

PROCEEDINGS IN CHAMBERS20 MAY 47

Paper No. 971 -- Request by Mr. Roberts  
of Defense for establishment of a Commission  
to take the deposition of one, KAGESA, Sadaaki  
in the First National Hospital, Tokyo.

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DAVID NELSON SUTTON

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Tuesday, 20 May 1947

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INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Chambers of the Tribunal  
War Ministry Building  
Tokyo, Japan

PROCEEDING IN CHAMBERS

On

Paper No. 971 -- Request by Mr. Roberts  
of defense for establishment of a Commission to  
take the deposition of one, KAGESA, Sadaaki in the  
First National Hospital, Tokyo.

Before:

HON. SIR WILLIAM WEBB,  
President of the Tribunal and  
Member from the Commonwealth of  
Australia

Reported by

Jack Greenberg,  
Chief Court Reporter,  
IMTFE

Appearances:

For the Defense Section:

Mr. Samuel A. Roberts, Counsel for the  
Accused OKA, Takazumi.

For the Prosecution Section:

Hsiang Che-Chun, Associate Prosecutor,  
Acting on behalf of the Republic of China; and  
Judge J. T. Nyi, Assistant Chinese  
Prosecutor.

For the Secretariat:

Judge E. H. Dell, Legal Adviser; and  
Mr. Paul Lynch, Deputy Clerk of the Court.

The proceeding was begun at 1602.

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THE PRESIDENT: We have already directed the Commission issue. The only question is what terms.

Have you a draft of it there, Mr. Roberts?

MR. ROBERTS: Yes, your Honor. I have a draft of the order all prepared for your signature.

THE PRESIDENT: Yes. Have you seen it, Judge Nyi?

JUDGE NYI: Yes.

THE PRESIDENT: Is it satisfactory to you?

JUDGE NYI: I have spoken to Mr. Roberts, and we expect it to be done on Thursday; that is the day after tomorrow.

THE PRESIDENT: It is in the terms of the first order made in these matters, Mr. Roberts, is it?

MR. ROBERTS: I have left the date blank, but Thursday will be satisfactory, and it can be inserted in the order.

THE PRESIDENT: Otherwise the terms are the same as in the order on which Mr. Justice Northcroft acted?

MR. ROBERTS: That is correct.

THE PRESIDENT: Well, I will make the order in those terms as drafted, and I will fix -- is it Thursday?

MR. ROBERTS: Yes, that will be satisfactory.

THE PRESIDENT: At what hour?

MR. ROBERTS: Nine-thirty a.m.

THE PRESIDENT: Thursday, the 22nd of May, at nine-thirty a.m. Where?

MR. ROBERTS: At the First National Hospital, Tokyo.

THE PRESIDENT: The First National Hospital, Tokyo as the time and place for taking the evidence under the Commission.

Now, we have to appoint somebody to take it.

MR. ROBERTS: Yes. I was thinking that that may be subject to the convenience of the Judge whom you select to act as Commissioner.

THE PRESIDENT: Well, do you want a Judge?

MR. ROBERTS: No. It isn't essential, if you want to designate someone else as Commissioner.

THE PRESIDENT: Is the evidence that important? I've forgotten whose evidence it is.

JUDGE NYI: I think it is better that way, with a Judge.

THE PRESIDENT: Of course, the evidence of

the other witness was so important, we decided we should have a Judge.

MR. ROBERTS: Concerning his assistance to Wang Ching-wei.

CLERK OF THE COURT: That's the name of the witness.

THE PRESIDENT: Oh, he is a very important witness.

MR. ROBERTS: Yes.

THE PRESIDENT: He is a very important witness, and a Judge should take it. Well, I'll have to consult the Judges. I haven't mentioned it to them. We'll leave that open.

MR. ROBERTS: That is why I thought that it might necessitate conferring with the Judge and arranging it at his convenience.

THE PRESIDENT: Yes. I will tell you the name of the Judge tomorrow some time, Mr. Roberts.

MR. ROBERTS: All right, sir.

(Whereupon, at 1605, the proceeding was concluded.)

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