

日米合同委員会（2011年8月25日）におけるやりとり

(GOJ side)

“I would like to announce that the Ministry of Foreign Affairs plans to declassify some historical records concerning the amendment of Article XVII of the Administrative Agreement in 1953.”

(USG side)

“As to the amendment you mentioned, I would like to refer to the statement made by Mr. Minoru Tsuda, the chairman of the Japanese side of the Criminal Panel, Jurisdiction Sub-Committee at the meeting on 28 October 1953 with respect to paragraph 3 of the Protocol amending Article XVII of the Administrative Agreement. The USG regards Mr. Tsuda’s statement as a unilateral policy statement on the way in which the Japanese authorities intended to exercise Japan’s primary right of jurisdiction with respect to cases where Japan would have that right under the Protocol over members of the United States armed forces, the civilian component or their dependents. The USG believes that Mr. Tsuda’s statement of intention never constituted an agreement between the USG and GOJ. The original record of Mr. Tsuda’s statement signed by him has been kept exclusively by the USG side.”

(GOJ side)

“I would like to state that the GOJ has the same understanding on the nature of the Mr. Tsuda’s statement. Since 1953, the GOJ has determined which cases were of material importance and warranted prosecution under Japanese law. I would like to refer to current cases over which the authorities of Japan have the primary right to exercise jurisdiction over members of the United States armed forces, the civilian component or their dependents with respect to offences against the law of Japan. In such cases, the decision of whether a Japanese prosecutor elects to indict a suspect or not is made in accordance with Japanese law, irrespective of the SOFA status of the suspect. I would like to request the confirmation of the USG that it shares this understanding.”

(USG side)

“The USG shares the aforestated understanding.”

(GOJ side)

“The GOJ would like to request approval to release to the public the contents of the aforementioned records and this exchange of statements publicly.”

(USG side)

“The USG has no objection to the release.”