASTERN COMMISSIONMEMORANDUM OF BACKGROUND INFORMATION FOR FEC-204,  
PROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS  
(References: FEC-015, FEC-204)Note by the Secretary General

1. The enclosure, a memorandum of information relative to the United States policy proposal for disposition of war criminals property (FEC-204), has been submitted by the United States Representative and is circulated herewith for the information of the Far Eastern Commission.

2. The particular attention of COMMITTEE NO. 5: WAR CRIMINALS is invited to the enclosure.

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-204/1



CONFIDENTIALENCLOSUREMEMORANDUM OF BACKGROUND INFORMATION FOR FEC-204,  
PROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS

1. The Supreme Commander for the Allied Powers, with reference to the property which has been impounded and blocked in accordance with paragraphs 7 G and 45 A (9) of the Basic Directive for Post-Surrender Military Government in Japan proper (FEC-015), has requested certain instructions and made certain recommendations. He has been informed that these problems will be referred to the Far Eastern Commission for policy determination.

2. He has requested instructions as to the disposal of the property of convicted persons.

3. He has recommended that the property of persons dying before their trial is completed should be returned to the legal heirs, after screening, and subject to currency and banking regulations.

4. He states that the following property values are shown in inventories of the property of 644 arrested persons:

1. Personal property	-----	3,132,035 yen
2. Deposits and cash	-----	11,889,010 yen
3. Securities and investments	-----	35,424,159 yen
4. Buildings and land	-----	12,589,153 yen

These inventories, he states, have been screened, and reveal no looted property or property otherwise illegally acquired. No one estate appears abnormally large, the Supreme Commander reports.

5. The inventory values listed above include property of persons who have already been unconditionally released before trial and persons who have been acquitted after trial. Such property is of course released from control by the Supreme Commander upon the release of the owners, after screening and subject to banking and currency regulations, since the basis for blocking and impounding no longer exists.



COPY NO. 101CONFIDENTIALFEC-204/2FEC-204/2 ✓3 April 1947FAR EASTERN COMMISSIONPROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS  
(References: FEC-204, FEC-204/1, C5-005)Note by the Secretary General

1. The enclosure, a revision by the United States member of FEC-204, a proposed policy relative to the disposition of property of convicted and accused war criminals, submitted by the United States Representative, is circulated herewith for the information of the Far Eastern Commission and is referred to COMMITTEE NO. 5: WAR CRIMINALS for consideration.

2. Committee No. 5 at its 6th meeting on 19 March 1947 decided to amend FEC-204, and the enclosure has been prepared by the United States member of Committee No. 5 in response to these amendments.

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-204/2



CONFIDENTIALE N C L O S U R EPROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS

1. The property of convicted war criminals taken under control by military commanders should be forfeited if so ordered by a tribunal. If not so ordered, it should be returned to the owner or to his legal heirs, unless it is subject to other occupation policy directives of general application requiring impounding, forfeiture or restitution. The Far Eastern Commission should recommend to member governments that they inform the Supreme Commander for the Allied Powers of any sentences imposed by their tribunals on convicted war criminals which involve forfeiture of or levy upon property within his jurisdiction. Upon receipt of such information, the Supreme Commander should cause the property of persons so convicted to be forfeited pursuant to the tribunal's order.

2. Such property forfeited or fines levied at the direction of the Supreme Commander pursuant to an order of a war crimes tribunal should be applied by him to defray costs of the occupation.

3. The property taken under control by military commanders of accused persons who die before completion of trial should be returned to the legal heirs, unless it is claimed that its acquisition was unlawful, or inconsistent with occupation policy directives, or unless its release to the legal heirs would be inconsistent with such directives. In such cases, the death should not prevent its forfeiture or other treatment pursuant to occupation policy directives.



COPY NO. 103C1-204/3CONFIDENTIALC1-204/3 ✓16 April 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSPROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS  
(References: FEC-204/1, FEC-204/2, C5-005)Note by the Secretary General

1. The enclosure, a United States proposed policy relative to the disposition of property of convicted and accused war criminals, was referred by Committee No. 5: War Criminals at its seventh meeting on 16 April 1947 to COMMITTEE NO. 1: REPARATIONS for consideration of Paragraph 2 and report back to Committee No. 5 as soon as possible.

2. Committee No. 5 agreed that only that property under the jurisdiction of the Supreme Commander for the Allied Powers should be covered by the enclosure.

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

C1-204/3



CONFIDENTIALE N C L O S U R EPROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS

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2. Such property forfeited or fines levied at the direction of the Supreme Commander pursuant to an order of a war crimes tribunal should be applied by him to defray costs of the occupation.

3. The property taken under control by military commanders of accused persons who die before completion of trial should be returned to the legal heirs, unless it is claimed that its acquisition was unlawful, or inconsistent with occupation policy directives, or unless its release to the legal heirs would be inconsistent with such directives. In such cases, the death should not prevent its forfeiture or other treatment pursuant to occupation policy directives.



Cl-204/4RESTRICTEDCl-204/418 April 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONS

REPORT BY THE SUBCOMMITTEE ON PROPERTY OF  
CONVICTED AND ACCUSED WAR CRIMINALS  
(Reference: Cl-204/3)

Note by the Secretary General

The enclosure, a report by the Subcommittee on property of convicted and accused war criminals on para. 2 of Cl-204/3, is circulated herewith for the consideration of COMMITTEE NO. 1: REPARATIONS

NELSON T. JOHNSON

Cl-204/4



RESTRICTEDE N C L O S U R EREPORT OF THE SUBCOMMITTEE ON PROPERTY  
OF CONVICTED AND ACCUSED WAR CRIMINALS

The following amendment to para. 2 of C1-204/3 is proposed by the Subcommittee. (The amendment consists of the underlined portion):

2. Such property forfeited or fines levied at the direction of the Supreme Commander pursuant to an order of a war crimes tribunal should be applied by him to defray the costs of the occupation, unless such property falls within categories determined by the FEC to be available for reparations. Designation of such property for reparations removal should be in accordance with all pertinent policy decisions of the FEC.

C1-204/4



CI-204/5RESTRICTEDCI-204/5 ✓FAR EASTERN COMMISSION18 April 1947COMMITTEE NO. 1: REPARATIONS

PROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS:  
ALTERNATIVE PROPOSALS FOR AMENDING PARAGRAPH 2,  
OF CI-204/3  
(Reference: CI-204/3)

Note by the Secretary General

The enclosure, alternative proposals for amending paragraph 2 of CI-204/3 submitted by the Subcommittee, and by the Australian, Chinese, New Zealand and United States Members of Committee No. 1 at its 85th meeting on 16 April 1947, is circulated herewith for further consideration of COMMITTEE NO. 1: REPARATIONS.

NELSON T. JOHNSON  
Secretary General

CI-204/5



RESTRICTEDE N C L O S U R EPROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS:  
ALTERNATIVE PROPOSALS FOR AMENDING PARAGRAPH 2,  
OF C1-204/31. Subcommittee's Proposal

Such property forfeited or fines levied at the direction of the Supreme Commander pursuant to an order of a war crimes tribunal should be applied by him to defray the costs of the occupation, unless such property falls within categories determined by the FEC to be available for reparations. Designation of such property for reparations removal should be in accordance with all pertinent policy decisions of the FEC.

2. Australian Proposal

The yen value of property forfeited or fines levied at the direction of the Supreme Commander pursuant to an order of a war crimes tribunal should be applied by him to defray the costs of the occupation. Removal of industrial assets from Japan should conform to policy decisions of the Far Eastern Commission on reparations or level of industry.

3. Chinese Proposal

The yen proceeds from such property forfeited or fines levied at the direction of the Supreme Commander pursuant to an order of a war crimes tribunal should be applied by him to defray the costs of the occupation. However no industrial assets should be removed from Japan except in accordance with policy decisions of the FEC on reparations.

4. New Zealand Proposal

Such property forfeited or fines levied at the direction of the Supreme Commander pursuant to an order of a war crimes tribunal should become available for allocation as reparations.

5. United States Proposal

The yen proceeds from such property forfeited or fines levied at the discretion of the Supreme Commander pursuant to an order of a war crimes tribunal should be applied by him to defray the costs of the occupation, without prejudice to removal of Japanese assets declared available for removal in accordance with policy decisions of the FEC on reparations and level of industry.



C5-204/6RESTRICTEDC5-204/6 ✓21 April 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 5: WAR CRIMINALSPROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS  
(References: C1-204/3,/4,/5)Note by the Secretary General

1. The enclosure, a revision of paragraph 2 of C1-204/3, Property of Convicted and Accused War Criminals, adopted by Committee No. 1: Reparations at its 86th meeting on 21 April 1947, is referred herewith to COMMITTEE NO. 5: WAR CRIMINALS for consideration.

2. At its seventh meeting on 16 April 1947, Committee No. 5 referred C1-204/3 to Committee No. 1 for consideration of paragraph 2 with instructions to report back to Committee No. 5 as soon as possible.

NELSON T. JOHNSON  
Secretary General

C5-204/6



RESTRICTEDE N C L O S U R E

PROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS;  
ALTERNATIVE PROPOSALS FOR AMENDING PARAGRAPH 2, OF C1 204/3

"2. Such property forfeited of fines levied at the  
direction of the Supreme Commander pursuant to an order of  
a war crimes tribunal should become available for allocation  
as reparations."

C5-204/6



COPY NO. 119CONFIDENTIALSC-204/7SC-204/723 April 1947FAR EASTERN COMMISSIONPROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS  
(References: FEC-204 series, FEC-007/7, C5-005)Note by the Secretary General

1. The enclosure, a proposed policy relative to the disposition of property of convicted and accused war criminals, was approved by Committee No. 5: War Criminals at its eighth meeting, 23 April 1947, and is forwarded herewith to the STEERING COMMITTEE for consideration.

2. The substance of Paragraph 2 of the enclosure was approved by Committee No. 1: Reparations.

3. The Soviet member of Committee No. 5 reserved his position on paragraph 3 of the enclosure.

4. In accordance with Paragraph 3 of FEC-067/3, Committee No. 5 recommends that the enclosure be released to the press in the normal procedure.

5. 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

SC-204/7



CONFIDENTIALENCLOSUREPROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS

1. The property of convicted war criminals should be forfeited if so ordered by a tribunal. If not so ordered, it should be returned to the owner or to his legal heirs, unless it is subject to other occupation policy directives of general application requiring impounding, forfeiture or restitution. The Far Eastern Commission should recommend to member governments that they inform the Supreme Commander for the Allied Powers of any sentences imposed by their tribunals on convicted war criminals which involve forfeiture of or levy upon property within his jurisdiction. Upon receipt of such information, the Supreme Commander should cause the property of persons so convicted to be forfeited pursuant to the tribunal's order.
2. Such property forfeited or fines levied at the direction of the Supreme Commander pursuant to an order of a tribunal should become available for allocation as reparations.
3. The property taken under control by military commanders of accused persons who die before completion of trial should be returned to the legal heirs, provided that where it is claimed that its acquisition was unlawful, or inconsistent with occupation policy directives, or where its release to the legal heirs would be inconsistent with such directives, the death should not prevent its forfeiture or other treatment pursuant to occupation policy directives.



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

CONFIDENTIALSC-204/8SC-204/829 April 1947FAR EASTERN COMMISSIONPROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS  
(References: FEC-204 series, FEC-007/7)Note by the Secretary General

1. The enclosure, an amendment proposed by the New Zealand member to paragraph 3 of SC-204/7, Property of Convicted and Accused War Criminals, was submitted at the sixty-second meeting of the Steering Committee on 29 April 1947 and is circulated herewith for the consideration of the STEERING COMMITTEE.

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

SC-204/8



CONFIDENTIALE N C L O S U R EPROPERTY OF CONVICTED AND ACCUSED WAR CRIMINALS:  
PROPOSED NEW ZEALAND AMENDMENT

3. The property of accused persons who die before completion of trial should be disposed of according to the directions of the tribunal before which the trial was pending.

79  
25  
114



SC-204/9RESTRICTEDSC-204/9 ✓29 April 1947FAR EASTERN COMMISSIONOPINION OF THE LEGAL ADVISER OF THE UNITED STATES DEPARTMENT  
OF STATE ON EFFECT OF DEATH ON CRIMINAL PROSECUTION  
(References: SC-204/7, SC-204/8)Note by the Secretary General

The enclosure, an opinion by the United States Department of State Legal Adviser in regard to criminal prosecution of a deceased person, is circulated herewith by the United States member for the information of the STEERING COMMITTEE in connection with its consideration of SC-204/7, Property of Convicted and Accused War Criminals.

NELSON T. JOHNSON  
Secretary General

SC-204/9



RESTRICTEDE N C L O S U R EOPINION OF THE LEGAL ADVISER OF THE UNITED STATES DEPARTMENT  
OF STATE ON EFFECT OF DEATH ON CRIMINAL PROSECUTION

1. Criminal prosecution of a deceased person is unknown to Anglo-American law. Corpus Juris Secundum (Vol. 22, at p. 263) states the rule as follows:

"In a criminal prosecution, the purpose of the proceeding being to punish accused, the action must necessarily abate on his death \* \* \*"

In the case of the United States v. Pomeroy the Circuit Court for the Southern District of New York said: "It is well settled that all prosecutions for crimes before judgment are abated by the death of the party charged." (152 Fed. 279, 280, (1907)). (See also Rossi v. United States, 21 F. (2d) 747 (1927); Hardcastle v. State, 93P. 2d 547, (1939)).

2. The same rule appears to obtain under other systems of law. For example, Article 2 of the French Code of Criminal Procedure provides: "A public action for the purpose of imposing punishment is extinguished by the death of the accused."

3. Article 4 of the Code of Criminal Procedure of the Russian Socialist Federal Soviet Republic provides:

"The criminal proceeding may not be instituted, or if instituted, may not be continued and is subject to dismissal in all stages of the proceeding: 1) On the death of the accused with the exception of the cases provided for in Article 375." See Art. 375 below.

Art. 375                      Russian Socialist Federal Soviet Republic  
Code of Criminal Procedure

Chapter relating to Proceedings concerning reopening of cases because of newly discovered circumstances/ Art. 375. Criminal malfeasance of judges as well as perjury by witnesses and false opinion by expert witnesses and submission of any other forged evidence may be a ground for reopening of the case only in instances where these circumstances have been established by another court judgment which became final.

4. Article 231 of the Chinese Code of Criminal Procedure provides: "If any one of the following circumstances exists, a ruling not to prosecute shall be made: ..... When the accused is dead."

CHARLES FAHY  
LEGAL ADVISER



*Miss Dupretis*COPY NO. 117SC-204/10CONFIDENTIALSC-204/10 ✓6 May 1947FAR EASTERN COMMISSION

PROPERTY OF CONVICTED WAR CRIMINALS  
(References: 204 series; FEC-00777;  
C5-005)

Note by the Secretary General

1. Pursuant to the decision of the Steering Committee at its sixty-third meeting, 6 May 1947, the enclosure, paragraphs 1 and 2 of SC-204/7, Property of Convicted and Accused War Criminals, is circulated herewith for the further consideration of the Steering Committee.

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

SC-204/10



CONFIDENTIALE N C L O S U R EPROPERTY OF CONVICTED WAR CRIMINALS

1. The property of convicted war criminals should be forfeited if so ordered by a tribunal. If not so ordered, it should be returned to the owner or to his legal heirs, unless it is subject to other occupation policy directives of general application requiring impounding, forfeiture or restitution. The Far Eastern Commission should recommend to member governments that they inform the Supreme Commander for the Allied Powers of any sentences imposed by their tribunals on convicted war criminals which involve forfeiture of or levy upon property within his jurisdiction. Upon receipt of such information, the Supreme Commander should cause the property of persons so convicted to be forfeited pursuant to the tribunal's order.

2. Such property forfeited or fines levied at the direction of the Supreme Commander pursuant to an order of a tribunal should become available for allocation as reparations.



FEC-204/11RESTRICTEDFEC-204/1120 May 1947FAR EASTERN COMMISSION

PROPERTY OF WAR CRIMINALS  
(References: FEC-229, 204  
series)

Note by the Secretary General

1. The enclosure, a proposed policy relative to property of war criminals, was amended and approved by the Steering Committee at its sixty-fifth meeting, 20 May 1947, and is forwarded herewith for the consideration of the Far Eastern Commission.

2. The Soviet member abstained from voting on the enclosure.

3. In accordance with paragraph 3 of FEC-067/3 the Steering recommended that the enclosure be released to the press in the normal procedure.

NELSON T. JOHNSON  
Secretary General

FEC-204/11



RESTRICTEDE N C L O S U R EPROPERTY OF WAR CRIMINALS

1. The property of convicted war criminals should be forfeited if so ordered by a tribunal. If not so ordered, it should be returned to the owner or to his legal heirs, unless it is subject to other occupation policy directives of general application requiring impounding, forfeiture or restitution. The Far Eastern Commission should recommend to member governments that they inform the Supreme Commander for the Allied Powers of any sentences imposed by their tribunals on convicted war criminals which involve forfeiture of or levy upon property within his jurisdiction. Upon receipt of such information, the Supreme Commander should cause the property of persons so convicted to be forfeited pursuant to the tribunal's order.

2. Such property forfeited or fines levied at the direction of the Supreme Commander pursuant to an order of a tribunal should become available for occupation costs.

3. The property taken under control by military commanders of accused persons who have been acquitted or who die before completion of trial should be returned to the accused persons or the legal heirs as the case may be, provided that where it is claimed that its acquisition was unlawful or inconsistent with occupation policy directives, or where its release to these persons would be inconsistent with such directives, the acquittal or death should not prevent its forfeiture or other treatment pursuant to occupation policy directives.



FEC-204/12RESTRICTEDFEC-204/1229 May 1947FAR EASTERN COMMISSIONPROPERTY OF WAR CRIMINALS:  
PROPOSED UNITED STATES  
AMENDMENT

(References: FEC-204/11)

Note by the Secretary General

The enclosure, a proposed substitute for paragraph 2 of FEC-204/11, Property of War Criminals, was submitted by the United States Representative and seconded by the United Kingdom Representative at the fifty-ninth meeting of the Far Eastern Commission, and is circulated herewith for the consideration of the Commission.

NELSON T. JOHNSON  
Secretary General

FEC-204/12



RESTRICTEDE N C L O S U R EPROPERTY OF WAR CRIMINALS:  
PROPOSED UNITED STATES AMENDMENT

Paragraph 2 to read as follows:

"Such property forfeited, or fines levied, at the direction of the Supreme Commander for the Allied Powers pursuant to an order of a tribunal, shall (if property) be liquidated by the Supreme Commander for the Allied Powers, and made available to the Japanese Government for the creation of a yen account which shall be applied to the payment of occupation costs and reparations."



FEC-204/13RESTRICTEDFEC-204/139 June 1947FAR EASTERN COMMISSION

PROPERTY OF WAR CRIMINALS: REVISION OF UNITED STATES AMENDMENT  
(Reference: FEC-204/12)

Note by the Secretary General

The enclosure, a revision by the Secretariat of a proposed United States amendment (FEC-204/12) to FEC-204/11, Property of War Criminals, is circulated herewith for the consideration of the Far Eastern Commission in place of FEC-204/12.

NELSON T. JOHNSON  
Secretary General

FEC-204/13



RESTRICTEDE N C L O S U R EPROPERTY OF WAR CRIMINALS: REVISION OF UNITED STATES AMENDMENT

Paragraph 2 to read as follows:

"In the case of property forfeited or fines levied  
at the direction of the Supreme Commander for the  
Allied Powers <sup>at the dir of SCM</sup> pursuant to an order of a tribunal, the  
property shall be converted into cash by the Supreme  
Commander for the Allied Powers, and the proceeds  
from this property and the fines <sup>coll</sup> levied shall be made  
available to the Japanese Government for the creation  
of a yen account which shall be applied in its entirety  
to the payment of occupation costs and reparations".

*collected* ↗



FEC-204/14RESTRICTEDFEC-204/1417 June 1947FAR EASTERN COMMISSIONPROPERTY OF WAR CRIMINALS  
(References: FEC-204 Series)Note by the Secretary General

1. Enclosure "A", a policy decision relative to the property of war criminals, was unanimously approved by the Far Eastern Commission at its sixty-first meeting, 12 June 1947.

2. The letter of transmittal of the Secretary General forwarding this 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 Enclosure "B".

NELSON T. JOHNSON  
Secretary General

FEC-204/14



RESTRICTEDENCLOSURE "A"PROPERTY OF WAR CRIMINALS

1. The property of convicted war criminals should be forfeited if so ordered by a tribunal. If not so ordered, it should be returned to the owner or to his legal heirs, unless it is subject to other occupation policy directives of general application requiring impounding, forfeiture or restitution. The Far Eastern Commission should recommend to member governments that they inform the Supreme Commander for the Allied Powers of any sentences imposed by their tribunals on convicted war criminals which involve forfeiture of or levy upon property within his jurisdiction. Upon receipt of such information, the Supreme Commander should cause the property of persons so convicted to be forfeited pursuant to the tribunal's order.

2. Such property forfeited or fines levied at the direction of the Supreme Commander pursuant to an order of a tribunal should become available for occupation costs.

3. The property taken under control by military commanders of accused persons who have been acquitted or who die before completion of trial should be returned to the accused persons or the legal heirs as the case may be, provided that where it is claimed that its acquisition was unlawful or inconsistent with occupation policy directives, or where its release to these persons would be inconsistent with such directives, the acquittal or death should not prevent its forfeiture or other treatment pursuant to occupation policy directives.



RESTRICTEDENCLOSURE "B"LETTER OF TRANSMITTAL

12 June 1947

The Honorable George C. Marshall  
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 the sixty-first meeting of the Far Eastern Commission held at 2516 Massachusetts Avenue, Northwest, Washington, D. C., on 12 June 1947, the enclosed policy decision relative to Property of War Criminals was unanimously approved.

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.

In adopting the enclosed policy decision the Commission agreed that it should be released to the press after being received by the Supreme Commander. In accordance with our normal procedure I would appreciate it if you could make arrangements to notify me when the enclosed policy decision has been received in Tokyo.

Sincerely yours,

Nelson T. Johnson  
Secretary General

Enclosure "B"

-2-

FEC-204/14



FEC-204/15FEC-RESTRICTEDFEC-204/159 July 1947FAR EASTERN COMMISSIONPROPERTY OF WAR CRIMINALS  
(Reference: FEC-204/15)Note 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 the property of war criminals, is circulated herewith for the information of the Far Eastern Commission.

2. This directive was forwarded to the Supreme Commander on 20 June 1947.

3. A certified copy of this directive has been filed with the Commission in accordance with Section III, paragraph 4 of the Terms of Reference.

NELSON T. JOHNSON  
Secretary General

FEC-204/15



FEC-RESTRICTEDE N C L O S U R EPROPERTY OF WAR CRIMINALSSerial No. 81

20 June 1947

The following directive, Serial Number 81, prepared by the Department of State to implement the policy adopted by the Far Eastern Commission on May 22, 1947 under the provisions of paragraph II, A, 1, of its terms of reference has been received from the State, War and Navy Departments for transmission to you for your guidance in accordance with paragraph III, 1 of those terms of reference:

"1. The property of convicted war criminals should be forfeited if so ordered by a tribunal. If not so ordered, it should be returned to the owner or to his legal heirs, unless it is subject to other occupation policy directives of general application requiring impounding, forfeiture or restitution. The Far Eastern Commission should recommend to member governments that they inform you of any sentences imposed by their tribunals on convicted war criminals which involve forfeiture of or levy upon property within his jurisdiction. Upon receipt of such information, you will cause the property of persons so convicted to be forfeited pursuant to the tribunal's order.

"2. Such property forfeited or fines levied at your direction pursuant to an order of a tribunal should become available for occupation costs.

"3. The property taken under control by military commanders of accused persons who have been acquitted or who die before completion of trial should be returned to the accused persons or the legal heirs as the case may be, provided that where it is claimed that its acquisition was unlawful or inconsistent with occupation policy directives, or where its release to these persons would be inconsistent with such directives, the acquittal or death should not prevent its forfeiture or other treatment pursuant to occupation policy directives."



FEC-204/16FEC-204/1624 April 1951FAR EASTERN COMMISSION

PROPERTY OF WAR CRIMINALS  
Directive Serial No. 81  
(Reference: FEC-204/15)

Note by the Secretary General

1. In order to facilitate handling of records FEC-204/15 (9 July 1947), a U. S. directive to SCAP regarding property of war criminals, is from this date graded to UNCLASSIFIED.
2. FEC-204/14, the Far Eastern Commission policy decision upon which this directive was based, was declassified and released to the press 25 June 1947.
3. All holders of FEC-204/15 are requested to make the appropriate change in their copies of this document.

NELSON T. JOHNSON  
Secretary General

FEC-204/16



C5-006/2RESTRICTEDC5-006/27 March 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 5: WAR CRIMINALSINFORMATION MEMORANDUM FOR COMMITTEE NO. 5: WAR CRIMINALSNote by the Secretary General

1. The enclosure, a summary of information relating to the war crimes sentences in Japan, is circulated herewith by the Secretariat for the information of COMMITTEE NO. 5: WAR CRIMINALS

2. This summary is based on information received from the Supreme Commander for the Allied Powers and from the United States War Department.

NELSON T. JOHNSON  
Secretary General

C5-006/2



RESTRICTEDE N C L O S U R EINFORMATION MEMORANDUM FOR COMMITTEE NO. 5: WAR CRIMINALSWAR CRIMINALS1. Competence of War Crimes Tribunals with Regard to Property

The power of war crimes tribunals under the jurisdiction of SCAP to deal with the property of war criminals is specified in the appropriate regulations indicated below establishing and governing such tribunals.

a. "Minor" War Crimes Tribunals

On December 5, 1945, SCAP issued "Regulations (AG 000.5 (5 Dec 45) LS, GHQ, SCAP, APO 500) Governing the Trials of Accused War Criminals" which provide in paragraph 5g as follows:

"g. Sentence. The commission may sentence an accused, upon conviction, to death by hanging or shooting, imprisonment for life or for any less term, fine or such other punishment as the commission shall determine to be proper. The commission may also order confiscation of any property of a convicted accused, deprive that accused of any stolen property or order its delivery to the Supreme Commander for the Allied Powers for disposition as he shall find to be proper, or may order restitution with appropriate penalty in cases of default."

The "Regulations", of which the foregoing paragraph is a part, govern the military commissions which have been trying accused war criminals in Yokohama since December 1945. They also govern the war crimes tribunals outside the jurisdiction of SCAP but under the command of General MacArthur in his capacity as a commander of United States forces.

The paragraph quoted is the sole reference in the "Regulations" to the property of war criminals either convicted or accused, or to the jurisdiction of the military commissions with regard thereto.

b. International Military Tribunal for the Far East

On January 19, 1946, SCAP issued General Order No. 1, "Charter of the International Military Tribunal for the Far East". No specific mention is made in this document of the disposition of the property of accused or convicted war criminals. Section V, provides as follows:

"Article 16, Penalty. The Tribunal shall have the power to impose upon an accused, on conviction, death or such other punishment as shall be determined by it to be just."



RESTRICTED2. Basic Documents Concerned with Property of War Criminals

a. The following documents are concerned with SCAP's authority to take control of the property of accused war criminals:

- (1) FEC-015 of March 11, 1946, "Basic Initial Post-Surrender Directives to Supreme Commander for the Allied Powers for the Occupation and Control of Japan" (paragraph 7g).
- (2) FEC-007/7 of May 15, 1946, "Apprehension, Trial and Punishment of War Criminals in the Far East" (paragraph 11).

b. The following documents are concerned with SCAP's control of looted property and the property of persons which he has "detained, arrested, or interned":

- (1) SCAPIN-885 of April 19, 1946, Memorandum for the Imperial Japanese Government entitled "Impounding and Reporting of Looted Property". (See Appendix "A")
- (2) SCAPIN-897 of April 23, 1946, Memorandum for the Imperial Japanese Government entitled "Control, Impounding, and Blocking of Property of Designated Individuals". (See Appendix "B")
- (3) CI-006/1 of June 24, 1946, "Control of Property of War Criminals", which transmits as an enclosure Imperial Ordinance No. 286 of May 24, 1946 entitled "Ordinance Relating to Control of Designated Property".
- (4) SCAPIN-1083 of July 25, 1946, Memorandum for the Imperial Japanese Government entitled "Custody, Shipment and Storage of Looted Property". (See Appendix "C")
- (5) SCAPIN-1232 of September 27, 1946, Memorandum for the Imperial Japanese Government entitled "Release of Blocked or Impounded Property of Designated Individuals". (See Appendix "D")

It will be noted that items (2), (3) and (5) above relate to the property not only of persons detained as accused war criminals by SCAP but also to any persons "detained, arrested, or interned" by his order. These measures cover, therefore, the impounding of the property of persons accused of offenses against the occupation as well as that of accused war criminals.

3. Actual Disposal of Property of War Criminals under SCAP Control

The property of detained war criminals and of other persons apprehended by order of SCAP is under the actual control of the Japanese Ministry of Finance /Imperial Ordinance No. 286 - paragraph 2. b. (3) above/, but its disposition is supervised by the SCAP Civil Property Custodian. The latter maintains inventories of such property. The most recent published inventory of such property was included in Section 12 of SCAP's Summation of Non-Military Activities in Japan for June 1946.



RESTRICTED

That publication includes a list, by name of all suspected war criminals theretofore arrested by SCAP whose individual assets exceeded a value of 500,000 Yen, as well as a list of the property of the 23 "major" accused war criminals being tried before the International Military Tribunal for the Far East. These lists were taken from an inventory maintained by SCAP of the property of 644 persons arrested as suspected war criminals whose property had been taken into custody by the Japanese Government. The total value of the property of the persons in the first list mentioned was 53,034,357 Yen and that of the "major" accused war criminals, 6,371,348 Yen.

According to information received from the United States War Department, there have been no sentences pronounced in war crimes trials in the American Zone of Germany which have included penalties involving property. An examination of all SCAP reports concerning the results of war crimes trials in Japan, the Philippines, Singapore and Melbourne, which have been received by the Secretariat, reveals no instance where sentences included provisions involving the property of the convicted war criminals. Officials of the War Crimes Branch in the United States War Department are likewise unaware of any such sentences by the tribunals in the same areas. According to the Office of the Civil Property Custodian of SCAP, no action has been taken with regard to the property of persons arrested as accused war criminals, except in cases of acquittal or unconditional release before trial. (This is pursuant to SCAPIN-1083; see Appendix "D".)



A P P E N D I X "A"GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERSAG 386.7 (19 Apr. 46) CPC  
(SCAPIN - 885)APO 500  
19 April 1946

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT

THROUGH : Central Liaison Office, Tokyo

SUBJECT : Impounding and Reporting of Looted Property.

1. The Imperial Japanese Government is directed to seek out, inventory, and impound immediately, all identifiable looted property which is now in Japan and which has 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, in areas occupied by the Japanese Armed Forces since 7 July 1937.

2. The completed inventory will be submitted to General Headquarters, Supreme Commander for the Allied Powers, by 1 June 1946, and will be compiled by territories or localities from which the property was taken and will include:

- a. Complete description of property.
- b. Quantity.
- c. Name of owner at time of seizure.
- d. Disposition of property upon arrival in Japan.
- e. Present title holder and address.
- f. Present location of Property.

Five copies of this inventory will be furnished General Headquarters, Supreme Commander for the Allied Powers, and will be submitted in the English language.

3. The Imperial Japanese Government is directed to retain all such properties under custody and will not permit any transactions or movement of such properties.

4. The Imperial Japanese Government will issue an Official Ordinance covering the above instructions and providing adequate penalties for violators. Five copies of such Ordinance both in English and Japanese languages will be submitted to General Headquarters, Supreme Commander for the Allied Powers, by 7 May 1946.

FOR THE SUPREME COMMANDER:

/s/ B. M. Fitch  
B. M. FITCH,  
Brigadier General AGD,  
Adjutant General.



A P P E N D I X " B "GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERSAG 386.7 (23 Apr 46)CPC  
(SCAPIN-897)APO 500  
23 April 1946

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT

THROUGH : Central Liaison Office, Tokyo

SUBJECT : Control, Impounding, and Blocking of Property  
of Designated Individuals.

1. The Imperial Japanese Government is hereby directed to take immediate control of, block, and impound all property, real and personal, including, but not by way of limitation, all gold, silver, platinum, currencies, securities, accounts in financial institutions, credits, valuable papers, and all other assets owned or controlled directly or indirectly, in whole or in part, by any person who is now or who hereafter may be detained, arrested, or interned by order of the Supreme Commander for the Allied Powers.

2. The Imperial Japanese Government will execute within sixty (60) days hereafter, Inclosure No. 1, entitled, "Information and Inventory Report", in all such cases and submit same in triplicate to General Headquarters, Supreme Commander for the Allied Powers.

3. To implement execution of same, the Commanding General, Eighth Army is authorized to permit accredited representatives of the Imperial Japanese Government to interview such prisoners, except those held incommunicado.

4. It is further directed that no transaction, whatsoever, shall be made concerning such property without the approval or license of the Supreme Commander for the Allied Powers.

FOR THE SUPREME COMMANDER:

/s/ B. M. Fitch  
B. M. FITCH  
Brigadier General, AGD,  
Adjutant General

1 Incl:  
Information and Inventory  
Report, Form CPC 2  
(To addressee and Eighth  
Army only)



A P P E N D I X "C"GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERSAG 386.6 (25 Jul 46)CPC/FP  
(SCAPIN-1083)APO 500  
25 July 1946

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT  
THROUGH : Central Liaison Office, Tokyo  
SUBJECT : Custody, Shipment and Storage of Looted Property.

1. Reference is made to Memorandum for the Imperial Japanese Government, file AG 386.6 Apr 46)CPC/FP, SCAPIN 885, 19 April 1946, subject: "Impounding and Reporting of Looted Property", from General Headquarters, Supreme Commander for the Allied Powers.

2. The Imperial Japanese Government will, on or before 25 August 1946, concentrate in suitable storage, all items reported under the above memorandum which are not being used by the Allied Occupation Forces, the Imperial Japanese Government or commercial companies performing work essential to the Occupation, except that where it is impracticable to move certain items because of their size, weight, present locations, class of property or fixed positions, such as secured to permanent foundation, they may be left in place under custody of the Imperial Japanese Government.

3. It will be the responsibility of the Imperial Japanese Government to pack properly all items to insure that they are not damaged in transit or during storage and to safe-guard them while they are in storage.

4. General Headquarters, Supreme Commander for the Allied Powers will be notified of the location of storage facilities to be used and the condition and location of items which it is considered impracticable to move to such facilities. Items stored will be cataloged and so arranged as to be readily available for inspection. Five copies, in English, of all catalogs will be furnished the General Headquarters, Supreme Commander for the Allied Powers.

5. Direct communication between the appropriate agency of the Imperial Japanese Government and the Civil Property Custodian, General Headquarters, Supreme Commander for the Allied Powers, is hereby authorized to implement this move.

FOR THE SUPREME COMMANDER:

/s/ John B. Cooley  
JOHN B. COOLEY  
Colonel, AGD.  
Adjutant General



A P P E N D I X "D"GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERSAG 386.7 (27 Sep 46)CPC/GP  
(SCAPIN 1232)APO 500  
27 September 1946

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT

THROUGH : Central Liaison Office, Tokyo

SUBJECT : Release of Blocked or Impounded Property of Designated Individuals.

1. Reference is made to Memorandum for Imperial Japanese Government, file AG 386.7 (23 Apr 46)CPC, SCAPIN 897, 23 April 1946, subject: "Control, Impounding, and Blocking of Property of Designated Individuals", from General Headquarters, Supreme Commander for the Allied Powers.

2. The Imperial Japanese Government is directed to release from the provisions of paragraph 1, reference Memorandum, the property of all designated persons whose names are deleted from the lists of arrested persons by order of the Supreme Commander for the Allied Powers, for the following reasons:

- a. Released unconditionally before trial;
- b. Tried and acquitted.

3. A report will be submitted to General Headquarters, Supreme Commander for the Allied Powers, immediately upon release of the property of any designated individual stating the name of the individual, date of his release from custody, and date property was released from provisions of reference Memorandum.

FOR THE SUPREME COMMANDER:

/s/ John B. Cooley  
JOHN B. COOLFY  
Colonel, AGD,  
Adjutant General.



STANDARD FORM NO. 64

## Office Memorandum • UNITED STATES GOVERNMENT

DATE:

TO :

FROM :

SUBJECT:

1. Where the property is in the form of stocks or bonds, there is no question of disposition as reparations.

2. Where it is a case of directly owned phys. assets in a rep. category, this new para ~~handles~~ takes care of releasing them from <sup>SCAP's</sup> impounding order for possible designation.



, unless such property fall  
within categories determined  
by the FCC to be available  
for reparations. Deactivation  
of such property for reparations  
removal should be in accordance  
with all pertinent policy de-  
cisions of the FCC.

~~XX~~ Take care of  
Injunction & blocking provision



01 006/1

24 June 1946

FAR EASTERN COMMISSION

COMMITTEE NO. 1: REPARATIONS

CONTROL OF PROPERTY OF WAR CRIMINALS

Note by the Secretary General

The enclosure, an Imperial Japanese Ordinance relating to the control of property of war criminals, submitted by the United States member of Committee No. 1, is circulated herewith for the information of COMMITTEE NO. 1: REPARATIONS

NELSON T. JOHNSON  
Secretary General

01 006/1



E N C L O S U R ECONTROL OF PROPERTY OF WAR CRIMINALSIMPERIAL ORDINANCE

I hereby give my sanction to the Ordinance relating to control of designated property under the Imperial Ordinance No. 542 of the 20th year of Showa (1945) concerning the Orders to be issued in accordance with the Acceptance of the Potsdam Declaration and cause the same to be promulgated.

Signed: Hirohito, Seal of the Emperor.

This twenty-fourth day of the fifth month of the twenty-first year of Showa (24 May, 1946)

Countersigned:  
Shigeru Yoshida  
Prime Minister  
Tanzan Ishibashi  
Minister of Finance

Imperial Ordinance No. 286

Ordinance relating to control of designated property.

Art. 1. In this ordinance, "designated individual" shall refer to a person who is now or hereafter may be detained, arrested, or interned by order of the Supreme Commander for the Allied Powers.

Art. 2. In this ordinance, "designated property" shall refer to all property owned by, or in the control of a designated individual whether directly or indirectly in whole or in part which the Minister of Finance shall designate, excluding furnitures, utensils, clothes for daily use of a designated individual and his family and those which the Minister of Finance shall designate.

In case property owned by a designated individual has been transferred to his family or persons designated by the Minister of Finance since July 1, 1945, the property shall be deemed as designated property in accordance with what the Minister of Finance shall prescribe.

Art. 3. Designated property shall be taken into custody by the Minister of Finance in accordance with the stipulations which the Minister of Finance shall prescribe.

The provisions of Art. 11, 13, 15, 18, 20 to 22, 23(1)par.1, 23(2) to 23(4) of the National Tax Collection Law shall be applied



mutatis mutandis in case designated property is taken into custody, according to the preceding paragraph.

Art. 4. After a designated individual has been designated, the designated property shall not be transformed, converted, transferred or disposed of in any way against the custody without the approval of the Minister of Finance in accordance with what the Minister of Finance shall stipulate.

In case a designated individual, or his family or any interested person makes application, concerning designated property in the custody of the Minister of Finance, the Minister of Finance may release the said property from custody in accordance with what the Minister of Finance shall prescribe.

Art. 5. A designated individual and any individual having interest in designated property shall submit a report on the designated property in accordance with what the Minister of Finance shall prescribe.

Art. 6. In case the Minister of Finance deems necessary for the custody of designated property, he may order an official concerned to question a designated individual or individual having interest in designated property, or to visit and search places concerned in order to inspect designated property, books or documents concerned or other goods.

Art. 7. The business concerning the custody mentioned in this ordinance may be carried out in Regional Finance Bureaus and Tax-Offices in accordance with what the Minister of Finance shall prescribe.

Art. 8. Any person who commits offence against the provision of Art. 4, par. 1 shall be subject to penal servitude or imprisonment not exceeding three years, or a fine not exceeding 10,000 yen.

Any person who fails to submit a report or who submits a false report against the provision of Art. 5, or any person who does not answer or who answers falsely questions made by an official concerned or who refuses, impedes, or evades inspection against the provision of Art. 6 shall be punished the same as in the preceding paragraph.

Art. 9. In case any representative of a juridical person or any agent or employee of or any other person working for, a jurid-



ical person or an individual, commits the offences in relation to th  
business or the property of the said juridical person or individual,  
as mentioned in the preceding Article, the fine as provided for in  
the said Article shall be imposed upon that juridical person or  
individual as well as the offender.

Supplementary Provision:

The present Ordinance shall come into force as from the day  
of its promulgation.



CI-006

18 June 1946

FAR EASTERN COMMISSION

COMMITTEE NO. 1: REPARATIONS

TREATMENT OF PROPERTY OF CONVICTED WAR CRIMINALS

Note by the Secretary General

The enclosure, a report by the United States member of Committee No. 1 to the Chairman relative to the treatment of the property of convicted war criminals in Germany, is circulated herewith for the information of COMMITTEE NO. 1: REPARATIONS.

NELSON T. JOHNSON  
Secretary General

CI-006



ENCLOSURETREATMENT OF PROPERTY OF CONVICTED WAR CRIMINALS

At the last meeting of the Reparations Committee, the question arose of whether or not there was a departure from principle in the suggestion that property of convicted war criminals be confiscated for allocation on reparations account. The United States member was requested to provide information regarding precedents in this regard established in Germany. The appropriate divisions of the State Department have been consulted. They indicate that properties of convicted war criminals in Germany are being held by the Allied Council for use in the reparations settlement, retribution to claimants inside and outside Germany, to contribute to the program of economic de-Nazification, and to contribute to democratization of the Germany economy. Until details have been worked out as to disposition of particular properties of particular convicted war criminals, confiscated properties are being impounded by Allied authorities. Nothing in the German experience precludes such confiscated property from being made available for reparations apportionment, but not all of it will belong to the reparations pool.



FEC-205

Reply to  
Norwegian Request

REPLY TO NORWEGIAN REQUEST

205

Norwegian  
Reparations  
Claim



205

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Norwegian

Reparations

Claims

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NORWEGIAN EMBASSY  
WASHINGTON, D.C.

MEMORANDUM.

A de facto state of war between Norway and Japan has existed since December 7, 1941, when Japan entered the Second World War. From this day on the Japanese seized Norwegian merchant vessels and other Norwegian property. Norwegian merchant vessels were sunk by Japanese military forces, and Norwegian seamen, who fell into the hands of the Japanese, were treated as prisoners of war. Shortly afterwards diplomatic relations between the Norwegian Government and the government of Japan were broken off.

For the whole duration of the war the Norwegian merchant marine took part in the Allied supply and transportation service in the Pacific and the Far East. In this connection it may be recalled that on August 5, 1944, the Norwegian Government signed the International Agreement on Principles Having Reference to the Continuance of Coordinated Control of Merchant Shipping. Under the said agreement Norway took upon itself to provide shipping

for all



- 2 -

for all military and other tasks necessitated by the war in the Far East.

As to the formal declaration of war on Japan, however, it must be noted that in the opinion of the Norwegian Government, the Constitution of Norway did not admit such an act without the advice and consent of the Norwegian Storting (Parliament). Accordingly, a declaration of war de jure had to be postponed until Norway was liberated, and the Storting had resumed its functions.

On July 6, 1945, the Government of Norway made such a declaration, which formally proclaimed that a state of war existed between Norway and Japan, and that this state of war had existed since December 7, 1941. This declaration was brought to the knowledge of the Government of Japan through the intermediary of the Swedish Government.

Norway's participation in the war against Japan has caused Norway substantial losses. The Norwegian merchant marine, in particular, suffered heavy losses by Japanese actions. Moreover, Norwegian citizens have been killed by actions of war and in Japanese prison camps, and others have been made invalids for life.

Norwegian



- 3 -

Norwegian property, and in particular establishments belonging to missionary organizations, which carried on rather extensive activities, have been destroyed or looted.

The Government of Norway claims reparations for all these losses and damages.

Principally Norway desires to receive reparations through allocation of Japanese merchant ships. In the war against the Axis, Norway lost more than one half of its merchant marine. Expeditious reparations for these losses are of eminent importance to Norwegian economy and reconstruction.

The German merchant tonnage was allocated through the Inter-Allied Reparations Agency to the various countries in proportion to the total losses of shipping during the war, irrespective of whether the losses had been caused by German or Japanese actions. As Norway's percentage part of the losses in the Atlantic was greater than her percentage part of the losses in the Far East, it will be seen that Norway was placed in a relatively unfavorable position in regard to the allocation of German tonnage.

The Norwegian



- 4 -

The Norwegian Government therefore anticipates that the same principle will be applied for the Japanese Reparations settlement, so that the allocation of Japan's merchant tonnage will be based on the global war losses of merchant ships, suffered by the countries entitled to reparations.

The Government of Norway at this time also wishes to stress its vital interest in the drafting of those provisions in the Peace Treaty with Japan, which may concern Japan's shipping and whaling.

As regards whaling, the position of the Norwegian Government is that Japan must be banned from pelagian whaling in the Antarctic for many years to come. Because of the vital importance to Norway of the whaling industry, the Norwegian Government expects to be given an opportunity to be represented at the drafting of Peace Treaty provisions that have reference to whaling.

Washington, D.C., September 3, 1947.

No. : 325-

AG/LC



FEC-205RESTRICTEDFEC-205 ✓25 February 1947FAR EASTERN COMMISSIONREQUEST FOR INFORMATION RELATIVE TO REPARATIONS CLAIMS  
(Reference: FEC-077/2)Note by the Secretary General

1. The enclosure, a communication to the Secretary General from the Norwegian Embassy indicating an interest in and requesting information relative to reparations claims, is circulated herewith for the information of the Far Eastern Commission, and is referred to COMMITTEE NO. 1: REPARATIONS for consideration and guidance to the Secretary General in drafting a reply.

2. For a precedent in this matter the Committee is referred to FEC-077/2, the reply of the Secretary General to a request by the Royal Greek Government for information relative to reparations claims.

NELSON T. JOHNSON  
Secretary General

FEC-205



RESTRICTEDE N C L O S U R EREQUEST FOR INFORMATION RELATIVE TO REPARATIONS CLAIMS

NORWEGIAN EMBASSY  
WASHINGTON 7, D. C.

February 20, 1947

The Honorable Nelson Johnson,  
Secretary General of the  
Far Eastern Commission,  
Washington, D. C.

Dear Sir:

I have the honor to inform you that I have been instructed by my Government to draw the attention of the Far Eastern Commission to the legitimate interest of Norway in reparations from the Japanese Government.

As a consequence of her participation in the war against Japan, Norway was exposed to actions on the part of Japan, which caused heavy losses and substantial damage to Norwegian interests. In this connection mention should be made of the heavy burden carried by the Norwegian merchant Marine in providing shipping for military and other tasks, necessitated by the war in the Far East. My Government therefore feels that reparations claims of Norway must be met in the same way as the claims of other allies, who actively fought Japanese aggression.

My Government has been given to understand that as of yet there has not been set up any special machinery for dealing with reparation claims against Japan. It has been thought, however, that the Far Eastern Commission might find it useful and interesting to acquaint itself already at this stage with the Norwegian reparation claims. For this purpose there is now under preparation in the Norwegian Foreign Ministry a memorandum, which will give the broad outlines of the nature and dimensions of Norway's losses and of the facts on which her reparation claims are based. I hope I shall be able to present the Commission with this memorandum in the very near future.

In the meantime it would be much appreciated by my Government if you, Mr. Secretary General, would be good enough to provide me, for transmittance to my Government, with any available material from the work of the Commission, which may have a bearing on the problem of reparations from Japan.

In closing I beg to add that my Government feels confident that under no circumstances will any decision be taken, which directly affects Norway's claims without preceding full and adequate consultation with the Norwegian Government.

Respectfully yours,

/s/ W. Morgenstierne

W. Morgenstierne  
Ambassador of Norway



SC-205/1RESTRICTEDSC-205/14 March 1947FAR EASTERN COMMISSIONPROPOSED REPLY TO NORWEGIAN  
REQUEST FOR INFORMATION RELATIVE TO REPARATIONS CLAIMS  
(References: FEC-077/2, FEC-205)Note by the Secretary General

The enclosure, a proposed reply by the Secretary General to the Norwegian Embassy to its request of 25 February 1947 for information relative to reparations claims (FEC-205), was prepared at the sixty-eighth meeting on 3 March 1947 of Committee No. 1: Reparations, and is forwarded herewith for the consideration of the STEERING COMMITTEE.

NELSON T. JOHNSON  
Secretary General

SC-205/1



RESTRICTEDE N C L O S U R ELETTER OF TRANSMITTAL

3 March 1947

His Excellency  
W. Morgenstierne  
Ambassador of Norway  
Norwegian Embassy  
Washington 7, D. C.

My dear Mr. Ambassador:

At the request of the Far Eastern Commission, to which your letter of 20 February was referred, I am replying to your request for information about Japanese reparations claims.

<sup>I am</sup> ~~The Commission~~ has authorized ~~me~~ <sup>the Commission</sup> to forward to you ~~these~~ <sup>the</sup> policy statements dealing with the subject of Japanese reparations which ~~have been released to the press~~, and I am accordingly enclosing ~~relevant portions of the appropriate press releases on this subject herewith.~~ <sup>them herewith.</sup>

The Commission also instructed me to inform you that no policy decisions have been reached regarding countries eligible to make reparations claims or regarding the form in which the claims should be submitted. The Commission will be pleased to give due consideration to the memorandum which your Government is about to forward.

Sincerely yours,

Nelson T. Johnson  
Secretary General

Enclosure:

List of policy statements  
on Interim Reparations  
Removals



RESTRICTEDLIST OF ENCLOSURES

1. Interim Reparations Removals Program Army and Navy  
Arsenals; Aircraft Industry; Light Metals Industry.
2. Removal of Facilities from Japan for Reparations --  
Priority According to Ownership or Control.
3. Interim Reparations Removals: Machine Tool Industry;  
Sulphuric Acid Industry; Shipbuilding Industry.
4. Interim Reparations Removals: Ball and Roller  
Bearing Industry.
5. Interim Reparations Removals: Iron and Steel Industry;  
Thermal Electric Power; Soda Ash, Chlorine, and  
Caustic Soda Industry.
6. Interim Reparations Removals: Privately Owned  
Munitions Plants.
7. Interim Reparations Removals: Synthetic Oil and  
Synthetic Rubber Industry.
8. Interim Reparations Removals: Steel Rolling Industry.
9. Interim Reparations Removals: Temporary Retention of  
Electric Steel Furnaces.
10. Restitution of Looted Property.
11. Delivery of Reparations Goods in Japan.



FEC-205/2RESTRICTEDFEC-205/2 ✓4 March 1947FAR EASTERN COMMISSIONREPLY TO NORWEGIAN REQUEST FOR INFORMATION RELATIVE TO  
REPARATIONS CLAIMS(References: FEC-077/2; FEC-205; SC-205/1)Note by the Secretary General

The enclosure, a proposed reply by the Secretary General to the Norwegian Embassy to its request of 25 February 1947 for information relative to reparations claims (FEC-205), was unanimously approved by the Steering Committee, at its fifty-fourth meeting, 4 March 1947, and is forwarded herewith for the consideration of the Far Eastern Commission.

NELSON T. JOHNSON  
Secretary General

FEC-205/2



RESTRICTEDE N C L O S U R ELETTER OF TRANSMITTAL

3 March 1947

His Excellency  
W. Morgenstierne  
Ambassador of Norway  
Norwegian Embassy  
Washington 7, D. C.

My dear Mr. Ambassador:

At the request of the Far Eastern Commission, to which your letter of 20 February was referred, I am replying to your request for information about Japanese reparations claims.

I am authorized to forward to you the policy statements of the Commission dealing with the subject of Japanese reparations, and I am accordingly enclosing them.

The Commission also instructed me to inform you that no policy decisions have been reached regarding countries eligible to make reparations claims or regarding the form in which the claims should be submitted. The Commission will be pleased to give due consideration to the memorandum which your Government is about to forward.

Sincerely yours,

Nelson T. Johnson  
Secretary General

Enclosure:

List of policy statements  
on Interim Reparations  
Removals



FEC-205/3RESTRICTEDFEC-205/3 ✓6 March 1947FAR EASTERN COMMISSIONREPLY TO NORWEGIAN REQUEST FOR INFORMATION RELATIVE TO  
REPARATIONS CLAIMS(References: FEC-077/2; FEC-205; SC-205/1)Note by the Secretary General

The enclosure, the reply by the Secretary General to the Norwegian Embassy to its request of 25 February 1947 for information relative to reparations claims (FEC-205), unanimously approved by the Far Eastern Commission at its forty-eighth meeting, 6 March 1947, is circulated herewith for the information of the Far Eastern Commission.

NELSON T. JOHNSON  
Secretary General

FEC-205/3



RESTRICTEDE N C L O S U R ELETTER OF TRANSMITTAL

3 March 1947

His Excellency  
W. Morgenstierne  
Ambassador of Norway  
Norwegian Embassy  
Washington 7, D. C.

My dear Mr. Ambassador:

At the request of the Far Eastern Commission, to which your letter of 20 February was referred, I am replying to your request for information about Japanese reparations claims.

I am authorized to forward to you the policy statements of the Commission dealing with the subject of Japanese reparations, and I am accordingly enclosing them.

The Commission also instructed me to inform you that no policy decisions have been reached regarding countries eligible to make reparations claims or regarding the form in which the claims should be submitted. The Commission will be pleased to give due consideration to the memorandum which your Government is about to forward.

Sincerely yours,

Nelson T. Johnson  
Secretary General

Enclosure:

List of policy statements  
on Interim Reparations  
Removals



RESTRICTEDLIST OF ENCLOSURES

1. Interim Reparations Removals Program Army and Navy  
Arsenals; Aircraft Industry; Light Metals Industry.
2. Removal of Facilities from Japan for Reparations --  
Priority According to Ownership or Control.
3. Interim Reparations Removals: Machine Tool Industry;  
Sulphuric Acid Industry; Shipbuilding Industry.
4. Interim Reparations Removals: Ball and Roller Bearing  
Industry.
5. Interim Reparations Removals: Iron and Steel Industry;  
Thermal Electric Power; Soda Ash, Chlorine, and  
Caustic Soda Industry.
6. Interim Reparations Removals: Privately Owned Munitions  
Plants.
7. Interim Reparations Removals: Synthetic Oil and Synthetic  
Rubber Industry.
8. Interim Reparations Removals: Steel Rolling Industry.
9. Interim Reparations Removals: Temporary Retention of  
Electric Steel Furnaces.
10. Restitution of Looted Property.
11. Amendment to Policy on Restitution of Looted Property.
12. Delivery of Reparations Goods in Japan.



FEC-205/3RESTRICTEDFEC-205/3 ✓6 March 1947FAR EASTERN COMMISSIONREPLY TO NORWEGIAN REQUEST FOR INFORMATION RELATIVE TO  
REPARATIONS CLAIMS(References: FEC-077/2; FEC-205; SC-205/1)Note by the Secretary General

The enclosure, the reply by the Secretary General to the Norwegian Embassy to its request of 25 February 1947 for information relative to reparations claims (FEC-205), unanimously approved by the Far Eastern Commission at its forty-eighth meeting, 6 March 1947, is circulated herewith for the information of the Far Eastern Commission.

NELSON T. JOHNSON  
Secretary General

FEC-205/3



RESTRICTEDE N C L O S U R ELETTER OF TRANSMITTAL

6 March 1947

His Excellency  
W. Morgenstierne  
Ambassador of Norway  
Norwegian Embassy  
Washington 7, D. C.

My dear Mr. Ambassador:

At the request of the Far Eastern Commission, to which your letter of 20 February was referred, I am replying to your request for information about Japanese reparations claims.

I am authorized to forward to you the policy statements of the Commission dealing with the subject of Japanese reparations, and I am accordingly enclosing them.

The Commission also instructed me to inform you that no policy decisions have been reached regarding countries eligible to make reparations claims or regarding the form in which the claims should be submitted. The Commission will be pleased to give due consideration to the memorandum which your Government is about to forward.

Sincerely yours,

Nelson T. Johnson  
Secretary General

Enclosure:

List of policy statements  
on Interim Reparations  
Removals



RESTRICTEDLIST OF ENCLOSURES

1. Interim Reparations Removals Program Army and Navy  
Arsenals; Aircraft Industry; Light Metals Industry.
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Industry.
5. Interim Reparations Removals: Iron and Steel Industry;  
Thermal Electric Power; Soda Ash, Chlorine, and  
Caustic Soda Industry.
6. Interim Reparations Removals: Privately Owned Munitions  
Plants.
7. Interim Reparations Removals: Synthetic Oil and Synthetic  
Rubber Industry.
8. Interim Reparations Removals: Steel Rolling Industry.
9. Interim Reparations Removals: Temporary Retention of  
Electric Steel Furnaces.
10. Restitution of Looted Property.
11. Amendment to Policy on Restitution of Looted Property.
12. Delivery of Reparations Goods in Japan.



FEC-205/4FEC-RESTRICTEDFEC-205/49 September 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSMEMORANDUM FROM THE NORWEGIAN EMBASSY CONCERNING BASIS  
OF NORWAY'S REPARATIONS CLAIM AGAINST JAPAN  
(Reference: FEC-205 Series)Note by the Secretary General

1. The enclosure, a memorandum from the Norwegian Embassy in Washington setting forth the general nature and dimensions of Norway's losses in the war against Japan on which her reparations claim will be based, has been received by the Secretary General and is circulated herewith for the information of the Far Eastern Commission and is referred to COMMITTEE NO. 1: REPARATIONS for consideration.

2. On February 20, 1947, the Secretary General received a communication from the Norwegian Embassy (FEC-205) in which it was stated, inter alia, that "there is now under preparation in the Norwegian Foreign Ministry a memorandum which will give the broad outlines of the nature and dimensions of Norway's losses and of the facts on which her reparations claim is based". The memorandum referred to is that contained in the enclosure.

3. The attention of Far Eastern Commission Members is called to the fact that the last two paragraphs of the enclosure are not concerned with reparations but with Japanese shipping and whaling in connection with the eventual Peace Treaty with Japan.

NELSON T. JOHNSON  
Secretary General

FEC-205/4



FEC-RESTRICTEDE N C L O S U R EMEMORANDUM FROM THE NORWEGIAN EMBASSY CONCERNING BASIS  
OF NORWAY'S REPARATIONS CLAIM AGAINST JAPAN

A de facto state of war between Norway and Japan has existed since December 7, 1941, when Japan entered the Second World War. From this day on the Japanese seized Norwegian merchant vessels and other Norwegian property. Norwegian merchant vessels were sunk by Japanese military forces, and Norwegian seamen, who fell into the hands of the Japanese, were treated as prisoners of war. Shortly afterwards diplomatic relations between the Norwegian Government and the government of Japan were broken off.

For the whole duration of the war the Norwegian merchant marine took part in the Allied supply and transportation service in the Pacific and the Far East. In this connection it may be recalled that on August 5, 1944, the Norwegian Government signed the International Agreement on Principles Having Reference to the Continuance of Coordinated Control of Merchant Shipping. Under the said agreement Norway took upon itself to provide shipping for all military and other tasks necessitated by the war in the Far East.

As to the formal declaration of war on Japan, however, it must be noted that in the opinion of the Norwegian Government, the Constitution of Norway did not admit such an act without the advice and consent of the Norwegian Storting (Parliament). Accordingly, a declaration of war de jure had to be postponed until Norway was liberated, and the Storting had resumed its functions.

On July 6, 1945, the Government of Norway made such a declaration, which formally proclaimed that a state of war existed between Norway and Japan, and that this state of war had existed since December 7, 1941. This declaration was brought to the knowledge of the Government of Japan through the intermediary of the Swedish Government.

Norway's participation in the war against Japan has caused Norway substantial losses. The Norwegian merchant marine, in particular, suffered heavy losses by Japanese actions. Moreover, Norwegian citizens have been killed by actions of war and in Japanese prison camps, and others have been made invalids for life. Norwegian property, and in particular establishments belonging to missionary organizations, which carried on rather extensive activities, have been destroyed or looted.

The Government of Norway claims reparations for all these losses and damages.

Principally Norway desires to receive reparations through allocation of Japanese merchant ships. In the war against the



FEC-RESTRICTED

Axis, Norway lost more than one half of its merchant marine. Expeditious reparations for these losses are of eminent importance to Norwegian economy and reconstruction.

The German merchant tonnage was allocated through the Inter-Allied Reparations Agency to the various countries in proportion to the total losses of shipping during the war, irrespective of whether the losses had been caused by German or Japanese actions. As Norway's percentage part of the losses in the Atlantic was greater than her percentage part of the losses in the Far East, it will be seen that Norway was placed in a relatively unfavorable position in regard to the allocation of German tonnage.

The Norwegian Government therefore anticipates that the same principle will be applied for the Japanese Reparations settlement, so that the allocation of Japan's merchant tonnage will be based on the global war losses of merchant ships, suffered by the countries entitled to reparations.

The Government of Norway at this time also wishes to stress its vital interest in the drafting of those provisions in the Peace Treaty with Japan, which may concern Japan's shipping and whaling. //

As regards whaling, the position of the Norwegian Government is that Japan must be banned from pelagian whaling in the Antarctic for many years to come. Because of the vital importance to Norway of the whaling industry, the Norwegian Government expects to be given an opportunity to be represented at the drafting of Peace Treaty provisions that have reference to whaling. //

Washington, D. C., September 3, 1947.



C1-205/5FEC-RESTRICTEDC1-205/57 October 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONS

DRAFT LETTER TO NORWEGIAN EMBASSY CONCERNING MEMORANDUM  
ON NORWAY'S REPARATIONS CLAIM  
(References: C1-205 Series)

Note by the Secretary General

The enclosure, a draft letter to the Norwegian Embassy concerning its memorandum of 3 September 1947 (FEC-205/4) on Norway's reparations claim, has been prepared by the Secretariat and is circulated herewith for the consideration of COMMITTEE NO. 1: REPARATIONS.

NELSON T. JOHNSON  
Secretary General

C1-205/5



FEC-RESTRICTEDE N C L O S U R EDRAFT LETTER TO NORWEGIAN EMBASSY CONCERNING MEMORANDUM  
ON NORWAY'S REPARATIONS CLAIM

Mr. Knut Lykke  
Charge d'Affaires ad interim of  
Norway  
Norwegian Embassy  
Washington 7, D. C.

My dear Mr. Charge d'Affaires:

The Far Eastern Commission has instructed me to inform you that it is giving due consideration to your Embassy's memorandum of 3 September 1947 concerning the basis of Norway's reparations claim against Japan, presented by you to the Acting Secretary General of the Commission on 4 September 1947.

I am also instructed to inform you that since the Far Eastern Commission is not competent under its Terms of Reference to handle the peace treaty with Japan, it is unable to give consideration to the last two paragraphs of your memorandum concerning the drafting of shipping and whaling provisions in the Japanese peace treaty.

Sincerely yours,

NELSON T. JOHNSON  
Secretary General

C1-205/5



FEC-RESTRICTEDSC-205/6SC-205/69 October 1947FAR EASTERN COMMISSION

LETTER TO NORWEGIAN EMBASSY CONCERNING MEMORANDUM ON  
NORWAY'S REPARATIONS CLAIM  
(References: FEC-205/4, C1-205/5)

Note by the Secretary General

The enclosure, a proposed letter to the Norwegian Embassy concerning its memorandum of 3 September 1947 on Norway's reparations claim (FEC-205/4), approved by Committee No. 1 at its one hundred and twenty-ninth meeting on 8 October 1947, is forwarded herewith for the consideration of the STEERING COMMITTEE.

NELSON T. JOHNSON  
Secretary General

SC-205/6



FEC-RESTRICTEDE N C L O S U R ELETTER TO NORWEGIAN EMBASSY CONCERNING MEMORANDUM ON NORWAY'S  
REPARATIONS CLAIM

Mr. Knut Lykke  
Chargé d'Affaires ad interim of  
Norway  
Norwegian Embassy  
Washington 7, D. C.

My dear Mr. Chargé d'Affaires:

The Far Eastern Commission has instructed me to inform you that your Embassy's memorandum of 3 September 1947 concerning the basis of Norway's reparations claim against Japan, will be considered in due course.

I am also instructed to inform you that (questions either of procedure or of substance relating to the Japanese peace treaty are not within the present competence of the Far Eastern Commission to determine,) and that consequently the Far Eastern Commission is unable to give consideration to the last two paragraphs of your memorandum concerning the drafting of shipping and whaling provisions in the Japanese peace treaty.

Sincerely yours,

NELSON T. JOHNSON  
Secretary General

SC-205/6



SC-205/7FEC-RESTRICTEDSC-205/717 October 1947FAR EASTERN COMMISSION

LETTER TO NORWEGIAN EMBASSY CONCERNING MEMORANDUM ON  
NORWAY'S REPARATIONS CLAIM  
(References: FEC-205/4; 205 series)

Note by the Secretary General

1. The enclosure, a proposed letter to the Norwegian Embassy concerning its memorandum of 3 September 1947 on Norway's reparations claim (FEC-205/4), was approved on 17 October 1947 by an ad hoc subcommittee (United States, China, France, New Zealand) and is forwarded herewith for the consideration of the STEERING COMMITTEE.

2. The ad hoc subcommittee was appointed by the Steering Committee on 14 October 1947 (Minutes, 80th SC Mtg.) and was instructed to prepare a revision of SC-205/6 in the light of views which had been expressed by members of the Steering Committee.

NELSON T. JOHNSON  
Secretary General

SC-205/7



FEC-RESTRICTEDE N C L O S U R ELETTER TO NORWEGIAN EMBASSY CONCERNING MEMORANDUM  
ON NORWAY'S REPARATIONS CLAIM

\_\_\_\_\_ 1947

Mr. Knut Kykke  
Chargé d'Affaires ad interim of  
Norway  
Norwegian Embassy  
Washington 7, D. C.

My dear Mr. Chargé d'Affairs:

The Far Eastern Commission has instructed me to inform you that your Embassy's memorandum of 3 September 1947, concerning the basis of Norway's reparations claim against Japan, will be considered in due course.

As to the last two paragraphs of your memorandum stating your Government's interest in any provisions concerning shipping and whaling that may be inserted in a peace treaty with Japan, and expressing its desire to be represented at the drafting of such provisions as may have reference to whaling, I am instructed to inform you that the Commission has not been entrusted with the task of determining the provisions to be included in a Japanese peace treaty, and that consequently the Far Eastern Commission is unable to give consideration to these paragraphs.

Sincerely yours,

Nelson T. Johnson  
-Secretary General



FEC-205/8FEC-RESTRICTEDFEC-205/821 October 1947FAR EASTERN COMMISSION

LETTER TO NORWEGIAN EMBASSY CONCERNING MEMORANDUM  
ON NORWAY'S REPARATIONS CLAIM  
(References: FEC-205/7; 205 series)

Note by the Secretary General

The enclosure, a proposed letter to the Norwegian Embassy concerning its memorandum of 3 September 1947 on Norway's reparations claim (FEC-205/4), was unanimously approved by the Steering Committee at its eighty-first meeting, 21 October 1947, and is forwarded herewith for the consideration of the Far Eastern Commission.

NELSON T. JOHNSON  
Secretary General

FEC-205/8



FEC-RESTRICTEDE N C L O S U R ELETTER TO NORWEGIAN EMBASSY CONCERNING MEMORANDUM  
ON NORWAY'S REPARATIONS CLAIM

\_\_\_\_\_ 1947

Mr. Knut Lykke  
Charge d'Affaires ad interim of  
Norway  
Norwegian Embassy  
Washington 7, D. C.

My dear Mr. Charge d'Affairs:

The Far Eastern Commission has instructed me to inform you that your Embassy's memorandum of 3 September 1947, concerning the basis of Norway's reparations claim against Japan, will be considered in due course.

As to the last two paragraphs of your memorandum stating your Government's interest in any provisions concerning shipping and whaling that may be inserted in a peace treaty with Japan, and expressing its desire to be represented at the drafting of such provisions as may have reference to whaling, I am instructed to inform you that the Commission has not been entrusted with the task of determining the provisions to be included in a Japanese peace treaty, and that consequently the Far Eastern Commission is unable to give consideration to these paragraphs.

Sincerely yours,

Nelson T. Johnson  
Secretary General



FEC-205/9FEC-RESTRICTEDFEC-205/924 October 1947FAR EASTERN COMMISSIONLETTER TO NORWEGIAN EMBASSY CONCERNING MEMORANDUM ON  
NORWAY'S REPARATION CLAIM(References: FEC-205/7; 205 series)Note by the Secretary General

The enclosure, letter to the Norwegian Embassy concerning its memorandum of 3 September 1947 on Norway's reparation claim (FEC-205/4), was unanimously approved by the Far Eastern Commission at its seventy-seventh meeting, 23 October 1947, and is circulated herewith for the information of the Far Eastern Commission.

NELSON T. JOHNSON  
Secretary General

FEC-205/9