

SUB-COMMITTEE ON JURISDICTION
ADMINISTRATIVE AGREEMENT MATTERS
CRIMINAL PANEL

28 October 1953

Statement by the Chairman of the Japanese Side
of the Criminal Panel, Jurisdiction Sub-Committee
of the Joint Committee with respect to Paragraph 3
of the Protocol of 29 September 1953, amending
Article XVII of the Administrative Agreement

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.

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 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 Protocol. My statements mentioned above shall be interpreted in this sense.

Minoru Tsuda
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Chairman, Criminal Panel,
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