

Thrd, 946

Monday, 30 December 1946

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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. 623 - Application of the
prosecution for leave to present the French aspect
of Class B and C Offenses in the French language.

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 Prosecution Section:

MR. FRANK S. TAVENNER, JR.;

MR. ROBERT ONETO, Associate Prosecutor for the Republic of France;
and

MAJOR R. DEPO, French Army.

For the Defense Section:

MR. WILLIAM LOGAN, JR., Counsel for
the Accused KIDO, Koichi; and

MR. GEORGE C. WILLIAM, Counsel for
the Accused HOSHINO, Naoki.

For the Office of the General Secretary,
IMTFE:

MR. CHARLES A. MANTZ, Clerk of the
Court.

(The proceeding was begun at 0900.)

THE PRESIDENT: This is Paper No. 623.

It is an application by the prosecution for leave to present the French case in the French language in respect of Class B and C offenses.

Mr. Oneto.

MR. ONETO: Mr. President, I respectfully request from your Honor the privilege to be admitted to present, with my assistant Major Depo, the French phase of the case, like the first time, in French in reserve of the difficulty we have -- Major Depo and I -- to present this phase in a sufficiently fluent English, in the same condition that last time the Court has agreed.

THE PRESIDENT: Just to the same extent?

MR. ONETO: Yes.

THE PRESIDENT: You do not want any further concessions?

MR. TIVENNER: There is, possibly, one phase -- that synopsis -- which should be in French instead of in English.

THE PRESIDENT: The synopsis will be translated simultaneously. There will be no objection.

MR. TIVENNER: Yes.

THE PRESIDENT: What do you say, Mr. Logan?

MR. LOGAN: We have already noted our

objections previously to the conduct of the case in any other language than English or Japanese, and we just renew our objections at this time.

THE PRESIDENT: I will grant the application under the same conditions as before; but, in addition, the synopsis may be read in French provided there is a simultaneous translation in English and in Japanese so that no time will be lost.

MR. ONETO: Your Honor, may I add also that we expect the arrival of a French witness; and does the Court agree so that I examine this witness in French with simultaneous translation in English and in Japanese? This witness will not be able to speak English and does not understand English.

THE PRESIDENT: You have an absolute right, if you call a person who cannot speak English, to examine him in his own language; there is no difficulty about that.

MR. LOGAN: Mr. President.

THE PRESIDENT: In fact, we insist -- we would have to -- unless he spoke, say, some sort of English. Then we might have an option. But, if a witness who does not speak English well wants to speak French, he is allowed to do so. It applies to any foreign language.

MR. LOGAN: Mr. President, some time ago you granted us our application to bring up this question of recess this morning in open court. We are prepared to go ahead with it with simultaneous translation.

THE PRESIDENT: This morning; that's good.

(Whereupon, at 0910, the proceeding was concluded.)

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