

ORDINANCE NO. 11

AMENDING MILITARY GOVERNMENT ORDINANCE NO. 7 OF 18 OCTOBER 1946, ENTITLED "ORGANIZATION AND POWER OF CERTAIN MILITARY TRIBUNALS"

Article I

Article V of Ordinance No. 7 is amended by adding thereto a new subdivision to be designated "g)", reading as follows:

"g) The presiding judges, and, when established, the supervisory committee of presiding judges provided in Article XIII shall assign the cases brought by the Chief of Counsel for War Crimes to the various Military Tribunals for trial."

Article II

Ordinance No. 7 is amended by adding thereto a new article following Article V to be designated Article V-B, reading as follows:

"a) A joint session of the Military Tribunals may be called by any of the presiding judges thereof or upon motion, addressed to each of the Tribunals, of the Chief of Counsel for War Crimes or of counsel for any defendant whose interests are affected, to hear argument upon and to review any interlocutory ruling by any of the Military Tribunals on a fundamental or important legal question either substantive or procedural, which ruling is in conflict with or is inconsistent with a prior ruling of another of the Military Tribunals.

"b) joint session of the Military Tribunals may be called in the same manner as provided in subsection a) of this Article to hear argument upon and to review conflicting or inconsistent final rulings contained in the decision or judgments of any of the Military Tribunals on a fundamental or important legal question, either substantive or procedural Any motion with respect to such final ruling shall be filed within ten (10) days following the issuance of decision or judgment.

"c) Decisions by joint sessions of the Military Tribunals unless thereafter altered in another joint session, shall be binding upon all the Military Tribunals In the case of the review of final rulings by joint sessions, the judgments reviewed may be confirmed or remanded for action consistent with the joint decision.

"d) The presence of a majority of the members of each Military Tribunal then constituted is required to constitute a quorum.

"e) The members of the Military Tribunals shall, before any joint session begins, agree among themselves upon the selection from their number of a member to preside over the joint session.

"f) Decisions shall be by majority vote of the members. If the votes of the ,members are equally divided, the vote of the member presiding over the session shall be decisive."

Article III

Subdivisions g) and h) of Article XI of Ordinance No. 7 are deleted; subdivision i) is relettered "h)"; subdivision j) is relettered "i)"; and a new subdivision, to be designated "g)", is added, reading as follows:

"g) The prosecution and defense shall address the court in such order as the Tribunal may determine."

This Ordinance becomes effective 17 February 1947

BY ORDER OF MILITARY GOVERNMENT