

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, Seichi  
) 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 perview 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, Seichi 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, Seichi for cross-examination,

WHEREFORE IT IS ORDERED by a majority vote of the members of the Tribunal that the affidavit of the witness KITA, Keichi, 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, Shun  
(Exhibit 74), NAGITA, Genzo (Exhibit 723), USHIROKU, Jun  
(Exhibit 70), UBA, Kejuma (Exhibit 837) and TOMINAGA,  
Keoji (Exhibit 73) 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