

Dept of Medical Examination  
& Council

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ANTI-TUBERCULOSIS DISPENSARY OF THE  
RESEARCH INSTITUTE OF TUBERCULOSIS

May 14th, 1946

SUBJECT: RESULT OF EXAMINATION OF DEFENDANT YOSUKE MATSUOKA.

TO : INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

1. The following report is submitted pursuant to the order of the International Military Tribunal for the Far East 8 May 1946, following my selection by the counsel for the defense to conduct the examinations;

Medical Certificate

Name: YOSUKE MATSUOKA.

Date of Birth: 4 March 1880.

Address: 361st Station Hospital,  
Tokyo.

a. Present Illness:

- (1) Right pulmonary tuberculosis of the upper lobe with cavity and pleural thickening.
- (2) Angina pectoris, or angina cardiac asthma?
- (3) Chronic nephritis with diabetes mellitus.
- (4) Muscular rheumatism and rheumatic arthritis.

b. Course of Illness:

He used to have chronic bronchitis from heavy smoking, but otherwise he was of a strong constitution. In 1933 he had pneumonia and was under medical care about two months. In October 1930 he had an attack of apoplexy with slight degree of right hemiplegia and was recuperating for almost two months under the care of late Dr. Manabe, Prof. of Tokyo Imperial University; after the death of Dr. Manabe, Dr. Tsukie took his place. In July 1941 while he was

convalescing from his cold, he noticed of frequent bloody sputum, then he was ordered to take a rest at his villa of Gotemba and later in Karuisawa. Nevertheless, in September of same year, there were several large hemorrhages (hemoptisis), therefore, he had to take absolute bed rest. At that time the diagnosis was made as "right infraclavicular infiltration with cavity". On the 28th of October 1941 he was brought back home in Tokyo, and again in the middle of January 1942 there was another large hemoptysis. At the same time an urinalysis revealed 0.2-0.5% of sugar, 0.2-0.4% of albumin and of some blood corpuscles. In February 1942 the above condition was complicated by pleurisy with effusion of the right side. The fever went up high as 38.5 C and continued for about a month. From March 1942 the unilateral pneumothorax was instituted from right lung and from June of same year the bilateral pneumothorax was done because of the appearance of the infiltration on the left, but this had discontinued after the third on account of the perforation of the left lung. During the period of 1932-43 he had at times a small hemoptysis or bloody sputum and those occasions his body temperature went up to 38 C. The period of six months from the autumn of 1943 to the spring of 1944, he suffered from persistent annoying headache, then Dr. Sasa was called for consultation. On the morning of March 17, 1944 he suddenly became aware of the loss of his sight which was later diagnosed as the result of the retinal hemorrhage but this got gradually better and fortunately his sight was restored, within four months time to a certain point, but never back to a normal and since then he was very much deprived of its use. From June 1944, he was moved to Gotemba for his health, there on November the 13th he had another

apoplexy, though of a slight degree. There was only a bit of tactile disorder but recovered from it within a few days. On the 30 of November 1944 he was once moved to Kona and on the 16 of January 1945 he showed some degree of aphasia although it was transitory and also there was an inconvenience of using his right arm for almost two months, moreover, his bodily movement was greatly limited and especially his lower extremities became very unsteady even after his apparent recovery from this. Later he was annoyed by insomnia and got into the habit of taking some sedatives quite frequently. His blood usually was 170/100 but sometimes there was temporary rise of 240/100. His pulse was usually regular, strong and tense but at times there was arrhythmia and especially during the night he was suddenly awakened by an acute cardiac discomfort and acrotism, at such time there was dropped beats every tenth beat or oftener which condition continued for five weeks. Sugar and albumin detected since the beginning of his illness. Daily amount of urine was about 1,500 cc and there was frequent urination during nights. He is usually constipated. In the beginning the sputum was of tenacious, mucous and pussy nature with abundant tubercle bacilli (Gaffky No. 3).

Even at present the bloody sputum is observed occasionally. The arthritis and the muscular rheumatism resulted in difficulty of movement and there was an ankylosis of the right finger joints making his grasping power weak. He was unable to walk by himself and he always depends on his cane, therefore he cannot even go to the toilet without help. His knee-reflex is hypertonic.

On the 22nd of January he was taken to Sugamo prison and was put under the care of the physician there.

On the 10th of May 1946 he was moved to the 361st Station Hospital from Sugamo Prison on account of his failing health.

The patient stated that there occurred a sudden laboured respiration of unknown cause on the latter part of April which accompanied some vomiting and his appetite was entirely lost. Besides, the persistent hiccoughs are annoying him and are preventing him from his normal rest since the first part of this month.

c. Present Illness:

Present Complaints: Hiccough, general weakness and poor appetite. His general debility, paleness and haggard appearance drew our attention particularly on entering his room. On examination his pulse rate was 74 per min., regular, strong and tense; respiration rate 34 per min., hiccough every 1-2 respirations which made his breathing very difficult and he looked utterly miserable from this annoying symptom which is his foremost complaint at present.

Inspection: Depression and muscular wasting on the upper portion of the right side of the chest under the clavicle.

Auscultation: Palpation and tympanic dullness above the 4th rib on the right; bronchial and various rales audible all over the right lung. Dullness extends from right axillary region up to the right lower edge of the scapula, there the breath sound is feeble. Posteriorly there was tympanic dullness, bronchial breathing and rales. On the left anteriorly there are various rales all over and over that area also a sharp breath sound audible. Left lung is clear from posteriorly.

Cardiac Finding: On palpation the right border of cardiac dullness extends from the right mammary line and left border reaches to

the edge of the sternum. On auscultation the systolic murmur is heard over the aortic orifice.

Results of X-Ray electrocardiogram and sputum finding, also urinalysis and other laboratory examinations made by the physicians in charge at the 361st Station Hospital were utilized in our examination.

d. Medical Treatment:

Absolute bed rest is essential for some months. Treat the condition from the standpoint of nutrition, fresh air and general care, treat other symptoms symptomatically.

e. Prognosis:

Very bad. Even under close and careful medical attention some of the complications may become worse and may bring undesirable consequences earlier than we can predict.

f. Opinion:

Regarding the patient's condition my opinion is as follows:

(1) That the general weakness of the patient has increased much more than it had been in January of this year, and the catarrh of lungs have become wider and worse, resulting in his hard breathing. In addition to this, hiccough which attacked him suddenly since the first part of this month are so persistent that they come every one or two breathings. These hiccoughs have made much difficulty in his breathing and speaking, making him too much tired even in short time talking.

(2) That owing to the long confinement to his sick bed, the patient's whole muscular system, especially the muscles of his lower limbs, have become weak, causing not only

difficulty in long sitting.

(3) That owing to his arteriosclerosis, there may occur suddenly apoplexy, as it occurred before, when his condition of body as well as the atmosphere does not fit him.

(4) That owing to his weak appetite, the restoration of his bodily strength is not easy. His weak appetite is the result of the collapse of his health, and in case good nourishment is not afforded, his illness will become much worse.

(5) The volume of sputum is much, and many tubercular bacillus are found, so that in view of public health, it is necessary to keep him separated from the public.

(6) That therefore Yosuke Matsuoka does not have the physical capacity to proceed to trial without causing permanent injury to his health and endangering his life as well as the lives of those people around him from contracting such a contagious disease.

Date. May 14th 1946.

/s/ Denji Terao  
Denji Terao, M.D.

Anti-tuberculosis dispensary of  
the Research Institute of Tuberculosis.  
Misaki-cho, Kanda-ku, Tokyo

HEADQUARTERS  
361ST STATION HOSPITAL  
APO 1055

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21 May 1946

SUBJECT: Examination of Yosuke Matsuoka.

TO : International Military Tribunal for the Far East.

1. Patient was admitted to the 361st Station Hospital from Sugamo Prison on 9th of May 1946 for examination. On admission patient was acutely ill with marked shortness of breath and nausea and vomiting. Physical examination at that time revealed physical findings of pulmonary disease with an enlarged heart and high blood pressure.

2. A urinalysis revealed sugar and albumin with a few R.B.C. and a low specific gravity. A blood chemistry revealed sugar of 286 mgms %; non protein nitrogen, 64 mgms %; total blood protein, 6.2 mgms % with an albumin globulin ratio of 0.81. Blood Wasserman and Kahn were negative. Electrocardiograph revealed findings typical of digitalis poisoning. X-Ray of the chest revealed a long standing tuberculous process with fibrosis, cavitation, and thickened pleura on the right. The left lung was essentially negative. Sputum examination revealed acid fast organisms.

3. Diagnosis: 1. Tuberculosis, pulmonary, re-infection type, far advanced; active, upper half of right lung with cavitation. 2. Nephritis, glomerular, sub-acute. 3. Hypertension; secondary to (2). 4. Diabetes mellitus, mild.

4. Patient is confined to bed. His prognosis is very poor, and it is believed that no improvement of his condition can be expected. His treatment here has consisted of diet, complete bed rest, and sedation.

/s/ELDEAN G. BETZ  
Captain, MC  
Chief Medical Service



NEUROPSYCHIATRIC SERVICE  
361ST STATION HOSPITAL

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APO 1055  
11 May 1946

SUBJECT: Examination of OKAWA, Shumei.

TO : The President, International Military Tribunal for the Far East,  
War Ministry, Tokyo, Japan.

1. The following report is submitted regarding the physical and mental status of Shumei OKAWA, admitted to this hospital 4 May 1946:

PRESENT ILLNESS

The patient was referred for examination because of bizarre behavior during his appearance in court for arraignment as a major Japanese war criminal. It had been noted that for several weeks in prison he behaved in an unreasonable manner. During the court proceedings he created a sensation by slapping another prisoner, TOJO, on the head. He showed an inappropriate attitude and emotional reaction, and expressed ideas about extracting nourishment from the air.

PREVIOUS PERSONAL HISTORY

Past history as elicited from the patient reveals that he was born in 1886, in a small village in northern Honshu. His early health was good, and he was precocious in learning to read and write. He was quite aggressive, enjoyed competing with his schoolmates, strove always to show his superiority. He had the usual elementary schooling, and developed a pronounced interest in the classics. He was profoundly influenced by a French Jesuit priest, was converted to Catholicism at the age of 17. Later he came under the influence of a Buddhist monk who taught him the principles of Yogi. He underwent numerous ordeals of self discipline, attaining a state of mysticism peculiar to that cult. He went on to study literature, philosophy, sociology, religion, medicine and languages, including Chinese, English, French, German and Sanskrit. At the Tokyo University he majored in Indian philosophy graduated at the age of 27, and then continued independent studies for several years receiving doctorate degrees in law and literature. His studies led him to an increasing interest in Japanese history and culture, and he was aroused to a nationalistic spirit which was reflected in numerous writings. He became quite influential in the movement for Japanese expansion, and was involved in planning the invasion of Manchuria as well as the assassination of several Japanese statesmen who opposed the movement. As a result of the latter activity, he was sentenced to five years imprisonment. During this time it was discovered that he had tuberculosis, and he was hospitalized for a year, about ten years ago. The medical history reveals that he contracted gonorrhea at the age of 33, when he had his first sexual contact. Genital lesion or other evidence of syphilis is denied. He was married at the age of 41, has no children. He states that he is sexually potent but has no sexual desire. Abnormal sex activity is denied. Habits include smoking of cigarettes most of life, sporadic consumption of alcohol, and occasional experimental use of opium.

### FAMILY HISTORY

Father died in 1914, at the age of 26, of typhus fever. He had been a heavy drinker. Mother is living and well at the age of 81. There are two brothers, both in good health. No significant familial disease elicited.

### MENTAL STATUS

General appearance, speech, emotional reaction: Patient is alert, cooperative, and accessible. He is careless in personal appearance, somewhat untidy. He is talkative, under some pressure of speech, rather tense and overactive. There is definite euphoria, patient says he is "in a state of happy intoxication, like a God". He is in good touch with his surroundings. Stream of talk is coherent, and answers to questions are relevant. There is some circumstantiality, but no notable distractibility or flight of ideas with loss of goal. Remarks are frequently facetious. Emotionally he is quite labile, affect is appropriate to his output but inappropriate to the situation. He is generally in good humor, but when questions are put to him which are obviously meant to test his intelligence, he becomes angry and resentful.

Content of thought: The patient believes that he has extraordinary powers which others might consider supernatural, but have been attained only because of his profound knowledge of nature, he states. He insists he can cause a man to die by kissing him, and explains the process by saying he extracts poison from the elements of the air, exhaling it in a lethal form. He claims to have killed two Chinese in this manner, but says he would have to do it to several hundred in order to get sufficient concentration of poison to be able to test and explain the exact mechanism. He has an even greater power, which he will confide only to General MacArthur. His secret will enable him to cause a million men to lay down arms. If MacArthur will not listen to him, it is God's will, and he will not try to persuade him. But by application of his secret power, the earth would become a paradise, all men brothers, all religions would be unified, and OKAWA would be the embodiment of Christ, Mohammed, Buddha and Jehovah. If MacArthur agrees to his plan, the foundations will be laid this month, and by July 4 America and Japan can join in ruling the world. First, it is necessary for OKAWA to be appointed Emperor. He wishes to become commander of the prison, and says that he will accept American citizenship for this purpose, but he will have to receive the rank of Major General. He states that the secret of his power is a commonplace thing, but no one else could dream or conceive of it. He claims that he derived his powers through Yogi training, and says he can sit in a squatting position for 200 days without moving, extracting nourishment from the air. He denies hallucinations by name, but says he receives "revelations" which he writes down without being aware of their contents. When he reads these writings later they impress him as being remarkable. While in jail, he laughed for two days after reading one of his documents. He is certain he will become the world's foremost humorist. When questioned specifically about auditory or visual impressions, he describes visions which he sees when he closes his eyes, says they seem like a dream in which he has no active role, but is merely a bystander. He is

vague regarding their content. When asked why he slapped TOJO in court, he says he wanted to kill him, because he loved him and wished to protect his family from the humiliation of the trial. He says that he did kill TOJO, but realizes that the latter is still alive, says he just killed him "subjectively and symbolically". On one occasion during observation in the hospital, patient stated that Mrs. MacArthur had come to visit him on the ward, and that she had brought 10,000 women to help take care of him. He is very deeply moved by this, and tells of his appreciation with tears in his eyes.

Sensorium is clear, and patient is oriented for time, place and person. Remote memory shows no gross impairment, but there are some gaps for recent events. Retention and recall are fair, with an occasional error in repeating digits. Calculations are done rapidly, but with some errors. Comprehension appears adequate, but abstract thinking in test definitions and differentiations shows some impairment. Judgement is poor, and insight is lacking.

#### PHYSICAL EXAMINATION

Patient is tall, asthenic, emaciated. Blood pressure is 150/50. Pupils are constricted, slightly irregular, and very sluggish in reaction to light and accommodation. There is tremulous iris bilaterally. Ophthalmoscopic examination reveals normal optic discs, mild arteriosclerotic changes in the vessels. Heart is regular, rate normal, no enlargement. There is a high pitched diastolic murmur, loudest at the sternal border in the 4th left intercostal space, characteristic of aortic insufficiency. The lung fields are clear. No enlarged abdominal viscera are palpable. Reflexes are sluggish in the upper extremities. The right knee jerk is absent, the left sluggish. The ankle jerks are absent bilaterally. The remainder of the neurologic examination is unrevealing.

#### LABORATORY EXAMINATIONS

Blood Count - normal  
Urinalysis - faint trace of albumen; few white blood cells; otherwise negative.  
Blood Kahn - 3 plus  
Spinal fluid - 12 cells, all lymphocytes; protein 69.4 mg/100cc. Pandy 3 plus; colloidal gold curve 555555310. Wasserman 3 plus.  
X-ray chest - extensive fibroid infiltration in upper lung fields, characteristic of long standing bilateral pulmonary tuberculosis. This aorta is dilated, and there are extensive calcium deposits in the wall of the descending portion to indicate arteriosclerotic changes compatible with the patients' age.  
EKG left axis deviation, R123 slurred, picture compatible with lesion of aortic valve, non-rheumatic.

DIAGNOSIS

The primary diagnosis in this case is as follows:

Syphilis, tertiary -

a.) Psychosis with syphilitic meningo-encephalitis (general paresis): manifested by overactivity, emotional lability euphoria, grandiose delusions, visual hallucinations, defective judgment, and impairment of retention, recent memory, abstract thinking, and insight; with irregular sluggish pupils, absent deep reflexes in the lower extremities, positive blood and spinal fluid Wasserman, and increase in spinal fluid cells and protein with parietic type gold curve.

b.) Aortitis, chronic, syphilitic, with aortic valve insufficiency.

Additional diagnoses are as follows:

Tuberculosis, pulmonary, bilateral, chronic, activity undetermined.  
Arteriosclerosis, generalized, mild.

2. In view of the primary diagnosis in this case, it is considered that the patient is unable to distinguish right from wrong, and he is incapable of testifying in his own defense.

3. It is to be noted that the arrest of brain damage in general paresis depends on the prompt utilization of certain types of fever therapy, and it is recommended that disposition in this case include provisions for early institution of definitive treatment.

/s/ BENNETH L. SNIDER  
Captain, MC  
Chief of NP Service

NEUROPSYCHIATRIC SERVICE  
361ST STATION HOSPITAL

APO 1055  
22 May 1946

SWORN STATEMENT

SHUMEI OKAWA has been examined on the psychiatric ward during the period 4 May - 11 May 1946. The psychiatric diagnosis in this case is as follows:

Psychosis with syphilitic meningo-encephalitis (general Paresis), manifested by overactivity, emotional lability, euphoria, grandiose delusions, visual hallucinations, defective judgment, and impairment of retention, recent memory, abstract thinking, and insight; with irregular sluggish pupils, absent deep reflexes in the lower extremities, positive blood and spinal fluid Wassermann, and increase in spinal fluid cells and protein with parietic type gold curve.

This patient is considered unable to distinguish right from wrong, and incapable of testifying in his own defense.

/s/BENNETH L. SNIDER  
Captain MC  
Chief of NP Service

Sworn to and subscribed before me this 22nd day of May 1946.

/s/JAMES F. LAWRENCE  
1st Lieutenant, MAC  
Asst. Adjutant  
361st Station Hospital

Medical Certificate.

No. 12

Patient: Shumei, OKAWA

(Born 6 December, 1886)

I have medically examined the above patient and  
diagnose his case as follows:

Disease: Progressive Paralysis.

N.B. No changes have been seen.

Akira HAYASHI, doctor, (Stamp).

Matsuzawa Metropolitan Hospital.

30 January, 1947

Medical Certificate.

No. 14

Patient: Shumei, OKAWA

(Born 6 December, 1886)

I have medically examined the above patient and  
diagnose his case as follows:

Disease: Progressive Paralysis.

N.B. Lying in bed with fever caused by slight bronchitis  
in these several days.

Akira HAYASHI, Doctor, (Stamp)

Matsuzawa Metropolitan Hospital.

5 February, 1947

To : Sir William Webb, President of the International Military Tribunal of Far East.

From: Dr. Yushi Uchimura, Professor at the Department of Psychiatry, Faculty of Medicine, Tokyo Imperial University; Head of Tokyo Municipal Hospital at Matsuzawa.

Subject: Report of a Psychiatric Examination of OKAWA, Shumei.

Date : 23 February 1947.

On 11 May 1946 I presented a report of a medical examination of Mr. OKAWA, Shumei's mental condition at that time to Sir William Webb, President of the International Military Tribunal. Permission being given by the Tribunal that Mr. OKAWA be treated in the hospital attached to the Faculty of Medicine, Tokyo Imperial University, I admitted him since 11 June to the said hospital and applied the malaria therapy for general paralysis. As his condition eventually required a still quieter surrounding, I, as the physician in charge, requested the President of the Tribunal in a note dated 22 August to allow the transfer of Mr. OKAWA to the Tokyo Municipal Hospital at Matsuzawa. This request being complied with, Mr. OKAWA has been taken to the Matsuzawa Hospital since 26 August where treatment has been continued up to the present.

On 23 December of the same year the President of the Tribunal again issued the order that a medical examination be conducted with respect to the mental and physical condition of Mr. OKAWA. Having been asked by the defense counsel for Mr. OKAWA to examine him again, I am herewith presenting a report of his condition since 22 August 1946 together with my expert opinion as to the judgement to be formed from these data.

## Course of Illness

### Condition in August:

On the whole the patient continues to show the same state of excitement as in the Tokyo Imperial University Hospital, wearing his clothes in disorder, entertaining strong delusions of grandeur and occasionally destroying the window of his room. Owing to the quiet surrounding, however, periods of non-irritability begin to appear intermittently and insomnia during the night has rapidly diminished.

### Condition in September:

The patient shows a general tendency to quiet down. Emotional elation and irritability persist strong yet, and the patient emphatically asserts that he has been wrongly put in a mental hospital and that his abnormal speech and behavior since May were due to a state of religious trance in which he acted in that way so as not to forget the peculiar experiences he went through at that time. He goes on to claim that the drug which was administered to him for sedative purposes at the University Hospital was in reality cyankali, which, he says, was meant to kill him -- an idea that is definitely a delusion of persecution. Though we urge him to receive the antisyphilitic treatment in order to reenforce the effects of the fever therapy conducted at the University Hospital, he obstinately refuses it saying that for that matter, he had better be sent to a hospital specializing in venereal diseases.

### Condition in October:

Daily behavior is markedly quieter, there being no disordered conduct, much less acts of violence. From time to time, however, the patient still coolly utters such nonsense as his height having



grown taller by 2 inches and refuses to admit that his condition at the onset of the illness while staying at Sugamo Prison was pathological.

"While reading the sutras of Kannon at Sugamo", says he, "I received the inspiration that I should unify world religions. I am convinced that Buddhism and Christianity are after all one and the same thing". "At that time", he further goes on to claim, "I was more clear-headed than ever before, being able to make poetry and write elegant prose at will. Thoughts gushed forth so rapidly that I could hardly keep up with them and write them all down. It was all in all a state of religious ecstasy."

Eventually the patient begins to spend his daytime reading and writing, and by the end of the month brings to completion a manuscript of about 400 to 500 pages entitled "Introduction to Religion". The theme of this book concerns the unification of religions and its content consists of a simply written account of the characteristics of different kinds of religion. As far as I understand it, it appears to be an easy and enlightening work worthy of Mr. OKAWA's culture. At no point can there be detected any thoughts that may sound particularly morbid and the style is so beautiful as to deserve admiration.

Condition in November:

The same quiet life is kept on, there being no complaints about the discomforts of hospital life. In order to compare with the premorbid condition, Mr. OKAWA was made to meet relatives and friends who had been on intimate terms with him in his everyday life. On asking their opinion after their meeting as to Mr. OKAWA's present condition, these relatives and friends answered, "He seems

more talkative than before and his judgment of things is too optimistic." This is an opinion which, I, the physician in charge, could entirely fall in with.

Condition in December:

Behavior in the sick room as well as address may be called normal of late. The patient now receives the antisyphilitic treatment which he has hitherto been stubbornly refusing and also submits to blood and spinal fluid examination. The results of the said examination conducted on 26 December are as follows:

Blood --- Wassermann's reaction: weak positive

          Murata's reaction : weak positive

Spinal fluid ---

          Number of cells : 16 per I cmm.

          Pandy's reaction : middle positive

          Nonne's reaction :  $\pm$

          Total amount of protein: 0.24%.

          Taketa-Are's reaction : Weak positive

          Wassermann's reaction : middle positive

Though the above results show an improvement in comparison with those of the examinations conducted on 7 May and 14 August respectively, yet no few items still present a pathological condition. The patient no longer denies that he is suffering a syphilitic disease, but a real consciousness of his illness seems to be still somewhat lacking. For instance, although he tells about the various experiences or possession he had during his former excitement, he cannot fully recognize them as pathological phenomena. He says, "The souls of a great many people came to me, such as

King Edward VII, President Wilson, Prince Connaught etc. That's why my English improved very fast. It's not all very clear, but it seems there is such a thing as the coming of souls." On being asked whether he did not consider this as being due to his illness, he answers, "I am not sure about that." Though he lately complains from time to time of pain in the stomach, his physical health is on the whole satisfactory.

Condition in January 1947:

Though very gradually, the patient seems to be coming to a firmer consciousness of his illness and acknowledges the fact that he had mental aberrations. "It was as if I were drunk," says he, "But with drink one doesn't become Saigo or the Emperor Meiji. So it's a little different from drink too. It was really gorgeous. OKAWA's personality disappeared and I had no egoistic thoughts at all. I was only concerned about the welfare of my country. The reason why I talked and sang in such a manner was because I wanted to repeat that so as not to forget those experiences."

From the end of the month a violent stomach-ache continues for several days and the patient gets somewhat weaker because of poor appetite. The cause of the stomach-ache is not clear yet though he has been examined by a physician, but it does not seem to be due to a malignant disease such as gastric ulcer.

Present Condition

Having recovered from the stomach-ache, the patient leads a quiet life again. No gross mental abnormalities are to be discerned any more by looking at the outward appearance of his life and by probing into his mind through questions. His manners

are correct and polite, the expression of his feelings and thoughts have become markedly more moderate with the result that the former ostentatious and rough behavior, elated self-feeling and fickle passions do no longer appear on the surface. The fantastic delusions of grandeur which were spectacular at the acme of his illness have almost faded away. He has now a correct memory and a great store of knowledge. In Mr. OKAWA's own judgment, he speaks ~~more~~ readily than he used to before his illness. Thus in his pre-ill days, he did not care to speak unless necessary, but of late he talks readily about anything. Further in his own opinion, he does not feel any more mental deficiencies than he used to before his illness and his powers of attention and understanding seem to him to have rather augmented.

Thus by merely taking a general view, neither subjective nor objective mental disturbances are to be seen in any striking form any longer. But upon closer examination we can still find symptoms that are closely related to the pathological mental condition presented by Mr. OKAWA since last May. One of the important ones is a peculiar kind of daydreaming and a delusion-like confidence in these experiences. The following is an account of this as stated by Mr. OKAWA himself.

"This is an experience which I have had since last May and which continues until today. Thus when I concentrate my attention by sitting after the Zen fashion as quiet reigns around, I can make anyone I like come to my side and freely exchange thoughts with me. Among those I recently met in that way are Saigo Takemori, Johannes Kreuz (Mr. OKAWA's intimate friend, mother, Mohammed,

Emperor Meiji, General Yashiro, Rokuro. Of these, Mohammed I meet particularly often. It is like dreaming awake. I can see the people, hear their voices, but it is different from a dream in that I can see anything I like at will and also in that I am awake. Recently I am studying Koran. I have never been able to understand Koran as well as I do of late. I think this must be due to my frequent spiritual communion with Mohammed. It must be a phenomenon like telepathy. I have always believed in telepathy, but it is only since my entrance in Sugamo Prison that I came to believe I have that capacity, a capacity which I still continue to possess today. Therefore, I am convinced that thoughts that are told to me in that way actually belong to those people. When I was very ill last year, however, my inner need for spiritual communion was very great and the visionary stories I used to tell at that time were entirely products of this fantasy. But lately such "dreams" have become much fewer and appear only once in about three days. That is to say, I was, as it were, living in the world of souls in those days, whereas nowadays I live more in the world of reality. But even now, when I fall in such a state, I remain absorbed in that world from one to several hours. It is then that I appear to be meditating to those around me. As it requires mental concentration, night is the best time for it."

The above experience of daydreaming is something that was unknown to Mr. OKAWA when he was healthy. It appeared suddenly last May at the onset of his illness and, according to Mr. OKAWA's own statement, clearly formed the source of his colorful delusions of grandeur at that time. Consequently it is to be considered as a definitely morbid phenomenon. Moreover, Mr. OKAWA's mental attitude and judgment, believing as he does without the slightest

shadow of doubt in his communion with a great many men of old, are still more abnormal and might be said to be verging on delusions. But still more than these traits, another mental symptom, of a hallucinatory nature, still remains which makes us think of a rest of morbid mental symptoms persisting in the present Mr. OKAWA. For, according to Mr. OKAWA's own words, he at times feels powerful orders to speak or act coming to him ever since last May. For instance, recently he has received the command, "Study the Koran", and "Read the 'sutras.'" Feeling an authority like God's in this voice or mental sound, he obeys it and acts accordingly. This is obviously a symptom similar to auditory hallucination, suggesting in particular the well-known "Gemachterlebens" in that it has a compelling power. Owing to these mystical experiences, Mr. OKAWA is now in a state of mind which he describes in the following words. "I am happy in the feeling that I am the object of a blessing which is greater than I deserve. I am glad that everything is done through Heaven's guidance and that everything is good. Formerly it was resignation, but since last May it has become gratitude." This sounds very akin to the mental attitude reached by one who has been through a religious conversion. But since this conversion like experience of Mr. OKAWA's is clearly based on morbid symptoms of daydreaming and auditory hallucinations deriving from pathological mechanisms in the brain, there is no reason why one should judge this experience and the accompanying convictions of Mr. OKAWA's to be normal. Obviously they are rather to be considered as his principal mental symptoms, which, conspicuous at the beginning of his illness, still persist today in a reduced form.

### Explanatory Remarks

What has been stated so far might be summed up as follows: The psychosomatic condition of Mr. OKAWA, who was previously in a manic state due to general paralysis, has been gradually improved by means of malaria treatment and transfer to another hospital for the purpose of adjusting his environment. He has, however, not yet entirely recovered, for physically, there remain slightly positive reactions both in his blood and spinal fluid, and mentally there persist abnormal traits such as his firmly believing in his power to hold spiritual communion with anyone and acting according to hallucinatory experiences.

It is very difficult to distinguish him from normal individuals at first sight because emotional elation, delusions of grandeur and immoderate behavior have all disappeared and his power of memory is sound. In addition to that, he gives the impression of a superior man of learning and an upright personality. For all that, however, an experienced psychiatrist will never fail to detect no slight mental symptoms remaining concealed behind the outward appearance of Mr. OKAWA who has recovered composure. Those symptoms, though of a passive kind and manifesting themselves only upon close inquiry, are of such a nature as to exert a tremendous influence upon Mr. OKAWA's personality, judgment and conduct. Since Mr. OKAWA's conviction that he is in possession of telepathic power and that he is daily holding spiritual communion with any one at will was not to be found in his premorbid person, it can rightly be judged to be a product of his illness. Whereas, at the initial stage of his illness this morbid idea was concretely expressed as the main cause for the colorful delusions of

grandeur, it has come now to form the basis of Mr. OKAWA's thought in his conviction that this is a great blessing bestowed upon him by God, an idea that serves as a motive in bringing about a radical change in Mr. OKAWA's view of life. Consequently, I consider that this symptom has been causing a tremendous change in Mr. OKAWA's personality not only at the initial period of his illness, but also at present. I further infer that, as a result of this, Mr. OKAWA's way of thinking and judgment of things are still different from what they used to be before his illness.

Besides this symptom, there is a second one, called "Voice of God" by Mr. OKAWA, which has no less important effects. If it is true that, as he himself says, Mr. OKAWA talks and acts according to the "voice", then we can hardly call his speech and behavior normal acts governed by a healthy will any longer. Though Mr. OKAWA considers it supreme as a voice coming from Heaven, from a medical point of view it is nothing but the patient listening to the echo of morbid thoughts produced by his own sick brain. Similar hallucinations are found in many mental patients. In such cases it is usual that we do no longer consider their speech and behavior as being under the control of a proper judgment.

From the above explanation, it is clear that Mr. OKAWA's present mental condition, though markedly better than before, still presents important defects, this being particularly noticeable in the disturbances of the faculty for acting according to a right judgment and a healthy will. For, although Mr. OKAWA may be able to distinguish between right and wrong properly by using



his excellent intellect, it seems very likely that his altered view of life and the orders coming from hallucinations will make him change his judgment or about a course of action that is entirely dissociated from his own will. Obviously, it would be unreasonable to admit the presence of a complete accountability in such a condition even though it is accompanied with a high intellect. It can sufficiently be expected that Mr. OKAWA's physical and mental condition will be further improved by continued treatment. But since general paralysis is by its nature a serious disease bringing about the destruction of the brain, no few specialists claim that a perfect recovery of legal responsibility is never to be recognized even though the patient gets so well as to have no pathological signs detectable by detailed objective examinations. It goes without saying that this should be all the more true in a case where there actually remain more or less pathological symptoms. In the light of this view held by scholars, it is then proper to consider Mr. OKAWA's mental condition as not having recovered the faculties required in standing a trial, a thing which supposes an adequate power of judgment and will.

Mr. OKAWA's present condition of health demands that he be placed under the careful guidance of a specialist for one or two years more so as to be able to receive proper treatment as occasion arises. For only under such a care can a complete recovery be expected. On the other hand, it is also true that Mr. OKAWA is now restored to a quiet state which involves no impediment in leading an ordinary social life. It is, therefore, no longer necessary to keep him in a mental hospital. It is specially not advantageous for his health to remain in the

Matsuzawa hospital where prevails a great shortage of clothing, food and accommodation. Therefore, I wish as a doctor that, at this juncture, those concerned with Mr. OKAWA's person reconsider the matter and take a measure that is preferable for his health.

#### Summary

Mr. OKAWA's physical and mental health has considerably improved. Yet pathological symptoms still remain in both respects and especially in his mental condition. As delusions and hallucinations have undermined his personality fairly deeply, the possibility is great that his judgment and behavior be influenced by these symptoms. Consequently his condition is to be considered as one still lacking in the various faculties that are needed in standing a trial such as the power to discriminate between right and wrong in a proper manner. A complete recovery, however, is still to be expected enough by means of a careful medical treatment.

/s/ YUSHI UCHIMURA  
Examiner

NEUROPSYCHIATRIC SERVICE  
361ST STATION HOSPITAL  
APO 1055

WFF/vv  
13 March 1947

SUBJECT: Psychiatric Examination of Japanese Prisoner  
of War

TO : Commanding Officer, 361st Station Hospital,  
APO 1055

1. Okawa, Shumei, was admitted to this hospital for psychiatric reevaluation after treatment in Japanese hospitals. He was admitted on 24 February 1947 and discharged on 12 March 1947. Psychiatric reevaluation was requested by the Prosecution Section of the International Tribunal. A psychiatrist was appointed to examine the prisoner for the Defense, and the commanding officer of this installation was requested to select a neuropsychiatrist to evaluate the prisoner for the Prosecution. The following report is submitted regarding the physical and mental status of this prisoner.

This Japanese prisoner of war was first admitted to this hospital on 4 May 1946 and discharged on 11 June 1946. His diagnoses at discharge were:

Syphilis, tertiary -

a) Psychosis with syphilitic meningo-encephalitis (general paresis); manifested by overactivity, emotional lability, euphoria, grandiose delusions, visual hallucinations, defective judgment, and impairment of retention, recent memory, abstract thinking, and insight; with irregular sluggish pupils, absent deep reflexes in the lower extremities, positive blood and spinal fluid Wassermann, and increase in spinal fluid cells and protein with paretic type gold curve.

b) Aortitis, chronic, syphilitic, with aortic valve insufficiency.

1.) Tuberculosis, pulmonary, bilateral, chronic, activity undetermined.

2.) Arteriosclerosis, generalized, mild.

Following his discharge from this hospital, he was given malaria fever therapy at a Japanese hospital and transferred thereafter to Matsuzawa Hospital for the Insane. This transfer occurred about August of 1946.

The story of this prisoner's illness indicates that he probably contracted syphilis sometime between the ages of thirty-three and thirty-five. During the only period of his life in which he engaged in promiscuous sexual relationships, there is no history of a genital lesion.

The first symptoms of psychosis that we were able to elicit occurred in early April of 1946 and consisted of one or two isolated visual and auditory hallucinatory experiences. These symptoms progressed rapidly and at the time of his admission to this hospital in May, he was grossly and overtly psychotic. Apparent improvement in his psychotic symptoms occurred after fever therapy in about August of 1946.

MENTAL STATUS:

General: The prisoner is a tall, very thin, sixty-one year old man who appears about the stated age. His general appearance is unusual and decidedly unattractive. His face is thin and gaunt. He has a rather prominent nose, at the base of which rests a pair of glasses with strong, convex lenses which give prominence to his black eyes and tiny pupils.

The prisoner spoke freely in English during all interviews. He seemed to enjoy his conversations with the examiner. His English vocabulary is excellent. He expresses himself well, frequently using descriptive similies and metaphors. His pronunciation is poor.

Perception: The prisoner's attitude toward his illness is rather unusual. He does not accept his previous psychotic behavior as necessarily indicative of illness. He speaks of it as a dream and states that if he were insane he would not now remember his psychotic episode. He is fully aware, however, that his previous reactions were completely abnormal, and intellectually realizes that this constituted illness. He remembers his previous psychotic episode with slight impairment. He describes his enjoyment of the euphoria present at that time.

At present, he believes that Mohammed comes to him. In his vision, he states that he sees Mohammed dressed in a green mantle and white turban. Mohammed's eyes glow brilliantly, and his presence fills him with courage, enthusiasm, and contentment. Mohammed does not speak to him, does not move, and looks like the only picture he ever saw of Mohammed. Patient believes that this is a religious experience. Mohammed enables him to understand the "Koran" as he was never able to understand it before.

There is no conflict with his Buddhist faith because he states there is only one God; and Mohammed, Christ, and Buddha are all prophets of the same God.

The prisoner is well oriented for time, place, and persons. Recent memory is impaired somewhat in that he remembers minor occurrences with difficulty or not at all. He does remember everything that is of practical importance to him in his daily existence.

There are no other hallucinations, no delusions or illusions.

Intellection: The prisoner's thought content when alone is frequently of Mohammed and of this religion. His principal interest is now in Mohammedism and in the translation and interpretation of the "Koran". His former wide variety of interests have diminished. He speaks with interest, however, about a large number of topics. He seemed to enjoy speaking of his childhood and past life.

Remote memory is intact.

Intelligence is far above average.

Judgment is slightly impaired as indicated by his partial inability to accept his complete irrationality as illness, by the fact that his complete absorption with Mohammedism is not considered to be alien to his Buddhist faith, and by his inability to criticize his previous and present hallucinations, considering them largely only as religious experiences.

Insight into previous and present illness incomplete.

His verbalized response to questions is concise, coherent, and reasonable. He speaks with excellent logic on nearly every subject brought out for discussion. There were indications of nothing more than a very mild concentration impairment.

Emotion: The prisoner's mood remains on the euphoric side. He makes the best of any situation. He is somewhat passive. He does not anger easily and few things disturb his composure.

#### PHYSICAL EXAMINATION:

Patient is tall, asthenic, emaciated. Blood pressure 120/50. Pupils are constricted and do not respond to light or accommodation. There is flaccidity of the iris muscles so that the iris undergoes an undulating movement when either the eyes or head are moved. The heart is not enlarged to percussion. Rhythm is regular. In the third and fourth left interspace, there is a blowing systolic murmur. In the third left interspace, there is a faint early diastolic murmur. There is slight dullness in the right sub-clavicular region. Over the left apex there are diminished breathing sounds. No rales are

heard over the lung areas. Examination of the abdomen was essentially negative. The ankle jerks are absent even with reenforcement. The remainder of the deep tendon reflexes are hypo-active but equal. The remainder of the Neurological examination is essentially unrevealing.

Laboratory Examinations:

Blood Count:

Red blood cells - 4.2 million.  
White blood cells - seven thousand.  
Hemoglobin - 80%

Urinalysis: Normal

Blood Kahn: Negative

Spinal Fluid: Three white cells, three lymphocytes per HPF.

Protein - 36mg%.

Pandy - 1/4.

Gold curve - 5433100000.

Wassermann: Positive

X-Ray of Chest: Examination in the posteroanterior projection shows normal diaphragm and no pleural pathology. The heart is small and thin in type. The aorta shows uniform dilatation and there are numerous calcifications visible in the wall of the arch and the descending portion indicating arteriosclerotic changes which, however, are compatible with the patient's age. The upper thirds of both lung fields show numerous stringy, mottled and linear opacities, which are dense, scattered and indefinitely outlined. No definite cavitation is seen. The lower two thirds of both lung fields are clear. These findings are characteristic of pulmonary tuberculosis. The fact that little or no change is noted in the character of the lesions from the films of 6 May 1946 with exception of the left subapical region where some slight increase in density is noted indicates that the process is stable at the present time although the patient's infectiousness or non-infectiousness cannot be positively determined by X-Ray.

DIAGNOSIS:

The primary diagnosis is as follows:

Syphilis, old, tertiary.

Neurosyphilis: meningo-vascular, manifested by Argyll-Robertson pupils, slight impairment of recent memory and judgment, positive spinal fluid Wassermann.

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Aortitis, chronic, syphilitic, with aortic valve insufficiency.

Additional diagnoses are as follows:

Tuberculosis, pulmonary, bilateral, chronic, activity undetermined.

Arteriosclerosis, generalized, mild.

2. In our opinion, a remission of the symptoms of psychosis of the general paretic type has been brought about by treatment. We consider that this prisoner possesses the ability to understand the nature of the proceedings against him. He is able to differentiate between right and wrong. He possesses the intellectual capacity and judgment necessary to take reasonable steps in the presentation of his own defense.

/s/ Herbert Posin  
/t/ HERBERT I POSIN  
1st Lt, M C  
Neuropsychiatrist

/s/ William G. Schweikert  
/t/ WILLIAM G SCHWEIKERT  
1st Lt, M C  
Neuropsychiatrist



63

Psychiatric Examination

To: Sir William Webb, President of the International Military Tribunal for the Far East.

From: Yushi Uchimura, M. D., Professor of Psychiatry, Tokyo Imperial University, the appointed psychiatric examiner.

Subject: Report of the Psychiatric Examination on the mental condition of Shumei OKAWA.

Date: May 11, 1946.

Sir William Webb, President of the International Military Tribunal for the Far East, ordered on May 4th 1946, that Dr. Shumei OKAWA be medically examined by psychiatrists with a view to ascertaining his mental condition and his capacity to plead to the indictment. Having been appointed for the purpose by Mr. Shinichi OHARA, Japanese Defense Counsel for Dr. Shumei OKAWA, I, Yushi UCHIMURA, examined Dr. OKAWA twice on May 7th and 9th respectively at the 361st Station Hospital. Based on the results of these examinations and the additional information gathered from his wife, Ivane MATSUI and two guardians who were familiar with the daily life of Dr. OKAWA at Sugamo Prison, I have arrived at the following opinion on his mental condition as reported herewith.

#### Report of Psychiatric Examination

##### (a) Mental Condition

OKAWA is a Japanese male, taller than the average and has an appearance in keeping with his age of 61. When brought to the room for medical examination, he took a seat unceremoniously without making any greeting to those around him, and before the examiner could introduce himself, began to talk to him familiarly as if he were an old acquaintance. OKAWA's speech was rapid, loquacious, somewhat indistinct, and flowed on almost uninterruptedly. His attire was slovenly and his manners extremely rude. Giving absolutely no heed to his surroundings,

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he spoke out elatedly anything and everything that came to his mind. After a while, however, when I asked him to let me conduct an oral and physical examination, he complied with my request on the whole submissively. Only in a few cases when the process of examination was lengthy, he showed signs of impatience and refused to submit. His talk was very fluent and ran on topics of religion, politics and science, erotic remarks being also not infrequently inserted. Criticisms and appraisals of other people were highly outspoken, as he tended to speak highly of himself at the expense of others. The sense of self was conspicuously heightened and made OKAWA fancy himself as the greatest man under the sun. In a word, he presented in general a condition entirely devoid of inhibition.

OKAWA spoke in Japanese freely mixed with English and German, not seldom using only English. He had an ample stock of topics which easily shifted from one to another, often before one had reached its conclusion. His feelings during the conversation were extremely exalted and exhilarated, and his facial expression showed a corresponding liveliness. But when met with opposition or retort, he immediately became highly displeased and assumed a contemptuous attitude towards the examiner as if he despised the stupidity or ignorance of the latter. This ill temper, however, usually would not last long, but would soon be replaced by the former happy mood in which OKAWA would go on talking as cheerfully as ever.

Such a speech and conduct lacking in restraint and such an unbalanced emotional state rapidly changing from a joyful mood to ill humour, show in themselves a definite abnormal mental condition that is never to be found in a healthy individual in normal condition. Moreover, according to his wife and relatives, OKAWA ordinarily is said to be rather taciturn, patient and extremely correct in his toilet and manners. In view of these facts, there is no doubt that the mental condition presented by OKAWA at the medical examination was definitely out of the normal. To put it in psychiatric terms, it is to be called typical manic states.

(Report of Psychiatric Examination on Dr. OKAWA, Page 3)

But this manic condition is not constant during the whole day. In his room OKAWA scatters about tobacco ashes, writes disconnected things by way of letters, gives imperious orders to his nurse, but is said to be usually quiet when few people are around him, and to sleep well at night giving no trouble to his surroundings by making noise. That is to say, OKAWA's manic condition varies according to the milieu and is highly dependent upon the amount of external stimuli. Even at its strongest, his excitement never reaches such a frenzy as to make him lose all distinction of persons or places or to go beyond a certain limit in his actions. It is a condition of diminished inhibition, but not entirely lacking in restraint. Therefore, we believe we can summarize it as a mental condition corresponding to the psychiatric term of hypomanic state.

Of all the mental symptoms presented by OKAWA, what draws most the attention of the people around him and gives most the impression of a psychosis is the content of his thoughts. Befitting his cheerful mood, his thought content is not only remarkably optimistic, but also markedly grandiose in character. Not only does he give an exaggerated account of his work, abilities and circumstances, but also very often states as facts fantastic ideas that a normal person could never hold true, but which OKAWA seems to believe in. Consequently these are not merely exaggerated ideas, but are actually delusions of grandeur with absurd contents. Following are given some quotations from OKAWA's talk illustrating the nature of the delusions of grandeur. They may at the same time also serve to show how morbidly exalt his sense of self is, and how constantly the topics of conversation keep changing under the stress of an abundant flow of ideas. (Note: these words were spoken Japanese unless otherwise specified.)

"In Sugamo Prison, I did not eat because I can take nutritive elements from the air. That's why I am in such a perfect health even though I didn't eat for seventy days. I'm a doctor, so I know everything about it".

"I am a doctor of medicine, science and engineering. I received the Nobel prize three times. The subjects of my theses I forgot because it's so long since

(Report of Psychiatric Examination on Dr. OKAWA, Page 4)

I have also atomic bombs ready in my head. There is plenty of uranium to make them with. There is also tungsten .....And I'll make the Japanese Emperor the Pope, Listen, all of you. I'll make him bow to the Emperor before everybody ... Don't you know, I was the only popular man in the prison".

"I can walk on water. One simply has to keep the air in one's body a vacuum. Nothing is easier than walking on water like Christ."

"I have only 23,000 yen, because I gave everything to others. Since long I have given 500,000 yen a year, that makes about 50,000,000 yen in all".

"I can kill people very easily by breathing upon them. Just as I get nutritive elements from the air, I can make strychnine and cyanic acid from it. And I have only to blow that at them. I wanted to kill Tojo in that way at the Court, too. I slapped him with my hands because otherwise I couldn't make it a comedy".

"On July 4, I am to become the Empress Dowager's son-in-law in place of the late Emperor Taisho. But I'm going to resign when the United Organization of the world will be set up. Mrs. MacArthur comes here everyday and looks after every thing for me. She makes my bed, and strokes me saying, "My boy, my boy, you will soon get well". (Tears come to his eyes.) I call her mamma". (He seems to be taking his nurse for Mrs. MacArthur)

"I learned how to make hallucinations from Gandhi when I was about forty. I see and hear Christ and Mohammed calling me from the sky. I would like to go, but if I go, I'll die and I'll not be able to serve my country. That's why I've tied a string to my waist so that I can't go",

"This trial is a kind of tactics. It's a natural action and not a moral action ... (in English) Suppose one throws a ball and it falls. Then we can see the ball stop. But actually it rolls on for a little while by inertia. In the same way the war is going on yet. It is not an ordinary court. It is a continuation of the war. If so, Mac must be hanged before General Yamashita and General.

It had better be called a tactics, therefore it is like a bullet, airplane or atomic bomb. (in Japanese) You can kill people by any means. It is more advantageous to kill by means of such a trial than with a gun". (in Japanese) "In Japan there are stupid soldiers and men like Shozaburo Yokota. I'm going to tell it to the Emperor and have them expelled immediately. International Tribunal is not an object of jurisprudence, but of the science of war. Overlooking such an obvious fact, and taking this for a real trial, they, Japanese as they are, say flatteries in order to curry favor with MacArthur and give interpretations that are to the disadvantage of our miserable war criminals. Therefore I told them, "MacArthur may go any length, but since we're still fighting in the battle field, you've got to resign yourselves even though a bullet hits you and kills you; It's a natural action, and up to now the general principle was ...." Really, aren't people damned stupid? Stupid Japanese! Don't you understand such an important fact? .... Even though I die, I'll resurrect within 48 hours, sure .... like Jesus resurrection, but mine may take a little more time. Put it simply, yes. God's judgment is justice; (in English) That is morality. Now this trial is not an ordinary court. As I said before, the criterium of judgment is not bad or good. That is moral. The standard of judgment is useful or useless. The clearest enemy is Mac Arthur I. Then you can do everything with such a gun. But such a gun cannot penetrate my armor at all."

"(in Japanese) At Sugamo, they were all discussing how to escape the sentence but I told them they've got to die all since it's a natural force. I asked the Emperor to let them all die since they have all committed the same crime. At the end this sham show will be over and morality will reign for the first time. I'll have the Emperor conduct a moral trial. When the Emperor will give the last sentence, this natural action will become a moral action. We'll tell Mac, "Why have you judged guilty these innocent people?" and make him beg pardon, And I'll re-

surrect .....

"I've received 20,000,000 dollars from mamma. She's very nice. Both Mrs. MacArthur and her daughter come here and do the cleaning even for the nigger. They even feed him. Oh, they're wonderful. Yesterday I asked Mrs. MacArthur, (in English) "Mamma, how many times did you enjoy MacArthur last night"? Then she scolded me saying "Bad boy, bad boy".

"(in Japanese) In order to make Heaven come to this earth, I'm mobilizing scholars from all over the world. General MacArthur also is asking pardon saying that he was wrong. When the trial will be over, Heaven will come to Japan. I've talked over with General MacArthur, and the result is, the indemnities have been all cancelled. And the occupation expenses are not to be borne by us but will be given by them. The more money one uses, the greater is the ill-felling one gets among the Japanese. That's why I receive money from General MacArthur. You don't understand because you're poor."

"General MacArthur comes to take his meals here. He's a very nice person. He's like General Yamashita, in his wisdom and like General Itagaki in his pluck. He's a great friend of mine".

"By next April all the old houses surviving the air raids will be torn down and instead of them 1,000,000 new houses will be built, all a gift from mamma. So reconstruction is quite easy, easier than anything. Why should it be impossible? Also about the food problem, there's nothing to worry since there are 400,000,000 sheep in China. I can go over there and kill them or give them cyanic acid".

We see here many ideas that are highly absurd considering they are uttered by such a cultured individual as OKAWA. Therefore, I wondered whether they were not said by way of jokes or on purpose. But OKAWA was extremely serious about them, and always reacted with ill humour when such questions were asked. Consequently I

judged from it that such words as the above represent actual delusions of grandeur. A problem arises here as to whether this may not be a phenomenon caused by a lowering of intelligence. On the papers used by OKAWA for writing are written in a disordered handwriting many a fragmentary sentences and words, which may make one suspect a fall of OKAWA's intellectual level. But according to our numerous experience of cases of manic states, grandiose delusions and altered handwriting are symptoms that can occur without a lowering of the intellectual faculties. OKAWA's grandiose delusions keep coming one after another continuously, the former fading away as another takes its place so that it is seldom that delusions with similar contents are repeated. That is, those delusions of grandeur are fluctuating and do not have the fixed and systematized character of delusions seen in paranoid cases. Among OKAWA's delusions there are many that can be considered as transient products of a cheerful mood and an elated sense of self. And this is a characteristic usually seen in the delusions held in a manic condition.

There are no other remarkable mental symptoms. Clouding of consciousness can not be proved. His memory for remote events seems to be fairly correct. But every time I tried to examine his memory precisely, and systematically, he did not give me appropriate answers, saying: "I do not remember such useless matter". Therefore, I must be satisfied with estimation of his memory through conversations in general. His memory for recent events could be tested by such questions as what he ate this morning, and was found to be somewhat defective. However, it can not be immediately concluded with this that it shows the impairment of his intelligence, because this kind of weakness can be often observed in a manic state merely due to fluctuation of attention. Even if his intelligence may be already impaired, I believe that the impairment must be very slight yet, taking the whole picture of his in consideration.

(b) Physical Condition

Through physical examination, I obtained the following findings which are suff



cient to explain the cause of the mental symptoms.

The most important somatic findings are: (1) Syphilitic reaction (Kahn reaction) of the blood serum is strongly positive; (2) Various pathological changes in the spinal fluid, especially here too a strongly positive syphilitic reaction (Wassermann reaction); other changes are: lymphocytosis (10,100/mm); increase of the total amount of protein (0.68%); Pandy and Nonne-Apiceet reactions strongly positive; Takata-Ara reaction strongly positive. Among them the Takata-Ara reaction is typically of the parotic type, a form of reaction that is widely recognized as appearing most frequently in general paralysis. (3) Other important symptoms contributing to the diagnosis are: Sluggish reaction of the pupils to light; Asymmetrical knee-jerks, the right side failing; Achilles-tendon reflex lost on both sides; -all of which are generally known as symptoms frequently seen in general paralysis.

Other somatic symptoms are: a light murmur in the aortic tone of the heart, and a change in elektrecardiogram suggesting an insufficient function of the aortic valve. But neither subjectively nor objectively are to be found further signs of actual circulatory disorders corresponding to the above symptoms. In X-ray film is seen a calcification of the descending aorta, representing either arteriosclerosis corresponding to OKAWA's age or a syphilitic vascular change. In any case it is not to be considered a noteworthy symptom, nor does it have any direct connection with the mental condition of the patient. Similarly in Z-ray film there is a shadow over a wide area extending from the apex to the 3rd intercostal space bilaterally that appears to be tuberculous in nature. It represents, however, an old lesion and is not active at present. According to his wife, OKAWA suffered from severe "colds" once or twice in the past, which might have been the illness that brought about those shadows, but nothing can be ascertained in this respect. The blood pressure, 150 mm Hg at the highest and 50 mm Hg at the lowest, is about proportionate to his age. A trace of protein is found in urine. In the ocular fundus is seen a picture of a slight arteriosclerosis, but it is also merely a sign corres-

pending to OKAWA's age and is of no special significance.

Summing up the results of the physical examination, we recognize some typical symptoms of general paralysis providing sufficient explanations to OKAWA's present mental condition, but the rest of the symptoms are slight and of no importance.

Explanatory Remarks

From the record of the psychiatric examination stated above, I am in a position to give an unquestionable diagnosis of the condition presented by OKAWA. It is the syphilitic disease of the brain called general paralysis (dementia paralytica) in its manic or expansive form. I have been able to ascertain the presence of all the symptoms necessary for the diagnosis of this mental disease. According to the statement of his wife and relatives; OKAWA has been generally healthy ever since he was born on December 6, 1886, throughout his childhood, youth and adult periods, and has experienced no marked disease except neuralgia and "colds". Since graduating from the Department of Indian Philosophy, Tokyo Imperial University, he is said to have never been hindered in his social activities by reasons of health. But since his thirties, he seems to have been connected with certain women, and his infection of venereal diseases must be dated sometime around this period. His marriage is said to have been postponed till his 41st year partly because of his having gonorrhoea. His character is by nature fastidious and methodical, nervous and passionate. Being reticent, however he is usually unable to ask a person to shorten his visit and rather than asking he listens patiently to his visitor's talk for hours. Polite in his manners and correct in his attire, he has a high taste especially in his dress. Such a character and habits have continued till his entrance in Sugamo Prison in January of 1946, and neither neurasthenic complaints nor psychotic conduct have been noticed at all up to that time. The only point to be considered as showing an abnormal constitution is his peculiar reaction to alcohol. From the first he drank but little, but used to get excited with a small amount of alcohol. As this

peculiarity of his became more pronounced since his fifties, those around him usually tried to make him avoid drinking. In his alcoholic excitement, OKAWA is said to become rude, talkative and irritable in his feelings, a condition that must be somewhat similar to his present state.

According to the statement of the former General Iwane MATSUI, an old acquaintance of OKAWA's and his roommate at Sugamo Prison from the beginning of March this year, OKAWA at first showed no change from his usual self. But from the end of March he began complaining of troubles in sleep and using sleeping drugs. At first he busied himself reading through most of Gibbon's History of Rome, but around the beginning of April, he started writing down his past experiences saying he felt unusually well and wondered why he was able to write such humorous and interesting things as he did not believe himself capable of. About the middle of April, he began reciting the sutras to the Kannon goddess, getting more and more engrossed in it so that finally he said he was being possessed by the goddess. Also around this time he learned how to make poetry in the old Chinese way becoming likewise quite absorbed in day and night and making about fifty poems in ten days. Since about that time he became disorderly in his attire, wrote a letter to General MacArthur to the effect that the supreme commander should be more kind to the Japanese, and said that if Mrs. MacArthur read that letter, she would surely send him at least some books. Both MATSUI and one of the guardians say that OKAWA became markedly excited from the end of April, staying awake all night, knocking at the door and talking loudly so as to occasion complaints among those around him. He is then said to have boasted he is the commander of the prison. A visitor who saw him on April 25, also noticed OKAWA's abnormal mental condition.

Inferring from the above anamnesis and statements, it appears that the onset of illness took place after OKAWA's entrance in Sugamo Prison, beginning with neurotic symptoms from the end of March, showing signs of a slight exaltation from

(Report of Psychiatric Examination on Dr. OKAWA, Page 11)

the beginning of April, and developing into a clearly psychotic condition by the end of April. Such a course at the onset of illness is often seen in general paralysis.

General paralysis is a severe disease of the nervous system caused by pathogenic organisms of syphilis contracted long before coming to invade a wide area of the brain and the spinal cord. Unless adequate therapy is given at the earliest period possible, the disease will make a constant progress and after two or three years will cause a general enfeeblement usually leading to death. The disorders of mental functions are most conspicuous, showing in the initial stage mainly such emotional troubles as manic or depressive conditions, but subsequently in all cases accompanied with serious impediments of the intelligence so that finally the patient falls into a severe condition of dementia which deprives him of all human traits.

The present mental condition of OKAWA is, as above stated, a manic state rich in grandiose delusions with but slight troubles of the intelligence as yet. And it is only one and a half month since the initial mental symptoms were noticed. From these facts we can infer that OKAWA's actual condition obviously belongs to the initial stage of the disease. However, although it is an initial condition presenting but few symptoms of intellectual disorders we can by no means call it a condition of merely slight mental abnormality. An intense and exalted sense of self, grandiose delusions that make him believe in any impossibilities, an attention that fluctuates constantly from one thing to another--all those morbid symptoms make it difficult for OKAWA to secure calm judgment, careful thinking and orderly conduct. The actual condition of Okawa, speaking out and doing as he does anything on the spot of the moment, must be considered as a seriously psychotic state. Consequently when he will assist at the Military Tribunal and receive the indictment, what will govern Okawa's mind will most likely be violent passions and uncontrolled delusions of grandeur, and never the moderation and mature deliberation that are to be expected from him in his normal state. His present frame of mind is comparable to the strongly exalted mental condition caused by drinking. Therefore OKAWA is actually incapable of making such responsible conduct as in his normal health, nor should

those around him expect this from his present self. This all the more true in case where the object to be considered requires calm, rational and critical thinking. It follows that it is almost utterly impossible for OKAWA in his present mental condition to judge of such an important matter as pleading to the indictment, a matter of greatest weight both personally and internationally. It is widely recognized in judicial psychiatry that all competency is to be denied in a case of general paralysis that has not been submitted to treatment or that of a marked manic condition.

The discovery of the fever therapy for general paralysis is one of the greatest progresses made in modern medicine. Its effectiveness is the more conspicuous the earlier the stage of the disease. Therefore if the treatment proceeds smoothly there is a great possibility that OKAWA will obtain a fairly good recovery from his pathological mental condition, severe as it is. It may not even be impossible for him to regain a full capacity for assuming responsibility. Thus I close this report by expressing the desire from a medical point of view that an adequate treatment be given to OKAWA as soon as possible.

Conclusion

The mental condition of Dr. Shumei OKAWA since the end of April, 1946, up to the present is a manic state due to general paralysis, a syphilitic disease of the brain. Its present stage is fairly advanced and is to be considered as greatly impeding his capacity to plead to the indictment.

Medical Examiner Yushi Uchimura, M. D.

/s/ Yushi Uchimura

DEFENSE REQUESTS

U.S.A. v. ARAKI, Sadao

These papers should substitute  
the above mentioned Nos. of  
which one defunct.

Paper No. 226 missing.  
Paper " 200 attached.

U.S.A. v. ARAKI, Sadao

These papers should substitute  
the above mentioned Nos. of  
which one deficient.



25

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION No. \_\_\_\_\_

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

SEVERAL APPLICATION BY ALL REMAINING  
DEFENDANTS FOR AN ORDER REQUIRING THE  
PROSECUTION TO FURNISH TO EACH DEFEND-  
ANT STATEMENTS MADE BY EACH SAID DEF-  
ENDANT

NOW COME all of the remaining twenty seven defendants in the above entitled cause, by their respective attorneys of record, and severally move the Honorable, The International Military Tribunal for the Far East, for an order requiring the Prosecution within a time certain to supply to each of said defendants a true copy of all interrogations and statements obtained by the Prosecution or any person acting on behalf of said Prosecution from each such defendant. The application is made under the provisions of Article 9e of the amended charter of 26 April 1946 which provides in part "An accused may apply in writing to the Tribunal for the production \* of documents", and also under the general powers of the Tribunal.

1. Over a long period of time the Prosecution and others acting on behalf of the Prosecution have interrogated practically all of the defendants repeatedly while under the duress of imprisonment. As a result of such interrogations the Prosecution has compiled lengthy written recordings of such interrogations which were never shown to any of the defendants in written form for either approval or correction. In other instances the Prosecution has obtained from defendants partial written statements on special aspects of the case which are misleading in their present form. Because of language difficulties a number of the

defendants failed to comprehend the import of questions propounded during the interrogations with the result that the recorded interrogations contain serious errors of fact.

2. The defendants are informed that the Prosecution intends to use either the whole or a part of all such interrogations and statements as either primary or secondary evidence in the above proceeding and intends to serve such documents or the part thereof intended to be used only twenty four hours before its use in evidence. Counsel for all the defendants imperatively require a copy of the whole of such interrogations or statements without any further delay to the end that the interrogations and statements may be checked for accuracy and the defendants be otherwise apprised of the evidence taken from such defendants while under duress of imprisonment.

3. Counsel for the defendants require a true copy of such interrogations and statements without further delay in order to adequately prepare for cross examination and the defense.

4. And for other matters to be argued on the hearing of the application.

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by

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KIMURA, Heitaro

by

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Tokisaburo SHIOHARA

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/s/ Joseph C. Howard

Joseph C. Howard

American Counsel

KOISO, Kuniaki

by

/s/ Shohei Sumonji

Shohei SUMOJI

Japanese Counsel

...statements made to complement the report of questions propounded  
during the interrogations with the result that the recorded interro-  
gations contain serious errors of fact.

2. The defendants are informed that the Prosecution intends to use either the whole or a part of all such interrogations and statements as either primary or secondary evidence in the above proceeding and intends to serve such documents or the part thereof intended to be used only twenty four hours before its use in evidence. Counsel for all the defendants imperatively require a copy of the whole of such interrogations or statements without any further delay to the end that the interrogations and statements may be checked for accuracy and the defendants be otherwise apprised of the evidence taken from such defendants while under duress of imprisonment.

3. Counsel for the defendants require a true copy of such interrogations and statements without further delay in order to adequately prepare for cross examination and the defense.

4. And for other matters to be argued on the hearing of the application.

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by  
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Shotaro MIYAKE  
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/s/ Ben Bruce Blakeney  
Ben Bruce Blakeney  
American Counsel

SUMMARIZATION IN ENGLISH OF AN ORIGINAL JAPANESE  
DOCUMENT SUBMITTED AS AN AGGENDUM TO THE DEFENSE  
MOTION ON JURISDICTION.

Production of Evidence and its Explanation

In order to establish the main points in the motion with regard to the jurisdiction of the Tribunal which has been lodged with the Tribunal according to Article 10 of the Charter of the International Military Tribunal for the Far East, dated May 2, 1946, the defendants, desiring to produce the following evidence, hereby state the facts and their relevancy which are to be established pursuant to Article 9, paragraph (f) of the Charter.

Documents which will be admitted as judicial notice by the Tribunal are enumerated in the last part of this document.

Defendants' Document No. 1

Treatise on International Law in Time of War, by SAKURARO TACHI, July 20, 1944.

The facts which shall be established by the above document.

We intend to establish the manner in which the words "War Criminal" in Article 7 of the Potsdam Declaration was understood by the Japanese when they accepted the Declaration.

Relevancy.

Dr. S. Tachi was one of the most famous scholars in the study of international law in Japan; his book has been read most widely and is believed. He defined crimes in the time of war (here he annotated in particular in English) and enumerated their kinds.

Defendants Document No. 2

Lecture on International Law in Time of War, by Dr JUMPEI SHINOBU, Vol. II, November 23, 1941.

The facts which shall be established by the above document.

Same as for Defendants Document No. 1.

Relevancy.

Dr. J. Shinobu is an authority on international law in Japan and has been legal advisor to the Military and Naval Ministries during the War. His books were widely read and believed by the persons concerned in the government circles of Japan as well as by people at large. On page 869 and in following pages of this book, he defines the word "SENRITSUHAN" (here he annotated particular in English "War Crimes") and enumerated the examples.

Defendants' Document No. 3

International Law, by Oppenheim, Vol II, 5th Edition, Sept. 1935.

The facts which shall be established by the above document.

We intend to establish the manner in which the peoples of the U.S.A., England, China, Soviet Russia, and other countries construed the words "War Criminal" at the time when the Potsdam Declaration was issued.

Relevancy.

The above book was one of the most authoritative books in the world on international law, and has been widely read and believed by English speaking people as well as in other countries at large. On page 453 and the following pages the meaning and the kinds of War Crimes are enumerated.

Defendants' Document No. 4

Pamphlet entitled "The Last Imperial Conference" February, 20, 1946.

The facts which shall be established by the above document.

We intend to establish that Japan paid great attention to Article 9 of the Potsdam Declaration when Japan decided whether she would accept the Declaration or not, and in what manner the Japanese government construed the words "War Criminal" in the Article at that time, when she accepted the Declaration. The following witnesses relate to this matter.

Relevancy.

The above pamphlet was written by Hisatsuno Sekomizu, Chief Secretary of the Suzuki Cabinet. On page 63 of the pamphlet, there is an account of Supreme council for the direction of war, which was held on August 9, 1945.

Defendants' Witness No. 1 - KANTARO SUZUKI

The fact which shall be established by the above witness.

We intend to establish in what manner the Japanese government construed the words "War Criminal" in Article 9 of the Potsdam Declaration at the time when the Declaration was accepted.

Relevancy.

We intend to solve the question about the meanings of the words used in the Potsdam Declaration by the testimony of the



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

witness who was Prime Minister at the time when Japan accepted the Declaration, and who was the highest responsible authority in the decision of the acceptance of the Declaration.

Defendants' Witness No. 2 - HISATSUNE SEKOMIZU

The fact which shall be established by the above witness.

Same as by Defendants' witness No. 1

Relevancy.

The witness was Chief Secretary of the Suzuki Cabinet and assisted Premier Suzuki and his Cabinet.

Documents and speeches which will be recognized as judicial notice

1. Moscow Declaration, October 30, 1943.
2. Announcement of Crimea Conference, February 14, 1945.
3. Speech by W. Churchill at Parliament of Canada, Dec. 30, 1941
4. Speech by W. Churchill at House of Lords of England March 21, 1943.
5. Radio Speech by F. D. Roosevelt, October 12, 1942.
6. Speech by F. D. Roosevelt, February 12, 1943.
- (Above six documents relate to Motion No. 1.)
7. Memorandum for settlement of disputes in the area of Lake Khasan between Soviet Russia and Japan, August 1938.
8. Memorandum between Soviet Russia and Japan for settlement of disputes in the area of the Khackhin-Gol River September 1939.
9. Neutral Treaty between Soviet Russia and Japan, April 13, 1941
- (Above three documents relate to Motion No. 2)
10. Treaty of Alliance between Thai and Japan.
- (This document relates to Motion No. 3)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1  
MOTION No. \_\_\_\_\_

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

- Defendants -

APPLICATION OF ALL REMAINING DEFENDANTS FOR  
LEAVE TO FILE THE ATTACHED APPLICATION FOR AN  
ORDER REQUIRING THE PROSECUTION TO FURNISH TO  
EACH DEFENDANT A TRUE COPY OF ALL INTERROGATIONS  
AND STATEMENTS OBTAINED FROM SUCH DEFENDANT

NOT COME all of the remaining twenty seven defendants in the above entitled cause, by their respective attorneys of record, and severally move the Honorable, The International Military Tribunal for the Far East, for leave to file the attached application for an order requiring the Prosecution to furnish to each defendant a true copy of all interrogations and statements obtained from such defendant and as grounds for such application respectfully refer to the points made in the attached application.

ARAKI, Sadao  
by  
/s/ Yutaka Sugawara  
Yutaka SUGAWARA  
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HASHIMOTO, Kingoro  
by  
/s/ Itsuro Hayashi  
Itsuro HAYASHI  
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/s/ Lawrence J. McManus  
Lawrence J. McManus  
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HATA, Shunroku  
by  
/s/ Masayoshi Kanzaki  
Masayoshi KANZAKI  
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DOHIHARA, Konji  
by  
/s/ Kinjiro Ohta  
Kinjiro OHTA  
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/s/ Lt. Aristides Lazarus  
Lt. Aristides Lazarus  
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/s/ Franklin E. N. Warren  
Franklin E. N. Warren  
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HIRANUMA, Kiichiro

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Rokuro USAMI

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/s/ Samuel J. Kleinman

Capt. Samuel J. Kleinman

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HIROTA, Koki

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Gen HANAI

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Major Ben Bruce Blakney

American Counsel

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

UNITED STATES OF AMERICA - THE REPUBLIC OF CHINA.

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

MOTION

NOW COME the defendants, Hiranume, Kiichiro, Matsuo, Yosuke, Shigemitsu, Mamoru, Togo, Shigenori and Umezumi, Yoshijiro, who, appearing specially and for the purposes of this motion only, supplementing the motion heretofore filed by the Japanese counsel, by their American counsel deny the jurisdiction of the Tribunal and move the dismissal of the indictment upon the following additional grounds:

1. That the members of this Tribunal being representatives of the nations which defeated Japan and which are the accusers in this action, a legal, fair and impartial trial is denied to these accused by arraignment before this Tribunal;

2. That war having been recognized universally and in all times as a legal state of relations among nations, counts 1 to 36 inclusive of the indictment, constituting Group One, "Crimes against Peace," charging as an offense the planning, initiating and waging of war, or conspiring to do such acts, state no justiciable crime or offense under international law or otherwise;

3. That war being a state of relations among nations and not among individuals, counts 1 to 36 inclusive of the indictment, constituting Group One, "Crimes against Peace,"

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charging individual defendants with planning, initiating and waging war, or conspiring to do such acts, state no justiciable crime or offense under international law or otherwise;

4. That the obligations, if any, of the treaties, agreements and assurances relating to the planning, initiating or waging of war as alleged in the indictment, being obligations of conscience or at most of contract, the violations of which were not crimes of nations or individuals, counts 1 to 36 inclusive of the indictment, constituting Group One, "Crimes against Peace," state no justiciable crime or offense under international law or otherwise;

5. That killings in the course of belligerent operations being, except insofar as they may constitute violations of the laws or customs of war, a normal incident of war without regard to whether such war be illegal, undeclared, aggressive or in violation of treaties, agreements or assurances, counts 37 to 43 inclusive of the indictment, constituting part of Group Two, "Murder," state no justiciable crime or offense under international law or otherwise;

6. That violations of the laws or customs of war being offenses triable by the military authority of the nation offended against, counts 44 to 50 inclusive and 53 to 55 inclusive of the indictment, constituting part of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge such offenses, state no crime or offense justiciable by this Tribunal;

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7. That the Tribunal's jurisdiction to try and punish "war criminals" being founded upon Japan's capitulation in accordance with the Potsdam Declaration, and upon that Declaration, counts 1 to 55 inclusive of the indictment, constituting Group One, "Crimes against Peace," Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge offenses other than "war crimes" in the general acceptance of that term as of the date of the Potsdam Declaration and the capitulation in accordance therewith, state no justiciable crime or offense under international law or otherwise;

8. That the Tribunal's jurisdiction to try and punish "war criminals" being founded upon Japan's capitulation to the United States of America and the British Commonwealth of Nations, with whom Japan had been at war from 8 December 1941, the Republic of China, with whom Japan had been at war, if at all, from 9 December 1941, and the Union of Soviet Socialist Republics, with whom Japan had been at war from 9 August 1945, counts 1 to 47 inclusive, 51 and 52 of the indictment, constituting Group One, "Crimes against Peace," and part of Group Two, "Murder," insofar as they attempt to charge offenses committed prior to those dates respectively, state no crime or offense justiciable by this Tribunal;

9. That the Tribunal's jurisdiction to try and punish "war criminals" being dependent upon Japan's capitulation putting an end to the state of hostilities theretofore existing, counts 1 to 6 inclusive, 18, 19, 27, 28, 44 to 50

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inclusive and 53 to 55 inclusive of the indictment, constituting parts of Group One, "Crimes against Peace," parts of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge offenses committed against the Republic of China, with the lawfully constituted government of which Japan was not at war during the times mentioned in the indictment, state no crime or offense justiciable by this Tribunal;

10. That the Tribunal's jurisdiction to try and punish "war criminals" being dependent upon Japan's capitulation putting an end to the state of hostilities theretofore existing, counts 1, 4, 5, 15, 23, 33, 44 and 53 to 55 inclusive of the indictment, constituting parts of Group One, "Crimes against Peace," parts of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge offenses committed against the Republic of France, with the lawfully constituted government of which Japan was not at war during the times mentioned in the indictment, state no crime or offense justiciable by this Tribunal;

11. That the Tribunal's jurisdiction to try and punish "war criminals" being dependent upon Japan's capitulation putting an end to the state of hostilities theretofore existing, counts 1, 4, 5, 16, 24, 34, 37, 38 and 44 of the indictment, constituting parts of Group One, "Crimes against Peace," and parts of Group Two, "Murder," insofar as they attempt to charge offenses committed against the Kingdom of



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Thailand, with the lawfully constituted government of which Japan was not at war during the times mentioned in the indictment, state no crime or offense justiciable by this Tribunal;

12. That the Tribunal's jurisdiction to try and punish "war criminals" being dependent upon Japan's capitulation putting an end to the state of hostilities theretofore existing, counts 1, 4, 5, 44 and 53 to 55 inclusive of the indictment, constituting parts of Group One, "Crimes against Peace," parts of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge offenses committed against the Republic of Portugal, with the lawfully constituted government of which Japan was not at war during the times mentioned in the indictment, state no crime or offense justiciable by this Tribunal;

13. That the Tribunal's jurisdiction to try and punish "war criminals" being dependent upon Japan's capitulation putting an end to the state of hostilities theretofore existing, counts 1, 5, 26, 36, 44 and 51 of the indictment, constituting parts of Group One, "Crimes against Peace," and parts of Group Two, "Murder," insofar as they attempt to state offenses committed against the Mongolian Peoples Republic, with the lawfully constituted government of which Japan was not at war during the times mentioned in the indictment, state no crime or offense justiciable by this Tribunal;

14. That since the acts of commission or omission alleged in counts 1 to 47 inclusive and 51 to 55 inclusive of the indictment, constituting Group One, "Crimes against

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Peace," parts of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," occurred while Japan and the other nations involved were at peace, and since such other nations did not treat such acts as crimes, but continued uninterrupted diplomatic relations with Japan, which continuance of diplomatic relations subsequent to such acts constituted a condonation, waiver or bar, they cannot now be treated as crimes, whether of nations or of individuals, and state no crime or offense justiciable by this Tribunal;

15. That since violations of the Covenant of the League of Nations occurring during time of peace were punishable and could have been punished under the provisions of the Covenant, counts 1 to 8 inclusive, 44 and 53 to 55 inclusive of the indictment, constituting parts of Group One, "Crimes against Peace," part of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge such offenses, state no justiciable crime or offense under the Covenant, international law or otherwise;

16. That since violations of the Covenant of the League of Nations occurring during time of peace were punishable and could have been punished under the provisions of the Covenant, by penalties or sanctions which could be, should have been and were invoked only by parties to such Covenant and not by strangers thereto, counts 1 to 8 inclusive, 44 and 53 to 55 inclusive of the indictment, constituting parts of Group One, "Crimes against Peace," part of Group Two, "Murder," and

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Group Three, "Conventional War Crimes and Crimes against Humanity," state no crime or offense justiciable by this Tribunal;

17. That since the Commonwealth of the Philippines is a part of the United States of America, counts 1, 4, 5, 13, 21, 30, 37, 38, 43, 44 and 53 to 55 inclusive, constituting parts of Group One, "Crimes against Peace," parts of Group Two, "Murder," and Group Three, "Conventional War Crimes and Crimes against Humanity," insofar as they attempt to charge offenses against the Commonwealth of the Philippines, are surplusage and should be stricken from the indictment.

WHEREFORE the defendants Hiranuma, Kiichiro, Matsuoka, Yosuke, Shigemitsu, Mamoru, Togo, Shigenori and Umezu, Yoshijiro, pray the dismissal of the indictment and the several counts thereof, together with such other or further relief as may be just in the premises.

HIRANUMA, Kiichiro

by

Samuel J. Kleiman  
Samuel J. Kleiman  
Captain, AC

TOGO, Shigenori

by

George Yamaoka  
George Yamaoka

MATSUOKA, Yosuke

by

Franklin E. Warren  
Franklin E. N. Warren,  
Major, AC

UMEZU, Yoshijiro

by

Ben Bruce Blakeney  
Ben Bruce Blakeney  
Major, AC

SHIGEMITSU, Mamoru

by

George M. Furness  
George M. Furness  
Captain, AC

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INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

PLEA TO THE JURISDICTION AND MOTION TO DISMISS

AND NOW come the undersigned, Counsel for the defendants, Seishiro ITAGAKI, Heitaro KIMURA, Akira MUTO and Kenryo SATO, and deny the jurisdiction of this Tribunal and move that the indictment and all the counts thereof be dismissed on the grounds that:

A. The defendant MUTO as a member of the Armed Forces of Japan surrendered to the Armed Forces of the United States of America and the defendants ITAGAKI, KIMURA and SATO as members of the Armed Forces of Japan surrendered to the Armed Forces of the British Commonwealth of Nations, and that upon such surrenders each of the said defendants became a prisoner of war and remains in that status.

B. That no notice of this proceeding has been given the protecting power of Japan as required by Article 60 of the Geneva Convention.

C. That this Tribunal is not a court authorized to impose sentence upon any of them as provided in Article 63 of the Geneva Convention.

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

D. That the procedure according to which they will be tried by this Tribunal under its Charter and under its Rules of Procedure is not the same procedure as in the case of persons belonging to the armed forces of the power to which each of them respectively surrendered or by which they are now being detained, as required by Article 63 of the Geneva Convention.

*Yamada Kenzo*  
Counsel for Seishiro ITAGAKI

*Tokutomi Shobara*  
Counsel for Heitaro KIMURA

*George A. Furness, Capt. R.*  
*Shiro Ceramato*  
Counsel for Akira MUTO

*Shiro Kiyose*  
Counsel for Kenryo SATO

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

D. That the procedure according to which they will be tried by this Tribunal under its Charter and under its Rules of Procedure is not the same procedure as in the case of persons belonging to the armed forces of the power to which each of them respectively surrendered or by which they are now being detained, as required by Article 63 of the Geneva Convention.

*Yamada Kenzo*  
Counsel for Seishiro ITAGAKI

*Ikusaburo Shikura*  
Counsel for Heitaro KIMURA

*George A. Turness, Captain*  
*Harold Ceramato*  
Counsel for Akira MUTO

*Shiro Kiyose*  
Counsel for Kenryo SATO

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA,  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN  
IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS,  
THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC  
OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW  
ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES

-VS-

ARAKI, Sadao; DOHIHARA, Kanji; HASHIMOTO, Kingoro;  
HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki;  
HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori;  
KIDO, Koichi; KIMURA, Heitaro; KOLSO, Kuniaki;  
MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO,  
Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei;  
OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru;  
SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi;  
TOGO, Shigenori; TOJO, Hideki, UMEZU, Yoshihiro

Defendants

REQUEST FOR TEMPORARY PAROLE FOR ACCUSED KOKI HIROTA  
TO ATTEND THE FUNERAL OF HIS WIFE

COMES now the accused, KOKI HIROTA, by his counsel, TADASHI  
HANNI, and respectfully requests leave to this Honorable Tribunal as  
follows:

1. That the said KOKI HIROTA be granted a temporary parole in  
this emergency to authorize said prisoner to be absent from Sugamo Prison  
on the specific occasion of the funeral of his wife, who died at 19:45  
hours, 18 May 1946. Said funeral to be conducted on or about the 21 May  
1946, at his home in Kugenuma, Fujisawa City, Kanagawa Prefecture;
2. Said request is made subject to such restrictions as the  
Tribunal or the prison authorities may see fit to impose, calculated to  
insure prompt return upon termination of the emergency and as followed  
in previous cases of this nature;
3. That the Tribunal take such other action or proceedings as  
may be just in the premises.

\_\_\_\_\_  
TADASHI HANNI  
Japanese Defense Counsel for  
Koki Hirota

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA,  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN  
IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS,  
THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC  
OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW  
ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES

-VS-

ARAKI, Saçao; DOHIHARA, Kenji; HASHIMOTO, Kingoro;  
HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki;  
HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori;  
KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki;  
MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO,  
Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei;  
OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru;  
SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi;  
TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro

Defendants

APPLICATION FOR RECONSIDERATION OF REQUEST  
FOR TEMPORARY PAROLE FOR ACCUSED KOKI HIROTA  
TO ATTEND THE FUNERAL OF HIS WIFE

1. Koki Hirota, by his counsel Tadashi Hanai, respectfully asks that the Tribunal reconsider his request for a temporary parole to enable him to fulfill his funereal obligations to his wife who died at 1945 on the 18th day of May 1946. The public services were ended yesterday, 20 May 1946; however, the formal funeral is not complete according to Japanese religious customs until Koki Hirota, the husband of the deceased, pays his last respects at the remains of his wife. According to this custom the husband prays continuously for one whole day. These final services will be conducted at Koki Hirota's home in Kugenuma, Fujisawa City, Kanagawa Prefecture, about a three-hour automobile drive from the War Ministry Building, Tokyo.

2. To effectuate this request, Koki Hirota respectfully asks that both the Sugamo Prison authorities and the Provost Marshal of



the Tribunal be appropriately directed, and he further states his willingness to submit to security restrictions which authorities responsible for his custody might wish to impose during the time he goes to, attends and returns from his wife's funeral.

3. Koki Hirota waives his right of being present at any of the open court proceedings which might take place while he is going to, attending or returning from his wife's funeral.

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TADASHI HANAI  
Japanese Defense Counsel for  
Koki Hirota

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

NOBU COMES UMEZU Yoshijiro and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witnesses necessary to his defense:

1. Lieutenant General HATA Hikozauro (also known as HADA Hikozauro)
  - a. The nationality of the witness is Japanese;
  - b. The address of the witness is unknown; his last official position was Chief of Staff of the Kwantung Army, and he was last reported as having surrendered to the Russian forces in Manchuria on or about 20 August 1945;
  - c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff of the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;
  - d. The relevance of the witness' testimony is in the necessity to establish that the defendant UMEZU took part in any of the conspiracies leading to the indictment, and was not responsible for the initiating or waging of wars of

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

NO. 7 COMES UMEZU Yoshijiro and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witnesses necessary to his defense:

1. Lieutenant General HATA Hikozauro (also known as HADA Hikozauro)
  - a. The nationality of the witness is Japanese;
  - b. The address of the witness is unknown; his last official position was Chief of Staff of the Kwantung Army, and he was last reported as having surrendered to the Russian forces in Manchuria on or about 20 August 1945;
  - c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff of the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;
  - d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment, and was not responsible for the planning, initiating or waging of wars of aggression;

- e. The date upon which the attendance of the witness will be required to testify cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

2. Major General YAMAMOTO Moichiro (known also as YAMAMOTO Shigeichiro)

- a. The nationality of the witness is Japanese.
- b. The address of the witness is unknown; the last official position was Chief of Staff of the 16th Army in Java;
- c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Secretary to the said defendant who was then Vice-Minister of War;
- d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;
- e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

3. Major General MATSUMURA Tomokatsu.

- a. The nationality of the witness is Japanese;
- b. The last official position of witness was Vice-Chief of Staff of the Kwantung Army and he is now believed to be a prisoner of war of the Russian forces in Manchuria;

- c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Operations Section of the staff of the Kwantung Army;
- d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;
- e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

4. Lieutenant General KASAHARA Yukio;

- a. The nationality of the witness is Japanese;
- b. The last official position of witness was commanding general of the 11th Army, and he is believed to be a prisoner of war of the Chinese forces;
- c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff to the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;
- d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;

e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

5. Lieutenant General IIDA Shojiro;

- a. The nationality of the witness is Japanese;
- b. The last official position of witness was commanding general of the 3rd Army, and he is believed to be a prisoner of war of the Russian forces in Manchuria;
- c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff to the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;
- d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;
- e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith.

UMEZU Yoshijiro

by

MIYAKE Shotaro

Ben Bruce Blakeney

Major, AC

His Counsel

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES

-vs-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo, SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro,

Defendants.

REQUEST IN BEHALF OF THE ACCUSED, SHUMEI OKAWA

COME now Shinichi OHARA and Alfred W. Brooks, Defense Counsel appointed by the wife and legal representative for the accused, Shumei OKAWA, and respectfully request the International Military Tribunal for the Far East as follows:

1. That the Tribunal authorize and direct the transfer of Shumei OKAWA, who is of unsound mind, to the PSYCHIATRIC WARD of the TOKYO IMPERIAL UNIVERSITY HOSPITAL for proper care and treatment under the direction of Dr. YUSHI UCHIMURA, who agrees to be responsible for the custody and control, and treatment, of said patient subject to such further order of the Tribunal;

2. That the name of Shumei OKAWA be struck from the indictment, or proceedings in his case be stayed, until such time as he is mentally capable of pleading, and in condition to advise with counsel in the preparation of his defense and as to the procurement of evidence and witnesses in his behalf, and so he may be present

at the cross examination of witnesses who may appear against him,  
and in order to have the opportunity to testify and to present a  
proper defense in a just and fair trial;

3. That the Tribunal take such other action or proceedings  
as may be just in the premises.

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Shinichi OHARA  
Chief Defense Counsel  
for Shumei OKAWA

---

Alfred W. Brooks  
Associate Counsel



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

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No. 1.

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

MOTION FOR BILL OF PARTICULARS

NOW COME all the defendants by their Japanese counsel, and join in the motion for a Bill of Particulars as presented, in its amended form, by American counsel for HIRANUMA, Kiichiro; MATSUOKA, Yosuke; SHIGEMITSU, Mamoru; TOGO, Shigenori; and UMEZU, Yoshijiro; and respectfully request the same particulars and information as is requested in such motion.

ARAKI, Sadao

by (s) Yutaka Sugahara  
Yutaka Sugahara  
Japanese Counsel

DOHIHARA, Kenji

by (s) Naoyoshi Tsukasaki  
Naoyoshi Tsukasaki  
Japanese Counsel

HASHIMOTO, Kingoro

by (s) Itsuro Hayashi  
Itsuro Hayashi  
Japanese Counsel

HATA, Shunroku

by (s) Masayoshi Kanzaki  
Masayoshi Kanzaki  
Japanese Counsel

HIRANUMA, Kiichiro

by (s) Rokuro Usami  
Rokuro Usami  
Japanese Counsel

HIROTA, Koki

by (s) Tadashi Hanai  
Tadashi Hanai  
Japanese Counsel

HOSHINO, Naoki

by (s) Goichiro Fujii  
Goichiro Fujii  
Japanese Counsel

ITAGAKI, Seishiro

by (s) Hanzo Yamada  
Hanzo Yamada  
Japanese Counsel

KAYA, Okinori

by (s) Tsuruo Takano  
Tsuruo Takano  
Japanese Counsel

KIDO, Koichi

by (s) Shigetaka Hozumi  
Shigetaka Hozumi  
Japanese Counsel

KIMURA, Heitaro

by (s) Tokisaburo Shiohara  
Tokisaburo Shiohara  
Japanese Counsel

KOISO, Kuniaki

by (s) Shohei Sammonji  
Shohei Sammonji  
Japanese Counsel

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KIDO, Koichi

by /s/ Shigetaka Hozumi  
/s/ William Logan Jr.

MATSUI, Iwane

by (s) Koyoshi Ito  
Kiyoshi Ito  
Japanese Counsel

MATSUOKA, Yosuke

by (s) Shunzo Kobayashi  
Shunzo Kobayashi  
Japanese Counsel

NINAMI, Jiro

by (s) Kintaro Takenouchi  
Kintaro Takenouchi  
Japanese Counsel

MUTO, Akira

by (s) Shoichi Okamoto  
Shoichi Okamoto  
Japanese Counsel

NAGANO, Osami

by (s) Hachiro Okuyama  
Hachiro Okuyama

OKA, Takasumi

by (s) Shinji Somiya  
Shinji Somiya  
Japanese Counsel

OKAWA, Shumei

by (s) Shinichi Ohhara  
Shin-ichi Ohhara  
Japanese Counsel

OSHIMA, Hiroshi

by (s) Naoyoshi Tsukasaki  
Naoyoshi Tsukasaki  
Japanese Counsel

SATO, Kenryo

by (s) Ichiro Kiyose  
Ichiro Kiyose  
Japanese Counsel

SHIGEMITSU, Mamoru

by (s) Kenzo Takayanagi  
Kenzo Takayanagi  
Japanese Counsel

SHIMADA, Shigetaro

by (s) Yoshitsugu Takahashi  
Yoshitsugu Takahashi  
Japanese Counsel

SHIRATORI, Toshio

by (s) Somei Uzawa  
Dr. Somei Uzawa  
Japanese Counsel

SUZUKI, Teiichi

by (s) Motokichi Hasogawa  
Motokichi Hasogawa

TOGO, Shigenori

by (s) Shigetaka Hozumi  
Shigetaka Hozumi  
Japanese Counsel

TOJO, Hideki

by (s) Ichiro Kiyose  
Ichiro Kiyose  
Japanese Counsel

UMEZU, Yoshijiro

by (s) Shotaro Miyake  
Shotaro Miyake  
Japanese Counsel

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KIDO, Koichi

by

/s/ Shigetaka Hozumi

/s/ William Logan Jr.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

3 June 1946

Prosecutors

- VS -

ARAKI, Sadao, et al

Defendants

REQUEST OF THE ACCUSED KIDO, KOICHI, FOR THE PRODUCTION OF A DOCUMENT PURSUANT TO SECTION III, ARTICLE 9, SUBSECTION "O" OF THE CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST, DATED APRIL 26TH, 1946.

COMES NOW, KIDO, Koichi, by Shigetaka Hozumi and William Logan, Jr., counsel for the accused, KIDO, Koichi, appearing specially and in his behalf and request this Tribunal to enter the proper order for the production of the diary of KIDO, Koichi for the years 1930 to 1945 inclusive, and for the delivery of said diary to KIDO, Koichi; and in support thereof present to the court the following information:

1. That heretofore and on or about the 21st day of December 1945, the accused KIDO, Koichi, revealed to Lt. Colonel B. E. Sackett of the prosecution staff that he had a personal diary for the period of time from 1930 to 1945 inclusive and voluntarily offered to surrender to Lt. Colonel Sackett the said diary upon the promise and agreement of Lt. Colonel Sackett that the diary would be returned to him.

2. Lt. Colonel Sackett did promise and agree that the diary would be returned to said KIDO, Koichi as soon as possible and relying on said promise KIDO, Koichi shortly thereafter did cause to be delivered to said Lt. Colonel Sackett his diary for the years 1930 to 1945 inclusive.

3. Several requests by the attorneys for the accused KIDO, Koichi have been made recently of the attorneys for the prosecution for the return of said diary, but the attorneys for the prosecution have not yet returned said diary to KIDO, Koichi and it is still in their possession.

4. This diary contains many facts, historical events and statements which the accused KIDO, Koichi verily believes are material and relevant to his defense.

KIDO, Koichi  
by  
/s/ Shigetaka Hozumi  
/s/ William Logan Jr.

Paper No. 134  
Disposes of  
Paper No. 133

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER,  
  ) ON THE REQUEST OF ACCUSED,  
  ) KIDO, KOICHI: FOR THE  
  ) PRODUCTION OF A DOCUMENT  
- vs -                                  ) PURSUANT TO SECTION III,  
  ) ARTICLE 9, SUBSECTION E OF  
ARAKI, SADA0; et al                  ) THE CHARTER.

This matter coming before the Tribunal,  
Mr. Justice Webb, President of the Tribunal, sitting in  
the Conference Room, to hear the Request of accused,  
KIDO, Koichi, for the production of a document pursuant  
to Section III, Article 9, Subsection E, of the Charter.  
The accused, being represented by William Logan, Jr.,  
his counsel, and the prosecution being represented by  
Joseph B. Keenan, Chief Counsel and C. Higgins, and the  
Court being fully advised in the premises, it is

ORDERED, that the request be and is hereby  
refused, the prosecution undertaking to furnish to the  
accused a copy of the excerpts from the diary translated  
into English and a photostatic copy of the diary when ready.

Dated at Tokyo, Japan, this 5 June 1946.

BY THE TRIBUNAL:

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PRESIDENT

MO #21

Paper 148

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1

THE UNITED STATES OF AMERICA, et al

-VS-

12 June 1946

ARAKI, Sadao, et al

Defendants

NOW COME the defendants HIRANUMA, Kiichiro; KAYA, Okinori; SHIGEMITSU, Mamoru; SUZUKI, Teichi, and UMEZU, Yoshifiro, by their respective Japanese counsel of record herein to let USAMI, Rokuro; TAKANO, Tsuruo; TAKAYANAGI, Kenzo; HASEGAWA, Motokichi, and MIYAKE, Shotaro, make known to the Tribunal that they desire and hereby apply to this Tribunal for leave therefor, to file herein on behalf of the above named defendants two motions, the first motion requesting this Honorable Tribunal to refer certain inquiries either to the Court of International Justice for an advisory opinion or in the alternative to a commission for inquiry and report; and the second motion, requesting this Honorable Tribunal to refer certain inquiries to certain authorities, etc., all as set forth in said motions, copies of which are attached hereto and made a part hereof.

permit the Prosecution to have temporary possession -- upon the written request and the signing of a receipt by Capt. George C. Salmons or Lt. Joe B. Alexander who have been designated by the Prosecution to attend to this matter,

(SGD) CARLISLE E. HIGGINS  
Acting Chief of Counsel

Dated Tokyo, Japan

\_\_\_\_\_, 1946

HIRANUMA, Kiichiro

by

/s/ USAMI, Rokuro

USAMI, Rokuro  
Japanese Counsel

KAYA, Okinori

by

/s/ TAKANO, Tsuruo

TAKANO, Tsuruo  
Japanese Counsel

SHIGEMITSU, Mamoru

by

/s/ TAKAYANAGI, Kenzo

TAKAYANAGI, Kenzo  
Japanese Counsel

SUZUKI, Teichi

by

/s/ HASEGAWA, Motokichi

HASEGAWA, Motokichi  
Japanese Counsel

UMEZU, Yoshijiro

by

/s/ MIYAKE, Shotaro

MIYAKE, Shotaro  
Japanese Counsel

permit the prosecution to have temporary possession  
upon the written request and the signing of a receipt by Capt. George C.  
Salmons or Lt. Joe B. Alexander who have been designated by the  
Prosecution to attend to this matter,

(SGD) CARLELE J. HIGGINS  
Acting Chief of Counsel

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

NO.1

UNITED STATES OF AMERICA, et al

Prosecutors

-against-

ARAKI, Sadao et al

Defendants

APPLICATION FOR LEAVE TO FILE THE WITHIN  
APPLICATION DATED THE 15 DAY OF JULY, 1946

The above-mentioned Prosecutors apply to the International Military Tribunal for the Far East, for leave to file the hereunto attached application, and request that the matter be set for hearing at the earliest convenient date.

Dated, Tokyo,

15 July, 1946.

(SGD) CARLISLE J. HIGGINS

CARLISLE J. HIGGINS  
Acting Chief of Counsel

permit the prosecution to have temporary possession --  
upon the written request and the signing of a receipt by Capt. George C.  
Salmons or Lt. Joe B. Alexander who have been designated by the  
Prosecution to attend to this matter,

(SGD) CARLISLE J. HIGGINS  
Acting Chief of Counsel

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

NO.1

UNITED STATES OF AMERICA et al,

Prosecutors

-against-

ARAKI, Sadao, et al.,

Defendants.

APPLICATION FOR LEAVE TEMPORARILY  
TO WITHDRAW CERTAIN EXHIBITS.

The 15th day of July, 1946.

The above-mentioned prosecutors apply to the International Military Tribunal for the Far East for an order permitting the prosecutors to withdraw from the custody of the Secretariat, temporarily, from time to time, certain documents which have heretofore been or may hereafter be introduced as evidence in this case, and other documents which are and may be in the possession of the Secretariat for safekeeping under orders heretofore made by the Tribunal for the purpose of making copies of certain portions of such documents for subsequent introduction in evidence.

The documents in respect of which this application is made are documents portions of which have heretofore been or hereafter may be introduced as evidence in the case but of which the entire document has not been introduced. It has been ascertained in preparation for subsequent phases of the case that it is necessary to process and translate additional portions of such documents. Those which will from time to time be requested are those documents only of which the Prosecution does not have copies.

It is further requested that the Secretariat be directed to permit the Prosecution to have temporary possession of such documents upon the written request and the signing of a receipt by Capt. George C. Salmons or Lt. Joe B. Alexander who have been designated by the Prosecution to attend to this matter,

(SGD) CARLILE J. HIGGINS  
Acting Chief of Counsel



TO - .

The General Secretary,  
International Military Tribunal for the Far East,

AND TO

The Defendants

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

24 June 1946

THE UNITED STATES OF AMERICA, et al  
Prosecutors

- VS -

ARAKI, Sadao, et al  
Defendants

REQUEST OF THE ACCUSED HATA, SHUNROKU, FOR THE PRODUCTION OF A WITNESS PURSUANT TO SECTION III, ARTICLE 9, SUBSECTION OF THE CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST, DATED 26 APRIL, 1946.

COMES NOW, HATA, Shunroku, by Masayoshi Kanzaki and 1st Lt. Aristides G. Lazarus, U.S. Marine Corps, Counsel for the accused HATA, Shunroku, and requests this Tribunal to enter the proper order for the production of Hikosaburo Hata as a witness before this Tribunal and in support thereof presents to the court the following information:

1. Hikosaburo Hata, then a Lieutenant General in the Japanese Army, was Chief of Staff of the Kwantung Army when Russia entered the war.
2. Nothing further is known of him since that time.
3. The appearance of the witness Hikosaburo Hata is necessary to prove that the Hata mentioned in many of the counts of the indictment is in fact Hikosaburo Hata, the Lieutenant General and not Shunroku Hata, the Field Marshall, who is the accused now before this Tribunal.
4. Through the witness Hikosaburo Hata, the accused Shunroku Hata will prove conclusively the facts of mistaken identity.

HATA, Shunroku  
by  
S/  
\_\_\_\_\_  
Masayoshi Kanzaki

S/  
\_\_\_\_\_  
1st Lt. Aristides G. Lazarus  
U.S. Marine Corps

# 299

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

No. 1.

UNITED STATES OF AMERICA AND ORS.

Prosecutors

- AGAINST -

ARAKI, Sadao AND ORS.

Defendants.

APPLICATION UNDER RULE 6(b)(1) OF THE RULES OF PROCEDURE OF THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

The day of July, 1946.

The abovementioned prosecutors apply to the International Military Tribunal for the Far East for an order dispensing with compliance with Rule 6(b)(1) of the Rules of Procedure of the said Tribunal and permitting the said prosecutors to copy excerpts from the documents hereunder mentioned instead of copying the whole of the said documents.

The said documents are as follows:-

1. Affidavits, statements and reports of persons who were prisoners of war, civilian internees and inhabitants of territories occupied by the Japanese forces and official reports of investigating officers. The said affidavits, statements and reports number approximately 650. Some of the said affidavits, statements and reports contain as many as 100 pages, while others are comparatively short. They were obtained for the purpose of compiling a report on the conditions of prisoners of war, civil internees and native inhabitants of occupied territories, and in almost every case deal with more than one camp or area. Excerpts have been made from the said documents so as to eliminate the unnecessary repetition of matters which are contained in other evidentiary material. The prosecution intends to offer in evidence excerpts totalling approximately 1,500 pages. The copying of such excerpts commenced in February, 1946, and a large number had been completed before rule 6(b) was promulgated on 25th April, 1946, and before the said rule was amended on 20th May, 1946. One hundred

2.

copies of approximately 800 pages of excerpts have been so completed, making a total of 80,000 pages of copies. If the prosecution is required to copy the whole of each affidavit, statement and report, it is estimated that at least 10,000 pages will require to be copied 100 times, making a total of 1,000,000 pages. If literal compliance with rule 6(b)(1) is required, all the copying completed to date will be useless. The persons making the said affidavits, statements and reports are not in Japan, most of them being in the United States of America, Australia and England, and it is not intended to produce them for the Tribunal. The original of each document will be lodged with the secretariat and will be available to the defence.

2. Official A. T. I. S. (Allied Translator and Interpreter Section) reports. These documents average approximately 100 pages each and the excerpts intended to be used by the prosecutors amount to approximately one page in each report.
3. Dossier concerning examination of the case against Kunito Hatakeyama and Ken-ichi Nakagawa. This transcript is 354 pages in length in its English version and contains, in addition to the excerpts which the prosecutors intend to use, plans and evidence which can in no way assist the Tribunal. The said excerpts contain the complete evidence of the two abovementioned Japanese who were eye-witnesses of the massacre of prisoners of war at Laha, Ambon, and are 50 pages in length.

(SGD.) CARLISLE HIGGINS  
Acting Chief of Counsel.

TO -

The General Secretary,  
International Military Tribunal for the Far East,

AND TO -

The Defendants.

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

--1--

THE UNITED STATES OF AMERICA, et al

vs

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

A. NOW COMES ARAKI, Sadao and requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following witnesses necessary for his defense:

- (1) KOMURA, Sakahiko;
  - (a) The nationality of the witness is Japanese;
  - (b) He is presently in Tokyo and is a government official in the Home Office;
- (2) FUTAARA, Yeshinori;
  - (a) The nationality of the witness is Japanese;
  - (b) He is presently in Tokyo and is a member of the Upper House;
- (3) KITA, Reikichi;
  - (a) The nationality of the witness is Japanese;
  - (b) He is presently in Tokyo and is a member of the Lower House;
- (4) YASUI, Eiji;
  - (a) The nationality of the witness is Japanese and an ex-Education Minister;
  - (b) This witness may be located in Kanagawa Prefecture;
- (5) SAWADA, (Mrs.) Renzo;
  - (a) The nationality of the witness is Japanese and the wife of the ex-Ambassador SAWADA;
  - (b) This witness may be located in Kanagawa Prefecture;
- (6) HATOYAMA, Ichiro;
  - (a) The nationality of the witness is Japanese and an

*Rec'd by  
9/15  
2 (2)*

ex-Education Minister;

(b) This witness may be located in Tokyo.

(7) MITSUCHI, Chuzo;

(a) The nationality of the witness is Japanese and an ex-Railway Minister;

(b) This witness may be located in Tokyo;

(8) YAMAOKA, Juko;

(a) The nationality of the witness is Japanese and an ex-Lieutenant General;

(b) This witness may be located in Eihimi Prefecture;

(9) MURAKAMI, Keisaki;

(a) The nationality of the witness is Japanese and an ex-Lieutenant General;

(b) This witness was in Manchuria at the end of the war and is now believed to be a prisoner of war of the Soviet Union;

(10) MUDAGUCHI, Renya;

(a) The nationality of the witness is Japanese and an ex-Lieutenant General;

(b) This witness is believed to be in Singapore, having been sent there from Tokyo in September by the Allies;

(11) MAZAKI, Jinsaburo;

(a) The nationality of the witness is Japanese and an ex-General;

(b) This witness may be located in Sugamo Prison, Tokyo;

(12) HORIKIRI, Zenjiro;

(a) The nationality of the witness is Japanese and an ex-Chief of the Cabinet Secretariat;

(b) This witness may be located in Tokyo;

- (13) ARIYOSHI, Chuichi;
- (a) The nationality of the witness is Japanese and an ex-Ambassador to China;
  - (b) This witness may be located in Tokyo;
- (14) UEDA, Kenkichi;
- (a) The nationality of the witness is Japanese and an ex-General;
  - (b) This witness may be located in Tokyo;
- (15) HANEDA, Toru;
- (a) The nationality of the witness is Japanese and an ex-President, Kyoto Imperial University;
  - (b) The witness may be located in Kyoto;
- (16) YONAI, Mitsumasa;
- (a) The nationality of the witness is Japanese and an ex-Premier;
  - (b) This witness may be located in Tokyo;
- (17) KANAMORI, Tokujiro;
- (a) The nationality of the witness is Japanese and Minister of State;
  - (b) This witness may be located in Tokyo;
- (18) HUNT, Frazier;
- (a) The nationality of the witness is American and a journalist;
  - (b) This witness was a special correspondent for the International News Service in Japan during the year 1932 and is believed to be at present in the United States of America;
- (19) PIGGOT, Major General;
- (a) The nationality of the witness is British and is an ex-Military Attache to the British Embassy in Japan;

- (b) This witness may be located in London;
- (20) LINDLEY, ex-Ambassador;
- (a) The nationality of the witness is British and is an ex-British Ambassador to Japan;
- (b) This witness can be located in England;
- (21) IKEZAKI, Tadataka;
- (a) The nationality of the witness is Japanese and an ex-Parliamentary Councillor of the Education Office;
- (b) This witness can be located in Sugamo Prison, Tokyo;
- (22) IIZUNO, Shinko;
- (a) The nationality of the witness is Japanese and is Chief of the Movie Section of the Tokyo Mainichi Newspaper;
- (b) This witness may be located in Tokyo;
- (23) KINOSHITA, Takeshi;
- (a) The nationality of the witness is Japanese and is President of the Kagoshima Newspaper;
- (b) This witness may be located in Kagoshima Prefecture;
- (24) RYU, Kuratsugu;
- (a) The nationality of the witness is Japanese and is an ex-Major General;
- (b) This witness may be located at the Kumamoto Prefecture;
- (25) TAKAGI, Rikuro;
- (a) The nationality of the witness is Japanese and is a business man;
- (b) This witness may be located in Tokyo;
- (26) BYAS, Hugh;
- (a) The nationality of the witness is British and was Staff Correspondent in Japan of the "Times" of London and New York during the year 1931;



(b) This witness may be located in London, England;

(27) KOYAMA, Matsukichi;

(a) Minister of Justice, Tokyo;

B. The defendant ARAKI further requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following documents necessary for his defense:

<u>DOCUMENT</u>	<u>LOCATION</u>
1. Stenographic Record of main Session of Privy Council on January 30, 1932	Privy Council Office
2. Stenographic Record of 60th Session of Diet (Upper House)	Upper House Office
3. Stenographic Record of 61st Session of Diet (Upper House)	Upper House Office
4. Stenographic Record of 62nd Session of Diet (Upper House)	Upper House Office
5. Stenographic Record of 63rd Session of Diet (Upper House)	Upper House Office
6. Stenographic Record of 64th Session of Diet (Upper House)	Upper House Office
7. Stenographic Record of 74th Session of Diet (Upper House)	Upper House Office
8. Stenographic Record of 62nd Session of Diet (Lower House)	Lower House Office
9. Copy of New York Times, Mar. 12, 1933, containing the article, "Man of Affairs in Japan."	New York City
10. Copy of Hugh Byas' broadcast of Dec. 2, 1931 on the Manchurian problem;	Broadcasting Station, JOAK, Tokyo
11. Copy of Frazier Hunt's broadcast of June 2, 1932 entitled "Japan in Transition."	Broadcasting Station JOAK, Tokyo
12. Copy of Hugh Byas' interview with General ARAKI on June 16, 1932 concerning China and Manchuria;	London and/or New York Times
13. Copy of any article which appeared in the New York or London Times as a result of Hugh Byas' interview with General ARAKI on January 16, 1932;	London and/or New York Times

14. Stenographic Record of the Upper House on January 31, 1939; Upper House Office
15. Stenographic Record of the Upper House on February 19, 1939; Upper House Office
16. Stenographic Record of the Upper House on March 7, 1939. Upper House Office

C. The facts to be proved by these witnesses and documents are the policies, utterances, actions and intent of the accused ARAKI during the time in which he is charged by the Indictment;

D. The relevance of the testimony of these witnesses, all of whom were associated with the accused ARAKI in various capacities during the time charged in the Indictment is, in its tendency to establish that the accused ARAKI took no part in any of the conspiracies charged to him; and was not in any way connected with the planning, initiating or waging of wars of aggression; and was, furthermore, in no way connected with the commission of any crimes against peace;

E. The date upon which attendance of the witnesses will be required for testifying cannot at this time be stated accurately but their attendance for consultation with defense counsel is required forthwith.

ARAKI, Sadao

By

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SUGAHARA, Yataka

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Lawrence J. McManus

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

*Rec'd  
9-15  
2(1)*

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

1. NOW COMES HATA, Shunroku and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witnesses and documents necessary to his defense:

A. The Shanghai Nippo, a newspaper published in the city of Shanghai, China in the Japanese language. The issues desired are:

1 February 1938 to 20 December 1938 and 1 March 1941 to 22 November 1944

B. Shanghai Nichi Nichi, a newspaper published in city of Shanghai, China in the Japanese language. The issues desired are:

1 February 1938 to 20 December 1938 and 1 March 1941 to 22 November 1944

C. Teiriku Shinpo, a newspaper published in city of Shanghai, China in the Japanese language. The issues desired are:

1 February 1938 to 28 February 1939 and 1 March 1941 to 22 November 1944

Articles in the desired issues of the above-mentioned newspapers will prove issuance of instructions by petitioner to his troops on conduct toward civilians.

- D. Log (or photostatic copy thereof) of all American naval vessels including gunboats that were in vicinity of Hankow from 25 October to 30 October 1938. These documents will be used to show the absence of atrocities at the fall of Hankow and will contradict the evidence already presented to the Tribunal by a witness for the prosecution.
- E. The records, or other files of the U.S. 14th Air Force of its missions over Changsha, Hengyang, Kweilin and Liuchow June 1944, August 1944, October 1944 and November 1944. These records will be used to show that the destruction of property and the loss of civilian lives imputed to the Japanese forces was at least partly accounted for by actions of the said Air Force.
- F. The book entitled "Record of the Facts of Illegal Acts and Resistance Accompanied with Destruction Committed by the Chinese Communists." This book was published by the Military Committee of the Chungking Government in the year 1938. This book will be used to show that much, if not all, the property destruction and the loss of civilian lives imputed to the Japanese forces in China was caused by the Communist forces in China. The book, despite the best efforts of counsel for the petitioner, cannot be procured in Japan but it is believed that copies of said book can be secured from the Chinese government.
- G. The order of the Chungking government for the beginning of Guerilla Warfare against the Japanese forces in China. This order was promulgated in or about the year 1938. This order and the directions for the waging of Guerilla

Warfare behind Japanese lines and the pursuit of the "Scorched - Earth Policy" in advance of the Japanese troops will be used to prove that much of the destruction imputed to the Japanese forces in China was in fact done by the Chinese themselves in obedience to said order.

- H. Appendix to the book "Instructions In Important Strategic Affairs" a Japanese military book issued by the Japanese military authorities. Despite best efforts of counsel for the petitioner, a copy of the book cannot be found.
- I. The book "Instructions on Chemical Warfare". This book is a Japanese military book and despite best efforts of counsel for petitioner a copy has not yet been found. It is believed the prosecution has a copy.
- J. A copy of every trial for atrocities or mistreatment of prisoners of war in which former members of Japanese military forces have been the accused before American military tribunals in China since the termination of hostilities. Excerpts from the evidence adduced at those trials will be used to show that the petitioner Hate always gave instructions for the proper treatment of civilians and prisoners of war in accordance with the conventions. Further, excerpts from these trials will be used to show that individual commanders failed to obey instructions of petitioner and were responsible for any illegal acts which may have occurred. Excerpts will also be used to show the scope of authority of petitioner over area commanders while he was commander of the expeditionary forces in China.
- K. A copy of every trial for atrocities or mistreatment of

prisoners of war in which former members of Japanese military forces have been the accused before Chinese tribunals in China since the termination of hostilities. Excerpts from the evidence adduced at these trials will be used to show that the petitioner Hata always gave instructions for the proper treatment of civilians and prisoners of war in accordance with the conventions. Further, excerpts from these trials will be used to show that individual commanders failed to obey instructions of petitioner and were responsible for any illegal acts which may have occurred. Excerpts will also be used to show the scope of authority of petitioner over area commanders while he was commander of the expeditionary forces in China.

- L. The reports, or a copy thereof, of the American Military Attaches in China for the year 1938 and the years 1941-44, inclusive, with particular reference to the fall and occupation of the cities of Changsha, Hengyang, Kweilin and Liuchow. Excerpts from these reports will be used to show the petitioner was at all times a strict disciplinarian, kept his troops under strict control, consequently, avoided pillaging, looting, raping and destruction in the cities occupied by forces under his command.
- M. The reports of the American Military Attaches in Tokyo for the years 1939 and 1940. These reports will be used to prove that petitioner, while War Minister, did not support the Tri-Partite Pact as charged.
- N. Father Jaquinot, a French Catholic priest now in Shanghai or Nanking. Father Jaquinot guided the Japanese forces

when they entered the city of Hankow in October 1938 and will testify on the conduct of the Japanese troops there.

- O. A man named Egley (Christian name unknown) a Swiss national, member of International Red Cross, and now in Shanghai as a member of the Swiss Legation or Consulate there. He will testify as to the treatment by the Japanese forces of the prisoners of war in China.
- P. Lt. General Saburo Kawamura, a Japanese national, presently located at Singapore or Java as a prisoner of war. The witness was Chief of Military Affairs Section when petitioner was War Minister and will testify with reference to the Wang Ching Wei regime in Nanking and its relations with the Japanese military forces in China.
- Q. Major General Nichio Kato, a Japanese national who is believed to be a prisoner of war of the Russians. He was secretary of War Ministry when petitioner was War Minister. He will testify as to the actions and utterances of petitioner when petitioner was War Minister.

4 November 1946

HATA, Shunroku

by

KANZAKI, Masayoshi

Aristides George Lazarus

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

*Read ltr  
Nov 27 (1)  
para 7(1)*

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

1. NOW COMES DOHIHARA, Kenji and respectfully requests the Tribunal, in accordance with Article 9 (e) of the Charter and the Order of the Tribunal dated at Tokyo, Japan, 24 October 1946, bearing Paper No. 492, to order the production of the following witnesses necessary to his defense:

A. Major General SENDA, Moritoshi;

- (a) The nationality of the witness is Japanese;
- (b) He was Commander of the 81st Division, Compound and Independent Corps, Changsha, China, at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.
- (c) This witness was associated with the accused in arranging the agreement between him and Chin Te-chun and Sung Che-yuan, relating to the establishment of the Hopei Political Committee and his other activities in the North China area.
- (d) The testimony of this witness to the defense of the accused is believed to be relevant and is principally concerned with Counts Nos. 18 and 19 of the Indictment.

B. Gendarme Colonel MOPIKI, Goro;

- (a) The nationality of the witness is Japanese;
- (b) He was the Gendarme Colonel of the Prison for War Criminals, 11th District, Peking, China at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.
- (c) The facts to be proved by the witness relate to the testimony of Henry Pu-yi, who was a witness in this proceeding. This witness was an associate of the accused during the negotiations with said Pu-yi and is familiar with the facts and circumstances relating thereto.
- (d) The testimony of this witness is believed to be relevant and specifically is concerned with Counts 18 and 19 of the Indictment.



C. Lieutenant General MATSUDA, Chujiro;

- (a) The nationality of the witness is Japanese;
- (b) He was Commander of the 69th Division, Unjo, China at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.
- (c) The facts to be proved by this witness relate to the testimony of Henry Pu-yi, who was a witness in this proceeding. This witness also was an associate of the accused during the negotiations with said Pu-yi and is familiar with the facts and circumstances relating thereto.
- (d) The testimony of this witness is believed to be relevant and specifically is concerned with Counts Nos. 18 and 19 of the Indictment.

D. Lieutenant General TAKAHASHI, Tan;

- (a) The nationality of the witness is Japanese;
- (b) He was the Chief of Staff of the North China Army at the end of the war and it is believed he is still in China as a prisoner of war of the Chinese.
- (c) The facts to be proved by this witness relate to the testimony of Henry Pu-yi, who was a witness in this proceeding. This witness was an associate of the accused during the negotiations with said Pu-yi and is familiar with the facts and circumstances relating thereto.
- (d) The testimony of this witness is believed to be relevant and specifically is concerned with Counts Nos. 18 and 19 of the Indictment.

E. Major General MIYAZAKI, Shigesaburo;

- (a) The nationality of the witness is Japanese;
- (b) He was Commander of the 54th Division, Burma at the end of the war and it is believed he is still there as a prisoner of war of the British.
- (c) The facts to be proved by this witness relate to the testimony of John Powell, who was a witness in this proceeding, concerning the negotiations of the accused with Ma Chan-shan. This witness is familiar with the facts and circumstances relating thereto.
- (d) The testimony of this witness is believed to be relevant and specifically is concerned with Counts Nos. 18 and 19 of the Indictment.

F. Lieutenant General NAKAMURA, Hajime;

- (a) The nationality of the witness is Japanese;

- (b) He served under the accused during the North China campaign and is at present believed to be in Japan but his present address is unknown although it is under investigation.
- (c) The facts to be proved by this witness relate to the North China campaign and other activities of the accused in China in 1943.
- (d) The testimony of this witness is believed to be relevant and is principally concerned with Counts Nos. 18 and 19 of the Indictment.

G. Lieutenant Colonel MINEMORI, Shutaro;

- (a) The nationality of the witness is Japanese;
- (b) He served under the accused during the North China campaign and is at present believed to be in Japan. His present address is unknown but it is under investigation.
- (c) The facts to be proved by this witness relate to the North China campaign and other activities of the accused in China in 1943.
- (d) The testimony of this witness is believed to be relevant and is principally concerned with Counts Nos. 18 and 19 of the Indictment.

H. Lieutenant General HARA, Mamoru;

- (a) The nationality of the witness is Japanese;
- (b) He served as subordinate officer under the accused when the accused was the Inspector General of Military Training, and at present is believed to be in Japan. His present address is unknown but it is under investigation.
- (c) The testimony of this witness will be principally concerned with the activities of the accused while he was inspector General of Military Training.
- (d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts 18 and 19 of the Indictment.

I. Major General TAKAHASHI, Tatsuhiko;

- (a) The nationality of the witness is Japanese;
- (b) He was Chief of Staff under the accused when the accused was Commander-in-Chief of the Eastern Army and is believed to be in Japan. His present address is unknown but it is under investigation.
- (c) The testimony of this witness will be principally concerned with the responsibility of the accused for supervision of prisoners of war coming under his jurisdiction.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 53, 54 and 55 of the Indictment.

J. Major General YAMAZAKI, Masso;

(a) The nationality of the witness is Japanese;

(b) He was Senior Staff Officer of the Eastern Army and served under the accused when the accused was Commander-in-Chief of the Eastern Army, and is believed to be in Japan. His present address is unknown although it is under investigation.

(c) The facts to be proved by this witness relate principally to the responsibility of the accused for supervision of prisoners of war coming under his jurisdiction.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 53, 54 and 55 of the Indictment.

K. Lieutenant General HASHIMOTO, Gun;

(a) The nationality of the witness is Japanese;

(b) He was Chief of Staff of the First Army during 1937 and 1938 and served under the accused when the accused was Commander-in-Chief of said First Army. He is believed to be in Japan but his present address is unknown although it is under investigation.

(c) The testimony of this witness will relate to the activities of the accused in China during the aforementioned period when the accused was Commander-in-Chief of the First Army.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 18 and 19 of the Indictment.

L. Lieutenant General YAHAGI, Nakao;

(a) The nationality of the witness is Japanese.

(b) He served as Chief of Staff of the Japanese Army in Burma at the end of the war and is believed to be still there, as a prisoner of war of the British.

(c) The testimony of this witness will relate to the activities of the accused while the accused was Chief of the Special Service Branch of the Kwantung Army in Mukden during 1935. The witness was the assistant to the accused during the aforesaid period and is familiar with the activities of the accused while he served in such capacity.

(d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 18 and 19 of the Indictment.

M. Colonel SUZUKI, Kunji;

- (a) The nationality of the witness is Japanese;
- (b) He is at present in custody at Sugamo Prison, Tokyo, Japan.
- (c) The testimony of this witness will relate to the treatment of prisoners of war while the accused was Commander-in-Chief of the Eastern Army during 1933 and 1934. This witness served as subordinate officer under the accused during the aforesaid period.
- (d) The testimony of this witness is believed to be relevant and is specifically concerned with Count No. 53 of the Indictment.

N. Lieutenant General AYABE, Kitsujyu;

- (a) The nationality of the witness is Japanese;
- (b) He was Lieutenant General in the Japanese Army and at the end of the war was in Singapore and it is believed he is still there, a prisoner of war of the British.
- (c) This witness served under the accused during the period of 1944 and 1945 while the accused was Commander-in-Chief of the Seventh Army, and the testimony will relate principally to the treatment of prisoners of war coming under his jurisdiction during the aforesaid period.
- (d) The testimony of this witness is believed to be relevant and is specifically concerned with Count No. 53.

O. Lieutenant General TAZAKA, Senichi;

- (a) The nationality of the witness is Japanese;
- (b) He was Lieutenant General in the Japanese Army and at the end of the war was in Singapore and it is believed he is still there, as a prisoner of war of the British.
- (c) This witness served under the accused during the period of 1944 and 1945 while the accused was Commander-in-Chief of the Seventh Army, and the testimony will relate principally to the treatment of prisoners of war coming under his jurisdiction during the aforesaid period.
- (d) The testimony of this witness is believed to be relevant and is specifically concerned with Count No. 53.

P. Lieutenant General IMAI, Takeo;

- (a) The nationality of the witness is Japanese;
- (b) He was Chief of the Liaison Bureau in Nanking, China at the end of the war and it is believed he is still there as a prisoner of war of the Chinese;
- (c) This witness served under the accused while the accused was engaged in activities in North China and the testimony of this witness will be principally concerned with the establishment of the Autonomous Area in North China, about which the Prosecution has already introduced evidence against the accused.
- (d) The testimony of this witness is believed to be relevant and is specifically concerned with Count No. 19, of the Indictment.

Q. General NISHIO, Juzo;

- (a) The nationality of the witness is Japanese;
- (b) He is at present in custody at Sugamo Prison, Tokyo, Japan.
- (c) This witness served as Supreme War Councillor during the period that the accused served in a similar capacity. The testimony of the witness will be principally concerned with the activities of the accused during the period he served in such capacity.
- (d) The testimony of this witness is believed to be relevant and is specifically concerned with Count No. 20 of the Indictment.

R. General MINAMI, Jiro;

- (a) The nationality of the witness is Japanese;
- (b) He is at present in custody at Sugamo Prison, Tokyo, Japan and is one of the accused in this trial.
- (c) This witness was Minister of War and also Commander-in-Chief of the Kwantung Army. The accused DOHIMARA served under this witness, who is therefore able to testify to many activities involving this accused, as well as to the witness himself.
- (d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 1 to 17, inclusive, of the Indictment.

S. General ITAGAKI, Seishiro;

- (a) The nationality of the witness is Japanese;
- (b) He is at present in custody at Sugamo Prison, Tokyo, Japan and is one of the accused in this trial.

- (c) This witness was an associate of the accused DOHIHARA and served as Chief of Staff of the Kwantung Army while the accused DOHIHARA was in service with the Kwantung Army.
- (d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 1 to 17 inclusive of the Indictment.

T. General UMEZU, Yoshijiro;

- (a) The nationality of the witness is Japanese;
- (b) He is at present in custody at Sugamo Prison, Tokyo, Japan and is one of the accused in this trial;
- (c) The accused DOHIHARA served under this witness while said witness was Chief of Staff of Japanese Army Headquarters and therefore is familiar with the activities of the accused DOHIHARA throughout most of the period of the Indictment.
- (d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 27 to 31 inclusive, 33, 34, 37 to 44 inclusive of the Indictment.

U. Lieutenant General ISOGAI, Rensuke;

- (a) The nationality of the witness is Japanese;
- (b) He is at present in custody at Sugamo Prison, Tokyo, Japan.
- (c) This witness has been associated with the accused DOHIHARA since his days in the Army Officers' School and is familiar with the activities of the accused in relation to the Changkufeng and Nomonhan Incidents, as well as the activities of the accused in North and Middle China during 1938 and 1939.
- (d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 25, 26, 35, 36, 51 and 52 of the Indictment.

V. KUWASHIMA, Kazuo;

- (a) The nationality of the witness is Japanese;
- (b) He is presently located in Tokyo, Japan.
- (c) This witness was often mentioned in many of the exhibits already introduced as evidence in this case dealing with the negotiations between the accused and Henry Pu-yi. This witness was Japanese Consul General in Tientsin, China, and can testify to the activities of the accused concerning which said Pu-yi has already testified, as well as explain many of the documents already introduced as evidence in this case.
- (d) The testimony of this witness is believed to be relevant and is specifically concerned with Counts Nos. 18 and 19 of this Indictment.

2. The date upon which attendance of the witnesses will be required for testifying cannot be stated accurately, but their attendance for consultation with counsel is required forthwith.

3. For such other and further relief in the premises as may seem meet and just.

Dated, Tokyo, Japan  
4 November 1946

DOHIMARA, Kenji

by

---

OHTA, Kinjiro

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

THE UNITED STATES OF AMERICA; et al

v.

ARAKI, Sadao, et al

APPLICATION OF THE ACCUSED ITAGAKI, Seishiro  
FOR AN ORDER FOR PRODUCTION OF WITNESSES

Comes now the accused herein, ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following persons as witnesses in his behalf at this trial:

General NISHIO, Toshizo This witness' nationality is Japanese. He is at present in custody at Sugamo Prison, Tokyo, Japan. Was one time Chief of Staff of the Kwantung Army (at which time Itagaki was Assistant Chief of Staff) later Commander-in-Chief of the China Expeditionary Army (at which time Itagaki was Chief of General Staff of the same army).

The facts concerning which this witness can give testimony are:

- (1) That the ideal of establishing a new State in Manchuria was to create in that region an entirely new State realizing all the ideals and wishes of Japanese and persons of all nationalities living therein, and to establish a defense line against Soviet invasion.
- (2) That the Kwantung Army was under strict limitation concerning guidance of the new Government in Manchuria and that after Generals Minami and Itagaki arrived in Manchuria there was improvement of the cooperative attitude of Manchukuo.
- (3) The chief aims of the Kwantung Army towards Northern China after the Ten-ku Armistice agreement, was to preserve peace in the areas around Manchukuo so that no anti-Japanese disturbances then prevailing in China would affect the Manchurian Administration.
- (4) That the Kwantung Army did not welcome the invasion of Chinese armies into Chhar District, as that would infringe the spirit of the Ten-ku agreement, but that at the same time it did not support the independent movements of Mongolians in inner Mongolia.
- (5) That the incidents which happened around outer Mongolia and near the Maritime District were due to aggressive policies of Soviet Russia towards Manchuria and Korea

*Rec'd in  
Nov 21  
para 1 (1)*



(6) That in respect to the military activities in China no aggressive policy or plan was entertained and their purpose was to obtain speedy settlement of disturbances then extant and bring peace and prosperity between China and Japan.

(7) That the Government under Wang-Chin-Wei was not a puppet Government.

The relevancy of the testimony which this witness will give is that evidence adduced by the prosecution tends to establish that all of aforesaid incidents and matters were part of a plan of Japan to wage aggressive warfare against China and Soviet Russia and the accused proposes to refute such prosecution evidence by the testimony of this witness to the contrary.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process of this Tribunal ad testificandum for the production of each of the witnesses at this trial.

The precise date upon which such witnesses testimony will be given is not known to this petitioner but he states that their presence for the purposes of interview and consultation is current.

ITAGAKI, Seishiro

BY \_\_\_\_\_  
Yamada, Honzo

\_\_\_\_\_  
Floyd J. Mattice  
His Counsel.

Rec'd by  
My 9 Nov 22  
p. (31)

INTERNATIONAL MILITARY TRIBUNAL

FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

HOW COMES ROSHIRO Naoki and requests the Tribunal, in accordance with Article 9(c) of the Charter, to order the production of the following witnesses necessary to his defense:

FUCHUJI, Tadayuki

- a. The nationality of the witness is Japanese;
- b. The witness is in U.S.S.R.;
- c. The facts to be proved by this witness are that Manchukuo was not a puppet state controlled by the Kwantung Army and that its administrative policy was adopted according to the will of those officials of Manchurian nationality, and other relevant matters.

AKISHI, Shinsuke

- a. The nationality of the witness is Japanese;
- b. The witness is in Sugamo Prison;
- c. The facts to be proved by this witness are that the economic policy of Manchukuo was adopted and carried out for the benefit of the people of Manchukuo and not designed to exploit for the sake of Japan, and other relevant matters.

The date upon which the attendance of the witnesses  
will be required to testify cannot be stated accura-  
tely.

MOCHINO Naoki

by

4 November 1946

\_\_\_\_\_  
FUCHI Coichiro

\_\_\_\_\_  
Joseph C. Howard  
his Counsel

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. 1

UNITED STATES OF AMERICA, et al

v.

ARAKI, Sadao, et al

APPLICATION ON BEHALF OF ITAGAKI, Seishiro,  
FOR AN ORDER FOR PRODUCTION OF DOCUMENTS.

Comes now the accused here ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following described documents for use in evidence in his behalf at this trial:

1. Report on situation, and attached documents, prepared by Honjo, Shigeru, the Commander of the Kwantung Army in Manchuria on the 18th of October 1931.

The original or authenticated copy of this report and attached documents is said to be kept at the Headquarters of the Kwantung Army at Chang Chun (formerly Hsin King) Manchuria.

The accused expects to prove by this document that:

- (a) It was a report made by the Commander of the Kwantung Army himself and not by the accused.
- (b) That the actions of the Kwantung Army were all performed as actions of self-defense and based on justifiable grounds.

This document is relevant in that it will dispute the claims and evidence adduced in support thereof by the prosecution to the effect that the actions of the Kwantung Army were aggressive in nature and part of a plan to wage aggressive war against China and other countries.

Read by  
H. G. R. 22  
p (4)

2. Report on explosion of South Manchurian Railway prepared by Investigation Committee of Kwantung Army 23 September 1931. The original or authenticated copy of this document is said to be kept at the headquarters of the Kwantung Army at Chang Chun (formerly Hsin King) Manchuria.

The accused expects to prove by this document that:

- (1) The investigation of the so-called Mukden Incident was carried out by proper officers of the Kwantung Army.
- (2) That the damage done to the railroad was perpetrated by Chinese regular soldiers.

These facts will dispute the claim and evidence of the prosecution to the contrary.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process of this Tribunal for the production of each of the aforesaid documents.

ITAGAKI, Seishiro

BY \_\_\_\_\_  
Yamada, Honzo

\_\_\_\_\_  
Floyd J. Mattice  
His Counsel

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

*Rec'd  
11/9/46  
p (5)*

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

- Defendants -

REQUEST FOR AN ORDER OF THE TRIBUNAL

NOW COMES ARAKI, Sadao and respectfully shows to the Court;  
That on the 4th day of November 1946 the said  
Defendant, through his American and Japanese  
attorneys, filed with the Clerk of this  
Tribunal a list of witnesses necessary for his  
defense in compliance with exhibit #9 and the  
Order of the Court pursuant thereto;  
The Defendant ARAKI, Sadao now requests that  
this Tribunal issue an order prohibiting the  
Prosecution Section or any member thereof  
from interviewing, questioning or otherwise  
approaching any of these witnesses prior to  
the trial of the Defendant's phase of this  
case.

ARAKI, Sadao

by

/s/YUTAKA, Sugihara  
YUTAKA, Sugihara

/s/Lawrence J. McManus  
LAWRENCE J. McMANUS  
His Counsel

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

-vs-

SHANAI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESS

NO. COMES KIMURA Heitaro and requests the Tribunal, in accordance with article 9(c) of the Charter, to order the production of the following witness necessary to his defense.

MASHIO, Toshizo

- a. The nationality of the witness is Japanese;
- b. The witness is in Sugamo Prison;
- c. The facts to be proved by this witness are that while General KIMURA was a member of the Supreme War Council, it was a position of no importance, and other pertinent facts;
- d. The testimony of this witness is relevant in that it tends to prove that KIMURA took no part in important decisions.

The date upon which the attendance of the witness will be required to testify cannot be stated accurately.

KIMURA Heitaro

by

Shirohiko Tokisaburo

Joseph C. Howard  
His Counsel

4 November 1946

*Read by  
Mr. Tolson*

Rec'd by  
Hq. Nov. 22  
(7)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

UNITED STATES OF AMERICA, et al

- v. -

ITAGAKI, Sadao, et al

APPLICATION ON BEHALF OF ITAGAKI, Seishiro,  
FOR AN ORDER FOR PRODUCTION OF A WITNESS

Comes now the accused herein ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following named person as a witness in his behalf at this trial.

NAKAJIMA, Tetsuzo - This witness' nationality is Japanese. He is said to be in custody in Sumatra Netherlands East Indies. He was Vice Chief of the Japanese General Staff at the time Itagaki, Seishiro, was Minister of War.

The facts concerning which this witness can give testimony are: - That as Vice Chief of the Japanese General Staff in 1935, when the Halkin-Gol River (Momonhan) Incident occurred, he was sent to Manchuria by the Japanese Government with directions to endeavor to end the fighting between the Japanese and the Soviets, irrespective of whether strategical advantage or disadvantage resulted; that the Japanese Government did not desire the affair to spread into large scale operations, and that the Kwantung Army in such affair acted in self defense.

The relevancy of this testimony lies in that it will dispute the claim of the prosecution and its evidence in support thereof tending to show that in such incident Japan was the aggressor.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process ad testificandum for the production of said witness at this trial.

The precise date upon which this witnesses' testimony will be given is not known to this petitioner, but he states that his presence for the purpose of interview and consultation is current.

ITAGAKI, Seishiro

By \_\_\_\_\_  
Yamada, Honzo

\_\_\_\_\_  
Floyd J. Mattice  
His Counsel



*Read  
by the  
f (8)*

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF DOCUMENTS

1. NOW COMES MINAMI, Jiro and requests the Tribunal, in accordance with Article 9 (e) of the Charter, to order the production of the following documents necessary to his defense:

Washington Document Center, Stuart Bldg., Washington D.C.  
Shipping Advice #15072

<u>Crate No.</u>	<u>Items No.</u>	<u>Description</u>
56	3	"File of permanent records", 1935, non-classified, 7 vols. (out of a series of 8).
44	11	"File of permanent records", 1931, non-classified, 10 vols. (out of undetermined number of a series).
69	14	same as above, 7 vols.
59	16	"Files of classified Correspondence & records", 1935, 1 vol. (out of series of 7 vols.).
122, 128 168 & 327	28	same as above, 1 vol. (out of a series of 11).
51 & 52	41	"File of Permanent records", non-classified, 1935, 2 vols. (part 245).
146	102	"File of un-classified Correspondence & records Dealing with Manchurian Affairs", 1931, 2 vols. (parts 1 & 3 out of a series of 3).
555	125	"File of Documents Dealing with the Disarmament Conference", 1931, 1 vol. (parts 2 out of a series of 3).
555	126	"File of Documents Dealing with the problem of Disarmament", 1923-1931, 1 vol.

Shipping advice #15072

<u>Japanese Crate no.</u>	<u>Item no.</u>	<u>Description</u>
555	127	"File of Documents Dealing with the League of Nations", 1924-1933, 1 vol.
334	138	"File of classified Correspondence & records Dealing with Manchurian Affairs", 1935, 4 vols. (parts 1, 3, 4 & 5 out of undetermined number of series).
52 & 136	156	"File of classified Correspondence & records Dealing with Manchurian Affairs", 1935, 7 vols. (parts 1, 2, 4, 5, 7, 8 & 9 out of series of 11).
58	157	same as above, 1935, 5 vols (parts 1, 2, 3, 4 & 5 out of series of 7).
58	158	"File of permanent records", non-classified 1935, 4 vols. (from undetermined number of series).
61, 121, 96 & 140	163	"File of classified Correspondence & records Dealing with Manchurian Affairs", 1931, 1 vol.
102, 128 & 149	169	"File of Document Dealing with the International Conference", 1925-1934, 1 vol.
102, 128 & 149	171	"File of unclassified Correspondence & records Dealing with Manchurian Affairs", 1935, 1 vol. (part 16 out of series of 17).
624	202	same as above, 1935, 1 vol. (part 7 out of 10 vols.).
43	203	"File of classified Correspondence & records concerning the League of Nations & the Disarmament Conference", 1931 to 1934, 1 vol.
43	204	"File of Confidential records attached to item no. 203", 1931, 2 vols. (parts 1 & 3 out of 3 vols.).
43	205	"File of permanent records", 1931, non-classified, 5 vols.
151	206	"File of non-classified Correspondence & records Dealing with Manchurian Affairs", 1935, 5 vols. (parts 5, 6, 8, 9 & 10 out of vols.).

Shipping Advice #15072

<u>Japanese Crate No.</u>	<u>Item No.</u>	<u>Description</u>
150	212	"Files of non-classified Correspondence & records dealing with Manchurian Affairs", 1935, 4 vols. (parts 1,2,3 & 4 out of 10 vols.).
<u>Crate No.</u>		
57	232	"File of Permanent records", non-classified, 1935, 6 vols.
327	234	"File of classified Correspondence & records dealing with Manchurian Affairs", 1935, 1 vol. (part 2).
334	305	same as above 1935, 1 vol. (part 11 of a series of 11).
146	341	same as above, 1931, 1 vol. (part 2 of a series of 3).
234	358	same as above, 1935, 1 vol. (part 10 of a series of 11).
59	320	"File of classified Correspondence & records", 1935, 1 vol. (part 7 of a series of 7).

The above-mentioned documents will be needed as defense evidence to show that the accused is not responsible as charged and to prove the policies, utterances and actions of the accused MINAMI during the time in which he is charged by the indictment.

According to informations received by the Defense, all the above-mentioned documents have been shipped to Washington Document Center, Stuart Building, Washington, D.C.

11 November, 1940

MINAMI, Jiro

by

OKAMOTO, Tosio

BROOKS, Alfred W.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

THE UNITED STATES OF AMERICA, et al

v.

ITAKI, Sadao; et al

APPLICATION OF THE ACCUSED ITAKI, Seishiro  
FOR AN ORDER FOR PRODUCTION OF WITNESSES

Comes now the accused herein, ITAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production at this trial of this case as witnesses in his behalf, the following persons:

Lt. General WILD, \_\_\_\_\_

This witness' nationality is Japanese. He is at present in the custody of the British and said to be so held at Singapore, Malayan Peninsula. This witness was a Lieut. General and the Chief of Staff of the Japanese 7th Army serving on the Malayan Peninsula.

The facts concerning which this witness can give testimony are: that he had opportunity to observe the conditions of the prisoner of war camps in the area and the treatment of such prisoners of war and, that as supplies became available conditions were improved, that there was improvement in the treatment of the native population, after the accused ITAKI became commander of the 7th Army as compared to the conditions described by the witness Wild.

The relevancy of this testimony which this witness can give is that the conditions described by the witness Wild did not exist after the accused ITAKI became Commander of the Japanese 7th Army.

Major General SAITO, Masotoshi

This witness' nationality is Japanese. He is at present in the custody of the British and said to be so held at Singapore, Malayan Peninsula.

This witness was a Major General in the Japanese Army serving with the Japanese 7th Army as the Custodian of the Prisoner of War, for a period of about ten months prior to the end of hostilities, on the Malayan Peninsula area.

The relevancy of this testimony which this witness can give is that the conditions described by the witness Wild did not exist after the accused ITAGAKI became commander of the Japanese 7th Army.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process of this Tribunal and testificandum for the production of each of the witnesses above mentioned at this trial.

The precise date upon which such witnesses' testimony will be given is not known to this petitioner but he states that their presence for the purpose of interview and consultation is current.

ITAGAKI, Seishiro

BY \_\_\_\_\_  
Yamada, Honzo

\_\_\_\_\_  
Floyd J. Mattice  
His counsel.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

UNITED STATES OF AMERICA, et al

v.

ARAKI, Sadao, et al.

APPLICATION ON BEHALF OF ITAGAKI, Seishiro,  
FOR AN ORDER FOR PRODUCTION OF WITNESSES

Comes now the accused herein ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following named persons as witnesses in his behalf at this trial.

KAGESA, Sadaaki: This witness' nationality is Japanese. His address is Daichi National Hospital Wakamatsu-Cho, Ushigome-Ku, Tokyo, Japan

A Major General in the Japanese Army, he was the Chief Military adviser to the Nankin Government at the time Itagaki was Minister of War.

The fact concerning which this witness can give testimony are, that the basic principle of the Japanese Government's policy respecting settling the China incident was a realization of the good neighbor policy, with recognition of China's sovereignty, mutual help, and equalization of rights; that there was no intention on the part of Japan to carry on military, economical or political domination for any longer time than was necessary to accomplish realization of such policy; that no puppet governments were created in China, that many things seized during the period, including industrial plants, were returned.

The relevancy of this testimony lies in the fact that it will dispute the prosecution's claim and evidence adduced along that line, that Japan planned aggressive warfare against China and set up puppet governments in order to exploit the country.

TADA, Shun: This witness' nationality is Japanese. His address is No. 567, Kawara, Sunakata Machi, Tateyama City, Chiba Prefecture, Japan.

The Commander of Tientsin Contingent Force; Vice Chief of General Staff in 1937; Commander of North China Expeditionary Force 1939-1946.

The facts concerning which this witness can give testimony are: that the Kwantung Army's interest, policy and concern in respect to North China was to the end and for the purpose of maintaining peace in the adjoining area of Manchukuo; that the clash between Japanese and Russian forces at Chankunfen was due to ambiguity concerning the boundary line involved and that the Japanese endeavored to localize the controversy and possessed no aggressive purpose; and that the Nankin Government under Wang-Ching Wei was not a puppet government.

The testimony would be relevant in that it disputes the prosecution's claim and evidence in support thereof that it was all part of a plan to wage aggressive warfare against China and Russia.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process ad testificandum for the production of said witnesses at this trial.

The precise date upon which this witnesses' testimony will be given is not known to this petitioner, but he states that his presence for the purpose of interview and consultation is current.

ITAGAKI, Seishiro

By \_\_\_\_\_  
Yamada, Honzo

\_\_\_\_\_  
Floyd J. Mattice  
His Counsel

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

vs

HIRAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

1. NOW COMES HIRANUMA, Kiichiro and requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following witnesses necessary for his defense:

A. TAKEUCHI, Kekuji;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo City, Setagaya-ku,  
Kemikitazawa 3-chome, No. 877;

B. MURAKAMI, Kyoichi;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo City, Musashino-machi  
Kichizyozi Hondemninami, No. 2546;

C. OTA, Kozo;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Sugamo Prison, Tokyo, Japan,  
a prisoner of the Allies;

D. KIYABA, Gunzo;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Urawa City, Maezi, No. 98;

E. BABA, Tsunego;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo City, Kojimachi-ku  
Yuraku-cho, 1-chome, No. 13, at Yomiuri press;

2. The defendant HIRANUMA further requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to

*Revised by  
for Nov 22  
f(1)*



order the production of the following documents necessary for his defense:

<u>DOCUMENT</u>	<u>LOCATION</u>
A. Original copy of the judgment given by the Tokyo district Criminal Court on 8 November 1944, in a criminal case brought against KATO, OKA (Shun) NAKAMURA (Takashi), NISHIYAMA (Choku), DOI (Saburo);	Procurator's (Prosecutor's) Office, Tokyo District Criminal Court, Hibiya Kojimachiku, Tokyo.
B. "Tokyo Record", a book written by Otto D. Tolischus and published by Hamish Hamilton, London and George Jeboor Melbourne;	U.S.A.A.F.F.E. Orientation Reference Library, 2nd Floor, Mitsubishi Shoji Building, Marunouchi Kojimachiku, Tokyo.
C. (1) "Special Police Monthly Journal" (Tokko Geppo), all numbers published in 1939, 1941 and 1944;	These magazines and books are publications of the Japanese Home Ministry and are in the custody of the Counter Intelligence Section (CIS) or the Legal Section of the Supreme Commander for the Allied Powers (SCAP).
C. (2) "General Survey of the Social Movements During the Years 1939 - 1941" (Shakai Undo Griko);	
D. The Minutes of the Privy Council Conference held in 1932 with respect to the issuance of government bond for the purpose of defraying the military expenses of the Manchurian Incident;	Archives of the Chancellery of the Privy Council, Wadakuremon Konimachiku, Tokyo.

3. The facts to be proved by these witnesses and documents will show the policies, utterances, actions and intent of the accused HIRANUMA during the time in which he is charged by the Indictment;

4. The relevance of the testimony of these witnesses, all of whom were associated with the accused HIRANUMA in various capacities during the time charged in the Indictment is, in its tendency, to establish that the accused HIRANUMA took no part in any of the conspiracies charged to him; and was not in any way connected with the planning, initiating or waging of wars of aggression; and was, furthermore, in no way connected with the commission of any crimes against peace;

5. The date upon which attendance of the witnesses will be required for testifying cannot at this time be stated accurately but their attendance for consultation with defense counsel is required forthwith;

6. The date of production of the above documents will be after the commencement of the defense of the accused HIRANUMA. Consequently, in view of the time needed in processing and translating, a court order of an early date is prayed for.

HIRANUMA, Kiichiro

By

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USAMI, Hokuro

*Read by  
the  
12/27*

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

THE UNITED STATES OF AMERICA: et al

v.

MINAMI, Sadao, et al

APPLICATION OF THE ACCUSED, MINAMI, Seishiro,  
FOR AN ORDER FOR PRODUCTION OF WITNESSES

Comes now the accused herein, MINAMI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following persons as witnesses in his behalf at this trial:

MINAMI, Toyochi - This witness' nationality is Japanese. He is said to be in the custody of Russia in Siberia. He was formerly Intendence Colonel member of the Manchurian and Mongolian section of the Ministry of War of the Japanese Empire.

The facts concerning which this witness can give testimony are:

1. That during the War Ministry of General MINAMI there had been no planning of the establishment of a separate State in Manchuria.
2. That due to lack of a settled plan to deal with the new situation in Manchuria the Japanese Government's policies respecting Manchuria underwent many changes.
3. That Japanese Government demands regarding Manchuria were limited to special rights, and the desire for peace and the natural expansion of Japanese interests.
4. That the purpose of operational plans was the preservation of peace and defense against invasion by Soviet Russia.
5. That the economic policies regarding Manchuria were based on co-prosperity of Japan and Manchuria.
6. That there were many different opinions regarding the policies of the South Manchurian Railways, as between the old nationalists and sponsors of co-prosperity.
7. That the new policy regarding Manchuria did not exclude foreign financial support, but invited it.

The relevancy of the testimony which this witness can give is that it disputes the prosecution's claim that the Japanese planned aggressive war against China, Russia and other nations.

SHIMOMURA, Nobusada - This witness' nationality is Japanese.  
He is said to be in the custody of Russia  
in Siberia.  
He was formerly Liaison Officer of the  
Japanese Army stationed at Harbin in Man-  
chukuo.

The facts concerning which this witness can give testi-  
mony are that he took part in the discussions for a truce  
agreement with the Russians at the time of the Halkin-Gor-  
kiver (Nomonhan) Incident and that settlement was made  
regarding the disputed boundary line and the whole matter  
closed.

This evidence is relevant to the showing attempted to  
be made by prosecution of aggressive design on the part  
of the Japanese Empire to wage war on Russia.

SUZUKI, Kenzo - This witness' nationality is Japanese.  
He is said to be in custody of Russia  
in Siberia.  
He was commander of the 19th Division of  
the 12th Japanese Army, the commander of  
the 3rd Army, and Vice President of the  
new State University in Manchukuo.

The facts concerning which this witness can give testi-  
mony are that as commander of the 19th Division he was in  
charge of operations at Chang nanfen, where Japanese and  
Russian forces clashed over a boundary line dispute. He  
has full knowledge of all aspects thereof and can acquaint  
this Tribunal with exactly what there occurred, the causes  
and the result.

This evidence would be relevant in view of the evidence  
adduced by the prosecution tending to show that Japan was  
the aggressor in the incident and staged the incident as  
part of its plan to wage war on Russia.

WHEREFORE, your petitioner prays that appropriate order be  
entered herein for the issuance of process of this Tribunal ad  
testificandum for the production of each of the aforesaid witnesses  
at this trial.

The precise date upon which such witnesses' testimony will  
be given is not now known to this petitioner, but he states that  
their presence for the purpose of interview and consultation is  
current.

ITAGAKI, Seishiro

BY \_\_\_\_\_  
Yoneda, Honzo

\_\_\_\_\_  
Floyd J. Mattice  
His Counsel.

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

*Read by  
the  
Panel  
Nov 22  
Panel (D)*

THE UNITED STATES OF AMERICA, et al,

vs

KAWAII, Sadao, et al,  
Defendants.

REQUEST FOR PRODUCTION OF WITNESSES

Comes now KAWAII, Okinori, and requests the Tribunal, in accordance with Section III, Article 9(e) of the Charter, to order the production of the following witnesses necessary to his defense:

- (a) KOBAYASHI, Seizo, Sugamo Prison, Tokyo.
- (b) IWAMURA, Michiyo, Sugamo Prison, Tokyo.
- (c) GODO, Takuo, Sugamo Prison, Tokyo.

(a) Witness KOBAYASHI, Seizo, as former Admiral and former President of the Imperial Rules Political Assistance Association will be able to testify regarding the attitude of the accused with reference to carrying on negotiations with the United States, and his opposition to waging war against the United States. This testimony will be relevant in relation to the charge of conspiracy in the Indictment and other charges therein. The witness will also testify to the fact that the connection of the defendant with the IRPA was in name only; that he did not actually participate in the Association; further, that the accused attended with the defendant the Geneva Disarmament Conference in 1927 and exerted efforts in concluding the Disarmament Agreement.

(b) Witness IWAMURA, Michiyo, former Minister of Justice in the Tojo cabinet, will be able to testify to the action of the Prime Minister, the Foreign Minister and the Naval Minister in relation to entering into war with the United States and the British Empire, and the fact that the defendant did not participate in the discussion thereof. This testimony is relevant in regard to the charges of conspiracy and other counts of the Indictment.

(c) Witness GODO, Takuo, will testify as to the action and conduct of the defendant in relation to his activities as President of the North China Exploitation Company; that in 1939 when the great flood damaged the Peiping-Tientsin area the accused made every effort to save the people in the local districts and to rehabilitate them; that he asked the witness, in his official capacity, to send material and otherwise to help the people of North China. This testimony will be relevant in relation to the charge of planning and preparing the Japanese economic aggression against North China.

Dated November 7, 1946.

K.Y., Okinori

By

\_\_\_\_\_  
T. L. FO, Tsuruo

\_\_\_\_\_  
R. S. RUTCHICK

\_\_\_\_\_  
MICHAEL LEVIN

INTERNATIONAL MILITARY TRIBUNAL FAR EAST

No. 1

THE UNITED STATES OF AMERICA, et al

Prosecutors

- VS -

ABAKI, Sadao, et al

Defendants

*Read  
by  
M. A.  
p. 2 (2)*

REQUEST FOR PRODUCTION OF WITNESSES

1. NOW COMES SHIRATORI Toshio and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witnesses necessary to his defense:

A. Mr. Eugen OTT

- (a) The nationality of the witness is German.
- (b) The address of the witness is unknown; his last official position was German Ambassador to Japan.

B. Mr. ARITA Hachiro

- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is: No. 911, Nishihara-Nachi, Yoyogi, Shibuya-ku, Tokyo; his last official position was Foreign Minister of Japan.

C. General UGAKI Kazushige

- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is unknown; his last official position was Foreign Minister of Japan.

D. Mr. SAITO Yoshie

- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is: No. 42, Shoto-machi, Shibuya-ku, Tokyo; his last official position was Diplomatic Advisor in the Foreign Office at the time of Foreign Minister Matsuoka.

E. Mr. OHASHI Chuichi

- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is unknown; his last official position was Vice-Minister of Foreign Affairs at the time of Foreign Minister Matsuoka.

F. Lieut. General ARISUE Seizo

- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is unknown; his last official position is also unknown, but he was, as Lieut. Colonel, Military Attache to the Japanese Embassy in Italy 1938-1939.

G. Count ARIMA Rainei

- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is unknown; he was General Secretary of the Imperial Rule Assistance Association.

H. Mr. OKADA Tadahiko

- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is unknown; he was President of the House of Representatives.

I. Mr. INAIWARA Katsuji

- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is unknown; he has been and is editor of the magazine "Contemporary Japan".

J. Miss UNO Masuko

- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is: Ho-29, No. 10, Nishi-Katamachi, Hongo-ku, Tokyo; she is secretary of the Gaiji Kyokai (Foreign Affairs Association), which has been publishing the magazine "Contemporary Japan".



- K. Dr. MURAKAWA Kengo
- (a) The nationality of the witness is Japanese.
  - (b) The address of the witness is unknown; he was Vice-President of the Dai-Asia Kyokai (Great Asia Association).
- L. Mr. YATSUGI Kazuo
- (a) The nationality of the witness is Japanese.
  - (b) The address of the witness is: No. 5, Sakura-ga-Oka-Machi, Shibuya-Ku, Tokyo; he was General Secretary of the National Policy Investigation Association (Kokusaku Kenkyu-kai).
- M. Mr. BOLZE
- (a) The nationality of the witness is German.
  - (b) The address of the witness is unknown; his last official position was minister and councillor of the Embassy in the German Embassy at Tokyo.
- N. COUNT von MIRBACH
- (a) The nationality of the witness is German.
  - (b) The address of the witness is unknown; his last official position was secretary of Embassy (councillor of legation) in the German Embassy at Tokyo.
- O. General OSHIMA HIROSHI
- (a) The nationality of the witness is Japanese.
  - (b) The address of the witness is: Sugamo Prison, Tokyo; he is now one of the defendants in the International Military Trial Far East.
- P. Dr. MURAMATSU Tsuneco
- (a) The nationality of the witness is Japanese.
  - (b) The address of the witness is: Matsuzawa Byoin (Matsuzawa Hospital), Matsubara-machi, Setagaya-ku, Tokyo; he is the Vice-Director of the Matsuzawa Hospital.

Q. Mr. MISHIMA Yasuo

(a) The nationality of the witness is Japanese.

(b) The address of the witness is: c/o Kuwano  
Bunka-Jigyo-sha, 3 No. 7, Ginza-Nishi Kyobashi-ku,  
Tokyo; he is a journalist.

2. The facts to be proved by these witnesses are the policies, utterances, writings, and actions of the defendant SHIRATOPI during the period in which he is charged by the indictment herein.

3. The relevance of the witnesses' testimony is in its tendency to establish that the defendant SHIRATOPI took no part in any of the conspiracies alleged in the indictment, and was not responsible for the planning, preparing, initiating, or waging of wars of aggression.

4. The date upon which the attendance of the witnesses will be required for testifying cannot be stated accurately, but their attendance for consultation with counsel is required forthwith.

This 13 day of November, 1946.

SHIRATOPI Toshio

by

/s/ N. Naritomi  
/t/ NARITOMI Nobuo

/s/ Charles B. Caudle  
/t/ CHARLES B. CAUDLE

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF DOCUMENTS AND WITNESSES

1. NOW COMES SATO, Kenryo and requests the Tribunal, in accordance with Article 9 (e) of the Charter, to order the production of the following documents necessary to his defense:

Location: Washington Document Center  
Stuart Building, Washington, D. C.  
Shipping Advice #15072

<u>Crate No.</u>	<u>Items No.</u>	<u>Description</u>
96, 51 & 66	21	File dealing with classified war prisoners, 1942
650	43	File of non-classified correspondence and records dealing with China affairs, 1942 (3 bundles)
166	273	Transcript of telegrams exchanged between the chief of staff of the China Expeditionary Army and the Vice-Minister of War on the question of executing U. S. aviators, captives while bombing Japan 25 April to 8 May 1942 (5 pages)
11	375	Mimeographed booklets, "Military Regulations Issued by the G.H. China Expeditionary Army for the Punishment of Enemy Fliers", 13 August 1942 (4 volumes)
?	379	File of miscellaneous correspondence and records of War Ministry, 1940-1942 (1 bundle)

The above-mentioned documents will be needed as defense evidence to show that the accused is not responsible as charged and to prove the policies, utterances and actions of the accused Sato during the which he is charged by the indictment.

ing to information received by the defense, all the above- documents have been shipped to Washington Document Center.

- 1 -

*Rec'd by  
JH 22  
9/15/51  
2(31)*

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE F.A.R. EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF DOCUMENTS AND WITNESSES

1. NOW COMES SATO, Kenryo and requests the Tribunal, in accordance with Article 9 (e) of the Charter, to order the production of the following documents necessary to his defense:

Location: Washington Document Center  
Stuart Building, Washington, D. C.  
Shipping Advice #15072

<u>Crate No.</u>	<u>Items No.</u>	<u>Description</u>
96, 51 & 66	21	File dealing with classified war prisoners, 1942
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11	375	Mimeographed booklets, "Military Regulations Issued by the G.H. China Expeditionary Army for the Punishment of Enemy Fliers", 13 August 1942 (4 volumes)
?	379	File of miscellaneous correspondence and records of War Ministry, 1940-1942 (1 bundle)

The above-mentioned documents will be needed as defense evidence to show that the accused is not responsible as charged and to prove the policies, utterances and actions of the accused Sato during the time in which he is charged by the indictment.

According to information received by the defense, all the above-mentioned documents have been shipped to Washington Document Center.

- 1 -

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the 22  
9/21/42 (31)*

Stuart Building, Washington, D. C.

2. It is further requested that the following witnesses be produced for the defense of the above accused Sato, Kenryo:

(1) NISHIMURA, Susumu

- a. This person is a Japanese, resident of Tokyo;
- b. He was Chief of the Military Affairs Section when Sato was Chief of the Military Affairs Bureau. He can give relevant testimony concerning the organization of the army and the duties, responsibilities and powers of the office held by Sato, as well as concerning the fact that the treatment of war prisoners was not dealt with by the Military Affairs Bureau.

(2) SANADA, Joichiro

- a. This person is a Japanese, resident of Tokyo;
- b. He was Chief of the Military Affairs Bureau as successor to Sato. He was in charge of the Liaison Conference between the General Staff and Cabinet as well as of the business of the Conference held in the presence of the Emperor. He can give relevant testimony as to military administrative matters in which Sato was involved.

(3) SHIMOMURA, Sadamu

- a. This person is a Japanese, resident of Tokyo;
- b. He was formerly Minister of War after the time of surrender and is now in Sugamo Prison. He attended the Geneva International War Prisoners Conference held in 1929, as the representative of the Japanese government. He can give relevant testimony as to the reason why Japan signed the treaty adopted by the said conference and yet not ratified it.

(4) ABE, Nobutaka

- a. This person is a Japanese, resident of Tokyo;
- b. He was formerly Prime Minister and Governor General of Korea. He can give relevant testimony as to the fact that Sato had nothing to do with the political manipulations in connection with the formation of the Tojo Cabinet.

(5) HATTU, Shiroji

- a. This person is a Japanese, resident of Sendai;
- b. He is professor of the Tohoku Imperial University and an intimate friend of Sato. He can give relevant testimony as to the personal character of Sato.

Stuart Building, Washington, D. C.

2. It is further requested that the following witnesses be produced for the defense of the above accused Sato, Kenryo:

(1) NISHIMURA, Susumu

- a. This person is a Japanese, resident of Tokyo;
- b. He was Chief of the Military Affairs Section when Sato was Chief of the Military Affairs Bureau. He can give relevant testimony concerning the organization of the army and the duties, responsibilities and powers of the office held by Sato, as well as concerning the fact that the treatment of war prisoners was not dealt with by the Military Affairs Bureau.

(2) SANADA, Joichiro

- a. This person is a Japanese, resident of Tokyo;
- b. He was Chief of the Military Affairs Bureau as successor to Sato. He was in charge of the Liaison Conference between the General Staff and Cabinet as well as of the business of the Conference held in the presence of the Emperor. He can give relevant testimony as to military administrative matters in which Sato was involved.

(3) SHIMOMURA, Sadamu

- a. This person is a Japanese, resident of Tokyo;
- b. He was formerly Minister of War after the time of surrender and is now in Sugamo Prison. He attended the Geneva International War Prisoners Conference held in 1929, as the representative of the Japanese government. He can give relevant testimony as to the reason why Japan signed the treaty adopted by the said conference and yet not ratified it.

(4) ABE, Nobutaka

- a. This person is a Japanese, resident of Tokyo;
- b. He was formerly Prime Minister and Governor General of Korea. He can give relevant testimony as to the fact that Sato had nothing to do with the political manipulations in connection with the formation of the Tojo Cabinet.

(5) HATTU, Shiroji

- a. This person is a Japanese, resident of Sendai;
- b. He is professor of the Tohoku Imperial University and an intimate friend of Sato. He can give relevant testimony as to the personal character of Sato.

(6) NOMURA, Karoku

- a. This person is a Japanese, resident of Tokyo;
- b. He is a member of the House of Peers and an acquaintance of Sato. He can give relevant testimony as to the personal character of Sato.

(7) SHIRAI, Seishin

- a. This person is a Japanese, resident of Tokyo;
- b. He is an official of the Demobilization Board. He can give relevant testimony as to the personal character of Sato.

13 November 1946

SATO, Kenryo

by

KUSANO, Hyoichiro

Freeman, James N.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
Sitting at Tokyo, Japan.

Case No. 1

THE UNITED STATES OF AMERICA: et al

-VS-

ARAKI, Sadao; et al

-Defendants-

Application of the accused OKAWA, Shumei for an  
order for the production of documents & witnesses

Comes now the accused herein, OKAWA, Shumei and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order for the production at the trial of this case as witnesses in his behalf, the following documents and persons:

A. DOCUMENTS:

1. PRAVDA (Newspaper), 1-31 August, 1935.

Location: PRAVDA Press Co., U. S. S. R.

This document contains the resolution and activities of Comintern, especially of the Seventh Congress.

The facts concerning which this document will show are that the Comintern issued orders to both Chinese and Japanese Communist Parties, as follows, the former to provoke military actions from Japan and the latter to disturb the internal order in Japan.

2. Leninism Hrest matiya "XPECTOMATIA", 1933. Published by Lenpart izdat.

Location: Lenpart izdat, U. S. S. R.

*Revised  
the  
Nov 22  
para 2 (4)*



This document is published at the celebration of Stalin's Fiftieth Birth Day; there is a speech made by Stalin wishing to stir up military troubles among Capitalist countries. This document with others will show that Japan was forced to resort to war unwillingly.

3. Tung-Ping Daily News (Tohoku-Nippo), January 15, 1932

Location: Tung-Ping Daily Press Co., Mukden, Manchuria.

This document contains a report on Mukden Four Races Preservation Council which consists of 28 private associations. That report is entitled as "Our Expectation for the Establishment of a New State in Manchuria and Mongolia", signed by 862,000 members and Wang Wei-Chou was selected as chairman and representative.

The facts concerning which this document will show are: the establishment of Manchoukuo was the result of the joint desire of the four races domiciled in Manchuria.

4. Pamphlets entitled as follows: Published by the Young People's Federation of Manchuria. 1931-1932.

Location: Los Angeles Library.

- a. "The Stand of this Federation."
- b. "Is China really a State?"
- c. "Outline of the Sino-Japanese Clash in Manchuria."
- d. "Evidences that the Chinese 'Non-Resistance Policy was a Hoax'".
- e. "What happened immediately after the Blowing up of the Railway Track by the Chinese Soldiers."
- f. "The Reason for Chastising the Chinese Troops near Chan-Chun."

- g. "Devastation by Fugitive Soldiers and Hung Hu Dzu."
- h. "Study of the Chinese Army in connection with the Present Clash."
- i. "Statistics on Sino-Japanese Fighting."
- j. "Some Facts which Prevent Japan from Withdrawing Her Troops."

5. Documents located at Washington Document Center, Stuart Bldg., Washington D. C. and described as follows:

Shipping Advice 15072

<u>Crate No.</u>	<u>Items No.</u>	<u>Description</u>
95	116	"File of classified Correspondence and Records dealing with Manchurian Affairs", 1932.
95	116	"File of classified Correspondence and Records dealing with Manchurian Affairs". 1934
51 & 52	39	"Appendix to the File of Correspondence and Records dealing with Manchurian Affairs", 1934.

B. WITNESSES:

Ro Un Kyo Nationality: Korean.  
 Address : Seoul, Korea.  
 An influential member of Korean Political party.  
 The witness is the one of Koreans who planned the Korean Independence and has gone to Shanghai and established the Korean Independent Government there.

The facts concerning which this witness will testify are: that the accused OKAWA, Shumei did not plan or take part in any alleged invasion of South Sea Areas (including Pacific Islands), or alleged plan for World conquest by Japan.

Sakatani, Kiichi      Nationality: Japanese  
Address      : supposed to be in Peking  
Vice-Chief of the General Affairs  
Board in Manchuria.

The facts concerning which this witness can give testimony are: the government policy of Manchoukuo was decided in accordance with the wills and desires of Manchurian people: That is to say that the Manchurian Government was not a puppet at all. The finance and financial activities in Manchuria were planned and carried out as a commercial or economic enterprise beneficial to all residents in Manchuria in accordance with laws and agreements of Manchuria.

WHEREFORE, your petitioner prays that appropriate order of this Tribunal be made and entered directing the production of the above named documents and witnesses at this trial.

The precise date upon which such witnesses testimony will be given are not known to the petitioner.

OKAWA, Shumei

By

OHARA, Shinichi

BROOKS, Alfred W.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

APPLICATION OF THE ACCUSED MUTO, AKIRA  
FOR THE PRODUCTION OF WITNESSES

NOW COMES THE ACCUSED MUTO, Akira and requests an order and process for the production of the following persons as witnesses in his behalf:

1. TERADA Seichi

- a. This person is a Japanese, resident in Tokyo;
- b. At the time of the China Incident he was on the General Staff and will give relevant testimony as to operational plans and particularly as to MUTO's lack of responsibility in any plans or conspiracy in the China Incident;

2. SAITO Yoshie

- a. This person is a Japanese, resident in Tokyo;
- b. This person was a diplomatic advisor to General Matsui and can give relevant testimony bearing on MUTO's lack of responsibility for the so-called Nanking Affair;

3. NAKAYAMA Yasuto

- a. This person is a Japanese, resident in Tokyo;
- b. He was formerly a Staff Officer under General MATSUI and can give relevant testimony as to MUTO's lack of responsibility for the so-called Nanking Affair;

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*Rec'd by  
N. M. 22  
p. 1 (5)*

4. MATSUI Iwane
  - a. This person is of Japanese nationality and is one of the accused in the present trial;
  - b. He can give relevant testimony similar to that of SAITO and NAKAYAMA, above;
5. IWAKURO Hideo
  - a. This person is a Japanese, resident of Tokyo;
  - b. He was formerly in charge of a section in the Military Affairs Bureau under HUTO and can give relevant testimony as to HUTO's policies, declarations, utterances and attitude toward the initiation of war;
6. IKAWA Tadao
  - a. This person is a Japanese, resident of Tokyo;
  - b. This person took part in the pre-war negotiations with United States and will give relevant testimony as to HUTO's policies, opinions and intentions
7. ISHII Akiho
  - a. This person is a Japanese, resident of Nagano Prefecture;
  - b. He was formerly chief of a division of the Military Affairs Section under HUTO and was thoroughly familiar with United States-Japanese negotiations. He will give relevant testimony regarding said negotiations and HUTO's connection therewith;
8. SATO Kenryo
  - a. This person is a Japanese and is one of the accused in the present trial;
  - b. He will give relevant testimony very similar to that of ISHII above;

9. NISHIURA Susumu
  - a. This person is a Japanese, resident of Tokyo;
  - b. He was a senior member of a section in the Military Affairs Bureau when MUTO was Chief of said bureau and is an authority on Japanese army system and organization. He will give relevant testimony as to the organization of the army and the duties, responsibilities and powers of such offices as were held by MUTO;
10. YAMAMOTO Kumaichi
  - a. This person is a Japanese, resident of Tokyo;
  - b. He was Chief of a bureau with the Foreign Office when MUTO was Chief of Military Affairs Bureau and will give relevant testimony as to MUTO's efforts for a peaceful settlement with the United States;
11. OASA Tadao
  - a. This person is a Japanese, resident of Tokyo;
  - b. He was formerly a Minister of State and will give relevant testimony as to MUTO's alleged political activities;
12. YUZAWA Michio
  - a. This person is a Japanese, resident of Tokyo;
  - b. He was formerly Vice Minister of Home Affairs, later Home Minister, and will give relevant testimony similar to that of OASA above;
13. KAI EI Kan-ichiro
  - a. This person is a Japanese and resident of Kamakura;
  - b. He was a former member of House of Representatives and will give relevant testimony showing that MUTO acted strictly within the scope of his duties as Chief of the Military Affairs Bureau;

14. HOSHINO Naoki

- a. This person is of Japanese nationality and one of the accused in the present trial;
- b. Formerly Chief Secretary of the Cabinet, he will give relevant testimony regarding MUTO's alleged participation in various conferences, and particularly on the duties of an "explainer" in such conferences;

15. TOJO Hideki

- a. This person is of Japanese nationality and one of the accused in the present trial;
- b. As former Premier and War Minister, he will give relevant testimony as to duties, responsibilities and powers of the Chief of the Military Affairs Bureau;

WHEREFORE, your petitioner prays that an appropriate order be entered herein directing the production of the above named witnesses.

The precise date upon which such witnesses before the Tribunal will be required cannot be stated at this time, but the petitioner states that the need for their availability for purposes of interview and consultation is immediate.

MUTO Akira

by

/s/ S. Okamoto  
t/ OKAMOTO Shoichi

/s/ Roger F. Cole  
t/ Roger F. Cole  
His Counsel

November 8, 1946

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Read the  
9/11/22  
page 2(6)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. 1

UNITED STATES OF AMERICA, et al

- v -

ARAKI, Sadao, et al

APPLICATION ON BEHALF OF THE ACCUSED MATSUI,  
Iwane, FOR AN ORDER FOR PRODUCTION OF WITNESSES.

Comes now the accused herein MATSUI, Iwane, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following named persons as witnesses in his behalf at this trial.

MUTO, Akira      This witness' nationality is Japanese.  
He is in custody in Sugamo Prison, Tokyo, Japan.

He was Lieutenant-General and Vice Chief of Staff, the Expeditionary Force in Central China, at the time MATSUI, Iwane, was Commander-in-Chief of said Force.

The facts concerning which this witness can give testimony are: - That as Vice Chief of Staff, the expeditionary Force in Central China in 1937-1938, when operations about Shanghai and Nanking occurred, acting on the instructions of MATSUI, Iwane, Commander-in-Chief of said Force, he endeavored to confine the fighting between Japan and China and prevent it from spreading into large scale operation, and protect life and property of Chinese and foreigners, the rights and interests of foreign countries, and every institution of culture; that the purpose of the operations at Shanghai and Nanking was to defend the life and rights of Japanese Nationals in Central China.

This testimony will dispute that adduced by the prosecution tending to show aggression and the responsibility of this accused for any improper treatment of person or property.

H.R.D.L., Kunakichi      This witness' nationality is Japanese.  
He is said to be in custody of the British in Singapore.

He was Lieutenant-General and Commander of the Special Service Section in Shanghai at the time MATSUI, Iwane, was Commander-in-Chief of the Expeditionary Force in Central China.



The facts concerning which this witness can give testimony are: - That as Commander of the Special Service Section in Shanghai, at the time MATSUI, Iwane, was Commander-in-Chief of the Expeditionary Force in Central China, in 1937-1938, when operations about Shanghai and Nanking occurred, he was sent to Shanghai by Japanese Government under orders to endeavour to end the strife between Japan and China, because Japanese Government did not desire the affair to spread into large scale warfare; that he has knowledge concerning the orders issued by MATSUI and procedures carried out, when above operations occurred, in order to protect life and property of Chinese and foreigners, the rights and interests of foreign countries, and every institution of culture, and will testify that such orders and procedures ordered said protection.

The relevancy of this testimony lies in that it will dispute the claim of the prosecution and its evidence in support thereof tending to show that such incident Japan was the aggressor and its claim MATSUI is responsible for any improper treatment of persons or property.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process ad testificandum for the production of said witnesses at this trial.

The precise time when the testimony of these witnesses will be given is unknown to this petitioner, but he states that as to the witness HARADA, said to be in custody at Singapore, the necessity for his presence in Tokyo for interview and consultation is current.

MATSUI, Iwane

By \_\_\_\_\_  
ITO, Kiyoshi

\_\_\_\_\_  
JODAI, Takayoshi

\_\_\_\_\_  
Floyd J. Mattice  
His Counsel

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. 1

UNITED STATES OF AMERICA, et al

- v -

ARAKI, Sadao, et al

APPLICATION ON BEHALF OF THE ACCUSED MATSUI,  
Iwane, FOR AN ORDER FOR PRODUCTION OF WITNESSES.

Comes now the accused herein MATSUI, Iwane, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following named persons as witnesses in his behalf at this trial.

MUTO, Akira      This witness' nationality is Japanese.  
He is in custody in Sugamo Prison, Tokyo, Japan.

He was Lieutenant-General and Vice Chief of Staff, the Expeditionary Force in Central China, at the time MATSUI, Iwane, was Commander-in-Chief of said Force.

The facts concerning which this witness can give testimony are: - That as Vice Chief of Staff, the expeditionary Force in Central China in 1937-1938, when operations about Shanghai and Nanking occurred, acting on the instructions of MATSUI, Iwane, Commander-in-Chief of said Force, he endeavored to confine the fighting between Japan and China and prevent it from spreading into large scale operation, and protect life and property of Chinese and foreigners, the rights and interests of foreign countries, and every institution of culture; that the purpose of the operations at Shanghai and Nanking was to defend the life and rights of Japanese Nationals in Central China.

This testimony will dispute that adduced by the prosecution tending to show aggression and the responsibility of this accused for any improper treatment of person or property.

HARRI, Da. Kunakichi      This witness' nationality is Japanese.  
He is said to be in custody of the British in Singapore.

He was Lieutenant-General and Commander of the Special Service Section in Shanghai at the time MATSUI, Iwane, was Commander-in-Chief of the Expeditionary Force in Central China.

The facts concerning which this witness can give testimony are: - That as Commander of the Special Service Section in Shanghai, at the time MATSUI, Iwane, was Commander-in-Chief of the Expeditionary Force in Central China, in 1937-1938, when operations about Shanghai and Nanking occurred, he was sent to Shanghai by Japanese Government under orders to endeavour to end the strife between Japan and China, because Japanese Government did not desire the affair to spread into large scale warfare; that he has knowledge concerning the orders issued by MATSUI and procedures carried out, when above operations occurred, in order to protect life and property of Chinese and foreigners, the rights and interests of foreign countries, and every institution of culture, and will testify that such orders and procedures ordered said protection.

The relevancy of this testimony lies in that it will dispute the claim of the prosecution and its evidence in support thereof tending to show that such incident Japan was the aggressor and its claim MATSUI is responsible for any improper treatment of persons or property.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process ad testificandum for the production of said witnesses at this trial.

The precise time when the testimony of these witnesses will be given is unknown to this petitioner, but he states that as to the witness HARADA, said to be in custody at Singapore, the necessity for his presence in Tokyo for interview and consultation is current.

MATSUI, Iwane

By \_\_\_\_\_  
ITO, Kiyoshi

\_\_\_\_\_  
JODAI, Takayoshi

\_\_\_\_\_  
Floyd J. Mattice  
His Counsel

INTERNATIONAL MILITARY TRIBUNAL FOR THE  
FAR EAST

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1/22/45

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

APPLICATION OF THE ACCUSED MUTO, AKIRA  
FOR THE PRODUCTION OF DOCUMENTS

NOW COMES THE ACCUSED MUTO, Akira and requests an order and process for the production of the following documents:

1. a. Imperial Ordinance of 23 December 1941 regarding regulation of prisoner of war camps;
- b. Imperial Ordinance of 27 December 1941 regarding Prisoner of War Information Bureau;
- c. Letter of advice to troops, from Japanese War Ministry, regarding treatment of enemy medical personnel;
- d. Message dated 29 January 1942 from Foreign Minister TOGO to the United States, Britain, and other countries, through a neutral country, replying to inquiries regarding future treatment of prisoners of war;
- e. Rules of the War Ministry setting up the "Control Department" relative to prisoner of war;
- f. "Order for service to the Higher Headquarters during wartime";

- g. "Ordinance of the Supreme War Council";
2. The above documents are thought to be located in the files of the former Japanese War Ministry;
  3. The first five documents listed in Paragraph 1 are relevant as tending to establish the policy of the Japanese Government regarding prisoner of war; the latter two documents listed are relevant in that they show the duties and responsibilities of certain offices formerly held by the accused MUTO;

WHEREFORE, your petitioner prays that an appropriate order be entered herein for the issuance of process for the production of each of said documents.

MUTO Akira

by

\_\_\_\_\_  
OKUMOTO Shoichi

\_\_\_\_\_  
Roger F. Cole

His Counsel

November 12, 1946

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

- Defendants -

MOTION FOR PRODUCTION OF WITNESSES

*Read by  
Nov 20  
Page 7 (8)*

1. COMES NOW NAGANO, Osami and OKA, Takasumi being accused now on trial before this Tribunal, and in accordance with Section III, Article 9 (e) of the Charter as well as Order No. 492 of the Tribunal, respectfully request an order for the production of the following named witnesses considered necessary in their respective defenses.

A. TOYODA, Soemu;

- (a) Nationality of the witness is Japanese.
- (b) He was an Admiral in the Japanese Navy and was in attendance at negotiations pertaining to the London Naval Conference. He is at present confined in Sugamo Prison.
- (c) His testimony is considered relative to the defense of the above accused and concerns matters mentioned in Appendix A, Section Three of the Indictment.

B. FUKUTOIE, Shigeru;

- (a) Nationality of the witness is Japanese.
- (b) He was a Vice-Admiral in the Japanese Navy and at present is in Singapore, although it is believed that he is not confined as a prisoner of war.
- (c) This witness is desired because of Defense's belief that he was a liaison officer between the Naval General Staff and the Foreign Ministry. His testimony is considered necessary in regard to Counts 7, 20 and 39 of the Indictment.

C. OKOCHI, Denshichi;

- (a) Nationality of the witness is Japanese.
- (b) He was a Vice-Admiral in the Japanese Navy and is at present in Manila, believed to be a prisoner of war.

- (c) His testimony is desired for the purpose of answering allegations in Appendix A, Section Nine of the Indictment, since witness was Commanding Naval Officer at the time of the matters mentioned in the Indictment pertaining to Shanghai.

D. ONODA, Sutegiro;

- (a) Nationality of the witness is Japanese.
- (b) He was a naval captain and assistant to the above named FUKUTOME. He is believed to be in Singapore at the present time although not a prisoner of war.
- (c) As assistant to the above named FUKUTOME, it is believed this witness may be able to supply information vital to the Defense in regard to liaison matters between the Naval General Staff and the Foreign Ministry.

2. It is respectfully represented to the Tribunal that the particular time that each witness may be required to appear and testify can not at this time be accurately stated, but their attendance for examination and consultation by counsel for accused is considered necessary forthwith.

3. The above named accused have joined their requests for witness in this one document since they are naval defendants and consider the witnesses so requested as necessary for each of their respective defenses.

WHEREFORE the above accused pray for an order of the Tribunal as before stated and for such other and further relief which the Tribunal deems meet and just.

Dated, Tokyo, Japan  
12 November 1946

NAGANO, Osami  
by his counsel

---

OKUYAMA, Hachiro

and

---

John G. Brannon

- (c) His testimony is desired for the purpose of answering allegations in Appendix A, Section Nine of the Indictment, since witness was Commanding Naval Officer at the time of the matters mentioned in the Indictment pertaining to Shanghai.

D. ONODA, Sutegiro;

- (a) Nationality of the witness is Japanese.
- (b) He was a naval captain and assistant to the above named FUKUTONE. He is believed to be in Singapore at the present time although not a prisoner of war.
- (c) As assistant to the above named FUKUTONE, it is believed this witness may be able to supply information vital to the Defense in regard to liaison matters between the Naval General Staff and the Foreign Ministry.

2. It is respectfully represented to the Tribunal that the particular time that each witness may be required to appear and testify can not at this time be accurately stated, but their attendance for examination and consultation by counsel for accused is considered necessary forthwith.

3. The above named accused have joined their requests for witnesses in this one document since they are naval defendants and consider the witnesses so requested as necessary for each of their respective defenses.

WHEREFORE the above accused pray for an order of the Tribunal as before stated and for such other and further relief which the Tribunal deems meet and just.

Dated, Tokyo, Japan  
12 November 1946

NACANO, Osami  
by his counsel

\_\_\_\_\_  
OKUYAMA, Hachiro

and

\_\_\_\_\_  
John G. Brannon



OKA, Takasumi  
by his counsel

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SOMIYA, Shinji

and

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Franklin E. N. Warren

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

Paper No. 559

- 1 -

THE UNITED STATES OF AMERICA, et al

vs

ARAKI, Sadao, et al

- Defendants -

1. COMES NOW SHIMADA, Shigetaro, being one of the accused now on trial before this Tribunal, and in accordance with Section III, Article 9 (e) of the Charter, together with Order No. 492 of the Tribunal, respectfully requests an order for the production of the following named witnesses and documents considered necessary in his defense:

A. TOYODA, Soemu;

(a) Nationality of the witness is Japanese;

(b) He was an Admiral in the Japanese Navy and was in attendance at negotiations pertaining to the London Naval Conference. He is at present confined in Sugamo Prison;

(c) His testimony is considered relative to the defense of the above accused and concerns matters mentioned in Appendix A, Section Three of the Indictment;

B. FUKUTOME, Shigeru;

(a) Nationality of the witness is Japanese;

(b) He was a Vice Admiral in the Japanese Navy and at present is in Singapore, although it is believed that he is not confined as a prisoner of war;

(c) This witness is desired because of Defense's belief

- 1 -

that he was a Liaison Officer between the Naval General Staff and the Foreign Ministry. His testimony is considered necessary in regard to Counts 7, 20, and 39 of the Indictment;

C. OKOCHI, Denshichi;

- (a) Nationality of the witness is Japanese;
- (b) He was a Vice Admiral in the Japanese Navy and is at present in Manila, believed to be a prisoner of war;
- (c) His testimony is desired for the purpose of answering allegations in Appendix A, Section Nine of the Indictment, since witness was Commanding Naval Officer at the time of the matters mentioned in the Indictment pertaining to Shanghai;

D. ONODA, Sutejiro;

- (a) Nationality of the witness is Japanese;
- (b) He was a Naval captain and assistant to the above-named FUKUTOME. He is believed to be in Singapore at the present time although not a prisoner of war;
- (c) As assistant to the above-named FUKUTOME, it is believed this witness may be able to supply information vital to the Defense in regard to liaison matters between the Naval General Staff and the Foreign Ministry;

E. OIKAWA, Koshiro;

- (a) Nationality of the witness is Japanese;
- (b) He was former Navy Minister preceding the accused SHIMADA;

(c) His testimony is considered relevant to the defense of the accused, and concerning matters mentioned in Counts 7, 20, and 39 of the Indictment, et al;

F. YOSHIDA, Zengo;

(a) Nationality of the witness is Japanese;

(b) He was former Navy Minister and Admiral in the Japanese Navy;

(c) His testimony is considered relevant to the defense of the accused; and concerning matters mentioned in Counts 7, 20, and 39 of the Indictment, et al;

G. SAWAMOTO, Yoshio;

(a) Nationality of the witness is Japanese;

(b) His testimony is considered relevant in connection with the Japanese occupation of South French Indo-China; the defense of the South Sea Islands, and the Japanese-American Negotiations, together with the circumstances that led to the war;

H. NOMURA, Kichisaburo;

(a) Nationality of the witness is Japanese;

(b) He was Ambassador to the United States at time of the attack on Pearl Harbor;

(c) His testimony is considered relevant and important, and concerns events leading up to the breaking off of diplomatic relations with the United States;

LIST OF RECORDS AND DOCUMENTS REQUESTED, RESERVING THE RIGHT TO INSPECT AND WITHDRAW FROM THE FILLS THOSE WHICH ARE PERTINENT AND RELEVANT TO THE DEFENSE OF THE SAID ACCUSED:

The following tables compiled by the United States Navy Department:

- A. Separate tables, each of which showing the number and displacement tonnage of each kind of warship (1) completed and (2) still in the progress of being built on 7 December 1941, together with those that show those figures at the end of every year beginning from 1931 to 1945;
- B. List of battleships, airplane carriers and A and B classes of cruisers in the period mentioned;
- C. List of Navy personnel for the same period, including reserves;
- D. Tables showing construction plan of warships and Navy airplanes for same period;
- E. Records of the United States Senate, as well as those of Committees of Foreign Affairs and Navy from April 1930 to 1945, located in the files of the United States Senate;
- F. Records of the meetings of the United States Naval Committee of the Senate, dating from 1940, located in the files of the United States Senate;
- G. All diplomatic documents and telegrams between the United States of America and England, dating from April 1941 to January 1, 1942, located in the United States Department of State and also in the British Foreign Ministry;
- H. All official documents pertaining to the Yalta, Quebec, and Pacific Conferences, located in the United States Department of State and also in the British Foreign Ministry;
- I. United States documents pertaining to the Japanese-

American Conference, located in the United States Department of State;

- J. "The Conduct of the Sea Campaign", (Yarnel, Pye, Frost, 1920) located in the United States Navy Department;
- K. "Woodrow Wilson, the World Settlement", published in the United States of America in 1928;
- L. "Life", an American magazine published on 24 October 1945;
- M. "Jane's Fighting Ships", 1941, 1942, published by Sampson, Low, Marston & Co., Ltd., London.

CHARACTER WITNESSES REQUESTED BY THE ACCUSED:

- A. Captain H. H. SMITH-HUTTON;
  - (a) Nationality of the witness is American;
  - (b) He was former Naval Attache, American Embassy, Tokyo, Japan, and was well acquainted with the accused;
  - (c) It is believed he will testify as to the accused's general reputation; he is at present in command of the USS LITTLE ROCK (CL92), % Postmaster, New York. Permission to submit interrogatories will be requested later;
- B. KANEKO, Kiyota;
  - (a) Nationality of the witness is Japanese;
  - (b) He will testify as to the general reputation of the accused;
- C. SHIZUKI, Ihei;
  - (a) Nationality of the witness is Japanese;
  - (b) He will testify as to the general reputation of the accused;

2. The facts to be proved by these witnesses are the policies,

utterances and actions of the accused SHIMADA during the time in which he is charged by the Indictment;

3. That the documents requested are all relevant and material for the purpose of establishing the growing strength of the United States Navy and the manner in which the foreign policy of the United States was carried on, and the conversations and publications which established it;

4. The relevance of the testimony of these witnesses, all of whom were associated with the accused SHIMADA in various capacities at the time charged in the Indictment is, in its tendency, to establish that the accused SHIMADA took no part in any of the conspiracies charged to him, and was not in any way connected with the planning, initiating or waging of wars of aggression;

5. The date upon which attendance of the witnesses will be required for testifying cannot be stated accurately, but their attendance for consultation with counsel is required forthwith.

SHIMADA, Shigetaro

By his counsel

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TAKAHASHI, Yoshitsugu

and

---

Edward P. McDermott

Dated 15 November 1946,  
Tokyo, Japan

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INTERNATIONAL MILITARY TRIBUNAL FOR THE  
FAR EAST TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- VS -

ARAKI, Sadao, et al

-Defendant-

APPLICATION ON BEHALF OF HASHIMOTO,  
Kingoro, FOR AN ORDER FOR THE PROD-  
UCTION OF WITNESSES AND DOCUMENTS

A. COMLS NOW HASHIMOTO, Kingoro, and respectfully requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following named witnesses necessary to his defense:

1. Ota, Kozo

- a. The nationality of the witness is Japanese;
- b. The witness is now in Sugamo Prison;
- c. The witness was at various times Chief Secretary of the Hiranuma Cabinet, Secretary General of the Imperial Rules Assistance Association, and Education Minister in the Suzuki Cabinet;
- d. The facts expected to be proved by this witness are that:

(1) "KODO" or the "Imperial Way" was a principle which did not contemplate aggression;

(2) The purpose of the Reform Movements, with which the defendant HASHIMOTO



was connected, was to cleanse politics of corrupt influences;

(3) The purpose and intent of the Imperial Rules Assistance Association, with which the defendant HASHIMOTO was connected at one time, were not aggression, and other relevant matters:

e. The testimony of this witness to the defense of the accused is considered necessary in regard to Counts Nos. 1 and 2, and Appendices A (Section 6) and E of the Indictment.

2. WACHI, Takaji

- a. The nationality of the witness is Japanese;
- b. The witness is now in Sugamo Prison;
- c. The witness was a Lieutenant General in the Japanese Army and was a member of "Sakura-Kai" or the "Cherry Blossom Society." This witness participated in the October Incident and is thoroughly familiar with the March Incident;
- d. The facts expected to be proved by this witness are that:

(1) The purpose and activities of "Sakura-kai," of which the defendant HASHIMOTO was a member, were merely internal reform of the nation;

(2) The purposes of the October and March Incidents were the internal reform of the Japanese Army, and other relevant matters;

e. The testimony of this witness to the defense of the accused is considered necessary in regard to Counts Nos. 1, 2, 18, and 19. and Appendices A (Sections 1 and 2) and E of the Indictment.

3. TERADA, Masao

- a. The nationality of the witness is Japanese;
- b. The witness is now residing in Fukui Prefecture, Japan;
- c. The witness was a Lieutenant General in the Japanese Army and was at one time one of the Staff Officers of the YANAGAWA Army in the China area. The defendant HASHIMOTO was a commanding officer of one of the Units of the Yanagawa Army;
- d. The facts expected to be proved by this witness are that:

(1) The shelling of the "Ladybird" was an accident due to the dense fog;

(2) The said shelling order was issued from the Headquarters of the Yanagawa Army, and other relevant matters;

e. The testimony of this witness to the defense of the accused is considered necessary in regard to Count No. 7 and Appendices A (Section 9) and E of the Indictment.

4. IKEZAKI, Chuko

- a. The nationality of the witness is Japanese;
- b. The witness is now in Sugamo Prison;
- c. The witness was a member of the Japanese Diet,

an official of the Education Ministry and was one of the leading authorities in Japan on Military matters;

d. The facts expected to be proved by this witness are that:

(1) The opinions of HASHIMOTO as expressed in his published books and magazine articles were merely representative of current Japanese thought and public opinion and were not distinct in being that of a particular individual intent on preparing the public for aggression;

e. The testimony of this witness to the defense of the accused is considered necessary in regard to Counts Nos. 5, 7, 8, and 20. and Appendices A (Sections 7 and 9) of the Indictment.

B. The defendant HASHIMOTO further requests the Tribunal in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following documents necessary to his defense:

1. The complete file of documents dealing with the "Ladybird Incident" such file being at present in the Japanese Foreign Office, Tokyo, Japan;
2. The complete file of documents dealing with the "Panay Incident" such file being at present in the Japanese Foreign Office, Tokyo, Japan.

The above mentioned documents may be needed as defense evidence to show that the accused is not responsible as charged by the Indictment.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process of this Tribunal for the production of the aforesaid witnesses and documents.

Dated, Tokyo, Japan

18 November 1946

HASHIMOTO, Kingoro

By

HAYASHI, Itsuro

HARRIS, E. Richard  
His Counsel

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES AND DOCUMENTS

NOW COMES UMLZU Yoshijirō and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witnesses and documents necessary to his defense:

I. Witnesses

1. Lieutenant General TOMINAGA Kyōji
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is unknown; his affidavits introduced in this case by the prosecution show him to be a prisoner of war of the Soviet forces in Siberia;
2. Colonel ASADA Saburō
  - (a) The nationality of the witness is Japanese;
  - (b) His last official position was staff officer of the Kwantung Army, Hsingking, and his present address is prisoner of war of the Soviet forces;
3. Lieutenant General YAMAGIDA Motozō
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is unknown but affidavits introduced in this case by the prosecution show him to be a prisoner of war of the Soviet forces in Siberia;

- 1 -

4. Lieutenant General TANABE Moritake
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is unknown; his last official position was commanding general of the 25th Army in Sumatra. He is now believed to be a prisoner of war of the Netherlands forces in the Netherlands East Indies;
5. Lieutenant General MUTAGUCHI Ren-ya
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is unknown; his last official position was commandant of the Preparatory Military Academy in Tokyo, and after the end of the war he was transferred from Sugamo Prison to Singapore for trial as a war criminal;
6. General KAWABE Masakazu
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is Sugamo Prison;
7. ISHIKAWA Jun
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is Naritashi, Chiba-Ken;
8. Lieutenant General KASAHARA Yukio
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is Kobune, Shimonakamura, Ashigarashimogun, Kanagawa-Ken;
9. TAKAKURA Tadashi
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is 4-Chome, Kumamoto-Chō Hida, Ōita-Ken;

10. Major General KASHIWA Toku
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is Fukushima-shi, Fukushima-Ken;
11. Lieutenant General KAWABE Torashirō
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is Nagoyashi, Aichi-Ken;
12. Mr. H. G. W. WOODHEAD
  - (a) The nationality of the witness is British;
  - (b) The present address of the witness is unknown but he is understood to be connected with a newspaper published in Canton, Kwangtung Province, China;
13. Mr. Wilhelm WAGNER
  - (a) The nationality of the witness is German;
  - (b) The present address of the witness is unknown but he is reported to be in Japan and interned under the supervision of the occupation forces;
14. KAWAGOE Shigeru
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is 804 Horinouchi, Hayama, Kanagawa-Ken;
15. NATHAN (given name unknown)
  - (a) The nationality of the witness is British;
  - (b) The present address of the witness is unknown; he was interned in Peiping during the war and reported since the end of the war to have resumed his connection with the Kailan Mining Administration in Tientsin;

The facts to be proved by these witnesses are the policies, utterances and actions of the defendant UMEZU during the period in which he is charged by the indictment herein;

The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment, and was not responsible for the planning, initiating or waging of wars of aggression;

The date upon which the attendance of the witnesses will be required for testifying cannot be stated accurately; but their attendance for consultation with counsel is required forthwith.

## II. Documents

1. Principles of Plans of Operations of the Imperial Army (Teikoku Rikugun Sakusen Keikaku Yōkō), prepared in the autumns of the years 1940, 1941, 1942 and 1943 respectively, by the Japanese General Staff and forwarded to the headquarters of the Kwantung Army;
2. Principles for Preparation of Operations of the Kwantung Army (Kantōgun Sakusen Jūbi Yōkō), February 1942, prepared by the Japanese General Staff and forwarded to the headquarters of the Kwantung Army;
3. Operations Plan of the Kwantung Army (Kantōgun Sakusen Keikaku), prepared in the springs of the years 1940, 1941, 1942, 1943 and 1944 by the headquarters of the Kwantung Army;
4. Border Guard Regulations of the Kwantung Army (Kokkyō Keibi Yōkō), prepared in September or October 1939 by the headquarters of the Kwantung Army;
5. Kwantung Army Special Maneuvers (Kantōgun Tokubetsu



Enshū, commonly referred to as Kantokuēn), prepared in the summer of 1941 by the Japanese General Staff and forwarded to the headquarters of the Kwantung Army.

All of these documents were kept in the secret files, especially the Secret Instructions File of the headquarters of the Kwantung Army, located in the operations room of the Kwantung Army headquarters building in Hsingking, Manchuria.

The relevance of these documents is that they will prove the character and scope of operations and other plans of the Japanese army, and notably of the Kwantung Army, vis-a-vis the USSR.

UMEZU Yoshijirō

By

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MIYATA Mitsuo

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Ben Bruce Blakeney

His Counsel

18 November 1946

FOR THE FAR EAST

- 1 -

Paper No. 567

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES AND DOCUMENTS

1. NOW COMES TOJO, HIDEKI by his counsel of record and respectfully requests the Tribunal, in accordance with Section 3, Article 9, Paragraph 3 of the Charter and pursuant to the order of the Tribunal, dated at Tokyo, Japan on the 24th day of October, paper bearing No. 492 to order the production of the following witnesses and documents necessary for his defense;

1. SUZUKI, Kentaro - No. 737 Sekiyado - machi, Higashi-Katsushika Gun, Chiba, Prefecture, Prime Minister September, 1945.
  - (a) The nationality of the witness is Japanese;
  - (b) This witness will be able to testify to the facts pertaining to the acceptance of surrender and the understanding of the Cabinet Council as to their understanding of the terms there under.
2. OKADA, Tadahiko - 19 Nakano - cho, Azabuku, Tokyo. Welfare Minister in September 1945 and formerly speaker of the House of Representatives.
  - (a) The nationality of the witness is Japanese;
  - (b) This witness will be able to testify as a member of the Suzuki Cabinet to the acceptance of the Potsdam Declaration and the understanding of the cabinet as to the meaning of the terms there under. He will also be able to testify regarding the nature and purposes of the Imperial Rule Assistance Association and the Imperial Rule Political Assistance Society.
3. OHTA, Koso - Education Minister in September 1945. At present confined in Sugamo Prison.
  - (a) The nationality of the witness is Japanese;

- 1 -

- (b) This witness will be able to testify as a member of the Suzuki Cabinet and with regard to the understanding as to the terms of the surrender. The witness will also be able to testify regarding the fundamental principles of Japanese education and to the objects and purposes of military training in Japanese schools. Further he will be able to testify as to the nature and purposes of various organizations and associations.
4. SHINOBU, Dzunpei - Kashiwas - machi, Chiba Prefecture. International lawyer and member of the Imperial Academy.
- (a) The nationality of the witness is Japanese;
- (b) This witness will be called for the purpose of testifying as to the understanding of the term "war criminals" among Japanese lawyers.
5. IWATA, Ainosuke - No. 8 Shirokane - daima-chi 1 chome, Shinbaku, Tokyo. Leader of "Aikoku-sha."
- (a) The nationality of the witness is Japanese;
- (b) This witness will be able to testify as to the aims and purposes of various organizations existing prior to the war and also to the facts concerning the "March Incident" and "October Incident."
6. WACHI, Takaji - In Sugamo Prison but at present taken to the Philippines as witness in war crimes trials.
- (a) The nationality of the witness is Japanese;
- (b) This witness will be able to testify to the true nature and aims of "Sakura-Kai" and also the facts concerning the March and October Incidents.
7. HIGUCHI, Ki-ichiro - 718 Den-en-chofu, 3 chome, Setagaya-ku, Tokyo. Former Lieutenant General.
- (a) The nationality of the witness is Japanese;
- (b) This witness will be able to testify as to the aims and purposes of various organizations and associations and particularly with reference as to the formation and membership of the "Sakura-Kai."
8. KOCA, Kiyoshi - Nakameguro, Meguroku, Tokyo. Former navy lieutenant.
- (a) The nationality of the witness is Japanese;

- (b) This witness will be able to testify in connection with the assassination of Premier Inugai and as to the events pertaining to and involved in said affair.
9. TSUGITA, Daizaburo - 41 Ohtsuka Nakamachi, Koishigawa-Ku. Chief of Legislative Bureau in Hirota Cabinet and at present State Minister of the Yoshida Cabinet.
- (a) The nationality of the witness is Japanese;
- (b) This witness will testify concerning the Japanese system of the War and Navy Ministries and as to their selection and as to changes taking place in that system.
10. YOSHITADA, Wagata - 3 Hisaki, Zushi-cho in the city of Yokosuka. Former chief of the moving picture section of the Osaka Mainichi.
- (a) The nationality of the witness is Japanese.
- (b) This witness will be able to testify concerning the production of "Japan in Emergency" and the facts pertaining to the authorization of said production.
11. IKEZAKI, Chuko - Sugamo Prison. Formerly member of House of Representatives and also Editor in political matters.
- (a) The nationality of the witness is Japanese;
- (b) This witness will testify to relevant facts concerning Japanese political parties and formation of cabinets.
12. SHIMADA, Tosio - 153 Kogai-cho Azabuku, Tokyo. Former speaker of House of Representatives and several times cabinet minister.
- (a) The nationality of the witness is Japanese;
- (b) This witness will be able to testify on general party politics and with regard to facts concerning the formation of cabinets since the Meiji Era.
13. MORIYAMA, Liichi - 1075 Hiratsuka 7 chome, Ebaraku, Tokyo. Former president of legislative board.
- (a) The nationality of the witness is Japanese;
- (b) This witness will testify relative to constitutional organization and practices in Japan specifically as to the division of functions and responsibilities by the War Ministry and Chief of Staff.

14. OKADA, Kikusabro - (Address to be supplied) Former Major General and former official of Cabinet Planning Board.
  - (a) The nationality of the witness is Japanese;
  - (b) This witness will be able to testify concerning the aims and purposes of the Five Year Plan of 1939.
15. MATSUDA, Reikichi - (Address to be supplied) Official in Cabinet Planning Board.
  - (a) The nationality of the witness is Japanese;
  - (b) This witness will testify as to the aims and objectives of the Board during the years 1937-1941.
16. KISHI, Shinsuke - Now in Sugamo Prison. Former Minister of Commerce and Industry and served as Official in Manchoukuo.
  - (a) The nationality of the witness is Japanese;
  - (b) This witness will testify regarding the aims and objectives for development of industry in relationship to the China Incident.
17. IIMURA, Minoru - 50 Soshigaya 2 chome, Setagaya-ku, Tokyo. President of "Total War Research Institute"
  - (a) The nationality of the witness is Japanese;
  - (b) This witness will testify as to the nature and operation of the Institute.
18. ANDO, Kisaburo - Now in Sugamo Prison. Former president of "Imperial Rule Assistance Society"
  - (a) The nationality of the witness is Japanese;
  - (b) This witness will be able to testify to the relevant facts concerning the nature and objectives of the fore said society.
19. OASA, Tadao - Meiji Club, Nakadori No. 11 Maruno-uchi, Koji-machi-ku, Tokyo. Former director of Imperial Rule Assistance Political Society. He was also state minister in Koiso Cabinet.
  - (a) The nationality of the witness is Japanese;
  - (b) This witness is able to testify to facts concerning the nature and objectives of the said society and the relationship between that society and the Tojo Cabinet.

20. YUZAWA, Michio - 228 Yoyogi-Sanya, Shibuyaku, Tokyo.  
Home Minister in Tojo Cabinet.
- (a) The nationality of the witness is Japanese;
  - (b) He will be able to testify as to the principles of the Tojo Cabinet as concerns the question of public relations.
21. KOMAI, Tokuzo - Horinouchi Namamura, Sakagun, Gunma Prefecture. Former president of General Affairs Bureau of Manchukuo.
- (a) The nationality of the witness is Japanese;
  - (b) This witness will be able to testify regarding the political position of Manchukuo as an independent state.
22. KANAI, Shozi - City of Ueda, Nagano Prefecture. Formerly an official of Manchukuo and Menshen Administrative Council.
- (a) The nationality of the witness is Japanese;
  - (b) He will be able to testify to economic aspects of Manchurian Incident and related aspects.
23. KATAKURA, Chu - No. 2653 Kami-Meguro 5 Chome, Meguroku, Tokyo. Former Major General with long service in Kwangtung Army.
- (a) The nationality of the witness is Japanese;
  - (b) This witness is able to testify concerning the origin and development of the "Manchurian Incident".
24. UEDA, Kenkichi - Oiso Kanagawa Prefecture. Former Commander-in-Chief of Kwangtung Army and concurrently ambassador to Manchukuo.
- (a) The nationality of the witness is Japanese;
  - (b) He will be able to testify to relationship between Manchukuo and Kwangtung Army.
25. SAKURAI, Takutaro - Tsuno-machi, Koyu-gun, Miyazaki Prefecture; Advisor to the Chinese Army at the time of the Marco Polo Incident.
- (a) The nationality of the witness is Japanese;
  - (b) This witness will testify to facts concerning the "Incident" and the results of the incident and the developments thereafter.
26. MUDAGUCHI, Renza - Now in Singapore Prison. Formerly Lt. General serving in North China at the time of the China Incident.
- (a) The nationality of the witness is Japanese;
  - (b) He will testify as to the measures taken on the part of the Japanese Army at the commencement of the China Incident.

20. YUZAWA, Michio - 228 Yoyogi-Sanya, Shibuyaku, Tokyo..  
Home Minister in Tojo Cabinet.
- (a) The nationality of the witness is Japanese;
  - (b) He will be able to testify as to the principles of the Tojo Cabinet as concerns the question of public relations.
21. KOMAI, Tokuzo - Horinouchi Namamura, Sakagun, Gunma Prefecture. Former president of General Affairs Bureau of Manchukuo.
- (a) The nationality of the witness is Japanese;
  - (b) This witness will be able to testify regarding the political position of Manchukuo as an independent state.
22. KANAI, Shozi - City of Ueda, Nagano Prefecture. Formerly an official of Manchukuo and Mentshen Administrative Council.
- (a) The nationality of the witness is Japanese;
  - (b) He will be able to testify to economic aspects of Manchurian Incident and related aspects.
23. KATAMURA, Chu - No. 2653 Kami-Meguro 5 Chome, Meguroku, Tokyo. Former Major General with long service in Kwangtung Army.
- (a) The nationality of the witness is Japanese;
  - (b) This witness is able to testify concerning the origin and development of the "Manchurian Incident".
24. UEDA, Kenkichi - Oiso Kanagawa Prefecture. Former Commander-in-Chief of Kwangtung Army and concurrently ambassador to Manchukuo.
- (a) The nationality of the witness is Japanese;
  - (b) He will be able to testify to relationship between Manchukuo and Kwangtung Army.
25. SAKURAI, Takutaro - Tsuno-machi, Koyu-gun, Miyazaki Prefecture. Advisor to the Chinese Army at the time of the Marco Polo Incident.
- (a) The nationality of the witness is Japanese;
  - (b) This witness will testify to facts concerning the "Incident" and the results of the incident and the developments thereafter.
26. MUDAGUCHI, Renza - Now in Singapore Prison. Formerly Lt. General serving in North China at the time of the China Incident.
- (a) The nationality of the witness is Japanese;
  - (b) He will testify as to the measures taken on the part of the Japanese Army at the commencement of the China Incident.

27. WACHI, Tsungo - Now in Sugamo Prison. Former Colonel serving in wireless communication station in Owada.
- (a) The nationality of the witness is Japanese;
  - (b) This witness will be able to testify concerning a telegram from American Military Attache in Pekin to the American Staff of Operations with reference to the Marco Polo Incident.
28. MATSUMURO, Koryo - 4-389, Zifukuchō, Suginami-Ku Tokyo. Former Major General serving in China as Special Mission Organization.
- (a) The nationality of the witness is Japanese;
  - (b) This witness will be able to testify to important details concerning the conflict between China and Japan and also concerning the economic aspects of the occupation.
29. KAGESA, Teisho - Dai-Ichi Hospital in Tokyo. Former Lt. General serving as liaison officer by the Japanese Army and Wang-Ching-wei Government.
- (a) The nationality of the witness is Japanese;
  - (b) He will testify as to the matter of Wang Government with special reference to specific measures taken thereby.
30. KUMETARO, Honda - 1102 Kamimeguro 7 chome, Meguro-Ku, Tokyo. Ambassador to Wang-Ching-Wei Government.
- (a) The nationality of the witness is Japanese;
  - (b) He will be able to testify as to the relations between the Japanese Government and Wang Government.
31. ARITA, Hachiro - 426 Shimo-ochiai 1 chome, Yodobashi-Ku, Tokyo. Former Foreign Minister.
- (a) The nationality of the witness is Japanese;
  - (b) He will testify as to the policies of the Japanese Government specifically and in detail.
32. ISHIMATA, Sotaro - Seijo-machi, Setagaya-ku, Tokyo. Financial Advisor to Wang Government and former Finance Minister in HIRANUMA, TOJO, and KOISO Cabinet.
- (a) The nationality of the witness is Japanese;
  - (b) He will testify concerning economic measures of the Wang Government and also relative to the Japanese economic policy toward China.



33. KUSUMOTO, Masataka - 151 Asahimachi 2 Chome Shimotsuna  
Cho Ibaraki Prefecture. Former Major General  
serving in Special Service Organization in China.
- (a) The nationality of the witness is Japanese;
  - (b) He will testify to facts concerning the Narcotic  
traffic in China.
34. KURUSU, Sabro - Karui-Zawa, Nagano Prefecture.  
Special ambassador to the United States in 1941.
- (a) The nationality of the witness is Japanese;
  - (b) This witness will be able to testify as to the  
Japanese-American negotiations in 1941.
35. SAITO, Yoshie - 42 Shoto-cho Shibuya-Ku, Tokyo.  
Advisor to Foreign Ministry during negotiations  
between Japan and America.
- (a) The nationality of the witness is Japanese;
  - (b) He is able to testify concerning the intentions and  
purposes concerning negotiations between Japan  
and the United States in 1941.
36. IWAKURO, Takao - 789 Denenchofu 2 Chome Ohmori-ku,  
Tokyo. Participated in drafting proposed agreement  
between America and Japan.
- (a) The nationality of the witness is Japanese;
  - (b) He will testify regarding specific drafts and  
other matters pertaining to the negotiations between  
Japan and the United States.
37. YAMAMOTO, Kumichi - 9 Shimouma 3 Chome, Setagaya-Ku  
Tokyo. President of East Asia Section of Foreign  
Ministry and later Vice Minister for Greater East  
Asia Ministry in 1941.
- (a) The nationality of the witness is Japanese;
  - (b) This witness will testify regarding Japanese  
political situation in connection with negotiations  
between America and Japan.
38. TAMAKI, Shinichi - Address to be supplied. Former  
Lt. General serving on army general staff prior  
to and during Pacific War.
- (a) The nationality of the witness is Japanese;
  - (b) The witness is able to testify regarding plans  
concerning Soviet Union and the objective of such  
plan.

39. ISHIIKAWA, Kwanji - Now in Tei-Shin Hospital, city of Tsurugaoka Prefecture. Former Lt. General serving in the Kwangtung Army.
- (a) The nationality of the witness is Japanese;
  - (b) He will testify regarding various plans of operations concerning Russia and also relative to Five Year Plan in Manchuria and Japan.
40. YANO, Mitsuzi - Mishima-machi Umegun Ehime Prefecture. Former Colonel serving on Army General Staff in charge of military geography.
- (a) The nationality of the witness is Japanese;
  - (b) This witness is qualified to give evidence regarding the borderline between Mongolian Peoples Republic and Manchukuo.
41. JOSE, Laurel - Manila, Philippines. Former president of the Republic of the Philippines.
- (a) Filipino is the nationality of the witness.
  - (b) This witness will be able to testify as to certain measures taken by Japan during the war particularly with regard to economic and political policies.
42. MURATA, Shozo - Now in Sugamo Prison. Former Ambassador to the Philippine Islands.
- (a) The nationality of the witness is Japanese;
  - (b) He will testify concerning the political and economic measures taken by the Japanese Government towards the Philippines.
43. TSUBOKAWA, Sadanobu - 14 Yoyogi Ohyama-cho, Shibuya-Ku, Tokyo, Japan. Former Ambassador to Thailand.
- (a) The nationality of the witness is Japanese;
  - (b) He will testify concerning relations between Thailand and Japan specifically as to the agreement of transit of Japanese Forces on 7 December 1941.
44. HARADA, Kunakichi - Now prisoner in Singapore. Former Lt. General and Commander-in-Chief in Java.
- (a) The nationality of the witness is Japanese;
  - (b) He will be able to testify to political and economic measures of Japan and concerning Dutch East Indies.
45. SUZUKI, Kunji - In Sugamo Prison. Former Colonel in charge of Prisoner of War Camps in Tokyo.

- (a) The nationality of the witness is Japanese;
- (b) This witness will testify as to the policy of the War Ministry regarding treatment of prisoner of war.
46. OHYAMA, Fumio - Nagatamachi 2 Chome Kojimachi-Ku Tokyo. Chief of Legal Section of War Ministry (Now First Demobilization Bureau)
- (a) The nationality of the witness is Japanese;
- (b) He will be able to testify to Japanese legislation concerning treatment of prisoners of war and to the rules of the military court established for the trials of prisoners of war.

DOCUMENTS

- 46 a. An order for the production of "Sick Bed Diary" of Tanaka, Ryakichi in the national Khonodai Hospital.
- 46 b. An order for the production of the record of official career of Isamu, Cho from the Cabinet record office.
- 46 c. An order for the production of all evidence and documents attached to the Roberts Commission Report on Pearl Harbor dated 23 January 1942.

It is respectively represented that the date upon which the attendance of the above witness will be required to testify cannot be accurately stated.

Submitted this 18th day of November 1946.

TOJO, HIDEKI

By his Counsel

ICHIRO KIYOSE

GEORGE F. BLEWETT

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

vs

ARAKI, Sadao; et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESS

1. NOW COMES SHICEMITSU, Mamoru and requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following witnesses necessary for his defense:

A. TANAKA, Ryukichi;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo City, Ushigome-ku, War Ministry Building, I.P.S., Investigation Division;

B. UCAKI, Kazunari;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Atami City, Izusan;

C. HIROSF, Setzuo;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Tokyo Central Liaison Office;

D. SUZUKI, Tadakatsu;

(a) The nationality of the witness is Japanese;

(b) The witness is now in Yokohama, Liaison Office Bureau;

2. The defendant SHICEMITSU further requests the Tribunal, in accordance with Section III, Article 9 (e) of the Charter, to order the production of the following documents necessary for

his defense:

<u>DOCUMENT</u>	<u>LOCATION</u>
Diary of M. M. LITVINOV, former Commissar of Foreign Affairs of the Soviet Union (from July 1, 1938 to August 31, 1938) excerpts were introduced as Exhibit No. 754	International Prosecution Section, War Ministry Bldg., Tokyo, Japan.

3. The facts to be proved by these witnesses and documents will show the policies, utterances, actions and intent of the accused SHIGEMITSU, during the time in which he is charged by the Indictment and the facts regarding events with which he is charged;

4. The relevance of the testimony of these witnesses, all of whom were associated with the accused SHIGEMITSU in various capacities during the time charged in the Indictment, or who have personal knowledge of such events is, in its tendency, to establish that the accused SHIGEMITSU took no part in any of the conspiracies charged to him; and was not in any way connected with the planning, initiating or waging of wars of aggression; and was, furthermore, in no way connected with the commission of any crimes against peace and is not guilty under the Indictment or any of its counts;

5. The date upon which attendance of the witnesses will be required for testifying cannot at this time be stated accurately but their attendance for consultation with defense counsel is required forthwith;

6. The date of production of the above documents will be after the commencement of the defense of the accused SHIGEMITSU. Consequently, in view of the time needed in processing and translating, a court order of an early date is prayed for.

7. This request does not include witnesses who we are advised will testify without a subpoena, nor witnesses who are not in Japan, for whom request will not be made until some proof of their testimony has been obtained. It does not include documents the production of which do not, we are advised, require action by the Court.

SHIGEMITSU, Mamoru

By

/s/ George A. Furness  
FURNESS, George A.

/s/ Hisao Yanai  
YANAI, Hisao

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF ADDITIONAL WITNESS

1. NOW COMEL OSHIMA, HIROSHI, and respectfully requests the Tribunal, in accordance with Section 3, Article 9, Paragraph 3 of the Charter and pursuant to the order of the Tribunal, dated at Tokyo, Japan on the 24th day of October 1946, paper bearing No. 492 to order the production of the following additional witness necessary for his defense;

1. BOLZE, Dr. Ulrich - Yamneshi Prefecture, Kawaguchi
  - (a) The nationality of the witness is German.
  - (b) Witness was Counsellor of the German Embassy in Japan 1938 - 1941 (when Ott was Ambassador) and 1943 - 1945 (when Stahmer was Ambassador). He was German Charge d'Affair in Japan during the brief period of Ott's absence in 1941.
  - (c) Witness will testify as to the activities of the German Embassy in Tokyo, and will explain and enlarge upon the testimony of Ambassador Ott, and will describe fully extent to which the information of Ott was sustained by the facts.

Respectfully submitted.

OSHIMA, HIROSHI

/s/

TASUKI SHIMANOCHI

/s/

OWEN CUNNINGHAM

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES AND DOCUMENTS

1. NOB. COMES OSHIMA, HIROSHI, and respectfully requests the Tribunal, in accordance with Section 3, Article 9, Paragraph 3 of the Charter and pursuant to the order of the Tribunal, dated at Tokyo, Japan on the 24th day of October 1946, paper bearing No. 492 to order the production of the following witnesses and documents necessary for his defense;

1. ARITA, Hachiro - Tokyo, Shibuya-Ku, Yoyogi Nishihara, Foreign Minister from 1936 to 1937, Political Adviser to the Foreign Office 1938, Foreign Minister 1939 and 1940.

- (a) The nationality of the witness is Japanese;
- (b) The purpose of the testimony of the witness is to explain the Japanese interpretation of the Anti-Comintern Pact and Secret Agreement; the negotiations concerning the Three Party Alliance, which were terminated by the Russian-German Pact, the difference between this abortive pact and the final agreement. To show the extent to which OSHIMA participated in the negotiations and conclusions of the various pacts.

2. MUSEKINOJI, Kintomo, - Tokyo, Shibuya-Ku, Harajuku 3 Chome The witness was Ambassador to Turkey 1933 to 1934. Was Ambassador to Germany 1934 to 1937 and concluded the Anti-Comintern Pact, and can testify as to the extent of the participation of the defendant OSHIMA in the execution of this Anti-Comintern Agreement as well as the effect of the Pact and the resultant relations between Germany and Japan and other major nations of the world.

3. WAKAMATSU, Tadaichi - Tokyo, Kitatama-Gun, Musashino-Machi, Kichijoji.

- (a) The nationality of the witness is Japanese;
- (b) Witness was Vice-minister of War in 1945, was Chief of German Sub-Section, GHQ, in 1935 and 1936 at the time when the defendant OSHIMA was Military Attache in Germany.
- (c) The testimony of the witness will bear on the negotiations concerning the beginning of the Anti-Comintern Pact, the circumstances of the appointment of OSHIMA as Military Attache in Germany and the instructions given to OSHIMA by GHQ.



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INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES AND DOCUMENTS

1. NOB. COLEMS OSHIMA, HIROSHI, and respectfully requests the Tribunal, in accordance with Section 3, Article 9, Paragraph 3 of the Charter and pursuant to the order of the Tribunal, dated at Tokyo, Japan on the 24th day of October 1946, paper bearing No. 492 to order the production of the following witnesses and documents necessary for his defense;

1. ARITA, Hachiro - Tokyo, Shibuya-Ku, Yoyogi Mishihara, Foreign Minister from 1936 to 1937, Political Adviser to the Foreign Office 1938, Foreign Minister 1939 and 1940.

(a) The nationality of the witness is Japanese;

(b) The purpose of the testimony of the witness is to explain the Japanese interpretation of the Anti-Comintern Pact and Secret Agreement; the negotiations concerning the Three Party Alliance, which were terminated by the Russian-German Pact, the difference between this abortive pact and the final agreement. To show the extent to which OSHIMA participated in the negotiations and conclusions of the various pacts.

2. MUSHAKOJI, Kintomo, - Tokyo, Shibuya-Ku, Harajuku 3 Chome. The witness was Ambassador to Turkey 1933 to 1934. Was Ambassador to Germany 1934 to 1937 and concluded the Anti-Comintern Pact, and can testify as to the extent of the participation of the defendant OSHIMA in the execution of this Anti-Comintern Agreement as well as the effect of the Pact and the resultant relations between Germany and Japan and other major nations of the world.

3. WAKAMATSU, Tadaichi - Tokyo, Kitatama-Gun, Musashino-Machi, Kichijoji.

(a) The nationality of the witness is Japanese;

(b) Witness was Vice-Minister of War in 1945, was Chief of German Sub-Section, GHQ, in 1935 and 1936 at the time when the defendant OSHIMA was Military Attache in Germany.

(c) The testimony of the witness will bear on the negotiations concerning the beginning of the Anti-Comintern Pact, the circumstances of the appointment of OSHIMA as Military Attache in Germany and the instructions given to OSHIMA by GHQ.

4. NISHIO, Toshizo - Sugamo Prison
  - (a) The nationality of the witness is Japanese.
  - (b) The witness was Vice Chief of Staff 1936.
  - (c) The witness will testify as to the aims of the Japanese Army in concluding the Anti-Comintern Pact and the attitude of the Japanese military at the time. This witness is in Sugamo Prison and his testimony will be corroborated by UMEZU, a defendant.
  
5. KASAHARA, Yukio - Kanagawa Prefecture, Ashigara-Shino-Gun, Shimo-Nakamura
  - (a) The nationality of the witness is Japanese.
  - (b) The witness was chief of the Russian Section of GHQ 1936 - 1937 and was sent to Berlin as an Assistant to OSHIMA when he was Military Attache in Berlin in 1933.
  - (c) The witness will testify as to the extent of OSHIMA's participation in counter-intelligence activities against the Russians, emphasized in Haverer's Diary. The witness was a courier between OSHIMA and the GHQ at the beginning of negotiations on the Tri-Partite Pact, which was nullified by the German-Russian Non-Aggression Pact, and will testify as to the part played by OSHIMA in the initial stages of this negotiation. (Was a Prisoner of War in China but is now repatriated and lives in Japan.)
  
6. KAWABE, Torashiro - Nagoya, Higashi-Ku, Higashi-Seto-<sup>3</sup>bori-Cho, c/o Takano
  - (a) The nationality of the witness is Japanese.
  - (b) Was military attache to Germany from 1933 to 1940 succeeding OSHIMA when he became Ambassador. The witness will testify for the period following the testimony of KASAHARA, and will also describe the duties and responsibilities of Military Attaches under the Japanese military system.
  
7. YOSHIMIZU, Kazutaro - Tokyo, Setagaya-Ku, Kitazawa
  - (a) The nationality of the witness is Japanese.
  - (b) The witness was Section Chief of GHQ Intelligence in 1936-1937 and had direct supervision over the White Russian Counter-Intelligence System in Germany and will testify as to the manner in which the campaign was carried on.
  
8. NAKAJIMA, Tetsuzo - now in Sumatra, N.E.I.
  - (a) The nationality of the witness is Japanese.
  - (b) Vice Chief of Staff, December 1937 to September, 1939.
  - (c) The witness will testify as to the circumstances of OSHIMA's appointment as Ambassador to Germany which took place in October 1933. Since there is considerable controversy concerning the reasons and background for OSHIMA's appointment, it is deemed essential to have a special witness for this purpose.

9. USAMI, Uzuhiro - Tokyo, Nakano-ku, Honcho-Dori
- (a) The nationality of the witness is Japanese.
  - (b) Consul-General in Geneva 1937 - 1938. Counsellor of the Japanese Embassy in Berlin 1933 - 1940.
  - (c) The witness will testify as to OSHIMA's part in the negotiations of the Tri-Partite Pact which failed and the extent to which the Pact reflected the policy of the Japanese Government and the circumstances surrounding OSHIMA's resignation as Ambassador.
10. TAKEUCHI, Ryuji - Hokkaido, Sapporo
- (a) The nationality of the witness is Japanese.
  - (b) Secretary of the Japanese Embassy in Berlin 1938-1939. Will testify as to OSHIMA's relations with Himmler and the circumstances surrounding OSHIMA's resignation.
11. SAITO, Ryohei - Tokyo, Shibuya-Ku, Shoto
- (a) Was Political Advisor to the Foreign Office from August 1940 to July 1941. Will testify as to the circumstances and conclusion of the final draft of the Three-Power Pact and will show no participation on the part of OSHIMA in the conclusion of this Pact and will explain the essential differences between the first (which failed) and final Pacts.
12. OHASHI, Chuichi - Gifu Prefecture, Hajima-Gun, Kogumamura
- (a) The nationality of the witness is Japanese.
  - (b) Vice Foreign Minister under Matsuoka. The witness will testify as to the extent to which Matsuoka accepted advice from ambassadors and foreign representatives. Will testify as to the circumstances of OSHIMA's re-appointment as Ambassador in 1940 and as to Stahmer's coming to Japan and the reasons for Matsuoka's visits to Germany, Italy and Russia.
13. MATSUMOTO, Junichi - Tokyo, Meguro-Ku, Sanya, 80
- (a) The nationality of the witness is Japanese.
  - (b) Director of the Treaty Department of the Foreign Office 1940 to 1942. Foreign Minister from 1942 to 1944. Will testify concerning the final Tri-Partite Pact and the extension of the Anti-Comintern Pact. The abrogation of the secret agreement, the negotiations of the No Separate Peace Pact and the extent to which OSHIMA participated in the policy underlined.
14. NOMURA, Naokuni - Tokyo, Setagaya-Ku, Kitzawa
- (a) The nationality of the witness is Japanese.
  - (b) Japanese Member of Military Commission in Berlin 1940 - 1943. Navy Minister in 1945 in Koiso Cabinet.

- (c) The witness will testify that OSHIMA had no part in the negotiations of the military agreements between Germany and Japan in 1942 and that the Military Commission was inactive and that there was no actual collaboration between Germany and Japan militarily. The witness will further testify as to the transfer of the U-Boats, the effect of the Hitler decree concerning ship-wrecked crews and kindred matters.
15. YOKOI, Tadao - Wakayama Prefecture, Tanabe-shi, Honcho
- (a) The nationality of the witness is Japanese.
- (b) Naval Attache 1941 - 1943 in Berlin. The witness will corroborate the testimony of Nomura and particularly emphasize the U-Boat transfer.
16. KOMATSU, Mitsuhiko - Kochi Prefecture, Kami-gun, Yamada-mura
- (a) The nationality of the witness is Japanese.
- (b) Military Attache in Berlin 1941 to 1945. The witness will testify concerning lack of collaboration between Japanese and German armed forces and the relations between the two armies. The witness will further testify as to the extent of information held at Berlin concerning the plans for the attack on Pearl Harbor.
17. KANAMARU, Shunichiro - Kanagawa Prefecture, Kamakura, Nikaido
- (a) The nationality of the witness is Japanese.
- (b) Secretary of the Japanese Embassy in Rome 1930-1940. Counsellor of the Japanese Embassy in Berlin 1940 - 1945. In Charge of the over-all political matters and information. Second position to defendant OSHIMA.
- (c) The witness will testify as to the activities of the economic committee in Berlin and will testify against KOHAMA's affidavit, who testified, by affidavit, in the Russian phase of the case, and pertinent matters.
18. SAIGO, Jugo - now in Shanghai
- (a) The nationality of the witness is Japanese.
- (b) Chief of the German Sub-Section of GHQ 1933 - 1939. Assistant Military Attache in Berlin 1941-1943, especially attached to OSHIMA from the Military Attache's Office. Is now in Shanghai, a Prisoner of War. Will testify as to the manner of contact between the ambassador and the military in Germany from the outbreak of war until 1943 and as to matters generally conducted in the embassy in that period.
19. UGAKI, Kazushige - Shizuoka Prefecture, Izu-Nagaoka
- (a) The nationality of the witness is Japanese.
- (b) Witness was Foreign Minister in 1938, and will testify as to the circumstances of OSHIMA's appointment as Ambassador to Germany in 1938.

20. HIGUCHI, Kiichiro - Tokyo, Setagaya-Ku, Tamagawa, Denyen-chofu
- (a) The nationality of the witness is Japanese.
  - (b) Witness was Chief of the Second Division of GHQ 1938 - 1940.
  - (c) Witness will testify as to the attitude of GHQ concerning the negotiations for the Tri-Partite Pact which failed in 1939.
21. HIRISUE, Seizo - Tokyo, Setagaya-Ku, Matsubara-cho
- (a) The nationality of the witness is Japanese.
  - (b) Witness was Military Attache in Italy 1936 - 1939. Chief of the Second Division of GHQ 1942 - 1945, directly supervising all the Military Attaches of Japan.
  - (c) Witness will testify as to the duties and functions of the Military Attache in general.
22. KARAKAWA, Yasuo - Tokyo, Suginami-ku, Ogikubo
- (a) The nationality of the witness is Japanese.
  - (b) Witness was Chief of the Counter-Intelligence Section of GHQ 1937 - 1939 and 1940.
  - (c) Witness will testify as to the White-Russian Counter-Intelligence system in Germany for the period when OSHIMA was Military Attache in Germany.
23. HARU, Shiro - First Demobilization Bureau, Tokyo
- (a) The nationality of the witness is Japanese.
  - (b) Witness was a member of 20. Section of GHQ (War Policy) 1940 - 1942.
  - (c) Witness will testify as to the extent OSHIMA's report influenced Japan's decision to go to war in 1941.
24. TANI, Masayuki - now in Sugamo Prison
- (a) The nationality of the witness is Japanese.
  - (b) Witness was Vice-Foreign Minister 1939 - 1940.
  - (c) Witness will testify as to the activities of OSHIMA during his retirement in 1939 - 1940.
25. KOTANI, Etsuo - Yamaguchi Prefecture, Saba-gun, Higita-Mura
- (a) The nationality of the witness is Japanese.
  - (b) Witness was Chief of 20. Section of GHQ (War Policy) 1942; Assistant Military Attache in Germany 1943 - 1945.
  - (c) Witness will testify as to the weight OSHIMA's report had on Japan's decision to go to war in 1941, and on the Japanese war policy thereafter.

26. MANUKI, Yoshinobu - Now Prisoner of War in French Indo-China

- (a) The nationality of the witness is Japanese.
- (b) Witness was Chief of the German-Sub-Section of GHQ 1936 - 1938; Assistant Military Attache in Germany 1938 - 1939.
- (c) Witness will testify as to the activities of OSHIMA, then Military Attache in Germany, specifically in connection with the counter-intelligence system against Soviet Russia.

DOCUMENTS

- 26 a. State Department files on the internment of OSHIMA at Bedford Springs, Pennsylvania from July 1945 to November 1945. This shows that OSHIMA was granted all of the privileges and immunities of a foreign wartime diplomat and will establish official U. S. recognition of his status.
- 26 b. This defendant asks that all prosecution documents seized in Germany and now in files of prosecution which have not been used in Prosecution's case be made available to him for inspection and use as exhibits.

FOREIGN WITNESSES

27. GENERAL OTT, Eugen - Now in Peking, China

- (a) The nationality of the witness is German.
- (b) Ambassador to Japan 1933 - 1943.
- (c) The witness will testify and explain the basis and source of his information of telegrams dispatched to Berlin during the time of his stay in Tokyo as Ambassador and the background of Japanese objection to cooperation with Germany concerning Russia and Singapore.

28. STAMMER, Henrich Georg - Presently in Sugamo Prison

- (a) The nationality of the witness is German.
- (b) Ambassador to Japan 1943 - 1945, Liaison between von Ribbentrop and Oshima 1938 to 1941. Witness will testify to the conclusion of the Tri-Partite Pact, his special mission in Japan, the Pearl Harbor surprise, the circumstances of the conferences reported by Paul Schmidt.

29. SCHLIDT, Paul - Nurnburg, Germany

- (a) The nationality of the witness is German.
- (b) Foreign Office interpreter for Hitler, von Ribbentrop and all major conferences during crucial period between 1935 and 1945. This witness can testify as to the extent to which his conferences were reported and shaded by German interests for propagand purposes. This witness was described as one witness with "great knowledge" at the Nurnburg Trial and knows the background and the development of German-Japanese relations from actual contact.

30. GOTTFRIEDSEN,

- (a) The nationality of the witness is German.
- (b) Liaison between von Ribbentrop and Oshima 1941-1945. Witness can testify as to the attitude of OSHIMA concerning Japanese participation in the Russian war.

31. FISCHER, - Now believed in Shanghai

- (a) The nationality of the witness is German.
- (b) German Consul in Shanghai 1935 to 1945. Can testify as to the lack of harmony between Germany and Japan in their economic relations in China.

32. GENERAL MARSHALL, George C.

- (a) The nationality of the witness is American.
- (b) Former Chief of Staff, U.S. Army, now located in Nanking, China. Will testify from first hand information as the best authority on the subject:

1. German-Japanese collaboration - military.
2. Preparation of the U.S. for Pacific War.
3. Japanese-American war no surprise.

2. That all of the testimony of these witnesses and the documents will bear directly on the issues involved in the counts charged against the defendant OSHIMA.

3. The date upon which the witnesses are required to attend is indefinite but it is requested that the witnesses be alerted and made available for consultation.

4. It is requested that General Eugen Ott be made available for cross-examination and that his testimony be considered part of the Prosecution's testimony.

If General Eugen Ott is not ordered here by subpoena then a special commission should be created for this purpose, at Peking, China.

5. If Paul Schmidt or Gottfriedsen are not available, then arrangements should be made for their interview by commission created for that purpose, at Nurnburg, Germany.

6. That the defendant reserves the right to interview the witnesses generally and not only on what he has indicated in this request. The right is reserved to call witnesses who have volunteered but who later may require subpoena and the defendant reserves the right to file additional lists based upon testimony yet to be introduced in this case.

7. Defendant OSHIMA reserves the right to call as witnesses certain other defendants, to wit: TOJO, TOGO, SHIMADA, HIRANUMA, NAGANO, ITAGAKI, MUTO, HIROTA, SHIRATORI, UMIZU, SHIGEMITSU, as well as taking the stand himself in his own defense. Defendant reserves the right to withdraw from this list of witnesses and documents witnesses who will not be required if other testimony is supplied.

OSHIMA, HIROSHI

/s/

TATSUKI SHIMANOUCI

/s/

OWEN CUNNINGHAM



INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

- Defendants -

REQUEST FOR THE PRODUCTION OF A WITNESS

NOW COMES UMEZU, Yoshijiro and requests leave of the Tribunal for addition to the request for production of witnesses and documents filed herein on the 18th of November 1946 of the following witness:

1. YAMAZAKI, Genkan, a Japanese witness;

(a) His present address is unknown, but he was president of the South Manchuria Railway Company in August 1945, his address then being 5 Chome Ayame-Cho, Hsinking, Manchuria, and he is believed to be a prisoner of war of the Russian forces in Manchuria;

(b) The witness will give testimony concerning the operations of the South Manchuria Railway, the construction and extension of the railway system of Manchuria, and the relations between the Japanese and the government of Manchoukuo;

The name of this witness was omitted by inadvertence of counsel from the above-mentioned application of the 18th of November.

UMEZU, Yoshijiro

By

(signed) Miyata Mitsuo  
MIYATA, Mitsuo

(signed) Ben Bruce Blakency  
Ben Bruce Blakency

His Counsel

25 November 1946

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. I

UNITED STATES OF AMERICA, et al

Prosecutors

- v -

Paper No. 720

ARAKI, Sadao, et al

Defendants

APPLICATION ON BEHALF OF ITAGAKI, Seishiro,  
FOR AN ORDER FOR PRODUCTION OF WITNESSES

Comes now the accused ITAGAKI, Seishiro, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for its production of the following named persons as witnesses in his behalf at this trial.

This application was not made earlier as required by this Tribunal for the following reasons:

In the case of the first three witnesses, their addresses, even probable, were not known until now. In the case of the second set of two witnesses, the matter concerning which these witnesses may testify did not arise until after the said accused had submitted his application for process.

Hen Yun-chieh - Nationality is Chinese.  
Present address believed to be at  
ChungKing, China.

He was born in Manchuria and was carrying on business in several parts of Manchuria such as at Harbin until the outbreak of the Mukden Incident. After the incident he served the Manchukuo Government as the mayor ofinking Special City. The Finance Minister of the new state and represented Manchukuo Government in Europe.

The facts concerning which this witness can give testimony are: - That as a native and resident of Manchuria during the period before and after the Mukden Incident he will be able to testify as to the unsettled and unsefe conditions of

civil life in Manchuria; that popular feeling was against Chang regime; that the independent state in Manchuria was but a creation of the Kwantung Army or any other Japanese organization, but that Manchukuo was demanded and created by the Manchurians themselves with the help and advice of the Kwantung Army and some Japanese civilians whose ideals were for the creation of concordia of races in Manchuria.

The relevancy of this testimony lies in that it will dispute the charge of Manchukuo being a puppet state of Japan and the claim that it was created as a result of a common plan of Itagaki and other defendants.

Kan Tzn Siang - Nationality is Chinese  
Present address - believed to be living in Peking, China.

Kan Tzn Siang was a native of Manchuria and was the head of a prefecture in Mukden Province before the Mukden Incident in 1931. He later served the Manchukuo Government as the Chief of the road construction section of civil engineering department of Civil Administration Office in 1935 and in 1937 he became the Chief of the Educational Department of Autung Province, in 1938 as the Vice-Chief of the General Affairs Department of the Manchukuo Government and then became the Minister of Civil Administration of the same government.

The facts concerning which this witness can give testimony are: - That as a native and resident of Manchuria during the period before and after the Mukden Incident he will be able to testify regarding the unsettled and unsafe conditions of civil life in Manchuria, that the popular feeling was against Chang's regime; that the independent state of Manchukuo was not a creation of the Kwantung Army or any other Japanese organization, but that Manchukuo was demanded and created by the Manchurians themselves with the help and advice of the Kwantung Army and some Japanese civilians whose ideals were for the creation of concordia of nations in Manchuria.

The relevancy of this testimony lies in that it will dispute the charge of Manchukuo being a puppet state of Japan and the claims of the prosecution that she was created as a result of a common plan of Itagaki and other defendants.

Chang Kai Yung - Nationality is Chinese.  
Present address - believed to be in Changchun, Manchuria.

He is a native of Fukien, China. He served the Manchukuo Government as a secretary to the commercial representative of Manchukuo in Europe for three years. After returning to Manchukuo he served as a Councilor of the Publication Department of the Government until the end of the war.

The facts concerning which this witness can give testimony are: - That as a native and resident of Manchuria during the period before and after the Mukden Incident he will be able to testify regarding the unsettled and unsafe conditions of civil life in Manchuria, that the popular feeling was against Chang's regime; that the independent state of Manchukuo was not a creation of the Kwantung Army or any other Japanese organization but that Manchukuo was demanded and created by the Manchurians themselves with the help and advice of the Kwantung Army and some Japanese civilians whose ideals were for the creation of concordia of nations in Manchuria.

The relevancy of this testimony lies in that it will dispute the charge of Manchukuo being a puppet state of Japan and the claim of the prosecution that she was created as a result of a common plan of Itagaki and other defendants.

Noguchi Yuzurn - Nationality is Japanese  
Government position - Colonel  
Present address - Sugamo Prison  
Tokyo

He was appointed the commander of the Prisoner of War Camp in Korea in 1942 and served as such up to the end of the war.

The facts concerning which this witness can give testimony are: - That he was the commander of the Prisoner of War Camp in Korea during almost the entire period of the Pacific War, and that he is able to describe the conditions of Prisoner of War Camp in Korea.

The relevancy of this testimony lies in that the defendant Itagaki was the Commander in Chief of the Korean Army from March 1941 to April 1945, and that he is charged for "some responsibility" for the mistreatment of Prisoners of War.

Uchida Goro - Nationality is Japanese  
Government position - Military doctor  
Present Address - Sugamo Prison  
Tokyo

He was assigned to be the doctor in charge of Prisoner of War Camp in Korea from the beginning of the establishment of such camp there until the end of war.

The facts concerning which this witness can give testimony are: - That he was the camp doctor during the entire period of the existence of Prisoner of War Camp in Korea and that he is able to testify the actual health condition of prisoners of war in Korea.

The relevancy of this testimony lies in that the defendant Itagaki was the commander in chief of the Korean Army from March 1941 to April 1945, and that he is charged for "some responsibility" for the mistreatment of prisoners of war.

ITAGAKI, Seishiro

By YAMADA, Ronzo

SASAGAWA, Tomoji

BANNO, Junkichi

Floyd J. Mettice  
His Counsel

PAPER NO. 48

ON REQUEST-PAPER NO. 29

PROCEEDINGS HELD IN THE CHAMBERS OF THE HONORABLE  
SIR WILLIAM WEBB, PRESIDENT OF THE INTERNATIONAL  
MILITARY TRIBUNAL FOR THE FAR EAST.

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Allied Powers, v. OKAWA and others,  
in Chambers before the President, Tokyo,  
at 8:30 A.M., May 4, 1946.

Captain Coleman, Chief Defense Counsel, appointed  
by the Supreme Commander, with Mr. Shinichi OHHARA, Japanese  
Defense Counsel for Shumei OKAWA, request in writing that  
the accused, OKAWA, be medically examined with a view to  
ascertaining his mental condition and his capacity to  
plead to the indictment.

OHHARA, through his interpreter, Miss FUKUOKA,  
says he supports Captain Coleman's application.

I order that OKAWA be medically examined accordingly  
by two psychiatrists, one appointed by the prosecution, and  
the other by OHHARA, on behalf of OKAWA; that the examination  
by both doctors be made forthwith, and that immediately  
thereafter reports be made by each to the President.

Mr. Higgins, of the Prosecution Section, appears  
and concurs in this order.

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Sir William Webb, President of  
the International Military Tribunal  
for the Far East.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, SADA0, et al

} ORDER, overruling and  
} dismissing motion of  
} Defendants challenging  
} right of Members of the  
} Tribunal to sit.

This matter coming on to be heard by the Tribunal in Open Court on the 6 May 1946, upon the oral motion in behalf of all the defendants, entered by their counsel, Dr. Ichiro Kiyose, challenging the individual Members of the Tribunal to sit on the case and especially presenting the challenge to Mr. Justice Webb, President of the Tribunal for cause, and

Mr. Justice Webb, President of the Tribunal, withdrawing and refusing to sit or participate in the proceedings of the Tribunal and re-constituting the Tribunal for the purpose of hearing and considering the motion, and the Tribunal being so re-constituted and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal so re-constituted and with Mr. Justice Webb not present and Mr. Justice Northcroft presiding in his absence and delivering the decision of the Tribunal, and it is

ORDERED, that the motion be dismissed.

Dated at Tokyo, Japan, this 6 day of May 1946.

By the Tribunal:

(Signed) E. H. NORTHCROFT  
ACTING PRESIDENT

OPINION:

The reason given for the foregoing order was that no objection to the person of any Member of the Tribunal can be sustained because Article 2 of the Charter prescribes that the Tribunal shall consist of Members appointed by the Supreme Commander, and it does not rest with the Tribunal to unseat anyone appointed by the Supreme Commander.

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ACTING PRESIDENT

MEMBERS PRESENT:

Mr. Justice Northcroft, - Acting as President  
Lord Patrick  
Mr. Justice Mei  
Major General of Justice Zaryanov  
Mr. Justice Higgins  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling

MEMBER NOT PRESENT OR PARTICIPATING:

Mr. Justice Webb, - President



31



May 11, 1946

NOTION ON THE JURISDICTION OF THE INTERNATIONAL  
MILITARY TRIBUNAL FOR THE FAR EAST

I, as Defense Counsel for some of the defendants of the present trial and representing the members of the Japanese Attorneys' Association, hereby submit a motion on the jurisdiction of the International Military Tribunal for the Far East.

Part I

As declared in the Special Proclamation, dated 19 January 1945, of Supreme Commander for the Allied Powers, the International Military Tribunal for the Far East is a special Tribunal established in accordance with a provision, declared as one of the terms of surrender of Japan in the Potsdam Declaration of 26 July 1945, which was accepted by the Japanese Government on 2 September of the same year when the Instrument of Surrender of Japan was executed at Tokyo Bay.

Therefore, it must be emphasized that the jurisdiction of this Tribunal should be confined within such a scope as may be justified by the pertinent interpretation of the term "war criminals" employed in the Potsdam Declaration mentioned above.

Inasmuch as the term "war crime" or "war criminal" is the long standing technical expression of International Law, it may safely be admitted to construe that the term in the Potsdam Declaration was employed and accepted in its recognized conception by both parties concerned.

According to the general conception recognized by International Law before July 1945, the term "war criminal" denotes such a person as may be punished by the precedent of International Law for the violation of rules and

customs of warfare. For instance, violations of rules of warfare by members of armed forces, hostilities in arms of individuals who are not members of the armed forces, harmful acts of disguised persons, espionage, war treason and other offenses of like nature, have hitherto been regarded as war crimes. But participation in the planning, preparation, initiation or waging of war, whatever the nature of the war may be, had never been included in the recognized conception of war crimes before July 1945 - not to mention acts against humanity during or before war. The Articles 441 and 442 of the Manual of British Military Law amended in 1929 may suffice to maintain this standpoint. The Article 441 of the Manual, giving a definition to war crime, provides that the term "war crime" is the technical expression for such an act of enemy soldiers and enemy civilians as may be visited by punishment or capture of the defenders, while the Article 442, classifying war crimes, provides as follows:

"War crimes may be divided into four classes -

1. Violation of the recognized rules of warfare by members of the armed forces.
2. Illegitimate hostilities in arms committed by individuals who are not members of the armed forces.
3. Espionage and war treason.
4. Marauding"

and explanatory notes in a book published on 31 January 1936 by the British War Ministry regarding the term "war crime" reads as follows:-

"According to the customary usage of the term during the period of 1914-18, the term "war crime" meant violation of the recognized rules of warfare, rather than those enumerated in the text, but it must be remembered that the term has been matured and determined by the International Law."

Most of the works on International Law written by world famed scholars; e.g. Vol. II P. 452 of International Law, written by Mr. Oppenheim published in England in 1935 and P. 44 of The Wartime International Law, written by Prof. Tate of Japan, published in September 1944, follow the same definition and classification of war crimes as those adopted in the Manual of British Military Law. Neither the planning, preparation or execution of war, nor acts against humanity performed during or before war, are included in the category of war crimes by these two writers.

Nor does the Pact of 1928 renouncing recourse to war for the solution of international conflicts expand the scope of war crimes. The Article I of the Pact, providing that "High contracting parties solemnly declare in the name of their respective peoples that they condemn recourse to war for the solution of international controversies", should not necessarily be construed to mean that the waging of war for the solution of international controversies has been taken for granted as war crime, but it should be construed to mean that the powers concerned simply condemned and renounced recourse to war as an instrument of national policy in their relations with one another". In fact, the Manual of British Military Law, as well as the two books cited above, still adopt such definition and classification of war crimes as shown above, in spite of the fact that the former was amended and the latter was published after 1928 when the Pact was signed. No other international treaties, modifying the recognized conception of war crimes could be traced, excepting that at some particular conferences of a certain limited number of nations, e.g. Pan-American Conference, an attempt was made for the modification of the recognized conception of war crime by classifying aggressive war as war crime. But it must be emphasized that any decision adopted at a conference of this nature has no authority of binding any country

that was not represented at the conference. Needless to say, attempts that have been made after 26 July 1945 when the Potsdam Declaration was issued, e.g. the Charter of the Neurenberg Tribunal, have no concern with the interpretation of the Potsdam Declaration of 26 July 1945. In connection with the Charter cited above, it must be emphasized that any decision adopted by the victorious nations after 26 July 1945 for the prosecution of those responsible for a particular state that had surrendered unconditionally has no power of altering the terms of surrender determined before that date for other belligerents.

At the beginning of the Special Proclamation of Supreme Commander for the Allied Powers, that was issued simultaneously with the Charter of this Tribunal, is stated that "whereas the United States and the nations allied therewith in opposing the illegal war of aggression of the Axis nations, have from time to time made declarations of their intention that war criminals should be brought to justice". But it must be remembered that declarations directed to any state other than Japan should have no connection with the Charter of this Tribunal. In no declaration binding Japan is there any pertinent provision that could possibly help the clear cut interpretation of the terms of surrender of Japan; nor does any declaration provide or suggest the punishment of those who planned or prepared war or those who performed against humanity before or during war. Furthermore, His Excellency, President Truman stated in his message to the Congress of January 1946, that "For the first time in history the legal culpability of war makers is being determined." This clearly explains that the "war makers", namely, those who participated only in the formulation or execution of war are not included in the category of conventional war criminal.

In consideration of the above statement, now we may safely conclude that those who participated only in the planning, preparation, initiation or

execution of war in a greenroom are not included in war criminals denoted in the Potsdam Declaration of 26 July 1945; namely, those who held the important official positions of the Japanese Government, as well as those high military officers and other civilian leaders of Japan should not be treated as war criminals simply because of their having participated in the formulation or execution of war in a greenroom. In other words, it may be admitted to construe that the term "war criminal" in the Potsdam Declaration of 26 July 1945 was used in its recognized sense and was accepted by Japan in that sense only.

Disregarding all the theories and precedents cited above, Chief of Counsel, together with his associated counsels, alleges, in his indictment delivered to defendants on 29 and 30 April 1946, that those enumerated below should be included in the category of war crimes, as well as conventional war crimes; namely:-

1. Participation as leaders, instigators or accomplices in the formulation or execution of a common war or conspiracy (Count 1 - 36 under "Crimes against Peace").
2. Violations of treaties, etc., e.g. Treaties and Final Protocol for the suppression of the abuse of opium and other drugs which are not regarded as conventional rules of warfare (Count 53 - 55 under "Crimes against Humanity" with the exception of those concerning conventional war crimes and Appendix E)
3. Acts inflicting injuries upon the lives of members of the armed forces or civilians at the outbreak of war or by attacks during war. (Counts 37 - 52 under "Murder").

I request that the foregoing acts indicted, being outside the jurisdiction of the International Military Tribunal for the Far East, be excluded

from its trial.

In connection with this request, a few words must be added regarding Crimes against Peace and Crimes against Humanity which are provided in the Article V of the amended Charter of International Military Tribunal for the Far East, issued on 26 April 1946 in the name of Supreme Commander for the Allied Powers. As shown in the Special Proclamation cited at the beginning of Part I of this motion, the governments of the Allied Powers have conferred upon Supreme Commander for the Allied Powers "the authority to issue all orders for the implementation of the Terms of Surrender" of Japan. But it could hardly be believed that the governments of the Allied Powers could have conferred upon the Supreme Commander any authority that they have not possessed themselves for the implementation of the Terms of Surrender of Japan by virtue of the Potsdam Declaration of 26 July 1945 and the Instrument of Surrender of Japan executed on 2 September of the same year at Tokyo Bay. Supposing that the Supreme Commander had believed that he had the authority which the governments of the Allied Powers have never conferred upon him and made new Rules of Punishment by virtue of that authority, the rules set forth under such circumstances should be vetoed as null and void. If any one could make new rules or change them at will without any pertinent authority, the principle against ex post facto laws which is recognized by all civilized nations as the Supreme Law, would utterly be disregarded.

#### Part II

As pointed out in Part I of this motion, the jurisdiction of the International Military Tribunal for the Far East is based on the provision regarding the punishment of war criminals that had been declared, inter alia, in the Allied Declaration of 26 July 1945 and the Instrument of Surrender of



Japan executed on the 2nd September. Inasmuch as the purpose of these documents was to terminate the state of war existing at that time between Japan and the Allied Powers and the objects dealt with in those documents are of such nature as is solely related to that particular war, the prosecution of war criminals suggested in these documents should be confined within a scope of war criminals in, or relating to, the war which these documents sought to terminate. But in the indictment cited above are enumerated some affairs and incidents that had occurred quite independently from the war between Japan and the Allied Powers and some acts performed in connection with such affairs or incidents are indicted as war crimes; namely:-

1. Activities of the Japanese Government in the Provinces of Hoo-ning, Kirin, Heilung-Kiang and Jehol (Count 4)
2. Armed conflicts between Japan and the Union of Soviet Socialistic Republics that had been settled some years before the outbreak of war between Japan and the Allied Powers (Count 25, 26, 35, 36, 51 and 52).

In connection with these incidents and affairs, it must be pointed out that two agreements were executed between Japan and the U.S.S.R. in August 1938 and in September 1939 for the settlement of the Lake Khasan Affairs and the Khochin Col River Affairs respectively (Vide Evidences Nos. 1 & 2, submitted by defendants).

These two agreements were followed by the Russo-Japanese Neutrality Pact of 1941. The preamble and the Article I of this Pact read as follows:

"With a view to stabilizing peaceful and friendly relations between the two countries, etc., etc.

"Article I. Both contracting parties agree to maintain peaceful and friendly relations between themselves and mutually respect the territorial

integrity and inviolability of the other contracting parties".

Tied up with this friendly Pact, Japan and the U.S.S.R. had maintained very peaceful and friendly relations till August 1945 and really there existed no state of war between the two countries when the Potsdam Declaration was issued on the 26th July 1945.

Supposing that such war crimes as enumerated in Counts 25 and 26 had been committed in connection with the incidents mentioned therein, they are not the war crimes to be dealt with in accordance with the Potsdam Declaration of 26 July 1945 and the Instrument of Surrender of Japan executed on 2nd September of the same year, because these two affairs had occurred long before the outbreak of war between Japan and the Allied Powers and had no connection with it.

Therefore, I request that those counts enumerated above be excluded from the trial of the International Military Tribunal for the Far East.

### Part III

As pointed out in Part I of this motion, the jurisdiction of the International Military Tribunal for the Far East is based on the provisions regarding the punishment of war criminals that had been declared, inter alia, in the Allied Declaration of 26th July 1945 and the Instrument of Surrender of Japan executed on 2nd September of the same year. Inasmuch as the purpose of these two documents was to terminate the state of war existed at that time between Japan and the Allied Powers, the prosecution of war criminals suggested in these documents should be confined within a scope of those who might have committed war crimes in connection with the war between Japan and the Allied Powers. In other words, war criminals to be prosecuted in connection with war or conflict between Japan and any non-allied nation have no

concern with the Potsdam Declaration and the Instrument of Surrender mentioned above. As is well known, Japan and the Kingdom of Thailand had maintained a very friendly relation throughout the war between Japan and the Allied Powers. In fact, on the 31st December 1941, Japan was related more closely with the Kingdom of Thailand by concluding the treaty of alliance which was still effective on that very day when the Potsdam Declaration of 26th July 1945 was issued. Therefore it could hardly be presumed that the Potsdam Declaration should have expected the punishment of crimes as far as the relations between Japan and the Kingdom of Thailand were concerned. Supposing that there had existed war between Japan and the Kingdom of Thailand, the latter was not a member of the Allied Powers. Chief of Counsel, however, together with his associated Counsels, alleges in his indictment cited above that all defendants are responsible for the aggressive war or the war in violation of treaties which Japan is alleged to have waged upon the Kingdom of Thailand (Count 4, in part, Count 16, 24 and 34).

#### Part IV

The request stated in Part I of this motion concerns with the interpretation of two official documents; namely, the Potsdam Declaration of 26th July 1945 and the Instrument of Surrender of Japan executed on 2nd September of the same year. When any doubt is raised as to the interpretation of document, I believe it admissible in accordance with the Law of Evidence, to submit evidences in order to ascertain such doubtful points as may be suggested. I, therefore, request that witnesses mentioned in a list appended herewith be summoned, and submit Evidence No. 1-3 and Evidence No. 4 in support of my request related in Part II and Part , respectively.

concern with the Potsdam Declaration and the Instrument of Surrender mentioned above. As is well known, Japan and the Kingdom of Thailand had maintained a very friendly relation throughout the war between Japan and the Allied Powers. In fact, on the 31st December 1941, Japan was related more closely with the Kingdom of Thailand by concluding the treaty of alliance which was still effective on that very day when the Potsdam Declaration of 26th July 1945 was issued. Therefore it could hardly be presumed that the Potsdam Declaration should have expected the punishment of crimes as far as the relations between Japan and the Kingdom of Thailand were concerned. Supposing that there had existed war between Japan and the Kingdom of Thailand, the latter was not a member of the Allied Powers. Chief of Counsel, however, together with his associated Counsels, alleges in his indictment cited above that all defendants are responsible for the aggressive war or the war in violation of treaties which Japan is alleged to have waged upon the Kingdom of Thailand (Count 4, in part, Count 16, 24 and 34).

#### Part IV

The request stated in Part I of this motion concerns with the interpretation of two official documents; namely, the Potsdam Declaration of 26th July 1945 and the Instrument of Surrender of Japan executed on 2nd September of the same year. When any doubt is raised as to the interpretation of document, I believe it admissible in accordance with the Law of Evidence, to submit evidences in order to ascertain such doubtful points as may be suggested. I, therefore, request that witnesses mentioned in a list appended herewith be summoned, and submit Evidence No. 1-3 and Evidence No. 4 in support of my request related in Part II and Part , respectively.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Office of the President

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ORDER APPOINTING REFEREES AND ARBITERS FOR THE TRIBUNAL

1. The following persons having heretofore been appointed and sworn as Interpreters for the International Military Tribunal for the Far East, are hereby appointed to act as Arbiters and Referees for the International Military Tribunal for the Far East:

MAJOR LAD. MR. W. MOORE, 0511444, General Headquarters,  
Supreme Commander for the Allied Powers

MR. JOSEPH K. SASO, civilian, International Prosecution Section;

PROFESSOR MITSUAKI KAKSHI, Japanese national.

2. Referees and arbiters appointed will resolve all controversies, disputes and differences of opinion which may arise in the translation of oral evidence adduced before the Tribunal, and all disputes, controversies and differences of opinion relating to the translation and interpretation of any and all documents by whomsoever submitted to said Tribunal; subject however to the control of this Tribunal.

/s/ W.F. Webb  
SIR WILLIAM WEBB, President,  
International Military Tribunal  
for the Far East.



Members present on the date of entry of order:

Mr. Justice Webb, - President  
Lord Patrick  
Major General of Justice Zaryanov  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Northcroft  
Mr. Justice Pal, - sitting, but not participating.

Members not present:

Mr. Justice Mei  
Mr. Justice Higgins

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

66

—  
No. 1  
—

THE UNITED STATES OF AMERICA, et al )  
- AGAINST - )  
ARAKI, SADA0, et al )

ORDER AMENDING  
THE RULES OF  
PROCEDURE

This matter coming before the Tribunal in the conference room to consider suggested alterations to Rules of Procedure of this Tribunal, heretofore adopted on the 25th day of April, 1946, as proposed by Ensign DAVID P. HORNSTEIN, Chief of the Language Division, and the Tribunal being fully advised in the premises, it is the decision of a majority of the Justices present and,

ORDERED that Rule 6b, of the Rules of Procedure of the International Military Tribunal for the Far East, be amended in that the same shall now read as follows:

"b. Except as otherwise provided by the Tribunal,

"(1) a copy of every document intended to be adduced in evidence by the prosecution or the defense will be delivered to the accused concerned or his counsel or to the prosecution, as the case may be, and also to the officer in charge of the Language Section of the Secretariat of the Tribunal, not less than twenty-four hours before such document is to be tendered in evidence. Every such copy shall have plainly marked thereon the part or parts upon which the prosecution or the defense, as the case may be, intends to rely, and every such copy shall be accompanied by a translation thereof



into English or into Japanese, as the case may be, of the said part or parts. If the document is in a language other than English or Japanese, it shall be sufficient for the purpose of this provision if a translation into English or Japanese, as the case may be, of such document, or such part or parts, is delivered to the prosecution or the accused concerned or his counsel, and to such officer.

"(2) a copy of all prepared speeches and briefs which are presented in court will be delivered to the officer in charge of the Language Section of the Secretariat of the Tribunal, not less than twenty-four hours before such speech or brief is delivered on the floor of the Tribunal. Every such copy shall be accompanied by a translation thereof into English or into Japanese as the case may be."

Dated at TOKYO, JAPAN, this 20th day of May, 1946.

BY THE TRIBUNAL:

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PRESIDENT

PRESENT:

Justice Sir William Webb - President  
Justice Lord William Donald Patrick  
Justice I. M. Zaryanov  
Justice E. Stuart McDougall  
Justice Henri Bernard  
Justice Bernard Victor A. Roling  
Justice Erima Harvey Northcroft  
Justice R. B. Pal

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

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No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER DENYING APPLICATION FOR  
- AGAINST - RECONSIDERATION OF REQUEST OF  
ARAKI, SADAO, et al ACCUSED, KOKI HIROTA, FOR  
TEMPORARY PAROLE.

This matter coming before the Tribunal in the conference room to consider the Application for Reconsideration of Request for Temporary Parole for accused, KOKI HIROTA, to attend the funeral of his wife, and there appeared for the accused TODASHI HANAI and Capt. BEVERLY M. COLEMAN, Defense Counsel and WILLIS M. HONEY of the Prosecution Section, and the Tribunal by decision of a majority of the Justices present decided to reconsider the matter and after hearing statements of counsel, and being fully advised in the premises, it is the decision of a majority of the Justices present and,

ORDERED that the Application and the Request for Temporary Parole for accused, KOKI HIROTA, to attend the funeral of his wife, be and is hereby refused, for the reason that the wife of the accused has been buried and that the religious part of the services may be had at any future date, and may be had after the completion of the trial, in the event that the accused should be found not guilty.

Dated at TOKYO, JAPAN, this 21st day of May, 1946.

/s/ W. F. WEBB  
PRESIDENT

PRESENT:

Justice Sir William F. Webb - President  
Justice Lord William Donald Patrick  
Justice I. M. Zaryanov  
Justice E. Stuart McDougall  
Justice Henri Bernard  
Justice Bernard Victor A. Roling  
Justice Erima Harvey Northcroft  
Justice R. B. Pal

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

No. 1

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES

ORDER ON THE REQUEST FOR INQUIRY DUE TO THE PHYSICAL CONDITION OF THE ACCUSED SHUMEI OKAWA AND YOSUKE MATSUOKA.

- AGAINST -

ARAKI, Sadao; DOHIMARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shingenori; TOJO, Hideki, UMEZU, Yoshijiro

Defendants

This matter coming before Sir William F. Webb, President of the Tribunal in the Conference Room to consider the medical reports as to the condition of the accused, SHUMEI OKAWA, and the request in behalf of the accused, SHUMEI OKAWA, that the proceedings be stayed, and the medical reports on the inquiry into the physical condition of the defendant, YOSUKE MATSUOKA. The Prosecution Section being represented by Frank S. Taverner, Jr., and the defendant, SHUMEI OKAWA by Shinichi Ohhara and Capt. Beverly M. Coleman, Chief Defense Counsel, and the accused, YOSUKE MATSUOKA, appearing by Capt. Beverly M. Coleman, Chief Defense Counsel, and after consideration of the medical reports, it is

ORDERED that the application be postponed for further consideration, and that the said accused, SHUMEI OKAWA and YOSUKE MATSUOKA, remain in their respective hospitals where they are now confined for further medical treatment until further order of the Court, and that any of the parties hereto may call

the matter up for further hearing on two days' notice.

Dated at TOKYO, JAPAN, this 23 day of May, 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER DISMISSING MOTION
- AGAINST -	)	FOR
	)	BILL OF PARTICULARS
ARAKI, Sadao; et al	)	

This matter coming before Sir William F. Webb, President of the Tribunal in the Conference Room on the motion of the defendants, HIRANUMA, Kiichiro; MATSUOKA, Yosuke; SHIGEMITSU, Mamoru; TOGO, Shigenori; and UMEZU, Yoshijiro; for Bill of Particulars, and the motion of all defendants joining in the said motion for Bill of Particulars, and having heard the arguments of counsel for the Prosecution Section and the Defense Section appearing on behalf of all said accused, and after consideration thereof, it is

ORDERED that the said motion for Bill of Particulars be and hereby dismissed.

Dated at Tokyo, Japan, this 25 day of May, 1946.

BY THE TRIBUNAL:

(signed) W. F. WEBB  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

56

No. I.

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

Defendants

MOTION FOR BILL OF PARTICULARS

NOW COME the defendants, HIRANUMA, Kiichiro; SHIGEMITSU, Mamoru; TOGO, Shigenori; and UMEZU, Yoshijiro, by their American counsel and respectfully allege that the Indictment and the various counts thereof which involve each of them are phrased so generally that they do not adequately apprise them of the offenses charged against them; and that in order to be able to prepare his defense, each of the above named defendants requires and, by his American counsel, respectfully requests the following particulars and information:

1. The times when, the places where, and in what manner, each of the above named defendants entered into the conspiracies alleged in the Indictment.

2. The times when, the places where, and in what manner, each of the above named defendants participated in the plans or conspiracies alleged in Counts 1 to 6 of the Indictment.

3. The times when, the places where, and in what manner,

each of the above named defendants planned and prepared wars of aggression alleged therein to have been in violation of international law, treaties, agreements and assurances as charged in Counts 6 to 17 inclusive of the Indictment.

4. The times when, the places where, and in what manner, such of the above named defendants as are charged in Counts 18 to 26 inclusive of the Indictment participated in initiating wars of aggression alleged therein to have been in violation of international law, treaties, agreements and assurances.

5. The times when, the places where, and in what manner, such of the above named defendants as are charged in Counts 27 to 36 inclusive of the Indictment waged wars of aggression alleged therein to have been in violation of international law, treaties, agreements and assurances.

6. The times when, the places where, and in what manner, such of the above named defendants as are charged in Counts 37 and 38 of the Indictment participated in the plans or conspiracies alleged therein.

7. The times when, the places where, and in what manner, such of the above named defendants as are charged in Counts 39 to 43 inclusive of the Indictment ordered, caused or permitted the acts alleged therein.

8. The times when, the places where, and in what manner, each of the above named defendants participated in the plans or conspiracies alleged in Count 44 of the Indictment.

9. The times when, the places where, and in what manner,

such of the above named defendants as are charged in Counts 45 to 52 inclusive of the Indictment, ordered, caused or permitted the acts alleged therein.

10. The times when, the places where, and in what manner, such of the above named defendants as are charged in Count 53 of the Indictment participated in the plans or conspiracies alleged therein.

11. The times when, the places where, and in what manner, such of the above named defendants as are charged in Count 54 of the Indictment, ordered, authorized or permitted the acts alleged therein.

12. The legal duties which such of the above named defendants as are charged in Count 55 of the Indictment, disregarded, and the times when, the places where and in what manner, each of such defendants disregarded such duties.

13. The times when, the places where, and in what manner, each of the above named defendants was connected with the events alleged in Appendix A, Appendix C and in Sections 1 - 15 inclusive of Appendix D of the Indictment.

14. The times when, the places where, in what manner and in what capacity, each of the above named defendants engaged in the conferences and meetings referred to in Appendix E of the Indictment.

15. The times when, the places where, and in what manner, each of the above named defendants was responsible for the acts or the omissions of the governments, of which he is alleged





**MEMBERS PRESENT:**

Mr. Justice Webb, President of the Tribunal

Mr. Justice Northcroft

Lord Patrick

Mr. Justice Mei

Major General of Justice Zaryanov

Mr. Justice Higgins

Mr. Justice McDougall

Mr. Justice Bernard

Mr. Justice Roling

Mr. Justice Pal

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

79

No. I.

THE UNITED STATES OF AMERICA, et al

- VS -

24 May 1946

ARAKI, Sadao, et al

Defendants

MOTION FOR A CONTINUANCE

COME NOW the defendants and move the Tribunal to postpone the trial of this case from the date now assigned of 3 June 1946 for such a reasonable period of time as will enable counsel for the defendants to adequately prepare for trial.

Defendants further state that this case involves acts alleged to have been committed from the year 1928 into the year 1945 in various nations; that it involves 28 defendants, and documents, treaties and agreements covering world history during some forty odd years; that this case is novel and of the greatest import to the world in general; that the Chief of Counsel for the International Prosecution Section has had engaged for six months last past, hundreds of assistants, investigators and expert personnel gathering information and preparing the case for the prosecution.

Defendants further state that the defendants are represented by Japanese counsel, most of whom do not understand the English language; that on 5 May 1946 two American lawyers were assigned to assist in the defense of these cases and six American lawyers were assigned on 6 May 1946,

-1-

Lord Patrick  
Mr. Justice Mei  
Major General of Justice Zaryanov  
Mr. Justice Higgins  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal

that on 17 May 1946 fourteen American lawyers arrived in Tokyo and two others have arrived since said date.

Defendants further state that said lawyers who have arrived in Tokyo in the last week have diligently applied themselves to the task of becoming familiar with this case and are in the process of being engaged to assist in the defense of individual defendants; that the task of these lawyers becoming reasonably conversant with this case in order to be of assistance to the Japanese counsel, and to the defendants, is monumental.

Beverly M. Coleman  
Beverly M. Coleman  
Captain, USNR  
Counsel for Defendants

HIRANUMA, Kiichiro  
by

Samuel J. Kleiman  
Samuel J. Kleiman  
Captain, AC

TOGO, Shigenori  
by

George Yamazoka  
George Yamazoka

MATSUOKA, Yosuke  
by

Franklin E. N. Warren  
Franklin E. N. Warren  
Lt. Colonel, AC

UIEZU, Yoshijiro  
by

Ben Bruce Blakeney  
Ben Bruce Blakeney  
Major, AC

OKAWA, Shumei  
by

Alfred W. Brooks  
Alfred W. Brooks  
Captain, AC

SHIGEMITSU, Mamoru  
by

George A. Furness  
George A. Furness  
Major, AC

Mr. Justice Higgins  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER,
- vs -	)	GRANTING MOTION OF ALL
ARAKI, SADA0; et al	)	THE DEFENDANTS FOR
	)	ADDITIONAL TIME TO
	)	FILE MOTIONS OR PLEAD.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the motion; in behalf of all the defendants, to set aside the Order of the Tribunal, entered 15 May 1946, setting 25 May 1946, as last day for filing preliminary motions, and to extend the time within which such motions and pleadings may be filed by the defendants, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED, that said motion be granted to the extent that hereafter motions may only be filed by special leave of the Tribunal.

Dated at Tokyo, Japan, the 3 June 1946.

BY THE TRIBUNAL:

(signed) W. F. WEBB  
PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal  
Mr. Justice Northcroft  
Lord Patrick  
Mr. Justice Mei  
Major General of Justice Zaryanov  
Mr. Justice Higgins  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. I. 87

THE UNITED STATES OF AMERICA, et al

- VS -

22 May 1946

ARAKI, Sadao, et al

- Defendants -

MOTION FOR ADDITIONAL TIME WITHIN WHICH  
TO FILE MOTIONS OR OTHER PLEADINGS

COME NOW the defendants in the above cause, by their respective attorneys and move the Tribunal to set aside its order entered on the 15th day of May 1946 requiring that any preliminary motions be filed by the 25th day of May 1946 and further move the Tribunal extend the time within which such motions and pleadings may be filed by the defendants, or any of them, by granting at least one week beyond the time heretofore set.

Defendants further state that all defendants, except a few, who have been individually represented by American counsel, have been solely represented herein by Japanese counsel who are generally unfamiliar with the procedure and substantive law applied and to be applied by this Tribunal; that the War Department of the United States of America has sent 16 lawyers from the United States of America, who have arrived in Tokyo within the last few days, for the purpose of assisting the accused in the defense of their cases; that this proceeding is of such a novel and involved nature that these lawyers cannot reasonably familiarize

themselves with the indictment and the issues involved and with the proceedings that have transpired and determine what motions, pleadings or action they might deem necessary, or advisable, to file or take on behalf of those defendants they will represent, within the time heretofore set. Defendants further state however that the American lawyers have concluded from the information they have been able to obtain that further motions are undoubtedly required on behalf of the defendants.

ARAKI, Sadao

by

Yutaka Sugahara  
Yutaka Sugahara  
Japanese Counsel

DOHIHARA, Kenji

by

Naoyoshi Tsukasaki  
Naoyoshi Tsukasaki  
Japanese Counsel

HASHIMOTO, Kingoro

by

Itsuro Hayashi  
Itsuro Hayashi  
Japanese Counsel

HATA, Shunroku

by

Masayoshi Kanzaki  
Masayoshi Kanzaki  
Japanese Counsel

HIRANUMA, Kiichiro

by

Rokuro Usami  
Rokuro Usami  
Japanese Counsel

Samuel J. Klopman  
Samuel J. Klopman  
Captain, AC  
American Counsel

HIROTA, Koki

by

Tadashi Hanai  
Tadashi Hanai  
Japanese Counsel

HOSHINO, Naoki

by

Goichiro Fujii  
Goichiro Fujii  
Japanese Counsel

ITAGAKI, Seishiro

by

Hanzo Yamada  
Hanzo Yamada  
Japanese Counsel

KAYA, Okinori

by

Tsuruo Takano  
Tsuruo Takano  
Japanese Counsel

KIDO, Koichi

by

Shigetaka Hozumi  
Shigetaka Hozumi  
Japanese Counsel

KIMURA, Heitaro

by

Tokisaburo Shiohara  
Tokisaburo Shiohara  
Japanese Counsel

KOISO, Kuniaki

by Shohei Sammonji  
Shohei Sammonji  
Japanese Counsel

OKA, Takasumi

by Shinji Somiya  
Shinji Somiya  
Japanese Counsel

MATSUI, Iwane

by Kiyoshi Ito  
Kiyoshi Ito  
Japanese Counsel

OKAWA, Shumei

by Shin-ichi Ohhara  
Shin-ichi Ohhara  
Japanese Counsel

MATSUOKA, Yosuke

by Shunzo Kobayashi  
Shunzo Kobayashi  
Japanese Counsel

OSHIMA, Hiroshi

by Naoyoshi Tsukasaki  
Naoyoshi Tsukasaki  
Japanese Counsel

by Franklin E. N. Warren  
Franklin E. N. Warren  
Lt. Colonel, AC  
American Counsel

SATO, Kenryo

by Shiro Kiyose  
Shiro Kiyose  
Japanese Counsel

MINAMI, Jiro

by Kintaro Takenouchi  
Kintaro Takenouchi  
Japanese Counsel

SHIGEMITSU, Mamoru

by Kenzo Takayanagi  
Kenzo Takayanagi  
Japanese Counsel

MUTO, Akira

by Shoichi Okamoto  
Shoichi Okamoto  
Japanese Counsel

by George A. Furness  
George A. Furness  
Major, AC  
American Counsel

by George A. Furness  
George A. Furness  
Major, AC  
American Counsel

SHIMADA, Shigetaro

by Yoshitsugu Takahashi  
Yoshitsugu Takahashi  
Japanese Counsel

NAGANO, Osami

by Hachiro Okuyama  
Hachiro Okuyama  
Japanese Counsel

SHIRATORI, Toshio

by Dr. Somei Uzawa  
Dr. Somei Uzawa  
Japanese Counsel



SUZUKI, Teiichi

by Motokichi Hasegawa

Motokichi Hasegawa  
Japanese Counsel

TOGO, Shigenori

by Shigetaka Hozumi

Shigetaka Hozumi  
Japanese Counsel

George Yamaoka

George Yamaoka  
American Counsel

TOJO, Hideki

by Ichiro Kiyose

Ichiro Kiyose  
Japanese Counsel

UIEZU, Yoshijiro

by Shotaro Miyake

Shotaro Miyake  
Japanese Counsel

Ben Bruce Blakeney

Ben Bruce Blakeney  
Major, AC  
American Counsel



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1.

THE UNITED STATES OF AMERICA, et al

- VS -

24 May 1946

ARAKI, Sadao, et al

Defendants

MOTION FOR SPECIFIC FINDINGS OF FACT

COME NOW the defendants and severally move the Tribunal to make specific findings of fact specially concerning each of said defendants.

*Beverly M. Coleman*  
Beverly M. Coleman  
Captain, USNR  
Counsel for Defendants

HIRANUMA, Kichiro  
by

*Samuel J. Kleinman*  
Samuel J. Kleinman  
Captain, AC

TOGO, Shigenori  
by

*George Yamaoka*  
George Yamaoka

HATSUOKA, Yosuke  
by

*Franklin E. N. Warren*  
Franklin E. N. Warren  
Lt. Colonel, AC

UIEZU, Yoshijiro  
by

*Ben Bruce Blakeney Syk*  
Ben Bruce Blakeney  
Major, AC

OKAWA, Shumei  
by

*Alfred W. Brooks*  
Alfred W. Brooks  
Captain, AC

SHIGEMITSU, Mamoru  
by

*George A. Furness*  
George A. Furness  
Major, AC

Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal

PAPER NO. 124  
DISPOSES OF PAPER NO. 85

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER,
	)	DISMISSING MOTION
- vs -	)	OF ALL THE DEFENDANTS
	)	TO DISMISS THE
ARAKI, SADIO; et al	)	INDICTMENT.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the motion, in behalf of all the defendants, to dismiss the Indictment, and each of the 55 counts thereof, and the

Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED, that the said motion be, and is hereby dismissed.

Dated at Tokyo, Japan, this 3 day of June 1946.

BY THE TRIBUNAL:

(signed) W. F. WEBB  
PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal  
Mr. Justice Northcroft  
Lord Patrick  
Mr. Justice Koi  
Major General of Justice I. M. Zaryanov  
Mr. Justice Higgins  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. I.

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THE UNITED STATES OF AMERICA, et al

- VS -

24 May 1946

ARAKI, Sadao, et al

Defendants

MOTION FOR AN ORDER TO BE MADE PARTIES

COME NOW the defendants and move the Tribunal to order that the defendants herein who have not heretofore been parties to the following motion filed before this Tribunal be made parties thereto nunc pro tunc and that any ruling of the Tribunal adverse to the motion be recorded as affecting all the defendants and to have been made over their several objections and exceptions:

Motion Number 2 filed on the 13th day of May 1946 by defendant HIRANUMA, Kiichiro, et al, entitled "Motion."

Beverly W. Coleman  
Beverly W. Coleman  
Captain, USNR  
Counsel for Defendants

HIRANUMA, Kiichiro  
by

Samuel J. Kleiman  
Samuel J. Kleiman  
Captain, AC

SHIGEMITSU, Mamoru  
by

George A. Furness  
George A. Furness  
Major, AC

MATSUOKA, Yosuke  
by

Franklin E. N. Warren  
Franklin E. N. Warren  
Lt. Colonel, AC

TOGO, Shigenori  
by

George Yanayoka  
George Yanayoka

OKAWA, Shumei  
by

Alfred W. Brooks  
Alfred W. Brooks  
Captain, AC

UMEZU, Yoshijiro  
by

Ben Bruce Blakeney SJK  
Ben Bruce Blakeney  
Major, AC

whether, in view of the evidence given in his absence, a fair trial can be had by him in these proceedings; throughout which

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER, PARAGRAPH 1,  
- vs - ) GRANTING, REQUEST OF OKAWA  
ARAKI, SADA0; et al ) FOR TRANSFER TO TOKYO  
  ) IMPERIAL UNIVERSITY HOSPITAL  
  ) FOR CARE AND TREATMENT; and  
  ) DISMISSING, PARAGRAPH 2,  
  ) THEREOF, TO STRIKE THE NAME  
  ) OF OKAWA FROM THE INDICTMENT  
  ) OR STAY PROCEEDINGS.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the Request of SHUMEI OKAWA, that the Tribunal direct the transfer of the said SHUMEI OKAWA, to the psychiatric ward of the Tokyo Imperial University Hospital, for proper care and treatment; and, that his name be struck from the Indictment or proceedings be stayed in his case, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That said Request be granted, in that the Tribunal directs the removal of SHUMEI OKAWA to the psychiatric ward of the Tokyo Imperial University Hospital for care and treatment; subject to such provisions for securing his proper custody therein as may be directed by the Supreme Commander. And it is further

ORDERED: That all the balance of said Request is refused. However, if and when the accused SHUMEI OKAWA is called upon to plead at this trial, the Tribunal will consider whether, in view of the evidence given in his absence, a fair trial can be had by him in these proceedings; throughout which

he will be represented by his counsel.

Dated at Tokyo, Japan, the 4 June 1946.

BY THE TRIBUNAL:

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PRESIDENT

OPINION:

The evidence indicates that the accused is at present suffering from a serious mental disease or disorder. He has not yet been called upon to plead. However, there is, as yet, no reason to suppose that he will not recover during the progress of this trial, so as to be able to plead when called upon.

BY THE TRIBUNAL:

---

PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal  
Mr. Justice Northcroft  
Lord Patrick  
Mr. Justice Mei  
Major General and Justice I. M. Zaryanov  
Mr. Justice Higgins  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal.



Paper No. 129  
Disposes of  
Paper No. 78.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1.

THE UNITED STATES OF AMERICA, et al ) ORDER, GRANTING PARAGRAPH 2,  
- vs - ) REQUEST OF YOSUKE MATSUOKA  
ARAKI, SADA0; et al ) FOR TRANSFER TO TOKYO IMPERIAL  
UNIVERSITY HOSPITAL FOR CARE  
AND TREATMENT, AND  
DISMISSING, PARAGRAPH 3  
THEREOF, TO STRIKE THE NAME  
OF MATSUOKA FROM THE  
INDICTMENT OR STAY PROCEEDINGS.

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the Request of Yosuke MATSUOKA, that the Tribunal direct the transfer of the said Yosuke MATSUOKA to the isolation ward of the Tokyo Imperial University Hospital, for proper care and treatment; and, that his name be struck from the Indictment or proceedings be stayed in his case, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That said Request be granted in that the Tribunal directs that Yosuke MATSUOKA be delivered to and kept in the isolation ward of the Tokyo Imperial University Hospital; subject to such provisions for securing his proper custody therein as may be directed by the Supreme Commander. And it is further

ORDERED: That the balance of said Request is refused. However, the application may be renewed later if further evidence is forthcoming. In the meantime, the accused will be represented by his Counsel before the Court.

Dated at Tokyo, Japan, the 4 June 1946.

BY THE TRIBUNAL:

\_\_\_\_\_  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1.

THE UNITED STATES OF AMERICA, et al ) ORDER, GRANTING PARAGRAPH 2,  
  ) REQUEST OF YOSUKE MATSUOKA  
  ) FOR TRANSFER TO TOKYO IMPERIAL  
  ) UNIVERSITY HOSPITAL FOR CARE  
  ) AND TREATMENT, AND  
  ) DISMISSING, PARAGRAPH 3  
  ) THEREOF, TO STRIKE THE NAME  
  ) OF MATSUOKA FROM THE  
  ) INDICTMENT OR STAY PROCEEDINGS.

- vs -  
ARAKI, SADA0; et al

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the Request of Yosuke MATSUOKA, that the Tribunal direct the transfer of the said Yosuke MATSUOKA to the isolation ward of the Tokyo Imperial University Hospital, for proper care and treatment; and, that his name be struck from the Indictment or proceedings be stayed in his case, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That said Request be granted in that the Tribunal directs that Yosuke MATSUOKA be delivered to and kept in the isolation ward of the Tokyo Imperial University Hospital; subject to such provisions for securing his proper custody therein as may be directed by the Supreme Commander. And it is further

ORDERED: That the balance of said Request is refused. However, the application may be renewed later if further evidence is forthcoming. In the meantime, the accused will be represented by his Counsel before the Court.

Dated at Tokyo, Japan, the 4 June 1946.

BY THE TRIBUNAL:

\_\_\_\_\_  
PRESIDENT

OPINION:

The evidence indicates that the condition of the accused is low and not likely to improve, but there is no definite evidence that he will not recover. As far as we can judge, he will be able to instruct counsel in the preparation of his defense.

BY THE TRIBUNAL:

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PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal  
Mr. Justice Northcroft  
Lord Patrick  
Mr. Justice Mei  
Major General and Justice I. M. Zaryanov  
Mr. Justice Higgins  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA,  
et al.,

-vs-

ARAKI, Sadao, et al.

REQUEST OF THE ACCUSED, YOSUKE MATSUOKA, FOR  
CONFINEMENT IN A PRIVATE SANITARIUM.

COMES now Shunzo Kobayashi, Franklin E. N. Warren, and Alfred W. Brooks, counsel for the accused, Yosuke Matsuoka, appearing specially and in his behalf, and request this Tribunal to enter the proper order permitting the said accused, because of his physical condition, to be hospitalized in a private sanitarium, and in support thereof present to the Court the following information:

1. That heretofore, and on the 8th day of May 1946, this Tribunal entered its order requiring the Provost Marshal, A. S. Kenworthy, Lt. Colonel, to deliver into the custody of the 361st Hospital the accused, Matsuoka, to be kept in custody therein until such time as a medical examination had been completed. That such medical examination has now been completed and the reports of the physicians concur with respect to his physical condition and agree that he is physically unable to be present in court, and is in need of proper medical attention.

2. In view of the reports of the physicians referred to in the previous paragraph, it is requested that the Tribunal authorize and direct the transfer of the accused, Yosuke Matsuoka, to the isolation ward of the Tokyo Imperial University Hospital for proper care and treatment under the direction of Dr. Kozo Sakaguchi, who agrees to be responsible for the

copies records and files from such offices, without further

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA,  
et al.,

-vs-

ARAKI, Sadao, et al.

REQUEST OF THE ACCUSED, YOSUKE MATSUOKA, FOR  
CONFINEMENT IN A PRIVATE SANITARIUM.

COMES now Shunzo Kobayashi, Franklin E. N. Warren, and Alfred W. Brooks, counsel for the accused, Yosuke Matsuoka, appearing specially and in his behalf, and request this Tribunal to enter the proper order permitting the said accused, because of his physical condition, to be hospitalized in a private sanitarium, and in support thereof present to the Court the following information:

1. That heretofore, and on the 8th day of May 1946, this Tribunal entered its order requiring the Provost Marshal, A. S. Kenworthy, Lt. Colonel, to deliver into the custody of the 361st Hospital the accused, Matsuoka, to be kept in custody therein until such time as a medical examination had been completed. That such medical examination has now been completed and the reports of the physicians concur with respect to his physical condition and agree that he is physically unable to be present in court, and is in need of proper medical attention.

2. In view of the reports of the physicians referred to in the previous paragraph, it is requested that the Tribunal authorize and direct the transfer of the accused, Yosuke Matsuoka, to the isolation ward of the Tokyo Imperial University Hospital for proper care and treatment under the direction of Dr. Kozo Sakaguchi, who agrees to be responsible for the

of records and files from such offices, without further

custody, control and treatment of such accused, subject to the order of this Tribunal, and in support thereof will file with this Tribunal any necessary documents or further information required.

3. It is requested that the name of Yosuke Matsuoka be struck from the Indictment, or in lieu thereof that the present proceedings against him be stayed until such time as he is physically capable of proceeding to trial, and in support thereof suggest to the Tribunal that the physicians' reports, hereinbefore referred to, indicate that the physical condition of the accused is such that he is physically incapable of proceeding to trial, and is not in a proper physical condition to advise with counsel in the preparation of his defense, to assist in the procurement of evidence and witnesses, or to be present at the cross-examination of witnesses who will appear against him, or give advice to counsel with reference to documentary evidence introduced and arguments made thereon by counsel for the prosecution, and as a result thereof cannot adequately advise with his own counsel. The request is further prefaced on the condition that the accused desires the opportunity to testify, if necessary, and to prepare and present an adequate defense which would be in conformance with the fair trial provisions of the Charter creating this Tribunal.

4. That the Tribunal take such further actions or proceedings as they may deem just and proper in the premises.

/s/ Shunzo Kobayashi  
SHUNZO KOBAYASHI

/s/ Franklin E. H. Warren  
FRANKLIN E. H. WARREN

/s/ Alfred W. Brooks  
ALFRED W. BROOKS

to be records and files from such offices, without further

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EX

Paper No. 130  
Disposes of  
Paper No. 76

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER,
- vs -	) GRANTING PARAGRAPHS
	) NUMBER 1, 2, 4 AND 5; AND
ARAKI, SADA0; et al	) REFUSING PARAGRAPH NUMBER 3,
	) OF THE MOTION OF THE
	) PROSECUTION FOR THE
	) PRODUCTION OF CERTAIN
	) DOCUMENTS WITHOUT FURTHER
	) AUTHENTICATION,, ETC..

This matter coming on to be heard by the Tribunal in open Court on 3 June 1946, upon the motion of the Prosecution for an order; (1) Authorizing separate opening statements; (2) For production of documents obtained from Japanese Government offices without further authentication; (3) That the Court take judicial notice of evidence in Schedule A; (4) That the Court take judicial notice of documents in Schedule B; (5) And that all exhibits be numbered consecutively. And

The Tribunal being fully advised in the premises, and it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: Granted, as to the 1st paragraph of said motion. Counsel representing the separate phases of the case shall be at liberty to make an opening statement at the commencement of that particular phase. And

ORDERED: Granted, as to the 2nd paragraph of said motion. The Prosecution is at liberty to produce in Court documents obtained from the Japanese Government offices, purporting to be records and files from such offices, without further

authentication. Each of the accused shall have the right to object to the admission of any document on the ground that it is immaterial or irrelevant, or on any other substantial ground. The admission of these documents will be in all cases subject to all just exceptions and objections. And

ORDERED: Refused, as to the 3rd paragraph of said motion. The Tribunal has decided to consider this matter at the time the question is raised in the ordinary course of the proceedings as to whether any event should be judicially noticed. And

ORDERED: Granted, as to the 4th paragraph of said motion, in that the Tribunal gives liberty to the Prosecution to produce the documents listed in Schedule B of the motion without formal proof thereof, but subject to all just exceptions involving the accuracy, relevancy and materiality of the documents. Subject to such exceptions at the trial, the Tribunal will not require proof of the authenticity of the documents and shall receive them in evidence. And

ORDERED: Granted, as to the 5th paragraph of said motion. Exhibits tendered in evidence by the Prosecution and the Defense shall be numbered consecutively according to the order of their production.

Dated at Tokyo, Japan, 4 June 1946.

BY THE TRIBUNAL:

\_\_\_\_\_  
W. F. WEBB  
PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal  
Mr. Justice Northcroft  
Lord Patrick  
Mr. Justice Mei  
Major General of Justice I. M. Zaryanov  
Mr. Justice Higgins  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal



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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1.

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES,

Prosecutors,

-AGAINST-

ARAKI, Sadao; DOHIMARU, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori; KIDO, Koichi; KIURU, Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MIYAMA, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAMURA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigonori; TOJO, Hideki; UEZU, Yoshijiro,

Defendants.

NOTICE OF MOTION.- NO. \_\_\_\_\_

The 23rd day of May, 1946.

TAKL NOTICE that the International Military Tribunal for the Far East will be moved by counsel on behalf of all the abovementioned prosecuting nations on Saturday, the 25th day of May, 1946, at 10 o'clock in the fore noon for an order giving directions as to the trial and in particular -

- (1) FOR AN ORDER that counsel presenting separate phases of the case be at liberty to make an opening statement at the commencement of each of the said phases introducing and summarizing the evidence to be adduced by the prosecution in relation to such phase.
- (2) FOR AN ORDER that the prosecution be at liberty to produce in Court documents obtained from Japanese Government offices purporting to be records and files of such offices, without further authentication.
- (3) FOR AN ORDER that the Court take judicial notice of each of the events set out in Schedule A hereto.
- (4) FOR AN ORDER that the Court take judicial notice of each of the documents set out in Schedule B hereto as basic documents, without further authentication or proof of the same.

- (5) FOR AN ORDER that all exhibits tendered in evidence, whether by prosecution or defense, be numbered consecutively according to the order of their production in evidence.
- (6) FOR SUCH FURTHER OR OTHER ORDER in the premises as to the Tribunal may seem meet.

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Chief of Counsel

on behalf of the abovenamed  
Prosecuting Nations.

TO -

The International Military Tribunal for the Far East;

AND TO -

The General Secretary thereof.

TO 22

Paper No. 131  
Disposes of  
Paper No. 80.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER,
	) DISMISSING MOTION OF
- vs -	) ALL THE DEFENDANTS
	) CONCERNING TIME OF
ARAKI, SADA0; et al	) MAKING OPENING
	) STATEMENTS.

This matter coming on to be heard by the Tribunal, in open Court on 3 June 1946, upon the motion, in behalf of all the Defendants, for an order permitting counsel for each defendant to make an opening statement on behalf of said defendant after the close of the evidence offered by the prosecution and immediately before presentation of evidence on behalf of said defendant, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the motion be, and is hereby dismissed.

Dated at Tokyo, Japan, the 4 June 1946.

BY THE TRIBUNAL:

\_\_\_\_\_  
PRESIDENT

OPINION:

Article 15c of the Charter gives each accused the right to make a concise opening statement immediately before his evidence is given in each case.

BY THE TRIBUNAL:

\_\_\_\_\_  
PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal  
Mr. Justice Northcroft  
Lord Patrick  
Mr. Justice Mei  
Major General and Justice I. M. Zaryanov  
Mr. Justice Higgins  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

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No. 1.

THE UNITED STATES OF AMERICA, et al

- VS -

24 May 1946

ARAKI, Sadao, et al

Defendants

MOTION FOR ORDER CONCERNING TIME  
OF MAKING OPENING STATEMENT

COME NOW the defendants and move the Tribunal for an order permitting counsel for each defendant to make an opening statement on behalf of said defendant after the close of the evidence offered by the prosecution and immediately before the presentation of evidence on behalf of each said defendant.

Beverly M. Coleman  
Beverly M. Coleman  
Captain, USNR  
Counsel for Defendants

HIRANUMA, Kiichiro  
by  
Samuel J. Kisiman  
Samuel J. Kisiman  
Captain, AC

SHIGEMITSU, Mamoru  
by  
George A. Furness  
George A. Furness  
Major, AC

MATSUOKA, Yosuke  
by  
Franklin E. N. Warren  
Franklin E. N. Warren  
Lt. Colonel, AC

TOGO, Shigenori  
by  
George Yamaoka  
George Yamaoka

OKAWA, Shumei  
by  
Alfred W. Brooks  
Alfred W. Brooks  
Captain, AC

UMEZU, Yoshijiro  
by  
Ben Bruce Blakeney  
Ben Bruce Blakeney  
Major, AC

leave to file a motion is acknowledged this fourth day of  
June 1946.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

Motion No.

THE UNITED STATES OF AMERICA, et al

- AGAINST -

ARAKI, Sadao, et al

Defendants.

APPLICATION OF HIROTA, KOKI FOR  
LEAVE TO FILE ATTACHED MOTION  
TO THE JURISDICTION OF THE TRIBUNAL

NOW COMES the defendant HIROTA, Koki, through his  
counsel of record and moves the Honorable, International  
Military Tribunal for the Far East for leave to file the  
attached motion going to the jurisdiction of this Tribunal.  
Insofar as counsel are aware, the points raised by the  
attached motion have heretofore not been presented to  
this Tribunal.

HIROTA, Koki

by

/s/ Tadashi Hanai  
Japanese Counsel

/s/ David F. Smith  
American Counsel

To the International Military Tribunal for the Far East  
and to the General Secretary thereof and to Chief of Counsel  
for the Prosecution.

Service of a copy of the foregoing application for  
leave to file a motion is acknowledged this fourth day of  
June 1946.

Paper No. 135  
Disposes of  
Motion No. 132

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al )  
  ) ORDER,  
  ) ON APPLICATION OF  
  ) HIROTA, Koki  
  )  
  )  
- vs - )  
ARAKI, SADA0, et al )

This matter coming on to be heard by  
Sir William F. Webb, President of the Tribunal, on the  
application of HIROTA, Koki, for leave to file attached  
motion to the jurisdiction of the Tribunal, and after  
hearing the arguments of the Counsel for the Prosecution  
Section and Counsel for the accused, the Court being  
fully advised, it is

ORDERED, that the said application of accused  
be in the same is hereby refused, exception noted.

Dated at Tokyo, Japan, this 5 June 1946.

BY THE TRIBUNAL:

\_\_\_\_\_  
PRESIDENT





EX

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MO by De 20

Form No. 141

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION NO. \_\_\_\_\_

THE UNITED STATES OF AMERICA, et al,

vs.

ARAKI, Sacho, et al, Defendants.

APPLICATION OF HIROTA, Koki, for  
LEAVE TO FILE DESIGNATED MOTIONS.

Now comes the defendant, HIROTA, Koki, by his duly appointed attorneys of record, and moves the Honorable, the International Military Tribunal for the Far East, for an order granting leave to file the annexed motions designated as follows:

1. Demurrer to certain counts and parts of the Indictment.
2. Motion for a separate trial.
3. Motion suggesting the disqualification of the Philippine Justice appointed to the Tribunal.
4. This application.

HIROTA, Koki  
By

/s/ \_\_\_\_\_  
Tadashi Hanai  
Japanese Counsel

/s/ \_\_\_\_\_  
David F. Smith  
American Counsel

To:

The International Military Tribunal for the Far East;

And to:

The General Secretary Thereof.

c  
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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION No. \_\_\_\_\_

THE UNITED STATES OF AMERICA, et al,

vs.

ARAKI, Sadao, et al, Defendants.

MOTION SUGGESTING THE DISQUALIFICATION  
AND PERSONAL BIAS OF THE PHILIPPINE  
JUSTICE OF THE TRIBUNAL.

Now comes HIROTA, Koki, by his duly appointed attorneys of record, and moves the Honorable, The International Military Tribunal for the Far East, for an order adjudging that the Honorable Delfin Jaranilla, the Philippine Justice representing the Commonwealth of the Philippines on this Honorable Tribunal, is disqualified to sit and function as a Justice of this Honorable Tribunal, and as grounds for said motion says as follows:

1. The defendant and his counsel of record are informed and believe, and upon such information and belief allege that the Honorable Delfin Jaranilla, the Philippine Justice upon the Tribunal, was captured by the Japanese armed forces in the Philippines during the early part of World War No. 2 and was forced by the Japanese army, while he was in an impaired state of health, to undergo an inordinately long march popularly called during World War No. 2 "The Death March of Bataan," and for a long time after his said capture was held as a prisoner of war. As the so-called "Death March of Bataan" is part of the evidence which will come before this Tribunal under the pending Indictment, and as the Honorable Delfin Jaranilla,

the Philippine Justice, was a participant and actor in such episode, he has and maintains in the legal sense a personal bias and prejudice against this defendant. By reason of the foregoing the defendant is unable to obtain a fair and impartial trial before this Honorable Tribunal with said Philippine Justice sitting as a member of the Tribunal.

2. Counsel certify that the grounds stated in this motion are made in good faith and not for any purpose of hindrance or delay.

HIROTA, Koki,  
By

/s/ Jadashi Hanai  
Japanese Counsel

/s/ David F. Smith  
American Counsel

To:

The International Military Tribunal for the Far East;

And to:

The General Secretary Thereof.

B  
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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION NO. \_\_\_\_\_

THE UNITED STATES OF AMERICA, et al,

vs.

ARAKI, Sadao, et al, Defendants.

MOTION OF HIROTA, Koki,

FOR A SEPARATE TRIAL

Now comes the defendant, Hirota, Koki, by his duly appointed attorneys of record, and moves the Honorable, the International Military Tribunal for the Far East, for an order granting this defendant a separate trial on the Indictment heretofore filed with the Tribunal on 3 May, 1946, and as grounds for said motion says as follows:

1. The defendant is indicted for acts and possibly acts of omission in his capacity as Japanese Ambassador to Russia and as Foreign Minister and Prime Minister of Japan. He never occupied any military or naval office in the Japanese Government. The joining of this defendant with a large number of military and naval officers of the Japanese Government renders it impossible, from both a legal and practical standpoint, for this defendant to obtain a fair and impartial trial, and his trial jointly with a large number of such military and naval officers will hopelessly prejudice his defense.

2. The Indictment covers a period of seventeen years of Japanese history and governmental action. The trial of this defendant jointly with twenty-seven other

defendants involves many thousands of issues which cannot be reasonably or conveniently presented in a single trial or proceeding. The trial involves such a multitude of defendants and facts and will require such an inordinate period of time for its consideration and determination that this defendant has no possibility of a just determination of the merits of his case in the context of a joint trial.

3. The Indictment and the defense to the Indictment will involve a presentation of facts of such enormous proportions that a joint trial will prove to be unwieldy and of indefinite duration.

4. And for other matters to be argued.

HIROTA, Koki  
by

/s/ Tadashi Hanai  
Tadashi Hanai  
Japanese Counsel

/s/ David F. Smith  
David F. Smith  
American Counsel

To:

The International Military Tribunal for the Far East;

And to:

The General Secretary Thereof.

A  
141

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No 1

MOTION No. \_\_\_\_\_

THE UNITED STATES OF AMERICA, et al

vs.

ARAKI, Sadao, et al,

Defendants.

DEMURRER TO CERTAIN COUNTS OF THE INDICTMENT  
FILED WITH THE TRIBUNAL 3 May 1946.

Now comes the defendant, HIROTA, Koki, by his attorneys of record, and files a demurrer to the herein-after described counts and parts of the Indictment heretofore filed with the Tribunal on 3 May 1946, and says such counts and parts of the Indictment are bad, both in substance and form.

The portions of the Indictment reached by the demurrer are:

Counts 1 to 17, inclusive, and the alleged preamble to such counts; counts 19 to 25, inclusive; counts 27 to 38, inclusive; counts 37 to 47, inclusive, and the alleged preamble to such counts; and count 52.

The points to be argued are:

1. The foregoing counts and parts of the alleged Indictment do not charge the commission by this defendant of any offense known to any body of law in the world.

2. The defendant occupied the high office in the Japanese Government of Ambassador to Russia, Foreign Minister, and Prime Minister. He is indicted for alleged

acts and possibly acts of omission while serving in his official capacity as aforesaid in the Japanese Government, and not otherwise. The actions taken by the defendant while occupying the aforesaid offices in the Japanese Government are beyond the reach of any body or system of law known to the world, and are immune to re-examination by any sovereign nation or group of nations anywhere in the world.

3. The alleged acts and possibly acts of omission charged against the defendant in the foregoing counts and parts of the alleged Indictment were acts of the Japanese Government acting in its sovereign capacity as a government, and this defendant is not subject to prosecution as an individual or by reason of having been an actor in the performance of his governmental functions.

4. Neither of the foregoing counts or parts of the alleged Indictment inform this defendant of the nature and the cause of the accusation against him.

5. The foregoing counts and parts of the alleged Indictment consists in their entirety of conclusions and argumentative matter.

6. And for other matters appearing on the face of the foregoing counts and parts of the alleged Indictment to be argued.

HIROTA, Koki

By

/s/ Tadashi Hanai

Tadashi Hanai

Japanese Counsel

/s/ David F. Smith

David F. Smith

American Counsel

To: The International Military Tribunal for the Far East;

And to: The General Secretary Thereof.

EX

TO 27

Paper No. 158  
Disposes of  
Paper No. 148

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER, ) ON APPLICATION FOR ) CERTAIN DEFENDANTS ) FOR LEAVE TO FILE ) MOTIONS
- vs -	
ARAKI, Sadao, et al	

This matter coming on to be heard by Mr. Justice Webb, President of the Tribunal, on the Application of certain defendants for leave to file two motions, and after hearing arguments of Counsel for the Prosecution Section and Counsel for the accused, the Tribunal being fully advised, it is

ORDERED, that the said application of said accused be and the same is hereby refused.

Dated at Tokyo, Japan, this 13 June 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT



151  
70 26

Handwritten mark resembling a stylized 'E' or 'H'.

Paper No. 178  
Disposes of -  
Paper No. 166

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER, GRANTING
- vs -	)	APPLICATION OF
	)	PROSECUTION FOR
ARAKI, Sadao; et al	)	LEAVE TO FILE
	)	MOTION.

This matter coming on to be heard by  
Mr. Justice Webb, President of the Tribunal, on the  
Application of the Prosecution for leave to file motion,  
and after hearing arguments of Counsel for the Prosecution  
Section and Counsel for the accused, the Tribunal being  
fully advised, it is

ORDERED, that the said application be and  
the same is hereby granted and the said motion is set for  
hearing in the Court Room at 0930 hours on 25 June 1946.

Dated at Tokyo, Japan, this 24 June 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

No. 1.

THE UNITED STATES OF AMERICA AND ORS.

Prosecutors,

- AGAINST -

ARAKI, Sadao, AND ORS.

Defendants.

APPLICATION FOR LEAVE TO FILE MOTION.

The

day of June, 1946.

The abovementioned Prosecutors make application to the International Military Tribunal for the Far East for leave to file the motion a copy of which is hereto annexed and for an order for the hearing of such motion in chambers at a date and time to be fixed by the said Tribunal or for such further or other order as to the Tribunal may seem meet on the grounds following:

- (1) That if copies of the whole of every document or book from which excerpts are adduced in evidence by the Prosecution are required to be made and served on the Defendants, considerable delay will be caused in the trial. The reproducing and processing units and the material available in Japan are insufficient to enable such copies to be made promptly, and it will therefore be necessary to send some of the said documents or books to the United States of America for reproduction. In spite of repeated efforts by the Prosecution, it has been found impossible to procure reproducing or processing units and material other than those which are at present available. It is estimated that the Prosecution will use excerpts from 1,000 of such documents or books and that the average number of pages in each complete document or book is 150. If 30 copies are made of each page of each of such books or documents, the total number of pages to be reproduced will be 4,500,000.

/(2) That

2.

(2) That the Rule as proposed by the Prosecution will, it is respectfully submitted, meet all necessary requirements for a just trial.

(SGD.) CARLISLE HIGGINS

for Chief of Counsel.

TO -

The General Secretary to the International  
Military Tribunal for the Far East,

AND TO -

The abovenamed Defendants.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

No. 1.

THE UNITED STATES OF AMERICA AND ORS.

Prosecutors,

- AGAINST -

ARAI, Sadao, AND ORS.

Defendants.

NOTICE OF MOTION.

The                      day of June, 1946.

TAKE NOTICE that the International Military Tribunal for the Far East will with the leave of the said Tribunal be moved by Counsel on behalf of the abovenamed Prosecutors at                      o'clock in the                      noon of the                      day of June, 1946 -

(1) for an order that Rule 6(b)(1) of the Rules of the said Tribunal be amended to read as follows:-

\*(b) Except as otherwise provided by the Tribunal:

(1) A copy of every document the whole of which is intended to be adduced in evidence by the Prosecution or the Defense will be delivered to the accused concerned or his counsel, or to the Prosecution, as the case may be and also to the officer in charge of the Language Section of the Secretariat of the Tribunal, together with a translation thereof into English or Japanese as the case may be not less than twenty-four hours before such document is to be tendered in evidence. In case a part or parts only of a document are intended to be adduced in evidence by the Prosecution or the Defense, a copy of such part or parts, accompanied by a translation thereof into English or Japanese as the case may be shall be delivered to the accused concerned or his counsel

/or

2.

or to the Prosecution as the case may be and also to the officer in charge of the Language Section of the Secretariat of the Tribunal, not less than twenty-four hours before such part or parts of such document are to be tendered in evidence. In case a part or parts only of a document is to be tendered in evidence a copy of the whole of the original document from which such part or parts were taken shall be filed with the Secretariat of the Tribunal not less than twenty-four hours before such part or parts are tendered in evidence. Such document shall be retained by the Secretariat for the inspection of all persons concerned. If the document is in a language other than English or Japanese, it shall be sufficient for the purpose of this provision if a translation into English, or Japanese, as the case may be, of such document, or such part or parts, is delivered to the Prosecution or the accused concerned or his counsel, and to such officer.®; and

(2) for such other or further order as to the said Tribunal may seem meet.

(SGD.) CARLISLE HIGGINS  
for the Chief of Counsel.

TO -

The General Secretary to the  
International Military Tribunal for the Far East,

AND TO -

The abovenamed Defendants.

EX-COPIES

Paper No. 223  
Disposes of Oral  
Motion in Open Court.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al )  
  ) ORDER,  
  ) DISCHARGING MATSUOKA,  
  ) YOSUKE, FROM THE  
  ) INDICTMENT.  
- vs - )  
ARAKI, Sadao, et al )

This matter coming on to be heard by the Tribunal, in Open Court, on 27 June 1946, upon the oral application of the Defense for an order discharging the accused MATSUOKA, Yosuke, from the Indictment by reason of the death of the said MATSUOKA, Yosuke, at the Tokyo Imperial University Hospital in the City of Tokyo, Japan, at 0240 hours on 27 June 1946, and

The Tribunal, being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED:

That the Indictment against the accused, MATSUOKA, Yosuke, is discharged. His name is stricken from the Indictment and from the list of the accused, and it is further

ORDERED:

That the remains of said MATSUOKA may be turned over to his family, subject to the approval and any requirements of the Supreme Commander.

Dated at Tokyo, Japan, this 27 June 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

SITTING ALL OF THE JUSTICES:  
Mr. Justice Webb, President of the Tribunal  
Mr. Justice Northcroft  
Lord Patrick  
Mr. Justice Mei  
Major General and Justice I. M. Zaryanov  
Mr. Justice Higgins  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal  
Mr. Justice Jarnilla

EX  
COPIES

Paper No. 229  
Disposes of  
Paper No. 215

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER,  
- vs - ) GRANTING, WITH MODIFICATIONS,  
ARAKI, Sadao, et al ) THE APPLICATION OF PROSECUTION,  
TO DISPENSE WITH RULE 6(b)(1)  
OF THE RULES OF PROCEDURE IN  
CERTAIN INSTANCES.

This matter coming on to be heard by the Tribunal, in Open Court, on 27 June 1946, upon the application, in behalf of the Prosecution, for an order to dispense with full compliance with Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal of the Far East with respect to certain documents, set forth in four numbered paragraphs therein, and permit excerpts therefrom to be offered in evidence, without translation of the entire principal document, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the application be granted; with the modification that the whole of OKAWA's testimony, including cross-examination, must be furnished the Defense. All the original principal documents must be recorded and available in the Registry of the Tribunal in ample time to enable Counsel for the Defense to peruse them.

Dated at Tokyo, Japan, this 27 June 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

SITTING ALL OF THE JUSTICES:

- Mr. Justice Webb, President of the Tribunal
- Mr. Justice Northcroft
- Lord Patrick
- Mr. Justice Mei
- Major General and Justice I. M. Zaryanov
- Mr. Justice Higgins
- Mr. Justice McDougall
- Mr. Justice Bernard
- Mr. Justice Roling
- Mr. Justice Pal
- Mr. Justice Jarnilla

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

MO# 27  
215

C  
THE UNITED STATES OF AMERICA, et al.)  
- AGAINST -  
ARAKI, SADAC, et al.)

APPLICATION UNDER RULE 6 (b) (1) OF  
THE RULES OF PROCEDURE OF THE INTER-  
NATIONAL MILITARY TRIBUNAL FOR THE  
FAR EAST.

The day of June, 1946.

The abovementioned prosecutors apply to the International Military Tribunal for the Far East for an order dispensing with compliance with Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East with respect to the document hereunder described, excerpts from which the said prosecutors desire to offer in evidence before the said Tribunal and for such further or other order as to the said Tribunal may seem meet.

Said document is entitled "The Way of a Subject", being Prosecution Document Number 1675 and Exhibit Number 141, said document being a book consisting of one hundred pages issued by the Ministry of Education in March 1941 for distribution to teachers and students in the Japanese schools and for general distribution to the Japanese public. It is desired to read into evidence certain excerpts from this book, copies of which have heretofore been submitted to the Defense, the book itself being placed in evidence for use by the Defense. The excerpts taken from said book will consist of approximately ten pages, said excerpts being offered for the purpose of proving the type of propaganda used in the Japanese schools, and with the Japanese public alike, in preparation for future wars.

This book is the only one in existence, all others having been destroyed by order of the Ministry of Education at the termination of the Pacific War and it would require ten days and approximately ten thousand sheets of paper to duplicate the same.



If this application is granted, no hardship would be inflicted upon the Defense as the book which has heretofore been introduced into evidence would be available to all Defense counsel for such examination as they care to make. No hardship would be inflicted upon the defense counsel in connection with cross-examination of the person identifying the book for his testimony on this point was merely that the book had been published by the Ministry of Education in March 1941, had been distributed to teachers, students and the public alike and that as Minister of Education, upon termination of the Pacific War he had ordered the same destroyed.

s/ CARLISLE W. HIGGINS

t/ CARLISLE HIGGINS  
Acting Chief of Counsel

TO -

The General Secretary,  
International Military Tribunal for the Far East,

AND TO -

The Defendants.

EX  
COPIES

Paper No. 239  
Disposes of  
Paper No. 222

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	}	ORDER,
" vs "		GRANTING THE APPLICATION OF
ARAKI, Sadao, et al		PROSECUTION TO WAIVE RULE 6(b)(1) OF THE RULES OF PRO- CEDURE IN SEVEN ENUMERATED INSTANCES.

This matter coming on to be heard by the Tribunal, in Open Court, on 28 June 1946, upon the application, in behalf of the Prosecution, for an order to waive the requirements of Rule 6(b)(1) of the "Rules of Procedure of the International Military Tribunal for the Far East," with respect to certain documents, set forth in seven numbered paragraphs therein, and permit excerpts therefrom to be introduced in evidence and copies of such excerpts only, to be served upon Counsel for the accused, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the application as to each of the seven numbered paragraphs be granted; with the modification that all the original principal documents must be recorded and available in the Registry of the Tribunal in ample time to enable Counsel for the Defense to peruse them.

Dated at Tokyo, Japan, this 28 June 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

SITTING ALL OF THE JUSTICES:

- Mr. Justice Webb, President of the Tribunal
- Mr. Justice Northcroft
- Lord Patrick
- Mr. Justice Mei
- Major General and Justice I. M. Zaryanov
- Mr. Justice Higgins
- Mr. Justice McDougall
- Mr. Justice Bernard
- Mr. Justice Roling
- Mr. Justice Pal
- Mr. Justice Jarnilla

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1

THE UNITED STATES OF AMERICA, et al

Prosecutors

- AGAINST -

ARAKI, Sadao, et al

Defendants.

NOTICE OF HEARING ON PETITION

TO THE ATTORNEYS FOR THE ACCUSED.

Please take notice that the attached petition will be brought on for hearing before the International Military Tribunal for the Far East at a date and place to be set by said Tribunal.

(SGD.) CARLISLE HIGGINS

For the Chief of Counsel

Dated: 27 June 1946

This Section of the Prosecution plans to introduce only approximately four pages in Volume 1.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1

THE UNITED STATES OF AMERICA, et al.

Prosecutors

- AGAINST -

ARAKI, Sadao, et al.

Defendants

APPLICATION FOR PERMISSION TO FILE AND  
SERVE EXCERPTS INSTEAD OF ENTIRE DOCUMENTS

Now come the above mentioned Prosecutors and request this Honorable Tribunal to waive the requirements of Rule 6 b(1) of the "Rules of Procedure of the International Military Tribunal for the Far East," requiring the service of a large number of complete documents upon the Opposition, and to permit the Prosecution to introduce in evidence and serve upon attorneys for the Accused copies of excerpts only (in both Japanese and English) from the following named documents for the reasons hereinafter stated:

1. Exhibit 58, Basic Document entitled, "Papers Relating to the Foreign Relations of the United States-Japan, 1931-1941 (in two volumes)."

This document consists of two volumes containing 1922 pages of miscellaneous telegrams and reports to and from the State Department of the United States, and each telegram or report is a separate and distinct document in itself, frequently unrelated to the other telegrams and reports. There are not sufficient copies available to comply with the present rule, and it is doubtful that they can be obtained. This Section of the Prosecution plans to introduce only approximately four pages in Volume 1.

2. IPS Document No. 2007, being Volume 7 of a 67-volume set containing 13,708 pages, entitled "Report of Proceedings of the Hearing Held Before the Joint Committee on the Investigation of the Pearl Harbor Attack" is written in English.

This document is a typewritten transcript of the proceedings before the Investigating Committee and additional copies are not available anywhere at this time. Volume 7 contains 190 pages and this Section of the Prosecution plans to introduce only approximately five pages.

3. IPS Document No. 490, book by HASHIMOTO, Kingoro, entitled "The Road to the Reconstruction of the World" containing 237 pages is printed in Japanese.

There is only one copy of this book available to the Prosecution and less than three pages will be introduced in evidence. They will be offered to show that HASHIMOTO claimed that in 1930 he planned Japan's course of aggression.

4. IPS Document No. 1632, commonly known as "Kido's Diary", is the original diary kept by KIDO, Koichi, and consists of 5425 pages.

Being an original handwritten document, only the original is available. One photostatic copy has been made, and in doing that, all the available photostat paper in Japan was used. This Section of the Prosecution wishes to introduce only 18 excerpts averaging approximately one page each.

5. IPS Document No. 485, book by MATSUOKA, Yoshuke, entitled "Changing Manchuria and Mongolia", published in July 1931, containing approximately 250 pages, is printed in Japanese.

There is only one copy of this book available to the Prosecution, and this Section plans to introduce less than two pages.

6. IPS Document No. 2135, is a bound volume of issues of the Japan Times for July and August, 1931. This document is printed in English and contains all the issues of this newspaper for a two-months' period.

This Section plans to introduce only one news item from one issue of this volume.

7. IPS Document 1777. This is a Japanese Year Book for 1937 printed in English, containing 1230 pages.

This is the only copy available to the Prosecution, and this Section plans to introduce only two paragraphs from this book.

This petition is presented for, and in behalf of, that Section of the Prosecution staff presenting the phase of the case known as "Manchurian Aggression" and is the next section scheduled to appear before the Tribunal to present its proof.

Your petitioners respectfully submit that this procedure is in no way prejudicial to the Accused, as each Defendant is represented by able Counsel, many of whom read and speak both the Japanese and English languages, and most of the Accused are represented by both a Japanese and an English speaking attorney.

Many thousands of pages of the documents to be introduced by this Section and covered by this petition will never be used by either the Prosecution or the Defense and their reproduction or translations would require a needless and inexcusable expenditure of time and money.

Your petitioners, therefore, pray for the granting of this petition, or for such other or further relief as shall seem just and proper to this Honorable Tribunal.

Respectfully submitted,

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For the Chief of Counsel

Dated: June 27, 1946

EX  
COPIES

Paper No. 240  
Disposes of Oral  
Motion in Open Court.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER,  
  ) GRANTING ORAL MOTION FOR  
  ) FURTHER MEDICAL EXAMINATION  
  ) OF SHUMEI OKAWA.  
- vs -  
ARAKI, Sadao, et al )

This matter coming on to be heard by the Tribunal in Open Court on 28 June 1946, upon the oral application of Counsel for the accused Shumei OKAWA, for further medical examination with a view to ascertaining whether his mental condition is temporary or permanent, and

The Tribunal, being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the oral motion of the accused be and the same is hereby granted, and that the said accused Shumei OKAWA be medically examined by two psychiatrists, one to be appointed by the Prosecution and the other by the Attorneys for the accused OKAWA, and that immediately after said examination the said psychiatrists shall file their reports with the President of this Tribunal.

Dated at Tokyo, Japan, this 28 June 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

SITTING ALL OF THE JUSTICES:

- Mr. Justice Webb, President of the Tribunal
- Mr. Justice Northcroft
- Lord Patrick
- Mr. Justice Mei
- Major General and Justice I. M. Zaryanov
- Mr. Justice Higgins
- Mr. Justice McDougall
- Mr. Justice Bernard
- Mr. Justice Roling
- Mr. Justice Pal
- Mr. Justice Jarnilla



EX  
COPIES

Paper No. 241  
Disposes of  
Paper No. 201

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al )  
  ) ORDER GRANTING  
  ) MOTION OF THE  
  ) PROSECUTION TO  
  ) AMEND RULE 6(b)(1)  
- vs -   )  
ARAKI, Sadao, et al                                    )

This matter coming on to be heard in Open Court by the Tribunal, on 25 June 1946, upon the motion of the Prosecution to amend Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East.

The Tribunal having heard the arguments of Counsel and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That said motion be granted only in part, in that on application to any Member of the Tribunal in Chambers, the rule might be lifted, and in a particular case that a document need not be fully published translated, as required by Rule 6(b)(1).

Dated at Tokyo, Japan, this 25 June 1946.

BY THE TRIBUNAL:

(Sgd.) W. F. WEBB  
PRESIDENT

Paper No. 252  
Disposes of  
Paper No. 238

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA . et al	)	ORDER, DENYING THE
	)	APPLICATION OF
- vs -	)	PROSECUTION TO TAKE
	)	EVIDENCE BEFORE A
ARAKI, Sadao; et al	)	COMMISSIONER

This matter coming on to be heard in Open Court by the Tribunal, on 2 July 1946, upon the Application of the Prosecution for an order to take the evidence of three witnesses from China before a Commissioner, as authorized by Section 11, Subsection "e" of the Charter, and

The Tribunal being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the Application be denied. The Members of the Tribunal will take out of turn, the said evidence themselves, in Open Court, on Monday, 8 July 1946.

Dated at Tokyo, Japan, this 2 July 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

JUSTICES SITTING:

Mr. Justice Webb, President of the Tribunal  
Mr. Justice Northcroft  
Lord Patrick  
Mr. Justice Mei  
Major General of Justice I. M. Zaryanov  
Mr. Justice Higgins  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal

Paper No. 254  
Disposes of  
Papers No. 200  
and 226.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER, ON REQUEST OF  
  ) THE ACCUSED HATA,  
  ) SHUNROKU, FOR THE PRODUC-  
  ) TION OF A WITNESS, AND  
- vs -                                    ) SUPPLEMENT THERETO  
ARAKI, Sadao; et al

This matter coming on to be heard before  
Mr. Justice Webb, President of the Tribunal, on the request  
of the accused HATA, Shunroku, for the production of a  
witness pursuant to Section XXI, Article 9, Subsection  
"e" of the Charter of the International Military Tribunal  
for the Far East, dated 26 April 1946, and Supplement  
thereto, and after hearing arguments of Counsel for the  
accused, and Counsel for the Prosecution Section, the  
Tribunal being fully advised, it is

ORDERED: That said request of said accused  
be and the same is hereby granted, and that summons be  
issued pursuant to said request returnable forthwith.

Dated at Tokyo, Japan, this 1 July 1946.

BY THE TRIBUNAL:

\_\_\_\_\_  
PRESIDENT

Paper No. 269  
Disposes of  
Paper No. 149

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
  ) ON APPLICATION OF  
                  - vs -                  ) HIROTA, KOKI, FOR  
  ) LEAVE TO FILE  
ARAKI, Sadao; et al                  ) MOTION.

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on the Application of the accused HIROTA, Koki, for leave to file a motion to quash certain counts and parts of the indictment filed 3 May 1946, and after hearing arguments of counsel for the Accused, and counsel for the Prosecution Section, and the Tribunal being fully advised in the premises, it is

ORDERED: That said Application be refused; and that the Defendant's exceptions hereto be saved.

Dated at Tokyo, Japan, this 5 July 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

EX

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Paper #149

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION No. \_\_\_\_\_

THE UNITED STATES OF AMERICA, et al,

vs.

ARAKI, Sadao, et al, Defendants.

APPLICATION OF HIROTA, Koki, FOR LEAVE  
TO FILE THE ANNEXED MOTION TO QUASH CER-  
TAIN COUNTS AND PARTS OF THE ALLEGED  
INDICTMENT FILED 3 May, 1946.

Now comes the defendant, Hirota, Koki, by his  
duly appointed attorneys of record, and moves The Honorable,  
The International Military Tribunal for the Far East, to  
grant leave to file the annexed motion to quash certain  
counts and parts of an alleged indictment filed with the  
Tribunal on 3 May 1946.

HIROTA, Koki  
By

/s/ Tadashi Hanai  
Tadashi Hanai  
Japanese Counsel

/s/ David F. Smith  
David F. Smith  
American Counsel

To:

The International Military Tribunal for the Far East;

And to:

The General Secretary Thereof.

149  
A

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION No. \_\_\_\_\_

THE UNITED STATES OF AMERICA, et al,

vs.

ARAKI, Sadao, et al, Defendants.

MOTION OF HIROTA, Koki, TO QUASH CERTAIN  
COUNTS AND PARTS OF THE INDICTMENT.

Now comes the defendant, Hirota, Koki, by his duly appointed attorneys of record, and moves the Honorable, The International Military Tribunal for the Far East, to quash the certain hereinafter described counts and parts of the alleged indictment heretofore filed with the Tribunal on 3 May 1946. The portions of the indictment sought to be quashed are:

1. Counts 1 to 17, inclusive, and the alleged preamble to such counts;
2. Counts 19 to 25, inclusive;
3. Counts 27 to 35, inclusive;
4. Counts 37 to 47, inclusive, and the alleged preamble to such counts; and
5. Count 52.

1.

The indictment was prepared and filed by a large group of prosecutors representing eleven sovereign governments. The prosecutors were appointed by General MacArthur, acting in his capacity as Supreme Commander, Allied Powers for the Far East. General MacArthur has not heretofore been authorized or

empowered by the Constitution or any law of the United States to appoint prosecutors representing the United States of America and the Commonwealth of the Philippines to an International Prosecution Staff, or to associate or pool American interests and powers in a military prosecution, and his authority to appoint any military tribunal was limited solely to the appointment of an American military court or commission.

## II.

The action of General MacArthur in accepting an office and place of trust from foreign sovereign governments and undertaking to appoint prosecutors to such International Prosecution Staff to represent such foreign governments was and is in violation of Article 1, Section 9, Clause 8 of the Constitution of the United States of America, which reads in part: "And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State," and of Article 1, Section 8, Clause 14 of the Constitution of the United States of America which provides that the Congress has the sole power "To make Rules for the Government and Regulation of the land and naval forces" of the United States of America.

## III.

The indictment was prepared and lodged with the Court by a body of prosecutors acting entirely without the support and sanction of any body of law in the world.

IV.

And for other matters appearing on the face of  
the indictment to be argued.

HIROTA, Koki,  
By

/s/ Tadashi Hanai  
Tadashi Hanai  
Japanese Counsel

/s/ David F. Smith  
David F. Smith  
American Counsel

To:

The International Military Tribunal for the Far East;

And to:

The General Secretary Thereof.



Paper No. 272  
Disposes of  
Paper No. 242

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER:  
  ) GRANTING APPLICATION OF  
  ) PROSECUTION TO WAIVE  
  ) RULE 6 (b)(1) IN A  
- vs -                                  ) PARTICULAR INSTANCE  
ARAKI, Sadao, et al

This matter coming on to be heard on the third day of July 1946 before Mr. Justice Webb, President of the Tribunal, upon the application of the Prosecution for an order dispensing with compliance with Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East with respect to a certain document entitled "The Way of a Subject", being Prosecution document No. 1675 and exhibit No. 141, and permit excerpts therefrom to be introduced into evidence, and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application be granted, and that the objections of the defendants hereto be saved.

Dated at Tokyo, Japan, this 3 July 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT



Paper No. 293  
Disposes of  
Paper No. 264

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER, ON APPLICATION  
  ) OF PROSECUTION UNDER  
  ) RULE 6(B) (1) OF THE  
  ) RULES OF PROCEDURE  
- vs - )  
ARAKI, Sadao, et al )

This matter coming on to be heard before  
Mr. Justice Webb, President of the Tribunal, on the ap-  
plication of the Prosecution under Rule 6(b)(1) of the  
Rules of Procedure of the International Military Tribunal  
for the Far East, dated 5 July 1946, and after hearing  
arguments of Counsel for the Prosecution and Counsel for  
the Defense, the Tribunal being fully advised, it is

ORDERED: That said application be and  
the same is hereby granted.

Dated at Tokyo, Japan, this 16 July 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT

Paper No. 294  
Disposes of  
Paper No. 246

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1.

THE UNITED STATES OF AMERICA, et al ) ORDER, ON APPLICATION OF  
  ) THE PROSECUTION UNDER  
  ) RULE 6(B)(1) OF THE  
  ) RULES OF PROCEDURE  
- vs -  
ARAKI, Sadao, et al )

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on the application of the Prosecution under Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, dated 1 July 1946, and after hearing arguments of Counsel for the Prosecution and Counsel for the Defense, the Tribunal being fully advised, it is

ORDERED: That the Prosecution be permitted to withdraw the said application.

Dated at Tokyo, Japan, this 16 July 1946.

BY THE TRIBUNAL:

/s/ ( W. F. Webb )  
PRESIDENT

Paper No. 295  
Disposes of  
Paper No. 286

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER,
- vs -	)	(1) GRANTING ALL DEFENDANTS
	)	LEAVE TO FILE APPLICA-
	)	TION
ARAKI, Sadao, et al	)	(2) GRANTING SAID APPLICA-
	)	TION - INTERROGATIONS
	)	TO RE FILED IN REGISTRY.

This matter coming on to be heard before  
Mr. Justice Webb, President of the Tribunal, on

(1) Application of all remaining defendants for  
leave to file the attached application for an order re-  
quiring the Prosecution to furnish to each defendant a  
true copy of all interrogations and statements obtained  
from such defendant;

(2) (Attached to the above application)  
Several application by all remaining defendants for  
an order requiring the Prosecution to furnish to each  
defendant a true copy of all interrogations and state-  
ments made by each said defendant,

and after hearing the arguments of Counsel for the Defense and  
Counsel for the Prosecution, the Tribunal being fully advised, it  
is

ORDERED: (1) That leave is GRANTED to file the said  
application, and it is

ORDERED: (2) That several application by all remaining  
defendants for an order requiring the Prosecution to furnish to  
each defendant a true copy of all interrogations and statements  
made by each said defendant, be and the same is hereby GRANTED,  
in that the Prosecution shall file a copy of the whole of the in-  
terrogations or of the statements obtained from the defendants  
with the Registry of the Tribunal, and it is further

ORDERED: (3) That the said interrogations or statements  
may be temporarily withdrawn by the Defense Counsel upon the fil-  
ing by them with the Clerk of the Court the written receipt of  
Lt. Comdr. E. R. Harris, Administrative Officer for the Defense,

who shall at all times retain custody thereof.

Dated at Tokyo, Japan, this 16 July 1946.

BY THE TRIBUNAL:

/s/ ( W. F. Webb )  
President

Paper No. 296  
Disposes of  
Paper No. 284

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER, GRANTING THE REQUEST  
  ) OF DEFENDANT UMEZU,  
  ) YOSHIJIRO, FOR PRODUCTION  
  ) OF WITNESSES.  
- vs - )  
ARAKI, Sadao, et al )

This matter coming on to be heard before  
Mr. Justice Webb, President of the Tribunal, on request  
of the defendant UMEZU, YOSHIJIRO, for production of wit-  
nesses, and after hearing arguments of Counsel for the  
Accused and Counsel for the Prosecution Section, the  
Tribunal being fully advised, it is

ORDERED: That the said request be and the same  
is hereby granted.

Dated at Tokyo, Japan, this 16 July 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT

# 284

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

- 1 -

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

NO. 7 COMES UMEZU Yoshijiro and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witnesses necessary to his defense:

1. Lieutenant General HATA Hikozauro (also known as HADA Hikozauro)
  - a. The nationality of the witness is Japanese;
  - b. The address of the witness is unknown; his last official position was Chief of Staff of the Kwantung Army, and he was last reported as having surrendered to the Russian forces in Manchuria on or about 20 August 1945;
  - c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff of the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;
  - d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment, and was not responsible for the planning, initiating or waging of wars of aggression;



- e. The date upon which the attendance of the witness will be required to testify cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

2. Major General YAMAMOTO Moichiro (known also as YAMAMOTO Shigeichiro)

- a. The nationality of the witness is Japanese.
- b. The address of the witness is unknown; the last official position was Chief of Staff of the 16th Army in Java;
- c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Secretary to the said defendant who was then Vice-Minister of War;
- d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;
- e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

3. Major General MATSUMURA Tomokatsu.

- a. The nationality of the witness is Japanese;
- b. The last official position of witness was Vice-Chief of Staff of the Kwantung Army and he is now believed to be a prisoner of war of the Russian forces in Manchuria;

- c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Operations Section of the staff of the Kwantung Army;
- d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;
- e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;

4. Lieutenant General KASAHARA Yukio;

- a. The nationality of the witness is Japanese;
- b. The last official position of witness was commanding general of the 11th Army, and he is believed to be a prisoner of war of the Chinese forces;
- c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff to the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;
- d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;

- e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith;
5. Lieutenant General IIDA Shojiro;
- a. The nationality of the witness is Japanese;
  - b. The last official position of witness was commanding general of the 3rd Army, and he is believed to be a prisoner of war of the Russian forces in Manchuria;
  - c. The facts to be proved by this witness are the policies, utterances and actions of the defendant UMEZU during the period that the witness was Chief of Staff to the Kwantung Army, of which the defendant UMEZU was Commander-in-Chief;
  - d. The relevance of the witness' testimony is in its tendency to establish that the defendant UMEZU took no part in any of the conspiracies alleged in the indictment and was not responsible for the planning, initiating or waging of wars of aggression;
  - e. The date upon which the attendance of witness will be required cannot be stated accurately; but his attendance for consultation with counsel is required forthwith.

UMEZU Yoshijiro

by

NIYAKE Shotaro

Ben Bruce Blakeney  
Major, AC

His Counsel



Paper No. 298  
Disposes of  
Paper No. 291

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER,
- vs -	)	(1) GRANTING PROSECUTION
	)	LEAVE TO FILE APPLICA-
ARAKI, Sadao, et al	)	TION
	)	(2) DENYING APPLICATION TO
	)	WITHDRAW EXHIBITS NOS.
	)	148A to 148M "JAPAN
	)	IN TIME OF EMERGENCY"

This matter coming on to be heard before  
Mr. Justice Webb; President of the Tribunal, on the  
following:

(1) Application of the Prosecution for  
leave to file the within application dated the  
15 day of July 1946;

(2) Application of Prosecution under Rule  
6(b)(1) of the Rules of Procedure of the Interna-  
tional Military Tribunal for the Far East dated  
the 15 day of July 1946;

and after hearing the arguments of Counsel for the Prosecution  
Section and the Counsel for the Defense Section, the Tribunal  
being fully advised, it is

ORDERED: (1) That leave is GRANTED to file the  
said application; and it is

ORDERED: (2) That application of Prosecution  
under Rule 6(b)(1) of the Rules of Procedure of the Inter-  
national Military Tribunal for the Far East dated the 15  
day of July 1946 be and the same is hereby DENIED.

Dated at Tokyo, Japan, this 16 July 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
- vs - ) GRANTING APPLICATION OF THE  
ARAKI, Sadao; et al ) PROSECUTION TO WAIVE RULE  
6(B)(1) IN RESPECT TO  
PROSECUTION DOCUMENTS 1744  
AND 1906

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, upon the application of the Prosecution for leave to waive compliance with the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East in respect to Prosecution Section documents numbered 1744 and 1906 and permit the Prosecution to file with the Court the original documents, and to introduce in evidence and serve upon the attorneys for the accused, copies of excerpts therefrom in both Japanese and English, and after hearing the arguments of counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application as to Prosecution Section documents numbered 1744 and 1906 be granted; and it is further ordered, that the Prosecution shall also prepare and furnish to counsel for the accused, copies of additional documents, as excerpts from document numbered 1906, in both Japanese and English, enumerated as follows:

1. Enclosure No. 4 to despatch No. 1142 of C. E. Gauss, American Consul General at Shanghai, China, dated January 5, 1938, on the subject: "Flag Incident at Wuhu and Conditions there and in Nanking after the Japanese Occupation."  
Copy of letter dated December 17, 1937, from the Rev. L. R. Craighill to Mr. Gilmore, received December 22, 1937.
2. Cable dated January 20, 1938 from Mr. C. E. Gauss, to AMEMBASSY, Peiping, Nanking, Henkow.
3. Enclosure No. 1 to Report entitled "Conditions in Nanking", dated January 25, 1938. Letter from Lewis S. C. Smythe to Mr. Tokuyasu Fukuda, Attache to the Japanese Embassy, Nanking, dated December 16, 1937.

4. Enclosure No. 1-f to Report entitled "Conditions in Nanking", dated January 25, 1938. Letter to the Imperial Japanese Embassy, Nanking, from International Committee for Nanking Safety Zone, signed Lewis S. C. Smythe, dated December 26, 1937.
5. Enclosure No. 1-g to Report entitled "Conditions in Nanking", dated January 25, 1938. Letter to the Imperial Japanese Embassy, Nanking, from International Committee for Nanking Safety Zone, signed Lewis S. C. Smythe, dated December 30th, 1937.
6. Letter to Mr. Tokuyasu Fukuda, Attache to the Japanese Embassy, Nanking, from International Committee for Nanking Safety Zone, signed John H. D. Rabe, Chairman, dated December 15, 1937.
7. Sub-enclosure No. 1, Enclosure No. 8-10, letter to Mr. Tokuyasu Fukuda, Japanese Embassy, Nanking, from H. D. Rabe, dated January 7, 1937.
8. Cable dated January 27, 1938 to AMEMBASSY, HANKOW; SECSTATE, WASHINGTON; AMEMBASSY, PEIPING; AMCONSUL, SHANGHAI, signed Allison.
9. Cable dated February 1, 1938 to AMEMBASSY, NANKING; AMEMBASSY, PEIPING; AMEMBASSY, HANKOW, signed Gauss.
10. Cable dated February 13, 1938 to AMEMBASSY, NANKING, signed Johnson.
11. Cable dated February 18, 4 p.m., to AMEMBASSY, HANKOW; SECSTATE, WASHINGTON; AMEMBASSY, PEIPING; AMERICAN CONSUL, SHANGHAI, signed Allison.
12. Cable sent via Naval Radio GAjr, dated at Nanking, March 12, 1938, to SECSTATE, WASHINGTON; AMEMBASSY, HANKOW; AMEMBASSY, PEIPING; AMCONSUL, SHANGHAI, signed Atcheson.
13. Cable sent via Naval Radio, dated March 16, 1938, to AMEMBASSY, HANKOW; SECSTATE, WASHINGTON; AMEMBASSY, PEIPING; AMCONSUL, SHANGHAI, signed Allison.
14. Cable sent via Naval Radio, dated April 14, 1938, to SECSTATE, WASHINGTON; AMEMBASSY, HANKOW; AMEMBASSY, PEIPING; AMEMBASSY, NANKING, from AMCONSUL, TSINGTAO, signed Gourley.

15. Cable sent via Naval Radio, dated April 26, 1938, to SECSTATE, WASHINGTON; AMEMBASSY, NANKING; AMEMBASSY, HANKOW; AMEMBASSY, PEIPING, from AMCONSUL, SHANGHAI, signed Lockhart.
16. Cable sent via Naval Radio, dated May 27, 1938, to SECSTATE, WASHINGTON; AMEMBASSY, HANKOW; AMEMBASSY, NANKING; AMCONSUL, SHANGHAI, from PEIPING, signed Salisbury.
17. Telegram sent via Naval Radio, dated December 12, 1938, 10 a.m., to AMERICAN CONSUL, SHANGHAI, subject "Chinese bombers over Nanking", signed Cooper.

Dated at Tokyo, Japan, this 6 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT



Paper No. 347  
Disposes of Paper No. 346  
Amends Order  
Paper No. 297

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

UNITED STATES OF AMERICA; et al	)	ORDER,
- vs -	)	AMENDING ORDER OF 16 JULY 1946
ARAKI, Sadao; et al	)	SUBSTITUTING ADMINISTRATIVE
	)	OFFICERS.

This matter coming on to be heard before Mr. Justice Webb, President of the Tribunal, on the Request of the Prosecution that Order (Paper No. 297) be amended, and the Tribunal being fully advised, it is

ORDERED: That only the last paragraph of the order of this Tribunal heretofore entered on 16 July 1946 be and is hereby amended and shall now read as follows:

"ORDERED: That the said exhibits shall be delivered by the Clerk of the Court only upon the written receipt of the following:

PROSECUTION SECTION

DEFENSE SECTION

Lt. Gunnar E. Ohberg

Lt. Comdr. E. R. Harris, U.S.N.R.

or

Lt. Kurt Steiner"

Dated at Tokyo, Japan, this 8 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT



Paper No. 365  
Disposes of  
Paper No. 345

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
  ) GRANTING APPLICATION OF THE  
  ) PROSECUTION TO WAIVE RULE  
  ) 6(B)1 IN RESPECT TO PROSECU-  
- vs - ) TION DOCUMENTS NOS. 1043  
ARAKI, Sadao; et al ) AND 1045.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order dispensing with full compliance with the provisions of Rule 6(b)1 of the Rules of Procedure of the International Military Tribunal for the Far East, in respect to Prosecution Section documents Nos. 1043 and 1045, so as to permit the Prosecution to introduce into evidence and to serve upon the attorneys for the accused, copies of excerpts only, therefrom, in both the Japanese and English language, and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to Prosecution Section documents Nos. 1043 and 1045 be and is hereby granted as prayed.

Dated at Tokyo, Japan, this 13 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 367  
Disposes of Oral  
Motion in Court

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
  ) GRANTING ORAL MOTION OF  
  ) THE DEFENDANTS TO MAKE  
  ) CONFERENCE ROOM PROCEED-  
- vs -                                    ) INGS PART OF THE RECORD.  
ARAKI, Sadao; et al

This matter coming on to be heard by the Tribunal in Open Court on the 5 August 1946 upon the oral motion on behalf of the defendants that all Chambers and Conference Room proceedings be made part of the record in the above entitled case, and the Tribunal being fully advised in the premises, it is the decision of a majority of the members of the Tribunal and it is

ORDERED: That said oral motion be and is hereby granted and that all of the proceedings heretofore had and which shall be hereafter had in Chambers and in the Conference Room shall be transcribed and made a part of the record in this case.

Dated at Tokyo, Japan, this 16 day of August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal  
Mr. Justice Northcroft  
Lord Patrick  
Mr. Justice Mei  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal  
Mr. Justice Jaramilla

Paper No. 368  
Disposes of  
Paper No. 301  
Amends Rule 6(B)(1)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
  ) GRANTING APPLICATION OF  
  ) ALL ACCUSED FOR AMENDMENT  
  ) OF RULE 6(B)(1)  
  )  
- vs -  
ARAKI, Sadao; et al

This matter heretofore coming on to be heard before the Tribunal in Open Court on the application of all the remaining accused for the amendment of Rule 6(B)(1), as amended, of the Rules of Procedure of the International Military Tribunal for the Far East, and the Tribunal being fully advised in the premises, it is the decision of a majority of the members of the Tribunal, and it is

ORDERED: That Rule 6(B)(1), as amended, of the Rules of Procedure of the International Military Tribunal for the Far East, be amended in that the same shall now read as follows:

"b. Except as otherwise provided by the Tribunal,

"(1) A copy of every document intended to be adduced in evidence by the prosecution or the defense will be delivered to the accused concerned or his counsel or to the prosecution, as the case may be, and also to the officer in charge of the Language Section of the Secretariat of the Tribunal, not less than twenty-four hours before such document is to be tendered in evidence. Every such copy shall have plainly marked thereon the part or parts upon which the prosecution or the defense, as the case may be, intends to rely, and every such copy shall be accompanied by a translation thereof into English or into Japanese, as the case may be, of the said part or parts. If the document is in a language other than English or Japanese, it shall be sufficient for the purpose of this provision if a translation into both English and Japanese of

Paper No. 370  
Disposes of  
Paper No. 351

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER,
- vs -	)	GRANTING APPLICATION OF
ARAKI, Sadao; et al	)	PROSECUTION FOR LEAVE TO
	)	PRESENT EVIDENCE OF JOHN
	)	GRANVILLE LIEBERT IN A
	)	PREPARED STATEMENT.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of Prosecution for an order of the Tribunal granting leave to have the evidence and testimony in chief of John Granville Liebert, a witness to be produced on behalf of the Prosecution, presented to the Tribunal in the form of a prepared statement, and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted.

Dated at Tokyo, Japan, this 16 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

such document, or such part or parts is delivered to the prosecution or the accused concerned or his counsel, and to such officer."

Dated at Tokyo, Japan, this 16 day of August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

MEMBERS PRESENT:

Mr. Justice Webb, President of the Tribunal  
Mr. Justice Northcroft  
Lord Patrick  
Mr. Justice Mei  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal  
Mr. Justice Jaranilla

Paper No. 371  
Disposes of  
Paper No. 320

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
- vs -	) GRANTING APPLICATION OF THE
	) PROSECUTION TO WAIVE RULE
	) 6(B)(1) IN RESPECT TO
ARAKI, Sadao; et al	) PROSECUTION DOCUMENTS NOS. 219, 436, ETC.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order dispensing with full compliance with the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, in respect to certain documents set forth in said application as Prosecution Section documents Nos. 219, 436, 438, 440, 1016, 1201, 1503b, 1504b, 1504c, 1505b, 1505c, 1505d, 1529d, 1584a, 1584d, 1604, 1756, 1799b, 1801, 1898, 1915, 2117, 2166, 2167, 2168, 2177, 2332, 2336, 2339, and 2415, so as to permit the Prosecution to introduce into evidence and to serve upon the attorneys for the accused, copies of excerpts only, therefrom, in both the Japanese and English language, and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the enumerated documents be and is hereby granted; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and English language, from the afore-mentioned documents enumerated as follows:

(1) From Prosecution Section document No. 1016, set forth in Paragraph 5 of the application -- the whole speech, of some 15 pages, of which the excerpt is a part.

(2) From Prosecution Section document No. 1604, set forth in Paragraph 16 of the application -- the balance of the whole article of which the excerpt is a part.



(3) From Prosecution Section document No. 1799b, set forth in Paragraph 18 of the application -- the balance of that particular article, numbered item 81, of which the excerpt is a part.

(4) From Prosecution Section document No. 1801, set forth in Paragraph 19 of the application -- all the balance of that particular article, numbered item 5, of which the excerpt is a part.

Dated at Tokyo, Japan, this 13 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

Paper No. 388  
Disposes of  
Oral Application in re  
OKAWA, SHUMEI

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
- vs - ) GRANTING THE ORAL APPLICA-  
ARAKI, Sadao; et al ) TION OF THE ACCUSED OKAWA,  
SHUMEI, FOR TRANSFER FROM  
TOKYO IMPERIAL UNIVERSITY  
HOSPITAL TO MATSUZAWA  
HOSPITAL FOR THE INSANE.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of the accused OKAWA, SHUMEI, by his Counsel of record, for an order of the Tribunal that the said accused OKAWA, SHUMEI, be removed forthwith from the Tokyo Imperial University Hospital, where he is presently confined under prior order of the Tribunal, and be immediately transferred to and confined in Matsuzawa Hospital, a municipal hospital for the insane, located in a suburb in the City of Tokyo, for further necessary care and treatment; said application being supported by a medical report, dated 22 August 1946, and recorded and filed in this case, made by Yushi Uchimura, M.D., Professor of Psychiatry, Tokyo Imperial University, President of Matsuzawa Hospital for the Insane, regarding the physical and mental condition of the afore-said OKAWA, SHUMEI, and with recommendation for his hospitalization, care and treatment; and after hearing the arguments of the respective Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the said application be granted; and, subject to the requirements of the Supreme Commander, and of such provisions for the securing his proper custody therein as may be directed by the Supreme Commander, the accused OKAWA, SHUMEI, be removed forthwith from the Tokyo Imperial University Hospital and be immediately transferred to and confined in Matsuzawa Hospital for the Insane, Tokyo, for medical care and treatment until further order of the Tribunal, and it is further

ORDERED: That the Prosecution have leave to make further application for medical examination of the said accused OKAWA, SHUMEI.

Dated at Tokyo, Japan, this 23 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT



3. On 9 March 1935, foreign air attaches in Berlin were informed that German air force had come into existence officially as of March 1.
4. On 16 March 1935, HITLER reintroduced compulsory military service in Germany.
5. On 7 March 1936, German troops occupied the Rhineland.
6. In 1934, Italy began preparations for war against Ethiopia.
7. On 3 October 1935, Italian armed forces invaded Ethiopia.
8. On 11 December 1937, Italy resigned from the League of Nations.
9. On 4 February 1938, Joachim von Ribbentrop replaced Constantin von Neurath as German Foreign Minister. Major changes in the German Army; Chancellor Hitler assumed supreme command.
10. On 20 February 1938, Chancellor Hitler recognized Manchukuo and expressed preference for a Japanese victory.
11. On 23 August 1939, a German-Russian non-aggression treaty was signed.
12. On 30 March 1940, the Wang Ching-wei government was proclaimed in Nanking, and the United States refused to recognize this regime.
13. On 12 January 1940, the Japanese government informed the Netherlands government of the abrogation of the Japanese-Netherlands Arbitration Treaty.
14. On 20 March 1940, the Japanese Consulate was newly opened at Noumea, capital of New Caledonia.
15. On 1 September 1939, Germany invaded Poland.
16. On 9 May 1940, Germany invaded Belgium, Luxemburg, and the Netherlands.
17. On 10 June 1940, Italy declared war on Britain and France.
18. On 17 June 1940, France asked armistice terms of Germany.

And it is further

ORDERED: That the application as to matter No. (2) be granted as to Prosecution Section documents Nos. 1503b, 1418, 1632 and 2361; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and English language, from the afore-mentioned documents enumerated as follows:

1. From Prosecution Section document No. 1503b, set forth in paragraph 1 of Schedule (B) of the application --- the balance of that particular article, of which the excerpt is a part, and consisting of approximately five and one-half pages more.
2. From Prosecution Section document No. 2361, set forth in paragraph 4 of Schedule (B) of the application --- the balance of that particular article, of which the excerpt is a part, and consisting of approximately three pages more.

Dated at Tokyo, Japan, this 22 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

*Spec listed on  
the 18 Oct 46  
para 399.7)*  
Paper No. 399.  
Disposes of  
Paper No. 391.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al )  
  ) ORDER,  
  ) GRANTING APPLICATION OF  
  ) PROSECUTION FOR LEAVE TO  
  ) PRESENT THE EVIDENCE OF  
- vs - )  
  ) ADMIRAL JAMES O. RICHARD-  
ARAKI, Sadao; et al )                                  ) SON IN A PREPARED STATE-  
  ) MENT.

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the Prosecution for an order of  
the Tribunal granting leave to have the evidence and testi-  
mony in chief of Admiral James O. Richardson, a witness to  
be produced on behalf of the Prosecution, presented to the  
Tribunal in the form of a prepared statement instead of his  
being directly examined orally in Open Court; and after  
hearing the arguments of the respective Counsel; and the  
Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is  
hereby granted, as prayed.

Dated at Tokyo, Japan, this 30 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

*Spec listed on  
the 18 Oct 46  
para 2 (7)*  
Paper No. 399.7)  
Disposes of  
Paper No. 391.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
- vs - ) GRANTING APPLICATION OF  
ARAKI, Sadac; et al ) PROSECUTION FOR LEAVE TO  
PRESENT THE EVIDENCE OF  
ADMIRAL JAMES O. RICHARD-  
SON IN A PREPARED STATE-  
MENT.

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the Prosecution for an order of  
the Tribunal granting leave to have the evidence and testi-  
mony in chief of Admiral James O. Richardson, a witness to  
be produced on behalf of the Prosecution, presented to the  
Tribunal in the form of a prepared statement instead of his  
being directly examined orally in Open Court; and after  
hearing the arguments of the respective Counsel; and the  
Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is  
hereby granted, as prayed.

Dated at Tokyo, Japan, this 30 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

*Rec'd listed in  
the 18 Oct 46  
para 2(6)*

Paper No. 400  
Disposes of  
Paper No. 379.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER
	)	GRANTING APPLICATION
- vs -	)	OF THE PROSECUTION TO
	)	WAIVE RULE 6(b)(1) IN
ARAKI, Sadao; et al	)	RESPECT TO PROSECUTION
	)	DOCUMENTS NOS. 949,
	)	1105, 1204, 223 AND 829.

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tri-  
bunal, upon the application of the Prosecution for an  
order dispensing with full compliance with the provisions  
of Rule 6(b)(1) of the Rules of Procedure of the Inter-  
national Military Tribunal for the Far East, in respect  
to certain documents set forth in said application as  
Prosecution Section Documents Nos. 949, 1105, 1204, 223  
and 829, so as to permit the Prosecution to introduce  
into evidence and to serve upon the attorneys for the  
accused, copies of excerpts only, therefrom, in both  
the Japanese and English language, and after hearing  
the arguments of Counsel, and the Tribunal being fully  
advised in the premises, it is

ORDERED: That said application as to each of  
the enumerated documents be and is hereby granted, as  
prayed;

And it is further



ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and English language, from the afore-mentioned documents enumerated as follows:

- (1) From Prosecution Section Document No. 949, set forth in Paragraph 1, Schedule A of the application --- all that part beginning on the fourth line of Page 32 of said document, and ending on the seventh line of Page 40 of same, and also, beginning on Line two on Page 48, and ending with the last line on Page 51, consisting of approximately eleven (11) additional pages.
- (2) From Prosecution Section Document No. 829, set forth in Paragraph 4, Schedule A of the application --- the complete statement of the Foreign Office concerning the Administrative Jurisdiction of Shinnan Gunto, consisting of approximately one (1) whole page from which the excerpt on Page 19 is a part.

Dated at Tokyo, Japan, this 29 August 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

*Recd. listed in  
the Oct 18, 46  
para 2(2)*

Paper No. 417  
Disposes of  
Paper No. 405

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	} ORDER, GRANTING APPLICATION OF THE ACCUSED UMEZU, YOSHIJIRO, FOR THE PRODUC- TION OF LT. GEN. SAKAI, TAKASHI, AS A WITNESS.
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the accused UMEZU, YOSHIJIRO, by  
his Counsel of record, in accordance with Article 9(e)  
of the Charter, for an order of the Tribunal for the  
production of Lt. Gen. SAKAI, Takashi, as a witness for  
and on behalf of the said accused UMEZU, YOSHIJIRO; and  
after hearing the arguments of Counsel, and the Tribunal  
being fully advised in the premises, it is

ORDERED: That said application be and is hereby  
granted; and it is further

ORDERED: That a summons be issued forthwith  
by the Secretary of the Tribunal commanding Lt. Gen.  
SAKAI, Takashi, to attend and testify before said Tribunal  
as a witness for the Defense.

Dated at Tokyo, Japan, this 3 September 1946.

BY THE TRIBUNAL:

(Signed)

W. F. Webb.

*Recd. Hist. Div.  
18 Oct 18, '46  
para 2(12)*

Paper No. 420

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER,
- vs -	) RELEASING G. WALTER BOWMAN
	) AND APPOINTING CHARLES A.
ARAKI, Sadao; et al	) MANTZ AS CLERK OF THE
	) COURT.

The attention of the Tribunal has been directed to the fact that G. Walter Bowman, Clerk of the Court, whose services were loaned to this Tribunal through the courtesy of the Honorable J. Foster Symes, Judge of the United States District Court for the District of Colorado, for the purpose of setting up the office of the Clerk of the Court of this Tribunal, has now completed his mission and desires to return to his position as Clerk of the United States District Court for the District of Colorado, and that a successor should be appointed to act in his stead, and the Tribunal being fully advised in the premises, it is the decision of a majority of the Justices, and it is

ORDERED: That the appreciation of this Tribunal be and is hereby extended to the Honorable J. Foster Symes for his consideration and courtesy in lending the services of G. Walter Bowman, and it is further

ORDERED: That G. Walter Bowman be released from his duties as Clerk of the Court of this Tribunal, and that the Tribunal's appreciation of his excellent services be placed on record; and it is further

ORDERED: That Charles A. Mantz be and is hereby appointed as Clerk of the Court in the place and stead of G. Walter Bowman, and that Herbert W. DeLaney be and is hereby appointed Chief Deputy Clerk of the Court, and it is further

ORDERED: That the release of G. Walter Bowman, and the appointments herein, be effective as of the 11 day of September 1946.

Dated at Tokyo, Japan, this 9 day of September 1946.

BY THE TRIBUNAL:

(Signed) W.F. Webb  
PRESIDENT

MEMBERS PRESENT:

The Honorable Sir William Webb, President of the Tribunal  
Mr. Justice Northcroft  
Lord Patrick  
Mr. Justice Mei  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal  
Mr. Justice Jaranilla

*Recd listed  
ltw 18 Oct 46  
Page 2. (27)*

Paper No. 435  
Disposes of  
Paper No. 428

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
  ) GRANTING APPLICATION OF  
  ) THE ACCUSED UMEZU, YOSHI-  
  ) JIRO, FOR THE PRODUCTION  
ARAHI, Sadao; et al ) OF THIRTEEN DESIGNATED  
  ) WITNESSES.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused UMEZU, Yoshijiro, by his Counsel of record, in accordance with Article 9(e) of the Charter, for an order of the Tribunal for the production of Lt. Gen. DOI, Akio; Lt. Gen. YOSHIOKA, Yasunao; Gen. YAMADA, Otozo; Lt. Gen. HASHIMOTO, Toranosuke, NAKAJIMA, Hitakichi (also known as NAKASHIMA); Lt. Gen. NAKASHIMA, Tetsuzo; Maj. Gen. AOKI, Kazuo; Dr. ONODERA, Naosuke; Gen. USHIROKU, Jun; Maj. Gen. MATSUDA, Genji; Lt. Gen. ISOGAI, Rensuke; TAKEBE, Rokuzo; and FURUMI, Tadayuki, respectively, as witnesses for and on behalf of the said accused UMEZU, Yoshijiro; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That a summons be issued forthwith, by the Secretary of the Tribunal, for each of the persons hereinafter

ORDERED: That Court Exhibit No. 328, to wit Volume IX of "Correspondence American Embassy Nanking, 1938," be withdrawn from the records of the Tribunal and returned to the American Embassy at Nanking.

Dated at Tokyo, Japan, this 16 September 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

*Rec'd dated  
18 Oct 46  
para 2. (28)*

Paper No. 436  
Disposes of  
Paper No. 430

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
- vs - ) GRANTING WITHDRAWAL FROM  
ARAKI, Sadao; et al ) RECORDS OF THE TRIBUNAL,  
 ) COURT EXHIBIT NO. 328.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for leave to withdraw from the records of the Tribunal, the original document identified as Prosecution Section document No. 1906, Court Exhibit No. 328, being Volume IX of "Correspondence American Embassy Nanking, 1938," to the end that this document may be returned forthwith to the American Embassy at Nanking, from whom it was secured; and, it appearing to the Tribunal that the American Embassy at Nanking desires to withdraw this document forthwith from the records of the Tribunal; and, that the withdrawal of this document, as requested, will in no wise prejudice the rights of the accused or any of them and no substantial injustice will result thereby to said accused; and, after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted; and it is further

set forth, commanding said persons respectively to attend and testify before said Tribunal as a witness for the defendant UMEZU, Yoshijiro:

- A. Lt. Gen. DOI, Akio
- B. Lt. Gen. YOSHIOKA, Yasunao
- C. Gen. YAMADA, Otozo
- D. Lt. Gen. HASHIMOTO, Toranosuke
- E. NAKAJIMA, Hitakichi (also known as NAKASHIMA)
- F. Lt. Gen. NAKASHIWA, Tetsuzo
- G. Maj. Gen. AOKI, Kazue
- H. Dr. ONODERA, Naosuke
- I. Gen. USHIROKU, Jun
- J. Maj. Gen. MATSUDA, Genji
- K. Lt. Gen. ISOGAI, Rensuke
- L. TAKEBE, Rokuzo
- M. FURUMI, Tadayuki

Dated at Tokyo, Japan, this 16 September 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT



*Decided 18 Oct 46  
Page 2 (28)*

Paper No. 437  
Disposes of  
Paper No. 418

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER,
	)	GRANTING APPLICATION OF
- vs -	)	PROSECUTION FOR EXEMPTION
	)	FROM RULE 6(B)(1) WITH
ARAKI, Sadao; et al	)	RESPECT TO PROSECUTION
	)	DOCUMENT No. 9016B.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(B)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Prosecution Section document No. 9016B, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts only from said document, in both the Japanese and the English language, in the place and stead of the entire original document; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application for such exemption be and is hereby granted.

Dated at Tokyo, Japan, this 16 September 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 442  
Disposes of Paper No. 438  
Amends Order, Paper No. 297 and  
Amends Order, Paper No. 347

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER,
- vs -	)	AMENDING PREVIOUS ORDERS,
ARAKI, Sadao; et al	)	IN RE: RECEIPTS FOR WITH-
	)	DRAWAL OF COURT EXHIBITS.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused, by their Counsel of record, for an order amending the last paragraph of that certain order (Paper No. 297) heretofore made and entered by the Tribunal on 16 July 1946, and the last paragraph of that certain order (Paper No. 347) heretofore made and entered by the Tribunal on 8 August 1946, wherein Lt. Comdr. E. R. Harris, U.S.N.R., was designated as the person to whom exhibits and documents shall be delivered by the Clerk of the Court from the Registry of the Tribunal, upon proper written receipt on behalf of the Defense Section, by adding the name of Lt. Bernard A. Hargadon thereto, and with like effect; and after hearing the argument of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the last paragraph, only, of that certain order of this Tribunal heretofore made and entered on 16 July 1946, and the last paragraph, only, of that certain order of this Tribunal heretofore made and entered on 8 August 1946, be and are hereby respectively amended and shall now

read as follows:

"ORDERED: That the said exhibits shall be delivered by the Clerk only upon the written receipt of the following:

PROSECUTION SECTION

Lt. Gunnar E. Ohberg

or

Lt. Kurt Steiner

DEFENSE SECTION

Lt. Comdr. E. R. Harris, U.S.N.R.

or

Lt. Bernard A. Hargadon"

Dated at Tokyo, Japan, this 19 September 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 443  
Disposes of  
Paper No. 423

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al ) ORDER,  
  ) GRANTING APPLICATION OF  
  ) PROSECUTION FOR EXEMPTION  
  ) FROM RULE 6 (B) (1) WITH  
- vs -                                  ) RESPECT TO PROSECUTION  
ARAKI, Sadao: et al                  ) DOCUMENTS NOS. 2457, 2527,  
  ) AND OTHERS.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Prosecution Section documents enumerated and set forth in said application portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of respective Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed, as to Prosecution Section documents Nos. 2457, 2527, 2367, 2368, 1955, 1987, 2302, 2330, 2549, 2461, 2528, 4121, 2524, 1086, 1217, 1628, and 1754; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts

or sections, in both the Japanese and the English language, from the afore-mentioned documents enumerated as follows: \*

1. From Prosecution Section document No. 2457 --- the entire speech of Baron SHIDEHARA, consisting of approximately three and one-half pages, of which the excerpt is a part.

2. From Prosecution Section document No. 2330 --- the whole of Page 52 and the first line of Page 53 from the said book on "Draft Measures on the Construction of the Greater East Asia."

3. From Prosecution Section document No. 2461 --- the entire speech of TOJO, of which the excerpt is a part.

4. From Prosecution Section document No. 2528 --- the entire speech of SHIGEMITSU, of which the excerpt is a part.

5. From Prosecution Section document No. 2524 --- one line in "The Kaizo" magazine which was left out of the excerpt prepared by the Prosecution.

6. From Prosecution Section document No. 1217 --- the entire speech of SHIGEMITSU, of which the excerpt is a part.

And it is further

ORDERED: That said application be continued for further consideration by the Tribunal as to Prosecution Section documents Nos. 2459, 1753, 4122, 2627, 13, 1622, 2402, 1621,

1355, 1046, 1285, 590, 1210, 823, 1461, 1505, 2550, and 2419.

Dated at Tokyo, Japan, this 19 September 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

*Revised list  
ltr 18 Oct 46  
para 2 (16)*

Paper No. 447

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
  ) IN RE:- THE PRODUCTION OF  
  ) WITNESSES AND OF DOCUMENTS  
  ) FOR THE DEFENSE, UNDER  
- vs -                                  ) CHARTER PROVISIONS, --  
ARAKI, Sadao; et al                  ) SECTION III, ARTICLE 9,  
  ) PARAGRAPH E.

This matter coming on for consideration by the Tribunal upon its own initiation this 26 September 1946, to ascertain and determine the procedure for the production of witnesses and documents for and on behalf of the Accused, and each of them, under and by virtue of the provisions of Section III, Article 9, Paragraph E, of the Charter of the International Military Tribunal for the Far East; it is

ORDERED: That each Accused in this case shall, by his respective Counsel of record, make application in writing to the Tribunal for the production of such witnesses and of such documents as he may desire for and on behalf of his defense, under and according to the provisions of Section III, Article 9, Paragraph E of the Charter of the Tribunal, and

The Tribunal will hear and determine the said applications of the accused in the Conference Room of the Tribunal at 0900 hours, in manner, and on the dates, hereinafter prescribed:-

On Monday, 14 October 1946, the application of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 7 October 1946.

On Wednesday, 16 October 1946, the application of four of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 9 October 1946.

On Thursday, 17 October 1946, the application of four of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 10 October 1946.

On Monday, 21 October 1946, the application of four of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 14 October 1946.

On Wednesday, 23 October 1946, the application of four of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 16 October 1946.

On Thursday, 24 October 1946, the application of four of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 17 October 1946.

On Monday, 28 October 1946, the application of three of the accused; which application shall be filed with the General Secretary of the Tribunal not later than five o'clock on 21 October 1946.

Counsel for the Accused, through their duly designated administrative officer of the Defense Section, shall determine the respective four applications of the accused to be heard on the dates set forth until all the said applications have been filed as herein provided.

Dated at Tokyo, Japan, this 26 September 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT



WD letter 25 Oct '46.

Para. 2.h.

Paper No. 452  
Disposes Further of  
Paper No. 423

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
  ) FURTHER GRANTING APPLICATION  
  ) OF PROSECUTION FOR EXEMPTION  
  ) FROM RULE 6(b)(1) WITH RES-  
  ) PECT TO CERTAIN DOCUMENTS  
  ) NOT HERETOFORE RULED ON IN  
  ) PAPER NO. 423.

- vs -

ARAKI, Sadao; et al

This matter coming on, for further hearing and consideration, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to certain Prosecution Section documents enumerated and set forth in said application, and not heretofore ruled upon by the Tribunal, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of respective Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed, as to Prosecution Section documents Nos. 1753, 4122, 2627, 13, 1622, 1355, 1046, 1285, 590, 1210, 823, 1461, 1505, 2550 and 2419; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and the English language, from

the afore-mentioned documents enumerated as follows:

1. From Prosecution Section document No. 1753 -- the entire document, of which the excerpt is a part.

2. From Prosecution Section document No. 2627 -- from page 26 to the first line on page 30 of the article by Araki, Sadao, on "The Mission of Japan in the Era of Showa."

3. From Prosecution Section document No. 1355 -- all of the remarks of the President of the Institute appearing on pages 3 and 4, of which the excerpt is a part, and also the outline of exercises of 17 Showa on page 7.

4. From Prosecution Section document No. 1046 -- the entire document, of which the excerpt is a part.

5. From Prosecution Section document No. 1285 -- the entire document, of which the excerpt is a part.

6. From Prosecution Section document No. 2419 -- the whole of Shiratori's letters, consisting of approximately 16 pages, of which the excerpt is a part.

And, the Tribunal makes no order in respect to Prosecution Section documents Nos. 2459, 2402 and 1621, as Counsel for the Prosecution and for the Defense have mutually agreed relative thereto.

Dated at Tokyo, Japan, this 2 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 453  
Disposes of  
Paper No. 448

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
  ) GRANTING APPLICATION OF  
  ) PROSECUTION FOR EXEMPTION  
  ) FROM RULE 6 (B) (1) WITH  
- vs -                                    ) RESPECT TO PROSECUTION  
ARAKI, Sadao; et al                   ) DOCUMENT NO. 794A.

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the Prosecution for an order of  
exemption from the provisions of Rule 6(b)(1) of the Rules  
of Procedure of the International Military Tribunal for the  
Far East, with respect to Prosecution Section document  
No. 794A, portions of which the Prosecution intend to be  
adduced in evidence, so as to permit the Prosecution to  
serve upon the accused or their Counsel, copies of excerpts  
only from said document, in both the Japanese and the Eng-  
lish language, in the place and stead of the entire original  
document; and after hearing the arguments of Counsel, and  
the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby  
granted, as prayed.

Dated at Tokyo, Japan, this 4 October 1946.

BY THE TRIBUNAL:

(Signed) W.F.WEBB  
PRESIDENT

Paper No. 455  
Disposes of  
Paper No. 431  
(Formerly Paper No. 423-A)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER,
- vs -	)	GRANTING APPLICATION OF
	)	PROSECUTION FOR EXEMPTION
ARAKI, Sadao; et al	)	FROM RULE 6(b)(1) WITH
	)	RESPECT TO PROSECUTION
	)	DOCUMENT NO. 608

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the Prosecution for an order of  
exemption from the provisions of Rule 6(b)(1) of the Rules  
of Procedure of the International Military Tribunal for the  
Far East, with respect to Prosecution Section document  
No. 608, portions of which the Prosecution intend to be  
adduced in evidence, so as to permit the Prosecution to  
serve upon the accused or their Counsel, copies of excerpts  
only from said document, in both the Japanese and the Eng-  
lish language, in the place and stead of the entire original  
document; and after hearing the arguments of Counsel, and  
the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby  
granted, as prayed.

Dated at Tokyo, Japan, this 4 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

Paper No. 456  
Disposes of  
Paper No. 439

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
  ) GRANTING APPLICA-  
  ) TION OF THE  
  ) ACCUSED KIMURA,  
- vs -                                   ) HEITARO, FOR THE  
ARAKI, Sadao; et al                  ) PRODUCTION OF LT.  
  ) COL. SUGITA, ICHIJI,  
  ) AS A WITNESS.

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tri-  
bunal, upon the application of the accused KIMURA,  
Heitaro, by his Counsel of record, in accordance  
with Article 9(e) of the Charter, for an order of the  
Tribunal for the production of Lt. Col. SUGITA, Ichiji,  
and under an oral amendment to said application, here-  
tofore allowed by the Tribunal, for the production of  
Maj. Gen. SAITO and Lt. Col. BANNO, all as witnesses  
for and on behalf of the said accused KIMURA, Heitaro;  
and Counsel for said accused applying to the Tribunal  
for leave to withdraw from said amended application  
the names of Maj. Gen. SAITO and Lt. Col. BANNO: and  
the Tribunal hearing the arguments of Counsel and

and being fully advised in the premises, it is

ORDERED: That the oral application of the accused to withdraw from the amended application the names of Maj. Gen. SAITO and Lt. Col. BANNO be granted; and it is further

ORDERED: That the original application as to Lt. Col. SUGITA, Ichiji, be and is hereby granted, as prayed; and that a summons be issued forthwith, by the Secretary of the Tribunal, commanding said Lt. Col. SUGITA, Ichiji, to attend and testify before said Tribunal as a witness for the defendant KIMURA, Heitaro.

Dated at Tokyo, Japan, this 4 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT



processed and served by and on behalf of the Prosecution for its own use, as set forth in the application, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed, and as agreed upon between respective Counsel; and it is further

ORDERED: That the Prosecution shall also prepare and furnish Counsel for the accused, copies of such additional parts or sections, in both the Japanese and the English language, from the aforementioned document, as have been mutually agreed upon by and between Counsel for the Prosecution and Counsel for the accused.

Dated at Tokyo, Japan, this 4 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
- vs - GRANTING APPLICATION OF  
PROSECUTION FOR EXEMPTION  
ARAKI, Sadao; et al FROM RULE 6(b)(1) WITH  
RESPECT TO COURT EXHIBIT  
NO. 58.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to Court Exhibit No. 58, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said document, in both the Japanese and the English language, in the place and stead of the entire original document; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and the English language, from the afore-mentioned document, as follows:

(1) Beginning on page 1088 at line 5, to page 1089 at line 3.

(2) Beginning on page 1089 at line 19, to page 1090 at line 5.

(3) Beginning on page 1091 at line 9, to line 15 of the same page.

(4) Beginning on page 1101 at line 20, to page 1102 at line 17.

(5) Beginning on page 1114 at line 2, to page 1115 at line 7.

(6) Beginning on page 1119, the last paragraph thereof, and continuing to page 1120 at line 5.

(7) Beginning on page 1133, the entire second paragraph thereof.

(8) Beginning on page 1189 at line 11, to page 1190 at line 7.

(9) Beginning on page 1472 at line 2, to line 23 of the same page.

(10) All of page 1136 to the end of page 1165, consisting of approximately 30 pages.

Dated at Tokyo, Japan, this 4 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

WD letter 25 Oct '46  
Para. 29.

Paper No. 463  
Disposes of  
Paper No. 451

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER, GRANTING  
  ) APPLICATION OF PROSECU-  
  ) TION FOR EXEMPTION FROM  
  ) RULE 6(B)(1) WITH RE-  
- vs - ) SPECT TO PROSECUTION  
ARAKI, Sadao; et al ) DOCUMENTS NOS. 2604-A,  
  ) 2605-A AND TEN OTHERS.

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the Prosecution for an order of  
exemption from the provisions of Rule 6(b)(1) of the Rules  
of Procedure of the International Military Tribunal for the  
Far East, with respect to Prosecution Section documents  
Nos. 2604-A, 2605-A, 1756-G, 1756-H, 488-C, 1795-B, 1622-B,  
1356-A, 628, 1412-A, 2568, and 1555-I, portions of which  
documents the Prosecution intend to be adduced in evidence,  
so as to permit the Prosecution to serve upon the accused  
or their Counsel, copies of excerpts only from said docu-  
ments, in both the Japanese and the English language, in  
the place and stead of the entire original documents; and  
after hearing the arguments of Counsel, and the Tribunal  
being fully advised in the premises, it is

ORDERED: That said application be and is hereby  
granted, as prayed.

Dated at Tokyo, Japan, this 8 October 1946.

BY THE TRIBUNAL:

(Signed) W.F. WEBB  
PRESIDENT

WD letter 25 Oct 46.

Para. 29.

Paper No. 464  
Disposes of  
Paper No. 458

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER, GRANTING  
  ) APPLICATION OF PROSECU-  
  ) TION FOR A SUBPOENA  
  ) DUCES TECUM FOR YAMASHITA  
- vs - ) AND HOMMA RECORDS  
ARAKI, Sadao; et al

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the Prosecution, by Joseph B.  
Keenan, Chief of Counsel, for a subpoena duces tecum to  
be issued, directed to the Legal Section of SCAP, request-  
ing that Section to turn over to the Clerk of this Tribunal  
all the trial records in the YAMASHITA and HOMMA cases, for  
the use of the Prosecution in the trial of this case, and  
that the accused in this case might be afforded an oppor-  
tunity to examine the same; and after hearing the arguments  
of Counsel, and the Tribunal being fully advised in the  
premises, it is

ORDERED: That said application be and is hereby  
granted, as prayed.

Dated at Tokyo, Japan, this 8 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

Paper No. 475  
Disposes of  
Paper No. 470

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER, GRANTING MOTION OF  
  ) PROSECUTION TO WITHDRAW  
  ) APPLICATION FOR SUBPOENA  
  ) DUCES TECUM FOR YAMASHITA  
- vs - ) AND HOMMA RECORDS AND  
ARAKI, Sadao; et al ) VACATING FORMER ORDER.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the motion of the Prosecution, by Joseph B. Keenan, Chief of Counsel, to withdraw the application heretofore made by the Prosecution on 7 October 1946 (Paper No. 458) for a subpoena duces tecum to be issued, directed to the Legal Section of SCAP, requesting that Section to turn over to the Clerk of this Tribunal all the trial records in the YAMASHITA and HOMMA cases; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the motion to withdraw said application for a subpoena duces tecum is hereby granted, and it is

FURTHER ORDERED: That the former order of this Tribunal, made and entered 8 October 1946, granting said application for a subpoena duces tecum, which is Paper No. 464, be and the same is hereby vacated.

Dated at Tokyo, Japan, this 16 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb

Paper No. 480  
Disposes of  
Paper No. 422 and  
Corrects Paper No. 459

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al) ORDER,  
  ) GRANTING APPLICATION OF  
  ) PROSECUTION FOR EXEMPTION  
  ) FROM RULE 6(B)(1) WITH  
- vs -                                  ) RESPECT TO COURT EXHIBIT  
ARAKI, Sadao; et al                  ) NO. 58.

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of Prosecution for an order of exemp-  
tion from the provisions of Rule 6(b)(1) of the Rules of  
Procedure of the International Military Tribunal for the  
Far East, with respect to Court Exhibit No. 58, portions  
of which the Prosecution intend to be adduced in evidence,  
so as to permit the Prosecution to serve upon the accused,  
or their Counsel, copies of excerpts, only, from said docu-  
ment, in both the Japanese and the English language, in the  
place and stead of the entire original document; and it  
appearing to the Tribunal that an agreement has been reached  
and entered into between Counsel for the Prosecution and  
Counsel for the accused, as to the specific excerpts to be  
processed and served by and on behalf of the Prosecution for  
its own use, as set forth in the application, and the Tribunal  
being fully advised in the premises, it is

ORDERED: That said application be and is hereby

granted, as prayed, and as agreed upon between respective Counsel; and it is further

ORDERED: That the Prosecution shall also prepare and furnish Counsel for the accused, copies of such additional parts or sections, in both the Japanese and the English language, from the afore-mentioned document, as have been mutually agreed upon by and between Counsel for the Prosecution and Counsel for the accused; and it is further

ORDERED: That the order of the Tribunal (Paper No. 459) made and entered on the 4th October 1946, be vacated, and this order be entered in the place and stead thereof nunc pro tunc.

Dated at Tokyo, Japan, this 15 October 1946.

BY THE TRIBUNAL:

/s/ W.F. Webb  
PRESIDENT

Paper No. 481  
Disposes of  
Paper No. 444 and  
Corrects Paper No. 460

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER,
- vs -	)	GRANTING APPLICATION OF
	)	PROSECUTION FOR EXEMPTION
ARAKI, Sadao; et al	)	FROM RULE 6(B)(1) WITH
	)	RESPECT TO COURT EXHIBIT
	)	NO. 174.

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the Prosecution for an order of  
exemption from the provisions of Rule 6(b)(1) of the Rules  
of Procedure of the International Military Tribunal for the  
Far East, with respect to Court Exhibit No. 174, portions  
of which the Prosecution intend to be adduced in evidence,  
so as to permit the Prosecution to serve upon the accused  
or their Counsel, copies of excerpts, only, from said docu-  
ment, in both the Japanese and the English language, in the  
place and stead of the entire original document; and after  
hearing the arguments of Counsel, and the Tribunal being  
fully advised in the premises, it is

ORDERED: That said application be and is hereby  
granted, as prayed; and it is further

ORDERED: That the Prosecution shall also prepare and  
furnish to Counsel for the accused, copies of additional parts  
or sections, in both the Japanese and the English language,  
from the afore-mentioned document, as follows:



(1) Beginning on page 1088 at line 5, to page 1089 at line 3.

(2) Beginning on page 1089 at line 19, to page 1090 at line 5.

(3) Beginning on page 1091 at line 9, to line 15 of the same page.

(4) Beginning on page 1101 at line 20, to page 1102 at line 17.

(5) Beginning on page 1114 at line 2, to page 1115 at line 7.

(6) Beginning on page 1119, the last paragraph thereof, and continuing to page 1120 at line 5.

(7) Beginning on page 1133, the entire second paragraph thereof.

(8) Beginning on page 1189 at line 11, to page 1190 at line 7.

(9) Beginning on page 1472 at line 2, to line 23 of the same page.

(10) All of page 1136 to the end of page 1165, consisting of approximately 30 pages.

And it is further

ORDERED: That the order of the Tribunal (Paper No. 460) made and entered on the 4th October 1946, be vacated, and this order be entered in the place and stead thereof nunc pro tunc.

Dated at Tokyo, Japan, this 15 October 1946.

BY THE TRIBUNAL:

/s/ W.F. Webb  
PRESIDENT

Paper No. 482  
Disposes of  
Paper No. 457

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al) ORDER,  
- vs - ) GRANTING APPLICATION OF  
APAKI, Sadao; et al ) PROSECUTION FOR EXEMPTION  
FROM RULE 6(B)(1) WITH  
RESPECT TO PROSECUTION'S  
DOCUMENTS NOS. 487, 1112,  
2339 AND 2611.

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the Prosecution for an order of  
exemption from the provisions of Rule 6(b)(1) of the Rules  
of Procedure of the International Military Tribunal for  
the Far East, with respect to Prosecution Section documents  
Nos. 487, 1112, 2339 and 2611, portions of which the Prosecu-  
tion intend to be adduced in evidence, so as to permit the  
Prosecution to serve upon the accused or their Counsel,  
copies of excerpts, only, from said document, in both the  
Japanese and the English language, in the place and stead  
of the entire original document; and after hearing the  
arguments of Counsel, and the Tribunal being fully advised  
in the premises, it is

ORDERED: That said application be and is hereby  
granted as prayed; and it is further

ORDERED: That Prosecution Section document No.  
1112 be amended to insert the word "draft" at the head of the

title in that document and also in the excerpts prepared by the Prosecution; and it is further

ORDERED: That the Prosecution shall also prepare and furnish to Counsel for the accused, copies of additional parts or sections, in both the Japanese and the English language, from Prosecution Section document No. 2611 as follows:

The first page, being the title page, of the said document, and all of the preface to said document, consisting of approximately seven pages.

Dated at Tokyo, Japan, this 15 October 1946.

BY THE TRIBUNAL:

/s/ W.F. Webb  
PRESIDENT

Paper No. 483  
Disposes of  
Paper No. 469

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al) ORDER  
- vs - ) GRANTING APPLICATION OF  
APAKI, Sadao; et al ) PROSECUTION FOR LEAVE  
) TO PRESENT THE EVIDENCE  
) OF JOSEPH W. BALLANTINE  
) IN A PREPARED STATEMENT.

This matter coming on to be heard before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of the Tribunal granting leave to have the evidence and testimony in chief of Joseph W. Ballantine, a witness to be produced on behalf of the Prosecution, presented to the Tribunal in the form of a prepared statement, in affidavit form, instead of his being directly examined orally in Open Court; and after hearing the arguments of respective Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That said application is granted under the term that at least ten days before Mr. Ballantine is called as a witness, the Defense shall be tendered a copy of his prepared statement.

Dated at Tokyo, Japan, this 15 October 1946.

BY THE TRIBUNAL:

/s/ W. E. Webb  
PRESIDENT

*Rec'd ltr  
Nov 6  
para 2(9)*

Paper No. 484  
Disposes of  
Paper No. 467.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER,
- vs -	)	GRANTING APPLICATION OF
ARAKI, Sadao; et al	)	THE ACCUSED KIMURA, HEITARO, FOR THE PRODUCTION OF CAPTAIN TAZUMI, ET AL, AS WITNESSES ON HIS BEHALF, AND CERTAIN ENUMERATED DOCUMENTS

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the accused KIMURA, Heitaro, by his  
Counsel of record, in accordance with, and by virtue of,  
Article 9(e) of the Charter, for an order of the Tribunal  
for the production of the following named witnesses and  
enumerated documents, for and on behalf of the said accused  
KIMURA, Heitaro, and necessary to his defense:

1. Captain TAZUMI, whose given or other names are unknown;
2. Major IKEJIRI, Bin;
3. Major General ICHIDA, Jiro;
4. Major General TANAKA, Ryukichi;

and the following documents:

5. The order of the Vice Minister of War, being Army Secret No. 2190 dated 28 July 1942;
6. The order of the Vice Chief of the General Staff, being General Staff Secret Order No. 383-1;

7. The Manual of Military Law, published by His Majesty's Stationery Office, London, England; and the Tribunal hearing the arguments of Counsel and being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; both as to witnesses and documents; and that a summons be issued forthwith, by the Secretary of the Tribunal, commanding respectively the said Captain TAZUMI and Major IKEJIRI, Bin and Major General ICHIDA, Jiro and Major General TANAKA, Ryukichi to attend and testify before the Tribunal as a witness for the defendant KIMURA, Heitaro; and

That the proper officer of the International Prosecution Section forthwith produce, and lodge with the Clerk of the Tribunal, the said documents enumerated in said application, to-wit:

5. Vice Minister of War's Order concerning the treatment of enemy air crew members who made air raids upon Japan, being Army Secret No. 2190 of 28 July 1942;

6. Vice Chief of the General Staff's Order concerning the treatment of enemy air crew members who made air raids upon Japan, being General Staff Secret Order No. 383-1;

7. Manual of Military Law, published by His Majesty's Stationery Office, London, England; for the use and benefit of the accused KIMURA, Heitaro and of the Defense Section.

Dated at Tokyo, Japan, this 18 October 1946.

BY THE TRIBUNAL:

/s/ W.F. Webb  
PRESIDENT

Paper No. 485  
Disposes of  
Paper No. 479.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER, GRANTING  
  ) APPLICATION OF THE  
  ) ACCUSED HATA, SHUNROKU,  
  ) FOR THE PRODUCTION OF  
- vs - ) LT. GEN. MATSUI, TAKURO,  
ARAKI, Sadao; et al ) ET AL, AS WITNESSES ON  
  ) HIS BEHALF.

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the accused HATA, Shunroku, by his  
Counsel of record, in accordance with, and by virtue of,  
Article 9(e) of the Charter, for an order of the Tribunal  
for the production of the following named witnesses for  
and on the behalf of the said accused HATA, Shunroku, and  
necessary to his defense:

1. Lieutenant General MATSUI, Takuro;
2. Lieutenant General SAWADA, Shigeru;
3. Lieutenant General KAWABE, Shozo;
4. Lieutenant General HARADA, Kunakichi;
5. General OKAMURA, Neiji;

and the Tribunal hearing the arguments of Counsel and being  
fully advised in the premises, it is

ORDERED: That the said application be and is  
hereby granted, as prayed; and that a summons be issued  
forthwith, by the Secretary of the Tribunal, commanding

respectively the said Lieutenant General MATSUI, Takura  
and Lieutenant General SAWADA, Shigeru and Lieutenant  
General KAWABE, Shocho and Lieutenant General HARADA,  
Kunakichi and General OKAMURA, Neiji, to attend and  
testify before the Tribunal as witnesses for and on  
behalf of the defendant HATA, Shunroku.

Dated at Tokyo, Japan, this 18 October 1946.

BY THE TRIBUNAL:

Signed W. F. WEBB  
PRESIDENT



Paper No. 489  
Disposes of  
Paper No. 474.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. I

THE UNITED STATES OF AMERICA; et al) ORDER  
- vs - ) GRANTING APPLICATION  
AOKI, Sadac, et al ) OF PROSECUTION FOR  
) EXEMPTION FROM RULE  
) 6(B)(1) WITH RESPECT /  
) TO PROSECUTION DOCUMENTS  
NOS. 1618, 903, AND  
FOUR OTHERS

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the Prosecution for an order of  
exemption from the provisions of Rule 6(b)(1) of the Rules  
of Procedure of the International Military Tribunal for the  
Far East, with respect to International Prosecution Section  
documents numbered 1618, 903, 1124, 891, 9015, and 1458,  
portions of which the Prosecution intend to be adduced in  
evidence, so as to permit the Prosecution to serve upon the  
accused or their Counsel, copies of excerpts, only, from  
said documents, in both the Japanese and the English  
language, in the place and stead of the entire original  
documents; and after hearing the arguments of Counsel, and  
the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby  
granted, as prayed; and it is further

ORDERED: That the Prosecution shall also prepare  
and furnish Counsel for the accused, copies of such

additional parts or sections, in both the Japanese and English language, from the afore-mentioned documents enumerated as follows:

(1) From Prosecution Section document No. 903---  
The publisher's note on the outside of the front page of said document.

(2) From Prosecution Section document No. 801---  
All of the last 2 pages, being pages 96 and 97 of the text from which the Prosecution's excerpt is taken, of the original book regarding the Imperial Ratification of the London Naval Treaty of 1930, dated 1 October 1934.

(3) From Prosecution Section Document No. 9015---  
All of page 2 of the said pamphlet entitled "Report on Japanese Navy Arsenals" from which the Prosecution's excerpt is taken.

Dated at Tokyo, Japan, this 22 October 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER,  
  ) IN RE:-THE PRODUCTION OF  
  ) WITNESSES AND OF DOCU-  
  ) MENTS FOR THE DEFENSE,  
- vs -                                  ) UNDER CHARTER PROVISION,  
  ) --SECTION III, ARTICLE 9,  
ARAKI, Sadao; et al                  ) PARAGRAPH E, AND VACAT-  
  ) ING ORDER OF 26 SEPTEM-  
  ) BER 1946.

1. This matter coming on for consideration by the Tribunal upon its own initiation this 24 October 1946, to ascertain and determine the procedure for the production of witnesses and documents for and on behalf of the Accused, and each of them, under and by virtue of the provisions of Section III, Article 9, Paragraph E, of the Charter of the International Military Tribunal for the Far East; it is

2. ORDERED: That each Accused in this case shall, by his respective Counsel of record, make application in writing to the Tribunal for the production of such witnesses and of such documents as he may desire for and on behalf of his defense, under and according to the provisions of Section III, Article 9, Paragraph E, of the Charter of the Tribunal, and

3. The Tribunal will hear and determine the said applications of the respective accused in the Conference Room of the Tribunal at 0900 hours, in manner, and on the dates, here prescribed:-

On Monday, 11 November 1946, the applications of the accused: ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro; and HATA, Shunroku; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 4 November 1946.

On Wednesday, 13 November 1946, the applications of the accused: HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; and ITAKAKI, Seishiro; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 6 November 1946.

On Friday, 15 November 1946, the applications of the accused: KAYA, Okinori; KIDO, Yoichi; KIMURA, Heitaro; and KOISO, Kuniaki; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 8 November 1946.

On Monday, 18 November 1946, the applications of the accused: MATSUI, Iwane; MINAMI, Jiro; MUTO, Akira; and NAGANO, Osami; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 11 November 1946.

On Wednesday, 20 November 1946, the applications of the accused: OKA, Takasumi; OKAWA, Shumei; OSIWA, Hiroshi; and SATO, Kenryo; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 13 November 1946.

On Friday, 22 November 1946, the applications of the accused: SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIPATANI, Toshio; and SUZUKI, Teiichi; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 15 November 1946.

On Monday, 25 November 1946, the applications of the accused: TOGO, Shigenori; TOJO, Hideki; and UMEZU, Yoshijiro; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 18 November 1946.

4. By agreement of Counsel for the accused and with the Tribunal's consent, the applications may be taken in an order different from that specified above.

5. Subsequent applications for witnesses or documents may be made up to one month after the evidence for the Prosecution has been closed; but such applications shall not be granted except for good cause shown; and the applicant in every case shall also satisfactorily explain why his application was not made within the time specified

in paragraph 3 hereof; and it is further

6. ORDERED: That the former Order of this Tribunal, made and entered 26 September 1946, for the production of witnesses and documents for the Defense, which is Paper No. 447, be and the same is hereby vacated.

Dated at Tokyo, Japan, this 24 October 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER  
  ) IN RE: - PROSECUTION  
  ) WITNESS LT. COLONEL  
  ) P. F. TERIOSHKIN.  
  )  
- vs -  
AFAKI, Sadao; et al )

This matter coming on for consideration in Open Court by the Tribunal, upon the oral application of the Prosecution for an order granting the permission of the Tribunal for Lt. Colonel P. F. Terioshkin, a witness heretofore produced for and on behalf of the Prosecution, and whose evidence has been given before the Court, to leave the jurisdiction of the Tribunal and return to Russia; and the Defense orally admitting that it had no objection to the said Lt. Colonel P.F. Terioshkin so leaving, on the usual terms; and the Tribunal being fully advised in the premises, it is

ORDERED: That the said Lt. Colonel P.F. Terioshkin may forthwith leave Japan, on the usual terms.

Dated at Tokyo, Japan, this 29 October 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT

Paper No. 509  
Disposes of Paper No. 501 and  
Disposes of, and withdraws,  
Paper No. 253 and Paper No. 299

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

*Read it  
Nov 15  
2(a)*

THE UNITED STATES OF AMERICA; et al	)	ORDER,
- vs -	)	GRANTING APPLICATION OF
ARAKI, Sadao; et al	)	PROSECUTION FOR LEAVE TO
	)	WITHDRAW PROSECUTION APPLI-
	)	CATIONS PAPER NO. 253 AND
	)	PAPER NO. 299.

This matter coming on to be heard before  
The Honorable Sir William Webb, President of the Tribunal,  
upon the application of the Prosecution, Paper No. 501, for  
an order to withdraw and strike from the files of the Clerk  
of the Tribunal, those two applications heretofore made and  
filed by the Prosecution under Rule 6(b)(1) of the Rules of  
Procedure of the International Military Tribunal for the Far  
East, as follows:

1. Application dated the first day of July 1946,  
marked as Paper No. 253 in the files of the Clerk of  
the Tribunal;

2. Application dated the                      day of July  
1946, marked as Paper No. 299 in the files of the  
Clerk of the Tribunal;

and after hearing the arguments of Counsel, and the Tribunal  
being fully advised in the premises, it is

ORDERED: That said application be and is hereby  
granted, as prayed; and that said applications of the

Prosecution, marked as Paper No. 253 and as Paper No. 299, be and are hereby withdrawn and stricken from the files of the Tribunal.

Dated at Tokyo, Japan, this 31 October 1946.

BY THE TRIBUNAL:

Signed: W. F. Webb  
PRESIDENT



INTERNATIONAL MILITARY TRIBUNAL FOR  
THE FAR EAST SITTING AT TOKYO, JAPAN

Case No. 1

UNITED STATES OF AMERICA: et al) ORDER:  
  ( GRANTING APPLICATION OF  
  ) THE ACCUSED, - IN OPEN  
  ( COURT - FOR PRODUCTION OF  
ARAKI, Sadao; et al                  ) DOCUMENTS UNDER SECTION III,  
  ARTICLE 9, PARAGRAPH E OF THE  
  CHARTER.

This matter coming on to be heard this 31 October 1946, by the Tribunal in Open Court, upon the application of the accused by their Counsel of record, under and by virtue of the provisions of Section III, Article 9, Paragraph (e), of the Charter of the International Military Tribunal for the Far East, for an order of the Tribunal for the production of the entire and complete original documents and basic materials, and each and all of them, — from which the Research Report No. 131, dated 1 December 1945, entitled: "Japan's Decision to Fight", of the Allied Translator and Interpreter Section of General Headquarters of Supreme Command Allied Powers, Tokyo, Japan, being Court Exhibit No. 809, was compiled and which are set forth therein in full or in part, — for the use and benefit of the accused, and each of them, (and necessary for their proper defense;) and the Tribunal hearing the arguments and statements of Counsel; and being fully advised in the premises, and it appearing that said documents are now in the Washington Document Center of the United States Government, Stuart Building, Washington, D. C.,

ORDERED: That the application be, and is hereby granted, as prayed, and the entire and complete original documents and basic materials, or photostat copies thereof, be produced forthwith by the proper authority or custodian thereof in the Washington Document Center of the United States Government in Washington, D. C., and lodged with the Clerk of this Tribunal in the Registry of the Tribunal in Tokyo, Japan, for the use and benefit of the accused, and each of them.

Dated at Tokyo, Japan, this 31 October 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT OF THE TRIBUNAL

OPINION:

It is the opinion of the Tribunal that a copy of said Court Exhibit 809, to wit: Research Report No. 131, dated 1 December 1945, entitled "Japan's Decision to Fight", be attached hereto to aid in the identification of the said original documents and materials required to be produced hereunder; together with a memorandum of such other information and data as may aid in tracing and locating said documents.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT OF THE TRIBUNAL

*Recd ltr  
Nov 15  
2(a)*

Paper No. 511  
Amends Order, Paper No. 492,  
As respects Hashimoto, Kingoro

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER,
	)	AMENDING ORDER OF THE
- vs -	)	TRIBUNAL MADE 24 OCTOBER
	)	1946 IN RE PRODUCTION OF
ARAKI, Sadao; et al	)	WITNESSES AND DOCUMENTS
	)	FOR THE DEFENSE, IN RESPECT
	)	TO HASHIMOTO, KINGORO, ONLY.

This matter coming on to be heard ex parte before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of the accused, HASHIMOTO, Kingoro, by his Counsel of record, for an order amending Paragraph 3 of that certain Order of the Tribunal, Paper No. 492, heretofore made and entered on 24 October 1946, by deleting the name of the said HASHIMOTO, Kingoro, from the list of applications of the accused to be heard by the Tribunal on Monday, 11 November 1946, and by inserting the name of the said HASHIMOTO, Kingoro, in the list of the applications of the accused to be heard by the Tribunal on Monday, 25 November 1946; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be granted; and that the name of the accused HASHIMOTO, Kingoro, be deleted from the list of applications of the accused to be heard by the Tribunal on Monday, 11 November 1946, and be added

to the list of applications of the accused to be heard by the Tribunal on Monday, 25 November 1946, upon the terms, conditions and impositions made and provided relative to said applications; and that said Paragraph 3 of said Order of the Tribunal shall now read as follows:

3. The Tribunal will hear and determine the said applications of the respective accused in the Conference Room of the Tribunal at 0900 hours, in manner, and on the dates, here prescribed:-

On Monday, 11 November 1946, the applications of the accused: ARAKI, Sadao; DOHIHARA, Kenji; and HATA, Shunroku; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 4 November 1946.

On Wednesday, 13 November 1946, the applications of the accused; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; and ITAGAKI, Seishiro; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 6 November 1946.

On Friday, 15 November 1946, the applications of the accused: KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; and KOISO, Kuniaki; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 8 November 1946.

On Monday, 18 November 1946, the applications of the accused: MATSUI, Iwane; MINAMI, Jiro; MUTO, Akira; and NAGANO, Osami; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 11 November 1946.

On Wednesday, 20 November 1946, the applications of the accused: OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; and SATO, Kenryo; which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 13 November 1946.

On Friday, 22 November 1946, the applications of the accused; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIHATORI, Toshio; and SUZUKI, Teiichi, which applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 15 November 1946.

On Monday, 25 November 1946, the applications of the accused: TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro; and HASHIMOTO, Kingoro; which

applications shall be filed with the General Secretary of the Tribunal not later than 1700 hours on 18 November 1946;

and, it is further

ORDERED: That in each and all respects, except as to Paragraph 3 which shall be as here amended, the said Order of the Tribunal of 24 October 1946, shall be, and remain as originally made, signed and entered.

Dated at Tokyo, Japan, this 1 November 1946.

BY THE TRIBUNAL:

Signed: W. F. Webb  
PRESIDENT

P. l

Recd by  
Nov 15  
2(a)

Paper No. 513

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) APPLICATION FOR LEAVE
- vs -	) TO EMPLOY AKIRA, TORI-
	) SAWA, A TRIBUNAL TRANS-
	) LATOR AND INTERPRETER,
ARAKI, Sadao; et al	) TO ASSIST THE ASSOCIATE
	PROSECUTOR FOR THE
	NETHERLANDS IN THE
	TRANSLATION OF PROSECU-
	TION DOCUMENTS

The above-named prosecutors do hereby apply to the International Military Tribunal for the Far East for permission to use the services of AKIRA TORISAWA in the preparation of translations of documents which the Prosecution intends to be adduced in evidence in the presentation of its case before this Tribunal.

The Prosecution represents to the Tribunal:

1. That in the preparation of the phase of its case dealing with the subject "Relations with the Netherlands", which phase will be presented under the direction of Major General Bergerhoff Mulder, the Associate Prosecutor representing the Kingdom of the Netherlands, the services of competent and experienced persons conversant with the Dutch, Japanese and English languages are required for the translation of documents and the interviewing of prospective witnesses.

2. That only one person possessing the qualifications required is available to the Prosecution, i.e. S. Asakura, who is now employed by the Prosecution as a Translator, and other persons cannot with the exercise of diligence be procured by the Prosecution in time for the preparation of the evidence it expects to adduce before this

Tribunal in the phase of the case hereinbefore mentioned.

3. That AKIRA TORISAWA is a person possessing the qualifications necessary to the translations and interpretations required by the Prosecution in the preparation of the evidence it expects to adduce before this Tribunal.

4. That said AKIRA TORISAWA is now employed in the Language Section of the Secretariat of this Tribunal, and it is expected that he will serve the Tribunal as an interpreter and translator in the interpretation of the testimony of Dutch speaking witnesses to appear before the Tribunal.

5. That said AKIRA TORISAWA cannot be employed by the Prosecution for the performance of the services above mentioned unless said employment is with the full knowledge and permission of the Tribunal.

6. That the performance of the services required of said AKIRA TORISAWA by the Prosecution will be fully completed before his services as a translator and interpreter for the Tribunal are required and will in no way interfere with or prejudice the performance of the duties he is expected to perform for the Tribunal.

7. The Prosecution submits that the services required of the said AKIRA TORISAWA by the Prosecution are not in any manner inconsistent with the services which he is expected to perform at a later date as a translator and interpreter for the Tribunal and will not disqualify him from serving in the capacity of an official interpreter and translator for the Tribunal.

Dated at Tokyo, Japan, this 1 November 1946.

/s/ JOSEPH B. KEENAN  
JOSEPH B. KEENAN  
Chief of Counsel

/s/ MAJOR GEN. BORGERHOFF MULDER  
MAJOR GEN. BORGERHOFF MULDER  
Associate Prosecutor of the  
Kingdom of the Netherlands

*Read  
the Hon 22  
para 2.*

Paper No. 534

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

UNITED STATES OF AMERICA; et al ) ORDER, IN RE:-  
  ) PROSECUTION WITNESSES  
  ) MAJOR GENERAL MATSUMURA,  
  ) TOMOKATSU; AND COLONEL  
ARAKI, Sadao; et al                  ) SEJIMA, RUIISO.

This matter coming on this 6 November 1946 for hearing and consideration by the Tribunal in Open Court upon the oral application of the Prosecution for an order granting the permission of the Tribunal for Major General MATSUMURA, Tomokatsu and Colonel SEJIMA, Ruiso, witnesses heretofore produced for and on behalf of the Prosecution in the trial of this case, and whose evidence has been given before the Court, to leave the jurisdiction of the Tribunal and return to Russia; and the Defense orally admitting that it has no objection to the return to Russia of the said Major General MATSUMURA, Tomokatsu, upon the term and condition that he will again be produced before this Tribunal when his testimony is necessary, and no objection to the return to Russia of the said Colonel SEJIMA, Ruiso, and consenting to the granting of said oral application of the Prosecution and the making and issuance of an order of the Tribunal thereunder; and the Tribunal being fully advised in the premises; it is the unanimous decision of the Tribunal, and it is



ORDERED: That the said Major General MATSUMURA,  
Tomokatsu, and the said Colonel SEJIMA, Ruiso, may forthwith  
leave Japan, on the usual terms.

Dated at Tokyo, Japan, this 6 November 1946.

BY THE TRIBUNAL:

/s/ W.F. WEBB  
PRESIDENT OF THE TRIBUNAL

Paper No. 543  
Disposes of  
Paper No. 513

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

UNITED STATES OF AMERICA; et al)	ORDER:
- vs -	) GRANTING APPLICATION OF
	) PROSECUTION FOR LEAVEN TO
ARAKI, Sadao; et al	) EMPLOY TRIBUNAL TRANSLATOR
	) AKIRA TORISAWA.

This matter coming on this 8 November 1946 for hearing before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution (Paper No. 513) for an Order of the Tribunal granting permission to the Prosecution to use the services of Akira Torisawa, at present an employee in the Language Section of the Secretariat of this Tribunal, as a translator in that phase of the Prosecution's case in chief dealing with the subject "Relations With the Netherlands"; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 8 November 1946.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT OF THE TRIBUNAL

Paper No. 568  
Disposes of  
Paper No. 533

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER
	)	GRANTING APPLICATION OF
- vs -	)	PROSECUTION FOR EXEMPTION
	)	FROM RULE 6(B)(1) WITH
ARAKI, Sadao; et al	)	RESPECT TO PROSECUTION
	)	SECTION DOCUMENTS NOS.
	)	15, 102, 220 AND TWELVE
	)	OTHERS.

This matter coming on to be heard this 15 November 1946 before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents Nos. 15, 102, 220, 468, 587-A, 821, 823, 1038, 1204, 1555, 1621, 1987, 2402, 2612 and 2674, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

2-4

ORDERED: That the Prosecution shall also prepare and furnish Counsel for the accused, copies of an additional part or section, in both the Japanese and the English language, from the afore-mentioned Prosecution Section document No. 1204, which is also known as Court Exhibit No. 51, as follows:

The entire preamble or introduction to the said document, in addition to the excerpt from said book or document applied for herein by the Prosecution.

Dated at Tokyo, Japan, this 15 November 1946.

BY THE TRIBUNAL:

Signed

W. F. Webb  
PRESIDENT

Paper No. 569  
Disposes of  
Paper No. 540

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER,
- vs -	)	GRANTING APPLICATION OF
	)	PROSECUTION FOR EXEMPTION
	)	FROM RULE 6(B)(1) WITH
ARAKI, Sadao; et al	)	RESPECT TO PROSECUTION DOCU-
	)	MENTS NOS. 6250, 6251 ET AL.

This matter coming on to be heard this 15 November 1946 before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents Nos. 6250, 6251, 6255-A, C, D, E, F, G, H, and I, and 6256-A and B, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That the Prosecution shall also prepare and furnish Counsel for the accused, copies of such additional

parts or sections, in both the Japanese and the English language, from the afore-mentioned documents enumerated as follows:

(1) From Prosecution Section document No. 6250 --- all of said document comprising in its entirety approximately six and one-half pages.

(2) From Prosecution Section document No. 6251 --- pages 216 to 222 inclusive, of that part of said document concerning statements by Admiral Nagano at the London Naval Conference 1935, from a portion of which the excerpts of Prosecution are taken.

Dated at Tokyo, Japan, this 15 November 1946.

BY THE TRIBUNAL:

Signed

W. F. Webb  
PRESIDENT



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) DIRECTIVE:  
  ) AMENDING, AS TO WITNESS  
  ) FEES, THAT CERTAIN DIRECTI  
  ) FROM THE TRIBUNAL TO THE  
- vs - ) GENERAL SECRETARY, DATED  
ARAKI, Sadao; et al ) 13 JUNE 1946, IN RE: SUM-  
  ) MONING OF WITNESSES.

Directions From the Tribunal to  
the General Secretary re Summoning  
of Witnesses

YOU ARE DIRECTED THAT:

The Directive of the Tribunal to the General Secretary made, signed and entered on 13 June 1946, in re: Summoning of Witnesses, be and is hereby amended by striking and deleting Paragraph (j) of said Directive, and inserting in the place and stead thereof, the following:

(j) All witnesses, other than Japanese nationals, appearing before the Tribunal either voluntarily or in response to a summons, shall be paid for each day of actual attendance and for the time necessarily occupied in going from and returning to the place of service, and an allowance per mile for each mile traveled by the witness in going from the place of service and return, unless government transportation has been provided, at the prescribed rates of payment and upon the terms and conditions provided and set forth in United States Army Regulations 35-4120.



IT IS FURTHER DIRECTED THAT:

In each and all respects, except as to Paragraph (j), which shall be as here amended, the said Directive of 13 June 1946, shall be and remain as originally made, signed and entered, and in full force and effect.

Dated at Tokyo, Japan, this 20 November 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

- - - - -

Directions From the Tribunal to  
the General Secretary re Summoning  
of Witnesses

- - -

YOU ARE DIRECTED THAT:

(a) You will issue a summons for the appearance of a witness before the Tribunal only after the party desiring the witness has filed a written request therefor in your office. The request shall set forth the name of the witness, his nationality, the address where he resides, and any further information as to the place where he may be found, within the knowledge of the party filing the request, and shall state the date on which the witness will probably be called upon to testify before the Tribunal.

(b) Requests for summonses shall be filed with the General Secretary:

(1) Not less than three (3) days before witness' attendance before the Tribunal is required, if the witness resides or may be found in the Tokyo area of Japan; and

(2) In all other cases not less than three (3) days, plus the additional time

necessary to permit the server of the summons to travel from Tokyo to the place where the witness resides or may be found, and for the witness to travel from the place where he will be served with the summons, to Tokyo, before the witness' attendance before the Tribunal is required.

(c) The summons shall be in the English language and should the native language of the witness be other than English the translation of the summons in the witness' language shall be served with the copy of the summons, and the return of service shall recite that fact.

(d) Upon application and for good cause shown, the President of the Tribunal may direct by indorsement upon the request for the issuance of summons that the application shall not be open for inspection, in which event the application shall be sequestered and kept secret until the further order of the President of the Tribunal.

(e) After the summons to testify has been issued, the same may be delivered, together with a copy thereof, to the party requesting the issuance thereof, for service.

(f) The service of summons may be made by any competent person whether or not such person is

associated with the prosecution or defense, or by the Marshal of the Tribunal, or by any other competent person designated by the Marshal or the Supreme Commander for the Allied Powers for this purpose.

(g) The summons for a witness who resides or can only be found outside the zone of occupation shall be delivered to the Supreme Commander for the Allied Powers for service in such manner as he may direct.

(h) The original summons shall be shown to the person served and a copy of the summons shall be delivered to him at the time of service. The person serving a summons shall immediately thereafter make return of service on the original summons and file the same in the office of the General Secretary. Such return shall indicate the name of the person served, time and place where service was made.

(i) The summons may be issued in blank name only upon the written order of the Tribunal after proper showing by the party desiring such blank summons, and at the time of service of said blank summons the server shall insert the name of the party summoned.

(j) All witnesses other than Japanese nationals appearing before the Tribunal either voluntarily or in response to a summons, shall be paid Two Dollars Fifty Cents (\$2.50) a day for each day

of actual attendance and for the time necessarily occupied in going from and returning to the place of service, and Fifteen Cents (15¢) a mile for each mile traveled by the witness in going from the place of service and return, unless government transportation has been provided. Mileage must be estimated by the shortest usually traveled route.

(k) No summons for the attendance of a witness shall be issued after the 1st day of August, 1946, unless the President of the Tribunal otherwise directs for good cause shown.

DATED at Tokyo, Japan, this 13 day of June, 1946.

By the Tribunal.

/s/ W. F. WEBB  
\_\_\_\_\_  
PRESIDENT

Paper No. 576  
Disposes of  
Paper No. 515  
In part only

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) THAT FACILITIES TO INTERVIEW  
ARAKI, Sadao; et al ) CERTAIN WITNESSES REQUESTED  
BY THE ACCUSED ARAKI BE PRO-  
VIDED; AND FOR THE PRODUCTION  
OF DOCUMENTS.

This matter coming on to be heard on this 12th day of November, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of ARAKI, Sadao, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said ARAKI, Sadao, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 515; and after hearing the statements and arguments of Counsel for the said ARAKI, Sadao, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused ARAKI to determine if his presence will be required at a later date to testify on behalf of the said ARAKI:

1. KOMURA, Sakahiko;  
(a) The nationality of the witness is Japanese;  
(b) He is presently in Tokyo and is a government official in the Home Office;
2. FUTAIRA, Yoshinori;  
(a) The nationality of the witness is Japanese;  
(b) He is presently in Tokyo and is a member of the Upper House;
3. KITA, Heikichi;  
(a) The nationality of the witness is Japanese;  
(b) He is presently in Tokyo and is a member of the Lower House;
4. YASUI, Eiji;  
(a) The nationality of the witness is Japanese and an ex-Education Minister;  
(b) This witness may be located in Kanagawa Prefecture;
5. SAWADA, (Mrs.) Renzo;  
(a) The nationality of the witness is Japanese and the wife of the ex-Ambassador SAWADA;  
(b) This witness may be located in Kanagawa Prefecture.
6. HATOYAMA, Ichiro;  
(a) The nationality of the witness is Japanese and an ex-Education Minister;
7. MITSUCHI, Chuzo;  
(a) The nationality of the witness is Japanese and an ex-Railway Minister;  
(b) This witness may be located in Tokyo;
8. YAMAOKA, Juko;  
(a) The nationality of the witness is Japanese and an ex-Lieutenant General;  
(b) This witness may be located in Ehime Prefecture;

9. MAZAKI, Jinsaburo;
  - (a) The nationality of the witness is Japanese and an ex-General;
  - (b) This witness may be located in Sugamo Prison, Tokyo;
10. HORIKIRI, Zenjiro;
  - (a) The nationality of the witness is Japanese and an ex-Chief of the Cabinet Secretariat;
  - (b) This witness may be located in Tokyo;
11. ARIYOSHI, Chuichi;
  - (a) The nationality of the witness is Japanese and an ex-Ambassador to China;
  - (b) This witness may be located in Tokyo;
12. UEDA, Kenkichi;
  - (a) The nationality of the witness is Japanese and an ex-General;
  - (b) This witness may be located in Tokyo;
13. HANEDA, Toru;
  - (a) The nationality of the witness is Japanese and an ex-President, Kyoto Imperial University;
  - (b) The witness may be located in Kyoto;
14. YONAI, Mitsumasa;
  - (a) The nationality of the witness is Japanese and an ex-Premier;
  - (b) This witness may be located in Tokyo;
15. KANAMORI, Tokujiro;
  - (a) The nationality of the witness is Japanese and Minister of State;
  - (b) This witness may be located in Tokyo;
16. IKEZAKI, Tadataka;
  - (a) The nationality of the witness is Japanese and an ex-Parliamentary Councillor of the Education Office;



- (b) This witness may be located in Sugamo Prison, Tokyo;
17. MIZUNO, Shinko;
- (a) The nationality of the witness is Japanese and is Chief of the Movie Section of the Tokyo Mainichi Newspaper;
- (b) This witness may be located in Tokyo;
18. KINOSHITA, Takeshi;
- (a) The nationality of the witness is Japanese and is President of the Kagoshima Newspaper;
- (b) This witness may be located in Kagoshima Prefecture;
19. RYU, Kuratsugu;
- (a) The nationality of the witness is Japanese and is an ex-Major General;
- (b) This witness may be located at the Kumamoto Prefecture;
20. TAKAGI, Rikuro;
- (a) The nationality of the witness is Japanese and is a business man;
- (b) This witness may be located in Tokyo;
21. KOYAMA, Matsukichi;
- (a) Ex-Minister of Justice, Tokyo;

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused ARAKI to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and held:

1. MURAKAMI, Keisaki;
- (a) The nationality of the witness is Japanese and an ex-Lieutenant General;
- (b) This witness was in Manchuria at the end of the war and is now believed to be a prisoner of war of the Soviet Union;

2. MUDAGUCHI, Renya;

- (a) The nationality of the witness is Japanese and an ex-Lieutenant General;
- (b) This witness is believed to be in Singapore, having been sent there from Tokyo in September by the Allies;

It is further ORDERED: That Counsel for the accused ARAKI may submit written interrogatories to each of the following named persons listed in his application and that every facility be afforded to the said Counsel in securing the submission of said interrogatories and the answers of the witnesses thereto:

1. HUNT, Frazier;

- (a) The nationality of the witness is American and a journalist;
- (b) This witness was a special correspondent for the International News Service in Japan during the year 1932 and is believed to be at present in the United States of America;

2. PIGCOT, Major General;

- (a) The nationality of the witness is British and is an ex-Military Attache to the British Embassy in Japan;
- (b) This witness may be located in London;

3. LINDLEY, ex-Ambassador;

- (a) The nationality of the witness is British and is an ex-British Ambassador to Japan;
- (b) This witness can be located in England;

It is further ORDERED: That the application for the production of the witness Hugh Byes may be withdrawn by

the accused, it appearing that said Byers is now deceased.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 515), as may be found necessary to his proper defense in this case, as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

<u>DOCUMENT</u>	<u>LOCATION</u>
1. Stenographic Record of main Session of Privy Council on January 30, 1932	Privy Council Office
2. Stenographic Record of 60th Session of Diet (Upper House)	Upper House Office
3. Stenographic Record of 61st Session of Diet (Upper House)	Upper House Office
4. Stenographic Record of 62nd Session of Diet (Upper House)	Upper House Office
5. Stenographic Record of 63rd Session of Diet (Upper House)	Upper House Office
6. Stenographic Record of 64th Session of Diet (Upper House)	Upper House Office
7. Stenographic Record of 74th Session of Diet (Upper House)	Upper House Office

- |     |  |   |
|-----|--|---|
| 8.  | Stenographic Record of 62nd Session of Diet (Lower House)  | Lower House Office                        |
| 9.  | Copy of New York Times, Mar. 12, 1933, containing the article "Men of Affairs in Japan."   | New York City                             |
| 10. | Copy of Hugh Byes' broadcast of Dec. 2, 1931, on the Manchurian problem;   | Broadcasting Station, JOAK Tokyo          |
| 11. | Copy of Frazier Hunt's broadcast of June 2, 1932 entitled "Japan in Transition."   | Broadcasting Station, JOAK, Tokyo         |
| 12. | Copy of Hugh Byes' interview with General IRIKI on June 16, 1932 concerning China and Manchuria;   | London and/or New York Times              |
| 13. | Copy of any article which appeared in the New York or London Times as a result of Hugh Byes' interview with General IRIKI on January 16, 1932;   | London and/or New York Times              |
| 14. | Stenographic Record of the Upper House on January 31, 1939;  | Upper House Office                        |
| 15. | Stenographic Record of the Upper House on February 19, 1939;   | Upper House Office                        |
| 16. | Stenographic Record of the Upper House on March 7, 1939;   | Upper House Office                        |
| 17. | Deed accompanying the transfer of the Chinese Eastern RR between Manchouli and Cheng Chun; transaction took place in 1933;   | Might be found in Japanese Foreign Office |
| 18. | Document delivered by General UEDA to the Chinese Commander-in-Chief at Shanghai, requesting on behalf of the Japanese Government negotiations for a peaceful settlement of the Shanghai Incident of 1932. | Japanese Foreign Office                   |

Dated at Tokyo, Japan, this 21 day of November, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT OF THE TRIBUNAL



✓  
Paper No. 579  
Disposes of  
Paper No. 516 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) THAT FACILITIES TO INTER-  
HAKI, Sadao; et al ) VIEW CERTAIN WITNESSES  
 ) REQUESTED BY THE ACCUSED  
 ) HAKI, SHUNROKU, BE PROVIDED;  
 ) AND FOR THE PRODUCTION OF  
 ) DOCUMENTS.

This matter coming on to be heard on this 12th day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the application of HAKI, Shunroku, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said HAKI, Shunroku, in accordance with provisions of Section 3, Article 9, paragraph (e) of the Charter, the names of said witnesses and the descriptions of the documents being set forth in said application, which is Paper No. 516; and after hearing the statements and arguments of counsel for the said HAKI, Shunroku, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to counsel for the accused HAKI to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located or held:

1. Father JAQUINOT

(e) The witness is a French Catholic Priest,  
and is now residing in Shanghai or Nanking,

2. ECLEY (Christian name unknown)
  - (a) The nationality of the witness is Swiss. He is a member of the International Red Cross and is now in Shanghai as a Member of the Swiss Legation or Consulate there.
3. Lieut. General Saburo Kawanura
  - (a) Formerly Chief of the Military Affairs Section at the time the accused H.I.T.A., Shunroku, occupied the position of Japanese War Minister.
  - (b) The nationality of the witness is Japanese. He is now a prisoner of war at Singapore, or in Java.
4. Major General Michio Kato
  - (a) A former Secretary of the War Ministry at the time the accused H.I.T.A., Shunroku, occupied the position of War Minister.
  - (b) The nationality of the witness is Japanese. He is now believed to be a prisoner of war of the Soviet Union.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the descriptions of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

<u>DOCUMENT</u>	<u>LOCATION</u>
1. The Shanghai Nippo, a newspaper published in the city of Shanghai, China, in the Japanese language. The issues desired are:	Shanghai, China
1 February 1938 to 20 December 1938	
and	
1 March 1941 to 22 November 1944	

2. Shanghai Nichi Nichi, a newspaper published in the city of Shanghai, China, in the Japanese language. The issues desired are:  
 1 February 1938 to 20 December 1938  
 and  
 1 March 1941 to 22 November 1944  
 Shanghai, China
3. Teiriku Shinbo, a newspaper published in the city of Shanghai, China, in the Japanese language. The issues desired are:  
 1 February 1938 to 28 February 1939  
 and  
 1 March 1941 to 22 November 1944  
 Shanghai, China
4. Log (or photostatic copy thereof) of all American naval vessels including gunboats that were in vicinity of Hankow from 25 October to 30 October 1938.  
 (a) May be located in Navy Department, Washington, D. C.
5. The records, or other files of the U.S. 14th Air Force of its missions over Changsha, Hengyang, Kweilin and Liuchow June 1944, August 1944, October 1944 and November 1944.  
 (a) May be located in Army Air Force Headquarters, Washington, D. C.
6. The book entitled "Record of the Facts of Illegal Acts and Resistance Accompanied with Destruction Committed by the Chinese Communists."  
 (a) May be located in Nanking, China, or capital of the Chinese Government.
7. The order of the Chungking government for the beginning of Guerilla Warfare against the



Japanese forces in China. This order was promulgated in or about the year 1938.

(c) May be located in Nanking, China, or capital of the Chinese Government.

8. Appendix to the book "Instructions In Important Strategic Affairs", a Japanese military book issued by the Japanese military authorities.

(c) May be located in Imperial Japanese Government, Tokyo, Japan.

9. The book "Instructions on Chemical Warfare."

(c) May be located in Imperial Japanese Government, Tokyo, Japan, or the Prosecution might have copy.

10. A copy of every trial for atrocities or mistreatment of prisoners of war in which former members of Japanese Military forces have been the accused before American Military Tribunals in China since the termination of hostilities.

(c) U. S. Army China Command, Nanking; or, if moved to Washington, D. C., War Department.

11. A copy of every trial for atrocities or mistreatments of prisoners of war in which former members of Japanese military forces have been the accused before Chinese Tribunals in China since the termination of hostilities.

(c) May be located in Nanking or the Chinese Capital.

12. The reports, or a copy thereof, of the American Military Attaches in China for the year 1938 and the years 1941-44, inclusive, with particular reference to the fall and occupation of the cities of Chengshu, Hengyang, Kweilin and Lieuchow.

13. The reports of the American Military Attaches  
in Tokyo for the years 1939 and 1940.

(c) May be located in either War Department  
or State Department, Washington, D. C.

It is further ORDERED: That the application of  
the accused for the issuance of a subpoena for each of  
the persons named in his request for the production of  
witnesses is indefinitely continued, awaiting the results  
and disclosures of the interrogations as hereinbefore  
authorized and ORDERED, and the accused is granted per-  
mission to file a supplemental application for the issu-  
ance of subpoenas for such witnesses selected from the  
list named in his original application (Paper No. 516)  
as may be found necessary to his proper defense in this  
case, as a result of said interrogations.

Dated at Tokyo, Japan, this 26 November 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
RESIDENT OF THE TRIBUNAL

Paper No. 580  
Disposes of  
Paper No. 555 in part  
only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN.

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) THAT FACILITIES TO INTER-  
SHIRATORI, Sadao; et al ) VIEW CERTAIN WITNESSES  
REQUESTED BY THE ACCUSED  
SHIRATORI, TOSHIO, BE  
PROVIDED, AND 2 SUBPOENAS.

This matter coming on to be heard on this 22nd day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the application of SHIRATORI, Toshio, one of the defendants herein, for the production of certain witnesses necessary to the defense of the said SHIRATORI, Toshio, in accordance with the provisions of Section 3, Article 9, paragraph (c) of the Charter, the names of said witnesses being set forth in said application, which is Paper No. 555, and in an amendment thereto adding to said application the names of Hans Ulrich Wehrtaler and Heinrich Stehmer as witnesses; and after hearing statements and arguments of counsel for the said SHIRATORI, Toshio, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed;

1. SAITO, Yoshie
  - (a) The nationality of the witness is Japanese.
  - (b) The address of the witness is: No. 42, Shotomachi, Shibuya-ku, Tokyo; his last official position was Diplomatic Advisor

in the Foreign Office at the time of  
Foreign Minister Matsuoka.

2. OHASHI, Chuichi

- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is unknown; his last official position was Vice-Minister of Foreign Affairs at the time of Foreign Minister Matsuoka;

and that a summons be issued, by the Secretary General of the Tribunal, commanding each of said persons, to-wit: SAITO, Yoshie and OHASHI, Chuichi, to attend and testify before said Tribunal as a witness for the accused SHIRATORI, Toshio, at a time indicated to the Secretary General of the Tribunal, by counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by counsel for the accused SHIRATORI, to determine if his presence will be required at a later date to testify on behalf of the said SHIRATORI:

1. ARITA, Hachiro

- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is: No. 911 Nishihara-Machi, Yoyogi, Shibuya-ku, Tokyo; his last official position was Foreign Minister of Japan.

2. General UGAKI, Kazushige

- (a) The nationality of the witness is Japanese.

- (b) The address of the witness is unknown; his last official position was Foreign Minister of Japan.
3. Lieut. General ARISUI, Seizo
- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is unknown; his last official position is also unknown, but he was, as Lieut. Colonel, Military Attache to the Japanese Embassy in Italy 1938-1939.
4. Count ARIMA, Reinei
- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is unknown; he was General Secretary of the Imperial Rule Assistance Association.
5. OKADA, Tadahiko
- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is unknown; he was President of the House of Representatives.
6. INAHARA, Katsuji
- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is unknown; he has been and is editor of the magazine "Contemporary Japan."
7. Miss UNO, Masuko
- (a) The nationality of the witness is Japanese.
- (b) The address of the witness is: Ho-29, No. 10, Nishi-Katamachi, Hongo-ku, Tokyo; she is secretary of the Gaiji Kyokai (Foreign Affairs Association), which has been publishing the magazine "Contemporary Japan."

8. Dr. MURAKAWA, Kengo  
(a) The nationality of the witness is Japanese,  
(b) The address of the witness is unknown; he was Vice-President of the Dai-Asia Kyokai (Great Asia Association.)
9. YATSUGI, Kozuo  
(a) The nationality of the witness is Japanese.  
(b) The address of the witness is: No. 5, Sakura-ga-Oka-Machi, Shibuya-Ku, Tokyo; he was General Secretary of the National Policy Investigation Association (Kokusaku Kenkyu-kai.)
10. General OSHIMA, Hiroshi  
(a) The nationality of the witness is Japanese.  
(b) The address of the witness is: Sugamo Prison, Tokyo; he is now one of the defendants in the International Military Trial For East.
11. Dr. MURAMATSU, Tsuneo  
(a) The nationality of the witness is Japanese.  
(b) The address of the witness is: Matsuzawa Byoin (Matsuzawa Hospital), Matsubara-machi, Setagaya-ku, Tokyo; he is the Vice-Director of the Matsuzawa Hospital.
12. MISHIMA, Yosuo  
(a) The nationality of the witness is Japanese.  
(b) The address of the witness is: c/o Kuwano Bunka-Jigyo-sha, 3 No. 7, Ginza-Nishi Kyobashi-ku, Tokyo; he is a journalist.

It is further ORDERED: That every facility and assistance be provided to counsel for the accused SHIRATORI

to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and may be found or held:

1. Mr. BOLZE

(a) The nationality of the witness is German.

(b) The address of the witness is unknown; his last official position was Minister and Councillor of the Embassy in the German Embassy at Tokyo; his last known address was: O-ishimura, Yamanashi Prefecture.

2. Count von MIRBACH

(a) The nationality of the witness is German.

(b) The address of the witness is unknown; his last official position was Secretary of Embassy (Councillor of Legation) in the German Embassy at Tokyo; his last known address was: Sengokuhara, Hakone, Kanagawa Prefecture.

3. Hans Ulrich MARCHTALER

(a) The nationality of the witness is German.

(b) The address of the witness is Atami, Japan.

4. Heinrich STAHLER

(a) The nationality of the witness is German.

(b) The address of the witness is Sugamo Prison, Tokyo, Japan.

5. Eugen OTT

(a) The nationality of the witness is German.

(b) The address of the witness is Peiping, China; his last official position was Ambassador

of Germany to Japan, in the Embassy at  
Tokyo.

It is further ORDERED: That the application of  
the accused for the issuance of a subpoena for each of the  
persons named in his request for the production of witnesses  
is indefinitely continued, awaiting results and disclosures  
of the interrogations hereinbefore authorized and ordered,  
and the accused is granted permission to file a supplemental  
application for the issuance of subpoenas for such witnesses  
selected from those named in this ORDER as may be found neces-  
sary to his proper defense in this case as a result of said  
interrogations.

Dated at Tokyo, Japan, this 26 November 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT OF THE TRIBUNAL



Paper No. 581  
Disposes of  
Paper No. 523  
in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al )  
  ) ORDER:  
  ) THAT FACILITIES TO  
  ) INTERVIEW CERTAIN  
  ) WITNESSES REQUESTED  
- vs - )  
IRAKI, Sadao; et al ) BY THE ACCUSED HIRANUMA  
  ) BE PROVIDED; AND FOR  
  ) THE PRODUCTION OF  
  ) DOCUMENTS.

This matter coming on to be heard on this 12th day of November, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of HIRANUMA, Kiichiro, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said HIRANUMA, Kiichiro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 523; and after hearing the statements and arguments of Counsel for the said HIRANUMA, Kiichiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused HIRANUMA to determine if his presence will be

1. TAKEUCHI, Kokuji;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness is now in Tokyo City; Setagaya-ku, Karikitazawa 3-chome, No. 877;
2. MURAKAMI, Kyoichi;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness is now in Tokyo City; Musashino-machi Kichizyozi Hondemineri, No. 2546;
3. KAYABA, Gunzo;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness is now in Urawa City, Maezi, No. 98;
4. BIBI, Tsunego;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness is now in Tokyo City; Kojinchi-ku Yureku-cho, 1-chome, No. 13, at Yominuri press.

It is further

ORDERED: That every facility and assistance be provided to Counsel for the accused HIRANUMA to submit written interrogatories to or verbally interrogate the following named person at the place where said person is now located and held:

OTI., Kozo;

(c) The nationality of the witness is  
Japanese;

(b) The witness is now in Sugamo Prison;  
Tokyo, Japan, a prisoner of the Allies.

It is further

ORDERED: That the application of the accused  
for the issuance of a subpoena for each of the persons named  
in his request for the production of witnesses is indefinitely  
continued, awaiting the results and disclosures of the inter-  
rogations hereinbefore authorized and ordered, and the accused  
is granted permission to file a supplemental application for  
the issuance of subpoenas for such witnesses, selected from  
the list named in his original application (paper No. 523),  
as may be found necessary to his proper defense in this case,  
as a result of said interrogations.

It is further

ORDERED: That the application of the accused  
for the production of documents is granted; and that the  
following documents, which may be located at the place or in  
the custody of the agency set forth opposite the description  
of said documents, be procured forthwith and lodged with the  
Registry of the Tribunal

<u>DOCUMENT</u>	<u>LOCATION</u>
A. Original copy of the judgment given by the Tokyo District Criminal Court on 8 November 1944, in a criminal case brought against KATAOKA (Shun) NAKAMURA (Takeshi), NISHIYAMA (Choku), DOI (Saburo);	Prosecutor's (Pros- ecutor's) Office, Tokyo District Criminal Court, Hibiya Kojiraichiku, Tokyo.

DOCUMENT

LOCATION

B. "TOKYO RECORD", a book written by Otto D. Tolischus and published by Harish Hamilton, London and George Jeboor Melbourne

U.S.A.A.F.F.E. Orientation Reference Library, 2nd Floor, Mitsubishi Shoji Building, Marunouchi Kojimachiku, Tokyo.

C. (1) "Special Police Monthly Journal" (Tokko Geppo), all numbers published in 1939, 1941 and 1944;

These magazines and books are publications of the Japanese Home Ministry and are in the custody of the Counter Intelligence Section (CIS) or the Legal Section of the Supreme Commander for the Allied Powers, (SCAP).

D. The minutes of the Privy Council Conference held in 1932 with respect to the issuance of government bonds for the purpose of defraying the military expenses of the Manchurian Incident;

Archives of the Chancellery of the Privy Council, Wakuramon Konimachiku, Tokyo.

Dated at Tokyo, Japan, this 26 day of November,

1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 582  
Disposes of  
Paper No. 532 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	}	ORDER:
- vs -		THAT FACILITIES TO INTER-
ARAKI, Sadao; et al		VIEW CERTAIN WITNESSES REQUESTED BY THE ACCUSED HOSHINO BE PROVIDED.

This matter coming on to be heard on this 12th day of November, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of HOSHINO, Naoki, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said HOSHINO, Naoki, in accordance with the provisions of Section III, Article 9, paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 532; and after hearing the statements and arguments of Counsel for the said HOSHINO, Naoki, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused HOSHINO, Naoki, to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and held:

FURUUMI, Tadayuki

(e) The nationality of the witness is Japanese;

(b) The witness is in the U.S.S.R.

KISHI, Shinsuke

(a) The nationality of the witness is Japanese;

(b) The witness is in Sugaro Frison, Tokyo, Japan.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 532), as may be found necessary to his proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 27 day of November, 1946.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT OF THE TRIBUNAL

Paper No. 585  
Disposes of  
Paper No. 517  
in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER:
	)	THAT FACILITIES TO
- vs -	)	INTERROGATE OR
	)	INTERVIEW CERTAIN
ARAKI, Sadao; et al	)	WITNESSES REQUESTED
	)	BY THE ACCUSED DOHIHARA
	)	BE PROVIDED.

This matter coming on to be heard on this 12th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of DOHIHARA, Kenji, one of the defendants herein, for the production of witnesses necessary to the defense of said DOHIHARA, Kenji, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses being fully set forth in said application, which is Paper No. 517; and after hearing the statements and arguments of Counsel for the said DOHIHARA, Kenji, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused DOHIHARA to determine if his presence will be required at a later date to testify on behalf of the said DOHIHARA:

1. HIRAYAMA, Hajime:
  - (a) The nationality of the witness is Japanese;
  - (b) He served under the accused during the North China campaign and is at present believed to be in Japan but his present address is unknown.
2. HINEMORI, Shutaro:
  - (a) The nationality of the witness is Japanese;
  - (b) He served under the accused during the North China campaign and is at present believed to be in Japan but his present address is unknown.
3. HIRAI, Mamoru:
  - (a) The nationality of the witness is Japanese;
  - (b) He served as subordinate officer under the accused when the accused was the Inspector General of Military Training, and at present is believed to be in Japan but his present address is unknown.
4. TAKEMITSU, Tatsuhiko:
  - (a) The nationality of the witness is Japanese;
  - (b) He was Chief of Staff under the accused when the accused was Commander in Chief of the Eastern Army and is believed to be in Japan, but his present address is unknown.



5. YAMAZAKI, Masso;
- (a) The nationality of the witness is Japanese;
  - (b) He was Senior Staff Officer of the Eastern Army and served under the accused when the accused was Commander in Chief of the Eastern Army, and is believed to be in Japan, but his present address is unknown.
6. HASHIMOTO, Gun;
- (a) The nationality of the witness is Japanese;
  - (b) He was Chief of Staff of the First Army during 1937 and 1938 and served under the accused when the accused was Commander in Chief of said First Army, and is believed to be in Japan, but his present address is unknown.
7. KUWASHIMA, Kazue;
- (a) The nationality of the witness is Japanese;
  - (b) The witness is now in Tokyo, Japan. He was Japanese Consul General in Tientsin, China.

It is further

ORDERED: That every facility and assistance be provided to Counsel for the accused DOHIFARA to submit written interrogatories to or verbally interrogate the following named persons at the places where said persons are now located and held:

1. SENDA, Moritoshi;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness was Commander of the 81st Division, Compound and Independent Corps, Changsha, China, at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.
  
2. MORIKI, Goro;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness was the Gendarme Colonel of the Prison for War Criminals, 11th District, Peking, China at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.
  
3. MIURA, Chujiro;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness was Commander of the 69th Division, Unjo, China at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.
  
4. TAKAHASHI, Tan;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness was the Chief of Staff of the North China Army at the end of the war and it is believed he is still in China as a prisoner of war of the Chinese.

5. IMAI, Takeo;  
(a) The nationality of the witness is Japanese;  
(b) The witness was Chief of the Liaison Bureau in Nanking, China at the end of the war and it is believed he is still there as a prisoner of war of the Chinese.
6. MIYAZAKI, Shigesaburo;  
(a) The nationality of the witness is Japanese;  
(b) The witness was Commander of the 54th Division, Burma, at the end of the war and it is believed he is still there as a prisoner of war of the British.
7. YAHAGI, Nakao;  
(a) The nationality of the witness is Japanese;  
(b) The witness served as Chief of Staff of the Japanese Army in Burma at the end of the war and is believed to be still there as a prisoner of war of the British.
8. AYABE, Kitsujyu;  
(a) The nationality of the witness is Japanese;  
(b) The witness was Lieutenant General in the Japanese Army and at the end of the war was in Singapore and it is believed he is still there, a prisoner of war of the British.

9. TAZAKA, Senichi;
- (a) The nationality of the witness is Japanese;
  - (b) The witness was Lieutenant General in the Japanese Army and at the end of the war was in Singapore and it is believed he is still there, as a prisoner of war of the British.
10. SUZUKI, Kunji;
- (a) The nationality of the witness is Japanese;
  - (b) The witness is at present in custody at Sugamo Prison, Tokyo.
11. NISHIO, Juzo;
- (a) The nationality of the witness is Japanese;
  - (b) The witness is at present in custody at Sugamo Prison, Tokyo.
12. ISOGAI, Rensuke;
- (a) The nationality of the witness is Japanese;
  - (b) The witness is at present in custody at Sugamo Prison, Tokyo.
13. MINAMI, Jiro;
- (a) The nationality of the witness is Japanese;
  - (b) The witness is at present in custody at Sugamo Prison, Tokyo, and is one of the accused in this trial.

14. ITAGAKI, Seishiro;
- (a) The nationality of the witness is Japanese;
  - (b) The witness is at present in custody at Sugamo Prison, Tokyo, Japan, and is one of the accused in this trial.
15. UMEZU, Yoshijiro;
- (a) The nationality of the witness is Japanese;
  - (b) The witness is at present in custody at Sugamo Prison, Tokyo, Japan, and is one of the accused in this trial.

It is further

ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 517), as may be found necessary to his proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 29 day of November,  
1946.

BY THE TRIBUNAL:

Signed

W. F. Webb  
PRESIDENT

Paper No. 586  
Disposes of  
Paper No. 529; and of  
Papers Nos. 524, 525,  
526, 527, and 528, in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al)	)	ORDER:
- vs -	)	THAT FACILITIES TO INTERVIEW
ARAKI, Sadao; et al	)	CERTAIN WITNESSES REQUESTED
	)	BY THE ACCUSED ITAGAKI BE
	)	PROVIDED; AND FOR THE PRO-
	)	DUCTION OF DOCUMENTS.

This matter coming on to be heard on this 13th day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the applications of ITAGAKI, Seishiro, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said ITAGAKI, Seishiro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said applications, which are Papers Nos. 524 to 520, both inclusive; and after hearing the statements and arguments of Counsel for the said ITAGAKI, Seishiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for

interrogation by Counsel for the accused ITAGAKI to determine if his presence will be required at a later date to testify on behalf of the said ITAGAKI: .

1. KAGIUSA, Sadaaki:

(a) This witness' nationality is Japanese.

His address is Daichi National Hospital  
Wakamatsu-Cho, Nishigome-Ku, Tokyo, Japan.

(b) A Major General in the Japanese Army, he was the Chief Military advisor to the Nanking Government at the time ITAGAKI was Minister of War.

2. TADA, Shun:

(a) This witness' nationality is Japanese.

His address is No. 567, Kawana, Funakata  
Machi, Tateyama City, Chiba Prefecture,  
Japan.

(b) The Commander of Tientsin Contingent Force;  
Vice Chief of General Staff in 1937; Com-  
mander of North China Expeditionary Force  
1939-1946.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused ITAGAKI to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located or held:

1. HIRAI, Toyochi:

(a) This witness' nationality is Japanese.

He is said to be in the custody of the  
U.S.S.R. in Siberia.

(b) He was formerly Intendance Colonel member of the Manchurian and Mongolian section of the Ministry of War of the Japanese Empire.

2. SHIMOMURA, Nobusada:
- (a) This witness' nationality is Japanese. He is said to be in the custody of the U.S.S.R. in Siberia.
  - (b) He was formerly Liaison Officer of the Japanese Army stationed at Harbin in Manchukuo.
3. SUETAKA, Kamezo:
- (a) This witness' nationality is Japanese. He is said to be in the custody of the U.S.S.R. in Siberia.
  - (b) He was commander of the 19th Division of the 12th Japanese Army, the commander of the 3rd Army, and Vice President of the new State University in Manchukuo.
4. Lt. General AYABE:
- (a) This witness' nationality is Japanese. He is at present in the custody of the British and said to be so held at Singapore, Malayan Peninsula.
  - (b) This witness was a Lieutenant General and the Chief of Staff of the Japanese 7th Army serving on the Malayan Peninsula.
5. Major General SAITO, Masotoshi:
- (a) This witness' nationality is Japanese. He is at present in the custody of the British and said to be so held at Singapore, Malayan Peninsula.
  - (b) This witness was a Major General in the Japanese Army serving with the Japanese



7th Army as the Custodian of the Prisoner of War, for a period of about ten months prior to the end of hostilities, on the Malayan Peninsula area.

6. NAKAJIMA, Tetsuzo:

- (a) This witness' nationality is Japanese. He is said to be in custody in Sumatra, Netherlands East Indies.
- (b) He was Vice Chief of the Japanese General Staff at the time ITAGAKI, Seishiro, was Minister of War.

7. General NISHIO, Toshizo:

- (a) This witness' nationality is Japanese. He is at present in custody at Sugamo Prison, Tokyo, Japan.
- (b) Was one time Chief of Staff of the Kwantung Army (at which time ITAGAKI was Assistant Chief of Staff), later Commander-in-Chief of the China Expeditionary Army (at which time ITAGAKI was Chief of General Staff of the same army).

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his requests for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original applications (Papers Nos. 524 to 529, both inclusive), as may be found necessary to his proper defense in this case, as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

<u>DOCUMENT</u>	<u>LOCATION</u>
1. Report on situation, and attached documents, prepared by Honjo, Shigeru, the Commander of the Kwantung Army in Manchuria on the 18th of October 1931.	The original, Headquarters of the Kwantung Army at Chang Chun (formerly Hsin King) Manchuria.
2. Report on explosion of South Manchurian Railway prepared by Investigation Committee of Kwantung Army 23 September 1931.	Headquarters of the Kwantung Army at Chang Chun (formerly Hsin King) Manchuria.

Dated at Tokyo, Japan, this 29 day of November, 1946.

BY THE TRIBUNAL:

Signed

W. F. Webb

PRESIDENT OF THE TRIBUNAL

Paper No. 587  
Disposes of  
Paper No. 531 in part only

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al )	ORDER:
- vs - )	THAT FACILITIES TO INTER-
ARAKI, Sadao; et al )	VIEW A CERTAIN WITNESS
	REQUESTED BY THE ACCUSED
	KIMURA BE PROVIDED

This matter coming on to be heard on this 15 day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the application of KIMURA, Heitaro, one of the defendants herein, for the production of a witness necessary to the defense of said KIMURA, Heitaro, in accordance with the provisions of Section III, Article 9, Paragraph (c) of the Charter, the name of said witness being set forth in said application, which is Paper No. 531; and after hearing the statements and arguments of Counsel for the said KIMURA, Heitaro, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused KIMURA to submit written interrogatories to or verbally interrogate the following named person at the place where said person is now held:

NISHIO, Toshizo:

(a) The nationality of the witness is Japanese.

(b) The witness is now confined in Sugamo  
Prison, Tokyo, Japan.

It is further ORDERED: That the application of  
the accused for the issuance of a subpoena for the person  
named in his request for the production of a witness is  
indefinitely continued, awaiting the results and disclos-  
ures of the interrogations hereinbefore authorized and or-  
dered, and the accused is granted permission to file a  
supplemental application for the issuance of a subpoena  
for said witness, should he be found necessary to the  
proper defense of said accused in this case, as a result  
of said interrogation.

Dated at Tokyo, Japan, this 29 day of November, 1946.

BY THE TRIBUNAL:

Signed

W. F. Webb  
PRESIDENT OF THE TRIBUNAL

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) THAT FACILITIES TO INTERVIEW  
ARAKI, Sadao; et al ) CERTAIN WITNESSES REQUESTED  
BY THE ACCUSED KAYA BE PRO-  
VIDED.

This matter coming on to be heard on this 15 day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the application of KAYA, Okinori, one of the defendants herein, for the production of witnesses necessary to the defense of said KAYA, Okinori, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses being fully set forth in said application, which is Paper No. 553; and after hearing the statements and arguments of Counsel for the said KAYA, Okinori, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused KAYA to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now held:

1. KOBAYASHI, Seizo:
  - (a) The nationality of the witness is Japanese.
  - (b) The witness is now confined in Sugamo Prison, Tokyo, Japan.

2. TAMURA, Kichiyo:  
(a) The nationality of the witness is Japanese.  
(b) The witness is now confined in Sugamo Prison,  
Tokyo, Japan.
3. GODO, Takuo:  
(a) The nationality of the witness is Japanese.  
(b) The witness is now confined in Sugamo Prison,  
Tokyo, Japan.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 553), as may be found necessary to his proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 29 day of November, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT OF THE TRIBUNAL

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) THAT FACILITIES TO INTERVIEW  
ARAKI, Sadao; et al ) CERTAIN WITNESSES REQUESTED  
BY THE ACCUSED KAYA BE PRO-  
VIDED.

This matter coming on to be heard on this 15 day of November, 1946, before the Honorable Sir William Webb, the President of the Tribunal, upon the application of KAYA, Okinori, one of the defendants herein, for the production of witnesses necessary to the defense of said KAYA, Okinori, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses being fully set forth in said application, which is Paper No. 553; and after hearing the statements and arguments of Counsel for the said KAYA, Okinori, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused KAYA to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now held:

1. KOBAYASHI, Seizo:
  - (a) The nationality of the witness is Japanese.
  - (b) The witness is now confined in Sugamo Prison, Tokyo, Japan.

2. TAMURA, Michiyo:  
(a) The nationality of the witness is Japanese.  
(b) The witness is now confined in Sugamo Prison,  
Tokyo, Japan.
3. GODO, Takuo:  
(a) The nationality of the witness is Japanese.  
(b) The witness is now confined in Sugamo Prison,  
Tokyo, Japan.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 553), as may be found necessary to his proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 29 day of November, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT OF THE TRIBUNAL



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al) ORDER:  
- vs - ) DENYING PROSECUTION APPLICA-  
ARAKI, Sadao; et al ) TION AS PRAYED; AND GRANT-  
 ) ING LEAVE TO TENDER AFFI-  
 ) DAVITS FOR IDENTIFICATION,  
 ) INTRODUCE EXCERPTS, AND  
 ) READ SYNOPSIS.

This matter coming on for final hearing by the Tribunal, in Open Court, on 29 November 1946, upon the application of the Prosecution for an Order of the Tribunal granting leave to present affidavit evidence by producing the original affidavits as Exhibits and by reading prepared synopses thereof instead of reading excerpts from each affidavit; copies in English of the complete affidavits and copies of the Japanese translations of the excerpts relied upon, to be served upon the Accused, or their Counsel of Record, in accordance with the provisions of Rule 6 of the Tribunal, and copies of the said synopses in both the English and Japanese language to be likewise served upon the Accused or their Counsel of Record; and

The Tribunal hearing the arguments of Counsel, and being fully advised in the premises; it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the said application as prayed, is denied; and it is further

ORDERED by the Tribunal, that the Prosecution may tender the whole of the original affidavits for identification

only; and tender in evidence that portion of or excerpt from each affidavit upon which Prosecution relies; and read into the record a prepared synopsis of those portions or excerpts from the affidavits so introduced in evidence; and it is further

ORDERED: That the Prosecution shall serve upon the Accused or their Counsel of Record, in proper time, copies, in the English language, of the whole of the original affidavits, the excerpts therefrom to be tendered in evidence, and the synopses of such excerpts to be read into the record, and shall likewise serve copies, in the Japanese language, of said excerpts and of said synopses.

Dated at Tokyo, Japan, this 2 December 1946.

BY THE TRIBUNAL:

Signed

W. F. Webb  
PRESIDENT

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice Northcroft  
Lord Patrick  
The Honorable Mr. Justice Mei  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Jaranilla

ABSENT:

The Honorable Mr. Justice Pal

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) FOR THE PRODUCTION OF  
ARAKI, Sadao; et al ) DOCUMENTS ON BEHALF OF  
THE ACCUSED MINAMI  
UNDER THE CHARTER.

This matter coming on to be heard on this 18th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of MINAMI, Jiro, one of the defendants herein, for the production of documents necessary to the defense of said MINAMI, Jiro, in accordance with the provisions of Section III, Article 9, Paragraph (c) of the Charter, the description of the documents being fully set forth in said application, which is Paper No. 530; and after hearing the statements and arguments of Counsel for the said MINAMI, Jiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application of the accused for the production of documents is granted; as prayed; and that the following documents, which may be located at the place or in the custody of the agency set forth below the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

Washington Document Center, Stuart Bldg., Washington, D. C.  
Shipping Advice #15072.

	<u>CRATE NO.</u>	<u>ITEM NO.</u>	<u>DESCRIPTION</u>
1.	56	3	"File of Permanent Records", 1935, non-classified, 7 vols. (out of a series of 8).
2.	44	11	"File of Permanent Records", 1931, non-classified, 10 vols. (out of undetermined number of a series.)

	<u>CRATE NO.</u>	<u>ITEM NO.</u>	<u>DESCRIPTION</u>
3.	69	14	Same as above, 7 vols.
4.	59	16	"Files of classified Correspondence & Records", 1935, 1 vol. (out of series of 7 vols).
5.	122, 128 168 & 327	28	Same as above, 1 vol. (out of a series of 11).
6.	51 & 52	41	"File of Permanent Records", non-classified, 1935, 2 vols. (part 245).
7.	146	102	"File of unclassified Correspondence & Records Dealing with Manchurian Affairs", 1931, 2 vols. (parts 1 & 3 out of a series of 3).
8.	555	125	"File of Documents Dealing with the Disarmament Conference", 1931, 1 vol. (parts 2 out of a series of 3).
9.	555	126	"File of Documents Dealing with the Problem of Disarmament", 1923-1931, 1 vol.
10.	555	127	"File of Documents Dealing with the League of Nations", 1924-1933, 1 vol.
11.	334	138	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 4 vols. (parts 1, 3, 4 & 5 out of undetermined number of series).

Shipping Advice #15072

	<u>Japanese Crate No.</u>	<u>Item No.</u>	<u>DESCRIPTION</u>
12.	52 & 138	156	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 7 vols. (parts 1, 2, 4, 5, 7, 8 & 9 out of series of 11).
13.	58	157	Same as above, 1935, 5 vols. (parts 1, 2, 3, 4, & 5 out of series of 7).
14.	58	158	"File of Permanent Records", non-classified 1935, 4 vols. (from undetermined number of series).
15.	61, 121, 96 & 140	163	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1931, 1 vol.

	<u>Japanese Crate No.</u>	<u>Item No.</u>	<u>DESCRIPTION</u>
16.	162, 128 & 149	169	"File of Document Dealing with the International Conference", 1925-1934, 1 vol.
17.	162, 128 & 149	171	"File of unclassified Correspondence & Records Dealing with Manchurian Affairs", 1935, 1 vol. (part 16 out of series of 17).
18.	624	202	Same as above, 1935, 1 vol. (part 7 out of 10 vols.).
19.	43	203	"File of classified Correspondence & Records concerning the League of Nations & the Disarmament Conference", 1931 to 1934, 1 vol.
20.	43	204	"File of Confidential Records attached to Item No. 203", 1931, 2 vols. (parts 1 & 3 out of 3 vols.).
21.	43	205	"File of Permanent Records", 1931 non-classified, 5 vols.
22.	151	206	"File of non-classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 5 vols. (parts 5, 6, 8, 9 & 10 out of 10 vols.).
23.	150	212	"Files of non-classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 4 vols. (parts 1, 2, 3, & 4 out of 10 vols.).
	<u>Crate No.</u>		
24.	57	232	"File of Permanent Records", non-classified, 1935, 6 vols.
25.	327	234	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1935, 1 vol. (part 2 )
26.	334	305	Same as above 1935, 1 vol. (part 11 of a series of 11).
27.	146	341	Same as above, 1931, 1 vol. (part 2 of a series of 3).
28.	234	358	Same as above, 1935, 1 vol. (part 10 of a series of 11).

	<u>Crate No.</u>	<u>Item No.</u>	<u>DESCRIPTION</u>
29.	59	320	"File of classified Correspondence & Records", 1935, 1 vol. (part 7 of a series of 7).

Dated at Tokyo, Japan, this 3 day of December,  
1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 592  
Disposes of  
Paper No. 545 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER:
	)	THAT FACILITIES TO
- vs -	)	INTERVIEW OR
	)	INTERROGATE CERTAIN
ARAKI, Sadao; et al	)	WITNESSES REQUESTED
	)	BY THE ACCUSED MATSUI
	)	BE PROVIDED.

This matter coming on to be heard on this 18th day of November 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of MATSUI, Iwane, one of the defendants herein, for the production of witnesses necessary to the defense of said MATSUI, Iwane, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses being fully set forth in said application, which is Paper No. 545; and after hearing the statements and arguments of Counsel for the said MATSUI, Iwane, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused MATSUI to submit written interrogatories to or verbally interrogate the following named persons at the places where said persons are now located and held:

1. HARADA, Kumakichi;
  - (a) The nationality of the witness is Japanese;  
He is said to be in custody of the British in Singapore.
  - (b) The witness was Lieutenant-General and Commander of the Special Service Section in Shanghai at the time MATSUI, Iwane, was Commander-in-Chief of the Expeditionary Force in Central China.
  
2. MUTO, Akira;
  - (a) The nationality of the witness is Japanese; and he is one of the accused in this case.  
He is in custody in Sugamo Prison, Tokyo, Japan.
  - (b) The witness was Lieutenant-General and Vice Chief of Staff, the Expeditionary Force in Central China, at the time MATSUI, Iwane, was Commander-in-Chief of said Force.

It is further

ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from



the list named in his original application (Paper No. 545),  
as may be found necessary to his proper defense in this case,  
as a result of said interrogations.

Dated at Tokyo, Japan, this 3rd day of December,  
1946.

BY THE TRIBUNAL:

Signed

W. F. Webb  
PRESIDENT

Paper No. 593  
Disposes of  
Paper No. 547  
in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
  ) THAT FACILITIES TO  
  ) INTERVIEW OR  
  ) INTERROGATE CERTAIN  
ARAKI, Sadao; et al ) WITNESSES REQUESTED  
  ) BY THE ACCUSED  
  ) NAGANO AND THE ACCUSED  
  ) OKA BE PROVIDED.

This matter coming on to be heard on this 20th day of November, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of NAGANO, Osami and OKA, Takasumi, the defendants herein, for the production of witnesses necessary to the defense of said NAGANO, Osami and OKA, Takasumi, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses being fully set forth in said application, which is Paper No. 547; and after hearing the statements and arguments of Counsel for the said NAGANO, Osami and OKA, Takasumi, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused NAGANO, Osami and the accused OKA, Takasumi to submit written interrogatories to or verbally interrogate the following named persons at the places where said persons are now located and held:

1. FUKUTOME, Shigeru;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness was a Vice-Admiral in the Japanese Navy and at present is in Singapore, although it is believed that he is not confined as a prisoner of war.
2. ONODA, Sutegiro;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness was a naval captain and assistant to the above named FUKUTOME. He is believed to be in Singapore at the present time although not a prisoner of war.
3. OKOCHI, Denshichi;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness was a Vice-Admiral in the Japanese Navy and is at present in Manila, believed to be a prisoner of war.
4. TOYODA, Soemu;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness was an Admiral in the Japanese Navy and was in attendance at negotiations pertaining to the London Naval Conference. He is at present confined in Sugamo Prison.

It is further

ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in their request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations heretofore authorized and ordered, and the accused are granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in their original application (Paper No. 547), as may be found necessary to their proper defense in this case, as a result of said interrogations.

Dated at Tokyo, Japan, this 3 day of December, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 594  
Disposes of  
Paper No. 546; and of  
Paper No. 544, in part  
only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al	)	ORDER:
- vs -	)	THAT FACILITIES TO INTER-
ARAKI, Sadao; et al	)	VIEW OR INTERROGATE CERTAIN
	)	WITNESSES REQUESTED BY THE
	)	ACCUSED MUTO BE PROVIDED;
	)	AND FOR 11 SUMMONS; AND FOR
	)	THE PRODUCTION OF DOCUMENTS.

This matter coming on to be heard on this 18th day of November, 1946, before The Honorable Sir William Webb, the President of the Tribunal, upon the application of MUTO, Akira, one of the defendants herein, for the production of certain witnesses necessary to the defense of the said MUTO, Akira, in accordance with the provisions of Section 3, Article 9, Paragraph (e) of the Charter, the names of said witnesses being set forth in said application, which is Paper No. 544; and the application of the said MUTO, Akira, for the production of documents, which application is Paper No. 546; and after hearing statements and arguments of Counsel for the said MUTO, Akira, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. TERADA, Seichi
  - (a) This person is a Japanese, resident in Tokyo;
  - (b) At the time of the China Incident he was on the General Staff.

2. SAITO, Yoshie;
  - (a) This person is a Japanese, resident in Tokyo;
  - (b) This person was a diplomatic advisor to General Matsui.
3. NAKAYAMA, Yasuto;
  - (a) This person is a Japanese, resident in Tokyo;
  - (b) This person was formerly a Staff Officer under General Matsui.
4. IWAKURO, Hideo;
  - (a) This person is a Japanese, resident in Tokyo;
  - (b) He was formerly in charge of a section in the Military Affairs Bureau under Muto.
5. IKAWA, Tadao;
  - (a) This person is a Japanese, resident of Tokyo;
  - (b) This person took part in the pre-war negotiations with United States.
6. ISHII, Akiho;
  - (a) This person is a Japanese, resident of Nagano Prefecture;
  - (b) He was formerly chief of a division of the Military Affairs Section under Muto.
7. NISHIURA, Susumu;
  - (a) This person is a Japanese, resident of Tokyo;
  - (b) He was a senior member of a section in the Military Affairs Bureau when Muto was Chief of said Bureau.
8. YAMAMOTO, Kumaichi;
  - (a) This person is a Japanese, resident of Tokyo;
  - (b) He was Chief of a bureau with the Foreign Office when Muto was Chief of Military Affairs Bureau.

9. OASA, Tadao;  
(a) This person is a Japanese, resident of Tokyo;  
(b) He was formerly a Minister of State.
10. YUZAWA, Michio;  
(a) This person is a Japanese, resident of Tokyo;  
(b) He was formerly Vice Minister of Home Affairs, later Home Minister.
11. KAMEI, Kan-ichiro;  
(a) This person is a Japanese and resident of Kamakura;  
(b) He was a former member of House of Representatives;

and that a summons be issued, by the Secretary General of the Tribunal, commanding each of said persons, to-wit: TERADA, Seiichi, SAITO, Yoshie, NAKAYAMA, Yasuto, IWAKURO, Hideo, IKAWA, Tadao, ISHII, Akiho, NISHIURA, Susumu, YAMAMOTO, Kumeichi, OASA, Tadao, YUZAWA, Michio, and KAMEI, Kan-ichiro, to attend and testify before said Tribunal as a witness for the accused MUTO, Akira, at a time indicated to the Secretary General of the Tribunal, by counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That every facility and assistance be provided to counsel for the accused MUTO, Akira, to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and may be found or held:

1. MATSUI, Iwane;  
(a) This person is of Japanese nationality and is one of the accused in the present trial. He is confined in Sugamo Prison.

2. SATO, Kenryo;
  - (a) This person is a Japanese and is one of the accused in the present trial. He is confined in Sugamo Prison.
3. HOSHINO, Naoki;
  - (a) This person is of Japanese nationality and one of the accused in the present trial. He is confined in Sugamo Prison.
4. TOJO, Hideki;
  - (a) This person is of Japanese nationality and one of the accused in the present trial. He is confined in Sugamo Prison.

It is further ORDERED: That the application of the accused (Paper No. 544) for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

It is further ORDERED: That the application of the accused (Paper No. 546) for the production of documents is granted; and that the following documents, which are thought to be located in the files of the former Japanese War Ministry, be procured forthwith and lodged with the Registry of the Tribunal:

- (a) Imperial Ordinance of 23 December 1941 regarding regulation of prisoner of war camps;



- (b) Imperial Ordinance of 27 December 1941 regarding Prisoner of War Information Bureau;
- (c) Letter of Advice to troops, from Japanese War Ministry regarding treatment of enemy medical personnel;
- (d) Message dated 29 January 1942 from Foreign Minister TOGO to the United States, Britain, and other countries, through a neutral country, replying to inquiries regarding future treatment of prisoners of war;
- (e) Rules of the War Ministry setting up the "Control Department" relative to prisoners of war;
- (f) "Order for service to the Higher Headquarters during wartime";
- (g) Ordinance of the Supreme War Council.

Dated at Tokyo, Japan, this 3 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

Paper No. 595  
Disposes of  
Paper No. 556 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) THAT FACILITIES TO INTER-  
ARAKI, Sadao; et al ) VIEW OR INTERROGATE CERTAIN  
 ) WITNESSES REQUESTED BY THE  
 ) ACCUSED OKAWA BE PROVIDED;  
 ) AND FOR THE PRODUCTION OF  
 ) DOCUMENTS.

This matter coming on to be heard on this 20th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of OKAWA, Shumei, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said OKAWA, Shumei, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 556; and after hearing the statements and arguments of Counsel for the said OKAWA, Shumei, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused OKAWA to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located or held:

1. Ro Un Kyo;
  - (a) The nationality of the witness is Korean.

- (b) The address of the witness is Seoul, Korea. The witness is an influential member of Korean Political party. He is one of the Koreans who planned the Korean Independence and has gone to Shanghai and established the Korean Independent Government there.

2. SAKATANI, Kiichi;

- (a) The nationality of the witness is Japanese.  
(b) The witness is supposed to be in Peking. He was Vice-Chief of the General Affairs Board in Manchuria.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original application (Paper No. 556), as may be found necessary to his proper defense in this case, as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

	<u>DOCUMENT</u>	<u>LOCATION</u>
1.	PRAVDA (Newspaper), 1-31 August, 1935. This document contains the resolution and activities of Comintern, especially of the Seventh Congress.	PRAVDA Press Co., U. S. S. R.
2.	Leninism Hrest matiya "XPICTOMATIA", 1933. Published by Lenpart izdat.	Lenpart izdat, U. S. S. R.

This document is published at the celebration of Stalin's Fiftieth Birthday.

3. Tung-Ping Daily News (Tohoku-Nippo), January 15, 1932. Tung-Ping Daily Press Co., Mukden, Manchuria.  
This document contains a report on Mukden Four Races Preservation Council which consists of 28 private associations. That report is entitled as "Our Expectation for the Establishment of a New State in Manchuria and Mongolia", signed by 862,000 members and Wang Wei-Chou was selected as chairman and representative.
4. Pamphlets entitled as follows: Published by the Young People's Federation of Manchuria. 1931-1932. Los Angeles Library
- a. "The Stand of this Federation."
  - b. "Is China really a State?"
  - c. "Outline of the Sino-Japanese Clash in Manchuria."
  - d. "Evidences that the Chinese 'Non-Resistance Policy was a Hoax'".
  - e. "What happened immediately after the Blowing up of the Railway Track by the Chinese Soldiers."
  - f. "The Reason for Chastising the Chinese Troops near Chan-Chun."
  - g. "Devastation by Fugitive Soldiers and Hung Hu Dzu."
  - h. "Study of the Chinese Army in connection with the Present Clash."
  - i. "Statistics on Sino-Japanese Fighting."
  - j. "Some Facts which Prevent Japan from Withdrawing Her Troop."

5. Documents located at Washington Document Center, Stuart Bldg., Washington, D.C., and described as follows:

Shipping Advice 15072

<u>Crate No.</u>	<u>Item No.</u>	<u>Description</u>
95	116	"File of classified Correspondence and Records dealing with Manchurian Affairs", 1932.
95	116	"File of classified Correspondence and Records dealing with Manchurian Affairs", 1934.
51 & 52	39	"Appendix to the File of Correspondence and Records dealing with Manchurian Affairs". 1934.

Dated at Tokyo, Japan, this 4 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT OF THE TRIBUNAL

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
  ) FOR THE ISSUANCE OF SUBPOENAS  
  ) FOR WITNESSES ON BEHALF OF  
  ) THE ACCUSED SATO; AND FOR  
ARAKI, Sadao; et al ) THE PRODUCTION OF DOCUMENTS

This matter coming on to be heard on this 20th day of November, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of SATO, Kenryo, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said SATO, Kenryo, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 554; and after hearing the statements and arguments of Counsel for the said SATO, Kenryo, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. NISHIMURA, Susumu;
  - (a) This person is a Japanese, resident of Tokyo;
  - (b) He was Chief of the Military Affairs Section when SATO was Chief of the Military Affairs Bureau.

2. SANADA, Joichiro;
  - (a) This person is a Japanese, resident of Tokyo;
  - (b) He was Chief of the Military Affairs Bureau as successor to SATO. He was in charge of the Liason Conference between the General Staff and Cabinet as well as of the business of the Conference held in the presence of the Emperor.
3. SHIMOJIMA, Sadamu;
  - (a) This person is a Japanese, resident of Tokyo;
  - (b) He was formerly Minister of War after the time of surrender and is now in Sugamo Prison. He attended the Geneva International War Prisoners Conference held in 1929, as the representative of the Japanese Government.
4. ABE, Nobutaka;
  - (a) This person is a Japanese, resident of Tokyo;
  - (b) He was formerly Prime Minister and Governor General of Korea.
5. HATA, Shiroji;
  - (a) This person is a Japanese, resident of Sendai;
  - (b) He is professor of the Tohoku Imperial University and an intimate friend of SATO.
6. NOJIMA, Karoku;
  - (a) This person is a Japanese, resident of Tokyo;
  - (b) He is a member of the House of Peers and an acquaintance of SATO.
7. SHIRAI, Seishin;
  - (a) This person is a Japanese, resident of Tokyo;
  - (b) He is an official of the Demobilization Board;

and that a summons be issued, by the Secretary General of the Tribunal, commanding each of said persons, to-wit:

NISHIMURA, Susumu, SANADA, Joichiro, SHIMOMURA, Sadamu, ABE, Nobutaka, HATTA, Shiroji, NOHURA, Karoku, and SHIRAI, Seishin, to attend and testify before said Tribunal as a witness for the accused SATO, Kenryo, at a time indicated to the Secretary General of the Tribunal, by counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, all of which may be located in the Washington Document Center, Stuart Building, Washington, D. C., Shipping Advice #15072, be procured forthwith and lodged with the Registry of the Tribunal:

<u>Crate No.</u>	<u>Items No.</u>	<u>Description</u>
96, 51 & 66	21	File dealing with classified war prisoners, 1942.
650	43	File of non-classified correspondence and records dealing with China Affairs, 1942 (3 bundles.)
166	273	Transcript of telegrams exchanged between the chief of staff of the China Expeditionary Army and the Vice-Minister of War on the question of executing U.S. aviators, captives while bombing Japan 25 April to 8 May 1942 (5 pages).
11	375	Mimeographed booklets, "Military Regulations Issued by the G.H. China Expeditionary Army for the Punishment of Enemy Fliers", 13 August 1942 (4 volumes).
?	379	File of miscellaneous correspondence and records of War Ministry, 1940-1942 (1 bundle).

Dated at Tokyo, Japan, this 4 December 1946.

BY THE TRIBUNAL:

(Signed) V. F. WEBB  
PRESIDENT



Paper No. 599  
Disposes of  
Papers Nos. 558 and  
560, in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
  ) THAT FACILITIES TO INTERVIEW  
  ) OR INTERROGATE IN WRITING  
  ) CERTAIN WITNESSES REQUESTED  
- vs -                                  ) BY THE ACCUSED OSHIMA BE  
ARAKI, Sadao; et al                  ) PROVIDED; AND FOR THE PRO-  
  ) DDUCTION OF DOCUMENTS.

This matter coming on to be heard on this 20th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the applications of OSHIMA, Hiroshi, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said OSHIMA, Hiroshi, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said applications, which are Papers Nos. 558 and 560; and after hearing the statements and arguments of Counsel for the said OSHIMA, Hiroshi, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused OSHIMA to determine if his presence will be required at a later date to testify on behalf of the said OSHIMA:

1. ARITA, Hachiro;
  - (a) The nationality of the witness is Japanese;  
His address is Tokyo, Shibuya-Ku, Yoyogi  
Nishihara;
  - (b) This witness was Foreign Minister from 1936  
to 1937, Political Adviser to the Foreign  
Office 1938, Foreign Minister 1939 and 1940.
2. MUSHAKOJI, Kintomo;
  - (a) The nationality of the witness is Japanese;  
His address is Tokyo, Shibuya-Ku, Harajuku,  
3 Chome;
  - (b) This witness was Ambassador to Turkey 1933 to  
1934. He was Ambassador to Germany 1934 to  
1937 and concluded the Anti-Comintern Pact.
3. WAKAMATSU, Tadaichi;
  - (a) The nationality of the witness is Japanese;  
His address is Tokyo, Kitatama-Gun, Musashino-  
Nachi, Kichijoji;
  - (b) This witness was Vice-Minister of War in 1945,  
Chief of German Sub-Section, GHQ, in 1935 and  
1936 at the time when the defendant OSHIMA  
was Military Attache in Germany.
4. KASAHARA, Yukio;
  - (a) The nationality of the witness is Japanese;  
His address is Kanagawa Prefecture, Ashigara-  
Shimo-Gun, Shimo-Nakamura;
  - (b) This witness was chief of the Russian Section  
of GHQ 1936-1937 and was sent to Berlin as an  
assistant to OSHIMA when he was Military At-  
tache in Berlin in 1938.

5. KAWABE, Torashiro;
- (a) The nationality of the witness is Japanese; His address is Nagoya, Higashi-Ku, Higashi-Sotobori-Cho, c/o Takano;
  - (b) This witness was Military Attache to Germany from 1938 to 1940, succeeding OSHIMA when he became Ambassador.
6. YOSHINAKA, Kazutaro;
- (a) The nationality of the witness is Japanese; His address is Tokyo, Setagaya-Ku, Kitazawa;
  - (b) This witness was Section Chief of GHQ Intelligence in 1936-1937 and had direct supervision over the White Russian Counter-Intelligence System in Germany.
7. USAMI, Uzuhiko;
- (a) The nationality of the witness is Japanese; His address is Tokyo, Makano-Ku, Honcho-Dori;
  - (b) This witness was Consul-General in Geneva 1937-1938. He was Counsellor of the Japanese Embassy in Berlin 1938-1940.
8. TAKEUCHI, Ryuji;
- (a) The nationality of the witness is Japanese; His address is Hokkaido, Sapporo;
  - (b) This witness was Secretary of the Japanese Embassy in Berlin 1938-1939.
9. SAITO, Ryoel;
- (a) The nationality of the witness is Japanese; His address is Tokyo, Shibuya-Ku-, Shoto;
  - (b) This witness was Political Advisor to the Foreign Office from August 1940 to July 1941.

10. OHASHI, Chuichi;
- (a) The nationality of the witness is Japanese;  
His address is Gifu Prefecture, Hajima-Gun,  
Koguma-Mura;
  - (b) This witness was Vice Foreign Minister under  
Matsuoka.
11. MATSUMOTO, Shunichi;
- (a) The nationality of the witness is Japanese;  
His address is Tokyo, Meguro-Ku, Sanya, 80;
  - (b) This witness was Director of the Treaty Department of the Foreign Office 1940-1942.  
He was Foreign Minister from 1942 to 1944.
12. NOMURA, Naokuni;
- (a) The nationality of the witness is Japanese;  
His address is Tokyo, Sotagaya-Ku, Kitazawa;
  - (b) This witness was the Japanese member of  
Military Commission in Berlin 1940-1943. He  
was Navy Minister in 1945 in Koiso Cabinet.
13. YOKOI, Tadao;
- (a) The nationality of the witness is Japanese;  
His address is Wakayama Prefecture, Tanabe-shi,  
Honcho;
  - (b) This witness was Naval Attache 1941-1943 in Berlin.
14. KOMATSU, Mitsuhiko;
- (a) The nationality of the witness is Japanese;  
His address is Kochi Prefecture, Kami-gun,  
Yamada-mura;
  - (b) This witness was Military Attache in Berlin  
1941 to 1945.

15. KAWAHARA, Shunichiro;
- (a) The nationality of the witness is Japanese;  
His address is Kanagawa Prefecture, Kamakura,  
Nikaido;
  - (b) This witness was Secretary of the Japanese Embassy  
in Rome 1930-1940; Counsellor of the Japanese  
Embassy in Berlin 1940-1945; In charge of the  
over-all political matters and information.  
Second position to defendant OSHIMA.
16. UGAKI, Kazushige;
- (a) The nationality of the witness is Japanese;  
His address is Shizuoka Prefecture, Izu-Nagaoka;
  - (b) This witness was Foreign Minister in 1938.
17. HIGUCHI, Kiichiro;
- (a) The nationality of the witness is Japanese;  
His address is Tokyo, Setagaya-Ku, Tamagawa,  
Denyen-chofu;
  - (b) This witness was Chief of the Second Division  
of GHQ 1938-1940.
18. ARISUE, Seizo;
- (a) The nationality of the witness is Japanese;  
His address is Tokyo, Setagaya-Ku, Matzubare-cho;
  - (b) This witness was Military Attache in Italy  
1936-1939; Chief of the Second Division of  
GHQ 1942-1945, directly supervising all the  
Military Attaches of Japan.
19. KARAKAWA, Yasuo;
- (a) The nationality of the witness is Japanese;  
His address is Tokyo, Suginami-Ku, Ogikubo;

(b) This witness was Chief of the Counter-Intelligence Section of GHQ 1937-1939 and 1940.

20. HARA, Shiro;

(a) The nationality of the witness is Japanese; His address is First Demobilization Bureau, Tokyo;

(b) This witness was a member of 20. Section of GHQ (War Policy) 1940-1942.

21. KOTANI, Etsuo;

(a) The nationality of the witness is Japanese; His address is Hamaguchi Prefecture, Saba-gun, Nigita-Mura;

(b) This witness was Chief of 20. Section of GHQ (War Policy) 1942; Assistant Military Attache in Germany 1943-1945.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused OSHIMA to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and held:

1. SALGO, Jugó;

(a) The nationality of the witness is Japanese; He is now in Shanghai, a prisoner of war;

(b) This witness was Chief of the German Sub-Section of GHQ 1938-1939; Assistant Military Attache in Berlin 1941-1943, especially attached to OSHIMA from the Military Attache's Office.

2. General OTT, Eugen;

(a) The nationality of the witness is German; He is now in Peking;

- (b) This witness was Ambassador to Japan 1938-1943.
3. FISCHER
- (a) The nationality of the witness is German;  
He is now believed to be in Shanghai;
- (b) This witness was German Consul in Shanghai 1935-1945.
4. NAKAJIMA, Tetsuzo;
- (a) The nationality of the witness is Japanese;  
He is now in Sumatra, N.E.I.
- (b) This witness was Vice Chief of Staff, December 1937 to September 1939.
5. MANAKI, Yoshinobu;
- (a) The nationality of the witness is Japanese;  
He is now a prisoner of war in French Indo-China;
- (b) This witness was Chief of the German Sub-Section of GHQ 1936-1938; Assistant Military Attache in Germany 1938-1939.
6. BOLZE, Dr. Erich;
- (a) The nationality of the witness is German;  
His address is Hamanashi Prefecture, Kawaguchi;
- (b) This witness was Counsellor of the German Embassy in Japan 1938-1941 (when Ott was Ambassador) and 1943-1945 (when Stahmer was Ambassador). He was German Charge d'Affaires in Japan during the brief period of Ott's absence in 1941.
7. NISHIO, Toshizo;
- (a) The nationality of the witness is Japanese;  
He is now in custody in Sugamo Prison, Tokyo;
- (b) This witness was Vice Chief of Staff 1936.
8. TANI, Masayuki;

- (a) The nationality of the witness is Japanese;  
He is now in custody in Sugamo Prison, Tokyo;
- (b) This witness was Vice-Foreign Minister 1939-1940.

9. STAHRER, Henrich Georg;

- (a) The nationality of the witness is German;  
He is now in custody in Sugamo Prison, Tokyo;
- (b) This witness was Ambassador to Japan 1943-1945,  
Liaison between von Ribbentrop and Oshima 1938 to 1941.

It is further ORDERED: That Counsel for the accused OSHIMA may submit written interrogatories to each of the following named persons listed in his application and that every facility be afforded to the said Counsel in securing the submission of said interrogatories and the answers of the witnesses thereto:

1. SCHMIDT, Paul;

- (a) The nationality of the witness is German;  
His address is Neurnberg, Germany;
- (b) This witness was Foreign Office Interpreter for Hitler, von Ribbentrop and all major conferences during crucial period between 1935 and 1945.

2. GOTTFRIEDSEN

- (a) The nationality of the witness is German;  
His address is unknown;
- (b) This witness was Liaison between von Ribbentrop and Oshima 1941-1945.

3. General MARSHALL, George C.

- (a) The nationality of the witness is American;  
He is now in Nanking;
- (b) This witness was Chief of Staff, U.S. Army.

It is further ORDERED: That the applications of the accused for the issuance of a subpoena for each of the persons



named in his requests for the production of witnesses is indefinitely continued, awaiting the results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses, selected from the list named in his original applications (Papers Nos. 558 and 560), as may be found necessary to his proper defense in this case, as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that the following documents, which may be located at the place or in the custody of the agency set forth opposite the descriptions of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

<u>DOCUMENT</u>	<u>LOCATION</u>
State Department files on the internment of OSHIMA at Bedford Springs, Pennsylvania, from July 1945 to November 1945.	State Department, Washington, D. C.

It is further ORDERED: That all Prosecution documents seized in Germany and now in the files of Prosecution, which have not been used in Prosecution's case, be made available to Counsel for the accused OSHIMA for inspection and use as Exhibits.

Dated at Tokyo, Japan, this 5 December 1946.

BY THE TRIBUNAL:

Signed W. F. WEBB  
PRESIDENT

Paper No. 600  
Disposes of  
Paper No. 538, in  
part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al)	ORDER:
-vs -	) THAT FACILITIES TO INTERVIEW
ARAKI, Sadao; et al	) OR SUBMIT WRITTEN INTERROGA-
	) TORIES TO, CERTAIN WITNESSES
	) REQUESTED BY THE ACCUSED
	) KOISO BE PROVIDED; AND FOR
	) THE PRODUCTION OF DOCUMENTS.

This matter coming on to be heard on this 15th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of KOISO, Kuniaki, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said KOISO, Kuniaki, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 538; and after hearing the statements and arguments of Counsel for the said KOISO, Kuniaki, and the Tribunal being fully advised in the premises, it is

ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused KOISO to determine if his presence will be required at a later date to testify on behalf of the said KOISO:

1. NAKAMURA, Benko;
  - (a) The nationality of the witness is Japanese;
  - (b) He is a Bhuddist priest, now residing in the Zojoji (a Bhuddist temple) in Shiba-ku, Tokyo.
2. Major General ISHIMARU, Shitoma;
  - (a) The nationality of the witness is Japanese;
  - (b) His address is No. 991 Unane-machi, Setagaya-ku, Tokyo.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused KOISO to submit written interrogatories to or verbally interrogate the following named person at the place where said person is now located and held:

Lt. General SAITO, Yahoita;

- (a) The nationality of the witness is Japanese;
- (b) He was the President of the Manchurian Development Company. He is at present believed to be under detention by the Soviet Government at Chiamsu in Manchuria.

It is further ORDERED: That Counsel for the accused KOISO may submit written interrogatories to each of the following named persons listed in his application and that every facility be afforded to the said Counsel in securing the submission of said interrogatories and the answers of the witnesses thereto:

1. A. W. GRISWOLD:
  - (a) The nationality of the witness is American;
  - (b) He is an Assistant Professor of Political Science at Yale University, and author of the book "The Far Eastern Policy of the United States."

His present address is believed to be,  
New Haven, Connecticut, U.S.A., care of  
Yale University.

2. F. R. EIDRIDGE;

- (a) The nationality of the witness is American;
- (b) He is a Professor of Political Economy at  
Columbia University, and author of the book  
"The Dangerous Thoughts on the Orient."

His present address is believed to be, New  
York City, New York, U.S.A., care of  
Columbia University.

3. RALPH TOWNSEND:

- (a) The nationality of the witness is American;
- (b) He is an Instructor of Journalism at Leland  
Stanford University.

His present address is believed to be  
Stanford, California, near Palo Alto;  
care of Stanford University.

It is further ORDERED: That the application of the  
accused for the issuance of a subpoena for each of the persons  
named in his request for the production of witnesses is indefinitely  
continued, awaiting the results and disclosures of the interro-  
gations hereinbefore authorized and ordered, and the accused is  
granted permission to file a supplemental application for the  
issuance of subpoenas for such witnesses, selected from the list  
named in his original application (Paper No. 538), as may be found  
necessary to his proper defense in this case, as a result of said  
interrogations.

It is further ORDERED: That the application of the  
accused for the production of documents is granted; and that the

following documents, which may be located at the place or in the custody of the agency set forth opposite the description of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

	<u>DOCUMENT</u>	<u>LOCATION</u>
1.	Book, entitled: "The Far Eastern Policy of the United States," by A. W. Grisford.	Any good book store; or through the author.
2.	Book, entitled: "The Dangerous Thoughts on the Orient," by F. R. Eidridge.	Any good book store; or through the author.

Dated at Tokyo, Japan, this 6 December 1946.

BY THE TRIBUNAL:

Signed W. F. VEBB  
PRESIDENT

Paper No. 601  
Disposes of  
Paper No. 572

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER:
" vs "	)	GRANTING APPLICATION OF THE
ARAKI, Sadao; et al	)	ACCUSED SHIGEMITSU FOR THE
	)	ISSUANCE OF SUMMONS FOR
	)	WITNESSES ON HIS BEHALF;
	)	AND FOR THE PRODUCTION OF
	)	DOCUMENTS.

This matter coming on to be heard on this 22nd day of November, 1946, before The Honorable Sir William Webb, the President of the Tribunal, upon the application of SHIGEMITSU, Mamoru, one of the defendants herein, for the production of certain witnesses and documents necessary to the defense of said SHIGEMITSU, Mamoru, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 572; and after hearing the statements and arguments of Counsel for the said SHIGEMITSU, Mamoru, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. TANAKA, Ryukichi;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness is now in Tokyo City, Ushigome-ku, War Ministry Building, I.P.S., Investigation Division;

2. UGAKI, Kazunari;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness is now in Atami City, Izusan;
3. HIROSE, Setzuo;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness is now in Tokyo Central Liaison Office;
4. SUZUKI, Tadakatsu;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness is now in Yokohama, Liaison Office Bureau;

and that a summons be issued, by the Secretary General of the Tribunal, commanding each of said persons, to wit: TANAKA, Ryukichi, UGAKI, Kazunari, HIROSE, Setzuo, and SUZUKI, Tadakatsu, to attend and testify before said Tribunal as a witness for the accused SHIGEMITSU, Mamoru, at a time indicated to the Secretary General of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That the application of the accused for the production of a document is granted; and that the document described below, which may be located in the International Prosecution Section, War Ministry Building, Tokyo, Japan, be procured forthwith and lodged with the Registry of the Tribunal:

Diary of M. M. LITVINOV, former Commissar of Foreign Affairs of the Soviet Union (from July 1, 1938 to August 31, 1938); excerpts were introduced as Exhibit No. 754.

Dated at Tokyo, Japan, this 6 December, 1946.

BY THE TRIBUNAL:

Signed W. F. WEBB  
PRESIDENT





Paper No. 605  
Disposes of  
Paper No. 584

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al) ORDER:  
  ) GRANTING APPLICATION OF  
  ) PROSECUTION FOR EXEMPTION  
  ) FROM RULE 6(B) (1) WITH  
- vs -                                  ) RESPECT TO PROSECUTION  
  ) DOCUMENTS NOS. 2790, 2791,  
ARAKI, Sadao; et al                  ) 2793 ET AL; AND IMPOSING  
  ) CONDITIONS.

This matter coming on to be heard on this 6th day of December, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents enumerated, together with their respective Judge Advocate Service Report number, as follows:

<u>Judge Advocate Service Report No.</u>	<u>IPS Docu- ment No.</u>	<u>Judge Advocate Service Report No.</u>	<u>IPS Docu- ment No.</u>
69	2790	11	2801
174	2791	27	2802
126	2793	166	2803
117	2794	161	2804
99	2795	73	2806
90	2796	1	2807
96	2797	76	2808
53	2798	75	2809
189	2799	74	2810
197	2800	71	2811

<u>Judge Advocate Service Report No.</u>	<u>IPS Docu- ment No.</u>	<u>Judge Advocate Service Report No.</u>	<u>IPS Docu- ment No.</u>
70	2812	253	2833
88	2813	101	2834
84	2814	137	2835
151	2815	140	2836
142	2816	72	2837
109	2817	66	2838
180	2818	106	2839
262	2820	290	2843
263	2821	233	2841
265	2822	61	2844
267	2823	210	2855
272	2824	282	2856
281	2825	302	2857
285	2826	287	2858
304	2827	298	2859
300	2828	63	2864
303	2829	55	2865
207	2830	49	2869
209	2831		
291	2832		

from which, the prepared summaries of evidence or summaries of said reports contained therein and a part thereof, the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused, or their Counsel, copies of such summaries, only, as excerpts from said documents, in both the Japanese and the English language, in the place and stead of the entire original reports or documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in

the premises, it is

ORDERED: That the said application be and is hereby granted, as prayed; and it is further

ORDERED: That all of said documents, together with the affidavits and summaries attached thereto or a part thereof, remain in the office of the Clerk of the Tribunal until further order of the Tribunal, and that said documents, affidavits and summaries be made available to the accused or their respective Counsel.

Dated at Tokyo, Japan, this 9 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al )  
  ) - vs - )  
ARAKI, Sadao; et al ) ORDER: THAT FACILITIES  
  ) TO INTERVIEW OR INTER-  
  ) ROGATE IN WRITING CERTAIN  
  ) WITNESSES REQUESTED BY  
  ) THE ACCUSED UMEZU BE PRO-  
  ) VIDED; AND FOR THE ISSU-  
  ) ANCE OF 7 SUMMONS; AND  
  ) FOR THE PRODUCTION OF  
  ) DOCUMENTS.

This matter coming on to be heard on this 25th day of November, 1946, before The Honorable Sir William Webb, the President of the Tribunal, upon the applications of UMEZU, Yoshijiro, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said UMEZU, Yoshijiro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said applications, which are Papers Nos. 566 and 577; and after hearing the statements and arguments of Counsel for the said UMEZU, Yoshijiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed;

1. ISHIKAWA, Jun;
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is Sugamo

Prison, Tokyo.

2. Lieutenant General KASAHARA, Yukio;
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is  
Kobune, Shimonakamura, Ashigara-shimogun,  
Kanagawa-Ken;
3. TAKAKURA, Tedashi;
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is 4-Chome,  
Kumamoto-Cho Hida, Oita-Ken;
4. Major General KASHIWA, Toku;
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is Fukushi-  
mashi, Fukushima-Ken;
5. Lieutenant General KAWABE, Torashirō;
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is  
Nagoyashi, Aichi-Ken;
6. KAWAGOE, Shigeru;
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is 804  
Horinouchi, Hayama, Kanagawa-Ken;
7. General KAWABE, Masakazu;
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is  
Sugamo Prison, Tokyo;

and that a summons be issued by the Secretary General of  
the Tribunal, commending each of said persons, to-wit:  
ISHIKAWA, Jun, Lieutenant General KASAHARA, Yukio, TAKAKURA,

Tadashi, Major General KASHIWA, Toku, Lieutenant General KAWABE, Torashiro, KAWAGOE, Shigeru, and General KAWABE, Masakazu, to attend and testify before said Tribunal as a witness for the accused UMEZU, Yoshijiro, at a time indicated to the Secretary General of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused UMEZU to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located or held:

1. Lieutenant General TOMINAGA, Kyoji;
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is unknown; his affidavits introduced in this case by the Prosecution show him to be a prisoner of war of the Soviet forces in Siberia;
2. Colonel ASADA, Saburo;
  - (a) The nationality of the witness is Japanese;
  - (b) His last official position was staff officer of the Kwantung Army, Hsingking, and his present address is prisoner of war of the Soviet forces;
3. Lieutenant General YANAGIDA, Motozo;
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is unknown

but affidavits introduced in this case by the Prosecution show him to be a prisoner of war of the Soviet forces in Siberia;

4. YAMAZAKI, Genkan;
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is unknown, but he was President of the South Manchuria Railway Company in August 1945, his address then being 5 Chome Ayame-Cho, Hsinking, Manchuria, and he is believed to be a prisoner of war of the Russian forces in Manchuria;
5. H. G. W. WOODHEAD;
  - (a) The nationality of the witness is British;
  - (b) The present address of the witness is unknown, but he is understood to be connected with a newspaper published in Canton, Kwantung Province, China;
6. NATHAN (given name unknown)
  - (a) The nationality of the witness is British;
  - (b) The present address of the witness is unknown; he was interned in Peiping during the war and reported since the end of the war to have resumed his connections with the Kailan Mining Administration in Tientsin;
7. Lieutenant General TANABE, Moriteke;
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is unknown; his last official position was commanding General of the 25th Army in Sumatra. He is

now believed to be a prisoner of war of the Netherlands forces in the Netherlands East Indies;

8. Lieutenant General MUTAGUCHI, Ren-ya;

- (a) The nationality of the witness is Japanese;
- (b) The present address of the witness is unknown; his last official position was commandant of the Preparatory Military Academy in Tokyo, and after the end of the war he was transferred from Sugamo Prison to Singapore for trial as a war criminal;

9. WAGNER, Wilhelm;

- (a) The nationality of the witness is German;
- (b) The present address of the witness is unknown, but he is reported to be in Japan and interned under the supervision of the occupation forces.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this order as may be found necessary to his proper defense in this case as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of documents is granted; and that



the following documents, all of which were kept in the secret files, especially the Secret Instructions File, of the headquarters of the Kwantung Army, located in the operations room of the Kwantung Army headquarters building in Hsingking, Manchuria (inquiry may be made through the U.S.S.R.), be procured forthwith and lodged with the Registry of the Tribunal:

1. Principles of Plans of Operations of the Imperial Army (Teikoku Rikugun Sakusen Keikaku Yoko), prepared in the autumns of the years 1940, 1941, 1942, and 1943 respectively, by the Japanese General Staff and forwarded to the headquarters of the Kwantung Army;
2. Principles for Preparation of Operations of the Kwantung Army (Kentogun Sakusen Jumbi Yoko), February 1942, prepared by the Japanese General Staff and forwarded to the headquarters of the Kwantung Army;
3. Operations Plan of the Kwantung Army (Kantogun Sakusen Keikaku), prepared in the springs of the years 1940, 1941, 1942, 1943, and 1944 by the headquarters of the Kwantung Army;
4. Border Guard Regulations of the Kwantung Army (Kokkyo Keibi Yoko), prepared in September or October 1939 by the headquarters of the Kwantung Army;
5. Kwantung Army Special Maneuvers (Kentogun Tokubetsu Enshu, commonly referred to as Kantokuen), prepared in the summer of 1941 by the Japanese General Staff and forwarded to the headquarters of the Kwantung Army.

Dated at Tokyo, Japan, this 6 December 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT

Paper No. 603  
Disposes of  
Paper No. 583

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

CASE NO. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) GRANTING APPLICATION OF  
ARAKI, Sadao; et al ) PROSECUTION FOR EXEMPTION  
FROM RULE 6(b) (1) WITH  
RESPECT TO PROSECUTION  
DOCUMENTS NOS. 552,  
2749 ET AL.

This matter coming on to be heard on this 6th day of December 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents Nos. 552, 2749, 2850, 2777, ~~2776~~, 2718, 426, 2707, 428, 415 and 425, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed.

Dated at Tokyo, Japan, this 6 December 1946.

BY THE TRIBUNAL:

Signed W. F. WEBB  
PRESIDENT

Paper No. 606  
Disposes of  
Paper No. 567,  
in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
  ) THAT FACILITIES TO INTER-  
  ) VIEW OR INTERROGATE  
  ) CERTAIN WITNESSES RE-  
- vs - ) QUESTED BY THE ACCUSED  
ARAKI, Sadao; et al ) TOJO BE PROVIDED; AND FOR  
  ) THE ISSUANCE OF 3  
  ) SUMMONSES; AND FOR THE  
  ) PRODUCTION OF DOCUMENTS.

This matter coming on to be heard on this 25th day of November, 1946, before The Honorable Sir William Webb, the President of the Tribunal, upon the application of TOJO, Hideki, one of the defendants herein, for the production of certain witnesses and documents necessary to the defense of said TOJO, Hideki, in accordance with the provisions of Section 3, Article 9. paragraph (e) of the Charter, the names of said witnesses and the descriptions of the documents being set forth in said application, which is Paper No. 567; and after hearing the statements and arguments of Counsel for the said TOJO, Hideki, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. SUZUKI, Kantaro;
  - (a) The nationality of the witness is Japanese;
  - (b) His address is No. 737 Sekiyado-machi, Higashi-Katsushika Gun, Chiba Prefecture; he was Prime Minister in September, 1945.

2. IWATA, Ainosuke;
    - (a) The nationality of the witness is Japanese;
    - (b) His address is No. 8 Shirokane - dei-machi 1 chome, Shibaku, Tokyo; he was the leader of "Aikoku-sha."
  3. KOMAI, Tokuzo;
    - (a) The nationality of the witness is Japanese;
    - (b) His address is Horinouchi Nemamura, Sakagun, Gunma Prefecture. He is the former president of General Affairs Bureau of Manchukuo;
- and that a summons be issued, by the Secretary General of the Tribunal, commending each of said persons, to-wit: SUZUKI, Kentaro, IWATA, Ainosuke, and KOMAI, Tokuzo, to attend and testify before said Tribunal as a witness for the accused TOJO, Hideki, at a time indicated to the Secretary General of the Tribunal, by counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That each of the following named persons, all of whom are Japanese nationals and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused TOJO, to determine if his presence will be required at a later date to testify on behalf of the said TOJO:

1. OKADA, Tadahiko;
  - (a) The nationality of the witness is Japanese;
  - (b) His address is 19 Nakano - cho, Azabuku, Tokyo. He was Welfare Minister in September 1945 and formerly speaker of the House of Representatives.

2. SHINOBU, Dzunpei;
  - (a) The nationality of the witness is Japanese;
  - (b) His address is Kashiwa-machi, Chiba Prefecture. He is an international lawyer and member of the Imperial Academy.
3. HIGUCHI, Ki-ichiro;
  - (a) The nationality of the witness is Japanese;
  - (b) His address is 718 Den-en-chofu, 3 chome, Setagaya-ku, Tokyo. He is a former Lieutenant General.
4. KOGA, Kiyoshi;
  - (a) The nationality of the witness is Japanese;
  - (b) His address is Nakameguro, Meguroku, Tokyo. He is a former Navy Lieutenant.
5. TSUGITA, Daizaburo;
  - (a) The nationality of the witness is Japanese;
  - (b) His address is 41 Ohtsuka Nakamachi, Koishigawa-ku. He was chief of Legislative Bureau in Hirota Cabinet, and is at present State Minister of the Yoshida Cabinet.
6. YOSHITADA, Wagate;
  - (a) The nationality of the witness is Japanese;
  - (b) His address is 3 Hisaki, Zushi-cho in the city of Yokosuka. He is the former chief of the moving picture section of the Osaka Mainichi.
7. SHIMADA, Tosio;
  - (a) The nationality of the witness is Japanese;
  - (b) His address is 158 Kogai-cho Azabuku, Tokyo. He is a former speaker of the House of Representatives and several times Cabinet Minister.

8. MORIYAMI, Eiichi;  
(a) The nationality of the witness is Japanese;  
(b) His address is 1075 Hiratsuka 7 chome,  
Ebaraku, Tokyo. He is a former president  
of legislative board.
9. IIMURA, Minoru;  
(a) The nationality of the witness is Japanese;  
(b) His address is 50 Soshigaya 3 chome,  
Setagaya-ku, Tokyo. President of "Total  
War Research Institute."
10. OASA, Tadac;  
(a) The nationality of the witness is Japanese;  
(b) His address is Meiji Club, Nakadori No. 12  
Maruno-uchi, Koji-machi-ku, Tokyo. He is  
former director of Imperial Rule Assistance  
Political Society. He was also State  
Minister in the Koiso Cabinet.
11. YUZAWA, Michio;  
(a) The nationality of the witness is Japanese;  
(b) His address is 228 Yoyogi-Sanya, Shibuyaku,  
Tokyo. He was Home Minister in the Tojo  
Cabinet.
12. KANAI, Shozi;  
(a) The nationality of the witness is Japanese;  
(b) His address is City of Ueda, Nagano Prefec-  
ture. He was formerly an official of  
Manchukuo and Menshen Administrative Council.
13. KATAKURA, Chu;  
(a) The nationality of the witness is Japanese;  
(b) His address is No. 2658 Kemi-Meguro 5 Chome,  
Meguroku, Tokyo. He is a former Major Gen-  
eral with long service in the Kwentung Army.

14. UEDA, Kenkichi;  
(a) The nationality of the witness is Japanese;  
(b) His address is Oiso Kanagawa Prefecture.  
He was formerly Commander-in-Chief of the Kwantung Army and concurrently Ambassador to Manchukuo.
15. SAKURAI, Tekutarō;  
(a) The nationality of the witness is Japanese;  
(b) His address is Tsuno-machi, Koyu-gun, Miyazaki Prefecture. He was advisor to the Chinese Army at the time of the Marco Polo Incident.
16. MATSUMUR, Koryō;  
(a) The nationality of the witness is Japanese;  
(b) His address is 4-389, Eifukucho, Suginami-Ku, Tokyo. He was formerly a Major General serving in China as Special Mission Organization.
17. KAGESA, Teishō;  
(a) The nationality of the witness is Japanese;  
(b) His address is Dai-Ichi Hospital in Tokyo. He was formerly a Lieutenant General serving as liaison office by the Japanese Army and Wang-Ching-Wei Government.
18. KUMATARO, Honda;  
(a) The nationality of the witness is Japanese;  
(b) His address is 1102 Kamimeguro 7 chome, Meguro-Ku, Tokyo. He was Ambassador to the Wang-Ching-Wei Government.
19. ARITA, Hechiro;  
(a) The nationality of the witness is Japanese;  
(b) His address is 426 Shimo-ochiai 1 chome, Yodobashi-ku, Tokyo. He was formerly Foreign Minister.

20. ISHIVATA, Sotaro;  
(a) The nationality of the witness is Japanese;  
(b) His address is Seijo-machi, Setagaya-ku, Tokyo. He was Financial Advisor to the Wang Government, and Finance Minister in the Hirohito, Tojo, and Koiso Cabinets.
21. KUSUMOTO, Masatake;  
(a) The nationality of the witness is Japanese;  
(b) His address is 151 Asahimachi 2 Chome, Shimotsuna-Cho, Ibaraki Prefecture. He was formerly a Major General serving in Special Service Organization in China.
22. KURUSU, Saburo;  
(a) The nationality of the witness is Japanese;  
(b) His address is Kerui-Zawa, Nagano Prefecture. He was special Ambassador to the United States in 1941.
23. SAITO, Yoshie;  
(a) The nationality of the witness is Japanese;  
(b) His address is 42 Shoto-cho, Shibuya-Ku, Tokyo. He was advisor to the Foreign Ministry during negotiations between Japan and America.
24. IWAKURO, Tadao;  
(a) The nationality of the witness is Japanese;  
(b) His address is 789 Denenchofu, 2 Chome, Ohmori-ku, Tokyo. He participated in drafting proposed agreement between America and Japan.
25. YAMAMOTO, Kumaichi;  
(a) The nationality of the witness is Japanese;  
(b) His address is 9 Shimouma, 3 Chome,



Setagaya-Ku, Tokyo. He was President of East Asia Section of Foreign Ministry and later Vice Minister for Greater East Asia Ministry in 1941.

26. ISHIHARA, Kwenji;  
(a) The nationality of the witness is Japanese;  
(b) His address is Tei-shin Hospital, City of Tsurugaoka, Yamagata Prefecture. He was formerly a Lieutenant General serving in the Kwantung Army.
27. YANO, Mitsuzi;  
(a) The nationality of the witness is Japanese;  
(b) His address is Mishima-machi, Umegun, Ehime Prefecture. He was formerly a Colonel serving on Army General Staff in charge of military geography.
28. TSUBOKAMI, Sedanobu;  
(a) The nationality of the witness is Japanese;  
(b) His address is 14 Yoyogi Ohyama-cho, Shibuya-Ku, Tokyo. He was formerly Ambassador to Thailand.
29. OHYAMA, Fumio;  
(a) The nationality of the witness is Japanese;  
(b) His address is Nagetamachi, 2 Chome, Kojimachi-Ku, Tokyo. Chief of Legal Section of War Ministry (now First Demobilization Bureau).
30. OKADA, Kibusaburo,  
(a) The nationality of the witness is Japanese;  
(b) His address is 1203 Setagaya-cho 1 Chome, Setagaya-Ku, Tokyo. He is a former Major-General and former official of Cabinet Planning Board.

31. MATSUDA, Reikichi;
- (a) The nationality of the witness is Japanese;
  - (b) His address is 238 Kami-ikegami-cho, Ohmori-ku, Tokyo. He was an official in the Cabinet Planning Board.
32. TANAKA, Shinichi;
- (a) The nationality of the witness is Japanese;
  - (b) His address is 2042 Yokoseko, Mizu-e Mura, Mie County, Mie Prefecture. He was formerly a Lieutenant General serving on Army General Staff prior to and during Pacific War.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused TOJO, Hideki, to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and may be found or held:

1. MUDAGUCHI, Renza;
- (a) The nationality of the witness is Japanese;
  - (b) He is now in Singapore Prison. He was formerly a Lieutenant General serving in North China at the time of the China Incident.
2. HARADA, Kumakichi;
- (a) The nationality of the witness is Japanese;
  - (b) He is now a prisoner in Singapore. He was formerly a Lieutenant General and Commander-in-Chief in Java.
3. JOSE, Laurel;
- (a) The nationality of the witness is Filipino;
  - (b) His address is Manila, Philippine Islands. He was formerly President of the Republic

of the Philippines.

4. OHTA, Koso;
  - (a) The nationality of the witness is Japanese;
  - (b) He is at present confined in Sugamo Prison, Tokyo. He was Education Minister in September 1945.
5. WACHI, Takeji;
  - (a) The nationality of the witness is Japanese;
  - (b) He has been confined in Sugamo Prison, Tokyo, but is at present in the Philippine Islands as a witness in war crimes trials.
6. IKEZAKI, Chuko;
  - (a) The nationality of the witness is Japanese;
  - (b) He is at present confined in Sugamo Prison, Tokyo. He was formerly a member of the House of Representatives and also Editor in political matters.
7. KISHI, Shinsuke;
  - (a) The nationality of the witness is Japanese;
  - (b) He is at present confined in Sugamo Prison, Tokyo. He was formerly Minister of Commerce and Industry and served as official in Manchukou.
8. ANDO, Kisaburo;
  - (a) The nationality of the witness is Japanese;
  - (b) He is at present confined in Sugamo Prison, Tokyo. He was formerly president of "Imperial Rule Assistance Society".
9. WACHI, Tsungo;
  - (a) The nationality of the witness is Japanese;
  - (b) He is at present confined in Sugamo Prison, Tokyo. He was formerly a Colonel serving

in wireless communication station in  
Owada.

10. MURATA, Shozo;
- (a) The nationality of the witness is Japanese;
  - (b) He is at present confined in Sugamo Prison, Tokyo. He was formerly Ambassador to the Philippine Islands.
11. SUZUKI, Kunji;
- (a) The nationality of the witness is Japanese;
  - (b) He is at present confined in Sugamo Prison, Tokyo. He was formerly a Colonel in charge of Prisoner of War Camps in Tokyo.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of the following named documents is granted; and that said documents, which may be located at the place or in the custody of the agency set forth opposite the description of the documents, be procured forthwith and lodged with the Registry of the Tribunal:

It is further ORDERED: That the application of  
the accused for the production of the documents: to-wit,  
46 c; "Roberts Commission Report on Pearl Harbor, dated  
23 January 1942", be continued for further consideration  
by the Tribunal upon application of the accused TOJO.

Dated at Tokyo, Japan, this 11 December 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT

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sent himself at the time ... General  
Secretary of the Tribunal for interrogation by counsel for  
the accused HASHIMOTO, to determine if his presence will  
be required at a later date to testify on behalf of the  
said HASHIMOTO:

	<u>DOCUMENT</u>	<u>LOCATION</u>
1.	"Sick Bed Diary" of Tanaka, Ryekichi.	National Khonodai Hospital
2.	The record of the offi- cial career of Isemu, Cho.	Cabinet Record Office.

It is further ORDERED: That the application of the accused for the production of the documents: te-wit, 46 c; "Roberts Commission Report on Pearl Harbor, dated 23 January 1942", be continued for further consideration by the Tribunal upon application of the accused TOJO.

Dated at Tokyo, Japan, this 11 December 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT

Paper No. 607  
Disposes of  
Paper No. 565,  
in part only

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al }  
- vs - }  
ARAKI, Sadao; et al } ORDER: THAT FACILITIES  
} TO INTERROGATE OR INTER-  
} VIEW CERTAIN WITNESSES  
} REQUESTED BY THE ACCUSED  
} HASHIMOTO BE PROVIDED;  
} AND FOR THE PRODUCTION  
} OF DOCUMENTS

This matter coming on to be heard on this 25th day of November, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of HASHIMOTO, Kingoro, one of the defendants herein, for the production of witnesses and documents necessary to the defense of said HASHIMOTO, Kingoro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses and the description of the documents being fully set forth in said application, which is Paper No. 565; and after hearing the statements and arguments of Counsel for the said HASHIMOTO, Kingoro, and the Tribunal being fully advised in the premises, it is

ORDERED: That the following named person, who is a Japanese national and may be located within the territorial limits of Japan, be produced or required to present himself at the time and place directed by the General Secretary of the Tribunal for interrogation by Counsel for the accused HASHIMOTO, to determine if his presence will be required at a later date to testify on behalf of the said HASHIMOTO:

1. TERADA, Masao;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness is now residing in Fukui Prefecture, Japan;
  - (c) The witness was a Lieutenant General in the Japanese Army and was at one time one of the Staff Officers of the Yanagawa Army in the China area. The defendant HASHIMOTO was a commanding officer of one of the units of the Yanagawa Army.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused HASHIMOTO, Kingoro, to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and may be found or held:

1. OTA, Kozo;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness is now in Sugamo Prison, Tokyo;
  - (c) The witness was at various times Chief Secretary of the Hiranuma Cabinet, Secretary General of the Imperial Rules Assistance Association, and Education Minister in the Suzuki Cabinet.
2. WACHI, Takaji;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness is now in Sugamo Prison, Tokyo;
  - (c) The witness was a Lieutenant General in the Japanese Army and was a member of "Sekureikai" or the "Cherry Blossom Society". This witness participated in the October Incident



and is thoroughly familiar with the  
March Incident.

3. IKEZAKI, Chuko;
  - (a) The nationality of the witness is Japanese;
  - (b) The witness is now in Sugamo Prison;
  - (c) The witness was a member of the Japanese Diet, an official of the Education Ministry and was one of the leading authorities in Japan on Military matters.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused HASHIMOTO to examine the files of the Foreign Office of the Japanese Government, at Tokyo, as to the following named documents:

1. The complete file of documents dealing with the "Ladybird Incident;" and
2. The complete file of documents dealing with the "Penny Incident;"

to determine if said documents, or portions thereof, will be necessary and required for the proper defense of the said

accused HASHIMOTO; and the application of the accused for the production of said documents is continued, awaiting the results and disclosures of said examination; and the accused is granted permission to file a supplemental application for the production of such of the above named documents or portions thereof as may be found necessary to his proper defense in this case, as a result of such examination.

Dated at Tokyo, Japan, this 11 December 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT



the original document known as Court Exhibit No. 1299,  
as tendered and identified, and substitute in the place  
and stead thereof, with the same force and effect as  
the original, a photostatic reproduction of the entire  
Exhibit.

Dated at Tokyo, Japan, this 12 December 1946.

BY THE TRIBUNAL:

/sgd/ W. F. WEBB  
PRESIDENT

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice Northcroft  
Lord Patrick  
The Honorable Mr. Justice Mei  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Jaranilla



and is

ORDERED: That the said oral application is granted as prayed; and that Prosecution may forthwith withdraw from the files and records of the Tribunal the original document known as Court Exhibit No. 1325, as offered and admitted, and substitute in the place and stead thereof, with the same force and effect as the original, a photostatic reproduction of the entire Exhibit.

Dated at Tokyo, Japan, this 12 December 1946.

BY THE TRIBUNAL:

/sgd/ W. F. WEBB  
PRESIDENT

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice Northcroft  
Lord Patrick  
The Honorable Mr. Justice Mei  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Jaranilla



DESCRIPTION

"BERLIN-ROME-TOKYO"  
(November 1940 edition).  
"Berlin-Rome-Tokyo" was  
a magazine published by  
the German Foreign Of-  
fice.

LOCATION

Supposedly the German  
Foreign Office in Berlin;  
Japan Institute in Berlin;  
important libraries in  
Germany, etc.

Dated at Tokyo, Japan, this 23 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb

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PRESIDENT





the President of the Tribunal.

And it is further ORDERED: That in the event of the psychiatrists selected by the Prosecution desiring to examine the said OKAWA, Shumei, in an American hospital, that the transfer be effected on such terms as the Supreme Commander directs for that purpose.

And it is further ORDERED: That any course of treatment that the said OKAWA, Shumei, is now undergoing may be continued with or under the direction of his present Japanese physicians while he is in the American hospital, under such terms and conditions as the hospital regulations permit.

Dated at Tokyo, Japan, this 23 December 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT

Paper No. 619  
Disposes of  
Paper No. 613, in  
respect to Paper  
No. 254.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER: GRANTING, IN  
- vs - ) PART, THE APPLICATION  
ARAKI, Sadao; et al ) OF THE PROSECUTION TO  
AMEND THAT CERTAIN ORDER  
OF THE TRIBUNAL NO. 254  
DATED 1 JULY 1946, WITH  
REGARD TO THE PRODUCTION  
OF CERTAIN DEFENSE  
WITNESSES

This matter coming on to be heard on this 18th day of December, 1946, before The Honorable Sir Williem Webb, President of the Tribunal, upon the application of the Prosecution to amend that certain order of the Tribunal dated 1 July, 1946, and designated as Paper No. 254, wherein the Tribunal directed that a summons be issued for HATA, Hikoseburo, as a witness on behalf of the accused HATA, Shunroku, by recalling and revoking the said summons so ordered to be issued for the proposed witness HATA, Hikoseburo, and in lieu and stead thereof, granting to the said accused and his Counsel of record every facility and assistance to submit interrogatories to, or otherwise interrogate, the said witness at the place where the said person is now located and held; and after hearing the statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the said application for the recall and revocation of the summons heretofore ordered

to be issued for HATA, Hikosaburo, as a witness for and on behalf of the accused HATA, Shunroku, be denied; and it is further

ORDERED: That the said order of the Tribunal heretofore made, signed and entered on the 1st day of July, 1946, be amended by adding two new and additional paragraphs to said order, to read as follows:

"It is further ORDERED: That execution and service of the summons for the proposed witness HATA, Hikosaburo, be postponed, and that said summons be held by the Secretary of the Tribunal, subject to further order and direction of the Tribunal; and it is further

"ORDERED: That pending further direction of the Tribunal relative to the service of said summons for the proposed witness HATA, Hikosaburo, every facility and assistance be provided to Counsel for the accused HATA, Shunroku, to submit written interrogatories to, or verbally interrogate, the said HATA, Hikosaburo, at the place where said person is now located or held, and the accused is granted permission to file an application for the service of the summons heretofore issued for the said witness, if the same be found necessary for the proper defense of the accused in this case, as the result of the afore-said interrogations."

And it is further ORDERED: That in each and all other respects, the said order of the Tribunal of

1 July 1946, shall be and remain as originally made,  
signed and entered, and in full force and effect.

Dated at Tokyo, Japan, this 23 December 1946.

BY THE TRIBUNAL:

/s/ W.F. WEBB  
PRESIDENT



ORDERED: That the said application for the recall and revocation of the summonses heretofore ordered to be issued for HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, as witnesses for and on behalf of the accused UMEZU, Yoshijiro, be denied; and it is further

ORDERED: That the said order of the Tribunal heretofore made, signed and entered on the 16th day of July, 1946, be amended by adding two new and additional paragraphs to said order, to read as follows:

"It is further ORDERED: That execution and service of the summonses for the proposed witnesses HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, be postponed, and that said summonses be held by the Secretary of the Tribunal, subject to further order and direction of the Tribunal; and it is further

"ORDERED: That pending further direction of the Tribunal relative to the service of said summonses for the proposed witnesses HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, every facility and assistance be provided to Counsel for the accused UMEZU, Yoshijiro, to submit written interrogatories to, or verbally interrogate, the said HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, at the places where said persons are now located or held, and the accused is granted permission to file an application for the service of the summonses heretofore issued for the said witnesses, if the same be found necessary for the proper defense of the accused in this case, as the result of the aforesaid interrogations."

And it is further ORDERED: That in each and all other respects, the said order of the Tribunal of 16 July, 1946, shall be and remain as originally made, signed and entered, and in full force and effect.

Dated at Tokyo, Japan, this 23 December, 1946.

BY THE TRIBUNAL:

Signed: W. F. WEBB  
PRESIDENT





and held; and after hearing the statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the said application for the recall and revocation of the summonses heretofore ordered to be issued for Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, as witnesses for and on behalf of the accused UMEZU, Yoshijiro, be denied; and it is further

ORDERED: That the said order of the Tribunal heretofore made, signed and entered on the 16th day of September, 1946, be amended by adding two new and additional paragraphs to said order, to read as follows:

"It is further ORDERED: That execution and service of the summonses for the proposed witnesses Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, be postponed, and that said summonses be held by the Secretary of the Tribunal, subject to further order and direction of the Tribunal; and it is further

"ORDERED: That pending further direction of the Tribunal relative to the service of said summonses for the proposed witnesses Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen. YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, every facility and assistance be provided to Counsel for the accused UMEZU, Yoshijiro, to submit written interrogatories to, or verbally interrogate, the said Lt. Gen. HASHIMOTO, Toranosuke, Gen. YAMADA, Otozo, Lt. Gen.

YOSHIOKA, Yasunao, FURUMI, Tadaijuki (also known as Tadayuki), and TAKEBE, Rokuzo, at the places where said persons are now located or held, and the accused is granted permission to file an application for the service of the summonses heretofore issued for the said witnesses, if the same be found necessary for the proper defense of the accused in this case, as the result of the afore-said interrogations."

And it is further ORDERED: That in each and all other respects, the said order of the Tribunal of 16 September, 1946, shall be and remain as originally made, signed and entered, and in full force and effect.

Dated at Tokyo, Japan, this 23 December, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 622  
Disposes of  
Oral application in respect  
to Papers Nos. 500 and 599.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) GRANTING APPLICATIONS FOR  
ARAKI, Sadao; et al ) ISSUANCE OF SUMMONSES FOR  
THE PRODUCTION OF EUGEN  
OTT AS A WITNESS ON  
BEHALF OF THE ACCUSED  
OSHIMA, HIROSHI, AND THE  
ACCUSED SHIRATORI, TOSHIO

This matter coming on to be heard on this 10th day of December, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the oral applications of the accused OSHIMA, Hiroshi, and the accused SHIRATORI, Toshio, by their respective Counsel of record, and under and pursuant to that certain order of the Tribunal dated the 5th day of December, 1946, and that certain order of the Tribunal dated the 26th day of November, 1946, wherein it was respectively granted that the said accused OSHIMA, Hiroshi, and SHIRATORI, Toshio, and their Counsel of record, should have every facility and assistance to submit written interrogatories to, or to verbally interrogate, Eugen Ott, at the place where he might now be located or held, and further respectively granting permission to apply for the issuance of a subpoena for such witness if it be found necessary to the proper defense of said accused; and the said accused, each for himself, respectively representing to

the Tribunal that the said Eugen Ott is a necessary witness for and on behalf of the proper defense of himself; and each, for himself, orally applying for the issuance of a summons for the production of the said Eugen Ott as a witness for and on his behalf; and the Tribunal hearing the statements and arguments of Counsel, and being fully advised in the premises, it is

ORDERED: That each of the said applications be granted, as prayed; and that a summons, in each instance, be issued, by the General Secretary of the Tribunal, commanding the said Eugen Ott, whose present address is Peking, China, to attend and testify before said Tribunal as a witness for and on behalf of the accused OSHIMA, Hiroshi, and the accused SHIKATORI, Toshio, respectively, at a time indicated to the General Secretary of the Tribunal, by the respective Counsel of record for each of the said accused, as a proper date when the witness will be actually required.

Dated at Tokyo, Japan, this 23 December, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb

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PRESIDENT



2. That on March 15th, 1939, German troops occupied Czechoslovakia and on March 16th established a Protectorate over Bohemia and Moravia.

Dated at Tokyo, Japan, this 26 December, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 625  
Disposes Defense  
Application in re:  
Dismissal.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER:
	)	GRANTING APPLICATION
- vs -	)	OF THE ACCUSED FOR
	)	LEAVE TO APPLY FOR
ARAKI, Sadao; et al	)	DISMISSAL OF THE CASE.

This matter coming on for further hearing by the Tribunal, in Open Court, on the 24th day of December, 1946, upon the oral application of the Prosecution heretofore made in Chambers, for an Order of the Tribunal granting to the Accused leave to apply to dismiss the indictment or certain counts therein as against the respective Accused at the end of the Prosecution's case in chief, and for leave to present to the Tribunal a consolidated application to dismiss the case on behalf of all the Accused, and present individual motions to dismiss on behalf of each of the Accused respectively; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and is

ORDERED: That at the close of the case in chief for the Prosecution the Tribunal will be prepared to entertain any motion the Defense may care to make to dismiss the case on some or all of the counts on the ground that there is not sufficient evidence to warrant a conviction; and it is further



ORDERED: That there may be one general motion on behalf of all of the Accused, and in addition thereto there may be one specific motion for each of the individual Accused; and it is further

ORDERED: That the Accused will reduce to writing their motions and arguments in each instance and serve copies thereof upon the Prosecution, and the Prosecution shall do likewise as to their arguments if they choose to oppose the motions, so that in each case there may be simultaneous translations.

Dated at Tokyo, Japan, this 27 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice Northcroft  
Lord Patrick  
The Honorable Mr. Justice Mei  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Roling

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al )	ORDER:
- vs - )	IN RE: ORAL APPLICATION
ARAKI, Sadao; et al )	OF THE ACCUSED TOJO AND
	OTHERS TO PRODUCE A WITNESS
	FOR CROSS EXAMINATION.

This matter coming on for hearing by the Tribunal, in Open Court, on the 5th day of December, 1946, upon the oral application of the accused TOJO, Hideki, by his Counsel of record, for himself and on behalf of those other accused similarly situated, for an order of the Tribunal summoning Joseph Theodoor Van Amstel to appear as a witness in this case before the Tribunal for the purpose of cross examination by the accused TOJO, Hideki, and by other accused similarly situated, or their respective Counsel of record, and it appearing to the Tribunal that on the 5th of December, 1946, certain testimony of the said Joseph Theodoor Van Amstel was introduced into evidence in this case by the Prosecution in the form of a sworn statement made and executed by the said Van Amstel, and dated 10th April, 1946, which sworn statement is identified as Prosecution document No. 2620A, and Court Exhibit No. 1341; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises; it is the decision of a majority of the Justices of the Tribunal, and

ORDIRED: That said oral application for the issuance of a summons to produce before the Tribunal

Joseph Theodoor Van Amstel for cross examination, is denied;  
and it is further

ORDERED: That every facility and assistance be  
provided to Counsel for the accused TOJO, and other accused  
in like circumstance, to submit written interrogatories to,  
or verbally interrogate, the said Joseph Theodoor Van Amstel  
at the place where he may now reside or be located in the  
Netherlands East Indies; and it is further

ORDERED: That said oral application of the accused  
TOJO, and others in like circumstance, for the issuance of  
a summons for the production of the said witness Joseph  
Theodoor Van Amstel for cross examination, be indefinitely  
continued, awaiting the results and disclosures of the inter-  
rogations hereinbefore authorized and ordered, and the ac-  
cused are granted permission to renew their application for  
the issuance of a summons for such witness if it be found  
necessary to their proper defense in this case, as a result  
of said interrogations.

Dated at Tokyo, Japan, this 27 December, 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice Northcroft  
Lord Patrick  
The Honorable Mr. Justice Mei  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Jaranilla

Paper No. 629  
Disposes of  
Motions for Recess

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER: GRANTING  
  ) APPLICATION OF THE  
  ) ACCUSED FOR A RECESS AT  
  ) THE CLOSE OF PROSECU-  
- vs -                                  ) TION'S CASE IN CHIEF.  
ARAKI, Sadao; et al

This matter coming on for further hearing by the Tribunal, in Open Court, on this 30th day of December 1946, upon the oral application of all the Accused, by their Counsel of record, for an order of the Tribunal to adjourn the sitting of the Tribunal and the holding of Court for such a period of time as the Tribunal might designate, at the close of the presentation of the case in chief of the Prosecution, for the purpose of allowing time within which the Accused might prepare their defense; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the Tribunal will adjourn for a period of two weeks, beginning at the close of the Prosecution's case in chief.

Dated at Tokyo, Japan, this 31 December 1946.

BY THE TRIBUNAL:

/s/ W.F. WEBB  
PRESIDENT

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice Northcroft  
Lord Patrick  
Major General of Justice I. M. Zaryenov  
Major General Myron C. Cramer  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Roling

NOT SITTING:

The Honorable Mr. Justice Mei  
The Honorable Mr. Justice Jaranilla

Paper No. 630  
Disposes of  
Paper No. 623

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER: GRANTING APPLICA-  
  ) TION OF THE PROSECUTION  
  ) FOR LEAVE TO PRESENT FRENCH  
  ) PHASE OF CLASS B AND C  
- vs - ) OFFENSES IN THE FRENCH  
ARAKI, Sadao; et al ) LANGUAGE.

This matter coming on to be heard on this 30th day of December, 1946, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order granting leave to the Prosecution to present in the French language that phase of the case on behalf of France with respect to Class B and C offenses; and after hearing the statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the said application to present in the French language the case of the Prosecution on behalf of France with respect to Class B and C offenses be granted, under the same terms and conditions as heretofore established in the previous presentation of the French phase of the case, and it is further

ORDERED: That the synopses may be read in French, providing there is a simultaneous translation in English and Japanese, so that no time may be lost.

Dated at Tokyo, Japan, this 31 December 1946.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT

Paper No. 633  
Disposes of  
Oral Motion in Open Court.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER:
	)	DISCHARGING NAGANO,
- vs -	)	OSAMI, FROM THE
	)	INDICTMENT.
AFAKI, Sadao; et al	)	

This matter coming on to be heard by the Tribunal, in Open Court, on the 6th day of January, 1947, upon the oral application of the Defense, and particularly of Counsel of record for the accused NAGANO, Osami, for an order of the Tribunal discharging the said accused NAGANO, Osami, from the Indictment by reason of his death on the 5th day of January, 1947, at 1150 hours, in the City of Tokyo, Japan, and

It appearing to the Tribunal from the application of Counsel and from the records and files in this cause that NAGANO, Osami, one of the accused herein, was confined for medical treatment at Sugamo Prison the 3rd day of January, 1947, and that thereafter and on to wit: The 5th day of January, 1947, the said NAGANO, Osami, died at the 361st Station Hospital, in the City of Tokyo, Japan, at the hour of 1150 a.m., and the cause of his death was (1) Bronchopneumonia, (2) Arteriosclerotic Heart Disease, (3) Tuberculosis, pulmonary, and that on the same date the remains of the said NAGANO, Osami,

were officially identified by the Officer of the Day of Sugamo Prison, and that a certificate of illness, a certificate of death, and a certificate of identification, have been placed on file herein and made a part of these records; and

It is the decision of a majority of the Justices of the Tribunal, and is

ORDERED: That the Indictment against the accused NAGANO, Osami, is discharged, his name is stricken from the Indictment and from the list of the accused, and it is further

ORDERED: That the remains of the said NAGANO, Osami, may be turned over to his family, subject to the approval and any requirements of the Supreme Commander.

Dated at Tokyo, Japan, this 6 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

**SITTING:**

The Honorable Sir William Webb  
The Honorable Mr. Justice Northcroft  
Lord Patrick  
Major General of Justice I. F. Zaryanov  
Major General Myron C. Cramer  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Roling

**NOT SITTING:**

The Honorable Mr. Justice Mei  
The Honorable Mr. Justice Jaranilla



Paper No. 637  
Disposes of  
Paper No. 628

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
  ) GRANTING APPLICATION OF  
  ) PROSECUTION FOR EXEMPTION  
  ) FROM RULE 6 (D) (1) WITH  
- vs - ) RESPECT TO PROSECUTION  
ARAKI, Sadao; et al ) DOCUMENTS NOS. 8466,  
  ) 8467, 8471 and 8478.

This matter coming on to be heard this 27 December, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6 (b) (1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section documents Nos. 8466, 8467, 8471, and 8478, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said documents, in both the Japanese and the English language, in the place and stead of the entire original documents; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 6 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT



ORDERED: That said oral application for the issuance of a summons to produce before the Tribunal OGIYA, Yorio, be granted; and it is further

ORDERED: That a summons be issued forthwith, by the General Secretary of the Tribunal, commanding said OGIYA, Yorio, to attend and testify under cross examination by the accused TOJO, Hideki, and other accused in like circumstances, before said Tribunal.

Dated at Tokyo, Japan, this 6 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice Northcroft  
Lord Patrick  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal

NOT SITTING:

The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Mei  
The Honorable Mr. Justice Jaranilla



- (b) He was former Navy Minister preceding the accused SHIMADA.
2. YOSHIDA, Zengo;
- (a) The nationality of the witness is Japanese; his address is 114 Kakinokizaka, Meguroku, Tokyo;
- (b) He was former Navy Minister and Admiral in the Japanese Navy.
3. SAWAHOTO, Yoshio;
- (a) The nationality of the witness is Japanese; his address is 110 Kakinokizaka, Meguroku, Tokyo.
4. NOMURA, Kichisaburo;
- (a) The nationality of the witness is Japanese; his address is c/o Hamada, 127 3 Chome, Den in Chofu, Setagayaku, Tokyo;
- (b) He was Ambassador to the United States at time of the attack on Pearl Harbor.
5. KANEKO, Kiyota;
- (a) The nationality of the witness is Japanese; his address is 387 6 Chome, Kitashinagawa, Shinagawaku, Tokyo.
6. SHIZEKI (or SHISEKI), Ihei;
- (a) The nationality of the witness is Japanese; his address is 47 Takanawa Minamicho, Shibaku, Tokyo.

and that a summons be issued, by the General Secretary of the Tribunal, commanding each of said persons, to-wit: OIKAWA, Koshir. YOSHIDA, Zengo, SAWAHOTO, Yoshio, NOMURA, Kichisaburo, KANEKO, Kiyota, and SHIZEKI (or SHISEKI), Ihei, to attend and testify

before said Tribunal as a witness for the accused SHIMADA, Shigetaro, at a time indicated to the General Secretary of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused SHIMADA, Shigetaro, to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located and may be found or held:

1. FUKUTOME, Shigeru;

- (a) The nationality of the witness is Japanese;
- (b) He was a Vice Admiral in the Japanese Navy and at present is in Singapore, although it is believed that he is not confined as a prisoner of war.

2. ONODA, Sutejiro;

- (a) The nationality of the witness is Japanese;
- (b) He was a Naval captain and assistant to the above-named FUKUTOME. He is believed to be in Singapore at the present time although not a prisoner of war.

3. OKOCHI, Denshichi;

- (a) The nationality of the witness is Japanese;
- (b) He was a Vice Admiral in the Japanese Navy and is at present in Manila, believed to be a prisoner of war.

4. TOYODA, Soemu;

- (a) The nationality of the witness is Japanese; he is at present confined in Sugamo Prison;

(b) He was an Admiral in the Japanese Navy and was in attendance at negotiations pertaining to the London Naval Conference.

5. Captain H. H. SMITH-HUTTON;

(a) The nationality of the witness is American; he is at present in command of the USS LITTLE ROCK (CL92), c/o Postmaster, New York;

(b) He was former Naval Attache, American Embassy, Tokyo, Japan, and was well acquainted with the accused.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

It is further ORDERED: That the application of the accused for the production of the following named documents is granted; and that said documents, the location of which is set forth in the description of the documents, be procured forthwith and lodged with the Registry of the Tribunal:

The following tables compiled by the United States Navy Department:

1. Separate tables, each of which showing the number and displacement tonnage of each kind of warship (a) completed and (b) still in the progress of being built on 7 December 1941, together with those that show those figures at the end of every year beginning from 1931 to 1945;

2. List of battleships, airplane carriers and A and B classes of cruisers in the period mentioned;
3. List of Navy personnel for the same period, including reserves;
4. Tables showing construction plan of warships and Navy airplanes for same period;
5. Records of the United States Senate, as well as those of Committees of Foreign Affairs and Navy from April 1930 to 1945, located in the files of the United States Senate;
6. Records of the meetings of the United States Naval Committee of the Senate, dating from 1940, located in the files of the United States Senate;
7. All diplomatic documents and telegrams between the United States of America and England, dating from April 1941 to January 1, 1942, located in the United States Department of State and also in the British Foreign Ministry;
8. All official documents pertaining to the Yalta, Quebec, and Pacific Conferences, located in the United States Department of State and also in the British Foreign Ministry.
9. United States documents pertaining to the Japanese-American Conference, located in the United States Department of State;
10. "The Conduct of the Sea Campaign", (Yarnel, Pye, Frost, 1920), located in the United States Navy Department;
11. "Woodrow Wilson, the World Settlement", published in the United States of America in 1928;
12. "Life", an American magazine published on 24 October 1945;
13. "Jane's Fighting Ships", 1941, 1942, published by Sampson, Low, Marston & Co., Ltd., London.

Dated at Tokyo, Japan, this 8 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al )	ORDER:
- vs - )	GRANTING APPLICATION OF
ARAKI, Sadao; et al )	DEFENSE FOR WAIVER OF
	RULE 6(B)(1) ON CONDITIONS.

This matter coming on to be heard this 8th day of January, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of the Defense for an order waiving the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to documents to be adduced in evidence by the Defense,

And it appearing that the Prosecution and the Defense have agreed as to the disposition of this matter as hereinafter set forth,

And the Tribunal being fully advised in the premises, it is

ORDERED: That the provisions of Rule 6(b)(1) of the International Military Tribunal for the Far East insofar as they apply to documents which the Defense does not desire to reproduce in full in the original language, be and the same are hereby waived upon condition that seven (7) days prior to the time the said documents shall be offered in evidence before the Tribunal, the said

originals, together with a designation of the parts intended to be used, shall be deposited with the Clerk of this Tribunal, and a copy of the translation of the designated portions to be used shall be served upon the Prosecution.

It is further ORDERED: That the Prosecution, in the event it desires additional portions of the said documents to be translated and reproduced, may make application to the Tribunal for an order directing such translation and reproduction by the Defense.

It is further ORDERED: That except as herein specifically provided, all other provisions of said Rule 6(b)(1) shall remain in full force and effect.

Dated at Tokyo, Japan, this 8 January, 1947.

BY THE TRIBUNAL

(Signed) W. F. Webb  
PRESIDENT



of film, as requested, will in no wise prejudice the rights of the accused or any of them, and no substantial injustice will result thereby to said accused; and that the proper custodian of the Netherlands Indies Government Information Service at Batavia is prepared to return the four reels of film to Tokyo, Japan, in case either the Tribunal or the Defense might ask for them, and that these films will be carefully kept in the state in which they are at the present moment; and, after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed; and it is further

ORDERED: That Court Exhibit No. 1765-A, 1765-B, 1765-C, and 1765-D, to-wit: Four reels of moving picture film entitled "Nippon Presents", be withdrawn from the files of the Tribunal and returned to the Netherlands Indies Government Information Service at Batavia.

Dated at Tokyo, Japan, this 14 January, 1947.

BY THE TRIBUNAL:

(Signed) V. F. Webb  
PRESIDENT

Paper No. 663  
Disposes of  
Paper No. 640 regard-  
ing Paper No. 596

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) AMENDING PAPER NO. 596 by  
ARAKI, Sadao; et al ) CORRECTING SPELLING OF THE  
NAMES OF TWO WITNESSES

This matter coming on to be heard on this 10th day of January, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of SATO, Kenryo, one of the defendants herein, to amend and correct that certain order of the Tribunal dated 4 December 1946, and identified as Court Paper No. 596, for the production of witnesses and documents in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, by changing the spelling of the name of the person appearing as Item No. 1 on Page 1 of said order from "NISHIMURA," as it now appears, to read NISHIURA," as it should appear; and by changing the spelling of the name of the person appearing as Item No. 4 on Page 2 of said order from "NOBUTAKA," as it now appears, to read "NOBUYUKI," as it should appear; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That said order of the Tribunal dated 4  
December, 1946, shall be and remain, except in the instances herein  
authorized, in full force and effect as originally made and entered.

Dated at Tokyo, Japan, this 14 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT



ORDERED: That the Prosecution shall also prepare and furnish Counsel for the accused, copies of such additional parts or sections, in both the Japanese and the English language, from the aforementioned documents enumerated as follows:

1. From Prosecution Section document No. 684 ---  
The omitted Japanese text appearing between excerpts No. 1 and No. 2, and between excerpts No. 2 and No. 3 set forth in Schedule "A" of the application of the Prosecution;

2. From Prosecution Section document No. 693 ---  
The entire paragraph from line 2 of page 142 to the end of page 143.

Dated at Tokyo, Japan, this 16 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
  ) GRANTING APPLICATION OF  
  ) PROSECUTION FOR EXEMPTION  
  ) FROM RULE 6(B)(1) WITH  
- vs - ) RESPECT TO PROSECUTION  
ARAKI, Sadao; et al ) DOCUMENT NO. 2954.

This matter coming on to be heard this 16th January, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section document No. 2954, portions or excerpts from which the Prosecution intend to be adduced in evidence, as set forth in Schedule "A" attached to said application and by reference made a part thereof, so as to permit the Prosecution to serve upon the accused or their Counsel, copies of excerpts, only, from said document, in both the Japanese and the English language, in the place and stead of the entire original document; and after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted, as prayed.

Dated at Tokyo, Japan, this 16 January, 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT



SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice Northcroft  
Lord Patrick  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Mei  
The Honorable Mr. Justice Jaramilla





(3) All prepared statements and comments regarding any documents to be offered into evidence in this phase of the case may be presented in the French language, with simultaneous English and Japanese translations transmitted concurrently therewith; the contents of the accepted documents to be read in the English language, with the usual concurrent transmission of translations thereof in the Japanese language; and

The Tribunal hearing the further arguments of Counsel, and being fully advised in the premises; it is the decision of a majority of the Justices of the Tribunal and

ORDERED: That the oral application of the Prosecution to conduct the phase of the case for the Republic of France in the French language be granted, in that the use of the French language shall be allowed to the extent indicated or suggested by the oral application; and it is further

ORDERED: That objections interposed by the Defense to the admission of evidence or otherwise will be translated into French and into Japanese or English, as the case may be, and the same procedure applies to the answers thereto; and it is further

ORDERED: That this order may be altered from time to time to suit the exigencies of the case and to enable compliance with the Charter.

Dated at Tokyo, Japan, nunc pro tunc, 1 October, 1946.

Signed: 29 January, 1947.

/s/ W. F. WEBB,  
PRESIDENT.

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice Northcroft  
Lord Patrick  
The Honorable Mr. Justice Mei  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Jaranilla

Paper No. 712  
Disposes of  
Paper No. 681 in respect to  
Paper No. 642.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
  ) GRANTING THE APPLICATION OF  
  ) THE ACCUSED SHIMADA,  
  ) SHIGETARO, TO AMEND THAT  
  ) CERTAIN ORDER OF THE TRI-  
  ) BUNAL NO. 642 DATED 8  
  ) JANUARY, 1947, WITH REGARD  
  ) TO THE PRODUCTION OF CERTAIN  
  ) DOCUMENTS.

- vs -

ARAKI, Sadao; et al

This matter coming on to be heard this 27 day of January, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused SHIMADA, Shigetaro, by his Counsel of record, to amend that certain order of the Tribunal dated 8 January, 1947, and designated Paper No. 642, wherein the Tribunal ordered the production of certain witnesses and documents named and set forth therein on behalf of the said accused, by striking from said order that part thereof beginning in the middle of Page 4 and commencing as follows: "It is further ORDERED: That the application of the accused for the production of the following named documents is granted" and continuing to the middle of Page 5, to the line, but not including, "Dated at Tokyo, Japan, this 8 January, 1947," and inserting in the place and in lieu thereof as though set forth originally therein in full the following:



"It is further

"ORDERED: That the application of the accused for the production of the following named documents is granted, and that said documents, the location of which is set forth in the description of the documents, be procured forthwith and lodged with the Registry of the Tribunal, subject, however, to the decision of the proper responsible officials of the government of the United States of America or of the United Kingdom of Great Britain to reveal, release, or withhold those documents respectively requested from said governments for reasons of state or security:

The following tables or lists compiled by the United States Navy Department;

(a) List of battleships, airplane carriers, and A and B class cruisers at the end of every year beginning from 1931 to 1945;

(b) Records showing the number of Navy personnel at the end of every year beginning from 1931 to 1945, including reserves;

(c) Tables showing construction plan of warships and Navy airplanes at the end of every year beginning from 1931 to 1945;

(d) Records of the discussions in the Senate and Foreign Affairs and Naval Committee in Congress from April to December 1930 bearing upon the 1930 London Naval Armament Conference;

(e) Records of the meeting of the United States Naval Committee of the Senate dating from

April 1940, to January 1, 1942, located in the files of the United States Senate;

(f) All diplomatic documents and telegrams between the United States of America and England, dating from April 1941 to the end of the same year, located in the United States Department of State and also in the British Foreign Ministry;

(g) United States documents pertaining to the Japanese-American Conference, located in the United States Department of State, from the beginning of 1941 to the end of the same year."

And it is further

ORDERED: That in each and all other respects, the order of the Tribunal of 8 January, 1947, shall be and remain as originally made and entered and in full force and effect.

Dated at Tokyo, Japan, this 29 January, 1947.

BY THE TRIBUNAL:

Signed:

W. F. WEBB  
PRESIDENT



of questions and answers simultaneously into Japanese and English;

(4) The offering and reading of affidavits in lieu of direct examination of Japanese witnesses is intended and will be done in the same way as the reading of documents in general;

(5) The President's remarks and the objections of the Defense should be translated into Russian. Accordingly, the Prosecutor's replies to the objections of the Defense and the Prosecutor's explanations to the President's remarks will have to be translated into English and Japanese simultaneously; and

The Tribunal hearing the further arguments of Counsel, and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal and

ORDERED: That said application of the Prosecution is granted, with the exception of Paragraph (5) thereof, which reads: "The President's remarks and the objections of the Defense should be translated into Russian. Accordingly, the Prosecutor's replies to the objections of the Defense and the Prosecutor's explanations to the President's remarks will have to be translated into English and Japanese simultaneously." The application of the Prosecution to use the Russian language in respect to those matters is denied.

Dated at Tokyo, Japan, nunc pro tunc, 6 October, 1946.

Signed: 30 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
President

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice Northcroft  
Lord Patrick  
The Honorable Mr. Justice Mei  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Jaranilla

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

THE UNITED STATES OF AMERICA; et al )  
- vs - )  
AFAKI, Sadao; et al )

ORDER

This matter coming on for hearing on this 31st day of January, 1947, upon the application of the defendant UMEZU, Yoshijiro for the ordering of facilities for interrogation of a witness; and it appearing to the Tribunal that heretofore and to wit on 11 September 1946 the defendant UMEZU made application to the Tribunal for the issuance of a subpoena for NAKASHIMA, Tetsuzō, which subpoena was ordered issued by the Tribunal on 16 September 1946, and was thereafter duly issued, and it further appearing that the military authorities in whose custody NAKASHIMA, Tetsuzō now is are not desirous of permitting his return to Japan to testify as a witness in this cause; and the defendant UMEZU having applied through his counsel for the granting of facilities for interrogation of the witness NAKASHIMA; it is therefore

ORDERED: That the subpoena heretofore issued for NAKASHIMA, Tetsuzō remain in full force and effect, but that further proceedings in accordance with it be held in abeyance; and it is further

ORDERED: That every facility and assistance be provided to counsel for the accused UMEZU, Yoshijiro, to submit written interrogatories to or to interrogate orally the witness NAKASHIMA, Tetsuzō at the place where he is now located and may be found or held.

Dated at Tokyo, Japan, this 31st January, 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT



IPS Document No.

Court Exhibit No.

8427	2042
8436	2043
8437	2044
8438	2045
8428	2046
8430	2047
8429	2048
8424	2049
8423	2050
8426	2051
8425	2052
8422	2053
8467	2055
8447	2055-A
8446	2055-B
8449	2055-C
8444	2055-D
8448	2055-E
8466	2056
8463	2056-A
8462	2056-B
8435	2058
8398	2059
8399	2060
8421	2061
8470	2062
8469	2063
8434	2064



IPS Document No.

Court Exhibit No.

8401	2076
8396	2077
8415	2078
8412	2079
8402	2080
8403	2081
8404	2082
8409	2083
8411	2084
8413	2085
8414	2086
8400	2092
8397	2093
8380	2094
8381	2095
8382	2096
8383	2097
8379	2098
8388	2099
8472	2100
8395	2101
8416	2102
8410	2103
8454	2107
8457	2108
548	2105

and substitute in the place and stead thereof in the records of the Tribunal, certified duplicates or copies, of said documents so placed in evidence, to the end that said documents and each of them, according to the respective source of origin, may be returned forthwith to the Swiss Legation at Tokyo, Japan, the United States Navy, or other Government office from which they were originally secured; and

It appearing to the Tribunal that the withdrawal of these documents, including those marked and lodged for identification only, and the substitution in the records of the Tribunal of certified duplicates or copies of the documents or parts thereof which have been introduced and received in evidence, as requested, will in no wise prejudice the rights of the accused or any of them, and no substantial injustice will result thereby to the said accused; and

It further appearing to the Tribunal that the Tribunal made an oral order, in Open Court, on the 26th day of November, 1946, Page 11,302 of the transcript of record, granting the oral application of Prosecution, submitted at that time, to withdraw certain documents which had been placed with the Court and substitute certified duplicates for them; and

That the Tribunal made an oral order, in Open Court, on the 15th day of January, 1947, Page 15,281 of the transcript of record, granting the oral application of the Prosecution submitted at that time, to withdraw original documents from permanent official files, such as the official files of the Swiss Legation and the Navy

Department, which had been introduced in evidence or lodged and marked for identification and substitute true copies in the place of the documents or parts thereof so introduced in evidence; and

It further appearing to the Tribunal that the accused by their respective counsel of record made no objection to the entering of the first order hereinabove mentioned although their attention was directed thereto by the Court and affirmatively consented to the granting of the second order hereinabove mentioned; and

That the documents enumerated and set forth in this oral application are among the documents referred to in, and the subject matter of, the two orders of the Tribunal to which reference is hereinabove made; and

The Tribunal hearing the statements and arguments of Counsel, and being fully advised in the premises; it is

ORDERED: That said application be and is hereby granted; and it is further

ORDERED: That Court Exhibits Nos. 1251, 1253-C, 2034, 2036, 2036-A, 2036-B, 2036-C, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2055, 2055-A, 2055-B, 2055-C, 2055-D, 2055-E, 2056, 2056-A, 2056-B, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2107, 2108, and 2105, be withdrawn forthwith from the records of the Tribunal and returned to their respective source of origin from which they were originally secured, upon condition that certified duplicates or copies of the said documents or parts thereof which have been introduced and received in evidence be substituted in the records of the Tribunal in the place of the documents so withdrawn, and that said sub-

stituted duplicates or copies have the same force and effect as the original documents and upon the further condition that the above enumerated Court Exhibits are to be returned to the records of the Tribunal should the Tribunal so direct at any time in the future.

Dated at Tokyo, Japan, this 31 January, 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT



Paper No. 726  
Disposos of  
Paper No. 720  
in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) THAT FACILITIES TO INTER-  
ARAKI, Sadao; et al ) VIEW OR INTERROGATE CERTAIN  
 ) WITNESSES REQUESTED BY THE  
 ) ACCUSED ITAGAKI, SEISHIRO,  
 ) BE PROVIDED; AND FOR 2  
 ) SUMMONSES.

This matter coming on to be heard on this 10th day of February, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of ITAGAKI, Seishiro, one of the defendants herein, for the production of certain witnesses necessary to the defense of the said ITAGAKI, Seishiro, in accordance with the provisions of Section 3, Article 9, Paragraph (e) of the Charter, the names of said witnesses being set forth in said application, which is Paper No. 720; and after hearing statements and arguments of Counsel for the said ITAGAKI, Seishiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. NOGUCHI, Yuzuru
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is Sugamo Prison, Tokyo;

2. UCHIDA, Goro

- (a) The nationality of the witness is Japanese;
- (b) The present address of the witness is Sugamo Prison, Tokyo;

and that a summons be issued by the Secretary General of the Tribunal, commanding each of said persons, to-wit: NOGUCHI, Yuzuru, and UCHIDA, Goro, to attend and testify before said Tribunal as a witness for the accused ITAGAKI, Seishiro, at a time indicated to the Secretary General of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be actually required.

It is further ORDERED: That every facility and assistance be provided to Counsel for the accused ITAGAKI to submit written interrogatories to or verbally interrogate each of the following named persons at the place where said person is now located or held:

1. Han Yun-chieh

- (a) The nationality of the witness is Chinese;
- (b) The present address of the witness is believed to be Chungking, China;
- (c) He was born in Manchuria and was carrying on business in several parts of Manchuria such as at Harbin until the outbreak of the Mukden Incident. After the incident he served the Manchukuo Government as the mayor of Sinking Special City. The Finance Minister of the new state and represented Manchukuo Government in Europe.

2. Kan Tzu Siang

- (a) The nationality of the witness is Chinese;

- (b) The present address of the witness is believed to be Peking, China;
- (c) He was a native of Manchuria and was the head of a prefecture in Mukden Province before the Mukden Incident in 1931. He later served the Manchukuo Government as the Chief of the road construction section of civil engineering department of Civil Administration Office in 1935, and in 1937 he became the Chief of the Educational Department of Autung Province, in 1938 as the Vice-Chief of the General Affairs Department of the Manchukuo Government and then became the Minister of Civil Administration of the same government.

3. Cheng Kai Yung

- (a) The nationality of the witness is Chinese;
- (b) The present address of the witness is believed to be Changchun, Manchuria;
- (c) He is a native of Fukien, China. He served the Manchukuo Government as a secretary to the commercial representative of Manchukuo in Europe for three years. After returning to Manchukuo he served as a Councilor of the Publication Department of the Government until the end of the war.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered and the



Paper No. 727  
Disposes of  
Paper No. 722 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
' ) THAT FACILITIES TO INTER-  
- vs - ) VIEW OR INTERROGATE IN  
ARAKI, Sadao; et al ) WRITING A WITNESS REQUEST  
) ED BY THE ACCUSED KIMURA  
) BE PROVIDED.

This matter coming on to be heard this 10th day of February, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of KIMURA, Heitaro, one of the defendants herein, for the production of a witness necessary to the defense of said KIMURA, Heitaro, in accordance with the provisions of Section 3, Article 9, Paragraph (e) of the Charter, the name of said witness being set forth in said application, which is Paper No. 722; and after hearing the statements and arguments of Counsel for the said KIMURA, Heitaro, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused KIMURA to submit written interrogatories to or verbally interrogate the following named person at the place where said person is now located or held:

Lieut. General TANAKA, Nobuo;

(a) The nationality of the witness is Japanese;

accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations.

Dated at Tokyo, Japan, this 10 February 1947.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

Paper No. 727  
Disposes of  
Paper No. 722 in part only.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
' ) THAT FACILITIES TO INTER-  
- vs - ) VIEW OR INTERROGATE IN  
ARAKI, Sadao; et al ) WRITING A WITNESS REQUEST  
) ED BY THE ACCUSED KIMURA  
) BE PROVIDED.

This matter coming on to be heard this 10th day of February, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of KIMURA, Heitaro, one of the defendants herein, for the production of a witness necessary to the defense of said KIMURA, Heitaro, in accordance with the provisions of Section 3, Article 9, Paragraph (e) of the Charter, the name of said witness being set forth in said application, which is Paper No. 722; and after hearing the statements and arguments of Counsel for the said KIMURA, Heitaro, and the Tribunal being fully advised in the premises, it is

ORDERED: That every facility and assistance be provided to Counsel for the accused KIMURA to submit written interrogatories to or verbally interrogate the following named person at the place where said person is now located or held:

Lieut. General TANAKA, Nobuo;

(a) The nationality of the witness is Japanese;

(b) The witness is in Rangoon in custody of the British Army. The desired witness is not charged as a war criminal.

It is further ORDERED: That the application of the accused for the issuance of a subpoena for the person named in his request for the production of a witness is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of a subpoena for said witness, should he be found necessary to the proper defense of the accused as a result of said interrogations.

Dated at Tokyo, Japan, this 10 February, 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL

FOR THE FAR EAST

- 1 -

Paper No. 722

THE UNITED STATES OF AMERICA, et al

- VS -

ARAKI, Sadao, et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESS

NOW COMES KILURA, Heitaro, and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witness necessary to his defense:

1. Lieut. General TANAKA, Nobuo
  - a. The nationality of the witness is Japanese;
  - b. The witness is in Rangoon in custody of the British army. The desired witness is not charged as a war criminal;
  - c. This witness is familiar with the Kalagon case in which some 500 civilian inhabitants in Kalagon, Burma, were allegedly unlawfully killed and tortured. He will testify that the accused KILURA did not authorize nor have knowledge of this alleged atrocity, the relevancy of which is obvious.

KILURA, Heitaro

by

SHICHAJI Tokisaturo

Joseph C. Howard

3 February 1947

His Counsel

Paper No. 728  
Disposes of  
Papers Nos. 651, 655, 661, 664  
668, 669, 670, 671, 673, 675,  
678, 679, 683, 684, 685, 686,  
687, 688, 689, 690, 691, 695,  
696, 697, 698, 701 end 705.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER:
	)	OVERRULING AND DENYING A
	)	GENERAL APPLICATION ON BE-
- vs -	)	HALF OF ALL THE ACCUSED
	)	AND THE SEVERAL APPLICATIONS
	)	OF EACH ACCUSED RESPECTIVELY
ARAKI, Sadao; et al	)	TO DISMISS THE INDICTMENT.

This matter coming on for final hearing and consideration by the Tribunal in Open Court this 3rd day of February 1947, upon the general application of all the accused, jointly and severally, to dismiss the Indictment and each and every count thereof as to each of the accused respectively, and, upon the individual application of each of the accused on his own behalf only, to dismiss the Indictment and each and every count therein contained as to him individually and for a judgment of acquittal, and upon the answer and reply of the Prosecution to each of said applications respectively; and

The Tribunal hearing the arguments of Counsel for the accused and for the Prosecution, and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That each and all of said applications to dismiss the indictment and the counts therein contained be and is hereby overruled and denied.

Dated at Tokyo, Japan, this 10 February 1947.

BY THE TRIBUNAL:

(Signed) W. F. WEBB  
PRESIDENT

SITTING:

The Honorable Sir William Webb  
Mr. Justice McDougall  
Mr. Justice Roling  
Lord Patrick  
Mr. Justice Mei  
Major General of Justice Zaryanov  
Major General Cramer  
Mr. Justice Bernard  
Mr. Justice Pal  
Mr. Justice Jaranilla

NOT SITTING:

Mr. Justice Northcroft





office of the Clerk of the Tribunal for the reason that the same are necessary to that section in connection with its work; and that said withdrawal as requested will in no wise prejudice the rights of the accused or any of them, and no substantial injustice will result thereby to said accused; and that the Legal Section of SCAP is prepared to return forthwith to the custody of the office of the Clerk of the Tribunal said reports, affidavits and summaries in the event either the Tribunal or the Defense might request them; and, after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed, subject to the term and condition, however, that the Legal Section of SCAP keep said reports and the affidavits and summaries attached thereto, for inspection and examination by the accused in this case or their respective Counsel of record, and will return said reports and the affidavits and summaries attached thereto to the custody of the Clerk of the Tribunal upon further order of this Tribunal; and it is further

ORDERED: That all of the said reports and the affidavits and summaries attached thereto so deposited in the office of the Clerk of the Tribunal, to-wit: Reports numbered 1 to 317 inclusive, with the exception of numbers 4, 77, 81, 87, 91, 92, 98, 133, 143, 152, 254 and 316, be withdrawn from the custody of the office of the Clerk of the Tribunal and returned to the Legal Section of SCAP

at Tokyo, Japan, subject to the term and condition as hereinabove set forth.

Dated at Tokyo, Japan, this 10 February 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT

The foregoing order is concurred in and consented to by the respective Counsel for each and all of the accused.

/s/ Dr. Somei Uzawa  
Chairman of the Defense Committee  
Acting by direction of all the  
accused.

Consented to by the Prosecution,

/s/ Carlisle W. Higgins,

Acting Chief of Counsel.

Paper No. 733  
Disposes of  
Paper No. 730

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) GRANTING ISSUANCE OF  
ARAKI, Sadao; et al ) SUMMONS FOR ENDO, SABUNO,  
A WITNESS REQUESTED BY  
THE ACCUSED ITAGAKI,  
SEISHIRO, UNDER THE  
CHARTER.

This matter coming on to be heard on this 19th day of February 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of ITAGAKI, Seishiro, which is Paper No. 630, one of the defendants herein, by his Counsel of record, for the production of Endo, Sabuno, as a witness necessary to the defense of the said ITAGAKI, Seishiro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter; and after hearing statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be granted as prayed; and that a summons be issued by the General Secretary of the Tribunal, commanding the said Endo, Sabuno, whose

- (a) Nationality is Japanese;
- (b) Present address is Sugamo Prison, Tokyo,

to attend and testify before said Tribunal as a witness for the accused ITAGAKI, Seishiro, at a time indicated to the General Secretary of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be required.

Dated at Tokyo, Japan, this 19 February 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. 1

UNITED STATES OF AMERICA, et al

Prosecutors

Paper No. 730

- v -

ARAKI, Sadao, et al

Defendants

APPLICATION ON BEHALF OF ITAGAKI, Seishiro,  
FOR AN ORDER FOR PRODUCTION OF WITNESS

Comes now the accused ITAGAKI, Seishiro and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for its production of the following named person as witness in his behalf at this trial.

ENDO, Saburo - Nationality is Japanese  
Government position - Lieutenant General  
Present Address - Sugamo Prison, Tokyo

This application was not made earlier because arrangement had been made with this witness to appear without subpoena. He has this date (February 22, 1947) been taken into custody, is now in Sugamo Prison and cannot, of course, appear voluntarily.

The witness was a Staff Officer attached to the general staff office in Tokyo from 1929 to 1932 during which period the Mukden Incident occurred, and later in 1932 served as a staff officer of the Kwantung Army. In 1949 he became the Vice Chief of Staff of Kwantung Army.

This witness' testimony will show the attitude and measures taken by the General Staff Headquarters in Tokyo and by the Kwantung Army regarding the operations in Jehol, Tsitsihar, North China and also in regard to Tangku Truce.

The relevancy of the evidence which this witness will give is that the military operations in Jehol, Tsitsihar and in North China were not aggressive as alleged by the prosecution and that Tangku Truce was concluded in an effort to prevent the spread of fighting into China proper.

ITAGAKI, Seishiro

By \_\_\_\_\_  
YAMADA, Honzo

\_\_\_\_\_  
SASAGA, A, Tomoji

\_\_\_\_\_  
BANNO, Junkichi

\_\_\_\_\_  
Floyd J. Mattice



to the General Secretary of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be required.

Dated at Tokyo, Japan, this 24 February 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

Paper No. 731

- vs -

ARAKI, Sadao, et al

-Defendant-

APPLICATION ON BEHALF OF HASHIMOTO,  
KINGORO, FOR AN ORDER FOR THE PRO-  
DUCTION OF A WITNESS

COMES NOW HASHIMOTO, Kingoro, and respectfully requests the Tribunal, in accordance with Section III, Article 9 (1) of the Charter, to order the production of the following named witness necessary to his defense:

1. KUZUU, Yoshihisa

- a. The nationality of the witness is Japanese;
- b. The witness is now in Sugamo Prison;
- c. The witness was at various times a member of the KOKURYU-KAI and the Imperial Rule Assistance Association;
- d. The testimony of this witness will deal with:

- (1) The purpose of the Imperial Rule Assistance Association;
- (2) The corrupt state of Japanese politics from about 1929 to 1931, and its relation to the Reform Movements of that period; and other relevant matters.



- e. The testimony of this witness is considered necessary to the defense of the accused in regard to Counts 1 to 17 inclusive of the Indictment;
- f. This application was not made earlier as required by this Tribunal for the following reasons:

(1) It was anticipated that OTA, Koza and IKEZAKI, Chuko would testify to matters dealing with the above subjects but these persons have since stated that they are reluctant to appear as witnesses in the trial. Had they consented it was the intent of the defendant HASHIMOTO not to call KUZUU, Yoshihisa since his testimony though important would have been cumulative.

Dated, Tokyo, Japan  
18 February 1947

HASHIMOTO, Kingoro

By

\_\_\_\_\_  
HAYASHI, Itsuro

\_\_\_\_\_  
E. R. HARRIS  
His Counsel

Paper No. 736  
Disposes of  
Paper No. 732

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
- vs - ) GRANTING ISSUANCE OF SUMMONS  
ARAKI, Sadao; et al ) FOR WACHI, TAKAJI, A WITNESS  
 ) REQUESTED BY THE ACCUSED  
 ) HASHIMOTO, KINGORO, UNDER  
 ) THE CHARTER.

This matter coming on to be heard on this 24th day of February 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the supplemental application of the accused HASHIMOTO, Kingoro, which is Paper No. 732, by his Counsel of record, for the issuance of a subpoena for Wachi, Takaji, as a witness to be produced on behalf of the accused HASHIMOTO, under and by virtue of the provisions of the Charter;

And it appearing to the Tribunal that the said accused HASHIMOTO, Kingoro, did heretofore apply to the Tribunal for the production of said witness, which application is Paper No. 565; and thereafter the Tribunal did enter an order granting to the said accused HASHIMOTO, or his Counsel of record, facilities to interrogate the said Wachi, Takaji, to ascertain his testimony;

And it further appearing to the Tribunal that the said Wachi, Takaji, has been so interrogated and that his testimony has been found necessary to the proper defense of the accused HASHIMOTO;

And the Tribunal hearing statements and arguments of Counsel, and being fully advised in the premises, it is

ORDERED: That said supplemental application be granted as prayed; and that a summons be issued by the General Secretary of the Tribunal, commanding the said Wachi, Takaji, whose

- (a) Nationality is Japanese;
- (b) Present address is Manila, Luzon, Philippine Islands,

to attend and testify before said Tribunal as a witness for the accused HASHIMOTO, Kingoro, at a time indicated to the General Secretary of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be required.

Dated at Tokyo, Japan, this 24 February 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE  
FAR EAST TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

Paper #732

- vs -

ARAKI, Sadao, et al

-Defendant-

SUPPLEMENTAL APPLICATION ON BEHALF  
OF HASHIMOTO, Kingoro, FOR THE PRO-  
DUCTION OF A WITNESS

COMES NOW HASHIMOTO, Kingoro, pursuant to his application, Paper #565, for the production of WACHI, Takaji as a witness, and the order of the Tribunal, Paper #607, based upon such application and which latter stated that,

It is further ORDERED: That the application of the accused for the issuance of a subpoena for each of the persons named in his request for the production of witnesses is indefinitely continued, awaiting results and disclosures of the interrogations hereinbefore authorized and ordered, and the accused is granted permission to file a supplemental application for the issuance of subpoenas for such witnesses selected from those named in this Order as may be found necessary to his proper defense in this case as a result of said interrogations, and

Respectfully requests the Tribunal that on the basis of responses to interrogations submitted to WACHI, Takaji it is deemed necessary to the defense of HASHIMOTO, Kingoro that a subpoena be issued forthwith for his appearance as a witness.

It is further respectfully called to the attention of the Tribunal that WACHI, Takaji is no longer in Sugamo Prison but is at present being held as a war suspect in Manila, Luzon, Philippine Islands.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process of this Tribunal for the production of the aforesaid witness.

Dated, Tokyo, Japan  
18 February 1947

HASHIMOTO, Kingoro

By

---

HAYASHI, Itsuro

---

HARRIS, E. Richard  
His Counsel

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al )  
  ) ORDER: ESTABLISHING RULE  
  ) OF PROCEDURE IN RE GENERAL  
  ) CORRECTIONS, AND LANGUAGE  
  ) CORRECTIONS, OF THE  
- vs - )  
  ) OFFICIAL TRANSCRIPT OF THE  
ARAKI, Sadao; et al ) RECORD OF THE PROCEEDINGS.

This matter coming on for consideration and determination by the Tribunal upon its own initiation this 24th day of February 1947, it is hereby

ORDERED: That the rule of procedure concerning general corrections and language corrections of the official transcript of the record of the proceedings of the Tribunal shall be as follows:

That proposed corrections of the official transcript of the record of the proceedings of the Tribunal shall be submitted, as soon as possible, in the form of a memorandum to the President of the Tribunal, with one (1) copy thereof to each of the following:

- (a) The Chief Prosecutor;
- (b) The Chairman of the Defense Panel;
- (c) The Chief Court Reporter.

The said memorandum shall contain the following facts and information in connection with the requested corrections:

- (a) Page and line in the record;
- (b) Word or passage as it presently reads;
- (c) Word or passage as it is suggested it should read;
- (d) Basis of reason for suggested correction.

Either the Prosecution or the Defense may object to the said suggested corrections within 48 hours after the receipt of a copy of the same by presenting said objections to Mr. Crane in the office of the President of the Tribunal. Thereafter, the President may authorize or disapprove the suggested corrections. The corrections, if allowed, will be made by proper page substitution in the daily transcript of the record of the proceedings.

Language disputes, concerning documents read or to be read into the record, shall be submitted directly to the Language Arbitration Board. If the document has already been read into the record, the Language Arbitration Board shall announce its decision in Open Court. Corrections so announced shall be noted only in the original record by pen in red ink, and on the top left-hand corner of said corrected page shall appear the date of the proceedings during which the correction was announced. If the said document has not been read into the record, it shall be corrected according to the decision of the Language Arbitration Board and may then be tendered to the Tribunal in its corrected form.

Dated at Tokyo, Japan, this 24 February 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT





Paper No. 739  
Disposes of  
Paper No. 737

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
  ) FOR THE ISSUANCE OF  
  ) SUMMONSES FOR WITNESSES  
  ) ON BEHALF OF THE ACCUSED  
- vs - ) TOJO, HIDEKI.  
ARAKI, Sadao; et al

This matter coming on to be heard on this 26th day of February, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of TOJO, Hideki, one of the defendants herein, for the production of witnesses necessary to the defense of said TOJO, Hideki, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the names of said witnesses being fully set forth in said application, which is Paper No. 737; and after hearing the statements and arguments of Counsel for the said TOJO, Hideki, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted, as prayed:

1. FUJITA, Tsuguo
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is Shimizu-Cho, Suginami-Ku, Tokyo;
2. MITARAI, Tatsuo
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is Ohara-Cho, Chiba Prefecture;

3. OKADA, Tadahiko
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is Naka-Cho, Azabau-Ku, Tokyo;
4. TAMURA, Kosaku
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is No. 1123 Kitazawa, 1 Chome, Setagaya-Ku, Tokyo;
5. WAGATA, Yoshitada
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is No. 3 Kuki Zushi-Cho, City of Kanagawa;
6. MURATA, Shozo
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is Sugamo Prison, Tokyo;
7. YAMAMOTO, Kumaichi
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is No. 7 Shimo-Uma, 3 Chome, Setagaya-Ku, Tokyo;
8. INOUE, Takamaro
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is No. 766 Horino-Uchi, City of Hayama, Kanagawa Prefecture;
9. TSUGITA, Daisabro
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is No. 41 Otsuka, Naka-Cho, Koishikawa, Ku, Tokyo;

10. ANDO, Kisaburo

(a) The nationality of the witness is Japanese;

(b) His present address is Sugamo Prison, Tokyo;

and that a summons be issued by the General Secretary of the Tribunal, commanding each of said persons, to-wit: FUJITA, Tsuguo, MITARAI, Tatsuo, OKADA, Tadahiko, TAMURA, Kosaku, WAGATA, Yoshitada, MURATA, Shozo, YAMAMOTO, Kumaichi, INOUE, Takamaro, TSUGITA, Daisaburo, and ANDO, Kisaburo, to attend and testify before said Tribunal as a witness for the accused TOJO, Hideki, at a time indicated to the General Secretary of the Tribunal, by Counsel of record for the said accused, as a probable date when the witness will be actually required.

Dated at Tokyo, Japan, this 26 February 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

Paper No. 737

- 1 -

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al.

- DEFENDANTS -

REQUEST FOR PRODUCTION OF WITNESSES

NOW COMES TOJO, HIDEKI and other defendants, by counsel of record, and respectfully request the Tribunal, in accordance with Section 3, Article 9, Paragraph 3 of the Charter and pursuant to order of the Tribunal, dated at Tokyo, Japan on the 24th day of October, paper bearing No. 492 to order the production of the following witnesses for their joint defense. All these witnesses have furnished affidavits or statements.

1. FUJITA, Tsuguo - Shimizu-Cho, Suginami-Ku, Tokyo.
  - a. The nationality of the witness is Japanese
  - b. This witness will testify to the precise relationships between the Japanese Government under the Constitution and the military organization.
2. MITARAI, Tatsuo - Ohara-Cho, Chiba Prefecture (in front of railroad station)
  - a. The nationality of the witness is Japanese
  - b. He will testify with reference to the composition of 15 Cabinets since 1928 and the cause of the fall of each such Cabinet.
3. OKADA, Tadahiko - Naka-Cho, Azabau-Ku, Tokyo.
  - a. The nationality of the witness is Japanese

- b. He will testify to the operation of the Japanese constitution, the manner of the formation of cabinets, the formation and activities of political organizations and other important internal circumstances.
4. TAMURA, Kosaku, No. 1123 Kitazawa, 1 Chome, Setagaya-Ku, Tokyo.
- a. The nationality of the witness is Japanese
- b. He will testify on the universal aspirations of the Japanese people and the cardinal principles of Japanese diplomacy.
5. WAGATA, Yoshitada - No. 3 Kuki Zushi-Cho, City of Kanagawa.
- a. The nationality of the witness is Japanese
- b. This witness will testify as to the origin and meaning of the moving picture "Japan in Time of Emergency".
6. MURATA, Shozo-- Sugamo Prison
- a. The nationality of the witness is Japanese
- b. He will be able to testify regarding circumstances preparatory to the "Greater East Asia Conferences of 1943" and the conditions under which the various representatives attended the conferences.
7. YAMAMOTO, Kumaichi - No. 7 Shimo-Uma, 3 Chome, Setagaya-Ku, Tokyo.
- a. The nationality of the witness is Japanese
- b. He will be able to testify as to the origin and nature of "Greater East Asia Conferences" and that the speeches delivered were given freely and without compulsion.
8. INOUE, Takamaro - Zushi in the City of Yokosuka, Japan.
- a. The nationality of the witness is Japanese
- b. He will testify as to the true meaning of "Ko-do" and "Hakko-Ichiu" and their application.
9. TSUGITA, Daisabro - No. 41 Otsuka, Naka-Cho, Koishikawa, Ku, Tokyo.
- a. The nationality of the witness is Japanese
- b. He will testify regarding the Imperial Ordinances relative to the selection of War and Navy ministers.

10. ANDO, Kisaburo - Sugamo Prison

- a. The nationality of the witness is Japanese
- b. He will testify as to the formation and purpose of the Imperial Rule Assistance Association.

It is respectfully represented that all or most of the above named witnesses were requested under Paper No. 567, and that as they will be called to testify in Division I of the Defense that subpoenas be issued immediately for their production.

Submitted this 24th day of February 1947

TOJO, HIDEKI

By his Counsel

/s/Kiyose, Ichiro  
KIYOSE, ICHIRO

/s/George Francis Blewett  
GEORGE FRANCIS BLEWETT

Paper No. 755  
Disposes of  
Oral Motion

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al } ORDER:  
- vs - } GRANTING WITHDRAWAL FROM  
ARAKI, Sadao; et al } THE FILES OF THE TRIBUNAL  
COURT EXHIBITS NOS. 2323,  
2324, ET AL.

This matter coming on to be heard in open Court on this 4th day of March, 1947, upon the oral application of the Defense for an order of the Tribunal granting leave to withdraw from the files of the Tribunal, on the usual terms, the original documents comprising the respective Court Exhibits heretofore presented and marked for identification only, and from which documents excerpts have been introduced or offered in evidence, identified as Exhibits, ruled upon by the Tribunal, and filed with the Tribunal, which said original documents comprise bound volumes of newspapers, textbooks, law journals, and similar instruments, and are more particularly described as follows, to wit:

Court Exhibit No. 2323 --- League of Nations  
Official Journal, November-December 1939;

Court Exhibit No. 2324 --- Speeches by  
British leaders, published by the Foreign  
Ministry of Japan;

Court Exhibit No. 2330 --- A bound volume  
of various dates of the New York Times;

Court Exhibit No. 2331 --- A bound volume  
of various dates of the New York Times;

Court Exhibit No. 2333 --- A bound volume of various dates of the New York Times;

Court Exhibit No. 2335 --- Report presented to the Preliminary Peace Conference, dated 20 March 1919;

Court Exhibit No. 2339 --- Treaty between the United States of America and other nations governing protection of lives of neutrals, etc.;

Court Exhibit No. 2341 --- Inter-Parliamentary Group of Roumania, etc.;

Court Exhibit No. 2342 --- American Journal of International Law, October 1939;

said withdrawal of said documents being for the purpose of returning the same forthwith to the various governmental sources from whom they were secured; and, it appearing to the Tribunal that the withdrawal of these documents, as requested, will in no wise prejudice the rights of the accused or any of them, and no substantial injustice will result thereby to the said accused; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed; and it is further

ORDERED: That Court Exhibits Nos. 2323, 2324, 2330, 2331, 2333, 2335, 2339, 2341 and 2342, be withdrawn from the files of the Tribunal forthwith and returned to the respective sources from whom they were secured, under the express term and condition, however, that said documents and each of them shall be returned to the Tribunal upon request, in the event either the Tribunal, or the Prosecution, or the Defense should desire them, or any of them, for the purposes of this trial.



Dated at Tokyo, Japan, this 6 March 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Mei  
Lord Patrick  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Roling  
Major General Myron C. Cramer  
The Honorable Mr. Justice Northcroft  
Major General of Justice I. N. Zarayanov  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Jaranilla



Kanagawa-ken, Japan;

2. YAMAGUCHI, Juji;
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is No. 1007, Shimoshinden, Negatamura, Kimitsu-gun, Chiba, Japan;
3. SHIMAMOTO, Shoichi;
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is No. 872, Nakajima, Mononobe, Sumotoshi, Hyogo-ken, Japan;
4. KAWABE, Torashiro;
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is c/o Mr. Teizo Takano, No. 2 Nichome, Higashi Sotoboricho, Higashiku, Nagoyashi, Japan;
5. TAKEDA, Hisashi;
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is No. 9215, Ina, Ina Machi, Kamiinagun, Naganoken, Japan;
6. NAKAMURA, Kotaro;
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is No. 630, Aza Taira, Shimoyamaguchi, Hayamamachi, Miuragun, Kanagawaken, Japan;
7. KANAI, Shoji;
  - (a) The nationality of the witness is Japanese;
  - (b) His present address is 4376, Babacho, Uedashi, Naganoken, Japan;
8. ISHIMARU, Shigumaro;
  - (a) The nationality of the witness is Japanese;

- (b) His present address is No. 791, Unanecho,  
Setagayaku, Tokyo, Japan;
9. MATSUKI, Kyo;  
(a) The nationality of the witness is Japanese;  
(b) His present address is Yutagawa, Nishitagawa-gun  
Yamagataken, Japan;
10. ONODERA, Naosuke;  
(a) The nationality of the witness is Japanese;  
(b) His present address is c/o The Kameyama  
State Hospital, Bepou Shi, Oitaken, Japan;
11. TAKAMURA, Iwao;  
(a) The nationality of the witness is Japanese;  
(b) His present address is c/o Identification  
Section, Tokyo Metropolitan Police Board;
12. HAYASHIDE, Kenjiro;  
(a) The nationality of the witness is Japanese;  
(b) His present address is No. 371, Nichome,  
Kitagawa, Setagayaku, Tokyo, Japan;
13. KASHIWA, Toku;  
(a) The nationality of the witness is Japanese;  
(b) His present address is No. 102, Miyashitacho,  
Fukushimeshi, Fukushimaken, Japan;

and that a summons be issued by the General Secretary of the Tribunal, commanding each of the said persons, to-wit; TAKEUCHI, Ayayoshi; YAMAGUCHI, Juji; SHIMAMOTO, Shoichi; KAWABE, Torashiro; TAKEDA, Hisashi; NAKAMURA, Kotaro; KANAI, Shoji; ISHIMARU, Shigumaro; MATSUKI, Kyo; ONODERA, Naosuke; TAKAMURA, Iwao; HAYASHIDE, Kenjiro; and KASHIWA, Toku, to attend and testify before said Tribunal as a witness for the accused ITAGAKI, Seishiro; OKAWA, Shumei; MINAMI, Jiro; UMEZU, Yoshijiro; and HOSFINO, Naoki, at a

time indicated to the General Secretary of the Tribunal, by Counsel of record for the said accused, as a probable date when the witnesses will be actually required for interrogation by Counsel for the accused, and to give evidence; and it is further

ORDERED: That with the exception of the issuance of summons for the proposed witness KANAI, Shoji, the granting of the application and the issuance of summonses thereunder and pursuant thereto are upon the express terms and conditions that the evidence of each of the witnesses named and set forth in said application, shall be taken and reduced to writing in the form of an affidavit, and that copies of each of said affidavits, in the English language only, be served on the individual Judges of the Tribunal, at least three days before said evidence is given in Court, and said affidavits shall be tendered in evidence as the testimony in chief of the witness so giving it and in lieu of direct examination; and it is further

ORDERED: That the terms and conditions above set forth shall not apply to the proposed witness KANAI, Shoji, and summons shall be issued as to him without restriction.

Dated at Tokyo, Japan, this 15 April 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT



from which it had been secured; to-wit: The Head Librarian of the Ernie Pyle Library in Tokyo, Japan; and, it appearing to the Tribunal that the withdrawal of this document, Court Exhibit No. 2361 (for identification only) as requested, will in no wise prejudice the rights of the Prosecution or of the accused, or any of them, and no substantial injustice will result thereby to the said Prosecution or the said accused; and it further appearing to the Tribunal that the Prosecution has consented to the granting of this application and the withdrawal of said Exhibit, and

The Tribunal hearing the arguments of Counsel, and being fully advised in the premises, it is the decision of the Tribunal that said application be granted, as prayed, and it is

ORDERED: That said application be and is hereby granted, as prayed; and it is further

ORDERED: That Court Exhibit No. 2361 be withdrawn from the files of the Tribunal forthwith and returned to the source from which it was obtained, under the express term and condition, however, that said document shall be returned to the Tribunal upon request, in the event either the Tribunal, or the Prosecution, or the Defense should desire it for the purpose of this trial; and it is further

ORDERED: That the excerpts from Court Exhibit No. 2361, to-wit; Court Exhibits Nos. 2361-A, 2361-B, and 2361-C, shall remain in the files and records of the Tribunal, and that this order in no respect affects their

present status.

Dated at Tokyo, Japan, this 26 March 1947.

BY THE TRIBUNAL:

/Sgd/ W. F. Webb  
PRESIDENT





inclusive, shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status.

Dated at Tokyo, Japan, this 14 April 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT



ORDERED: That future witnesses for the Defense  
will give evidence on affidavits.

Dated at Tokyo, Japan, this 16 April 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Roling  
Lord Patrick  
The Honorable Mr. Justice Mei  
Major General of Justice Zaryanov  
Major General Cramer  
The Honorable Mr. Justice Northcroft  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal

NOT SITTING:

The Honorable Mr. Justice Jaranilla

Paper No. 876  
Disposes of  
Paper No. 851

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al

- vs -

ARAKI, SADA0: et al

} ORDER:  
} GRANTING APPLICATION  
} OF THE ACCUSED, KIMURA,  
} FOR THE ISSUANCE OF  
} SUMMONS FOR WITNESS  
} ON HIS BEHALF.

This matter coming on to be heard on this 21st day of April, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of KUMURA, Heitari, one of the defendants herein, for the production of a witness necessary to the defense of said KIMURA, Heitaro, in accordance with the provisions of Article 9(e) of the Charter, the name of the witness being fully set forth in said application which is Paper No. 851, and after hearing the statements and arguments of counsel for the said KIMURA, Heitaro, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to the following named person be granted as prayed:

1. LT. GENERAL ALFRED KRETSCHMER
  - (a) The nationality of the witness is German;
  - (b) The witness is now living at the Kanko Hotel, Atami, Japan;

and that a summons be issued by the General Secretary of the

Tribunal commending said Alfred Kretschmer to attend and testify before said Tribunal as a witness for the accused KIMURA, Heitaro, at a time indicated to the Secretary General of the Tribunal by the counsel of record for said accused as a probable date when the attendance of the witness before the Tribunal will be required; and it is further

ORDERED: That the said witness, Alfred Kretschmer, remain in Japan until his testimony has been received by the Tribunal and he has been excused by the Tribunal from further attendance, and that every facility and assistance be provided to insure the presence of said witness at the time his attendance before the Tribunal to testify may be required.

Dated at Tokyo, Japan, this 24th day of April 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 877  
Disposes of  
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA: et al ) ORDER:  
  ) GRANTING ORAL APPLICATION  
  ) OF COUNSEL FOR THE ACCUSED  
  ) SHIGEMITSU TO SUBMIT WRITTEN  
  ) STATEMENT AND WRITTEN INTER-  
  ) ROGATORIES OF CERTAIN WIT-  
  ) NESSES, AND GRANTING PROSE-  
  ) CUTION RIGHT TO SUBMIT CROSS-  
  ) INTERROGATORIES TO SAID  
  ) WITNESSES.

  - vs -

ARAKI, Sadao; et al

This matter coming on to be heard on this 3rd day of April, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of Mr. George A. Furness, counsel for the accused SHIGEMITSU, Miamoru, to take the testimony of the following named persons as witnesses for said accused:

1. MORRIS LORD HANKEY, P.C., G.C.B., G.C.M.G., G.C.V.O.
  - (a) The nationality of the witness is British.
  - (b) The witness is under the jurisdiction of the British Foreign Office.
  - (c) His residence is: Highstead, Limpsfield, Surrey, England.
  - (d) His business address is: The Treasury, Whitehall, London, England.
  
2. SIR GEORGE SANSOM, K.C.M.G..
  - (a) The nationality of the witness is British.

(b) The witness is attached to the British Embassy in Washington.

(c) His residence is: 1717 20th Street, N.W., Washington, D. C.

3. RT. HON. SIR ROBERT LESLIE CRAIGIE, G.C.M.G., C.I.

(a) The nationality of the witness is British.

(b) His residence is: Possingworth Manor, near Uckfield Sussex, England.

(c) His business address is: United Nations War Crimes Commission, Lansdowne House, Berkeley Square, London, England;

and it appearing to the Tribunal that the testimony of said witness is necessary to the proper defense of said accused, and that none of said witnesses are presently in the occupied zone of Japan, and that their presence before the Tribunal can only be secured with great sacrifice and inconvenience to said witnesses, and that if they are required to come to Japan the time expended in traveling to and from Japan will interfere with the performance of the urgent and responsible duties in which they are now engaged, and it further appearing to the Tribunal that the exact time when their presence before the Tribunal for the purposes of giving testimony cannot at this time be accurately foretold, and the Tribunal having heard the statements and arguments of counsel for the accused, SHIGEMITSU, and the Prosecution, and being fully advised in the premises, it is



ORDERED: That counsel for the accused, SHIGEMITSU, may submit the testimony of the witness Lord Hankey to him in the form of a statement for his identification and verification, and may also submit written interrogatories to said witness for his answers thereto; and it is further

ORDERED: That counsel for the accused, SHIGEMITSU, may submit written interrogatories to the said Sir George Sansom and the Rt. Hon. Sir Robert Leslie Craigie for their answers thereto; and it is further

ORDERED: That the Prosecution may submit cross-interrogatories to all of said witnesses for their answers thereto; and it is further

ORDERED: That every facility be afforded to counsel for the accused, SHIGEMITSU, and the Prosecution in securing the submission of said affidavit, interrogatories and cross-interrogatories and the answers of the witnesses thereto.

Dated at Tokyo, Japan, this 24th day of April 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 885  
Disposes of an  
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST )  
AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

COMMISSION TO TAKE THE DEPOSITION  
OF ISHIHARA, Kenji

The defense having offered in evidence the affidavit of ISHIHARA, Kenji, together with a verified certificate executed by HASUMI, Kiichiro, attending physician, certifying that said ISHIHARA is suffering from a serious disease and unable to attend this trial and give his testimony in person and, the prosecution objecting to the giving in evidence of the testimony of the said ISHIHARA without opportunity to cross examine him at the time, it also appearing that the said ISHIHARA is now at the town of Fukuura situated more than 300 miles north of Tokyo, it is, therefore, duly considered by this Tribunal that the evidence of the said ISHIHARA should be taken by deposition before one of the members of this Tribunal as commissioner.

It is ordered that the deposition of the witness ISHIHARA, Kenji, be taken before the Honorable Mr. Justice Northcroft, a member of this Tribunal, as commissioner so to do, at the town of Fukuura, Japan, on the 30th day of April, 1947, at the hour of 9 o'clock a.m. or as soon there-

after as the said commission may determine, and from day to day and hour to hour thereafter until completed, and the Honorable Mr. Justice Northcroft is hereby designated and appointed as commissioner before whom said deposition shall be taken;

that a sufficient number of court reporters of this Tribunal, with the assistance of interpreters of this Tribunal, shall record the testimony given, and that said deposition when taken, transcribed and translated, shall be filed with the Secretariat of this Tribunal.

Further that the Secretariat of this Tribunal is directed to make the necessary arrangement for transportation and subsistence of the members of the party journeying to the place mentioned to take deposition, which party shall include, in addition to those mentioned above, counsel for the prosecution and the defense, and whatever additional personnel the Secretary may find necessary in the administration of the journey.

Dated this 25th day of April 1947 at Tokyo, Japan.

/s/ W.F. WEBB  
PRESIDENT

Paper No. 886  
Disposes of  
Paper No. 883

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

At Tokyo, Japan

Case No. I

THE UNITED STATES OF AMERICA, et al	)	ORDER:
	)	FOR THE ISSUANCE OF
- vs -	)	SUMMONSES FOR
	)	WITNESSES FOR
ARAKI, Sadao, et al	)	THE DEFENSE

This matter coming on to be heard on this 25th day of April, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of Aristides G. Lazarus, Chairman of Defense Counsel Committee for the China Phase, for the production of witnesses necessary to the presentation of the China phase of the defense, in accordance with the provisions of Article 9(e) of the Charter, the names of the witnesses being fully set forth in said application, which is Paper No. 883, and after hearing the statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to each of the following named persons be granted as prayed:

1. HATANO Konichi

- (a) The nationality of the witness is Japanese;
- (b) The present address of the witness is 45 1-Chome, Nozawamachi, Setagaya, Tokyo;

2. OTSUKA Reizo

(a) The nationality of the witness is  
Japanese

(b) The present address of the witness is  
Tsurushiro, Nishiomachi, Hatazu-gun,  
Aichi Prefecture;

and that summonses be issued by the General Secretary of the  
Tribunal, commanding each of said persons, to wit:

HATANO Konichi and OTSUKA Reizo to attend forthwith and  
testify before said Tribunal as a witness for the Defense.

Dated at Tokyo, Japan, this 25th day of April,  
1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
President.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

At Tokyo, Japan

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER  
  ) WITH REFERENCE TO  
  ) OKAWA, SHUMEI  
  )  
- vs - )  
ARAKI, Sadao, et al )

This matter coming on to be heard on this 10th day of April 1947, before The Tribunal, upon the application of the Prosecution, for an order directing that the accused OKAWA, Shumei be further examined as to his mental and physical condition by competent examiners, and that reports be made setting forth the results thereof (which application is Paper No. 604), and upon the previous order of The Tribunal (which is Paper No. 618) granting the prior said application and directing that the said accused OKAWA, Shumei be further examined by two competent medical psychiatrists, one selected by the Prosecution and the other by counsel of record for the accused OKAWA, Shumei, and that immediately after the examination each of said psychiatrists file a separate report with the President of The Tribunal, and The Tribunal having received and examined the reports of two psychiatrists, one selected by the Prosecution and the other by counsel of record for the accused OKAWA, Shumei, which examinations were made in compliance with the former order of this Tribunal (Paper No. 618), which reports advise that

examinations have been made of the physical and mental condition of said OKAWA, Shumei as ordered, and report the nature and extent of the examinations conducted by said examiners and their respective findings and conclusions based upon said examination, and The Tribunal having considered the reports of said medical experts dated the 23rd day of February 1947 and the 13th day of March 1947, and being fully advised in the premises, and The Tribunal not being satisfied that the said accused OKAWA, Shumei has yet recovered the intellectual capacity and judgment to make him capable of standing trial and of conducting his defense, and the said accused not having pleaded to the charges and having been unable during the proceedings to instruct his counsel effectively, doth

ORDER: That against the said OKAWA, Shumei, no further proceedings be taken at this trial on the Indictment herein, and that he be kept in custody subject to such order as may be issued by the Supreme Commander for the Allied Powers, and that the present order shall not preclude or prevent the trial of the said accused at a later date before a competent tribunal on the charges contained in the said Indictment or on any other charges.

Dated at Tokyo, Japan, this 28th day of April 1947.

BY THE TRIBUNAL:

/s/ W. F. WEBB  
PRESIDENT.

Sitting:

The Honorable Sir William Webb  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Mei  
Lord Patrick  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Roling  
Major General Myron C. Cramer  
The Honorable Mr. Justice Northcroft  
Major General of Justice I. M. Zaryanov  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Jaranilla



Paper No. 899  
Disposes of  
Paper No. 878

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al )

- vs -

ARAKI, SADA0, et al

ORDER:  
GRANTING APPLICATION  
OF DEFENSE COUNSEL TO  
INTERROGATE AND SECURE  
TESTIMONY OF A WITNESS  
FOR THE DEFENSE AND  
ORDERING THAT FACIL-  
ITIES BE PROVIDED.

This matter coming on to be heard on this 28th day of April 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Chairman of the Defense Counsel Committee for the Russian Phase, for the production of a certain witness necessary to the presentation of that phase of the case in accordance with the provisions of Article 9(e) of the Charter, the name of said witness being fully set forth in the said application which is Paper No. 878, and after hearing statements and arguments of counsel for the defense, and the Tribunal being fully advised in the premises, it is

ORDERED: That counsel for the defense may interrogate the following named person as a witness for the defense, submit his testimony to him in the form of an affidavit for his identification and verification, and may also submit written interrogatories to said witness for his answers thereto:

1. JOHN R. DEANE, Major-General U.S.A. (Retired)

(a) The nationality of the witness is

American;

(b) The present address of the witness is unknown, but it is believed to be New York City, N. Y.

and it is further

ORDERED: That every facility be afforded counsel for the defense in effecting the interrogation of said witness, the submission to him of his affidavit for his verification, and the submission of written interrogatories to him and the securing of his answers thereto.

Dated at Tokyo, Japan, this 29th day of April 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT



of said documents and the documents hereafter rejected a distinct and identifying number or designation, that the Clerk set up a separate register and enter therein the number or designation of each rejected document together with a summary of the contents of said document, which summary shall consist of the explanation of the contents of said document made in open court by the counsel who offers said document at the time the same is offered in evidence, and that said register be made part of the record of this case, and it is further

ORDERED: That the originals of said rejected documents be preserved and kept by the Clerk of the Tribunal in the files of his office.

Dated at Tokyo, Japan, this 1st day of May 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 914  
Disposes of  
Paper No. 884

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al )  
- vs - )  
ARAKI, Sadao; et al. )

ORDER: FOR THE  
PRODUCTION OF WITNESS  
REQUESTED BY THE  
ACCUSED, MUTO, AKIRA

This matter coming on to be heard on this 1st day of May, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of MUTO, Akira, one of the defendants herein, for the production of a witness necessary to the defense of said MUTO, Akira, in accordance with Section III, Article 9 (e) of the Charter, the name of said witness being fully set forth in said application which is Paper No. 88t, and after hearing the statements and arguments of counsel for the said MUTO, Akira, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to the following named witness be granted as prayed:

1. KOSHI, SABURO
  - (a) The nationality of the witness is Japanese
  - (b) The present address of the witness is  
c/o Mr. Tomiyasu  
1110 Nishi-Uzumi-Bashi,  
Matsumoto City,  
Nagano Prefecture;

and that said witness be produced or required to present himself at the office of the General Secretary of the Tribunal in Tokyo forthwith for the purpose of interrogation of said

witness by counsel, and to permit the affidavit of said witness to be prepared and taken in the event his presence should be required at a later date to testify before the Tribunal on behalf of said accused, MUTO.

Dated at Tokyo, Japan, this 2nd day of May, 1947.

BY THE TRIBUNAL:

(signed) W.F. WEBB  
PRESIDENT

Paper No. 915  
Disposes of  
Paper No. 893

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et ) ORDER: GRANTING THE  
  ) APPLICATION OF THE  
  ) ACCUSED UMEZU FOR THE  
  ) PRODUCTION OF A  
- vs -                                  ) WITNESS  
ARAKI, Sadao; et al

This matter coming on to be heard on this 1st day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of UMEZU, Yoshijiro, one of the defendants herein, for the production of a witness necessary to the defense of said UMEZU, Yoshijiro, in accordance with the provisions of Section III, Article 9(e) of the Charter, the name of said witness being fully set forth in said application which is Paper No. 893, and after hearing the statements and arguments and counsel for the said UMEZU, Yoshijiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to the following named witness be granted as prayed:

1. MR. H. G. W. WOODHEAD

- (a) The nationality of the witness is British;
- (b) The present address of the witness is unknown but he is understood to be connected with a newspaper published in the British Crown Colony of Hongkong;

and that a summons be issued by the General Secretary of the

Tribunal, commanding said H. G. W. Woodhead to attend forth-  
with for interrogation by and consultation with counsel  
for the accused, UMEZU, and to testify before said Tribunal  
as a witness for the accused, UMEZU, at such time there-  
after as his testimony may be required and heard; and it  
is further

ORDERED: That every facility and assistance  
be provided to counsel for the accused, UMEZU, to consult  
with and interrogate said witness.

. Dated at Tokyo, Japan, this 2nd day of May 1947.

BY THE TRIBUNAL:

(signed) W.F. WEBB  
PRESIDENT





poena for said witness should it be found necessary to the proper defense of the accused as a result of said interrogations, and after hearing the statements and arguments of counsel for said KIMURA, Heitaro, and being fully advised in the premises, it is

ORDERED: That said supplemental application as to the following named person is granted as prayed:

LIEUT. GENERAL TANAKA, Nobuo

- (a) The Nationality of the witness is Japanese;
- (b) The witness is in Rangoon in custody of the British Army;

and that a summons be issued by the Secretary General of the Tribunal commanding said witness, Lieut. General TANAKA, Nobuo, to attend forthwith and testify before said Tribunal as a witness on behalf of the accused KIMURA, Heitaro.

Dated at Tokyo, Japan, this 14th day of May 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



Paper No. 962  
Disposes of  
Paper No. 952

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al )  
  ) ORDER: FOR THE  
  ) PRODUCTION OF WITNESS  
  ) REQUESTED BY THE ACCUSED  
  ) TOGO, Shigenori  
- vs - )  
ARAKI, Sadao; et al )

This matter coming on to be heard on this 14th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of TOGO Shigenori, one of the defendants herein, for the production of a witness necessary to the defense of said TOGO, Shigenori, in accordance with Section III, Article 9(e) of the Charter, the name of said witness being fully set forth in said application which is Paper No. 952, and after hearing the statements and arguments of counsel for the said TOGO, Shigenori, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to the following named witness be granted as prayed:

1. SATO, Naotake

(a) The nationality of the witness is Japanese

(b) The present address of the witness is Tokyo;

and that said witness be produced or required to present himself at the office of the General Secretary of the

and that said witnesses be produced or required to present themselves at the office of the General Secretary of the Tribunal in Tokyo forthwith for the purpose of interrogation by and consultation with counsel for the accused TOGO, Shigenori.

Dated at Tokyo, Japan, this 15th day of May 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

Paper No. 962  
Disposes of  
Paper No. 952

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al )  
  - vs - )  
ARAKI, Sadao; et al ) ORDER: FOR THE  
  ) PRODUCTION OF WITNESS  
  ) REQUESTED BY THE ACCUSED  
  ) TOGO, Shigenori

This matter coming on to be heard on this 14th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of TOGO Shigenori, one of the defendants herein, for the production of a witness necessary to the defense of said TOGO, Shigenori, in accordance with Section III, Article 9(e) of the Charter, the name of said witness being fully set forth in said application which is Paper No. 952, and after hearing the statements and arguments of counsel for the said TOGO, Shigenori, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application as to the following named witness be granted as prayed:

1. SATO, Naotake

(a) The nationality of the witness is Japanese

(b) The present address of the witness is Tokyo;

and that said witness be produced or required to present himself at the office of the General Secretary of the

Tribunal in Tokyo forthwith for the purpose of interrogation  
by and consultation with counsel for the accused TOGO,  
Shigenori.

Dated at Tokyo, Japan, this 16th day of May 1947.

BY THE TRIBUNAL:

(signed)      W.F. WEBB  
PRESIDENT

✓  
Paper No. 963  
Disposes of  
Paper No. 960

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER, FOR THE
	)	PRODUCTION OF DOCUMENTS
- vs -	)	ON BEHALF OF THE ACCUSED
ARAKI, Sadao; et al	)	MINAMI, Jiro UNDER
	)	THE CHARTER

This matter coming on to be heard on this 16th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of MINAMI, Jiro, one of the defendants herein, for the production of documents necessary to the defense of said MINAMI, Jiro, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the description of the documents being fully set forth in said application which is Paper No. 960, and after hearing the statements and arguments of counsel for the said MINAMI, Jiro, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application of the accused for the production of documents is granted as prayed, and that the following documents which may be located at the place or in the custody of Central Intelligence Group, 14th and "L" Street, Washington, D. C., or Washington Document Center, Stuart Building, 5th and "K" Street, Washington, D. C., or their successors as Depositories of said documents, be procured forthwith and lodged with the Registry of the Tribunal:



<u>Crate No.</u>	<u>Item No.</u>	<u>Description</u>
44	11	"File of Permanent Records", 1931, non-classified, 10 vols. (out of undetermined number of a series). (Note: R.D. 15, shipped to W.D.C. 1 May '46 as per letter from Document Section, ATIS, GHQ - ADVON - APO 500, Dated 23 April, '46).
146	102	"File of un-classified Correspondence & Records Dealing with Manchurian Affairs", 1931, 2 vols. (parts 1 & 3 out of a series of 3). (Note: R.D. 35 see letter 24 April '46 from Document Section, ATIS).
61, 121 96 & 140	163	"File of classified Correspondence & Records Dealing with Manchurian Affairs", 1931, 1 vol. (Note: R.D. 21, letter of 23 April '46).
43	205	"File of Permanent Records", 1931, non-classified; 5 Vols. (Note: R.D. 35, letter 24 April '46).

Also:

The Great Diary, 1931, Vol. B., Section 3, (Dai Nikki, Otsu Shu, San Rui)

The Secret Great Diary, 1931, (Mitsu Dai Nikki, The Military Secret)

Great Diary, 1931 (Riku Ki Mitsu Dai Nikki), and Army Manchuria Secret

Great Diary, 1931 & 1932 (Riku Man Mitsu Dai Nikki)

Telegraphic instructions given by General Minami, War Minister in 1931, to the Kwantung Army (to be found in the Japanese War Ministry File No. 121, called "Riku-Man Mitsu Dai-Nikki", meaning "Army-Manchuria-Secret-Great-Diary" for 1931 & 1932).

(1) Sept. 19th

Riku-Den (Army-Telegram) No. 204. From War Minister to Commander of Kwantung Army re non-expansion policy.

(2) Sept. 20th

Telegram No. unknown. From War Minister to Commander of Kwantung Army re rumours of the Mukden Incident.

(3) Sept. 22nd

Riku-Den No. 213. From War Minister to Commander of Kwantung Army re prohibition of military administration.

(4) Sept. 24th

Kan-San (Kwantung Army Staff) No. 408. From Chief of Staff, Kwantung Army, to Vice-Minister of War Ministry, in reply to the above telegram No. 213.

(5) Sept. 24th

Riku-Man-Den (Army-Manchuria-Telegram) No. 17. From War Minister to Commander of Kwantung Army, prohibiting despatch of troops to Harbin.

(6) Riku-Man-Den No. 20. To the same effect as above telegram No. 17.

(7) Sept. 24th

Riku-Man-Den No. 31. From War Minister to Commander of Kwantung Army, requesting cooperation between army and diplomatic organs on the spot.

(8) Sept. 24th

Kan-San No. 478. From Chief of Staff, Kwantung Army, to Vice-Minister of War Ministry, in reply to the above telegram No. 21.

(9) Sept. 26th

Riku-Man-Den No. 35. From War Minister to Commander of Kwantung Army, prohibiting participation with new regime movements.

(10) Sept. 26th

Riku-Man-Den No. 37. From Vice-Minister to Chief of Staff, Kwantung Army, re rumours of irresponsible conducts of some Japanese.

(11) Sept. 29th

Riku-Man-Den No. 50. From War Minister to Commander of Kwantung Army, re rumour of restoration movements of Pu Yi.

(12) Oct. 14-15th

Telegram No. unknown. From Vice-Minister to Chief of Staff, Kwantung Army, reprimanding bombing of Chinchow.

(13) Oct. 17th

Riku-Man-Den No. 109. From War Minister to Commander of Kwantung Army, re rumour of severance of Kwantung Army from Japan.

(14) Oct. 28th

Telegram No. unknown. From Vice-Minister to Chief of Staff Kwantung Army, re diplomatic negotiations with Ma Chan-Shan.

(15) Nov. 16th

Riku-Man-Den No. 221. From War Minister to Commander of Kwantung Army, cautioning restoration movements of Pu Yi.

(16) Nov. 16th

Riku-Man Den No. 223. From War Minister to Commander of Kwantung Army, re publication of Government statement concerning attack on Ma Chan-Shan.

(17) Nov. 18th

Riku-Man-Den No. 247. From War Minister to Commander of Kwantung Army, prohibiting occupation of Tsitsihar.

(18) Nov. 18th

Riku-Man-Den No. 246. From Vice-Minister to Chief of Staff, Kwantung Army, advising to let Chinese preserve their own peace and order in Tsitsihar district.

(19) Nov. 28th

Riku-Man-Den Nos. 286 & 294. From War Minister to Commander of Kwantung Army, re diplomatic negotiations with Chang Hsuch-liang concerning evacuation from Chinchow district.

(20) Dec. 3rd

Kan-San-Man No. 470. From Commander of Kwantung Army to War Minister and Chief of General Staff, re dispatching a military emissary to Chinchow.

(21) Dec. 4th

Riku-Man-Den No. 319. From War Minister to Commander of Kwantung Army in reply to the above.

(22) Dec. 4th

Riku-Man-Den No. 325. From War Minister to Commander of Kwantung Army re neutral zone in Chinchow district.

(23) Dec. 7th

Riku-Man-Den No. 339. From War Minister to Commander of Kwantung Army re policy of maintaining peace and order in Chinchow district.

Dated at Tokyo, Japan, this 16th day of May 1947.

BY THE TRIBUNAL:

(signed) W.F. WEBB  
PRESIDENT

Paper No. 964  
Disposes of  
Paper No. 959

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	)	ORDER: FOR THE
- vs -	)	PRODUCTION OF DOCUMENTS
ARAKI, Sa'ao; et al	)	ON BEHALF OF THE ACCUSED,
	)	SATO, Kenryo UNDER
	)	THE CHARTER

This matter coming on to be heard on this 16th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of SATO, Kenryo, one of the defendants herein, for the production of documents necessary to the defense of said SATO, Kenryo, in accordance with the provisions of Section III, Article 9, Paragraph (e) of the Charter, the description of the documents being fully set forth in said application which is Paper No. 959, and after hearing the statements and arguments of counsel for the said SATO, Kenryo, and the Tribunal being fully advised in the premises, it is

ORDERED: That the application of the accused for the production of documents is granted as prayed, and that the following documents which may be located at the place or in the custody of Central Intelligence Group, 14th and "L" Street, Washington, D.C., or Washington Document Center, Stuart Building, 5th and "K" Street, Washington, D. C., or their successors as Depositories of said documents, be procured forthwith and lodged with the Registry of the Tribunal:

<u>Crate No.</u>	<u>Items No.</u>	<u>Description</u>
650	43	File of non-classified correspondence and records dealing with China Affairs, 1942 (3 bundles), (Note--Returned Document No. 41 as per letter 24 Apr 46 from Doc. Sect. ATIS)
?	379	File of miscellaneous correspondence and records of War Ministry, 1940-1942. (1 bundle). ( R.D. 52 on letter 14 June 46 and R.D. 68 on letter 25 July 46)

Dated at Tokyo, Japan, this 16th day of May 1947.

BY THE TRIBUNAL:

(signed) W.F. WEBB  
PRESIDENT

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Paper No. 966  
Disposes of  
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER
	)	FOR THE PRODUCTION
- vs -	)	OF PROSPECTIVE
	)	WITNESSES FOR THE
	)	ACCUSED, FOR THE
	)	PURPOSE OF
ARAKI, Sadao, et al	)	INTERROGATION

This matter coming on to be heard this 14th day of May 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of counsel for the defense, for an order directing that prospective witnesses for the accused, now or hereafter confined in Sugamo Prison, be produced at the Court House of the International Tribunal for the Far East, at such times as their presence is required for the purpose of being interrogated by counsel for the accused to determine if their testimony will be required on behalf of the defense, and the Tribunal having heard the statements and arguments of counsel, and being fully advised in the premises, it is

ORDERED: That any person who is now or hereafter may be in the custody of the authorities of Sugamo Prison and whose interrogation is desired by counsel for any of the accused in this trial shall, upon sufficient and adequate notice in writing given to the General Secretary of the Tribunal by counsel requesting the production of said person at the Court House of the

Tribunal, which notice shall set forth

- (1) The name of the person desired to be interrogated;
- (2) That said person is presently confined in Sugamo Prison;
- (3) The date and time when the presence of such person at the Court House of the Tribunal will be required by counsel;

be produced at the Court House of the International Military Tribunal for the Far East, and that facilities be provided to permit his interrogation by counsel; and it is further

ORDERED: That the provisions of this order shall be subject to all requirements of security imposed by the Supreme Commander Allied Powers and those persons acting under his authority and in his behalf and charged with the responsibility of providing and maintaining security.

Dated at Tokyo, Japan, this 19th day of May 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT





Dated at Tokyo, Japan, this 16th day of May 1947.

BY THE TRIBUNAL:

/s/

W. F. Webb  
PRESIDENT

Paper No. 971

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

COMMISSION TO TAKE THE DEPOSITION  
OF KAGESA, Sadaaki

The defense having offered in evidence the affidavit of KAGESA, Sadaaki, together with a certificate executed by Doctor MOTOHASHI, Hitoshi, a physician, certifying that the said KAGESA is suffering from illness and unable to attend this trial and give his testimony in person, and the prosecution objecting to the giving in evidence of the testimony of the said KAGESA without opportunity to cross examine him at the time, it also appearing that the said KAGESA is now at the First National Hospital, Tokyo, it is, therefore, duly considered by this Tribunal that the evidence of the said KAGESA should be taken by deposition before one of the members of this Tribunal as Commissioner.

It is ordered that the deposition of the witness KAGESA, Sadaaki, be taken before the Honorable Mr. Justice Northcroft, a member of this Tribunal, as Commissioner so to do, at the First National Hospital, Tokyo, on the 22nd day of May, 1947, at the hour of 9:30 o'clock A.M., and from day to day and hour to hour thereafter until completed,

and the Honorable Mr. Justice Northcroft is hereby designated and appointed as Commissioner before whom said deposition shall be taken: that a sufficient number of court reporters of this Tribunal, with the assistance of interpreters of this Tribunal, shall record the testimony given, and that said deposition when taken, transcribed and translated, shall be filed with the Secretariat of this Tribunal.

It is further ordered that the Secretariat of this Tribunal is ordered to make the necessary arrangements for the taking of this deposition at the First National Hospital, Tokyo.

Dated this 21st day of May, 1947, at Tokyo, Japan.

W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER:  
  ) RELEASING  
  ) CHARLES A. MANTZ  
  ) AND APPOINTING  
- vs -                                  ) PAUL M. LYNCH  
ARAKI, Sadao; et al                  ) AS CLERK OF THE  
  ) COURT.

The attention of the Tribunal has been directed to the fact that Charles A. Mantz, Clerk of the Court, has now completed his mission, and because of the serious illness of his mother desires to return to his home in the United States, and that a successor should be appointed to act in his stead, and the Tribunal being fully advised in the premises, and by a majority of the Justices, it is

ORDERED: That Charles A. Mantz be released from his duties as Clerk of the Court of this Tribunal, and that the Tribunal's appreciation of his excellent services be placed on record; and it is further

ORDERED: That Paul M. Lynch be and is hereby appointed as Clerk of the Court in the place and stead of Charles A. Mantz, and it is further

ORDERED: That the release of Charles A. Mantz and the appointment of Paul M. Lynch, be effective as of

the 24th day of May, 1947.

Dated at Tokyo, Japan, this 23rd day of May, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT

MEMBERS PRESENT:

The Honorable Sir William Webb, President of the Tribunal  
Mr. Justice Northcroft  
Lord Patrick  
Mr. Justice Mei  
Major General of Justice I. H. Zaryanov  
Mr. Justice McDougall  
Mr. Justice Bernard  
Mr. Justice Roling  
Mr. Justice Pal  
Major General Cramer  
Mr. Justice Jaranilla

Paper No. 982  
Disposes of  
Paper No. 975

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES & AMERICA, et al) ORDER  
- vs - ) FOR THE PRODUCTION  
ARAKI, Sadao, et al ) OF WITNESSES  
 ) ON BEHALF OF  
 ) THE DEFENSE

This matter coming on to be heard on this 23rd day of May, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of Aristides G. Lazarus, Chairman of the Defense Counsel Committee for the Russian phase, for the production of certain witnesses necessary to the presentation of the Russian phase, in accordance with the provisions of Section III, Article 9(e) of the Charter, the names of said witnesses being fully set forth in said application which is Paper No. 975, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named persons be granted as prayed:

1. OTA, Saburo
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is Yokosuka, Kanagawa-ken;

2. OHASHI, Chuichi

- (a) The nationality of the witness is Japanese;
- (b) The present address of the witness is Oaza;

and that each of said witnesses be required to present himself at the office of the General Secretary of the Tribunal in Tokyo forthwith, for the purpose of interrogation by and consultation with counsel for the defense: and it is further

ORDERED: That a summons be issued by the General Secretary of the Tribunal for each of said witnesses commanding each of them to attend and testify before said Tribunal as a witness for the defense, at the time when counsel for the defense shall indicate to the General Secretary that the attendance of each of said witnesses for the purpose of giving testimony before the Tribunal shall be required.

Dated at Tokyo, Japan, this 23rd day of May 1947.

BY THE TRIBUNAL

(Signed) W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. I

THE UNITED STATES OF AMERICA, et al) ORDER  
- vs - ) FOR THE PRODUCTION  
ARAKI, Sadao, et al ) OF WITNESSES  
 ) ON BEHALF OF  
 ) THE DEFENSE

This matter coming on to be heard on this 23rd day of May, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of Aristides G. Lazarus, Chairman of the Defense Counsel Committee for the Russian phase, for the production of certain witnesses necessary to the presentation of the Russian phase, in accordance with the provisions of Section III, Article 9(e) of the Charter, the names of said witnesses being fully set forth in said application which is Paper No. 975, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named persons be granted as prayed:

1. OTA, Saburo
  - (a) The nationality of the witness is Japanese;
  - (b) The present address of the witness is Yokosuka, Kanagawa-ken;



Paper No. 990  
Disposes of  
Paper No. 974

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al)	ORDER:
- vs -	) PERMITTING LIMITED NUMBER
ARAKI, Sadao, et al	) OF COPIES OF DOCUMENTS
	) NOS. 500-(A-D), B, C, E
	) AND F, AND 500-A-1
	) THROUGH 500-A-37 TO BE
	) SUBMITTED BY DEFENSE

This matter coming on to be heard this 28th day of May, 1947 before the Honorable Sir William Webb, President of the Tribunal, upon the application of counsel for the Defense for relaxation of the present rules of the Tribunal with respect to the furnishing of copies of certain documents which the Defense expects to present in evidence, which documents are fully set forth and described in the application of the Defense which is Paper No. 974, by reason of the fact that the present shortage of available materials makes it impossible for the Defense at the present time to secure sufficient copies of said documents to meet the requirements of the applicable rules of the Tribunal, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application be granted as prayed, and leave is hereby granted to the Defense to file with the Clerk of the Tribunal thirty (30) copies each of Documents Nos. 500-(A-D), B, C, E and F, and 500-A-1 through 500-A-37, which documents are reports released by the United States Tariff Commission, for distribution by the Clerk, in such manner as shall be directed by the Tribunal.

Dated at Tokyo, Japan, this 28th day of May 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al) ORDER:  
  ) PERMITTING LIMITED NUMBER  
  ) OF COPIES OF DOCUMENTS  
  ) NOS. 500-(A-D), B, C, E  
- vs -                                  ) AND F, AND 500-A-1  
ARAKI, Sadao, et al                  ) THROUGH 500-A-37 TO BE  
  ) SUBMITTED BY DEFENSE

This matter coming on to be heard this 28th day of May, 1947 before the Honorable Sir William Webb, President of the Tribunal, upon the application of counsel for the Defense for relaxation of the present rules of the Tribunal with respect to the furnishing of copies of certain documents which the Defense expects to present in evidence, which documents are fully set forth and described in the application of the Defense which is Paper No. 974, by reason of the fact that the present shortage of available materials makes it impossible for the Defense at the present time to secure sufficient copies of said documents to meet the requirements of the applicable rules of the Tribunal, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application be granted as prayed, and leave is hereby granted to the Defense to file with the Clerk of the Tribunal thirty (30) copies each of Documents Nos. 500-(A-D), B, C, E and F, and 500-A-1 through 500-A-37, which documents are reports released by the United States Tariff Commission, for distribution by the Clerk, in such manner as shall be directed by the Tribunal.

Dated at Tokyo, Japan, this 28th day of May 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



the purpose of lodging said documents with the Registry of the Tribunal:

All documents taken by the Soviet Forces at the Headquarters of the Kwantung Army in Hsingking, Manchuria, or of subordinate units thereof, or at Headquarters of units of the Korean Army captured by the Soviet Forces on or after 9 August 1945, which documents consist of or contain reports, charts, tables, orders or other information relative to the strength of the Kwantung Army and the Korean Army during the years 1931 to 1945, or any of them.

Dated at Tokyo, Japan, this 4th day of June 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. I

THE UNITED STATES OF AMERICA, et al )	ORDER:
- vs - )	PERMITTING THE
ARAKI, Sadao, et al )	ABSENCE OF ACCUSED
)	FROM THE DOCK
)	DURING PROGRESS
)	OF THE TRIAL

This matter coming on to be heard this 23rd day of May 1947, before the Tribunal, upon the oral applications of counsel for the defense made in Chambers on the 14th and 23rd day of May 1947, which said applications request a formal order of the Tribunal permitting the withdrawal of the accused from the dock during the progress of the trial to permit of consultation with their counsel, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said applications be granted and that certain accused, upon leave first granted as hereinafter provided, may be withheld from the dock and their absence from the court room excused during the progress of the trial, to permit of consultation with their counsel, upon the following conditions:

1. Not more than four of the accused may be withheld from the dock at any one time while the trial progresses;
2. Counsel desiring to consult with their clients during the progress of the trial shall give notice to the Clerk of the Tribunal of their desire to withhold said accused from the dock, which notice shall be in writing and shall be deposited with the Clerk ~~not later than~~ noon of the day preceding the day when the absence of said accused is required.

Such notice shall state the date upon which the withholding of said accused is required for consultation, and the session or sessions of the Tribunal during which said accused will be absent from the dock;

and it is further

ORDERED: That the Clerk shall communicate to the President of the Tribunal during the afternoon recess period of the Tribunal the number of notices filed and the information as to the particular accused whose absence from the dock during any session of the Tribunal on the day following has been requested, whereupon the President of the Tribunal will grant leave to such accused as in his judgment are required to be withheld from the dock for the purpose of consultation with their counsel. No accused shall be withheld from the dock without leave of the Tribunal first being granted; and it is further

ORDERED: That during all times that accused are withheld from the dock for the purpose of consultation with their counsel during the progress of the trial they shall be subject to, and the consultation shall be conducted in conformance with and subject to, such security measures and regulations as may be directed and required by the Supreme Commander Allied Powers and those persons acting under his authority and in his behalf and charged with the responsibility of providing and maintaining security.

Dated at Tokyo, Japan, this 23rd day of May 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Sitting:

The Honorable Sir William Webb  
The Honorable Mr. Justice McDougall  
Lord Patrick  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Roling  
Major General Myron C. Cramer  
Major General of Justice, I. M. Zaryanov  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Jaranilla







and that each of said witnesses be required to present himself at the office of the General Secretary of the Tribunal in Tokyo forthwith for the purpose of consultation with counsel for the accused; and it is further

ORDERED: That a summons be issued by the General Secretary of the Tribunal for each of said witnesses, commanding each of them to attend and testify before the Tribunal as a witness for said accused, TOGO, Shigenori, at the time when counsel for said accused shall indicate to the General Secretary that the attendance of each of said witnesses is required for the purpose of giving testimony before the Tribunal.

BY THE TRIBUNAL:

(signed) W. F. Webb  
President

Paper No. 1072  
Disposes of  
Paper No. 1071

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	}	ORDER
- vs -		FOR THE PRODUCTION OF
ARAKI, Sadao, et al		WITNESS REQUESTED BY THE ACCUSED SHIMADA, Shigetaro AND OKA, Takasumi

This matter coming on to be heard this 30th day of July, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the written application of the accused SHIMADA, Shigetaro and OKA, Takasumi for the production of a certain witness necessary to the presentation of the Defense case, in accordance with provisions of Article 9(e) of the Charter, and the Tribunal having heard the statements and arguments of Counsel, and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named person be granted as prayed:

WENNEKER, Paul W.

- (a) The nationality of the witness is German;
- (b) The present address of the witness is Karuizawa, Japan

and that a summons be issued by the General Secretary of the Tribunal commanding the said witness to attend forthwith and testify before said Tribunal as a witness for the Defense.

BY THE TRIBUNAL:

(Signed) W. F. Webb  
PRESIDENT.

Paper No. 1091  
Disposes of  
Paper No. 1088

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER  
  ) FOR THE PRODUCTION  
  ) OF CERTAIN WITNESSES  
  ) NECESSARY TO THE DEFENSE  
  ) OF THE ACCUSED  
  ) TOGO, Shigenori,  
ARAKI, Sadao, et al ) UNDER THE CHARTER

This matter coming on to be heard on this 8th day of August, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the accused TOGO, Shigenori, for the production of certain witnesses necessary to his defense, in accordance with the provisions of Section III, Article 9(e) of the Charter, the names of said witnesses being fully set forth in said application which is Paper No. 1088, and the Tribunal having heard the statements and arguments of counsel, and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named persons be granted as prayed:

1. KAMEYAMA, Kazuji
  - a. The nationality of the witness is Japanese;
  - b. The present address of the witness is Gifu Prefecture, Seki-machi;
2. YUKI, Shiroji
  - a. The nationality of the witness is Japanese;
  - b. The present address of the witness is Madison Office, Fukuoka, Fukuoka Prefecture;



It appearing to the Tribunal that the withdrawal of this document, Court Exhibit No. 2589 for Identification Only, as requested, will in nowise prejudice the rights of the Prosecution or the Accused, or any of them, and no substantial injustice will result thereby to the said Prosecution or the Accused, and it appearing further to the Tribunal that the Prosecution has consented to the granting of this application and the withdrawal of said exhibit, and the Tribunal having heard the statements of counsel and being fully advised in the premises, it is

ORDERED: That said application be and hereby is granted as prayed; and it is further

ORDERED: That said Court Exhibit No. 2589 for Identification Only be withdrawn from the files of the Tribunal forthwith and returned to the source from which it was obtained, under the express term and condition, however, that said document shall be returned to the Tribunal upon request in the event either the Tribunal or the Prosecution or the Defense should desire it for the purpose of this trial; and it is further

ORDERED: That excerpts from Court Exhibit No. 2589 for Identification Only, to wit: Court Exhibits Nos. 2590, 2591, 2592, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2602, 2603, 2604, 2605, 2607, 2608 and 2609 respectively, shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Paper No. 1107  
Disposes of  
Paper No. 1094

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1.

THE UNITED STATES OF AMERICA, et al ) ORDER  
  ) WITHDRAWING A SUMMONS  
  ) FOR THE PRODUCTION OF  
  ) EUGEN OTT, AS A WITNESS  
  ) ON BEHALF OF THE ACCUSED  
  ) OSHIMA, HIROSHI, AND THE  
- vs - ) ACCUSED, SHIRATORI, TOSHIO  
ARAKI, Sadao, et al

This matter coming on to be heard on the 13th day of August, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused OSHIMA, Hiroshi and SHIRATORI, Toshio, by their counsel, for the withdrawal of a summons for the production of Eugen Ott as a witness on behalf of said accused, which summons was issued on or about the 23rd day of December 1946 upon the application of said Accused, the reasons for the withdrawal of said summons being fully stated in the application of the Accused for the withdrawal thereof, which said application is Paper No. 1094, and the Tribunal having heard the statements of counsel and being fully advised in the premises, it is

ORDERED: That said application be granted as prayed, and that the summons heretofore issued under the order of this Tribunal commanding the presence of Eugen Ott to testify on behalf of the Accused OSHIMA and SHIRATORI before the Tribunal be withdrawn, and that all persons,



Paper No. 1137  
August 29, 1947

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER  
) DISMISSING THE APPLI-  
) CATION OF THE ACCUSED  
) ARAKI, Sadao,  
) REQUESTING ISSUANCE  
) OF SUBPOENAS FOR  
) WITNESSES

This matter coming on to be heard on this 29th day of August, 1947, at 9:00 A.M., before the Honorable Sir William Webb, President of the Tribunal, upon the application of the accused ARAKI, Sadao, by his counsel SUGAHARA, Yutaka, and Lawrence J. McManus, for the production of certain witnesses necessary to the defense of said accused, which said application is Paper No. 1137 (Revised), and neither of said counsel appearing at said hearing the President of the Tribunal, at 9:10 A.M., adjourned the same until 1:15 P.M. on the 29th day of August, 1947, at which time said application again coming on to be heard, pursuant to adjournment, and said counsel for accused again failing to appear or furnish to the Tribunal any explanation of their failure so to do, it is

ORDERED: That said application be and the same hereby is dismissed.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



ORDERED: That a summons be issued by the General Secretary of the Tribunal for said witness, commanding him to attend and testify before the Tribunal as a witness for said accused TOGO, Shigenori, at the time when counsel for said accused shall indicate to the General Secretary that the attendance of said witness is required for the purpose of giving testimony before the Tribunal.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) DISMISSING THE APPLI-
- vs -	) CATION OF THE ACCUSED
	) ARAKI, Sadao,
ARAKI, Sadao, et al	) REQUESTING ISSUANCE
	) OF SUBPOENAS FOR
	) WITNESSES

This matter coming on to be heard on this 29th day of August, 1947, at 9:00 A.M., before the Honorable Sir William Webb, President of the Tribunal, upon the application of the accused ARAKI, Sadao, by his counsel SUGAHARA, Yutaka, and Lawrence J. McManus, for the production of certain witnesses necessary to the defense of said accused, which said application is Paper No. 1137 (Revised), and neither of said counsel appearing at said hearing the President of the Tribunal, at 9:10 A.M., adjourned the same until 1:15 P.M. on the 29th day of August, 1947, at which time said application again coming on to be heard, pursuant to adjournment, and said counsel for accused again failing to appear or furnish to the Tribunal any explanation of their failure so to do, it is

ORDERED: That said application be and the same hereby is dismissed.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Paper No. 1187  
Disposes of  
Paper No. 1177

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER  
  ) FOR THE PRODUCTION  
  ) OF WITNESSES NECESSARY  
  ) TO THE DEFENSE OF  
- vs - ) ACCUSED TOJO, Hideki,  
ARAKI, Sadao, et al ) UNDER THE CHARTER

This matter coming on to be heard on the 2nd day of September, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the accused, TOJO, Hideki, for the production of certain witnesses necessary to his defense, in accordance with the provisions of Section III, Article 9(e) of the Charter, the names of said witnesses being fully set forth in said application which is Paper No. 1177, and the Tribunal having heard the statements and arguments of counsel, and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named persons be granted as prayed:

1. MURATA, Yachino:
  - a. The nationality of the witness is Japanese;
  - b. The present address of the witness is Bureau of Decorations, Office of the Prime Minister, Tokyo;
2. JO, Tomiji:

- a. The nationality of the witness is Japanese;
- b. The present address of the witness is Imperial Household of Ministry, Imperial Household, Tokyo;

and that a summons be issued by the General Secretary of the Tribunal commanding each of said witnesses to attend forthwith and testify before said Tribunal as a witness for the Defense.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Paper No. 1222  
Disposes of  
Paper No. 1211

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. I

THE UNITED STATES OF AMERICA, et al ) ORDER  
  ) GRANTING THE WITHDRAWAL  
  ) FROM THE FILES OF THE  
  ) TRIBUNAL OF EXHIBITS  
  ) NOS. 3053 AND 3054  
  ) FOR IDENTIFICATION ONLY.

- vs -

ARAKI, Sadao, et al

This matter coming on to be heard on this 5th day of September, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of SOMIYA, Shinji and S. ALLEN ROBERTS, counsel for the accused OKA, Takazumi, for an order of the Tribunal granting leave to withdraw from the files of the Tribunal the original documents comprising Court Exhibits Nos. 3053 and 3054, heretofore presented and marked for identification only, and from which documents excerpts have been offered and received in evidence and identified as Court Exhibits Nos. 3053A, 3053B, 3054A, 3054B and 3054C respectively, which said original documents, to wit: Court Exhibits Nos. 3053 and 3054 for Identification only, are more particularly described as follows:

Exhibit No. 3053:

Book entitled "Collected Volume of  
Headquarters' Instructions, Vol. II,  
Navy Section"

Exhibit No. 3054:

Book entitled "Collected Volume of  
Imperial Headquarters Instructions,  
Vol. I, Naval Section"

said withdrawal of these original documents being for the purpose of returning them forthwith to the source from which they were obtained, to wit, Second Demobilization Bureau of the Japanese Government in Tokyo, Japan; and

It appearing to the Tribunal that the withdrawal of these documents, Court Exhibits Nos. 3053 and 3054 for Identification Only, as requested, will in nowise prejudice the rights of the Prosecution or the Accused, or any of them, and no substantial injustice will result thereby to the said Prosecution or the Accused, and it appearing further to the Tribunal that the Prosecution has consented to the granting of this application and the withdrawal of said exhibits, and the Tribunal having heard the statements of counsel and being fully advised in the premises, it is

ORDERED: That said application be and hereby is granted as prayed; and it is further

ORDERED: That said Court Exhibits Nos. 3053 and 3054 for Identification Only be withdrawn from the files of the Tribunal forthwith and returned to the source from which they were obtained, under the express term and condition, however, that said documents shall be returned to the Tribunal upon request in the event either the Tribunal, the Prosecution or the Defense should desire them for the purpose of this trial; and it is further

ORDERED: That excerpts from Court Exhibits Nos.

3053 and 3054 for Identification Only, to wit: Court Exhibits Nos. 3053A, 3053B, 3054A, 3054B and 3054C respectively, shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Disposes of  
Paper No. 1121  
INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sad. et al

ORDER  
GRANTING PROSECUTION  
AN EXTENSION OF TIME  
TO OCTOBER 17, 1947,  
WITHIN WHICH TO PRESENT  
CERTAIN WITNESSES FOR  
CROSS-EXAMINATION

This matter coming on for decision by the Tribunal in open court this 10th day of September, 1947, upon the application of the Prosecution for an order extending until October 17, 1947, the time fixed by the Tribunal in its previous order made in open court on June 17, 1947, wherein the Tribunal requires the Prosecution to produce for cross-examination certain witnesses within a period of two months from that date, or within such longer period as may on cause shown to be approved by the Tribunal, or alternatively to give convincing reasons within said period why they are not able to produce the said witnesses, said application being Paper No. 1121, and the arguments and statements of counsel in support of and in opposition to the said application having been heard before the Honorable Sir William Webb, President of the Tribunal, in Chambers on the 20th day of August, 1947, at which time the decision thereon was reserved, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be granted as



prayed; and it is further

ORDERED: That the time within which the Prosecution is required to comply with the previous order of this Tribunal is extended to October 17, 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Sittings:

The Honorable Sir William Webb  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Ju-Ao Mei  
The Honorable Mr. Justice Bernard  
Lord Patrick  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Northcroft  
The Honorable Mr. Justice Jaranilla  
Major General of Justice I. M. Zaryanov  
Major General Myron C. Cramer

Paper No. 1239  
Disposes of  
Paper No. 1186

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA	)	ORDER
	)	DENYING THE APPLICATION
	)	OF THE ACCUSED, ARAKI,
- vs -	)	FOR THE ISSUANCE OF
	)	SUBPOENAS FOR CERTAIN
	)	WITNESSES UNDER
ARAKI, Sadao, et al	)	THE CHARTER.

This matter coming on to be heard this 2nd day of September, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused ARAKI, Sadao, by his counsel, for the issuance of subpoenas for certain witnesses necessary to the defense of said Accused, the names of said witnesses being fully set forth in the application which is Paper No. 1186; and

It appearing to the Tribunal that affidavits have been obtained from all witnesses named in said application, and the Tribunal having heard the arguments and statements of counsel and being fully advised in the premises, it is

ORDERED: That the application for the issuance of subpoenas at the present time is denied; and it is further

ORDERED: That the affidavits of said witnesses may be tendered in evidence and will be dealt with on their merits, and if it should appear to the Tribunal that the appearance of any of said witnesses is required for examination or cross-

examination, the attendance of such witness or witnesses will be directed as and when the necessity for his or their presence shall appear to the Tribunal, at which time such subpoena or subpoenas will issue for said witness or witnesses as the Tribunal may direct.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Sitting:

The Honorable Sir William Webb  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Ju-Ao Mei  
The Honorable Mr. Justice Bernard  
Lord Patrick  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Northcroft  
The Honorable Mr. Justice Jaranilla  
Major General of Justice I. F. Zaryanov  
Major General Myron C. Cramer

Paper No. 1274  
Disposes of  
Paper No. 1234

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER:
	)	GRANTING LEAVE TO
	)	WITHDRAW FROM FILES
- vs -	)	OF THE TRIBUNAL
	)	COURT EXHIBIT NO. 2798
	)	FOR IDENTIFICATION ONLY
	)	AND DEFENSE DOCUMENTS
ARAKI, Sadao, et al	)	NOS. 1626 AND 1835

This matter coming on to be heard on this 23rd day of September, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the application of William Logan, Jr., counsel for the accused KIDO, Koichi, for an order of the Tribunal granting leave to withdraw from the files of the Tribunal, on the usual terms, the original document comprising Court Exhibit No. 2798, heretofore presented and marked for Identification Only, and excerpts therefrom having been offered in evidence and rejected, Defense Document No. 1626 and excerpt therefrom having been submitted in evidence and rejected, and Defense Document No. 1835 which was offered in evidence and rejected, each of the foregoing being more particularly described as follows:

Court Exhibit No. 2798  
"Imperial Economic Conference  
at Ottawa, 1932 - Summary of  
Proceedings and Copies of  
Trade Agreements"

Defense Document No. 1626  
"Japan Year Book, 1941-42"

Defense Document No. 1835  
"The Indian Merchant's Chamber,  
Views of the Committee on the  
Report of the Indian Delegation  
to the Imperial Economic Con-  
ference, Ottawa"

said withdrawal of said original documents being for the purpose of returning the same forthwith to the source from which they had been secured, to wit: The Economic Research Library in Tokyo, Japan; and counsel for the Accused failing to attend the hearing upon said application, and the Prosecution by Mr. Solis Horwitz appearing and consenting on behalf of the Prosecution to the granting of this application, and it appearing to the Tribunal that the withdrawal of Court Exhibit 2798 for Identification Only and Defense Documents Nos. 1626 and 1835 will in nowise prejudice the rights of the Prosecution or of the Accused, or any of them, and that no substantial injustice will result thereby to the said Prosecution or the said Accused it is

ORDERED: That said application be and the same is hereby granted as prayed; and it is further

ORDERED: That Court Exhibit No. 2798 and Defense Documents Nos. 1626 and 1835 be withdrawn from the files of the Tribunal forthwith and returned to the source from which they were obtained, under the express term and condition, however, that said documents shall be returned to the Tribunal upon request in the event that the Tribunal or the Prosecution or the Defense should require the, or any of them, for the purpose of this trial.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT









2-45  
"ORDERED: That said exhibits shall be delivered by the Clerk of the Court only upon the written receipt of the following:

PROSECUTION SECTION

Mr. Yale MAXON  
OR  
Miss Frances MATTISON  
OR  
Lt. Kurt STEINER

DEFENSE SECTION

Mr. E. R. HARRIS

"

Dated at Tokyo, Japan, this 23rd September 1947.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



Paper No. 1313  
Disposes of  
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER  
  ) TO PROPOUND BY CABLE  
  ) CERTAIN INTERROGATORIES  
  ) TO THE RT. HON. SIR  
  ) ROBERT LESLIE CRAIGIE,  
  ) FORMER AMBASSADOR OF  
  ) GREAT BRITAIN TO JAPAN

- vs -

ARAKI, Sadao. et al

This matter coming on to be heard this 8th day of October, 1947, before the Honorable Sir William Webb, President of the Tribunal, upon the oral application of the Accused SHIGEMITSU, Mamoru, by his counsel Mr. George A. Furness, for an order to submit certain written interrogatories to the Rt. Hon. Sir Robert Leslie Craigie, an interrogation of said Sir Robert Leslie Craigie having been previously authorized by order of the Tribunal on the 24th day of April, 1947 (Paper No. 877), and directing that Sir Robert Leslie Craigie's answers to said interrogatories be recorded and transmitted in the same manner and that a copy of the cabled answers be forwarded to counsel immediately upon their receipt, and the Tribunal having heard the statements and arguments of counsel for both the Accused SHIGEMITSU Mamoru, and the Prosecution, and being fully advised in the premises, it is

ORDERED: That said application be and the same hereby is granted; and it is further

rapid method of communication available, to England and there propounded to the Rt. Hon. Sir Robert Leslie Craigie whose address is

(1) c/o United Nations War Crimes Commission,  
Lensdowne House, Berkeley Square,  
London W-1, England

or

(2) Possingworth Manor, Near Uckfield,  
Sussex, England

and that the answers of the said Sir Robert Craigie in response to the questions propounded to him be transmitted by cable, or the most rapid method of communication available, to the Office of the General Secretary of the International Military Tribunal for the Far East, Tokyo, Japan, and that immediately upon receipt thereof the Office of the General Secretary transmit a copy of said answers to counsel; and it is further

ORDERED: That all rights of the Prosecution to object to the questions propounded to said Sir Robert Craigie or to his answers thereto, or any portion thereof, are reserved subject to being interposed at such time as the interrogation is hereafter offered in evidence by the defense before the Tribunal; and it is

REQUESTED: That every facility and assistance be offered to effectuate the interrogation of said Sir Robert Craigie in compliance with the terms of this order.

BY THE TRIBUNAL:

(signed)

W.F. Webb

PRESIDENT



ORDERED: That the questions set forth in Annex A attached to this order be transmitted by cable, or the most rapid method of communication available, to England and there propounded to the Rt. Hon. Sir Robert Leslie Craigie whose address is

(1) c/o United Nations War Crimes Commission,  
Lansdowne House, Berkeley Square,  
London W-1, England

or

(2) Possingworth Manor, Near Uckfield,  
Sussex, England

and that the answers of the said Sir Robert Craigie in response to the questions propounded to him be transmitted by cable, or the most rapid method of communication available, to the Office of the General Secretary of the International Military Tribunal for the Far East, Tokyo, Japan, and that immediately upon receipt thereof the Office of the General Secretary transmit a copy of said answers to counsel; and it is further

ORDERED: That all rights of the Prosecution to object to the questions propounded to said Sir Robert Leslie Craigie or to his answers thereto, or any portion thereof, are reserved subject to being interposed at such time as the interrogation is hereafter offered in evidence by the defense before the Tribunal; and it is

REQUESTED: That every facility and assistance be offered to effectuate the interrogation of said Sir Robert Leslie Craigie in compliance with the terms of this order.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

ORDERED: That the questions set forth in Annex A attached to this order be transmitted by cable, or the most rapid method of communication available, to England and there propounded to the Rt. Hon. Sir Robert Leslie Craigie whose address is

(1) c/o United Nations War Crimes Commission,  
Lansdowne House, Berkeley Square,  
London W-1, England

or

(2) Possingworth Manor, Near Uckfield,  
Sussex, England

and that the answers of the said Sir Robert Craigie in response to the questions propounded to him be transmitted by cable, or the most rapid method of communication available, to the Office of the General Secretary of the International Military Tribunal for the Far East, Tokyo, Japan, and that immediately upon receipt thereof the Office of the General Secretary transmit a copy of said answers to counsel; and it is further

ORDERED: That all rights of the Prosecution to object to the questions propounded to said Sir Robert Leslie Craigie or to his answers thereto, or any portion thereof, are reserved subject to being interposed at such time as the interrogation is hereafter offered in evidence by the defense before the Tribunal; and it is

REQUESTED: That every facility and assistance be offered to effectuate the interrogation of said Sir Robert Leslie Craigie in compliance with the terms of this order.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Paper No. 1391  
Disposes of  
Oral Application.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
AT TOKYO, Japan

Case No. 1

THE UNITED STATES OF AMERICA, et al.

- vs -

ARAKI, Sadao, et al

COMMISSION TO TAKE THE DEPOSITION OF  
SHIDEHARA, Kijuro

The Defense having offered in evidence the affidavit of SHIDEHARA, Kijuro, together with verified certificate executed by Hirotoishi, Hashimoto, attending physician, certifying that the said SHIDEHARA is ill and unable to attend this trial and give his testimony in person and, the Prosecution objecting to the giving in evidence of the testimony of the said SHIDEHARA without opportunity to cross examine him at this time, it also appearing that the said SHIDEHARA resides in the suburbs of Tokyo, it is, therefore, duly considered by this Tribunal that the evidence of the said SHIDEHARA should be taken by deposition before one of the members of this Tribunal as Commissioner, and it is

ORDERED: That the deposition of the witness SHIDEHARA, Kijuro be taken before the Honorable Mr. Justice Northcroft, a member of this Tribunal, as Commissioner so to do, at the



residence of the said SHIDEHARA, Kijuro on the 11th day of November, 1947, at the hour of 2:00 P. M. or as soon thereafter as the said commissioner may determine, and from day to day and hour to hour thereafter until completed, and the Honorable Mr. Justice Northcroft is hereby designated and appointed as Commissioner before whom said deposition shall be taken; that a sufficient number of Court Reporters of this Tribunal, with the assistance of interpreters of this Tribunal, shall record the testimony given and that said deposition, when taken, transcribed and translated, shall be filed with the Secretariat of this Tribunal;

Further, that the Secretariat of this Tribunal is directed to make the necessary arrangements for the taking of this deposition.

Dated this 10th day of November, 1947, at Tokyo, Japan.

FOR THE TRIBUNAL:

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Myron C. Cramer, Major General  
Acting President

Paper No. 1397  
Disposes of  
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	COMMISSION
	)	TO TAKE THE
- vs -	)	DEPOSITION OF
	)	ISHII, Akiho
ARAKI, Sadao, et al	)	

The defense having offered in evidence the affidavit of ISHII, Akiho, and it appearing to the Tribunal that said ISHII, Akiho is now suffering from tuberculosis and is confined in the Komoro Branch of the First Tokyo National Hospital at Komoro, Japan, and because of said illness he is unable to attend this trial and give his testimony in person, and the prosecution objecting to the admission in evidence of the testimony of the said ISHII, Akiho without opportunity to cross-examine him at this time, it is therefore duly considered by this Tribunal that the affidavit of the said ISHII, Akiho should be taken by deposition before one of the members of this Tribunal as Commissioner; and it is .

ORDERED: That the deposition of the witness ISHII, Akiho, be taken before the Honorable Mr. Justice Northcroft, a member of this Tribunal, as Commissioner so to do at such

Paper No. 1397  
Disposes of  
Oral Application

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	COMMISSION
- vs -	)	TO TAKE THE
ARAKI, Sadao, et al	)	DEPOSITION OF
	)	ISHII, Akiho

The defense having offered in evidence the affidavit of ISHII, Akiho, and it appearing to the Tribunal that said ISHII, Akiho is now suffering from tuberculosis and is confined in the Komoro Branch of the First Tokyo National Hospital at Komoro, Japan, and because of said illness he is unable to attend this trial and give his testimony in person, and the prosecution objecting to the admission in evidence of the testimony of the said ISHII, Akiho without opportunity to cross-examine him at this time, it is therefore duly considered by this Tribunal that the affidavit of the said ISHII, Akiho should be taken by deposition before one of the members of this Tribunal as Commissioner; and it is .

ORDERED: That the deposition of the witness ISHII, Akiho, be taken before the Honorable Mr. Justice Northcroft, a member of this Tribunal, as Commissioner so to do at such

time and place as said Commissioner may hereafter determine, that a sufficient number of reporters of this Tribunal and assistants and interpreters of this Tribunal shall record the testimony, and that said deposition when taken, translated and transcribed shall be filed with the Secretariat of this Tribunal; and is further

ORDERED: That the Secretariat of this Tribunal make the necessary arrangements for the taking of the deposition of the witness ISHII, Akiho as ordered by this Tribunal.

Dated at Tokyo, Japan, this 13th day of November 1947.

BY THE TRIBUNAL:

(Signed) Myron C. Cramer  
Acting President

time and place as said Commissioner may hereafter determine, that a sufficient number of reporters of this Tribunal and assistants and interpreters of this Tribunal shall record the testimony, and that said deposition when taken, translated and transcribed shall be filed with the Secretariat of this Tribunal; and is further

ORDERED: That the Secretariat of this Tribunal make the necessary arrangements for the taking of the deposition of the witness ISHII, Akiho as ordered by this Tribunal.

Dated at Tokyo, Japan, this 13th day of November 1947.

BY THE TRIBUNAL:

(Signed) Myron C. Cremer  
Acting President



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

) ORDER OF THE TRIBUNAL  
) WITH REFERENCE TO THE  
) AFFIDAVITS OF PROSE-  
) CUTION WITNESSES  
) KITA, Seiichi  
) AKIKUSA, Shun  
) YANAGITA, Genzo  
) USHIROKU, Jun  
) OTSUBA, Kajuma  
) TOMINAGA, Keoji

This matter coming on for decision by the Tribunal in open court this 17th day of November, 1947, with reference to the affidavits of certain prosecution witnesses whose production for cross-examination was required by the previous order of the Tribunal made in open court on the 17th day of June, 1947, and the subsequent order of the Tribunal (Paper No. 1238) extending the time for compliance with its previous order of June 1947 to October 17, 1947, and the Tribunal having heard the statements and arguments of counsel for the prosecution and the defense, and being fully advised in the premises, finds

That all of the witnesses coming within the purview of the previous order of this Tribunal made on the 17th day of June, 1947, and the order of this Tribunal subsequent thereto (Paper No. 1238) extending the time for compliance therewith to October 17, 1947, have been produced by the prosecution in compliance with the terms and requirements of





said orders and an opportunity has been afforded counsel for the defense and each of the accused in this case for cross-examining said witnesses, with the exception of the following named witnesses:

KITA, Seiichi whose affidavit was offered and received in evidence and marked Exhibit 835 as appears at page 8127 of the transcript of the record

AKIKUSA, Shun whose affidavit was offered and received in evidence and marked Exhibit 743 as appears at page 7708 of the transcript of the record

YANAGITA, Genzo whose affidavit was offered and received in evidence and marked Exhibit 723 as appears at page 7580 of the transcript of the record

USHIROKU, Jun whose affidavit was offered and received in evidence and marked Exhibit 703 as appears at page 7515 of the transcript of the record

OTSUBA, Kajuma whose affidavit was offered and received in evidence and marked Exhibit 837 as appears at page 8160 of the transcript of the record

TOMINAGA, Keoji whose affidavit was offered and received in evidence and marked Exhibit 705 as appears at page 7526 of the transcript of the record

and the Tribunal further finds

That the prosecution has adduced convincing evidence of good reasons for its inability to produce the witness KITA, Seiichi for cross-examination,

WHEREFORE IT IS ORDERED by a majority vote of the members of the Tribunal that the affidavit of the witness KITA, Keiichi, which is Exhibit 835 in this case, will be taken into consideration for such probative value as it may

have, and the affidavits of the deponents AKIKUSA, Shuh  
(Exhibit 74), NAGITA, Genzo (Exhibit 723), USHIROKU, Jun  
(Exhibit 70), UBA, Kajuma (Exhibit 837) and TOMINAGA,  
Keoji (Exhibit 75) will be disregarded by the Tribunal and  
will not be taken into consideration by the members of the  
Tribunal in their deliberations of this case.

Dated at Tokyo, Japan this 17th day of November 1947.

BY THE TRIBUNAL:

(signed) Myron C. Cramer  
Acting President

SITTING:

The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Ju-Ao Mei  
The Honorable Mr. Justice Bernard  
Lord Petrick  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Northcroft  
The Honorable Mr. Justice Jaranilla  
Maj. Gen. of Justice I. M. Zaryanov  
Maj. Gen. Myron C. Cramer

Paper No. 1429  
Disposes of  
Paper No. 1414

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al )  
  ) ORDER  
  ) FOR THE PRODUCTION  
  ) OF CERTAIN WITNESSES  
  ) NECESSARY TO THE  
- vs - ) DEFENSE OF THE  
  ) ACCUSED  
ARAKI, Sadao, et al ) SHIRATORI, Toshio  
  ) UNDER THE CHARTER

This matter coming on for hearing this 5th day of December 1947, before the Honorable Myron C. Cramer, Acting President of the Tribunal, upon the application of the Accused SHIRATORI, Toshio by SAKUMA, Shin and Charles B. Caudle, his counsel of record, for the production of witnesses necessary to his defense in accordance with the provisions of Section III, Article 9(e) of the Charter, the names and addresses of said witnesses being fully set forth in said application, which is paper No. 1414, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named persons be granted as prayed:

1. YATSUGI, Kazuo:

- a. The nationality of the witness is Japanese;
- b. The present address of the witness is No. 5, Sakura-ga-oka-Cho Shibuya-ku, Tokyo;

2. UGAKI, Issei:

- a. The nationality of the witness is Japanese;
- b. The present address of the witness is Nagaoka-Onsen, Izu, Shizuoka Prefecture;

3. NAGAI, Mikizo;
  - a. The nationality of the witness is Japanese;
  - b. The present address of the witness is Foreign Office, Tokyo, Japan;
4. SAITO, Yoshie:
  - a. The nationality of the witness is Japanese;
  - b. The present address of the witness is No. 42, Shoto-cho Shibuya-ku, Tokyo;
5. MISS UNO, Masuko:
  - a. The nationality of the witness is Japanese;
  - b. The present address of the witness is Ho-29, No. 10, Nishikata-machi Bunkyo-ku, Tokyo
6. MISHIMA, Yasuo:
  - a. The nationality of the witness is Japanese;
  - b. The present address of the witness is No. 27, 1-Chome, Kita-Urawa-machi Urawa-shi, Saitama Prefecture;
7. DR. MURAMATSU, Tsuneo:
  - a. The nationality of the witness is Japanese;
  - b. The present address of the witness is No. 304, 4-Chome Matsubara-cho, Satagaya-ku, Tokyo
8. ARIMA, Yoriyasu:
  - a. The nationality of the witness is Japanese;
  - b. The present address of the witness is No. 71, Sekine-cho, Suginami-ku, Tokyo;

and that summonses be issued by the General Secretary of the Tribunal commanding the said witnesses to attend the Tribunal

Paper No. 1452  
Disposes of  
Paper No. 1443

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER AUTHORIZING ) THE CLERK TO RELEASE ) CERTAIN BOOKS TO ) OWEN CUNNINGHAM ) COUNSEL FOR THE ) ACCUSED OSHIMA, Hiroshi
- vs -	
ARAKI, Sadao, et al	

This matter coming on to be heard this 10th day of December, 1947, before the Honorable Myron C. Cramer, Acting President of the Tribunal, upon the application of Owen Cunningham, American counsel for the Accused OSHIMA, Hiroshi, for the release of certain books alleged in said application to be in the custody of the Clerk of the Tribunal, a description of said books and the reasons for their release being set forth fully in the application which is Paper No. 1443, and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises FINDS

A. That the following books set forth in said application have never been presented to the Clerk of this Tribunal and are not in his possession:

Bouviere's Law Dictionary

Transcript of Nurnburg Proceedings  
for March 31;

B. That the following described books are now in the possession of the Clerk of this Tribunal and that

the same were not offered in evidence on the trial of this case:

Fenwicke Cases, AJIL (1932)  
Defense Document No. 2822

Wilson's Handbook  
Defense Document No. 2570

Dept. of State Bulletin (Atomic Energy)  
Defense Document No. 2821

Dept. of State Bulletin (Nurnburg Experts)  
Defense Document No. 2831

Fuhrer Conferences 1940, 1942 and 1943  
Defense Documents Nos. 2815, 2816, 2817;

C. That the following described books which were offered in evidence and rejected are now in the possession of the Clerk of this Tribunal and have been given the rejected document numbers following their respective titles:

Fenwicke Cases, AJIL (1932)  
Defense Document No. 2728  
Rejected Document No. 619

Feller and Hudson (Diplomatic Laws)  
Defense Document No. 2727  
Rejected Document No. 623

Shirers Berlin Diary  
Defense Document No. 2713  
Rejected Document No. 627

Garner International Law  
Defense Document No. 2729  
Rejected Document No. 628

Pitt Corbetts Cases  
Defense Document No. 2836  
Rejected Document No. 629

Biggs on International Law  
Defense Document No. 2797  
Rejected Document No. 630

Oppenheim on Diplomatic Privileges  
Defense Document No. 2826  
Rejected Document No. 631

Digest of International Law Vol. IV Hackworth  
Defense Document No. 2793  
Rejected Document No. 620

Davies Mission to Moscow  
Defense Document No. 1447  
Rejected Document No. 187

Transcript of Nurnburg Proceedings  
for March 29 and April 1  
Defense Document No. 1449  
Rejected Document No. 275

D. That the following described books were offered and marked "For Identification Only" and excerpts therefrom were admitted in evidence and marked as exhibits in this case:

Tolischus Tokyo Record - Ex. No. 2752  
for Identification Only. Excerpt therefrom  
admitted as Exhibit No. 2752-A

Transcript of Nurnburg Proceedings  
for March 28 - Ex. No. 2763 for  
Identification Only. Excerpt therefrom  
admitted as Exhibit No. 2763-A

Transcript of Nurnburg Proceedings  
for March 30 - Ex. No. 2692 for  
Identification Only. Excerpt therefrom  
admitted as Exhibit No. 2692-A

E. That all of said books now in the possession of the Clerk of this Tribunal are from the personal library of Owen Cunningham and are needed by him for the preparation of a brief in this case, and that the withdrawal of these documents and their return to said applicant will in nowise prejudice the rights of the Prosecution or of the Accused, or any of them, and that no substantial injustice will result thereby to the Prosecution or the Accused;

THEREFORE IT IS ORDERED: That the Clerk of this Tribunal is authorized and directed to release and deliver unto Owen Cunningham, American counsel for the Accused OSHIMA, Hiroshi, the following described documents now in his possession:

Fenwicke Cases, AJIL (1932)  
Defense Document No. 2728  
Rejected Document No. 619

Wilson's Handbook  
Defense Document No. 2570

Feller and Hudson (Diplomatic Laws)  
Defense Document No. 2727  
Rejected Document No. 623

Shirers Berlin Diary  
Defense Document No. 2713  
Rejected Document No. 627

Garner International Law  
Defense Document No. 2729  
Rejected Document No. 628

Pitt Corbetts Cases  
Defense Document No. 2836  
Rejected Document No. 629

Biggs on International Law  
Defense Document No. 2797  
Rejected Document No. 630

Oppenheim on Diplomatic Privileges  
Defense Document No. 2826  
Rejected Document No. 631

Dept. of State Bulletin (Atomic Energy)  
Defense Document No. 2821

Dept. of State Bulletin (Nurnburg Experts)  
Defense Document No. 2831

Digest of International Law Vol. IV Hackworth  
Defense Document No. 2793  
Rejected Document No. 620

Davies Mission to Moscow  
Defense Document No. 1447  
Rejected Document No. 187

Fuhrer Conferences 1940, 1942 and 1943  
Defense Documents Nos. 2815, 2816, 2817

Transcript of Nurnberg Proceedings  
for March 29 and April 1  
Defense Document No. 1449  
Rejected Document No. 275;

and it is further

ORDERED: That the following described books be  
withdrawn from the files of the Tribunal forthwith and  
delivered to Owen Cunningham, American counsel for Accused  
OSHIMA, Hiroshi, under the express term and condition, how-  
ever that said documents shall be returned to the Tribunal



upon request in the event either the Tribunal or the Prosecution or the Defense should desire them for the purpose of this trial:

Tolischus Tokyo Record - Ex. No. 2752  
for Identification Only

Transcript of Nurnburg Proceedings for  
March 28 - Ex. No. 2763 for  
Identification Only

Transcript of Nurnburg Proceedings for  
March 30 - Ex. No. 2692 for  
Identification Only;

and it is further

ORDERED: That the excerpts from Court Exhibits Nos. 2752, 2763 and 2692, to wit: Court Exhibits Nos. 2752-A, 2763-A and 2692-A shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status;

and it is further

ORDERED: That the application for the release and return of the following described books which are not in the possession of the Clerk of this Tribunal be dismissed:

Bowdiers Law Dictionary

Transcript of Nurnburg Proceedings  
for March 31.

BY THE TRIBUNAL:

(signed) Myron C. Cramer  
Acting President

on the 8th day of December, 1947, and thereafter as  
required, and testify before the Tribunal as witnesses  
for the said Accused SHIRATORI, Toshio.

BY THE TRIBUNAL:

(signed) Myron C. Cramer  
Acting President

INTERNATIONAL MILITARY TRIBUNAL, FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al }  
- vs - }  
ARAKI, Sadao, et al }  
EMENDMENT TO THE  
RULES OF PROCEDURE  
BY THE ADOPTION AND  
PROMULGATION OF  
RULES 10 AND 11

By a majority of the Tribunal the present Rules of Procedure of the International Military Tribunal for the Far East as established by the special proclamation of the 19th of January 1946 of the Supreme Commander for the Allied Powers, and amended by the proclamation of the 26th of April 1946 of the Supreme Commander for the Allied Powers, and by the Charter of the Tribunal of the same date and the amendments thereto, are amended by the adoption of the following rules of procedure which are hereby promulgated by the Tribunal in accordance with the provisions of Article 7 of the Charter as Rules 10 and 11 of the Rules of Procedure of the International Military Tribunal for the Far East:

Rule 10:

Evidence in Mitigation

The Tribunal will permit the Accused to offer evidence in mitigation. Such evidence may be offered immediately after all other evidence is received. Evidence as to character will not be received.

Rule 11:

Final Arguments, Summations

A. Immediately following the close of the evidence, the prosecution will deliver its summation.

B. After the summation of the prosecution, the defense may present argument on general questions followed by the argument in the individual cases.

C. The prosecution may reply.

D. The original of each summation shall be filed with the General Secretary of the Tribunal and shall be made part of the transcript of proceedings.

E. In reading their summations, counsel will omit (a) reference to exhibit and document numbers and pages of the transcript which may be made by way of footnotes or otherwise, and (b) such details of events and facts the reading whereof may reasonably be dispensed with or which may conveniently be set forth in appendices.

F. Repetitious arguments and repetitious statements of fact will be omitted.

G. Summations and copies thereof shall be typed with quarter margins and double spacing.

Dated at Tokyo, Japan, this 16th day of December 1947.

BY THE TRIBUNAL:

W. F. Webb  
PRESIDENT

SITTING:

The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Ju-Ao Mei  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice R. B. Pal  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Northcroft  
The Honorable Mr. Justice Jaranilla  
Maj. Gen. of Justice I. M. Zaryanov  
Maj. Gen. Myron C. Cramer

Paper No. 1479  
Disposes of  
Paper No. 1477

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al )  
- vs - )  
ARAKI, Sadao, et al )

ORDER  
FOR THE PRODUCTION  
OF A CERTAIN WITNESS  
NECESSARY FOR THE  
DEFENSE OF THE ACCUSED  
UMEZU, Yoshijiro  
UNDER THE CHARTER

This matter coming on to be heard on the 6th day of January 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused UMEZU, Yoshijiro, for the production of a certain witness necessary to his defense, in accordance with the provisions of Section III, Article 9(e) of the Charter, the name of said witness being fully set forth in said application which is Paper No. 1477, and the Tribunal having heard the statements and arguments of counsel, and being fully advised in the premises, it is

ORDERED: That said application for the production of the following named person be granted as prayed:

GENERAL NISHIO, TOSHIZO,  
also known as NISHIO, JUZO

- a. The nationality of the witness is Japanese;
- b. The present address of the witness is Sugamo Prison;

and that a summons be issued by the General Secretary of the Tribunal commanding the said witness to attend the Tribunal on the 7th day of January 1948, and thereafter as his attendance may be required, and testify before said Tribunal as a witness for the Defense.

BY THE TRIBUNAL:

(signed) W. F. Webb  
President





ORDERED: That the Accused HOSHINO, Naoki, be allowed to reopen his case for the purpose of offering the following documents:

1. Excerpts from the draft of Great East Co-prosperity Sphere (Ex. 688)  
Title Page Def. Doc. 2964-A  
Page 1 thereof Def. Doc. 2964-B
2. Excerpts from the First Total War Table Maneuver (Ex. 870)  
Page 1 thereof Def. Doc. 2965-A  
Page 2 thereof Def. Doc. 2965-B
3. Excerpt from Record of the First Total War Table Maneuver (Ex. 871)  
Title page Def. Doc. 2966
4. Regulation concerning the students of the Total War Research Institute  
Def. Doc. 2967

and it is further

ORDERED: That all objections which the Prosecution may have to the admission in evidence of said documents are reserved to the Prosecution, subject to be made at such time as said documents are offered.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



Paper No. 1491  
Disposes of Oral Application  
and Paper No. 1480

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

UNITED STATES OF AMERICA, et al	) ORDER
- vs -	) GRANTING PERMISSION
ARAKI, Sadao, et al	) TO REOPEN CASE OF
	) ACCUSED OSHIMA, Hiroshi
	) FOR THE PURPOSE OF OFFERING
	) ADDITIONAL TESTIMONY

This matter coming on for decision by the Tribunal in open court this 8th day of January, 1948, upon the application of the Accused OSHIMA, Hiroshi, by his counsel of record, for leave to reopen his individual case for the purpose of offering testimony of two additional witnesses to combat certain testimony introduced and admitted in the individual case of the Accused TOGO subsequent to the conclusion of the presentation of the individual defense of said Accused OSHIMA, said application having been made orally in open court on the 16th day of December 1947 and renewed in Chambers on the 7th day of January 1948 by written application which is Paper No. 1480, reference to which is hereby made and which sets forth the names of the witnesses intended to be offered in behalf of said Accused OSHIMA, and the Tribunal having heard the statements and arguments of counsel for said Accused and the Prosecution, and being fully advised in the premises, it is

ORDERED: That the Accused OSHIMA, Hiroshi, be allowed to reopen his case for the purpose of offering the evidence of two witnesses, KOGIMA and GODO; and it is further

ORDERED: That all objections which the Prosecution may have to the admission in evidence of the affidavits of said witnesses are reserved to the Prosecution, subject to being made at such time as said affidavits are offered in evidence.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

All Members of the  
Tribunal Sitting.



January, 1948, reference to which is hereby made;

And the Tribunal having heard the statements and arguments of counsel for said Accused ARAKI and the Prosecution, and being fully advised in the premises, it is

ORDERED: That the individual case of said Accused ARAKI, Sadao, may be reopened for the purpose of offering further evidence in reply to the supplementary affidavit of the witness TAKEBE offered by the Prosecution on the 27th day of October, 1947, and admitted in evidence as Exhibit 3371 at a time subsequent to the conclusion of the individual case of said Accused ARAKI; and it is further

ORDERED: That the application to reconsider the previous decisions of this Tribunal wherein documents offered on behalf of said Accused ARAKI were rejected be and the same hereby is denied; and it is further

ORDERED: That all objections which the Prosecution may have to the admission in evidence of any further evidence offered on behalf of said Accused ARAKI are reserved to the Prosecution, subject to being made at such time as said affidavits are offered in evidence.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

All Members of the  
Tribunal Sitting



2. Defense Document No. 2486 (Interrogatories propounded to the Rt. Hon. Sir Robert L. Craigie, former British Ambassador to Tokyo, and his answers thereto transmitted by cable under authority of the previous order of this Tribunal bearing Paper No. 1331

and it is further

ORDERED: That all objections which the Prosecution may have to the admission in evidence of the aforementioned documents are reserved to the Prosecution, subject to being made at such time as said documents are offered in evidence.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

All Members of the  
Tribunal Sitting.



individual defense of said Accused SHIMADA.

BY THE TRIBUNAL:

(signed) W. F. Webb  
President

SITTING:

The Honorable Sir William Webb  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Ju-Ao Mei  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal  
Lord Patrick  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Northcroft  
Maj. Gen. of Justice I. M. Zaryanov  
Maj. Gen. Myron C. Cramer



Paper No. 1505  
Disposes of Papers  
Nos. 1474, 1475, 1486

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER  
- vs - ) GRANTING APPLICATIONS  
- vs - ) OF PROSECUTION FOR  
ARAKI, Sadao, et al ) EXEMPTION FROM RULE 6(b)(1)  
 ) WITH RESPECT TO PROSECU-  
 ) TION DOCUMENT NO. 3150  
 )

This matter coming on to be heard this 12th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section Document No. 3150, which document is a photostatic copy of the SAIONJI-HARADA MEMOIRS, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the Accused or their counsel copies of excerpts only from said document in both the Japanese and English language in the place and stead of the entire original document, the excerpts referred to being fully set forth in said applications which are Paper Nos. 1474, 1475 and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, is is

ORDERED: That said applications be and are hereby granted as prayed, subject however, to any further order of the Tribunal hereafter made upon application of the Defense requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Paper No. 1506  
Disposes of  
Paper No. 1476

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER  
  ) GRANTING APPLICATION  
  ) OF PROSECUTION FOR  
  ) EXEMPTION FROM RULE 6(b)(1)  
  ) WITH RESPECT TO  
  ) PROSECUTION DOCUMENTS  
  ) NOS. 3008, 3030-B, 3030-C,  
  ) 3333, 3146-A AND 3196-A

- vs -

ARAKI, Sadao, et al

This matter coming on to be heard the 12th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section Documents Nos. 3008, 3030-B, 3030-C, 3333, 3146-A and 3196-A, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the Accused or their counsel copies of excerpts only from said documents in both the Japanese and English language in the place and stead of the entire original documents, said original documents having been lodged with the Clerk of the Tribunal with said application which is Paper No. 1476, translations of the excerpts intended to be adduced into evidence being attached thereto; and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed, subject, however, to any further order of the Tribunal hereafter made upon application of the Defense

requiring additional excerpts to be served upon the Accused  
or their counsel in Japanese or English.

BY THE TRIBUNAL:

(signed) W. F. Webb

PRESIDENT

Paper No. 1507  
Disposes of  
Paper No. 1483

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER
	)	GRANTING APPLICATION
	)	OF PROSECUTION FOR
- vs -	)	EXEMPTION FROM RULE 6(b)(1)
	)	WITH RESPECT TO
ARAKI, Sadao, et al	)	PROSECUTION DOCUMENTS
	)	NOS. 3048, 3091,
	)	3098 AND 3332

This matter coming on to be heard the 12th day of January, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for an order of exemption from the provisions of Rule 6(b)(1) of the Rules of Procedure of the International Military Tribunal for the Far East, with respect to International Prosecution Section Documents Nos. 3048, 3091, 3098 and 3332, portions of which the Prosecution intend to be adduced in evidence, so as to permit the Prosecution to serve upon the Accused or their counsel copies of excerpts only from said documents in both the Japanese and English language in the place and stead of the entire original documents, said original documents having been lodged with the Clerk of the Tribunal with said application which is Paper No. 1483, translations of the excerpts intended to be adduced into evidence being attached thereto; and the Tribunal having heard the statements and arguments of counsel and being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed, subject, however, to any further order of the Tribunal hereafter made upon application of the Defense requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



ORDERED: That said application be and is hereby granted as prayed, subject, however, to any further order of the Tribunal hereafter made upon application of the Defense requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY ORDER OF THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT





ORDERED: That said application be and is hereby granted as prayed, subject, however, to any further order of the Tribunal hereafter made upon application of the Defense requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY THE TRIBUNAL:

(signed) W. F. Webb

PRESIDENT



ORDERED: That said application be and is hereby granted as prayed, ~~subject~~, however, to any further order of the Tribunal hereafter made upon application of the Defense requiring additional excerpts to be served upon the Accused or their counsel in Japanese or English.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



Exhibit No. 178 for Identification Only and that no substantial injustice or prejudice to the rights of the Prosecution or of the Accused, or any of them, will result from the withdrawal of the original diary from the files of the Clerk of this Tribunal, it is

ORDERED: That said application be and is hereby granted; and it is further

ORDERED: That Court Exhibit No. 178 for Identification Only, being the original of the diary of KIDO, Koichi, for the years 1930 to 1945 inclusive, be withdrawn from the files of the Tribunal forthwith and delivered to said Accused KIDO, Koichi or his counsel in his behalf, upon the express term and condition, however, that said document shall be returned to the Tribunal upon request in the event that either the Tribunal or the Prosecution or the Defense should require it for the purpose of this trial; and it is further

ORDERED: That all excerpts from said Court Exhibit No. 178 for Identification Only which have been admitted into evidence shall remain in the files and records of the Tribunal and that this order in no respect affects their present status.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT





late HONJO, Shigeru, to whom said documents are precious mementos, has requested their return as expeditiously as possible; and it further appearing to the Tribunal that no substantial injustice or prejudice to the rights of the Prosecution or the Accused, or any of them, will result from the withdrawal of said documents from the files of this Tribunal, and the Prosecution has interposed no objection to their withdrawal and return to the family of the late HONJO, Shigeru, it is

ORDERED: That Court Exhibits Nos. 2401 and 2403 be withdrawn from the files of the Tribunal forthwith and returned to the family of the late HONJO, Shigeru, upon the express term and condition, however, that said documents shall be returned to the Tribunal upon request in the event that either the Tribunal or the Prosecution or the Defense should require them for the purpose of this trial.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



were obtained, and that no substantial injustice or prejudice to the rights of the Prosecution or the Accused, or any of them, will result from the withdrawal of said documents and their return to the source from which they were obtained; and it further appearing that the Prosecution has interposed no objection thereto, it is

ORDERED: That said application be and it is hereby granted; and it is further

ORDERED: That Court Exhibits Nos. 3643 for Identification Only and 3654 for Identification Only be withdrawn from the files of the Tribunal forthwith and returned to the Japanese Foreign Ministry, the source from which they were obtained, upon the express term and condition, however, that said documents shall be returned to the Tribunal upon request in the event that either the Tribunal or the Prosecution or the Defense should require them or either of them for the purpose of this trial; and it is further

ORDERED: That all excerpts from said Court Exhibits Nos. 3643 for Identification Only and 3654 for Identification Only which have been admitted into evidence shall remain in the files and records of the Tribunal, and that this order in no respect affects their present status.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



ORDERED: That the application of the Defense  
be and it is hereby granted, and that the Tribunal stand  
recessed from 1125 hours on the 3rd day of February, 1948,  
to reconvene on the 9th day of February, 1948, at 0930 hours.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

SITTING:

The Honorable Sir William F. Webb  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Ju-Ao Mei  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Northcroft  
Major General Myron C. Cramer



ORDERED: That said application be granted as prayed, and that said Defense Document No. 3072, being a book entitled "NAZI-SOVIET RELATIONS, 1939-1941", be returned by the Clerk of this Tribunal to Owen Cunningham, American counsel for the Accused OSHIMA, Hiroshi.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

SITTING:

The Honorable Sir William F. Webb  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Ju-Ao Mei  
The Honorable Mr. Justice Bernard  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Northcroft  
The Honorable Mr. Justice Jaranilla  
Maj. Gen. of Justice I. M. Zaryanov  
Maj. Gen. Myron C. Cramer

Paper No. 1550  
Disposes of  
Paper No. 1542

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) DISMISSING SUPPLEMENT
- vs -	) TO THE GENERAL MOTION
	) TO DISMISS ON BEHALF OF
	) SOME DEFENDANTS FILED AT
ARAKI, Sadao, et al	) THE CONCLUSION OF THE
	) EVIDENCE ON BEHALF OF THE
	) PROSECUTION AND RENEWED
	) AT THE CONCLUSION OF
	) ALL THE EVIDENCE.

This matter coming on for consideration and decision by the Tribunal this 10th day of February, 1948, upon the supplement filed on behalf of the Accused ARAKI, Sadao, DOHIHARA, Kenji, HATA, Shunroku, HIRANUMA, Kiichiro, HIROTA, Koki, HOSHINO, Naoki, ITAGAKI, Seishiro, KIDO, Koichi, KIMURA, Heitaro, KOISO, Kuniaki, MATSUI, Iwane, MINAMI, Jiro, SATO, Kenryo, SHIMADA, Shigetaro, SHIRATORI, Toshio, TOGO, Shigenori and UMEZU, Yoshijiro, by their counsel of record to the general motion to dismiss, which was filed on behalf of some of the Accused at the conclusion of the evidence on behalf of the Prosecution and renewed at the conclusion of all the evidence, by adding two new paragraphs to said motion, which paragraphs are fully set forth in the supplement to the general motion which is Paper No. 1542, said supplement having been submitted without argument by counsel for the Defense, and the Prosecution, and the Tribunal being fully advised in the



premises, it is

ORDERED; That said motion be and it hereby is,  
dismissed.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

SITTING:

The Honorable Sir William F. Webb  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Ju-Ao Mei  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Northcroft  
The Honorable Mr. Justice Jeranilla  
Maj. Gen. of Justice I. M. Zaryanov  
Maj. Gen. Myron C. Cramer

Paper No. 1551  
Disposes of  
Paper No. 1538

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER  
  ) DISMISSING MOTION ON  
  ) BEHALF OF CERTAIN ACCUSED,  
  ) DIRECTED TO THE JURIS-  
  ) DICTION OF THE TRIBUNAL  
  ) AND THE POWERS VESTED  
  ) IN THE SUPREME COMMANDER  
  ) ALLIED POWERS

- vs -

ARAKI, Sadao, et al

This matter coming on for consideration and decision by the Tribunal upon the motion filed on behalf of the Accused HATA, Shunroku, HIROTA, Koki, HOSHINO, Naoki, ITAGAKI, Seishiro, KAYA, Okinori, KIMURA, Heitaro, KOISO, Kuniaki, MATSUI, Iwane, MINAMI, Jiro, OKA, Takasumi, SATO, Kenryo, SHIMADA, Shigetaro, SHIRATORI, Toshio, SUZUKI, Teiichi, TOGO, Shigenori, UMEZU, Yoshijiro and MUTO, Akira, by their counsel of record for an order adjudging that the International Military Tribunal for the Far East is without jurisdiction or authority in law to hear and determine the indictment lodged with the Tribunal on the 3rd day of May, 1946, and to dismiss said indictment, the grounds for said motion being fully set forth in said motion which is Paper No. 1538, the same having been submitted without argument by counsel for the Defense and the Prosecution, and the Tribunal being fully advised in the premises, it is

ORDERED: That said motion be and it hereby is  
dismissed.

BY THE TRIBUNAL:

(signed) W. F. Webb  
President

SITTING:

The Honorable Sir William F. Webb  
The Honorable Mr. Justice McDougall  
The Honorable Mr. Justice Ju-Ao Mei  
The Honorable Mr. Justice Pal  
The Honorable Mr. Justice Roling  
The Honorable Mr. Justice Northcroft  
The Honorable Mr. Justice Jaranilla  
Mar. Gen. of Justice I. M. Zaryanov  
Maj. Gen. Myron C. Cramer



INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER.
	)	DIRECTING CLERK TO MARK
	)	ORIGINAL EXHIBITS SO AS
- vs -	)	TO INDICATE PORTIONS
	)	REJECTED AND ALSO TO
	)	PREPARE CERTAIN INSTRUMENTS
ARAKI, Sadao, et al	)	CLARIFYING LANGUAGE
	)	CORRECTIONS

It appearing to the Tribunal that certain of the Exhibits offered in evidence by the Prosecution and the Defense were admitted in part and rejected as to certain parts thereof and that said Exhibits have been given exhibit numbers and become part of the record in this case, without any marking or markings upon said exhibits which indicate which portion or portions of said exhibits have been admitted into evidence; and

It further appearing that the Language Arbitration Board of the Tribunal has from time to time, during the proceedings in this case, made certain recommendations that translations of certain exhibits be changed and corrected, which recommendations of the Language Arbitration Board were adopted and ordered by the Tribunal subsequent to the admission into evidence of such Exhibits; and

It appearing to the Tribunal that because of the foregoing some difficulty may be encountered in determining which portions of exhibits which were partially admitted and partially rejected are in evidence and for consideration by the Tribunal in its deliberations upon the case and that confusion may result as to the exact translation of exhibits adopted and ordered by the Tribunal,



Therefore, in order to eliminate any and all confusion and uncertainty which might result from the foregoing, and for the purpose of clarifying and making definite and certain the record in this case, it is

ORDERED: That the Clerk of this Tribunal mark all original exhibits, which have been admitted in part and rejected in part, in this case in such a manner as to indicate clearly that portion of the exhibit which was rejected by the Tribunal at the time said exhibit was offered in evidence; and it is further

ORDERED: That the Clerk shall prepare and compile a document, setting forth all language corrections, recommended by the Language Arbitration Board and ordered by the Tribunal to be made in exhibits and translations thereof, which are now or may hereafter be ordered made a part of the record in this case; and it is further

ORDERED: That the Clerk of this Tribunal prepare separate instruments each containing a language correction recommended by the Language Arbitration Board and ordered to be made by the Tribunal, which instrument shall be attached to and filed with the original exhibit affected thereby, the translation of which has been or shall hereafter be corrected by order of the Tribunal. Said instrument so attached to the original exhibit shall indicate and set forth the page of the Transcript of the Record in this case at which said language correction was recommended by the Language Arbitration Board and ordered by the Tribunal.

Dated at Tokyo, Japan, this 12th day of February 1948.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER  
  ) AUTHORIZING PHOTOGRAPHING  
  ) OR PHOTOSTATING OR MICRO-  
  ) FILMING OF ALL  
- vs -                                      ) EXHIBITS  
ARAKI, Sadao, et al

Upon consideration of the International Military Tribunal for the Far East this 12th day of February, 1948, it is

ORDERED: That the agents or persons authorized and delegated by the Supreme Commander of the Allied Powers for such purpose be and they are hereby authorized and permitted to make an exact copy of any and all original Exhibits and/or the translations thereof in the possession and custody of and under the control of the Clerk of this Tribunal, and which are part of the record in this case, by photographing the same, photostating or reproducing upon micro-film or by any other process determined upon by said persons or agents of the Supreme Commander for the purpose of producing exact and accurate copies of said Exhibits and/or translations thereof for the purposes required by the Supreme Commander of the Allied Powers; and it is further

ORDERED: That the Clerk of this Tribunal make available to said persons or agents delegated by the Supreme Commander of the Allied Powers the original Exhibits and/or translations thereof in his custody and under his control and contained in the files of said Clerk as part of the Record in this case,



and said Clerk shall render any and all assistance required for the purpose of carrying out this order to such persons and agents delegated by the Supreme Commander of the Allied Powers, provided, however, that the Clerk shall at no time during the process or operation of photographing, photostating or micro-filming of said exhibits and/or translations thereof surrender the actual custody and control of the same.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



Paper No. 1559  
Disposes of  
Paper No. 1549

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

} ORDER  
} GRANTING WITHDRAWAL FROM  
} THE FILES OF THE TRIBUNAL  
} OF IPS DOCUMENT NO. 1744,  
} A BOOK ENTITLED  
} "DOCUMENTS OF THE  
} NANKING SAFETY ZONE"

This matter coming on to be heard this 12th day of February, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for leave to withdraw from the files of the Tribunal the volume designated as IPS Document No. 1744, being a book entitled "Documents of the Nanking Safety Zone", edited by Shuhsi Hsu, excerpts from which book were offered and received in evidence and are now Court Exhibit No. 323, the reasons for said requested withdrawal being fully set forth in said application which is Paper No. 1549, and the Tribunal having heard the statements and arguments of counsel for the Prosecution, and being fully advised in the premises,

And it appearing to the Tribunal that no substantial injustice or prejudice to the rights of the Prosecution or the Accused, or any of them, will result from the withdrawal of said IPS Document No. 1744 and the return thereof to the source from which it was obtained;

And it further appearing that the Defense has interposed no objection thereto, it is

ORDERED: That said application be and it hereby is granted; and it is further

ORDERED: That IPS Document No. 1744, being a book entitled "Documents of the Nanking Safety Zone", edited by Shuhsi Hsu, be withdrawn from the files of the Tribunal forthwith and returned to Dr. C. L. Boynton in Shanghai, China, from whom it was obtained by the Prosecution, upon the express term and condition, however, that said book shall be returned to the Tribunal upon 48 hours' notice in the event that either the Tribunal or the Prosecution or the Defense should require it for the purpose of this trial; and it is further

ORDERED: That Court Exhibit No. 323, which is the excerpts from said book which have been admitted into evidence, shall remain in the files and records of the Tribunal and that this order in no respect affects the status of Court Exhibit No. 323.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



to the source from which they were obtained;

And it further appearing that excerpts from said documents were offered and received in evidence by the Tribunal in this case, it is

ORDERED: That said application be and it hereby is granted and that Exhibit No. 2651 for Identification Only, Exhibit No. 2652 for Identification Only, and Exhibit No. 2654 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to Ben Bruce Blakeney, to be delivered by him to the source from which they were obtained, upon the express term and condition, however, that they be returned to the Clerk of the Tribunal, immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense, for the purposes of this trial; and it is further

ORDERED: That any and all excerpts or parts of said Exhibits Nos. 2651 for Identification Only, 2652 for Identification Only and 2654 for Identification Only, which have been received in evidence in this case and marked as exhibits, shall remain in the files of the Tribunal and their status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Paper No. 1654  
Disposes of  
Paper No. 1591

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER
	) GRANTING WITHDRAWAL
	) FROM THE FILES OF
- vs -	) THE TRIBUNAL OF
	) COURT EXHIBIT NO. 3545
ARAKI, Sadao, et al	) FOR IDENTIFICATION ONLY

This matter coming on to be heard this 1st day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused SHIGEMITSU, Mamoru, by George A. Furness, his counsel, for leave to withdraw from the files of the Tribunal a certain document entitled "SINO-FOREIGN TREATY SERIES", which document was offered for identification only and marked Exhibit 3545 for Identification Only, said document being fully described in said application which is Paper No. 1591, to the end that said document may be returned forthwith to the Japanese Foreign Office from which it was secured;

And the Tribunal having heard the statements and arguments of said counsel for said Accused and being fully advised in the premises, and it appearing to the Tribunal that said Exhibit No. 3545 for Identification Only is required for carrying on the business of the Japanese Foreign Office, the source from which it was obtained, and that no substantial injustice or prejudice to the rights of the Prosecution or the Accused, or any of them, will result from the withdrawal of said document and its return to the source from which it was obtained;

and it further appearing that the Prosecution has inter-  
posed no objection thereto, it is

ORDERED: That said application be and it is hereby  
granted; and it is further

ORDERED: That Court Exhibit 3545 for Identification  
Only be withdrawn from the files of  $\psi$ , Tribunal forthwith  
and returned to the Japanese Foreign Office, the source from  
which it was obtained, upon the express term and condition,  
however, that said document shall be returned to the Tri-  
bunal upon request in the event that either the Tribunal or  
the Prosecution or the Defense should require it for the  
purpose of this trial; and it is further

ORDERED; That all excerpts from said Court Exhibit  
No. 3545 for Identification Only which have been admitted  
into evidence shall remain in the files and records of the  
Tribunal, and that this order in no respect affects their  
present status.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT



Paper No. 1654  
Disposes of  
Paper No. 1591

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER  
  ) GRANTING WITHDRAWAL  
  ) FROM THE FILES OF  
  ) THE TRIBUNAL OF  
  ) COURT EXHIBIT NO. 3545  
  ) FOR IDENTIFICATION ONLY  
  )  
- vs -  
ARAKI, Sadao, et al

This matter coming on to be heard this 1st day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of the Accused SHIGEMITSU, Mamoru, by George A. Furness, his counsel, for leave to withdraw from the files of the Tribunal a certain document entitled "SINO-FOREIGN TREATY SERIES", which document was offered for identification only and marked Exhibit 3545 for Identification Only, said document being fully described in said application which is Paper No. 1591, to the end that said document may be returned forthwith to the Japanese Foreign Office from which it was secured;

And the Tribunal having heard the statements and arguments of said counsel for said Accused and being fully advised in the premises, and it appearing to the Tribunal that said Exhibit No. 3545 for Identification Only is required for carrying on the business of the Japanese Foreign Office, the source from which it was obtained, and that no substantial injustice or prejudice to the rights of the Prosecution or the Accused, or any of them, will result from the withdrawal of said document and its return to the source from which it was obtained;

and it further appearing that the Prosecution has inter-  
posed no objection thereto, it is

ORDERED: That said application be and it is hereby  
granted; and it is further

ORDERED: That Court Exhibit 3545 for Identification  
Only be withdrawn from the files of the Tribunal forthwith  
and returned to the Japanese Foreign Office, the source from  
which it was obtained, upon the express term and condition,  
however, that said document shall be returned to the Tri-  
bunal upon request in the event that either the Tribunal or  
the Prosecution or the Defense should require it for the  
purpose of this trial; and it is further

ORDERED; That all excerpts from said Court Exhibit  
No. 3545 for Identification Only which have been admitted  
into evidence shall remain in the files and records of the  
Tribunal, and that this order in no respect affects their  
present status.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Paper No. 1663  
Disposes of  
Paper No. 1653

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER
	)	REOPENING DEFENSE CASE
- vs -	)	AND ADMITTING PORTION
	)	OF THE AFFIDAVIT OF THE
	)	HONORABLE GEORGE C.
	)	MARSHALL
ARAKI, Sadao, et al	)	AS AN EXHIBIT.

This matter coming on this 2nd day of April, 1948, for hearing and consideration by the Tribunal in open Court, upon the written application of the Accused OSHIMA, Hiroshi, by his counsel Owen Cunningham, for permission to file the affidavit of General of the Army of the United States (retired) and present Secretary of State of the United States of America George C. Marshall as an exhibit in this case on behalf of said Accused OSHIMA, a copy of said affidavit being attached to said written application and the reasons advanced in support of said application being set forth in said application which is Paper No. 1653; and also upon the oral application of said OSHIMA, Hiroshi, made in open court by his counsel Owen Cunningham this 2nd day of April, 1948, that the Tribunal reopen the Defense case to enable the said Accused OSHIMA, by his counsel, to tender the affidavit of the Honorable George C. Marshall, which is Defense Document No. 3300, for admission in evidence, the said Defense Document No. 3300 having been offered by counsel for said Accused OSHIMA as an exhibit in this case,

And the Tribunal having heard the arguments of counsel for said accused OSHIMA and for the Prosecution, and being

fully advised in the premises by a majority decision of the Tribunal, it is

ORDERED: That the Defense case be reopened and the affidavit of the Honorable George C. Marshall (Defense Document No, 3300) be admitted in evidence only to the extent of the first question and answer thereof, and that the portion of Defense Document No. 3300 admitted in evidence receive Exhibit No. 2765-B.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

SITTING:

The Hon. Sir William F. Webb  
The Hon. Mr. Justice McDougall  
The Hon. Mr. Justice Ju-Ao Mei  
The Hon. Mr. Justice Bernard  
The Hon. Mr. Justice Pal  
Lord Patrick  
The Hon. Mr. Justice Roling  
The Hon. Mr. Justice Northcroft  
The Hon. Mr. Justice Jaranilla  
Maj. Gen. of Justice I. M. Zaryanov  
Maj. Gen. Myron C. Cramer

Paper No. 1691  
Disposes of  
Paper No. 1667

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

} ORDER  
} GRANTING APPLICATION  
} TO WITHDRAW EXHIBITS  
} NOS. 2447 AND 2473  
} FOR IDENTIFICATION ONLY  
} AND DENYING APPLICATION  
} TO WITHDRAW EXHIBIT  
} NO. 2446 FROM THE  
} FILES OF THE TRIBUNAL

This matter coming on to be heard this 15th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Ben Bruce Blakeney, one of counsel for the Defense in the above entitled cause, for leave to withdraw from the files of the Tribunal certain documents, to wit: Exhibits No. 2447 for Identification Only, No. 2473 for Identification Only, and No. 2446, for the purpose of returning them to the source from which they were obtained, Exhibit No. 2473 having been borrowed by Defense counsel from a private owner, and Exhibits Nos. 2446 and 2447 having been borrowed from the Japanese Foreign Office, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said application, and of the Prosecution in opposition thereto, and

It appearing that said Exhibits Nos. 2447 and 2473 were offered and marked for Identification Only, and that said Exhibit No. 2446 was offered, admitted and is in evidence; and

It further appearing that said Exhibits Nos. 2447 and 2473 for Identification Only have served their purpose and no

substantial injustice will result to either the Prosecution, the Accused, or any of them, by the withdrawal of said two documents and the return thereof to the sources from which they were obtained; and

It further appearing that excerpts from said Exhibits Nos. 2447 and 2473 for Identification Only were offered and admitted in evidence as Exhibits Nos. 2447-A and 2473-A, it is

ORDERED: That said application for the withdrawal of Exhibits Nos. 2447 and 2473 for Identification Only be and it hereby is granted and that said Exhibits Nos. 2447 and 2473 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to Ben Bruce Blakeney, to be returned by him to the sources from which they were obtained, upon the express term and condition, however, that they be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense for the purposes of this trial; and it is further

ORDERED: That said application for the withdrawal from the files of the Tribunal of Exhibit No. 2446 be and it hereby is denied; and it is further

ORDERED: That Exhibits Nos. 2447-A and 2473-A which have been admitted and are in evidence in this case shall remain in the files of the Tribunal and their status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Paper No. 1692  
Disposes of  
Paper No. 1673

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER ) DENYING APPLICATION ) FOR THE WITHDRAWAL OF ) EXHIBITS NOS. 2744, ) 2762, 2765-B AND 3503 ) FROM THE FILES ) OF THE TRIBUNAL
- vs -	
ARAKI, Sadao, et al	

This matter coming on to be heard this 15th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Owen Cunningham, counsel for the Accused OSHIMA, Hiroshi, for leave to withdraw from the files of the Tribunal certain documents, to wit: the original Exhibits Nos. 2744, 2762, 2765-B and 3503, and to substitute therefor photostatic copies of said original exhibits, said original documents being fully described in the application which is Paper No. 1673, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said application, and of the Prosecution in opposition thereto, and being fully advised in the premises, it is

ORDERED: That said application be and the same hereby is denied; and it is further

ORDERED: That counsel for the Defense be and he hereby is granted permission to make or have made, in his behalf, photostatic copies of said original Exhibits Nos. 2744, 2762, 2765-B and 3503.

BY THE TRIBUNAL:

(signed) \_\_\_\_\_  
W. F. Webb  
PRESIDENT

Paper No. 1693  
Disposes of  
Paper No. 1676

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	)	ORDER
	)	GRANTING APPLICATION
	)	TO WITHDRAW EXHIBITS
-vs-	)	NOS. 2771, 2772, 2774,
	)	2777, 2778, 2780, 2781,
	)	2795 AND 2796 FOR
ARAKI, Sadao, et al	)	IDENTIFICATION ONLY,
	)	AND DENYING APPLICATION
	)	TO WITHDRAW EXHIBITS
	)	NOS. 2413, 2785 AND 2794
	)	FROM THE FILES OF
	)	THE TRIBUNAL

This matter coming on to be heard this 15th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of William Logan, Jr., one of counsel for the Defense in the above entitled cause, for leave to withdraw from the files of the Tribunal certain documents, to wit: Exhibits Nos. 2771, 2772, 2774, 2777, 2778, 2780, 2781, 2785, 2794, 2795, 2796 and 2413, said documents being described in said application which is Paper No. 1676 as "Stenographic Records of the Proceedings of the Japanese Diets and offered for Identification Only", for the purpose of returning them to the Tokyo Bar Association Library, the source from which they were obtained, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said application, and of the Prosecution in opposition thereto, and being fully advised in the premises, and

It appearing to the Tribunal that said Exhibits Nos. 2771, 2772, 2774, 2777, 2778, 2780, 2781, 2795 and 2796 were offered and marked for Identification Only, and that said Exhibits Nos. 2413, 2785 and 2794 were offered, admitted, and are in



evidence; and it

Further appearing that said Exhibits Nos. 2771, 2772, 2774, 2777, 2778, 2780, 2781, 2795 and 2796, all for Identification Only, have served their purpose and that no substantial injustice will result to either the Prosecution, the Accused, or any of them, from the withdrawal of said documents and the return thereof to the Tokyo Bar Association Library, the source from which they were obtained; and it

Further appearing that excerpts from said Exhibits Nos. 2771, 2772, 2774, 2777, 2778, 2780, 2781, 2795, and 2796, all for Identification Only, were offered, admitted and are in evidence as Exhibits Nos. 2771-A, 2771-B, 2771-C, 2772-A, 2774-A, 2774-B, 2777-A, 2777-B; 2778-A, 2780-A, 2780-B, 2780-C, 2781-A, 2795-A, 2796-A and 2796-B, it is

ORDERED: That said application for the withdrawal of Exhibits Nos. 2771, 2772, 2774, 2777, 2778, 2780, 2781, 2795 and 2796, all for Identification Only, be and it hereby is granted, and that said exhibits for identification only be withdrawn from the files of the Tribunal forthwith and be delivered to counsel for the Defense, to be returned to the source from which they were obtained, upon the express term and condition, however, that they be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense, for the purposes of this trial; and it is further

ORDERED: That said application for the withdrawal from the files of the Tribunal of Exhibits Nos. 2413, 2785 and 2794 be and it hereby is denied; and it is further

ORDERED: That any and all excerpts or parts of Exhibits for Identification Only herein ordered withdrawn and returned, which excerpts have been received and are in evidence in the case and marked as exhibits, shall remain in the files of the Tribunal and their status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Paper No. 1694  
Disposes of  
Paper No. 1680

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

} ORDER  
} GRANTING APPLICATION  
} TO WITHDRAW EXHIBIT  
} NO. 3752 FOR IDENTI-  
} FICATION ONLY, FROM  
} THE FILES OF THE  
} TRIBUNAL

This matter coming on to be heard this 15th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of one of the Accused, KIDO, Koichi, by Shigetaka HOZUMI and William Logan, Jr., his counsel, for leave to withdraw from the files of the Tribunal a certain document, to wit, Exhibit No. 3752 for Identification Only, said document being fully described in the application which is Paper No. 1680, for the purpose of returning the same to the Estate of the late Baron Harada, the source from which it was obtained, and the Tribunal having heard the statements and arguments of counsel for said Accused in support of said application, and the Prosecution having interposed no objection thereto, and it appearing to the Tribunal that said document has served its purpose and no substantial injustice will result to either the Prosecution, the Accused, or any of them by the withdrawal of said document and the return thereof to the source from which it was obtained, it is

ORDERED: That said application be and it hereby  
is granted and that Exhibit No. 3752 for Identification  
Only be withdrawn from the files of the Tribunal forthwith  
and delivered to Shigetaka HOZUMI, counsel for said Accused  
KIDO, to be returned by him to the Estate of the late Baron  
Harada, upon the express term and condition, however, that  
said document be returned to the Clerk of the Tribunal im-  
mediately upon notice being given that it is required by the  
Tribunal, the Prosecution or the Defense, for the purpose of  
this trial.

BY THE TRIBUNAL:

(signed)

W. F. Webb  
PRESIDENT

Paper No. 1695  
Disposes of  
Paper No. 1683

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadso, et al

ORDER  
GRANTING APPLICATION TO  
WITHDRAW EXHIBITS NOS.  
3665, 3669, 3677, 3678  
AND 3684, and DENYING  
APPLICATION TO WITHDRAW  
EXHIBITS NOS. 3663, 3664  
AND 281 FROM THE FILES  
OF THE TRIBUNAL

This matter coming on to be heard this 15th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Ichiro Kiyose, and George Francis Blewett, counsel for the Defense in the above entitled cause, for leave to withdraw from the files of the Tribunal certain documents, to wit: Exhibits Nos. 3663, 3664, 3665, 3669, 3677, 3678, 3684 and 281, for the purpose of returning said original documents to the sources from which they were obtained, said sources being fully set forth in the application which is Paper No. 1683, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said motion, and of the Prosecution in opposition thereto, and being fully advised in the premises, and

It appearing to the Tribunal that said Exhibits Nos. 3665, 3669, 3677 and 3684 which were obtained from the Library of the Japanese Diet and Exhibit No. 3678 which was obtained from the Japanese Foreign Office were offered and marked for Identification Only, and that said Exhibits Nos. 3663, 3664 and 281 which were obtained from the Library of the Japanese Diet were offered, admitted and are in evidence; and

It further appearing that said Exhibits Nos. 3665, 3669, 3677, 3678 and 3684, all for Identification Only, have served their purpose and no substantial injustice will result to either the Prosecution, the Accused, or any of them, by the withdrawal of said documents and the return thereof to the sources from which they were obtained; and

It further appearing that excerpts from said Exhibits Nos. 3665, 3669, 3677 and 3684, all for Identification Only, were offered, admitted and are in evidence as Exhibits Nos. 3665-A, 3669-A, 3677-A, and 3684-A, it is

ORDERED: That said application for the withdrawal of Exhibits Nos. 3665, 3669, 3677, 3678 and 3684, all for Identification Only, be and it hereby is granted, and that said Exhibits for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered to George Francis Blewett, one of counsel for the Defense, to be returned by him to the source from which they were obtained, upon the express term and condition, however, that they be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense for the purposes of this trial; and it is further

ORDERED: That said application for the withdrawal from the files of the Tribunal of Exhibits Nos. 3663, 3664, and 281, be and it hereby is denied; and it is further

ORDERED: That any and all excerpts or parts of Exhibits for Identification Only herein ordered to be withdrawn and returned, which excerpts have been received and are in evidence in this case and marked as Exhibits, shall remain in the files of the Tribunal and their status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT

Paper No. 1696  
Disposes of  
Paper No. 1684

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al	) ORDER GRANTING APPLICATION TO WITHDRAW EXHIBIT NO. 2773 FOR IDENTI- FICATION ONLY FROM THE FILES OF THE TRIBUNAL
- vs -	
ARAKI, Sadao, et al	

This matter coming on to be heard this 15th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of William Logan, Jr., one of counsel for the Defense in the above entitled cause, for leave to withdraw from the files of the Tribunal a certain document, to wit: Exhibit No. 2773 for Identification Only, said document being fully described in the application which is Paper No. 1684, for the purpose of returning same to the Tokyo Bar Association Library, the source from which it was obtained, and the Tribunal having heard the statements and arguments of counsel for the Defense in support of said application and the Prosecution having interposed no objection thereto, and

It appearing to the Tribunal that said document has served its purpose and that no substantial injustice will result to either the Prosecution, the Accused, or any of them, by the withdrawal of said document and the return thereof to the source from which it was obtained; and

It further appearing to the Tribunal that an excerpt from said Exhibit No. 2773 for Identification Only has been

offered, admitted and is in evidence in this case as Exhibit No. 2773-A, it is

ORDERED: That said application be and the same hereby is granted, and that Exhibit No. 2773 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to counsel for the Defense, to be delivered to the Tokyo Bar Association Library, the source from which it was obtained, upon the express term and condition, however, that it be returned to the Clerk of the Tribunal immediately upon notice being given that it is required by the Tribunal, the Prosecution, or the Defense, for the purposes of this trial; and it is further

ORDERED: That Exhibit No. 2773-A, which is an excerpt from Exhibit No. 2773 for Identification Only and which has been received and is in evidence in this case, shall remain in the files of the Tribunal and its status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. Webb  
PRESIDENT





ORDERED: That said application for the withdrawal of Exhibit No. 3235 for Identification Only be and it hereby is granted and that said Exhibit No. 3235 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to counsel for the Accused HOSHINO, to be returned by said counsel to the source from which it was obtained, upon the express term and condition, however, that it be returned to the Clerk of the Tribunal immediately upon notice being given that it is required by the Tribunal, the Prosecution or the Defense for the purposes of this trial; and it is further

ORDERED: That Exhibit No. 3235-A which has been admitted and is in evidence in this case shall remain in the files of the Tribunal and its status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. WEBB,  
PRESIDENT



It further appearing to the Tribunal that an excerpt from said Exhibit No. 2647 for Identification Only was offered and admitted in evidence as Exhibit No. 2647-A. it is

ORDERED: That said application for the withdrawal of Exhibits No. 2647 for Identification Only and No. 3553 for Identification Only be and it hereby is granted, and that said Exhibits No. 2647 for Identification Only and No. 3553 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to George A. Furness, counsel for the Accused SHIGEMITSU, to be returned by him to the sources from which they were obtained, upon the express term and condition, however, that said documents be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense for the purposes of this trial; and it is further

ORDERED: That Exhibit No. 2647-A which has been admitted and is in evidence in this case shall remain in the files of the Tribunal and its status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. WEBB.  
PRESIDENT



ORDERED: That said application for the withdrawal of Exhibits Nos. 2355, 2356, 2357, 2358, 2359 and 2360, all for Identification Only, be and it hereby is granted, and that Exhibits Nos. 2355, 2356, 2357, 2358, 2359 and 2360, all for Identification Only, be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to George Francis Blewett, one of Defense counsel, to be returned by him to the source from which they were obtained, upon the express term and condition, however, that they be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense for the purposes of this trial.

BY THE TRIBUNAL:

(signed)

W. F. WEBB,

PRESIDENT

Paper No. 1702  
Disposes of  
Paper No. 1698

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA, et al ) ORDER  
  ) GRANTING APPLICATION  
  ) TO WITHDRAW EXHIBITS  
  ) NOS. 2771, 2772, 2773,  
  ) 2774, 2777, 2778, 2780,  
  ) 2781 AND 2792 FOR  
  ) IDENTIFICATION ONLY  
  ) FROM THE FILES  
ARAKI, Sadao, et al                    ) OF THE TRIBUNAL

This matter coming on to be heard this 30th day of April, 1948, before the Honorable Sir William Webb, President of the Tribunal, upon the application of Alfred W. Brooks, one of counsel for the Defense, for leave to withdraw from the files of the Tribunal certain documents, to wit: Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781 and 2792, all for Identification Only, said documents being fully described in the application which is Paper Nos. 1698, for the purpose of returning the same to the Japanese Foreign Office, the source from which they were obtained, and the Tribunal having heard the statements and arguments of counsel for said Accused in support of said application, and the Prosecution having interposed no objection thereto, and

It appearing to the Tribunal that said Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781 and 2792 were offered and marked for Identification Only and have served their purpose, and that no substantial injustice will result to either the Prosecution, the Accused, or any of them, by the withdrawal of said documents and the return thereof to the source from which they were obtained; and

It further appearing to the Tribunal that excerpts from said Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781, and 2792 for Identification Only were offered and admitted in evidence as Exhibits Nos. 2771-A, 2771-B, 2771-C, 2772-A, 2773-A, 2774-A, 2774-B, 2777-A, 2777-B, 2778-A, 2780-A, 2780-B, 2780-C, 2781-A, 2792-A, 2792-B and 2792-C, it is

ORDERED: That said application for the withdrawal of Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781 and 2792 for Identification Only be and it hereby is granted and that said Exhibits Nos. 2771, 2772, 2773, 2774, 2777, 2778, 2780, 2781 and 2792 for Identification Only be withdrawn from the files of the Tribunal forthwith and delivered by the Clerk of the Tribunal to counsel for the Accused OKAWA, to be returned by said counsel to the source from which they were obtained, upon the express term and condition, however, that said documents be returned to the Clerk of the Tribunal immediately upon notice being given that they are required by the Tribunal, the Prosecution or the Defense for the purposes of this trial; and it is further

ORDERED: That Exhibits Nos. 2771-A, 2771-B, 2771-C, 2772-A, 2773-A, 2774-A, 2774-B, 2777-A, 2777-B, 2778-A, 2780-A, 2780-B, 2780-C, 2781-A, 2792-A, 2792-B, 2792-C, which have been admitted and are in evidence in this case shall remain in the files of the Tribunal and their status shall in no way be affected by this order.

BY THE TRIBUNAL:

(signed) W. F. Wobb  
PRESIDENT



LEF. DOC. #51.

AGREEMENT EFFECTED BY EXCHANGE OF NOTES CANCELLING  
THE ISHII-LANSING AGREEMENT OF NOVEMBER 2, 1917.

From the Japanese Ambassador to the Secretary of State.

Japanese Embassy,  
Washington,

April 14, 1923.

Sir:

I have the honor to acknowledge the receipt of your note of to-day's date, communicating to me your understanding of the views developed by the discussions which you have recently had with this Embassy in reference to the status of the Ishii-Lansing exchange of notes of November 2, 1917.

I am happy to be able to confirm to you, under instructions from my Government, your understanding of the views thus developed, as set forth in the following terms:

The discussions between the two Governments have disclosed an identity of views and, in the light of the understandings arrived at by the Washington Conference on the Limitation of Armament, the Japanese and American Governments are agreed to consider the Ishii-Lansing correspondence of November 2, 1917, as cancelled and of no further force of effect.

Accept, Sir, etc., etc., etc.

(Signed) M. HANJHARA.