

Paper No. 717  
Disposes of  
Oral Application  
implementing certain  
orders.

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

Case No. 1

THE UNITED STATES OF AMERICA; et al ) ORDER: GRANTING WITH-  
  ) DRAWAL FROM THE RECORDS  
  ) OF THE TRIBUNAL COURT  
  ) EXHIBITS NOS. 1251, 1253-C,  
  ) 2034, ET AL. PURSUANT  
ARAKI, Sadao; et al ) TO PREVIOUS ORDERS OF  
  ) THE TRIBUNAL.

This matter coming on to be heard this 31 January 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the oral application of Prosecution for an order granting leave to withdraw from the records of the Tribunal the original documents heretofore introduced into evidence or lodged and marked for identification only, as follows:

<u>IPS Document No.</u>	<u>Court Exhibit No.</u>
6251	1251
6254-C	1253-C
8431	2034
8478	2036
8439	2036-A
8440	2036-B
8441	2036-C
8433	2039
8432-A	2040
8445	2041

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