

조시현

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 보낸 날짜: 2000년 11월 27일 월요일 오전 10:04
 제목: Re: Jp Defence

Dear Noriko sang,

Thank you ever so much for your effort. I am also sorry for not being able to go to Japan last week. Just briefly on the defense argument, I could accept what Mr Higashizawa put in his memo. I think it is concise enough to raise possible counter-arguments by the Japanese government. Yet I have a reservation on the form of presenting the defense. If the defense counsel could not be appointed by the Tribunal proprio motu for the reason that there is no one to come forward, then we have no other option but to call an expert ('sanko-jin' 参考人 in Japanese?) on this matter.

As to the amicus curiae, the Korean prosecution team and other members of the Korean Council had discussed it last friday. We regretted the Tribunal movement so far had neglected this important issue. It would have provided precious opportunities for other important international NGO such as International Commission of Jurists, Amnesty International to express their solidarity and to provide their expertise before our Tribunal. It would have significantly boosted the status of our Tribunal. If we adopt the practice of amicus curiae for our Tribunal at this stage, I am worried that the participation of other interested NGOs and individuals may be unduly limited. Although we may send letters to them informing the availability to hand in their opinions before the Tribunal, the remaining time would not allow them to prepare their submissions proper to the name of Amicus curiare. In short, I think that if amicus curiae is limited only to the submission of the Japanese government position, it would not be an appropriate form to do so. The Tribunal may simply call upon a person to state the current position of the Japanese government and other defendants. Possibly the Tribunal asks a Japanese Prosecution team to read a brief submitted by an anonymous person or a person whose name could not be revealed but acceptable to the Tribunal.

I thank again for all the efforts you are putting for the success of the Tribunal.

Yours sincerely,

Sihyun Cho

—— Original Message ——

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 Sent: Sunday, November 26, 2000 5:12 PM
 Subject: Jp Defence

> Dear Professor Cho,
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00-11-27