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Proceedings

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Monday, 16 December 1946

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

PROCEEDINGS IN CHAMBERS

On

Paper No. 604 - Application of the  
Prosecution for Medical Examination and Re-  
port concerning the Accused OKAWA, Shumei.

Paper No. 608 - Application of the  
Accused SHIRATORI, Toshio for the production  
of documents under article 9(e) of the Charter.

Before:

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

Reported by:

Julian Wolf  
Court Reporter, IMTFE

## Appearances:

FOR THE PROSECUTION SECTION:

MR. FRANK S. TAVENNER, Jr.

MR. SOLIS HORWITZ

FOR THE DEFENSE SECTION:MR. CHARLES B. CAUDLE, Counsel for the  
Accused SHIRATORI, ToshioMR. OWEN CUNNINGHAM, Counsel for the  
Accused OSHIMA, HiroshiFOR THE OFFICE OF THE GENERAL SECRETARY,  
IMTFE

MR. CHARLES A. MANTZ, Clerk of the Court

MR. H. W. DELANEY, Deputy Clerk of the Court

The proceeding was begun at 0903.

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THE PRESIDENT: This is Paper No. 608.

MR. CAUDLE: Yes, sir. I would like to have that deferred, please, sir. My Japanese counsel had that drawn up and to tell you the truth I am not familiar with it.

THE PRESIDENT: Did you want it withdrawn or adjourned?

MR. CAUDLE: Just deferred to about Wednesday morning.

THE PRESIDENT: Yes, adjourned to Wednesday morning.

Paper 604 is an application by the prosecution for the Medical Examination and Report had concerning the accused OKAWA. Who appears for the prosecution?

MR. TAVENNER: I do, sir.

THE PRESIDENT: (To Mr. Cunningham) And you appear for the defense?

MR. CUNNINGHAM: No. I don't believe that Mr. Brooks has known that the matter is to come up this morning and asked that that be put over to Wednesday until he has an opportunity to --

THE PRESIDENT: Have you any objection, Mr. Tavenner?

MR. TAVENNER: No objection, your Honor.

THE PRESIDENT: Adjourned to Wednesday, one o'clock.

MR. CUNNINGHAM: Your Honor, may I ask about another?

THE PRESIDENT: Yes. About the Ambassador who was here?

MR. CUNNINGHAM: Yes. He is the Ambassador from Germany. He is in Peiping now and if there is any possibility I would like to have him brought back and cross-examined before the prosecution's case ends. I mentioned it to you a couple of weeks ago and you were going to take it up with the Tribunal.

THE PRESIDENT: I will bring it up. I didn't, as a matter of fact, but I shall do so today, Mr. Cunningham.

MR. CUNNINGHAM: Otherwise I shall have to make a special trip to Peiping to get a lot of information from him, and several of the counsel would like very much to cross-examine him.

THE PRESIDENT: Whose custody is he in now?

MR. CUNNINGHAM: No one. I think he is just at large or on the loose.

THE PRESIDENT: Well, he is not in custody. You say that he is a free man in Shanghai, is it?

MR. CUNNINGHAM: In Peiping.

THE PRESIDENT: Peiping. I will bring it up and get the Judges' feeling about calling him for cross-examination.

MR. CUNNINGHAM: I appreciate it very much.

THE PRESIDENT: I will let you know Wednesday morning.

(Whereupon, at 0905, the proceeding was concluded.)