

行

政

定

敛

訂

方

交

懘

 $\langle\!\langle C$ 

3



松昭 参三

訪 兌 定 定 行 Ø 政 本 74 定 力 定 月 K ے 及 ځ Ŋ Ø 上 る 京 Ø て Ø 況 差 大使 る 璭 め Þ そ 公 て N 要 ろ

Ø る بے 以 老 方 述 現 ~: 在 Ø Ø 12 Ø ح ろ で 記 式 何 ځ 友 内 好 H 的 て ږع は 的 な し る な τ ラ ح 方 今 ¥ 日 Ø な る る だ 理 涣 K

方

で

述

ろ

方

て

す

ح

Ħ

秘密指定解除 官房総務課

ると申し了歌した。

また、ヤングは、当方事情を明二十日帰国後直ちに





それる

军事?

=

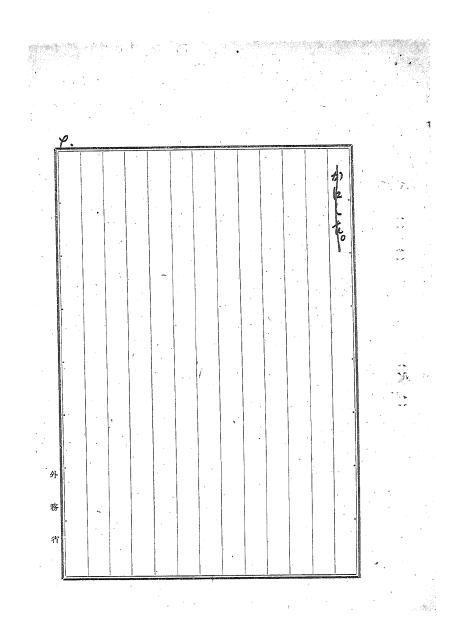
国场全部 年のなども 12 12 Ban R 日的吃 なるための 老思云 なし、 K B 十七年 命 (F) 1/4 節艺 なる 今回 5 何不多 75 8 柳色 四年国政社员 刑事数判梳年玩 发玩 政協党致 語有意言 0 N 半国上院 機など、隆 地位 国南分帮大馬出 相 ATO 为校艺 12 S S Ð · 17 挖空 に包まる 劲 芳园 放放之の 節空 打万万 ŧſ 分支素是会儿 [2] 3 李回 直了心 12 回桶 业上面洋安的名事品 985° かっつ 4 選択權臣 6 弘裕 08 (オイン等)を R 米国心 ŧ 0 半上でかるまる。 NA 百元 热堂 マーアンギ国大使 田半行政師官 4 n 九九 がえ 緑枝する (37 発勃 行使 刑事教則 [ 3 務 埛 改 可次 H E A 3 かって の なり

Bhbbccccc

(A)	16000000000000000000000000000000000000	地位	• • •	3.			
夏百日的党 (24)的成的任	少了、軍隊。跨是國家	四月 日、同時分替七月 日本行以的党政的党政部党政部党政部党政部党	7		IN COURSE	至一年。我等一样了一大桥上野客一个人	
本、直下山、南北山城市	お回上院にからて 多湯	は、マーフィ 在まかれてれまるた		外 符		李· · · · · · · · · · · · · · · · · · ·	

古政部方の用的を水下之の 内势。再形魔云 杨小山田 中家心 十五年 包 旅店上 **E** 意で 经婚 8 井国 こうても 京本国政社 级被 基 8 4 9 2 芝鄉を 客調する事 裁判旅 省等 书 24

里里 刑事點利統会功 0 华文工人。 Z 校党と同 井回 100年 及 设计 禄 15 (京十八年) 百 € 選状機を 16 A 草方 2 締成する 的它の水 改訂十3 H A (4) 師門 33 9



甲 案

JΥ 玉 月 条 日 約 Ł 米 M 本 当 行 玉 外 0 日 玉 政 相 政 協 府 間 す 当 定 規 Ø は る 改 定 て 定 訂 ځ 方 大 同 同 Ñ 臣 申 協 は 入 定 て Ø 摫 可 Ø 定 刑 事 な 行 裁 政 定 E 改 る 判 式 訂 す 定 る 項 七 玉 発 大 第 条 つ 位 0 箅 た 七 対 項 す VC る 規 北 王 を 定 N た 大

. る ь 立. は 交 渉 Ø す 条 る 項 Ø ٤ 改 あ

行政協定改 打中人等

EZ 合 は 国 て 力 չ Ł Ø 上 Ø 百 5 る ح 0 国 た 五 Ø 協 す は 安 る 定 大 ф. ま 0 寸 相 六 0 ٤ 当 器 拠 す 定 ፑ 办 る ψS 直 FW. 同 ち K 0 Ħ 問 及 日 本 を 軍 第 再 生 五 考 定 Œ 項 択 Ø 本 Ħ 1 さ K 耍 は ľ そ つ n 办



**验**器等等的。



す

規

定

て

S

ŧ

す

で

た

罪

K

対

F

· 突 )

凇

行

定

M

方

四

月

Ł

Ø

Ø

行好協立故打申下家

た巨ス

簡

をも

τ

啓

Ŀ

Ø

玄

+

閥下

彪

知

Ø

生といせ Х ŋ 力 合 130 ځ 0 安 金

Z

て Ł す

で

対

す 3

0

题

と規定し

\$100 (NO)

邀

る

Ł 膨

순 N

规定

北大

なからなっているからなっているからないのできるからないのできるからないのできるからないのできるからないのできるからないのできるからないのできるからないのできるからないのできるからないのできるからないのできるからないのできるからないのできるからないのできるからないのできない。 行

閗 + b 人 大! 添 えるする **そ**の 立場 匯 圣 従 7 倮 B T 本 Đ. 1 一本日日日日 必要上面的る 1 歐 府 位 衕 定 Ø

E

Ł

100 Ø Ł

•

徻

衆國政府に

要補

2

肵

存 T

\*

3

É

E

F

W.

蘣 Ø 進 为 る K 鰶 本 大 刚 下 向 つ E 蘆 ね T 数意を

+ 八 年 四 月 日

昭

裔 太, 飁 剛

アメリカ合衆国特命金権大使 3

Mary Sec.

1-W. 筵 Ø

本

締 鱼

Æ 縱 配

る Ł

更 定 O

9 9 T 鳽 藥 藏 判 逦

日

合

国

K

2

て

劾

力

奎

る

ح

行日 政本 五 協国 定と 第ア 十メ 月 七月 粂 カ 九 を合 日 改 衆 10 正国 すと ン るの ン 定の 7 醫安 (全 案保 名 ) 障 条 ž れ 約 た 第三 北 粂

K

基

西

当 业 压 Ø 靈 Ø 地 位 K 重 る 定 仗 生 百 ځ 九 Ł + Ξ 杰 2

K3 た

定

日

カ

合

巫

٤

Ø

間

Ø

安

全

疃

条

約

鄭

Ξ

条

K

基

日 围 ば Ø 定 る

7 百 Ħ. 年 月 7 八 合 日 K 횼 京 Ø て 闡 譽 (C 名 ざ n た る 行 と 政 奎 希 定 第 壑 す

ح M 日 本 围 政 府 及 Œ ァ メ ŋ 力 合 玉 政 は 記 行 政

協

Ø

項

Ø

定

10

従

つ

国

Ø 七 ø. 麏 ž n 次 Ø 挸 定に っ て

で

5

n

べ

BROWN SHOP

ಕ 有する 当局 軍 で

成の

員 法

て る H Ť 6 服 るす  $\mathcal{L}$ 

安 全 令 Ø Ø 日 本园 叉 Ø

で 令 K K つ て 습 衆 は 罰 园 Ø 法令 ら れ る で て 6

る 雪 適 裁を 判 用 含 檶 Ŀ を 行 使 Ø 安 す 全 る 3 権 て 利 は K 対 \$ を 衆 る ٤ 玉 o は Ø 、單 法 次 · 10 b 重 Ø

(11)(1)行 函 行 為 Ø 防 ちょす ようる 利のう、反 報 行 K 為 関 叉 kt 雪 る 崇 法 該 团 0 公 務 上 Ø

祕

沯

₹

が必 す に合 はの 多。 次 反 用

る

付 壐 対 を 使 す ろ Ø Ø 員

Ø 成 員 他 K Ø 对 るが利 Ь っ 族

(1) 又

作 Ď,

(11)

# Charles

す

ψ.

利 方い Ø 当 决 る 局 围 为

る

族 Ø 절 逮 及け な

合 Ē. 当 ħ 1 対れ

て

な

H

n

H

102 成員 56 叉

で合 の衆 , O 合手は 図に属 に あ た

及 る C 収 相 Æ う 引 互 当 て

因 窳 当 判 繿 査 行 查 る

Distriction.

τ つ て K 通 な

ŀζ 合 汞 Ø 围 の制 軍が 当 同 局模 ps o Ħ 本 合 国に 内死 で刑 執の 行 州 しを て親 は定

Å で 雷 5 対た衆 て、駐中の の当 執 的 考 行 10 2 S て親 ゎ 合 定 け衆 压 0 10 壓 当 な局本

玉 H 局 3 れ者 dr dr Ø Z 0 n Ø 裁 受 けつ H た の. 方 合 者 奎 て局 は ⋩ H

当 紀 覟 定 Ø 違 裁 反 にを 10 by て、たを 裁を 判簿 す成 て た と作

0 は の 日 裁 判 檶 る 0 12

た た S つ る で 次 を 有 す

て さけ れ 具 な 因 0 通 知 受 H る

χ). 本 轞 地 域 に る あ る

**V**C 証 を め る る ź は 理 己 め K 檶 制

な 弁 田 で 用 白 はの 通 行 返 か けれ 7 て 司公司 法弁る上海の設件 る代に代 理人 基 ż ž 耍 利し利

Mineral

当 Ø 該 軍 Ø 下 お外 す兵 設 3 るは及れ てに . V. · 7 且 当 の及 て Ø 該 適び 斖 当 区 当 局 な. 域 لج 連 行の が 置か 及絡日 をいう協 執て権定

Militaria de la companya del companya de la companya del companya de la companya del companya de la companya de la companya de la companya del companya de la companya de l

びし本

ح 酉 粂 滅 4 30 Ø Ø 쨄 位

る עלכ 含 K K っ **V≥** 7 歾 力 Ť 4 た Ħ M 力 Ž 発 賣 3

Ŀ 0 Ł ~ 埘 酸 府 0 代 菱 碯 kt ح Ø 沦 酌 K ī. 当 次 銮 飪

奎

受 ح 定 脸 K 名 Æ

圉 严 + Ξ

A

Ħ

iC 쮗 京 ~ ው ٤ < Æ 文 で

夢

る

及 T 英 鼯 R I b 本 醫 邇 Ŀ 肞

1 圍 政 府 Ø 滟 必

力 仓 殩 国 酸 Ø Æ B K

る日 酸本 定国 響と にア 関メ すり るカ 合合 意深 が関 れと 20 源力 學酸 録觞 定 + 七 夈 ž 敛 正 す

及 Œ 曞 (b) 

張 0 T Ħ W. 酸 服 -Z n 2 办 n 會 H Ŋ. 返 Ь 酸 な K r b. 會 鄭 変

万. にそ 適 れれ ħ

C

n

يح 歐

由

Ø

覡

行 VC.

法

K

حيل ا

62

7 金

ح PC

n

0 る

犯 步

奎 7

定 Ø

め 犯

る

定

Ť 繩

相及

雪

ベ

Ø

府関

は

号

ı Ξ 判 ÷ 行 Ø 放 粱 Ø 嬮 は 合 委

会

7 ħ Z H 九

H 0 耄 に薬 祵 てげ た る 衆 犯 罪 及 付 U Ø Ħ H 本 *\$*35 本 H 叉 

Mass sees.

#Strausia...

- 2 -

<u>Confidential</u>

(Draft #)

April , 1953.

Monsieur l'Ambassadeur,

As Your Excellency is aware, paragraph 1, of Article XVII of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America stipulates that "Upon the coming into force with respect to the United States of the "Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces", signed at London on June 19, 1951, the United States will immediately conclude with Japan, at the option of Japan, an agreement on criminal jurisdiction similar to the corresponding provisions of that Agreement", and paragraph 5. of the said Article stipulates, inter alia, that "In the event the said North Atlantic Treaty Agreement has not come into effect within one year from the effective date of this Agreement, the United States will, at the request of the Japanese Government, reconsider the subject of jurisdiction over offenses committed in Japan by members of the United States armed forces, the civilian component and their dependents."

His Excellency
Mr. Robert Murphy,
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
T o k y o .

In view of the progress of the deliberations in the Senate of the United States of the North Atlantic Treaty Agreement, I have the honour to notify Your Excellency that the Government of Japan is desirous of concluding with the Government of the United States, by virtue of the provisions of paragraph 1. of the said Article XVII, an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Name Agreement, upon its coming into force with respect to the United States. I wish this note to be regarded, in due course of time, as the notification to the Government of the United States of such option of Japan to conclude a new agreement as is mentioned in the said paragraph 1. The draft of such an agreement that Japan proposes to conclude is attached hereto.

I wish further to inform Your Excellency that if the entry into force of the North Atlantic Treaty Agreement with respect to the United States should be delayed, the Government of Japan, by virtue of the provisions of paragraph 5. of Article XVII of the Administrative Agreement, would request the Government of the United States to reconsider the subject of criminal jurisdiction with a view to revising the said Article.

2. I should like to take this opportunity to state that the Government of Japan reserves its position regarding the revision of other provisions of the Administrative Agreement and that it may, in due time, take steps as it deems necessary in accordance with the provisions of Article XXVIII of the Administrative Agreement.

I avail myself of this occasion to renew to Your Excellency, Monsieur l'Ambassadeur, the assurance of my highest consideration.

Minister for Foreign Affairs.

CONFIDENTIAL

( Draft )

た後用

FROTOGOL TO AMEND ARTICLE XVII OF THE ADMINISTRATIVE AGREEMENT UNDER ARTICLE III OF THE SEGURITY TREATY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA.

Whereas the "Agreement between the Parties to the
North Atlantic Treaty regarding the Status of their Forces",
signed at London on June 19, 1951, is to come into force
on , 1953 with respect to the United States of
America; and

Whereas Japan desires to conclude with the United States of America an agreement on criminal jurisdiction similar to the corresponding provisions of the said Agreement in accordance with the provisions of paragraph 1. of Article XVII of the Administrative Agreement, signed at Tokyo on February 28, 1952, under Article III of the Security Treaty between Japan and the United States of America;

Now the Governments of Japan and the United States of America have agreed that Article XVII of the said Administrative Agreement shall be abrogated and substituted by the following provisions:

刑事裁判权李及改訂《在从《好梅克

割けると

御城市

素的seates...

## ARTICLE XVII

- · 1. Subject to the provisions of this Article,
  - (a) the authorities of Japan shall have jurisdiction over the members of the United States armed forces or of the civilian component thereof and their dependents with respect to offenges committed within the territory of Japan and punishable by the law of Japan.
  - (b) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;
- 2. (a) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces or of the civilian component thereof and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.
- (b) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect

to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

- (c) For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include
  - (i) treason against the State;
  - (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.
- 3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:
  - (a) The military authorities of the United States shall have the primary right to exercise jurisdiction over a member of the United States armed forces or of the civilian component thereof in relation to
    - (i) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the United States arned forces or of the civilian component thereof or a dependent;
    - (ii) offenses arising out of any act or omission done in the performance of official duty.

(b)

to

Millionsia.

- (b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.
- (c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.
- 4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.
- 5. (a) The authorities of Japan and the military authorities of the United States shall assist each other in the arrest of members of the United States armed forces or of the civilian component thereof or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b)

- (b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces or of the civilian component thereof or a dependent.
- (c) The custody of a suspect member of the United States armed forces or of the civilian component thereof over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.
- 6. (a) The authorities of Japan and the military authorities of the United States shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.
- (b) The authorities of Japan and the military authorities of the United States shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.
- 7. (a) A death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in

<u>a</u>

a similar case.

- (b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provision of this Article within the territory of Japan.
- 8. Where an accused has been tried in accordance with the provisions of this Article either by the authorities of Japan or by the military authorities of the United States and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.
- 9. Whenever a member of the United States armed forces or of the civilian component thereof or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:
  - (a) to a prompt and speedy trial;

- (b) to be informed, in advance of trial, of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of Japan;
- (e) to have defense counsel of his own choice for his defense or to have free or assisted defense counsel under the conditions prevailing for the time being in Japan;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the government of the United States and, when the rules of the court permit, to have such a representative present at his trial.
- 10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under Article 2 of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.

(b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

- 9 -

The present Protocol shall come into effect on the date of the entry into force with respect to the United States of America of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces.

In witness whereof the representatives of the two Governments, duly authorized for the purpose, have signed the present Protocol.

Done at Tokyo, in duplicate, in the Japanese and English languages, both texts being equally authentic, this of , 1953.

For the Government of Japan:

For the Government of the United States of America:

## Confidential

Official Agreed Minutes regarding Protocol to Amend Article XVII of the Administrative Agreement between Japan and the United States of America

Re paragraph 1 (b) and paragraph 2 (b):

The scope of persons subject to the military law of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

## Re paragraph 2 (c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions covering such offenses in the existing laws of their respective countries.

## Re paragraph 3 (c):

Japanese authorities;

- 1. Request for waiver of the primary right to exercise jurisdiction shall be made through the Joint Committee;
- 2. Offendes over which the Japanese authorities have waived primary jurisdiction and offendes of paragraph 3 (a) (ii) committed against the State or nationals of Japan shall be tried in Japan by a competent military tribunal of the United States if so requested by the
- 3. Such trials shall be held promptly within a reasonable distance from the places where the offenses are alleged to have taken place and the representatives of the Japanese authorities may be present at such trials.

4

た。

米 外 行 政協定改訂

申

人

n

C

寸

る

表 方

目 定 権 K ŧ 事 下 四 玉 Ø 行 政 玉 当 使 間 は る 規 L は Ø 上 τ 協 院 齑 Ø 直 定 K 本 思 ち を お 協 K N 府 重 Ø 定 て 日 Ø 米 る 規 刑 米 大 旨 定 行 協 臣 政 行 及 事. 政 定 Ø Ŋ 敛 裁 政 協 万 酊 判 K 定 ŻΞ 要 N る 第 -10 フ た 項 Ø す 七 K 地 め 位 Ø 夈 2 所 在 箅 ľζ 存 第 62 京 五 定 定 七 て で 項 発 手 米 あ 項 E 効 る る K K 大 耄 盚 35 政 定 た V2 Ąξ 7 Ŀ 西 Œ 式 T る K 洋 夈 刑 Ø 0 日

퍐 っ V3 た 7 В Ø そ 会 Ø 立. ż H 本  $\mathbb{R}$ 政 府 は 簽 刑 礟 必 薮 耍 判 C 応 櫨 以 外 Ø 条 項 Ø 政 ح と が。 酊

明 5 Ź

し入れ

なくとも 教判艦 問題 0

日米行政協定或酊 方 人礼化 2

猕 쇕 氎 獿 (郷)

橤

凇

30

悪寒 を米国政府に要

K

權以外

と とが

際称ニナ人母四月女

山官

1

<u></u>

特別はついて

4.20回回水品

十二条十

2/1

日举行政 **大** 臣 定 1 夙 フ 在京学国大使に対し 年后寸時來発表

\* 办

Œ.

(日本国政府は、 変渉することが 条類の

Press Release

Ministry of Foreign Affairs, April/4, 1953.
6.80 p.m.

The Minister for Foreign Affairs Mr. Ketsuo Okazaki notified, by letter, the U.S. Ambassador Mr. Robert Murphy on the 14% of April that the Japanese Government was desirous of concluding with the U.S. Government, by exercising the option as provided for in paragraph 1. of Article XVII of the Administrative Agreement between Japan and the United States of America, an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Agreement, which is now under deliberation in the U.S. Senate, immediately upon its coming into force with respect to the United States and that if the entry into force of the North Atlantic Treaty Agreement with respect to the United States should be delayed, the Japanese Government, by virtue of the provisions of paragraph 5. of Article XVII of the Administrative Agreement, would request & the U.S. Government to reconsider the subject of criminal jurisdiction with a view to revising the said Article.

Mr. Okazaki also notified Mr. Murphy that the Japanese Government reserved its position regarding the revision of other provisions of the Administrative Agreement to might, in due time, take steps as it deems necessary in accordance with the provisions of Article XXVIII of the Agreement.

for the

国民工化的人格等人

行日 七月 条力 を合 すと るの 定の 普安 \_ 全 案保 第 Ξ K

百 合 位 で て 協 定 劾 力 付 を 줗 干允 ۳ る 九 百北 ح 五 ځ 十 չ 西 な Ξ 洋 っ

H 百 Ø 合 日 玉 崇 ٤. 定 東 Ø 京 間 で Ø 同 署 安 全 名 ď ざ 障 礼 事 た 夈 約 第 政 Ξ 定 基 +

七 2 府 及 Œ 次 Ø ァ 規 Ж 定 り カ 合 つそ 国政 は べ行 盗

ある ħ

H

令 C よつては例す 囲の 法令 ح っ 7 で る ح 弘 논

# 1888888 E

(ii) I つ つ 围 6 合 対 国 の叉 衆 衆 L 図 匨 て 军 Ø 財 為 Ø 叉 秘 竸 密 若 合 K K Ø す 関 す る・当 員 安 合 法 全 1 合 罪 L Ø はの J. 次 》違 犯 付 反 務 次 罪 対 柩 す 利 法 る 則

犯有

+

る構

(ii)(i)

行

為

ちゅす

うり反

報

行

叉

は

国

Ø

公

上

Ø

秘

若

遊

用

当 妨

服

る

坟

属

檶

を

行

雪

る

利

有

**-**}

合

軍

る 権 7

Ø

上的

る

2

lt 本 項 払 放 b Ø 利 3 方 方 ĄΣ る Ø を Ø Ø 合 の内 衆 利 民 Ø さ速に 崇 匿を た Ø る 軍有 局 定 困 る め

4.

そ

Ø

速族

れ捕

た及け

のる

叉

本

当

ψž

瞱

を

行

使

Ø

衆 互 の一般 农 にけ 対れ な.

崇 發 合 相 玉 い軍助 当 て 局 4 合 衆 成 墨 軍 か 隊 け n ば ・な 成

邓 そ行 起 Ø 者 no る 身 でが衆 Ø 合 間 衆 軍 **E** 合の 0 衆 手 樺 国中 よぁ 叉 りるは 引と 호 호 続はた

 $C_{\vec{x}}$ 含 7 Ø そ 収 连 る n 集 孛 及 る ح 5 Ø 物 提 粂 出 0 51 つ 収 及 てびす 相 正べ う 引 互当て

及 U 合· 園 Ø 軍 付 Ť 行

て Ø Ø K つ V2 て

判 И

同

櫟

Ø

婸

奎

な

求 域 噩 る 合 内 K で当 は 言 Ict 1/3 合 日 渡 衆 本 国国 対た 00 自 軍法 由 て Ø 当制 好 局 Ø ŻΞ 的 郀 Ħ 行 本 に本 团 á つ 内合 払いの T K わ て 執死 な 合 行 刑 け 衆 N れ国 基 て規 Ø ば は定 軍 な 7 なし ら当 な局

Ø 妥 当 っは H H 团 13 ¥-Ø た 출. き又 は Ĺ 罪 . Ø 8 て を を 受 Z 受 H 00 ht ic 合 て る Ø ટ 無 き罪合 局のの

6

180

を 軍 る 叉 族 は d か 生 雪 H る VC 紀 その 定 す理 Ø 1/C 反を 化 受 つけ ķΣ

Z た 婸 は て ₽ 有

- か 迅 夵 裁 判 爱 受 b る 利
- 公 K 自 対 L て ħ. 3 た 具 体 な 因 Ø 通 知 け

る

自

利

め

K

強

- 田 Ċ 証 Ø Ø ذاع 当 H 通 0 常 70 を れで已 B て Ø る 域 内 る 粂 あ 件 る ځ 基 き Š d 費 耄 用 自 参 つ E Ø 旆 L 利 た
- た る

は

用

H

て

を

Ġ

つ

権

利

な 叉

(A) VI

で 日

10 īΕ 成 代 ž たを 部 立る ち 颫 合 わ 繝 찬  $\alpha$ 戚 る 隊 樒 所 は利 掜 ے

**₩**S NC 全の 基 当 施 兵 設 及. Œ. 区 すのに又 の及 7 Ωž 当 区 察 な域 権 にを 行 をい 9 執て権定

及 絡 田 Ø  $\alpha$ Ø 当 及 局 ځ Q. Ø 取 域 極 Ø 2 0 亿外 そ 從 め Ø 9 K 使とか F.13 用 Ť3. 耄 合 条 It 衆 件 内 -王 ځ で 鄞 L 歐 » Ø 用 Ø 且厂厂 つ兵 る 成 **"**は 舅 . 当 の 該 Ø 当

B る 協 Ø

る ァ

> IJ d

カ

合 北

团 西

L/3 約

7

効

力 围

生 Ø

r 各

た 自

H Ø

劾

力 Ø

ż

発

生 K

寸

るす

に 軍

を間

衆 大

8

Mala stable

Ø 代表 VI. ح ق た め īĒ. 当

受け Ø た

· 語 千 及 九 五. 語 Ξ 1 本 通 日 K 成 たって

正文

园 Ø

る日 定因 響と るカ 合合 意衆 を国 れと たの 公間 式の 議行 事政 定 第 夈 を 改 正

耄 て軍第 法 本 <u>\$</u> る \$ Ø Ø さ節 れ囲 れ合 ば衆 厅 (v)

K 通 府 れ 現 号 行 げ K れ対 · Ø 犯 -3-罪 Ł 定の め 犯 る罪 規の定 詳 を 相及互び 相

第 Ξ (C) VC

5 利 Ø 放 d 合 同 委 員 숲

放棄した犯罪及 本国又

し、日本臣の当局の 場所から著しく速 の権限があれば、日本国

All Controls

# 秘密指定解除 官房総務課

日米行政協定改訂方申入れに関する

外務省発表

午後六時薨昭和二八、四、

銮 四

F Ŀ 团 K K る 定 躛 外 7 恩 ځ 膐 奎 大 豆 Ø 定 規 定 北 及 K 大 歐 Œ 西 判 万 酊 晔 定 χίς. 4 定 館 約 在 項  $\cong$ 京 靐 退 第 42 大 項 Ø K K 銮 Ø 正式 政 定 た ψž 42

滅

印し入れた。

A n 応 E 臌 E H る 緻 判 Ø

九九

秘密指定解除 官房総務課

Public Information & Cultural Affairs Bureau MINISTRY OF FOREIGN AFFAIRS

> GAIMUSHO BULLETIN Tokyo

Vol. II. No. 45

April 14, 1953

JAPAN REQUESTS REVISION OF CRIMINAL JURISDICTION CLAUSE OF ADITIONSTRATIVE AGREEMENT

The Minister for Foreign Affairs Mr. Katsuo Okazaki notified by letter the U.S. Ambassador Mr. Robert D. Murphy on the 14th of April that the Japanese Government was desirous of concluding with the U.S. Government, by exercising the option as provided for in paragraph 1 of Article XVII of the Administrative Agraement between Japan and the United States of America, an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Agraement, which is now under deliberation in the U.S. Senate, immediately upon its coming into force with respect to the United States and that if the entry into force of

the

ロ米行政協定改訂方申入れに関

る

外務省発素

定 て 必要に の定 本国政府は 応じ **(1)** る 定 旨 行 府 行 交 变 万 する す 專 在 ۵. 項 当 京 ع 办 で る 項 定  $\pi$ を K 粂 ŧ 搃 項 盐 が政队定たのし 5 て選府▲す上

た。

Elemente

2 =

the Morth Atlantic Treaty Agreement with respect to the United States should be delayed, the Japanese Government, by virtue of the provisions of paragraph 5 of Article XVII of the Administrative Agreement, would request the U.S. Government to reconsider the subject of criminal jurisdiction with a view to revising the said Article.

Mr. Okazaki also notified Mr. Murphy that the Japanese Government might, in due time, take steps as it deems necessary for the revision of other provisions of the Administrative Agreement in accordance with the provisions of Article XXVIII of the Agreement.

\_ 0 -

外務省情報文化局発表案

112

定 感 定 方 O 定 フ 要 発 Ø 効 て が 定 在 日 京 Ø  $\mathbf{T}$ 定 米 ځ 0 す 事 協 玉 裁 項 定 5 大 様 0 が Ø あ 粂 大 定 定 て 項 K K 臣 重 あ つ 方 を 右 0) 本 た 玉 を Ø ځ 述 は 万 Ø) 四 月 K 米 + 政 ΝŠ 府 す 六 日 は る 0  $\mathbf{T}$ 

130

た

. \_\_\_\_

COPY

## CONFIDENTIAL

No. 1969

American Embassy, Tokyo, April 16, 1953.

## Excellency:

I have the honor to acknowledge your Note of April 14, 1953, informing me that the Government of Japan, pursuant to paragraph 1 of Article XVII of the Administrative Agreement between the United States and Japan, is desirous of . concluding with the Government of the United States an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement. I further acknowledge receipt of the Japanese proposed draft for such an agreement, Your Excellency's Note under acknowledgment also refers to Article XVII, paragraph 5 of the said Administrative Agreement and informs me that if the entry into force of the said North Atlantic Treaty Agreement should be delayed, with respect to the United States, then the Covernment of Japan would request the Government of the United States to reconsider the subject of criminal jurisdiction with a view to revising such article.

Pursuant

His Excellency
Katsuo Okazaki,
Minister for Foreign Affairs,
Tokyo.

- 2 -

Pursuant to the terms of paragraph 1 of Article XVII of the Administrative Agreement, the United States will conclude with Japan an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement, upon the coming into force of the latter with respect to the United States. Accordingly, I am glad to have the benefit of the draft protocol attached to Your Excellency's Note, which, together with the Note, has been forwarded to my Government. The draft protocol should serve a very useful purpose in the event of circumstances which would bring into operation the provisions of paragraph 1 of Article XVII of the Administrative Agreement.

With regard to the statement in Your Excellency's Note that the Government of the United States would be requested to reconsider the subject of criminal jurisdiction in the event of delay in the entry into force of the above mentioned North Atlantic Treaty with respect to the United States, I wish to assure Your Excellency that in those circumstances any such request by the Japanese Government will be given careful attention by my Government, in the light of those factors giving rise to such delay.

I note your statement that the Government of Japan may, in due course, take such steps as it may deem necessary in <a href="mailto:accordance">accordance</a>

accordance with the provisions of Article XXVIII of the Administrative Agreement to seek other revisions of this Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

大人を

六

Ħ

¥

连

顧

飁

**本** 

Ł

來

Æ

.

廏

定

变

酊

方

变

K

雪

(±

松平参昭和二八、四、一

規 行 . \$ 定 ح 政 大 る 臣 及 定  $(\!+\!)$ 勠 వ N て 通 Ø は Ø 75 T Ø ゎ 臣 耄 쀎 定 大 ž M 臣 方 有 -頉 心 变 厢 K Ø 申 ľC 関 玉 X ħ n 定 る 孛 K る C K つ Ø 对 叁 脇 步 定 ح つ て 万 4 H フ ځ 1 Ø 过 0 大 K 定 \* 0 酸 桕 么 龙 \$ 府 ځ Ė

て 勠 n 壹 ば Ø 米 府 付 1 右 K Ø ベ 4 藏 判 총 遲 延 ح 圣 を 来 Ø 述 た 齊 酃 た 麥 惰 B 瓤

Ø

勠

Ø を 本 7 答 は 逦 Ø 受 Ž. Ø K で Ø ち 相 遾 で る ゎ ð が 方 截 籪 Ø 形 Ø 内 式 容 Ž 反 覆 丁 広 本 7 な

交 ね て る ځ ゎ Ø 本 **₩** ح 方 ځ で で Ø 渺 つ た Ŀ 価 0 Ø \* 取 文 掇 t R っ は ₹ る 63 Ø て 麌 夝 宜 \$ 上 Ø 用 で は で Å, る 礟 12 办 Ø

Miller on

2/1

(s) 0

Ţ Ď-っ ጲ て II 1/2 ځ Z) źţ て 办 お る ځ える 次 鄭 \$ C 大臣 つ ば τ Ø V2 簗 た

K

右御指示を仰ぐ。

秘密指定解除 官房総務課

CONFIDENTIAL

No. 1969

American Embassy, Tokyo, April 16, 1953.

### Excellency:

I have the honor to acknowledge your Note of April 14. 1953, informing me that the Government of Japan, pursuant to paragraph 1 of Article XVII of the Administrative Agreement between the United States and Japan, is desirous of concluding with the Government of the United States an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement. I further acknowledge receipt of the Japanese proposed draft for such an agreement. Tour Excellency's Note under acknowledgment also refers to Article XVII, peragraph 5 of the said Administrative Agreement and informs me that if the entry into force of the said North Atlantic Treaty Agreement should be delayed, with respect to the United States, then the Government of Japan would request the Government of the United States to reconsider the subject of criminal jurisdiction with a view to revising such article.

Pursuant

His Excellency Katsuo Okazaki, Minister for Foreign Affairs, Tokyo.

- 2 -

Pursuant to the terms of paragraph 1 of Article XVII of the Administrative Agreement, the United States will conclude with Japan an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement, upon the coming into force of the latter with respect to the United States. Accordingly, I am glad to have the benefit of the draft protocol attached to Your Excellency's Note, which, together with the Note, has been forwarded to my Government. The draft protocol should serve a very useful purpose in the event of circumstances which would bring into operation the provisions of paragraph 1 of Article XVII of the Administrative Agreement.

With regard to the statement in Your Excellency's Note that the Government of the United States would be requested to reconsider the subject of criminal jurisdiction in the event of delay in the entry into force of the above mentioned North Atlantic Treaty with respect to the United States, I wish to assure Your Excellency that in those circumstances any such request by the Japanese Government will be given careful attention by my Government, in the light of those factors giving rise to such delay.

I note your statement that the Government of Japan may, in due course, take such steps as it may deem necessary in accordance

accordance with the provisions of Article XXVIII of the Administrative Agreement to seek other revisions of this Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

外 游省 情報文 化局器

日米行政協定改訂申し入れに対する米国政府の回答につ

昭和二十八年四月十七

日米行政協 京米国 刑 0 発効が 大使 七粂第 要謂 協定が 7 米国に 岡崎 外務大臣 訂方を Ø る 4 つ Ø 要請 定 て つ 発 て。効 本 ri 政 KC. た 上 ~ KI な び万

Confidential

No. 1969

American Embassy, Tokyo, April 16, 1953.

## Excellency:

I have the honor to acknowledge your Note of April 14, 1955, informing me that the Government of Japan, pursuant to paragraph 1 of Article XVII of the Administrative Agreement between the United States and Japan, is desirous of concluding with the Government of the United States an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement. I further acknowledge receipt of the Japanese proposed draft for such an agreement. Your Excellency's Note under acknowledgment also refers to Article XVII, paragraph 5 of the said Administrative Agreement and informs me that if the entry into force of the said North Atlantic Treaty Agreement should be delayed, with respect to the United States, then the Government of Japan would request the Government of the United States to reconsider the subject of criminal jurisdiction with a view to revising such article.

Pursuant

His Excellency
Katsuo Okazaki,
Minister for Foreign Affairs,
Tokyo.

Pursuant to the terms of paragraph 1 of Article XVII of the Administrative Agreement, the United States will conclude with Japan an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement, upon the coming into force of the latter with respect to the United States. Accordingly, I am glad to have the benefit of the draft protocol attached to Your Excellency's Note, which, together with the Note, has been forwarded to my Government. The draft protocol should serve a very useful purpose in the event of circumstances which would bring into operation the provisions of paragraph 1 of Article XVII of the Administrative Agreement.

With regard to the statement in Your Excellency's Note that the Government of the United States would be requested to reconsider the subject of criminal jurisdiction in the event of delay in the entry into force of the above mentioned North Atlantic Treaty with respect to the United States, I wish to assure Your Excellency that in those circumstances any such request by the Japanese Government will be given careful attention by my Government, in the light of those factors giving rise to such delay.

I note your statement that the Government of Japan may, in due course, take such steps as it may deem necessary in accordance with

the

the provisions of Article XXVIII of the Administrative Agreement to seek other revisions of this Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

八 務省 情報文 化 局 発

昭和二十八年四月十七

日米行政協定改訂申し入れに対する米国政府の回答につい

日米行政協定の ځ Ø 簡が 刑 考慮 接到 定 事裁 米国大使あて岡崎外務大臣 大使 0 Ø 方要謂 発効が 遅 ら岡崎大臣 定が米 **条項改訂方を申** фš 定 て あ ば Ø 本 规 定 Ø K 定 τ を H 入 府 本国政府 睿 れ a た四月 重考頗 す K そ Ø 十四 ZC

Marin

ľ

度 K

的な 要領

項に 17 でし

取 にろ

だ

側と

通 極



行 政 定 権 項政訂 方に関 ける件

度 交 る 在 行 京 米 大 米 す な 改訂 表 示 議中で、未だ 大 体 N はな 条 松 文案に そ ځ B て、程

なべ 合同委員会の正式決 は必要である 定を K F 直ち 行 備 K 的 必 得 業 を た 準備を 次第 ある と と の 協定発効 えてお 後直今

事がか疑 쵿 て ろ う 部 方にそ せ行 る 方々類 ح Ø Ø 罪しりはの事 ۳ 1,8 6 で ح. 司 れの 内 るを司 ح ے は第訴当秘わる被な

100

. 2

力 を 要 目 案 存 Ø 設 会 ŧ 方 Ł で Ţ ŝ 式 行 ح **C** 使 同の す 度 Ì る 次 問 簩 図 でに 度 は あつ 裁 1/2 る **አ**ን-す をな 5 放業小的 行以"方

てな か米く 第 な 知 な ね た 来 N 45 本 ٤ て 玉 Z る 政 ろ 定 1/2 先 **1**02 問 方 係 あ 当 そ 合 官 る れせ は る国 は間 て 兒 そ交に ľ Ø う 点 がって V 行の わ つ れ て て題 はいに ` ` る 関

い日よ次し

返 ح 的 は Ø で 述 点 ベ よ **₹**Ø 方 で た (S) 2 だ る 鑑 K J. 本 吝 0 で備 は を 違 を ځ 班 軍 求 っ て 述 Ø め て べ 会 Ø て議 置 鋻 で れの 10 な取 たい あ あ

が 予 な作 い業



松平年子子

WASHINGTON, May 9—(AP)—The new Administration's first request for Senate ratification of an international treaty appears to have run into a delaying action by Republican leaders.

Mississis.

Sen. Taft of Ohio, the Republican floor leader, said the Senate would put off for an "indefinite" time consideration of three North Atlantic Treaty Organization (NATO) Pacts.

One of them, described by Sen. Bricker (R-Ohio) as wone of the worst I have ever seen, would make it possible for American soldlers to be tried in foreign civil courts for non-military offenses committed in NATO nations.

The three treaties had been scheduled for debate early ment week. The Senate Foreign Relations Committee said they were the first the new Administration has saked the Senate to ratify. A two-thirds vote by the Senate is meeded before any treaty signed by this country can take effect.

Taft told a reporter: "I don't know what we're going to do." He said he wanted a new study made of the treaty question.

Asked if all three treaties might be returned to the Foreign Relations Committee for further study there, Taft said he didn't know; that their states was up in the air.

Actually, a good many objectives of the treaties already have been accomplished by executive agreements entered into with the 14 MATO nations by the Truman Administration.

Taft indicated he wanted these agreements, which Bricker has called "illegal actions," investigated thoroughly.

If Taft should join with Bricker and several other senetors who have been outspoken against the treaties, the necessary two-third majority for Senete ratification might be hard to find.

# 秘密指定解除 官房総務課

## U.S. SENATE TO POSTPONE CONSIDERATION OF NATO TREATY

WASHINGTON, May 9—(Reuter)—The United States Senate will postpone consideration of a treaty which would permit American soldiers to be tried in foreign civilian courts for non military offences Senator Robert Taft said today.

The proposed treaty with North Atlantic Treaty Organisation (NATO) countries attempts to solve problems raised by the presence of thousands of United States troops in those countries.

Mr. Taft Republican Floor Leader said the Senate would postpone debate for an "indefinite" period.

. He told a reporter he wanted a new study made of the treaty question.

Senator John Bricker Republican Chic described the treaty as "one of the worst have ever seen" he has suggested American courts martial hold try servicemen even if the charges have no connection with their military duties.

This would remove a main objective of the treaty.

Several other NATO Administrative Treaties are involve.

Many objectives are obtained by executive agreements with the fourteen NATO nations by Truman Administration.

Mr. Taft in indicated he wanted there arrangements, which Mr. Bricker has called "illegal actions" investigated throughly.

Bricker said the plan to give the proposed rights to foreign civilian courts had been called "unprecedent" by the Under Secretary of State Mr. Walter Badell Smith.

The treaties, first to be passed to the Senate by the Eisenhower Administration require a two thirds majority.

The Foreign Relations Committee commending them to the Senate said they

would replace the present hotch potch of interim arrangements in Europe with a permanent uniform system".

The treaties had been scheduled for debate early next week.

## 秘密指定解除 官房総務課

来 話

し添

**بر** 

**₹** ġ

ン

では

行 政 定 刑 寧 裁 判 K

偼 万 在 京

Ē.

三宅参車官

85d CONGRESS lst Session IN OPEN EXECUTIVE SESSION SENATE OF THE UNITED STATES

AN AGREEMENT REGARDING STATUS OF FORCES OF PARTIES TO THE NORTH ATIANTIC TREATY

IN THE SENATE OF THE UNITED STATES

May 4 (legislative day, April 6), 1953 Ordered to lie on the table and to be printed

#### RESERVATION

Intended to be proposed by Mr. Bricker to the resolution of ratification of an agreement regarding status of forces of parties to the North Atlantic Treaty:

The Senate advises and consents to the ratification of Executive T, Eighty-second Congress, second session, regarding status of forces of parties to the North Atlantic Treaty, signed at London on June 19, 1951, subject to the reservation, which is hereby made a part and condition of the resolution of ratification, that the military authorities of the United States as a sending State shall have exclusive jurisdiction over the members of its force or civilian component and

their

their dependents with respect to all offenses committed within the territory of the receiving State, and the United States as a receiving State shall, at the request of a sending State, whive any jurisdiction which it might possess over the members of a force or civilian companent of a sending State and their dependents with respect to all offenses committed within the territory of the United States.

- 2 -

Senate Snuffs Hove To Exclude Off-Duty Crimes From Courts.

WASHINGTON, July 15 (UP) - The Senate today defeated 55 to 27 an effort to bar United States servicemen abroad from being tried in fereign courts for off-duty violations of foreign laws.

The proposal was a reservation sponsored by Sen, John W. Bricker (R., 0.) to three treaties regulating the status of troops of North Atlantic alliance nations.

The Senate postponed until tomorrow a vote on the controversial treaties. The vote on the Bricker proposal indicates the treaties - which require a two-thirds majority for approval - may be in trouble.

BEFORE THE FOTE William F. Knowland (R., Cal.), acting senate majority leader, read a letter from President Elsenhower urging ratification of the treaties without reservation.

"In my judgment, failure of the United States to ratify these agreements could seriously affect the security of the United States, for such failure could result in undermining the entire United States military position in Europe," the President said.

Mr. Misenhower said he did not share the "fears" of those who wanted to make U.S. servicemen immune from foreign court for off-duty offenses. He said ratification would be a "great forward step toward cementing the mutual security effort among the nations of the free world."

ERICKER challenged the Senate to "describe criminal law and procedure as it actually operates in Japan."

He said he doubted there was a member of the Senate who was familiar with the Japanese criminal code, but said that at the same time "the United States is already obligated to surrender the same criminal jurisdiction to Japan that is surrendered to the NATO countries."

\_2-

045035635**938** 

1/2

Massassa.

40

行酸化 定 刑 事裁判

平人 40

4 胜 康 米大使 不在) 2

変變 沦

20日本公司名一日0日

**E** 

靆

鱼型添融

る物をして

念包

臣 北大西 7 約協 効力を生じた 定 0 審 と のき 進 は行 日 Ю. 本ん す 国 政み

Ø C L っ て 合 衆国政 府

め Ġ 臣 粂 る と 2 定を ح 書簡が とを 定 Ø 希 室 す る ۲ 通 本国が締 告する 結 政 府 栄を 寸 第の 五効

七切

粂

を

7 大 当 Ø 臣 d K ح 日 本 行 政 協 る 定 kt = + 行 政 八 協 Ø Ø と規 定 K K 条

 $\inf_{\mathbf{E}(\mathbf{k},\mathbf{l})} \{ \{ \{ \} \} \}$ 

大臣は つて重ねて

大臣

外務

Confidential

No. 1969

American Embassy,

Tokyo, April 16, 1953.

### Excellencys

I have the honor to acknowledge your Note of April 14, 1955, informing me that the Government of Japan, pursuant to paragraph 1 of Article XVII of the Administrative Agreement between the United States and Japan; is desirous of concluding with the Government of the United States an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement. I further admowledge receipt of the Japanese proposed draft for such an agreement. Your Excellency's Note under acknowledgment also refers to Article XVII, paragraph 5 of the said Administrative Agreement and informs me that if the entry into force of the said North Atlantic Treaty Agreement should be delayed, with respect to the United States, then the Government of Japan would request the Covernment of the United States to reconsider the subject of criminal jurisdiction with a view to revising such article.

Pursuan

His Excellency
Katsuo Okazaki,
Minister for Foreign Affairs,
Tokyo.

Pursuant to the terms of paragraph 1 of Article XVII of the Administrative Agreement, the United States will conclude with Japan an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement, upon the coming into force of the latter with respect to the United States. Accordingly, I am glad to have the benefit of the draft protocol attached to Your Excellency's Note, which, together with the Note, has been forwarded to my Government. The draft protocol should serve a very useful purpose in the event of circumstances which would bring into operation the provisions of paragraph 1 of Article KVII of the Administrative Agreement.

With regard to the statement in Your Excellency's Note that the TGovernment of the United States would be requested to reconsider the subject of criminal jurisdiction in the event of delay in the entry into force of the above mentioned North Atlantic Treaty with respect to the United States, I wish to assure Your Excellency that in those circumstances any such request by the Japanese Government will be given careful attention by my Government, in the light of those factors giving rise to such delay.

I note your statement that the Government of Japan may, in dus course, take such steps as it may deem necessary in accordance with

the

the provisions of Article XXVIII of the Administrative Agreement to seek other revisions of this Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

# 秘密指定解除 官房総務課

**0 6** 你定 正 **す** る 7 τ

0 Ł \*

T 邃

1

1

十三課長の力

不共三 福省

计三课长 多人

三人

自由基金的

5/9 心村気

2000年

1/1

7 0 室 **3** 力 躏 څ A 7 A -3 À Ŧ

T 歐 3 4 1 盐 Ø. 4 ととはなりた。 た訳でる 7 誕 **63** 涎 烫 定 鹼 \* 7 **(** 1 ėj. ű Zj. 支 件化 Mr. FI. Æ ゥ Z Ń **4** 基 200 Ť 10 m Val. る闘 Ø. خ PC. 会 2 盘 . . Ag 灏

: 海德克斯事典种最多现在是这个人的一种

**杨** 平 · 参 · A

筵 鲣 殿 -8 1 

通家に何分の御迹論をいたすべし。

**(11)** 室 ₹ K 逐 4 200-

ba u

\$2500,00000

Ξ 7 ba. -6 0 鰘 

町交のに関う

平八

多人

**♣** Ξ

に関し

行動協定刑事裁判拒负项令款

巡べ Ð Þ Z 事件变验

篡 BRGR \*

4 平具 多人 **₽** ■

四米 Ħ **S** 殿 1 鱹 4 靈 T 0 1 \* T 3 ly a 2 定 2 Øj 0 \*\*\*

爬

æ Ŀ C y 3 太 \* 文

7 kT. 變

Marin Sec.

%

Ξ

3 太 2 0 T 图 25 3 **F** T. 漱 ځ 900

M **60** W \* 畑 審 2 Œ.

やえる日中し述べたわけてある。

忍 黔 M 0 征 變 T 11 黔 W Ħ Đ) T 优 2 と自 定 肠

\*

**\*** 

e E

西河 宣言四支

**\$** 

嚬 K a M T 郔

ع K T 文 \* \*

つてられオノギ

 $\mathbb{E}_{\mathbb{R}^{N}}^{\mathbb{R}^{N}}(\mathbb{C}_{n-1}(\mathbb{S}))$ 

á

効 力 生の C た。議 0 政き進 は行 五 日功。

· +

b

本ん 国が K

万 案 を判十つ 七小 第の 五 効

定

当 大 Ø すが 行 あ 政 政 る協 府 旨 定 を 行 + 添八 2 条 10 と規 と 定 Ø 化 化 条

和二十八年四月十四日

務大 臣

ie ii

九 2 百 な、三

の同 Ξ

府及 次 規 定

- 玉
- つては罰 Ø す 令 る ح ઢ 2 て n's ~ 춍 る V2 ح B

る 行 汝 うり反 報 上的 行 為 は 該 Ø る 公 利 ž ځ 有 秘 す Š, 若

1 Ø 1 雪 る 法 に合 はの 多。 次反務 Ø 適

(ii) 当 作は 国 ては Ø 蓙 Ø る Ø 办 Ø . **\*** 有 0

方

逮

Ø 浔 因の Ø 7 当 7 局 3 6 ば

Ħ で・が の合 国 合の 衆 手 叉 よる り る 引 と 출 출 麗

连は る てびす 》 相 正べ 9 引 互 当 て

U Ø 行 る

240 210 3 3 3 4 4 5 1

Ø 琿 T

合 Η 衆 围 围 Ø · Ø 軍 法 当 制 局 が同 Ħ 傪 本 0 围 合 内 でに 死 焠 行 刑 しを て 定 なし 7

で 請 渡 C た 衆 自 L 屈 て 由 好 齎 Ø 的 繂 局 考 行 1 水 奎 り 粂 わ て な 合 定 H n ば 軍 当

は

ż 妨 紀 Ø つけ 43

起 Z た 婸 員 2 4 族 は 権 本 利 を Ø ナ環境 る権

さけ

87

1

因

Ø

逦

知

砂

る

手

自 域 内 N あ る剤 ځ

ict

た

寰 Ø 選 粂 つ 基 È 費 ŧ 用 Ť 狞. 日 若 本

(f) 認用 る利 利

合 化 決 it it 合 日\_ 豪 平 **F** 軍法 当例 局 亦同 B 本 の 内 でに 行 刑 L & Ź

غ 左 あるで当 っし 言 (S) はた衆 自 ΔĐ 刑軍 Ø **7**3 化 行 好 化 本 つ祭 \$ ~ 合 定 衆 展 Ø) ħ. 悪て は当日

犯 合 者 はき

で不 は作 **డ్** 鄆 紀 判 7.

公 없 訴 負 起 ζ. さは れ軍 た L 婸 숌 K にそ 5, ò ΙÍ 次 日 の本

る 左框 訴 利

体 的 Ø 知

交

る

す、 る。る

の利 己 Ø) た හ් 忆 L ŔŦ

る っ 基

Š

产

て

Ε

##855 scale.

<u>邓</u>

Z Ł 9

ځ E

西 田 て 宗 力 园 Ť 習 # Ø Ľ 各 た Ø Ø IC るす

と の 証 Ø 定 ځ 壐 名 政 た府 ΙŢ Ø た めに正当な

及九 ß 百 英 五 嚭 + Ξ K **b** . 本 通を 東 た京 < Œ 文で あ

日本国政府のために

アメリカ合衆国政府のために

# 秘密指定解除 官房総務課

定团 すり れと たの 公間 式の

77 に項

Ø 本 通 Ø 知 °්න 礼 ħ 合 ば、衆 な 合

Ė kt 行 て 全 7 れ対 5 4 Ø 犯 ~: て 0 相互

棄 Ø 合

び日本国又

困 H žΫ 本

田 Ø

Confidential

(Translation)

April 14, 1953.

Monsieur-l'Ambassadeur,

As Your Excellency is aware, paragraph 1. of
Article XVII of the Administrative Agreement under
Article III of the Security Treaty between Japan and
the United States of America stipulates that "Upon
the coming into force with respect to the United States
of the "Agreement between the Parties to the North
Atlantic Treaty regarding the Status of their Forces",
signed at London on June 19, 1951, the United States
will immediately conclude with Japan, at the option
of Japan, an agreement on criminal jurisdiction
similar to the corresponding provisions of that Agreement", and paragraph 5, of the said Article stipulates,
inter alia, that "In the event the said North Atlantic
Treaty Agreement has not come into effect within one

His Excellency
Mr. Robert Murphy,
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
Tokyo.

**-**√2 -

year from the effective date of this Agreement, the United States will, at the request of the Japanese Government, reconsider the subject of jurisdiction over offenses committed in Japan by members of the United States armed forces, the civilian component and their dependents."

In view of the progress of the deliberations in the Senate of the United States of the North Atlantic Treaty Agreement, I have the honour to notify Your Excellency that the Government of Japan is desirous of concluding with the Government of the United States, by virtue of the provisions of paragraph 1. of the said Article XVII, an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Agreement immediately upon its coming into force with respect to the United States. I wish this note to be regarded, in due course of time, as the notification to the Government of the United States of such option of Japan to conclude a new agreement as is mentioned in the said paragraph 1. The draft of such an agreement that Japan proposes to conclude . is attached hereto.

Managaran.

I wish further to inform Your Excellency that if the entry into force of the North Atlantic Treaty Agreement with respect to the United States should be delayed, the Government of Japan, by virtue of the provisions of paragraph 5. of Article XVII of the Administrative Agreement, would request the Government of the United States to reconsider the subject of criminal jurisdiction with a view to revising the said Article.

2. I should like to take this opportunity to clarify the position of the Government of Japan regarding the revision of other provisions of the Administrative Agreement, stating that it may, in due time, take steps as it deems necessary in accordance with the provisions of Article XXVIII of the Agreement.

I awail myself of this occasion to renew to Your Excellency, Monsieur 1 Ambassadeur, the assurance of my highest consideration.

Minister for Foreign Affairs.

## CONFIDENTIAL

( Draft )

PROTOCOL TO AMEND ARTICLE XVII OF THE ADMINISTRATIVE ACREEMENT UNDER ARTICLE III OF THE SECURITY TREATY BETWEEN LADAN AND THE UNITED STATES OF AMERICA.

Whereas the "Agreement between the Parties to the
North Atlantic Treaty regarding the Status of their
Forces", signed at London on June 19, 1951, is to come
into force on , 1953 with respect to the United
States of America; and

Whereas Japan desires to conclude with the United States of America an agreement on criminal jurisdiction similar to the corresponding provisions of the said Agreement in accordance with the provisions of paragraph 1. of Article XVII of the Administrative Agreement, signed at Tokyo on February 28, 1952, under Article III of the Security Treaty between Japan and the United States of America;

Now the Governments of Japan and the United States of America have agreed that the existing provisions Article XVII of the said Administrative Agreement shall be abrogated and substituted by the following provisions:

ARTICLE XVII

Mississ.

### ARTICLE XVII

- 1. Subject to the provisions of this Article,
- (a) the authorities of Japan shall have jurisdiction over the members of the United States armed forces on the civilian component thereof and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.
- shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;
- 2. (a) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces er of the civilian component thereof and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.

(b) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

- (c) For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a state shall include
  - (1) treason against the State;
  - (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.
- 3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:
  - (a) The military authorities of the United States shall have the primary right to exercise jurisdiction over a member of the United States armed forces or of the civilian component thereof in relation to

- (i) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the United States armed forces or of the civilian component thereof or a dependent;
- (ii) offenses arising out of any act or omission done in the performance of official duty.
- (b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.
- (c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

- 5 -

- 4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United tates to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.
- 5. (a) The authorities of Japan and the military authorities of the United States shall assist each other in the arrest of members of the United States armed forces or of the civilian component thereof or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.
- (b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces er of the civilian component thereof or a dependent.
- States armed forces or of the civilian component thereof over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.

- 6. (a) The authorities of Japan and the military authorities of the United States shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.
- (b) The authorities of Japan and the military authorities of the United States shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.
- 7. (a) A death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.
- (b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of

this Article within the territory of Japan.

- with the provisions of this Article either by the authorities of Japan or by the military authorities of the United States and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.
- 9. Whenever a member of the United States armed forces or of the civilian component thereof or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:
  - (a) to a prompt and speedy trial;
  - (b) to be informed, in advance of trial, of the specific charge or charges made against him;
  - (c) to be confronted with the witnesses against him;

Mistr stelle.

- (d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of Japan;
- (e) to have defense counsel of his own choice for his defense or to have free or assisted defense counsel under the conditions prevailing for the time being in Japan;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the government of the United States and, when the rules of the court permit, to have such a representative present at his trial.
- 10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under Article 2 of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.
- (b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with

<del>-</del>9-

the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

the

The present Protocol shall come into effect on the date of the entry into force with respect to the United States of America of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces.

In witness whereof the representatives of the two Governments, duly authorized for the purpose, have signed the present Protocol.

Done at Tokyo, in duplicate, in the Japanese and English languages, both texts being equally authentic, this of , 1953.

For the Government of Japan:

Biblionevilo

For the Government of the United States of America:

#### CONFIDENTIAL

Official Agreed Minutes regarding Protocol to Amend Article XVII of the Administrative Agreement between Japan and the United States of America

Re paragraph 1 (b) and paragraph 2 (b):

The scope of persons subject to the military law of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

Re paragraph 2 (c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions covering such offenses in the existing laws of their respective countries.

Re paragraph 3 (c):

- 1. Request for waiver of the primary right to exercise jurisdiction shall be made through the Joint Committee;
- 2. Cases
  2. Offenses over which the Japanese authorities have cases waived primary jurisdiction and offenses of paragraph
  3 (a) (ii) committed against the State or nationals

of Japan shall be tried in Japan by a competent military tribunal of the United States if so requested by the Japanese authorities;

3. Such trials shall be held promptly within a reasonable distance from the places where the offenses are alleged to have taken place and the representatives of the Japanese authorities may be present at such trials.

逐级 秋

(合衆国大使からの外務大臣あて幸

百 ďΣ Ø まチ関 亊 たは 臣. 及

の式 つ し いて衆用裁す 意たべ合府る る正 政案する四 思 協の 案府は 定た S ග න 変の れ公この 渉 協 が定 完 の 干つて中 k n si つ′る き

畿定書に関

實.

**基始**的企工

用 国の Ø

行 9 > Ø 為叉 反 当 囮 Ø

規 定

7

Ø 家 族 VC. 烼 7 ſ2 行 軍 Z 第 9 次成の員

若 李風岩しくは合衆国軍隊の Ŋ. 対 寸

檶 Ł 行

Ť の旨

す る Ø ح ع В

9 遼 B

# 秘密指定解除 官房総務課

'n Ь

- に欝 通 成
- 耆 0 变影 で 合
- 連べ てすて

りことができる。

ia ia て 及 0 ζ¢. 合 日 습 平 园 园 围 00 9 Ø 軍法 馽 理 当 局が K つ が同 て 相 슴 互 糍 ~ 執 死 K Ŧ T 行 刑 通 Ł τ る 定 1 查 L

て

選で 当 才言 局 s t と渡 位 た 衆 国 á そ由 Ø の刑算 Ø 執 局 化行标 好化 的い て親 合 衆 ₩Z 田 Ø た軍 け当 H 九局 本

た 岩 ° n 叉如 本 赦 判 定 (/2 查 受 受け た 李 0 叉 き罪 合 ・の衆

6.

5 た 0 但. 不

て樹 成 公 訴 員 を若 提し 起く ž 位 れ軍 た闘 場又 合は n そ a n 6 家 つ T 族 B 次 Ø 本 榁

受

É K る ħ 訴 因 通 知 雹

受

H

る

縆

な 刘 利

内 2 H E Ø 饣 的 1 殱 ş

通

檶

合 طے 受 わ て 粂 Ø 代 뚎 利 理 慈 X 뵬 Ø 2 柩 要 そ Ø

10 Œ そ 16 て ベ 施 察 甏 桕 .及  $\alpha$ ź 当 区 行成 9 域 7 有 寸 る る

区 ع Ø 取 9 外 極 K 部 從 3 位 粂 件 前 ٤ Ø L 覃 且 つ警 > 察 B II 本。

Market A.

70

律 用 及 ਣ ZK Ø . たそ 的 0

11 定 る

定 名 03 В =+ H 劾 נל

政 た府 代 表者 . この 龙 め に正当な委任を

定と 靐 4

百五 += 月. し 東 た 京 Ŋ ځ 正文で

本語及 び英 語に b 本 魯二 通 を作 成

政

Ø

た

为

7 Х ŋ カ  $\mathbb{F}$ 政 府 Ø た M K.

びる日 るカ 事と

定

Æ

現に K ž Ħ

E 盟

因

法

る

ば囲

当(11) は関 たに

る 五 Ø 表適れ な M 立 直 5 会 **%**⊂ 行

粂 当 歪 合 杂 る B 当 それ 0 X. Š Ø を速

Z Ξ عے

0) 展 軍 Ø K 通 若 は 军 を

な ä 次 춘. て Ø 相 0 崇 者 0) B 理 5 要 な 左 起 あ శ 田 걸 \$ 1/2 n る 又で ځ rt は拘

族 10 て そ 許 そ Ø 者 Ø 10 すれ Ø 者 れ (b) 8 1 É は関 る は ず 己 合 7 K 不 讀 Ø 証 軍 人 な ŗ 藿 証 Ŋ を 問 줃 S 行 す っ n る で る ŀ ζ た Ø Ĵ K 컌 VC Ħ 軍 な 強 本 属 国 叉 Ø n は刑 会 そ務 れ所 5 K つ ح は 0 \$

公

Œ

な

裁

判

所

K

I

.る

公

開

Ø

裁

判

ž

受

H

る

牐

利

老

有

な

围 当 局

6

す 合 綠 7 遬 通 ď, ع 了 回 逛 解 ۶. 九郎 用 Β 7 田 Ø る 当 局 設 が 及 藗 U 区 を域

## 秘密指定解除 官房総務課

ち Z K る 叉 本 区 園 域 Ø 合 Ø 遬  $\mathscr{C}$ 渡 Ø j<sub>o</sub> される V 判 7 Ø

行 る 当 局 7 nt 3 2 合 れ 老 ธ 搜 用 叉 索 叉 は て 用 叉 在 る K は 地 あ Z 押 · Ø 及 収 S る す CK る

ځ 施

で 叉

꺌

闽 全

軍

当

に引き渡

る

る

Ł 檶 Ø

李

る

嗀 Ø

は

区 局

域

安 衆

**1**/C

孛

る

既

服 遂

ž 又

な は

基 以 S 外 李 て Ø る 理 記 Ø 合 す 浆 当 围 局 る 財 産 た 政 府 索叉 叉 要 つ は て そ Ø Ø 决 附 収 b 办 属機 産 Ŧ Ø, そ Ħ Ħ っ Ø **1**02 ځ 所 Ž 及 Ø 有  $\alpha$ は ٦ 又 収 合 は を 田 す ځ 0 る 決 財 爸

合 あ る 因 麔 日 閰 本 歐 田 Ø 対 区 し域 てに \$ 的 て 敵 对 行 為 要 Ŋ, 求 3 る 合

書 力 生 Ø は 日 > 1C 與

K 證 力 っ 定 S T 7) Ń 摫 B ° vz 適 定 用 在 z れ 籱 た行政協定第十七条の規定の定めるところに従うロ な 定 b 書 B 0 効 Ø ع 力 す 発 る 生 0 Ø ح Ħ n 0 6 0) K 罪 犯 ಚ ಕ ъ 礼 ح た 9 5

T

反 叉 Ø 用台

局 生 が す

は旨決

相をに行

IJ た日に効力を発生す

語に年

CONFIDENTIAL

M4.

AN AND THE UNITED STATES OF AMERICA INTEGRAL ARTICLISM AND THE SECURITY TREAT BEIMEEN TO A AMERICA OF AMERICA

Whereas the "Agreement between the Parties to the Morth Atlantic Treaty regarding the Status of their Forces", signed at London on June 19, 1951, came into force on August 23, 1953 with respect to the United States of America; and

Whereas Japan desires to conclude with the United States of America an agreement on criminal jurisdiction similar to the corresponding provisions of the said Agreement in accordance with the provisions of paragraph 1 of Article XVII of the Administrative Agreement, signed at Tokyo on February 28, 1952, under Article III of the Security Treaty between Japan and the United States of America; Now the Governments of Japan and the United States of America; that the existing provisions of Article XVII of the said Administrative Agreement shall be abrogated and the following provisions shall be substituted:

# ARTICLE XVII

- . Subject to the provisions of this Article,
- the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States.

  the authorities of Japan shall have jurisdiction over the members
- (b) the authorities of Japan shall have jurisdiction over the members of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan;
- 2. (a) The military authorities of the United States shall have the right to example explusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, purishable by the law of the United States, but not by the law of Japan.
- (b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces, the civilian

CONFIDENTIAL

companent, and their dependents with respect to effenses, including effenses relating to the security of Japan, punishable by its law but not by the law of the United States.

- (c) For the purposes of this paragraph and of paragraph 3 of this
- Article a security offense against a State shall include
- (1) treason against the State;
- (ii) sabotago, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.
- 3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:
- (a) The military suthorities of the United States shall have the primary right to exercise jurisdiction over members of the United States armed forces, the civilian component, and their dependents in relation to
- (1) offenses solcly against the property or security of the United States, or offenses solely against the person or property of another member of the United States armed forces, the civilian component, or a dependent;
- (ii) offenses arising out of any act or omission done in the performance of official duty.
- (b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.
- (c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exarcise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.

l N

Material States

CONFIDENTIAL

- States shall assist each other in the arrest of members of the United States armed forces, the civilian component, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.
- (b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States

armed forces, the civilian component, or a dependents

- (c) The custody of an accused member of the United States armed forces, the civilian component, or a dependent over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.
- 6. (a) The authorities of Japan and the military authorities of the United States shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.
- (b) The authorities of Japan and the military authorities of the United States shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.
- 7. (a) A doath sentonec shall not be carried out in Japan by the military authorities of the Whited States if the legislation of Japan does not provide for such purishment in a similar case.
- (b) The authorities of Japan shall give sympathetic consideration to a quest from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this Article within the territory of Japan.
- 8. Where an accused has been tried in accordance with the provisions of this Article either by the authorities of Japan or by the military authorities of the United States and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for

hin the territory of Japan by the authorities of the other

of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or emission which constituted an offense for which he was tried by the authorities of Japan.

- 9. Whenever a member of the United States armed forces, the civilian component or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:
- (a) to a prompt and speedy trial;
- (b) To be informed, in advance of trial, of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of Japan;
- (e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;
- (f) if he considers it necessary, to have the services of a compotent interpreter; and
- (g) to communicate with a representative of the government of the third. Whited States and to have such a representative present at his trial.
- 10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under Article 2 of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security with such facilities and areas.
- (b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with these authorities, and in so far as guch employment is necessary to maintain discipline and order enong the members of the United States armed forces.
- 11. In the event of hostilities in the Japan area either Japan or the United States shall have the right, by giving 60 days! notice to the other, to suspend the application of any of the provisions of this Article. If this right is

, depan and the United States shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

The present Protocol shall come into effect thirty days after the date of

its signing.

In witness whereof the representatives of the two Governments, duly authorized for the purpose, have signed the present Protocol.

Done at Tokyo, in duplicate, in the Japanese and English languages, both

texts being equally authermic, this

, 1953.

or the Government of Japan

For the Government of the United States of America:

CONFIDENTIAL

202

American Embassy
Tokyo, August 18, 1953

#### Excellency:

I have the honor to refer to your note of Arril 14, 1953 with which were enclosed a draft of a protocol on criminal jurisdiction and a draft of official minutes regarding the protocol which Japan proposes to conclude with the mited States upon the coming into force of the Agreement between the Parties to the North Allantic Treaty regarding the status of their forces.

tion of the Morth Atlantic Treaty Status of Forces Agreement. Article XVIII of the Agreement provides that thirty days after four signatory states have deposited their instruments of ratification the Agreement shall come into force between them. Prence, Morway and Belgium have already deposited their ratification. Consequently the North Atlantic Treaty Status of Forces Agreement will come into force with respect to the United States thirty days after the deposit of the United States ratification.

by Government is prepared to use the draft of the protocol enclosed with your note of April 14, 1953 as the basis for the immediate initiation of negotiations for an agreement on criminal jurisdiction. Proposals of my Covernment for changes in the draft protocol are enclosed. With respect to the official minutes my Government has prepared a draft which incorporates all except one of the Japanese proposals for the official minutes and which

includos

#### His Excellency

katsuo Okazaki,

Finister for Foreign Affairs,

Tolayo.

includes a number of additional proposals. My Government suggests that its draft, which is enclosed, be used as the basis for reaching an agreement on the official minutes.

My Government wishes to state that immediately following the conclusion of the agreement for revision of Article XVII of the Administrative Agreement, Description of the United Nations Status of Forces Agreement should be completed. It is the position of my Government that criminal jurisdiction arrangements corresponding to those ultimately concluded with respect to United States forces should also be made applicable to the United Nations forces in Japan.

Accept, Excellency, the renewed assurences of my most distinguished consideration.

#### Enclosures:

- 1. U.S. proposals for changes in the draft protocol.
- U.5. draft of agreed official minutes regarding the protocol.

#### UNITED STATES PROPOSALS FOR CHANGES IN THE DRAFT PROTOCOL TO AMEND ARTICLE XVII OF THE ADMINISTRATIVE AGREEMENT PROPOSED BY THE JAPANESE GOVERNMENT ON APRIL 14, 1953

- (1) In the first clause of the preamble the phrase "is to come into force" should be changed to read "came into force".
- (2) In the third clause of the preamble the word "of" should be inserted between the words, "existing provisions", and the words, "Article XVII", and the ending of the clause should be changed to read: "...shall be abrogated and the following provisions shall be substituted:"
- (3) In paragraphs 1 and 2, the order of the (a) and (b) sub-paragraphs should be reversed to conform with the NATO agreement.
- (4) In paragraphs 1,2,3, 5 and 9 the phrase "or of the civilian component thereof" should be changed to read ", the civilian component," to conform with
  other articles of the Administrative Agreement.
- (5) In sub-paragraph (a) of paragraph 3, the phrase "a member of the United States armed forces, or of the civilian component thereof" should be changed to read "members of the United States armed forces, the civilian component, and their dependents".
  - comment: The above proposal would differ from the Japanese proposal only to the extent of making clear that the United States military authorities have the primary right to exercise jurisdiction over dependents for offenses solely against United States property or the person or property of another member of the United States armed forces, the civilian component or a dependent. By virtue of paragraph 4 of the Protocol members of the armed forces, the civilian component and their dependents over whom the United States may exercise jurisdiction do not include persons who are nationals of or ordinarily resident in Japan except persons who are dual nationals.
- (6) In paragraph 5(c) the words "a suspect member" should be changed to read

#### IN CONFIDENCE

"an accused member" to conform with the NATO agreement, and the phrase "or a dependent" should be inserted after the words "civilian component".

- (7) In paragraph 9(e) the words "defense counsel" should be changed to read "legal representation" in 2 places to conform with NaTO.
- (8) In paragraph 9(g) delete the clause, "when the rules of the court permit".
- (9) The following paragraph should be added as paragraph 11 of the draft Protocol:

 $\bigcirc$ 

0

"Il. In the event of hostilities in the Japan area either Japan or the United States shall have the right, by giving 60 days notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, Japan and the United States shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended."

CCHMENT: The above paragraph is similar to Article XV of the NATO
Status of Forces Agreement, which is part of the criminal jurisdiction
provisions of the NATO agreement. Consequently, in accordance with the
first paragraph of article XVII of the Administrative Agreement, the
above paragraph should be included in an agreement with Japan on criminal
jurisdiction.

(10) The paragraph on the effective date of the Protocol should be deleted and the following paragraph substituted:

"The present Protocol shall come into effect thirty days after the date of its signing."

## OFFICIAL MINUTES REGARDING PROTOCOL TO AMEND ARTICLE XVII OF THE ALMINISTRATIVE AGREEMENT

(Based on Japanese draft Protocol revised in accordance with U.S. proposals for change)

Re paragraph 1(a) and paragraph 2(a)

The scope of persons subject to the military law of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

Re paragraph 2(c)

( ·

\$800 O.

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

Re paragraph 3(a)(ii)

It is understood that as part of the normal cooperation between allies, the authorities of a force will decide as to whether or not an offense has been committed in the course of official duty.

Re paragraph 3(c)

It is understood that the Japanese Government does not desire to exercise its primary right to exercise jurisdiction over members of the United States armed forces, the civilian component, or their dependents, except in cases considered to be of particular importance to Japan.

The United States armed forces will investigate any criminal offense alleged to have been committed by members of the United States armed forces, the civilian component, or their dependents which may be brought to their attention by the competent Japanese authorities or which the United States authorities may find to have taken place and take appropriate punitive action with respect thereto. Where a case is considered to be of particular importance to the Japanese Government it shall notify the United

IN CONFIDENCE

the United States authorities of its desire to exercise jurisdiction in the case. This notification shall be made in such form, by such authorities and within such time as the Joint Committee may prescribe.

Trials of cases in which the Japanese authorities have waived primary jurisdiction, and trials of cases involving offenses described in paragraph 3(a)(ii) committed against the state or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed. Representatives of the Japanese authorities may be present at such trials.

Re paragraph 4

It is understood that by virtue of the provisions of Article 7 of the Administrative Agreement, dual nationals, United States and Japanese, who are brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered as United States nationals for purposes of this paragraph.

Re paragraph 5(a)

Upon the arrest by Japan of a member of the United States armed forces, the civilian component, or a dependent, the authorities of Japan shall transfer custody of such person to the military authorities of the United States. In cases where Japan has the primary right to exercise jurisdiction the United States will retain custody unless notified that the authorities of Japan consider the case to be of particular importance and desire to exercise jurisdiction. In these exceptional cases in which the Japanese authorities wish to exercise jurisdiction, the United States military authorities will retain custody of such person until he is charged by Japanese authorities, at which time the United States military authorities will on request transfer custody of such person to the Japanese

authorities

-3-

authorities. The United States authorities undertake to give the Japanese authorities access at any time to such persons while in the custody of the United States.

#### Re paragraph 5(b)

The military authorities of the United States shall promptly notify the authorities of Japan of the arrest of any member of the United States armed forces, the civilian component or one of their dependents in any case in which Japan has the primary right to exercise jurisdiction.

#### C Re paragraph 9

The rights commorated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by provisions of the Japanese Constitution. In addition to these rights, a member of the United States armed forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution.

- (a) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel;
- (b) He shall enjoy the right to a public trial by an impartial tribunal;
- (c) He shall not be compelled to testify against himself;
- (d) He shall be permitted full opportunity to examine all witnesses;

ll witn (<u>e) No</u>

#### IN CONFIDENCE

- 4 -

(e) No cruel punishments shall be imposed upon him.
United States authorities shall have the right upon request to have access at any time to members of the United States forces, the civilian component, or their dependents who are confined in Japanose prisons.

Re paragraphs 10(a) and 10(b)

0

0

It is understood that the US authorities will normally make all arrests within facilities and areas in use by the US armed forces.

Where persons whose arrest is desired by Japanese authorities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested by the United States military authorities who are not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

The United States military authorities may arrest in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

It is understood that the Japanese authorities will normally not exercise the right of search or seizure with respect to any persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armed forces wherever situated. Where search or soizure with respect to persons or property within facilities and areas in use bo the United States armed forces or with respect to property of the United States armed forces or

desired

- 5 -

desired by Japanese authorities, the United States authorities will undertake, upon request, to make such search and seizure. In the event of a judgment concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

Ro paragraph 11

The United States declares its intention in the event of hostilities in the Japan area to seek exclusive jurisdiction over its forces in Japan.

CORRENT: The United States made a similar declaration of intention to seek exclusive jurisdiction in the event of hostilities at the time of the negotiation of the NATO Status of Forces Agreement.

This statement forms part of the record of the negotiation.

Ro the effective date of the Protocol

The provisions of the Protocol shall not apply to any offenses committed before the effective date of the Protocol. Such offenses shall be governed by the provisions of Article XVII of the Administrative Agreement as it existed prior to the coming into effect of the Protocol.



No. 202

Excellency:

お事を変にないり

American Embassy

Tokyo, August 17, 1953

I have the honor to refer to your note of Arril 14, 1953 with which were enclosed a draft of a protocol on criminal jurisdiction and a draft of official minutes regarding the protocol which Japan proposes to conclude with the United States upon the coming into force of the Agreement between the Parties

to the North Atlantic Treaty regarding the status of their forces.

On July 24, 1953 the United States deposited its instrument of ratification of the North Atlantic Treaty Status of Forces Agreement. Article XVIII of the Agreement provides that thirty days after four signatory states have deposited their instruments of ratification the Agreement shall come into force between them. France, Norway and Belgium have already deposited their ratification. Consequently the North Atlantic Treaty Status of Forces Agreement will come into force with respect to the United States thirty days after the deposit of the United States ratification.

My Government is prepared to use the draft of the protocol enclosed with your note of April 14, 1953 as the basis for the immediate initiation of negotiations for an agreement on criminal jurisdiction. Proposals of my Government for changes in the draft protocol are enclosed. With respect to the official minutes my Government has prepared a draft which incorporates all except one of the Japanese proposals for the official minutes and which

includes

His Excellency

0

Katsuo Okazakif

Minister for Foreign Affairs,

Ťokyo.

includes a number of additional proposals. My Government suggests that its draft, which is enclosed, be used as the basis for reaching an agreement on the official minutes.

My Government wishes to state that immediately following the conclusion of the agreement for revision of Article XVII of the Administrative Agreement, negotiation of the United Nations Status of Forces Agreement should be completed. It is the position of my Government that criminal jurisdiction arrangements corresponding to those ultimately concluded with respect to United States forces should also be made applicable to the United Nations forces in Japan.

Accord. Excellency, the reasond assurances of my next distinguished omnidersklen.

#### Enclosures:

**建**构设设置:

- 1. U.S. proposals for changes in the draft protocol.
- 2. U.S. draft of agreed official minutes regarding the protocol.

#### IN CONFIDENCE

UNITED STATES PROPOSALS FOR CHANGES IN THE DRAFT PROTOCOL TO AMEND ARTICLE XVII OF THE ADMINISTRATIVE AGREEMENT PROPOSED BY THE JAPANESE GOVERNMENT ON APRIL 14, 1953

(1) In the first clause of the preamble the phrase "is to come into force" should be changed to read "came into force".

/ (2) In the third clause of the preamble the word "of" should be inserted between the words, "existing provisions", and the words, "Article XVII", and the ending of the clause should be changed to read: ".., shall be abrogated and the following provisions shall be substituted:"

 $\sqrt{\ }$  (3) In paragraphs 1 and 2, the order of the (a) and (b) sub-paragraphs should  $\ell K$ be reversed to conform with the NATO agreement.

(4) In paragraphs 1,2,3, 5 and 9 the phrase "or of the civilian component there- UK of" should be changed to read ", the civilian component, " to conform with

other articles of the Administrative Agreement.

(5) In sub-paragraph (a) of paragraph 3, the phrase "a member of the United TEML # States armed forces, or of the civilian component thereof" should be changed to ·741.7 read "members of the United States armed forces, the civilian component, and 21

安圣侧 their dependents".

COMMENT: The above proposal would differ from the Japanese proposal only to the extent of making clear that the United States military authorities have the primary right to exercise jurisdiction over dependents for offenses solely against United States property or the person or property of another member of the United States armed forces, the civilian component or a dependent. By virtue of paragraph 4 of the Protocol members of the armed forces, the civilian component and their dependents over whom the United States may exercise jurisdiction do not include persons who are nationals of or ordinarily resident in Japan except persons who are dual nationals.

In paragraph 5(c) the words "a suspect member" should be changed to read

OK

"an accused

"an accused member" to conform with the NATO agreement, and the phrase "or a dependent should be inserted after the words "civilian component".

4, (7) In paragraph 9(e) the words "defense counsel" should be changed to read "legal representation" in 2 places to conform with NATO. Minutes

(8) In paragraph 9(g) delete the clause, "when the rules of the court permit".

(9) The following paragraph should be added as paragraph 11 of the draft NATO Protocols

oΚ

"ll. In the event of hostilities in the Japan area either Japan or the Whited States shall have the right, by giving 60 days to notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, Japan and the United States shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended."

COMMINT: The above paragraph is similar to Article XV of the NATO Status of Forces Agreement, which is part of the criminal jurisdiction provisions of the NATO agreement. Consequently, in accordance with the first paragraph of article XVII of the Administrative Agreement, the above paragraph should be included in an agreement with Japan on criminal jurisdiction.

(10) The paragraph on the effective date of the Protocol should be deleted and the following paragraph substituted:

> "The present Protocol shall come into effect thirty days after the date of its signing."

PROTOCOL TO AMEND ARTICLE XVII THE ADMINISTRATIVE AGREEMENT

(Based on Japanese draft Protocol revised in accordance with U.S. proposals for change)

Re paragraph 1(a) and paragraph 2(a) OK

The scope of persons subject to the military law of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

Re paragraph 2(c) 虚吸纸图 制

> Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

(饱石) Re paragraph 3(a)(ii)

オスペデを It is understood that as part of the normal cooperation between allies, the authorities of a force will decide as to whether or not an offense has been committed in the course of official duty.

Re paragraph 3(c)

捻桁

\$117Q

It is understood that the Japanese Government does not desire to exercise its primary right to exercise jurisdiction over members of the United States armed forces, the civilian component, or their dependents, except in cases considered to be of particular importance to Japan. The United States armed forces will investigate any criminal offense alleged to have been committed by members of the United States armed forces, the civilian component, or their dependents which may be brought to their attention by the competent Japanese authorities or which the United States authorities may find to have taken place and take appropriate punitive action with respect thereto. Where a case is considered to be of particular importance to the Japanese Government it shall notify

the United

the United States authorities of its desire to exercise jurisdiction in the case. This notification shall be made in such form, by such authorities and - within such time as the Joint Committee may prescribe.

Trials of cases in which the Japanese authorities have waived primary jurisdiction, and trials of cases involving offenses described in paragraph 3(a)(ii) committed against the state or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed. Representatives of the Japanese authorities may be present at such

最後7 if trials. Re paragraph 4 \*

Maria de la companya del companya de la companya del companya de la companya de l

It is understood that by virtue of the provisions of Article Woof the Administrative Agreements Qual nationals, United States and Japanese, (on subject to the military law of the United States and who) are brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered as United States nationals for the purposes of this paragraph. m

Re paragraph 5(a)

Upon the arrest by Japan of a member of the United States armed forces, the civilian component, or a dependent, the authorities of Japan shall transfer custody of such person to the military authorities of the United States. In cases where Japan has the primary right to exercise jurisdiction the United States will retain custody unless notified that the authorities of Japan consider the case to be of particular importance and desire to exercise jurisdiction. In these exceptional cases in which the Japanese authorities wish to charcise jurisdiction, the United States military authorities will retain custody of such person until he is charged by Japanese authorities, at which time the United States military authorities will on request transfer custody of such person to the Japanese

authorities

IN CONFIDENCE

- 3 -

authorities. The United States authorities undertake to give the Japanese authorities access at any time to such persons while in the custody of the United States.

(Re-paragraph 5(b)

The military authorities of the United States shall promptly notify the zuthorities of Japan of the arrest of any member of the United States their dependent in any case armed forces, the civilian component or ene in which Japan has the primary right to exercise jurisdiction.

Re paragraph 9 ;

1 (mutes / The rights enumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by provisions of the Japanese Constitution. In addition to these rights, a member of the United States armed forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution.

- (a) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel:
- (b) He shall enjoy the right to a public trial by an impartial tribunal:
- (c) He shall not be compelled to testify against himsolf;
- (d) He shall be permitted full opportunity to examine all witnesses;

(e) No

Oak

132

0

- 4 -

(c) No cruel punishments shall be imposed upon him.

2. McUnited States authorities shall have the right upon request to have access at any time to members of the United States forces, the civilian component, or their dependents who are confined, in Capanese authority 1 or detained -prisons.

Re paragraphs 10(a) and 10(b) 老小和子一次

It is understood that the US authorities will normally make all arrests within facilities and areas in use by the US armed forces. There persons whose arrest is desired by Japanese authorities and who are Children in the Jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested by the United States military authorities who are not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

> The United States military authorities may arrest in the vicinity of a facility or area any person in the commission or attempted commission of of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

It is understood that the Japanese authorities will normally not exercise the right of search or seizure with respect to any persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armod forces wherover situated. Where search or seizure with respect to persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armed forces in Japan is

desired

IN CONFIDENCE

-5-

desired by Japanese authorities, the United States authorities will undertake, upon request, to make such search and seizure. 'In the event of a judgment concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

OK Re peregraph 11

经例

0.

The United States declares its intention in the event of hostilities in the Japan area to seek exclusive jurisdiction over its forces in Japan. COMMENT: The United States made a similar declaration of intention to seek exclusive jurisdiction in the event of hostilities at the time of the negotiation of the NATO Status of Forces Agreement.

This statement forms part of the record of the negotiation. Ro the effective date of the Protocol

The provisions of the Protocol shall not apply to any offenses coming into effect cases conthe offictive date (of the Protocol. Such offenses st

be governed by the provisions of Article XVII of the Administrative Agreement as it existed prior to the coming into effect of the Protocol

12H-2

① 蛇竹花 追跳運輸

William H.

#### OFFICIAL MINUTES REGARDING PROTOCOL TO AMEND ARTICLE XVII OF THE ALMINISTRATIVE AGREEMENT

(Based on Japanese draft Protocol revised in accordance with U.S. proposals for change)

Re paragraph 1(a) and paragraph 2(a)

The scope of persons subject to the military law of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

Re paragraph 2(c)

(

ı(

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

Re paragraph 3(a)(ii)

It is understood that as part of the normal cooperation between allies, the authorities of a force will decide as to whether or not an offense has been committed in the course of official duty.

Re paragraph 3(c)

It is understood that the Japanese Government does not desire to exercise its primary right to exercise jurisdiction over members of the United States armed forces, the civilian component, or their dependents, except in cases considered to be of particular importance to Japan.

The United States armed forces will investigate any criminal offense alleged to have been committed by members of the United States armed forces, the civilian component, or their dependents which may be brought to their attention by the competent Japanese authorities or which the United States authorities may find to have taken place and take appropriate punitive action with respect thereto. Where a case is considered to be of particular importance to the Japanese Government it shall notify the United

### IN CONFIDENCE

the United States authorities of its desire to exercise jurisdiction in the case. This notification shall be made in such form, by such authorities and within such time as the Joint Committee may prescribe.

Trials of cases in which the Japanese authorities have waived primary jurisdiction, and trials of cases involving offenses described in paragraph 3(a)(ii) committed against the state or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed. Representatives of the Japanese authorities may be present at such trials.

Re paragraph 4

It is understood that by virtue of the provisions of Article 7 of the Administrative Agreement, dual nationals, United States and Japanese, who are brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered as United States nationals for purposes of this paragraph.

Ro paragraph 5(a)

Upon the arrest by Japan of a member of the United States armed forces, the civilian component, or a dependent, the authorities of Japan shall transfer custody of such person to the military authorities of the United States. In cases where Japan has the primary right to exercise jurisdiction the United States will retain custody unless notified that the authorities of Japan consider the case to be of particular importance and desire to exercise jurisdiction. In these exceptional cases in which the Japanese authorities wish to exercise jurisdiction, the United States military authorities will retain custody of such person until he is charged by Japanese authorities, at which time the United States military authorities will on request transfer custody of such person to the Japanese

authorities

مب

#### IN CONFIDENCE

-3-

authorities. The United States authorities undertake to give the Japanese authorities access at any time to such persons while in the custody of the United States.

Re paragraph 5(b)

The military authorities of the United States shall promptly notify the authorities of Japan of the arrest of any member of the United States armed forces, the civilian component or one of their dependents in any case in which Japan has the primary right to exercise jurisdiction.

Re paragraph 9

 $\subset$ 

The rights onumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by provisions of the Japanese Constitution. In addition to these rights, a member of the United States armed forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution.

- (a) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel;
- (b) He shall enjoy the right to a public trial by an impartial tribunal;
- (c) He shall not be compelled to testify against himself;
- (d) He shall be permitted full opportunity to examine all witnesses;

(<sub>B</sub>) No

IN CONFIDENCE

-4-

(e) No crucl punishments shall be imposed upon him.
United States authorities shall have the right upon request to have access at any time to members of the United States forces, the civilian component, or their dependents who are confined in Japanese prisons.

Re paragraphs 10(a) and 10(b)

0

0

0

It is understood that the US authorities will normally make all arrests within facilities and areas in use by the US armed forces.

Where persons whose arrest is desired by Japanese authorities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested by the United States military authorities who are not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

The United Statos military authorities may arrest in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

It is understood that the Japanese authorities will normally not exercise the right of search or seizure with respect to any persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armed forces wherever situated. Where search or seizure with respect to persons or property within facilities and areas in use be the United States armed forces or with respect to property of the United States armed forces or

desired

- 5 -

desired by Japanese authorities, the United States authorities will undertake, upon request, to make such search and seizure. In the event of a judgment concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

Re paragraph 11

 $\bigcirc$ 

 $\mathbb{C}$ 

1865 - 1865 - 1

The United States declares its intention in the event of hostilities in the Japan area to seek exclusive jurisdiction over its forces in Japan.

COMMENT: The United States made a similar declaration of intention to seek exclusive jurisdiction in the event of hostilities at the time of the negotiation of the NATO Status of Forces Agreement.

This statement forms part of the record of the negotiation.

Ro the effective data of the Protocol

The provisions of the Protocol shall not apply to any offenses committed before the effective date of the Protocol. Such offenses shall be governed by the provisions of Article XVII of the Administrative .

Agreement as it existed prior to the coming into effect of the Protocol.

なののなのなのなど

Mary attent.

る

対

日

本

噩酸

礰

T

N

A

0

式

は

3

酶

В

M

## 秘密指定解除 官房総務課



行 歐 幽 定数 T 交渉 K J 3

悪 太 K 基 100 7 185 媙 I Ø 風 鐵鐵 1 我方 b 三点 遊 遬 獭 ベ Ż.

定 基 Ø 靈 及 ~ Ø Œ 裔

Z 戏为 て E 齍 盤 0 点 2 逦 剪 0 1 Ł 3

τ 委 右 は 盘 右 ŊΞ è 行 定 め 士 遊 0 ځ Ø Ž, **[**] T \$13 Z ic **7** T 0 τ 躛 法 項 K C 10

は

验

硬

反

対

て

S

3

≖ 点 ø Ø 10 彼 周 雹 过 游 艦 及 × d 0 Œ 蘆 Ø. 0 風 主 ٧ 决 ナ 饺 7 裂の 立 る 3 反 W τ 刘 双 方 0 Ł 申 っ Ġ 恩 Ø 居 T Σ 危 0 ガ 鳌 1 Z OF. 0 打 つ 8 Ø 不 嬮 文 為り 酮

を指ること継数と必要と認められ居る。

37

d 楹 3 O  $\overline{M}$ 產 Ž 3 Ł て 趣 り無適に妥論することを期待 められる 変 4 ᇑ 經行 <u></u> 废 。 石

右御報告申し上げる。

2/11

本書学を 西班牙田斯特斯斯斯斯等中国西班牙人名

る気を管理を

L E \*

风风

かて -**©** 6 黨 麔 加 -À.

ANDA

4 E り企画 温温 100000 12 

Missis states...

ъ,

本ませなり

多面型的型型的型型等个 

(4) 美国有货运用品 鑩

ガス、レコで飲る 正がなるいかす

ニンドしながり ニュモノがやかる

在称八是文

**ABBY** かる T

P T にからやする回答に 

4 h

井三課者長し

令量行

\$MRS continue.

考えなん 19 7 を間板さいえ 夜後的一 暗山 靴 かとを歌的 也反 日 粉 n 多地 芝万 2 好闻 7 地震の内心の ٧ 到底 及以十七日の非公水回读 十五人成卷 凯工 18110 麦谎 漏浸 16 11-7 颖 あるなん U 现也写 し 缙友 たのか p. 2 4.8 Th. ٧ 回 专 发方 43 0 B かり 27 ŋ L 13\_ \*\*\* 12 经是 74 で

大大百意服, 传 置し国力表 に食ちる 田の 芋肉花多展、後多の英におられ NAT 行後の場たん 1120 奇縣家 特儿 1 7 Ħ カシン 松下 少了通光、 II. 学玩 万次等麻 自強硬なものであることは 不一次裁判权 N ATO 野和八 0 33 犯人の身柄の為 が大 纤体 9 ない 務 11 2

K 一世之 やましい n-[[ 気方が まか あるかろで きん 半万使 16 たのかはないか かとも 72. 10 被 弱笑 我地一年 5 义 级 ٧^ E 里 国ほ IT. カウ 看了 かり 也 G V で 17 . 6 2 3 取 2.

京影 松平多地 する ر، 3 -1 ta か w 00 もの 3 ( dr. 3/2 芷 年二十日 专 未固 **مُ** った ( 2) で作作 MR K 极 80 h 支持に早 2 予覚されている / が朝し かし ń١ 先有母母 双が 爬 100 300 ーソン 北 前. 北江大 ि निर्मा Q する ス よりに 333750 专方 はなら 有病 務 装え しかまれ 多之 活務 12 S か

ジャシン 2 よって /-63 h (19) ~ A ひなく ď 工工 をおなし事 b 华真人 (B) 3 お口の yζ 小事 華京俱樂初 老服的 果底一好玩多 あり たかるの前に 日平 襲送して 同盟马 折闹 5 三是 就し 4 見 はいから 1/2 ち、一年 3 60 なく P) Y に 日以交流者 9 からう午餐 لعو در ۱۱ ٤

中国の 半風情 丰件 セフ <u>۔</u> ح (ح 選号る Į L t 4.5 多多 至你 ሂ 专 .; B 巨骨板 を息 O. 孝例 禮棄 我方の立場 選追 回半関 型化 2 即天比 学を か 3 E 3.40 3 学 3 活製 よっな姿 13-154 000 馬了 ことかっ 前论 なるない かぐ 185 2 重要 II 野鄉 各民 務 巧見人 なこで 13 TJ. 麦花 9 4 ٠,

殺

8	HDC-001120	SSASSELLE VIII VIII VIII VIII VIII VIII VIII			or many training to the same of the same o	
であるう。 そして、そのころは日来電子にぬましくない	三班、電花をしている相違といと推例する	やお南北巻は 半川かいみ丁の方式と違って	けば、ういくうが関心事をとめて見ても、知識者の	大大きのものとは民は思っている。如うれ、装し長引	方がになめるための支伤で、衛星に、短ばほううう	に立って考えられなになるね。 この多様は、NATO

来九二 養し のみてるろう 歌も することであるとそれは 和名 重要な 南北里 はひ 為 1/2 \$ . 之里了。 こつへ 自由世界 ĸ = 35 / 乞 3, 色 经元 四半口花の 回半 精神的恐怖を 回本口色の 现在。 华和 お出版情 2 田本園像 ーズ E おん 及若感情 翠化 学 12 3 366 15 が 敌 4)

. .

. .

.

s A

. 4

6	1=	17	+2a	. 2	ગ્રહ	2
行便臣	についっは	り一般のし	松种	和見	いまし、	年 3公
好。		待多左	极、多	我見云本的九。	2 4 8	の方針
里家在	半家のように	で かり あ	り扱いるされるなるは、		なる	2 13
接ん重要なもうに限ることは		参属し待る屋地があるように思り。		三九十八二七十二	それを回るまのにはいいととめる方式はどうか	回本政社の方街を公式厅後の第二日中创代表が
3 = 2	(z:)	男)。	たの方式	里起	日本	る方
1 7	一次	L 6)	TT (2)	14.	のるかかん	日安全
不可能であ	四年何次一次我刺权の	しかし、その外を	在の方式は、回印例》-24	でではない	あいくまかまかれはどうかあいくまかまたらイニシアとする	代表か
<u>  À  </u>		定	1		10 m	<u>/ </u>

のかっている」と迎てないがり収が使の現的人園でいる。 とかっていまり、 一起から、 「鬼山角、日本田ののから、 ところでは、 一起から、 「鬼山角、日本田ののからない。」となるない。 れないない とっている ないました はっしょ はっしょ はっている ないましょう はっしょ はっしょ はっしょ はっしょ はっしょ はっしょ はっしょ はっしょ

請割してし 提安 見よう」と春秋花 ブマシン 1= 分姓等 「こっては、本事 次 2 1 IF. れって 1/2 10 され D) **1**, -3 4 奉证 9 ンスンちつか 非公司不言 ずべん ついかくは 适为 本へないり U 2 河班 ر ب 3 92 とも そこで 3 13 3 相连《上一年九 3. 4€ 6 3. 日本一家与 爱 えなどころ、 K この何以 かかろ 2

少男了 あるかう、 黄种 通客 こと 進言 ではまるないもったいないない 逆 なんなら 2一次裁到权 如 爱心 to 子中できるのはないか 見 弘江海 であるか きえと 重べんといろ、 を行使 12 12 21 奏電も ٤` 4 见)。 アーソンと食 3 穩 と友し、 4 14 回感 v 悠 2 2 Ą 12 V. 13 7 8 角 20,7 € 9 9 Ł ح (£ 學學 ••

14						
出,	英	岩	125	国	あ	拉苇
1	61 12	艺艺	ナリン	T)		20
国	图了	光小に笑立つ	ず	137	お、一名かろ	3
k7	3 70	1241	37.2	商品	1 1	な事であるとをえた。
むあっ	3	3	での内意	なかい	闻几日	0
出て、一丁田でかりであるとたえ	長とかに倒すやるかちなな	日南的新國山 后意。長三五	ついた		お南に漏れたるかかい	
んえ	ħ.	Ke H	連	6	3	
水花	4	المحارة المحارة	额	2,	かりまた	£ 21)
.   1	5° 3	カン	*	(21)	本大使欲も	んがす
また現して	安心的子 文的加	不忘意	ヘンダソンが 非らかなるでにつって連続、報告していなが	国難方地官、弱れなかと尋ねなな、一年到したこは	经专	なり、なするないの
2	14.7	3	1	仕		8 52

/3.						
カロス		多公	かっているので	Tà	漏れたなであるか	公式有談にしないという半例
かえる本式	しな上	急向も 壮藤	3	(21)	t t	清義:
است الا		花	2.		27	=    -
る。	半四人表 四分		泸	T.	3	たい
	表	通り	2/2/2	予工	٧ []3	ا ا ا
南水	13-	わかった	李公文写文	予でかる哲芸考加方を	と思われ	半
2-	(2)	1 1		智典	7.	
道	KE!	三多溪	平安	考	, 4	5 参与日本
外。	13	7	12 34	かか	マンンは	القال
道当少春至火	有	ロシントン	7	1 1	12	35
形式	四中間法教有需なるも	2 12	半餐儿对十二日午例	やかまし	* 3	12.
12	4	請	(2)	1	17	

一班,我回答の形容信

Ti 本大使物 議事餘姿の もし から (=) 適多 0 定 Æ 四年間第一次裁判权与故意了了吃吃百 如 0) 12 鲄 7 \$ × 矿 结员 C) 1 3 老倒楼 附完 は書くという形式 形式上 か £ 63 安 13/4 132 苦高 at L 且 Th 12 多換公文 II 7 故意 田安 セフ ŧ 乳着なし 四の見ゆ よっ 割ちる

15. . 山王 11-12 つって 在小城京越省 作園で L その おいる . 1 おかし の意名 为 形式 日気 6 2 見多 b 震記 'n u 里 办 4 do 3460 祭を 13 7 なく別様し 1 ワシンより だい 3 Ŋ しなから 大野。 类 をいない 狢 47 し 完 书 3 花家 半例

18 破俸 ا ش 三之 二岁任 行使 V 0 かろ、 2 1 E M K N Jan San -外をんついれ 半學家 ¥. V 多くを元 12 Ö  $\sim$ 制度 C 方式 872 2 (1 9 5 77 李 ک اب 14 聖をなる 1 19 形式 日本创 3 (31) 55° 半京家 ٧ 1 Y K ع ا Tho 重 不一次我 1 ti E の実験を が 3 かんなし L. 2 14. a

公水有混 美人 0 = ~ 有台名 3 15 × 2 2. 書衙 信 € 11/2 た後 は彩省 13 3, Ħ 73. þ١ 見透了 常上 ろうだが E 取りあえず 万 ŧ 韦 色 回意 4. 11 界一次就 怪. ű 形式に 和見であるかと 产 To 剩 (g1) 多伤口 ついつ ŧ Y KIL P 前題之 蛋際的理用 不可能之為 促進 支粮以文子 八川町野い ď なっこ ₹ 2 1000

20 張艺君。 きり であるかと 野 65 颜 一十七年八里日 した観念 不行使心国了了 \* (17) 事ね 中三玩 4 家請 УД を ٤ Y L Z (C) 3. 丁3七季作 もっつ 1 思湯わ 0 护 基 ものか R 13 有物 办等下 九八百 不 レン K 四年创教 ったの 3 か、 Ir. Ĺ Ç 三の巨大 光水火毛. 11 ye 李 K 田安 (عـ 70 2 務 到 112 为書 中二文系 3 9 2 ちゃも O) はつ 74

上 超等此 01 2" もので 6) 沙は 塔果 355 形式 了建 上司 E 日上大 4) くて ろれた Til \* 72 松乡世 ~ 浅彩衣 お何 ものと ないか しょ 麦茂 の震気の 見 9 . 国颠 ۲ 1 灰し ょ 田安田方 記事しる 4. 盛かっ 多一方 17 M Ty 為 ð١ 3 小子 B 次談判权 Ŕ 之思》。 a 1 半侧 っな 使しな

イツし 2 2 ī ちるな とか **6**1 < 盡力 なるなんの سح ずった。 27 イニシマル めて 2 カマ 三龙 ہا ZIL 3 4 至书記 かり ĸ K. 3 水车 色 を辞去しる。 级 1 外 3~ 1 2 ٧, 芡 150 T ቴ› -1 12 h 2

건.					1	ī li
为少了四个明代意的一下的大手一十大少十一写谈了	佛之同樣、湯事樣的子樣也 与大有我们	要ねんな、アケンとは、アル次裁判权放養了の	の何段いつつては、物行なる解決方式を、考えているかと	松的問題及以我不可受人, 星属家族的身份	するもつ即う发方同士の事件)に対する次一次裁判	更い、三色から、家族の或る種罪(るの川に知る

23. 军有我好平多要点 小事活起者以提出上一老家古中的人 分彩花花花 解此姿。你成 報先心、 どりかいてん。



(B)

極秘

会 字 参 4 三 A

Ä 2 T. 4 隐

===  $\mathbb{Z}$ 10 5 24 Z 7 胜 K - ja 

W. K W 潮 Z M) \$ 礟 ک K 2 Ø.

ħ T 匥 Ą **12** ځ ろ 変 W 

裁判以并言

入限之家

日本

1200

7 K とっつ 0

ځ 2

THE REPORT OF THE PARTY. 日本のことを 日本

Military 1995

日本國政

3/1

代表日東歐遊霖

H 本面 軍軍 ځ 0 7 に意要で

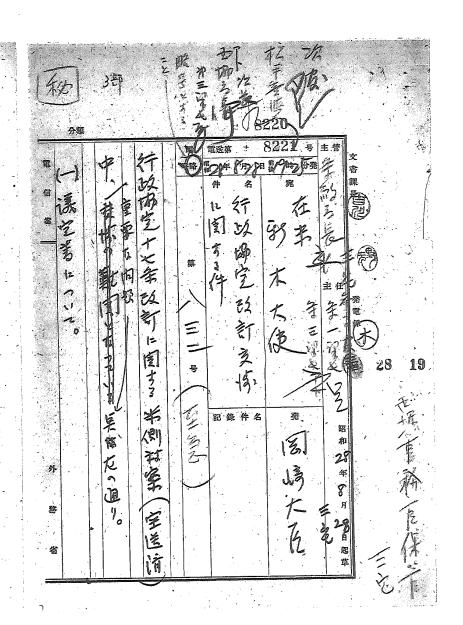
O

112 EN 包装

を行使する

15 15 18 (2) 家族の 梳。月本本 NATO 日本地城 松 なくても 物艺 家 皓 100 TŽ. 十十二月水。 敵 遒 3/1 P 養濟 行 相争 てやる Б 65 pr? 松芝 解次 颜 発生した 教行が 半個 12 T 17 is a 場人 名 3。 17 TR 不哪 65 0 種 13

Mile office



松の万十 (11) 經過規党。 務遂行中 -٠١ ح Y 七 12 .省

MANAGE REPORTS

3,							
電信条字為	の田本の身	望京ないと	田子学春年	们日午上	(二) 溪车綠	面温林水。	
南京	逐渐一大 化十	する 了解事	オーをある	という特に重	10000		
**	身柄は、光	路。	到权益行使	要な事件			
番	家自向		丁俊 なることを	至隆了个生			

海花 東着するいまった じた XM 相 門電 けるとするな 口頭 降軍 至公武有優 了记晓 上之八的る 信 挖 認められない事件しつこっと 萨 (4) なかず Ø? 没私! 玄龙 放放 意風を有しない E Y 1 10年間 西をいいるは 污 應送了 美城川 连引,大江 務 6 省 130

養營 ħ かのなる事情と近しも 11 65 63. Ŀ 解伏花 極力 五场 追引 33 即印 17 10 B É 3. 洪 ¥ 1 半人们 製を 上作 避 127 K 発 成 H I de 3 3 ため

August 29, 1953

#### STATEMENT

I refer to your oral statement of August 27, 1953. In that statement you stressed the urgency of concluding the criminal jurisdiction talks at the earliest possible time. The United States heartily agrees with this objective, and in the light of your statement would like to explain further the basis for the United States proposals for minutes to the NATO Frotocol.

Paragraph three of the Protocol divides primary jurisdiction between Japan and the United States. In the interests of administrative convenience, the United States has recommended that Japan state as a matter of policy that it waive its primary jurisdiction except in cases deemed to be of exceptional importance to Japan. It is the United States position that this minute would in no way derogate from the VATO Protocol. If its substance were accepted in some approwriate form by Japan in the course of these associations, it would simply be an indication of the way in which Japan chooses to exercise its less! authority under the Protocol. It would leave Japan free to exercise its primary jurisdiction. Therefore, we can not agree that either the waiver proposal or any of the other United States proposels constitute a departure from the principles embodied in the NATO Agreement, or from our commitment to conclude with Japan an agreement containing provisions similar to the corresponding provisions of the WATC Agreement.

- 2 -

An understanding on waiver along the lines set out above would serve not only to provide good Japanese - United States working arrangements, but would also satisfy the United States Senate and United States public opinion.

we feel it helpful to emphasize that the United States position was developed after months of the most careful consideration with the interests of both Governments in mind. We are therefore disappointed that your proposal on waiver goes no further than to suggest that "under ordinary circumstances" the Japanese Government would not exercise its primary right of jurisdiction "in cases considered to be of no importance to Japan in any respect". For the same reason we are also disappointed in certain other elements of your proposals, in particular those relating to custedy previsions and to determination of official duty.

with respect to the issue of waiver, we have sought to use your proposal as a basis for further discussion, and have appended to this statement a revised version of that proposal. We are confident that upon reaching agreement in principle on this main issue which underlies our proposals, we should be able quickly, through technical meetings, to prepare the documents which will reflect the reasonable intent of both parties in carrying out the terms of the Protocol and result in satisfactory understandings on all matters.

COMPTERMITAL

United States Braft August 29, 1953

#### Agreed Official Minutes

Re paragraph 3 (c)

- 1. The Governments of Japan and the United States are confident that operating arrangements based on good relations between the two governments and between United States military authorities and local Japanese authorities will provide in fact an even greater measure of protection than the satisfactory legal guarantees established by the Protocol to the Administrative Agreement.
- 2. Trials of cases in which the Japanese authorities have waived the primary right, and trials of cases involving offences described in paragraph 3(a)(ii) committed against the state or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offences are alleged to have taken place unless other arrangements are mutually agreed. Representatives of the Japanese authorities may be present at such trials.

#### COMPTIMENTIAL

United States Braft August 29, 1953

## Agreed Official Minutes

# 2. Re paragraph 5 a-

In connection with paragraph 5 of the Protocol, I am authorized hereby to state that, in case the Japanese authorities have arrested an offender who is a member of the United States armed forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will release such offender to the custody of the United States military authorities on condition that such offender shall, on request, be made available to the Japanese authorities. The United States military authorities will, on request, transfer custody of such offender to the Japanese authorities at the time he is indicted.

CONFT ENTIAL

United States Draft August 29, 1953

Statementry Japanese and American
Representatives concerning paragraph 3. (c)
at Regular Meeting

#### 1. Re paragraph 3. (c)

# Japanese Representative:

As to practical operation of the provisions of paragraph 3. (c) of the Protocol, I am authorized to state that as a matter of policy the Japanese Covernment does not intend to exercise its primary right of jurisdiction over members of the United States armed forces, the civilian component, or their dependents subject to the military law of the United States other than is cases considered to be of exceptional importance to Japan. Where a case is considered to be of exceptional importance, the Japanese Government shall notify the United States authorities of its desire to exercise jurisdiction. This notification shall be made in such form, by such authorities and within such time as the Joint Committee may prescribe. I should like the American representative to confirm my understanding that the Japanese authorities retain their freedem of discretion in the determination of which cases are of exceptional importance to Japan.

### American Representative:

I confirm the understanding of the Japanese representative that the Japanese authorities retain their freedom of discretion in the determination of which cases are of exceptional importance to Japanese.

Confidential

Reduction Draft September 12, 1953

As regards the interpretation of my statements concerning paragraph 3 of the Protocol, I deem it appropriate, in order to prevent the occurrence of any dispute in future, to state as follows:

Under paragraph 3 (c) of Article XVII of the Protocol, when the Japanese Government has decided not to exercise its primary right of jurisdiction in an individual case it shall so notify the United States authorities as soon as practicable. Accordingly, pending such notification within the maximum time limit est for notification by the Joint Committee, it should not be presumed that the Japanese Government would not exercise its primary right of jurisdiction as provided for in peragraph 3 (b) of the said Article. My statements mentioned above shall be interpreted in this sense.

# Confidential

Reduction Dreft September 12, 1953

Statements by Col. Todd and Mr. Tsuda at a Maeting of the Criminal Panel,

Jurisdiction Sub-Committee

of the Joint Committee

Re Paragraph 5 of the Protocol (Custody)

Col. Todd, United States Representative:

I wish to assure the Japanese representative that upon release of an offender to the custody of the United States military authorities, such offender shall, on request, be made available to the Japanese authorities, if such be the condition of his release.

Mr. Tsuda, Japanese Representative:

In view of the assurances by the United States representative, I wish to state that there will not be many cases in which the custody of such offenders will be retained by the Japanese authorities.

4 సె る 筋 璐 ح K 1 6 纆 简 て ځ L 易 ځ 連 為 は Ø F. 夓 l) 对 N て 7 H 時 叉 機 取 定 4 æ Ε Ħ B 躑 密 T 鑦 n Ø á Ø 0 て も 变 双 ځ 围 取 L Ø 恋 4 掇 た 米 \* \$ る 日 涨 sp. る 文 る Ø 0 次 Ť 爱 め 及 T వె Ø 5 米 10 CF 困 2 及 3 側 颷 ع 75 ځ き た だ 靐 返 す 響 Ť M 7 Ø H ベ Æ ч 贼 K 办 T 功 T N 往 K 会 0 っ Ś Ø E A 蔥 9 極 Ø 淀 て 篼 3 本 T) 酄 ΨZ 4 る 他 透 ح 5 Ø Ø Ø Ž め 1/2 K 91-)L B る 9 甗 鄫 /J 示 齫 70 Ł は 60 瘦0 り て T 含 Ø) e

る 寸 Ø 大 な G 3 b 70× 方 独 ځ Ø 行 ع L 政 T Ø 先 便 富 方 £ Ø Ø · \$ 考 K 豳 方 剛 Ľ ψī N 샏 b ざ 窭 る T 炒 方 方 奎 疊 式 壓 Ł 狩 T

一 今日までの交渉の結果

Ø

t

3

跡 3 右  $\Theta$ Ø 方 判 靈。 法" 針 廽 M 重 Ť **10** , Ø 夒 放 適 。 Ÿ 見 (-)及 な 6 す Œ な b Z る b (=)\$\$  $(\equiv)$ K 4 る る。 方 っ 否 主 汤 13 て る 族 Ø ځ 定  $\Box$ Ø ح る 櫭 ځ Ø B Ιđ عند 行 0 ឈ K 犯 る n 元 b 臩 Ø 반 1 連 会 方 5 る Ť 本 6 て T 行 て ح 次 わ K 大 毅 Ž. T 判 方 à 大  $\equiv$ 

(E2)

Ø

季

Ø

遼

対で

V.

大さく。なか相当の折衝を要するものと認められるである。但し年は商者

三 会談形式につ

方 Œ 式 て 頭 る 礟 Æ 1/2 返 2 τ て て さ て 力 方 Ø る  $\leftrightarrow$ す 查 方 n る 方 ば Ø 迷 4 ΙĒ 避 す 但 法 10 H 会 対 て K っ 式 液 τ 方 式 ح 体 交 Ø 式 て K 主 Ø 逐 ズ ナ ブ ŧ を 士 て Ø . ხ て ح る を È. K

秘密指定解除 官房総務課

右中

上 げ る

す る 反 応 て 方 先 方 ځ Ø 蛮 K Ø 為 ح ろ効 て 方の

Æ

Ø

Ø

た 方

わ ψź Confidential

August 27, 1953

Informal

#### Cral statement

The Japanese side deem it appropriate to state their position at this time and make some observations on the US proposals;

- (1) The Japanese side would like to stress the importance of the time element in the talks that are now going on. They are of the opinion that the early conclusion of the talks is one of the primary requisites. If there is too much delay in the talks, the impression that it will give to the general public would be prejudicial to the attainment of the common objective to contribute to the furtherance of good feelings between the two nations.
- (2) The same considerations also apply as to the advisability of holding regular and full meetings for the negotiations. The Japanese people in general who are following the talks with keen interests will be rather disappointed, if, after a full meeting held with much publicity, they hear that the talks are not making much headway. When both sides decide to have full meetings, they had better be sure that their negotiations will produce some results.

(3) The considerations stated above lead the Japanese side to the conclusion that both sides must have at least some agreement on the major problems before the full meetings are held. In the view of the Japanese side, it might be argued that the US proposals contain points which apparently constitute a considerable departure from the principles embodied in the NATO agreement. The Japanese side earnestly hope that the American side will reconsider those proposals in the spirit of paragraph 1 of the Article XVII of the Administrative Agreement.

かか とう上は 尽ご 2 ない	
Ontidutial E ) to assurances	
Ontoution 5 1 2 2 2 3 3	
In new of the assurances	
<b>t</b>	
by the a S representative that	
ushlary authorities)	
to begin by the U.S. representative that under authorities.	
- he made available to the Japanese	
authorities, there will not be	
The state of the s	
many cases in which the crested	<b>5</b>
	-
of such offenders will be urquised	
leg the Japanese anthouties.	
	-
	-
	AA MARKAN A S-
The state of the s	de procurement annue

United States Braft September 4, 1953

re Paragraph 5 (a)

#### Sectody

### 2. Re paragraph 5(a)

#### No. Notandaira, Jananese Representative:

In competion with paragraph 5 of the Protocol, I as authorized to state that, in case the Japanese authorities have arrested as offender who is a member of the United States armed forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over that flore are adequate course and receivity which Japan has the primary right to emercine jurisdiction, the Japanese authorities will, unless they doen itmedian med-offender, release such offender to the sustant of retain the United States military authorities provided that such offender chall, on request, be made available to the Japanese authorities, if such he the condition of his release. I also request the assurance of the Valted States representative that United States authorities will, on request, transfer eastedy of such offender to the Javanese authorities at the time he is indicted by the latter.

#### Mr. Parcons. U.S. Representative:

On behalf of my Government I wish to assure the

Japanese representative that the United States military authorities will, on request, transfer sustedy of such offunder to the Japanese authorities at the time he is indicted by the latter. I also wish to assure the Japanese representative that were release of explicationies to the muledy of the

- 2 -

In view of the assurances by the United States he many cases in which the quatody of sich offenders will be retained by the Sapanese authorities.

Statements by Mr. Tranda and Col. Todd at the Criminal Jurisdiction Sub- Committee of the Joint Committee.

Col. Todd, U.S. Representative;

Mr. Tsuda, Japanese Representative:

United States Draft September 4, 1953

Statements by Japanese and American Representatives re paragraph 3 (c)

# 1. Re paragraph 3 (c)

# Mr. Matsudaira, Japanese Representative:

As to practical operation of the provisions of paragraph 3 (c) of the Protocol, I am authorized to state that as a matter of policy the Japanese Government does not intend to exercise its primary right of jurisdiction over members of the United States armed forces, the civilian component, or their dependents subject to the military law of the United States other than in cases considered to be of particular importance to Japan. Where a case is considered to be of particular importance, the Japanese Government shall notify the United States authorities of its decision to bring an indictment. The notification shall be made in such form, by such authorities and within such time as the Joint Committee may prescribe. I should like the American representative to confirm my understanding that the Japanese authorities retain their freedom of discretion in the determination of which cases are of particular importance to Japan.

# 秘密指定解除 官房総務課

# American Representative:

I confirm the understanding of the Japanese representative that the Japanese authorities retain their freedom of discretion in the determination of which cases are of particular importance to Japan.

#### United States Draft September 4, 1953

# STATEMENT BY AMERICAN REPRESENTATIVE RE HOSTILITIES CLAUSE

# Mr. Parsons, American Representatives

The United States proposal with respect to the exercise of jurisdiction in the event of hostilities contains the following language;

"In the event of hostilities in the area to which this agreement applies either Japan or the United States shall have the right, by giving 60 days! notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercise, Japan and the United States shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended."

In addition, the United States has proposed the following minute to this paragraph of the Protocols

"The United States declares its intention in the event of hostilities in the area to which this agreement applies to seek exclusive jurisdiction over its forces in Japan."

It has already made clear the United States position that the current situation in Korea is not deemed by the United States to afford a basis for invoking the "hostilities clauses" set out above. Furthermore, the United States does not consider that the current situation in Korea affords to other countries whose forces have been fighting in Korea a sufficient basis for seeking exclusive jurisdiction in Japan under provisions similar to those set out above.

# 秘密指定解除 官房総務課

-2-

I am also sutherized to state that the United States would not support the effort by any nation to obtain exclusive jurisdiction in Japan under "hostilities clauses" similar to those set cut above in a situation in which the United States Government did not does it appropriate to request that United States Perces, Japan be placed under the exclusive jurisdiction of United States sutherities.

United States Draft September 4, 1953

Statement by United States Representative re United States Declaration on Hostilities

#### Mr. Parsons, American Representative:

Paragraph 11 of the Protocol provides as follows:

"In the event of hestilities in the (Japen) area to which this cither Japen or the United States shall have the right, by giving 60 days' notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, Japen and the United States shall immediately commit with a view to agreeing on suitable provisions to replace the provinions suspended."

In connection with this provision I wish to state on behalf of my Government that the United States declares its intention in the event of hostilities in the area to which this connection to seek exclusive jurisdiction over its forces in Japan.

# 秘密指定解除 官房総務課

United States Draft September 4, 1953

Statement by American Representative re United States

Proposal to Delste Phrase "When the Rules of the Court Permit",
in Connection with Paragraph 9 (g) of the Protocol

# Mr. Parsons, American Representativos

The United States proposal to delete the phrase when the rules of the court permit", which appears in Article VII, paragraph 9 (g) of the North Atlantic Status of Forces Agreement, is based on the resolution of the United States Senate at the time it gave its advice and consent to the ratification of such Treaty. I am authorized to state that although the United States will not cook to revise any formal agreement entered into with countries of the North Atlantic Treaty Organization on the subject, it will, pursuant to the Senate resolution, seek to make such arrangements as to assure the attendance of the United States representatives in every trial of a person subject to United States military law before a court of the country of the North Atlantic Treaty Organization.

United States Braft Soptember 4, 1953

# Statement by United States Representative re United States Proposed Minute on the Effective Date of the Protocol

#### Mr. Parsons, American Representative:

In support of the proposed United States minute that the provisions of the Protocol shall not apply to any offense committed before the effective date thereof, I am authorized to state that the United States considers it most reasonable to avoid placing an individual on trial under a judicial system and schedule of punishments which are different from a system and schedule which applied at the time the offense in question was committed.

# 秘密指定解除 官房総務課

10

17

#### COMPINENTIAL

United States Proposel September 3, 1953

## SPAL STATESTER

The United States side has given close consideration to the various proposals which were discussed during the recent meetings with the Japanese representatives. We have formulated proposals with respect to each question which we believe can be prefitably discussed in the course of one afternoon meeting. We have made every effort to draft proposals which we believe should be acceptable from the Japanese point of view.

With respect to the question of determination of Official duty, the United States representatives have decided to recommend to machington the adoption of the principle enunciated in Article 11 (4) of the Unitiah Visiting Porces Not of 1952, in the belief that this will be most catlafactory from the Japanese Government's point of view. There is attached a proposed paragraph on official duty.

With respect to the question of suchedy the United States side has decided to recommend to askington the scentiance of a proposal substantially along the lines contained in the Japanese statement of August 27, with an understanding that in practice Japanese sutheration will not retain custody of United States personnel except in rare cases. Since the Japanese representatives have already indicated that they do not wish to retain custody except in rare except, it is believed that our proposal affords a basis for agreement on this point. The specific language of our custody proposal is attached as a separate paper.

The publicat of the hestilities clause has been discussed previously.

#### CONFIDENTIAL.

-2-

As a result of these discussions, and in the interest of reaching assert, the United States side has decided to recommend to Hashington a revised proposal. This proposal, which is attached, revises the provision in the Protocol on hestilities, and requires a parallel change in the proposed limited States minute.

In the statement of August 27, the Japanese side indicated that it would not ordinarily wish to commune jurisdiction over dependents but stated that it did not wish to have provisions relating to dependents in the Protocol itself. The United States side is prepared to resonant to washington approval of the attached proposal on dependents, and deletion of the reference to dependents in the Protocol.

e appreciate that the Japanese side has been giving careful consideration to the United States proposal that the Japanese state their policy with respect to waiver of the jurisdiction which is accorded them under the Protocol. It is keped that the Japanese side is proposed to approve the first sentence of the statement on univer contained in the August 29 United States proposals. The United States side has given serious and extended consideration to the Japanese proposal respecting notification of univer. We have concluded that the United States proposals of August 29 with respect to notifications are best adapted to making the univer policy administratively veriable. The United States side feels that its proposals in this natter do not in any way violate the principles contained in the Protocol. Spiver by the Japanese Government of its primary jurisdiction—emospt in cases of particular importance—is perfectly consistent with the principles of the Protocol. Once such a policy is adopted, in

CONTRACTORIAN

# 秘密指定解除 官房総務課

#### GUIVANA TRAI.

- J -

some reasonable that as an administrative nation the Japanese Government should then agree to notify the United States Government of those cases with respect to which it desires to exercise jurisdiction. It is therefore hoped that the fall statement with respect to the policy on univer put forward in the United States proposal of Sugart 29 will be found acceptable by the Japanese side.

Attackmentes

As noted

# JUNE IDENTIAL

United States Braft September 3, 1953

# Official Daty

松育学

#### ). So paragraph 3(a)(ii)

the civilian component to charged with an offence, a cartificate insued by or on behalf of his commending officer stating that the alledged offence, if committed by him, arose out of an act or emission done in the performance of official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

# CONFIDENTIAL

United States Dreft September 3, 1993

#### <u>Pintele</u>

#### . Re paragraph 5(a) -

# Jeremen Representatives

In connection with paragraph 5 of the Protocal, I am authorized to state that, in case the Japanese authoritics have arrested an offender who is a member of the United States armed forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over which Japanese such offender yight to emergine jurisdiction, the Japanese authorities will, where they deem it recessary to retain such offender, release such offender to the custody of the United States military authorities on condition that such offender shall, on request, be made available to the Japanese authorities. The United States military authorities will, on request, transfer custody of such affender to the Japanese authorities at the time he is indicated.

#### American Representatives

Hay I request confirmation of my understanding that
to a matter of practice the Japanese authorities do not intent
to detain such offenders except in rure races?

# Savanese Representatives

I confirm this understanding.

CONFIDENTIAL

Vaitoù Statos Proposal September 3, 1993

#### Mostilities Providions

## foreder?

Il. In the event of hastilities in the erec to which this agreement applies, either Japan or the United States shall have the right, by giving 60 days' notice to the other, to suspend the application of any of the previsions of this Article. If this right is convoise, Japan and the United States shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

#### Statement in Second of Memotistions

#### American Perrepostatives

In connection with peragraph II of the Protocol I wish to record formally the United States declaration of its intention in the event of hostilities in the area to which this agreement applies to seek exclusive jurisdiction over its forces in Japan.

### Japanese Paprosentatives

On behalf of the Japanese Sovernment I asknowledge the United States declaration of its intention in the event of Mostilthics in the area to which this agreement applies to seek enclusive jurisdiction over its forces in Japan.

# 秘密指定解除 官房総務課

# CONFIDENTIAL

United States Druft September 3, 1993



#### Jewanden's

# American Representativet

I should like confirmation by the Japanese representative of my understanding that under this agreement the United States authorities may enercise jurisdiction over dependents to the same extent as jurisdiction may be exercised over members of the United States ermed forces and civilian components.

## Japanese Representative:

I confirm your understanding.

老师公子

行政信定政打变沙仏與十五条

‰ 文

Minte access.



押收等 接表

U.S. Agreed Dreft September 4, 1953

Minutes Be paragraph ID(n) and 10(b)

It is understood that the US authorities will normally make all arrests within facilities and areas in use and guarded under the authority of the US armed forces. This shall not preclude the Japanese authorities from making arrests within facilities and areas in cases where the competent authorities of the United States armed forces have given consent, or in cases of MC pursuit of a flagrant offender who has committed a serious crime.

Where persons whose arrest is desired by Japanese authorities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested by the United States military authorities, who are not subject to the jurisdiction of the United States armed forces, chall immediately be turned over to the Japanese authorities.

The United States military authorities may, under due process of law, arrest in the vicinity of a facility or area any person

in the

in the commission or attempted commission of an effence against the occurity of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

It is understood that the Japanese authorities will winspection namely not exercise the right of search or solute with respect to any persons or property within facilities and areas in use and guarded under the authority of the United States armed forces wherever situated.

where search or science with respect to persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armed forces in Japan is decired by Japanese authorities, the United States authorities will undertake, upon request, to make such search and sedaure. In the event of a judgment concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

那位完生

Confidential

Minutes Re paragraph 10(a) and 10(b)

It is understood that the US authorities will normally make all arrests within facilities and areas in use and guarded under the authority of the US armed forces. However, this does not preclude the Japanese authorities from making such arrests in cases where the competent authorities of the United States armed forces give the consent thereto, or where the urgency makes it necessary for the Japanese authorities, in pursuit of a flagrant offender the has committed a serious arise, to arrest him within such facilities and areas.

Where persons whose arrest is desired by Japanese authorities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested by the United States military authorities who are not subject to the jurisdiction of the United States armed forces shall inhedicately be turned over to the Japanese authorities.

The United States military authorities may, under due process of law, arrest in the vicinity of a facility or area

any:

Confidential

September 4, 1953

Winutes We paragraph 10(s) and 10(b)

It is uncerstood that the US aut crities will normally make all arrests within facilities and ereas in use and guarded under the authority of the US armed forces. dowever, this does not proclude the Japanese authorities from making auch arrests in cases where the competent authorities or the United States armed forces give the consent thereto, or where the urgency makes it necessary for the Japanese authorities, in pursuit of a flagrant offender the has committed a serious orime, to arrest him within such facilities and areas. Where persons whose arrest is desiringly Japanese authorities and who are not subject to the jurisdiction of the

ities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested by the United States military authorities who are not subject to the jurisdiction of the United States armed forces shall indediately be turned over to the Japanese authorities.

The United tates military authority of may, under due process of law, arrest in the vicinity of a facility or area

ji)

any person in the commission or attempted commission of an offense scainst the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

It is understood that the Japanese authorities will nermally not exercise the right of search or seizure with respect to any persons or property within facilities and areas in use and guarded under the authority of the United States armed forces or with respect to property of the United States armed forces wherever situated, except in cases where the competent authorities of the United States armed forces consent to such search or seizure by the Japanese authorities of such persons or property.

Where search or seizure with respect to persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armed forces in Japan is desired by Japanese authorities, the United States authorities will undertake, upon request, to make such search and seizure. In the event of a judgment concerning such property, except property comed or utilized by the United States Covernment or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.



# CONFIDENTIAL

United States Proposal September 3, 1953

#### ORAL STATEMENT

The United States side has given close consideration to the various proposals which were discussed during the recent meetings with the Japanese representatives. We have formulated proposals with respect to each question which we believe can be profitably discussed in the course of one afternoon meeting. We have made every effort to draft proposals which we believe should be acceptable from the Japanese point of view.

With respect to the question of determination of official duty, the United States representatives have decided to recommend to Washington the adoption of the principle enunciated in Article 11(4) of the British Visiting Forces Act of 1952, in the belief that this will be most satisfactory from the Japanese Government's point of view. There is attached a proposed paragraph on official duty.

With respect to the question of custody the United States side has decided to recommend to Washington the acceptance of a proposal substantially along the lines contained in the Japanese statement of August 27, with an understanding that in practice Japanese authorities will not retain custody of

wof wany case United States personnel except in rare cases. Since the z打液度 對 Japanese representatives have already indicated that they do are.

not wish to retain custody except in rare cases, it is believed that our proposal affords a basis for agreement on this point. The specific language of our custody proposal is attached as a separate paper.

经和行

The subject of the hostilities clause has been discussed previously. As a result of these discussions, and in the interest of reaching accord, the United States side has decided to recommend to Washington a revised proposal. This proposal, which is attached, revises the provision in the Protocol on hostilities, and requires a parallel change in the proposed United States minute.

WELVER O Allike フリスの一般的 2 telement 15

In the statement of August 27, the Japanese side indicated that it would not ordinarily wish to exercise jurisdiction Account 6.3 over dependents but stated that it did not wish to have pro-2 003 32 127" visions relating to dependents in the Protocol itself. The United States side is prepared to recommend to Washington approval of the attached proposal on dependents, and deletion 芝木作同志。 of the reference to dependents in the Protocol.

We appreciate that the Japanese side has been giving careful consideration to the United States proposal that the Japanese state their policy with respect to waiver of the jurisdiction which is accorded them under the Protocol. It is hoped that the Japanese side is prepared to approve the first sentence of the statement on waiver contained in the August 29 United States proposals. The United States

side

我为起诉上决定 初出通知打工 () 老允一说。

side has given serious and extended consideration to the Japanese proposal respecting notification of waiver. We have concluded that the United States proposals of August 29 with respect to notifications are best adapted to making the waiver policy administratively workable. The United States side feels that its proposals in this matter do not in any way violate the principles contained in the Protocol. Waiver by the Japanese Government of its primary jurisdictionexcept in cases of particular importance-is perfectly consistent with the principles of the Protocol. Once such a policy is adopted, it seems reasonable that as an administrative matter the Japanese Government should then agree to notify the United States Government of those cases with respect to which it desires to exercise jurisdiction. It is therefore hoped that the full statement with respect to the policy on waiver put forward in the United States proposal of August 29 will be found acceptable by the Japanese side.

- 3 -

Attachments:

As noted

# 秘密指定解除官房総務課

# CONFIDENTIAL

United States Draft September 3, 1953

#### Official Duty

#### 3. Re paragraph 3(a)(ii)

Where a member of the United States armed forces or the civilian component is charged with an offence, a certificate issued by or on behalf of his commanding officer stating that the alledged offense, if committed by him, arose out of an act or emission done in the parformance of official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

### CONFIDENTIAL

United States Draft September 3, 1953

#### Custody

# 2. Re paragraph 5(a) -

#### Japanese Representative:

In connection with paragraph 5 of the Protocol, I am authorized to state that, in case the Japanese authorities have arrested an offender who is a member of the United States armed forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will, unless they deem it necessary to retain such offender, release such offender to the custody of the United States military authorities on condition that such offender shall, on request, be made available to the Japanese authorities. The United States military authorities will, on request, transfer custody of such offender to the Japanese authorities at the time he is indicted.

### American Representative:

May I request confirmation of my understanding that as a matter of practice the Japanese authorities do not intend to retain such offenders except in rare cases?

#### Japanese Representative:

I confirm this understanding.

#### CONFIDENTIAL

United States Proposal September 3, 1953

#### Hostilities Provisions

#### Protocol

11. In the event of hostilities in the area to which this agreement applies, either Japan or the United States shall have the right, by giving 60 days' notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, Japan and the United States shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

## Statement in Record of Negotiations

#### American Representative:

In connection with paragraph 11 of the Protocol I wish to record formally the United States declaration of its intention in the event of hostilities in the area to which this agreement applies to seek exclusive jurisdiction over its forces in Japan.

#### Japanese Representative:

On behalf of the Japanese Government I acknowledge the United States declaration of its intention in the event of hostilities in the area to which this agreement applies to seek exclusive jurisdiction over its forces in Japan.

#### CONFIDENTIAL

United States Draft September 3, 1953

#### Dependents

#### American Representative:

I should like confirmation by the Japanese representative of my understanding that under this Agreement the United States authorities may exercise jurisdiction over dependents to the same extent as jurisdiction may be exercised over members of the United States armed forces and civilian component.

# Japanese Representative:

I confirm your understanding.

C

1880 - 1880

Minks seeds...

行政協定政町交渉に関する件

Ø3

20

有公子 (1)

Agreed Braft, September 9, 195

Confidential

BRECORD:

Statements by Japanese Representative at a meeting of the Griminal Panal,
Jurisdiction Sub-Committee
of the Jeint Committee.

### Re Paragraph 3 of the Protocol (Primary jurisdiction).

- 1. As to practical operation of the previsions of paragraph 3 of the Protocol, I can state that as a matter of policy the Japanese authorities do not normally intend to exercise their primary right of jurisdiction over members of the United States armed forces, the civilian component, or their dependents subject to the military law of the United States other than in cases considered to be of material importance to Japan. In this respect I should like to point out that the Japanese authorities retain their freedom of discretion in the determination of which cases are of material importance to Japan.
- 2. When the Japanese authorities have decided to bring an indictment, with respect to a case over which Japan has the right to exercise jurisdiction, they will so notify the United States military authorities. The notification will be made in such form, by such authorities

- 2 -

and within such time as the Joint Committee may prescribe.

3. The above statements shall not be interpreted to prejudice the principles of paragraph 3 of the Protocol.

and

## 秘密指定解除 官房総務課

行政国家宣言交替及国令品种

X B E X A B B 

10/10

行政協定故前更過以 関する

餐蹈 平人 湿丸

飂 温温の L

蔽 Ħ \*

Agreed Brait. September 10, 192

甲紙用

statements by Japanese Representative at a meeting of the Grininal Panel, Jurisdiction Sub-Committee of the Joint Committee

# Re Paragraph 3 of the Protocol (Primary jurisdiction).

- 1. As to practical operation of the provisions of paragraph 3 of the Protocol, I can state that as a matter of policy the Japanese authorities do not normally intend to exercise their primary right of jurisdiction ever members of the United States armed forces, the civilian component, or their dependents subject to the military law of the United States other than in cases considered to be of material importance to Japan. In this respect I should like to point out that the Japanese authorities retain their freedom of discretion in the determination of which cases are of material importance to Japan.
- 2. When the Japanese authorities have decided to bring an indictment, with respect to a case over which Japan has the right to exercise jurisdiction, they will

- 2 -

so notify the United States military authorities. The notification will be made in such form, by such authorities and within such time as the Joint Committee may measuring.

). The above statements shall not be interpreted to projuite the principles of paragraph 3 of the Protocol.

Confidential

Milita cresc\_\_

September 10, 1953

as regards the interpretation of the statements concerning paragraph 3 of the Protocol to be made by Mr. Winers Toule, Japaness representative at a mosting of the Criminal Panel, Japaness representative at a mosting of the Criminal Panel, Japaness representative at a mosting of the Criminal Panel, Japaness representative at a mosting of the Criminal Panel, Japaness representative at a mosting of the Criminal Panel, Japaness representative at a mosting of the Criminal Panel, Japaness representative at a most of the Criminal Panel, Japaness representative at t

Under permaraph 3 (0) of Article AVII of the Protocol, when the Japanese Government has decided not to exercise its primary right of jurisdiction in an individual case it shall so notify the United States authorities as soon as practicable. Accordingly, pending such notification within the maximum time limit set for notification by the Joint Committee, it should not be presumed that the Japanese Government would not exercise its primary right or jurisdiction as provided for in paragraph 3 (b) of the said article. The accrementioned statements to be made by its June at a mobiling of the Criminal Panel shall be interpreted in this sense.

U.S. Proposel. August 18, 1953.

Official Agreed Minutes

Eo peregraph 3(e)

(2)

It is understood that the Japanese Government does not desire to exercise its primary right to exercise jurisdiction over members of the United States armed forces, the civilian component, or their dependents, except in cases considered to be of marticular importance to Japan. The United States ermed forces will investigate any criminal offense alleged to have been committed by members of the United States armed forces, the civilian component, or their dependents which may be brought to their attention by the competent Japanese sutherities or which the United States authorities may find to have taken place and take appropriate punitive action with respect thereto. Where a case is considered to be of particular importance to the Japanese Government it shall actify the United States authorities of its desire to exercise jurisdiction in the esse. This notification shall be made in such form, by such authorities and within such time on the Joint Committee may preseribe.

Balanananan...

1) Hoshilities 1 muiules "

そ Ø

Ø

Ħ

约

だ っ

> 3 て 完

1

本四

日

交

行

政 協定改 訂 交 渉 に関する

松昭 二 多九 与 四

は

軍

1.

大

した。

4

理が問題のこのする

二

Missey observa-

大百五

行歐協 定 改訂 交 関 す

る

松昭 平八 繆 九

公。 務。 貌。 行。 中。 与 五

文 别 添 Ø ٤

ø°

及

Q.

双

方

Ø

蔥

見

致

L

た

る

စ္ပ

犯。

罪。

艦のす 棄。案 閰 題 及  $\alpha$ ح K 闋 迹 士 る 拋 棄

る。 合。 Ø,

Ø

VC て は

討 要 孛 る 過 ġ, な ďΞ

定

を要す

連軍 行

問。

#### Confidential

(Draft)
Official Agreed Minutes
Re Official Duby

where a member of the United States armed forces or the civilian component is charged with an offense, a certificate issued by a competent officer of the United States military authorities, stating that the alleged offense, if committed by him, arose out of an act or omission done in the performance of his official duty, shall be respected as sufficient evidence to establish facts unless there is greater evidence to the contrary.

The above statement shall not be interpreted to prejudice in any way Article 318 of the Japanese Code of Criminal Procedure.

(draft)

Statements by Japanese and American Representatives at Regular Meeting

re Paragraph 5 (a)

#### Custody

2. Re paragraph 5(a)

Mr. Matsudaira, Japanese Representative:

In connection with paragraph 5 of the Protocol,
I am authorized to state that, in case the Japanese authorities have arrested an offender who is a member of the United States armed forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will, unless they deem that there is adequate cause and necessity to retain such offender, release such offender to the custody of the United States military authorities provided that such offender shall, on request, be made available to the Japanese authorities, if such be the condition of his release.
I also request the assurance of the United States representative that United States authorities will, on request, transfer custody of such offender to the Japanese authorities

at the time he is indicted by the latter.

#### Mr. Parsons, U.S. Representative:

On behalf of my Government I wish to assure the Japanese representative that the United States military authorities will, on request, transfer custody of such offender to the Japanese authorities at the time he is indicted by the latter.

#### Confidential

(draft)

Statements by Mr. Tsuda and Col. Todd at the Griminal Jurisdiction Sub-Committee of the Joint Committee.

### Col. Todd, U.S. Representative:

I wish to assure the Japanese representative that upon release of an offender to the custody of the United States military authorities, such offender shall, on request, be made available to the Japanese authorities, if such be the condition of his release.

### Mr. Tsuda, Japanese Representative:

In view of the assurances by the United States representative, I wish to state that there will not be many cases in which the custody of such offenders will be retained by the Japanese authorities.

行政協定改訂 交渉に関す

る件

松昭 平八 参九 与 八

会 Ø 果 次 裁 判 檶 間 VC つ ě 米 側 K T わ

会談を ψ 方 立 わ め た 結 果 ゎ Ú. 方梁 ľζ て 解决 逾 る見 込で

明

九

日厦

行政協定政訂交渉に関する件

她的你看

2 丸 O 定 数町 Ø 問題に

松昭二八、

先方 0 (公務の問題 澌

(來遞

Entrant.

行

定改訂

交

K

Z

松昭二 不入

日 を す 左 本 占 ħ る Ø 進

变 奕

Œ 式 < て る る n は H つ た 봔 趵 7 文

Agreed Draft, September 10, 1953



20

Statements by Japanese Representative at a meeting of the Criminal Panel,

Jurisdiction Sub-Committee

of the Joint Committee

#### Re Paragraph 3 of the Protocol (Primary jurisdiction).

- 1. As to practical operation of the provisions of paragraph 3 of the Protocol, I can state that as a matter of policy the Japanese authorities do not normally intend to exercise their primary right of jurisdiction over members of the United States armed forces, the civilian component, or their dependents subject to the military law of the United States other than in cases considered to be of material importance to Japan. In this respect I should like to point out that the Japanese authorities retain their freedom of discretion in the determination of which cases are of material importance to Japan.
- 2. When the Japanese authorities have decided to bring an indictment, with respect to a case over which Japan has the right to exercise jurisdiction, they will

- 2 -

so notify the United States military authorities. The notification will be made in such form, by such authorities and within such time as the Joint Committee may prescribe.

3. The above statements shall not be interpreted to prejudice the principles of paragraph 3 of the Protocol.

Confidential

Militar and the

September 10, 1953

As regards the interpretation of the statements concerning paragraph 3 of the Protocol to be made by Mr. Minoru Tsuda, Japanese representative at a meeting of the Criminal Panel, Jurisdiction Sub-Committee of the Joint Committee, he deems it appropriate, to state hereby as follows in order to prevent the occurrence of any dispute in future:

Under paragraph 3 (c) of Article XVII of the Protocol, when the Japanese Government has decided not to exercise its primary right of jurisdiction in an individual case it shall so notify the United States authorities as soon as practicable. Accordingly, pending such notification within the maximum time limit set for notification by the Joint Committee, it should not be presumed that the Japanese Government would not exercise its primary right of jurisdiction as provided for in paragraph 3 (b) of the said Article. The above-mentioned statements to be made by Mr. Tsuda at a meeting of the Criminal Panel shall be interpreted in this sense.

判紙己)

U.S. Proposal, August 18, 1953.

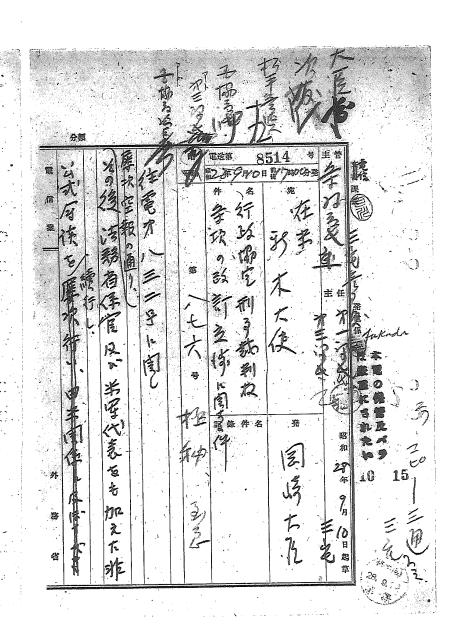
Official Agreed Minutes

Re paragraph 3(c)

It is understood that the Japanese Government does not desire to exercise its primary right to exercise jurisdiction over members of the United States armed forces, the civilian component, or their dependents, except in cases considered to be of particular importance to Japan. The United States armed forces will investigate any criminal offense alleged to have been committed by members of the United States armed forces, the civilian component, or their dependents which may be brought to their attention by the compenent Japanese authorities or which the United States authorities may find to have taken place and take appropriate punitive action with respect thereto. Where a case is considered to be of particular importance to the Japanese Government it shall notify the United States authorities of its desire to exercise jurisdiction in the case. This notification shall be made in such form, by such authorities and within such time as the Joint Committee may prescribe.

...

市解 がかより 果を 137 L K ŧ 佰 多正 栉 影響が日本山村夏原 -6 V 他が 怒 (31) \* -13 đ, (5.) えとち 5 同意方 8 経会は 污彩酒 3 N もの (31) 极力 龙杨 軍领工 4 日本 H を養養的に電せい ,外 16 级 A 関係 堪 移 Z 0 Ø 为水 Ì۴. 省 8 が度いた



新不修正案を发方者強しる。 外班 社	意然の国路についても、放力信息等を工作の一一点の件、意腹を及う裁判权分析使の	石料(すご)根本代表が行う株方をまる土庫の日本の最大的です。	有方でのステートナン上を居る家原下の道等 分次的裁判权を行使する 張りは	原本は「日本でによって material unportance を 見意しかっくに至った。即う 東京ないない。 東京ないない。 東京ないない。 東京ないでは、 大万年を構めし	被果 推 京 在 "

	Section of the sectio				
12 信 梁	枪棒屋升道。	申すること	我打下正家的旅客、同村多好工作	当者以至《诗题之写》件小了江本 先有出	四身極了內學了了是发不多菜戲回

-

1 > 0 L

0

は十 駳

K

行動画定量研究をに関する

電信写

第二三五号の

老

信。写 太 九九 四四 ≡≡ 田 四二 本ワ v 亚 割 九月 新 木 大 式

F

Basses L

纺

省

信

次

務.

外

省

A 龙 邀

Ħ

六 

定次 省 lt 变涉 本 三 多。 と歌

大養清殊大臣 一部运在

麥 予定 ŝF. K 娶 ځ K 藝 3 Ł 0

0 T K 0 对 て Ŧ 10

ン

Ź

ځ

た

蒼

ᆂ

2

**X** 

y

2

Ø

る

ح

万

防

Ş.

٤ ろ Ø 答 刑 保 銢 兔 K た 7 麥 Ø 万 right. で 办 Ø 因 騘 形 会 る Ż 務 方 で Ø る 更 À 位 괃 次 官 篋 Ь 九 る Ø 防 V Ø 省 あ ے Ø 7 が 充 ځ 及 τ 人 鲰 邏 ځ っ 的 Ţ て 色 見 米 لح K R 承 È 解 6 認 曑 起 過 形 る K Ø 重 H 定 方 2 とする っ 法 な 查 ż 延立 2 슾

6 ď Ø 游省 T 5 て C 困 짤 ワ T め M £ 3 2 È Zζ る 办 起 步 L \$ 2 T 奎 7Ł b T \* 本

主要問題点に関する米側原郷と要無罪との比較対行以物で利了数判れるり)

三八名多了可かな四部二八、九、一六

正式文章 っ

7 鞭 数に

**∰**€

**(** ໝ 右線

W

K

40 0

圣

Ā

次 殿 唰 極 È **宁** s W 件 K 9 Ø て B 本 巡 ψ<u>;</u> 米軍

9 \* 0 灦 1 ح 少 2 

ص -0 定 つ

M.o. 力の 20 全 行 行 b de.

ž 企 K **4** 靀 K Ā ħ B

T 题 Ŋ 叉 そ **©** 代 0 爮 **M** 

7 Ž, K **30** 产

Z

獿

3 行 \* 0 K 膨 T 哪! 1

日本側修正器(条余)

自ら行う r U T

行いうる)皆を公式職事服に入れる。

2 本政府代表の日本社託主会につい

順定部の呼係を文より、「表列所の表別な許す限り」という

日本価格正案(接収)

Œ. \* 艦 定 畿 C

Milwell.

Z 1 1 Ź Ł T

10 3

文 定す 9 L Ł 题

7 6 Ą 個 Ø 1 0 翢

木 0 **6** ů.

灦

 $\Xi$ × 0 定 T Œ 7

驱 1 3 W **する** 

M A 九

定 **(** 1 定 1 回 亭区 鱵 M 瓣 Ħ

Ħ **(** Ŧ • Ľ Ē Ž 行 3 必 7 7 屰 3 艦 枣 4 10 Ŵ. 恋 3 菱 100 ð 0 6

Z-套 **(** 0 灦 0 釣 寒 K 9 3 0 0 T

*\$* 7 0 親 0 麼 索 つ T 1 K Ž. 0 笼 τ Ø 2 **(**) 搬 澨 ᇓ 1 遊 上家 M ¥ 0

+

定

釈

定 を 道原 0 Ť 鑩 验以 る質を 2 严 T. T D 300 九 **@** Ż K Ā K \$ 避 T (I 籔 定 Ø 阳

九

テニ 両議法務官無代表の訴述。

日本開第一次歌判権行使の範囲について、

**港**。 個。 原。

2 T Š む ₩. 础 (ra T 6 Ž 0 T \* DE. 璺 ŧ

選手様にいれる。

日本班(养沢)

蘇 寫 Ą. 物汇 4 驒 譲逃する Ŀ *7*3 寒 ~ 判 Œ 7 <u></u> 7 T **2**0 樹 麗 0 攊

教授機士総定した概定答飾三項の原則を寄するものと解釈し

てはならない旨をあわせて戦越する。

2 鐮 Æ 鞱 Œ O T 鑑 1 鏗 3 豕 行 5 ځ Z 7 Ø 2 (a ے ے ے 壓

徽 行 W Ø 喬 τ \* 13 D'a #1 K ځ **#** 논 4 醬 Ť 蓬 \$ 0 湾 7 注 ح ľ 2 **(** 

Ø X) B っ Z Æ Ø Z M K T 9 Ł 6

項を公式機事業にいれる。

日本源(凝淡)

邂 会 燈 9 迹 ÉÉ 洭 9 W 3 Æ 政 合 澎 嶽 Ŕ \$ di. 25 \* る 匰 遊 B 8 府 舍 つ Ž. 6 2 7 瓣 T 4 坎 6 0 T Ē 6 不 雪 T T Ť 0 便 9

ものと機定してはならないとの解釈を、右分科会の際上日本

右の各一方的確認の取扱も、怒項一の確認と阿徹とす

3

代

疫病について。

Ξ

本 司 企 一 承 尺 )

T 1 3 逦 滋 逾 162 瘛 7 72 羉 查 ځ 杳 雅

主要問題点に関する米側原案と妥結案との比較対

昭和二人。兔、一六

第一 正式文

身柄の取扱について

**个侧原架** 

そ 0 本 3 录 È 米 ħ: 鰋 当 局 人 M 鬖 麡 颶 翼 っ 避 K 日 定 で b 次 ہے۔ 右

甲本學 (採択)

ځ

奎

公

録

K

入

n

~

31

逦

ځ ځ

合

知

を

受

け

権を 有 Ŧ る 蠍 件 K っ て Ħ źŚ

睴 25 族 Ø め 田 M 遯 Ø B Ł Ł っ Ť 本 但 团 及 K Щ T 米

しめる。且つ、日本当局により会断の提起があつたときは

麔 日 本 K 返 士 ح ځ ځ 士 ð 旨 鳌 公 ズ 鰀 

一 公務遂行中なりや否やの認定

権

1/2

つ

ħ

2

**芥假居**第

Ø 公 邀 行 中 K b n 沧 Þ 否 Þ Ø 决 定は、

「軍当局の事権に属する旨を公式職事録に入れる。

日本梁(探釈)

っ 6 T 駆 酮 合 Ø 叉 は Ł Ø 代 M. W. 阴 は

厦 查 凡 麔 Ø 3/6 Ø 激 Ø b 解 な 充 宦 7 忿 は Ø な **₽**S 过 身 K Z Ā 丸 Ħ. 8 胜 **6** 年

= 慶 区 竣 內 ৯ 讨 3 滋 捕 盇 収 6

3 米 靈 当 心 b 日 周 Ø 爂 齎 1/2 応 7 9 ĕ 遪

E ° 本。 Εo

公

K

A

る

叉 3 依 区 3 K 域 r 内 b K 及 行 35 Ŝ S て 但 行 通。 (1) 米 当 **(3)** 廱 Ø 当 瘟 办 查 発

Z 蔥 5 n **3**/ 雪 L 定 設 灦 X 炙 n . حيا T ۰ و 步 3 6 つ ح H げ

府 R \* 法 延 Ý 会 K っ て

日で辞 定 E° Ø Ŧ 粂 0 Þ K は \_ 办 縠 る 判 所 查 Ø 掜 則 す ŽΞ る 許 す 限 b ځ 6

獗

択

金 Ø 定 d 45 文 す 剛 þ は る Ø 右 尡 K 侚 定 Ť Ł す 3 Ħ る を 本 ΝŠ す 癥 盃 式 I Ø 9 **W**. 定 解 K 釈 7

は

3

本

獗

3

K T 米 N 0 鮫 \* 70°Z 60 Ÿ T 会 Ø 9 K ح ľ ځ V Z 卺 縆 騪 3 F 結 0 S 所 â 存 洛

#1 族 Ø 췅 る 種 Ø 罪 W 对 \$ 3 次 藏 判 K 2

米口

冒

Ł

놭

め

る

ځ

ح

す

瘞 对 χĖ ~ 压 定審本 犯 Ø L 安 沦 全 文化 ع 財 K 2 6 叉 -[ は は 甐 注 炒 鄭 次 0 万 藏 籔 T

3

频)

2 癥 っ H 側 Ø Ŀ Ø 運 周 K Ť う

六 対

緼

発

生

Ø

仚

Ø

停

止

樂

+ H Н 本 Ŧ X 策° 行 X 本 ず æ n ė Ø 过 楽 Ø -

勠 す る á n 定 Ł は 定 ح ħ 本 K 代 変 愛 定 定す

右 Ø 合 米 76 位 C 鄭 似 龙 的 规 癜 定 棡 菸 権 麥 ż る 嬮 求 す る 籔 2

磠

する

樂°·曾 式 虁 趣. (C 入 n Z

0

Ηo Ee 採

行 粂 Ø 定 往 Ħ 卒区 竣 K 35 6 T 对

本 Ø 合 Ø 玉 適 は Ø 生 専 ă 黔 沦 食 判 な 対 1 行 共 は 求 本 す 利 压 麼 る 府 及 Ø 궃 K عن っ 舍 図 安 Ø 匪 歐 粂 · 金 宣 府 Ø は

3 とを Ŧ 歩 蔥 爭 及 τ Œ Ø は Ø 5 K 压 ŻŠ 日 슾 K 巫 態 米 τ Ø 專 ح 注 代 用 厲 0 規 Ł 定 当 ź 烕 立 滅 È 厢 73 7

公

会

譿

Ø

Ø

テ

菭

步

l Z

七 経過規定 ・ (採択

定 會 Ø 発 効以 廟 K 行 ъ n ħ. 銐 K 対 τ H 行 酸 0 H

定を適用する旨を公式職事録に入れる。

規

法 癜 代 麦 Ø 陳 述

日 第 次 裁 判 橀 行 使 Ø ĸ っ (A て

次 Ħ 菠 \* 判 麔 奎 つ τ 行 使 K. \$ 重。 る ح 要□ ځ な 希 窰 耄 な 1 て 5 ٤ d Ø 日 3 本 4 政 項 府 ŧ は 公 式

1 n る 0

採 択

日 本 政 Ø 府 合 定 郊 办 舆 o Ξ 方 員 裁 本 質 的。 刑 K K Ž Ø 見 述 行 き 権 雪 分 る 麙 科 步 但 つ 会 る て で 重。 右 は 本 な 要。 述 で は 代 外 ځ あ 麦 Ø ځ 第 2 法 用 V て Ł

て Ě 5 規 农 を た あ 鬷 わ τ Ξ 述 項 す Ø 原 則 £ 宁 る 解 釈

右 委 述 슾 本 d 会 謎 分 Ø 記 会 4 K 位 笳 ح Ĕ \$ n λħ な 本 ح 韼 定 ځ ح 查 酄 Ø る 蘐 酃 式 È

\_ 次 判 Ø 行 使 不 行 使 Ø 通 K 2 3 τ

原o

告 麥 る は 菠 第 判 Ď. 12 ŋ Ħ た 次 裁 \* 行 本 쒜 側 使 K 右 檶 d Ø ځ つ 通 を 毣 τ ፚ d 使 本 米 重 当 办 裁 局 K 논 委 ٤ 員 檶 通 Va 숲 う す Ø 定 ďΣ 棄 Z 約 先 た 3 方 た 注 B 形 Ø K 式 腹 Ø بخ ح K で 瀊 Ø ľ 為 通 る 定

そ Ø 定 め 8 当 局 ĎΣ 6 且 っ そ Ø 定 め る 期 間 内 行 ñ Ł Ø 了 解

項を公式議事録にいれる。

日本案(採択)

Ø 鹶 起 ٤ 查 H K Ø 述 定 定 日 5 9 À る る た 政 0 合 Č 但 恋 5 委 次 員 裁 あ 右 会 米 る 日 述 は 큃 あ 0 局 判 N 步 府 定 合 水 る て 第 す る Ξ 会 る 項 步 で 次 る Ø 日 右 定 裁 ح 原 本 的 ځ 側 Ł ż る ځ を Ø 行 期 不 す 闐 行 步 **₩** る 合 内 Ø æ 方

3 推 膏 定 す 3 て は ح とと な 5 る ځ Ø Ł 右 会 Ø 上田

右の各一方的陳述の取扱も、前項一の陳述と同様とする

身柄について。

採

択

 $\equiv$ 

当局が逮捕し、身柄を当局が逮捕し、身柄を

米

礟

K

移

た

米

噩

Λ

軍 麦

家

族 日

て

米

b

つ B て *1*0> 米 L ح \$ 籈 当 局 本 当 水 犯 述 ٨ Ŀ ŋ 孌 譑 本 奎 5 Ł め て 右 米

H

九

る

極秘

行政協定を可定がに向する会

たりん

RINGER

H 本 Ø 開始 ځ お 松昭和二八 b た 参九 までの

行政協定改訂交渉に関する件

極級

有三十 行政協定 州事型料程

松區

九

10 2 ろ × æ Ŷ. 3 Æ. I っ þ 礟 ż 育 產 5 鮏 Z Ø

%

行政區位派本部等級品

0 學學起國

學圖 **#** 平人 多九

×

y

>

×

Ħ

0

戀

左の

ځ

Þ

B

審

L

沧

1 ø. =+ -邀 4× 

奁 Ø 0

20

6/1

行政協定選挙要

(2) 员 ĬĔ. 4 数圖 ※ 備 と æ ∯-M

百万

7

Ą

Rich.

T.

磁

Ŋ

変 万 Ħ T 太 台 醫 4 梦 るよう

行政協定政政党を関する

五 **W** 胜 ^ g ソンズの代源とし 平风 靈丸 T 座 **4 1** 0 

石 **(** 

X \$ 2 (a T 往 \* \*\*\* 0 级 2 礟 Œ.

0 J. 0 T 9 T

瀌

変と Ħ 鳳 \* ż 25 3

3

蝕

付机过,

題日午

化红

4

20

4

0 文 力 T

\$\$\$50 cosses

### 秘密指定解除 官房総務課

全三 主七 神美言 

新田 けポ る行 阿歐 斷腳 外定 務第 大十 臣七 挨煲 歩を \_ 数 渠 正 **-**→ 3 定 8 Ø  $\Theta$ 定

和

二

九

三元な子

大 F 並 K 舎

0 洲 D 礟 鸿 鱫 民 影 項 大 歐 Ø Ø 沦 È ģ 矽 0 つ 奕 遯 \$ E 觋 玄 7 ş,  $\alpha$ 本 Ξ /c 日日北 H 举行 政 協定

ی ŧ ح 兔 Ŋ 춫

τ 变 行 月 τ В 定 K 定 寸 Ø 八 な 燛 В ۲ 行 Ø 対 米安 Ø 刑 定 全 盔 保障 Ø は 澱 定 M τ 判 4 Ø 力 澱 粂 約 判 + 項 Ø 七 付 爽 K 施 Ø 鄭 \* 沦 M Þ 定 項 る K ځ K K 定と \* 邂 B る 発 5 て 的 効 磁 定 ţ 6 0 Ø 米 ŽŠ 摄 た 定 つ

次 鄮 N で 3 ځ 0 0 Ø 李 文 K Ħ I 渺 88 本 2 政 沦 Þ A 0 Ø 变 + 水 K Ξ 先 鮾 ħ K 來 冕 覄 牙 行 V た Ø 蜀 幽 Ť L た 絁 b Ø Ø 九 黍 で ځ

ح Ъ 釶 变 Ø 逖 Ø W は 슾 Ě b っ て 調 た 6 ઢ 始 쨏 尝 存 め 7 的 Ľ ル 0 Ť 1 な す 则 万 Ŀ 奁 係 式 办 ځ 耆 Ø 6 努 Ø Ś 力 圚 つ K 寙 て 1 翻 勁 8 6 a 友 力 た Æ 好 K 玄 对 Ż 之 鏯 L 60 簸 檃 ZH d. 0 ᡂ 쮳 用 1 Ø Ø

思 歇 友 奸 H 쮗 鄭 0 及 U Ø K ÷ R H 201 \$ 翠 と安全 飅 ځ ~ K 25 ځ 慶 つ T 欠 bs 沈

友 奸

Ø

を

b

っ

足

理

的

弐

癲

3

Ø

述 欢 合

大

Ø 晃

Ł

九

%3 ≥

稐

壑

且

っ

飕

待するも

凇

行歐 Æ

8

定 焕

+

ž T

Œ

寸

る 飜 定

警

K

器名する

lt

ځ 簩

3 -

肵

3 変

京中日

都行

0

\_ 徵

樂町

三灰

室

W T 万 ځ

礷 鎏 7 躩 Ť 鲄 劉

聚窒录 0 1 40 0 K O 魔 飀 才 亦 る戯 

中海本華用者はかる木中非常をおするとを構造し、

且つ順待するものである。

新事室の 宋華 に 当る 雨 歯 の 関 条 当 局

躗

髰

た

る田米友

好剛

3

12

ح

子の一

T

翔

Ø

D)

3

~ T

Æ 2

馬子

亙. (Pa

方式

1

の行

T

ځ

Æ

T

鰶

周

0

尴

6

3

ko

L.

-

Ħ

**1** 1 及 Ø Ł

2 4 135 项 叉 200 偷 濫的 K 運 数 友 T

100 0 7 T 笼 方 18 \* ᇓ K

0 X 0 W.

24

藗

45

紭

程 平 一 会 十 二 大

A.

過度政制交渉の件

y × 遷 ۓ T

二 多六

T

●通り語っ

τ 圆

廚

O Z 8 A.

В H ځ



オニーナ で 面交渉に関す

終昭 和 二 愛九 **与** 凡

ろ。 兔烂 **先** 般 主 定 仼 1 Ø T え ん 歐腦 により、大臣の御指示を仰いだ結果法務大臣を署名者に加りることになつた。 滋留駅 定 20署名 治霊を無下に 正體 筵 Š 法務關係 Ø 全面的 籪 0 断る Ě 支持 とき 查込 Ĩ 省とし ح ځ れざ て法務大臣を加え 御機 を将 大 ح 3 来に悪 ځ K 烙 办 危益 大臣 \* \* ح ح 刪 方廳 ځ を思 元米 鄰公 めら て、

テ合行 | 同致 學學 メ員定 ン会政 上洞町 OŅK 取藏件 扱判り 化梅瑚 圆小事 す委職 る異判 件会管 医糖 > 權 けの る運 四周 聚化 代网 要す

昭 和 A 丸 二九

٤ ځ \$ る ታ Q -Ø 合 司 委 颾 会 內鄉 K **\$**> H Z 取 扱は 左配に ľ

らて り行政 Z そ れぞれ (協定) Ø 委員会は H 冕 过 解 迹 뀈 た を合 委員 方針に 会 代 ح 5

み配 合阿委員 つ T 容 过通 一位现 を そ **営** の **W** 例になら 小委员 b 尼配 **@** Ź 取扱は 學





September 29, 1953

SUBJECT: Treatment of the Statements Made by Japanese and U.S. Representatives in the Griminal Panel of the Jurisdiction Sub-Committee under the Joint Committee Regarding Application of Griminal Furisdiction under Revised Provisions of the Administrative Agreement

The treatment of the subject statements in the Joint Committee will be as follows:

- 1. The Criminal Panel will submit to the Joint Committee's report to the effect that "at a criminal panel meeting held on —— 1953, the Japanese and U.S. representatives stated their respective visus regarding the application of criminal jurisdiction under the revised provisions of the Administrative Agreement," but the contents of these statements will not, in any form, be contained in the report.
- 2. The Joint Committee will make the above report a part of its official minutes. The keeping and distribution of these official minutes will be the same as ordinary ones and no exceptional treatment will be made.
- 3. The contents of the statements will be made a record only of the Criminal Panel and be kept only by that Panel.



11-6

行 定政 訂变 沙に関 Ť

る件

方 大 松昭 二 12 平人。 蠢 鑩 た 途 、 I. 取 7 导 八 + 12 ħ **(** F 厰 纲 + 大 縱 τ 共

7

笼

Confidential

September 29, 1953.

(draft)

#### Joint Communique

Foreign Minister Katsuo Okazaki and Justice Minister
Takeshi Inukai of Japan and Ambassador John M. Allison of
the United States signed on behalf of their respective Governments today an agreement on the assumption by Japan of the
right to exercise jurisdiction over criminal offenses by
members of the United States armed forces stationed in
Japan, the civilian component and their dependents.

Today's agreement, which followed several weeks of preliminary discussions on an informal basis and a formal meeting yesterday would revise the criminal jurisdiction provisions of the Administrative Agreement under the U.S.-Japan Security Treaty to make them similar to those contained in the North Atlantic Treaty Status of Forces Agreement, which governs criminal jurisdiction over American troops stationed in North Atlantic Treaty countries.

Under the Administrative Agreement, which came into force on April 28, 1952, the United States had agreed to enter into such a revision when the NATO Agreement became effective for the United States. The NATO Agreement subsequently was ratified by the United States Senate and became effective on August 24 of this year.

Until

- 2 -

Until the present, the United States forces in Japan have had exclusive jurisdiction to punish offenses by their members, the civilian component and dependents. Under the new agreement, Japan will have the right to exercise primary jurisdiction over offenses against the laws of Japan by members of the forces, the civilian component and dependents, except for offenses committed by these members or the civilian component in line of duty or where the victim is the United States, a member of the forces, the civilian component or a dependent.

The United States forces will retain exclusive jurisdiction for offenses against the laws of the United States not punishable by Japanese law, and primary jurisdiction for offenses by members of the forces or the civilian component solely against the property or security of the United States or solely against other members of the United States forces, the civilian component or dependents, and offenses committed in the performance of official duty.

The agreement provides that if the State having primary jurisdiction over a given offense should elect not to exercise its jurisdiction it may waive it. Detailed procedures for giving appropriate notice of the exercise or waiver of jurisdiction will be worked out by the Joint Committee, which is charged with day-to-day execution of the details of the Administrative Agreement. It is expected that in view of

the

the position and function of the armed forces and in view of the close cooperation between responsible authorities which is envisaged by the agreement, adequate consideration will be given to ensure the smooth operation of the agreement in a manner satisfactory to both sides.

The agreement specifically provides a series of protective provisions for United States forces members who may be tried in Japanese courts, including right to a prompt and speedy trial, legal counsel, confrontation by witnesses, provision of interpreters and the presence of the United States Government representatives at the trial. The accused would also have all rights provided by the Japanese Constitution, which in many respects parallels the American Bill of Rights.

The new agreement will become effective on October 29, 1953, thirty days after the signing.

The Governments of the United States and Japan hope and expect that the smooth and appropriate operation of the agreement will further promote the friendly relations between both countries, which constitute an indispensable bulwark of peace and security in Asia.

## 秘密指定解除 官房総務課

Confidential

September 29, 1953.

(draft)

#### Joint Communique

Foreign Minister Katsuo Okazaki and Justice Minister
Takeshi Inukai of Japan and Ambassador John M. Allison of
the United States signed on behalf of their respective Covernments today an agreement on the assumption by Japan of the
right to exercise jurisdiction over criminal offenses by
members of the United States armed forces stationed in
Japan, the civilian component and their dependents.

Today's agreement, which followed several weeks of preliminary discussions on an informal basis and a formal meeting yesterday would revise the criminal jurisdiction provisions of the Administrative Agreement under the U.S.-Japan Security Treaty to make then similar to those contained in the North Atlantic Treaty Status of Forces Agreement, which governs criminal jurisdiction over American troops stationed in North Atlantic Treaty countries.

Under the Administrative Agreement, which came into force on April 25, 1952, the united states had agreed to enter into such a revision when the NATO Agreement became effective for the United States. The NATO Agreement subsequently was ratified by the United States Senate and second effective on August 24 of this year.

Um t11

Until the present, the United States forces in Japan have had exclusive jurisdiction to punish offenses by their members, the civilian component and dependents. Under the new agreement, Japan will have the right to exercise primary jurisdiction over offenses against the laws of Japan by members of the forces, the civilian component and dependents, except for offenses committed by these members or the civilian component in line of duty or where the victim is the United States, a member of the forces, the civilian component or a dependent.

The United States forces will retain exclusive jurisdiction for offenses against the laws of the United States not punishable by Japanese law, and primary jurisdiction for offenses by members of the forces or the civilian component solely against the property or security of the United States per solely against other members of the United States forces, the civilian component or dependents, and offenses committed in the performance of official duty.

The agreement provides that if the State having primary jurisdiction over a given offense should elect not to exercise its jurisdiction it may waive it. Detailed procedures for giving appropriate notice of the exercise or waiver of jurisdiction will be worked out by the Joint Committee, which is charged with day-to-day execution of the details of the Administrative Agreement. It is expected that in view of

the position and function of the armed forces and in view of the close cooperation between responsible authorities which is envisaged by the agreement, adequate consideration will be given to ensure the smooth operation of the agreement in a manner satisfactory to both sides.

The agreement specifically provides a series of pretective provisions for United States forces members who may be tried in Japanese courts, including right to a prompt and speedy trial, legal counsel, confrontation by witnesses, provision of interpreters and the presence of the United States Government representatives at the trial. The accused would also have all rights provided by the Japanese Constitution, which in many respects parallels the American Bill of Rights.

The new agreement will become effective on October 29, 1953, thirty days after the signing.

The Governments of the United States and Japan hope and expect that the smooth and appropriate operation of the agreement will further promote the friendly relations between both countries, which constitute an indispensable bulwark of peace and security in Asia.

いつマイル オシまり

 ${}_{\rm B}^{\rm ab}{\rm Distribute}$ 

Les 🐞

အို

~00

# 秘密指定解除 官房総務課

16

九月二十五日衆議院法務委員会に対する阿崎大臣の報告(衆)、行政協定利事裁判权多為)

行 政協定刑事裁判 した 0 定 は 相 Ħ 繿 当 位 K 摫 网 項酸 4 定 7 寸 匹 ځ 直 る Ħ H K 定 定 婴 M わ 欧 ψ. 寸 N Ŋ 方 る 6 る 閩 0 希 判 园 定 協 氅 政 奎 定 VC 項 K 专 っ 於 対 米 る 北 项

U 田 T 行政 Ø 定 を 日 Ħ Ø Ξ 方 出 は 七 月

を開始したいと申し越しました

え ځ 改 吏 た Å で 水 双 為 方 見 月 K っ 查 近 旬 目 웇 つ て 充 滑 Λ分 媙 K 内 行政 Ø 変 身 Ø 方 け Ø 力必 変 取 な 9 Ø VC 子 K

新協定は つて 式 合理

の <sup>®</sup>

V

团

定 的用と本

為

3 浆 行適 な 当の

剪

#### IN CONFIDENCE

RECORD OF THE MEETING OF SEPTEMBER 28, 1953 FOR THE MEGOTIATIONS TO AMEDIA ARTICLE XVII OF THE ADMINISTRATIVE ACRESSED UNDER ARTICLE III OF THE SUCCESSFY TREATY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

The following principal representatives were present:

#### Japan

#### United States

Mr. Koto Matsudaira, Foreign Office Mr. Takeso Shimoda, Foreign Office Mr. Kujiro Izeki, Foreign Office Mr. Kijiro Miyake, Foreign Office Mr. Satoru Takahashi, Foreign Office Mr. Takeshi Yasukawa, Foreign Office Mr. Minoru Takah, Ministry of Justice Mr. J. Graham Parsons, American Embassy Brigadier General C. W. Christenberry, FEC Mr. Jules Emssin, American Embassy Hautement Colomel Alan B. Todd, AFFE Major J. K. Hickey, FEAF Major A.J.W. Jackson, FEAF

Mr. Kenjiro Nishimura, Legislation Buresu, Primo Minister's Office

#### Secretarist

Mr. R. B. Finn, American Embessy Mr. M. Mishibori, Foreign Office

### Observers for the Commonwealth Missions in Japan

Mr. H.A.H. Cortensi, British Embassy Mr. B. R. Asttie, Canadian Embassy Mr. N.S. Currie, Australian Embassy Mr. R. M. Miller, New Zealand Legation

The meeting was called to order at 3:25 pm by Mr. Noto Matsudaira,
Chairman. Mr. Matsudaira in his opening remarks extended a cordial
welcome to those present for the surpose of drafting an agreement to revise the criminal jurisdiction provisions of the Administrative Agreement
and referred

#### IN CONFIDENCE

#### IN CONFIDENCE

and referred to the importance of such revision in the relationship between Japan and the United States. Mr. Farsons responded by expressing his sincere appreciation, not only for himself but for his colleagues as well, for these friendly words of welcome, and stated that the significance of the occasion lay in the fact that the representatives of both sides have before them the opportunity to make a valuable contribution to the existing good relations between our two countries.

- 2 -

Mr. Matsudaira: As Chairman of today's meeting I should like to open the discussions by stating that the Japanese side is now ready to proceed with the business at hand which concerns the amendment of Article XVII of the Administrative Agreement.

Mr. Parsons: The American side is also ready to proceed.

Mr. Matgudaira: Would the American side care to make any statement at this time?

Mr. Parsons: I believe it would serve a very helpful purpose if I were to summarize briefly the developments leading to this afternoon's meeting. I should like to refer first to the Japanese Note of April 14, 1953 from Foreign Kinister Ckazaki to Ambassador Murphy, including a proposed Protocol to amend Article XVII of the Administrative Agreement between the United States and Japan. (Appendix I). The American reply contained in the Note of April 16, 1953 from Ambassador Murphy to Foreign Minister Ckazaki indicated that the United States would conclude with Japan an agreement on criminal jurisdiction similar to the corresponding

IN CONFIDENCE

#### IN CONFIDENCE

- 3 -

corresponding provisions of the North Atlantic Treaty Status of Forces Agreement upon the coming into force of the latter with respect to the United States. (Appendix II). In an American Embassy Note dated August 18, 1953, Ambassador Allison informed the Foreign Minister of Japan that the North Atlantic Trooty Status of Forces Agreement would become effective 30 days after the United States deposited its instrument of ratification to that agreement. This deposit took place on July 24, 1953. Ambassador Allison also stated that the United States was prepared to use the draft Protocol enclosed in the Japanese Note of April 14, 1953 as a basis for the immediate initiation of negotiations for an agreement on criminal jurisdiction. The American side made certain proposals for changes in the draft Protocol of April 14 and included additional proposals for the official minutes to the Protocol. (Appendix III). Thus the Japanese Note of April 14, 1953 and the American Note of August 18, 1953 contained the basic positions of both sides. Informal discussions were them begun to reconcile the drafts. I therefore believe that we are now in a position formally to record our understandings reached after these discussions.

Mr. Matsudaira: I wish to put before this group a draft Protocol to amend Article XVII of the Administrative Agreement dated September 18, 1953 and also wish to put before this group a draft of the same date containing the agreed official minutes regarding the Protocol to amend Article XVII of the Administrative Agreement. (Appendix IV). These

#### IN CONFIDENCE

may be considered as the reconciled drafts. May I understand that these drafts of September 18, 1953 are acceptable to the American side?

=4=

Mr. Farage: We have just completed an examination of the draft Protocol of September 18 and the draft agreed official minutes of the same date, and I am able to confirm that these drafts are acceptable to the United States side.

Mr. Mateudaira: These drafts are also acceptable to the Japanese side. Does the American representative wish to make a statement concerning the United States proposal to delete the phrase "when the rules of the court permit", which appears in Article VII, Paragraph 9 (g) of the North Atlantic Treaty Status of Forces Agreement?

Mr. Persons: You. The United States proposal to delete the phrase "when the rules of the court persit", which appears in Article VII, peragraph 9 (g) of the North Atlantic Treaty Status of Forces Agreement, is based on the resolution of the United States Senate at the time it gave its advice and consent to the retification of such agreement. I am authorized to state that although the United States will not seek to revise any formal agreement entered into with countries of the North Atlantic Treaty Organization on the subject, it will, pursuant to the Senate resolution, seek to make such arrangements as to assure the attendance of United States representatives at every trial of a person subject to United States military law before a court of any of the countries of the North Atlantic Treaty Organization.

Mr. Mateudaira

#### IN CONFIDENCE

#### IN CONFIDENCE

- 5 -

Mr. Matsudaira: Thank you.

Mr. Parsons: I should also like to make a statement for the record concerning Paragraph 11 of the Protocol. Paragraph 11 of the Protocol provides as follows:

"In the event of hostilities to which the previsions of Article XXIV of this Agreement apply, either Japan or the United States shall have the right, by giving sixty days! notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, Japan and the United States shall immediately consult with a view to agreeing on suitable provisions to replace the previsions suspended."

In connection with these provisions I wish to state on behalf of my Government that the United States declares its intention in the event of hostilities to which the provisions of Article IXIV of this Agreement apply, to seek exclusive jurisdiction over its forces in Japan.

In this regard I wish to say that the current situation in Korea is not deemed by the United States to afford a basis for invoking the "hostilities clauses" set out above. Furthermore, the United States does not consider that the current situation in Korea affords to other countries whose forces have been lighting in Korea a sufficient basis for seeking exclusive jurisdiction in Japan under provisions similar to those set out above. I am also authorised to state that the United States would not support the effort by any nation to obtain exclusive jurisdiction

#### IN CONFIDENCE

#### IN CONFIDENCE

-6-

jurisdiction in Japan under "hostilities clausee" similar to those set out above in a situation in which the United States Government did not deem it appropriate to request that United States Forces in Japan be placed under the exclusive jurisdiction of United States authorities.

<u>Hr. Matsudelra:</u> The Japanese side takes note of the foregoing two statements made by the American side.

Mr. Parsons: Would the Japanese representative care to suggest the time and place for the signing of the Frotocol and the agreed minutes?

Mr. Matsudeira: I suggest that the signing ceremonies take place at the Foreign Office on September 29 at 0845 hours.

Mr. Parsons: This is acceptable.

The mosting adjourned at 3:40 p.m., September 28, 1953.

Signed)

( Signed)

Koto Matsudaira Special Assistant to the Minister for Foreign Affairs J. Graham Parsons Counselor of Embassy

September 28, 1953. Tokyo.

IN CONFIDENCE

Appendix I

Confidential

10/30/16/66

(Translation)

April 14, 1953.

Monsieur l'Ambassadeur,

As Your Excellency is eware, paragraph 1. of Article XVII of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America stipulates that "Upon the coming into force with respect to the United States of the "Agreement between the Parties of the North Atlantic Treaty regarding the Status of their Forces", signed at London on June 19, 1951, the United States will immediately conclude with Japan, at the option of Japan, an agreement on criminal jurisdiction similar to the corresponding provisions of that Agreement", and peragraph 5. of the said Article stipulates, inter alia, that "In the event the said North Atlantic Treaty Agreement has not come into effect within one year from the effective date of this Agreement, the United States will, at the request of the Japanese Government, reconsider the subject of jurisdiction over offenses committed in Japan by members of the United States armed forces, the civilian component and their dependents."

His Excellency
Mr. Robert Murphy,
Ambassador Extraordinary and Flenipotentiary
of the United States of America,
T o k y o

- 2 -

In view of the progress of the deliberations in the Senate of the United States of the North Atlantic Treaty Agreement, I have the honour to notify Your Excellency that the Government of Japan is desirous of concluding with the Government of the United States, by virture of the provisions of paragraph 1. of the said Article XVII, an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Agreement immediately upon its coming into force with respect to the United States. I wish this note to be regarded, in due course of time, as the notification to the Government of the United States of such option of Japan to conclude a new agreement as is mentioned in the said paragraph 1. The draft of such an agreement that Japan proposes to conclude is attached hereto.

I wish further to inform Your Excellency that if the entry into force of the North Atlantic Treaty Agreement with respect to the United States should be delayed, the Government of Uapan, by virture of the provisions of paragraph 51 of Article XVII of the Administrative Agreement, would request the Government of the United States to reconsider the subject of criminal jurisdiction with a view to revising the said Article.

2. I should like to take this opportunity to clarify the position of the Government of Japan regarding the revision of other provisions of the Administrative Agreement, stating that it may, in due time, take steps as it deems necessary in accordance with the provisions of Article XXVIII of the Agreement.

I avail myself of this occasion to renew to Your Excellency,
Monsieur l'Ambassadeur, the assurance of my highest consideration.

Katsuo Okazaki

Minister for Foreign Affairs

( Draft )

FROTOCOL TO AMEND ARTICLE XVII OF THE ADMINISTRATIVE AGREEMENT UNDER ARTICLE IXI OF THE SECURITY TREATY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Whereas the "Agreement between the Parties to the North Atlantic
" - Treaty regarding the Status of their Forces", signed at London on
June 19, 1951, is to come into force on , 1953 with respect
to the United States of America; and

Whereas Japan desires to conclude with the United States of america an agreement on criminal jurisdiction similar to the corresponding provisions of the said Agreement in accordance with the provisions of paragraph 1. of Article XVII of the Administrative Agreement, signed at Tokyo on February 28, 1952, under Article III of the Security 7 Treaty between Japan and the United States of America;

Now the Governments of Japan and the United States of America have agreed that the existing provisions Article XVII of the said administrative Agreement shall be abrogated and substituted by the following provisions:

#### ARTICLE XVII

- 1. Subject to the provisions of this Article,
- (a) the authorities of Japan shall have jurisdiction over the members of the United States armed forces or of the civilian component thereof and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

til mi**ffly**ary

- 2 -

- (b) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;
- 2. (a) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces or of the civilian component thereof and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.
  - (b) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.
- (c) For the purposes of this paragraph and of paragraph 3 of this
  Article a security offense against a State shall include
  - (i) treason against the State:
  - (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.
- 3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:
  - (a) The military authorities of the United States shall have the primary right to exercise jurisdiction over a member

of the United States armed forces or of the civilian component thereof in relation to

- (i) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the United States armed forces or of the civilian component thereof or a dependent;
- (ii) offenses arising out of any act or omission done in the performance of official duty.
- (b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.
- (c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.
- 4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.
- 5. (a) The authorities of Japan and the military authorities of the United States shall assist each other in the arrest of members of the United States armed forces or of the civilian component thereof

or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with

the above provisions.

(b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces or of the civilian component thereof or a dependent.

- (c) The custody of a suspect member of the United States armed forces or of the civilian component thereof over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is changed by Japan.
- 6. (a) The authorities of Japan and the military authorities of the United States shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.
- (b) The authorities of Japan and the military authorities of the United States shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.
- 7. (a) A death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.

- (b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this Article within the territory of Japan.
- 8. Where an accused has been tried in accordance with the provisions of this article either by the authorities of Japan or by the military authorities of the United States and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State. However, sothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.
- 9. Whenever a member of the United States armed forces or of the civilian component thereof or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:
  - (a) to a prompt and speedy trial;
  - (b) to be informed, in advance of trial, of the specific charge or charges made against him;
  - (c) to be confronted with the witnesses against him;
  - (d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of Japan;

- (e) to have defense counsel of his own choice for his defense or to have free or assisted defense counsel under the conditions prevailing for the time being in Japan;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the government of the United States and, when the rules of the court permit, to have such a representative present at his trial.
- 10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under Article 2 of this Agreement, The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.
- (b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

- 7 -

The present Protocol shall come into effect on the date of the entry into force with respect to the United States of America of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces.

In witness whereof the representatives of the two Governments, duly authorized for the purpose, have signed the present Protocol.

Done at Tokyo, in duplicate, in the Japanese and English languages, both texts being equally authentic, this of

, 1953.

For the Government of Japan:

For the Government of the United States of America:

## 秘密指定解除

#### COMFIDENTIAL

Official Agreed Minutes regarding Protocol to Amend Article XVII of the Administrative Agreement between Japan and the United State of America

Re paragraph 1 (b) and paragraph 2 (b):

The scope of persons subject to the military law of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

Re paragraph 2 (c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions covering such offenses in the existing laws of their respective countries.

Re paragraph 3 (c):

- 1. Request for waiver of the primary right to exercise jurisdiction shall be made through the Joint Committee;
- 2. Offenses over which the Japanese authorities have waived primary jurisdiction and offenses of paragraph 3 (a) (ii) committed against the State or nationals of Japan shall be tried in Japan by a competent military tribunal of the United States if so requested by the Japanese authorities;
- 3. Such trials shall be held promptly within a reasonable distance from the places where the offenses are alleged to have taken place and the representatives of the Japanese authorities may be present at such trials.

Appendix II

No. 1969

American Embassy,

Tokyo, April 16, 1953.

#### Excellency:

I have the honor to acknowledge your Note of April 14, 1953, informing me that the Government of Japan, pursuant to paragraph 1 of Article XVII of the Administrative Agreement between the United States and Japan, is desirous of concluding with the Government of the United States an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement. I further acknowledge receipt of the Japanese proposed draft for such an agreement. Your Excellency's Note under acknowledgment also refers to Article XVII, paragraph 5 of the said Administrative Agreement and informs me that if the entry into force of the said North Atlantic Treaty Agreement should be delayed, with respect to the United States, then the Government of Japan would request the Government of the United States to reconsider the subject of criminal jurisdiction with a view to revising such article.

Pursuant to the terms of paragraph 1 of Article XVII of the Administrative Agreement, the United States will conclude with Japan an agreement on criminal jurisdiction similar to the corresponding

His Excellency

Katsuo Okazaki,

Minister for Foreign Affairs,

Tokyo.

- 2 -

corresponding provisions of the North Atlantic Treaty Status of Forces Agreement, upon the coming into force of the latter with respect to the United States. Accordingly, I am glad to have the benefit of the draft protocol attached to Your Excellency's Note, which, together with the Note, has been forwarded to my Government. The draft protocol should serve a very useful purpose in the event of circumstances which would bring into operation the provisions of paragraph 1 of Article XVII of the Administrative Agreement.

With regard to the Statement in Your Excellency's Note that the Government of the United States would be requested to reconsider the subject of criminal jurisdiction in the event of delay in the entry into force of the above mentioned North Atlantic Treaty with respect to the United States, I wish to assure Your Excellency that in those circumstances any such request by the Japanese Government will be given careful attention by my Government, in the light of those factors giving rise to such delay.

I note your statement that the Government of Japan may, in due course, take such steps as it may deem necessary in accordance with the provisions of Article XXVIII of the Administrative Agreement to seek other revisions of this Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

(Signed) Robert Murphy

Appendix II

No. 1969

American Embassy, Tokyo, April 16, 1953.

#### Excellency:

ę.,

I have the honor to acknowledge your Note of April 14, 1953, informing me that the Government of Japan, pursuant to paragraph 1 of Article XVII of the Administrative Agreement between the United States and Japan, is desirous of concluding with the Government of the United States an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement. I further acknowledge receipt of the Japanese proposed draft for such an agreement. Your Excellency's Note under acknowledgment also refers to Article XVII, paragraph 5 of the said Administrative Agreement and informs me that if the entry into force of the said North Atlantic Treaty Agreement should be delayed, with respect to the United States, then the Government of Japan would request the Government of the United States to reconsider the subject of criminal jurisdiction with a view to revising such article.

Fursuant to the terms of paragraph 1 of Article XVII of the
Administrative Agreement, the United States will conclude with

Japan an agreement on criminal jurisdiction similar to the

corresponding

His Excellency

Katsuo Okazaki,

Minister for Foreign Affairs,  $T_{\text{okyo}}$ .

- 2 -

corresponding provisions of the North Atlantic Treaty Status of Forces Agreement, upon the coming into force of the latter with respect to the United States. Accordingly, I am glad to have the benefit of the draft protocol attached to Your Excellency's Note, which, together with the Note, has been forwarded to my Government. The draft protocol should serve a very useful purpose in the event of circumstances which would bring into operation the provisions of paragraph 1 of Article XVII of the Administrative Agreement.

With regard to the Statement in Your Excellency's Note that the Government of the United States would be requested to reconsider the subject of criminal jurisdiction in the event of delay in the entry into force of the above mentioned North Atlantic Treaty with respect to the United States, I wish to assure Your Excellency that in those circumstances any such request by the Japanese Government will be given careful attention by my Government, in the light of those factors giving rise to such delay.

I note your statement that the Government of Japan may, in due course, take such steps as it may deem necessary in accordance with the provisions of Article XXVIII of the Administrative Agreement to seek other revisions of this Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

(Signed) Robert Murphy

Appendix II

No. 1969

American Embassy, Tokyo, April 16, 1953.

#### Excellency:

I have the honor to acknowledge your Note of April 14, 1953, informing me that the Government of Japan, pursuant to paragraph 1 of Article KVII of the Administrative Agreement between the United States and Japan, is desirous of concluding with the Government of the United States an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement. I further acknowledge receipt of the Japanese proposed draft for such an agreement. Your Excellency's Note under acknowledgment also refers to Article EVII, paragraph 5 of the said Administrative Agreement and informs me that if the entry into force of the said North Atlantic Treaty Agreement should be delayed, with respect to the United States, then the Government of Japan would request the Government of the United States to reconsider the subject of criminal jurisdiction with a view to revising such article.

Pursuant to the terms of paragraph 1 of Article XVII of the Administrative Agreement, the United States will conclude with Japan an agreement on criminal jurisdiction similar to the corresponding

His Excellency

Katsuo Okazaki,

Minister for Foreign Affairs, Tokyo. - 2 -

corresponding provisions of the North Atlantic Treaty Status of Forces Agreement, upon the coming into force of the latter with respect to the United States. Accordingly, I am glad to have the benefit of the draft protocol attached to Your Excellency's Note, which, together with the Note, has been forwarded to my Government. The draft protocol should serve a very useful purpose in the event of circumstances which would bring into operation the provisions of paragraph 1 of Article XVII of the Administrative Agreement.

With regard to the Statement in Your Excellency's Note that
the Government of the United States would be requested to reconsider
the subject of criminal jurisdiction in the event of delay in the
entry into force of the above mentioned North Atlantic Treaty with
respect to the United States, I wish to assure Your Excellency that
in those circumstances any such request by the Japanese Government
will be given careful attention by my Government, in the light of
those factors giving rise to such delay.

I note your statement that the Government of Japan may, in due course, take such steps as it may deem necessary in accordance with the provisions of Article XXVIII of the Administrative Agreement to seek other revisions of this Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

(Signed) Robert Murphy

No. 1969

BARRESON :

Appendix II

American Embassy,

Tokyo, April 16, 1953.

#### Excellency:

I have the honor to acknowledge your Note of April 14, 1953, informing me that the Government of Japan, pursuant to paragraph 1 of Article XVII of the Administrative Agreement between the United States and Japan, is desirous of concluding with the Government of the United States an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement. I further acknowledge receipt of the Japanese proposed draft for such an agreement. Your Excellency's Note under acknowledgment also refers to Article XVII, paragraph 5 of the said Administrative Agreement and informs me that if the entry into force of the said North Atlantic Treaty Agreement should be delayed, with respect to the United States, then the Government of Japan would request the Government of the United States to reconsider the subject of criminal jurisdiction with a view to revising such article.

Fursuant to the terms of paragraph 1 of Article XVII of the Administrative Agreement, the United States will conclude with Japan an agreement on criminal jurisdiction similar to the corresponding

His Excellency

Katsuo Okazaki,

Minister for Foreign Affairs,
Tokyo.

- 2 -

corresponding provisions of the North Atlantic Treaty Status of Forces Agreement, upon the coming into force of the latter with respect to the United States. Accordingly, I am glad to have the benefit of the draft protocol attached to Your Excellency's Note, which, together with the Note, has been forwarded to my Government. The draft protocol should serve a very useful purpose in the event of circumstances which would bring into operation the provisions of paragraph 1 of Article XVII of the Administrative Agreement.

With regard to the Statement in Your Excellency's Note that
the Government of the United States would be requested to reconsider
the subject of criminal jurisdiction in the event of delay in the
entry into force of the above mentioned North Atlantic Treaty with
respect to the United States, I wish to assure Your Excellency that
in those circumstances any such request by the Japanese Government
will be given careful attention by my Government, in the light of
those factors giving rise to such delay.

I note your statement that the Government of Japan may, in due course, take such steps as it may deem necessary in accordance with the provisions of Article XXVIII of the Administrative Agreement to seek other revisions of this Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

. (Signed) Robert Murphy

Appendix III

American Embassy,

No. 202

Tokyo, August 18, 1953.

#### Excellency:

I have the honor to refer to your note of April 14, 1953 with which were enclosed a draft of a protocol on criminal jurisdiction and a draft of official minutes regarding the protocol which Japan proposes to conclude with the United States upon the coming into force of the Agreement between the Parties to the North Atlantic Treaty regarding the status of their forces.

On July 24, 1953 the United States deposited its instrument of ratification of the North Atlantic Treaty Status of Forces Agreement. Article XVIII of the Agreement provides that thirty days after four signatory states have deposited their instruments of ratification the Agreement shall come into force between them. France, Norway and Belgium have already deposited their ratification. Consequently the North Atlantic Treaty Status of Forces Agreement will come into force with respect to the United States thirty days after the deposit of the United States ratification.

My Government is prepared to use the draft of the protocol enclosed with your note of April 14, 1953 as the basis for the immediate initiation of negotiations for an agreement on criminal jurisdiction. Proposals of my Government for changes in the draft protocol are enclosed. With respect to the official minutes my Government has prepared a draft which incorporates all except one of the Japanese proposals for the official minutes and which includes

His Excellency

Katsuo Okazaki,

Minister for Foreign Affairs,

Tokyo.

-2-

includes a number of additional proposals. My Government suggests that its draft, which is enclosed, be used as the basis for reaching an agreement on the official minutes.

My Government wishes to state that immediately following the conclusion of the agreement for revision of Article XVII of the Administrative Agreement, negotiation of the United Nations Status of Forces Agreement should be completed. It is the position of my Government that criminal jurisdiction arrangements corresponding to those ultimately concluded with respect to United States forces should also be made applicable to the United Nations forces in Japan.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

John M. Allison

#### Enclosures:

- 1. U.S. proposals for changes in the draft protocol.
- U.S. draft of agreed official minutes regarding the protocol.

### 秘密指定解除

#### IN CONFIDENCE

UNITED STATES PROPOSALS FOR CHANGES IN THE DRAFT PROTOCOL TO AMEND ARTICLE KVII OF THE ADMINISTRATIVE AGREEMENT PROPOSED BY

THE JAPANESE GOVERNMENT ON APRIL 14, 1953

- (1) In the first clause of the preamble the phrase "is to come into force" should be changed to read "came into force".
- (2) In the third clause of the preamble the word "of" should be inserted between the words, "existing provisions", and the words, "Article XVII", and the ending of the clause should be changed to read: "...shall be abrogated and the following provisions shall be substituted:"
- (3) In paragraphs 1 and 2, the order of the (a) and (b) sub-paragraphs should be reversed to conform with the NATO agreement.
- (4) In paragraphs 1,2,3, 5 and 9 the phrase "or of the civilian component thereof" should be changed to read ", the civilian component," to conform with other articles of the Administrative Agreement.
- (5) In sub-paragraph (a) of paragraph 3, the phrase "a member of the United States armed forces, or of the civilian component thereof" should be changed to read "members of the United States armed forces, the civilian component, and their dependents".

COMMENT: The above proposal would differ from the Japanese proposal only to the extent of making clear that the United States military authorities have the primary right to exercise jurisdiction over dependents for offenses solely against United States property or the person or property of another member of the United States armed forces, the civilian component or a dependent. By virtue of paragraph 4 of the Protocol members of the armed forces, the civilian component and their dependents over whom the United States may exercise jurisdiction do not include persons

#### IN CONFIDENCE

who are nationals of or ordinarily resident in Japan except persons who are dual nationals.

- (6) In paragraph 5(c) the words "a suspect member" should be changed to read "an accused member" to conform with the NATO agreement, and the phrase "or a dependent" should be inserted after the words "civilian component".
- (7) In paragraph 9(e) the words "defense counsel" should be changed to read "legal representation" in 2 places to conform with NATO.
- (8) In paragraph 9(g) delete the clause, "when the rules of the court permit".
- (9) The following paragraph should be added as paragraph 11 of the draft

"11. In the event of hostilities in the Japan area either Japan or the United States shall have the right, by giving 60 days! notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, Japan and the United States shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended."

COMMENT: The above paragraph is similar to Article XV of the NATO Status of Forces Agreement, which is part of the criminal jurisdiction provisions of the NATO agreement. Consequently, in accordance with the first paragraph of Article XVII of the Administrative Agreement, the above paragraph should be included in an agreement with Japan on criminal jurisdiction.

who

#### IN CONFIDENCE

(10) The paragraph on the effective date of the Protocol should be deleted and the following paragraph substituted:

"The present Protocol shall come into effect thirty days after the date of its signing,"

#### IN CONFIDENCE

### OFFICIAL MINUTES REGARDING PROTOCOL TO AMEND ARTICLE XVII OF THE ADMINISTRATIVE AGREEMENT

(Based on Japanese draft Protocol revised in accordance with U.S. proposals. for change)

Re paragraph 1(a) and paragraph 2(a)

The scope of persons subject to the military law of the
United States shall be communicated, through the Joint Committee,
to the Government of Japan by the Government of the United States.
Re paragraph 2(c)

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

Re paragraph 3(a) (ii)

It is understood that as part of the normal cooperation between allies, the authorities of a force will decide as to whether or not an offense has been committed in the course of official duty.

Re paragraph 3(c)

It is understood that the Japanese Government does not desire to exercise its primary right to exercise jurisdiction over members of the United States armed forces, the civilian component, or their dependents, except in cases considered to be of particular importance to Japan.

The United States armed forces will investigate any criminal offense alleged to have been committed by members of the United States armed forces, the civilian component, or their dependents which may be brought to their attention

#### IN CONFIDENCE

-2-

by the competent Japanese authorities or which the United States authorities may find to have taken place and take appropriate punitive action with respect thereto. Where a case is considered to be of particular importance to the Japanese Government it shall notify the United States authorities of its desire to exercise jurisdiction in the case. This notification shall be made in such form, by such authorities and within such time as the Joint Committee may prescribe.

Trials of cases in which the Japanese authorities have waived primary jurisdiction, and trials of cases involving offenses described in paragraph 3(a) (ii) committed against the state or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed. Representatives of the Japanese authorities may be present at such trials.

#### Re paragraph 4

撤出。

It is understood that by virtue of the provisions of Article I of
the Administrative Agreement, dual nationals, United States and
Japanese, who are brought to Japan by the United States shall
not be considered as nationals of Japan, but shall be considered
as United States nationals for purposes of this paragraph.

Re paragraph 5(a)

Upon the arrest by Japan of a member of the United States armed forces, the civilian component, or a dependent, the authorities of Japan shall transfer custody of such person to the military authorities

#### IN CONFIDENCE

-3-

authorities of the United States. In cases where Japan has the primary right to exercise jurisdiction the United States will retain custody unless notified that the authorities of Japan consider the case to be of particular importance and desire to exercise jurisdiction. In these exceptional cases in which the Japanese authorities wish to exercise jurisdiction, the United States military authorities will retain custody of such person until he is charged by Japanese authorities, at which time the United States military authorities will on request transfer custody of such person to the Japanese authorities. The United States authorities undertake to give the Japanese authorities access at any time to such persons while in the custody of the United States.

#### Re paragraph 5(b)

The military authorities of the United States shall promptly notify the authorities of Japan of the arrest of any member of the United States armed forces; the civilian component or one of their dependents in any case in which Japan has the primary right to exercise jurisdiction.

#### Re paragraph 9

The rights enumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by provisions of the Japanese Constitution. In

addition

Ø.

-4-

addition to these rights, a member of the United States armed forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution.

- (a) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel;
- (b) He shall enjoy the right to a public trial by an impartial tribunal;
- (c) He shall not be compelled to testify against himself;
- (d) He shall be permitted full opportunity to examine all witnesses;
- (e) No cruel punishments shall be imposed upon him.
  United States authorities shall have the right upon request to have access at any time to members of the United States forces, the civilian component, or their dependents who are confined in Japanese prisons.

Re paragraphs

-5-

IN CONFIDENCE

Re paragraphs 10 (a) and 10 (b)

It is understood that the U.S. authorities will normally make all arrests within facilities and areas in use by the U.S. armed forces. Where persons whose arrest is desired by Japanese authorities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested by the United States military authorities who are not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

The United States military authorities may arrest in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

It is understood that the Japanese authorities will normally not exercise the right of search or seizure with respect to any persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armed forces wherever situated. Where search or seizure with respect to persons or property within facilities and

areas

#### IN CONFIDENCE

-6-

areas in use by the United States armed forces or with respect to property of the United States armed forces in Japan is desired by Japanese authorities, the United States authorities will undertake, upon request, to make such search and seizure. In the event of a judgment concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

#### Re paragraph 11

7.

The United States declares its intention in the event of hostilities in the Japan area to seek exclusive jurisdiction over its forces in Japan.

COMMENT: The United States made a similar declaration of intention to seek exclusive jurisdiction in the event of hostilities at the time of the negotiation of the NATO Status of Forces Agreement. This statement forms part of the record of the negotiation.

#### Re the effective date of the Protocol

The provisions of the Protocol shall not apply to any offenses committed before the effective date of the Protocol. Such offenses shall be governed by the provisions of Article XVII of the Administrative Agreement as it existed prior to the coming into effect of the Protocol.

Appendix IV

#### CONFIDENTIAL

Reduction Draft September 18, 1953

(DRAFT)

PROTOCOL TO AMEND ARTICLE XVII OF THE ADMINISTRATIVE AGREEMENT UNDER ARTICLE III OF THE SECURITY TREATY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN

Whereas the "Agreement between the Parties to the North Atlantic Treaty Pregarding the Status of their Forces", signed at London on June 19, 1951, came into force on August 23, 1953 with respect to the United States of America; and

Whereas Japan desires to conclude with the United States of America an agreement on criminal jurisdiction similar to the corresponding provisions of the said Agreement in accordance with the provisions of paragraph 1 of Article XVII of the Administrative Agreement, signal at Tokyo on February 28, 1952, under Article III of the Security Treaty between the United States of America and Japan;

Now the Governments of the United States of /merica and Japan have agreed that the existing provisions of Article XVII of the said Administrative Agreement shall be abrogated and the following provisions shall be substituted:

#### ARTICLE XVII

- 1. Subject to the provisions of this Article.
- (a) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;
- (b) the authorities of Japan shall have jurisdiction over the nembers of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

- 2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.
- (b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces, the civilian component, and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.
- (c) For the purposes of this paragraph and of paragraph 3 of this article a security offense against a State shall include
  - (i) treason against the State;
  - (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.
- 3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:
- (a) The military authorities of the United States States shall have the primary right to exercise jurisdiction over members of the United States armed forces or the civilian component in relation to
  - (i) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the United States armed forces or the civilian component or of a dependent;
  - (ii) offenses arising out of any act or omission done in the

#### CONFIDENTIAL

- 3 -

#### performance of official duty.

- (b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.
- (c) If the State having the primary right decides not to exercise purisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other state for a waiver of its right in cases where that other State considers such waiver to be of particular importance.
- 4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.
- 5. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the arrost of members of the United States armed forces, the civilian component, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.
- (b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces, the civilian component, or a dependent.
- (c) The custody of an accused member of the United States armed forces or the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United

- 4 -

States until he is charged by Japan.

- 6. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of F- evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.
  - (b) The military authorities of the United States and the authorities of Japan shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.
  - 7. (a)  $\hat{a}$  death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.
  - (b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this article within the territory of Japan.
  - 8. More an accused has been tried in accordance with the provisions of this article either by the military authorities of the United States or the authorities of Japan and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried

## CONFIDENTIAL

- 5 -

again for the same offense within the territory of Japan by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or mission which constituted an offense for which he was tried by the authorities of Japan.

- 9. Whenever a member of the United States a med forces, the civilian component or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:
  - (a) to a prompt and speedy trial;
  - (b) to be informed, in advance of trial, of the specific charge or charges made against him;
  - (c) to be confronted with the witnesses against him;
  - (d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of Japan;
  - (e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;
  - if he considers it necessary, to have the services of a competent interpreter; and
  - (g) to communicate with a representative of the government of the United States and to have such a representative present at his trial.

- 10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under article 2 of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.
- (b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

11. In the event of hostilities to which the provisions of Article
XXIV of this agreement apply, either the United States or Japan shall have
the right, by giving sixty days! notice to the other, to suspend the application of any of the provisions of this article. If this right is exercised,
the United States and Japan shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

The present Protocol shall come into effect thirty days after the date of its signing.

In witness whereof the representatives of the two Governments, duly authorized for the purpose, have signed the present Protocol.

Done at Tokyo, in duplicate, in the English and Japanese languages, both texts being equally authentic, this of , 1953.

For the Government of the United States of America:

Gor the Government of Japan:

## CONFIDENTIAL

Reduction Draft September 18, 1953

AGREED OFFICIAL MINUTES REGARDING PROTOCOL TO AMEND ARTICLE XVII OF THE ADMINISTRATIVE AGREEMENT

Re paragraph 1 (a) and paragraph 2 (a):

The scope of persons subject to the military law of the United States shall be communicated, through the Joint Committee, to The Government of Japan by the Government of the United States.

Re paragraph 2 (c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

Re paragraph 3(a) (ii):

Where a member of the United States armed forces or the civilian component is charged with an offense, a certificate issued by or on behalf of his commanding officer stating that the alleged offense, if committed by him, arose out of an act or omission done in the performance of official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

The above statement shall not be interpreted to prejudice in any way article 318 of the Japanese Code of Criminal Procedure. Re paragraph 3 (c):

 Mutual Procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Committee. 2. Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offenses described in paragraph 3(a) (ii) committed against the state or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

## Re paragraph 4:

7

Dual nationals, United States and Japanese, who are subject to the military law of the United States and are brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered as United States nationals for the purposes of this puragraph.

## Re paragraph 5:

1. In case the Japanese authorities have arrested an offender who is a member of the United States armed forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will, unless they deem that there is adequate cause and necessity to retain such offender, release him to the custody of the United States military authorities provided that he shall, on request, be made available to the Japanese authorities, if such be the condition of his release. The United States authorities shall, on request, transfer his custody to the Japanese authorities at the time he is indicted by the latter.

- 3 -

2. The United States military authorities shall promptly notify the Japanese authorities of the arrest of any member of the United States armed forces, the civilian component or a dependent in any case in which Japan has the primary right to exercise jurisdiction. Re paragraph 9:

- 1. The rights enumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by the provisions of the Japanese Constitution. In addition to these rights, a member of the United States armed forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution.
- (a) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel;
- (b) He shall enjoy the right to a public trial by an impartial tribunal:
- (c) He shall not be compelled to testify against himself;
- (d) He shall be permitted full opportunity to examine all witnesses;
- (e) No cruel punishments shall be imposed upon him.

2.

3. Nothing in the provisions of paragraph 9(g) concerning the presence of a representative of the United States Government at the trial of a member of the United States armed forces, the civilian component or a dependent prosecuted under the jurisdiction of Japan, shall be so construed as to prejudice the provisions of the Japanese Constitution with respect to public trials.

Re paragraph 10(a) and 10(b):

7

1. The United States military authorities will normally make all arrests within facilities and areas in use by and guarded under the authority of the United States armed forces. This shall not preclude the Japanese authorities from making arrests within facilities and areas in cases where the competent authorities of the United States armed forces have given consent, or in cases of pursuit of a flagrant offender who has committed a serious crime.

There persons whose arrest is desired by the Japanese authorities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested by the United States military authorities, who are not subject to the jurisdiction of the United States armed forces, shall immediately be turned over to the Japanese authorities.

The United States military authorities may, under due process of law, arrest in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

2. The Japanese authorities will normally not exercise the right of search, seizure, or inspection with respect to any persons or property within facilities and areas in use by and guarded under the authority of the United States armed forces or with respect to property of the United States armed forces wherever situated, except in cases where the competent authorities of the United States armed forces consent to such search, seizure, or inspection by the Japanese authorities of such persons or property.

Where search, seizure, or inspection with respect to persons or property within facilities and areas in use by the United Stated armed forces or with respect to property of the United States armed forces in Japan is desired by the Japanese authorities, the United States military authorities will undertake, upon request, to make such search, seizure, or inspection. In the event of a judgment concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

Rc application of the Protocol:

The provisions of the Protocol shall not apply to any offenses committed before the coming into effect of the Protocol. Such cases shall be governed by the provisions of Article XVII of the Administra-

The

tive Agreement as it existed prior to the coming into effect of the Protocol.

(John M. Allison)

Ambassador Extraordinary and Plenipotentiary of the United States of America

(Katsuo Okazaki)

Minister for Foreign Affairs of Japan.

Tokyo, September , 1953

30030000000000

IN CONFIDENCE

DRAFT

Mr.

September 26, 1953,

1

RECORD OF THE MEETING OF NEGOTIATIONS TO AMEND ARTICLE XVII OF THE ADMINISTRATIVE AGREEMENT INDER ARTICLE III OF THE SECURITY TREATY BETWEEN JAPAN AND THE NITED STATES OF AMERICA

The following principal representatives were present:

## United States

Mr. J. Graham Parsons, American Embassy Brigadier General C.W. Christenberry, FEC Mr. Jules Bassin American Embassy Army representative Navy representative Air Force representative

## Observers for the Commonwealth Missions

#### Japan

Mr. Koto Matsudaira, Foreign Office Mr. Takezo Shimoda, Foreign Office

Mr. Yujiro Izeki, Foreign Office

Mr. Kijiro Miyake, Foreign Office Mr. Kenjiro Nishimura, Legislation Bureau

Mr. Minora Trada Ministry Prime Ministers Off Im Satory Takahasi

Mr. R. B. Finn, American Embassy Mr. M. Msibori , Foreign Office

Matsudaira: As Chairman of today's meeting I should like to open the discussions by stating that the Japanese side is now ready to proceed with the business at hand which concerns the amendment of Article XVII of the Administrative Agreement.

Mr. Parsons: The American side is ready to proceed.

Mr. Matsudaira: Would the American side care to make any statement at this time?

Mr. Parsons: I believe it would serve a very helpful purpose if I were to summarize briefly the developments leading to this morning meeting. I refer to the Japanese Note of April 14, 1953 from Foreign Minister Okazaki to Ambassador Murphy, including a proposed Protocol to amend Article XVII of the Administrative Agreement between the United States and Japan. (Appendix I). The American reply contained in the Note of April 16, 1953 from Ambassador Murphy to Foreign Minister Okazaki indicated that the United States would conclude with Japan an agreement on criminal jurisdiction similar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement upon the coming into force of the latter with respect to the United States. (Appendix II). In an American Embassy Note dated August 18, 1953, Ambassador

IN CONFIDENCE

Allison informed the Foreign Minister of Japan that the North Atlantic Treaty Status of Forces Agreement would become effective 30 days after the United States deposited its instrument of ratification to that agreement. Such deposit took place on July 24, 1953. Ambassador Allison also stated that the United States was prepared to use the draft Protocol enclosed in the Japanese Note of April 14, 1953 as a basis for the immediate initiation of negotiations for an agreement on criminal jurisdiction. The American side made certain proposals for changes in the draft Protocol of April 14, 1953 and included additional proposals for official minutes to the Frotocol. (Appendix III). Thus the Japanese Note of April 14, 1953 and the American Note of August 18, 1953 contained the basic positions of both sides. Informal discussions were then begun to reconcile the drafts. I therefore believe that we are in a position to formally record our understandings reached after these discussions.

Mr. Matsudaira: I wish to put before this group a draft Protocol to amend Article XVII of the Administrative Agreement dated September 18, 1953 and also wish to put before this group a draft of the same date containing the agreed official minutes regarding the Protocol to amend Article XVII of the Administrative Agreement (Appendix IV). May I understand that these drafts of September 18, 1953 are acceptable to the American side?

Mr. Parsons: I have just completed an examination of the Draft Protocol of September 18 and the draft agreed official minutes of the same date, and I book by to find that these drafts are acceptable to the U.S. side.

Mr. Matsudaira: These drafts are also acceptable to the Japanese side. Does the American representative wish to make a statement concerning the U.S. proposal to delete the phrase "when the rules of the court permit" which appears in Article VII, Paragraph 9 (g) of the North Atlantic Treaty Status of Forces Agreement?

Mr. Parsons: Yes. The United States proposal to delete the phrase "when the rules of the court permit", which appears in Article VII, paragraph 9 (g) of the North Atlantic Status of Forces Agreement, is based on the

IN CONFIDENCE

resolution of the United States Senate at the time it gave its advice and consent to the ratification of such agreement. I am authorized to state that although the United States will not seek to revise any formal agreement entered into with countries of the North Atlantic Treaty Organization on the subject, it will, pursuant to the Senate resolution, seek to make such arrangements as to assure the attendance of the United States representatives in every trial of a person subject to United States military law before a court of any of the countries of the North Atlantic Treaty Organization.

Mr. Matsudaira: Thank you.

Mr. Parsons: I should also like to make a statement for the record concerning Paragraph 11 of the Protocol. Paragraph 11 of the Protocol provides as follows:

"In the event of hostilities to which the provisions of
Article XXIV of this Agreement apply, either days the United States

"In fact the right, by giving sixty days notice to the other, to
suspend the application of any of the provisions of this Article. If
this right is exercised, days the United States shall immediately
consult with a view to agreeing on suitable provisions to replace the
provisions suspended."

In connection with these provisions I wish to state on behalf of my Government that the United States declares its intention in the event of hostilities to which the provisions of Article XXIV of this Agreement apply, to seek exclusive jurisdiction over its forces in Japan.

In this regard I wish to say that the current situation in Korea is not deemed by the United States to afford a basis for invoking the "hostilities clauses" set out above. Furthermore, the United States does not consider that the current situation in Korea affords to other countries whose forces have been fighting in Korea a sufficient basis for seeking exclusive jurisdiction in Japan under provisions similar to those set out above. I am also authorized to state that the United States would not support the effort by any nation to obtain exclusive jurisdiction in Japan under "hostilities"

## IN CONFIDENCE

IN CONFIDENCE

clauses" similar to those set out above in a situation in which the United States Government did not deem it appropriate to request that United States Forces in Japan be placed under the exclusive jurisdiction of United States authorities.

Mr. Matsudaira: The Japanese side takes note of the foregoing two statements made by the American side.

Mr. Parsons: Would the Japanese representative care to suggest the time and place for the signing of the Protocol and the agreed minutes?

Mr. Matsudaira: I suggest that the signing ceremonies take place at the Foreign Office on September at hours.

Mr. Parsons: This is acceptable.

The meeting adjourned at

J. Graham Parsons Counselor of Embassy

Koto Matsudaira
Special Assistant to the Foreign
Minister for Foreign Affaira

IN CONFIDENCE

September 25, 1953.

PECOND OF THE MESTING OF SEPTEMBER 23, 1952 FOR THE ECONTAGE S TO DEED ARTICLE BUILD OF THE ADMITTS PARTY OF UNDER ASSIGNMENT OF THE SEPTEMBER AND THE SEPTEMBER ASSIGNMENT OF THE SEPTEMBER ASSIGNMENT OF THE SEPTEMBER AS

The following principal representatives were present:

## United States

Japan

Mr. J. Graham Parsons, American Smbassy Brigadier General C. M. Christonberry, FSC Mr. Jules Basein, American Embassy Lieutenant Colonel Alan B. Todd, AFFE Major J. K. Hickey, FSAF Mr. Koto Metsudaire, Foreign Office Mr. Takezo Chimoda, Foreign Office Mr. Yujiro Ineki, Foreign Office Mr. Kijiro Miyake, Foreign Office Mr. Kr.

#### ecretarist

Ar. S. S. Finn, American Subassy Br. 4. Mishibori, Poreign Office

# Observers for the Commonwealth Missions in Japan

Mr. H. A. H. Cortazzi, British Embassy Mr. E. R. Rettie, Canadian Ambassy Mr. N. S. Currie, Australian Embassy

Mr. H. M. Miller, New Realand Legation

The meeting was called to order at p.m. by Mr. Noto Natsudairs, Chairman.

Mr. Natsudaira in his opening remarks extended a cordial welcome to those present
for the surpose of drafting an agreement to revise the criminal jurisdiction

revisi as of the Administrative Agreement and referred to the importance of
such revision in the relationship between Japan and the United States. Mr.

aroons responded by expressing his sincere appreciation, not only for himself but
for his colleagues as well, for the kind words of selecte, and stated that the
significance of the occasion lay in the fact that the representatives of both sides
have before them the opportunity to make a valuable contribution to the existing
friendly relations between our two countries.

or. Matsudairs: As Chairman of today's meeting I should like to open the discussions by stating that the Japanese side is now ready to proceed with the business at hand which concerns the amendment of Article WVII of the Administrative Agreement.

Mr. arsons: The American side is ready to proceed.

<u>Wr. Matendaira</u>: Would the American side care to make any statement at this time?

Mr. Parsons: I believe it would sorve a very helpful purpose if I were to summarise briefly the developments leading to this afternoon's meeting. I refer to the Japanese Note of April 14, 1953 from Foreign Minister Ukasaki to Ambassador Marphy, including a proposed Protocol to amend Article XVII of the Administrative Agreement between the United States and Japan. (Appendix I). The American reply contained in the Note of April 16, 1953 from Ambassador Murphy to Foreign Minister Okasaki indicated that the United otates would conclude with Japan an agreement on crisinal jurisdiction shallar to the corresponding provisions of the North Atlantic Treaty Status of Forces Agreement upon the coming into force of the latter with respect to the United States. (Ap andix II). In an American Embassy Note dated August 18, 1953, Ambaesador Allison informed the Foreign Minister of Japan that the North Atlantic Treaty Status of Forces Agreement would become effective 30 days after the United States deposited its instrument of retification to that agreement. Such deposit took place on July 24, 1953. Ambassador Allison also stated that the United States was premared to use the draft Protocol enclosed in the Japanese Note of April 14, 1953 as a basis for the immediate initiation of negotiations for an agreement on criminal jurisdiction. The American side made certain proposals for changes in the draft (rotocol of April 14, 1953 and included additional proposals for the official minutes to the Protocol. (Appendix III). Thus the Japanese Note of Auril 14, 1953 and the American Note of August 18, 1953 contained the basic positions of both sides. Informal discussions were then begun to reconcile the drafts. I therefore believe that we are that in a position to formally record our understandings reached after these discussions.

Mr. Mateudaira: I wish to out before this group a draft Protocol to amend Article MVII of the Administrative Agreement dated September 18, 1953 and also wish to put before this group a draft of the same date containing the agreed official minutes regarding the Protocol to amend Article MVII of the Administrative Agreement. (Appendix IV). These may be considered as the reconciled drafts. May I understand that these drafts of Teptember 18, 1953 are acceptable to the American side.

## IN CUNFICENCE

IN CONFIDENCE

In large to have just completed an amministion of the Braft Protocol of September 18 and the draft agreed official minutes of the same date, and I am able to confirm that these drafts are acceptable to the U.S. cide.

Mr. Notesidate: These drafts are also acceptable to the Japanese aldo.

Bose the American representative wish to make a statement concerning the U.S.

proposal to delete the phrase "when the rules of the court pands", which

appears in irticle VII, Faragraph 9(g) of the North Milantic Treety Status

of Forces Agreement?

The Farmon: Lee. The United Actes proposal to delete the phrase "when the rules of the court permit", which appears in Inticle VII, peragraph 9 (g) of the North Milantic Actus of Forces Agreement, is based on the resolution of the United Actuse Senate at the time it give its advice and consent to the ratification of such agreement. I am authorized to state that although the United States will not seek to revise my formal agreement entered into with countries of the North Atlantic Treaty Organization on the subject, it will, pursuant to the Senate resolution, seek to make such arrangements as to assure the attendance of the United States representatives in every trial of a person subject to United States military law before a court of any of the countries of the North Atlantic Treaty Organization.

Mr. Mataudalman Thank you.

Wr. Fareque: I should also like to make a statement for the record concorning Faragraph 11 of the Protocol. Faragraph 11 of the Protocol provides as follows

"In the event of hestlities to which the provisions of Article IXIV of this Agreement apply, either the United States or Japan shall have the right, by giving sinty days' notice to the other, to suspend the application of any of the provisions of this Article. If this right is courtised, the United States and Japan shall invadiately consult with a view to agreeing on suitable provisions to replace the provisions suspended."

In commention with these provisions I wish to state on schalf of my Government that the United States declares its intention in the event of hestilities to which the provisions of Article NAIV of this spreament apply, to seek exclusive Aurisdation over its forces in Japan.

IN CLUFIDINGS

In this regard I wish to may that the current election in Morellities clauses" set out shows. Furthermore, the United States does not consider that the current situation in Morea affords to other countries whose forces have been fighting in Morea a sufficient basis for cooking exclusive jurisdiction in Japan under provisions similar to those set out above. I am also suther-ined to state that the United States would not support the effort by any nation to obtain exclusive jurisdiction in Japan under "hostilities clauses" similar to those set cut above in a situation in which the United States Covernment did not does it appropriate to request that United States Forces in Japan he placed under the exclusive jurisdiction of United States authorities.

Hr. Naturalized The Japanese side tokes note of the fore wing two statements under by the American side.

Hr. Persons: Would the Japanese representative care to suggest the time and place for the signing of the Protocol and the agreed minutes?

Fr. Naturalizar I suggest that the alguing combonies take place at the Ferrigo Office on September 29 at 1845 hours.

Mr. Personal This is acceptable.

The meeting edjourned at

. Jeptember 28, 1955.

J. Graham Parsons Commeter of Roberty Kete Mateudaira Special Assistant to the Minister for Poreign Affaire

III CO TYPE

50

Confidential

Reduction Draft September 33, 1953

Statement by United States Representative at Regular Meeting

## Re Paragraph 9(g) of the Protocol ("Rules of Court"

Mr. Parsons, American Representative:

The United States proposal to delete the phrase "when the rules of the court permit", which appears in Article VII, paragraph 9(g) of the North Atlantic Status of Forces Agreement, is based on the resolution of the United States Senate at the time it gave its advice and consent to the ratification of such Agreement. I am authorized to state that although the United States will not seek to revise any formal agreement entered into with countries of the North Atlantic Treaty Organization on the subject, it will, pursuant to the Senate resolution, seek to make such arrangements as to assure the atterdance of the United States representatives in every trial of a person subject to United States military law before a court of any of the countries of the North Atlantic Treaty Organization.

Confidential

Reduction Draft September 12, 1953

Statement by United States Representative at Regular Meeting

## Re Paragraph 11 of the Protocol (Hostilities clause)

Mr. Parsons, United States Representative:

Paragraph 11 of the Protocol provides as follows:

"In the event of hostilities to which the provisions of Article XXIV of this Agreement apply, either Japan or the United States shall have the right, by giving sixty days' notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, Japan and the United States shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended."

In connection with these provisions I wish to state on behalf of my Government that the United States declares its intention in the event of hostilities to which the provisions of Article XXIV of this Agreement apply, to seek exclusive jurisdiction over its forces in Japan.

In

- 2 -

In this regard I wish to say that the current situation in Korea is not deemed by the United States to afford a basis for invoking the "hostilities clauses" set out above. Furthermore, the United States does not consider that the current situation in Korea affords to other countries whose forces have been fighting in Korea a sufficient basis for seeking exclusive jurisdiction in Japan under provisions similar to those set out above. I am also authorized to state that the United States would not support the effort by any nation to obtain exclusive jurisdiction in Japan under "hostilities clauses" similar to those set out above in a situation in which the United States Government did not deem it appropriate to request that United States Forces in Japan be placed under the exclusive jurisdiction of United States authorities.

定鄉 ь

t Mar いたところを日 半国側は、 两国政府 り分変をみた。 to 本野のとあり 様まする on the fire of の蒙し 間で正式会谈を閉 泥 ついて 本国政府 测了 寝到してので、 元本 いては、これいと考えて 9 即本議定 )私 足を前

∢

ΕŹ

防廷等

七条

٤

正

3

 $\frac{2}{3} \left( \frac{1}{3} \right) \right) \right) \right) \right)}{1 \right) \right) \right) \right) \right) \right) \right) \right) \right)$ 

虚 遲 Œ

æ

か日 け米 る行 岡政 鰤 協 外定 務第 大士 臣七 換条 鬱を 凝正 する職 定

鄊 八 ル

即

スチンシン F Œ

刑 b 民 大 杢 っ 逖 Źζ 爽 Ł Œ ŋ 本 Ħ た 毠 米 行 ž 胶 ħ 腦 る

K 月 た ح 日 Ø 定

T は て 定 ح Ø っ n K 対 槛 条 項 b 知 0 b 沧

定 85 府 め 人 Ø 月 Ø Ξ **705** Ħ 先 K b 꼜 \$ 代 た ح Ø 獿 K 行 n T た 項 r. Ł

会 K 変 獅 H 圣 ح じ 杢 压 方 步 式 Ø Ø 娶 ځ 0 K 重 肬 力 功 S ľ 協 た b 力 Ť 友 K 好 た L 葼 Ŀ 例 I H. 壓 ح Ø 쀐 Ø

C

夢

变 方

T

0

K

る

K Ø て ě H 支 柱 1 民 亜 Ø 及 K 步 Ø K ح ţ, Ħ 察 砂 理 る 行 巫 颐 和 ځ 安 全 K 繿 ٤ っ 艦祭 S

3990. 300.

K め \* H T 行 定 礼 る \$ 奎 遊 希 正す 2 大 方 る 的 K 主 見 定 つ K 名 る そ す

ح ځ 彦 挝

Ø

September 29, 1953

<del>(440)</del>~

Joint Communicae

and Justice Minister Tokethi Inuka

Fereign Minister Latsuc Manual of Japan and Ambassader John H.

Allison of the United States signed on behalf of their respective Governments today an agreement on the assumption by Japan of the right to commisse furisdiction over criminal affenses by members of the United States aread forces stationed in Japan, the Cookiese transported and their defendance.

Today's agreement, which followed several weeks of greliminary discussions on an informal besis and a formal emissions of the Administrative Agreement under the S.S.-Jepen Security Treaty to make them similar to those contained in the North Atlantic Treaty Status of Forces Agreement, which grand original jurisdiction over American troops stationed in North Atlantic Treaty countries.

Under the Administrative Agreement, which came into force on Agril 25, 1952, the United States had agreed to enter into such a revision when the NATO Agreement became effective for the United States. The NATO Agreement subsequently was retified by the United States Senate and became affective on Angust 25 of this year.

Until the present, the United States forces have had exclusive jurisdiction to punish offenses by their numbers in Japan. Ander the new agreement, Japan will have the right to exercise primary jurisdiction over offenses against the laws of Japan by numbers of the forces, the civilian

compenent and dependents, except for effences committed by these members or the civilian component in line of duty or where the victim is the United States, a member of the forces, the civilian component or a dependent.

The United States forces will retain exclusive jurisdiction for effences against the laws of the United States not punishable by Japanese law, and primary jurisdiction for offences by mambers of the forces or the civilian component solely against the property or security of the United States or solely against other members of the United States forces, the civilian component or dependents, and effences committed in the performance of official duty.

The agreement provides that if the State having primary jurisdiction over a given offense should elect not to emercise its jurisdiction it may make it. This would mean that members of the United States for off duty effenses provided the Jamese Covernment til not desire to exercise its jurisdiction. It is express Popiled procedures for giving appropriate notice of the emercise or waiver of jurisdiction will be worked out by the Joint Committee, which is charged with day-to-day emention of the details of the Administrative Agreement.

It is expect that in view of the position and function of the armed forces and in view of the close cooperation between responsible authorities which is envisaged by the agreement, adequate consideration will be given to ensure the smooth operation of the agreement in a memory authorities estimizes to both sides.

李书 10

The agreement specifically provides a series of protective provisions for United States forces members who may be tried in Japanese courts, including right to a prompt and speedy trial, legal counsel, confrontation by witnesses, provision of interpretures and the presents of the United States Covernment representatives at the trial. The accused would also have all rights provided by the Japanese Constitution, which in many respects parallels the American Bill of Rights.

The new agreement will become effective to thirty days, a couly

The Governments of the United States and Japan hope and expect that the smooth and appropriate operation of the agreement will further promote the friendly relations between both countries, which constitute an indispensable bulwark of peace and security in Asia.

Confidential

Confidential

(draft) (d

Fereign Minister Ratsuo Chasaki of Japan and Ambassador John M.

Allison of the United States signed on behalf of their respective Governments today an agreement on the assumption by Japan of the right to emergine jurisdiction over criminal offenses by members of the Sint, Security forces stationed in Japan.

Today's agreement, which followed several weeks of preliminary discussions on an informal basis and a formal exchange of views yesterday would revise the criminal jurisdiction provisions of the Administrative Agreement under the U.S.-Japan Security Treaty to make them similar to those contained in the North Atlantic Treaty Status of Forces Agreement, which governs cirminal jurisdiction over American troops stationed in North Atlantic Treaty countries.

Under the Administrative Agreement, which came into force on April 28, 1952, the United States had agreed to enter into such a revision when the MATO Agreement became effective for the United States. The MATO Agreement subsequently was ratified by the United States Senate and became effective on August 24 of this year. Mattel States

on August 24 of this year.

Until the present, the Wat Security Passes have had exhasive jurisdiction to punish offenses by their numbers in Japan. Under the new a Agreement, Japan will have the right to exercise primary jurisdiction over offenses against the laws of Japan by members of the forces, the civilian

CONTRACTOR

-2 (states assess forces or the civilian component)

component and dependents, except for offenses committed in line of duty (the United State, or there the vistim is a member of the forces, the civilian component of a dependent.

the United States forces will retain eminative jurisdiction for (commenced-circumstances) offences against the land of the United States not Commental by mumbers punishable by Japanese law, and primary jurisdiction for offences while of the United States or solely against the property or security of the United States or solely against or other members of the United States forces, the civilian component or the civilian dependents, and offenses committed in the performance of official duty.

The Agreement provides that if the State having primary jurisdiction over a given offense should elect not to exercise its jurisdiction it may write it. This would mean that members of the later would be tried white State, multary authorities by the Sounds Farence for off-only offenses provided the Japanese Committee of the Sounds and the same for any offenses provided the Japanese Committee of the same for the lateral of the same for univer of jurisdiction will be worked out by the Joint Committee, which is charged with day-to-day execution of the details of the Administrative Agreement. If is the lateral fact in view of the position and function of the worked for the annex for the details of the Administrative for the worked for the annex of the fortion and function of the worked for the annex of the fortion and function of the worked for the annex of the worked for the annex of the worked for the annex of the worked for the worked of the worked of the worked of the worked for the worked for the worked for the worked of the worked with day-to-day execution of the details of the Administrative for the worked for the worked with day-to-day execution of the details of the Administrative for the worked with day-to-day execution of the details of the Marian and function of the worked with the wor

In view of the close cooperation between responsible authorities which is envisaged by the Agreement, officials believe depen at 11 in all probability prefer not to emercise its right of jurisdiction is the authorities where no issue of asterial importance to Japan is precented.

Ladequete consideration will be given to ensuring the smooth will be given to ensuring the agreement in a manner mutually nationalization to both sides

The Agreement specifically provides a series of protective provides and specific provides and the process of the limits state, nesses, provides of interpreters and the presence of the forement representatives at the trial. The accessed would also have all rights provided by the Japanese Constitution, which in many respects parallels the American Bill of Rights.

The new Orrement will become effective in thirty days.

(Ta 35)

Remarks by Ambassador John M. Allison
on the occasion of signing the Protecol
to amend Article XVII of the
Administrative Agreement under Article III
of the Security Treaty between Japan and
the United States of America.

## Mr. Minister and Gentlemon:

I am happy to be here today to sign this Protocol for revision of the criminal jurisdiction provisions of the Administrative Agreement under the U.S.-Japan Security Treaty.

My country has recognized that the temporary provisions established more than a year ago to deal with this matter were creating difficulties for Japan. We have earnestly desired to make equitable adjustment as rapidly as we were able, and now I am pleased to say we are in a position to translate our desires into concrete action. It is a source of great satisfaction to me and my government that the representatives of our two sides were able, through the exercise of patiance, understanding and good will, to arrive at an arrangement which mosts the requirements of both our countries.

It is my hope and my belief that in the day-to-day administration of this new agreement our two countries will evidence the same good will and mutual trust that underlies the success of our negotiations. By so doing we will set an example for others in the practical application of international cooperation.

I am sure, Mr. Minister, that the satisfactory settlement of this problem will also set a lasting precedent for the prompt and anicable settlement of all problems, however weighty, that may come before us for mutual consideration in the future.

一 七五年四

Address of Foreign Minister Okazaki on Signing Protocol to Amend Article XVII of Administrative Agreement under Article III of Security Treaty between Japan and the United States of America, September 29, 1953.

## Mr. Your Excellency Ambassador Allison and Gentlemen:

It gives me great pleasure that the negotiations for amendment of the criminal jurisdiction provisions of the Japan - U.S. Administrative Agreement have arrived at a successful consummation and that the amendatory protocol is to be signed here today. This is an occasion to which both the Government and people of Japan have looked forward with deep interest and expectation.

The Administrative Agreement came into force on April 28 last year as an arrangement to implement the Japan - U.S. Security Treaty. Its provisions or criminal jurisdiction are of a transitory nature, since they include a special stipulation for amendment. That is to say, in paragraph 1 of Article XVII of the Agreement,

- 2 -

the United States has undertaken to conclude immediately with Japan, at the option of Japan, an agreement on criminal jurisdiction similar to the corresponding provisions of the PATO Agreement upon the coming into force of that Agreement with respect to the United States. The WATO Agreement came into force on August 23 of this year and thereupon, the representatives of the two Governments entered into negotiations for the purpose of revising the existing criminal jurisdiction provisions after the WATO pattern.

Because of the good will and cooperative efforts of the authorities concerned of both sides, the negotiations have been conducted in a most friendly atmosphere and an ideal formula has been successfully attained. On this occasion I should like to express my sincere appreciation for the valuable cooperation rendered by Your Excellency and other representatives of your Government.

I am convinced that the friendly relationship between the Japanese and American peoples based on the mutuality of unfaltering trust and understanding constitutes an indispensable bulwerk of peace and

the

- 3 -

security not only in the East but in the whole world.

Now the criminal jurisdiction provisions of the Administrative Agreement are to be revised in a manner which, I am sure, is the most reasonable and advanced in the world, and thus one of the most important pending problems between the two countries has come to a satisfactory settlement. This is truly a matter for mutual congratulation from the viewpoint of promoting our amicable relations and, above all, of strengthening the spiritual bond which binds our two nations. It is my hope and expectation that all the authorities concerned of both countries responsible for the execution of this new agreement will, by full understanding of the ideas underlying it, do their utmost to ensure its smooth operation.

It gives me great pleasure at this time to affir the of Mr. Inulai and myself my signatures to the Protocol to Amend Article XVII of the Administrative Agreement between Japan and the United States of America.

Address of Foreign Minister Okazaki
on Signing Protocol to Amend Article XVII
of Administrative Agreement under Article
III of Security Treaty between Japan and
the United States of America, September 29, 1953.

Your Excellency Ambassador Allison and Gentlemen:

It gives me much gratification that the negotiations for amendment of the criminal jurisdiction provisions of the Japan - U.S. Administrative Agreement have arrived at a successful consummation and that the amendatory protocol is to be signed here today. This is an occasion to which both the Government and people of Japan have looked forward with deep interest and expectation.

The Administrative Agreement came into force on April 28 last year as an arrangement to implement the Japan - U.S. Security Treaty. Its provisions on criminal jurisdiction, which are now in affect, are of a transitory nature, since they include a special stipulation for amendment. That is to say, in paragraph 1 of Article XVII of the Agreement, the United States has undertaken to conclude immediately with Japan, at the option of Japan,

an agreement on criminal jurisdiction similar to the corresponding provisions of the NATO Agreement upon the coming into force of that Agreement with respect to the United States. The NATO Agreement came into force on August 23 of this year and thereupon, the representatives of the two Governments stated begotiations for the purpose of revising the existing criminal jurisdiction provisions after the NATO pattern.

Because of the good will and cooperative efforts of the authorities concerned of both sides, the negotiations have been conducted in a most friendly atmosphere and an ideal formula has been successfully attained. On this occasion I should like to express my sincere appreciation for the valuable cooperation rendered by Your Excellency and other representatives of your Government.

I am convinced that the friendly relationship between the Japanese and American peoples based on the mutuality of unfaltering trust and understanding constitutes an indispensable bulwark of peace and security not only in the East but in the whole world. Now, the criminal jurisdiction provisions of the Administrative Agreement are to be revised in a manner which, I am sure, is the most reasonable and advanced in the world, and thus one of the most important pending problems between the two countries has come to a satisfactory settlement. This his

truly

an



truly a matter for mutual congratulation from the viewpoint of promoting our amicable relations and, above all, of strengthening the spiritual bond which binds our two nations. It is my hope and expectation that all the authorities concerned of both countries responsible for the execution of this new agreement will, by full understanding of the ideas underlying it, do their utmost to ensure its smooth operation.

It gives me great pleasure at this time to affix my signature to the Protocol to Amend Article XVII of the Administrative Agreement between Japan and the United States of America.

2

Missianosko.

九 Ť

す

ぃる

日利·

た国 な田 判定西はた 政は 態め洋 のる条日非 規軍約米公 定隊当安式 いる日 60 事全な て刑本男ュ 同地国保予 機位に 協犯 なに駐柴的 定罪胜法 にに留跡 6 閱留約計 '"对 才 大 のす 各する臣 自る合犬 の裁衆養 る大衆行日 よ西 府福軍。と 軍協公 た行の衆 の会

る

0 と協八 に電用 同がに 意合効 し衆力 た園を のたに

Nっ生 B L Tてた 0 効日 協力米 は発敵 \* 生協

て 9 軍 属 て 成 次叉成罪 のは員が新層 裁そ 3公し及

判れ軍務いび

超ら周執協家

梅国 を対叉及の すはび法 する安軍令 全際に

一び台専犯

裁のの裁目

成て合行家

る族

いを本る場

でのにな反外害

るる

判本

でた

で策すの場叉はるに

固る合因す固

犯軍合若判は

K

ざ

Л

判犯 行对 しる

と次 60 と教 る織

当 国

# 秘密指定解除 官房総務課

訳 な をとす す米表つら合 ペ国者 榴の衆 てのを利 ・ 護 章 証規隊 た方 人定の 対は成

期と用 待なが日 全 た協 めを 欠 円 な適 LWE 且支な

## Joint Communique

Foreign Minister Katsuc Okazaki and Justice Minister Takeru Inukei of Japan and Ambassador John M. Allison of the United States signed on behalf of their respective Governments today an agreement on the assumption by Japan of the right to exercise jurisdiction over criminal offenses by members of the United States armed forces stationed in Japan, the civilian component and their dependents.

Today's agreement, which followed several weeks of preliminary discussions on an informal basis and a formal meeting yesterday would revise the criminal jurisdiction provisions of the Administrative Agreement under the V.S.~Japan Security Treaty to make them similar to those contained in the North Atlantic Treaty Status of Forces Agreement, which governs criminal jurisdiction over American troops stationed in North Atlantic Treaty countries.

Under the Administrative Agreement, which came into force on April 28, 1952, the United States had agreed to enter into such a revision when the NATO Agreement become effective

effective for the United States. The MATO Agreement subsequently was ratified by the United States President with the advice and consent of the Senate and became

effective on August 23 of this year.

Until the present, the United States forces in Japan have had exclusive jurisdiction to punish offenses by their members, the civilian component and dependents. Under the new agreement, Japan will have the right to exercise primary jurisdiction over offenses against the laws of Japan by members of the forces, the civilian component and dependents, except for offenses committed by these members of the civilian component in line of duty or where the victim is the United States, a member of the forces, the civilian component or a dependent,

The United States forces will retain exclusive jurisdiction for offenses against the laws of the United States not punishable by Japanese law, and primary jurisdiction for offenses by members of the forces or the civilian component solely against the property or security of the United States or solely against other numbers of the United States forces, the civilien component or dependents, and

offenses committed in the performance of official duty.

The agreement provides that if the State having primary jurisdiction over a given offence should elect not to exercise its jurisdiction it may waive it. Detailed procedures for giving appropriate notice of the exercise or waiver of jurisdiction will be worked out by the Joint Committee, which is charged with day-to-day execution of the details of the Administrative Agreement. It is expected that in view of the position and function of the armed forces and in view of the close cooperation between responsible authorities which is envisaged by the agreement, adequate consideration will be given to ensure the smooth operation of the agreement in a manner satisfactory to both sides.

The agreement specifically provides a series of protective provisions for United States forces members who may be tried in Japanese courts, including right to a prompt and speedy trial, legal counsel, confrontation by witnesses, provision of interpreters and the presence of the United States Government representatives at the triel. The accused would also have all rights provided by the Japanese Constitution, which in many respects parallels the American Bill of Rights.

The new agreement will become effective on October 29, 1953, thirty days after the signing.

The Governments of the United States and Japan hope and expect that the smooth and appropriate operation of the agreement will further promote the friendly relations between both countries, which constitute an indispensable bulwark of peace and security in Asia.

The

日七九、午歩八川子子元

7

の規定に

し合衆国の法令により与えられたすべては、合衆国の軍当局は、合衆国の軍法に服本条の策定に領するとも発生として、

家族に対

M

令 Ø စ 規 反 定が 用

Ø

がずる

Ø 当局生 判

際 る は

ば

起 3 れ柄・衆 杢 合 Ø 手 1 叉 あ る ДЗ. 軍

Ø 当 局 Ø は 及 犯 27 罪 8 7 K t

合. 國 る な て裁 但 相権 互。老 化行 れそ 通使

0 困 进 Ø 軍 側 当が 局同 \$ 日 Ø 本 13 内化 で死 執刑 ・行を L 定 7

っ

内 あ た 曲 刑 Ø W

鄆 叉 の、で つ

判 ž 受 る

7

な Ø 知 H ,る

(d) (c) 日不 あ る と梅

È 利

は

自

己

Ø

た

め

K 強

制

- そ Ø Ø. 躨 費 当 用 E 奎 0 け 7 7 躞 条 ž っ ġ 陷 虃 用 利 7 Ž 利 L 叉 は な
- 必 要, ځ め ž 詑 耄 利用 爓 E
- (D) 合 衆 若 Ŧ 軍 Ø 查 77 政 檐 編 奎 行 右 を VC. 有

10

及

そ

す 施 べ 設

Ŋ

区

M

ţ,

10

名 効 力 行 VC 要な 7 定

を 受 以 よ 及九 Ø び百 英 五 語 十 さ 証 の 拠 KE 定 泪 設者は ح 0 た め 正文で Œ な変任

府 Ø B

ľ

b

本

ŋ 合 Ø た

ع の行政協 定第十七条を改正す

一同委員 会 を適

を定め て の罪に る を相互に

及

叉は 不 ら生じ 代る Ê 刑事 次 Ø

る

狄 K 鹦 Ħ Ø 本 相 耳 Ø だ 7

る 棚 ざ れ 犯

Ø な即 表者 判 3 K 立 b 8 会 3 ح ځ ば 次 \$\$\ で â る

4に関し、

っ 3 办 团 Ħ 本国 民と 1 n 者 適用 Ø 軍 £ 湛 服

ちに関し、

犯 ַ י 犯 る 及 Ť lt た

Ø Ø 要 な ば 当 Ø 犯 Ø な 70°S 合 K つ

Ť 日本 っ て 榖 合 쀠 ic 樂 橀 日 围 藿 軍 行 す Ø Ø 泵 成 第 に、員 若 通 次 Ø 7 く 梅 は利

1 **(e)** 掲げ 法 Ø 定

3 自己

F 軍 K

Ø

榕成

Z

する 日本国憲法の S 0 定を害す 0 ものと かなる規定も K Z 解釈して 合 衆 · 🖽 裁判の 府 族 ならな Ø 代表者 日本協 公開

10 1 (a) Zζ

額 限に 合 衆 Ø て 当 ح て る 現行 豳 75 5 T. X 壐 域 使 で 用 宁 楊. が を行 合 同 Ø

8

Master States

りことを妨げるものではない。。いて日本国の当局が前記の施設又は区域内において逐愉

Ħ

当 す 軍 - 若 崇 **のく** 政 化域 は る 7 行

規定は、

力発生前に

それら 条の規定が適用され の談定暋の効力発されたいかなる罪 のとする。

日本国法務大臣

(大芸健)

(ジョン・M・アリソン)

CONFIDENTAL

(DRAFT)

PROTOCOL TO AMEND ARTICLE XVII OF THE ADMINISTRATIVE AGREEMENT UNDER ARTICLE III OF THE SECURITY TREATY HETWEEN THE UNITED STATES OF AMERICA AND JAPAN

Whereas the "Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces", signed at London on June 19, 1951, came into force on August 23, 1953 with respect to the United States of America; and

Whereas Japan desires to conclude with the United States of America an agreement on criminal jurisdiction similar to the corresponding provisions of the said Agreement in accordance with the provisions of paragraph 1 of Article XVII of the Administrative Agreement, signed at Tokyo on February 28, 1952, under Article III of the Security Treaty between the United States of America and Japan;

Now the Governments of the United States of America and Japan have agreed that the existing provisions of Article KVII of the said Administrative Agreement shall be abrogated and the following provisions shall be substituted:

ARTICLE XVII

**≖2** ∞

#### ARTICLE XVII

- l. Subject to the provisions of this Article,
- (a) the military authorities of the United
  States shall have the right to exercise within Japan
  all criminal and disciplinary jurisdiction conferred
  on them by the law of the United States over all
  persons subject to the military law of the United
  States:
- (b) the authorities of Japan shall have jurisdiction over the members of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.
- 2. (a) The military authorities of the United
  States shall have the right to exercise exclusive juris—
  diction over persons subject to the military law of the
  United States with respect to offenses, including offenses
  relating to its security, punishable by the law of the
  United States, but not by the law of Japan.
  - (b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces, the civilian component,

 $\mathbf{a}\mathbf{n}$ 

and their dependents with respect to offenses, including offenses relating to the security of Japan, purishable by its law but not by the law of the United States.

- (c) For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include
  - (i) treason against the State;
  - (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.
- 3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:
  - (a) The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States armed forces or the civilian component in relation to
    - (1) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the United States armed forces or the civilian component or of a dependent;

- 4

- (ii) offenses arising out of any act or omission done in the performance of official duty.
- (b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.
- (c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.
- 4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.
- 5. (a) The military authorities of the United States and the authorities of Japan shall assist each other

other in the arrest of members of the United States armed forces, the civilian component, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

- (b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces, the civilian component, or a dependent.
- (c) The custody of an accused member of the United States armed forces or the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.
- 6. (a) The military authorities of the United
  States and the authorities of Japan shall assist each other
  in the carrying out of all necessary investigations into
  offenses, and in the collection and production of evidence,
  including the seizure and, in proper cases, the handing
  over of objects connected with an offense. The handing
  over of such objects may, however, be made subject to

-6-

their return within the time specified by the authority delivering them.

- (b) The military authorities of the United States and the authorities of Japan shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.
- 7. (a) A death sentence shall not be carried cut in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.
- (b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this Article within the territory of Japan.
- 3. Where an accused has been tried in accordance with the provisions of this Article either by the military authorities of the United States or the authorities of Japan and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been

pardoned,

pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.

- 9. Whenever a member of the United States armed forces, the civilian component or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:
  - (a) to a prompt and speedy trial;
  - (b) to be informed, in advance of trial, of the specific charge or charges made against him;
  - (c) to be confronted with the witnesses against hims
  - (d) to have compulsory process for obtaining witnesses in his fevor, if they are within the jurisdiction of Japan;
  - (a) to have legal representation of his own choice for his defense or to have free or assisted

kegal representation under the conditions prevailing for the time being in Japan:

- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the Government of the United States and to have such a representative present at his trial.
- 10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under Article II of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.
- (b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.
- 11. In the event of hostilities to which the provisions of Article XXIV of this Agreement apply, either the United States or Japan shall have the right,

by giving sixty days notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, the United States and Japan shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

The present Protocol shall come into effect thirty days after the date of its signing,

In witness whereof the representatives of the two Governments, duly authorized for the purpose, have signed the present Protocol.

Dons at Tokyo, in duplicate, in the English and Japanese languages, both texts being equally authentic, this of , 1953.

For the Government of the United States of America:

For the Covernment of Japans

ONFIRMULAL

(DRAFT)

AGREED OFFICIAL MINUTES REGARDING-FROTOCOL TO AMEND ARTIGLE XVII OF THE ADMINISTRATIVE AGREEMENT SETWIEN THE UNITED STATES OF AMERICA AND LAPAN

Re paragraph 1 (a) and paragraph 2 (a):

The scope of persons subject to the military law of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

Re paragraph 2 (c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

Re paragraph 3 (a) (ii):

Where a member of the United States armed forces or the civilian component is charged with an offense, a certificate issued by or on behalf of his commanding officer stating that the alleged offense, if committed by him, arose out of an act or omission

done

done in the performance of official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

The above statement shall not be interpreted to prejudice in any way Article 318 of the Japanese Code of Criminal Procedure.

#### Re paragraph 3 (c):

- 1. Mutual Procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Committee.
- 2. Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offenses described in paragraph 3 (a) (ii) committed against the state or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

· %=

#### Re paragraph 4:

Dual nationals, United States and Japanese, who are subject to the military law of the United States and are brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered as United States nationals for the purposes of this paragraph.

#### Re paragraph 5:

l, In case the Japanese authorities have arrested an offender who is a member of the United States armed forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will, unless they deem that there is adequate cause and necessity to retain such offender, release him to the custody of the United States military authorities provided that he shall, on request, be made available to the Japanese authorities, if such be the condition of his release. The United States authorities shall, on request, transfer his custody to the Japanese authorities

at the time he is indicted by the latter.

2. The United States military authorities shall promptly notify the Japanese authorities of the arrest of any member of the United States armed forces, the civilian component or a dependent in any case in which Japan has the primary right to exercise jurisdiction.

#### Re paragraph 9:

1. The rights emmerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by the provisions of the Japanese Constitution. In addition to these rights, a member of the United States armed forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution:

-5-

- (a) He shall not be errested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel;
- (b) He shall enjoy the right to a public trial by an impartial tribunal;
- (c) He shall not be compelled to testify against himself;
- (d) He shall be permitted full opportunity to examine all witnesses;
- (e) No cruel punishments shall be imposed upon him,

  2. The United States authorities shall have the
  right upon request to have access at any time to members
  of the United States armed forces, the civilian component,
  or their dependents who are confined or detained under
- Japanese authority. 3. Nothing in the provisions of paragraph  $\hat{9}$  (g) concerning the presence of a representative of the United

States

<u>(a)</u>

States Government at the trial of a member of the United States ermed forces, the civilian component or a dependent prosecuted under the jurisdiction of Japan, shall be so construed as to prejudice the provisions of the Japanese Constitution with respect to public trials.

Re paragraphs 10 (a) and 10 (b):

**BRIGHT** 

1. The United States military authorities will normally make all arrests within facilities and areas in use by and guarded under the authority of the United States armed forces. This shall not preclude the Japanese authorities from making arrests within facilities and dreas in cases where the competent authorities of the United States armed forces have given consent, or in cases of pursuit of a flagrant offender who has committed a serious crime.

Where persons whose arrest is desired by the Japanese authorities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon requests.

-7-

request, to arrest such persons. All persons arrested by the United States military authorities, who are not subject to the jurisdiction of the United States armed forces, shall immediately be turned over to the Japanese enthorities.

The United States military authorities may, under due process of law, arrest in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

2. The Japanese authorities will normally not exercise the right of search, seizure, or inspection with respect to any persons or property within facilities and areas in use by and guarded under the authority of the United States armed forces or with respect to property of the United States armed forces wherever situated, except in cases where the competent authorities of the United States armed forces consent to such search, seizure, or inspection by the Japanese authorities of such persons or property.

Linera

Where search, seizure, or inspection with respect to persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armed forces in Japan is desired by the Japanese authorities, the United States military authorities will undertake, upon request, to make such search, seizure, or inspection. In the event of a judgment concerning such property, except property owned or utilized by the United States Covernment or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

#### Re application of the Protocol:

The provisions of the Protocol shall not apply to any offenses committed before the coming into effect of the Protocol. Such cases shall be governed by the provisions of Article XVII of the Administrative Agreement as it excisted prior to the coming into effect of the Protocol.

'⊷ و ⊷'

(John M. Allison)

Ambassador Extraordinary and Plenipotentiary of the United States of America,

(Katsuo Okazaki)

Minister for Foreign Affairs of Japan,

(Takeru Inukai)

Minister of Justice of Japan,

Tokyos Septembers 1953.

PREPARED BY THE TROOP INFORMATION AND EDUCATION SECTION TROOP

Mikaskii \_

## FACTS BEHIND THE NEW AGREEMENT The NATO Status of Forces Agreement, which was closely followed in drawing up the new greement with Japon, gave a large degree of criminal jurisdiction over our forces to the NATO notions. This transfer of authority was believed to have a direct bearing on the success of NATO itself. It was recognized that there could be no effective action for joint European defense against Communism unless we respected the sovereignty of the various nations in the North Atlantic Treaty Organization. The U.S. Senate ratified the NATO Agreement on July 23, 1953, and it become effective on August 23, 1953. It was logical that Japon, also a partner in defense against Communism, and a sovereign nation, should expect that we would make a similar agreement with her. Successful negotiations, based on the NATO Agreement and its interpretations, were held between the U.S. and Japan in August and Soptember. The new agreement was signed September 29, 1953, and becomes affective in Japan on October 29, 1953. It revised Article XVII of the original Administrative Agreement between Japan and the U.S., which went into effect April 28, 1952. , This new section places United States Armed Forces personnel, the civilian component and dependents in the most favorable position possible within the limitations of the earlier NATO agreement. Both jurisdiction agreements were considered necessary by our government for a strong mutual defense against Communism.

Million College

# You and the Japanese Law

I. The Agreement on Criminal Jurisdiction Applies To All U. S. Security Forces Personnel.

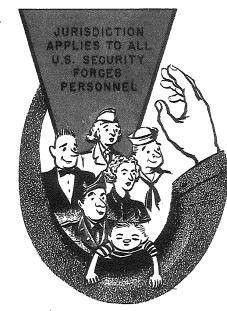
One of the most important features of our deily life here in Japan is the U.S. Japanese Administrative Agreement, which came into effect when the occupation of Japan ended.

This agreement provides the basic rules under which we live and work in harmony with the Japanese people. It is this agreement which allows us to have tax-free PX

articles, our military post offices, and many other privileges not usually enjoyed by other foreign residents in Japan. The purpose of the agreement is to establish a means by which we can live side by side with the Japanese without friction and misunderstanding.

By mutual agreement, and to increase the good will between the two nations, one part of this agreement has now been changed. Formerly, only U.S. military courts could try and punish members of the U.S. Security Forces for violations of the law. Now, in some cases, the Jananese courts also have that right.





Only a very small percentage of the U.S. forces ever become connected with or involved in criminal activities. Nevertheless, it is the responsibility of every man and woman to know the new rules of arrest, trial and punishment. Only by being fully informed on the rules of conduct can we continue to earn the faith and respect of the Japanese people which is necessary to accomplish our mission here.

The Administrative Agreement, and consequently the new rules on jurisdiction, apply to these people:

Members of the United States Armed Forces—all personnel on active duty when they are in Japan.

The Civilian Component—civilian persons of United States nationality in the employ of, serving with, or accompanying the U.S. Armed Forces in Japan.

(Persons who have both U. S. and Japanese nationality, but who are brought to Japan by the United States, are considered as nationals of the United States.)

Dependents—generally, wife or husband and children under 21.

II. The Authority of the Military Courts and Military Police is Not Changed. If You Break a U. S. Military Law You Can Be Tried By a U.S. Military Court.

One thing is NOT changed by the new rules. All members of the U.S. Security Forces are still subject to U.S. military laws and regulations wherever they are in Japan. The person who violates such laws and regulations will be arrested by the Military Police, and tried by a U.S. court martial.

Under the new rules the violator may be tried by court martial AFTER he has appeared in a Japanese court, but the fact remains that he is always subject to military authority when he breaks a military law or regulation.

The United States and Japan now have two kinds of jurisdiction, or authority, over U.S. personnel. One kind is "exclusive", which means that in some cases only one of the two nations has authority.

The other kind is "primary", or first, which means that in some other cases one nation has the first right to put on trial and punish an offender. It may, however, give up this right to the other nation, which has second authority.

Our government keeps exclusive authority over the Security Forces for all offenses which are punishable under our law, but not under Japanese law.

Usually these will be the so-called "military offenses", such as being AWOL, desertion, disrespect towards a superior officer, etc. Such offenses, of course, relate only to military service. They are not crimes under Japanese law, and in these cases the Japanese authorities can take no part.



For example, Private John Doe goes to Kyoto on a three-day pass. He overstays his leave, and returns to duty several days late. In the eyes of the military law he has been AWOL and is subject to a court martial.

ЭŽĪ

However, the offense of being absent without leave is not included in Japanese law, and Private Doe cannot be brought to trial in a Japanese court.

In addition, the U.S. has exclusive authority over personnel committing offenses against the SECURITY of the United States. This would include treason, sabotage and espionage against America, and violations of laws relating to official secrets of our government.

If Private Doe, while in Kyoto, was caught passing secret U.S. government information to a Communist agent, for example, he would be subject only to a court martial. He could not be tried by the Japanese authorities.

III. If You Break a Japanese Law You Can Be Tried By a Japanese Court.

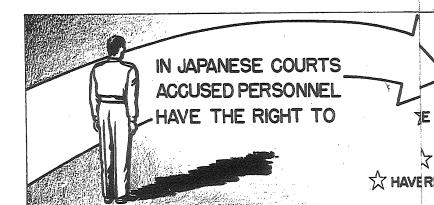
Obviously, many offenses, such as robbery, murder, rape, assault, and drunken driving, are covered by both U.S. military law and Japanese law. What happens then? Who arrests, investigates, confines, tries and punishes the person who has violated laws of both nations?

That depends on whether the U.S. or Japan has first authority in the case.

The U.S. has first authority over MILI-TARY AND CIVILIAN PERSONNEL who commit offenses while on official duty, or offenses solely against another Security Forces member, or offenses involving only property of the U.S. or its personnel.

If Sergeant Harry Smith is driving from Tokyo to Yokohama on official business, and kills a Japanese pedestrian in a traffic accident, both the U.S. and Japanese authorities may investigate the circumstances, but the Sergeant is subject only to court martial. Unless proved otherwise, a certificate from the Sergeant's commanding officer will establish that he was on official duty.

If Airman Billy Jones gets mad at his friend Airman Sam Green, and takes a poke at him, Airman Jones will be subject only to trial by court martial, because his offense involved only another member of the Security Forces. It would be the same thing if Airman Jones had knocked down a civilian with the Security Forces.



A PROMPT AND SPEEDY TRIAL

BE INFORMED OF THE CHARGES

CROSS-EXAMINE WITNESSES

CALL DEFENSE WITNESSES

CONFRONTED BY ACCUSERS AND WITNESSES

HAVE DEFENSE COUNSEL AND INTERPRETERS

COMMUNICATE WITH THE U.S. GOVT.

If Seaman Ted Brown steals a Navy blanket he is subject only to trial by court martial. His offense only involved U.S. government property. If Brown later stole another sailor's wristwatch while the two were on leave in Tokyo, it would still be the same case. His offense would only involve the property of another member of the Security Forces, and he would be subject only to trial by court martial.

There are three important things to remember about these cases where the U.S. has first authority:

A. It is Always Permissible For a Japanese Policeman To Arrest a Member Of the Security Forces.

The U.S. and Japan have agreed (and this is no change) that they will assist each other in the arrests of U.S. Security Forces members who are violating laws. The Military Police, however, have the right to maintain discipline in areas used by the U.S. Forces, and any arrests within our facilities will normally be made by them. However, in cases of "hot pursuit", or with permission of U.S. authorities, the Japanese police may apprehend an offender within our facilities.

B. Japan May Request that the U.S. Give up its First Authority (primary jurisdiction) to try U.S. personnel—if the Japanese feel the case is of "particular importance." The U.S. will give "sympathetic consideration" to this request.

C. A safeguard is established for those special cases where the U.S. has first authority. Once a person has been tried by court martial he cannot be tried again in the Japanese courts for the same offense.

When does Japan have first authority over those who break Japanese laws?

First, Japan has the authority over MILI-TARY AND CIVILIAN personnel in all cases except those mentioned above—crimes while on official duty, or crimes only against U.S. Forces personnel or property.

If a serviceman or a civilian is arrested for being drunk and disorderly in a Japanese bar, or if he knocks a taxi-driver on the head to steal a few hundred yen, he can be tried in the Japanese courts. If convicted and sentenced, he will be confined in a Japanese jail. Second, Japan has first authority over DE-PENDENTS in ALL violations of Japanese law. Dependents are NOT included in the special types of cases over which the U.S. has authority.

Suppose Mrs. Green—the wife of a civilian warking for the Army—hits another automobile while she is driving down the Ginza, in Tokyo. Even though the car she hit is owned and driven by Corporal James, the Japanese courts have authority over Mrs. Green.

However, in these cases, the U.S. has the right to request that Japan give up its authority if the matter is of particular importance. Japan will give "sympathetic consideration" to these requests. In addition, there may be many cases where Japan simply decides not to exercise its authority for one reason or another.

A point to remember: It makes no difference if the Japanese law is broken while the person is within a U.S.-occupied area. Japan still has first authority. For instance, if a serviceman, or a civilian, or a dependent, should mistreat a Japanese workman in a U.S. housing area, he or she is subject to trial in

the Japanese courts. The Military Police may arrest the person, because they are maintaining order there, but the trial will be in a Japanese court.

You can see that in such a case the serviceman or civilian was not on official duty, and the offense did involve someone other than U.S. personnel, so he is in the same position as a dependent.

Our government and Japan will cooperate with each other in arrests, investigations, and the collection of evidence. If the Japanese arrest a person they will promptly notify the military authorities, and in most cases the U.S. will be given custody until the accused person has been formally charged by Japan. If the military authorities arrest a person for violation of Japanee law, they will hold him in custody until he has been charged by Japan.

As was pointed out earlier, every member of the U.S. Security Forces is still subject to military law in Japan at all times. This includes servicemen, civilians and dependents.

What this means is that it is possible for a person to be tried in a Japanese court for a violation of Japanese law, and later tried by



court martial for a violation of military law, EVEN THOUGH THE VIOLATIONS OCCURRED BECAUSE OF THE SAME ACT

If Lieutenant Black is picked up by the Japanese police for being drunk and disturbing the peace, he may be tried by a Japanese court. Let us suppose the Lieutenant is fined 5,000 yen. He can still be court-martialed for, among other things, conduct unbecoming an officer.

The same thing would be true for a traffic violation. If a Captain is stopped by the Japanese police for going 40 miles an hour in a 25 mile an hour zone, he will be liable to whatever punishment the Japanese authorities decide—probably a fine. This same Captain is still subject to military law for this offense, and he may have his driving license suspended for 15 days by the military authorities.

### IV. In Jopanese Courts, Accused Personnel Have Rights.

The big change for all Security Forces personnel, of course, is that we are all subject to trial in a Japanese court.

This is no cause for alarm. Japanese courts proceed much like our own. Members of the Security Forces who are prosecuted by Japanese authorities have the same rights as are

guaranteed to all persons by the Japanese constitution, or provided by Japanese laws.

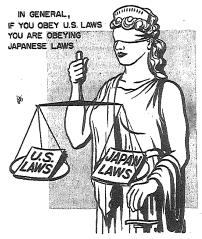
It is essential that you know of these rights, which include the following:

- A. A person shall not be arrested or detained without being informed at once of the charge against him and without the privilege of counsel. A person shall not be detained without adequate cause. Upon the demand & any person, this cause must be presented immediately in open court.
- B. A person is entitled to a prompt and speedy trial, and to be informed of the charges against him.
- C. The accused shall get a public trial.
- D. He shall be confronted with the witnesses against him, and shall have the means for obtaining witnesses in his favor, if they are in Japan. He shall not be forced to testify against himself, and he is permitted to examine all witnesses.
- E. He may provide his own defense counsel, and if necessary, have an interpreter.
- F. He will be allowed to communicate with a representative of the U.S. government, and he has the right to have a representative present at his trial.
- G. He is not to be subjected to cruel punishments.

Our government authorities have the right at any time to talk with Security Forces members who are being held by the Japanese. If any member of the Security Forces is arrested and held by the Japanese police, he should immediately request that his Company Commander or the nearest Provost Marshal be notified.

As you will remember, the U.S. has the exclusive authority in the case of crimes not punishable under Japanese law. The same thing is true in reverse. Japan has the exclusive authority in the case of crimes which are not punishable under our laws.

In case of hostilities in the Japan area, either nation may suspend the provisions of this jurisdiction agreement upon 60 days' notice,



V. In general, if you Obey U.S. laws you are obeying Japanese laws.

It is a mistake to believe that because we are now subject to trial by Japanese courts there are many new and strange laws to obey.

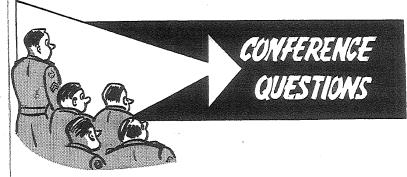
Japanese laws are virtually the same as ours, and we have always respected Japanese laws.

Ever since the Peace Treaty became effective, and Japan became an independent, sovereign nation, she has had the right to make and enforce her own laws. We have respected those laws, and we have punished the violators. Because the laws are so similar to ours, many people have not been aware that at all times since the peace trety we have been subject to both military and Japanese law.

The only difference now is that we have agreed, with a few exceptions, that Japan has the right to enforce and to punish those who violate her laws.

This transfer of authority is not sudden. It was anticipated at the time the Administrative Agreement was drawn up (1952). It was stated then that when court authority over U.S. personnel was transferred to the nations of the North Atlantic Treaty Organization, such an arrangement would be made with Japan. This new agreement, similar to that already in effect with NATO, is effective as of October 29, 1953.

This decision is in complete accord with our recognition of Japan as an independent nation, and as a friendly partner in our defense against Communism.



The following questions may be asked at the conclusion of your presentation of this hour:

1. Who is included in the new agreement?

ALL MEMBERS OF THE UNITED STATES SECURITY FORCES—MILITARY, CIVILAINS AND DEPENDENTS.

- Are you still subject to military regulations and articles? YES, AT ALL TIMES.
- 3. When must you observe Japanese laws?

  ALWAYS.
- 4. Can a person who has been tried in a Japanese court be tried again by court martial?

YES, IF HE HAS VIOLATED BOTH JAPANESE AND MILITARY LAWS.

5. If you are arrested and tried by a Japanese court, what are your rights?

SPEEDY TRIAL, COUNSEL, PRESENCE OF A U.S. REPRESENTATIVE AT YOUR TRIAL, WITNESSES, CROSS—EXAMINATION AND MANY OTHERS.

- I. The agreement on criminal jurisdiction applies to all U.S. Security Forces personnel.
- II. The authority of the military courts and Military Police is not changed. If you break a U.S. military law you can be tried by a U.S. military court.
- III. If you break a Japanese law you can be fried by a Japanese court, unless the violation was committed:
  - A. On official duty
  - B. Solely against personnel or property of the U.S. Security Forces
- IV. In Japanese courts, accused personnel have the right to:
  - A. A prompt and speedy trial
  - B. Be informed of the charges
  - C. Be confronted by accusers and wilnesses
  - D. Cross-examine witnesses
  - E. Call defense witnesses
  - F. Have defense counsel and interpreters
  - G. Communicate with the U.S. Government
  - H. Have a representative of the U.S. Government present at his trial
- V. In general, if you obey all U.S. laws you are obeying Japanese laws.

內委資料)

電称二人、

九

日本行政協定刑事教育磁条項の政訂交渉に関する件

Ą. 0 A Ø Ξ 方 ₩. 遰 定 项 £ 14 βa W Ø Æ Ţ 繼 万 A 池 0 **8**1 1 太 蹇 è W

Ŀ K 黍 Ø る K 礟 Ø T る È 万 更 K 1 À b で 8 褒 定 廏

方 よ 取 つ
て
を

変 为 Ø 万 4 た b Ø Ŋ. ß. Ø 八 囲 C 所 Ø 次 主 -32 極 力 涨 24 籔 Ø. 察 Ø 驱 奎 D 阋 奎 固 Ŕ F 两 K b Ø ₹ 方 ځ 殿 K 僾 公 癥 ₾ 金 7 K 他 翻 25 M 金 万 项 2 ъ T 7 K 8

聚 Ł b 右 K չ M 对 ح 冽 ځ L 奁 τ K 完 Ť 户 て 位 っ 深 τ 壐 ţ, b Ž. 뺭 Ø 萝 的 \* 殿 K 公 兌 8 Ø 会 文 τ wik e す \$ Ø で で 6 次 È Ø 鄮 た か 7 K þ 晃 沦

w.

賣

2500 OO.

**可心伤**休

独



定 ح 択 (A) Z. **\*\*\*** 恋 A ح ځ Z æ

Ľ T

3 T て 定 Ð 方 瓤 盃 Ø 上 は 0 ځ 窽 厱 E Ą A Æ 灩 对 Ø \* ਿ B 2 12

**\$3** 

쨄, 定 ځ Ξ E, 0 N 定 Ξ 为 樤 1 粂 幾 項 Ŝù 太 Ø τ 祉 町突逐 虧 监 15 0 Ż 万 A (C O 7 Ø 鄮 灩 太 爁 0 T 殴 位  $\underline{\mathbf{W}}$ 0

Ŀ

Ø

T

重

3

0

T

Þ

0 

酸

府

5

敦

Æ

飂

定

鏢

颂

880 - 300 -

Ø Ħ 2 逾 T 0 10 蹬 ij 虁 鹨 È Ò 阋 9 F M -[-定品 芴 0 R A \* 9 Ť **企** 例

ح Ħ 2 的 0

S Ł Ţ t 択 en lies Æ, ح ځ ba

1 京方 劾 Æ, Ø Œ Ł (A) 0 動力 4 3 3 ح ځ

Miller State

內變賣母)

如和二八。 丸。 一丸

日本行政協定刑事教明権条項の政制を夢に興する件

Ł  $\Xi$ 0 **#** 0 更 Ξ + ħ 湮 쨟 太 量 £ 万 Ē K 3 Z. 魕 8 V ۹

侧上 P. FI K Ł K 虁 0 雹 淤 验学 2 靈 Ħ K 1 9 7 20 定 審

Ħ 0 殉 25 金 ٧ 100 0 为 麗 K Æ Ø) **6**5 室 な 力 业 T ŧ. 心 慰 蒙 ħ Ž 丸 阋 F + 0 3 T 7 3 id Ø **W** R 鬱 1 4 Ą 2 鹠 4 T K 쨦 Ø. 万 3 2 T T K

右 方 勑 2 کے 讏 T K 部 突 2 7 盒 位 つ K 磁 水 Ь H di. þ 鰹 Ø 淮 钀 鹶 di. 幽 勵 歐 6 A 0 T ♠ 圖注 圖 簡足 T Ł 鯹 هيا Ø. Ø T **30** Š M.

Minimist.

金融にかいてとれを探釈し、次いで、着名標的するととにい会称と答とてかります。
たいと答とてかります。
かの新都定は、野名観印の三十日後に治力を発生するとした。
と答とてかります。

æ

ととに変る状態

1995 Sec. 1995

と同様り 判) 1= 規 前記 は 定する する意思を 通告日 規定以改 政府 巽 ナ七条)を 対 訂する 有 9 权 +3 訓 7 艺 ため 出 行 N 1= 使 り協定を米國政府とり前に 涌 + 基艺本大臣宛書简 A 告 , Ħ 0 致 同 協 リソン 協定 定 在京米 12 相当規定 刑事裁 務 省

一日の後大五	和和	型为	1	マーツン ことうすう	了解清	年作内におとつと		<b>等一課長</b> 看	松平参與了	次官了條	
/ ba [f]	日本國政府は直すい日米行政協定才十七条十一項	に関する協定(NATO協定)が米國について発効した上は、	を治って北大西洋条約当事國南の各自の軍隊の地位	T	4	行政協定刑事裁判权条項改訂に関する日米向交涉について	0.12 - A. H ( A. )	九月四日歌議院外交委員会に対する西崎大臣		係約局長」三名参享官でノ第三課長」	

合意されるもっを除き日米町園とも一切発表しない	正式会談の用催に当って公表するよう相互にの中に進められております。 交渉の内容にできまては、願来非公式の予備会談が友好的雰囲気	添付されております。に関する若干の問題について米國側の提案が

			ar a		 -			
外務省	であります。右の書簡には改訂案の実施細目	ための交渉を開始したい旨中し越した次才		行政協定オナ七条をNATO方式に改訂する	なったりて、かねてり日本國政府の申出に基き、	批准を得八月二十三日米國について奔効することに	をもって、NATO協定は七月二十四日米國大統領の	

E 情 ł 実施 際 採用 あ あります。 改 せん。 式 況 ります。 訂 日 ú は 桑 米 细 式 次 談 3 併 两 9 7 E D. 國 宴 支涉 1= b 設 K 闹 取 15 Is. ٤ 賃 1= 同意 権 4 極 の経ぬからみまし 药 1 12 7" 東北明現在 12 4) 7 一步村 7 駐 あります。 阒 N 題 円 7 留留 7 3 な 滑 11 \* 3 1) 階 问 改 軍 12 ますこと 题 冥施 訂 RP 1= 年かける A 1= (t 大見 1= 7 集中 到 米 Iđ できる. 0 沙 かご オ 在 ÐĄ. 7 務 . 務 式 厶 9 用 体 劾 ٤ 府 艺 ません 省 3

Military States.

語細事 こと 1= 約 束 1 7 to りま 報告する 7. 造 撼 段 TKi . 階 {= 現在 至って 私作

Th

17.

6,4

は 信 虚か 1 F 满妥站 犽 E 省 3

7				
会談が着々進りしております現状から外ま	の中質及以放棄の手續、犯人の身柄の取扱等	輕微な事件の处理、中一項の裁判权の通告问題、刑事訴訟手續における人权の保障、	ている施設区域内の逮捕搜查差押の手續	
Participation and Participatio				

()(

18 C

2120 17 16 14 13 13 11 10 8 6 4 4 1

- 2

Mills Salts

**にえ協をに てが通外は0了れの月ち** 問ん定開基そ発寄過に、協承た改十に 題との始きと効託し輸後定し。正四批 はす相し、ですさた酸逆をたこを日准 なる当た行いるれのがす可旨れ希 いも規い政人と、つ長る決回に望日れ 督でと申定十とのできうたししる行と し第八な三。。にがて、も政と 協規を今N政 すの七第 学院府旨七せ の自行のTか お名十条院交問合第れ 実体の殴 0 ら 施多行訂方》 りは定要改て のに七にる本 合十うを同十政正事 ∾ た 政 用いとNめ府 のて入Aのの に批上つの N 申申権は 円はれて交申

交は "裁が条定 "と地正いて国日十 委発日判発第と日略位にわ 事米七 員効米権効五同本称に関ば合隊行年 会を行のし項機国す関す過衆の政四 はみ政問をはののるする渡国療協月 る協題い、協選。る規的の成定二 至発再合しをにが大が規当。十八 始にわ東日効と協力のわのをた項約 し四ちし本後と定を協ち規認刑はの 月本で国一をの生定 "定め事 " 実 か旬四た要以東事た、条中の件本協 ・月 の 請 内 し 裁 と 以 第 に で に 国 定 ざ合ニNがにて判き下一はあつにと る衆十AあNお梅はN項、るい胜し う国七 Tれ A りに 'A は特がて留て

くつ る大会見月を棄 たて元方 務得致日 合見分式 的は考従 方 をた つの 0たで 米に同の友取人区 る協もあ 国採月間好扱権域協 大択二題的等の内力必

関運 係用 のと

て希敦行 条政効の 旨項協しN め国法 を協 き 行 定項 る七 ののる人 と 条 と <sup>を</sup> 相 規 当 定

K る

**B88**33886.

合 罪 がつ定り 使ての件場合項義用 すがへがずニ の日軍をめい る犯合で(4)項 衆きはに とた国る合相 がある数 の罪衆当 安で国す と、全日にる 自合に本つ規 体杂岗国口定 すのてで は国 る法規。 述 軍 罪 令 定 専 をにし属 るにれる 項かよ然の日るでそ むつ合裁 って衆判 規競いにと国 は国権 定合ず関えのに明れ

でのれず日刑

本第姿を紀裁当規 家をで 030 用っと法 語と合 はなに

.\_

Į

-

(神外できる

るる行のの楷寸米条本三 と好国意使規身利る両中項項 が心薬いは意に務し定分の場因 第 Doう 賭的対 なでな以合のも N 一及要と般考し及いあら下に裁 との感てび場るび第を の (c) にで事を第第合。に一 裁の応は惰払一二に何犯次でが規協 判名になをう次次第の罪の『 権規らい充義のの二規の裁日合 を定れる分務裁裁次定種判米すあ 有になゆしが判判のは類権両 るいとにかるのを判 定るも感とめ謂かる判です裁 でてがら国権定る判 いずうつつるつ一当有たとをけっ る回るたてった次局すのい行で項で っはわ結 、好場のにるがう使 \* け果必意合裁対国本問す 。ら的に判しが項題 わ衆あどず考そ権て親のを第この警 ち固るう放慮のを通判及犯 一の結第 合のし葉を要有告権び罪次競界

たのとのの のし関行 80 - の属/国/い当に合前 があれ教含 法をを の念が法定使人闘 にも上るる軍 すしあ国あをは るてる外る有家 行法い 観為令る

合る以当合な屋 もか外とはある国 本の が家ご家 かで本る意以項場第族又族家や又のい項のが外向合一には間族安は が外認 9 (a) 生の(1) に次つ(11)のの 公(ii) 定 命国 るはが務に 身の Ħ が見 け実本軍え で駆困のる を確め Ø 公一 Ø 当務公 9 問 局 で務 にあ歌 件で示る行 危 日 N があ 損民に裁対は為族 裁証と軍否 及いるを本ら生罪とばが 版は 罪 有 項 れ じ 者 の ら (i) さ通しす (のなたの場構も

なぜとるのとも場合

で自 やりい る判 もれ 栽官 判の 裁充

数を 規機に第 教わえ朝柳と定放(0)三あ 行及にに棄は百る ●中びな関の の日つす要第八 会にと罪国お談に次参拠す ン又り事対の照のかめる とれかのし第 つ本 ġ. て当り いの局域 ź 合規義 15 つでの(日)とでる次

TA e T 本 0 点

家る本五て判め以定民 間族と当の定心 ず速明並捕る(0) 》 捕配びとるは い被あかへず且日軍 る告るら軍合つ米当 ○人 ○第 屬 衆 合 の第四の国 速場い衆判ずれ **権五項定<sup>單</sup>国国裁** 合る国するぞ すは更の方目№ や日(D)当当国 T か米は局局内の 合ず日相 衆れ本互身け繁 当次隊し渡の五 通判成すつ 員(b) 活法そると 適国て

化紫鹤

行日法の

件後場る犯た周日者前公合ら更は にけを合強国取るが国者(0)軍に定 あ 留 前 し 第 調 て 起 が 合 被 局 を日正ど合のと日た続のたち事 お必しで理本び権での抵柄に成本つ局 て犯由項家をき官がをあ員国いが 單をびにがすわがき禁と軍当日れ がる当何必よ犯るけ合渡すき属局本ら でと局層要りし罪で衆さるないに国機 必側け族員のて、。起。な有を 日る場要ででを『当い公とするつす證 本旨合が勾多遂又局る訴のるしてる捕 国のでな留る捕はが被提場まといなし

さあ と場 きは 8 B

ろ国

わ刑 A 項ののる項るす提項 A 項る K の 手間す (b) とる 出 (a) T 統でべはと羨 》は 0 "を務犯 の互の前条の罪日定 他に事述件あに本第 細通件第とる関の七。 目告の三すと連当条 はし処項るとす局第 めい本る のな関 ると困権 てとの利 1. 渡犯で とを当が に定局競 なめ及合。 のつ査 とい合る 思る衆場 将相の

来 互 収

れてのに

ちのエ (a) 行協 はの定 日制第 本 限 七 国 及 条 のび第 法 自 七 制由項 が刑に 同・の 相 の行す 場のる 合援規 に助定 死化で 刑つ。 規て定 定規の し定場 てし合 b て R

会っ本八応考規 合つとあ にてとつ は。でた内国 にをと恋た歌 らた途憶刑で ど(0) 幾にな

てい軍判に者のよ明》 ○紀所よは判つ配 A のはにり判本受にい協 と事い判れの服判 で裁てをる領役にす七 № 懲局たはでる らち八 と裁構を同役の国当 のそ判成保一を結のす 判性行たし犯ま 判規 所格う作て罪し無所定 はをと為いに、罪又で 国す妨不但てく決衆事 法とる為 > 方赦 受の再

1

,

。及を人 国て懲者裁利れり に判ら八段をはる国 このの被福のそ障本七 連のい系規代告利裁れす国条 又公がし福と及定表人で判 を合なに日 らづ国る んいす閉せのは判

実裁禁た

合るのが施に当行のる \* 異項な \* 当の と動祭・『つの人意を域あ及こ設 本行に軍を跡てるいけの意区執区 側使な 当得し行たてでよ 味 域る 域 日でらいををき区本すにて縮点機 本速れい得いる域国る無い利改を がしけまにのまに警合の備も前使 でいるたむ祭に盛さつのす ばるを、のか、、要軍争るい条をこた \*者 達 巻 当 か 区 米 な 当 の 施 に 第 有 れ め

(禁そ計 っと酸施0 施さ及設協 設れび区定 及。区域第 び行城の七 区政一内杂 一定はに十 て利第間条い挙有るが る条米て相 。に安規当 で然自感、国告で 合基全定す 多米已刑拘察人ある軍 。の不禁のが梅。は局 整 維 利 止 要 保 利 の合条い定 、供三不てい " 軍 述 七 法 い て 0 立 はのの回答

20

あ衆 議停止しさ A 次十る判要よれるの 裔もるべとてし二に い全つ当び定合あて 国たをあ事の の者確つ録近 当が保てに傍 けれ気的たその洋当 ちる刑で協の締条説 海豚当。んな

す 三 の の 察 ず る に で 以 附 差 は 権 に 察 日 全けに秩件に件は に利る激れ局にに るれる持てと度区 はる改り目の定て

と周びに るれとせ銀定 る施日 で目あ 。をり そ打 の合ま たせた

めて実

ら故定齒行な泉ば六利開に日 三の三 にのはしに為な合二祭 日为日 のるで 間ら力 は昭を 定月な

6.75

国

2

力

生

で

定

賣

か

У,

わ

る

T

0

協

定す着

凡北定

月

+

Ħ

Ø

定

M

る

大 正

西

粂

約

錃

武

E

3

月

F

旬

办

6

米 定

と同

非

公

式

Ø

会

睽

行

つ

たす

定を

崇

**(2)** 

వ

定

行 本 年 廞 70 月 澨 + В 粂 Ø 孛 政 府 わ K C ъ 对 Ø 쪵 Ð 位 ψż 方 V⊂ 楹

協定

+

七

粂

È

改 连

Ť

8

鼷

澨

**3** 

■する報告

瓇

Ù

τ

晃 ηS Ø 方 薆 Ø Ť 衢 4 龙 李 Z 新 定 粱 1 っ て 双 方 Ø 变 渺 当 33 耆 で 髧

4

よかり命意を今たっついては、これは響名するなとは深いれりのすかのの事例代教局の小務たるがちゃらろをろとを選出したので、直ちは兩国政府で正式会談を願き風が接到したので、直ちは兩国政府で正式会談を願き風か月 1 変月の月火もありりで

かなりなれる機能定書

半

国工使

Ą

家 回の 族 米 ŧ 办 有 Ø 犯 L V2 τ 法 H (A た  $\sim$ た 恕 ľ 璵 主 罪 3 つ 行 K 次 規 对 0 K 定 裁 汝 τ は を 駐 金 並 原 留 τ 鑑 K 举 犯 睴 又 安 た る K 穗 全 から A て 屬 狮 す ŧ 壐 る 踙 及 人 の 公 る Ø 当 寸 行 Œ 局 る 办 豳 及 犯 Œ 的 人 て 縠 Z 判 Ø 扣 对 鲰 犪 炝 う

な方式であると思う。

る た め Ø 項 進歩した合理のとうこれに K

羉

1

White some

L

T do-T

8 趣的 讏 Ž, 方式 7 ð 4 40 ځ 1 思 V る Ø 70 现 征 Ø ځ ح ろ ح 扣 紅塚山

March 1

Manager Co.

近日本国政府とアメリカ合衆国政府との間の行政協定第十七条を改正する議定書に関す る合意された公式議事録

(a)及び2(a)に関し、

合衆国の軍法に服する者の範囲は、 合衆国政府が合同委員会を通じて日本国政府に通知し

**煮ければならない。** 

てのに関し、

3 (a) ii) に関し、

の規定でそれらの罪を定めるものを相互に通報しなければならない。 両政府は、2 ©に掲げる安全に対するすべての罪に関する詳細及びそれぞれ自国の現行法

旨を記載した証明書でその指揮官又は指揮官に代るべき者が発行したものは、反証のない限 により犯されたとするならば、その罪が公務執行中の作為又は不作為から生じたものである 合衆国軍隊の構成員又は軍属が起訴された場合において、その起訴された罪がもし被告人 刑事手続のいかなる段階においてもその事実の充分な証拠資料となる。

と解釈してはならない。 前項の陳述は、いかなる意味においても、 日本国の刑事訴訟法第三百十八条を害するもの

# 3()に関し、

- 裁判権を行使する第一次の権利の放棄に関する相互の手続は、合同委員会が決定する
- る罪で日本国叉は日本国民に対して犯されたものに係る事件の裁判は、別段の取極が相 うことができる。 互に合意されない限り、 日本国の当局が裁判権を行使する第一次の権利を放棄した事件の裁判及び回河に定め 直ちに行わなければならない。 日本国において、犯罪が行われたと認められる場所から適当な 日本国の当局の代表者は、 その裁判に立ち会

入れたものは、 合衆国及び日本国の二重国籍者で、 4の適用上、日本国民とみなさず、合衆国国民とみなす。 合衆国の軍法に服しており、且つ、 合衆国が日本国に

## 5に関し

衆国軍隊の構成員若 ができるようにしなければならない。合衆国の当局は、日本国の当局の要請があれば、日 日本国の当局がその犯人を取り調べることができることをその釈放の条件とした場合に して逮捕したときは、その犯人を拘束する正当な理由及び必要があると思料する場合を 本国の当局がその犯人を起訴した時にその犯人の身柄を日本国の当局に引き渡さなけれ 日本国の当局は、日本国が裁判権を行使する第一次の権利を有する事件について、合 日本国の当局の要請があれば、日本国の当局がその犯人をいつでも取り調べること 当該犯人を釈放し、 しくは軍属又はそれらの家族で合衆国の軍法に服するものを犯人と 合衆国の軍当局による拘禁にゆだねるものとする。 但し、

ついて、 局に通告するものとする。 合衆国の軍当局は、日本国が裁判権を行使する第一次の権利を有するすべての事件に 合衆国軍隊の構成員若しくは軍属又はそれらの家族の逮捕を直ちに日本国の当

ばならない。

### っに関し、

て裁判を受けるすべての者に対して保障されている。 本項のからのまでに掲げる権利は、日本国憲法の規定により、 これらの権利の外、 日本国の裁判所にお 合衆国軍隊の

国の裁判所において裁判を受けるすべての者に対して日本国の法律が保障するその他の 構成員若しくは軍属又はそれらの家族で日本国の裁判権の下に起訴されたものは、日本 権利を有する。 前記のその他の権利は、 日本国憲法により保障されている次の権利を含

- 席する公開の法廷で示されなければならない。 る権利を与えられなければ、抑留又は拘禁されない。 なければ、 その者は、自己に対する被疑事実を直ちに告げられ、且つ、直ちに弁護人に依頼す 拘禁されず、要求があれば、その理由は、直ちに本人及びその弁護人の出 また、その者は、正当な理由が
- その者は、公平な裁判所の公開裁判を受ける権利を有する。
- その者は、自己に不利益な供述を強要されない。
- ご その者は、すべての証人を審問する機会を充分に与えられる。
- (6) その者は、残虐な刑罰を科せられることはない。
- らの家族で日本国の権限の下に拘禁されているものに接見する権利を有する。 合衆国の当局は、要請すれば、いつでも、合衆国軍隊の構成員若しくは軍属又はそれ
- れたものの裁判に合衆国政府の代表者が立ち会うことに関する9gのいかなる規定も、 合衆国軍隊の構成員若しくは軍属又はそれらの家族で日本国の裁判権に基いて起訴さ

裁判の公開に関する日本国憲法の規定を害するものと解釈してはならない。

10回及び10回に関し、

\*1 (合衆国の軍当局は、通常、 "る施設及び区域内ですべての逮捕を行うものとする。このことは、合衆国軍隊の権限の 本国の当局が前記の施設又は区域内において逮捕を行うことを妨げるものではない。 ある当局が同意する場合又は重大な罪を犯した現行犯人を追跡している場合において日 合衆国軍隊が使用し、 且つ、その権限に基いて警備してい

捕された者で合衆国軍隊の裁判権に服さないすべてのものは、直ちに日本国の当局に引 日本国の当局の要請によりその者を逮捕することを約束する。 合衆国軍隊により使用されている施設又は区域内にある場合には、合衆国の軍当局は、 き渡さなければならない。 日本国の当局が逮捕することを希望する者で合衆国軍隊の裁判権に服さないものが、 合衆国の軍当局により逮

する罪の既遂又は未遂の現行犯に係る者を法の正当な手続に従つて逮捕することができ に引き渡さなければならない。 る。これらの者で合衆国軍隊の裁判権に服さないものは、 合衆国の軍当局は、施設又は区域の近傍において、当該施設又は当該区域の安全に対 すべて、 直ちに日本国の当局

≡

3889 (c. 15 di).

2 施設若しくは区域内にあるすべての者若しくは財産について、又は所在地のいかんを問 合衆国軍隊の権限のある当局が、 意した場合は、 わず合衆国軍隊の財産について、 日本国の当局は、 この限りでない。 通常、 合衆国軍隊が使用し、且つ、その権限に基いて警備している 搜索、差押又は検証を行う権利を行使しない。 日本国の当局によるこれらの捜索、差押又は検証に同

する。 る合衆国軍隊の財産について、 ため日本国の当局に引き渡すものとする。 のについて、 合衆国軍隊が使用している施設若しくは区域内にある者若しくは財産又は日本国にあ どれらの財産で合衆国政府又はその附属機関が所有し又は利用する財産以外のも 合衆国の軍当局は、 裁判が行われたときは、合衆国は、それらの財産を裁判に従つて処理する 要請により、その搜索、差押又は検証を行うことを約束 捜索、差押又は検証を行うことを日本国の当局が希望す

議定書の適用に関し、

らの事件に対しては、 れるものとする。 この議定書の規定は、 この議定書の効力発生前に存在した行政協定第十七条の規定が適用さ 

千九百五十三年九月二十九日に東京で

日本国外務大臣

日本国法務大臣

ジョン・M・アリソン日本国駐在アメリカ合衆国特命全権大使

\$850.00b.

合権

倒員

代会

麦刑

Ø

康 部

述会

Ø

定

Ξ

Ξ て 7 要で 通

Ø

を

す

る 事

て 述 Ø 廱 定 合 当 K 通 た 事 日

避 け 項 る 92 VC な K) る 5 と る こ. 私 R 0 ż す 次 随 決 の述 定 ځ Ø 解 \* り釈 合 重 L. ح 将 ځ 定 行 適 હ Ø 考 七第 条 --

担

る

Milweste...

2

る第一次 Ø 糜 述 It. なけれ

含然国側代表トッド大佐 議定警第五項(拘禁)に関し、

合衆

50-5

批种

### Confidential

Reduction Draft September 12, 1953

Statements by Japanese Representative at a Meeting of the Criminal Panel,

Jurisdiction Sub-Committee

of the Joint Committee

### Re Paragraph 3 of the Protocol (Primary jurisdiction)

Mr. Tsuda, Japanese Representative:

1. As to practical operation of the provisions of paragraph 3 of the Protocol, I can state that as a matter of policy, the Japanese authorities do not normally intend to exercise the primary right of jurisdiction over members of the United States armed forces, the civilian component, or their dependents subject to the military law of the United States other than in cases considered to be of material importance to Japan. In this respect I should like to point out that the Japanese authorities retain their freedom of discretion in the determination of which cases are of material importance to Japan.

2. When the Japanese authorities have decided to bring an indictment with respect to a case over which Japan has the primary right to exercise jurisdiction, they will so notify the United States military authorities. The notification will be made in such form, by such authorities and within such time as the Joint Committee may prescribe.

3. The above statements shall not be interpreted to prejudice the principles of paragraph 3 of the Protocol.

事年