

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. 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

NOT SITTING:

The Honorable Mr. Justice Mei
The Honorable Mr. Justice Jaranilla