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they have already been marked here.

JUDGE NYI: Your Honor, I must ask your tolerance in making a correction. What I meant to say is that "C-1, 2, 3" is one document, and this will be given one number; and "E-1, 2, 3" also in the one, same document, and they will be given one number.

THE COMMISSIONER: That is entirely a matter of administration for the Court. And, as each of them contains three separate documents, it is much more convenient that they should be so marked for reference in examination later.

JUDGE NYI: Do we understand that these documents will be, for the present, attached to the records, and it will be read at the time when the records will be read in the Tribunal?

THE COMMISSIONER: They will be processed and attached to the deposition which will accompany my report as Commissioner.

JUDGE NYI: And it will be read.

THE COMMISSIONER: Please. I can see no reason why they should not be read the same as any other part of the evidence tendered here. But, if there be any question upon that, that is a matter which must be determined by the Tribunal and not by



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me as Commissioner.

JUDGE NYI: That is satisfactory. We desire to ask this to be read in the record.

THE COMMISSIONER: That application, if necessary, can be made to the Tribunal.

JUDGE NYI: Thank you, sir.

THE COMMISSIONER: I understand one of the Japanese counsel, or perhaps more, desires to ask questions in reexamination.

MR. ROBERTS: Yes.

MR. KATO: I am KATO, Takahisa, counsel for the accused DOHIHARA. I would like to ask one question to the witness.

THE COMMISSIONER: Please do so.

REDIRECT EXAMINATION

BY MR. KATO:

Q This morning you stated, Mr. Witness, that while you were in Hanoi in April 22 or 23 of 1939 and after Lieutenant General DOHIHARA had returned to Tokyo, that DOHIHARA --

THE COMMISSIONER: Are you having difficulty in translating the question?

THE MONITOR: Yes, sir. I will try to translate it as he said.

THE COMMISSIONER: No. It would be much more



satisfactory if counsel would frame his question more simply. With faulty translation, we are in danger of misunderstanding.

Q This morning the prosecution stated that on or about 22 or 23 of April, 1939, while the witness was in Hanoi, and after DOHIHARA had returned to Tokyo, someone sent a telegram to Japanese Military Affairs Bureau through the code system of DOHIHARA's Agency that Shanghai was not a safe place for the establishment of Wang Regime.

JUDGE NYI: Your Honor, I wish to make --

THE COMMISSIONER: The question is not yet completed.

Q (Continuing) Now, Mr. Witness, who do you think sent this telegram?

A I do not know whether that telegram was sent or not.

THE MONITOR: I do not even know about the fact that it was sent.

MR. KATO: Thank you. I understand.

THE COMMISSIONER: Are there any other Japanese counsel?

MR. ROBERTS: No. I have just two or three questions on redirect.

THE COMMISSIONER: No other Japanese counsel



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desires to ask questions in redirect?

MR. ROBERTS: No. That is correct.

REDIRECT EXAMINATION (Continued)

BY MR. ROBERTS:

Q Mr. KAGESA, on page 18 of your affidavit you refer to a New Year's statement of Wang Ching-wei on January 1, 1940. Was that a written or an oral statement?

THE COMMISSIONER: Where is that?

MR. ROBERTS: Page 18.

THE COMMISSIONER: Thank you.

The question surely doesn't call for that length of a reply. He was asked whether it was verbal or written. He can answer that.

MR. ROBERTS: Yes.

THE MONITOR: I will translate as far as he has said, sir.

A I read this New Year's statement in the Chinese newspaper while I was in Nanking. However, at present there is no Chinese text of this New Year's statement. This is a translation of the section entitled "General Peace". In the book entitled "Road to General Peace", there is a translation of this speech -- Japanese translation of this speech.



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Q I show you this document and ask you if that is the book you now refer to.

(Whereupon, a document was handed to the witness.)

A That is so.

MR. ROBERTS: I ask that this be marked for identification, if your Honor please.

THE COMMISSIONER: It will be marked for identification with a letter "L".

Q Mr. KAGESA, did Wang Ching-wei consider Chiang Kai-shek as the real representative of the Chinese people in the spring of 1939?

JUDGE NYI: I object.

THE COMMISSIONER: Before that is answered, it is obvious he cannot tell us what anybody thought. He can only tell us what people said. Please frame the question in that form. Will you please reframe your question, Mr. Roberts?

MR. ROBERTS: Yes, your Honor.

Q Did Wang Ching-wei tell you in the spring of 1939 whether or not he considered Chiang Kai-shek as a real representative of the Chinese people?

A Yes.

Q Will you tell us what he told you in that conversation.



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JUDGE NYI: Your Honor, as far as we can recall, this does not arise in the course of the cross-examination.

THE COMMISSIONER: I think that is a proper objection, but I am not disposed to exclude the question. However, if you desire, you may further cross-examine upon it.

A Weng Ching-wei said that the people of China, deep in their hearts, all really desired peace. And he further stated, however, it was regrettable that Chiang Kai-shek was not able to exercise his own initiative and to act according to his own will because of the fact that the communistic influence in Chungking Government was too strong.

THE COMMISSIONER: How much further, Mr. Roberts, do you contemplate this will go? This is now going very much further.

MR. ROBERTS: This answer is all I require on this topic.

THE COMMISSIONER: You have already had the answer to your question?

MR. ROBERTS: Yes, your Honor.

THE COMMISSIONER: Very well. Please tell the witness that is as much as his counsel desires.

THE MONITOR: Shall I translate what he



said -- the last part, sir?

THE COMMISSIONER: I do not think it is necessary.

THE MONITOR: All right.

BY MR. ROBERTS (Continued):

Q In the telegram of May 3, exhibit "F," the prosecutor referred you to a paragraph No. 4 and particularly to the third sentence concerning a plan to wait outside Shanghai.

THE COMMISSIONER: Which document is this?

MR. ROBERTS: Exhibit "F."

Q (Continuing) Does that reference to the plan to wait refer to the terrorists as suggested by the prosecutor or to Wang to wait outside Shanghai?

A Wang himself.

MR. ROBERTS: That is all.

THE COMMISSIONER: Does the prosecution desire to further cross-examine upon that one question which had relation to Wang's observations concerning Chiang Kai-shek?

JUDGE NYI: I do not desire to recross-examine him on the point of Wang's comment on General Chiang Kai-shek, but I do want to cross-examine him as to the last question Mr. Roberts has put regarding the plan.



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THE COMMISSIONER: I am sorry. I cannot permit that. Your cross-examination is concluded.

That, then, concludes these proceedings. There will be a report of these proceedings prepared and filed in the office of the Secretariat of the Tribunal.

(Whereupon, at 1450, the proceeding was concluded.)

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