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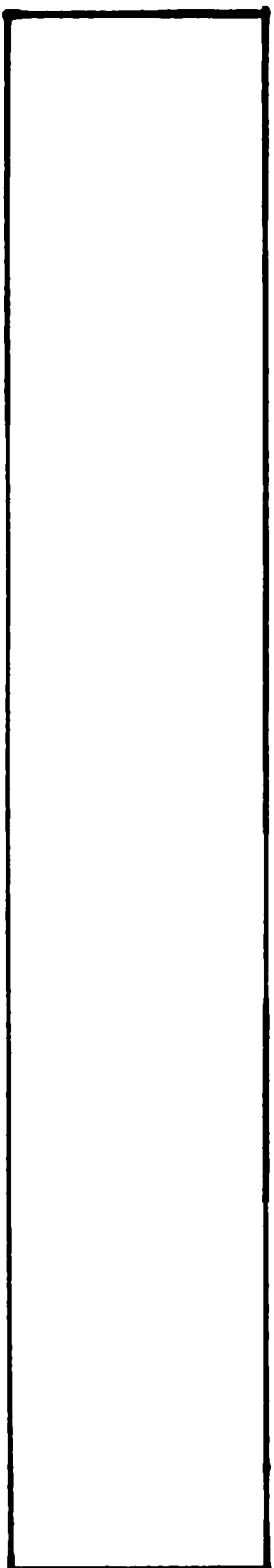
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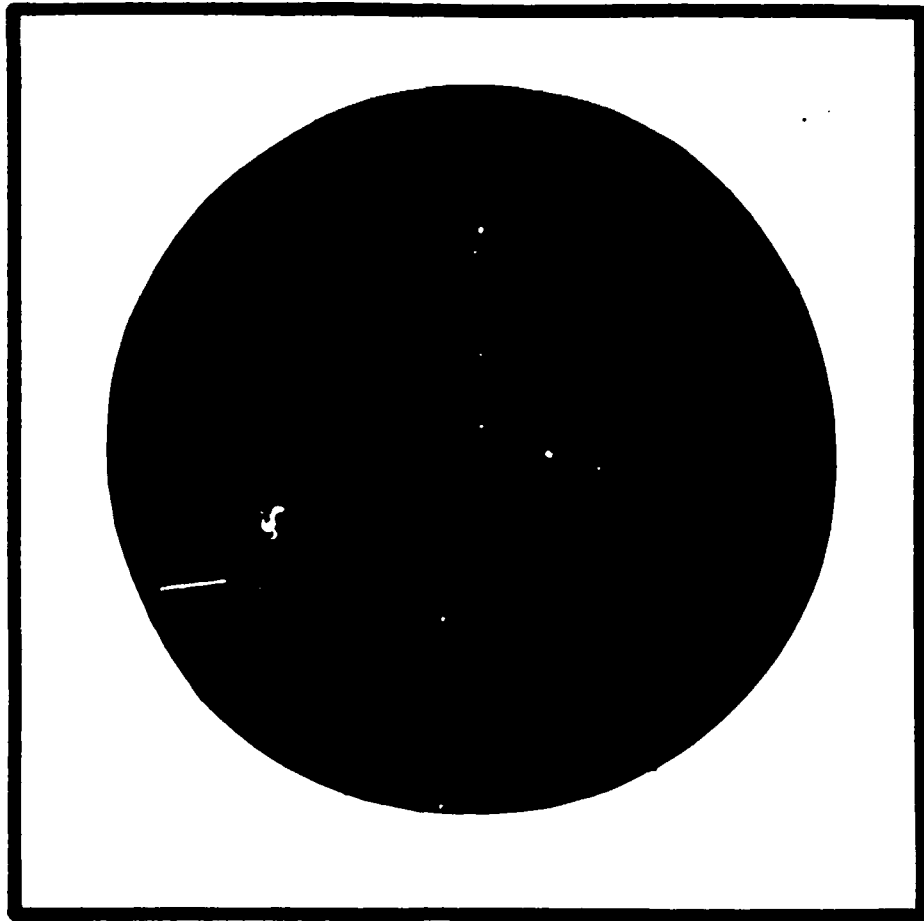


**PAG - 3**

**REEL**

**no.**

**129**



**index  
of  
contents**

INDEXING DATA

PERIOD

United Nations War Crimes Commission (UNWCC)  
Member Governments, other National Authorities and  
Military Tribunals  
Box 345-346-347-348

Transcripts of Proceedings and Documents of the  
International Military Tribunal for the Far East  
(Tokyo Trials).  
Transcript PAG - 3/2.3.1

Indexes of witnesses (alphabetically arranged with  
page reference to transcripts of proceedings, direct-  
or cross-examined)

Prosecution Witnesses

Defense witnesses

Page Nos.

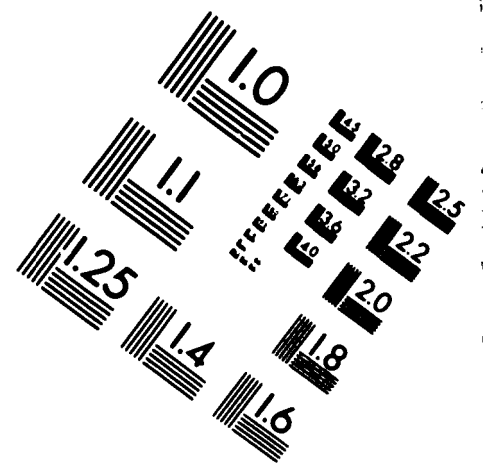
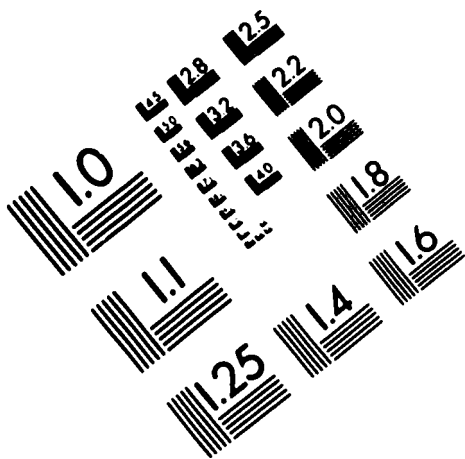
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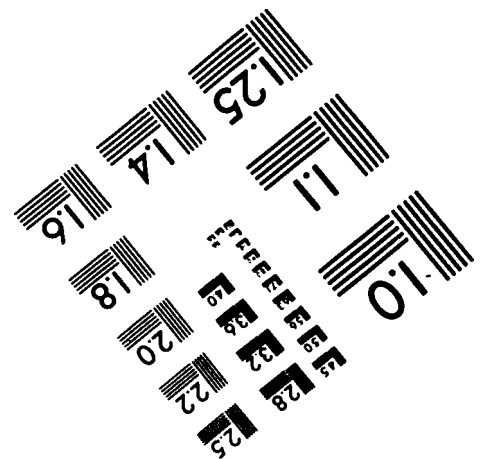
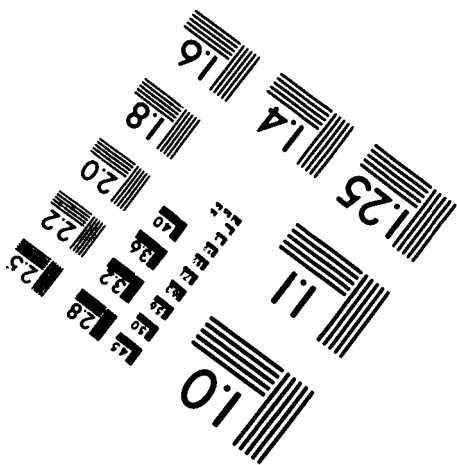
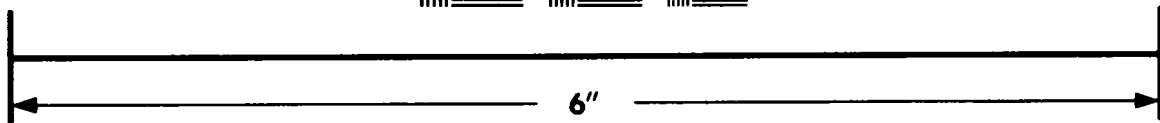
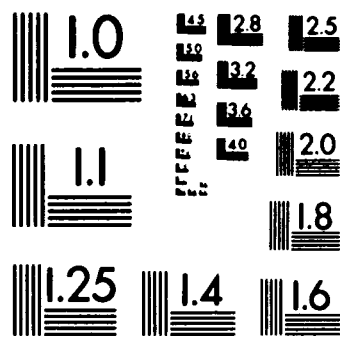
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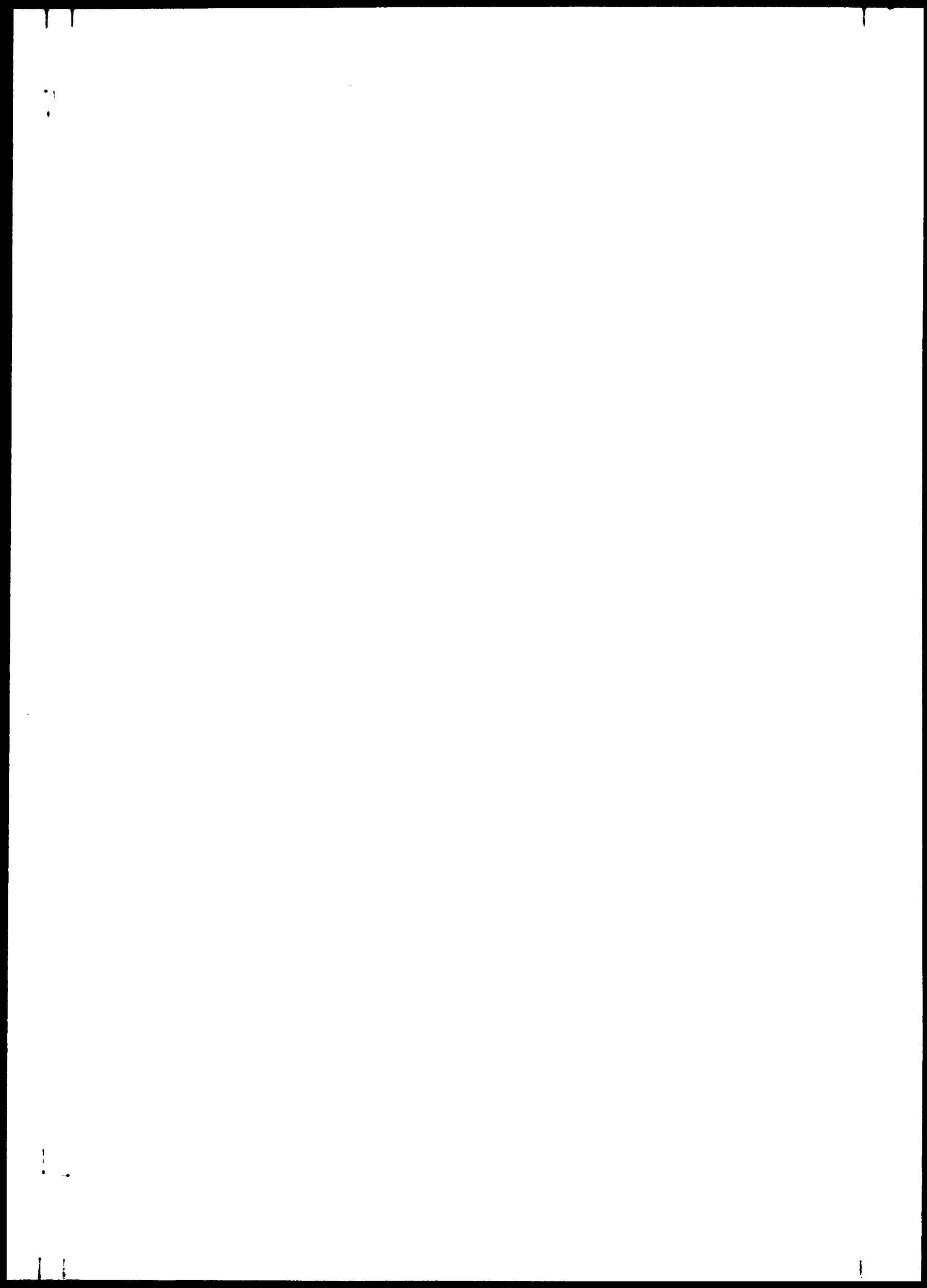




**IMAGE EVALUATION  
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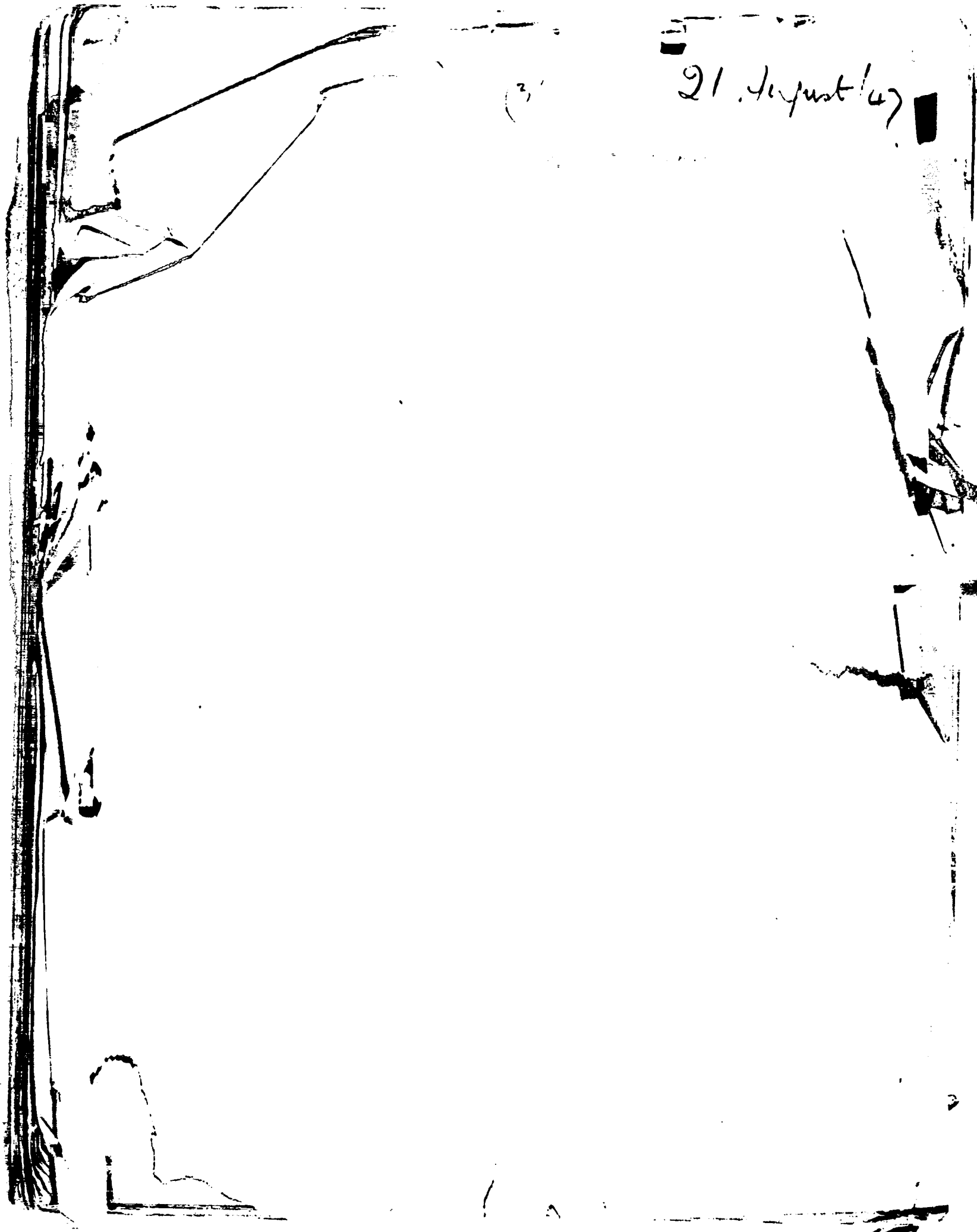
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21 August 47

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21 AUGUST 1947

I N D E X  
Of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
SAWAMOTO, Yorio	26413
Direct by Mr. Roberts	26413
(Witness excused)	26429
SHIMIZU, Mitsumi	26438
Direct by Mr. Roberts	26438
Cross by Mr. Tavenner	26445
Questions by the President of the Tribunal, Sir William Webb	26449
(Witness excused)	26450
YANO, Shikazo	26454
Direct by Mr. Roberts	26454
(Witness excused)	26459
ENOMOTO, Juji (recalled)	26460
Direct by Mr. Roberts	26460
<u>NOON RECESS</u>	26463
YOSHIDA, Hidemi	26467
Direct by Mr. Brannon	26467
Cross by Brigadier Quilliam	26487
(Witness excused)	26488

21 AUGUST 1947

I N D E X  
Of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
HAYASHI, Hisao	26489
Direct by Mr. Brannon	26489
(Witness excused)	26494
KONDO, Shunsuke	26494
Direct by Mr. Roberts	26494
(Witness excused)	26498
OBARA, Junichi	26498
Direct by Mr. Roberts	26498
(Witness excused)	26502
MUKAWA, Nisaburo	26503
Direct by Mr. Roberts	26503
(Witness excused)	26507
SUZUKI, Suguru	26507
Direct by Mr. Roberts	26507
(Witness excused)	26515
GOTO, Yuzuru	26515
Direct by Mr. Roberts	26515
(Witness excused)	26521

21 AUGUST 1947

I N D E X  
Of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
IWASAKI, Asashichi	26522
Direct by Mr. Brannon	26522
(Witness excused)	26527
WAKAMATSU, Makoto	26529
Direct by Mr. Brannon	26529

21 AUGUST 1947

I N D E X  
Of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1973	2980		Affidavit of Admiral SAWAMOTO, Yorio, Vice-Minister of the Navy		26414
1958	2981		Chart showing relation of the Emperor, the Cabinet, the Navy Ministry and the Naval General Staff with subordinate offices		26414
1647	2982		Rules Governing Business Contact Between Naval Ministry and Navy General Staff, dated 1 October 1933		26430
1648	2983		Imperial Ordinance Concerning the Organization of the Fleet, dated 30 November 1941		26432
1671	2984		Ordinance Concerning Combined Naval Flying Corps, dated 10 December 1938 (Article 4 only)		26434
1672	2985		Law and Ordinances Concerning the Organization of Naval Stations, dated 23 August 1923		26435
1673	2986		Laws and Ordinances Concerning the Organization of Auxillary Naval Stations, dated 26 March 1923		26435
			<u>MORNING RECESS</u>		26436



21 AUGUST 1947

I N D E X  
Of  
EXHIBITS  
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Fros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1926	2987		Affidavit of SHIMIZU, Mitsumi		26439
	2988		Book entitled "Naval Regulations Vol.II"	26451	
1951-B	2988-A		Excerpt therefrom - "Chapter 2 - Promotion Ordinance No. 58", dated 29 March 1940		26451
2072	2989		Affidavit of YANO, Shikazo		26454
1518	2990		Deposition of YOSHIDA, Hidemi		26467
1742	2991		Deposition of HAYASHI, Kisao		26490
1513	2992		Deposition of KONDO, Shunsuke		26495
1515	2993		Deposition of OBARA, Junichi		26499
			<u>AFTERNOON RECESS</u>		26503
1517	2994		Deposition of MUKAWA, Nisaburo		26503

21 AUGUST 1947

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidenc.</u>
1516	2995		Deposition of SUZUKI, Suguru		26510
1692	2996		Deposition of GOTO, Yuzuru		26516
1521	2997		Affidavit of IWASAKI, Asashichi		26523
1728	2998		Affidavit of WAKAMATSU, Makoto		26529

1  
2 Thursday, 21 August 1947

3 - - -

4  
5 INTERNATIONAL MILITARY TRIBUNAL  
6 FOR THE FAR EAST  
7 Court House of the Tribunal  
8 War Ministry Building  
9 Tokyo, Japan

10 The Tribunal met, pursuant to adjournment,  
11 at 0930.

12 - - -

13 Appearances:

14 For the Tribunal, all Members sitting, with  
15 the exception of: HONORABLE JUSTICE I. M. ZARAYANOV,  
16 Member from the USSR., not sitting from 0930 to 1600.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 - - -

20 (English to Japanese and Japanese  
21 to English interpretation was made by the  
22 Language Section, IITFE.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): If the  
5 Tribunal please, we present the following language  
6 corrections:

7 Record page 1626, line 8, substitute "stop"  
8 for "abandon."

9 Record page 1627, line 9, substitute "stop"  
10 for "abandon"; line 13, substitute "stopping" for  
11 "abandoning"; line 15, substitute "stop" for "abandon."

12 Record page 19,885, line 14, read the place-  
13 name "Liu-t'iau-kou."

14 THE PRESIDENT: Mr. Blewett.

15 MR. BLEWETT: The evidence relating to the  
16 Mandated Islands and the participation of the Japanese  
17 Navy in the Pacific War, which is next in logical se-  
18 quence, will now be presented by Mr. John G. Brannon,  
19 American Counsel for Admiral SHIMADA, and by Mr.  
20 Samuel A. Roberts, American Counsel for Vice-Admiral  
21 OKA.  
22

23 Mr. Brannon will read the opening statement.

24 THE PRESIDENT: Mr. Brannon.

25 MR. BRANNON: There have been two opening  
statements processed. The correct one should have the

word "revised" written upon it, your Honor.

We come now to that portion of the defense which treats of matters particularly within the knowledge of the Japanese Navy. The evidence to follow answers the prosecution allegations and evidence relative to naval organization and education, the Washington and London Naval Treaties, the Mandated Islands and naval preparations for the Pacific War.

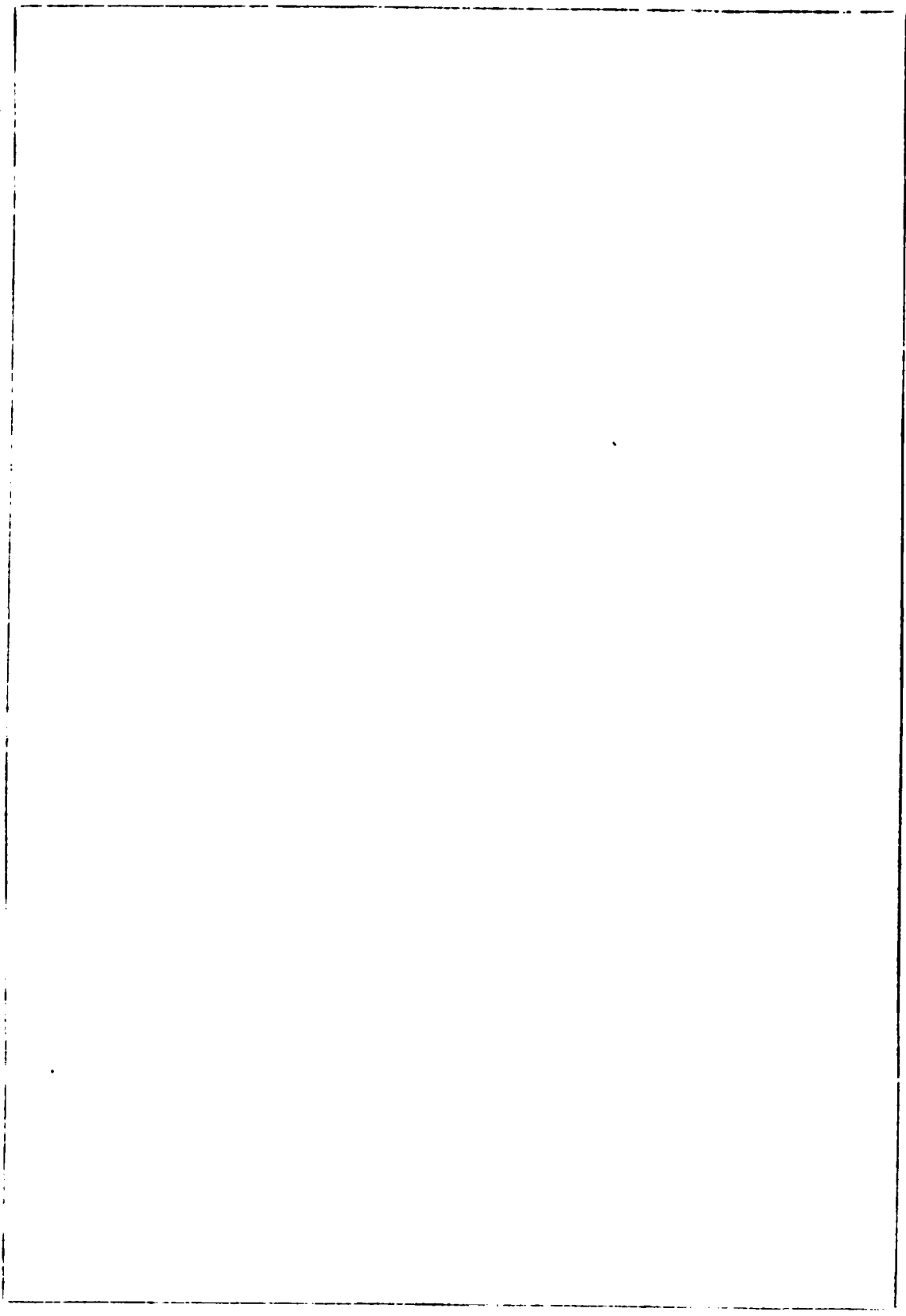
From time to time the Indictment speaks of the military, the civilian and naval elements. It specifically charges that the military and naval groups of Japan sought to increase their influence and control over Japanese government officials and agencies and to psychologically prepare Japanese public opinion for aggressive warfare through the teaching of nationalistic policies of expansion and the dissemination of war propaganda. Therefore, since the Prosecution has elected to treat of the Navy and naval preparations for war as a separate subject, we too have chosen to present a sub-topic of the Pacific Phase which seeks to answer and explain many of the charges thus made. The matters to be presented enure to the benefit of all of the accused in that they strike at the broad and sweeping conspiracy charges while at the same time answering other specific allegations in the Indict-

1 ment.

2 In Section 6, Appendix A of the Indictment,  
3 it is charged, among other matters, that the Japanese  
4 Navy was able to exert strong control over the  
5 Government by virtue of a right to appoint and with-  
6 hold the Navy Minister, thereby either preventing a  
7 government from being formed or bringing about its  
8 downfall after formation. In conjunction, it is charged  
9 that in May, 1936, a regulation was promulgated which  
10 restricted the occupancy of the Navy Ministry to  
11 senior officers on the active list. The defense will  
12 show that the Japanese Navy by teaching and custom was  
13 reluctant to engage in matters of a political nature.  
14 The prosecution has failed to show that any cabinet  
15 in the history of Japan was either prevented from  
16 being formed or caused to fall after formation as a  
17 result of the Navy either refusing to appoint a minis-  
18 ter or withdrawing him. The defense will further show  
19 that not only was this never done, but no attempt or  
20 threat to do so was ever inferred or implied. Further,  
21 long before 1936, the date of the regulation deemed  
22 so important by the prosecution, it will be clearly  
23 revealed that the Navy Minister was always a senior  
24 officer on the active list.  
25

The averment is made, in the same section of

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1 tan and catholic viewpoint. The commanding officers  
2 and those senior officers upon whose shoulders rested  
3 the vital decisions of the Navy were well rounded,  
4 highly educated and thoroughly competent men. This  
5 may be partly the answer to the fact that the Navy  
6 consistently exercised a restraining influence on the  
7 military of Japan.

8           There are several reasons why the Tribunal  
9 should fully understand the organizational character-  
10 istics of the Japanese Navy. A chart will be offered  
11 in evidence which clearly reveals the chain of command  
12 and illustrates the two great categories known as the  
13 Navy Ministry and the General Staff. Both the Navy  
14 Ministry and the General Staff were headed by men whose  
15 appointment came from the Emperor. There was an over-  
16 lapping and some concurrence in many of their powers,  
17 but fundamentally the Navy Ministry was relegated to  
18 the matters of administration, budget and personnel.  
19 Whereas, on the other hand, the Naval General Staff,  
20 not differing from that branch as exists in other coun-  
21 tries, was the fighting unit centralizing its efforts  
22 in the planning and preparations and execution of  
23 strategic warfare. The part played by the Combined  
24 Fleet owes its direction specifically to the General  
25 Staff. The words following, "to which it was directly



1 subordinated," should be stricken. Actually, there-  
2 fore, the attack of December 7 and 8 in the Pacific  
3 War was an operative movement under the auspices of  
4 the Naval General Staff and fundamentally without the  
5 direct scope of the Navy Ministry.

6 Evidence will be offered to show exactly how  
7 a Japanese naval officer advances in rank, and the  
8 Tribunal will be called upon to recognize the differ-  
9 ences between a political group wherein promotion is a  
10 result of partisan politics, usually accompanied by  
11 intricate inner maneuvering, and a military organi-  
12 zation such as the Navy, where the system of advance-  
13 ment to higher rank is quite a different process. Un-  
14 like a political organization where an individual  
15 might rise over night to a position of influence accord-  
16 ing to the dictate of current events or the plotting  
17 and planning of his constituents, it will be shown  
18 that in the Japanese Navy an officer may have found  
19 himself in a certain high naval position during a cer-  
20 tain vital period of time, not as a result of personal  
21 ambition, political achievement, or the currying of  
22 favor, but rather as the normal function of a system  
23 of promotion compatible with ability and achievement  
24 in line of duty. It becomes impossible and even ridicu-  
25 lous to conclude that his membership in the Navy is the

1 result of a conspiracy and that consequently his assump-  
2 tion of a high-ranking office exposes him to such a  
3 charge. That a good soldier and a good sailor accepts  
4 his assignment no matter how high in compliance with  
5 orders and the established dictate and custom of the  
6 honorable profession of arms finds its precedence in  
7 internationally recognized military tradition.

8           The prosecution sought to show general Japan-  
9 ese naval preparations for war by dividing their approach  
10 into two separate categories. The first, being Japan-  
11 ese action relative to the abrogation of the "Washington  
12 Naval Treaty, and the second, actions taken by the Navy  
13 after that date. The defense feels fortunate in hav-  
14 ing as its witness relative to the Japanese position  
15 in regard to naval disarmament one of the few remain-  
16 ing naval experts alive today who personally attended  
17 all of the conferences dating back to the first in  
18 "Washington in 1922. Since we have restricted all of  
19 our evidence to the testimony of this one witness, his  
20 affidavit is necessarily lengthy, but since it is the  
21 only evidence on this point and is based upon factual  
22 events and not personal opinion, we feel this method  
23 of procedure is actually a time-saving device.  
24

25           In Appendix A, Section 5, Paragraph (a) of  
the Indictment it is charged that "about 29 December

1934 Japan denounced the Washington Naval Treaty after an unsuccessful attempt to persuade the other signatories to agree to a common upper limit of global tonnage for her own obvious advantage." The evidence to be adduced will disclose that the Japanese concept of the Washington Naval Treaty was that, as an encumbrance on aggression, it was of little value if not actually retrogressive in nature. Hence if real disarmament was honestly desired by the great powers of the world, the Japanese plan held forth the real solution. Obviously it is true that strongly interwoven in the reasoning behind Japanese objections to the then prevailing provisions of the Washington Naval Treaty was the fact that Japan was an island nation surrounded by water and depending strongly upon her naval strength to safeguard her national security. And it is further true that there existed in the hearts and minds of the Japanese people a desire for recognition as a first rate power with the right to provide a Navy paralleling their needs for security. In retrospect it becomes quite possible to impute evil motives to acts founded on the best of intentions. Hence the lengthy testimony of the witness on this matter, while not exhaustive, is extremely comprehensive and will reveal to the Tribunal the conduct and

1 thinking of the other powers who attended the dis-  
2 cussion groups at those conferences in relation to the  
3 Japanese views.  
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In Section 5, Appendix A, Paragraph (c) of the Indictment, it is charged that Japan continually and progressively fortified the islands for which she held a Mandate from the League of Nations. This is a serious allegation with heavy implications demanding adequate reply. In the wake of prosecution evidence which consisted largely of paper testimony of illiterate natives of the various islands, the defense will produce a number of witnesses who will testify personally as to the exact condition of the Mandated Islands during the period in controversy. The prosecution produced the purported statement of one Japanese citizen relative to conditions on the island of Saipan. Although this witness resided in Japan and could have been produced by the prosecution for personal testimony, such procedure was not adopted and the defense has chosen to supply that omission by bringing the witness into court. His purported statement, as offered by the prosecution, is so vastly different from that of his oral testimony that he must either be challenged as usurping the truth, or the falsity of the prosecution evidence will stand as a glaring example of the disadvantage of accepting paper testimony in place of the witness in the box.

The gist of the evidence to be presented

reveals that the Mandated Islands were not fortified  
1 prior to commencement of hostilities. This is a strange  
2 and remarkable evidence of self-control on the part of  
3 the Japanese Navy, for the very explosive nature of  
4 the critical situation of world affairs then existing,  
5 together with the drastic evolution of modern warfare,  
6 rendered daily more obsolete and unthinkable in the  
7 minds of military men the plausibility of strict obey-  
8 ance of the Mandate Covenant. No one can deny the  
9 military importance of these strategically located  
10 bits of land in the Pacific and in face of past evi-  
11 dence offered this Tribunal of allied fortification  
12 of other territories in the Pacific, it will be sub-  
13 mitted that Japanese inactivity in regard to forti-  
14 fications was a most admirable example of self-restraint.

15 Prosecution evidence of a blueprint map of  
16 Wotje Island, together with an aerial reconnaissance  
17 photograph taken shortly after the commencement of war,  
18 was introduced for the purpose of proving, through infer-  
19 ence, construction of fortifications on that island  
20 prior to commencement of hostilities. The defense  
21 will produce the man who drafted the blueprint. It  
22 will then be revealed that this draft was not of the  
23 nature from which constructions could be built but in  
24 reality was a plan map upon which a construction map

1 could have been drafted, and was used as a possible  
2 basis for future plans in event of war. In looking  
3 into the unpredictable future and for the purpose of  
4 obtaining necessary budget allowances, the Japanese  
5 Navy possessed many such plans and it will be sub-  
6 mitted that had they not done so they would have been  
7 derelict in their duty relative to providing a poten-  
8 tial naval defense for their country. Of course, the  
9 Tribunal will have to distinguish between civilian,  
10 commercial or cultural developments which are capable  
11 of being used by the military during wartime from  
12 those constructions which are solely and purely of a  
13 military nature and which unquestionably can be ident-  
14 ified as fortifications.

15 Evidence thus far adduced has shown that there  
16 existed a cleavage of thought between the Japanese  
17 Army and Navy relative to the matter of continuation  
18 of negotiations with the United States toward the  
19 solution of difficulties by pacific means. But this  
20 is not to say that the Navy did not feel it was  
21 requisite that they be prepared for the eventuality  
22 of war. It is charged in Appendix A, Section 7  
23 that "from 1936 to 1945 close military, naval,  
24 economic and diplomatic cooperation and exchange of  
25 information were maintained between the above three

1 countries (Japan, Germany and Italy). At the request  
2 of Germany, Japan from the beginning of the war on  
3 December 7th and 8th, 1941, adopted the German policy  
4 of ruthless submarine warfare and the destruction of  
5 crews of ships sunk or captured." In answer to this  
6 charge and speaking purely from the naval viewpoint  
7 it will be shown that there was no cooperation between  
8 Germany and Japan which should mark the efforts of  
9 countries allied in a war effort. The true facts to be  
10 revealed will definitely show that the anti-German  
11 attitude of the Japanese Navy prevailing from prior  
12 to the signature of the Tri-Partite Pact until the  
13 end of hostilities expressed itself in an outright re-  
14 fusals to cooperate with Germany. Japan at no time  
15 accepted the German policy of submarine warfare.  
16 Japan sought to confine the activities of its underseas  
17 craft to destruction of allied war vessels and not com-  
18 mercial shipping and supply lines. This was the great  
19 principle in dispute between Germany and Japan. The  
20 evidence will be that rather than Japan adopting a  
21 policy of ruthless submarine warfare, the United States  
22 from the beginning of hostilities pursued the program  
23 of unrestricted submarine warfare with a results so  
24 devastating as to be largely responsible for the final  
25 capitulation of Japan.



1           It is charged in Section 5 of the same portion  
2 of the Indictment that at all times and especially  
3 throughout 1941 she (Japan) made secret naval plans for  
4 the surprise attacks which ultimately took place. Evid-  
5 ence will be offered in the nature of the testimony of  
6 Japanese naval officers who participated in the drafting  
7 of war plans which enunciate the definite fact that prep-  
8 arations for war against the United States, Great Britain  
9 and the Netherlands were not put into effect until late  
10 in the year 1941 and after diplomatic negotiations had  
11 all but exhausted themselves and offered no promise of  
12 settling the vital issues then existing. It was at  
13 this time, the closing days of 1941, that Japanese  
14 military leaders were faced with the problem of prepar-  
15 ing for war. The ever-increasing military strength of  
16 the United States and Great Britain was secondary only  
17 to the dwindling military potential of Japan. With its  
18 source of oil supply all but depleted the Japanese Navy  
19 realized that it was but a matter of months before the  
20 allies would be able to dictate their will to Japan,  
21 rather than request it over the diplomatic table. There-  
22 fore, if the military and navy was to be called upon to  
23 exercise its profession of arms in seeking a solution to  
24 the situation, time was of the essence.  
25

It is not a treacherous or duplicitous event

1 that the navy instigated precautionary procedures rela-  
2 tive to preparing for hostilities at the same time that  
3 diplomatic negotiations were in progress. Other nations  
4 of the world shared this lack of confidence in the  
5 successful termination of diplomatic negotiations as  
6 well, for they too were preparing for the eventuality of  
7 war. Therefore, preparation, in and of itself, can not  
8 be construed as evil or as a conspiracy for aggressive  
9 war, as charged by the prosecution. Evidence will be  
10 presented showing the relative strengths of the Japanese  
11 and American Navies, their personnel and the budget appro-  
12 priations then existing. Further evidence will be given  
13 of the fighting vessels under construction and comparison  
14 made between the United States and Japan. The Tribunal  
15 will be called upon to view the existing naval strength  
16 of the Western Powers and also the omnipotent factor  
17 presenting itself to the Japanese in face of the ever-  
18 increasing naval potential of the United States.

19  
20 The evidence will reveal it was a case of the  
21 midget striking the giant in order to defend himself.  
22 And it will be submitted that it is a recognizable fact  
23 that Japan would not have sought to bite off more than  
24 it could chew unless it felt itself in a desperate and  
25 almost hopeless situation.

Prior to the institution of hostilities December

1 7th and 8th, the evidence will reveal that Japanese  
2 naval leaders fully expected proper notice complying  
3 with the provisions of international law would be  
4 given the United States. Proving beyond question the  
5 reluctance of naval leaders to preclude the possibility  
6 of a peaceful settlement of affairs is the fact that  
7 included in General Order Number 1, the over-all  
8 military movement that sounded open conflict, was the  
9 all-important provision that the fleet was to return,  
10 even at the last minute, in the event negotiations be-  
11 tween the United States and Japan took a turn for the  
12 better and promised hope of settlement. Therefore, since  
13 the navy is considered as a portion of the military and a  
14 component part of the Japanese Government itself, it  
15 will at the proper time and upon summation be submitted  
16 that between the accused in the dock there existed no  
17 accord, no sameness of political philosophy and no  
18 cooperation that rivaled or excelled the great war  
19 efforts of other powers during this tragic era of modern  
20 history.

21 Mr. Roberts will proceed.

22 THE PRESIDENT: Mr. Roberts.

23 MR. ROBERTS: We offer in evidence defense docu-  
24 ment No. 1973, which is the affidavit of Former Admiral  
25 SAWAMOTO, Yorio, wartime Vice-Minister of Navy, and

1 whose long experience in administrative affairs of the  
2 Japanese navy qualifies him to testify authoritatively  
3 concerning the organization of the Japanese navy with  
4 special reference to the division of duties between the  
5 Navy Ministry and the Naval General Staff.

6 At the same time we offer in evidence defense  
7 document 1958, which is a specially-prepared chart show-  
8 ing graphically the relation of the Emperor, the Cabinet,  
9 the Navy Ministry and the Naval General Staff, with  
10 subordinate offices. This is offered to assist the Tri-  
11 bunal in following the testimony of the witness SAWAMOTO.

12 I call the witness SAWAMOTO.

13 Y O R I O S A W A M O T O, called as a witness in  
14 half of the defence, being first duly sworn,  
15 testified through Japanese interpreters as  
16 follows:

17 DIRECT EXAMINATION

18 BY MR. ROBERTS:

19 Q Please state your name and address.

20 A SAWAMOTO, Yorio, 110 Takinokizaka, Meguro-ku,  
21 Tokyo.

22 MR. ROBERTS: May the witness be shown defense  
23 document No. 1973?

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

1 Q Please examine this document and state whether  
2 or not it is your sworn affidavit.

3 A This is my affidavit.

4 MR. ROBERTS: I offer in evidence defense doc-  
5 ument 1973.

6 THE PRESIDENT: Do you swear the contents  
7 to be true?

8 THE WITNESS: I do.

9 MR. ROBERTS: May it be marked, please?

10 THE PRESIDENT: Admitted on the usual terms.

11 THE CLERK OF THE COURT: Defense document 1973  
12 will receive defense exhibit No. 2980.

13 (Whereupon, the document above re-  
14 ferred to was marked defense exhibit No. 2980  
15 and received in evidence.)

16 MR. ROBERTS: I read Exhibit 2980.

17 THE PRESIDENT: What about the annexure?

18 MR. ROBERTS: I request also that the map  
19 be marked in evidence at this time.

20 THE PRESIDENT: Show it to the witness.

21 (Whereupon a document was handed  
22 to the witness.)

23 MR. ROBERTS: The map is duly certified and  
24 has the proper certification marked thereon.

25 THE PRESIDENT: Do you tender it?

MR. ROBERTS: Yes, sir.

THE PRESIDENT: Is there any objection? There is no objection. Admitted on the usual terms.

THE CLERK OF THE COURT: Defense document 1958 will receive defense exhibit number 2981.

(Whereupon, the document above referred to was marked defense exhibit No. 2981 and received in evidence.)

MR. ROBERTS: I proceed to read Exhibit 2980:

"1. My name is Yorio SAWAMOTO. I served in the Navy from November 1908 (Meiji 41) when I graduated from the Naval Academy until September 1945 (Showa 20) when I was relegated to the reserves as a full admiral.

"During that period I participated in work connected with naval organization in the capacity of First Section Chief of the Naval Affairs Bureau of the Navy Ministry (at the time as a captain) from August 1929 (Showa 4) until November 1932 (Showa 7). Further I held the following posts in Tokyo during my years of service:

"From August 1921 (Taisho 10) until June 1923 (Taisho 12) - Staff of First Section Naval Affairs Bureau, Navy Ministry (Lieutenant Commander);

"From December 1926 (Taisho 15) until December 1928 (Showa 3) - Staff of First Section, Personnel

Bureau, Navy Ministry (Commander);

1 "From February 1936 (Showa 11) until November 1937  
2 (Showa 12) - Chief of General Affairs, Bureau of Naval  
3 Fleet Activities Headquarters (Rear Admiral);

4 "From April 1941 (Showa 16) until July 1944 (Showa  
5 19) - Navy Vice-Minister (Vice-Admiral - Full Admiral).

6 "Besides having held the above posts, I served  
7 as Commander of the Second China Fleet from October  
8 1940 (Showa 5) until April 1941 (Showa 16).

9 "2. In the Japanese Navy, naval administra-  
10 tion fell under the authority of the Navy Minister,  
11 while the Chief of the Naval General Staff disposed of  
12 matters concerning naval operations. Naval adminis-  
13 tration and supreme command were classified according  
14 to organization. Both the Navy Minister and the Chief  
15 of the Naval General Staff were directly subordinate  
16 to the Emperor, so that there was no question of the  
17 one being superior or subordinate to the other.

18 "3. The Navy Minister controlled naval admin-  
19 istration and supervised all matters concerning naval  
20 officers and naval civilians. The office of Navy  
21 Minister was that of a civilian official and his  
22 appointment and dismissal were decided by a report to  
23 the Throne by the Prime Minister in similar fashion  
24 with those of the other ministers. It was customary,  
25

1 however, for the outgoing Navy Minister to nominate a  
2 successor and recommend him to the Prime Minister. The  
3 Prime Minister, acting on his recommendation, then  
4 took the usual procedure of appointment.

5 "The appointment of the Chief of the Naval  
6 Affairs Bureau followed the same procedure as those of  
7 other Bureau Chiefs of the Navy Ministry and the  
8 Navy Minister had complete control of same.

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"4. The Navy Ministry was composed of the  
1 Navy Minister, Parliamentary Vice-Minister, Vice-  
2 Minister, Councillors, the Ministerial Secretariat,  
3 the Naval Affairs Bureau, the Mobilization Bureau,  
4 the Personnel Bureau, the Educational Bureau, the  
5 Bureau of Stores, the Medical Bureau, the Bureau of  
6 Accounts and Supplies and the Judicial Affairs Bureau.  
7 The Naval Parliamentary Vice-Minister, Vice-Minister  
8 and Councillors and the Ministerial Secretariat were  
9 similar to the corresponding offices of the other  
10 ministries.

"The Naval Affairs Bureau handled affairs  
12 touching naval administration in general, naval  
13 armaments, national defense policy, international  
14 regulations, general public relation issues, dissemin-  
15 ation of naval knowledge, etc.

"The Mobilization Bureau supervised affairs  
17 concerning general despatch preparations, national  
18 mobilization, supplementing of arms and munitions,  
19 sea and land installations and equipment, mobilization  
20 of munitions industries, affairs concerning material  
21 and resources, shipping port facilities, port service  
22 and transportation and protection of trade and labor.

"The Personnel Bureau supervised affairs  
24 relative to general personnel appointment, dismissal  
25

1 and replacement of officers and special service  
2 officers, conferment of rank and honors, pensions,  
3 relief (support), calling out and wartime mobilization  
4 of naval officers, men and civilians and the drafting  
5 of enlisted men, etc.

6 "The Educational Bureau controlled general  
7 education and training of the Navy, acceptance into  
8 service of naval students, education of naval reserves,  
9 education of extra-naval personnel engaged in maritime  
10 pursuits, etc.

11 "The Bureau of Stores supervised preparation,  
12 preservation and supply of requisites for warship  
13 management (equipment, consumption of goods) fuel,  
14 lubrication oil, clothing, food, etc., as also the  
15 regulations and technical knowledge concerning these  
16 various items.

17 "The Medical Affairs Bureau controlled  
18 medical affairs and sanitation of the Navy and all  
19 education concerning same.

20 "The Bureau of Accounts and Supplies handled  
21 accounts and finance, budget and settlement of  
22 accounts and affairs concerning national property,  
23 wage contracts, and original cost calculations.

24 "The Judicial Affairs Bureau controlled the  
25 various regulations concerning naval judicial affairs,

1 the judicial police and military prosecution.

2 "The various bureau chiefs were appointed  
3 by the Navy Minister and their duties were to have  
4 their respective bureaus completely in hand and to  
5 direct and supervise the work of the divisions and  
6 sections of their bureaus.

7 "5. The Naval General Staff disposed of  
8 affairs relative to national defense logistics. The  
9 Chief of the Naval General Staff was under the direct  
10 command of the Emperor and participated in the secrets  
11 of the Imperial War Council and controlled the Naval  
12 General Staff.

13 "6. As above shown, the Navy Ministry and  
14 the Naval General Staff were organs of different  
15 character, though they possessed various common  
16 aspects as well.

17 "For example, naval strength was planned by  
18 the Naval General Staff as it constituted the basis  
19 of operational planning, but the Navy Ministry demanded  
20 the budget and the equipment of military strength was  
21 conducted by the Ministry. Hence in planning naval  
22 strength it was necessary for the Naval General Staff  
23 to consult the Navy Ministry in the first instance.

24 "The actual procedure was for the Chief of  
25 the Naval General Staff to plan affairs concerning

1    naval strength and to discuss the same with the Navy  
2    Minister. The Chief of the Naval General Staff con-  
3    sulted the Navy Minister on the important items of  
4    supplementing of naval strength, despatch prepara-  
5    tions and national defense logistics while the Navy  
6    Ministry discussed expenditure necessary for the execu-  
7    tion of these measures with the Naval General Staff.  
8    Further, planning and execution of operations were  
9    under exclusive charge of the Naval General Staff, so  
10   that the Navy Ministry could have no part therein.  
11   Consequently, it was impossible for the Navy Ministry  
12   to discuss the pros and cons of operation plans. But  
13   depending on the circumstances relative to preparations  
14   for operations for which the Navy Ministry was respon-  
15   sible, the Naval General Staff might be forced to  
16   change its plans of its own accord.

17                "In the event of war or of hostilities  
18   (incidents), if necessity demanded, the Imperial  
19   General Headquarters was established. In face of the  
20   China Incident, the Imperial General Headquarters was  
21   established in November 1937 and was continued through-  
22   out the Pacific War. The Imperial General Headquarters  
23   was composed of the Supreme Command organs of the Army  
24   and Navy, and its internal organization was clearly  
25   divided into the two departments of the Army and Navy.

The Chiefs of the Army General Staff and the Naval General Staff were both Chiefs of Staff and of equal rank and were the highest responsible persons for the operations of their respective forces. Consequently the responsibilities of their work were clearly divided. These organizations related to the Army and Navy were respectively called the Imperial General Headquarters Army Division and the Imperial General Headquarters Navy Division.

"In other words the Imperial General Headquarters was composed of an Army Division and a Navy Division. However, the Army and Navy Staff Division which formed the nucleus of the Imperial General Headquarters were actually the Army General Staff and the Naval General Staff respectively, and the two were completely independent of each other. Consequently, in the execution of duties, on operations which concerned both the Army and the Navy, joint discussions and exchanges of information were effected; but on matters which did not concern both branches, there were no consultations, and orders were issued and executed independently. There were two types of Imperial General Headquarters orders - the 'Imperial General Headquarters Army Order' and the 'Imperial General Headquarters Navy Order' - those related to

1 the Army belonging to the former category, and those  
2 related to the Navy forming the latter. Even when  
3 the Imperial General Headquarters was established, as  
4 there were no special buildings or offices for it,  
5 the Naval General Staff became the Imperial General  
6 Headquarters, Naval Division, and a board reading  
7 Imperial General Headquarters Naval Division was  
8 placed alongside the Naval General Staff sign. When  
9 the Imperial General Headquarters were established,  
10 the Navy Minister had an office in the Headquarters  
11 but he did not thereby become an officer on its staff.  
12 Neither did the Navy Ministry thereby become an organ  
13 of the Imperial General Headquarters. It goes without  
14 saying that the Navy Minister was subordinated to the  
15 Chief of the Naval General Staff, who was the Chief  
16 of Staff of Imperial General Headquarters for the  
17 Navy because of this set-up. The presence of the  
18 Navy Minister in the Imperial General Headquarters was  
19 for the purpose of controlling the various naval  
20 affairs connected with operations. Consequently,  
21 though the Navy Minister was able to attend the  
22 Imperial General Headquarters conferences he had no  
23 voice in the proceedings as a general rule.

25 "Important naval operations were planned and  
put into execution at the Imperial General Headquarters

1 according to the following procedure. The senior  
2 officer of the First Division of the Staff of the  
3 Naval Division of the Imperial General Headquarters  
4 drafted the plan. After passing in order from the  
5 First Section Chief, the First Division Chief and  
6 the Vice-Chief of the Headquarters, the Chief submitted  
7 it to the Emperor for approval. After the sanction  
8 had been granted, orders were communicated to the  
9 Commander-in-Chief of the Combined Fleet or to the  
10 Commanders-in-Chief of the Fleets and dependent on the  
11 nature of the issue, to the commanders of naval and  
12 minor naval stations. Consequently, the Navy Minister  
13 did not participate in operations plans.

14 "8. Commanders-in-Chief were allocated to  
15 fleets, naval and minor naval stations.

16 "Commanders-in-Chief of fleets were under the  
17 direct orders of the Emperor and assumed command of the  
18 Fleet and supervised fleet duties.

19 "Commanders-in-Chief of naval and minor naval  
20 stations were under direct orders of the Emperor and  
21 controlled defense of their allotted defense sectors  
22 and despatch preparations within their sphere of juris-  
23 diction.  
24

25 "The several Commanders-in-Chief received  
orders from the Navy Minister in matters pertaining to

1 naval administration and instructions from the Chief  
2 of the Naval General Staff on matters concerning  
3 operational plans.

4 "The Commander-in-Chief of the Combined  
5 Fleet directed the fleets under his command but in  
6 matters of naval administration, in items other than  
7 those immediately related to the command of the Com-  
8 bined Fleet, the Commanders-in-Chiefs of the several  
9 fleets received instructions direct from the Navy  
10 Minister.

11 "The same applied to the case of the Commander-  
12 in-Chief of the Fleets.

13 "It was ruled that administration in occupied  
14 areas was to be controlled by the several commanders-  
15 in-chief under the orders of the Navy Minister. The  
16 Combined Fleet Commander-in-Chief did not participate  
17 in the above administration."

18 You may cross-examine.

19 THE PRESIDENT: Mr. Tavenner.

20 MR. TAVENNER: If the Tribunal please, as to  
21 the statement of the witness on page 5 that the Navy  
22 Minister had no voice in the proceedings as a general  
23 rule and on page 6 that he did not participate in  
24 operation plans, reference is made for further explana-  
25 tion of that situation to prosecution exhibit 1979-A,



1 page 14,293 of the transcript, an excerpt from the  
2 interrogation of the accused TOJO.

3 The Tribunal's attention is also called to  
4 the fact that the next document on the order list is  
5 defense document No. 1647, an official document of  
6 the Japanese government entitled rules regarding  
7 contact between the Navy Ministry and Naval General  
8 Staff. As these regulations deal specifically with  
9 many of the matters mentioned in this affidavit the  
10 prosecution will rely upon those regulations, and if  
11 the defense does not introduce the document the prosecu-  
12 tion will.

13 We do not desire to conduct cross-examination.

14 THE PRESIDENT: Mr. Roberts.

15 MR. ROBERTS: Answering the last remarks of  
16 the prosecutor I merely wish to state that this witness  
17 was called because he is an expert in procedure and  
18 was relied upon to outline the exact procedure that was  
19 followed.

20 THE PRESIDENT: If the procedure is stated in  
21 written rules we require to see the procedure in the  
22 rules themselves, but we must rely on one side or the  
23 other to produce them.

24 MR. ROBERTS: That is why we have produced and  
25 that is on our order of proof as the next document, but

1 I simply want to point out that there are cases where  
2 there have been deviations from these prescribed  
3 regulations and that is why we asked the witness to  
4 point out what the procedure was.

5 There are no further questions as far as  
6 this witness is concerned. We ask that he be released  
7 upon the usual terms.

8 THE PRESIDENT: In paragraph 6 the witness  
9 refers to occupied countries, last paragraph, page 6.  
10 Could he give a further explanation of what he means?

11 BY MR. ROBERTS:

12 Q Do you understand the question, Mr. Witness?

13 Perhaps I will read that one paragraph, that  
14 is, the sentence in which the statement is contained.  
15 It is stated in your affidavit as follows: "It was  
16 ruled that administration in occupied areas was to be  
17 controlled by the several commanders-in-chief under  
18 the orders of the Navy Minister. The Combined Fleet  
19 Commander-in-Chief did not participate in the above  
20 administration."

21 Will you explain that further, please?

22 A My meaning is this. After the administration  
23 of occupied areas the various commanders in chief in  
24 those areas administered the occupation in accordance  
25 with instructions from the Navy Minister; however, the

1 commander in chief of the combined fleet had nothing  
2 to do with this.

3 Q That refers to administration and not to  
4 operations plans, is that correct?

5 A Yes, that is so.

6 Q And, of course, applies only to naval  
7 personnel, is that correct?

8 MR. TAVENNER: Objection.

9 THE PRESIDENT: Yes, Mr. Tavenner.

10 MR. TAVENNER: Objection is made to the  
11 question in that it is grossly leading, puts the words  
12 in the mouth of the witness.

13 THE PRESIDENT: Obviously leading; objection  
14 upheld.

15 I am asked to inquire what you mean by the  
16 words at the beginning of that paragraph, "It has  
17 ruled."

18 MR. ROBERTS: "It was ruled."

19 THE PRESIDENT: "It was ruled."

20 THE WITNESS: By that I meant that there were  
21 regulations governing this. I believe there were  
22 probably internal regulations and that provisions  
23 made for this in these regulations.

24 BY MR. ROBERTS:

25 Q Now, referring again to the last paragraph on

1 page 6 you stated that the administration was under  
2 orders of the Navy Minister. To what type of personnel  
3 did you refer?

4 MR. TAVENNER: Objection. If the Tribunal  
5 please, I must remonstrate against such a grossly  
6 leading question. It is repetition merely in a change  
7 of form of the other question.

8 MR. ROBERTS: I am asking him to whom--

9 THE PRESIDENT: It is not necessary to clear  
10 up anything asked by me on behalf of a Member of the  
11 Tribunal. Further examination by you will not be per-  
12 mitted, Mr. Roberts. It is not necessary to explain  
13 anything as a result of an answer to a question put  
14 by the Tribunal.

15 MR. ROBERTS: The answer given to the question  
16 by the Court, I thought, raised a question of doubt.  
17 I wanted to try to clear that up.

18 THE PRESIDENT: The Court has heard suffic-  
19 iently. The Court's question did not raise any new  
20 difficulty. A clear answer was given. There is  
21 nothing for you to clear up.

22 MR. ROBERTS: May the witness be excused on  
23 the usual terms?

24 THE PRESIDENT: He is excused accordingly.

25 (Whereupon, the witness was excused.)

1 MR. ROBERTS: We offer in evidence defense  
2 document 1647 which is an excerpt from the "Rules  
3 Governing Business Contacts Between the Navy  
4 Ministry and the General Staff." This is offered  
5 for the further purpose of showing the Tribunal  
6 exactly how the matters relative to the two great  
7 divisions of the Navy were assigned and handled.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 1647  
10 will receive exhibit No. 2982.

11 (Whereupon, the document above  
12 referred to was marked defense exhibit  
13 No. 2982 and received in evidence.)

14 MR. ROBERTS: We do not desire to read this  
15 document, but introduce it, as stated previously,  
16 for the guidance of the Court.

17 THE PRESIDENT: That is sensible.

18 MR. ROBERTS: It should be read, however,  
19 together with the testimony of the witness who just  
20 occupied the stand.

21 We offer in evidence defense document  
22 1648 which is an excerpt from the official document  
23 entitled "Imperial Ordinance Concerning the  
24 Organization of the Fleet." It is offered for the  
25 purpose of explaining the status, duties and function

1 of the Commander-in-Chief of the Combined Fleet  
2 revealing that he was directly subordinate to the  
3 Emperor being subjugated to the Navy Minister as  
4 regards administrative affairs and to the Chief of  
5 Naval General Staff as regards the planning of war  
6 operations.

7 THE PRESIDENT: Mr. Tavenner.

8 MR. TAVENNER: If the Tribunal please, the  
9 prosecution views this document as entirely irrelevant  
10 and immaterial. Every nation divides its fleet into  
11 squadrons and has a Commander-in-Chief. There is  
12 nothing that we observe in this or the succeeding  
13 three documents, which also deal with organization  
14 matters, which are relevant to any issue in this  
15 case.

16 THE PRESIDENT: I think in the course of  
17 the prosecution's case we intimated that we did not  
18 want these matters which are common to all countries  
19 proved in any detail. That still applies.

20 MR. ROBERTS: We submit that there is a  
21 difference in the Japanese naval setup, and for  
22 that purpose want to show the division of respon-  
23 sibility between the Navy Minister and the General  
24 Staff.

25 THE PRESIDENT: So far as there are

1 of the Commander-in-Chief of the Combined Fleet  
2 revealing that he was directly subordinate to the  
3 Emperor being subjugated to the Navy Minister as  
4 regards administrative affairs and to the Chief of  
5 Naval General Staff as regards the planning of war  
6 operations.

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9 prosecution views this document as entirely irrelevant  
10 and immaterial. Every nation divides its fleet into  
11 squadrons and has a Commander-in-Chief. There is  
12 nothing that we observe in this or the succeeding  
13 three documents, which also deal with organization  
14 matters, which are relevant to any issue in this  
15 case.

16 THE PRESIDENT: I think in the course of  
17 the prosecution's case we intimated that we did not  
18 want these matters which are common to all countries  
19 proved in any detail. That still applies.

20 MR. ROBERTS: We submit that there is a  
21 difference in the Japanese naval setup, and for  
22 that purpose want to show the division of respon-  
23 sibility between the Navy Minister and the General  
24 Staff.

25 THE PRESIDENT: So far as there are

1 differences and they are material, I think we would  
2 all like to know what they are. I understand from  
3 a colleague that Article 11 may be material; Article  
4 10 also.

5 MR. ROBERTS: Yes. We only intend to refer  
6 to one article or so in each of the documents so that  
7 we will not burden the Court with reading the entire  
8 document in any case.

9 THE PRESIDENT: As far as we can judge,  
10 only Articles 10 and 11 are important.

11 MR. ROBERTS: That is all I intend to read;  
12 Article 10, as a matter of fact. Ten and 11; I wish  
13 to correct that.

14 THE PRESIDENT: The objection is sustained  
15 except as regards Articles 10 and 11 which are ad-  
16 mitted on the usual terms.

17 CLERK OF THE COURT: Defense document 1648  
18 will receive exhibit No. 2983.

19  
20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 2983 and received in evidence.)

23 MR. ROBERTS: I read exhibit No. 2983:

24 "Art. 10. The Commander-in-Chief of the  
25 Combined Fleet, directly subordinate to the Emperor,  
shall command the Combined Fleet and superintend



1 affairs relating to the fleet. The Commander-in-  
2 Chief of the Combined Fleet shall receive orders  
3 from the Minister of the Navy as regards adminis-  
4 trative affairs and directions from the Chief of the  
5 Navy General Staff as regards the planning of war  
6 operations.

7 "Art. 11. The commander-in-chief of a  
8 fleet, directly subordinate to the Emperor, shall  
9 command the fleet under him and direct affairs of  
10 his fleet. The commander-in-chief of a fleet shall  
11 receive orders from the Minister of the Navy as re-  
12 gards administrative affairs and directions from the  
13 Chief of the Navy General Staff as regards the  
14 planning of war operations."

15 We offer in evidence defense document 1671  
16 which is an excerpt from an official document per-  
17 taining to the "Ordinance Concerning the Combined  
18 Flying Naval Corps." This is offered only for the  
19 purpose of showing in Article 4 thereof the Command-  
20 ant of the Combined Naval Air Command was directly  
21 subordinate to the Throne, subject to orders from  
22 the Navy Minister regarding administrative matters,  
23 and to the Naval General Staff regarding the planning  
24 of war operations.  
25

THE PRESIDENT: Admitted as regards

Article 4 only.

1           CLERK OF THE COURT: Defense document 1671  
2 will receive exhibit No. 2984.

3                   (Whereupon, the document above  
4 referred to was marked defense exhibit No.  
5 2984 and received in evidence.)  
6

7           MR. ROBERTS: I read exhibit 2984:

8           "Article 4. The Combined Naval Air Com-  
9 mand shall have a commandant. The commandant directly  
10 subordinate to the throne, shall command the com-  
11 bined naval air command under him. He shall also  
12 be in charge of naval administration subject to  
13 orders from the Minister of the Navy.

14           "With regard to the planning of war opera-  
15 tions, the commandant shall receive directions by  
16 from the chief of the Naval General Staff."

17           We offer in evidence defense document 1672  
18 which is an excerpt from the "Laws and Ordinances  
19 Concerning the Organization of Naval Stations."  
20 This document also is offered for the purpose of  
21 showing the Commanders-in-Chief of naval stations  
22 were directly subordinate to the Throne and under  
23 the direction of the Minister of Navy as to adminis-  
24 trative matters only and under the direction of the  
25 Chief of Naval General Staff as to the planning of  
war operations.

1 THE PRESIDENT: You have told us enough to  
2 dispense with the reading, if we admit the document.

3 Mr. Tavenner.

4 MR. TAVENNER: The prosecution is willing  
5 to accept that statement as the substance of the  
6 document.

7 THE PRESIDENT: The document is admitted  
8 but will not be read.

9 CLERK OF THE COURT: Defense document 1672  
10 will receive exhibit No. 2985.

11 (Whereupon, the document above  
12 referred to was marked defense exhibit  
13 No. 2985 and received in evidence.)

14 MR. ROBERTS: We offer in evidence defense  
15 document 1673 which is more or less identical with  
16 defense document 1672 but applying to auxiliary  
17 naval stations. This document is cumulative and  
18 will not be read.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 1673  
21 will receive exhibit No. 2986.

22 (Whereupon, the document above  
23 referred to was marked defense Exhibit No.  
24 2986 and received in evidence.)

25 THE PRESIDENT: You are now about to call

1 a witness, is that so?

2 MR. ROBERTS: A witness; that is right.

3 THE PRESIDENT: We will recess for fifteen  
4 minutes.

5 (Whereupon, at 1045, a recess was  
6 taken until 1100, after which the proceed-  
7 ings were resumed as follows:)

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1 MARCHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Tavenner.

4 MR. TAVENNER: If the Tribunal please, request  
5 is made that exhibit 2980 be referred to the transla-  
6 tion representatives of the Tribunal with regard to  
7 one word on page 5, beginning with the second sen-  
8 tence from the end of the first paragraph. The sen-  
9 tence reads: "It goes without saying that the Navy  
10 Minister was subordinated." We are --

11 THE PRESIDENT: "Subordinated" in our copies.

12 MR. TAVENNER: We are advised that the word  
13 "not" should appear before the word "subordinated,"  
14 according to the Japanese text.

15 THE PRESIDENT: We refer it to the Language  
16 Section.

17 MR. ROBERTS: I think that is borne out by  
18 the statement on the bottom of page 1 to the same effect.

19 Following the reading of the affidavit just  
20 referred to, the prosecutor called the Court's atten-  
21 tion to exhibit 1979, stating that they relied upon  
22 that. I have since examined this exhibit and find  
23 that it is not at all in variance with anything that  
24 was said in the affidavit.

25 We call as a witness former Vice-Admiral

Mitsumi SHIMIZU, whose testimony relates to the method of promotion of Japanese Naval officers and is offered for the purpose of showing that advancement to higher rank and positions of responsibility was purely a matter of naval procedure and nonpolitical in character, therefore offering a contrast to political organizations.

- - -

MITSUMI SHIMIZU, called as a witness on behalf of the defense, being first duly sworn, testified through Japanese interpreters as follows:

DIRECT EXAMINATION

BY MR. ROBERTS:

Q Please state your name and address.

A My name is SHIMIZU, Mitsumi; my address, 50 3-chome, Shino-na-cho, Setagaya-ku, Tokyo.

Q May the witness be shown defense document No. 1926?

Please examine this document and tell us whether or not it is your affidavit.

A This is my affidavit, without mistake.

Q Do you swear that the contents are correct and true?

A I do. They are true and correct.

MR. ROBERTS: I offer in evidence defense document No. 1926.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 1926 will receive exhibit No. 2987.

(Whereupon, the document above referred to was marked defense exhibit No. 2987 and received in evidence.)

MR. ROBERTS: I read exhibit 2987:

"1. My name is SHIMIZU, Mitsumi. I am a former Vice-Admiral of the Japanese Navy. I occupied the following posts in connection with personnel affairs during the 36 years of my naval service. From December 1923 till December 1924 (Lieutenant Commander), Staff Officer of the Education Bureau, Navy Ministry. Naval Cadets Selection Committee member. From December 1931 till April 1934 (Captain), 1st Section Chief of the Personnel Bureau, Navy Ministry. From December 1936 till December 1938 (Rear-Admiral), Chief of Personnel Bureau, Navy Ministry.

"2. All Naval personnel affairs were handled by the Navy Minister.

"3. Although a naval officer was appointed to the post of Navy Minister, he was considered a civilian official from the standpoint of the Government

1 system. Hence his appointment and dismissal were  
2 determined by a Report to the Throne made by the  
3 Prime Minister as in the case of other cabinet  
4 ministers. In the event of change of the Navy  
5 Minister, it was customary for the Premier to  
6 request the outgoing Minister of the Navy to  
7 recommend his successor and the latter to name an  
8 appropriate candidate from among the officers of  
9 the Navy.

10 "4. The appointment of staff officers,  
11 officers who were very closely connected with the  
12 Chief of Naval General Staff and the Naval General  
13 Staff, was decided by the Minister of the Navy after  
14 consultation with the Chief of Naval General Staff.  
15 In cases where Imperial sanction was required, the  
16 Minister of the Navy directly reported to the Throne  
17 for same without approaching the Cabinet.

18 "5. The appointment of the Vice-Minister  
19 of the Navy and of the various Bureau Chiefs of the  
20 Navy Ministry was conducted as follows: The Personnel  
21 Bureau Chief after considering various qualifications  
22 such as personality and ability would select three  
23 most promising candidates, numbering them in order  
24 of merit and would submit the list to the Minister  
25 of the Navy. Thereupon, the latter would decide on



1 the one which he believed was most suited to the  
2 office.

3 "In the selection of the several Bureau  
4 Chiefs the opinion of the Vice-Minister was taken  
5 into consideration besides the plan of the Chief of  
6 the Personnel Bureau.

7 "6. It was customary to appoint commanders-  
8 in-chief of fleets and of minor naval stations  
9 simultaneously with the regular annual personnel  
10 shifts in December. The regular personnel appoint-  
11 ments were decided by the Minister of the Navy through  
12 selection of an appointment plan tentatively drafted  
13 by the Chief of Personnel Bureau.

14 "Special consideration was given in the  
15 selection of naval school instructors and others in  
16 educational posts, people with abundant common-sense  
17 and sublime personalities being chosen for these  
18 posts.

19 "7. According to the service table regula-  
20 tions, the commanders of each unit were responsible  
21 for the preparation of a service table of his subordi-  
22 nate officers and the submission of same to the  
23 Minister of the Navy through their superior officers  
24 of the direct line of command, every August. The  
25 Chief of the Personnel Bureau kept in custody and

1 adjusted these service tables, and being kept fully  
2 informed on details of the personalities and abilities  
3 of all the officers of the Navy, drafted and submitted  
4 to the Minister of the Navy the Personnel Change Plan  
5 of all naval officers on the principle of just and  
6 nonpartisan choice of the right man for the right  
7 post. The Minister of the Navy passing his decision  
8 on the basis of this plan would result in the issuing  
9 of the appointment orders.

10 "8. Selection for promotion of officers  
11 was handled with special care; a promotion con-  
12 ference being held each year in autumn to decide  
13 promotions. This Promotion Conference was attended  
14 by all the commanders-in-chief of fleets, minor  
15 naval stations and important ports and by the admirals  
16 designated by the Minister of the Navy (Fleet Admirals,  
17 Members of the War Council, Vice-Minister of the Navy,  
18 Vice-Chief of Naval General Staff, Chief of Naval  
19 Technical Department, Chief of the Department of  
20 Naval Aeronautics, Chief of Naval Affairs Bureau,  
21 Chief of Personnel Bureau, Chief of Educational  
22 Bureau, etc.) The Minister of the Navy presided at  
23 the conference, and after serious deliberation and  
24 on the principle of fairness selection for promotion  
25 of all naval officers was conducted. The results were

published in the early part of December.

1  
2 "9. Personnel of especially high character  
3 and qualifications composed the Personnel Bureau of  
4 the Navy Ministry.

5 "Utilizing only the above-mentioned care-  
6 fully prepared service tables and based on the aim  
7 of choosing the right man for the right job, fairly  
8 and without bias, all appointments were the result  
9 of careful selection and there was no opportunity  
10 given for the formation of factions or cliques.

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1 "10. It was perceived that from about the  
2 time of the Manchurian Incident a very small group  
3 of young naval officers dissatisfied with the times  
4 were beginning to harbor revolutionary ideas and  
5 were seen to move in a direction contrary to the  
6 soldiers' code. The Navy never for a moment relaxed  
7 vigilance of this trend. Most unfortunately, however,  
8 the disgraceful incident known as the May 15th Incident  
9 occurred in the May of 1932. At the time, the Navy,  
10 fearing that to leave officers who harbored such  
11 thoughts on the active list would not only undermine  
12 the discipline of the force, but would in the long  
13 run jeopardize the very existence of the same and  
14 endanger the State, decided to act with a firm hand.  
15 Hence it relegated some 30 odd officers to the re-  
16 serves who were found to be sympathizers of the  
17 young officers involved in the incident. Simultaneously  
18 the Minister of the Navy issued instructions to all  
19 officers of the Navy to abide respectfully by the  
20 Imperial Edict to the Armed Forces and not to parti-  
21 cipate in politics. With the approval of the Minister  
22 of the Navy and in place of the Personnel Bureau Chief,  
23 who was absent due to illness, I issued instructions  
24 to the Navy as a whole at the Chief of Staff's  
25 conference immediately after the incident, the gist

1 of which is as follows: 'If there is any officer  
2 who now wishes to take part in politics, let him lay  
3 down his sword, leave active service and follow his  
4 inclination. However versatile a genius he may be,  
5 let him leave the active lists at once.'

6 "As the result of further investigations,  
7 it has however been confirmed that there exist neither  
8 written evidence of the above Navy Minister's  
9 instruction nor of my oral statement made in my capa-  
10 city as 1st Section Chief of the Personnel Bureau  
11 in the absence of the Personnel Bureau Chief."

12 You may cross-examine.

13 THE PRESIDENT: Mr. Tavenner.

14 CROSS-EXAMINATION

15 BY MR. TAVENNER:

16 Q Mr. SHIMIZU, were minutes kept of the Pro-  
17 motion Conference meetings?

18 A Minutes of the Promotion Conferences were  
19 kept. However, I believe that the documents of the  
20 Navy Ministry were burned during the air raids.

21 Q Were the matters of dismissal or denotion  
22 brought before these same conferences?

23 A The question of relegating navy officers to  
24 the reserve lists was taken up there.

25 Q In some instances that could be treated as

a demotion, could it not?

1           A    It would be an extreme form of demotion,  
2 since they must leave the active list.

3           Q    So, in appropriate cases this council would  
4 also direct the retirement of officials of the navy?

5           A    The conference itself could not direct any  
6 such thing, but after obtaining the general approval  
7 of all the members of the conference the Minister  
8 of the Navy would issue the appointments -- would  
9 issue the orders.  
10

11          Q    Was not the same procedure followed in  
12 regard to demotion or dismissal from the service?

13          A    Dismissals which were enacted during the  
14 year, that is, during the time when the Promotion  
15 Conferences were not held, were decided on by the  
16 Minister of the Navy every time such dismissal was  
17 found necessary without taking it up at the Promotion  
18 Conference.

19          Q    How frequently during the year did the Pro-  
20 motion Council or Conference convene?

21          A    Once a year.

22          Q    Specifically, what date?

23          A    It varied according to circumstances from  
24 year to year. However, it was usually held towards  
25 the end of October or the beginning of November,

1 depending on the schedule of the Navy Ministry for  
2 that year.

3 Q Tell us when it met in the year 1942.

4 A After the outbreak of the war in 1941,  
5 it was impossible for the commanders of the various  
6 ports to come up to Tokyo. Therefore, the Chief of  
7 the Personnel Bureau would draw up his own draft  
8 and would visit the various commanders at their posts  
9 and ask for their approval.

10 Q But otherwise, the work of the conference  
11 proceeded as formerly; is that true?

12 A I am afraid I cannot understand just what  
13 you mean.

14 Q I mean, other than to send a request for  
15 reports to the commanders in the field, the work of  
16 the conference proceeded as usual?

17 A On the whole, yes.

18 Q Now, when was the order for promotions made  
19 in the year 1942?

20 A In 1942 I was no longer with the Navy  
21 Ministry; therefore, I do not now recall just when.

22 Q But orders for promotion were made each  
23 year during the period of the war according to the  
24 way that you have described to the Tribunal, is that  
25 true?

1           A    On the whole, the custom I mentioned was  
2 enforced during the war years also. That is to say,  
3 the Chief of the Personnel Bureau would draw up a  
4 draft plan which would be seen by the Minister of  
5 the Navy and then the Chief of the Personnel Bureau  
6 would take that plan around to the commanders of  
7 the various ports and gain their suggestions and  
8 approval.

9           Q    Now, on whose recommendation was the Chief  
10 of the Naval General Staff appointed, and who were  
11 consulted in the making of that appointment?

12           A    Generally speaking, since no one knew when  
13 or how the Chief of the Naval General Staff would  
14 suddenly become incapacitated, the Chief of the  
15 Personnel Bureau always had a draft plan as to whom  
16 he considered best to be his successor and usually  
17 had obtained the informal approval of the Minister  
18 of the Navy. This was the rule during the time that  
19 I was Chief of the Personnel Bureau.  
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1 Q Then, after obtaining the approval of the  
2 Minister, informally, in the event an appointment  
3 should be made was his formal recommendation ob-  
4 tained -- in the event it became necessary to actually  
5 appoint a new Chief of the Naval General Staff?

6 A In the event it actually became necessary  
7 to appoint a new Chief of the Naval General Staff,  
8 the Minister of the Navy in accordance with the informal  
9 plan would then consult with the outgoing Chief of the  
10 Naval General Staff and then appointment would be made.

11 Q By whom would the appointment be made?

12 A Since the position of Chief of the Naval  
13 General Staff was appointed directly by the Emperor,  
14 the appointment ceremony -- the installation ceremony  
15 would be held in the palace with the Navy Minister  
16 making the formal recommendation.

17 MR. TAVENNER: There are no further questions.

18 THE PRESIDENT: I have a couple of questions  
19 on behalf of the Tribunal or Members of it.

20 BY THE PRESIDENT:

21 Q Did the promotion conference have authority  
22 to dismiss an officer or to demote an officer without  
23 trial?

24 A They could -- it could.

25 Q Did the Navy Minister take an active part in

1 the promotion conferences?

2 A The Minister of the Navy was the chairman  
3 of that conference.

4 THE PRESIDENT: Mr. Roberts.

5 MR. ROBERTS: I ask that the witness be  
6 excused on the usual terms.

7 THE PRESIDENT: He is excused on the usual  
8 terms.

9 (Whereupon, the witness was excused.)

10 - - -

11 MR. ROBERTS: We next offer in evidence defense  
12 document No. 1951-D which merely states the First  
13 Section of the Personnel Bureau shall handle naval  
14 personnel affairs in general. It is not intended to  
15 read this document.

16 THE PRESIDENT: Mr. Tavenner.

17 MR. TAVENNER: If the Tribunal please, the  
18 prosecution views the document as absolutely irrelevant  
19 and immaterial, and, even if it is not to be read, it  
20 should not be introduced into evidence.

21 MR. ROBERTS: In accordance with the wish  
22 expressed by the Tribunal previously, these are  
23 regulations referred to by the witness which, I believe,  
24 should be before the Court.

25 THE PRESIDENT: I cannot see a single word

1  
2 or a line that throws light on anything that we want  
3 to know about.

4 MR. ROBERTS: Simply, in the first part of  
5 Article 18 in stating that the First Section shall  
6 handle the personnel affairs showing the division of  
7 responsibility.

8 THE PRESIDENT: The objection is sustained  
9 and the document rejected.

10 MR. ROBERTS: We offer in evidence defense  
11 document 1951-B which is an excerpt from an Imperial  
12 Ordinance concerning naval officer promotion for the  
13 purpose of indicating to the Tribunal in very brief  
14 form the procedure for the promotion of officers.

15 THE PRESIDENT: Admitted on the usual terms;  
16 but you do not need to read it, do you?

17 MR. ROBERTS: I am not intending to read it.

18 CLERK OF THE COURT: A book entitled "Regulations  
19 on Naval Fitness, a Report, Volume 2," will receive  
20 exhibit No. 2988 for identification only. Defense  
21 document 1951-D, being an excerpt therefrom will  
22 receive exhibit No. 2988-A.

23 (Whereupon, the document above  
24 referred to was marked defense exhibit  
25 No. 2988 for identification; the excerpt  
therefrom being marked defense exhibit

1 No. 2988-A and received in evidence.)

2 MR. ROBERTS: We offer in evidence defense  
3 document 1951-A but do not propose to read it. It  
4 is also an excerpt from the Regulations Concerning  
5 Naval Fitness and indicates a procedure was followed  
6 in the Japanese Navy relative to the fitness of an  
7 officer for the rank and assignment held not materially  
8 different from that of the Navies of other countries.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: Objection is made on the same  
11 ground, if the Tribunal please. It is a compilation of  
12 platitudes and ideals with regard to employment of  
13 officers, and the fact that it is not to be read is no  
14 point to be urged in favor of its admission.

15 MR. ROBERTS: It follows the last document  
16 which was admitted and is an excerpt from exhibit No.  
17 2988. It is offered for the guidance of the Court and  
18 is the last of these documents that will be offered.

19 THE PRESIDENT: The objection is sustained and  
20 the document rejected.

21 MR. ROBERTS: We call as our next witness  
22 former Vice-Admiral Shikazo YANO who, with thirty years  
23 of naval service behind him and occupying important  
24 positions in the Educational Bureau of the Navy Ministry,  
25 is well qualified to testify concerning the type of

1 subjects taught in naval schools. This evidence is  
2 offered for the purpose of disproving the prosecution  
3 allegation that the educational system of the Navy  
4 was used to inculcate a spirit of totalitarianism,  
5 aggression, desire for war, cruelty and hatred of  
6 potential enemies. We offer in evidence defense docu-  
7 ment 2072, which is his sworn affidavit.

8 THE PRESIDENT: Mr. Roberts, there is no need  
9 to tell us what the affidavit is about to such an extent.

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1 S H I K A Z O Y A N O, called as a witness on  
2 behalf of the defense, being first duly  
3 sworn, testified through Japanese inter-  
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. ROBERTS:

7 Q Please state your name and address.

8 A My name is YANO, Shikazo. My address is 278,  
9 3-chome, Tamagawa, Todoroki-machi, Setagaya-ku, Tokyo.

10 MR. ROBERTS: May the witness be shown defense  
11 document No. 2072.

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

14 Q Please examine this document and tell us  
15 whether or not it is your sworn affidavit.

16 A This is my affidavit.

17 Q Do you swear that the contents are correct  
18 and true?

19 A I do.

20 MR. ROBERTS: I offer it in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 2072 will  
23 receive exhibit No. 2989.

24 (Whereupon, the document above re-  
25 ferred to was marked defense exhibit No. 2989

YANO

DIRECT

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and received in evidence.)

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MR. ROBERTS: I read exhibit 2989:

1 "1. My name is Shikazo YANO. I was formerly  
2 Vice Admiral in the Japanese Navy with thirty years  
3 of naval service. After graduating from the Naval  
4 Academy in December 1915 I held various positions in-  
5 cluding that of Staff Member of the Personnel Bureau  
6 of the Navy Ministry, instructor at the Naval Staff  
7 College, First Section Chief, Educational Bureau,  
8 Navy Ministry and from November 1942 until 1944 I  
9 held the office of Education Bureau Chief of the  
10 Navy Ministry supervising naval education.

12 "2. I have been informed that the Indictment --"

13 THE PRESIDENT: Paragraph 2 is most objection-  
14 able, Mr. Roberts.

15 MR. ROBERTS: I didn't quite get the full  
16 import of your Honor's remark.

17 THE PRESIDENT: It is most objectionable.  
18 Paragraph 2 is most objectionable, and you must know  
19 it. We do not want him to tell us what is erroneous  
20 in the Indictment. We want him to tell us the facts.

21 MR. ROBERTS: I shall skip paragraph 2 and  
22 proceed with paragraph No. 3 and also the last sent-  
23 ence in the affidavit.

24 "3. Besides elaborate and well designed  
25 courses on international law, taught both in the



1 schools and even in the midst of fleet duties, there  
2 were other subjects which were calculated to mold the  
3 character and personality of the potential officer.  
4 In the first place, great care was taken in the  
5 selection of instructors. These men were thoroughly  
6 investigated and were required to possess well rounded  
7 personalities and moderate and mature judgment. Sub-  
8 jects designed to promote the individuality of the  
9 student were given with the consequent result that  
10 any subject which would result in a belief in totali-  
11 tarianism and the like would be diametrically opposed  
12 to the educational tradition of the Navy.

13 "4. Since the aim of naval education was  
14 the cultivation of the man before the soldier, lectures  
15 on morals, psychology and philosophy were delivered  
16 toward the end of training the individual to be a  
17 model citizen on the basis of reasoning that a good  
18 soldier made a good citizen. There was no suggestion  
19 of advocacy of teachings of cruelty and hatred of  
20 potential enemies or the desire for war. The basic  
21 educational policy of the Navy was respectful abidance  
22 by the Imperial Edict issued to the Army and Navy with  
23 the accompanying interpretation based on the spirit of  
24 'Bushido' which was the code of morals hitherto pre-  
25 vailing among the Samurai Class.

1 "Freedom of religion was taught and of course  
2 permitted. Therefore, it was possible to be a member  
3 of any religious faith and at the same time to be a  
4 naval officer. There were no special religious  
5 phrases or slogans, for this reason, adopted as  
6 educational slogans by the Navy. There was no re-  
7 straint therefore upon the right of a student to  
8 individual thinking.

9 "5. While the academic subjects of the  
10 naval schools followed closely the teachings of those  
11 of other countries relative to practical subjects,  
12 the Academy laid special stress on four cardinal  
13 principles which were loyalty, courtesy, valor and  
14 fidelity as indicated in the Imperial Edict. Instruc-  
15 tions on each of these were constantly given. Among  
16 officers of the Japanese Navy and following historic-  
17 ally the practice adopted and patterned after the  
18 British Navy, it was the standing tradition that the  
19 Japanese Navy and its personnel must at all times ob-  
20 serve gentlemanly behavior. In short, the education-  
21 al policy of the Japanese Navy was reverend abidance  
22 by the Imperial Rescript and the embodiment of  
23 'Bushido.' It laid special stress on the observance  
24 of justice and humanity and non-transgression of  
25 international law."

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You may cross-examine.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: There will be no cross-examination, if the Tribunal please.

MR. ROBERTS: May the witness be excused on the regular terms?

THE PRESIDENT: He is excused accordingly.

(Whereupon, the witness was excused.)

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MR. ROBERTS: We call as our next witness Juji ENOMOTO.

1 J U J I E N O M O T O, recalled as a witness on  
2 behalf of the defense, having previously been  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 THE PRESIDENT: You are still on oath.

6 DIRECT EXAMINATION

7 MR. ROBERTS: May the witness be shown  
8 defense document No. 1927?

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

11 BY MR. ROBERTS:

12 Q Please examine that document and tell us  
13 whether or not it is your affidavit.

14 (The witness examined the document.)

15 Q Is that your affidavit, Mr. ENOMOTO?

16 A Yes, it is.

17 Q Do you swear that the contents are correct  
18 and true?

19 A I do.

20 MR. ROBERTS: I offer it in evidence.

21 THE PRESIDENT: You had better tender it.

22 MR. TAVENNER: If the Tribunal please --

23 THE PRESIDENT: The affidavit hasn't been  
24 tendered.

25 MR. TAVENNER: I understood he did.

1 MR. ROBERTS: Yes, I did offer it in evidence.

2 MR. TAVENNER: The affidavit, if the Tribunal  
3 please, is objected to on the ground that it is gross-  
4 ly repetitive, that it attempts to deal at great  
5 lengths with matters which have little or no probative  
6 value regarding any issue in the case.

7 On page 3, under Section D, beginning with  
8 the second paragraph, a conclusion is expressed which  
9 forswears the issue in the case.

10 Beginning at the top of page 4, we find from  
11 there on a lengthy description of the type of edu-  
12 cation in international law, which does not seem to  
13 aid in any issue, it having been testified by the  
14 previous witness that education in international law  
15 was given.  
16

17 For these reasons, we think the document is  
18 irrelevant.

19 THE PRESIDENT: It goes into the curriculum  
20 in very great detail and quite unnecessarily.

21 MR. ROBERTS: This witness, whose duties was  
22 that of instructor at the naval schools, was familiar  
23 with international law and engaged for many years in  
24 the Naval Department.

25 THE PRESIDENT: His background will not in-  
duce us to accept a lot of unnecessary material.

1           MR. ROBERTS: The prosecution has alleged  
2 that the teaching of totalitarianism was engaged in  
3 in the schools and particularly by the Army and Navy,  
4 and this testimony was offered for the purpose of  
5 showing the emphasis placed on strict observance of  
6 international law and the stress laid upon compliance  
7 with the rules of warfare, such as the treatment of  
8 prisoners, etc.

9           Although the prosecution has shown no orders  
10 or regulations issued from the Navy that could re-  
11 flect disregard of international law, we wish to go  
12 further with affirmative and informative matter and  
13 reveal those standing principles pertaining to naval  
14 warfare existing and effective during the time some  
15 of the accused held office in the Japanese Government  
16 and during the periods referred to in the Indictment.

17           This witness, who taught in the naval college,  
18 is qualified to tell this Court exactly what the teach-  
19 ings were in the naval curricula, and the excerpts,  
20 set forth as international law in this affidavit, were  
21 for the purpose of showing what was taught to the  
22 students and not to tell the Court what international  
23 law may be.  
24

25           THE PRESIDENT: All nations have a manual of  
military law, or a manual of naval law, which includes

1 the principle rules of international law which are  
2 taught to the Armies and Navies. There is no contest  
3 about that. This doesn't establish any more.

4 MR. ROBERTS: If the Court will take judicial  
5 notice that these precepts of international law were  
6 taught at the Japanese naval college, and then we will  
7 be satisfied that this witness' testimony to that effect  
8 will be unnecessary.

9 THE PRESIDENT: I suppose the prosecution's  
10 case is not that it was not taught but that it was not  
11 acted upon. But, we would like to hear from Mr.  
12 Tavenner with a view to shortening this.

13 MR. ROBERTS: May I just point out that my  
14 reference has been to Section 7 of the Indictment  
15 which states that, "The educational systems, civil,  
16 military and naval, were used to inculcate a spirit  
17 of totalitarianism, aggression, desire for war,  
18 cruelty and hatred of potential enemies."

19 MR. TAVENNER: If the Tribunal please, the  
20 prosecution does not contest that the assertion by  
21 counsel that international law was taught in the mili-  
22 tary and naval colleges.

23 THE PRESIDENT: We are overdue on the recess.  
24 We will adjourn until half past one.  
25

(Whereupon, at 1202, a recess was taken.)

## AFTERNOON SESSION

1  
2 The Tribunal met, pursuant to recess, at  
3 1330.

4 MARSHAL OF THE COURT: The International  
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: Major Moore.

7 LANGUAGE ARBITER (Major Moore): If the  
8 Tribunal please, exhibit 2980, defense document 1973,  
9 was referred to the Arbitration Board.

10 On page 5, line 21, after "was" insert "not."

11 THE PRESIDENT: Thank you.

12 Mr. Tavenner.

13 MR. TAVENNER: If the Tribunal please, con-  
14 tinuing with my statement before the close of the  
15 morning's session, I didn't object to the introduc-  
16 tion of evidence regarding international law being  
17 taught in military and naval colleges. I objected on  
18 the ground that it was repetitive in the form that it  
19 appeared in this affidavit and at great and needless  
20 length.

21 THE PRESIDENT: Mr. Roberts.

22 MR. ROBERTS: It may seem that at certain  
23 points there is repetition, but I think the Court  
24 will find that the excerpts mentioned are distinct  
25 and separate in each case.



1           There are one or two other items I would  
2 like to mention. The aim of this man's testimony  
3 is not only to show that the Navy taught international  
4 law in its schools, but also to prove that the Navy  
5 issued instructions on the proper handling of inter-  
6 national problems; and also to show how the Japanese  
7 Navy interpreted international law and taught it in  
8 its application. And the affidavit further shows that  
9 there was a tendency in the Japanese Navy to stress  
10 the importance of international law.

11           THE PRESIDENT: The fact that they taught it  
12 is sufficient. The extent to which they stressed it  
13 is quite immaterial. In view of the prosecution's ad-  
14 missions, it would appear that this is unnecessary  
15 material.

16           MR. ROBERTS: The prosecution has simply  
17 stated that they were objecting because it was repeti-  
18 tive and they haven't admitted anything really as far  
19 as the charge contained in the Indictment is con-  
20 cerned.

21           THE PRESIDENT: By a majority the objection  
22 is sustained and the document rejected.

23           MR. ROBERTS: May we request that this wit-  
24 ness step down? If necessary, we may bring him back  
25 at a later date.

1 THE PRESIDENT: We will discharge him on the  
2 usual terms. I don't think it will be necessary to  
3 recall him.

4 (Whereupon, the witness was excused.)

5 MR. ROBERTS: Mr. Brannon will now pro-  
6 ceed with additional proof.

7 THE PRESIDENT: Mr. Brannon.

8 MR. BRANNON: We come now to treat of the  
9 prosecution charge that Japan continually and progress-  
10 ively fortified the Islands for which she held a man-  
11 date from the League of Nations, in violation of  
12 treaty articles 15, 17, 18, and 31 of the Indictment.

13 I call the witness Hidemi YOSHIDA.

14 I wish to notify the Language Section we may  
15 deviate from time to time from the prepared running  
16 commentary.

17 THE MONITOR: Mr. Brannon, if you do deviate  
18 from the running commentary, will you kindly let us  
19 know?

20 MR. BRANNON: Yes.  
21  
22  
23  
24  
25

1 H I D E M I Y O S H I D A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 MR. BRANNON: Will the witness please be han-  
5 ded defense document 1518?

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

8 DIRECT EXAMINATION

9 BY MR. BRANNON:

10 Q Do you have the document, Mr. Witness?

11 A Yes.

12 Q Will you state your name, please?

13 A YOSHIDA Hidemi.

14 Q Is this your true affidavit, document 1518?

15 A Yes, it is.

16 MR. BRANNON: We offer in evidence defense  
17 document 1518.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 1518  
20 will receive exhibit No. 2990.

21 (Whereupon, the document above referred  
22 to was marked defense exhibit 2990 and received  
23 in evidence.)

24 MR. BRANNON: Omitting the formal portion,  
25 I read as follows:

1 H I D E M I Y O S H I D A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 MR. BRANNON: Will the witness please be han-  
5 ded defense document 1518?

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

8 DIRECT EXAMINATION

9 BY MR. BRANNON:

10 Q Do you have the document, Mr. Witness?

11 A Yes.

12 Q Will you state your name, please?

13 A YOSHIDA Hidemi.

14 Q Is this your true affidavit, document 1518?

15 A Yes, it is.

16 MR. BRANNON: We offer in evidence defense  
17 document 1518.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 1518  
20 will receive exhibit No. 2990.

21 (Whereupon, the document above referred  
22 to was marked defense exhibit 2990 and received  
23 in evidence.)

24 MR. BRANNON: Omitting the formal portion,  
25 I read as follows:

1 "1. My name is YOSHIDA, Hidemi. I was for-  
2 merly a captain in the Japanese Navy and from October  
3 10, 1941 to the end of March, 1945 was assigned to  
4 the First Section of the Naval Affairs Bureau in the  
5 Navy Ministry. My duties were concerned exclusively  
6 with matters relating to naval facilities and equip-  
7 ment including planes, ships and the defense installa-  
8 tions on the Mandated Islands. Prior to taking over  
9 this position I spent two months with my predecessor,  
10 Captain MIWA, now deceased, in concentrated study of  
11 all of the intricate details concerned with the work  
12 of this office. This involved the study of a tremen-  
13 dous volume of documents which supplied me with a nec-  
14 essary background on the work I was to perform.

15 "2. I wish to speak briefly about the view  
16 of the Naval Affairs Bureau concerning the question of  
17 strengthening facilities on the Mandated Islands. It  
18 was our contention that the South Sea Islands were so  
19 situated geographically as to constitute the bulwark  
20 of sea defense for Japan and hence we termed it the  
21 first line of defense for our country. We felt that  
22 if these islands fell into the hands of an enemy it  
23 would have meant certain defeat for Japan. Hence it  
24 was but natural that the Navy was desirous of installing  
25 on these islands or some of them such military defensive

1 measures as would satisfy our need for security. Were  
2 it not for treaty restrictions we would have carried  
3 out defensive constructions on these islands with no  
4 hesitation. This matter was discussed at various occas-  
5 ions and the overwhelming opinion was that we could not  
6 place fortifications upon these islands because of the  
7 existing treaty restrictions. And weighing the secur-  
8 ity of our country against the existing treaty restric-  
9 tions it was definitely concluded that we must remain  
10 faithful to the treaty obligations.

11 "3. Therein lay the most serious problem  
12 facing the Navy - namely, the necessity of refraining  
13 from installing defensive constructions on the Islands  
14 in peace time and yet to be ready for any eventuality  
15 during those threatening times. It was along this  
16 line and facing this problem that I carried on my  
17 study.

18 "4. The question as to whether certain install-  
19 ations on the Mandated Islands were cultural or industrial  
20 in nature, or whether they were military, was sometimes  
21 difficult to settle. It is true that many installa-  
22 tions capable of full usage during peace times were  
23 later converted into war time assets. The South Sea  
24 Islands were under the administration of the South Sea  
25 Board. The said Board, in 1935, laid down the ten-year

1 program for the development of these islands. It was  
2 in pursuance of that program that construction of  
3 cultural and industrial facilities had been started.  
4 The Navy gave its assistance somewhat along the fol-  
5 lowing lines:

6       "(1) In 1933 the Navy carried out a survey of the  
7 farms developed by the Bureau on the islands of Saipan  
8 and Pagan to ascertain whether or not they might serve  
9 as forced landing fields for planes. Beginning in 1934  
10 the Bureau started program of opening aerial communica-  
11 tions between the Islands with the sole view of facil-  
12 itating rescue work in case of shipwreck, together  
13 with assisting fishermen in locating schools of fish,  
14 etc. But since the available facilities in that region  
15 were quite inadequate, the Bureau came to the Navy for  
16 assistance. In response to that request and because  
17 the Navy regarded the industrialization of those  
18 Islands as materially valuable, the Navy took the part  
19 of extending what help it could insofar as it could be  
20 done without violating the relevant treaties and without  
21 interfering with the Navy's proper function.

23       "As a matter of fact, even the Navy's effec-  
24 tiveness in that direction was at a low ebb, since it  
25 was heavily burdened with duties in connection with  
operations in China, and accordingly little assistance

1 was available. It was only after the China Incident  
2 came to more or less of a standstill that we were able  
3 to give some assistance in the way of technical mater-  
4 als, labor and transportation.

5 "I speak from personal knowledge since, as  
6 I said before, I made an extensive study of the avail-  
7 able records in the office and currently was concerned  
8 with the matters of which I speak.

9 "In this connection, since it dealt with the  
10 nature of airfields to be employable for cultural and  
11 industrial uses and which could be converted into milit-  
12 ary aids in the event of war, we carried out a study to  
13 determine whether or not the assistance we were to give  
14 to the Bureau should be construed as contrary to exist-  
15 ing treaty requirements, thereby subjecting us to  
16 international criticism. It was our conclusion, as a  
17 result of that study, that the conveniences rendered  
18 by the Navy for the extension of cultural and indust-  
19 rial projects could not be subject to criticism as purely  
20 military installations and therefore not counter to  
21 existing treaty limitations. The immediate use to  
22 which the aviation facilities were put were purely  
23 cultural in nature and there was actual use for them.  
24 Therefore, it was the Navy's view that the airfields  
25 per se did not constitute military establishments.



1 "The over-all picture of these airfields and  
2 the progress of their construction, based upon my re-  
3 search into the matter, is shown in the following  
4 table which contains the history of thirteen air-  
5 fields, four of which are seaplane ramps and nine  
6 are land facilities.

7 "(1) On the island of Palau there was one runway  
8 and one ramp. The ramp was started in 1934 and virtual-  
9 ly completed in 1936. The runway was started in 1938  
10 and completed in 1940.

11 "(2) On the island of Saipan one ramp was started  
12 in 1935 and completed the same year. One runway was  
13 started in 1934 and completed in 1935.

14 "(3) On the island of Pagan one runway was started  
15 in 1941 and completed the same year.

16 "(4) On the island of Tinian one runway was start-  
17 ed either in 1939 or 1940 and the time of completion is  
18 unknown to me.

19 "(5) On the island of Truk one runway was started  
20 in 1935 and completed in 1941. There was one ramp but  
21 I do not have the available dates.

22 "(6) On the island of Ponape there was one runway  
23 started in 1939 and completed in 1941.

24 "(7) On the island of Wotje there was one runway  
25 started in 1940 and completed in 1941.

1           "(8) On the island of Kwajalein there was one run-  
2 way started in 1940 and completed in 1941.

3           "(9) On the island of Jaluit there was one ramp  
4 started in 1940 and I do not have available statistics  
5 as to its completion.

6           "(10) On the island of Taroa there was one runway  
7 started in 1940 and completed in 1941.

8           "The term 'completed' as applied to these  
9 installations actually means they were virtually completed.

10           "(2) The South Sea Board sensed insufficiency  
11 in harbor facilities as the industrial development of  
12 the Islands went apace very rapidly. Therefore, they  
13 began harbor construction around 1935 on Saipan and  
14 Palau and later on at Ponape."

15           I believe there is a correction on that in the  
16 correction sheet.

17           "It made some progress on the work of the  
18 first two islands but did not get beyond the paper  
19 plan stage at Ponape.

20           "(3) Wireless Stations - These facilities were  
21 constructed by the Navy when they first occupied the  
22 Island during World War I. And since these installa-  
23 tions were absolutely necessary as cultural or indust-  
24 trial assets to the Island, they were turned over to  
25 the Bureau for management and supervision. The prin-

1 cipal wireless stations were located on Saipan, Truk,  
2 Ponape, Jaluit and Yap.

3 "(4) Radio Range Stations - In addition to  
4 these wireless stations there were a few of these  
5 direction finding stations for the purpose of assuring  
6 safety of aerial navigation. Even after these facilit-  
7 ties had been turned over to the Bureau the Navy contin-  
8 ued to supply them from time to time with materials  
9 which the Bureau could not obtain from other sources.

10 "(5) Miscellaneous - Meteorological stations,  
11 marine stations, route indicators, light houses, roads,  
12 fisheries, etc. on all of these the Bureau had expend-  
13 ed considerable effort but had not made much headway.

14 "As to oil tanks, private oil companies had  
15 small tanks ranging from between 1,000 and 2,000 ton  
16 capacity on Saipan, Palau, Ponape and Truk, but these  
17 tanks were wholly inadequate for supplying our fleet  
18 when it was in that region on maneuvers and periodic  
19 cruises. For that reason it became advisable for the  
20 Navy to give thought to the construction of its own  
21 oil tanks.

22 "(6) Coming down to November of 1941, in my  
23 capacity as an expert in charge of such matters, I  
24 emphatically state that there was almost nothing on  
25 those islands which could be designated as the Navy's

1 own facilities, much less qualifying under the termin-  
2 ology of naval bases or fortifications. To present to  
3 the Tribunal a perfectly honest and clear picture of  
4 the actual situation, I wish to state the following  
5 facts:

6 "(1) Although the Navy had commenced the construc-  
7 tion of its own oil tanks on Palau, Saipan and Jaluit  
8 around middle of 1939, few, if any, were completed at  
9 the time of commencement of war.

10 "(2) It had originally been intended to make temp-  
11 orary use of facilities belonging to private companies  
12 and to the Bureau as resting quarters for warship per-  
13 sonnel. But in view of the climatic and other condi-  
14 tions prevailing in the Tropics, it was considered  
15 advisable to erect temporary barracks for their use  
16 to the extent that we could do so without conflicting  
17 with treaty restrictions. We therefore decided to erect  
18 a few temporary barracks on Saipan and Palau in the fall  
19 of 1940. It was not done with the idea of providing a  
20 base, but simply for the convenience of our ships during  
21 maneuvers.

22 "(3) The Navy carried out maneuvers in the region  
23 of the South Seas time after time, but the only time  
24 that land maneuvers which necessitated carrying guns  
25 on to the islands took place was in 1940 and 41.

At the 1940 maneuvers we used two 8-centimeter guns  
1 which were landed on the islands of Truk and Palau  
2 for the purpose of giving training in the landing  
3 and securing of gun emplacements. Both, however, were  
4 removed on completion of the training maneuvers. In  
5 the following year, 1941, the maneuvers were continued  
6 from spring until autumn. On this occasion the Navy  
7 Department placed at the disposal of each of the sev-  
8 eral forces attached to the Fleet several guns of  
9 12-centimeter and lesser caliber for the purpose of  
10 carrying out the training maneuvers and making tests as  
11 to the capacity of these guns to withstand heat and  
12 humidity. In these maneuvers gun bases were erected  
13 because of the need of carrying out test firings. Most  
14 of these guns had been obtained from naval schools and  
15 naval corps where they had been used for instruction  
16 purposes. They were old models and proved of little prac-  
17 tical use and, according to reports received, these guns  
18 were so short in range - between 5,000 and 6,000 meters -  
19 that they did not even reach the outside of the coral  
20 reefs. Prior to the execution of these maneuvers  
21 there had been an explanation given to the maneuvering  
22 forces by the Naval General Staff and Fleet headquarters  
23 that upon completion of the maneuvers at one place the  
24 guns were to be removed and taken to the next place  
25

1 where the maneuvers were to be held. It is true that a  
2 few of these guns were not removed. The reason for the  
3 failure to remove them in most cases lay in the fact  
4 that the guns were old and obsolete and not considered  
5 of great value. In addition thereto, we desired to make  
6 a more thorough check on the condition of the guns after  
7 exposure to tropical climatic conditions over a lengthy  
8 period of time, and hence they were left exposed to daily  
9 rain and other special aspects of the tropic climate.

10 "(4) Conditions after November 5, 1941: It was  
11 on November 5, 1941 that the Navy decided, for the first  
12 time, to carry out the construction of defense works on  
13 the Mandated Islands and the order to that effect was  
14 issued thereafter. It was not until the middle of  
15 November that the organization of the construction,  
16 procurement of necessary materials, allotment of ships,  
17 loading of ships, etc., took place, and it was not  
18 until after the middle of the month that the construc-  
19 tion corporations left Japan for the Islands.

21 "5. I have read the testimony of Admiral  
22 J. O. Richardson given before this Tribunal relative  
23 to the Mandated Islands. Admiral Richardson's state-  
24 ment that the Japanese Navy built naval bases through-  
25 out the Islands appears to be based on the fact that the  
English translation of General Order Number 1 uses the

1 word "Base" to indicate the supply station which we  
2 constructed on Saipan and eight other places for the  
3 purpose of supplying our fleet. It is true that the  
4 Japanese Navy planned and actually made use of the var-  
5 ious islands for the purpose of supplying our fleet in  
6 the Pacific operations after war commenced. The method  
7 of supplying the ships which was actually contemplated  
8 by the Order consisted mainly of having supply ships  
9 enter the coral reefs and to have the vessels supplied  
10 from the supply ships, rather than from storage on the  
11 Island. Consequently, it must be pointed out that we  
12 did not have supply facilities completed on these islands  
13 prior to the war or at the beginning of the war. At no  
14 time prior to November 5, 1941 did we have what could  
15 be considered as a supply dump on any of the eight  
16 islands.

17 "In Sub-Division II, Numbers 20 and 21 of his  
18 affidavit, Admiral Richardson makes the following state-  
19 ment:

20 "Paragraph 20: 'At pages 2/76 and 2/78 is an  
21 Appended Table 1, giving initial fuel allowances for  
22 supply bases. The boiler oil allowance to five of  
23 the eight Mandated Island bases totals 46,500 metric  
24 tons. Likewise allotted to the Mandate bases are great  
25 quantities of aviation fuel, bombs, machine gun ammuni-

1 | tion, torpedoes and mines. Rations are allotted for  
2 | 36,000 persons per month at the eight Mandate bases.  
3 | Large monthly replenishment allowances are tabulated  
4 | at pages 2/91 and 2/94. Aircraft material for the  
5 | South Seas area is to be replenished at TRUK, and  
6 | submarine material at KWAJALEIN.'

7 | "Paragraph 21: 'No doubt Order No. 1 is accurate  
8 | in applying the term "bases" to these Mandate installa-  
9 | tions. The materials, the quantities and the areas in-  
10 | volved indicate that these naval bases and their equip-  
11 | ment for storage, transport, communications, and guns  
12 | and ammunition had been established on a large scale  
13 | and over a considerable period of time.'

14 | "It is to be noticed that in Paragraph 20 such  
15 | words as 'allowances', 'allotted' and 'monthly replenish-  
16 | ment allowances' appear but there are no such words as  
17 | 'storage' or 'storage installations.' However, he  
18 | arrives at the conclusion that there were bases on these  
19 | islands and that at those bases the Japanese Navy had  
20 | been for some considerable period of time constructing  
21 | storage, transportation, communication and gunnery facil-  
22 | ities on a large scale, because the word 'base' appears  
23 | in Paragraph 21. This conclusion is based on the misun-  
24 | derstanding that what was indicated in the Appended Table  
25 | 1 as Initial Allowances and Monthly Replenishment Allow-



YOSHIDA

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1 ances, represented supplies that had been stored on the  
2 Island. It must therefore be said that since the state-  
3 ment is based on such a serious misunderstanding, the  
4 statement that storage facilities had been constructed  
5 on a large scale and over a considerable period of time,  
6 is contrary to the facts. Actually there is nothing in  
7 the Order intended to mean that the figures indicated  
8 on the attached table must be stored on hand. The fig-  
9 ures merely indicate the program of the Fleet of the  
10 amounts that they wish to have at those points without  
11 indicating as to the method that was to be employed.  
12 Moreover, while those figures indicate quantities that  
13 the Fleet was very desirous of having ready, that is  
14 not to say that the desired quantities were there.

15 "Since I had the responsibility for over-all  
16 control and direction concerning supply preparations  
17 of the various naval materials, I feel that I know  
18 better than anyone else the difficulties involved.  
19 These difficulties will become evident when we compare  
20 the Fleet needs at the time and the quantities which  
21 the Navy actually had on hand. To cite but one instance -  
22 according to a study made by an officer in charge of  
23 supplies at the Naval Aeronautical Department - the  
24 need of 800-kilogram bombs for use by air units stationed  
25 at the various points on all fronts was around 2,972.

1 However, the number that the Navy actually had of  
2 these bombs was only 800 so that there could be only  
3 27% supplied of the amount needed. Moreover, in order  
4 to supply those bombs over the widely distributed areas  
5 it would have been necessary to have an additional  
6 2,600 bombs in reserve. So, when we consider the actual  
7 need plus the reserve need, the supply ratio was only  
8 14%. In the case of aerial torpedoes, the need at  
9 commencement of war was 1,859 against which we had only  
10 560. The supply ratio was therefore only 30%. In the  
11 case of 20-millimeter machine guns, the need was 9,339  
12 of which we actually had only 515. Upon the commence-  
13 ment of hostilities we had to send from Taiwan supplies  
14 to the coast of French Indo-China in connection with the  
15 Prince of Wales sinking, and then as soon as that opera-  
16 tion was over, to transfer the supplies to the Mandated  
17 Islands. It can thus be seen that it was absolutely  
18 impossible to satisfy the fleet needs at all the points  
19 concerned.

20 "What I have stated is concerned with the  
21 first six months after commencement of hostilities,  
22 but if the situation was like that after the war  
23 started it was obvious that prior thereto the Navy  
24 was even more illy prepared.

25 "In Chapter 7 of General Order No. 1, under

1 the topic 'Supply', the following facts are clearly  
2 set forth. In the attached Table 1, notice under  
3 the table, Note 1:

4 "Ammunition and Torpedoes are to be loaded on  
5 munition ships.' Under the same topic of 'Supply' there  
6 is a Paragraph 2 - 'Outline of Supply'. Among sub-topics  
7 under that are as follows: Sub-Paragraph (e):

8 "The various forces will be supplied by supply  
9 ships attached to them.'

10 "Sub-paragraph (f): 'If possible, supply bases will  
11 not be used to supply other than airplanes and small  
12 vessels. In particular, except in unavoidable cases,  
13 supply bases will not be used to replenish stocks of  
14 supply ships.'

15 Strike the next sentence as immaterial. Contin-  
16 uing the affidavit:

17 "These provisions make it absolutely clear that  
18 the Order did not contemplate a program of supply from  
19 land but rather from supply ships.

20 "As regards fuel, there is no mention of fuel-  
21 ing from tankers in the Order but that is because that  
22 is a matter of common knowledge or common sense in the  
23 Japanese Navy, that supplying of fuel to ships was done  
24 from tankers. In other words, they didn't feel that there  
25 was any need of pointing out that it was to be done from  
tankers.

1 "Regarding construction of fortifications,  
2 Admiral Richardson's statement on that subject  
3 appears in Paragraphs 24 to 32 of Sub-Division II  
4 under nine items. His evidence there is submitted  
5 with the blueprint of Wotje Island and two aerial  
6 photographs of the same island. I will leave the  
7 explanation of this point to a more suitable per-  
8 son, but I would like to make one comment - namely,  
9 that I recall having been told by Captain MIWA at  
10 the time of our transfer that there was no airfield  
11 on Wotje Island in the summer of 1940. Moreover,  
12 after the defense order was issued early in November  
13 of 1941 I, desiring to do everything possible for  
14 the construction of airfields on that island, called  
15 a conference of all persons concerned. On the  
16 basis of what I was told by Captain MIWA and from  
17 the discussions at that conference, I am certain  
18 that the blueprint submitted by Admiral Richardson  
19 did not represent the actual situation on the Island  
20 at the time but what merely was a plan drawn up for  
21 the purpose of study. Further, it appears that  
22 Admiral Richardson's statement that the blueprint  
23 shows that before 10 August 1940 the Japanese Navy  
24 and Government had already created extensive forti-  
25 fications is not only contrary to fact but is an

1 unwarranted conclusion without actual background.

2 "6. Under date of 17 December 1920, there  
3 is a provision in the Versailles Treaty under the  
4 heading 'Mandate of Former German Islands North of  
5 the Equator.' In Paragraph 4 of that treaty it  
6 states:

7 "There must be no military education of  
8 the natives except for purposes of police within  
9 the Island and for local defense purposes. Moreover  
10 all military and naval construction of naval and  
11 military bases and fortification is prohibited.'

12 "Since it was the duty of my office to view  
13 constructions on the Mandated Islands in keeping  
14 with the terms of this treaty, it was decided that  
15 even under its provisions the obligation of the  
16 Japanese Navy of policing and locally defending the  
17 Mandated Islands could not be overlooked. We there-  
18 fore took the view that we were permitted to carry  
19 on military education of the natives for the sole  
20 purpose of affording them the opportunity of self-  
21 defense and self-protection. While we did not  
22 undertake this in pursuance of the above interpreta-  
23 tion, the Japanese Navy did plan and carry out  
24 cruises for this purpose in the way of patrols and  
25 defensive training maneuvers.

1 ~~"The Japanese Navy has always drawn a clear-~~  
2 cut distinction between 'Kon Kyochi,' translated  
3 'Naval Base' and the word 'Kichi,' translated  
4 'Available Spot.' We use the word 'Naval Base' to  
5 designate the naval station or a port having special  
6 facilities which make it possible for them to be  
7 used as fleet bases. And by 'special facilities'  
8 was meant accommodations for certain fleet units,  
9 repair facilities and conditions which made it  
10 suitable for supplying of weapons, naval supplies,  
11 fuel, fresh water and if possible, also for re-  
12 placement of personnel. Such was our conception of  
13 'Naval Bases' and it corresponds to the term 'Naval  
14 Base' as used in England and America. By contrast,  
15 the word 'Kichi' translated 'Available Spot' was  
16 used in a much lighter sense. This was used to  
17 designate places where the Fleet could anchor  
18 temporarily or receive certain kinds of supplies or  
19 serve as places for forced landings of planes. To  
20 such places we apply the term 'Supply Spot,' 'Forced  
21 Landing Spot' and just 'Available Spot.' It corre-  
22 sponds to what the Americans and British would call  
23 'Available Spot,' 'Anchorage.'

24 "Since as I have stated the facilities on the  
25 eight islands mentioned in General Order Number 1

1 were either seriously or completely lacking in the  
2 requirements of a 'Naval Base,' it was a mistake  
3 to designate them as 'Naval Bases.' In the Order in  
4 question, the word 'Kichi' was used in the sense of  
5 'Available Spot.'

6 "The word 'Fortifications' originated in  
7 the Army and came to be used by the Navy later and  
8 at least in the Naval Affairs Bureau we had the  
9 following conception of the word 'Fortification.'  
10 The naval conception of 'Fortification' is that it  
11 must contain the following essentials:

12 "(1) It must have armament and fixed  
13 defensive facilities with which it can resist and  
14 defend itself from enemy attack from land, sea and  
15 air.

16 "(2) It must be defended by land forces.

17 "Consequently, the facilities I have pre-  
18 viously mentioned, namely, such cultural and in-  
19 dustrial developments as airfields, wireless stations,  
20 ports and harbors, as well as oil tanks, even con-  
21 structed for the purpose of supplying fuel for our  
22 vessels on cruises, cannot be characterized as  
23 fortifications.'

24 Signed "YOSHIDA, Hideo."

25 You may cross-examine.

THE PRESIDENT: Brigadier Quilliam.

CROSS-EXAMINATION

BY BRIGADIER QUILLIAM:

1  
2  
3  
4 Q Witness, I want to refer to only one matter  
5 in your affidavit. On page 9, in paragraph 4, you  
6 refer to the order issued in November 1941, for the  
7 fortification of the islands.

8 You know what I am referring to?

9 A Yes.

10 Q Will you please tell the Tribunal who  
11 issued that order?

12 A According to my recollection the orders  
13 came separately from the Chief of the Naval General  
14 Staff and from the Navy Minister.

15 Q And the Navy Minister was the accused  
16 SHIMADA?

17 A Yes.

18 Q Will you tell the Tribunal for what period  
19 of time those orders had been in existence?

20 A I am afraid I cannot understand your  
21 meaning.

22 Q How long before November 1941 had those  
23 orders been prepared?

24 A I do not think any such thing was planned  
25 before November 5, 1941. The Navy Minister's orders



1 did not come until after the 10th of November.

2 Q But plans had been drawn up, had they not,  
3 for some time before November 1941?

4 A As for us, we had studied the matter as  
5 part of our duties from different angles, and also  
6 had informal plans, draft plans. However, as far  
7 as the Navy Ministry is concerned, written plans had not  
8 been drawn up previously.

9 Q No, the point is this, Witness: Plans had  
10 been under consideration, had they not, for a period  
11 of at least two or three years before November 1941?

12 A When I assumed my post I was told that the  
13 General Staff did have, had made investigations into  
14 that subject, and that there were many studies on  
15 that and also draft plans.

16 BRIGADIER QUILLIAM: That is all. Thank  
17 you.

18 MR. BRANNON: We ask that the witness be  
19 excused on the usual terms.

20 THE PRESIDENT: He is excused accordingly.

21 (Whereupon, the witness was excused.)

22 MR. BRANNON: We call the witness HAYASHI  
23 Hisao.  
24  
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1 H I S A O H A Y A S H I, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

## DIRECT EXAMINATION

BY MR. BRANNON:

Q Will you state your name, please?

A HAYASHI Hisao.

9 MR. BRANNON: Will you please hand the  
10 witness defense document 1742?

11 Q Is that your affidavit?

12 A It is.

13 Q Are the facts contained therein true and  
14 correct?15 MR. BRANNON: We offer in evidence defense  
16 document 1742, the affidavit of HAYASHI Hisao, for  
17 the purpose of testifying about conditions on the  
18 Islands of Palau and Saipan, both in the Mandated  
19 Group.20 THE PRESIDENT: I did not hear his answer  
21 to the last question.

22 MR. BRANNON: I am sorry.

23 THE PRESIDENT: Are the contents of that  
24 affidavit true, Witness?  
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THE WITNESS: They are.

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THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 1742  
will receive exhibit No. 2991.

(Whereupon, the document above  
referred to was marked defense exhibit No.  
2991 and received in evidence.)

1 MR. BRANNON: Omitting the formal parts I  
2 read the affidavit of HAYASHI, Hisao:

3 "1. My name is HAYASHI, Hisao. From August  
4 of 1933 to September of 1936 I was Chief of the  
5 South Seas Board, which was the administrative organ  
6 of the South Seas Mandated Islands, with its main  
7 office in Palao.

8 "2. I state positively that there were no  
9 military installations in the South Sea Islands while  
10 I held my post there. It is true that there were some  
11 harbor constructions and some aeronautic installations.  
12 However, they had no military purpose, their only  
13 objective being the economic and cultural development  
14 of the South Sea Islands.

15 "3. As soon as I assumed my post, it  
16 occurred to me that aeronautic installations were  
17 necessary for transportation between Japan proper and  
18 the Islands, for discovering schools of fish and for  
19 the rescue of the wrecked ships. Just before I went  
20 to Palao to take up my post, I talked with Admiral  
21 OSUMI, Mineo, then Minister of Navy, about the con-  
22 struction of airfields. He told me that the construc-  
23 tion of airfields would better be given up for the  
24 present, because it could cause difficulties in the  
25 Leauge of Nations. However, since I believed that it

1 was absolutely necessary for the development of the  
2 South Seas Area, and as it was for no military purpose,  
3 I made up my mind that it should by all means be  
4 carried out.

5 "The South Seas Board first constructed a  
6 seaplane ramp in Palao, and then one in Saipan. The  
7 Board also planned to construct seaplane ramps in other  
8 islands. At first we had only two seaplanes which we  
9 borrowed from the Navy and operated on a test basis.  
10 The construction work on the airfield for land planes  
11 was commenced in Saipan in 1934. However it was not  
12 completed during my tour of duty.

13 "4. My idea of the development of the South  
14 Seas Area could not easily be fully carried out owing  
15 to the small budget of the South Seas Board. So I  
16 tried to attain my object by setting up a ten-year  
17 plan for the development of the South Sea Islands.  
18 This plan was carried out by a Cabinet decision which  
19 adopted the report of the Investigation Committee for  
20 the Development of the South Sea Islands. This plan  
21 had in view a wide range of projects concerning the  
22 development of the South Sea Islands and included the  
23 following items.

24 "(1) The development of agriculture, forestry,  
25 mining and aquatic products industries is to be

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HAYASHI  
KONDO

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1 such order by the Foreign Ministry or by the Navy  
2 Ministry.

3 "I recall many instances of foreign visitors'  
4 calling on me at Palao during my stay there.

5 "(Signed) HAYASHI, Hisao."

6 You may examine.

7 THE PRESIDENT: Brigadier Quilliam.

8 BRIGADIER QUILLIAM: May it please the  
9 Tribunal, there will be no cross-examination.

10 THE PRESIDENT: The witness is excused on  
11 the usual terms.

12 (Whereupon, the witness was excused.)

13 THE PRESIDENT: Mr. Roberts.

14 MR. ROBERTS: We call as our next witness  
15 Shunsuke KONDO.

16 S H U N S U K E K O N D O, called as a witness on  
17 behalf of the defense, being first duly sworn,  
18 testified through Japanese interpreters as follows:  
19

20 DIRECT EXAMINATION

21 BY MR. ROBERTS:

22 Q Please state your name and address.

23 A My name is KONDO, Shunsuke. My address:  
24 269 1-Chome, Akatsutsumi-machi, Setagaya-ku, Tokyo.

25 MR. ROBERTS: May the witness be shown defense  
document 1513.

1 Q Please examine that document and tell us  
2 whether or not it is your sworn affidavit.

3 A This is my affidavit undoubtedly.

4 Q Are the contents true and correct.

5 A They are true and correct.

6 MR. ROBERTS: I offer defense document  
7 1513 in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 1513  
10 will receive exhibit No. 2992.

11 (Whereupon, the document above  
12 referred to was marked defense exhibit  
13 No. 2992 and received in evidence.)

14 MR. ROBERTS: I read exhibit No. 2992:

15 "1. My name is KONDO, Shunsuke. I live in  
16 Tokyo. I served as Chief of the Nanyo-Cho or the  
17 South Seas Bureau from April 1940 to November 1943.  
18 My headquarters during that period were on the Island  
19 of Palau. Some years before I took over the above  
20 position a so-called 10-year plan for the development  
21 of the Mandated Islands was commenced. It envisioned  
22 the construction of harbors, aviation facilities,  
23 light houses, wireless stations, meteorological  
24 stations, roads and fisheries facilities. These  
25 facilities were not in contemplation of war nor were



1 they considered as either fortifications or military  
2 installations by the Bureau. They were actually  
3 necessities and of great cultural and commercial  
4 value to Japan in furthering the development of the  
5 Islands.

6 "2. The harbor work at Palau, Saipan, and  
7 Truk consisted of opening up the coral reefs, con-  
8 struction of wharves, erection of light houses and  
9 installing navigation aids, all with the object of  
10 assisting the merchant shipping. These works were  
11 commenced under my predecessors in office and were  
12 continued during my tenure. The aviation facilities  
13 which had been constructed consisted of an airfield  
14 for land planes on Saipan and ramps for seaplanes on  
15 Saipan, Truk, Palau and Jaluit, the principal ones  
16 being at Saipan and Palau. All of these facilities were  
17 constructed by the Nanyo-Cho or the South Seas Bureau  
18 with the object of establishing an air line between  
19 Japan proper and the Islands together with an inter-  
20 island service between Saipan and Palau, Truk, Ponape  
21 and Jaluit. These air line services were undertaken by  
22 the Nippon Air Line Company. Although neither the  
23 planning or execution of the above mentioned project  
24 had been made at the request or under the direction of  
25 the Navy, some assistance was received from the Navy in

1 the way of technical advice and in the procurement of  
2 materials and labor, and in the transportation. We  
3 would have been seriously handicapped or the task  
4 made completely impossible were it not for this  
5 assistance rendered us by the Navy.

6 "3. At the time I assumed my position there  
7 were about 100 foreigners living on the Islands,  
8 mostly Spanish missionaries and Chinese. I recall  
9 one American family on Kusai Island which had settled  
10 there from the preceding generation and were engaged  
11 in soap manufacturing. Travel between Japan proper  
12 and the Islands had actually been restricted from  
13 before my time. That restriction applied to for-  
14 eigners and Japanese. There was a decided inadequacy  
15 of shipping accommodations, especially since so many  
16 merchantmen had been requisitioned after the outbreak  
17 of the China trouble. Besides there was a decided  
18 lack of lodging facilities, proper food supply and  
19 other accommodations which were necessary for exist-  
20 ence on the Islands. Because of these circumstances,  
21 it is true that travels for the Islands were restricted  
22 to the minimum. Prior to December of 1941 I did not  
23 see any guns or other military installations. Actually  
24 many of the Japanese on the Islands were extremely un-  
25 easy as to what would happen to them in the event of

KONDO  
OBARA

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26,498

1 hostilities and thought that there should be some  
2 measures taken to afford them security."

3 You may examine.

4 THE PRESIDENT: Brigadier Quilliam.

5 BRIGADIER QUILLIAM: May it please the  
6 Tribunal, we do not wish to cross-examine.

7 THE PRESIDENT: The witness is released on  
8 the usual terms.

9 (Whereupon, the witness was excused.)

10 MR. ROBERTS: We call the witness Junichi  
11 OBARA.

12 J U N I C H I O B A R A, called as a witness on  
13 behalf of the defense, being first duly sworn,  
14 testified through Japanese interpreters as fol-  
15 lows:  
16

17 DIRECT EXAMINATION

18 BY MR. ROBERTS:

19 Q Please state your name and address.

20 A My name is OBARA, Junichi. My address: 60  
21 1-Chome, Tamagawa Okusawa-machi, Setagaya-ku, Tokyo.

22 MR. ROBERTS: May the witness be shown  
23 defense document 1515.

24 Q Please examine that document and tell us  
25 whether or not it is your sworn affidavit.

A This is my affidavit without mistake.

1 Q Is it correct and true?

2 A It is correct.

3 MR. ROBERTS: I offer defense document  
4 1515 in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 1515  
7 will receive exhibit No. 2993..

8 (Whereupon, the document above  
9 referred to was marked defense exhibit  
10 No. 2993 and received in evidence.)

11 MR. ROBERTS: I read exhibit No. 2993:

12 "1. My name is OBARA, Junichi. I formerly  
13 was employed by the Nanyo Kohatsu Kaisha which is the  
14 South Seas Promotion and Development Joint Stock Company.  
15 Prior to June 1941 I was head of the company's sugar  
16 manufactory on Tinian Island. I then was transferred  
17 to the company's branch office on Saipan as a director  
18 of the company having over-all charge of the sugar  
19 industry on Saipan, Tinian and Rota. I reached Saipan  
20 in August of 1941. Except for short trips I was on  
21 Saipan until 1944, at which time I returned to Japan.

22 "2. With the background I have given as to  
23 the nature of my work and my stay on Saipan I feel  
24 confident there is little I did not know about the  
25 Island. The Island was certainly not fortified before

1 December 8, 1941, at the outbreak of war. Even after  
2 that time and immediately before the American attack  
3 there were no effective defenses constructed.

4 "Here is the actual condition of Saipan on  
5 December 8, 1941: There was an airfield at Aslito  
6 which consisted of a thin coating of concrete spread over  
7 the airstrip. It was begun in 1934 and completed in  
8 1935. In 1939 it was increased in size, the work being  
9 done by our company. There was also a small seaplane  
10 ramp consisting of two small hangars capable of housing  
11 one plane apiece. There was a small warehouse for  
12 spare parts and a few crude buildings serving as lodg-  
13 ing quarters for the employees of the field.

14 "There were no oil tanks on Saipan capable  
15 of holding oil at the time of the outbreak of war.  
16 There were some tanks in the process of being con-  
17 structed and which were not completed until well into  
18 1942. After the outbreak of war some guns were moved  
19 into Agikan and Nafutan. Some time later, those guns  
20 were removed and wooden guns put in their place. I  
21 saw one wooden gun being installed.

22 "Actually, the situation on Saipan was such  
23 that an attack at the time of the outbreak of war would  
24 have found the Island entirely helpless. Tinian and  
25 Rota were in a like condition. It is ridiculous to say

1 these Islands were fortified unless the information  
2 I have given warrants that conclusion.

3 "3. I have been shown the affidavit pur-  
4 portedly made by WAKAMATSU, Makoto. (Prosecution  
5 exhibit 884). I know him well since he served under  
6 me as a technician in our company's sugar factory on  
7 Tinian for about two years. After he was transferred  
8 to Saipan hardly a day went by that I did not see him  
9 in connection with the company's work. Having been  
10 asked if I agree with the information in his alleged  
11 affidavit I most emphatically say I do not.

12 "The facts I have already given will indicate  
13 my disagreement with the statement. There were no  
14 military installations in the vicinity of the Aslito  
15 field; there were no concrete trenches and shelters  
16 around the field; there were no coastal guns located  
17 on Agingan Point and Nafutan Point, or any other place  
18 prior to the commencement of hostilities. I cannot  
19 believe WAKAMATSU was in a better position than I to  
20 make these observations and hence I seriously question  
21 the accuracy of the statement.

22 "4. As to the statement contained in  
23 prosecution exhibit 890, that construction on five  
24 barrack buildings to house approximately 3,000 persons  
25 was begun in 1938, I can only say it is entirely false.

1 When military personnel came to the Island in March  
2 1944 my own house and half of the company's structures  
3 were turned over to them because of lack of barracks.  
4 Even then part of the troops had to live in tents.

5 "5. I know nothing about restrictions on  
6 foreigners visiting Saipan, Tinian and the nearby  
7 Islands. I do know that the Nanyo Trading Company  
8 which had an office in Guam pulled out in 1933 because  
9 of numerous trade restrictions and that in 1936, I  
10 believe, Japanese were prohibited by American authorities  
11 from going there."

12 You may cross-examine.

13 THE PRESIDENT: Brigadier Quilliam.

14 BRIGADIER QUILLIAM: May it please the Tribunal,  
15 we do not wish to cross-examine the witness.

16 MR. ROBERTS: May the witness be excused on  
17 the usual terms.

18 THE PRESIDENT: He is excused accordingly.

19 (Whereupon, the witness was excused.)

20 MR. ROBERTS: We now call the witness  
21 Misuburo NUKAWA.  
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1 M I S U B U R O M U K A W A, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as fol-  
4 lows:

5 DIRECT EXAMINATION

6 BY MR. ROBERTS:

7 Q Will you please state your name and address?

8 A MUKAWA, Misuburo. My address is: 601 4-Chome,  
9 Koenji, Suginami-ku, Tokyo.

10 MR. ROBERTS: May the witness be shown  
11 defense document 1517.

12 Q Please examine this document and tell us  
13 whether or not it is your sworn affidavit?

14 A This is undoubtedly mine.

15 Q Are the contents true and correct?

16 A They are correct.

17 MR. ROBERTS: I offer in evidence defense  
18 document No. 1517.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document No. 1517  
21 will receive exhibit No. 2994.  
22

23 (Whereupon, the document above  
24 referred to was marked defense exhibit  
25 No. 2994 and received in evidence.)

THE PRESIDENT: We will recess for fifteen



minutes.

(Whereupon, at 1445, a recess was  
taken until 1500, after which the proceedings  
were resumed as follows:)

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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Roberts.

MR. ROBERTS: I proceed to read exhibit 2994.

"1. My name is LUKANA, Misaburo. I reside in Tokyo. I have been connected with the South Seas Islands for many years, having gone to Truk Island in 1916 as an employee of the South Seas Trading Company. In 1926 I was transferred to Palau Island where I stayed until 1937. As vice-chief of the branch office I again returned to Truk where I remained until spring of 1939, when I returned to Tokyo.

"In September, 1941, I again went to Palau as chief of the branch office. In August 1942 I became chief of the business office at Amhon where I remained until January 1944, at which time I returned to Japan.

"2. When I went to Truk in 1916 I found the headquarters of the South Sea Island Defenses with a certain number of armed personnel. Around 1918 or 1919 all of the forces were withdrawn and from that time up to 1926, when I left, and also from 1937 to 1939, during which time I resided again on the same island, there were no armed personnel,

1 military installations or fortifications.

2 "3. During my days on Palau from 1926-  
3 1938, a resident naval officer was there, and with  
4 this exception there were no military personnel or  
5 military installations of any kind. In 1941, when  
6 I returned to Palau, there were still no military  
7 installations. Air travel was limited to sea planes  
8 operated by the Nippon Air Navigation Company. Even  
9 at the outbreak of war, the island appeared wholly  
10 defenseless, causing us great anxiety that disaster  
11 might lie in wake of this unpreparedness. After  
12 commencement of war some naval aircraft and naval  
13 personnel came to the island but no fixed military  
14 installations were constructed until August of 1942.

15 "4. Counsel has shown me affidavits or  
16 statements taken from various natives on the South  
17 Sea Islands, which I was told were used in this court  
18 to prove the construction of military installations.  
19 Because of my long association with these peoples I  
20 can truthfully say they, on the whole, were possessed  
21 of poor mental faculties. Most of them are unable to  
22 tell their age and even those educated in public  
23 schools under the South Sea Board could count only  
24 such simple numbers as were necessary for daily life.  
25 Further, I did not find them trustworthy; they would

HUKAMA  
SUZUKI

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1 lie on the slightest provocation or from mere ex-  
2 pedience."

3 Signed, the 20th day of May, 1947.

4 You may cross-examine.

5 THE PRESIDENT: Brigadier Quillian.

6 BRIGADIER QUILLIAN: May it please the  
7 Tribunal, we do not cross-examine.

8 MR. ROBERTS: May the witness be excused  
9 on the regular terms?

10 THE PRESIDENT: He is excused accordingly.

11 (Whereupon, the witness was  
12 excused.)

13 MR. ROBERTS: We next call the witness  
14 SUZUKI, Suguru.

15 - - -

16 S U G U R U S U Z U K I, called as a witness on  
17 behalf of the defense, being first duly sworn,  
18 testified through Japanese interpreters as  
19 follows:  
20

21 DIRECT EXAMINATION

22 BY MR. ROBERTS:

23 Q Please state your name and address.

24 A My name is SUZUKI, Suguru; my address,  
25 105 Wakabayashi Machi, Setagaya-ku, Tokyo.

Q May the witness be shown defense document

1 No. 1516?

2 Is this document your sworn affidavit?

3 A It is mine.

4 Q Is it correct and true?

5 A Yes.

6 MR. ROBERTS: I offer in evidence defense  
7 document No. 1516.

8 THE PRESIDENT: Brigadier Quillian.

9 BRIGADIER QUILLIAN: May it please the  
10 Tribunal, I wish to refer to page 5 of the English  
11 copy of the affidavit. It is submitted that the  
12 whole of that page and down to the end of the para-  
13 graph should be rejected on the ground of its being  
14 irrelevant and immaterial. It refers, in the first  
15 place, to alleged restrictions against Japanese and  
16 perhaps other people from visiting the American  
17 possession of Guan. Then there is a reference to  
18 some activity on the part of the United States flying  
19 boats over the area comprised within the Mandated  
20 Islands. This is followed by some rather vague  
21 charges in connection with alleged wireless obstruc-  
22 tions, and then apparently it is alleged that in  
23 1940 a United States warship behaved in a provocative  
24 way near one of the islands. In our submission, none  
25 of those matters have any value or any relevance to

1 this case, and even if they were accepted by the  
2 Tribunal as being true they couldn't affect the  
3 issue in any way at all.

4 THE PRESIDENT: Mr. Roberts.

5 MR. ROBERTS: The prosecution has made much  
6 of the fact that restrictions were placed upon travel  
7 to various of the Mandated Islands. We have admitted,  
8 as the Court will recall, in some of the previous  
9 affidavits that some restrictions were imposed be-  
10 cause of travel facilities, et cetera. Because the  
11 matter of restrictions was brought up by the prosecu-  
12 tion, they would like the Court to make inference  
13 that something was wrong, something was being done.  
14 We would like through this witness to point out some  
15 of the other incidental factors concerning not only the  
16 Japanese Mandated Islands but the Island of Guan and  
17 other islands where the situation was probably very  
18 similar.

19 THE PRESIDENT: The prosecution are alleg-  
20 ing against you that you fortified these islands, or  
21 that the Japanese did, in defiance of treaty obliga-  
22 tions, and they give us evidence of the exclusion of  
23 persons from the Japanese Mandated Islands to show  
24 there was suppression. And suppression or conceal-  
25 ment is always a relevant matter on a charge of crime.

1 That is not met by proving that the United States ex-  
2 cluded a single individual from the United States  
3 mandated territories for some reason or other.

4 I am corrected. The exclusion was not  
5 from United States mandated territory, but from  
6 United States territory.

7 MR. ROBERTS: The Island of Guan was  
8 adjacent to some of these Mandated Islands. I feel  
9 that it is important for the Court to know what the  
10 circumstances were, what the environment was on all  
11 the islands, not only the Mandated Islands.

12 THE PRESIDENT: By a majority the objection  
13 is sustained and the paragraph of the document ob-  
14 jected to is rejected. The balance is admitted on  
15 the usual terms.

16 CLERK OF THE COURT: Defense document 1516  
17 will receive exhibit No. 2995.

18 (Whereupon, the document above  
19 referred to was marked defense exhibit  
20 No. 2995 and received in evidence.)  
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1 MR. ROBERTS: I read exhibit 2995 as  
2 indicated.

3 "1. My name is SUZUKI, Suguru. I held  
4 the rank of Commander in the Japanese Navy and  
5 between the years 1937 and 1939 I served as Flying  
6 Section Officer of the Yokohama Naval Air Force. I  
7 was required to assist in the training of personnel  
8 for the Nippon Airline Company, a privately-owned  
9 concern which was planning to open a regular air  
10 route to the South Seas area. It was planned to use  
11 heavy flying boats which demanded that new personnel  
12 be taught maintenance, air navigation and piloting  
13 of such heavy craft. Since even the Navy itself  
14 possessed few men with definite knowledge in this  
15 field I was assigned to serve as instructor.

16 "2. In pursuit of my assignment, in August  
17 of 1938, I made an inspection tour of the inner South  
18 Seas Island area visiting many of the Mandated  
19 Islands. Later, also in the course of my duties, it  
20 was necessary to fly directly down to the islands for  
21 the purpose of making a survey for potential landing  
22 facilities on the islands. I received no instructions  
23 from the Navy to assist in this work for the purpose  
24 of establishing potential military air fields and I  
25 emphatically emphasize the fact that they were



1 considered only for civilian commercial purposes  
2 for the use of the Nippon Airline Company.

3 "3. In December of 1939 I was appointed  
4 Staff Officer of the newly-organized 4th Squadron of  
5 the Japanese Navy. My duties pertained to matters  
6 dealing with aviation and communications. Again I  
7 toured the inner South Seas area, this time aboard  
8 ship visiting many of the Mandated Islands. I made  
9 over-all studies of the Mandated Islands to the end  
10 of drafting plans for military defense that might be  
11 employed in the event of possible hostilities. This  
12 did not mean that the intention was present to fortify  
13 the Mandated Islands but only that the necessary  
14 plans and preparations to properly defense said islands  
15 would be on hand and available in the event their  
16 use was necessary. Military men will understand this  
17 to be a necessary procedure. At no time during my  
18 many visits to the Mandated Islands which included  
19 Saipan, Kwajalein, Wotje, Jaluit, Taroa, Truk and  
20 Palau did I observe any military fortifications or  
21 constructions that might be classified as military  
22 installations. To the contrary, it appeared to me  
23 that Japan was being extremely lax in taking necessary  
24 precautionary measures which they rightfully could  
25 have done even under treaty specifications.

1 "4. In April of 1940 I was relieved of my  
2 assignment and enrolled at the Naval Staff College as  
3 a student officer. Therefore, after this date I  
4 truthfully cannot testify from personal observations  
5 as to the conditions on the Mandated Islands. I can  
6 say that when I returned to Japan at this time I  
7 submitted a plan, in documentary form, to the Naval  
8 General Staff setting forth my ideas on potential  
9 defense preparations that should be made regarding  
10 the South Seas Islands area. It may well be that  
11 the blueprint map of potential installations on Wotje  
12 Island, dated August 10, 1940, and introduced as  
13 prosecution evidence in this case was the result of  
14 some of the suggestions made in my report. I wish  
15 to stress that they were merely plans of potential  
16 action to be taken and were not in any way concrete  
17 schedules to be actually executed.

18 "In regard to the establishing of air fields  
19 on several of the Mandated Islands, I wish to state  
20 that the Nippon Airline Company desired to begin trial  
21 flights on its new commercial run in September of  
22 1938. In order to make this possible it was necessary  
23 to construct simple sea plane ramps to accommodate  
24 the 4-engine heavy flying craft. As I stated pre-  
25 viously, the supply of pilots for this type of

1 aircraft was extremely limited and that the only  
2 source of instruction for potential pilots had to  
3 come from the Navy. Even in the Navy itself there  
4 were very few men who could handle such large ships.  
5 The first group to receive training consisted of four  
6 pilots, two wireless operators, two mechanics and a  
7 number of ground mechanics. The number was gradually  
8 increased and by the end of 1939 eight pilots had  
9 completed the training course. They were all civilians,  
10 two of which were reserve naval petty officers. Land-  
11 ing facilities for the planes were established at  
12 Arakebesen Island in the Palau group and nearly  
13 completed in late 1938. At Saipan Island a temporary  
14 slip had been built and it was not until late 1938  
15 that a concrete slip and a small-sized hangar was  
16 installed. If my memory serves me correctly there  
17 was an improvised air field on Saipan which was  
18 little more than a leveled-off bit of farm land. At  
19 Yap Island there were no facilities to lift or  
20 lower planes and only buoys were used.

21 "5. The Nippon Airline Company was a  
22 privately-owned concern receiving subsidies from  
23 the government. The reason for this was during this  
24 time it was difficult for the company to sustain itself  
25 in such an early period of development with income

1 dependent solely on passenger traffic and freight  
2 charges. Since it was deemed advisable, from purely  
3 a commercial point of view, to promote a rapid  
4 development of this type of air travel the govern-  
5 ment, but naturally, lent its assistance."

6 You may cross-examine.

7 THE PRESIDENT: Brigadier Quillian.

8 BRIGADIER QUILLIAM: May it please the  
9 Tribunal, we do not wish to cross-examine.

10 THE PRESIDENT: The witness is discharged  
11 on the usual terms.

12 (Whereupon, the witness was excused.)

13 MR. ROBERTS: We call the witness Yuzuru GOTO.

14 - - -

15 Y U Z U R U G O T O, called as a witness on behalf  
16 of the defense, being first duly sworn, testified  
17 through Japanese interpreters as follows:  
18

19 DIRECT EXAMINATION

20 BY MR. ROBERTS:

21 Q Please state your name and address.

22 A My name is GOTO, Yuzuru. My address,  
23 336 Hini-nachi, Yokosuka City.

24 Q May the witness be shown defense document  
25 No. 1692.

Please examine this document and tell us

whether or not it is your sworn affidavit.

1 A This is mine undoubtedly.

2 Q Is it true and correct?

3 A Yes.

4  
5 MR. ROBERTS: I offer in evidence defense  
6 document No. 1692.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document 1692  
9 will receive exhibit No. 2996.

10 (Whereupon, the document above  
11 referred to was marked defense exhibit  
12 No. 2996 and received in evidence.)

13 MR. ROBERTS: I shall read exhibit 2996, but  
14 I would at this time like to call the Court's atten-  
15 tion to the fact that the affidavit refers to certain  
16 prosecution exhibits, and we have placed these upon  
17 our order of proof for the Court's perusal, being  
18 exhibits No. 883, 885, 886, 888, 890, 891, and 893.  
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1 "1. My name is GOTO, Yuzuru. I live in  
2 Yokosuka City. I was formerly a naval engineer. I  
3 was at Palao Islands from October, 1937 to April,  
4 1938 and at Saipan from October, 1939 to March, 1941.

5 "2. In Palao Islands I was engaged in the  
6 construction of the aerodrome at Peliliu. It was called  
7 'the farm' at that time. It was actually impossible  
8 to use it as an aerodrome, since nothing was done but  
9 ground-levelling by clearing the jungle and laying  
10 down coral. The construction of this aerodrome was under-  
11 taken by the South Seas Board, but the Navy gave  
12 assistance to that work. I was informed that the Navy's  
13 intention was to use it as a field for forced landings  
14 in time of manoeuvres.

15 "In Palao Islands there was already a seaplane  
16 ramp with some attached establishments, but it was  
17 merely utilized for the air-route of the Nippon Air  
18 Navigation Company, a private company, and was not for  
19 military purposes.

20 "3. In Saipan, mainly I supervised the work  
21 of oil-tank construction. The oil-tanks were five in  
22 all, three of them having a capacity of about 10,000  
23 tons while the other two had a capacity of about 1,000  
24 tons. None of them was however completed by the time  
25 I left there for Japan in March, 1941.

1 "There were an aerodrome and a sea-plane  
2 ramp in Saipan, but the aerodrome was not sufficiently  
3 surfaced, had no hangar, no repair works and no radio  
4 station. It was not completed to be utilized as an  
5 aerodrome. The sea-plane ramp was used only by the  
6 Nippon Air Navigation Company as in Palao.

7 "During my stay in Palao and Saipan there  
8 were no military installations. The aerodromes and  
9 oil-tanks above referred to were the only things I saw  
10 that could in any way be the subject of controversy  
11 in this regard.

12 "Some natives were used as labourers in the  
13 construction of aerodromes or oil-tanks, but they were  
14 not compelled by corporal discipline, nor were they  
15 treated cruelly. Reasonable wages were paid to them.

16 "4. Manuel Blanco, in his Deposition (I.P.S.  
17 document No. 6022, Court exhibit No. 883), says that  
18 anti-aircraft guns and coast guns were installed at  
19 Asleto (T.N. Phonetic) in 1940. However, there were no  
20 gun installations at that time. He also states that there  
21 were air-raid shelter trenches and camouflaged hangars  
22 in 1938. There were nothing like these at that time,

23 "5. In the Deposition of Ignacio Benavente  
24 (I.P.S. Document No. 6019, Court exhibit No. 885) it is  
25 stated that he heard that a dump of ammunition and large

tanks were under construction near the Saipan Harbour  
1 in 1935. This is a mistake. The construction of large  
2 tanks was commenced after I arrived at Saipan in 1939  
3 and not completed when I left in March of 1941 as I  
4 stated before.

5 "6. According to the Deposition of Elias  
6 P. Sablan (I.P.S. document No. 6020, Court exhibit No.  
7 886) the Japanese brought guns of about 10-inch caliber  
8 to Saipan around 1937, and set them up in 1939 and  
9 1940. However, there was no such fact. It must be that  
10 he referred to the fact that guns for manoeuvres were  
11 landed temporarily.

12 "In the same Deposition, he states that enforced  
13 labour of natives began in 1939. It is true that natives  
14 were engaged in the construction work, but they were  
15 never used severely. Two yen a day was no small pay  
16 at that time.

17 "7. Antonio Angailen, in his Deposition  
18 (I.P.S. document No. 6025, Court exhibit No. 888),  
19 states that Japanese gun-emplacements were laid in 1940.  
20 But there was no such fact as this by the time I left  
21 Saipan in March, 1941.

22 "8. Concepcion Blanco, in his Deposition  
23 (I.P.S. document No. 6021, Court exhibit 890), states  
24 that five barracks having a capacity of about 3,000  
25



military and naval men were constructed in 1938.

1 However there were only two or three barracks having a  
2 capacity of about 100 persons, and there were no military  
3 or naval men.

4 "9. Vincenti De Leon Guerrero, in his  
5 Deposition (I.P.S document No. 6017, Court exhibit  
6 No. 891), states that in Saipan there were six under-  
7 ground oil-tanks in 1937. However, the construction of  
8 oil-tanks in Saipan was for the first time undertaken  
9 after I arrived there in 1939. He states also that  
10 gun-emplacements were laid in 1939. This is not true.

11 "10. Jose S. Pangelinan, in his Deposition  
12 (I.P.S. document No. 6018, Court exhibit 893), states  
13 that in Saipan there were 2 hangars containing big and  
14 small airplanes, 1 big concrete shelter containing all  
15 kinds of explosives, bullets and bombs, 2 or 3 aircraft  
16 repair-shops, and 8 or 10 big barracks in 1940. He  
17 must refer to facts after the outbreak of the War. In  
18 1940, there were no such constructions except two small  
19 hangars containing one seaplane and two or three small  
20 buildings. There was no big barracks, furthermore there  
21 was not a military or naval troop. There were no  
22 repair works and no shelter trenches.

23 "On this 17th day of May, 1947."

24 You may cross-examine.  
25

1

THE PRESIDENT: Brigadier Quilliam.

2

3

BRIGADIER QUILLIAM: May it please the  
Tribunal, there will be no cross-examination.

4

5

MR. ROBERTS: May the witness be excused on  
the usual terms?

6

7

THE PRESIDENT: He is excused accordingly.

8

(Whereupon, the witness was excused.)

9

MR. ROBERTS: Mr. Brannon will proceed.

10

THE PRESIDENT: Mr. Brannon.

11

MR. BRANNON: We call next the witness Asashichi

12

IWASAKI.

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1 A S A S H I C H I I W A S A K I, called as a  
2 witness on behalf of the defense, being  
3 first duly sworn, testified through Jap-  
4 anese interpreters as follows:

5 MR. BRANNON: Will you please hand the witness  
6 defense document 1521?

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

9 THE PRESIDENT: We want his name and address,  
10 Mr. Brannon.

11 DIRECT EXAMINATION

12 BY MR. BRANNON:

13 Q Will you state your name and address, please?

14 A My name is IWASAKI, Asashichi. My address is  
15 1933 of 3 Kanamachi, Katsushika-ku, Tokyo.

16 Q Will you please look at defense document 1521  
17 and tell the Tribunal if that is your affidavit?

18 A This is undoubtedly mine.

19 Q Is it true and correct?

20 A It is true.

21 MR. BRANNON: We offer in evidence defense  
22 document 1521, which is the testimony of the witness,  
23 IWASAKI, who drafted the blueprint map of Wotje Island  
24 bearing prosecution exhibit No. 1253-C.  
25

THE PRESIDENT: Admitted on the usual terms.

1                   CLERK OF THE COURT: Defense document 1521  
2 will receive exhibit No. 2997.

3                   (Whereupon, the document above re-  
4 ferred to was marked defense exhibit No. 2997  
5 and received in evidence.)  
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1           MR. BRANNON: I read the affidavit of  
2 IWASAKI Asashichi:

3           "1. My name is IWASAKI, Asashichi. I reside  
4 in Tokyo. From September 1st, 1928 until October 15th,  
5 1945 I was employed as an assistant engineer in the  
6 Naval Construction Division of the YOKOSUKA Naval  
7 Station. My duties encompassed the supervision and  
8 planning of various blueprint maps for potential  
9 naval construction.

10           "2. Some time around August 1940, my office  
11 received a routine order from the Naval General Staff  
12 to prepare a blueprint draft of some building construc-  
13 tions on Wotje Island. I supervised the making of  
14 this blueprint which was done by my assistants. It  
15 was completed in approximately three days. My refer-  
16 ence to the making of this blueprint as a routine  
17 order was because it was quite customary for my office  
18 to receive various assignments for blueprint construc-  
19 tion in order to give the Navy definite and accurate  
20 information on which to base their requests for the  
21 Naval Budget around April 1st of each year. We had  
22 yearly work assignment sheets which were put on the  
23 shelf after completion and never used.

24           "3. The particular blueprint prepared by my  
25 assistants and myself pertaining to Wotje Island is

1 the same one which is in evidence before this Court as  
2 prosecution exhibit 1253-C. This blueprint is not the  
3 kind to be used in actual construction of buildings.  
4 The Execution Plan or the plan from which actual con-  
5 struction would be made consists of a different kind  
6 of paper. If this blueprint had actually been the  
7 one that had been used in constructing the buildings  
8 on Wotje Island, the identification box in the lower  
9 right hand corner would show the name of the engineer  
10 actually in charge of executing the plan. I have with  
11 me the type of form that is used in making actual blue-  
12 prints from which construction would be made and point  
13 out that in the lower right hand corner the form is  
14 entirely different, as I stated before."

15 BY MR. BRANNON (Continued):

16 Q Do you have that with you now?

17 A I do.

18 MR. BRANNON: If the prosecution would care  
19 to look at that, it is available; also the Tribunal.

20 A (Continuing) I have it here with me now. I can  
21 present it.

22 MR. BRANNON: (Reading continued) "I did not  
23 undertake the plans for construction that were actually  
24 to be utilized as direct building plans. That type of  
25 work was done by special personnel handling final

execution plans.

1            "In either August or September of 1941, I  
2 recall that a staff officer came to my office and  
3 asked for this particular map which I gave to him  
4 personally. It is quite possible that this planning  
5 map would be used as the basis for the construction of  
6 an execution plan. It would take approximately three  
7 to five months of concentrated effort to construct  
8 the various buildings and projects set forth in this  
9 blueprint. It will be noted that the blueprint shows  
10 only the location of the objectives to be achieved  
11 and not the dimensions that are actually necessary  
12 for construction. The ordinary practice involved  
13 would be to take this blueprint map to the Island of  
14 Wotje, make a spot investigation, and then return and  
15 commence the drafting of the actual execution plan.  
16

17            "5. From viewing the blueprint map which I  
18 prepared and the aerial photographs of Wotje Island,  
19 prosecution exhibits 1253-A and 1253-B, I note a dis-  
20 crepancy in the outlines of the airfield itself. It  
21 is also impossible for me to tell from looking at the  
22 aerial photograph what the various constructions con-  
23 sist of. While I am not an expert in the matter of  
24 reading aerial photographs, I must say that I cannot  
25 identify the items mentioned on the blueprint map as  
being those in the photograph."

1 Mr. President, he has with him another form  
2 or piece of paper which the defense contends is usually  
3 used in construction work of this kind. I did not offer  
4 it in evidence or attempt to distribute it for the reason  
5 that I will do so only if his credibility is attacked on  
6 that point.

7 You may examine.

8 THE PRESIDENT: Brigadier Quilliam.

9 BRIGADIER QUILLIAM: There will be no cross-  
10 examination, if it please your Honor.

11 THE PRESIDENT: The witness is released on  
12 the usual terms.

13 (Whereupon the witness was excused.)

14 - - -

15 MR. BRANNON: At this time, I call the Tri-  
16 bunal's attention to prosecution exhibit No. 1253-A  
17 which consists of an explanation of the American Naval  
18 officer who compared the blueprint of Wotje Island with  
19 the Aerial Reconnaissance photograph. Exhibits 1253-A,  
20 B, and C, I believe, are identical. If the Tribunal  
21 will turn to page 4 of exhibit 1253-A, I wish to refer  
22 to one paragraph thereon, the third paragraph starting  
23 with the words, "Several gun positions." I read as  
24 follows: "Several gun positions (notably the northern  
25 three gun dual-purpose battery) are in slightly --"

THE MONITOR: Mr. Brannon, we do not have



1 the exhibit referred to, 1253-A, so we will have to  
2 do it on relay.

3 MR. BRANNON: All right.

4 THE PRESIDENT: It is called exhibit No.  
5 1253-A, and it is on page 4 of that. It is defense  
6 document 6245-A --

7 MR. BRANNON: Prosecution document.

8 THE PRESIDENT: -- prosecution document 6245-A.  
9 It is sufficient to refer it to us. We don't  
10 want this delay.

11 MR. BRANNON: I referred simply to this --  
12 this has not yet been read into the record by the  
13 prosecution.

14 THE PRESIDENT: Read it now.

15 MR. BRANNON: The words in that paragraph,  
16 "thus confirming the supposition that the map shows  
17 proposed positions," is the thought that we call to  
18 the Court's attention.

19 We call the Tribunal's attention to prose-  
20 cution exhibit 884, the alleged statement of one  
21 Makoto WAKAMATSU, Japanese national, relative to state-  
22 ments concerning Saipan and request that this state-  
23 ment be kept in readiness for his testimony which is  
24 now to follow.

25 We call the witness WAKAMATSU.

1 M A K O T O W A K A M A T S U, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. BRANNON:

6 Q Will the witness please state his name and  
7 address?

8 A My name is WAKAMATSU Makoto; my address is  
9 774 Karuizawa, Karuisawa-Machi, Nagano Prefecture.

10 Q Will the witness please be handed defense  
11 document No. 1728? Will you state whether that is  
12 your affidavit?

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

15 A It is mine.

16 Q And, is it true and correct?

17 A It is correct.

18 MR. BRANNON: I offer in evidence defense  
19 document No. 1728, the affidavit of Makoto WAKAMATSU.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1728  
22 will receive exhibit No. 2998.

23 (Whereupon, the document above  
24 referred to was marked defense exhibit  
25 No. 2998 and received in evidence.)

1           THE PRESIDENT: It is a long affidavit, and  
2 we will not complete it before the time for adjourn-  
3 ment.

4           We will adjourn now until half past nine  
5 tomorrow morning.

6                         (Whereupon, at 1555, an adjournment  
7 was taken until Friday, 22 August 1947, at  
8 0930.)

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22 Aug 47

22 AUGUST 1947

I N D E X  
of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
YOSHIDA, Hidemi (recalled)	26613
Direct by Mr. Brannon	26613
Cross by Captain Robinson	26621

22 Aug 47

I N D E X  
of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
WAKAMATSU, Makoto (resumed)	26532
Direct by Mr. Brannon (cont'd)	26532
Cross by Brigadier Quilliam	26538
(Witness excused)	26542
ENOMOTO, Juji (recalled)	26543
Direct by Mr. Roberts	26543
(Witness excused)	26551
NOMURA, Naakuni	26559
Direct by Mr. Roberts	26559
Direct (cont'd) by Mr. SHIMANOUCI	26577
Direct (cont'd) by Mr. Roberts	26583
Cross by Mr. Tavenner	26585
<u>NOON RECESS</u>	26587
Cross (cont'd) by Mr. Tavenner	26589
Redirect by Mr. SHIMANOUCI	26599
Recross by Mr. Tavenner	26602
Redirect by Mr. SHIMANOUCI	26603
(Witness excused)	26604
<u>AFTERNOON RECESS</u>	26609

22 AUGUST 1947

I N D E X  
Of  
WITNESSES  
(cont'd)

<u>Defense' witnesses</u>	<u>Page</u>
YOSHIDA, Hidemi (recalled)	26613
Direct by Mr. Brannon	26613
Cross by Captain Robinson	26621



22 AUGUST 1947

I N D E X  
of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1972	2999		Affidavit of Paul W. Wenneker		26553
			MORNING RECESS		26561
1606	3000		Affidavit of NOMURA, Naokuni		26562
	3000-A		Certificates of Non-Existence of Documents		26563
1576	3001		Navy Department - Bureau of Ships, Washington, D.C., re Vessels constructed and under construction by the U. S. Navy Department as of 7 December 1941		26611
1597	3002		Navy Department - Bureau of Ships, Washington, D. C., Letter dated 3 April 1947 to Judge Advocate General, Navy Division, War Crimes Office		26611
2085	3003		Affidavit of YOSHIDA, Hidemi		26615
1572	3003-A		Comparative Table of Naval Vessels on Hand Between the USA and Japan as of 7 December 1941		26618
1573	3003-B		Comparative Table of Naval Vessels under construction between the USA and Japan as of 7 December 1941		26618

1 Friday, 22 August 1947

2 - - -  
3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -  
12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE I. M. ZARAYANOV,  
15 Member from the USSR., not sitting from 0930 to 1600;  
16 HONORABLE JUSTICE LORD PATRICK, Member from the  
17 United Kingdom of Great Britain and HONORABLE JUSTICE  
18 E. H. NORTHCROFT, Member from the Dominion of New  
19 Zealand, not sitting from 1330 to 1600.

20 For the Prosecution Section, same as before.

21 For the Defense Section, same as before.

22 - - -  
23 (English to Japanese and Japanese  
24 to English interpretation was made by the  
25 Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 M A K O T O W A K A M A T S U, resumed the stand  
4 and testified, through Japanese interpreters,  
5 as follows:

6 DIRECT EXAMINATION (Continued)

7 THE PRESIDENT: Mr. Brannon.

8 MR. BRANNON: I will proceed with the read-  
9 ing of the affidavit of WAKAMATSU Makoto. Omitting  
10 the formal parts, I read as follows:

11 "My name is WAKAMATSU, Makoto and I reside  
12 at No. 774, Karuizawa, Karuizawa-machi, Nagano  
13 Prefecture. I wish to make the following statement:

14 "1. I was an employee of the NANYO KOHATSU  
15 KABUSHIKI-KAISHA (South Seas Development Co., Ltd.)  
16 As an employee of the said company, I was on Tinian  
17 Island under Japanese mandated rule from January to  
18 October 1935, on Rota Island from October of the same  
19 year to January of 1937, and on Saipan Island from  
20 January 1937 to April 1946. On June 14, 1944 the  
21 United States forces landed on Saipan and I was in  
22 custody of the forces from July 13, 1944 to April,  
23 1946 when I was repatriated to Japan.

24 "2. During my internment, on or about  
25

1 March 16, 1946, I was summoned to the United States  
2 Military Government in Saipan and examined by a  
3 young American Lieutenant (junior grade) of about  
4 twenty years. He knew Japanese and interrogated me  
5 in that language. His Japanese was not fluent, but  
6 good enough to make himself understood. He wrote  
7 down my statement in English and had me sign it but  
8 he did not translate it and read it to me.

9 "I have looked at the original document  
10 numbered prosecution exhibit 884 which was shown to  
11 me by defense counsel at the time I was interviewed  
12 here in this building. I do not understand spoken  
13 English. I can only understand written English if  
14 I have an English-Japanese dictionary before me and  
15 considerable time to ponder over the written  
16 material. On the original document is a statement  
17 by Ensign Charles D. Sheldon which reads as follows:

18 "'I swear that I am familiar with both the  
19 English language and the Japanese language and that  
20 before the above statement was signed I read same  
21 in the Japanese language to the person who signed  
22 same.'

23  
24 "This statement is in error. A translation  
25 of this English document was not given to me either  
orally or in written form. The manner in which I was

1 questioned is as follows: The American Lieutenant  
2 asked me questions in Japanese to which I responded.  
3 Then, writing with a fountain pen on a piece of  
4 paper, he appeared to be making out a statement.  
5 The interview lasted about 20 minutes, at the end of  
6 which time the Lieutenant gave the handwritten piece  
7 of paper to a Navy enlisted man who typed out the  
8 piece of paper which I ultimately signed in the same  
9 room. I knew Ensign Sheldon by sight since he was  
10 in charge of the Japanese internees at my camp and I  
11 saw him almost every day. However, I had never  
12 spoken to him nor he to me. Therefore, the in-  
13 accuracies and mistakes appearing in the affidavit,  
14 Court exhibit 884 in regard to which I shall make my  
15 statement, must have occurred because the English was  
16 never translated into Japanese and read back to me  
17 for confirmation.

18 "3. I want to point out inaccuracies and  
19 mistakes in the affidavit (Court exhibit 884) which  
20 is purported to be the record of my oral statement,  
21 as follows:

22 "(a) In the above-mentioned affidavit it  
23 is written: 'I observed various military installa-  
24 tions in the vicinity of ASLITO Field on which con-  
25 struction was commenced in 1933.' However, I merely

1 stated: 'I think that ASLITO Air Field had been  
2 there about two years before I reached Saipan.' I  
3 did not state 'I observed various military in-  
4 stallations.'

5 "(b) In the same affidavit it is written:  
6 'Two years before the outbreak of the war, the Japan-  
7 ese military built a series of concrete trenches  
8 and shelters around the ASLITO Air Field which were  
9 designed to serve as means of protection in case of  
10 air raids.' However, this is an error. I stated:  
11 'One or two years before the U. S. forces occupied  
12 SAIPAN, I saw concrete air raid shelters along the  
13 road near the Air Field.'

14 "(c) In the same affidavit it is written:  
15 'In 1940, I happened to see some Japanese navy men  
16 storing a huge amount of ammunition in some ware-  
17 houses in ASLITO Air Field. These warehouses were  
18 situated in a forest section and were camouflaged to  
19 look like trees.' This is also a mistake. I merely  
20 stated: 'About one year before the occupation by  
21 the United States forces I saw camouflaged warehouses  
22 on the hillside of ASLITO.' And when I was questioned  
23 in regard to what was contained in those warehouses,  
24 I answered: 'I don't know.'

25 "(d) In the same affidavit it is written:

1 stated: 'I think that ASLITO Air Field had been  
2 there about two years before I reached Saipan.' I  
3 did not state 'I observed various military in-  
4 stallations.'

5 "(b) In the same affidavit it is written:  
6 'Two years before the outbreak of the war, the Japan-  
7 ese military built a series of concrete trenches  
8 and shelters around the ASLITO Air Field which were  
9 designed to serve as means of protection in case of  
10 air raids.' However, this is an error. I stated:  
11 'One or two years before the U. S. forces occupied  
12 SAIPAN, I saw concrete air raid shelters along the  
13 road near the Air Field.'

14 "(c) In the same affidavit it is written:  
15 'In 1940, I happened to see some Japanese navy men  
16 storing a huge amount of ammunition in some ware-  
17 houses in ASLITO Air Field. These warehouses were  
18 situated in a forest section and were camouflaged to  
19 look like trees.' This is also a mistake. I merely  
20 stated: 'About one year before the occupation by  
21 the United States forces I saw camouflaged warehouses  
22 on the hillside of ASLITO.' And when I was questioned  
23 in regard to what was contained in those warehouses,  
24 I answered: 'I don't know.'

25 "(d) In the same affidavit it is written:

1 'There were coastal guns located on AGINGAN Point  
2 and NAFUTAN Point.' However, actually I answered:  
3 'About one year before the occupation of the United  
4 States forces, I heard that there were coastal guns  
5 on AGINGAN Point and NAFUTAN Point.'

6 "(e) In the same affidavit it is written:  
7 'I heard after from NKK officials that there was an  
8 anti-submarine net in TANAPAG Harbor placed there  
9 just before December, 1941.' However, the fact is  
10 that when I was asked 'You know that there was an  
11 anti-submarine net in TANAPAG Harbor, don't you?'  
12 I answered: 'I don't know about it.'

13  
14 "4. Since, as above mentioned, I stayed on  
15 Saipan, Tinian and Rota Islands for about ten years  
16 from 1935 to 1946, I was very familiar with con-  
17 ditions on these islands. The cultivation of sugar  
18 cane, the manufacture of sugar and alcohol, and the  
19 improvement of fishing and fisheries, etc., in these  
20 islands were promoted by the Japanese. Beside the  
21 Japanese, the Chamorros, Kanakas and other natives  
22 were also employed, and they were engaged in the  
23 above productive industries, thereby elevating their  
24 economic standard of living to a remarkable extent.

25 "In each island, besides schools for the  
Japanese, public schools for the natives were



1 established. Primary education was widely carried  
2 on. Secondary education was given to both the  
3 Japanese and the natives together in the Japanese  
4 school. Some of the natives who graduated from  
5 intermediate schools went to Japan to be educated  
6 in colleges. The Japanese made almost no discrimina-  
7 tion in their treatment of the natives. It is true  
8 that the standard of living of the natives was  
9 lower than that of the Japanese, but generally the  
10 Japanese were kind to them, and never worked the  
11 native laborers excessively. Therefore, the natives  
12 always felt well disposed toward the Japanese."

13 Signed, "WAKAMATSU, Makoto."

14 You may examine.

15 THE PRESIDENT: Brigadier Quilliam.  
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## CROSS-EXAMINATION

1  
2 BY BRIGADIER QUILLIAM:

3 Q Witness, in what year were you born?

4 A I was born on June 15, 1907.

5 Q By occupation you are a chemical engineer,  
6 are you not?

7 A I am a chemical apprentice engineer.

8 BRIGADIER QUILLIAM: I am afraid I did not--

9 THE INTERPRETER: Chemical apprentice engineer.

10 BRIGADIER QUILLIAM: I did not hear the  
11 answer, may it please your Honor -- the translation.

12 THE INTERPRETER: An apprenticed chemical  
13 engineer.

14 THE PRESIDENT: Your headphones must be  
15 defective, Brigadier.

16 BRIGADIER QUILLIAM: Yes, I am afraid so.

17 THE PRESIDENT: I have heard the answer three  
18 times.

19 BRIGADIER QUILLIAM: I heard the words  
20 "chemical engineer" but I did not hear what preceded  
21 those words.

22 THE INTERPRETER: Correction in the trans-  
23 lation: chemical technician.

24 Q I take it you had a university education, is  
25 that so?

1           A    Secondary school.

2           Q    And you were employed, were you not, for  
3 some years by the South Seas Development Company?

4           A    Yes, since September, 1934 -- December,  
5 correction.

6           Q    Were you employed as chemical technician?

7           A    At first an apprentice and later I became a  
8 technician.

9           Q    That would be a very responsible position,  
10 would it not?

11          A    Just an ordinary member of the staff.

12          Q    Now coming to the circumstances of your  
13 making your first statement, Witness, I understand  
14 that you were directed to go to the Military Government  
15 Office, is that so?

16          A    I was asked to come to the United States  
17 Military Government Office.

18          Q    And who were there when you arrived?

19          A    The one who interrogated, a young lieutenant,  
20 two natives, and in another room more than ten natives.

21          Q    Was there not also a typist there, an  
22 enlisted man?  
23

24          A    Yes, in addition to the lieutenant there was  
25 an enlisted man who was a typist and after my interro-  
gation was over there were two natives in the room.

1 In addition there were two natives whose interrogation  
2 had already been concluded.

3 Q Did the officer tell you what he wanted you  
4 for?

5 A He did not say anything.

6 Q How did matters proceed; what happened?

7 A In accordance with some notations made on a  
8 memo paper he asked questions such as were incorporated  
9 in the affidavit.

10 Q And all those questions had reference to  
11 fortifications and military installations in the  
12 Mandated Islands, did they not?

13 A He apparently had some kind of a list of  
14 questions and asked me questions one by one, "When  
15 was the airfield created?"; "Were you ever there?";  
16 and so forth.

17 Q And they all had reference to fortifications  
18 and installations in the Mandated Islands, did they not?

19 A Everything related to the armed forces.

20 Q All right. Now as to your knowledge of  
21 English, I understand that you can read English but  
22 only with great difficulty, is that so?

23 A That is a fact.

24 Q Can you write English, write in the English  
25 form?

1 In addition there were two natives whose interrogation  
2 had already been concluded.

3 Q Did the officer tell you what he wanted you  
4 for?

5 A He did not say anything.

6 Q How did matters proceed; what happened?

7 A In accordance with some notations made on a  
8 memo paper he asked questions such as were incorporated  
9 in the affidavit.

10 Q And all those questions had reference to  
11 fortifications and military installations in the  
12 Mandated Islands, did they not?

13 A He apparently had some kind of a list of  
14 questions and asked me questions one by one, "When  
15 was the airfield created?"; "Were you ever there?";  
16 and so forth.

17 Q And they all had reference to fortifications  
18 and installations in the Mandated Islands, did they not?

19 A Everything related to the armed forces.

20 Q All right. Now as to your knowledge of  
21 English, I understand that you can read English but  
22 only with great difficulty, is that so?

23 A That is a fact.

24 Q Can you write English, write in the English  
25 form?

A Yes.

1 Q In fact, you wrote your name in the English  
2 form twice in the statement, did you not?

3 A Yes.

4 Q On how many copies of the statement did you  
5 write your name?

6 A Just one copy.

7 Q And how long did the whole matter take?  
8 How long were you there altogether?

9 A I think it was approximately twenty minutes.

10 Q Did you, before signing, ask the officer  
11 any questions yourself?

12 A No, I did not.

13 Q Did you not ask what it was you were being  
14 required to sign?

15 A I asked no questions.

16 Q Very well. Now, when did you first know  
17 that your statement had been produced to the Tribunal  
18 here?

19 A I learned about it for the first time when  
20 it appeared in the newspapers in October last year.

21 Q And what did you do about the matter?

22 A I did nothing.

23 Q When did anyone first see you about it?

24 A I do not remember the date but I was asked  
25

1 to call on the defense counsel and meet defense  
2 counsels.

3 Q You made your affidavit on the 22d of May  
4 of this year. How long before that was it that you  
5 were asked to call on defense counsel?

6 A I made visits to defense counsel a number of  
7 times and I do not remember very exactly but I think  
8 it was in November last year.

9 BRIGADIER QUILLIAM: May it please the  
10 Tribunal, I have no further questions.

11 THE PRESIDENT: Mr. Roberts.

12 MR. ROBERTS: No further questions. May the  
13 witness be excused on the regular terms?

14 THE PRESIDENT: He is excused accordingly.

15 (Whereupon, the witness was excused.)

16 MR. ROBERTS: We call as our next witness  
17 Juji ENOMOTO. This witness will testify concerning  
18 the Japanese position underlying the abrogation of the  
19 Washington Naval Treaty giving fully the reasons  
20 therefor. This will be the only direct evidence  
21 either by documents or testimony on this point.  
22

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1 J U J I E N O M O T O, recalled as a witness on  
2 behalf of the defense, having been previously  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 MR. ROBERTS: May the witness be shown  
6 defense document 1904?

7 THE PRESIDENT: You are still on your former  
8 oath.

9 DIRECT EXAMINATION

10 BY MR. ROBERTS:

11 Q Please examine this document and tell us  
12 whether or not it is your sworn affidavit.

13 A This is my affidavit.

14 Q Is it true and correct?

15 A Yes.

16 MR. ROBERTS: I offer in evidence, together  
17 with the annexes but with the understanding that the  
18 annexes are not to be read but are only offered because  
19 of the fact that they are referred to and mentioned  
20 in the affidavit, defense document 1904.

21 THE PRESIDENT: Mr. Comyns Carr.

22 MR. COMYNS CARR: May it please the Tribunal,  
23 the prosecution objects to this document and its annexes  
24 as an abuse of the processes of this Court. Yesterday  
25 an affidavit of eleven pages by this witness was



1 rejected. Today he returns to the charge with an  
2 affidavit of 89 pages together with 24 annexes which,  
3 if I have counted them correctly, contain 155 pages.  
4 The only issue in this case to which all that is  
5 directed is the question of the denunciation of the  
6 Washington Naval Treaty in 1934 and the failure of  
7 the London Conference to arrive at a new agreement  
8 at subsequent meetings down to January 1936.

9           In our submission the whole of what is worth  
10 saying in this affidavit could have been included in  
11 ten pages but the witness has chosen to approach it  
12 by, first of all, 24 pages and 13 annexes dealing  
13 solely with the history of conferences previous to  
14 the one in question beginning with the year 1921,  
15 including all of the proposals, counterproposals and  
16 arguments used in support thereof.

17           At page 24 he starts on the real subject  
18 matter and the remaining 65 pages do deal with it but  
19 in a manner so prolix with again, and in much more  
20 detail. every proposal and counterproposal made by  
21 everyone of the powers taking part in the conference,  
22 all the arguments and the reasons for the Japanese  
23 views, a number of instructions alleged to have been  
24 received at various stages by the Japanese delegates,  
25 a number of private conversations between delegates

1 at the conference and elsewhere, and pages of  
2 protestations of Japan's pacific intentions together  
3 with the witness' opinions on various points.

4 We have tried to see whether it would be  
5 possible to pick out bits of it that contain the gist  
6 but that seems to be impossible and we ask the Tribunal  
7 to reject the whole of it for outrageous prolixity.  
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1 THE PRESIDENT: Mr. Comyns Carr, we should  
2 have what the Japanese representatives wrote and  
3 said at the time and such other material as is  
4 necessary to understand that. I think we have some  
5 of it; we may not have all of it. Probably this  
6 affidavit goes beyond what is necessary, that is,  
7 according to your description.

8 MR. COLYNS CARR: Yes, your Honor. I was  
9 submitting that it goes so outrageously beyond what  
10 is necessary that the only way of dealing with it  
11 is to leave it to the defense to prepare a proper  
12 document containing only what is necessary and sub-  
13 mit it at some later stage.

14 THE PRESIDENT: From what you say this is not  
15 merely evidence, but an elaborate argument.

16 MR. COMYNS CARR: Yes.

17 MR. ROBERTS: I submit that the statement  
18 of the prosecutor that it is an elaborate argument  
19 is not in accordance with the facts. The Court should  
20 keep in mind this covers a period of events beginning  
21 in 1925 and continuing until 1936. This man is the  
22 only living member of the delegations that attended  
23 all the conferences, and he, as the Court has sug-  
24 gested, is giving only the conversations that took  
25 place on the part of the delegates and stating the

1 actual facts that occurred.

2 We can assure the Court that the defense has  
3 spent many hours and many days going over this infor-  
4 mation and these facts, and have boiled it down to  
5 the barest minimum in order to give a true picture  
6 and a true story of actually what happened at those  
7 conferences. The Court will recall that in our  
8 previous affidavits in this phase when it was possible  
9 we reduced them to one or two or three pages just to  
10 give you the facts.

11 THE PRESIDENT: We want you to do that  
12 again. We could have nothing more conclusive than  
13 what the Japanese representatives said and wrote at  
14 the time, more particularly what they said at the  
15 conferences. We do not need the help of this witness  
16 to elaborate or elucidate the views of the Japanese  
17 representatives.  
18

19 MR. ROBERTS: If your Honor please, he is  
20 not elaborating. As you suggested, he is giving  
21 their version of what they said because he was there  
22 at the time. He is simply repeating --

23 THE PRESIDENT: But what they said at the  
24 time was recorded then and is to be found in well-  
25 known publications. Where are they?

MR. ROBERTS: That is exactly what we are

1 trying to avoid in getting into time that will be  
2 expended in producing all those documents; whereas,  
3 this man who was present can tell us exactly what was  
4 said by the delegates and all the facts surrounding  
5 those talks.

6 THE PRESIDENT: We do not need his assis-  
7 tance to edit the official reports of the conference.

8 MR. BRANNON: Mr. President, since I am in  
9 the main responsible for this document I would like  
10 to explain very briefly how we came to draft it as  
11 we did and why.

12 THE PRESIDENT: No explanation is needed.  
13 We must judge of these things on their face -- not  
14 how and why you came to draft the affidavit. All  
15 that matters is what the Japanese representatives said  
16 at the conference. We are not going to ask this man  
17 to tell us again, in his own words, when the official  
18 report is available.

19 MR. COMYNS CARR: Your Honor, I understood  
20 the Tribunal had made a rule that only one counsel  
21 be heard on each side on one objection.

22 THE PRESIDENT: We have not decided to hear  
23 him. Since he appeared there I have done all the  
24 talking. I am saying that it is not necessary to  
25

1 hear him, Mr. Carr.

2 MR. BRANNON: I would like to state some-  
3 thing, Mr. President.

4 THE PRESIDENT: You cannot. A majority  
5 are not prepared to hear two counsel on any point.  
6 There is nothing to hear on this point, at all events.

7 MR. BRANNON: We have no further evidence on  
8 this point.

9 THE PRESIDENT: A majority are for reject-  
10 ing this affidavit, but they are not adverse to re-  
11 ceiving it again if it is confined to what is relevant  
12 and material and is not prolix. Frankly, I cannot see  
13 why we need more than the report of the conferences,  
14 and that is available.

15 MR. ROBERTS: The point is that that report  
16 would not give us the Japanese idea as it developed  
17 from the original conference in 1921. This is not an  
18 idea that arose suddenly in 1935 or 1936, at the time  
19 of the abrogation of the treaty. It was something that  
20 grew out of talks, and conferences were held since the  
21 beginning of the original Washington conference. As  
22 to official statements, documents and utterances, we  
23 have them here, if your Honor please, in these twenty-  
24 four annexes which we are submitting for the guidance  
25 of the Court, and they are referred to in this

1 affidavit.

2 We want this Court to understand that we  
3 considered this matter very seriously, that we spent  
4 many, many days on the material to be provided, and  
5 that we have cut it down up to the present time to  
6 the barest minimum that we consider necessary to  
7 give you the exact and truthful facts surrounding  
8 the abrogation of that treaty.

9 THE PRESIDENT: By a majority the objec-  
10 tion is sustained and the affidavit in its present  
11 prolix form is rejected.

12 I make it clear we are not rejecting the  
13 proceedings of the conferences so far as they assist  
14 the Japanese.

15 MR. ROSENTE: We still insist that this is  
16 the shortest method of proving these facts, and we  
17 have tried and endeavored to reduce it to the barest  
18 minimum, and that is what we consider it to be.

19 THE PRESIDENT: There is no need to repeat  
20 yourself, Mr. Roberts.

21 MR. DEANON: We offer in evidence defense  
22 document 1972, which is the sworn affidavit of Paul  
23 W. Wenneker, former German Naval Attache to Japan  
24 and Admiral in the German Navy.

25 THE PRESIDENT: This witness is discharged

1 on the usual terms. Personally, I do not see any  
2 need to recall him, but you may be permitted to do so.

3 (Whereupon, the witness was  
4 excused.)

5 MR. MANNON (Continuing): While giving  
6 information concerning several of the Mandated Is-  
7 lands and the lack of fortifications thereon, in the  
8 main this statement is directed at the charge of  
9 naval collaboration between Germany and Japan with  
10 special reference to submarine warfare.

11 It was the personal desire of defense counsel  
12 to produce this witness so that he might testify from  
13 the box, but because of the repatriation program  
14 returning German nationals to their native land this  
15 month the prosecution has waived its cross examina-  
16 tion and the defense has agreed to present the  
17 affidavit alone.

18 THE PRESIDENT: Mr. Tavenner.

19 MR. TAVENNER: If the Tribunal please, your  
20 attention is called to page 3, item 5, the last sen-  
21 tence in that item, beginning with the words, "As I  
22 said before . . ." Objection is made to this sentence  
23 on the ground that it is an expression of opinion. In  
24 fact, it is worse than that; it is a speculation and  
25 surmise on the part of the witness.



THE PRESIDENT: He can testify as to his  
1 surprise, but not as to his opinion certainly. In  
2 half of that last sentence he repeats his surprise  
3 already expressed, but when he says he feels a thing --  
4 you can ordinarily testify to your feelings, but by  
5 feeling, there he means in his opinion.

6 MR. TAVENNER: Yes. We desire to object  
7 also to that part of the sentence dealing with the  
8 witness' surprise, as that is certainly irrelevant  
9 and immaterial.

10 THE PRESIDENT: Well, you did not object  
11 to it when he expressed it before, you see.

12 MR. BRANNON: This is a full admiral, a  
13 military man by profession, and we feel that in using  
14 this particular kind of language he is merely impressing  
15 what his thought was. This is not opinion to the ex-  
16 tent as to be objectionable.

17 THE PRESIDENT: Mr. Taveaner.

18 MR. TAVENNER: If the Tribunal please, I had  
19 not quite completed my statement, as I advised counsel,  
20 but he had already started to make his statement.

21  
22 There is a prior reference in the same  
paragraph as to the surprise of himself and the  
Italian attache beginning with the sentence, "I, like  
the Italian attache . . ." and I desire to extend

1 the objection to cover the surprise of the Italian  
2 attache as well as that of the German admiral.  
3 Whether or not either is surprised is certainly not  
4 relevant or material to any issue.

5 MR. DRANNON: Mr. President, we feel that  
6 it is purely a gratuitous objection, a play on words.  
7 The meaning is very clear. The man is not trying  
8 to express his emotions; he is just trying to state  
9 a fact.

10 THE PRESIDENT: I think it is irrelevant;  
11 but, as has been said by a colleague, it is petty.  
12 The last sentence should be omitted, the last sentence  
13 in paragraph 5 should be omitted. The objection is  
14 sustained to that extent.

15 CLERK OF THE COURT: Defense document 1972  
16 will receive exhibit No. 2999.

17 (Whereupon, the document above  
18 referred to was marked defense exhibit  
19 No. 2999 and received in evidence.)  
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1 MR. DRANNON: I now read the affidavit of  
2 Paul W. Wenneker.

3 "1. My name is Paul W. Wenneker. I reached  
4 the rank of full Admiral in the German Navy. From  
5 1934 until 1937, and later from 1940 until the surren-  
6 der I was the chief German Naval Attache to Japan,  
7 residing in Tokyo. After returning to Germany in 1937  
8 I was given general naval duty including command of  
9 the German pocket battleship Deutschland.

10 "2. My duties as German Naval Attache were  
11 quite similar to the duties of attaches of other  
12 countries at that time. During my first stay in Japan  
13 from 1934 to 1937 I had absolutely no instructions  
14 of any kind with reference to military collaboration  
15 with Japan. In fact my association with the naval  
16 men of other countries, namely Great Britain, the  
17 United States and Russia was much closer than with  
18 the Japanese. We were all treated with like suspicion  
19 and distrust by Japanese naval officers. Even when  
20 I returned the second time in 1940, after the outbreak  
21 of the European war, the situation relative to coopera-  
22 tion between my country and the Japanese naval offi-  
23 cials was not greatly improved. I seldom was able to  
24 inspect their ships. My request to visit the Mandated  
25 Islands had been repeatedly refused. I was never

1 afforded the courtesy of discussing matters with  
2 Japanese naval officers of my own rank but was forced  
3 to deal with captains and younger officers. Even  
4 after the outbreak of hostilities in the Pacific,  
5 cooperation was sadly lacking between German and  
6 Japanese naval officials.

7 "3. I was not informed by the Japanese that  
8 they were to attack Pearl Harbor. I did not know that  
9 hostilities would commence on December 8, 1941. Such  
10 information had not been conveyed to my country  
11 through my office or through the Embassy, even though  
12 both Germany and Japan were then faced with a common  
13 enemy. As to the real strength of the Japanese Navy,  
14 the number and size of ships under construction, the  
15 construction projects under consideration, the oil  
16 supply in stock and operational plans under contempla-  
17 tion, I must state that I possessed not even an  
18 approximate knowledge concerning them, even though I  
19 was the logical person to receive such information.  
20 I had inquired concerning these matters frequently  
21 both officially and privately but received either no  
22 replies or such vague answers as to be of no value  
23 whatsoever.  
24

25 "During the Pacific War, further evidence  
of lack of cooperation was the fact that the Japanese

1 failed to reveal vital information concerning their  
2 losses incurred during important naval battles. I  
3 distinctly remember that it was around a year after  
4 the battle of Midway that I first learned that Japan  
5 had lost four carriers. We had requested information  
6 concerning this particular matter on many occasions  
7 since we had heard American broadcasts to this effect  
8 but the Japanese consistently refused to inform us.

9 "4. Relative to cooperation between Germany  
10 and Japan in regard to submarine warfare, I wish to  
11 say that the utter lack of cooperation would be the  
12 better topic for discussion. Germany did attempt to  
13 school Japanese naval officers in the thought that  
14 submarines should be used to attack enemy merchant  
15 shipping and thereby to cut off the supply lines.  
16 The Japanese Navy contended that they could better  
17 use their submarines for direct attack against fight-  
18 ing vessels of the enemy. Hence our proposal was  
19 completely rejected. We wished to assist the Japanese  
20 toward the construction of modern and efficient sub-  
21 marines. To this end we presented them with two new  
22 submarines. The first was delivered by German crew  
23 at Kure. The second was lost in the North Atlantic  
24 and never reached the Japanese Islands. The first  
25 submarine was minutely inspected by the Japanese but

1 I was later informed that they did not feel they  
2 could duplicate it and did not intend to do so.

3 Therefore, in so far as German activity is concerned,  
4 the Japanese submarine warfare was not affected in  
5 any way.

6 "5. In April of 1942, I was finally allowed  
7 to visit some of the Mandated Islands. I went to  
8 Palau and Saipan, also stopping at Guam. I have  
9 been asked if there were any fortifications on Saipan  
10 or Palau. I, like the Italian Attache who was with  
11 me, was greatly surprised to note there were absolutely  
12 none. We saw air strips, some good billets, houses  
13 and store houses, but no guns and no fortifications.  
14 I saw a large field on Saipan which was supposed to  
15 be an airfield but which was grown over by weeds.  
16 The harbors were very poor and they were only commencing  
17 the building of oil tanks.

18 "6. Germany lost two auxiliary cruisers,  
19 three submarines and six steamers in Japanese waters  
20 during the war. Most of these were lost out of lack  
21 of cooperation, that is, insufficient escort or the  
22 relaying of vital information concerning the enemy's  
23 position by the Japanese.

24 "7. During my stay in Japan and from my many  
25 social and business contacts with various military

1 men, I noticed a decided lack of cooperation even  
2 between the Japanese Army and Navy. They were  
3 constantly suspicious and jealous of each other and I  
4 personally tried to smooth matters over as best I  
5 could. The Army escorted its own convoys and except  
6 for those military movements which necessitated the use  
7 of the Navy in transporting Army troops the disunity  
8 was quite amazing to me."

9 Signed, "Paul W. Wenneker."

10 We call as our next witness, NOMURA, Naokuni.

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1 N A O K U N I N O M U R A, called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified through Japanese inter-  
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. ROBERTS:

7 Q Please state your name and address.

8 A My name is NOMURA, Naokuni; my address,  
9 No. 1 Kitazawa, 2-chome, Setagaya, Tokyo.

10 Q May the witness be shown defense document  
11 No. 1606. Please tell us if that is your sworn  
12 affidavit, Mr. NOMURA? Is it true and correct?

13 A This is my affidavit.

14 Q Are the contents true and correct?

15 A Yes.

16 MR. ROBERTS: I offer in evidence defense  
17 document No. 1606.

18 THE PRESIDENT: Mr. Tavenner.

19 MR. TAVENNER: If the Tribunal please,  
20 objection is made to two matters in the Indictment  
21 which relate to instructions or telegrams which are  
22 not presented or the absence of which is not accounted  
23 for.  
24

25 THE MONITOR: Mr. Tavenner, this word "Indict-  
ment" --



1 MR. TAVENNER: Of course, I meant affidavit.  
2 I am sorry.

3 The first appears near the bottom of page 1,  
4 beginning with the last sentence: "On my departure..."  
5 and extends to the middle of page 2. It is a direct  
6 quotation.

7 The second matter appears at the bottom of  
8 page 3, beginning with the last sentence: "As a  
9 response to my repeated inquiry..." and extends over  
10 through the first three lines on page 4.

11 That is all.

12 MR. ROBERTS: The documents referred to  
13 were the object of a search on our behalf, and we  
14 have received a certificate just the day before yester-  
15 day stating that the documents referred to had been  
16 lost in the fires. The certificate has been lodged  
17 with the clerk, and in view of the fact that we have  
18 not had time to process it, I would like permission of  
19 the Court to read the certificate and waive the  
20 processing.

21 THE PRESIDENT: Tender the certificate.

22 MR. ROBERTS: I hereby tender the certificate,  
23 which accounts for the lost documents.

24 THE PRESIDENT: Admitted on the usual terms.

25 I know that copies are not available, but

1 read the certificate. Do so after the recess.

2 We will recess for fifteen minutes.

3 (Whereupon, at 1045, a recess was  
4 taken until 1100, after which the proceed-  
5 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: The documents last tendered  
4 should be marked.

5 MR. ROBERTS: Yes. I ask that the affidavit  
6 be marked first.

7 MR. TAVENNER: If your Honor please, I had  
8 understood that the certificate should be presented  
9 first for examination before the document, the affidavit,  
10 is admitted in its entirety.

11 THE PRESIDENT: If we are going to be stuck  
12 up on all these sheer formalities, we will be here for  
13 years. Personally, I am going to endeavor to reduce them,  
14 to cut them out. The certificate is in court and you  
15 have seen it, no doubt, and you know whether you are  
16 going to object or not. You did not object.

17 MR. TAVENNER: If the Tribunal please, the  
18 certificate has not been presented to me and I have not  
19 seen it, and I understand there is no copy of it.

20 THE PRESIDENT: It is open to inspection by  
21 you. It is in the hands of the Clerk.

22 MR. TAVENNER: I asked for a copy of it a  
23 moment ago and I didn't understand that the Clerk had it.

24 THE PRESIDENT: Mark both documents.

25 CLERK OF THE COURT: Defense document 1606

1 will receive exhibit No. 3000. The Certificate of  
2 Non-existence of Documents will receive exhibit No.  
3 3000-A.

4 (Whereupon, the documents above re-  
5 ferred to were marked defense exhibit Nos.  
6 3000 and 3000-A, respectively, and received  
7 in evidence.)

8 MR. ROBERTS: I shall read the certificate,  
9 being exhibit No. 3000-A:

10 "I, YOSHII Michinori, am Archives Section  
11 Chief, of the Demobilization Bureau II, of the Demobil-  
12 ization Office, and a document custodian of the  
13 Demobilization Bureau II.

14 "2. The originals, duplicates and copies of  
15 the following telegrams do none of them exist in the  
16 Demobilization Bureau II, the organization disposing of  
17 the remaining business of the former Japanese Navy  
18 Department.

19 "(1) the telegrams exchanged in 1941 between  
20 Vice-Admiral NOMURA at Berlin and the Japanese Navy  
21 concerning American-Japanese negotiations

22 "(2) the joint telegraphic instructions dis-  
23 patched in January, 1942 by the Navy Minister and the  
24 Naval General Staff Chief to Vice-Admiral NOMURA at  
25 Berlin concerning the conclusion of the Military

1 Agreement effected in January, 1942

2 "(3) the telegrams exchanged between Vice-  
3 Admiral NOMURA at Berlin, and the Navy Ministry and  
4 the Naval General Staff since the March-April period  
5 in 1942 concerning the intensifying of operations by  
6 the Japanese Navy in the Indian Ocean area.

7 "3. Of the foregoing telegrams, the duplicates  
8 of the outgoing telegrams and the originals of the in-  
9 coming telegrams in Section(1) were in the custody of the  
10 General Affairs Bureau of the Navy Ministry, or in the  
11 Navy Minister's Secretariat; the duplicates of the  
12 telegrams in Section(2) and the duplicates of the out-  
13 going telegrams and the originals of the incoming  
14 telegrams in Section (3) were in the custody either  
15 of the General Affairs Bureau of the Navy Ministry, the  
16 Navy Minister's Secretariat or of the 1st Department  
17 of the Naval General Staff, and where there were no  
18 originals or duplicates, there were found copies kept  
19 in custody. The rule was that copies of telegrams  
20 should all be kept for one year in the custody of the  
21 Telegraph Section of the Navy Ministry.

22 "4. In the U.S. air-raids of May, 1945, con-  
23 tinuing from mid-night of 25 to dawn of 26, the bulk  
24 of the Navy Ministry building was destroyed by fire.  
25 The Minister's Secretariat, the General Affairs Bureau

1 of the Navy Ministry, and the 1st Department of the  
2 Naval General Staff and the office rooms of the  
3 Telegraph Section were all reduced to ashes, when almost  
4 all the documents kept in these places were lost.

5 "The originals, duplicates and copies now  
6 missing are believed to have all been destroyed by fire  
7 on this occasion.

8 "5. As for the originals and duplicates of the  
9 above-mentioned telegrams kept in custody at the  
10 Japanese Embassy at Berlin, we inquired of all the re-  
11 turnees including former Admiral NOMURA, but none of  
12 them possessed the copies obviously having destroyed  
13 them by fire previously to the German capitulation.

14 "I avouch for the truth of the above statement  
15 in every respect.

16 "Certified at Tokyo on this 19th day of August,  
17 1947."  
18

19 Additional certificate:

20 "I, who occupy the post of the Archives Section  
21 Chief of the Foreign Affairs Ministry, hereby certify  
22 that the telegram dispatched about March, 1943 by  
23 Ambassador OSHIMA at Berlin concerning the transference  
24 to Japan of German submarines and the reply telegram  
25 thereto are not among the documents in the custody of  
the Foreign Affairs Ministry.

1           "Certified at Tokyo on this 19th day of August,  
2 1947."

3           Additional certificate:

4           "I, Taniguchi Yasumaro, occupied from May,  
5 1940 till May, 1945 the post of assistant Naval Attache  
6 to the Japanese Embassy at Berlin, and was in charge  
7 of the telegrams dispatched and received by those con-  
8 cerned with the Navy and the custody of these documents.

9           "2. With air-raids on Berlin intensified  
10 from about November 1943, we consigned to the fire some  
11 of the important documents and telegrams on several  
12 occasions, and in April, 1945, when Berlin fell in a  
13 crisis, we destroyed the rest of them by fire for the  
14 last time.

15           "3. The originals, duplicates and copies  
16 of the telegrams mentioned below do none of them exist  
17 as they were completely destroyed by fire on the above-  
18 mentioned occasions.

19           "(1) the telegram exchanged in 1941 between  
20 Vice-Admiral NOMURA at Berlin and the concerning the  
21 America-Japan negotiations

22           "(2) the telegraphic instructions dispatched  
23 in January, 1942 by the Naval General Staff Chief and  
24 the Navy Minister to Vice-Admiral NOMURA concerning the  
25 conclusion of the Military Agreement

1  
2           "(3) the telegrams exchanged between  
3 Vice-Admiral NOMURA at Berlin, and the Japanese Naval  
4 General Staff and the Navy Ministry since the March-  
5 April period in 1942 concerning the intensifying of  
6 operations by the Japanese Navy in the Indian Ocean  
7 area.

8           "I avouch for the truth of the above statement  
9 in every respect.

10           "Certified at Yokosuka on this 16th Day of  
11 August, 1947."  
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1 I read exhibit No. 3000, the affidavit of  
2 NOMURA, Naokuni:

3 "1. German-Japanese Military Cooperation  
4 Before the Outbreak of the Pacific War.

5 "When the German-Italian-Japanese Tripartite  
6 Pact was concluded I was appointed military committee  
7 member of the Mixed Technical Commission which had  
8 been set up in accordance with Article 4 of the Pact,  
9 and in this capacity I left Tokyo for Germany in  
10 December, 1940. On my departure the Navy Minister's  
11 instructions were handed to me by TOYODA, Teijiro  
12 the Vice-Minister of the Navy. They read: 'The  
13 Tripartite Alliance Pact aims at precluding a war with  
14 the United States, and, by improving our diplomatic  
15 relation with that country, it is to give an impetus  
16 to an early settlement of the Sino-Japanese Conflict.  
17 Such being the case, the primary duty of the Military  
18 Commissioner is to pass correct judgment from the  
19 military viewpoint on the question of 'whether or not  
20 an act of offense has been launched upon one of the  
21 parties of the alliance' as provided in Article 3 of  
22 the Pact. In view of the fact that this pact is for  
23 an alliance for defensive purposes care must be taken  
24 to avoid immaturely reaching the decision that 'an act  
25 of offense has been committed' and thereby drawing this

1 Japanese Ambassador there. However, with regard to  
2 problems concerning purely military operation, I  
3 consulted directly with the military authorities con-  
4 cerned, thus making them clearly distinct from politi-  
5 cal matters. And even in the disposition of these  
6 military matters, our military commissioners acted  
7 merely as a liaison office between Tokyo and Berlin.

8 "The only work in which the military commis-  
9 sioner had acted under explicit directions from Tokyo  
10 concerned the conclusion of the Military Agreement  
11 which was originated by the instruction of the central  
12 authorities --" there is a correction there --"given  
13 to him in January, 1942, i.e., immediately after the  
14 outbreak of the Pacific War. No other direction was  
15 given from Tokyo at all.

16 "During the period of the American-Japanese  
17 diplomatic talks, not even information relative to  
18 the above negotiation could be received by us from  
19 our Central Office. (T.N. Japanese Government in  
20 Tokyo.) Aroused by loud talks in the air as rever-  
21 berated through papers of neutral states I referred  
22 the matter to Tokyo more than once by telegraph, be-  
23 cause of my great anxiety. As a response to my repeat-  
24 ed inquiry, if I remember right, just a single answer  
25 was received some time in July or August of 1941, to

1 the effect that the Japanese Government was conducting  
2 negotiations with the United States in strict conform-  
3 ity with the spirit of the Tripartite Alliance Pact  
4 which aimed solely at the prevention of the American  
5 participation in war and at the settlement of the Sino-  
6 Japanese Conflict.

7 "2. Concerning the Military Agreement.

8 "On January 19, 1942, Showa 17, shortly after  
9 the commencement of the Pacific War, the Military Agree-  
10 ment was concluded by Germany, Italy and Japan. Because  
11 this was purely a military accord among the Supreme  
12 Commands of the three powers, the Japanese Ambassador  
13 took no part in the agreement. According to the pro-  
14 visions of the agreement, Japan was to destroy the  
15 enemy in the Pacific Ocean and the Indian Ocean east  
16 of Longitude 70 degrees east, and Germany and Italy  
17 were to destroy the enemy in the Atlantic Ocean, the  
18 Mediterranean Sea, and the Indian Ocean west of Longi-  
19 tude 70 degrees east. The basic idea of this accord  
20 was that the best coordinated operational result might  
21 be expected through independent activities of each  
22 navy in its respective designated area. Therefore  
23 each navy conducted its operations entirely under its  
24 own plans and abilities, apart from those of the  
25 colleague powers; and no special mutual talks were

1 held for the coordination of the operational activities  
2 of the three. Though, of course, as will be mentioned  
3 later, there were several occasions when one party or  
4 another made proposals regarding a partner's methods  
5 of operation, as is naturally the case with a wartime  
6 alliance, these proposals were nothing but the expres-  
7 sion of the desire of the party so proposing, all de-  
8 ciding authority over the actual conduct of the oper-  
9 ations being always reserved by the party responsible  
10 for the operations.

11 "3. Military Cooperation, including Sub-  
12 marine Warfare, after the Outbreak of the Pacific War.

13 "Based on the information that around March  
14 or April, 1942 the United States had commenced trans-  
15 portation activities on a large scale to the North  
16 African theatre via the Cape of Good Hope, the navies  
17 of Germany and Italy made repeated proposals to the  
18 effect that they were desirous of seeing the Japanese  
19 Navy intensify its activities in the Indian Ocean in-  
20 cluding offensive action against the American trans-  
21 portation activities and re-enforce its forces strongly  
22 in this theatre. In this proposal, their desire was  
23 for a powerful re-enforcement of the Japanese fleet  
24 in this theatre with strong surface vessels as the  
25 main strength rather than a mere encouragement of the

1 submarine campaign as heretofore conducted by the  
2 Japanese Navy.

3 "Whenever these proposals were made I tried  
4 to persuade the German authorities on the basis of  
5 directions from Tokyo that the Japanese fleet were  
6 too fully occupied with the operations in other theaters  
7 to divert much of its strength to the Indian Ocean.  
8 Nevertheless the same proposal was repeated again and  
9 again with the increase of difficulty in maintaining  
10 the German military position in North Africa. In some  
11 cases they expressed their desire to have Japan at  
12 least strengthen the submarine forces in the Indian  
13 Ocean to a great extent. As a reply to this sort of  
14 proposals I always explained to them assiduously that  
15 the Japanese submarines were being employed for the  
16 most part in operations of main fleet and that in view  
17 of the smallness of their number the dispersion of more  
18 submarines to the Indian theater on the part of Japan  
19 was very difficult.

20 "although I do not know what the German naval  
21 authorities expected of Japan in connection with Hitler's  
22 offer to Ambassador OSHIMA of the donation of two German  
23 submarines to Japan, but from what had been explained to  
24 us, it originated entirely in Hitler's own mind and was  
25 utterly unconditional. In return for this offer no

1 request was made for more intensified submarine war-  
2 fare on the part of Japan. The following are the  
3 Fuhrer's words as told my by Ambassador OSHIMA:  
4 'Lately the German submarines have been strikingly  
5 improved in their maneuverability and especially,  
6 underwater capacity. Hoping the Japanese Navy will  
7 be benefited in her submarine construction, I wish to  
8 donate two of the new German submarines to Japan at  
9 this time.' These words by the Fuhrer were carried  
10 in the Ambassador's telegram addressed to Japan at  
11 that time; and a message from Tokyo in response to  
12 this telegram explicitly stated that Japan would accept  
13 with gratitude this Hitler's offer. Further, in the  
14 telegram I received from Tokyo in those days in con-  
15 nection with the bringing of these submarines to Japan,  
16 no allusion was made to such a subject as the encourage-  
17 ment of the submarine warfare; the naval authorities  
18 in Tokyo simply instructed me by telegram that, as the  
19 primary objective of bringing the German submarines to  
20 Japan lay in the contributory effect of these new sub-  
21 marines upon Japanese submarine-building technique  
22 three German submarine technicians should be brought  
23 to Japan with submarines. In short, as far as the  
24 Japanese Navy and I myself were concerned, it was under-  
25 stood that the submarine offer was made solely along the

1 line of the above mentioned words of Hitler and that  
2 no intensified activities of submarine warfare on our  
3 part was entailed condition in this offer, not to  
4 mention our acceptance of such request.

5 "One of these two submarines was lost on the  
6 way to Japan, and only one safely reached her desti-  
7 nation. However such a difficult problem as the im-  
8 provement of our submarine construction technique  
9 could not be solved in a short period. During the  
10 course of time, on the other hand, an opinion became  
11 prevalent, pressed by the need from the forces on the  
12 front, that this type of submarine was its inferior  
13 underwater speed would not meet our purpose and that  
14 an entirely new idea was instead needed in our sub-  
15 marine construction. Such being the case, these sub-  
16 marines brought about after all no practical benefit  
17 to Japanese submarine operations.

18 "About such a policy as annihilating the  
19 crew-members of enemy vessels sunk by submarines,  
20 nothing was ever suggested to us by the Germans. I  
21 never heard of such a suggestion either from Ambassador  
22 OSHIMA or from anyone else. On the occasion of the  
23 London Disarmament Conference which I attended as a  
24 member of the Japanese delegation, I myself personally  
25 participated in the discussion of the problem of how

1 crew-members should be treated when their ships had  
2 been sunk by a submarine. Accordingly, if I ever had  
3 heard talk of this kind, it would surely have remained  
4 in my memory. I have no memory of such talk. Of  
5 course no telegram was dispatched by me to our author-  
6 ities in Tokyo regarding such subject."

7 Signed: "On this 10 day of April, 1947."

8 You may cross-examine.  
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THE PRESIDENT: Counsel SHIMANOUCI.

1 MR. SHIMANOUCI: I wish to make direct  
2 examination on behalf of the defendant OSHIMA.

3 DIRECT EXAMINATION (Continued)

4 BY MR. SHIMANOUCI:

5 Q Were the negotiations between OSHIMA and  
6 Ribbentrop concerning the donation of submarines to  
7 Japan from Germany?  
8

9 A Yes.

10 Q When did this occur?

11 A That was in the beginning of March, 1942.

12 I would like to correct myself. The first  
13 part of March, 1943.

14 THE INTERPRETER: Before that the counsel  
15 said "You said 1942."

16 Q In your affidavit you state that in March, 1943  
17 Hitler offered to donate submarines -- Hitler spoke to  
18 OSHIMA and offered a donation of German submarines.  
19 What connections were there with Hitler's offer and the  
20 negotiations between Ribbentrop and OSHIMA?

21 A I shall speak from my recollection of that  
22 matter.

23 Ambassador OSHIMA called on Mr. Hitler, and,  
24 among other things, during this conversation Hitler made  
25 the statement which I have quoted in my affidavit, and

1 I think the meeting took place in the latter part of  
February, somewhere around the 26th, 27th, or 28th.

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Q Thank you. This was 1943?

1 A Yes. I heard from Ambassador OSHIMA of the  
2 talk he had had with Hitler, and the Ambassador tele-  
3 graphed the contents of that talk to Tokyo, and at the  
4 end of the telegram there was a request that this mat-  
5 ter also be notified to the Minister of the Navy. I  
6 think it was about four or five days after the telegram  
7 had been sent by the Ambassador to Tokyo, that is to  
8 say, around the 5th or 6th of March, I received a  
9 telegram from the Minister of the Navy. The telegram  
10 said that the Japanese Navy would accept the offer of  
11 Hitler with gratitude and requested that OSHIMA be  
12 asked to convey those thanks to the Fuehrer. And  
13 furthermore, the telegram included instructions to me  
14 to negotiate with the German Naval authorities with  
15 regard to the navigation of the submarines. Accord-  
16 ing to my recollection Hitler was not in Berlin at  
17 that time, and so Ambassador OSHIMA called on the  
18 Foreign Minister, Ribbentrop, and asked him to convey  
19 the thanks of the Japanese Navy to him. According to  
20 my recollection this question arose between Ribbentrop  
21 and OSHIMA for the first time on this occasion.

23 Q Have you ever heard the contents of the nego-  
24 tiations between Ribbentrop and OSHIMA on this matter?

25 A Yes.

1 Q Do you have any recollection of whether in the  
2 negotiations - the conversations - between Ribbentrop and  
3 OSHIMA, anything was said about the annihilation of  
4 the crews of any merchantmen that were sunk?

5 A There was no such talk between them.

6 Q While you were in Germany did you ever hear  
7 that the German Navy had, for example, machine-gunned  
8 the survivors of sunken enemy merchant vessels?

9 A I have no recollection as to ever having  
10 heard of that.

11 Q Were you connected with the navigation of these  
12 two German submarines to Japan?

13 A Yes.

14 Q In what connection?

15 A As I had received instructions to return to  
16 Japan on one of the submarines, I did so.

17 Q Did you sink any enemy merchantmen during the  
18 cruise.

19 A Yes.

20 Q By whom was this submarine commanded, and who  
21 was responsible for the navigation?

22 A The submarine was under the command of German  
23 officers and was operated by German officers and crew.

24 Q Were there any other passengers besides you on  
25 board the submarine?

1 A I and SUGITA, Commander SUGITA, of the Naval  
2 Medical Corps.

3 Q After torpedoing this enemy merchantman, what  
4 happened to the survivors?

5 A Nothing was done.

6 Q In your affidavit you have testified to German-  
7 Japanese cooperation in the Pacific war. From February  
8 through May of 1941 did OSHIMA discuss with the German  
9 authorities the problem of attacking Singapore or Hong  
10 Kong. Did you hear of this or not? If you know, will  
11 you please so state?

12 A I have never heard of it.

13 Q From February through May 1941 did OSHIMA have  
14 further talks regarding attacks on Singapore and Hong  
15 Kong with the Navy Ministry in Tokyo and do you know  
16 whether OSHIMA made such recommendations to the Tokyo  
17 Foreign Office or Naval Ministry?

18 A I have never heard of it.

19 Q I should like you to state what the practice  
20 or customs were at that time in the Japanese Embassy  
21 in Berlin. In the event that Ambassador OSHIMA in Berlin  
22 would communicate military matters to Tokyo, such as,  
23 for instance, the attack on Singapore or HongKong, what  
24 procedure did he take with the Ambassador and the Navy?

25 A The Ambassador addressed his telegrams to the

1 Foreign Minister, and when anything in his telegrams  
2 involved questions of a military nature he would always  
3 have at the end of his message a request that the matter  
4 be communicated to the Navy Ministry or to the High  
5 Command.

6 Q What method did OSHIMA take with regard to  
7 the Japanese Naval Attache in Berlin, for example, you?

8 A He always showed me any telegrams he had sent  
9 which had included military subjects.

10 Q Then do you say that you have never seen any  
11 telegrams sent by OSHIMA in which he discussed attacks  
12 on Singapore or Hong Kong?

13 A I have no recollection whatsoever of ever hav-  
14 ing seen such a telegram.

15 Q Have you ever heard that the Naval Attache's  
16 office in Berlin had received a copy of such a telegram?

17 A Of course the Naval Attache's office has never  
18 received it.

19 Q Did the Japanese Ambassador in Berlin communi-  
20 cate directly with the Naval Ministry in Tokyo? Was  
21 there any such occasion?

22 A Yes.

23 MR. SHIMANOCHI: You may examine.

24 THE PRESIDENT: What is your Army or Navy rank,  
25 if you have any, or what was it?

1 THE WITNESS: Well, in Berlin I was a Vice-  
2 Admiral.

3 BY MR. SHIMANOUCI:

4 Q After your return to Japan did you ever become  
5 Naval Minister?

6 A Yes.

7 MR. SHIMANOUCI: That is all, sir.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please, I would  
10 like at this time to renew my motion as to the exclus-  
11 ion of the quotation beginning at the bottom of page 1,  
12 in that it is not covered or referred to in the certif-  
13 icate that was read; in other words, I ask that the  
14 paragraph be struck from the affidavit.

15 THE PRESIDENT: Mr. Roberts.

16 MR. ROBERTS: Insofar as the certificate is  
17 concerned, it states that all copies of documents were  
18 destroyed in the fire; and so far as these particular  
19 instructions are concerned, we can ask this witness if  
20 he knows they are available. I think that perhaps doing  
21 that may clear up these questions that are referred to.

22 THE PRESIDENT: Ask him. You have permission  
23 to ask.

24 MR. ROBERTS: Mr. NOMURA, in your affidavit you  
25 refer to certain instructions handed to you by TOYODA,

1 THE WITNESS: Well, in Berlin I was a Vice-  
2 Admiral.

3 BY MR. SHIMANOUCI:

4 Q After your return to Japan did you ever become  
5 Naval Minister?

6 A Yes.

7 MR. SHIMANOUCI: That is all, sir.

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17 concerned, it states that all copies of documents were  
18 destroyed in the fire; and so far as these particular  
19 instructions are concerned, we can ask this witness if  
20 he knows they are available. I think that perhaps doing  
21 that may clear up these questions that are referred to.

22 THE PRESIDENT: Ask him. You have permission  
23 to ask.

24 MR. ROBERTS: Mr. NOMURA, in your affidavit you  
25 refer to certain instructions handed to you by TOYODA,



1 the Vice-Minister of the Navy, when you departed for  
2 Berlin. Do you know where the original instructions  
3 may have been filed?

4 THE WITNESS: The instruction was not in writ-  
5 ing; it was given to me orally.

6 THE PRESIDENT: Why do you say they were read  
7 to you?

8 MR. ROBERTS: When you say in your affidavit  
9 "they read", do you mean from writing?

10 MR. TAVENNER: If your Honor please, I object  
11 to the leading question.

12 THE PRESIDENT: It is obviously leading. The  
13 objection is upheld.

14 THE PRESIDENT: How do you justify that express-  
15 ion in your affidavit, "they read", if they were not in  
16 writing? The translation may be at fault. We don't  
17 know.

18 THE MONITOR: Mr. President, the Japanese text  
19 does not use the word.

20 MR. ROBERTS: It is a matter of translation,  
21 if the Court please, and this particular phrase should  
22 be referred for review.

23 THE PRESIDENT: My attention is drawn to the  
24 fact that before that he says in his affidavit that the  
25 Minister's instructions were read to him. I think we

1 ought to invoke Major Moore's assistance.

2 MR. ROBERTS: Yes. I ask that that be referred  
3 to Major Moore.

4 THE WITNESS: I stated that I received the  
5 instructions orally. I stated in my affidavit that the  
6 instructions were -- it may have carried a different  
7 meaning, but I used the words that "it was transmitted  
8 to me."

9 THE PRESIDENT: Well, we will leave that for  
10 another time.

11 Cross-examine.

12

13

CROSS-EXAMINATION

14 BY MR. TAVENNER:

15 Q On page 4, Section 2 of your affidavit, you  
16 refer to the general subject of the military agreement,  
17 the military agreement of January 16, 1942. When did  
18 the negotiations for that agreement begin?

19 A I have no definite recollection of date, but  
20 it was one or two days after I received the first report  
21 of the opening of hostilities on the 8th of December that  
22 negotiations were begun, upon receiving a telegram.

23 Q What preliminary talks had been entered into  
24 prior to the breaking out of war, that is, prior to the  
25 attack by Japan on Pearl Harbor?

1. A Before that no telegrams whatsoever were re-  
2 ceived in connection with such a matter as this?

3 Q I did not ask you that. I asked you what  
4 preliminary talks.

5 A There were no preliminary talks.

6 Q From whom did you receive a telegram to start  
7 negotiations for this agreement?

8 A The telegrams were addressed to me, NOMURA,  
9 and Lieutenant-General BANZAI, my Military Attache, from  
10 the Minister of the Navy, the Minister of War, the Chief  
11 of the Army General Staff and Chief of the Navy General  
12 Staff. The instruction was signed jointly by the four  
13 Naval and Army heads.

14 Q What was the date that was received?

15 A I don't remember, but it was one or two days  
16 after the opening of hostilities.

17 Q Was Ambassador OSHIMA consulted in regard to  
18 this matter?

19 Q Other than the fact that Ambassador OSHIMA made  
20 contacts for the opening of the negotiations, he did  
21 nothing, as the negotiations were to be conducted by  
22 me, as Naval Attache, and Lieutenant-General BANZAI,  
23 with the German Military and Naval authorities, as per  
24 instructions in the telegram.

25 Q I believe you stated a few moments ago that

1 Ambassador OSHIMA kept the Navy and Military informed  
2 about matters relating to Navy and Military matters,  
3 and that you saw copies of the telegrams or other  
4 messages relating to such matters at the time they  
5 were sent. Is that true?

6 A Yes, I have seen them.

7 Q Then did you see the telegram from Ambassador  
8 OSHIMA, in which he threatened to resign in the event  
9 his views regarding the proposed military pact in 1939  
10 were not carried out?

11 THE PRESIDENT: We will recess until 1:30.

12 (Whereupon, at 1200, a recess was  
13 taken until 1350, after which the proceed-  
14 ings were resumed as follows:)  
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## AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at 1330.

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MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

4

5

THE PRESIDENT: Mr. Tavenner.

6

7

N A O K U N I N O M U R A, resumed the stand and

8

testified through Japanese interpreters as follows:

9

## CROSS-EXAMINATION

10

THE INTERPRETER: The last question propounded  
by Mr. Tavenner was not translated into Japanese. It  
will now be given.

11

12

13

THE MONITOR: May we have the English? May  
we have the question by Mr. Tavenner before noon in  
English first?

14

15

16

MR. TAVENNER: Yes.

17

18

THE PRESIDENT: English reporter.

19

MR. TAVENNER: I have just taken it from the  
reporter.

20

21

(Whereupon, the last question was  
read by the official court reporter as follows:

22

23

"Q. Well, did you see the telegram

24

from Ambassador OSHIMA in which he threatened

25

to resign in the event his views regarding the  
proposed military pact in 1939 were not carried

1 out?"

2 BY MR. TAVENNER (Continued):

3 Q I realize that you were not in Germany at  
4 that time according to your affidavit but, neverthe-  
5 less, did you know of that telegram?

6 A I have never seen such a telegram.

7 Q Were there occasions when Ambassador OSHIMA  
8 communicated directly with the Naval Chief of Staff  
9 or the Army Chief of Staff?

10 A No.

11 MR. TAVENNER: At this time I think Major  
12 Moore is ready to make a report to the Tribunal.

13 THE PRESIDENT: Major Moore.

14 LANGUAGE ARBITER (Major Moore): If the  
15 Tribunal please, in paragraph 1, line 8, the word  
16 "given" should be substituted for the word "handed."  
17 "Instructions were given to me."

18 The next line, "they read," should be read  
19 "they were."

20 THE PRESIDENT: Mr. Tavenner.

21 Q Admiral NOMURA, if it is true then that the  
22 instructions were given to you verbally, your recital  
23 of them in the affidavit was purely from memory and  
24 was not a quotation from anything in writing, is that  
25 true?

1 A I wrote it from memory.

2 MR. TAVENNER: I will now consider matters  
3 relating to submarine warfare that appears on page  
4 5 of your affidavit.

5 THE PRESIDENT: Did you say, Witness, that  
6 the German submarine that brought you to Japan ter-  
7 pedoed merchant ships on the way out?

8 THE WITNESS: Yes, I did.

9 THE PRESIDENT: Whereabouts?

10 THE WITNESS: I think it was about five to  
11 six hundred miles east of Madagascar off the coast  
12 of Africa.

13 THE PRESIDENT: Mr. Tavenner.

14 Q What was the name of the ship that you  
15 torpedoed?  
16

17 A It was a German submarine, U-71.

18 Q I said, what was the name of the ship which  
19 was torpedoed by the German submarine on which you  
20 were traveling.

21 A I do not remember the name of that ship.

22 Q Were there any survivors?

23 A The survivors had taken three -- were on  
24 three or four lifeboats.

25 Q How many other enemy or neutral ships were  
attacked on that voyage?

1           A    There was one night attack carried out in  
2           the Indian Ocean.

3           Q    With what results?

4           A    The result was that the attack was carried  
5           out in pitch dark and following an explosion the ship  
6           sunk. Nothing remained thereafter.

7           Q    So there were two ships sunk as a result of  
8           the attacks by this submarine?

9           A    Yes.

10          Q    What other attacks were made, whether success-  
11          ful or unsuccessful?

12          A    No attacks except in connection with these  
13          two ships; no other attacks were carried out.

14          Q    What was the source of the information that  
15          you received as to the location of the ships attacked?

16          A    From what I heard it was just accidentally  
17          meeting with these ships during the trip, the voyage.

18          Q    Were you in contact with Japanese submarines  
19          in the Indian Ocean on this voyage?

20          A    There was absolutely no contact.

21          Q    What uniform were you wearing at the time?

22          A    I was only a passenger wearing a civilian suit.

23          Q    How many technical men of the German navy were  
24          on board this ship for service in Japan?

25          A    There were three. They were not naval



1 technical men.

2 Q Did the crew of the submarine remain in Japan?

3 A Yes, they remained for some time but some of  
4 them returned to Germany little by little while others  
5 went to work under German attaches in the South.

6 Q Tell us about the second submarine which  
7 was given by Hitler to Japan.

8 A With regard to the second submarine the  
9 Japanese side received from Germany, the crew for  
10 receipt of the ship, but the ship was sunk while en  
11 route from Germany to Japan.

12 MR. TAVENNER: I could not understand the  
13 answer. Would you read it again?

14 (Whereupon, the last answer was  
15 read by the official court reporter.)  
16

17 THE INTERPRETER: Correction: With regard  
18 to the second submarine, Japan sent a crew to take  
19 over the submarine but the submarine was sunk while  
20 en route from Germany to Japan.

21 Q What size crew did Japan send to Germany?

22 A I do not remember exactly but I think it was  
23 around thirty men.

24 Q And did they train in Germany regarding the  
25 secrets of submarine warfare before attempting to bring  
back the submarine?

1           A    They were not trained in any secrets of  
2 submarine warfare. They were merely trained for a number  
3 of days on how to operate the submarine.

4           Q    I will ask if you made a careful inspection  
5 of the submarine nests along the Belgium coasts and  
6 elsewhere?

7           A    I was shown some submarine bases, fortifica-  
8 tions and air bases.

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1 Q Did you board a submarine prior to -- a  
2 German submarine prior to your trip to Japan?

3 A No.

4 Q What was the nationality of the ship which  
5 was sunk on your trip to Japan?

6 A I think it was American if I am not mistaken.

7 Q On page 5 of your affidavit you show that a  
8 German request for strengthening of submarine warfare  
9 in the Indian Ocean was made. Is it not true that the  
10 Japanese Navy sent Japanese U-boats into the Indian  
11 Ocean to prey upon Allied commerce?

12 A Germany frequently expressed the desire that  
13 the Japanese increase its personnel, give more impor-  
14 tance to actions in the Indian Ocean, and for that  
15 purpose reinforce its personnel.

16 Q At the time was Japan engaged in submarine  
17 warfare in the Indian Ocean?

18 A Up to the time I returned, only two converted  
19 cruisers and four or five submarines were active in  
20 that area.

21 Q When did the four or five submarines become  
22 active in that area?

23 A According to my recollection from about May 1942.

24 Q Was the number of the U-boats increased just  
25 prior to your return to Japan?

A Do you mean Japanese submarines?

Q Yes.

1 A Japanese submarines were not increased  
2 over that number.

3 Q That was not my question. You stated that  
4 four or five submarines had been assigned to the  
5 Indian Ocean from May 1942. I asked you if any  
6 additional number were sent to the Indian Ocean just  
7 prior to your return?

8 A There were constantly about four or five  
9 submarines assigned to that area and they were  
10 replaced frequently. I don't know which ships were  
11 replaced when, and, therefore, I do not know.

12 Q I am not speaking of the replacement of ships.  
13 Were any additional number assigned to the Indian  
14 Ocean in response to German demands and your own  
15 estimate of the needs of the situation?  
16

17 A No increase was made over and above the four  
18 or five submarines I mentioned.

19 Q In April of 1943, was not the policy of the  
20 Japanese Navy changed with regard to the use of sub-  
21 marines in attack upon enemy shipping or tonnage?

22 A I do not know, because I have never received  
23 any telegrams to the effect that there was any  
24 change of policy in the employment of Japanese sub-  
25 marines.

Q Let me see if I can refresh your recollection.

1 Do you recall a conversation in Germany on the 18th  
2 of April, 1943, with the Reich Foreign Minister at  
3 the time you told him good-bye?

4 A Do you mean when I was to return to Japan  
5 on the submarine?

6 Q Yes, just prior to that.

7 A Yes, I met him prior to my departure.

8 Q Do you recall that Ribbentrop explained to  
9 you at the time the views of the Fuehrer regarding  
10 big battleships and their vulnerability, and that a  
11 big U-boat arm was the best protection for Japan and  
12 the surest means of winning the war quickly. to which  
13 you replied that it was just this change of policy  
14 which was needed by the Japanese Navy which up to  
15 now had concentrated only on sinking as many enemy  
16 battleships as possible? Do you recall that?

17 A While in Berlin, I, as a Japanese admiral,  
18 had always been concerned with comparison in the  
19 naval war strength between ourselves and the opposition.  
20 That has been the old tradition in the Japanese Navy.  
21 And I recall as having said frequently that it was  
22 the mission of the submarine, the purpose of the sub-  
23 marine, to attack and sink battleships, or as many  
24 battleships as possible.  
25

Q On the contrary, did you not on this occasion

1 say that now the Japanese Navy will order all fighting  
2 forces, cruisers, torpedo-carrying aircraft, and the  
3 U-boat arm to wipe out the enemy tonnage?

4 A I have no recollection as ever having said  
5 that.

6 Q And didn't you also say that it was your  
7 conviction that tonnage war was the most important,  
8 and that the Americans had first of all to send their  
9 troops all over the seas of the world in order to  
10 be able to use them in battle anywhere; this was  
11 Germany's and Japan's great advantage?

12 A It has always been the conviction of the  
13 Japanese Navy that victory or defeat was to be deter-  
14 mined by a battle between fleets. However, I have  
15 never overlooked the importance of tonnage warfare  
16 during the last war.

17 Q And did you not state in this connection,  
18 in reference to the Japanese Navy, that "they have  
19 already sunk over 100,000 tons in half a month;  
20 recently a number of U-boats again left for opera-  
21 tions outside the Persian Gulf"?

22 A At that time I did not receive any clear or  
23 definite reports from Tokyo with respect to the  
24 tonnage sunk by Japanese, but I heard from the radio  
25 and from the commander of a Japanese submarine which

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1 visited Germany about that time as to the approxi-  
2 mate amount of tonnage sunk by the Japanese. I may  
3 have referred to the question of tonnage, but I do not  
4 have any recollection of having stated anything to  
5 the effect of many Japanese submarines being sent to  
6 the Persian Gulf.

7 Q And is it not a fact that a huge plan had  
8 been evolved to carry on extensive submarine warfare  
9 in the Indian Ocean on the part of Japanese submarines?

10 A With reference to the frequent expression of  
11 desires from the German side to intensify their activi-  
12 ties and to reinforce their activities in the Indian  
13 Ocean, I recall that toward the end of 1942, in November  
14 if I recall correctly, a telegram was received by me from  
15 Tokyo that it was the intention of Japan to do what-  
16 ever was possible to reinforce its personnel in the  
17 Indian Ocean area.

18 Q Did you discuss that matter with Admiral  
19 Fricke and General Jodl of the German Naval Command?

20 A No, I did not have any conference or talk with  
21 them. I merely transmitted the message that was re-  
22 ceived from Tokyo to these two men.

23 Q On the occasion of your departure did you  
24 thank Ribbentrop for the deep understanding and con-  
25 stant assistance which he had given the Japanese

1 naval questions?

2 A Yes, I expressed thanks for the offer of these  
3 two submarines.

4 Q Was Ambassador OSHIMA present during your  
5 conference with Ribbentrop?

6 A In my recollection, Ambassador OSHIMA was  
7 not present on that occasion.

8 MR. TAVENNER: Will you repeat that answer?

9 THE PRESIDENT: He does not recollect OSHIMA  
10 being present.

11 MR. TAVENNER: That is all, if the Tribunal  
12 please.

13 THE PRESIDENT: Counsel SAMMONJI.

14 MR. SHIMANOUCHI: I am SHIMANOUCHI.

15 REDIRECT EXAMINATION

16 BY MR. SHIMANOUCHI:

17 Q During the cross-examination by Mr. Prosecutor,  
18 referring to the question of the military alliance be-  
19 tween Japan and Germany after the outbreak of the  
20 Japanese-American war, Mr. Witness, you stated that  
21 you asked Ambassador OSHIMA to contact the German  
22 authorities concerning this matter -- German military  
23 authorities. Why did you request OSHIMA to contact the  
24 German authorities when you, NOMURA, and BANZAI had  
25 your instructions from the army and navy?



1           A    Inasmuch as I, NOMURA, and BANZAI got  
2 direct instructions from our authorities in Tokyo,  
3 we thought of opening negotiations with the German  
4 military authorities in accordance with our instruc-  
5 tions. However, so far as the German side was con-  
6 cerned, it was desired by them and it was a custom  
7 for all matters relative to diplomacy to be con-  
8 ducted through the Japanese Ambassador -- through  
9 the German Foreign Ministry. Upon receipt of our  
10 telegraphic instructions we reported the matter to  
11 Ambassador OSHIMA and asked him to see the Foreign  
12 Ministry officials to make arrangements so that we  
13 may commence with the negotiations.

14           Q    In effect, do you mean to say that because  
15 of the German system unless it was done through  
16 Ambassador OSHIMA you could not contact the German  
17 authorities, and that is why you asked Ambassador  
18 OSHIMA? Is that what you said, is that what you meant?  
19

20           A    We thought that was the proper respect to  
21 pay to the foreign country to which you were assigned.

22           MR. SHIMANOUCHI: This concludes my redirect  
23 examination, but there are two points on which I wish  
24 to call the Court's attention. The points I raise  
25 concern translation.

          I asked the witness whether the German

1 submarine on which he was aboard sunk any ships,  
2 any merchant ships, to which the witness answered  
3 "yes." After the noon recess my attention was  
4 called to the fact that the translation of this  
5 question and answer was given as follows: That I  
6 had asked the witness whether the German submarine  
7 on which he was aboard had sunk merchant vessels and  
8 had killed the survivors, to which the answer was  
9 given as yes. If it was so translated then the  
10 translation was an error.

11 Another point I wish to raise is that  
12 during my direct examination the witness said that  
13 OSHIMA had been in direct communication with the  
14 Japanese Navy, but OSHIMA has informed me that that  
15 was in a sense a misunderstanding on the part of the  
16 witness.

17 THE PRESIDENT: You cannot do that here.

18 Mr. Tavenner.

19 MR. TAVENNER: Objection, if the Tribunal  
20 please.

21 THE PRESIDENT: Objection upheld.

22 The other matter will be referred to the  
23 translation section.

24 MR. TAVENNER: If the Tribunal please, I  
25 omitted to ask one question I intended to ask. May I

1 .. 26 30?

2 THE PRESIDENT: Subject to further re-  
3 examination, yet.

4 RE CROSS-EXAMINATION

5 BY MR. TAVENNER:

6 Q Admiral NOMURA, were you decorated by  
7 Hitler?

8 MR. ROBERTS: I object, if your Honor  
9 please. It is immaterial and irrelevant. This man is  
10 not on trial here.

11 THE PRESIDENT: It goes to possible bias.  
12 The objection is overruled.

13 Answer the question, Witness. Please answer it.

14 A Yes.

15 Q Was it in connection with your trip across  
16 the Indian Ocean in the submarine?

17 A I received the decoration without any reason  
18 or explanation thereof.

19 MR. TAVENNER: That is all.  
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1    "NA so?

2                   THE PRESIDENT: Subject to further re-  
3 examination, yet.

4                                   RE CROSS-EXAMINATION

5 BY MR. TAVENNER:

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7 Hitler?

8                   MR. ROBERTS: I object, if your Honor  
9 please. It is immaterial and irrelevant. This man is  
10 not on trial here.

11                   THE PRESIDENT: It goes to possible bias.  
12 The objection is overruled.

13                                   Answer the question, Witness. Please answer it.

14           A    Yes.

15           Q    Was it in connection with your trip across  
16 the Indian Ocean in the submarine?

17           A    I received the decoration without any reason  
18 or explanation thereof.

19                   MR. TAVENNER: That is all.  
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1 THE PRESIDENT: Mr. SHIMANOUCHI.

2 REDIRECT EXAMINATION

3 MR. SHIMANOUCHI: The answer given to me  
4 and the answer given to Mr. Tavenner to the same  
5 question was different. To me the witness replied  
6 that Ambassador OSHIMA had communicated directly  
7 with the Navy Minister. To Mr. Tavenner the wit-  
8 ness' reply was "No."

9 THE PRESIDENT: You cannot correct him.

10 MR. SHIMANOUCHI: Thank you.

11 THE PRESIDENT: It only goes to his  
12 credibility.

13 BY MR. SHIMANOUCHI:

14 Q Which is correct?

15 A The Ambassador has never directly tele-  
16 graphed any messages to the War Minister or the Navy  
17 Minister. If I said "Yes" to the question put to  
18 me by Counsel SHIMANOUCHI, that was a misapprehension  
19 on my part. I said "Yes" because I was under the  
20 impression that the question was, "Did you, NOMURA,  
21 communicate directly with the Navy Minister?"

22 MR. SHIMANOUCHI: Thank you.

23 THE PRESIDENT: Mr. Roberts.

24 MR. ROBERTS: May the witness be excused on  
25 the usual terms?

1 THE PRESIDENT: He is excused on the usual  
2 terms.

3 (Whereupon, the witness was excused.)

4 MR. ROBERTS: At this time we offer in  
5 evidence defense document No. 2115, which is for the  
6 purpose of producing a statement from the Nuremberg  
7 decision which we have been unable to obtain other-  
8 wise.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: If the Tribunal please,  
11 objection is made to the introduction of this docu-  
12 ment because it is not responsive to any charge in  
13 the Indictment, and therefore is irrelevant and  
14 immaterial to any issues. Even if that were not  
15 true, we take it this would not be a proper manner  
16 or method of introduction of it.

17 THE PRESIDENT: That is a decision on the  
18 facts before that particular court.

19 MR. ROBERTS: Yes.

20 THE PRESIDENT: Where the parties were  
21 different and the issues were different, and it cer-  
22 tainly cannot be received here. The judgment of the  
23 Nuremberg Court on the law will be received with the  
24 greatest respect and given all the weight that is  
25 due it, but their findings of fact on evidence not

1 before us and on issues not before us, is beside  
2 the point.

3 MR. ROBERTS: We wish merely to refer to  
4 the statement in this excerpt concerning proof sub-  
5 mitted by Admiral Nimitz about the unrestricted  
6 warfare.

7 THE PRESIDENT: If they are relevant and  
8 material there is another way of proving them.

9 MR. ROBERTS: As to --

10 MR. TAVENNER: May I be permitted to inter-  
11 rupt?

12 THE PRESIDENT: Not until Mr. Roberts has  
13 finished.

14 MR. ROBERTS: As to the relevancy, there is  
15 a charge that the Japanese Navy carried on its un-  
16 restricted warfare in destroying survivors of ships  
17 that were sunk by submarine, and we have attempted  
18 to secure this information directly from Admiral  
19 Nimitz as it was secured for use in Nuremberg, but  
20 in my trip to Washington several weeks ago I was  
21 unable to directly contact Admiral Nimitz for that  
22 purpose. I also inquired at the Navy Department at  
23 Washington and requested a copy of the interrogatories  
24 referred to here, and was informed that the Navy  
25 Department had no copies of those interrogatories.

1 before us and on issues not before us, is beside  
2 the point.

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17 that were sunk by submarine, and we have attempted  
18 to secure this information directly from Admiral  
19 Nimitz as it was secured for use in Nuremberg, but  
20 in my trip to Washington several weeks ago I was  
21 unable to directly contact Admiral Nimitz for that  
22 purpose. I also inquired at the Navy Department at  
23 Washington and requested a copy of the interrogatories  
24 referred to here, and was informed that the Navy  
25 Department had no copies of those interrogatories.



1 THE PRESIDENT: Even so, it appears to have  
2 been used only by way of mitigation of a sentence on  
3 a German admiral, not on any issue of guilt or  
4 innocence.

5 MR. ROBERTS: In any case, we would like  
6 this Court to take judicial notice of that decision  
7 and that this fact was an admitted and proven fact  
8 as part of that decision -- that the United States  
9 carried on unrestricted warfare in the Pacific Ocean.  
10 It may be used by us in exactly the same manner,  
11 in mitigation.

12 THE PRESIDENT: Mr. Tavenner, I understand  
13 you want to be heard.

14 MR. TAVENNER: Unrestricted warfare, if the  
15 Tribunal please, as used in this document, is cer-  
16 tainly a different matter from any charge in this  
17 indictment.

18 THE PRESIDENT: We would have to see the  
19 answers to understand what the Admiral meant.

20 MR. TAVENNER: But I felt I could not let  
21 that statement go unchallenged.

22 MR. ROBERTS: We refer the Court to page  
23 140 of the judgment of the Court in Nuremberg for  
24 the statement that I just quoted.

25 THE PRESIDENT: The objection is sustained.

1 and the document rejected, but it is open to you to  
2 prove in the proper way, so far as relevant and  
3 material, the nature of the submarine warfare, if  
4 any, conducted by the American Navy in the Pacific.

5 MR. ROBERTS: We next offer in evidence  
6 defense document No. 1942, being an order from the  
7 Chief of the Navy General Staff.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please --

10 THE PRESIDENT: We have not seen this  
11 document. I should like the Judges to see it be-  
12 fore we hear any argument about it.

13 MR. TAVENNER: If the Tribunal please, my  
14 associate, Mr. Carr, raised to some considerable  
15 length yesterday the question of the abuse of the  
16 rules of the Tribunal with regard to compliance with  
17 Rule 6-b(1) and requested the production of certain  
18 documents that he was then concerned with.

19 This is an identical situation in which  
20 no effort has been made to comply with the rule of  
21 the Tribunal. This appears to consist of a copy of  
22 three pages from some document in the second  
23 demobilization section with no opportunity having  
24 been given to examine the document as a whole for  
25 the purpose of determining what the attached

1 directive may be that is mentioned at the end of the  
2 document, or what directive Nos. 14, 15 and 28 may  
3 refer to. It is an excerpt which we feel should be  
4 checked, and we view somewhat with alarm the number  
5 of documents that are being presented and in which  
6 in many instances we waived the rule.

7 THE PRESIDENT: I notice this is dated  
8 the 1st of March 1942. I do not recollect any  
9 evidence of the prosecution directed to the un-  
10 restricted submarine warfare as of that date, or  
11 earlier.

12 MR. TAVENNER: This document was served  
13 only yesterday, during the course of the work here,  
14 and frankly, I had not considered the document very  
15 fully on its merits in view of the fact that the  
16 rule had not been complied with.

17 THE PRESIDENT: Mr. Roberts, do you admit  
18 the rules have not been complied with?

19 MR. ROBERTS: There is a certificate at-  
20 tached as to the authenticity of the document, as  
21 being from the official document entrusted to the  
22 Japanese Government.

23 As to the time element in filing it, I  
24 admit we were late in filing it, but some of these  
25 documents we have had difficulty in getting hold of

1 until almost the last moment.

2 THE PRESIDENT: In view of the attitude  
3 of the prosecution -- they say they have not had time  
4 to examine the document -- the rule must be complied  
5 with, and the document will not be received until it  
6 has been.

7 MR. ROBERTS: We will be glad to hold it  
8 until it has been.

9 THE PRESIDENT: We will recess for fifteen  
10 minutes.

11 (Whereupon, at 1445 a recess was  
12 taken until 1500, after which the proceed-  
13 ings were resumed as follows:)  
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1           MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3           THE PRESIDENT: With the Tribunal's permission  
4 the accused SHIGEMITSU has been absent from the court-  
5 room all day conferring with his counsel.

6           Mr. Brannon.

7           MR. BRANNON: Prosecution exhibits 913, 916,  
8 917 and 918 are called to the attention of the Tribunal  
9 for the purpose of showing the source of the Japanese  
10 information found in defense documents 1572 and 1573  
11 soon to be presented.

12           THE PRESIDENT: What are you on now, Japanese  
13 naval preparations?

14           MR. BRANNON: Yes.

15           The Tribunal will observe that they are the  
16 statistics on Japanese ships.

17           We offer in evidence defense document 1596  
18 which is information concerning vessels constructed and  
19 under construction by the United States Navy Department  
20 as of December 7, 1941 and is the basis of American  
21 figures shown in defense documents 1572 and 1573. In  
22 conjunction we offer defense document 1597 which is a  
23 correction of an error in addition and is not in and of  
24 itself important.  
25

          CAPTAIN ROBINSON: May it please the Court,

1 the prosecution has no objection to the admission  
2 of any of these documents in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 1596  
5 will receive exhibit No. 3001.

6 (Whereupon, the document above re-  
7 ferred to was marked defense exhibit No.  
8 3001 and received in evidence.)

9 MR. BRANNON: Our next witness is the man who  
10 constructed the charts which are soon to be introduced,  
11 defense documents 1572 and 1573.

12 CLERK OF THE COURT: Defense document 1597 will  
13 receive exhibit No. 3002.

14 (Whereupon, the document above  
15 referred to was marked defense exhibit  
16 No. 3002 and received in evidence.)

17 MR. BRANNON: For the purpose of informing  
18 this Tribunal of the authenticity of basic figures used  
19 in compiling this chart I wish to read page 1 of docu-  
20 ment 1596, exhibit No. 3001.

21 "NAVY DEPARTMENT

22 "BUREAU OF SHIPS

23 "WASHINGTON 25, D.C.

24 "The information concerning vessels constructed  
25 or under construction by the United States Navy Department

1 as of 7 December 1941, and other information dated  
2 23 January 1947 and bearing the symbols (NAVSHIPS (1851)  
3 consisting of 11 pages hereby attached and made a part  
4 hereof was prepared by Albert B. Ray who being duly  
5 sworn did depose and say that he is the Production  
6 Analyst in charge of the Ships Statistics Section of the  
7 Bureau of Ships of the Navy Department; and, as such  
8 Production Analyst, he has access to the official  
9 records of the Navy Department with respect to the  
10 matters herein considered; that the information con-  
11 tained herein was taken by him from such official  
12 records as a part of his normal and regular duties;  
13 that the information contained herein and taken from  
14 such official records was accurately and correctly  
15 transcribed."

16           Following is the oath.

17           We call as our next witness Hidemi YOSHIDA.

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1 H I D E M I Y O S H I D A, recalled as a witness  
2 on behalf of the defense, having previously  
3 been sworn, testified through Japanese inter-  
4 preters as follows:

5 THE PRESIDENT: You are still on oath, witness.

6 DIRECT EXAMINATION

7 BY MR. BRANNON:

8 Q Will you state your name, please?

9 A YOSHIDA, Hidemi.

10 MR. BRANNON: Will the witness be handed  
11 defense document 2085.

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

14 Q Are the facts therein contained true and correct?

15 A Yes.

16 MR. BRANNON: I offer in evidence defense  
17 document 2085, the affidavit of Hidemi YOSHIDA.

18 CAPTAIN ROBINSON: May it please the Court --

19 THE PRESIDENT: Captain Robinson.

20 CAPTAIN ROBINSON: Mr. President and Members  
21 of the Tribunal, the prosecution has no objection to  
22 the admission in evidence of this document, excepting  
23 the last paragraph. This paragraph, number five, is  
24 objectionable because it is a mere statement of the  
25 witness' personal opinions and self-serving assumptions.



1 It states no facts and presents only incompetent  
2 conclusions which invade the province of this Tribunal.  
3 For that reason it is objectionable.

4 MR. BRANNON: We deem it to be most vital  
5 to show that the Japanese Navy, through its appropriate  
6 offices, anticipated the naval strength of America  
7 and that their anticipation was correct. Otherwise,  
8 I might myself doubt the relevancy of the testimony.  
9 We are speaking of Japanese naval preparations for war  
10 and why they prepared for war.

11 CAPTAIN ROBINSON: I call the Court's attention  
12 particularly to the last sentence which shows -- which  
13 is obviously improper.

14 THE PRESIDENT: I think that it is only the last  
15 sentence you can really object to, Captain Robinson.

16 CAPTAIN ROBINSON: Yes, sir.

17 MR. BRANNON: The entire last sentence, Mr.  
18 President, ending with the words "were well grounded"?

19 THE PRESIDENT: He is telling us what conclusion  
20 they actually drew in the first sentence. The con-  
21 clusions he draws here are different matters altogether.

22 MR. BRANNON: I have no objection to omitting  
23 that.

24 THE PRESIDENT: The objection is sustained as  
25 to the extent of the last sentence of the affidavit only.

1 The balance is admitted on the usual terms.

2 CLERK OF THE COURT: Defense document 2085  
3 will receive exhibit No. 3003.

4 (Whereupon, the document above  
5 referred to was marked defense exhibit  
6 No. 3003 and received in evidence.)

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1 MR. BRANNON: I proceed to read the affidavit:

2 "I, Hidemi YOSHIDA, having first been duly  
3 sworn, do depose and say.

4 "1. I served as a member of the staff of  
5 the Research Division of the Second Demobilization  
6 Bureau, the Demobilization Board, from June 1946 to  
7 May 1947. On the latter date I became Chief of the  
8 said Division, and am still serving in that capacity  
9 today. My work has been concerned principally with  
10 preparation and correlation of information and data  
11 to be submitted in compliance with demands from  
12 General Headquarters, Supreme Commander for the Allied  
13 Powers.

14 "Since spring of last year I have prepared  
15 many reports of various kinds pertaining to the arma-  
16 ments of the former Japanese Navy upon demand of GHQ  
17 and the International Prosecution Section of the  
18 International Military Tribunal for the Far East.  
19 And I understand that a few of them -- tables showing  
20 the vessels of the former Japanese Navy -- have been  
21 exhibited in this Court.

22 "2. In April of this year, the Defense  
23 Section of the International Military Tribunal for the  
24 Far East handed me a copy of an official document of  
25 the United States Navy Department pertaining to the

1 vessels of the United States Navy, with the request  
2 that I prepare a comparative table of the vessels  
3 that the United States and Japanese Navies had already  
4 completed and had under construction as of 7 December  
5 1941.

6 "Since our data on the United States Navy  
7 had hitherto been largely a matter of inference and  
8 deduction I experienced no small pleasure in thus  
9 receiving for the first time such data of an official  
10 character. In addition to the fact of the work of  
11 making accurate comparative tables of the navies of  
12 the two countries being a matter of personal interest  
13 to me, I could see no good reason for refusing to  
14 comply with the request of the Defense Section. I  
15 therefore accepted the assignment gladly and addressed  
16 myself with the utmost care to the preparation of the  
17 comparative tables in two sheets and handed them to  
18 the Defense Section upon completion. These are  
19 defense documents No. 1572 and No. 1573."

20 I offer in evidence defense document --

21 CAPTAIN ROBINSON: Mr. President --

22 THE PRESIDENT: Captain Robinson.

23 CAPTAIN ROBINSON: Mr. President and Members  
24 of the Tribunal, the prosecution objects to the final  
25 admission in evidence of these documents at this time.

1 It is respectfully suggested that the documents be  
2 tendered at this time for identification only, subject  
3 to final admission or rejection after cross-examination  
4 of Mr. YOSHIDA.

5 THE PRESIDENT: Well, Captain Robinson, that  
6 may be the procedure in your State, but it is abso-  
7 lutely new to me. You wish to test the qualifications  
8 of the witness by some examination, preliminary exam-  
9 ination?

10 CAPTAIN ROBINSON: No, sir. The purpose is  
11 to show that the certificate attached is not accurate  
12 and that the documents do not properly show the figures  
13 that they are supposed to indicate.

14 THE PRESIDENT: Well, the documents will be  
15 admitted on the usual terms in the first case, but  
16 you may be able to show by cross-examination that the  
17 figures are inaccurate.

18 CLERK OF THE COURT: Defense document 1572  
19 will receive exhibit No. 3003-A, and defense document  
20 1573 will receive exhibit No. 3003-B.

21 (Whereupon, the documents above  
22 referred to were marked defense exhibit  
23 Nos. 3003-A and 3003-B, respectively, and  
24 received in evidence.)  
25

THE PRESIDENT: Proceed.

1 MR. BRANNON: I proceed to read the affidavit:

2 "One difficulty encountered in this work was  
3 the fact that the two navies employed different sys-  
4 tems in the classification of their ships. Adjust-  
5 ments to overcome this difficulty were made in the  
6 following manner:

7 "(a) Vessels of the United States Navy  
8 listed as CV (aircraft carrier), CVL (carrier convert-  
9 ed from cruiser) and CVE (escort carrier), as well as  
10 vessels of the former Japanese Navy listed as air-  
11 craft carrier and converted aircraft carrier (con-  
12 verted from merchant ship) have all been grouped to-  
13 gether under the single category of aircraft carriers.  
14 I adopted this method of adjustment because of my be-  
15 lief that it would only serve to confuse understand-  
16 ing if these various classes of vessels were to be  
17 treated separately, whether from the standpoint of  
18 their capacity or the purposes for which they were  
19 intended; and also because the definition of air-  
20 craft carrier laid down by the London Naval Conference  
21 of 1930 being -- 'The expression "aircraft carrier" in-  
22 cludes any vessel of war, whatever its displacement,  
23 designed for the specific and exclusive purpose of  
24 carrying aircraft and so constructed that aircraft  
25 can be launched therefrom and landed thereon' -- it

1 seemed the safest method to be guided by that defi-  
2 nition.

3           "(b) The United States Navy's CB (large  
4 cruiser) was included under heavy cruisers, while  
5 Japan's training cruisers were included under light  
6 cruisers.

7           "(c) The United States Navy's DD (destroyer),  
8 DE (escort destroyer) and BDE (definition unknown to  
9 me) are all treated as destroyers.

10           "(d) Construction of Japan's capital ship  
11 SHINANO, along with another ship of the same type, was  
12 commenced in April, 1940. But work on both was sus-  
13 pended very shortly after their keels were laid, the  
14 unnamed ship being dismantled, but the SHINANO being  
15 left untouched on the dock with no plan for proceeding  
16 with its construction until June 1942, when work was  
17 commenced to build it into an aircraft carrier in  
18 order to replace the carriers lost in the Battle of  
19 Midway.

20           "For the above reason, the SHINANO is not in-  
21 cluded in the table of ships under construction, either  
22 as a capital ship or an aircraft carrier. Instead, I  
23 have merely made an annotation at the bottom of the  
24 table to the effect that there was one capital ship on  
25 which work was suspended shortly after the keel was laid.

1 "5. In carrying out this request made to  
2 me by the Defense Section, I made one significant dis-  
3 covery. That was the fact that the estimate which our  
4 Naval General Staff had made of the United States  
5 Navy's strength by the process of inference and de-  
6 duction was a strikingly close approximation of the  
7 actual strength as shown by the official document  
8 handed to me by the Defense Section; and that, if  
9 anything, our estimate was somewhat lower than the  
10 actual figures."

11 You may cross.

12 THE PRESIDENT: Captain Robinson.

13 CROSS-EXAMINATION

14 BY CAPTAIN ROBINSON:

15 Q. Directing your attention, Mr. YOSHIDA, to  
16 defense document 1573, exhibit No. 3003-B, the table  
17 entitled "Comparative Table of Naval Vessels Under  
18 Construction Between the U. S. A. and Japan, as of  
19 December 7, 1941," at the second item from the top, in  
20 the left-hand column, namely, "Aircraft Carriers," will  
21 you tell this Tribunal how you arrived at the figures  
22 which you have stated there?  
23

24 A May I reply while referring to this chart  
25 which was made by me?

Q Just answer the question please.



1           A    Involving statistics as it does, I would not  
2 be able to reply correctly unless I refer to the  
3 chart.

4           THE PRESIDENT: You made the chart. Where  
5 did you get the material in the chart?

6           THE WITNESS: Are you referring, Sir, to the  
7 American sources or the Japanese sources?

8           Q    I am referring to both.

9           A    Then, let me reply first with respect to the  
10 Japanese materials. All the data I had in my posses-  
11 sion in my office had been lost, so I secured author-  
12 itative data in the possession of the Naval Construc-  
13 tion Headquarters, and in drawing up this chart I  
14 used the identical data which I prepared and gave to  
15 you, Captain Robinson.  
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1 Q Mr. Witness, the Japanese figures are based  
2 upon exhibit 918 as prepared by you?

3 A Yes.

4 Q My question is: And refer to exhibit 918  
5 and indicate to this Tribunal how you arrived at the  
6 total four aircraft carriers, with the number of tons  
7 accompanying.

8 A May I refer to the document which I presented  
9 to you, Captain Robinson? because it involves type of  
10 craft and tonnage.

11 Q Certainly. I am referring to exhibit 918,  
12 which is an exhibit in court. Refer to that.

13 THE PRESIDENT: Mr. Brannon.

14 MR. BRANNON: We ask that the witness be  
15 given all the charts so that he may refer to them  
16 from the box.

17 CAPTAIN ROBINSON: Certainly.

18 THE PRESIDENT: He can have any exhibit he  
19 wants.

20 A Then, I shall give the type and tonnage of  
21 naval vessels under construction.

22 SHOHO, 9,500 tons; JUNYO, 19,000; HIYO, 19,000  
23 tons; TAIHO, 30,360 tons. That totals four aircraft  
24 carriers -- four crafts.

25 Q Now, Mr. Witness, refer to court exhibit 918.

Why do you omit the carrier UNYO from this total of

four as contained in this exhibit?

1 A The UNYO was a merchant vessel by the name of  
2 YAWATA MARU and was not constructed until January,  
3 1941, and therefore was considered improper to in-  
4 clude among aircraft carriers.  
5

6 Q In the American figures, however, you did  
7 include converted carriers, did you not?

8 A Yes.

9 Q Why do you include certain figures against  
10 the American totals and do not include them against  
11 the Japanese totals?

12 A What is set forth in this comparative table  
13 are the figures as of December 7, 1941. The conver-  
14 sion of the UNYO did not commence until January, 1942  
15 and therefore it is only natural not to include this  
16 ship among naval vessels under construction.

17 THE PRESIDENT: That is correct as far as  
18 exhibit 918 shows, but that is not an answer to the  
19 question.

20 Q Referring to exhibit 3,001 --

21 A I don't have any other reply to that ques-  
22 tion.

23 THE PRESIDENT: You were asked about American  
24 converted aircraft carriers.

25 THE WITNESS: Next I shall explain how I drew  
up the figures on the United States naval vessels.

1 I was able to arrive at those totals by the  
2 materials on the United States Navy borrowed from  
3 defense counsel. I am not familiar with the ques-  
4 tion of conversion and the condition of the merchant  
5 fleet. I merely added up the figures by taking what  
6 was in the United States data, giving naval construc-  
7 tion as of December 7, 1941, for instance, with refer-  
8 ence to escort carriers, and took those figures.

9 THE INTERPRETER: Correction on escort car-  
10 riers; converted carriers.

11 Q All right, where are those figures which you  
12 took?

13 A I have a copy of the material which was loaned  
14 to me by the defense. I think if this is seen, the  
15 question would be understood.

16 Q I understand, Mr. Witness, that your figures  
17 here are based on the exhibit already introduced into  
18 evidence, exhibit 3,001. I want you to refer to that  
19 exhibit and tell us where your figures came from.

20 THE PRESIDENT: Probably he means defense  
21 counsel gave him copies of the prosecution exhibits;  
22 but he should look at the exhibits in court.

23 CAPTAIN ROBINSON: If the Court please, there  
24 is no prosecution exhibit on that subject, on conver-  
25 ted carriers.

1 THE PRESIDENT: Then, defense counsel could  
2 not supply him with the materials that we would take  
3 any notice of. They are not a source of naval infor-  
4 mation.

5 THE INTERPRETER: The witness replied: "I  
6 am prepared to answer."

7 THE PRESIDENT: Mr. Brannon, you might clear  
8 it up.

9 MR. BRANNON: Yes. The witness used exhibit  
10 3,001 and 3,002 as a basis of his American figures  
11 given to him by me and which has been read in part by  
12 me today.

13 THE PRESIDENT: And that came from Washington?

14 MR. BRANNON: That came from Washington. Then,  
15 as a basis for the Japanese figures, as I said before,  
16 he used prosecution exhibits.

17 THE PRESIDENT: Yes.

18 Q Will you go ahead with your answer?

19 A Then, may I quote from the official document  
20 concerning the United States Navy, which I borrowed  
21 from the defense?

22 Q Is that exhibit 3,001?

23 A Will you give me a clear direction? I seem  
24 to confuse the name of the document and the exhibit  
25 number.

1 ted to this exhibit 3,001 from Washington and not  
2 to the witness, because the Washington document con-  
3 firms exhibit 3,003-B.

4 THE INTERPRETER: The witness said: "May I  
5 reply?"

6 Q Go ahead.

7 A I cannot reply any more than by saying that I  
8 took out of the United States official documents the  
9 number of ships, 22, total tonnage 442,300, as it was  
10 contained in the documents.

11 Q Mr. witness, directing your attention to ex-  
12 hibit 3,001, at pages 4 and 5, will you please name  
13 the carriers there which you have taken to enter as a  
14 total of 22 in exhibit 3,003-B?

15 THE PRESIDENT: As a matter of fact, there  
16 are twenty-four in that list, aren't there?

17 CAPTAIN ROBINSON: Not that come within this  
18 description, I believe, your Honor.

19 THE PRESIDENT: Captain Robinson, it may be  
20 that if you have time to compare these documents you  
21 will come to the conclusion that there is very little  
22 wrong with them. It so far appears that as regards  
23 American ships, this man is going on a document from  
24 Washington.  
25

CAPTAIN ROBINSON: If the Court please, I

1 have compared these charts which he has prepared very  
2 carefully and his figures are not supported by the  
3 Washington documents.

4 THE PRESIDENT: This will be a painfully slow  
5 way of correcting his figures. Maybe you should simp-  
6 ly intimate that you challenge their accuracy and  
7 give evidence in rebuttal on this. You will be giving  
8 evidence in rebuttal in other matters.

9 CAPTAIN ROBINSON: That is true, if the  
10 Court please, except where necessary to show what  
11 figures the witness used as a basis for comparison,  
12 and frankly, after many hours of study of his charts  
13 I can't find where his figures came from.

14 THE PRESIDENT: The defense say they came from  
15 prosecution exhibits 913 to 918 inclusive, I think,  
16 and from this exhibit 3,001 as corrected by 3,002,  
17 and that is the sole source of the figures. The defense  
18 are fixed to those and we need not look beyond them.  
19 That will save you a lot of cross-examination. The  
20 defense stand or fall on those exhibits I have men-  
21 tioned. We need only look at that and form our own  
22 conclusions.

23 CAPTAIN ROBINSON: May I refer, sir, to ex-  
24 hibit 3,003-A to illustrate further what I think is  
25 the difficulty with the figures that have been pro-

1 vided by the witness. If I may direct the witness'  
2 attention to defense document 1572, now exhibit 3,003-A,  
3 entitled "Comparative Table of Naval Vessels on Hand  
4 Between the U.S.A. and Japan as of December 7, 1941,"  
5 the second item from the top, namely, aircraft carriers--

6 Q Will you, Mr. Witness, show on the Washington  
7 documents where you arrived at the figures eight  
8 carriers with the tonnage put opposite them?

9 A I shall reply. I obtained those figures from  
10 Section 3-A of the documents of the Naval Department,  
11 Bureau of Ships. Then I shall change my reply and  
12 give you the name of the ship and tonnage.

13 Q You may omit the tonnage.

14 A Under type CV I have given LEXINGTON, 33,000  
15 tons; SARATOGA, 33,000 tons; the RANGER, 14,500 tons;  
16 the YORKTOWN, 19,800 tons; the ENTERPRISE, 19,800  
17 tons; the WASP, 14,700 tons; the HORNET, 19,800 tons.  
18 That totals seven aircraft carriers.

19  
20 THE PRESIDENT: Well, ten or twenty or thirty  
21 thousand tons is neither here nor there in a matter of  
22 this description. Why waste a lot of time on details?

23 CAPTAIN ROBINSON: Those are all the carriers  
24 there, sir. He has found another carrier somewhere  
25 and I am trying to find it.

THE WITNESS: This type CVE, the LONG ISLAND,



was also included, 8,000 tons.

1           Q    Then you arbitrarily placed the CVE LONG  
2 ISLAND in that same class of combat carriers, did  
3 you not know that records of the Navy show that the  
4 LONG ISLAND is not a combat carrier and that she was  
5 used throughout the war only for transporting planes?  
6

7           THE PRESIDENT: Mr. Brannon.

8           MR. BRANNON: The witness was not placed on  
9 the stand by the defense to prove any figures. We  
10 used his skill as a draftsman to take the figures  
11 which we gave him from American sources, and compare  
12 the prosecution figures already in evidence. There-  
13 fore he cannot answer any questions relative to the  
14 American figures unless they appear on the pages of  
15 this exhibit before the Tribunal.

16           THE PRESIDENT: Yes, we regard him as such.  
17 We had no doubt that he was speaking from American  
18 figures, and the attack must be made on those, if at  
19 all. His calculations may be wrong, but there is no  
20 need to cross-examine him in great detail. We must  
21 not forget the magnitude of the issues here and con-  
22 fuse them with small issues such as might arise in a  
23 naval inquiry in Washington or somewhere else.

24           We will adjourn until half-past nine on Monday.  
25

(Thereupon, at 1600, an adjournment was

taken until Monday, 25 August 1947, at 0930.)

- - - -

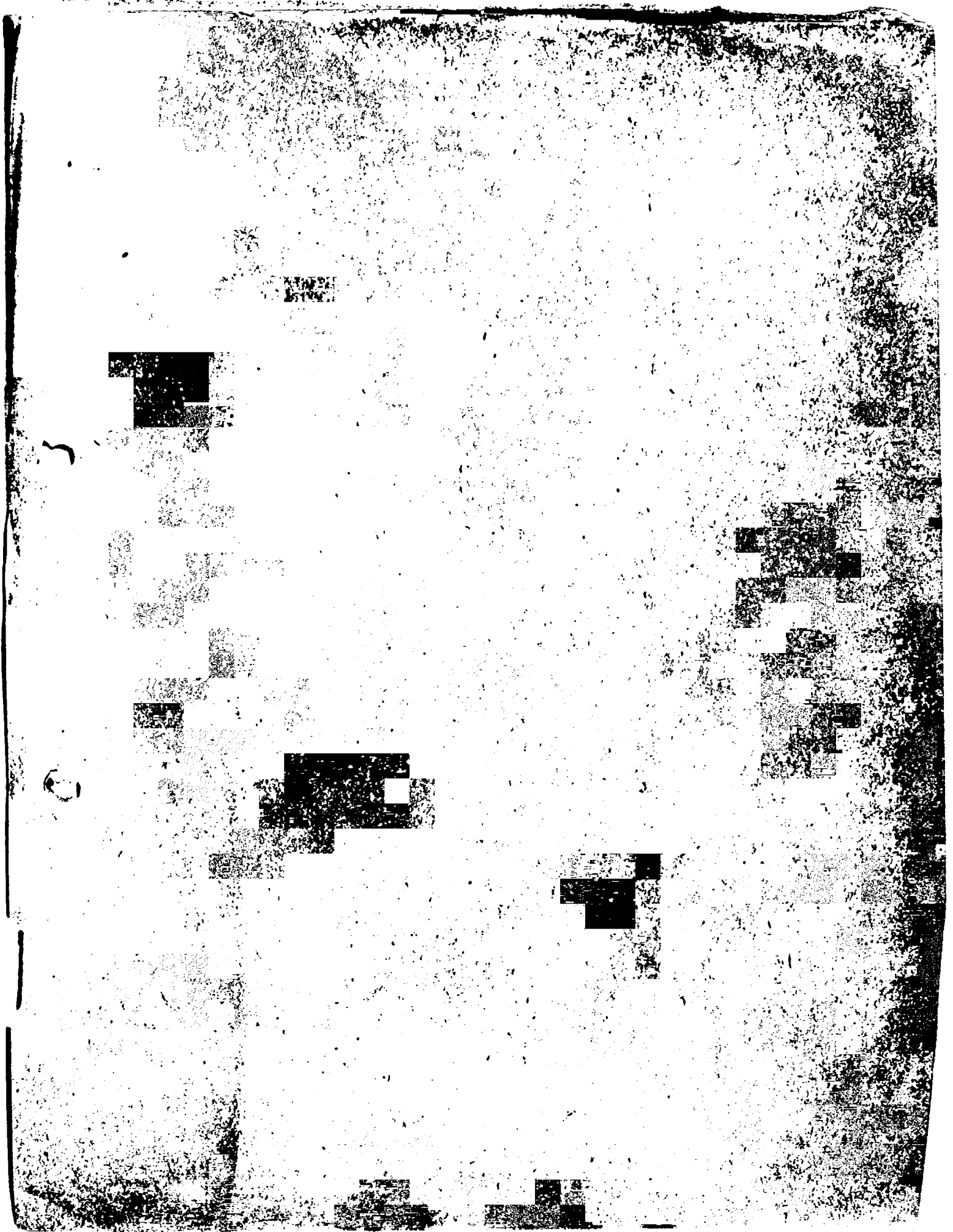
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25 Aug / 47

25, AUGUST 1947

**I N D E X**  
**of**  
**Witnesses**

<u>Defense' Witnesses</u>	<u>Page</u>
YOSHIDA, Hidemi (resumed)	26635
Cross (cont'd) by Captain Robinson	26635
(Witness excused)	26646
KONDO, Nobutake	26654
Direct by Mr. Brannon	26654
Direct by Mr. SHIMANOUCI	26677
Cross by Mr. Comyns Carr	26684
<u>NOON RECESS</u>	26688
Cross (cont'd) by Mr. Comyns Carr	26689
Cross by Mr. Furness	26698
Redirect by Mr. Brannon	26700
Cross by Mr. HANAI	26702
(Witness excused)	26704
MIYO, Tatsukichi	26705
Direct by Mr. Roberts	26705
(Witness excused)	26730
FUCHIDA, Mitsuo	26731
Direct by Mr. Roberts	26731
(Witness excused)	26741

25 AUGUST 1947

I N D E X  
of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
QENDA, Mingyu	26742
Direct by Mr. Roberts	26742
Cross by Mr. Tavenner	26752
(Witness excused)	26753

25 AUGUST 1947

I N D E X  
of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1890	3004		Excerpt from "Annual Report Fiscal Year 1945 - The Secretary of the Navy to the President of the US - Personnel on Active Duty by Type: Navy, Marine Corps and Coast Guard 1 July 1940 through 30 June 1945		26651
1500-B-2	3005		Extract from Exhibit 12 of the Joint Committee on the Investigation of the Pearl Harbour Attack - Congress of the US, 79th Congress, First Session re an Increase in Appropriations		26652
1978	3006		Affidavit of KONDO, Nobutake		26656
			<u>MORNING RECESS</u>		26661
1976	3007		Affidavit of MIYO, Tatsukichi		26709
			<u>AFTERNOON RECESS</u>		26713
1982	3008		Affidavit of FUCHIDA, Mitsuo		26731
1974	3009		Affidavit of GENDA, Minoru		26745

1 Monday, 25 August 1947

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3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 **Appearances:**

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE I. M. ZARAYANOV,  
15 Member from the USSR., not sitting from 0930 to 1600.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 (English to Japanese and Japanese  
20 to English interpretation was made by the  
21 Language Section, IMTFE.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: With the Tribunal's permission  
4 the accused ARAKI will be absent from the courtroom  
5 all day conferring with his counsel.

6 Dr. Kiyose.

7 (Whereupon, Dr. KIYOSE spoke in  
8 Japanese.)

9 THE PRESIDENT: This should not be done  
10 without letting the Tribunal know.

11 THE INTERPRETER: We shall give the English  
12 so far.

13 DR. KIYOSE: At the session on the 20th of  
14 this month Mr. Comyns Carr stated to this Tribunal  
15 that the original of the excerpt referred to by the  
16 witness OKADA on August 5 had not been filed with the  
17 Clerk's office and that he had not yet seen it.  
18 Mr. Comyns Carr's statement is to be found on page  
19 26,388 of the transcript. May I point out that this  
20 is a gross error on the part of Mr. Comyns Carr. The  
21 original of the document referred to by the witness  
22 OKADA was filed by me with the Clerk's office together  
23 with the witness' affidavit. It was not brought into  
24 the court that day, but when I went to the Clerk's  
25 office and called their attention to it it was

1 immediately brought into the courtroom. While  
2 Prosecutor Comyns Carr was still at the lectern I  
3 discussed the matter with my colleague, Mr. Logan,  
4 who was in charge of the interrogation of the witness  
5 OKUDA, and I personally handed the document in question  
6 to Mr. Comyns Carr.

7 May I continue?

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please, I  
10 see no value in proceeding with this matter now; and  
11 I think it is a matter that we could discuss and that  
12 if there are differences that we could iron them out.

13 THE PRESIDENT: We direct Dr. KIYOSE to  
14 confer with you, Mr. Tavenner, before presenting the  
15 matter to the Court again.

16 DR. KIYOSE: I spoke of this matter with  
17 Mr. Comyns Carr the day before yesterday.

18 THE PRESIDENT: Well, now you are asked to  
19 confer with Mr. Tavenner, who has invited that course.  
20 You will be heard, if necessary, later.

21 Mr. Levin.

22 MR. LEVIN: Mr. President --

23 THE PRESIDENT: Mr. Levin, you are about to  
24 mention a matter which we understand has already been  
25 dealt with by the Court on the defense motions to

1 dismiss. We cannot hear the same application twice.  
2 If we hear you twice we will have to hear everybody  
3 else twice, perhaps three times. Can you explain,  
4 can you satisfy us that this matter has not already  
5 been dealt with?

6 MR. LEVIN: It may be, Mr. President, that  
7 this matter has been considered in connection with the  
8 notions to dismiss in a general way, because under  
9 the notions to dismiss I presume most of the matters  
10 involved in the presentation of the prosecution's  
11 case have come up.

12 THE PRESIDENT: You heard what I said in  
13 Chambers about this. I circulated that among my  
14 colleagues, and I am satisfied that they are opposed  
15 to hearing this application, or request as you call  
16 it, because it has already been heard and refused.

17 MR. LEVIN: I take it, then, that the Court  
18 will not hear the application?

19 THE PRESIDENT: That is so, Mr. Levin.  
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1 H I D E M I Y O S H I D A, resumed the stand and  
2 testified through Japanese interpreters as  
3 follows:

4 CROSS-EXAMINATION

5 THE PRESIDENT: Captain Robinson.

6 CAPTAIN ROBINSON: Mr. President and Members  
7 of the Tribunal, in accordance with the intimation  
8 made by the President during the cross-examination  
9 of this witness at the preceding session of the court,  
10 in order to reduce the amount of cross-examination on  
11 these naval statistical exhibits 3003-A and B, it is  
12 proposed to state only briefly the prosecution's ob-  
13 jection and to ask the witness four or five questions  
14 preparatory to rebuttal at the appropriate time.

15 The prosecution attaches importance to these  
16 documents because, if one gives attention to their  
17 headings as "Comparative Tables" of naval strength and  
18 to their interpretations of United States naval docu-  
19 ments, they may appear to contradict part of the  
20 testimony of Admiral Richardson before this Tribunal  
21 on the subject of what United States naval records  
22 show on comparative naval strength, on Japanese naval  
23 preparations for aggressive war, and on the Japanese  
24 carrier plane attack on Pearl Harbor on the 7th of  
25 December, 1941, the date to which these two documents

1 are direct.

2           The prosecution's objection to the docu-  
3 ments, as cross-examination on specific items may  
4 have indicated, is not primarily to the statistics  
5 themselves as stated for the Japanese Navy and in  
6 large part for the United States Navy; the objection  
7 is primarily to the distortion and the inaccurate  
8 classifications of the statistics in attempting to  
9 make them fit into so-called "Comparative" tables,  
10 under headings, classifications, and definitions  
11 which are not shown by the tables or otherwise to be  
12 uniform in meaning and equal in application as applied  
13 to Japan and to the United States, respectively.

14           The cross-examination can now be concluded,  
15 it is believed, with four or five questions. These  
16 questions are intended to assist in determining as  
17 definitely as possible what specific issues of fact  
18 are raised for consideration in rebuttal.

19           THE PRESIDENT: So far as you have given  
20 evidence, and you have given a great deal, we dis-  
21 regard your statements. You go beyond an explanation.  
22 We are just as capable as anybody else of reading what  
23 is in the documents upon which the defense rely, and  
24 those documents, it is common ground, come from  
25 Washington or other American sources. The defense, if

1 I understand the position correctly, have, on this  
2 particular phase, not offered a single Japanese figure.  
3 If I am wrong let me be corrected.

4 CAPTAIN ROBINSON: As the objection has  
5 just been stated, your Honor, I thought I was pro-  
6 ceeding in accordance with your Honor's instructions  
7 as contained in the record, page 26,628, of Friday's  
8 session.

9 THE PRESIDENT: You could have said that you  
10 accept the American figures as correct, but you do  
11 contend, more particularly, through Admiral Richardson,  
12 that this witness has not made the right use of them.  
13 That would be sufficient for all purposes.

14 CAPTAIN ROBINSON: I believe I can illustrate  
15 the point, if the Court please, by these five con-  
16 cluding questions to the witness on cross-examination.

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1 BY CAPT. IN ROBINSON (Continued):

2 Q Mr. YOSHIDA, directing your attention to  
3 defense exhibit 3003-A, which you have entitled  
4 "Comparative Table of Naval Vessels on Hand between  
5 the U.S.A. and Japan as of 7 December 1941," what date  
6 did you select as the date when a Japanese naval  
7 vessel entered into that classification "on hand";  
8 was it the date when its construction was completed,  
9 or the date when it was commissioned, or the date used  
10 in some United States Navy records, namely, the date  
11 when completed and fit for service, or the date used  
12 by Admiral Richardson before this Tribunal, namely,  
13 the date when ready for combat service, or was it some  
14 other date which you have selected?

15 MR. BRANNON: If the Tribunal please, we  
16 object to that question as multiple in nature, tending  
17 to confuse the witness. He can very simply state  
18 what date he used.

19 THE PRESIDENT: Let the witness attempt to  
20 answer. If he cannot, we will know what to do.

21 A In the former Japanese Navy, with respect  
22 to the definition of ships on hand, there are various  
23 dates, such as the date of transfer, date of commission--  
24

25 THE MONITOR: Date of completion or date of  
transfer.

1           A   (Continuing) In this comparison or table  
2 of comparison, I have used the very figures which I  
3 used, I think it was last September, in reply to  
4 Captain Robinson's inquiry with regard to vessels on  
5 hand, and on the basis of those figures prepared this  
6 statement. Therefore, there was no need to go to  
7 any length or to go to any depth with regard to the  
8 definition of war vessels on hand.

9           Q   What data did you use in making your classi-  
10 fication of the United States ships?

11           A   With regard to United States war vessels,  
12 I used, as I said last Friday, the figures exactly  
13 as provided by the United States Navy as included  
14 in court exhibit 3001.

15           CAPTAIN ROBINSON: If the Court please, I  
16 would like to have the witness answer that question.  
17 That is not an answer to the question.

18           THE PRESIDENT: Repeat the question to him,  
19 Japanese Translator, please.

20                               (Whereupon, the question was read  
21 by the Japanese court reporter.)

22           A   With regard to the United States Navy, there  
23 was really no need to go into any thorough study of  
24 the strength of the United States war vessels on hand.  
25 However, I considered the matter. But after referring



1 to the documents as prepared by the United States  
2 Navy, I have seen on the face of the documents the  
3 figures, for instance, eight carriers, and which  
4 carriers were the United States carriers on hand;  
5 and, therefore, I used the figures of war vessels on  
6 hand as given by the United States Navy and therefore  
7 found no need of going into any thorough study of the  
8 definition of what would constitute naval war vessels  
9 on hand.

10 Q Therefore, in preparing a comparative table  
11 showing what vessels were on hand on December 7, 1941,  
12 you saw no reason to see whether or not the term  
13 "on hand" meant the same for United States naval  
14 vessels as it did for Japanese naval vessels?

15 A Of course, I considered the matter, but I  
16 came to the conclusion it was not quite necessary.

17 Q This Tribunal wants to know -- or I wish to  
18 know and place before the Tribunal -- how you came to  
19 that conclusion; that is, what your dates were. Will  
20 you answer the question?

21 THE PRESIDENT: Mr. Brannon.

22 MR. BRANNON: If the Tribunal please, the  
23 basic document, the American figures which this  
24 witness took and used to compile the chart, contain  
25 the conclusions. We did not ask him for his conclusions

1 as to the date completed or on hand.

2 THE PRESIDENT: He is just a calculator.  
3 Actually, I do not know what help he is. The docu-  
4 ments are as good as he.

5 CAPTAIN ROBINSON: If the Court please, these  
6 documents show nothing on that point.

7 THE PRESIDENT: He has no other information.

8 CAPTAIN ROBINSON: Very well. If it is suf-  
9 ficient, then, we pass on to the next question.

10 Q The heading "Miscellaneous" as used by you  
11 in both of your comparative tables: Please list  
12 briefly the types and classes of ships, auxiliaries,  
13 and other craft, which you include under this heading  
14 for Japan and then for the United States, respectively.

15 A Let me first speak of Japanese vessels.  
16 Mine sweeper, submarine chasers. But with regard to  
17 mine sweepers and sub chasers, there are regular  
18 vessels as well as converted vessels. Weapons supply  
19 ship, and converted gunboat, and oil tanker. These,  
20 generally, constitute the miscellaneous types, although  
21 there are others.  
22

23 With regard to United States ships which  
24 fall into the miscellaneous class, no thoroughgoing  
25 study was made except that we made some estimates  
that the United States possessed quite a considerable

1 amount of landing craft besides those which I men-  
2 tioned with regard to Japanese ships.

3 Q The fourth question: Directing your atten-  
4 tion to defense exhibit 3003-B, which you have entitled,  
5 "Comparative Table of Naval Vessels under Construction  
6 between the U.S.A. and Japan, as of December 7, 1941,"  
7 what date did you select as the date when a Japanese  
8 naval vessel entered into that classification "under  
9 construction"? Was it the date when the drafting of  
10 the building plans was begun, or the date when the  
11 construction was authorized, or the date when the  
12 main construction order or contract was made, or the  
13 date when the keel was laid, or was it some other  
14 date which you selected?

15 A With regard to Japanese war vessels, I used  
16 "ships under construction" to mean those for which  
17 the keel was laid. There are also converted vessels,  
18 and in connection with these I used for the date when  
19 they were brought under the classification of "under  
20 construction," the date when the conversion ~~was~~ actually  
21 begun.  
22

23 Q But for United States converted vessels you  
24 used the date when the keel was laid, referring to  
25 exhibit 3003-B, pages 4 and 5? I change that exhibit:  
3001, pages 4 and 5, particularly page 5.

1           A    With regard to the United States, I met  
2           the same situation as in the case of ships on hand  
3           and wondered for what reason certain of the war  
4           vessels were included as those being under construction,  
5           and it was difficult for me to select ship for ship  
6           and arrive at their total tonnage.

7           Q    Therefore, you entered the figures in such a  
8           way as to make the Japanese figures seem smaller  
9           and the United States figures seem larger?

10          A    I have no such intention.  
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1 Q One final question then, Mr. Witness. Now,  
2 directing your attention to exhibit 918 and exhibit  
3 3001 at page four and page five, if you apply your  
4 same "Keel Laid" test to determine the number and  
5 tonnage of both Japanese and United States Carriers  
6 and converted Carriers, as shown by those exhibits,  
7 may you not find that the totals for Aircraft Carriers  
8 under construction on 7 December 1941, as stated by  
9 you in exhibit 3003-B, should be as follows:

10	Japan	11 vessels	214,260 tons
11	U.S.	9 vessels	179,500 tons?

12 I do not ask you to take the time now in this  
13 Tribunal to make the computation if you have not already  
14 done so, but I would like to have your answer to that  
15 question, yes or no, or that you do not know, or that  
16 you have not made the computation.  
17

18 MR. BRANNON: We object to the prosecution's  
19 attempting to limit the kind and type of answer of the  
20 witness.

21 THE PRESIDENT: I see nothing objectionable,  
22 except that the question may be hard to follow.

23 A With respect to Captain Robinson's question  
24 of Japanese ships under construction stating 11 Carriers  
25 totalling so many hundreds of thousands of tons, let  
me reply flatly, no. This has some relation to a

1 previous type question, but if I may be permitted, I  
2 should like to explain the manner in which I came into  
3 possession of these figures -- these American figures.

4           Apart from my personal opinion that may enter  
5 into the discussion, but I should like to explain  
6 how I came into possession of the United States figures.

7           CAPTAIN ROBINSON: If the Court please --

8           THE PRESIDENT: You don't want the answer?

9           CAPTAIN ROBINSON: I see no relevancy there.  
10 There is no objection to the answer at all, except the  
11 time and irrelevancy.

12           THE PRESIDENT: I cannot see how it is rele-  
13 vant, but it may be. How he got figures which were  
14 acknowledged to be from American sources is immaterial.

15 BY CAPTAIN ROBINSON (Continued):

16           Q You prepared exhibit No. 918?

17           A Yes.

18           Q And you gave the dates for the laying of the  
19 keels of Japanese Carriers, both converted and new  
20 construction; and yet you state now that in this left-  
21 hand column on "Keels Laid" there are not dates showing  
22 that on December 7, 1941 Japan had 11 vessels character-  
23 ized as Carriers in due course which were then under  
24 construction.

25           A A little while ago, I explained that some of

1 the vessels were converted and I laid special emphasis  
2 on the fact that, as regards converted Carriers, the  
3 date was not when the keel was laid, but when the  
4 work was actually begun.

5           CAPTAIN ROBINSON: If the Court please, that  
6 answer is not responsive to the question. It is  
7 objectionable therefore for that reason. As the Court  
8 has indicated the documents are before it, the witness'  
9 answers are now before it and the prosecution's questions  
10 and points are before it.

11           We have no further questions.

12           THE PRESIDENT: Mr. Brannon.

13           MR. BRANNON: We have no further examination  
14 of the witness. May he be excused on the usual terms?

15           THE PRESIDENT: The witness is excused on the  
16 usual terms.

17           (Whereupon, the witness was excused.)

18           - - -

19  
20           MR. BRANNON: Referring to exhibit 3003-A,  
21 which is the comparative table of naval vessels on  
22 hand between the United States of America and Japan  
23 as of December 7, 1941, I wish to read the summary  
24 shown thereon.

25           "Battleships

          "Japan       10 vessels       301,400 tons

"U.S. 17 vessels 534,300 tons

"Aircraft Carriers" --

THE PRESIDENT: There is no need to read that.

MR. BRANNON: This is an exhibit, Mr. President, which has been accepted in evidence, but not read by the defense. The record would be silent as to its contents if I did not proceed as suggested.

THE PRESIDENT: Confine it to essentials. I am sure you will.

MR. BRANNON: Yes, sir. I have the summary here.

"Aircraft Carriers

"Japan 10 vessels 152,970 tons

"U.S. 8 vessels 162,600 tons

"Heavy Cruisers

"Japan 18 vessels 158,800 tons

"U.S. 18 vessels 171,200 tons

"Light Cruisers

"Japan 20 vessels 98,855 tons

"U.S. 19 vessels 157,775 tons

"Destroyers

"Japan 112 vessels 165,868 tons

"U.S. 172 vessels 239,530 tons

"Submarines

"Japan 65 vessels 97,900 tons



1 "U.S. 111 vessels 116,621 tons

2 "Miscellaneous

3 "Japan 156 vessels 490,384 tons

4 "U.S. 1192 vessels 1,273,469 tons

5 "Total" --

6 THE PRESIDENT: That figure ought to be cleared  
7 up. We ought to be satisfied that the Americans and  
8 Japanese haven't a different classification of "Miscellan-  
9 eous." The Americans may include under "Miscellaneous"  
10 a lot of ships which the Japanese would exclude under  
11 the same heading. But, we must leave it to the parties  
12 to clear that up.

13 MR. BRANNON: Other than the six specified  
14 classifications named in the defense exhibit, all of  
15 the rest of the fighting vessels, that is, used for  
16 fighting purposes or connected with fighting purposes,  
17 are called "Miscellaneous." I merely wish to read  
18 what the exhibit shows, Mr. President. It may be  
19 accepted or rejected. But, we should be allowed to have  
20 the record recite what the defense exhibit is and what  
21 it says.

22 (Reading continued):

23 "Total

24 "Japan 391 vessels 1,466,177 tons

25 "U.S. 1537 vessels 2,655,495 tons"

1 Referring now to exhibit 3003-B, which is  
2 the comparative table of naval vessels under con-  
3 struction between the United States and Japan as of  
4 December 7, 1941, the summary shows:

5 "Battleships

6 "Japan 2 vessels 128,000 tons

7 "U.S. 10 vessels 410,000 tons

8 "Aircraft Carriers

9 "Japan 4 vessels 77,860 tons

10 "U.S. 22 vessels 442,300 tons

11 "Heavy Cruisers

12 "Japan none

13 "U.S. 11 vessels 188,200 tons

14 "Light Cruisers

15 "Japan 4 vessels 42,700 tons

16 "U.S. 31 vessels 278,000 tons

17 "Destroyers

18 "Japan 12 vessels 27,120 tons

19 "U.S. 256 vessels 450,580 tons

20 "Submarines

21 "Japan 29 vessels 42,554 tons

22 "U.S. 96 vessels 146,496 tons

23 "Miscellaneous

24 "Japan 37 vessels 57,225 tons

25 "U.S. 895 vessels 516,361 tons

"Total

"Japan 88 vessels 375,459 tons

"Note: Besides this there was 1 battleship  
(62,000 tons), the building of which was suspended  
just after the keel was laid.

"U.S. 1,321 vessels 2,431,937 tons."

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1 We offer in evidence defense document 1890,  
2 which is a tabulation of United States naval personnel  
3 from the Bureau of United States Naval Personnel and  
4 found in an official publication of the United States  
5 Navy. By comparing defense document 1890 with prose-  
6 cution exhibit 915, the Tribunal will observe that,  
7 as of December 31, 1940, the United States Navy  
8 personnel totaled 280,086 and discounting the Marine  
9 Corps and Coast Guard totaled 215,273, as compared to  
10 227,616 for Japan.

11 This evidence is offered merely for the  
12 purpose of showing there was nothing extraordinary in  
13 the personnel strength of the Japanese Navy existing  
14 at that time.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 1890  
17 will receive exhibit No. 3004.

18 (Whereupon, the document above  
19 referred to was marked defense exhibit  
20 No. 3004 and received in evidence.)

21 MR. BRANNON: We offer in evidence defense  
22 document 1500-B-2, which is an extract from exhibit 12  
23 of the Joint Committee on the Investigation of the  
24 Pearl Harbor Attack, Congress of the United States,  
25 showing an increase of appropriations from

1 \$358,262,123 in 1932 to \$3,549,383,345 in 1941.

2 We do not propose to read it.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 1500-B-2  
5 will receive exhibit No. 3005.

6 (Whereupon, the document above  
7 referred to was marked defense exhibit  
8 No. 3005 and received in evidence.)

9 MR. BRANNON: We come now to that portion of  
10 the defense which deals with Japanese naval prepar-  
11 ations for war. We request that the attention of the  
12 Tribunal be taken of past evidence, introduced by both  
13 prosecution and defense, showing that the Japanese  
14 naval leaders opposed war with the United States and  
15 Great Britain, and, in particular, we ask permission  
16 to refresh the Tribunal's memory by referring to  
17 prosecution exhibit 1143, as corrected by the Language  
18 Section on page 10,668 of the record, which is an ex-  
19 tract from the KIDO Diary of October 7, 1941, showing  
20 that, at that time, while the Army was of the opinion  
21 that there was no room left for the continuance of the  
22 parley, the Navy held there was hope and desired further  
23 diplomatic efforts.

24 Again, it is revealed in prosecution exhibit  
25 1125, as corrected on page 10,667 of the record, which

1 is an extract from the KIDO Diary of 31 July 1941,  
2 that it was the then prevailing opinion of Chief of  
3 Naval General Staff NAGANO that war with the United  
4 States should be averted as much as possible and that  
5 he was doubtful whether such a war could ever be won.

6 Referring to defense exhibit 2913, which is  
7 an excerpt from the Memoirs of Prince KONOYE, we point  
8 out the attitude of the Navy Minister on October 12,  
9 1941, as representative of the practical naval point  
10 of view with reference to peace or war.

11 With the further request that the Tribunal  
12 bear in mind the past evidence relative to the oil  
13 supply of Japan and its effect upon the military in  
14 the latter portions of 1941, we move now into an ex-  
15 planation by means of personal testimony of Japanese  
16 naval planning for the eventuality of war.

17 We call as our witness former Admiral Nobutake  
18 KONDO.  
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1 N O B U T A K E K O N D O, called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified through Japanese inter-  
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. BRANNON:

7 Q Will you state your name please?

8 A KONDO Nobutake

9 MR. BRANNON: May the witness please be hand-  
10 ed defense document 1978?

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

13 Q Is that your affidavit?

14 A Yes.

15 Q Is it true and correct?

16 A Yes.

17 MR. BRANNON: We offer in evidence the affi-  
18 davit of Nobutake KONDO, defense document 1978.

19 THE PRESIDENT: Mr. Tavenner.

20 MR. TAVENNER: If it please the Tribunal, I  
21 would like to direct your attention to the last para-  
22 graph beginning on page 8 and extending over onto page  
23 9 and especially the last sentence.

24 THE PRESIDENT: Yes, that invades our province.

25 MR. TAVENNER: Objection is made to this entire



1 paragraph on that ground and on the additional ground  
2 that it is opinion evidence.

3           Objection is also made to paragraph numbered  
4 7, beginning on page 9 and from there on to the end  
5 of the affidavit with the exception of the last  
6 paragraph on the ground that it is argument on the  
7 part of the witness, which has a more proper place in  
8 the summation, and is full of expressions of opinion  
9 and conclusion. That is down to, but not including,  
10 the last paragraph on page 12.

11           MR. BRANNON: We call to the Court's atten-  
12 tion that this witness was Vice-Chief of the Navy  
13 General Staff, the planning organ of the Japanese  
14 Navy.

15           THE PRESIDENT: That does not qualify him to  
16 express opinion here that we are competent to draw or  
17 express.

18           MR. BRANNON: We maintain he should be allow-  
19 ed to state the facts and reasons behind the facts as  
20 they saw them.

21           THE PRESIDENT: I do draw attention to the  
22 fact that according to the opening words of paragraph  
23 7 he is telling us what difficulties they encountered  
24 then. He does not purport to be expressing opinions  
25 here, but he does go on in the same paragraph to

1 express opinions.

2 MR. BRANNON: It may be, Mr. President, that  
3 the opinions of this witness, as Vice-Chief of the  
4 Navy General Staff, largely influenced the planning  
5 of the Japanese Navy during this period. Consequent-  
6 ly, the defense sought simply to set out the matters  
7 as they were then viewed, with no intention, of  
8 course, of infringing on the prerogative of the Tri-  
9 bunal.

10 THE PRESIDENT: We sustain the first objec-  
11 tion by a majority, but not the second. We realize  
12 there are opinions expressed in the second part ob-  
13 jected to, but not many, and we will be careful to  
14 disregard them. There are, on the other hand, some  
15 important facts, if they be facts.

16 With those qualifications, the document is  
17 admitted on the usual terms.

18 MR. BRANNON: So that I may not inadvertently  
19 offend, may I ask direction, specifically, what para-  
20 graphs to strike here in my reading?

21 THE PRESIDENT: The paragraph which goes 8  
22 onto 9 is struck out. It commences --

23 MR. BRANNON: Thank you. I have it marked, I  
24 think, Mr. President.

25 CLERK OF THE COURT: Defense document 1978

1 will receive exhibit No. 3006.

2 (Whereupon, the document above  
3 referred to was marked defense exhibit  
4 No. 3006 and received in evidence.)

5 MR. BRANNON: Omitting the formal portions,  
6 I read as follows:

7 "1. My name is Nobutake KONDO. For approx-  
8 imately 40 years, from November 1907 (MEIJI 40) when  
9 I graduated from the Naval Academy, until I was  
10 relegated into the reserves as a full admiral in  
11 September 1945 (SHOWA 20) I served in the Japanese  
12 Navy. During my term of service I held the following  
13 posts at the Naval General Staff at three different  
14 times.

15 "From June 1930 (SHOWA 5) until December 1932  
16 (SHOWA 7) - Naval General Staff First Section Chief  
17 (Captain)

18 "From December 1935 (SHOWA 10) until December  
19 1938 (SHOWA 13) Naval General Staff First Division  
20 Chief (Rear Admiral - Vice Admiral)

21 "From October 1939 (SHOWA 14) until September  
22 1941 (SHOWA 16) Vice Chief of Naval General Staff  
23 (Vice Admiral)

24 "2. As a rule, the following procedure was  
25 followed by the Japanese Navy in its planning and

effectuation of its armament program:

1                   "(1) The annual national defense plan was  
2 formulated by the First Section of the First Division  
3 of the Naval General Staff. This was a decision on  
4 policy on how to complete national defense envisioning  
5 the eventuality of war, and formed the basis for arma-  
6 ment plans and the training programs of all units, etc.

7                   "(2) The Third Division of the Naval General  
8 Staff collected and pieced together information on the  
9 situation, the war preparedness conditions, and war  
10 potential of the major powers and distributed it to  
11 the divisions of the Naval General Staff to serve as  
12 criteria for the various planning it did for the  
13 Navy in general.

14                   "(3) The Third Section of the Second Division  
15 of the Naval General Staff, on the basis of the above-  
16 mentioned National Defense plan, formed the draft of a  
17 plan for minimum possible armament required by the Navy  
18 for fulfilling its national defense responsibilities,  
19 after consideration of the national strength and of the  
20 armament situation of the major powers. The draft,  
21 after being approved by the superiors, was deliberated  
22 at a preliminary conference with competent officers of  
23 the Navy Ministry. At this preliminary conference,  
24 national strength, the difficulties of execution of the  
25

1 plan, etc., were most minutely examined by the repre-  
2 sentatives of the Navy Ministry and of the Naval  
3 General Staff and it was customary for considerable  
4 alterations to be made in the draft.

5 "(4) After an understanding had been reached  
6 at the above-mentioned preliminary conference, an  
7 official report of the conference was sent by the  
8 Chief of the Naval General Staff to the Navy Minister,  
9 to which the latter set forth his opinions on the  
10 prospects of the execution of the plan in his reply.

11 "(5) The Navy Ministry, besides, contacted  
12 the various government organs in connection with  
13 distribution of budget and material.

14 "(6) After the budget had been decided, the  
15 execution order was issued by the Navy Minister and  
16 the various organs began their allotted work in the  
17 execution of the order.

18 "The organization being as above delineated,  
19 I - holding the positions before mentioned - had con-  
20 siderably detailed information on armaments.

21 "It was immediately after the conclusion of  
22 the 1930 London Disarmament Conference that I was  
23 appointed First Section Chief of the First Department  
24 of the Naval General Staff. It was consequently at a  
25 time when the National Defense plan had to be revised

1 to a yet more defensive order to conform to the new  
2 situation.

3 "By the Washington Treaty, the number of  
4 capital ships and aircraft carriers permitted Japan  
5 for retention was limited to 60% of those of the United  
6 States and Great Britain. However, information collect-  
7 ed after the Treaty revealed that the United States  
8 Navy was steadily preparing for trans-ocean operations  
9 and it was thought that if the necessity arose the  
10 United States Fleet could at any time reach Japanese  
11 home waters. To oppose this threat, efforts were made  
12 to complete our national defenses by equipping the  
13 Navy with fleet-footed cruisers and other craft of  
14 lesser type which would depend principally upon their  
15 torpedoes to carry out interceptive operations in home  
16 waters.

17 "Moreover, with the limitation placed on the  
18 strength in auxiliary vessels permitted for retention  
19 by the London Disarmament Treaty of 1930, the charac-  
20 teristic armament of our Navy was made subject to re-  
21 striction. Further, we were forced to look on with  
22 folded arms whilst the United States Navy constructed  
23 new types of warships.

24 "For this reason the ratification of the  
25 Treaty became a serious problem in the Privy Council,

1 while Stimson's 'Hats Off' speech in the Senate con-  
2 tributed not a little to aggravating the feelings of  
3 the Japanese people. The Naval General Staff arrived  
4 at the conclusion that there was no way of coping with  
5 this situation except through intensive training for  
6 the raising of technical strength and through construc-  
7 tion of such small warships as were not limited by the  
8 restrictions of the Treaty and airplanes to cover up  
9 the resulting defects in armaments.

10 "It was around this time that many precious  
11 lives were sacrificed in fierce training; and deplor-  
12 able accidents involving warcraft which were not cover-  
13 ed by treaty limitations occurred, such as the capsiz-  
14 ing in heavy weather of torpedo boats under 600 tons  
15 which were too heavily armed."

16 THE PRESIDENT: We will recess for fifteen  
17 minutes.

18 (Whereupon, at 1045, a recess was  
19 taken until 1100, after which the proceed-  
20 ings were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Brannon.

4 MR. BRANNON: I continue reading:

5 "I was appointed Chief of Division One of the  
6 Naval General Staff at the time when the 1935-1936 Lon-  
7 don Disarmament Conference was in session. A month  
8 after my appointment Japan seceded from the confer-  
9 ence.

10 "What we advocated at this conference was a  
11 step forward from our earlier demand for armaments that  
12 were non-aggressive and non-menacing -- namely, armament  
13 which would remove all danger of war ever breaking out.  
14 Unfortunately our thesis was not accepted by the other  
15 powers. The Japanese Navy directed its attention to  
16 various experiments with the aim of fulfilling its re-  
17 sponsibilities in national defense within the scope of  
18 the minimum possible budget, in consideration of the  
19 meager resources of the nation. The result was the  
20 discovery that there was no other way than to give our  
21 armament program the characteristics hereafter to be  
22 shown. As a result, the Third Supplementary Program  
23 was drafted.

24  
25 "The Third Supplementary Program called for the  
construction of two battleships, two aircraft carriers,



1 midst of the above-mentioned Third Supplementary Pro-  
2 gram, but with the exception of the completion of a  
3 portion of the smaller craft, this Program was still  
4 unfinished. Meanwhile, from the beginning of the same  
5 year, namely of the year 1939 (Showa 14), it had started  
6 on the Fourth Supplementary Program. According to the  
7 judgment of the Naval General Staff at that time, the  
8 United States, in accordance with the Second Vinson Plan,  
9 had started, or was about to start construction in the  
10 near future, on three 45,000 ton capital ships, aircraft  
11 carriers to the tonnage of 40,000 tons, cruisers to the  
12 approximate tonnage of 70,000 tons, plus destroyers and  
13 submarines totaling an approximate 40,000 tons, and  
14 other auxiliary craft, in addition to the six capital  
15 ships, two aircraft carriers and numerous cruisers and  
16 smaller craft it had under construction. It was because  
17 of this enormous United States armament program and the  
18 aforementioned political and military pressure that the  
19 Third Supplementary Program was considered insufficient  
20 to warrant confidence from the national defense view-  
21 point, and the Fourth Supplementary Program was begun.

22 "The Fourth Supplementary Program was a program  
23 for the construction of a total of fifty-nine vessels  
24 including two battleships, one aircraft carrier, six  
25 cruisers, twenty-four destroyers, twenty-six submarines,

1 steadily filtered in to the effect that construction of  
2 capital ships and other craft was being promoted. Var-  
3 ious measures to counter this situation were studied  
4 but expenditure running high owing to the China Incid-  
5 ent, no concrete plan had been formulated up to the time  
6 of my leaving the post of Chief of the First Department  
7 of the Naval General Staff in December of the same year  
8 (1938).

9 "5. It was immediately after the outbreak of  
10 World War II in Europe that I was appointed Vice-Chief  
11 of the Naval General Staff. In our country it was the  
12 time when we were worrying over means of preventing the  
13 war from spreading outside Europe. We had already re-  
14 ceived notification of the abrogation of the Japan-  
15 United States Trade Treaty at that time. Our intellig-  
16 ence section knew that American reconnaissance troops  
17 had already moved into Hawaii and that the Hawaiian  
18 Army Air Force had been greatly strengthened. This  
19 United States pressure on Japan was felt acutely by us  
20 who were charged with the plans for national defense,  
21 and our uneasiness over the question as to how we should  
22 meet our responsibilities of national defense in the  
23 face of the rapidly mounting American naval prepara-  
24 tions was hourly increasing.

25 "At that time the Japanese Navy was in the

1 midst of the above-mentioned Third Supplementary Pro-  
2 gram, but with the exception of the completion of a  
3 portion of the smaller craft, this Program was still  
4 unfinished. Meanwhile, from the beginning of the same  
5 year, namely of the year 1939 (Showa 14), it had started  
6 on the Fourth Supplementary Program. According to the  
7 judgment of the Naval General Staff at that time, the  
8 United States, in accordance with the Second Vinson Plan,  
9 had started, or was about to start construction in the  
10 near future, on three 45,000 ton capital ships, aircraft  
11 carriers to the tonnage of 40,000 tons, cruisers to the  
12 approximate tonnage of 70,000 tons, plus destroyers and  
13 submarines totaling an approximate 40,000 tons, and  
14 other auxiliary craft, in addition to the six capital  
15 ships, two aircraft carriers and numerous cruisers and  
16 smaller craft it had under construction. It was because  
17 of this enormous United States armament program and the  
18 aforementioned political and military pressure that the  
19 Third Supplementary Program was considered insufficient  
20 to warrant confidence from the national defense view-  
21 point, and the Fourth Supplementary Program was begun.

22 "The Fourth Supplementary Program was a program  
23 for the construction of a total of fifty-nine vessels  
24 including two battleships, one aircraft carrier, six  
25 cruisers, twenty-four destroyers, twenty-six submarines,

1 displacing an approximate 296,000 tons, besides twenty-  
2 four auxiliary ships totaling approximately 29,000 tons,  
3 by the end of 1944 (Showa 19); but at the time of my  
4 appointment in October 1939 (Showa 14), with the excep-  
5 tion of part of the small warship program, the plan was  
6 not yet under way. Further, the two battleships of  
7 this plan were similar to those of the Third Supplement-  
8 ary Program. Their construction was commenced in the  
9 beginning of 1940 (Showa 15); but as will be shown  
10 later, the building had to be discontinued within the  
11 same year. One of them had to be scrapped before the  
12 outbreak of the Pacific War, while the other was aban-  
13 doned with its keel on the docks until the war began.

14 "Immediately after my appointment to office,  
15 information was received that the Third Vinson Arma-  
16 ment Expansion Plan had passed the United States Con-  
17 gress and we felt grave misgiving touching national  
18 defense. And in January 1940 (Showa 15) the incident  
19 in which the 'Asama Maru' was boarded by a British war-  
20 ship in waters so close to Tokyo, made the Japanese  
21 people in general very sensitive regarding our security  
22 by sea. In July 1940 (Showa 15) the United States pub-  
23 lished its so-called "Stark Plan" for construction of a  
24 two-ocean fleet. Up to that time we had managed somehow  
25 to form national defense plans against the naval expans-

1 ion of the United States; but we could discover no means  
2 of discharging our national defense duties within the  
3 scope of our limited national resources if this enorm-  
4 ous plan were to materialize.

5 "Moreover, as the United States-Japanese trade  
6 restrictions were steadily being stiffened and negotia-  
7 tions for increase of trade with the Netherlands East  
8 Indies and French Indo-China were not progressing at  
9 all, it seemed as though the very foundation of our na-  
10 tion was being threatened. Further, it was our belief  
11 that the fact of the United States Fleet moving into  
12 Hawaii, together with the strengthening of concerted  
13 United States-British support to the Chungking Govern-  
14 ment, made the latter confident of victory and thereby  
15 rendered more difficult the settlement of the China  
16 Incident, which was Japan's greatest concern at that  
17 time.

18 "Such being the situation, and there being ever  
19 present the danger of war clouds spreading to the Far  
20 East by some untoward error at any time, the execution  
21 of the Third and Fourth Supplementary Programs had to  
22 be hurried.

23 "As construction of the two battleships of the  
24 Fourth Supplementary Program was not progressing, and  
25 in order to concentrate all effort on speeding up con-

1 construction of small-type craft especially required for  
2 defense purposes, construction on the former was discon-  
3 tinued in November 1940 (Showa 15). Again, around  
4 autumn of the same year, plans were submitted also  
5 for the emergency conversion of merchantment into  
6 auxiliary aircraft carriers.

7 "Toward the end of 1940 (Showa 15) the inter-  
8 national situation took a sudden turn for the worse.  
9 Information was received of the mobilization of the  
10 Philippines Reserve Army, of the United States Secretary  
11 of War's instructions to declare martial law in Pearl  
12 Harbor, of the withdrawal of United States troops sta-  
13 tioned in North China, of announcement of mines being  
14 laid in the eastern entrance to the Singapore Straits,  
15 of reinforcement of Australian troops in Malay, of mil-  
16 itary conferences and operations agreement between the  
17 United States, Great Britain and Australia and the  
18 arrival of United States troops to reinforce the  
19 Philippine Army in Manila, etc.

20 "As for the Naval General Staff, it considered  
21 various plans, realizing that it had to do something  
22 about naval armaments in view of the great naval ex-  
23 pansion of the United States. While it was being  
24 hampered in forming any workable plan because of lack  
25 of national resources, the international situation took

1 a turn for the worse, as already mentioned, and in view  
2 of the steadily progressing United States naval armament  
3 expansion, the Emergency Supplementary Program was put  
4 into effect in May 1941 (Showa 16) which called for the  
5 construction of nine medium and nine small submarines  
6 respectively, besides warships for defense purposes.  
7 Further, in August of the same year, an Emergency Arma-  
8 ment Program of which one aircraft carrier, two cruisers,  
9 twenty-six destroyers, thirty-three submarines, and other  
10 defensive forces comprised the main points, was put in  
11 execution. However, with even this, we could not pos-  
12 sibly keep pace with the enormous expansion plan of the  
13 United States Navy, and we always suffered from misgiv-  
14 ing and apprehension. Our armament plans were stimulat-  
15 ed by this overwhelming expansion plan of the United  
16 States Navy and what we considered the military encircle-  
17 ment of Japan. Thus our plans were formulated on the  
18 spur of the moment, as is indicated by the use of the  
19 names Extraordinary Supplementary Program and Emergency  
20 Supplementary Program. In substance, they were mainly  
21 based on small defensive warships.

22 "6. The armament situation of the Japanese  
23 Navy during my various terms of office at the Naval  
24 General Staff was as given above. Those responsible  
25 applied themselves perseveringly to the task of fulfill-

1 ing their duties of national defense and consolidating  
2 armaments within the scope of the meager national re-  
3 sources to oppose the increasing naval armaments of  
4 the major powers.

5 "In other words, our Navy's single thought was  
6 how to defend against the potential threat of a foreign  
7 fleet invading our home waters, and our plans were  
8 formed and armament policy decided on the basis of  
9 this consideration. Not even once was a plan drafted  
10 for an aggressive attack on another nation at this time."

11 I go to Paragraph 7:

12 "7. During the time I held office at the Naval  
13 General Staff and was participating in the decisions on  
14 national defense plans and armament policy, the poverty  
15 of national resources constituted a large source of worry.  
16 Difficulties were encountered, especially on the follow-  
17 ing points:

18 "1. In the event of war, it was consid-  
19 ered quite possible that Japan's shipbuilding speed  
20 might slow down but that it would be most difficult, if  
21 not impossible, for it to be increased, while the United  
22 States and Great Britain, on the contrary, were expected  
23 to accelerate their construction rate at a rapid pace, as  
24 had been done at the time of World War I.

25 "2. While Japan possessed very few first



1 rate merchant ships which could be converted into aux-  
2 iliary warships in case of emergency, Great Britain and  
3 the United States had many such vessels capable of  
4 speedy conversion.

5 "3. Japan did not possess civilian air-  
6 craft which could be converted into a reserve air  
7 force as could the numerous civilian aircraft possess-  
8 ed by the United States and Great Britain.

9 "4. Japan possessed only a small number  
10 of civilian factories capable of being converted into  
11 munition factories during war time, while, on the other  
12 hand, the United States and Great Britain were capable  
13 of large scale conversion of civilian industrial plants  
14 into military use during war time.

15 "5. Japan faced a shortage of materials  
16 vital for war time needs, whereas, by comparison, both  
17 the United States and Great Britain had an abundance of  
18 such materials.

19 "In the face of these facts, it was necessary  
20 for us to maintain a comparatively large peace time  
21 force even though this meant a heavy strain on our meager  
22 national resources. The ability of the United States and  
23 Great Britain to rapidly mobilize and draw upon their  
24 vast resources dictated this necessity. And to have  
25 failed to consider these factors would have left a ser-

ious defect in national defense.

1  
2 "8. In the affidavit of Admiral Richardson,  
3 presented to this Tribunal on November 25th of last year,  
4 it was stated that the Japanese Navy in its preparation  
5 for a war of aggression had been exerting itself toward  
6 the construction of aircraft carriers. That statement  
7 varies from the facts indicated by the very construc-  
8 tion of the carriers themselves, which show that they  
9 were built for use in home waters.

10 "It is a fact that aircraft carriers may very  
11 easily be utilized for offensive purposes, but it was  
12 also generally recognized that aircraft carriers were  
13 necessary for defense against attacks by fleets which  
14 included aircraft carriers.

15 "The Japanese naval authorities believed that  
16 aircraft carriers were absolutely required for defense  
17 purposes as long as other powers possessed aircraft  
18 carriers.

19 "For Japan there was great danger of attack by  
20 carrier-borne planes, in which event damage would be  
21 extremely great, for the following reasons:

22 "1. Japan, being narrow and surrounded  
23 on all sides by sea, there was no area of the island  
24 which lay outside the attacking radius of carrier-borne  
25 planes.

1 "2. Nearly all the major cities, large  
2 industrial areas, and the trunk lines of communications  
3 of Japan lie close to the coast.

4 "3. Most Japanese houses, being con-  
5 structed of inflammable material, damage through bomb-  
6 ing would prove extremely great; and if incendiary  
7 bombs were used there was great danger of large fires  
8 resulting.

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1 "To defend itself against attack by carrier-  
2 borne planes, Japan required numerous airfields and  
3 aircraft. As means of defense against attack by air-  
4 craft there are airplanes, anti-aircraft weapons and  
5 barrage balloons, but aircraft was the most effective  
6 of the three. When the objectives to be defended lie  
7 along the coast, as was mostly the case in Japan, anti-  
8 aircraft weapons and balloon barrages usually could  
9 not be expected to prove sufficiently effective in  
10 warding off attack.

11 "Japanese territory, being small and surround-  
12 ed by seas, necessitated the existence of numerous  
13 airfields and airplanes for the defense against attack  
14 from air. Further, weather conditions, being often  
15 very bad, would prove an obstacle to movement and con-  
16 centration of aircraft, and hence an even greater  
17 necessity for large numbers of airfields and aircraft.

18 "It was impossible to maintain large numbers  
19 of aircraft owing to the meagreness of national re-  
20 sources. Further, construction of airfields was diffi-  
21 cult because of the narrowness of the territory and  
22 especially because of scarcity of flat land.

23 "On the one hand, for the Fleet not to include  
24 aircraft carriers while other nations possessed this  
25 type of ship would have meant a marked difference in

1 capacity for reconnaissance, long distance attacking  
2 potential and strength in anti-aircraft defense. With  
3 the development of aircraft, a fleet without aircraft  
4 carriers lost its raison d'etre. It was therefore  
5 advantageous, especially in the case of Japan, to main-  
6 tain this carrier strength of the Fleet at a point  
7 where it could fully hold its own against those of  
8 opponent nations, and thereby to serve the purpose of  
9 national defense.

10 "Aircraft carriers could be utilized to ad-  
11 vantage in the aerial defense of the home land since  
12 it is surrounded on all sides by water. Especially  
13 is this true since there was the danger of attack by  
14 enemy carrier-borne planes. In such an event our  
15 carriers could be used to attack the enemy carriers  
16 before they entered the radius for bombing of the  
17 Japanese mainland, thus providing us with adequate  
18 defense against air attack. In view of the compara-  
19 tive facility of movement and concentration, even in  
20 the event of bad weather, there were many favorable  
21 arguments in favor of aircraft carriers in the naval  
22 defense of the narrow territory of Japan.

23 "It was for this very reason that Vice-Ad-  
24 miral Kanji KATO, the Senior Japanese Technical  
25 Committee member to the 1922 Washington Disarmament

1 Conference, advocated the necessity of Japan having  
2 the same number of aircraft carriers as the United  
3 States and Britain, for defensive purposes.

4 "Further, it may be clearly seen from the  
5 nature and capacity of the Japanese carriers that they  
6 were constructed for defensive purposes and not for  
7 offensive. Moreover, to utilize carriers for offen-  
8 sive warfare it is necessary to have various types of  
9 attending warships; but the Japanese Navy did not have  
10 them.

11 "The number of Japanese aircraft carriers on  
12 December 7, 1941, including temporarily converted  
13 merchantmen, was ten with displacement of some 152,970  
14 tons. Included in this number were the slow-moving  
15 converted merchant ship "Kasuga Maru," the out-dated,  
16 overaged small carrier the "Hosho," which was used  
17 only for training purposes, the small carriers "Ryujo"  
18 and "Zuiho," which could carry only a limited number  
19 of small aircraft. Consequently, the number of air-  
20 craft carriers which could be utilized for fleet ac-  
21 tion was six. Moreover, the cruising radii of these  
22 first line carriers were far shorter than those of  
23 United States naval ships. Evidence of this fact may  
24 be seen in the extraordinary refueling problems that  
25 later confronted the Navy in its preparations for the

1 Pearl Harbor attack."

2 THE PRESIDENT: Counselor SHIMANOUCHI.

3 MR. SHIMANOUCHI: I would like to ask ques-  
4 tions on behalf of the defendant OSHIMA.

5 THE PRESIDENT: Further examination, isn't  
6 it?

7 MR. SHIMANOUCHI: Further direct, your Honor.

8 DIRECT EXAMINATION (Continued)

9 BY MR. SHIMANOUCHI:

10 Q During the period you were the Vice Chief of  
11 the Naval General Staff, that is, from October, 1939,  
12 until September, 1941, did Ambassador OSHIMA in Berlin  
13 ever contact the Navy in Tokyo directly?  
14

15 A No.

16 Q While you were the Vice Chief of the Naval  
17 General Staff did the Naval General Staff ever inform  
18 OSHIMA of their operational plans?

19 A No.

20 Q You said in your affidavit, at paragraph  
21 numbered 5, the following:

22 "It was immediately after the outbreak of  
23 World War II in Europe that I was appointed Vice-  
24 Chief of the Naval General Staff. In our country it  
25 was a time when we were worrying over means of prevent-  
ing the war from spreading outside Europe."

1           But according to prosecution exhibit 509,  
2 that is, the memorandum by Knoll, dated May 25, 1939,  
3 it states as follows: Ambassador OSHIWA stated that  
4 he believed that the Japanese were prepared to move  
5 their Navy to the south of East Asia, that is, to  
6 Hong Kong; and it further states that OSHIMA himself  
7 telegraphed this proposal.

8           Were preparations completed for the Japanese  
9 Navy to move to the south in East Asia, especially to  
10 Hong Kong, around September, 1939?

11           A    The Japanese Navy had no such preparations.

12           Q    Had the Japanese Navy any concrete plans for  
13 military advance in September, 1939 -- such a military  
14 advance?

15           A    No.

16           Q    Has Ambassador OSHIMA ever submitted this  
17 proposal to the Japanese Navy?  
18

19           A    I have never heard nor seen it.

20           Q    Did the Japanese Navy have any concrete plans  
21 or concrete preparations for the occupation of Hong  
22 Kong between February and April, 1941?

23           A    Studies with regard to war against England  
24 were being made, but there were no preparations or  
25 plans.

          Q    Were there any concrete plans at that time



1 with regard to the occupation of the Phillipines?

2 A At that time, no.

3 Q In prosecution exhibit 576, which is a tele-  
4 gram sent by Ambassador Ott to the Reichs Foreign  
5 Minister in March, 1941, it states as follows:

6 "Then inquiry was made of the Naval General  
7 Staff representative KONDO, it was learned that strong  
8 preparations were underway for an attack on Singapore,  
9 and that preparations would probably be completed by  
10 the end of May."

11 Have you any familiarity with this?

12 A Yes.  
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1 Q Then will you please so state. Explain it.

2 A I have never received any formal con-  
3 sultation. I think it was the end of February or  
4 possibly the first part of March that I attended a  
5 luncheon given by the German Naval Attache in Tokyo,  
6 Admiral Wennaker, and I think Ambassador Ott was  
7 also present.

8 Q That was 1941?

9 A Yes. Following the luncheon, conversation  
10 took place with regard to Singapore and I was asked  
11 with regard to the possibility of a Japanese attack  
12 on Singapore. At that time I replied that if it  
13 were an order from the Imperial General Headquarters  
14 as far as the navy was concerned it could do it.

15 THE PRESIDENT: Mr. Tavenner.

16 MR. TAVENNER: If the Tribunal please, it  
17 appears to the prosecution that the rules of the  
18 Court are being evaded in the method of examining  
19 this witness. This apparently is a major examina-  
20 tion which should have been by affidavit form.

21 THE PRESIDENT: It is a very extensive  
22 examination in chief, undoubtedly.

23 MR. TAVENNER: So the suggestion is made  
24 that if the testimony of this witness is desired  
25

1 on a new matter, that it be reduced to affidavit  
2 form and be presented in the usual way to the  
3 Tribunal.

4 THE PRESIDENT: It may not be worth while.  
5 He may have only a few more questions to ask.

6 MR. SHIMANOUCHI: May I reply, sir?

7 According to this exhibit it is claimed  
8 that in a talk between OSHIMA and Ribbentrop that  
9 OSHIMA had said that Japan's preparations for an  
10 attack on Singapore would probably be completed by  
11 the end of May. Now, with respect to the telegram  
12 sent by Ott, this witness says that he is familiar  
13 with what was said, and therefore I feel that this  
14 question also involves Ambassador OSHIMA.

15 Furthermore, the second reason is that this  
16 witness himself states in his affidavit that Japan  
17 was worrying over various means to prevent the war  
18 from spreading outside of Europe. However, the  
19 prosecution exhibits show the contrary, and there-  
20 fore I am asking these questions to clear the matter  
21 up.  
22

23 THE PRESIDENT: Have you many more questions  
24 to ask?

25 MR. SHIMANOUCHI: About four or five, your  
Honor.

1 Q Will you continue, Mr. Witness?

2 A At that time in the course of the con-  
3 versation on this matter, I replied that an attack  
4 on Singapore would be an operation against Britain  
5 and in the light of the situation then existing,  
6 operations against Britain would also mean operations  
7 against the United States; that at that time Japan  
8 must devote her full powers to the settlement of the  
9 China Incident; and that therefore for that reason any  
10 trouble with any third power must be avoided and  
11 that therefore questions of this nature required  
12 the most serious consideration.

13 Q Did the Japanese Navy, around February or  
14 March 1941, have any concrete preparations for an  
15 attack on Singapore?  
16

17 A No.

18 Q What position did you hold after October  
19 1941?

20 A I was appointed Commander in Chief of the  
21 Second Fleet.

22 Q What were the duties of the Second Fleet?

23 A It was undergoing fleet training under the  
24 command of the Commander in Chief of the Combined  
25 Fleet.

THE PRESIDENT: Mr. Tavenner.

1  
2 MR. TAVENNER: If it please the Tribunal,  
3 the examination is apparently now going into another  
4 matter, and I would like to renew my objection.

5 MR. SHIMANOUCI: May I speak?

6 This relates to an attack on Singapore and  
7 Hong Kong. I have only two questions more to ask.

8 THE PRESIDENT: Put them.

9 Q Did this fleet participate in the Malayan,  
10 Philippines, and Dutch East Indies operations?

11 A Yes.

12 Q With regard to the formulation of the plans  
13 for operations in Malaya, the Philippines, the  
14 Netherlands East Indies, Singapore and Hong Kong,  
15 were there any suggestions from Germany or from  
16 OSHIMA?

17 A We received no suggestions whatsoever.

18 MR. SHIMANOUCI: Thank you. This con-  
19 cludes my examination.  
20

21 THE PRESIDENT: Mr. Comyns Carr.  
22  
23  
24  
25

## 1 CROSS-EXAMINATION

2 BY MR. COMYNS CARR:

3 Q Admiral KONDO, you, as I understand, became  
4 First Division Chief of the Naval General Staff in  
5 December 1935?

6 A Yes, that is so.

7 Q Where had you been immediately before that?

8 A I was Chief of Staff of the Combined Fleet.

9 Q In December 1935, as you say in paragraph 4,  
10 the London Naval Disarmament Conference was going on  
11 and you say that Japan was putting forward proposals  
12 of a nonaggressive and nonmenacing character. Now,  
13 was not the truth that the Japanese navy had long been  
14 anxious to be entirely freed from restrictions on its  
15 shipbuilding program?  
1617 A That is not so. As a matter of fact the  
18 Japanese navy had desired from its very heart, in view  
19 of Japan's national strength, to see the realization  
20 of naval disarmament -- of naval disarmament treaty.21 Q If the accused SHIGEMITSU said on the 21st  
22 of August 1935, as Vice Foreign Minister, that the navy  
23 thought it advantageous for Japan to be unrestricted by  
24 armament treaties and was very emotional about it, was  
25 he wrong?

A With regard to that I think it was this: that

1 because Japan's very fair and just proposal was not  
2 accepted by the other naval powers some balance must  
3 be maintained in the light of the weakness of Japanese  
4 national strength by emphasizing certain character-  
5 istics of the navy.

6 Q But that is hardly an answer to my question.  
7 I was asking you whether it was true to say in August  
8 1935, six months before the conference broke down,  
9 that the Japanese navy wanted to be unrestricted by  
10 armament treaties with foreign nations?

11 A That is not a fact.

12 Q If he went on to say that the navy's proposal  
13 should be wrapped up in a pretty cloth so as to avoid  
14 trouble with other nations, isn't that exactly what  
15 was done?  
16

17 MR. BRANNON: If the Tribunal please, that  
18 question is highly objectionable, calling for an  
19 opinion from this witness on a broad general matter  
20 that certainly invades the province of the Tribunal.

21 MR. COMYNS CARR: I am sorry, your Honor;  
22 this is not working. I could not hear.

23 THE PRESIDENT: Objection is overruled.

24 A I do not understand the point of the question.

25 THE PRESIDENT: He knows, I understand, who  
said these things or who is alleged to have said them

1 and the occasion on which they were said. He should  
2 know that.

3 MR. COMYNS CARR: If your Honor pleases.

4 THE PRESIDENT: They are in direct contra-  
5 diction of his affidavit and he can reasonably be  
6 asked to reconcile them if he can.

7 Q The accused SHIGEMITSU, I suggest, is alleged  
8 to have said this to a certain Baron HARADA on the 21st  
9 of August 1935. What I am asking you is whether that  
10 is not a correct description of the way in which  
11 these proposals were formulated and put forward by  
12 Japan at the Naval Conference?

13 A The disarmament proposal put forth by the  
14 Japanese navy was regarded by it as a very just and  
15 fair proposal and because of that the Japanese navy  
16 desired from its very heart that this proposal would  
17 be accepted.

18 Q I am suggesting the exact contrary: that  
19 you knew it was a proposal which the other countries  
20 would never accept if they were in their sane minds  
21 and that it was put forward in order that the confer-  
22 ence might break down and you might be free of re-  
23 strictions?  
24

25 THE PRESIDENT: Mr. Brannon.

MR. BRANNON: That is objected to as not



1 being a question at all, purely argumentative, and  
2 tending to invite comment from this witness. It is  
3 not at all relevant to any material issue in the case.  
4 He has already answered that the basic statement of  
5 the accused put to him by the prosecutor was not  
6 correct; therefore any questions that would follow  
7 would be quite improper and purely argumentative.

8 THE PRESIDENT: Mr. Carr, do you wish to say  
9 anything?

10 MR. COMYNS CARR: No, your Honor.

11 THE PRESIDENT: I am inclined to think it  
12 is argumentative, Mr. Carr, in view of his earlier  
13 answers.

14 I understand my colleagues, or some of them,  
15 take the view that it is not argumentative so I would  
16 expect you to support your question. There is always  
17 scope for difference of opinion in these matters,  
18 Mr. Carr.

19 MR. COMYNS CARR: Your Honor, the reason why  
20 I put it, supplementing the previous one, was that the  
21 witness had at first said that he did not understand the  
22 meaning of the remark attributed to the accused SHIGE-  
23 MITSU, and I thought it desirable to make quite plain  
24 the meaning I was putting to him.  
25

THE PRESIDENT: You are always at liberty to:

1 make yourself plainer if you think you are not  
2 clearly understood, so proceed.

3 Q Will you answer, please?

4 A The Japanese navy did not act with the ideas  
5 or intentions such as just now described by the  
6 prosecutor.

7 Q Did you know that as early as September 1934  
8 the Prime Minister OKADA and the Foreign Secretary,  
9 the accused HIROTA, had declared that the Washington  
10 Treaty was going to be abrogated even if the other  
11 nations agreed to Japan's proposal?

12 A Yes.

13 Q Now, was it not the prevailing view in the  
14 Japanese navy in October 1935 that whereas the army  
15 wanted to fight the Russians, the navy wanted to fight  
16 the United States?

17 A Such a fact does not exist, or has not existed.

18 Q And had not that view been frequently put  
19 forward in Japanese circles by the navy ever since 1933?  
20

21 A I have no such recollection.

22 THE PRESIDENT: We will adjourn now until  
23 half-past one.

24 (Whereupon, at 1200, a recess was  
25 taken.)

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## AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at  
4 1330.

5 MARSHAL OF THE COURT: The International  
6 Military Tribunal for the Far East is now resumed.

- - -

7  
8 N O B U T A K E K O N L O resumed the stand and  
9 testified through Japanese interpreters as  
10 follows:

## CROSS-EXAMINATION

11 THE PRESIDENT: Mr. Comyns Carr.

12  
13 BY MR. COMYNS CARR (Continued):

14 Q Admiral KONLO, let me put to you more  
15 specifically the matter I was asking you about just  
16 before the adjournment.

17 If SHIGEMITSU said, on the 6th of October,  
18 1933, that the navy wanted to attack the United States  
19 in 1936, would he have been expressing the prevailing  
20 opinion of the navy at that time?

21 A There was no such opinion in the navy.

22 Q Then if Finance Minister TAKAHASHI said the  
23 same thing on the 11th of the same month, would he  
24 have been wrong also?

25 A My reply to that is the same as my reply to

the previous question.

1 Q Now, if SHIGEMITSU said, on the 15th of the  
2 same month, that the navy did not mind abrogating  
3 the Washington Treaty and was prepared to sever dip-  
4 lomatic relations with America and Britain if its  
5 demand were denied, would he have been correctly  
6 representing the attitude of the navy on that point  
7 at that time?  
8

9 A That does not reflect naval opinion.

10 Q If Finance Minister TAKAHASHI said on the  
11 25th of November, 1933, that the navy was proposing  
12 to increase its armament in breach of the treaty and  
13 before it expired and that he, TAKAHASHI, would not  
14 accept a budget on that basis, did that correctly  
15 represent the desire of the navy?

16 A At that time I was not related with such  
17 matters and, therefore, I cannot speak with any  
18 accuracy, but I do not think that such an opinion  
19 prevailed then in the navy.

20 Q Were any of the opinions which I have been  
21 putting to you widely held by influential sections  
22 in the navy?

23 A Such opinions did not prevail.

24 Q Now, do you agree that Japan had only one  
25 ocean in which to defend herself, from a naval point

1 of view?

2 A Yes, generally.

3 Q Do you agree that the United States had two  
4 oceans in which to defend herself from a naval point  
5 of view?

6 A Yes, I agree.

7 Q Do you agree that the British Commonwealth  
8 of Nations had to defend themselves in every ocean  
9 as well as the Mediterranean Sea, from a naval point  
10 of view?

11 A Yes. However, we must take into consideration  
12 the mobility of the navy, the very great mobility of  
13 the navy.

14 Q Under those circumstances, how could you  
15 expect that those nations would accept the Japanese  
16 proposal of a common upper limit for all navies?

17 A The Japanese navy recognizes that, depending  
18 on the national circumstances, every nation has its  
19 vulnerability; and, therefore, the Japanese proposal  
20 recognizes some amount of flexibility in its proposal  
21 for a common upper limit.

22 Q Was not the truth that you did not expect  
23 them to accept it?  
24

25 A We had expected from our hearts that it would  
be accepted.

1 Q Was not the truth that you put forward the  
2 proposal in order that the conference might fail and  
3 you might be freed from restrictions?

4 A That is not so.

5 Q Now, in paragraph 4 of your affidavit, the  
6 first paragraph on page 4, you say that as a result  
7 of the failure the third supplementary program was  
8 drafted. When was that?

9 A That was 1937.

10 Q You say it was not drafted until 1937?

11 A Yes.

12 Q I see you say in it that it included two  
13 aircraft carriers.

14 A Yes.

15 Q That means two additional ones, of course.

16 A Yes.

17 Q How many had you at that time? Let me put  
18 the figures to you from exhibit 916. I suggest you  
19 had seven in commission and one under construction.

20 A I do not think I have mentioned that in my  
21 affidavit.

22 Q But we know it from Japanese official docu-  
23 ment that that was the fact. That was so, wasn't it?

24 A I do not remember this clearly.

25 Q Assuming that those were what you had at

1 ' that time and the program called for two more, that  
2 would make ten in all?

3 A I think that included substitute vessels;  
4 the building or construction of substitute vessels.

5 Q How many do you say it would make?

6 A I have no accurate recollection.

7 Q Now, what I want to ask you is this: In May,  
8 1936, did the Naval General Staff put forward a pro-  
9 posal for fourteen aircraft carriers?

10 A I do not recall that.

11 Q Now, you were Vice-Chief of Naval Staff at  
12 this time, and NAGANO was the Navy Minister, wasn't he?

13 A The Naval Minister was not Fleet Admiral  
14 NAGANO.

15 Q In June, 1936, I suggest to you that Fleet  
16 Admiral NAGANO was the Navy Minister.

17 A I do not -- that date is not -- I do not  
18 recall that date.

19 Q Well, it does not matter whether you recall  
20 it. If he said this on the 17th of June, 1936, and  
21 on many previous occasions about that time, that the  
22 army wanted to conduct an offensive to the limit  
23 against Russia, while the navy wanted to dupe Britain  
24 and the United States and to go against them, would  
25 he have been right?

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A That is not a fact.

Q Even if I tell you that he added that he, personally, did not agree with that view?

A That I do not know -- I would not know.



1 Q Well, now, just one or two questions about  
2 the later part of your affidavit.

3 On page 7 you say that toward the end of  
4 1940 the international situation took a sudden turn  
5 for the worse; and you mention certain actions of the  
6 United States and of the British Commonwealth as  
7 evidence of that. Did it occur to you that the real  
8 cause of the sudden turn for the worse was Japan's  
9 entering into the Tripartite Pact?

10 A I should think that would be one of the  
11 causes.

12 Q And the cause of all the others, wasn't it?

13 A The fact that Japan was economically shut  
14 off by the United States, Britain, and the Netherlands  
15 East Indies and economic pressure was brought to bear  
16 against her was also one of the causes.

17 Q Did it occur to you that the entry of Japan  
18 into Northern French Indo-China was one of the causes?

19 A That may be so if viewed objectively, but  
20 Japan's advance into Northern French Indo-China was  
21 a step used in order to bring about a speedy settle-  
22 ment of the China Incident.

23 Q By a speedy settlement of the China Incident  
24 you mean, do you not, the speedy defeat of Chiang  
25 Kai-shek?

1           A    Yes.

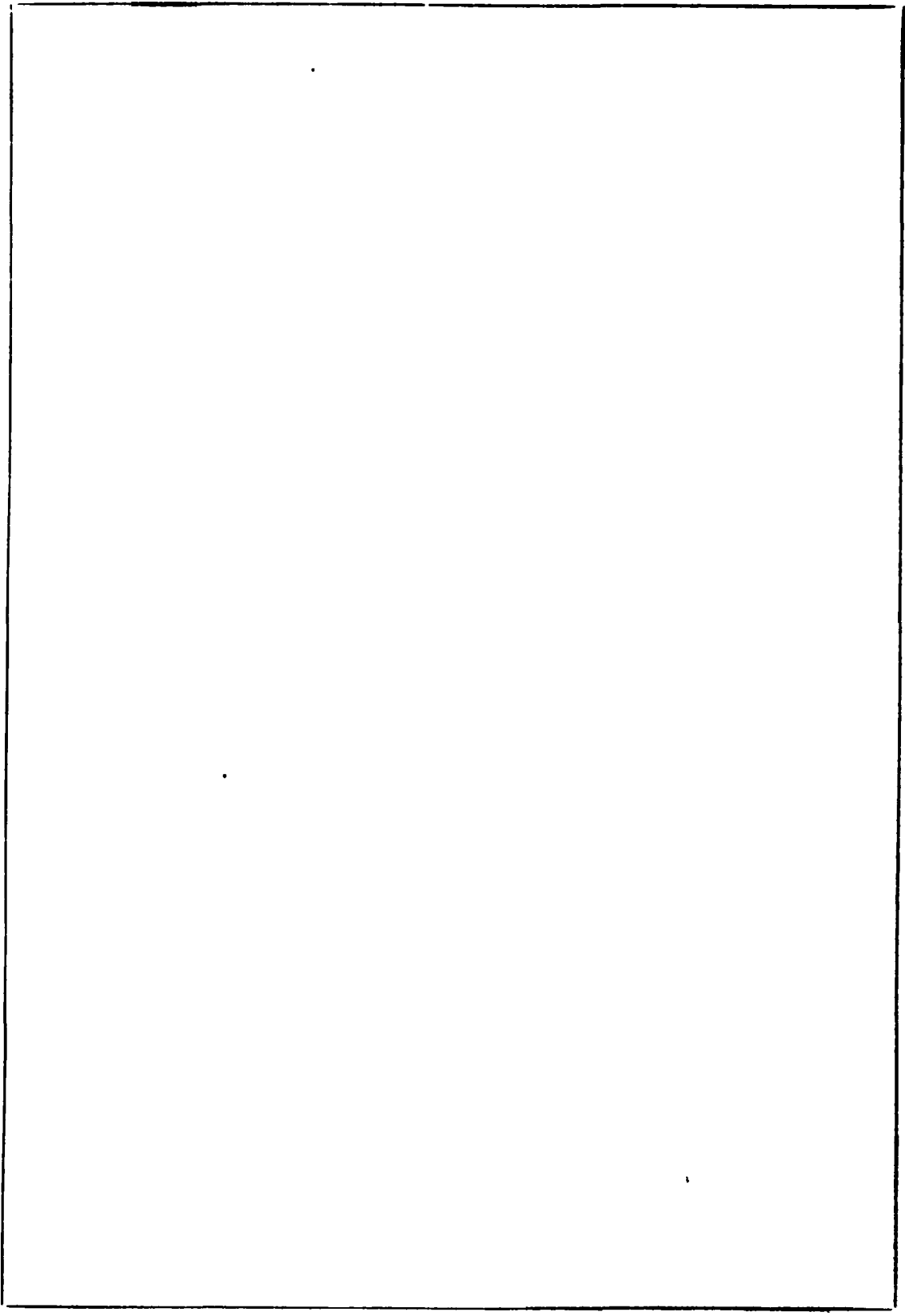
2           Q    Now you go on to say, at the bottom of the  
3 same page, that the naval general staff realized it  
4 had to do something about naval armaments in view of  
5 the great naval expansion of the United States. Did  
6 you realize that the United States had to prepare for  
7 the possibility of war with Germany and Italy as well  
8 as the possibility of war with Japan?

9           A    It is not clear whether the United States  
10 was then making war preparations against Japan, but  
11 it was clear that the United States was actively  
12 engaged in the expansion of its armaments, that it was  
13 holding national defense conferences with various  
14 powers, that it was reinforcing and preparing defenses  
15 and fortifications in the Pacific area and building  
16 airfields at various points in the Pacific area.

17          Q    But what I wanted to get, to understand from  
18 you is this: Why, if you did so, should you assume  
19 that any naval building by the United States was  
20 directed against Japan only?

21          A    That was the judgment we made because from  
22 even before that time the United States placed an  
23 embargo on exports to Japan and not only that -- not on-  
24 ly banned exports to Japan but took such unfriendly --  
25 that the United States was taking such steps as an

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1 examination?

2 Major Furness.

3 MR. FURNESS: I wish to ask a question on  
4 behalf of the defendant SHIGEMITSU.

5 THE PRESIDENT: Major Furness, this is  
6 further examination in chief, is it, or is it cross-  
7 examination because SHIGEMITSU was mentioned?

8 MR. FURNESS: I don't care whether it is  
9 cross-examination or redirect, your Honor.

10 THE PRESIDENT: It makes a lot of difference.  
11 I have to watch the form of the question. You have  
12 more liberty in cross-examination than you have in  
13 redirect examination.

14 EXAMINATION

15 BY MR. FURNESS:

16 Q Admiral KONDO, do you remember prior to the  
17 London Disarmament Conference of 1936 and 1937 having  
18 a conversation with the defendant SHIGEMITSU?

19 A I did not engage in any personal conversa-  
20 tion or discussion, but we met at conferences frequently.

21 Q At one of those conferences did he express  
22 an opinion as to whether or not any reasonable formula  
23 submitted by other powers at that conference should be  
24 accepted?

25 A I recall that he did advance such a thesis.

1 MR. FURNESS: Now, I want to ask the  
2 prosecution whether or not the evidence which they  
3 say will come from a certain Baron HARADA will be  
4 made available to the defense. I know that Baron  
5 HARADA has been dead for some time, and the only  
6 evidence which they have must be some writing. I  
7 call attention to the statement by Mr. Comyns Carr  
8 in which he said that the accused SHIGEMITSU, I sug-  
9 gest, is alleged to have said this to a certain  
10 Baron HARADA on the 21st of August, 1935.  
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1 MR. COMYNS CARR: I don't quite understand  
2 the question, your Honor. Obviously, if and when  
3 it is tendered it will be available to the defense  
4 like any other evidence.

5 THE PRESIDENT: We expect it to be tendered  
6 in accordance with the rules and nothing more.

7 MR. FURNESS: I would like to call attention  
8 to the fact that this differs somewhat from previous  
9 cross-examinations by Mr. Comyns Carr in that he  
10 mentioned it in his questioning of this witness, whether  
11 inadvertently or not, I don't know.

12 THE PRESIDENT: At my suggestion as a matter  
13 of fairness.

14 MR. FURNESS: I didn't hear your Honor say  
15 when it would be tendered.

16 THE PRESIDENT: I shouldn't have to tell you  
17 that if it is tendered it will be tendered in rebuttal.

18 Mr. Brannon.

19 MR. BRANNON: I have only one question to ask  
20 the witness on redirect.

21 REDIRECT EXAMINATION

22 BY MR. BRANNON:

23 Q You were asked by the prosecution as follows:  
24 "Did you know that as early as September, 1934, that  
25 Prime Minister OKADA and the Foreign Secretary, the

1 accused HIROTA, had declared that the Washington  
2 Treaty was going to be abrogated even if the other  
3 nations agreed to Japan's proposal?" Your answer  
4 to that question was "Yes."

5 I will ask you now if you fully understood  
6 the question as translated and whether your answer  
7 was correct?

8 THE PRESIDENT: You cannot get him to give  
9 another answer that way in re-examination. As I have  
10 said repeatedly, and as we all know, you can clear up  
11 things that are left obscure by the cross-examination.  
12 But, nothing has been left obscure by the cross-  
13 examination. If something that Mr. Carr said was  
14 wrongly translated into Japanese and the witness was  
15 given to this wrong translation, then we can have it  
16 corrected now, but there is a way of doing that.

17 MR. BRANNON: I was merely informed that the  
18 question was misunderstood by the witness and that he  
19 wished to correct his answer, and I was only doing it  
20 for the purpose of informing the Tribunal as to the  
21 correct set of facts.

22 THE PRESIDENT: That is not within the scope of  
23 re-examination, but it would be possible for this Court,  
24 not being bound by any technical rules, to allow another  
25 set of questions. But, it would be a very dangerous

1 precedent.

2 MR. BRANNON: I have no desire to press  
3 the matter.

4 MR. HANAI: I am counsel HANAI. I wish to  
5 conduct cross-examination on behalf of the accused  
6 HIROTA.

7 THE PRESIDENT: It is too late. It would infer  
8 re-examination. You should have followed Mr. Comyns  
9 Carr or Major Furness, who, if he did anything, cross-  
10 examined, although apparently nothing prejudicial to  
11 his client was said by the witness. You can only ask  
12 questions now with the expressed permission of the  
13 Court, and, as I said before, that would be a dangerous  
14 precedent. You have got to be vigilant in the conduct  
15 of your client's case.

16 MR. HANAI: It will be only a very brief  
17 cross-examination, your Honor. May I have the Tribunal's  
18 permission?

19 THE PRESIDENT: I think a majority are pre-  
20 pared to hear you. Proceed to put your questions.

21 CROSS-EXAMINATION

22 BY MR. HANAI:

23 Q Now, in answer to a question put to you by  
24 the prosecutor if you knew whether or not HIROTA and  
25 OKADA declared that Japan was prepared to withdraw from



1 precedent.

2 MR. BRANNON: I have no desire to press  
3 the matter.

4 MR. HANAI: I am counsel HANAI. I wish to  
5 conduct cross-examination on behalf of the accused  
6 HIROTA.

7 THE PRESIDENT: It is too late. It would infer  
8 re-examination. You should have followed Mr. Comyns  
9 Carr or Major Furness, who, if he did anything, cross-  
10 examined, although apparently nothing prejudicial to  
11 his client was said by the witness. You can only ask  
12 questions now with the expressed permission of the  
13 Court, and, as I said before, that would be a dangerous  
14 precedent. You have got to be vigilant in the conduct  
15 of your client's case.

16 MR. HANAI: It will be only a very brief  
17 cross-examination, your Honor. May I have the Tribunal's  
18 permission?

19 THE PRESIDENT: I think a majority are pre-  
20 pared to hear you. Proceed to put your questions.

21 CROSS-EXAMINATION

22 BY MR. HANAI:

23 Q Now, in answer to a question put to you by  
24 the prosecutor if you knew whether or not HIROTA and  
25 OKADA declared that Japan was prepared to withdraw from

1 the London Naval Conference even if Japan's proposal  
2 had been accepted by the other powers and to that  
3 question you replied that you knew --

4 THE PRESIDENT: Mr. Comyns Carr.

5 MR. COMYNS CARR: That wasn't the question  
6 that was put. The suggestion was not that they were  
7 prepared to withdraw from the London Naval Conference,  
8 but that they intended to withdraw from the Washington  
9 Naval Treaty -- to "abrogate", was the word, the  
10 Washington Naval Treaty.

11 A I shall reply. With regard to that point, I  
12 should like to make a very important correction. I  
13 misunderstood the question. I said that I knew on the  
14 impression that the statement was made at the time the  
15 Washington Treaty, the declaration for the abrogation  
16 of the Washington Treaty, was announced. With respect  
17 to anything that took place before that time, I have  
18 no recollection.

19 Q Then, does your answer mean that previous to  
20 the London Naval Conference, OKADA and HIROTA did not  
21 say any such thing?

22 THE MONITOR: Not "London", just "Conference";  
23 prior to the Conference.

24 A That is so.

25 MR. HANAI: That is all.

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1 THE PRESIDENT: Mr. Comyns Carr.

2 MR. COMYNS CARR: Your Honor, I was not in  
3 time to object to that question and answer, but  
4 obviously, in my submission, the most the witness  
5 could possibly say was that he wasn't aware of it.

6 THE PRESIDENT: That view is shared by the  
7 Bench.

8 Mr. Roberts.

9 MR. ROBERTS: With respect to that, I think  
10 the question asked by Mr. Brannon was not translated  
11 in Japanese. I think the objection was made before the  
12 translation. I am not sure about that.

13 May this witness be excused on the regular  
14 terms?

15 THE PRESIDENT: He is excused on the usual  
16 terms.

17 (Whereupon, the witness was excused.)

18 - - -

19 MR. ROBERTS: We next call the witness Tatsu-  
20 kichi MIYO.  
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22  
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1 T A T S U K I C H I M I Y O, called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. ROBERTS:

7 Q Please state your name and address.

8 A My name is MIYO, Tatsukichi. My address is  
9 No. 36 Taira-Machi, Meguro-ku, Tokyo.

10 MR. ROBERTS: May the witness be shown defense  
11 document No. 1976?

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

14 Q Please examine this document and tell us whether  
15 or not it is your sworn affidavit.

16 A This is my affidavit.

17 I should like to make one or two corrections.  
18 I wish to make a correction in numbered paragraph 13,  
19 toward the end. It is stated in my affidavit -- the  
20 following words are found in my affidavit after  
21 "December 3rd" should be corrected.

22 THE MONITOR: Slight correction: The English  
23 is correctly translated. The Japanese copy has the  
24 mistake in it. Where it says "December 3" on page ten,  
25 the end of the first paragraph, "December 3", that in

1 Japanese has "December 6." The witness asked for a  
2 correction on that.  
3 Q Any further corrections?  
4 A That is all.  
5 Q Is the affidavit now true and correct?  
6 A Yes.  
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1 MR. ROBERTS: We offer in evidence defense  
2 document No. 1976.

3 THE PRESIDENT: Mr. Tavenner.

4 MR. TAVENNER: If the Tribunal please, your  
5 attention is called to page 2, paragraph numbered 3,  
6 and especially the last sentence in that paragraph.  
7 Objection is made on the ground that it contains  
8 statements of opinions and conclusion, which should  
9 be rejected. That pertains only to the one paragraph  
10 under item 3.

11 I now refer to page 4, at the top of the  
12 page, the paragraph beginning near the top of the page,  
13 the paragraph beginning with the words, "If it was  
14 taken," and the succeeding paragraph beginning with  
15 the words, "Against this line of thought," constitutes  
16 a statement of different situations or hypothetical  
17 problems that could have arisen in connection with the  
18 strategical planning of the attack on Pearl Harbor.

19 These two paragraphs, we contend, should be  
20 rejected in that they are not directed to any issues  
21 in the case.  
22

23 In addition, an effort is made in the second  
24 line of the second paragraph to assert a conclusion  
25 which is objectionable, for that additional reason,  
relating to the mandated islands.

1 THE PRESIDENT: Where is that, Mr. Tavenner?

2 MR. TAVENNER: The second line of the second  
3 paragraph that was just referred to. The paragraph  
4 begins, "Against this line of thought." The language --  
5 I believe the paragraph is marked 6. It was indistinct  
6 on my copy. On page 4 --

7 THE PRESIDENT: It is open to these people  
8 to tell us what opinions the Japanese Navy actually  
9 entertained, in other words, what actuated them in  
10 doing what they did. It would not be usurping our  
11 functions to tell us what the Japanese Navy thought  
12 as a matter of fact and why they acted as they did.  
13 Is he doing more than that in this affidavit?

14 MR. TAVENNER: My main objection to these two  
15 paragraphs was not on the basis of conclusions or  
16 opinion. However, I do think it is to this particular  
17 point he does attempt to assert as a fact a conclusion  
18 which he has reached. This is something more than  
19 just a mere statement of what they relied upon. This  
20 is a statement of fact or a conclusion relating to a  
21 matter that is peculiarly within their knowledge, that  
22 is, within the knowledge possibly of certain other  
23 persons but not of the person that is speaking here.

24 My main objection to these two paragraphs is  
25 the fact that they relate to matters that generally --



1 which go into the detail of problems with which they  
2 were confronted in the strategic planning of the  
3 attack on Pearl Harbor.

4 I desire to call the Tribunal's attention to  
5 the last paragraph beginning on page 9 and extending  
6 down to item 14 on page 10. Here certain fleet  
7 orders are referred to which are already in evidence  
8 and an effort is made to construe the meaning of  
9 those fleet orders. It is argumentative and, we think,  
10 should be objected to.

11 Then, I desire to call the attention of the  
12 Tribunal to the paragraph numbered 16 on page 11,  
13 referring to the possibility of discovery by the  
14 United States, all of which is immaterial to any  
15 issue, and the last paragraph consisting of four lines  
16 is objected to as stating a conclusion.

17 THE PRESIDENT: Well, we do not want to hear  
18 Mr. Roberts.

19 We are all of an opinion that these objec-  
20 tions are, to say the least, very, very technical and  
21 we should not entertain them.

22 The objections are overruled and the document  
23 admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 1976  
25 will receive defense exhibit No. 3007.

(Whereupon, the document above  
1 referred to was marked defense exhibit  
2 No. 3007 and received in evidence.)

3 MR. ROBERTS: I read exhibit 3007:

4 "My name is Tatsukichi MIYO and I was former-  
5 ly a captain in the Japanese Navy. I served in Section  
6 One (Operations Section) of the Naval General Staff  
7 from 1 November 1939 until 27 December 1942. At that  
8 time I held the rank of Commander. During this period  
9 of service I was placed in charge of air operations  
10 and took part in the planning of the Pearl Harbor  
11 Operation as well as other operations in the Pacific  
12 War. My assignment involved coordinating work between  
13 the General Staff and the Combined Fleet.  
14

15 "1. The Pearl Harbor Attack was decided upon  
16 only a short time before the outbreak of war. A study  
17 of the circumstances related to the planning and pre-  
18 paration thereof will reveal when it was originated.

19 "2. Around may 1941, the Headquarters of the  
20 Combined Fleet submitted to the General Staff a plan of  
21 operations to cope with the possibility of our being  
22 drawn into a war with the United States. This plan  
23 was based upon the assumption that the United States  
24 Fleets would be anchored at Hawaii and that our fleet  
25 could deal an initial blow against it through the medium

1 of an air raid by carrier borne planes. This whole  
2 idea was a radical departure from the plans of naval  
3 defense hitherto designed by the Naval General Staff.  
4 Since it was a venturesome plan, the Naval General  
5 Staff viewed it with great scepticism and little  
6 interest.

7 "Among some of the grounds that made the  
8 project appear definitely impractical was the fact  
9 that our air strength was not adequate; the degree of  
10 secrecy for such an operation would be difficult to  
11 maintain; the fact that the United States Fleet might  
12 not be in Pearl Harbor at the time designated for the  
13 attack, and the difficulty in securing proper intelli-  
14 gence for the execution of such operation. In addition  
15 to these, at that time both the Army and Navy Supreme  
16 Headquarters were in complete accord on the opinion  
17 that the Sino-Japanese conflict must be brought to a  
18 speedy conclusion and that all other matters pertain-  
19 ing to national policies in the Southern Regions and  
20 elsewhere should be left to the diplomatic represent-  
21 atives of our government for solution.

22 "Moreover, the Navy at that time felt strong-  
23 ly that war with the United States could be averted.  
24 Such being the case, as said before, the Naval General  
25 Staff considered the Pearl Harbor Attack Plan a fanciful

1 thing and did not take it seriously. In view of this  
2 opinion of the Naval General Staff, the Headquarters  
3 of the Combined Fleet, in turn, did not press the sub-  
4 ject further.

5 "3. However in July of 1941, the United  
6 States, Britain and the Netherlands took severe eco-  
7 nomic steps toward Japan with the result that the oil  
8 supply of the country was shut off. Paralleling these  
9 measures, we had had knowledge of United States, Britain  
10 and Netherlands war preparations designated against  
11 Japan. And the conception of matters at that time in  
12 the Navy was that Japan was steadily being encircled.

13 "The Navy, charged with the primary duty of  
14 national defense in the Pacific, faced a situation  
15 which could not be complacently ignored. Some time in  
16 September, and in view of the then existing conditions,  
17 my colleagues and I in the General Staff received orders  
18 from our superiors to begin making preparations for  
19 formulating potential plans of operation against the  
20 United States, Britain and the Netherlands. Approximate-  
21 ly in the early part of September, Headquarters of the  
22 Combined Fleet resubmitted an opinion of the General  
23 Staff that an air attack against the United States Fleet  
24 at Hawaii was a requisite operation in the event of  
25 war. They also notified us that this plan was

1 scheduled to be studied at one of the regular chart  
2 maneuvers of the Navy to be held some time in the  
3 middle of September with key personnel of the Fleet  
4 as the participants. Whereupon the Naval General  
5 Staff agreed that if the result of the chart maneuvers  
6 were found successful the Hawaii Operation would be  
7 taken into consideration and studied.

8 "4. After the maneuver, opinions were ex-  
9 changed between the Naval General Staff, Headquarters  
10 of the Combined Fleet and Headquarters of the First  
11 Air Force Fleet as to whether or not the plan was  
12 plausible. A recognition of serious difficulties in  
13 the execution of the plan, from a technical viewpoint,  
14 resulted from this discussion. The First Air Force  
15 Fleet, which would have to take the most active role  
16 in the attack, opposed the plan. The Naval General  
17 Staff also was opposed to it. It was then decided to  
18 make further studies of the matter. Therefore, even  
19 at this time, there was no plan acceptable by the High  
20 Command directed at attacking the United States Fleet  
21 if the Navy was called upon in the event of war."

22 THE PRESIDENT: This is a convenient break.

23 We will adjourn for fifteen minutes.

24 (Whereupon, at 1445, a recess was  
25 taken until 1500, after which the proceedings

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were resumed as follows:)

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1           MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3           THE PRESIDENT: Mr. Roberts.

4           MR. ROBERTS: (Reading) "5. The Head-  
5 quarters of the First Air Fleet later reversed their  
6 former opinion and around the latter part of Sep-  
7 tember 1941, Captain KUROSHIMA, Staff Officer of the  
8 Combined Fleet, came to the Naval General Staff and  
9 there stated the strong opinion of the Commander in  
10 Chief Admiral YAMAMOTO in favor of the plan. The  
11 effect of this opinion was that the attack against  
12 Pearl Harbor was the only hope of successfully con-  
13 ducting naval operations against the United States.  
14 It was there pointed out by the General Staff that  
15 in the event of war it would be necessary for Japan  
16 to secure the main areas of the southern regions such  
17 as the Philippines, Netherlands Indies, Malaya, etc.  
18 at an early date from the standpoint of self-exis-  
19 tence and self-protection. It was recognized that  
20 in the face of the steadily increasing military and  
21 naval preparedness of the United States, Britain  
22 and the Netherlands, a Japanese attempt to secure  
23 the southern regions would be difficult of attain-  
24 ment, even if virtually all of our air strength was  
25 used in such operation.

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20 in the face of the steadily increasing military and  
21 naval preparedness of the United States, Britain  
22 and the Netherlands, a Japanese attempt to secure  
23 the southern regions would be difficult of attain-  
24 ment, even if virtually all of our air strength was  
25 used in such operation.



1 "If it was taken into consideration that  
2 our air power would have to be divided if the Hawaii  
3 Operation was to take place, a very difficult  
4 situation would arise. Furthermore, since a large  
5 portion of the Fleet would be involved in the attack  
6 on Hawaii, it was evident that a blunder at the very  
7 outset of the war would be disastrous. It was sug-  
8 gested that the unprotected Mandated Islands should  
9 be defended with what available force there was,  
10 based upon a plan that in the event the United  
11 States Fleet attacked us in the midst of our south-  
12 ern operations, the Southern Region Operation  
13 Forces could be diverted to meet it. In other  
14 words, the more advantageous use of our forces would  
15 be to concentrate the main strength in the southern  
16 region operations at the outset and to smash the  
17 bulk of the enemy's strength in that area as quickly  
18 as possible: Thereafter, to shift the greater part  
19 of our naval air strength to preparation for counter-  
20 attack operations against the United States Fleet.

21  
22 "6. Against this line of thought, the Head-  
23 quarters of the Combined Fleet maintained that since  
24 the Mandated Islands were unprotected, even if the  
25 Southern Region Operation Forces were diverted to  
meet the United States Forces in the event of an

1 invasion, it might be unavailing and the Islands  
2 would easily be occupied by American forces. If  
3 this occurred the Mandated Areas would be occupied  
4 one after another and the line of communication  
5 between Japan proper and the Southern Region areas  
6 would be severed. Therefore it was deemed vital  
7 to stop the United States Fleet before it commenced  
8 offensive operations against Japan.

9 "The execution of the Hawaii Operation  
10 Plan was so strongly advanced by Commander in Chief  
11 YAMAMOTO that he threatened to resign if it was not  
12 accepted. Therefore, in view of this set of facts  
13 as well as other arguments, the Naval General Staff  
14 was compelled to give tentative consent to complete  
15 study of the project.

16 "7. The aircraft carrier forces taking  
17 part in the Pearl Harbor Attack were formulated as  
18 follows:

19 "On September 25th the aircraft carrier  
20 ZUIKAKU was completed and commissioned and together  
21 with the aircraft carrier SHOKAKU, completed in  
22 early August, made up the Fifth Air Force Squadron.  
23 This squadron was assigned to the First Air Force  
24 Fleet. The aircraft carrier strength of the First  
25 Fleet was then as follows:

1 "First Air Force Squadron - composed of the  
2 AKAGI and KAGA.

3 "Second Air Force Squadron - composed of  
4 the SORYU and HIRYU.

5 "Fourth Air Force Squadron - composed of  
6 the RYUJO and a merchant ship which had been con-  
7 verted from the KASUGA MARU.

8 "Fifth Air Force Squadron - composed of the  
9 ZUIKAKU and SHOKAKU.

10 "The aircraft carriers of the Fourth Air  
11 Force Squadron were small ships of low speed and  
12 short radius of action. Furthermore, they were  
13 capable of carrying only a small number of old type  
14 planes and were unfit for the Hawaii Operation which  
15 more than taxed the cruising capacity of the new  
16 carriers.

17 "8. Again, the air crew personnel and air-  
18 planes on each of the above-mentioned carriers was  
19 far less than the prescribed number fixed for war  
20 time operations.

21 "The Headquarters of the Combined Fleet re-  
22 quested that the air crew personnel of the Fourth  
23 Air Squadron be diverted to fill vacancies existing  
24 in the First and Second Air Force Squadrons. They  
25 also requested that trained aviators with aircraft

1 carrier experience be supplied from the Flying Corps  
2 ashore for the Fifth Air Force Squadron, together  
3 with the request that an increase in the number of  
4 carrier borne planes to estimated war time standards  
5 be made.

6 "In order to provide trained personnel from  
7 shore flying units it was necessary to use instructor  
8 personnel of Naval Air Corps training units. This  
9 created an additional problem since the then exist-  
10 ing conditions were that, even with the number of  
11 flying instructors on hand at that time, we were  
12 lacking sufficient instructors to meet the demand of  
13 training badly needed new pilots. However, because  
14 of the insistence of the Commander in Chief this  
15 request could not be denied although the central  
16 authorities exhibited great reluctance in complying  
17 with it since it greatly affected the plan to train  
18 an increased number of air crew personnel.

19 "The air crew members mobilized through the  
20 above-mentioned measures were assembled in the middle  
21 of October. Only one month was allowed for their  
22 warming up before the date of departure from the home  
23 ports for Hawaii in the middle of November. This  
24 hurried training inevitably restricted the personnel  
25 to daylight attack tactics as well as daylight landing

1 and take-off practice from the carriers and is respon-  
2 sible for the fact that the air force units conduct-  
3 ing the attack against Pearl Harbor had to avoid  
4 night operations and take-off after daybreak.

5 "9. The question of extending the radius  
6 of action of the aircraft carriers was important.  
7 Due to the established Japanese naval policy, our  
8 warships were so constructed that their cruising  
9 ranges were limited to our own waters and were far  
10 shorter than the cruising range of warships of the  
11 United States. For that reason, three carriers -  
12 namely, the AKAGI, SORYU and HIRYU - out of the six  
13 aircraft carriers taking part in the Hawaii Opera-  
14 tion did not have sufficient radius of action.

15 "As is well known to all navigators, during  
16 the winter a strong northeasterly monsoon ranges over  
17 the Northern Pacific Ocean with accompanying rough  
18 seas. The serious problem of how to refuel our  
19 vessels under these conditions presented itself.  
20 After considerable study it was decided to carry  
21 fuel even in the double bottom of each vessel and to  
22 also load fuel drums in every available space aboard  
23 ship. By these extra loadings we felt that the Fleet  
24 could operate so as to return near the area of the  
25 160° East Longitude line, even if refueling on the

way became impossible.

1 "10. There was another problem involved  
2 in the use of aerial torpedoes. Previously, in order  
3 to secure dead accuracy in attacking warships with  
4 aircraft borne torpedoes, it was necessary not only  
5 to open fire at sufficiently close range but also to  
6 make certain that the torpedoes did not pass under  
7 the target.  
8

9 "To answer these technical requirements,  
10 research studies had been started around 1939 rela-  
11 tive to the use of aerial torpedoes against ships at  
12 sea. However, satisfactory results were not obtained  
13 until the Yokosuka Naval Air Corps and the Aero-  
14 nautical Technical Department discovered that the  
15 torpedo could be kept from submerging too deeply in  
16 the water by attaching a special balancing instru-  
17 ment. This was in September 1941.

18 "These studies had not been made with the  
19 purpose in mind of attacking Pearl Harbor. The  
20 shallow waters of that area introduced a new problem  
21 which involved the use of an aerial torpedo with  
22 even a more shallow water approach than had been  
23 studied in past experiments. Thereafter, hurried  
24 research and experiments for this purpose were com-  
25 menced early in October. The work of remodeling the

1 torpedoes and equipping them with new balancing  
2 instruments was not completed before the aircraft  
3 carriers left port to rendezvous at Hitokappu Bay.

4 "Other witnesses will testify more speci-  
5 fically as to these matters and will deal with the  
6 further hurried preparations that took place.

7 "11. The Imperial Navy, with the hope of  
8 restoring peace to the Orient as soon as possible,  
9 was exerting her efforts for the speedy settleme nt  
10 of the China Incident. With this object in view  
11 the 11th Air Force Fleet, consisting of base air  
12 force units, had been diverted for operations in  
13 China.

14 "However, when war clouds hung low over  
15 the Pacific Ocean in early September, the 11th Air  
16 Force Fleet was recalled to Japan to practice pre-  
17 paration training to cope with new problems.

18 "The operation in China conducted by the  
19 above-mentioned fleet had been mainly of bombing  
20 land targets as well as aerial combat. Therefore,  
21 in order to prepare for operations inherent to the  
22 naval air force, the personnel of the Fleet had to  
23 be trained anew in such vital tactics as the bombing  
24 of mobile vessels, torpedo attacks, scoutings and  
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1 reconnaissance, aerial navigation, night flying, etc.  
2 Such trainings were not only important but required  
3 considerable time. To acquire necessary standards,  
4 even highly experienced fliers were required to en-  
5 dure long hours of renewed rigid training.  
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1 "It took practically a whole month for the  
2 ground crew together with air base equipments to with-  
3 draw from China to home bases. On top of that, it  
4 required almost another whole month for them to com-  
5 plete various preparations for proceeding to new bases  
6 where they were to await orders for next operations.  
7 Such being the case, the period for the shore based  
8 flying units to go through a strenuous preparation  
9 training was limited to one month or so. Due to this  
10 lack of training various problems arose. The follow-  
11 ing is a striking example of it:

12 "According to the original plan of the Naval  
13 General Staff, the fighter planes assigned to the Phil-  
14 ippines operation were to take off from aircraft car-  
15 riers due to their short cruising radius of action.  
16 As a matter of fact, however, there was not sufficient  
17 time to be spared for practicing take-off from and land-  
18 ing on aircraft carriers. Therefore, in the field forces  
19 a special study and training was introduced in order to  
20 lessen the rate of fuel consumption of these fighter  
21 planes. At the same time the Fleet Headquarters mod-  
22 ified the central authorities plan so that fighter  
23 planes would load as much fuel as possible and operate  
24 directly from land bases in Formosa. In case some  
25 planes would be forced to land on the way due to lack

1 of fuel, rescue means were to be made by the Fleet.

2 "As the above fighter planes had to leave Form-  
3 osa before dawn they had to practice night flying. To  
4 meet this requirement the Air Fleet forces were forced  
5 to suspend the training of less experienced fliers and  
6 concentrate all available time and material upon the  
7 training of experienced fliers. As a result, the inex-  
8 perenced aircrew members could not fly until the sou-  
9 thern area operations reached a definite stage, while  
10 on the other hand, the experienced fliers, whose number  
11 were naturally limited, became almost exhausted in tak-  
12 ing part in continuous operations day after day.

13  
14 "12. The Navy was further unprepared for war  
15 as evidenced by the fact that the Air Base Construction  
16 Corps was not organized until the probability of war  
17 became imminent in November. The Navy Ministry did  
18 not consent to the request of the Naval General Staff  
19 regarding the draft and organization of the Construc-  
20 tion Corps until too late to properly train them.  
21 Consequently, conditions were such that this construc-  
22 tion corps boarded ship with practically no training  
23 just before the outbreak of war. They lacked necessary  
24 machinery and other equipment required for hurried con-  
25 struction of air bases and met with innumerable diffi-  
culties.

1           "13. The Chief of Naval General Staff issued  
2 an Imperial Headquarters Naval Directive Number 5, on  
3 21 November 1941. This directive has been destroyed  
4 by fire but has been reconstructed from memory and it  
5 read as follows:

6           "'The Commander-in-Chief of the Combined Fleet  
7 shall immediately recall all operating forces under its  
8 command and return home if the United States-Japanese  
9 negotiations reach an agreement.'

10           "Again, when Commander-in-Chief YAMAMOTO visit-  
11 ed Tokyo on 2 December 1941 to say words of farewell,  
12 Admiral ITO, now dead, but then Deputy Chief of Naval  
13 General Staff, told me that Admiral NAGANO verbally  
14 instructed YAMAMOTO as follows:

15           "'If the United States-Japanese negotiations  
16 become certain of reaching an amicable settlement be-  
17 fore the opening of hostilities, all forces under the  
18 Combined Fleet will be recalled from deployment to be  
19 returned home.'

20           "It was also stated in Combined Fleet Order  
21 Number 1 that in the event a great change is observed  
22 in the situation, Preparedness Status Number 2 may be  
23 retracted to Preparedness Status Number 1. 'A great  
24 change in the situation', thought needless to explain,  
25 refers to the United States-Japanese negotiations.

1 That 'Preparedness Status Number 2 may be retracted to  
2 Preparedness Status Number 1' meant the retirement of  
3 the Fleet Forces to waiting positions from the operation-  
4 al theaters of opening hostilities to waiting positions  
5 as was shown in Fleet Order Number One. Consequently,  
6 our naval forces were so arranged that in the event of  
7 a great change in the situation, such as an amicable  
8 settlement of problems between the United States and  
9 Japan, they would be able to return to Preparedness  
10 Status Number 1. That is, the Task Force would retire  
11 to the waiting position of the evening of December 3rd,  
12 which was 42° North latitude, 170° West longitude.  
13 Preparedness Status Number 2 took effect when the Task  
14 Force moved into Hawaiian waters after December 3rd, 1941.

15  
16 "Further, the Combined Fleet Order dated 22  
17 November stipulated that the 'Task Force Group shall  
18 operate so that immediate recall from deployment be  
19 possible if negotiations with the United States reach  
20 a settlement.'

21 "Paragraph 4 of the Task Force Group Order  
22 Number 1, dated 23 November said: 'Depending upon cir-  
23 cumstances, operations may be suspended in the midst of  
24 the trip and this group maybe made to return to Hitokappu  
25 Bay, Hokkaido or Mutsu Bay area.'

"14. After the Task Force left Japan, weather fore-

1 casts and various information was sent to them from  
2 the General Staff. I was chief assigned to the draft-  
3 ing of such information. As I recall, it was on the  
4 evening of December 6th when Operations Section Chief  
5 Captain TOMIOKA spoke to me and said: 'The Task Force  
6 Group proceeding toward Hawaii may be under great strain  
7 because of its belief that it may be ordered to return  
8 at any moment. As the situation stands at present it  
9 can be said there is no prospect of negotiations be-  
10 tween the United States and Japan reaching an amicable  
11 settlement, so we had better advise them of this fact.'

12 "Therefore, I added this sentence to the tele-  
13 gram I was drafting at this time: 'No hope is in sight  
14 of United States-Japanese negotiations reaching peaceful  
15 settlement.'

16 "I later learned from Rear Admiral KUSAKA, then  
17 Chief of Staff of the Task Force Group, that they were  
18 considerably worried about receiving such a message too  
19 late to be effective, and because of the distance involv-  
20 ed were alarmed that they may not receive it at all.

21 "15. The submarines participating in the  
22 Hawaiian Operation were ordered to refrain from attack  
23 until they knew the aerial offensive had been launched.  
24 The sole reason for the above order was the possibil-  
25 ity of the submerged submarines missing reception of

1 of the telegram ordering cessation of operations because  
2 of success in the negotiations at the last minute.

3 "16. We did not expect that our operation  
4 against Pearl Harbor would be entirely undetected by  
5 the United States Forces. Rather, we anticipated that  
6 there was a great possibility of being detected at least  
7 30 or 40 minutes before attack. Our submarines were to  
8 reach the waters near Hawaii one day before the sched-  
9 uled attack in order to observe. We thought it to be  
10 entirely possible that they might be discovered or de-  
11 tected prior to the air attack. In fact I later learned  
12 that one midget submarine was discovered and sunk one  
13 hour before the operation started. We judged that prob-  
14 abilities were roughly 90% that radar equipment had been  
15 installed at Hawaii and that, if so, our air force  
16 units would surely be detected at least 30 or 40 minutes  
17 before arriving over their target. Scouting sea planes  
18 were also scheduled to operate in the vicinity of Hawaii  
19 approximately 30 minutes ahead of the attacking air  
20 units. If the two sea planes should be caught by radar  
21 we thought it possible the detection of our planes would  
22 be made more than an hour before the opening of our  
23 attack. And, if detected by visual means, the attack-  
24 ing attempt would be discovered at least 30 minutes  
25 before the attack.

1 "It was always our firm conviction that all  
2 necessary diplomatic steps preceding hostilities  
3 would be taken by the proper authorities. We fully  
4 expected that before hostilities commenced the United  
5 States would know a state of war existed with Japan.

6 "Sworn to on the 30th of June, 1947."

7 You may examine.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: There will be no cross-examin-  
10 ation, if the Tribunal please.  
11

12 MR. ROBERTS: May the witness be excused on  
13 the usual terms?

14 THE PRESIDENT: Witness is excused accordingly.

15 (Whereupon, the witness was excused.)

16 MR. ROBERTS: We call as our next witness  
17 Mitsuo FUCHIDA.  
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1 MITSUO FUCHIDA, called as a witness in  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. ROBERTS:

7 Q Please state your name and address.

8 A My name is MITSUO FUCHIDA, and my address is  
9 365 Tahara Moto-Cho, Shiki-Gun, Nara Prefecture.

10 MR. ROBERTS: May the witness be shown defense  
11 document No. 1982?

12 (Whereupon a document is shown to  
13 the witness.)

14 Q Please examine this document and tell us wheth-  
15 er it is your sworn affidavit.

16 A This is my affidavit.

17 Q Is it true and correct?

18 A Yes.

19 MR. ROBERTS: I offer in evidence defense doc-  
20 ument No. 1982.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document No. 1982  
23 will receive Exhibit Number 3008:

24 (Whereupon, the document above re-  
25 ferred to was marked defense Exhibit No. 3008  
and received in evidence.)



1 MR. ROBERTS: I read Exhibit No. 3008:

2 "1. My name is Mitsuo FUCHIDA. I formerly  
3 was a captain in the Imperial Japanese Navy. I com-  
4 manded the First Air Attack Unit participating in the  
5 raid on Pearl Harbor, December 8, 1941.

6 "On the 25th of August 1941 an order was re-  
7 ceived for my transfer from the post of Staff Officer  
8 of the Third Air Squadron to that of Chief Flight  
9 Officer of the Aircraft Carrier AKAGI. A few days later  
10 I reported for duty aboard the AKAGI at Yokosuka.

11 "At that time the AKAGI was the Flagship of  
12 the First Air Fleet and the Commander-in-Chief was  
13 Vice-Admiral NAGUMO. The First Air Fleet was then  
14 composed of the carriers AKAGI and KAGA (First Air  
15 Squadron) and the SORYU and HIRYU (Second Air Squad-  
16 ron.)

17 "2. After taking over the post of Chief  
18 Flight Officer of the First Air Fleet and ordered to  
19 take charge of the combined training of all the air  
20 corps aboard the above mentioned four aircraft carri-  
21 ers, as well as to assume unified command of the air  
22 force when it should be organized.

23 "Up to that time, there had been a tendency  
24 to carry out air training of the fleets in respect to  
25 individual carriers, with the result that the over-all

1 strength of the group had not been adequately brought  
2 out. It was decided at this point to place special  
3 emphasis upon the group training and unified command  
4 of all the air corps attached to the First Air Fleet;  
5 hence, the above order issued to me in my position as  
6 Senior Chief Flight officer of the Fleet.  
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1 "Most of the air corps then attached to the  
2 First Air Fleet were distributed for training pur-  
3 poses among several bases located in southern  
4 Kyushu.

5 "I carried on my training duties at the  
6 Kagoshima Base and at that time neither I nor any of  
7 the other members of the flying corps even knew that  
8 the idea of the attack on Pearl Harbor had been con-  
9 ceived. We carried on the above-mentioned group  
10 training throughout September in the belief that it  
11 was our so-called 'annual training'.

12 "Toward the end of September - I do not re-  
13 member the exact date - Lieutenant Commander GENDA,  
14 then Tactical Staff Officer of the First Air Fleet,  
15 came to me under orders from above with the in-  
16 struction that as the negotiations with America were  
17 becoming more and more critical, the idea had been  
18 conceived that in the event of war breaking out be-  
19 tween Japan and America, an aerial attack should be  
20 made at the outset of the war against the main force  
21 of the American fleet located in Hawaiian waters.  
22 And hence, that studies and training such as would  
23 enable our aircraft to meet the tactical needs of  
24 such an attack should be secretly carried out.

25 "It was further explained to me that the

1 object of this operation was to make an aerial attack  
2 against the main force of the American Fleet pre-  
3 sumably located around Pearl Harbor so as to make  
4 it difficult for a time for the American Fleet to  
5 come across the ocean, and thereby enable us to com-  
6 plete our operations in the South during that time;  
7 and hence, that the general plan was to make aircraft  
8 carriers and capital ships the primary target with  
9 the local airfields and the air force based there the  
10 secondary targets in order to preclude their being  
11 used in counter-attack.

12 "This instruction was given only to myself  
13 and Lieutenant MURATA, who was also a Chief Flight  
14 Officer of the Akagi, and none of the others in the  
15 air corps knew anything about it.

16 "Lieutenant MURATA, being an expert on tor-  
17 pedo attack, was especially instructed to take part  
18 in this study. It was originally intended to use  
19 torpedoes as the principal weapon in the attack on  
20 Pearl Harbor. Beginning early in October we there-  
21 fore incorporated the study of the idea of the Pearl  
22 Harbor attack into our training to determine whether  
23 or not such an attack was plausible or could be suc-  
24 cessfully executed.

25 "Many problems came up in connection with the

1 study and training concerning the execution of the  
2 plan of attack on Pearl Harbor. The waters of Pearl  
3 Harbor, being very narrow and only about 12 meters  
4 deep, it was felt that the ordinary torpedo attack  
5 method, hitherto used in training which caused tor-  
6 pedoes to penetrate the water to a depth of approxi-  
7 mately 60 meters, would result in the torpedoes  
8 striking bottom and hence nullifying their effect.  
9 In our study and training, therefore, we worked very  
10 hard to effect a torpedo firing method which could be  
11 adapted for use in shallow waters.

12 "Near the very end of our training period,  
13 around the middle of November, we came to the con-  
14 clusion, as a result of our studies, that the most  
15 effective firing method was to have the planes fire  
16 from a height of 20 meters and at an air speed of  
17 160 knots with the plane flying parallel to the water.  
18 As we were then supplied with torpedoes equipped with  
19 stabilizing gears, we selected a spot in the narrow  
20 waters of Kagoshima Bay where the depth was 12 meters  
21 and practiced firing until we gained confidence in  
22 shallow water torpedo operation.

23 "This final training was carried out two  
24 days prior to the departure of the fleet from Saeki  
25 Bay and barely in time. A study of torpedoes with

1       stabilizing gears, together with research in shallow  
2       water torpedo firing, were carried out on the basis  
3       of our demands, and it was proved that the above tor-  
4       pedo was most effective when fired in shallow waters.  
5       However, the total number of required torpedoes had  
6       not been prepared and could not be supplied before  
7       the departure of the fleet. Hence the aircraft car-  
8       rier Kaga remained behind for approximately three  
9       days in Sasebo, and after receiving the remaining  
10      torpedoes followed the fleet.

11             "The attack on Pearl Harbor demanded the use  
12      of as many high accuracy torpedoes as possible. It  
13      was decided, however, to use horizontal bombing also  
14      for the following reasons:

15             "1. Although the problem of shallow firing  
16      suitable for the waters of Pearl Harbor was thus  
17      solved, such firing method required special skill  
18      and we felt some uneasiness in the case of flyers who  
19      had not been highly trained.

20             "2. Should the American Fleet at anchor be  
21      protected by torpedo nets, the torpedoes we intended  
22      to use against them would prove ineffective.

23             "3. It was reckoned that American warships  
24      would be lying two abreast while at anchor. In such  
25      case the only possible means of attack against the

1 one lying on the landward side would be by bombs.

2 "Since the accuracy of our Navy's horizon-  
3 tal bombing at the time was not very high, we de-  
4 cided on the formation 'Probable' bombing method.  
5 And in order to increase the number of attacking  
6 units we reduced the number of planes per formation  
7 from nine to five. In order to maintain the hitting  
8 percentage, it was decided to reduce the bombing  
9 altitude to 3,000 meters which was the minimum  
10 height calculated to enable the bombs which we then  
11 intended to use (converted 16-inch shells) to pierce  
12 the armor of the American capital ships. Under those  
13 conditions it was calculated that such skill of the  
14 bombing leaders as we could count upon at the time  
15 would make it possible for the tactical demands of  
16 the operations against the anchored battle ships to  
17 be satisfactorily met.

18 "However, the 800 kilogram armor-piercing  
19 bombs which were to be used for this operation were  
20 16-inch shells urgently converted for the purpose.  
21 Consequently, in the event of their being carried  
22 by planes, it necessitated the reconstruction of  
23 the bombing apparatus of the plane structure.

24 "The supply of bombs was made in time for  
25 the departure of the fleet from Saeki Bay. However,

1 the reconstruction of the bombing apparatus of the  
2 newly received planes fell behind schedule. Hence,  
3 the aircraft carriers took workmen on board and en  
4 route from the port of departure to the rendezvous  
5 point at Hitokappu Bay and completed reconstruction.

6 "The aircraft carrier Zuikaku was completed  
7 on 25 September 1941, and the carrier Shokaku a short  
8 time earlier. Out of these two, the Fifth Air  
9 Squadron was organized and incorporated into the First  
10 Air Fleet. But as their crews had to be hurriedly  
11 trained, with the training of less than a month,  
12 their training and proficiency was not adequate. It  
13 was therefore decided to use the flyers belonging to  
14 the First and Second Air Squadrons in the attacks  
15 against warships since that required special skill,  
16 and the flyers belonging to the Fifth Air Squadron were  
17 to be used in the attack against the airfields.

18 "It was first intended, at the beginning of  
19 the training, to have the planes take off from the  
20 carriers at night so as to make the attack on Pearl  
21 Harbor at dawn. But the training and proficiency of  
22 the flyers, especially when those of the newly organ-  
23 ized Fifth Air Squadron was considered, was not be-  
24 lieved sufficient to enable them to take off at night  
25 on group flight. Hence, when the training ended, I



1 reported this opinion in effect to my superiors  
2 and the original dawn attack plan was changed so  
3 as to have the planes take off from the carriers  
4 at dawn and to make the attack by daylight."

5 Sworn to on this --  
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1 THE PRESIDENT: What are you endeavoring  
2 to prove in reading this material? We know the  
3 attack took place and that it was highly successful.

4 MR. ROBERTS: The main purpose is to show the  
5 lack of preparation by the navy for war at the time.

6 THE PRESIDENT: You do not prove that by  
7 showing it was a very successful operation. That is  
8 the main purpose of that affidavit.

9 MR. ROBERTS: They also mention the many  
10 difficulties they encountered in their hurried train-  
11 ing period because of the fact that they were informed  
12 only one month before and, as stated in the affidavit  
13 of the preceding witness, the success of the surprise--  
14 the success of the attack was as much a surprise to  
15 them as it was to the United States.

16 You may cross-examine.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: No cross-examination, if the  
19 Tribunal please.

20 THE PRESIDENT: The witness is excused on  
21 the usual terms.

22 (Whereupon, the witness was excused.)

23 MR. ROBERTS: We call as our next witness  
24 Minoru GENDA.  
25

1 M I N O R U G E N D A, called as a witness on behalf  
2 of the defense, being first duly sworn, testified  
3 through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. ROBERTS:

6 Q Please state your name and address.

7 A My address: No. 147 Higashi Koshima-cho,  
8 City of Nagasaki; my name is GENDA, Minoru.

9 MR. ROBERTS: May the witness be shown  
10 defense document No. 1974.

11 Q Please examine this document and tell us  
12 whether it is your sworn affidavit.

13 A This is my affidavit.

14 Q Is it true and correct?

15 A Yes.

16 MR. ROBERTS: I offer in evidence defense  
17 document No. 1974.

18 THE PRESIDENT: Mr. Tavenner.

19 MR. TAVENNER: If the Tribunal please, we  
20 concede as relevant and material through item 2 down to  
21 item 3 on page 2 and also the matter relating to an  
22 additional order appearing near the bottom of page 4  
23 and extending through items A and B on page 5. The rest  
24 of the affidavit we contend to be immaterial and irrele-  
25 vant in that it descends to great particularity regarding

1 matters that are not material and which are repetitive  
2 in character.

3 THE PRESIDENT: Mr. Roberts.

4 MR. ROBERTS: The prosecution went to great  
5 length to introduce testimony from yeomen and other  
6 naval men concerning the attack on Pearl Harbor and  
7 went into much detail thereon. We are introducing  
8 here in addition to members of the General Staff who  
9 drew the plans and were familiar with the actual  
10 operations the various staff officers of the Combined  
11 Fleet who acted -- these are the men who acted upon  
12 the orders, who carried out the orders issued by the  
13 General Staff.

14 THE PRESIDENT: As I am reminded, the  
15 prosecution had the onus of proving that Pearl Harbor  
16 occurred but you have no onus of showing how success-  
17 ful it was or why it was successful. That is no  
18 relevant matter. It is cumulative in any event.

19 MR. ROBERTS: Although this fact may be  
20 collaterally proved in our evidence, that is not the  
21 main reason for the evidence that we are advancing at  
22 this time. The Indictment charges and the prosecution  
23 has attempted to prove that the plans were long  
24 drawn out, that they were in existence for a long  
25 time before December 7, 1941. We want to show by the

1 men who issued the orders, by the men who carried  
2 them out, that such was not the fact and directly  
3 refute the charges made by the prosecution and con-  
4 tained in the Indictment.

5 This gives all the facts and circumstances  
6 surrounding the attack on Pearl Harbor, tells when it  
7 arose and what actually took place at that time; and  
8 although it may prove the success, that is not the  
9 idea that we are trying to carry out. We are simply  
10 trying to give you all the facts and give you their  
11 side of the story and we also want to convince this  
12 Court that Order No. 1, wherein the navy was advised  
13 that in case the negotiation was successful, the navy  
14 was to withdraw. Those are matters of defense that are  
15 vital to all of the accused.

16 With respect to the instructions referred to  
17 in the affidavit, those are the instructions which this  
18 man says he drew up himself and with which he, of  
19 course, should be familiar. Those were verbal instruc-  
20 tions.

21 It is also the contention of the defense that  
22 these facts refute any possible charge of conspiracy on  
23 the part of the defendants.

24 THE PRESIDENT: By a majority the objection is  
25 overruled and the document admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 1974  
2 will receive exhibit No. 3009.

3 (Whereupon, the document above  
4 referred to was marked defense exhibit  
5 No. 3009 and received in evidence.)

6 MR. ROBERTS: I read exhibit 3009:

7 "My name is Minoru GENDA and I formerly was  
8 a captain in the Japanese navy. I was appointed Staff  
9 Officer of the First Air Squadron on 1 November 1940.  
10 On 15 November 1940 I was promoted to the rank of  
11 commander. On 1 April 1941 I became Staff Officer of  
12 the First Air Fleet and remained at that position  
13 until the latter part of June 1942.

14 "Early in February 1941 when the Flagship  
15 Kaga was anchored in Ariake Bay (Kyushu), I received  
16 a letter from the Chief of Staff of the 11th Air Fleet,  
17 Rear Admiral ONISHI, with whom I was personally well  
18 acquainted. In this letter he asked me to come to  
19 Kanoya at once as he wanted to see me on important  
20 business. So I proceeded to Kanoya on the following  
21 day and called on him at the Fleet Headquarters.

22 "He then showed me a private letter which he  
23 had received from Vice-Admiral YAMAMOTO, Commander in  
24 Chief of the Combined Fleet. I do not know where this  
25 letter is at the present time but in substance it was

1 as follows:

2 "In the event of outbreak of war with the  
3 United States, there would be little prospect of our  
4 operations succeeding unless, at the very outset, we  
5 can deal a crushing blow to the main force of the  
6 American Fleet in Hawaiian waters by using the full  
7 strength of the First and Second Air Squadrons and thus  
8 to preclude the possibility of the American Fleet  
9 advancing in offensive operations in the Western  
10 Pacific for some time. And it is my desire that I be  
11 given command of this air attack force so that I may  
12 carry out the operation myself. Please make a study  
13 of this operation.'

14 "Rear Admiral ONISHI then said to me:

15 'Please make this study in utmost secrecy, with  
16 special attention to the feasibility of the operation,  
17 method of execution and the forces to be used.'

18 "I commenced this study upon returning to my  
19 ship and after a week or ten days I again called on  
20 Rear Admiral ONISHI and handed him my answer. I  
21 criticized the plan from several aspects and concluded  
22 that the attack, while extremely difficult, was not  
23 impossible. With some slight reference to my answer,  
24 Rear Admiral ONISHI prepared his views on the matter  
25 and sent them to the Commander in Chief of the Combined

1 Fleet.

2 "At the time of the organization of the  
3 First Air Fleet in April of 1941, the only officers in  
4 the Headquarters of the said fleet who were aware of  
5 YAMAMOTO's idea of an attack on Pearl Harbor were  
6 Commander in Chief Vice-Admiral NAGUMO, Chief of  
7 Staff Rear Admiral KUSAKA, Senior Staff Officer  
8 Captain OISHI and myself. From that time until the  
9 early part of September we did not undertake to draw  
10 up any concrete plan with reference to this operation.

11 "Early in September Rear Admiral KUSAKA,  
12 Chief of Staff, summoned the Staff and ordered us to  
13 study and draft a plan for this attack and I was  
14 named Secretary for this purpose. After working for  
15 about a week aboard the Akagi I completed a preliminary  
16 plan. While this preliminary plan was in the main  
17 similar to the Operation Plan that was actually  
18 executed, it differed from the latter in the following  
19 respects:  
20

21 "A. The point of rendezvous prior to  
22 departure for the attack was fixed at Atsugishi Bay or  
23 Mutsukai Bay.

24 "B. There was no connection with the advance  
25 force (submarines).

"C. There was nothing concrete as to time.



1 "D. The air raid plan was not worked out in  
2 detail.

3 "Around the 12th or 13th of September the  
4 chart maneuvers of the Combined Fleet were held at the  
5 Naval Staff College. The maneuvers relating to the  
6 Hawaiian Operations which were carried out separately  
7 from the general maneuvers were, for the most part,  
8 based on the above preliminary plan, the one difference  
9 being that it made use of Hitokappu Bay as the rendezvous  
10 point.

11 "I believe it was on the 1st of October 1941  
12 that Vice-Admiral NAGUMO summoned the Headquarters  
13 personnel of the various air squadrons and commanders,  
14 chief flying officers and squadron leaders of all the  
15 carriers to his flagship and issued the instruction  
16 that since this fleet would receive the assignment to  
17 attack Hawaii, in the event of war, the training and  
18 study of the Fleet thenceforth should be carried out  
19 with emphasis on that point.  
20

21 "The last chart maneuver of the Combined  
22 Fleet was held aboard the NAGATO in the western part  
23 of the Inland Sea early in October and was carried out  
24 on the basis of the three-carrier plan.

25 "At the Task Force Headquarters, the Senior  
Staff Officer drafted the Hawaii Operation Plan

1 (Secret Task Force Order No. 1) toward the end of  
2 October and then took it to the Combined Fleet Head-  
3 quarters for approval. On the second of November the  
4 whole of the Task Force (with the exception of the  
5 fighter plane force and the Second Submarine Squadron)  
6 rendezvoused in Ariake Bay. All unit commanders and  
7 above, together with flying officers, were summoned  
8 aboard the Flagship Akagi where they were told of the  
9 duties that would be assigned to our Task Force in the  
10 event of war and that, by way of preliminary training,  
11 maneuvers would be carried out with Saeki and Sukumo  
12 as targets, and the plan for these maneuvers was  
13 explained.

14 "I do not have a clear recollection as to  
15 when we received the Combined Fleet General Order  
16 Number 1 but I believe it was just after we had com-  
17 pleted the above maneuvers. The Task Force Order  
18 Number 1 was immediately printed and a part was dis-  
19 tributed on 17 November prior to departure from Saeki  
20 Bay to the advance force (submarines) and other  
21 necessary quarters with the date of issue of the  
22 order left in blank. The balance were distributed  
23 with the date of issue filled in and distributed upon  
24 arrival at Hitokappu Bay.

25 "I believe that the part of the Combined  
Fleet General Order No. 1 pertaining to the Task Force

1 (whether that part had been cut out from the General  
2 Order or printed as a separate pamphlet I do not  
3 recall) was as follows:

4 "The Task Force, keeping its movements in  
5 utmost secrecy and in accordance with a special order,  
6 shall advance into the Hawaii area; and immediately  
7 upon commencement of war it shall attack the main force  
8 of the American Fleet in the Hawaii area and deal it  
9 a mortal blow.

10 "Air attack is scheduled for dawn of X day  
11 (exact date to be given by a later order).

12 "Upon completion of the air attack, the  
13 Task Force is to return to Japan.

14 "Should the negotiations with America prove  
15 successful, the Task Force is to return at once.'

16 "Although the Task Force Order No. 1 was  
17 probably the same, in the main, as the exhibit sub-  
18 mitted in evidence by the prosecution I recall that  
19 communication and supply plans were attached to it.

20 "The ships of the Task Force, upon completion  
21 of preparations, came to Saeki Bay one by one; and by  
22 the 16th all had rendezvoused there with the exception  
23 of the Kaga.

24 "On the 17th, the ships left Saeki at intervals  
25 in scattered groups and rendezvoused at Hitokappu Bay  
on the 22d. The Kaga arrived there somewhat later.

1 The Task Force Order No. 3, which was the plan of air  
2 attack, was completed at this time and distributed to  
3 all the ships together with Order No. 1 on 24th November.  
4 This Order Number 3, I believe, was much the same as  
5 that submitted by the prosecution.

6 "In addition to the above orders, there was  
7 issued to the various units an order in the form of  
8 verbal instructions from the Chief of Staff pertaining  
9 to the measures to be taken under various conditions.  
10 Most of this order I drafted myself. Its principal  
11 points were the following:

12 "A. If, while proceeding eastward from  
13 Hitokappu Bay, the Task Force should encounter  
14 American warships, merchantmen or airplanes or  
15 neutral merchantmen, it should change direction  
16 sharply as soon as discovery is made by the patrol  
17 vessel; but advance toward the objective should be  
18 continued while maintaining greatest secrecy as to  
19 position. If the whole of the Task Force is discovered,  
20 turn back as though nothing had happened; but if such  
21 discovery is made on X-1 day or later, resolutely  
22 carry out the attack.

23 "B. If all the attendant conditions dictate  
24 an assault, despatch the combat planes of the second  
25 attack corps at the same time as those of the first  
attack corps.

1 "Torpedo and bomb attacks are to be carried  
2 out while the 81 combat planes maintain control of  
3 the air.

4 "All unit commanders and flying officers of  
5 the Task Force were summoned aboard the Akagi on 24th  
6 November for final explanation of the operation plans  
7 and consultations, and the start for the attack was  
8 made from Hitokappu Bay on the 26th."

9 You may examine.

10 MR. TAVENNER: I have only one question,  
11 your Honor.

12 THE PRESIDENT: You had better put it  
13 tomorrow. Only one?

14 MR. TAVENNER: Yes.

15 CROSS-EXAMINATION

16 BY MR. TAVENNER:

17 Q You refer to the fact that this order was  
18 a verbal instruction and yet you prepared the draft.  
19 Where is the draft and will you present it?

20 A May I have the question repeated?

21 (Whereupon, the last question was  
22 read by the Japanese court reporter.)

23 A In the Japanese navy orders issued by the  
24 Chief of Staff of this kind are issued in writing and  
25 are issued in the name of the Commander in Chief,

1 the order taking the form of a verbal order of the  
2 Chief of Staff. There are no such documents in  
3 existence now. In the Japanese navy these orders  
4 are called verbal orders issued by the Chief of  
5 Staff and are actually in writing but there are no  
6 such orders -- but there are no such documents now  
7 in existence.

8 MR. ROBERTS: May the witness be excused  
9 on the usual terms?

10 THE PRESIDENT: He is excused on the usual  
11 terms.

12 (Whereupon, the witness was excused.)

13 THE PRESIDENT: I desire Mr. Tavenner, the  
14 Dutch prosecutor and Major Blakeney to meet Justice  
15 Roling and me in Chambers tomorrow morning to deal  
16 with the matter relating to proposed witnesses in  
17 the Netherlands East Indies at nine o'clock in the  
18 morning.

19 We will adjourn until half-past nine  
20 tomorrow morning.

21 (Whereupon, at 1605, an adjournment  
22 was taken until Tuesday, 26 August 1947, at  
23 0930.)  
24

25

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26A-149

26 AUGUST 1947

I N D E X  
of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1975	3010		Affidavit of KUSAKA, Ryunosuko		26758
1904	3011		Affidavit of ENOMOTO, Juji		26780
			<u>MORNING RECESS</u>		26787
	3012		Book entitled "Collection of Official Statement Concerning China Incident	26841	
1462-B	3012-A		Excerpt therefrom - Joint Communique of the Japanese and French Governments on the Japanese Army Stationing Troops in French-Indo-China		26844
1523	3013		Affidavit of SAWADA, Shigeru		26847
1687	3014		Affidavit of KONDO, Nobutake		26863
1689	3015		Affidavit of ABE, Katsuo		26870
	3016		Volume entitled "Collection of Treaties of Great East Asia"	26876	
2074	3016-A		Excerpt therefrom - Arrangement Concerning the Construction and Exploitation of the Yunnan Railway (Signed at Peking 29 October 1903)		



26 AUGUST 1947

I N D E X  
of  
EXHIBITS  
(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidenc</u>
2080	3017		Affidavit of TERAJ, Kunizo		26880
2016	3018		Affidavit of YAMAMOTO, Chikao		26885

26 AUGUST 1947

I N D E X  
of  
EXHIBITS  
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26 AUGUST 1947

I N D E X  
Of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
GENDA, Minoru (recalled)	26755
Cross (cont'd) by Mr. Tavenner	26755
(Witness excused)	26756
KUSAKA, Ryunosuke	26757
Direct by Mr. Roberts	26757
(Witness excused)	26769
ENOMOTO, Juji (recalled)	26782
(Witness excused)	26820
<u>NOON RECESS</u>	26821
SAWADA, Shigeru	26847
Direct by Mr. Blewett	26847
Cross by Mr. Tavenner	26856
Questions by the President of the Tribunal, Sir William Webb	26860
<u>AFTERNOON RECESS</u>	26860
Cross (cont'd) by Mr. Tavenner	26861
(Witness excused)	26862
KONDO, Nobutake	26863
Direct by Mr. Blewett	26863
(Witness excused)	26868

26 AUGUST 1947

I N D E X  
O F  
WITNESSES  
(cont'd)

Defense' Witnesses

	<u>Page</u>
ABE, Katsuo	26869
Direct by Mr. Blewett	26869
(Witness excused)	26875
TERAI, Kunizo	26879
Direct by Mr. Blewett	26879
(Witness excused)	26884
YAMAMOTO, Chikao	26885
Direct by Mr. Blewett	26885
(Witness excused)	26888

1 Tuesday, 26 August 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 **Appearances:**

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE I. M. ZARAYANOV,  
15 Member from the USSR., not sitting from 0930 to 1600.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 (English to Japanese and Japanese  
20 to English interpretation was made by the  
21 Language Section, IMTPE.)  
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THE PRESIDENT: Mr. Comyns Carr.

MR. COMYNS CARR: May it please the Tribunal, may I make an explanation with regard to the two documents referred to in the evidence of the witness OKADA, which I mentioned the other day as being missing. It appears that the mistake was mine. They were actually in the hands of our Translation Section, which accounts for not being found in the office as I had thought they ought to be.

THE PRESIDENT: You do not admit being guilty of a gross error, though.

MR. COMYNS CARR: Well, I do desire to apologize to my friends, Dr. KIYOSE and Mr. Logan, for any suggestion that they had not fulfilled their undertaking in the matter.

M I N O R U G E N D A, recalled as a witness on behalf of the defense, resumed the stand and testified through Japanese interpreters as follows:

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: If the Tribunal please, this witness was excused yesterday at the close of the session, but I desire to ask him one or two more questions if I may be permitted.

CROSS-EXAMINATION

BY MR. TAVENNER (Continued):

1 Q In your affidavit you state that, "If the whole  
2 of the task force should be discovered, it should turn  
3 back as though nothing had happened, but if such dis-  
4 covery is made on X-1 day or later," the attack should  
5 be resolutely carried out.

6 Now, what is "X-1 day?"

7 A It means the day before an attack was sched-  
8 uled.

9 MR. TAVENNER: That is all

10 THE PRESIDENT: Mr. Roberts.

11 MR. ROBERTS: May the witness be excused?

12 THE PRESIDENT: He is again discharged on  
13 the usual terms.

14 (Whereupon, the witness was excused.)

15 MR. ROBERTS: We call as our next witness  
16 Ryunosuke KUSAKA.  
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1 R Y U N O S U K E K U S A K A, called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. ROBERTS:

7 Q Please state your name and address.

8 A My name is KUSAKA Ryunosuke; my address is  
9 No. 57 Naka, 2-Chome, Kitabatake, Abenoku, Osaka City.

10 MR. ROBERTS: May the witness be shown defense  
11 document No. 1975?

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

14 Q Please examine this document and tell us  
15 whether or not it is your sworn affidavit.

16 A One place in this document I would like to  
17 correct. That is the end of (a) of the paragraph  
18 numbered 7, it says -- the second paragraph under (a)  
19 on page 4 says, on the second sentence, that, "the  
20 aircraft carrier AKAGI stayed behind." I would like  
21 to correct the name "AKAGI" to "KAGA."

22 There is nothing else to correct apart from  
23 that.

24 Q Is the affidavit otherwise true and correct?

25 A Yes.



1 Q And it is your sworn affidavit?

2 A It is undoubtedly mine.

3 MR. ROBERTS: I offer in evidence defense  
4 document No. 1975.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 1975  
7 will receive exhibit No.3010.

8 (Whereupon, the document above  
9 referred to was marked defense exhibit  
10 No. 3010 and received in evidence.)

11 MR. ROBERTS: I read exhibit No. 3010:

12 "1. My name is Ryunosuke KUSAKA. I was  
13 formerly a Vice Admiral in the Japanese Navy and par-  
14 ticipated in the Pearl Harbor Attack 8 December 1941  
15 as Chief of Staff of the First Air Force Fleet.

16 "2. As has been stated the plan of attack  
17 was originated by Admiral Isorofu YAMAMOTO, Commander  
18 in Chief of the Combined Fleet around January of 1941.  
19 I remember it was April or May of that year and after  
20 I had been assigned to the post of Chief of Staff of  
21 the First Air Force Fleet that I learned of the plan.  
22 Generally speaking, the Pearl Harbor Attack was a  
23 hazardous and speculative operation penetrating deep  
24 into enemy lines. Since it was considered too venture-  
25 some, as a first step in military operations which

1 decided the fate of the State, various studies were  
2 repeatedly made. However, since I could not agree  
3 with Commander in Chief YAMAMOTO's idea as I did not  
4 consider the plan to be practical, I expressed a  
5 lengthy opposition opinion directly to the Commander  
6 in Chief himself.

7 "Commander in Chief YAMAMOTO listened care-  
8 fully to my opinion and then said as follows:

9 "I fully understand your opinion; however  
10 if war should break out with the United States, taking  
11 into view the condition of military strength as it  
12 stands today, I have no confidence in fulfilling the  
13 responsibility of our national defense other than by  
14 attacking the United States Fleet immediately after  
15 the outbreak of war. Therefore, as long as the  
16 United States Fleet is stationed at Hawaii, it is my  
17 conviction as Supreme Commander, that we must commence  
18 operations by an attack there. I ask you, then, to  
19 stop opposing me from now on and concentrate your  
20 efforts toward securing the success of this attack.'

21 "3. The Naval General Staff in early October  
22 1941, in spite of its previous opposition to the plan,  
23 gave way before the firm opinion of Commander in Chief  
24 YAMAMOTO and finally consented to study the Hawaii  
25 Operation so that preparations could be made for any

1 emergency situation that might arise. Subsequently,  
2 joint studies were made between the Naval General  
3 Staff Operations Section, staff officers of the Com-  
4 bined Fleet and the First Air Force Fleet. As studies  
5 of the operation advanced, the atmosphere gradually  
6 changed to the point of view of adopting the Hawaii  
7 Attack Plan as the first priority plan. This was  
8 largely due to the fact that the Combined Fleet Head-  
9 quarters was so strongly convinced of its possibilities  
10 as compared with the disadvantage of having to plan a  
11 counter attack strategy against the enemy for the  
12 purpose of protecting the undefended South Sea Islands.

13 "4. At that time there was only one carrier  
14 based air force fleet which was the First Air Force  
15 Fleet consisting of the following three air force  
16 squadrons:

17 "First Air Force Squadron with aircraft  
18 carriers AKAGI and KAGA.

19 "Second Air Force Squadron with aircraft  
20 carriers SORYU and HIRYU.

21 "Fourth Air Force Squadron with aircraft  
22 carriers RYUJO and the converted carrier 'KASUGA MARU,'  
23 named the 'TAIYO.'

24  
25 At that time there were also the light air-  
craft carriers 'HOSHO' and 'ZUIHO' which formed the

1 Third Air Force Squadron of the First Fleet.

2 "On September 25th, 1941, the aircraft carrier  
3 'ZUIKAKU' was commissioned and, together with the air-  
4 craft carrier 'SHOKAKU,' which had been completed one  
5 month before, composed the Fifth Air Force Squadron.  
6 These were assigned for service under the First Air  
7 Force Fleet.

8 "5. Of the four air force squadrons attached  
9 to the First Air Force Fleet, both carriers of the  
10 Fourth Air Force Squadron were capable only of carry-  
11 ing a small number of planes and those planes were out-  
12 moded craft. They were slow with a short cruising  
13 range and entirely unfit for the Hawaii Operation.  
14 Therefore, the Combined Fleet Headquarters submitted  
15 the following demands to the central authorities.

16 "(a) Select highly trained air crew members  
17 from both carriers of the Fourth Air Force Squadron  
18 to fill vacancies in the First and Second Air Force  
19 Squadrons, thereby increasing the number of carrier  
20 planes on both air force squadrons and particularly  
21 the number of fighter planes.

22 "(b) Fill the vacancies in the Fifth Air  
23 Force Squadron with trained personnel, experienced in  
24 service on carriers, from land air force units.

25 "Concerning the two above items, there was no

1 other way to supply men for item (b) other than to  
2 pull out training officers and enlisted men instruc-  
3 tors from the training corps. The Personnel Bureau  
4 Naval Aviation Board showed great reluctance to do  
5 this because it would inconvenience the training and  
6 supplying of future air crew personnel. The demands  
7 of the Combined Fleet, however, were strong enough to  
8 enforce its wishes and it was finally done.

9 "6. The Pearl Harbor Attack was thus con-  
10 ducted by a temporarily organized task force consist-  
11 ing of the First Air Force Fleet as its main body. It  
12 was mid October 1941 when the shifting of necessary  
13 personnel and the formation of the First Air Force  
14 Fleet was completed. Because the Pearl Harbor Attack  
15 was not thought possible unless rigid training be en-  
16 forced, it was necessary to carry out practice sched-  
17 ules until late November. But as the embarkation date  
18 was around the middle of November, it left port without  
19 even a month's training.

20 "As a result of studies made on the Pearl  
21 Harbor Attack Operation, daylight, or if possible,  
22 before daybreak, as the time of attack was desirable.  
23 But due to such circumstances as the insufficient  
24 training of air crew personnel, the accompanying lack  
25 of confidence in taking off from the carriers and flying

1 in formation, together with navigating before day-  
2 break, were problems which caused a change in the  
3 schedule of the attack so that it was finally arranged  
4 for the planes to leave the carriers thirty minutes  
5 before daybreak and to fix the hour of attack at one  
6 hour and a half after daybreak.

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1 "The Pearl Harbor Attack was an extremely  
2 difficult operation and its major difficulties were  
3 the following two points:

4 "(a) The problem of a shallow submersion  
5 torpedo.

6 "Previous studies had been made to lessen the  
7 submersion degree of torpedoes after firing and to  
8 shorten the distance required to stabilize itself at  
9 an adjusted depth. These studies were made before the  
10 Pearl Harbor Operation was conceived and were designed  
11 for the purpose of aerial torpedo attacks on shipping.  
12 The results were far from satisfactory. When studies  
13 on the Pearl Harbor Attack began, research work in this  
14 field became more important for it was an unanswered  
15 question as to whether aerial torpedo attacks were  
16 possible in the restricted and shallow waters of Pearl  
17 Harbor. The First Air Force Fleet, with the cooperation  
18 of the Yokosuka Naval Air Corps and Naval Air Technical  
19 Department made repeated experiments and finally, in  
20 late October, reached the conclusion that it was possible.

21 "The remodeling of torpedoes necessary for  
22 such operation was delayed and they could not be delivered  
23 to the ships before embarking for their rendezvous  
24 point at Takan Bay. So the aircraft carrier Kaga,  
25 stayed behind until the last to receive the remodeled

1 torpedoes and then to distribute them to each ship  
2 at Tankan Bay. There was also the question of torpedo  
3 net cutters which were thought to be necessary for the  
4 operation but, although the research work was hurried,  
5 the studies and experiments did not produce satisfactory  
6 results and it was decided not to equip the torpedoes  
7 with cutters.

8           "(b) The second difficulty was the problem  
9 of extending the cruising range of the ships partic-  
10 ipating in the attack. The attack force took a northerly  
11 course where navigating ships were scarce in order to  
12 avoid early discovery and planned to approach Hawaii  
13 from the north where we thought air patrols would be  
14 sporadic.

15           "It was the northeastern monsoon period and  
16 we knew that the aircraft carriers Akagi, Soryu and  
17 Hiryu, as well as the destroyers, would not have  
18 sufficient cruising range if refueling en route was  
19 impossible due to the strong winds and high waves. As  
20 for refueling destroyers on the high seas, we had had  
21 considerable training and experience and in the event  
22 refueling was impossible, these ships could turn back  
23 and the operation be carried on by cruisers and heavier  
24 type ships.  
25

"The problem was different in regard to aircraft



1 carriers. If three out of six participating were  
2 omitted, the operation could not be performed. Con-  
3 sequently, after many studies were made, it was decided  
4 to carry fuel even in the double bottomed sections and  
5 stacking fuel drums outside the storage rooms. Then,  
6 in case refueling was impossible, these ships would be  
7 able to return to a point at 160° east longitude.

8 "However, loading fuel into the double bottomed  
9 sections of the aircraft carrier Akagi and also the  
10 reserve fuel tanks was prohibited by naval regulations  
11 considering the strength of the ship's structure. I  
12 therefore entered into negotiations with proper officials,  
13 attempting to neutralize this naval regulation, but  
14 achieved no success. Whereupon the Commander in Chief  
15 of the Fleet was forced to take full responsibility  
16 regarding the possibility of an accident occurring and  
17 the decision was made to load fuel in the reserve fuel  
18 tanks and double bottom sections, although not in com-  
19 pliance with regulations.

20 "The Task Force which was temporarily organized  
21 for the Pearl Harbor Attack was to embark from their  
22 port either alone or in small groups around 15 November  
23 1941 in accordance with Combined Fleet Headquarters  
24 orders, and rendezvous at Takan Bay by 22 November.  
25 After refueling, the Task Force left the bay at 0600

1 hours 27 November to the next stand-by point at 42°  
2 north latitude, 170° west longitude.

3 "During this operation, there were two im-  
4 portant problems which caused me great concern in my  
5 capacity of Chief of Staff of the Task Force.

6 "One was whether or not the main body of the  
7 United States Fleet would be stationed in the Hawaiian  
8 area at the time the attack was to be made. The other  
9 was the fear of enforcing the attack when orders to  
10 return might have been transmitted (if United States -  
11 Japanese negotiations reached an amicable settlement)  
12 but which might not be received owing to the remote  
13 distance of communications or other causes. It would  
14 indeed have been a grave problem had orders been dis-  
15 patched to return and were not received by the Task  
16 Force.

17 "Behind the reason for my concern on the  
18 latter point was the fact that on 2 December, Imperial  
19 Headquarters Naval Section orders stated that diplomatic  
20 negotiations would be continued even after a decision  
21 was passed designating 8 December as the day to open  
22 hostilities, and a ray of hope that hostilities could  
23 be avoided was still seen. If United States-Japanese  
24 negotiations reached an amicable settlement, or a  
25 possibility of reaching a peaceful solution became a

1 certainty, all forces were to stop all operational  
2 actions and, after hurriedly rounding up all units,  
3 were to return home. This was so indicated in Imperial  
4 Headquarters Naval Department Instruction Number 5 and  
5 concurrently in Combined Fleet Headquarters Instruction  
6 Number 1. (In the instruction the words 'In the event  
7 of important change in situation' meant the amicable  
8 settlement of United States-Japanese negotiations.)  
9 Moreover, we had heard of this matter from Commander  
10 in Chief Admiral YAMAMOTO at every opportunity. There-  
11 fore, I was greatly concerned until on the 5th or 6th  
12 of December I received a telegram from Chief of Division  
13 One, Naval General Staff, stating that there was no hope  
14 of United States-Japanese negotiations coming to a  
15 peaceful conclusion.

16 "As for the ultimatum to be delivered prior  
17 to the attack, I thought it was naturally being taken  
18 care of by the central authorities. Therefore, I was  
19 convinced that a notification had been communicated  
20 before the attack began.

21 From a strategical viewpoint, an attack without  
22 notice might be idealistic, but such treacherous action  
23 was unthinkable from the point of view of training and  
24 common sense of the Japanese naval officer, and also  
25 because of the traditional 'Bushido' (the creed of the

1 Samurai).

2 "As a matter of fact, I expected the possible  
3 discovery of our operation before the attack by United  
4 States patrol planes in Hawaii. Our observation sea  
5 planes were scheduled to arrive at Pearl Harbor at  
6 least thirty minutes ahead of the attacking forces,  
7 and moreover, we were expecting our attacking forces  
8 to be caught by radar, thus revealing to the United  
9 States our potential attack. We actually were prepared  
10 to suffer considerable damage and casualties in this  
11 risky undertaking and were greatly surprised when such  
12 did not occur."

13 You may cross-examine.

14 MR. TAVENNER: If the Tribunal please, there  
15 will be no cross-examination.

16 MR. ROBERTS: May the witness be excused on  
17 the usual terms?

18 THE PRESIDENT: He is excused accordingly.

19 (Whereupon, the witness was excused.)  
20

21 - - -

22 MR. ROBERTS: We refer briefly to prosecution  
23 exhibit 809, which is a research report introduced  
24 concerning the Pearl Harbor Operation for the purpose  
25 of reading one sentence on page 76 thereof.

From Chief of Naval General Staff NAGANO,

1 Samurai).

2 "As a matter of fact, I expected the possible  
3 discovery of our operation before the attack by United  
4 States patrol planes in Hawaii. Our observation sea  
5 planes were scheduled to arrive at Pearl Harbor at  
6 least thirty minutes ahead of the attacking forces,  
7 and moreover, we were expecting our attacking forces  
8 to be caught by radar, thus revealing to the United  
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19 (Whereupon, the witness was excused.)  
20

21 - - -

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23 exhibit 809, which is a research report introduced  
24 concerning the Pearl Harbor Operation for the purpose  
25 of reading one sentence on page 76 thereof.

From Chief of Naval General Staff NAGANO,

1 Osami to Commander in Chief Combined Fleet YAMAMOTO,  
2 dated 21 November 1941.

3 The sentence reads as follows:

4 "In the event that an agreement is reached  
5 in the negotiations between the United States and Japan,  
6 the Commander in Chief, Combined Fleet will immediately  
7 order the forces for the operation to return."

8 We offer in evidence defense document 2100,  
9 being the gist of a Naval General Staff Directive and is  
10 an excerpt from materials submitted to Colonel Munson  
11 of SCAP relative to the order of the Japanese Task Force  
12 to return.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please, this is  
15 the same evidence as introduced by the prosecution,  
16 exhibit 809, page 9,010 of the transcript, but which  
17 was not read in evidence. The document presented is  
18 a slightly different translation from that which appears  
19 in the original, and objection therefore is made to  
20 the introduction of a new document.

21 THE PRESIDENT: Are you satisfied to read  
22 from exhibit 809, Mr. Roberts?

23 MR. ROBERTS: I am just comparing that, if  
24 your Honor please. I assume it will be substantially  
25 the same and I will have no objection to reading from

1 exhibit 809. It is substantially the same, and I would  
2 be satisfied just to refer the Court to that for guid-  
3 ance.

4 We offer in evidence defense document 2101,  
5 which is a reconstructed version of a verbal order  
6 submitted from the Chief of Naval General Staff on  
7 December 2, relative to the same matter.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please, the  
10 same situation exists with regard to this document. It  
11 is a different translation of a document previously  
12 introduced by the prosecution, exhibit 809 and will be  
13 found at page 77 of that exhibit.

14 THE PRESIDENT: This is repetitive and becoming  
15 cumulative.

16 MR. TAVENNER: Objection is therefore made  
17 to the introduction of this document.

18 MR. ROBERTS: This document has been introduced  
19 to support the affidavit just read of Admiral KUSAKA.

20 THE PRESIDENT: It is common ground now. If  
21 such instructions were given we do not want to hear it  
22 more than once.

23 MR. ROBERTS: I would be satisfied to read  
24 the sentence contained in the exhibit. I see that it  
25 is substantially the same.

THE PRESIDENT: Why read it when it isn't  
contested?

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MR. ROBERTS: To show that the same instructions were given on several occasions. This is a date which is subsequent to the date of the order which originally was November 21.

THE PRESIDENT: A colleague assures me it is the same date, but whatever the position, the instruction was never cancelled.

MR. ROBERTS: That is right, unquestionably not. However, we wanted to emphasize that it had been repeated more than once, and as your Honor stated, was never cancelled; and in view of the difference in date, I would like to read this one sentence into the record.

THE PRESIDENT: Why do you persist like that? It is almost obstinacy.

MR. ROBERTS: Well, perhaps it would be sufficient to state that this additional order is dated the 2nd of December, 1941, and is similar to the previous orders mentioned.

We offer in evidence defense document No. 1942, which was offered the other day, but because of the fact that the original had not been filed, was rejected.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: If the Tribunal please, Rule 6(b) 1 has still not been complied with. The filing

1 of the original with the Clerk one day in advance  
2 is not compliance with the rule. The original docu-  
3 ment, in Japanese, is a rather large book, and we  
4 will waive the period required by the rule if we have  
5 an opportunity to have it scanned. We desire now the  
6 privilege of withdrawing it from the Clerk for scan-  
7 ning purposes.

8 THE PRESIDENT: The rule must be complied  
9 with.

10 MR. ROBERTS: If the Court please, we are  
11 referring to one sentence in the Directive No. 61.  
12 That is the only one we are going to refer to in this  
13 document. The document in question was served some  
14 days ago, and that by some inadvertence the original  
15 was not deposited until the day before yesterday is  
16 correct. But certainly the scanning of one sentence  
17 should not delay us unreasonably and we would like to  
18 finish this type of proof and not have to return to it  
19 again.

20 MR. TAVENNER: Counsel misses the whole point  
21 of the rule, if the Tribunal please.

22 THE PRESIDENT: The rule must be complied with.  
23 The discussion is closed.

24 MR. ROBERTS: We will ask permission to with-  
25 draw the document until they have had a chance to scan

1 it.

2 THE PRESIDENT: Mr. Brannon.

3 MR. BRANNON: Defense document 1904, which  
4 was the testimony of Mr. ENOMOTO relative to the Wash-  
5 ington and London Disarmament Conferences, was rejec-  
6 ted last week by the Tribunal. Over the period of the  
7 week-end and because the Tribunal indicated that the  
8 length of the document was particularly objectionable,  
9 we have deleted much of the testimony therein contained.  
10 The effect of this editing is to reduce the affidavit  
11 from one-half to two-thirds. While we are extremely  
12 reluctant to present the evidence in this form rather  
13 than according to original plans, nevertheless it be-  
14 comes necessary for us to again move the Tribunal for  
15 admission of the document in its revised condition.  
16 This is so because the defense has prepared no other  
17 evidence to meet the issue raised by the prosecution  
18 relative to Japan's actions in withdrawing from the  
19 1935 Armament Conferences. Therefore, as matters now  
20 stand, we would be guilty of submitting no proof and  
21 leaving an issue dangling in the air.

22 We would like to point out to the Tribunal  
23 that the witness himself is one of the few men now  
24 alive who attended all of the various conferences as  
25 a naval expert and that the matters stated in his affi-

1     davit come from personal experience rather than from  
2     the process of hearsay. Thus we feel that the three-  
3     hour testimony which would have been given was a com-  
4     pact method of procedure designed to save the Tribunal  
5     valuable time and yet to fully express the defense  
6     contentions. To have adopted another means of proof  
7     may have exhausted three-fold that amount of time.  
8     Hence in its present modified and reduced form we feel  
9     there can be no serious objection raised.

10             In addition, it should be noted that the Jap-  
11     anese action taken at the 1935 London Conference was  
12     predicated upon past events and so closely correlated  
13     thereto that the naked issue of the withdrawal itself  
14     could not have been fully explained without reference  
15     to foregoing matters.

16             Now, if the Tribunal please, we have marked  
17     copies for each Member of the Court, the clerk, the  
18     interpreter, the prosecution, and both the American  
19     and Japanese court reporters.

20             THE PRESIDENT: Do you think now you will  
21     finish in about an hour and a half, is that so?

22             MR. BRANNON: I believe there are about thirty-  
23     eight pages in the affidavit. Reading time of two  
24     minutes a page will give you an approximate guess as  
25     to the time.

1 THE PRESIDENT: Are you going to read exten-  
2 sively from the annexures?

3 MR. BRANNON: We never at any time intended  
4 to read any of the annexed documents. That was placed  
5 there for the benefit of the prosecution and the Tri-  
6 bunal. We therefore request of the Tribunal that Mr.  
7 Roberts be allowed to proceed with his examination of  
8 the witness ENOMOTO.

9 THE PRESIDENT: Mr. Comyns Carr.

10 MR. COMYNS CARR: May it please the Tribunal,  
11 although the evidence is much shorter than it was, it  
12 is, in our submission, still much too long, and in  
13 particular, the fact that the witness attended all the  
14 conferences from 1921 onwards has caused him to intro-  
15 duce a great deal of matter with regard to those con-  
16 ferences which, in our submission, is entirely irrele-  
17 vant. Two of those conferences resulted in treaties,  
18 which are in evidence, and in our submission, it is  
19 irrelevant to show the discussions which took place  
20 prior to the signature of those treaties or the rea-  
21 sons why it is now alleged that Japan signed them with  
22 reluctance. When the affidavit comes to the actual  
23 negotiations of 1934, 1935, and 1936, the affidavit  
24 still treats them with excessive detail, particularly  
25 with a view to showing that other countries besides

1 Japan were not altogether agreed as to the form  
2 which a revised treaty should take, which is, in our  
3 submission, an irrelevant question. In our submission,  
4 the only part of the affidavit and its annexes which  
5 can be of any assistance to the Tribunal are a few of  
6 the annexes which show what actually was said by the  
7 Japanese delegates in the conference.

8 THE PRESIDENT: What they said appears in the  
9 annexures and they are not going to be read.

10 MR. COMYNS CARR: No.

11 THE PRESIDENT: And what they said is the thing  
12 that matters, not what the witness thinks they said.

13 MR. COMYNS CARR: And more particularly, not  
14 why the witness thinks they said it. In our submission,  
15 the proper way of dealing with this matter is to put  
16 in such of those annexures that show what the Japanese  
17 delegates said, and dispense with the witness.

18 THE PRESIDENT: Mr. Brannon.

19 MR. BRANNON: This particular witness himself  
20 drafted some of these annexes. Many of them being part  
21 of international documents, the Court might even take  
22 judicial notice of them. But what caused the Japanese  
23 Government to do what it did is more important, since  
24 the prosecution has chosen to use this as a cog in the  
25 conspiracy charge.

1           As indicated yesterday, I personally would  
2 think the prosecution would welcome this chance to  
3 cross-examine a witness of this man's reputation and  
4 knowledge.

5           THE PRESIDENT: Mr. Brannon, it is suggested  
6 that the only possible reason for presenting this affi-  
7 davit is the assumption that the Japanese delegates  
8 at the conferences did not fully or accurately pre-  
9 sent Japan's case.

10           MR. BRANNON: Well, I suggest that the de-  
11 fense views the matter from this light: whether or  
12 not the Japanese withdrawal was prompted by honest  
13 motives or whether, as the prosecution suggested yes-  
14 terday in the cross-examination of a witness, it was  
15 an evil motive. As the matter now stands, Japan is  
16 accused of arbitrary action, the innuendo being that  
17 it deliberately abrogated the armament treaty for the  
18 purpose of re-arming. Surely we must be allowed to  
19 answer this prosecution charge, especially when we  
20 have a man who is quite able to tell exactly where  
21 the idea started and how Japan developed and presented  
22 it.  
23

24           THE PRESIDENT: You want to show that Japan's  
25 motives in withdrawing were not aggressive?

          MR. BRANNON: That is right.

1 THE PRESIDENT: Would you be satisfied if we  
2 allowed only the parts of the affidavit which deal  
3 with the 1934-1935 conference, commencing at page 24?

4 MR. BRANNON: We would naturally not be satis-  
5 fied, but we must of course bow to the dictate of the  
6 Tribunal.

7 The picture might be this: that Japan will-  
8 ingly agreed to the 1921 limitation, to the 1930 limi-  
9 tation, and then suddenly, in 1934, commenced an en-  
10 tirely new procedure and withdrew from the conference.  
11 If we can show dissatisfaction all along, with a sudden  
12 decision -- not a sudden decision but an ultimate deci-  
13 sion being made in 1934-1935, we feel that we have  
14 set forth before the Tribunal the real state of affairs.

15 I have no more to say.

16 THE PRESIDENT: By a majority the Court sus-  
17 tains the objection except as regards the pages from  
18 24 onward, including the 1934-1935 conferences. To  
19 that extent the document is admitted on the usual terms,  
20 the document as edited.

21 CLERK OF THE COURT: Defense document 1904 will  
22 receive exhibit No. 3,011.

23 (Whereupon, the document above referred  
24 to was marked defense exhibit 3,011 and received  
25 in evidence.)



MR. ROBERTS: May we have the witness re-  
called, if your Honor please?

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1 J U J I E N O M O T O, recalled as a witness on  
2 behalf of the defense, having been previously  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 MR. ROBERTS: The witness has previously exam-  
6 ined the document and I believe we have covered the  
7 preliminary steps. I read Exhibit 3011, beginning at  
8 page 24:

9 "Overtures for preliminary negotiations by  
10 way of preparation for the naval disarmament confer-  
11 ence scheduled for 1935 were received from Sir John  
12 Simon, British Secretary of Foreign Affairs, on  
13 17 May, 1934. The Japanese Government accepted forth-  
14 with and designated Mr. MATSUDAIRA, Ambassador to Great  
15 Britain, as delegate. Negotiations were started by  
16 the representatives of U.S.A., Great Britain and Japan  
17 on 18 June; but as the talks, instead of being confined  
18 to the question of procedure for the conference to be  
19 held the following year, began to get involved deeply  
20 in the substance of naval limitation, they were discon-  
21 tinued for a time on 12 July, with the understanding  
22 that they should be reopened on 23 October. On 7 Sept-  
23 ember the Japanese Government designated Rear-Admiral  
24 Isoroku YAMAMOTO (promoted to Vice-Admiral while in  
25 London) as an additional delegate to the Preliminary

1 Negotiation. He left Tokyo via U.S.A. on 20 September  
2 and arrived in London early in October.

3 "Upon the appointment of Rear-Admiral YAMAMOTO  
4 as delegate, instructions bearing on the substance of  
5 the disarmament question were issued (Annex Document  
6 No. 14) to him and Lr. MATSUDAIRA as an addition to  
7 the instructions which had already been sent to the latter.

8 "It was early in October that Rear-Admiral  
9 YAMAMOTO, the additional delegate, reached London.  
10 Prior thereto, upon receipt of the British Government's  
11 proposal for the Preliminary Negotiation, on 17 May, Japan  
12 completed the various steps necessary and on 30 May in-  
13 formed Britain of its acceptance of the proposal and of  
14 the nomination of Ambassador MATSUDAIRA as its delegate.  
15 Talks with the British were commenced on 18 June, and  
16 with the Americans on 19 June. Meanwhile, Mr. Norman  
17 Davis had been named America's delegate and departed  
18 for London on 9 June. Consequently the statement that  
19 'while Great Britain and U.S.A. commenced their talks  
20 around June or July, the Japanese delegate did not  
21 reach London till October' is at great variance with  
22 the facts.

23 "On 29 June the Japanese Government wired in-  
24 structions to Mr. MATSUDAIRA to the effect that there  
25 would be no objection to his discussing questions of

1 substance also, but as a matter of fact, not much  
2 progress was made in that direction.

3 "Agreement was reached between U.S.A., Great  
4 Britain and Japan to suspend the Preliminary Negotiat-  
5 ions for a time in July; and announcements of identical  
6 substance were made public simultaneously in the capitols  
7 of the three countries.

8 "The Preliminary Negotiations were re-opened  
9 on 23 October, and discussions principally on questions  
10 of substance were carried on by the delegates of U.S.A.,  
11 Great Britain and Japan.

12 "Although considerable differences of opinion  
13 developed between the three Powers in the course of the  
14 Preliminary Negotiations, most cordial atmosphere pre-  
15 vailed throughout all the discussions.

16 "The second phase of the Anglo-Japanese nego-  
17 tiations was opened informally before Rear-Admiral YAM-  
18 AMOTO and the American delegates reached London. It  
19 started on 8 October when the Foreign Secretary, Sir  
20 John Simon, summoned Mr. MATSUDAIRA and engaged in con-  
21 versations, in which the latter offered an explanation  
22 of the general outline of Japan's contentions. The  
23 official negotiations, however, did not begin until  
24 23 October, after the arrival of the American delegates  
25 in London.

1            "Pertaining to the disarmament formula pro-  
2 posed by Japan.

3            "At the first Anglo-Japanese meeting of 23 Oct-  
4 ober, i.e., the first following resumption of the nego-  
5 tiations, delegates MATSUDAIRA and YAMAMOTO explained  
6 Japan's fundamental demand on the basis of their in-  
7 structions. On that occasion and at subsequent meet-  
8 ings they offered the following exchanges of opinions  
9 to the British:

10            "(1) Since security of a nation's defense is  
11 affected also by such factors as natural resources,  
12 industrial power, etc., it is hardly proper to determ-  
13 ine the quantity of arms solely on the basis of vulner-  
14 ability. Since it is Japan's policy to deprive arma-  
15 ments as a whole of their offensive character by  
16 abolishing or reducing the more offensive weapons, the  
17 vulnerability of the various Powers should be exting-  
18 uished or greatly reduced as a matter of course. What  
19 Japan has in mind is to take the minimum strength of  
20 countries with high vulnerability as the maximum limit,  
21 and to have countries with low vulnerability stay below  
22 that limit. Although there is no treaty outside of the  
23 five great naval Powers, there has never been an instance  
24 of any single Power through building an excessively  
25 large navy, having given rise to naval competition.

1           "(2). While some difference in conditions be-  
2 tween Great Britain and Japan is to be recognized, is  
3 it not true that there is parity between Britain and  
4 U.S.A. notwithstanding great discrepancy in vulnerability?  
5 There does not appear to be any difference between U.S.A.  
6 and Japan as considered from the standpoint of Britain's  
7 relations with them.

8           "As between U.S.A. and Japan, Japan's defense  
9 is far more vulnerable; hence Japan could not possibly  
10 constitute a menace to U.S.A. even if the two were to  
11 have the same naval ratio.

12           "(3). If, by radically limiting offensive  
13 weapons, the offensive character of naval armaments  
14 is reduced to an extreme degree, there will then be  
15 less need of attaching importance to the relative  
16 character of naval armaments; and the establishment  
17 of a common upper limit should give no cause for un-  
18 easiness.

19           "(4). The strength to be possessed by Powers  
20 which do not build up the maximum limit shall be deter-  
21 mined by each of them on the basis of their respective  
22 minimum requirements.

23           "(5). While Japan wishes to feel secure,  
24 it does attach importance to the question of her people's  
25 prestige; hence she desires to consider all issues free

1 from the hypothesis of the Washington Treaty ratio.

2 "(6). Believing aircraft carriers, capital  
3 ships and A-class cruisers to be offensive in that  
4 order, and B-class cruisers, destroyers and submarines  
5 to be defensive, Japan advocates the abolition or  
6 radical reduction of the former group; and if retain-  
7 ed they should be limited by category; and the latter  
8 group, i.e., B-class cruisers and lesser types, should  
9 be limited globally; and the common upper limit should  
10 be fixed for their aggregate.

11 "Japan desires abolition of aircraft carriers.  
12 Abolition of capital ships may not be possible at once,  
13 since they are not confined to the five leading naval  
14 Powers; but they should be reduced as much as possible;  
15 and the same as regards A-class cruisers."  
16

17 THE PRESIDENT: We will recess for fifteen  
18 minutes.

19 (Whereupon, at 1045 a recess was  
20 taken until 1100, after which the proceed-  
21 ings were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Roberts.

4 MR. ROBERTS: I continue on page 36:

5 "(Pertaining to quantity of arms).

6 "Japan's contention was predicated upon the  
7 removal of offensive character from the naval arma-  
8 ments of the various Powers and was aimed principally  
9 to free the lesser naval Powers from any feeling of  
10 insecurity. The figures demanded for herself were  
11 therefore very low -- being far lower than those  
12 demanded by Britain which tended to be higher than  
13 those allowed under existing treaties. Britain's  
14 demand gave the impression, moreover, that it was  
15 strictly tinged with the idea of an absolutely  
16 required quantity in naval armaments.

17 "B. Second phase of the Japanese-American  
18 negotiations commenced on 24 October.

19 "(Pertaining to the disarmament formula  
20 proposed by Japan)."

21 THE PRESIDENT: Page 38 has something on it:  
22 "A memorandum (Annex Document No. 14-2) pertaining to  
23 Britain's minimum defensive requirements was sent by  
24 the British Government to the Japanese delegation on  
25 16 January 1935."



1 Now go on; read what you were reading, page  
2 39.

3 MR. ROBERTS: The top of page 40 now:

4 "The first meeting with the American delegation  
5 took place on 24 October, that is one day after the  
6 first Anglo-Japanese meeting. Delegates MATSUDAIRA  
7 and YAMAMOTO explained Japan's basic principle, the  
8 same as they had done to the British delegation.  
9 Among the Japanese opinions that were advanced on that  
10 subject at that meeting and those following which  
11 differed somewhat from the opinions that were expressed  
12 in the meetings with the British were the following:

13 "(1) The demand for equality means that the  
14 Powers will enter into agreement on a basis of equality,  
15 and not that they will actually build up to the maximum  
16 limit; it is rather the intention that the Powers  
17 shall build up their navies in accordance with the  
18 respective national strength. Discriminating rations  
19 are bad from the standpoint of national prestige.

20 "(2) Criticism of the submarine solely on  
21 the ground of its being destructive to commerce is  
22 not warranted, for the same can be said of other  
23 categories of ships. The London Treaty, moreover,  
24 contains provisions rigidly restricting the use of  
25 submarines."--

1 THE PRESIDENT: That should be "discriminating  
2 ratios," I suppose.

3 MR. ROBERTS: Yes, that should be "ratio;"  
4 that is right.

5 "(3) Japan had thought that the 1922  
6 Washington Treaty for the Limitation of Naval Arma-  
7 ments gave her tactical equality in her own neighbor-  
8 ing waters. But the subsequent increase in the  
9 mobility of warships has reduced distances on oceans,  
10 with resulting advantage to the attacker.

11 "(4) If France and Italy demand equal rights  
12 under the formula of the common upper limit, there is  
13 no reason for refusing them; but the relations between  
14 the two could be settled by an agreement between them-  
15 selves.

16 "(5) The question of qualitative limitation  
17 is inseparable from Japan's fundamental policy. The  
18 basis of that policy is to make wars impossible. If  
19 the fundamental policy cannot be determined, there  
20 would be no sense in discussing details.

21 "(6) While we feel the same as regards  
22 cooperation of the three Powers on the China question,  
23 it is essential that that cooperation be on the basis  
24 of equality of position.  
25

"It cannot be said that the idea of ratio

1 might not have undesirable emotional effect upon  
2 Japanese-American relations.

3 "(7) While the argument has been advanced  
4 that equality of naval strength does not give equality  
5 of security, it can at least be said that the existing  
6 treaties have not taken the question of security very  
7 deeply into consideration. If America's 5 does not  
8 constitute a threat to Japan's 3, there is no reason  
9 for saying that Japan's 5 will constitute a threat to  
10 America's 5.

11 "With regard to shipbuilding, whatever might  
12 be said of Britain, at least America enjoys a big  
13 advantage in natural resources and building capacity.

14 "(Pertaining to quantity of arms).

15 "The American delegation stated that it was  
16 their intention to carry out a 20% reduction within  
17 the scope of the Washington and London Treaties, but  
18 indicated no concrete plan as to how it should be done.

19 "C. At the Anglo-Japanese Meeting on  
20 7 November, the British delegate produced a tentative  
21 plan. Under this plan 'All the Powers are to declare  
22 their naval strengths voluntarily and unilaterally, and  
23 when all these declarations were collected, a table  
24 would be made of the naval strength of the principal  
25 Powers. This table would give some idea of the

1 substance of the quantities which the Powers  
2 concerned desired to possess; and through discussion  
3 of that substance, effort would be made to maintain  
4 the proportion of naval strengths for a few years to  
5 come.'

6 "The purport of this plan for declaring  
7 building programs was to maintain the relative  
8 strengths fixed by existing treaties. Achievement of  
9 a thorough-going disarmament was no part of its aim.  
10 It therefore appeared to the Japanese delegation as a  
11 temporizing scheme which could not possibly be  
12 reconciled with Japan's fundamental proposal. Believ-  
13 ing, however, that the demands of the various Powers  
14 could not be harmonized by sticking to its own plan  
15 alone, the Japanese delegation studied the above plan  
16 with the British and, at the Anglo-Japanese meeting  
17 on 27 November, proposed an amendment to the following  
18 effect: 'Under the British plan, the various Powers  
19 can change their building programs whenever necessity  
20 arises. But such a scheme is likely rather to lead  
21 to a race in naval construction. A common upper  
22 limit should therefore be set to the British plan, so  
23 that this limit will be reached gradually, and not at  
24 once.' Then on 30 November Vice-Admiral YAMAMOTO  
25 engaged in free talking with Admiral Chatfield; and

1 on 10 December the Japanese delegation made a  
2 report to the Government on the negotiations on the  
3 British plan and at the same time asked for its  
4 views thereon. The Japanese delegation, moreover,  
5 made preparations for subsequent negotiations by draw-  
6 ing up the following tentative plan for inserting  
7 the common upper limit formula into the British plan  
8 in the event of that plan being adopted as a basis  
9 of discussion.

10 "The two tentative plans were based on the  
11 Paul Boncour plan already mentioned and the London  
12 Treaty, and had incorporated in them some of the  
13 desires of both Great Britain and U.S.A.

14 "E. The Preliminary Negotiations went into  
15 recess on 19 December. The Japanese delegation,  
16 wishing to see it reopened not later than the follow-  
17 ing March, voiced the desire that the recess should  
18 be for a specified period. To which the British  
19 Foreign Minister replied that there would be no  
20 objection to that if the Americans were willing (at  
21 the Anglo-Japanese meeting on 18 December). If the  
22 negotiations could be resumed as the Japanese delega-  
23 tion desired, it was intended that Vice-Admiral  
24 YAMAMOTO and most of the members of the delegation  
25 who had been despatched from Tokyo should remain in

London.

1           "The American delegation however not only  
2 did not wish to commit themselves on the date, but  
3 expressed the view that no useful purpose could be  
4 served by reopening the conversations without a  
5 definite basis. And the British, fearing that  
6 further insistence on that point might mean final  
7 adjournment then and there, expressed reluctance to  
8 press the matter on the Americans. The Japanese  
9 delegate therefore approached the Americans directly  
10 (on 19 December), but without success. It thus  
11 became impossible to come to any definite agreement on  
12 the date of resumption of the negotiations; so it was  
13 merely agreed that an opportune time for resumption  
14 should be found at as early a date as possible.

15           "Although it became impossible thereafter to  
16 negotiate with the British and Americans officially,  
17 the Japanese delegation believing that it would be to  
18 the mutual advantage of the Powers concerned to have  
19 the way smoothed for the negotiations when it should  
20 be resumed and to find out how the besetting difficul-  
21 ties might be solved, continued conversations with the  
22 British even after the official recess (28 and 29  
23 December, and 18 January). On 28 December, at a meeting  
24 attended by Admiral Chatfield and Mr. Craigie,  
25

1 Vice-Admiral YAMAMOTO was asked whether he, upon  
2 return to Japan, would be able to obtain his  
3 Government's approval to taking the building program  
4 formula as the basis of discussion. His reply was  
5 that he did not think that was impossible if the  
6 question of the common upper limit could be solved,  
7 and that in any case he would cooperate by doing his  
8 utmost to dissolve the difficulties in the way.

9 "Upon return to Japan, Vice-Admiral YAMAMOTO  
10 submitted a report to the effect that while he re-  
11 gretted the inability of the Powers concerned to reach  
12 understanding, he did believe that the negotiations  
13 had enabled them to know each other's demands; but  
14 that even greater effort would be needed in the  
15 future in order to prevail upon the British and  
16 U.S.A. to recognize Japan's demands (Annex Document  
17 No. 16).  
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1 "VIII. Regarding abolition of the Washing-  
2 ton Treaty.

3 "Since Japan's demand at the Preliminary  
4 Negotiations was based on the principle of equal  
5 footing for all the Powers concerned, which differed  
6 fundamentally from the system of discriminatory  
7 strengths provided for by the Washington Treaty,  
8 Japan had reached the conclusion that the amendment  
9 of the kind she considered necessary could not be  
10 effected under the relevant provision of the Washing-  
11 ton Treaty (Art. 21), and that in order to secure a  
12 treaty founded on a new basis the only sure way was  
13 to abrogate that Treaty in pursuance of Art. 23,  
14 para. 1 and to ask for another conference to be con-  
15 vened within one year in accordance with the second  
16 paragraph of the said Article. And it was so  
17 indicated in the instructions.

18 "With regard to the method of abrogation,  
19 it was stated in the instructions that it should be  
20 done so as to cause as little commotion as possible,  
21 and that the utmost care should be paid to preclude  
22 any adverse effect upon subsequent negotiations. If  
23 possible, the steps for abrogation should be taken  
24 jointly by the Powers concerned, to be followed by  
25 a concerted effort by them all to consummate a new



1 agreement.

2 "Acting in accordance with the purport of  
3 those instructions the Japanese delegate to the  
4 Preliminary Negotiations, on 24 October and after,  
5 continued to negotiate with the other delegations,  
6 but were not successful in obtaining their approval  
7 nor a clear-cut statement of opinion.

8 "Thus it was Japan delayed the notice of  
9 abrogation as long as possible, and caused Ambassador  
10 SAITO to notify Secretary of State Hull on 29 De-  
11 cember. Consequently it should be clear that Japan  
12 did not give notice of abrogation after waiting to  
13 see the result of the Preliminary Negotiations; it  
14 came after the recess merely because Japan acted  
15 in accordance with the desires of the Powers con-  
16 cerned.

17 "And, as already stated, Japan was not  
18 satisfied with the substance of the armaments  
19 allotted under the Washington Treaty even at the  
20 time of its conclusion. To retain that Treaty  
21 without modifications even after its expiration in  
22 1936, in disregard of the various developments in  
23 technique and weapons and changes in national con-  
24 ditions and international relations, it appeared to  
25 Japan, would be to deprive the Treaty's substance

1 of the attributes of fairness and justice, and hence  
2 improper.

3 "Japan thus abrogated the Washington Treaty  
4 for no other purpose than to open the way for the  
5 conclusion of new treaty that would be consonant  
6 with new developments and conditions and satisfac-  
7 tory to the various Powers, and to make it certain  
8 that a conference for drawing up such a treaty would  
9 be called. And the reason the abrogation was  
10 effected before the end of 1934 was to make the con-  
11 ference which would have to be called in consequence  
12 of that abrogation coincide in time with the 1935  
13 Conference envisaged by Art. 23, para. 2 of the  
14 London Naval Treaty.

15 "IX. The 1935 London Conference was  
16 opened on 9 December.

17 "A. The Japanese Government being thus  
18 definitely informed that the discussions of the  
19 coming conference were to cover the whole field of  
20 naval limitation, accepted the invitation of the  
21 British Government and despatched as delegates  
22 Admiral NAGANO and Ambassador Matsuzo NAGAI. The  
23 Japanese Navy also considered the idea of sending  
24 Vice-Admiral YAMAMOTO who had headed the Japanese  
25 delegation to the Preliminary Negotiations. But

1 considering that the other Powers would be repre-  
2 sented by high-ranking officers, Admiral NAGANO was  
3 named delegate as a matter of courtesy to the other  
4 delegates, and also because he was well-qualified  
5 by reason of his experience as a delegate to the  
6 1932 Geneva General Disarmament conference. Am-  
7 bassador NAGAI had been one of Japan's delegates to  
8 the 1930 London Naval Conference.

9 "The Japanese Government accepted the in-  
10 vitation of the British Government on 29 October.  
11 But prior thereto, on 18 October, informed the  
12 British Government of its desires (already made  
13 clear at the Preliminary Negotiations) regarding the  
14 1935 Naval Limitation Conference and clarified its  
15 attitude toward the question of disarmament.

16 "In the light of the attitudes and con-  
17 tentions of the various Powers at the Preliminary  
18 Negotiations, special attention of the Japanese  
19 delegates to the 1935 London Naval Conference was  
20 called to the following points:

21 "(a) Although the British concept of an  
22 absolutely necessary strength in armaments was in  
23 some respects inconsistent with the achievement of  
24 arms limitation, it was necessary, in order to make  
25 consummation of an agreement on disarmament certain,

1 to give the utmost consideration to Britain's de-  
2 mand in view of her special national circumstances.

3 "(b) Although Japan's proposal was to fix  
4 a maximum limit for the naval armaments of the  
5 stronger naval Powers, as a practical question there  
6 would be no objection to doing that in such a way  
7 that it would take a considerable period for Japan's  
8 navy to reach that limit.

9 "(c) Since the problems of the European  
10 Powers were extremely complicated, Japan should not  
11 become too deeply involved in them.

12 "(d) Consummation of a disarmament agree-  
13 ment being most desirable as a measure for allaying  
14 the state of uneasiness then existing throughout the  
15 world, efforts to that end should be made to the very  
16 last.

17 "(e) Since the lightening of the people's  
18 burden was an urgent need for Japan, the agreement  
19 to be made should be of such nature as will meet  
20 that need without fail.

21 "By way of reference material, a study made  
22 with reference to expenditures for armaments was  
23 also handed to the delegation (Annex Document No.  
24 18).

25 "B. The Conference was opened on 9 December

1 1935 and was attended by the representatives of  
2 France and Italy, in addition to the American,  
3 British and Japanese delegates. But this time, un-  
4 like in the case of the Preliminary Negotiations,  
5 formal meetings were the general rule; and as these  
6 meetings were attended by large numbers, opportunities  
7 for frank talks were few. As a result, explanations  
8 offered by the Japanese delegation might not have  
9 been adequate at times; but it is a fact that every  
10 effort was directed toward achieving an agreement.

11 "The other Powers concerned, however, were  
12 mainly concerned with maintenance of the status quo,  
13 and showed little interest in carrying out a thorough-  
14 going arms limitation. They confined their efforts  
15 for the most part to criticisms of the Japanese  
16 proposal, and no new ideas to meet new conditions  
17 were brought forward with reference to quantitative  
18 limitation."

19 THE PRESIDENT: Do you think we should  
20 have these interpretations of what the other Powers  
21 thought from this witness?

22 MR. ROBERTS: We feel that in view of his  
23 presence at the conference he is qualified to tell  
24 us what they said and the expressions were.

25 THE PRESIDENT: If what they said appears

1 be a matter of urgent necessity. Nor did they think  
2 that their proposal was necessarily an idealistic  
3 one, nor one that would be difficult to put into  
4 practice, - the more so as other plans similar to  
5 it in formula had already been put forward by other  
6 Powers at earlier conferences, as already stated,  
7 and a part of it had actually been incorporated into  
8 an agreement. And in the way of plans for sweeping  
9 disarmament, there was the so-called 'Hoover Plan'  
10 calling for a one-third or one-fourth reduction in  
11 naval armaments which was submitted by the American  
12 delegation to the 1932 Geneva General Disarmament  
13 Conference in June 1932. And in November of the  
14 same year, a proposal for an even more sweeping  
15 reduction in air armaments was submitted by Sir  
16 John Simon of the British delegation. All of the  
17 above plans had been taken into consideration, more  
18 or less as a pattern, in formulating the Japanese  
19 proposal. And since the Japanese delegation were  
20 prepared, moreover, to delay enforcement for a con-  
21 siderable period in the event immediate enforcement  
22 should be found difficult, they did not feel that  
23 they were trying to force the impossible or anything  
24 radically unreasonable upon the other Powers.  
25

"Such was the general situation in the

1 1935 and was attended by the representatives of  
2 France and Italy, in addition to the American,  
3 British and Japanese delegates. But this time, un-  
4 like in the case of the Preliminary Negotiations,  
5 formal meetings were the general rule; and as these  
6 meetings were attended by large numbers, opportunities  
7 for frank talks were few. As a result, explanations  
8 offered by the Japanese delegation might not have  
9 been adequate at times; but it is a fact that every  
10 effort was directed toward achieving an agreement.

11 "The other Powers concerned, however, were  
12 mainly concerned with maintenance of the status quo,  
13 and showed little interest in carrying out a thorough-  
14 going arms limitation. They confined their efforts  
15 for the most part to criticisms of the Japanese  
16 proposal, and no new ideas to meet new conditions  
17 were brought forward with reference to quantitative  
18 limitation."

19 THE PRESIDENT: Do you think we should  
20 have these interpretations of what the other Powers  
21 thought from this witness?  
22

23 MR. ROBERTS: We feel that in view of his  
24 presence at the conference he is qualified to tell  
25 us what they said and the expressions were.

THE PRESIDENT: If what they said appears

1 in official publications, we should have what they  
2 said out of those publications.

3 MR. ROBERTS: We have referred to the  
4 agenda for the official documents in most cases, and  
5 as far as the official reports of what the other  
6 delegates said in full, we felt that that would  
7 consume so much time that the man who was present  
8 would perhaps be able to summarize and save us con-  
9 siderable time, and give us the same information  
10 with the same effect.

11 THE PRESIDENT: This is not a summary, it  
12 is an interpretation which is objectionable. I do  
13 not want him to tell me what the British delegates  
14 said; I want to know what the British delegates said  
15 from the official reports of what they said.

16 MR. ROBERTS: We are perfectly willing that  
17 his statement as to what they said be compared with  
18 the official reports, if the Court so desires.

19 I continue, on page 65:

20 "C. It was the belief of the Japanese  
21 Delegation that while world insecurity might be  
22 traced to numerous causes, the principal cause was  
23 the fact of a few Powers with strong offensive arma-  
24 ments causing the lesser Armed Powers to feel in-  
25 secure. The removal of such a situation was felt to



1 be a matter of urgent necessity. Nor did they think  
2 that their proposal was necessarily an idealistic  
3 one, nor one that would be difficult to put into  
4 practice, - the more so as other plans similar to  
5 it in formula had already been put forward by other  
6 Powers at earlier conferences, as already stated,  
7 and a part of it had actually been incorporated into  
8 an agreement. And in the way of plans for sweeping  
9 disarmament, there was the so-called 'Hoover Plan'  
10 calling for a one-third or one-fourth reduction in  
11 naval armaments which was submitted by the American  
12 delegation to the 1932 Geneva General Disarmament  
13 Conference in June 1932. And in November of the  
14 same year, a proposal for an even more sweeping  
15 reduction in air armaments was submitted by Sir  
16 John Simon of the British delegation. All of the  
17 above plans had been taken into consideration, more  
18 or less as a pattern, in formulating the Japanese  
19 proposal. And since the Japanese delegation were  
20 prepared, moreover, to delay enforcement for a con-  
21 siderable period in the event immediate enforcement  
22 should be found difficult, they did not feel that  
23 they were trying to force the impossible or anything  
24 radically unreasonable upon the other Powers.  
25

"Such was the general situation in the

1 Conference. And although the Japanese delegates,  
2 believing that the other delegates could be con-  
3 vinced of their good faith and of the real  
4 significance of their proposal if they but tried  
5 hard enough, left nothing undone to explain the  
6 merits of the proposal. The results, however, were  
7 disappointing.

8 "D. The following are the answers of the  
9 Japanese delegation to the questions and observa-  
10 tions made by the various delegates on the Japanese  
11 proposal, which were not exact duplications of those  
12 made at the Preliminary Negotiations:  
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1           "(1) Since the direct and greatest cause  
2 of differences in what the British refer to as vulnera-  
3 bility lies in unreasonableness difference in naval  
4 strengths, the first step toward the removal of those  
5 differences should be the establishment of a common  
6 upper limit.

7           "The Washington Treaty merely used the figures  
8 obtained by a certain special method of computation  
9 on the basis of existing strength, which was a casual  
10 fact. It was concluded under the abnormal conditions  
11 prevailing immediately after the first world war, and  
12 the likelihood of having to amend it later was antici-  
13 pated. By no means did it accord equality of security  
14 to the Powers concerned.

15           "(2) By setting a common upper limit, and at  
16 the same time radically reducing or totally abolishing  
17 offensive weapons so as to render armaments substan-  
18 tially non-aggressive and non-menacing, no Power will  
19 menace another even if it builds within the common  
20 upper limit the arms necessary for its defense; nor  
21 will the various Powers feel mutually menaced even if  
22 the common upper limit further lowered. Nor can there  
23 be any apprehension of arms expansion.

24           "(3) Recognizing that an agreement among the  
25 three Powers whose positions from the standpoint of

1 sea defense were similar was the first essential step  
2 toward disarmament, Japan merely wished to first  
3 determine a criterion applicable to those three. But  
4 if that method is not acceptable there would be no  
5 objection to having the five Powers join the discussion  
6 from the beginning, nor to have discussions first by  
7 the European Powers, to be followed later by discussions  
8 by U.S.A., Great Britain and Japan.

9 "(4) Because of the high mobility of naval  
10 vessels, it is no difficult matter for a country to  
11 concentrate its warships at a single point whenever  
12 necessary. So if a country were to possess two forces  
13 on the ground of its having responsibilities in far-  
14 scattered areas, its armaments are bound to become a  
15 menace to others. Depending upon the point of view,  
16 such a demand might even be construed as a demand for  
17 the right to possess armaments on a two-Power or even  
18 greater standard. Such a demand is untenable from  
19 the standpoint of any agreement on disarmament.  
20

21 "E. The attitude taken by the Japanese  
22 delegate toward the above proposals of the other  
23 Powers was as follows (statement by Admiral NAGANO  
24 at the 9th meeting of the First Committee on  
25 8 January, 1936):

"The Japanese delegation attaches the greatest

1 importance to the question of quantitative limitation  
2 and believes that the creation of a state of non-  
3 aggression and non-menace through quantitative limi-  
4 tation is a condition prerequisite to an agreement  
5 on disarmament. Being therefore opposed to proceeding  
6 to a discussion of other problems before a decision  
7 has been reached on the question of quantitative limi-  
8 tation, the Japanese delegate refrains from making any  
9 statement now on the exchange of information but  
10 reserves all observations thereon for another occasion.  
11 But as regards the parts of the French and Italian  
12 plans which are based on the idea of quantitative  
13 limitation, that is to say, the parts which are con-  
14 cerned with a declaration of building programs, ob-  
15 servations thereon will be offered in due course.

16 "The fact of the French plan having been  
17 prepared with care can be readily recognized. But  
18 it does not appear to be the most suitable method for  
19 readjusting the existing relations between navies;  
20 nor has sufficient consideration been given therein  
21 to the need for securing real reductions in armaments;  
22 and it is not likely to prove an effective check on  
23 naval competition. With such defects, the application  
24 of the French plan cannot bring about an agreement  
25 on quantitative limitation that will be really

1 effective. The French plan, moreover, appears to be  
2 aimed at limiting the quantity of naval construction  
3 chiefly for reasons of economy, and has not given  
4 sufficient consideration to the basic principle of  
5 equal security for all Powers.

6 "The Italian plan, too, has been prepared  
7 with great care. With the purport of Article I  
8 recognizing clearly the sovereign right of each Power  
9 in matters pertaining to its naval armament in par-  
10 ticular, the Japanese delegation associates itself  
11 whole-heartedly. But the plan cannot be accepted,  
12 for much the same reasons as those stated in connection  
13 with the French plan.

14 "With reference to the 2nd British plan  
15 (substituted for the 1st British plan), Admiral  
16 NAGANO stated at the 9th meeting of the Committee on  
17 8 January that he would reserve his observation thereon  
18 till a later time because it was concerned merely  
19 with exchange of information. But with reference to  
20 the 1st British plan dealing with declaration of  
21 building programs, observations were made at the 7th  
22 meeting of the Committee on 20 December, to the follow-  
23 ing effect;

24 "(1) Although the Japanese delegation is  
25 wholly in accord with the principle set forth in the

1 British plan that 'naval strength should be based on  
2 the minimum limits required for national security  
3 of the respective Powers'; but in actual practice  
4 there is no other course but to go back to the prin-  
5 ciple of equality of armaments.

6 "(2) Although the British plan is said not  
7 to be based on the ratio system, it is very similar  
8 to it. And since nothing is made clear regarding the  
9 scrapping of ships, it will be difficult to effect  
10 any modification of the relations now existing between  
11 the various navies, and hence will result in the main-  
12 tenance of the present relations in general.

13 "(3) The British plan has given no considera-  
14 tion to the carrying out of positive reduction. The  
15 aim of disarmament cannot be attained even if quali-  
16 tative limitation should be carried out.

17 "(4) The British plan may even lead to an  
18 increase in armaments if a Power submits a plan of  
19 excessive size.

20  
21 "(5) It has been explained that the Japanese  
22 thesis regarding security of national defense has  
23 been incorporated into the British plan. But such  
24 does not appear to be the case since what Japan is  
25 demanding is that differences between armaments be  
substantially removed.

1 "There was also the American plan suggesting --  
2 though not strongly insisting upon -- a 20% reduction.  
3 To this plan the Japanese delegate made the obser-  
4 vation that while a proportionate reduction of 20%  
5 on the existing strength of the various Powers might  
6 be effective as a measure of disarmament, it could  
7 not be productive of fair results (informal Japanese-  
8 American meeting of 7 December and 9th meeting of the  
9 First Committee of 8 January).

10 "F. In the following paragraphs is given  
11 an account of the various efforts made by the Japanese  
12 delegation during the Conference to obtain the under-  
13 standing and collaboration of the other delegations  
14 on the Japanese proposal.

15 "Beginning with the informal Anglo-Japanese  
16 meeting of 7 December, 1935, the Japanese delegation  
17 continued negotiations, both formal and informal, with  
18 the representatives of other Powers until 16 December;  
19 and thereafter also efforts were made to explain the  
20 purport and application of the Japanese proposal when-  
21 ever opportunity presented itself. And with regard  
22 to Britain's vulnerability, which appeared to be a  
23 big obstacle to agreement, the Japanese delegation  
24 were prepared to give it the utmost consideration short  
25 of altering its own basic policy on disarmament; and



1 to that end, when Admiral Chatfield stated at the  
2 2nd informal Anglo-Japanese meeting of 13 December,  
3 1935, that Britain's vulnerability being high, she  
4 required an absolute minimum in certain specified  
5 categories as well as relative strengths in other  
6 categories; so Britain's position would be rendered  
7 extremely difficult under the common upper limit. He  
8 then asked whether Admiral NAGANO would recognize  
9 Britain's special minimum requirement, or would be  
10 opposed to it. To which Admiral NAGANO replied that  
11 since he knew, as a matter of common sense, that  
12 Britain's vulnerability was high, he recognized the  
13 need of making big adjustment for Britain; but the  
14 degree of adjustment must be studied. He further  
15 explained that since Japan well understood Britain's  
16 position, there would not be actual parity even under  
17 the common upper limit. And to Mr. Craigie's ques-  
18 tion as to whether Admiral NAGANO realized that,  
19 depending upon how the common upper limit is fixed,  
20 certain countries might require armaments in excess of  
21 that limit, the latter replied that while it would  
22 be all right to take Britain's strength as the common  
23 upper limit, it was mutually desirable to avoid exciting  
24 the peoples of the various countries; consequently  
25 it was necessary to refrain from inserting in the

1 as combat units was considered inadequate. (The  
2 question of retention of over-age vessels was recog-  
3 nized also in the Anglo-Japanese compromise plan at  
4 the 1927 Three-Power Conference, and was also suggested  
5 by the British at the Preliminary Negotiations.)

6 "The above circumstances can be readily under-  
7 stood from the speech made by Admiral NAGANO at the  
8 10th meeting of the First Committee on 15 January,  
9 1936. At any rate, it was the view of the Japanese  
10 delegation that however its attitude might appear as  
11 to form, there was no substantial inconsistency with  
12 Japan's basic thesis.

13 "H. The situation was further complicated  
14 by the fact that all the Powers, with the exception  
15 of U.S.A., were not desirous of effecting arms reduc-  
16 tion and placed emphasis on qualitative limitation  
17 rather than on quantitative limitation. And the only  
18 other question they seemed to be interested in dis-  
19 cussing was that of exchange of information. And since  
20 the Japanese delegation was firmly of the belief that  
21 without quantitative limitation it would be impossible  
22 to achieve real disarmament, to protect the sense of  
23 security of the various Powers or to secure economy  
24 on naval expenditures, it requested, at the 9th meet-  
25 ing of the First Committee on 8 January, 1936, that

1 the agenda thereafter should be so arranged as to  
2 obtain decision first on quantitative limitation, to  
3 be followed by discussion of the questions of quali-  
4 tative limitation and exchange of information.

5 "On the following day, i.e., 9 January, an  
6 informal Anglo-Japanese meeting was held at the Foreign  
7 Office at 4 p.m. upon the suggestion of the British  
8 delegation. At this meeting Viscount Monsell said,  
9 'We have now the Japanese plan, the British plan and  
10 the French plan before the Committee. If we return  
11 to the discussion of these three plans, the time will  
12 come when it will be necessary to make decisions on  
13 them. Does the Japanese delegation desire that?'  
14 To which Admiral NAGANO replied, 'If it is clear that  
15 no other plans are to be submitted anew, please do  
16 so whenever it is convenient for you.' Viscount Monsell  
17 then said, 'There is no other plan; and since the  
18 Japanese plan was submitted first it will be necessary  
19 to take a decision on that first. But in the event  
20 the Japanese plan is rejected, will the Japanese dele-  
21 gation be able to remain in the Conference still?  
22 And should you withdraw from the Conference and the  
23 four Powers decide to continue the discussions in order  
24 to consider such questions as qualitative limitation  
25 and exchange of information, will Japan be able to

1 leave an observer?'

2 "Such a situation never having been anticipated  
3 by the Japanese delegation, Admiral NAGANO therefore  
4 replied that 'the matter was beyond the scope of his  
5 instructions.' Immediately thereafter the Japanese  
6 delegation reported the situation in the Conference to  
7 the Foreign Minister and asked for urgent instructions  
8 as to the attitude to be taken thereafter (Annex  
9 Document No. 19). The Foreign Minister's instructions  
10 (Annex Document No. 20) were received on 12 January.

11 "The purport of the new instructions was  
12 briefly as follows -- You shall further explain at  
13 the Committee meetings and other gatherings the thesis  
14 which Japan has always maintained regarding the firm  
15 establishment of the principle of non-aggression and  
16 non-menace and a sweeping reduction in armaments to be  
17 achieved through the setting of a common upper limit,  
18 which is the fundamental policy of the Japanese Govern-  
19 ment, and reductions, both quantitative and qualitative,  
20 in offensive armaments. Nothing shall be left undone  
21 to show that what the Japanese Government earnestly  
22 desires is the conclusion of a fair and reasonable dis-  
23 armament treaty and that it entertains a sincere con-  
24 cern for the work of disarmament. And even if then  
25 Japan's thesis does not receive the final approval

1 of the other Powers, withdrawal from the Conference  
2 may be unavoidable. But even in such an eventuality,  
3 in order to avoid unfavorable effect upon international  
4 relations, effort should be made to save the situation  
5 by having the five Powers agree to matters on which  
6 they can come to agreement, then to have the Powers  
7 concerned make a joint declaration not to engage in an  
8 armament race before bringing the Conference to a close;  
9 all other questions to be turned over to a new Conference  
10 to be held thereafter by the four Powers. There will  
11 be no objection to having an observer present at the  
12 Four-Power Conference.

13 "On the following day, i.e., 13 January,  
14 therefore, the Japanese delegates had a meeting with  
15 the British delegation and voiced their desire to offer  
16 further detailed explanations on the Japanese plan at  
17 the next meeting of the First Committee with the object  
18 of obtaining the understanding of the various Powers,  
19 and to take steps to obtain agreement first on the ques-  
20 tion of restrictions on the use of submarines and other  
21 questions upon which there was prospect of agreement  
22 among the five Powers. But the suggestion to have  
23 the questions upon which there was prospect of agreement  
24 by the five Powers was rejected by the British. The  
25 next question taken up was that of the measures to be

1 taken in the event of the Japanese plan not being  
2 approved by the other Powers. The Japanese delegates  
3 expressed the desire that in such an eventuality a  
4 vote should not be taken on the Japanese plan; and  
5 since it was obvious that agreement by the five Powers  
6 on the question of quantitative limitation would be  
7 difficult, it was desirable from the standpoint of  
8 preserving the tranquility of international relations  
9 to end this Conference at this point by going through  
10 the form of an indefinite postponement, after the  
11 pattern of the 1927 Geneva Three-Power Naval Con-  
12 ference. But as this, too, was rejected by the British,  
13 the Japanese delegation was forced to go to the next  
14 meeting of the First Committee without being able to  
15 do anything more.

16 "On 15 January, at the 10th meeting of the  
17 First Committee, Admiral NAGANO offered detailed  
18 explanations on the Japanese plan and answered points  
19 on which the other Powers had doubts, and asked that  
20 they consider the Japanese plan (Annex Document  
21 No. 21).

22 "The various delegates made observations on  
23 the Japanese proposal from their respective points  
24 of view, expressing concurrence on some points, oppo-  
25 sition to others.

"Finally, the Chairman spoke as follows,

1 'The discussion of the Japanese proposal has now pro-  
2 ceeded as far as it usefully can. All the delegations  
3 have considered it carefully, both inside and outside  
4 the Conference; but I have to note that it has  
5 received no support. Furthermore, this Japanese  
6 proposal deals in the main only with quantitative  
7 limitation, and quantitative limitation itself is only  
8 a limited part of the many problems before this Con-  
9 ference. I therefore think the best plan will be  
10 adjourn the meeting and to proceed at the next meeting  
11 with the other important work before the Committee,  
12 beginning with the French, Italian and United Kingdom  
13 proposals for the advance notification of building  
14 programs.'

16 "Having come to this pass, the Japanese  
17 delegation felt that they had done everything that  
18 should have been done, and that there was nothing more  
19 that they could do. And as they were firmly of the  
20 opinion that only arms limitation agreement without  
21 quantitative limitation would not only fail to attain  
22 the aims of arms limitation, but would lead to an un-  
23 fair result they felt that they could make no further  
24 contribution to the Conference even if they remained  
25 in it. Hence there remained no alternative but to

1 withdraw from the Conference. On the evening of  
2 15 January, therefore, notice was given to the Chair-  
3 man of the First Committee to the effect that the  
4 Japanese delegation considered that no useful purpose  
5 would be served by its continuing to participate in  
6 the discussions of the Conference; and on the 20th  
7 the Conference was notified that while the Japanese  
8 delegation could not continue to participate in the  
9 discussions of the Conference, an observer would be  
10 left (Annex Document No. 22).

11 "The Japanese delegation had attended the  
12 Conference with high hope of consummating a fair and  
13 just agreement on disarmament, and had even completed  
14 study of plans for a further extension of the agree-  
15 ment (Annex Document No. 23). But as so many features  
16 of the Conference turned out to be contrary to Japan's  
17 expectations, there was finally no choice but to  
18 withdraw. In his report the Japanese delegate expressed  
19 deep regret over the withdrawal from the Conference  
20 (Annex Document No. 24).

21 "On this 30th day of July, 1947."

22 You may cross-examine.

23 THE PRESIDENT: Mr. Comyns Carr.

24 MR. COMYNS CARR: May it please the Tribunal,  
25 I do not quite understand what is supposed to be the



1 position with regard to these annexes.

2 THE PRESIDENT: We take it they are in evi-  
3 dence as part of the document so far as admitted.

4 MR. COMYNS CARP: If your Honor pleases,  
5 with regard to cross-examination we feel that no use-  
6 ful purpose would be served by repeating to this wit-  
7 ness the questions which I put to Admiral KONDO yes-  
8 terday; and under those circumstances, we do not pro-  
9 pose to cross-examine.

10 MR. ROBERTS: May the witness be excused on  
11 the regular terms?

12 THE PRESIDENT: He is excused on the usual  
13 terms.

14 (Whereupon, the witness was excused.)

15 THE PRESIDENT: Mr. Brannon.

16 MR. BRANNON: This concludes the naval portion,  
17 the naval subtopic, of the Pacific Phase, with the  
18 exception of one document which we are waiting for.  
19 The Tribunal will recall that it was a purported  
20 statement by American Admiral Nimitz relative to sub-  
21 marine warfare. We ask permission of the Tribunal  
22 to submit that upon receipt at a later time.

23 THE PRESIDENT: What about the document  
24 withdrawn this morning, Mr. Brannon?  
25

MR. BRANNON: The one additional document,

1942, will also be resubmitted.

1           Mr. Blewatt, who is chairman of the Pacific  
2 Phase, will now proceed with the army portion and  
3 with his opening statement. Does the Tribunal wish  
4 him to commence now or after the recess?

5           THE PRESIDENT: I suppose his opening state-  
6 ment will take more than a few minutes, so we will  
7 adjourn until half-past one.

8                   (Whereupon, at 1155, a recess was  
9 taken.)

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## 1 AFTERNOON SESSION

2  
3 The Tribunal met, pursuant to recess, at  
4 1330.

5 MARSHAL OF THE COURT: The International  
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Blewett.

8 MR. BLEWETT: Members of the Tribunal, the  
9 defense at this time is prepared to offer to the Tribunal  
10 evidence appertaining to the participation of the  
11 Japanese Army in whatever plans and preparations that  
12 were made prior to the commencement of the Pacific War.  
13 Emphasis will be laid upon the actual period of time  
14 during which these operations were initiated, the  
15 authority motivating them, and the extent and scope  
16 of their execution. Later presentation will relate to  
17 the conduct of the war and the circumstances pertaining  
18 to surrender.

19 Before considering the specific allegations  
20 against the army on war preparations we deem it essential  
21 at the outset to refer to two events in which the army  
22 functioned on behalf of its government to which some  
23 testimony has been offered by the prosecution.

24 While the Japanese Government is charged with  
25 coercing the general government in French Indo-China,

1 and attacking French Indo-China troops, there is some  
2 implication that the army overstepped its authority  
3 and we shall make clear that situation by competent  
4 evidence.

5           Again, while the Japanese Government is charged  
6 with coercing the general government of French Indo-  
7 China to provide bases for aggression directly against  
8 Great Britain and the Netherlands East Indies, and  
9 indirectly against the United States, some suggestion  
10 was present in the testimony offered concerning army  
11 activities, and these matters will be dealt with for  
12 complete clarification.

13           The prosecution under Section 5(b) Appendix  
14 A of the Indictment proposed to produce evidence of  
15 general military preparations for wars of aggression.

16           It commended with an army explanation of the  
17 meaning of the Mobilization Law and amendments thereto  
18 taken from a Japanese newspaper. Reference was made  
19 to the Military Service Law and the National Defense  
20 Security Law. A population theory was offered from a  
21 Planning Board pamphlet, and an excerpt was submitted  
22 from a book by HASHIMOTO who was a civilian not connected  
23 with any government section at that time on increase  
24 in armaments. A resolution was referred to which was  
25 adopted by the 6 September Imperial Conference relative

1 to a possible war with the United States and Great  
2 Britain. A vast amount of evidence was placed in the  
3 record concerning the hypothetical studies of the Total  
4 War Research Institute, including cross-examination by  
5 the defense.

6           Various telegrams were read concerning troop  
7 movements in the middle and latter part of November, 1941.  
8 A document showed administrative planning in southern  
9 areas as formulated on 20 November, 1941. Other docu-  
10 ments were placed in evidence regarding attitudes toward  
11 foreign countries which were decided upon in November,  
12 1941. Military administrative measures to be taken in  
13 the event of war dated 12 November, 1941 were read as  
14 well as a document dated as of 20 November with regard  
15 to general military administration in areas to be occupied.

16           Considerable data was presented from prosecution  
17 exhibit 809, a document prepared by SCAP. From this  
18 publication, over the objection of the defense, various  
19 parts were read into the record for the purpose of show-  
20 ing a chronological reference in order to clarify the  
21 sequence of Japanese military preparations covering the  
22 period from 10 October to 7 December 1941. A chart was  
23 offered showing the total strength of the Japanese army.

24           That concluded the phase of the prosecution's  
25 case on military preparation for war, and we feel it

1 fitting and proper to set it forth in this statement  
2 rather than wait for a later period so that the evidence  
3 we are about to submit may be more helpful to the  
4 Tribunal by comparison. The issues raised in Mr.  
5 Liebert's testimony were considered previously in the  
6 Economic sub-division.

7           To meet that type of doubtful inferential  
8 evidence the defense will show that no plans or  
9 preparations for a war with the United States and Great  
10 Britain were put into execution until after September,  
11 1941. Then while the government of Japan was exerting  
12 every effort to achieve a peaceful solution of the  
13 critical and perilous situation this same government --  
14 there is a slight rearrangement of the sentence --prudent-  
15 ly perceived the wisdom and necessity of preparing  
16 at the same time for eventualities. Once that decision  
17 was made the Army, logically as in all countries, was  
18 charged with that grave responsibility.

19           Accepting the mandate, as it was obligated to  
20 do through loyalty and duty, the Army proceeded to do the  
21 best it could under most severe handicaps. Raw materials  
22 were by that time almost non-existent; the supply of oil  
23 was curtailed; finances were insufficient for the great  
24 task imposed. We shall show how these plans were made,  
25 the dates on which they were made, the difficulties

1 encountered, and how not only a new contingency had to  
2 be provided against, but how two continuing ones had  
3 to be recognized as well, two very serious ones - China  
4 and the U.S.S.R.

5 In this emergency a new army was impossible  
6 of creation so therefore troops and equipment that had  
7 been long before provided for the North had to be rushed  
8 to the South. Men after long years of service in China  
9 were preparing for leave and furlough but their trips  
10 home had to be delayed. Munitions in the far North,  
11 and guns designed for use in that locality if necessary  
12 were hastily packed up and sent to the South in an effort  
13 to partially solve the new problem. It was a replica  
14 of the same old story which many nations throughout  
15 history have had to face suddenly forced to cope with  
16 large-scale war preparations in spite of lack of time,  
17 raw materials, industrial plants, skilled workmen,  
18 machine tools, a sufficient body of highly trained army  
19 officers and a thousand other vital requirements.

20 If the prosecution contention can be sustained  
21 that Japan was an all out arsenal geared up to feverish  
22 and complete war production it would seem that some  
23 direct proof of this should have been supplied. If  
24 the contention be true that huge preparations had been  
25 underway since 1937 or thereabouts it would be normal

1 to expect to find a nation bristling with guns, tanks,  
2 airplanes, and every conceivable manner of powerful  
3 scientific weapons and all the accoutrements of modern  
4 destruction. But if all these were created they do not  
5 seem to have been put to use as would be expected nor  
6 were they on hand to stem the tide of final demolition.

7 It is well known that when invasion of the  
8 Japanese home islands was imminent the coast lines were  
9 defended with cannon used in the Russo-Japanese war and  
10 new recruits armed with bambo poles. The equipment was  
11 not lost in battle as there were no large scale land  
12 engagements as in Europe. And certainly if Japan had  
13 been conspiring and preparing for an aggressive war over  
14 a long period of years she would have had a swarm of  
15 fighting planes, fleets of bombers and a multitude of  
16 troop carriers.

17 Proof will be submitted which, we submit, will  
18 completely erase the theory that the Japanese army  
19 through these accused was for years conspiring, preparing  
20 and outfitting itself for aggression, as alleged by the  
21 prosecution. On the other hand it will be demonstrated  
22 that only when plans and preparations for defense in  
23 the late fall of 1941 were belatedly decided upon, after  
24 hope for peaceful settlement of outstanding issues became  
25 all but hopeless, the army took over the job assigned to



1 it and not before.

2 THE PRESIDENT: That resembles a summation  
3 more than an opening, Mr. Blewett.

4 Mr. Tavenner.

5 MR. TAVENNER: If the Tribunal please, the  
6 prosecution views the last paragraph as probably the  
7 only paragraph that is in this opening statement which  
8 is truly of an opening statement character. And it is  
9 desired only to call the Tribunal's attention to what  
10 we claim to be a fact, that the rest of it is mere argu-  
11 ment or summation and that the Tribunal will not be  
12 influenced by it at this stage.

13 THE PRESIDENT: Mr. Blewett.

14 MR. BLEWETT: I respectfully refer the Tribunal  
15 to exhibit 2344, a list of cabinet members through all  
16 the years covered by the Indictment.

17 Starting as we are now with army activity in  
18 September 1940 I call your attention to the composition  
19 of the Cabinet at that time, which is the 2nd KONOYE  
20 Cabinet, and remind you that of these accused, but four  
21 are members of that Cabinet, and of these two are but  
22 Ministers without Portfolio.

23 General TOJO, as War Minister, was serving his  
24 first post as a member of a cabinet.

25 I refer to exhibit No. 615-A. A portion of this

1 exhibit was read by the prosecution in the French phase  
2 of the case beginning on page 6795 of the record, dealing  
3 with Japanese protests relative to the transportation  
4 of war materials through Indo-China to China. I shall  
5 read from exhibit 615-A commencing on page 3 entitled  
6 "Attitude Toward Japan" and ending on page 4.

7 "ATTITUDE TOWARD JAPAN (pp. 68, 69, 70)

8 "As a centre for collecting information, French  
9 Indo-China has likewise been of great service to Chung-  
10 king. Complying with the latter's request to station a  
11 Chinese Staff Liaison officer in Tongking, permission  
12 was duly accorded to Chungking's military representative  
13 to reside there from February 1940. His sole purpose  
14 was the gathering of information of military importance  
15 in close collaboration with the French colonial authorities.  
16 The local press, which had adopted an attitude of strict  
17 neutrality toward Sino-Japanese relations prior to the  
18 outbreak of the China Affair, turned anti-Japanese there-  
19 after, broadcasting and disseminating news fabricated  
20 by the Chiang Kai-shek regime deriding Japan and to the  
21 advantage of the Chinese. Moreover, the colonial  
22 authorities have been instigating the natives against  
23 Japan so that some 300,000 Chinese settled there are  
24 greatly encouraged in their anti-Japanese attitude.

25 "Nor can the fact be overlooked that in the

1 exhibit was read by the prosecution in the French phase  
2 of the case beginning on page 6795 of the record, dealing  
3 with Japanese protests relative to the transportation  
4 of war materials through Indo-China to China. I shall  
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17 neutrality toward Sino-Japanese relations prior to the  
18 outbreak of the China Affair, turned anti-Japanese there-  
19 after, broadcasting and disseminating news fabricated  
20 by the Chiang Kai-shek regime deriding Japan and to the  
21 advantage of the Chinese. Moreover, the colonial  
22 authorities have been instigating the natives against  
23 Japan so that some 300,000 Chinese settled there are  
24 greatly encouraged in their anti-Japanese attitude.

25 "Nor can the fact be overlooked that in the

1 construction of railways by the Chungking regime the  
2 Government of French Indo-China has been giving valuable  
3 assistance either through a syndicate or through the  
4 French owned Yunnan Railway Company. The syndicate has  
5 in fact behind it the guarantee of the French Government  
6 to the extent of 100,000,000 francs. The construction  
7 of the Chengtu-Chungking line was commenced last  
8 February, and was to be completed within 20 months.  
9 Work on another railway between Chungking and Kunming by  
10 way of Suchow is also going on steadily with the aid of  
11 French capital represented by a loan, amounting to  
12 480,000,000 francs, advanced by the Government of French  
13 Indo-China secured on the customs surplus revenue. In  
14 return, French financial interests have been granted  
15 mining rights along the Railway. Furthermore, the French  
16 colony has acceded to Chungking's request to multiply  
17 the freight capacity on the Yunnan Railway so as to ex-  
18 pedite the transportation of goods stored at Haiphong  
19 and Hanoi."

20 We refer to exhibit No. 618-A, starting on  
21 page 6844 of the record. We respectfully call the  
22 attention of the Tribunal to page 3 of the exhibit with  
23 special reference to (page 24) of the complete report,  
24 which gives the French Ambassador's reply to the Japanese  
25 Foreign Office that the Governor-General of French

1 Indo-China decided to enforce complete blockade on the  
2 frontier between French Indo-China and China, and also  
3 that the Governor-General decided to accept the dispatch  
4 of military experts for inspection of supplies via  
5 French Indo-China.

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1 From prosecution exhibit No. 620, I shall  
2 read portions not read into evidence to show that the  
3 advancement of Japanese troops into French Indo-China  
4 was under voluntary agreement and was not character-  
5 ized in any manner as a compulsory or as a military  
6 occupation.

7 The whole of page 2:

8 "2. The attitude of the French Government  
9 concerning the action taken toward Japan by the Gover-  
10 nor of French Indo-China.

11 "On July 15th, the French Foreign Minister  
12 told Mr. SAWADA, the Japanese Ambassador who called on  
13 him as requested, the following: When Major-General  
14 NISHIHARA and Governor Catroux met recently, discus-  
15 sion was completed and they mentioned the political  
16 alliance relations between France and Japan. However,  
17 Major-General NISHIHARA is understood to have been sent  
18 for the purpose of observation over the embargoes on  
19 the materials to be transported and as the Governor of  
20 French Indo-China also has no authority to discuss polit-  
21 ical problems of the above nature, I feel that both  
22 sides have gone a little too far. But, by saying this  
23 I have entirely no intention of expressing dissatis-  
24 faction, rather I feel pleased to know that both sides  
25 were able to talk so candidly and freely. From my

1 relation with the French Indo-China Bank; I have hither-  
2 to advocated that in so far as the Far East is concerned,  
3 France cannot but cooperate with Japan. But for the  
4 last two or three years the Japan-Franco negotiations  
5 have been complicated by theoretical disputes far from  
6 actual reality and I believe today is the time to dis-  
7 cuss frankly in order to unfasten the complication,  
8 namely (1) to make the economic relations of minister-  
9 ing each other's wants closer between Japan and French  
10 Indo-China, and (2) to promote more intimate political  
11 relations. The resolute steps taken by French Indo-  
12 China to enforce embargoes on the transportation of  
13 weapons via the YUNNON railway enduring great losses  
14 of the railway company are the expression of my hopes  
15 to accomplish my belief that we can confer with only  
16 Japan in the Far East and not minding China's enmity,  
17 which we may incur. However it is impossible to allow  
18 the losses of the company to continue without limitation.  
19 I hope that you will make some consideration to compen-  
20 sate these losses. Therefore I hope my candid opinion  
21 will be conveyed to the Japanese Government and hope  
22 you will make sure of Japan's views.

23 "The Japanese Ambassador said that concerning  
24 the NISHIHARA-Catroux meeting he had not yet received  
25 any official information, but in view of the recent

1 relation with the French Indo-China Bank; I have hither-  
2 to advocated that in so far as the Far East is concerned,  
3 France cannot but cooperate with Japan. But for the  
4 last two or three years the Japan-Franco negotiations  
5 have been complicated by theoretical disputes far from  
6 actual reality and I believe today is the time to dis-  
7 cuss frankly in order to unfasten the complication,  
8 namely (1) to make the economic relations of minister-  
9 ing each other's wants closer between Japan and French  
10 Indo-China, and (2) to promote more intimate political  
11 relations. The resolute steps taken by French Indo-  
12 China to enforce embargoes on the transportation of  
13 weapons via the YUNNON railway enduring great losses  
14 of the railway company are the expression of my hopes  
15 to accomplish my belief that we can confer with only  
16 Japan in the Far East and not minding China's enmity,  
17 which we may incur. However it is impossible to allow  
18 the losses of the company to continue without limitation.  
19 I hope that you will make some consideration to compen-  
20 sate these losses. Therefore I hope my candid opinion  
21 will be conveyed to the Japanese Government and hope  
22 you will make sure of Japan's views.

23 "The Japanese Ambassador said that concerning  
24 the NISHIHARA-Catroux meeting he had not yet received  
25 any official information, but in view of the recent



1 talks between Vice Minister of Foreign Affairs TANI  
2 and French Ambassador Henry regarding economic problems  
3 to be negotiated on the spot, I understand the Japa-  
4 nese Government is intending to dispatch delegates to  
5 French Indo-China in order to confer with the French  
6 Indo-China authorities. And asked, that, in spite of  
7 the above, do the French authorities intend to negotiate  
8 at the French home /government/?

9 "The Foreign Minister replied that as to the  
10 details they can be left to the authorities on the  
11 spot, but the vital problems relating to politics and  
12 economics he wishes to negotiate at the French home  
13 /Government/."

14 On page 5, I shall read the answer from the  
15 French Government, which is about the middle of the  
16 page, which has not been read by the prosecution:

17 "The answer from the French Government to the  
18 1st Japanese proposal of Aug. 1st (Conversation be-  
19 tween Mr. MATSUOKA, the Foreign Minister, and Mr.  
20 Henry, the /French/Ambassador/ Aug. 6th, the second  
21 Franco-Japanese Meeting.)

22 "The French Government, becoming enlightened  
23 as to the contents and subject matter of the request  
24 of the Japanese Government, expressed their attitude,  
25 through Mr. SAWADA, the Japanese Ambassador to France,

1 in the following manner. The present Japanese request,  
2 which further pins down France which has suffered a  
3 severe defeat in the war against Germany and also lost  
4 her prestige, cannot be accepted as it stands now. The  
5 reason being, not in the contents /of the request/ but  
6 its /diplomatic/ formality. That is to say, France  
7 has no objection as to its contents, but wishes it to take  
8 the form of an agreement reached by mutual agreement;  
9 rather than it being one forced /upon France/ by Japan.  
10 France does not expect a large compensation from Japan.  
11 At any rate France is ready to conclude an agreement  
12 quickly if it is in the form of respecting French  
13 sovereignty and honour; for instance, Japan should  
14 promise that the stationing of Japanese troops in  
15 Tongking is only a temporary measure, or that Japan  
16 wishes to promote economic and political neighborly  
17 relations with French Indo-China for Japan is anxious  
18 for friendly relations with France.

19 "Nevertheless, on Aug. 6th, the French Ambass-  
20 ador in Tokyo visited Mr. MATSUOKA, the foreign mini-  
21 ster, bringing with him the reply which the ambassador  
22 received from the home government and read the attached  
23 document No. 1, by which it is understood that France  
24 accepted the Japanese proposal, but desired that Japan  
25 does not injure her prestige in the form /of the

1 agreement/, and further stressed that he desired to  
2 negotiate with the vice-minister in regard to the  
3 form of the agreement. To which the minister gave his  
4 consent. Moreover, as the ambassador repeatedly stated  
5 that Japan's request was trampling on France's prestige  
6 and it was similar to that of an ultimatum. The  
7 /Foreign/ Minister explained that Japan has no inten-  
8 tions at all to injure France's prestige, and because  
9 she wished to avoid this and prevent the occurrence of  
10 such even in formalities, /Japan/ made the above request."

11 Page 19, Attached Document 1-2:

12 "Attached Document No. 1.

13 "Exchange of Notes.

14 "Mr. Ambassador:

15 "The Government of Japan being desirous of  
16 promoting friendly relations between French Indo-China  
17 and Japan and wishing to do their utmost for this pur-  
18 pose, I have the honour of notifying your Excellency  
19 that the same desires that the Government of France  
20 with a spirit of cooperation to restore peace and  
21 establish a new order in East Asia, will allow Japanese  
22 troops to be sent for operations against China, to pass  
23 through Tongking Province of French Indo-China and re-  
24 cognize the use of the airfields in that province (in-  
25 cluding the stationing of necessary guards), and to

1 furnish sufficient facilities for transporting arms,  
2 ammunition and other necessary materials of the Japa-  
3 nese Army.

4 "I have the honour to be

5 "Your Obedient Servant."

6 - - -

7 "Attached No. 2

8 "I have the honour to acknowledge the follow-  
9 ing from Your Excellency.

10 "The Government of Japan being desirous of  
11 promoting friendly relations between French Indo-China  
12 and Japan and wishing to do its utmost for this purpose,  
13 I have the honour of notifying your Excellency that the  
14 same desires that the Government of France with a  
15 spirit of cooperation to restore peace and establish  
16 a new order in East Asia, will allow Japanese troops  
17 to be sent for operations against China, to pass  
18 through Tongking Province of French Indo-China and  
19 recognize the use of the airfields in that province  
20 (including the stationing of necessary guards) and  
21 furnish sufficient facilities for transporting arms,  
22 ammunitions and other necessary materials of the Japa-  
23 nese Army.

24 "I, according to instructions from the home  
25 government, have the honour of replying that the

1 Government of France well understand the spirit of  
2 goodwill expressed in your Excellency's letter cited  
3 above and also accept the desires of the Government of  
4 Japan."

5 Pages 29 and 30, these are referred to on  
6 page 14:

7 "Attached Document 10 - 1

8 "30 August /1940/

9 "Mr. Minister.

10 "I have the honour of notifying your Excel-  
11 lency that the Government of France recognize the  
12 predominant interests of Japan in the economic and  
13 political fields in the Far East.

14 "Therefore, the Government of France antici-  
15 pates the Government of Japan will give their  
16 assurance/s/ to the Government of France, that Japan  
17 is with the intention of respecting the rights and  
18 interests of France in the Far East, especially the  
19 territorial integrity of Indo-China, and the sovereign-  
20 ity of France in all parts of the Union of Indo-China.

21 "In regards to the economic field, France is  
22 prepared to negotiate speedily as to the promotion of  
23 trade between Indo-China and Japan, as well as the  
24 method of assuring the most advantageous position  
25 possible, and superior compared to that of the Third

1 Power, to Japan and its nationals.

2 "As to the provision of special military  
3 facilities which Japan has requested of France, the  
4 same understands the purport of the Imperial Govern-  
5 ment to be completely in the settlement of the con-  
6 flict between Generalissimo Chiang Kai-Shek, consequent-  
7 ly the aforesaid is temporary, ceasing in the event  
8 such a conflict is resolved and shall be applied to  
9 only that province of Indo-China adjacent to China.  
10 Under the above-mentioned condition the Government of  
11 France are prepared to order the commander of the  
12 French Army in Indo-China to settle the said military  
13 problems with the Japanese commander. The demands sub-  
14 mitted by the Imperial Japanese Government shall not be  
15 excluded a priori, and orders issued to the French  
16 military authorities shall not, in regards to the above  
17 points, restrict the competence of the above author-  
18 ities.

19  
20 "The negotiations shall be carried out under  
21 the following conditions.

22 "Both military commanders shall, upon their  
23 word of honour as soldiers, exchange information which  
24 would clarify the necessities of the Japanese Army and  
25 the method by which the same may be satisfied. The  
above mentioned desires of the Japanese Army shall be

1 limited to military operations in those provinces in  
2 China adjacent to Indo-China.

3 "Following the exchange of information,  
4 mutually reliable contacts shall be made between the  
5 French and Japanese military authorities to provide  
6 the necessary military facilities to the Japanese Army.  
7 The Government of France shall not take any financial  
8 responsibility concerning the various facilities pro-  
9 vided to the Japanese Army. These facilities provided  
10 shall not be of a military occupational nature, but  
11 strictly limited to strategic necessities and conduct-  
12 ed under the superintendence and intermediation of the  
13 French military authorities.

14 "Lastly, the Imperial Japanese Government  
15 shall promise to take the responsibility of compensat-  
16 ing for damages sustained by Indo-China through the  
17 act of war of that enemy which may be drawn into the  
18 territory of Indo-China because of the presence of,  
19 and also by the act of war of the Japanese Army itself.

20 "Your obedient servant,

21 "Charles Arsene Henry, Ambassador"

22 Page 33, General Remarks, under marked para-  
23 graph (1):  
24

25 "The negotiations about to be opened should  
be conducted in a most amicable atmosphere.

1 Particularly whenever the French Military authorities  
2 show any sign of friendliness towards the Japanese  
3 Army of assist in protecting Japanese Army establish-  
4 ment, Japan on the other hand will full appreciate  
5 the French intention of carrying out the terms of the  
6 agreement.

7 "Regardless of the situation, whenever the  
8 French authorities give any facilities to the Japa-  
9 nese Army it will not bear the nature of compulsion  
10 through military occupation. The convenience thus  
11 afforded to the Japanese Army will be strictly limit-  
12 ed to the demand of strategical and tactical situation  
13 and it will be performed under the supervision and  
14 administration of the French Military authorities.

15 "From the position on the seacoast as a land-  
16 ing place to the strategic zone transit is free but on  
17 no account troops should be stationed for any length  
18 of time between the landing place and the strategic  
19 zone."  
20

21 We offer in evidence defense document No.  
22 1462-B, which is an excerpt from a book entitled,  
23 "Collection of Official Statement Concerning  
24 China Incident." I offer the book, numbered 1462,  
25 for identification.

CLERK OF THE COURT: The pamphlet entitled,



1 "Collection of Official Statement Concerning China  
2 Incident for December 1940," will receive exhibit  
3 No. 3012 for identification only.

4 (Whereupon, the document above  
5 referred to was marked defense exhibit  
6 No. 3012 for identification.)  
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1 MR. BLEWETT: From Exhibit 3012 for identifica-  
2 tion I offer in evidence an excerpt, page 44,  
3 defense document 1462-B.

4 THE PRESIDENT: Mr. Tavenner.

5 MR. TAVENNER: If it please the Tribunal, as  
6 will be seen from examination of the certificate, this  
7 is another of those documents ---

8 THE PRESIDENT: The French Judge has not been  
9 supplied with a full copy.

10 Proceed, Mr. Tavenner, please.

11 MR. TAVENNER: This is another of those docu-  
12 ments originating in the information bureau of the  
13 Foreign Office, in both Japanese and English text,  
14 and designed for publication. This is in the nature  
15 of a self-serving article published for consumption  
16 at home and abroad, of the same character as has been  
17 rejected by the Tribunal on numerous other occasions,  
18 and objection is made.

19 THE PRESIDENT: Mr. Blewett.

20 MR. BLEWETT: If the Tribunal please, this  
21 is a document from an official source and an official  
22 document from one of the important bureaus of the Jap-  
23 anese government, and certainly similar in form and  
24 context to numerous documents placed in evidence by  
25 the prosecution. Not only that, your Honors, but this

1 is a joint communique involving not only the Japanese  
2 but the French.

3 THE PRESIDENT: Mr. Tavenner.

4 MR. TAVENNER: In reply to the last statement,  
5 the Tribunal will see that that is the title of this  
6 publication made by the information bureau of the  
7 Japanese Foreign Office.

8 MR. BLEWETT: We feel, sir, that the docu-  
9 ment has probative value and its weight is certainly up t  
10 the Tribunal to determine.

11 THE PRESIDENT: Well, it certainly is a joint  
12 communique, whatever its purpose may be. That certainly  
13 makes a difference. I have just received a note from  
14 a colleague who takes exactly that view.

15 By a majority, the Court admits the document.

16 THE CLERK OF THE COURT: Defense Document 1462-B  
17 will receive Exhibit No. 3012-A.

18 (Whereupon, the document above re-  
19 ferred to was marked defense Exhibit No. 3012-A  
20 and received in evidence.)

21 MR. BLEWETT: I shall read Exhibit 3012-A:

22 "Joint Communique of the Japanese and French  
23 Governments On The Japanese Army Stationing Troops In  
24 French Indo-China. (At 5 p.m., September 27).  
25

"A fundamental understanding concerning French

1 Indo-China in view of promoting the establishment  
2 of a new order in East Asia and the settlement of the  
3 China Incident was reached during August at TOKYO be-  
4 tween Foreign Minister MATSUOKA and French Ambassador  
5 HENRY at TOKYO in a friendly manner.

6 "The Japanese Government gave assurance to the  
7 French Government that she intends to respect the  
8 rights and interests of France in East Asia, especially  
9 the territorial integrity of Indo-China and the sover-  
10 eignty of France to all of the Federation, and the  
11 French Government consented to afford the Japanese  
12 Government special facilities in Indo-China for the  
13 Japanese Army and Navy necessary in the execution of  
14 their operations.

15 "Furthermore, a conference between the Japan-  
16 ese and French military authorities was held at HANOI  
17 with the view of attaining a concrete agreement on the  
18 offer of military facilities mentioned above and by  
19 September 22, this had reached a satisfactory and  
20 smooth conclusion."  
21

22 I call the attention of the Tribunal that on  
23 the cover of the book which has been offered for ident-  
24 ification, is the year "1940", and settlement of the  
25 China Incident was reached during August.

I call the witness SAWADA, Shigeru.

1 THE PRESIDENT: What about your defense docu-  
2 ment 2131, Mr. Blewett?

3 MR. BLEWETT: I forgot to mention, sir, that  
4 I have transferred that to the latter part of the pre-  
5 sentation, where it fits in more feasibly.

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1 SHIGERU SAWADA, called as a witness in  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 MR. BLEWETT: May the witness be shown the  
5 affidavit, please, defense document No. 1523?

6 (Whereupon, a document is shown

7 to the witness.)

8 BY MR. BLEWETT:

9 Q Is that your affidavit?

10 A Yes, it is. But there is one correction I  
11 would like to make in the text.

12 MR. BLEWETT: You may do so.

13 THE WITNESS: On page 1 in the English text,  
14 the fourth line of paragraph 2, the words, "I went,  
15 with the permission of the Chief and the approval of  
16 the War Minister, to Hongkong"; "to Hongkong" should be  
17 corrected to "at Hongkong"; this should be "I was at  
18 Hongkong," instead of "I went to Hongkong."

19 MR. BLEWETT: I offer in evidence defense docu-  
20 ment No. 1523.

21 THE PRESIDENT: Admitted on the usual terms.

22 THE CLERK OF THE COURT: Defense document No.  
23 1523 will receive defense Exhibit No. 3013.

24 (Whereupon, the document above re-  
25 ferred to was marked Exhibit No. 3013 and re-

ceived in evidence.)

1 MR. BLEWETT: I shall read Exhibit No. 3013,  
2 omitting the formal parts:

3 "1. From October 1939 to November 1940 I  
4 served as Vice-Chief of the General Staff under  
5 Imperial Prince KAN-IN, then the Chief of the  
6 General Staff.

7 "2. Early settlement of the China Incident  
8 was the policy Japan adhered to consistently. After  
9 the operations in China began to show a tendency for  
10 protraction, I went, with the permission of the Chief  
11 and the approval of the War Minister, to Hongkong---

12 THE PRESIDENT: "I was at Hongkong" is what  
13 I think he said. However, go head.

14 MR. BLEWETT: Oh, yes, your Honor. I made  
15 the correction but I put it in the wrong place.

16 (continuing:) "where I held a secret liaison  
17 conference for peace among the military representatives  
18 of Japan and China. This conference, however, ended  
19 in vain, and in consequence it became urgently necess-  
20 ary for us to cut off Chungking from North French Indo-  
21 China and the Burma Road, both of which were the most  
22 important supply routes for Chungking. For this purpose  
23 the Japanese Government opened negotiations with the  
24 Vichy Regime and the British Government. As a result  
25

1 of these negotiations it was decided that the above  
2 Road should be closed voluntarily, and in June 1940  
3 a special committee headed by Maj. Gen. NISHIHARA was  
4 dispatched to French Indo-China in order to inspect the  
5 conditions at the border.

6 "3. After the closing of the French Indo-China  
7 Route, the Chungking Government steadily gathered its  
8 forces along the border of French Indo-China, and it  
9 was feared they might enter the French territory.  
10 These circumstances led Japan to dispatch forces to  
11 North French Indo-China for the defense of that area.  
12 As a result of negotiations between Tokyo and Vichy, an  
13 agreement was reached in August 1940 between Foreign  
14 Minister MATSUOKA and Ambassador HENRI for the dispatch  
15 of Japanese forces to North French Indo-China. The  
16 details of the matter were left to agreements to be  
17 reached at Hanoi between the military representatives  
18 of Japan and French Indo-China.

19 "4. The negotiation in Hanoi encountered no  
20 little difficulties. By some means, however, on 4 Sept.  
21 we succeeded in bringing it to a point when the agree-  
22 ment was about to be signed. However, an unfortunate  
23 event broke out on 5 Sept. The MORIMOTO battalion,  
24 on approaching the borders for reconnaissance purposes,  
25 was informed by the commander in charge of the French



1 Indo-Chinese border forces, that they were entering  
2 Indo-Chinese territory, whereupon the battalion immedi-  
3 ately withdrew. However, not a shot was exchanged be-  
4 tween them. According to further investigation, it was  
5 reportedly not certain, whether the MORIMOTO battalion  
6 had or had not, actually, wandered into their territory.

7 "5. Making an excuse of this occurrence, the  
8 French Indo-Chinese authorities stiffened their attitude  
9 to claim the over-all denunciation of the agreement which  
10 was about to be signed. The Japanese, still desirous  
11 of a peaceful settlement, resumed further negotiations,  
12 but the French Indo-Chinese authorities remained uncom-  
13 promising and we could hardly reach a conclusion.

14 "6. At that time the government of French  
15 Indo-China had pledged their loyalty to the Vichy Gov-  
16 ernment. Nevertheless we received information to the  
17 effect that such was, more or less, dubious. Especial-  
18 ly the attitude on their part to delay, on some pretext  
19 or other, the carrying out of our occupation of Northern  
20 French Indo-China, which had already been agreed to by  
21 the Vichy Government, raised some suspicion. Thus an  
22 Imperial Headquarters finding it necessary to demon-  
23 strate a peremptory attitude with regard to the agree-  
24 ment in Hanoi, issued instructions to Maj.-Gen. NISHIHARA  
25 to demand a final answer on the part of the French Indo-

1 Chinese authorities by noon 22 Sept. However, the  
2 Imperial Headquarters adhered to bringing the agreement  
3 to a satisfactory close, and was quite desirous of mak-  
4 ing a peaceful advance. Should they refuse, we would  
5 have to resort to the alternative of occupation by  
6 force, and hereupon, orders were given to the South China  
7 Army to prepare, in advance, for any measures of war or  
8 peace. The foregoing orders issued by the Imperial Head-  
9 quarters were to the effect that if an agreement was to  
10 be reached, we would make a peaceful advance from Hai-  
11 phong in accordance with the said agreement; in case  
12 no consent could be obtained by noon 22 Sept., we should  
13 commence action at midnight on the 22nd, and make our  
14 way by force should their forces offer us resistance.  
15 It is reported that this written order has been burnt  
16 and no longer exists.

17 "The Chief of the General Staff Headquarters  
18 had sent the Chief of Military Operations to direct  
19 this action to be taken by the South China Army and  
20 was one which required utmost delicacy and prudence in  
21 handling.

22 "7. Noon of September 22 was the very moment  
23 to decide on war or peace. French Indo-China maintained  
24 an unbending attitude. Japan, being eager to keep peace  
25 at all costs, gave way at last. Thus the agreement for

1 advancement was finally completed in peace. Therefore  
2 the agreement, which was scheduled to be concluded at  
3 noon, was actually concluded a few hours past noon.  
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1 "8. The news of the conclusion of the agree-  
2 ment was immediately dispatched to our South China  
3 Army, and the Commander-in-Chief of the Army ordered  
4 his units to set about peaceful advancement. Unfor-  
5 tunately, however, by that time the forward units of  
6 our forces had commenced actions for free entry on a  
7 report that the agreement had not yet been reached at  
8 noon, and was advancing through a mountainous region  
9 in dispersed order. These forward units did not know  
10 that the agreement was afterwards reached. Therefore  
11 at noon, 23 September, they began to enter French Indo-  
12 China, a fact which resulted in the deplorable border  
13 hostilities.

14 "9. Thanks to an order from Tokyo and to the  
15 adequate remedial measures taken by General ANDO,  
16 Commander-in-Chief of the South China Army, before the  
17 arrival of that order, the hostilities at the border  
18 ceased before entering a serious stage. The Japanese  
19 forces returned to French Indo-China all that they had  
20 obtained by the hostilities. Thus the matter was  
21 completely settled.

22 "10. According to the agreement, Japanese  
23 transports might have entered the Port of Haiphong  
24 under the guidance of the French Navy, but as a fight-  
25 ing had taken place on land to the north, an entry

1 into the port of Haiphong was considered dangerous  
2 and, for this reason, a landing was made in safety  
3 on the southern coast without provoking any battle.  
4 At the time of this landing, a unit of Japanese patrol  
5 planes dropped some bombs in the suburbs of the city  
6 of Haiphong due to a misunderstanding of signals be-  
7 tween the commander and his subordinates. As to this,  
8 reparations were made for damage and the commander  
9 was punished.

10 "11. The military strength of Japanese troops  
11 in Indo-China consisted of about 1,000 soldiers in all,  
12 if I remember rightly. The Japanese Military Authori-  
13 ties considered it very dangerous to dispatch such a  
14 feeble unit alone to a remote foreign land, but never-  
15 theless, the Chief of the General Staff, in considera-  
16 tion of a principle of peaceful occupation, decided  
17 the least possible military strength that circumstances  
18 would allow.

19 "12. The crossing of the frontier by the  
20 MORIMOTO Battalion and the occurrence of fighting on  
21 the border were much regretted by the central authori-  
22 ties of Japan, but were nothing but incidental happen-  
23 ings. But from the viewpoint of military discipline,  
24 the commander of the battalion, MORIMOTO, and his regi-  
25 mental commander were committed for military trial and

1 punished, and the two commanders, namely, ANDO and  
2 KUNO, were dismissed and degraded to divisional  
3 commanders. Moreover, even among the central mili-  
4 tary authorities the Chief of the Strategic Section,  
5 who was in charge of directing the South China Army,  
6 was transferred.

7 "13. As above, the entry into the northern  
8 part of French Indo-China was motivated by the necessity  
9 of hastening the settlement of the China Incident and  
10 that was the reason why the process of entry had been  
11 all the time accompanied by peaceful intentions. That  
12 is, the commission's inspection was first conducted  
13 and the entry itself was put into practice as a result  
14 of concessions made on the part of Japan after re-  
15 iterated negotiations had been made for more than two  
16 months with French Indo-China, a country not very  
17 strong at that time. It was quite natural therefore  
18 that there was employed only the least possible mili-  
19 tary strength the agreement allowed, and this to mani-  
20 fest simply our peaceful intentions. In such a manner,  
21 the Japanese side tried wholeheartedly to express their  
22 sincere desire for peaceful friendship.

23 "This 14th day of August, 1947.

24 "Signed: SAWADA, Shigeru."

25 Any questions?

1 THE PRESIDENT: Mr. Tavenner.

2 CROSS-EXAMINATION

3 BY MR. TAVENNER:

4 Q Mr. SAWADA, you state that Major General  
5 NISHIHARA headed a special committee and went to  
6 French Indo-China in June, 1940.

7 A Yes, I did.

8 Q Who was his assistant, or the second in  
9 charge?

10 A Colonel KOIKE.

11 Q Will you give me that name again?

12 THE INTERPRETER: Colonel K-O-I-K-E.

13 Who else were on the committee?

14 A Besides that there were commissioners from  
15 the War Ministry, the Navy Ministry, and the Foreign  
16 Office.

17 Q Were there military personnel as well?

18 A Yes, there were.

19 Q Who was the leader or the senior-ranking  
20 officer among the military personnel?

21 A I believe it was Colonel KOIKE.

22 Q Did not General NISHIHARA report to Tokyo  
23 about July 30 to make a report there? I mean, did he  
24 return to Tokyo to make a report?

25 A Yes, he did.

1 Q To whom did he make a report?

2 A To the Chief of the General Staff and the  
3 Vice-Chief of the General Staff -- of the Army General  
4 Staff.

5 Q In his absence who continued to conduct ne-  
6 gotiations in Indo-China?

7 A I believe that Colonel KOIKE was in charge.  
8 However, I do not think there were any negotiations  
9 during that period.

10 Q What connection was there between this special  
11 committee headed by NISHIHARA and the Canton army in  
12 southern China?

13 A Other than the fact that the South China Army  
14 sometimes sent liaison officers to the special committee,  
15 there was no special connection between the two.

16 Q Who served as the liaison officer between the  
17 Southern Army of China and this committee?

18 A I believe it was the Deputy Chief of Staff  
19 SATO.

20 Q The accused SATO in this case?

21 A Yes.

22 Q Did not Col. SATO -- did you say Lieut.Col. SATO?

23 A I am sorry; I cannot now recollect what his  
24 rank was at the time.

25 Q Well, did the accused SATO on the 2nd of



1 August, 1940, present a memorandum to the Governor  
2 General of French Indo-China?

3 A I do not know.

4 Q Do you not know at the time I mentioned that  
5 a memorandum was presented to the Governor General  
6 of French Indo-China demanding the free advance of the  
7 Japanese troops and the occupation of the air fields  
8 at Tongking for the operation of the Japanese army?

9 A Those matters should have been dealt with  
10 by Major General NISHIHARA in his conversations with  
11 the Governor General.

12 Q But Major General NISHIHARA, you stated, re-  
13 turned to Japan on July 30?

14 A To this day I have never heard anything to  
15 the effect that any negotiations were conducted -- any  
16 such negotiations were conducted during Major General  
17 NISHIHARA's absence.

18 Q Now, when the decision was made to advance  
19 into French Indo-China, by whom was that decision first  
20 made?

21 A The decision was made towards the end of July,  
22 after Major General NISHIHARA's return, and it was  
23 made by the War Minister and the Chief of the Army  
24 General Staff.

25 Q Was there a liaison conference held to re-

1 ceive the report from the Foreign Minister and the  
2 High Command?

3 A No.

4 Q Was the matter reported to the Privy Council  
5 and did the Privy Council take action?

6 A No, there was no such thing.

7 Q Who was the Chief of military operations at  
8 this time?

9 A Major General TOMINAGA.

10 Q What was the official position of the accused  
11 SATO during the summer of 1940 -- say from June through  
12 September?

13 A Deputy Chief of Staff, South China Expedition-  
14 ary Forces.

15 Q You stated at the bottom of page 3 of your  
16 affidavit that in the event the French refused to  
17 comply with the Japanese demands "we would have to  
18 resort to the alternative of occupation by force,  
19 and hereupon orders were given to the South China Army  
20 to prepare, in advance, for any measures of war."

21 A Yes.

22 Q Did you consult the accused SATO at that time?

23 A No, no consultations were held.

24 THE PRESIDENT: I have a question on behalf  
25 of a Member of the Court.

1 BY THE PRESIDENT:

2 Q That was the exact location of the Chungking  
3 Government forces along the French Indo-Chinese border?

4 A I don't recollect.

5 Q Were they important forces?

6 A They were important forces, and the Governor  
7 General of French Indo-China, General Catroux, had  
8 indicated -- had pointed out their danger.

9 THE PRESIDENT: We will recess now for fif-  
10 teen minutes.

11 (Whereupon, at 1445, a recess was taken  
12 until 1505, after which the proceedings were  
13 resumed as follows:)

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1           MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3           THE PRESIDENT: Mr. Tavenner:

4                   CROSS EXAMINATION (Continued)

5 BY MR. TAVENNER:

6           Q   Mr. SAWADA, was a part of the Canton Army  
7 sent down to French Indo-China at this time?

8           A   Yes.

9           Q   How many troops of the Canton Army were  
10 eventually sent into French Indo-China?

11          A   One division.

12          MR. TAVENNER: If the Tribunal please, with  
13 reference to the testimony of the witness regarding  
14 the final demands upon France with the threat of  
15 use of military force, the prosecution does not  
16 desire to cross-examine, but does rely upon certain  
17 exhibits introduced in behalf of the prosecution,  
18 some of which I would like to refer to: Exhibit 640,  
19 page 7037; exhibit 646, page 7055; exhibit 641,  
20 page 7043; exhibit 644, page 7052; exhibit 647-A,  
21 page 7059; exhibit 639-B, page 7033; and exhibit 642,  
22 page 7046.

23                   That is all, if the Tribunal please.

24          MR. BLEWETT: May the witness be excused,  
25 your Honor?

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THE PRESIDENT: He is excused on the usual terms.

(Whereupon, the witness was excused.)

MR. BLEWETT: I call the witness KONDO, Nobutake.

1 N O B U T A K E K O N D O, recalled as a witness  
2 on behalf of the defense, having been previously  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 DIRECT EXAMINATION

6 MR. BLEWETT: May the witness be shown  
7 document 1687?

8 BY MR. BLEWETT:

9 Q Is that your affidavit, Admiral?

10 THE PRESIDENT: We will have his name and  
11 address, Mr. Blewett.

12 Q Will you give us your name and address?

13 A My name is KONDO, Nobutake. My address is  
14 166 Taishido-machi, Setagaya-ku, Tokyo.

15 THE PRESIDENT: He is already sworn.

16 You are still on your former oath.

17 Q Is that your affidavit that you just  
18 examined?

19 A Yes, it is.

20 Q Are the contents therein true and correct?

21 A Yes, they are.

22 MR. BLEWETT: I offer in evidence defense  
23 document No. 1687.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document 1687

1 will receive exhibit No. 3014.

2 (Whereupon, the document above  
3 referred to was marked defense exhibit No.  
4 3014 and received in evidence.)

5 MR. BLEWETT: I shall read exhibit 3014:

6 "1. I was formerly an admiral.

7 "I was appointed Chief of the First De-  
8 partment of the Naval General Staff on December 2,  
9 1935 and the Commander-in-chief of the Fifth Fleet  
10 on December 15, 1938, in which position I served  
11 until the following year, 1939.

12 "2. The operation of occupying Hainan  
13 Island was planned while I was, as above-mentioned,  
14 in the position of the Chief of the First Department  
15 of the Naval General Staff (around November 1938).  
16 I then, as chief of the First Department; that is,  
17 the chief of the Operation Department, had charge of  
18 drafting the operation plan. Besides, occupying  
19 Hainan Island was carried out by the units under  
20 command of myself as the Commander-in-chief of the  
21 Fifth Fleet. Such being the case, I am very well  
22 informed concerning the military situation of those  
23 days, the subject of this operation and the state of  
24 affairs of the occupation movement.

25 "3. Since the outbreak of the China Affair,

1 Japan keenly realized that, with a view to the early  
2 settlement of the Affair, it was strategically  
3 necessary, aside from her continuous military  
4 efforts, for her to prevent arms and other muni-  
5 tions which had become the source of the Chinese  
6 resistant power against Japan from being imported  
7 from outside.

8 "4. As a result of the Japanese occupation  
9 of Kwantung which was carried out in October 1938,  
10 it was possible to keep in check the transport and  
11 supply of munitions inland from there. Japan, how-  
12 ever, found another inland supply route in the  
13 southwest of China. Thus the coastal of Kwangchow  
14 Bay and Annan Bay areas increased in importance to  
15 such an extent that Japan began to feel the neces-  
16 sity of blockading this area in her attempt to check  
17 the inland supply from the sea. For doing this  
18 thoroughly, the occupation of Hainan Island which  
19 it was intended to make one of our advanced bases,  
20 was considered indispensable.

21 "5. Japan, with the progress of her  
22 military operations against China, occupied import-  
23 ant zones one by one and got into a position to  
24 deliver long air attacks upon other important zones.  
25 The result of our blockade operation of ingoing



1 supplies to the Chinese Army, however, turned out  
2 to be far from thorough-going because the spearhead  
3 of the Japanese Army did not reach the western part  
4 of Kwantung Province, Kwangsi Province or the  
5 Kweichow and Yunnan area and especially because it  
6 could not attack the South Route at several inner  
7 important points. Thus Japan, desiring to accomplish  
8 the aim of blockading her enemy's supply route, found  
9 it necessary to establish an air base on Hainan  
10 Island and to make it an advanced base of hers.

11 "6. The Hainan Island Operation was based  
12 upon an order, 'Occupy Hainan Island,' which was  
13 issued by the Imperial Headquarters in January  
14 1939 and was carried out in the form of a joint  
15 operation by the Army and Navy. On February 10,  
16 1939 an Army force (one mixed brigade) on a little  
17 more than ten transports which had been escorted  
18 by the Fifth Fleet under my command, landed on the  
19 island at Chengmai-Wan Bay on its northern end and  
20 occupied Haikow and its vicinity. This started a  
21 series of occupations which was made at various  
22 strategic points by our Army and Naval forces. This  
23 Japanese-held Island became of not a little help in  
24 our subsequent operations against the continental  
25 inland regions and the coastal areas of South China.

1 Above all, the successive air attacks upon the South  
2 Supply Route were delivered by the air group of this  
3 Hainan Air Base.

4 "7. As I mentioned above, the occupation  
5 of Hainan Island was made exclusively on the basis  
6 of purely strategic requirements. With the develop-  
7 ment of the conflict to the stage when Japanese  
8 troops advanced into French Indo-China and when the  
9 Pacific War broke out, this Island came to play a  
10 strategic role from considerations of its topography.  
11 In no way, however, was this planned from the outset  
12 nor did we operate with the intention of occupying  
13 the Island permanently."

14 Any questions?  
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1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: If the Tribunal please, this  
3 entire affidavit deals with the subject of the capture  
4 of Hainan Island. With regard to the decision to cap-  
5 ture Hainan Island the prosecution relies upon prosecu-  
6 tion exhibit 612, page 6731 of the transcript, the  
7 Five-Ministers Conference of November 25, 1938.

8 There will be no cross-examination.

9 THE PRESIDENT: I have a question on behalf  
10 of a Member of the Tribunal:

11 How is the witness sure that Japan did not  
12 want to occupy Hainan Island permanently?

13 THE WITNESS: Since the occupation of Hainan  
14 Island was carried out because of purely strategic  
15 requirements I understood that our occupation would  
16 not be permanent.

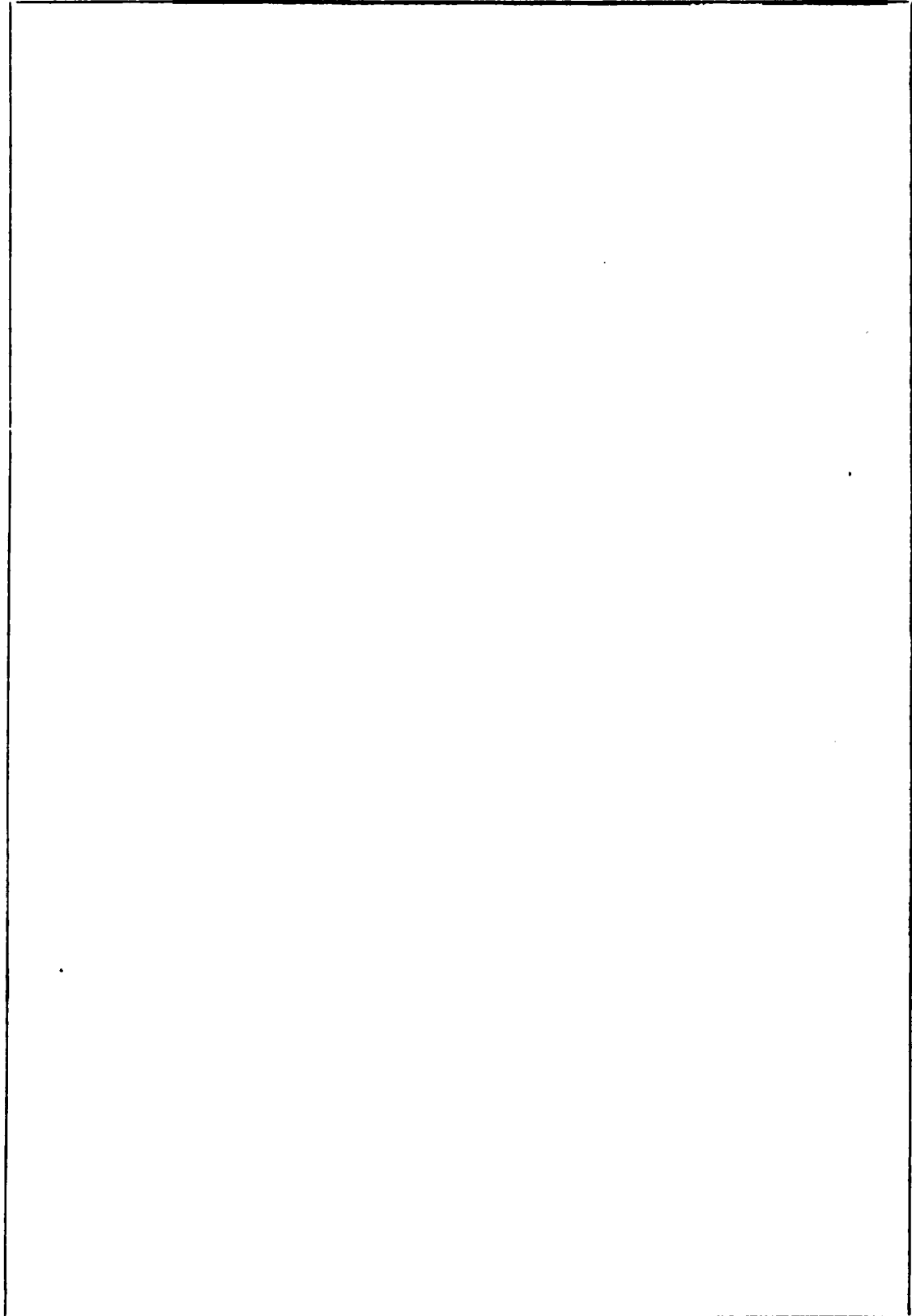
17 MR. BLEWETT: May the witness be excused, sir?

18 THE PRESIDENT: He is excused on the usual terms.

19 (Whereupon, the witness was excused.)

20 MR. BLEWETT: I call the witness ABE, Katsuo.  
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1 K A T S U O A B E, called as a witness on behalf  
2 of the defense, being first duly sworn, testified  
3 through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 MR. BLEWETT: May the witness be shown  
6 defense document No. 1689.

7 THE PRESIDENT: We will have his name and  
8 address first, Mr. Blewett.

9 BY MR. BLEWETT:

10 Q Will you please give us your name and address,  
11 Admiral?

12 A My name is ABE, Katsuo; my address: 2320  
13 Midorigaoka, Meguro-ku, Tokyo.

14 Q Would you examine defense document No. 1689?  
15 Is that your affidavit and is it signed by you?

16 A Yes, it is.

17 Q Is it true and correct?

18 A It is correct.

19 MR. BLEWETT: I offer in evidence defense  
20 document 1689.

21 THE PRESIDENT: Mr. Tavenner.

22 MR. TAVENNER: If the Tribunal please, objection  
23 is made to two sentences which we view as stating opin-  
24 ions or conclusions: on the last page, page 4, the  
25 first sentence begins about the middle of the paragraph

1 marked "6" with the words, "Accordingly the occupa-  
2 tion," and the other sentence is the last one beginning  
3 with the words, "Japan never."

4 THE PRESIDENT: Mr. Blewett.

5 MR. BLEWETT: We have no objections to deleting  
6 those sentences, if your Honor please.

7 THE PRESIDENT: Mr. Blewett.

8 They will be taken out then.

9 MR. BLEWETT: Pardon me, sir, is the document  
10 admitted with that deletion?

11 THE PRESIDENT: Yes, the document is admitted  
12 on the usual terms with those two deletions.

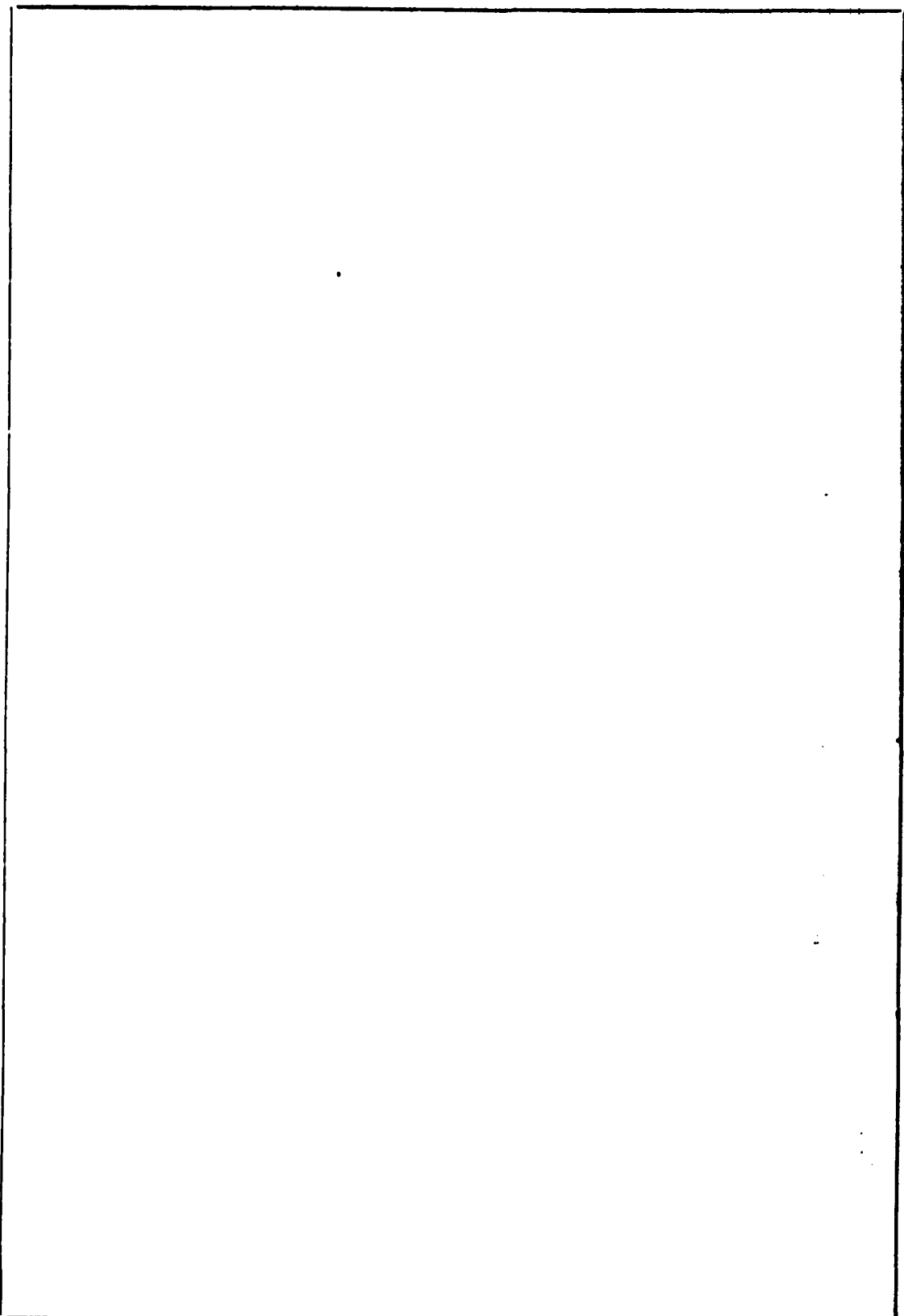
13 CLERK OF THE COURT: Defense document 1689  
14 will receive exhibit No. 3015.

15 (Whereupon, the document above  
16 referred to was marked defense exhibit  
17 No. 3015 and received in evidence.)

18 MR. BLEWETT: I shall read exhibit 3015 as  
19 admitted:

20 "1. I am a former naval Vice-Admiral. I  
21 occupied the post of chief of the Naval Affairs  
22 Bureau of the Naval Ministry from October, 1939 until  
23 October, 1940, when I was ordered to Europe, and was  
24 chiefly in charge of affairs concerning general naval  
25 administration and armaments as well as national defense

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21 "1. I am a former naval Vice-Admiral. I  
22 occupied the post of chief of the Naval Affairs  
23 Bureau of the Naval Ministry from October, 1939 until  
24 October, 1940, when I was ordered to Europe, and was  
25 chiefly in charge of affairs concerning general naval  
administration and armaments as well as national defense



1 policy, assisting the Navy Minister and the Navy  
2 Vice-Minister."

3 THE PRESIDENT: Where in Europe was he,  
4 Mr. Blewett?

5 MR. BLEWETT: Will you answer the President's  
6 question, please, Admiral?

7 THE WITNESS: First I was in Italy and then  
8 in Germany. After Germany's defeat I was in Sweden  
9 and returned to Japan last year.

10 MR. BLEWETT (Reading): "2. It was while  
11 I was in the aforesaid post of chief of the Naval  
12 Affairs Bureau that the Japanese Forces marched into  
13 the northern part of French Indo-China. Prior to the  
14 diplomatic negotiations, it was agreed by the Naval  
15 General Staff that, in the capacity of Chief of the  
16 Naval Affairs Bureau, I represent the Navy and together  
17 with the representative of the Army hold conference  
18 with the authorities of the Foreign Office (especially  
19 the Chief of the Bureau of European and Asiatic  
20 Affairs and the Treaty Bureau) on the basic problems  
21 which might be discussed in the diplomatic negotiations.  
22

23 "3. At the time Japan was taking pains in the  
24 disposing of the China Incident and Imperial Headquart-  
25 ers recognized that to hasten the settlement of the  
China Incident it was most necessary to block off the

1 so-called French Indo-China route, the only supply  
2 route for Chiang via French Indo-China, and ordered  
3 the Expeditionary Forces of the Army to take Nanning  
4 temporarily with an eye to bombarding from the Nanning  
5 airfield the Yunnan railway, which led to French  
6 Indo-China. Nanning, however, was a very small and  
7 unhealthy place and, what was worse, the airfield,  
8 being unusable during the rainy season, proved to be  
9 of little use for blocking the supply route, and the  
10 situation was that materials to aid Chiang went into  
11 China as before. Thereupon, under the positive nec-  
12 cessity of securing the blocking of the route, the  
13 Imperial Headquarters consulted the Navy and Army  
14 Ministries about the plan of diplomatic negotiations  
15 in which the Foreign Office and the French Government  
16 were to talk with each other mutually expressing their  
17 sincerest views in realizing the blocking of the  
18 route practically and peacefully by the French Indo-  
19 Chinese themselves.

21 "4. In compliance with the above intentions,  
22 the Foreign Office after much consultation with us,  
23 the authorities of the Navy and Army, determined to  
24 enter into diplomatic negotiations, which were conducted  
25 very prudently and patiently, and at length obtained an  
understanding from the authorities of French Indo-China.

1 And it was decided that observers be posted along  
2 the frontier as well as at seaports and some other  
3 places so as to keep an eye on the transportation of  
4 aid to Chiang supplies which were sent by way of  
5 French Indo-China. And in June, 1940, an observation  
6 party, which consisted of Navy and Army men together  
7 with officials of the Foreign Office with Major General  
8 NISHIHARA as Chief of Section, was sent to French  
9 Indo-China. The aim, however, was not attained, and  
10 the complete blocking off of the aid to Chiang supply  
11 route not readily realized.

12 "To secure the blocking off of the route, the  
13 Foreign Office had had talks with Henri, the French  
14 Ambassador to Japan, at Tokyo since August 1 of the  
15 same year, and on August 30 an understanding as to  
16 basic problems such as occupation by Japanese forces  
17 of the Tonkin area for the purpose of securing the  
18 blocking off of the aid to Chiang supply route, and  
19 offering of facilities for our military operations in  
20 China, was reached at the talk between Foreign Minister  
21 MATSUOKA and Ambassador Henri, concrete details being  
22 left to be worked out by the Japanese and French mili-  
23 tary authorities on the spot.

24 "5. Agreement between the authorities on  
25 the spot, however, did not take shape speedily and it

1 was not until September 22, when an agreement was  
2 reached at last. But it took much time to notify  
3 the dispatched troops of the Japanese and French  
4 armies of the said agreement, which caused some  
5 clashes between the troops near the frontier through  
6 misunderstandings. Except for these clashes, the  
7 agreement was materialized according to peaceful and  
8 reciprocal understanding and the occupation was also  
9 carried out in peace, which I learned from reports  
10 from the spot.

11 "6. In short, the sole aim of the occupation  
12 of the Japanese forces of the northern part of French  
13 Indo-China, as stated above, was none other than for  
14 the acquisition of facilities for military operations  
15 for the purpose of blocking off the aid to Chiang  
16 supply route. \* \* \* And it was firmly promised at  
17 the above stated MATSUOKA-Henri talk that the occupied  
18 area provided in the agreement was limited to the  
19 regions of French Indo-China adjacent to the borders  
20 of China and French Indo-China, and that the Japanese  
21 Government would respect the territorial integrity  
22 of French Indo-China as well as French sovereignty  
23 over French Indo-China. \* \* \*"

24 THE PRESIDENT: That sentence beginning  
25 "Accordingly" was deleted.

1 MR. BLEWETT: Yes, I did not read that, sir. I  
2 skipped that, your Honor.

3 You may question.

4 THE PRESIDENT: Mr. Tavenner.

5 MR. TAVENNER: No cross-examination, if the  
6 Tribunal please.

7 MR. BLEWETT: May the witness be dismissed?

8 THE PRESIDENT: He is excused on the usual  
9 terms.

10 (Whereupon, the witness was excused.)  
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1 MR. BLEWETT: We offer in evidence defense  
2 document 2074, an excerpt from the "Arrangement Con-  
3 cerning the Construction of the Yunnan Railway," to  
4 show that the railway could not observe neutrality  
5 regulations.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: The volume entitled,  
8 "Collection of Treaties of Great East Asia, 505,  
9 will receive exhibit 3016 for identification only.  
10 The excerpt therefrom, being defense document 2074,  
11 will receive exhibit No. 3016-A.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 3016 for identification; and the ex-  
15 cerpt therefrom was marked defense exhibit  
16 No. 3016-A and received in evidence.)

17 MR. BLEWETT: I shall read exhibit 3016-A.

18 "4. The Excerpt from the Arrangement,  
19 Concerning the Construction and Exploitation of the  
20 Yunnan Railway. (Signed at Peking, October 29, 1903).

21 "The official documents dated 19th and 20th  
22 days of March of the 24th year of Kwang-Hsii, cor-  
23 responding to the 9th and the 10th days of April  
24 1898 were exchanged between Mr. Dubail, Charge  
25 d'Affaires of the French Republic, at Peking, and

1 Tson-Ci-Yamen.

2 "Article 24. The railway having for its  
3 purpose uniquely to give facilities to the commerce,  
4 when the construction would be completed and the  
5 circulation of the trains commenced, it would not be  
6 permitted to use the railway for the purpose of trans-  
7 porting the Anamese salt, and the European troops,  
8 or the arms of war or munitions which may be served  
9 to the aforesaid European troops. The railway cannot  
10 transport the objects prohibited by Chinese laws.

11 "If China should engage in" -- I understand,  
12 sir, that the Japanese "senso" is the word for "war"  
13 and "kosen" is the word for "hostilities" and in this  
14 Japanese it is "kosen." That word should be, instead  
15 of "a war," "hostilities."  
16

17 "If China should engage in hostilities with  
18 a foreign country, this railway could not observe the  
19 regulations of the neutrality. It shall be put to  
20 the entire disposition of China."

21 THE PRESIDENT: There are other changes here  
22 that you might well suggest, too. Isn't it so abridged  
23 as to be almost meaningless?

24 MR. BLEWETT: Well, it seems very short,  
25 your Honor. But this one sentence was--

THE PRESIDENT: Mr. Blewett, we notice this

1 document goes back to 1903. What is its purport?

2 MR. BLEWETT: That was the agreement at  
3 that time, sir, which provided that the railroad should  
4 not transport or could not observe the regulations  
5 of neutrality.

6 THE PRESIDENT: What rights does it give  
7 Japan? It is a document in which China is interested.

8 MR. BLEWETT: I take it this is an antecedent,  
9 sir, prior to a document in connection with the bombing  
10 of the Yunnan Railway.

11 THE PRESIDENT: It is hardly good enough.

12 No, the whole point is, this is not an agree-  
13 ment affecting Japan at all. It gives Japan no rights.

14 MR. BLEWETT: I call the witness TERAJ.  
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1 K U N I Z O T E R A I, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. BLEWETT:

7 Q What is your name and address?

8 A My name is TERA I, Kunizo. My address,  
9 97 Hisagicho, Zushi, Yokosuka.

10 Q May the witness be shown document 2080.

11 Is that your affidavit, and did you sign it?

12 A I did sign it.

13 Q Are the contents true and correct?

14 A They are.

15 MR. BLEWETT: I offer in evidence defense  
16 document No. 2080.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: If the Tribunal please, although  
19 it is not important, I feel I should object to  
20 Section 5 as being a mere statement of a presumption  
21 by this witness and as of a doubt expressed by him.

22 THE PRESIDENT: It is too technical, I think,  
23 Mr. Tavenner.

24 MR. BLEWETT: The witness, your Honor, made  
25 the investigation which he refers to.

1 THE PRESIDENT: The objection is overruled,  
2 and the document admitted on the usual terms.

3 CLERK OF THE COURT: Defense document 2080  
4 will receive exhibit No. 3017.

5 (Whereupon, the document above  
6 referred to was marked defense exhibit  
7 No. 3017 and received in evidence.)

8 MR. BLEWETT: I shall read exhibit 3017.

9 "1. I was formerly a naval captain. From  
10 20 November 1938 to 15 December of the same year I  
11 was air group commander on board the Shinsen Maru,  
12 following which, till 1 November 1939 I was commander  
13 of an air unit of the 16th Air Group stationed at  
14 Tongking Bay and I took part in the South China  
15 operations.  
16

17 "2. The bombing incident of 'Takkei' in  
18 French Indo-China on 26 August 1939 was believed to  
19 have been caused by an airplane under my command when  
20 I was commander of the air unit of the above-mentioned  
21 16th Air Group. And for that reason I know the cir-  
22 cumstances in detail. However, a considerable length  
23 of time has elapsed since that time and as I have no  
24 records of that time in hand, I do not recall exact  
25 figures.

"3. Around 28 August 1939 a telegram from

1 the Navy Ministry, Chief of Naval Affairs Bureau,  
2 was sent to Headquarters, 5th Air Corps and also to  
3 the 16th Air Group demanding a detailed investigation  
4 and a report on existing circumstances, because there  
5 was an incident of a seaplane dropping a bomb on  
6 'Takkei' in French Indo-China on 26 August 1939  
7 with the possibility of involving an airplane of the  
8 16th Air Group. The reason for ordering an investiga-  
9 tion to the 16th Air Group was because it was the  
10 only seaplane unit operating in that area at that  
11 time. As I was commander of the air unit of the  
12 16th Air Group I took charge of the investigation.

13 "4. At the time, summing up air reconnaissance  
14 reports and informations from other units it was  
15 concluded that transportation of war supplies into  
16 China through French Indo-China was being carried  
17 out in a brisk manner. The 16th Air Group received  
18 orders to check it and continued daily patrol activi-  
19 ties in the French Indo-China and China border areas.

20 "On the day of the incident, 26th August,  
21 three airplanes type-15 patrol seaplanes, conducted  
22 a reconnaissance mission in the border area. Each  
23 plane carried two bombs, 60-kilogram bombs for land  
24 purposes, with instructions to attack targets effective  
25 in disrupting supply communication lines and in case

1 such targets were not observed, to bomb air fields,  
2 bridges or military installations in the Tungchow  
3 vicinity.

4 "From the reports submitted by the air crew  
5 members of the above three planes, after returning  
6 from the mission, I learned that one plane got astray  
7 due to poor weather conditions over the border area  
8 and took the following course.

9 "The same plane continued to encounter un-  
10 favorable weather and was compelled to keep flying  
11 at low altitude. Finally it lost the position of  
12 the plane and wasted time in attempting to confirm  
13 its own position.

14 "Getting worried about returning to the base  
15 and when it decided to jettison the bombs in order  
16 to extend its cruising range, it spotted a town below  
17 which appeared to be Fungchow, the designated target  
18 area. However, due to the fact that it was not suf-  
19 ficiently confident and as it was after the Panay  
20 Incident, etc., was under strict orders to respect  
21 foreign interests paying special attention in this  
22 respect, it avoided bombing the city limits and  
23 dropped its bombs in the suburbs.

24 "5. In compliance with the enquiry telegram  
25 mentioned above, a detailed investigation of that

1 day's occurrence was made but as there were absolutely  
2 no other plane than the one already mentioned, I presumed  
3 the above-mentioned airplane had crossed the border  
4 without knowing it and penetrated into French Indo-  
5 China due to bad weather and the point which the air-  
6 plane thought to be the Fungchow area was actually  
7 the 'Takkei' vicinity and I made out a report to that  
8 effect. However, compared with the bombs which were  
9 carried, it was hard to understand why 'casualties  
10 were extremely high' as reported by newspaper tele-  
11 grams and radio broadcasts. Judging from the fact  
12 that air crew members avoided bombing city limits,  
13 it is still doubtful to me to this day.

14 "Furthermore, at the time of the incident  
15 I did not even dream that French Indo-China territory  
16 was bombed and so I did not make a confirmation of  
17 the bombed locality.

18 "6. The Japanese Government, based on  
19 the above-mentioned report took up the case and through  
20 diplomatic channels expressed its regret to the French  
21 Indo-China authorities and I learned from competent  
22 sources that reparations were made."

23 You may examine.  
24  
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THE PRESIDENT: Mr. Tavenner.

1 MR. TAVENNER: There will be no cross-  
2 examination, if the Tribunal please.

3 THE PRESIDENT: The witness is released on  
4 the usual terms.

5 (Whereupon, the witness was  
6 excused.)

7 MR. BLEWETT: I am going from No. 11, 2080,  
8 to No. 14, defense document 2016, and call the wit-  
9 ness Chikao YAMAMOTO.

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1 C H I K A O Y A M A M O T O, called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified through Japanese interpreters  
4 as follows:

## DIRECT EXAMINATION

BY MR. BLEWETT:

A Please give us your name and address.

A My name is YAMAMOTO, Chikao; my address,  
86 Ko, Niiyamachi, Niiyamura, Kitagun, Ehime-ken.Q May the witness be shown defense document  
2016, please.Will you tell us whether this is your  
affidavit, and did you sign it?

A It is mine.

Q Are the contents true and correct?

A Yes, they are.

MR. BLEWETT: I offer in evidence defense  
document 2016.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 2016  
will receive exhibit No. 3018.

(Whereupon, the document above  
referred to was marked defense exhibit  
No. 3018 and received in evidence.)

MR. BLEWETT: I shall read exhibit 3018.

1 "1. I was formerly a rear admiral. On  
2 November 15, 1939 I was made a Captain and on the  
3 same day was assigned to the 15th Air Unit Command.  
4 I was in this position until November 15, 1940.

5 "2. This 15th Air Unit was organized at  
6 Hainan in November, 1939. The Air Unit participated  
7 primarily in the operations in the South China  
8 sector and it engaged in the bombing of the Tien-  
9 Yueh Railway which was at that time an important  
10 supply route of war needs for the enemy.

11 "3. The mistaken bombing of train on the  
12 Tien-Yueh Railway on February 2, 1940 was done by  
13 planes of the 15th Air Unit, the circumstances of  
14 which are as follows: (Incidentally, the 15th Air  
15 Unit was the sole unit that had participated in the  
16 raid and no other unit was involved.)

17 "a) The bombing target had been confined to  
18 railway bridges and railways, and the bombing of  
19 trains had strictly been prohibited. On that day the  
20 bombing was carried out with the 7th bridge as main  
21 target.  
22

23 "b) According to the report of the crews on  
24 the planes, the air currents were bad at the time of  
25 bombing, the enemy fighters were intercepting, and  
the fire from the enemy anti-aircraft guns was heavy.



1 The bombing was carried out under these adverse  
2 circumstances and the bombing altitude was 3,800  
3 meters. Consequently, no one had realized the fact  
4 that there was a train on the 7th bridge at the time  
5 of bombing.

6 "c) Later, as a result of my close examina-  
7 tion of the aerial photographs taken at the time of  
8 bombing I discovered what seemed like a train on the  
9 bridge, entering half-way into the tunnel just north  
10 of the bridge. Therefore, I asked the bombing crews  
11 whether or not they had seen a train there at that  
12 time, or whether or not they had noticed any damage  
13 done to the train. But no one had noticed the  
14 existence of the train.

15 "4. Such being the case, the mistake  
16 bombing of the train was an accidental incident  
17 occurred while the bridge was being bombed to cut  
18 off the enemy supply route."

19 You may examine the witness.

20 THE PRESIDENT: Mr. Tavenner.

21 MR. TAVENNER: If the Tribunal please, the  
22 prosecution does not desire to cross-examine.

23 MR. BLEWETT: May the witness be excused,  
24 if your Honor please?

25 THE PRESIDENT: He is released accordingly.

(Whereupon, the witness was  
excused.)

MR. BLEWETT: I call the witness SATO.

MR. TAVENNER: If the Tribunal please, I think I can make an explanation at this time which would obviate the necessity for the use of this witness. It is an explanation, in any event, which the prosecution should make.

During the prosecution's case exhibit 628 was admitted conditionally. On November 25th or 27th -- the 27th I am advised -- a proper certificate was presented except that it covered only a part of that exhibit in the way that it was worded instead of the entire exhibit. The certificate we presented covered only seven pages, which constituted the first section of a document containing four sections. When the certificate was presented on November 27 the condition attached to the introduction of the exhibit was removed by order of the Tribunal and the document admitted. This appears at page 11,396 of the transcript. When we saw this affidavit on the order list we made further investigation and found that this certificate, as stated, did not cover the entire document. So we have now obtained a new certificate which covers the remaining three sections of the

1 original exhibit, and we desire to tender them in  
2 evidence; in fact, it consists of three separate  
3 certificates, one for each section not covered by the  
4 previous certificate. The original exhibit, 628, was  
5 offered at page 6975 of the transcript.

6 MR. BLEWETT: Now that we have the witness  
7 present we feel that we would like to call him and  
8 have him explain this whole situation.

9 THE PRESIDENT: We will hear him in the  
10 morning, if necessary.

11 We will adjourn until half-past nine  
12 tomorrow morning.

13 (Whereupon, at 1600, an adjourn-  
14 ment was taken until Wednesday, 27 August  
15 1947, at 0930.)

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I N D E X  
O F  
E X H I B I T S

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidenc.</u>
837-B		628-B	Certificate of Authenticity - Tentative Plan for Policy Towards Southern Regions (2d part of file entitled "Japanese Foreign Policy" dated 4 October 1940)		26892
837-C		628-C	Certificate of Authenticity - Concerning Recognition of the New National Govern- ment and Conclusion of the Tri-Partite Pact (3d part of file entitled "Japanese Foreign Policy" dated 25 October 1940)		26892
837-D		628-D	Certificate of Authenticity - Instructions from the Foreign Minister to the Envoy Extraordinary and Ambassador Plenipotentiary HONDA (a draft) 4th part of file entitled "Japanese Foreign Policy" dated 11 December 1940		26892
2082	3019		Affidavit of SATO, Takegoro		26895
2097	3020		Affidavit of MIYO, Tatsukichi		26909
			<u>MORNING RECESS</u>		26917
1909	3021		Affidavit of HIGASA, Ken		26936
626A-10	3022		Excerpts from the Inter- rogation of TOJO, Hideki dated 13 February 1946		26942

27 AUGUST 1947

I N D E X  
Of  
EXHIBITS  
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidenc</u>
1690	3023		Affidavit of NISHIURA, Susumu		26949
2099	3024		Table of Material Pre- pared for Operations (marked <u>but not</u> re- ceived in evidence)		26961
			Document rejected		26964
2105	3024		Affidavit of YOSHINAGA, Yoshitaka		26966
1710	3025		Affidavit of YOSHIDA, Tosuke		26971
1711	3026		Re Issuance of Military Notes with Foreign Currency Denominations for use in the Southern Area Military Operations		26977
			<u>AFTERNOON RECESS</u>		26977
1661	3027		Affidavit of TANAKA, Shinichi		26984

27 AUGUST 1947

I N D E X  
of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
SATO, Takegoro	26893
Direct by Mr. Blewett	26893
Cross by Mr. Tavenner	26901
Redirect by Mr. Blewett	26906
(Witness excused)	26906
MIYO, Tatsukichi (recalled)	26908
Direct by Mr. Blewett	26908
Direct by Mr. SHIMANOCHI	26918
Cross by Mr. Comyns Carr	26921
Redirect by Mr. Blewett	26933
(Witness excused)	26933
<u>NOON RECESS</u>	26934
HIGASA, Ken	26936
Direct by Mr. Blewett	26936
(Witness excused)	26941
NISHIURA, Susumu	26949
Direct by Mr. Blewett	26949
(Witness excused)	26964

27 AUGUST 1947

I N D E X  
of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
YOSHINAGA, Yoshitaka	26965
Direct by Mr. Blewett	26965
(Witness excused)	26970
YOSHIDA, Tosuke	26971
Direct by Mr. Blewett	26971
(Witness excused)	26980
TANAKA, Shinichi(recalled)	26982
Direct by Mr. Blewett	26982



1                   Wednesday, 27 August 1947

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4                   INTERNATIONAL MILITARY TRIBUNAL  
5                   FOR THE FAR EAST  
6                   Court House of the Tribunal  
7                   War Ministry Building  
8                   Tokyo, Japan

9                   The Tribunal met, pursuant to adjournment,  
10                  at 0930.

11                  - - -

12                  Appearances:

13                  For the Tribunal, all Members sitting, with  
14                  the exception of: HONORABLE JUSTICE I. M. ZARYANOV,  
15                  Member from the USSR., not sitting from 0930 to 1600.

16                  For the Prosecution Section, same as before.

17                  For the Defense Section, same as before.

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19                  (English to Japanese and Japanese  
20                  to English interpretation was made by the  
21                  Language Section, IMTFE.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: With the Tribunal's per-  
4 mission, the accused TOGO will be absent from the  
5 court-room between half-past nine and noon today.

6 Mr. Blewett.

7 MR. BLEWETT: If the Tribunal please, the  
8 prosecution has assisted to some extent in closing up  
9 the gap relative to exhibit No. 628, but the witness  
10 SATO has quite important testimony to offer in connec-  
11 tion with that, and I would like leave to call him to  
12 read a portion of his affidavit.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please, the  
15 three certificates were presented at the close of the  
16 session, but no order was entered on filing. I would  
17 suggest that upon being directed to file them they be  
18 given exhibit numbers 628-B, C, and D, so as to connect  
19 them with the former certificate.

20 THE PRESIDENT: Won't those certificates be  
21 sufficient, Mr. Blewett?

22 MR. BLEWETT: No, sir.

23 THE PRESIDENT: Well, you have no objection  
24 to them, I take it.

25 MR. BLEWETT: None.

1 THE PRESIDENT: Admitted on the usual terms.  
2 Please give them a number.

3 CLERK OF THE COURT: Prosecution documents  
4 837-B, C, and D will be marked exhibits 628-B, C, and  
5 D.

6 (Whereupon, the documents above referred  
7 to were marked defense exhibits 628-B, C, and D,  
8 respectively, and received in evidence.)

9 MR. BLEWETT: I call the witness SATO, Take-  
10 goro.

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1 TAKEGORO SATO, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 MR. BLEWETT: May the witness be shown docu-  
5 ment No. 2082?

6 (Thereupon, a document was handed to  
7 the witness.)

8 DIRECT EXAMINATION

9 BY MR. BLEWETT:

10 Q Will you please give us your name and address?

11 A My name is SATO, Takegoro. My address is No.  
12 346 Shimura-Hasune-Cho, Itabashi-ku, Tokyo.

13 Q What is your present occupation?

14 A Secretary in the Ministry for Foreign Affairs,  
15 attached to the Secretariat of the Minister of Foreign  
16 Affairs, Section of Archives.

17 Q Is defense document No. 2082 your affidavit?

18 A Yes.

19 Q Are the contents therein true and correct?

20 A Yes.

21 MR. BLEWETT: If the Tribunal please, before  
22 reading any portion of the affidavit, we respectfully  
23 recall to the Tribunal that exhibit 628, which is in  
24 four parts and of which large sections of parts 1 and 2  
25 have been read to the Tribunal, is the document to

1 which Mr. SATO's affidavit applies.

2 We also respectfully call the attention of  
3 the Tribunal to the fact that certain portions that  
4 were read by the French prosecution were again read  
5 by the Netherlands prosecution in the Netherlands case.

6 THE PRESIDENT: Don't you require this affi-  
7 davit to be admitted first, Mr. Blewett?

8 MR. BLEWETT: I was just about to offer it,  
9 sir.

10 I offer in evidence defense document No.  
11 2082.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document 2082  
14 will receive exhibit No. 3018.

15 (Whereupon, the document above referred  
16 to was marked defense exhibit No. 3018 and received  
17 in evidence.)

18 MR. BLEWETT: I shall read exhibit 3018,  
19 beginning at the second paragraph:

20 "On October 2, 1946, a certificate was issued  
21 by me on behalf of the Chief of the Archives Section  
22 concerning the source and authenticity of the document  
23 entitled the 'Outline of Foreign Policies of the  
24 Japanese Empire' (dated September 28, 1940), which was  
25 No. 837-A of International Prosecution Section.

1 "The aforesaid 'Outline of Foreign Policies  
2 of the Japanese Empire' (dated September 28, 1940)  
3 is in file, together with three other documents under  
4 the cover bearing the title of 'Foreign Policies of the  
5 Japanese Empire.' My certificate referred to above,  
6 however, does not cover any of these three documents.

7 "One of the three documents entitled the" --  
8 the word "tentative" should be in there, sir -- 'Tenta-  
9 tive Draft of the Japan's Policies toward the Southern  
10 Regions' (dated October 4, 1940) and typed on Japanese  
11 paper, 9 pages in all, bears no name of the compiler,  
12 nor are there any seal or signatures affixed thereto  
13 of the persons concerned with the matter or those who  
14 examined the document. Consequently, it is not clear  
15 whether or not the original of this document was pre-  
16 pared by the Ministry of Foreign Affairs."

17 THE PRESIDENT: Is there any correction? I  
18 think there is. We have an exhibit 3018 already.

19 CLERK OF THE COURT: Defense document 2082  
20 will receive exhibit 3019.

21 (Whereupon, the document above referred  
22 to, having been previously marked defense exhibit  
23 3018, was marked defense exhibit 3019 and received  
24 in evidence.)

25 MR. BLEWETT: It was 3019 I read, then, Mr.

Reporter, instead of 3018.

1 If the Tribunal please, in view of the offer  
2 made by the prosecution, may I be permitted to put one  
3 or two questions to the witness?

4 THE PRESIDENT: You may.

5 MR. BLEWETT: May the witness please be shown  
6 the original document in Japanese?

7 (Thereupon, a document was handed to the  
8 witness.)

9 The witness is being shown the original of  
10 exhibit 628.

11 BY MR. BLEWETT:

12 Q Have you examined the original exhibit, Mr.

13 SATO?

14 A Yes.

15 Q How many separate papers are contained there-  
16 in?

17 A Four separate documents.

18 Q To what document does your affidavit refer?

19 A The certificate I made out on the 2nd of Oc-  
20 tober covers the document entitled "Outline of Foreign  
21 Policies of the Japanese Empire."

22

23

24

25

1 Q On the affidavit, in the last paragraph, you  
2 refer to one of three documents. Now --

3 A The one of three documents I referred to is  
4 entitled, "Tentative Draft of Japanese Policies  
5 Toward the Southern Regions," dated October 4, 1940.

6 Q Now, how does this document differ, if it does  
7 differ in any way, from document No. 1?

8 A May I have the meaning of the question ex-  
9 plained?

10 Q From your point of view as an official of the  
11 Foreign Office, is there any difference in the docu-  
12 ments in so far as authorization is concerned between  
13 No. 1 and No. 2?

14 A I do not think there is any difference.

15 Q What constitutes an official document of the  
16 Japanese Foreign Office?

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: Objection.

19 THE PRESIDENT: Objection upheld.

20 Q Can we understand from your affidavit, Mr.  
21 SATO, that it is not known whether or not the tenta-  
22 tive draft of October 4, 1940, denotes a decision of  
23 any Japanese Government section?

24 THE PRESIDENT: We will not permit him to tell  
25 us what his affidavit means. There are no special terms



1 or phrases that require elucidation.

2 Q Are there any markings on document No. 1  
3 which would indicate to you that it is an official  
4 document?

5 A In the Foreign Office, official documents --  
6 official documents of the Foreign Office are docu-  
7 ments filed in the Foreign Office, and any documents  
8 whose contents have something to do with the activities  
9 of the Foreign Office as an organ of the government  
10 are called official documents.

11 Q Are there any markings on document No. 1?

12 A There is only the seal "Very Secret."

13 Q Are there any signatures or any indication  
14 referring to persons concerned with the matter?

15 A There are no signatures, but there are inter-  
16 lineations.

17 Q Are there any marks or signatures affixed to  
18 document No. 2?

19 A There are no signatures or markings. It  
20 bears only the seal "Secret."

21 Q From what examination of the document did you  
22 make your affidavit, particularly with regard to the  
23 third and last paragraph?  
24

25 MR. TAVENNER: Objection is made, if the Tri-  
bunal please, on the ground that he is asking for some

1 construction of the language of the document.

2 THE PRESIDENT: No, I think Mr. Blewett is  
3 asking, was there anything in the document which  
4 justifies this statement in his affidavit.

5 MR. BLEWETT: That is my intention, sir.

6 You may answer, Mr. Sato.

7 THE PRESIDENT: Well, I don't know that the  
8 last statement in the affidavit calls for any ex-  
9 planation as to how he arrived at his conclusion. He  
10 just states a number of things from which he invites  
11 us, I suppose, to draw a conclusion.

12 MR. BLEWETT: I thought it might be helpful,  
13 sir, if he told us the difference between No. 1 and  
14 No. 2.

15 THE PRESIDENT: I don't know whether it would  
16 be or not, but this is a very painful attempt to get  
17 him to repudiate his own certificate. It is never  
18 edifying.

19 MR. BLEWETT: No.

20 THE PRESIDENT: People do correct mistakes  
21 occasionally, but that is not what he intended. He  
22 knew as much when he gave that certificate as he knows  
23 now, and nothing appears to have been mistaken by him.

24 MR. BLEWETT: Sir, he gave his certificate on  
25 the paper of 28 September 1940. That is quite all

1 right. That is the only certificate he gave, but  
2 when the --

3 THE PRESIDENT: What about the three certifi-  
4 cates that have been tendered to Mr. Tavenner?

5 MR. BLEWETT: Sir, he didn't make that affi-  
6 davit. He didn't sign those three certificates.

7 THE PRESIDENT: Is he attacking somebody  
8 else's certificate?

9 MR. BLEWETT: Sir, the proposition is this:  
10 Mr. Sato certified to one paper, one document dated  
11 28 September, except when the prosecution introduced  
12 exhibit No. 628, they also quoted from No. 2, which the  
13 certificate did not cover.

14 THE PRESIDENT: Am I right in saying that  
15 prosecution's evidence is covered by a number of cer-  
16 tificates and that this man is attacking some of them?

17 MR. BLEWETT: No, sir. He knew nothing about  
18 these three certificates, before he came into court,  
19 until yesterday. Our only purpose in bringing the  
20 witness in was to show clearly to the Tribunal that  
21 the certificates did not cover No. 2 which was read by  
22 the French and the Netherlands.

23 THE PRESIDENT: But he goes on to attack the  
24 accuracy of the other document as an official document.  
25

I do not know who gave the last three

1 certificates. We have not been supplied with them,  
2 and you have not read them.

3 MR. BLEWETT: This affidavit, sir, simply  
4 shows that No. 2, which was read as an opinion of  
5 this official of the Foreign Office, is not an  
6 official document. At least there is some doubt  
7 about it.

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8 THE PRESIDENT: Can he add to his reasons for  
9 thinking that? He has told us on what he bases that  
10 belief.

11 MR. BLEWETT: I think it has been covered  
12 fully, sir.

13 THE PRESIDENT: Mr. Tavenner.

14 CROSS-EXAMINATION

15 BY MR. TAVENNER:

16 Q Were you shown yesterday afternoon or this  
17 morning the three certificates that I introduced in  
18 evidence yesterday?

19 A Yes.

20 Q Those certificates were signed by your superior,  
21 Mr. HAYASHI, were they not?

22 A Yes.

23 Q You are his assistant?

24 A That is so.

25 Q Are they correct or not?

1 A I think they are accurate.

2 Q Then according to your present statement  
3 all four of these documents were documents of the  
4 Foreign Office?

5 A Yes.

6 Q You stated that there was a seal known as  
7 "Very secret" that appeared on document No. 1. Does  
8 the identical seal appear on each of the four documents?

9 A The other three documents also bear the seal  
10 "Very secret."

11 Q Is each page of each document on Foreign  
12 Office stationery?

13 A Yes.

14 Q And does each page contain the Japanese words  
15 meaning Foreign Office?

16 A Do you mean on the paper?

17 Q Yes.

18 A Yes.

19 Q Is there an index or frontispiece which  
20 includes the topic and in addition refers to each of  
21 the documents by numbers 1, 2, 3 and 4?

22 A Yes.

23 Q And then does each document itself contain  
24 the appropriate number 1, 2, 3 and 4 respectively?

25 A The documents themselves do not bear numbers.

1 Q Are those documents separated by pink sheets  
2 which bear the respective numbers of the documents?  
3 I believe I was mistaken about their being pink sheets.

4 THE PRESIDENT: Tangerine.

5 THE INTERPRETER: The witness replied: The  
6 documents are separated.

7 Q And does each of those separating sheets  
8 contain the numbers of the respective documents,  
9 1, 2, 3 and 4?

10 A Yes.

11 Q Now will you examine the document No. 2 and  
12 see if there is a small slip of paper affixed thereto  
13 which has a blue pencil notation in the form of a  
14 marginal note?

15 A Yes, I note a piece of paper bearing blue  
16 pencil writing.

17 Q I will read you what that note says and you  
18 state whether or not it is correct: "As to the  
19 utilization of Chiang's army in disposing of Indo-  
20 China and other territories, I think the best thing  
21 would be, of course, to achieve a plan vis-a-vis  
22 Chiang which would not involve such utilization of  
23 his army.

24 THE INTERPRETER: Mr. Tavenner, which "Chiang"  
25 is this, Chiang Kai-shek?

1 MR. TAVENNER: Yes.

2 A I would like to have that repeated.

3 Q Suppose you read what you see written there.

4 A The first two words are unreadable. I will  
5 continue after that. "If these moves vis-a-vis Chiang  
6 Kai-shek could be carried out without the utilization  
7 of his army that would be the best way."

8 Q Do you know who in the Foreign Ministry,  
9 if anyone, put that notation on the document?

10 A I investigated this matter rather extensively  
11 but was unable to find out.

12 Q Now, the document No. 3 has the notation on it  
13 "completed" followed by the name "YAMAMOTO", does it not?

14 A There is no notation but outside the border  
15 of the document there is a signature "YAMAMOTO".

16 Q And with the word "completed," meaning  
17 completed there, too; is it not?

18 A Above the name or signature YAMAMOTO there is  
19 a mark or character signifying finished.

20 Q And the same seal appears on the fourth  
21 document the name "YAMAMOTO," does it not?

22 A Yes, there is a seal impressed.

23 Q And what was the position of YAMAMOTO?

24 A I have no recollection.

25 Q Does it not appear that he was Chief of the

1 East Asia Bureau Section. It appears, I think, on  
2 page 3 of the last document.

3 A I can't find it on page 3.

4 (Whereupon, counsel indicated to the  
5 witness.)

6 A (Continuing) Yes, outside of the border  
7 there is a seal, "Chief of the East Asia Bureau,"  
8 and underneath that seal, YAMAMOTO's signature.

9 Q You had not considered those matters before  
10 when you prepared your affidavit, had you?

11 A My affidavit relates only to documents 1 and  
12 2, and not to 3 and 4.

13 Q Would you see whether the name of KITA as  
14 Chief of the First Section also appears at the place  
15 that I just mentioned to you?  
16

17 A It appears to me like KIDA and I have no  
18 recollection of that name. It might be some smearing  
19 of the seal when it was pressed.

20 Q Is the YAMAMOTO referred to there the YAMAMOTO  
21 who, as a former member of the Foreign Office, testi-  
22 fied before this Tribunal a few days ago, that is,  
23 Kumaichi YAMAMOTO?

24 A I think so.

25 MR. TAVENNER: That is all.

THE PRESIDENT: Mr. Blewett.



## REDIRECT EXAMINATION

1  
2 BY MR. BLEWETT:

3 Q Mr. SATO, do you know whether or not there  
4 is any record of a permanent draft of Japan's policies  
5 toward the Southern Regions that is connected in any  
6 way with this tentative draft?

7 MR. TAVENNER: I object, if the Tribunal  
8 please, on the ground that it is not a matter arising  
9 out of cross-examination.

10 THE PRESIDENT: I cannot see how it is  
11 either, Mr. Blewett. Would you like to explain?

12 MR. BLEWETT: It seems to me it certainly  
13 indicates if the permanent program was laid out based  
14 upon this as to whether or not this really was formu-  
15 lated by the Foreign Office. It is a tentative draft.  
16 It may have come from the outside some place and may  
17 never have been used.

18 THE PRESIDENT: Objection upheld.

19 MR. BLEWETT: May the witness be excused,  
20 your Honor, on the usual terms?

21 THE PRESIDENT: He is excused on the usual  
22 terms.

23 (Whereupon, the witness was excused.)

24 MR. BLEWETT: If the Tribunal please, I refer  
25 once more to exhibit 2344 which is the Cabinet chart

1 and respectfully suggest to the Tribunal that when  
2 the army made its entrance into South Indo-China in  
3 July 1941 the third KONOYE Cabinet was in power and  
4 of sixteen members of that cabinet but three of these  
5 defendants were members: General TOJO was War  
6 Minister; HIRANUMA and SUZUKI, as ministers without  
7 portfolio.

8 We respectfully call the attention of the  
9 Tribunal to exhibits 2753, 2754, 2755 and 2756 start-  
10 ing on page 24,687 of the record to show that in  
11 July 1941 the French government came to an agreement  
12 with Japan concerning the entry of troops into South  
13 Indo-China without any pressure from the German  
14 government. Those references are on the first and  
15 second pages of the respective exhibits.

16 I refer to exhibit 2830 to show that the  
17 minds of the Vichy and Japanese governments had been  
18 amicably reached as early as 21 July 1941 although the  
19 protocol was not signed until 29 July.

20 We refer to prosecution exhibit No. 651,  
21 page 7079 of the record, and call the attention of the  
22 Tribunal to that portion in which Japan undertakes to  
23 respect the right of France in East Asia and especially  
24 the territorial integrity of French Indo-China and  
25 the sovereign rights of France in all parts of the

Indo-China union.

1 I understand, sir, that the witness HIGASA  
2 who was next in order is not present at the time and  
3 I shall call the witness MIYO.  
4

5 T A T S U K I C H I M I Y O, recalled as a witness  
6 on behalf of the defense, having been previously  
7 sworn, testified through Japanese interpreters as  
8 follows:

9 THE PRESIDENT: You are still on oath, Witness.

10 MR. BLEWETT: May the witness be shown defense  
11 document No. 2097.

12 I presume, sir, his name and address is on  
13 record.  
14

DIRECT EXAMINATION

15 BY MR. BLEWETT:

16 Q Is that your affidavit, Captain?

17 A Yes.

18 Q Are the contents therein true and correct?

19 A I should like to make one correction. The  
20 correction refers to the first new paragraph on the  
21 second page. I should like to change, "beginning of  
22 July 1941," to read, "late in June 1941," or, "it was  
23 about the latter part of June 1941."  
24

25 MR. BLEWETT: I think "late in June" will  
cover that all right.

1           With that correction, sir, I offer in evidence  
2 defense document No. 2097.

3           THE PRESIDENT: Admitted on the usual terms.

4           CLERK OF THE COURT: Defense document 2097  
5 will receive exhibit No. 3020.

6                   (Whereupon, the document above  
7 referred to was marked defense exhibit  
8 No. 3020 and received in evidence.)  
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1 MR. BLEWETT: I shall read exhibit 3020:

2 "I was formerly a navy captain.

3 "During the period from November 1939 to  
4 December 1942, I served as a commander in the Opera-  
5 tions Section of the Navy General Staff in the  
6 capacity of a staff officer of the Imperial Head-  
7 quarters, taking charge of affairs relative to aerial  
8 operations.

9 "The following is what I was enabled to  
10 learn, at that time, by virtue of my official posi-  
11 tion, concerning the advance of Japanese forces to  
12 South French Indo-China, which took place while I  
13 was on duty in the Navy General Staff.

14 "1. At the time of my assumption of office  
15 in the Navy General Staff, it was a consistent  
16 policy pursued not only by the Navy, but by the  
17 entire nation, to try and effect a speediest possible  
18 settlement of the China affair.

19 "Now, Japan's deadlocked land operations in  
20 China had created such a situation as requiring the  
21 enforcement of economic blockade against China as an  
22 all-important factor in the solution of the Incident.

23 "Our advance to South French Indo-China  
24 was prompted by various economic and political  
25 necessities, but what we, as parties directly

1 concerned in military operations, felt most imperative  
2 of all reasons for this action was the necessity to  
3 avert a collapse of our national defense for one  
4 thing, and, for another, to bring the China affair  
5 to an early conclusion by means of an over-all economic  
6 blockade of our hostile neighbor.

7 "It was late in June 1941, if I remember  
8 right, that the First Department Chief of the Navy  
9 General Staff, while ordering us operation officers  
10 to make preparations for the proposed move to French  
11 Indo-China, initiated us into the reason briefly in  
12 the following terms why such a step was inevitable.

13 "Much to the obstruction of our intended  
14 conclusion of the China affair, the Anglo-American  
15 aid to the Chiang Kai-shek regime through the south-  
16 western part of China is growing increasingly  
17 vigorous. Worse still, the United States, Britain,  
18 China and the Netherlands are acting in concert,  
19 forming against our country the so-called 'A B C D  
20 Line.' They are pushing on with their steady war  
21 preparations and at the same time hardening their  
22 economic pressure upon us. Here, in illustration of  
23 this fact, we may take the failure of the Japan-  
24 Dutch-India negotiations as one of the most outstand-  
25 ing cases.

1 "What is more, their evil influence is now  
2 reaching for French Indo-China and Thailand; and in  
3 fact, there are indications that the de Gaullist  
4 Partisans and other anti-Japanese elements in French  
5 Indo-China are, in collusion with the Britishers,  
6 inducing all French Indo-China to go over to the  
7 Anglo-American camp. There is indeed an un-  
8 mistakable possibility of its becoming another  
9 Syria. If so, it is ten to one that Thailand will  
10 allow herself to be won over to the Anglo-American  
11 group in view of her prevailing domestic and  
12 foreign relations.

13 "Should such a situation be created, the  
14 A B C D front would be invincibly fortified, forc-  
15 ing Japan to be completely isolated and shattering  
16 our project of blockading China whereby early to  
17 settle the Incident. Suppose we had our economic  
18 relations with Thailand and French Indo-China broken  
19 off, what would be the result? Excluded from Anglo-  
20 American trade as we actually are and with the  
21 economic negotiations with the Netherlands East  
22 Indies ending in failure, Japan would now suffer an  
23 economic collapse and be forced to fall on her knees  
24 before the joint A B C D pressure, to speak nothing  
25 of a successful settlement of the China affair.

1 "Suppose that British and some other allied  
2 forces made a move into French Indo-China, it would  
3 be very probable that the de Gaullist elements and  
4 other anti-Japanese groups, would work together with  
5 these occupation troops, and provoke our forces  
6 stationed in North French Indo-China to a clash with  
7 them, which would ultimately lead to serious con-  
8 sequences.

9 "If we wish to prevent such an unhappy  
10 event to occur, the only possible way for us, though  
11 not a desirable one, is to get ahead of other powers  
12 by ourselves dispatching troops to South French  
13 Indo-China. There is no alternative.

14 "Speaking from the French standpoint, she  
15 will surely welcome the idea of defending her posses-  
16 sion in East Asia conjointly with Japan, with a view  
17 to preventing it from becoming a second Syria.

18 "2. Relative to the advance of Japanese  
19 troops to South French Indo-China, I will mention  
20 two facts.

21 "(1) When I took office in the Navy General  
22 Staff, I found that the Navy had already been on its  
23 guard against Japan being involved in World War II.

24 "The Navy had been consistently opposed to  
25 our country entering into an alliance with Germany



1 and Italy, for fear that such a move on our part  
2 would cause increasing friction with the United  
3 States and Britain, and, moreover, would imply a  
4 danger for our country being embroiled in war.

5 "Our Navy, after the conclusion of the  
6 Tripartite Pact, took special caution so that the  
7 Pact might not unnecessarily impose fighting obliga-  
8 tions on Japan. It absolutely refrained from re-  
9 ferring to any idea of concerted military operations  
10 with Germany and Italy or similar courses of action;  
11 for we were in dread that if we should unwittingly  
12 talk about such as any possible agreement among the  
13 three nations for joint military operations, Germany  
14 and Italy would at once take the Japanese Navy to be  
15 disposed to join in the war, and would even try to  
16 compel us under the terms of the Pact to fight  
17 their battles.

18 "Such was the precaution that was adopted  
19 by the Japanese Navy at the time of Japan's occupa-  
20 tion of South French Indo-China, and this precautious  
21 attitude on the part of our Navy was kept up to the  
22 time immediately before the outbreak of the Pacific  
23 War. It is obvious from this fact that before the  
24 opening of the Pacific War there had been no joint  
25 operation agreement existing among Japan, Germany and

Italy.

1                   "(2) When the Japanese military move to  
2 South French Indo-China was launched, we staff  
3 officers who were responsible for the formulation of  
4 war plans had no mention whatsoever for war in the  
5 Pacific area, nor had we any plans or preparations  
6 under such intention. It may clearly be seen from  
7 this that the Japanese advance to South French Indo-  
8 China was no preliminary step that had been taken in  
9 readiness for the Pacific War.  
10

11                   "When I first came to make arrangements for  
12 the advance to South French Indo-China of our troops,  
13 I was much annoyed to find that there was no ade-  
14 quate military information available concerning the  
15 place. For instance, when I wanted to know about  
16 its airfield, I found there was no data to work upon  
17 other than those materials collected by civilian  
18 interests, and it was from these meager materials  
19 that I managed somehow to get general ideas. The  
20 fact-finding survey that was conducted on the spot  
21 after our entry into the region revealed numerous  
22 errors in our previous calculation.  
23

24                   "Immediately before the advance of our  
25 troops to South French Indo-China the United States,  
Britain, and the Netherlands almost simultaneously

1 cut off economic relations with us and placed a ban  
2 on their oil exports to Japan. Japan, thus taken  
3 by surprise, endeavored to get the strained situa-  
4 tion eased in any way, but there was no prospect of  
5 her efforts meeting with success; on the contrary  
6 things continued to go from bad to worse, with dark  
7 clouds hovering overhead. The outcome of all this  
8 was the September 6 decision of our National policy.

9 "Immediately following the above decision  
10 came orders from our Section Chief in which he said  
11 that the Government had decided to make preparations  
12 for war that might break out any moment at the A B C D  
13 front, and that we operations officers should begin  
14 without delay to study and formulate plans of  
15 campaign in line with the government policy. To me,  
16 as one of the officers in charge of air operations,  
17 it appeared a sheer absurdity to try to fight against  
18 the four Powers when we were finding the single China  
19 affair too much for us. So I said to the Section  
20 Chief: 'With our air force so poorly equipped, we  
21 can't expect to wage war on the four Powers with  
22 confidence of success.' Thereupon the chief said  
23 admonishingly: 'It is not the question of our  
24 going into war because we are sure of success, or  
25 staying out of it because we are not sure of it.

1 We are simply forced to be ready for any eventual-  
2 ity of war for the sake of self-defense. It is not  
3 for a war of our choice that we now stage prepara-  
4 tions.'

5 "Faithfully following this admonition of  
6 our Section Chief's, we now set to work on the pre-  
7 preparation of military operational plans for a self-  
8 defensive war in assumption that such might occur and  
9 it was with this intention that we pushed on with  
10 our undertakings. It was about the beginning of  
11 September, that is more than a month after the  
12 Japanese military occupation of South French Indo-  
13 China, that we started to formulate plans with a  
14 view to the possibility of a conflict with the four  
15 powers which ultimately developed into the Pacific  
16 War."

17 THE PRESIDENT: We will recess for fifteen  
18 minutes.

19 (Whereupon, at 1045 a recess was  
20 taken until 1100, after which the proceed-  
21 ings were resumed as follows:)  
22  
23  
24  
25

1 THE MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: May it please the Tribunal,  
5 with regard to the paragraph in the middle of page 3  
6 of the affidavit, beginning with, "The Navy had been  
7 consistently opposed to our country entering into  
8 an alliance with Germany and Italy," the prosecu-  
9 tion desires to refer the Tribunal to the following  
10 exhibits.

11 THE PRESIDENT: I do not recall excusing  
12 the witness.

13 (Whereupon, the witness resumed the  
14 stand.)

15 THE PRESIDENT: Yes, Mr. Carr, you may pro-  
16 ceed.

17 MR. COMYNS CARR: Your Honor, my friend,  
18 Mr. BANNO, says he desires to ask some further ques-  
19 tions in direct examination.

20 THE PRESIDENT: Mr. BANNO.

21 MR. SHIMANOUCI: I am counsel SHIMANOUCI.

22 DIRECT EXAMINATION (Continued)

23 BY MR. SHIMANOUCI:

24 Q To what extent was the witness connected  
25 with the drafting of operations plans of the Navy

1 General Staff-- were you connected with the drafting  
2 of the operations plans of the Navy General Staff?

3 A I was principally in charge of air operations,  
4 but in modern warfare there is hardly no operations  
5 that do not include the element or the importance of  
6 air operations, and because of that I have been  
7 associated with operations of all types -- nearly  
8 all operations of every type.

9 Q In 1941 how many persons were there in the  
10 operations section of the Navy General Staff?

11 THE PRESIDENT: We do not want to know that.  
12 How is the accused OSHIMA interested in getting an  
13 answer to a question like that?

14 MR. SHIMANOUCI: May I answer?

15 THE PRESIDENT: Yes, certainly. I have  
16 asked you a question, and I expect you to answer.

17 MR. SHIMANOUCI: By this question I am  
18 trying to establish to what extent the witness was  
19 connected with the drafting of operations plans.

20 THE PRESIDENT: You will not show that by  
21 asking how many others were associated.

22 MR. SHIMANOUCI: Then I shall ask the next  
23 question.

24 Q Between January and May of 1941 did the  
25 operations section of the Navy General Staff draft copy

1 plans for the purpose of soon carrying out attacks on  
2 Singapore, Hong Kong and the Philippines, and  
3 was it making preparations for these attacks?

4 A. No.

5 MR. SHIMINOCHI: Your Honor, my first  
6 question was in order to place emphasis upon this  
7 question -- place weight upon this question -- the  
8 purpose of my first question was to give weight to  
9 the witness' reply.

10 THE PRESIDENT: Your ideas of relevancy and  
11 remoteness are entirely different from mine; I can  
12 see that.

13 MR. SHIMANOCHI: This concludes my direct  
14 examination.

15 THE PRESIDENT: Mr. Comyns Carr.

16 MR. COMYNS CARR: May it please the Tribunal,  
17 with regard to the paragraph on page 3 of the affidavit,  
18 rather more than halfway down, beginning, "The Navy  
19 had been consistently opposed to our country entering  
20 into an alliance with Germany and Italy," and the  
21 following paragraph, the prosecution merely wishes to  
22 refer the Tribunal to the following exhibits: exhibit  
23 527, record page 6191; exhibit 528, record page 6212;  
24 exhibit 552, record page 6350; exhibit 576, record  
25 page 6476; and then, I am afraid out of order,

1 exhibit 536, record page 6262; and exhibit 537,  
 2 record page 6263. And I desire to ask the witness  
 3 a few questions relating to the last page, based  
 4 upon parts of exhibit 809, which are in evidence but  
 5 have not been read to the Tribunal.

6 CROSS-EXAMINATION

7 BY MR. COLYNS CARR:

8 Q You say that it was not until after the  
 9 Imperial Conference decision of September 6 that  
 10 plans and preparations were made for war against the  
 11 United States or the British Commonwealth -- I said --  
 12 or the Netherlands East Indies; is that so?

13 A Yes.  
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1 Q Now, you were a staff officer taking charge  
2 of affairs relative to aerial operations from November  
3 1939 onwards.

4 The question I am about to put is based upon  
5 the second paragraph on page 1 of exhibit 809 with  
6 the number 1.

7 In January 1941, was an aerial reconnaissance  
8 made and a map prepared of that part of the coast of  
9 northeast Malaya which includes Kotabharu?

10 A Do you mean that an aerial reconnaissance  
11 was made in January 1941, and that a map was made the  
12 same month?

13 Q Yes.

14 A I have no clear recollection, only a very  
15 faint one, about some aerial reconnaissance having  
16 been conducted; but I have no recollection whether  
17 any map was made.

18 Q What was the object of the reconnaissance?

19 A In the past the Japanese navy had no opera-  
20 tions plans with regard to defense against Britain,  
21 and for that reason data with respect to any operations  
22 vis-a-vis Britain were extremely incomplete. And so  
23 peacetime defensive plans against England were begun  
24 to be studied from about November, if I remember  
25 correctly, of the year 1940 as a part of the over-all

1 Japanese defense plan.

2 Q Do you call an invasion of another country  
3 so many miles away a defensive plan?

4 A For instance, if the British establish a  
5 super base, naval base, close to Japan and if the  
6 British fleet approaches into -- close to Japanese  
7 home waters, and if Japan's line of communications  
8 with the south were disrupted or entirely cut off,  
9 then that would cause a very serious question for  
10 Japan.

11 Q Now, was it a coincidence that that place of  
12 which you made the reconnaissance in January was the  
13 precise spot on which the Japanese invasion force  
14 landed on the 8th of December, 1941?

15 A May I at this point state, Mr. Prosecutor,  
16 that I would be considerably confused if you asked  
17 one question after another before my previous reply  
18 has been completed. But leaving that aside, I will  
19 reply to your last question.

20 With respect to landing operations, there  
21 are not many appropriate points for such operations,  
22 and so, for instance, if an aerial reconnaissance is  
23 conducted over the eastern coast of Malaya, then  
24 naturally there would be in that particular area, an  
25 appropriate place for landing.

1           Q    What you mean is that you chose that area  
2           to have the reconnaissance because you thought it was  
3           an appropriate place for landing, don't you?

4           A    No. What I am stating is just the contrary.  
5           The purpose of the aerial reconnaissance was to find  
6           out whether there were any appropriate places for  
7           landing operations, and if such points made possible  
8           such landing operations, and it so happened that it  
9           was in that particular area over which an aerial  
10          reconnaissance was conducted that an appropriate land-  
11          ing place was found, and that could occur as a natural  
12          matter.

13          Q    After the reconnaissance, was the hydrographic  
14          office set to work to make a complete map, and was  
15          that completed in July 1941?

16          A    I was not connected with such particulars,  
17          so I do not know.

18          Q    But did not the results come to you in the  
19          Naval General Staff and enable you to issue a detailed  
20          map of that area, the scale of 1:28,000, in October  
21          1941?

22          A    We in the Operations Section, in carrying  
23          on our operational studies, would ask for necessary  
24          data from the Third Division of the Naval General  
25          Staff, namely, the division handling intelligence.

1 And so such a demand or an order may have been issued,  
2 but I do not know how the Third Division went about  
3 making -- placing such orders or requests.

4 Q Well, now, I will ask you a question based --  
5 your Honor -- upon the paragraph numbered 3 on page 4.

6 When the invasion of the Philippines took  
7 place, did the whole or part of the troops concerned  
8 come from Manchuria?

9 A Nothing of that kind occurred with reference  
10 to naval personnel.

11 Q Did the navy fetch the troops from there --  
12 convoy them from there?

13 A It is not in my recollection, because I was  
14 not in direct charge or direct association with the  
15 matter.

16 Q Do you know that training for that particular  
17 operation had been taking place in Manchuria since  
18 the 27th of July, 1941?

19 A I do not know.  
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1 MR. COMYNS CARR: Now, with regard to para-  
2 graph 4 on the same page, your Honor, of 809.

3 Q What part did you take in the naval war games  
4 which took place in Japan in August and early September,  
5 1941?

6 A My recollection is very faint with regard to  
7 war games. What particular war games of the Japanese  
8 Navy are you referring to?

9 Q I am referring to those which took place during  
10 August at various places -- Sukumo, Saiki, Kagoshima  
11 and Kanoya -- and afterwards, at the end of August and  
12 beginning of September, took place in Tokyo, first of  
13 all at the offices of the Naval General Staff, and then,  
14 because those were not large enough, in the Naval War  
15 College.

16 A I do not know anything about it. And I have  
17 therefore not participated in war games held at Saiki  
18 and Kagoshima and therefore know nothing about that.

19 Q Did you participate in those held in Tokyo?

20 A You said that war games were held in Tokyo at  
21 the General Staff Office, but because the place was  
22 inadequate it was transferred to the Naval War College.

23 Q Yes.

24 A But no such fact exists. But, during the month  
25 of August chart maneuvers were conducted at the Naval

1 War College. That was about all. And in those partic-  
2 ular games I did participate.

3 Q Yes. And did those maneuvers include a com-  
4 plete rehearsal of the Pearl Harbor Operation?

5 A Whether they called it complete or incomplete  
6 that would be difficult to say, but a private draft-plan  
7 involving such operations was incorporated. But, with  
8 regard to those operations, I have already explained  
9 in detail in my previous affidavit.

10 Q Yes, but when? Did not this maneuver take place  
11 in August and did not the final stage of it begin on the  
12 2nd of September?

13 A That is not so. It was conducted in the middle  
14 part of September.

15 Q Was it attended by umpires from the Naval General  
16 Staff and from the Navy Ministry?

17 A Yes.

18 Q Was there a team called the "N" Team, supposed  
19 to represent Nippon, drawn from the Combined Fleet under  
20 Admiral YAMAMOTO?

21 A Generally, yes. I think the commander of those  
22 games was the Chief of Staff of the Combined Fleet. I  
23 do not have any recollection of such letters as "N" being  
24 used. I have a feeling that it might have been "Blue" or  
25 something to that effect.

1 Q Was there another team called the "E" Team  
2 supposed to represent the British Commonwealth?

3 A Generally, I think it was carried out in this  
4 manner.

5 Q And was that under Admiral KONDO?

6 A I do not know who the commander of the "Red"  
7 Force was.

8 Q Was there a third team supposed to represent  
9 the United States?

10 A I think there was.

11 Q Now, in addition to the Pearl Harbor Operation,  
12 did the games include an elaborate representation of the  
13 invasion with carefully worked out schedules for the  
14 occupation of Malaya, Burma, the Dutch East Indies, the  
15 Philippines, the Solomons and the Central Pacific Islands  
16 and Hawaii?

17 A I do not think there was any such elaborate  
18 plans. Generally, the purpose was to study fleet move-  
19 ments and there were nothing included in the games which  
20 included landing operations or ground fighting or any  
21 particulars of that nature.

22 Q Isn't a landing operation one in which the  
23 fleet plays an important part?

24 A Yes, but because of the difficulty -- because  
25 it was difficult to umpire anything pertaining to ground

1 fighting and whatever followed -- landing operations  
2 and whatever follows that, the study considered these  
3 to be unnecessary.

4 Q Was not a carefully worked out schedule for  
5 those operations produced during the games?

6 A We were concerned only with operations at the  
7 outset of the fighting, that is, up to the point of the  
8 landing operations and where such landing operations  
9 were to take place. But, after that, we were officers  
10 of the navy and had no familiarity with the matter, so  
11 we did not consider it necessary to go into such details.

12 Q But, I understand you did go into detail of  
13 the naval part of the operations I have mentioned; did  
14 you not?

15 A I have no recollection of ever having made  
16 any such statements. Let me explain my role at that  
17 time. At that time I was one of the umpires for aerial  
18 operations and there were a number of umpires, about two  
19 or three besides myself.

20 Q Did the aerial operations which you umpired  
21 include attack on Pearl Harbor and also attack on any  
22 of the places that I have mentioned?

23 A Yes, I definitely umpired the Pearl Harbor  
24 Operations, but as to other operations -- I was asked  
25 to umpire certain phases of certain operations -- but



1 I do not remember ever having served as umpire for  
2 over-all operations.

3 Q But, did those which you did umpire include  
4 the aerial attacks on Malaya, Burma, the Dutch East  
5 Indies, the Philippines, the Solomons, the Central  
6 Pacific Islands, or any of them?

7 A I think I was connected with the Philippine  
8 Area operations.

9 Q Now, how long before these games took place  
10 had the plans for them been in preparation? I said  
11 or should have said "preparation" not "operation."

12 A That, I do not know.

13 Q It must have taken a long time; didn't it?

14 A I do not think so. As a matter of fact, I  
15 was merely asked to serve as an umpire in these partic-  
16 ular games.

17 Q Now, on --

18 A The plans for the war games themselves were  
19 drawn up by the Combined Fleet, and, therefore, I cannot  
20 give you -- and, therefore, I am unable to give you  
21 a clear answer.

22 Q On what do you base your statement that the  
23 games in Tokyo began in the middle of September instead  
24 of, as I put it to you, the 2nd of September?

25 A I have no particular basis. I am only speaking

1 to you from my memory.

2 Q Now, I suggest that in the middle of September,  
3 namely on the 15th, after they were over, the staff  
4 officers went to Iwakuni to report the results of them  
5 to army staff officers; is that correct?

6 A That is not so.

7 Q Do you mean that you are in a position to know  
8 that that is not so, or merely that you don't know?

9 A I know, and, therefore, I said that is not a  
10 fact. To repeat what I would like to say, it is a fact  
11 that we assembled on Iwakuni, but it is not a fact  
12 that results of the games were reported.

13 Q Did you meet army staff officers at Iwakuni?

14 A Yes, we met army staff officers.

15 Q Who was at the head of them?

16 A I have no recollection.

17 Q And were not the proposed attacks on Pearl  
18 Harbor and the other places I have mentioned, discussed  
19 at this meeting?

20 A The Pearl Harbor Operations were not discussed  
21 at that time.

22 Q What did you talk about?

23 A I have committed a very serious error. I  
24 should like to make a correction. The army staff officers  
25 that we met at Iwakuni was on November 15th, in the

1 middle of November, and not in the middle of September.

2 MR. COMYNS CARR: That is all I have to ask.

3 (Whereupon, counsel SHIMANOUCHI approached  
4 the lectern.)

5 THE PRESIDENT: What do you propose to do, Mr.  
6 SHIMANOUCHI?

7 MR. SHIMANOUCHI: I wish to conduct a redirect  
8 examination.

9 THE PRESIDENT: No, Mr. Blewett will do that,  
10 if necessary.

11 Mr. Blewett, you will conduct the redirect  
12 examination, if necessary. Nothing has come out on  
13 cross-examination affecting OSHIMA.

14 MR. SHIMANOUCHI: Mr. President, I should like  
15 to conduct a redirect examination of this witness,  
16 because he has stated to the effect that a map of Malaya  
17 was made in January, 1941.

18 THE PRESIDENT: Well, that has got nothing to  
19 do with OSHIMA more particularly. Any counsel could  
20 ask the right or claim the right to conduct the re-  
21 direct examination if you can.

22 MR. SHIMANOUCHI: I should like to consult  
23 counsel Blewett for a short while.

24 THE PRESIDENT: Yes, do so.

25 THE WITNESS: (Speaking in Japanese)

(Mr. Comyns Carr approached the lectern.)

1 THE PRESIDENT: I have to hear what it is. He  
2 might be asking for a drink of water for all I know.

3 THE WITNESS: (Through the interpreter) May  
4 I be permitted to make an explanation with regard to a  
5 remark made by counsel SHIMANOUCI? He seems to be  
6 under the impression that I stated that in January, 1941  
7 an aerial reconnaissance was made of Malaya and a map  
8 made. I did not make any such statement. I said that  
9 an aerial picture was taken. I did not say that a map  
10 had been made.  
11

12 THE PRESIDENT: Well, he had no permission to  
13 ask any question yet.

14 Mr. Blewett.

15 REDIRECT EXAMINATION

16 BY MR. BLEWETT:

17 Q Captain, was it before or after 6 September  
18 that you acted as umpire in these naval maneuvers?

19 A After.

20 MR. BLEWETT: That is all, your Honor.

21 May the witness be excused on the usual terms?

22 THE PRESIDENT: He is released on the usual  
23 terms.  
24

25 (Whereupon, the witness was excused.)

THE PRESIDENT: We will adjourn until half-past

1 one.

2 (Whereupon, at 1207, a recess was taken.)

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## AFTERNOON SESSION

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2  
3 The Tribunal met, pursuant to adjournment,  
4 at 1330.

5 MARSHAL OF THE COURT: The International  
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: With the Tribunal's permission,  
8 the accused ITAGAKI is absent from the court-room,  
9 conferring with his counsel. He will be absent during  
10 the whole of the afternoon.

11 Mr. Blewett.

12 MR. BLEWETT: I call the witness HIGASA, Ken.

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1 K E N H I G A S A, called as a witness in behalf  
2 of the defense, being first duly sworn, testified  
3 through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. BLEWETT:

6 Q Will you please state your name and address?

7 A My name is HIGASA, Ken. My address is  
8 No. 124, 2 Chome, Kitazawa, Setagaya-Ku, Tokyo.

9 MR. BLEWETT: May the witness be shown defense  
10 document 1909?

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

13 Q Will you please state if that is your affi-  
14 davit and if you have signed it?

15 A This is my affidavit. It bears my signature.

16 Q Are the contents therein true and correct?

17 A Yes, true and correct.

18 MR. BLEWETT: I offer in evidence defense  
19 document 1909.

20 THE PRESIDENT: Admitted on the usual  
21 terms.

22 CLERK OF THE COURT: Defense document  
23 1909 will receive exhibit No. 3021.

24 (Whereupon, the document above  
25 referred to was marked defense exhibit 3021 and

received in evidence.)

1 MR. BLEVETT: I shall read exhibit 3021.

2 "In the summer of 1941, I was a Lieutenant  
3 Colonel in the Japanese Army and occupied the post of  
4 staff officer of the Imperial General Headquarters.

5 "At the conclusion of the co-defense pact  
6 between Japan and French Indo-China, I was despatched  
7 by the General Headquarters to aid the spot negotia-  
8 tions which were carried out by Major General SUMITA  
9 stationed at Hanoi at that time.

10 "Major General SUMITA was informed by the  
11 General Headquarters that the diplomatic negotiation  
12 regarding the co-defense of Japan and French Indo-  
13 China in July, 1941, was concluded in France on 21  
14 July, between Mr. Darlan, the then Foreign Minister of  
15 the Vichy Government, and Mr. KATO, Sotomatsu, the  
16 Japanese Ambassador to France, and that the exchange  
17 of official statements was made on 22 July, 1941.  
18 At the same time he was informed of the arrangement of  
19 military cooperation, the contents of which are identi-  
20 cal with that of Exhibit No. 651. Although Exhibit No.  
21 651 is dated 29 July, 1941, the contents were reported  
22 before this date.  
23

24 "Based upon these informations, Major General  
25 SUMITA immediately opened negotiations with French



1 Indo-China.

2 "At that time the relation between Japanese  
3 party and the party from the French Indo-China Govern-  
4 ment Office was very friendly, and always closely  
5 connected. As a result, the spot agreement based on  
6 the exchanged official statements, of which Major  
7 General SUMITA was directly in charge, proceeded  
8 smoothly and speedily without any trouble. Together  
9 with the Navy and Foreign Office representatives I  
10 witnessed the signing between Major General SUMITA  
11 Raishiro and Governor-General Decoux. As the repre-  
12 sentatives of French Indo-China, there were present the  
13 Governor-General, the Chief-Secretary, Juan, and several  
14 other persons, and the signing was carried out in a  
15 very friendly manner. At the signing, Major General  
16 SUMITA asked the French party whether the notifica-  
17 tion from France containing the same contents as that  
18 of Exhibit No. 651 stated above reached French Indo-  
19 China party, and the French party affirmed it.

20 "I recall that the date of this agreement was  
21 23 July 1941.

22 "The contents of this agreement were none  
23 other than that of enforcing details in compliance  
24 with the official statement mentioned above. It is  
25 composed of concrete measures in detail, such as the

1 movement of Japanese forces, their landing point and  
2 landing date, the course of the troops, occupation  
3 regions, the facilities for billeting and supplying  
4 of the Japanese forces, the removal of breech mechan-  
5 ism from the guns of French Indo-China forces, par-  
6 ticularly to avoid the accidental occurrences of  
7 collision between Japanese and French Indo-China forces,  
8 as is set forth in Article II of the official state-  
9 ment, the gist and region of withdrawal of the French  
10 Indo-China forces stationed in the vicinity of the  
11 beach where Japanese forces plan to land and the  
12 establishment of land marks visible from the air at  
13 the stationed areas of French Indo-China forces.

14 "Neither the telegram sent from the General  
15 Headquarters, nor the agreement documents of that time  
16 can be found today."

17 I refer the Tribunal to the certificate which  
18 comprises the last page of the document.

19 "I flew by air to 'San-a' in the Hainan Is-  
20 land on the day after the conclusion of this agree-  
21 ment, and informed the Supreme Commanders of the Jap-  
22 anese Army and Navy, who were there as occupation  
23 forces, the course up to the conclusion and also of  
24 the contents of the agreement. We talked especially  
25 about the minute arrangements for the prevention of

accidental collision.

1 "Then, on or about the following day, the  
2 25th of July, I remember going to Saigon by air with  
3 Major General SUMITA and others. Detailed arrange-  
4 ments were made there between French Indo-China forces  
5 stationed there and us. Needless to say, the prelim-  
6 inary agreements, etc., between Japan and French Indo-  
7 China at Saigon were carried out in a friendly atmos-  
8 phere throughout these meetings. Scrupulous care and  
9 preparations were made lest any accidental collision  
10 should occur in the several days prior to the landing  
11 of Japanese forces. It was especially planned in  
12 advance that the SUMITA Mission shall certify the with-  
13 drawal of the French Indo-China forces from the beach,  
14 who in turn shall report it to the Japanese forces,  
15 and then the landing shall begin. This was executed  
16 exactly so. Accordingly, a part of the Japanese forces  
17 landed on the 28th, and the greater part on the 29th,  
18 and no accident occurred.

20 "I later found in a document (Court Exhibit  
21 No. 651) that the date of the formal signing of the  
22 protocol regarding the co-defense of French Indo-China  
23 was 29 July 1941.

25 "However, as mentioned above, the contents  
of the official statement exchanged by the representa-

1 tives of both countries on 22 July were reported to  
2 each respective despatched agency, by the governments  
3 of Japan and France. Based on this, the pact was con-  
4 cluded harmoniously and the occupation was begun."

5 May I call the Tribunal's attention to the  
6 date at the end of the certificate of source, which  
7 is given as March? It is very clear that should be  
8 July. I am sure the witness can clarify that if the  
9 Court thinks it is necessary. I understand, sir, it  
10 was a mistake made by the person who took the affi-  
11 davit.

12 THE PRESIDENT: It can be corrected in one way  
13 only, by further evidence, unless it is admitted.

14 Mr. Tavenner.

15 MR. TAVENNER: It is obviously a mistake,  
16 your Honor, and we accept the correction.

17 MR. BLEWETT: Will you examine the witness?

18 THE PRESIDENT: Mr. Tavenner.

19 MR. TAVENNER: If the Tribunal please, we do  
20 not desire to cross-examine.

21 MR. BLEWETT: May the witness be excused, sir?

22 THE PRESIDENT: He is excused on the usual  
23 terms.  
24

25 (Whereupon, the witness was excused.)

MR. BLEWETT: I now offer in evidence defense

1 document 626A-10, which is a portion of the interroga-  
2 tion of General TOJO of 13 February, not read by the  
3 prosecution but which is necessary to understand the  
4 true situation. The portion that was read by Mr. Fihelly  
5 is exhibit 1123, on page 10,180 of the record.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 626A-10  
8 will receive exhibit No. 3022.

9 (Whereupon, the document above referred  
10 to was marked defense exhibit 3022 and received  
11 in evidence.)

12 MR. BLEWETT: I shall read exhibit 3022.

13 "13 February 1946.

14 "Q What measures were to be taken in connec-  
15 tion with advancing southward?

16 "A I think perhaps they were the dispatch  
17 of troops into southern Indo-China.

18 "Q What other measures were taken in connec-  
19 tion with advancing southward?

20 "A I think that was all.

21 "Q Was anything to be done in connection  
22 with Thailand?

23 "A I rather think so - in connection with  
24 increasing close relations with that country. Previous  
25 to this time, on 9 May 1941, Japan had arbitrated the

border dispute between Thai and French Indo-China.

1 "Q Was it not planned to occupy French Indo-  
2 China?

3 "A Not at all. Japan concluded a joint  
4 defence treaty for the stabilization of French Indo-  
5 China on 29 July, 1941.  
6

7 "Q Prior to that time, had any Japanese  
8 troops entered French Indo-China?"

9 "A Apparently, your Honor, this means south Indo-  
10 China, which will be later cleared up.

11 "A No, they had not. They were dispatched  
12 in accordance with the treaty. The treaty was signed  
13 on 29 July 1941 and the troops were dispatched to  
14 southern Indo-China on the same day. They entered the  
15 country on a basis of the agreement.

16 "Q Prior to the treaty in question, had it  
17 not been decided in July 1941 to send troops to that  
18 country whether French Indo-China agreed or not?

19 "A Not at all. A military agreement had  
20 been concluded on September 22, 1940, under which the  
21 Japanese troops were stationed in northern French Indo-  
22 China. The situation was that military pressure from  
23 Singapore, the Philippines, and so forth, had continued  
24 and, on 25 July 1941, the American freezing of assets  
25 had gone into effect and it had become very difficult

to carry on peaceful commerce with the Dutch Indies.

1 The China Incident was continuing and the stabiliza-  
2 tion of French Indo-China was a very important matter.

3 Therefore, on 29 July, troops were sent to the southern  
4 part of Indo-China in accordance with the agreement.

5 The Imperial Conference had forseen changes in the  
6 situation and had decided to carry on negotiations with  
7 France in reference to Indo-China.  
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1 "Q. Was not the real reason why Japan decided  
2 in July 1941 to advance southward that she needed raw  
3 materials?

4 "A This was certainly not the main reason. The  
5 main reason was the necessity for maintaining stabil-  
6 ity in French Indo-China while the fighting with China  
7 was going on, but Japan did need peaceful trade in order  
8 to support production at home as well as to maintain  
9 the struggle in China. America had stopped trade  
10 with Japan and Japan needed oil, iron ore, bauxite,  
11 tin, and food from the south, to be gained by peace-  
12 ful trade."

13 \* \* \* \*

14 "Q. What was there about the stability of Indo-China  
15 that necessitated calling an Imperial Conference in  
16 July 1941? "

17 "A. The China Incident was in progress and Japan  
18 was exerting every effort to successfully conclude it.  
19 Any disturbed area to the south would have an unfavor-  
20 able effect on the solution of the incident. Moreover,  
21 it had been a Japanese idea for a very long time before  
22 this to maintain the stability of East Asia. A third  
23 reason is that foodstuffs, principally rice, which were  
24 imported from French Indo-China, would be unavailable if  
25 conditions were unsettled in French Indo-China. These



foodstuffs were very necessary for Japan.

1 "Q. Was it considered by you, as War Minister,  
2 that French Indo-China would be militarily useful in  
3 connection with the China Incident?

4 "A. Of course, I thought of it. Of course, from  
5 the military point of view, there was a practical rela-  
6 tion as far as northern French Indo-China was concerned.  
7 The supply route north from French Indo-China was of  
8 assistance to the Chinese and, furthermore, we wanted,  
9 from the military point of view, to establish air bases  
10 in northern French Indo-China so as to be able to cut  
11 off the route from Burma. However, the fact that French  
12 power had declined, as a result of conditions in Europe,  
13 necessitated the stationing of troops not only in  
14 northern Indo-China but also in the central and  
15 southern parts for the maintenance of stability."  
16

17 \* \* \* \*

18 "Q. You have mentioned that the presence  
19 Japanese troops in French Indo-China was of assistance  
20 in the fighting against the Chinese. Would not the pres-  
21 ence of troops in French Indo-China also be of assist-  
22 ance to Japan in case war should break out between  
23 Japan and England, America, or Holland?

24 "A. Economic and military pressure from Eng-  
25 land, America and Holland was increasing. The station-

1 ing of troops in Indo-China was chiefly to maintain the  
2 stability of that country. However, it did assist oper-  
3 ations against China and help make peaceful commerce  
4 possible. The stationing of troops there was for de-  
5 fensive military protection and was an appropriate  
6 measure of national defense, I believe."

7 \* \* \* \*

8 We call the attention of the Tribunal to Pros-  
9 ecution Exhibit No. 809 which seems to have been relied  
10 upon to a great extent in proving military preparations.

11 From Page 9011 of the Record I read this por-  
12 tion of that Exhibit to indicate the date on which  
13 these preparations took place:

14 "Available references documenting these prep-  
15 arations are as yet fragmentary, especially in respect  
16 to specialized training operations in tropical warfare  
17 reputed to have taken place throughout the summer and  
18 fall of 1941. As the date of the opening of hostilit-  
19 ies is approached, however, pertinent references grow  
20 more plentiful, until for the month of November 1941 it  
21 is possible to piece together a fairly comprehensive  
22 picture of Japanese military preparations."

23 It is also respectfully submitted that accord-  
24 ing to the same Exhibit No. 809 no general mobiliza-  
25 tion of the military took place in Japan until October

1941.

1                   Reference is also made to page 9050 of the  
2 Record, a quotation from the same Exhibit, regarding  
3 so-called land operation practice; this comment is  
4 made: "Little, if any, military advantage resulted  
5 from those operations, and it would now appear that  
6 they had been intended solely for training....."

7                   I call the witness, NISHIMURA, Susumu,  
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1 S U S U M U N I S H I U R A, called as a witness in  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. BLEWETT:

6 Q Will you please state your name and address?

7 A My name is NISHIURA, Susuma. My address is  
8 No. 560, Ome-Cho, Nishi Tama Gun, Tokyo.

9 MR. BLEWETT: May witness be handed document 1690:

10 (Whereupon, a document is shown to  
11 the witness.)

12 Q Is that your affidavit?

13 A Yes.

14 Q Are the contents true and correct?

15 A Yes.

16 MR. BLEWETT: I offer in evidence defense docu-  
17 ument 1690.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 1690 will  
20 receive defense exhibit number 3023.

21 MR. BLEWETT: I shall read the Exhibit 3023.

22 "1. I was serving in the business concerning  
23 the military preparations in the Military Affairs Sec-  
24 tion, the Military Affairs Bureau, the War Ministry,  
25 from October 1931 to August 1941, except the period from  
April 1934 to February 1937 during which I was residing

1 abroad. From August 10, 1941 I was ill and in hospital  
2 over a month, and could not work in the office during the  
3 period of illness. Was transferred to the post of the  
4 Private Secretary to the War Minister in October of the  
5 same year, returned to the Military Service Bureau again  
6 in April 1942 as the Chief of the Military Affairs Section.  
7 Since then until December 1944, I was serving in the  
8 business of the same section.

9 "2. First of all, I will speak about the fact  
10 that most of the armaments used in the Pacific War was  
11 spared or supplied from the military provisions either  
12 which had been originally prepared to be used in Man-  
13 churia for guarding Manchuria against USSR, or which had  
14 been prepared as an emergency in the process of the Sino-  
15 Japanese Incident. And it had not been originally pre-  
16 pared to be used in a Pacific War. In the Mobilization  
17 Plan of 1941 which had been planned by March of 1941,  
18 the organization of the units in operations was as  
19 follows:

20 "(a) Having a large Baggage Transport Section  
21 in the rear providing against the fighting in severely  
22 cold or barren regions.

23 "(b) The whole organization of the brigade was  
24 equipped so as to be the Mobile Units in operations in  
25 Manchuria but under no consideration to be used in the

1 Southern Islands.

2 "(c) All the horses needed in the Supply and  
3 Baggage Departments were to be Manchurian horses except  
4 the horses for the Headquarters (which was one-third  
5 of the entire number).

6 "These points are worth notice. Consequently,  
7 immediately before using these units in the Southern  
8 Regions, we had to change the organization completely  
9 to make it suitable for the purpose. And even though  
10 the organization had been changed, yet it could not be  
11 but a very unadjusted inadequate and incomplete one,  
12 when the unit was mobilized to the South. You can  
13 surmise the Operation Plan by the distribution of the  
14 Supplies for Operation. Noting, for example, the dis-  
15 tribution of ammunitions and aviation gasolines in the  
16 supplies for operations under the direct control of  
17 General Headquarters about the spring of 1941:

18 Ammunitions

19 In Manchuria	20%
20 In China Republic	30%
21 In Japan Proper	50%
In Formosa & French India	none

22 Aviation Gasolines

23 In Manchuria	16%
In China Republic	4%
24 In Japan Proper	80%
In Formosa & French India	none

25 Moreover, by the so-called 'Seki Special Manoeuvres' "  
(which I am told, your Honor, means Quantung Army Spec-

1 ial Manoeuvres) "which aimed at the strengthening of  
2 the guarding of the USSR Manchuria Boundaries, they  
3 began to send forth a considerable portion of the  
4 supplies necessary for the operation which had been  
5 preserved within Japan to Manchuria from July or Aug-  
6 ust 1941.

7 "27% of the whole ammunitions and 14% of the  
8 whole amount of aviation gasolines were removed to  
9 Manchuria.

10 "3. With the decision on National Policy  
11 early in September 1941, it was scheduled to make  
12 preparation for war by the end of October or there-  
13 abouts although we were working for a compromise with  
14 America through diplomatic negotiation and were decided  
15 not to resort to war with America and Britain except in  
16 unavoidable circumstances. But at least in the field  
17 of supplies Japan was already blocked entirely by  
18 America and England, and there was no room for an  
19 increase in output, and what was referred to as a com-  
20 pletion of military preparation for the war against  
21 America and England was in reality a mere changing of  
22 the distribution of the supplies which were already po-  
23 sessed by Japan, or preparation of personnel and mater-  
24 ials for developing resources in the Southern Region in  
25 case of an outbreak of operations in the South, and Japan

1 was obliged to be content with this.

2 "As for the supplies for operation mentioned  
3 above, for the first time, in the period from September  
4 1941 to December, 10% of the ammunition and 12% of the  
5 aviation gasoline were transferred to Formosa and French  
6 India.

7 "4. As a supplementary explanation, I will give  
8 the details of the completion of military preparation for  
9 about ten years preceding the Pacific War.

10 "In September 1931, the Manchurian Affair broke  
11 out. The Japanese Army at that time basically consisted  
12 of over 17 Divisions and 26 Air Squadrons. (Ex. 880) How-  
13 ever, although the numerical strength of the Front seems  
14 to have been arranged, material to equip them was badly  
15 wanting, and even the ammunition allotted to each Brigade  
16 on its mobilization was hardly sufficient.

17 "Though it had been decided to produce these  
18 munitions by mobilizing all the industrial power of Japan  
19 evidently it was only a paper plan and there were many  
20 parts that could not be taken seriously. But as we had  
21 no concrete remedy for them, we did nothing about that.  
22 As for the productive power of aeroplanes and the stor-  
23 age of aviation gasolines, they were almost none, and  
24 the real substance of the Imperial Army, which was com-  
25 monly acknowledged to be the strongest army power in the



1 East Asia, was a mere superficial armament that had  
2 no content. The amount of consumption of steel in one  
3 year by the army at that time was only 20 thousand tons,  
4 and the total budget was only about ¥ 200,000,000. Thus  
5 being under the restriction of state economy, in spite  
6 of the anxiety of the authorities concerned with the  
7 military preparations, not only were the preparations  
8 of the Japanese Army inferior when compared with those  
9 of the other powers, which after participating in the  
10 First World War showed a marked advance in their arma-  
11 ments, but they were also substantially getting poorer  
12 and poorer. Munitions and other materials produced were  
13 merely sufficient to supply the peace time consumption.  
14 In such a condition of the military preparation, the  
15 Manchurian Affair broke out. However, Japan had prom-  
16 ised a cooperative defense with Manchuhuo, while on the  
17 other hand had to consider the defense of that part of  
18 Manchuria which bordered with the great military power  
19 of USSR. In addition, she had to face the continued  
20 advancement of industries of the USSR, and her increase  
21 of the numerical strength in the Eastern Part of 'Siberia'.  
22 All of these necessitated Japan to increase her military  
23 power in Manchuria in order to feel secure in the north-  
24 ern region of Manchuria.

"But in reality, the economical restriction was

1 as strict as ever and the military power in Manchuria  
2 was increased only slightly year by year. For instance,  
3 aviation which needed the most urgent progress, the  
4 annual amount of production was only about 100 million  
5 yen in reality, and the entire Army air unit, which  
6 consisted of 26 companies in 1931, was barely increased  
7 to 50 some odd companies in 1936. Moreover, the make-up  
8 of these companies was so poor that no one thought it  
9 possible to carry out offensive operations.

10 "In the General Staff Office, they considered  
11 that if something should arise between Japan and the  
12 USSR, the defense of Japan and Manchuria would be im-  
13 possible unless Japan had at least as many as two-  
14 thirds of the military strength anticipated to be used  
15 in East Asia by the USSR. However, in actuality such  
16 strength could never be provided.

17 "So, it was a matter of course that no one  
18 had ever thought of preparing for an all-out war with  
19 China, if such did ensue. Up to the happening of the  
20 Lukouchiao Incident in 1937, there had never been any  
21 request from the General Staff Office concerning the  
22 filling up of the armaments with a view to such an  
23 incident. The idea behind the desire to complete the  
24 armaments in those days was mainly to be prepared to  
25 take counter-measure if and when attacked by the USSR.

1 It was planned, with the idea that benzine and other  
2 necessary war materials which were lacking in Japan and  
3 Manchuria, could be obtained from the United States and  
4 Britain and even from China. Fighting against China,  
5 Britain and the United States was never contemplated.

6 "5. In the spring of 1937 when I came back  
7 to Japan from European duty to serve in the Military  
8 Affairs Office, they were just beginning to realize the  
9 above plan to complete the armaments - the plan which  
10 was being made intently since 1936 in the way of defense  
11 against the USSR. On the other hand they were having  
12 much discussion about the plan to expand the product-  
13 ive power of Japanese and Manchurian with the objective  
14 of developing industrial economy of the two nations.  
15 When we checked the military demand with this plan,  
16 the self-sufficiency of fuels in the event of war with  
17 USSR, for instance, would be impossible in Japan and  
18 Manchuria even if the plan was carried out accordingly.

19 Furthermore, we had never in peace time considered  
20 stocking the quantity necessary for war time. So the  
21 plan was being carried out with the idea of keeping  
22 friendly relations with America, England and China,  
23 etc., even if a war should break out against the USSR.

24 "6. In such a situation as explained above,  
25 suddenly the Lukouchiao Affair broke out in July 1937.

1 The affair spread more and more in spite of the Japan-  
2 ese policy and effort to minimize it. The develop-  
3 ment of the hostile situation gradually made it necessary  
4 to mobilize and send to China a Group, which had not been  
5 expected necessary. Even the budget for the expedition  
6 was barely appropriated in 3 piecemeal amounts during  
7 the summer and fall of 1937.

8 "And a considerable quantity of the materials  
9 which had been accumulated with a great deal of trouble  
10 in preparation to defend against the USSR was consumed  
11 against China. Moreover, the divisions which were  
12 expected to be used in Manchuria had been used in China,  
13 and in many cases their organizations and equipment  
14 were not suitable for the local situation and we suffer-  
15 ed greatly. For instance, though the use of field guns  
16 was inconvenient and mountain guns were more expedient  
17 in China, most of the Japanese divisions were Field  
18 Artillery divisions. Therefore we had to reorganize  
19 them with old-fashioned mountain guns. Moreover,  
20 the consumption on the battlefield far exceeded the  
21 amount that could be produced. The mobilization of war  
22 industries was not as effective as desired since it had  
23 just then begun. The unexpected large-scale operation in  
24 China consumed a large amount of war materials on the one  
25 hand, and increased the danger in the northern region of  
Manchuria.

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1 "7. Especially the occurrences of the  
2 Changkufeng affair in the summer of 1938 and of the  
3 Nomonhan affair in 1939 gave us a lesson and a chance  
4 to reconsider our military preparations.

5 "The lack of our munitions in the Changkufeng  
6 affair made us realize the fact that we were capable of  
7 supplying only seven and a half divisions in the event  
8 the affair spreads. In the Nomonhan affair our capacity  
9 of supplying air and mechanized units was inferior when  
10 compared with the efficiency of supply of the mighty  
11 air and mechanized units of the USSR. These facts made  
12 us feel that unless we put our entire efforts in military  
13 preparation against the USSR it was not possible even  
14 to carry out the China affair with confidence. On the  
15 other hand, as it became evident that the Sino-Japanese  
16 affair was going to be prolonged in spite of Japan's  
17 desire to settle the affair early, to supply the China  
18 theater of war and to increase the security against the  
19 North, the drafting of a plan was undertaken in 1939  
20 and the idea conceived was to strengthen the army war  
21 supply mobilization for 3 years beginning in 1941. The  
22 total budget for the plan was about 100 billion yen,  
23 and 40% of it was to be appropriated for supplies in  
24 China and the rest was for military preparation in  
25 Manchuria. Also the transfer of a munitions industry

1 to Manchuria was tried as much as possible in considera-  
2 tion of war against the Soviet, and it was decided to  
3 establish the South Manchuria Plant etc., in Mukden  
4 and in other places. The immediate completion of  
5 military preparations being so urgently demanded at  
6 that time that the ordnance manufacturing was consider-  
7 ably advanced but the cultivation of the resources  
8 which was the basis of the manufacturing industries  
9 was much neglected. Especially, liquid fuel, 'rubber',  
10 bauxite and alloys of special steel among the war  
11 materials of Japan had to be obtained more than ever  
12 from abroad, that is America and England due to the  
13 expansion of necessary wartime strength and the con-  
14 sequent need of these materials. That is, the material  
15 support by America and England which had been considered  
16 to be absolutely necessary in case of war with the  
17 Soviet in future, became much more vital. The army of  
18 that time, bearing even this serious burden, went ahead  
19 to draft the Three-Year Plan.

20 "8. As the Sino-Japanese affair progressed  
21 it gradually brought about the anti-Japanese economical  
22 oppression of America, England and other countries.  
23 The situation became critically worse after the summer  
24 of 1940. However, if the relations with America and  
25 England should be broken, the Japanese army would be

1 frustrated in carrying out the Sino-Japanese affair  
2 as explained above, and besides, it would also mean  
3 the upsetting of the foundation of completing military  
4 preparations for the defense of Manchuria in view of  
5 the frequent armed conflicts actually occurring along  
6 the Soviet-Manchuria borders. Also as we had never  
7 thought of warring against America and England, we  
8 believed we would somehow be able to come through this  
9 crisis. We were just unable to change our point of  
10 view and engage in military preparations for war  
11 against America and England.

12 "In fact, the public opinion was anti-  
13 America and anti-English and it would have been natural  
14 for the military authorities to prepare for an emer-  
15 gency because such is their duty.

16 "But they had a set traditional idea of  
17 defense against the USSR and anybody who knew anything  
18 about the material situation in the event of war with  
19 America and England were fully aware of the difficul-  
20 ties that would confront Japan in the course of such  
21 war. These facts prevented them from making whole-  
22 hearted preparations. For the Japanese army at that  
23 time the solution of the China affair and the military  
24 preparation for the defense against the USSR were more  
25 than they could handle. Even if full military

1 preparation for war with America and England was  
2 ordered by their superiors they would not have been  
3 able to do so concretely due to the lack of materials  
4 and the budget.

5 "Since the middle of 1941, the situation grew  
6 worse day by day. In the Japanese army, the consensus  
7 of opinion was to accelerate to reach an agreement  
8 through diplomatic negotiations and avoid the dangerous  
9 situation. And thus, the summer of 1941 came as  
10 mentioned above."

11 If your Honor please, I offer in evidence  
12 defense document No. 2099 to show the table of mater-  
13 ials prepared for operations with a view to asking  
14 this witness one or two questions about it.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 2099  
17 will receive exhibit No. 3024.)

18 (Whereupon, the document above  
19 referred to was marked defense exhibit  
20 No. 3024 but not received in evidence.)

21 MR. BLEWETT: May exhibit 3024 be shown to  
22 the witness, please?

23 BRIGADIER QUILLIAM: May it please the Tribunal--

24 THE PRESIDENT: Brigadier Quilliam.

25 BRIGADIER QUILLIAM: It had been proposed to



1 point out to the Tribunal that rule 6-b(1) has not  
2 been complied with in respect to this document and  
3 the prosecution has had no opportunity of considering  
4 it properly. We submit that the document should not  
5 be accepted at this stage.

6 THE PRESIDENT: After it was tendered I  
7 paused for several seconds before admitting it;  
8 however, the rule must be complied with.

9 MR. BLEWETT: I think the Brigadier is under  
10 misapprehension here. The certificate only refers to  
11 one sheet; the original Japanese is only one sheet.  
12 He feels that, and maybe justifiably so, it was taken  
13 from some book but I have no knowledge of whether it  
14 was or not. This is the way it was handed to me, just  
15 one sheet, and a certificate referring to one sheet.  
16 This is not an excerpt, sir. I notice that it does  
17 say "excerpt" there but this is the ordinary form  
18 that they use in referring to excerpts and that should  
19 really mean "authorized copy."

20 THE PRESIDENT: The certificate says it is  
21 an "exact and authorized excerpt from an official  
22 document".

23 MR. BLEWETT: That is a mistake, sir, as I  
24 tried to point out. This certificate of authenticity  
25 has been made up and is used in the regular form. Now,

1 this is just one single document and it is not an  
2 excerpt from any book or publication and was processed  
3 in the regular way as any other type of document.

4 THE PRESIDENT: The defense are insisting  
5 upon their objection which must be sustained -- the  
6 prosecution, rather.

7 MR. BLEWETT: You said the defense, sir;  
8 is that--

9 THE PRESIDENT: Prosecution.  
10 Brigadier Quilliam.

11 BRIGADIER QUILLIAM: May it please the  
12 Tribunal, we accept Mr. Blewett's assurance that this  
13 is not an excerpt. We were deceived by the form of  
14 certificate.

15 We had intended, not realizing that it was  
16 going to be put in through this witness, to object  
17 to the document as being immaterial and irrelevant  
18 on its face but I assume--

19 THE PRESIDENT: I am sure it will not help  
20 in the least. We all know, we all have some ideas  
21 of what supplies are necessary to keep an army going.

22 BRIGADIER QUILLIAM: Apparently the Tribunal  
23 is expected to know how much supplies are needed for  
24 two days, two battles, and matters of that kind.

25 We submit that on the face of it this document

1 is most unhelpful and, as I say, we object to its  
2 admission on that ground.

3 THE PRESIDENT: There is too much detail.

4 MR. BLEWETT: It was only our purpose to refer  
5 to certain portions of it, your Honor. The most  
6 important feature of this document and the purpose  
7 for its submission is the date on which this operation  
8 was to take effect -- December, end of December.

9 THE PRESIDENT: By a majority the Court  
10 sustains the objection and rejects the document.

11 MR. BLEWETT: You may cross-examine the  
12 witness.

13 BRIGADIER QUILLIAM: May it please the  
14 Tribunal, we do not wish to cross-examine.

15 MR. BLEWETT: May the witness be excused on  
16 the usual terms.

17 THE PRESIDENT: He is excused accordingly.

18 (Whereupon, the witness was excused.)

19 MR. BLEWETT: I call the witness YOSHINAGA,  
20 Yoshitaka.

21 Your Honor, what disposition will be made of  
22 the document that was admitted and then rejected?

23 THE PRESIDENT: As I observed, the prosecution  
24 were very slow in making their objection. I admitted  
25 it after a pause but before a number was called they

1 did object.

2 MR. BLEWETT: Sir, it was given No. 3024  
3 and I presume the Clerk will have to make a note of  
4 that.

5 THE PRESIDENT: No, the number that was on  
6 that document on the assumption that it would be  
7 admitted finally will be the number of the next  
8 document.

9 - - -

10 Y O S H I T A K A Y O S H I N A G A, called as a  
11 witness on behalf of the defense, being first  
12 duly sworn, testified through Japanese inter-  
13 preters as follows:

14 DIRECT EXAMINATION

15 BY MR. BLEWETT:

16 Q Will you please state your name and address?

17 A My name is YOSHINAGA, Yoshitaka; my address  
18 is: No. 226 Unogi-cho, Chofu, Ota-ku, Tokyo.

19 MR. BLEWETT: May the witness be handed  
20 defense document No. 2105.

21 Q Is that your affidavit and did you sign it?

22 A Yes.

23 Q Are the contents true and correct?

24 A Yes.

25 MR. BLEWETT: I offer in evidence defense

1 document No. 2105.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Defense document

4 No. 2105 will receive exhibit No. 3024.

5 (Whereupon, the document above  
6 referred to was marked defense exhibit  
7 No. 3024 and was received in evidence.)

8 MR. BLEWETT: I shall read exhibit No. 3024:  
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1 "I was commissioned as Army Artillery 2nd  
2 Lieutenant in 1926, and was engaged in the ordnance  
3 research work of various nations at the Army  
4 Technical Headquarters from 1932 to 1934. From  
5 1936 to the end of war, I was engaged in the  
6 planning of research and in the ordnance research  
7 of various nations at the Army Technical Headquarters  
8 (later the Technical Department, Army Ordnance  
9 Administrative Headquarters).

10 "The study of ordnance technique in the Army  
11 was made exclusively with consideration for cold-  
12 region operations in line with the Anti-Soviet  
13 operations. It was after the stationing of troops  
14 in Southern French Indo-China that the Southern  
15 operation, that is, the tropical-zone operation  
16 was taken into consideration.

17 "The fundamental policy of the ordnance re-  
18 search work was directed by the War Minister in 1937  
19 or so, and this policy remained unchanged until  
20 1943. Nothing was indicated in this policy to give  
21 consideration to operations in the Southern area.

22 "Consequently, the importance has been  
23 attached to the adaptability of weapons in the cold  
24 zone. The principal weapons were tried in the cold-  
25 zones in North Manchuria every year since 1932 or

1 so, and those weapons which did not pass the tests  
2 were not adopted as regular weapons. However, the  
3 adaptability in the tropical zone was never taken  
4 into consideration.

5 "After the stationing of troops in Southern  
6 French Indo-China, it was emphasized that the  
7 adaptability of weapons in the tropical zone be  
8 also considered in the research work, and the  
9 ordnance technicians were sent to Formosa in August,  
10 1941, to test various weapons.

11 "A tropical zone test room for weapons was  
12 completed for the first time towards the end of  
13 October, 1941.

14 "Thus, the war broke out when the research  
15 work regarding the adaptability of weapons in the  
16 tropical zone was in its early stage and incomplete.

17 "As a result, the defects of the various  
18 kinds of weapons became apparent in the Southern  
19 theater of war.

20 "For example, there was a tremendous amount  
21 of unusable ammunition due to the insufficient damp-  
22 proof device, and the local units preferred to use  
23 captured weapons.

24 "The tanks also had no cooling system, and  
25 the research in this line was made only after the war

1 broke out. With regard to railroad, the research  
2 had been made as to the various gauges in the Con-  
3 tinent, but as to those in the southern regions  
4 nothing was done. For the first time in May, 1942  
5 the study of railroads in the South was initiated.

6 "Since no training was given to the units  
7 in handling weapons in the tropics, a part of the  
8 units were given a very short unit-to-unit training  
9 since around November 1941."

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1 Any questions?

2 THE PRESIDENT: Brigadier Qu lliam.

3 BRIGADIER QUILLIAM: If it please your Honor,  
4 we do not wish to cross-examine.

5 MR. BLEWETT: I respectfully refer the  
6 Tribunal to exhibit No. 2767 --

7 THE PRESIDENT: Do you want this witness  
8 any further?

9 MR. BLEWETT: I am sorry, your Honor.

10 THE PRESIDENT: He is excused on the usual  
11 terms.

12 (Whereupon, the witness was excused.)

13 MR. BLEWETT: I refer the Tribunal to  
14 exhibit No. 2767, the affidavit of defense witness  
15 OKADA who testified here on 4 and 5 August 1947,  
16 page 24,853 to 24,900 of the record, that Japan was  
17 not prepared, from a shipping and oil standpoint,  
18 for war against the United States and Great Britain.

19 I call the witness YOSHIDA, Tosuke.  
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1 T O S U K E Y O S H I D A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. BLEWETT:

7 Q Will you please state your name and address?

8 A My name is YOSHIDA, Tosuke; my address,  
9 No. 1 Shin Kawasaki-machi, Kita-ku, Osaka.

10 MR. BLEWETT: May the witness be handed  
11 defense document No. 1710?

12 Q Is that your affidavit, Mr. YOSHIDA?

13 A Yes. I should like to make a change. In  
14 here it says that I am at present Director of  
15 Customs of Kobe, but since then I have been trans-  
16 ferred and I am now chief of the Financial Bureau  
17 of Osaka.

18 Q With that change, are the contents true and  
19 correct?

20 A Yes.

21 MR. BLEWETT: I offer in evidence defense  
22 document No. 1710.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 1710  
25 will receive exhibit No. 3025.

1 (Whereupon, the document above  
2 referred to was marked defense exhibit  
3 No. 3025 and received in evidence.)

4 MR. BLEWETT: I read exhibit 3025:

5 "1). I, YOSHIDA, Tosuke, graduated from  
6 the Law Department, Tokyo Imperial University in  
7 1926, and immediately entered the Finance Ministry.  
8 I was Chief, Treasury Section, Finance Bureau,  
9 Finance Ministry, from January, 1941 through October,  
10 1942. Therefore, I have full knowledge of the pro-  
11 cedure concerning military notes. At present, I am  
12 the Director of the Kobe Custom House.

13 "2). Military notes were for the use of the  
14 armed forces while in military operations, and in no  
15 way belong to the ordinary currency, but, in view of  
16 their bearing upon the obligations of the national  
17 Treasury, their handling had been placed under the  
18 jurisdiction of the Treasury Section of the Finance  
19 Bureau of the Finance Ministry, so far as the matters  
20 concerned were internal, and except when handled by  
21 the military itself.

22 "3). In January, 1941, the Army requested  
23 the Finance Ministry to take steps for printing and  
24 manufacturing military notes with denominations in  
25 foreign currencies of the Southern Regions. Whereupon,

1 in the same month, a Finance Ministry decision on  
2 the preparation for the issuance of military notes  
3 with foreign currency denominations was made, and a  
4 printing and manufacturing order was placed with the  
5 Printing Office, a Government organ under the direct  
6 supervision of the Cabinet. Around May of the same  
7 year, a certain of the said military notes had been  
8 printed and manufactured. Printing and production  
9 of same was also continued thereafter.

10 "4). About the middle of October of the  
11 same year, the Army requested the Finance Ministry  
12 to take necessary measures for dealing with said  
13 military notes. We, the staff of the Finance Ministry,  
14 were working on the draft measures relating thereto.  
15 In the meantime a Cabinet change took place on 18  
16 October 1941, with Mr. Okinori KAYA as the new  
17 Finance Minister.

18 "On 22 October, we completed the drafting  
19 of a document entitled 'the issuance of military  
20 notes with foreign currency denominations,' which was  
21 to be submitted for approval to the Ministers con-  
22 cerned. The draft was passed upon by the respective  
23 Bureaus concerned in the Finance Ministry and went  
24 to Mr. KAYA, the new Minister.  
25

"Mr. KAYA showed deep concern about the

1 passage in the summarized particulars relative to  
2 the issuance of the military notes with foreign  
3 currency denominations in the said draft that reads:  
4 'military notes with foreign currency denominations  
5 shall be issued, preparing for the eventuality of  
6 our taking military operations in South Seas Regions,  
7 when they shall be used by the armed forces con-  
8 cerned, in their payment of military expenditures.'

9            "He warned maybe, this passage is not  
10 erroneous, but it is inadequate to fully express  
11 what the drafting authorities are intending. The  
12 Army requests that the military notes prepared be-  
13 forehand, probably because it fears that exigencies  
14 cannot be met by setting about the business in a  
15 hurry, just when the hostilities have begun. But  
16 our country has by no means decided to wage any war.  
17 The meaning of drafting this document, therefore,  
18 shall be that we want to be provided with measures  
19 relating to military notes, in advance, just as a  
20 sort of general preparedness to cope with an un-  
21 expected eventuality. The document shall make clear  
22 the above-said purport and record what is truly  
23 meant by the drafters.

24            "Upon this, the Ministry, on 29 October made  
25 out and decided upon a document recording the import

1 of Minister KAYA's remark, and annexed it as a  
2 reference to the end of the above-mentioned docu-  
3 ment for approval, entitled, 'the issuance of mili-  
4 tary notes with foreign currency denomination.'  
5 This was sent round to and approved by the respec-  
6 tive Ministers concerned. After being thus approved,  
7 the document including the said reference was kept  
8 in the Treasury Section, where I worked.

9 "5). The 'issuance' of military notes, as  
10 mentioned in the aforesaid document, means the  
11 crediting by the Bank of Japan to the 'other Govern-  
12 ment deposit' at the Bank, of the amount of military  
13 notes manufactured by the Cabinet Printing Office  
14 and received by the Bank from the said Office."

15 We offer in evidence defense document No.  
16 1711, which refers to the issuance of military  
17 currency for use in the Southern Areas.

18 When the evidence relating to this question  
19 was offered by the prosecution, this document was  
20 omitted. It shows, we submit, that no order for the  
21 actual use of military currency was made but for an  
22 unexpected emergency in the future, and this document  
23 is dated 29 October 1941.

24 On page 8652 of the record, I brought this  
25 document to the attention of the witness Liebert in

1 connection with prosecution exhibit 852, but he had  
2 never heard of it.

3 I call the attention of the Tribunal to the  
4 certificate attached.

5 THE PRESIDENT: What about the witness?

6 MR. BLEWETT: I wanted him -- he referred  
7 to this question.

8 THE PRESIDENT: Brigadier Quilliam.

9 BRIGADIER QUILLIAM: May it please the  
10 Tribunal, this matter was referred to, as my friend  
11 has said, in the cross-examination of Liebert. The  
12 witness said that he had never seen this document or  
13 heard of it. A thorough search was made among the  
14 prosecution documents at the time, but we were un-  
15 able to trace it. At our request the Tribunal gave  
16 directions that a thorough search be made by the  
17 defense for the document.

18 That took place in October 1946. The next  
19 we hear about the matter is a few days ago when we  
20 get this certificate.

21 I was surprised to hear my friend, Mr.  
22 Blewett, say that we had omitted to put this document  
23 in, in view of the fact that we had explained we  
24 did not know of it. I am also surprised that he  
25 should permit this certificate to go in with the

1 statement in the last sentence, expressed in the  
2 vaguest language, stating that the prosecution had  
3 had the document but had returned it in 1947, after  
4 this incident took place.

5 We do not object to the admission of the  
6 document, sir, but I felt it proper to make that  
7 explanation and to explain to the Tribunal that we  
8 are, for our own satisfaction, endeavoring to clear  
9 up why this statement appearing in the certificate  
10 should be made.

11 THE PRESIDENT: It certainly is very vague  
12 as to the exact time at which it was given to the  
13 prosecution's offices and returned by them.

14 MR. BLEWETT: I am offering this, sir, as  
15 the witness referred to it in his affidavit, and I am  
16 going to ask him if he recognizes it and if that is  
17 the one he refers to.

18 THE PRESIDENT: Admitted on the usual  
19 terms.

20 CLERK OF THE COURT: Defense document 1711  
21 will receive exhibit No. 3026.

22 (Whereupon, the document above  
23 referred to was marked defense exhibit No.  
24 3026 and received in evidence.)

25 THE PRESIDENT: We will recess for fifteen  
minutes.



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(Whereupon, at 1445 a recess was taken until 1500, after which the proceedings were resumed as follows:)

1                   MARSHAL OF THE COURT: The International  
2 Tribunal for the Far East is now resumed.

3                   MR. BLEWETT: May the witness be shown  
4 exhibit 3026, please.

5                   If your Honor please, I am informed that  
6 Mr. Comyns Carr has the exhibit and that it has been  
7 sent for.

8                   THE PRESIDENT: What do you want the witness  
9 to do in respect of this exhibit?

10                  MR. BLEWETT: Just identify it, sir.

11                  THE PRESIDENT: But it is already admitted.

12                  MR. BLEWETT: All right. Have you any  
13 questions for the witness?

14                  THE PRESIDENT: Brigadier Quilliam.

15                  BRIGADIER QUILLIAM: I assumed, your Honor,  
16 that the document would be read as it has been pro-  
17 duced in the course of this witness' evidence. But  
18 Mr. Blewett says he proposes to read it later.

19                  THE PRESIDENT: As far as we are concerned  
20 he need never read it. I think we know enough about  
21 it.  
22

23                  BRIGADIER QUILLIAM: We do not propose to  
24 cross-examine the witness, sir, but I should like to  
25 draw the attention of the Tribunal to the references  
to the prosecution's evidence on this subject.

1 I refer to exhibit 852, communications 9 and  
2 10, pages 8445 to 8469 of the transcript.

3 MR. BLEWETT: May the witness be excused, sir?

4 THE PRESIDENT: He is excused on the usual  
5 terms.

6 (Whereupon, the witness was excused.)

7 MR. BLEWETT: I shall read exhibit 3026.

8 "The issuance of military notes with foreign  
9 currency denominations for the use in the Southern  
10 Area military operations.

11 "In view of the present international situations  
12 and if in case when war plans in the Southern Area are  
13 made for an unexpected eventuality in the future; and  
14 considering a necessity which may arise in that con-  
15 tingency, the issuance of military notes in foreign  
16 denomination shall be made as preparatory measures in  
17 order to provide for payment of military expenditures  
18 of the unit concerned according to the following  
19 general outlines.

20  
21 "Note: The issuance of military notes in the  
22 past were decided upon by the cabinet conference, due  
23 to the fact that they were issued just at the time of  
24 their actual use. The present issuance, however, being  
25 a mere preparatory measure conceived for an unexpected  
eventuality in the future, is decided upon by the

1 ministers concerned only, pending report to the cabinet  
2 conference if by any chance an emergency truly happens  
3 to necessitate their actual use.

4 "1. Military notes with foreign currency  
5 denominations shall be issued, preparing for an even-  
6 tuality of our military operation in the South Seas  
7 Regions, when they shall be used by the armed forces  
8 concerned, in their payment of military expenditures.

9 "2. When necessary, the military notes shall  
10 be converted into Japanese currency.

11 "3. The handling procedures relative to the  
12 above two paragraphs shall be established by the  
13 Minister of Finance, upon consultation with the  
14 Ministers of War and Navy."

15 I call the witness TANAKA, Shinichi.  
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1 S H I N I C H I T A N A K A, recalled as a witness  
2 on behalf of the defense, having been pre-  
3 viously sworn, testified through Japanese  
4 interpreters as follows:

5 THE PRESIDENT: You are still on oath.

6 DIRECT EXAMINATION

7 BY MR. BLEWETT:

8 Q May the witness be shown document 1661, please.  
9 Is that your affidavit, General?

10 A Yes.

11 Q Are the contents therein true and correct?

12 A Yes.

13 MR. BLEWETT: I offer in evidence defense  
14 document No. 1661.

15 THE PRESIDENT: Mr. Tavenner.

16 MR. TAVENNER: If it please the Tribunal, I  
17 trust that the Members of the Tribunal have had the  
18 opportunity of reviewing this document if it was  
19 served for the period of three days under the rules.  
20

21 We view it as grossly excessive in length  
22 and that argument extends throughout nearly every  
23 paragraph. I think our objection to it could only  
24 be founded on the ground of prolixity; on the ground  
25 also of argument and the expression of opinions and  
conclusions.

1 THE PRESIDENT: Mr. Blewett.

2 MR. BLEWETT: Well, sir, the prosecution  
3 points out no specific places in the document where  
4 those faults can be found.

5 THE PRESIDENT: He said there is argument  
6 in every paragraph.

7 MR. BLEWETT: This witness was the chief  
8 of the First Section, which had charge of the entire  
9 operational planning.

10 THE PRESIDENT: He could tell us the con-  
11 siderations that influenced the Japanese in doing what  
12 they did without expressing any opinions of his own.

13 MR. BLEWETT: Sir, they are not opinions.  
14 He was the chief of that bureau. That is policy.

15  
16 As the Tribunal no doubt noticed, the evidence  
17 in this phase of the case has been circumscribed and  
18 we tried to put it in the most forceful and the best  
19 method of presentation. Rather than bring in a host  
20 of documents from various sources, we concentrated  
21 upon this witness to give all the information which we  
22 thought necessary and expedient and helpful to the  
23 Tribunal. We took great pains with the affidavit and  
24 tried to put it in the best shape possible for the  
25 presentation, despite the translation difficulties.

It refers to various other documents that

1 have heretofore been put in, and it has really been  
2 worked up, we think, quite advantageously.

3 THE PRESIDENT: He may express some opinions  
4 which are matters for us, but it does appear to me to  
5 be to a very large extent devoted to stating what did  
6 influence the Japanese in doing what they did. I can  
7 see no objection to that. I think we are inclined to  
8 admit it, although we have some misgivings about parts.

9 The objection is overruled and the document  
10 admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 1661  
12 will receive exhibit No. 3027.

13 (Whereupon, the document above  
14 referred to was marked defense exhibit  
15 No. 3027 and received in evidence.)

16 MR. BLEWETT: I shall read exhibit 3027.

17 "I was on duty as chief of the first section  
18 (operational planning) in the General Staff Office from  
19 12 October 1940 to 7 December 1942. Now I shall  
20 depose here about the operational plan and preparations  
21 against the United States, Britain and the Netherlands  
22 in which I took part in the past.

23 "First I shall explain the operational plan  
24 and preparations for the year 1941. In the conference  
25 for the 1941's peacetime operations plan held in the

1 winter of 1940, the Chief of the General Staff adopted  
2 a draft for the southern operations, which was almost  
3 the same in contents with that of the previous year.  
4 In other words, the draft was a purely technical pro-  
5 vision for defensive operations, a program which the  
6 Supreme Command used to make annually as a part of  
7 general peacetime national defence plan. This draft  
8 has been burned and is not available for the present.  
9 However, I am sure I can tell the following facts  
10 according to my recollections.

11 "a. A major part of the peacetime operations  
12 plan for the Japanese army consisted of defensive  
13 preparations against the Soviet Union, in point of  
14 quantity as well as quality.

15 "Therefore in deciding upon an annual  
16 peacetime operational plan, the thing to be done  
17 first of all was usually to define an outline of the  
18 anti-Soviet defensive plan (its rough projects, forces  
19 and materials needed for it, etc.) laying aside all  
20 other considerations for the time being. It was only  
21 after this was finished that the operational plan  
22 for the South came up for consideration.

23 "It was as it were secondary and supplementary  
24 in importance. No stress was laid upon it, sometimes  
25 it was nothing more than a paper plan in rough and



TANAKA

DIRECT

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1 abstract form. It was not too much to say that  
2 nothing concrete was found in the operational prepa-  
3 rations for the South. The plan projected for the  
4 year 1941 was also of the same nature.

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1 "F. According to the design in the above  
2 program, if a war should break out between Japan  
3 and the United States, measures to be taken were  
4 limited to the occupation of the Philippines and Guam  
5 and in consequence the capture of American military  
6 bases in the Far East. It never contained in any  
7 sense detailed plans or preparations against possible  
8 attack from the mainland of the United States which  
9 might have been expected to follow as a necessary  
10 consequence in such an event.

11 "An anti-American operational plan would  
12 have been projected as against a possible over-all  
13 attack by the main forces of the United States. If  
14 it were so, the extent and scope of the plan would  
15 have been wider and more complicated in anticipation  
16 of a protracted war. In this case the question when  
17 and where would be the end of the war would have  
18 been a key point to decide beforehand.

19 "The Japanese operations plan, however,  
20 never referred to this essential point and touched  
21 only upon operations against the American military  
22 bases in the Far East. Even offensive actions against  
23 Hawaii, not to speak of the mainland, was not taken  
24 into account in the plan. The reasons were that  
25 priority was given to the defensive plan and moreover

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1 that our national power could not stand such operations.  
2 Another important reason was that Japan's sole aim was  
3 to drive away the imminent threats. It was entirely  
4 unnecessary further to wage war with the United States.  
5 This was the fundamental attitude of the Japanese  
6 army in making up the year 1941's plan and had been  
7 so in the annual programs that preceded it. As to  
8 Britain the following was the measures to be worked  
9 out by 1941's plan, in case a war should break out  
10 with her: It is true that we had the idea, in case of  
11 war to capture first her military bases in the Far  
12 East, such as Singapore or Hong Kong, but no concrete  
13 plans were prepared for that. Burma, India, Australia,  
14 and other British territories were never contemplated  
15 in the plan. It was the same also with the Nether-  
16 lands East Indies. The actual conditions did not  
17 allow Japan to plan simultaneous operations against  
18 more than two countries including the United States,  
19 Britain and the Netherlands, as she had not sufficient  
20 military forces and national resources to venture such  
21 a war. On the other hand, inasmuch as it was very  
22 difficult to foresee the development of such a many-  
23 sided war it was admitted that in such a case we  
24 should have somehow to combine the separate plans  
25 originally designed as against individual nations

1 into an over-all plan of operation. The Supreme  
2 Command, however, had of course an idea to take some  
3 political measures as far as possible not to launch  
4 such simultaneous operations.

5 "c. The above-mentioned strategy meant  
6 that we should, at the outset of war, check their  
7 attack in a passive way for a while and afterwards  
8 take an offensive and thus maintain defensive atti-  
9 tude. Of course, we expected that, according to the  
10 progress of operations, in some cases it might be  
11 necessary to cope with the offensive of the enemy, to  
12 give up fruitless passiveness and to turn to an effec-  
13 tive counterattack as soon as possible.

14 "However, in view of the insufficiency of  
15 operational preparations that could be expected  
16 within 1941, it was quite clear at the beginning of  
17 that year that not only in the earlier months but also  
18 as late as at the end of the year we would be still  
19 unable even to carry out the passive formulae of  
20 operation, not to speak of checking at once an  
21 offensive attack from some country. In this connec-  
22 tion, detailed accounts shall be given in a later  
23 paragraph.

24  
25 "It was generally admitted that the prepa-  
rations had to be completed only through steady and

1 continual efforts over a long period, because of  
2 Japan's poor condition in strategic resources, war  
3 funds, and munitions production. It was because  
4 we had no capacity to meet the need of a crisis,  
5 if once it happened, with drastic measures on a  
6 grand scale. So the incompleteness of preparations  
7 meant complete impossibility to make operations.  
8 These facts clearly show that the plan for the year  
9 together with its preparatory programs could not  
10 meet even the requirements of the defensive opera-  
11 tional plan for 1941.

12 "d. The peacetime operations program for  
13 1941 was drafted and decided upon by the General  
14 Staff Office as stated in the foregoing explanations,  
15 but a further study was never attempted for framing  
16 a concrete policy. No permanent army headquarters  
17 had yet come into being standing on a permanent  
18 foothold to be in charge of execution of southern  
19 operations in case of a crisis. Even divisions neces-  
20 sary for the operation had not yet been designated.

21 "3. Here I am going to explain some facts  
22 in relation to the drafting of peacetime operational  
23 plan for 1941.

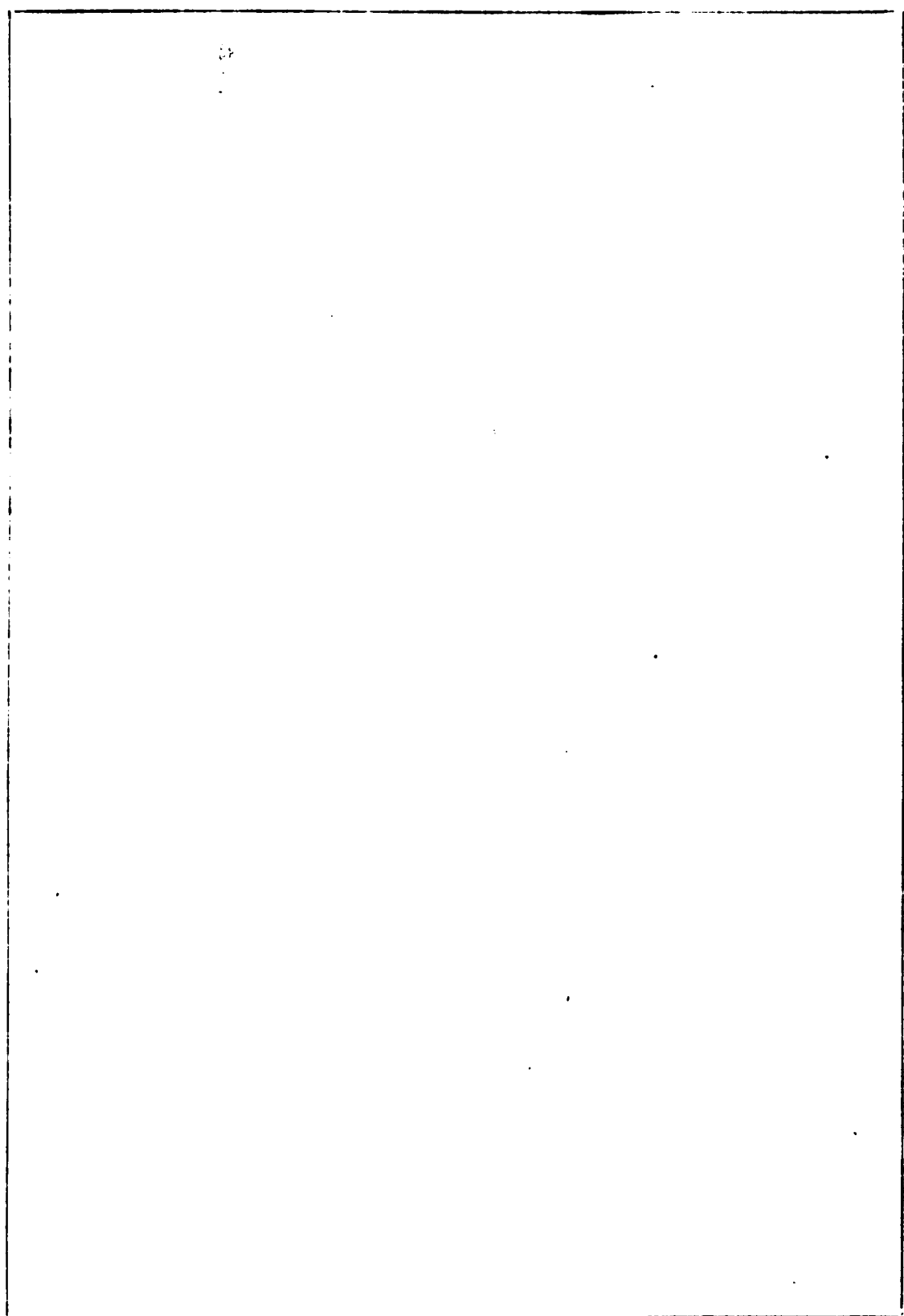
24 "a. The care of the peacetime operational  
25 plan for 1941 lay in the basic policy of Japan to:

1 avoid, in view of the current state of things both  
2 within and without, any over-all war with other  
3 countries, so that Japan might devote all her efforts  
4 to the solution of the China Incident; to try to bring  
5 the South problems then pending between Japan and  
6 other countries to a prompt settlement by some means  
7 short of war; and above all to block the so-called  
8 Aid-Chiang routes of the Third Powers. These were  
9 the points which General SUGIYAMA, Gen, Chief of the  
10 General Staff, who was in charge of command over the  
11 General Staff Office as a whole and of national  
12 defense and tactics pointed out as essential to the  
13 drafting of operational plans, when he gave an in-  
14 struction to me, chief of the first section (in  
15 charge of operations) as well as to Lt. General  
16 TSUKADA, Osamu, Vice-Chief of the General Staff Office  
17 (who was in charge of controlling general affairs and  
18 of adjusting policy and strategy).

19  
20 "b. Why war should be averted from strategi-  
21 cal points of view was clear from the following cir-  
22 cumstances: In the winter of 1941 at the drafting  
23 conference of the plan for the following year, the  
24 number of forces needed for wartime emergency was  
25 estimated by the War Ministry at forty-eight divisions  
in total. If they were divided into a few groups

1 which would be dispatched each for one quarter,  
2 namely, about thirty divisions for anti-Soviet  
3 defense, about ten divisions for the China operations,  
4 five divisions for guarding against the United States  
5 and Britain, and a few divisions in reserve for the  
6 Imperial Headquarters, there would have been no  
7 doubt big shortage of forces in every quarter.  
8 It was true especially with regard to the amount of  
9 tanks, motorcars, communication facilities and  
10 liquid fuels. Further, in anticipation of a crisis  
11 with the United States and Britain in the future,  
12 considerable increase was required above all in the  
13 number of army corps for defensive purposes in this  
14 direction, amounting to at least a little more than  
15 ten divisions in the early period of emergency. There-  
16 fore, there should have been prepared about ten divisions  
17 for the China operations, a little more than twenty  
18 divisions for the anti-Soviet defense and a few in  
19 reserve for the Imperial Headquarters. The Chief of  
20 the General Staff recognized that, in such a case,  
21 shortage of armed forces and war materials would be  
22 much more acute and such a war would compel us to leave  
23 the China Incident completely fruitless. The Chief  
24 further concluded that Japan should keep up a policy to  
25 avert a wholesale war from the viewpoints of both

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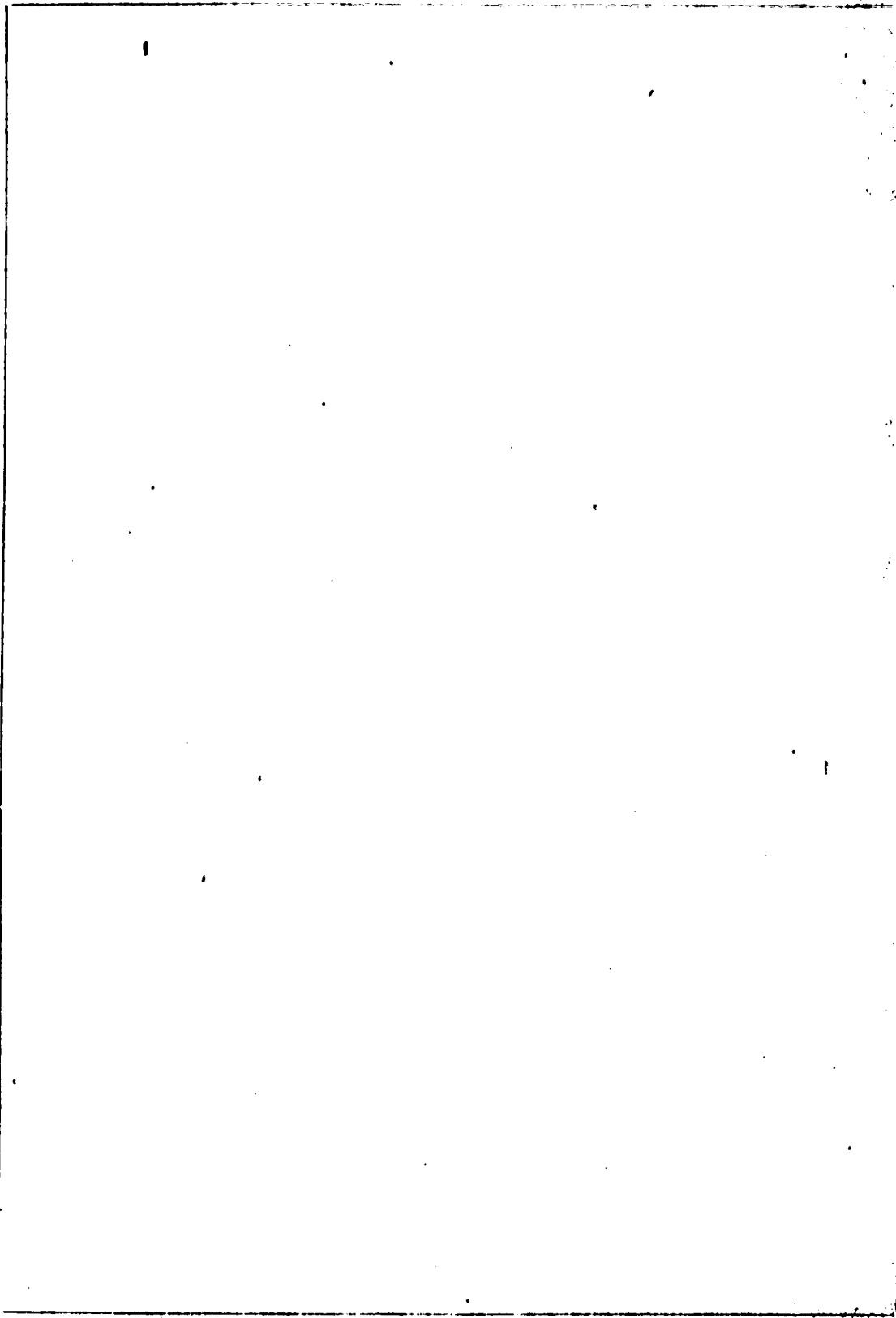
politics and strategy. In this respect, I understood,  
the War Minister also had agreed in opinion with  
the Chief.

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1           "(c) Besides, in framing the plan, the  
2 following matters underwent special examination in an  
3 interview I had with the Vice-Chief of the General  
4 Staff in my capacity as Chief of the Operations  
5 Section of the General Staff. The question was in  
6 what the strategy of the Japanese Army would be  
7 affected by the conclusion of a Tripartite Alliance  
8 Pact between Japan, Germany and Italy. The discussion  
9 was held in November of 1940, and the result was as  
10 given below:

11           "The general view held by the Vice-Chief was  
12 mainly that Japan should be every means avert any re-  
13 sort to arms in so far as the justice and fame of our  
14 nation be maintained, however imminent the compulsion  
15 of the Tripartite Pact. I agreed with him on this  
16 point. The conclusion, of course, was a result of con-  
17 sideration from a purely strategical point of view.  
18 The final decision whether to resort to arms or not  
19 was a matter left to our state policy. The question  
20 whether or not any of the contracting parties to the  
21 Tripartite Pact was really attacked by the United  
22 States, was a matter for future judgment which was to  
23 be decided in relation with the circumstances at that  
24 time and from a fair and independent viewpoint. We  
25 ought to keep up this attitude with a firm belief and

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1 make a due judgment in view of the whole destiny of  
2 our nation. In case Japan should be attacked from  
3 the United States, Germany would, of course, give us  
4 a military aid of some sort. However, considering  
5 the fact that Germany was then absorbed in the European  
6 wars and that her military power was never limitless  
7 and besides in view of the circumstance that Germany  
8 was not a big naval power and situated remote from  
9 East Asia and the Western Pacific, (an expected  
10 battlefield in case of a war between Japan and the  
11 United States) the Japanese Army could not expect a  
12 strategical aid from Germany. On the other hand, in  
13 case Germany should be attacked by the United States,  
14 Japan would be obliged to give aid to Germany by arms.  
15 Japan, however, could not afford to engage in military  
16 operations against the United States exclusively for  
17 the purpose of aiding Germany. On the contrary, she  
18 had to devote herself to her own independent operations  
19 in order to complete a general national defense. In  
20 case a war should break out between the United States  
21 and Germany, we should find out some measures or other  
22 to meet the circumstance. It was especially the case  
23 at that time when the Japanese Army had no surplus in  
24 armed forces.  
25

"These were the gist of the conclusion.

1 "The Chief of the General Staff approved  
2 the above conclusion and made clear his views in  
3 agreement with the Vice-Chief that the 1941 peace-  
4 time operations plan should be designed and established  
5 from an independent viewpoint; that it should not be  
6 restricted or given any support from outside; and  
7 that it should not be influenced in strategy by the  
8 conclusion of a Tripartite Alliance Pact. The 1941  
9 peacetime operations plan was founded upon this prin-  
10 ciple.

11 "C. As to preparations accompanying the 1941  
12 peacetime operations plan, I recognized that they were  
13 lacking in thoroughness, for the Southern operations  
14 (for defense) were left out of consideration in the  
15 plan and therefore these areas remained untouched or  
16 without defense.

17 "(a) For the South, even the study prerequi-  
18 site for the defense of that area was left incomplete  
19 or untouched as to organization, equipment, materials  
20 and training of forces to be employed for landing and  
21 tropical operations.

22 "For although the most urgent and immediate  
23 need of the time was to reform the organization and  
24 equipment of a part of army forces and give them  
25 special training so that they might be used for the

1 Southern operations against the United States and  
2 Britain as provided in the peacetime national defense  
3 plan, it could hardly be expected that these prepar-  
4 ations would be finished even in their crude form by  
5 the summer of 1941, if it be set about at once.

6 "In the 1941 mobilization plan, emphasis was  
7 laid on the completion of defense in Manchuria against  
8 the Soviet by reorganizing each division so as to  
9 adapt it to operations in continental climate, espec-  
10 ially in the cold wildernesses of North Manchuria. The  
11 organization and equipment thus prepared for the troops  
12 were entirely opposite in nature to those for the South.  
13 Particularly, transport goods to be accomodated for  
14 each division was of a great amount, and a majority of  
15 horses for transport and communication was expected to  
16 be Manchurian ponies. From this it was clear that the  
17 Japanese Army laid greater stress upon the defensive  
18 operations against the Soviet Union than upon those  
19 against the United States and Britain, even at the  
20 beginning of the period covered by the 1941 operations  
21 and mobilization plan, that is, in April 1941. As for  
22 the equipment of army airplanes, only sixty or seventy  
23 percent out of the original mobilization plan was ex-  
24 pected to be reached before August, 1941. Among them,  
25 especially, heavy bombers which had been originally

1 designed for defensive purposes for the Manchurian-  
2 Soviet frontier, had but a small flying range and were  
3 not well fitted for Southern operations. As stated  
4 in the above paragraph, aviation facilities on the  
5 whole were not available for Southern operations.

6           "(b) As regards the stock of ammunitions  
7 for operational purposes, only a small amount was piled  
8 up for the Southern operations during the period between  
9 the spring and the summer of 1941. At the end of  
10 September and later in October, there was accumulated  
11 an additional amount and afterwards, until December,  
12 it reached in total barely to the amount available for  
13 some ten divisions at the most. The accumulation,  
14 however, had not been calculated in the aforesaid  
15 preparations which had been based upon 1941's peace-  
16 time operations plan, but it was carried out chiefly  
17 after the determination of national policy.

18           "(c) As mentioned before, the preparations  
19 in the 1941 plan meant chiefly: reorganization and  
20 training of several divisions so as to fit them for  
21 the guard and defense in the South; study of tactics  
22 in the tropics; study of landing tactics; collection  
23 of information and strategical materials. They were  
24 essential matters of study for framing a peacetime  
25 national defense and were not the prerequisites for the

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1 execution of wars against the United States, Britain  
2 and Holland. Moreover, it was too late in commencement  
3 and was not rapid in progress. In addition to this,  
4 information concerning the South, particularly mili-  
5 tary conditions, weather, topography, land and marine  
6 meteorology were found incomplete and no bases were  
7 prepared for aviation, sea transport and communication  
8 activities.

9           "(d) In view of the actual condition as  
10 above stated as well as the expected progress of  
11 preparations within the designated year, even passive  
12 and defensive operations were hard to put into effect.  
13 Much more difficult was the plan to make a responsive  
14 attack after defensive actions or an instant counter-  
15 attack against the enemy's offensive.  
16

17           "We tried, however, to meet at least the  
18 minimum requirements of defensive preparations in an  
19 effort to make up for such shortages in the preparations.

20           "There were many difficulties found in the  
21 way of execution due to the want of military funds and  
22 materials in the Army Ministry and the insufficiency of  
23 investigation by the Supreme Command. It was not before  
24 September of the year that preparations in organizing  
25 armed forces and war materials were first launched.

They were to a greater extent applications from those



1 originally prepared for the defense against the Soviets,  
2 or some such modifications for meeting an emergency.

3 "III. I shall state here about the plan and  
4 preparations which were adopted after the decision on  
5 a national policy was arrived at as a result of the  
6 Imperial Conference on 2 July 1941, (Exhibit 588.)

7 "A. On 2 July, immediately after the decision  
8 of a national policy, the Chief and Vice-Chief of the  
9 General Staff gave the following explanations to the  
10 chiefs of all sections in his staff in connection with  
11 the problem of the United States and Britain, which  
12 had been fully discussed at the Conference. Above all  
13 he stressed the need of propelling the once-fixed  
14 policy and accordingly the study and preparations for  
15 moving into South French Indo-China.

16 "(a) The fixed principles should not be  
17 changed fundamentally as to the solution of the China  
18 Incident. We should, however, strengthen pressure upon  
19 Chungking from the South and check up the routes for  
20 helping Chiang Kai-shek. While, on the other hand, if  
21 circumstances admit, we should exercise belligerent  
22 rights against Chungking and take over hostile foreign  
23 settlements into our hands. We must pay utmost vigi-  
24 lance to every circumstance, especially to the United  
25 States and Britain, in taking up such measures. The

1 pressure upon Chungking from the South had to be  
2 effected also by the practical application of policies  
3 already established toward French Indo-China. It was  
4 an urgent need to dispose of the hostile foreign  
5 settlements in China, as they were presenting a great  
6 obstacle in the way of settling the China Incident.  
7 It was more desirable to solve it through diplomatic  
8 means, but, if circumstances do not admit, we should  
9 have to take them over by force through the New  
10 Central Government of China. In that case, there would  
11 be some danger of strained relations with the Anglo-  
12 Americans. Something more serious than the occupation  
13 of South French Indo-China might happen in diplomatic  
14 relations with those countries. Therefore, we must  
15 never be in haste in the solution. This was the reason  
16 why foreign settlements in China were decided to be  
17 taken over, if the case required it. Anyhow we must  
18 be ready, if the worst comes, not to evade a defensive  
19 war against the Anglo-Americans.  
20

21           "(b) The Southern policy was made up general-  
22 ly on the basis of the once-fixed national policy and  
23 aimed at the advancement of troops into South French  
24 Indo-China. The policy especially confirmed the need  
25 of maintaining readiness for a war against the United  
States and Britain. Nevertheless, it did not mean

1 Japan was determined to make a war. It only admitted  
2 that, if Japan should suffer a military interference  
3 from the United States and Great Britain in the way  
4 of executing her policy toward Siam and French Indo-  
5 China through peaceful and diplomatic means, she would  
6 never shun operations for self-defense in those areas.  
7 In that case, every effort was to be paid to avoid  
8 armed forces entering Siam. As to the real purport of  
9 the expression of 'not to evade war towards Britain  
10 and America' in the above decision, it has been under-  
11 stood from the atmosphere of the Imperial Conference  
12 itself and the real intention of the Navy, that by  
13 them it was expected that Japan would successfully  
14 carry out her policy in peace toward French Indo-  
15 China and Siam, without causing any trouble with the  
16 Anglo-Americans, if she paid possible efforts for the  
17 cause. The expression that Japan was not afraid of  
18 war with the United States and Britain meant only that  
19 we would not be in danger of stimulating a war by tak-  
20 ing a policy toward French Indo-China, however, any  
21 interference or challenge from Anglo-Americans, if  
22 they were turned toward us, might cause an unexpected  
23 situation; thus, we should make a careful preparation  
24 for carrying out a policy toward French Indo-China and  
25 should have a firm determination to get ready for the

1 worst. We also foresaw a future time on the side of  
2 the Army, when our defensive activities would be  
3 greatly enlarged to permit us a more careful con-  
4 sideration of Southern problems, as our preparations  
5 were not ready as compared with those against the  
6 Soviet Union and China. Anyhow, in view of the  
7 situation where Japan's sphere of defense was en-  
8 larged up to French Indo-China, the first step to be  
9 taken was a practical study of operations plan against  
10 the United States and Britain from various points of  
11 view.

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1           "(c) The outbreak of war between Germany  
2 and the Soviet Union was making extremely pointed the  
3 relations between Japan and the Union. In addition  
4 American aid to the Soviet Union and the construction of  
5 military bases by the United States in the Soviet  
6 territory in the Far East were making the Japanese-  
7 Soviet relations more intricate and serious. In this  
8 respect, special consideration must be given in connection  
9 with the Anglo-American problems.

10           "(d) In the conference held on 2 July, every  
11 member in attendance expressed the same desire to carry  
12 out a peaceful advancement following the international  
13 treaties as far as possible. The War Minister also dis-  
14 closed his intention to do his best in order not to cause  
15 any trouble at the time of advancement, as had happened  
16 formerly in North French Indo-China last autumn. The  
17 Supreme Command, calculating on this, intended to dispatch  
18 the Imperial Guard Division then stationed in South  
19 China to French Indo-China in order to complete the  
20 advancement. For this casue, we decided to make good  
21 use of the results of investigation made last June and  
22 establish an intimate cooperation and communication  
23 between the War Ministry and the Army General Staff,  
24 especially in adjusting the relations between politics  
25 and military operations.

1           "(e) The Chief of the General Staff, who had  
2 agreed in view with the Government and the Army General  
3 Staff late in June 1941, pointed out that the aim of  
4 advancement of South French Indo-China, was both to cut  
5 the Chiang Kai-shek route formerly established there and  
6 thus to contribute to the establishment of economic  
7 autonomy of Japan. He further stressed that with this  
8 in view, we should first of all secure friendship and  
9 reliance from French Indo-China. Moreover, he stated  
10 to the following effect:

11           "(f) Both the Central authorities of the Army  
12 and the troops on the spot should pay full respect to the  
13 sovereignty and territorial integrity and other rights  
14 of France with an understanding that the Japanese  
15 Embassy in French Indo-China and the troops on the spot  
16 must not fail to make control and communication between  
17 themselves, and in connection with this a decisive measure  
18 for control must be taken among the stationed troops.  
19 Even common soldiers must be fully aware that every mis-  
20 understanding or disagreement should be avoided by both  
21 peoples due to the difference in manners, customs and  
22 languages of the two nations. This he emphasized at the  
23 conference for the mapping out of the advancement  
24 program.  
25

1 "B. I give the following as a supplement to  
2 the above statement in relations to the stationing of  
3 troops in South French Indo-China.

4 "(a) As to the possibility of peaceful advance-  
5 ment into South French Indo-China, General SUGIYAMA,  
6 the Chief of the General Staff, clarified his view early  
7 in July that Japan did not take French Indo-China for  
8 an enemy and the advancement was not in the nature of a  
9 military occupation. He concluded that there as a favor-  
10 able prospect on the side of France to admit a peaceful  
11 advance, on condition that we could convince them of the  
12 purpose of our stationing of troops, though it would not  
13 be an easy task. Early in July, it was informed that  
14 Britain might march into French Indo-China beforehand,  
15 as she was aware of our intention to make advancement  
16 there. Anxiety would prevail among us if this would cause  
17 any untoward accident at the time of our occupation.  
18 The Chief believed that our attitude, if maintained  
19 just, fair and firm, would not give rise to any trouble  
20 by the conduct of British Armies.

22 "(b) The invasion of Chinese Armies into  
23 North French Indo-China was at this time a matter of  
24 great concern for the Central authorities of the Army  
25 and for the dispatched forces stationed in South China  
and French Indo-China. Early in July, information

1 reached us that three divisions of Chungking's Army,  
2 hitherto stationed near the border between China and  
3 French Indo-China, received an order to enter into  
4 French Indo-China. In order to meet this situation,  
5 the first section of the General Staff made a secret  
6 study of a plan of reinforcing one regiment of infantry,  
7 if needed temporarily, and moreover even to dispatch  
8 one division then stationed in Canton. On the other  
9 hand, early in 1941, the General Staff gave out information  
10 to the effect that Chinese forces amounting to four armies  
11 or about 16 divisions were stationed in face of French  
12 Indo-China, in the districts of Lungchow, Tsinghsi and  
13 Mengtze, Chinese territories adjacent to the districts  
14 of Langson and Laokay, situated at the northeast border  
15 of French Indo-China.  
16

17 "C. As already mentioned, the Chief of the  
18 General Staff asked on 2 July 1941, shortly after the  
19 Imperial Conference, to make a thorough investigation  
20 upon the strategy toward the United States and Britain.  
21 Following this, at the end of July, when the advancement  
22 of troops into South French Indo-China was put into  
23 operation, the Vice-Chief of the General Staff and the  
24 Chief of the first section were urged by the Chief of the  
25 General Staff for the promotion of the study. The results  
of the investigation at that time were like below:



1           "(a) The preparations generally required at  
2 the time, were put into practice within the limits of the  
3 already-fixed plan established early in the year. They  
4 were: -- studies in various fields of operations, studies  
5 of defensive plans to meet a critical situation on the  
6 basis of the peacetime annual plan; and new investigations  
7 and preparations for the defense of French Indo-China  
8 on the principle of Franco-Japanese Mutual Defense  
9 Agreement.

10           "Detailed accounts of preparations were made  
11 also within the scope of the established policy including  
12 the promotion of training, equipments, supplies and  
13 sanitation. It was an urgent need to make up for the  
14 loss suffered in the operations in China.

15           "(b) The decision of national policy reached  
16 on 2 July and its consequent result, the Franco-Japanese  
17 military cooperation for the mutual defense of French  
18 Indo-China, had its aim in the protection of that area  
19 from the United States and Britain. The matter had  
20 never been imagined in the past annual operations plans.  
21 It was a new theme claiming a totally different study and  
22 preparations on the part of the General Staff. Our  
23 armed forces stationed in French Indo-China after the  
24 occupation of the Southern part of that area amounted to  
25 one brigade and one flying corps (two companies) for

1 North French Indo-China and one division (in order not  
2 to interfere with the Japanese-American diplomatic  
3 negotiations, no forces except the airdrome engineers  
4 corps were stationed there in addition to the above one  
5 division) were assigned for the defense of French Indo-  
6 China from the threat of invasion by the United States,  
7 Britain and De Gaulle regime or the invasion or other  
8 aggressions by the Chinese forces. The General Staff,  
9 not going farther beyond the limit of an informal study  
10 on the reinforcement of units which had been reserved  
11 for crisis in China and Formosa, left further measures  
12 to the Army on the spot. While, construction of air bases  
13 and installation of communication facilities were going  
14 on according to the provisions of official agreement  
15 reached between Japan and France, other measures were  
16 also taken into consideration as shown in the above state-  
17 ment.

18           "(c) It was likely that Japanese operational  
19 measures for self-defense against the United States and  
20 Britain which might follow the mutual defense agreement  
21 with French Indo-China or other similar circumstances,  
22 would naturally cover the main areas (such as Malay, the  
23 Philippines), and would develop into military operations  
24 necessary for defending the Japanese homeland. Therefore,  
25 it became a pressing need to propel a further study in

1 the operational plan in anticipation of a future  
2 situation. The Chief of the General Staff then requested  
3 the Vice-Chief and the Chief of the First Section to  
4 promote the study on the plan, including the study  
5 of operations in the tropics, on the sea, in the air and  
6 of landing in areas such as the Philippines, Malay,  
7 Java, Sumatra, Borneo, Bismark Islands, Guam, etc. Like-  
8 wise, the Chief of the Second Section was asked to collect  
9 informations and materials on military affairs in the  
10 South and the Chief of the Third Section was given an  
11 instruction to speed up a study on the war materials for  
12 ocean and landing operations.

13 "IV. I shall now explain matters in connection  
14 with the operations plan and preparations after the  
15 decision on national policy made as a result of the  
16 Imperial Conference on 6 September 1941. (Exhibit 588)

17 "A. In early September 1941 the Chief of the  
18 Army General Staff at a meeting attended by the Vice-  
19 Chief of Staff and chiefs of departments explained the  
20 items in the above-mentioned national policy which  
21 related to the United States and Great Britain, the gist  
22 being as follows:

23 "In short, it was a request for reconsideration  
24 of the operations plan and the furtherance of or the  
25 making of a new start in the operational preparations

1 in order to cope with the situation.

2 "1. The national policy decided on 6 September  
3 reflects a strong consciousness of the critical importance  
4 of national defense. In other words, the question of  
5 how to cope with the present critical situation,  
6 especially the offensive actions of the United States,  
7 Britain and the Netherlands toward Japan and of how to  
8 cope with the reality of the daily diminishing resilience  
9 of our national strength in the face of the Anglo-American  
10 freezing of our assets, especially the embargo on oil,  
11 the complete loss of which is now but a matter of time --  
12 how to cope with this critically grave situation and how  
13 to save the fate of the nation -- these are questions  
14 which our country must answer. In order to solve these  
15 questions and in crying need as our country is of measures  
16 to surmount the difficulties, even in the event of our  
17 falling into the worst possible situation, it has been  
18 decided to pursue our diplomacy and war preparations with  
19 an attitude of making efforts for peace, but ready to  
20 fight if peace fails. This is what the national policy  
21 decision provides for. For this purpose it was decided  
22 that, while seeking the attainment of the objectives of  
23 the negotiations with a time limit on the one hand, com-  
24 pletion of war preparations with a time limit shall be  
25 made with a resolve to meet possible eventualities when

1 war against the United States (Great Britain and the  
2 Netherlands) is unavoidable from the standpoint of self-  
3 preservation and self-defense. The nation's position on  
4 peace or war is to be decided in the early part of  
5 October (1941). These are the matters the aforementioned  
6 national policy decision provides for. In short, the  
7 decision on national policy both in name and in fact is  
8 not a decision resolving on war, but a decision whose  
9 object is to bring about a new turn in the situation  
10 through diplomacy. The hastening of defensive war  
11 preparations is directed against the offensive actions  
12 of the Powers against Japan with a will not to evade war  
13 in case war cannot be averted. It should be emphasized  
14 that the primary principal of the decision is to attain  
15 our objective through diplomacy."

16 THE PRESIDENT: This is a convenient break,  
17 Mr. Blewett. We will adjourn until half-past nine  
18 tomorrow morning.

19 (Whereupon, at 1600, an adjournment  
20 was taken until Thursday, 28 August 1947 at  
21 0930.)  
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letter typed (16 Sept '47 9 cm)

28 AUGUST 1947

I N D E X

Of

EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1903	3028		Affidavit of MIYAMA, Yuzo		27041
626A-11	3029		Interrogation of TOJO, Hideki, dated 11 March 1946		27060
164	3030		Affidavit of IIMURA, Minoru		27066
592	3031		Chart depicting the entire Japanese Military Organization in December 1941		27077
626A-1	3032		Excerpt from Interrogation of TOJO, Hideki, dated 30 January 1946		27082
626A-8	3033		Excerpt from Interrogation of TOJO, Hideki, dated 13 March 1946		27085
1501	3034		Affidavit of Alfred F. Kretschmer		27091
2131	3035		Formal Agreement Between Thailand and Japan of an Offensive and Defensive Alliance		27095
1665	3036		Affidavit of AKANE, Kazuo		27098
1666	3037		Affidavit of YAMAMOTO, Yoshio		27103
			<u>AFTERNOON RECESS</u>		27108
2295	3038		Deposition of MIYAMA, Yojo		27112

28 AUGUST 1947

I N D E X  
of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
YAMAMOTO, Yoshio	27102
Direct by Mr. Blewett	27102
(Witness excused)	27111
MATSUMOTO, Shun-Ichi	27129
Direct by Mr. Freeman	27129



28 AUGUST 1947

I N D E X  
of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
TANAKA, Shinichi (resumed)	27014
Direct (cont'd) by Mr. Blewett	27014
Direct by Mr. SHIMANOUCI	27037
(Witness excused)	27039
MIYAMA, Yuzo	27040
Direct by Mr. Blewett	27040
Direct by Mr. T. OKAMOTO	27047
Cross by Mr. Tavenner	27047
Questions by the President of the Tribunal, Sir William Webb	27048
<u>MORNING RECESS</u>	27049
Direct (cont'd) by Mr. Blewett	27050
Cross (cont'd) by Mr. Tavenner	27055
(Witness excused)	27060
IIMURA, Minoru	27066
Direct by Mr. Blewett	27066
Cross by Brigadier Quilliam	27071
<u>NOON RECESS</u>	27073
(Witness excused)	27077
AKANE, Kazuo	27098
Direct by Mr. Blewett	27098
(Witness excused)	27101

28 AUGUST 1947

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidene</u>
"A"	3038-A		Secret-Great-Diary of the War Ministry, 1931, Vol. I	27112	
"B"	3038-B		Secret-Great-Diary of the War Ministry, 1931, Vol. VI	27113	
"C"	3038-C		File of Permanent Records of the War Ministry, 1931, Otsu, Section 3	27113	
"D"	3038-D		Item No. 379 (1 bundle) according to the number given by the Washington Document Center entitled "Army-Asia-Great-Secret-Diary, 1942, Vol. V"	27114	
"E"	3038-E		Manchuria-Incoming-Great-Diary Ordinary of the War Ministry, 1931, Parts I and III	27114	
"F"	3038-F		Ditto	27114	
"G"	3038-G		Manchuria-Secret-Great-Diary of the War Ministry, 1931, Vol. I	27114	
"H"	3038-H		Secret-Great-Diary of the War Ministry, 1931, Vol. II	27115	
"I"	3038-I		Secret-Great-Diary of the War Ministry, 1931, Vol. III	27115	
"J"	3038-J		Secret-Great-Diary of the War Ministry, 1931, Vol. V	27115	

28 AUGUST 1947

I N D E X  
of  
EXHIBITS  
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidenc</u>
1083	3039		Affidavit of MATSUMOTO, Shun-Ichi		27132

1 Thursday, 28 August 1947

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3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE I. N. ZARYANOV,  
15 Member from the USSR., not sitting from 0930 to 1600.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 (English to Japanese and Japanese  
20 to English interpretation was made by the  
21 Language Section, IMTFE.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Blewett.

4 S H I N I C H I T A N A K A, resumed the stand and  
5 testified through Japanese interpreters as follows:

6 DIRECT EXAMINATION

7 MR. BLEWETT: I had reach page 13, if the  
8 Tribunal please, of the affidavit at the top of the  
9 page:

10 "2. In comparing the decision of 2 July and  
11 that of 6 September there are differences in the  
12 fundamental points. (a) With respect to what might  
13 be the cause for conflict between Japan and the United  
14 States and Great Britain the earlier decision was  
15 limited to the problem of Siam and French Indo-China,  
16 especially the latter, where as the later decision  
17 reflects the fact that the area and actuality of friction  
18 between Japan and the United States and Great Britain  
19 have become greatly enlarged and far more serious as  
20 a result of the American-British-Dutch offensive  
21 against Japan, the embargo and the situation with regard  
22 to the resilience of Japanese national strength. In  
23 other words, Japan was to demand by sheer force of  
24 circumstances that the United States and Great Britain  
25 refrain from interfering in and obstructing the

1 solution of China Incident, and from threatening  
2 Japan's national defense, and offer their cooperation  
3 in acquiring raw materials. She further was to de-  
4 mand of the United States and Great Britain recogni-  
5 tion of the special relations between Japan and  
6 French Indo-China, the non-establishment of military  
7 interests in Siam, the Netherland East Indies, China  
8 and the Soviet Far East, and confirmation that there  
9 will be no military reinforcements in the Far East.  
10 Moreover, the later decision also provided that Japan  
11 naturally would agree to concessions to a considerable  
12 degree in return for the foregoing demands.

13           "(b) Should by any chance military operations  
14 be undertaken under the earlier decision, the objective  
15 was to carry out measures concerning French Indo-China,  
16 while in the later case, the nation's self-preservation  
17 and self-defense would be the motive.

18           "(c) Whereas the former decision considered  
19 French Indo-China as essentially the center of the  
20 area of operations, the area of operations under the  
21 latter would expand widely.

22           "(d) Accordingly, it is only natural that  
23 there should be differences in the strategical concept.

24           "(e) The situation regarding the strategic  
25 material, oil, is completely different from what it was

1 at the time of the July decision. Now the much feared  
2 danger signal that our national defense would be render-  
3 ed powerless can be seen in this single item.

4 "3. As this decision on national policy is a  
5 demand for acceleration of operational preparations  
6 directed toward the South, the General Staff is re-  
7 quired urgently to complete the actual plan on an over-  
8 all basis. In connection with operational preparations  
9 the fixed annual peacetime plan and the supplementation  
10 made after 2 July shall be further accelerated and  
11 perfected. In addition necessary operational prepara-  
12 tions shall be begun anew. The Supreme Command feels  
13 especially the need for a deep reconsideration of the  
14 fact that the annual plan for the year 1941 is in-  
15 sufficient, incomplete and impractical and the  
16 accompanying preparations for defense betrays weakness  
17 and lack of thoroughness. In view of the situation,  
18 the chief of the General Staff has given directions to  
19 the Vice-Chief and the Chief of the First Division on  
20 the following matter as an operational formula to be  
21 newly adopted. It is, in substance, that the national  
22 policy decision of 6 September is an order for the  
23 completion of operational preparations on a general  
24 scale regardless of whether or not they are offensive  
25 or defensive in nature. As the first operational

1 formula to be adopted, Japan shall in the early stage  
2 counter passively the attacks of the American,  
3 British and Dutch forces singly or severally and then  
4 after completing operational preparations turn to the  
5 offensive to secure the defense of our land. In such  
6 a case we must recognize that we cannot avoid carrying  
7 out continuously operations necessary for our self-  
8 preservation and defense, and preparations toward this  
9 end shall be completed. As to the second operational  
10 formula, although we shall counter the attacks of the  
11 opposing party, we shall without falling into a defensive  
12 position undertake repulsive actions by counterattacking  
13 from the very outset and then carry out the strategy  
14 indicated in the first formula, as to which of the  
15 above two we should rely on or whether other plans  
16 (such as special defense in some particular spot)  
17 should be adopted. The choice would naturally be  
18 determined by the situation within and without our  
19 country at the time of the commencement of hostilities  
20 and the degree of completion of our national policy in  
21 meeting that situation as well as the state of our  
22 military and naval preparations. At such a time the  
23 various conditions surrounding the navy would have a  
24 decisive importance. As for the army Supreme Command,  
25 it was directed that whatever may be the circumstances,



1 the army's objective was to carry out operations  
2 which, if possible would immediately repulse the  
3 opposition's initial attack and that various studies  
4 and preparations be carried forward with this in view.

5 "4. Although the formula of operations to  
6 be adopted and the aim of preparations to be attained  
7 are, as stated above, there is no alternative at  
8 present than to undertake defensive operations at  
9 first. In other words, while on the one hand we must  
10 undertake to perfect all emergency measures in planning  
11 and preparing our strategy of defense, we must, on the  
12 other as operational preparations are gradually pushed  
13 to completion make it our principle to plan and pre-  
14 pare urgent matters in an orderly manner so that  
15 there will be no miscarriage in the execution of our  
16 defensive or offensive strategy whichever it may be.  
17 This, from this day onward, has become the important  
18 subject of study especially of the Supreme Command.  
19 At the same time, the possibility of an initial  
20 attack by the opposition before the completion of  
21 Japanese preparations by the latter part of October,  
22 is a matter worthy of deep caution and prudent consider-  
23 ation on the part of the operation authorities.

24 "B. About the middle of September, the General  
25 Staff decided upon a plan of defensive strategy to be

1 adopted for the time being in the South, based upon  
2 the September national policy decision and prepared  
3 according to the following mental attitude:

4 "1. The defensive strategy for the South  
5 to be taken by the Japanese army shall vary according  
6 to the stage of progress of operational preparations,  
7 but on the whole, it shall be on a very small scale.  
8 In the final analysis its primary object will be the  
9 defense of French Indo-China itself from the attack of  
10 the opposition. From the actual state of our present  
11 operational preparations we cannot engage in operations  
12 in other areas in the Southern region. Hence, in such  
13 an event grave difficulties would arise in the defense  
14 of Japanese territory and protection of our marine  
15 transportation.

16 "2. As such operations as the foregoing  
17 amounts to a great failure from the standpoint of  
18 national defense, we should quickly abandon such a  
19 passive and harmful operational formula and turn from  
20 a purely defensive position to a passive offensive.  
21 This requires speedy progress in our operational  
22 preparations such as would permit a change over to  
23 emergency operational command for our self-preservation  
24 and defense.

25 "3. In case such operations are unavoidably

1 given rise to, much against our wishes, the principle  
2 of operational command and other methods as are deemed  
3 proper shall be established in accordance with the  
4 actual state of progress of operational preparations.  
5 In this connection, no directions in advance are deemed  
6 necessary to be given to the forces on the spot  
7 (forces stationed in French Indo-China). This is  
8 regarded as disadvantageous to us.

9 "C. Since about this time, the General  
10 Staff was constantly apprehensive lest there be a  
11 possible attack initiated by the United States and  
12 Great Britain, considered it highly necessary to pre-  
13 pare fully against it. Hence there was great concern  
14 in our defensive operational command in this period  
15 when preparations for operations in the South were  
16 incomplete. On 6 November 1941 the Imperial Head-  
17 quarters sent to the Supreme Commander of the Southern  
18 Army an order to prepare for the capture of strategic  
19 points in the Southern Region.

20 "This order permitted him, in the event of  
21 an initial attack by the armed forces of the United  
22 States, Great Britain and the Netherlands, or one of  
23 them, to meet the attack with the forces under his  
24 command for purposes of self-defense. In an order  
25 issued on 1 December 1941 the Imperial Headquarters

1 directed that in the event of a serious initial Anglo-  
2 American attack the Supreme Commander shall, in co-  
3 operation with the navy, commence offensive go ahead  
4 operations at a proper time. As can thus be seen,  
5 these orders were issued out of a deep concern over  
6 a possible initial attack by the United States and  
7 Great Britain. There were also grave apprehensions  
8 over a possible British invasion of Siam.

9 "D. The state of operational preparations  
10 about the middle of September was generally as follows:  
11 In connection with the preparations both under the  
12 jurisdiction of the War Ministry and the joint juris-  
13 diction of the Ministry and High Command all matters  
14 were vigorously advanced through cooperation between  
15 them, but delay could not be avoided. This was prin-  
16 cipally due to lack of materials and shipping.

17 "1. Although it was the plan of the General  
18 Staff gradually to release units of the 5th and 18th  
19 divisions from the China operations for employment in  
20 the French Indo-China area, their education, training  
21 and equipment having recovered to some extent about  
22 this time to enable them to engage in operations, yet  
23 their recovery and perfection, especially preparations  
24 which would accord with the requirements of operations  
25 in the South, were far from sufficient. (These

1 divisions were at first being concentrated for return  
2 to Japan and demobilization, but in view of the sit-  
3 uation in the South, their return home was called off  
4 and they were made to stand by in China.)

5 "These divisions had been on duty maintaining  
6 public peace and safety in China (near Shanghai and  
7 Canton). In addition, they were primarily engaged in  
8 military training. Even in case an incident with the  
9 United States and Great Britain should suddenly occur  
10 and these divisions are dispatched to cope with it,  
11 they would require nearly two months before they  
12 could actually engage in defensive actions, the time  
13 being necessary to complete concentration, transporta-  
14 tion and other various preparations.

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1 "In addition to the above, several more  
2 divisions engaged in the China operations were  
3 scheduled to be transferred to the Southern opera-  
4 tions in accordance with future requirements, as  
5 well as three additional divisions in Japan proper  
6 and Formosa.

7 "2. Ammunition for the Southern operations  
8 for approximately ten divisions to engage in battle  
9 was scheduled to be stocked up in Formosa and  
10 French Indo-China and it was planned that as a part  
11 of the scheme the first stock pile be created in  
12 Formosa about the end of September, but its execu-  
13 tions were extremely doubtful because of the shortage  
14 of shipping. Conditions were such that even if all  
15 difficulties were overcome in transporting and  
16 accumulating the entire stock, the accumulation  
17 could not be completed until the end of December.  
18 The ammunition to be stocked up was for  
19 general operations and not as equipment for the  
20 forces. My subordinates were able to learn of the  
21 above from their contacts with the various bureaus  
22 of the War Ministry which were concerned with these  
23 matters. Moreover, about this time the standard  
24 amount of ammunition to be used for the Southern  
25 operations was considered to be one and one-half

1 times the general standard and it was on this  
2 standard that the basis for the stock-piling of  
3 ammunition was set up.

4 "3. After the middle of September 1941 a  
5 part of our forces was despatched to the South from  
6 Manchuria and the Japanese homeland. The newly des-  
7 patched forces were: One division, a tank regiment,  
8 an independent anti-tank unit, air force ground crews,  
9 signal corps, and supply forces for South China, a  
10 tank corps headquarters, a tank regiment, an independ-  
11 ent anti-tank unit, an air corps, artillery corps,  
12 signal corps, and supply forces for Formosa; and an  
13 independent mixed regiment, air force ground crews  
14 and supply forces for French Indo-China.

15 "4. Since about this time, aviation and  
16 shipping installations were being reinforced or newly  
17 created in Formosa, French Indo-China and South China;  
18 supply bases were being established in South China,  
19 Formosa and French Indo-China; the requisitioning of  
20 shipping and the fitting out and equipping of ships  
21 were begun or their effectuation being facilitated;  
22 and necessary training of army corps and air forces  
23 intended for use in the operations was being acceler-  
24 ated.  
25

1 "E. In the meantime, I learned from the  
2 Replenishment Bureau of the War Ministry about the  
3 actual situation relative to preparations pertain-  
4 ing to liquid fuels, the gist being as follows:

5 "Assuming that Japan would continue the  
6 China Incident through 1941 and 1942 generally under  
7 the international situation now prevailing, her  
8 holdings of aviation gasoline and heavy oil in 1943  
9 after dedicating the amount expected to be consumed  
10 in these two years would be extremely small and suf-  
11 ficient to meet the requirements of no more than one  
12 year of military operations. The reserve of heavy  
13 oil especially is sufficient to satisfy the require-  
14 ments of the Navy to conduct decisive operations for  
15 no more than half a year. The foregoing estimates  
16 are based on the total reserves within Japan.  
17 Furthermore domestically produced crude oil, syn-  
18 thetic crude oil, alcohol etc., are far from suf-  
19 ficient to have any effect on the general situation,  
20 while with respect to synthetic oil there was no  
21 prospect of obtaining them in great volume. In  
22 other words if the present conditions remained un-  
23 changed during the two years, it was clear that our  
24 defensive strength would diminish as a matter of  
25 course to a state of complete powerlessness.



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23 changed during the two years, it was clear that our  
24 defensive strength would diminish as a matter of  
25 course to a state of complete powerlessness.

1 "F. In the Army department of the Imperial  
2 Headquarters an over-all operation plan against the  
3 United States, Great Britain and the Netherlands was  
4 being formulated on the basis of past studies, ex-  
5 perience and collected data, but the chief of the  
6 General Staff conceived of the plan of operations to  
7 capture strategic points in the Southern Region in  
8 order to establish Japan's position of self-preserva-  
9 tion and defense by breaking through and severing  
10 the ABCD encirclement immediately in the event Japan  
11 is provoked and challenged after the early part of  
12 October 1941 and on this basis issued directions for  
13 the formulation and study of initial operations  
14 against the United States, Great Britain and the  
15 Netherlands. This draft plan obtained the approval  
16 of the General Staff late in October, and in the  
17 middle of November, was definitely established as a  
18 plan both in name and in fact. The foregoing does  
19 not mean, however, that the Japanese army had, after  
20 the early part of October, the intention to capture  
21 key points in the Southern Region or that there was  
22 such a possibility. It merely indicated the course  
23 of development of the study of plans of operation.  
24 At the same time, it was but a natural expression  
25 to cope with the situation caused by extreme

1 difficulty of adjusting Japanese-American relations  
2 and the strengthening of the encirclement of Japan  
3 in East Asia. Moreover, it was but a result of a  
4 study of means by which to meet a situation in which  
5 Japan might be compelled unavoidably to act for her  
6 self-defense even at the risk of throwing herself  
7 into the very jaws of death.

8 "G. The preparations started on the basis  
9 of decision of 6 September, 1941, were to be sus-  
10 pended, in the event peace was decided as the nation-  
11 al policy on the occasion for the decision for peace  
12 or war which was scheduled to be made in early  
13 October. If, on the contrary, a decision for war  
14 was adopted at that time, formal preparations were  
15 to be vigorously pushed forward and completed by  
16 the end of the same month. However, the preparations  
17 actually did not progress as rapidly as had been  
18 expected. This was because the decision for peace  
19 or war as a national policy had not been made in  
20 early October as scheduled and a period of indecision  
21 continued until the advent of the TOJO Cabinet in the  
22 middle of October. Then from shortly after the  
23 formation of the TOJO Cabinet until early in Novem-  
24 ber, Japan's policy vis-a-vis the United States  
25 and Great Britain had been returned to a clean slate.

1 Meanwhile operational preparations in this period  
2 were unavoidably slowed down or their effectuation  
3 held in abeyance. In this period the mobilization  
4 of troops, the requisitioning of shipping, and the  
5 establishment of military bases were greatly re-  
6 tardated. However, as I will state, later, opera-  
7 tional preparations proceeded on a full scale after  
8 the Liaison Conference in early November indicated  
9 the outline of national policy.

10 "H. Japanese foreign policy and operation-  
11 al preparations based upon the decision made as a  
12 result of the Imperial Conference on 6 September 1941  
13 were coordinated according to the following considera-  
14 tion:

15 "1. On the day before the Imperial Con-  
16 ference on 6 September, a complete mutual agreement  
17 was reached between the Prime Minister and the Army  
18 and Navy chiefs of the Supreme Command on the point  
19 that the first principle of the National policy  
20 decision was to obtain Japan's objectives through  
21 diplomatic negotiations and therefore from the  
22 theoretical standpoint Clause Two of the decision  
23 should come before Clause One and that war was not  
24 desired but was to be resorted to only if absolutely  
25 unavoidable, that the essence of the decision lay in

diplomatic negotiations.

1 "2. Full consideration should be paid in  
2 the carrying out of preparations so as not to hinder  
3 the diplomatic negotiation. With this in view the  
4 armed forces to be sent into South French Indo-  
5 China in addition to those already stationed there  
6 should be limited only to ground crews of the air  
7 force.

8 "3. Necessary mobilization to follow the  
9 decision on national policy of 6 September was, even  
10 after it was put into effect, to be suspended, if the  
11 diplomatic negotiations made a turn for the better.  
12 The foregoing items, 1 and 2, were to be decided by  
13 the consultation between the chief of the General  
14 Staff and the War Minister.

15 "4. All operational preparations were to  
16 be carried out on the principle that it will not  
17 impede or obstruct the diplomatic negotiations.

18 "V. I shall now speak of matters relating  
19 to the operational plan and preparations after the  
20 adoption of Proposals A and B, vis-a-vis, the United  
21 States reached after the Imperial Conference of  
22 5 November 1941.

23 "A. The explanations made by the Chief  
24 and Vice-Chief of the Army General Staff on the same  
25

1 day, 5 November 1941, to the chiefs of various  
2 divisions of the General Staff Office, were in sub-  
3 stance as follows:

4 "At the Liaison Conferences held daily from  
5 the latter part of October to the early part of  
6 November, prior to the decision of 5 November, it was  
7 recognized that the relations between Japan and the  
8 United States were at last approaching the final  
9 stage where a choice had to be made between peace or  
10 war, but it was agreed that efforts will be continued  
11 to effect a diplomatic settlement while maintaining,  
12 as heretofore, the twofold policy of diplomacy and  
13 war preparations as a means of tiding over the cri-  
14 tical situation. However, there was a time limit on  
15 both the diplomatic steps and war preparations.  
16 Operational preparations were to be carried forward  
17 with the resolve that if a settlement could not be  
18 reached through diplomatic negotiations, then an  
19 appeal to arms would be made as a last resort and  
20 preparations hereafter were to be on a full scale.  
21 The decision was explained as being the same as that  
22 of 6 September in that a resolution for war was not  
23 made. With regard to when operational preparations  
24 should be completed, the Chief of Staff on this same  
25 occasion, expressed the view that this goal should

1 be set for the end of November or beginning of  
2 December:

3 "B. With the intensification of a crisis  
4 in the relations between the two countries, full  
5 scale preparations were launched after 5 November on  
6 the twofold principle of diplomacy and preparations  
7 with the intention to leave no stone unturned in the  
8 consideration of measures with which to cope with  
9 the worst eventuality. I am familiar with these  
10 matters as they were in my line of duty and their  
11 gist is as follows:

12 "(1) In addition to the vigorous advance-  
13 ment of the preparations, which were hitherto being  
14 made, mobilization and deployment of troops,  
15 requisitioning of ships and the establishment of  
16 military bases were carried out with the utmost  
17 effort. The Army's operational preparations for the  
18 initial phase of operations were being completed with  
19 the end of November as the goal.

20 "(2) The over-all plan of operations of the  
21 Army Department of the Imperial Headquarters against  
22 the United States, Great Britain and the Netherlands  
23 were under study and discussion parallel with the  
24 government's diplomatic efforts. It was late in  
25 October that it became a final plan and it was

1 formally adopted both in name and in fact in the  
2 middle of November (about the 15th). The establish-  
3 ment of the plan of operations for the General Army  
4 for the Southern Region and other armies under it in  
5 the field took place later.

6 "(3) The organization of operational  
7 armies, namely, the order of battle of the Southern  
8 Army and the order pertaining to important personnel  
9 including the Supreme Commander of the Southern Army  
10 and others under him were issued on 6 November, and  
11 on the same day an Imperial Headquarters order con-  
12 cerning the operational preparations of the Southern  
13 Army was transmitted. The gist was that the Supreme  
14 Commander shall prepare for the capture of key areas  
15 in the South from bases in French Indo-China, South  
16 China, Formosa and the Southwest Pacific Islands,  
17 employing his main forces and in cooperation with  
18 the Navy. In case he is attacked by American,  
19 British and Dutch forces, he is empowered to meet the  
20 attack with the forces under his command.

21 "(4) On 8 November, in Tokyo, an agreement  
22 for joint operations was made between the Head-  
23 quarters of the Southern General Army and the com-  
24 bined fleet.

25 "(5) On 15 November the Imperial Headquarters



1 notified the Supreme Commander of the Southern Army  
2 of the outline to be followed in the operations to  
3 capture and occupy key areas in the South. The areas  
4 to be captured and occupied were the Philippine  
5 Islands, British Malaya, the Dutch East Indies and  
6 a part of southern Burma. It was further directed  
7 that the stability of Siam and French Indo-China be  
8 maintained with all possible effort.

9 "(6) It was after 5 November that opera-  
10 tional army corps to serve under the Southern General  
11 Army left for their areas of service from Japan,  
12 China, and Formosa. These army corps were to be  
13 returned home at any time, when the negotiations  
14 between Japan and the United States reached a  
15 settlement. In this connection, the Chief of the  
16 Army General Staff gave direct instructions to  
17 General TERAUCHI, the Supreme Commander of the South-  
18 ern Army, and the latter readily acknowledged it.

19 "(7) As to the supply, the necessary pre-  
20 parations were generally nearing completion after the  
21 middle of November.

22 "(8) All the full scale war preparations  
23 stated above were not the result of a decision for  
24 war. Hence, if the Japanese-American negotiations  
25 were successfully consummated, all the preparations

1 were to be halted and returned to a clean slate.

2 In this respect there was a complete agreement  
3 between the General Staff and the War Ministry as  
4 well as the Naval Supreme Command. The suspension  
5 of preparations was a matter of considerable diffi-  
6 culty and required coolness and boldness of will and  
7 speedy and organized handling of business relating  
8 thereto. At that time the Chief of the General  
9 Staff was full of confidence in this respect.

10 "C. Although both the original and copies  
11 of the operational plan for the southern Region which  
12 was established in the middle of November, 1941,  
13 were destroyed by fire, the general outline thereof  
14 which I retain in my memory is as follows:

15 "(1) The outline of the plan is given in  
16 paragraph 1 and onward, but it is to be borne in  
17 mind that it was to be abandoned if the diplomatic  
18 negotiations reached a settlement before the out-  
19 break of war.

20 "(2) The areas of operations in the south  
21 were to be the Philippine Islands, Guam, Hong-Kong,  
22 British Malaya, Burma, Java, Sumatra, Borneo,  
23 Celebes, the Bismarck Islands and Dutch Timor.

24 "(3) Operations were to be commenced  
25 simultaneously against the Philippines and British

1 Malaya through close cooperation between the Army  
2 and Navy and completed in the shortest possible  
3 time.

4 "(4) Armed forces to be employed in the  
5 operations were to consist of 11 divisions, 9 tank  
6 regiments, 2 aviation corps and other units under  
7 the army's direct command. The division of these  
8 forces into army corps and their areas of assignment  
9 were scheduled as follows:

10 "The 14th Army of the Southern Army, con-  
11 sisting of two divisions as its mainstay and  
12 assigned to the Philippines area; the 15th Army,  
13 consisting of two divisions was assigned to maintain  
14 stability in Siam and operations in Burma; the 16th  
15 Army, consisting of three divisions (of which two  
16 divisions were to be transferred after the end of  
17 other operations) were assigned to the Netherlands  
18 Indies area; the 25th Army, consisting of four  
19 divisions, was assigned to engage in operations  
20 against Malaya and Singapore; the air force was to  
21 consist of two air corps as its mainstay; the 23rd  
22 Army under the command of the China Expeditionary  
23 Forces, was assigned to operations in the Hong Kong  
24 area, with one division as its mainstay; detachments  
25 in the Southern sea area under the direct command

1 of the Imperial Headquarters were to consist of three  
2 infantry battalions as their mainstay and assigned  
3 to operations against Guam, the Bismarck Islands,  
4 etc., and another division was to be assigned to  
5 maintain stability in French Indo-China.

6 "(5) The date for the commencement of  
7 operations was to be fixed after the decision for war  
8 was made. As set forth above, the operational plan  
9 and preparations of the Japanese Army varied in the  
10 scale of their objective, the degree of precision  
11 and their strength in accordance with the relaxation  
12 or intensification of the international situation  
13 and the demands of defense during the period between  
14 spring and early winter in 1941. In every case it  
15 was a stipulation of operational technique and  
16 naturally not a war plan. Moreover, the Japanese  
17 Supreme Command had nothing which can be called a  
18 war program in time of peace. The same was the case  
19 with the Japanese Government. This concludes my  
20 testimony."

21 Do you wish to cross-examine the witness?  
22  
23  
24  
25

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19 with the Japanese Government. This concludes my  
20 testimony."

21 Do you wish to cross-examine the witness?  
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THE PRESIDENT: Mr. SHIMANOUCHI.

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MR. SHIMANOUCHI: I beg the indulgence of the Court. If the Court please, I should like to ask a few questions on direct examination on behalf of the defendant OSHIMA.

3

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6

DIRECT EXAMINATION (Continued)

7

BY MR. SHIMANOUCHI:

8

Q From October 1940 to December 1942, that is to say, during the time you occupied the position of Chief of the Operational Planning Division of the General Staff Headquarters, did the General Staff ever reveal its operational plans to OSHIMA?

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A During that period it goes without saying that the General Staff never conveyed its operational plans to OSHIMA. Neither did I, myself, personally convey such information as an individual. Even within the General Staff office these operational plans were revealed only to those who were especially connected with them.

THE PRESIDENT: This examination by you, Mr. SHIMANOUCHI, is quite unnecessary from your client's viewpoint. From your attitude one would assume that OSHIMA was the most involved of all the accused. We will assume that the General Staff didn't show their plans to OSHIMA unless the contrary

1 is established.

2 MR. SHIMANOUCHI: According to prosecution  
3 exhibit No. 571, document concerning a conversation  
4 held between OSHIMA and Ribbentrop in February 1941,  
5 it is stated that OSHIMA said preparations for the  
6 capture of Singapore would be completed by the early  
7 part of May, and that preparations for the capture  
8 of Hong Kong and the Philippines were also under  
9 way.


10 THE PRESIDENT: This witness has not con-  
11 firmed that, and he could not tell you what OSHIMA  
12 did or did not know. He could only tell you what he  
13 knew or what he did. In any event, OSHIMA could  
14 know those things without being shown the General  
15 Staff plans. You are wasting time, really, Mr. SHIMA-  
16 NOUCHI. I hate to shut down on your examination.

17 MR. SHIMANOUCHI: Then I should like to  
18 reserve the right to call this witness on behalf of  
19 the defendant OSHIMA in the individual defense phase.  
20

21 THE PRESIDENT: Not to answer these ques-  
22 tions, certainly.

23 Mr. Tavenner.

24 MR. TAVENNER: If the Tribunal please, this  
25



1 affidavit, in the view of the prosecution, is replete  
2 with argument, which in cross-examination, we take it,  
3 could be tested only by further argument.

4 THE PRESIDENT: No, mainly he set out to  
5 show how the Japanese reasoned. That is not argument.  
6 He is stating a fact there. But it would be most  
7 difficult for you to conduct a cross-examination of  
8 any length or any value, having regard to the nature  
9 of the subject matter. What the Japanese thought  
10 was a matter peculiarly within the knowledge of the  
11 Japanese, and you can only test that by matters ex-  
12 ternal to their thoughts, and you have done it in  
13 your prosecution's evidence.

14 MR. TAVENNER: In the light of those con-  
15 siderations and the further fact that most of the  
16 matters referred to are matters which will ultimately  
17 have to be construed by the Tribunal after summations  
18 by both sides, we view it unnecessary to conduct a  
19 cross-examination.  
20

21 MR. BLEWETT: I call the witness MIYAMA.

22 THE PRESIDENT: We must release this man first.  
23 He is released on the usual terms.

24 (Thereupon, the witness was  
25 excused.)

- - -



1 Y U Z O M I Y A M A, called as a witness on behalf  
2 of the defense, being first duly sworn, testified  
3 through Japanese interpreters as follows:

## DIRECT EXAMINATION

BY MR. BLENETT:

Q Give us your name and address.

A My name is MIYAMA, Yuzo; my address, Tokyo,  
8 Chiyoda-ku, Nagata-cho, 1 Chome, No. 8.Q May the witness be shown defense document  
10 No. 1903.

Is that your affidavit and did you sign it?

A Yes.

Q Are the contents true and correct?

A Yes.

MR. BLENETT: I offer in evidence, if your  
16 Honor please, defense document 1903, and read a portion  
17 of it.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: If the Tribunal please, objec-  
20 tion is made to the document as a whole. The only  
21 paragraph which is relevant is the one marked 3, in  
22 the view of the prosecution, extending down through  
23 the line, "There exists no original now," near the top  
24 of page 2. The rest of the document, we contend, is  
25 both irrelevant and immaterial. As to this paragraph

1 marked "3," the Tribunal's attention is called to  
2 the fact that this witness gave a certificate which  
3 was introduced in evidence on this same subject by  
4 the prosecution and bears exhibit No. 2000, page  
5 14,699 of the transcript, and which is followed by  
6 another document, 2001, which is explanatory of the  
7 situation. In the light of these previous exhibits  
8 we feel that the document is immaterial.

9 THE PRESIDENT: Mr. Blewett.

10 MR. BLEWETT: We shall be quite content, sir,  
11 just to read paragraph 3.

12 THE PRESIDENT: The document is admitted as  
13 to paragraph 3 thereof only.

14 CLERK OF THE COURT: Defense document 1903  
15 will receive exhibit No. 3028.

16 (Whereupon, the document above  
17 referred to was marked defense exhibit  
18 No. 3028 and received in evidence.)

19 MR. BLEWETT: I shall read exhibit 3028,  
20 starting at the third paragraph --

21 THE PRESIDENT: Down to the words -- to the  
22 extent that Mr. Tavenner did not object.

23 MR. BLEWETT: What page was that, Mr. Tavenner?

24 MR. TAVENNER: If the Tribunal please, I ob-  
25 jected to the document in its entirety, but parts of it

1 on different grounds.

2 THE PRESIDENT: We understood you differently;  
3 at least, I did. I understood you to say that para-  
4 graph, or the part of paragraph 3 which you indicated,  
5 was relevant.

6 MR. TAVENNER: Perhaps I did not state it  
7 clearly. Paragraph three is a relevant matter, but  
8 in the light of the other exhibits to which I re-  
9 ferred we contend that it is immaterial, it being a  
10 repetition of document 2000; so I prefaced my remarks  
11 by objecting to the introduction of the document in  
12 its entirety.

13 MR. BLEWETT: Well, we were under the im-  
14 pression that we agreed down to the beginning of  
15 Appendix No. 1 on 3, and that material is quite  
16 relevant, we believe; and I am informed that some of  
17 these documents referred to will be used later on in  
18 individual phases, and we could lay the groundwork  
19 for it here, sir, and save the time of recalling this  
20 witness. That would only be about two pages, sir.

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1 MR. BROOKS: If your Honor please, I should  
2 like to be heard on this. I think it would save a  
3 great deal of time in the individual cases.

4 THE PRESIDENT: We are not going to depart  
5 from our rule.

6 I can't get a majority for any particular  
7 viewpoint. However, you did agree to paragraph 3  
8 as indicated by Mr. Tavenner being admitted alone.

9 MR. BLEWETT: Yes, your Honor; down to  
10 Appendix No. 1.

11 THE PRESIDENT: No, that is more than Mr.  
12 Tavenner agreed to.

13 MR. TAVENNER: The objection, if the Tribunal  
14 please, went down to "There exists no original now,"  
15 near the top of page 2.

16 THE PRESIDENT: Did you say the objection or  
17 the admission?

18 MR. TAVENNER: I put it in the form of an  
19 objection, but the Tribunal viewed it otherwise, and,  
20 as I understood it, you had admitted section 3 down  
21 to and through the line "There exists no original now,"  
22 which is the part that I stated I considered relevant  
23 but immaterial.

24 MR. BLEWETT: Sir, I have been requested by  
25 other counsel to ask permission if we can't read

1 starting on the bottom of page 2, just the last  
2 paragraph. That refers to--

3 THE PRESIDENT: What part of paragraph 3  
4 in this document is not contained in exhibits 2000  
5 and 2001?

6 MR. BLEWETT: I am told, sir, the part  
7 starting with "The Great Diary, the Proclamation of  
8 Councillors," and so on, all those references--

9 THE PRESIDENT: We do not want you to dup-  
10 licate anything, Mr. Blewett.

11 MR. BLEWETT: Then, sir, the second paragraph  
12 on page 3 refers to documents which are in Washington  
13 and which efforts are being made at the present time  
14 to obtain.

15 THE PRESIDENT: You must indicate to us what  
16 there is in paragraph 3 that is not in those two  
17 exhibits. That much we will admit. But we have not  
18 made any comparison. We haven't those exhibits in  
19 court.  
20

21 MR. BLEWETT: I would say, sir, that the  
22 important matters in this affidavit are paragraph 3,  
23 the last paragraph on page 1, the last paragraph on  
24 page 2, down to Appendix No. 1; about four paragraphs  
25 in all. Of course, sir, if the prosecution can  
point out that this reference is already in evidence,

1 we shall not read it.

2 THE PRESIDENT: We have not been in a position  
3 to make a comparison. We are inclined to let you read  
4 from the last paragraph on page 2, beginning "The  
5 Great Diary," down to the middle of page 3; that is,  
6 down to Appendix No. 1, but not including that.

7 MR. BLEWETT: I shall read the exhibit--

8 THE PRESIDENT: The document is admitted to  
9 that extent.

10 MR. BLEWETT: I read exhibit 3028 as  
11 designated, beginning at the bottom of page 2, the  
12 last paragraph.

13 "The Great Diary, the Proclamation of Coun-  
14 cillors, various laws promulgated since the establish-  
15 ment of the army, documents relating to the war of  
16 (1877), Diary of the Sino-Japanese War, Diary of the  
17 Russo-Japanese War, Documents relating to the Siberian  
18 Expedition, Documents in connection with the prisoners  
19 of war in the Russo-Japanese War and World War I, the  
20 League of Nations, Reduction of Armament and the Peace  
21 Treaty, and the annals and the original records of the  
22 advance and retreat of the deactivated divisions,  
23 brigades and regiments, all being valuable historical  
24 materials which had been transferred to the army ware-  
25 house...during the period from December, 1944, to

1 March, 1945, to avoid possible damages from air raids.  
2 Some of them were burned but the remainder were kept  
3 in custody under a strict surveillance of guards in  
4 accordance with Directive No. 2 of the Supreme Commander  
5 of the Allied Powers on September 3, 1945.

6 "After that at the request of Major Duncan  
7 Macferren, Chief of the Document Section of the Allied  
8 Forces Washington the documents were transferred di-  
9 rectly by eight trucks of the First Demobilization  
10 Bureau to the First Army Arsenal at Oji on January 8th  
11 and 9th, 1946, and delivered to the Washington Docu-  
12 ment Section there.

13 "The Explanation of the Classification of docu-  
14 ments issued and the Great Diary in the War Ministry  
15 is as in the attached supplement.

16 "The burning was commenced in the evening  
17 of the 14th by each respective unit, government office  
18 and school and I suppose it was completed in a short  
19 time."  
20

21 You may question.

22 MR. T. OKAMOTO: If it please the Court, I  
23 should like to be permitted to ask one or two  
24 questions.

25 THE PRESIDENT: On behalf of whom?

MR. T. OKAMOTO: MINAMI.

1 BY MR. T. OKAMOTO:

2 Q The part of the affidavit that was read just  
3 now, does that refer to the documents which were in  
4 the custody of the War Ministry?

5 A Yes, they are.

6 Q Then do you know in what manner the documents  
7 which were in the custody of the General Staff were  
8 disposed of?

9 A Yes, I do.

10 Q Will you explain this briefly?

11 A With regard to the documents which were in  
12 the custody of the General Staff, I have referred to  
13 this in the very last part of my affidavit. Further-  
14 more, the War Ministry and the General Staff occupied  
15 the same building, and at the time the documents were  
16 destroyed I was in the garden and I saw this actually  
17 being done by the General Staff.

18 Q Then is it correct to conclude that all docu-  
19 ments which were in the possession of the General  
20 Staff were destroyed by -- were burned?

21 A Yes.

22 THE PRESIDENT: Mr. Tavenner.

23 CROSS-EXAMINATION

24 BY MR. TAVENNER:

25 Q How many copies of the Great Diary were made?



1 A I do not know how many copies were made.

2 Q Why don't you know?

3 A After I became senior adjutant of the War  
4 Ministry, I had no chance to investigate how many  
5 copies had been made, and at present no record of how  
6 many copies were made remains.

7 Q How many copies to your knowledge existed?

8 A They may be counted in the tens and hundreds.

9 Q Do you know where any one of the ten or  
10 hundred copies is now, other than the one that you say  
11 was delivered to the Washington document center.

12 A I do not know.

13 Q To whom were they circulated?

14 A They were not circulated.

15 Q Do you know that there was a copy of the  
16 prisoners of war report referred to in your affidavit  
17 in the hands of -- strike the question, please.

18 Do you not know that there was a copy of the  
19 Great Diary in the possession of the Prisoners of War  
20 Investigation Committee as late as November 1945?

21 A I do not know.

22 THE PRESIDENT: I have a question on behalf  
23 of a Member of the Tribunal.

24 Were the documents transferred to the First  
25 Army arsenal in January accompanied by an inventory?

1 A I do not know how many copies were made.

2 Q Why don't you know?

3 A After I became senior adjutant of the War  
4 Ministry, I had no chance to investigate how many  
5 copies had been made, and at present no record of how  
6 many copies were made remains.

7 Q How many copies to your knowledge existed?

8 A They may be counted in the tens and hundreds.

9 Q Do you know where any one of the ten or  
10 hundred copies is now, other than the one that you say  
11 was delivered to the Washington document center.

12 A I do not know.

13 Q To whom were they circulated?

14 A They were not circulated.

15 Q Do you know that there was a copy of the  
16 prisoners of war report referred to in your affidavit  
17 in the hands of -- strike the question, please.

18 Do you not know that there was a copy of the  
19 Great Diary in the possession of the Prisoners of War  
20 Investigation Committee as late as November 1945?

21 A I do not know.

22 THE PRESIDENT: I have a question on behalf  
23 of a Member of the Tribunal.

24 Were the documents transferred to the First  
25 Army arsenal in January accompanied by an inventory?

1 THE WITNESS: There was an inventory. However,  
2 I do not believe it was correct -- accurate.

3 THE PRESIDENT: Where is it?

4 THE WITNESS: I believe it is now in Washington.

5 THE PRESIDENT: We will recess for fifteen  
6 minutes.

7 (Whereupon, at 1045, a recess was  
8 taken until 1105, after which the proceed-  
9 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Blewett.

4 MR. BLEWETT: If the Tribunal please, to  
5 clear up a misapprehension as to what is meant by  
6 this diary, I would like to ask the witness one or  
7 two questions on redirect examination.

8 THE PRESIDENT: Strictly, it is further  
9 examination in chief, but go ahead.

10 DIRECT EXAMINATION

11 BY MR. BLEWETT (Continued):

12 Q What do you mean by the "Great Diary?"

13 A The Great Diary, differing from the ordinary  
14 diaries which are kept by individuals, was a large file  
15 of documents, the original documents which were sent  
16 out by the War Ministry and of those documents which were  
17 received by the War Ministry.

18 Q Are we to understand then that the diary con-  
19 sists only of original papers?

20 A Yes.

21 Q In your answer to Mr. Tavenner that there  
22 existed many copies of this diary, what did you mean?

23 THE PRESIDENT: He can say how many. You can  
24 ask him how many.

25 -Q- Did you mean that there were duplications of

1 this paper consisting of copies, or that there were  
2 several, various different volumes of this diary?

3 A I meant the latter.

4 Q Approximately how many original diaries  
5 would be prepared in the course of a year?

6 A More than twenty.

7 MR. BLEWETT: I show the witness one of the  
8 diaries.

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

11 Q And I shall ask you to tell us what period  
12 of time is covered by that diary.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please, it  
15 occurs to me that there has been a great waste of time  
16 talking about the diary in view of the fact that I am  
17 now informed that they have some copies, that they have  
18 just received, of the diaries.

19 MR. BLEWETT: We are going to offer those in  
20 evidence, sir. The only difficulty about the situation  
21 is that in the translation of the word "copy." There  
22 are no copies of this. They are all originals. Each  
23 one pertains to a different period of time.

24 THE PRESIDENT: You mean there is only one  
25 diary in a number of parts?

1 MR. BLEWETT: That is right, sir.

2 If we can agree on that, I will drop the  
3 whole examination right now.

4 Q Will the witness tell us, then, the name of  
5 that diary and the period covered by it?

6 THE PRESIDENT: What will that prove, Mr.  
7 Blewett?

8 MR. BLEWETT: I beg your pardon, sir.

9 THE PRESIDENT: What will that prove?

10 MR. BLEWETT: That there are no copies of  
11 that, other than one. There is just one.

12 THE PRESIDENT: He does not prove that by  
13 looking at it and answering the question.

14 MR. BLEWETT: I am going to follow that up  
15 by asking if there were any duplications made of that  
16 book.

17 THE PRESIDENT: Even so, he need not look in  
18 the book and say what period it covers.

19 Mr. Tavenner.

20 MR. TAVENNER: The witness answered the ques-  
21 tion, your Honor.

22 BY MR. BLEWETT (Continued):

23 Q Do you know whether or not there are any dupli-  
24 cations of that diary, which you have just examined, in  
25 existence?

1           A    I do know.

2           Q    Were copies made of that same identical book-  
3 let, and is a copy of it in existence now?

4           A    No copy was made. None is in existence now.

5           MR. BLEWETT: That is all.

6           May the witness be excused on the usual terms?

7           THE PRESIDENT: Well, a Member of the Tribunal  
8 is not too clear on the meaning of the word "originals,"  
9 as used by the witness. He suggests that if "originals"  
10 is used in the true sense, then only incoming corres-  
11 pondence is included in the diary and not outgoing  
12 correspondence, that it is not a diary at all but just  
13 a collection of original papers.

14           MR. BLEWETT: That is our only point, sir.  
15 It is a file, what we call a file.

16           THE PRESIDENT: Well, is there any contest  
17 about it?

18           MR. TAVENNER: If the Tribunal please, we were  
19 told a moment ago that this "Great Diary" included  
20 originals received and copies that were sent out, so  
21 unless that matter is cleared up, I will want to ask  
22 some questions about it.

23  
24 BY MR. BLEWETT (Continued):

25           Q    I shall ask the witness if the diary contains  
the originals of papers received only, or does it also

1 contain copies transmitted from your office or from any  
2 office.

3 A The originals of the documents sent out from  
4 our office are included in that diary.

5 May I make a further explanation?  
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Q You may.

1  
2 A The documents of the War Ministry are drafted  
3 by the various bureaus or sections under the order of  
4 the superiors. These documents which are drafted,  
5 after receiving the approval of the superior officer  
6 concerned, are typed and then sent out. These documents  
7 which are approved and signed by the superior officer  
8 are, as a rule, kept by the respective bureaus or  
9 sections concerned for about a period of one year. After  
10 these various bureaus or sections have had the document  
11 which bears the signature and approval of the superior  
12 officer for about a year, they then turn it into the  
13 Secretariat of the Minister. Then the Secretariat of  
14 the War Minister files these in what we call the Great  
15 Diary.

16 MR. BLEWETT: I think that explains the  
17 situation, sir.

18 Have you any questions?

19 THE PRESIDENT: Mr. Tavenner.

20 CROSS-EXAMINATION

21 BY MR. TAVENNER: (Continued)

22 Q What disposition is made of the copies of out-  
23 going documents?

24 A The original papers, bearing the signature  
25 and approval of the superior officer, is turned into

1 the Secretariat of the Minister where copies are  
2 typewritten and these copies are distributed to various  
3 offices.

4 Q After the distribution of the copies of the  
5 outgoing messages is made, is there any one file that  
6 contains all the copies relating to a given matter?

7 A The various bureaus and sections usually keep  
8 such files according to the type of matter which these  
9 documents relate to for a period of one year. That is,  
10 these documents are kept according to the matters dealt  
11 therein.

12 Q Well now, at the end of that one year what  
13 is done with the copies retained of the outgoing letters?

14 A They are destroyed by burning.

15 Q Do you mean to state that in connection with  
16 important diplomatic matters, letters, copies of letters  
17 that have been written are destroyed at the end of one  
18 year?

19 A In regard to specially important documents,  
20 there are cases where such are kept in the custody of  
21 the officer -- responsible officer concerned.

22 Q Now, are you familiar with diary of the  
23 Imperial General Headquarters?  
24

25 A I know nothing of a diary of the Imperial  
General Headquarters.

1 Q At any rate, the Great Diary to which you  
2 have been testifying is something different from the  
3 diary of the Imperial General Headquarters.

4 A Yes, that is true; it is something different.

5 MR. TAVENNER: With regard to the diary of  
6 Imperial General Headquarters, I refer the Tribunal to  
7 prosecution exhibit No. 476 at page 8.

8 Q Now, the copies of the outgoing letters and  
9 communications, I understood you to say, would be dis-  
10 tributed to the various ministries; is that correct?

11 A That is so. You may so understand.

12 MR. TAVENNER: That is all, if the Tribunal  
13 please.

14 MR. BROOKS: If the Tribunal please, the docu-  
15 ments referred to on page three of the witness' affidavit,  
16 after having been sent to the War Department, Washington,  
17 Document Section, were subpoenaed by Court Order, Paper  
18 No. 963 and 964. Of this number of documents that have  
19 been subpoenaed, we have received ten to date and I  
20 have them here in the courtroom. And, we have finished  
21 in the defense screening these documents as far as we  
22 are concerned and have taken excerpts therefrom. Since  
23 they contain original telegrams and matters, letters,  
24 in Japanese, we think it proper at this time to offer  
25 them for identification so that they will be available

1 for the prosecution, because it will take some time  
2 for them to go through and check this number of  
3 documents. If it is agreeable with the Court, we will  
4 offer them for identification to this witness so that  
5 they can be marked and they can be referred to by the  
6 prosecution or by other defendants who may use certain  
7 excerpts from these documents.

8 I offer this in the interest of saving time,  
9 because it will have to be done some time through some  
10 witness. This man can identify them and I believe  
11 it will save time and also make it a convenience to the  
12 prosecution by giving them a longer period of time to  
13 examine these documents. It has taken us some time.

14 THE PRESIDENT: Mr. Blewett may take that  
15 course, if he so desires. If he does, we will say  
16 what is to be done as he hands up the documents, subject  
17 to any objection.

18 MR. BROOKS: That is why I ask for special  
19 permission, your Honor, because I know the Document  
20 Section is familiar with them because all the documents  
21 are in Japanese and I have the papers relating to them.

22 THE PRESIDENT: We will hear Mr. Blewett.

23 MR. BROOKS: Might I state one more sentence,  
24 your Honor? That it had taken us considerable time to  
25 make this search and the prosecution had indicated that

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1 they would like to have this document available.

2 THE PRESIDENT: Mr. Blewett.

3 MR. BLEWETT: Defense counsel, sir, have  
4 asked me to present this for identification through  
5 this witness, if we may.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: There is no objection, if the  
8 Tribunal please.

9 MR. BLEWETT: I ask that the witness be shown  
10 the Great Secret Diary for 1931, Volume 1.

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

13 BY MR. BLEWETT:

14 Q Is that the original of the Great Diary?

15 A Yes.

16 Q What volume and for what period of time does  
17 it cover?

18 A It is Volume 1 of the Diary of 1931. The  
19 period covered is very difficult -- would take some  
20 time to say offhand here, because the documents are not  
21 filed chronologically.

22 Q What is the volume number?

23 A No. 1.

24 THE PRESIDENT: Mr. Tavenner.

25 MR. TAVENNER: If the Tribunal please, it

1 will apparently take quite sometime to examine each  
2 of these volumes separately. Cannot this witness be  
3 directed to make his examination out of the box and  
4 reduce it to affidavit form and present it here this  
5 afternoon, which, it seems to me, would save a great  
6 deal of time.

7 THE PRESIDENT: It now appears that the wit-  
8 ness cannot describe them as readily as the defense  
9 counsel anticipated, so the course you suggest should  
10 be followed, Mr. Tavenner.

11 MR. BLEWETT: That is agreeable, sir.

12 May the witness be released?

13 THE PRESIDENT: He is released on the usual  
14 terms.

15 (Whereupon, the witness was excused.)

16 MR. BLEWETT: I offer in evidence defense  
17 document No. 626A-11, which is a portion of General  
18 TOJO's interrogatory of March 11 not read by the prose-  
19 cution. The portion read is exhibit No. 1137A, on  
20 page 10,221 of the record.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 626A-11  
23 will receive exhibit No. 3029.  
24

25 (Whereupon, the document above referred  
to was marked defense exhibit 3029 and received

in evidence.)

1 MR. BLEWETT: I shall read exhibit 3029:

2 "Q What war preparations were pushed?

3 "A We were surrounded by Britain, America,  
4 and the Dutch. Preparations for an attack at any time  
5 by them were pushed.

6 "Q What preparations were made of an offen-  
7 sive nature during that period?

8 "A The nature of the preparations was de-  
9 fensive.

10 "Q When were the first steps taken to pre-  
11 pare for any of the four offensive operations which  
12 later were executed, as you have stated?

13 "A Preparations of a defensive nature were  
14 begun from the time of the 6 September conference.

15 "Q Regardless of the question of whether  
16 they were offensive or defensive, is it not true that  
17 preparations for the four attacks that you have pre-  
18 viously referred to were begun immediately after the  
19 Imperial Conference of 6 September 1941?

20 "A No, not at all. From the time of the  
21 Imperial Conference of 6 September 1941, we did not  
22 know when we would be attacked by England, America,  
23 and Holland; therefore preparations to resist attack  
24 were planned. It was not until after the Imperial  
25

1 Conference of 1 December 1941 that the various surprise  
2 attacks were planned. Strategically, Japan was on  
3 the defense; tactically, she was on the offense.  
4 Japan was surrounded by much greater forces than she  
5 herself possessed. The big picture was that of  
6 defense. In actual fighting, she attacked.

7 \* \* \* \*

8 "Q In connection with the four operations  
9 which you have mentioned, who gave the Army and Navy  
10 Chiefs of Staff orders in connection therewith?

11 "A The orders were issued by the Emperor as  
12 Commander-in-Chief of the Army and Navy on the advice  
13 of the Army Chief of Staff and the Navy Chief of  
14 Staff. These have the responsibility of assisting the  
15 Throne and, by virtue of this responsibility, go to  
16 the Emperor with orders prepared and ask for his assent.  
17 When this is given, the orders are given to the Army  
18 commanders or, in the case of the Navy, to the Comman-  
19 der-in-Chief of the Combined Fleet. The responsibility  
20 is that of the Army Chief of Staff and the Navy Chief  
21 of Staff from first to last.

22 "Q On whose advice do the Army and Navy  
23 Chiefs of Staff write and present such orders to the  
24 Emperor?  
25

"A The Chiefs of Staff have section chiefs



1 under them. The section chiefs draw up the plans and,  
2 if approved by the Chief of Staff, they are presented  
3 to the Emperor. This is an important matter. The  
4 Imperial Conferences come in here. For example, when  
5 the Imperial Conference of 1 December decided upon  
6 war, the Chiefs of Staff then prepared the orders and  
7 took them to the Emperor for approval and the cabinet  
8 also made various preparations.

9 "Q Do you mean to say that no action had  
10 been taken nor orders issued relative to the four  
11 operations which you have mentioned until after the  
12 Imperial Conference of 1 December 1941? Do you under-  
13 stand the question fully?

14 "A I understand the question all right.  
15 The national will for war was decided for the first  
16 time on 1 December 1941. I do not believe, as Premier,  
17 that any orders were issued for war previous to that  
18 time.

19 "Q The question does not refer to orders  
20 in connection with war, but to orders or action taken  
21 in connection with the four attacks. Were such orders  
22 given or actions taken before the Imperial Conference  
23 of 1 December 1941?

24 "A I believe, as Premier and as War Minis-  
25 ter, that it is unlikely that any orders were issued

1 in connection with those four attacks previous to the  
2 decision for war that I have mentioned. I believe  
3 that it is improbable that orders were issued to carry  
4 out these attacks prior to the national decision for  
5 war.

6 "Q Do you mean to say that everything in  
7 connection with those four attacks, including planning,  
8 deployment, and execution, took place within the one  
9 week following the Imperial Conference of 1 December  
10 1941?

11 "A With regard to their execution, I do.  
12 As for plans, that is something else. Every national  
13 state has a plan of defense. This plan is revised  
14 from time to time in accordance with the situation.  
15 There was a great deal of tenseness just before the  
16 Imperial Conference of 1 December 1941. The situation  
17 was changing all the time and the plans were changed  
18 accordingly, but the orders for execution of those  
19 plans, I believe, were not issued until after the de-  
20 cision for war.

21 "Q What about deployment?

22 "A You must remember that there were other  
23 objectives too. The China Incident was in progress  
24 and there were troop movements in connection with the  
25 joint defense of French Indo-China. For those purposes,

1 a variety of dispositions were required. However,  
2 the carrying out of attacks against England or America  
3 would not, I believe, have preceded the decision for  
4 war. Defense against possible British-American-Dutch  
5 attacks also had to be thought of in connection with  
6 the national plan of defense. I think that the attacks  
7 against England, America, and Holland would probably  
8 have to have followed the decision of 1 December 1941,  
9 which expressed the national will."

10 I call the witness IIMURA, Minoru.  
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1 M I N O R U I I M U R A, called as a witness in be-  
2 half of the defense, being first duly sworn, tes-  
3 tified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 QUESTIONS BY MR. BLEWETT:

6 Q Will you please state your name and your address?

7 A My name is IIMURA, Jo, (Minoru); address 2-501  
8 Soshigaya, Setagaya-Ku, Tokyo.

9 MR. BLEWETT: I ask that the witness be shown  
10 defense document 164.

11 (Whereupon, a document was shown to  
12 the witness.)

13 Q I ask you if that is your affidavit and if you  
14 signed it at the end?

15 A As you say.

16 Q Are the contents therein true and correct?

17 A They are true and correct.

18 MR. BLEWETT: I offer in evidence, if the Tri-  
19 bunal please, defense document 164.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 164 will  
22 receive defense exhibit number 3030.

23 (Whereupon, the document above referred  
24 to was marked defense exhibit No. 3030 and receiv-  
25 ed in evidence.)

1 MR. BLEWETT: I shall read exhibit 3030:

2 "I was Director of the Total Warfare Institute  
3 from January 1941 to October of the same year.

4 "There were institutes in other countries  
5 similar or kindred to the Total Warfare Institute.  
6 Following their example, the Total Warfare Institute  
7 of our country was founded in the autumn of 1940 (the  
8 15th year of SHOWA).

9 "In the government organization regarding the  
10 Total Warfare Institute, it was prescribed that, under  
11 the Premier's control, it shall take charge of the  
12 fundamental investigation and research into total war-  
13 fare, and the education and training of officials and  
14 others concerning the nation's total warfare. However,  
15 its actual operational management was as given in the  
16 following articles.

17 "All the Ministries, the army and navy, not to  
18 speak of Premier KONOYE who was responsible for admin-  
19 istrating this Institute and was my direct superior,  
20 were scarcely interested in this Institute, therefore,  
21 during my incumbency, I received no instruction, advice,  
22 or suggestion concerning the business of this institute  
23 from any of the above-mentioned quarters or persons.  
24 Consequently, its business, in accordance with the  
25 stipulations of the above-mentioned government organi-

1 zations, was carried out from an independent standpoint.

2 "As the first step, education and training  
3 were undertaken. In instructing its students, the  
4 conventional memorizing cramming system was ignored;  
5 developmental and practical education was sought after.

6 "The main subjects of education and training  
7 comprised lectures on fundamental knowledge concerning  
8 various fields such as politics, economics, thought  
9 and military science, physical education; theoretical  
10 (hypothetical) exercises, inspections and tours were  
11 utilized simultaneously.

12 "Even when I first joined the Institute, there  
13 existed the training program in theoretical exercises  
14 which was one of the annual functions of this Institute.  
15 In carrying out this plan, no person, except staff  
16 members of this Institute, gave instruction or guidance.  
17 The apportioned term was about one month.

18 "The reason why current conditions were adopted  
19 in our hypotheses given at the beginning of the theoret-  
20 ical exercises was that if the circumstances of a period  
21 other than the current had been adopted, it would have  
22 been difficult for the students to imagine themselves  
23 operating under assigned circumstances and to imagine  
24 the hypothetic operations, particularly the intricate  
25 numerical basis.

1 "The various conditions arising from the hypoth-  
2 eses were no more than suppositional situations adopted  
3 for the sake of exercises. The object of the exercises  
4 was, not the suppositional situations themselves, but  
5 training in coordinated actions based on those situations.

6 "The hypotheses and the consequent suppositional  
7 situations have no connection with the actual policies  
8 of the authorities concerned. It was because actual  
9 matters of this sort were known to no one except the  
10 authorities concerned who would never have divulged  
11 them.

12 "As these exercises were partly open to the  
13 public, it was impossible and not permissible to util-  
14 ize the actual policies of the government.

15 "The reason why the accounts of the exercises  
16 were marked 'strictly confidential' was because they  
17 contained some secret national statistics.

18 "In accordance with the administrative pro-  
19 cedure of the institute, the result of this research  
20 was probably reported to the Cabinet which was directly  
21 in charge of this Institute, but never reported it to  
22 other quarters, to say nothing of the other ministries  
23 or the military; we were never instructed by them.

24 "As anybody will see from a glance at the doc-  
25 uments. the utilization of the results of this study in

1 actual policies was out of the question because of the  
2 lack of time necessary for scrutiny and because of the  
3 above stated aims.

4 "Students of this Institute, who were first  
5 selected by all Ministers and certain civil organiza-  
6 tions at the request of this Institute, then examined  
7 by the Institute and submitted to the Cabinet, were  
8 selected and formally appointed by the Cabinet as stu-  
9 dents of this Institute.

10 "They were all young men whose average age was  
11 about 32, and none held a responsible position in any  
12 Ministry. There was one judge among them but he was  
13 also a young man like the others and was in a low grade.

14 "The budget of this Institute was ¥160,000 a  
15 year, and a half of it was for personal expenses and  
16 the other half for office expenses. The budget was too  
17 small for making any activity possible.

18 "In short, this Institute would seem to be  
19 considerably important so far as its name and stipula-  
20 tions in the organization were concerned, but it was,  
21 in fact, nothing but an institute for educating junior  
22 officials. And from various standpoints it was not  
23 possible to educate them successfully. Not a single  
24 result of their study was utilized in drawing up prac-  
25 tical policies or war plans.



1 "With a view to obtaining assistance from var-  
2 ious quarters, a councillor system was adopted by this  
3 Institute in May or June, 1941; but these councillors  
4 were entirely nominal personnel registered only as  
5 members.

6 "We received no direction or suggestion from  
7 the accused: KIMURA, SUZUKI, OR HOSHINO in connection  
8 with business of this Institute."

9 Any questions?

10 J.F. PRESIDENT: Brigadier Quilliam.

11 CROSS EXAMINATION

12 BY BRIGADIER QUILLIAM:

13 Q You were the first director, were you not,  
14 of the Institute?

15 A Yes.

16 Q But for a period before your appointment the  
17 accused HOSHINO acted as director, did he not?

18 A Yes.

19 Q What appointment did you hold when you were  
20 appointed director?

21 A Do you mean before my appointment?

22 Q Before your appointment.

23 A I was Chief of Staff of the Quantung Army,  
24 and for a short while after that I was attached to Gen-  
25

1 eral Staff Headquarters.

2 Q You relinquished your appointment, did you  
3 not, to take up your appointment of director?

4 A Yes.

5 Q At that time your rank was that of Lieutenant-  
6 General, was it not?

7 A Yes.

8 Q And I think that when you relinquished the  
9 appointment of director you were appointed to command  
10 the Fifth Army in Manchuria, is that correct?

11 A Yes.

12 Q You held that appointment for about two years,  
13 and then were appointed director of the Military War  
14 College, is that correct?

15 A Yes.

16 Q Is it a fact that the Cabinet felt primarily  
17 responsible for the establishment of the Institute?

18 A Yes.

19 Q And is it a fact, also, that the exercises  
20 had as their background, I mean the exercises conducted  
21 by the Institute, had as their background the internat-  
22 ional and domestic situation Japan was then facing, or  
23 expected to face?

24 A The students were trained with that as the basis.

25 Q And they examined, did they not, and discussed

1 the national problems which would necessarily arise in  
2 case Japan moved into the Southwest Pacific?

3 A Yes.

4 BRIGADIER QUILLIAM: That is all, thank you.

5 THE PRESIDENT: Brigadier Quilliam, didn't we  
6 hear something about top secret documents in respect  
7 of that Institute's operations?

8 BRIGADIER QUILLIAM: Yes, sir.

9 THE PRESIDENT: I think we will adjourn now  
10 until half past one.

11 (Whereupon, at 1200 a recess was taken.)  
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## AFTERNOON SESSION

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2 The Tribunal met, pursuant to recess, at 1330.

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4 MARSHAL OF THE COURT: The International  
5 Military Tribunal for the Far East is now resumed.

6 MINORU KIMURA, resumed the stand.

7  
8 THE PRESIDENT: Brigadier Quilliam.

9 BRIGADIER QUILLIAM: May it please your  
10 Honor, referring to the question asked by your Honor  
11 just before the recess, your Honor's recollection is  
12 quite correct. This is shown by exhibit 1354. This  
13 exhibit shows that of ninety-eight publications of  
14 the Institute, the existence of which is known to the  
15 prosecution, all except three bear the classification  
16 "Top Secret," "Secret," or "Confidential."

17 THE PRESIDENT: Mr. Blewett.

18 MR. BLEWETT: If the Tribunal please, Mr.  
19 ABE, counsel for General KIMURA, has asked to cross-  
20 examine the witness.

21 THE PRESIDENT: Cross-examine?

22 MR. ABE: I am ABE, counsel for the defendant  
23 KIMURA.

24 THE PRESIDENT: Brigadier Quilliam.

25 BRIGADIER QUILLIAM: May it please the Tribunal,

1 it is submitted that this cross-examination should  
2 have taken place in accordance with the rule before  
3 I cross-examined.

4 THE PRESIDENT: If we thought KIMURA were  
5 prejudiced and any oversight occurred we would allow  
6 cross-examination, I am sure; but how is KIMURA  
7 prejudiced?

8 MR. ABE: This concerns not only KIMURA  
9 individually but it is concerned with the defendants  
10 as a whole.

11 THE PRESIDENT: This evidence is called in  
12 behalf of all the defendants. What has he said to the  
13 prejudice of any defendant or accused?

14 MR. ABE: As I said before, it is not in  
15 reference to KIMURA alone but concerning all the  
16 defendants as a whole.

17 THE PRESIDENT: You cannot cross-examine the  
18 witness called on behalf of all the accused. He has  
19 said nothing hostile; he has not been declared  
20 hostile. There is no occasion to do so; nobody  
21 suggests he should be.

22 MR. ABE: If it please the Tribunal, during  
23 the cross-examination by the prosecutor a moment ago  
24 there were a few points the meaning of which were not  
25 clear and I should like to clarify such points at this

1 time. There were several points in the reply to the  
2 prosecutor's cross-examination which were not clear  
3 and I should like to clarify this point now.

4 THE PRESIDENT: They do not affect the  
5 accused IIMURA any more than anybody else and in  
6 those circumstances the re-examination must be con-  
7 ducted by Mr. Blewett.

8 Your application is refused.

9 MR. ABF: Yes, sir.

10 MR. BLEWETT: Mr. MIGITA, attorney for  
11 Mr. HOSHINO, has asked permission to ask the witness  
12 a question or two.

13 THE PRESIDENT: Brigadier Quilliam.

14 BRIGADIER QUILLIAM: May it please the  
15 Tribunal, I must make the same objection.

16 MR. MIGITA: During the prosecutor's cross-  
17 examination a reply was given that the defendant  
18 HOSHINO was the first director of the said Institute.

19 THE PRESIDENT: It was not. He said he  
20 acted as director for a time. Do you deny that?

21 MR. MIGITA: No, I do not deny that. What I  
22 propose to do is to bring out the fact that when the  
23 work of this said Institute actually began--

24 THE PRESIDENT: That has nothing to do with  
25 your accused more particularly. It does not affect him

1 in any way as far as I can judge.

2 Your application is refused. The objection  
3 is upheld.

4 Mr. Blewett.

5 MR. BLEWETT: May the witness be excused,  
6 your Honor?

7 THE PRESIDENT: He is excused on the usual  
8 terms.

9 (Whereupon, the witness was excused.)

10 MR. BLEWETT: I offer in evidence defense  
11 documents No. 592, which is a chart depicting the  
12 entire Japanese military organization in December  
13 1941. I shall not read any portion of the document  
14 but believe it will be helpful to the Tribunal for  
15 reference relative to subsequent evidence to be  
16 offered.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 592  
19 will receive exhibit No. 3031.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 3031 and received in evidence.)

23 MR. BLEWETT: In connection with the chart  
24 I refer to the evidence of FUGITA, page 17,550  
25 relative to the relations between the High Command

1 and the military administration, also to the  
2 testimony of SAWAMOTO, record, page 26,415, relative  
3 to the relationship between the navy High Command  
4 and the administration.

5 Defense document 1251 is introduced in  
6 evidence to show the respective jurisdictions and  
7 responsibilities of army commander, army Chief of  
8 Staff and division commander as well as the rules  
9 and regulations concerning the transmission of all  
10 orders and submission of daily bulletins and reports.

11 I shall read certain pertinent articles in this.

12 I offer defense document No. 1251.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If it please the Tribunal,  
15 objection is made to the introduction of this document.  
16 The objection is made to it in its entirety. The  
17 document gives a detailed outline of the form of  
18 organization of the superior headquarters and the  
19 duties of each of the several branches and subdivisions,  
20 for example, the army veterinarian department, the  
21 army legal department, the movement of headquarters  
22 while troops are operating, and the routine duties  
23 of headquarters, including the form and nature of  
24 reports to be made. It shows what parts are to be  
25 kept in red ink and what in black ink and many other



1 details. This type of document has been repeatedly  
2 rejected by the Tribunal. All countries have compar-  
3 able detailed regulations for the operation of mili-  
4 tary headquarters. We view it as being entirely  
5 irrelevant and having no bearing on any of the issues  
6 in this case.

7 THE PRESIDENT: Mr. Blewett.

8 MR. BLEWETT: If the Tribunal please, as  
9 I stated, I was intending to read only a few para-  
10 graphs from this document if it is accepted in  
11 evidence, particularly with reference--

12 THE PRESIDENT: What use is it to us?

13 MR. BLEWETT: It shows the responsibilities  
14 down through the chain of command, particularly  
15 division commander and the Chief of Staff. In one  
16 portion of the document there is a reference made  
17 to the treatment of prisoners of war and the office  
18 under whose jurisdiction they come. From out of a  
19 document of thirty-nine pages I refer to but eight  
20 pages, and will only read a portion of that.

21 THE PRESIDENT: The Geneva Convention fixes  
22 the responsibility for prisoners of war in great detail.  
23 That Convention cannot be repealed by any national  
24 regulations.

25 MR. BLEWETT: A general over-all picture,

1 no doubt, your Honor; but it seems that perhaps the  
2 Japanese system is a bit different from the ordinary  
3 inasmuch as it seems here to come under the adjutant's  
4 office.

5 THE PRESIDENT: Mr. Blewett, my attention  
6 has been directed to regulation 6-b dealing with the  
7 parts of documents which you propose to rely upon.

8 MR. BLEWETT: Yes, sir.

9 THE PRESIDENT: Has that been observed  
10 here? The purpose of the rule is to require you to  
11 serve the prosecution and the Judges with parts of the  
12 documents upon which you propose to rely but here  
13 we have a document of 29 pages, I think, and as far  
14 as we understand, you propose to rely on only a small  
15 portion of it.

16 MR. TAVENNER: If the Tribunal please,  
17 rule 6-b has not been complied with but prosecution  
18 did not object on that ground because we thought we  
19 could dispose of the document on the objection that  
20 I made.  
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1 MR. BLEWETT: Sir, I did not take 6-b in  
2 that way. The procedure for the past several months  
3 has been the introduction of a document and the  
4 reading of only portions which we thought would be  
5 pertinent although the entire document was entered.

6 THE PRESIDENT: We are in this position  
7 now, that we do not know which part you propose to  
8 rely on, except to the extent that you have described  
9 it in a few words.

10 MR. BLEWETT: As I say, the portions to be  
11 read are not excerpts. It is an entire document,  
12 the whole document for submission, but I was simply  
13 going to read, as we have in the past, the most  
14 important portions of that which I thought would be  
15 more helpful to the Tribunal.

16 THE PRESIDENT: None of us have yet seen  
17 anything that we think helps, although there may be,  
18 as one Member of the Court thinks, some important  
19 parts. State more fully, Mr. Blewett, the nature of  
20 the parts on which you rely and the issues to which  
21 they are relevant.

22 MR. BLEWETT: I intended to read Article 1,  
23 which gives the responsibilities of the army com-  
24 mander. Article 4, which refers to the army  
25 administration department. Article 1 is one paragraph

1 dealing with general rules; Article 4, duties of  
2 the area army headquarters; Article 7 on page 2;  
3 Article 9 on the same page; and 10, which is very  
4 short, dealing with the army commander and the army  
5 Chief of Staff; Article 55 on page 14, dealing with  
6 the division commander; Article 111 on page 31, deal-  
7 ing with the transmission of orders; and 124, which  
8 is the last one, on page 35, relative to documents  
9 between the army commander and the division com-  
10 mander.

11 THE PRESIDENT: It is all a routine matter  
12 -- ordinary routine matter.

13 By a majority the Court upholds the objec-  
14 tion and rejects the document.

15 MR. BLEWETT: I offer in evidence defense  
16 document No. 626A-1, an excerpt from the interroga-  
17 tion of General TOJO of 30 January 1946, referring  
18 to military organization.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 626A-1  
21 will receive exhibit No. 3032.

22 (Whereupon, the document above  
23 referred to was marked defense exhibit No.  
24 3032 and received in evidence.)

25 MR. BLEWETT: I shall read exhibit 3032:

1           "ANSWER: Yes. The former did influence  
2 the latter. You must remember that the military  
3 setup in Japan" --

4           THE PRESIDENT: Mr. Blewett, that answer is  
5 not intelligible without knowing what was said in  
6 the previous question there. What is the question?

7           MR. BLEWETT: The question had reference to  
8 another matter and this is the only part that has  
9 reference to the military organization.

10          THE PRESIDENT: Read it; it is admitted.

11          MR. BLEWETT: I can shorten it up:

12          "You must remember that the military setup  
13 in Japan is very different from that in America.  
14 The Chief of Staff is independent of the War Depart-  
15 ment in matters of command, and also from the point  
16 of view of organization. He is not subordinate to  
17 the War Minister but is equal to him. Hence, this  
18 atmosphere which permeated the Army was undoubtedly  
19 communicated to the War Minister by the Chief of  
20 Staff and communicated to Cabinet deliberations by  
21 the War Minister. However, I repeat again that this  
22 was not a clique or a faction. I might explain to  
23 you the Japanese system as regards the position of  
24 the Emperor, the Chief of Staff, the War Minister,  
25 and the Commander in Chief of the Japanese Army.

1 All matters of command passed from the Emperor to  
2 the Chief of Staff to the Commander in Chief. All  
3 matters of military administration passed from the  
4 Emperor via the War Minister to the Commander in  
5 Chief. The Emperor could also issue Imperial  
6 ordinances. At this time, the China Incident was  
7 in progress and therefore a great many decisions  
8 passed from the Emperor through the Chief of Staff  
9 to the Commander in Chief and the Chief of Staff  
10 was an exceedingly important individual. The rele-  
11 vance of this explanation to the question which was  
12 asked is as follows: The Chief of Staff was  
13 naturally cognizant of the pro-Axis feeling in the  
14 Army and necessarily informed the War Minister of the  
15 fact. The latter then introduced the subject of the  
16 Army's feelings into the Cabinet discussions where  
17 they had some influence upon the decisions taken.  
18 In Japan, the position of the Chief of Staff is not  
19 at all the same as the position of the Chief of Staff  
20 in America. The Chief of Staff in Japan, it is  
21 true, does not attend Cabinet meetings. However,  
22 his view on a multitude of matters relating to  
23 strategy are conveyed to the Cabinet via the War  
24 Minister and, generally speaking, he is of equal  
25 standing with the War Minister and not subordinate

1 to him."

2 THE PRESIDENT: Can you supply the question  
3 to which that was the answer?

4 MR. BLEWETT: I shall supply that, sir.

5 THE PRESIDENT: Have you got it handy?

6 MR. BLEWETT: I shall send for it, sir.

7 In the meantime, I offer defense document  
8 No. 626A-8, which is an excerpt from the interroga-  
9 tion of General TOJO of 13 March 1946, and which  
10 has reference to the military chart just accepted  
11 in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document 626A-8  
14 will receive exhibit No. 3033.

15 (Whereupon, the document above  
16 referred to was marked defense exhibit No.  
17 3033 and received in evidence.)  
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Mr. DREWETT: I shall read exhibit 3033.

1  
2 "Q This is all very helpful to us as we are  
3 attempting to fully understand the Japanese political  
4 and military systems, and we thank you for your  
5 assistance.

6 "A This matter of the relation of the cabinet  
7 authority to that of the Supreme Command is very  
8 basic. If it is not understood, nothing will be  
9 understood.

10 "Q As Premier and War Minister, were you a  
11 member of the Supreme Command, the Board of Marshals  
12 and Fleet Admirals, and of the Supreme War Council?

13 "A As War Minister, I was not a member of the  
14 Supreme Command, but I was a participant. I was con-  
15 cerned with military administration but not with the  
16 conduct of operations or tactics. I was not a member  
17 of the Board of Marshals and Fleet Admirals. However,  
18 I was, along with the Chiefs of Staff, a member of the  
19 Supreme War Council.

20 "I am saying what follows here, not by way  
21 of excuse or to avoid responsibility because I hate  
22 the idea of trying to avoid responsibility. I wish  
23 to take full responsibility, but this is only a factual  
24 explanation of a real situation in order to assist you  
25 in your investigation. When Prince KONOYE was Premier,



1 it was very, very difficult for him because of the  
2 fact that his sphere of authority included only the  
3 civil sphere. When I became Premier, since I was  
4 concurrently War Minister, I had, in addition, a  
5 voice in purely military matters, to-wit: in military  
6 administration. When I became Chief of Staff on  
7 22 February 1944, soon after the fall of the  
8 Marianas, I had an additional segment of authority in  
9 regard to purely military affairs. In fact after  
10 that, only the purely naval matters were outside of my  
11 authority. As Premier, I had full responsibility for  
12 civil affairs; as War Minister, I had the additional  
13 military function of military administration; as Chief  
14 of Staff, I had the further High Command functions of  
15 operations and tactics.

17 "This whole matter of the actual system in  
18 Japan is basic to the understanding of such things as  
19 the China Incident and the matters in southern Indo-  
20 China that we have talked about. At the first, the  
21 government policy in regard to the China Incident was  
22 that of localization. However, due to the fact of  
23 the independence of the High Command, the fighting  
24 kept spreading as they strove for victory. Premier  
25 KONOYE had a terrible time.

"One other thing I think is important:

1 Under the Japanese system, the Emperor was assisted  
2 by the following officials: Lord Keeper of the  
3 Privy Seal; the Lord Chamberlain; and the Imperial  
4 Household Minister. He also had a Chief Aide-de-  
5 Camp. The Lord Privy Seal was the Emperor's adviser  
6 on matter relating to civil affairs. The Grand  
7 Chamberlain and the Imperial Household Minister had  
8 no direct connection with either the civil govern-  
9 ment or the Supreme Command. The Grand Chamberlain  
10 was adjutant to His Majesty; as such, he had a  
11 variety of duties. However, neither he nor the  
12 Imperial Household Minister had any direct connection  
13 with either the civil government or the High Command.  
14 This was particularly true in the case of the former,  
15 since he was a civil official and not a military man.  
16 The Emperor's Aide-de-Camp, being a full general, had  
17 unofficial access to the Supreme Command, but, under  
18 the government system itself, he had actually no  
19 authority for direct liaison.

20 "The Emperor did confer directly with the  
21 Board of Marshals and Fleet Admirals. However, this  
22 body was not very active since most of the members  
23 were of advanced years. Therefore, in practice, the  
24 Emperor was in a difficult position. He had no one on  
25 his staff to help him on High Command matters. When

1 the Premier and the various cabinet members reported  
2 to the Emperor on civil matters he could consult the  
3 Lord Privy Seal. When the Chiefs of Staff reported  
4 to him in regard to command problems, he had nobody  
5 to consult except the Board of Marshals and Fleet  
6 Admirals.

7 "The responsibility of the Premier and the  
8 Foreign, War, and Navy Ministers, and the President of  
9 the Planning Board, together with the Chiefs of Staff,  
10 for advice to the Emperor, through the instrumentality  
11 of the Liaison Conferences and Imperial Conferences,  
12 was of tremendous importance. To return to the China  
13 Incident, for example - the Government policy was a  
14 policy of nonenlargement of the incident; neverthe-  
15 less, because of the fact that the civil government  
16 had no authority over the Supreme Command, the fighting  
17 was in fact enlarged and the civil government was  
18 powerless to prevent it."

19 Sir, the question about the response on  
20 exhibit 3032 was this:

21 "Q Was there not a relation between this at-  
22 mosphere in the army and the decision to sign the  
23 Tripartite Pact?"  
24

25 THE PRESIDENT: What atmosphere?

MR. FLEWETT: I have to go back, I suppose,

1 to the previous answer.

2 THE PRESIDENT: Give us enough to make the  
3 answer intelligible.

4 MR. BLEWETT: Sir, just prior to that they  
5 were talking about officers, and the question preced-  
6 ing that which called for quite a lengthy answer was:

7 "Q Was there not a large number of army officers  
8 who were pro-Axis?"

9 Now, in answer to that:

10 "A A majority of officers' opinion was pro-  
11 Axis for a variety of reasons. One important reason  
12 was that the Japanese had followed the Prussian mili-  
13 tary system since the time of the Franco-Prussian War.  
14 Before that they had followed the French system.  
15 During World War I, even though Germany was defeated,  
16 generally speaking German military strategy and  
17 tactics were considered excellent. A second reason  
18 was the diplomatic isolation which I spoke of yesterday.  
19 A third reason was that the military situation had  
20 developed in a manner comparatively favorable to the  
21 Axis, and this had a bearing on the decision."  
22

23 THE PRESIDENT: Did the prosecution give that  
24 answer?

25 MR. BLEWETT: The accused gave the answer.  
That was the answer by General TOJO.

1 THE PRESIDENT: Did the prosecution tender it?

2 MR. BLEWETT: No, sir.

3 There is a small portion of the answer re-  
4 maining:

5 "I wish to emphasize, however, that there was  
6 such a pro-Axis atmosphere in army; there was no fac-  
7 tion or clique."

8 I offer in evidence defense document 1501,  
9 the affidavit of Alfred F. Kritschner, former German  
10 Military Attache in Japan, which concerns the be-  
11 stowal of German military decorations on Japanese  
12 Army officers.

13 I understand the prosecution has waived cross-  
14 examination of this witness.

15 THE PRESIDENT: Mr. Tavenner.

16 MR. TAVENNER: As this witness was desired  
17 for repatriation we waived cross-examination.

18 MR. BLEWETT: I offer in evidence defense  
19 document 1501.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1501  
22 will receive exhibit No. 3034.

23 (Whereupon, the document above  
24 referred to was marked defense exhibit  
25 No. 3034 and received in evidence.)

1 MR. BLEWETT: I shall read exhibit 3034:

2 "Concerning German decorations for Japanese  
3 Army officers:

4 "I was German military attache in Tokyo  
5 from December 4, 1940 until May 8, 1945.

6 "The German Foreign Office was competent to  
7 grant my request made through the German Ambassador  
8 for the bestowal of German decorations upon Japanese  
9 Army officers. The General Foreign office was very  
10 reserved in granting such orders. Its reluctance was  
11 caused by two reasons:

12 "1. It wished to limit as much as possible  
13 the number of German decorations bestowed upon  
14 foreigners in order to increase the value of the  
15 Order of the German Eagle, it being the only decora-  
16 tion destined to be granted to foreigners in diplo-  
17 matic courtesy routine.

18 "2. The German Foreign Office aspired to  
19 full reciprocity from the Japanese side. The German  
20 request was refused by the Japanese Foreign Office  
21 which always pointed to the fact that the different  
22 classes of the German Eagle were bestowed upon foreign-  
23 ers only, while on the other hand the Japanese decora-  
24 tions, Rising Sun and Sacred Treasure, were worn by  
25 Japanese as well as by foreigners.

1 "Neither the German Ambassador nor I re-  
2 garded the maintenance of reciprocity in number be-  
3 tween German and Japanese decorations which was so  
4 strictly required by the German Foreign Office as  
5 essential. I was much more interested in the creat-  
6 ing and maintenance of a favorable atmosphere sur-  
7 rounding the Japanese officers who were assigned to  
8 work with me. The desired atmosphere was enhanced  
9 by the bestowal of occasional decorations. Sometimes  
10 the Japanese War Ministry or General Staff mentioned  
11 to me which officers they wished to be distinguished  
12 by a German decoration. Most times such hints coin-  
13 cided with my own intentions. Usually, the Japanese  
14 officers thus mentioned to me for a German decoration  
15 did not know anything about it themselves and were  
16 often surprised when they received the order. I  
17 regarded these mutual German and Japanese decorations  
18 neither as a reward nor as a bribery but as an act of  
19 diplomatic courtesy without much significance.

20  
21 "To overcome the aforementioned resistance  
22 of the German Foreign Office, I regarded it necessary  
23 to word the arguments for German decorations upon  
24 Japanese officials in somewhat exaggerated terms.  
25 Which class of the German and Japanese decorations  
(second class, third class, cross, grand cross) was

1 to be recommended depended in pursuance of the  
2 statutes of the orders, first and foremost upon the  
3 rank of the officer to be honored and not on his  
4 more or less important personal merits. This fact  
5 created a paradox in that it was impossible to  
6 decorate German or Japanese lieutenant colonels  
7 because the German and Japanese Foreign Office had  
8 not been able to agree not to classify them, whether  
9 as colonels or as majors.

10 "In regard to the German Embassy's tele-  
11 gram of May 17, 1942, the wording of the telegram  
12 was not made by me. I had handed Ambassador Ott my  
13 proposals for orders to be conferred upon General  
14 SUGIYAMA, Lt. Gen. KIMURA, Lt. Gen. MUTO, Maj. Gen.  
15 SATO, and some other officers not entered into this  
16 telegram.

17 "I had proposed these officers more on  
18 account of their position in the Japanese Army than  
19 because of their special accomplishment in favor  
20 of the German Army. Other officers in corresponding  
21 positions, for instance Maj. Gen. OKAMOTO, then  
22 Chief of Staff, in charge of G-2 department of the  
23 General Staff, had not been recommended by me as  
24 they had already received the German decoration.

25 "That I asked for a decoration for Lt. Gen.



1 KASIMARA, I do not remember. I do not remember the  
2 wording of my proposals for the aforementioned four  
3 officers handed by me to the Ambassador, but I must  
4 have been close to the wording chosen by him in  
5 paragraphs 3-6 of the telegram. In order to over-  
6 come the German Foreign Office's reluctance, I  
7 regarded the superlative to be necessary where  
8 the positive would have been more correct and more  
9 correspondent to the simple reality. And the  
10 Ambassador added superlatives in his additional  
11 explanations."

12 Signed, "Kretschmer."

13 We offer in evidence defense document  
14 No. 2131, which is the formal agreement between  
15 Thailand and Japan of an offensive and defensive  
16 alliance.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 2131  
19 will receive exhibit No. 3035.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 3035 and received in evidence.)

23 MR. BLEWETT: I shall read exhibit 3035.

24 "The undersigned, duly authorized by their  
25 respective Governments, agree as follows:

1 "1. In order to cope with the urgent  
2 situation in the East Asia, Thailand shall give  
3 to Japan the permission of passage by the Japanese  
4 forces through the Thai territory and giving of all  
5 necessary facilities for the said passage as well  
6 as immediate execution of measures to avoid every  
7 possible conflict which may arise between the  
8 Japanese and the Thai forces.

9 "2. The particulars for the execution of  
10 the precedent paragraph shall be agreed upon between  
11 the military authorities of the two countries.

12 "3. Japan shall guarantee that the inde-  
13 pendence, sovereignty and honour of Thailand be  
14 respected.

15 "Done, in duplicate, at Bangkok on the 8th  
16 December, 1941."

17 Page 2 of that exhibit:

18 "At Bangkok, Dec. 8, 1941.

19 "Your Excellency TSUBOKAMI, Teiji, the  
20 Japanese Ambassador:

21 "I have duly received Your Excellency's  
22 note dated this day notifying me to the following  
23 effect.  
24

25 "I hereby inform you for caution's sake  
that I have affixed my signature to the agreement

1 which has been signed this day between the Govern-  
2 ment of Japan and Thailand.

3 "And I suggest that the Government of  
4 Japan will take adequate measures necessary for con-  
5 firming the above agreement as soon as possible."  
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1 MR. BLEWETT: I call the witness AKANE.

2 - - -

3 K A Z U O A K A N E, called as a witness on  
4 behalf of the defense, being first duly  
5 sworn, testified through Japanese inter-  
6 preters as follows:

7 DIRECT EXAMINATION

8 BY MR. BLEWETT:

9 Q Will you please give us your name and  
10 address?

11 A My name is AKANE, Kazuo. My address, 351  
12 1-chome, Tamagawa, Okuzawa-machi, Setagaya-ku, Tokyo.

13 Q May the witness be shown defense document  
14 No. 1665, please. Is that your affidavit, and did  
15 you sign it?

16 A It is mine. I signed it.

17 Q Are the contents therein true and correct?

18 A Yes, they are.

19 MR. BLEWETT: I offer defense document  
20 No. 1665 in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1665  
23 will receive exhibit No. 3036.

24 (Whereupon, the document above  
25 referred to was marked defense exhibit

No. 3036 and received in evidence.)

MR. BLEWETT: I shall read exhibit 3036.

"I was formerly a captain in the navy.

"From September, 1941, to August, 1943, I was staff officer of the Shanghai District Naval Base Force and concurrently staff officer of the Shanghai Special Landing Force, both of which units were under the command of the China Area Squadron. I participated in the planning of operations in general in the Shanghai area.

"The opening of operational movements involving the above forces on 8 December 1941 was as follows.

"a. In compliance with orders issued by the Commander of the China Area Squadron, internal preparations had been made a few days before the outbreak of war to provide against emergencies. All forces were standing by for immediate action. However, absolutely no information was provided as to date and hour on commencing operations, until such time as orders were received from Commander of the China Area Squadron.

"The hour to commence operations was to be indicated separately.

"b. The occupation of the International

1 Settlement in Shanghai was conducted chiefly by  
2 units attached to the Shanghai Special Landing Force  
3 from around 10:00 or 11:00 a.m. 8 December, Tokyo time,  
4 the same hereinafter; merchantmen in waters around  
5 Shanghai was carried out by units attached to the  
6 Shanghai District Naval Base Force from around 5:00 a.m.  
7 the same day.

8 "I was senior staff officer of both the  
9 Fanking Force and Naval Base Force, and the commence-  
10 ment of operations was effected after orders to  
11 commence action had been received (by phone) from China  
12 Area Squadron Headquarters.

13 "From memory, I can explain on a sketch map  
14 as hereto attached the condition of the waterfront  
15 area of Shanghai, before and after the day when opera-  
16 tions began."

17 You may question.

18 MR. TAVENNER: If the Tribunal please, the  
19 prosecution relies upon certain prosecution exhibits  
20 with reference to the matters testified to by this  
21 witness.

22 THE PRESIDENT: Your exhibits go back to 045.

23 MR. TAVENNER: The exhibits referred to are  
24 the affidavit of Mr. Parr, exhibit 1227, page 10,608;  
25 the testimony of Mr. Powell, 3,255 of the transcript;

1 the testimony of Mr. Crowder -- or, rather, his  
2 affidavit, exhibit 1228, page 10,613 of the trans-  
3 cript; and exhibit 1222, page 10,544, items 9 and 18.

4 THE PRESIDENT: Do they show the attack on  
5 the Bund as being at a quarter to one in the morning?

6 MR. TAVENNER: Yes, sir; these affidavits show  
7 the initiation of the attack at the Bund, as well as  
8 the operation against the Wake and the Petrel.

9 THE PRESIDENT: Mr. Blewett.

10 MR. BLEWETT: May the witness be excused, sir?

11 THE PRESIDENT: He is excused on the usual  
12 terms.

13 (Whereupon, the witness was excused.)

14 MR. BLEWETT: I call the witness YAMAMOTO.

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1 Y O S H I O Y A M A M O T O, called as a wit-  
2 ness on behalf of the defense, being first  
3 duly sworn, testified through Japanese  
4 interpreters as follows:

## 5 DIRECT EXAMINATION

6 BY MR. BLEWETT:

7 Q What is your name and address, please?

8 A My name is YAMAMOTO, Yoshio. My address,  
9 443, 2-chome, Koenji, Suginami-ku, Tokyo.10 Q May the witness be shown defense document  
11 No. 1666. Is that your affidavit, and have you  
12 signed it?

13 A It is my affidavit. My signature is on it.

14 Q Are the contents therein true and correct?

15 A They are.

16 MR. BLEWETT: I offer in evidence defense  
17 document No. 1666.

18 THE PRESIDENT: Mr. Tavenner.

19 MR. TAVENNER: If the Tribunal please, your  
20 attention is directed to the middle paragraph on  
21 page 3 relating to the number of persons killed on  
22 the Petrel. Objection is made to that part of the  
23 paragraph beginning with the words, "If it is true..."  
24 on the ground that it is an effort to forswear the  
25 issues in the case.



1 "3. In conformity with this order, the  
2 Chinese Area Squadron passed instructions to forces  
3 under its command, to commence operations only after  
4 direct report on the Pearl Harbor attack by the  
5 Combined Squadron had been received.

6 "4. Prior to issuing this instruction,  
7 preparations were made to cope with any emergency  
8 which may arise. However, the date and hour to com-  
9 mence military operations was kept in absolute secrecy  
10 to all forces under our command. Therefore, all  
11 forces under the command of the squadron, made prepa-  
12 rations and stood by in readiness until orders to  
13 commence operations were received.

14 "5. As I have already stated, we had re-  
15 ceived orders strictly prohibiting the beginning of  
16 operations prior to the Pearl Harbor attack. There-  
17 fore, we acted in obedience to that order.

18 "It was after report had been received by  
19 radio at Squadron Headquarters, to the effect that  
20 'we were successful in the attack against Hawaii,' when  
21 orders to commence operations were communicated to  
22 forces under our command.

23 "6. I shall next make a statement on the  
24 attack against the British warship Petrel.  
25

"Around 0520 hours 8 December 1941 (Tokyo

1 time; following hours will be (the same) the commander  
2 of the Chinese Area Squadron dispatched emissaries to  
3 the U. S. Warship Wake and the British Warship Petrel.  
4 The emissaries explained to the effect that Japan had  
5 entered a state of war with the U. S. and Britain.  
6 They advised the commanding officers of these war-  
7 ships to surrender their ships and crew. Moreover,  
8 if our terms were not accepted they warned them of an  
9 inevitable attack.

10 "As the Petrel did not accept our terms it  
11 was attacked and sunk. Viz: Around two hours prior  
12 to the attack, Japan and Britain had entered a state  
13 of belligerence. Despite the fact sufficient  
14 measures were dealt out to avoid any unnecessary  
15 bloodshed, due to the reason the commanding officer  
16 of the Petrel refused to accept our terms, the attack  
17 was unavoidably effected.

18 "The U. S. Warship Wake, which faced exactly  
19 the same predicament escaped the attack because it  
20 accepted our lawful disposal.

21 "As a result of this attack, three naval  
22 service men on board the Petrel were killed.

23 "7. To explain details concerning the  
24 attack, it is as follows.

25 "A few minutes after 0330 hours on 8 December

1 1941, the Chinese Area Squadron Headquarters received  
2 confirmed reports on the Pearl Harbor attack and the  
3 landing operations on the Malayan Peninsula. Immediately  
4 two emissary boats were prepared at the wharf in  
5 front of our headquarters. Commander Inaho OTANI  
6 and Lt. Commander Sakuji MATSUMOTO, who were both  
7 staff officers attached to Squadron Headquarters,  
8 boarded the emissary boats. Hoisting a flag of  
9 truce the emissaries departed at 0515 hours for the  
10 British Warship Petrel, and the U. S. Warship Wake.  
11 Commander OTANI who headed for the Petrel reached the  
12 ship a few minutes before the other emissary. He  
13 presented to the commanding officer of the Petrel, a  
14 letter written in English to the following effect.

15 "Today, just now, Japan has entered a state  
16 of war with the U. S. and Britain. We advise you and  
17 your ship and crew to surrender to the Japanese Navy.  
18 If you refuse to accept our terms we shall immediately  
19 commence hostile actions.'

20 "That was the contents of the letter of advice  
21 addressed to the commanding officer of the Petrel from  
22 the commander of the Chinese Area Squadron, Admiral  
23 KOGA. The report made by the emissary was as follows.

24 "The captain of the Petrel was absent when  
25 we arrived. An officer who apparently was (but not

1 certain) the second in command was on duty as senior  
2 officer on board. His reply was, "The captain of  
3 this ship is away at present and we cannot answer."  
4 Whereupon our emissary said, "In the absence of the  
5 captain, the senior officer who is present should  
6 naturally take charge of the ship. Is it not the  
7 same with the British Navy?" Our emissary requested  
8 an answer. The senior officer present replied, "No,  
9 we will not surrender" and refused to accept our sur-  
10 render terms. Therefore, the emissary said, "Then  
11 we shall attack." He left the ship and immediately  
12 fired a red very-pistol according to previous arrange-  
13 ments.

14 "When members of the Squadron Headquarters  
15 saw this signal, it was contrary to general expecta-  
16 tions and some even thought the signal was a mistake.  
17

18 "But upon confirming it was not a mistake,  
19 order to open attack was communicated to all nearby  
20 forces. At the order to open fire, the gunboat Toba,  
21 destroyer Hasu, etc. went into action and within two  
22 or three minutes the Petrel burst into flames.

23 "The officer commanding the attack was Vice-  
24 Admiral MAKITA, Commander of the Shanghai Base Corps.  
25 After first firing a few shots, the Commander

1 (Vice-Admiral MAKITA) ordered a temporary cease-firing.  
2 The attack was soon resumed. In approximately ten  
3 minutes, the Petrel sank. According to the report from  
4 Vice-Admiral MAKITA later on, I learned the reason  
5 why he ordered a temporary suspension of firing. It  
6 was to ascertain whether or not the Petrel would then  
7 surrender, and thereby refrain from unnecessary shell-  
8 ing.

9 "However, the guns mounted on the Petrel  
10 were being trained against our ships and her crew was  
11 observed taking a defiant attitude and so the attack  
12 was resumed."

13 THE PRESIDENT: We will now recess for  
14 fifteen minutes.

15 (Whereupon, at 1445, a recess was  
16 taken until 1500, after which the proceedings  
17 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Blewett.

4 MR. BLEWETT: If the Tribunal please, I am  
5 on the bottom of page 5:

6 "8. Emissary Lt.-Comdr. MATSUMOTO reached  
7 the U.S. warship Wake only a few minutes after  
8 Commander OTANI reached the Petrel. It was witnessed  
9 by the members of Squadron Headquarters. The report  
10 of the emissary to the U.S. warship Wake is summarized  
11 as follows.

12 "In almost the same manner as in the case  
13 of the Petrel the letter advising surrender was de-  
14 livered to the Captain of the Wake. (I remember the  
15 Captain of the Wake being present.) The Captain of the  
16 Wake hesitated at first to make a reply, but after a  
17 while answered, "Yes," and accepted our terms. There-  
18 fore, our emissary left the ship and fired a white-  
19 signal very-pistol. Members of the Area Squadron  
20 Headquarters breathed a sign of relief when they saw  
21 the signal.'

22  
23 "9. Later on, according to the story of one  
24 crew member of the Petrel, when the attack began, the  
25 crew members jumped into the river and swam ashore to  
seek shelter on nearby 'Paoton.' The greater majority

1 of the crew was saved but it was said that three  
2 were either killed or wounded. (Memory on figure  
3 of deaths and injuries is uncertain.)

4 "10. Summarizing the whole situation, the  
5 operation of hostile actions against the British  
6 warship Petrel at Shanghai was carried out fair and  
7 square, faithfully abiding by international law.  
8 Moreover, utmost effort had been exerted with a  
9 view to minimize the inflicting of unnecessary  
10 casualties.

11 "11. Now I shall state about the advance  
12 upon the international settlement south of the Soochow  
13 River.

14 "Around 0700 hours on Dec. 8, 1941, in  
15 order to make a previous arrangement with the author-  
16 ities of the Shanghai-Municipal Council concerning the  
17 advance on the international settlement, Consul-  
18 General HORIUCHI, as delegate of Japan visited the  
19 Municipal Council, accompanying Colonel SAKATA, staff-  
20 officer of the 13th corps and Rear-Admiral HARA, sub-  
21 chief of staff of the China Sea Fleet, in the capacity  
22 of representatives of the army and navy respectively.

23 "About one hour later, together with the  
24 Commander-in-Chief, I heard the report of Rear-Admiral  
25 HARA. According to his report the authorities of the

1 Municipal Council agreed to our intentions to advance  
2 the troop, peacefully and further expressed the in-  
3 tention to the effect that the Municipal Council  
4 itself would endeavor to preserve public order and  
5 also would cooperate with us in advancing. The  
6 arrangement fixed 1100 hours as the time of starting  
7 of advance.

8 "In conformity to this prearrangement, at  
9 1100 just the military and naval troops crossed over  
10 the Soochow River, entered the international Settle-  
11 ment and seized the buildings necessitated. Even if  
12 the troops were in arms, they advanced as in usual  
13 marching formation."

14 Any questions?

15 THE PRESIDENT: Mr. Tavenner.

16 MR. TAVENNER: If the Tribunal please, the  
17 prosecution desires to refer to the same documents,  
18 prosecution documents in evidence as referred to in  
19 connection with exhibit 3036, in consideration of  
20 which we do not desire to cross-examine.

21 MR. BLEWETT: If the Tribunal please, a sworn  
22 deposition has -- oh, pardon me.

23 May the witness be excused?

24 THE PRESIDENT: He is excused on the usual terms.

25 (Whereupon, the witness was excused.)



1 receive exhibit No. 3038-A for identification only.

2 (Whereupon, the document above  
3 referred to was marked defense exhibit  
4 No. 3038-A for identification.)

5 MR. BLEWETT: "The second is the Secret-Great-  
6 Diary of the War Ministry, 1931, Volume VI," marked  
7 "Document B." I offer that for identification only.

8 CLERK OF THE COURT: Document B will receive  
9 exhibit No. 3038-B for identification only.

10 (Whereupon, the document above  
11 referred to was marked defense exhibit  
12 No. 3038-B for identification.)

13 MR. BLEWETT: "The third is the File of  
14 Permanent Records of the War Ministry, 1931, Otsu,  
15 Section 3," marked "Document C," which I offer for  
16 identification only.

17 CLERK OF THE COURT: Document C will receive  
18 exhibit No. 3038-C for identification only.

19 (Whereupon, the document above  
20 referred to was marked defense exhibit  
21 No. 3038-C for identification.)

22 MR. BLEWETT: "The fourth is Item No. 379  
23 (1 bundle), according to the number given by the Wash-  
24 ington Document Center. It is entitled as the Army-  
25 Asia-Secret-Great-Diary, 1942, Volume V," marked

1 "Document D," which I offer for identification.

2 CLERK OF THE COURT: Defense document D will  
3 receive exhibit No. 3038-D for identification only.

4 (Whereupon, the document above  
5 referred to was marked defense exhibit  
6 No. 3038-D for identification.)

7 MR. BLEWETT: "The fifth and sixth are the  
8 Manchuria-Incoming-Great-Diary ordinary of the War  
9 Ministry, 1931, parts I and III," marked "Documents E  
10 and F," which I offer for identification.

11 CLERK OF THE COURT: Defense documents E and  
12 F will receive exhibit Nos. 3038-E and F for identi-  
13 fication only.

14 (Whereupon, the documents above  
15 referred to were marked defense exhibit  
16 Nos. 3038-E and 3038-F for identification.)

17 MR. BLEWETT: "The seventh is the Manchuria-  
18 Secret-Great-Diary of the War Ministry, 1931, Volume I,"  
19 marked "Document G," which I offer for identification.

20 CLERK OF THE COURT: Defense document G will  
21 receive exhibit No. 3038-G for identification only.

22 (Whereupon, the document above  
23 referred to was marked defense exhibit  
24 No. 3038-G for identification.)

25 MR. BLEWETT: "The eighth is the Secret-Great-

1 Diary of the War Ministry, 1931, Volume II," marked  
2 "Document H," which is offered for identification.

3 CLERK OF THE COURT: Defense document H will  
4 receive exhibit No. 3038-H for identification only.

5 (Whereupon, the document above  
6 referred to was marked defense exhibit  
7 No. 3038-H for identification.)

8 MR. BLEWETT: "The ninth is the Secret-Great-  
9 Diary of the War Ministry, 1931, Volume III," which is  
10 marked "Document I," is offered for identification.

11 CLERK OF THE COURT: Defense document I will  
12 receive exhibit No. 3038-I for identification only.

13 (Whereupon, the document above  
14 referred to was marked defense exhibit  
15 No. 3038-I for identification.)

16 MR. BLEWETT: "The tenth is the Secret-Great-  
17 Diary of the War Ministry, 1931, Volume V," marked  
18 "Document J," which is offered for identification.

19 CLERK OF THE COURT: Defense document J will  
20 receive exhibit No. 3038-J for identification only.

21 (Whereupon, the document above  
22 referred to was marked defense exhibit  
23 No. 3038-J for identification.)

24 MR. BLEWETT: (Reading)

25 "I certify hereby that all the above documents

1 were formerly kept at the War Ministry and later  
2 delivered to the Washington Document Center."

3           These are all documents that have been for-  
4 warded to defense counsel in accord with Order 963 and  
5 964. A search is being made for additional documents  
6 which will be presented upon their receipt.

7           Mr. Freeman will now present the next subdivision  
8 in the Pacific War and will give his opening statement.

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1 THE PRESIDENT: Mr. Freeman.

2 MR. FREEMAN: If the Tribunal please, we now  
3 go to sub-division V of the Pacific Phase relative to  
4 treatment of prisoners of war and civilian internees.

5 The horridness of war has ever been recog-  
6 nized, but from time immemorial mankind has been be-  
7 set with its evilness spreading among the peoples of  
8 every nation a frenzied hatred which knows no bounds  
9 of control. The consequence is that man perpetrates  
10 upon his fellow man, during this blazing inferno of  
11 madness, such treatment as cannot be reconciled with  
12 the dictates of civilization.

13 Admitting for the moment this premise, we  
14 come to the appalling complex task now facing this  
15 Tribunal of adjudicating whether these men here on  
16 trial are chargeable with certain acts of misconduct  
17 committed by the armed personnel of their country.

18 The prosecution has alleged in the Indictment  
19 that the accused participated as leaders, organizers,  
20 instigators or accomplices in the formulation or  
21 execution of a common plan or conspiracy, the object  
22 of which was to procure and permit crimes against  
23 peace, crimes against humanity and conventional war  
24 crimes, including murder on a wholesale scale of  
25 prisoners of war, members of the armed forces of

1 countries opposed to Japan who lay down their arms,  
2 and civilians who might be in the power of Japan on  
3 land or sea in territories occupied by Japan, and  
4 crews of ships destroyed by Japanese forces. The  
5 Indictment further alleges that all or part of the  
6 accused authorized or permitted the Japanese naval  
7 and military forces in each of the several theaters  
8 of war in which Japan was engaged frequently and  
9 habitually to commit breaches of the law and customs  
10 of war as contained in Appendix D, which appendix  
11 cites certain articles of the Hague Convention of  
12 1907 relative to the customs of war on land and the  
13 treatment of prisoners of war.

14 The accused categorically deny each and  
15 every allegation contained in the Indictment dealing  
16 with this entire subject matter. Evidence will be  
17 offered to show that Articles 7 and 8 of Chapter 2  
18 of the Hague Convention referred to in this appendix  
19 were conformed to in every detail. Evidence will be  
20 further offered to show that Japan never at any time  
21 ratified the Geneva Convention of 1929 concerning the  
22 treatment of prisoners of war and civilians. And  
23 furthermore, evidence will be offered to show the  
24 reasons why these articles were not ratified. It will  
25 be shown that due to differences in customs, habits

1 and military discipline, it was impossible for Japan  
2 in good faith to ratify these articles. Japan was,  
3 of course, bound by the Hague Convention of 1907.  
4 Moreover, upon request of the United States and Britain,  
5 Japan undertook to apply mutatis mutandis the provisions  
6 of the Geneva Convention. Evidence will be offered to  
7 show in what manner the giving of this answer to the  
8 British and American Governments was decided upon. It  
9 will be shown that Japan endeavored with every possible  
10 means at its command to carry out the Hague Convention  
11 referred to above, and to apply the Geneva Convention  
12 so far as circumstances permitted, and that if there  
13 was any failure on the part of Japan to comply with  
14 said articles, it was due to the unrestricted sub-  
15 marine warfare and bombing of ships by the Allied  
16 Powers. It will be shown by graphs and affidavits  
17 that from the beginning of the war to the end, the  
18 Allied Powers had destroyed over 80% of the Japanese  
19 merchant marine due to this unrestricted warfare.  
20 Evidence will be offered to show that the prisoners  
21 of war and civilian internees received not only as  
22 good food and medical treatment as members of the  
23 Imperial Army, but were better treated than Japanese  
24 nationals. Affidavits and documents will be offered  
25 in evidence to show that former prisoners of war and

1 civilian internees received as good treatment as  
2 possible under the existing circumstances and the  
3 depleted resources of Japan. It will be further  
4 shown that in instances where any mistreatment occurred,  
5 the person committing the act was summarily dis-  
6 ciplined and punished.

7 Specifically, it will be shown that at the  
8 outbreak of the war in the Pacific or soon thereafter,  
9 the Prisoner-of-War Information Bureau was set up to  
10 facilitate the handling and care of prisoners; that  
11 in order to coordinate this work, the head of the POW  
12 Administration Bureau within the War Ministry was con-  
13 currently head of the Prisoner-of-War Information  
14 Bureau. Thereafter instructions were drawn up and  
15 issued to all POW commanders in keeping with the Hague  
16 Convention and insofar as practicable, with the Geneva  
17 Convention of 1929. At no time were there any instruc-  
18 tions given that could even remotely be interpreted to  
19 permit mistreatment of prisoners of war. On the con-  
20 trary, the instructions, as will be shown by the evi-  
21 dence, continuously stressed the necessity at all times  
22 of being mindful of the prisoners of war and civilian  
23 internees' welfare.

24 "Evidence will be offered to show that POW  
25 camps were controlled by the camp commanders and that



1 none of the accused, individually or collectively,  
2 was in a position to direct the camp commanders, other  
3 than in accordance with regulations for administration  
4 issued by the War and Navy Ministries. It will be  
5 shown that those in charge of these camps recognized  
6 the racial and climatic differences of the prisoners  
7 from the natives and constantly endeavored to improve  
8 sanitary and health conditions surrounding the camps.

9 Evidence has already been submitted showing  
10 that with few exceptions the navy maintained facilities  
11 for caring for POW's only on a temporary basis and  
12 that as soon as feasible, POW's taken by the navy were  
13 transferred to army POW camps. Evidence will be offer-  
14 ed to show that while the navy was so temporarily in-  
15 volved with the care of POW's they did everything to  
16 provide the best available facilities for them. It  
17 will be further shown that the alleged mistreatment  
18 of POW's on Wake Island took place without any know-  
19 ledge on the part of the Navy High Command.

20 Evidence will be offered to show that during  
21 the war Japan's communication and transportation system  
22 was so destroyed and emasculated that it was absolutely  
23 impossible to maintain even a semblance of contact or  
24 control. Finally, affidavits and documents will be  
25 offered in evidence to show that the lack of food and

1 medical supplies was the primary cause of the suffer-  
2 ing of not only POW's and civilian internees but of  
3 the entire Japanese people. Taking into consideration  
4 the racial, climatic and economic differences, the  
5 treatment accorded the majority of those interned,  
6 whether military or civilian, was under the circum-  
7 stances then existing, fair and in accordance with  
8 the international agreements. Of the mistreatments  
9 that might have occurred we shall prove that these  
10 accused had no connection whatsoever therewith but on  
11 the contrary that they did what they could to prevent  
12 them and finally, that the charge of conspiracy  
13 levelled against these accused has no basis in fact.

14 I now refer to exhibit No. 15, which is  
15 "Treaties Governing Land Warfare." Certain sections  
16 will be read to show the difference between the regu-  
17 lations relative to the treatment of prisoners of war  
18 of the Hague Convention of 1907 and the Geneva Con-  
19 vention of 1929, which will be used as a basis to  
20 indicate later why Japan felt it impossible to ratify  
21 the 1929 Geneva Convention.  
22

23 On page 17, article 7:

24 "The Government into whose hands prisoners of  
25 war have fallen is charged with their maintenance.

"In the absence of a special agreement between

1 MR. FREEMAN: I now read from page 73, articles  
2 10, 11, 12, of the 1929 Geneva Convention:

3 "Article 10. Prisoners of war shall be lodged  
4 in buildings or in barracks affording all possible guar-  
5 antees of hygiene and healthfulness.

6 "The quarters must be fully protected from  
7 dampness, sufficiently heated and lighted. All precau-  
8 tions must be taken against danger of fire,

9 "With regard to dormitories -- the total sur-  
10 face. minimum cubic amount of air, arrangement and  
11 material of bedding -- the conditions shall be the same  
12 as for the troops at base camps of the detaining Power."

13 "Article 11. The food ration of prisoners of  
14 war shall be equal in quantity and quality to that of  
15 troops at base camps.

16 "Furthermore, prisoners shall receive faciliti-  
17 es for preparing themselves, additional food which they  
18 might have.

19 "A sufficiency of potable water shall be fur-  
20 nished them. The use of tobacco shall be permitted.  
21 Prisoners may be employed in the kitchens.

22 "All collective disciplinary measures affect-  
23 ing the food are prohibited."

24 "Article 12. Clothing, linen and footwear  
25 shall be furnished prisoners of war by the detaining

1 Power. Replacement and repairing of these effects must  
2 be assured regularly. In addition, laborers must re-  
3 ceive work clothes wherever the nature of the work  
4 requires it.

5 "Canteens shall be installed in all camps  
6 where prisoners may obtain, at the local market price,  
7 food products and ordinary objects."

8 I now read Article 86, at page 113:

9 "The High Contracting Parties recognize that  
10 the regular application of the present Convention will  
11 find a guaranty in the possibility of collaboration of  
12 the protecting Powers charged with safeguarding the  
13 interests of belligerents; in this respect, the pro-  
14 tecting Powers may, besides their diplomatic personnel,  
15 appoint delegates from among their own nationals or  
16 from among the nationals of other neutral Powers. These  
17 delegates must be subject to the approval of the bellig-  
18 erent near which they exercise their mission.

19 "Representatives of the protecting Power or its  
20 accepted delegates shall be permitted to go to any place,  
21 without exception, where prisoners of war are interned.  
22 They shall have access to all places occupied by pris-  
23 oners and may interview them, as a general rule without  
24 witness, personally or through interpreters."  
25

I now read from page 117, Articles 91, 92, 93,

94 and 95:

1           "Article 92. The present Convention shall be-  
2 come effective six months after the deposit of at least  
3 two instruments of ratification.

4           "Subsequently, it shall become effective for  
5 each High Contracting Party six months after the deposit  
6 of its instrument of ratification."

7           "Article 93. From the date on which it becomes  
8 effective, the present Convention shall be open for  
9 adherences given on behalf of any country in whose  
10 name this Convention was not signed."

11           "Article 94. Adherence shall be given by  
12 written notification addressed to the Swiss Federal  
13 Council and shall take effect six months after the  
14 date of their receipt.

15           "The Swiss Federal Council shall communicate  
16 adherences to the Governments of all the countries  
17 on whose behalf the Convention was signed or notifi-  
18 cation of adherence made."

19           "Article 95. A state of war shall give immed-  
20 iate effect to ratifications deposited and to adher-  
21 ences notified by belligerent Powers prior to or after  
22 the outbreak of hostilities. The communication of  
23 ratification or adherences received from Powers at war  
24 shall be made by the Swiss Federal Council by the most  
25 rapid method."

1 I now read from exhibit 1490, where Japan  
2 agreed to apply the Geneva Convention mutatis mutandis  
3 to American prisoners:

4 "(1) Japan strictly observes the Geneva Con-  
5 vention of July 27, 1929 relative to the Red Cross,  
6 as a signatory of that Convention.

7 "(2) The Imperial Government has not yet ratified  
8 the Convention relating to treatment of prisoners of  
9 war of 27 July 1929. It is therefore not bound by  
10 the said Convention. Nevertheless it will apply mutatis  
11 mutandis the provisions of that Convention to American  
12 prisoners of war in its power."

13 I now read one paragraph from Exhibit 1496,  
14 which likewise agrees to apply mutatis mutandis the pro-  
15 visions of the Geneva Convention to British, Canadian  
16 and Australian prisoners of war under Japanese control:

17 "1. The Imperial Government has not ratified  
18 the agreement in question and therefore it would not be  
19 bound to any extent by the said agreement, but would  
20 apply mutatis mutandis the provisions of the said agree-  
21 ment toward the British, Canadian and Australian and  
22 New Zealand prisoners of war under Japanese control."

23 "Signature of the Minister."

24 I now read the last paragraph of Exhibit 1471,  
25 which indicates the difference in living conditions of

1 the Japanese as against those of America:

2 "Foreign Ministry assures me Japan will do  
3 all in its power to extend good treatment but is not  
4 in a position to offer standard of living equal to that  
5 of American for conditions between two countries are so  
6 different. Japanese people are poor and contented with  
7 little, from which facts arise difficulties concerning  
8 treatment of foreign internees. Regarding non-interned  
9 Americans, situation good according to their own state-  
10 ments. Assure American Government that I am attentive-  
11 ly following question both with Foreign Office and with  
12 my representatives."  
13

14 We will call the witness M.TSUMOTO.

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1 SHUN-ICHI MATSUMOTO, called as a  
2 witness in behalf of the defense, being first  
3 duly sworn, testified through Japanese inter-  
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. MATSUMOTO, will you give us your full  
8 name and address?

9 A My name is MATSUMOTO, Shun-Ichi. My address  
10 is 639 Yukigaya-cho, Ota-ku, Tokyo.

11 MR. FREEMAN: May the witness see defense  
12 document 1083 revised?

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

15 Q Is that your affidavit and have you signed  
16 it?

17 A This is undoubtedly mine.

18 Q Are the contents therein true?

19 A They are true.

20 MR. FREEMAN: I now offer in evidence defense  
21 document 1083 revised.

22 THE PRESIDENT: Colonel Mornane.

23 COLONEL MORNANE: If it please the Tribunal,  
24 the prosecution objects to the second paragraph on  
25 page 2 of the document and the last paragraph on that



1 page.

2 The second paragraph purports to show the  
3 reason why Japan did not ratify the Geneva Conven-  
4 tion and the reason why it did not apply the Geneva  
5 Convention without reserve with regard to the war.

6 THE PRESIDENT: They are giving their reasons  
7 why they gave that qualification mutatis mutandis, I  
8 think, Colonel. There isn't much harm in letting them  
9 give the reasons for that. There may be no answer, of  
10 course.

11 COLONEL MORNANE: With regard to the reasons  
12 why they made the reservation, your Honor, it is sub-  
13 mitted that their reasons are quite irrelevant. It is  
14 for the Court to determine objectively the meaning of  
15 these words used in written documents that have been  
16 sent out to various governments in the early stages of  
17 the war.

18 It is further contended that the intention  
19 of Japan with respect to the treatment of prisoners of  
20 war is not relevant either. Finally, with regard to  
21 that paragraph, there is nothing in this affidavit  
22 to show the witness is in any way qualified to say  
23 what were or were not the intentions of the Japanese  
24 Government.

25 THE PRESIDENT: He is the Director of the

1 Bureau of Treaties, and this is a treaty.

2 COLONEL MORNANE: With great respect, your  
3 Honor: He was in the office of the Director of the  
4 Bureau of Treaties.

5 THE PRESIDENT: That may be, but he was in  
6 an office that should know what actuated them in doing  
7 what they did.

8 You see, you tendered documents showing the  
9 use of that Latin expression. They can certainly ex-  
10 plain what they meant by it.

11 COLONEL MORNANE: With regard to the last  
12 paragraph, if your Honor pleases --

13 THE PRESIDENT: Well, that is objectionable,  
14 clearly.

15 COLONEL MORNANE: The objection is that they  
16 are trying to limit the meaning of this term by lang-  
17 uage at this time, whereas in actual fact had there  
18 been any ambiguity about it you would have expected  
19 them to have set it out in the various letters they  
20 sent to the Swiss and other governments.

21 THE PRESIDENT: Obviously that phrase was not  
22 used in its ordinary legal acceptation. In the context  
23 in which it was used in the documents tendered by you  
24 it meant something different from that.  
25

COLONEL MORNANE: I quite agree, your Honor.

1 THE PRESIDENT: Here is an attempt to explain  
2 it. At least part of that paragraph is devoted to that,  
3 as I understand it.

4 COLONEL MORNANE: Does your Honor want me  
5 to go on now with my objection to the last paragraph  
6 of the affidavit?

7 THE PRESIDENT: That must be sustained.

8 By a majority the Court sustains the second  
9 objection, that is, to the last paragraph, but over-  
10 rules the first objection, and the document will be  
11 admitted, with the exception of the last paragraph,  
12 on the usual terms.

13 CLERK OF THE COURT: Defense document 1083  
14 will receive exhibit No. 3039.

15 (Whereupon, the document above referred  
16 to was marked defense exhibit 3039 and received  
17 in evidence.)

18 MR. FREEMAN: I now read exhibit 3039 as  
19 directed by the Court.

20 "Having first duly sworn on oath as on the  
21 attached sheet, in accordance with the procedure pre-  
22 vailing in my country, I hereby depose as follows:"

23 THE PRESIDENT: Omit those formal parts.

24 MR. FREEMAN (continuing reading): "1. I  
25 entered the Foreign Ministry in the year 1921, and was

1 in the office of the Director of the Bureau of Trea-  
2 ties from September, 1940, to October, 1942.

3 "After the outbreak of the Pacific War, mat-  
4 ters concerning prisoners of war as well as civilians  
5 held in the theater of operations were under the charge  
6 and control of the Army or the Navy, while civilians  
7 of the enemy countries interned in Japan proper were  
8 under that of the Home Ministry and those in the over-  
9 seas territories, such as Formosa, Korea and Saghalien,  
10 under that of the Ministry of Overseas Affairs. In  
11 this connection, the liaison business with foreign  
12 countries, so far as it was transacted through the  
13 Foreign Ministry, was carried out chiefly by the Bureau  
14 of Treaties until 1 November 1942.

15 "2. When the war broke out, Foreign Minis-  
16 ter TOGO frequently expressed to the officials of the  
17 Foreign Ministry concerned his hope that civilian in-  
18 ternees and prisoners of war might be treated with  
19 humanity and lenience. Pointing out that the fate of  
20 Japanese residents, amounting to several hundred  
21 thousands, in the enemy countries would be affected by  
22 the treatment by Japan of those prisoners of war and  
23 civilian internees, he urged us to take whatever steps  
24 might be possible for the realization of his hopes.  
25 We transacted business in conformity with the Foreign

1 Minister's wishes in our daily contact with the com-  
2 petent officials of the other Government offices con-  
3 cerned.

4 "3. On 27 December 1941 the United States  
5 Government addressed an inquiry through the Minister of  
6 Switzerland to the Japanese Government concerning the  
7 Treaty of 1929 for treatment of prisoners of war  
8 (The Geneva Convention). The United States being a  
9 signatory of the Convention, it inquired whether the  
10 Japanese Government intended to abide by the Conven-  
11 tion during the present war despite Japan's not having  
12 ratified it (Exhibit 1468). With respect to the  
13 treatment of prisoners of war, Japan had been a signa-  
14 tory to the Hague Convention concerning the Laws and  
15 Customs of War on Land, concluded in 1907. That Con-  
16 vention has in its appendix seventeen stipulations  
17 regarding prisoners of war, and the principles of  
18 humanity are, moreover, stressed in its preamble. In  
19 accordance with Foreign Minister TOGO's opinion that  
20 our country should, out of humanitarianism, abide by  
21 the Geneva Convention (which expressed in fullest de-  
22 tail the stipulations of the Hague Convention) to the  
23 maximum extent that circumstances permitted, I dis-  
24 cussed the matter with UEMURA, Director of the Prisoners-  
25 of-War Information Bureau, and other Army and Navy

1 officers concerned. As a result, the reply was made  
2 to the United States Government on 29 January 1942  
3 (Exhibit 1469), in accordance with the answer of the  
4 War Ministry, which was in charge of the matter (Ex-  
5 hibit 1958), to the effect that although Japan had not  
6 ratified the Geneva Convention, and therefore was not  
7 bound by it, Japan would apply the Convention mutatis  
8 mutandis with respect to American prisoners of war  
9 under Japanese control. In response to the same in-  
10 quiry made by Great Britain through Argentine Charge  
11 d'Affaires on 3 January of the same year (Exhibit 1494)  
12 a similar reply was made on 29 January (Exhibit 1496).  
13 As Great Britain proposed on 5 January 1942 through  
14 the Argentine Charge d'affaires that national and  
15 racial customs be taken into consideration, on a re-  
16 ciprocal basis, with respect to the supplying of food  
17 and clothing to prisoners of war (Exhibit 1495), the  
18 Japanese Government expressed agreement to that pro-  
19 posal also, in the same reply dated 29 January (Ex-  
20 hibit 1496). As the United States Government subse-  
21 quently made inquiry on this latter point (Exhibit  
22 1492), a reply similar to that to Great Britain was  
23 sent (Exhibit 1493).

25 "Japan had not ratified the Geneva Convention  
by reason primarily of the relations between the pro-

1 visions of domestic law with those of the Convention;  
2 and the problems growing from this inter-relation  
3 would still have given rise to much difficulty in the  
4 event of an undertaking to apply the Convention com-  
5 pletely and unconditionally. Moreover, it was an-  
6 ticipated that great difficulties in practice would  
7 result, as large-scale warfare spread over East Asia,  
8 if we were to apply strictly all the stipulations of  
9 the Geneva Convention, which Japan had not ratified.  
10 It was for these reasons that it was replied that the  
11 stipulations of the Convention were to be applied  
12 mutatis mutandis. It was the intention of Japan with  
13 respect to the treatment of prisoners of war that the  
14 stipulations of the Geneva Convention be applied so far  
15 as circumstances permitted; in other words, unless  
16 there were hindrances or obstacles which made its  
17 application impracticable.

18 "It has to be noted that Japan did not at  
19 that time formally ratify or join the Convention in  
20 accordance with the provisions of Article 91 or Ar-  
21 ticles 94 and 95 thereof. What the Japanese Govern-  
22 ment did was only to communicate its intention in  
23 response to the inquiries made by the Governments of  
24 the United States and Great Britain, through the coun-  
25 tries representing their interests in Japan respect-

1 ively; it did not take any of the domestic steps  
2 necessary for ratifying or entering the Convention,  
3 nor did it submit to the Government of Switzerland  
4 its ratification or notification of entrance, in accor-  
5 dance with the aforesaid provisions. For this reason  
6 the Swiss Government never notified the member-nations  
7 of the Convention of Japan's ratification of or entrance  
8 into the Convention."

9 THE PRESIDENT: We will adjourn now until  
10 half-past nine tomorrow morning.

11 (Whereupon, at 1600, an adjournment was  
12 taken until Friday, 29 August, 1947, at 0930.)  
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29 Aug

29 AUGUST 1947

I N D E X  
Of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2233	3040		Affidavit of KUDO, Tadao		27146
	3041		Three pamphlets for June, July and November, 1942, entitled "Red Cross International Review"	27167	
2009	3041-A		Excerpt therefrom - The Delegation in Japan, June, 1942		27167
			<u>MORNING RECESS</u>		27168
	3042		January-April 1942 Red Cross International Review	27174	
2077	3042-A		Excerpt therefrom - The Red Cross International Committee, January, 1942 - Extension of the Conflict to the Pacific Area		27174
2125	3043		Navy's Reply, dated 15 November 1934 re Ratification of the Treaty signed on the 27th of July 1929 pertaining to the Treatment of Prisoners of War		27178
2126	3044		Navy's Objection to the Ratification of the Geneva Treaty, dated 6 September 1934		27181
381	3045		Deposition of ISHII, Masami		27191
1589	3046		War Ministry, Asiatic Affairs, Confidential, No. 1108, dated 9 April 1942 - Public Document Concerning Treatment of POW's		27196

29 AUGUST 1947

I N D E X  
of  
EXHIBITS  
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Fros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidenc</u>
1590	3047		Notification to the Chief of the Prisoner of War Control Bureau from the Adjutant, dated 22 November 1942		27198
			<u>NOON RECESS</u>		27199
1907	3048		Affidavit of SUZUKI, Kunji		27201
1696	3049		Affidavit of YAMAZAKI, Shigeru		27230
	3050		War Prisoner Labor Regulation, dated 10 September 1904 - Army Instruction No. 139	27238	
2033	3050-A		Excerpt therefrom - Article 3		27239
2007	3051		Excerpt from the War Prisoners' Information Bureau's Monthly Report - Improvement of PW Administration, dated 3 March 1944		27240

29 AUGUST 1947

I N D E X  
Of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
MATSUMOTO, Shun-Ichi (resumed)	27139
Questions by the President of the Tribunal, Sir William Webb	27139
Redirect by Mr. Freeman	27142
(Witness excused)	27142
KUDO, Tadao	27146
Direct by Mr. Freeman	27146
Cross by Colonel Mornane	27156
Redirect by Mr. Freeman	27167
(Witness excused)	27167
ISHII, Masami	27190
Direct by Mr. Freeman	27190
Cross by Colonel Mornane	27194
(Witness excused)	27196
SUZUKI, Kunji	27201
Direct by Mr. Freeman	27201
Cross by Colonel Mornane	27211
Redirect by Mr. Freeman	27224
<u>AFTERNOON RECESS</u>	27227
(Witness excused)	27228

29 AUGUST 1947

I N D E X  
Of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
YAMAZAKI, Shigeru (recalled)	27229
Direct by Mr. Freeman	27229
Cross by Mr. Tavenner	27233
(Witness excused)	27238
YAMAMOTO, Chikao (recalled)	27245
Direct by Mr. Roberts	27245

1 Friday, 29 August 1947

2 - - -  
3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -  
12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE I. M. ZARYANOV,  
15 Member from the USSR., not sitting from 0930 to 1600;  
16 HONORABLE JUSTICE E. H. NORTHCROFT, Member from the  
17 Dominion of New Zealand and HONORABLE JUSTICE LORD  
18 PATRICK, Member from the United Kingdom of Great  
19 Britain, not sitting from 1330 to 1600.

20 For the Prosecution Section, same as before.

21 For the Defense Section, same as before.

22 - - -  
23 (English to Japanese and Japanese  
24 to English interpretation was made by the  
25 Language Section, IMTFE.)

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Colonel Mornane.

4 S H U N - I C H I M A T S U M O T O, resumed the  
5 stand and testified through Japanese interpreters  
6 as follows:

7 COLONEL MORNANE: The prosecution does not  
8 wish to cross-examine this witness, if the Tribunal  
9 please.

10 THE PRESIDENT: I have some questions on be-  
11 half of a Member of the Tribunal. They relate to matters  
12 of prisoners of war and civilian internees in the theatre  
13 of operations under the charge and control of the Army  
14 and Navy.

15 It appears that civilians of enemy countries  
16 interned in Japan were under the control of the Home  
17 Ministry. Those in Formosa, Korea, Sakhalin and other  
18 overseas territories were under the control of the  
19 Ministry of Overseas Affairs.

20 BY THE PRESIDENT:

21 Q What law provided for that?

22 A Internees were under the jurisdiction of the  
23 Minister of Home Affairs in so far as Japan Proper was  
24 concerned from the standpoint of police control. Foreign  
25 internees in such territories as Korea and Taiwan or

1 Formosa were placed under the jurisdiction of the  
2 Minister for Overseas Affairs, because the adminis-  
3 tration of such territories was under the jurisdiction  
4 of his ministry.

5 Q According to Japanese law, who were in charge  
6 of prisoners of war interned in Japan Proper?

7 A Prisoners of war in Japan Proper were under  
8 the jurisdiction of the Minister for War.

9 Q And who were in charge of prisoners of war and  
10 civilian internees in Manchuria?

11 A Under the jurisdiction of the Government of  
12 Manchukuo.

13 Q Who were in charge of prisoners of war in over-  
14 seas countries like Formosa?

15 A They were under the jurisdiction of the military  
16 authorities in the respective areas and they consequently  
17 would come under the jurisdiction of the War Minister.

18 Q How was the liaison business with foreign  
19 countries carried out after the 1st of November, 1942?

20 A After November, 1942, all matters relating to  
21 prisoners of war and civilian internees were handled  
22 within the Foreign Office by the office handling matters  
23 relating to foreign residents with the protecting powers.

24 Q What do you mean by the relations between the  
25 provisions of domestic law and those of the Geneva



1 Convention?

2           A With respect to the Geneva Convention of  
3 1929, when the question arose in Japan as to the  
4 ratification of that convention, it was found that in  
5 the light of some of the provisions of the Geneva  
6 Convention certain aspects of Japanese domestic law,  
7 prison law, the Army and Naval penal code and court  
8 martial laws would have to be revised, otherwise it  
9 would be impossible to ratify the convention. And that  
10 is what I pointed out when I spoke of the relationship  
11 between the Geneva Convention and Japanese domestic law.  
12

13           THE PRESIDENT: Yes.

14           - - - -

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## 1 REDIRECT EXAMINATION

2 BY MR. FREEMAN:

3 Q Mr. Witness, was the Minister for Home Affairs  
4 in control of the police for Japan Proper?

5 A Yes.

6 Q Was not the Minister for Home Affairs therefore  
7 in charge of control of the POWs held in Japan Proper?8 A Prisoners of war were under the jurisdiction  
9 of the War Minister.

10 MR. FREEMAN: May the witness be excused?

11 BY THE PRESIDENT:

12 Q Do you know under whose jurisdiction the  
13 Kempeitai came in Japan and in the occupied territories?14 A I do know that the jurisdiction over the  
15 Kempeitai in Japan Proper is in the hands of the War  
16 Minister, but I do not know in whose jurisdiction the  
17 control of the Kempeitai is in outside territories.18 Q Do you know that it is not under the War Ministry  
19 in occupied territories, or was not?20 A I regret very much, but I do not know which is  
21 which because I do not know wherein the jurisdiction  
22 lay.  
2324 THE PRESIDENT: He is excused on the usual  
25 terms.

(Whereupon, the witness was excused.)

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: Mr. President and Members of  
3 the Tribunal:  
4

5 A few days ago following the cross-examination  
6 of one of the witnesses an inquiry was made by one of  
7 the counsel for the defense as to the source of certain  
8 information used as the basis of the cross-examination.  
9 The Tribunal, however, ruled that there need be no  
10 disclosure until and if the evidence was tendered. For  
11 some time past it has been no secret that the prosecution  
12 has had available to it the memoirs of Prince SAIONJI,  
13 the last of the Genro and Baron Kumao HARADA, his  
14 confidential secretary, both now dead; and it probably  
15 may be no secret that the prosecution has used it to a  
16 certain extent as a basis of cross-examination.

17 This document and its translation were not  
18 available for use at any time during the prosecution's  
19 presentation of its case.

20 Since the document may contain data of great  
21 importance to this Tribunal and may therefore be of  
22 assistance to the Tribunal, and since the document is  
23 quite lengthy containing thousands of pages, to avoid  
24 any possible delay that might arise if the document is  
25 made available for the first time at a later stage,  
the prosecution having been requested by defense counsel

1 to make the same available is willing to make the  
2 translation available at the present time to the  
3 defense before the individual defenses begin.

4           Accordingly, if the Tribunal will permit,  
5 the prosecution will file with the Clerk of this  
6 Tribunal a full copy of the English translation for  
7 use by all the accused in such manner as their counsel  
8 may see fit.

9           THE PRESIDENT: The Bench can have no objection  
10 to that course. Anything that makes for fairness to the  
11 accused must have the full approval of the Bench.

12           Mr. Furness.

13           MR. FURNESS: May it please the Tribunal, we  
14 will be very glad to get the English translation, but  
15 we would also like to see the Japanese original.

16           The diary of Baron HARADA, I understand, is  
17 very difficult to translate and there may be many con-  
18 troversies on the accuracy of the translation. We also  
19 consulted the Japanese counsel for each defendant who  
20 are of equal standing as the ones who read the English  
21 translation and the basic documents are both definitely  
22 Japanese.

23           THE PRESIDENT: Mr. Tavenner.

24           MR. TAVENNER: A photostatic copy of the  
25 original will be made available. I should point out

1 that the official document is the English translation.

2 THE PRESIDENT: What do you mean when you  
3 obtained this document from Japanese sources it was in  
4 English?

5 MR. TAVENNER: The document was translated  
6 by SCAP and is an official record of SCAP.

7 THE PRESIDENT: Not official Japanese, but  
8 official as far as the Supreme Commander is concerned.

9 MR. FURNESS: If your Honor please, it is quite  
10 obvious that both Baron HARADA and Prince SAIONJI spoke  
11 and thought in Japanese and regardless of what SCAP  
12 thought, it seems to me that the basic official document  
13 is in Japanese.

14 THE PRESIDENT: You will have a photostat  
15 copy of the original which is the official Japanese  
16 copy perhaps.

17 Mr. Freeman.

18 MR. FREEMAN: If the Tribunal please, I next  
19 call the witness KUDO, whose affidavit is defense  
20 document 2233.

21  
22  
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- - - -

1 T A D A O K U D O, called as a witness on behalf  
2 of the defense, being first duly sworn, testified  
3 through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. FREEMAN:

6 Q Mr. KUDO, will you give us your full name  
7 and address.

8 A My name is KUDO, Tadao; and at present I  
9 reside at 160, Sakanoshita, Kanakura.

10 MR. FREEMAN: May the witness be shown  
11 defense document 2233.

12 Q Is that your affidavit and have you signed it?

13 A Yes.

14 Q Are the contents therein true?

15 A Yes.

16 MR. FREEMAN: I offer in evidence defense  
17 document No. 2233.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 2233  
20 will receive exhibit No. 3040.

21 (Whereupon, the document above  
22 referred to was marked defense exhibit  
23 No. 3040 and received in evidence.)

24 MR. FREEMAN: I now read exhibit 3040:

25 "1. I entered the Foreign Ministry in

1 June 1923, and was the Chief of the Third Section  
2 of the Bureau of Treaties from 8 January to 31  
3 October 1942. The said section was in charge chiefly  
4 of the business concerning international cooperation  
5 including international conferences, international  
6 treaties, etc. When I was the Chief of the said  
7 section, the contact of the Foreign Ministry with  
8 foreign countries in connection with prisoners of  
9 war and civilian internees was transacted chiefly in  
10 my section.

11 "2. It was the desire of my superiors that  
12 prisoners of war and internees be treated as leniently  
13 as possible in order to lessen their difficulties from  
14 the standpoint of justice and humanity, to say nothing  
15 of the observance of the stipulations of the treaties  
16 to which Japan was a party. The officials of the  
17 Foreign Ministry, although we had no authority actually  
18 to deal with the matters, exerted our utmost efforts  
19 to see the realization of the desire entertained by  
20 the Foreign Minister and other superiors.

21 "3. The Foreign Ministry received inquiries  
22 and protests from the diplomatic representatives of  
23 Switzerland or Argentina acting on behalf of the  
24 United States of America or Great Britain respectively  
25 in connection with the treatment of prisoners of war

1 and internees, and we transmitted these representa-  
2 tions to the authorities concerned without delay,  
3 and on the receipt of the opinions or information  
4 from them never failed in transmitting them without  
5 delay to the countries concerned.

6 "Generally speaking, when I was in charge  
7 of these matters, the treatment being fairly good,  
8 if not ideal, we received few complaints or protests  
9 from any country in connection with the treatment of  
10 prisoners or internees in Japan proper. Probably it  
11 was partly due to the fact that the war was still in  
12 its earlier stages and food and clothing were not  
13 so scanty as in the latter stages. As to the treat-  
14 ment of prisoners and internees in the occupied  
15 territories we received some protests, but receiving  
16 replies from the authorities concerned to the effect  
17 that they were receiving fair and equitable treat-  
18 ment, and having no means of directly investigating  
19 them ourselves, we could only believe what was  
20 reported in these replies.

21  
22 "At any rate, we endeavored earnestly and  
23 sincerely to alleviate the difficulties of the  
24 prisoners and internees as far as possible. Here  
25 are some instances which were dealt with by the  
Foreign Ministry when I was in the Bureau of Treaties.



1 "A) Visits to the internment camps.

2 "The International Red Cross Committee at  
3 Geneva requested in the middle of February 1942, that  
4 the delegates of the Committee be allowed to visit  
5 the internment camps. The Bureau of Treaties con-  
6 veyed the request to the competent officials of the  
7 War Ministry, as well as other ministries concerned,  
8 and strove for its realization. As the result of  
9 this effort, the visits of the delegates of the  
10 International Red Cross Committee were realized as  
11 mentioned hereunder:

12 "(a) Camps for prisoners of war.

13 "ZENTSUJI - on 12 March 1942.

14 "TOKYO - on 21 August 1942.

15 "HONG KONG - towards end of May 1942.

16 "SHANGHAI - on 18 August 1942.

17 "(b) Camps for civilian internees.

18 "SUMIRE GAKUIN, Tokyo - on 16 May 1942.

19 "YOKOHAMA - on 30 May 1942.

20 "SHIROYAMA, Nagasaki - on 11 June 1942.

21 "MIYOSHI, Hiroshima - on 13 June 1942.

22 "KOBE - on 15 June 1942.

23 "SENDAI - on 19 June 1942.

24 "HONG KONG - towards end of May 1942.

25 "I recall also that the members of the Swiss

1 Legation and Consulate visited various camps on  
2 several occasions, although I do not remember the  
3 details at present. The above list is a list of the  
4 Red Cross visits in my time, but I understand that  
5 visits by the delegates of the International Red  
6 Cross Committee as well as of the countries protect-  
7 ing the interests of the belligerent countries were  
8 made from time to time thereafter.

9 "In connection with these activities of  
10 the delegates of the International Red Cross Com-  
11 mittee, the Railway Ministry issued free ticket and  
12 rendered various other facilities in accordance with  
13 our request.

14 "Visits to the internment camps in the  
15 occupied territories, however, were not permitted by  
16 the military authorities concerned when I was in that  
17 office, for the reasons that those regions constituted  
18 the theater of operations.

19 "B) Treatment of prisoners of war and  
20 civilian internees in Japan.

21 "We requested the authorities concerned to  
22 accord as lenient treatment as possible to the  
23 prisoners and internees, and we were always told by  
24 them that the treatment was good and equitable. In  
25 fact, the delegates of the International Red Cross

1 Committee, after visiting various camps as mentioned  
2 above, reported that the conditions there were 'good,'  
3 'favorable,' or 'excellent,' as shown by the defense  
4 document No. 2009.

5 "The Foreign Minister, Mr. TOGO, informed  
6 the Swiss Minister of the ration of food being sup-  
7 plied to the internees in Japan, on 13 February 1942  
8 (exhibit 1491) as an instance that the internees  
9 were receiving food better than those of the Japanese  
10 in general. It was the statement of the condition  
11 actually being accorded at that time, not a commit-  
12 ment for the future.

13 "C) Treatment of prisoners of war and  
14 civilian internees in the occupied territories.

15 "The Foreign Ministry had little knowledge  
16 concerning the condition of the prisoners and in-  
17 ternees outside of Japan. When we received an in-  
18 quiry or protest about this matter, we transmitted it  
19 without delay to the authorities concerned, requesting  
20 them to supply us necessary information, and on the  
21 receipt of the reply from them, we transmitted it im-  
22 mediately to the countries concerned. I recall that  
23 communications of this nature were made on the condi-  
24 tions of prisoners of war and internees in Guam, Wake  
25 Island, and the Philippines. The information we

1 received at that time on these questions was  
2 promptly transmitted to the countries concerned.  
3 The Foreign Ministry, having no means of investiga-  
4 tion, had to rely upon the information supplied by  
5 them and could not do anything further than draw-  
6 ing the attention of the authorities concerned to  
7 the necessity of according fair and equitable treat-  
8 ment to the prisoners and internees of enemy coun-  
9 tries, especially taking into consideration the  
10 residence of Japanese in enemy countries.

11 "Such being the circumstances, nothing was  
12 known to us with respect to the ill-treatment of  
13 prisoners of war or internees in the occupied areas  
14 unless we were informed by the military or naval  
15 authorities concerned or by the adversary belligerent  
16 countries. As to the prisoners and internees on Wake  
17 Island, we received some inquiries from the Swiss  
18 Minister in Tokyo in the beginning of 1942, but  
19 they were inquiries about conditions and not protests  
20 or complaints, and we did not fail in transmitting  
21 them to the authorities concerned, and upon receipt  
22 of reply from them, we immediately sent the informa-  
23 tion obtained at that time to the Swiss Minister, as  
24 shown in exhibit 2034, and a further communication was  
25 made to him on 10 August (exhibit 2040). It was not

1 known to us at all that ill-treatment was carried  
2 out there as testified by Mr. Stewart on 10 January  
3 1947. The so-called 'Death March of Bataan' was  
4 also a matter unknown to us in those days. As for  
5 the Thai-Burma Railway, the matter being exclusively  
6 the army's concern, we did not hear of any plan for  
7 its construction, much less of the employment of  
8 prisoners in its construction, when I was in the  
9 Bureau of Treaties.

10 "D) Relief of prisoners and internees.

11 "Early in 1942, the British Government  
12 made a proposal to send a Red Cross ship from Australia  
13 to bring relief goods to the prisoners and internees  
14 at Hong Kong and Singapore. The United States Red  
15 Cross also made a similar proposal for the benefit of  
16 the American prisoners and civilian internees at  
17 various places in East Asia. The Foreign Ministry  
18 approached the Navy on this matter, but they main-  
19 tained that the safety of navigation of the ship  
20 could not be guaranteed in the light of the war  
21 situation in the southwestern Pacific. Thereupon,  
22 we exerted ourselves, with success, to receive food,  
23 medicine, and other relief goods, taking advantage of  
24 the voyages for the exchange of diplomats and some  
25 civilians, which were then being arranged between

1 Japan and the United States of America and Great  
2 Britain. The Asama-maru, the Tatsuta-maru, the  
3 Kamakura-maru transported the relief goods of about  
4 4,500 tons in total, and these relief goods were  
5 distributed to the prisoners and internees through  
6 the delegates of the International Red Cross  
7 Committee in Japan, at Shanghai and Hong Kong, and  
8 through the competent official at Singapore and  
9 Manilla where no such delegates are stationed.

10 "E) Exchange of information concerning  
11 prisoners of war and civil internees.

12 "On 9 December 1941, the International Red  
13 Cross Committee at Geneva notified the Japanese  
14 Government that the Central Bureau for the Informa-  
15 tion of Prisoners of War of the Committee would act  
16 as an intermediary for information concerning prisoners  
17 of war and civilians under detention of both bellig-  
18 erent powers, and requested cooperation on the part  
19 of the Japanese Government. The Foreign Minister  
20 notified the Committee of our compliance. From that  
21 time onward, we exerted our efforts, always in concert  
22 with the competent authorities of the Prisoners-of-War  
23 Information Bureau, the Home Ministry, the Communica-  
24 tions Ministry, etc., to offer all information ob-  
25 tainable to the Central Bureau at Geneva as quickly

1 as possible.

2 "In this connection, we further rendered  
3 our services so that similar information might be  
4 supplied to the representatives of Switzerland and  
5 Argentina, then acting as protecting powers on be-  
6 half of the United States of America and Great  
7 Britain, respectively. In some cases delay in  
8 supplying information took place, but it was said  
9 to us by the authorities concerned that it was owing  
10 to the difficult conditions prevailing in the areas  
11 of military operations and to the difficulties of  
12 communication with the remote regions, and not to  
13 their bad faith.  
14

15 "I wish also to add that the Foreign Ministry  
16 informed the Swiss Minister that 'Regarding the  
17 American civilian internees, we are ready to reply  
18 to every individual inquiry after the fullest possible  
19 investigation,' and requested him to supply us the  
20 names of persons of whom information was required  
21 (exhibit 2040). This suggestion was made in order  
22 to conform more fully with the desires of those  
23 concerned in expediting the investigation by the  
24 authorities concerned."

25 If the Court please, the first paragraph on  
page 4 should have as a reference defense document 2277.

1 THE PRESIDENT: Colonel Mornane.

2 CROSS-EXAMINATION

3 BY COLONEL MORNANE:

4 Q Witness, I take it you ceased to have any  
5 connection with these matters on the 31st of October,  
6 1942?

7 A Yes, that is so.

8 Q Well, now, with regard to complaints received  
9 prior to that time, to what ministries, or other  
10 offices did you send them?

11 A Such matters were referred to the Second  
12 Section of the Bureau of Treaties, and from that  
13 section it was transmitted to the office handling  
14 matters relating to Japanese nationals in enemy  
15 countries presided over by Minister SUZUKI.

16 Q You would not send them direct to the War  
17 Ministry from the Foreign Office?

18 A No.

19 Q Have you any knowledge of how Minister  
20 SUZUKI dealt with them?

21 A He handled quite a good deal of business,  
22 but I do not know the extent.

23 Q But, have you any knowledge as to what par-  
24 ticular ministries he would send the complaint?

25 A I do not know, because when I was transferred



1 to Mr. SUZUKI's office, I had no connections with such  
2 matters.

3 Q Well, now --

4 A I do not know what happened to any document  
5 after it left my office and reached Mr. SUZUKI's office.

6 Q Well, therefore, on page 1 of your affidavit,  
7 when you said, "receiving replies from the authorities  
8 concerned," you mean receiving replies from Minister  
9 SUZUKI's department?

10 A No, not so. With regard to prisoners of war,  
11 they were received from the Prisoner of War Information  
12 Bureau, and with regard to civilian internees, from  
13 the Ministry of Home Affairs and the Ministry for  
14 Overseas Affairs.

15 Q Does that mean that although you didn't make  
16 the request direct to these people but made your  
17 request through SUZUKI, the Prisoner of War Information  
18 Bureau and other concerned bureaus replied directly to  
19 the Foreign Office and not through SUZUKI?  
20

21 A Not so. Minister SUZUKI's office had not  
22 been created when I was still in office.

23 THE PRESIDENT: Is that the accused SUZUKI?

24 THE WITNESS: I am referring to Mr. SUZUKI  
25 with the status of Minister Plenipotentiary, who is  
now Director of the Central Liaison Office of Yokohama.

1 Q When you were in office, to whom were the  
2 complaints sent?

3 A Complaints were addressed to the Minister of  
4 Foreign Affairs by the representative of the protecting  
5 power, but there were only a very few such complaints.

6 Q When the Minister of Foreign Affairs re-  
7 ceived those complaints, where did he send them to  
8 have them investigated?

9 A After their receipt, they were sent to the  
10 department of the government concerned, namely, the  
11 Prisoner of War Information Bureau. I do not think  
12 there were any protests regarding civilian internees.

13 THE PRESIDENT: How do you know the treat-  
14 ment was fairly good, if not ideal, in your time?

15 THE WITNESS: That was what was reported to  
16 me and told me frequently by officers in charge,  
17 and at the same time the circumstances in those days  
18 with regard to food were very good, and in talking with  
19 Red Cross representatives, I never heard that the con-  
20 ditions were bad.

21 Q Do I understand you right that you sent those  
22 complaints direct from the Foreign Office to the  
23 Prisoner of War Control Bureau, or did you send  
24 them through the War Ministry?

25 MR. FREEMAN: If the Tribunal please, he

1 answered, "Prisoner of War Information Bureau." They  
2 are two distinct things. That is outside of the War  
3 Ministry.

4 A I think, when the matters were not important,  
5 most of them, I think, were sent to the Prisoner of  
6 War Information Bureau.

7 Q And, when they were important, where did you  
8 send them?

9 A I think important matters were referred to  
10 the Vice-Minister for War, but I do not remember con-  
11 cretely what kind of messages were sent.

12 THE PRESIDENT: Can't he give us something  
13 more definite than, "important matters," and, "matters  
14 that were not important?" What does he mean?

15 Q What did you regard as important matters?

16 A I have no definite recollection of them now.

17 Q While you were in office, was anything sent  
18 to the Vice-Minister of War?

19 A I think that there were, but I do not remember.

20 Q With regard to the information sought re  
21 Guam Island -- Wake Island, was that sent to the  
22 Prisoner of War Information Bureau or to the Vice-  
23 Minister of War?

24 A I think it was sent to the Prisoner of War  
25 Information Bureau. I think it was sent to that bureau

because this was only a request for information.

1 Q And, under whose ministry was the Prisoner of  
2 War Information Bureau?

3 A I think it was under the jurisdiction of the  
4 War Ministry.

5 Q Well, now, coming to the visit of the Red  
6 Cross to the camps of civilian internees, in the  
7 camps you have mentioned in your evidence that the  
8 people held there included those who were exchanged  
9 on the diplomatic ships in 1942.  
10

11 A I do not remember clearly.

12 Q Do you remember when the exchange ships left?

13 A I do not remember the month, but I think it  
14 was around June, but my memory is not exact on this  
15 point.

16 Q With regard to the International Red Cross  
17 visit to Hong Kong toward the end of May, 1942,  
18 what do you base that statement on?

19 A This was based on what I received from the  
20 Prisoner of War Information Bureau in reply to an in-  
21 quiry made by me.

22 Q Made recently or made at the time?

23 A Recently.

24 Q Recently?

25 A Yes.

1 Q That is, you did not hear of it in '42?

2 A No, I did not.

3 Q And, you don't know whether the information  
4 supplied to you by the Prisoner of War Information  
5 Bureau recently is correct or not?

6 A May I state that I heard of this visit by the  
7 Red Cross to Hong Kong while I was still in the office  
8 of the Bureau of Treaties and again recently from the  
9 Prisoner of War Information Bureau.

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1 Q Did the Red Cross tell you of the conditions  
2 existing at Argyle Street Camp in Hong Kong?

3 A Yes, rather briefly from the Red Cross  
4 representative in Tokyo in a conversation with him.  
5 But at that time I did not hear from him that the con-  
6 ditions were bad.

7 Q Did he tell you the food was inadequate?

8 A I did not hear from him with regard to such  
9 matters.

10 THE PRESIDENT: Did you recently consult  
11 the Prisoners of War Information Bureau records?

12 THE WITNESS: No, not the records.

13 Q With regard to all of these matters you  
14 have deposed to with regard to prisoners of war camps  
15 and civilian internees camps, you have recently  
16 received information from the Prisoner of War Infor-  
17 mation Bureau?

18 A With regard to civilian internees, my depo-  
19 sition was based upon my memory, and also I used as  
20 reference a publication published by the International  
21 Red Cross Committee which contained various facts  
22 quite clearly.

23 Q And with regard to prisoners of war?

24 A With regard to prisoners of war camps I also  
25 obtained them from the International Red Cross . . .

1 Committee; such, for instance, as the report pub-  
2 lished in the organ of that committee regarding the  
3 visit made to the camp at Zentsuji on March 12.

4 Q But with regard to Hong Kong you did not  
5 get that from any Red Cross report?

6 A No.

7 Q Now, you say that you understand the visits  
8 by the delegates of the International Red Cross Com-  
9 mittee were made from time to time after you went  
10 out of office. On what is that understanding based?

11 A I heard these from time to time during the  
12 war from friends of mine who were employed by the  
13 International Red Cross Committee.

14 Q They were Japanese?

15 A Swiss.

16 Q Did you also hear from them that they had great  
17 difficulty in visiting many camps?

18 A No.

19 Q Did you hear from them that they were not  
20 allowed to visit certain camps?

21 A No.

22 Q Who were these Swiss?

23 A I met Mr. Pestalozzi and Mr. Billfinger, both  
24 of the International Red Cross Committee.

25 Q Well, now, what was your practice when there

1 was any delay in receiving a reply to your inquiries  
2 as to conditions of prisoners of war?

3 A When replies were delayed, I recall that  
4 requests, further requests, were made to the officers  
5 in charge at regular conferences which were being  
6 held with the Prisoners of War Information Bureau.

7 Q Would the matter ever be taken up with the  
8 Foreign Minister?

9 A All matters with regard to information were  
10 handled in my office -- in my section.

11 Q But if you could not get the information, what  
12 did you do then?

13 A There was no case in which no information  
14 was received. It was only a case of the replies on  
15 requests for information being delayed.

16 Q With regard to the Wake Island case, on the  
17 26th of May of 1942, in exhibit 2039, the Swiss  
18 Minister requested information as to the fate of the  
19 American nationals remaining on the island. Do you  
20 remember receiving that request?

21 A Yes, I do.

22 Q Do you know that on the 27th of July, 1945,  
23 the Swiss Minister again asked the Foreign Office  
24 for the same information -- three years later?

25 A I do not know, because I was not in office at



that time.

1 Q Witness, you remained in the Foreign Office,  
2 I take it?

3 A Yes, but I was no longer handling matters of  
4 that kind.

5 Q Are you still in the Foreign Affairs Depart-  
6 ment?

7 A I left the Foreign Office last year. I am no  
8 longer there.

9 Q Before giving evidence in this case, did you  
10 not make inquiries at the Foreign Office with regard  
11 to the evidence you were going to give?

12 A In order to clarify my recollection I dis-  
13 cussed some matters with my colleagues in the Foreign  
14 Office.

15 Q And the only matter you quote here is the  
16 Wake Island matter?

17 A Yes, there is a passage referring to Wake  
18 Island.

19 Q Didn't you ask them what was finally done  
20 about that?

21 A No, I do not know anything about it.

22 Q Well, now, with regard to protests, generally,  
23 on whose direction did you forward them direct to  
24 the Prisoner of War Information Bureau?  
25

1           A    If the matter is with reference to information  
2 only, there are some that I sent myself directly, and  
3 other matters were sent under the direction of the  
4 Director of the Bureau of Treaties, who was my  
5 superior.

6           Q    In other words, you simply relied on what  
7 he told you?

8           A    Yes.

9           Q    And up to October '42 you had received very  
10 few complaints?

11          A    Yes, complaints were very few.

12          COLONEL MORNANE:  If it please the Court,  
13 that concludes the cross-examination of this witness,  
14 but I would like to draw the Court's attention to  
15 the exhibit numbers of the series of documents dealing  
16 with Wake Island.

17                In addition to those mentioned in the evidence  
18 of the witness, there are exhibits 2034, 2039, and  
19 2040 through to 2053.

20          THE PRESIDENT:  I have a question on behalf  
21 of a Member of the Tribunal.

22                Was the Foreign Ministry satisfied with the  
23 denials of the War Ministry, or did it ask for the  
24 files of inquiries made by the War Ministry?  
25

              THE WITNESS:  No, there was no such case.

1 We had no authority to make such demands or requests.

2 REDIRECT EXAMINATION

3 BY MR. FREEMAN:

4 Q Mr. KUDO, was not the Prisoner of War Infor-  
5 mation Bureau an independent bureau under the super-  
6 vision of the War Minister?

7 A I do know that it was under the control  
8 and jurisdiction of the Minister for War, but beyond  
9 that I do not know its concrete status.

10 MR. FREEMAN: May the witness be excused?

11 THE PRESIDENT: The witness is released on  
12 the usual terms.

13 (Whereupon, the witness was excused.)

14 MR. FREEMAN: I next offer in evidence  
15 defense document 2009, which is a report of the Red  
16 Cross inspection of POW camps referred to in Mr. KUDO's  
17 affidavit.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Three pamphlets for  
20 June, July and November of 1942, entitled "Red Cross  
21 International Review," will receive exhibit No. 3041  
22 for identification only. The excerpt therefrom, being  
23 defense document 2009, will receive exhibit No. 3041-A.

24 (Whereupon, the document above  
25 referred to was marked defense exhibit

1 No. 3041 for identification; and the excerpt  
2 therefrom, being document No. 2009, was  
3 marked defense exhibit No. 3041-A and re-  
4 ceived in evidence.)

5 MR. FREEMAN: (Reading) "June, 1942,  
6 pages 382-383.

7 "The delegation in Japan."

8 THE PRESIDENT: We will continue after the  
9 recess. We will recess for fifteen minutes.

10 (Whereupon, at 1045, a recess was  
11 taken until 1100, after which the proceedings  
12 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International Mil-  
2 itary Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Freeman.

4 MR. FREEMAN: If the Tribunal please, I will  
5 continue with the reading of exhibit 3041-A.

6 "June, 1942, pp. 382-383.

7 "The delegation in Japan.

8 "On the occasion of his visit paid to the camp  
9 of Sumiro Jogakuin in Tokyo on May 16, Dr. Paravicini  
10 found 16 citizens of the United States, 10 Britishers,  
11 11 Canadians, 5 Dutchmen, 2 Belgians and 1 from Honduras.  
12 The two-thirds of them are missionaries, all of local  
13 origin, who arrived, in succession, at the camp estab-  
14 lished on December 8. In his telegraphic message address-  
15 ed to the International Committee, Dr. Paravicini de-  
16 scribes the very salubrious situation of this camp, and  
17 the excellent conditions of lodging and nourishment.  
18 He points out that all those interned are made to under-  
19 go a medical examination once a month, and that, in case  
20 of need, they are sent to better hospitals. Dr. Para-  
21 vicini adds the following informations: the Catholic  
22 and Protestant religious services are celebrated in  
23 this camp; the interned have a library with some news-  
24 papers and amusements at their disposal; there is none  
25 that is indigent among them; the commander, inspector

1 of the service of the foreigners of the Metropolitan  
2 Police gives a good treatment to those interned, who,  
3 represented by four trustworthy men, have an excell-  
4 ent discipline and morale. The delegate writes, in  
5 conclusion, that this camp is an exemplary camp. The  
6 sole desire expressed by the interned is about the  
7 calls to the outside world, which they wish to be allow-  
8 ed to pay more frequently."

9 \* \* \* \*

10 "The delegation in Shanghai.

11 "According to an information sent to the  
12 International Committee by its delegate Mr. Egle, the  
13 67 nurses from Corregidor, all sound and safe, are  
14 interned in the University of Manila, where they are  
15 treated well. Mr. Egle informed also that about 13,000  
16 civilians were interned in St. Thomas's, and that the  
17 letters received from 200 among them show that the treat-  
18 ment and the conditions of life there are excellent."

19 \* \* \* \*

20 "July, 1942, pp. 465-466.

21 "The delegation in Japan.

22 "Dr. Paravicini visited the camp No. 2 of  
23 Yokohama Kencho, on May 30. Established on the seashore,  
24 on an artificial ground constructed of stone and argill-  
25 aceous soil taken from the neighbouring hills, well-

1 drained, sunny and well-ventilated, the camp comprised  
2 18 Englishmen, 7 citizens of the United States and 2  
3 Greeks of local origin. It was opened on December 18,  
4 1941 like the camp No. 1. The building is two-storied.  
5 The treatment, the discipline and the morale there are  
6 good, and the delegate of the International Committee  
7 received only few complaints from some of those interned  
8 suffering from depression.

9 "On that same day, the delegate of the Inter-  
10 national Committee visited the camp No. 1, situated in  
11 the southern part of Yokohama, at a half kilometre from  
12 the sea, which sheltered 19 Englishmen, 16 citizens of  
13 the United States, 11 Greeks, 3 Dutchmen, 1 Irishman,  
14 1 Canadian and 1 Norwegian. The treatment, the discip-  
15 line and the morale here are good.

16 "On June 11, Dr. Paravicini visited the camp  
17 of Shiroyama, Nagasaki, where were found 1 American and  
18 1 American woman, 6 Englishmen, 1 Englishwoman, 10 Can-  
19 adians, 4 Dutchmen and 2 Belgians. Established on the  
20 summit of a well-drained clayey hill, in a climate which  
21 has an excellent reputation, the camp enjoys the fertil-  
22 ity of the country. The treatment, the morale and the  
23 discipline here are good, and the delegate of the  
24 International Committee heard no complaint on the part  
25 of the interned. Dr. Paravicini points out, however,

1 that they desired to have some books, cards and play-  
2 things, and that the Japanese Red Cross was applying  
3 itself to getting them for the interned. In conclusion,  
4 the delegate declares that the camp is excellent."

5 \* \* \* \*

6 "On June 13, he visited the camp of Miyoshi,  
7 Hiroshima Prefecture, which was opened on December 13,  
8 1941. There were 13 citizens of the United States,  
9 4 Britishers, 3 Belgians and 1 of the Irish nationality,  
10 of whom 18 were women and 3 men. Two hours by train to  
11 the north of the seat of the prefectural government of  
12 Hiroshima, the camp is situated in the neighbourhood  
13 of two towns. In 1935, an American mission established  
14 a sanatorium here, three hundred metres above the sea  
15 level, surrounded by cultivated fields, by parks and by  
16 hillocks covered with forests. The climate here is  
17 salubrious. The buildings are solid, sunny and well-  
18 ventilated. A good morale reigns in this camp, and no  
19 complaint was made to the delegate of the International  
20 Committee. The commander, a sympathetic man, is satis-  
21 fied with the discipline of the interned as well as their  
22 spirit of comradeship.

23 \* \* \* \*

24 "On June 19, Dr. Paravicini visited the Sendai  
25 camp, which was opened on December 9, 1941. Twenty-two



1 citizens of the United States had vacated the camp, two  
2 days before the call of the delegate, on their own demand.  
3 The interned are lodged in a neighbouring house, while  
4 there remain in the camp 2 American women, 1 Englishman,  
5 1 Englishwoman, 1 Dutchman and 23 Canadians. The camp  
6 stands isolated in a wood in the midst of the university  
7 town of Sendai. The vegetables and fruits, as well as  
8 the marine products, are abundant. The conditions under  
9 which the interned are lodged and fed are very favour-  
10 able."

11 \* \* \* \*

12 "November, 1942. p. 807.

13 "The delegation in Japan. (A telegram received  
14 from Tokyo provides us with information on the war pris-  
15 oners' camp at Zentsuji.

16 "Established in 1914 to lodge war prisoners  
17 and accommodated again to the purpose after it was aban-  
18 doned in 1919, this camp is formed of wooden barracks.  
19 One notices that it is not surrounded, unlike some camps  
20 in other countries, by a high girdle of barbed wire.  
21 It has, as hosts, some American, British and Austral-  
22 ian war prisoners for the present.

23 "Those who are interned there have named it  
24 'University of Zentsuji', on account of the deepened  
25 lessons founded here; courses of commerce, of engineer-

1 ing, of stenography, of navigation, of Japanese lang-  
2 uage, all given by the prisoners themselves. The the-  
3 atrical performances take place on Sunday evening, and  
4 a conference on Thursday evening.

5 "On Sunday morning, the religious services are  
6 celebrated by Anglican and Protestant chaplains, of whom  
7 two are Americans and the other one is an Australian.

8 "The health service is secured by American,  
9 British and Japanese physicians."

10 I next offer in evidence defense document 2277,  
11 excerpts from the book "Red Cross International Review",  
12 dated January and July, 1942.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: January-April 1942 Red  
15 Cross International Review will receive Exhibit number  
16 3042 for identification only. Excerpts therefrom, being  
17 defense document 2277, will receive exhibit number 3042-A.

18 (Whereupon, the document above referred  
19 to was marked defense exhibit 3042 for identifi-  
20 cation, and the excerpts therefrom, being defense  
21 document 2277, was marked defense exhibit 3042-A,  
22 and received in evidence.)  
23

24 MR. FREEMAN: I will read defense exhibit  
25 number 3042-A:

1 "The Red Cross International Committee.

2 "January, 1942: pp. 7-8.

3 "Extension of the Conflict to the Pacific Area.

4 "The conflict being extended to the Pacific  
5 area, the International Committee has -- as it had  
6 already done for the other countries which had entered  
7 the war -- telegraphically placed the services of the  
8 Central Bureau of Prisoners of War at the disposal of  
9 the belligerent states, asking them if they were dis-  
10 posed to exchange by the intermediary of the Central  
11 Bureau of Geneva lists of information on prisoners of  
12 war, and insofar as possible on civil internees whom  
13 they should detain.

14 "That communication was addressed to the Gov-  
15 ernments of the United States, Japan, the Netherlands  
16 in London, Costa Rica, Cuba, the Dominican Republic,  
17 Guatemala, Haiti, Honduras, Nicaragua and Salvador.

18 "The Committee furthermore had brought the  
19 above steps to the knowledge of the Governments of Great  
20 Britain, Australia, Canada, and the Union of South Africa.

21 "The International Committee received, by 12  
22 January, answers by which the United States, Japan,  
23 Guatemala, Haiti and Nicaragua declared themselves  
24 ready to proceed to the transmission of informations  
25 and to the exchange of news."

\* \* \* \*

1 "April, 1942: p.217.

2 "The Delegation in Japan.

3 "Dr. Paravicini telegraphed on 4 February  
4 that the Guam and Wake prisoners had expressed their  
5 gratitudes to the Japanese authorities for the good  
6 treatment which had been accorded to them.

7 "Accompanied by a colleague of the Information  
8 Bureau of the Japanese Red Cross, Dr. Paravicini on  
9 12 March visited a prisoner-of-war camp which is situ-  
10 ated in a fertile plain between hills covered with pine  
11 trees; the climate is healthy there, and the delegate  
12 indicates that there are no endemic diseases. The space  
13 of the camp is three hectares; it contains two solid  
14 Army barracks built of wood, capable of receiving sev-  
15 eral hundreds of prisoners."

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1 THE PRESIDENT: Colonel Mornane.

2 COLONEL MORNANE: If the Tribunal pleases,  
3 with regard to the prosecution evidence on Wake Is-  
4 land, I would like to have it recorded that that  
5 appears in exhibits 1639, 1640, 2038, 2035, 2036-A,  
6 B, and C, and the evidence of Stewart at pages 14,911  
7 to 14,937 of the record.

8 MR. FREEMAN: If the Tribunal pleases, the  
9 document I just read is an official record of the  
10 International Red Cross report. Apparently the prose-  
11 cution is trying to cross-examine that document by  
12 offering citations of documents that are already in  
13 evidence.

14 THE PRESIDENT: Colonel Mornane.

15 COLONEL MORNANE: I may say, if the Tribunal  
16 pleases, that references are only made for the conven-  
17 ience of the Tribunal, and also for the convenience  
18 of any one who is going through the record, either  
19 the defense or the prosecution.

20 THE PRESIDENT: Hitherto they have been made  
21 to avoid cross-examination.

22 COLONEL MORNANE: Well, I don't know whether  
23 the Tribunal or the defense has any objection to that  
24 appearing there for the help of the Tribunal and the  
25 defense.

1 MR. FREEMAN: The defense does object.

2 THE PRESIDENT: They certainly help, but I  
3 can see by making references often enough an abuse  
4 might arise.

5 Mr. Freeman.

6 MR. FREEMAN: I next offer in evidence defense  
7 document 2125, which is the Navy's reply relative to  
8 ratifying the Geneva Convention of 1929.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 2125  
11 will receive exhibit No. 3043.

12 (Whereupon, the document above referred  
13 to was marked defense exhibit 3043 and received in  
14 evidence.)

15 MR. FREEMAN: I now read exhibit No. 3043:

16 "To Vice-Minister of Foreign Affairs, Esq.

17 "From Vice-Minister of Navy.

18 "Our reply to Your Note with regards Reco-  
19 mmending to the Throne the Ratification of 'the Treaty  
20 signed on the 27th of July, 1929, pertaining to the  
21 Treatment of Prisoners of War.'

22 "With reference to the above subject, enquired  
23 in your note of No. 3091 dated August 9th, we replied  
24 by our letter of Secretariat No. 1984-B at that time.  
25 But as the result the study which we made later, we,

1 the Navy Ministry, reached the conclusion that it is  
2 advisable to refrain from recommending to the Throne  
3 the ratification of the said treaty. (Our opinions  
4 are attached herewith in the annexed papers.)

5 "Our opinions on this treaty

6 "1. The Japanese soldiers do not expect any  
7 possibility of becoming War prisoners. On the con-  
8 trary, the soldiers of the foreign countries are not  
9 necessarily considered in the same way as the Japanese.  
10 Therefore, although this treaty appears reciprocal in  
11 its form, it is unilateral in its substance, causing  
12 obligations on our side only.

13 "2. This treaty is to guarantee the lenient  
14 treatment to prisoners, hence, in case enemy forces  
15 attempt to make air raids taking into consideration  
16 that they would become prisoners after achieving their  
17 aims, the range of action of enemy planes might be  
18 doubled. Thus, it is feared, the extent of the danger  
19 of being air raided would naturally be enlarged, and  
20 so forth, bringing about consequent disadvantages upon  
21 our naval operations.

22 "3. That, under the provisions of the Article  
23 86, representatives of third powers be allowed to have  
24 interviews with war prisoners without observers is  
25 harmful from the military point of view.

1 "4. The provisions of this treaty concerning  
2 the punishment of war prisoners give war prisoners  
3 more advantages than those which Japanese soldiers  
4 will receive under Japanese laws. This fact will  
5 necessitate the amendment of such codes and laws as  
6 the Navy Disciplinary Law, the Navy Penal Code, the  
7 Navy Court-Martial Law, and the Navy Ordinance concern-  
8 ing imprisonment. Such revision is not advisable in  
9 the light of the principles of the said laws, the pur-  
10 pose of which is to maintain the military discipline.

11 "On the ground above said, We are of opinion  
12 that we had better not to recommend to the Throne the  
13 ratification of the said treaty."

14 THE PRESIDENT: How does that help you? That  
15 is a good argument for disregarding the treaty Japan  
16 did sign, the Hague Convention? We like to know the  
17 purposes for which these things are tendered if it is  
18 not clear.

19 MR. FREEMAN: The Hague Convention does not  
20 conflict with these laws; the 1929 does.

21 THE PRESIDENT: That is a mere bare assertion.  
22 Just compare the two and see what the differ-  
23 ences are.

24 MR. FREEMAN: I thought I did that yesterday.  
25 I don't have with me at present exhibit 15,



1 in which both articles of the Hague and the Geneva  
2 Convention appear. However, I attempted yesterday in  
3 reading excerpts from both to show that difference.  
4 I will be glad later to bring it back in and show the  
5 difference.

6 THE PRESIDENT: It is the purpose of tender-  
7 ing this document that I am inquiring about, and to  
8 state that you have to note the differences between  
9 the two conventions and see whether they justify this  
10 document.

11 MR. FREEMAN: This document was offered to  
12 show the Navy's reason why they objected to the rati-  
13 fication of the Geneva Convention. I think it also  
14 shows the lack of conspiracy among the accused.

15 I next offer in evidence defense document  
16 2126, which is the Army's reply relative to ratifying  
17 the same Convention.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 2126  
20 will receive exhibit No. 3044.

21 (Whereupon, the document above referred  
22 to was marked defense exhibit 3044 and received  
23 in evidence.)

24 MR. FREEMAN: I shall not read exhibit 3044  
25 but comment to the extent that the army was agreeable

1 to the articles in the Geneva Convention relative to  
2 the treatment of the sick, but was opposed to ratifi-  
3 cation of the treatment of prisoners of war.

4 I now read excerpts from exhibit 1965, which  
5 is the official regulation issued by the War Ministry  
6 relative to the treatment of prisoners of war.

7 "Article 4

8 "The director administers the affairs of the  
9 Bureau under the direction and supervision of the Min-  
10 ister of War.

11 "Article 5

12 "In regard to matters falling within his jur-  
13 isdiction, the director may demand information from  
14 any military or naval unit concerned."

15 I may add this is the director of the POW  
16 Information Bureau.

17 On page 3:

18 "Article 5.

19 "The commandant shall be responsible to a  
20 commander of an army or to a commander of a garrison  
21 and he shall manage all the affairs of the camp."

22 "Article 8

23 "A commander of an army or an commander of a  
24 garrison may, whenever necessary, delegate his subor-  
25 dinates to assist in the management of a prisoner of war

camp.

1           "Persons delegated according to the provisions  
2 of the preceding paragraph shall be under the super-  
3 vision and command of the commandant."

4           "Chapter I

5           "Article 1

6           "A prisoner of war, as defined in these regu-  
7 lations, is any enemy combatant who has fallen into  
8 the power of the Empire or any other person who is to  
9 be accorded the treatment of a prisoner of war by vir-  
10 tue of international treaties and customs.

11           "Article 2

12           "A prisoner of war shall be humanely treated  
13 and in no case shall any insult or maltreatment be in-  
14 flicted upon him.

15           "Article 3

16           "A prisoner of war shall be given appropriate  
17 treatment, according to his status or rank. However,  
18 this shall not apply to any persons who do not answer  
19 truthfully to interrogations regarding his name and  
20 rank or to any person who is guilty of other offences.

21           "Article 4

22           "A prisoner of war shall be controlled accord-  
23 ing to the regulations of the Imperial Army and he  
24 shall not otherwise be arbitrarily restrained.  
25

"Article 5

1 "A prisoner of war shall enjoy freedom of  
2 religion and may participate in the religious cere-  
3 monies of his own denomination, in so far as mili-  
4 tary discipline and public morals are not prejudiced  
5 thereby."  
6

"Article 7

7 "A prisoner of war, not on parole, who is  
8 captured before he succeeds in escaping shall be sub-  
9 ject to disciplinary punishment.  
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11 "Said prisoner of war who initially succeeds  
12 in escaping and is again captured shall not be liable  
13 to any punishment for his previous escape."  
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1 On page 6, Article 21:

2 "The commander of an army or the commander  
3 of a garrison who administers a prisoner of war camp  
4 (henceforth called the chief administrator of the  
5 prisoner of war camp) shall establish the standing  
6 orders of the prisoner of war camp and shall make a  
7 report thereof to the Minister of War and to the  
8 Director of Prisoners of War Information Bureau."

9 Article 26: "Inasmuch as all postal matter  
10 sent to or by prisoner of war are exempt from all  
11 postal charges by international agreement, the chief  
12 administrator of the prisoner of war camp shall pro-  
13 vide for adequate postal procedures through arrange-  
14 ments with the post offices in the locality."

15 Article 27: "The regulations for the admin-  
16 istration of prisoners of war in prisoner of war  
17 camps shall be established by the chief administrator  
18 of the prisoner of war camp.

19 "The regulations mentioned in the preceding  
20 paragraph shall be reported to the Minister of War  
21 and to the Director of Prisoners of War Information  
22 Bureau."  
23

24 Page 8, Article 7: "Extreme care and strin-  
25 gent rules shall be adopted for the purpose of taking  
all possible precautions against the danger of fire at

1 prisoner of war camps."

2           Page 9, Article 15: "After the internment  
3 of prisoners of war, the commandant of the prisoner  
4 of war camp shall immediately record the name,  
5 nationality, unit, rank or status, and state of health  
6 of the prisoners of war on the form shown in the  
7 appendix and make a report thereof to the Director  
8 of the Prisoner of War Information Bureau."

9           Page 10, Article 20: "An infirmary  
10 (including recreation room) shall be established for  
11 the examination and treatment of prisoners of war  
12 whose conditions do not necessitate hospital treatment."

13           Article 21: "Hospital wards shall be attached  
14 to prisoner of war camps, in the event that they are  
15 found to be necessary, in which patients requiring  
16 admittance shall receive treatment.

17           "Hospital wards shall be furnished with the  
18 necessary medical supplies, clothing, bedding, and  
19 other miscellaneous articles.  
20

21           "Medical services for the hospital wards  
22 mentioned in the preceding articles can be rendered  
23 by staff members of the nearest army hospital in  
24 addition to their other duties.

25           "However, in cases of necessity, relief  
squadrs from the Japanese Red Cross Society may render

1 medical services under the direction and supervision  
2 of a medical officer."

3 Article 3 on page 28: "Unless otherwise  
4 provided for in the Regulations for the Dispatch of  
5 Prisoners of War and in the present order, the  
6 treatment of dispatched prisoners of war shall be deter-  
7 mined by the commandant of the prisoner of war camp  
8 who dispatches them (henceforth called the commandant  
9 of the prisoner of war camp)."

10 Article 7, page 28: "The commandant of  
11 the prisoner of war camp shall make an inspection and  
12 examination of the dispatched prisoners of war when-  
13 ever necessary."

14 Page 32, Transportation of Prisoners of War:

15 "Recently during the transportation of the  
16 prisoners of war to Japan many of them have been  
17 taken ill (or have died) and quite a few of them  
18 have been incapacitated for further work due to the  
19 treatment on the way which at times was inadequate.  
20

21 "Your unit is, therefore, instructed to  
22 enforce more rigidly the rules regarding the selection  
23 of prisoners of war to be sent to Japan proper, med-  
24 ical examinations, distribution of the medical person-  
25 nel, the medicine necessary during the transit, the  
preparation of provisions, administration during the

1 transit, facilities to be provided at ports of call,  
2 supply of clothing, etc."

3 Page 41: "1. The medical treatment of  
4 prisoners of war who are patients (henceforth called  
5 patients) shall as a general rule be rendered at an  
6 infirmary established at the prisoner of war camp  
7 (henceforth called the camp).

8 "Those prisoners of war patients requiring  
9 special treatment or suffering from contagious  
10 diseases may be admitted to an army hospital by an  
11 arrangement made between the commandant of the camp  
12 and the director of the nearest army hospital.

13 "2. If for any reason the preceding paragraph  
14 cannot be complied with, such treatment may be in the  
15 care of any civilian physician in the locality."

16 Page 42, Article 5: "Army internees shall  
17 be treated with justice, taking into consideration  
18 their customs and manners, and no insults or maltreat-  
19 ment shall be imposed upon them."

20 Article 6: "As a general rule, all army  
21 internees shall be treated equally without making any  
22 distinctions as to their former status."

23 Article 7: "The army internment camp shall  
24 be housed in buildings which are adequate enough to  
25 prevent the escape or mischief of army internees and



1 which are adequate for the maintenance of their  
2 health."

3 Article 8: "The quarters for the army  
4 internees shall be separated as much as possible into  
5 those for men, and for women and children (which term  
6 herein and hereinafter refers to those under 10 years  
7 of age). A further separation shall be made according  
8 to nationality, age, etc.

9 "Notwithstanding provisions of the preceding  
10 paragraph, members of the same family may be allowed  
11 to live together."

12 Article 10: "When army internees have been  
13 interned, the commandant of the army internment camp  
14 shall immediately divide each nationality group into  
15 two groups, men, and women and children, and he shall  
16 report thereof to the Minister of War and to the  
17 director of the Prisoner of War Information Bureau.  
18 The same procedure shall apply when army internees  
19 have been released."

20 Page 43, Article 17: "The medical treatment  
21 of army internees shall be rendered at the army in-  
22 ternment camp and for this purpose adequate medical  
23 supplies shall be furnished to the army internment  
24 camp. However, if there is a prisoner of war camp or  
25 a branch thereof in the vicinity, the medical treatment

1 can be given at the infirmaries of these places."  
2

3 Article 18: "As a general rule, army  
4 internee patients who require hospitalization shall  
5 be received either in a hospital in the district, a  
6 hospital attached to a prisoner of war camp, or a  
7 hospital at a branch of a prisoner of war camp."  
8

9 That concludes the reading of exhibit 1965.

10 I now offer the witness ISHII, Masami,  
11 whose affidavit is defense document 381.

12 - - -

13 M A S A M I I S H I I, called as a witness on  
14 behalf of the defense, being first duly sworn,  
15 testified through Japanese interpreters as  
16 follows:

17 DIRECT EXAMINATION

18 BY MR. FREEMAN:

19 Q Mr. ISHII, will you give us your full name  
20 and address?

21 A My name is ISHII, Masami; my address: No. 69  
22 Niokoji, City of Morioka.

23 MR. FREEMAN: May the witness see defense  
24 document 381?

25 Q Mr. ISHII, is that your affidavit and have  
you signed it?

A Yes.

1 Q Are the contents therein true and correct?

2 A Yes.

3 MR. FREEMAN: I now offer in evidence defense  
4 document 381.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 381  
7 will receive exhibit No. 3045.

8 (Whereupon, the document above  
9 referred to was marked defense exhibit  
10 No. 3045 and received in evidence.)

11 MR. FREEMAN: I now read exhibit 3045,  
12 dispensing with the first four paragraphs:

13 "5. The instruction attached hereto was  
14 drafted by myself according to the directives given  
15 by General TERAUCHI, the Commander in Chief of the  
16 Southern Army, and Lieutenant General TSUKADA, the  
17 chief of staff of this Army, and was approved by them.  
18 On November 20, Commander TERAUCHI called a meeting in  
19 Tokyo of all the commanders under his command, in-  
20 cluding Major General KAWAGUCHI, Commander of the  
21 KAWAGUCHI Detached Corps and transmitted the above-  
22 mentioned instruction. The commander himself read the  
23 instruction to them, and afterwards made it printed and  
24 handed it to them. I was in attendance on the occa-  
25 sion.

## 1 "Instruction

2 "At this critical moment of our national  
3 advancement, I, TERAUCHI, was unexpectedly appointed  
4 to the responsible post of the Commander in Chief of  
5 the Southern Army. Nothing is more honorable and  
6 grateful for me. I am anxious to discharge the  
7 heavy responsibility now placed on me, chiefly  
8 depending on the loyalty and bravery on the part of  
9 all our commanders and their men.

10 "All the officers and men should grasp the  
11 true meaning of the present sacred war, impress your  
12 heavy responsibilities on your minds and do your best  
13 with an indomitable will.

14 "Both the Army and the Navy always on good  
15 terms and in close collaboration with each other should  
16 prove their true strength and accomplish the aim of  
17 the present campaign in the shortest length of time  
18 never faltering in the belief that the Japanese nation  
19 can never lose in the war.

20 "Try to appease and enlighten the innocent  
21 local peoples by showing the true virtue and dignity  
22 of the Japanese Army through your own behavior and  
23 always refrain from resorting to violence. I especial-  
24 ly wish you to exercise self-restraint and fight  
25 bravely in view of the hot climate and prevailing

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pestilence at the front.

"Commander in Chief of the Southern Army

"Count TERAUCHI."

You may cross-examine.

1 THE PRESIDENT: We take that to be the 20th  
2 of November 1941; that is, on the fourth line of  
3 page 2.

4 MR. FREEMAN: That is 1941.

5 THE PRESIDENT: Colonel Mornane.

6 CROSS-EXAMINATION

7 BY COLONEL MORNANE:

8 Q Witness, what was your appointment in  
9 November of 1941?

10 A I was staff officer in the Southern Army.

11 THE PRESIDENT: He says that. What rank?

12 THE WITNESS: Colonel.

13 Q Now, will you tell me over what area the  
14 command of the Southern Army extended?

15 A The authority of the Commander in Chief of  
16 the Southern Army extended over French Indo-China,  
17 Siam, Malaya, Sumatra, Java, the Dutch East Indies,  
18 British Borneo, and the Philippines.

19 Q And what appointment did General YAMASHITA  
20 have there at that time?

21 A He was then Commander in Chief of the 25th  
22 Army.

23 Q And that was part of the Southern Army?

24 A Yes.  
25

You may cross-examine.

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2 of November 1941; that is, on the fourth line of  
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20 have there at that time?

21 A He was then Commander in Chief of the 25th  
22 Army.

23 Q And that was part of the Southern Army?

24 A Yes.  
25

1 Q Now, what did your duties consist of?

2 A My work involved operations.

3 Q In the course of your duties did you learn  
4 that 5,000 Chinese had been arrested in Singapore  
5 on or about 21 February in 1942?

6 A I have never heard of it.

7 Q You have never heard of it?

8 A No.

9 Q Where were you on 21 February 1942?

10 A In Saigon.

11 Q That was where General TERAUCHI's head-  
12 quarters were?

13 A Yes.

14 MR. FREEMAN: If the Tribunal please, I ob-  
15 ject to this line of questioning. It is entirely  
16 outside the scope of the affidavit.

17 COLONEL MORNANE: This cross-examination,  
18 if it please the Tribunal, is to show or at least to  
19 ascertain from the witness how he could reconcile  
20 or how it was within General TERAUCHI's orders to  
21 appease and enlighten the innocent local peoples  
22 by showing the true virtue and dignity of the  
23 Japanese Army, when according to the prosecution's  
24 evidence on the 23rd of February, 5,000 Chinese were  
25 massacred at Singapore, an area which was controlled



by General TERAUCHI's army.

1           MR. FREEMAN: If the Tribunal pleases, that  
2 still is outside the scope of this affidavit. The  
3 affidavit concerns certain instructions given by  
4 Marshal TERAUCHI on November 20, 1941. What happened  
5 thereafter has nothing to do with this affidavit.  
6

7           THE PRESIDENT: Two of your views are open.  
8 This witness actually says no more than TERAUCHI  
9 made that speech, but there is another view and  
10 perhaps the sounder one, that the sincerity of that  
11 speech can be the subject of cross-examination.  
12 I do not know what views my colleagues may have; I  
13 have only one.

14           By a majority the objection is upheld, and  
15 the question disallowed.

16           COLONEL MORNANE: If it please the Court.

17           MR. FREEMAN: May the witness be excused?

18           (Whereupon, the witness was excused.)

19           I next offer in evidence defense document  
20 1589 which is an amendment to Article 2 of the  
21 regulations concerning the treatment of prisoners of  
22 war.

23           THE PRESIDENT: Admitted on the usual terms.

24           CLERK OF THE COURT: Defense document 1589  
25 will receive exhibit No. 3046.

1 (Whereupon, the document above  
2 referred to was marked defense exhibit No.  
3 3046 and received in evidence.)

4 MR. FREEMAN: I will now read exhibit 3046:

5 "War Ministry, Asiatic Affairs, Confidential.  
6 No. 1108. April 9th, 1942. Public Document Con-  
7 cerning Treatment of POW's.

8 "Article 2 of the regulations concerning the  
9 treatment of POW's, the preceding number provides  
10 that the POW Control Bureau should transact business  
11 concerning the treatment of POW's and the internees  
12 at the front. The scope of this 'business concerning  
13 the treatment of POW's and those interned by the  
14 Army' is determined as follows:

15 "1. Matters concerning general plans for  
16 treatment, such as accommodation, discipline, ex-  
17 change, release, employment, punishment and general  
18 allowances of POW's and those interned by the Army  
19 at the front.

20 "2. Matters concerning labor of POW's.

21 "3. Matters concerning correspondence of  
22 POW's.

23 "4. Matters concerning punishment of POW's.

24 "5. Matters corresponding to the preceding  
25 items No. 2 and 3 in the case of those interned by

1 the Army at the front."

2 THE PRESIDENT: What is the object of that,  
3 Mr. Freeman?

4 MR. FREEMAN: It is an amendment to Article 2.  
5 Article 2 was read, I think, in evidence by the pro-  
6 secution.

7 I next offer in evidence defense document  
8 1590 which is a notification from the adjutant's  
9 office to the POW Control Bureau concerning matters  
10 relating to prisoners of war.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document 1590  
13 will receive exhibit No. 3047.

14 (Whereupon, the document above  
15 referred to was marked defense exhibit No.  
16 3047 and received in evidence.)

17 MR. FREEMAN: I now read exhibit 3047:

18 "Notification to the Chief of the Prisoner  
19 of War Control Bureau from the Adjutant. Dated  
20 November 22, 1942.

21 "This is to inform you that it has been  
22 decided to entrust the decision regarding the follow-  
23 ing matters to the Chief of the Prisoner of War Con-  
24 trol Bureau.

25 "(a) Matters of minor importance concerning

1 the accommodation, handling, allowances, transfer,  
2 labor and punishment of prisoners of war and internees  
3 at the front.

4 "(b) Matters concerning correspondence of  
5 the prisoners of war and internees at the front.

6 "(c) Matters concerning the relief of  
7 prisoners of war and internees at the front.

8 "(d) Matters of minor importance concern-  
9 ing granting to foreigners entree of prisoners of  
10 war camps and the military detention houses."

11 COLONEL MORNANE: If it please the Tribunal,  
12 with regard to that the prosecution would like to be  
13 informed as to who is referred to by the title of  
14 Adjutant. Is it the Adjutant of the Prisoner of  
15 War Control Bureau?

16 THE PRESIDENT: The certificate throws no  
17 light on it, but it suggests, probably quite right-  
18 ly, that it means the War Ministry Adjutant.

19 It is nearly twelve. Clear it up during  
20 the luncheon adjournment.

21 We will adjourn until half-past one.

22 (Whereupon, at 1200, a recess was  
23 taken.)  
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## 1 AFTERNOON SESSION

2  
3 The Tribunal met, pursuant to recess, at  
4 1330.

5 MRSILL OF THE COURT: The International  
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: The Supreme Commander having  
8 directed that Monday shall be a legal holiday, being  
9 Labor Day, this court will not sit on Monday.

10 Mr. Freeman.

11 MR. FREEMAN: If the Tribunal pleases, just  
12 as we recessed at the noon hour a question arose in  
13 exhibit No. 3047 as to the adjutant referred to in  
14 this document. I am advised that this is an adjutant  
15 within the War Ministry.

16 I now call witness SUZUKI, Kunji, whose  
17 affidavit is defense document 1907.

18 THE PRESIDENT: What has happened to 1456?

19 MR. FREEMAN: That is a duplicate in  
20 Mr. Roberts' list, who is to follow me, and he will  
21 present that.  
22

23 - - -  
24  
25

1 K U N J I S U Z U K I, called as a witness on  
2 behalf of the defense, being first duly  
3 sworn, testified through Japanese inter-  
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. SUZUKI, will you give your full name?

8 A SUZUKI, Kunji.

9 MR. FREEMAN: May the witness see defense  
10 document 1907?

11 Q Is that your affidavit, and did you sign it?

12 A Yes.

13 Q Are the contents true and correct?

14 A Yes.

15 MR. FREEMAN: I offer in evidence defense  
16 document 1907.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 1907  
19 will receive exhibit No. 3048.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 3048 and received in evidence.)

23 MR. FREEMAN: I now read into evidence  
24 exhibit 3048.

25 "1. September 29, 1942, when joint education

1 of the newly-appointed chiefs of the War Prisoners'  
2 Camp and its staff was given at the War Ministry,  
3 which I attended as the chief of the War Prisoners'  
4 camp, Lt. General KAMIMURA, Mikio, the chief of the  
5 Prisoners' of War Control Bureau read the War Minister's  
6 instruction for the Minister.

7 "Neither War Minister TOJO nor Vice-Minister  
8 KIMURA was present at the lecture.

9 "2. Lt. General KAMIMURA, after reading the  
10 instructions, explained it as follows:

11 "a. 'In regard to the treatment of the war  
12 prisoners, it is natural that you should be faithful  
13 to its righteous execution according to the rules,  
14 so that you should manifest the impartial attitude  
15 of the Empire as it really is, to the world; never-  
16 theless, you must supervise them rigidly in so far as  
17 you do not become inhuman....' expressed in the  
18 instruction, means as follows:

19 "The treatment of war prisoners ought to be  
20 carried out according to the War Prisoner Treatment  
21 Rule and its by-law. Especially, 'War prisoners must  
22 be treated with the spirit of benevolence and should  
23 never be insulted or ill-treated' provided in Article 11  
24 of the War Prisoner Treatment Rule, should be observed.  
25 But great care must be taken so that no untoward

1 incident should happen. In short moderation and  
2 refraining from both warm treatment and ill treatment  
3 is essential in the treatment of war prisoners.

4 "b. 'War prisoners should not pass even a  
5 day eating the bread of idleness, but their labor and  
6 skill must be used for the purpose of increasing pro-  
7 duction....' expressed in the instruction, means as  
8 follows:

9 "Today we, the whole nation of Japan, regard-  
10 less of sex and age, are exerting ourselves according  
11 to our abilities to the utmost to increase production  
12 in the country, trying to overcome pressing shortages  
13 of labor. Therefore, the war prisoners also should  
14 render service to the increase of production, filling  
15 the shortage of labor, in proportion to their health,  
16 ability and special skills, respectively.

17 "Viewing from existing pressing shortage of  
18 labor, it is good that the war prisoners do not pass  
19 even a day eating the bread of idleness. But it is  
20 not good that they be forced to work without considera-  
21 tion for their health, ability or special skills.  
22 Technical experts and skilled hands should be considered  
23 so as to be given the opportunity to display their  
24 special skill or ability and kept away from fatigue  
25 duties.



1 "The present war will not easily come to an  
2 end. It will perhaps be a long war. Therefore, we  
3 should make it our motto that we make a reasonable  
4 and efficient use of war prisoners, refraining from  
5 force and impatience. For that purpose we must take  
6 their health and ability into consideration and allow  
7 them reasonable holidays.

8 "If we mistreat them, and cause sickness or  
9 death, it will be most unfavorable to Japan.

10 "c. At the closing, Lt. General KAMIMURA  
11 emphasized that in brief the cardinal principle of  
12 the treatment of war prisoners depended upon impar-  
13 tiality in treating them based on the principle laid  
14 down in the above-mentioned Article 11 of the War  
15 Prisoner Treatment Rule. KAMIMURA said that the  
16 instruction of the War Minister is therefore nothing  
17 but enlargement of this principle.

18 "3. When I met Lt. General KAMIMURA, he  
19 told me as follows:

20 "The chiefs of the war prisoners' camp such  
21 as you, well know that war prisoners should be fairly  
22 treated, according to the War Prisoner Treatment Rule  
23 and War Minister's instructions. But needless to say  
24 that you must always be cautious of things which  
25 attract the Japanese public's attention. You must

1 beware of causing feelings unfavorable to the war  
2 prisoners, among the people who are having great dif-  
3 ficulties in getting daily commodities, by making  
4 it appear that prisoners are enjoying too good treat-  
5 ment. But you should never fail in treating them  
6 justly.

7 "For instance, recently a number of the muni-  
8 cipal assembly men visited the Paymasters' Department  
9 of the Imperial Guard Division and asked, 'Why is it  
10 that we, the citizens of Tokyo, cannot eat a bit of  
11 meat while meat is given to the war prisoners?' Before  
12 this time the citizens of Tokyo had seen pork being  
13 transported in a truck for prisoners' food. The chief  
14 of the Paymasters' Department barely succeeded in  
15 mollifying them by earnestly explaining the circumstances,  
16 I UEMURA have also experienced cases of this kind.  
17 I hope you will all see through these delicate mental  
18 conditions of the citizens and beware of exciting the  
19 Japanese people without reason.'

20 "4. Upon the other part of the Minister's  
21 instruction, I, SUZUKI, put my interpretation as  
22 follows and put it into practice:

23 "a. 'As to the treatment of war prisoners  
24 there is a difference between the way of our country  
25 and those of European and American countries due to

1 inconsistent ideas as to the war prisoner...' expressed  
2 in the instruction, means that though in the coun-  
3 tries in Europe and America the war prisoners are  
4 regarded and treated as 'honorable war prisoners,'  
5 in this country they are treated throughout with  
6 sympathy and pity as 'pitiful war prisoners.'

7 "In our country it is considered from old  
8 time the greatest disgrace that we, the Japanese,  
9 be taken prisoners. But as to enemies who surrendered  
10 giving up their arms, it is thought to accord with  
11 the spirit of the 'Bushido' that we treat them  
12 throughout with benevolence and pity.

13 "b. 'You must endeavor to make the people  
14 in the occupied areas know the superiority of the  
15 Japanese race and believe that they consider it the  
16 highest honor to be Japanese subjects sharing in the  
17 boundless benevolence of the Emperor...' expressed  
18 in the instruction, is in brief that the Japanese are  
19 required to display their excellent character, not  
20 to insult the war prisoners or to be puffed up with  
21 pride.

22 "Among foreigners and even Japanese there are  
23 some who think that the Japanese nation is inferior  
24 to the European and American nations in a moral sense.  
25 So we must make them know that the Japanese people

1 inconsistent ideas as to the war prisoner...' expressed  
2 in the instruction, means that though in the coun-  
3 tries in Europe and America the war prisoners are  
4 regarded and treated as 'honorable war prisoners,'  
5 in this country they are treated throughout with  
6 sympathy and pity as 'pitiful war prisoners.'

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8 time the greatest disgrace that we, the Japanese,  
9 be taken prisoners. But as to enemies who surrendered  
10 giving up their arms, it is thought to accord with  
11 the spirit of the 'Bushido' that we treat them  
12 throughout with benevolence and pity.

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14 in the occupied areas know the superiority of the  
15 Japanese race and believe that they consider it the  
16 highest honor to be Japanese subjects sharing in the  
17 boundless benevolence of the Emperor...' expressed  
18 in the instruction, is in brief that the Japanese are  
19 required to display their excellent character, not  
20 to insult the war prisoners or to be puffed up with  
21 pride.

22 "Among foreigners and even Japanese there are  
23 some who think that the Japanese nation is inferior  
24 to the European and American nations in a moral sense.  
25 So we must make them know that the Japanese people

1 are not inferior in so far as morality and sense of  
2 justice is concerned and further, it is necessary to  
3 make them know the world-wide beneficence of the  
4 Japanese Emperor through the fair treatment of prison-  
5 ers of war.

6 "I, as the Chief of the Tokyo War Prisoners'  
7 Camp, have been discharging my duty in the treatment  
8 of the war prisoners for a year and a half. While in  
9 office I did always my best, observing Lt. General  
10 KAMIMURA's explanation on the War Minister's instruction  
11 and my own views, to say nothing of conforming to the  
12 War Prisoner Treatment Rule and other provisions. I  
13 will show you some examples:

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1 "1. In order to drive home the afore-  
2 going instruction of the War Minister, I often sum-  
3 moned the Chiefs of the Branch War Prisoners' Camps  
4 to call their attention to it and never failed to  
5 seize the opportunity to inspect the places where  
6 the war prisoners were working, so that they might  
7 not be subjected to unreasonable imposing of labor.  
8 On account of this measure, I never found in any  
9 camp any prisoner who was forced to labor in disregard  
10 of his rank, health or ability.

11 "2. As to food rationing, we gave more than  
12 the fixed quantity by rules, which was 420 grams for  
13 officers and 570 for other ranks. These figures  
14 actually given varied to the following figures as the  
15 supplies varied:  
16

17 "786 gram - 650 gram - 690 gram --

18 "786 gram -- 660 gram -- 740 gram --

19 "All prisoners, officers and other ranks  
20 got the same rations. Compared with the ration of  
21 the Japanese at that time, A-Class -- 330 gram,  
22 B-Class -- 390 gram, and C-Class (heavy workers) --  
23 540 gram, even the minimum quantity to the prisoners  
24 was 110 gram more than what was allotted to the  
25 Japanese heavy workers. In addition, the prisoners  
were each given a rice ball a day which was about

1 70 gram on the average at his post, so the quantity  
2 which was given substantially was never less than  
3 720 gram.

4 "3. It was the food for the sick persons  
5 that we most worried about. We gave them bread of  
6 the best quality which was made by the Meiji Cake  
7 Producing Company; those in serious condition were  
8 given particularly milk and eggs though the quantity  
9 was small, which were supplied for neither the old  
10 nor sick persons among the Japanese except that  
11 women in pregnancy or childbirth were apportioned  
12 a small amount.

13 "4. As to the laboring of officers in main  
14 camp, I permitted them to engage in arranging the  
15 mail for the prisoners, according to their wishes.  
16 Major Francom who was a senior officer as the head  
17 of the group, distributed the business among the other  
18 officers and they all were glad to work every day.  
19 At some branch camps, poultry farming, raising of  
20 rabbits and fish or gardening was allowed according  
21 to the officers' wishes. I think such kind of labor  
22 that was permitted the officers as above-mentioned  
23 was rather a consolation or an amusement than a  
24 labor.  
25

"There was not a camp where the officers

1 were engaged in the same kind of work done by the  
2 other ranks.

3 "5. As the sporting goods of baseball and  
4 volleyball, checkers, cards and some musical instru-  
5 ments were sent as comfort goods from the Red Cross  
6 Society, they were distributed among the branch  
7 camps and were used freely by the officers and  
8 others for amusement.

9 "When I permitted those who wanted to buy  
10 musical instruments, they were very glad and organized  
11 a brass band. On Christmas, 1943, a band concert  
12 was held to which I was invited.

13 "6. It was about the end of the year 1943,  
14 I think, when War Minister TOJO visited the Tokyo  
15 War Prisoners Camp one day about 4 p. m. without  
16 notice. He inspected the entire camp and kitchens for  
17 about half an hour and gave prize money to the staff  
18 of the camp expressing his satisfaction over our  
19 arrangement."  
20

21 You may cross-examine.

22 THE PRESIDENT: Colonel Mornane.  
23  
24  
25



## CROSS-EXAMINATION

1 BY COLONEL MORNANE:

2  
3 Q Witness, you were very anxious to carry out  
4 Lieutenant General KAMIMURA's instructions, were you  
5 not?

6 A As the director of the Prisoner of War Control  
7 Bureau, he was in a position to give directions or  
8 orders to me; but in his capacity as Chief of the  
9 Prisoner of War Information Bureau he was not in such  
10 a position.

11 Q But having received these instructions you  
12 were anxious to carry them out?

13 A He has never given orders to us in his  
14 capacity as Chief of the Prisoner of War Information  
15 Bureau.

16 Q Witness, I am referring now to the instruc-  
17 tions given by him on the 29th of September, 1942.

18 A Yes, we carried out those instructions.

19 THE INTERPRETER: The witness says the name  
20 should be read "UEMURA" and not "KAMIMURA."

21 Q How many camps had you under your command at  
22 that time?

23 A By "at that time" do you mean when the  
24 Conference of Prisoner of War Camp Superintendents  
25 was held?

1 Q Yes, that is so.

2 A I recall there having been two, one at  
3 Tokyo, and the other at Kawasaki.

4 Q And by the end of that year how many did you  
5 have under your command?

6 A I recall there having been five about that  
7 time in Tokyo, Kawasaki, Yokohama, Naoetsu, and  
8 Mizushima.

9 Q And you carried out frequent inspections  
10 of these camps?

11 A Yes, very frequently to camps in and near  
12 Tokyo, but to distant camps, once or not more than  
13 twice a year.

14 Q And at those inspections did the men, the  
15 prisoners, have the opportunity of making complaints  
16 to you in the absence of members of the staff of those  
17 prison camps?

18 A No, there was no absence of opportunity.  
19 There were opportunities.

20 Q But they would have to make their complaints  
21 in the presence of a member of the staff of the prison  
22 camp about which they were complaining?

23 A Yes. But when I went on inspections of  
24 various places -- when I went to inspect various  
25 prisoners of war camps, the senior prisoner of war

1 officer came along with me, and he had the oppor-  
2 tunity of speaking to me directly.

3 Q But in the presence of a member of the camp?

4 A Yes.

5 Q Did you ever get any complaints of violence  
6 used by members of the prison staff?

7 A Violence? No, they did not speak to me  
8 directly.

9 Q Do you know a man by the name of KURIYAMA?

10 A Yes.

11 Q Did you ever hear of him hitting prisoners?

12 A I have not heard directly that he ever hit  
13 anybody.

14 THE PRESIDENT: Did you hear indirectly?

15 THE WITNESS: No, not yet. I heard that  
16 he reprimanded prisoners.

17 Q Did you ever tell him that he was not sup-  
18 posed to hit prisoners?

19 A Not to him directly or to him alone.

20 Q Do you remember making a statement on the  
21 4th day of September of last year to Captain Phelps?

22 A Yes.

23 Q And that was a statement on oath?

24 A Yes.

25 Q And you initialed each page of it?

1 A Yes, I did.

2 Q Did you not say in that statement, in  
3 response to a question, "What did you hear?" --  
4 did you not say, "He often hit the prisoners."

5 A I shall correct the statement I made  
6 previously, and I accept the statement that I made  
7 to Captain Phelps.

8 Q That is, you did in fact hear that KURI-  
9 YAMA often hit the prisoners?

10 A Yes.

11 Q When did you hear that?

12 A It was at the time when he was in the  
13 Shinagawa Camp in 1942.

14 Q I am afraid you will have to tell me when  
15 you heard this statement:

16 A In 1942 when I was at Shinagawa.

17 Q Then who did you hear the statement from?

18 A From interpreter ONISHI.

19 Q And what did you do as a result of receiv-  
20 ing that information?

21 A I cautioned KURIYAMA.

22 Q Did he admit hitting them?

23 A I told him not to be rough or to ill-  
24 treat prisoners. That is all.  
25

1 Q But he did say he had hit them.

2 A He only replied "Yes" to my words of advice.

3 Q Now, with regard to Tetsutaro KATO, do you  
4 remember hearing that he was rough with prisoners?

5 A Yes.

6 Q Where did you hear that?

7 A At the Tokyo War Prisoners Camp.

8 Q When?

9 A It was some time after August, 1943.

10 Q Was that the first time you heard anything about  
11 him in that respect?

12 A Yes.

13 Q And on that occasion you merely warned him?

14 A This fact was learned by Major HAMADA when he  
15 went to Hitachi, and at that time he himself very  
16 strictly warned Lieutenant KATO about the matter and  
17 after HAMADA returned to Tokyo he reported the matter  
18 to me, so I did not talk to KATO directly.

19 Q You took no further action against KATO at  
20 that time?

21 A Not anything beyond that at that time.

22 Q Subsequently --

23 A Just a moment, please. With reference to KATO,  
24 he had inflicted some wounds on the prisoner's head  
25 and so I thought that he had committed an offense,

1 inflicting an injury on another party, and so I made  
2 an inquiry with the Legal Affairs Section of the  
3 Eastern Army Headquarters, and if the fact that an  
4 offense had been committed would be established, he  
5 would have to be court-martialed and for that purpose  
6 I made consultations on the matter.

7 Q Well then, subsequently, did you have further  
8 complaints about KATO's conduct towards prisoners?

9 A May I have that question repeated?

10 (Whereupon, the question was read by  
11 the Japanese court reporter.)

12 A No, not concerning prisoners of war.

13 Q Well then, why did you have him returned from  
14 Hitachi Camp to Tokyo Camp?

15 A He was not only that rude toward prisoners of  
16 war, but also to Japanese and to employees of the Hitachi  
17 Camp, and not being a person who got along harmoniously  
18 with others, I thought it was improper to have him stay  
19 at Hitachi and therefore recalled him. He was recalled  
20 because he was regarded -- I felt it would be improper  
21 because of his nature to have him continue direct contact  
22 with prisoners of war.

23 Q Now, do you know a man by the name of HAYASHI?

24 A Yes.

25 Q What camp was he at?

1 A The 2nd Branch Camp in Yokohama.

2 Q And he is a lieutenant?

3 A Yes.

4 Q Well now, did you give him any warning about  
5 the treatment of prisoners by his subordinates?

6 A Yes, frequently.

7 Q What did you warn him about?

8 A I warned Lieutenant HAYASHI much in the manner --  
9 I told Lieutenant HAYASHI what I have generally set  
10 forth in my affidavit, frequently at conferences held  
11 among branch camp commandants.

12 Q And that was because his subordinates were ill-  
13 treating prisoners of war?

14 A No, from even before then.

15 Q And after you learned that his subordinates  
16 were mistreating prisoners of war?

17 A Yes, it was after that that I learned. Yes,  
18 I received reports to that effect later.

19 Q With regard to Sergeant WATANABE, do you know  
20 him?

21 A Yes, I do.

22 Q What camp was he at?

23 A While I was there he was serving under me.

24 Q That is Omori Camp?  
25

1 A Yes.

2 Q That was your headquarters?

3 A Yes.

4 Q And when did you hear of his mistreatment of  
5 prisoners?

6 A In the winter of 1943.

7 Q And what action did you take with regard to  
8 that ?

9 A With regard to him I have never received an  
10 official report. However, in the course of a conver-  
11 sation held after supper at one time, I heard that he  
12 conducted himself quite roughly and then it was at that  
13 time that I learned of this for the first time.

14 Q And what did you do with regard to that?

15 A I cautioned Captain NEMOTO, who served directly  
16 under me, to guide him and direct this Sergeant WATANABE  
17 properly.

18 Q But since then, you know there have been further  
19 allegations of violence against WATANABE since 1943?

20 A I have never, not even once, received an  
21 official report to the effect that he was rough.

22 Q You have recently spent a fair amount of time  
23 giving evidence at Yokohama on the minor war trials,  
24 have you not?

25 A Yes.



1 Q And a number of men who were under your  
2 command have been convicted at those trials and sentenced  
3 to death?

4 A Yes.

5 MR. FREEMAN: If the Tribunal please, I object  
6 to that question. That has nothing to do with these  
7 accused here on trial.

8 THE PRESIDENT: It is clearly admissible. It  
9 goes to his assertion in his affidavit that he behaved  
10 as he should as the officer in charge of those camps.  
11 Now he is being cross-examined as to what happened in  
12 the camps and with what results.

13 The objection is overruled.

14 Q Take the camp at 1-D, Tokyo. In relation to  
15 that camp, Captain MICHIZAWA, a CHISUWA and a KAWAMURA  
16 have all been sentenced to death.  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 THE PRESIDENT: We will hear any application  
2 that he be not bound to answer any incriminating ques-  
3 tion. Such application has not been made.

4 MR. FREEMAN: I do make that application, and  
5 in addition --

6 THE PRESIDENT: You will have to explain why  
7 the question, or the answer will be incriminating,  
8 though.

9 We will not force this man to answer here  
10 any question, the answer to which may be used as  
11 evidence against him later.

12 BY COLONEL MORNANE (Continued):

13 Q Would the witness answer the question?

14 A May I have it repeated?

15 Q Did the witness give evidence in cases at  
16 which Captain MICHIZAWA, also one by the name of  
17 CHISUWA, and one by the name of KAWAMURA were sent-  
18 enced to death at Yokohama as a result of happenings  
19 at Camp 1-D, Tokyo?

20 MR. FREEMAN: If the Tribunal please, I ob-  
21 ject to this question and similar questions until the  
22 prosecution produced the charge upon which these men  
23 have been convicted. The inference here is they may  
24 be convicted or defended by this person's evidence,  
25 neither of which we know anything about nor does the

1 Court know anything about.

2 THE PRESIDENT: If he answers that question,  
3 he will say, in effect, "Yes, men for whom I was  
4 responsible were sentenced to death for crimes against  
5 war prisoners."

6 Do you press the question, Colonel?

7 COLONEL MORNANE: I will withdraw the ques-  
8 tion then, if it please the Court.

9 BY COLONEL MORNANE (Continued):

10 Q Do you know how many deaths occurred at  
11 Camp 1-D, Tokyo, in the winter of 1942-43?

12 A I do not remember.

13 Q I suggest to you that in the camps under  
14 your command, from September '42 to April of '44,  
15 432 men died. As Area Commandant, didn't you find  
16 out how many men in the camps under your camp died  
17 while you were Area Commandant?

18 A Yes, I investigated every month while I was  
19 in office.

20 THE PRESIDENT: Colonel Mornane, perhaps you  
21 ought to be satisfied with the prosecution's evidence  
22 which contradicts this man, if there be any or if  
23 there will be any.

24 COLONEL MORNANE: There is certain evidence,  
25 if it please the Tribunal. There are several other

1 subject matters that I would like to open up very  
2 shortly which are not covered by other evidence.

3 THE PRESIDENT: I realize his importance.  
4 He was in charge of a camp, or camps, in Tokyo where  
5 the accused, or most of them, I suppose, resided.  
6 Those camps may or may not have been under the eye  
7 of some of the accused. I realize the importance of  
8 it, but I do not see the value of a cross-examination  
9 along these lines where you are relying on your own  
10 evidence independent of his answers.

11 I am not suggesting for one minute that any  
12 of your questions was really inadmissible, but you  
13 were right on the border line all the time.

14 COLONEL MORNANE: There is one matter, if it  
15 please the Tribunal, I would like to bring out, which  
16 has not already been proved. That is, that the accused  
17 TOJO is alleged to have visited one of the camps under  
18 his control during his regime there.

19 THE PRESIDENT: I have not prevented you  
20 from asking any questions. I am suggesting a certain  
21 course to you. Use your own judgment.

22 MR. FREEMAN: If the Tribunal please, that  
23 is the last paragraph in the affidavit. He states  
24 that TOJO visited --  
25

THE PRESIDENT: It didn't escape our attention.

1 COLONEL MORNANE: With regard to that, if  
2 the Court please, I would like to ask one question.

3 BY COLONEL MORNANE (Continued):

4 Q At the time of TOJO's visit to your camp,  
5 the death roll throughout your area was very high,  
6 was it not?

7 A I have no recollection what the death  
8 figures were at the time.

9 Q With regard to treatment of the sick, is it  
10 not a fact that the sick received only two-thirds  
11 rations?

12 A I ordered that it be reduced by one-third.

13 Q And, you received the orders to reduce them  
14 by one-third from the Eastern District Army?

15 A From the Eastern Army Headquarters.

16 Q And, when was that?

17 A That was around March, 1943.

18 Q And, at that time the accused DOIHARA was  
19 in charge of the Eastern Army, was he not?  
20

21 A Not General DOIHARA, but General NAKAMURA  
22 Kotaro, his predecessor.

23 Q His predecessor.

24 A My recollection was mistaken the other day,  
25 and so I made the mistake of saying at Sugamo the  
other day that it was General DOIHARA. That was a

1 mistake on my part, and I recall that it had been  
2 NAKAMURA instead.

3 Q Now, have you ever complained to the Prisoner  
4 of War Information Bureau because they sent men in  
5 such a condition to such a cold climate during the  
6 winter?

7 A May I have it repeated?

8 (Whereupon, the last question was  
9 repeated by the Monitor.)

10 A Yes, due to the fact that, not cold climate,  
11 but that it is during the cold season.

12 The Interpreter: Correction: "To such a  
13 cold area," not, "to such a cold climate."

14 Q And, who was the officer of the Prisoner of  
15 War Information Bureau to whom you complained?

16 A At that time it was Major General HAMADA.

17 Q Now, with regard to Red Cross goods, did you  
18 authorize your staff to take Red Cross goods supplied  
19 for the use of prisoners of war?  
20

21 A Yes.

22 THE PRESIDENT: Mr. Freeman.

23 REDIRECT EXAMINATION

24 BY MR. FREEMAN:

25 Q Mr. SUZUKI, why did you authorize your staff  
to take away Red Cross supplies?

1           A    That was lack of wisdom and virtue on my  
2 part.

3           THE PRESIDENT:  You didn't expect that, Mr.  
4 Freeman.

5           Q    Mr. SUZUKI, you were asked on cross-  
6 examination relative to the reduction of the food  
7 allotment for the sick, the prisoners of war.

8           A    Yes.

9           Q    Is it not a fact that the same reduction  
10 applied to Japanese soldiers who were sick?

11          A    This was also applied to Japanese soldiers  
12 who were sick.

13          Q    Do you recall the approximate number of  
14 prisoners of war in the camps under your command  
15 from 1942 to 1944?

16          A    Yes.

17          Q    Will you give us that number?

18          A    I recall the figure as being approximately  
19 4,300.

20          Q    You signed this affidavit on the 1st of July  
21 of this year, did you not?

22          A    I have forgotten the date.

23          Q    Well, to refresh your memory, it is dated  
24 the 1st of July, 1947.

25          A    Yes.

1 Q Have you been questioned by anyone since  
2 making this affidavit?

3 A No.

4 Q You are now confined in Sugamo Prison, are  
5 you not?

6 A Yes.

7 COLONEL MORNANE: If it please the Tribunal,  
8 I object to this re-examination. I cannot see in  
9 what way it arises from the cross-examination.

10 THE PRESIDENT: The last question doesn't,  
11 at all events.

12 MR. FREEMAN: If the Tribunal please, this  
13 witness' credibility has been attacked through,  
14 apparently, an interrogation of the prosecution that  
15 they have.

16 THE PRESIDENT: You do not establish his  
17 credibility by showing he is in Sugamo Prison.

18 MR. FREEMAN: In addition to that --

19 THE PRESIDENT: The question is objected to.  
20 I am only dealing with the question objected to.

21 Q How long have you been confined in Sugamo  
22 Prison?

23 COLONEL MORNANE: If it please the Tribunal,  
24 I object to that question.

25 THE PRESIDENT: Objection allowed.



1 THE INTERPRETER: The witness replied, "One  
2 year and eleven months."

3 THE PRESIDENT: This is quite unusual. I  
4 have never known any defense counsel to try to estab-  
5 lish his witness was kept in jail or under supervision.

6 MR. FREEMAN: Without a trial, if the Tri-  
7 bunal please.

8 THE PRESIDENT: It has nothing to do with it.  
9 We are not concerned with any question of an early  
10 trial. We are sitting in judgment on the accused,  
11 not anybody else, and an early or late trial does not  
12 affect his credibility or his testimony in any way.  
13 It has no bearing on it, and you know it.

14 We will recess for fifteen minutes.

15 (Whereupon, at 1445, a recess was  
16 taken until 1500, after which the proceed-  
17 ings were resumed as follows:)

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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Freeman.

MR. FREEMAN: If there is no other re-cross-examination, may the witness be excused?

THE PRESIDENT: He is excused on the usual terms.

MR. FREEMAN: I next call the witness YAMAZAKI, Shigeru, whose affidavit is defense document 1696.

- - - -

1 SHIGERU YAMAZAKI, recalled as a wit-  
2 ness on behalf of the defense, resumed the stand  
3 and testified through Japanese interpreters as  
4 follows:

5 THE PRESIDENT: You are still on your former oath

6 DIRECT EXAMINATION

7 BY MR. FREEMAN:

8 Q Will you give us your full name and address?

9 A My name is YAMAZAKI, Shigeru; my address,  
10 Uwabori, Kamikawa-Mura, Chiisagata-Gori, Nagano Prefect-  
11 ure.

12 MR. FREEMAN: Will the Translation Section  
13 repeat the President of the Court's statement to the  
14 witness?

15 (Whereupon, the Japanese interpreter  
16 addressed the witness in Japanese.)

17 MR. FREEMAN: May the witness be shown defense  
18 document 1696?

19 (Whereupon, a document is handed to  
20 the witness.)

21 BY MR. FREEMAN:

22 Q Is that your affidavit and have you signed it?

23 A Yes.

24 Q Are the contents true and correct?

25 A Yes, correct.

1 MR. FREEMAN: I now offer in evidence defense  
2 document 1696.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 1696  
5 will receive defense exhibit number 3049.

6 (Whereupon, the document above re-  
7 ferred to was marked defense exhibit 3049 and  
8 received in evidence.)

9 MR. FREEMAN: I will now read exhibit 3049,  
10 beginning with the second paragraph, on page 2:

11 "2. I will make a statement as follows, on  
12 instructions, dated June 3 of the 17th year of SHOWA  
13 (1942), concerning labor-duty for officer and warrant  
14 officer prisoners of war (Exhibit No. 1961):

15 "A. These instructions were made with the de-  
16 sire of having the prisoners work voluntarily and were  
17 well-meaning taking the war prisoners' health into con-  
18 sideration, they absolutely did not have any meaning  
19 of compulsory labor.

20 "B. These instructions were issued from the  
21 Director of the War Prisoners Control Department to the  
22 units concerned, namely, the army commanders or garrison  
23 commanders who controlled the war prisoners' camps in  
24 accordance with Article III of the War Prisoners' Camp  
25 Regulation, but was not directed to the heads of the

1 war prisoners' camps themselves. Accordingly, the  
2 phrase, 'it is desired that proper guidance be rendered',  
3 at the end of the text refers to the camp heads as  
4 leaders, and does not directly point to the prisoners.

5 "C. These instructions were issued personally  
6 by the Director of the War Prisoners Control Department  
7 as an authorized matter.

8 "3. I will make a statement on the War Min-  
9 ister's instructions to the newly-appointed heads of the  
10 war prisoners' camps on June 25 of the 17th year of  
11 SHOWA (1942) (Exhibit No. 1962) and on the War Minister's  
12 instructions to the newly-appointed heads of the war  
13 prisoners' camps on July 7 of the same year (Exhibit  
14 No. 1963):

15 "A. These two instructions were made out  
16 personally by Lieutenant General KAMIMURA, the then  
17 Director of the War Prisoners' Control Department, on  
18 his own initiative;

19 "B. These two instructions were read by the  
20 above Lieutenant General KAMIMURA as proxy at the confer-  
21 ence of the heads of the war prisoners' camps at which  
22 both Minister TOJO and Vice-Minister KILURI were not  
23 present."

24 If the Tribunal please, I have been requested  
25 to ask three questions, direct.

1 Q Mr. Yamazaki, did you attend the meetings of  
2 the commandants of prisoner of war camps on June 25, 1942  
3 and July 7 1942?

4 A Yes.

5 Q Did Lieutenant-General KAMIMURA read some in-  
6 structions on those dates?

7 A He read the instructions of the War Minister  
8 as proxy.

9 Q Can you briefly give us the substance of those  
10 instructions?

11 A Prisoners of war must be handled with justice.  
12 Do not pamper them. Do not let them eat the bread of  
13 idleness. And finally, in handling the prisoners, efforts  
14 should be made to demonstrate to the natives of the area  
15 the superiority of the Japanese.

16 MR. FREEMAN: You may cross-examine.  
17  
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1 THE PRESIDENT: Mr. Tavenner.

2

3 CROSS-EXAMINATION

4

5 BY MR. TAVENNER:

6

7 Q At these conferences to which you just  
8 referred, that is, of June 25 and July 7, were the  
9 commanders of all the prison camps in attendance?

10

11 A In my recollection, all of the prisoner of  
12 war camp commandants who met at the first conference  
13 came from Korea and Formosa, and prisoner of war camp  
14 commandants who attended the second conference came  
15 from the Philippines, Java, and Siam.

16

17 THE INTERPRETER: Slight correction:

18

19 The first conference was attended by prospec-  
20 tive prisoner of war commandants who were to go to the  
21 prisoner of war camps in Korea and Formosa, and the  
22 second conference was attended by those who were to  
23 be sent to the Philippine Islands, Java, and Siam.

24

25 Q Were the same instructions read and discussed  
26 at both of these conferences?

27

28 A Generally the same.

29

30 Q Were those instructions of the Prime Minister,  
31 TOJO?

32

33 A Yes.

34

35 Q Was he present?

1           A    The Minister did not attend because he was  
2 busily pre-occupied elsewhere.

3           Q    Did those instructions direct the use of white  
4 prisoners of war for menial labor and work details in  
5 order to impress the people of the localities in which  
6 the prisoner of war camps were located with the super-  
7 iority of the Japanese over the white peoples?

8           A    Manual labor was not clearly stated or ex-  
9 pressed, but instructions were given that various  
10 measures should be taken in order to demonstrate Jap-  
11 anese superiority.

12          Q    And wasn't the idea expressed that it was  
13 intended to degrade and humiliate whites as much as  
14 possible?

15          A    Such an idea was not expressed on the text of  
16 the instructions.

17          Q    I didn't ask you what was expressed on the  
18 text of the instructions. I asked you if it wasn't  
19 discussed.

20          A    Nothing clearly was stated at that time.

21          Q    Nothing clearly? Well, state more in detail  
22 what was expressed.

23          A    Two things could be considered in order to  
24 demonstrate Japanese superiority to the natives of the  
25 locality. The first is to demonstrate Japan's moral



1 superiority to the natives by handling and treating  
2 prisoners of war justly. The other was that in the  
3 past Japanese have worshipped Europeans and Americans.  
4 However, as a result of various battles in the present  
5 war, the Japanese have come to capture white prisoners  
6 of war and have now attained the status when they would  
7 be able to use white prisoners of war, and the result  
8 was that Japanese superiority could be demonstrated to  
9 the native population by the Japanese using prisoners  
10 of war before the eyes of these natives.

11 Q By using American prisoners and Allied pris-  
12 oners of war to demonstrate superiority, it was meant  
13 to use them in connection with menial tasks and in such  
14 a way as to humiliate, isn't that true?

15 A (There was no answer.)

16 Q Please answer.

17 A Well, the result generally could be that.

18 Q You know, as a matter of fact, that that is  
19 what was intended, do you not?

20 A That was the result.

21 THE PRESIDENT: The natural result

22 BY MR. TAVENNER:

23 Q That was the natural result of the discussion  
24 that was had at those two conferences, is that not true?

25 A (There was no answer.)

1 Q Please answer.

2 A No, it was -- The intention of the War Min-  
3 ister was to demonstrate Japanese superiority.

4 THE MONITOR: The idea that no one was to  
5 eat the bread of idleness was added to this. Now,  
6 both of those together resulted in what you stated.

7 Q Your commanding officer at that time was  
8 General UYEMURA, is that correct?

9 A Yes.

10 Q And he was in charge of leading this dis-  
11 cussion before the camp commanders?

12 A Yes.

13 Q Was he very proud of this plan to use, as you  
14 say, the Allied prisoners, and was he a strong per-  
15 sonal advocate of the plan?

16 A He frequently said things to that effect  
17 during our office hours.

18 Q Who was his immediate superior?

19 A War Minister TOJO.

20 Q Now, will you tell us whether in carrying  
21 out the plan Allied prisoners were put to work at hard  
22 labor?

23 A Prisoners of war both in Japan and in the  
24 theatres of operation were used for the expansion of  
25 production in connection with the war. They were used

1 in the construction of roads and railroads and also  
2 in loading and unloading freight trains and also ships  
3 in harbors.

4 Q Then, would you classify the work as heavy  
5 labor which was done pursuant to the instructions  
6 which you have just described?

7 A Common hard labor.

8 Q Was it not such work as the coolies were  
9 usually expected to perform and did perform -- a  
10 class of work usually known as coolie labor work?

11 A Yes.

12 Q And that was done under those instructions  
13 in order to demonstrate the superiority of the Japanese  
14 over the white races, wasn't it?

15 A Rather than saying demonstrate the superiority  
16 of the Japanese, the first and primary purpose was to  
17 expand production.

18 Q You didn't tell us a word about the purpose  
19 of expanding production when you told us what the pur-  
20 pose of these instructions was.

21 A I think I said that before.

22 MR. TAVENNER: That is all, if the Tribunal  
23 please.  
24

25 MR. FREEMAN: May the witness be excused?

THE PRESIDENT: He is excused on the usual

1 terms.

2 (Whereupon, the witness was excused.)

3 MR. FREEMAN: I next offer in evidence  
4 defense document 2033, which is the army's regula-  
5 tions relative to labor of war prisoners, for  
6 identification only.

7 CLERK OF THE COURT: Defense document 2033  
8 will receive exhibit No. 3050 for identification  
9 only.

10 (Whereupon, the document above  
11 referred to was marked defense exhibit No.  
12 3050 for identification only.)

13 MR. FREEMAN: It is being offered for iden-  
14 tification only because it is largely repetitious  
15 of the 1941 regulations, with probably one exception.

16 THE PRESIDENT: Mr. Tavenner.

17 MR. TAVENNER: If the Tribunal please, ob-  
18 jection is made to the parts stated as being  
19 repetitious, which would confine the document to  
20 Article 3.

21 THE PRESIDENT: It is tendered for  
22 identification only, and should not be in our hands.

23 MR. TAVENNER: I am sorry.

24 THE PRESIDENT: I thought that Mr. Freeman  
25 intended to offer an excerpt from this document.

1 MR. FREEMAN: I do. Article 3. I offer  
2 in evidence Article 3.

3 THE PRESIDENT: You offer in evidence  
4 Article 3?

5 MR. FREEMAN: I will read Article 3.

6 THE PRESIDENT: How are we going to mark  
7 that? Let Article 3 be marked exhibit 3050-A.

8 CLERK OF THE COURT: Article 3 will be  
9 marked exhibit 3050-A.

10 (Whereupon Article 3 was marked  
11 defense exhibit No. 3050-A and received  
12 in evidence.)

13 MR. FREEMAN: I will read exhibit 3050-A:

14 "The labor to be imposed upon war prisoners  
15 shall not be too heavy, nor shall it be such a work  
16 as to disgrace the positions, military or civil,  
17 which they hold in their country or relates directly  
18 to the plan of operations against their country."

19 I next offer in evidence defense document  
20 2007, which concerns improvement of POW administra-  
21 tion and the use of POW's for labor.

22 MR. TAVENNER: If the Tribunal please,  
23 rule 6-b has not been complied with, with reference  
24 to this document, but we waive it. In waiving it,  
25 however, I desire to point out the importance of

1 will receive exhibit No. 3051.

2 (Whereupon, the document above  
3 referred to was marked defense exhibit No.  
4 3051 and received in evidence.)  
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1 MR. FREEMAN: I now read into evidence  
2 exhibit 3051:

3 "Re Improvement of POW Administration.

4 "(March 3, 1944)

5 "Notice from the Vice-Minister of War to  
6 the Units concerned.

7 "In the POW administration the use of POWs  
8 for labor has been stressed heretofore. Although this  
9 has directly helped to increase our fighting strength  
10 and has produced other good results, the average POWs  
11 health condition is hardly satisfactory due to the  
12 inevitable shortage of materials, etc. Their high  
13 rate of death must be brought to our attention. In  
14 the light of the recent intensified enemy propaganda  
15 warfare, if the present condition continues to exist,  
16 it will needlessly for the hostile feeling of the  
17 enemy and it will also be impossible for us to expect  
18 the world opinion to be what we wish it to be. Such  
19 will cause an obstacle to our prosecution of moral  
20 warfare. Not only that, it is absolutely necessary to  
21 improve the health condition of POWs from the standpoint  
22 of using them satisfactorily to increase our fighting  
23 strength. In view of these facts, you are requested  
24 at this time to deal, in accordance with the following,  
25 in regard to prompt improvement of the health conditions

1 of POWs. I hereby give instructions.

2 "It should be added that, although efforts  
3 must be exerted to utilize spaces on ships in trans-  
4 porting war prisoners, it is necessary that, the  
5 purport of the Despatch, Army Asia Secret No. 1504  
6 of 1942, (Its copy hereto attached) is thoroughly  
7 understood in handling war prisoners at this juncture.

8 "1. Foods and clothings to be supplied to  
9 POWs should be given according to the degree of their  
10 labor as provided in various regulations.

11 "2. Dispensaries for the POW camps (branch  
12 camps or detached camps should be equipped with proper  
13 facilities for medical treatment and the main camps  
14 should be equipped with attached medical wards of  
15 reasonable standard) should be immediately established  
16 to give satisfactory treatment for the patients among  
17 POWs. For this purpose, the necessary funds, materials  
18 and sanitary supplies should be procured or delivered  
19 upon each request.

20 "3. Not only efforts should be made to fully  
21 facilitate the sanitary work by using the medical per-  
22 sonnel among the enemy, but also, if particularly needed,  
23 such measures as requesting the War Minister to have  
24 Army hospital medical officers or medical officers  
25 attached to units serve concurrently at the POW camps



1 should be taken. Thus the medical care for the POWs  
2 can be more solidly administered.

3 "4. In order to increase the rate of  
4 laboring POWs statistically, to use sick POWs in need  
5 of rest or to assign heavy labor tasks to patient  
6 workers or to physically weak must be avoided. Thus,  
7 attention should be paid to the sanitary care of  
8 POWs. Moreover, consideration must be given to the  
9 physical condition of each individual POW in the  
10 light of local climate and if necessary individuals  
11 should be confined in different places alternately  
12 or transferred so as to increase substantially their  
13 efficiency in labor.

14 "5. As to the domestic matters of POWs,  
15 their health, especially their relaxation, must be  
16 considered so long as the security and control permit  
17 from the standpoint of the administration of POWs.  
18 This will increase their efficiency in labor.

19 "6. If the health condition of POWs gets  
20 worse due to an inadequate care on the part of their  
21 employer, an order of suspension or restriction of  
22 the employment of POWs will be issued, so it is request-  
23 ed that the situation be reported."  
24

25 As I have just stated, Mr. Roberts now will  
present documents relative to the navy concerning POWs.

1 THE PRESIDENT: In the first paragraph of  
2 that document appears the sentence, "Their high rate  
3 of death must be brought to our attention." We would  
4 like Major Moore to advise us as to whether that is  
5 a correct translation.

6 Yes, Mr. Roberts.

7 MR. ROBERTS: We call the witness YAMAMOTO,  
8 Chikao.

9 - - - -

10 C H I K A O Y A M A M O T O, recalled as a witness  
11 on behalf of the defense, having been previously  
12 sworn, testified through Japanese interpreters as  
13 follows:

14 THE PRESIDENT: You are still on your former  
15 oath, Witness.

16 DIRECT EXAMINATION

17 BY MR. ROBERTS:

18 Q May the witness be shown defense document 1897?

19 Please examine this document and tell us  
20 whether or not it is your affidavit.

21 A This is my affidavit.

22 Q Is it true and correct?

23 A I should like to make a correction.

24 Q All right, tell us what page, what paragraph.

25 A The correction occurs in the middle of the

1 first page in the English text where it says "Rear  
2 Admiral." I should like to change "11th Air Squadron"  
3 to read, "72d Air Squadron." The other change I  
4 should like to make is to be made on the last line  
5 of page 1 in the English text to read that, "I was  
6 also commandant of the 72d Air Squadron," following  
7 the "11th Air Squadron."

8 That is all.

9 Q Otherwise it is true and correct?

10 A Yes.

11 MR. ROBERTS: I offer in evidence defense  
12 document No. 1897.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please,  
15 objection is made to the introduction in evidence of  
16 the entire page 9 and down to the question and answer  
17 at the end of the affidavit on page 10. The objection  
18 is based upon the fact that in addition to the  
19 directive not being presented or otherwise accounted  
20 for it itself is not described in a way in which we  
21 can identify it. On those grounds we lodge our  
22 objection.

23 MR. ROBERTS: If it please the Court, this  
24 refers to the complete orders issued by Imperial  
25 Supreme Headquarters and we have filed with the clerk

1 a copy of the orders which are contained and  
2 included therein and that would be included in  
3 defense documents 2208, 1940, 1941, 1943 and 1943-A,  
4 1944 and the certificate 2294 as to the loss of  
5 other documents mentioned in defense document No.  
6 1940 as an annex. It is intended to offer all these  
7 documents in evidence after the reading of the  
8 affidavit.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: If the Tribunal please, it  
11 may be that cross-examination would be desired on  
12 the matters set forth in these pages and if counsel  
13 will give us the proper description of the paper  
14 lodged with the clerk which contains a description  
15 of these matters we would like to examine it.

16 THE PRESIDENT: Is Major Moore ready yet?

17 We will deal with this affidavit on Tuesday  
18 morning. In the meantime, Major, you might tell us  
19 what you have there.

20 LANGUAGE ARBITER (Major Moore): Referring  
21 to exhibit 3051, paragraph 1, the words, "Their high  
22 rate of death must be brought to our attention," is a  
23 correct translation of the Japanese.

24 THE PRESIDENT: Between now and Tuesday  
25 morning, Mr. Tavenner, you will have an opportunity

1 to look at those papers, we hope.

2 We will adjourn now until nine-thirty o'clock  
3 on Tuesday morning next.

4 (Whereupon, at 1555, an adjournment  
5 was taken until Tuesday, 2 September 1947, at  
6 0930.)

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2 SEPTEMBER 1947

I N D E X  
Of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
YAMAMOTO, Chikao (resumed)	27250
Direct by Mr. Roberts (cont'd)	27252
Cross by Captain Robinson	27261
Questions by the President of the Tribunal, Sir William Webb	27262
Cross (cont'd) by Captain Robinson	27262
(Witness excused)	27269
TOMIOKA, Sadatoshi	27282
Direct by Mr. Roberts	27282
<u>MORNING RECESS</u>	27282
Direct by Mr. Roberts (cont'd)	27284
Cross by Captain Robinson	27305
(Witness excused)	27309
<u>NOON RECESS</u>	27309
OHASHI, Tatsuo	27315
Direct by Mr. Roberts	27315
Questions by the President of the Tribunal, Sir William Webb	27322
Redirect by Mr. Roberts	27322
Questions by the President of the Tribunal, Sir William Webb	27322
(Witness excused)	27323

2 SEPTEMBER 1947

I N D E X  
Of  
Witnesses  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
OKOCHI, Denshichi	27324
Direct by Mr. Roberts	27324
Direct (cont'd) by Mr. S. OKAMOTO	27328
(Witness excused)	27334
ARIMA, Shizuka (Gen)	27335
Direct by Mr. Roberts	27335
(Witness excused)	27348
<u>AFTERNOON RECESS</u>	27348
TAKATA, Toshitane	27354
Direct by Mr. Roberts	27354
Cross by Cormander Cole	27370
(Witness excused)	27373
YAMAMOTO, Yoshio (recalled)	27374
Direct by Mr. Roberts	27374
(Witness excused)	27385

2 SEPTEMBER 1947

I N D E X

Of

EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1897	3052		Affidavit of YAMAMOTO, Chikao		27251
	3053		Book entitled "Collected Volume of Headquarters' Instructions, Vol. II, Navy Section"	27269	
1943	3053-A		Excerpt therefrom - Chapter I - The Campaigns Against the US, the British Commonwealth and the Chinese Republic		27269
1943-A	3053-B		Further excerpt - "Air Operations"		27270
	3054		Book entitled "Collected Volume of Imperial Headquarters Instruc- tions, Vol. I, Naval Section"	27273	
1944	3054-A		Excerpt therefrom - Operational Policy		27274
1941	3054-B		Further excerpt from above Volume		27313
1455	3055		Regulations: The Treatment of Prisoners of War - (Naval Ministerial Notification No. 33, dated 17 February 1904, Amended by Notification No. 407, 1941)		27275
1456	3056		Report on Prisoner of War Administration made to GHQ by the Tokyo Central Liaison Office, dated 27 January 1946.		27278



2 SEPTEMBER 1947

I N D E X  
Of  
EXHIBITS  
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1945	3057		Affidavit of TOMIOKA, Sadatoshi		27284
	3058		Volume entitled "Collected Volume of Imperial Headquarters Instructions Navy Section"	27298	
1940	3058-A		Excerpt therefrom - Naval General Staff Directive No. 15, dated 30 November 1941 from Chief of Naval General Staff, Admiral NAGANO, Osami to Commander-in-Chief of Combined Fleet, Admiral YAMAMOTO		27301
2294	3059		Certificate "Instructions, Navy Department, Imperial Headquarters "		27303
	3060		Book entitled "Imperial Headquarters Naval Orders, Part III"	27311	
2208	3060-A		Excerpt therefrom - Directive No. 282 Naval Department - Imperial General Headquarters - from NAGANO, Osami, Chief of the Naval General Staff to KOGA, Commander-in-Chief of the Combined Fleet		27311

2 SEPTEMBER 1947

I N D E X  
of  
EXHIBITS  
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1954	3061		Affidavit of OHASHI, Tatsuo		27315
1607	3062		Affidavit of OKOCHI, Denshichi		27325
1256	3063		Affidavit of ARIMA, Shizuka (Gen)		27335
1896	3064		Reply addressed to Colonel Allen from Major-General NAKAMURA re the inquiry note addressed to the Japanese Government from GHQ after the surrender concerning a Japanese submarine which sunk a steamer in the Indian Ocean		27349
2128	3065		Affidavit of TAKATA, Toshitane		27356
2142	3066		Affidavit of YAMAMOTO, Yoshio		27374

1 Tuesday, 2 September 1947

2 - - -  
3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -  
12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE I.M. ZARYANOV,  
15 Member from the USSR., not sitting from 0930 to 1600;  
16 HONORABLE JUSTICE HENRI BERNARD, Member from the  
17 Republic of France and HONORABLE JUSTICE R. B. PAL,  
18 Member from India, not sitting from 1330 to 1600.

19 For the Prosecution Section, same as before.

20 For the Defense Section, same as before.

21 - - -  
22 (English to Japanese and Japanese  
23 to English interpretation was made by the  
24 Language Section, IMTFE.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 - - - -

4 C H I K A O Y A M A M O T O, resumed the stand  
5 and testified through Japanese interpreters  
6 as follows:

7 THE PRESIDENT: Mr. Tavenner.

8 MR. TAVENNER: If the Tribunal please, the  
9 prosecution has made a check on the three documents  
10 that were filed with the Clerk, but it is impossible  
11 for us to determine what directives are referred to  
12 in this affidavit on pages 9 and 10.

13 We waive the objection that rule 6-b has not  
14 been complied with, but we take the position that pages  
15 9 and 10, other than the last question and answer on  
16 page 10, should not be admitted in evidence due to the  
17 fact that the directives are not clearly described, and,  
18 in any event, it seems to be an effort on the part of  
19 the affiant to describe and to some extent construe  
20 those directives which, no doubt, will be presented  
21 in some form by the defense later on.

22 THE PRESIDENT: Mr. Roberts.

23 MR. ROBERTS: The references on pages 9 and  
24 10 are really a summary of the directives which are  
25 referred to in the earlier parts of the affidavit.

1 THE PRESIDENT: Are you sure they are  
2 summaries and not interpretations?

3 MR. ROBERTS: It is a summary of the documents  
4 that I referred to before the adjournment.

5 THE PRESIDENT: I think you had better rely  
6 on the document. No doubt, the prosecution have told  
7 us, in all good faith, that they cannot trace these  
8 documents, after having sought for them during the  
9 week-end.

10 The objection is sustained and the document  
11 admitted to the extent not objected to, that is to say,  
12 without pages 9 and 10 except the last question and  
13 answer on page 10.

14 MR. ROBERTS: Yes.

15 CLERK OF THE COURT: Defense document 1897  
16 will receive exhibit No. 3052.

17 (Whereupon, the document above  
18 referred to was marked defense exhibit  
19 No. 3052 and received in evidence.)  
20  
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MR. ROBERTS: I read exhibit No. 3052:

1 "Q State your post and rank at the time of de-  
2 mobilization.

3 "A Rear-Admiral: Commandant of the 11th Air  
4 Squadron.

5 "Q State main posts you occupied since around  
6 the outbreak of war till its termination.

7 "A Chief of First Section, Administrative Di-  
8 vision, Department of Naval Aeronautics from September  
9 1941 to December 1942; Chief of First Section, Naval  
10 Department of Imperial Supreme Headquarters from Jan-  
11 uary 1943 to December 1944; and Chief of Staff, 10th  
12 Air Fleet, and Commandant 72nd Air Squadron from  
13 January 1945 to the end of the war.

14 "Q What sort of a job was assigned to you from  
15 January 1943 to December 1944?

16 "A I was in charge of the affairs concerning  
17 overall operational conduct of the Japanese Navy under  
18 the control of the Chief of the First Division, Naval  
19 Department of the Imperial Supreme Headquarters. To  
20 fulfill this duty I was to direct the members of the  
21 First Section in drawing up plans as well as in draft-  
22 ing orders and directions for the overall operational  
23 conduct of the Navy.

24 "Q Have you ever taken part in drawing up the  
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1 "Results of operations up to that time led us to  
2 believe that submarines could be more effectively  
3 employe against enemy sea traffic than against enemy  
4 naval forces. Increasing activities of enemy air-  
5 craft in the Solomon Islands and Rabaul areas, however,  
6 made the supply by ordinary surface transports to  
7 those outlying bases more and more difficult, a sit-  
8 nation which compelled us to employ submarines for  
9 the transportation of supplies.

10 "The method of forwarding supplies by means of  
11 submarines was subsequently extended to New Guinea,  
12 the Mandated Island and the Aleutian Archipelago  
13 areas. This necessitated numerous submarines to be  
14 diverted from the field of maritime traffic destruction,  
15 leaving in the latter field only a scant force of sub-  
16 marines, a situation which made the prospect of  
17 achieving the results at first visualized remote.

18 "The operational plan for this minor period is  
19 what was indicated to the Commander-in-Chief of the  
20 Combined Fleet, YAMAMOTO, Isoroku, by the Chief of  
21 Naval General Staff NAGANO, Osami, on 25 March 1943  
22 as Naval General Staff Directive No. 209, in the  
23 drafting of which I myself took part as the Chief of  
24 the Section in charge of the planning.

25 "The second minor period began in October 1943  
with the principle in operation unaltered. But the



1 advent of German submarines in the Indian Ocean  
2 necessitated the drawing of the demarcation between  
3 the fields of operations of Japanese and German sub-  
4 marines. This line of demarcation was indicated by  
5 the Chief of Naval General Staff NAGANO, Osami, to  
6 Commander-in-Chief of the Combined Fleet, Admiral  
7 KOGA with Naval General Staff Directive No. 282  
8 dated 4 October 1943.

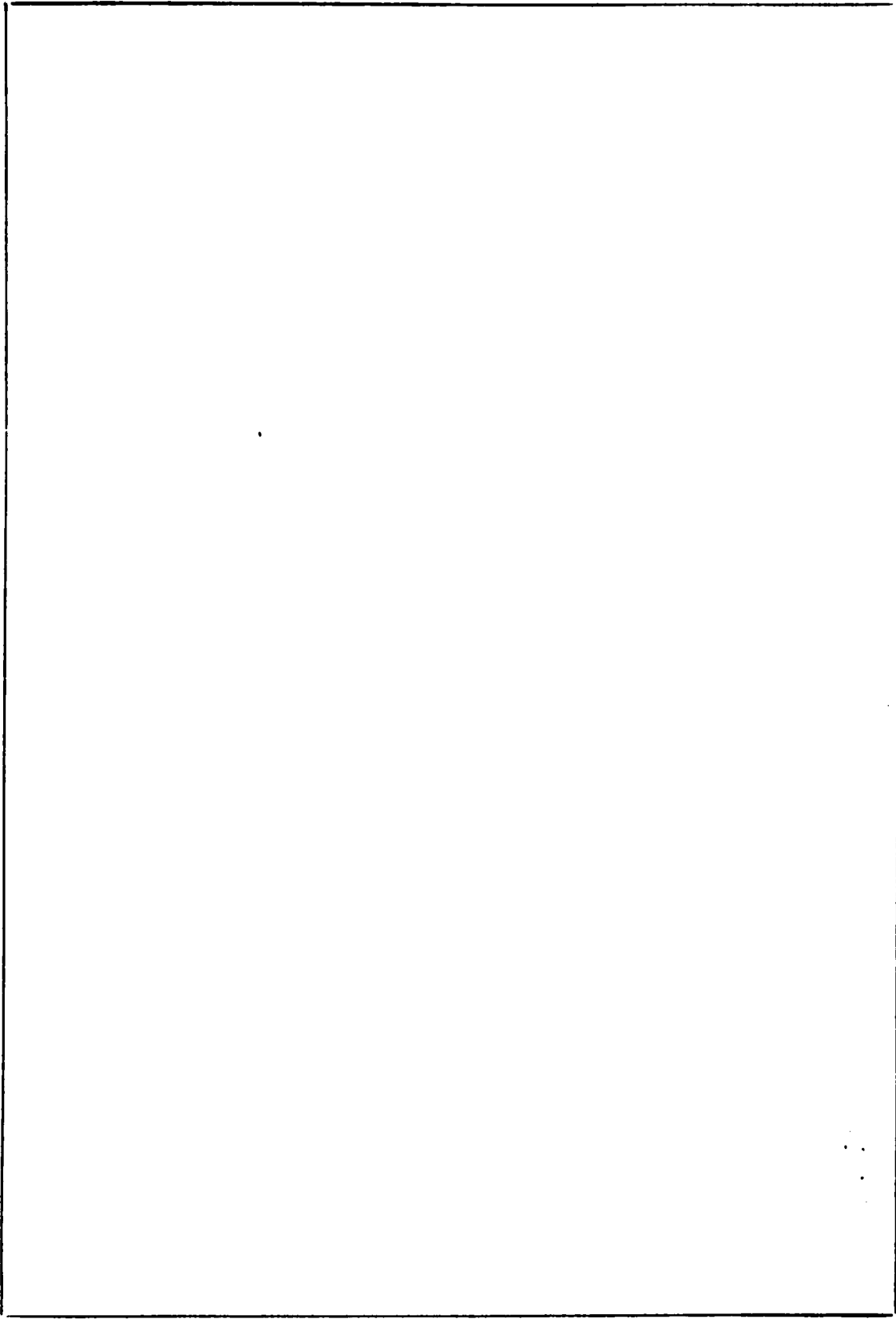
9 "The operational agreement concluded with Germany  
10 regarding to the field of operations in the Indian  
11 Ocean setting 70 degrees longitude as the line of de-  
12 marcation was indicated to the units concerned by  
13 Naval General Staff Directive No. 282 of 4 October  
14 1943 for the first time. Prior to that date nothing  
15 was shown to them concerning this matter.

16 "This was because, I suppose, it had not  
17 been deemed necessary to issue such directive until  
18 the activities of the German submarines became  
19 actually seen in the Indian Ocean, though the agree-  
20 ment with Germany on the matter had been already  
21 concluded.

22 "This Naval General Headquarters Directive was  
23 drawn up by myself in the capacity of the Chief of  
24 the Competent Section.

25 "The third minor period started in August 1944.

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1 For this period no alteration was made in the principle  
2 of operations in so far as a directive of the Naval  
3 General Staff was concerned. In reality, however,  
4 our navy became too tightly occupied with the opera-  
5 tions in the Philippine area to divert submarines to  
6 continue sea traffic destruction, and the submarines  
7 which had so far engaged in the traffic destruction  
8 in the Indian Ocean as well as in the Pacific Ocean  
9 had been withdrawn.

10 "Q When was it that the co-operation of the sub-  
11 marines among Japan, Germany and Italy was contemplated  
12 in the Japanese Imperial Supreme Headquarters.

13 "A When on 25 March 1943 Naval General Staff Di-  
14 rective No. 209 was about to be delivered for the  
15 Third Phase of the War to the Commander-in-Chief of  
16 the Combined Fleet YAMAMOTO from the Chief of the  
17 Naval General Staff, an item dealing with the co-  
18 operation first found its insertion into this directive  
19 because it was expected that some of the German and  
20 Italian submarines would start operations shortly in  
21 the Indian Ocean in accordance with the military agree-  
22 ment among the three powers. It was not until 4  
23 October 1943, however, that the operational units con-  
24 cerned were first instructed concretely about the  
25 matter, because of the necessity to do so had not been

1 felt before.

2 "Q During your tenure of office as the Chief of  
3 the First Section, Naval Department of the Imperial  
4 Supreme Headquarters, had any of Japanese Naval Of-  
5 ficers residing in Germany or any German official ever  
6 notified to Tokyo of the German request or something  
7 like that about the co-operations of the Japanese and  
8 German submarines?

9 " No. Nothing of the sort.

10 " German U-boats successfully pursued the policy  
11 of killing all of the persons on board the Allied  
12 vessels except only a few of them useful for getting  
13 information when they sank those vessels. Do you know  
14 the fact that the Germans requested to Japan for the  
15 adoption of such policy around 1943?

16 "A No, I have never heard of any such thing.

17 "Q Has the principle of the annihilation of the  
18 crew members of a sunken vessel ever been adopted in  
19 the plan of operations drawn up in the Imperial Su-  
20 preme Headquarters?

21 "A The Japanese Navy have never adopted such a  
22 principle; absolutely, no never. On the contrary,  
23 though it is a matter of course, the strict observance  
24 of international laws and the high regard to human  
25 lives have been held among the traditional spirits

1 which have guided the Central Authorities of the  
2 Japanese Navy. For instance, in Naval General Staff  
3 Directive No, 15 of 30 November 1941 and in Naval  
4 General Staff Directive No. 60 of 1 March 1942 it is  
5 enuciated as a matter of warning that in carrying out  
6 submarine warfare ample time for safe retirement should  
7 be given to the crew members and passengers of Allied  
8 vessels, unless circumstances might otherwise dictate.

9 "This humanitarian spirit of the Navy had been  
10 maintained unchanged throughout the war.

11 "Q What fleet was in command of the submarines  
12 which operated in the Indian Ocean from around October  
13 1942 to around October 1944?

14 "A A division of submarines was placed under  
15 the command of the South-Western Area Fleet since 10  
16 July 1942, and operated in the Indian Ocean till  
17 October 1943. In October 1943 the Eighth Submarine  
18 Squadron joined forces with the aforesaid division.  
19 Both of these submarine forces were placed under the  
20 direct control of the commandant of the Eighth Sub-  
21 marine Squadron, who in turn was under the command of  
22 the South-Western Area Fleet.

23 "Since August 1944 every submarine of the above  
24 Squadron diverted to other area from the Indian Ocean.

25 "Q What fleet was in command of the submarines

1 that operated in the Pacific Ocean - in the Samoa-  
2 Fiji area in particular - from 1942 to around 1944?

3 "A They were commanded by the Commander-in-  
4 Chief of the Sixth Fleet.

5 "Q By whom was the First Submarine Force com-  
6 manded as of 20 March 1943?

7 "A Belonging to the Sixth Fleet, it was com-  
8 manded by the Commander-in-Chief of the Fleet.

9 "Q In the relation between the 1st Submarine  
10 Squadron and the submarine force operating in the  
11 Indian Ocean, was the one in command of the other re-  
12 garding the operational matters?

13 "A No, they had no direct connection at all be-  
14 tween them. Although both the Sixth Fleet and the  
15 South-Western Area Fleet were under the command of  
16 the Combined Fleet, the submarine forces operating  
17 in the Indian Ocean, which belonged to the South-  
18 Western Area Fleet, and the First Submarine Force be-  
19 longing to the Sixth Fleet had nothing in common be-  
20 tween them regarding the matters pertaining to command.

21 "Q Where were the bases and how extensive were  
22 the theaters operations? Tell me the bases and the  
23 theaters of operations of the submarine forces be-  
24 longing to the South-Western Area Fleet and of the  
25 submarine forces attached to the Sixth Fleet.

1 "A The submarine forces of the South-Western  
2 Area Fleet had their base at Penang and the theater  
3 of their operations was the Indian Ocean (since  
4 October 1943 the theater was limited to the Indian  
5 Ocean only east of 70 degrees E longitude); while the  
6 submarine forces of the Sixth Fleet had their base at  
7 Truk with the Pacific Ocean as the field of action.

8 "Q When was MITO, Hisashi, transferred to the  
9 Navy Ministry from the office of the Commandant of  
10 the First Submarine Squadron?  
11

12 "A It was on 29 March 1943.

13 "Q Do you know who succeeded him and what sort  
14 of orders were given to the successor?

15 "A He was succeeded by Rear-Admiral KOUDA,  
16 Takeo. The First Submarine Squadron was ordered to  
17 turn to the Northern Pacific and was assigned another  
18 duty in Kiska-Attus area in the middle of April"

19 Now to the last question on page 10:

20 "Q Have you ever witnessed what is called To-  
21 secret First Submarine Squadron Order No. 2 issued  
22 by the Commandant of the First Submarine Force on  
23 20 March 1943?

24 "A No, I have never."

25 You may cross-examine.

1 THE PRESIDENT: Captain Robinson.

2 CROSS-EXAMINATION

3 BY CAPTAIN ROBINSON:

4 Q Mr. Witness, did you know that Japanese  
5 submarines in the Indian Ocean followed exactly the  
6 same policy as that followed by the Germans in destroy-  
7 ing shipwrecked survivors?

8 A No, I do not.

9 Q Did you ever hear of the sinking -- change  
10 that question -- Is it not a fact that the Jean Nicolett  
11 was sunk on July 2, 1944 in the Indian Ocean by a  
12 Japanese submarine, and that many other Allied vessels  
13 in the Indian Ocean were sunk by Japanese submarine  
14 crews who machine gunned and otherwise destroyed the  
15 passengers in lifeboats?

16 A I never heard of any such fact.

17 Q Did you ever hear of protests to the Japanese  
18 Government by the Governments of the United States,  
19 of Great Britain, the Netherlands and other countries  
20 against such submarine tactics?

21 A Although it did once come to my ears that  
22 such protests had been made, I heard nothing definite  
23 on that.

24 Q Did you know that the Germans supplemented  
25 written orders governing submarine operations, such as



1 the German Order of September 3, 1942, by oral  
2 instructions for the destruction of shipwrecked  
3 survivors?

4 A No, I have never heard of any such thing.

5 Q You stated a moment ago, you did learn that  
6 complaints had been filed at one time. What was done  
7 in regard to those complaints?

8 A In regard to these protests, I believed they  
9 were taken up by the competent section of the Navy  
10 Ministry, and, as for our part, my subordinates would  
11 investigate reports coming in from the various naval  
12 units, reporting time, place, etc, where even my vessels  
13 had been sunk and see if those reports -- if the time,  
14 place and so forth in those reports, coincided with  
15 those set forth in the protest.

16 BY THE PRESIDENT:

17 Q Did your subordinates make any such investi-  
18 gation?

19 A Yes. However, I have never had any reports  
20 made to me that as a result of those investigations an  
21 actual case in which the time and place did coincide  
22 occurred.

23 BY CAPTAIN ROBINSON (Continued):

24 Q And yet you state in this affidavit that no  
25 such incidents occurred?

1           A    I am afraid I cannot understand what you  
2 mean by "such incidents." To what are you referring?

3           Q    Incidents upon which such complaints were  
4 based by the United States Government, the British  
5 Government, the Dutch Government and other governments  
6 whose ships have been sunk and crews destroyed by such  
7 tactics.

8           A    I have never heard of any such incidents --  
9 any such acts.

10          Q    You were Chief of the First Section of Naval  
11 Supreme Headquarters in February and March 1944?

12          A    Yes.

13          Q    And at page 8 you speak of the submarine forces  
14 of the Southwestern Area Fleet having their base at  
15 Penang.

16          A    Yes, that is so.

17          Q    You knew that 3 or 4 submarines were included  
18 with the Cruiser Tone and other ships in the 16th  
19 Squadron of the South-Western Area Fleet at that time  
20 and place.

21          A    The 16th Squadron never had any submarines  
22 under it.

23          Q    During February, 1944, under whom was the  
24 Japanese South-Western Area Fleet commanded?

25          A    I cannot recollect the name of the commander.

1 Q Was it not Admiral TAKASU?

2 A I believe it was Admiral TAKASU.

3 Q And who was in command of the Japanese 16th  
4 Squadron?

5 A I believe it was Rear-Admiral SAKONJI. However,  
6 I have no exact recollection.

7 Q Is it not a fact, that in February, 1944, the  
8 South-Western Area Fleet and the 16th Squadron, under  
9 the commanders as indicated, held a conference at Penang  
10 on 23 February, 1944, at which plans were made for  
11 operations against Allied shipping in the Indian Ocean?

12 A The Imperial General Headquarters had no  
13 knowledge of such conferences held by commanders in  
14 those areas.

15 Q In other words, local commanders could inaugu-  
16 rate submarine warfare involving the tactics of destroy-  
17 ing surviving crews and passengers without Imperial  
18 Headquarters knowing of that fact?

19 THE PRESIDENT: In view of your evidence you  
20 don't suggest they didn't know, do you?

21 CAPTAIN ROBINSON: No, your Honor, but I  
22 would like to have the witness' statement on that  
23 question, if I may.  
24

25 A May I have the question itself repeated, please?

THE PRESIDENT: Of course, a submarine could

1 have done anything it liked without letting Imperial  
2 Headquarters know. It is not necessary to put that  
3 question and it isn't necessary to answer it. But,  
4 the suggestion in the question is what intrigued me  
5 in view of your evidence.

6 BY CAPTAIN ROBINSON (Continued):

7 Q Is it not possible also that orders to  
8 submarine commanders for such tactics might be passed  
9 on orally as was done by the German Command?

10 A Since no reports were submitted by local  
11 commanders as to what orders or instructions they gave  
12 to their subordinates, based on the orders or instructions  
13 coming from the Imperial General Headquarters, I have  
14 no way of ascertaining what kind of orders they actually  
15 gave. However, although most of the orders given by  
16 local commanders were in written form some, I believe,  
17 were given orally. Furthermore, in order to explain  
18 the orders or instructions given by these local  
19 commanders, the Chief of Staff would give oral ex-  
20 planations to go with these orders. However, it was  
21 customary in such cases, as these oral explanations  
22 of the Chief of Staff would later be distributed to the  
23 various commanders in written form.  
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1           Q    You didn't know, then, that a conference was  
2 held at Penang on 23 February 1944 in which plans were  
3 laid down by the Japanese Southwest Area Fleet for  
4 activities in the Indian Ocean?

5           A    I have no knowledge of any such conference.

6           Q    You didn't know that at such a conference  
7 it was suggested that should a ship of the Allies be  
8 captured and/or sunk, only prisoners essential for  
9 the giving of information were to be brought back  
10 and the remainder were to be executed?

11           THE PRESIDENT: Mr. Roberts.

12           MR. ROBERTS: The witness has twice answered.  
13 he knew of no such conference. This is simply a repe-  
14 tition of the same question. As to what happened there,  
15 of course he had no knowledge; he knew nothing of the  
16 conference.

17           THE PRESIDENT: In view of his previous answers,  
18 it is futile to put these questions, Captain Robinson.

19           CAPTAIN ROBINSON: If the Court please --

20           THE PRESIDENT: There is no need to remind us  
21 of your evidence in that matter. We realize you had  
22 a duty to put some of these matters to him. But he has  
23 so indicated his attitude that it is futile to do any  
24 thing more than you have done.

25           CAPTAIN ROBINSON: Those questions, if the

1 Court please, were preparatory to this final question,  
2 which, I think, will show the purpose of the preceding  
3 questions.

4 THE PRESIDENT: What you have prepared has  
5 nothing to do with the matter. The fact is he has  
6 answered you in such a way that you cannot hope to  
7 get any affirmative reply from him.

8 CAPTAIN ROBINSON: This is not a matter relat-  
9 ing to our evidence, if the Court please. I am simply  
10 laying a foundation.

11 THE PRESIDENT: Laying a foundation for what?  
12 Do you want him to confirm your own evidence?

13 A majority of the Court are against allowing  
14 you to further question along this line. The objec-  
15 tion is upheld in the interest of time saving as well  
16 as any other interests.

17 BY CAPTAIN ROBINSIN:

18 Q Mr. Witness, had you heard of the sinking of  
19 the British ship BEHAR and the execution of 65 sur-  
20 vivors of that sinking?

21 A I don't know.

22 Q You had not heard of the protest of the  
23 British Government at the sinking of the BEHAR and the  
24 atrocity execution of its survivors?

25 A No, I have never.

1           Q   And you don't know, then, that the execution  
2 of the plan of the Southwest Area Fleet consisted in  
3 the sinking of the BEHAR?

4           THE PRESIDENT: You have complied long ago  
5 with all the requirements of fairness to the witness.

6           CAPTAIN ROBINSON: If the Court please, the  
7 prosecution would like to refer the Tribunal to the  
8 evidence referred to in the questions in exhibit 2104,  
9 record page 15,182. That has to do with the BEHAR.

10          THE PRESIDENT: Mr. Roberts.

11          CAPTAIN ROBINSON: I cite the case of the  
12 NICOLLET --

13          THE PRESIDENT: We want to hear Mr. Roberts.

14          MR. ROBERTS: I want to object to any summa-  
15 tion by the prosecution at this time. I think there  
16 is a proper place for it, but this is not the proper  
17 place or the proper time.

18          THE PRESIDENT: Objection overruled.

19          CAPTAIN ROBINSON: The NICOLLET citation is  
20 exhibit 2087 and 2088, record pages 15,140, 15,145,  
21 and the testimony of the survivor McDougall, record  
22 page 15,109.

23          THE PRESIDENT: Mr. Roberts.

24          MR. ROBERTS: I have no further questions.

25          May the witness be excused on the usual terms?

1 THE PRESIDENT: He is excused accordingly.

2 (Whereupon, the witness was excused.)

3 MR. ROBERTS: At this time there are certain  
4 documents referred to in the affidavit of the last wit-  
5 ness.

6 I first want to offer for identification  
7 defense document No. 1943, which is a collection of  
8 the directives of the Imperial Headquarters.

9 CLERK OF THE COURT: Book entitled "Collec-  
10 ted Volume of Headquarters Instructions, Volume II,  
11 Naval Section" will receive exhibit No. 3053 for  
12 identification only.

13 (Whereupon, the document above referred  
14 to was marked defense exhibit 3053 for identifica-  
15 tion.)

16 MR. ROBERTS: I offer in evidence defense  
17 document No. 1943, which is an excerpt from exhibit  
18 3053 for identification. I tender this document,  
19 No. 1943, and at the same time defense document 1943-A.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1943  
22 will receive exhibit No. 3053-A, and defense document  
23 1943-A will receive exhibit No. 3053-B.

24 (Whereupon, the documents above referred  
25 to were marked defense exhibit 3053-A and defense



1           exh'bit 3053-B, respectively, and received in  
2           evidence.)

3           MR. ROBERTS: As to exhibit 3053-A, I just  
4           want to refer to paragraph 6, subdivision 2 and 3,  
5           page 4, which read as follows:

6           "2. Bases situated at the very head of front  
7           lines shall be supplied by means of submarines or the  
8           like combatant vessels if occasion demands.

9           "3. Every possible assistance shall be made  
10          in transporting supplies to army units disposed on  
11          outflung positions."

12          THE PRESIDENT: What bearing has that on any  
13          possible issue?

14          MR. ROBERTS: On the question of inadequacy  
15          of submarines because of the fact that they had to be  
16          used for the transportation of supplies.

17          THE PRESIDENT: It may be relevant to show  
18          that they were actually used in that way, but this  
19          authorization is sheer nonsense.

20          MR. ROBERTS: These directives are merely to  
21          corroborate the statements made by the previous witness  
22          to that effect.

23          I offer for identification only defense  
24          document No. 2208, which is a collection of orders of  
25          the Imperial General Headquarters, Naval Department.

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: If the Tribunal please, Rule  
3 6(b)1 has not been complied with with regard to this  
4 excerpt.

5 MR. ROBERTS: This book has been deposited,  
6 within the rules, more than seven days ago.

7 MR. TAVENNER: If the Tribunal please, this  
8 document was served on the prosecution on the 29th day  
9 of August and no notification give us of the filing  
10 of it at any place where we could make an investiga-  
11 tion of it.

12 THE PRESIDENT: The rule must be complied  
13 with.

14 MR. ROBERTS: I believe the record will show  
15 that I referred to this document when I called the other  
16 documents to the attention of the prosecution last  
17 week that they had been deposited in the Clerk's office.

18 MR. TAVENNER: Counsel refers to this docu-  
19 ment as having been called to our attention at the  
20 close of the session on Friday. If this document is  
21 included in the three volumes that were handed to us,  
22 we will waive the requirement; but if it is in any  
23 different set of document, we would not be willing to  
24 waive it.  
25

MR. ROBERTS: It was among those mentioned.

1  
2 THE PRESIDENT: You can solve that conundrum,  
3 not the Court surely.

4 MR. TAVENNER: We ask that it be passed for  
5 a few minutes to give us an opportunity to determine  
6 the matter.

7 MR. ROBERTS: That will be satisfactory as  
8 far as we are concerned.

9 THE PRESIDENT: Then, you will withdraw it  
10 for the time being, Mr. Roberts?

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1 MR. ROBLRTS: Yes, sir.

2 I offer for identification only defense docu-  
3 ment No. 1944, which is a Collection of Directives  
4 from the Imperial General Headquarters, Naval Depart-  
5 ment.

6 CLERK OF THE COURT: The book entitled,  
7 "Collected Volume of Imperial Headquarters Instruc-  
8 tions, Volume I, Naval Section," will receive exhibit  
9 No. 3054 for identification only.

10 (Whereupon, the document above  
11 referred to was marked defense exhibit  
12 No. 3054 for identification.)

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please, there  
15 is a language problem involved in the translation of  
16 this document. I am advised that it is Staff Direc-  
17 tive No. 60 and not No. 50 as stated in his caption.

18 MR. ROBERTS: Yes. That is corrected in the  
19 certificate attached to the document.

20 THE PRESIDENT: "50" is a typographical error?

21 MR. ROBERTS: Yes, sir.

22 I offer in evidence defense document No.  
23 1944, which is an excerpt from exhibit No. 3054 for  
24 identification.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 1944  
2 will receive exhibit No. 3054-A.

3 (Whereupon, the document above  
4 referred to was marked defense exhibit  
5 No. 3054-A and received in evidence.)

6 MR. ROBERTS: I read exhibit No. 3054-A,  
7 on page 3, paragraph 2, subdivision (d), (e), and  
8 (f), on page 3:

9 "d. In the operations by surface craft it  
10 shall be made a rule as far as possible that such  
11 attack be preceded by duly processed visit and search,  
12 and every possible endeavor shall be made to rescue  
13 human lives if circumstances warrant the sinking of  
14 the vessels.

15 "e. As a rule hostile vessels shall be cap-  
16 tured and be brought to a port of Japan proper when-  
17 ever possible. When such is not feasible captured  
18 vessels shall be either made to sail to the nearest  
19 friendly port or be destroyed after having taken  
20 proper measures for the personnel and cargoes on  
21 board.

22 "f. As a rule persons of armed forces, both  
23 armed men and civilians, higher graded mariners, tech-  
24 nicians, important government officials, and the like  
25 who are belonging to enemy countries and the Chiang

1 Kai-shek regime shall be taken prisoners of war."

2 THE PRESIDENT: We note that it is dated the  
3 1st of March, 1942.

4 MR. ROBERTS: That is correct.

5 We offer in evidence defense document No.  
6 1455. This is a regulation dealing with the prisoners  
7 of war, by which it is shown that the Navy had issued  
8 instructions and procedure for dealing with prisoners,  
9 and the handling of all prisoners was to be fair and  
10 impartial.

11 THE PRESIDENT: It isn't what they said that  
12 matters, it is what they did that matters.

13 However, you may prove these things for  
14 whatever it is worth. We would assume, of course,  
15 with the start of the war, they had all the rules  
16 that should have been observed. before the Army and  
17 the Navy and the Air Force.

18 MR. ROBERTS: This is to prove that, as far  
19 as the central authorities are concerned, there was  
20 no over-all plan or policy for destruction as charged  
21 by the prosecution.  
22

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 1455  
25 will receive exhibit No. 3055.

(Whereupon, the document above

1 referred to was marked defense exhibit  
2 No. 3055 and received in evidence.)

3 MR. ROBERTS: I read exhibit No. 3055:

4 "REGULATIONS:

5 "THE TREATMENT OF PRISONERS OF WAR."

6 THE PRESIDENT: Oh, don't read all this, Mr.  
7 Roberts.

8 MR. ROBERTS: I will refer only to certain  
9 paragraphs:

10 "(Naval Ministerial Notification, No. 33,  
11 17 February 1904 Amended by Notification No. 407,  
12 1941)

13 "Article 5.

14 "In case a prisoner of war is guilty of an  
15 act of disobedience he may be subjected to confinement,  
16 binding or any other measures deemed necessary.

17 "In case a prisoner of war attempts desertion,  
18 the force of arms may be used for its prevention, if  
19 necessary.

20 "Article 5 - 2.

21 "A prisoner of war who attempts desertion or  
22 performs undisciplined acts shall be subjected to dis-  
23 ciplinary punishment.

24 "The preceding punishment shall be effected  
25 according to the regulations stipulated in Naval

1 Disciplinary Punishment Ordinance, Art. 10-14, Art.  
2 22-24, and Art. 31-36.

3 "The disciplinary punishment of a prisoner  
4 of war shall be enforced by the chief of the naval  
5 officials who is then in charge of the internment of  
6 the said prisoner of war.

7 "Article 6.

8 "The naval commandant shall deliver  
9 prisoners of war with their roster, the prisoners  
10 of war journal, their articles kept under custody and  
11 the inventory of these articles to a naval station,  
12 minor naval station, or to the nearest naval author-  
13 ities.

14 "Should the prisoners of war die during the  
15 delivery, their roster, personal belongings, and all  
16 other documents and articles shall be delivered.

17 "Article 9.

18 "Naval stations, minor stations or other  
19 naval authorities, on receiving the delivery of  
20 prisoners of war shall detain them in any temporary  
21 camp available which has adequate facilities to pre-  
22 vent them from desertion until such time as when trans-  
23 portation or redelivery is possible.

24 "Article 15.

25 "Commanders-in-chief of naval stations,



1 Commanders-in-chief of minor naval stations or other  
2 naval authorities shall hand over at the place desig-  
3 nated prisoners-of-war under their care together with  
4 the prisoners of war roster, prisoners of war journal,  
5 prisoners of war articles under custody, inventory of  
6 those articles and all other document to the army  
7 authorities who are to receive the prisoners of war."

8 I next offer in evidence defense document No.  
9 1456. This is a report on the prisoner of war admini-  
10 stration made to GHQ by the Tokyo Central Liaison  
11 Office. This shows that all the prisoners taken by  
12 the Navy had to be turned over to the Army; that the  
13 care of the prisoners by the Navy was only a temporary  
14 measure until they were turned over to the Army.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 1456  
17 will receive exhibit No. 3056.

18 (Whereupon, the document above  
19 referred to was marked defense exhibit  
20 No. 3056 and received in evidence.)

21 MR. ROBERTS: I read exhibit No. 3056, be-  
22 ginning on page 6, marked "Enclosure 2:"

23 "ON POW'S CAMP ADMINISTRATION IN NAVY

24 "In principle, all prisoners of war captured  
25 by the Navy were to be handed over to the Army; but

1 until such time, there were cases when they were  
2 placed under temporary naval supervision in impro-  
3 vided camps. At those camps, the prisoners of war  
4 were placed under regulations of war based on inter-  
5 national agreements, to be treated the same as regular  
6 prisoners of war.

7 "Control of these temporary camps was effect-  
8 ed along the following lines:

9 "1. (a) The name of each organization, which  
10 had policy making or administrative authority or  
11 responsibility with reference to such prisons:

12 "That party designated by the Commander-in-  
13 Chief of a Major or Minor Naval Station or the Com-  
14 mander of an operational force and which, for con-  
15 venience, we shall here call A. (It was customary in  
16 such cases to designate the commander of the defense  
17 area in question.)

18 "A in his turn designated another party  
19 (Usually a Junior Officer whom we shall here call B,  
20 who commands a group of petty officers including  
21 hygienist seamen and other necessary personnel) as  
22 well as interpreters and other civilian employees whom  
23 we shall, as a group, call C.

24 "A in his turn designated another party  
25 "(b) The exact limits of the authority or  
responsibility of each such organization:

1 "A performs direct supervision over the  
2 camp under orders from the Commander-in-Chief of a  
3 Major or Minor Naval Station or the Commander of an  
4 operational force.

5 "B carries out actual management of the  
6 camp under orders from A concerning the supervision  
7 of POW.

8 "C work under orders from B.

9 "(c) Re orders, status, regulations or  
10 other sources of such authority or responsibility:

11 "A issues necessary instructions for the  
12 direct supervision of the camp.

13 "B, on the basis of orders from A and with  
14 his approval established necessary regulations for  
15 the supervision of prisoners of was in Temporary  
16 Camp."

17 That is the end.

18 I now refer to defense document No. 1648,  
19 which has been introduced as exhibit No. 2983. This  
20 is an excerpt from a Fleet Order. It constitutes  
21 directions from the Minister of the Navy, so far as  
22 the military administration was concerned, but it  
23 shows he was under the jurisdiction of the Chief of  
24 the Naval General Staff regarding the matter of  
25 operations. I refer only to Articles 10, 11, and 31

1 in this exhibit.

2 THE PRESIDENT: Well, we have no documents  
3 here. You are not going to read any part of it?

4 MR. ROBERTS: No, I am not.

5 I now call the witness TOMIOKA Sadatoshi.

6 MR. TAVENNER: May I ask defense counsel what  
7 they propose to do about documents 1940 and 1941, which  
8 have been skipped?

9 MR. ROBERTS: In view of the fact that they  
10 are referred to in this witness' affidavit, they will  
11 be introduced after this witness.

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1 S A D A T O S H I T O M I O K A, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. ROBERTS:

6 Q Please state your name and address.

7 A My name is TOMIOKA Sadatoshi; my address  
8 is No. 1792, Hiyoshi Honmachi, Kohoku-ku, Yokohama  
9 City.

10 MR. ROBERTS: May the witness be shown  
11 defense document No. 1945?

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

14 Q Please examine this document and tell us  
15 whether or not it is your sworn affidavit.

16 A The Japanese affidavit is mine, undoubtedly.

17 Q Is it true and correct?

18 A Yes.

19 MR. ROBERTS: I offer in evidence defense  
20 document No. 1945.

21 THE PRESIDENT: Admitted on the usual terms.

22 Read it after the recess, Mr. Roberts.

23 We will recess for fifteen minutes.

24 (Whereupon, at 1045, a recess was  
25 taken until 1105, after which the proceedings

TOMIOKI.

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 CLERK OF THE COURT: Defense document  
4 No. 1945 will receive exhibit 3057.

5 (Whereupon, the document above  
6 referred to was marked defense exhibit  
7 No. 3057.)

8 MR. ROBERTS: I read exhibit No. 3057:

9 "Q What post did you hold at the time you were  
10 demobilized?

11 "A Chief of the First Division, Naval General  
12 Staff.

13 "Q Give us a general outline of posts you  
14 occupied after around December 1941?

15 "A From October 1940 to January 1943 Chief of  
16 the 1st Section, Naval General Staff; from January  
17 1943 to 5 November 1944 service on the seas and at  
18 the front lines; after December 1944 Chief of the  
19 First Division, Naval General Staff until the termina-  
20 tion of war during which period I was promoted to  
21 Rear Admiral in November 1943.

22 "Q What duties were you in charge of as Chief  
23 of the 1st Section, Naval General Staff?

24 "A The 1st Section comes under the command of  
25 the Chief of the First Division, Naval General Staff.

1 It takes charge of general military operations of the  
2 Japanese Navy and my duties were to command the members  
3 of the 1st Section and conduct the planning of general  
4 military operations as well as drafting the orders  
5 and instructions concerning the operations.

6 "Q In early October 1942, did you dispatch  
7 Lieutenant Commander Sadatomo OKADA, Staff Officer of  
8 Naval General Staff, to Kwajalein Island?

9 "A Not only to Kwajalein Island but few other  
10 places.

11 "Q Please state the purpose of the mission,  
12 areas dispatched to, etc.

13 "A In early October 1942 it was decided at  
14 Imperial Headquarters to organize a combined inspection  
15 party from both the army and navy with the purpose of  
16 inspecting the front lines, mainly to re-examine the  
17 defense projects in the Pacific Ocean area. They were  
18 to be sent to Marshalls group, the Marianas group,  
19 the Carolines group, the Solomons group, New Britain  
20 Island, etc. From the Naval General Staff, I gave  
21 orders to Sadatomo OKADA, who at the time was Lieuten-  
22 ant Commander and Staff Officer, to be dispatched  
23 to the above mentioned areas as member of the inspec-  
24 tion party. He was my subordinate as staff member of  
25 the 1st Section and was mainly in charge of defense



preparations. From the Navy Ministry, Kumataro

1 NAKAO, Commander and member of the Education Bureau,  
2 was dispatched to go along with Staff Officer OKADA  
3 as specialist because he was experienced in actual  
4 defense preparations.

5 "Q Who gave orders to Sadatomo OKADA?

6 "A I gave the orders.

7 "Q Did you give the purpose and duties of the  
8 mission to OKADA?

9 "A I, as Chief of the 1st Section, Naval  
10 General Staff, personally and directly gave purpose and  
11 duties at all times whenever a member of the Section  
12 was sent out. In the case of OKADA, it was no excep-  
13 tion, and I gave him purpose and duties of the mission.

14 "Q Did you give to OKADA orders for Vice-Admiral  
15 ABE, Commander of Kwajalein Island, concerning  
16 prisoners of war?

17 "A The 1st Section of the Naval General Staff  
18 does not handle matters dealing with prisoners of war.  
19 It was outside my competence and I have not given any  
20 order or instructions.

21 "Q At the time, did you know that Vice Admiral  
22 ABE, Commander of Kwajalein Island, held prisoners of  
23 war in custody?  
24

25 "A I did not know.

1 "Q Were there prisoners of war in the areas  
2 where you dispatched OKADA at the time?

3 "A I knew by reports that there were prisoners of  
4 war at the Fourth Fleet in Truk Island and at the 8th  
5 Naval Base Corps in Rabaul.

6 "Q Vice-Admiral ABE has stated that he was in-  
7 formed by Staff Officer OKADA that the disposition  
8 of central authorities was to execute prisoners where  
9 they were captured and not send them to Japan. Can  
10 you recall anything related to his statement?

11 "A Nothing. It is something we never knew about.  
12 Vice-Admiral ABE's statement differs greatly with the  
13 Japanese Navy's official forms for forwarding orders.  
14 In our navy, orders are issued in the form of telegrams  
15 or documents other than giving oral orders directly to  
16 the receiver. There is positively no form such as  
17 forwarding an order orally through a third person. I  
18 also do not know any case when an order or instruc-  
19 tion was forwarded directly to a unit under the command  
20 of a naval fleet from the naval General Staff without  
21 first going through the fleet headquarters.

22 "Q What was the name of the unit stationed on  
23 Kwajalein Island and what were its direct and immediate  
24 system of command?

25 "A The 6th Naval Base Corps was stationed on

1 Kwajalein Island and at the time Rear Admiral Koso  
2 ABE was commander. The unit was under the over-all  
3 command of Vice-Admiral Shigemi INOUE, Commander in  
4 Chief of the 4th Fleet.

5 "Q Give the procedure on how orders and instruc-  
6 tions were forwarded from the Naval General Staff to  
7 the Commander of Kwajalein Island.

8 "A Positively in no case would an order or in-  
9 struction be sent directly to the Commander of Kwaja-  
10 lein Island from the Naval General Staff.

11 "Orders and instructions issued by the Naval  
12 General Staff are sent to headquarters of the Combined  
13 Fleet. Normally they are forwarded to units under the  
14 command of the Combined Fleet in the form of orders  
15 from fleet headquarters itself. Exceptions are when  
16 orders and instructions from the Naval General Staff  
17 are concurrently sent to headquarters of the Combined  
18 Fleet and to headquarters of the Fourth Fleet. There  
19 are positively no precedents in the Japanese Navy when  
20 an order was sent directly from the Naval General Staff  
21 to the Commander of the 6th Naval Base Corps or when  
22 headquarters of the Fourth Fleet merely acted as inter-  
23 mediary in communicating an order to the Commander of  
24 the 6th Naval Base Corps.

25 "Q Does the Navy Ministry ever give orders

directly to a member of the Naval General Staff?

1 "A No.

2 "Q When did Staff Officer OKADA return?

3 "A Approximately one month later after completing  
4 the objects of the mission.

5 "Q Did you receive OKADA's report?

6 "A I did.

7 "Q Was there anything concerning the prisoners  
8 of war on Kwajalein?

9 "A Nothing whatsoever.

10 "Q Where is OKADA now?

11 "A He was killed in action in the Philippines  
12 on 26 December 1944. Kumataro NAKAO who accompanied  
13 OKADA and a naval commander in rank at the time was  
14 also killed in action on 16 May 1945 on board the  
15 warship Haguro in the Malacca Straits.

16 "Q During the war have you ever participated in  
17 planning operations for submarines and also drafting  
18 orders, etc?

19 "A I have.

20 "Q What was the length of period?

21 "A From November 1941 to January 1943 and from  
22 early December 1944 till the termination of war.

23 "Q During the war what course did the Japanese  
24 Navy take in submarine warfare?  
25

1

"A Classifying the course into roughly three stages, they were:

2

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4

"(1) The period when they worked havoc on communication lines coordinating with fleet operations doing a side job.

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"(2) The period when major force was devoted to destruct lines of communication.

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"(3) The period when they engaged in menacing communication lines as well as supplying the advanced bases.

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1 "Q State the change in each stage in opera-  
2 tional policies for submarine warfare.

3 "A From the outbreak of war to June 1942 was  
4 called the first stage of operation.

5 "The policy of operation for this period  
6 was indicated to Commander in Chief of the Combined  
7 Fleet YAMAMOTO by the Chief of Naval General Staff  
8 in 'Imperial Headquarters Naval Command Instruction  
9 No. 15'. It pointed out the course of submarine  
10 operations in relation with general sea warfare in  
11 the primary stages at the outbreak of war, and  
12 items to be observed in dealing with shipping. This  
13 was drafted on 30 November 1941 by order of the  
14 Chief of the First Division, Naval General Staff in  
15 preparation should war break out with the U. S.,  
16 Britain and the Netherlands in the future.

17 "The plans of operation for this period  
18 attached importance on offensive operations in the  
19 southern regions and therefore in the Pacific Ocean  
20 area, the primary object of submarine warfare was  
21 to watch and pursue the movements of the U. S. fleets  
22 and the destruction of communication lines was of  
23 secondary importance.

24 "Operations for submarines attached to  
25 forces operating in the south placed primary

1 importance on duties involving offensive operations  
2 in the southern region and the destruction of com-  
3 munication lines was of secondary importance.

4 "Especially, the sea communication line  
5 destruction warfare in the Indian Ocean area had  
6 been instructed to strengthen activities after opera-  
7 tions in the southern region has reached a certain  
8 stage. Furthermore, in performing the destruction  
9 of communication lines the sentiment of the Japanese  
10 Navy respecting human lives and abiding by warfare  
11 laws and regulation is clarified in Imperial Head-  
12 quarters Naval Department Instructions of 30 November  
13 1941 and 1 March 1942. This policy has not been  
14 altered throughout the whole period of the war.  
15 The next period was called the second stage of  
16 operations. It lasted from June 1942 to March 1943.  
17 The characteristics of this period was putting  
18 primary importance on destruction of maritime com-  
19 munication lines.

20 "During the First Stage of Operations the  
21 offensive strategy in southern areas reached a  
22 definite stage and so importance was attached to com-  
23 munication line destruction warfare. Cruisers and  
24 other surface crafts were employed along with the  
25 submarines to work havoc and confuse the enemy.

1 The bulk of the submarine force were allocated for  
2 this purpose. Main water-areas for submarine attacks  
3 were in the following order:

4 "(a) Southeastern coast of Africa and  
5 northwestern part of the Indian Ocean.

6 "(b) Eastern coast of Australia and Cook's  
7 Strait area.

8 "In the Pacific Ocean area the emphasis of  
9 destructing communication lines was laid on sever-  
10 ing the supply route to the U. S. forces in the  
11 southern areas by blockading the communication sea  
12 lanes between the U. S. and Australia.

13 "The operations for this period was indicated  
14 to Commander in Chief of the Combined Fleet YAMAMOTO  
15 from the Chief of Naval General Staff on 22 June  
16 1942 as Imperial Headquarters Naval Command Instruc-  
17 tion No. 107. It was drafted during my term of  
18 office.

19 "The third stage of submarine warfare was  
20 based on a policy issued on 25 March 1943. It was  
21 planned and drafted by my successor Chikao YAMAMOTO  
22 in the form of Imperial Headquarters Naval Command  
23 Instruction No. 209. Characteristics of this order  
24 are:  
25

"(1) Emphasis of the operation was put on



1 destruction of maritime communication lines, which is  
2 the same as in the second stage of operations.

3 "(2) Supplying advanced bases by using a  
4 part of the submarine force.

5 "(3) Performing coordinated operations  
6 with German submarines in the Indian Ocean area.

7 "What I have stated so far was the general  
8 policy and changes of submarine operations adopted  
9 by the Japanese Navy during the recent war.

10 "Q During the recent war, was an operation  
11 policy either planned or indicated by the Imperial  
12 Headquarters to annihilate the crew members except  
13 for a few necessary to obtain information when sinking  
14 enemy shipping by submarines?

15 "A Such a thing was never planned nor indicated  
16 by Imperial Headquarters Naval Command Instructions.  
17 If it were indicated, it should be recorded in the  
18 file of Imperial Headquarters Naval Command Instruc-  
19 tions. Not only is there no such record but this is  
20 very far from the spirit of the Japanese Navy.

21 "Q Did the German authorities ever make any  
22 such request?

23 "A Not when I was at the Naval General Staff.

24 "Q Have you ever read or heard about the First  
25 Submarine Force Order issued by the Commander of the

1 First submarine Flotilla on 20 March 1943?

2 "A No, I haven't.

3 "Q What instructions did the Japanese Navy give  
4 as regards respecting human life and abiding by  
5 international law and regulation in submarine opera-  
6 tions?"

7 THE PRESIDENT: Mr. Tavenner.

8 MR. TAVENNER: If the Tribunal please, due  
9 to the taking up of these matters out of order on the  
10 order of proof, the document referred to here has not  
11 been offered in evidence and may be inadmissible.  
12 Therefore, objection is made to this question and  
13 answer until the directive involved is actually pro-  
14 duced.  
15

16 THE PRESIDENT: It is in the order of proof,  
17 isn't it? Are you sure of that?

18 MR. TAVENNER: It is a little difficult to  
19 say. I think it is, but that is the reason that I  
20 want it cleared up.

21 THE PRESIDENT: You will proceed with the  
22 reading, Mr. Roberts. There is no reason why he  
23 should not read his affidavit. It has been ad-  
24 mitted and we can consider your objection later when  
25 the document comes.

MR. TAVENNER: Probably I should be more e

1 specific. The portion quoted here in the affidavit  
2 does not appear in the order No. 15 which I have in  
3 the order list.

4 MR. ROBERTS: That is defense document No.  
5 1940 which will be introduced, together with a  
6 certificate.

7 THE PRESIDENT: For the time being we take  
8 your word for it, Mr. Roberts, so proceed.

9 MR. ROBERTS (Reading):

10 "A It was indicated in Imperial Headquarters  
11 Naval Command Instruction No. 15 issued 30 November  
12 1941 to the effect that, 'it is lawful to attack  
13 unarmed enemy merchant ships only in waters 300  
14 nautical miles from the enemy coastline and in the  
15 area between Hawaii and the west coast of the U. S.  
16 mainland. In other cases otherwise than above, un-  
17 less circumstances are unavoidable, time must be  
18 given for crew and passengers to seek safety.' As  
19 for dealing with shipping of neutral countries,  
20 instructions were given to take measures as provided  
21 in international law and regulations with the excep-  
22 tion of the four nations of Panama, Norway, Denmark  
23 and Greece.

24  
25 "Further in Imperial Headquarters Naval Com-  
mand Instruction No. 60 issued 1 March 1942 it gave

1 instructions on the following points:

2           "(1) In performing operations on surface  
3 shipping take formal procedures to the extent possible,  
4 and always inspect the ship. However, due to un-  
5 avoidable circumstances if the ship was sunk, en-  
6 deavor to rescue human lives.

7           "(2) Capture hostile shipping whenever  
8 possible and escort them to our port or harbor.

9           "However, if circumstances do not permit the  
10 above, take expeditious measure and escort ship to  
11 nearest port or harbor, or else dispose of the ship  
12 after crew and cargo are removed.

13           "(3) Service men, civilians attached to  
14 the armed services, merchant ship officers, techni-  
15 cians and government high-ranking personnel of the  
16 Chiang Kai-shek regime shall be arrested as prisoners  
17 of war together with nationals of belligerent nations.

18           "In this war, considerable attention was  
19 devoted in respecting human lives and to abide by  
20 international law and regulations."  
21

22           At this time I offer for identification  
23 defense document No. 1940 which is a collection of  
24 directives of the Imperial General Headquarters Navy  
25 Department.

CLERK OF THE COURT: The volume entitled

1 "Collective Volume of Imperial General Headquarters  
2 Instructions, Naval Section" will receive exhibit  
3 No. 3058 for identification only.

4 (Whereupon, the document above  
5 referred to was marked defense exhibit No.  
6 3058 for identification only.)

7 MR. ROBERTS: I offer in evidence defense  
8 document 1940, which is an excerpt from exhibit  
9 3058 for identification. This is only a partial  
10 document; the annex referred to therein is covered  
11 by a certificate in defense document 2294 which will  
12 also be offered.

13 THE PRESIDENT: Where is 2294? Is it on this  
14 order of proof?

15 MR. TAVENNER: It is not on our order of  
16 proof.

17 THE PRESIDENT: It is not on mine.

18 MR. ROBERTS: It is on the additional order  
19 of proof which accompanied the original order of  
20 proof dated August 28.

21 MR. TAVENNER: We do not know anything about  
22 it.

23 THE PRESIDENT: It is not on any order of  
24 proof given to me.

25 MR. ROBERTS: This is a certificate

1 concerning the loss of some of the instructions by  
2 fire, and I shall be glad to recall it and offer it  
3 after the recess so that we can locate it.  
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THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: If the Tribunal please, I am not objecting to the offering of defense document 1940, but in my objection a moment ago to the last question and answer on page 10 of the present witness' affidavit, I called attention to the fact that the material cited there does not appear in any draft of rule 15 or instruction 15 which appears on the order list. I understood that counsel assured us that this quotation was contained in a document which he would presently present.

THE PRESIDENT: He gave us his word that it was in 1940, and it is not; but he may have had some other document in mind.

MR. TAVENNER: On the basis of this document I desire to renew my objection to the matter appearing on page 10 of the witness' affidavit, and I will withdraw it if he produces a document in compliance with his statement.

MR. ROBERTS: When we read defense document 1940 it will disclose a reference to an annex concerning the policy of the navy. The document that I referred to as 2294 covers the annex and the information contained in the affidavit.

MR. ROBERTS: I would like to proceed to have

1 the 1940 marked and read that, and then the other  
2 document can be offered after the Clerk obtains copies  
3 of 2294.

4 MR. TAVENNER: The prosecution will waive  
5 service of the document 2294 and suggest that he  
6 proceed to treat it along with 1940 so that we will  
7 know what the situation is.

8 THE PRESIDENT: Document 1940 is admitted  
9 on the usual terms.

10 CLERK OF THE COURT: Defense document 1940  
11 will receive exhibit No. 3058A.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No.3058A and received in evidence.)

15 MR. ROBERTS: I read exhibit 3058A.

16 "Naval General Staff Directive No. 15 (gist).

17 "Date: November 30, 1941.

18 "From: Chief of Naval General Staff, Admiral  
19 NAGANO, Osami.

20 "To: Commander-in-Chief of Combined Fleet,  
21 Admiral YAMAMOTO.

22 "In case when war breaks out with the United  
23 States, the British Empire, and the Kingdom of the  
24 Netherlands, the policy stated in the annex shall be  
25 the guide to the conduct of the sea communication



TOMIOKA

DIRECT

1 destruction warfare for the time being."

2 At this time I offer a certificate, being  
3 defense document No. 2294, which covers the material  
4 set forth in the annex.

5 MR. TAVENNER: I understand the Clerk does  
6 not have a copy of this for distribution to the  
7 Members of the Tribunal, but will the Tribunal waive  
8 that requirement in order to get to an end of this  
9 matter?

10 MR. ROBERTS: We can have this after lunch,  
11 and I suggest that we forego it until that time. In  
12 the meantime, I will proceed with something else.

13 MR. TAVENNER: I have one copy here of my  
14 own, which I will be very glad to hand to the Tribunal.

15 THE PRESIDENT: What does it say?

16 MR. TAVENNER: The point is that there is  
17 nothing contained in this document either relating to  
18 the quotation appearing in the affidavit. That is the  
19 only point I make.  
20

21 THE PRESIDENT: What is it, a certificate --

22 MR. ROBERTS: A certificate; that is correct.

23 THE PRESIDENT: -- that the document is lost?

24 MR. ROBERTS: It refers to that number; that  
25 is right. It was destroyed during an air raid May 25,  
1945.

1 THE PRESIDENT: So you want to give secondary  
2 evidence?

3 MR. ROBERTS: That is correct.

4 THE PRESIDENT: Well, I do not suppose we  
5 will insist on copies of the certificate, but what is  
6 in the certificate?

7 MR. ROBERTS: I would like, after it is  
8 marked, to read it.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 2294  
11 will receive exhibit No. 3059.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 3059 and received in evidence.)

15 THE PRESIDENT: Read the material parts,  
16 please.

17 MR. ROBERTS (reading):

18 "2. The original of 'Instructions, Navy  
19 Department, Imperial Headquarters,' which were issued  
20 during the Pacific War, were in the custody of the  
21 Adjutants' Office, Navy Department, Imperial Head-  
22 quarters, but was lost by fire during an air raid by  
23 American planes which lasted from the midnight of  
24 May 25, 1945 until the dawn of the following day."

25 THE PRESIDENT: Who gave that certificate?

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MR. ROBERTS: YOSHI, Michinori.

THE PRESIDENT: The connection with this particular document is very vague, is it not?

MR. ROBERTS: I have not completed reading the specific description of the document.

"3. Since then a set of copies of the said Instructions which were kept at the First Department of the Naval General of Staff have been used in place of the original, and are at present being kept and used by the Historical Section of the Material Preparation Department. But among these copies, those issued in 1941, i. e., the Instructions No. 1 to No. 35 were destroyed during the above-mentioned air raid and are not in existence."

You may cross-examine.

1           CAPTAIN ROBINSON: Mr. President and Members  
2 of the Tribunal.

3           THE PRESIDENT: Captain Robinson.

4           CROSS-EXAMINATION

5 BY CAPTAIN ROBINSON:

6           Q   Mr. TOMIOKA, in regard to your statement  
7 that you did not know that Vice-Admiral ABE held  
8 prisoners of war in custody at Kwajalein -- prisoners  
9 who were later executed there -- had not Admiral ABE  
10 been asking navy headquarters at Tokyo to take these  
11 prisoners to Tokyo?

12          A   The First Section of the Naval General Staff  
13 had no knowledge of such matters. The First Section  
14 of the Naval General Staff did not handle POW affairs.

15          Q   You did have charge of defense matters,  
16 however?

17          A   The matters relating to prisoners of war  
18 were handled by the Navy Ministry.

19          Q   Will you please answer my question?

20          A   The First Section handled operational plans.

21          CAPTAIN ROBINSON: Will you please read the  
22 question to the witness so I will have his answer?

23          A   Although the word "defense" is very broad  
24 and I do not know exactly what you mean--

25          THE MONITOR: Strike out "although."

1           A   (Continuing) The word "defense" is so broad  
2 that I am not sure what you mean.

3           Q   When it was considered that prisoners of war  
4 held at Kwajalein or Truk or Wake constituted defense  
5 problems, did their disposition not come before the  
6 competence of your section?

7           A   The presence of prisoners of war on these  
8 islands had nothing to do with the problem of their  
9 defense. Prisoners of war were to be handled in  
10 accordance with set regulations.

11          Q   Well, the reasons given by the local island  
12 commanders, Japanese commanders, for executing the  
13 prisoners were that they constituted a defense problem  
14 which required their execution. Is that not true?

15          A   I cannot judge on those matters.

16          Q   You state that you did know by reports that  
17 there were prisoners of war at Truk and in Rabaul.  
18 How does it happen you knew about those prisoners but  
19 did not know about the prisoners at Kwajalein?

20          A   I do not recollect whether there were any  
21 reports or not.

22          Q   At the top of page 4 of your affidavit you  
23 state: "I knew by reports that there were prisoners  
24 of war at the Fourth Fleet in Truk Island and at the  
25 Eighth Naval Base Corps in Rabaul." Is that not true?

1           A    Yes, I did know because I remember those  
2 reports.

3           Q    And how does it happen you did not remember  
4 the report in regard to Kwajalein?

5           A    It is impossible for me to remember all the  
6 reports coming in from all the areas of fighting  
7 which covered a wide range.

8           Q    But reports did come in, then, to your section  
9 in regard to prisoners of war on various Pacific  
10 islands?

11          A    Reports on prisoners of war came in attached  
12 to reports on fighting. But there were times when  
13 such reports did not come with the combat reports.

14          Q    And is it not true that navy headquarters  
15 received Admiral ABE's report of the execution of  
16 these fliers at Kwajalein as transmitted by him to  
17 commander of Fourth Fleet at Truk?

18          A    I do not know.

19          Q    At page 8, middle of the page, you state  
20 that cruisers and other surface crafts were employed  
21 along with the submarines to work havoc and to confuse  
22 the enemy in the Indian Ocean. In that reference,  
23 were you including reference to the operations such  
24 as the Indian Ocean operation conducted by the  
25 Cruiser Tone and other craft there in February and

1 March, 1944?

2 A I believe you mentioned the year 1944, is  
3 that correct?

4 Q That is correct.

5 A I know nothing about the year 1944; about  
6 what happened in that year.

7 Q May that, then, account for the question  
8 which you made at page 10, where you state that you  
9 have never read or heard of the First Submarine Force  
10 order issued on 20 March 1943? May we attribute your  
11 lack of knowledge of this order to the fact that you  
12 had been relieved as chief of the First Section in  
13 1943?

14 A That is so. Since I left my post in January,  
15 1943, I know nothing of what occurred after that date.

16 CAPTAIN ROBINSON: That concludes the cross-  
17 examination, if the Court please.

18 I should like to refer the Court to exhibits  
19 2055-A and 2055-C and the record at page 15,019 and  
20 15,028.

21 One further question, if the Court please.

22 Q Directing your attention to your answer at  
23 the bottom of page 10 in regard to "Imperial Headquarters  
24 Naval Command Instruction No. 15 to the effect that..."  
25 with some quotes following, that statement by you is

1 merely your recollection of what may have been con-  
2 tained in that order; is that correct?

3 A Yes, that is my recollection.

4 CAPTAIN ROBINSON: That is all.

5 THE PRESIDENT: Mr. Roberts.

6 MR. ROBERTS: No further questions. May  
7 the witness be excused on the usual terms?

8 THE PRESIDENT: He is excused accordingly.

9 (Whereupon, the witness was excused.)

10 THE PRESIDENT: When do you expect to finish  
11 this general phase, Mr. Roberts?

12 MR. ROBERTS: I anticipate finishing mine by  
13 the end of the day.

14 THE PRESIDENT: But there are other subphrases?

15 MR. ROBERTS: Mr. Freeman will continue when  
16 I finish and will probably take another day or so.

17 THE PRESIDENT: What is your next evidence?

18 MR. ROBERTS: I should like to re-offer at  
19 this time defense document No. 2208. I understand  
20 the prosecution has already examined the basic document.

21 THE PRESIDENT: We will adjourn until half-  
22 past one.

23 (Whereupon, at 1200, a recess was  
24 taken.)  
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## AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at  
4 1335.

5 MARSHAL OF THE COURT: The International  
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: With the permission of the  
8 Tribunal, the accused KIMURA is conferring with his  
9 counsel and will be so doing all the afternoon.

10 Mr. Tavenner.

11 MR. TAVENNER: If it please the Tribunal,  
12 the date of this document is not shown on its face.  
13 We have examined the original, and it does not appear  
14 on the original. We would be willing to stipulate  
15 with counsel the date of the executive order 281,  
16 which preceded it, and the date of 283 which followed  
17 it, in order to get the dates between which this in-  
18 struction was issued.

19 MR. ROBERTS: The date was given as October 4,  
20 1943, in the affidavit read, now exhibit No. 3052.

21 I tendered this defense document, and I ask  
22 now that it be received in evidence.

23 THE PRESIDENT: Well, just what is your  
24 attitude, Mr. Tavenner?

25 MR. TAVENNER: This document having been

1 undated, we were uncertain --

2 THE PRESIDENT: Yes, I understand that.

3 MR. TAVENNER: We waive rule 6-B-1 as far  
4 as this document is concerned.

5 MR. ROBERTS: In view of the fact that this  
6 is an excerpt, I want to offer first the book, which  
7 is defense document No. 2208, for identification only.

8 MR. TAVENNER: The prosecution has no ob-  
9 jection to its introduction now.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: The book entitled,  
12 "Imperial Headquarters Naval Orders, Part III," will  
13 receive exhibit No. 3060 for identification only, the  
14 excerpt therefrom being defense document 2208 will  
15 receive exhibit No. 3060-A.  
16

17 (Whereupon, the document above  
18 referred to was marked defense exhibit  
19 No. 3060 for identification; the excerpt  
20 therefrom being marked defense exhibit  
21 No. 3060-A and received in evidence.)

22 MR. ROBERTS: I read exhibit No. 3060-A:

23 "Directive No. 282, Naval Department.

24 "Imperial General Headquarters.

25 "From: NAGANO Osami, Chief of the Naval  
General Staff.

1 "To: KOGA, Commander-in-Chief of the Com-  
2 bined Fleet.

3 "It is directed that the following items  
4 should be adhered to in executing submarine operations  
5 in the Indian Ocean:

6 "1. The boundary between the operation  
7 area of the submarines of the Imperial Japanese Navy  
8 and that of the German submarines is set on the  
9 longitudinal line of seventy (70) degrees east as a  
10 general rule, the east side of it being allocated to  
11 Japan and the west of it to Germany.

12 "In case of necessity, however, they can  
13 operate anywhere irrespective of this boundary.

14 "2. The submarines operating in the Indian  
15 Ocean are forbidden to make any anti-submarine attack."

16 At this time, I offer for identification only  
17 defense document No. 1941. This is a collection also  
18 of the directives of the Imperial General Headquarters.  
19 I believe it has already been marked, has it not, in  
20 the same volume as 1943 and is now exhibit 3054 for  
21 identification?

22 THE PRESIDENT: Why is it 3061-A?

23 MR. ROBERTS: The book is marked 3054 for  
24 identification, and I believe the other documents are  
25 marked 3054-A. This may be marked 3054-B, as an

1 excerpt from the same two volumes.

2 THE PRESIDENT: Admitted on the usual terms  
3 as 3054-A.

4 MR. ROBERTS: It should be B, if your Honor  
5 please.

6 THE PRESIDENT: Exhibit 3054-B.

7 (Whereupon, the document above  
8 referred to was marked defense exhibit  
9 No. 3054-B for identification.)

10 MR. ROBERTS: This was introduced because of  
11 the references in the affidavit of the last witness,  
12 and I do not think there is any need to read it at  
13 this time.

14 THE PRESIDENT: Mr. Tavenner.

15 MR. TAVENNER: If it please the Tribunal,  
16 as counsel has decided not to read this document, I  
17 feel it is necessary to call one sentence to the Tri-  
18 bunal's attention if I may be permitted to do so.

19 THE PRESIDENT: Just refer to the number of  
20 the clause. It is numbered, I would imagine.

21 MR. TAVENNER: It is the last sentence on  
22 page 3, and if I may be permitted, I will give other  
23 references to the same matter. This same directive is  
24 referred to in the witness YAMAMOTO's testimony, ex-  
25 hibit No. 3052, and also TOMIOKA's testimony, exhibit

1 3057, and is the same as exhibit 3054-A.

2 THE PRESIDENT: Mr. Roberts.

3 MR. ROBERTS: I am not sure whether there is  
4 a misunderstanding. The prosecutor seems to say that  
5 it is the same document as 3054-A or from the same  
6 directives.

7 MR. TAVENNER: If the Tribunal please, the  
8 directive referred to as having been abolished is the  
9 same as document 3054-A and the same which was referred  
10 to in the testimony of the two witnesses that I mention-  
11 ed.

12 MR. ROBERTS: And, the Court is referred to  
13 the affidavit of TOMIOKA in so far as the order is  
14 concerned, referring to the question of the survivors  
15 of submarines.

16 I now call the witness OHASHI Tatsuo.  
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1 T A T S U O O H A S H I, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. ROBERTS:

7 Q Please state your name and address.

8 A My name is OHASHI Tatsuo; my address is 57,  
9 4-Chome Den en chofu, Oota War, Tokyo City.

10 MR. ROBERTS: May the witness be shown  
11 defense document No. 1954?

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

14 Q Please examine this document and tell us  
15 whether or not it is your sworn affidavit.

16 A This is my affidavit.

17 Q Is it true and correct?

18 A It is true and correct.

19 MR. ROBERTS: I offer in evidence defense  
20 document No. 1954.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1954  
23 will receive exhibit No. 3061.

24 (Whereupon, the document above  
25 referred to was marked defense exhibit

OHASHI

DIRECT

27,316

1 No. 3061 and received in evidence.)  
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1 MR. ROBERTS: I shall read exhibit No.

2 3061:

3 "Q What was your rank at the time of the Surrender?

4 "A Rear-Admiral in the Reserves.

5 "Q Please give a short history of your service  
6 in the Navy.

7 "A I served as submarine captain, commander of  
8 a submarine squadron, as a staff member of the submarine  
9 section of the Kure Arsenal, 1st and 2nd Section Chief  
10 of the Kure Military Supplies Section, Captain of the  
11 submarine tender Hoshima. In August 1941 (Showa 16)  
12 I was appointed Commander of the 14th Gunboat Squadron  
13 and in April 1942 (Showa 17) was relegated to the re-  
14 serves. On the very same day of my relegation however,  
15 I was recalled into service. During the Pacific War  
16 I held the following posts:

17 "From May 1942 (Showa 17) till September 1943  
18 (Showa 18), Captain of the Rio de Janeiro Maru.

19 "From September 1943 (Showa 18) till December  
20 1943 (Showa 18), Commander of the Rio de Janeiro Maru.  
21 (The same boat having been converted into a transport.)

22 "From March 1944 (Showa 19) till January 1945  
23 (Showa 20), Transport Commander of 1st Escort Fleet.

24 "From January 1945 (Showa 20) till the Sur-  
25 render, Naval Attache at Moji.



1 "Q What type of ship was the Rio de Janeiro Maru?

2 "A She was a diesel-engined passenger-transport  
3 ship displacing 10,000 tons and capable of a maximum  
4 16 knots, owned by the Osaka Shosen (O.S.K.) which had  
5 assigned her to its South American Service. The Navy  
6 had conscripted this ship and had converted her into  
7 an auxiliary submarine tender.

8 "Q What was the outward aspect of the ship?

9 "A She was a two-masted, single-funneled ship of  
10 the passenger type. The upper parts of the masts and  
11 of the funnel were painted green, the rest of the ship  
12 being painted grey.

13 "Q Why were such colors adopted?

14 "A It was to avoid long-range detection by enemy  
15 submarines.

16 "Q Please give an account of the activities of  
17 the Rio de Janeiro Maru after you assumed her command.

18 "A In April 1942 she sailed to Kwajelin there to  
19 stand by for the Midway operation, but in June of the  
20 same year she returned to Sasebo. After leaving Sasebo  
21 for Penang in July of the same year, she was attacked  
22 by an enemy submarine en route off the coast of French  
23 Indo-China and damaged. She entered Singapore harbor  
24 for repairs. On completion of repairs in December  
25 1942 she sailed for Surabaya.

1 "From January till October 1943 she was  
2 occasionally engaged in transport duty, using Surabaya  
3 as base for her activities.

4 "Q Why was she used for transport duty?

5 "A As Surabaya was a submarine base, unless  
6 submarines required use of advanced bases, there was  
7 no need for tenders. On the other hand there was a  
8 shortage of ships.

9 "Q What did she transport?

10 "A Personnel and military supplies.

11 "Q Would weapons and ammunition be included in  
12 the above?

13 "A Of course they would be included.

14 "Q In what areas did she operate?

15 "A In Java, Borneo, Celebes, New Guinea, Anbon,  
16 the Philippines, the Small Sunda Archipelago, Timor etc.

17 "Q Did you ever transport patients?

18 "A No, never.

19 "Q When did you touch Anbon?

20 "A The 1st time was in the middle of January 1943.

21 If I remember rightly, we touched at that port about  
22 twice between that time and March of the same year.

23 "Q What was the object in stopping at Anbon?

24 "A It was for purposes of local transportation  
25 of personnel and military supplies.

1 "Q For approximately how many days did you  
2 anchor at Anbon when you stopped there?

3 "A Always for a day or two.

4 "Q Were POW's used by the local troops in the  
5 loading and unloading of freight?

6 "A I do not remember.

7 "Q Did you ever take patients aboard at Anbon?

8 "A Never.

9 "Q What approximately was the crew of the Rio  
10 de Janeiro Maru?

11 "A Approximately 300.

12 "Q Was the crew armed?

13 "A The necessary personnel were armed.

14 "Q Under what command was the Rio de Janeiro Maru  
15 subordinate?

16 "A In April 1942 she was under the direct command  
17 of the Combined Fleet, and belonged to the 5th Submarine  
18 Squadron. But from June 1942 onwards she was attached  
19 to the Submarine Unit of the South-Western Fleet.

20 "Q What happened to the Rio de Janeiro Maru after  
21 September 1943?

22 "A As in September 1943 she was turned over to  
23 the auxiliary transport category, she was sent back  
24 to the Japanese mainland for refitting.

25 "After that for a time she was in the Harima

1 Dockyards being refitted. I hear that she was sunk in  
2 Truk in February 1944 after completion of the refitting.  
3 I left her in December of the same year."

4 THE PRESIDENT: That can't be right. That  
5 can't be December, 1944. She was sunk then.

6 MR. ROBERTS: I think he meant of the previous  
7 year, 1943.

8 (Reading continued):

9 "Q Did the Rio de Janeiro Maru ever assume the  
10 Red Cross insignia during the time you were aboard her?

11 "A No, she never did.

12 "When I read in the papers that an Australian  
13 POW or it may have been a POW of another nation, stood  
14 as a witness in the International Tribunal to testify  
15 that the Rio de Janeiro Maru had used the Red Cross  
16 sign at Anbon, I could not help but wonder how such a  
17 mistake had been possible.

18 "Q Was there a naval hospital ship by the name  
19 of Rio de Janeiro Maru?

20 "A I never heard mention of such a ship.

21 "Signed the 10th day of July, 1947."

22 You may cross-examine.

23 THE PRESIDENT: Commander Cole.

24 COMMANDER COLE: I desire to point out to the  
25 Tribunal the prosecution testimony relating to the

1 matters testified by this witness appears at pages  
2 13,990 and 14,023 of the record.

3 There will be no cross-examination.

4 MR. ROBERTS: May the witness be excused on  
5 the usual terms?

6 BY THE PRESIDENT:

7 Q Did the Rio de Janeiro ever transport prisoners  
8 of war?

9 A Yes, it has.

10 Q When was that?

11 A I forgot the month. It was in 1943. I believe  
12 it was probably either June or July of that year.

13 REDIRECT EXAMINATION

14 BY MR. ROBERTS:

15 Q Do you know between what ports?

16 A Although we had originally planned to transport  
17 them from Makassar to Surabaya, just before entering  
18 Surabaya Harbor we found that the harbor had been mined  
19 and therefore we changed our course and landed them in  
20 Batavia.

21 MR. ROBERTS: May the witness be excused on  
22 the usual terms?

23 BY THE PRESIDENT:

24 Q Was there anything to indicate on the ship  
25 itself that she was carrying prisoners of war?

A No.

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THE PRESIDENT: That will do, thank you, You  
are excused on the usual terms.

(Whereupon, the witness was excused.)

- - - -

MR. ROBERTS: We call now the witness OKOCHI,  
Denshichi.

1 D E N S H I C H I O K O C H I, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. ROBERTS:

6 Q Please state your name and address.

7 A My name is OKOCHI, Denshichi; my address 335  
8 Minami Sazoku-cho, Ota-ku, Tokyo.

9 MR. ROBERTS: May the witness be shown defense  
10 document No. 1607.

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

13 Q Please examine this document and tell us whether  
14 or not it is your sworn affidavit.

15 A This is my affidavit. However, in section two  
16 and section three I have employed the words "land oper-  
17 ations."

18 THE INTERPRETER: The witness used the word  
19 "rikujo" in Japanese and corrected that to "chijo."  
20 They both mean land. However, Chijo may be translated  
21 "ground."  
22

23 Q Is the affidavit otherwise true and correct?

24 A That is so.

25 MR. ROBERTS: I offer in evidence defense  
document No. 1607.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Defense document 1607  
3 will receive exhibit No. 3062.

4 (Whereupon, the document above re-  
5 ferred to was marked defense exhibit No. 3062  
6 and received in evidence.)

7 MR. ROBERTS: I read exhibit No. 3062:

8 "1. I am a former Vice-Admiral.

9 "2. On 2 November 1944, I arrived in Manila  
10 and assumed my duties as Commander-in-Chief of the  
11 South-Western Area Fleet and concurrently of the Third  
12 Southern Expeditionary Fleet.

13 "However, by the latter part of December, 1944,  
14 we had lost the greater part of our naval force and our  
15 air power too had diminished considerably.

16 "Consequently, after that, I took command of  
17 the remnants of the (naval) units ashore, but in the  
18 Philippines Area even these units were soon placed under  
19 the command of the Army as far as their land operations  
20 were concerned. Therefore, I merely directed and super-  
21 vised personnel affairs and accounts.

22 "3. In January, 1945, when U.S. forces  
23 commenced landing operations at Lingayen, I left Manila  
24 on the 5th and moved to Bagio. This was due to circum-  
25 stances which arose from the necessity of taking command



1 of over-all military operations. The naval forces left  
2 behind in Manila at that time were placed under the  
3 Command of General YAMASHITA as far as land operations  
4 were concerned, from zero hours, 6 January. After that  
5 I was only able to give moral encouragements indirectly,  
6 for I no longer possessed authority to take command  
7 over naval landing forces in land warfare.

8 "4. From then on, all communication between  
9 us and the forces in Manila was made by wireless. As  
10 time elapsed the efficiency of the wireless communication  
11 greatly decreased, but still it was continued for a  
12 considerable time. The progress of the battles in Manila  
13 was therefore reported to me as well as to General  
14 YAMASHITA. With the information I then received, I was  
15 able to picture the desperate situation of the Japanese  
16 units in Manila when the U.S. forces besieged the city.  
17 From what I can recall today, I shall mention a few  
18 examples.  
19

20 "(1) Enemy shelling and bombing were extremely  
21 intense and the whole area was completely devastated.

22 "(2) Guerrilla activities were intensified  
23 and even women and children harassed our forces, greatly  
24 hindering our operations.  
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"(3) Ammunition ran short.

"Thus, externally, our forces faced the furious gunfire of the U. S. forces, while internally they were harassed by guerrillas. It was evident that our units were fighting under great difficulty and disadvantage. Around 20 February, communication with Manila was completely cut, and I judged that the entire garrison in Manila had been killed.

"5. Besides the progress of the battle in general as I have stated above, details as to the internal condition of our units were entirely unknown and the so-called 'Manila atrocities' were something I did not even dream of.

"About 13 April a message from Tokyo in the name of the Vice-Minister for the Navy was received, which said, 'Spain has recently severed diplomatic relations with Japan on the ground that Japanese troops massacred Spanish nationals in the battle of Manila. Report on the matter is requested.'

"It was the first time that I felt some incident must have occurred.

"However, since all personnel involved in the alleged incident had been killed, there was no way for us to conduct an investigation. I also enquired of the Army Headquarters under General YAI'ASHITA, but they

1 too did not know anything about the incident and  
2 therefore I cabled a reply to Tokyo to that effect.

3 "As I have stated, the Manila Incident with-  
4 out either General YAMASHITA's or my knowledge.

5 "I learned about the particulars of the  
6 incident for the first time after the surrender, from  
7 the indictment against General YAMASHITA."

8 "Dated this 15th day of March, 1947."

9 Counsel for NUTO, Mr. OKAMOTO, would like  
10 to conduct further examination.

11 THE PRESIDENT: Yes, counselor.

12 DIRECT EXAMINATION (Continued)

13 BY MR. S. OKAMOTO:

14 Q In the first paragraph, that is, paragraph  
15 No. 1, you employed the words rikujo sakusen, meaning  
16 "land operation" or "ground operation," whereas in  
17 paragraph 3 you use the words chijo as well as rikujo --  
18

19 THE MONITOR: Rikujo sakusen and rikujo sento."

20 Q (Continuing) There seems to be some ambiguity  
21 about that expression.

22 THE PRESIDENT: It is quite immaterial, in  
23 any event. Nothing turns on it, and you have made the  
24 correction.

25 MR. S. OKAMOTO: What I should like to clarify  
is the difference of the meaning between the two words.

1 I should like to know whether rikujo sakusen is not  
2 an operation which is narrower in scope than rikujo  
3 sentō.

4 THE MONITOR: Correction, please. "I should  
5 like to ask whether or not rikujo sentō is an opera-  
6 tion of a narrower scope than rikujo sakusen.

7 THE PRESIDENT: We don't want these dis-  
8 cussions on the meaning of Japanese words unless they  
9 are material.

10 MR. S. OKAMOTO: I wanted to make clear  
11 through this witness the difference between the word  
12 "operation" and the word "battle."

13 THE PRESIDENT: What bearing has it on any  
14 issue?

15 MR. S. OKAMOTO: I will try to prove this  
16 through some other means. I shall change the subject.

17 Q Mr. Witness, do you know the operations policy  
18 entertained by General YAMASHITA at the time immediate-  
19 ly after the landing of the American troops near Manila  
20 on the 15th of December, 1944?

21 A Yes, I do.

22 Q Will you please outline his policy briefly?

23 THE PRESIDENT: Oh, this is impossible.

24 Mr. Tavenner.

25 MR. TAVENNER: Objection is made, if the Tri-

1 bunal please, on the ground of lack of relevancy and  
2 materiality.

3 THE PRESIDENT: Objection upheld.

4 MR. S. OKAMOTO: I should like to state my  
5 opinion as a counsel for MUTO.

6 THE PRESIDENT: Do, but do not waste our time.

7 MR. S. OKAMOTO: I shall respect time.

8 This has a very important bearing to prove the  
9 fact that at headquarters -- that the headquarters  
10 was not expecting the outbreak of atrocities, and that  
11 they also did their best to prevent the outbreak of  
12 atrocities. That can be absolutely given in the short  
13 time of five or six minutes, and it will take only  
14 fifteen minutes to put all my questions.

15 THE PRESIDENT: Now, we don't want to be coaxed  
16 into allowing you to ask questions that are not really  
17 relevant or material. Questions of what was General  
18 YAMASHITA's policy are quite vague and now allowable.  
19 Try again.

20 Q What was the strategy entertained by General  
21 YAMASHITA in the area around Manila at the time immed-  
22 iately after the landing of the United States forces on  
23 Mindanao Island on the 19th of November --  
24

25 THE MONITOR: 15th of December, 1944.

THE PRESIDENT: We don't want to know the

1 details of General YAMASHITA's campaign in Manila from  
2 an admiral.

3 MR. S. OKAMOTO: This witness was stationed  
4 at Bagio near the place where General YAMASHITA's  
5 headquarters was located, and he was consistently --  
6 constantly in contact with YAMASHITA.

7 THE PRESIDENT: Well, one of my colleagues  
8 thinks that, as the accused MUTO was Chief of Staff  
9 under YAMASHITA, the policy is of importance. Any  
10 question which is likely to induce an answer showing  
11 that any of the accused was not responsible for the  
12 atrocities will be allowed; but so far no such ques-  
13 tion has been put.

14 MR. S. OKAMOTO: That point will be clarified  
15 if this question is allowed.

16 THE PRESIDENT: Ask a proper question. I am  
17 not preventing you from proving anything relevant or  
18 material, but do ask proper questions. Don't ask ques-  
19 tions about the policy of these generals. That may  
20 take weeks to answer.

21 MR. S. OKAMOTO: Then, I shall try some other  
22 means.

23 Q Did General YAMASHITA in those days adopt  
24 operations plans to render impossible the use of the  
25 harbor installations of Manila City, then to evacuate

1 as much raw materials as possible from the city, and  
2 later to carry on the fighting chiefly in the mountain-  
3 ous area -- in the triangular mountainous area?

4 THE PRESIDENT: Mr. Tavenner.

5 MR. TAVENNER: Objection is made on the  
6 ground of its being a leading question.

7 MR. S. OKAMOTO: As I am afraid of putting  
8 this type of question which would be considered as a  
9 leading question, I put my first question, that is,  
10 concerning the policy of the General, and your Honor  
11 stated my question was too vague.

12 THE PRESIDENT: It is not objectionable  
13 because it is leading; it is objectionable because it  
14 is indefinite.

15 Objection upheld.

16 Who is the American counsel appearing in the  
17 same interest as you?

18 MR. S. OKAMOTO: Mr. Cole.

19 THE PRESIDENT: Perhaps he can assist.

20 MR. S. OKAMOTO: I will put another ques-  
21 tion.

22 Q Did you, Mr. Witness, express some opinion  
23 concerning strategy or operations to General YAMASHITA  
24 around about the 20th -- the 10th of February, 1945?

25 A Yes, I did.

Q What did you say?

1 A At the time, since the fighting was still go-  
2 ing on inside Manila City, I felt it was useless to  
3 continue such fighting. I sent my Chief of Staff  
4 to General YAMASHITA in order to beg him for the with-  
5 drawal of the Manila garrison. The Chief of Staff  
6 returned and reported to me that such orders had  
7 already been issued.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: If the Tribunal please, objec-  
11 tion is made on the ground that nothing that the witness  
12 said could be relevant here or material to any issue.

13 THE PRESIDENT: I am sorry to say I am in  
14 entire agreement with you, Mr. Tavenner.

15 This is the most hopeless attempt at examina-  
16 tion in my experience in this court.

17 MR. S. OKAMOTO: I wish to prove that the  
18 headquarters was eager to prevent the outbreak of  
19 atrocities.

20 THE PRESIDENT: Go about it the right away.

21 Q Then, what was the strength of the Navy unit  
22 when the right of command was delegated to the Army?

24 A Approximately 20,000.

25 Q What was the strength of the Army unit when  
the right of command was delegated to the Army?



1           A    I heard there were two battalions.

2           MR. S. OKAMOTO: That is all, your Honor.

3           MR. ROBERTS: You may cross-examine.

4           THE PRESIDENT: Mr. Tavenner.

5           MR. TAVENNER: The prosecution does not de-  
6   sire to cross-examine.

7           MR. ROBERTS: May the witness be excused on  
8   the usual terms.

9           THE PRESIDENT: He is excused on the usual  
10   terms.

11                   (Whereupon, the witness was excused.)

12           MR. ROBERTS: We now call the witness ARIMA,  
13   Gen.

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1 S H I Z U K A A R I M A, called as a witness in  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. ROBERTS:

6 Q Please give us your name and address.

7 A My name is ARIMA, Shizuka (Gen); my address,  
8 101-Chome, Nakameguro Meguroku, Tokyo.

9 MR. ROBERTS: May the witness be shown de-  
10 fense document No. 1256?

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

13 Q Please examine this document and tell us  
14 whether it is your sworn affidavit.

15 A This is mine.

16 Q Is it true and correct?

17 A Yes, it is.

18 MR. ROBERTS: I offer in evidence defense  
19 document 1256.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1256  
22 will receive exhibit No. 3063.

23 (Whereupon, the document above referred  
24 to was marked defense exhibit 3063 and received  
25 in evidence.)

ARIMA

DIRECT

27,336

1

MR. ROBERTS: I read exhibit No. 3063:

2

"I. I am at present Chief of the Medical  
3 Section of the Second Demobilization Bureau.

3

4

"II. The outline of my official career is  
5 as follows:

5

6

"September 15th, 1938, member of the Medical  
7 Bureau of the Navy Ministry.

7

8

"June 1st, 1942, Chief of the Quarentine  
9 Section of the Sanitation Bureau of the Civil Govern-  
10 ment under the South-west area fleet.

10

11

12

"November 1st, 1942, Surgeon Captain.

13

14

"November 20th, 1943, Chief Medical Officer,  
15 the First Fleet dispatched to the South.

15

16

"May 9th, 1945, Chief of the First Section,  
17 the Medical Bureau of the Navy Ministry.

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"III. To begin with, the authority of  
18 handling prisoners of war was in the hands of the  
19 army and the navy was not supposed to keep and manage  
20 prisoners of war; therefore, we had no special stock  
21 of medical goods for prisoners of war. Accordingly,  
22 when the navy interned prisoners as a temporary step  
23 during the period between their capture and their  
24 transfer to the army, the unit which was in charge  
25 of managing them was supplied with medical stores  
for the total number of soldiers in the unit and pri-

1 soners, and all medical treatment for them was carried  
2 out without discrimination, treatment for prisoners  
3 was on the same standard as the sick and wounded of  
4 the unit; seriously ill prisoners were allowed to  
5 enter a navy hospital exactly as Japanese officers  
6 and soldiers.

7 "Thus, the navy neither treated them parti-  
8 cularly warmly because they were prisoners nor treated  
9 them especially coldly. Medical treatment for them  
10 was carried out strictly and fairly in accordance  
11 with 'Navy Regulations for Handling Prisoners of War.'

12 "IV. As to the stock of medical stores, it  
13 was a fundamental principle of the Navy to keep mater-  
14 ials which would last for a year for peacetime national  
15 defense, out of necessity caused simply by the fact  
16 that it has forces under it. However, it was a basic  
17 standard regardless of the sort of enemy country or  
18 the term of the probable war. In the case of the last  
19 war, therefore, the outbreak of the war found us pro-  
20 vided with this quantity.

21 "In other words, concerning medical stores,  
22 we had no particular instruction to take steps to en-  
23 able us to wage war for four years against America,  
24 Britian, Holland and others. For we learned about  
25 the outbreak of the last war and its scale only from

1 ordinary news reports, and, as far as medical mater-  
2 als were concerned, we faced the war unprepared.

3 "V. As to the disposition and numerical  
4 incre. se of surgeons and medical men following the  
5 increase of prisoners the navy had no plan to manage  
6 prisoners of war as previously mentioned; therefore,  
7 the number of men in a unit which was in temporary  
8 charge of prisoners was increased. In view of this,  
9 a step to increase surgeons and medical men to cope  
10 with the increase of its number was adopted. However,  
11 on account of the rapid increase in the army's  
12 strength and the unexpected organization of various  
13 troops after the outbreak of the war, the increase  
14 in number of surgeons and medical men, who must have  
15 special education, could not meet the necessity.

16 "VI. A plan for distribution of medical  
17 materials, providing for the supply of the basic  
18 quantity for the total number of the unit plus the  
19 estimated quantity made necessary by the particular  
20 duties and sanitary conditions of its station, was  
21 adopted in accordance with the account and Supply  
22 Regulations of Medical Stores. (Refer to Notice  
23 No. 237 issued in July 1941).

24 "The person responsible for distributing  
25 - these materials was the chief of the medical stores

1 section of the medicine bureau of the respective  
2 navy hospital. Otherwise, the apothecary officer  
3 of a navy hospital ship supplied them at the re-  
4 quest of a medical officer of a surgeon in charge of  
5 handling the military materials of a unit.

6 Even though a demand is made it was impos-  
7 sible to supply it when there was no stock in the  
8 navy stores or Japan proper. At distant places  
9 sometimes supplies did not arrive because of sinking.  
10 When communications and traffic between many points  
11 on the battle-front were stopped or were strained as  
12 in the latter half of the war, it was impossible to  
13 supply demands.

14 "VII The chain of command concerning medical  
15 business in the navy included the chief of the medical  
16 bureau of the Navy Ministry who was an assistant to  
17 the Minister and commanded or ordered his subordinates  
18 not directly but only in the name of the Minister.  
19 Regarding military administration commanders-in-chief  
20 of naval districts, guard districts or fleet head-  
21 quarters were under the control of the Minister,  
22 Each of the staffs of these commanders included a  
23 chief medical officer, who was an assistant to the  
24 commander-in-chief.  
25

"Under the commander-in-chief there were war-

1 ships, units, schools, naval hospitals, etc. Tem-  
2 porarily keeping and managing prisoners of war till  
3 the time of handing them over to the army was done  
4 by the above mentioned war-ships and units. Prisoners  
5 who needed medical treatment were received into the  
6 infirmary of the unit. In that case the person di-  
7 rectly responsible for their treatment was the surgeon  
8 in charge of that infirmary who was under the control  
9 of the chief medical officer. The chief medical of-  
10 ficer was directly subordinate to the unit commander;  
11 accordingly, he received orders from the unit com-  
12 mander. Sometimes he received suggestions and advice  
13 on medical affairs from a superior medical officer  
14 who was the staff-officer of the commander-in-chief,  
15 but they were not commands or orders.

16 "Those who are seriously ill among the pri-  
17 soner patients belonging to the infirmary of a unit  
18 were transferred to a navy hospital just as Japanese  
19 officers and men were.

20 "This may be shown in diagram No. 1 on the  
21 separate sheet hereto attached.

22 "VIII Regarding general health problem,  
23 especially those concerning dwellings, clothes, and  
24 labor, the Medical Bureau of the Navy Ministry paid  
25 particular attention in the earlier days of the war

1 mainly to problems in the tropics; and in the latter  
2 days of the war mainly to maintenance of the physical  
3 strength of soldiers in the homeland following food  
4 and fuel shortages; searching for a scientific method  
5 as the subject of special war-time study made by the  
6 Research Section of the Navy Medical School and un-  
7 official scientists, we exerted ourselves to the  
8 utmost to put our conclusions into practice on troops  
9 but under the situation it was most difficult to  
10 carry out.

11 "Our national strength at that time was quite  
12 insufficient to meet the general demand. For example,  
13 we were in such a condition that even when the 'peni-  
14 cillin cure' was needed, we could by no means use it  
15 for the general clinic as we had such a small quan-  
16 tity that it could be used only for clinical study.  
17 And when we wanted D. D. T. we had only a test tube  
18 of it as study material and even though we thought  
19 of using it universally as the Occupation Forces are  
20 doing, we could not realize this goal.

21 "IX Concerning medical treatment, now the  
22 death of prisoners from diseases in Japan proper is  
23 the subject of grave discussion but a large number of  
24 Japanese soldiers died from diseases in the various  
25 stages of the war.



1 "Under conditions existing in our country  
2 after 1944 the ration for soldiers deteriorated in  
3 quantity and quality until, if computed in calories  
4 per day, it dropped below 1,700 calories, and even  
5 below 1,500 calories.

6 "On the other hand, owing to fuel shortages,  
7 there was no heating in winter season, warm baths be-  
8 came impossible, clothes and bedclothes which were  
9 necessary for warmth were wanting, and, in general,  
10 maintaining body warmth was impossible; consequently,  
11 a disproportion arose between calories absorbed and  
12 calories consumed per day, and as the number of  
13 calories consumed was always larger this fact re-  
14 sulted in loss of physical strength and nourishment.  
15 Such condition of illness seldom broke out among  
16 older soldiers who were accustomed to military life  
17 but often broke out among younger ones who were not  
18 accustomed to military life. This kind of general  
19 physical weakness caused many persons to suffer from  
20 such complications as pneumonia and diarrhea. This  
21 retarded their convalescence.

22  
23 "The navy called it 'Prostration resulting  
24 from inability to adjust oneself' and decided to dis-  
25 tinguish it statistically from malnutrition in the  
overseas war front.

1 "The number of cases of this disease re-  
2 ported to the central authorities at that time was  
3 more than 6,000 in the navy alone throughout the  
4 country. Of this number more than 500 patients died;  
5 however, it is inferred that the actual number was  
6 more than 10,000, of which more than 1,000 patients  
7 died. Erroneous diagnoses of these cases called  
8 pneumonia or diarrhea, which were actually only com-  
9 plications of the disease, the major disease and  
10 prostration only a result was observed.

11 "X As to the death of prisoners from di-  
12 seases, we must keep in mind the difference in re-  
13 sistance to bacteria in the case of foreigners.

14 "Concerning the comparative ability of war  
15 prisoners and Japanese to resist disease, we have  
16 made no experiment or study and I am consequently in  
17 no position to draw a scientific conclusion. However,  
18 I am of the opinion that from study and experiment  
19 on animals and epidemiological observation, it is  
20 possible to state as follows:

21 "(a) Animals brought up in a favorable en-  
22 vironment have less resistance to bacteria infection  
23 than animals grown in a natural environment.

24 "(b) Men exposed to bacteria from their  
25 childhood in an unfavorable environment have greater

1 resistance to bacteria than men who have grown in  
2 a favorable environment from their childhood, it may  
3 be inferred that prisoners were more succertible to  
4 bacterial infection than the Japanese. In addition,  
5 such handicaps may be supposed among the prisoners as  
6 the following:

7 "(1) spiritual restlessness,

8 "(2) inability to acclimatize,

9 "(3) unfamiliarity with Japanese food,

10 "(4) difference in customs,

11 "(5) lack of communication with the Japa-  
12 nese due to the language barrier.

13 "As the result of these difficulties it is  
14 possible to infer that patients had trouble and took  
15 a longer period in recovering from a disease.

16 "The result of experiment on animals and  
17 the epidemiological fact which formed the foundation  
18 of this conclusion are as follows:

19 "1. Examples of experiments on animals:

20 "(a) When a domesticated mouse and a wood-  
21 mouse living in natural surroundings were compared,  
22 the former died with less bacteria for its weight  
23 than the latter.

24 "(b) When a canary and a wild Japanese'  
25 white-eye were compared as to resistance to 'bird

1 malarial protozan', the canary was more strongly  
2 infected with it than the white-eye; that is, the  
3 former showed less resistance to bacteria than  
4 the latter.

5 "2. Epidemiological observation on human  
6 beings:

7 "(a) It often happens that when persons who  
8 have grown in a rural district where there are few  
9 tuberculous bacteria come to a city later, come in  
10 contact with many people with active tuberculosis and  
11 fall ill suddenly, they die in a short period. On  
12 the contrary, when persons who have grown in a city  
13 from their childhood and often resisted tuberculosis  
14 infection fall ill they pass into a chronic state  
15 and in many cases their convalescence is better com-  
16 pared with that of the former.

17 "(b) In case of malaria the same result as  
18 the above was observed.

19 "When a tribe grown in a place where malaria  
20 prevails becomes immune racially from malaria for a  
21 long period they seldom die of acute malignant ma-  
22 laria. But when inhabitants of the temperate zone  
23 who have never been infected with malarial protozoa  
24 enter the place where malaria prevails they are im-  
25 mediately attacked by acute-malaria and their condi-

tion grows serious.

1           "(c) In the case of dysentery the same ten-  
2           dency may be observed.

3           "XI The sanitary environment of Japan must  
4           be regarded as a reason for weakening the prisoners'  
5           resistance. As to Japan's climate, it may be said  
6           that the summer is that of subtropical climate and  
7           the winter is severely cold. Even if a person grew  
8           up in Japan from his childhood he would have much  
9           trouble until he became acclimatized. On account of  
10          this, many weak persons are attacked in their child-  
11          hood, by various kinds of diseases and die. Besides,  
12          during the wartime even the Japanese accustomed to  
13          Japanese food were not satisfied, due to the shortage  
14          of food materials, especially of albumin and fat.  
15          Furthermore, owing to the lack of chemical fertili-  
16          zers human manure was used by private homes for cul-  
17          tivation of vegetables; consequently, the density  
18          inside the bowels of parasites such as intertinal  
19          worms and hook-worms was raised. Thus even the re-  
20          sistance of the Japanese to disease was generally  
21          lowered; and cases of dysentery, typhoid fever,  
22          eruptive typhus, pneumonia, and tuberculosis increased.  
23          Thus, as an environment, Japan was in a considerably  
24          unfavorable condition. I am afraid that large number  
25

1 of health troubles arose among prisoners coming to  
2 such an environment.

3 "XII I think the difficulty in understand-  
4 ing medical English in Japan was a considerable  
5 handicap in medical treatment of prisoners of war.

6 "As to difficult medical terms, especially  
7 difficult phrases in the Japanese language that even  
8 the Japanese except physicians do not understand, are  
9 frequently used. In interpreting them into English  
10 even a professional interpreter will find himself un-  
11 equal to the task. On the other hand, education  
12 for physicians was carried on by medical scientists  
13 of the German school, so that surgeons in the army  
14 and navy were quite ignorant of medical English.  
15 This being the case, it is inferred that if prisoners  
16 complained about their illness the Japanese did not  
17 understand the details of their complaint and even  
18 if Japanese surgeons or medical men gave medical  
19 advice to them the prisoners often failed to under-  
20 stand what they meant."

21 Signed "This 10th day of December 1947".

22 THE PRESIDENT: In my copy this affidavit  
23 is dated the 10th of December 1947.

24 MR. ROBERTS: I was just about to correct  
25 that, 1946.

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You may cross-examine.

THE PRESIDENT: Captain Robinson.

CAPTAIN ROBINSON: If the Court please,  
there will be no cross-examination of this witness.

MR. ROBERTS: May the witness be excused on  
the usual terms?

THE PRESIDENT: He is excused accordingly.

(Whereupon, the witness was excused.)

THE PRESIDENT: Have you a document next or  
a witness?

MR. ROBERTS: Next we have a document which  
is several pages. We may mark it in evidence perhaps  
and then proceed to read it after--

THE PRESIDENT: We will adjourn for  
fifteen minutes.

(Whereupon, at 1445 a recess was  
taken until 1500, after which the proceedings  
were resumed as follows.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Roberts.

4 MR. ROBERTS: We offer in evidence defense  
5 document No. 1896, being an exact copy of the answer  
6 addressed to Colonel Allen from Major General NAKA-  
7 MURA, concerning the inquiry note addressed to the  
8 Japanese Government from GHQ, after the surrender,  
9 concerning a Japanese submarine which sunk a steamer  
10 in the Indian Ocean.

11 THE PRESIDENT: Admitted on the usual  
12 terms.

13 CLERK OF THE COURT: Defense document 1896  
14 will receive exhibit No. 3064.

15 (Whereupon, the document above  
16 referred to was marked defense exhibit No.  
17 3064 and received in evidence.)

18 MR. ROBERTS: I read exhibit No. 3064:

19 "6 December 1945. From: Minister of the  
20 I. J. 2nd Demobilization Ministry. To: General  
21 Headquarters of The Supreme Commander for the  
22 Allied Powers. Subject: Reply regarding the sink-  
23 ing of merchant ships in Indian Ocean.

24 "With reference to your letter dated 19  
25 November 1945, our statement is herewith presented.



1 "Reply regarding the sinkings of merchant  
ships in Indian Ocean.

2 "With regard to the cases on the above sub-  
3 ject requested by your memorandum dated 19 November  
4 1945, protests were filed during the war by the  
5 respective governments except for the Norwegian  
6 S. S. Scotia; and whereas at each time of the protest  
7 we investigated the matters through various reports  
8 and telegrams as well as the returned persons from  
9 the operated areas, in none of these cases positive  
10 results was obtained, and accordingly the govern-  
11 ments interested were notified to that effect.

12 "Because of the loss of almost all Japan-  
13 ese submarines then operating in the Indian Ocean,  
14 remaining very few survivors, and because of the  
15 destruction by fire of all relevant records, reports  
16 and telegrams, the renewal of the survey has now be-  
17 come very difficult, and accurate results cannot be  
18 expected at present. But we have conducted our  
19 investigation as far as possible based upon the in-  
20 quiry of the majority of the surviving crews and of  
21 those persons who occupied key posts in submarine  
22 warfare; and the result of the investigation so far  
23 obtained is as follows:

24 "1. Names of submarines in question to-  
25 gether with the outline of the movements thereof.

1 "The submarines of the Imperial Japanese  
2 Navy that operated in the Indian Ocean during the  
3 period relative to the sinkings of merchant ships  
4 described on the protests filed against the Imperial  
5 Japanese Government, i.e., from the end of 1943  
6 through August 1944, were:

7 "I-8, I-26, I-27, I-37, I-162, I-165,  
8 I-166, Ro-110, Ro-111 ..... Total 9 submarines.

9 "While their duties lay in destruction of  
10 communications, reconnaissance of strategic places,  
11 as well as supplying to German submarines, etc.,  
12 priority was given to the reconnoitering the key  
13 points in such areas as Maldivé Islands, Chagos  
14 Islands, Diego Suarez, Mombasa, Aden Bay, and the  
15 northwestern part of Australia. The carrying out of  
16 these reconnaissance duties caused these submarines  
17 to operate dispersing all over the length and width  
18 of the Indian Ocean. Except the I-162, the remain-  
19 ing eight submarines have all reported as missing in  
20 the Indian Ocean or during subsequent operations in  
21 other theatres, and as for this survived I-162, its  
22 commanding officer during the operations in question  
23 was killed in action in July 1944 in southern Pacific.  
24 Under these circumstances, though the accuracy can-  
25 not be guaranteed, the movements of each of these  
submarines have been described, based upon the memories

1 of the surviving crews, on the annexed Table No. 1  
2 and on the attached chart. It should be added in  
3 this connection during that period considerable  
4 number of German submarines were engaging in com-  
5 merce destruction in all spheres of the Indian Ocean  
6 paralleled to our submarine activities there. And  
7 since the summer of 1943 the dividing line between  
8 the German operational area and ours as well as the  
9 limitation of periods of operation was rescinded ow-  
10 ing to the earnest desire of the German Navy.

11 "2. Judgment concerning the submarines  
12 responsible for the sinking of the steamers.

13 "Since there is no one who can recall to his  
14 mind the names in question among those of the sunken  
15 vessels, the only way for us to do is to make a  
16 comparison between the movements of each of our sub-  
17 marines as explained in the preceding paragraph on  
18 one side and the date and place of the sinking of  
19 each victim steamer stated in the protests from the  
20 respective Governments on the other; and this over-  
21 all comparison is shown on the Annex Table No. 2.  
22 But as it is clarified in this table we can identify  
23 no submarines which may be suspected of the inquired  
24 sinkings with the reservation regarding Nos. I-27,  
25 I-166, and Ro-110. These last named three

1 submarines, with all of their crews, have failed to  
2 return to their base from their operations in the  
3 Indian Ocean, and therefore if ever they might be  
4 responsible for any of these sinkings, there is no  
5 means for us to continue the investigation any  
6 further.

7 "Such being the situation it is a matter of  
8 regret that we cannot herewith specify the names of  
9 the responsible submarines.

10 "As for the Scotia, it is desired, the  
11 information concerning the date and place of the  
12 sinking of this Norwegian vessel will be revealed to  
13 us as soon as possible, because without these data  
14 we cannot get any clue to the probing of this case."

15 THE PRESIDENT: I suppose "I. J. Second  
16 Demobilization Ministry" means "Imperial Japanese  
17 Second Demobilization Ministry."

18 MR. ROBERTS: The charts and tables will not  
19 be read. They are included for the guidance of the  
20 Court.  
21

22 We now call the witness TAKATA, Toshitane.  
23  
24  
25

1 T O S H I T A N E T A K A T A, called as a witness  
2 in behalf of the defense, being first duly  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. ROBERTS:

7 Q Please state your name and address.

8 A My name is TAKATA, Toshitane. My address  
9 is 955 1-Chome, Tamagawa Naka-machi, Setagaya-ku,  
10 Tokyo.

11 MR. ROBERTS: May the witness be shown  
12 defense document No. 2128?

13 Q Please examine this document and tell us  
14 whether it is your sworn affidavit.

15 A This is mine.

16 Q Is it true and correct?

17 A There are three places in which I would  
18 like to make corrections. May I?

19 Q Please tell us the page and the paragraph  
20 number or question number.

21 A The first place is the answer to the fourth  
22 question. At the end of the first paragraph the  
23 words "For that purpose regular personnel was  
24 assigned" is found. Instead of that phrase, please  
25 substitute "Personnel, regular personnel to take

charge of such matters were assigned."

1 THE INTERPRETER: Correction. There is no  
2 correction in the English text.

3 THE PRESIDENT: What was his rank?

4 THE WITNESS: Rear Admiral.

5 May I make my next correction?

6 Answer to the seventh question, where the  
7 words "The Director of Naval Affairs Bureau, Director  
8 of Accounts and Supplies Bureau and Director of  
9 Legal Bureau" -- after that, please insert "Director  
10 of Military Supplies Bureau and Director of the  
11 Medical Affairs Bureau."  
12

13 Q What is your last correction?

14 A Answer to the twenty-fifth question.

15 "There was a law called the P.O.W. punishment law  
16 and the naval regulations pertaining to treatment of  
17 war prisoners," etc. -- instead of that, please say  
18 "There was a law called the prisoners of war punish-  
19 ment law and also the Navy court-martial law and the  
20 Navy disciplinary regulations."

21 That is all.

22 Q Is it otherwise true and correct?

23 A Yes

24 MR. ROBERTS: I offer in evidence defense  
25 document No. 2128.

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THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 2128  
will receive exhibit No. 3065.

(Whereupon, the document above  
referred to was marked defense exhibit No.  
3065 and received in evidence.)

1 MR. ROBERTS: I read exhibit No. 3065:

2 1. "Q Briefly state the posts held by you.

3 "A From July 1, 1935 to November 15, 1937 I was  
4 on the staff of Section One, Naval Affairs Bureau of the  
5 Navy Ministry, and had charge of matters connected with  
6 naval organization and personnel.

7 "Thereafter I was staff officer of the fleet  
8 in the China waters, commander of the aircraft carrier  
9 'Soryu' and staff officer of the Second Fleet. After  
10 that from November 15, 1940 to July 14, 1942 I assumed  
11 the post of Chief of Section One, Naval Affairs Bureau,  
12 and had charge of matters relating to naval armament  
13 and naval administration.

14 "After that I served as staff officer of the  
15 Third Fleet, staff officer of the Combined Fleet,  
16 commander on the staff of the Combined Fleet, and  
17 assistant of chief of staff of Naval Combined Forces.  
18 From May 15, 1945, up to the termination of the war I  
19 was Deputy Director, Naval Affairs Bureau of the Navy  
20 Ministry, and had charge of matters relating to the  
21 navy's preparation for war. I was a rear admiral when  
22 the war ended.

23 2. "Q What sort of office routine was handled in  
24 Section One, Naval Affairs Bureau of the Navy Ministry?

25 "A 1) Naval preparations and matters relating to



1 general naval administration.

2 "2) Matters relating to warships, vessels,  
3 units, offices, and organization of schools and duties.

4 "3) Matters relating to organization of  
5 warships, ships and units and service duties.

6 "4) Matters relating to naval discipline and  
7 public morals.

8 "5) Matters relating to maneuvers.

9 "6) Matters relating to censorship.

10 "7) Matters relating to ceremonies,  
11 etiquette, regulations on uniforms and garniture.

12 "8) Matters relating to warships, vessels  
13 and ordnance and other war supplies in general.

14 "9) Matters relating to martial law and  
15 defense.

16 "The foregoing are items provided for in the  
17 Regulations Pertaining to the Organization of the  
18 Navy Ministry, but the nature of the duties are set  
19 out in detail in the Regulations Pertaining to the  
20 Functions of the Navy Ministry. Also the contents  
21 thereof were also classified in detail in the Table of  
22 the Division of Duties Navy Ministry Personnel.

23  
24 3. "Q Since December 8, 1941 what section in the  
25 Navy Ministry handled matters pertaining to prisoners  
of war?

1 "A Section One of the Naval Affairs Bureau handled  
2 them.

3 4. "Q Were there any provisions stating that  
4 matters relating to prisoners of war came within the  
5 jurisdiction of the Naval Affairs Bureau?

6 "A The words 'prisoners of war' were not partic-  
7 ularly used in the Ordinance on Organization of  
8 Ministry of Navy and Regulations Pertaining to the  
9 Functions of the Navy Ministry. But since matters  
10 relating to prisoners of war were embraced within the  
11 general matters concerning naval administration, (a)  
12 the task of preparing a draft for the establishment  
13 or revision of the various regulations concerning the  
14 handling of POW, (b) liaison work within Japan in  
15 connection with POW was undertaken by Section One  
16 Naval Affairs Bureau, and for that purpose regular  
17 personnel was assigned.

18 "Furthermore, with respect to the handling of  
19 the prisoners of war as a matter of international  
20 routine affair, Section Two of the Naval Affairs  
21 Bureau acted as a reception organ.

22 5. "Q What were the standard of rules and customs  
23 in the Navy upon which the prisoners of war were handled?  
24

25 "A It was based on international law, which was  
the standard upon which the Navy handled prisoners of

war.

1 "Regulations Pertaining to the Treatment of  
2 Prisoners of War. These were the procedures provided  
3 for until the prisoners of war captured by the Navy  
4 were turned over to the Army.  
5

6 "It had been the practice since the Meiji  
7 Era and there were various regulations pertaining  
8 to it for the Navy to turn over the prisoners of war  
9 captured by it to the Army, and they were interned in  
10 the prisoners of war camp under the control of the  
11 War Minister.

12 6. "Q What sort of concrete measures were taken by  
13 the Navy so that it could work on the basis of inter-  
14 national law?

15 "A On October 7, 1914 the Rules of Naval Warfare  
16 were promulgated. Article One provides:

17 "'During wartime the Imperial warships may,  
18 according to this order, or other rules, regulations  
19 and provisions of treaties, capture at sea, and take  
20 all necessary measures against other acts of hostility  
21 in order to attain the object of the war. With respect  
22 to matters which are not provided for herein, the prin-  
23 ciples of international law shall be applied.'

24 "These were the basic rules and regulations.

25 "The Japanese Navy had been giving suitable

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1 lectures in connection with international law at  
2 various schools conforming with the education standard  
3 of such schools. Moreover, specialists in international  
4 law were dispatched to the fleet and gave lectures  
5 thereon.

6 "There were two civil officials in the  
7 Navy who were conversant with international law, and  
8 they were attached to the secretariat of the Navy  
9 Minister. They handled matters relating to inter-  
10 national relations, and the opinions of these civil  
11 officials were not only respected, but if it became  
12 necessary either one of them, or a specialist like  
13 Dr. Junpei SHINOBU was dispatched to the fleet and he  
14 gave the necessary advice in the disposition of ques-  
15 tions involving international relations. After the  
16 outbreak of the China Incident the Navy Ministry  
17 frequently issued reference books, advisory memorandum,  
18 telegrams of warning, etc. to the various naval units  
19 in connection with international law. The following  
20 were some of the principal books which were published  
21 and distributed to the various warships and naval units:  
22 "Outline of Wartime International Law;  
23 "Tables appended to above;  
24 "Supplement to above;  
25 "Commentary on Naval Ministerial Order Guiding

1 lectures in connection with international law at  
2 various schools conforming with the education standard  
3 of such schools. Moreover, specialists in international  
4 law were dispatched to the fleet and gave lectures  
5 thereon.

6 "There were two civil officials in the  
7 Navy who were conversant with international law, and  
8 they were attached to the secretariat of the Navy  
9 Minister. They handled matters relating to inter-  
10 national relations, and the opinions of these civil  
11 officials were not only respected, but if it became  
12 necessary either one of them, or a specialist like  
13 Dr. Jumpei SHINOBU was dispatched to the fleet and he  
14 gave the necessary advice in the disposition of ques-  
15 tions involving international relations. After the  
16 outbreak of the China Incident the Navy Ministry  
17 frequently issued reference books, advisory memorandum,  
18 telegrams of warning, etc. to the various naval units  
19 in connection with international law. The following  
20 were some of the principal books which were published  
21 and distributed to the various warships and naval units:

22 "Outline of Wartime International Law;

23 "Tables appended to above;

24 "Supplement to above;

25 "Commentary on Naval Ministerial Order Guiding

1 Men-of-War's Conduct in High Sea and Foreign  
2 Territorial;

3 "Various Problems Pertaining to Rules of  
4 Naval Warfare;

5 "Laws & Regulations Relating to Naval War-  
6 fare of Various Nations in the War of 1939-1940  
7 (12 volumes)

8 "Among the various laws or reference books  
9 referred to above there was contained various treaties,  
10 advisory matters relating to prisoners of war.

11 7. "Q What authority had the Navy Minister in  
12 connection with the administration of POW?

13 "A The Navy Minister had authority to make the  
14 rules for the administration of the prisoners of war.  
15 He drafted the Rules and Regulations Pertaining to the  
16 Treatment of Prisoners of War, and provisions Relating  
17 to Supplies & Allowances of Prisoners of War. The  
18 Director of Naval Affairs Bureau, Director of Accounts  
19 and Supplies Bureau and Director of Legal Bureau,  
20 Director of Military Supplies Bureau, and Director of  
21 Medical Supplies Bureau were aides to the Navy Minister  
22 in connection with the adoption, revision or abolition  
23 of these rules and regulations.

24 "The commander in chief of the naval station,  
25 commander in chief of guardship and commander in chief

1 of the fleet were in a position to enforce the  
2 administration of the prisoners of war on the basis  
3 of the regulations drafted by the Navy Minister.

4 When prisoners of war were captured by any unit under  
5 the command of the foregoing commanders, the necessary  
6 regulations concerning their administration were fixed.

7 8. "Q I wish to ask you about the relations between  
8 the Navy Minister and the operation force. Was the  
9 Navy Ministry consulted by the Naval General Staff in  
10 connection with the operation orders issued to the  
11 operation force?

12 "A He was not consulted at all with regard to  
13 pure operations.

14 9. "Q Was the Navy Ministry ever consulted with  
15 regard to the submarine operations in the Pacific War?

16 "A Never.

17 10. "Q With regard to matters concerning the prisoners  
18 of war at the zone of operation, were they disposed of  
19 as naval administration matters?

20 "A In case of an actual engagement with the  
21 enemy, or in the case of an emergency corresponding  
22 thereto existing the matters were disposed of as oper-  
23 ational matters

24 11. "Q Under which of the foregoing matters did the  
25 administration of the prisoners of war in the various

1 islands take form when Japanese troops were actually  
2 subjected to enemy attacks or constantly exposed to  
3 the dangers of enemy assault?

4 "A It was disposed of as operational matter.

5 12. "Q What was the date when the Japanese force  
6 occupied Wake Island in the early stage of the war?

7 "A As I remember, it was on December 23, 1941.

8 13. "Q Were there any prisoners of war on the said  
9 island when it was occupied, and how many were there?

10 "A I remember that the number of war prisoners  
11 was unexpectedly large, which surprised me. However,  
12 I do not remember the number.

13 14. "Q When and by whom was that report made?

14 "A I recall that soon after the occupation, the  
15 commander of Wake Island operation force telegraphed to  
16 the commander in chief of the 4th Fleet, and the com-  
17 mander in chief of the Combined Fleet. At the same  
18 time, the information was sent to the Naval General  
19 Staff and the Navy Ministry.

20 15. "Q Who was the garrison commander on Wake  
21 Island" -- there should be a correction there -- "and  
22 under whose command?

23 "A The garrison commander on Wake Island during  
24 my tenure as chief of Section One, Naval Affairs Bureau,  
25 was Navy Captain Suzumu KAWASAKI, who was under the



1 command of Vice Admiral Narumi INOUE, commander in  
2 chief of the 4th Fleet.

3 16. "Q What steps were taken to handle the prisoners  
4 of war on Wake Island?

5 "A It was decided to transport them to Japan and  
6 deliver them to the army. In early part of January  
7 1942 the Nitta Maru was dispatched to Wake Island, and  
8 the prisoners of war placed on board.

9 17. "Q Was this regarded as a naval administration  
10 matter or an operational matter?

11 "A That it was inconvenient from the point of  
12 view of supply to leave a large number of prisoners  
13 of war on the islands in mid-ocean so it was better  
14 to transport them quickly to Japan, was a naval  
15 administration matter. Whether or not it would hinder  
16 the general operations to send such a large type ship  
17 as the Nitta Maru to Wake Island immediately after the  
18 opening of hostilities, or whether defense against  
19 enemy attack on the Nitta Maru could be prevented was  
20 an operational matter. That is to say, whether the  
21 Nitta Maru should be dispatched to Wake Island or not  
22 was a matter which must be considered from both the  
23 naval administration and operation.  
24  
25

1 18. "Q Who ordered the movement of the Nitta Maru?

2 "A As I recall the Mobilization Bureau, an aide  
3 organ to the Navy Minister, drew up the plan of the  
4 movement after having obtained the approval of the  
5 sections and bureaus concerned in the Navy Ministry  
6 and the Naval General Staff, and the Navy Minister  
7 issued the command for its movement.

8 19. "Q What were the movements of the prisoners of  
9 war after they had been taken aboard the Nitta Maru?

10 "A As I remember, the Nitta Maru arrived in Japan  
11 about the middle of January, but pursuant to the  
12 request of the army the prisoners from Wake Island were  
13 placed in a temporary prison camp in Shanghai, and they  
14 were transported to Woosung direct from the Nitta Maru.

15 20. "Q Were the prisoners of war transported on the  
16 Nitta Maru all from Wake Island? How many were there?

17 "A They were not all. . . As I recall those trans-  
18 ported on the Nitta Maru ran up to considerable num-  
19 ber, but I do not know how many.

20 21. "Q What was the reason for the entire prisoners  
21 not being transported on the Nitta Maru?

22 "A At the time the Nitta Maru reached Wake Island  
23 (I do not remember the exact time) we received a tele-  
24 gram from the commanding officer on the spot saying  
25 that there were many prisoners of war whose transfer

1 was difficult on account of their being ill, while  
2 there were quite a number who voluntarily wished to  
3 remain there. Subsequently the Navy Minister studied  
4 the problem of supply and international law questions.  
5 According to the opinion of a specialist in interna-  
6 tional law attached to the Navy Minister's Secretariat,  
7 the prisoners of war could remain after they have  
8 voluntarily signed a contract agreeing to engage in  
9 work which was not connected directly with combat.  
10 Therefore, we answered by cable to such effect and have  
11 each prisoner sign such an agreement which should be  
12 dispatched to the Navy Ministry. Furthermore, I  
13 recall that we received instructions which were issued,  
14 that as for those who were ill and could later be  
15 removed, and others who have completed their work and  
16 desired to be transported to Japan, could be so trans-  
17 ported as soon as transportation was available.

18  
19 22. "Q Did those contracts reach the Navy Ministry,  
20 and what became of the prisoners of war who had re-  
21 mained thereafter?

22 "A Up to the time of my resignation as Chief of  
23 Section One, Naval Affairs Bureau, that is July 14,  
24 1942, these contracts did not reach us. Except for  
25 an episode, which I heard, concerning the prisoners  
of war remaining on Wake Island, I do not recall

1 receiving any report.

2 23. "Q What was that episode?

3 "A The occupation force on Wake Island dis-  
4 covered huge amounts of construction materials and  
5 engineering machinery and construction engineers on  
6 the island. They were surprised to find an enormous  
7 quantity of these together with precision construction  
8 machinery. They immediately tried to use them and  
9 started to operate the bulldozers, but could not do  
10 so. While they were at a loss what to do, one of the  
11 American engineers, who was watching, by sign language  
12 waved aside the Japanese soldiers and smilingly operated  
13 the bulldozer. The story was that this was the motive  
14 which prompted some of the prisoners to remain there.

15 24. "Q Do you know anything about the fact that  
16 several prisoners of war who had been placed on board the  
17 Nitta Maru were executed en route from Yokohama to Woo-  
18 sung between the middle and the end of January 1942?

19 "A I do not know anything about it. At that  
20 time not only was there no reply, but I do not recall  
21 hearing of any subsequently.

22 25. "Q What was the situation with respect to meting  
23 out of punishment to the prisoners of war?

24 "A There was a law called the POW Punishment  
25 Law, and also the Navy Court-Martial Law and the Navy

1 Disciplinary Law and the Naval Regulations Pertaining  
2 to the Treatment of War Prisoners which clarified  
3 following point, namely: If it was a disciplinary  
4 measure the commander of the naval authorities who  
5 actually had the prisoners interned applied the pro-  
6 visions of the Naval Disciplinary Regulations. In  
7 case of a penal measure, the naval authorities inves-  
8 tigated as executive naval judicial prosecuting offi-  
9 cer (k. igun shiho keisatsu kan), turned over the  
10 case to the prosecutor of the nearest court-martial  
11 who would try the case.

12 26. "Q Did you see the detailed Regulations for the  
13 Punishment of Prisoners of War established by the  
14 transport commander of the Nitta Maru, or did you  
15 receive a report thereof?

16 "A We knew nothing about it at that time, nor  
17 did we become aware of it until recently.

18 27. "Q Who set up the temporary prison camps and  
19 selected their sites?

20 "A The commanders-in-chief of the fleet, naval  
21 station and minor naval station, who received the  
22 prisoners of war, set up the prison camps pursuant to  
23 the Regulations for the Treatment of Prisoners of War.

24 28. "Q Who set up the Ofuna temporary prison camp?  
25 Do you know what was the occasion when you became aware

1 of its establishment?

2 "A The Ofuna temporary prison camp was estab-  
3 lished by the Yokosuka Naval Station. I learned of  
4 it for the first time when the Yokosuka Naval Station  
5 submitted the papers to the Navy Ministry requesting  
6 appropriation in connection with the construction of  
7 the Ofuna temporary prison camp. I remember that it  
8 was a short time before I resigned as Chief of Section  
9 One, Naval Affairs Bureau.

10 29. "Q Did you, during your tenure in the Naval  
11 Affairs Bureau, receive reports or protests that the  
12 prisoners of war at Ofuna temporary prison camp were  
13 mistreated or driven to hard labor, or that patients  
14 were not given adequate medical treatment?

15 "A There were absolutely no reports on such  
16 matters, nor have I heard it from other sources."

17 Dated the 27th day of August, 1947.

18 You may cross-examine.

19 THE PRESIDENT: Commander Cole.

20 CROSS-EXAMINATION

21 BY COMMANDER COLE:

22 Q On page 9 of your affidavit you state that  
23  
24  
25

1 Ofuna Prisoner of War Camp was established by the  
2 Yokosuka Naval Station. Will you give us the approxi-  
3 mate date on which Ofuna Prisoner of War Camp was  
4 established?

5 A I do not recall exactly.

6 Q On page 2 of your affidavit you state that  
7 Section 1, Naval Affairs Bureau, of which you were the  
8 chief, was in charge of matters pertaining to prison-  
9 ers of war. In the light of that statement, was it  
10 possible that Ofuna Prisoner of War Camp could have  
11 been established without the approval of the Bureau  
12 of Naval Affairs?

13 A It is possible. May I explain? According  
14 to the Prisoner of War Treatment Regulations pub-  
15 lished by the Navy Ministry, the chiefs of the various  
16 naval authorities in whose hands prisoners of war  
17 might fall and the various commanders of the naval  
18 stations and minor stations which might receive pri-  
19 soners of war from other commanders were empowered  
20 to set up rovisional camps, and to place the prisoners  
21 of war in these camps.

22  
23 When buildings already in existence were  
24 used as temporary camps, it was not necessary for the  
25 authorities setting up such camps to consult with  
the Naval Affairs Bureau beforehand.

1           In the case of the Yokosuka Naval Station,  
2 since they did not have buildings adequate to hold  
3 these prisoners, they desired to build extra build-  
4 ings, and for this purpose appropriations were needed.  
5 The Naval Affairs Bureau handled this matter only  
6 to the extent of approving the necessary appropriations.  
7 That is all.

8           Q    You state on page 9 of your affidavit that  
9 you first learned of the Ofuna Prisoner of War Camp  
10 when a request for an appropriation governing the  
11 camp reached the Navy Ministry shortly before you  
12 resigned as Chief of Section 1, Naval Affairs Bureau.  
13 What was the approximate date on which this request  
14 was received?

15           A    I have no clear recollection on this point.

16           Q    On page 1 of your affidavit you state that  
17 you assumed the post of Chief of Section 1, Naval  
18 Affairs Bureau, on November 15, 1940, and held it  
19 until July 14, 1942. In the light of this statement,  
20 may we assume that the Bureau of Naval Affairs had  
21 knowledge of Ofuna Prisoner of War Camp from sometime  
22 in July, 1942?

23           A    I do recollect that I received a report  
24 from my subordinate that a request for appropriations  
25 had come from the Yokosuka Naval Station after they



1 had already begun building the temporary camp.

2 Q In answer to this request for an appropria-  
3 tion, did the Navy Ministry in fact provide the funds  
4 for the establishment of Ofuna Prisoner of War Camp?

5 A Yes.

6 Q While you were attached to the Bureau of  
7 Naval Affairs, were any reports received covering the  
8 number, names and rank of the prisoners of war at  
9 Ofuna Prisoner of War Camp?

10 A I have no clear recollection on this point.

11 Q How long did Ofuna Prisoner of War Camp  
12 remain in existence?

13 A I believe it existed after the end of the  
14 war.

15 COMMANDER COLE: No more questions.

16 MR. ROBERTS: No further questions. May the  
17 witness be excused on the usual terms?

18 THE PRESIDENT: He is excused accordingly.

19 (Whereupon, the witness was excused.)

20 MR. ROBERTS: I now call the witness YAMAMOTO,  
21 Yoshio.  
22

23

24

25

- - -

1 Y O S H I O Y A M A M O T O, recalled as a witness  
2 on behalf of the defense, having been previously  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 THE PRESIDENT: You are still on oath.

6 DIRECT EXAMINATION

7 BY MR. ROBERTS:

8 Q May the witness be shown defense document  
9 No. 2142.

10 Please examine this document and tell us  
11 if it is your sworn affidavit.

12 A It is mine.

13 Q Is it true and correct?

14 A Yes.

15 MR. ROBERTS: I offer in evidence defense  
16 document No. 2142.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 2142  
19 will receive exhibit No. 3066.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 3066 and received in evidence.)

23 MR. ROBERTS: I will read exhibit 3066.  
24 I will skip the posts occupied because they were given  
25 previously.

1 "2. Q During the wartime did the Navy Ministry  
2 issue any instructions concerning the handling of the  
3 prisoners of war?

4 "A Instructions were issued by telegrams and  
5 correspondence with respect to the handling of the  
6 prisoners of war.

7 "3. Q Where were these directed to by the Navy  
8 Ministry?

9 "A Headquarters of the Naval Base, Headquarters  
10 of Minor Naval Station and Headquarters of the Fleet.

11 "Q Do you know where these original telegrams  
12 were filed and if they are now available?

13 "A The originals were in the custody of Section  
14 One, Naval Affairs Bureau, Navy Ministry, but they  
15 were all lost in the fire in the air raid on May 25,  
16 1945.

17 "5. Q Then can you recall, in substance, their  
18 contents?

19 "A I can recall the following facts from memory:

20 "a) Instructions were issued on December  
21 1941. The supervision of the prisoners of war was to  
22 be in the hands of the Army, and the Navy was to  
23 administer them until they were turned over to the  
24 Army. This was set forth in Regulations Pertaining  
25 to the Treatment of Prisoners of War, but the orders

1 were made to call attention to the existence thereof.

2 "b) As prisoners were captured in the  
3 southern combat zone from January 1942 to February,  
4 instructions were issued to transport them to Japan.

5 "c) As there were quite a number of deaths  
6 among the prisoners of war due to influenza at the  
7 Saseho temporary prison camp from December 1942 to  
8 the spring of 1943, orders were issued to the  
9 Saseho Naval Station two or three times to make an  
10 investigation of the state of affairs. Moreover,  
11 attention was called respecting accommodations and the  
12 food situation, which was reported as law.

13 "d) October 1943. Directions were issued  
14 to transfer to the Army a considerable number of  
15 prisoners from Saseho.

16 "e) December 1944. Instructions were issued  
17 to make a survey and report on the condition of the  
18 prisoners of war held outside of Japan. The condition  
19 of the prisoners outside of Japan was to have been  
20 reported in accordance with the Regulations Pertaining  
21 to the Treatment of Prisoners of War, but due to the  
22 difficulties encountered in traffic and communications  
23 many of the reports did not reach Tokyo and caused the  
24 office routine in handling them to bog down. Therefore,  
25 in order to straighten out the materials anew

1 instructions were sent out to make a survey. Despite  
2 the foregoing instructions reports still did not ar-  
3 rive.

4 "f) March 1945. If prisoners were interned  
5 by the troops stationed abroad they were instructed  
6 to turn them over to the nearest army units as  
7 quickly as possible.

8 "6. Q Do you know where the prisoners captured  
9 by the Navy were placed during the war?

10 "A I understand that the prisoners captured  
11 by the Navy were stationed at Wake Island, Rabaul,  
12 Amton, Macassar and Haiphong. However, most of the  
13 prisoners on Wake Island were first sent to Woosung,  
14 Shanghai, in early 1942, and later one portion was  
15 transported to Japan and delivered to the Army, and  
16 a small portion remained to engage in engineering  
17 works. I also understand that the prisoners in  
18 Rabaul were sent to Japan and turned over to the Army.

19 "7. Q Do you know whether there were prisoners  
20 held in other areas?

21 "A I do not know as there were no reports  
22 received from any other place.

23 "8. Q Had you received any reports that the  
24 prisoners in those areas mentioned had been mis-  
25 treated?

"A No.

1 "9. Q Do you know that under date of August 21,  
2 1943, the American Government dispatched a list of  
3 40 names of prisoners on Wake Island whose whereabouts  
4 were unknown?  
5

6 "A No, I do not."

7 MR. ROBERTS: I understand on "9" there is  
8 a correction sheet, and that should be "400" instead  
9 of "40" on the correction.

10 "10. Q Do you know that the American Government  
11 has made inquiries about the tidings of the prisoners  
12 of war on Wake Island as follows:

13 "Letter dated October 8, 1943.

14 "Memorandum dated December 10, 1943.

15 "Memorandum dated February 14, 1944.

16 "Memorandum dated September 25, 1944.

17 "Memorandum dated November 1, 1944.

18 "Memorandum dated March 15, 1945.

19 "Memorandum dated May 15, 1945.

20 "Memorandum dated July 27, 1945.

21 "A I received no information concerning such  
22 inquiries.

23 "11. Q Did you ever see any other inquiries with  
24 regard to the tidings of the prisoners on Wake Island?  
25

"A I do not recall any inquiries from any place

1 other than the reply to the inquiry from the Japanese  
2 Office that there were a few prisoners remaining on  
3 Wake Island, which was made by my predecessor in  
4 office in 1942.

5 "12. Q Was there a report from Rear Admiral  
6 SAKAIBARA, Commander of the Wake Garrison, about  
7 October 1943, with regard to the prisoners who re-  
8 mained on that island?

9 "A Report came directly to the Fourth Fleet,  
10 but at the same time telegraphic report came to the  
11 Navy Ministry, Naval General Staff and the Combined  
12 Fleet.

13 "13. Q What was the nature of the request?

14 "A At that time there was a bombardment of Wake  
15 Island by the American task force. The situation was  
16 such that with the continuance of the bombardment the  
17 landing of American troops was expected and in con-  
18 sequence the American prisoners of war thereupon  
19 started a mass riot, therefore they were shot. That  
20 was the substance of the telegram.

21 "14. Q With respect to this report what sort of  
22 action was taken by the Navy Ministry?

23 "A As for the Navy Ministry it was not in a  
24 position to take any direct measure so no action was  
25 taken. However, it was watching what sort of action

would be taken by the superior officer, the commander-in-chief of the 4th Fleet.

1  
2 "15. Q Where was the headquarters of the 4th Fleet  
3 at that time?

4 "A Truk.

5 "16. Q What was the condition of traffic and com-  
6 munications between Wake, Truk and Tokyo at that time?

7 "A There were contacts by wireless, but sea-  
8 borne traffic could not be conducted unless at con-  
9 siderable risk of danger.

10 "17. Q Was there any report from the 4th Fleet with  
11 respect to the conduct of the commanding officer on  
12 Wake Island later?

13 "A There were no reports whatever. From the  
14 end of 1943 the South Seas Islands were being attacked  
15 by the American air force and navy; therefore, the  
16 4th Fleet was exposed to severely desperate battles.  
17 In view of this state of affairs it was impossible  
18 to press for reports and cause investigations to be  
19 made.  
20

21 "18. Q Was a court-martial set up in the 4th Fleet  
22 at that time?

23 "A Yes.

24 "19. Q Did the 4th Fleet take any step in putting  
25 this case before the court-martial?



1 "A As for the Navy Ministry its position re-  
2 mained indefinite because there was no report. With  
3 the capture of the various South Sea Islands one after  
4 another, the occupation of Wake Island became imminent  
5 and despite the fact that the entire garrison was  
6 prepared for a mass self-destruction, there was no  
7 way in which the combined fleet or the 4th Fleet could  
8 rescue this garrison unit. In view of these circum-  
9 stances existing at the time, we could not summon the  
10 commanding officer to the headquarters of the 4th  
11 Fleet for the purpose of investigation, or to shift  
12 the commander and place him before a court-martial for  
13 trial.

14 "20. Q Do you know Commander OKADA, staff officer of  
15 the Naval General Staff?

16 "A Yes, I do.

17 "21. Q In the early part of October 1942, did you or  
18 anyone orally in the Naval Affairs Bureau instruct or  
19 send word to Vice Admiral ABE, Commander on Kwajalein  
20 Island, through Staff Officer OKADA or some other  
21 member of the Naval General Staff to execute the  
22 prisoners in Kwajalein on the spot?

23 "A Absolutely not. The Naval Affairs Bureau,  
24 Navy Ministry, was not concerned with Staff Officer  
25 OKADA's trip to the South Seas. Also the Naval

1 Affairs Bureau was not aware that there were prisoners  
2 of war on Kwajalein Island at that time.

3 "As for the Navy it always issues orders or  
4 instructions by telegrams or in writing, and has  
5 absolutely never entrusted anybody with verbal orders.  
6 Also, according to the setup in the Navy, the  
7 Navy Ministry could not give orders or instructions  
8 direct to Rear Admiral ABE as the commanding officer  
9 on the spot.

10 "22. Q Were protests received in connection with  
11 the sinking of allied powers' merchant ships by  
12 Japanese submarines in the Indian Ocean during the war  
13 and the perpetration of atrocities on the survivors?

14 "A I do not remember the date and the number of  
15 times the protests were received, but we did receive  
16 some.

17 "23. Q What steps were taken at the time of the  
18 receipt of those protests?

19 "A The parties in charge of the submarines were  
20 asked to make an investigation of those connected with  
21 it. Inasmuch as the matter involved operations the  
22 investigation was required to the Naval General Staff  
23 and the fact was thoroughly investigated. But as they  
24 reached the conclusion that since the Japanese sub-  
25 marines were not involved in the protests we replied

to such effect to the Foreign Office.

1 "24. Q Was any investigation made after the war  
2 with respect to the foregoing facts?

3 "A. There was an inquiry from GHQ so the princi-  
4 pal parties of the surviving submarine crew and those  
5 connected with the matter at that time were investi-  
6 gated but such fact could not be established and we  
7 replied to that effect. The text of the documents  
8 and appended table dated December 5, 1945, signed  
9 on behalf of Bureau Chief NAKAMURA, entitled, "Reply  
10 to the Matter of the Merchant Ship sunk in the Indian  
11 Ocean by the Imperial Japanese Submarines," addressed  
12 to Col. Allen of GHQ, was our reply.

13 "25. Q Who administered the temporary prison camp  
14 in Ofuna?  
15

16 "A Yokosuka Naval Station.

17 "26. Q Who appointed the superintendent of the  
18 prison camp?

19 "A I do not know the details, but I think com-  
20 manding officer of the Minor Naval Station in Yokosuka  
21 under the jurisdiction of the Yokosuka Naval Station  
22 appointed some suitable subordinate.

23 "27. Q Was the appointment of the prison camp super-  
24 intendent reported to the Navy Ministry?  
25

"A Such a matter was within the province of

1 the Yokosuka Naval Station and no report was made  
2 to the Navy Ministry.

3 "28. Q What sort of a report was made by the Yokosuka  
4 Naval Station?

5 "A There was a report on the personnel in the  
6 prison camp, their names, ranks, and other matters  
7 designated in the Regulations Pertaining to the Handling  
8 of the Prisoners of War.

9 "29. Q Did you ever receive any report that the  
10 prisoners in the Ofuna temporary prison camp were mis-  
11 treated, or that the prisoner patients did not receive  
12 adequate medical attention?

13 "A No such report ever came in during my tenure  
14 in office.

15 "On this 15th day of August, 1947."

16 You may cross-examine.

17 CAPTAIN ROBINSON: If it please the Court.

18 THE PRESIDENT: Captain Robinson.

19 CAPTAIN ROBINSON: No cross-examination is  
20 desired. However, the prosecution wishes to call the  
21 Court's attention, by reference, to exhibit 2055-C,  
22 record page 15,028 to 15,032.

23 THE PRESIDENT: What is your next document,  
24 Mr. Roberts?

25 MR. ROBERTS: Document 1942, and that

1 finishes my phase.

2 May this witness be excused on the usual  
3 terms?

4 THE PRESIDENT: He is released accordingly.

5 (Whereupon, the witness was excused.)

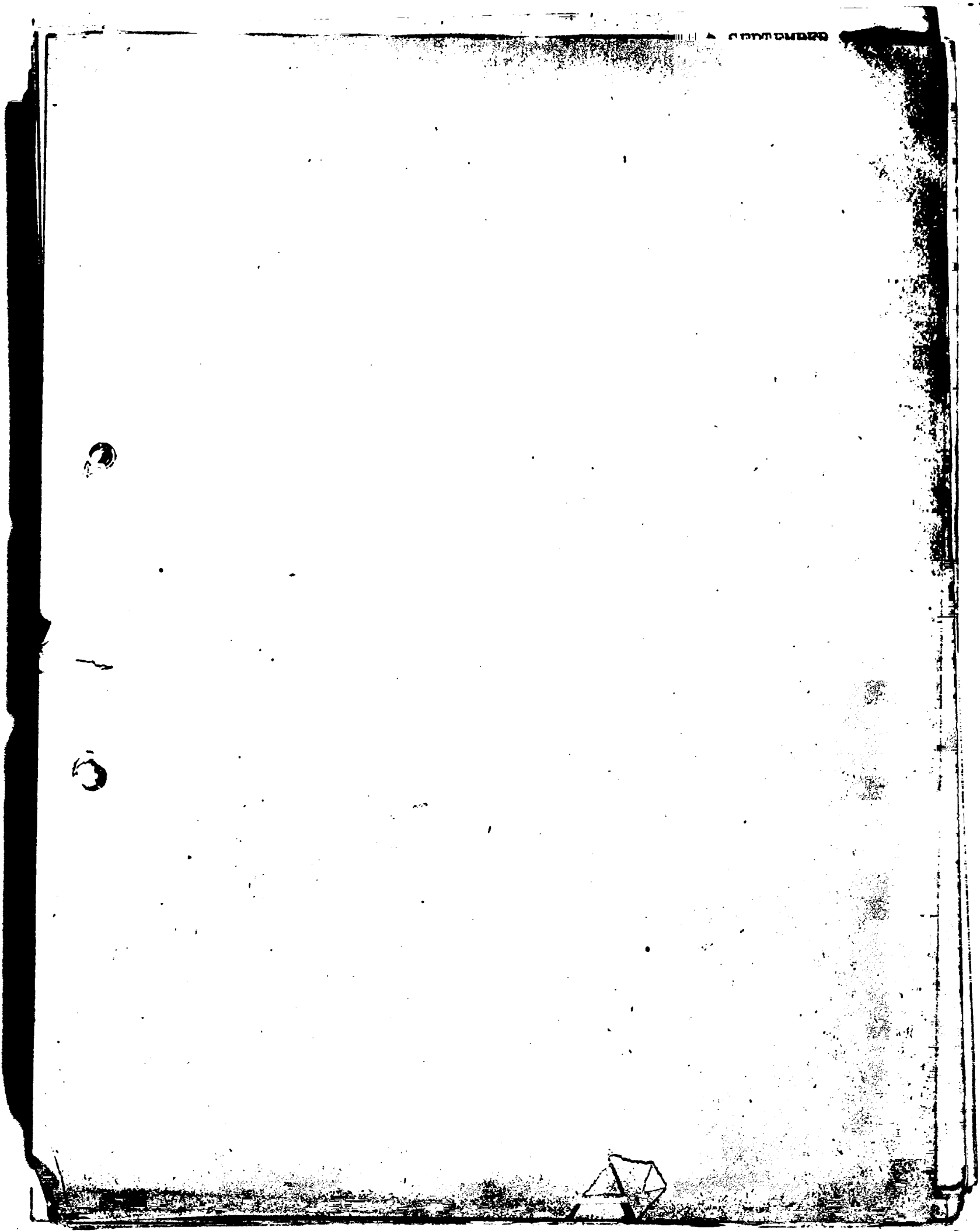
6 THE PRESIDENT: We will adjourn now until  
7 half-past nine tomorrow morning.

8 (Whereupon, at 1600, an adjournment  
9 was taken until Wednesday, 3 September 1947,  
10 at 0930.)  
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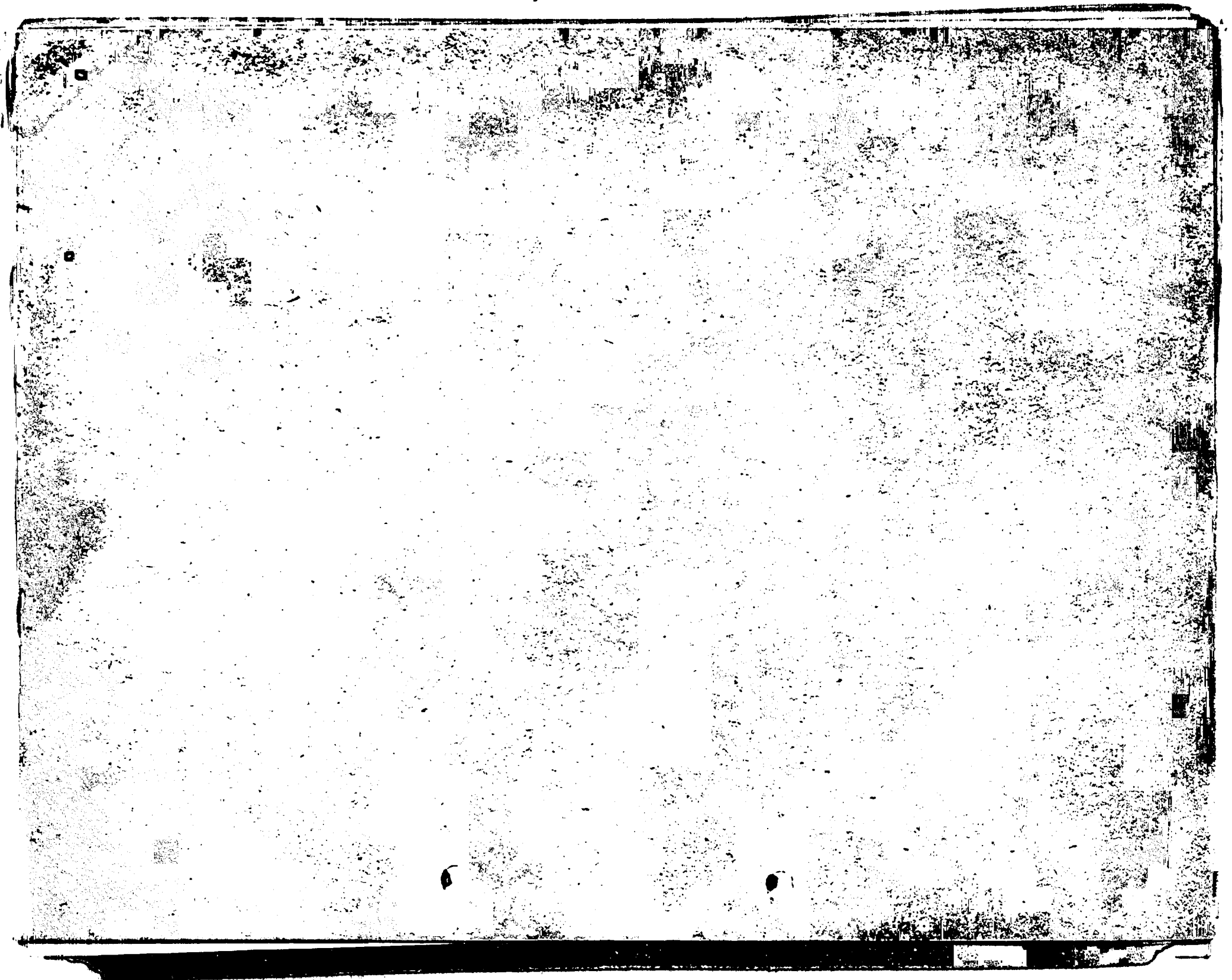
I N D E X  
of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
KONDO, Jotaro	27391
Direct by Mr. Freeman	27391
(Witness excused)	27395
SUGITA, Kazuji	27397
Direct by Mr. Freeman	27397
Cross by Colonel Mornane	27405
(Witness excused)	27411
<u>MORNING RECESS</u>	27423
ICHINOHE, Kimiya	27431
Direct by Mr. Freeman	27431
(Witness excused)	27434
INADA, Masazumi	27438
Direct by Mr. Freeman	27438
Cross by Colonel Mornane	27441
(Witness excused)	27442
SAWADA, Shigeru (recalled)	27443
Direct by Mr. Freeman	27443
Cross by Mr. Tavenner	27450
Question by the President of the Tribunal, Sir William Webb	27452



I N D E X  
of  
WITNESSES  
(cont'd)

<u>Defense' witnesses</u>	<u>Page</u>
SAWADA, Shigeru (con'td)	
Cross (cont'd) by Mr. Tavenner	27452
Question by the President of the Tribunal, Sir William Webb	27453
Cross (cont'd) by Mr. Tavenner	27454
<u>NOON RECESS</u>	27454
Cross by Mr. Lazarus	27456
Questions by the President of the Tribunal, Sir William Webb	27458
Cross (cont'd) by Mr. Lazarus	27459
Cross (cont'd) by Mr. Tavenner	27467
Recross by Mr. Lazarus	27470
(Witness excused)	27470
KOMODA, Koichi	27476
Direct by Mr. Freeman	27476
(Witness excused)	27479
OKADA, Yoshimasa	27479
Direct by Mr. Freeman	27479
(Witness excused)	27485



3 SEPTEMBER 1947

I N D E X  
O f  
W I T N E S S E S  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
KOYASEKO, Kaname	27486
Direct by Mr. Freeman	27486
(Witness excused)	27492
TOSHIMA, Fusataro	27493
Direct by Mr. Freeman	27493
(Witness excused)	27498
SUZUKI, Teiji	27499
Direct by Mr. Freeman	27499
(Witness excused)	27502
YONEYAMA, Yoneshika	27503
Direct by Mr. Freeman	27503
(Witness excused)	27507
KURODA, Shigenori	27508
Direct by Mr. Freeman	27508
(Witness excused)	27512
ABE, Yoshimitsu	27513
Direct by Mr. Freeman	27513

3 SEPTEMBER 1947

I N D E X  
of  
EXHIBITS  
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1782	3077		Affidavit of KOYASEKO, Kaname		27487
1783	3078		Affidavit of TOSHIMA, Fusataro		27493
1756	3079		Affidavit of SUZUKI, Teiji		27499
1757	3080		Affidavit of YONEYAMA, Yoneshika		27503
1705	3081		Affidavit of KURODA, Shigenori		27508
1257	3082		Affidavit of ABE, Yoshimitsu		27513

3 SEPTEMBER 1947

I N D E X  
of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidenc</u>
1942	3054-C		Excerpt from book entitled "Collected Volume of Imperial Headquarters Instructions, Vol. I, Naval Section" - Naval General Staff Directive No. 61 dated 1 March 1942 from Chief of Naval General Staff, Admiral NAGANO, Osami to Commander-in-Chief of China Seas Fleet, Admiral KOGA		27387
2106	3067		Affidavit of KONDO, Jotaro		27391
1921	3068		Affidavit of SUGITA, Kazuki		27398
345	3069		Army Order No. 1 - Instructions to Japanese soldiers at the Front, dated 8 January 1941		27428
415	3070		Affidavit of ICHINOHE, Kimiya		27431
1520	3071		Affidavit of Alfred F. Kretschmer		27435
1701	3072		Affidavit of INADA, Masazumi		27438
1253	3073		Affidavit of SAWADA, Shigeru		27443
1849	3074		Affidavit of Mary Erwin Martin		27470
1805	3075		Affidavit of KOMODA, Koichi		27476
1781	3076		Affidavit of OKADA, Yoshimasa		27480
			<u>AFTERNOON RECESS</u>		27484

1 Wednesday, 3 September 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE R. B. PAL, Member  
15 from India, not sitting from 0930 to 1600.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

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19 (English to Japanese and Japanese  
20 to English interpretation was made by the  
21 Language Section, IMTFE.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: With the permission of the  
4 Tribunal the accused ARAKI will be absent from the dock  
5 all day conferring with his counsel.

6 Mr. Roberts.

7 MR. ROBERTS: We offer at this time defense  
8 document No. 1942, which was previously offered and  
9 recalled in order to comply with Rule 6-B. This is an  
10 excerpt from exhibit 3054 for identification.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document 1942  
13 will receive exhibit No. 3054-C.

14 (Whereupon, the document above referred  
15 to was marked defense exhibit 3054-C and received  
16 in evidence.)

17 MR. ROBERTS: I read exhibit 3054-C.

18 "Naval General Staff Directive No. 61.

19 "Date: March 1, 1942.

20 "From: Chief of Naval General Staff, Admiral  
21 NAGANO Osami.

22 "To : Commander-in-Chief of China Seas Fleet,  
23 Admiral KOGA;

24 "Commander-in-Chief of Kure Naval Station,  
25 Admiral TOYODA:

1 " Commander-in-Chief of Yokosuka Naval Station,  
2 Vice Admiral HIRATA;

3 "Commander-in-Chief of Maizuru Naval Station,  
4 Vice Admiral KOBAYASHI:

5 "Commander-in-Chief of Sasebo Naval Station,  
6 Vice Admiral TANIMOTO;

7 "Commander-in-Chief of Chinkai Minor Naval  
8 Station, Vice Admiral SAKAMOTO:

9 "Commander-in-Chief of Bako Minor Naval Sta-  
10 tion, Vice Admiral YAMAMOTO:

11 "Commander-in-Chief of Ominato Minor Naval  
12 Station, Vice Admiral OKUMA;

13 "Commander-in-Chief of Osaka Minor Naval  
14 Station, Vice Admiral KOBAYASHI.

15 "In dealing with the shipping of enemy coun-  
16 tries and general neutral countries the following shall  
17 be the guide hereafter;

18 "1. The sea area under your respective charge  
19 shall be patrolled, and the ships of enemy countries  
20 and those of the neutral countries that are to be  
21 treated similarly to the ships of enemy countries shall  
22 be captured or detained."  
23

24 I skip to paragraph numbered 4.

25 "In dealing with foreign shipping in general  
due process shall as a rule be taken in accordance



1 with the provisions of laws. If a sinking is made  
2 'without being enabled to go through prescribed process,'  
3 because of some forced circumstances, every possible  
4 means shall be taken to rescue human lives after the  
5 sinking.

6 "5. AS a rule persons of armed services,  
7 either armed men or civilians, higher graded mariners,  
8 technicians, government officials, etc., who are be-  
9 longing to the enemy countries or to the Chiang Kai-shek  
10 regime shall be taken as prisoners of war."

11 That completes my presentation. Mr. Freeman  
12 will now continue.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please, at the  
15 second line from the end of this document appear the  
16 words "Attached directive." I am informed that the  
17 Japanese words actually refer to the sentence which  
18 follows, and that there is not a separate attached  
19 directive unaccounted for. I would like the matter  
20 referred to the Language Division to determine whether  
21 or not that is a fact.

22 THE PRESIDENT: It is referred accordingly.

23 MR. TAVENNER: In view of the fact that the  
24 last sentence was not read, I feel that I should call  
25 to the Tribunal's attention that sentence, showing

1 that Directive No. 15 was abolished. Directive No. 15  
2 is the same directive which was referred to in the affi-  
3 davit of TOMIOKA, exhibit 3057, the last question and  
4 answer on page 10, and also the same directive that was  
5 referred to in the affidavit of YAMAMOTO, exhibit 3,052,  
6 the last answer on page 6. In that same connection I  
7 would like to refer to the addressee in exhibit No.  
8 3,054-B, which document relates to the abolishing of  
9 Directive No. 60.

10 THE PRESIDENT: Mr. Freeman.

11 MR. FREEMAN: If the Tribunal please, I now  
12 call the witness KONDO, Jotaro, whose affidavit is de-  
13 fense document 2106.

14 THE PRESIDENT: Major Moore.

15 MAJOR MOORE: In the query in question sub-  
16 stitute "supplementary" for "attached."  
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1 J O T A R O K O N D O, called as a witness on be-  
2 half of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. FREEMAN:

6 Q Mr. KONDO, will you give us your full name  
7 and address?

8 A My name is KONDO, Jotaro. My address is No.  
9 28 Tokiwa-cho, 10 Chome, Urawa City, Saitama Prefecture.

10 MR. FREEMAN: May the witness be shown defense  
11 document 2106?

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

14 Q Mr. KONDO, is that your affidavit and did you  
15 sign it?

16 A Yes.

17 Q, Are the contents therein correct and true?

18 A Yes, true and correct.

19 MR. FREEMAN: I now offer in evidence defense  
20 document 2106.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 2106  
23 will receive exhibit No. 3067.

24 (Whereupon, the document above referred  
25 to was marked defense exhibit 3067 and received in

evidence.)

1 MR. FREEMAN: I shall now read exhibit No.  
2 3067.

3 "I was born in Nagano Prefecture on the 13th  
4 November, 1894, and graduated from the Tokyo Imperial  
5 University in July, 1920. From January, 1942, to  
6 July, 1944, I was the Governor of Kanangawa Prefecture.

7  
8 "I wish to make the following statements  
9 concerning exhibit No..1969, 'the Report Concerning  
10 Labour Conditions of the Prisoners of War.'

11 "(1) This is a copy of the report which I  
12 had sent to the Eastern Army Commander for his refer-  
13 ence. This report was made originally in my name to  
14 the Home and Welfare Ministers whose jurisdiction I  
15 was under as the Governor of Kanagawa Prefecture.

16 "I was under no obligation to report to the  
17 Eastern Army Commander.

18 "I presume that the headquarters of the Eas-  
19 tern Army transmitted to the War Ministry, the report  
20 which I had sent there for reference.

21 "(2) The report gave the fact that the employ-  
22 ment of the PW's for labor brought about a favorable  
23 impression upon the Japanese people, especially labourers.

24 "(3) Written in the last paragraph of this  
25 report is the following: 'Of course, we did not make

1 any public announcement the employment of the PW's  
2 for labor, but the people found out that the PW's  
3 were at work by unintentional observation of their  
4 trips between the work shop and the camp ....' As  
5 such, it was the personal opinion expressed casually  
6 by some passer-by who happened to witness the PW's  
7 on their way to and from work. It was never intended  
8 to use the PW's for public display.

9 "I had never received any instruction or sug-  
10 gession from my superiors and others to expose the  
11 PW's for public view. I gave no such instruction or  
12 suggestion to the local parties concerned.

13 "(4) In short, this report was made to the  
14 Home and Welfare Ministers, the higher authorities,  
15 by the prefectural government, compiling information  
16 received customarily from various local organs. A  
17 copy of this report was sent to the Eastern Army  
18 Commander just for his reference. No special signifi-  
19 cance was attached to this report.

20 "On this 15th day of August, 1947."

21 If the Tribunal please, I would like to ask  
22 a few questions on direct examination.

23 Q Mr. Kondo, in next to the last paragraph of  
24 your affidavit you state that you received no instruc-  
25 tions or suggestions relative to exposing POW's for

1 public view. Now, did you give any instructions or  
2 suggestions?

3 A No.

4 Q Did you offer any suggestions relative to  
5 the POW's in your prefecture?

6 A Not to superiors, but through my subordinates  
7 I have made some -- given advice and admonishments  
8 to the authorities in charge of prisoner-of-war camps.

9 Q Will you briefly give us what those sugges-  
10 tions were?

11 A This relates to the route connecting POW  
12 camps and places at which POW's were at work. I re-  
13 call that through a Chief of Section in charge of such  
14 matters serving under me I suggested to the authorities  
15 in charge of prisoner-of-war camps that in order to  
16 maintain the dignity and self-respect of the POW's, as  
17 well as to effectuate better traffic control from the  
18 standpoint of police activities, the shortest distance  
19 between such routes should be selected as would be the  
20 shortest distance between POW camps and places of work,  
21 and also such routes as would not be -- as would not  
22 expose POW's to public view.

23 Q Being Governor of this prefecture, you were  
24 authorized to offer these instructions?  
25

A I have no direct authority with regard to

1 the prestige or dignity of POW's, which is controlled  
2 by the War Ministry ordinance with regard to labor by  
3 POW's. I had no such authority, but I was in the posi-  
4 tion to report or to give admonition on anything that  
5 I feel to be improper in my own jurisdiction and let  
6 these facts be known to the proper government authori-  
7 ties in charge. That was the custom prevailing at that  
8 time and thereafter -- before and thereafter. It is  
9 also under the authority -- It is also under the  
10 authority of the Governor of the prefecture to control  
11 traffic regulations.

12 Q Were your suggestions complied with?

13 A I have received a report from the Chief of the  
14 section in charge that the authorities of the POW camps  
15 accepted the advice gladly.

16 MR. FREEMAN: That is all.

17 You may cross-examine.

18 THE PRESIDENT: Colonel Mornane.

19 COLONEL MORNANE: If it please the Tribunal,  
20 there will be no cross-examination of this witness.

21 MR. FREEMAN: May the witness be excused?

22 THE PRESIDENT: He is excused on the usual  
23 terms.

24  
25 (Whereupon, the witness was excused.)

1           MR. FREEMAN: If it please the Tribunal, 345  
2           and 415 are more or less dependent on each other, and  
3           the witness ICHINOGE has not arrived yet, so I will go  
4           on to call the next witness, SUGITA, whose affidavit  
5           is defense document 1921.

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1 K A Z U J I S U G I T A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

## DIRECT EXAMINATION

BY MR. FREEMAN:

4  
5 Q Mr. Sugita, will you give us your full name  
6 and address?

7  
8 A My name is SUGITA, Kazuji. My address is  
9 174 Kitazawa, 2 Chome, Setagayaku, Tokyo.

10 MR. FREEMAN: May the witness see defense  
11 document 1921?

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

14 Q Mr. SUGITA, is that your affidavit and did  
15 you sign it?

16 A Yes.

17 Q Are the contents therein true and correct?

18 A I should like to have a part of the substance  
19 of my affidavit corrected.

20 Q Will you point out what correction you would  
21 like made?

22 A In paragraph No. 3, at page 4 of the English  
23 text, I should like to have the one sentence in the  
24 middle, namely, "I have heard that there was some evi-  
25 dence that 5,000 Chinese were killed, but Japanese

1 officers told me that 5,000 was a much too large an  
2 estimate " -- I should like to have this passage de-  
3 leted.

4 THE PRESIDENT: That is very quaint.

5 BY MR. FREEMAN:

6 Q Is the affidavit otherwise correct and true?

7 A Yes.

8 MR. FREEMAN: I offer in evidence defense  
9 document 1921 as corrected by the witness.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 1921  
12 will receive exhibit No. 3068.

13 (Whereupon, the document above referred  
14 to was marked defense exhibit 3068 and received in  
15 evidence.)  
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1 MR. FREEMAN: I shall now read in evidence  
2 exhibit 3068, beginning with paragraph 2:

3 "2. The instructions issued by the Commanding  
4 General of the Army YAMASHITA at the start of the Malay-  
5 an Campaign emphasized the foremost principle of making  
6 friends with the native people. On the fall of Singa-  
7 pore we were made to see to it that an exemplary occu-  
8 pation work should be carried out with no hitch in tak-  
9 ing over the city in consideration of the great reper-  
10 cussion of the fall of the city not only over the  
11 southern native people but to every nation in the world.  
12 While we were acting upon the instruction, the General  
13 urged General Percival to surrender early instead of  
14 going on with their resistance that involved so much  
15 bloodshed of townfolks in his written summons to sur-  
16 render, which, I think, is in the hands of the British  
17 Army. A promise was also made on the occasion of the  
18 interview between General YAMASHITA and General Percival  
19 that the British noncombatants and womenfold would be  
20 protected.

21  
22 "3. During the attack on Singapore, the Jap-  
23 anese Army also sustained much loss (50% of that through-  
24 out the whole Malayan Campaign) and tension between  
25 Britain and Japan was so intense after the fall of  
Singapore, general sentiment of our soldiers against.

1 Chinese merchants grew worse as the Chinese obstructed  
2 our operations a great deal as the operation proceeded.

3 The following are examples of Chinese merchants  
4 obstructions:

5 "a. Toward the end of December 1941, a hundred or  
6 more of armed Chinese merchants took stand in a northern  
7 forest with the aim of disturbing commissary lines and  
8 burning our munitions as well.

9 "b. In the end of December 1941, during the battle  
10 near Cambar, frequent signal shells were seen shooting  
11 in the night from around our troops. And upon invest-  
12 igation it was learned that this was done by Chinese  
13 merchants.

14 "c. In the middle of January, 1942, in the battle  
15 near Guemasa (TN?) and Segenot (TN?) as well as at the  
16 time of the enemy air raids on Kuala Rumpur, signal  
17 shells were again shot up to show the way for enemy  
18 fire and planes, which were later made clear also to  
19 have been the tricks of Chinese merchants.

20 "Also in the middle of January 1942, when the  
21 Japanese Imperial Guards Division was crossing river,  
22 they helped to guide enemy planes on night raids.

23 "d. In the middle of January 1942, when the afore-  
24 said Division was fighting near Maracca and Batbahat  
25 (TN?), Chinese merchants aided enemy submarines lying

1 off the coast. They sheltered, guided and defended the  
2 secret agents who came from the submarines, making the  
3 enemy fire from the Maracca Sea easy and advantageous.

4 "e. At many places military communication wires  
5 were cut up. All through the while the commanding  
6 General of the Army did not make any change in the in-  
7 struction given at the start of war, but only put more  
8 stress on the strict punishment of those whose obstruc-  
9 tions of our operations were beyond doubt.

10 "And his attitude was stern toward ill behav-  
11 ior of Japanese officers and men. An investigation  
12 made after the termination of war disclosed that the  
13 army commander issued an order on 17 February 1942.  
14 This order was purely an operational one with the aim  
15 of mopping up the Chinese merchants of enemy character  
16 lurking in and around the city, and intending to deal  
17 them a decisive blow.

18 "As for me, I witnessed neither the actual  
19 mopping up nor even a single corpse. \* \* \* \* I heard  
20 later that the General Headquarters of the Japanese  
21 Forces in the Southern Regions thought that the mopping  
22 up tactics should not have been used and was not ordered  
23 by them. Lt. General MUTO, who came to the Southern  
24 Area in the latter part of March 1942, expressed his  
25 view that the mopping up tactics should not have been

1 used, also.

2 "I don't remember anything of my interview with  
3 Major General Newbegin (TN) and Colonel Wild on 22  
4 February 1942 about which Colonel Wild testified.

5 "Immediately after the fall of Singapore con-  
6 ferences and arrangements were so frequent in order to  
7 prevent mishaps, divergences, and misunderstandings  
8 between Japan and Britain (in view of lack of exper-  
9 ience of occupation works on our side and language  
10 difficulty) that it was the latter part of February  
11 before the occupation operated smoothly.

12 "In the Island of Singapore, the British  
13 Forces were allocated for internment to Changi and  
14 Indian soldiers to Nieson (TN) and other areas and  
15 there existed considerable confusion.

16 "It was highly difficult task to concentrate  
17 the British soldiers stationed on separate islands,  
18 but efforts were made to prevent accidents in con-  
19 formity with the order of the Commanding General  
20 of the Army. The British Forces, if my memory serves  
21 me right, carried foodstuffs in good quantity for them-  
22 selves, using their own automobiles (some 10), trucks  
23 (some 50) and hydro-automobiles (some 10).

24 "They were driving about 20 trucks a day to  
25 carry foodstuffs by themselves from the wharf of

1 Singapore, but those trucks (except a few) were, I  
2 heard, confiscated about the middle of March.

3 "The ordinary townsfolk as well as womenfolk  
4 detained in private houses in the northern part of  
5 Singapore at the beginning were taken toward the end  
6 of February to the Changi Prison. At that time Japan-  
7 ese Forces were so pressed in the preparations for the  
8 next operation while British POW's were quite at  
9 leisure that some of the Japanese soldiers asked,  
10 'Which is the winner?'

11 "I remember, too, of General YAMASHITA's inspec-  
12 tion in the camps about the beginning or middle of  
13 March 1942 when he shook hands with Lt. General  
14 Percival who expressed thanks to General YAMASHITA.  
15 Till the first part of February or March 1942, the great  
16 majority of the prisoners were engaged in improving the  
17 prison and in preparing for cultivation of crops to  
18 support themselves, bathing at intervals in the sea.  
19 Since the beginning of March hundreds of prisoners  
20 were coming back and forth by autos from Changi all the  
21 time for the purpose of cleaning the city of Singapore,  
22 which proved so inconvenient that the plan was changed  
23 so as to transfer part of them to the city from Changi  
24 and preparations for it were under way. What became of  
25 it, however, I cannot tell, for then I shifted to dif-

1 ferent post and in addition I travelled to Sumatra on  
2 official business.

3 "5. Of the Hospital Alexander incident, I  
4 got no information at that time. About 12 or 13 March,  
5 the date on which Colonel Wild testified that this  
6 occurred, the front line was not advanced as far as  
7 the said hospital.

8 "6. I acknowledge the Exhibit 476, namely the  
9 document consisting of 'Outline of the investigation on  
10 inhumanities during the Malayan Campaign' and other  
11 four parts, except the part made of two leaves of  
12 Japanese paper copied from excerpts of Diary of  
13 18 February. These documents were availed of by the  
14 4th squad of Prisoners Investigation Committee. Among  
15 them, 'the State of Punishment of Chinese merchants at  
16 Singapore (23 October 1942)' was written mainly by  
17 myself at first, But as it proved insufficient further  
18 study was made and it was revised as 'Outline of the  
19 investigation on inhumanities during the Malayan Cam-  
20 paign of 23 November' written chiefly by myself, assisted  
21 by Major HASHIZUME.

22 "But a number of insertions and cancellations  
23 on the documents were made by other hands. I drafted  
24 them and presented them, as noted on the first page,  
25 to the Central Prisoners Investigation Committee and to



1 the Prisoners Investigation Board. Whether these organi-  
2 zations adopted them or not I cannot ascertain from  
3 the documents. I am not sure of whose hands are those  
4 notes such as 'deleted' or 'see attached papers' entered  
5 with pencil on the documents.  
6

7 "On this 24th day of July, 1947."

8 You may cross-examine.

9 THE PRESIDENT: Colonel Mornane.

10 CROSS-EXAMINATION

11 BY COLONEL MORNANE:

12 Q Witness, in a part of your affidavit that was  
13 not read, it is said that you held the post of the  
14 Chief of Intelligence Staff in 1942. Is that correct?  
15

16 A Yes.

17 Q And in that post it was part of your duty to  
18 keep General YAMASHITA informed of what was going on?

19 A Yes that was one of my duties.  
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1 Q And in that capacity you learned that on the  
2 21st of February arrests of Chinese began?

3 A However, at that time I was primarily a  
4 liaison officer and hardly had any time to be concerned  
5 with intelligence.

6 Q Did you, in fact, know that on the 21st of  
7 February the arrest of the Chinese had begun?

8 A No, not that it had started -- not at that  
9 time.

10 Q Later on you became chairman of a committee  
11 that was appointed to inquire into this massacre?

12 A That was after the termination of the war.

13 Q And as a member of that committee you ascer-  
14 tained that the arrests began on the 21st of February?

15 A Yes.

16 Q And that the execution of about 5000 had  
17 taken place by the 23d of February?

18 A The fact, or the alleged report, that over  
19 5000 were killed was concerned with the 21st of February  
20 and thereafter covering the entire period.

21 Q At all events you made use of Major General  
22 KAWAMURA's diary in investigating this massacre?

23 A Yes, not only the diary of Major General  
24 KAWAMURA but from information received by others who  
25 were concerned in the matter -- who participated in the

matter.

1 Q Major General KAWAMURA was in charge of the  
2 roundup of these Chinese, was he not?

3 A Lieutenant General KAWAMURA was commander  
4 of the garrison and the Kempai-tai was under that  
5 organization.

6 Q When you saw this entry in KAWAMURA's diary  
7 of the 23d of February which reads as follows: "Held  
8 a Unit Commander meeting from 11:00 a.m. and listened  
9 to the reports concerning the situations of searching  
10 to the effect that those who had been punished numbered  
11 approximately 5000"--  
12

13 A There may have been but I do not recall.

14 Q These Chinese were not tried, were they, by  
15 any court?

16 A No.

17 THE PRESIDENT: Why did you strike that  
18 passage out of your affidavit? It is in evidence  
19 that the passage is struck out and we know what the  
20 words of the passage were.

21 THE WITNESS: I had the passage deleted  
22 because I could not say that I had obtained the  
23 figures from Japanese authoritative sources. While  
24 in Singapore I was able -- I testified that approxi-  
25 mately 5000 were killed but inasmuch as Japanese army

1 authorities said that the figures were much smaller  
2 in view of the conditions then prevailing in that  
3 area and since I received no such authoritative  
4 information from such sources, I decided to delete  
5 this passage.

6 THE PRESIDENT: That explanation would  
7 justify the retention of the passage in the affidavit.

8 THE WITNESS: No, I do not think so. It was  
9 not from Japanese authoritative sources that I was  
10 told that the number was less than 5000.

11 Q Witness, you say that you heard later that the  
12 general headquarters of the Japanese forces in the  
13 southern regions thought that the mopping up tactics  
14 should not have been used?

15 A Yes.

16 Q From whom did you hear that?

17 A I heard that from staff officers who came to  
18 Singapore from the headquarters of the Southern Army  
19 at the time.

20 Q And you also heard that headquarters of  
21 Southern Army had not ordered the mopping up tactics?

22 A No, not so.

23 Q You say -- I am sorry, I didn't quite under-  
24 stand your answer.

25 A Yes, I have heard that the Southern Army was

1 opposed to mopping up tactics but they did not issue  
2 such an order to the commander of the 25th Army,  
3 General YAMASHITA.

4 Q Was the mopping up ordered by General  
5 YAMASHITA?

6 A Yes.

7 Q What was done by the Southern Army to punish  
8 General YAMASHITA, who was responsible for issuing  
9 this order to kill these Chinese?

10 A The Southern Army took no steps.

11 Q You say that, "Of the Hospital Alexander  
12 incident, I got no information at that time. About  
13 12 or 13 March, the date on which Colonel Wild  
14 testified that this occurred, the front line was  
15 not advanced as far as the said hospital." Actually,  
16 of course, Singapore had fallen by the 15th of February?

17 A Yes, on the 15th of February.

18 Q What you really meant to say there was  
19 "about the 12 or 13 of February," I take it?

20 A Yes, it would be a mistake to say March.  
21 It should be February.

22 Q Do you know where the Hospital Alexandra is  
23 situated?

24 A Yes, I do.

25 Q I suggest to you that the Japanese front line

passed there at 4:30 p.m. on the 14th of February;  
1 would that be correct?

2 A I do not think they passed that line.

3 Q You say in your affidavit they did not pass  
4 by the 12th or 13th but on the 14th of February, one  
5 day before the surrender?

6 A Yes, that I know.

7 Q Did you ever hear of the massacre at the  
8 Hospital Alexandra before you left Singapore?

9 A No.

10 COLONEL MORNANE: I do not propose to cross-  
11 examine this witness further, if it please the Tribunal,  
12 but I wish to draw the Tribunal's attention to exhibit  
13 1506 at page 12,904 and exhibit 1507 at page 12,907  
14 which purport to be eye witnesses' accounts of what  
15 happened at Queen Alexandra Hospital and also they  
16 state that the front line was there at 4:30 p.m. on  
17 the 14th of February, not the 13th.

18 THE PRESIDENT: What is the page of Colonel  
19 Wild's evidence too?

20 COLONEL MORNANE: Colonel Wild, page 5398,  
21 said he heard that about the 12th or 13th of February  
22 this happened.

23 THE PRESIDENT: At what page is Colonel Wild's  
24 evidence of his interview with the witness?  
25

1 COLONEL MORNANE: That is the interview when  
2 Brigadier Newbiggin was present. That is at page  
3 5365-7, if the Tribunal please.

4 THE PRESIDENT: Thank you.

5 MR. FREEMAN: May the witness be excused?

6 THE PRESIDENT: He is released on the usual  
7 terms.

8 (Whereupon, the witness was excused.)

9 MR. FREEMAN: I now read from exhibit 476,  
10 the last paragraph on page 36 and the first paragraph  
11 on page 38 which refers to the intrigue of the Chinese  
12 during the Malayan campaign. Page 36, exhibit 476:

13 "III. The state of purging on the Malay  
14 Peninsula.

15 "1. The state of peace and order on the Malay  
16 Peninsula.

17 "The intrigues of the Chinese during the  
18 Malay campaign were as described already. Even after  
19 the fall of Singapore, numerous anti-Japanese Chinese  
20 hid themselves in cities and forests. Some of them,  
21 standing for communism, and maintaining mutual connec-  
22 tions among them, continued active operations under a  
23 firm organization in order to carry on a systematized  
24 anti-Japanese movement. They made efforts to obtain  
25 arms, ammunition, provisions, as well as comrades-in-

1 arms. Meanwhile, they looted the surrendered arms  
2 which we had assembled, assassinated our officers  
3 and men, destroyed our communication and transporta-  
4 tion lines, killed, threatened and pillaged law-  
5 abiding citizens at large. Thus the state of peace and  
6 order on the Malay Peninsula after the war was still  
7 alarming."

8 Page 38, first paragraph:

9 "In short, the purging operations on the  
10 Malay Peninsula represented peace preservation patrol  
11 activities to protect not only the Japanese troops  
12 themselves but also the life and property of the  
13 people at large (Chinese, Malaysians, Indians, etc.).  
14 Although we regret to say that we have no clear idea  
15 of the detailed situation owing to lack of data, the  
16 anti-Japanese Chinese who lost their lives were  
17 principally those who fell under our bullets, etc.  
18 during battle in the course of the purging operations.  
19 Our side also suffered considerable casualties in the  
20 course of the difficult punitive operations."

21 I next read excerpts from exhibit 475 which  
22 is a report by the Japanese government concerning the  
23 construction of the Burma-Thailand Railway. These  
24 excerpts deal with conditions under which Japanese  
25 nationals and POWs worked.



Page 4, paragraph 4: "As the construction  
1 of the railway was completed in October 1943, all  
2 the prisoners except those who were engaged in the  
3 maintenance work, were transferred to camps in Siam.  
4 The camps there could shelter the men from rain and  
5 the food situation and sanitary conditions were im-  
6 proved. Those men thought to be suitable for a certain  
7 kind of work were removed to French Indies for a time  
8 and then transferred to Singapore on their way to  
9 Japan. The war prisoners who were rescued had been  
10 on board a steamer which departed from Singapore at  
11 the beginning of September and 1300 English and  
12 Australian prisoners were aboard."  
13

Page 20: "In this district, we suffer a  
14 good deal from the influence of the rainy season,  
15 especially on the Burma side. During the rainy  
16 season, hurriedly constructed motor roads and newly  
17 built railroads were very difficult to maintain, and  
18 were a great cause of hindering supply. On the Thai  
19 side, since the middle of May, a through motor car  
20 communication was suspended, on the Burma side, with  
21 difficulty kept up by every available means.  
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1           "When the waters of the Keonoi rose, it  
2 could be utilized for navigation, serving as a line  
3 of communication, but when in flood was rather a  
4 hindrance to communication. Also, immediately after  
5 the rainy season sets in, no navigation is possible  
6 for about twenty days when the waters rise slowly.  
7 During this period, there lurks the danger of suspension  
8 of through communication both on land and on water.  
9 On the Burma side, both railway bridges and road  
10 bridges on the Mezari and Winyau (both rapids with  
11 driftwoods in them) were swept away and the supply  
12 was in crisis.

13           "Another hindrance to be specially noticed  
14 is the fact that the rainy season set in one month  
15 earlier than usual. For this reason, various counter-  
16 measures against the rainy season had not yet been  
17 complete, when we were taken by surprise, with the  
18 consequence that most of our utmost endeavor came to  
19 nothing. The effect was decisive and fatal to our  
20 work, supply and maintenance, to the sanitary arrange-  
21 ment, etc., and coupled with the simultaneous sudden  
22 prevalence of cholera, the construction work and the  
23 superintendence of prisoners became much more diffi-  
24 cult, and the number of victims increased.

25           "Section II. Various countermeasures and

their execution.

1  
2 "1. The success of this construction  
3 solely depended upon the preparedness in the rear-  
4 ward area. Therefore, the South General Army fully  
5 acknowledged the necessity of:

6 "(1) Preparation for supply

7 "(2) Measures for sanitary arrangement

8 "(3) Securing and maintaining labor

9 "(4) Securing and pooling of materials  
10 of construction, and every endeavor was made for the  
11 realization of this plan."

12 Page 22, the last two paragraphs:

13 "The main part of the newly delivered supply  
14 motor trucks (200 cars) were put into active use for  
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1 only about twenty days before the rainy season set  
2 in, and only 40 per cent of these cars were fit for  
3 service, many of them often breaking down. Therefore,  
4 every effort was made for the supply of fixed rations,  
5 and attempts were made to pile up reserve stocks of  
6 provisions and forage for use in the inner regions  
7 during the rainy season, but were not successful.  
8 Luring this period there was no great difficulty in  
9 the supply of stable ration, although a certain quan-  
10 tity of supplementary rations were lacking in the  
11 inner regions.

12 "The motor trucks were sent there too late;  
13 the construction of the motor road was not complete  
14 with the appointed time; during the dry season the  
15 road was in active use only for a short time; there  
16 was a shortage in transportation capacity; these were  
17 the main causes for the lack of rations above-mentioned."  
18

19 Page 23, paragraph C.

20 "Thus the supply was comparatively easy dur-  
21 ing the dry season, but as soon as the rainy season  
22 set in the roads both in Thailand and Burma were full  
23 of mud with marshy places here and there, which per-  
24 mitted no motor-car traffic, while the waters in the  
25 rivers did not rise rapidly. For a month (in May)  
through traffic both on land and water was held up,

1 the supply was cut short, and those stationed in the  
2 inner regions - 100 km. along the line - had to be  
3 contented with half or one-third of the supply of fixed  
4 rations."

5 Page 33, the last half of the page, begin-  
6 ning with paragraph 5:

7 "The prisoners of war in the above paragraphs  
8 were transported, those on the Thailand side by rail-  
9 way, those on the Burma side by ships, respectively,  
10 to the construction area, while their removals within  
11 the construction area were done on foot. The details  
12 about this transportation will be shown in Chapter V,  
13 'Explanation for the Protests'.

14 "Section II Relations between the Super-  
15 vising Party and Employing Party.

16 "1. Outline of the supervision of prisoners  
17 of war and their missions to construct the railway  
18 is seen in the annexed paper, III, above.

19 "2. After the Thailand Camp was organized,  
20 (August 1942), it was designed to co-operate with the  
21 construction troops about for a year since July 1943.

22 "3. The delay in the progress of the work  
23 owing to the increase of patients due to the influence  
24 of the weather and climate made necessary still closer  
25 relations between the working troops and the camp,

1 regarding the improvement of supply and sanitation,  
2 as well as the working capacity, till at last in  
3 July 1943 the Thailand camp was put under the command  
4 of the construction commander. However, a part of war  
5 prisoners located in Burma side (two branches with  
6 about 15,000 prisoners) was since July 1943 put under  
7 the command of the commander of the 5th railway regi-  
8 ment who was concurrently the commander of the  
9 construction work in that area, by the reason of the  
10 difficulty of liaison, the remoteness and the in-  
11 convenience of supply. But as to the supervision of  
12 the war prisoners in the proper sense, they were  
13 under the control of the head of the Thailand Camp.  
14 Except in the Burma area the camps were under the di-  
15 rect management of the construction commanders, but  
16 were never put under the direct control of the work-  
17 ing troops."

18 Page 34, paragraph 8:

19 "As is mentioned above, the close relation  
20 was kept between the supervision party and the em-  
21 ploying party, and much attention was paid to the  
22 prisoners' health and a special effort was made to  
23 improve the situation of supervision on the basis  
24 of their customs and manners. This can be seen from  
25 many instructions rendered by the commanders of the

1 camps to their men and those rendered on the port of  
2 embarkation to the prisoners to be transported, on  
3 the occasion of their transportation to the homeland."

4 Page 35, paragraphs 6 and 7:

5 "In September when the rainy season was over  
6 the condition of roads became better, and also in  
7 addition to the advance of the head of the upper con-  
8 struction of tracks, the concurrent employment of the  
9 water route of the Keonoi River became possible.  
10 Therefore, as the transportation of supply got better  
11 the regular ration could be given with the aid of the  
12 commissary troops and by the great effort of the  
13 transportation section of the troops. However, owing  
14 to the fatigue accumulated within more than one year  
15 past and the deployment in the remote places insuf-  
16 ficiently equipped with the sanitary arrangements,  
17 the number of patients and the deceased did not shrink.

18 "7. After the completion of the work in  
19 October 1943 the Thailand Camp despatched 1,000  
20 healthy prisoners alternatively from the flat country  
21 to the remote places and caused them engage in the  
22 re-inforcement work of the railway; and at the same  
23 time, successively transferred and collected this  
24 main body over the level ground, and endeavored  
25 especially to recover the health of the prisoners.

The supervision, too, became normal.

1 "Especially many camps were established in  
2 the rendezvous, such as Panpcn Kanchanaburi and a  
3 camp hospital was built at the cost of 1,500,000 yen  
4 at Nakonpaton. Besides making such a great effort to  
5 give medical treatment to the patients the supplies  
6 were given beyond the regular ration.

7 "So the health condition of the prisoners  
8 got better step by step and the number of patients  
9 and the dead dwindled.

10 "The two branches of the Malay camp were  
11 restored successively to their proper positions by  
12 the end of that year and their health condition also  
13 recovered.

14 "8. The disposition of the Thailand camp  
15 will be shown in the annexed Chart I.

16 "9 An outline of the services of the pri-  
17 scners and the list of patients and the dead during  
18 the ccnstruction work can be seen in the annexed  
19 Table I and VIII.

20 "Chapter IV. Disgraceful Affairs during  
21 the ccnstruction work.

22 "Section I. Insults upon corpse.

23 "On a day in June 1943 there broke out a  
24 case that Lieutenant FUJII, Kiyoshi, commander of  
25 the second company of the 9th Railway Regiment,



1 ordered one of the war prisoners to shoot his fellow  
2 who was suffering from cholera (dead) in consideration  
3 of checking the disease.

4 "2. He was brought to trial in the court  
5 martial of the Thailand Occupation Army but was ac-  
6 quitted. As for himself, the commander of his own  
7 troops gave him a maximum punishment for his improper  
8 treatment.

9 "The Army Department suspended him from  
10 office and relieved of his post, causing him to re-  
11 turn to the homeland.

12 "The railway construction commander disci-  
13 plined the commander of the 9th Railway Regiment to  
14 which FUJII belonged.

15 "The details are not certain, as the docu-  
16 ments were burnt down.

17 "Section II. Other Affairs.

18 "Concerning any other affairs than that in  
19 Section I it is quite difficult for the central  
20 authority to search into them. It is desired the  
21 local authorities be investigated.

22 "But there was not such a case as 600 men  
23 were pushed down to death from a precipice.

24 "Explanations on some special items in re-  
25 lation to the protests of the Allied Powers.

1 "Section I. On the treatment of war pri-  
2 soners during the construction of the Thailand-Burma  
3 Railway.

4 "Gist.

5 "As for the treatment of war prisoners during  
6 the preparatory course and construction of the Thai-  
7 land-Burma Railway, it will become clear when the  
8 circumstances and the actual state of affairs at that  
9 time are understood, namely, though the greatest ef-  
10 fort at that time was made under the above mentioned  
11 circumstances, many fell unavoidable victims.

12 "Further explanation, apart from the above  
13 circumstances, about the transportation to and the  
14 marching within the construction area will be given  
15 hereafter.

16 "2. Railway transportations.

17 "a. Railway transportation of the war pris-  
18 oners in Thailand and Malay at the time of the con-  
19 struction work.

20 "The transportation capacity required from  
21 the viewpoint of the operation and military admin-  
22 istration ran short conspicuously, while about 3,500 cars  
23 possessed in Malay were reduced to about 1,700  
24 usable cars by extreme decadence and the means of  
25 communication was in a very poor state, and various

1 kind of cars of French Indo-China, Thailand, Malay,  
2 and Japan were used mixedly. As a result, they had  
3 hard work to draw up a transportation plan and to  
4 manage the cars. The 3rd Field Railway Headquarters  
5 took charge of the planning and managing of the railway  
6 transportation, basing on the south army Ordinance on  
7 the management of the railway transportation. In  
8 the transportation of the persons it was not unusual  
9 that one train was limited to take 700 persons on  
10 board (25 carriages with 28 persons per carriage)  
11 in Malay-Southern Thailand line.

12 "This standard was adopted indiscriminately  
13 for the war prisoners and the native laborers as well.

14 "The cars used consisted of five uncovered  
15 wagons which were used to put on brake and other  
16 covered ones (CG). These were mainly cars trans-  
17 porting rice from Thailand to Malay and coming back  
18 with no load."

19 THE PRESIDENT: We will recess for fifteen  
20 minutes.

21 "Whereupon, at 1045 a recess was  
22 taken until 1100, after which the pro-  
23 ceedings were resumed as follows.)  
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1           MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3           THE PRESIDENT: Mr. Freeman.

4           MR. FREEMAN: If the Tribunal pleases, I  
5 will continue to read exhibit 475, beginning at the  
6 top of page 38, paragraph 1:

7           "The transportation of war prisoners was as  
8 a whole carried out on this organization. It was  
9 owing to such a situation that even Japanese officers  
10 as a rule were taken on board the wagons at that time.  
11 But in some places there might have been instances  
12 where the rate of covered and uncovered wagons in  
13 organizations was subject to a slight alternation in  
14 accordance with the car situation at the time or more  
15 persons than the full capacity were forced to be taken  
16 on board."

17           I next read page 43, section II, "On the  
18 treatment of war prisoners in Moulmein Area."

19           "1. Gist.

20           "Though researches about this matter have  
21 been made into every local authorities concerned from  
22 the end of 1944, the details are unknown, for the  
23 persons concerned at that time had almost all been  
24 dead or transferred, as a long time elapsed since then.

25           "It can be considered that some contents of

1 your protests have discrepancies in the period and  
2 the figure, and some are exaggerated and some are  
3 not founded.

4 "In the following they will be explained  
5 on the ground of the data which are distinct at  
6 present.

7 "2. About the report.

8 "A. There is no fact that nearly 20,000  
9 war prisoners were accommodated in Moulmein and its  
10 vicinity at the beginning of 1942.

11 "B. In Moulmein and its vicinity, from  
12 March to June, 1942, about 120 prisoners of English  
13 officers, and about 700 Indian prisoners and in Tavoy  
14 79 Indian prisoners who were interned together with  
15 hostile citizens were held.

16 "The war prisoners in Moulmein and those in  
17 Tavoy were removed to Rangoon Field Camp (established  
18 on the 19th of March 1942) in June 1942 and in  
19 February 1943, respectively.

20 "C. Nevertheless, it was decided that the  
21 war prisoners should be employed to make good the  
22 want of labor when the construction of the Thailand-  
23 Burma Railway was discussed, and 9,535 prisoners  
24 from Java and 1946 prisoners from Singapore were  
25 removed to the vicinity of Tanpizaya in Burma (about

1 50 kilometres south of Moulmein), in November 1942  
2 and in January 1943, respectively.

3 "D. And as they were composed into the  
4 Thailand Camp, it must have been reported relating  
5 to an opening place of the Thailand Camp.

6 "3. State of Affairs.

7 "A. The deceased while being accommodated  
8 before the construction of the Thailand-Burma Rail-  
9 way were five Englishmen (one of them on account of  
10 the wound caused in the battle) and five Indians.  
11 (The above is a report of the Malay Camp.)

12 "And as it was just at the beginning of  
13 Burma operation, and it was almost impossible to  
14 send the supply to the rear, the collecting of  
15 materials on the spot was not carried out as it was  
16 desired. Consequently, the supply may not have been  
17 enough, but the same was with the Japanese Army."

18 Page 44:

19 "B. The number of the deceased prisoners  
20 in the district to the east of Tanbizaya after the  
21 construction of the Thailand-Burma Railway was begun  
22 (about since October 1942), is as shown in the  
23 annexed Table VIII.

24 "Even in all Burma to the west of Tanbizaya  
25 (at this time there was no prisoners in Moulmein)

1 there were 10 deceased in October and 12 in Novem-  
2 ber 1942. It is unfounded that at that time so many  
3 were dead as in your protests.

4 "C. As the construction of the Thailand-  
5 Burma Railway was most urgent for the operation as  
6 mentioned beforehand, the work must be forced even  
7 with what materials and equipments the Japanese  
8 Army had.

9 "Moreover, the districts along the projected  
10 railway line were the jungle where no man had even  
11 trodden and the accommodations and supplies and  
12 sanitary facilities were quite different from the  
13 normal life of the war prisoners and the traffic was  
14 interrupted frequently during the rainy season of  
15 1943.

16 "On account of these causes, the war prison-  
17 ers as well as the Japanese soldiers were obliged to  
18 suffer great pains.

19 "Especially, though the main forces of the  
20 sanitary facilities of the Japanese Army were con-  
21 centrated to prevent the prevalence of malaria and  
22 disorders of the digestive system, they could not be  
23 checked.

24 "Still more with the civilized prisoners  
25 unaccustomed to the wild life.

1 "When the railway was opened in October 1943,  
2 every establishment and equipment were made complete  
3 and the number of the patients and the deceased re-  
4 markably dwindled.

5 "As for the details, refer to the Chapters  
6 I and III.

7 "4. Display of the war prisoners.

8 "A. There is no fact that the war prisoners  
9 were contemptuously displayed in February 1944 as  
10 your protests mention.

11 "B. But it is not certified whether or not  
12 some of those who were engaged in the supplementary  
13 work were employed in order to transport the foodstuff  
14 and materials in the city of Moulmein after the com-  
15 pletion of the construction of the Thailand-Burma  
16 Railway."

17 If the Tribunal pleases, I next offer in  
18 evidence defense document 345, which is Army Order  
19 No. 1, containing instructions issued by the War  
20 Minister to Japanese soldiers at the front.

21 Only one-half of paragraph 2 and paragraphs  
22 6 and 7 on pages 12 and 13 will be read.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLEK OF THE COURT: Defense document 345  
25 will receive exhibit No. 3069.



1 (Whereupon, the document above  
2 referred to was marked defense exhibit  
3 No. 3069 and received in evidence.)

4 MR. FREEMAN: I shall read three paragraphs  
5 from exhibit 3069, beginning middle of page 5:

6 "Even though your military . . ."

7 THE INTERPRETER: Mr. Freeman, will you  
8 kindly tell us what page you are reading from.

9 MR. FREEMAN: Page 5, beginning at the middle  
10 of the page with "Even though."

11 THE PRESIDENT: Can you do something to  
12 overcome these delays, Mr. Freeman? They are most  
13 annoying; they are not warranted; they can be avoided  
14 and should be avoided.

15 MR. FREEMAN: Yes, sir. (Reading continued):

16 "Even though your military might overcome  
17 the enemy, your martial virtue will not be perfect if  
18 you are devoid of the virtue of benevolence to forgive  
19 those who submit and to love those who obey. Martial  
20 spirit should not be haughty and benevolence not os-  
21 tentatious. The virtues of bravery and benevolence  
22 are noble only when they flow naturally and spontan-  
23 eously from one's self. The true province of the  
24 Imperial Army lies in the execution of justice tempered  
25 with mercy so that the universal virtues of His

1 Majesty shall be looked up to by all."

2 Page 12, bottom of the page, paragraph 6:

3 "Pay regard to the custody of enemy assets  
4 and properties. Requisition, confiscation, and  
5 destruction of supplies should be carried out always  
6 only on orders of the commanding officer according to  
7 regulations.

8 "7) Following the basic principle of the  
9 Imperial Army, love and protect innocent native  
10 people with benevolence."

11 I next call the witness ICHINCHE, whose  
12 affidavit is document 415.

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1 K I M I Y A I C H I N O H E, called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified through Japanese inter-  
4 preters as follows:

## DIRECT EXAMINATION

BY MR. FREEMAN:

6 Q Mr. ICHINOHE, will you give us your full  
7 name and address?

8 A My name is ICHINOHE, Kimiya. My address,  
9 care of TAKAHASHI, No. 426, Matsubara-cho, 4-chome,  
10 Setagaya-ku, Tokyo.

11 MR. FREEMAN: May the witness see defense  
12 document 415.

13 Q Is that your affidavit, and have you signed it?

14 A This is my affidavit. It bears my signature.

15 Q Are the contents therein true and correct?

16 A Yes.

17 MR. FREEMAN: I now offer in evidence defense  
18 document 415.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 415  
21 will receive exhibit No. 3070.

22 (Whereupon, the document above  
23 referred to was marked defense exhibit  
24 No. 3070 and received in evidence.)  
25

1 MR. FREEMAN: I now read exhibit 3070, begin-  
2 ning with paragraph (4).

3 "(4) The outline of my career is as follows:

4 "On the 26th day of January of the 18th year  
5 of Showa (1943), finished a special course at the  
6 Military College.

7 "On the same day, commissioned a staff officer  
8 of the Imperial Guard Division.

9 "On the 14th day of February of the same  
10 year, arrived at Medan, Sumatra Island.

11 "On the 23rd day of September of the 18th year  
12 of Showa (1943), commissioned a staff officer to the  
13 Fourth Division.

14 "On the 22nd day of September of the same  
15 year, mobilization was ordered to the Fourth Division  
16 and I prepared, in Sumatra Island, for the arrival of  
17 the division as an advance staff officer.

18 "On the 10th day of November the 18th year  
19 of Showa (1943), arrived at Padang, Sumatra Island.

20 "On the 10th day of June, of the 19th year  
21 of Showa (1944), commissioned a military staff officer  
22 of the Imperial Headquarters.

23 "On the 27th day of June of the same year,  
24 arrived at Tokyo.

25 ~~"(5) At the time when I was on duty in the~~

1 Sumatra Island, copies of the Imperial Rescript given  
2 to the soldiers and the Instruction in the War Field had  
3 been distributed to every corps stationed there. At  
4 the headquarters of the Imperial Guard Division, all  
5 members of its respective department met on one spot  
6 every morning and held morning parade. All members  
7 of the headquarters of the Fourth Division did also  
8 likewise. At the morning parade a senior officer or  
9 his deputy officer read in turn the Imperial Rescript  
10 or 'The Instructions to Army Officers and Men on  
11 Conduct and Behavior in Battle Fields' and gave in-  
12 structions or directions based on them, so that the  
13 Rescript and Instructions may well be diffused and  
14 put into practice. On the festival and memorial days,  
15 the same thing was performed previous to its ceremony.  
16

17 "In every corps assigned to the both division  
18 too, the same effort was made in the same way to  
19 diffuse and put into practice the Imperial Rescript  
20 and the spirit of 'The Instructions to Army Officers  
21 and Men on Conduct and Behavior in Battle Field.'

22 "I knew it by the reports from the corps  
23 and also by my personal attendance on the spot on the  
24 festival and memorial days.

25 "On the 23rd day of January, (1947)."

Cross-examine.

1 COLONEL MORNANE: There will be no cross-  
2 examination, if it please the Tribunal.

3 MR. FREEMAN: May the witness be excused?

4 THE PRESIDENT: He is excused on the usual  
5 terms.

6 (Whereupon, the witness was excused.)

7 MR. FREEMAN: I next offer in evidence  
8 defense document 1520, which is the affidavit of  
9 Alfred E. Kretschmer, former German military attache  
10 to Japan during the war in the Pacific.

11 THE PRESIDENT: Mr. Tavenner.

12 MR. TAVENNER: If the Tribunal please, I  
13 would like to inquire whether the basic document is  
14 the Japanese text or the English text.

15 I am advised by counsel that it is the  
16 English text; and I should point out that the  
17 Japanese text omits a sentence. The sentence next  
18 to the last from the bottom of page 2, beginning with  
19 "Ambassador Ott..." I am told is omitted from the  
20 Japanese translation.

21 MR. FREEMAN: I was not aware of that, of  
22 course.

23 THE PRESIDENT: Is that correct, Mr. Freeman?

24 MR. FREEMAN: I do not know.

25 THE PRESIDENT: What you read will be repeated

1 in Japanese, including that sentence, so go ahead.

2 Admitted on the usual terms.

3 CLERK OF THE COURT: Defense document 1520  
4 will receive exhibit No. 3071.

5 (Whereupon, the document above  
6 referred to was marked defense exhibit  
7 No. 3071 and received in evidence.)

8 MR. FREEMAN: I now read in evidence  
9 exhibit 3071.

10 "I was German Military Attache in Tokyo from  
11 December 4, 1940 until May 8, 1945.

12 "Between January 1941 and March 1944, I paid  
13 official visits to the various Japanese fronts:  
14 Manchuria, Inner Mongolia, North China, Central China,  
15 Hong Kong, French Indo-China, Siam, Malaya, Singapore,  
16 Dutch East Indies, Philippines. I have not seen the  
17 New Guinea front.

18 "In March 1942 when all the Axis military  
19 and air attaches visited part of the southern regions  
20 conquered by the Japanese army, in Singapore only we  
21 were invited to look over one of the local POW camps.  
22 We declined as we had already protested in Manila when  
23 we were led through a civilian internment camp there.  
24 Perhaps because of this, our strict refusal, no one  
25 of us were ever again invited to visit a Japanese POW

camp.

1                    "In Singapore we happened to see Australian  
2 POWs driving by us in trucks. They made a healthy  
3 impression, more happy than depressed, and seemed  
4 scarcely guarded. In December 1942 or January 1943,  
5 in reprisal for the chaining of German soldiers cap-  
6 tured during an English commando raid on one of the  
7 Channel Isles, the German government as is known, had  
8 ordered a special number of British POW to be tem-  
9 porarily put in chains. The German Foreign Office  
10 had commissioned Ambassador Ott to ask the Japanese  
11 Foreign Office to join in on these reprisals as Italy  
12 had promised to do. Ambassador Ott, as well as we,  
13 naval, air and military attaches, detested the exten-  
14 sion of such reprisals and besides this we were of  
15 the opinion that the Japanese government would reject  
16 this request as not corresponding to the Bushido spirit.  
17 Ambassador Ott, therefore, remonstrated to the German  
18 Foreign Office. The remonstrations were disregarded and  
19 Ambassador Ott asked me to approach the Japanese army  
20 with the proposal. He himself would address the  
21 Japanese Foreign Office. I talked the matter over  
22 with Major YAMAZAKI of the War Ministry. The next day  
23 I received the War Ministry's answer that the Japanese  
24 army would not join in on such German reprisals, they  
25



1 being contrary to the Bushido spirit. Ambassador Ott  
2 received a corresponding answer from the Japanese  
3 Foreign Office. In my conversation with the leading  
4 army circles, I learned that the desire existed among  
5 the Japanese to treat POW decently and according to  
6 international law as was done in the First World War  
7 with the German Tsingtao Garrison.

8 "As to the civil internment camp in Manila  
9 which was shown us by Axis military and air attaches  
10 in March 1942, I state that the quarters were somewhat  
11 crowded but the internees made a healthy impression.  
12 They were apparently allowed to govern and feed them-  
13 selves.

14 "Wherever I saw Japanese soldiers during my  
15 excursions mentioned above, they were in fair or good  
16 discipline."

17 I next call the witness INADA, Masazumi.  
18 whose affidavit is defense document 1701.  
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1 M A S A Z U M I I N A D A, called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified through Japanese inter-  
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. INADA, will you give us your full name?

8 A INADA, Masazumi.

9 MR. FREEMAN: May the witness see defense  
10 document 1701.

11 Q Is that your affidavit, and have you signed it?

12 A Yes.

13 Q Are the contents therein true and correct?

14 A Yes.

15 MR. FREEMAN: I offer in evidence defense  
16 document 1701.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 1701  
19 will receive exhibit No. 3072.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 3072 and received in evidence.)  
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MR. FREEMAN: I now read into evidence exhibit 3072:

"My full name is INADA, Masazumi. My age is 52 and I am at present living in Sugamo Prison.

"At the time of the outbreak of the war, I was Vice-Chief of Staff of the Fifth Army in Manchuria and held the rank of major general. In the spring of the following year I became Chief of Staff of the same Army. In March, 1943, I became Vice Chief of the General Staff of the Southern Army in Singapore. In December of the same year I became commander of the Second Aircraft Base Force in New Guinea and Manockoeri. In April 1944 I became the 6th Air Division Commander, and in October of the same year, the 3rd Shipping Transport Commander at Manila. In April 1945 I was promoted to the rank of lieutenant general, in May of the same year I became Chief of Staff of the 16th Area Army in Kyushu and, concurrently, of the Western Army. The close of the war came at that time.

"About July, 1943, in Singapore I had an interview with Lieutenant General HAMADA, Chief of the War Ministry's Prisoner Control Department, who was then on a tour of inspection of the conditions of war prisoners. When he stated his wish to improve the treatment of war prisoners, I answered to the following

effect:

1 "Supreme Commander TERAUCHI was irreconcil-  
2 ably opposed to cruel treatment of war prisoners and  
3 was wont to call for more care in handling them. The  
4 members of his staff were always seeing that the con-  
5 cerned officers and men act according to his desires.  
6 They instructed, however, that war prisoners should  
7 be treated in the same manner as ordinary armed units,  
8 since special treatment better than that given the  
9 ordinary armed units could not possibly be given to  
10 them. For example, the work on the railway to con-  
11 nect Thailand with Burma, then in progress, employed  
12 ordinary armed units, civilian laborers, and war  
13 prisoners. This work was not by any means an easy  
14 task for them for various reasons. They were hard  
15 pressed for provisions and medicine. However, the war  
16 prisoners were never cruelly treated. All that could  
17 be afforded was done for them all alike so as to main-  
18 tain their working power.

20 "Then, on the same occasion, Lieutenant  
21 General HAMADA told me that he had inspected principal  
22 war prisoner internment camps in various parts of the  
23 Southern Countries, such as Thailand and Burma, and had  
24 given instructions to improve the treatment of war  
25 prisoners."

You may cross-examine.

1 THE PRESIDENT: Colonel Mornane.

2 CROSS-EXAMINATION

3 BY COLONEL MORNANE:

4 Q Witness, you never inspected the Burma-  
5 Thailand prison camps yourself, did you?

6 A I never inspected them.

7 Q And, therefore, you could not say of your  
8 own knowledge that the war prisoners were never  
9 cruelly treated in relations to the Thailand-Burma  
10 Railway.

11 MR. FREEMAN: If the Tribunal please, the  
12 affidavit concerns certain instructions given and  
13 that is what he has made his affidavit on, as to  
14 instructions given here.

15 THE PRESIDENT: Objection overruled. }

16 A May I have the question repeated?

17 (Whereupon, the last question was  
18 read by the Japanese court reporter.)

19 A No, I could not speak because I have seen  
20 these places actually.

21 COLONEL MORNANE: If the Tribunal please, I  
22 do not propose to continue to cross-examine this wit-  
23 ness on this matter but will draw the Tribunal's  
24 attention to the fact exhibits 1555 through 1575,  
25

1 which appear at pages 12,991 through 13,087 --

2 THE PRESIDENT: I do not get that.

3 COLONEL MORNANE: Exhibits 1555 through 1575,  
4 which appear at pages 12,991 through 13,087 of the  
5 record, and the evidence of Williams at page 13,003,  
6 Coates at page 11,411 to 11,433, and Wild at page 5345.

7 MR. FREEMAN: May the witness be excused?

8 THE PRESIDENT: He is excused accordingly.

9 (Whereupon, the witness was excused.)

10 MR. FREEMAN: I next call the witness SAWADA  
11 Shigeru, whose affidavit is defense document 12535

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1 S H I G E R U S A W A D A, recalled as a witness on  
2 behalf of the defense, having previously been  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 THE PRESIDENT: You are still on your former  
6 oath.

7 DIRECT EXAMINATION

8 BY MR. FREEMAN:

9 Q Mr. SAWADA, will you give us your full name?

10 A SAWADA Shigeru.

11 MR. FREEMAN: May the witness see defense  
12 document 1253?

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

15 Q Is that your affidavit and have you signed it?

16 A Yes.

17 Q Are the contents therein true and correct?

18 A Yes.

19 MR. FREEMAN: I offer in evidence defense  
20 document 1253.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1253  
23 will receive exhibit No. 3073.

24 (Whereupon, the document above  
25 referred to was marked defense exhibit  
No. 3073 and received in evidence.)

1 MR. FREEMAN: I now read exhibit 3073,  
2 beginning with paragraph 3:

3 "3. From December 1940 till October 1942, I  
4 was at Shanghai as Commander of the 13th Army. The  
5 military occupation by the Japanese troops of the Inter-  
6 national Settlement at Shanghai, following the outbreak  
7 of the Pacific War on 8 December 1941, was effected in  
8 an orderly manner and under perfect discipline, amidst  
9 the admiration and praise of the whole citizens. There  
10 were no unfortunate happenings; nor was there a single  
11 shot fired.

12 "Every precaution was taken to prevent any  
13 unfortunate happenings that often accompany the mili-  
14 tary occupation of a city. The following are the  
15 major steps taken:

16 "a. The strength of the occupation force was  
17 reduced to a minimum, and it is my recollection that  
18 the number of soldiers did not exceed 500 at the most.

19 "b. The occupation took place in the daytime.  
20 In other words, since we thought that the general  
21 office hour of workers following various professions  
22 and belonging to various classes within the Internation-  
23 al Settlement began at about 9 a.m., we commenced the  
24 occupation hour later, that is, at 10 a.m.

25 "c. Prior to the advance of troops, our



1 mixed military envoy composed of army, navy and  
2 foreign office personnel, visited the Shanghai Muni-  
3 cipal Office and notified in advance of our military  
4 occupation in order that the authorities of the  
5 settlement might take all possible measures to pre-  
6 vent disturbances and unrest among the citizens.

7 "d. The police units of the settlement were  
8 promptly stationed at various security positions,  
9 and in their presence the advance of the Japanese  
10 troops was started.

11 "e. The troops, marching in orderly for-  
12 mation without being subdivided, reached the turf  
13 and the barracks formerly used by the U. S. Marine  
14 Corps, and there quickly closed up. Soldiers were  
15 strictly prohibited from dispersing.

16 "f. Whenever there was any special duty to  
17 be performed, either a corps commanded by an officer  
18 or a group of specially chosen non-commissioned  
19 officers were appointed for the task.

20 "g. Patrol parties were very frequently  
21 despatched to make a round of inspection with a view  
22 to preventing wrongs and misdeeds being committed.

23 "h. Everywhere in the city notices were  
24 posted telling the citizens to set their minds at rest.

25 "i. I summoned up all the commanders and gave

1 them instructions that every possible precaution be  
2 taken against wrongs and misdeeds, and that military  
3 discipline be enforced with great strictness and  
4 severity. I also instructed them to discharge their  
5 duty without resort to arms.

6 "j. Banks were not closed and were under  
7 special orders to carry on their business as usual.

8 "k. Japanese nationals were prohibited  
9 from entering the city, except those with certifi-  
10 cate issued by the Japanese Consul.

11 "Because of such precautionary measures, not  
12 a single incident occurred. I started for a round of  
13 inspection through the city at about 3 p.m. and found  
14 nothing unusual. There was much traffic. Shops were  
15 carrying on their business as usual, not a single shop  
16 being closed.

17 "The newspapers in Shanghai unanimously ex-  
18 tolled the behaviours of the Japanese troops and went  
19 so far as to call them exemplary behaviours.  
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1           "4. In Shanghai there were some 1,500 or  
2 1,600 American and British prisoners of war who were  
3 in charge of the 13th Army under my command. I used to  
4 instruct the Chief of the POW Camp to be above all,  
5 compassionate, fair and just in his treatment of  
6 prisoners of war. Major General YUSE, Camp Commandant,  
7 meticulously abode by my instructions. When prisoners  
8 were assigned to some labour inside the camp, he used  
9 to share the work with them, whereby setting an example.

10           "Major General YUSE, on his own initiative,  
11 used to come to my quarters once a week to report on the  
12 conditions in the camp. He was so devoted to his work  
13 that he at length succumbed to a disease and died while  
14 he was still in the same position.

15           "The POW Camp was properly equipped and  
16 properly managed. Mr. Egley (TN: ?), a Swiss, delegated  
17 by the International Red Cross to inspect the camp, was  
18 highly delighted after he had inspected the camp, and  
19 immediately after his visit to the camp, took the  
20 trouble of writing me a letter of thanks.

21           "Although it is regrettable that one of the  
22 interpreters at the camp has been indicted as a war  
23 criminal on the charge of some illegal act, yet the  
24 general conditions in the camp may be gathered from  
25 the fact that with the exception of this interpreter,

1 neither the Camp Commandant nor any one of his sub-  
2 ordinates has been put to trial.

3 "We tried to be fair and just also in our  
4 treatment of hostile nationals. It was my intention  
5 to place no restraint upon peaceful citizens, who  
6 offered us no resistance, and to let them lead a normal  
7 life. Upon this line, we decided on the methods of  
8 treating these citizens. Consequently, during my  
9 tenure of office hostile nationals such as Americans,  
10 Britishers and so on were under no restraint whatsoever  
11 and were at liberty to reside and make a living in the  
12 city. They were allowed to follow their respective  
13 occupations. Even in the case of the officials in the  
14 Shanghai Municipal Office, those occupying leading  
15 positions were not removed but were allowed, in the  
16 interests of the settlement, to carry on their work until  
17 they themselves tendered their resignations on their  
18 own initiative (as I remember, towards March, 1942).

19 "Furthermore, bank deposits were not frozen,  
20 and for each individual person's living expenses a  
21 certain amount per month could be drawn from the bank.  
22 With regard to the treatment of hostile nationals and  
23 their properties, there was a committee consisting  
24 of delegates from the War Ministry, the Navy Ministry,  
25 the Foreign Office and the Asiatic Development Bureau,

1 which after deliberation decided on various measures  
2 so that no one could take arbitrary and high-handed  
3 steps.

4 "The authorities of the Foreign Office, I  
5 believe, know better than anyone else that in the  
6 Shanghai district a fair and just treatment was accorded  
7 to hostile nationals.

8 "On this 16th day of January 1947

9 "/s/ SAWADA, Shigeru."

10 You may cross-examine.  
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1 THE PRESIDENT: Mr. Tavenner.

2 CROSS-EXAMINATION

3 BY MR. TAVENNER:

4 Q Mr. SAWADA, as Commander of the 13th Army  
5 in Shanghai, did you have any connection with the trial  
6 and execution of the Doolittle Fliers?

7 MR. FREEMAN: If the Tribunal please, I  
8 object to that question. It is entirely outside the  
9 scope of this affidavit.

10 THE PRESIDENT: It is not and you know it.  
11 Objection overruled.

12 A Yes, the trial was carried out under the  
13 responsibility of my army and under -- and over which  
14 I was responsible.

15 Q Who was your superior at that time?

16 A General TADA.

17 Q Did you say "General HATA"?

18 THE MONITOR: Mr. Tavenner, the name of the  
19 general is General TADA, T-A-D-A.

20 Q What was the position of the accused HATA at  
21 that time?

22 A I was Commander of the 13th Army. General  
23 HATA was Commander-in-Chief of the China Expeditionary  
24 Forces.

25 Q Then, as Commander of the 13th Army, you were

1 serving under and subordinate to the accused General  
2 HATA?

3 A Yes.

4 Q Did you discuss the matter of the trial of  
5 the Doolittle Fliers with the accused, General HATA?

6 A As I was absent from my post prior and at the  
7 time of the trial, I had no discussion whatsoever with  
8 the Commander-in-Chief.

9 Q On your return from the front, before orders  
10 were received to try the Doolittle Fliers, did you  
11 discuss the matter with General HATA?

12 A Already one month had elapsed at the time I  
13 had returned from the front.

14 Q Then, you did have a conversation with the  
15 accused HATA regarding the trial of the Doolittle Fliers?

16 MR. FREEMAN: If the Tribunal please, this  
17 is definitely -- he hasn't said he had any conversation.  
18 The prosecution is just putting words in the witness'  
19 mouth, or they are attempting to, and I object to that  
20 line of questions.

21 THE MONITOR: The witness stated: "I talked  
22 with the Commander-in-Chief after I returned from the  
23 front."

24 Q When you talked to General HATA, did you ask  
25 him when the orders would be received to go ahead with

1 the trial of the Doolittle Fliers?

2 A When I met General HATA, the trial had  
3 already been over.

4 Q As a matter of fact, did you not ask General  
5 HATA before the trials -- didn't you say to him that  
6 you were waiting for the receipt of the orders to try  
7 the Doolittle Fliers?

8 A No such thing happened prior to the trial.

9 Q Did not General HATA say to you that he was  
10 also waiting for orders from Tokyo to try the Doolittle  
11 Fliers?

12 A No, that he was waiting for the results of  
13 the review of the Shanghai Trial that was to take place  
14 in Tokyo.

15 BY THE PRESIDENT:

16 Q Were the Kempeitai under your command?

17 A No.

18 BY MR. TAVENNER (Continued):

19 Q From whom did you receive orders to try the  
20 Doolittle Fliers?

21 A I received the orders from the Commander-in-  
22 Chief.

23 Q Who was the Commander-in-Chief?

24 A General HATA.

25 Q Was that an order issued by him?



1 A Yes.

2 Q Do you have a copy of that order?

3 A No, I do not.

4 Q What became of it?

5 A I do not know.

6 Q Did you not discuss the matter with the accused  
7 HATA prior to the receipt of the order?

8 A No, I did not.

9 Q Would I understand you to state that you were  
10 not in command of the 13th Army at Shanghai at the time  
11 of the trial?

12 A I was Commander of the 13th Army.

13 Q What did you tell us a few minutes ago about  
14 being away from your command at the time of the trial?

15 A I was absent for several months commanding  
16 front-line forces in a very large-scale operation along  
17 the Sekkan Railway at that time. That's the Szechuan-  
18 Hankow Railway.

19 THE PRESIDENT: I am asked by a Member of the  
20 Tribunal to put a question.

21 BY THE PRESIDENT:

22 Q What were the contents of the order from  
23 General HATA?  
24

25 A It was a simple order, ordering the 13th Army  
to conduct the trial of the Doolittle Fliers.

1 BY MR. TAVENNER (Continued):

2 Q On what charges?

3 A I do not know the formalities of the proceed-  
4 ings, because I was absent and these matters were  
5 handled by my subordinates during my absence.

6 Q Now, I would like for you to fix a little  
7 more definitely the time of your conference with the  
8 accused HATA and what it related to.

9 A I think it was around the 20th of September,  
10 when I returned from the front-line after commanding  
11 operations, I went to General Headquarters to make a  
12 report. And at that time, among other things, I made  
13 a report on the trial of the Doolittle Fliers. At that  
14 time I told the Commander-in-Chief, General HATA, that  
15 the sentence seemed to have been very heavy. But,  
16 inasmuch as the results of the trial had been reported  
17 to Tokyo, there was nothing else that we could do,  
18 except to wait the results of the review which was being  
19 conducted in Tokyo. On that same occasion General HATA  
20 also said that inasmuch as the case was being reviewed  
21 in Tokyo, there was nothing that could be done except  
22 to wait.

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24 THE PRESIDENT: We will adjourn now until  
25 half-past one.

(Whereupon, at 1200, a recess was taken.)

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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal is now in session.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: If the Tribunal please, the prosecution will be satisfied with reference to the prosecution evidence concerning other matter which might be considered rebuttal to this witness's testimony.

With regard to the Shanghai prison camp, reference is made to Exhibit 1819, at page 14,161, and exhibit 1901, page 14,179.

With regard to Bridge House prison camp at Shanghai, reference is made to exhibit 1893, page 14,165; exhibit 1894, page 14,166; exhibit 1900, page 14,178; exhibit 1901, page 14, 179; and the testimony of the witness Powell, pages 3,270 and 3,280 inclusive.

With regard to Woosung prison camp at Shanghai, exhibit 1897, page 14,172; exhibit 1900, page 14,178 exhibit 1901, page 14,179; exhibit 1911, page 14,191; and exhibit 1914, page 14,194.

With regard to the witness's statement at

1 lines 5 and 6, from the top of page 3, regarding  
2 restraint of allied prisoners, reference is made to  
3 the testimony of Powell at page 3,270.

4 That is all, if the Tribunal please.

5 THE PRESIDENT: Mr. Lazarus.

6 CROSS EXAMINATION (Continued)

7 BY MR. LAZARUS.

8 Q General SAWADA, will you please tell us what  
9 the duties---

10 THE PRESIDENT: On behalf of -- ?

11 MR. LAZARUS: General HATA, sir.

12 Q Will you please tell us what the duties were  
13 of General HATA as Commander-in-Chief of the Japanese  
14 Armies in China?

15 A He had the duty of supervising and commanding  
16 the China expeditionary forces.

17 Q If he were to have to take a city or plan a  
18 campaign, he would first have to receive orders from  
19 Tokyo, isn't that correct?

20 A There are two categories depending upon the  
21 scope of the operation. Some he planned on his own  
22 authority, and some he waited on orders from Tokyo.

23 Q But he held no control involving international  
24 law and foreign fliers? The orders had to come from  
25 Tokyo, isn't that correct?

1           A     I received my orders directly from the  
2 commander-in-chief, but I have heard that the commander-  
3 in-chief received his orders direct from Tokyo.

4           Q     Where did you hear that?

5           A     From General HATA.

6           Q     Have you ever since that time learned that  
7 General HATA did receive orders from Tokyo to hold  
8 this trial?

9           A     Yes.

10          Q     From where?

11          A     From General HATA.

12          Q     Did you hear it from any other source at any  
13 time?

14          A     Yes, I heard that from General TOJO after I  
15 entered Omori Camp. That was much later.

16          Q     Do you know when that was? Can you place that?

17          A     That was in October, the year before last---  
18 November

19          Q     General SUGIYAMA was chief of staff at that  
20 time, was he not?

21          A     Yes.

22          Q     And it was General SUGIYAMA who had given the  
23 orders for the holding of the trial, isn't that correct?  
24

25          A     I have not heard of the details, whether it was  
issued by the chief of the army general staff or by the

1 war ministry.

2 Q But it had to come through from either the  
3 war ministry or the chief of the army general staff?

4 A Yes.

5 Q And General HATA, being only a commander in  
6 China, would have to obey the orders either of the war  
7 ministry or the chief of the army general staff if they  
8 so directed it, isn't that correct?

9 THE PRESIDENT: It depends on what the order  
10 was. It is for us to decide whether the order was or  
11 was not any breach of international law.

12 Q From where did the order come that the sentence  
13 of five of the fliers was to be commuted to life, and  
14 only three were to be executed?

15 A I can't reply to that because the order came  
16 after I left my position as commander of my army.

17 Q Did you ever learn at a later time where the  
18 order did come from?

19 A I heard that the order came from Tokyo, but I  
20 don't know where in Tokyo.

21 THE PRESIDENT: A member of the court desires  
22 that the following question be put to the witness:

23 BY THE PRESIDENT:

24 Q Were the judges in the case of the Doolittle  
25 fliers obliged to sentence, or at liberty to acquit the

accused?

1 A The judges were at liberty to conduct the trial  
2 on the basis of the law.

3 Q What was the law?

4 A Military laws promulgated by the China Expedi-  
5 tionary Forces.  
6

7 Q Did that permit of an acquittal?

8 A No.

9 BY MR. LAZARUS:

10 Q When the China Expeditionary Forces promulgat-  
11 ed these laws, do you know whether or not orders had  
12 been received from Tokyo for the promulgation of these  
13 laws?

14 A Although I heard of this later, the draft  
15 came from Tokyo.

16 MR. LAZARUS: Mr. President, I am informed that  
17 the answer to your question as to whether or not the  
18 judges were at liberty to acquit was an improper one  
19 in the translation. May we have it translated again,  
20 or would you require that it be referred to the Arbit-  
21 ration Board?

22 THE PRESIDENT: The Japanese reporter will  
23 repeat the answer.  
24

25 MR. LAZARUS: May I ask also that the judge's  
question be repeated, sir, so that the witness may

state whether or not he said it?

1 THE PRESIDENT: That may only confuse things.  
2 I said nothing that wasn't perfectly clear and fully  
3 understood.

4 LR. LAZARUS: Of course, this is nothing more  
5 than a request, but because it is so important I respect-  
6 fully ask that you permit that, sir.

7 THE PRESIDENT: I asked that the answer be  
8 repeated by the court reporter. I understand that was  
9 done. I don't know. I don't understand Japanese. Will  
10 the translator from Japanese into English tell me what  
11 the court reporter said in pursuance of that direction?  
12

13 THE INTERPRETER: The court reporter hasn't  
14 read the answer yet, sir, in Japanese.

15 THE PRESIDENT: He should have done so.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 MR. LAZARUS: Mr. President, I would be will-  
2 ing to waive it and straighten it out later, if that  
3 will help.

4 THE PRESIDENT: In view of the few direc-  
5 tions I gave and the clarity of them, I cannot under-  
6 stand this. It is mystifying.

7 THE MONITOR: Mr. Lazarus, which statement  
8 did you refer to? We are not very clear on that?

9 MR. LAZARUS: We will check it later.

10 THE MONITOR: All right, sir.

11 THE PRESIDENT: I think we should straighten  
12 it out now. We are not going to be hung up in this  
13 way.

14 Will the Japanese court reporter repeat the  
15 last answer given to me by the witness.

16 (Whereupon, the Japanese court reporter  
17 read in Japanese.)

18 Will the translator from Japanese into Eng-  
19 lish say what the Japanese reporter said?

20 THE INTERPRETER: Yes, sir. "That wasn't so"  
21 was the witness' reply.

22 BY MR. LAZARUS:

23 Q If General HATA were to have disobeyed ordering  
24 the set up of the court to try the Doolittle fliers,  
25 what would have been the result?

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: Objection is made, if the  
3 Tribunal please. This witness is not qualified to  
4 answer a question of that type.

5 THE PRESIDENT: It is a purely hypothetical  
6 question. Objection upheld.

7 MR. LAZARUS: Nevertheless, Mr. President,  
8 this witness had once been Vice Chief of Staff. General  
9 HATA was Commander-in-Chief of the China forces. Sure-  
10 ly he would know what the repercussions would be should  
11 a high-ranking officer disobey his superiors in a  
12 matter like this.

13 THE PRESIDENT: The question is still one for  
14 us: Was the order manifestly unlawful according to  
15 international law?

16 MR. LAZARUS: Nevertheless --

17 THE PRESIDENT: And the consequences in the  
18 Japanese army of obeying an invalid order are beside  
19 the point. It wouldn't matter. But it may certainly  
20 be taken into account in dealing with sentence. The  
21 Japanese army have no authority to validate an order  
22 invalid according to international law.

23 MR. LAZARUS: I am not worrying about that  
24 point, Mr. President.

25 THE PRESIDENT: That is the consequence of

1 the point you are putting.

2 MR. LAZARUS: I am not worrying about the  
3 validity of the order, Mr. President. I am not try-  
4 ing to argue that. I am trying to show that if General  
5 HATA received such an order he was bound to obey it;  
6 he had no alternative. The Charter itself provides  
7 that if it should be shown that a person obeyed an  
8 order because it came from superiors, that may be shown  
9 even if only in mitigation.

10 THE PRESIDENT: The discussion is purely aca-  
11 demic. What a military court would do to a man who is  
12 tried for not carrying out an invalid order we do not  
13 know.

14 MR. LAZARUS: Mr. President, I am not worrying  
15 about the military court. What I am trying to deter-  
16 mine here for the Tribunal and for the record is whether  
17 or not General HATA had the right to disobey this order  
18 and say, "No, there will be no court," despite the fact  
19 that he received orders that there would be a court.

20 THE PRESIDENT: General HATA is being tried  
21 for what he did, not for what he might have done.

22 MR. LAZARUS: I am not trying to show, Mr.  
23 President, what he might have done; I am trying to show  
24 what he had to do. He had no alternative but to obey  
25 this order.

1 THE PRESIDENT: In other words, if the order  
2 were invalid according to international law, General  
3 HATA could say, "My government ordered me to carry it  
4 out; therefore I must be acquitted." It is nonsense.

5 I spoke of acquittal, not mitigation of sen-  
6 tence with which the Charter deals. I did mention  
7 mitigation earlier, at the beginning of this discussion.

8 MR. LAZARUS: Mr. President, we are going to  
9 show a chain as follows: The trial was held in China.  
10 General HATA was Commander-in-Chief in China, but the  
11 order for this trial originated in Tokyo. It only  
12 passed through his office because it had to go that way  
13 through channels. He couldn't stop it. He couldn't  
14 change it. He couldn't turn it back.

15 THE PRESIDENT: If he is convicted he may ad-  
16 vance that in mitigation.

17 MR. LAZARUS: Wouldn't we be allowed to show  
18 that he did not originate this order, that it simply  
19 went through his office? He had nothing to do with it  
20 other than to forward it through the normal channels of  
21 his command. That must go in the record. That must go  
22 before this Court.

23 THE PRESIDENT: Every general is presumed to  
24 know the contents of an order he receives, and this man  
25 cannot tell us what HATA knew or did not know about.

these orders.

1  
2 MR. LAZARUS: Then, am I to understand that we  
3 are not allowed to show whether or not a person origi-  
4 nated the orders or merely forwarded them from one  
5 channel to the other because they had to pass through  
6 his office and because he happened to be holding that  
7 position at the time?

8 THE PRESIDENT: You have changed your ground.  
9 You wanted to put a question as to what would happen  
10 to HATA if he did not comply with the Japanese Govern-  
11 ment's orders. That is another question. I have  
12 answered that sufficiently, and the discussion is closed.

13 MR. LAZARUS: Very well, Mr. President. I  
14 will proceed, then, on the ground of which you approve.

15 Q General SAWADA, if orders had come from Tokyo  
16 ordering the trial of the Doolittle fliers, before they  
17 could reach your headquarters they would have to go  
18 through the headquarters of General HATA as Commander-  
19 in-Chief of the armies in China, isn't that correct?

20 A Yes.

21 Q And when a decision was announced by the Court,  
22 that decision had to be forwarded to Tokyo again through  
23 General HATA's office because he was Commander-in-Chief  
24 of the forces in China, isn't that correct?  
25

A That is so, yes.

Q And in Tokyo, after they saw the decision  
1 and they decided to change it from eight deaths to  
2 three deaths and five life sentence, again, in order  
3 to reach your command, that order making that change  
4 had to go through General HATA because he was Commander-  
5 in-Chief of the armies in China, isn't that correct?

A Yes, that is so.

MR. LAZARUS: In conclusion and in support  
8 of that position we respectfully further refer the  
9 Tribunal to pages 14,604 of the record; I believe it  
10 is exhibit 1,984-A of the prosecution. It is part  
11 of the interrogation of General TOJO, and we refer  
12 specifically to the following:

"Q Then, the order of occurrences was as  
14 follows: the raid, the capture of the fliers, the  
15 order which you issued, the trial, and the executions?"

"A Yes.

"Q And the order which you issued provided  
18 for the trial and punishment?

"A Yes."

MR. TAVENNER: If the Tribunal please, objec-  
22 tion is made to the recital of evidence and comment on  
23 it at this stage.

THE PRESIDENT: The objection is upheld. You  
24 are right out of order.  
25

1 BY MR. TAVENNER (Continued):

2 Q I understood you to state that when the  
3 sentence was sent through for review to Tokyo that  
4 it passed through the hands of the accused, HATA.  
5 Now, did the accused, HATA, have the power to make  
6 recommendations in connection with that review,  
7 reducing the death sentence to life imprisonment or  
8 other type of sentence?

9 A I do not know about the authority of the  
10 Commander in Chief.

11 Q Did the Commander in Chief make a recom-  
12 mendation?

13 A With regard to that, when I reported to the  
14 Commander in Chief he said that inasmuch as the  
15 raiding incident took place in the Japanese homeland  
16 and inasmuch as the order is that the review of the  
17 case was to be held in Tokyo, probably a just and  
18 fair review of the case would be made, and that  
19 there was nothing for us to do except to wait for the  
20 decisions passed by the Tokyo authorities.

21 Q Then according to that, neither you nor  
22 the accused, HATA, made any recommendation in send-  
23 ing through this sentence for review?  
24

25 A I did not do it.

Q From what the accused, HATA, said to you,

did he do it?

1           A    I do not think so, but I cannot speak  
2 positively on this point.

3           Q    You do recall that he said there was  
4 "nothing for us to do," that "it would be reviewed  
5 in Tokyo"?

6           A    Yes.

7           Q    And he made no request that you make a  
8 recommendation; that is, the accused, HATA, did not?  
9

10          A    No.

11          Q    Now, when you referred to certain orders  
12 emanating from Tokyo, did you mean by that that they  
13 emanated from the War Minister, TOJO?

14          A    I did not know at that time whether the  
15 order was issued by the War Minister or by the Army  
16 Chief of Staff.

17          Q    Do you know now?

18          A    Even to this day I do not know.

19               MR. TAVENNER: If the Tribunal please, one  
20 further reference is made to the prosecution's  
21 evidence. The order signed by General HATA, the  
22 accused, with regard to the trial of the Doolittle  
23 fliers, will be found as exhibit 1991 at page 14,662  
24 in the transcript.

25               THE PRESIDENT: Mr. Tavenner, your right to



1 further cross-examine is questioned, but not by the  
2 defense.

3 MR. TAVENNER: I did not --

4 THE PRESIDENT: I have not finished.

5 MR. TAVENNER: Excuse me.

6 THE PRESIDENT: You should have been pre-  
7 ceded by Mr. Lazarus who actually cross-examined,  
8 and probably had a right to do so because of what was  
9 said about HATA by the witness.

10 MR. TAVENNER: If the Tribunal please, had  
11 I realized there was any question about my right to  
12 ask the questions, I would have asked permission of  
13 the Tribunal, but I attempted to confine my questions  
14 entirely to matters brought out by Mr. Lazarus in his  
15 cross-examination.

16 THE PRESIDENT: I am not going to undertake  
17 to raise points that should be raised by the defense,  
18 at all events. I am a judge. I am not a counsel  
19 for the defense or for the prosecution.

20 MR. TAVENNER: With the exception of referring  
21 to the document as being in evidence, I confined my  
22 questioning to two points only, which were considered  
23 by and brought up by Mr. Lazarus.  
24  
25

## REXCROSS-EXAMINATION

1 BY MR. LAZARUS:

2 Q One question arising from the examination  
3 of Mr. Tavenner, if the Court please.  
4

5 General SAWADA, when you told Mr. Tavenner  
6 that neither you nor General HATA had made recom-  
7 mendations about the decision of the court to  
8 Tokyo -- is it the usual custom in the Japanese  
9 army for you or General HATA to make recommendations  
10 in such cases to your superiors?

11 A It was not a custom.

12 MR. LAZARUS: Thank you.

13 MR. FREEMAN: May the witness be excused?

14 THE PRESIDENT: He is excused on the usual  
15 terms.

16 (Whereupon, the witness was excused.)

17 MR. FREEMAN: I next offer in evidence  
18 defense document 1849 which is the affidavit of Mary  
19 Martin, an English subject who was interned in Hong  
20 Kong at the beginning of the Pacific War.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1849  
23 will receive exhibit No. 3074.  
24

25 (Whereupon, the document above  
referred to was marked defense exhibit No.

3074 and received in evidence.)

1  
2 MR. FREEMAN: I now read certain parts of  
3 exhibit 3074. Beginning with the second paragraph  
4 on page 1:

5 "My husband, Arthur J. Martin, was British  
6 Consul General in Chungking and we had gone to Hong  
7 Kong on sick leave in November, 1941, where he had  
8 an operation early in December, at the Queen Mary  
9 Hospital. He was getting on excellently well, but  
10 the attack of the Japanese of Hong Kong was followed  
11 by a complete breakdown of most services; no food,  
12 no medicines, a practical breakdown in so many  
13 directions including morale, that chances for sur-  
14 vival for any except the most fit and hardy were  
15 slight, and my husband died on the 7th of April,  
16 1942.

17 "During those months, from January until  
18 the end of June, when I was allowed to leave Hong Kong  
19 on the repatriation ship, the Gripsholm, with the  
20 repatriated Americans, my husband and I, and later I  
21 alone, owed every bit of consideration and help  
22 which we received to certain Japanese officials, to  
23 whom I feel the deepest gratitude. The kindness  
24 they showed us meant that my husband's last days were  
25 at least peaceful, and that I am alive today. I was

1 not prepared, after my husband's death, to face  
2 concentration camp life, and told the Japanese in  
3 charge of the Foreign Office. I was lucky that he  
4 realized I meant what I said. The kindness my  
5 husband and I received was also shown to various  
6 other people and I feel that the Japanese concerned  
7 should receive credit for what they did."

8 I next turn to page 4, the beginning of the  
9 second paragraph:

10 "The kindnesses shown by Mr. ODA to my  
11 husband and me were innumerable. He came out to see  
12 my husband personally. He lent us money out of his  
13 own pocket, and later a considerable sum from  
14 Japanese Government funds. He saw to it that I had  
15 a pass sealed by the highest army authorities. I  
16 had it translated by a Chinese friend of mine who  
17 told me, 'Well, you certainly are under very high  
18 protection.' It meant I had courteous treatment from  
19 all sentries, who guarded all the roads everywhere  
20 in Hong Kong. He spared no effort to protect us in  
21 every way, and on my husband's death sent a repre-  
22 sentative to the funeral, with a huge wreath from  
23 the members of the Foreign Office and came per-  
24 sonally to call the following day to express his  
25 sympathy. He never lost an opportunity to show me

1 a kindness, although he was extremely bad tempered  
2 at times, particularly at the time when the Doolittle  
3 bombing of Japan took place and his own family were  
4 endangered.  
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1 THE PRESIDENT: Do you think you are going  
2 to meet the sweeping charges made against you by  
3 reading the individual experiences of a few people?  
4 We know that there are tens of thousands of kind-  
5 hearted Japanese. We would assume in the army itself,  
6 in the navy, in the air force, many Japanese behaved  
7 very well but that is not an answer to these charges.  
8 Meet the charges made against you and do not try to  
9 prove that in other cases where no charges were made  
10 no faults could be found. That is what you are doing.

11 MR. FREEMAN: I respectfully submit there are  
12 men in the dock from the Foreign Office, from the army,  
13 and from the navy. They are charged with conspiracy  
14 and among other things, crimes against humanity.  
15 Apparently this instruction came from the Foreign  
16 Office which certainly shows there was no conspiracy  
17 to humiliate people and I know of no way to disprove  
18 these charges than from affidavits from the people who  
19 were supposed to have been subjected to these indig-  
20 nities.

21  
22 THE PRESIDENT: I recollect no charge in re-  
23 spect of Mrs. Martin, no evidence of Mrs. Martin,  
24 offered by the prosecution.

25 It is only fair to let you know just what we  
think of this type of thing so you will be able to

1 produce something better if it is available.

2 MR. FREEMAN: The prosecution offered  
3 evidence or attempted to offer evidence, certain  
4 evidence of this type, in that area as to certain  
5 indignities.

6 COLONEL MORNANE: If it please the Tribunal,  
7 the prosecution offered no evidence with regard to  
8 treatment of diplomatic officials in Hong Kong and  
9 one would quite expect, of course, that the wife of  
10 a diplomatic official would receive privileged treat-  
11 ment.

12 THE PRESIDENT: The defense case as I see it  
13 is just this: In ten thousand cases there may have  
14 been bad treatment but listen to this case of good  
15 treatment. That is no answer to the ten thousand  
16 cases of bad treatment or allegations of bad treatment.

17 MR. FREEMAN: It is an answer though to the  
18 allegation that these men in the dock conspired  
19 together. Here is the Foreign Office of the Japanese  
20 government seeing that the Foreign Office in Hong Kong  
21 treated the diplomatic people well.

22 THE PRESIDENT: I think the views that I am  
23 putting to you about this type of evidence that you  
24 are pressing on us is shared by all of us.

25 MR. FREEMAN: I next call the witness,

1 KOMODA, Koichi, whose affidavit is defense document  
2 1805.

3 - - -

4 K O I C H I K O M O D A, called as a witness on  
5 behalf of the defense, being first duly sworn,  
6 testified through Japanese interpreters as  
7 follows:

8 DIRECT EXAMINATION

9 BY MR. FREEMAN:

10 Q Mr. KOMODA, will you give us your full name  
11 and address?

12 A My name is KOMODA, Koichi. My present  
13 address: No. 682 Noboritocho, 3-chome, Chiba City.

14 MR. FREEMAN: May the witness see defense  
15 document 1805?

16 Q Is that your affidavit and have you signed  
17 it?

18 A Yes.

19 Q Are the contents therein true and correct?

20 A Yes.

21 MR. FREEMAN: I offer in evidence defense  
22 document 1805.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 1805  
25 will receive exhibit No. 3075.



1 (Whereupon, the document above  
2 referred to was marked defense exhibit  
3 No. 3075 and received in evidence.)

4 MR. FREEMAN: I shall now read exhibit 3075  
5 beginning at the bottom of page 1:

6 "I was residing in the Kwangtung district as  
7 the commander of the 104th division from December 1940  
8 to July 1942 and after that I served as commander of  
9 the division area at Seoul, Korea until the surrender  
10 of Japan.

11 "I served as commander of the 104th division  
12 stationed in the suburbs to the northwest of Kwangtung  
13 from December 1940 to July 1942.

14 "In December 1941, the Japanese army carried  
15 out almost no military operations. It exerted all its  
16 efforts toward maintaining public peace and order in  
17 the Kwangtung district. Therefore, it is hardly pos-  
18 sible to conclude that the Japanese army occupied the  
19 walled city on December 21, 1941.

20 "When the Great East Asia War broke out on  
21 December 8, 1941 no more than one and a half divisions  
22 were garrisoned in the Kwangtung district. At that  
23 time Yu Han-mou, who took command of a force numbering  
24 220,000, took the offensive against my division, and  
25 my division did everything in its power to defend

itself against the attacks.

1           "Though I resided in the Kwangtung district  
2 for no less than twenty months, I have never heard of  
3 such place names as Shihuohan, Uyanchiao, Shahsia,  
4 Shaipuchang, Hopienfucheng, Shuehkung-hsiencheng,  
5 Chaohsian, Peimenwai, Hsimenkou, Paisha. I am firmly  
6 confident that strict military discipline was main-  
7 tained in my division. For instance, I went so far  
8 as to dispatch judiciaries twice a week to various  
9 units under my command in order to give training,  
10 aimed at the prevention of crimes on the part of my  
11 subordinates. Thus, we did our utmost to prevent such  
12 crimes, however slight they may be.

14           "The strict military discipline of my  
15 division won the respect of the Chinese masses. I  
16 can say definitely that there was not a single case  
17 in which a Chinese person, male or female, young or  
18 old, was murdered by the subordinates in my division.

19           "On this 18th day of June, 1947."

20           You may cross-examine.

21           THE PRESIDENT: Mr. Sutton.

22           MR. SUTTON: May it please the Tribunal,  
23 prosecution's evidence concerning atrocities committed  
24 at the time as to which this witness testifies appear  
25 in exhibit 351, transcript of proceedings, page 4649.

1 Additional evidence of atrocities in the Kwantung  
2 Province appear in exhibit 350, transcript of pro-  
3 ceedings, page 4648.

4 The prosecution does not desire to cross-  
5 examine this witness.

6 MR. FREEMAN: I next call the witness OKADA--

7 THE PRESIDENT: This witness is released on  
8 the usual terms.

9 MR. FREEMAN: I am sorry.

10 (Whereupon, the witness was excused.)

11 MR. FREEMAN: I next call the witness OKADA,  
12 Yoshimasa, whose affidavit is defense document 1781.

13 - - -

14 Y O S H I M A S A O K A D A, called as a witness on  
15 behalf of the defense, being first duly sworn,  
16 testified through Japanese interpreters as follows:  
17

18 DIRECT EXAMINATION

19 BY MR. FREEMAN:

20 Q Mr. OKADA, will you please give us your full  
21 name and address?

22 A My name is OKADA, Yoshimasa, and my present  
23 address: 190 Mabashi, 2-chome, Suginami-ku, Tokyo.

24 MR. FREEMAN: May the witness be shown defense  
25 document 1781.

Q Is that your affidavit and have you signed it?

1 A This is mine and I have signed it.

2 Q Are the contents therein true and correct?

3 A Yes.

4 MR. FREEMAN: I offer in evidence defense  
5 document 1781.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 1781  
8 will receive exhibit No. 3076.

9 (Whereupon, the document above  
10 referred to was marked defense exhibit  
11 No. 3076 and received in evidence.)

12 MR. FREEMAN: I read exhibit 3076, beginning  
13 with the second paragraph on page 2.

14 THE PRESIDENT: Well, he is a colonel, or  
15 was at the time of the surrender; he is aged forty-  
16 four; he was in the 6th Area Army at Hankow up to the  
17 end of the war from June 1943. Start off on the second  
18 page, "In January."

19 MR. FREEMAN (Reading): "In January in the  
20 19th year of Showa (1944), the Headquarters of the  
21 Japanese Expeditionary Forces in China ordered the  
22 23d Army to capture Liuchow, advancing from the Canton  
23 area.  
24

25 "The original document of the order is not  
existing now, because it was burnt when the war ended.

1 But as I was one of the senior staff officers of the  
2 23d Army at that time, I knew quite well all the move-  
3 ments of the Army.

4 "The 23rd Army was stationed in the Canton  
5 and the neighboring area. When the army got the order  
6 to capture Liuchow instead of advancing directly toward  
7 Liuchow, the main force marched to the north, and the  
8 KOYASEKO force advanced to the south or to the opposite  
9 direction from Liuchow, concealing the operations plan.

10 "The KOYASEKO force was a battalion under  
11 the command of the YONEYAMA Brigade, which advanced  
12 from Kowkong to Taishan. The force started its move-  
13 ment from Kowkong late in June and entered Taishan  
14 leading the van of the whole brigade. By that time  
15 all the inhabitants of Taishan had already evacuated  
16 and not a soul was to be seen, and some soldiers of  
17 the Pacification Corps despatched by our army burst  
18 into laughter saying 'How can we pacificate people  
19 when there is not a soul to talk to?'

20  
21 "The KOYASEKO force tried to march towards  
22 Liuchow from the point 30 miles south of Taishan  
23 toward north and along the Si-kiang (River), but  
24 there was a very strong position of the enemy at  
25 this point and the force had a fierce battle with the  
enemy which lasted from the early part of July till

1 the latter part of the same month, and casualties  
2 of the force amounted even to several scores and the  
3 force had to waste much of its arms and ammunition.  
4 The aim of the KOYASEKO battalion's action was not  
5 to fight, but to advance secretly to Wuchow as soon  
6 as possible and to sweep the mines laid by the enemy  
7 in the Si-kiang in order to help the main force  
8 which was coming up north.

9 "For this purpose one of the minesweeper  
10 groups of our navy accompanied us. Such being the  
11 case, therefore, we were quite at a loss when we  
12 were confronted with this unexpected battle. We  
13 wanted to get to Wuchow as soon as possible, but we  
14 got there five days later than we had expected due  
15 to the stubborn resistance of the enemy. After a  
16 hard battle, however, we drove back the enemy and  
17 advanced towards Wuchow, and all the inhabitants in  
18 the area had already taken refuge and none of them  
19 could be seen.

20 "The force had an urgent duty of getting to  
21 Wuchow without wasting even a moment. And there-  
22 fore it could not be possible that the force had time  
23 enough to murder inhabitants or set fire to their  
24 houses on its way to Wuchow. It had simply to con-  
25 tinue its heavy march day and night.

1                   "Moreover, the Commander of the Army had  
2 strictly ordered all the soldiers to observe the  
3 'three don'ts'; that is, 'don't burn,' 'don't kill,'  
4 and 'don't plunder.'

5                   "Force Commander KOYASEKO had been the  
6 superintendent of the Military Preparatory School  
7 in Osaka until he was appointed commander of the  
8 force.

9                   "It was the unwritten rule of the Japanese  
10 Army that a superintendent of the Military Pre-  
11 paratory School was to be selected and appointed  
12 from among officers of noble character, considering  
13 the education of young boys. And therefore I can-  
14 not believe that there should have been any atrocities  
15 committed by the men of Commander KOYASEKO, who was  
16 an idealist and man of noble character of the  
17 Japanese officers. If there had been such mis-  
18 conduct, I should have been informed of it, but I  
19 firmly believe that there were no such facts.

20                   "I have attached a rough sketch of the map  
21 which shows the course that the KOYASEKO force  
22 followed from Canton towards Wuchow.

23                   "On this 5th day of April, 1947, at Tokyo."

24                   THE PRESIDENT: We will recess for fifteen  
25 minutes.

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(Whereupon, at 1445, a recess was  
taken until 1500, after which the proceedings  
were resumed as follows:)



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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Freeman.

4 MR. FREEMAN: The prosecution may cross-  
5 examine.

6 THE PRESIDENT: Mr. Sutton.

7 MR. SUTTON: May it please the Tribunal,  
8 we respectfully refer the Tribunal to the prosecu-  
9 tion's evidence with regard to atrocities committed at  
10 and in the vicinity of Liuchow, as found in exhibit  
11 350, record page 4648; exhibit 352, record page 4651;  
12 exhibit 353, record page 4652; and exhibits 354 to  
13 359, inclusive, record page 4655.

14 The prosecution does not desire to cross-  
15 examine the witness.

16 MR. FREEMAN: May the witness be excused?

17 THE PRESIDENT: He is excused on the usual  
18 terms.

19 (Whereupon, the witness was excused.)

20 MR. FREEMAN: I next call the witness  
21 KOYASEKO, Kaname, whose affidavit is defense document  
22 1782.  
23

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1 K A N A M E K O Y A S E K O, called as a witness  
2 c. behalf of the defense, being first duly  
3 sworn, testified through Japanese interpreters  
4 as follows:

## DIRECT EXAMINATION

BY MR. FREEMAN:

7 Q Mr. KOYASEKO, will you give us your full  
8 name and address?

9 A My name, KOYASEKO, Kaname; my address,  
10 No. 1468, Nisemoto, Kashiwa-Mura, Aso-Gun, Kumamoto  
11 Prefecture.

12 MR. FREEMAN: May the witness see defense  
13 document 1782.

14 Q Is that your affidavit and did you sign it?

15 A This is my affidavit. I have signed it.

16 Q Are the contents therein true and correct?

17 A True and correct.

18 MR. FREEMAN: I offer in evidence defense  
19 document 1782.

20 THE PRESIDENT: Mr. Sutton.

21 MR. SUTTON: May it please the Tribunal, the  
22 prosecution objects to all of paragraph 5 of this  
23 affidavit, which appears at the bottom of page 2 and  
24 top of page 3, and to all of paragraph 6.

25 THE PRESIDENT: "here does "6" start? We

1 have "b" here.

2 MR. SUTTON: It is written "b" in some  
3 copies. It appears on page 3 of the affidavit --  
4 except the first and last sentence of that section  
5 of the affidavit, on the ground that the alleged action  
6 of the Chinese Communists toward citizens of China  
7 and the alleged action of the Chinese Communists  
8 toward the coolies is immaterial and irrelevant.

9 MR. FREEMAN: If the Tribunal pleases, this  
10 is an explanation of what took place, because the  
11 Japanese are charged with committing those acts.

12 THE PRESIDENT: Do you wish to argue the  
13 point, Mr. Freeman?

14 MR. FREEMAN: Yes, if the Court pleases.  
15 This explanation given which took place in that area  
16 is what the prosecution has contended that the Japan-  
17 ese committed, and this is an explanation of what  
18 actually took place.

19 THE PRESIDENT: The objection is overruled,  
20 and the document admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1782  
22 will receive exhibit No. 3077.

23 (Whereupon, the document above  
24 referred to was marked defense exhibit  
25 No. 3077 and received in evidence.)

1 MR. FREEMAN: I now read exhibit 3077,  
2 beginning with paragraph 2 on page 1:

3 "2. The gist of my career follows:

4 "In 1928 I graduated from the Army Cadet  
5 School.

6 "For about 3 years beginning 1941 on, I was  
7 attached to Osaka Military Preparatory School.

8 "From 1944 to the termination of hostili-  
9 ties, I held (as a major) the post of the commander  
10 of the 126th Independent Infantry Battalion and  
11 participated in the operations in South China.

12 "3. In June 1944 my battalion, acting in  
13 coordination with the 23rd Army's attack on Liuchow,  
14 advanced from the Canton district to the Taishan area  
15 and thence turning northward operated in the Wuchow  
16 area, a strategic point on the River Sikiang. In  
17 this operation, which began in the early part of July,  
18 we made a forced march continuously for about a month.  
19 Owing to the unexpectedly stubborn resistance of the  
20 enemy, however, we were delayed despite our strenuous  
21 efforts for a rapid advance, and spent about five days  
22 longer than the directed schedule.

23 "In this fighting scores of our officers and  
24 men were killed or wounded and a large amount of  
25 munitions were consumed.

1 "4. My unit had always been under strict  
2 orders of our army commander and other superior of-  
3 ficers concerned to maintain military discipline  
4 with strictness and severity.

5 "Our slogan being the three don'ts of  
6 'don't burn, don't kill, and don't plunder,' I am  
7 absolutely sure that no one in the unit violated  
8 the order. So thoroughly did my men adhere to the  
9 orders of superior officers that I hereby state  
10 positively that absolutely no one under my command  
11 ever killed any Chinese, or ever set fire on any  
12 Chinese houses.

13 "5. Although this has no direct bearing  
14 upon the action of the Japanese Army, I may add in  
15 this connection that we were then told that, in a  
16 valley some 3ri (TN about 12 km) north of Taishan,  
17 there were a group of villagers forming an armed  
18 body, called the Sanshahsiang self-defense corps and  
19 led by members of the communist traitors-slaying  
20 party, that all the members of this body, amounting  
21 to some 800, were armed either with rifles or with  
22 revolvers and that they constantly oppressed the  
23 neighboring villagers.

24 "(b) Late in June of the same year, my  
25 unit advanced towards the Taishan area and then was

ordered to march farther.

1                    "At that time the coolies we had employed  
2                    in the Canton district expressing their desire to  
3                    return home, we gave them sufficient wages, allowances,  
4                    and even clothes and let them go. The coolies then  
5                    released consisted of about a half of those who had  
6                    followed us from Canton. I hear that when these  
7                    coolies on their way home passed by the said commu-  
8                    nist village, they were assaulted by the villagers  
9                    and were looted, massacred or captured, that there-  
10                   upon they retreated to the Taishan district and  
11                   obtaining the help of the neighboring villagers, who  
12                   had been oppressed by the communists they revenged  
13                   themselves on their communist enemy and this occa-  
14                   sioned some bloodshed. With regard to this affair,  
15                   I know nothing beyond what I have said above because  
16                   the Chinese alone were involved in the affair and  
17                   since we were busily engaged in operations to fulfil  
18                   our duty to reach Wuchow as soon as possible, we  
19                   were hurriedly marching on. If any atrocity is  
20                   reported to have been committed around Taishan,  
21                   I am inclined to think that the report, by mistake,  
22                   has mixed this occurrence up with the Japanese action.  
23                   I definitely state that not a single act of atrocity  
24                   was ever committed by my unit.  
25

1           "7. By the above statement, I believe  
2 that the actions of my battalion were of purely  
3 military nature and included no illegal actions.

4           "8. I hereto attach a sketch-map, which  
5 I believe will make clear the situation around  
6 Taishan.

7           "On this 15th day of June, 1947, at Tokyo.

8           "KOYASEKO, Kaname."

9           You may cross-examine.  
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1 MR. SUTTON: If it please the Tribunal,  
2 we respectfully draw the attention of the Tribunal  
3 to those portions of the prosecution's evidence which  
4 were mentioned in my statement made at the conclusion  
5 of the testimony of the witness OKADA, who just  
6 testified, exhibit 2 -- 3076.

7 THE PRESIDENT: That is not even an exhibit  
8 number, is it?

9 MR. SUTTON: 3076.

10 THE PRESIDENT: The one before this -- yes.

11 MR. SUTTON: We do not desire to cross-  
12 examine the witness.

13 THE PRESIDENT: Mr. Freeman.

14 MR. FREEMAN: I next call the witness TOSHIMA.

15 THE PRESIDENT: The witness is released on  
16 the usual terms.

17 MR. FREEMAN: I am sorry.

18 (Whereupon, the witness was excused.)

19 MR. FREEMAN: I next call the witness TOSHIMA,  
20 Fusataro, whose affidavit is defense document 1783.

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1 F U S A T A R O T O S H I M A, called as a  
2 witness on behalf of the defense, being  
3 first duly sworn, testified through  
4 Japanese interpreters as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. TOSHIMA, will you give us your full name?

8 A TOSHIMA, Fusataro.

9 MR. FREEMAN: May the witness be shown  
10 defense document 1783.

11 Q Is that your affidavit, and have you signed  
12 it?

13 A Yes. -

14 Q Are the contents therein true and correct?

15 A Yes.

16 MR. FREEMAN: I offer in evidence defense  
17 document 1783.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 1783  
20 will receive exhibit No. 3078.

21 (Whereupon, the document above  
22 referred to was marked defense exhibit  
23 No. 3078 and received in evidence.)  
24

25 MR. FREEMAN: I shall now read in evidence  
exhibit 3078, beginning with paragraph 2.

1 "2. The general outline of my personal  
2 history is as follows:

3 "1910 Graduated from the Military Academy.

4 "1934 Was promoted to Colonel in March and  
5 appointed of Miyakonojo Regimental Commander.

6 "1937 Was promoted to Major General in  
7 December.

8 "1940 Was promoted to Lieutenant General  
9 in August.

10 "1940 In October, was appointed Commander  
11 of the 3rd Division in China and went there.

12 "1942 In the middle of January, was  
13 appointed Commander of the Imperial Guards Division.

14 "1943 In October, was appointed Commander  
15 of the 2nd Army in New Guinea and while I was sta-  
16 tioned in the Celebes the war ended.

17 "3. By the summer of 1941, the Chinese  
18 Forces in the Changsha area had become very powerful  
19 and were beginning to take the offensive against the  
20 Japanese Forces who were beginning to sense a grave  
21 threat.  
22

23 "With the aim of delivering a hard blow  
24 upon these Chinese Forces in the vicinity of Changsha,  
25 it was decided to have the troops advance towards  
this area. The objective of the operations was not

1 to occupy the area but just to crush the enemy forces.  
2 For this reason, it had been arranged that our forces  
3 return to their garrison station as soon as they  
4 attained their objective.

5 "4. The 3rd Division under my command started  
6 operations in concert with the 4th, 6th and 10th  
7 Divisions and in early October of that same year, the  
8 4th Division of the divisions mentioned above entered  
9 the town of Changsha and after staying there three  
10 days or so, immediately pulled out for their stationed  
11 area. As for my 3rd Division, we did advance as far  
12 as Chuchow, a short distance from Changsha, but did  
13 not enter Changsha itself. From there we returned  
14 to our former camp near Hankow.

15 "5. During the time of the operations,  
16 military discipline of the Japanese Forces had been  
17 exceedingly strict and I can rightly state that the  
18 actions of the Japanese Forces had been very fine and  
19 exemplary. The authorities of the Japanese Expedi-  
20 tionary Army in China applied their utmost effort in  
21 the maintenance of strict military discipline. There  
22 is the case where around March, 1941, the army  
23 commander summoned together all the divisional com-  
24 manders within the army to Hankow where a meeting was  
25 held to talk over the maintenance of strict military

1 discipline. On that occasion, the army commander  
2 delivered instructions which were both grave and firm.  
3 The gist of his speech was as follows: 'The essence  
4 of the Japanese Army is not in just being strong.  
5 Every soldier must treat the inhabitants in the field  
6 of operations with sincerity and kindness, aid  
7 righteousness and punish the bad basing your actions  
8 on the true spirit of BUSHIDO. Even in time of  
9 operations, he who inflicts unnecessary injuries  
10 upon inhabitants or damages their property is acting  
11 very much contrary to the spirit of the BUSHIDO. Each  
12 divisional commander must make certain that there is  
13 absolutely no soldier under his command that would  
14 act contrarily to spirit of BUSHIDO.'

15 "All the divisional commanders got the men  
16 of their respective divisions to faithfull; obey the  
17 purport of the above instructions.

18 "Prior to that time, there had been three  
19 taboos with the China Expeditionary Force: Do not  
20 burn! Do not kill! and Do not loot! The Japanese  
21 troops in China, in obedience to these orders of their  
22 superiors absolutely did not commit any deeds that  
23 would be a disgrace to a soldier.

24 "While my 3rd Division was in the midst of  
25 operations a view was presented that we had better

1 destroy enemy barracks by fire. However, I issued  
2 strict orders and prohibited soldiers from destroying  
3 even barracks of the enemy. This was because there  
4 private homes used by the enemy as and since distin-  
5 guishing private homes from those used as barracks  
6 would be difficult not to mention the fact that there  
7 was doubt in the wisdom of allowing the soldiers to  
8 get into the habit of burning even barracks I prohibited  
9 rigidly this practice.

10 "6. Another attack operations on Changsha  
11 was carried out from the end of 1941 to the beginning  
12 of 1942. The objective of this operation was the same  
13 as that of the previous one. This time the 3rd Divi-  
14 sion under my command in cooperation with the 6th  
15 Division made the attacks on the Chinese Forces in  
16 the area of Changsha. We returned, however, without  
17 going into Changsha, although we had advanced to a  
18 point near the city.

19 "7. During my stay in China, in accordance  
20 with the intention of the army commander, I paid my  
21 utmost attention to the maintenance of strict military  
22 discipline. So far as my division is concerned, I  
23 firmly believe that on this point, there is not a thing  
24 in which we are not unimpeachable.  
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"On this 15th day of June, 1947, at Tokyo."

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You may cross-examine -- just a minute.

You may cross-examine.

MR. SUTTON: May it please the Tribunal,  
we desire to draw the attention of the Tribunal to  
that portion of the prosecution's evidence which has  
to do with atrocities committed in the vicinity of  
Changsha: exhibit 341, record page 4610 and exhibit  
342, record page 4612.

We do not desire to cross-examine the witness.

MR. FREEMAN: May the witness be excused?

THE PRESIDENT: He is excused on the usual  
terms.

(Whereupon, the witness was excused.)

MR. FREEMAN: I next call the witness SUZUKI,  
Taiji, whose affidavit is defense document 1756.

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1 T E I J I S U Z U K I, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

## 5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. SUZUKI, will you give us your full name  
8 and address?

9 A My name is SUZUKI, Teiji. My present address  
10 is No. 71, Kita-Anto-machi, Shizuoka City.

11 MR. FREEMAN: May the witness be shown defense  
12 document 1756?

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

15 Q Is that your affidavit and have you signed it?

16 A Yes.

17 Q Are the contents therein true and correct?

18 A Yes, both true and correct.

19 MR. FREEMAN: I offer in evidence defense  
20 document 1756.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1756  
23 will receive exhibit No. 3079.

24 (Whereupon, the document above re-  
25 ferred to was marked defense exhibit No. 3079

and received in evidence.)

1 MR. FREEMAN: I shall read into evidence  
2 exhibit No. 3079, beginning with paragraph 2:

3 "2. The outline of my career is as follows:  
4 Graduated from the Military Academy 1910; promoted to  
5 Major-General in 1939; promoted to Lieutenant-General  
6 in 1942; appointed Commander of the 104th Division  
7 under the Kwangtung 23rd Army August, 1942; appointed  
8 Commander of the 143rd Division in 1945, and was back  
9 in Japan proper when the war ended.  
10

11 "3) I was Commander of the 104th Division  
12 from August, 1942 to March, 1945.

13 "Towards the end of June, 1944, the 104th  
14 Division was ordered to occupy the Liuchow Airfield.  
15 To conceal the movement of the division, at first I had  
16 the troops advance towards the banks of the Lienchiang  
17 in the northern districts of Kwangtung, and then had  
18 them turn around and advance towards Wuchow.

19 "Then we continued to march towards Liuchow.

20 "We started action against the Liuchow Airfield  
21 from its eastern and southern districts. Just at this  
22 time the 6th and 68th Regiments, both a part of the  
23 Central China Army, were marching from the northern and  
24 eastern districts of the Liuchow Airfield, and in  
25 cooperation with them, we succeeded in occupying the



1 airfield in the beginning of November, 1944. After  
2 staying there for about five days, we advanced as far  
3 as Checheng, and then changed directions to return to  
4 Kwangtung. My Division entered the Liuchow Airfield  
5 only, and we did not allow a single man to enter the  
6 city of Liuchow which was across the river.

7 "In occupying the Liuchow Airfield, only a  
8 single advance battalion from my Division fought against  
9 the remaining enemy, and we were able to enter the  
10 airfield easily, almost without battle worth speaking of.

11 "4) During this battle, my Division strictly  
12 observed the three-point instructions of 'Do not burn.  
13 Do not kill. Do not plunder,' which had been ordered  
14 by the Army Commander; we faithfully carried out the  
15 policy of extending love to the people, and behaved with  
16 our chief objective on pacification and securing peace  
17 in the rear areas.

18 "As the enemy, had given orders to the residents  
19 in general and had strictly carried out the military  
20 policy of evacuation for the battlefield, the residents  
21 in general had indeed all escaped and there were none  
22 who remained. When it became gradually known to them  
23 that Japanese army discipline was strictly maintained  
24 and that the Japanese army not only did not injure the  
25 residents but loved them, they returned one by one to

1 follow their occupations.

2 "I declare absolutely that the discipline  
3 of my Division was strictly maintained, and there was  
4 not a single instance of my men having killed any  
5 resident or having burned any of their residences."

6 You may cross-examine.

7 MR. SUTTON: If it please the Tribunal, from  
8 the prosecution's evidence as to the atrocities  
9 committed by the Japanese troops at Liuchow, we re-  
10 spectfully request the Tribunal's attention to the  
11 nine exhibits mentioned in the statement made at the  
12 end of the testimony of the witness OKADA, exhibit No.  
13 3076.

14 We do not desire to cross-examine the witness.

15 THE PRESIDENT: The witness is excused on the  
16 usual terms.

17 (Whereupon, the witness was excused.)

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MR. FREEMAN: I next call the witness YONEYAMA  
Yoneshika, whose affidavit is defense document 1757.

1 Y O N E S H I K A Y O N E Y A M A, called as a  
2 witness on behalf of the defense, being first  
3 duly sworn, testified through Japanese inter-  
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. YONEYAMA, will you give us your name and  
8 address?

9 A My name is YONEYAMA, Yoneshika. My present  
10 address is 24 Jumonji, Yoda-Mura, Chiba-Gun, Chiba  
11 Prefecture.

12 MR. FREEMAN: May the witness be shown defense  
13 document No. 1757?

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

16 Q Is that your affidavit and did you sign it?

17 A Yes, this is my affidavit.

18 Q Are the contents therein true and correct?

19 A Yes.

20 MR. FREEMAN: I offer in evidence defense  
21 document 1757.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 1757  
24 will receive exhibit No. 3080.

25 (Whereupon, the document above referred

1 to was marked defense exhibit No. 3080  
2 and received in evidence.)

3 MR. FREEMAN: I will read into evidence  
4 exhibit No. 3080, beginning with paragraph 2:

5 "2. An outline of my career is as follows:

6 "1910 Graduated from the military academy.

7 "1941 Appointed Major-General and Commander  
8 of the 52nd Infantry Brigade.

9 "December, 1942 Appointed Commander of the  
10 22nd Independent Mixed Brigade, in which post I served  
11 until the termination of the war.

12 "3. I, as Commander of the 22nd Independent  
13 Mixed Brigade, took part in attacking Liuchow from the  
14 Kuantung area.

15 "My unit did not advance directly toward  
16 Liuchow, but began to advance south, toward Leichow  
17 Peninsula, in the opposite direction of Liuchow, in  
18 order to conceal the operation plan.

19 "The KOYASEKO Battalion under my command  
20 commenced action at Hsinhui in the neighbourhood of  
21 Kuantung and marched to the vicinity of Chaoyangli,  
22 north of Taishan, at the end of June. All the inhabi-  
23 tants, beginning with those of Taishan, had fled; as the  
24 result, we saw none of them.

25 "I did not permit the Japanese forces to enter

1 the town of Taishan, except a small number of military  
2 policemen whom I sent to guard the evacuated houses.  
3 There were no incidents on the streets of Taishan.

4 "4. Strictly abiding by the Army Commander's  
5 three strict commands 'Don't burn, don't kill, and  
6 don't plunder,' the Japanese forces maintained exceed-  
7 ingly strict military discipline. In the neighbourhood  
8 of Taishan, they never killed inhabitants or set fire  
9 to their dwellings. I can affirm that there was no such  
10 action among forces under my command.

11 "5. We received fierce fire from numerous enemy  
12 watch-towers constructed at a place approximately 30  
13 miles south of Taishan, the name of which I have for-  
14 gotten, and met with stubborn resistance; consequently,  
15 we suffered considerable loss and the artillery  
16 commander was killed.

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1           "6. When our unit started from Kuantung,  
2 we took with us several hundred Chinese coolies  
3 employed in the neighbouring area of Hsinhui. As we  
4 came to the environs of Taishan, they wished to go  
5 back to their native place; after giving them ample  
6 wages, allowances, and clothes, we permitted them to  
7 do so. (Though a half of the coolies we had taken  
8 went home, the unit did not recruit new ones.)

9           "However, I have been informed that when  
10 these coolies came by a communist village on their way  
11 home, they were arrested by members of a society by the  
12 name of Chu Chien Tuan (TN: Organization for punish-  
13 ing traitors), who robbed them of their money and  
14 other articles and finally killed them. However, this  
15 happened among the Chinese and had nothing to do with  
16 the Japanese troops.

17           "7. I never heard that the Japanese troops  
18 plundered, killed or set fire. I assert here that  
19 none of my subordinates was guilty of such action.

20           "8. Battalion Commander KOYASEKO is a man  
21 of noble character; particularly he loved the Chinese  
22 people and stressed 'respect for old people and love  
23 for children' as a motto. He won unusual confidence  
24 among the Chinese people.

25           "On this 10th day of June, 1947."

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You may cross-examine.

THE PRESIDENT: Mr. Sutton.

MR. SUTTON: If the Tribunal please, we respectfully refer the Tribunal to the statement made at the conclusion of the last witness.

We do not desire to cross-examine this witness.

THE PRESIDENT: The witness is excused on the usual terms.

(Whereupon, the witness was excused.)

- - -

MR. FREEMAN: I next call the witness KURODA Shigenori, whose affidavit is defense document 1705.

1 S H I G E N O R I K U R O D A, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. KURODA, will you give us your full name?

8 A KURODA Shigenori.

9 MR. FREEMAN: May the witness see defense  
10 document 1705?

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

13 Q Is that your affidavit and have you signed it?

14 A Yes.

15 Q Are the contents therein true and correct?

16 A Yes.

17 MR. FREEMAN: I offer in evidence defense  
18 document 1705.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 1705  
21 will receive exhibit No. 3081.

22 (Whereupon, the document above  
23 referred to was marked defense exhibit  
24 No. 3081 and received in evidence.)

25 MR. FREEMAN: I shall read into evidence



1 exhibit 3081, beginning with paragraph II:

2 "II. My past career is roughly as follows:

3 "Oct., 1937. Commander of Infantry of the  
4 26th Division. (Maj. General)

5 "Nov., 1938. Commander of the 4th Inde-  
6 pendent Garrison at Mutankiang, Manchuria.

7 "Aug., 1931."

8 I think that should be 1941.

9 "Commander of the 26th Division (Lt.  
10 General)

11 "Aug., 1941. Chief of Staff of the Depart-  
12 ment of Military Education.

13 "Since then up to November 1944, I served  
14 first as the Chief of Staff of the Singapore Army and  
15 then as the Commander of the Manila Army. In December,  
16 1944, I was placed on the reserve list.

17 "III. Late in January, 1940, in my capacity  
18 as the Commander of the 26th Division, under the  
19 Central Mongolian Army commanded by Lt. Gen. OKABE  
20 Naosabura, I was engaged, with the cooperation of our  
21 cavalry corps, in operations in the Wuyuan district to  
22 suppress Tien Tso-yi's forces there. Our troops ad-  
23 vanced from Paotou by motor vehicles and defeated the  
24 enemy. The battles ended in about ten days. The  
25 forces under my command evacuated the town of Wuyuan

1 immediately after occupation and after that the town  
2 was guarded by forces commanded by Lt. Gen. OKABE  
3 Naosabura.

4 "IV. I used to warn my troops never to  
5 treat the nationals cruelly and this intention of  
6 mine was fully understood by all, from the regimental  
7 commanders down.

8 "I instructed my troops to be kind towards  
9 the Chinese people. This instruction was obeyed  
10 faithfully by all. My 26th Division was noted for  
11 its discipline, and was known as the model division  
12 in North China.

13 "V. For the following reasons, I definitely  
14 deny the accusation of the 2nd and 3rd of February,  
15 1940, some of the soldiers of the 13th Regiment of  
16 the 26th Division, committed outrage and slaughter:

17 "The battle of Wuyuan was fought on the open  
18 plain of Wuyuan, and no attack was attempted on the  
19 town. Moreover, all the inhabitants had taken refuge  
20 in the interior and there was not one left. Therefore,  
21 no such violence could take place. Besides, any such  
22 unlawful acts could not and in fact were not committed,  
23 by my troops, nor by the troops of Maj. Gen. ADACHI,  
24 the Commander of the Infantry Corps and Col. ISHIGURO,  
25 the Commander of the regiment, both of whom were

1 particularly scrupulous about discipline. If there  
2 had been any of such unlawful acts, they would have  
3 been reported to me for, thanks to the satisfactory  
4 communication with various localities at that time,  
5 I could receive and carefully examine all the reports  
6 coming from everywhere. However, no such cases of  
7 violence came to my notice. Moreover, if such an act  
8 had been committed, it would have been brought before  
9 a court martial for strict punishment, but no case of  
10 this nature was tried by a court martial.

11 "I insist that there was absolutely no such  
12 incidents.

13 "On the contrary, the fact was that, Japanese  
14 troops were massacred in the said Wuyuan district.  
15 Late in March, 1940, as the snow began to melt, a  
16 number of Japanese soldiers and officials of the OKABE  
17 group, who were guarding the town of Wuyuan after the  
18 Wuyuan operations, were massacred by Tien Tso-yi's  
19 forces who invaded the town.

20 "As that was the situation the allegation  
21 that the Japanese army or troops under my command  
22 committed outrage and slaughter, etc., is absolutely  
23 untrue.

24 "On this 15th day of July, 1947."

25 You may cross-examine.

1 THE PRESIDENT: Mr. Sutton.

2 MR. SUTTON: May it please the Tribunal,  
3 we respectfully draw the attention of the Tribunal to  
4 the ten prosecution exhibits, Nos. 361 to 370 inclusive,  
5 which appear at record pages 4658 to 4660.

6 We do not desire to cross-examine the witness.

7 THE PRESIDENT: He is excused on the usual  
8 terms.

9 (Whereupon, the witness was excused.)

10 MR. FREEMAN: If the Tribunal please, the  
11 third date in paragraph II on page 1 should read,  
12 "August, 1939." I said '41.

13 I next call the witness ABE Yoshimitsu,  
14 whose affidavit is defense document 1257.

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1 Y O S H I M I T S U A B E, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. ABE, will you give us your full name  
8 and address?

9 A My name is ABE Yoshimitsu; my present  
10 address is Koyaura, Saka-Mura, Aki-gun, Hiroshima  
11 Prefecture.

12 MR. FREEMAN: May the witness be shown  
13 defense document 1257?

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

16 Q Is that your affidavit and have you signed it?

17 A This is my affidavit and I have signed it.

18 Q Are the contents therein true and correct?

19 A Yes.

20 MR. FREEMAN: I offer in evidence defense  
21 document 1257.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 1257  
24 will receive exhibit No. 3082.

25 (Whereupon, the document above

1 referred to was marked defense exhibit  
2 No. 3082 and received in evidence.)

3 MR. FREEMAN: I shall read into evidence  
4 exhibit 3082, beginning with paragraph 2:

5 "2. An outline of my career is as follows:

6 "(1) Graduated from the Military Academy in  
7 1920, Second Lieutenant, Infantry.

8 "(2) Staff-officer, North China Area Army,  
9 Major, Infantry.

10 "(3) Attached to the Military Affairs Bureau  
11 of the War Ministry, Lieutenant Colonel, Infantry.

12 "(4) Chief of Staff of the 38th Division,  
13 Colonel, Infantry.

14 "(5) Commander of the Army Railway Trans-  
15 port of the Hiroshima District. Major-General until  
16 the close of the war.

17 "3. I took part in the battle of Hongkong in  
18 the capacity of Chief of Staff of the 38th Division.  
19 The said battle was started on command of the 23rd  
20 Army on the morning of December 8, 1941.

21 "4. I shall explain the outline of this  
22 battle of Hongkong in two stages -- the first is the  
23 attack on the Kowloon Peninsula and the second on the  
24 Island of Hongkong.

25 "1st stage:" - -

(1) THE PRESIDENT: How is this relevant; details  
(2) of a battle? It is very interesting but not relevant  
(3) as far as I can judge.

(4) I think we should give you a chance to revise  
(5) this tonight, Mr. Freeman. It is a very lengthy affi-  
(6) davit, and it seems to have a lot of details that are  
(7) of no assistance.

(8) We will adjourn until half past nine tomorrow  
(9) morning.

(10) (Whereupon, at 1600, an adjourn-  
(11) ment was taken until Thursday, 4 September  
(12) 1947, at 0930.)

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4 SEPTEMBER 1947

I N D E X  
of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
ABE, Yoshimitsu (resumed)	27519
Direct by Mr. Freeman (cont'd)	27519
(Witness excused)	27528
CHIMODA, Chioshi	27529
Direct by Mr. Freeman	27529
(Witness excused)	27533
OKABE, Eiichi	27533
Direct by Mr. Freeman	27533
(Witness excused)	27535
IKEJIRI, Satoshi	27536
Direct by Mr. Freeman	27536
Cross by Colonel Mornane	27543
<u>MORNING RECESS</u>	27553
Cross (cont'd) by Colonel Mornane	27554
Redirect by Mr. Freeman	27556
(Witness excused)	27556
SAKURAI, Tokutaro	27557
Direct by Mr. Freeman	27557
Cross by Colonel Mornane	27562
Questions by the President of the Tribunal, Sir William Webb	27562
(Witness excused)	27564

4 SEPTEMBER 1947

I N D E X  
Of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
ICHIDA, Jiro	27574
Direct by Mr. Freeman	27574
<u>NOON RECESS</u>	27588
Cross by Colonel Mornane	27589
Cross (cont'd) by Mr. Howard	27595
(Witness excused)	27595
YOSHIDA, Gompachi	27599
Direct by Mr. Freeman	27599
(Witness excused)	27608
SHIMAZU, Hisanaga	27614
Direct by Mr. Freeman	27614
(Witness excused)	27615
YAMAGUCHI, Eiji	27616
Direct by Mr. Freeman	27616
(Witness excused)	27619
<u>AFTERNOON RECESS</u>	27623
KO AYASHI, Shujiro	27652
Direct by Mr. Freeman	27652
(Witness excused)	27654
KOSHI, Saburo	27655
Direct by Mr. Freeman	27655

4 SEPTEMBER 1947

I N D E X  
Of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1877	3083		Affidavit of SHIMODA, Chiyoshi		27529
2240	3084		Affidavit of OKABE, Eiichi		27534
256	3085		Affidavit of IKEJIRI, Satoshi		27537
1871	3086		Affidavit of SAKURAI, Tokutaro		27557
1806	3087		Affidavit of TAZUMI, Genzo		27565
2207	3088		Excerpts from Interrogation of TAZUMI, Genzo, dated 27 May 1947		
284	3089		Affidavit of ICHIDA, Jiro		27574
684	3090		Excerpt from "Biennial Report of General George C. Marshall to the Secretary of War, 1 July 1943 to 30 June 1945"		27596
1928	3091		Affidavit of YOSHIDA, Gompachi		27600
1920	3092		Affidavit of HIROKA, Junzo		27608
1451	3093		Affidavit of YAMAGUCHI, Eiichi		27616
	3094		Volume XXV of "The Trial Record in the Case of the US vs Tomoyuki YAMASHITA"		27624
2035	3094-A		Excerpt therefrom		27624
2297	3095		Affidavit of KOSHI, Saburo		27655

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Thursday, 4 September 1947

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

The Tribunal met, pursuant to adjournment,  
at 0930.

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Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE R. B. PAL, Member  
from India, not sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER: (Major Moore): If the  
5 Tribunal please, we present the following language  
6 corrections:

7 Record page 1630, line 25, after "asked"  
8 insert "both of"; delete "They said"; line 26  
9 delete from "that they" to the end of the paragraph  
10 and substitute "there seemed to be included, besides  
11 that, a desire to borrow some troops, but I refused  
12 it and ordered it stopped immediately."

13 Exhibit 3051, record page 27,242, line 16,  
14 substitute "add to" for "for."

15 Yesterday, a question was raised, record  
16 page 27,459, line 16, as to the translation of the  
17 question and answer as found in line 7. Comparison  
18 of the English and Japanese record shows that the  
19 question and answer were translated correctly.

20 THE PRESIDENT: Thank you, Major.

21 Mr. Freeman.

22 MR. FREEMAN: If the Tribunal please, I  
23 respectfully request the Court's indulgence to make  
24 an explanation.

25 Yesterday the question of length of affidavits

1 was suggested, and in connection with this matter I  
2 would like to state to the Court that many of these  
3 affidavits do seem lengthy; some parts of them even  
4 do not appear to be dealing with the subject matter  
5 before the Court. However, there is included in the  
6 affidavits subject matter which, if not accepted now,  
7 will be later introduced in individual cases. It is  
8 believed that the acceptance now of this matter which  
9 apparently may not concern the subject matter being  
10 considered will reduce the time consumed in individual  
11 cases.

12 THE PRESIDENT: In this particular case the  
13 Tribunal did nothing more but question the inclusion  
14 of details of battles fought on the way to the seat  
15 of the alleged atrocities. Such details could not be  
16 given by the individual accused. They are interesting  
17 but wholly irrelevant. So do omit those details when  
18 you are reading the affidavit of this witness,  
19 Mr. Freeman.

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1 Y O S H I H I T S U A D E, resumed the stand and  
2 testified, through Japanese interpreters, as  
3 follows:

4 DIRECT EXAMINATION

5 IT. FREEMAN: I shall read exhibit 3082,  
6 leaving out paragraphs 4, 5, 6, and 8.

7 "2. An outline of my career is as follows:

8 "(1) Graduated from the Military Academy  
9 in 1920, Second Lieutenant, Infantry.

10 "(2) Staff officer, North China Area Army,  
11 Major, Infantry.

12 "(3) Attached to the Military Affairs  
13 Bureau of the War Ministry, Lieutenant Colonel,  
14 Infantry.

15 "(4) Chief of Staff of the 38th Division,  
16 Colonel, Infantry.

17 "(5) Commander of the Army Railway Trans-  
18 port of the Hiroshima District. Major General until  
19 the close of the war.

20 "3. I took part in the battle of Hong Kong  
21 in the capacity of Chief of Staff of the 38th Division.  
22 The said battle was started on command of the 23rd  
23 Army on the morning of December 8, 1941.

24 "7. We did not receive any information that  
25 there were Soviet merchant ships at anchor in the

1 harbor neither before nor during the landing opera-  
2 tions. We did see three or four sunken ships in the  
3 harbor before our attack, however, but could not tell  
4 whether it was due to bombing by a chance shell fired  
5 either by the enemy or us or from scuttling. Our  
6 bombardment was concentrated on the enemy ground  
7 positions, obstacles and artillery positions in the  
8 vicinity of our landing point. We felt no need to  
9 fire at the ships in the harbor. And indeed there  
10 is no fact behind any accusation that we fired on the  
11 ships lying at anchor in the harbor. On the contrary,  
12 it is possible that an enemy shell might have hit the  
13 anchored ships as they were directing their fire at  
14 our landing craft in the course of the landing opera-  
15 tion. The Japanese troops did not open fire within  
16 their landing barges until they landed. The thing  
17 they did was to put up a smoke-screen while the enemy  
18 fired at our landing barges.

19 "The landing operation was commenced at  
20 about 2100 o'clock under cover of darkness, so  
21 although the enemy used searchlights their firing  
22 was so much hit and miss it is quite possible that  
23 some of those merchant ships which were within the  
24 zone of maneuver of our landing barges might have  
25 been hit by enemy shells.



1            "We are positive that our army absolutely  
2 never committed such acts as to lock up the ships'  
3 crew, confiscate them of their belongings or their  
4 provisions, etc.

5            "It cannot, however, be denied that the  
6 Chinese residents who were in the occupied area of  
7 the Japanese forces, after we succeeded in the land-  
8 ing operations of Hong Kong, plundered evacuated houses  
9 and warehouses at night and sometimes even in the day-  
10 time and used small junks to loot ships in the harbor.  
11 Since our division was still occupied with all its  
12 strength in attacking interior positions on the  
13 island at the time it was very difficult for us to  
14 be tending to the suppression of such disorders.

15            "9. In order to avoid further useless  
16 sacrifice of human lives, the 23rd Army twice dis-  
17 patched its Chief of Staff TADA as a bearer of a  
18 flag of truce, to advise the British Army to surrender.  
19 Particularly, on the second occasion, we suggested to  
20 them to consider the evacuation of at least the women  
21 and children from the island, which, however, was not  
22 accepted by the British Army.

23            "10. With reference to prisoners of war,  
24 as our division took charge of...only disarming and keep-  
25 ing watch of them, I do not remember exactly how many

1 British war prisoners there were, but I think there  
2 were about fifteen in Kowloon and about six thousand  
3 in Hong Kong.

4 "The British Army troops voluntarily dis-  
5 armed themselves and gathered in their barracks, so  
6 it wasn't as troublesome as we had anticipated nor  
7 did any incident occur. Thereafter the handling of  
8 the war prisoners was completely under the super-  
9 vision of the 23rd Army.

10 "11. Regarding the noncombatants in Hong  
11 Kong, the 23rd Army took charge of them, but they  
12 were small in number as the majority of the families  
13 of the British had evacuated Hong Kong before the  
14 battle began. The remaining number continued to  
15 live in hotels or in their own homes just as they had  
16 been doing.

17 "12. We were deeply moved by the Imperial  
18 Command which gave us the honor of capturing Hong  
19 Kong and very conscious of the heavy responsibility  
20 and duties involved.

21 "The Divisional Commander gave us instruc-  
22 tions on several occasions, the gist of which was as  
23 follows:

24 "The attack on Hong Kong differs from  
25 garrisoning in China. It is an attack on a fortress

1 which has seen years of laborious preparation by  
2 the British, and it will be against an army which is  
3 one of the strongest forces in Europe. It is there-  
4 fore certain that the history of this battle will be  
5 closely examined and commented upon by future his-  
6 torians for a long time. We must pledge ourselves  
7 to stake all our lives upon a victory in this battle.  
8 Particularly, no act of illegal conduct should be  
9 committed throughout the battle, such as murder,  
10 atrocities, plunder and destruction, etc. Our atti-  
11 tude must be gentlemanly so that we may not suffer  
12 even the slightest criticism from the enemy as well  
13 as the third powers.'

14 "Throughout the battle we strictly obeyed,  
15 without the slightest variation, the support of the  
16 above instructions."  
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ABE

DIRECT

1 "After our division broke through the border  
2 and captured the enemy's principal position, tactical  
3 principles demanded that the whole army should imme-  
4 diately storm into the town of Kowloon so that the  
5 enemy garrison for the district of Kowloon might be  
6 prevented from retreating to the Island of Hong Kong.  
7 However, as it was plain that the entry of a large  
8 number of soldiers into Kowloon would necessarily throw  
9 the city into confusion, the entire army was ordered  
10 to halt at the foot of a hill to the north of the city,  
11 and only two infantry battalions with the best training  
12 records in the division were ordered to enter the  
13 town. As a consequence the whole town was completely  
14 saved from confusion.

15 "During our landing operations on Hong Kong,  
16 enemy artillery from their positions inside the town  
17 fired fiercely at us. But despite the intense firing  
18 by the enemy our troops were strictly forbidden to  
19 bombard the town, and were ordered to aim only at such  
20 pill-box positions as were located higher on the hill  
21 than the residential section. Needless to say this  
22 proved a great tactical disadvantage in our operations  
23 but in spite of it we did our utmost to protect Hong  
24 Kong from war disaster. Because our troops were not  
25 permitted to attack inside of the city, Hong Kong still

1 remains today as it used to be and there were no  
2 casualties among its residents. After the enemy on  
3 the Island of Hong Kong surrendered at least three  
4 battalions were needed ordinarily to maintain peace  
5 and order of the city as well as to disarm the enemy.  
6 But we selected only one of the best infantry batta-  
7 lions in the division for this difficult task, cut  
8 the number of men to the least possible, placed them  
9 on their honor and they performed wonderfully.

10 "Even after the capture of all of Hong Kong,  
11 we stationed only three select infantry battalions in  
12 the town, because unforeseen incidents might possibly  
13 follow the entry of a mass of troops into the city  
14 and its vicinity. Our main forces, therefore, were  
15 concentrated in the suburbs to the north of the town  
16 of Kowloon and restrictions were placed on the soldiers  
17 in entering the town. Thanks to these measures, no  
18 incidents took place although some complaints were  
19 heard among the soldiers.

20 "13. Looting by Chinese refugees was per-  
21 petrated taking advantage of unguarded moments even  
22 during the course of battle; therefore, we strictly  
23 prohibited the public in general from going out at  
24 night. However, as these refugees broke into eva-  
25 cuated houses even during broad daylight to say

ABE

DIRECT

1 nothing of at night, we had extreme difficulty in  
2 preventing such looting.

3 "After the occupation, Chinese refugees opened  
4 markets in Kowloon and Hong Kong but the majority  
5 of their transactions consisted of stolen goods.

6 "I am firmly convinced that there was abso-  
7 lutely no case of murder, atrocity and looting  
8 committed by the officers or men of our division.

9 "14. I do not remember exactly the number  
10 of British soldiers killed and wounded, but the  
11 wounded for the most part were taken care of by the  
12 British Army themselves.

13 "Some of them were searched for and found  
14 by our front line troops in conjunction with the  
15 British Army. When the dead were discovered, they were  
16 buried respectfully at the spot where they were found;  
17 and the wounded were taken into hospitals.

18 "On this seventh day of December 1946."

19 THE PRESIDENT: My attention is directed by  
20 a Member of the Tribunal to the third line on page 3,  
21 and to the word "fifteen" in that line. Should that  
22 be fifteen hundred, or fifteen thousand?

23 MR. FREEMAN: I will check.

24 THE PRESIDENT: Brigadier Nolan.

25 BRIGADIER NOLAN: May it please the Tribunal,

1 the evidence adduced by the prosecution with  
2 respect to the atrocities and prisoners of war at Hong  
3 Kong will be found in the evidence of an officer of  
4 the Canadian Army, Captain Barnett, record 13,112 to  
5 13,147, and in exhibits 1590 to 1608, inclusive,  
6 record 13,162 to 13,184.

7 The evidence with respect to the sinking of  
8 Soviet ships in Hong Kong Harbor will be found in  
9 exhibits 818 to 821, record 8041 to 8047.

10 THE PRESIDENT: Was Captain Barnett a  
11 chaplain?

12 BRIGADIER NOLAN: Your Honor will remember  
13 that he was a chaplain whose duty it was to administer  
14 to those patients and staff in a hospital at Hong  
15 Kong.

16 There will be no cross-examination of this  
17 witness.

18 MR. FREEMAN: If the Tribunal please, I will  
19 attempt to correct this through the witness.

20 THE PRESIDENT: Yes.

21 BY MR. FREEMAN (Continued):

22 Q Mr. ABE, in your affidavit on page 5 of the  
23 Japanese, you state that there were about fifteen  
24 prisoners in Kowloon. Is this figure correct?  
25

A That is how I recollect it.

1 MR. FREEMAN: The "fifteen" is correct.

2 May the witness be excused?

3 THE PRESIDENT: He is released on the usual  
4 terms.

5 (Whereupon, the witness was excused.)

6 MR. FREEMAN: I next call the witness  
7 SHINODA, Chiyoshi, whose affidavit is defense docu-  
8 ment 1877.

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1 C H I Y O S H I S H I M O D A, called as a  
2 witness on behalf of the defense, being  
3 first duly sworn, testified through Japanese  
4 interpreters as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. SHIMODA, will you give us your full  
8 name?

9 A SHIMODA, Chiyoshi.

10 MR. FREEMAN: May the witness see defense  
11 document 1877.

12 Q Is that your affidavit, and have you signed  
13 it?

14 A This is my affidavit. It bears my signature.

15 Q Are the contents therein true and correct?

16 A They are true and correct.

17 MR. FREEMAN: I offer in evidence defense  
18 document 1877.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 1877  
21 will receive exhibit No. 3083.

22 (Whereupon, the document above  
23 referred to was marked defense exhibit  
24 No. 3083 and received in evidence.)  
25

MR. FREEMAN: I shall read into evidence

1 exhibit 3083, beginning with the second paragraph.

2 "II. The following is an outline of my  
3 career.

4 "1924 graduated from the Military Academy.

5 "1936 attached to the General Staff Office.

6 "April 1940 staff officer of the 104th Division.

7 "October 1941 staff officer of the 23rd Army.

8 "March 1943 staff officer of the Kanto  
9 Defense Army.

10 "April 1943 staff officer of the 3rd Imperial  
11 Guard Division and chief of the staff of the 152nd  
12 Division (Colonel).

13 "Termination of War.

14 "III. From April 1940 to October 1941 I  
15 was a staff officer of the 104th Division and served  
16 as the chief of operations and intelligence. In  
17 October 1941 I was appointed a staff officer of the  
18 23rd Army (stationed in Canton) and served as the chief  
19 of intelligence till March 1943. I am, therefore, well  
20 aware of the movements of the 23rd Army which was sta-  
21 tioned in Canton district about 1941.  
22

23 "In about lunar December of 1941, the army  
24 stopped all operations and devoted all its energies  
25 to the maintenance of public order. It is, therefore,  
needless to say that it successfully entered the city"

1 without fighting. Since occupation of Hong Kong the  
2 Chinese Army restored quite a calm attitude and the  
3 peace was maintained very well.

4 "In Canton and vicinity, I have never heard  
5 of such places as Hsihupan, Wuyenchiao, Shasia,  
6 Shaipuchang, Hopien, Fucheng, Hsuehkung, Hsiencheng,  
7 Chaohsian, Peimenwai, Hsimenkou, Paisha, etc.

8 "If anything special had taken place in  
9 connection with the Japanese Army, I must have heard  
10 of it as I was the chief of intelligence. Even the  
11 matter which concerned the life of a Chinese was to  
12 be reported to the army without exception, but I have  
13 no remembrance of receiving any such report at that  
14 time.

15 "I positively deny the fact that about  
16 2,000 citizens were massacred by the Japanese Army at  
17 that time. Not only the commander but the leading  
18 staff of the army were extremely strict on military  
19 discipline and repeatedly warned their subordinates  
20 to treat kindly the Chinese people, to respect the  
21 customs of the Chinese and not to interfere with the  
22 Chinese authorities. To the general soldiers, they  
23 showed such a brief motto as, 'Do not burn, do not  
24 kill and do not plunder,' and tried utmost to make  
25 it pervade the whole army that scarcely anyone

1 disobeyed it.

2 "Therefore, if the Japanese Army had ever  
3 massacred a Chinese, it would have been taken up as  
4 the serious problem of the army.

5 "The rumor that 2,000 Chinese people were  
6 massacred was merely a fiction and I definitely assert  
7 that such a thing did not take place while I served  
8 in the 23rd Army.

9 "On this 27th day of June, 1947."

10 Cross-examine.  
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THE PRESIDENT: Mr. Sutton.

MR. SUTTON: May it please the Tribunal, we respectfully draw the attention of the Tribunal to the eye-witness account appearing in exhibit 351, record, page 4649. We also refer the Tribunal to exhibit 350, record, page 4648.

We do not desire to cross-examine the witness.

MR. FREEMAN: May the witness be excused?

THE PRESIDENT: He is excused on the usual terms.

(Whereupon, the witness was excused.)

MR. FREEMAN: I next call witness OKABE, Eiichi, whose affidavit is defense document 2240.

- - -

E I I C H I O K A B E, called as a witness on behalf of the defense, being first duly sworn, testified through Japanese interpreters as follows:

DIRECT EXAMINATION

BY MR. FREEMAN:

Q Mr. OKABE, will you give us your full name and address?

A My name is OKABE, Eiichi; my address: 24 Shimizu-cho, Suginami-ku, Tokyo.

MR. FREEMAN: May the witness see defense document 2240?

1 Q Mr. OKABE, is that your affidavit and have  
2 you signed it?

3 A Yes, this bears my signature.

4 Q Are the contents therein true and correct?

5 A They are absolutely correct.

6 MR. FREEMAN: I offer in evidence defense  
7 document 2240.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 2240  
10 will receive exhibit No. 3084.

11 (Whereupon, the document above  
12 referred to was marked defense exhibit  
13 No. 3084 and received in evidence.)

14 MR. FREEMAN: I shall read into evidence  
15 exhibit 3084, beginning with the second paragraph:

16 "I was selected as managing director of the  
17 Manchurian Aircraft Manufacturing Co. Ltd. in December  
18 1944. This company was the only airplane manufacturing  
19 company in Manchuria, and its head office and main  
20 factory were in Mukden.

21 "Next to the main factory there was the  
22 factory of the Manchurian Machine-Tool Manufacturing  
23 Company where machine-tools were manufactured, and  
24 several American or British prisoners of war were  
25 working there. I was told that there were some who had

1 high technical ability among them. While no prisoners  
2 of war were working in my factory, I asked the reason  
3 of the man who was in charge of the workers. He  
4 answered, 'We inquired, about the employment of  
5 prisoners of war, unofficially of a staff officer  
6 of the Kwantung Army before you came here. The staff  
7 officer replied that we can't let the prisoners of  
8 war work in airplane manufacturing work according to  
9 international law. This is the reason why we don't  
10 employ them.'--

11 THE PRESIDENT: You do not want that last  
12 sentence there, do you?

13 MR. FREEMAN (Continuing): "At this answer  
14 I first learned of the limitation of international  
15 law and the Kwantung Army's attitude toward the treat-  
16 ment of prisoners of war which carefully observed  
17 the limitations of international law.

18 "18 February 1947."

19 THE PRESIDENT: We will have to decide that  
20 with or without objection.

21 COLONEL MORNANE: There will be no cross-  
22 examination of this witness, if the Tribunal please.

23 MR. FREEMAN: May the witness be excused?

24 THE PRESIDENT: He is excused on the usual terms.

25 (Whereupon, the witness was excused.)

1 MR. FREEMAN: I next call the witness  
2 IKEJIRI, Satoshi whose affidavit is defense document  
3 256.

4 - - -

5 S A T O S H I I K E J I R I, called as a witness  
6 on behalf of the defense, being first duly sworn,  
7 testified through Japanese interpreters as follows:

8 DIRECT EXAMINATION

9 BY MR. FREEMAN:

10 Q Mr. IKEJIRI, will you give us your full name  
11 and address?

12 A My name is IKEJIRI, Satoshi. My address is:  
13 25 3-chome, Kaigan-dori, Ikuta-ku, Kobe.

14 MR. FREEMAN: May the witness be shown  
15 defense document 256?

16 Q Is that your affidavit and have you signed it?

17 A Yes.

18 Q Are the contents therein true and correct?

19 A Yes; however, there is a correction I should  
20 like to make in the first paragraph.

21 Q Will you make that correction?

22 A I shall. After the end of paragraph 1, please  
23 insert: "I am now working in the Kobe office of Kita-  
24 zawa Shoji Kabushiki Kaisho, 25 3-chome, Kaigan-dori,  
25 Ikuta-ku, Kobe."



1 MR. FREEMAN: If the Tribunal please, I  
2 think that insertion is unimportant.

3 THE PRESIDENT: It is necessary to state the  
4 fact. It contradicts the previous sentence.

5 MR. FREEMAN: I offer in evidence defense  
6 document 256 as corrected by the witness.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document 256  
9 will receive exhibit No. 3085.

10 (Whereupon, the document above  
11 referred to was marked defense exhibit  
12 No. 3085 and received in evidence.)

13 MR. FREEMAN: I read into evidence exhibit  
14 3085 as corrected, beginning with paragraph 1:

15 "I) I was a major in the army. I arrived  
16 at my post as adjutant of the army in the Burma Area  
17 on May 5th in the 19th year of Showa (1944). Since  
18 then until August 15th in the 20th year of Showa (1945)  
19 I remained at the same post. Demobilized on July 21st--

20 THE PRESIDENT: Omit the rest of it.

21 MR. FREEMAN: "II) In the middle of  
22 September in the 19th year of Showa (1944) General  
23 KIMURA Heitaro arrived at his post as Commander of the  
24 Army in the Burma Area and ever since then until the  
25 termination of the war, I took office as adjutant to

1 him.

2 "III) My main duties as adjutant in the Army  
3 of the Burma Area were: The handling of correspond-  
4 ence, books and confidential documents, affairs con-  
5 cerning awards, the handling of documents concerning  
6 prisoners of war and internees, etc.

7 "IV) Concerning the treatment of POWs  
8 during the construction of the Siam-Burma railway,  
9 the Headquarters of the Burma Area Army had no connec-  
10 tion at all, and moreover it was a year after the  
11 railway construction had been completed that General  
12 KIMURA arrived at his post as Commander of the Army  
13 in the Burma Area.

14 "V) The Rangoon P.W. Camp was one of the  
15 branches of the Malay P.W. Camp, and so came under the  
16 control of the Commander of the combined Southern Army.

17 "The chief of the Rangoon P.W. Camp was  
18 appointed and removable by the chief of the Malay P.W.  
19 Camp. That is to say, although the chief of the Ran-  
20 goon P.W. Camp and two non-commissioned officers  
21 formed the staff of that camp, they were dispatched  
22 from the Malay P.W. Camp. The army surgeon and the  
23 requisite number of guards were dispatched from the  
24 73d Headquarters of Line of Communications of the  
25 Burma Area Army and were under the command of the

1 camp commander.

2 "VI) In the Army internment camp in Tavoy,  
3 civilians of hostile nations (except POWs) were held,  
4 and they were under the control of the commander of  
5 the 24th Mixed Brigade, which was under the Burma  
6 Area Army.

7 "VII) General KIMURA Heitaro, Commander  
8 of the Burma Area Army, always directed his sub-  
9 ordinates to treat the POWs and internees with  
10 benevolence and never to insult nor mistreat them  
11 but to treat them fairly, observing the articles.  
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1 "VIII) The conditions and the treatment of  
2 the POWs in the Rangoon POW Camp, while General  
3 KIMURA occupied the post of Commander of the Army  
4 in Burma, were approximately as follows:

5 "a) The camp, former Rangoon prison, was a  
6 permanent building, fully equipped for living and  
7 sanitation with dispensary, sick rooms, showers,  
8 kitchen, exercise yard, etc. The equipment of the  
9 internment camp was also in good condition.

10 "b) Of the POWs the healthy men of the  
11 rank of noncommissioned officers and below were  
12 sometimes ordered to work when necessary, but the  
13 patients were allowed to rest within. The type of  
14 labor they performed was mainly work at the wharf  
15 and odd jobs in the supply departments and at their  
16 camp.

17 "c) POWs were allowed to rest not only on  
18 Sundays but also on the public holidays of their  
19 countries. Additional supplies were provided to  
20 them from time to time.

21 "d) POWs of the rank of warrant officer  
22 and above sometimes, of their own volition, in order  
23 to take exercise, came to the working places and  
24 gave directions and supervised the POWs engaged in  
25 their work.

1 "e) The POWs were made to run a farm by  
2 utilizing the vacant land within the camp and they  
3 were also made to raise livestock by issuing to them  
4 cows, pigs, goats, ducks, etc., from official depots  
5 for the purpose of obtaining fats. The surplus crops  
6 of their farm were sold on the Rangoon market and  
7 the receipts became their income, and were allowed to  
8 be appropriated for the purchase of luxuries at the  
9 market.

10 "f) We occasionally sent the military band  
11 belonging to the Burma Area Army to that camp for  
12 the entertainment of the POWs.

13 "g) As for amusements, we equipped the  
14 camp with a piano, books, etc., making our utmost  
15 effort to give what comfort we could within the  
16 limitations of the locality.

17 "h) The prisoners were also allowed to  
18 obtain goods at the camp canteen to a reasonable  
19 extent and they bought a considerable amount of  
20 cigarettes, milk, etc.

21 "i) I never heard of any case of mis-  
22 treatment of the POWs during General KIMURA's stay  
23 at that post.

24 "I only remember that we reprimanded some  
25 of them on several occasions at the request of

1 Brigadier-General Hobson, their senior officer,  
2 for their lack of obedience to his commands.

3 "j) Both Brigadier-General Hobson and  
4 Major Loring, British officers representing the  
5 POWs on one or two occasions presented letters of  
6 thanks to the camp commander for the fair treat-  
7 ment of the POWs and twice to the chief of the  
8 camp, regarding the fair treatment of the POWs.  
9 At the end of April in the 20th year of Showa (1945),  
10 on the occasion of the withdrawal of the Japanese  
11 Army from Rangoon, we told them that they would be  
12 released, whereupon these two officers delivered a  
13 letter of thanks to the chief of the camp. I have  
14 not heard of the two officers since then.

15 "k) The treatment of the internees in the  
16 army camp in Tavoy was also in accordance with the  
17 provisions and I got no report of any particular case  
18 of mistreatment. Letters of thanks were presented  
19 to the chief of the camp as many as seven or eight  
20 times.

21 "l) In brief, while General KIMURA was in  
22 office, we had but very scanty supplies from the rear  
23 and the materials were running short; nevertheless,  
24 we made as much effort as possible for the good  
25 treatment of the POW internees.

1 "The facts above-mentioned are based upon  
2 the reports from the Headquarters of the 73rd Line of  
3 Communications and the Headquarters of the 24th Mixed  
4 Brigade, and upon my recollections of information  
5 from Captain SHIRAKAWA, the former adjutant of the  
6 73rd Line of Communications Headquarters.

7 "This 27th day of November, 1946."

8 You may cross-examine.

9 THE PRESIDENT: Colonel Mornane.

10 CROSS-EXAMINATION

11 BY COLONEL MORNANE:

12 Q Witness, which prisoner of war camps were  
13 under the control of the Burma Area Army?

14 A Rangoon prisoner of war camp.

15 Q That is, under the command of the accused,  
16 General KIMURA?

17 A The Rangoon prisoner of war camp was not  
18 under the direct command of General KIMURA.

19 Q Captain, the camp commander was TAZUMI,  
20 Genzo, was it not?

21 THE INTERPRETER: Could you spell the name,  
22 Colonel Mornane?

23 COLONEL MORNANE: Yes, certainly.

24 T-A-Z-U-M-I, G-e-n-z-o.

25 A Yes.

1 Q And he was attached to the Burma Area  
2 Army?

3 A He was dispatched from Malaya to become  
4 camp commander at Rangoon.

5 Q He was then placed under control of the  
6 73rd Line of Communications sector, or Rangoon  
7 Line of Communications, was that so?

8 A That is so. However, he was under the  
9 control of the prisoner of war camp commander at  
10 Malaya, and in all matters regarding -- and in all  
11 important matters received the orders of this com-  
12 mander.

13 Q If TAZUMI says that he was directed by the  
14 commander of the Burma Area Japanese Army in connec-  
15 tion with the execution of the business of the camp,  
16 would you agree with it?

17 THE WITNESS: Will you repeat that question  
18 again, please?

19 (Whereupon, the question was  
20 repeated by the Japanese interpreter.)

21 A I would deny that.

22 Q You would deny that? Well now, with  
23 regard to the Rangoon prisoner of war camp, what was  
24 your connection with it?

25 A I was the liaison officer in matters



1 regarding security and supplies. Also, whenever  
2 reports came into our headquarters I conveyed them  
3 to the prisoner of war camp.

4 THE MONITOR: My connection with the POW  
5 camp was that I acted as liaison officer in matters  
6 regarding food supplies and matters of security and  
7 all documents which were to be reported to the  
8 camp commander in Malaya. A copy of these reports  
9 were also given to the Burma headquarters also, and  
10 it was my duty to handle these documents. However,  
11 all these reports came to our headquarters through  
12 the 73rd Line of Communications.

13 Q The 73rd Line of Communications was under  
14 the command of General KIMURA?

15 A Yes.

16 Q Well now, you have given us a fairly long  
17 description of the conditions at the Rangoon prisoner  
18 of war camp. Did you ever see the camp yourself?

19 A I never saw the camp until the conclusion  
20 of hostilities.

21 Q Now, with regard to that description, is  
22 that your recollection of correspondence you saw at  
23 the time?

24 A Yes, through documents and from what I  
25 directly heard from the adjutant of the 73rd Line of

1           Communications, Captain SHIRAKAWA.

2           Q    That is, you got all your information  
3 prior to the time of the surrender of the Japanese  
4 forces?

5           A    Yes.

6           Q    And you kept no written record of it?

7           A    Do you mean me?

8           Q    Yes, I mean you.

9           A    I did not keep a record.

10          Q    And since that time you have seen no  
11 record of it?

12          A    After the end of the war I saw the docu-  
13 ments and report of the 73rd Line of Communications  
14 and of the 24th Mixed Brigade.

15          Q    When was that?

16          A    Although I have no exact recollection, I  
17 believe that it was toward the end of 1945.

18          Q    And that is the last time you have seen the  
19 document?

20          A    Yes.

21          Q    Therefore, the description given in the  
22 affidavit is from your unassisted memory?

23          A    Yes.

24          Q    Now, who was responsible for the medical  
25 supplies and medical treatment at the Rangoon Jail?

IKEJIRI

CROSS

27,547

1           A    I believe that it was the responsibility of  
2           the Rangoon camp commander to distribute these  
3           supplies -- of the branch camp commander at Rangoon.

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1 Q But, who was supposed to provide the supplies  
2 for him?

3 A That was done by the 73rd Line of  
4 Communications -- by the Headquarters of the 73rd  
5 Line of Communications.

6 Q And the final responsibility was with the  
7 Burma Area Army to provide those supplies for the  
8 73rd Line of Communication?

9 MR. FREEMAN: If the Tribunal please, I was  
10 wondering who is testifying here. He is making the  
11 statements.

12 THE PRESIDENT: That is nonsense. That was a  
13 question.

14 (Whereupon, Mr. Freeman's statement was  
15 requested by the official court reporter.)

16 MR. FREEMAN: I just stated "If the Tribunal  
17 please, I wonder who was testifying now. It seems to  
18 me to be a statement by the prosecutor."

19 THE PRESIDENT: The Court regarded it as a  
20 question following on the previous answer.

21 BY COLONEL MORNANE (Continued):

22 Q Could I have the answer to that question?

23 A The medical and food supplies came from the  
24 supply depot of the Burma Area Army and this supply  
25 depot was under the jurisdiction of the Burma Area Army.

1 The responsibility probably lies with that army --  
2 with that headquarters. However, although the head-  
3 quarters did control this supply depot, it had no  
4 knowledge of the actual requests made to that supply  
5 depot for supplies, and the actual amount of supplies  
6 supplied in compliance with those requests.

7 Q Well, now, when did you return to Japan?

8 A On the 21st of July, last year.

9 Q Do you know that the Commander of that camp  
10 was tried by a war tribunal for mistreatment of  
11 prisoners?

12 A Yes.

13 (Whereupon, Mr. Howard approached the  
14 lectern.)

15 THE PRESIDENT: Mr. Freeman will take any  
16 objections.

17 Mr. Freeman.

18 MR. FREEMAN: I think the question, if your  
19 Honor please, is without the scope of this affidavit.

20 THE PRESIDENT: It is clearly within the scope.  
21 Objection overruled.

22 At this stage, Colonel Mornane, I take it you  
23 are offering all this evidence, as to what you allege  
24 went on in prison camps, against all the accused.

25 COLONEL MORNANE: That is so, if it please

the Tribunal.

1

I didn't get the answer to that question.

2

THE PRESIDENT: Did he know that a certain person had been convicted.

3

4

COLONEL MORNANE: Had been tried, I think.

5

6

THE PRESIDENT: Had been tried.

7

THE MONITOR: The answer was "Yes."

8

BY COLONEL MORNANE (Continued):

9

Q "Yes." And do you know the result of that trial?

10

11

A I cannot say anything definite on that point. I can only tell you what I heard from other people.

12

13

Q Did you give evidence at that trial?

14

A Yes, I did.

15

Q And you know that at that trial the accused TAZUMI was charged as being a party to ill-treatment resulting in the deaths of 17 prisoners of war at Rangoon Prison Camp?

16

17

18

A I do not know well of the details of that matter.

19

20

Q Do you know that Lieutenant ONISHI was also charged at that time?

21

22

A Yes. That is Medical Captain ONISHI.

23

24

25

1 Q And, do you know that he gave evidence that  
2 he was exceedingly short of medical supplies?

3 A Since I had nothing to do with ONISHI's  
4 testimony, I do not know.

5 Q Well, now, apart from the Rangoon Camp, were  
6 there any other camps under the control of the Burma  
7 Area Army?

8 A No.

9 Q Well, I suggest to you that the prisoner of  
10 war camp at Tavoy was under the control of the Burma  
11 Area Army.

12 A The Tavoy Camp was not a camp for prisoners  
13 of war but for civilians who were interned.

14 Q I see. Well, was that civilian internee  
15 camp at --

16 THE PRESIDENT: Was that internee camp what?

17 Q Was that civilian internee camp under the  
18 control of the Burma Area Army?

19 A Yes.

20 Q Well, now, with regard to Moulmein, were there  
21 any camps there?

22 A No.

23 Q Moulmein is very close to Rangoon, is it not?

24 A Yes, it is near.

25 Q It is near. The general district is Moulmein?

1 A No, Rangoon and Moulmein are separate.

2 Q But, there are no prisoner of war camps at  
3 Moulmein?

4 A No.

5 Q Did you ever, as an officer handling corres-  
6 pondence in relation to prisoners of war, receive an  
7 official communication inquiring into the conditions  
8 of prisoners of war in Moulmein camps?

9 MR. FREEMAN: If the Tribunal please, he  
10 just stated that there were no camps at Moulmein.  
11 That is my understanding, and I believe he is asking  
12 about correspondence.

13 A No.

14 MR. FREEMAN: It is outside the scope of this  
15 affidavit,

16 COLONEL MORNANE: The question, if the Tri-  
17 bunal please, is in relation to exhibit 2022, part 20,  
18 from the Foreign Office to the Swiss minister and re-  
19 fers to the situation of prisoners of war in Moulmein  
20 camps, and it is quite possible that the term "Moulmein"  
21 is used quite loosely over here, whereas "Rangoon" is  
22 meant.

23 THE PRESIDENT: I do not think we would be  
24 justified in holding that this affidavit is confined  
25 to Rangoon. On my reading of it, it is very indefinite.



1 It says more about Rangoon than any other camp.

2 COLONEL MORNANE: I understand, sir, that the  
3 witness has answered, "No," to the question and there-  
4 fore --

5 BY COLONEL MORNANE (Continued):

6 Q Now, with regard to Mergui, did that come  
7 under the control of the Burma Area Army?

8 A No.

9 Q That is part of Burma?

10 A It was outside the area of jurisdiction of  
11 the Burma Area Army.

12 Q How far south did the jurisdiction of the  
13 Burma Area Army extend?

14 A I recall that it was just a little further  
15 south of Tavoy.

16 THE PRESIDENT: We will recess for fifteen  
17 minutes.

18 (Whereupon, at 1045, a recess was  
19 taken until 1100, after which the proceed-  
20 ings were resumed as follows:)

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1                   MARSHALL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3                   THE PRESIDENT: Colonel Mornane.

4 BY COLONEL MORNANE:

5                   Q    Witness, in handling the prisoner of war cor-  
6                   respondence did you ever receive reports of the death  
7                   of prisoners?

8                   A    I have. I believe there were two or three  
9                   cases, but I do not recall definitely.

10                  Q    Then I will now remind you. In March of 1945  
11                  did you receive a report of the deaths of Lieutenant  
12                  P. F. Almond of the United States Air Force and  
13                  Sergeant Jack King of the Royal Air Force?

14                  A    Since I did not take my post with the Burma  
15                  Area Army until May 1944, I have never seen such a  
16                  document.

17                  Q    I think you misunderstood the question. It  
18                  was March of 1945.

19                  A    I don't recall having seen any documents  
20                  relating to this.

21                  Q    Well then when you did see reports of deaths  
22                  of prisoners of war at your headquarters, did you cause  
23                  any inquiries to be made as to the cause of the deaths?

24                  A    No.

25                  Q    Just one further question. Did you see the

1 letters alleged to have been written by Brigadier  
2 Hobson and Major Loring?

3 A No.

4 Q Did you make any efforts to have them duplic-  
5 ated for production at the trial of Captain TAZUMI?

6 A Yes.

7 Q What efforts did you make?

8 A I made efforts so that these would be produced  
9 for the counsel for TAZUMI at his trial.

10 THE PRESIDENT: Did you discover what happen-  
11 ed to the letters?

12 THE WITNESS: No.

13 COLONEL LOKWANE: I would like to refer the  
14 court to the following portions of prosecution evidence:

15 Exhibits 1555 at page 12,991;

16 1557 at page 12,993;

17 1558 at page 12,994;

18 these in relation to the Tavoy Camp;

19 Exhibit 1583 at page 13,102,

20 in relation to Rangoon Gaol; and

21 Exhibit 2022, parts 10, 14, 20 and 22,

22 at pages 14,754 et seq. in relation to protests.

23 We have a report from the prosecution language  
24 section suggesting that words have been left out.

25 THE PRESIDENT: Refer to Major Moore and save

1 time.

2 COLONEL MORNANE: Yes, sir.

3 THE PRESIDENT: Mr. Freeman.

4 REDIRECT EXAMINATION

5 BY MR. FREEMAN:

6 Q Mr. IKIJIRI, in reporting the death of a sold-  
7 ier or a prisoner of war, would the cause of death ac-  
8 company the report?

9 A Yes, it is so reported.

10 MR. FREEMAN: May the witness be excused?

11 THE PRESIDENT: He is excused on the usual  
12 terms.

13 (Whereupon, the witness was excused.)

14 (Whereupon the witness spoke in Japanese.)

15 THE PRESIDENT: Take him out. He can be re-  
16 called if necessary. I don't know what he is going  
17 to say.

18 MR. FREEMAN: I next call the witness SAKURAI,  
19 whose affidavit is defense document 1871.

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1 TOKUTARO SAKURAI, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. FREEMAN:

6 Q Mr. SAKURAI, will you give us your full name  
7 and address?

8 A My name is Tokutaro SAKURAI. My address is  
9 Tsuno-machi Koyu-gun, Miyazaki Prefecture.

10 MR. FREEMAN: May the witness be shown defense  
11 document 1871?

12 (Whereupon, a document is shown to the  
13 witness.)

14 Q Is that your affidavit, and have you signed it?

15 A Yes.

16 Q Are the contents therein true and correct?

17 A Yes.

18 MR. FREEMAN: I offer in evidence defense doc-  
19 ument 1871.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1871  
22 will receive exhibit number 3086.

23 MR. FREEMAN: I shall read into evidence exhib-  
24 it 3086, beginning with paragraph 1:

25 "1. I, SAKURAI, Tokutaro, ex-major general,

1 was born June 21, 1897. My present address is Tsuno-  
2 Machi Koyu-gun, Miyazaki Prefecture. I was in charge  
3 of defense of the Akyab area on the India and Burma  
4 border as commander of the Infantry of the 55th Divis-  
5 ion from September, 1943 to February, 1945. Then I  
6 served as chief advisor to the Burmese National Defense  
7 Army. Immediately after the Burmese National Defense  
8 Army rose in revolt, I was ordered to be attached to  
9 the Infantry School on 5 April 1945. Later I became  
10 divisional commander and remained so until the end of  
11 hostilities.

12 "2. It was after the military operation of  
13 Imphal which ended in failure, in mid-September 1944  
14 that General KIMURA came into office. As the commander  
15 of the SAKURA Detachment, I took command of a force  
16 numbering about 3,700 consisting of three infantry  
17 battalions, one artillery battalion and one cavalry  
18 regiment, as its nucleus and was in charge of the  
19 frontal defense of Akyab, while the main force of the  
20 55th Division moved to the Bassein area.

21 "3. General KIMURA, after he assumed office,  
22 especially stressed and advised that we should strive  
23 to win the confidence of the people, to enforce strict  
24 military discipline and to raise the morale of the men.  
25 Later he delivered instructions several times to the

1 same effect. In compliance with his instructions, we  
2 brought it home to our subordinates that very strict  
3 military discipline was the best way to win the confid-  
4 ence of the people. We did our utmost to behave as  
5 prudently as possible, so military discipline was  
6 very strictly maintained.

7 "4. General KIMURA was so earnest about the  
8 promotion of friendship and harmony between the Japan-  
9 ese army and the Burmese and the stabilization of the  
10 latter's livelihood that he had his subordinates com-  
11 pile a pamphlet entitled "The Attitude to Take Towards  
12 the Burmese", and distributed them to the members of  
13 units under his command.  
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1 "We guided our subordinates on the basis of  
2 this pamphlet. Because of this, all the men in my  
3 garrison area behaved themselves well, adhering rigid-  
4 ly to 'The Attitude to Take Towards the Burmese',  
5 and there was not a single case in which the Burmese  
6 were persecuted or maltreated. In addition, in order  
7 to raise the standard of the people's living, we made  
8 and gave agricultural implements, hatchets and boats to  
9 them, so that they were extremely grateful to us.  
10 Friendly relations between the Japanese and Burmese  
11 was very strong. Therefore, they were willing to help  
12 us with transportation in the rear areas and in the  
13 transportation of provisions and the sick even at the  
14 front voluntarily.

15 "The Japanese Army particularly respected  
16 and protected the religion of the Burmese, so that they  
17 were very much in harmony with the inhabitants. The  
18 Burmese said that so far as the seashore was concerned  
19 they themselves would defend it and they did guard  
20 duty along the beach. When the enemy landed, they  
21 reported it to us by means of signals and the like.  
22 Once the village headman in the neighborhood of Inten  
23 was killed in action while obstructing the landing  
24 of the enemy.

25 "5. In February 1945, I left Akyab for Ran-  
goon to become the chief advisor to the Burmese Nat-



1            "We guided our subordinates on the basis of  
2 this pamphlet. Because of this, all the men in my  
3 garrison area behaved themselves well, adhering rigid-  
4 ly to 'The Attitude to Take Towards the Burmese',  
5 and there was not a single case in which the Burmese  
6 were persecuted or maltreated. In addition, in order  
7 to raise the standard of the people's living, we made  
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13 transportation of provisions and the sick even at the  
14 front voluntarily.

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16 and protected the religion of the Burmese, so that they  
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20 duty along the beach. When the enemy landed, they  
21 reported it to us by means of signals and the like.  
22 Once the village headman in the neighborhood of Inten  
23 was killed in action while obstructing the landing  
24 of the enemy.

25            "5. In February 1945, I left Akyab for Ran-  
goon to become the chief advisor to the Burmese Nat-

1       ional Defense Army. Circumstances in the Rangoon area  
2       were different and public peace was not as good as in  
3       the Akyab area. At that time the main forces of the  
4       Burmese National Defense Army were located in Henzada,  
5       while powerful units were stationed in the vicinity  
6       of Toungoo, Pegu and Thaton.

7                "On 15 March 1945, our army and the Burmese  
8       National Defense Army concluded an operational agree-  
9       ment and our army celebrated, holding a ceremony for  
10      their going out into the field. However, Burmese  
11      National Defense Army suddenly rose in revolt against  
12      us, at the end of March 1945, as the conditions of our  
13      Army became worse and worse day by day, not to mention  
14      the propaganda of the Anglo-Indian Army. With the  
15      sudden change of situation, I called on the Commander  
16      in Chief of the Burma Area Army, KIMURA, immediately,  
17      and talked it over with him regarding how to handle  
18      it. General KIMURA, after considering the former  
19      friendly cooperation between the Japanese Army and the  
20      Burmese and their standpoint, ordered me that our Army  
21      absolutely must not take any revengeful action against  
22      them. Furthermore, he ordered that we must protect  
23      all those who would pledge allegiance without regard  
24      to their past and carry out only the minimum punitive  
25      action necessary from the standpoint of operations."

1           You may cross-examine.

2           THE PRESIDENT: Colonel Mornane.

3                           CROSS-EXAMINATION

4 BY COLONEL HORNANE:

5           Q    What was this Burmese National Defense Army,  
6           Witness?

7           A    It was an army led by General Aung San,  
8           organized by the Burmese people themselves.

9           Q    But surely a number of the officers of this  
10          army were Japanese?

11          A    The officers were all Burmese.

12          Q    No Japanese officers at all?

13          A    There were a few liaison officers.

14 BY THE PRESIDENT:

15          Q    Why did the army revolt?

16          A    As I stated before, the situation in Burma  
17          for the Japanese army had steadily grown worse, and  
18          also there was constant propaganda from the enemy  
19          side, and that is why the army revolted -- the Burmese  
20          army revolted.

21          Q    And this Burmese National Defense Army was  
22          formed before you went to Burma, I take it?

23          A    The army had been organized before I had  
24          arrived in Burma, and after I became the supreme ad-  
25          visor to this army I was only connected with this army

1 for a very short period.

2 Q Now, you refer to Henzada as the location of  
3 the main forces of the Burmese National Defense Army.  
4 After they revolted you drove them out of Henzada?

5 A The main force of the army at the time of the  
6 revolt was at Henzada.

7 THE INTERPRETER: The Burmese National De-  
8 fense Army left Rangoon in a body, and at the time of  
9 the revolt the main strength of the army was in the  
10 neighborhood of Henzada.

11 Q But you yourself drove them out of Henzada?

12 A First I was in Henzada with the main force  
13 of the Burma army. Three days after the revolt, since  
14 no word had been received I returned to Rangoon.

15 Q Subsequently the Japanese occupied Henzada?

16 A Yes.

17 Q And the Japanese were in possession of Hen-  
18 zada in April and May of 1945?

19 A By that time I had already been transferred.  
20 I had been transferred to the inventory school and was  
21 not then in Burma.

22 COLONEL MORNANE: I would draw the Tribunal's  
23 attention to exhibits 1543 and 1544, at pages 12,973  
24 and 12,974, in relation to happenings at Henzada.

25 THE PRESIDENT: Mr. Freeman.

1 for a very short period.

2 Q Now, you refer to Henzada as the location of  
3 the main forces of the Burmese National Defense Army.  
4 After they revolted you drove them out of Henzada?

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6 revolt was at Henzada.

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10 neighborhood of Henzada.

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13 of the Burma army. Three days after the revolt, since  
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21 not then in Burma.

22 COLONEL MORNANE: I would draw the Tribunal's  
23 attention to exhibits 1543 and 1544, at pages 12,973  
24 and 12,974, in relation to happenings at Henzada.

25 THE PRESIDENT: Mr. Freeman.

1 MR. FREEMAN: I next offer in evidence --

2 THE PRESIDENT: Before the witness leaves the  
3 box --

4 MR. FREEMAN: Oh, may the witness be excused?

5 THE PRESIDENT (continuing): there are three  
6 questions I want to put to him.

7 BY THE PRESIDENT:

8 Q Did the men revolt against their officers?

9 A The Burmese soldiers did not revolt against  
10 their own Burmese officers.

11 Q Well, did they revolt against the Japanese  
12 officers?

13 A Among the Japanese liaison officers there  
14 were some who were killed; some escaped.

15 Q Did the whole army revolt against the Japanese?

16 A Although I was actually with that army for  
17 three days after the revolt, I saw no signs of them  
18 desiring to revolt against myself personally.

19 THE PRESIDENT: The witness is excused on the  
20 usual terms.

21 (Whereupon, the witness was excused.)

22 MR. FREEMAN: I next offer in evidence inter-  
23 rogation of Captain TAZUMI, which is defense document  
24 1806.

25 THE PRESIDENT: Admitted on the usual terms.

1           CLERK OF THE COURT: Defense document 1806  
2 will receive exhibit No. 3087.

3                         (Whereupon, the document above referred  
4 to was marked defense exhibit 3087 and received  
5 in evidence.)

6           MR. FREEMAN: I shall now read exhibit 3087.

7                         "My name is TAZUMI, Genzo. I was a captain  
8 attached to the Burma Area Japanese Army.

9                         "Q Were you the Commander of the POW Camp of  
10 Rangoon in Burma at the time when General KIMURA,  
11 Heitaro was the Commander of the Burma Area Japanese  
12 Army?

13                         "A Yes.

14                         "Q Was the Commander of the POW Camp of Rangoon  
15 receiving orders and directions from the POW Camp of  
16 Malay? \*\*\*\*\*

17                         "A Although the Commander of the POW Camp of  
18 Rangoon was subject to the Commander of the POW Camp  
19 of Malay, the former was being ordered and directed  
20 by the Commander of the Burma Area Japanese Army in  
21 connection with the execution of business.

22                         "Q Did the Commander of the Burma Area Japanese  
23 army give orders and directions to you while you were  
24 holding office as the Commander of the POW Camp of  
25 Rangoon?

1            "A The Commander of the POW Camp of Rangoon,  
2 no sooner than taking over the former Field POW Camp  
3 of Rangoon as the 6th Detachment of the POW Camp of  
4 Malay, was placed under the command of the Commander  
5 of the Burma Area Japanese Army on 15 March 1944, and  
6 the latter in turn put me under the control of the  
7 Commander of the 73rd Line of Communications Sector  
8 of the Rangoon Line of Communication Department.  
9 Accordingly, it was that the Commander of the POW Camp  
10 of Rangoon received the immediate command, orders and  
11 directions from the Commander of the 73rd Line of  
12 Communications Sector.

13            "Q Had the General Headquarters of the South Area  
14 Japanese Army ever given any orders or directions to  
15 the Camp of Rangoon? If so, when and how far was it?  
16 Explain in detail.  
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1                   There is an errata sheet: "Answer: No,  
2 they had not."

3                   If the Tribunal please, there is an errata  
4 sheet giving the answer: "No, they had not."

5                   THE PRESIDENT: Yes, we have the sheet. It  
6 is the last one.

7                   MR. FREEMAN: (Continuing reading).

8                   "Q Were there any POW's who were sent from the  
9 Rangoon Camp out to the other camps? Explain it.

10                  "A There were none, so far as European POW's  
11 are concerned. I remember it was toward the end of  
12 1944 when I was once ordered to send 1st Lieutenant  
13 Peacock of the British Navy to Japan proper, but as  
14 he was taken ill on the way he was sent back to the  
15 camp. As for the Indian POW's, we transferred about  
16 100 of them about January 1945 to the HIKARI organ  
17 as required personnel for the Indian National Army.

18                  "Q Explain in detail about the health and sani-  
19 tary conditions of the POW's and their clothing, food  
20 and housing conditions.

21                  "A (a) State of health and sanitary conditions --  
22 As for the POW'S state of health, there was a big dif-  
23 ference in the degree of health among the POW's them-  
24 selves. In other words, those who had excellent  
25 health always kept up the same conditions, and those

1 who were of poor build were constantly weak and fell  
2 ill and no sooner than they left the hospital they  
3 would again enter the hospital. Judging from the  
4 number of patients it could not be said to be good.  
5 However, after around July 1944 the number of pa-  
6 tients gradually decreased and the health of POW's  
7 took an upward trend. Jungle sores which were very  
8 frequent at the time of the taking over was almost  
9 completely cured by around August 1944. The ad-  
10 vance of health was more remarkable for the Indians  
11 than for the Europeans. On the other hand, in spite  
12 of various efforts made it was impossible for us to  
13 see that the number patients of beriberi was notably  
14 reduced. As for the communicative diseases, two  
15 slight cases of smallpox had broken out around April  
16 1944 but was completely cured immediately. I think  
17 it was in the middle of April when cholera suddenly  
18 broke out and there were about 10 genuine cholera  
19 cases. As a result of our utmost efforts to prevent  
20 the spreading it was put to an end before becoming  
21 serious. As for the hygienic conditions in general  
22 in the camp, it was impossible for us to keep them  
23 in a satisfactory condition on account of the short-  
24 age of medicine and inadequate equipment, but I con-  
25 sider that generally speaking the general hygienic

1 situation in the camp was in good condition owing  
2 to sensible attentions and efforts of both camp staffs  
3 and POW's.

4 "(b) Food, clothing and housing.

5 "Though clothing was not so good, as compared  
6 with that of Changie and other places, of which I  
7 had previously been in charge, I was able to main-  
8 tain the ordinary condition by getting Japanese  
9 goods for replenishment from time to time. As for  
10 eating, to which I as well as the staff had made the  
11 utmost efforts, I firmly believe that we did furnish  
12 a good supply to POW's. It is supposed that boiled  
13 rice was not liked by the European POW's as a regular  
14 diet, but that could not be helped. Instead, we  
15 made every possible effort to obtain fresh meats  
16 and eggs for them. Housing was bare-looking itself  
17 because we appropriated a bare prison for the camp.  
18 The furniture and fixtures also were poorly equipped.  
19 However, with the small number of prisoners received  
20 and sufficient space for living, POW's were able to  
21 house at ease.

22  
23 "Q How many hours a day had the POW's been  
24 demanded to work?

25 "A Seven hours.

"Q Explain in detail the manner of the

1 executive staffs of the camp handling the sick and  
2 wounded POW's.

3 "A As to the sick and wounded, we treated them  
4 very kindly. A few examples of them are as follows:

5 "a. In case a POW was wounded at the time when  
6 he was working within camp we presented a gift in the  
7 name of the camp.

8 "b. Army surgeons as well as hygienic staffs  
9 who were in charge of treating the sick and wounded,  
10 engaged, kindly and earnestly on the duty day and  
11 night. As a remarkable example, there was a case  
12 of Lieutenant Peacock of the British Navy who was al-  
13 ready mentioned in answer 5. As he was scheduled to  
14 be sent out to Japan proper, after leaving the camp  
15 accompanied by the personnel of the Japanese Ministry  
16 Police, he suddenly took ill and it became impossible  
17 to make his way. Although treated in the Japanese  
18 Naval Hospital for some time the progress of his  
19 illness was no good. At the time when he was sent  
20 back to this camp, he was in such a condition as had  
21 serious difficulties in walking and could not take  
22 ordinary meals, that he came back lying on a stretcher.  
23 At that time Surgeon ONISHI devoted himself entirely  
24 to his treatment. He also gave articles of luxury  
25 at his own expense and he administered medicines of

1 his own. So all the staff of the sanitation section  
2 headed by him took care of him in all kindness, car-  
3 rying him out into open air in the shade of trees or  
4 helping him to walk. When he returned he was so  
5 haggard he could hardly be recognized and it was  
6 feared that he would not recover. But his health  
7 gradually improved to such a degree that he was able  
8 to participate in the four successive days and nights  
9 march in company with the prisoners who were lying  
10 in the common mass camps, on the occasion of the  
11 evacuation of the camps in April 1945.

12 "Q Were the wounded and sick prisoners pro-  
13 perly treated?

14 "A Generally speaking, I think they were under  
15 proper treatment. Owing to the lack of medicines  
16 and equipment as well, I am not positive to say it  
17 was perfect, but nothing more could be done under  
18 the circumstances of that time.

19 "Q Were they demanded to labor?

20 "A No, they were not.

21 "Q What was made of the income obtained from  
22 the vegetables and other products of the farms cul-  
23 tivated by the prisoners and the live stock of their  
24 raising?

25 "The vegetables and other products were supplied

1 them for their ration. Hogs were not raised enough  
2 to meet the demand. But the fresh vegetables ran  
3 into a considerable surplus which were shipped to  
4 the military market with the understanding of the  
5 Superintendent Department of the Area Army in ex-  
6 change for the special ration of pork, eggs and cook-  
7 ing oil. Those articles were added to the supply  
8 of the prisoners.

9 "Q Were you answerable to General KIMURA for  
10 the management of the Prison? Or did you manage and  
11 supervise the said camp on your own responsibility and  
12 authority?

13 "A I was responsible to the commander of the  
14 73rd Commissary Section Commander for executing the  
15 Burma Area Army's regulations for handling the pri-  
16 soners and for supplying them as well as the service  
17 regulations of the 6th Branch of the Malay Prisoners  
18 Camp (namely, the Rangoon Camp), which were set forth  
19 by the 73rd Commissary Sector Commander.

20 "Q Has General KIMURA ever visited or in-  
21 spected the Rangoon Prison? And if he has how was  
22 he impressed then?

23 "A No, he has not while I was serving there.

24 "Q If you received letters of thanks from pri-  
25 soners what did you do with them? Who got the

1 letters at Singapore?

2 "A I received the letters of thanks from pri-  
3 soners. But towards the end of 1945 when withdraw-  
4 ing from the camps our trucks encountered enemy  
5 and were burned down with all the official and pri-  
6 vate things. The last letters I got on the occasion  
7 of their liberation were snatched off by an unknown  
8 soldier along with a black leather purse containing  
9 them, when Australian soldiers plundered us at  
10 Singapore."

11 THE PRESIDENT: I hear that this person,  
12 TAZUMI, had been tried down there as to offenses  
13 relating to prisoners of war. Is he still available?

14 MR. FREEMAN: He is in Rangoon.

15 THE PRESIDENT: Yes.  
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1 I next call the witness, ICHIDA, Jiro, whose  
2 affidavit is defense document 284.

3 - - -

4 J I R O I C H I D A, called as a witness on behalf  
5 of the defense, being first duly sworn, testi-  
6 fied through Japanese interpreters as follows:

7 DIRECT EXAMINATION

8 BY MR. FREEMAN:

9 Q. Mr. ICHIDA, will you give us your full name  
10 and address.

11 A My name is ICHIDA, Jiro; my address, Showa-  
12 dori, Nakama-machi, Onga-gun, Fukuoka-ken.

13 MR. FREEMAN: May the witness see defense  
14 document 284.

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

17 Q Is that your affidavit, and have you signed  
18 it?

19 A Yes.

20 Q Are the contents therein true and correct?

21 A Yes.

22 MR. FREEMAN: I offer in evidence defense  
23 document 284.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document 284



1 will receive exhibit No. 3089.

2 (Whereupon, the document above re-  
3 ferred to was marked defense exhibit No.  
4 3089 and received in evidence.)

5 MR. FREEMAN: I will now read in evidence  
6 exhibit 3089, omitting certain parts which the  
7 Language Section has:

8 "In April 1944, after having been employed in  
9 various departments, I was appointed Vice Chief of  
10 Staff of the Burma Area Army, which office I held till  
11 the termination of the war. I was then a Major-Gen-  
12 eral. My chief duty during this period was to assist  
13 the Chief of Staff.

14 "It was mid September 1944 that General  
15 KIMURA, Heitaro, arrived at his post as Commander of  
16 the Burma Area Army. Our Army there had suffered a  
17 crushing defeat in the Inphal campaign with its fight-  
18 ing strength weakened considerably, and since about  
19 August 1943, supplies had almost ceased to come from  
20 Japan.

21 General KIMURA, who arrived when things were  
22 in such an unfavorable state, issued a set of instruc-  
23 tions to all the troops under his command enjoining  
24 them strongly to maintain military discipline and to  
25 try to win the confidence of the natives. When we

1 had meetings in late October and in the middle of  
2 December 1944, and in late January 1945, the General  
3 summoned to the Army Headquarters the staff officers  
4 and unit commanders under his command and reminded  
5 them most carefully of the instructions he had previ-  
6 ously given. While in office, General KIMURA con-  
7 stantly endeavored hard to see his instructions obeyed  
8 thoroughly by his troops, so that the Burmese people  
9 came to place a good deal of confidence in him.

10 "The General met the Burmese State Ministers  
11 at least once or twice a month for the purpose of ex-  
12 changing free and outspoken opinions. He welcomed the  
13 complaints against the Japanese and in the cases that  
14 he thought proper had the requested improvements made.  
15 Meanwhile the war situation had been developing un-  
16 favorably from day to day for us, entailing increasing  
17 hardships and suffering on the part of the natives.  
18 The General felt sorry for their plight. When we had  
19 occasion to meet the Burmese high-ranking officials  
20 he always expressed his gratitude for their good will  
21 and at the same time showed sympathy for their deli-  
22 cate circumstances. General KIMURA instructed his men  
23 to contribute to the stabilization of living condi-  
24 tions of the Burmese at the expense of the strategi-  
25 cal requirements.

1 "General KIMURA always took pains to promote  
2 good feeling and harmony between Japanese and Burmese. .  
3 In order to prevent misunderstandings likely to arise  
4 because of the difference in the manners and customs  
5 and language, he had a two-volume booklet compiled,  
6 entitled 'The Attitude to take toward the Burmese' and  
7 distributed copies not only among our men, but also  
8 among the greater part of the Japanese residents for  
9 their guidance and observance. At the same time he  
10 asked the Burmese Government to tell their people  
11 plainly of our readiness and desire to act in concert  
12 with them. The government on their part distributed  
13 the summarized translation of the general's request  
14 among the prefectural governors for their information.  
15 The result of the general's efforts was reflected in  
16 the fact that the friendly and harmonious relations  
17 between the army and the populace were notably im-  
18 proved and our men, appreciating their commander's  
19 spirit and intention, did their best to realize his  
20 wishes.

21 "I used to attend the Japanese-Burmese Coop-  
22 eration Conference as a representative of the Burma  
23 Area Army, and so I had ample opportunities to come  
24 in contact with the high governmental officials.  
25 Mindful of the general's care and the Burmese official

1 thoughts and opinions, I took care to cooperate with  
2 the government in their undertakings in all ways, and  
3 to ensure the stabilization of the livelihood of the  
4 populace."

5           No. 4 is left out until the last paragraph  
6 on page 5.

7           "The withdrawal of the Burma Area Army Head-  
8 quarters from Rangoon to Moulmein commenced at the end  
9 of April 1945, the complete concentration being effected  
10 at the beginning of July. The headquarters, however,  
11 could not function as it should; its hasty retreat to  
12 Moulmein, the loss of communication and transportation  
13 equipment and the important documents, the transfer-  
14 ence of many skilled staff-officers, the unsatisfactory  
15 replacements among the administrative personnel, freq-  
16 uent air raids by British-Indian planes and the fact  
17 that it was at the peak of the rainy season -- all  
18 these factors interfered with the satisfactory func-  
19 tioning of the Army headquarters. Above all, the air  
20 raids by the British-Indian planes which were conducted  
21 in the daytime and on moonlight nights as well, freq-  
22 uently compelled the headquarters to seek shelter in  
23 the outlying villages of Moulmein and attend to its  
24 duties there. And most of the soldiers, too, not to  
25 speak of the invalids, had to seek shelter in the

1 jungles both day and night.

2 "At the end of March 1945, with the state of  
3 things prevailing so unfavorably, the national defense  
4 army of Burma, numbering 6,000-8,000 rose against the  
5 Japanese and the guerrillas started a campaign of har-  
6 assing our rear lines and we were greatly menaced.

7 "The Burma National Defense Army had seemed  
8 favorable to the Japanese, as an agreement was ar-  
9 ranged at Rangoon with the Japanese Army for united  
10 operations. The revolt was an unexpected one for  
11 the Japanese. Afterwards, it became clear that a sec-  
12 ret declaration of war against Japan had been made  
13 and signed by Major General Onsan on 14 March 1945.  
14 For this purpose they had previously stationed num-  
15 bers of men in the rear of the Japanese Army, at the  
16 key strategic points, such as Toungoo, Pegu, and  
17 Thaton. The main body in Henzada, with the outbreak  
18 of the uprising, destroyed the means of communication  
19 and transportation at several places, assaulted the  
20 sentry-guards, squads of soldiers and gendarmerie  
21 squads at various places, murdering most of these  
22 officers and seizing the money and stores kept in  
23 their custody. Espionage was engaged in by the guer-  
24 rillas so that the Headquarters of the Burma Area  
25 Army and the 28th and the 33rd Corps headquarters were

1 subjected to serious bombings with heavy losses to  
2 us, and the Japanese officers in charge of the  
3 national defense militia were for the most part  
4 killed. Of the 200-odd Japanese nationals, including  
5 the interpreters and the commercial clerks who were,  
6 in the Delta region, only a few were found safe at the  
7 end of the war and the rest are still missing.

8 "However, General KIMURA sought no revenge.  
9 On the contrary, he stressed the importance of the  
10 friendship hitherto kept up between Japan and Burma  
11 and met the situation from a strategical point of  
12 view only. There were left no forces to meet the  
13 emergency. A small amount of troops and part of the  
14 55th division which had been dispatched for aid in  
15 the quarter of Bassein and Meiktila were used for the  
16 purpose of making a false show of strength.

17 "From January 1945 there began to be formed  
18 one after another guerrilla parties of Karen and  
19 Kachin tribes in the mountain regions south of Kema-  
20 pew and Kaukareik area and in the regions south of  
21 Papun. What with the entry of the Indian educated  
22 Burnese, the arrival of Indians and British officers  
23 by means of parachutes and the replenishment by air  
24 of arms and munitions, the guerrillas grew rapidly  
25 to strength till the groups were scattered far and

1 wide, working most actively in collusion with the  
2 rebels."

3 Skip now to the beginning of the fourth  
4 line, the bottom of the page:

5 "In a nameless village on the western bank  
6 of the river, 40 or 50 kilometers to the northwest  
7 of Swe-gyin, ten Japanese Red Cross were assaulted  
8 and not one of them came back alive (this, according  
9 to the report of the soldier who was with the victims  
10 at the time of the incident). For all of these cases  
11 of resistance on the part of the Burmese, General  
12 KIMURA always warned his troops against taking retal-  
13 iatory measures.

14 "Such being the case while General KIMURA was  
15 commanding, there was no chance whatever for us to  
16 take British-Indian troops as prisoners. Thus the  
17 situation of the Burma Area Army for the few months  
18 before the end of the war was a succession of defeats.  
19 In consequence of the defeats and the subsequent de-  
20 cline in the army's fighting strength, our men were  
21 demoralized; they were both physically and morally in  
22 a state of exhaustion. The Japanese troops who were  
23 scattered in small groups all over the operations areas  
24 were overpowered by a sense of defeat, and had their  
25 minds occupied only with the question of how to defend

1 themselves against the Burmese rebel army and the  
2 guerrillas.

3 "The harassing activities that these hostile  
4 groups were carrying on in the rear of our army, the  
5 loss and destruction of the means of communication,  
6 the lack of fresh supplies of dry cell batteries,  
7 traffic disturbances caused by British planes, the  
8 interruption of communications during the highest  
9 rainy season -- all these factors combined to all but  
10 paralyze the entire working system of the Burma Area  
11 Army, thus rendering it very difficult for the offi-  
12 cers to lead and supervise their men properly. As the  
13 Burma Area Army Headquarters had been scheduled to  
14 break up before the end of August 1945, the retrench-  
15 ment, reorganization and transference of the Army was  
16 planned, part of which was actually being executed.  
17 Meanwhile, most of the Army Staff officers had been  
18 transferred; therefore we were obliged to make-shift  
19 with non-career staff officers for the time being.  
20 Naturally, the Army Headquarters which was busily  
21 engaged in making preparations to meet the intended  
22 attacks by the Allied armies by land and sea in the  
23 near future experienced much difficulty and incon-  
24 venience in attending to their business. It was  
25 while we were laboring under these difficulties that



1 the war was ended. Unfavorably circumstanced as he  
2 was, Commander KIMURA had been endeavoring all this  
3 while to maintain and improve the discipline of his  
4 troops and also to win and keep up the trust of the  
5 populace.

6 "Not one single instance of unlawful conduct  
7 allegedly committed by his men was ever reported to  
8 the Army Headquarters. I am certain that no orders  
9 were ever issued by KIMURA for the perpetration of  
10 the atrocious acts, evidence of which has been  
11 brought before the court. Such acts would not have  
12 been tolerated. As for the Kalagon village affair,  
13 the British Army Headquarters, several months after  
14 the close of the war, questioned General KIMURA about  
15 it; the general and I and the other staff officers as  
16 well had not known anything about it. It was in March  
17 1946, if I remember right, that I heard about the af-  
18 fair for the first time."

19 Skip to paragraph 6:  
20

21 "As far as I know, the conditions of the  
22 prisoner of war and internment camps while General  
23 KIMURA was in office in Burma are as follows:

24 "(1) The Burma-Siam Railway was under the  
25 direct control of the Commander-in-Chief of all  
Imperial Armies in the Southern Area, and it had been

1 completed about one year before the arrival of  
2 General KIMURA. And so the Burma Area Army had no  
3 part in the construction, maintenance and operation  
4 of the railway in question.

5 "(2) The prisoners of war camp in Rangoon,  
6 which was the 6th Detachment of the Malayan POW camp,  
7 was under the jurisdiction of the Chief of the Malayan  
8 POW camp, who was under the jurisdiction of the Com-  
9 mander-in-Chief of the Southern Expeditionary Forces.

10 "And the Commander-in-Chief of the Southern  
11 Expeditionary Forces ordered the Chief of Malayan POW  
12 Camp to set up one Detachment of Malayan POW camp in  
13 Rangoon and put it under the direction of the Commander  
14 of Burma Area Army. The Commander of Burma Area Army  
15 put that detachment of the 83rd Supply Corps who was  
16 also the Commander of the Rangoon Rear Communication  
17 Headquarters.

18 "(3) For about three months and a half after  
19 General KIMURA's arrival at his post, the Tavoy Army  
20 internment camp was in charge of the commander of the  
21 Independent 24th Mixed Brigade. In December 1944, the  
22 Tavoy and Mergui army districts were, by orders from  
23 the Commander-in-Chief of the Southern Expeditionary  
24 Forces, transferred to the jurisdiction of the Thai-  
25 land Area Army, and were placed under the direct con-

1 trol of the Tavoy unit under command of the Thailand  
2 Area Army commander.

3 "(4) The Rangoon prisoner of war camp was  
4 originally the Rangoon Central Prison, where, if I  
5 remember right, about 600 persons were interned. The  
6 camp was a permanent building, fairly well fit to live  
7 in, being equipped with medical rooms, sick rooms,  
8 recreation hall, bath and wash rooms, kitchen, water  
9 supply, playground and so forth.

10 "(5) For comfort and recreation the camp was  
11 provided with pianos, phonographs and books, and exer-  
12 cise was encouraged with many sorts of sport equipment  
13 being utilized. The military band was occasionally  
14 invited to afford the inmates entertainment.

15 "(6) The depot supplied lots of cows, pigs,  
16 goats and ducks in several installments for the pris-  
17 oners to tend to help supply nourishment.

18 "(7) The prisoners were permitted to lay out  
19 farms, both inside and outside the compounds, so that  
20 they might be interested in making themselves self-  
21 supporting. The result was that after a time they  
22 were able to produce more than enough and sell in  
23 the Rangoon market what was left over. The proceeds  
24 of the sales was used for themselves. The prisoners  
25 did not have their rations of staple food reduced;

1 they were, in fact, better supplied than the Japanese  
2 in general, and therefore they were very grateful for  
3 this.

4           "(8) Milk, tobacco and other daily necessi-  
5 ties could be had at the canteen in the camp, for  
6 which convenience the inmates expressed themselves  
7 highly gratified.

8           "(9) Sundays and prisoner's national holi-  
9 days were set aside to be observed by the prisoners  
10 as days of rest on which occasions they were sometimes  
11 allowed additional rations.

12           "(10) Working hours were gradually shortened,  
13 the average being six hours. The kind of work that  
14 they were required to do was, I was told, unloading  
15 ships, conveyance, and other general jobs.

16           "(11) No news was ever brought to my ears  
17 that atrocities of any kind were ever practiced by  
18 the Japanese soldiers on the prisoners during General  
19 KIMURA's tenure of office, though I was told that  
20 punishment was meted out several times at the request  
21 of Brigadier Popson to those British-Indian soldiers  
22 who had shown themselves disobedient to him.

23           "(12). In June 1944, before General KIMURA's  
24 arrival, cholera broke out in the camp, which, however,  
25 was soon stamped out.

1 "Since August 1943 medical supplies from home  
2 had almost ceased to arrive and even the Japanese  
3 troops themselves had to do without their rations.  
4 Medical treatments, therefore, left much to be desired,  
5 I was told. Despite these shortages, they did their  
6 best.

7 "Captain TAZUMI, the then chief of the pris-  
8 oner of war camp at Rangoon, who everyone agreed was  
9 the most excellent of the chiefs of the institution,  
10 received from Brigadier Popson and Major Rollins let-  
11 ters of thanks on several occasions. This is what  
12 the captain told me himself.

13 "When the Army Headquarters evacuated Rangoon,  
14 it was at first decided that the prisoners whose  
15 health would be impaired by removal and some whose  
16 services would be needed would be left at Rangoon,  
17 preparatory to their release, and that only those who  
18 were well and strong would be removed; but owing to  
19 the war situation the whole of the prisoners were re-  
20 leased on the spot toward the end of April 1945.

21 "About one hundred persons were accommodated  
22 in the military internment camp at Tavoy where the  
23 management in general was directed fairly and properly,  
24 so that the institution was favored several times with  
25 letters of thanks. These letters were attached to the

1 reports and other documents submitted to the British  
2 Army after the surrender.

3 "It was the practice for the Japanese Air  
4 Force in Burma to take charge of all allied airmen  
5 who were captured for the purpose of interrogations.  
6 The Burma Area Army had no command over the Air Force.  
7

8 "On this 13th day of January 1947."

9 THE PRESIDENT: We will adjourn until  
10 have past one.

11 (Whereupon, at 1200, a recess  
12 was taken.)  
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

- - -

JIRO ICHIDA, called as a witness on behalf of the defense, resumed the stand and testified through Japanese interpreters as follows:

THE PRESIDENT: Mr. Freeman.

MR. FREEMAN: You may cross-examine.

THE PRESIDENT: Colonel Mornane.

CROSS-EXAMINATION

BY COLONEL MORNANE:

Q Witness, you say that KIMURA, when he met the Burmese officials, showed sympathy for their delicate circumstances. What do you mean by "their delicate circumstances"?

A I can't hear very well.

(Whereupon, the question was repeated by the Japanese court reporter.)

That is because the war situation daily grew unfavorable for the Japanese with the gradual

1 pressure exerted by the British-Indian forces upon  
2 the Japanese, and that the front lines where the two  
3 forces met had closed in and as a result the natives  
4 residing in such districts were forced to undergo a  
5 very uncertain situation where law and order was not  
6 secure, contrary to the situation prior to this when  
7 a certain amount of law and order existed in those  
8 regions.

9 Q Did it not also include the fact that the  
10 Burmese government had been set up by the Japanese?

11 A I didn't hear it very well.

12 (Whereupon, the question was re-  
13 peated by the Japanese court reporter.)

14 I do not believe that that was the reason.

15 Q The Burmese government was, in fact, set up  
16 by the Japanese?

17 A The establishment of the Burmese govern-  
18 ment took place before I arrived in Burma; there-  
19 fore, I am not acquainted with the details, but even  
20 so I believe so.

21 Q Now, you say that the Japanese officers in  
22 charge of the National Defense Militia were for the  
23 most part killed. By the "National Defense Militia,"  
24 you mean the Burmese National Defense Army, do you?

25 A Yes.



1 Q Were there very many Japanese officers in  
2 charge of the National Defense Militia?

3 A Japanese officers were not directing the  
4 Burmese National Defense Army. General, Major  
5 General Onson was the commanding officer.

6 Q How many Japanese officers of the National  
7 Defense Militia were killed?

8 A I do not remember the exact number.

9 Q When were you repatriated from Singapore or  
10 from Rangoon -- from Rangoon?

11 A In January of this year.

12 Q With regard to the Kaladan massacre, did you  
13 give evidence at the trial of Major ICHIKAWA?

14 A No.

15 Q The 33rd division was under the command of  
16 the accused, KIMURA, was it not?

17 A Yes, it was.

18 Q And the 213th regiment formed part of that  
19 division?

20 A I do not remember the number of the regiment,  
21 but I believe that is so.

22 Q As Vice-Chief of Staff, you would know  
23 Colonel TSUKUDA, the commander of the 213th regi-  
24 ment, would you not?

25 A Do you mean the regimental commander?

1 Q I mean the regimental commander.

2 A No, I do not know.

3 Q With regard to the Rangoon prisoner of war  
4 camp, did you ever inspect that camp?

5 A During the time that it contained prisoners  
6 of war I did not visit the camp, but I did so after  
7 the war because the said Rangoon camp housed the  
8 Japanese -- the Japanese war crime suspects were con-  
9 fined there.

10 Q I see. The only time you inspected the  
11 Rangoon camp was after it came under British control?

12 A Yes.

13 Q And your description given this morning to  
14 the Tribunal, is that a description of the state of  
15 the Rangoon prison camp when you were in there?

16 A The situation that I described was as a  
17 result of a visit I made to that camp, the Rangoon  
18 camp, on business connected with the British army.

19 Q That was before the surrender, I take it?

20 A No, that is not so.

21 Q What was the source of your information  
22 contained in your evidence this morning, in regard  
23 to the Rangoon prison camp?

24 A My description is based firstly on the  
25 results of reports made at the conference of

1 staff officers and also after the end of the  
2 hostilities, in conversation or reports from TAZUMI  
3 who was the commander of that camp.

4 Q You did not commit any of those conversa-  
5 tions or reports to writing at all?

6 A No, I did not commit them to writing. I  
7 testified relying on my memory.

8 Q Did you give evidence for Captain TAZUMI  
9 when he was charged at Rangoon with war crimes?

10 A With respect to war crime trials, no  
11 notifications were received by the Japanese Army;  
12 therefore, I do not know anything of the war crimes  
13 trials.

14 Q You have not given evidence at any war crimes  
15 trial prior to this?

16 A No.

17 Q Now, with regard to Allied airmen, you say  
18 they were interrogated by the Japanese air force,  
19 but after their interrogation were they or were they  
20 not sent to the Rangoon prisoner of war camp if they  
21 were held in that vicinity?

22 A I was not directly connected with such  
23 affairs; therefore, I do not know definitely, but I  
24 believe that that would be where they were taken.  
25

1 Q Did your headquarters ever direct any  
2 inquiry into deaths occurring among prisoners at  
3 the Rangoon prisoner of war camp?

4 A I was not connected with prisoner of war  
5 matters; therefore, I do not know.

6 Q You would not know as Vice-Chief of staff?

7 A If such matters were brought up before the  
8 conference, I would, of course, know about it, but  
9 they were not.

10 COLONEL MORVANE: I wish to draw the Court's  
11 attention to exhibits 1537 to 1558, appearing on the  
12 record at page 12,966 to 12,999, and with regard to  
13 those exhibits, exhibit 1541, which is included,  
14 should have been referred to at the end of exhibit  
15 3085 as containing the report of Captain TAZUMI's  
16 trial.

17 THE PRESIDENT: Mr. Howard. For whom?

18 MR. HOWARD: For General KIMURA.  
19  
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## CROSS-EXAMINATION (Continued)

1  
2 BY MR. HOWARD:

3 Q General ICHIDA, was Major ICHIKAWA convicted  
4 in a trial in which he was charged with some part in  
5 the Kaladan Incident?

6 A Yes, he was convicted.

7 Q Was General TANAKA, Nobuo the next in command  
8 above Major ICHIKAWA?

9 A General TANAKA, Nobuo was the divisional  
10 commander, commanding superior to Major ICHIKAWA.

11 Q Was General TANAKA tried on the same charge  
12 as Major ICHIKAWA or similar charges?

13 A Former Lieutenant General TANAKA was confined  
14 as a suspect in this connection in Rangoon jail but  
15 just prior to my leaving Rangoon in January of this  
16 year he was released and I understand has recently  
17 been repatriated and is now in Japan.

18 MR. FREEMAN: May the witness be excused?

19 THE PRESIDENT: He is excused on the usual  
20 terms.  
21

22 (Whereupon, the witness was excused.)

23 MR. FREEMAN: I next offer in evidence defense  
24 document 684 which is an excerpt from "Biennial Report  
25 of General George C. Marshall to the Secretary of War,  
July 1, 1943 to June 30, 1945," relative to the

1 progress of the Burma campaign.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Defense document 684  
4 will receive exhibit No. 3090.

5 (Whereupon, the document above  
6 referred to was marked defense exhibit  
7 No. 3090 and received in evidence.)

8 MR. FREEMAN: I shall now read into evidence  
9 exhibit 3090: "Pages 114-115"--

10 THE PRESIDENT: This is headed, "For  
11 KIMURA's individual defense." Are you offering it  
12 now in behalf of all?

13 MR. FREEMAN: Yes.

14 "The Burma campaign continued with intensity  
15 during the monsoon season of 1944. Chinese, American  
16 and British troops were then disposed along the Chind-  
17 win River north of Kalewa and from the upper Irrawaddy  
18 to Lungling. It was planned to drive southward  
19 through Central Burma to Mandalay, and Admiral Mount-  
20 batten prepared for Operation DRACULA to seize Rangoon  
21 amphibiously from the south. At the close of the  
22 monsoon, Chinese, American, and British troops under  
23 the immediate command of General Sultan advanced south-  
24 ward astride the Irrawaddy, captured Shwegu in early  
25 November and by December had cleared the projected

trace of the supply road to Bhamo.

1           "The Japanese in Burma had never recovered  
2 from General Stilwell's thrusts and from the losses  
3 inflicted by British and Indian forces on their 15th,  
4 31st, and 33d Divisions in their abortive effort to  
5 sever the Bengal-Assam Railroad. As fast as the com-  
6 bat forces moved ahead, United States engineers,  
7 commanded by Brigadier General Lewis A. Pick, shoved  
8 the road forward behind them, operating their bull-  
9 dozers so far forward that they were frequently under  
10 fire. On January 28, 1945 a convoy of American  
11 trucks and materiel from India crossed the Burma-  
12 China frontier. The Stilwell Road was open.

13           "In Western' Burma the British broke south  
14 through Tidim across the Chindwin against Japanese  
15 delaying actions. Southward in the Arakan, British  
16 operations cleared the Kaladan River delta on the  
17 Arakan coast and provided air strips at Akyab and on  
18 Ramree Island.

19           "The Japanese retreat in Burma was in full  
20 swing by the end of January 1945. General MacArthur's  
21 successive landings in the Philippines and United States  
22 fleet operations in the China Sea had cut the Japanese  
23 supply line to Burma. In mid-February, a British  
24 column crossed the Irrawaddy near Pagan and drove to  
25

1 Meiktila. The seizure of this road and rail center  
2 with its airfields undermined the whole Japanese  
3 position in Central Burma. In the meantime, other  
4 British-Indian forces were closing on Mandalay from  
5 the north and west. Japanese trapped in Mandalay held  
6 out against the British until March 21. Forty days  
7 later British airborne troops descended along the  
8 western shore of the Rangoon River south of the port  
9 and assault troops came ashore the following day. The  
10 Japanese had already fled Rangoon and the British  
11 forces entered on May 3. The port facilities were  
12 captured in good condition.

13 "The Burma campaign had all but ended. A  
14 few Japanese units were able to withdraw eastward  
15 into Thailand and into the Moulmein area of Southern  
16 Burma, but thousands of the enemy were cut off in  
17 isolated pockets with little hope of escape. Admiral  
18 Mountbatten reported the fighting had already cost  
19 Japan 300,000 casualties of which 97,000 were counted  
20 dead."  
21

22 I next call the witness YOSHIDA, Gompachi,  
23 whose affidavit is defense document 1928.  
24  
25



1 G O M P A C H I Y O S H I D A, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. YOSHIDA, will you give us your full  
8 name and address?

9 A My name is YOSHIDA, Gompachi; my address:  
10 No. 55, 5-chome, Noborito, Chiba, Chiba Prefecture.

11 MR. FREEMAN: May the witness see defense  
12 document 1928?  
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1 Q Is that your affidavit and have you signed  
2 it?

3 A Yes, it is my affidavit, and I have signed  
4 it.

5 Q Are the contents therein true and correct?

6 A Yes.

7 MR. FREEMAN: I offer in evidence defense  
8 document 1928.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 1928  
11 will receive exhibit No. 3091.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 3091 and received in evidence.)

15 MR. FREEMAN: I will read exhibit 3091.

16 "My name is YOSHIDA, Gompachi. I was for-  
17 merly in service as Major General. I was born on  
18 January 18, 1894, and now live at No. 55, 5 chome,  
19 Noborito, Chiba-shi, Chiba Prefecture. In December  
20 1915 I entered the Military Academy. After gradu-  
21 ating from the Academy, I occupied various posts.  
22 I was appointed Commander of the Rangoon Air Defense  
23 forces in August 1943, and late in September 1944  
24 Chief of Staff of the 15th Army where I remained  
25 until the end of the war.

1           "2. General KIMURA, Heitaro, came to the  
2 City of Rangoon to assume his office on September 12,  
3 1944. The next day in the compounds of the Head-  
4 quarters of the Burma Area Army, General KIMURA  
5 delivered an address to men and officers of the  
6 whole army, I being present. In his address he  
7 told us emphatically to encourage military dis-  
8 cipline and morale, to apply due and prompt punish-  
9 ment and rewards, to promote friendship and good  
10 understanding between the two peoples, and to win  
11 the public favor. In obedience to the General's  
12 address and for the purpose of having my men well  
13 informed of his instructions, first of all I held an  
14 inspection of troops under my command. I also organ-  
15 ized such various units specializing in specific  
16 tasks as follows: units to treat and rescue the  
17 Burmese people killed or injured in air raids; fire  
18 service units; and units for delivery of necessary  
19 medical articles.

20  
21           "At the time when I was appointed Chief of  
22 Staff of the 15th Army, the Army was in retreat  
23 toward the banks of the Irrawaddy following the  
24 failure of our Impahl operations. In his interview  
25 with me on my departure for my new post, General  
KIMURA instructed me in detail to the same effect as

1 was stated in the General's first address following  
2 his arrival. Besides, he gave me strict orders to  
3 avoid making to scorched-earth tactics on our way of  
4 retreat and thus to keep the native populace out of  
5 the horrors of war; and especially to afford every  
6 possible facility to those government officials and  
7 civilians who wished to evacuate with the Japanese  
8 forces. On my arrival at the Headquarters of the  
9 15th Area Army, I found telegraphic orders from  
10 General KIMURA to the above effect. Upon my assump-  
11 tion of post, I thought it was of initial urgency to  
12 make it thoroughly known to the whole army of the  
13 intention of General KIMURA. The review of military  
14 discipline in our army was carried out by the Com-  
15 mander of the 15th Army KATAMURA and myself, with a  
16 view to thoroughly informing the soldiers of the in-  
17 tention of the Area Army Commander. At that time,  
18 Commander KATAMURA took charge of the review of the  
19 major units directly attached to him, and I, in his  
20 place, took charge of the minor. The commanders  
21 of army corps under the 15th Army likewise executed  
22 review on their sub-units. In those days the 31st  
23 and the 33rd Divisions were retreating with extreme  
24 difficulty, but despite the situation, commanders of  
25 both divisions took pains to carry out the inspection

1 of troops with regard to military discipline on the  
2 battlefield and applied due and prompt punishment  
3 to unit commanders for neglect of taking good care  
4 of arms. As regards our relations with the Burmese  
5 people, the scorched-earth tactics were, of course,  
6 prohibited and appropriate facilities for retreat  
7 were afforded to official and civilian evacuees.  
8 It was also ordered to avoid setting billets and  
9 any army camps in residential districts. In this  
10 way the forces at the front put up with all incon-  
11 veniences to keep the people from suffering from the  
12 ill effects of war. Also after that, at the time  
13 of evacuation from Maymyo (about 30 kilometers north-  
14 east of Mandalay) a special order was issued to ban  
15 the scorched-earth tactics.

16 "3. General KIMURA, who was very eager to  
17 promote good understanding and cooperation between  
18 the Japanese and Burmese, distributed among his  
19 forces a pamphlet in two volumes entitled, 'The  
20 Attitude to Take Toward the Burmese,' and ordered it  
21 to be observed. We also made efforts to see to it  
22 that the order was carried out. The pamphlet con-  
23 tained articles on the differences in manners and  
24 customs between the two peoples to clear away any  
25 misunderstanding so it might contribute to the

1 friendship between them. It is the regret of this  
2 deponent that the pamphlet and the Area Army Com-  
3 mander KIMURA's telegram to the 15th Army Head-  
4 quarters, mentioned above, cannot be submitted to  
5 the Tribunal because they had been lost or burned  
6 at the time of our retreat through enemy lines  
7 after the failure of the battle of Irrawaddy.

8 "Besides at the end of war all documents  
9 other than those concerning personnel affairs, ac-  
10 counts and supplies, and military sanitation, and  
11 particularly any document having any connection with  
12 strategy and policy were burned by order of superior  
13 authorities.

14 "By the time of the opening of the battle  
15 of Irrawaddy, General KIMURA had held meetings at the  
16 Area Army Headquarters in Rangoon for the purpose of  
17 consulting with respective army staff officers and  
18 unit commanders about problems of strategy, education,  
19 and self-government. At each meeting General KIMURA  
20 gave necessary instructions. At the meeting on  
21 strategy when I presented myself, he delivered re-  
22 peated addresses in reference to the maintenance  
23 of military discipline and to winning public favor.  
24 It was also emphasized to the same effect at other  
25 meetings. We, as his subordinates, concentrated our

1 efforts to carry them out in obedience to his in-  
2 tentions.

3 "Because of racial similiarities, from the  
4 very beginning, the Japanese Army and the Burmese  
5 people were well disposed toward each other. Gneral-  
6 ly, the Japanese Army was cautious and prudent in  
7 action and enforced strict military discipline and  
8 thereby had won the confidence of the Burmese people  
9 at large. With the increasingly heavier pressure  
10 of troubles by war, an anti-war feeling was gradually  
11 stealing into the hearts of the Burmese people.  
12 Particularly since the latter period of the battle  
13 of Irrawaddy, in view of Japan's obvious defeat, an  
14 anti-Japanese tendency seemed to have been brought  
15 about among a certain portion of the people, from the  
16 time of the revolt of the Burmese National Defense  
17 Army.

18 "6. After the failure of the operations in  
19 the Impahl zone, the 15th Army suffered heavy losses  
20 both in number of troops and arms. Remarkable decline  
21 was seen of morale and physical strength. More than  
22 that, a great number of soldiers were suffering from  
23 diseases. Thus it was quite difficult for the 15th  
24 Army to regain its combat power. Little supply was  
25 sent from the rear and we prepared with much difficulty

1 for the coming battle of Irrawaddy. But about the  
2 middle of February 1945, a frontal attack by predomi-  
3 nant British-Indian Forces was attempted. In parallel  
4 with this action, a flank attack was made by British-  
5 Indian Mechanized Corps which had broken into Burma  
6 by way of Meiktila early in March. As a result, our  
7 lines were cut off on all sides, and each corps was  
8 forced into an isolated position. Every means of  
9 communication by land was cut off and, owing to the  
10 want of electric batteries, wireless communication  
11 was barely available resulting in insufficiency of  
12 command and communication."

13 I skip now to the last two lines on page 7.

14 "Beginning early in June 1945, the communi-  
15 cation by land was scarcely possible, as this was the  
16 heaviest rainy season. Such being the situation, the  
17 communication either between a commander and his  
18 subordinates or between one unit and another was  
19 also hardly carried out.

20 "In addition, the activities of British-  
21 Indian planes and the disturbing attacks in the rear  
22 by guerrilla units of the Burmese National Defense  
23 Army made a vital menace to our forces. Soldiers in  
24 minor units and stragglers were in constant danger  
25 of life as a result of the pressure of defeat.



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"On this 30th day of June, 1947."

Cross-examine.

1 THE PRESIDENT: On page 1, the second last  
2 line in the second paragraph, appears the expression  
3 "September 1945." Should that be 1944?

4 MR. FREEMAN: It is '44 on mine.

5 I understand it should be '44.

6 COLONEL MORNANE: If the Tribunal please,  
7 there will be no cross-examination of this witness.

8 MR. FREEMAN: May the witness be excused?

9 THE PRESIDENT: He is excused on the usual  
10 terms.

11 (Whereupon, the witness was excused.)

12 MR. FREEMAN: If the Tribunal please, the  
13 next witness, HIRAOKA, is not present, but it is my  
14 understanding that the prosecution does not wish to  
15 cross-examine. If that is true, I shall read the  
16 affidavit.

17 I offer in evidence defense document 1920.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 1920  
20 will receive exhibit No. 3092.

21 (Whereupon, the document above  
22 referred to was marked defense exhibit  
23 No. 3092 and received in evidence.)

24 MR. FREEMAN: I shall read into evidence  
25 exhibit 3092.

1 "My name is HIRAOKA, Junzo. I was born in  
2 the Hiroshima Prefecture on January 1, 1890, the  
3 23rd year of Meiji, and appointed second lieutenant  
4 in the army on December 25, 1912. After having  
5 passed, since then, through ordinary courses in the  
6 army, I was appointed an attache to the commander of  
7 the Burma Area Army in March, 1943, and remained in  
8 the same post to the end of the war. I was colonel  
9 at the time of surrender."

10 He has been released from Sugamo Prison.

11 THE PRESIDENT: Omit that.

12 MR. FREEMAN: (Continuing) "In the last part  
13 of February, 1944, I was appointed to hold the addi-  
14 tional post of the adviser to the Burmese Government  
15 and had, thereafter, comparatively many opportunities  
16 to contact with the important men in the Burmese  
17 Government presided over by Dr. Bahmo.

18 "General KIMURA, who assumed his post as the  
19 commander of the Burmese Area Army in the middle of  
20 September, 1944, amidst the most difficult situation  
21 both politically and strategically since the Impahl  
22 operation, made it his special concern to secure the  
23 confidence of the Burmese people. So since his first  
24 arrival, he took advantage of every possible oppor-  
25 tunity to emphasize its importance and to warn the

1 soldiers under his command, as well as the Japanese  
2 residents in Burma, to that effect.

3 "Since the latter part of October, 1944,  
4 General KIMURA had several close conversations with  
5 many leading men of the Burmese Government. Every time  
6 when I happened to attend, he listened earnestly to  
7 the Burmese, letting them frankly advance their  
8 opinions without reserve at each meeting for five or  
9 six hours. Picking up suggestions for improvement  
10 presented, he transmitted them to those concerned  
11 immediately for correction.

12 "These talks were heartily received by all  
13 Burmese leaders. The Burmese feelings toward Japan  
14 were greatly improved through these meetings.

15 "General KIMURA, Ambassador ISHII and Dr. Bahmo  
16 had regular talks, at least once a month, and tried  
17 to promote mutual understandings. Since about  
18 February, 1945, the strategical situation in Burma  
19 became worse day by day and the living conditions of  
20 the Burmese people became worse also. So General  
21 KIMURA often forewarned his staff officers that though  
22 they were preoccupied by pressure of severe operational  
23 demands, they must not forget the feelings of the  
24 Burmese people, and that they should not lose their  
25 popularity with the Burmese, even at the sacrifice of

1 some part of the military operations, and had directed  
2 the release of some textile goods from the Japanese  
3 Army to the Burmese civilians, and the limitation of  
4 the quantity of grain purchased by the Japanese Army.  
5 Furthermore, I often witnessed the scenes in the  
6 Departmental Chief Conference or other occasions, in  
7 which he was urging the chief of the Medical Depart-  
8 ment of the army under his assignment to promote medi-  
9 cal relief for the sick and wounded caused by bombard-  
10 ment, etc., among the Burmese people.

11 "Listening personally to the peoples' voice  
12 through the Burmese leaders, General KIMURA had, not-  
13 withstanding the scarcity of paper, a leaflet entitled  
14 'The Attitude to Take Toward the Burmese People' com-  
15 piled, printed and distributed among soldiers and the  
16 Japanese residents. Furthermore, he had the vice-  
17 chief of his staff, etc., give lectures on the kindly  
18 treatment of the Burmese peoples to the important  
19 Japanese civilians in Burma.

20 "Such sympathy and sincerity of General  
21 KIMURA as above mentioned toward the Burmese people  
22 helped regain the confidence of the Burmese in the  
23 Japanese Army which has been lessening through her  
24 disadvantageous war situation in the whole Pacific  
25 battle area, especially in Burma, so that the

1 anti-Japanese underground movements by some groups of  
2 Burmese who were arising since the rainy season of  
3 1944 was temporarily stopped.

4 "It was about November, 1944, that many  
5 Burmese leaders, comprising Dr. Bahmo, Mr. Takin Miya  
6 (Vice-Premier), Mr. U Ton Aun (Minister of Cooperation),  
7 Mr. Takin Tanton (Minister of Demand and Supply) and  
8 Mr. Uba Win (Home Minister) told me that they were  
9 happy to have a benevolent commander with good under-  
10 standing, good will and deep sympathy toward Burma,  
11 and that they expected that the anti-Japanese atmos-  
12 phere which was appearing in some groups of the Burmese  
13 would probably be swept away.

14 "In February, 1945, when the war situation  
15 in many districts was at a most adverse stage to  
16 Japan, the handcraft exhibition was held at Rangoon  
17 under the sponsorship of the Japanese and attracted  
18 the Burmese numbering from 50,000 to 100,000 every day.  
19 Furthermore, movie theatres in Rangoon City, numbering  
20 seven or eight in all, were almost packed every day  
21 and night even after the rebellion of the National  
22 Defense Army in the latter part of March of the same  
23 year.

24 "At the time of evacuation of the Japanese  
25 Army from Rangoon, General KIMURA, having deliberately

1 decided not to incur the war disaster upon the  
2 Burmese people, prohibited, by order, the burning  
3 of the property of the Burmese people. At the eva-  
4 cuation, furthermore, he left the Burmese leaders to  
5 do as they liked and so a half of the ministers  
6 remained in Rangoon.

7 "As the adviser to the Burmese Government, I  
8 sometimes heard the Burmese Government complain of  
9 the junior grade Japanese military men and civilians,  
10 But I never heard, during the tenure of my office,  
11 of the cruelty committed by the soldiers of the  
12 Burma Area Army spoken of by either governmental  
13 authorities or the people."

14 I next call the witness SHIMAZU, Hisanaga,  
15 whose affidavit is document 1870.

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1 H I S A N A G A S H I M A Z U, called as a  
2 witness on behalf of the defense, being  
3 first duly sworn, testified through Japanese  
4 interpreters as follows:

5 DIRECT EXAMINATION

6 MR. FREEMAN: I offer in evidence defense  
7 document 1870.

8 THE PRESIDENT: Oh, no, not yet.

9 MR. FREEMAN: Excuse me; I am sorry.

10 BY MR. FREEMAN:

11 Q Mr. SHIMAZU, will you give us your full  
12 name and address?

13 A My name is SHIMAZU, Hisanaga. My address,  
14 130 1-chome Amanuma, Suginami-ku, Tokyo.

15 MR. FREEMAN: May the witness be shown  
16 defense document 1870.

17 Q Is that your affidavit, and have you signed  
18 it?

19 A Yes.

20 Q Are the contents therein true and correct?

21 A It is true and accurate.

22 MR. FREEMAN: I now offer in evidence  
23 defense document 1870.

24 THE PRESIDENT: This has become repetitive.  
25 These affidavits are all along the same lines.



1 However, there is no objection yet; but the Court  
2 has a duty, independently of the attitude of the  
3 prosecution, to prevent repetitive evidence being  
4 given, to prevent evidence becoming cumulative. . .

5 MR. FREEMAN: Each one of these documents  
6 that is being offered in evidence is an attempt to  
7 give, by different witnesses, different positions  
8 which they occupied, evidence in the area of the  
9 Burma theater. It of necessity is and must be repe-  
10 titive in many instances, but the defense feels and  
11 is offering it for what probative value the evidence  
12 is worth.

13 If the Tribunal does not wish to hear the  
14 document, we will withdraw it.

15 THE PRESIDENT: I think a majority do not  
16 want to hear it.

17 MR. FREEMAN: May the witness be released?

18 THE PRESIDENT: Do you wish to cross-examine  
19 him, Mr. Tavenner?

20 COLONEL MORNANE: No, sir, no cross-examination.

21 THE PRESIDENT: He is released on the usual  
22 terms.

23 (Whereupon, the witness was excused.)

24 MR. FREEMAN: I next call the witness  
25 YAMAGUCHI, Eiji, whose affidavit is defense document

No. 1451.

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E I J I Y A M A G U C H I, called as a witness  
on behalf of the defense, being first duly  
sworn, testified through Japanese inter-  
preters as follows:

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DIRECT EXAMINATION

7

BY MR. FREEMAN:

8

Q Mr. YAMAGUCHI, will you give us your full  
name and address?

9

10

A My name is YAMAGUCHI, Eiji. My address,  
134 3-chome, Nanjo-machi, Takat-shi, Niigata  
Prefecture.

11

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13

MR. FREEMAN: May the witness be shown  
defense document 1451.

14

15

16

THE WITNESS: It is 1541 on mine.

17

MR. FREEMAN: I am sorry, that document  
is 1451.

18

19

THE PRESIDENT: Admitted on the usual terms.

20

CLERK OF THE COURT: Defense document 1451  
will receive exhibit No. 3093.

21

22

(Whereupon, the document above  
referred to was marked defense exhibit  
No. 3093 and received in evidence.)

23

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25

THE PRESIDENT: There is a great deal of

1 repetitive material in this also, although I cannot  
2 say the whole of it is repetitive.

3 MR. FREEMAN: Part of this is--

4 THE PRESIDENT: Do not read that part which  
5 you must be now satisfied is repetitive.

6 MR. FREEMAN: Some of this has been deleted.  
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1 I now read into evidence the last page of  
2 exhibit 3093, beginning with paragraph 4:

3 "4. As for the alleged illegal actions of  
4 which a charge is laid before the Court, the Army  
5 Headquarters never ordered such illegalities to be  
6 perpetrated, nor did it receive any reports on the  
7 same; in fact, we knew nothing whatever about the  
8 cases. Accordingly, General KIMURA, Commander of the  
9 Area Army forces, had of course no knowledge whatso-  
10 ever of those wrongs. - -"

11 COLONEL MORNANE: If it please the Tribunal,  
12 the prosecution objects to this. The witness cannot  
13 say whether General KIMURA had any knowledge of these  
14 things or not, in his position.

15 THE PRESIDENT: No, he cannot.

16 MR. FREEMAN: Is the objection upheld?

17 THE PRESIDENT: Is that all you object to in  
18 this affidavit?

19 COLONEL MORNANE: If it please the Tribunal,  
20 I object to the whole of the part that has been read  
21 up to date.

22 THE PRESIDENT: Well, it looks as though we  
23 will have to weigh it on the Bench. It is full of  
24 repetitive material at all events.

25 COLONEL MORNANE: It is only paragraph 4 my

1 friend is putting in, on page 12.

2 THE PRESIDENT: No, he cannot. That is  
3 clearly open to objection, and the objection is up-  
4 held.

5 MR. FREEMAN: May the witness be excused?

6 THE PRESIDENT: The witness is excused on  
7 the usual terms.

8 (Whereupon, the witness was excused.)

9 - - -

10 MR. FREEMAN: I now refer to exhibit 1472  
11 and wish to read from the beginning of the sentence  
12 in the third line to the middle of the first paragraph,  
13 ending with the words "military authorities," on page 2:

14 "I reproduce in substance following letter  
15 addressed to me by Minister TOGO: 'American citizens  
16 whom you are endeavoring to protect enjoy proper treat-  
17 ment as you have been able to judge from your visits.  
18 The Government is not in possession of complete details  
19 for all occupied territories but an official of Japa-  
20 nese Consulate General Hong Kong has taken over Ameri-  
21 can Consulate General after fall of that colony and  
22 has done his best obtain as many facilities as possible  
23 for American officials. Accordance their desire all  
24 American personnel (consisting 13 persons) and 7  
25 members American Embassy were put together January 9

1 in two buildings chosen by American Consul himself.  
2 They have expressed their thanks for treatment accord-  
3 ed. They are authorized go out twice weekly escorted  
4 by Japanese official. Their food sufficiently assured  
5 by Japanese Army and all in good health. Adequate  
6 protection likewise accorded other American citizens.  
7 In addition 26 members American Consulate General  
8 Manila benefit same treatment as consuls all other  
9 countries; they live in building belonging American  
10 citizen in Pasaynang Howrood in suburbs Manila. They  
11 have also thanked Japanese Consulate General for  
12 indulgent treatment given them and have told us that  
13 they suffer no privation. Treatment given other  
14 American citizens by Japanese military authorities  
15 no less indulgent in principle. Old people, mothers  
16 of young children, the sick and pregnant women are  
17 not detained by military authorities."  
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1           If the Tribunal please, the witness MURATA  
2 is not present, so, therefore, we will have to pass  
3 defense document 1741. Also, defense document 1453  
4 is passed for the present.

5           THE PRESIDENT: This is the wrong document  
6 that we have. This is MURATA's affidavit that we have  
7 been given.

8           You are not calling him because he isn't here  
9 to call, so you have passed on to the next document.

10          MR. FREEMAN: MURATA is not present today.

11          THE PRESIDENT: Well, we want defense document  
12 1453. We have been given defense document 1741.

13          Where is 2035, Mr. Freeman?

14          MR. FREEMAN: I have it.

15          I next offer in evidence extracts from the  
16 testimony of the witness ISHIKAWA, Kikuo, defense  
17 document 2035, who testified for the defense in the  
18 YAMASHITA trial. I may state that in addition to this  
19 extracti n, the prosecution has requested that I read  
20 additional extracts from the original which I intend to  
21 do and will indicate the insertions requested by the  
22 prosecution when they are reached -- extracts from the  
23 cross-examination that prosecution has requested that  
24 I read.  
25

          THE PRESIDENT: Is there any short way of

1 dealing with this YAMASHITA position?

2 MR. FREEMAN: If the Tribunal pleases, I  
3 realize that this document is lengthy. I have cut  
4 it down considerably. But, it, in the direct and  
5 cross-examination, gives pretty well the situation  
6 that existed in the Philippines during the war and at  
7 the end of the war. And we have restricted ourselves,  
8 for that reason, to two or three affidavits in addition  
9 to this concerned in the Philippine Area.

10 THE PRESIDENT: The whole position was fully  
11 covered by the United States Supreme Court. I am not  
12 suggesting we are bound by their conclusions of fact,  
13 but it may be arranged by both sides that we should  
14 be referred to that judgment and invited to form our  
15 own conclusions on the facts.

16 Mr. Tavenner.

17 MR. TAVENNER: If it please the Tribunal, I  
18 did not understand that a matter of that sort was in-  
19 volved in this testimony. I was told that defense  
20 would produce this witness to testify unless we agreed  
21 that he would testify to what appears in this record.  
22 And, on the assurance that this would be the only  
23 excerpt from that trial which would be so presented,  
24 I agreed as a matter of saving time. So, I think  
25 there is nothing involved in it at all excepting the



1 testimony of the particular witness.

2 THE PRESIDENT: We will leave it at that.

3 We will recess for fifteen minutes.

4 (Whereupon, at 1445, a recess was  
5 taken until 1500, after which the proceed-  
6 ings were resumed as follows:)

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1           MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3           THE PRESIDENT: Are you offering the whole of  
4 this document, 2035, Mr. Freeman?

5           MR. FREEMAN: For identification only.

6           THE PRESIDENT: You are tendering parts only?  
7 Then mark it for identification.

8           MR. FREEMAN: I am offering an excerpt from  
9 the original of the entire transcript for identifica-  
10 tion only.

11           CLERK OF THE COURT: Excerpt taken from Volume  
12 XXV of "The Trial Record in the case of United States  
13 vs. Tomoyuki YAMASHITA" will receive exhibit number  
14 3094 for identification only.  
15

16           THE PRESIDENT: The excerpt is admitted on  
17 the usual terms.

18           .. (Whereupon, the document above referred  
19 to was marked exhibit 3094 for identification.)  
20

21           CLERK OF THE COURT: Excerpt from Exhibit  
22 3094, defense document 2035, will receive exhibit number  
23 3094-A.  
24

25           (Whereupon, the document above referred  
to was marked exhibit 3094-A and received in  
evidence.)

1 MR. FREEMAN: I will now read in evidence exhib-  
2 it 3094-A, beginning with "Direct Examination", on page 1.

3 "Direct Examination.

4 "Q (By Captain Reel) What is your name?

5 "A (Through Commander Bartlett) Ishikawa, Kikuo.

6 \* \* \*

7 "Q And your rank in the Japanese Army?

8 "A Lieutenant Colonel."

9 \* \* \* \*

10 "Q When did you come to the Philippine Islands?

11 "A 27th of September of last year.

12 "Q And what was your assignment here?

13 "A Supply and Transportation.

14 "Q And are you a member of the staff of general  
15 headquarters 14th Army group?

16 "A Yes.

17 "Q Did you keep that assignment right on through  
18 to the time of surrender?

19 "A Yes."

20 \* \* \* \*

21 "Q You were in Kapangan at the time of your sur-  
22 render?

23 "A At the time of the surrender I was at No. 3  
24 R.H., or Rest House.

25 "Q Now, at Fort McKinley and at Baguio and at

1 Kapanagan, were you in General Yamashita's headquarters?

2 "A Yes.

3 "Q Now, as staff officer in charge of supply and  
4 transportation, tell us briefly just what your duties  
5 were.

6 "A With respect to supply, briefly, it was divid-  
7 ed into food, weapons, ammunition, and medical supplies.  
8 With respect to transportation, just motor transport.

9 "Q What was your connection, if any, with General  
10 Kira, the Intendance Officer?

11 "A To explain by an example, General Kira would  
12 have charge of daily issue of rations at all times,  
13 whereas I would make plans concerning rations only  
14 during operations. The actual rations themselves were  
15 always under the control of General Kira."  
16

17 \* \* \* \*

18 "Q And why would these matters of supply be  
19 routed to you?

20 "A As examples, if a shipment in rice should arrive  
21 from Saigon, or, on the other hand, the extreme scarcity  
22 of rice made it necessary to cut the ration, or some-  
23 thing of that sort, then it would come to my attention.

24 "Q And in your capacity as transportation officer,  
25 were you concerned with the food supply?

"A Very close connection.

1 "Q What was that, and why?

2 "A For instance, if a ship should arrive in Manila,  
3 it was necessary to get it unloaded before anything  
4 happened to it, and as a result it was necessary to  
5 route all available transportation for discharging the  
6 ship and hauling the supplies to places of safety."

7 \* \* \* \*

8 "Q Now, from what you saw and what you know,  
9 what was the condition of food and supplies insofar as  
10 prisoner of war camps, internee camps, and the Japanese  
11 Army, were concerned?"

12 \* \* \* \*

13 "A (Through Commander Bartlett) In my knowledge,  
14 it was no difference whatever between the prisoner of  
15 war camps, internee camps, and the Japanese Army;  
16 they were the same.

17 "Q (By Captain Reel) Now, what was the condition  
18 of the food supply between October and December, 1944?

19 "A I will tell you the conditions in October first.

20 "Q All right.

21 "A When I arrived in October, although the  
22 standard ration for troops was 450 grams, they were  
23 actually receiving not more than 400 grams.

24 According to my memory, in November, on the  
25 9th day, 10,000 tons of rice arrived from Saigon. Of

1 this, approximately half was sent to Leyte. On  
2 the assumption that the remaining half must be stretch-  
3 ed out over two months, the daily ration was again cut  
4 to 400 grams. As a matter of fact, the actual ration  
5 received by the men was less than 350 grams.

6 I will now speak of December. No food arrived  
7 by boat in December. All the ships were sunk by enemy  
8 action. As a result, the food situation deteriorated  
9 further and many organizations were actually receiving  
10 not more than 250 or 260 grams. Therefore, it appears  
11 necessary to take steps to secure part of the new crop  
12 of rice being harvested at the end of December and  
13 early in January, and I brought this matter to the  
14 attention of the commander -- to General Kira's atten-  
15 tion."  
16

17 \* \* \* \*

18 "Q (By Captain Reel) Now, you just stated that  
19 a ship arrived approximately the 9th of November, 1944,  
20 containing 10,000 tons of rice. Are you sure of that  
21 figure?

22 "A Yes.

23 "Q General Kira was on the stand and said that  
24 some time in November 16,000 tons of rice arrived.  
25 Was he correct?

"A I think what he said is a mistake.

1 "Q Now, that 10,000 tons of rice, what was done --  
2 strike that. What was done with the 10,000 tons of rice?

3 "A Of the 10,000 tons, 5,000 tons were sent or  
4 lent to the navy --

5 "CAPTAIN REEL: Was that 500 or 5,000?

6 "INTERPRETER OISHI: Yes, 500.

7 "THE WITNESS: The actual amount used in Manila  
8 was 4,000 ton. There was some spoilage.

9 "Q Now, how many meals a day did the Japanese  
10 army soldiers get?

11 "A Three times a day, but on occasions two times  
12 a day -

13 "Q Now, was that general rule of three times a  
14 day cut to two times a day some time in January of 1945?

15 "A Yes.

16 "Q That included yourself?

17 "A Yes."

18 \* \* \* \*

19 "Q Now, did you go on any inspection trips of  
20 prison or internee camps?

21 "A Yes.

22 "Q And on whose order did you make these inspec-  
23 tion trips?

24 "A The Chief of Staff.

25 "Q That is General Muto?

1 "A Yes.

2 "Q Now, where did you go on these trips, which  
3 camps?

4 "A To Santo Tomas Internment Camp, the Bilibid  
5 Internment Camp and McKinley Internment Camp; the  
6 three places in all.

7 "Q Did you go to any others?

8 "A No.

9 "Q And what did General Muto tell you to do?

10 "A The matters dealing with supply, particularly  
11 food.

12 "Q And what did you find on your inspections to  
13 these three camps relative to food?

14 "A The food supply was the same as those of the  
15 Japanese army but they were gradually diminishing.  
16 Ships had not come in. There were no fuels for trans-  
17 portation purposes so we had to borrow those items from  
18 the air force."

19 \* \* \* \*

20  
21 "Q (By Captain Reel) Did you find that the Japan-  
22 ese Army had to make local purchases in the vicinity of  
23 those three camps?

24 "A They purchased vegetables but I doubt if they  
25 purchased rice.

"Q Now, what were the dates upon which you visited



1 those three camps, as near as you can recollect?

2 "A I believe it was about November 20th, 1944.

3 "Q As a result of those visits, did you make a  
4 report to General Muto?

5 "A Yes.

6 "Q What was the nature of that report?

7 "A The food was the same as those of the Japanese  
8 army but it was meager.

9 "Q Did you make any recommendations?

10 "A Since ships didn't come in and we couldn't very  
11 well requisition any supplies from the locality, some-  
12 thing must be done to requisition them from Luzon."

13 \* \* \* \*

14 "Q (By Captain Reel) How would this requisition,  
15 as it has been interpreted, be done?

16 "A I didn't mean 'requisition'; 'buy' is the word.

17 CAPTAIN REEL: Could I have the last answer?

18 (Answer read)

19 "Q (By Captain Reel) Now, what was the recommenda-  
20 tion that you made to General Muto relative to buying  
21 rice?

22 "A First of all, even if we didn't buy rice we  
23 didn't have the fuel for automobiles. We should have  
24 arrangements made to obtain fuels from the air force.

25 "Q In other words, you recommended getting fuel

1 from the 4th Air Army?

2 "A Yes.

3 "Q And what did General Muto do when you reported  
4 that to him?

5 "A He immediately dispatched myself and Deputy  
6 Chief of Staff Nishimura to this 4th Air Force.

7 "Q For what purpose?

8 "A In order to obtain gasoline.

9 "Q And how much gasoline were you to obtain?

10 "A A minimum of 10,000 drums.

11 "Q Did you get it?

12 "A No.

13 "Q Did you make further trips and attempts to  
14 get gasoline from the 4th Air Army?

15 "A I made about seven trips.

16 "Q And did you finally get any gasoline from the  
17 4th Air Army?

18 "A On December 15th of last year I received 1500  
19 drums.

20 "Q Did you actually get 1500 drums in your  
21 possession?

22 "A I actually received 600 drums."

23 \* \* \* \*

24 "Q (By Captain Reel) Where were the 600 drums  
25 that you did receive?

1 "A We used that to transport munitions and food  
2 supplies from Manila."

3 \* \* \* \*

4 "GENERAL REYNOLDS: The Commission interrupts.  
5 Let us drop this subject of gasoline. We grant that  
6 the transportation difficulties and gasoline short-  
7 age difficulties were present and that they were acute  
8 and that they affected their operations. We see no  
9 occasion for pursuing this any further. We will now  
10 take up some other subject.

11 "CAPTAIN REEL: All right, sir. The only  
12 purpose of going into the fuel question was because  
13 the lack of fuel was the bottleneck that prevented  
14 the shipment of food. That is its relationship to the  
15 food question, if the Commission please.

16 "GENERAL REYNOLDS: We grant that.

17 "CAPTAIN REEL: Yes, sir.

18 "Q Now, do you recall an order relative to the  
19 release of prisoners of war and civilian internees?  
20

21 "A Yes.

22 "Q And tell us what that order was and who it  
23 came from.

24 "A It came from Tokyo, from the Army Commander  
25 through YAMASHITA and it was issued to the various  
internment camps.

1 "Q In other words, the order came from Tokyo  
2 but was passed on by General YAMASHITA, is that right?

3 "A Yes.

4 "Q When did the order first come to your atten-  
5 tion?

6 "A I believe it was about December 20th.

7 "Q And what was the substance of the order from  
8 Tokyo?

9 "A It first was to treat prisoners in a friendly  
10 manner and in case the Americans should approach to  
11 leave as much food and medicine as possible for the  
12 internees and prisoners.

13 "The third item was not to treat the prisoners  
14 or internees in any atrocious manner whatsoever be-  
15 fore retreating."

16 \* \* \* \*

17 "Q Now, was that a written order?

18 "A Yes.

19 "Q And do you have that order with you?

20 "A No.

21 "Q What happened to it?

22 "A I had to throw all the papers I had away  
23 at the Luzon P.W. Camp No. 1.

24 "Q Did you have it until you got to the Luzon  
25 P.W. Camp No. 1?

1 "A Yes.

2 "Q And why did you throw it away?

3 "A There was instructions to that effect.

4 "Q From whom?

5 "A From one who is in charge there.

6 "Q Somebody in charge of the prison?

7 "A Yes.

8 "GENERAL REYNOLDS: The Commission interrupts  
9 for clarification of words. I believe he said 'throw  
10 away.' Is that correct?

11 "INTERPRETER: Yes.

12 "GENERAL REYNOLDS: Could it also have meant  
13 'surrender' or 'give up'? because it seems inconceiv-  
14 able that American officers would ask prisoners of war  
15 to throw away official documents when their mission  
16 was to capture or gain possession of them.

17 "MAJOR PRATT: Sir, the word which the pris-  
18 oner used was 'sutero', which means to 'discard' or  
19 throw away.'

20 "GENERAL REYNOLDS: Very well."

21 \* \* \* \*

22 "Q Did you at any time either during your  
23 trips to Santo Tomas, Bilibid, Fort McKinley or at any  
24 other time hear any reports of cruelty and ill treat-  
25 ment of prisoners of war and internees?

"A No.

1           If the Court please, there is an insertion  
2 here by the prosecution:

3           "Q   You had inspected Santo Tomas, Bilibid  
4 and Fort McKinley prisoner-of-war or internment camps  
5 on the 20th of November; is that correct?

6           "A   Yes.

7           "Q   Did you visit each of those places on  
8 the same day?

9           "A   On different days.

10          "Q   On what date did you visit each one of  
11 them?

12          "A   I visited Santo Tomas about November 18th  
13 or 19th. I visited Bilibid about three days afterward.  
14 I visited McKinley in the early part of December.

15          "Q   Was that the only time that you visited  
16 those camps?

17          "A   That was the only time.

18          "Q   Do I understand that you never visited  
19 any other prisoner-of-war or internment camps?  
20

21          "A   No. I did not visit any other camps.

22          "Q   In December 1944 you were already moving  
23 supplies from Manila; is that correct?

24               "GENERAL REYNOLDS: Before that question  
25 is answered, the witness has testified that he visited  
these prisoner-of-war and civilian internee camps and

1 made investigations as to the ration, but before we  
2 leave that subject we must know whether he went into  
3 the prisoner-of-war dining rooms and saw the food on  
4 their tables and saw the storerooms and compared what  
5 prisoners of war were eating with the food served to  
6 the Japanese guards at that time. The mere statement  
7 that he visited the four camps does not in any way  
8 set him up as qualified to make the statements until  
9 we find that out. Please explore it further."

10

11

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1 THE PRESIDENT: None of us can follow you.

2 MR. FREEMAN: This is an insertion by the  
3 prosecution.

4 THE PRESIDENT: Page what?

5 MR. FREEMAN: It is in the original. It is  
6 the top of page 10.

7 "CROSS-EXAMINATION"

8 \* \* \* \*

9 "Q What canned goods were you applying to the  
10 internees at that time?

11 "A I do not know those small details.

12 "Q Weren't you in charge of supplying them?

13 "A I was in charge of the over-all planning of  
14 supplies for the entire army, and I do not know those  
15 minute details regarding the matter on hand.

16 "Q When you inspected Santo Tomas, did you find  
17 any canned goods there?

18 "A I do not remember distinctly now whether  
19 there were canned goods there or not."

20 There is another insertion by the prosecu-  
21 tion -- a comment by the Commission.

22 "GENERAL REYNOLDS: The Commission is in  
23 session.

24 "Before you leave the question of food in  
25 the camps, we will recall that the American civilian



1 internees and prisoners of war complained about the food  
2 qualitatively, that is, that it contained insufficient  
3 vitamins and minerals, and quantitatively, that is  
4 to say, not enough to prevent malnutrition and starva-  
5 tion. This witness testified that he inspected the  
6 mess hall during the preparation of a meal at one  
7 prisoner of war camp, which was in Bilibid, and he had  
8 nothing to say about the quantity, that is, how much  
9 per person was being served that day in comparison to  
10 the Japanese army; nor did he have anything to say  
11 about the extent of his inspection, how long he in-  
12 spected.

13 "Will you explore that further?

14 "CAPTAIN CALYER: Yes, sir.

15 "GENERAL REYNOLDS: Also, if he saw any  
16 American soldiers or internees, to compare their physi-  
17 cal condition with the guards."

18 There is another insertion for the prosecu-  
19 tion.

20 "CAPTAIN REEL: Sir, I believe the difficulty  
21 comes from the fact that the question is asked about  
22 Bilibid. The testimony of the witness was that he  
23 was at McKinley when food was being prepared, and at  
24 Bilibid there was no such preparation.

25 "GENERAL REYNOLDS: That is correct; it was

1 McKinley.

2 "CAPTAIN CALYER: That was my memory, too,  
3 but the Commission had asked about Bilibid.

4 "GENERAL REYNOLDS: Fort McKinley was the  
5 correct place."

6 \* \* \* \*

7 "Q On your visits to Santo Tomas, Bilibid and  
8 Fort McKinley did you go into the dining rooms when  
9 the prisoners were being fed?

10 "A At McKinley I happened to go there when they  
11 were just preparing the food, that is, when the food  
12 was ready to be served.

13 "Q What was being prepared?

14 "A They had rice together with fried potatoes,  
15 with some beans.

16 "Q That was in December?

17 "A Yes.

18 "Q What was the diet of the Japanese soldier at  
19 that time?

20 "A Something very similar.

21 "Q Did you inspect the storehouses at Fort Mc-  
22 Kinley?

23 "A No.

24 "Q Did you inspect the dining rooms at Santo  
25 Tomas?

1 "A I went to Santo Tomas after they had already  
2 eaten supper.

3 "Q Do you know what had been served?

4 "A And I visited the warehouse.

5 "Q What did you find at the warehouse with  
6 regard to supplies?

7 "A They had food stored there similar to our  
8 standards.

9 "Q What kind of food?

10 "A Mostly rice.

11 "Q Do you know what had been served with the  
12 meal before you got there?

13 "A I do not know.

14 "Q Did you examine or inspect the dining room at  
15 Bilibid?

16 "A I arrived at Bilibid after meal also. I in-  
17 spected the warehouse and the kitchen.

18 "Q What did you find?

19 "A I found that the rations were the same as  
20 those of the Japanese soldier.

21 "Q On your trips to these three places did you  
22 talk with any of the internees about food?

23 "A No.

24 "Q Were any reports or complaints submitted to  
25 you by the camp committee at any of these places?

1 "A No.

2 "Q Did you talk with the Japanese officials in  
3 charge of the camp?

4 "A Yes.

5 "Q Were they satisfied with food conditions in  
6 their respective camps?

7 "A They were not satisfied.

8 "Q What was done about it?

9 "A They requested more rice and more canned  
10 goods.

11 "Q What did you do about it?

12 "A I wanted to increase their rice and canned  
13 goods, but as far as the rice went, as I mentioned  
14 before, they were getting the same amount as the Jap-  
15 anese soldier and I do not remember now, but as far as  
16 the canned goods are concerned, I believe I did some-  
17 thing about those.

18 "Q What did you do?

19 "A I gave instructions to increase the amount  
20 of canned goods they were to get, but at that time  
21 there weren't many canned goods available and what the  
22 results of my instructions were I do not know.

23 "Q Were those increases intended for the inter-  
24 nees or for the Japanese garrison?

25 "A What I have stated concerns the internees

1 and the prisoners."

2 Here is another insertion from the original  
3 requested by the prosecution.

4 "Q General MUTO testified that you were the  
5 staff officer in charge of prisoner of war affairs.  
6 Is that statement correct?

7 "A Yes.

8 "Q And yet the only inspections you made were  
9 those which you have testified to, is that correct?

10 "A I could not make an inspection before.

11 "Q Those staff were you on?

12 "INTERPRETER: There is a correction.

13 "I could not make any inspections after  
14 that.'

15 "Q Why not?

16 "A Since that time I have been to Fort McKinley  
17 only once due to gasoline shortages and due to opera-  
18 tional preparations.

19 "Q Didn't you testify that you were stationed  
20 at Fort McKinley until the 5th of January, 1945?

21 "A Yes.

22 "Q Weren't you somewhere in the vicinity of Caba-  
23 natuan in the latter part of January or early part of  
24 February, 1945?

25 "A Yes.

1 "Q But you never visited Cabanatuan, is that  
2 correct?

3 "A I did not go.

4 "Q Those staff were you on?

5 "A I was a staff officer for General YAMASHITA.

6 "Q I believe at the beginning of your testimony  
7 this morning you said that your job concerned supply  
8 and transportation. Was that statement correct?

9 "A Yes."

10 \* \* \* \*

11 "Q How many prisoners were at Bilibid at the  
12 time you made your inspection?

13 "A About 2100."

14 \* \* \* \*

15 "Q How many prisoners were at McKinley at that  
16 time?

17 "A About 300.

18 "Q How much rice was being prepared for that meal?

19 "A Since there are three kettles cooking, I  
20 assumed that it must have been about from half a sack  
21 to one sack."  
22

23 \* \* \* \*

24 "Q Do I understand you to mean, then, that about  
25 25 pounds of rice was being prepared for 300 people?

"A I was referring to amount of rice from 50 to

1 100 pounds."

2 \* \* \* \*

3 "Q During any of these inspections, did you  
4 observe the internees?

5 "A At McKinley I observed some, but other than  
6 that I wasn't able to observe them.

7 "Q How did those whom you observed at McKinley  
8 compare in physical appearance with the Japanese guards  
9 at McKinley?

10 "A I thought it was similar.

11 "Q How did you happen to make these inspec-  
12 tions?

13 "A As I stated before, in the early part of  
14 November I was ordered to make an inspection tour  
15 concerning the shortage of rice and other food supplies.  
16

17 "Q Weren't you the staff officer in charge of  
18 prisoner of war affairs?

19 "A I was in charge of provisions and medical  
20 supplies, as far as the prisoners were concerned.

21 "Q Is that all that you had to do with prisoner  
22 of war camps?

23 "A That is correct.

24 "Q Did you have the same duties with respect to  
25 internee camps?

"A Same.

1 "Q Was that with regard to all prisoner of war  
2 and internee camps in the Philippines?

3 "A Yes.

4 \* \* \* \*

5 "REDIRECT EXAMINATION

6 "Q One more question: On your inspection trip  
7 to Fort McKinley, when you saw a meal being prepared,  
8 how many pounds of rice did you see being prepared  
9 for that meal?

10 "A Approximately anywhere from 50 pounds to  
11 100 pounds.

12 "EXAMINATION ON BEHALF OF THE COMMISSION

13 "Q While the witness was acting on General  
14 YASMASHITA's staff on prisoner of war matters, we wish  
15 to know whether any of the complaints filed by Ameri-  
16 can prisoners of war and civilian internees were brought  
17 to his attention.

18 "A No, I haven't.

19 "Q Did General YAMASHITA's orders require that  
20 such complaints be forwarded to his headquarters?

21 "A Yes.

22 "Q As staff officer did you consider the over-  
23 all responsibility for prisoner of war camps and  
24 civilian internees squarely on General YAMASHITA?  
25

"A I believe that the most responsible person  
is the commanding officer of the prisoner of war camp."



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## 1 "FURTHER RECROSS EXAMINATION

2 "Q Who prepared the regulations regarding the  
3 conduct of prisoners of war and civilian internees  
4 in the camps?

5 "A The regulations pertaining to the conduct  
6 in prisoner of war camps was made by a discussion be-  
7 tween the camp commander and the committee, and that  
8 is my understanding.

9 "Q Were they approved by any higher authority?

10 "A I don't remember, but probably it was so.  
11 At the time of my arrival things were put into prac-  
12 tice already and those things were decided long be-  
13 fore my arrival.

14 "Q As staff officer in charge of prisoner of  
15 war affairs did you ever inquire what regulations  
16 were in effect?

17 "A Matters pertaining to the conduct within  
18 the P.W. camps were the responsibility of the camp  
19 commander, and I didn't have much to do with what  
20 was going on within the camp.

21 "Q Did you ever inquire what those regulations  
22 were?

23 "A Since those regulations were made by the  
24 inmates themselves I didn't think I should say or  
25 do anything about it.

1 "Q Will you answer the question, please, whe-  
2 ther you inquired what the regulations were?

3 "A No.

4 "Q Do you know who prescribed regulations  
5 with regard to the punishment of civilian internees  
6 and prisoners of war?

7 "A I do not know.

8 "FURTHER EXAMINATION ON BEHALF OF THE COM-  
9 MISSION:

10 "Q Who did the Japanese Government, the  
11 Japanese High Command at Tokyo, hold responsible  
12 for the administration of prisoners of war and  
13 civilian internees?

14 "A Prisoner of war commander, the camp com-  
15 mander.

16 "Q (By General Reynolds) Do you mean to tell  
17 me that the Japanese High Command in Tokyo held  
18 that General YAMASHITA did not have complete re-  
19 sponsibility for prisoners of war under his control?  
20

21 "A No, I did not.

22 "Q What did you mean?

23 "A Direct responsibility with the prisoner  
24 of war camp commander.

25 "GENERAL REYNOLDS: Read the original question.

"THE WITNESS: I believe there are some respon-

1       sibilities.

2               "Q (By General Reynolds) What is that responsi-  
3       bility?

4               "A As for carrying out the orders, that was  
5       the responsibility of the prisoner of war camp  
6       commander. However, the overall responsibility  
7       lies in the Army commander.

8               "Q Who was responsible for the camp commander  
9       carrying out the orders?

10              "A First, there was Lieutenant General KO,  
11       and afterwards it was Lieutenant Colonel HAYASHI.

12              "Q And after that who was it?

13              "A That is all.

14              "Q And above Lieutenant Colonel HAYASHI and  
15       Lieutenant General KO, who was responsible to see  
16       that the orders of Tokyo were carried out?

17              "A The next responsible person was myself, who  
18       was a member of the staff in charge of the P. W.  
19       affairs.

20              "Q And who was next?

21              "A The next person, the next responsible person  
22       is the chief-of-staff.

23              "Q And who was next?

24              "A And the next responsible person is the com-  
25       manding officer of the 14th Area Army.

1 "Q What was his name?

2 "A General YAMASHITA.

3 "Q Of all the people he has named who had re-  
4 sponsibility for the prisoners of war and civilian  
5 internees, which of them was responsible to Tokyo  
6 for their administration?

7 "A I believe it is the 14th Area Army commander.

8 "GENERAL REYNOLDS: Why should he believe it;  
9 doesn't he know it?

10 "THE WITNESS: Since the prisoner of war camps  
11 are within the command of the Army commander, and  
12 since most of the administrative matters go through  
13 the Army commander, I believe it was his responsi-  
14 bility.

15 "FURTHER DIRECT EXAMINATION.

16 "Q And who was next in command above General  
17 YAMASHITA?

18 "A Marshal TERAUCHI.

19 "Q And did all your communications to Tokyo go  
20 through the Supreme Southern Commander, Marshal  
21 TERAUCHI?

22 "A Reports pertaining to prisoners were sent  
23 directly to Tokyo, to the office of information for  
24 prisoners.

25 "Q And reports from Tokyo, did they go through

1 Marshal TERAUCHI, the Supreme Southern Commander?

2 "A I believe they came direct.

3 "Q Did reports other than routine reports have  
4 to go through the Supreme Southern Commander?

5 "A Yes.

6 "Q And did reports other than mere routine  
7 reports coming from Tokyo go through the Supreme  
8 Southern Commander?

9 "A Yes.

10 "CAPTAIN REEL: That is all."  
11  
12  
13  
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25

1 MR. FREEMAN: I next call the witness  
2 KOBAYASHI, Shujiro whose affidavit is defense docu-  
3 ment 2211.

4 - - -

5 S H U J I R O K O B A Y A S H I, called as a witness  
6 for the defense, being first duly sworn, testi-  
7 fied through Japanese interpreters as follows:

8 DIRECT EXAMINATION

9 BY MR. FREEMAN:

10 Q Mr. KOBAYASHI, will you give us your full  
11 name and address.

12 A My name is KOBAYASHI, Shujiro. My address  
13 is Kidaide, Shimmei-cho, Inadachi-gun, Fukui Prefec-  
14 ture.

15 MR. FREEMAN: May the witness see defense  
16 document 2211.

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

19 Q Is that your affidavit, and have you signed  
20 it?

21 A It is my affidavit. It bears my signature.

22 Q Are the contents therein true and correct?

23 A However, there is a correction I should like  
24 to make.

25 Q Will you please indicate the correction.

1           A    On the second line of page 2 in the Japanese  
2 copy, "1947" should be corrected to "1944."

3                    (By the interpreter) That is page 4 of the  
4 English text at the end of the third paragraph.

5           A    (Continuing) "The morning of the 24th"  
6 should be corrected to "the morning of the 14th." The  
7 "24th" should be corrected to the "14th."

8                    Page 7, just before the numbered paragraph  
9 6, the words "The staff of the Headquarters including  
10 General YAMASHITA" should be corrected to "General  
11 YAMASHITA and his Chief of Staff." That is all.

12                   MR. FREEMAN: With these corrections, I offer  
13 defense document 2211 in evidence.

14                   THE PRESIDENT: Mr. Tavenner.

15                   MR. TAVENNER: If the Tribunal please, ob-  
16 jection is made to that part of the affidavit begin-  
17 ning at the end of the second paragraph on page 1,  
18 "I will make a statement as follows," down to item 6,  
19 the last paragraph on page 2. This matter relates  
20 entirely to the plan of operations which could have  
21 no material bearing on any issue in the case. If that  
22 objection is sustained, then paragraph 6, the first  
23 word, "he," should be struck and "the Area Army Com-  
24 mander" should be substituted in order to make sense.

25                   THE PRESIDENT: Well, I am inclined to agree

1 with a colleague who thinks that most of this is de-  
2 voted to description of operations.

3 MR. TAVENNER: I was about to comment, if  
4 your Honor please, that it seems to go into unneces-  
5 sary detail. There are portions here and there which  
6 appear relevant.

7 MR. FREEMAN: If the Tribunal please, I am  
8 willing to take out all that the prosecution has ob-  
9 jected to with the exception of beginning with "but  
10 General YAMASHITA decided on a plan" because that  
11 relates to foodstuffs. That is items 1 and 2 on  
12 page 2.

13 THE PRESIDENT: I suggest this witness stand  
14 down until you revise his affidavit. Let us get on  
15 to the other witnesses.

16 MR. FREEMAN: May the witness be excused?

17 (Whereupon, the witness was ex-  
18 cused.)

19 I next call the witness KOSHI, Saburo, whose  
20 affidavit is defense document 2297.

21 THE PRESIDENT: Mr. Tavenner, I suppose you  
22 have read the remaining affidavits. Do you propose  
23 to make similar objections?

24 MR. TAVENNER: That objection will not be  
25 made to the next affidavit and, in all probability,



1 cross-examination will be conducted.

2 - - -

3 S A B U R O K O S H I, called as a witness on be-  
4 half of the defense, being first duly sworn,  
5 testified through Japanese interpreters as  
6 follows:

7 DIRECT EXAMINATION

8 BY MR. FREEMAN:

9 Q. Mr. KOSHI, will you give us your full name  
10 and address.

11 A My name is KOSHI, Saburo; my address, No.  
12 1110, Nishiuzuhashi, Matsunoto City, Nagano Prefecture.

13 MR. FREEMAN: May the witness be shown de-  
14 fense document 2297.

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

17 Q Is that your affidavit, and have you signed  
18 it?

19 A Yes.

20 Q Are the contents therein true and correct?

21 A Yes.

22 MR. FREEMAN: I offer in evidence defense  
23 document 2297.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document 2297

1 will receive exhibit No. 3095.

2 (Whereupon, the document above re-  
3 ferred to was marked defense exhibit No.  
4 3095 and received in evidence.)

5 MR. FREEMAN: I now read into evidence ex-  
6 hibit 3095, beginning with the second line, second  
7 paragraph:

8 "During the Pacific War I, as the assistant  
9 Resident of Asahan of the East Coast Residency, Sunat-  
10 ra, Netherlandish East India, was in charge of the  
11 general military government in this district for three  
12 years ranging from August 6, 1943 to August 15, 1945.  
13 And then from the termination of the war to the end of  
14 April in 1946, when I was repatriated, I engaged myself  
15 in the arrangement of business at Tanjon Valley of  
16 Asahan Sub-Residency. Accordingly, I am one of those  
17 who have the best knowledge of the condition of the  
18 military government and the real state of the general  
19 detention camp, not only in Asahan Sub-Residency, but  
20 also in the East Coast Residency.

21 "I. General treatment for war-prisoners and  
22 internees in Sumatra.

23 "A. War prisoners.

24 "At the time when I arrived at my post there  
25 (August 6, 1942), the European War-prisoners camp was

1 in the vicinity of Medan. All the native soldiers  
2 had been released by that time except the soldiers who  
3 came from Ambon. They were kept under detention at  
4 Kota Chane because their religion and custom were  
5 different from others' and they had no occupation. I  
6 do not know about the internal affairs of the camp, for  
7 the administration of war-prisoners was under the di-  
8 rection of the commandant of the detention camp at  
9 Singapore and had nothing to do with the military  
10 government.

11 "B. General internees.

12 "The policy concerning the treatment of the  
13 interned was always in accordance with humanity and  
14 the international law.

15 "Provisions were supplied with food according  
16 to the rule, compulsory labour and mistreatment were  
17 prohibited, and punishments were all dealt in the  
18 light of the law. Besides, private things of the  
19 interned were permitted to be brought in to the great-  
20 est possible extent, and their remaining things and the  
21 property of legal persons were respectively kept and  
22 administered by the Administration Bureau of Enemy's  
23 Assets in accordance with the prescribed procedure.

24 "For the sake of convenience for making  
25 statements, I should like to divide into three terms

1 the period ranging from the time of my arriving at  
2 the post to the war end.

3 "The first term: From August, 1942 to March,  
4 1944.

5 "(a) During this term the detention camps  
6 were under the control of the Military Government  
7 Department. They were located in the cities of Medan,  
8 Blasta'y Shantal, Binjay, Tanjon Valley.

9 "(1) Hospitals, hotels, churches and pri-  
10 vate houses (residences of European people) were used  
11 for camp buildings.

12 "(2) The ration of provisions, especially of  
13 staple-food, for the interned was much larger in quan-  
14 tity than that for general inhabitants. Even in the  
15 prewar time Sumatra could not supply herself with  
16 sufficient foodstuff and was dependent upon the import  
17 from abroad. During the wartime, the lack of vessels  
18 and the damages sustained by the attack of submarine  
19 boats caused great difficulty in its importation of  
20 food. From a viewpoint of self-sufficiency, we were  
21 conducting a movement for a great increase in food-  
22 production, but we could not get any noticeable result.  
23 Due to the shortage of transportation capacity we en-  
24 countered many difficulties in gathering crops. Ac-  
25 cordingly, we could not distribute food to inhabitants

1 so well. But as for the ration of food for the in-  
2 terned, we did our best to maintain the prescribed  
3 quantity. When there was shortage of rice, we always  
4 made up for it with some other kinds of grain. Vege-  
5 tables were raised only by a few natives and some  
6 Chinese residents and that very little. So we en-  
7 couraged vegetable growing but the result was not so  
8 good.

9 "(3) General internees were at first al-  
10 lowed to carry some money in cash and other valuables.  
11 But this was restricted around May 1943 due to vari-  
12 ous evils which took place in connection with them.

13 "(4) The internees were allowed to go shop-  
14 ping on a duty system and the authorized merchants to  
15 enter the compound. Therefore the internees at first  
16 enjoyed their lives. But as evils came to take place  
17 one after another, the authorities became more strict  
18 with them and at last those intercourses with outside  
19 were prohibited. So was the employment of maid ser-  
20 vants.

21 "(5) Sanitation.

22 "One European doctor was attached to every  
23 detention camp. Mild cases were looked after at the  
24 dispensary in the camp and those with serious disease  
25 were admitted to a hospital with the permission of

1 the responsible persons. At that time medical artic-  
2 les were kept in large quantities.

3 "(6) Within the compound of the camp every-  
4 thing was transacted by the internees on an autono-  
5 mous system. They could take recreation and other  
6 necessary measures for securing health at their own  
7 device. If there was anything that they found impos-  
8 sible for them to do, they used to send us their rep-  
9 resentatives and had them make proposals to us. They  
10 were allowed to buy sporting goods.

11 "(7) The buildings of the detention camp were  
12 of European style and very good for health. Their  
13 life within the detention camp was totally autonomous  
14 and they carried on the education of their boys and  
15 girls by themselves.

16 "(8) Considering distance and other matters  
17 we provided the greatest possible convenience for  
18 their interview and communication. On every national  
19 holiday they were permitted to see their families.

20 "(9) Japanese personnel could not enter the  
21 camp without the permission of the responsible person.

22 "(b) Collaborators in military government.

23 "It was the policy of military government at  
24 that time to have those who were concerned in farms and  
25 doctors voluntarily collaborate in the administra-

1 tion of farms and in sanitary business respectively.  
2 So several hundreds of European people worked outside  
3 the camp and still enjoyed almost the same life and  
4 status as before. Such persons were completely pro-  
5 tected from being looted by the natives or from the  
6 dangers of life, and were vested with the authorita-  
7 tive power concerning the performance of their duties  
8 and this power was guaranteed. Some of them were made  
9 to stop collaboration and held in the detention camp  
10 through the prescribed formalities for such special  
11 reasons that they went into personal conflict with  
12 some Japanese, made friction with native people, did  
13 or might go against the aim of military government, or  
14 often took an action liable to be regarded as being  
15 against the aim. All others continued their life until  
16 the military situation became acute afterwards. All,  
17 except special persons, willingly collaborated in  
18 our task of military government. The heads of the  
19 military government office all recognized, admired and  
20 appreciated the good results of their collaboration.

21 "The Second Term: From around April, 1944  
22 to October of the same year.

23 "During this term the 25th Army was in direct  
24 charge of the detention camps. This was because the  
25 military situation in the Indian Ocean grew gradually

1 strained, and one or two of the detention camps were  
2 removed to the inner land. The treatment of the in-  
3 terned was, in principle, the same as in the First  
4 Term. However, it appeared that Lieutenant Colonel  
5 SA.TA, who newly entered upon the duty, and some few  
6 soldiers and civilians in military service were in  
7 some points inattentive, because they were not accus-  
8 tomed to the land and could not make themselves under-  
9 stood and the surrounding situation became tense. And  
10 yet the military government department ordered them  
11 to give perfect assistance to the interned. It was  
12 around this time when the general economic difficulty  
13 began to be shown and the business of the detention  
14 camp began to grow gradually difficult to manage. The  
15 officials concerned made their best to gather food-  
16 stuff and other materials as well as to make connect-  
17 ion with the military government department. Their  
18 efforts were very impressive.

19 "Owing to the shortage of staff, part of the  
20 guard was filled by the native supplementary soldier.

21 "Since then European people as collaborators  
22 were gradually being replaced by Japanese people or  
23 the natives because the war situation grew acute.

24 "The third Term: From around October 1944  
25 to the end of the war."



1 THE PRESIDENT: This is a convenient break.  
2 We will adjourn until half-past nine tomorrow morning.

3 (Whereupon, at 1600, an adjourn-  
4 ment was taken until Friday, 5 September  
5 1947 at 0930.)

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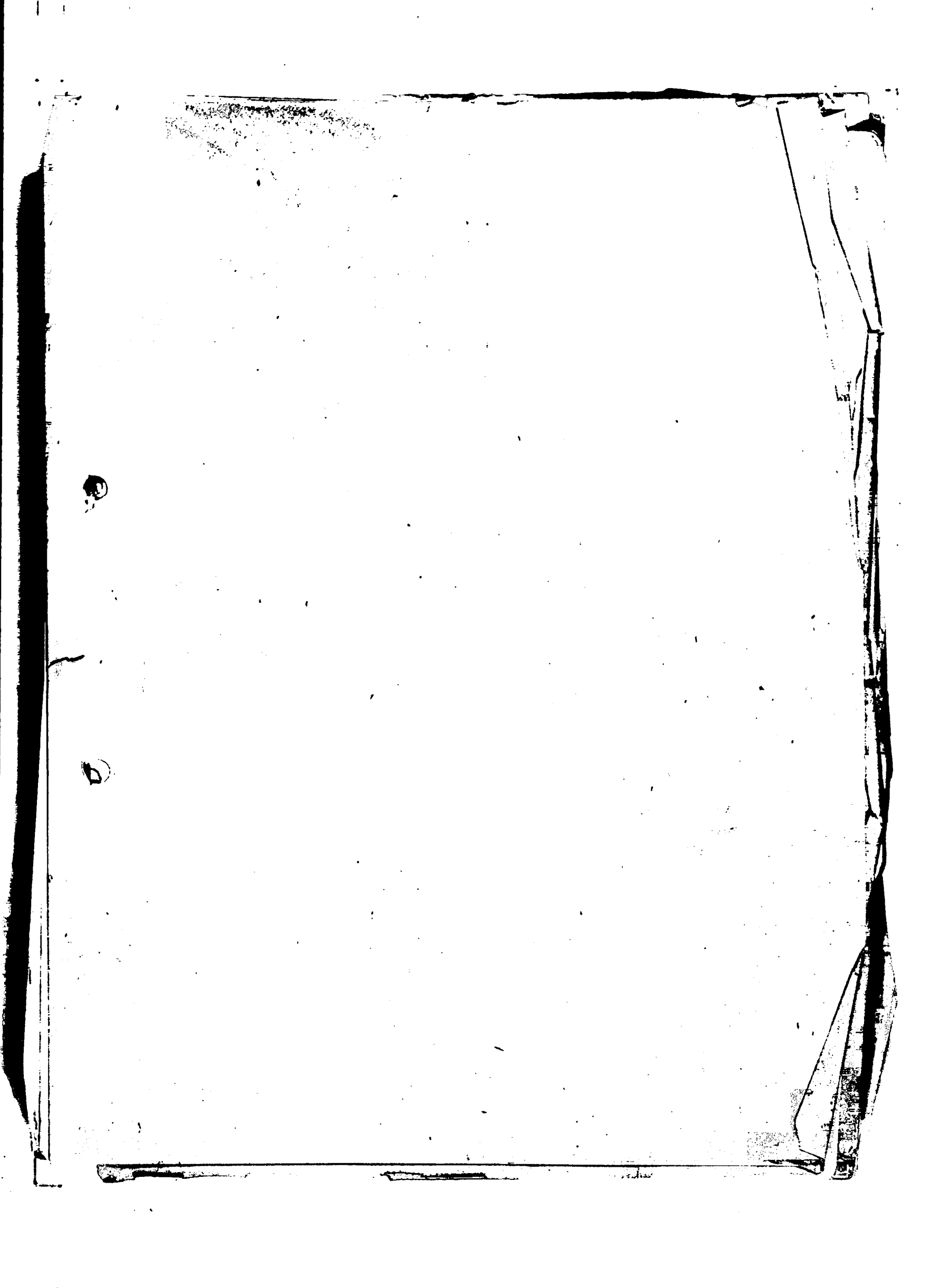
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5 SEPTEMBER 1947

I N D E X  
of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
KOSAI, Saburo (resumed)	27665
Direct (cont'd) by Mr. Freeman	27665
Cross by Colonel Mornane	27675
(Witness excused)	27679
NISHIURA, Susumu (recalled)	27693
Direct by Mr. Freeman	27693
Cross by Colonel Mornane	27703
<u>MORNING RECESS</u>	27706
Cross (cont'd) by Colonel Mornane	27707
Cross by Mr. Brooks	27713
(Witness excused)	27722
KOBAYASHI, Shujiro (recalled)	27723
Direct by Mr. Freeman	27723
Cross by Mr. Tavenner	27739
(Witness excused)	27742
YASUDA, Tsuneo	27743
Direct by Mr. Freeman	27743
Cross by Colonel Mornane	27748
(Witness excused)	27750

5 SEPTEMBER 1947

I N D E X  
Of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
KODAMA, Kyuzo	27751
Direct by Mr. Freeman	27751
Cross by Colonel Mornane	27759
(Witness excused)	27760
MURATA, Shozo (recalled)	27761
Direct by Mr. Freeman	27761
<u>AFTERNOON RECESS</u>	27762
Cross by Mr. Tavenner	27767
(Witness excused)	27785

5 SEPTEMBER 1947

I N D E X  
Of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2245	3096		Translation of the Tele- graphic Report to Geneva of his Inspection of the POW Camp, Representative in Japan of the Internat- ional Red Cross Society		27679
	3097		Manual of War-Time Serv- ice	27689	
2090(1)	3097-A		Excerpt therefrom		27689
2203	3098		Affidavit of NISHIURA, Susumu		27693
2211	3099		Affidavit of KOBAYASHI, Shujiro		27723
			<u>NOON RECESS</u>		27724
2140	3100		Affidavit of YASUDA, Tsuneo		27743
2470	3101		Affidavit of KODAMA, Kyuzo		27751
1741	3102		Affidavit of MURATA, Shozo		27764

Friday, 5 September 1947

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

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE R. B. PAL, Member  
from India, not sitting from 0930 to 1600; HONORABLE  
JUSTICE LORD PATRICK, Member from the United Kingdom  
of Great Britain and HONORABLE JUSTICE E. H. NORTHCROFT,  
Member from the Dominion of New Zealand, not sitting  
from 1330 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Freeman.

4 - - -

5 S A B U R O K O S F I, called as a witness on  
6 behalf of the defense, resumed the stand and  
7 testified through Japanese interpreters as follows:

8 DIRECT EXAMINATION

9 MR. FREEMAN: If the Tribunal please, I  
10 begin on page 5 of exhibit 3095 where we stopped  
11 yesterday.

12 THE PRESIDENT: This is the third term from  
13 around October 1944 to the end of the war.

14 MR. FREEMAN (Reading): "During this term  
15 the administrating system was the same as in the Second  
16 Term. With the pressing of the war situation and the  
17 military requirement, the authorities hastily establish-  
18 ed at Shilingolingo and Airupaminke near Lamtprapat which  
19 was under my charge new detention camps in which all  
20 internees amounting to some 7,000 in North Sumatra zone  
21 were to be held. The detention camp of Shilingolingo  
22 was for the male, while that of Airupaminke was for the  
23 female and children. The former was newly built for  
24 that purpose, and the latter were buildings which had  
25 been used by a certain farm.

1 "It is true that in the both camps living,  
2 housing and sanitation were not in a satisfactory  
3 condition. The detention camp for the female and  
4 children was in a little better condition than that  
5 for the male.

6 "I sympathized for the interned who were  
7 living a hard life as food and other materials became  
8 scarce. However, that was caused by the military  
9 situation, and we could not help it.

10 "II. When TANABE, Commander of the 25th  
11 Army, made an inspection (around June, 1945) (Showa  
12 20), I happened to hear him and Division Commander  
13 KUNOMURA talking to each other. The improvement of  
14 the detention camp was the main subject of their talk.  
15 And soon after that time (about the middle of July,  
16 1945 (Showa 20)) Chief Staff of the 25th Army, YAHAGI,  
17 on the occasion of his first inspection, delivered an  
18 address to the officials of the detention camp. I  
19 stood by him. In that address he made remarks general-  
20 ly and minutely on the treatment of the interned.  
21 Indeed, its contents were based upon humanity and the  
22 international law. He, pointing out the officials'  
23 inattentions one by one, rebuked them and showed  
24 clearly the rules of treatment to be followed. I  
25 listened to this address which deeply touched me. So



1 far as I know, the order from above relative to the  
2 treatment of the interned was thoroughly based upon  
3 the international law and humanity. But I admit that,  
4 owing to the inattention of quite a few persons at  
5 the inferior offices or to special situations of these  
6 days, there were cases where the orders were not per-  
7 fectly observed.

8 "I believe, however, that the detention  
9 camp was, as a whole, in a satisfactory condition prior  
10 to the Third Term.

11 "III. When I was in office, I was called a  
12 gentleman by European people, a Klamat by the native  
13 and a Tajen (a gentleman) by Chinese people. At the  
14 time when I left for Japan, I was specially given a  
15 farewell address by an English prosecutor to the  
16 following effect: 'On behalf of each European  
17 people, I should like to express to you our deepest  
18 gratitude for your treatment of us European peoples  
19 during the war.' I hear that witness Linhare acknow-  
20 ledged at this court the goodness of my treatment of  
21 the interned. In this connection, I must say that I  
22 owe all my honor to the guidance and instruction given  
23 by Division Commander MUTO. Next, I will refer to my  
24 relations with Division Commander MUTO.

25 "IV. Relations between me and Division

1 Commander MUTO.

2 "As military government in Sumatra was being  
3 performed by the military government department of the  
4 25th Army, a division commander at the place had  
5 nothing to do with military government, nor had he a  
6 right to order the governor of each residency concern-  
7 ing military government. Accordingly Division Commander  
8 MUTO had nothing to do with military government and the  
9 detention camp, nor had he any relations with me in the  
10 matter of order and direction.

11 "I heard that Division Commander MUTO  
12 arrived at his new post on Sumatra in the middle of  
13 May, 1942 (Showa 17). He left Sumatra for his next  
14 duty early in October, 1944 (Showa 19). Accordingly,  
15 Division Commander MUTO stayed on Sumatra all  
16 through the period of the above-mentioned first and  
17 second terms. During this period North Sumatra was  
18 generally in a quiet condition except the food situation  
19 (above all rice). The policy of the treatment of the  
20 Third State's people and the interned was to have them  
21 collaborate in military government. The internment  
22 life was still in good condition. It was not long after  
23 I arrived at the post that I saw Division Commander  
24 MUTO for the first time. It so happened that I saw him  
25 when he took a rest at the official residence of Asahan

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2 treatment of the interned was thoroughly based upon  
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19 (above all rice). The policy of the treatment of the  
20 Third State's people and the interned was to have them  
21 collaborate in military government. The internment  
22 life was still in good condition. It was not long after  
23 I arrived at the post that I saw Division Commander  
24 MUTO for the first time. It so happened that I saw him  
25 when he took a rest at the official residence of Asahan

1 Assistant Resident which was located in the city of  
2 Tanjong Valley. Now I should like to state what I  
3 remember of those matters instructed by Division  
4 Commander MUTO every time when I met and talked with  
5 him.

6 "(a) August 16, 1942 (Showa 17) (At the  
7 Assistant Resident's official residence in the city  
8 of Tanjong Valley).

9 "It was right after my arrival, and I was  
10 just taking over the official duties from the  
11 predecessor, Army Lieutenant YAMADA. I told the  
12 Commander what I had known for myself since my  
13 arrival and the condition of the Sub-Residency which  
14 I had learned from the predecessor. Then I requested  
15 him to give me a word of instruction which I, as  
16 Assistant Resident, should bear in mind in order to  
17 carry on military government. In compliance with my  
18 request he told me as follows:

19 "(1) 'During a short period of time  
20 following the occupation of Sumatra, a military  
21 officer was in charge of military government. But  
22 I hope that you, as a civil official, will do daringly  
23 what you believe the best regardless of precedents  
24 set by soldiers.'

25 "(2) 'You cannot secure public peace

1 without winning the natives' heart, nor can you  
2 realize any ideal without securing public peace. It  
3 is a matter of importance that you should pay full  
4 consideration and attention to this respect.'

5 "(3) 'As the internees of the enemy nation  
6 are to be sympathized for, you must look after them  
7 with full compassion. The location of the detention  
8 camp must be made prudently for fear lest any of the  
9 native or any disgraceful one of the soldiers should  
10 commit unlawful acts upon the interned and thus you  
11 must secure its safety.'

12 "(b) January 25, 1943 (Showa 18) (At the  
13 Division Commander's official residence in Medan)

14 "Calling on Division Commander MUTO at his  
15 official residence, I set forth the following plans  
16 which I had made in accordance with his suggestion  
17 given to me on the occasion of his first inspection:

18 "To get together at one place several deten-  
19 tion camps then scattered over the city of Tanjong  
20 Valley.

21 "To take measures concerning their life,  
22 sanitation and entertainments.

23 "To have a Netherland doctor reside outside  
24 the camp with his family and have his work for the  
25 health of the interned and the native.

1 "He looked much pleased with these plans and  
2 urged me to carry them out promptly. I added that it  
3 was uneconomical for us to let them idle away at the  
4 time when the food situation grew worse. Then he said  
5 to me, 'Since compulsory labor is prohibited accord-  
6 ing to the international law, always encourage them  
7 to work voluntarily and do your best to supply the  
8 prescribed quantity of food.'

9 "He also told me as follows:

10 "'In any country a child is a treasure.  
11 So let not children in the detention camp merely  
12 play all day, but have them study for themselves.  
13 You may for them collect text books which they  
14 possibly possess in their respective homes.'

15 "He further told me as follows:

16 "'The Imperial Army must maintain its  
17 strict military discipline. But since various kinds  
18 of army corps have come here to Sumatra these days, I  
19 cannot tell what kind of person is included in them.  
20 Whenever you find anyone act indiscreetly, let me know  
21 right away.'

22 "He also pointed out that we ought to treat  
23 as gentlemen all internees working in the plantation  
24 or in other places.  
25

"(c) Around August 1943 (Showa 18)

1           "(When Division Commander MUTO inspected  
2           Wilhelmina Fall. At the Assistant Resident's lodging  
3           at Kisaran)

4           "I was looking forward to the inspection  
5           tour of Lieutenant-General MUTO. The Division Com-  
6           mander at his interview with me told the following  
7           matters:

8           "(1) 'In order to carry out military  
9           government successfully, you must push Sultan forward.  
10          You must be always prudent when you make any re-  
11          vision of the old way of administration.'

12          "(2) 'Foodstuff (rice) is the most im-  
13          portant to the people. So you ought to make great  
14          efforts for the increase of food production. How-  
15          ever, when control goes too far, the circulation of  
16          foodstuff will be hindered and people's productive  
17          desire will be oppressed.'

18          "(3) 'You should make full use of the  
19          economic activity of Chinese merchants. To this end  
20          you must have Chinese merchants feel easy.'

21          "(4) 'You should expel bad Japanese people  
22          from your jurisdiction.'

23          "On Japan's politics which I referred to,  
24          Division Commander MUTO said, 'I do not like the  
25



1 rightist wing. Japan's idea ought to have more  
2 universality. The Japanese must work more and ob-  
3 serve the world.

4 "(b) Around September, 1944 (Showa 19)

5 "(At the time when Division Commander MUTO  
6 made inspections right before his start for his next  
7 post. At Kisaran Assistant Resident's lodging.)

8 "At the time when I saw him at Kisaran  
9 Assistant Resident's lodging, he expressed various  
10 opinions. Among them, I remember there were the  
11 following words:

12 "'Japan's government has recently promised  
13 Indonesians' independence. But I feel extremely  
14 discouraged to see Sultans clinging yet to the  
15 feudalistic Sultan government. It is necessary for  
16 the military government officials concerned to lead  
17 them well.'

18 "Division Commander MUTO, as I mentioned  
19 just before, had nothing to do with me concerning the  
20 command system and the business system. Neverthe-  
21 less, I personally and voluntarily requested  
22 Division Commander MUTO at every chance to express  
23 his opinions on the performance of military govern-  
24 ment. Based on these opinions I transacted the  
25 business of military government for more than three

1 years and gained good results. Therefore, I am  
2 still very grateful to him for his guidance.

3 "On this 12th day of June, 1947."

4 You may cross-examine.

5 THE PRESIDENT: Colonel Mornane.

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## 1 CROSS-EXAMINATION

2 BY COLONEL MORNANE:

3 Q Witness, is this the compliment to which  
4 you refer in the evidence of Major Linhare:5 "I may say only one Japanese who was a resident of  
6 Asahan Province, a civilian named KOSHI, did try his  
7 best to relieve the women internees of their suf-  
8 ferings." Is that the compliment to which you  
9 referred in your evidence?10 A Yes. I really don't understand the point  
11 in the question.  
1213 THE PRESIDENT: It is sufficient if you  
14 understand the question.15 Q Witness, you have referred to seven  
16 internee camps. Were they the only camps over  
17 which you had control during the period of your  
18 regime in Sumatra?

19 A Yes, only seven on the eastern coast.

20 Q Well now, do you know a place called fentar?  
21 S-e-n-t-a-r.

22 A I do not know.

23 Q With regard to these camps over which you  
24 had control, on account of your other military  
25 government duties you could only spend a very short  
time there, I take it?

1           A    Yes.  It was just a part of my duties.

2           Q    For instance, take the Tanjong Valley camp,  
3 you may only see that once in a fortnight?

4           A    The Tanjong Valley was a very small town  
5 and at first I visited the camp very frequently.

6           Q    What do you mean by "very frequently"?

7           A    I might say, for instance, that whenever  
8 any requests came from the camp, or whenever any  
9 problems arose in the camp, I went there personally  
10 to dispose of such matters.  However, in the later  
11 stages, due to pressing business in military govern-  
12 ment, I could not go as often.

13          Q    But would that be as frequently as once a  
14 fortnight or once a month in the early stages?

15          A    Of course I went very often, more often  
16 than that.

17          Q    More often than that.  Well now, evidence  
18 has been given here that at Tanjong Valley, somewhere  
19 in January 1943, I believe, that food was withheld  
20 from the women internees for two days as a punish-  
21 ment.  Can you say whether that did or ~~did~~ not  
22 happen?

23          A    I have no knowledge of anything of that  
24 sort in camps under my own administration.

25          Q    It has also been sworn that women in that

1 camp were forced to sweep the village streets. Have  
2 you any knowledge of that?

3 A I have no knowledge.

4 Q By that you mean you can neither affirm nor  
5 deny?

6 A Yes, that is so.

7 Q With regard to Brastagi Camp, evidence was  
8 given that on account of lack of food an outbreak  
9 took place among the women and as a result the Kempei-  
10 tai came in and carried out an investigation, and  
11 corporally punished the women. Do you know anything  
12 about that?

13 A It seems that the place name is a little  
14 different. Would it not be Brestagi?

15 Q The way we spelled it is B-r-a-s-t-a-g-i.

16 A I have heard that women internees at  
17 Brastagi had left the camp without any authoriza-  
18 tion or permission, but I do not know what happened  
19 to them in the way of disposition of the matter.

20 Q You made no inquiries about that?

21 A I did not carry out an investigation.

22 THE PRESIDENT: Did you have any complaints?

23 THE WITNESS: I do not know any details or  
24 particulars with respect to Brastagi because that  
25 was outside of my administrative jurisdiction. I was

1 resident governor of Asahan only.

2 Q You referred to Brastagi in your evidence.

3 A I merely mentioned in the first part of my  
4 affidavit that there was a detention camp at Bras-  
5 tagi also, although my administrative jurisdiction  
6 was confined only to Asahan on the eastern coast.

7 Q In the first part of your evidence you  
8 referred to five camps located "in the cities of  
9 Medan, Blastagy, Shantal, Binjay, Tanjon Valley."

10 Is that not correct?

11 A Just merely a mention of the fact that  
12 there were camps at those five places.

13 Q And which of those camps came within your  
14 jurisdiction?

15 A Tanjong Valley was under my administration.

16 Q Was that the only camp under your administra-  
17 tion up to March of 1944?

18 A Yes, it was under my administrative control  
19 from August 1942 to March 1944.

20 THE MONITOR: Strike out that "yes", please.  
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1 Q The question I am asking is this, was the  
2 Tanjong Valley Camp under your control during that  
3 period?

4 A Yes.

5 Q And, that is the only camp to which your  
6 evidence refers during that period?

7 A Of course, the camp at Tanjong Valley was  
8 the only camp under my direct control, but I have  
9 also stated from my knowledge, from what I have  
10 heard and saw in the other districts during my stay  
11 of three years there.

12 COLONEL MORNAME: The evidence in relation  
13 to the camp referred to, if the Tribunal please,  
14 appears at page 27,532 of the record.

15 MR. FREEMAN: May the witness be excused?

16 THE PRESIDENT: The witness is excused on  
17 the usual terms.

18 (Whereupon, the witness was excused.)

19 MR. FREEMAN: I next offer in evidence  
20 defense document 2245, which is a telegraphic report  
21 to Geneva of his inspection of the prisoner of war  
22 camp, Mukden, by Pestalocchi, representative in Japan  
23 of the International Red Cross Society.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document 2245

1 will receive exhibit No. 3096.

2 (Whereupon, the document above  
3 referred to was marked defense exhibit  
4 No. 3096 and received in evidence.)

5 MR. FREEMAN: I shall read into evidence  
6 exhibit 3096:

7 "Re: Prisoner of War Camp, Mukden, Manchuria.

8 "Mail address: Prisoner of War Camp, Mukden,  
9 Manchuria.

10 "Capacity of camp, 1500.

11 "Chief, Col. MATSUDA.

12 "No. of Prisoners,

13 "Officers: British 6, Australian 1,  
14 American 16

15 "N.C.O.'s: British 29, Australian 5,  
16 American 511

17 "Privates: British 49, Australian 10,  
18 American 647

19 "Total: 1274

20 "Of these 84 British & 16 Australians were  
21 transferred from Seoul and originally from Singapore.

22 "1174 Americans were transferred from the  
23 Philippines, mostly from Bataan and Corregidor.

24 "Eldest: aged 57

25 "Youngest: aged 21



1 "Representatives: British Maj. Peaty  
2 American Maj. Hunkins  
3 Representatives of N.C.O.  
4 British 1 American 1  
5 Besides which Represent-  
6 atives of Privates British 1  
7 American 1

8 "Date of Inspection: 11 November 1943

9 "Situated on a fertile plain outside the city  
10 of Mudken, opened on 20 October last year, quartering  
11 began on 11 November of the same year. Transfer from  
12 the temporary camp to the present one completed in  
13 August this year.

14 "Total area of the camp 49330 sq. mtrs.

15 "Surrounded by a brick wall 2.6 mtrs. in  
16 height, high-tension wire contraption on the walls.

17 "Area of the building for the use of  
18 prisoners 11550 sq. mtrs. two-storied brick building  
19 similar to a military barrack, tiled roof, connecting  
20 wash-room and lavatories, double paned windows, wooden  
21 floor.

22 "Hospital, canteen, store-room, bath-room,  
23 boiler-room, ood-job room in separate building.

24 "Furnished with electric lights, heating by  
25 Russian style pechika (brass pipes covered by bricks)

1 similar to that of military barracks. Period of use  
2 from 10 November to 20 March ventilation excellent,  
3 equipped with fire extinguisher.

4 "Living quarters of the prisoners comprised  
5 of 3 buildings, each divided into ten compartments  
6 with upper and lower bunks. Capacity of each compart-  
7 ment 50, at present 42 to 46 men and 16 officers  
8 quartered.

9 "Sleeping kit consists of 1 straw mattress,  
10 6 army blankets, 2 sheets, 1 pillow, 1 pillow case,  
11 and in the summertime a mosquito net. Orders are  
12 issued in English translated from Japanese. Hygienic  
13 equipment, wash-room, latrine, 120 water taps, 72  
14 Japanese-style lavatories pailed out every week, 3  
15 concrete bath tubs 3 mtrs. long 5 mtrs. wide & 1  
16 mtr. deep, 222 bathe every other day, officers every  
17 day. Change room for those assigned labor with coat-  
18 hangers, 48 water-taps, excellent drainage, flush  
19 toilet, disinfection by lime, mats disinfected by  
20 dipping them in disinfectant, water provided from well  
21 within the camp, drinking water boiled before use.  
22 (water distributing tower under construction)  
23

24 "Meals morning, noon, and evening. Each  
25 person rationed in grams, wheat flour 400, kao-liang  
80, maize 190, special ration for those assigned labor,

1 meat or fish meat 52 to 100, fat 25, vegetables in-  
2 cluding potatoes 600, soya beans 200, some apples and  
3 oranges, sugar 60, flavorings such as curry, pepper,  
4 soy sauce, salt a little, kao-liang tea 20, average  
5 calories 3800. For the invalid and those assigned  
6 labour 4120 calories, Japanese army 3457 calories.

7 "At lunch time Pestalocchi sampled vegetable  
8 soup, sweet potatoe pie, potato-onion-and-bean pie,  
9 corn bread, ordinary bread and kao-liang tea. All of  
10 excellent quality. Prisoners are satisfied with the  
11 food but in the long run they feel the monotony.

12 "Personal weight in Dec. 1942 64.7 kilos

13 Today 69.1 kilos

14 "Prisoner's cooks 48, including baker, head  
15 cook with 24 years experience. 24 large pans, 3 ovens  
16 in the bakery, area of vegetable garden 5300 sq. mtrs.,  
17 at present spinach is planted over 3500 sq. mtrs. Two  
18 rooms for storing vegetables, carrots, cabbages, and  
19 turnips storable till May 1944 stored.

20 "Health conditions, when first quartered be-  
21 tween 700 to 800 severely ill. By the efforts of the  
22 Headquarters Kwantung Army, General Army Hospital, and  
23 the Red Cross Hospital, health improving and the present  
24 conditions can be said excellent.

25 "A well-equipped sick room within the compound

1 supplied with medical apparatus and other necessities  
2 that are supplied to places recognized as army hos-  
3 pitals. Calls to patients are made by doctors among  
4 the prisoners and surgeons. Dentistry at the General  
5 Army Hospital Mukden.

6 "As an extraordinary measure, the entire  
7 prisoners were injected against typhoid, para-typhoid  
8 A and B, dysentery, and smallpox. Roentgen rays,  
9 blood examination.

10 "As doctors, 1 Japanese surgeon, 3 N.C.O.  
11 medical orderlies, 3 privates, 5 civilian nurses.  
12 Prisoner doctors, 4 surgeons, medical orderlies N.C.O's  
13 and privates totaling 29. Number of patients, infec-  
14 tions dysentery 6 isolated, malaria 5, beri-beri 13,  
15 influenza 2, acute enteritis 17 and 26 others total 69.  
16 Out of which 43 in the camp hospital over an extended  
17 period, 3 short and 23 exempted from duty. Since open-  
18 ing of the camp, number of death, at Mukden 154, on  
19 the way to and at Fusan 62, at Takao 6. The worst  
20 month being December 1942, death rates gradually re-  
21 ceding after that month. Death caused by acute enter-  
22 itis, beri-beri, dysentery, acute pneumonia and malaria.

23 "Clothing provided every summer, winter and  
24 in extreme winter. Extreme winter clothing consist-  
25 ing of wool-lined overcoat, boots, wool cowl, woolen

1 gloves, socks and underwear. Besides which working  
2 clothes, cap, cowl, and boots. Prisoners brought  
3 their own raincoats and summer clothing, officers  
4 only bringing clothing for all seasons. For laundry  
5 a special washing equipment, soap provided. Finan-  
6 cial conditions, officers' private savings ¥7,346.00,  
7 the rest ¥734.00. Officers were paid the equivalent  
8 pay the Japanese officers received.

9 "Roll call at 7 o'clock, lights out at 21  
10 o'clock. Work voluntary and unconstrained, no work  
11 on Sundays and holidays. Work consisting of maint-  
12 enance and control of the camp and workshops. Men  
13 paid up to 25 sen a day. A boot repair shop. 4 sew-  
14 ing machines in the sewing room. Metal and lumber  
15 workshops.

16 "At the canteen, cigarettes, candies, every-  
17 day necessities, toilet goods and stationary sold.  
18 Open on Sundays and Holidays, 4 barbers. Profits are  
19 used according to the prisoners' wishes. Men allowed  
20 10 cigarettes a day and officers more. Recreation  
21 room annexed to the canteen.

22 "English church service held every Sunday,  
23 service by Japanese clergyman.

24 "In the large playing ground outside base-  
25 ball and football could be played, while on the other

1 ground volley-ball and basket-ball could be played.  
2 Inside the house playing cards and chess possible.  
3 As books, novels, technical books, Bible, daily Nippon  
4 Times 120 copies, weekly Nippon Times 18 copies.

5 "2 gramophones, a reasonable number of  
6 American records and a few Japanese records. No  
7 motion pictures nor radios. According to the repre-  
8 sentative, materials for mental enjoyment were entire-  
9 ly necessary. Regardless of kind, increase of books  
10 were looked forward to, especially texts for the  
11 study of language, machinery, agriculture and medi-  
12 cine.  
13

14 "Permissible communication per year, for an  
15 officer 3 letters, 3 cards, warrant officer 1 letter,  
16 3 cards, N.C.O. 4 cards, private 3 cards. Beside which  
17 20 radiograms allowed per month. Outgoing letters and  
18 cards via the P.O.W. Intelligence Bureau 1620 up to  
19 October 1943. Incoming letters and cards 431, and 11  
20 cablegrams up to October same year. According to Maj.  
21 Peaty, the British representative, received his wife's  
22 letter dated 8 September 1942 on 8 September 1943.  
23 According to Maj. Hunkins, the American representative,  
24 American prisoners received no mail after May 1942,  
25 but 5 answers to cablegrams despatched were received.  
Have not been allotted any relief goods of the Red

1 Cross Society yet. Received ¥1,500 contribution  
2 from the Vatican Missionary with which money such  
3 things as musical instruments and clothing were pro-  
4 cured.

5 "From the words of the representatives and  
6 others, general condition of the camp satisfactory.  
7 Col. MATSUDA showed kindness, and on some points  
8 conditions are better than expected. No complaints.  
9 According to the chief of the camp, discipline lack-  
10 ing on account of the fact that the prisoners were  
11 brought from different units. 160 penalty cases,  
12 for as obedience, petty theft, breakage of camp regu-  
13 lations especially the fire regulations. 3 deserters  
14 were condemned to death after being court martialled  
15 for murder and violence.

16 "Inspected the prisoners cemetery outside  
17 city of Mukden, on each grave is erected a plain  
18 wooden cross with name, rank, nationality, and identi-  
19 fication number written. By next spring expects to be  
20 able to decorate with flowers, a part of the seeds of  
21 which have been sown already.

22 "General impression excellent, Col. MATSUDA  
23 and his officers are doing their best. Utmost cooper-  
24 ation, favor and kindness from the Manchurian Red  
25 Cross Society, also untold favor from the Headquarters

1 Kwantung Army.

2 "Pestallocchi."  
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1 I next offer in evidence defense document  
2 2090, which are the excerpts from the Manual of War-  
3 time Service, issued by the Japanese Government, on  
4 Military Training.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Manual of War-time  
7 Service will receive exhibit No. 3097 for identification  
8 only; the excerpt therefrom, being defense document No.  
9 2090, will receive exhibit No. 3097.

10 (Whereupon, the document above re-  
11 ferred to was marked defense exhibit No. 3097  
12 for identification; the excerpt therefrom  
13 being marked defense exhibit No. 3097-A and  
14 received in evidence.)

15 MR. FREEMAN: I shall read in evidence exhibit  
16 No. 3097-A:

17 "It is clear that our forces engaged in  
18 sacred warfare should be to the last the forces  
19 to protect the cause of righteousness and not to move  
20 without that cause, in view of the spirit of the found-  
21 ation of the State and its mission. This is the  
22 principle on which the use of force is based.

23 "In view of the real meaning of the sacred war,  
24 it is natural that our forces should be ready to succour  
25 and enlighten those prisoners, sick and wounded, who

1 abandon resistance or are incapable of resisting against  
2 them, and to favor them with the influence of our  
3 imperial rule. This is the case with hostile residents  
4 and their properties, etc., and much more the case  
5 with the officials and people of a third power and their  
6 properties. The righteousness of our forces will be  
7 concretely understood by the hostile forces and people,  
8 and besides, by any third nations until our forces are  
9 enthusiastically welcomed everywhere. Our forces,  
10 therefore, should act not only in accordance with  
11 international laws and conventions but also display  
12 spirit positively on their own initiative.

13           "The principal articles of the international  
14 laws and covenants applicable to wartime are shown  
15 in Appendix I.

16           "Military discipline in war-time (page 18)

17           "It is for the purpose of meeting war-time  
18 demands and producing good results that we are making  
19 every effort to maintain military discipline in both  
20 exercises and home duties in our peacetime training.  
21 But, once we meet with war or incident, we are apt to be  
22 less enthusiastic for the maintenance of military  
23 discipline. For example, we are apt to hesitate to  
24 discharge our duties on the pretext of damage, allow  
25 our men to make an excuse for taking an easy way, and

1 neglect the strict observance of compliments reg-  
2 ulations and proper dress, thereby committing an  
3 unconscious breach of military discipline.

4 "It goes without saying that the environment  
5 in war-time is so different from that in peacetime  
6 that we cannot be physically so regular and orderly as  
7 in peacetime, but nevertheless we should expand our  
8 immaterial demands, all the more so because our forces,  
9 receiving a great number of reservists not accustomed  
10 to military discipline, are lacking in solid unity, and  
11 there are many other disadvantages in regard to the  
12 maintenance of military discipline.

13 "Military discipline in the battlefield

14 "Roughness of mind and demoralizing act and  
15 speech are apt to be found in the battle-field -- for  
16 example, such offences against military discipline as  
17 an act of violence against a superior or disobedience  
18 to orders, and other vicious offences such as looting  
19 and rape. This trend will be promoted especially by  
20 the dangerous and miserable conditions of the battle-  
21 field, imperfect housing facilities and poor supplies.  
22 So, in order to prevent this trend, it is necessary for  
23 the commander to take every opportunity to bring home  
24 the real meaning of the sacred war, and to stress  
25 education and training, to control and direct his men

1 with fairness, to punish and discipline them properly,  
2 and to improve housing and maintenance facilities.

3 "Fairness in deciding reward and punishment

4 "In war-time, one is apt to feel so much sym-  
5 pathy with the men under his command as to subordinate  
6 justice to personal feelings and lose his desire to  
7 superintend and direct them strictly; while, on the  
8 other hand, such an idea is apt to spread among his men  
9 that, in the battlefield, a minor offence may be over-  
10 looked by their superior officer, and that an offence  
11 committed can be concealed with ease. These two factors  
12 will help correlatively to create an unfavorable en-  
13 vironment for the maintenance of military discipline.

14 "One must have the spirit to make a costly  
15 sacrifice in the cause of justice, realizing that it is  
16 not to love his men that one should be so much influenced  
17 by personal feelings as to bring about the idea that  
18 military discipline may be violated with impunity, and  
19 thereby making them commit graver offences."

20  
21 I next call the witness NISHIURA, Susumu,  
22 whose affidavit is defense document 2203.

23 - - - -  
24  
25

1 S U S U M U N I S H I U R A, recalled as a witness  
2 on behalf of the defense, having previously been  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 THE PRESIDENT: You are still on oath, witness.

6 DIRECT EXAMINATION

7 BY MR. FREEMAN:

8 Q Mr. NISHIURA, will you give us your full  
9 name and address?

10 A My name is NISHIURA, Susumu; my address is  
11 560 Ohmecho, Nishitama-Gun, Tokyo.

12 MR. FREEMAN: May the witness see defense  
13 document 2203.

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

16 Q Mr. NISHIURA, is that your affidavit and have  
17 you signed it?

18 A This is my affidavit and I have signed it.

19 Q Are the contents therein true and correct?

20 A Yes.

21 MR. FREEMAN: I now offer in evidence defense  
22 document 2203.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2203  
25 will receive exhibit No. 3098.

1 (Whereupon, the document above re-  
2 ferred to was marked defense exhibit No.  
3 3098 and received in evidence.)

4 MR. FREEMAN: I shall read into evidence  
5 exhibit No. 3098:

6 "I, NISHIURA, Susumu, after having been first  
7 duly sworn according to the custom of my country make  
8 the following statement:

9 "1. I was formerly in service as Colonel and  
10 occupied the post of Chief of Army Affairs Section,  
11 Military Affairs Bureau, War Ministry, from 20 April  
12 1942 to December 1944. In the Ministry I was in charge  
13 of the establishment and institution of the army. I  
14 have a thorough knowledge of how the business of treat-  
15 ing Prisoners of War was allotted in the army both in  
16 principle and in practice. I hereby state as follows:

17 "2. Prepared for the purpose of making my  
18 statement understandable are attached to this document.

19 "3. The system of business in the army con-  
20 cerning the treatment of Prisoners of War was regulated  
21 and practiced as shown in the attached papers.

22 "After the capture of POW's by the Japanese  
23 Army, the following two steps were followed as to the  
24 treatment of POW's.

25 "(1) Treatment within the troops in operations.

1           "(a) When a front force captured POW, after  
2 having made necessary investigation and having prepared  
3 a POW roll and POW diary, the prisoners were delivered  
4 to the nearest office of transportation and communication.

5           "(b) The commander of an army in operation  
6 who wanted to send prisoners to the rear reported to  
7 Imperial Headquarters as to the number of the prisoners  
8 to be sent and further the War Ministry was informed  
9 by the Imperial Headquarters.

10           "(c) When the War Ministry received a report  
11 about sending POW's to the rear, the Ministry advised  
12 the Imperial Headquarters as to the ports or other places  
13 where POW's should be sent, and the Imperial Headquarters  
14 informed the War Ministry of the date of arrival of  
15 POW's at the place assigned.

16           "(d) In accordance with the orders of the  
17 Imperial Headquarters, the office of transportation  
18 and communication would escort POW's to the designated  
19 place and deliver them to the receiver who had been  
20 designated by the War Ministry.

21           "(e) The commander of a force in operation  
22 would establish a provisional POW camp to house and  
23 supervise POW's until the time of delivery (Exhibit No.  
24 1965)

25           "After this delivery to the receiver designated

1 by the War Ministry, POW's came under the jurisdiction  
2 of the War Minister. Before that time, the treatment  
3 of POW's was in the hands of the troops in operations,  
4 so that any trouble occurring prior to the time of  
5 delivery to the receiver of the War Ministry was out of  
6 the jurisdiction of the War Minister.

7           "(2) Treatment within the Army Administrative  
8 system after coming under the jurisdiction of War  
9 Minister.

10           "After the receiver designated by the War  
11 Ministry received POW's, they came under the jurisdiction  
12 of the War Minister and were put in a POW camp established  
13 by the War Minister. (Ordinance concerning POW camps,  
14 Article II, Exhibit No. 1965) The POW camp was super-  
15 vised by the army commander or defense commander  
16 designated by the War Minister. During the Pacific War  
17 there were established a lot of POW camps at the front.  
18 In that case the field commander in operation and the  
19 like, supervised the POW camps in his area and his  
20 supervision was put under the jurisdiction of the War  
21 Minister. As to the provisional camps mentioned above,  
22 the supervision thereof was beyond the jurisdiction  
23 of the War Minister.

24           "The chief supervisor (i.e. army commander  
25 or defense commander) in conformity with the relevant



1 regulations, etc., commanded and supervised the POW  
2 camp and laid down the POW camp service regulations, thus  
3 taking charge of all the supervising business concerning  
4 the POW camp. (Ordinance concerning the POW camp,  
5 Article V, Regulations concerning the Treatment of POW,  
6 Article XXI) The business under the jurisdiction of the  
7 War Minister was divided into several parts and assigned  
8 to the POW Administration Department and each Bureau  
9 in the War Ministry as shown in the attached Table.

10 "As regards each allotted business also shown  
11 in the table, that of the POW Department was provided  
12 by the Regulations concerning the Treatment of POW and by  
13 the Adjutant's Notification (Defense Exhibit No. 1598),  
14 and that of each Bureau in the War Ministry indicates  
15 the chief business which had connection with the treat-  
16 ment of POW and allotted to the Bureau according to the  
17 regulated official system of the War Ministry.

18 "The POW Administration Department as a chief  
19 office in charge of the business under the supervision  
20 of the War Minister concerning the treatment of POW  
21 managed the following business:  
22

23 "(1) Matters concerning the general plans of  
24 treatment of POW and military internees at the front;  
25 detention, supervision, exchange, release, employment  
(labor, propaganda, etc.), punishment, treatment, etc.

1           "(2) Matters concerning the labor to be  
2 imposed upon POW.

3           "(3) Matters concerning the communication of  
4 POW.

5           "(4) Matters concerning the punishment of  
6 POW.

7           "(5) Matters concerning the labor and commun-  
8 ication of military internees at the front.

9           "The following are necessary explanations as  
10 to several important matters:

11           "A. The POW Administration Department was  
12 established at the end of March, 1942, in accordance  
13 with the Regulations Concerning the Treatment of POW,  
14 mentioned above, I have learned that in the past wars  
15 the business concerning the treatment of POW was allotted  
16 to the bureaus in the War Ministry. It was generally  
17 thought at the beginning of the last war that the above  
18 allotment of the business was practicable as in the past  
19 wars. The greatness in number of POW and the complicated  
20 and extensive business of treating POW made it necessary  
21 to have an office exclusively managing the business of  
22 the War Ministry concerning the treatment of POW. The  
23 POW Administration Department was arranged to be es-  
24 tablished in the Ministry to meet such demand, but was  
25 actually established as late as at the end of March,

1942, under such circumstances. As was already stated  
1 above, the business under the jurisdiction of the War  
2 Minister concerning the treatment of POW was conducted  
3 by the POW Administration Department as the responsible  
4 office. The POW Administration Department was on the  
5 same level with other bureaus of the War Ministry and  
6 was not in a position to be controlled or supervised  
7 by the Military Affairs Bureau or any other bureau in  
8 the War Ministry. In fact, during my tenure of office  
9 as Chief of the Military Affairs Section, I, at no time,  
10 gave orders to the said Department, for in my belief  
11 the business concerning POW should have been managed  
12 by the POW Administration Department.  
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1 "B. The main business of which the Bureau of  
2 Military Affairs took charge concerning the POW, were as  
3 shown in the attached tables:

4 "The main business conducted in accordance  
5 with the above were as follows:

6 "(1) To draw up the Ordinance for POW camps  
7 and the organization of POW camps.

8 "(2) To draw up the regulations concerning the  
9 establishment and organization of POW Administration  
10 Department.

11 "(3) To draft the reply of vice-minister concern-  
12 ing the application of the Geneva Convention.

13 "C. Besides there was the so-called POW Informa-  
14 tion Bureau which was managed by the War Minister.  
15 This was an organization specially established in ac-  
16 cordance with the Hague Convention and was entirely  
17 separate from the War Ministry. This was altogether  
18 different from POW Administration Department establish-  
19 ed as one of the sections of War Ministry. Furthermore,  
20 Chief of the POW Information Bureau was not subject to  
21 the control or supervision of Chiefs of the Bureau of  
22 Military Affairs or other bureaus of War Ministry.  
23 According to the regulation governing the POW Informa-  
24 tion Bureau, the same bureau, the same bureau had a  
25 right to ask for various information from the operat-

1 ing forces.

2 "(4) Mistreatment of POWs:

3 "The so-called mistreatment of POW's in Malay  
4 and Bataan Peninsulas were cases which took place dur-  
5 ing or immediately after the fighting and the POW's were  
6 not yet brought under the jurisdiction of the War Min-  
7 ister -- namely, they were still under the supreme  
8 command system. Those prisoners engaged in the con-  
9 struction of the Tailand-Burma Railway were, for the  
10 most part, under the jurisdiction of the War Minister.

11 "The construction of the Tailand-Burma Railway  
12 was carried out by the Commander-General of the Southern  
13 Army by order of the Chief of the General Staff.

14 "The War Ministry was consulted by the Chief  
15 of the General Staff about this construction order.  
16 The various bureaus were consulted according to the  
17 division of business stipulated in the Official System  
18 of Organization. The Military Affairs Bureau took  
19 charge of the budget for construction; the Maintenance  
20 Bureau, communication, materials and labor; and the  
21 POW Administration Department, labor, etc. Each Bureau  
22 and Department was consulted according to the business  
23 in its charge, and the Minister and Vice-Minister of  
24 War jointly responsible for the consequences.  
25

"The Southern Area Army undertook to carry out

1 the construction work, and the General Staff took the  
2 lead in shortening or lengthening the term of construc-  
3 tion, alleviating transportation facilities and increas-  
4 ing the forces, etc. The Director of Transportation  
5 and Communication Bureau undertook to direct the con-  
6 struction work, as previously testified by Lieutenant-  
7 general WAKAMATSU, the then director of that bureau.

8 (Court Record in Japanese, pp 14-15.)  
9

10 "As the prisoners engaged in the construction  
11 work were under the jurisdiction of the War Minister,  
12 he dispatched HAMADA, Director of the POW Information  
13 Bureau and Chief of the POW.

14 "On this 10th day of August, 1947, at Tokyo."

15 Cross-examine.

16 THE PRESIDENT: Colonel Mornane.  
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## CROSS-EXAMINATION

1  
2 BY COLONEL MORNANE:

3 Q Witness, into what divisions was the Military  
4 Affairs Bureau divided?

5 A As sections there were two: the Military  
6 Affairs Section and the Army Affairs Section, and in  
7 addition it had an information unit under the control  
8 of this particular bureau.

9 Q Now, what were the duties of the Army Affairs  
10 Section?

11 A The principal duties under the Army Affairs  
12 Section were the organization of the army, control and  
13 supervision of the budget within the army, and the  
14 disposition of various army organizations.

15 Q It had nothing to do with prisoners of war?

16 A With respect to prisoners of war, the Army  
17 Affairs Section, for instance, had charge of such  
18 matters as camp organization and regulations -- the  
19 drafting of regulations governing such camps.

20 Q What about construction of camps?

21 A Do you mean building camps?

22 Q Yes, building.

23 A Generally speaking, the policy was to use  
24 buildings which had existed before the war, and the  
25 Chief of the POW Administration Bureau was to select

1 which buildings would be most proper and suitable  
2 for accommodating prisoners of war.

3 THE INTERPRETER: Correction: Instead of  
4 "Chief of the POW Administration" change to "Officials  
5 in charge of the administration of prisoners-of-war  
6 camps were to select from out of these former build-  
7 ings such buildings as would be suitable to accommo-  
8 date prisoners of war."

9 Q Witness, what I want to know is this: With  
10 regard to accommodations for prisoners of war, did that  
11 fall within the jurisdiction of the Army Affairs Sec-  
12 tion?

13 A With regard to buildings to accommodate  
14 prisoners of war, such matters were handled by the  
15 building and construction section of the Intendance  
16 Bureau of the War Office.

17 Q Well, then, you say the Army Affairs Section  
18 had nothing to do with the accommodation of prisoners  
19 of war?

20 A Yes, the Army Affairs Section is in charge  
21 of the camp organizations, and also drafts regulations  
22 as to where such camps should be located. However,  
23 as to the general plans as to where to establish these  
24 prisoner-of-war camps, the general plan would be drawn  
25 up by the prisoner-of-war Administration Bureau and



1 within the limits or scope or specifications laid down  
2 in that plan. Then the Army Affairs Section would  
3 draft regulations establishing such camps -- for in-  
4 stance, in Zentsuji or Kyoto or elsewhere.

5 Q Apart from drafting regulations, it would do  
6 nothing further towards the organization of a prison  
7 camp?

8 A No.

9 Q Well, now, with regard to the Military Affairs  
10 Section, what comprised its duties?

11 A With regard to prisoners of war, the Military  
12 Affairs Section has the closest connection to the sub-  
13 ject -- with the problem of international laws and  
14 regulations governing the handling of prisoners of war.

15 Q Apart from their connection with international  
16 conventions in relation to prisoners of war, has the  
17 Military Affairs Section any other connection with  
18 prisoners of war?

19 A I don't think they had anything else.

20 BY THE PRESIDENT:

21 Q Is the Prisoner of War Administration Depart-  
22 ment the same body as the Prisoner of War Control  
23 Bureau?

24 A I don't understand English well and I don't  
25 know just what that question means.

1 THE MONITOR: Mr. President, both POW  
2 Administration Department and POW Control Department  
3 have, in our knowledge, been translated as the same --  
4 from the same Japanese words.

5 O I will repeat the question.

6 Is the Prisoner of War Administration Depart-  
7 ment the same body as the Prisoner of War Control  
8 Bureau?

9 THE INTERPRETER: Mr. President, the Japanese  
10 word for that is the same.

11 THE PRESIDENT: Well, is it the same body?  
12 Are the bodies the same?

13 THE INTERPRETER: Mr. President, there seems  
14 to be various translations of the same Japanese term.  
15 It seems there are a number of translations for the  
16 same Japanese terms, which may be read as "Administra-  
17 tion Department," "Control Department," or "Supervising  
18 Bureau."

19  
20 THE PRESIDENT: Yes.

21 We will adjourn now for fifteen minutes.

22 (Whereupon, at 1045, a recess was taken  
23 until 1100, after which the proceedings were  
24 resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Mornane.

4 CROSS-EXAMINATION

5 BY LIEUT. COLONEL MORNANE (Continued):

6 Q You say, witness, that the commander of an  
7 army in operations who wanted to send prisoners to the  
8 rear reported to Imperial Headquarters as to the num-  
9 ber of prisoners to be sent. Well, up to that stage  
10 in whose control were the prisoners?

11 A The person in control is the commander of  
12 the operations.

13 Q And he was responsible for them?

14 A Yes, that is so.

15 Q Well, now, I take it that he would not retain  
16 them at the scene of operations; they would always be  
17 despatched to the rear, would they not?

18 A The policy was to send the prisoners to the  
19 rear and despatch them as soon as circumstances per-  
20 mitted.

21 Q But the manner in which they were treated,  
22 while in control of the commander, was a matter for  
23 the Prisoner of War Administration Division, was it  
24 not?  
25

A No.

1 Q Well, witness, you are familiar with regula-  
2 tions for the treatment of prisoners of war, No. 1034  
3 of the 31st of March, 1942?

4 A Yes.

5 Q I refer you to Article II: "The Prisoner  
6 of War Administration Division shall be established  
7 in the Ministry of War for the conduct of all affairs  
8 relative to the treatment of prisoners of war and of  
9 civilian internees in the theatre of war."

10 A I think the present interpretation was a  
11 little different from the original -- the original  
12 phrasing of the regulation.

13 Q What do you say the original phrasing was?

14 A "Prisoners of war and civilian internees in  
15 the theatre of war -- civilian internees in the  
16 theatre of war and prisoners of war," that's how the  
17 phraseology went, I believe.

18 Q No. But what I am referring to is this --

19 A The Prisoners of War Administration Depart-  
20 ment handled only prisoners of war under the juris-  
21 diction of the Ministry of War; and, therefore, if  
22 prisoners of war are not under the direct control or  
23 jurisdiction of the War Minister, then they would not  
24 be under the control of the Prisoners of War Adminis-  
25 tration Department which is under the jurisdiction

of the War Minister.

1 Q Witness, I thought you were disputing my  
2 reading of Article II of the regulations for the  
3 treatment of prisoners of war.

4 THE PRESIDENT: Is it necessary to do more  
5 than to draw his attention to the regulations?

6 LIEUT. COLONEL MORNANE: No, that is probably  
7 so.

8 THE PRESIDENT: It is only fair to him to  
9 do so, but there is no occasion to carry it further.

10 Q Now, with regard to the Prisoner of War Infor-  
11 mation Bureau, you say that was entirely separate  
12 from the War Ministry.

13 A I did not say it was not related. I said  
14 it was an entirely separate organization. I am stat-  
15 ing that the Prisoners of War Administration Depart-  
16 ment is a part or one of the bureaus which constitute  
17 the Ministry of War but that the Prisoners of War  
18 Information Bureau does not constitute such a depart-  
19 ment but is a separate entity.

20 Q Witness, your evidence reads as follows:  
21 "Besides, there was the so-called Prisoner of War  
22 Information Bureau which was managed by War Minister.  
23 This was an organization especially established in  
24 accordance with the Hague Convention and was entirely  
25

1 separate from the War Ministry." Is that correct?

2 A Yes.

3 Q What do you mean by saying "it is entirely  
4 separate from the War Ministry"?

5 A That is to say, the Prisoners of War Admin-  
6 istration Department was one of the bureaus which  
7 constitute the Ministry of War and was considered as  
8 one of the departments of that level, and I compared  
9 the status of the POW Information Bureau with that  
10 department.

11 Q Was not the Chief of the POW Information  
12 Bureau the same person as the Chief of the POW Admin-  
13 istration Department?

14 A Yes, the same man occupied the two posts.

15 Q Who was Chief of the Military Affairs Sec-  
16 tion when you were there?

17 A At first the Chief of the Section was Colonel  
18 HANADA, and he was succeeded by NINOMIYA -- Colonel  
19 NINOMIYA.

20 Q And those men would be under the control at  
21 that time of the accused SATO as Chief of the Mili-  
22 tary Affairs Bureau?

23 A Yes.

24 Q And complaints as to breaches of internation-  
25 al conventions and such like from the Swiss or other

1 protecting powers would go to the Military Affairs  
2 Bureau.

3 THE PRESIDENT: Mr. Freeman.

4 MR. FREEMAN: I object to that question on  
5 the ground that it is outside the scope of the affi-  
6 davit.

7 THE PRESIDENT: We think it is within the  
8 scope. The objection is overruled.

9 Q (Continuing) Will you answer the question,  
10 please, witness?

11 A The last part of the question was unclear  
12 to me. May I have it repeated?

13 (Whereupon, the question was re-  
14 peated by the Japanese court reporter.)

15 A (Continuing) Some of such complaints or  
16 protests may have come directly as reference to the  
17 Military Affairs Bureau from the Foreign Office. But  
18 what complaints came directly or what complaints did  
19 not come, I do not know because I had nothing to do  
20 with such matters. But I think, for the most part,  
21 the protests at that time were directly handled by  
22 the Prisoner of War Information Bureau.

23 Q When would it come through the Ministry of  
24 War to the Prisoner of War Information Bureau?  
25

A Not being directly responsible for the trans-

1 mission of such messages, I do not know what actually  
2 took place.

3 Q Did you not say in your evidence the main  
4 business of which the Bureau of Military Affairs took  
5 charge concerning the prisoners of war was shown in  
6 the attached tables, and then you go on to say, under  
7 sub-heading 3, "to draft a reply of Vice Minister  
8 concerning the application of Geneva Convention"?

9 MR. FREEMAN: If the Tribunal pleases, the  
10 witness has stated he knows nothing about those pro-  
11 tests because he had nothing to do with them.

12 THE PRESIDENT: I do not think it is worth  
13 following it up.

14 LIEUT. COLONEL MORNANE: There is just one  
15 other matter.

16 Q I presume you cannot tell the Tribunal as  
17 to where requests by protecting powers to visit pris-  
18 oner of war camps were addressed; you cannot say who  
19 handled requests to be allowed to visit prisoner of  
20 war camps, can you?

21 A I do not know because I was not directly  
22 in touch -- I did not directly handle such matters.

23 LIEUT. COLONEL MORNANE: I would draw the  
24 Tribunal's attention to the evidence of General  
25 TANAKA at page 14,285 in the record.



1           There is just one other matter, I think,  
2 for the Language Arbiter. On page 4, half way down  
3 the page, the witness appears to say, "In fact, dur-  
4 ing my tenure in office as Chief of the Military  
5 Affairs Section" -- presumably, he means "Army Af-  
6 fairs Section."

7           THE PRESIDENT: Captain Brooks.

8           MR. BROOKS: If the Tribunal please, on  
9 behalf of General MINAMI, I would like to cross-  
10 examine this witness on a couple of points that have  
11 been raised in the prosecution in their cross-examina-  
12 tion. I didn't intend to go into it, but it had been  
13 raised, and it needs clarification.

14           THE PRESIDENT: Was General MINAMI Minister  
15 of War at any relevant period?

16           MR. BROOKS: I said "General KOISO," if  
17 your Honor please.

18           THE PRESIDENT: You said "MINAMI."

19           MR. BROOKS: I'm sorry. I meant General  
20 KOISO.

21                           CROSS-EXAMINATION (Continued)

22 BY MR. BROOKS:

23           Q   Mr. Witness, was the official organization  
24 of the War Ministry revised about the 10th year of  
25 Showa, 1935?

1 A There may have been some minor revisions in  
2 1935, but there were major revisions in 1936.

3 MR. BROOKS: Does the Clerk have prosecution  
4 exhibit 74?

5 CLERK OF THE COURT: Yes.

6 MR. BROOKS: I ask that the prisoner be  
7 handed prosecution exhibit 74 -- I mean the witness.  
8 Language Section, it is only a brief reference.

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

11 Q On page 2, Article VI of exhibit 74 are  
12 listed seven bureaus of the War Ministry. The fifth  
13 is called the Intendance Bureau. Now, on page 7 of  
14 your affidavit, exhibit 3098, the fifth bureau is  
15 called the Bureau of Accountants. Are these the same  
16 and is the Chief of the Intendance Bureau the same  
17 as the Chief of the Bureau of Accountants?

18 THE INTERPRETER: Mr. Brooks, we believe  
19 this is a language problem. In our knowledge they  
20 are the same. It is impossible for us to translate  
21 "accounting" and "intendance" in two different Japan-  
22 ese terms, sir.  
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BY MR. LROCKS (Continued):

Q Does the witness understand the English words "intendance bureau" and the English words "bureau of accountants"?

A Having been taught French from my childhood and not knowing the English language, I do not know; but I should think they are one and the same thing; but unless I am shown the original Japanese I would not be able to state positively.

Q The original of which document, exhibit 74 or your affidavit, exhibit 3098?

A I do not know where the document number is on this document.

Q You have it in your hands, exhibit 74 -- prosecution exhibit 74. Article 6 contains at the 5th line the words "intendance bureau."

A I don't know how they are rendered in translation, but the bureaus in question, both in my affidavit and in this exhibit, are the same.

Q Now, Mr. Witness, by examination of exhibit 74, the document you have in your hand, does this document refer to the period before this official

1 organization of the War Ministry was revised or to  
2 a later period?

3 COLONEL MORNANE: If the Tribunal please,  
4 I object to the cross-examination of this witness on  
5 this matter. Apparently, my friend is endeavoring to  
6 attack exhibit 74, which was not raised at all on the  
7 cross-examination of the witness.

8 MR. BROOKS: If the Court please, I am not  
9 attacking prosecution exhibit 74; I am relying on  
10 that rather than the witness' testimony, and my next  
11 questions will connect it up and show --

12 THE PRESIDENT: With that assurance the  
13 objection is overruled.

14 MR. BROOKS: May the witness answer the  
15 question?

16 A This official regulation is not something  
17 that was made prior to 1936.

18 Q And you say then that there was a difference  
19 in the organization prior to that time?

20 A For instance, before that time there was no  
21 military service bureau; furthermore, at that time  
22 there was -- before that time there was a bureau  
23 called the ordinance bureau, but that is not found  
24 in this present document.

25 Q And your affidavit and the testimony that

1 you have given in relation to the matters contained  
2 in exhibit 3098 pertain to the periods after the  
3 revision -- 1935 and 1936?

4 A Yes.

5 Q Now, after this revision, although the  
6 Chief of the Military Affairs Bureau might, in  
7 compliance with order of the War Ministry, assist him  
8 in matters concerning the budget, isn't it true that  
9 the Chief of the Intendance Bureau was responsible  
10 for the supervision of all business relating to the  
11 army budget and that after this aforesaid revision  
12 the Chief of the Military Affairs Bureau had neither  
13 authority nor responsibility in that connection?

14 A When is that? What period are you referring  
15 to?

16 Q After this revision in 1935 and 1936.

17 A There has been no change after the revision  
18 except that after the revision the words, "general  
19 control over the budgetary matters," were inserted.

20 Q Was inserted where? To which bureau?

21 A That is not stated in my affidavit, but in  
22 the course of the years these words were included in  
23 connection with the function of the Army Affairs Sec-  
24 tion of the Military Affairs Bureau.

25 MR. BROOKS: That is all.

1 MR. HOWARD: Mr. President.

2 THE PRESIDENT: Mr. Howard.

3 MR. HOWARD: Mr. NISHIURA, I represent  
4 General KIMURA. I would like to ask you one question.

5 Q If Lieutenant General --

6 THE PRESIDENT: Mr. Howard, I had occasion  
7 to mention the other day the order in which you  
8 should cross-examine. By you I mean the defense.  
9 You should have preceded in this case Mr. Tavenner,  
10 because the material that you are cross-examining  
11 on was brought out by the defense.  
12

13 MR. HOWARD: Your Honor, I suggest that I  
14 read the question, and then we will all be in better  
15 position to pass on it.

16 THE PRESIDENT: We will give you permission  
17 on this occasion, but that order must be observed as  
18 far as possible. If anything comes out on examination-  
19 in-chief which is prejudicial to any of the accused,  
20 counsel for that accused should cross-examine before  
21 counsel for the prosecution.  
22  
23  
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1 MR. HOWARD: If Lieutenant General WAKAM.TSU  
2 should testify that the Vice-Minister of War was not  
3 basically responsible for the building of the Burma-  
4 Siam Railway, would you agree with him?

5 COLONEL MORNANE: If it please the Tribunal,  
6 I object to this question.

7 THE PRESIDENT: Hypothetical, and swears the  
8 issue.

9 MR. HOWARD: I did not hear your Honor.

10 THE PRESIDENT: You are swearing the issue  
11 if you give that statement.

12 MR. HOWARD: If I remember correctly,  
13 Colonel Mornane used that same form, precisely and  
14 exactly, on cross-examination.

15 THE PRESIDENT: And did you object to it?

16 MR. HOWARD: No, sir.

17 THE PRESIDENT: I am not here to take objections.  
18 Colonel Mornane.

19 COLONEL MORNANE: If the Tribunal pleases,  
20 I wish to draw the Tribunal's attention to the last  
21 page on exhibit 74 upon which the witness was cross-  
22 examined, where it says, "The present Ordinance shall  
23 come into force as from 1st of April in 1942."  
24

25 Then there is one further matter. The  
Tribunal will recall that during my cross-examination,

1 toward the end of it, I referred to a matter on page 4  
2 which I thought was a matter of language, but I may  
3 have been erroneous in that view. The passage read,  
4 "In fact, during my tenure of office as Chief of the  
5 Military Affairs Section, I, at no time, gave orders  
6 to the said Department..."

7 The Tribunal will recall that in paragraph 1  
8 of the witness' affidavit he said he occupied the post  
9 of Chief of Army Affairs Section; and I would, there-  
10 fore, ask the Tribunal's permission to ask him the  
11 one question: Was he ever Chief of the Military  
12 Affairs Section?

13 THE PRESIDENT: You can ask him whether that  
14 statement in his affidavit is correct.

15 COLONEL MORNANE: Witness, is this statement  
16 in your--

17 MR. FREEMAN: If the Court please, he has  
18 already stated that this affidavit was correct.

19 THE PRESIDENT: We are not sure of the  
20 translation.

21 COLONEL MORNANE: Is this statement correct:  
22 "In fact, during my tenure of office as Chief of the  
23 Military Affairs Section--"

24 THE WITNESS: I think that is a mistranslation.  
25 I have been Chief of the Army Affairs Section, but



1 never Chief of the Military Affairs Section.

2 THE PRESIDENT: Now I have a question on  
3 behalf of a Member of the Tribunal.

4 Were the employees of the Prisoners of War  
5 Information Bureau the same as those of the Prisoners  
6 of War Administration Bureau?

7 THE WITNESS: I do not know whether all of  
8 the employees were the same, but I know that the  
9 principal members of the staff were the same.

10 THE PRESIDENT: Were the expenditures of  
11 those two bureaus met from the same funds?

12 THE WITNESS: I am not familiar with the  
13 particulars or the details, but I know that the  
14 employees or staff members were not having their  
15 salaries duplicated. I should think the funds were  
16 the same.

17 THE PRESIDENT: Mr. Freeman.

18 MR. FREEMAN: If the Tribunal please, there  
19 will be no redirect, but I would like to request that  
20 the Language Arbitration Section of the court trans-  
21 late the last sentence of paragraph 4 on page 5.  
22 I understand from the Japanese that there is no such  
23 word "for the consequences" and there is a question  
24 about the word "jointly."  
25

THE PRESIDENT: That is your own evidence,

1 and you must have been well aware of the gravity of  
2 that statement when you read it. Now you want to  
3 correct your own evidence. However, we will look at  
4 the original Japanese and get Major Moore to advise  
5 us. You may have misread what appears in Japanese  
6 in the original affidavit.

7 MR. FREEMAN: This request was made for  
8 another attorney who brought it to my attention.

9 May the witness be excused?

10 THE PRESIDENT: He is excused on the usual  
11 terms.

12 (Whereupon, the witness was excused.)

13 MR. FREEMAN: I next offer in evidence the  
14 witness KOBAYASHI, Shujiro, who yesterday was brought  
15 to the witness stand but the Court instructed that  
16 his affidavit be rewritten or checked, and I am  
17 bringing him back now.

18 THE PRESIDENT: Revised.  
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1 S H U J I R O K O B A Y A S H I, recalled as a  
2 witness on behalf of the defense, being  
3 previously sworn, resumed the stand and  
4 testified through Japanese interpreters as  
5 follows:

## DIRECT EXAMINATION

6 THE PRESIDENT: You are still on oath, witness.

7 BY MR. FREEMAN:

8 Q Mr. KOBAYASHI, will you give us your full  
9 name and address?  
10

11 THE PRESIDENT: We have that.

12 MR. FREEMAN: May he be shown affidavit 2211.

13 Q Is that your affidavit, and have you signed it?

14 A Yes.

15 Q Are the contents therein true and correct?

16 A Yes.

17 MR. FREEMAN: I tender in evidence defense  
18 document 2211 as revised.

19 THE PRESIDENT: Admitted on the usual terms.  
20 But we are going to strike out of this anything  
21 which is unnecessary, such as descriptions of battles.

22 CLERK OF THE COURT: Defense document 2211  
23 will receive exhibit No. 3099..

24 (Whereupon, the document above  
25 referred to was marked defense exhibit

1 No. 3099 and received in evidence.)

2 THE PRESIDENT: Mr. Tavenner.

3  
4 MR. TAVENNER: If the Tribunal please, I  
5 understand that only the marked portions are going  
6 to be read, and which does delete the matters referred  
7 to.

8 THE PRESIDENT: Our copies have no marked  
9 portions.

10 We will adjourn until half-past one.

11 (Whereupon, at 1200, a recess was  
12 taken.)

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## AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at  
4 1330.

5 MARSHAL OF THE COURT: The International  
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Major Moore.

8 LANGUAGE ARBITER (Major Moore): If the  
9 Tribunal please, exhibit 3098, page 5, paragraph 1,  
10 the last sentence, has been referred.

11 Delete from "and the" and substitute, "the  
12 result is consolidated and the minister and vice-  
13 minister are jointly responsible."

14 THE PRESIDENT: It is convenient to give  
15 the Court's decision on two points at this stage:

16 First, on the accused giving evidence:

17 Under the Charter any accused may give  
18 evidence. It rests with him, acting on the advice  
19 of his counsel if he sees fit to take it, to decide  
20 whether he will give evidence. The Tribunal will  
21 decide later, if necessary, any question arising as  
22 to the interrogation of any accused as authorized by  
23 the Charter.

24 Accused sitting at the bar table:

25 A majority of the Tribunal do not think  
that it is necessary in the interest of justice that

1 the accused should sit with counsel at the bar  
2 table.

3 Mr. Freeman.

4 MR. FREEMAN: If the Tribunal please,  
5 Mr. Smith, counsel for HIROTA, would like to approach  
6 the lectern.

7 THE PRESIDENT: Mr. Smith.

8 MR. SMITH: If your Honors please, I would  
9 like to say most respectfully that Mr. HIROTA has  
10 been without the assistance of American counsel  
11 since March 5.

12 THE PRESIDENT: A preliminary statement is  
13 required from you, Mr. Smith. A certain course was  
14 taken by the Tribunal, and the matter of the repre-  
15 sentation of that particular accused rested with you  
16 if you followed a certain course.

17 MR. SMITH: I should like to recall briefly  
18 my statement on March 5 before the Court rendered  
19 the decision and to repeat that again as a purely  
20 preliminary matter.

21 THE PRESIDENT: In a few words you could  
22 state the position as it should be.

23 MR. SMITH: All I have to say, your Honor,  
24 is that I profoundly regret the occasion which gave  
25 rise to the misunderstanding. I have since learned

1 that certain language we use in American courts  
2 while considered orthodox there has a special sig-  
3 nificance in Australia.

4 THE PRESIDENT: The Tribunal took that  
5 action, Mr. Smith, and the Australian Member is  
6 only one Member of the Tribunal.

7 MR. SMITH: Well, the important thing,  
8 your Honor, is that Mr. HIROTA have the benefit of  
9 counsel, whether it is me or some other counsel,  
10 and, as I have stated to the Tribunal, I profoundly  
11 regret the occasion. I have also previously ex-  
12 plained to your Honor that I had no intention of  
13 offering any offense to the Court, and this Tribunal  
14 is the first tribunal I have ever been before, many  
15 times in twenty years, that has ever suggested that  
16 my attitude has been offensive.

17 THE PRESIDENT: I think, Mr. Smith, although  
18 we are most anxious to hear you, you should make  
19 this application again on Monday morning, when we  
20 hope to have the whole Tribunal present. I advise  
21 you to do that, Mr. Smith. We would all like to see  
22 you back at that lectern, but a certain course must  
23 be followed; so renew your application Monday morning  
24 at half-past nine.

25 MR. SMITH: If your Honor please, if I may

1 be permitted to say this: I understood it was not  
2 necessary for me to repeat the formula which the  
3 Court prescribed on March 5, and if I appeared at  
4 the lectern and expressed profound regret on this  
5 occasion that it would be sufficient to remedy the  
6 matter. I do not intend to come back Monday morning,  
7 and --

8 THE PRESIDENT: What you propose to say now  
9 to eight Members I hope you will say to eleven Members  
10 on Monday morning, if it is what I anticipate and  
11 hope it will be.

12 MR. SMITH: Your Honor, I am sorry to  
13 announce my withdrawal as counsel and ask your  
14 Honor to see that Mr. HIRATA has the assistance of an  
15 American counsel. I think the Court --

16 THE PRESIDENT: There is no need for you to  
17 say any more.

18 Mr. Freeman.

19  
20 S H U J I R O K O B A Y A S H I, resumed the stand  
21 and testified through Japanese interpreters as  
22 follows:

23 MR. FREEMAN: If the Tribunal please, I shall  
24 now read into evidence exhibit 3099, as revised.  
25



1 "KOBAYASHI, Shujiro, live at Kitaide,  
2 Shimmei-mura, Imadachi-gun, Fukui Prefecture and an  
3 48 years old.

4 "In July of the 19th year of Showa (1944),  
5 I arrived at Manila as the staff officer of the 14th  
6 Area Army in the Philippine Islands. When the Shimbu  
7 Group under the command of the said army was formed  
8 at the close of that year, I was ordered to be attached  
9 to the group and, until the termination of war, engaged  
10 in the campaign in the region east of Manila. As the  
11 senior staff officer, my main duty was to control the  
12 operations and the rear service. When I arrived at  
13 my post, the Commander of the Army was Lieutenant  
14 General KURODA. He was succeeded by General YAMASHITA  
15 early in October of the 19th year of Showa (1944).  
16 The U. S. Army started landing in Leyte on October 18  
17 of the 19th year of Showa (1944). Two days later,  
18 on October 20, Chief of the Staff MUTO arrived at  
19 his post."

20 Beginning on page 2:

21 "It was a serious subject of study whether  
22 or not Manila should be defended to the last. But  
23 General YAMASHITA decided on a plan of its abandonment.  
24 Concerning this problem, Lieutenant General MUTO,  
25 the Chief of the Staff, insisted on a plan of

1 abandonment from the outset and gave this opinion to  
2 General YAMASHITA."

3 Paragraph (6), page 2. That "he" should be  
4 changed to "Air army commander gave strict instructions  
5 to the forces in Manila, forbidding any action of  
6 inflicting harms to the citizens as well as prohibiting  
7 them from putting any building to warfare use, except  
8 that simple works for air defense and self-defense  
9 were permitted on the McKinley Barracks and on the  
10 buildings near the seashore then under the army's use  
11 and that preparatory works for destruction of the  
12 three bridges were permitted for the purpose of pre-  
13 venting the enemy forces, in case of their marching  
14 northward from Batangas quarters, from using them.

15 "In this respect, I endeavoured, as the staff  
16 officer left behind at the place east of Manila, to  
17 have our forces thoroughly understand the above effect.  
18 For instance, at the meeting of staff officers and  
19 adjutants of every group and unit under the command,  
20 held at Montalban about the middle of January, I  
21 communicated it exactly to them and explained, adding  
22 that, even if its result should handicap them in fight-  
23 ing, they should act so as to realize the intention  
24 of the Area Army Commander. They all appreciated it  
25 and left. Lieutenant YOKOYAMA, the Commander of the

1 Shimbu Group, as well attached importance to the inten-  
2 tion of the Area Army Commander in this connection.  
3 He, accordingly, gave instructions early in January  
4 to all the officers and men under his command, empha-  
5 sizing that, as the world was watching every act of  
6 our forces fighting in the vicinity of Manila, the  
7 international city, they were required to maintain in  
8 particular strict discipline and to take such good and  
9 just actions that they might not be laughed at by  
10 posterity."

11 Beginning with F on page 4:

12 "After all, it can be concluded that our  
13 forces in Manila, suffering from surprised attacks,  
14 were in chaos from start to finish, owing to the  
15 activities of a large number of guerilla, panic-stricken  
16 refugees, confused commissary units and hospitals,  
17 etc., still remaining unarmed in the city, irregular  
18 struggles by the naval forces unaccustomed to land  
19 fighting, etc. Meanwhile, the Shimbu Group Headquarters  
20 remaining in the mountain of Montalban endeavoured to  
21 obtain every available information, though they could  
22 not ascertain the actual condition due to still defi-  
23 cient networks of communication and observation in the  
24 mountain. It was on February 18 that they came to  
25 confirm the general progress of battles. Yet the

1 details of the state in the city remained uncertain for  
2 them. Some liaison men we had sent there did not return  
3 in the end."

4 Paragraph 4:

5 "I will dwell upon the actions taken by the  
6 Area Army Commander toward the Philippine inhabitants.

7 "A. General YAMASHITA was rigid particularly  
8 in the military discipline. In respect to avoiding  
9 troubles to the inhabitants, he ordered the troops,  
10 even in case those stationed in the towns until then  
11 as well as those reinforced from Japan were removed  
12 for the purpose of operations, to restrain themselves  
13 to the utmost from using any private building and to  
14 make it a fundamental rule to be in camp. Besides,  
15 he always confirmed this point when he sent us to the  
16 place concerned and also he, since his arrival at his  
17 post in Manila, used barracks or those similar to them  
18 for his residence in order to set an example in person.

19 "B. They were also required in general to pay  
20 the inhabitants for their foodstuffs, utensils, etc.,  
21 which they had used and, in an unavoidable case, to  
22 give an I.O.U. in place of them and, besides, to  
23 obtain their consent. Even when the group ran out of  
24 provisions in May of the 20th year of Showa (1945) in  
25 the operations among the mountains east of Manila, I

1 saw that the commander ordered the troops under his  
2 command, by a bulletin, to carry out the instructions  
3 from the Area Army Commander and that commanders  
4 under him also ordered their men to that effect.

5 "C. In case of purging and suppressing  
6 the guerilla, he instructed the whole army to care-  
7 fully discriminate through precise information between  
8 guerilla and peaceful people in order to avoid any  
9 such action as mistaking peaceable one for the enemy.  
10 For this purpose, 'armed guerilla' was definitely  
11 indicated suppressive operations.

12 "D. "'How to Escape from War Disasters"  
13 for the inhabitants,' especially, "'How to Escape"  
14 for the citizens of Manila' were put in writing and  
15 also arrangements were made for their course of escape  
16 in order to prevent them from being mixed with our  
17 troops on their taking refuge. Not only that, in the  
18 City of Manila, staff officers of the Manila Defense  
19 Headquarters who had good experience in taking care  
20 of the citizens in the past were left behind, in con-  
21 sideration of preventing them from causing misunder-  
22 standing with our army.

23 "I will explain how we directed the treatment  
24 of war prisoners and of internees of the hostile  
25 powers.

1 "A. About the middle of December of the 19th  
2 year of Showa (1944) when the indications of the U. S.  
3 Army's attack against Luzon became clear, the divisions  
4 concerned were instructed to deliver war prisoners  
5 and internees peaceably to the U. S. Army when they  
6 arrived there, to have them carry provisions for one  
7 month at least with them, and to escort them against  
8 bandits. The Shimbu Group, in accordance with the  
9 above instructions, delivered some 4,000 in Manila  
10 and Saint Thomas and 3,000 in Losbagnios to them.

11 "B. Delivery at Manila.

12 "On the evening of February 3 when Manila  
13 City was surprised by the American-Philippine forces  
14 and the camp was besieged by the U. S. tank corps,  
15 Lieutenant Colonel HAYASHI, the head of the camp, with  
16 the intention of avoiding eventual spread of disaster  
17 to the internment buildings, mustered his staff (I  
18 remember they numbered 30 or so) in the main office  
19 and negotiated with the U. S. Army. The U. S. Army,  
20 on the other hand, proposed to him that, though they  
21 would comply with the delivery of all the internees,  
22 the Japanese forces should wholly be disarmed. The  
23 head of the camp expressed himself that, although his  
24 main duty would conclude with peaceable delivery of  
25 the internees, yet they could not stand immediate

1 surrender as the Japanese soldiers and that either  
2 they would remove to the Japanese positions individ-  
3 ually in arms or, if there was no alternative, they  
4 all preferred to fight to death. After negotiations  
5 were repeated and as the representatives of the inter-  
6 nees gave the U. S. Army an advice, saying, 'These  
7 Japanese looked after us very well,' the U. S. Army  
8 replied that they would comply with the Japanese proposal  
9 and that they would immediately lead the way to a  
10 safety zone. Accordingly, the head of the camp ordered  
11 scores of his men to be in full arms, had them put the  
12 camp buildings in order and took a roll call of his  
13 men, and they departed there, bidding farewell to the  
14 internees. For fear of a possible surprise attack  
15 by the U. S. Army after going out of the gate, they  
16 went forward, making preparations ready to fight.  
17 While on the contrary, a colonel of the U. S. Army,  
18 who guided us was so gentlemanly that he warned the  
19 Japanese troops against misunderstanding by the ordi-  
20 nary U. S. troops and told them to walk along either  
21 side of road. He, at the head of them in person,  
22 led them safely to outside the disposition of the  
23 U. S. Army and then shook hands with the head of the  
24 camp. The head expressed his gratitude to the colonel  
25 for his kindness. They bade farewell, wishing each

KOBAYASHI

DIRECT

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1 other good health. The above was the personal report  
2 of the head of the camp after his return.

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1 "C. Delivery at Losbagnios.

2 "It seemed that, as this district was  
3 located at a long distance from the Shinbu Group  
4 Headquarters, there was misunderstanding for awhile  
5 due to the difficulty of communication. As a re-  
6 sult, about the middle of January, the head of the  
7 camp tried without leave to set the internees free  
8 and to retreat to a safety zone. So the commander  
9 ordered him, in accordance with the intention of  
10 the Area Army Headquarters, to protect them in  
11 safety and to supply them with food until the arrival  
12 of the U. S. Army. The head of the camp again took  
13 them in the former place and later, when the U. S.  
14 Army arrived there, sent a messenger to Kalamba to  
15 propose their delivery to the U. S. Army. In the  
16 end, the purpose was accomplished by setting them  
17 free at Losbagnios.

18 "I will make a statement on the condition  
19 of our knowledge of the real state of the forces in  
20 various districts and on the real condition of com-  
21 munication.

22 "Lack of preparations for the operations,  
23 especially, inferiority in wireless equipment; the  
24 complete command of the air in the daytime by the  
25 U. S. Army; the difficulty of traffic within our

1 province cut to pieces by the enemy and guerilla;  
2 and, in addition, the disorder of our forces, which  
3 fought in the vicinity of Manila, being hastily  
4 formed including those troops in rear-service,  
5 patients discharged from hospitals; and, moreover,  
6 abrupt joining by the air and naval landing forces  
7 which had no former connection with us. These  
8 circumstances prevented us to get from them avail-  
9 able reports as desired. Consequently, the Head-  
10 quarters took great pains. As a striking instance,  
11 it was when we read a magazine of the U. S. Army  
12 in the camp after the termination of the war that we  
13 for the first time learned the fact that, as early  
14 as on February 4 or 5 the powerful U. S. forces had  
15 advanced from the south to the southern side of  
16 Manila City. And it was beyond all our imagination  
17 that an accident had occurred in Manila and Batangas  
18 districts. Accordingly, we neither received any report  
19 on such a matter nor made any report to the superiors.

20 "On this 26th day of August, 1947."

21 Cross-examine.

22 THE PRESIDENT: Mr. Tavenner.  
23  
24  
25

## CROSS-EXAMINATION

1  
2 BY MR. TAVENNER:

3 Q Mr. KOBAYASHI, on page 7 of your affidavit,  
4 the last sentence under the first paragraph, under  
5 the heading "C," in referring to the delivery of the  
6 allied prisoners at Losbagnios, you state that the  
7 purpose was accomplished by setting them free.  
8 Now, as a matter of fact, instead of setting the  
9 allied prisoners free the allied prisoners were  
10 rescued as a result of a well-timed attack by land,  
11 sea, and air; isn't that true?

12 A We don't know what happened at the end.  
13 This was from a report.  
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1 Q And, do you not know, as a matter of fact,  
2 that select troops from the 511th Paratroop Battalion  
3 descended on that camp by air, that other units of the  
4 11th Airborne Division made a landing by amphibious  
5 craft, and that Filipino guerrillas infiltrated the  
6 Japanese lines and joined in an attack by land on  
7 that camp? Please answer.

8 A I have never heard of the Airborne attack.  
9 May I add a few words?

10 Q Proceed.

11 A But, from other reports I heard that many  
12 craft went from Lake Laguna to Los Banos.

13 Q Now, I refer you to page 6 of your affi-  
14 davit where you describe the delivery of the Allied  
15 prisoners at Santo Tomas Prison. In that answer,  
16 you leave the inference that this was a very peace-  
17 ful delivery of Allied prisoners. As a matter of  
18 fact, do you not know that advanced units of the 1st  
19 Cavalry of the United States Army penetrated the Japa-  
20 nese lines into the middle of the city and seized the  
21 camp?  
22

23 A I have only stated the facts.

24 Q I asked you if you knew that. Please answer.

25 A In my affidavit, I have testified in accord-  
ance with the report which I received from the chief

1 of the camp, which was to the effect that the camp  
2 had been encircled by the American forces, but that  
3 without resorting to any fighting and through peace-  
4 ful negotiation, the transfer of the internees was  
5 effected.

6 Q Will you now answer the question as to  
7 whether or not you heard or knew that that camp had  
8 been seized in the manner that I described?

9 A I have not received any reports that the  
10 camp had been surrounded as a result of battle or  
11 that it had been seized as a result of battle.

12 MR. TAVENNER: If the Tribunal please, as to  
13 the residue of this witness' testimony, the prosecution  
14 will satisfy itself by referring to the prosecution  
15 evidence on the subject. As to atrocities in Manila  
16 and Batangas reference is made to exhibits 1365 to  
17 1378 inclusive, appearing on pages 12,442 to 12,452  
18 inclusive; exhibits 1413 and 1414 at pages 12,501 to  
19 12,507; exhibits 1412 and 1422 at pages 12,520 to  
20 12,536 inclusive. With regard to the matter of the  
21 annihilation of Filipinos generally, reference is  
22 made to exhibits 1438-A, 1438-B, and 1439 to 1447  
23 inclusive, appearing at pages 12,566 to 12,576 inclus-  
24 ive.

25 That is all, if the Tribunal please.

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THE PRESIDENT: Mr. Freeman.

MR. FREEMAN: If the Tribunal please, with the Court's indulgence and with the consent of the prosecution, I would like to call to the witness stand two witnesses out of turn, since both of them live a good distance from Tokyo, one of them being a physician, and they must return home.

May this witness be excused?

THE PRESIDENT: He is excused on the usual terms.

(Whereupon, the witness was excused.)

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MR. FREEMAN: The witness I wish to call is YASUDA Tsuneo, whose affidavit is defense document 2470.

- - -

1 T S U N E O Y A S U D A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Dr. YASUDA, will you give us your full name  
8 and address?

9 A My name is YASUDA Tsuneo; my address is  
10 No. 2 Satomicho, Kanazawa, Ishikawa Prefecture.

11 MR. FREEMAN: May the witness see defense  
12 document 2470?

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

15 Q Is that your affidavit and have you signed it?

16 A Yes.

17 Q Are the contents therein true and correct?

18 A Yes, true and correct.

19 MR. FREEMAN: I offer in evidence defense  
20 document 2470.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 2470  
23 will receive exhibit No. 3100.

24 (Whereupon, the document above  
25 referred to was marked defense exhibit

1 No. 3100 and received in evidence.)

2 MR. FREEMAN: I shall read into evidence  
3 exhibit 3100, beginning with the first paragraph:

4 "1. I am a former Army Medical Colonel. I  
5 stayed in Singapore as a member of the Medical Depart-  
6 ment of the Southern Army General Headquarters during  
7 the period from October 19, 1942 to July 5, 1944, and  
8 was in charge of medical and sanitary affairs assist-  
9 ing Medical Lieutenant-General AOKI Kuichiro, Chief  
10 of the Medical Department.

11 "2. On the occasion of the proposed construc-  
12 tion of a railway linking up Thailand and Burma, I  
13 stressed that the sanitation measures were very im-  
14 portant in this enterprise and the success of the con-  
15 struction work depended directly on sanitary conditions  
16 in view of the bad sanitary conditions prevailing there,  
17 the speedy accomplishment of the work being held in  
18 contemplation.

19 "Commander in Chief of the Southern Army  
20 TERAUCHI paid special attention to this point and I  
21 made every effort to investigate sanitation matters  
22 and made every preparations for that before and after  
23 the start of the work.

24 "3. Aiming chiefly at malaria, cholera,  
25 dysentery and black plague in the investigation, I



1 despatched Medical Captain MOMMA, member of the  
2 Medical Department, to the area with the Surveying  
3 Corps at the end of 1942 and had him study general  
4 sanitary conditions over there, collecting material  
5 for the purpose of establishing definite sanitary  
6 measures. And in January, 1943 I also despatched  
7 Dr. OKORI Nanzaburo, member of the Research Institute  
8 of Formosa on Tropical Medical Science and an author-  
9 ity in research work of the malaria-mosquito, as a  
10 non-regular civilian official attached to the Army in  
11 company of eleven persons to Thailand first and then  
12 to Burma later, and had them investigate malaria in  
13 the areas of construction. I made more effective the  
14 execution of prevention and extermination of malaria  
15 based on their reports.

16  
17 "After that I carried on investigations  
18 further, with water Supply and Purification corps at  
19 the area as the centre of activities; and at the  
20 same time took charge of the prevention of malaria  
21 and other communicable disease and the water supply.

22 "4. In order to enforce strongly the sani-  
23 tation measures to cover this construction work, the  
24 main body of the Southern Army's Water Supply and Puri-  
25 fication Department, which was most powerful in the  
said Army's operation area, and the overwhelming

1 majority of the medical services directly attached  
2 to the said Army as well as other medical services  
3 of the Army Corps at the front were attached to the  
4 Railway Construction Commander, forming the Medical  
5 Unit of the Railway Corps. Medical Colonel KITAGAWA,  
6 Commander of the Water Supply and Purification was  
7 appointed commander of the said medical unit and he  
8 strived to give it full swing.

9 "5. Despite such careful investigations and  
10 preparations with which the construction was embarked  
11 upon, the rainy season set in about the middle of  
12 April, 1943, nearly a month earlier than expected,  
13 before foodstuffs, drugs and medical supplies were  
14 sufficiently accumulated in the hinterland, turned  
15 the construction ways into a quagmire and traffic came  
16 almost to a stand-still, cholera which broke out among  
17 the Burmese natives spasmodically found ways into the  
18 construction district in Thailand and became more and  
19 more prevalent. It reached its peak in June, defying  
20 all the medical services' devoted efforts which were  
21 greatly handicapped by the blocked traffic in pene-  
22 trating into the hinterland. The Medical Department  
23 Chief himself went to the area and took over supplying  
24 as much medical supplies (454 sanitary water filters  
25 and other supplies) as he could from the Southern

1 Army's reserve stocks. Then again he had Medical  
2 Department personnel dispatched time and again to  
3 the area and did all he could to check the diseases.  
4 Further the situation was reported to Commander in  
5 Chief TERAUCHI and all construction work was suspend-  
6 ed for a time and all efforts were concentrated on  
7 stamping out the epidemics.

8 "6. The fact that malnutrition, dysentery,  
9 malaria and tropical ulcer increased in proportion  
10 to the progress of the construction work may also be  
11 thought to have been result of the bad sanitary con-  
12 ditions by the rainy season as well as by the dearth  
13 of foodstuffs caused by the blocked roads. Against  
14 these epidemics, it goes without saying that the  
15 activities of the medical services and supplying of  
16 drugs were stimulated, while the all-important supply  
17 of essential foodstuffs and increase of supply of  
18 mosquito nets and blankets were appealed to concerned  
19 officers, but these could not easily be improved on  
20 account of transport difficulties over the area.

21 "On this 2nd day of Sept. 1947."

22 You may cross-examine.  
23  
24  
25

1 THE PRESIDENT: Colonel Mornane.

2 CROSS-EXAMINATION

3 BY COLONEL MORNANE:

4 Q Witness, did you advise Southern Army  
5 Headquarters before prisoners of war were sent into  
6 Burma and Thailand of the danger to them from sickness  
7 and disease?

8 A Yes.

9 Q And you knew that it would be very difficult  
10 to provide adequate sanitation in the jungle.

11 A Yes.

12 Q And in spite of that, Southern Army Headquarters  
13 sent these prisoners to the jungle. That is so, is it  
14 not?

15 A That I do not know.

16 Q Well, now, I take it you were very interested  
17 to get reports from time to time as to the sickness and  
18 death-rate on the Burma-Thailand Railway?

19 A Yes.

20 Q And I take it that you conveyed that information  
21 to Southern Army Headquarters?

22 A I do not understand the point.

23 (Whereupon, the monitor spoke to the  
24 witness in Japanese.)  
25

THE WITNESS: I still don't understand the

1 question.

2 THE PRESIDENT: The question, if properly  
3 translated, should be easily understood.

4 (Whereupon, the last question was  
5 read by the official court reporter as follows:  
6 "And I take it that you conveyed that information  
7 to Southern Army Headquarters?")

8 A Only the important parts of the report.

9 Q You knew that the death-rate could have been  
10 reduced with adequate medical supplies.

11 A No, that alone was not necessary. That's  
12 the way I saw it. That alone was not sufficient. That's  
13 the way I saw the situation.

14 Q At all events, you knew that the men would  
15 have a much greater chance of saving their lives if  
16 they had adequate medical supplies.

17 A But, I regarded food supplies as being more  
18 important.

19 Q Did you point out to Southern Army Headquarters  
20 that the death-rate -- the deaths were due to lack of  
21 food and lack of medical supplies?

22 A Yes.

23 Q And actually deaths were occurring there as  
24 early as October of 1942?

25 A Yes.

1 Q ell, therefore, whatever happened the  
2 rainy season in April of '43 had no effect on the  
3 sanitary conditions prior to that time.

4 A Of course, there were deaths, but I recall  
5 that the sanitary conditions in that period was com-  
6 paratively good -- prior to that period.

7 Q Do you know in October of '42, at one camp  
8 alone, out of 675 personnel there were 130 down with  
9 sickness?

10 A No, I do not.

11 Q Did you ever visit these camps on the Burma-  
12 Thailand Railway?

13 A I have not.

14 COLONEL MORNANE: I will just refer the Tribunal  
15 to prosecution's evidence in relation to the conditions  
16 on that Railway:

17 Exhibit 1561 to 1569, inclusive, at pages  
18 13,054 to 13,074; exhibit 1574 and 1575 at pages 13,083  
19 to 13,087; Colonel Williams at page 13,003 et seq., and  
20 Colonel Coates at pages 11,411 to 11,433.

21 MR. FREEMAN: May the witness be excused?

22 THE PRESIDENT: He is excused accordingly on  
23 the usual terms.

24 (Whereupon, the witness was excused.)

25 MR. FREEMAN: I call the witness KODAMA, Kyuzo,

1 whose affidavit is defense document 2140.

2 - - -

3 K Y U Z O K O D A M A, called as a witness on  
4 behalf of the defense, being first duly sworn,  
5 testified through Japanese interpreters as  
6 follows:

7 DIRECT EXAMINATION

8 BY MR. FREEMAN:

9 Q Mr. KODAMA, will you give us your full name  
10 and address?

11 A My name is KODAMA, Kyuzo; my address is No. 1,  
12 Hayamachi, Fukakuse-machi, Fushimika, Kyoto.

13 MR. FREEMAN: May the witness see defense  
14 document 2140.

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

17 Q Is that your affidavit and have you signed it?

18 A This is my affidavit.

19 Q Are the contents therein true and correct?

20 A Yes, true and correct.

21 R. FREEMAN: I offer in evidence defense  
22 document 2140.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2140  
25 will receive exhibit No. 3101.

1 (Whereupon, the document above re-  
2 ferred to was marked defense exhibit No. 3001  
3 and received in evidence.)

4 MR. FREEMAN: I shall read in evidence exhibit  
5 3001:

6 "I. I, KODAMA, Kyuzo, served in the War  
7 Ministry as Chief of the Military Service Section,  
8 Military Affairs Bureau, during the period between  
9 March, 1940 and June, 1944. The duties of the Military  
10 Service Section covered matters concerning military  
11 discipline, punishment, regulations of various sorts  
12 relative to military service, and the proper duties of  
13 individual soldiers, etc." --

14 THE PRESIDENT: What is his rank?

15 THE WITNESS: I was Colonel at the time.  
16  
17  
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MR. FREEMAN: (Reading continued):

1 "II. Inasmuch as discipline was the backbone  
2 of the army, all army forces as well as the central  
3 authorities concentrated their best efforts on its  
4 enforcement. The central authorities annually called  
5 to Tokyo all the division commanders in the homeland as  
6 well as the staff chiefs and chief judicial officers of  
7 forces stationed at home and abroad in order to give  
8 them instructions through the Three Heads of the Army  
9 who never failed to lay special stress on the enforce-  
10 ment of military discipline. Moreover, sometimes  
11 staff chiefs were called to a special meeting for the  
12 exclusive purpose of enforcing discipline.  
13

14 "Appendix I, 1---3, are specimens of such  
15 instructions.

16 "III. In Japan primary importance was attached  
17 above all to the strengthening of command power as the  
18 basis of military discipline. By emphasizing this  
19 point, it was held, it was possible to keep the  
20 members of the army away from possible misbehavior  
21 and to change for the better the characters of those  
22 who had committed any such misbehavior. In time of  
23 war, however, more immediate and concrete measures were  
24 taken in addition to this in order to prevent such mis-  
25 conduct as might result from the abnormal circumstances

1 at the front as well as the lowered moral standard of  
2 the troops owing to the increase in army personnel.

3 "In the following paragraphs I shall describe  
4 measures taken by the central authorities in relation  
5 to those types of misconduct which are now being tried  
6 by military tribunals at various places.

7 "IV. Education and guidance given by the  
8 military at the time were as follows:

9 "(1) Manuals: Enforcement of military dis-  
10 cipline and raising of morale are emphasized in every  
11 manual. Especially, the training manual clearly points  
12 out the way thereto. It requires soldiers, right from  
13 their start for the front, to be careful about the  
14 maintenance of military discipline, and the necessary  
15 example to be shown to the natives in fighting areas  
16 for the heightening of the prestige of the Japanese  
17 forces.

18 "(2) As for international law and regulations,  
19 both officers and men were given necessary training in  
20 a sensible way. For instance, teaching concerning the  
21 Red Cross Treaty was given in Military Training Manual  
22 No. 60, and the law text-book for the Military Academy  
23 Preparatory School (Appendix No. 7) dealt with Land  
24 Warfare Regulations. In order that the said inter-  
25

1 national laws and regulations be strictly observed,  
2 concrete instructions were given concerning operational  
3 movements -- such as the action of a sentry, instruc-  
4 tions concerning billeting, and requisition of mater-  
5 ials -- and also about the treatment of prisoners of  
6 war.

7 "The central authorities did not receive any  
8 formal information whatever concerning such cases as  
9 appeared before the military tribunals. Consequently,  
10 the measures taken by the central authorities were not  
11 in most cases adequate for the actual cases to which  
12 they were applied. However, in view of the prolonged  
13 warfare and the declining tendency of the character and  
14 intelligence of troops, necessary principles regarding  
15 the education, control and guidance of forces were given,  
16 attention was called to them, and other necessary milit-  
17 ary measures were taken.

18 "1. Wartime Service Manual was compiled and  
19 distributed to the officers at large to be used as  
20 their reference material and guide-book during their  
21 service at the front. Its compilation being owned nec-  
22 essary, was carried out in 1938 (Showa 13) by the Inspect-  
23 orate-General of Military Training in view of experienc-  
24 es gained up to that time through service abroad.  
25

"2. Military discipline and Morale Investig-

1 ation Corps were sent out for investigation and guid-  
2 ance. Staff members of the central authorities were  
3 specially ordered in 1939 (Showa 14) to make an in-  
4 spection tour to various spots in China for a period  
5 of some two months. After their return, the central  
6 authorities gave all units a guide to rigid enforcement  
7 of military discipline and morale, and adopted military  
8 administrative measures for the sake of the enhancement  
9 of recreation facilities and adequate methods of re-  
10 placement.

11 "3. Articles brought back from abroad by the  
12 military men and civilians in the military service on  
13 their return to their homeland, were strictly inspect-  
14 ed and controlled by every unit, at every port of  
15 embarkation, landing spot in the homeland, as well as  
16 by the home unit, thereby to discover and prevent  
17 breaches of discipline and, above all, plundering  
18 in the battle-field.  
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1           "(4) The copies of the 'Instructions to the  
2 Men at the Front' were distributed in the 16th year  
3 of Showa (1941) for the heightening of morality at  
4 the front. As the war was prolonged, a fear of the  
5 decline of morality and especially of possible plunder-  
6 ing and violations came to be felt. To meet the situa-  
7 tion, the said 'Instructions' was compiled by the cen-  
8 tral authorities and distributed in the name of the  
9 Minister of War. Every military man at the time always  
10 carried a copy of it with him, and by respectfully  
11 reading it day and night, exerted himself to comply  
12 with the teachings given in it.

13           "(5) In the 17th year of Showa (1942), a  
14 part of the Army Criminal Code was revised by Law No.  
15 35. By this change, necessary provisions were newly  
16 added or amended in relation to military offences,  
17 for the sake of the strengthening and rigid enforce-  
18 ment of military discipline.

19           "It is especially notable, in these changes,  
20 that the crime of rape at the front was prescribed as  
21 a crime for which 'prosecution may be instituted with-  
22 out any complaint by the injured party.'

23           "(6) The central authorities gave several  
24 times strict warning against private punishments. It  
25 was applied to the treatment of prisoners of war and

1 the native population as well as to Japanese Military  
2 men.

3 "(7) Great care was taken by the central  
4 authorities as to the prevention of offences and crimes  
5 against the natives. A special term 'offences against  
6 the natives' was invented, and a statistic study of  
7 crimes and misdeeds was made, to which the authorities  
8 called the attention of every unit.

9 "(8) The Military Administrative Order was  
10 revised in August, 18th year of Showa (1943). An  
11 item was added to it that the order was to be applied  
12 also to the forces at the front (the Order No. 1),  
13 and regiment commanders, it was stated, should give  
14 lessons and guidance to their subordinates, about the  
15 rules for treating the natives (The Order No. 24)

16  
17 "(9) In order to pull back to the right course  
18 the mind of soldiers who unawares had become dissipa-  
19 ted through prolonged service in the field and es-  
20 pecially through disasters and dangers caused by fight-  
21 ing, adequate considerations were taken for affording  
22 every possible convenience for forwarding of letters  
23 and dispatches from their homes, forwarding comforts,  
24 sending out entertainment groups, as well as for the  
25 promotion of recreation facilities at the front, for  
instance, organization of film corps to make visits

1 and establishment of military men's clubs, etc.

2 "On this 20th day of August, 1947."

3 You may cross-examine.

4 If the Court please, I understand in the second  
5 line of the first paragraph that should be Military  
6 Service Bureau rather than Military Affairs Bureau.

7 THE PRESIDENT: Well, we need Major Moore's  
8 opinion.

9 Colonel Mornane.

10 CROSS-EXAMINATION

11 BY COLONEL MORNANE:

12 Q Witness, was it within the powers of the  
13 prisoner-of-war camp commander to punish the prisoners?

14 A Such matters were in the province of the  
15 Military Affairs Bureau. The Military Service Bureau  
16 did not have any connection with it.

17 Q You don't know whether the commander of a  
18 prisoner-of-war camp had authority to punish any of the  
19 prisoners of war?  
20

21 A I have no positive recollection.

22 Q What do you mean by saying your duties covered  
23 matters concerning military discipline?

24 A Whenever punishment is dealt out in connec-  
25 tion with violations of regulations governing disci-  
pline and morals, any reports made to the Foreign Min-

1 ister would pass through the hands of my section.

2 COLONEL MORNANE: I am through with the  
3 cross-examination, if the Tribunal please.

4 MR. FREEMAN: May the witness be excused?

5 THE PRESIDENT: He is excused on the usual  
6 terms.

7 (Whereupon, the witness was excused.)

8 MR. FREEMAN: I next call the witness MURATA,  
9 Shozo, whose affidavit is defense document 1741. This  
10 is the one that was passed yesterday. I wish to read  
11 only paragraph 3 on page 12 to the end of the affidavit.

12 THE PRESIDENT: Is there any need to call him?  
13 Do you want to cross-examine?

14 (Whereupon, Mr. Tavenner nodded.)

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1 S H O Z O M U R A T A, recalled as a witness in  
2 behalf of the defense, having been previously  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 THE PRESIDENT (to the witness): You are  
6 still on your former oath.

7 DIRECT EXAMINATION

8 BY MR. FREEMAN:

9 Q Mr. MURATA, will you give us your full name  
10 and address?

11 A My name is MURATA, Shozo. My address is No.  
12 103, Kaminoge, Tamagawa, Setagayaku, Tokyo.

13 MR. FREEMAN: May the witness be shown de-  
14 fense document 1741?

15 ("Hereupon, a document was handed to  
16 the witness.)

17 Q Is that your affidavit and have you signed  
18 it?

19 A Yes.

20 Q Are the contents therein true and correct?

21 A Yes.

22 MR. FREEMAN: I offer in evidence defense  
23 document 1741.

24 THE PRESIDENT: Mr. Tavenner.

25 MR. TAVENNER: If the Tribunal please, objec-

1 tion is made to certain portions of this affidavit,  
2 but I am now advised by counsel that only a portion  
3 of it will be read. I believe I can eliminate some  
4 discussion by talking to counsel during the recess.

5 THE PRESIDENT: Recess for fifteen minutes.

6 (Whereupon, at 1445, a recess was taken  
7 until 1500, after which the proceedings were re-  
8 sumed as follows:)  
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Greenberg &amp; Barton

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Moore,

4 LANGUAGE ARBITER (Major Moore): If the  
5 Tribunal please, exhibit 3101, paragraph 1, line 2,  
6 substitute "service" for "affairs."

7 THE PRESIDENT: Thank you, Major. Mr.  
8 Tavenner.

9 MR. TAVENNER: If the Tribunal please, I  
10 am advised that the only portion of this affidavit  
11 which will be offered in evidence is that portion at  
12 item 3 on page 12 and extending from there to the  
13 end of the affidavit. Consequently, I have only one  
14 objection to offer. It is to the last sentence in  
15 the first paragraph on page 13, beginning with the  
16 words "although it may appear." The grounds of the  
17 objection are that it is an expression of opinion or  
18 conclusion by the witness and that it has the effect  
19 of foreswearing an issue in the case.  
20

21 THE PRESIDENT: Mr. Freeman,

22 MR. FREEMAN: I don't want to be heard. I  
23 agree with it.

24 THE PRESIDENT: The objection is upheld.  
25 The document is admitted subject thereto on the  
usual terms.

1 CLERK OF THE COURT: Defense document 1741  
2 will receive exhibit No. 3102.

3 (Whereupon, the document above  
4 referred to was marked defense exhibit  
5 No. 3102 and received in evidence.)

6 THE PRESIDENT: Yes.

7 MR. FREEMAN: I shall read into evidence  
8 exhibit 3102, beginning with paragraph 3, subject  
9 to lines deleted.

10 "Now I will make a statement on the "Death  
11 March."

12 "I don't think it is clear whether "Death  
13 March" is a term to apply to the Filipino war pri-  
14 soners or to the American war prisoners. I wit-  
15 nessed the American war prisoners on the "March",  
16 landing from Corregidor and marching toward the in-  
17 ternment camp from the street but there didn't seem  
18 to be any deaths in the procession. It was, however,  
19 true that there were some deaths among the Filipino  
20 war prisoners who marched separately.

21 "I will now relate the state of affairs when  
22 I visited the headquarters of the Japanese Army on  
23 Bataan soon after the surrender of the U. S. army  
24 there. I witnessed then war prisoners lying on the  
25 wayside who after surrendering at Bataan had fallen

1 out of the march on their way to camp. When I had  
2 a talk with the Commander of the Army I asked him  
3 about this. He answered, saying, 'Little did I  
4 expect that there were so many. Contrary to my ex-  
5 pectations that those who offered to surrender would  
6 number 30 or 40 thousand, there were as many as 70  
7 or 80 thousand and I had a great difficulty in trans-  
8 porting them. First of all, we had no truck which,  
9 accordingly, compelled us to have them walk. Neither  
10 had we so much in the way of rations. Moreover,  
11 they were suffering from malaria or other diseases,  
12 so we had a very hard time escorting them to the  
13 camp.' This was the actual state of things.

14 "This is something I heard from a Filipino  
15 or some war prisoners who were deeply moved by the  
16 fact that Japanese soldiers on duty in prisoner of  
17 war camp, for instance, lived under the same roof and  
18 ate the same meals with the war prisoners.

19 "Various kinds of leaflets were said to have  
20 been distributed from airplanes during the Philippine  
21 offensive of Commander HOMMA. Among these leaflets  
22 was printed: 'The Filipino people who will swear al-  
23 legiance to us shall not be looked upon as our enemy.'  
24 I think General HOMMA entertained this idea to the  
25 last, because he released war prisoners one after an-

1 other in spite of the continuation of the war. This  
2 greatly pleased the Filipino people. There are other  
3 cases as having helped in getting employment for them,  
4 assisting them in their education, etc, but as they  
5 would come under hearsay I shall refrain.

6 "On this 6th day of June 1947."

7 You may cross-examine.  
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1 THE PRESIDENT: Mr. Tavenner.

2 CROSS-EXAMINATION

3 BY MR. TAVENNER:

4 Q Mr. MURATA, is it true that you were in  
5 the Philippines first in the capacity of adviser to  
6 the Japanese Army beginning February 11, 1942?

7 A Yes.

8 Q By what branch of the Japanese Government  
9 were you selected for that position?

10 A I think the order for my appointment came  
11 from Prime Minister TOJO; but, since I belonged to  
12 the War Ministry, perhaps I was appointed by General  
13 TOJO as Minister for War.

14 Q Then you were also in the Philippines in the  
15 capacity of Japanese Ambassador Plenipotentiary to  
16 the so-called Philippine Government beginning in  
17 October, 1943, were you not?

18 A Yes.

19 Q In this latter capacity, to whom did you  
20 make your reports?

21 A To the Minister for Greater East Asiatic  
22 Affairs.

23 Q Then, as Ambassador, you were not a represen-  
24 tative of the Foreign Office but you were a represen-  
25 tative of the Ministry of East Asia Affairs.

1           A    According to the organization at that time  
2 diplomatic relations with the Philippine Government  
3 was under the jurisdiction of the Ministry for  
4 Greater East Asiatic Affairs. However, I have for-  
5 gotten the technical term used at the time, but, in  
6 so far as diplomatic formalities and usages were  
7 concerned, we were to follow the instructions of the  
8 Foreign Office.

9           Q    How long did you operate under the adminis-  
10 tration of the Ministry of East Asia -- the Bureau  
11 of East Asia Affairs? Was it to the end of the war?

12           A    At the time of the termination of the war,  
13 I had already resigned from the post of Ambassador.  
14 As a matter of fact, at that time there were no means  
15 of obtaining instructions or orders because there  
16 were no means of communication and transportation.

17           Q    Well, as long as you occupied your post  
18 you were subject to the jurisdiction and administra-  
19 tion of the Ministry of the Bureau of East Asia Af-  
20 fairs, is that true?

21           A    Yes, that is so.

22           Q    Did you receive appeals from the Philippine  
23 people to intervene with the Army in behalf of those  
24 who were being mistreated by the Japanese Army?

25           A    You said something about facts of mistreat-



1 ment, but I have had discussions on good things as  
2 well as bad and mediated not only between the Japan-  
3 ese Army and the Philippine Government but also be-  
4 tween the Japanese Army and the civilian population  
5 as well.

6 Q Well, now, I was asking you about the bad  
7 things. Will you tell us the nature of the com-  
8 plaints that you received about mistreatment of  
9 Filipinos by the Japanese Army.

10 MR. FREEMAN: If the Tribunal please, I  
11 respectfully submit that this is outside of the  
12 scope of the affidavit as read into the evidence, and  
13 I object to the question.

14 THE PRESIDENT: He says nothing in the ad-  
15 mitted part about civilians, does he?

16 MR. TAVENNER: Civilians are not specific-  
17 ally mentioned. It is the last two paragraphs in  
18 the affidavit which contain inferences which I  
19 thought were broad enough to justify questioning  
20 along this line. Those paragraphs contain inferences  
21 of lenient and good treatment which I thought would  
22 permit questioning.

23 THE PRESIDENT: "General HOMMA's leaflets  
24 pleased the Filipino people." Is that the part?

25 MR. TAVENNER: It is principally the para-

1 graph before that.

2 THE PRESIDENT: Well, following that there  
3 is a passage which would certainly show this is with-  
4 in the scope. The objection is overruled.

5 Q Now, will you answer the question, please.

6 A My reply would depend on the time you are  
7 referring to, whether it is the time of General  
8 HOMMA or in the latter stages of the war during the  
9 time of General YAMASHITA when conditions were com-  
10 pletely changed.

11 Q Let's begin at the beginning.

12 A As I have stated in my affidavit, at first  
13 there was considerable feeling of uneasiness among  
14 the Filipino populace; but, gradually, as they came  
15 to understand the real intentions of Japan, their  
16 feelings of suspicion melted away. Then I will  
17 skip the intermediary period, because it would take  
18 a long time describing it, and speak of the latter  
19 stages of the war and state that the Filipino people  
20 depended for ten per cent of their supply of rice  
21 on imports; but, due to the suspension of transpor-  
22 tation due to increasing number of ships sunk, the  
23 supply of this ten per cent of rice was not forth-  
24 coming.

25 Q Possibly you have misunderstood my ques-

1     tion. My question was whether or not complaints were  
2     made to you and what are they, relating to mistreat-  
3     ment of the Filipinos by the Japanese Army which,  
4     I think, could be answered specifically.

5             A     I was just on the way to answering that  
6     question.

7             THE PRESIDENT: Well, were complaints re-  
8     ceived?

9             THE WITNESS: Yes.

10            Q     What were they?

11            A     The first -- the primary complaint was the  
12     decrease in the food supplies and that was because  
13     the Army had to take them away -- took away the sup-  
14     plies.

15            Q     The Army took the food supplies from the  
16     Filipinos for their own use?

17            A     I wouldn't say "all," but food is necessary  
18     to the army in operation; and, since ships were  
19     being sunk and food supplies could not be brought in  
20     from the outside, they simply had to rely on the  
21     indigenous production.

22            Q     Did they send any of the foodstuffs to  
23     Japan?  
24

25            A     Inasmuch as they couldn't bring food in  
   from the outside, there was no possibility of sending

food out of the Philippines.

1 Q I didn't ask about the possibility. I said,  
2 did they? Did they send rice, for instance?

3 A Absolutely not.

4 Q Tell us about other complaints?

5 A Some time before that time the United States  
6 Army had already landed at various points along the  
7 coast and also established submarine bases.

8 Q Let us go back before that. Were there com-  
9 plaints filed before that, I mean complaints of mis-  
10 treatment made to you?

11 A There were no complaints with regard to  
12 mistreatment brought to me.

13 THE PRESIDENT: What is that?

14 THE INTERPRETER: Not many complaints re-  
15 garding mistreatment were brought to me.

16 Q I am asking you about the complaints that  
17 were made. Tell us about them.

18 A I am saying that these complaints were made  
19 later on -- after that time.

20 Q Very well. Tell us about them.

21 A As I have said, the United States forces  
22 had already landed on various points in the Philip-  
23 pines. And from even before that time, guerrilla  
24 activities had already been very intensive, creating  
25

1 great confusion and unrest among the people at  
2 large. This was reflected in the Japanese Army  
3 which, in the course of their fighting, suppressed  
4 guerrilla activities, and, while doing so, they may  
5 have suppressed the good native population in the  
6 same way they have engaged in the suppression of  
7 guerrilla activities, largely due to language diffi-  
8 culties, and so forth.

9 Q In other words, peaceful, native population  
10 was, in instances, wiped out the same as guerrillas  
11 who resisted; is that what you mean?

12 A Such actions would never have been taken  
13 if it had been known that they were peaceful native  
14 civilian population.

15 Q But that is the nature of the complaints that  
16 were made to you.

17 A It was a custom for me to have dinner with  
18 the Foreign Minister of the Philippines twice a week,  
19 and on those occasions I heard various complaints  
20 from him and immediately transmitted these complaints  
21 to the Commander-in-Chief to have the matters recti-  
22 fied.

23 Q Now, what other complaints did you receive?

24 A Well, there were many causes of friction  
25 and trouble caused by such matters as language dif-

1        difficulties. But, in the latter stages of the war  
2        they were based on so many different causes that I  
3        would not be able to tell you all of them from  
4        memory.

5                Slight correction: All of these difficult-  
6        ies were caused by language difficulties, and there  
7        were so many of them in the last stages of the war  
8        that I would not be able to repeat them from memory.

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1 Q Repeat what you can remember.

2 A The most conspicuous examples of such cases  
3 were, I think, after I left Manila and went to Baguio.

4 Q Let us begin first with those that were made  
5 to you while you were in Manila.

6 A What sort of complaints are you referring  
7 to?

8 Q Any complaints regarding mistreatment of  
9 Filipinos by the Japanese army or navy?

10 A Then I shall give one or two examples.  
11 For instance, in Manila as Japanese forces increased  
12 in number it was necessary to find dwellings for them  
13 and large houses needed to be requisitioned, and any-  
14 where such matters give rise to dissatisfaction.  
15 Black marketing practices become quite rampant and  
16 also cases in which very sharp black marketing dealers  
17 would hoard such food products as rice and hide them,  
18 put them away in warehouses, and as a result Japanese  
19 gendarmes would go to requisition these hoarded supplies  
20 or confiscate these hoarded supplies and that also gave  
21 rise to dissatisfaction and complaints.  
22

23 THE PRESIDENT: Were there any complaints of  
24 murdering Filipinos?

25 THE WITNESS: I have hardly heard of that but  
I have heard that guerrillas were imprisoned.

1 Q Weren't complaints made to you that inno-  
2 cent Filipino citizens had been slaughtered by the  
3 Japanese army?

4 A When such complaints are made it is never  
5 said that such cases arose because of some unlawful  
6 act, but when an investigation is carried out and  
7 as a result of such investigation it is always learned  
8 that some who were innocent were so mistreated, where-  
9 as in other cases it is found that they have been so  
10 punished or treated because of unlawful or illegal  
11 acts. All of these things always come to light  
12 after these events occur and after investigations are  
13 made.

14 THE PRESIDENT: Do you not think you have  
15 tested the quality of this person sufficiently? He  
16 does not appear to be able to give a straight answer  
17 until he is driven to it.

18 MR. TAVENNER: It is painful but that is what  
19 I am trying to do, to get straight answers.

20 Q I will ask you this--

21 THE PRESIDENT: The record is sufficient.

22 Q I will pass on to another question. Were  
23 complaints made to you that Filipino citizens were  
24 flogged by Japanese authorities for supposed crimes  
25 that they had committed?



1           A    When such cases were brought to me it would  
2   be difficult to consider flogging or beating and mis-  
3   treatment as one and the same thing.

4           Q    Were such complaints made to you is my  
5   question. You can answer it yes or no.

6           A    Yes.

7           Q    Now, what did you do about these various  
8   complaints that were made to you?

9           A    I or I had my subordinates let the army or  
10   navy authorities or the commander in chief himself  
11   know orally or in writing about these incidents to  
12   have investigations carried out and, if necessary,  
13   rectifications made and any other proper step taken.

14          Q    What cooperation or support did you get from  
15   the army authorities in regard to complaints you made?

16          A    After the army received these complaints  
17   they immediately conducted investigation and if they  
18   found the matter to be a fact, necessary punishment was  
19   dealt out to the responsible party and, if not, the  
20   army authorities gave me a report to such an effect  
21   and I transmitted the report to the Foreign Minister  
22   of the Philippine government.  
23

24          Q    Is it not a fact that you complained because  
25   the army would not follow your advice?

          A    The headquarters always listened and took up

1 my complaints but there were various armies in the  
2 field, each having a separate command, and these  
3 instructions necessarily did not filter down to the  
4 lowest level of the army.

5 Q I understand that you spoke to the commander  
6 in chief at the time of the Bataan march and that you  
7 asked him certain questions; in fact, the language of  
8 your affidavit is that you asked him about what you  
9 saw. Did you make a complaint to him at that time  
10 about those matters?

11 A Now I should like to make a remark with  
12 regard to the question. Previously I have been  
13 answering the questions which pertained to matters  
14 which I handled as an ambassador, but this now is a  
15 matter which took place when I was an advisor. I  
16 should not like to have the two positions confused.  
17 This happened soon after I assumed my position as  
18 advisor in the Philippines, something like two or  
19 three months after I arrived there when Bataan fell,  
20 and I immediately went to the scene, and as I have  
21 said, I saw men along the roadside either dead or  
22 lying along the roadside. But I merely saw it; I did  
23 not complain about it. I just asked questions; I  
24 did not complain about it.  
25

THE MONITOR: I merely asked questions.

1           Asking questions is not complaining.

2           Q    Why did you ask questions about a matter  
3 of that kind if it was not in the nature of a  
4 complaint or remonstrance?

5           A    I am a civilian; I am not an army man and  
6 I went to the battlefield for the first time in my  
7 life. I saw men lying on the field or men dead on  
8 the field. It was strange and I think it was only  
9 natural for a man visiting the battlefield for the  
10 first time to ask questions.

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1 Q You saw the weakened condition of those  
2 Allied prisoners that had made that march, and you  
3 made no remonstrance to the commander?

4 A Now, you speak of Allied prisoners of war,  
5 but along with Allied prisoners of war many natives  
6 of Bataan were also commingled with them in their  
7 march along the road, and I merely asked why this  
8 was so, and that is why I asked the question. But  
9 before we know -- before I make any complaints or  
10 come to any conclusion -- I would have to first find  
11 out what it was all about.

12 Q Why was it that you talked with the Com-  
13 mander in Chief about the lack of transportation?  
14 Was it not because you saw a most barbarous thing  
15 being committed before your very eyes?

16 MR. FREEMAN: If the Tribunal pleases, that  
17 is a quotation in there that the commander said about  
18 transportation and not what he said about trans-  
19 portation. I object to that line of questioning.

20 Q You talked to the commander about trans-  
21 portation, did you not?

22 A Viewing the scene, I asked him how this  
23 situation came about and in reply to that question  
24 of mine the Commander in Chief said there was lack  
25 of transportation. Even the United States forces

1 had no food and neither did the Japanese side have  
2 any quantity of food to provide for the needs --  
3 to provide food for the unexpected large number of  
4 those who surrendered.

5 Q That question was prompted by your horror  
6 of the scene that was being enacted in your  
7 presence, was it not?

8 A That was not the only question I asked of  
9 the Commander in Chief at that time. Having met  
10 him after some lapse of time, there were many ques-  
11 tions that I asked him, and I merely took this up  
12 in answer to a particular request. I have many other  
13 questions that I could speak about -- questions and  
14 conversations held at that time.

15 Q Let us confine ourselves to the question  
16 I asked.

17 A May I have it repeated, please?

18 Q Will you repeat the question?

19 (Whereupon, the question was read  
20 by the official court reporter as follows:

21 Q That question was prompted by your horror  
22 of the scene that was being enacted in your  
23 presence, was it not?)  
24

25 A You say the scene before my very eyes.  
That seems to imply that there was some killing of

people being carried out. That is not the case.

1 I saw dead bodies lying along the roadside as I  
2 passed by in a motor car.

3 Q Now, will you answer the question?

4 A I think my reply serves as an answer to  
5 that question.

6 Q That is the only answer you have to make,  
7 is it?

8 A That was the reply I made because that is  
9 the way I understood the question. If you are still  
10 dissatisfied, you might ask me questions from other  
11 angles and I shall be glad to answer.  
12

13 Q Very well. Do you know Major General  
14 Edward P. King?

15 A I have no connection with the army so I  
16 have not met anyone.

17 Q I said do you know Major General King?

18 A I have never met him.

19 Q In your conversations with the commanding  
20 general at Bataan -- that is the Japanese commanding  
21 general -- when he was discussing the matter of  
22 transportation with you, did he tell you that Major  
23 General King had advised him that he had retained  
24 enough United States motor vehicles with gasoline  
25 and with drivers to transport the prisoners, and that

1 Major General King had advised the Japanese of that  
2 fact?

3 A As I have said before, I am not a military  
4 man. I have nothing to do with the army, and there-  
5 fore our conversations did not develop along those  
6 lines, and he did not say anything of that nature to  
7 me.

8 Q Did the commanding officer, when he told  
9 you that he was expecting only thirty to forty  
10 thousand prisoners instead of seventy to eighty  
11 thousand, tell you what arrangements he had made to  
12 transport the thirty to forty thousand, if any?

13 A Beyond what I have set forth in my affi-  
14 davit, I did not hear anything else.

15 MR. TAVENNER: If the Tribunal please, the  
16 testimony of Major General King appears at page 12,595  
17 of the transcript. Other prosecution evidence re-  
18 lating to the Bataan march will be found as exhibit  
19 1448, page 12,592 to 12,596 inclusive; exhibit  
20 1479 at page 12,803. I desire to correct that  
21 citation to page 12,808. And exhibit 1477, at page  
22 12,801.

23 Q Now, I will ask you one other question.  
24 Did you report to the Foreign Office what you saw  
25 at Bataan?

1           A    I repeat again, I had no connection with  
2 the Foreign Office at that time, so I had no need  
3 to send any report to them.

4           Q    That is right; at that time you were sent  
5 to the Philippines and were acting under the direc-  
6 tion of War Minister TOJO?

7           A    Yes.

8           Q    So tell us if you advised TOJO about that.

9           A    I was an advisor. I had no obligation or  
10 responsibility to report to the War Minister. I was  
11 attached as advisor to the Commander in Chief, and  
12 if there were any points on economic or political  
13 questions which I might suggest to him, I would do  
14 so, and if the Commander in Chief had any consulta-  
15 tion to make of me, with regard to such questions,  
16 I gladly responded to such requests.

17          Q    Did you at any time, in writing or orally,  
18 report to the War Minister or the Vice War Minister,  
19 anything that you saw in connection with the Bataan  
20 march?

21          A    No.

22          Q    Did you make a report to any other member  
23 of the War Ministry?

24          A    I have not.

25          MR. TAVENNER: That is all, if the Tribunal  
please.



1 MR. FREEMAN: If the Tribunal please, I  
2 have another witness to call, but it will take a  
3 good while.

4 THE PRESIDENT: Your re-examination will  
5 take more than a few minutes?

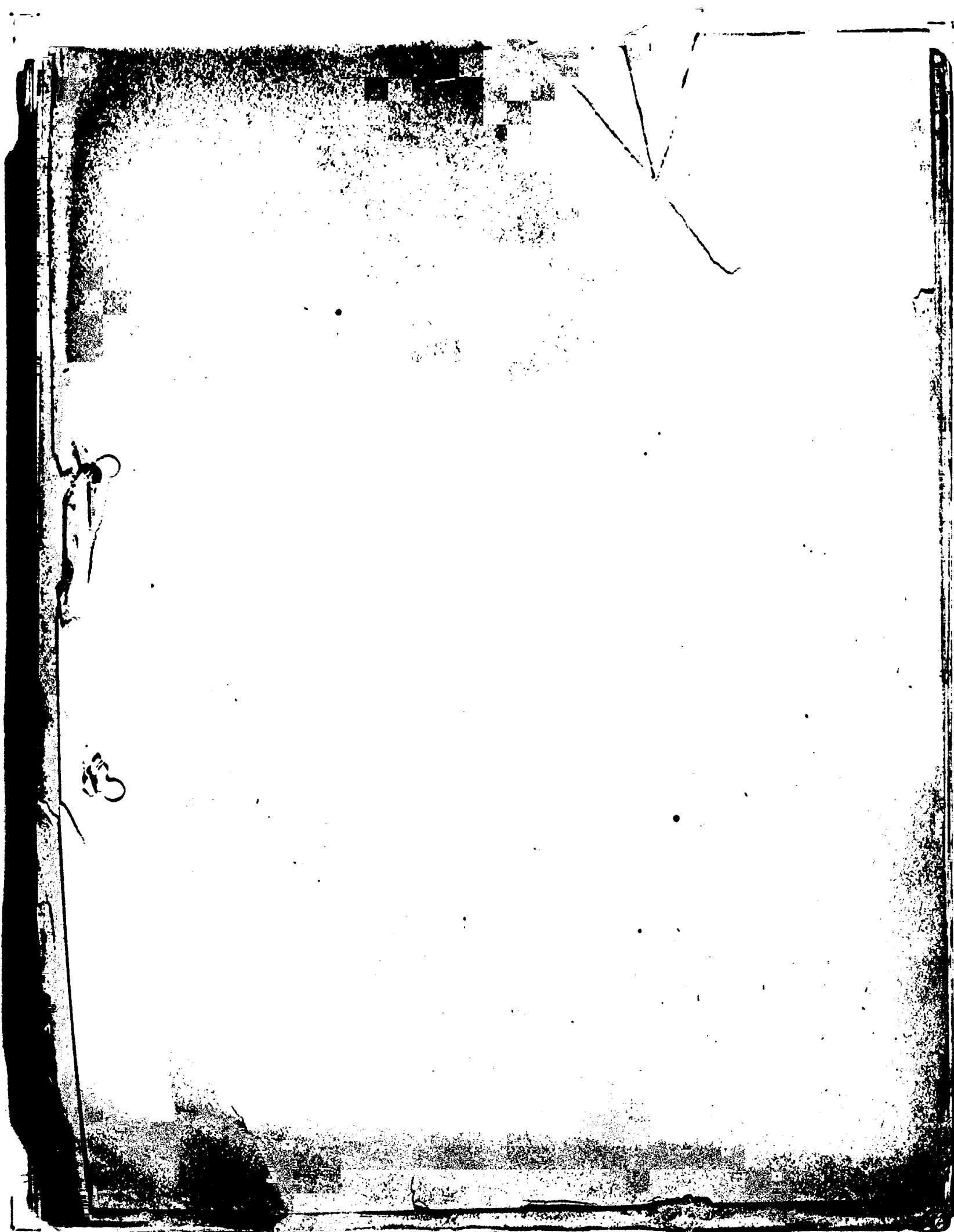
6 MR. FREEMAN: No, this witness may be ex-  
7 cused.

8 THE PRESIDENT: He is excused on the usual  
9 terms.

10 (Whereupon, the witness was  
11 excused.)

12 THE PRESIDENT: We will adjourn now until  
13 half-past nine on Monday morning.

14 (Whereupon, at 1600, an adjourn-  
15 ment was taken until Monday, 8 September  
16 1947 at 0930.)  
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8 SEPTEMBER 1947

I N D E X  
O f  
W I T N E S S E S

<u>Defense' witnessos</u>	<u>Page</u>
WATANABE, Yasuji	27787
Direct by Mr. Freeman	27787
(Witness excused)	27796
ODAJIMA, Tadashi	27803
Direct by Mr. Freeman	27803
Direct (cont'd) by Mr. Freeman	27860
Cross by Colonel Mornane	27862
(Witness excused)	27878
KUBOTA, Tokujiro	27885
Direct by Mr. Freeman	27885
(Witness excused)	27891
YOSHIE, Seichi	27892
Direct by Mr. Freeman	27892
(Witness excused)	27894
OYAMA, Ayao (recalled)	27912
Direct by Mr. Freeman	27912
(Witness excused)	27917

8 SEPTEMBER 1947

I N D E X  
O F  
E X H I B I T S

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2171	3103		Affidavit of WATANABE, Yasuji		27789
2078-A	3104		Regulations Concerning the Dispatch of POW's, dated 21 October 1942, War Ministry Ordinance No. 58		27796
2078-B	3105		Regulations for the Handling of Dispatched POW's (The War Ministry Notice No. 74, October 21, 1942) revised, added and deleted by the War Ministry Notice No. 41, 1943		27797
2078-C	3106		Frugal Consumption of Provisions, etc., Army-Asia-Secret No. 3827, May 6, 1944		27797
2078-D	3107		Proper Adjustment of Supplies of Daily Necessities to POW's - 7 February 1935		27797
2078-F	3108		Re Relief for the Dead and Injured POW's by their Employers (June 4, 1943 Regulations for POW's, Article 7, Clause 32)		27799
2078	3108-A		Certificate of Source and Authenticity (covering foregoing documents)		27800
2078-G	3109		Facilities for POW Camps (Exhibit cancelled)		27801 27802
2173 (Revised)	3109		Affidavit of ODAJIMA, Tadashi		27805

8 SEPTEMBER 1947

I N D E X  
Of  
EXHIBITS  
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2006	3110		Excerpt from the Monthly Report of the POW Intelligence Bureau, May 1943		27809
2005	3111		Suggestions Regarding Improvement of Health Conditions of POW's Camps (Investigation Squad of Army Medical College)		27810
2004	3112		Excerpt from Tokyo POW Camp Monthly Report May Issue 1943		27813
2003	3113		Instructions dated 1 February 1943 issued by General UMEZU, Commander of the Kwantung Army to the Chief Supply Officer and Officer-in-Charge of the Kwantung Army's Anti-infection and Water Supply Main Depot re strengthening the medical service at the Mukden POW Camp		27815
2002	3114		Excerpt from No. 2 of Monthly Report of the Mukden POW Camp - Report of work situation of the temporal prevention epidemics squad, 21 February 1943.		27816
2001	3115		Letter written by Lieutenant-General YAMASHITA to Major-General Beckwith-Smith		27819

8 SEPTEMBER 1947

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2113	3116		Report of Colonel HOSOI, Head of the Hakodate Prisoner's Camp		27822
			<u>MORNING RECESS</u>		27824
2114	3117		Affidavit of TAKAGI, Noboru		27826
1997	3118		Table of Staple Foods and Subsidiary Foods, Tokyo POW's Camp - Tokyo POW's Monthly Report, April 1944		27834
1995	3119		Table of Menu Scheduled and Carried Out		27836
1994	3120		Causes and Counter-Measures for the Chronic Cases of Diarrhoea among the POW's		27837
1991	3121		An excerpt from the Monthly Report on the POW (Doc. No. 12) issued on 31 December 1944 - Gratitude Expressed by the POW's at the Tokyo POW Camp		27843
1933	3122		Letter from Sidney E. Seid, Captain, Medical Corps, U.S. Army, to the Medical Director and Staff, Seitetsu Hospital, Hirohata, Japan		27846

8 SEPTEMBER 1947

I N D E X  
Of  
EXHIBITS  
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1989	3123		Examples of Officer POW's Voluntary Work		27855
			<u>NOON RECESS</u>		27859
2109-A	3124		Excerpt from the Tokyo POW's Internment Camp Monthly Report (March 1943)		27878
2109-B	3125		Excerpt from the Fukuoka POW's Camp Monthly Report (June 1944)		27880
2109-C	3126		Excerpt from the Monthly Report by the Zentsuji POW's Camp (November 1944)		27883
2093	3127		Affidavit of KUBOTA, Tokujiro		27886
			<u>AFTERNOON RECESS</u>		27892
1433	3128		Reports on Treatment of POW in Prisoner's Camps in Japan Proper		27894
1027	3129		Military Police Report No. 352 - Report on the Matter Concerning the Investigation of the American Airmen who Raided the Japanese Homeland		2792
1027-B	3130		Telegram from Chief of General Staff to Commanding General of the China Expeditionary Forces, dated 10 October 1942		27904

8 SEPTEMBER 1947

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1027-C	3131		Measures for the Disposition of the American Airmen who Raided the Homeland		27905
1027-H	3132		An Order from the Chief of General Staff re the Court Martial of Enemy Airmen who commit Atrocities		27908
2201	3133		Articles Concerning the Punishment of POW's (28 February 1905, Law No. 38)		27909
1817	3134		Affidavit of OYAMA, Ayao		27913
1818	3135		Judgment in the above court-martial showing correct names and certificate attached thereto		27917
1931	3136		Excerpt from the International Red Cross Report of January 1944		27917
2111	3137		(Description of this document not available - to be shown on tomorrow's record)		27922



1 Monday, 8 September 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE JARANILLA, Member  
15 from the Republic of the Philippines, not sitting from  
16 0930 to 1600.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 - - -

20 (English to Japanese and Japanese  
21 to English interpretation was made by the  
22 Language Section, IMTFE.)  
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1           MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3           THE PRESIDENT: Mr. Freeman.

4           MR. FREEMAN: If the Tribunal pleases, I next  
5 call the witness WATANABE whose affidavit is defense  
6 document 2171.

7           We offer this affidavit in evidence for the  
8 purpose of revealing the drastic drop in supplies  
9 reaching Japan and territories controlled by Japan  
10 attributable to the sinking of merchant vessels. The  
11 accompanying charts marked Annex 1 and 2 were prepared  
12 by the witness and will be offered in evidence along  
13 with his testimony.  
14

15           - - -

16       Y A S U J I   W A T A N A B E, called as a witness  
17       on behalf of the defense, being first duly  
18       sworn, testified through Japanese interpreters  
19       as follows: . . . . .

20                               DIRECT EXAMINATION

21       BY MR. FREEMAN:

22           Q   Captain WATANABE, will you give us your full  
23       name and address?

24           A   My name is WATANABE, Yasuji; my address is  
25       No. 1 Kasumigaseki, 2-chome, Chiyoda-ku, Tokyo.

          MR. FREEMAN: May the witness see defense

1 document 2171.

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

4 Q Captain, will you examine that document and  
5 tell us whether it is your affidavit and whether you  
6 signed it or not?

7 A This is an affidavit signed by me.

8 Q Are the contents therein true and correct?

9 A In addition to this affidavit, I submitted,  
10 along with it, three graphs. I have not seen the  
11 graphs, but, outside of that, this affidavit is true  
12 and correct.

13 MR. FREEMAN: May he be shown the graphs.

14 (Whereupon, documents were handed to  
15 the witness.)

16 A There is an error in graph No. II and I should  
17 like to have it corrected.

18 Q Will you indicate the error?

19 A It seems that the unit for the fuel-oil im-  
20 ported from the Southern Region is a mistake and I  
21 should like to have a correction made as follows:

22 According to this graph, an import of 11,000  
23 tons monthly was made in the year 1942. This is a  
24 mistake. The correct figure should be 110,000 tons.  
25 The figure for the year 1943 is given as 22,000 for

1 imports, but it should be read 220,000. The  
2 figures for the year 1944 is given as 1,000. The  
3 correct figure should be 100,000. The figure for the  
4 year 1945 is zero. Otherwise, the graphs are correct.

5 MR. FREEMAN: If the Tribunal please, those  
6 corrections are made on "List II" of this chart that  
7 is attached, the fuel-oil for the years '43-'44.

8 With those corrections, I offer in evidence  
9 defense document 2171.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 2171  
12 will receive exhibit No. 3103.

13 (Whereupon, the document above re-  
14 ferred to was marked defense exhibit No. 3103  
15 and received in evidence.)

16 MR. FREEMAN: I shall now read into evidence  
17 exhibit No. 3103:

18 "My name is Yasuji WATANABE. I was formerly  
19 a captain in the Japanese Navy. From June 1943 until  
20 April 1945 I was assigned to the Navy Ministry, Naval  
21 Affairs Bureau, and from May 1945 until the termination  
22 of the war I was assigned to the Maritime Supervision  
23 Board. My duties chiefly encompassed matters concerning  
24 the schedule of merchant shipping.

25 "1. At the outbreak of war Japan possessed

1 approximately 6,300,000 tons of merchant ships. This  
2 calculation is based on vessels of 100 tons or more  
3 in capacity. Largely because of the action of United  
4 States submarines against Japanese shipping, in August  
5 1945 this tonnage was reduced to approximately 1,500,000  
6 tons. Since this figure included grounded ships, those  
7 requiring repairs and others not capable of immediate  
8 sea duty, only 500,000 tons could actually be operated  
9 in homeland waters.

10 "2. Ships sunk or damaged by United States  
11 submarine activity, aircraft and mines amounted to  
12 approximately 1,100,000 tons in 1942, 2,100,000 tons  
13 in 1943, 4,100,000 in 1944 and 1,500,000 in 1945 until  
14 the end of hostilities. This was a total of approxi-  
15 mately 8,800,000 tons.

16 "In spite of a 4,000,000 ton increase in  
17 merchant vessel construction, captured ships, etc.,  
18 there was a great decrease in over-all total tonnage as  
19 shown in Annexed Document Number One. The ships newly  
20 constructed were inferior in structure and slow in  
21 speed thereby hampering the efficiency of the trans-  
22 portation.

23 "3. The commodities carried by these merchant  
24 ships varied from time to time, but consisted largely  
25 in foodstuffs and those products needed for the war

1 effort. There were service vessels, which consisted  
2 of those requisitioned by the military, and civilian  
3 vessels, operated without the direct supervision of  
4 the military. The service vessels largely confined  
5 their activities to the South Seas Area, Malaya and  
6 Netherlands Indies, while the civilian vessels ran  
7 between China, Manchuria and Japan together with some  
8 in the Malayan, French Indo-China and Philippine Areas.  
9 The merchant traffic consisted of coal, petroleum, grain,  
10 iron ore, bauxite, lumber, cement, salt, etc.

11 "4. In order to remedy the situation caused  
12 by heavy shipping losses, General Headquarters set  
13 up a revised and strengthened convoy escort. But due  
14 to lack of necessary escort warships the plan was not  
15 effective and a priority was given to the escorting  
16 of those convoys carrying petroleum and bauxite. The  
17 importation of iron ore from Hainan Island had to be  
18 ceased together with the importation of food stuffs from  
19 French Indo-China. Then in June 1944 after United States  
20 troops landed on Saipan the maintenance of the southern  
21 sea routes became most difficult. A Maritime Commission  
22 composed of military and civilian representatives was  
23 set up to seek a solution to the dangerous problem then  
24 facing us. The losses had resulted in a miserable  
25 condition reflecting heavily on the people's livelihood.

1 Shortages of fertilizer caused a decrease in the  
2 harvest of grain and an accompanying 10% cut down in  
3 distribution of staple foodstuffs.

4 "Hence the food supply of Japan decreased and  
5 the supply of our armed forces overseas likewise became  
6 a serious problem. I am able to give the percentage of  
7 decrease of supplies to our forces overseas if the  
8 Tribunal desires it and have not done so here in order  
9 to save time.

10 "5. In 1945 the transportation districts were  
11 limited to Manchuria, Korea and Northern China. In  
12 addition to enemy submarine activity our loss of merchant  
13 shipping became even more acute due to mine laying  
14 operations by B-29's. Sea routes were practically  
15 restricted to Japanese home waters and resort had to  
16 railway transportation. In view of the prevailing  
17 conditions in May 1945 the Maritime Service Supervision  
18 Board was set up as an over-all organ to supervise  
19 military and civilian water transport but it was too  
20 late to do much with the situation since the transpor-  
21 tation capacity had been reduced 75% since the outbreak  
22 of war. Circumstances of that time are explained in  
23 Annexed Document Number Two which shows the amount and  
24 kind of cargo carried among the Japanese Islands and  
25 to and from Japan proper.

1            "To sum up the whole situation, sea trans-  
2            portation in the latter half of the war was devoted to  
3            raw materials for munition industries with a heavy effect  
4            upon the people's livelihood. In the final stage of  
5            the war, in order to secure a minimum of food commodities  
6            to sustain the people, the import of raw materials for  
7            war manufactures was almost eliminated. The trans-  
8            portation capacity was then only 21% of the pre-war  
9            strength."

10            You may cross-examine.

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1 THE PRESIDENT: Mr. Freeman, before you go,  
2 the percentage of decrease of supplies to the Japa-  
3 nese forces overseas may be very material to the  
4 question of the treatment of prisoners of war in  
5 Malaya and elsewhere. Couldn't that percentage be  
6 given in short form without wasting much time?

7 MR. FREEMAN: I will ask the witness, if the  
8 Court please.

9 THE PRESIDENT: The suggestion there is that  
10 he is withholding material information just to oblige  
11 the Tribunal. The Tribunal is not in that position  
12 at all.

13 BY MR. FREEMAN (Continued):

14 Q Mr. WATANABE, do you have the figure showing  
15 the effect of the sinking of merchant ships going to  
16 outlying areas, not in Japan proper? Do you have  
17 those percentages? If you have those figures, will  
18 you please give them?

19 A May I be permitted to take some notations  
20 out of my pocket?

21 THE PRESIDENT: He can refresh his memory  
22 from notes.

23 A In the year 1945, no shipments could be made  
24 to the territories outside of Manchuria, China, Ryukyu,  
25 and Formosa. Japan was able to satisfy the demands of

WATANABE

DIRECT

27,795

1 troops in the field only to the extent of 38 per cent  
2 because of lack of transportation.

3 In 1944, shipments were made in response to  
4 demands from all theaters, but only 56 per cent of  
5 the demands could be met. The supplies to French Indo-  
6 China, Sumatra, Java, and Borneo was only 35 per cent  
7 that year, supplies to Burma 41 per cent, to the  
8 Philippines 47 per cent. These are destinations to  
9 which supplies were under average or below level. The  
10 others I shall omit.

11 In the year 1943, the average shipment to  
12 all theaters was no more than 70 per cent. The worst  
13 case was that with regard to shipping toward the  
14 Philippines, which was only 56 per cent. The figure  
15 for supplies to Burma was also the same, 56 per cent.  
16 Next in line was China where supplies amounted to only  
17 66 per cent of the needs. Next in line were the  
18 Central Pacific Islands and New Guinea where the  
19 supplies were only 69 per cent of the requirements of  
20 the forces there.

21 1942 was the year following the outbreak of  
22 the war, but already transportation facilities have  
23 decreased and average supplies was 76 per cent.

24 That is all, sir.

25 MR. FREEMAN: Does that answer the Court's

1 question?

2 THE PRESIDENT: Apparently he has told all  
3 he knows that is material. That is our only concern.

4 COLONEL MORNANE: There will be no cross-  
5 examination of this witness, if the Tribunal pleases.

6 MR. FREEMAN: May the witness be excused?

7 THE PRESIDENT: He is released on the usual  
8 terms.

9 (Whereupon, the witness was excused.)

10 MR. FREEMAN: I next offer in evidence  
11 defense document 2078-A, which is the regulations con-  
12 cerning the dispatch of prisoners of war. I do not  
13 desire to read any part of this document.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Defense document 2078-A  
16 will receive exhibit No. 3104.

17 (Whereupon, the document above  
18 referred to was marked defense exhibit  
19 No. 3104 and received in evidence.)

20 MR. FREEMAN: I next offer in evidence  
21 defense document 2078-B, which has to do with the  
22 treatment of dispatched prisoners of war, as revised  
23 by the War Ministry in 1943. I desire to read no  
24 part of this document.  
25

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 2078-B  
will receive exhibit No. 3105.

2 (Whereupon, the document above  
3 referred to was marked defense exhibit  
4 No. 3105 and received in evidence.)

5 MR. FREEMAN: I next offer in evidence  
6 defense document 2078-C, which has to do with the  
7 frugal consumption of provisions, instructions issued  
8 by the War Ministry in 1944. I desire to read no  
9 part of this document.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 2078-C  
12 will receive exhibit No. 3106.

13 (Whereupon, the document above  
14 referred to was marked defense exhibit  
15 No. 3106 and received in evidence.)

16 MR. FREEMAN: I next offer in evidence  
17 defense document 2078-D, which has to do the proper  
18 adjustment of supplies of daily necessities of  
19 prisoners of war, issued in February 1945.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 2078-D  
22 will receive exhibit No. 3107.

23 (Whereupon, the document above  
24 referred to was marked defense exhibit  
25

1 No. 3107 and received in evidence.)

2 MR. FREEMAN: I shall now read into evidence  
3 exhibit 3107:

4 "Subject: Proper Adjustment of Supplies of  
5 Daily Necessities to P.O.W.'s

6 "7 Feb. --," that should be '45.

7 "Notification from the Chief of P.O.W. Super-  
8 intendence Bureau to all units concerned.

9 "Recently, there has been a deterioration  
10 in the physical strength of prisoners of war, not to  
11 speak of the many cases of under nourishment which  
12 prevents them from demonstrating their capacity as  
13 laborers. Even though this is due to the general  
14 domestic food situation which has rendered difficult  
15 the furnishing of supplies, the problem of providing  
16 prisoners of war supplies as would be sufficient to  
17 maintain proper standards of health cannot be neglect-  
18 ed in order to maintain labor power.

19 "The turn of the war situation is such that  
20 an increasingly pressing food situation must be ex-  
21 pected. Such being the case it is directed that  
22 prompt measures be taken to improve supply conditions,  
23 especially to effect a proper adjustment of supplies  
24 of daily necessities by strengthening hereafter the  
25 position of self-sufficiency in food stuffs and that

1 proper guidance be given as would be in full accord  
2 with the principles of the army's plan in transferring  
3 prisoners of war to our homeland for labor purposes.

4 "In order to strengthen the position of  
5 self-sufficiency in foodstuffs, you are directed not  
6 only to reclaim wastelands or to encourage the em-  
7 ployers of prisoners of war voluntarily to offer  
8 cultivated land, but also to take positive measures  
9 to divert a part of the prisoners of war engaged in  
10 production to work directly related to their liveli-  
11 hood. You are advised to abandon supplementary small-  
12 scale methods and directed to produce results.

13 "With regard to the principles for effec-  
14 tuation of food self-sufficiency you are to comply  
15 with Riku Mitsu (Army Secret) No. 301."

16 If the Tribunal pleases, 2078-E is already  
17 in evidence as exhibit 1961.

18 I next offer in evidence defense document  
19 2078-F, which has to do with relief for dead and in-  
20 jured prisoners of war by their employers, from Regu-  
21 lations for Prisoners of War, dated June 4, 1943. I  
22 desire to read no part of this document.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2078-F  
25 will receive exhibit No. 3108.

1 (Whereupon, the document above  
2 referred to was marked defense exhibit  
3 No. 3108 and received in evidence.)

4 THE PRESIDENT: What are you going to do  
5 with this certificate, Mr. Freeman? My copy bears  
6 no number as an exhibit.

7 MR. FREEMAN: Which document is that?

8 THE PRESIDENT: "Certificate of Source and  
9 Authenticity."

10 MR. FREEMAN: I am sorry. 2078-A is a cer-  
11 tificate for all these documents.

12 THE PRESIDENT: You already have a 2078-A.

13 MR. FREEMAN: 2078. It is a certificate for  
14 A to G.

15 THE PRESIDENT: I think you had better mark  
16 it exhibit 3108-A. It covers all the exhibits from  
17 3104 to 3108, inclusive.

18 Call out that number.

19 CLERK OF THE COURT: Defense document 2078  
20 will receive exhibit No. 3108-A.

21 (Whereupon, the document above  
22 referred to was marked defense exhibit  
23 No. 3108-A and received in evidence.)  
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1 (Whereupon, the document above  
2 referred to was marked defense exhibit  
3 No. 3108 and received in evidence.)

4 THE PRESIDENT: What are you going to do  
5 with this certificate, Mr. Freeman? My copy bears  
6 no number as an exhibit.

7 MR. FREEMAN: Which document is that?

8 THE PRESIDENT: "Certificate of Source and  
9 Authenticity."

10 MR. FREEMAN: I am sorry. 2078-A is a cer-  
11 tificate for all these documents.

12 THE PRESIDENT: You already have a 2078-A.

13 MR. FREEMAN: 2078. It is a certificate for  
14 A to G.

15 THE PRESIDENT: I think you had better mark  
16 it exhibit 3108-A. It covers all the exhibits from  
17 3104 to 3108, inclusive.

18 Call out that number.

19 CLERK OF THE COURT: Defense document 2078  
20 will receive exhibit No. 3108-A.

21 (Whereupon, the document above  
22 referred to was marked defense exhibit  
23 No. 3108-A and received in evidence.)  
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MR. FREEMAN: I next offer in evidence defense document 2078-G which is a notification dated February 3, 1944 having to do with internment facilities for prisoners of war. I desire to read no part of this document.

THE PRESIDENT: Admitted on the usual terms. The document exhibit No. 3108 is described in my copy as defense document 2078-F and G. Apparently G is a separate document.

MR. FREEMAN: I am sorry; the F and G are separate documents but they did get attached together.

CLERK OF THE COURT: Defense document No. 2178-G will receive exhibit --

Correction: Defense document No. 2078-G will receive exhibit No. 3109.

(Whereupon, the document above referred to was marked defense exhibit No. 3109 and received in evidence.)

THE PRESIDENT: The certificate 3108-A covers that also?

MR. FREEMAN: Yes.

THE PRESIDENT: We have not copies of G yet unless it is part of F as it is expressed on the face of F.

1 MR. FREEMAN: If the Tribunal please, may  
2 F and G be taken together, then, as one document?

3 THE PRESIDENT: But is it one or two docu-  
4 ments? It is described as two but it appears to be  
5 one when you read it.

6 MR. FREEMAN: I shall not offer F then.  
7 Just let it go.

8 THE PRESIDENT: Exhibit 3109 is cancelled.  
9 There is no such exhibit now.

10 We have to be meticulously careful of this  
11 numbering of exhibits where there are so many.

12 MR. FREEMAN: I next call the witness,  
13 ODAJIMA, Tadashi.  
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1 T A D A S H I O D A J I M A, called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. ODAJIMA, will you give us your full  
8 name and address?

9 A My name is ODAJIMA, Tadashi. My address,  
10 110 Narimune 1-Chome, Suginami-ku, Tokyo.

11 MR. FREEMAN: May the witness see defense  
12 document 2173 (revised)?

13 THE PRESIDENT: Colonel Mornane.

14 COLONEL MORNANE: If the Tribunal pleases,  
15 this rather long affidavit refers to quite a number  
16 of defense documents, to some of which we have ob-  
17 jections. I have discussed the matter with my friend  
18 and he proposes that as the witness comes to the  
19 reference to the particular document in his evidence,  
20 the document will then be handed to the Tribunal.  
21 If it meets the convenience of the Tribunal, I would  
22 prefer to object to the particular documents when  
23 they are referred to by the witness, or when he  
24 begins to deal with the paragraphs relating to them,  
25 rather than make an over-all objection now.

1 THE PRESIDENT: His order of proof suggests  
2 that that was his intention also.

3 COLONEL MORNANE: That is so.

4 THE PRESIDENT: We will follow that course.

5 BY MR. FREEMAN (Continued):

6 Q Mr. ODAJIMA, will you examine defense docu-  
7 ment 2173 and see if that is your affidavit and if  
8 it is, if you signed it?

9 A This is unquestionably my affidavit, but  
10 two items have been left out.

11 Q Will you indicate those items?

12 A The items 17 and 18 are not included here.

13 MR. FREEMAN: If the Tribunal pleases,  
14 apparently they are in the English translation but  
15 not in the Japanese.

16 THE PRESIDENT: How did something get into  
17 the English translation that is not in the original?

18 MR. FREEMAN: This affidavit has been re-  
19 vised and apparently the Japanese of the old was  
20 printed. The revision was an addition of two items.

21 THE PRESIDENT: The original must be re-  
22 vised; the Japanese document must be complete. How-  
23 ever, he can add to that as a result of further  
24 questions by you in examination in chief.

25 Q MR. ODAJIMA, are the contents,

1 other than those corrections, of that document true  
2 and correct?

3 A Yes.

4 Q Is the sheet of paper just handed to you --  
5 is that the two items you referred to as being  
6 missing?

7 A Yes.

8 Q With that addition, then, the document is  
9 true and correct?

10 A Yes, correct.

11 MR. FREEMAN: I offer in evidence defense  
12 document 2173 as revised and corrected.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document 2173  
15 will receive exhibit No. 3109.

16 (Whereupon, the document above  
17 referred to was marked defense exhibit No.  
18 3109 and received in evidence.)

19 MR. FREEMAN: I shall read into evidence  
20 exhibit No. 3109, and if references occur in the  
21 affidavit, will offer that reference in evidence.

22 "Item 1. I have occupied the posts of  
23 senior official in the Prisoners of War Information  
24 Office and senior member of the Prisoners of War  
25 Supervision Department in the War Ministry since

1 March, 1943, and held the rank of colonel. The  
2 Prisoners of War Supervision Department was abol-  
3 ished in November 1945.

4 "During that period, I visited different  
5 POW camps in the home island, Korea, Formosa, Man-  
6 churia, etc. I not only know the fact about the  
7 supervision of POW but also many reports forwarded  
8 to the POW Information Bureau by chiefs of POW  
9 camps and POW employers. Therefore, I want to tell  
10 the facts relating to those matters.

11 "Item 2. At the beginning of 1944, due to  
12 the fact that the health conditions of POWs were not  
13 approvable, a notification concerning the improve-  
14 ment of administration of POWs was issued to each  
15 Commanding General of the Army who was in charge of  
16 administration of POWs in the name of the Vice-  
17 Minister of War."  
18

19 Defense document 2007 has been offered in  
20 evidence and is exhibit 3051.

21 "Item 3. Due to the fact that the sanitary  
22 conditions of POWs aboard transport ships were not  
23 approvable, a notification was issued to the units  
24 concerned in December 1942, in the names of the  
25 Vice-Minister of War and the Sub-Chief of the General  
Staff, so as to call forth their attention concerning

1 transportation of POWs. The attached is a copy of  
2 this notification, of which meaning was repeated in  
3 the said notification issued in March 1944."

4 That is contained in exhibit 1965.

5 "Item 4. On December 26, 1943, Major General  
6 HAMADA, Chief of the POW Administration Division,  
7 War Ministry, expressed the intention of the War  
8 Minister TOJO to the meeting of the commandants of  
9 POW camps as to the inadmissibility of inflicting  
10 mistreatment upon POWs by explaining to the follow-  
11 ing effect:

12 "The purport of the address.

13 "While admitting that the treatment of POWs  
14 must conform to the circumstances of respective  
15 localities, I believe that we ought to be very care-  
16 ful not to exceed the proper limits at all, prompted  
17 by a sense of hatred. As such is nothing short of  
18 the expression of antagonism in a petty manner, a  
19 thing which is contrary to our 'Bushido' spirit,  
20 as well as to the first principle of the present  
21 Greater Asiatic War, which itself is a moral war.  
22

23 "Especially we must consider the unlimited  
24 evils of mistreatment as they, arising as they do  
25 from trivial personal feelings, will not only aggra-  
vate individual feelings on the part of the POWs

1 but will also constitute a measure for the degree of  
2 culture of our country at large, and may help the  
3 POW concerned in promulgating anti-Japanese propa-  
4 ganda after his repatriation. Moreover, the most  
5 part of the motives of mistreatment can be attributed  
6 to the language difficulties and the improper under-  
7 standing of rules and regulations on the part of  
8 those in charge of POW administration, and it some-  
9 times occurred that some of them were knocked down  
10 by the enraged POW concerned in revenge. In such  
11 an extreme case our disgrace will not be redeemed by  
12 the penalty that the POW concerned will receive for  
13 his violence.

14 "In this connection, I expect that you will  
15 be especially careful in directing those under your  
16 command, and improve every possible opportunity to  
17 make the purport of this address known to every unit  
18 concerned, and also to every unit or person employ-  
19 ing POWs with a view to attain propriety in our  
20 treatment of POWs.

21  
22 "Note: I committed this purport of address  
23 to writing in accordance with my memory, as its  
24 original manuscript had been destroyed by burning.

25 "5. The Army Medical College is expected  
to perfect the measures for the prevention of epi-  
demics among POWs, and to provide for their medical



1 treatment. They also considered it proper to carry  
2 out the bacteriological as well as the scientific  
3 research of the malnutrition patients who were many  
4 among POWs, and so from February 1943, they carried  
5 out various thorough researches, by a specially de-  
6 tailed research party, with the POWs detained in  
7 Tokyo POW Camp. They had their results published  
8 and thus contributed to the promotion of the general  
9 state of health of the POWs.

10 "The circumstance of this investigation and  
11 study may be known from two documents; one is the  
12 document in the custody of the Japanese Government  
13 POW Information Bureau --"

14 This is defense document 2006.

15 "-- and the other is defense document 2005  
16 attached herewith."

17 I now offer in evidence defense document  
18 2006. I do not desire to read any part of it.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 2006  
21 will receive exhibit No. 3110.  
22

23 (Whereupon, the document above  
24 referred to was marked defense exhibit No.  
25 3110 and received in evidence.)

MR. FREEMAN: I also tender in evidence

1 defense document 2005, and desire to read paragraph  
2 one on page one, through to the middle of page two.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 2005  
5 will receive exhibit No. 3111.

6 (Whereupon, the document above  
7 referred to was marked defense exhibit No.  
8 3111 and received in evidence.)  
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1 MR. FREEMAN: I now read paragraph 1 in  
2 Exhibit 3111.

3 "(1) Generally speaking, the prisoners of war  
4 are pale and under-nourished. Especially not a few  
5 of the patients in hospitals have lost 20 to 30 per  
6 cent of their pre-war weights. There may be many  
7 causes for this poor undernourished condition, but the  
8 most decisive of them seems to be the lack of proper  
9 and sufficient supply of nutriment. These nutrition  
10 troubles seem to have originated mostly during the  
11 fighting and the subsequent POW camp life in the oc-  
12 cupied areas. Though we recognize a general tendency  
13 for gradual recovery after their landing in Japan,  
14 there are not a few cases of malnutrition growing worse  
15 and causing death.

16 "When we study the causes of the prisoners'  
17 lack of proper and sufficient nutriment, we find that,  
18 despite its sufficient caloric value, Japanese diet  
19 causes, because of a fundamental difference of food  
20 customs, a comparative lack of albumin and fat and  
21 over-supply of carbohydrate, and as a result, the  
22 prisoners suffer from want of main nutrition and vita-  
23 mins, and begin to show symptoms of unbalanced nutri-  
24 tions.

25 "Accordingly, what we must do seems to be to

1 obtain for them such food as suits their food cus-  
2 toms and have them cook it to their taste. It seems  
3 also necessary to prepare for sick people in the POW  
4 camps and hospitals special food suiting their  
5 taste. (They seem not to like rice-gruel.)

6 "As vitamin B deficiency diseases are most  
7 noted, unpolished rice and barley should be given for  
8 their main food, and for those who show marked cases  
9 of neuritis or beriberi, an additional ration of rice-  
10 bran should be effective."

11 THE PRESIDENT: When was that written, Mr.  
12 Freeman?

13 MR. FREEMAN: According to the affidavit,  
14 I assume it was sometime in 1943.

15 THE PRESIDENT: The only date I can see is  
16 on page 5. It says February 23, which is obviously  
17 incorrect.

18 MR. FREEMAN: It is my understanding that  
19 this is 1943.

20 Continuing with the affidavit:

21 "Moreover, in accordance with the results of  
22 the above-mentioned investigation and study, the Tokyo  
23 POW Camp took immediate steps as described in the  
24 attached defense document 2004," which I now tender in  
25 evidence.

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 2004  
will receive exhibit No. 3112.

2 (Thereupon, the document above referred  
3 to was marked defense exhibit 3112 and received  
4 in evidence.)

5 MR. FREEMAN: I shall now read into evidence  
6 exhibit 3112.

7 "Excerpt from TOKYO POW Camp Monthly Report  
8 May Issue, 1943.

9 "Through general examinations for bacterial  
10 infections given since January this year at the Army  
11 Medical College for the prisoners of War (Confined at  
12 this camp, and at the first, second, and fifth branch  
13 camps) it was found that 183 prisoners had dysentery  
14 amoebas, (7.9 per cent), 2 prisoners had dysentery  
15 germs (0.09 per cent), one prisoner had paratyphoid-B  
16 germs (0.04 per cent), 57 prisoners had diphtheria  
17 germs (2.4 per cent) and 77 prisoners had malaria  
18 germs (3.3 per cent).

19 "In consequence, the prisoners with such dis-  
20 ease germs were immediately isolated in each branch  
21 camp, and strict preventive measures were taken. At  
22 the same time, every effort is being exerted in treat-  
23 ing the prisoners and checking the spread of diseases.  
24 However, the isolation of the prisoners with disease  
25 germs in every separate branch camp cannot sufficient-

1 ly be carried out due to the fact that it will add  
2 extra duties to the medical officers and that the  
3 building and repairing facilities within the camps  
4 and the disease preventive equipment are inadequate.

5 "Consequently in order to successfully carry  
6 out the preventive measures, it was decided best to  
7 assemble and isolate all the prisoners who have disease  
8 germs in one place.

9 "A report to this effect has been made to the  
10 authority and the preparation to establish attached  
11 wards has already begun."

12 Continuing with the affidavit, item 6, page  
13 3:

14 "6. General UMEZU, commander of the Kwantung  
15 Army, taking seriously to heart the POW's state of  
16 health and especially the number of epidemic cases  
17 among them, issued special instruction in February  
18 1943 to the Chief Supply Officer of the Kwantung Army  
19 and the Officer-in-Charge of the Kwantung Army's Anti-  
20 infection and Water Supply Main Depot to the effect  
21 that the medical service at the Mukden POW Camp be  
22 strengthened by allotting or despatching many medical  
23 personnel to this camp, in order to take steps for the  
24 immediate restoration of the POW's physical strength,  
25 and to help and direct the medical service at this  
camp, (defense document 2003),"which I now tender in

1 evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Defense document 2003  
4 will receive exhibit No. 3113.

5 (Whereupon, the document above referred  
6 to was marked defense exhibit 3113 and received  
7 in evidence.)

8 MR. FREEMAN: I shall now read into evidence  
9 paragraphs 1, 2, 3, and 4 of exhibit 3113.

10 "1. The Chief supply officer of the Kwangtung  
11 Army shall despatch as soon as possible the following  
12 number of persons from the battalion under his command  
13 to the Mukden prisoner of war camp and they shall be  
14 under the command of the chief of the said camp.

15 "Medical Officer 1

16 "Medical Petty Officers 2

17 "Medical orderlies 10

18 "2. The Chief of the Mukden prisoner of war  
19 camp shall strengthen the hygiene service and exert  
20 yourself to restore the physique of the prisoners of  
21 war immediately, making use of the above personnel.

22 "3. The Chief of the Kwangtung Army HQ shall  
23 dispatch as soon as possible about the following number  
24 of persons to the Mukden POW Camp and they shall assist  
25 and direct the sanitary service of the said camp.

"Officers 5

"Petty Officers 5

"Men about 10

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"4. As to the details, in addition to obtaining the direction of the Chief of the Army Medical Services, the commanders concerned shall make arrangement.

"General UMEZU, Commander in Chief, Kwantung Army."

The annexed defense document 2002 is the copy of the instructions and the account of the state in which the health service was carried out.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 2002 will receive exhibit No. 3114.

(Whereupon, the document above referred to was marked defense exhibit 3114 and received in evidence.)

MR. FREEMAN: I shall now read into evidence one half of page 4 of exhibit 3114, beginning with the words "Anglo-American officers."

"Anglo-American officers and men surrendered and taken captive by the formidable onslaught of Japanese army at Corregidor and Bataan were in a condition of being extremely worn out by desperate fight,

lacking in food-materials and suffering from pestilence.



1 For a certain purpose, it was decided that 1485 priso-  
2 ners of them be put in the Mukden POW Camp. Since  
3 December of last year they were in transportation  
4 and during the difficult voyage, being constantly men-  
5 aced by enemy's submarines, the food-supply turned out  
6 inevitably very bad; consequently the general health-  
7 situation of prisoners became much worse, and on the  
8 way, at Fushian and other places, 57 persons died.

9 At present, those who are under treatment in the squad  
10 are 160 persons, epidemic-patients (mainly A. type para-  
11 typhus) in the Mukden military hospital are 8 persons  
12 and those who are healthy and engaged in daily work  
13 are no more than about 300 persons." \*\*\*\*\*  
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THE PRESIDENT: Colonel Mornane.

LIEUT. COLONEL MORNANE: If the Tribunal pleases, the prosecution objects to the next two paragraphs of the witness' affidavit. The first paragraph -- paragraph 7, that is -- is based on the findings -- the alleged finding of a letter among the effects of a Major General Beckwith Smith. The letter purports to come from Lieutenant General YAMASHITA, and the witness used the fact that such a letter was written to draw the conclusion that Major General Beckwith Smith received certain goods from YAMASHITA.

I would submit that the Tribunal could not draw such an inference from the mere finding of a letter there.

THE PRESIDENT: The charges in the Indictment will not be met by proving that one general gave some beer and cheese to another.

LIEUT. COLONEL MORNANE: With regard to paragraph 8, the first sub-paragraph recites what is already in evidence: Regulations for the Treatment of Prisoners of War. Then it goes on to recite further regulations and finally ends up with the tender of defense document 2000. This is a newspaper report of a funeral ceremony held after the surrender

1 of the Japanese. It also goes on to recite how, for  
2 the past three years, a Buddhist priest had preserved  
3 the ashes of various prisoners of war.

4 MR. FREEMAN: If the Tribunal please, I do  
5 not intend to offer that in evidence. I have so in-  
6 formed Colonel Mornane. It has no certificate, and  
7 I feel it is absolutely worthless.

8 THE PRESIDENT: What about General YAMASHITA's  
9 letter?

10 MR. FREEMAN: I offer it in evidence for  
11 what it is worth.

12 THE PRESIDENT: Who wrote the letter, Gen-  
13 eral Beckwith Smith or General YAMASHITA?

14 MR. FREEMAN: It is a letter written by  
15 General YAMASHITA.

16 THE PRESIDENT: What probative value has it?

17 MR. FREEMAN: The main thing, if your Honor  
18 please, is that it indicates that even that early  
19 food was a problem. That's 1942.

20 THE PRESIDENT: Admitted on the usual terms  
21 for what it is worth.

22 CLERK OF THE COURT: Defense document 2001  
23 will receive exhibit No. 3115.

24 (Whereupon, the document above  
25 referred to was marked defense exhibit

No. 3115 and received in evidence.)

1  
2 THE PRESIDENT: What are you going to do  
3 with it, read it?

4 MR. FREEMAN: Well, paragraph 7 has not been  
5 read. I will read paragraph 7 first:

6 "From a letter found among the effects left  
7 by the late Major General M. P. Beckwith Smith, a  
8 POW, which was in the custody of the Japanese Govern-  
9 ment POW Information Bureau, the following fact was  
10 revealed:

11 "In 1942, General YAMASHITA, the Commander  
12 of the 25th Army at Singapore at that time presented  
13 such articles of comfort as beer, butter and cheese  
14 along with a cordial letter of comfort to the general  
15 officer POW's who were detained at Singapore.

16 "The attached is a copy of the letter."

17 I shall read exhibit 3115:

18 "July 7th 1942

19 "Major-General Beckwith-Smith

20 "Dear General Beckwith-Smith,

21 "As a small token  
22 of my personal interest in your welfare, and a prac-  
23 tical contribution to your own comfort, I sent you  
24 thirty tins of butter, thirty tins of cheese, 150  
25 bottles of beer and a bottle of sherry.

1 "With compliments and best wishes,

2 "Yours sincerely,

3 (sgd) "Lieut-General YAMASHITA."

4 THE PRESIDENT: Of course, there is no proof  
5 that they were received.

6 MR. FREEMAN: If the Tribunal please, I  
7 understand this was found in his effects.

8 THE PRESIDENT: I said there is no proof that  
9 the beer and the sherry and the butter and the cheese  
10 were received by the British General. However, do  
11 not bother.

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1 MR. FREEMAN: I shall skip paragraph 8 and  
2 begin with paragraph 9:

3 "The feelings of the nation toward POW's can-  
4 not be declared to have been cordial. As air-raids  
5 became more intensified and as the number of those  
6 who had lost their kin the war became more numerous,  
7 it was considered that these feelings were more ag-  
8 gravated.

9 "In consequence, the proper treatment of the  
10 POW's by the Army was censured everywhere that the  
11 Army was according too good treatment to the POW's.  
12 And again POW staffs were looked upon by the nation  
13 at large with apathy, and were criticized by them  
14 as if they were unpatriotic to the State. There were  
15 instances that such staffs were disturbed by some of  
16 such unthinking people in the execution of their  
17 duties in connection with the POW administration.

18 "The attached shows some examples of such  
19 censures and disturbances."

20 I offer in evidence defense document 2113.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 2113  
23 will receive exhibit No. 3116.  
24

25 (Whereupon, the document above  
referred to was marked defense exhibit

1 No. 3116 and received in evidence.)

2 MR. FREEMAN: I shall read in evidence  
3 exhibit No. 3116:

4 "The report of Colonel HOSIO, the head of  
5 HAKODATE Prisoners' Camp.

6 "(a) On 11th of March 1945 HAKODATE Gen-  
7 darmerie Detachment received the following letter:

8 "'Which do the military authorities take more  
9 care of -- the prisoners of war or the people? Japan  
10 cannot win the war so long as she neglects her people  
11 and cherishes the prisoners of war, can she? We are  
12 engaged in labor more than 12 hours a day, with the  
13 rationed rice not more than 3 'go.' If such state  
14 of things lasts any longer we should be very anxious  
15 about the future of Japan.'

16 "Report of Colonel MURATA, the head of OSAKA  
17 Prisoners' Camp.

18 "(b) It occurred once that a number of  
19 Japanese who happened to cast furtive glances at the  
20 supplementary food to be supplied to prisoners at each  
21 place of working in Umeda Branch, Osaka, of the Japan  
22 Transportation Company, assaulted a squad-head, one  
23 of the Japanese leaders on the spot, saying, 'Despite  
24 the fact that we Japanese people are rationed daily  
25 less than the additional food allotted to the prisoners

1 of war for a time, the prisoners are provided with  
2 such plentiful addition besides their daily meals.  
3 They are too well treated."

4 THE PRESIDENT: What does this go to prove?  
5 These trivial details do not prove a thing. We all  
6 get anonymous letters and disregard them; and crazy  
7 individuals will do anything.

8 MR. FREEMAN: If the Tribunal please, you  
9 will find that that more or less became the general  
10 attitude of most of the Japanese people as food became  
11 more scarce.

12 THE PRESIDENT: It could only help if you  
13 could show the people of Japan got out of hand and  
14 the accused could do nothing with them, and you are  
15 not attempting to do that.

16 We will recess for fifteen minutes.

17 (Whereupon, at 1045, a recess was  
18 taken until 1100, after which the proceed-  
19 ings were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Freeman.

4 MR. FREEMAN: If the Tribunal please,  
5 continuing with the affidavit, item 10, at the top  
6 of page 4:

7 "10. With a view to rectifying the nation's  
8 feeling towards POWs, the army, before quartering  
9 POWs at respective camps, used to send some members  
10 of the staffs concerned to the localities where such  
11 camps were situated to explain to the officials and  
12 people of the localities, especially to those who had  
13 been granted by the army to employ the POWs, how to  
14 treat the POWs until they understood so thoroughly  
15 that there was no fear that undesirable troubles might  
16 occur in this connection. Even after POWs were quartered,  
17 the staff concerned improved every opportunity to  
18 rectify the people's ill feelings towards POWs.

19 "And again at some POW camps, liaison con-  
20 ferences between the POW camp authorities and the  
21 organizations employing POW labor were held once or  
22 more a month, in order to prevent the occurrence of  
23 any unpleasant troubles in the treatment of POWs.  
24 (The reports of various POW camp commandants have been  
25 consulted in drawing up this article.)

1 "The attached is a copy of record written  
2 by some member of the Port of Osaka Coast Stevedores  
3 Union according to his memory about the remarks made  
4 by Colonel MURATA, the Commandant of the Osaka POW  
5 Camp at the time (defense document 2114)."

6 I offer in evidence defense document 2114  
7 which is an affidavit but it is my understanding that  
8 prosecution does not desire to cross-examine.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 2114  
11 will receive exhibit No. 3117.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 3117 and received in evidence.)

15 MR. FREEMAN: I read exhibit 3117, beginning  
16 with paragraph 2:

17 "I have been in the service of the Osaka Long-  
18 shoremen's Control Guild since April of the 16th year  
19 of Showa (1941).

20 "I hereby vouch for the fact that MURATA,  
21 Sotaro, ex-colonel and commander of the Osaka POW  
22 Camp, called up to a meeting those concerned in POWs'  
23 labor supervision in about September in the 18th year  
24 of Showa (1943), to the Head Office of the Osaka POW  
25 Camp in Minato-ku, Osaka City, where he gave them

instructions as per appended papers.

"Instructions

"A. The prisoners of war are of course enemy nationals, but they are fine soldiers. Now taken prisoner, with freedom lost and without arms, they are like infants. Therefore, private punishment will not be applied to them either by use of force or by other means. If there is any offender, he will be given just punishment at this POW Camp according to international law. So you must treat them as good people.

"B. It is my desire that, lest they should suffer from ill health as a result of labor, that those to whom they are allotted labor, for work take every possible care about their food, drink and sanitation and supply them with abundant calories.

"On this 13th day of May, 1945."

Continuing with the affidavit, paragraph 11:

"11. The rule laid down"--

THE PRESIDENT: Colonel Mornane.

COLONEL MORNANE: If the Tribunal pleases, I wish to object to the defense document, 1996, referred to in this paragraph. This document apparently is tendered as an official document in the custody of the Prisoner of War Intelligence Bureau. There is nothing

1 to show how and when it came into existence nor what  
2 camps it covers nor what period is referred to. There  
3 is a note to the effect on the third page of it saying  
4 that in this table is contained the materials gathered  
5 at the meeting of chiefs of war prisoners camps held  
6 on the 27th of September 1946 belonging to Osaka War  
7 Prisoners Camp. If that date is correct, of course,  
8 it has been prepared after the war and I would submit  
9 that under no circumstances, unless this witness has  
10 himself prepared the document from records that were  
11 available to him, then it is inadmissible as an  
12 official document. But even if that date is wrong,  
13 then I submit that it should show whether they were  
14 the rations actually delivered or the rations laid  
15 down to be delivered, whether they applied to every  
16 camp or a particular camp, or whether they applied to  
17 a particular period or whole period.

18 MR. FREEMAN: If the Tribunal please, I am  
19 informed that that is an error for it should be 1944.  
20 That is the date Colonel Mornane just referred to.

21 THE PRESIDENT: You will have to give us  
22 some evidence of its authenticity as well as of its  
23 date. Ordinarily that gives no trouble where a cer-  
24 tificate is produced.

25 MR. FREEMAN: If the Tribunal please, I have

1 not offered it in evidence yet so I will withhold it  
2 until that correction can be made.

3 Leaving out reading then the paragraph that  
4 refers to this document I begin with the next paragraph:

5 "The ration for POWs at every POW camp was  
6 almost all supplied by the army, and so there was no  
7 case of supply of such ration having ever failed to  
8 be carried out.

9 "The subsidiary foodstuff for POWs different  
10 from the case of the staple food was issued to POWs from  
11 the army, not in kind, but in fixed allowance amount.  
12 The POW camp authorities supplied necessary foodstuff  
13 to POWs by purchasing it from dealers or markets with  
14 this fixed allowance. But as the nation's feelings  
15 towards POWs gradually became aggravated, some people,  
16 seeing that there were considerable difference between  
17 the rations issued to the nation on one part and the  
18 POWs on the other, and that the POWs were daily supplied  
19 with fish, etc., things not to be obtained by the general  
20 public, became envious, and they either blamed the POW  
21 camp staffs, who were doing their best in feeding the  
22 POWs or, as in the case of some of them, went so far as  
23 to interfere with their purchase of foodstuffs.

24 "But the POW camp staffs continued their  
25 efforts single-mindedly in securing the amount of

1 foodstuff required for maintaining the POWs under.  
2 their charge in a healthy condition, in the face of  
3 such undeserved blames and interference. At every  
4 POW camp, the staffs, in their effort to obtain the  
5 required foodstuff smoothly, maintained a close con-  
6 tact with the distributory organizations, and the city,  
7 town or village authorities, police stations or agri-  
8 cultural societies, and when they found that someone  
9 concerned were unreasonable, they did their best in  
10 leading them to the right path.

11 "The staffs, when they succeeded in obtaining  
12 the required stuff, paid attention to such details  
13 in carrying such foodstuff into the camps as to cover  
14 it over, or to do the carrying at night, in the sole  
15 hope of not exciting the general public's antipathy.

16 "As the food situation at home became so  
17 acute that it was difficult to secure enough foodstuffs  
18 through legitimate distributory organization, the POW  
19 camp authorities had to increase their efforts in this  
20 connection.

21 "At every POW camp hitherto unutilized land  
22 was quickly turned into kitchen gardens in the hope of  
23 growing corn or vegetables to help the self-supply of  
24 at least a portion of the foodstuffs required. Some-  
25 times the staffs had to go out far, with truck or, in

1 the extreme case, with wagons manned by the staffs  
2 themselves, to purchase foodstuffs. At other times  
3 the staffs went to a fishing port before dawn and there  
4 waited long for the arrival of fishing boats to buy  
5 fish from them at black market prices. Thus they left  
6 no effort untried for obtaining foodstuffs even in  
7 violation of the food distributory system.

8 "Some troubles occurred between a POW camp  
9 commandant and the organizations employing POW labor,  
10 when he approached the responsible persons of the  
11 companies or factories with requests to supply some  
12 reasonable amount of supplementary food to the POWs.

13 "But most employers of POW labor supplied,  
14 out of their foodstuffs in stock, such supplementary  
15 food as macaroni, riceballs, soups or bread to the  
16 POWs in their employ. And some such employer even  
17 supplied to the POWs a part of such food which was  
18 originally intended to be issued to the Japanese work-  
19 men. The attached (defense document 1998) shows the  
20 result of the investigation made at the main localities  
21 in Japan proper about the condition of the supplementary  
22 food issue."

23 THE PRESIDENT: Colonel Mornane.

24 COLONEL MORNANE: If the Tribunal pleases, I  
25 object to this document on the same grounds. It is

1 obviously a document prepared after the conclusion  
2 of the war, after the surrender of the Japanese. It  
3 refers to what happened in one place up to the 15th of  
4 August 1945, that is on page 3, so presumably this  
5 document comes into existence for the purpose of being  
6 used in evidence in this case, and I submit as such  
7 that it is not an admissible document here.

8 Surely, the right way would be for the person  
9 who has consulted the records and prepared this document  
10 to be called as a witness so he can speak as to the  
11 records he has consulted.

12 MR. FREEMAN: If the Tribunal pleases, I have  
13 not tendered this document. I would like for it to be  
14 tendered in evidence before the objection is considered.

15 THE PRESIDENT: Who prepared it?

16 MR. FREEMAN: This document comes from the  
17 Prisoner of War Intelligence Bureau.

18 THE PRESIDENT: Technically, it comes within  
19 the Charter but what probative value has it? That is  
20 the question. It may be in the nature of a self-  
21 serving statement.

22 MR. FREEMAN: It purports to be that additional  
23 supplies were given prisoners of war who were employed  
24 in factories.

25 THE PRESIDENT: Does it in turn refer to



1 documents in existence at the relative times?

2 Yes, it is pointed out to me that it does  
3 purport to be such a document because it refers to  
4 other documents--

5 MR. FREEMAN: Yes.

6 THE PRESIDENT: --which, however, are not  
7 produced. It is those other documents which would  
8 have probative value if they exist and if they were  
9 made at the time that these things were done. Perhaps  
10 you had better withhold this until you get the docu-  
11 ments on which it is based.

12 MR. FREEMAN: All right.

13 THE PRESIDENT: Then you can tender those  
14 documents for identification, if necessary.

15 MR. FREEMAN: I withdraw the document.

16 Continuing with the affidavit, page 5, third  
17 paragraph from the bottom:  
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1 "By the strenuous efforts of the POW camp  
2 staffs and the cooperation of the POW labor employers,  
3 the feeding of POW's was carried out smoothly, and the  
4 ration issued to an individual POW amounted to 3,000  
5 calories or more in nutrition value, and this was  
6 considered to be approximately sufficient for main-  
7 taining a POW's health.

8 "Of course, as with the special local circum-  
9 stances or the effect of the current season, a part of  
10 POW camps felt it extremely difficult to obtain sub-  
11 sidiary food stuffs, with consequent decrease in the  
12 amount of food issued to POW's. But this was only a  
13 temporary phenomenon and could by no means be properly  
14 attributed to any negligence in duty on the part of  
15 the POW camp staff concerned.

16 "According to a document in the custody of the  
17 Japanese Government POW Information Bureau, the calcu-  
18 lation of the amount of nutritive value of staple and  
19 subsidiary food as issued to POW's is shown in the at-  
20 tached copy. (Defense documents 1997 and 1999)"

21  
22 I offer in evidence defense document 1997.  
23 I do not desire to read any part.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document 1997  
will receive defense exhibit number 3118.

1 (Whereupon, the document above referred  
2 to was marked defense exhibit number 3118 and  
3 received in evidence.)

4 MR. FREEMAN: I tender in evidence defense  
5 document 1999, which is a table of the distribution  
6 of food. I do not desire to read any part of it.

7 THE PRESIDENT: Colonel Mornane.

8 COLONEL MORNANE: If the Tribunal pleases, I  
9 object to this document too, on the same grounds on  
10 which I objected to the previous document. In add-  
11 ition, there is no statement from where it comes at  
12 all.

13 THE PRESIDENT: There is no statement on its  
14 face, and no certificate as to its origin. It must  
15 be rejected, but perhaps you will withdraw it until  
16 you can have it authenticated, Mr. Freeman?

17 MR. FREEMAN: I withdraw the document.

18 Continuing with the second paragraph, on page  
19 6:

20 "As to 'taking POW's national and racial cus-  
21 toms into consideration', every POW came was very  
22 careful, and especially they paid attention to the  
23 issue of bread ration, animal albumen and fat, as well  
24 as to the manners of cooking. At many POW camps, bak-  
25 ing ovens were provided, and they had their yeast

1 prepared by their own cooking detail. At some other  
2 POW camps POW's were allowed to do their own cooking  
3 and they were also consulted in preparing their menus.  
4 The attached (defense document 1995) is a copy of menu  
5 of a certain day at the Hiroshima POW camp."

6 I offer in evidence defense document 1995.  
7 I do not desire to read any part thereof.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 1995  
10 will receive exhibit number 3119.

11 (Whereupon, the document above re-  
12 ferred to was marked defense exhibit number  
13 3119 and received in evidence.)

14 MR. FREEMAN: Continuing with the affidavit,  
15 item 12 on page 6:

16 "12. As to the medical treatment of POW's,  
17 every POW camp staff made enormous efforts. Espec-  
18 ially when, with the progress of the war, medicaments  
19 gradually became so scarce that the supply from the  
20 Army proved insufficient, they were compelled to make  
21 especial efforts for the maintenance of POW's health,  
22 as, for instance, to obtain medicaments from druggist  
23 or to go to mountains or fields for collecting herbs.

24 "The employers of POW labor also cooperated  
25 with us in the utmost degree. Some of the examples of

1 such cooperation are shown in the attached.

2 "(1) Colonel MURATA, Commandant of the Osaka  
3 POW Camp, seeing that many of POW's under his charge  
4 were suffering from under-nourishment, instructed  
5 Surgeon Lieutenants NOSU and OHASHI to carry out a  
6 thorough study and investigation of the situation.  
7 The two surgeons obtained useful materials for inform-  
8 ation and published them, and they also established a  
9 measure of cure for this kind of disease. The attach-  
10 ed is the essay born from their investigation (defense  
11 document 1994)."

12 I offer in evidence defense document 1994.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document 1994  
15 will receive **exhibit No. 3120.**

16 (Whereupon, the document above re-  
17 ferred to was marked defense exhibit number  
18 3120 and received in evidence.)

19 MR. FREEMAN: I desire to read on page 5, in  
20 the fourth paragraph, beginning with the second sen-  
21 tence, the words, "One thing". That is page 5 of the  
22 English text:

23 "One thing here to mention specially, however,  
24 is that, since this May the food allotment for the POW's  
25 has been considerably improved and the index number

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1 for the nutritive value of the POW's food in the de-  
2 tached camps is now gradually going upward and does  
3 not sink below 3,000 calories in general. So we can  
4 now reasonably expect a gradual decrease in number of  
5 malnutritious diarrhea cases in the future, and the  
6 eradication of this sort of causes may be attained  
7 very soon."  
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Page 9 of the English text:

"It is necessary to feed POW workers with food of over full 3,000 calories a day, namely, 550 gram of carbohydrate, 57 gram of fat and 70 gram of protein, not to mention suitable quantity of various elements of nutrition. It is especially to be mentioned that this degree of nourishment is not only necessary to the POW workers but absolutely indispensable to the POW patients resting in the attached infirmary. It is almost needless to emphasize on the necessity of alimentotherapy or dietary cure in the treatment of disease in general. Most of the POW patients have been suffering already from the food deficiency and there is no other way of cure than the alimentotherapy.

"It must be said to be a great advancement in the dietary treatment of POWs that considerable improvements in dietary accommodation were made in all detached camps since May 1944, especially after the introduction of special preparations of soya-beans, bones and visceras of cows and fish-meals for protein supply; as a result gradual decrease of the food deficientious diarrhoea. The food deficientious diarrhoea can be cured with dietary treatment as its best countermeasure lies in the improvement of the

1 nutritive value, sufficient supply of protein, in  
2 especial.

3 "It is noteworthy, however, that the food  
4 deficiency prevalent among the POWs often accompanies  
5 the symptoms of partial deficiency of various nutritive  
6 elements, especially of vitamin. We very often  
7 clinically detected the cases of malnutrition ac-  
8 companying beriberi or pellagra. In such cases, if  
9 we pay too much attention to the concurrent symptoms  
10 and treat by giving vitamins, neglecting to take care  
11 of the principal disease, then it would eventually  
12 lead to an undesirable prognosis.

13 "Our recent experience showed that, in not  
14 a few cases, stressed dietary treatment for consider-  
15 ably serious patients of malnutrition with beriberi  
16 lead to the cure of serious beriberi alongside with  
17 the recovered nutrition.

18 "When we found many cases of malnutrition  
19 with beriberi or peripheral nervous inflammation among  
20 the POWs newly transferred from abroad to the Amaga-  
21 saki Detached Camp this August, we applied not vitamin  
22 pills but merely a countermeasure of devices on re-  
23 covery of nutrition, dosing of rice-bran and moderate  
24 sun-bathing with the result that they could be cured  
25 in a very short time. This is obviously a noteworthy



1 instance."

2 Continuing with the affidavit, item 2:

3 "At the Tokyo POW Camp, penicillin, which  
4 was then very difficult to obtain even by the Japanese  
5 Army, not to speak of the civil population, was once  
6 applied to a POW in that camp for his treatment.

7 "(3) In spring of 1945, Captain NUMAJIRI,  
8 commander of Ashio Branch Camp, believing it to be  
9 most adequate measures judged from the condition of  
10 the patients, that those serious patients of beri-  
11 beri, namely, Nise, Porter, Carril, Gutzman, Muraby  
12 and three others totaling eight persons should be  
13 transferred to an infirmary attached to the Tokyo  
14 Main Camp as soon as possible, and relying on the  
15 excellent skill of Surgeon Captain TOKUDA, Chief of  
16 the Infirmary, succeeded, after conducting difficult  
17 negotiations with various parties concerned despite  
18 many objections and blame raised against the measures  
19 in preparing a special automobile for the transport  
20 of these patients. At last, these patients were  
21 transferred all the way from Ashio to Tokyo by auto-  
22 mobile and were confined in Shinagawa Infirmary where  
23 they recovered. It is some 90 miles far from Ashio  
24 to Tokyo and if it had been a case of Japanese patients  
25 such warm treatment as stated above could not have been

1 expected to be received from him, judging from the  
2 traffic situation prevalent at that time. I was told  
3 the above information directly from Captain NUMAJIRI.

4 "(4) In the last of 1944 an army sergeant  
5 AIZAWA and an ambulance man KUDOTA of Niigata POW  
6 Camp who had in critical condition a case owing to  
7 acute pneumonia and they sat up with the sick POW  
8 throughout three days and nights and at last they made  
9 the POW an escape from the jaws of death. In this  
10 connection POW Senior Officer Fulmer, Richard B.,  
11 expressed an appreciation representing all of the POWs  
12 to the camp authorities.

13 "(5) On 11 October 1945 the Osaka POW Camp  
14 received unexpectedly an order for the internment of  
15 POWs who had been transferring to Japan proper aboard  
16 'Risbon' Maru, having been fatigued due to shipwreck.  
17 Due to many cases of dysentery, acute colitis and  
18 diphtheria among them, these POWs could not be trans-  
19 ferred from Moji, the landing place, to Tokyo as  
20 scheduled.

21 "Therefore, following the instruction of the  
22 senior officer, these prisoners of war were en bloc  
23 into Osaka POW Camp. Thereupon, staff personnel of  
24 Osaka POW camp assumed the charge of internment and  
25 disposition of these patient POWs, furnishing them

1 with gauze, newspapers and toilet paper, etc., which  
2 were gathered from the homes of the staff personnel,  
3 regardless of dangers for infection with these di-  
4 seases upon themselves. (Report of Col. MURATA,  
5 Commander of Osaka POW Camp).

6 "(6) Many factories which employed prisoners  
7 of war, such as Nihon Seitetsu Kamaishi Seitetsusho,  
8 Hirohata Seitetsusho, Kamaishi Kogyosho, Kamioka  
9 Kogyosho, etc., sent a great quantity of medicines to  
10 POW's Camp, as gifts, and tried to help them.

11 "13. Cases where prisoners of war adminis-  
12 trator and civilian concerned received several hun-  
13 dreds of letters of thanks, addresses of thanks, or  
14 letters of gratitude wherein prisoners of war ex-  
15 pressed gratitude for their fair treatment as prisoners  
16 of war; and for their efforts made for the sake of  
17 POW's happiness, are too numerous to be mentioned.  
18 Three of the representative cases is shown in the  
19 attached documents, 1991, 1992, 1993."

20 . I offer in evidence defense document 1991.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1991  
23 will receive exhibit No. 3121.  
24

25 (Whereupon, the document above  
referred to was marked defense exhibit

1 No. 3121 and received in evidence.)

2 MR. FREEMAN: I read into evidence exhibit  
3 3121, beginning with item 5:

4 "5. Commander Mayer, a senior officer to  
5 this internment camp tendered the following letter  
6 of appreciation in behalf of the internees to ex-  
7 press gratitude for the various entertainments given  
8 on Christmas Day, 25 December.

9 "December 26, 1944.

10 "To Colonel SAKUDA, Chief of the Tokyo  
11 POW Camp.

12 "In behalf of all the prisoners of war in  
13 the Tokyo POW Camp, I wish to express our warm appre-  
14 ciation for being allowed to enjoy a wonderful Christ-  
15 mas Day. For us prisoners here this day means so  
16 much and the fact that we are able to celebrate this  
17 day according to the customs of our country is indeed  
18 a privilege.

19 "The majority of prisoners here, who are  
20 separated so far from their homes and families, have  
21 already observed Christmas twice in this camp but I am  
22 certain that this was the merriest of all. Had it not  
23 been for the Japanese military authorities we would  
24 not have been able to enjoy this day.

25 "I wish to express again our heartfelt

1 appreciation to Colonel SAKADA and his subordinates  
2 for their efforts in making our Christmas so enjoy-  
3 able.

4 "Hayer, Commander, U. S. N."

5 I next tender in evidence defense document  
6 1992.

7 THE PRESIDENT: Colonel Mornane.

8 COLONEL MORNANE: If the Tribunal please,  
9 I object to its introduction. It purports to be an  
10 extract from the Nippon Times of 8 August 1943.  
11 I would submit that there is no proof of authenticity  
12 of the letter from the fact that it was published in  
13 the newspaper.

14 MR. FREEMAN: These letters are being of-  
15 fered for what probative value they have. They  
16 are certified to as appearing in the Nippon Times of  
17 August 8, 1943 by the managing editor.

18 THE PRESIDENT: Well, there are the names of  
19 two persons given, J. H. Smith, Lieutenant, and  
20 J. Spencer Burger, U. S. Navy, but we do not know  
21 whether those people exist. They may be fictitious  
22 for all we know.

23 I think the majority of the Court are  
24 against accepting these newspaper accounts during the  
25 war. The objection is upheld and the document

1 rejected.

2 MR. FREEMAN: I next offer in evidence  
3 defense document 1993.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Defense document 1993  
6 will receive exhibit No. 3122.

7 (Whereupon, the document above  
8 referred to was marked defense exhibit  
9 No. 3122 and received in evidence.)

10 MR. FREEMAN: I shall read into evidence  
11 exhibit 3122:

12 "To: The Medical Director and Staff,  
13 Seitetsu Hospital, Hirohata, Japan.

14 "From: Sidney E. Seid, Captain, Medical  
15 Corps, U. S. Army.

16 "For almost two years I have been the  
17 Prison Camp surgeon at the Prisoner of War Camp at  
18 Hirohata. During this time you have helped care for  
19 the Prisoner of War Camp at Hirohata. During this  
20 time you have helped care for the prisoners. You  
21 have equipped our dispensary with medical and  
22 surgical instruments. You supplied us with medicines  
23 and surgical supplies, and were relatively generous  
24 with them, even when those items were very scarce and  
25 difficult to obtain. Your staff physicians gave

1 medical and surgical consultations. You loaned me  
2 medical reference books. You also x-rayed our patients  
3 when it was required.

4 "I know how busy your staff has been, and  
5 I know how scarce medical supplies have been in Japan.  
6 Therefore, I can and do appreciate what you have  
7 done for us.

8 "I am writing you this letter as I leave  
9 Japan, so that you and whoever else reads this letter  
10 may know that I acknowledge the fine spirit in which  
11 you acted toward us. You and your staff have treated  
12 us so much more fairly and honorably than others,  
13 that you deserve commendation for it.

14 "May the scars of war soon heal. May you  
15 and your staff have success and happiness in the  
16 years to come.

17 "Sidney E. Seid, Capt (MC), U. S. Army."

18 THE PRESIDENT: How is that date to be read?  
19 How are those figures to be read on page 1, "20. 8. 22."?  
20 whatever way you read them, they are the wrong date  
21 in respect of this war.

22 MR. FREEMAN: That is August 22, 1945.

23 THE PRESIDENT: Is that 20 Showa?

24 MR. FREEMAN: Yes, it is.

25 THE PRESIDENT: It does not say so, and I

1 did not know that an American would use that method  
2 of expressing the date anyhow.

3 MR. FREEMAN: That is probably an entrance  
4 of the date of receipt of it.  
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1 Continuing with the affidavit:

2 "14. The text of statement made by the  
3 Apostolic Delegation in Japan in its report to the  
4 Pope concerning the treatment of POWs by the Japanese,  
5 is shown as follows: This is a copy of document in  
6 the custody of POW Information Bureau, defense docu-  
7 ment 1990," which I am offering in evidence.

8 THE PRESIDENT: Colonel Mornane.

9 COLONEL MORNANE: If the Tribunal pleases,  
10 I object to this document. The seal immediately under  
11 the circle sets out how the document came into exist-  
12 ence.

13 "For your information, I report that according  
14 to the telegram from our Domei correspondence at Berlin,  
15 a London Times correspondent at Melbourne in his  
16 cablegram, dated May 24th, informed the report of the  
17 Pope's envoy in our country regarding our treatment  
18 of POWs as follows."

19 It is really like a newspaper report that  
20 has come through two or three agencies before it  
21 appeared in the newspaper. I submit there is nothing  
22 to show its veracity.

23 THE PRESIDENT: And we cannot take opinions  
24 even from nuncios as to whether international law is  
25 observed or not.

1           It looks like something emanating from a  
2 Japanese newspaper during the war and in the same cate-  
3 gory as the last document rejected. Can you distinguish  
4 the two?

5           MR. FREEMAN: I will withdraw the document.

6           THE PRESIDENT: You say you withdraw this,  
7 Mr. Freeman?

8           MR. FREEMAN: Yes.

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Continuing with the affidavit:

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2 "15. Officer prisoners of war have never been  
3 ordered or enforced to be employed at work. 'Officer  
4 prisoners of war may be allowed to be employed on work  
5 of their own choosing.' This is a provision provided  
6 for in Article 1 of the Regulations on the Work of  
7 Prisoners of War (Exhibit 1965). In each camp, they  
8 encouraged officer prisoners of war to be employed on  
9 work of their own choosing with various reasons. With  
10 respect to the work of officer prisoners of war notifi-  
11 cation, dated June 3, 1942, was made from Director of  
12 POW Administration Division of War Ministry to the  
13 units concerned, requesting that officer prisoners of  
14 war should be employed on work of their own choosing."

15 If the Tribunal please, beginning there with  
16 "In..." down through those seven-reasons, that is already  
17 in evidence and so I will not read that.

18 Beginning with Item (1):

19 "(1) Officer prisoners of war were encouraged  
20 to be employed on work for the purpose of health.

21 "It is more harmful than good for health to  
22 lead an idle life, and suffering from ennui would cause  
23 them to be spiritually weak; therefore, encouragement  
24 was given to them to engage in slight farm work or  
25 raising of live stocks.

1           "(2) Also for the purpose of rectifying the  
2 Japanese people's feeling toward prisoners of war,  
3 they were encouraged to be employed on work.

4           "It was afraid that the fact that those  
5 officer POWs who were not employed on work were allowed  
6 to receive much more ration than that of Japanese  
7 nationals and Japanese military officers, would be the  
8 cause of aggravating national ill-feelings toward POWs;  
9 which would, in consequence, be the cause of occurrence  
10 of bad influence upon administration of whole POWs.

11           "Thereupon, explaining that, under the state  
12 of war, every country in the world had deep anxieties  
13 respectively regarding the food distribution and that,  
14 even though they were in captivity, it was their human  
15 duty to be employed more or less in the work of self-  
16 supporting, they were encouraged to be employed on  
17 work.

18           "(3) From a parent's heart whose desire was  
19 that an increased ration be given to officer prisoners  
20 of war, considering the food situation in Japan, offi-  
21 cer prisoners of war were so encouraged to be employed  
22 on work.

23           "With the development of the war, the food  
24 situation in Japan became more and more difficult, and  
25 the staple food for both military personnel and

1 nationals were inevitably decreased; besides, it  
2 became difficult all the more to obtain subsidiary  
3 foodstuff.

4 "This state of affairs inevitably affected  
5 prisoners of war. Whereas, up to June 1944, officer  
6 prisoners of war had received 420 grams of staple  
7 food ration and non-commissioned officer and private  
8 prisoners of war had received 570 grams (however,  
9 additional amount of ration up to 220 over 570 grams  
10 was increased in accordance with the type of work and  
11 condition of individual health), on and after June 1944,  
12 the amount of staple food for officer prisoners of war  
13 was decreased to 390 grams, and for those non-  
14 commissioned officers and privates who were employed  
15 on hard work was decreased to 705 grams, and for those  
16 who were not employed on hard work, was decreased to  
17 570 grams. Decreased staple food, however, would be  
18 no harm to health provided that the subsidiary food-  
19 stuff was supplied sufficiently. It became gradually  
20 difficult, as stated above, to obtain these subsidiary  
21 foodstuff; above all, the nutritive value which  
22 officer prisoners of war who were not employed on hard  
23 work could take, showed gradually a declining trend.  
24 Nevertheless, the nutritive value taken by these  
25 prisoners of war was much higher than that of the

1 Japanese people. In view of the health condition of  
2 officer prisoners of war in Zentsuji POW Camp in  
3 which many officer prisoners of war were interned, a  
4 plan was made to increase especially the staple food  
5 of officer prisoners of war up to 500 grams for which  
6 investigation had been made carefully under the central  
7 military authorities concerned. The plan, however,  
8 ended to a mere attempt proving that to distribute  
9 one and a half times more staple food for prisoners  
10 of war than that for the general Japanese people, was  
11 not deemed to be adequate in view of food situation  
12 in Japan and from the point of view of proper guidance  
13 of the Japanese nationals. Thereupon, with the intention  
14 to supply the same quantity of staple food for the  
15 officer prisoners of war as that for the non-  
16 commissioned officers and privates, treating the offi-  
17 cer POWs as if being employed on hard work by assigning  
18 a slight self-supporting work for maintaining their  
19 health, also with another intention to grant them an  
20 additional allowance of crops grown by farm work, they  
21 were encouraged to be employed on work. It was neither  
22 with any intention to exploit the labor facility of  
23 officer prisoners of war in order to relieve the  
24 shortage of labor facilities in Japan, nor with any  
25 intention to offer an insult to them without making

1 much of their positions as officer, but with the  
2 parent's heart of the prisoners of war administrators  
3 concerned who encouraged the officer POWs, for their  
4 own happiness, officer prisoners of war were employed  
5 on work.

6 "An actual case where officer prisoners of  
7 war were employed on work of their own choosing, is  
8 described in a document in the custody of POW Infor-  
9 mation Bureau as shown in the separate sheet (defense  
10 document 1989)."

11 I tender that document in evidence, defense  
12 document 1989.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document 1989  
15 will receive exhibit No. 3123.

16 (Whereupon, the document above  
17 referred to was marked defense exhibit  
18 No. 3123 and received in evidence.)

19 MR. FREEMAN: I shall read into evidence  
20 exhibit 3123, beginning with the first paragraph.

21 "1. The four men voluntarily engaged in  
22 knitting fishing nets for use in the north-sea fishing  
23 area have proven to be very efficient.

24 "2. In the Second Detachment, Captain Zekuraa  
25 and Second Lieutenant May among other officers at labor,

1 have worked voluntarily with eagerness and seriousness.  
2 Their results were far better than those of the average  
3 Japanese workers. Their great contribution was recog-  
4 nized by the firm and after many conferences it was  
5 decided that a sum of money for encouragement was to  
6 be given to the two officers as a reward.

7 "3. The officer POWs who were transferred  
8 and assembled at the detachments of Ikuno and Oeyama  
9 are actively engaged in farming. Particularly in the  
10 Oeyama Detachment they raise wheat, potatoes, sweet  
11 potatoes, and vegetables for themselves and before long  
12 they are expecting to harvest as much as 8 sacks of  
13 wheat.

14 "4. The officer POWs who were transferred  
15 from Hiroshima POW Camp to Rokuroshi Military Training  
16 ground, have volunteered to do farming, and have been  
17 working diligently since the end of last month."

18 Beginning with Item 16 of the affidavit:

19 "16. Violence on Prisoners of War.

20 "The Japanese are generally short-tempered  
21 and are in the habit of getting excited at trifles.  
22 Also, it was especially the case with military units  
23 that, despite the strict supervision and instruction  
24 of the senior officer, habit of inflicting the so-called  
25 private punishment, by assaulting the subordinate,



1 from a slight cause was not extinct. Therefore, in  
2 a case where misconduct was committed by a prisoner  
3 of war, for instance, failure in acting up to regula-  
4 tions or assuming a disobedient or haughty attitude,  
5 illegitimate punishment was liable to be inflicted on  
6 the prisoner of war without discrimination.

7 "These were the factual cases for which I  
8 must express my sincere regret.

9 "It is presumed that in most cases this  
10 violent behavior would not have been conducted if our  
11 officers had been acquainted with their manners and  
12 customs and had understood their languages.

13 "For instance, when a certain non-commissioned  
14 officer scolded a prisoner of war at a POW camp, the  
15 prisoner of war replied 'I think so and so.' Eye-  
16 witnessing the tongue put out naturally when he said  
17 'think,' the non-commissioned officer inflicted a blow  
18 on him with rage in a moment presuming that he was  
19 insulted by the behavior of the prisoner of war; when  
20 some prisoners of war were scolded by others, the  
21 former would gaze at the latter's face folding their  
22 arms, unlike a Japanese custom, which was liable to  
23 be regarded by the Japanese as very haughty attitude.

24 "Of course, in Prisoner of War Administration  
25 Division they prepared notifications on manners and

1 customs of prisoners of war and transmitted them to  
2 prisoner of war camps as an aid to put out troubles  
3 to be caused from misunderstanding.

4 "The trials presently conducted at the  
5 Yokohama Military Tribunal testify to the fact that  
6 cases of some of the POW camp staff members having  
7 had inflicted violence upon POWs. But on the other  
8 hand, it was always with a sense of respect that I  
9 witnessed, while my visits of observation to POW camps,  
10 the staffs of such camps concentrating all their  
11 efforts, in the face of various abuses and interference  
12 of the nation who had no cordial feelings toward the  
13 POWs, in obtaining foodstuff, medicaments, or in  
14 completing their arrangements for the protection against  
15 cold or damp, being inspired by a sense of genuine  
16 friendship toward the POWs.

17 "A certain N.C.O., now being detained at the  
18 Sugamo Prison was alleged to have assaulted the  
19 responsible person of an organization, which then was  
20 employing POW labour, out of his indignation for the  
21 employer's lack of enthusiasm towards the POWs under  
22 his employ. The injured person lodged a protest to  
23 me personally against the N.C.O. on the occasion of  
24 my visit to that organization. At other time the fact  
25 came to my knowledge that a certain interpreter

1 attached to a POW camp, though he had the habit of  
2 striking a POW from a slight cause, would, when a  
3 POW happened to fall sick, attend on him whole-  
4 heartedly almost without taking any rest or food, with  
5 the natural result that he was always popular with  
6 the POWs in spite of his bad habit. From these facts  
7 I can assure you that the POW camp staffs were real  
8 guardians for the prisoners of war under their charge."

9 THE PRESIDENT: We will adjourn until half-  
10 past one.

11 (Whereupon, at 1200, a recess was  
12 taken.)

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## 1 AFTERNOON SESSION

2  
3 The Tribunal met, pursuant to recess, at  
4 1330.

5 MARSHAL OF THE COURT: The International  
6 Military Tribunal for the Far East is now resumed.

7 - - -

8 T A D A S H I O D A J I M A, resumed the stand  
9 and testified through Japanese interpreters  
10 as follows:

11 THE PRESIDENT: Mr. Freeman.

12 MR. FREEMAN: If the Tribunal please, I shall  
13 continue reading the affidavit beginning with item 17  
14 on page 11:

15 "17. Measures Relative to the disposition  
16 of POW's in case of Gradual Change in the Situation,  
17 Aimed at the Following Two Points: (Exhibit No. 1978)

18 "(1) To transfer POW camps in order to avoid,  
19 by all means, the giving up of POW's to enemy hands, and  
20 to prevent, as much as possible, POW casualties which  
21 might be inflicted by the air-raids.

22 "(2) Not to make any mistakes in disposition  
23 in the event we were obliged to resort to emergency  
24 measures against POW's, owing to unavoidable circum-  
25 stances, as stated above, this notification was made

1 in order to protect POW's, and did not bear any  
2 implication of mistreatment towards them. As a result,  
3 for the purpose of preventing POW casualties to the  
4 utmost, about 10,000 POW's held in our homeland were  
5 removed from the Tokyo-Yokohama area, Nagoya, Osaka,  
6 Kobe, Hakodate, Muroran areas, where air-raids were  
7 expected to be intensified, to such areas deemed to  
8 be comparatively safe from air-raids as the Tohoku,  
9 Hokuroku areas and the interior parts of Hokkaido.

10 "Thanks to these steps taken, casualties  
11 inflicted by air-raids upon the POW's were smaller than  
12 our expectations, hardly amounting to 100. As a matter  
13 of fact, more than 13 places of the evacuated camps  
14 in the Tokyo and Osaka areas had actually been bombed.

15 "18. It was from March, 1942 that the POW  
16 Information Bureau began its communications with regard  
17 to the POW situation. Up to August 1945, the number  
18 of POW's and internees reported was about 210,000, and  
19 since then up to August 1947 approximately 110,000 cases  
20 were reported, totalling 320,000. The number of the  
21 deceased reported of the POW's and the internees  
22 numbered about 45,000 cases.

23 "The POW Information Bureau also undertook  
24 to release communication with regard to enemy personnel  
25 killed in action. Up to August 1945 they reported on

1 about 11,000 cases.

2 "In addition, the POW Information Bureau took  
3 it upon themselves to answer, with sincerity, any  
4 inquiries relative to POW's. They had answered about  
5 1,000 cases, up to August 1945.

6 "On this 29th day of August, 1947."

7 You may cross-examine.

8 THE PRESIDENT: Colonel Mornane.

9  
10 CROSS-EXAMINATION

11 BY COLONEL MORNANE:

12 Q Witness, with regard to this order as to the  
13 conditions under which prisoners of war should be  
14 transported by sea, what steps were taken by your  
15 department to see that they were properly transported?

16 A Since I, ODAJIMA, was not in office at the end  
17 of 1942 when this order was issued, I do not know what  
18 instructions -- what steps were ordered to be taken.

19 Q Well, while you were in office, were any steps  
20 taken by your department to see that they were properly  
21 transported?

22 A This order was issued to the respective units  
23 concerned and was not issued to the POW Control Bureau --  
24 Supervision Department.

25 Q Didn't the POW Supervision Department have a  
representative to meet ships bringing prisoners in?

1 A No.

2 Q And you got no reports as to the condition  
3 in which prisoners arrived?

4 A Yes, we did receive such reports.

5 Q And didn't such reports indicate that prisoners  
6 were in a very bad condition?

7 A Yes.

8 Q And what did you do? They were under your  
9 control.

10 A I should like to state that although prisoners  
11 that even after prisoners were transferred to the  
12 Japanese mainland, they did not come under the control  
13 of the Prisoner of War Supervision Department.

14 Q Under whose control did they come?

15 A They came under the control of the respective  
16 units which received them.

17 Q But, those units were attached to the Prisoner  
18 of War Supervision Department, were they not?

19 A No.

20 Q Now, can you tell the Tribunal what necessitated  
21 that order being repeated on March, 1944?

22 A From the end of 1943 to the beginning of 1944  
23 many POW's were transported, but as the conditions  
24 under which they were transported were not of the best,  
25 in March 1944 this order was reissued and instructions,

1 which I have already mentioned, were reiterated on  
2 the 2nd of March, 1944. This was on the 2nd of March,  
3 1944.

4 Q Did your department exercise any control over  
5 the Tokyo prisoner of war camps?

6 A No.

7 Q What was your connection with them?

8 A As the Prisoner of War Information Bureau,  
9 we had the duty to collect reports.

10 Q But, the Prisoner of War Information Bureau  
11 had the same personnel as the Prisoner of War Supervision  
12 Bureau?

13 A Yes.

14 Q In you capacity as a member of the Prisoner  
15 of War Supervision Bureau, what connection did you have  
16 with the Tokyo camps?

17 A As a member of the Prisoner of War Supervision  
18 Department, I had no connection with them.

19 Q Under what department of the War Ministry did  
20 the control of the prisoners of war come?

21 A May I have that question repeated?

22 THE MONITOR: Japanese court reporter.

23 (Whereupon, the last question was read  
24 by the Japanese court reporter.)

25 A The Military Affairs Bureau, the Intendance



1 Bureau and the Medical Bureau of the War Ministry  
2 as well as other bureaus of that Ministry are organs  
3 which assist the War Minister, and, as such, they had  
4 the duty of assisting the War Minister in the work of  
5 the War Ministry. However, they had no direct -- strike  
6 that out, please -- However, you cannot say exactly  
7 what bureau had what control over what work as they were  
8 all in the War Ministry. You cannot say what particular  
9 bureau or which bureaus had control over the prisoner  
10 of war camp in Tokyo and elsewhere.

11 To begin with, it is the responsibility of  
12 the commander of the army in any one particular area  
13 who is responsible for the prisoners of war in that  
14 area, and it is the War Minister that directly controls  
15 these commanders. That is to say, the duty of  
16 the War Minister is administration and the duty of the  
17 various bureaus in the War Ministry is to assist that  
18 work. Therefore, no one particular bureau in the War  
19 Ministry is directly connected with the work -- with  
20 prisoner of war camps.

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1 Q And, what assistance was it the duty of the  
2 Prisoner of War Supervision Department to give?

3 A In accordance with regulations established  
4 on March 31, 1942, and also two rules laid down on  
5 April 7, 1942, the duties of the Prisoner of War  
6 Supervision Department would be as follows:

7 THE INTERPRETER: Correction: "In accord-  
8 ance with regulations established on March 31 and  
9 on April 7, 1942, the duties of the Prisoner of War  
10 Supervision Department were to be as follows:"

11 A (Continuing) The first rule determined that  
12 the Prisoner of War Supervision Department was to be  
13 in charge of prisoner of war matters within the War  
14 Ministry.

15 The second rule interpreted just what is  
16 meant by prisoner of war matters and divided them  
17 into five sections. These are the five sections:

18 1. Various plans in regard to the intern-  
19 ment, handling, exchange, freeing, utilizing, and  
20 punishment of prisoners of war.

21 2. Matters pertaining to prisoner of war  
22 labor.

23 3. Matters pertaining to prisoner of war  
24 communication.

25 4. Matters pertaining to punishment of ...

1 prisoners of war.

2 5. Matters pertaining to labor and communi-  
3 cation of prisoners of war in battle areas.

4 THE INTERPRETER: Correction: "Of those de-  
5 tained by the Army in battle areas."

6 A (Continuing) That is all.

7 Q Well, whose duty was it to protect the  
8 prisoners of war?

9 A May I have that repeated, please?

10 (Whereupon, the last question was  
11 read by the Japanese interpreter.)

12 THE PRESIDENT: Well, we do not know how these  
13 simple questions you are putting are being translated.  
14 There could be no occasion, if that question were  
15 properly translated, to ask that it be repeated.

16 A It is the Government's responsibility.

17 Q But, what branch of the Government?

18 THE PRESIDENT: What individuals?

19 A Mainly, the Army.

20 THE PRESIDENT: Well, do you think it is  
21 worth while following that up?

22 COLONEL MORNANE: Except that we want some  
23 information.

24 THE PRESIDENT: You are going to get it.

25 COLONEL MORNANE: I don't know whether we

are going to get it, that's the trouble.

1 THE PRESIDENT: I am reminded that he made  
2 an inspection tour of prisoner of war camps. Was  
3 that just for recreation?  
4

5 BY COLONEL MORNANE (Continued):

6 Q On whose instructions did you inspect the  
7 prisoner of war camps at Korea and other places?

8 A On the orders of the chief of the Prisoner of  
9 War Supervision Department -- of the chief of the  
10 Prisoner of War Information Bureau.

11 Q And, what was the object of the inspection?

12 A To see the actual conditions under which the  
13 prisoners of war were treated and to see how the  
14 companies, who were employing the prisoners of war,  
15 were actually treating them, and for the purpose of  
16 drawing up plans in regard to withdrawing these  
17 prisoners of war if these conditions were unsatisfac-  
18 tory.

19 Q Well, you were actually seeking to protect  
20 the prisoners of war?

21 THE MONITOR: Sound Engineer, will you kind-  
22 ly adjust the witness' earphones, or something. He is  
23 evidently having a difficult time hearing. We are  
24 giving accurate translations.

25 (Whereupon, the last question was

read by the Japanese court reporter.)

1 A Yes, that is so.

2 Q And, for whom did the Prisoner of War  
3 Information Bureau want that information?

4 A It was important for the Prisoner of War  
5 Information Department to find out exactly how the  
6 prisoners of war are actually being treated in order  
7 to carry out its duties under international law.

8 Q What were the duties of the Prisoner of War  
9 Information Department under international law?

10 THE PRESIDENT: That is for us.

11 COLONEL MORNANE: I was rather anxious, if  
12 it please the Court, to find out what the witness'  
13 conception of the duties is, rather than --

14 THE PRESIDENT: Let him state his duties and  
15 we will make any necessary comparisons.

16 Q What were the duties in relation to inter-  
17 national law?

18 A The duties of the Prisoner of War Information  
19 Bureau under the Hague Convention was to investigate  
20 the conditions of prisoners of war and to report such  
21 investigations to the Central Information Bureau at  
22 Geneva. After investigating such conditions, one of  
23 the duties was to draw up a list of prisoners of war.  
24 Another duty was to reply to any inquiries concerning  
25

1 prisoners of war. Those are among the duties of the  
2 Prisoner of War Information Bureau.

3 Q Would you deal direct with the Central In-  
4 formation Bureau at Geneva or would you send the  
5 information through the Foreign Office?

6 A We sent it through the Japanese Communications  
7 Bureau.

8 Q To whom did you send it though, to Geneva  
9 or to the War Ministry?

10 A We sent it to the International Red Cross at  
11 Geneva.

12 Q Well, with regard to information sought by  
13 the Swiss Minister through your Foreign Minister, who  
14 would supply that?

15 A To inquiries to the Prisoner of War Infor-  
16 mation Bureau replies were addressed to the Foreign  
17 Office.

18 Q And, who would send those replies?

19 A The chief of the Prisoner of War Information  
20 Bureau.

21 Q Do you remember any inquiries being made with  
22 regard to the number of Americans held on Wake Island?

23 A I remember such an inquiry came after the  
24 conclusion of the war.

25 Q That is the first time you remember any

1 inquiry about Wake Island?

2 A Yes.

3 Q Isn't this the position: that any complaint  
4 about the breach of international convention would go  
5 to the Military Affairs Bureau from the Foreign Office?

6 MR. FREEMAN: If your Honor please, I object  
7 to the question in suggesting the answer. He can ask  
8 the witness direct where it came from. He is suggest-  
9 ing the answer in the question.

10 THE PRESIDENT: Objection overruled.

11 Answer the question.

12 A The Foreign Office was the window through  
13 which inquiries were made and replies --

14 THE INTERPRETER: Correction: "Through which  
15 inquiries and protests were made."

16 A (Continuing) The Foreign Office would send  
17 inquiries to the War Ministry, the Navy Ministry, or  
18 the Greater East Asia Affairs Ministry in order to  
19 obtain material with which to draw up a reply. I was  
20 able to tell what requests were made from the Foreign  
21 Office for such material because these documents were  
22 either addressed to several bureaus, such as -- to  
23 several departments, such as the War Vice-Minister,  
24 the Chief of the Military Affairs Bureau, the Greater  
25 East Asia Vice-Minister, and so forth, or else if a

1 document was addressed to one particular bureau, .  
2 copies were sent to the other departments.

3           In the Prisoner of War Information Bureau a  
4 file is kept of protests and inquiries coming from  
5 countries representing the enemy powers -- coming  
6 from the protecting powers, and I base my testimony  
7 on these.

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1 BY COLONEL MORNANE:

2 Q Now, you put in evidence this morning ex-  
3 hibit 3120. Will you tell me what the practice was  
4 with regard to feeding sick prisoners?

5 A Although I don't know the details, I learned  
6 from reports that special rations were given to patients  
7 in the Tokyo prisoner-of-war camp. For instance, in  
8 the monthly reports from the Tokyo prisoner-of-war camp  
9 were notices such as that milk had been supplied to  
10 patients or that a daily ration of eggs was being  
11 supplied.

12 Q Do you know that at the Tokyo prisoner-of-war  
13 camps the sick were only given two-thirds of the nor-  
14 mal ration?

15 A No.

16 Q That is the first time you have known the  
17 sick received less rations than the people who were  
18 well?

19 A No, that is not so.

20 Q Did you have anything to do with the supply  
21 of rations to Tokyo prisoner-of-war camp?

22 A No.

23 Q You can't say what rations were given?

24 A I knew of most of the items through the  
25 monthly reports.

1 Q Well, now, with regard to the survivors of  
2 the LISBON MARU, you gave evidence this morning that  
3 they were sent to an Osaka prisoner-of-war camp, al-  
4 though there were many cases of dysentery and diphtheria  
5 among them. Why weren't they sent to a hospital?

6 A Since I wasn't then in office, I don't know  
7 the details.

8 Q What was the date of that LISBON MARU sink-  
9 ing?

10 A According to my recollection, it was around  
11 September of 1942.

12 Q Did you ever see a report dated the 4th of  
13 September, 1942, from the accused ITAGAKI to the  
14 accused TOJO?

15 COLONEL MORNANE: I will withdraw that ques-  
16 tion, if it please the Court. The date is before the  
17 witness came in office.

18 THE PRESIDENT: He could have seen the report  
19 if it was kept in his office.

20 COLONEL MORNANE: That may be so.

21 Q Witness, have you ever seen a report such as  
22 I have described, setting out regulations for treat-  
23 ment of prisoners of war in Korea?  
24

25 A I don't remember.

COLONEL MORNANE: Could the witness be shown

1 exhibit 1976? I think it has been brought down to  
2 the court for the purpose?

3 I will just leave that for the moment.

4 Q Were you in the Prisoner-of-War Informa-  
5 tion Bureau in 1943 aware of the fact that prisoners  
6 of war were being mistreated?

7 A I didn't hear that they had been mistreated.

8 Q Do you remember instructions being sent out  
9 from your bureau relating to censorship of news of  
10 prisoners of war?

11 A No, the Prisoner-of-War Information Bureau  
12 never gave such instructions.

13 Q You never heard of an instruction that the  
14 following reports should be censored? "Reports which  
15 give an impression of cruel treatment, such as pris-  
16 oners being punished or made to labor without clothing."

17 A Yes.

18 COLONEL MORNANE: Will you have him look at  
19 exhibit 1977?

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

22 THE WITNESS: Yes, I have seen this report,  
23 certainly.

24 Q And that is dated the 20th of September,  
25 1943?

A Yes.

1 Q Do you remember instructions being sent to  
2 the Chief of Staff of the Thailand Army in 1945  
3 authorizing personnel who mistreated prisoners of  
4 war to flee from the army?

5 A I have heard vaguely that such instructions  
6 were issued.

7 Q Were you not a member of the department on the  
8 20th of August, 1945?

9 A Yes.

10 Q Well, now, you have given evidence about an  
11 address by Major General HAMADA. What steps did he  
12 take to insure that the views he expressed would be  
13 carried out -- or the orders he gave would be carried  
14 out?

15 A I believe that in Major General HAMADA's  
16 address he made clear that prisoners of war should be  
17 treated fairly, and that when they are to be punished  
18 they should be punished in accordance with law.

19 Q What steps did he take to insure that those  
20 instructions were carried out?

21 A All Major General HAMADA did was to lecture --  
22 was to give a lecture.

23 Q Coming to Osaka prisoner-of-war camps, you  
24 know, do you not, that forty-three of the staff of  
25 those camps have already been convicted for war

1 crimes?

2 A Yes, I do.

3 COLONEL MORNANE: Could the witness be shown  
4 document 2011 now, if the Court pleases?

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

7 Q Have you seen that document before?

8 A No, I have never seen this document.

9 Q Will you look at exhibit 1976? You will  
10 notice that that document bears the stamp of the con-  
11 trol section of prisoners of war?

12 A Yes.

13 Q Have you seen that document before?

14 A No.  
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1 THE PRESIDENT: Is the witness required any further?  
2 COLONEL MORNANE: If the Court please, I merely  
3 wish to refer the Tribunal to certain parts of the  
4 prosecution's evidence with regard to the treatment of  
5 prisoners of war in Japan, exhibits 1916 to 1955, at  
6 pages 14,197 to 14,261 inclusive; and the evidence of  
7 Captain Chisholm at pages 14,270 to 14,280; and to ex-  
8 hibits 2028 to 2033, at pages 14,901 to 14,907.

9 MR. FREEMAN: May the witness be excused?

10 THE PRESIDENT: He is excused on the usual terms.

11 (Whereupon, the witness was excused.)

12 MR. FREEMAN: Defense documents 2077 and 2172  
13 have been withdrawn.

14 I next offer in evidence document 2109-A,  
15 which is an excerpt from the "TOKYO Prisoners of War  
16 Internment Camp Monthly Report for March 1943."

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 2109-A  
19 will receive defense exhibit number 3142.

20 (Whereupon, the document above referred to  
21 was marked exhibit 3124 and received in evidence.)

22 MR. FREEMAN: I shall read exhibit 3124:

23 "1. Ordinary diet.

24 "The staple food for the captives of non-com-  
25 missioned officers and under were rationed 570 grammes

1 at first, but it was gradually increased, in propor-  
2 tion to the amount of their labour, to 690 grammes by  
3 January 1st of this year. As the hours of their labour  
4 were extended in March, to the last reserved quantity  
5 96 grammes were added, making it 786 grammes, which  
6 were the largest regulated amount and the equal quan-  
7 tity of ration allowed Japanese soldiers.

8 "Moreover, from the viewpoint of preventing  
9 beri-beri, more cleaned wheat was used so that their  
10 staple food was composed of at the rate of 410 grs. of  
11 polished rice and 376 grs. of cleaned wheat.

12 "Moreover, efforts were made to supply them  
13 with subsidiary articles of diet containing much al-  
14 bumen and fat so that they might be free from defic-  
15 iency diseases and raise power of resistance to dis-  
16 eases.

17 "2. Diet for patients.

18 "To those sufferers from diarrhoea, bread and  
19 eggs, etc. have hitherto been given, and to the suffer-  
20 ers from beri-beri, vitamin and rice-bran were supplied  
21 and thus an early recovery of the patients was taken  
22 care of from the point of view of nutrition.

23 "3. Efforts are being made to increase the  
24 sales of daily necessaries in the canteen to the ex-  
25 tent that no undue pressure may be brought upon the

1 demand of the general public, in order to have pris-  
2 oners find comfort and hope in this direction so that  
3 they may display the maximum ability in their labor."

4 I next offer in evidence defense document  
5 2109-B, which is an excerpt from the "FUKUOKA War  
6 Prisoners Camp Monthly Report" for June 1944, hav-  
7 ing to do with the daily diet of war prisoners.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 2109-  
10 B will receive defense exhibit number 3125.

11 (Whereupon, the document above re-  
12 ferred to was marked exhibit 3125 and receiv-  
13 ed in evidence.)

14 MR. FREEMAN: I read exhibit 3125:

15 "Individual war prisoners under labor, 705  
16 gs. of rice and wheat per head a day;

17 "Individual war prisoners below the non-  
18 commissioned officer free from labour, 570 gs.;

19 "Individual commissioned officer and similar  
20 ranking officer, 390 gs.

21 "As a general rule, delivery of rice and  
22 wheat to all war prisoners is based on at the rate  
23 of 705 gs. per head, but is to be adjusted by act-  
24 ually allowing the foregoing rations to each one in  
25 accordance with the nature of labour and physical



1 conditions and by supplying the remaining amount, if  
2 any, to the war prisoners either under hard labour or  
3 in bad health. The result is generally satisfactory.

4 "b. At the sub-branch where war prisoners  
5 are employed in labour of coal-mining, each one is  
6 given by the local organ of distribution 710 gs. of  
7 rice and wheat which are the same amount as Japanese  
8 miners are allowed under the identical work. The  
9 ration, with mixtures of cereals and pulse, is allow-  
10 ed generally after the method of the branch.

11 "c. Taking demand and supply of rice and  
12 wheat into consideration, all branches (sub-branches)  
13 are rationing their war prisoners at a mixture rate of  
14 30% of substitute food for rice and wheat acting up  
15 to the plan mentioned above.

16 "d. There having been no distribution of  
17 wheat flour through the month of June which was to  
18 be done by the KURUME Division, all the branches faced  
19 difficulties in rationing bread, and so they are now  
20 in course of negotiations with the Division thereof.  
21 Fresh supply is expected from next month.  
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"2. Subsidiary Food.

"a. As the matter of nutrition has become much indebted to the volume of subsidiary food in consequence of less supply of staple food and paying 3 sen to each war prisoner for making up thereof, we are making every effort to keep war prisoners in good health enough to let them work, as well as to prepare and arrange subsidiary food, sticking to the principle of self-support at each locality.

"b. Generally speaking the subsidiary foods are secured with smoothness and regularity, especially so with green vegetables. Fresh fish generally come to hand with regularity. Meat, however, was not easy to be gotten by the 2, 3, 14, 17 sub-branches during this month.

"c. In view of war prisoners' taste, the diet is prepared with much use of curry powder, pepper and edible oil, and cooking is to be done by war prisoners themselves with their daily required amount of materials.

"d. At each branch and sub-branch of the War Prisoners Camp during this month, the daily average calories taken by a war prisoner is 3,092,84 calories, his average weight being 60.153 kilogrammes, the particulars of which are given in the following

1 list."

2 I next offer in evidence defense document  
3 2109-C which is an excerpt from the monthly report  
4 of the Zentsuji War Prisoners' Camp for the month of  
5 November 1944 relative to the supplies of food.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 2109-C  
8 will receive exhibit No. 3126.

9 (Whereupon, the document above  
10 referred to was marked defense exhibit  
11 No. 3126 and received in evidence.)

12 MR. FREEMAN: I read into evidence exhibit  
13 No. 3126, "Excerpt from the Monthly Report by the  
14 Zentsuji War Prisoners' Camp, November 1944.

15 "1. Though the supply of meat and fish is  
16 not enough as before, vegetables seem to have been  
17 placed on the regular channel since the middle of  
18 this month. We are getting them by lawful means with-  
19 out sacrificing any civilian demand; we are now sup-  
20 plying more than 600 grams of vegetables per capita  
21 a day in every camp. In addition, thanks to the re-  
22 lief food from the Red Cross, through the good offices  
23 of the Prisoners of War Information Bureau, condition  
24 has become satisfactory for the present as far as  
25 meat and vegetables are concerned.

1           "2. Soy-bean which has been supplied as a  
2 substitute for staple-food was stopped since the No.  
3 2271 financial notice of the ZENTSUJI Division,  
4 'Instruction pertaining to the Stoppage of Supply of  
5 Soy-bean, etc. As Substitutes for Staple-food' dated  
6 August 22, 1944 was issued, we have been making up  
7 for the deficit with our stock. But since the begin-  
8 ning of this month the stock has all gone. So at  
9 present we are securing necessary quantity from mil-  
10 let, kaoliang, green-peas, red bean and sweet potato,  
11 which is now in season, as substitutes for rice or  
12 wheat. We have installed hand-mills, providing for  
13 the necessity of supplying pulverized food.

14           "3. Regarding the food supply to officer  
15 prisoners forming a greater part of the war prisoners  
16 in our camp, we are trying to improve the labor for  
17 the self-supporting of officer prisoners, making  
18 accountant officer prisoners cooperate with the War  
19 Prisoner Cooking Section in planning means. Besides  
20 encouraging the originality of officer prisoners for  
21 their own cooking as above mentioned, we newly pro-  
22 vided for a 'Special Meal for Recuperation (570 gram  
23 of staple food)' which will be supplied to those who  
24 are especially in weakened condition (at present about  
25 10 persons)."

1 I next call the witness KUBOTA, Tokujiro  
2 whose affidavit is defense document 2093.

3 - - -

4 T O K U J I R O K U B O T A, called as a witness  
5 for the defense, being first duly sworn, testi-  
6 fied through Japanese interpreters as follows:

7 DIRECT EXAMINATION

8 BY MR. FREEMAN:

9 Q Mr. KUBOTA, will you give us your full name  
10 and address.

11 A My name is KUBOTA, Tokujiro. My present ad-  
12 dress is in Kuwa Village, Shimotsuga Gun, Tochigi Pre-  
13 fecture.

14 MR. FREEMAN: May the witness be shown de-  
15 fense document 2093.

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

18 Q Is that your affidavit, and have you signed  
19 it?

20 A Yes, undoubtedly.

21 Q Are the contents therein true and correct?

22 A Yes, they are.

23 MR. FREEMAN: I offer in evidence defense  
24 document 2093.

25 THE PRESIDENT: Admitted on the usual terms.

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CLERK OF THE COURT: Defense document 2093  
will receive exhibit No. 3127.

(Whereupon, the document above  
referred to was marked defense exhibit  
No. 3127 and received in evidence.)

1 MR. FREEMAN: I read into evidence exhibit  
2 3127, beginning with the second paragraph:

3 "The matter of using prisoners of war concern-  
4 ing court exhibit No. 1970-A took place when I was  
5 President of the Manchurian Engineering Machinery  
6 Company, Ltd., so I shall depose as follows concerning  
7 the real circumstances of the use of prisoners in con-  
8 nection with this case as the said president at that  
9 time.

10 "(1) Although there arrived at Mukden approx-  
11 imately 1,300 prisoners of war towards November 1942 it  
12 was about February that the said company commenced to  
13 employ the POW's, and their number was about 50. There-  
14 after the number of POW's were gradually increased and  
15 their peak reached about 600. According to the first  
16 plan we were going to use about 1,000 POW's, however,  
17 the percentage of actual workers was 60 per cent at the  
18 highest rate. This was due to the fact that as a conse-  
19 quence of an investigation of the POW's abilities, we  
20 found out a number of them were farmers and that there  
21 were fewer experienced mechanics than we had expected.  
22 Also because of the fact that we did not work them im-  
23 properly, taking into consideration such things as the  
24 POW's health, ability, rank, etc.  
25

"The employees of our company numbered approx-

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1 imately 300 Japanese and about 700 Manchurians, total-  
2 ing about 1,000 when we first began to use the POW's;  
3 at the peak we had approximately 800 Japanese and about  
4 1,200 Manchurians, totaling about 2,000.

5 "(2) Our company manufactured machinery be-  
6 longing to the catagory of enlarging productive power,  
7 and as far as I know there were no plans established  
8 either by the Army or by Manchukuo or by our company  
9 also to make the company a military factory, and not a  
10 single order was received by our company for any arms  
11 manufacturing factories in Manchuria, Japan proper, and  
12 other places, to produce arms or parts thereof. Conse-  
13 quently, our company never used the POW's to engage in  
14 work related with the manufacture of arms or with work  
15 directly concerned with the operations of war.

16 "(3) As mentioned above, there were so few  
17 technically experienced workers among the prisoners of  
18 war, contrary to our first expectations, that at first,  
19 although they attended the factory every day they did  
20 not do any work worth mentioning. In the meantime, in  
21 compliance with the desire of the majority of the POWs  
22 we decided to teach them the techniques of machinery  
23 manufacture. We purchased about five tons of pig iron  
24 and steel materials from the 918th Army unit in Manchuria  
25 at that time to be used as material for the educational



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1 program and we classified the POWs into mechanics,  
2 finishers, fitters, tool makers, blacksmiths, carpen-  
3 ters, draftsmen, designers, warehouse-keepers, auto-  
4 mobile repairmen, etc, and taught them the techniques  
5 of machinery manufacture under the leadership of the  
6 company's engineers and skilled workers. As a result  
7 of this, after my resignation as president of the com-  
8 pany, and automatic lathe was made.

9 "(4). Colonel MATSUDA, Chief of the intern-  
10 ment camp at Mukden, inspected our company frequently  
11 and instructed all the Japanese and Manchurian employees  
12 to treat the POWs with charity and tolerance. Conse-  
13 quently, there was no discriminatory treatment between  
14 the Japanese, Manchurians and the POWs, and there was  
15 no ill feeling. They were able to work with pleasure  
16 in perfect harmony as one.

17 "(5) The prisoners of war were idle and felt  
18 awkward doing no work whatsoever during the interval  
19 and before reporting to the factory after their arrival  
20 at Mukden but they used to visit the factory now and  
21 then as they desired. A party for the POWs was held in  
22 the main dining hall of the factory on Christmas Eve  
23 1942 in accordance with the POWs' desires. Though  
24 various materials were not easily available at that time  
25 we bought tobacco, candy, apples, oranges, etc. by ali-

1 possible means and distributed them to the POWs and  
2 the POWs themselves contributed to the party by putting  
3 on skits and other entertainment.

4 "On this 5th day of August 1947."

5 Cross-examine.  
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LIEUT. COLONEL MORNANE: The prosecution does not propose to cross-examine this witness.

MR. FREEMAN: May the witness be excused?

THE PRESIDENT: The witness is excused on the usual terms.

(Whereupon, the witness was excused.)

MR. FREEMAN: It is my understanding that defense document 416 has already been offered in evidence, so I withdraw it from this order of proof.

I next call the witness YOSHIE, Seiichi whose affidavit is defense document 2205.

- - -

1 S E I I C H I Y O S H I E, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as fol-  
4 lows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. YOSHIE, will you give us your full name  
8 and address.

9 A My name is YOSHIE, Seichi. My address is  
10 804, 2-Chome, Shimoochiai, Shinjuku-ku, Tokyo.

11 MR. FREEMAN: May the witness be shown de-  
12 fense document 2205.

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

15 Q Is that your affidavit, and have you signed  
16 it?

17 A This is my affidavit. It bears my signature.

18 Q Are the contents therein true and correct?

19 A They are.

20 MR. FREEMAN: I offer in evidence defense  
21 document 2205.

22 THE PRESIDENT: We will recess for fifteen  
23 minutes.

24 (Whereupon, at 1445, a recess was  
25 taken until 1500, after which the proceed-

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1           ings were resumed as follows:)

2           MARSHAL OF THE COURT: The International  
3 Military Tribunal for the Far East is now resumed.

4           THE PRESIDENT: Colonel Mornane.

5           COLONEL MORNANE: If it please the Tribunal,  
6 I object to the evidence being given by this witness  
7 on the ground that it is irrelevant. The evidence  
8 appears to be directed to showing that Japanese members  
9 of the military forces hate being punished and they  
10 regard even a light punishment as something very ser-  
11 ious. I submit it is not relevant to any issue before  
12 this Tribunal.

13           MR. FREEMAN: If the Tribunal please, this  
14 affidavit of the witness who was attached to the per-  
15 sonnel bureau of the War Ministry prece'es the document  
16 of a report of punishment, and so forth, given POW  
17 guards as a result of violation of regulations and  
18 disciplinary action taken by the part of the Japanese  
19 army. The purpose in offering this affidavit is to  
20 show that if once a soldier was disciplined the action  
21 taken thereon followed him throughout the rest of his  
22 military career and even a reprimand by his superiors  
23 may forfeit his ever becoming an officer in the Japanese  
24 army and when he left military service this same record  
25 was with him and as a result it affected his life after

1 leaving military service.

2 THE PRESIDENT: As a Member of the Tribunal  
3 says, it may be remotely relevant but that is the most  
4 that can be said for it.

5 By a majority the objection is upheld and  
6 the document rejected.

7 MR. FREEMAN: May the witness be excused?

8 THE PRESIDENT: He is excused on the usual  
9 terms.

10 (Whereupon, the witness was excused.)

11 MR. FREEMAN: I next offer in evidence defense  
12 document 1433 which is a record of punishment given  
13 Japanese guards for mistreatment of war prisoners, and  
14 so forth. I desire to read only the first two pages  
15 and half of the third page of this document.

16 THE PRESIDENT: What has happened to 2088?

17 MR. FREEMAN: I am sorry; that document has  
18 been withdrawn.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 1433  
21 will receive exhibit No. 3128.

22 (Whereupon, the document above  
23 referred to was marked defense exhibit  
24 No. 3128 and received in evidence.)  
25

MR. FREEMAN: I shall read into evidence

1 exhibit 3128 from the beginning to the middle of page  
2 3:

3 "REPORTS ON TREATMENT OF POW IN PRISONERS'  
4 CAMPS IN JAPAN PROPER.

5 "I. PURPORT.

6 "This report has been prepared for the purpose  
7 of clarifying how the Japanese personnel in charge of  
8 the prisoners' camps in Japan proper committed illegal  
9 acts in the treatment of the prisoners of war of the  
10 Allied Forces and how the Japanese authorities dealt  
11 with these culpable personnel, and explaining the  
12 actual circumstances at the time which led to these  
13 events.

14 "As this report has been and is being drawn  
15 up according to the returns which have been or are  
16 being made by chiefs of camps, additional reports on  
17 these cases will be made later on.

18 "II. THE FACTS WHICH WERE REVEALED ON THE  
19 ABOVE CASES AND MEASURES TAKEN.

20 "Upon inquiries among the prisoners' camps in  
21 Japan proper, it was revealed that, with few exceptions,  
22 atrociously and inhuman acts of violence were never done  
23 deliberately upon the prisoners of war.

24 "However, there were certain cases where im-  
25 proper measures were taken in the dealing or treatment

1 of the POW, such as some unauthorized punishments  
2 which was inflicted upon the POW by some Japanese  
3 personnel who were carried away by their emotions and  
4 misunderstanding of customs. Such cases were caused  
5 through the difference of languages and the lack of  
6 efforts on our part, or sometimes some unavoidable  
7 circumstances, which resulted in a lot of illness and  
8 deaths among the POW, and the carelessness on the part  
9 of the employers of prisoners caused accidents while  
10 the prisoners were being employed on POW labor.

11  
12 "Although most of these cases took place  
13 under unavoidable circumstances, we keenly regret that  
14 we were to blame for it. And in case the treatment of  
15 the POW was unfair, we did justice to our faults and  
16 every time gave strict warnings to those concerned,  
17 and the offenders were all dealt with by their superiors  
18 as mentioned in the affixed list.

19 "And instructions were given to the military  
20 district commanders that they should make a close  
21 examination of each case and deal fairly with the  
22 offenders, clarifying where the responsibility rested,  
23 so more reports will be made on our fair dealings as  
24 they have been disclosed.

25 "III. EXPOSITIONS: 'STATEMENT'

"Our basic policy of the treatment of the



1 prisoners of war aimed at giving a just and fair  
2 treatment to them according to various regulations  
3 relative to the treatment of prisoners of war.

4 "Our superintendents of the prisoners of  
5 war strictly observing this basic policy made every  
6 effort to treat them fairly. However, it was really  
7 a matter of regret that some supervisors directly in  
8 charge of the prisoners dealt out illegal punishment  
9 which the Japanese are apt to practise by habit and  
10 sometimes treated them unfairly under various circum-  
11 stances at home or owing to some unavoidable accidents.  
12 The circumstances at the time under which the above  
13 cases took place will be explained below.

14 "1. Illegal punishment inflicted upon  
15 Prisoners of War.

16 "1) Illegal punishment is not only one of the  
17 chronic evil practice in our army, but also one of the  
18 national defects. Generally the people of this coun-  
19 try make light of the evil of this practice. They  
20 never regard it so gross an insult as Europeans and  
21 Americans do. They have such erroneous views that a  
22 kind man would rather chastise an offender with a blow  
23 of his fist and let him go than punish him formally  
24 according to the law putting him to shame before the  
25 public or bringing disgrace upon his family, and that

1 discipline will be maintained by illegal punishment.  
2 We deeply regret that such an evil practice brought  
3 troubles upon the prisoners of war.

4 "The authorities of the army had already  
5 been cognizant of the serious evils of such private  
6 punishment which trampled upon human rights, or dis-  
7 turbed military discipline, or became an obstacle to  
8 education in various lines, and made every effort to  
9 remove such an evil practice, repeatedly giving  
10 strong warnings, but with all their efforts conditions  
11 failed to improve as much as expected.

12 "Besides, the Japanese are generally quick-  
13 tempered. They easily get excited over trifles.  
14 Especially when a trouble takes place on account of  
15 the difference of languages or customs. They are too  
16 impatient to inquire into the rights and wrongs of the  
17 case or chastise offenders by lawful means which are  
18 possible, and, carried away by their excited feelings,  
19 deal out private punishment at once on the spot. But  
20 later when they become calm they repent of their  
21 violent acts.

22 "11) Motives for private punishments.

23 "The examination of the real facts of such  
24 private punishments inflicted upon the prisoners of war  
25

1 shows that in almost all cases, the punishers did  
2 such private dealings not for venting their own rancor  
3 but simply for the purpose of correcting the mis-  
4 conduct of the prisoners of war, or in self-defense,  
5 or on account of their misunderstandings, which were  
6 produced by the difference of languages, that the  
7 prisoners were insulting or resisting them.

8 "On the other hand, some prisoners of war  
9 were really irreclaimable, lacking in moral sense, and  
10 some of them were shunned by the rest of the prisoners,  
11 who sometimes asked us to chastise them by our hands.

12 "III) Supervision and guidance in preventing  
13 private punishments.

14 "Most of these unjust acts were done by men  
15 lower than noncommissioned officers and very few  
16 officers committed such offenses.

17 "Careful consideration was paid in selecting  
18 lower officials such as watchmen, leaders, and guards  
19 who were usually in touch with the prisoners, and much  
20 care was taken for the supervision and guidance over  
21 these lower officials. But almost all the watchmen were  
22 disabled ex-servicemen because at the time the recruit-  
23 ment of the army was more urgent. And a comparatively  
24 large number of these disabled ex-servicemen were  
25 prejudiced and mentally defective because of their

1 physical defects, and they were liable to treat the  
2 prisoners unfairly. So we always had a close super-  
3 vision over those guards. Those who were extremely  
4 wrong were fired at a moment notice. As leaders and  
5 guards were selected and recommended by the employers  
6 of prisoners of war, and all these personnel were not  
7 so good in character, much care was taken in select-  
8 ing them, and the closest supervision and careful  
9 guidance were exercised over them.

10 "On the occasion of the Council of the Chiefs  
11 of the POW Control Bureau of the War Ministry, which  
12 was held on December 26, 1943, Major General HAMADA,  
13 Chief of the POW Control Bureau (concurrently Chief of  
14 the POW Information Bureau) delivered an address  
15 calling the attention of those concerned."  
16

17 If the Tribunal please, the remainder of  
18 that document has to deal with punishments given POWs--

19 THE PRESIDENT: Was that prepared after the  
20 war?

21 MR. FREEMAN: --and to measures taken relative  
22 to accidents that occurred to prisoners of war.

23 THE PRESIDENT: What is your next document?

24 MR. FREEMAN: If the Tribunal please, 1027-A,  
25 1027-F and 1027-E have been withdrawn.

1 I next offer in evidence defense document  
2 1027 which is a report on the investigation of the  
3 eight American fliers who took part in the raid on  
4 Japan proper on 18 April 1942.

5 THE PRESIDENT: Mr. Tavenner.

6 MR. TAVENNER: If the Tribunal please, al-  
7 though this report may be admissible into evidence  
8 for certain purposes, I feel that the statement should  
9 be made to the Tribunal now that the prosecution, at  
10 the proper time, will introduce evidence showing the  
11 circumstances and manner in which the statements re-  
12 ferred to in this report were obtained.

13 THE PRESIDENT: That goes to their ad-  
14 missibility, and that question should be determined  
15 now in the ordinary course. That is what you call  
16 a "voir dire", is it not? If you had a jury you would  
17 send them out and determine the question.

18 MR. TAVENNER: It is the position of the  
19 prosecution that these statements were obtained as a  
20 result of duress and coercion.

21 MR. FREEMAN: If the Tribunal please, there  
22 is no evidence in the record to show any such duress,  
23 and if --

24 THE PRESIDENT: These are witnesses only,  
25 and not accused. Perhaps the course you suggest is

1 reasonable, Mr. Tavenner. You are not pressing your  
2 objection at this stage? You say they are objection-  
3 able?

4 MR. TAVENNER: My statement was that the  
5 report itself may be admissible for some purposes.

6 THE PRESIDENT: The whole may be admissible  
7 for some purpose.

8 MR. TAVENNER: Yes.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 1027  
11 will receive exhibit No. 3129.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit No.  
14 3129 and received in evidence.)

15 MR. FREEMAN: The Tribunal's attention is  
16 called to the fact that the affidavit attached to  
17 1027, or which should be attached to 1027, is for  
18 1027 A, B, C, D, E, F, G, and H. However, for the  
19 purpose of these documents, it is being used for 1027-B,  
20 C and H.

21 THE PRESIDENT: These are alleged statements  
22 by American airmen. I did not appreciate what they  
23 were until I read this.

24 MR. FREEMAN: Yes.

25 THE PRESIDENT: Do you propose to read them?

1 MR. FREEMAN: Yes, sir. I shall read into  
2 evidence exhibit 3129:

3 "Military Police Report No. 352. \*\*\*

4 "FROM: Military Police Commander NAKAMURA,  
5 Akito.

6 "TO: Chief of General Staff SUGIYAMA, Gen.

7 "26 May 1942.

8 "Attached is the report of the investigation  
9 of the eight officers and men of the American planes  
10 who took part in the raid on Japan proper on 18 April  
11 and were forced down at Nanchang and Ning Po in  
12 Central China.

13 "Forwarded to: Minister of War, Vice-Minister  
14 of War, Chief of the Bureau of Naval Affairs, Chief  
15 of Military Affairs Bureau, Chief of Home Defense.

16 "Chief of General Staff, Vice-Chief of  
17 General Staff, Chief of 1st (Administration) Section,  
18 Chief of 2nd (Intelligence) Section, Chief of General  
19 Affairs Bureau.

20 "Chief of Naval General Staff, Vice-Chief of  
21 Naval General Staff, Chief of 1st (Administration)  
22 Section, Chief of 2nd (Intelligence) section, Chief of  
23 5th Bureau.

24 "Navy Minister, Vice-Minister of Navy, Chief  
25 of Bureau of Naval Affairs and the Commander in Chief

1 of the Home Defense."

2 That is all I desire to read of that exhibit,  
3 exhibit 3129.

4 I next offer in evidence defense document  
5, 1027-B which is copy of excerpt from the text of a  
6 telegram from the Chief of the General Staff to the  
7 Commanding General of the China Expeditionary Forces.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 1027-B  
10 will receive exhibit No. 3130.

11 (Whereupon, the document above  
12 referred to was marked defense exhibit No.  
13 3130 and received in evidence.)

14 MR. FREEMAN: I shall read into evidence  
15 exhibit 3130:

16 "FROM: Chief of General Staff.

17 "TO: Commanding General of the China Expe-  
18 ditionary Force.

19 "10 October 1942.

20 "The verdict issued by the military tribunal  
21 concerning the punishment of the American airmen who  
22 raided the Japanese homeland is considered to be fair  
23 and just.

24 "However, upon review we believe that with  
25 the exception of both pilots and the gunner, Spaatz,



1 the death sentence should be commuted.

2 "It is recommended that the death sentences  
3 of these men be commuted to life imprisonment.

4 "On the 13th of this month Lieutenant-Colonel  
5 TAKAYAMA will depart from Fukuoka in connection with  
6 the case, and we shall appreciate it if you will keep  
7 him informed as to the execution of the sentence, etc."

8 I next offer in evidence defense document  
9 1027-C, which deals with the disposition of American  
10 airmen who raided Japan in April 1942.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document 1027-C  
13 will receive exhibit No. 3131.

14 (Whereupon, the document above  
15 referred to was marked defense exhibit No.  
16 3131 and received in evidence.)

17 MR. FREEMAN (Reading):

18 "FROM: Chief of General Staff SUGIYAMA, Gen.

19 "TO: HATA, Shunroku, Commanding General,  
20 China Expeditionary Force.

21 "10 October 1942.

22 "1. Sentenced to death: Hallmark, Dave  
23 Edward, pilot; Farrow, William D, pilot; Spaatz,  
24 Harold A., machine gunner.

25 "2. Death sentence commuted: Meader,

1 Robert J., co-pilot; Niehlsen, C. J., navigator;  
2 Hite, Robert L., co-pilot; Barr, George, navigator;  
3 Deshager, Jacob, bombardier.

4 "3. Time of execution. About 15 October.

5 "\*\*\*\*

6 "4. Matters concerning the disposition of  
7 the airmen whose death penalties were commuted.

8 "The five whose death sentences were commuted  
9 shall be sentenced to life imprisonment. As war  
10 criminals, their treatment shall not be that accorded  
11 ordinary prisoners of war.

12 "Even in the event of an exchange of war  
13 prisoners they may not be repatriated to the United  
14 States forces."

15 MR. TAVENNER: If the Tribunal please.

16 THE PRESIDENT: Mr. Tavenner.

17 MR. TAVENNER: I desire to point out to the  
18 Tribunal that the sentence appearing before the word  
19 "From"; that is, before the place where Mr. Freeman  
20 began to read, should be called to the attention of the  
21 Tribunal. The sentence begins with the words "Your  
22 approval."  
23

24 THE PRESIDENT: On what page?

25 MR. TAVENNER: The first three lines at the  
top of the first page were not read. I am referring

1 to exhibit 3131.  
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1 MR. FREEMAN: I next offer in evidence  
2 defense document 1027-H, which is an order from the  
3 Chief of General Staff relative to court-martial of  
4 enemy airmen who commit atrocities.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 1027-H  
7 will receive exhibit No. 3132.

8 (Whereupon, the document above  
9 referred to was marked defense exhibit  
10 3132 and received in evidence.)

11 MR. FREEMAN: I shall read exhibit 3132:

12 "Dispatched: 22 October.

13 "Received: 22 October.

14 "To: Chief of Staff.

15 "From: Chief of General Staff.

16 "Enemy airmen who commit acts of atrocities  
17 shall be committed to a military tribunal in the  
18 future, all announcements as to the verdict will be  
19 made by Grand Imperial Headquarters. Moreover, ab-  
20 solute secrecy as to the place of disposition must be  
21 maintained."  
22

23 I next offer in evidence defense document  
24 2201, which concerns the punishment of POWs, which  
25 regulations were in effect until March 1943.

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document No.  
2 2201 will receive exhibit No. 3133.

3 (Whereupon, the document above  
4 referred to was marked defense exhibit  
5 3133 and received in evidence.)

6 MR. FREEMAN: I shall read into evidence  
7 exhibit 3133:

8 "Concerning Punishment of POWs.

9 "Article I. If a prisoner of war offers  
10 resistance or violence to supervisors, guards, or  
11 escorts of prisoners of war he shall be punished  
12 with imprisonment with hard labor. The offender  
13 whose offense is light shall be punished with im-  
14 prisonment without hard labor for not less than 6  
15 months and not more than 5 years.

16 "Article II. If a number of prisoners of  
17 war conspire to commit the offenses specified in the  
18 preceding article, the ringleader shall be punished  
19 with death, and the remainder of the offenders shall  
20 be punished with exile for a term. He whose offense  
21 is slight shall be punished with imprisonment with  
22 hard labor.

23 "Article III. If prisoners of war conspire  
24 and make a mass escape, the ringleader shall be  
25 punished with exile for a term. The offender whose

1 offense is serious shall be punished with death.  
2 The rest of the offenders shall be punished with  
3 imprisonment with heavy labor. The offender whose  
4 offense is slight shall be punished with imprisonment  
5 without heavy labor for not less than 6 months and not  
6 more than 5 years.

7 "Article IV. If a prisoner of war on  
8 parole breaks his parole, he shall be punished with  
9 imprisonment with hard labor. If a prisoner of war,  
10 breaking his parole, makes resistance with a weapon,  
11 he shall be punished with death.

12 "Article V. If a prisoner of war, after  
13 giving his parole not to try to escape, breaks the  
14 parole, he shall be punished with imprisonment with  
15 heavy labor.

16 "Article VI. The provisions specified in  
17 Article I--III shall not apply to offenses committed  
18 while they were previously prisoners of war by those  
19 who have been taken prisoners of war again.

20 "Article VII. When a prisoner of war is  
21 placed on trial by court-martial, provisions appli-  
22 cable to soldiers and sailors of the Imperial Army  
23 shall be applied to him according to his rank."

24 MR. TAVENNER: If the Tribunal please, I  
25 desire to call to your attention the fact that this

1 law was repealed, as shown by exhibit 1965 at page  
2 29 thereof, on the 9th day of March, 1943.

3 THE PRESIDENT: So Mr. Freeman suggested.  
4 He said it was in force until that date.

5 MR. TAVENNER: I didn't hear him say that.  
6 Thank you, sir.

7 MR. FREEMAN: I next call the witness  
8 OYAMA, whose affidavit is defense document 1817.

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1 A Y A O O Y A M A, recalled as a witness on behalf  
2 of the defense, being first duly sworn, testified  
3 through Japanese interpreters as follows:

4 THE PRESIDENT: The affidavit says that he  
5 was already a witness in this court.

6 MR. FREEMAN: Yes, sir, he has already been  
7 a witness.

8 THE PRESIDENT: He is still on his former  
9 oath, in any event.

10 MR. FREEMAN: Yes, sir.

11 DIRECT EXAMINATION

12 BY MR. FREEMAN:

13 Q Mr. OYAMA, will you give us your full name  
14 and address.

15 A My name is OYAMA, Ayao; my address, No. 8,  
16 1 Chome, Nagata-cho, Chiyoda-ku, Tokyo.

17 MR. FREEMAN: May the witness be shown  
18 defense document 1817.

19 Q Is that your affidavit and have you signed it?

20 A I did.

21 Q Are the contents therein true and correct?

22 A They are.

23 MR. FREEMAN: I offer in evidence defense  
24 document 1817.

25 THE PRESIDENT: Admitted on the usual terms.



1 CLERK OF THE COURT: Defense document 1817  
2 will receive exhibit No. 3134.

3 (Whereupon, the document above  
4 referred to was marked defense exhibit  
5 No. 3134 and received in evidence.)

6 MR. FREEMAN: I shall read into evidence  
7 exhibit 3134:

8 "Having first duly sworn an oath as on  
9 attached sheet and in accordance with the procedure  
10 followed in my country I hereby depose as follows:

11 "I was examined as a witness at the court  
12 of the I. M. T. F. E. on May 7, this year. On that  
13 occasion I was asked by Prosecutor Comyns Carr about  
14 the original formal record of the statistics list  
15 entitled 'The List of the POWs punished by Army  
16 Court-Martial from December 8, 1941 to August 15,  
17 1945' (Exhibit No. 1998) which I had produced on  
18 July 17, 1946, at the request of Prosecutor Monaghan.

19 "In replying to the question, I said that  
20 the list was compiled according to a list of sta-  
21 tistics which was in custody of my division, that  
22 is, the Legal Investigation Division of the First  
23 Demobilization Bureau. But a subsequent investiga-  
24 tion showed that this was utterly a misunderstanding  
25 on my part.

1 "This statistics list was compiled by my  
2 subordinate officials by consulting the copies of  
3 written findings, army court-martials, which were  
4 submitted by various army commanders to the War Minis-  
5 try. I wish to correct my answer regarding this  
6 point.

7 "In the above questioning, I replied to the  
8 prosecutor that I supposed the copies of written  
9 findings of army court-martials which had been sub-  
10 mitted by the army commanders to the War Ministry and  
11 which had furnished the basis for the statistics list  
12 then in our custody had been destroyed by fire. This  
13 was also an error due to my misunderstanding. Later  
14 I found that these copies of the written findings for  
15 POW's had been preserved. I wish, consequently, to  
16 correct this point, too.

17 "I found later also the copy of the written  
18 verdict for the Wells case about which I was specific-  
19 ally questioned by the prosecutor. That was a report  
20 of the NADA 9801 Unit or Headquarters of the 37th Army  
21 to the War Ministry.

22 "At that time I had no remembrance about the  
23 details of the findings in the Wells case, and could  
24 therefore not answer Prosecutor Comyns Carr's questions  
25 'Do you think it was just that Mr. Wells was sentenced

1 to 12 years' imprisonment and hard labor merely for  
2 spreading rumors?'

3 "When I discovered and read the copy of the  
4 written findings in the Wells case I found that the  
5 crime of the same Wells was not merely an act of  
6 spreading rumors. Actually, Wells was sentenced to  
7 12 years of penal servitude for having committed a  
8 set of concurrent offences prescribed in Art. V-1,  
9 and the latter paragraph of Art. XI, of the POW Penal  
10 Code, and Art. XCVIII of the Army Criminal Law or  
11 Art. C of the Navy Criminal Law.

12 "Art. V-1 of the POW Penal Code provides,  
13 'Whoever resists or disobeys the order of persons who  
14 are responsible for supervising, watching, or guarding  
15 prisoners of war shall be punished with death or  
16 penal servitude or imprisonment for life or for not  
17 less than 1 year.'

18 "In Art. XI of the same code.

19 "'Whoever forms a group with the purpose of  
20 committing disobedient acts shall be punished with  
21 penal servitude or imprisonment for not less than 6  
22 months and not more than 5 years; the ringleaders  
23 shall be punished with penal servitude or imprisonment  
24 for not less than 1 year and not more than 10 years.'

25 "Both in Art. XCVIII of the Army Criminal

1 Law and in Art. C of the Navy Criminal Law.

2 "Whoever spreads rumors about military  
3 affairs in time of war or of an incident shall be  
4 punished with penal servitude or imprisonment for not  
5 more than 7 years.'

6 "I wish to make it clear that I believe that  
7 the verdicts sentencing Wells to 12 years of penal  
8 servitude on the basis of these provisions are just.

9 "On this 17 day of June, 1947."

10 Do you wish to cross-examine?

11 COLONEL MORNANE: If the Tribunal please,  
12 there will be no cross-examination of this witness;  
13 but the prosecution would like to refer the attached  
14 document -- I thought that the document attached to  
15 this, marked defense document 1817, was put in as part  
16 of the document. I understand from my friend that he  
17 is putting in a separate document.

18 MR. FREEMAN: If the Tribunal please, the  
19 attachment to 1817 thereof, exhibit 3134, I do not  
20 desire to be considered a part of any evidence.

21 THE PRESIDENT: I notice a reference to a  
22 Captain Mattuce. I recollect a Captain Matthews.

23 MR. FREEMAN: That is correct.

24 With the indulgence of the Court, I offer in  
25 evidence document 1818, which is the judgment in that

1 court-martial and has the correct names and has a  
2 certificate with it.

3 THE PRESIDENT: Is this witness required any  
4 further?

5 MR. FREEMAN: No, sir; I am sorry. The  
6 witness may be excused.

7 THE PRESIDENT: He is excused on the usual  
8 terms.

9 (Whereupon, the witness was excused.)

10 THE PRESIDENT: This document is admitted on  
11 the usual terms.

12 CLERK OF THE COURT: Defense document 1818  
13 will receive exhibit No. 3135.

14 (Whereupon, the document above  
15 referred to was marked defense exhibit  
16 No. 3135 and received in evidence.)

17 MR. FREEMAN: I do not desire to read any  
18 part of this document.

19 I next offer in evidence defense document  
20 1931, which is an excerpt from the International  
21 Red Cross Report of January, 1944.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 1931  
24 will receive exhibit No. 3136.

25 (Whereupon, the document above

referred to was marked defense exhibit  
No. 3136 and received in evidence.)

1  
2 MR. FREEMAN: I shall read in evidence  
3 exhibit No. 3136.

4 "Excerpt from the International Inspection  
5 of the Red Cross. January, 1944.

6 "Delegation to Japan -- On November 13,  
7 Mr. Max Pestalozzi has visited the camp of prisoners  
8 of war at Mukden, Manchukuo, which confined Britishers,  
9 Australians, Americans, in total, more than a thousand  
10 prisoners of war.

11 "The dwellings are satisfactory; they are  
12 the brick buildings, well-constructed and well-equipped,  
13 the prisoners there are provided with straw mattress  
14 and a complete bedding. As for clothing, the prisoners  
15 possess two suits of clothing; one for summer and one  
16 for winter. The prisoners of war are satisfied with  
17 the nourishment, however they find it a little mono-  
18 tonous in the long run.

19 "The sanitary arrangements are sufficient.  
20 The camp has an infirmary attached to it, full-equipped,  
21 which, considered as military hospital, is given all  
22 necessary things. The dental cares are also much  
23 appreciative. All the prisoners have been inoculated  
24 against typhoid, paratyphoid, and dysentery, and  
25

vaccinated.

1 "A large sport ground and many indoor games  
2 are available to prisoners, but prisoners who desire  
3 are given books, as much instructive as recreative.  
4

5 "In regard to correspondence, the prisoners  
6 can send a plenty of messages.

7 "The discipline is somewhat relaxed, because  
8 the prisoners came from several units of army and  
9 navy.

10 "The delegate of the International Committee  
11 express much satisfaction of his visit and the kindness  
12 of the Red Cross of Manchukuo and signalize at the same  
13 time that the officers attached to the camp are making  
14 the utmost effort in order to ameliorate the treatment  
15 of the prisoners of war.

16 "Excerpt from the International Inspections  
17 of the Red Cross. March, 1945.

18 "On December 6 again, Mr. Angst has made the  
19 second call at the camp of prisoners of war at Mukden,  
20 which assembled more than a thousand Americans,  
21 approximately a hundred Britishers, several Australians  
22 and a French.

23 "The measures to protect against aerial  
24 attacks have been taken; the hygienic institutions are  
25 satisfactory and the camp is disinfected whenever it

seems to be necessary.

1           "The rations correspond in quantity to those  
2 which are distributed to the camp guards, but the  
3 quality of them looked better; the energy values  
4 attained about 3500 calories.  
5

6           "The supplemental foods are prepared for the  
7 prisoners who do heavy labours and for the patients,  
8 as well as in the special occasions as, for example,  
9 certain fete days.

10           "The hospital of the camp is a brick building,  
11 which can receive one hundred and fifty patients;  
12 it is composed of a separate ward, a tuberculosis  
13 patients' room, a room of test, operation, X-rays,  
14 pharmacy and a recreation room. The medical and  
15 surgical equipment is complete, and only the patients  
16 suffered from special diseases are transferred to  
17 the Mukden Military Hospital, which gives equally  
18 dental care. The medical inspections take place  
19 three times a week and the patients receive the doctors'  
20 visits every day. All the prisoners have been vac-  
21 cinated for smallpox and inoculated against typhoid,  
22 paratyphoid, dysentery and cholera.

23           "The money which they use is given them out  
24 of their own savings.

25           "It is above all expended at the canteen,



1 where they are informed that these pocket moneys serve  
2 to buy musical instruments, sporting goods, seeds and  
3 toilet articles: the prisoners also can send the  
4 funds to their families, if they wish.

5 "Most of the people are able to work. The  
6 duty hours are eight hours a day, with recesses of  
7 morning, noon and afternoon; Sunday is holiday; some  
8 men work in factory and the rest are occupied in con-  
9 versations in the camp.

10 "There is no chaplain in the camp; the  
11 religious services are celebrated in English by a  
12 Japanese clergyman.

13 "The prisoners can play sport, music and  
14 cards; visitors from outside are not admitted, no  
15 more than the visits to outside are not authorized,  
16 but they can go out of the camp to visit the graves.

17 "The camp commander has reported to the dele-  
18 gate that their morale and spirits have been, on  
19 the whole, ameliorated, and that the relations between  
20 the camp authorities and the prisoners have been satis-  
21 factory; and with the camp guards they have talked in  
22 a like manner; the state of health have been equally  
23 ameliorated and they have seemed also to be satisfied  
24 with the fact that they can have those special con-  
25 siderations given them at that time."

1 With the Court's permission, I should like  
2 to pass defense document 2076 for the present, and  
3 offer in evidence defense document 2111.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Defense document 2111  
6 will receive exhibit No. 3137.

7 (Whereupon, the document above  
8 referred to was marked defense exhibit  
9 No. 3137 and received in evidence.)

10 THE PRESIDENT: Do you propose to read all  
11 this?

12 MR. FREEMAN: Yes, sir.

13 THE PRESIDENT: You won't finish it tonight;  
14 not this document.

15 How are you progressing, Mr. Freeman? Have  
16 you many more witnesses and documents in the general  
17 phase?

18 MR. FREEMAN: No, sir, just a very few more.

19 THE PRESIDENT: Will we be hearing the indi-  
20 vidual cases tomorrow?

21 MR. FREEMAN: It is my understanding that  
22 Mr. Cunningham has a few documents to offer and that  
23 Mr. Blewett has two witnesses to offer before this  
24 phase is closed.

25 THE PRESIDENT: Are they lengthy?

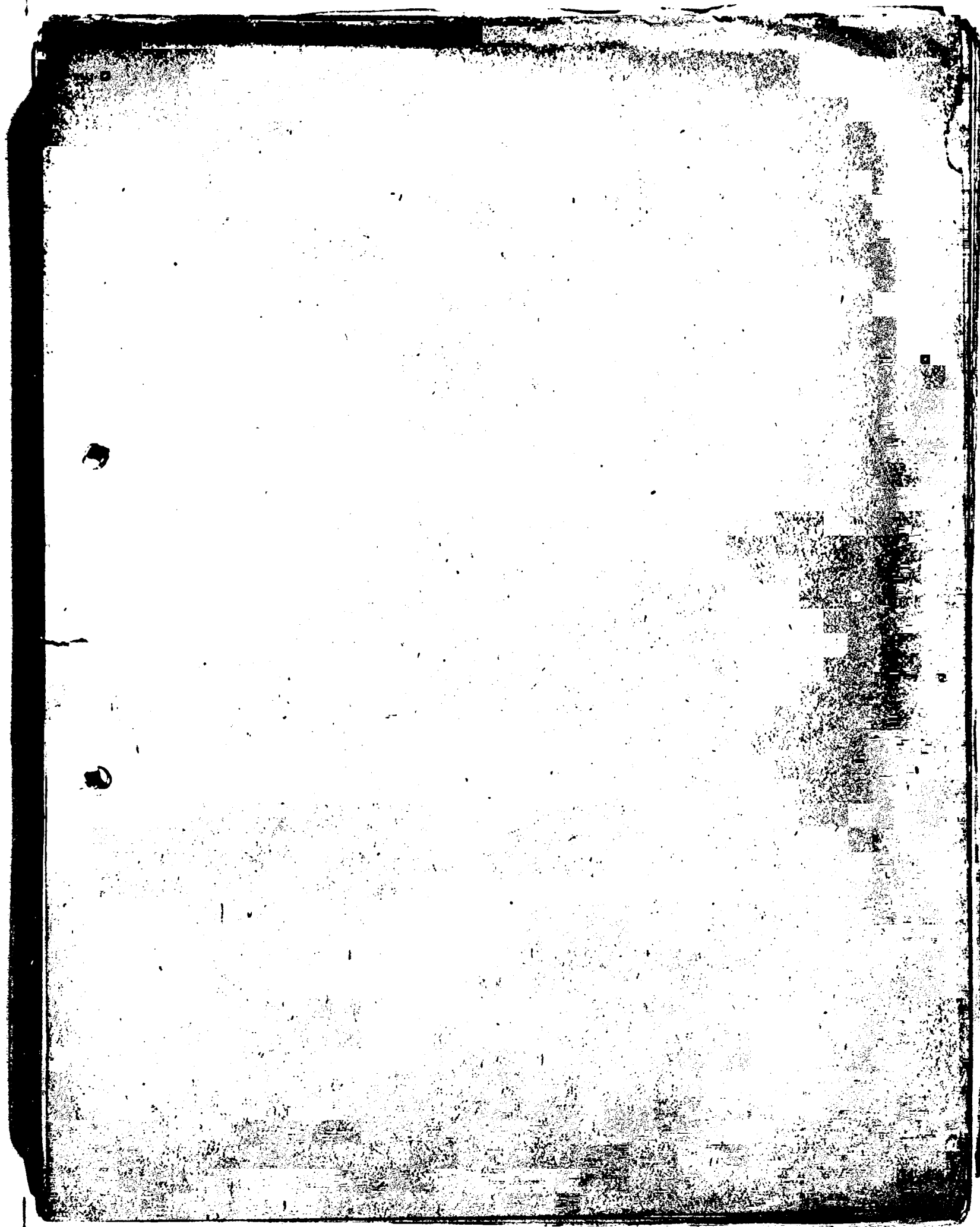
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MR. FREEMAN: I do not know.

THE PRESIDENT: We will adjourn now until  
half-past nine tomorrow morning.

(Whereupon, at 1555, an adjournment  
was taken until Tuesday, 9 September 1947, at  
0930.)

- - -



9 SEPTEMBER 1947

I N D E X  
Of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidenc</u>
2111	3137		Affidavit of Charles Ream Jackson, Warrant Officer, U. S. Marine Corps		27926
2076	3138		Telegraphic Report of the International Red Cross, dated August 1945		27938
2296 & 2296-1	3139		Series of Letters of Appreciation to the POW Camp Commanders in Japan		27941
2214	3140		List of POW Camps Inspected in 1942		27949
2141	3141		Statement by Father Marella		27953
			<u>MORNING RECESS</u>		27961
2244	3142		Record of the Court-Martial of three POW's		27963
1592	3143		Affidavit of SAITO, Yoshie		27964
1936	3144		Affidavit of MATSUMOTO, Shunichi		27982
1656	3145		Book entitled "Outline of Treaties and Proceedings Between Japan, Italy and Germany"		27984
1656-A	3145-A		Excerpts therefrom		27985
			<u>NOON RECESS</u>		27999

9 SEPTEMBER 1947

I N D E X  
Of  
EXHIBITS  
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2477	3146		Affidavit of Eugen Ott		28019
2120	3147		Affidavit of MURATA, Yachiho		28026
	3148		Book entitled "History of the Chinese Com- munist Party for the Year 1932"	28036	
			<u>AFTERNOON RECESS</u>		28038
	3149		Book entitled "History of the Chinese Com- munist Party for the Year 1933"	28046	
	3150		Book entitled "History of the Chinese Com- munist Party for the Year 1934"	28047	
	3151		Book entitled "History of the Chinese Com- munist Party for the Year 1935"	28047	
	3152		Book entitled "History of the Chinese Com- munist Party for the Year 1936"	28048	
	3153		Book entitled "History of the Chinese Com- munist Party for the Year 1937"	28049	
2463	3154		Affidavit of BABA, Shachi		28053

9 SEPTEMBER 1947

I N D E X  
Of  
EXHIBITS  
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidenc</u>
1801	3155		Map of the Hailar Sappa Area prepared by the Japanese Land Survey Department showing the Manchukuo-Mongolia Border following the River Khalkin		28062
1802-A to 1802-E	3156 3156-A to 3156-D		Set of five Maps prepared by the Japanese Land Survey Department from 1933 to 1936 - the Nomonhan Area showing the Manchukuo-Mongolia Boundary follows the Khalkin-Gol from Lake Buir Nor		28063
1803-A to 1803-F	3157 3157-A to 3157-E		Set of six Maps (taken from exhibit No. 2713)		28064

9 SEPTEMBER 197

I N D E X  
of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
SAITO, Yoshie (recalled)	27964
Direct by Mr. Cunningham	27964
(Witness excused)	27982
HATANO, Kanichi	28049
(Witness released)	28052



Tuesday, 9 September 1947

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

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE R. B. PAL, Member  
from India, not sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in ses-  
3 sion.

4 THE PRESIDENT: Major Moore.

5 LANGUAGE ARBITER (Major Moore): If the  
6 Tribunal please, we present the following language  
7 corrections:

8 Exhibit 2234, record page 16,029, line 4, de-  
9lete "to my friends" and substitute ", (comma) follow-  
10ing the advice of my colleagues, (comma)"; delete  
11 "various."

12 Line 5, substitute "at various places" for  
13 "all over the country."

14 Line 16, delete from "such" to "ridiculed"  
15 and substitute "I was made fun of."

16 THE PRESIDENT: In chambers counsel for the  
17 accused ARAKI applied for subpoena for certain wit-  
18 nesses, twenty-four in all. For the time being, sub-  
19 poena will not be issued. I understand from Mr. Mc-  
20 Manus, counsel for the accused, that affidavits have  
21 been obtained from those witnesses. Those affi-  
22 davits can be tendered in the ordinary way and will be  
23 dealt with on their merits. If the witness in any case  
24 is required for examination or cross-examination,  
25 then his attendance will be directed, and if necessary,

a subpoena will issue.

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Mr. Freeman.

MR. FREEMAN: If the Tribunal please, continuing from yesterday, I read into evidence exhibit 3137.

1 "Having been duly sworn, does hereby depose  
2 and state as follows:

3 "My name is Charles Ream Jackson, and I am a  
4 Commissioned Warrant Officer of the United States  
5 Marine Corps. I have been in the military and naval  
6 service more or less continuously since 14 June, 1917.  
7 Prior to entering the Marine Corps on 3 September,  
8 1927, I had some eight years service in the Infantry  
9 and Coast Artillery of the Army, rising to the rank of  
10 First Lieutenant. I resigned, with an honorable  
11 record, on 27 July, 1925; was commissioned a First  
12 Lieutenant in the Officers Reserve Corps, Infantry,  
13 with a certificate of capacity for Captain. I resign-  
14 ed this commission to enter the Marine Corps.

15 "In the Marine Corps I rose to the rank of  
16 Sergeant Major, the highest an enlisted man could go,  
17 and at the outbreak of war was serving as the Battal-  
18 ion Sergeant Major of the Second Battalion, Fourth  
19 Marine Regiment. I served through Bataan and Correg-  
20 idor, was twice wounded and twice awarded the Purple  
21 Heart, and was awarded the Silver Star decoration for  
22 gallantry in action against the enemy.

23 "As a prisoner, I was confined mainly in  
24 Cabanatuan Prison Camp, leaving there about the middle  
25 of August of 1944, and arrived in Hanowa Camp, Akita

1 Prefecture, Honshu Island, Japan, shortly after the  
2 1st day of September, 1944.

3 "I had suffered from bacillic dysentery,  
4 amoebic chronic dysentery, edema and neuritis beri  
5 beri, ambliopia - a sort of dimnes of vision caused  
6 by starvation - ulcers, malaria, pellagra, and gen-  
7 eral malnutrition, among other ailments. At the  
8 time I arrived in Hanowa my main sicknesses were chron-  
9 ic amoebic dysentery, recurrent malaria, pellagra, and  
10 both types of beri beri. I weighed about one hundred  
11 twenty-five pounds, some fifty pounds underweight.  
12 I had about recovered from my wounds.

13 "I consider my mental condition perfectly  
14 normal, considering the conditions of my captivity.

15 "At the time of our arrival, a young Second  
16 Lieutenant of the Imperial Army was in command of  
17 the camp - I recall not his name - and he was replaced  
18 some six weeks later by one First Lieutenant ASAKA of  
19 the Japanese Infantry.

20 "There were five hundred enlisted prisoners,  
21 Captain Elmer P. Fleming, Field Artillery Reserve,  
22 First Lieutenant Richard T. Pullen, Coast Artillery  
23 Reserve, Major Jackson of the Army Medical Corps,  
24 and First Lieutenant John E. Lamy, likewise of the  
25 Medical Corps. There were some eight Army Medical

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2 1st day of September, 1944.

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19 the Japanese Infantry.

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22 First Lieutenant Richard T. Pullen, Coast Artillery  
23 Reserve, Major Jackson of the Army Medical Corps,  
24 and First Lieutenant John E. Lamy, likewise of the  
25 Medical Corps. There were some eight Army Medical

1 Corpsmen, all enlisted, included in the five hundred.

2 "For the first ten days we loafed and rested,  
3 with extra rice, but never enough food for our starved  
4 bodies. Camp details were set by Captain Fleming, and  
5 rosters prepared. We were organized into one group to  
6 work on the top side of the copper mine, working muck;  
7 another group to work in the machine shop; about four  
8 groups to work beneath the ground mining ore; a group  
9 in the smeltery, and the aforesaid camp detail group.  
10 This last was the prized and desirable detail, and  
11 was set by Captain Fleming.

12 "The Mitsubishi Mine People had gone to con-  
13 siderable expense and trouble to receive us, and had  
14 built a new barracks to house us. It was better made  
15 than the ordinary construction in the village, as I  
16 could see. It was obvious, since we had all been  
17 processed at Bilibid Prison in the Philippines, and  
18 marked 'fit' by American doctors - the sick were  
19 taken off the detail - that the Mine folk expected  
20 five hundred able-bodied men. However, as I said, I  
21 was by American standards a sick man, and so were most  
22 of the others.

23 "A Japanese Doctor whom we called the 'Black  
24 Prince' came in after we had been there for a month  
25 or less. Major Jackson was a too kindhearted man, and

1 had placed about three hundred and fifty of these pris-  
2 oners on quarters, meaning they were too sick to work.  
3 He was no diplomat, hated the Japanese, and refused to  
4 back down from his position that if these men went to  
5 work, they would soon die. The 'Black Prince' shook  
6 most of them off the list, all but forty, whom he con-  
7 sidered very sick. The rest were sent to the Mine. It  
8 was obvious that the Army authorities and Mine folk  
9 wanted to know why these men were not working, and  
10 pressure was put on Lieutenant Asaka to get them back  
11 to work.

12 "The Doctors were relieved from all duties,  
13 and a medical sergeant, whom we called 'Cyclops', ran  
14 the sick call. He gradually let the quarters list in-  
15 crease to nearly eighty men. Lieutenant Pullen, who  
16 knew a little Japanese, was sick-call interpreter.  
17 'Cyclops' was totally ignorant of his duties, and was  
18 putting smooth malingerers of long practice in such on  
19 the quarters list and sending sick men to work. Around  
20 November 20 he sent a Private of the Army named Miller  
21 up to the Mine to work, and Miller died on the way back  
22 of pneumonia, aggravated by malnutrition. At the same  
23 time a Japanese Inspection Party was in the camp. As  
24 a result, Doctor Jackson was sent to some Tokyo Hos-  
25 pital or other; Doctor Lamy partly resumed medical dut-



1 ies, supervised by 'Cyclops' - a now subdued and  
2 chastened man - and some two weeks later, we got Doct-  
3 or Dan Golenternek, Captain of the Army Medical Corps,  
4 in as Camp Surgeon. This man was a splendid physician,  
5 and a master diplomat in working with the Japanese. He  
6 took full charge, and in a short time, as the bitter  
7 cold came upon us, around three hundred or more were  
8 on the quarters list.

9 "Lieutenant ASAKI even had in civilians for  
10 heavy work, such as clearing snow off the roofs, and  
11 emptying the latrines, assisted in this latter, par-  
12 tially, by the prisoners.

13 "'Cyclops' got up a sort of forty-bed hospit-  
14 al, and things began to get better. From what I per-  
15 sonally observed of the adjacent Chinese and Korean  
16 prisoners, and the free Japanese Mine workmen, by  
17 Oriental standards we were treated very well. By  
18 our American standards, we were badly treated. But  
19 then there was a war on, and our captors were Oriental.  
20

21 "Punishments were handed out, as far as poss-  
22 ible, by Captain Fleming, who, as far as I knew, never  
23 reported a man to the Japanese. These were of a minor  
24 nature, mainly forfeiture of the small tobacco ration  
25 for theft from each other and from the common food  
supply. The Japanese punished on the spot with a

1 slapping that hurt mostly our dignity for petty off-  
2 enses, such as not saluting properly, being out of  
3 uniform in freezing weather, and petty thefts, when  
4 detected.

5 "It was several months before ASAKA put any-  
6 one in the Brig, and practically every man who went in  
7 there richly deserved it. They stole from fellow  
8 prisoners, or from the common food supply. The  
9 Brig was a tough place, with no heat, and ASAKA let  
10 most of them out in the cold weather on recommenda-  
11 tion of Doctor Golenternek before their sentences had  
12 expired.

13 "I considered ASAKA very lenient in punish-  
14 ment. Men sold in the Mine Japanese Army blankets,  
15 shoes, and other articles issued them by the Army and  
16 Mine people. In most cases, they were reissued new  
17 clothes, and nothing much was done about it.

18 "However, he required a rigid military eti-  
19 quette - these prisoners refused, almost to a man to  
20 cooperate - and his guards slapped people around  
21 plenty, but with no brutal beatings. However, some  
22 of the civilian 'Guides' were very brutal at the Mine,  
23 out of sight of ASAKA, who always stepped in to stop  
24 such practices in my opinion, as far as I could see.  
25 Sergeant Ralph Pope, Engineers, Army, had his arm

1 broken by a 'Guide' known as 'The Rat'. Whether an  
2 official report was ever made to ASAKA I do not know.

3 "After Lieutenant Colonel Walker, Aviation,  
4 took over as Senior Officer Prisoner, he threatened  
5 to report men to ASAKA, and did so for theft. One  
6 Technical Sergeant Lebeau went into the Brig, with  
7 the hearty approval of all of us, for confirmed and  
8 repeated thievery, around the end of March, and  
9 stayed there, except for occasional hospital treat-  
10 ment until nearly July, 1945. Colonel Walker recom-  
11 mended him to ASAKA for such punishment, and told us  
12 he had done so, for Lebeau rated it.

13 "The only beatings I ever saw the 'Cyclops'  
14 hand out were at the beginning of cold weather, when  
15 he ordered men to be fully clothed outside barracks,  
16 as a health measure. They blithely ignored his orders;  
17 one afternoon he laid for them, and slapped those he  
18 caught out of uniform. On one other occasion, march-  
19 ing us around for 'Bango' dismissal as Senior Non-  
20 commissioned Present, we refused, in our hatred and  
21 stubbornness to do it with snap and precision, and  
22 several men were lightly slapped.

23 "On the whole, 'Cyclops' was our friend. He  
24 gave the sick meager gifts, for his pay was very little,  
25 and got that hospital going. They relieved him around

1 late March, and his going was regretted. His success-  
2 or was a nondescript 'buck passer', who did little for  
3 or against the prisoners. 'Cyclops' even thought  
4 enough of his former patients to come back and pay  
5 them a visit at his own expense later on in the summer,  
6 and this should be credited him as a good mark.

7 "First Sergeant Jack Boyd, Army Infantry,  
8 having been informed by Captain Fleming, who got it  
9 from ASAKA, that all prisoners were to be executed in  
10 the event of a major landing on any one of the four  
11 home islands, and several other prisoners, stole  
12 dynamite, caps and fuses from the Mine in order to  
13 make a last ditch defense when the shooting started.  
14 There must have been forty pounds secreted under the  
15 floors of the barracks. Around the end of April, as we  
16 came in from the Mine, we heard it had been discovered,  
17 and there would be an investigation. In the Philipp-  
18 ines we would have been shot first, and investigated  
19 later. At evening 'Bango' ASAKA, who spoke English,  
20 but never condescended to use it to the prisoners,  
21 addressed us through the Camp Interpreter. To our  
22 relief, he said no one would be punished, but the next  
23 time there would be a court martial, and probable death  
24 penalty.  
25

"The prisoner rations were entirely separate

1 from those of the Guards, though cooked in the same  
2 galley. Captain Fleming, and later, Colonel Walker,  
3 supervised the distribution. These officers tried  
4 their best to make a fair distribution, but the man  
5 stole from the food supply, to eat themselves, and  
6 sell the rest for tobacco.

7 "From what I personally observed, the Guards  
8 had about half as much more to eat as we did, and the  
9 Mine civilians had about the same amount, or possibly  
10 a little more, than us. What ASAKA, TAKAHASHI (First  
11 Sergeant and Second in Command), SANHAI (Police,  
12 Quartermaster and Mess Sergeant), and 'Cyclops' had  
13 to eat I cannot say, but I saw this much - they lost  
14 weight, day by day, and I make a guess that the loss  
15 averaged twenty pounds per man. It would have been  
16 very easy for them to have eaten all they wanted, and  
17 I credit them for their honesty in this matter.

18 "Christmas came, with Red Cross packages,  
19 four twelve-pound boxes per man. To us these were  
20 the rarest of delicacies. We counted those precious  
21 packages as they were unloaded at the railroad station,  
22 we knew exactly how many there were. I am positive  
23 that outside of some thefts by the prisoners, no  
24 Japanese ever stole any of them. We bitterly hated  
25 ASAKA because he tantalized us by issuing them in

1 increments - maybe Doctor Golenternek was back of that -  
2 but this was the best thing for all of us, starved as  
3 we were.

4 "The Japanese Guards would have given anything  
5 for those packages, and it was a source of great trouble  
6 and worry to ASAKA to keep those packages properly  
7 guarded.

8 "ASAKA began to short us on the rations, to  
9 build up a storeroom. The impression we got from the  
10 Japanese was the war was to be a ten year one, of  
11 attrition, and we had better save food for next year.  
12 The Army, suffering from the blockade, might not have  
13 enough for us. He prudently built up quite a lot.  
14 After surrender, before the planes dropped us 'K-rations'  
15 he gave us all we could eat, and more besides.

16 "Once, with Captain Fleming, TAKAHASHI was  
17 talking about the general treatment of prisoners, and  
18 I heard him say, 'Oh, you cannot kill these prisoners.  
19 The Commandant (ASAKA) is responsible for their lives  
20 and well being.'

21 "All in all, from personal observation, I con-  
22 sidered ASAKA hard and strict, a true professional  
23 soldier, who took care to safeguard lives and health.  
24 He had little food and medicines to do it with, and  
25 condoned repeated thieveries from the Mine of fuel,

1 trading with the civilians, and violations of Army  
2 orders.

3 "There were periodic inspections by the high  
4 command from Tokyo of the prisoners. Soldier-like,  
5 ASAKA had the camp cleaned up, and prisoners dressed  
6 their best, just like inspections in our own Army.  
7 However, as far as I know, no prisoner was permitted  
8 to interview the inspecting officers and state griev-  
9 ances.

10 "In this particular camp, only eight men died.  
11 One was the result of a mine cave-in, Private Werner,  
12 U.S. Marine Corps; one was tuberculosis, First Ser-  
13 geant McCarthy, of the Army, and I think the rest were  
14 plain pneumonia, aggravated by general malnutrition  
15 and despondent heartbreak. Out of five hundred and  
16 sixty men, for we had received an increase of British  
17 prisoners, this seems to be pretty good, from what I  
18 have heard of other camps. There was positively no  
19 sadistic tortures or aggravated brutality, such as I  
20 saw in the Philippines. Outside of the Brig, and the  
21 slappings from the Guards, there was not much to com-  
22 plain of in the way of punishments.

23 "This 11th day of August, 1947."  
24  
25

1 THE PRESIDENT: Mr. Freeman, why was Mr.  
2 Jackson not brought here?

3 MR. FREEMAN: He is in California, if the  
4 Court please; and while it would have been possible,  
5 I brought the affidavit to the prosecution and asked  
6 if they required cross-examination, and they didn't  
7 want to cross-examine.

8 THE PRESIDENT: Apparently he has; quite  
9 another story about the treatment of prisoners of war  
10 in the Philippines, but we cannot pass on the merits  
11 of that. We have not heard that story.

12 MR. FREEMAN: If the Tribunal please, I  
13 next offer in evidence defense document 2076, which  
14 is a telegraphic report relative to the treatment of  
15 prisoners of war. This was passed over yesterday.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document 2076  
18 will receive exhibit No. 3138.

19 (Whereupon, the document above referred  
20 to was marked defense exhibit 3138 and received in  
21 evidence.)

22 MR. FREEMAN: I read into evidence exhibit  
23 3138:

24 "PRESS INTERCROIXROUGE GENEVA

25 "CAMPREPORT 2129 CONTINUATION 2128 INTERVIEWED



1 PRESENCE CAMPCOMMAND USARMY MAJOR FE FELLOWS BRACKET  
2 SEE HURYOJOHOKYOKU AM/39 UNBRACKET SENIOROFFICER  
3 POW REPRESENTATIVE FOR LAST TWO YEARS QUOTE SITUA-  
4 TION AS GOOD AS THEY CAN EXPECT COMFORTABLY WELL  
5 HOUSED FED AND CLOTHED MEDICINES SUFFICIENT CURRENT-  
6 NEEDS BUT ANXIOUS KNOWING WHETHER FURTHER REDCROSS  
7 SUPPLIES AVAILABLE GOT THROUGH LAST WINTER VERY  
8 NICELY ONLY ONE DEATH WERE KEPT WARM ALL IRCC RELIEF  
9 TURNED OVER TO HIM FOR DISTRIBUTION HEALTH CONDITIONS  
10 CONSIDERABLY IMPROVED SINCE LAST YEAR NO SERIOUS ILL-  
11 NESS NOBODY ON DOWNGRADE MEN BECOMING ACCLIMATIZED  
12 WEIGHTS IMPROVED OVERALL WEIGHT INCREASE HALFKILO  
13 HOWEVER FIVE TO SIXKILOS FOR FIRST ARRIVALS NEW SHOES  
14 PROBLEM AS ALMOST IMPOSSIBLE GETTING LARGE ENOUGH  
15 SIZES REMAINING CLOTHING ISSUED REPAIRMATERIAL ADE-  
16 QUATE FOOD GOOD FRESH VEGETABLESUPPLY BASICRATIONS  
17 KEPT UNTO SPECIFICATION RECREATION LIMITED BY TWO  
18 FACTORS FIRSTLY AVAILABLE TIME AFTER WORK SECONDLY  
19 SPACE WHICH INSUFFICIENT FOR GAMES SUCHAS BASEBALL  
20 HAVE GOOD ORCHESTRA BUT COULD STAND ANOTHER GRAMOPHONE  
21 LIBRARY RECEIVED ONLY ONE SHIPMENT DURING LAST FOUR-  
22 TEEN MONTHS OF LESS THAN FIFTY VOLUMES SHOULD LIKE  
23 SEFING MORE BOOKS GREAT TIMELAG IN COMMUNICATING  
24 WITH FAMILIES TRANSITTIME APPROXIMATELY ONEYEAR EITHER  
25 WAY WROTE MIDDLE OCTOBER RECEIVED ONLY ONE SHIPMENT

DURING LAST FOURTEEN MONTHS OF LESS THAN FIFTY  
 VOLUMES SHOULD LIKE SEEING MORE BOOKS GREAT TIME LAG  
 IN COMMUNICATING WITH FAMILIES TRANSIT TIME APPROXIMATELY  
 ONE YEAR EITHER WAY WROTE MIDDLE OCTOBER FORTY THREE  
 RECEIVED ANSWER MAY FORTY FIVE WHEREAS ALREADY HAD  
 REPLY TO RADIOGRAM DISPATCHED SEPTEMBER FORTY FOUR  
 MAIL COULD BE SPEEDED UP WOULD MEAN BIG LOAD OFF MENS  
 MIND RECEIVED AMCROSS BULLETIN FIFTEEN MONTHS AGO  
 WHICH GREATLY APPRECIATED AS MEN LIKE HEARING THINGS OF  
 LOCAL INTEREST NONE SINCE BRACKET COPIES OF AMCROSS NEWS  
 NUMBER THREE FOUR SEVEN READY FOR DISPATCH AT  
 TOKYO MAIN CAMP UNBRACKET RECEIVED COMMUNICATIONS FROM  
 US GOVERNMENT CONCERNING FAMILY MAINTENANCE AND INSURANCE  
 NOTHING SIMILAR FROM CANADIAN BRITISH NETHERLANDS  
 GOVERNMENTS ALTHOUGH RELATIVE POW KEENLY INTERESTED  
 ESPECIALLY REGARDING ALLOWANCES PAID FAMILIES SHOULD  
 APPRECIATE ANY SUCH INFORMATION WE MAY HAVE OR  
 RECEIVE FOR PUBLICATION TO MEN AS CAMP COMMAND WOULD  
 HAND IT OVER TO HIM PROMPTLY NOTHING BEING KEPT BACK."

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1 THE PRESIDENT: Do you know what camp this  
2 refers to, Mr. Freeman?

3 MR. FREEMAN: I am advised it is a camp in  
4 the Tokyo area. They are referred to there by number.

5 THE PRESIDENT: It refers to the Tokyo main  
6 camp, but it does not say what camp it is.

7 MR. FREEMAN: I understand they are branch  
8 camps, and those numbers refer to them. I will be  
9 glad to ascertain the camp name and report it back.

10 I next offer in evidence defense document  
11 2296 and 2296-1 which is a series of letters of apprec-  
12 iation to the POW Camp Commanders in Japan.

13 THE PRESIDENT: Admitted on the usual terms.

14 MR. FREEMAN: That includes document 2296  
15 and 2296-1 which should have been the same. 2296-1  
16 was separated from 2296, but they are all letters  
17 from the same source and under the same certificate.

18 THE PRESIDENT: They will be marked as one  
19 exhibit.

20 CLERK OF THE COURT: Defense document 2296  
21 and 2296-1 will receive exhibit No. 3139.

22 (Whereupon, the documents above  
23 referred to were marked defense exhibit  
24 No. 3139 and received in evidence.)

25 MR. FREEMAN: I read into evidence exhibit

1 3139:

2 "Saturday the 25th August 1945.

3 "To: 1st Lieut. Hiraishi, Hiroki, Camp Com-  
4 mander, No. 21 Prisoner of War Camp Fukuoka.

5 "Sir: It is my privilege as Commander of  
6 the British and Australian troops, at present here  
7 under your protection, to convey the appreciation of  
8 all ranks for the concern which you have shown for,  
9 and the efforts which you have made to relieve the  
10 monotony of our short stay here.

11 "Since our arrival here on the 1st June  
12 1945 we have realized something of the increasing  
13 difficulties under which you have performed your  
14 duties; but the tolerance of your Command in the past  
15 and your immediate consent to my request for organized  
16 excursions out of the Camp, has earned for you the pro-  
17 found respect of all ranks.

18 "We hope for your continued co-operation and  
19 look forward to the progressive improvement of our re-  
20 lation during the rest of our stay here.

21 "A. S. Divies, Warrant Officer,  
22 in charge of British and Aus-  
23 tralian Troops.

24 "Camp Commandant, No. 1 Prisoner of War Camp,  
25 Fukuoka.

1 "Sir: It is the desire of the under-signed  
2 British Warrant Officers to express our gratitude for  
3 the gentlemanly manner in which you have conducted the  
4 affairs of this Camp since taking over the role of  
5 Commandant.

6 "The policy which you adopted has, in our  
7 opinion, saved many lives and eased so much of the  
8 misery we all experienced in the past.

9 "We extend on behalf of the British soldiers  
10 in this camp our heartfelt thanks and pray good health  
11 and happiness to you and yours in the days to come.

12 "R. While,

13 "F. Smith.

14 "No. 1 Prisoner of War Camp,  
15 Fukuoka, 31st August 1945.

16 "To whom it may concern:

17 "This will certify that Mr. Tsukasa,  
18 Furusho, commander of Fukuoka Prison Camp No. 23,  
19 is deserving of any consideration possible due to  
20 his fair and considerate treatment of the American  
21 War prisoners under his control.

22 "We consider him a loyal Japanese subject  
23 and a true officer of the Imperial Army. He has al-  
24 ways conducted himself as we would like to conduct  
25 ourselves under the same circumstances.

1 "Frank M. Turnor,  
2 Captain, U. S. Army.

3 "Thomas W. Taggart,  
4 Captain, U. S. Army.

5 "Please convey our best wishes to Mr.  
6 Eriwitchi and other members of the staff with whom  
7 we have come in contact and trust that only the  
8 better times shall remain in our memories, and that  
9 henceforth peace shall always be maintained between  
10 your country and ours.

11 "Would you please convey a message of heart-  
12 felt gratitude to Mr. Nagasawa; from Pte. Ross (No.  
13 289) for the timely and utmost assistance when he  
14 received the injury to his leg at work recently.

15 "Wishing you all peace and happiness for  
16 the future, on behalf of the members of No. 2 furnace  
17 squad, and in particular,

18 "Yours Sincerely,

19 "SGT. H. H. Hallam."  
20  
21  
22  
23  
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25

1 I pass this next letter because there is no  
signature on it.

2 Page 6:

3 "To: The Manager,  
4 Ore Dressing Mill,  
5 Iruka.

6 "Dear Sir,

7 "I am writing to thank you on behalf of the  
8 men who worked in your mill as prisoners of war, for  
9 your thoughtfulness and kindness toward us. Your  
10 personal interest in our welfare, and the care you  
11 took in instructing us in our individual jobs, employ-  
12 ing each man in the capacity in which he was most in-  
13 terested and happy, did much to dispel any gloom  
14 from our minds, and made us feel like ordinary work-  
15 ing men."  
16

17 If the Court please, I am informed I should  
18 have read page 5 first. They are numbered in reverse  
19 order. I ask that that correction be made in the  
20 record. I do not intend to go back and read it.

21 THE PRESIDENT: Leave it as it is now.

22 MR. FREEMAN: (Reading continued)

23 "I must also mention your kindness and sympa-  
24 thetic attitude toward anyone who was sick during  
25 working hours. All members have expressed the desire

1 to possess a copy of your permanent address, so that  
2 they may communicate with you. If you can let me  
3 have a copy I will ensure that everyone become ac-  
4 quainted with it.

5 "I must also mention the workmen who were  
6 our instructors, they deserve our thanks, especially,  
7 and I hope you will convey this to them, Minami of  
8 the 4th Floor, Takino of the vacuum, and Tunada of  
9 the 6th Floor stores.

10 "Goodbye and good luck to you Sir,

11 "Sincerely Yours

12 "S. Falcus.

13 "Iruka

14 "25th August, 1945"

15 Page 8:

16 "TO WHOM IT MAY CONCERN:

17 "Corporal Jiro IKEDA, Imperial Nipponese  
18 Army, has been on duty as Sergeant Major at this Pris-  
19 oner of War Camp No. seven (7) from June 2, 1945 to  
20 date during which time I have been Prisoner Commander.

21 "Corporal Jiro IKEDA has performed his duties  
22 efficiently and fairly with exceptional courtesy to  
23 all Prisoners of War at a time when this was not the  
24 normal attitude of our guards.

25 "I feel personally indebted to Corporal Jiro



1 IKEDA for his courtesy to myself and my men. I speak  
2 for all one hundred ninety-five Americans here in  
3 requesting such courtesy and consideration as you can  
4 grant him.

5 "GUY H. STUBBS  
6 Lt. Col. CAC  
7 U. S. ARMY"

8 This document is marked 2296-1:

9 "Letter of Thanks To the Chief of the POW  
10 Camp, Mukden.

11 "1. On behalf of all the American prisoners  
12 of war here in this camp, I wish to express my grati-  
13 tude for the efforts made by all the personnel who  
14 are engaged in health inspections for the purpose of  
15 investigating the causes and the present conditions  
16 of our bad health, and thereby, deciding measures for  
17 its improvement and cure.

18 "2. All of us are much impressed by the  
19 most painstaking and thorough-going method and atti-  
20 tude taken by these experts. We believe that in  
21 spite of the difficulty of their task they will sure-  
22 ly achieve satisfactory results.

23 "3. We have received very kind treatment  
24 since we came to this camp. It was beyond our expec-  
25 tation to have such concern shown for our welfare. I

1 firmly believe that all of us concerned are so grate-  
2 ful that they will never throughout their lives for-  
3 get this experience.

4 "S. H. Hankins, Major, USA  
5 Chief of American Liaison Section  
6 POW Camp, Mukden."

7 I do not desire to read the remainder.

8 THE PRESIDENT: Is that the correct date,  
9 "17 February, 1947"?

10 MR. FREEMAN: That, I understand, is '45.

11 I next offer in evidence defense document  
12 2214, which is a list of POW camps inspected by the  
13 International Red Cross and others from 1942 to 1945,  
14 giving the names of those inspecting the various  
15 camps, the date and camp inspected. I do not desire  
16 to read any part of this document.

17 THE PRESIDENT: It does not state the re-  
18 sults of the inspection, does it?

19 MR. FREEMAN: I have read into evidence  
20 several reports by Red Cross people who are in this  
21 list.

22 THE PRESIDENT: Yes. You do not intend to  
23 read this?

24 MR. FREEMAN: No.

25 THE PRESIDENT: What is the next document?

1 CLERK OF THE COURT: It has not been marked  
2 yet.

3 THE PRESIDENT: Give it a number then.

4 CLERK OF THE COURT: Defense document 2214  
5 will receive exhibit No. 3140.

6 (Whereupon, the document above  
7 referred to was marked defense exhibit  
8 No. 3140 and received in evidence.)

9 MR. FREEMAN: 2214 is withdrawn from the  
10 order of proof.

11 I next offer in evidence defense document  
12 2485 which is an affidavit by Sister Mary Mercedes  
13 who was an internee in Japan during the war.

14 2214 was just given an exhibit No. I'm  
15 sorry.

16 THE PRESIDENT: Colonel Mornane.

17 LIEUT. COLONEL MORNANE: If the Tribunal  
18 please, the prosecution objects to the introduction  
19 of this document on the ground that it is irrelevant.  
20

21 THE PRESIDENT: When we see it, we may be  
22 able to appreciate your argument. So far, it has not  
23 been handed to us.

24 Yes. We will hear your argument now.

25 LIEUT. COLONEL MORNANE: It is the affidavit

1 of a lady as to her experiences in civil internment  
2 camps in Japan -- in Tokyo. The prosecution has not  
3 offered any evidence as to treatment, good or other-  
4 wise, in internment camps in Japan -- that is, in  
5 civil internment camps. Therefore, I submits that  
6 this document is irrelevant.

7 THE PRESIDENT: Yes, Mr. Freeman.

8 MR. FREEMAN: I will accept that admission.

9 THE PRESIDENT: You make no allegation about  
10 the ill-treatment of persons interned in civil in-  
11 ternment camps in Japan?

12 LIEUT. COLONEL MORNANE: That is so, if  
13 the Tribunal pleases.

14 MR. FREEMAN: If the Tribunal pleases, I  
15 still believe this affidavit is relevant under the  
16 charge of conspiracy of the accused.

17 THE PRESIDENT: The conspiracy alleged does  
18 not embrace civil internment camps in Japan. That  
19 is the prosecution's case. The objection is sus-  
20 tained and the document rejected.

21 MR. FREEMAN: I next offer in evidence de-  
22 fense document 2141 which is a statement by Father  
23 Marella.  
24

25 LIEUT. COLONEL MORNANE: If the Tribunal  
pleases, the prosecution also objects to this docu-

1 ment. Generally, it states that Archbishop Marella  
2 was allowed to visit certain camps in Japan and  
3 certain of his priests were allowed to visit these  
4 camps for the purpose of providing religious conso-  
5 lation. It goes on to say, or he goes on to say they  
6 did not have "either the right or the duty to see to  
7 the observation of international conventions or to  
8 protest in the event of their contravention."

9 He says nothing as to the conditions of the  
10 camps that he visited, but he does say there were  
11 cases where prisoners praised efforts of overseers  
12 to make their lives less hard. No allegation has been  
13 made that prisoners of war were denied religious con-  
14 solation in Japan.

15 THE PRESIDENT: He suggests there were. He  
16 suggests that the priests more often presides at  
17 funerals than assisted at dying.

18 LIEUT. COLONEL MORNANE: The letter says --

19 THE PRESIDENT: And he says that is the  
20 Japanese mentality. Anyhow, you are making no alle-  
21 gation even if he does.

22 LIEUT. COLONEL MORNANE: There is no allega-  
23 tion in the prosecution's case. That is, we haven't  
24 proved anything.

25 Now, specifically, we object, on the second

1 page, about the middle of the page, commencing "I  
2 lived." "I lived a long time in Japan before the war  
3 and more or less shared the fate of the Japanese  
4 people in the course of the hostilities. By making  
5 use of this experience I should like, without seek-  
6 ing to excuse or justify anything, to explain the  
7 mentality of the country in so far as it concerns  
8 prisoners of war."

9 Now, pursuing that, he goes on to the last  
10 paragraph on the second page: "In order to arrive  
11 at an impartial judgment it is necessary to add that  
12 the Japanese do not have the idea of a prisoner that  
13 a long Christian culture has given us."

14 Continuing that paragraph to the end of that  
15 paragraph and the end of the first paragraph on the  
16 third page, also the final paragraph on the third  
17 page. We specifically object to those particular  
18 paragraphs, the general effect of them being, we  
19 say, irrelevant. If, on the other hand, the motives  
20 which caused the Japs to act may be relevant, well,  
21 then we say that is a matter for the Tribunal, and  
22 the Archbishop is not in a position to give these  
23 conclusions.  
24

25 THE PRESIDENT: It assumes the treatment was  
generally bad, but it was due to the Japanese mental-

1 ity. How that helps, I do not know.

2 You are contesting nothing he says? There  
3 is no issue covering it, is that so?

4 LIEUT. COLONEL MORNANE: With regard to what  
5 he says, the facts he states we do not contest at  
6 all.

7 THE PRESIDENT: You are contesting the rele-  
8 vancy, of course.

9 LIEUT. COLONEL MORNANE: Yes. And on the  
10 other hand we are contesting the conclusions he draws,  
11 but we say there that that is without the scope.

12 MR. FREEMAN: If the Tribunal pleases, I  
13 would like to be heard before the objection is ruled  
14 on.

15 THE PRESIDENT: I think a majority of the  
16 Court are prepared to admit it for what it is worth,  
17 excluding opinions and the last paragraph.

18 CLERK OF THE COURT: Defense document 2141  
19 will receive exhibit No. 3141.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 3141 and received in evidence.)  
23  
24  
25

1 MR. FREEMAN: I shall read into evidence  
2 exhibit 314, with the exception of the last paragraph,  
3 is that correct?

4 THE PRESIDENT: And omitting any opinions,  
5 We will tell you what we do not admit,

6 MR. FREEMAN (Reading): "Under the instruc-  
7 tions of the Holy See, this delegation occupied itself  
8 during the war in assuaging the lot of prisoners of  
9 war and civil internees in Japan as well as of Japanese  
10 civil internees abroad.

11 "To this end an information service was organ-  
12 ized; the lists sent by the Japanese General Staff to  
13 the International Red Cross served as a card index. As  
14 requests for information arrived by mail or by special  
15 broadcasts over the Vatican radio these indexes served  
16 to identify the person more accurately and to find his  
17 internment camp as well. Requests or family corres-  
18 pondence were then routed through the Foreign Ministry  
19 and the Japanese military mail service. There even  
20 went out sums of money destined for prisoner of war  
21 camps outside Japan, in accordance with the instructions  
22 of the Holy See.

23 "Overtures were made to obtain for the Apostol-  
24 ic Delegate authorization to visit prisoner of war  
25 camps and to bring to all, irrespective of their

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1 religion, the consolation within his power. Inter-  
2 national agreements did not recognize this right  
3 except on the part of the International Red Cross and  
4 representatives of the protecting powers, but permis-  
5 sion was nevertheless given. This was a simple favor  
6 which did not give me as a matter of course either  
7 the right or the duty to see to the observation of  
8 international conventions or to protest in the event  
9 of their contravention. The object was purely human-  
10 itarian: to console the prisoners.

11 "During the years 1943 and 1944 I visited in  
12 this manner some thirty camps in the interior of Japan  
13 between Aukuoka and Sendai, accompanied each time by a  
14 functionary of the Foreign Ministry to help me on the  
15 trip and in my relations with the police and the mili-  
16 tary authorities. Almost everywhere I was cordially  
17 received by the camp authorities who regulated the pro-  
18 gramme of visits to the best of their instructions.  
19 Usually this commenced with the reading of a report on  
20 the general situation of the camp, the number of in-  
21 habitants, and health, sanitation, food and clothing  
22 conditions. There then followed a quick inspection of  
23 the surroundings and an interview in the presence of the  
24 officers and an interpreter, of someone or other repre-  
25 senting the camps. The other prisoners were then

1 usually at work.

2 "Naturally the prisoners could hardly speak  
3 openly under these conditions. Nevertheless, there  
4 were cases when prisoners praised the efforts made by  
5 their overseers to render their life less hard.

6 "In addition to these visits it would have  
7 been nice to distribute provisions and clothing as is  
8 done in other countries by the representatives of the  
9 Holy See, but everything was severely rationed and it  
10 was impossible to obtain anything of this sort. As  
11 the most frequently expressed desire of the prisoners  
12 was to obtain something to read, a certain number of  
13 works, particularly in English, were purchased on the  
14 Tokyo market, but only a small number reached the  
15 prisoners as far as I can make out. This was not  
16 because of the authorities' desire to cause suffering  
17 but the consequence of an exaggerated sense of responsi-  
18 bility. No book could be sent to the prisoners without  
19 being examined line by line by censors who knew little  
20 English, and who were few in number and very busy and  
21 who above all could not arrive at an opinion as to  
22 whether to pass a book or not.

23  
24 "Another desire of the prisoners was to get  
25 news of their families. They were permitted to write  
three or four times a year but many letters were lost

1 and replies came rarely. I strongly demanded that  
2 they be as generous as possible in the matter of  
3 correspondence.

4 "I lived a long time in Japan before the war  
5 and more or less shared the fate of the Japanese  
6 people in the course of the hostilities. By making  
7 use of this experience I should like, without seeking  
8 to excuse or justify anything, to explain the mentality  
9 of the country insofar as it concerns prisoners of  
10 war. Apart from every atrocity and abuse, the condi-  
11 tion of the prisoners in respect of quarters and  
12 clothing was entirely that of the common people. The  
13 discipline was that of the Japanese army which in  
14 certain respects is extremely hard.

15 "In Japan the standard of living was always  
16 much lower than usual, but during the war it dropped  
17 extremely still and the people had almost nothing to  
18 eat and could buy clothing only with the few clothing  
19 coupons allotted to them for one year. They were  
20 housed one on top of another and the government pro-  
21 vided space of only two yards square per person for  
22 Japanese workers in war factories. Such conditions  
23 naturally became insupportable and cruel for members of  
24 the allied armies without affecting the Japanese to the  
25 same extent.

1 "In order to arrive at an impartial judg-  
2 ment it is necessary to add that the Japanese do not  
3 have the idea of a prisoner that a long Christian  
4 culture has given us. They naturally despised this  
5 class of person and no Japanese soldier was permitted  
6 under any circumstance to allow himself to be captured.  
7 Officers, by the way, used to state that what they were  
8 doing in favor of allied prisoners was absolutely one-  
9 sided, for they themselves would never have any  
10 prisoners.

11 "The fact of being entirely assimilated by  
12 the Japanese and submitted to their customs, often  
13 contrary to our own, led to the belief in deliberate  
14 humiliations when such was not at all the idea: commun-  
15 al Japanese bath, the practice of working almost naked,  
16 etc.

17 "The wide difference in religion, furthermore,  
18 led to the fact that through simple ignorance the spe-  
19 cial spiritual needs of the prisoner were not taken into  
20 account and this was one of the points upon which this  
21 Delegation had to insist most in order to persuade the  
22 camp authorities that such needs were real and supreme.  
23 Certain results were obtained but circumstances often  
24 prevented much from being done. As far as Catholic  
25 priests were concerned, for example, they were not

1 permitted access to the camps except in the case of  
2 those who were Japanese alone and they were very few,  
3 overloaded with work and few among them knew English  
4 sufficiently well. Nevertheless they did their best  
5 to answer the calls of the camp commanders, but in  
6 accordance with the Japanese mentality they were  
7 called more often to preside at funerals than to  
8 assist the dying."

9 I next offer for identification the book  
10 entitled "The Chrysanthemum and the Sword" by Ruth  
11 Benedict, and offer in evidence defense document 2108,  
12 being an excerpt therefrom. This book is the result  
13 of a study made by the author at the request of the  
14 Office of War Information of the United States  
15 government.

16 THE PRESIDENT: Colonel Mornane.

17 COLONEL MORNANE: With regard to the last  
18 comment of my friend, I do not know whether he is  
19 attempting to prove that or whether that is purely  
20 his own. The prosecution objects to the introduction  
21 of this document in evidence. It consists of a book or  
22 extracts from a book written in America with assist-  
23 ance, among others, of certain Japanese residing there.  
24 It attempts to explain the Japanese conduct throughout  
25 the war on the basis of their beliefs and psychology.

1 If this could be relevant on any basis it would be  
2 that the explanation is by some expert. There is no  
3 evidence as to what the qualifications of the author  
4 are. There is also no evidence that she affirms the  
5 truth of the contents of the book. The prosecution  
6 contends that the matter is entirely irrelevant.

7 MR. FREEMAN: If the Tribunal please, on  
8 page 1, the first two lines of the second paragraph,  
9 "My thanks are also due to the Office of War Informa-  
10 tion, which gave me the assignment on which I report  
11 in this book," I respectfully submit that the Office  
12 of War Information, United States Government, would  
13 not have selected someone to make this study were they  
14 not qualified to make it.

15 THE PRESIDENT: This is not an official  
16 publication though, is it?

17 MR. FREEMAN: No, sir.

18 THE PRESIDENT: You see we will not accept  
19 Archbishop Marella's opinions although he lived in  
20 Japan.

21 MR. FREEMAN: This is the result of a study  
22 at the direction of the Office of War Information and  
23 it is being offered primarily to show, among other  
24 things, the lack of medical facilities that the Japan-  
25 ese army had during the war, which goes to the point

1 of medical treatment of the prisoners of war.

2 THE PRESIDENT: If it were an official  
3 publication we probably would admit it. If the  
4 United States government had authorized this woman  
5 to make an investigation on the spot and ascertain  
6 the facts about which she speaks in this publication  
7 we might admit it, but it is just as objectionable  
8 as Archbishop Marella's opinion. He was on the spot  
9 and saw things for himself, made investigations for  
10 himself.

11 MR. FREEMAN: I submit there are facts and  
12 figures given in this document which is offered here  
13 that are not opinion. It is true there are some opin-  
14 ions.

15 THE PRESIDENT: By a majority the objection  
16 is sustained and the document rejected.

17 MR. FREEMAN: If the Tribunal please, with  
18 the Court's indulgence I have been asked to offer in  
19 evidence as the last document in this subdivision  
20 defense document 2244.

21 THE MONITOR: Mr. Freeman, we do not have this  
22 document. Do you have an extra copy?

23 MR. FREEMAN: If the Tribunal please, I  
24 withdraw it and submit it later.

25 THE PRESIDENT: We will recess for fifteen

1 minutes.

2 (Whereupon, at 1045, a recess  
3 was taken until 1100, after which the  
4 proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Freeman.

4 MR. FREEMAN: If the Tribunal please, I  
5 again tender in evidence defense document 2244,  
6 which has now been distributed. This document is  
7 a record of the court-martial of three POWs. I  
8 desire to read no part of it.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 2244  
11 will receive exhibit No. 3142.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 3142 and received in evidence.)

15 MR. FREEMAN: If the Tribunal please, this  
16 concludes the subdivision relative to POWs and civilian  
17 internees.

18 Mr. Cunningham will now offer certain docu-  
19 ments that he has.

20 THE PRESIDENT: Mr. Cunningham.

21 MR. CUNNINGHAM: At the end of the presentation  
22 of evidence in the Tripartite Pact material reserva-  
23 tion was made for a few witnesses and documents which  
24 were not ready for processing at that time. At this  
25 time I would like to present the witness SAITO, whose

1       affidavit has been revised and some material deleted,  
2       and I presume now the affidavit can be presented  
3       without further correction.

4                               - - -

5       Y O S H I E   S A I T O, recalled as a witness on  
6       behalf of the defense, having been previously  
7       sworn, testified through Japanese interpreters  
8       as follows:

9               THE PRESIDENT: You are still on your former  
10       oath.

11                               DIRECT EXAMINATION

12       BY MR. CUNNINGHAM:

13               Q   I ask that the witness be handed defense  
14       document 1592.

15               I ask you to state if that is your affidavit,  
16       and if you have signed it and is it true?

17               A   It is my affidavit.

18               MR. CUNNINGHAM: I offer in evidence defense  
19       document 1592 and propose to delete certain portions  
20       of it, which I will not read.

21               THE PRESIDENT: Admitted on the usual terms.

22               CLERK OF THE COURT: Defense document 1592  
23       will receive exhibit No. 3143.

24                               (Whereupon, the document above

25       referred to was marked defense exhibit

No. 3143 and received in evidence.)

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MR. CUNNINGHAM: We have conferred on the deletions and agreed on them.

Skipping the formal parts, I read defense document 1592, exhibit 3143:

"Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows:

"I, Yoshie SAITO . . . was born in 1880, and live in Shoto," and so on. "I entered the Foreign Office, was stationed as diplomatic and consular attache in Peking and Tientsin, China, became Secretary of Embassy in Washington under Ambassador SHIDEHARA, became Director of the Bureau of Commercial Affairs of the Foreign Office; after resigning in 1926, I became a Director of the South Manchurian Railway Co., Ltd., in July 1940, upon formation of the KONOYE Cabinet, at the request of Foreign Minister MATSUOKA I became adviser to the Foreign Office and held that position until I resigned in July 1941.

"1. I was on intimate terms with Mr. MATSUOKA for 30 years; at the time of the conclusion of the Tripartite Pact among Japan, Germany and Italy, as advisor to the Foreign Office I stayed day and night at the private residence of Foreign Minister

1 MATSUOKA where the negotiations were taking place,  
2 and throughout the entire period I was responsible  
3 for the technical side of the negotiations concern-  
4 ing this pact. Due to this, I am comparatively  
5 accurately informed regarding the ideals and motives  
6 on the Japanese side which led to the conclusion of  
7 the pact, and the circumstances concerning the con-  
8 clusion of the pact."

9 Skipping paragraph 2 down to where it says:

10 ". . . When Mr. MATSUOKA was President of  
11 the South Manchurian Railway Co., and when I was  
12 advisor to the SMR, I once called on him at his villa  
13 at Gotemba concerning company business, he spoke as  
14 follows after finishing the company business:

15 "The world is too large. Races, national  
16 sentiments and policies are different, and the past  
17 ideas of establishing world peace through a central-  
18 ized and unique organ is a mistake when dealing with  
19 such a world. For this, I can think of no better  
20 method than that friendly neighboring countries with  
21 mutual interests should form a union, then a larger  
22 union should be formed among these unions, and among  
23 these larger unions peaceful relations should be  
24 established, and finally this should be spread through  
25 the world. Should I become Foreign Minister, I intend

1 to realize this idea. However, this will not be  
2 easy, and sufficient study must be made of the prob-  
3 lems. I would like you to think about it.'

4 "When I met him again at Gotemba, in the  
5 spring of 1937, as I recall Mr. MATSUOKA said:

6 "Well, have you studied my idea? A union  
7 including Japan, Manchuria, and China and their  
8 neighboring countries must be formed. However,  
9 unfortunately, this cannot be hoped for considering  
10 the present situation of long-standing disputes be-  
11 tween Japan and China. So, I, as President of the  
12 SMR and as a man with many Chinese friends, am in a  
13 good position to take steps to further Sino-Japanese  
14 peace as a private individual, and I should like to  
15 go to China some day soon and see what can be done.  
16 Therefore, I wish to request you to go to China, and  
17 make thorough observations on the situation.'

18 "I had been studying Chinese affairs for  
19 many years, and since I considered this my life-work,  
20 I went to China in accordance with Mr. MATSUOKA's  
21 suggestion."

22 Now going to page 3-a, paragraph 3:

23 "3. After Mr. MATSUOKA resigned his post  
24 as President of the SMR, in March 1939, for a time he  
25 lived a leisurely life, and during this period he spoke

1 to me from time to time of his opinion concerning  
2 inter-states unions as a method of establishing world  
3 peace. In July 1940 when he became Foreign Minister  
4 he made me an adviser to the Foreign Office." Skip-  
5 ping the next sentence and beginning with: "Mr. MAT-  
6 SUOKA decided to conclude the Tripartite Pact in  
7 August 1940, when he received a telegram from  
8 Ambassador KURUSU saying that Mr. Stahmer had left  
9 Germany for Japan."

10 Now going down to page 6, I believe:

11 "This English text was written and proposed  
12 personally by Mr. MATSUOKA, and German side did only  
13 accept it."

14 Now going down to page 10, at the top of  
15 the page:

16 At the top of the page insert "MATSUOKA"  
17 after "and."

18 "... and MATSUOKA one day said to me:

19 "'If Japan and America should ever go to  
20 war, it would be most unfortunate for Japan, and it  
21 would inevitably have the most disastrous results for  
22 Japan. Not only that, but the culture of the human  
23 race would be completely destroyed, and the world  
24 would become darkened. To prevent this is something  
25 that I, as Foreign Minister, cannot forget even in my

1 dreams.'

2 "MR. MATSUOKA day and night studied measures  
3 concerning this problem. In fact, Mr. MATSUOKA often  
4 told me:

5 "If it were possible to dissolve America's  
6 high-pressure policy, the problems of Japan, America  
7 and Britain, and the Sino-Japanese problem would be  
8 naturally easy to solve. Moreover, if this were  
9 realized, it might even be possible for Japan to take  
10 a step forward, and could alone, or together with  
11 the Soviet Union, act as arbitrator in the Anglo-  
12 German war. However, since American policy is so  
13 high-handed, Japan cannot oppose America single-  
14 handed with her own power, so Japan must shake hands  
15 with some other strong powers!"  
16

17 Now going to page 13, I believe it is, be-  
18 ginning with the words, "Mr. Stahmer," on the top of  
19 the page, 3rd line:

20 "Mr. Stahmer told Mr. MATSUOKA at the con-  
21 clusion of the Tripartite Pact that Germany was pre-  
22 pared to act as intermediary."

23 Now going down to the middle of the page  
24 where it says:

25 "Mr. MATSUOKA told both Mr. Ott and Mr. Stah-  
mer at the beginning of the negotiations that Japan

1 considered that the most important mission of the  
2 Tripartite Pact was to establish peace throughout  
3 East Asia, therefore, Japan should not be forced into  
4 the Anglo-German war because of the pact, and a German  
5 guarantee on this point was desirable.

6 "He demanded that the following two points  
7 be promised:

8 "(1) Germany would not interfere in the  
9 political questions of East Asia, and Japan would not  
10 interfere in the political questions of Europe:

11 "(2) The European war should be carried on  
12 by Germany and Italy alone and Japan's aid should not  
13 be sought, on the other hand, the military operations  
14 against China would be carried out by Japan alone and  
15 Germany's aid would not be sought.

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1           "The German side immediately agreed to this.  
2 Concerning the policy of improving the relations with  
3 the United States and of preventing America from  
4 entering the war, agreement was reached almost in the  
5 same procedure. In the summer of 1941, the Soviet-German  
6 war broke out, and shortly thereafter Mr. Ott brought  
7 Ribbentrop's personal message to Mr. MATSUOKA, which I  
8 also saw and read at that time. This was a fairly short  
9 note; one sheet typed in German, but its contents were  
10 very important. Its point was that Japan should speedily  
11 attack the Soviet Union from the rear. Its wording  
12 was impolite, and to the point, moreover its contents  
13 were in violation of the promises given at the time  
14 of the conclusion of the Tripartite Pact. When  
15 Mr. MATSUOKA saw it, he was very angry, and utterly  
16 declined to give any consideration to the proposal as  
17 it was in contravention to the mutual understandings  
18 exchanged at the time of the Tripartite Pact. Another  
19 thing, after Mr. MATSUOKA had returned from his trip  
20 to Germany and the Soviet Union, I asked Mr. MATSUOKA  
21 about the information I had received that he had been  
22 advised by Hitler and Ribbentrop to attack Singapore.  
23 To this Mr. MATSUOKA replied:

24           "There was such talk. I was Foreign Minister,  
25 and not one of the service ministers. So no matter

1 how earnestly this was recommended to me, I was not  
2 in a position to assent to the proposal. Moreover,  
3 concerning the use of armed force by Japan to further  
4 the development of the European war, reservations were  
5 made at the time of the conclusion of the Tripartite  
6 Pact. Whether Japan should attack Singapore or not  
7 was a matter concerning which Germany had no right to  
8 say anything. I am absolutely opposed to conquest.  
9 As you know, my motto is non-conquest, non-aggression,  
10 non-exploitation. I did modify my words. For example,  
11 I said that if Japan were to be presented with a chance  
12 that came only once in a thousand years, Japan would  
13 fight. I also said that if Japan were to fight, the  
14 sooner the better. This was only because I wished to  
15 prevent further conversation on the same line. How-  
16 ever, I did not make any promise with reference to an  
17 attack on Singapore, nor did I say anything to commit  
18 myself, so you needn't worry.'

19  
20 "9. At the time of the conclusion of the  
21 pact Mr. MATSUOKA said to me:

22 "The Tripartite Pact may temporarily worsen  
23 Japanese-American relations, and may lead to a very  
24 dark phenomenon. In half a year, however its darkness  
25 will fade, and world peace will be more firmly estab-  
lished. I must pour all my wits and abilities into

1 it for this object. I do not even dream of fighting  
2 with America, and I must not do so.'

3 "Again Mr. MATSUOKA had often declared in  
4 the Diet that the Tripartite Pact was a means to the  
5 establishment of world peace."

6 Then, going down to No. 10 at the bottom of  
7 the page:

8 "10. Since Mr. MATSUOKA was well aware that  
9 the conclusion of the Tripartite Pact might greatly  
10 irritate American nerves, he paid much attention to  
11 this point. He repeatedly persuaded Admiral NOMURA,  
12 who was reluctant, to finally accept the post of Am-  
13 bassador to America, and this was because he considered  
14 as I heard from him that the post must be given to a  
15 man who would be welcomed in America, and that Admiral  
16 NOMURA was the best person. To this Admiral NOMURA he  
17 begged that all efforts be made to improve Japanese-  
18 American relations. Again, for the same purpose he  
19 tried to dispatch Count KABAYAMA, who had many friends  
20 in America, to America. He tried to dispatch  
21 Mr. Toyohiko KAGAWA, an American-type missionary who  
22 was considered to have the best comprehension of Ameri-  
23 ca, to the United States. He was very polite in his  
24 conversations with Ambassador Grew. One day (the  
25 date I have forgotten) after Ambassador Grew had

1 returned, I asked Mr. MATSUOKA how the conversations  
2 went on. Mr. MATSUOKA answered:

3 "Recently conversation have become somewhat  
4 difficult. Although the policy of giving absolute  
5 importance to Japanese-American friendship has not  
6 changed, at a time like this when the situation is  
7 critical, unless a strong attitude is shown, it can  
8 have no effect. At the same time, if the other party  
9 is angered, it will be disastrous, and to maintain a  
10 proper balance is difficult. So I was very careful in  
11 choosing my words.'

12 "At the end of 1940 Mr. Steinhardt, the American  
13 Ambassador to Russia, passed through Japan on his way  
14 to his post, and saw Mr. MATSUOKA. At this meeting,  
15 Mr. MATSUOKA spoke at great length of Japan's diffi-  
16 cult position, and the necessity of Japanese-American  
17 friendship. Later in 1941, when Mr. MATSUOKA went to  
18 Europe to visit Russia, Germany and Italy, he repeated  
19 similar sentiments to Mr. Steinhardt in Moscow and  
20 consulted him on the means to attain Japanese-American  
21 friendship. This I learned from Mr. MATSUOKA. Before  
22 his journey to Europe, he told me:

23 "My journey to Europe is, on the surface,  
24 in order to visit the Soviet Union, Germany and Italy,  
25 but hardly anyone knows that my hidden mission is to

1 adjust relations with Soviet and America.' At this  
2 time, he had already prepared and kept hidden a draft  
3 of the Japanese-Soviet Neutrality Treaty, and was  
4 prepared for negotiations with America. On his departure he said:

5 "I intend to cut as short as possible my  
6 sojourn in Europe and then go to America. I intend  
7 to indicate Japan's actual situation and a concrete  
8 draft of the basis of a Japanese-American understanding,  
9 and by negotiating directly with the Secretary of State  
10 to endeavour to improve Japanese-American relations.'

11 "On another occasion he said:

12 "It is regrettable that American sentiment  
13 towards Japan has grown greatly tense owing to the Tri-  
14 partite Pact. However, this I anticipated at the time  
15 of the conclusion of the pact. But this situation must  
16 not be neglected. I must go to America at any cost,  
17 and after directly bearing from the authorities America's  
18 real intentions, I must take appropriate measures.'

19 "So I spoke of my opinion and said:

20 "Since I believe that the tension of American  
21 sentiment toward Japan is due to the Tripartite Pact  
22 and the Chinese question, if a Japanese-American  
23 understanding is to be made possible, something must  
24 be done about the Tripartite Pact. The entire  
25

1 withdrawal of troops from China must also be considered.

2 If these two things are possible, I think the other  
3 questions are secondary.'

4 "To this Mr. MATSUOKA replied:

5 "I agree entirely. As you well know, the  
6 Tripartite Pact is not for the purpose of waging war.  
7 If such a situation should be created that Japan might  
8 be forced into war, the way of thinking concerning the  
9 Tripartite Pact must be fundamentally changed. If a  
10 pact aimed at preserving Japan should become a pact  
11 leading to the destruction of Japan, drastic measures  
12 will have to be taken against the pact. Concerning  
13 the whole-scale withdrawal from China, if one were to  
14 advocate that at the present moment, it would not  
15 pass in Japan. In any case, I must first of all  
16 directly negotiate with the American authorities.'

17 "Then I asked:

18 "Have you confidence in your ability to  
19 influence America if you were to go there?'

20 "Mr. MATSUOKA answered:

21 "I believe so. Americans do not indulge in  
22 intrigues nor in plots. They are fair and do not  
23 hamper themselves with what has passed or with barren  
24 logic. The reason why American diplomacy has always  
25 been so clear, is because of this. If I were to go

1 and adequately explain Japan's true intentions, and  
2 demonstrate Japan's sincerity, although it may be  
3 difficult to alter American opinion at one stroke, I  
4 do not think it impossible. For this, Japan must  
5 necessarily make great concessions, and I have prepared  
6 my own draft.'

7 "At that time in America, Mr. MATSUOKA was  
8 looked on in an extremely unfavorable light, and in  
9 my opinion I thought it might be better if someone  
10 else were to go, but Mr. MATSUOKA was confident that  
11 if he were to go himself there was hope that Japanese-  
12 American negotiations would be successful. Mr. MATSUOKA  
13 was cared for by an American missionary and spent his  
14 early years in America so he was well acquainted with  
15 American circumstances and American sentiments. In  
16 fact, when he returned from his European journey in  
17 May 1941, he said he would go in spite of the fact  
18 that his lungs were already in a bad condition and  
19 repeatedly took counsel with Premier KONOYE. Premier  
20 KONOYE was opposed to it, and Mr. MATSUOKA's trip to  
21 America was not realized. Soon, the third KONOYE  
22 Cabinet commonly said to be a reshuffle to eliminate  
23 MATSUOKA came into existence; attitude of the Japanese  
24 Government at the time of the third KONOYE Cabinet  
25 towards the Tripartite Pact became cool. It was

1 : rumored that Foreign Minister TOYODA said that Japan  
2 did not exist for the Tripartite Pact, but that the  
3 Tripartite Pact existed for Japan. When Mr. MATSUOKA  
4 heard of this he said that it was possible that things  
5 would go so far as the abrogation of the pact.

6 "Further he said:

7 "There are many instances of abrogations of  
8 newly-concluded treaties of abrogations during the  
9 effective period of treaties. I should like to know  
10 on what grounds in international law this can be  
11 justified.' When I visited Mr. MATSUOKA, who was con-  
12 fined to bed, as soon as I learned of the outbreak of  
13 war between America and Japan on 8 December 1941, he  
14 said: 'So it finally ended in war.'

15 "Then for a short time he maintained a sorrow-  
16 ful silence, and continued:

17 "If I had remained, I should have made all  
18 efforts to avoid war.' In September 1940 when Mr.  
19 MATSUOKA resolved to conclude the Tripartite Pact he  
20 said to me:

21 "I am neither pro-Anglo-American nor pro-  
22 Italo-German. I am pro-Japanese, and believe in world  
23 peace. The Tripartite Pact, the policy of Soviet-  
24 Japanese rapprochement and the Japanese-American  
25 problem, all these were because I wished to bring about



1 world peace, and because I thought about Japan. If  
2 Japan combines with Germany and Italy at this time,  
3 the public may say that I am pro-German. In foreign  
4 countries they may say that I support aggression. No  
5 matter what they may say, I do not care. However, I  
6 am absolutely against conquest. Not only am I opposed  
7 to Japanese conquest, but I am also opposed to conquest  
8 by other countries. If the Tripartite Pact should be  
9 used as a tool of aggression, such a pact must not be  
10 allowed to exist.'

11 "11. The Tripartite Pact was entirely  
12 separate from the negotiations among the three powers  
13 which took place before Mr. MATSUOKA's time, and was  
14 not a continuation of the former negotiations, which  
15 took place from the summer of 1938 to about August  
16 1939 between Japan, Germany and Italy. As was informed  
17 to the American Government through the Japanese Amba-  
18 sador in Washington at the end of August 1939, the  
19 former negotiations were absolutely dropped and have  
20 no connections with the Tripartite Pact of 1940.  
21 Mr. MATSUOKA was a man with considerable self-confidence,  
22 Mr. MATSUOKA was a senior member of the Foreign Minis-  
23 try and the four or five foreign ministers preceding  
24 him were his juniors or were absolute amateurs. So  
25 Mr. MATSUOKA did not think much of the men who preceded

1 him. Mr. MATSUOKA often told me as well as other  
2 people, that the Japanese diplomacy to date was utterly  
3 incompetent, and that fundamental reforms would have  
4 to be carried out. So when he became Foreign Minister,  
5 he immediately dismissed a large number of higher dip-  
6 lomats including ambassadors and ministers. Although  
7 this move was severely criticized by the public (some  
8 foreign papers called this mass dismissal a cleanout  
9 of the pro-Anglo-American school, but that was abso-  
10 lutely not so; many people of pro-German tendencies  
11 were also dismissed), this measure was taken as an  
12 unavoidable step to reform diplomacy. Since that was  
13 his character, he disliked being bothered with events  
14 in the past concerning important diplomatic questions.  
15 So he never looked at the Foreign Office records con-  
16 cerning the former negotiations between the three powers,  
17 nor did he order his subordinates to study them. At  
18 times, some persons spoke of the past negotiations,  
19 but he did not listen to them, and said that it belonged  
20 to the past and had no bearing on his diplomacy. In  
21 this manner, when Mr. Stahmer arrived in Tokyo in the  
22 autumn of 1940, at a meeting of the three persons  
23 Mr. Stahmer, Mr. Ott and Mr. MATSUOKA, Mr. MATSUOKA  
24 presented them with his own draft and the pact was  
25 concluded.

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1 "One of the reasons why Mr. MATSUOKA con-  
2 ducted diplomacy on his own in the second KONOYE  
3 Cabinet is due to the following circumstances: In  
4 1940, when Prince KONOYE was entrusted with the form-  
5 ing of the cabinet, immediately preceeding the for-  
6 mation, a meeting known as the Big Four Conference  
7 was held for two or three days, with KONOYE, TOJO,  
8 Navy Minister YOSHIDA and MATSUOKA taking part at  
9 Prince KONOYE's private residence. At this confer-  
10 ence Mr. MATSUOKA stressed that if he were to become  
11 Foreign Minister all diplomatic questions would be  
12 left to him. If other Ministers were to interfere  
13 he would not be able to accept the post. The other  
14 three leaders agreed to this. This fact was told to  
15 me by Mr. MATSUOKA, and ever since, diplomacy was  
16 carried on solely by Mr. MATSUOKA. These circumstances  
17 continued at least until about the time of the con-  
18 clusion of the Tripartite Pact. One day at that time  
19 I saw Prince KONOYE in the Japanese room at the  
20 Premier's official residence on official business at  
21 the order of Mr. MATSUOKA, and I remember that Prince  
22 KONOYE complained about Mr. MATSUOKA's arbitrary  
23 actions.  
24

25 "/s/ SAITO."

You may cross-examine the witness.

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: If it please the Tribunal,  
3 the prosecution views this affidavit as being of a  
4 very general character, and considerable evidence, in  
5 fact, hundreds of pages of evidence, of the prosecution  
6 relates to these matters. Due to the great volume of  
7 prosecution evidence that does relate to it, we have  
8 decided not to attempt to cite it specifically.

9 We do not desire to cross-examine.

10 MR. CUNNINGHAM: I might suggest in response  
11 that I refer the Tribunal to pages 6345 and 6391 of  
12 the transcript of the record, which evidence is in  
13 support of the contentions claimed by this witness,  
14 and I refer to exhibits 551 to 554, inclusive.

15 I ask that the witness be excused on the  
16 usual terms.

17 THE PRESIDENT: He is excused accordingly.

18 (Whereupon, the witness was excused.)  
19

20 - - -

21 MR. CUNNINGHAM: I offer in evidence defense  
22 document 1936, the affidavit of MATSUMOTO Shunichi.

23 I understand there will be no cross-examination  
24 of the witness and therefore he hasn't been called.

25 THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 1936

1 will receive exhibit No. 3144.

2 (Whereupon, the document above  
3 referred to was marked defense exhibit  
4 No. 3144 and received in evidence.)

5 MR. CUNNINGHAM: I now offer in evidence  
6 defense document 1936, exhibit 3144, and offer to  
7 read the same into the record, skipping the formal  
8 parts:

9 "I, MATSUMOTO, Shunichi, state under oath as  
10 follows:

11 "1. I was born in 1897. My present address  
12 is Yokigaya-machi, Ota-ku, Tokyo-to.

13 "I entered the Foreign Office in 1921 after  
14 graduating from the Tokyo Imperial University, Faculty  
15 of Jurisprudence. I was Director of the Treaty Depart-  
16 ment of the Foreign Office from September 1940 until  
17 November 1942.

18 "2. In September 1940 I was recalled from my  
19 post as the Councillor of the Japanese Embassy in China  
20 (Nanking) to Tokyo and appointed the Director of the  
21 Treaty Department of the Foreign Office. I was told  
22 by Foreign Minister MATSUOKA about matters concerning  
23 the Japanese-German negotiations for the Tripartite  
24 Pact and was ordered by him to participate therein.  
25 At that time a draft of the Pact had already been

1 drawn up on the basis of conversations of the Foreign  
2 Minister with Mr. Stahmer and Ambassador Ott. I  
3 participated thereafter until the conclusion of the  
4 Pact on 27 September 1940 in the technical redaction  
5 of the details, etc. As far as I know, the negoti-  
6 ations for the Tripartite Pact were conducted on the  
7 Japanese side almost by Foreign Minister MATSUOKA alone,  
8 and Mr. SAITO, Ryoei, the Advisor to the Foreign Mini-  
9 ster, and I advised him on technical matters.

10 "2. Defense document No. 1656 --" which we  
11 offer for identification.

12 CLERK OF THE COURT: Defense document 1656,  
13 being a book entitled, "Outline of Treaties and Pro-  
14 ceedings between Japan, Italy, and Germany," will  
15 receive exhibit No. 3145 for identification only.

16 (Whereupon, the document above  
17 referred to was marked defense exhibit  
18 No. 3145 for identification.)

19 MR. CUNNINGHAM (Reading continued): " -- which  
20 is entitled 'Outline of the Process of Drawing up of  
21 Various Drafts and of the Internal Procedure Pertain-  
22 ing to the Tripartite Pact of Japan-Germany-Italy,'  
23 was compiled by me immediately after the conclusion of  
24 the pact with the purpose of preventing the scattering  
25 and loss of pertinent documents and of preserving them.

1 as official records. A limited number thereof was  
2 printed in October 1940 as an official record of the  
3 Foreign Office.

4 "The description at the top of '1) Outline  
5 of the Process of Drawing up of Various Drafts of the  
6 Tripartite Pact of Japan-Germany-Italy and Pertaining  
7 Documents' was written by myself with the purpose of  
8 explaining the process of the drafting of various  
9 documents and their relation to each others.

10 "On this 28th day of July, 1947.

11 "/s/ MATSUMOTO."

12 I now offer in evidence defense document  
13 1656-A, which is a number of excerpts from defense  
14 document 1656.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 1656-A  
17 will receive exhibit No. 3145-A.

18 (Whereupon, the document above  
19 referred to was marked defense exhibit  
20 No. 3145-A and received in evidence.)

21 MR. CUNNINGHAM: I propose to read the per-  
22 tinent parts or the parts which have been changed. I  
23 will note them as I go along.

24 First page, cover page:

25 "Outline of the Process of Drafting Various

1 Drafts and of the Internal Procedure Pertaining to  
2 the Tripartite Pact of Japan, Germany and Italy.

3 "Treaty Department, Foreign Office."

4 Skipping to the top paragraph:

5 "1. On 5 September 1940 a plan an Annex No.  
6 1 was drafted by Vice Foreign Minister OHASHI, the  
7 Advisors SHIRATORI and SAITO, and presented by Foreign  
8 Minister MATSUOKA to the Four-Minister Conference for  
9 consideration.

10 "2. Prior to that, Minister Stahmer, who  
11 was specially dispatched by German Foreign Minister  
12 Ribbentrop, left Berlin on 23 August, and via Moscow  
13 arrived in Tokyo on 7 September. On 9 September he,  
14 together with Ambassador Ott, visited Minister  
15 MATSUOKA at the latter's private residence for a con-  
16 ference, which renewed on the following day, the 10th.  
17 The record taken at that time is attached hereto as  
18 Annex No. 2.

19 "3. This result was reported by the German  
20 side to Foreign Minister Ribbentrop, who sent a  
21 counter-proposal (Annex No. 3) by telegram. This was  
22 handed at 8:30 p.m. on 14 September by Ambassador Ott  
23 and Minister Stahmer to Minister MATSUOKA. This draft  
24 differed from the original one insofar as it inserted  
25 in Paragraph III a phrase 'openly or in a concealed



1 form.' (We requested this phrase be stricken out,)  
2 and added the Paragraph V (concerning Soviet Russia.)  
3 (This draft was made the basic subject of discussion  
4 on the Extraordinary Cabinet Meeting of 16 September  
5 and on the Imperial Conference of 19 September.)

6 "4. On the basis of this draft of Foreign  
7 Minist Ribbentrop we drafted a pact; besides, we  
8 summarized the result of the conversations with Ott  
9 and Stahmer into a Secret Protocol and two notes to  
10 be exchanged (one concerns the question of German and  
11 Italian collaboration in case of a Japanese-British  
12 conflict, and the other concerns the South Sea Islands  
13 under the Mandate.) These were handed on 19 September  
14 by Advisor SAITO to the German Ambassador (Annex No. 4)

15 "5. These drafts were revised on the 20th  
16 into Annex No. 5 after taking German wishes into con-  
17 sideration. (Paragraph VI of the draft of the Proto-  
18 col was inserted upon German request, and the end of  
19 the note concerning the Japanese-British conflict was  
20 revised.)

21 "6. On 21 September the German side presented  
22 a draft of a pact as Annex No. 6 in accordance with  
23 the instruction from the home Government (Foreign  
24 Minister Ribbentrop left Berlin on 18 and conferred  
25 with Prime Minister Mussolini and Foreign Minister

1 Ciano on 19th and 20th concerning this matter. It is  
2 assumed therefore that this instruction came from Rome.)  
3 As the explanation for revising the Paragraph III, an  
4 excerpt from the instruction as Annex No. 7 was attach-  
5 ed. This draft was revised into Annex No. 8 on the  
6 conference of Minister MATSUOKA (MATSUMOTO attending,) Ott  
7 and Stahmer. ((1) The words of 'declaration of war'  
8 was deleted because of, among others, strong opposition  
9 of the Navy, and (2) provisions concerning the Mixed  
10 Commission were broadened so as to enable the establish-  
11 ment of an Economic Commission.) In addition, the  
12 German side requested to drop the Protocol and other  
13 notes because they were one-sided in the present form,  
14 and it was difficult and time-consuming to perfect them  
15 in order to get the Italian consent. Thereupon, we  
16 proposed to convert the content of the Secret Protocol  
17 into a note to be exchanged only between Japan and Ger-  
18 many, to exchange the note concerning the Japanese-  
19 British conflict also only between Japan and Germany,  
20 and to formulate the note concerning the Mandate so as  
21 to confirm an oral statement of the German Ambassador.  
22 As a result thereof we made a draft as Annex No. 9 and  
23 sent it to the German Embassy.

24 "7. During the conference begun at five  
25 o'clock of that evening (Minister MATSUOKA, Chief of

1 Department NATSUMOTO, Ott and Stahmer) the Pact was  
2 decided as Annex No. 10; as to the note concerning the  
3 Japanese-British conflict it was decided upon German  
4 request to make it a letter and number it as Annex No.  
5 11; concerning the Mandate it was decided as Annex No.  
6 12 (Minister MATSUOKA left the conference and was sub-  
7 stituted by Advisor SAITO.) As to the draft of the  
8 note containing the content of the Secret Protocol the  
9 German side did not agree, and Ambassador Ott himself  
10 dictated to the Chief of Department MATSUMOTO a draft  
11 of a letter of Ott as Annex No. 13 and requested that  
12 it be studied. On the same day Stahmer had told to  
13 Advisor SHIRATORI that the German side wished to sign  
14 this Pact in Berlin. Minister MATSUOKA therefore  
15 touched the question of the place of signing during  
16 this conference, and said that if the place of signing  
17 should be Berlin, it would be an idea to make the ex-  
18 change of letters between the Minister himself and  
19 Ambassador Ott.  
20

21 "8. In the afternoon of 23 September, the  
22 Chief of Treaty Department MATSUMOTO handed upon in-  
23 struction of the Foreign Minister a document as  
24 Annex No. 14 to Ott and Stahmer at the German Embassy,  
25 and requested that it be sent to Berlin by telegram.  
On the following day, the 24th Councillor Boltze of

1 the German Embassy visited MATSUMOTO and said concern-  
2 ing Annex No. 14 that the following telegraphic instruc-  
3 tion was received: As to the item (1), the German  
4 Government sincerely hopes to sign in Berlin; as to  
5 the item (2), it was being considered by the German  
6 and Italian Governments; as to the item (3), it could  
7 not be accepted because it would take time to make  
8 the letter perfect as its content was one-sided.

9 "9. At five o'clock in the evening of 24  
10 September Minister MATSUOKA (MATSUMOTO attending) met  
11 Ott and Stahmer. First, the Pact was decided as Annex  
12 No. 15. Next, the letter concerning the Japanese-  
13 British conflict was decided as Annex No. 16, and the  
14 letter concerning the Mandate was decided as Annex No.  
15 17, after substituting 'in a way' for 'adequately'  
16 (the German side explained that the compensation was  
17 a matter of principle and can in fact be only nominal,  
18 and that, for instance, 6 sacks of coffee would be suf-  
19 ficient.) As to the letter originating from the draft  
20 of a Secret Protocol Minister MATSUOKA presented a  
21 draft as Annex No. 18; the German side thereupon pre-  
22 sented a revised draft of Annex No. 13; after combin-  
23 ating the both proposals a document as Annex No. 19 was  
24 drafted, which was sent to the German Embassy on the  
25 following 25th and made final.

1 "10. At eleven o'clock a.m. of 25 September  
2 Councillor Boltze of the German Embassy visited MATSUMOTO  
3 to tell that the following telegram was received by  
4 the Ambassador from the German Foreign Office:

5 "(1) The German Government accepts the text  
6 of the Pact (in English).

7 "(2) The German Government is convinced that  
8 the Italian Government also will accept the text. The  
9 German Foreign Office requested that the Italian Foreign  
10 Office instruct the Italian Ambassador in Tokyo to state  
11 formally to Minister MATSUOKA the acceptance of the Pact.

12 "(3) (a) The German Government agrees to sign  
13 the English text as a temporary measure.

14 "(b) That fact shall be kept absolutely secret.

15 "(c) About two weeks afterwards Japanese,  
16 German and the Italian texts will be secretly substituted  
17 for the English text and signed.

18 "(d) The Letter of Credence for Ambassador  
19 KURUSU will be deposited with the German Embassy in  
20 Tokyo, and that fact will be telegraphed from the  
21 Ambassador to the German Foreign Office (concerning this  
22 point the Chief of Treaty Department said that, because  
23 in case of a treaty as this without ratification clause  
24 no formal Letter of Credence would be issued, the Foreign  
25 Minister would inform the German Ambassador in Tokyo -

1 that the Imperial Sanction was given for Ambassador  
2 KURUSU to conclude the Pact. Councillor Boltze answered  
3 that that would be sufficient).

4 "(5) If possible, to sign the Pact on Thursday  
5 (MATSUMOTO said that that was practically impossible).  
6 Besides, the Ambassador desires that the draft of the  
7 Premier Minister's statement be cabled to Ambassador  
8 KURUSU and presented to the German Foreign Minister for  
9 consultation, and that the three letters be absolutely  
10 not referred to when Minister MATSUOKA should see the  
11 Italian Ambassador (it was agreed in addition that of the  
12 three letters those from the Minister to the Ambassador  
13 should be in Japanese with English translation, and  
14 those from the Ambassador to the Minister should be in  
15 German with English translation).

16 "11. The Italian Ambassador in Tokyo, Indelli,  
17 visited Minister MATSUOKA at 11:30 a.m. of 25 September  
18 and stated formally that the Italian Government agreed  
19 to this Pact.

20 "12. In the afternoon of that day MATSUMOTO  
21 visited Minister Stahmer at the German Embassy and stated  
22 that the signing would be possible on 27th as it was  
23 decided to present the draft of the Pact to the Privy  
24 Council on 26th."

25 I want to refer at that point to the prosecution

1 exhibit No. 553, which is the action of the Privy  
2 Council on that.

3 (Reading continued):

4 "After consultation it was agreed temporarily  
5 to sign the English text at noon of 27th (Berlin time),  
6 and to telegraph this agreement to Berlin.

7 "13. According to a telephone call from the  
8 German Embassy the signing took place at 1:15 p.m.,  
9 instead of at noon, Berlin time (at 7:00 p.m. Tokyo time),  
10 as it had been agreed, because of a delay of the aeroplane  
11 of the Italian Foreign Minister.

12 "14. After the signing at 9:30 o'clock of that  
13 evening MATSUMOTO carried out the exchange of the three  
14 letters with Ambassador Ott (Stahmer attending) at the  
15 German Embassy (Annex No. 20)."  
16  
17  
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1 Now, Annex No. 1 will not be read. It is  
2 already in evidence as prosecution's exhibit No. 541,  
3 transcript pages 6037, 6321.

4 Annex No. 2 will be read:

5 "On the tenth of September 1940 the Foreign  
6 Minister conferred at his private residence with  
7 Minister Stahmer and the German Ambassador in Japan,  
8 and after exchanging questions and answers in continuance  
9 of the previous day, read the private and tentative plan  
10 of the Foreign Minister as of Appendix A, explaining  
11 that it was a summary of statement by the German side  
12 on the first conference of the 9th of September, and  
13 that it would be binding for nobody other than the  
14 Foreign Minister as an individual. He handed then at  
15 the same time a copy of the above and requested that  
16 it be studied. The two visited again the Foreign  
17 Minister at his private residence on the 11th of  
18 September (10:15-10:45 hours), presented a counter-  
19 proposal as of Appendix B, and explained the content  
20 saying that only Paragraph III was different from the  
21 private plan of the Foreign Minister. They added further  
22 that the counter-proposal was a private plan of them  
23 only and was not binding for the German Government."

24 Annex No. 2:

25 "TENTATIVE FORMULA



1 "I. Japan to recognize and respect the  
2 leadership of Germany and Italy in the establishment  
3 of a new order in Europe.

4 "II. Germany and Italy to recognize and re-  
5 spect the leadership of Japan in the establishment of  
6 a new order in Greater East Asia.

7 "III. Japan, Germany and Italy to agree mutually  
8 to cooperate in their efforts on aforesaid lines and to  
9 consult with one another as to the suitable and effective  
10 means to remove and overcome any and all obstacles and  
11 hindrances to the achievement of their respective aims.

12 "IV. Japan, Germany and Italy to agree to pull  
13 together and coordinate their endeavours with a view,  
14 to establishing a new world order to meet the changed  
15 and changing world conditions, which alone can be a  
16 just and durable foundation for peace."

17 Annex No. 2, Appendix B:

18 "TENTATIVE FORMULA.

19 "I. Japan to recognize and respect the leader-  
20 ship of Germany and Italy in the establishment of a  
21 new order in Europe.

22 "II. Germany and Italy to recognize and respect  
23 the leadership of Japan in the establishment of a new  
24 order in Greater East Asia.

25 "III. Japan, Germany and Italy to agree mutually

1 to cooperate and to consult in their efforts on afore-  
2 said lines and to assist one another with all political,  
3 economical and military means when one of the three powers  
4 concerned will be attacked by a power not included in  
5 the present European war or the Japanese-Chinese conflict.

6 "IV. Japan, Germany and Italy to agree to pull  
7 together and coordinate their endeavours with a view  
8 to establishing a new world order to meet the changed  
9 and changing world conditions which alone can be a just  
10 and durable foundation for peace."

11 Now, we skip Annex 2, No. 2, which is in evidence  
12 in prosecution's exhibit No. 549, transcript pages 6323,  
13 6327.

14 Now, Annex No. 3. I believe your Honors' is  
15 marked the same as mine, so unless there is some dis-  
16 crepancy discovered, I will --

17 (Reading continued):

18 "FORMULA OF THE GERMAN FOREIGN MINISTER

19 "I. Japan recognizes and respects the leader-  
20 ship of Germany and Italy in the establishment of a  
21 new order in Europe.

22 "II. Germany and Italy recognize and respect  
23 the leadership of Japan in the establishment of a new  
24 order in Greater East Asia.

25 "III. Japan, Germany and Italy agree to cooperate

1 in their efforts on the aforesaid lines. They further  
2 undertake to assist one another with all political,  
3 economic and military means when one of the three powers  
4 concerned will either openly or in concealed form be  
5 attacked by a power at present not included in the  
6 European war or in the Japanese-Chinese conflict.

7 "IV. Japan, Germany and Italy agree to  
8 cooperate and to coordinate their endeavours with a  
9 view to establishing a new world order to meet the  
10 changed and changing world conditions, which is alone  
11 a just and enduring foundation of peace.

12 "V. Japan, Germany and Italy agree that the  
13 aforesaid terms do not in any way affect the present  
14 political status between the three aforementioned  
15 powers and Soviet Russia.

16 "VI. Japan, Germany and Italy will, without  
17 delay, conclude a treaty laying down the details of  
18 the application of the aforementioned terms."

19 Annex 4:

20 "THREE POWERS PACT BETWEEN JAPAN, GERMANY AND  
21 ITALY

22 "The Governments of Japan, Germany and Italy,  
23 considering it as the condition precedent of any lasting  
24 peace that all nations of the world be given each its  
25 own proper place, have decided to stand by and cooperate

1 with one another in regard to their efforts in Greater  
2 East Asia and the regions of Europe respectively wherein  
3 it is their prime purpose to establish and maintain  
4 a new order of things calculated to promote the mutual  
5 prosperity and welfare of the peoples concerned. . . +  
6 Futhermore, it is the desire of the three Governments  
7 to extend cooperation to such nations in other spheres  
8 of the world as may be inclined to put forth endeavours  
9 along lines similar to their own, in order that their  
10 ultimate aspirations for world peace may thus be realized.  
11 Accordingly the Governments of Japan, Germany and Italy  
12 have agreed as follows:

13 "I. Japan recognizes and respects the leader-  
14 ship of Germany and Italy in the establishment of a  
15 new order in Europe.

16 "II. Germany and Italy recognize and respect  
17 the leadership of Japan in the establishment of a new  
18 order in Greater East Asia.

19 "III. Japan, Germany and Italy agree to  
20 cooperate in their efforts on the aforesaid lines. They  
21 further undertake to assist one another with all . . . c  
22 political, economic and military means when one of the  
23 three contracting Powers concerned is attacked (either  
24 openly or covertly) by a power at present not involved  
25 in the European war or in the Japanese-Chinese conflict.

1 "IV. Japan, Germany and Italy affirm that  
2 the aforesaid terms do not in any way affect the  
3 political status which exists at present as between  
4 each of the three contracting Powers and Soviet Russia.

5 "V. The present Pact shall come into effect  
6 immediately upon signature and shall remain in force  
7 for ten years from the date of its coming into force.

8 "At the proper time before the expiration of  
9 the said term the High Contracting Parties shall, at  
10 the request of any one of them, enter into negotiations  
11 for its renewal.

12 "In faith whereof, the undersigned, duly  
13 authorized by their respective Government, have signed  
14 this Pact and have affixed hereto their seals.

15 "Done in triplicate," and so on.

16 THE PRESIDENT: We will adjourn until half-  
17 past one.

18 (Whereupon, at 1200, a recess was taken.)

19 - - -  
20  
21  
22  
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24  
25

## AFTERNOON SESSION

1  
2 The Tribunal met, pursuant to recess,  
3 at 1330.

4 MARSHAL OF THE COURT: The International  
5 Military Tribunal for the Far East is now resumed.  
6

7 THE PRESIDENT: Mr. Cunningham.

8 MR. CUNNINGHAM: Before the recess we dis-  
9 continued on Annex 4. I begin reading Annex 4.

## "PROTOCOL

10  
11 "With reference to the Pact signed on this  
12 day by the representatives of Japan, Germany and Italy  
13 the Contracting Parties have arrived at the following  
14 understanding.

15 "I. With a view to determine by consultation  
16 with one another the detailed arrangements on the co-  
17 operation and mutual assistance between Japan, Germany  
18 and Italy as stipulated in Paragraph III. of the Pact,  
19 Joint Military and Naval Commissions, preferably one at  
20 Tokio and another at Berlin or Rome, together with a  
21 Joint Economic Commission, shall forthwith be organized.  
22 The composition of the aforesaid Commission shall be  
23 determined through consultation by the Governments of  
24 Japan, Germany and Italy.

25 "The conclusions of the said Commissions shall

1 be submitted to the respective Governments for approval  
2 in order to be put in force.

3 "II. Whether or not a Contracting Party or  
4 Parties has or have been attacked openly or covert-  
5 ly as stipulated in Paragraph III of the Pact shall be  
6 determined by the respective Governments, and in case  
7 the fact of such an attack has been established the  
8 measure of mutual assistance of political, economic and  
9 military nature to be adopted by the Contracting Par-  
10 ties shall be studied and recommended by the aforesaid  
11 Commissions, subject to approval of the respective  
12 Government.  
13

14 "III. As the cooperation and mutual assistance  
15 stipulated in Paragraph III of the Pact have in view as  
16 fundamental aims the efforts to establish forthwith a  
17 new order in Greater East Asia and Europe, to eventu-  
18 ate in a new world order, blessing Humanity with a just  
19 and equitable peace, Germany and Italy shall, in time  
20 of peace as well as war, take all possible measures to  
21 restrain a Third Power or Powers on the Atlantic with  
22 a view to better enabling Japan, Germany and Italy to  
23 accomplish their common aim of establishing a new order  
24 in Greater East Asia and in the Pacific Basin in Genera-  
25

"In the event of Japan being attacked by a  
Power or Powers not at present involved in either the

1 European War or the Sino-Japanese conflict referred to  
2 in the last part of Paragraph III of the present Pact,  
3 Germany and Italy also undertake to come to Japan's  
4 assistance in the Pacific Ocean with all their means  
5 and resources.

6 "IV. While Germany and Italy undertake to  
7 use their good offices with a view of improving rela-  
8 tions between Japan and the U.S.S.R., Japan, Germany  
9 and Italy shall make utmost efforts to induce the  
10 U.S.S.R. to act in accord with the main purposes of  
11 the present Pact.

12 "V. The Contracting Parties undertake to ex-  
13 change from time to time without delay all useful inven-  
14 tions and devices of war and to supply one another with  
15 war equipments, such as aeroplanes, tanks, guns, explo-  
16 sives, etc, with each Party may reasonably spare, to-  
17 gether with technical skill and men, should they be  
18 required. Furthermore, they are prepared to do utmost  
19 in furnishing one another with and in aiding one another  
20 in the efforts to procure minerals including oil and  
21 other materials as well as machinery for war industries  
22 and various requisites for livelihood with machinery of  
23 all sorts employed in the production of such requisites.

24 "VI. The present Protocol shall remain secret  
25 and shall not be published."



1 "Strictly Confidential

2 "Excellency:

3 "I have the honour to state that, the Japanese  
4 Government earnestly share the hope with the Governments  
5 of Germany and Italy that the present European War will  
6 remain limited as far as possible in its sphere and  
7 scope and will come to a speedy conclusion and that  
8 they shall on their part spare no effort in that direc-  
9 tion.

10 "However, the conditions actually prevailing in  
11 Greater East Asia and elsewhere do not permit the Japane-  
12 ese Government to rest assured that there is no danger  
13 whatever of an armed conflict taking place between Japar  
14 and Great Britain, and accordingly they desire to call  
15 attention of the German and Italian Governments to such  
16 a possibility and to ask the German and Italian Govern-  
17 ments whether in such eventuality the Japanese Govern-  
18 ment may expect assistance and cooperation in every  
19 possible form as provided for under Paragraph III of  
20 the present Pact mutatis mutandis.

21  
22 "I avail myself of this opportunity to renew  
23 to Your Excellency the highest consideration."

24 THE PRESIDENT: Mr. Cunningham, I understand  
25 you desire us to note the changes made in these docu-  
ments in the course of the negotiations.

1 MR. CUNNINGHAM: Well, I plan to emphasize  
2 it with inflection, and also, it will become apparent  
3 to your Honors as we go through the variations. I  
4 shall not repeat any that are similar and therefore  
5 only read those in which there are changes notable,  
6 unless you have a better suggestion.

7 THE PRESIDENT: No, I can suggest nothing  
8 better than to intimate to the Court the changes that  
9 were made. These documents are new to us.

10 MR. CUNNINGHAM: I will do my best.

11 (Continuing reading) "I have the honour to  
12 state to Your Excellency that inasmuch as the German and  
13 Italian Governments recognize and respect the leader-  
14 ship of Japan in regard to the establishment of a new  
15 order in Greater East Asia, it is considered highly  
16 desirable by this Government that all the former German  
17 Colonies in the Pacific area should be ceded to Japan,  
18 without compensation in the case of the Group of Is-  
19 lands mandated by Japan and with proper compensation  
20 in the case of other mandated islands as well as  
21 those actually in British possession.

22 "It is understood as matter of course that  
23 Japan shall accord a specially favourable treatment to  
24 the activities of Germany and her nationals in these  
25 regions as compared to any other nation or their

1 nationals.

2 "I avail myself of this opportunity to renew  
3 to Your Excellency the highest consideration."

4 The next is the first basic draft. I shall  
5 read hereafter only the changes made to the draft.

6 Annex 5 is the same as Annex 4 except page 5,  
7 Roman Numeral VI. I go to page 5, Roman Numeral VI:

8 (Reading) "In conformity with the spirit  
9 which prompted the conclusion of the present Pact, the  
10 Governments of the Contracting Parties undertake to  
11 enter into negotiations without delay, with a view to  
12 deciding upon measures of assuring to the other Con-  
13 tracting Parties of their Nationals, in their commer-  
14 cial and industrial activities in the regions where  
15 the Contracting Parties are respectively recognized to  
16 have leadership by virtue of Paragraph I and II of the  
17 present Pact a position which is preponderant in compari-  
18 son to that of any Third Power and its nationals."

19 I now go to the next page, page 6:

20 "However, the conditions actually prevailing  
21 in Greater East Asia and elsewhere do not permit the  
22 Japanese Government to rest assured that there is no  
23 danger whatever of an armed conflict taking place be-  
24 tween Japan and Great Britain, and accordingly they de-  
25 sire to call attention of the German and Italian Govern-

1 ments to such a possibility and they feel confident  
2 that Germany and Italy will do their utmost to aid Japan  
3 in such eventuality with all means in their power."

4 This Annex 6 is the same as Annex 5 except  
5 page 2, Roman Numerals III and IV. I will only read  
6 page 2, Roman Numerals III and IV:

7 "III. Japan, Germany and Italy agree to co-  
8 operate in their efforts on the aforesaid lines. If  
9 a power not at present included in the European War or  
10 the Chinese-Japanese conflict commits an act of aggres-  
11 sion against one of the three contracting parties, Japan,  
12 Germany and Italy undertake to declare war on such  
13 power and to assist one another with all political,  
14 economic and military means.

15 "IV. With a view to implementing the present  
16 pact, conversations between the general staffs of the  
17 Japanese, German and Italian forces will be opened by  
18 the technical commissions which will meet without delay."

19 Then I go to Annex 7 and read the total of  
20 that. It is very brief.

21 "In our opinion an explicit emphasis of the  
22 obligation to declare war would have a specially strong  
23 neutralizing effect on America. America would cer-  
24 tainly hesitate ten times before entering the war if  
25 the pact stated in clear and impressive terms that

1 America would then automatically be at war with three  
2 great powers."

3 Annex 8 is the same as Annex 6 except Roman  
4 numerals III and IV. I shall read only those.

5 "Japan, Germany and Italy agree to cooperate  
6 in their efforts on the aforesaid lines. If a power  
7 not at present included in the European War or the  
8 Chinese-Japanese conflict commits an act of aggression  
9 against one of the three Contracting Parties, Japan,  
10 Germany and Italy undertake to assist one another with  
11 all political, economic and military means.

12 "IV. With a view to implementing the present  
13 Pact, Joint Technical Commissions the members of which  
14 are to be appointed by the respective Governments of  
15 Japan, Germany and Italy will meet without delay."

16 Now 9. I will read the whole except the last  
17 part, the formal part:

18 "Strictly Confidential

19 "Excellency:

20 "I have the honour to state that the following  
21 are some of the salient points of our several conversa-  
22 tions that had taken place from the 9th to the 21st  
23 September, 1940, relative to the conclusion of the Three  
24 Powers Pact signed on this day:

25 "1. Joint Technical Commissions, stipulated

1 in Paragraph IV of the Pact, shall be organized at once  
2 together with a Joint Economic Commission. The com-  
3 position of the aforesaid Commissions shall be deter-  
4 mined through Consultation by the Governments of Japan,  
5 Germany and Italy.

6 "The conclusions of the said Commissions shall  
7 be submitted to the respective Governments for approval  
8 in order to be put in force.

9 "II. Whether or not a power not at present  
10 involved in the European War or the Sino-Japanese  
11 Conflict has committed an act of aggression against one  
12 of the three Contracting Parties as stipulated in  
13 Paragraph III of the Pact, shall be determined upon  
14 consultation among the Japanese, German and Italian  
15 Governments, and in case the fact of such an aggression  
16 had been established the measures of mutual assistance  
17 of political, economic and military nature to be adop-  
18 ted by the Contracting Parties shall be studied and  
19 recommended by the aforesaid Commissions, subject to  
20 approval of the respective Governments.

21 "III. As the cooperation and mutual assis-  
22 tance stipulated in Paragraph III of the Pact have in  
23 view as fundamental aims the efforts to establish forth-  
24 with a new order in Greater East Asia and Europe, to  
25 eventuate in a new world order, blessing Humanity with

1 a just and equitable peace. Germany shall, in time of  
2 peace as well as war, take all possible measures in  
3 conjunction with Italy, to restrain a Third Power or  
4 Powers on the Atlantic with a view to better enabling  
5 Japan, Germany and Italy to accomplish their common  
6 aim of establishing a new order in Greater East Asia  
7 and in the Pacific Basin in general.

8 "In the event of Japan being attacked by a  
9 Power or Powers not at present involved in either the  
10 European War or the Sino-Japanese conflict referred to  
11 in the last part of Paragraph III of the present Pact,  
12 Germany also undertakes to come to Japan's assistance  
13 in the Pacific Ocean with all their means and resources.  
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1 "IV. While Germany undertakes to use their  
2 good offices with a view to improving relations between  
3 Japan and the U.S.S.R., Japan and Germany shall make  
4 utmost efforts to induce the U.S.S.R. to act in accord  
5 the main purpose of the present Pact.

6 "V. Japan and Germany undertake to exchange  
7 from time to time without delay all useful inventions  
8 devices of war and to supply mutually with war equip-  
9 ments, such as aeroplanes, tanks, guns, explosives,  
10 etc., which they may reasonably spare, together with  
11 technical skill and men, should it be required. Fur-  
12 thermore they are prepared mutually to do utmost in  
13 furnishing with and in aiding in the efforts to pro-  
14 cure minerals including oil and other materials as  
15 well as machinery for war industries and various  
16 requisites for livelihood with machinery of all sorts  
17 employed in the production of such requisites.

18 "It is needless to say that the above under-  
19 standings shall remain secret and shall not be published.

20 "It is desired that Your Excellency would con-  
21 firm the understandings as above set forth."

22 "Strictly Confidential.

23 "Excellency:

24 "I have the honour to inform Your Excellency  
25 that, the Japanese Government earnestly share the hope



1 with the Governments of Germany and Italy that the  
2 present European War will remain limited as far as  
3 possible in its sphere and scope and will come to a  
4 speedy conclusion and that they shall on their part  
5 spare no effort in that direction.

6 "However, the conditions actually prevailing  
7 in Greater East Asia and elsewhere do not permit the  
8 Japanese Government to rest assured that there is no  
9 danger whatever of an armed conflict taking place be-  
10 tween Japan and Great Britain, and accordingly they  
11 desire to call attention of the German Government to  
12 such a possibility and to state that they feel confid-  
13 ent that Germany will do their utmost to aid Japan in  
14 such eventuality with all means in their power."

15 "Excellency:

16 "I have the honour to ask your Excellency to  
17 confirm the accuracy of the following oral declaration  
18 which was made by Your Excellency on behalf of the  
19 German Government:

20 "The German Government agree that the former  
21 German Colonies actually under Japan's Mandate in the  
22 South Seas will forever remain in Japan's possession  
23 against an adequate compensation. In regard to other  
24 former Colonies in the South Seas, the German Govern-  
25 ment undertake to confer with the Japanese Government

1 upon and after the conclusion of the Three Powers Pact,  
2 in an accommodating spirit, with the view to disposing  
3 them as far as possible in Japan's favour."

4 Then Annex 10 is the same as the final Pact,  
5 which is prosecution exhibit 43, transcript pages 6391  
6 to 6393.

7 Annex 11 corresponds to prosecution's exhibit  
8 555-C, transcript pages 6400, 6401.

9 That takes us down to Annex No. 12:

10 "I have the honour to ask Your Excellency to  
11 confirm the following oral declaration which was made  
12 by Your Excellency on behalf of the German Government:

13 "The German Government agree that the former  
14 German Colonies actually under Japan's Mandate in the  
15 South Seas will remain in Japan's possession, it being  
16 understood that Germany be adequately compensated there-  
17 for. In regard to other former Colonies in the South  
18 Seas, they shall be restored automatically to Germany  
19 upon conclusion of peace ending the present European  
20 War. Afterwards the German Government would be pre-  
21 pared to confer, in accommodating spirit, with the  
22 Japanese Government with a view to disposing of them  
23 as far as possible in Japan's favour against compensa-  
24 tion.

25 "I avail myself of this opportunity" and so on.

"Excellency:

1 "I have the honour to acknowledge receipt of  
2 Your Excellency's letter of this date, No. 1111, and  
3 to confirm the oral declaration made by me concerning  
4 the former German Colonies in the South Seas which is  
5 contained in Your Excellency's letter under reply.

6 "I avail myself" and so on.

7 I go to Annex 13:

8 "Excellency:

9 "In the moment when our conversations concern-  
10 ing the Three Powers Pact are to be concluded success-  
11 fully, it is Minister Stahmer's and my sincerest de-  
12 sire to express to Your Excellency our heartiest re-  
13 gard for your leading and generous cooperation in most  
14 accommodating spirit. We should like to state once  
15 more in this letter the conformity concerning the  
16 salient points which we always have found in our con-  
17 versations with Your Excellency in regard of the aims  
18 and details of the Pact.

19 "The German Government are convinced that the  
20 Contracting Parties are going to enter in now and desire  
21 a period of World History in which they will be charg-  
22 ed with leadership of the establishment and new order  
23 in Greater East Asia and in Europe. The recognition  
24 of our interest with are in conformity for the present  
25

1 time and for long future and unlimited mutual confid-  
2 ence of the Contracting Parties are forming the solid  
3 bases of the three Powers Pact. The German Government  
4 are convinced that the technical details of the Pact  
5 will resolve without difficulties on fundamental con-  
6 fidence and that it would be contrary to the far-reach-  
7 ing importance of the Pact to fix formally some single  
8 questions which would never thoroughly work out.

9 "If Japan contrary to the aim of the Pact  
10 would be involved in a Conflict with a power until  
11 now not belligerent, the German Government will be  
12 obliged without any doubt to assist Japan to the ut-  
13 most extent and will offer every possible military  
14 and economic support. Concerning the relations between  
15 Japan and Russia, Germany will help to obtain most  
16 friendly understanding and offer her good services  
17 for that purpose.

18 "I have the honour to present to Your Excell-  
19 ency this principal statement in accordance with the  
20 ideas of the German Foreign Minister representative,  
21 Minister Stahmer and according to the repeated instruc-  
22 tions of German Government transmitted to myself dur-  
23 ing the conversation concerning the Three Powers Pact."

24 That, you will recall, is Ambassador Ott writ-  
25 ing.

## 1 Annex 14:

2 "1. Does Ribbentrop insist on signing the  
3 Pact at Berlin? MATSUOKA has been negotiating the  
4 Pact all through with an assumption that the Pact  
5 would be signed at Tokio, which has been shared by all  
6 these who have taken part in deliberation concerning  
7 this question.

8 "2. Waiving all formalities in order to ex-  
9 pedite the matter, would it not be better to have only  
10 one text common to three Contracting Parties; that is,  
11 English text, on which we have been negotiating? If  
12 we insist to have the Pact in three languages it would  
13 necessitate us to have German and Italian versions  
14 together with Japanese text for submission to Privy  
15 Council to be examined closely in each of the three  
16 languages. This would further postpone the conclusion  
17 and publication of the Pact, which I hate to see.  
18 Again, one language text would go far towards to  
19 lessen possible discrepancy in interpretation.

20  
21 "Please also get as quickly as possible answer  
22 this point.

23 "3. Will you please ask Ribbentrop for the  
24 last time to agree to authorize the German Ambassador  
25 here to exchange note with Foreign Minister (MATSUOKA)  
on the contents of Draft Protocol as drawn up (of

1 course not in the form of the secret Protocol) and try  
2 to get answer as early as possible?"

3 Annex 15. I shall not read the final Pact.  
4 That is the same as prosecution's exhibit 43, trans-  
5 cript pages 6391 to 6393.

6 Annex 16 I shall not read. 1 and 2 corres-  
7 pond to prosecutions exhibit 555-C, transcript pages  
8 6400 and 6401.

9 Annex 17, 1 and 2, corresponds to prosecution  
10 exhibit 556, transcript page 6402.

11 Annex 18 is the same as prosecution's exhibit  
12 555-B, transcript pages 6396-6369.

13 Annex 19, 1 and 2, are the same as Annex 18  
14 with its confirmation.

15 Annex 20, Number 1, is the final Pact, the  
16 same as prosecution's exhibit Number 43.

17 Annex 22 is prosecution's exhibit 555-B.

18 Annex 23 I shall read; a letter from the  
19 Foreign Minister to the German Ambassador:

20 "Excellency:

21 "I have the honour to acknowledge receipt of  
22 Your Excellency's letter No. G-1000 of this date, and  
23 I feel happy to take note of the contents", and so on.  
24

25 Those are the final documents which comprise  
the entire list of annexes, including the final draft

1 of the Tripartite Pact. That concludes the reading of  
2 defense document 1656-1.

3 I would like to offer in evidence defense doc-  
4 ument 2477, the affidavit of Ambassador Ott, concern-  
5 ing the general questions which are involved in the  
6 exhibits introduced by the prosecution as emanating  
7 from Ambassador Ott while he was on duty in Japan.

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THE PRESIDENT: Mr. Tavenner.

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MR. TAVENNER: If the Tribunal please, I desire to point out that no opportunity was had by the prosecution to cross-examine on this affidavit, rather, to interrogate the witness on this affidavit. However, no objection will be made to its introduction on that score. Interrogatories and cross-interrogatories were agreed upon between the prosecution and the defense, but this is an additional affidavit which the prosecution did not see until after the repatriation of Ambassador Ott.

The only objection that I have to make is to one sentence, the last sentence, appearing in paragraph five, entitled "Lack of Cooperation." The objection is to the sentence beginning "General Marshall" on the ground that General Marshall's statement appears in evidence, and this reference to it is an inaccurate reference. It is also objectionable on the ground that it constitutes argument.

THE PRESIDENT: Mr. Cunningham.

MR. CUNNINGHAM: Well, on the question of lack of ability of the prosecution to cross-examine the witness, that was beyond our power. As you will recall, I ordered a subpoena for this witness. The subpoena was issued by the Tribunal, and the sub-



1 poena was not honored by the Chinese Government.

2 THE PRESIDENT: What about the objection to  
3 the last sentence in the paragraph headed "Lack of  
4 Cooperation"?

5 MR. CUNNINGHAM: That is merely corroborat-  
6 tion; and, if it is not necessary, why, I do not  
7 care particularly about it.

8 THE PRESIDENT: I think you ought to strike  
9 that out, Mr. Cunningham.

10 Well, the document is admitted, subject to  
11 the deletion of that sentence, on the usual terms.

12 CLERK OF THE COURT: Defense document 2477  
13 will receive exhibit No. 3146.

14 (Whereupon, the document above  
15 referred to was marked defense exhibit  
16 No. 3146 and received in evidence.)

17 MR. CUNNINGHAM: I now offer to read in  
18 evidence the affidavit of Eugen Ott.

19 "I, Eugen Ott, after being first duly sworn  
20 on oath, do hereby depose and say that I was ambassa-  
21 dor from Germany to Japan at some of the times when  
22 Ambassador OSHIMA was the Japanese representative in  
23 Germany.  
24

25 "THE SINGAPORE QUESTION

"I made the survey on the possibilities of

1 a Japanese attack on Singapore in early 1941 thru my  
2 own initiative and not in response to any instructions  
3 from my government. OSHIMA had no part in the discus-  
4 sions from the Japanese side.

5 "THE TRIPARTITE PACT

6 "In all of the discussions leading up to  
7 the Tripartite Pact there never was one word said  
8 about aggressive or offensive action, that is by the  
9 contracting parties. The main purpose of the agree-  
10 ment was to prevent the entry of the United States  
11 into the war. OSHIMA took no part whatsoever in any  
12 of the discussions.

13 "SUBMARINE TRANSFER

14 "The transfer of the two submarines was  
15 handled purely as a navy transaction. Never have I  
16 heard that the Ambassadors of either nation took any  
17 active part in the transaction. Their transfer was  
18 of no practical value to either country. The actual  
19 delivery took place after my tour of duty.

20 "LACK OF COOPERATION

21 "Never at any time during my tour of duty  
22 in Japan, either as Military Attache or as ambassa-  
23 dor, was there any real cooperation between the fight-  
24 ing forces of the two countries, Japan and Germany.  
25

1 "MATSUOKA'S VISIT TO HITLER

2 "I was with MATSUOKA on his tour of Europe  
3 and Russia in 1941. The feeling was very cool be-  
4 tween the Japanese foreign minister and Ambassador  
5 OSHIMA. No conferences were attended by them to-  
6 gether with the exception of the preliminary intro-  
7 ductory meetings. After that OSHIMA attended only  
8 the social and informal occasions.

9 "PEARL HARBOR ATTACK

10 "Since I was the ranking Germany official in  
11 Japan at the time of the attack on Pearl Harbor, any  
12 advance news of the event would have been brought to  
13 my attention. It came as a complete surprise to me  
14 as well as to the other members of my staff. I was  
15 officially informed hours after the occurrence. We  
16 Germans were never advised of Japanese Military or  
17 Naval plans until after the events took place.

18 "CHINESE JAPANESE WAR.

19 "It was the settled foreign policy of Germ-  
20 any while I was Military Attache and ambassador to  
21 help settle the conflict between Chiang Kai-shek and  
22 Tokyo. At times success seemed close. I spent con-  
23 siderable effort personally to bring peace to the  
24 Far East by attempting conciliation. My efforts in  
25 this direction all failed. Germany cherished her

1 friendly relations with China and valued highly her  
2 commercial possibilities. Germany was never favored  
3 over other nations in her commercial dealings with  
4 Japan, except during the World War II.

5 "This statement was made on the day before  
6 my repatriation to Germany. Signed in Shanghai,  
7 China, on this 30th day of August, 1947.

8 "EUGEN OTT

9 "Sworn to before the Vice Consul of the  
10 United States at Shanghai, China."

11 If your Honor please, before I close the  
12 offering of testimony and evidence in the relations  
13 between Germany and Japan, I would kind of like to  
14 have a direction if it is necessary for the defense  
15 to go forward on this proof. Up until now we have  
16 tried to show that there was no cooperation between  
17 the two nations. I believe we have shown that. Now  
18 we are prepared to go forward to show that there was  
19 actual double-crossing of Germany -- of Japan by  
20 Germany, and I wonder if it is necessary to go beyond  
21 the point at which we have now arrived.

22 THE PRESIDENT: Offer whatever evidence you  
23 think you should offer. We will not undertake to  
24 advise you how you are getting along in our estima-  
25 tion, Mr. Cunningham.

1 MR. CUNNINGHAM: Well, if you want to save  
2 a couple of weeks, you can dismiss Count 5 at this  
3 juncture of the case.

4 THE PRESIDENT: We are not here to make any  
5 bargains with the defense.

6 Mr. Brannon.

7 MR. BRANNON: Does the Tribunal have defense  
8 document 2484?

9 On the 22nd of August, the defense offered  
10 in evidence document 2115, which was an except from  
11 the Nuernberg decision relative to the United States  
12 submarine warfare in the Pacific, which was rejected  
13 by the Tribunal. We now offer in evidence defense  
14 document 2484 which is the interrogation of Fleet  
15 Admiral Chester W. Nimitz of the United States Navy  
16 pertaining to the same matter.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: If it please the Tribunal,  
19 at the time the first document was tendered, the ob-  
20 jection that the prosecution made covered not only  
21 the form in which the document was presented, in the  
22 nature of a judgment as it was, but also the content  
23 of it. And I do not know whether the rejection was  
24 on both grounds or only on one ground. However, I  
25 desire to make it plain that our objection to the

1 document in its present form is on the ground that  
2 the point involved is not relevant or material to  
3 any issue in this case. The document deals with  
4 unrestricted warfare. The Indictment charges, in  
5 Sections 13, 14 and 15 of Appendix D, matters relat-  
6 ing to submarine warfare, but they do not involve the  
7 matter mentioned here.

8 THE PRESIDENT: What does the Indictment  
9 say?

10 MR. TAVENNER: Section 13 refers to killing  
11 survivors of ships sunk by naval action and crews of  
12 captured ships. Section 14 refers to the failure  
13 to respect military hospital ships. And the only  
14 other section dealing with naval warfare is Section  
15 15 which relates to attacks upon neutral ships. In  
16 any view of the matter, we take the position that the  
17 subject of this document is irrelevant and immaterial.

18 THE PRESIDENT: Mr. Brannon.

19 MR. BRANNON: I was under the impression  
20 that the Tribunal had ruled upon the relevancy of  
21 the document but merely suggested that there was a  
22 better way of presenting it.

23 THE PRESIDENT: Something turned on what  
24 Admiral Nimitz or the Nuernberg Court meant by the  
25 term "unrestricted submarine warfare." But he said

1 nothing to justify the assumption that the deliberate  
2 killing of survivors was included or the sinking of  
3 hospital ships.

4 MR. BRANNON: If the prosecution is willing  
5 to withdraw from the Indictment any charge relative  
6 to Japanese submarine activity, I am quite willing  
7 to forego the reading of this document. In addi-  
8 tion, this document states that from the commencement  
9 of hostilities, December 7, 1941, this unrestricted  
10 submarine warfare was pursued. That in and of itself  
11 may provide either justification or excuse or provo-  
12 cation such as may be viewed by the Tribunal relative  
13 to the subsequent action of the Japanese Navy in re-  
14 gard to submarine warfare.

15 THE PRESIDENT: I am told -- I haven't read  
16 this affidavit or this interrogation of Admiral  
17 Nimitz -- that it refers to attacks on neutral ships.

18 MR. TAVENNER: If it please the Tribunal,  
19 the document shows on its face clearly that by un-  
20 restricted warfare was meant attack upon merchantmen  
21 without warning; and the whole subject of the interro-  
22 gation indicates that that is the subject of the docu-  
23 ment -- that that was the subject matter which was  
24 meant -- the definition meant by the term "unrestrict-  
25 ed warfare."

1 THE PRESIDENT: Yes. Well, it is very dif-  
2 ficult to see how it is relevant to any conduct of  
3 the Japanese. By a majority, the Court sustains the  
4 objection and rejects the document.

5 Mr. Blewett.

6 MR. BLEWETT: If the Court please, instead  
7 of calling a witness in defense document 2120, the  
8 prosecution has graciously waived cross-examination.  
9 Therefore, I offer in evidence defense document No.  
10 2120.

11 THE MONITOR: Our section was informed to  
12 the effect that Mr. Roberts would go on this after-  
13 noon. Therefore, we do not have your documents.

14 MR. BLEWETT: I shall have to defer this  
15 then, your Honor. (Pause) The Language Section has  
16 now been furnished with the Japanese documents, your  
17 Honor.

18 THE PRESIDENT: Yes, Mr. Blewett. They  
19 appear to be ready now. There is no light against  
20 you.

21 MR. BLEWETT: I offer the document in evi-  
22 dence, if your Honor please.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2120  
25 will receive exhibit No. 3147.



1 (Whereupon, the document above  
2 referred to was marked defense exhibit  
3 No. 3147 and received in evidence.)

4 MR. BLEWETT: Before reading the affidavit  
5 of this witness, I refer the Tribunal to page 16,800  
6 and 16,801 of the transcript where reference is made  
7 to the reception of declarations by the accused and  
8 also exhibits 103 to 129 which are the personal  
9 records.  
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1                    I shall read exhibit No. 3147:

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3                    "I served in the Bureau of Decorations of  
4 the Cabinet for more than nine years from February  
5 1938 and at present occupy a high position in the  
6 Bureau next to the President.

7                    "The granting of rewards comes under the  
8 charge of the Bureau of Decorations. I have personal  
9 knowledge of the rewards that were awarded after I  
10 entered the service such as those of the China In-  
11 cident, and also I know of the rewards prior to the  
12 Incident in general since I investigated them as part  
13 of my duties.

14                    The extensive rewards granted as in the  
15 Manchurian and China Incidents were granted through  
16 the following procedure:

17                    "(a) First, the standing rules regarding  
18 rewards are made according to the decisions of the  
19 Cabinet meeting.

20                    "(b) Next, the Ministries concerned apply to  
21 the Bureau of Decorations for rewards within the fixed  
22 number of persons, and at the same time have their  
23 officials in charge explain to the Bureau their reasons  
24 orally.

25                    "(c) The Bureau of Decorations on its part

1 expresses its opinion on the above.

2 "(d) Thus, finally, as a result of deliber-  
3 ations on both sides, the reward bill is drafted.

4 "(e) The above bill is submitted to the  
5 Rewards Conference which is composed of fifteen re-  
6 gular councillors (besides two members of the Imperial  
7 family) and then the Conference passes the bill, it  
8 is presented to the Prime Minister.

9 "(f) The Prime Minister reports of it to  
10 the Throne to obtain Imperial sanction.

11 "(g) When Imperial sanction is given, the  
12 rewards are then granted.

13 "Even with rewards on a small scale as the  
14 time of the anti-Comintern Pact, the same procedure  
15 as mentioned above was used with the exception that  
16 standing rules were not made.

17 "The rewards include the grant of decorations,  
18 cups and money.

19 "Those who were granted rewards in the Man-  
20 churian Incident total 452,826. Among them, those who  
21 rendered distinguished services (given the Order of  
22 the Golden Kite) reached 9,096; those who performed  
23 meritorious service (chiefly given the Order of the  
24 Rising Sun) numbered 158,593; and those who rendered  
25 exceptional services (chiefly given the Order of the

1 Sacted Treasure), 153,881. Among those who were  
2 awarded the rewards are WAKATSUKI, (Given a set of  
3 gold cups), SHIDEHARA, (given a set of gold cups),  
4 General UGAKI, (given a set of gold cups), HAYASHI,  
5 (given the 2nd Class Order of the Rising Sun), MORI-  
6 SHIMA, (given the Order of the Rising Sun, 2nd Class),  
7 and Major General TANAKA, (given the Order of the  
8 Rising Sun, 4th Class in the first awards and 3rd  
9 Class Order in the second). WAKATSUKI, SHIDEHARA and  
10 UGAKI were given a set of gold cups respectively in  
11 lieu of decorations because they had already higher  
12 class decorations.

13 "Those who were granted rewards at the time  
14 of the anti-Comintern Pact total 49, of which 11 were  
15 given decorations and 38 were given cups. Among those  
16 who were given decorations were ARITA, (given the Order  
17 of the Rising Sun, 1st Class), as Foreign Minister,  
18 MUSHAKOJI, (given the Order of the Rising Sun, 1st  
19 Class, as Ambassador Extraordinary and Plenipotentiary  
20 to Germany), HORINOUCI, (given the Order of the Rising  
21 Sun, 2nd Class, as Vice-Foreign Minister), and KURIYAMA,  
22 (given the Order of the Rising Sun, 3rd Class, as Di-  
23 rector of the Treaty Bureau in the Foreign Office).  
24 Among those who were granted silver cups were HAYASHI,  
25 (given a set of silver cups as the Minister of Justice).

1 IWAMURA, (given a silver cup as the Director of the  
2 Bureau of Criminal Affairs).

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"(VIII) Those who were granted rewards in the China Incident total 3,319,548. Among them, those who rendered A-Class distinguished services reached 3,370 and those who rendered B-Class distinguished services, 182,992 (they were both given the Orders of the Golden Kite); next, those who performed meritorious services (chiefly given the Orders of the Rising Sun) reached 1,768,053 and those who rendered exceptional services (chiefly given the Orders of the Sacred Treasure) reached 605,173. Among those who were granted decorations were Lieutenant General ISHIHARA, Kanji (given the Order of the Sacred Treasure, 1st Class) and Major General TANAKA, Ryukichi (given the Order of the Golden Kite, 3rd Class, and the Order of the Rising Sun, 2nd Class).

"(IX) There was no one who was granted rewards in recognition of their services in concluding the Tripartite Alliance on September 27, 1940. On the other hand, 15 persons were granted rewards in consideration of their services in concluding the Anglo-Japanese Pact in 1902 (Meiji 35) and a total of 29 were given rewards for their services in concluding the French-Japanese and Russo-Japanese Pacts in 1907 (Meiji 40).

"(X) Formerly, some were created peers in

1 recognition of their meritorious services in war and  
2 in conclusion of treaties. Creation of peerage, how-  
3 ever, is in the charge of the Bureau of Peerage and  
4 Heraldry in the Imperial Household Department and is  
5 not within the jurisdiction of the Bureau of Decora-  
6 tions, so I am not in a position to speak about the  
7 matter." Signed.

8 The Tribunal will recall that WAKATSUKI,  
9 page 1553, SHIDEHARA, page 1318, HAYASHI, page 2178,  
10 and MORISHIMA, page 3006, were apparently opposed, as  
11 submitted by the prosecution, to the Manchurian  
12 Affair.

13 THE PRESIDENT: So was MORISHIMA, was he not?

14 MR. BLEWETT: I referred to him, sir.

15 THE PRESIDENT: Did you?

16 MR. BLEWETT: Yes, page 3006.

17 UGAKI also testified on page 1604, and  
18 TANAKA, among other places in the record, on page 1945.

19 ARITA, MUSHAKOJI, and HORINOUCI are well  
20 known to the Court through various exhibits pertain-  
21 ing to the Anti-Comintern Pact.

22 That concludes, if the Tribunal pleases, the  
23 Pacific war division of the defense, with the excep-  
24 tion of some evidence on the economic subdivision  
25 which is quite extensive, on which the prosecution and

1 the defense are now endeavoring to work out a com-  
2 promise and file a stipulation. We ask if we may have  
3 a reservation for that purpose, sir?

4 THE PRESIDENT: How long will it take if you  
5 do not compromise?

6 MR. BLEWETT: Sir, it would run into several  
7 days if we are unable to agree upon a stipulation,  
8 but we are quite certain we can agree upon a stipula-  
9 tion. The length of time it will take between the  
10 defense and the prosecution, however, will be some  
11 time. If we are able to agree, sir, on a stipulation,  
12 the time taken will be just about a half hour.

13 THE PRESIDENT: By all means, try to agree.

14 Mr. Roberts.  
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1 MR. ROBERTS: At this time I should like  
2 to submit to the Court a number of statements, deci-  
3 sions and circular telegrams of the Chinese communists  
4 beginning with 26 April 1932, on which day the Chinese  
5 Communist Party declared war against Japan, up to the  
6 time immediately following the Marco Polo Bridge  
7 Incident. I am going to prove by these documents that  
8 the Chinese Communist Party declared war against Japan  
9 and used this declaration as the opening gun in its drive  
10 in acquiring power, and to strengthen and enlarge the  
11 organization of the party itself; how by deliberate  
12 preparations the party insidiously tried to sway the  
13 minds of the people, strove for the organization of a  
14 peoples' united anti-Japanese front, using frenzied  
15 propaganda and agitation; how they literally plotted  
16 the Hsian Incident, thereby successfully uniting the  
17 Nationalist Party (Kuomintang) with the Communist Party;  
18 how the anti-Japanese movement developed, finally to be  
19 the cause of the Marco Polo Bridge Incident, by causing  
20 the Chinese side to fire first; and how by intentionally  
21 hindering the settlement of the Incident and continually  
22 aggravating the situation they thereby directly threat-  
23 ened the Japanese inhabitants in China with the loss of  
24 their lives and their property.  
25

First, I offer for identification a book

1 entitled "History of the Chinese Communist Party in  
2 1932." This is a collection of official reports  
3 printed by the information branch of the Foreign  
4 Affairs Ministry based on the most trustworthy material  
5 chosen from the reports of the Japanese officials in  
6 China and actually used in the Foreign Office as  
7 confidential documents for reference.

8           CLERK OF THE COURT: The book entitled  
9 "History of the Chinese Communist Party for the year  
10 1932," printed in Japanese, will receive exhibit  
11 No. 3148 for identification only.

12           (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 3148 for identification only.)

15           MR. ROBERTS: Next I offer defense document  
16 No. 1851. This is an excerpt from the above stated  
17 book, exhibit 3148 for identification. This is the  
18 declaration of war against Japan announced on 26 April  
19 1932 by the Provisional Government of Soviet China.  
20 This document will show that in spite of the efforts  
21 of the Chinese National Government to make peace and  
22 thereby to establish peaceful relations with Japan, the  
23 Chinese Communist Party deliberately interfered in the  
24 situation; and that the Chinese communists declared war  
25 against Japan, and actually did try to drive Japanese

1 people and interests out of China by means of the  
2 peoples' war of revolution.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: May it please the Tribunal,  
5 the prosecution objects to this document, indeed to  
6 the whole series of documents, to which my learned  
7 friend has just referred although I cannot for a  
8 moment accept his description of their contents as  
9 being accurate. The whole of these documents were  
10 in effect tendered and rejected before as parts of  
11 or in connection with two affidavits, one by a witness  
12 named OTSUKA, who was tendered at page 22,432 of the  
13 record, and also the same documents apparently in  
14 connection with the affidavit of a witness named HATANO  
15 at page 22,675 of the record, or rather beginning a  
16 little earlier than that at page 22,668.

17  
18 There were then two types of objection taken  
19 to them. The first and main one was that they were  
20 irrelevant and offended against the numerous rulings  
21 given by the Tribunal on the question of documents  
22 relating to communism in China at the following pages:  
23 21,081, 21,115, 22,412, 22,451, and 22,455. The effect  
24 of those rulings taken together was that each accused  
25 might, when he came to give his own evidence, tender  
~~his fear of communism in explanation of his acts; that~~

1 is to say, give evidence as to his own state of mind,  
2 but that evidence would not be received in the phases  
3 or at any other time with regard to the existence or  
4 spread of communism or of any other ideology in China  
5 or elsewhere, but that evidence might be given of an  
6 actual attack on Japanese nationals or property by  
7 Chinese communists or any other Chinese or of a threat  
8 of attacks of that character where the threat is of a  
9 serious nature, is imminent, and the persons making it  
10 have present ability to give effect to it. These docu-  
11 ments which are being tendered now do not purport to  
12 show anything of the kind.

13 THE PRESIDENT: We will recess now for  
14 fifteen minutes.

15 (Whereupon, at 1445, a recess was  
16 taken until 1500, after which the proceedings  
17 were resumed as follows:)  
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1           MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3           THE PRESIDENT: Mr. Comyns Carr.

4           MR. COMYNS CARR: What these documents do  
5 purport to show, if they are authentic, is that on  
6 various dates from the 26th of April, 1932, onwards,  
7 the Communist Party in China incited the people of  
8 China to resist the Japanese aggression in Manchuria  
9 which at that date had already been in progress for  
10 some seven months, and which had by that time resulted  
11 in the overrunning by the Japanese of all the three  
12 provinces of Manchuria, and I think also the fourth  
13 province of Jehol.

14           They also purport to show that the Communist  
15 Party was attacking the Kuomintang Government and  
16 Chang Hsueh-Liang, the commanding general in that  
17 area, for offering insufficient resistance to Japanese  
18 aggression.

19           MR. ROBERTS: May I object to the prosecutor's  
20 referring to documents which I have not offered in evi-  
21 dence or tendered in any manner. I have offered one  
22 document relating to one particular phase, stating  
23 what is contained in that document. The prosecutor  
24 is now going on to tell this Court what the other  
25 documents which I am going to offer contain and why

they are objectionable.

1  
2 THE PRESIDENT: We understand they are all  
3 related and covered by the same argument. We do not  
4 want to hear it a dozen times, Mr. Roberts. If this  
5 communist declaration of war on Japan is rejected,  
6 there isn't much hope for the rest.

7 MR. ROBERTS: That is so, but I wanted to  
8 offer each document separately and have a ruling thereon,  
9 because there may be relevancy in one document which  
10 may not appear in another document.

11 THE PRESIDENT: We will hear Mr. Carr fully.  
12 We do not want him interrupted. That will not prevent  
13 you from tendering the separate documents.

14 MR. COMYNS CARR: Our submission is that on  
15 this first document -- and the argument would be the  
16 same on all the others -- an instigation to resist  
17 what is described, and in our submission rightly, as  
18 Japanese aggression which has already taken place, is  
19 a totally different thing; is not only legitimate in  
20 itself, but is a totally different thing from an  
21 attack or threatened attack upon Japanese nationals or  
22 property, which the Tribunal said before might afford  
23 some justification for subsequent Japanese action and  
24 might prevent that action, subsequent action, from  
25 being of an aggressive character. In our submission,

1 it is an act which not only a Chinese communist but  
2 any other Chinese was well entitled to take, and could  
3 not come within the exception, suggested exception, to  
4 the Tribunal's previous ruling.

5 That covers all the documents to which my  
6 friend referred in his opening remarks except those  
7 which took place after the outbreak of what is called  
8 the China Incident on July 7, 1937. In that case,  
9 the case of those documents, the same point applies,  
10 with this difference, that at that stage the communists  
11 in China were acting in conjunction with the Kuomintang  
12 Government and both of them were engaged in resisting  
13 what they considered to be aggression, and the three  
14 communist documents tendered were issued in support  
15 of that united resistance.

16 The other objection taken at the time when  
17 these documents were first under discussion was that  
18 no attempt had been made to account for the originals,  
19 or to establish the authenticity of the alleged ori-  
20 ginals if accounted for.

21 As far as the two affidavits then tendered  
22 went, they were merely missing pieces of paper. In  
23 part that objection is overcome by the certificates  
24 now attached to the documents, and by a revised affi-  
25 davit of HATANO which has now been served upon us,

1 which show that the present documents are copied from  
2 a book which was in turn copied from some other pieces  
3 of paper, the latter having been destroyed. But no  
4 attempt has been made to show that the pieces of paper  
5 which have been destroyed were in themselves authentic  
6 documents or were, in fact, issued by the Communist  
7 Party in China or anybody else.

8 For those reasons, we submit that this  
9 document now under consideration should be rejected;  
10 and subject to any special points my friend may produce  
11 with regard to any later ones I shall not repeat the  
12 argument with regard to those; it will be the same  
13 objection.

14 THE PRESIDENT: Mr. Roberts.

15 MR. ROBERTS: In rejecting the affidavit of  
16 the witness HATANO at page 22,674 of the record, it  
17 was stated by the President of the Court at that time  
18 as follows:

19 "By a majority the Court upholds the objection  
20 and rejects the document; but if the document is re-  
21 drafted so as to conform to the rules, it will be  
22 received so far as it is confined to statements of  
23 relevant and material facts."  
24

25 At that time the primary objection on the  
part of the prosecution was that the statements in



1 the affidavit were matters that were opinion and we  
2 should produce the documents and the certificate to  
3 show the authenticity.

4 MR. COMYNS CARR: That was not the primary  
5 objection. The objections were exactly as I have  
6 stated them today.

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1 MR. ROBERTS: We have here the witness  
2 HATANO, who is again ready to testify before this  
3 Board, who was responsible for making many of the  
4 official reports which were sent to the Foreign  
5 Ministry, and which were referred to as official  
6 reports in the certificate. Although my friend  
7 refers to them as pieces of paper, the certificate  
8 states that they are collected from reports of the  
9 Japanese Foreign Office authorities in China and are  
10 considered as official documents from the Foreign  
11 Office, marked "Confidential for reference." So that  
12 under the ruling of this Court that where there is  
13 a threat which may tend to endanger the lives or  
14 property of Japanese nationals in China that infor-  
15 mation is relevant and should be received. Certainly,  
16 the official documents are a basis upon which it can  
17 be shown that the defendants may have relied upon  
18 these threats and had justification for the actions  
19 which were taken by them. And with respect to the  
20 first document offered, the showing therein of the  
21 deliberate interference of the Communist Party in the  
22 Sino-Japanese negotiations and an outright declaration  
23 of war against Japan is certainly a threat to the  
24 lives and property of Japanese nationals in China;  
25 and certainly my friend's reference to later documents

1 which show that the National Government joined  
2 forces with the Communist Party showed a ratification  
3 of these acts of the Communist Party as shown in the  
4 particular document which I have offered, being de-  
5 fense document 1851, and it is certainly relevant  
6 and material as to what these defendants may have  
7 thought at the time action was taken in China.

8 THE PRESIDENT: Were the Communists, do you  
9 suggest, in any position to follow up that so-called  
10 declaration of war?

11 MR. ROBERTS: The documents will show an  
12 evolutionary trend whereby they did gain power and did  
13 consolidate their power and did join with the National  
14 Government, so that they used this as a means of not  
15 only extending their power but of influencing the  
16 government at the same time, and certainly the war  
17 situation today is sufficient evidence that that power  
18 is still maintained.

19 THE PRESIDENT: By a majority the Court sus-  
20 tains the objection and rejects the document.

21 MR. ROBERTS: I want to make a tender on  
22 the record, if your Honor please, of the remaining  
23 documents.  
24

25 I wish to offer for identification a book  
entitled, "The History of the Chinese Communist Party

1 in 1932."

2 CLERK OF THE COURT: The book printed  
3 in Japanese, entitled, "History of the Chinese  
4 Communist Party for the year 1933," will receive  
5 exhibit No. 3149 for identification only.

6 (Whereupon, the book above re-  
7 ferred to was marked defense exhibit  
8 No. 3149 for identification.)

9 MR. ROBERTS: I next offer defense docu-  
10 ment 1852, which is an excerpt from exhibit 3149  
11 for identification, for the record.

12 THE PRESIDENT: To save time I suggest  
13 that you offer all those documents as one, Mr.  
14 Roberts. They can be lettered "A, B, C, D," and  
15 so forth.

16 MR. COMYNS CARR: They are all objected to.

17 MR. ROBERTS: The documents are excerpts  
18 from different books, if your Honor please; so that  
19 where they are the same book we can letter them  
20 together, but where they are a separate book we will  
21 have to mark the book first and then mark them  
22 according to the identification.

23  
24 Next, I offer for identification a book  
25 entitled, "History of the Chinese Communist Party  
in 1934." This is similar to the book already

1 offered.

2 CLERK OF THE COURT: The book printed in  
3 Japan, entitled, "History of the Chinese Communist  
4 Party in 1934," will receive exhibit No. 3150 for  
5 identification only.

6 (Whereupon, the book above re-  
7 ferred to was marked defense exhibit No.  
8 3150 for identification.)

9 MR. ROBERTS: And the defense document which  
10 is an excerpt is document 1853, which I also offer.

11 THE PRESIDENT: It is rejected.

12 MR. ROBERTS: I offer for identification  
13 a book called, "History of the Chinese Communist Party  
14 in 1935," which is similar to the book previously  
15 offered.

16 CLERK OF THE COURT: The book printed in  
17 Japanese, entitled, "History of the Chinese Communist  
18 Party for the year 1935," will receive exhibit No.  
19 3151 for identification only.

20 (Whereupon, the book above re-  
21 ferred to was marked defense exhibit No.  
22 3151 for identification.)

23 MR. ROBERTS: And the excerpt from this  
24 book which I offer is defense document 1854.

25 THE PRESIDENT: The objection is upheld and

1 the document rejected.

2 MR. ROBERTS: I next offer for identification  
3 a book entitled, "History of the Chinese Communist  
4 Party in 1936."

5 CLERK OF THE COURT: The book printed in  
6 Japanese, entitled, "History of the Chinese Communist  
7 Party for the year 1936," will receive exhibit No.  
8 3152 for identification only.

9 (Whereupon, the book above re-  
10 ferred to was marked defense exhibit No.  
11 3152 for identification.)

12 MR. ROBERTS: There are three excerpts from  
13 this book for identification, which are defense docu-  
14 ments 1855, 1856, and 1858.

15 THE PRESIDENT: The objection is upheld and  
16 the documents rejected.  
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1 MR. ROBERTS: Next I offer for identification  
2 "The History of the Chinese Communist Party in 1937."

3 LERK OF THE COURT: The book, print † in  
4 Japanese, entitled "History of the Chinese Communist  
5 Party for the Year 1937" will receive exhibit No.  
6 3153 for identification only.

7 (Whereupon, the document above  
8 referred to was marked defense exhibit  
9 No. 3153 for identification.)

10 MR. ROBERTS: The excerpts from this book are  
11 defense documents Nos. 1859, 1860, 1861, 1862, 1863,  
12 and 1864, which I hereby tender.

13 THE PRESIDENT: Objection upheld; documents  
14 rejected.

15 MR. ROBERTS: I next call the witness HATANO  
16 Kanichi.

17 R. COMYNS CARR: Your Honor, in my submis-  
18 sion, having regard to the previous ruling of the  
19 Court, it is a waste of time to even swear this wit-  
20 ness. His revised affidavit contains nothing except  
21 an account of how he compiled these books and then a  
22 number of the paragraphs purporting to summarize the  
23 contents of the documents which have already been re-  
24 jected.

25 MARSHAL OF THE COURT: Mr. President, may the

1 witness be sworn?

2 THE PRESIDENT: We will hear Mr. Roberts  
3 first.

4 MR. ROBERTS: I would like to have him sworn  
5 and then tender it in the regular order, or if the  
6 Court wants to consider his affidavit --

7 THE PRESIDENT: Tender his affidavit and then  
8 we will have the argument on the affidavit.

9 MR. ROBERTS: That is defense document No.  
10 1876.

11 THE PRESIDENT: The affidavit is tendered.  
12 Your objection?

13 MR. COMYNS CARR: I object to it for the  
14 grounds already stated.

15 MR. ROBERTS: This man resided more than  
16 twenty years in China, was actually on the scene and  
17 observed the events which he describes in his affi-  
18 davit. He refers to the activities of the Chinese  
19 Communists in China and to the reports made by them,  
20 because it was a part of his official duty to gather  
21 reports and send them in to the Foreign Office.

22 MR. COMYNS CARR: Your Honor, there is no  
23 reference in the affidavit to his seeing anything ex-  
24 cept these pieces of paper.

25 THE PRESIDENT: In any event, his affidavit



1 would be relevant and material only if it included  
2 evidence of attacks on Japanese persons or property  
3 in China or evidence of threats of such attacks.

4 Does it come within the test laid down by  
5 the Court? Apparently, it does not.

6 MR. ROBERTS: Well, it is the contention of  
7 the defense that this relates to threats of attack  
8 against Japanese lives and Japanese interests in  
9 China.

10 THE PRESIDENT: We referred to imminent  
11 threats, not latent ones.

12 MR. ROBERTS: It was certainly what this  
13 witness believed to be threats of imminent attacks  
14 and imminent danger not only to the lives of the  
15 nationals and their properties but also to the very  
16 existence of Japan itself.

17 THE PRESIDENT: I understand on page 3 there  
18 is a reference to confiscation of Japanese property,  
19 but that is a threat against all property by certain  
20 political parties.

21 MR. ROBERTS: He explains the course of con-  
22 duct of the Chinese in directing attacks and endanger-  
23 ing property of the Japanese nationals, lives of the  
24 people residing there. The prosecution has certainly  
25 alleged that many attacks took place in China and

1 certainly here is the cause of the attack that did  
2 take place. I'd like to know the reasons for them.

3 THE PRESIDENT: It is pointed out by a  
4 Member of the Tribunal that if there were threats  
5 by the Communists, they were later in time than the  
6 Japanese action in Manchuria and China.

7 MR. ROBERTS: We certainly think that this  
8 evidence shows that there were other events behind the  
9 actions in China before the Japanese attempted any  
10 movement whatever in 1931.

11 THE PRESIDENT: By a majority, the Court  
12 sustains the objection and rejects the document.

13 The witness is released on the usual terms.

14 MR. ROBERTS: Mr. Williams will proceed.

15 THE PRESIDENT: Mr. Williams.

16 MR. WILLIAMS: If the Tribunal please, the  
17 witness BABA Shachi was stood down at page 22,090 of  
18 the record in order that the affidavit might be re-  
19 drafted. The affidavit has accordingly been redrafted  
20 and greatly condensed in accordance with the wishes of  
21 the Tribunal.

22 I am informed that the prosecution does not  
23 wish the witness called for cross-examination, his  
24 testimony being embodied in defense document No. 2463,  
25 which I herewith offer in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Defense document 2463  
3 will receive exhibit No. 3154.

4 (Whereupon, the document above  
5 referred to was marked defense exhibit  
6 No. 3154 and received in evidence.)

7 MR. WILLIAMS: I shall read the affidavit:

8 "AFFIDAVIT OF BABA, SHACHI

9 "1. I was born at my permanent domicile,  
10 No. 64 Shibamotomachi, Aza Shimogamo, Sakyo-ku, Kyoto  
11 City on August 18th, (the 27th year of Meiji); the  
12 present address is 545, Tatsumi-machi, Fujisawa City,  
13 Kanagawa Prefecture.

14 "2. I went to Manchuria in 1936 (Showa 11)  
15 and studied the opium problem. I became executive  
16 manager of the Ksinking Central Anti-Opium Committee  
17 (central organ for anti-opium policy in Manchoukuo)  
18 in January 1940 (Showa 15)."

19 The next sentence is a misprint.

20 "I was given the position of non-regular  
21 member of the Manchoukuo Anti-Opium General Bureau  
22 together with the position of secretary of the Man-  
23 choukuo Anti-Opium Society until the end of the war,  
24 and in the former capacity served in carrying out  
25 Manchurian anti-opium policies.

1 as follows:

2 "Application of addicts' registration system;  
3 sale of opium for the medical treatment of the regis-  
4 tered addicts; medical treatment of the existing  
5 addicts, etc. The administration was still in a pre-  
6 paratory stage.

7 "The opium policy in north China was similar  
8 to that of Manchoukuo in its principle of prohibition  
9 by gradually decreasing the amount of opium generally  
10 consumed. A perfect monopoly system had not yet been  
11 established. The wholesale buying and selling were  
12 entirely left to the Chinese a company named the Raw  
13 Opium Company of purely private management acting as  
14 the representative organ of the monopoly. Neverthe-  
15 less, the raw opium which the government had the Raw  
16 Opium Company buy up was not enough to meet the demand;  
17 the government, therefore, bought about 3,500,000 Tael  
18 of raw opium (the unit of opium weight in North China  
19 is 31 grammes for one tael) every year from the Mon-  
20 golian Government.

21  
22 "In North China many opium smokers did not  
23 register for several reasons. That is, there was no  
24 difference between the price of official opium and  
25 secretly sold opium, and those who registered had to  
pay a registration tax for opium lamps and opium pipes,

1 "In 1942 I travelled through Central, South  
2 and North China to investigate, according to instruc-  
3 tions from the Manchoukuo Government, the opium ad-  
4 ministration and general opium conditions. I was able  
5 to obtain materials of various kinds by which I inves-  
6 tigated the general condition of opium in China. I  
7 was also present at the Manchurian and Chinese Liaison  
8 Conference concerning this opium problem.

9 "Concerning opium I wrote the following books:

10 "'Outline of the History of Chinese Opium'  
11 1940.

12 "'The History of the Eastern Penetration of  
13 Opium' 1941.

14 "'Establishment of the Co-prosperity Sphere  
15 in East Asia and the Opium Policy' 1943.

16 "'The Race and Opium' 1944.

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18 "3. In 9th year of Kotaku (in 1942) I was  
19 ordered to investigate the condition of opium admini-  
20 stration in North China.

21 "I investigated the condition of opium in  
22 the provinces administered by the North China Political  
23 Council at that time the North China Political Council  
24 established the Anti-Opium General Bureau in Peiping  
25 with nine branches under its control and charged them  
with the anti-opium administration. Its policies were

1 while those who did not register could get prepared  
2 opium without difficulty at the same price whenever  
3 they wanted to. Consequently, many did not register,  
4 thereby making the registration extremely uncertain.  
5 The number of chronic addicts of opium, by the Esti-  
6 mate of the North China Political Council, was thought  
7 to be not less than 3 per cent of the whole population  
8 that is, 2,225,000.

9 "As to anti-opium work, especially in the  
10 line of control, one nation or one district by itself  
11 cannot accomplish the purpose. Therefore, regarding  
12 control of smuggling done in the districts of Peiping  
13 and Tientsin, North China and Manchuria, since they  
14 all had difficulties in common they frequently held  
15 liaison conferences and made common efforts in the hope  
16 of finding a solution.

17 "The North China Political Council ordered  
18 nine sanatoriums under the branches of the General  
19 Bureau to apply Tungkuang Medicine Treatment and dis-  
20 tributed the medicine to other noted hospitals, official  
21 and private; thus the healing and salvation of the  
22 patients was effectively started. The Tatung coal  
23 mine in Mongolia decided to apply this method to  
24 miners, in view of the good effect Tungkuang Treatment  
25 might have in enhancing efficiency of labor, with

1 considerable success.

2 "As a Manchurian official connected with the  
3 policy of opium prohibition, I am well informed of  
4 Japan's policy toward China concerning opium. The  
5 Japanese Government adopted a non-interference policy  
6 in this point of opium administration, preferring that  
7 China herself deal with matters concerning China, and  
8 took an attitude of cooperating with the Chinese Anti-  
9 Opium Policy, based upon the spirit of the International  
10 Opium Convention. The Japanese Government maintained  
11 a strong stand in rendering indirect help to the en-  
12 forcement of the opium policy in China whenever  
13 requests were made by the Chinese.  
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"Outline of Anti-Opium Policy Adopted by

1 Manchoukuo

2 "When it was first established, Manchoukuo  
3 decided to forbid the use of opium and other narcotics.  
4 In November 1932, the Anti-Opium Act was promulgated as  
5 an ordinance of the State Council, and at the same time  
6 a rescript was given to the people in the name of the  
7 Premier ordering them to break their national habit of  
8 the use of opium and other narcotics.

9 "Simultaneously with the issue of the Opium Act,  
10 the new government set about the task of the long  
11 neglected administrative readjustment which was necessary  
12 for the enforcement of the new act. The 10-year plan for  
13 the anti-opium campaign was formed and officially  
14 announced on October 12, 1937.

15 "In the execution of this 10-year plan the  
16 Manchoukuo Government paid the utmost attention to the  
17 practical method for effecting a radical cure of the  
18 registered addicts within 10 years.

19 "It was natural that various plans for the  
20 medical treatment of the registered addicts, which were  
21 prescribed in the enforcement plans of the 10-year Anti-  
22 Opium Policy, required a great expense and an enormously  
23 large-scale mechanism. At the outset five anti-opium  
24 hospitals were projected, but later their number was  
25



1 quickly doubled and further, plans were formed to build  
2 one hospital of this kind in each of the provinces, cities,  
3 prefectures and Mongolian villages.

4 "Thus at the end of 1941 two national hospitals  
5 and 189 minor ones, including those established respect-  
6 ively by provinces, cities and Mongolian villages, had  
7 been completed and they were renamed 'Kangsheng-yuans.'  
8 The smaller of these hospitals were equipped with 30  
9 beds and the larger with as many as 390 or more, each  
10 addict being permitted to receive hospital treatment, as  
11 a rule, for a month.

12 "The number of the registered addicts that had  
13 amounted to over 700,000 in 1938 yearly decreased, and  
14 in 1944, they numbered 230,923.

15 "The Manchukuo government, with the aim of  
16 furthering this 10-year Anti-Opium Policy, in January  
17 1940 established the Anti-Opium Bureau by putting together  
18 the Anti-Opium Section (formerly in People's Welfare  
19 Ministry), and the Opium Section and the Opium Factory  
20 in the Monopoly Bureau. This new system, the unifying  
21 of organization and management -- greatly advanced the  
22 development of the opium administration of the country.

23 "Though slight changes occurred now and then  
24 the general system of opium administration after 1940  
25 was as follows:--

1           "The central bureau was the Anti-Opium Bureau  
2 and it had its branches in each of the provinces, cities,  
3 prefectures and Mongolian Villages, these being in one  
4 unified system. Among the 191 hospitals established for  
5 the cure of opium addicts, those of the state establish-  
6 ment were managed by the Anti-Opium Bureau, the others  
7 were left by the government to the management of the  
8 provinces, cities, prefectures and Mongolian villages,  
9 with direct connection with the central bureau, thereby  
10 forming an effective part of the Anti-Opium organization.  
11 Opium and narcotics were to be distributed only to  
12 registered addicts to be used as medicine till the cure  
13 was finished. What differed in Manchoukuo from other  
14 countries in this point of opium control was this:--

15           "1. None but the registered persons could buy  
16 opium.

17           "2. The government yearly decreased the amount  
18 of opium official sale until after 1942 no more than one  
19 parcel 1 gram a day was allowed to be sold to one person.

20           "3. The return of the opium-ashes and parcel  
21 paper was made compulsory.

22           "As above stated, Manchoukuo made a strict lim-  
23 itation on the official sale of opium, using the Opium  
24 Administration Offices directly managed by the Opium  
25 Administration Divisions in each of the cities, prefectures

1 and Mongolian villages.

2 "When Manchukuo decided, as stated above, to  
3 institute the Anti-Opium Campaign, the greatest problem  
4 was how to deal with the registered Opium addicts,  
5 numbering more than 700,000 in 1938. By the expenditure  
6 of large" -- it should be that -- "large amounts in  
7 managing hospitals and by fully mobilizing materials  
8 as well as people, a system planned and carried out.

9 "With these efforts, especially with the  
10 application of the Tungkiang medical treatment, the  
11 Manchukuo Government was accomplishing the aim of the  
12 anti-opium campaign, which seemed about impossible at  
13 the beginning. In 1944, namely in the 8th year of the  
14 ten year anti-opium campaign, the number of registered  
15 smokers was only 230,000. It was expected that in the  
16 three provinces of Tungan, Chientac and Lungkow opium  
17 sales could be suspended at the end of 1944, as opium  
18 smokers in those provinces should number zero by that  
19 time.

20 "At the end of the eighth year of the 10-Year  
21 Anti-Opium Policy the Anti-Opium Association was  
22 established as a juridical person by an Imperial  
23 Ordinance. The whole people of the state thus stood  
24 together for the development of the Anti-Opium movement  
25 by putting together the forces of educational, cultural,

1 religious and moral organization as well as of the  
2 government.

3 "Ku Tsu-Heng, the Minister of Communications,  
4 who had an enthusiastic interest in the promotion of  
5 public welfare in Manchukuo, used to tell me as follows:  
6 'The most successful of the policies taken by the Japanese  
7 in Manchukuo is the anti-opium policy, and this has borne  
8 remarkable results.'

9 "/S/ BABA, Shachi."

10 THE PRESIDENT: Major Blakeney.

11 MR. BLAKENEY: There remain a few odds and ends  
12 of defense evidence which for one reason or another were  
13 not introduced at the time the defense Russian phase was  
14 in progress. First of these, I offer in evidence defense  
15 document 1801, being a map of the Hailar Sapa area  
16 prepared in 1932 by the Japanese Land Survey Department,  
17 showing the Manchukuo-Mongolia border following the  
18 River Khalkin.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 1801 will  
21 receive exhibit No. 3155.

22 (Whereupon, the document above re-  
23 ferred to was marked defense exhibit No. 3155  
24 and received in evidence.)

25 MR. BLAKENEY: Defense document 1802, which I

1 new offer in evidence, is a set of five maps, prepared  
2 by the Japanese Land Survey Department at various dates  
3 from 1933 to 1936, based upon Russian originals, showing  
4 on a small scale (1:100,000) the Nomonhan area, from which  
5 it is clear that the Manchukuo-Mongolia boundary follows  
6 the Khalkin-Gol from Lake Buir Nor.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense documents 1802-A to  
9 E will receive exhibit Nos. 3156 and 3156-A,B,C and D.

10 (Whereupon, the documents above re-  
11 ferred to were marked defense exhibit Nos.  
12 3156 and 3156-A,B,C and D respectively and  
13 received in evidence.)

14 MR. BLAKENEY: Next I offer in evidence a  
15 certificate of provenance of exhibit 2713 as well as of  
16 six other sheets of the set from which it is taken. It  
17 bears defense document No. 1803A-F and exhibit 2713. I  
18 take it, it doesn't require an additional number. Since it  
19 relates to the exhibit already in evidence, I assume it  
20 doesn't require an additional number.

21 The six other sheets of the same map, defense  
22 documents 1803A-F, I offer in evidence only at the request  
23 of the prosecution, they having no interest to the defense  
24 nor any bearing on the issues of the case.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense documents  
2 1803-A to F will receive exhibit Nos. 3157 and 3157-A,  
3 B,C,D and E.

4 (Whereupon, the documents above re-  
5 ferred to were marked defense exhibit Nos.  
6 3157, and 3157-A,B,C,D and E respectively  
7 and received in evidence.)

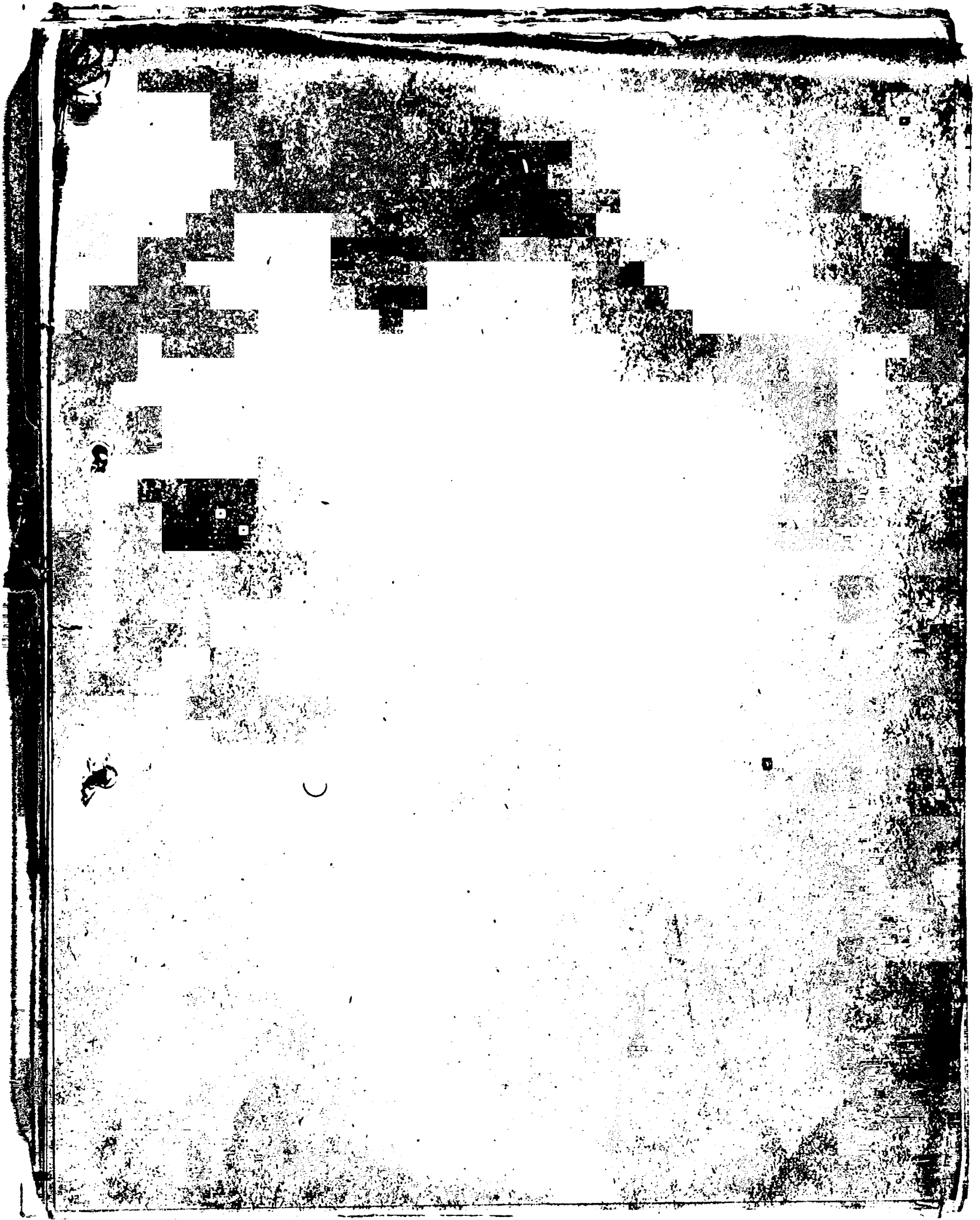
8 MR. BLAKENEY: I now offer in evidence the  
9 certificate of provenance of exhibit 2714 --

10 THE PRESIDENT: Major Blakeney, I think you  
11 are travelling too fast somehow. My colleagues are not  
12 getting all these documents and they are getting them  
13 unmarked.

14 We will adjourn now until half-past nine tomorrow  
15 morning.

16 (Whereupon, at 1600, an adjournment was  
17 taken until Wednesday, 10 September 1947, at 0930.)

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10 SEPTEMBER 1947

I N D E X  
of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
ARAKI, Sadao	28122
Direct by Mr. McManus	28122
<u>NOON RECESS</u>	28123
Direct (cont'd) by Mr. McManus	28124



10 SEPTEMBER 1947

I N D E X

of

EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2483	3158		Affidavit of H.G. <sup>W</sup> . Woodhead (with the exception of para- graphs 10 and 11)		28075
2239	3159		Affidavit of KASHIWA, Teku		28085
			<u>MORNING RECESS</u>		28097
2242	3160		Chart showing a break-down of the Indictment as it concerns the Accused ARAKI, Sadao	28121	
2488	3161		Affidavit of ARAKI, Sadao		28124
			<u>AFTERNOON RECESS</u>		28174

1 Wednesday, 10 September 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 **Appearances:**

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE R. B. PAL, Member  
15 from India, not sitting from 0930 to 1600.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 (English to Japanese and Japanese  
20 to English interpretation was made by the  
21 Language Section, IMTFE.)  
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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now in session.

THE PRESIDENT: I understand from the chairman of the American defense counsel that arrangements are likely to be made for the representation of the accused, HIROTA, by American counsel and that, for the time being, there is no need for the Court to take any action.

Mr. Blakeney.

MR. BLAKENEY: When Court recessed yesterday, I was offering in evidence, pro forma, the certificate of provenance of exhibit 2,714. The certificate, together with the photostatic copy of the exhibit, was prepared and was distributed to bench and bar during the recess. I, therefore, make the offer only in order that the certificate may appear in the record of proceedings.

And, lastly, I offer in evidence defense document No. 2,473, the affidavit of H. G. W. Woodhead.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: If the Tribunal please, objection is made to the introduction of this affidavit on two grounds. The first ground is that there is no proper foundation for the introduction of this affi-

1     davit. The witness, Pu-Yi, was asked two questions  
2     relating to matters contained in a certain book  
3     written by the present affiant, and he admitted mak-  
4     ing both statements. Therefore, there is nothing to  
5     rebut . . . that regard. Your Honor, the President of  
6     the Tribunal, very properly remarked at the time,  
7     "Of course, the attitude of the witness may make it  
8     unnecessary to call Woodhead. It is simply this:  
9     "If I said it, and I don't remember saying it, it  
10    was just propaganda." The first question was asked  
11    at page 4,108 of the transcript, and the second ques-  
12    tion was asked at page 4,133 of the transcript. For  
13    those reasons I think it is improper to now present  
14    evidence showing statements were made that were ad-  
15    mitted by the witness to have been made.

16           THE PRESIDENT: Well, the witness said, "If  
17    I said it, and I don't remember saying it, it was  
18    just propaganda." Is that an admission?

19           MR. TAVENNER: If the Tribunal please, if  
20    all of that testimony is read I think it would be  
21    perfectly plain that it is an admission. It is  
22    certainly not a denial.

23           As to the second question, I refer to the  
24    question and answer as made which would remove any  
25    doubt, it would seem to me, on that point;

1           Question by Mr. Blakeney: "Now, am I to  
2 understand that for motives of your own you did make  
3 to Mr. Woodhead substantially the statement I have  
4 put to you?"

5           Answer: "Yes. I was asked to say that by  
6 ITAGAKI. I had no other way."

7           THE PRESIDENT: This affidavit of Woodhead,  
8 if admitted, may show that ITAGAKI was not mentioned  
9 at the time to Woodhead, but what he said about  
10 ITAGAKI in the box was an afterthought and not men-  
11 tioned to Woodhead.

12           MR. TAVENNER: That would seem not to go to  
13 the point as the only point involved is whether or  
14 not he made the statements that were presented in  
15 the course of cross-examination.

16           The second objection is that the witness is  
17 not available for cross-examination even if it were  
18 permissible to introduce this affidavit. In addition  
19 to all of that, the affidavit goes far beyond the  
20 two questions that were involved in the cross-examin-  
21 ation.  
22

23           MR. BLAKENEY: Before replying to the spec-  
24 ific objections, I should like to mention that at  
25 the time the defense Russian evidence was being pre-  
sented, I offered in evidence the book itself from

1 which were taken the excerpts put to Pu-Yi in cross-  
2 examination. The objection which was then success-  
3 fully raised by the prosecution was to the offering  
4 in evidence of the book rather than the statement  
5 directly from the witness. The suggestion was not  
6 made then that the material in question did not serve  
7 as impeachment of the testimony of the witness.

8  
9 Now, to deal with the objections made by  
10 Mr. Tavenner, I think it plain, from what he quoted  
11 of the cross-examination of Pu-Yi, that the affidavit  
12 now under consideration is impeachment of the testi-  
13 mony of Pu-Yi in regard to whether he made the state-  
14 ments for, while it is true that Pu-Yi did testify  
15 that certain statements were made by him under com-  
16 pulsion and as propaganda, a reading of his entire  
17 testify discloses unequivocally, I think, that he  
18 never outright admitted nor denied the making of the  
19 statements attributed to him by Mr. Woodhead. More-  
20 over, the affidavit of Mr. Woodhead now being pre-  
21 sented serves to impeach the witness, Pu-Yi, in his  
22 statement that such remarks, if made, were made un-  
23 truthfully or, I should say, insincerely because Mr.  
24 Woodhead's testimony shows clearly that he was carry-  
25 ing on confidential, personal conversations with Pu-  
Yi and that in his conversations with Pu-Yi he made

1 clearly apparent the moment at which he changed from  
2 confidential, personal discussion to discussion for  
3 the record or for quotation.

4           The affidavit, moreover, shows the type of  
5 personal relations existing between the two men,  
6 Woodhead and Pu-Yi, from which the Tribunal, I sub-  
7 mit, may be able to draw its conclusion as to whether  
8 Pu-Yi was telling the truth when he said that, to  
9 such a man on such an occasion, he spread propaganda.  
10 That is, there must be some people to whom the most  
11 assiduous propagandist tells the truth; and I leave  
12 it to the Tribunal whether the relations appearing  
13 from this affidavit that existed between these two  
14 would not lead to the conclusion that this is such a  
15 man as would have heard the truth from Pu-Yi.  
16

17           Now, the further objection is made that  
18 parts of this affidavit do not tend to impeach Pu-  
19 Yi in this matter; and it is quite true, I confess,  
20 that parts of the affidavit are merely affirmative  
21 evidence for the defense to show conditions prevail-  
22 ing in Manchuria and to help the Tribunal to draw  
23 its conclusion concerning them. Other parts of the  
24 affidavit, however, do tend to impeach the witness,  
25 Pu-Yi. What Mr. Woodhead saw in Manchuria may, in  
some regard, be impeachment of Pu-Yi's testimony.

1           The final objection made is that there is  
2 no opportunity for cross-examination of the witness.  
3 I do rather think that that question has been dis-  
4 cussed until it is threadbare, but I must repeat that  
5 in this instance I applied for a subpoena for the  
6 witness, Woodhead; I was given, instead, an order  
7 that facilities be made available for the taking of  
8 his testimony. I took the testimony in the form of  
9 affidavit which the President of the Tribunal has,  
10 on more than one occasion, ruled to be a compliance  
11 with the order for facilities for taking testimony.  
12 If the prosecution desire to cross-examine Mr. Wood-  
13 head, they have at their disposal every facility for  
14 doing so, either corporeally or in the form of  
15 counter-affidavits. I cannot produce Mr. Woodhead,  
16 but I should do so only too gladly if I could.

17  
18           THE PRESIDENT: You concede much of your  
19 affidavit is merely affirmative of the defense evi-  
20 dence; you are not questioning that part, Major  
21 Blakeney, are you? Could that be struck out?

22           MR. BLAKENEY: I don't know why it should  
23 be, your Honor. We are now presenting defense evi-  
24 dence.

25           THE PRESIDENT: Merely affirmative, I under-  
stood you to say, of other evidence.



1 MR. BLAKENEY: Affirmative, I meant, as  
distinguished from impeachment evidence.

2 MR. TAVENNER: If the Tribunal please --

3 THE PRESIDENT: Mr. Tavenner.

4 MR. TAVENNER: (Continuing) -- may I be  
5 heard further in the light of statements made by  
6 counsel in his argument which were not directly  
7 covered before?  
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1 THE PRESIDENT: Well, Mr. Tavenner, in any  
2 national court we are rather peremptory in dealing  
3 with objections but here the real question is always  
4 probative value and it requires some argument to come  
5 to a conclusion about that, but we would like the  
6 arguments to be as brief as possible.

7 MR. TAVENNER: There are just two matters  
8 that I desire to refer to. The first is this, that  
9 the Tribunal admonished counsel to this effect during  
10 the taking of the cross-examination: "I think my  
11 colleagues want you to put to him all the evidence that  
12 you propose to call."

13 Now, in response to that, two questions were  
14 asked and two questions were answered. We submit  
15 that it is not proper to in any way enlarge, in  
16 attempting to rebut testimony, by giving additional  
17 information not obtained, not appearing in those two  
18 questions, because the witness was not confronted  
19 with any other material and was not given an oppor-  
20 tunity to explain anything else.

21 THE PRESIDENT: That is always a considera-  
22 tion, but nothing more.

23 MR. TAVENNER: The other matter is this:  
24 counsel has stated that his purpose is to impeach the  
25 testimony of Henry Pu-Yi. That is a collateral

1 matter and is not subject to impeachment in this  
2 manner.

3 THE PRESIDENT: Credibility is always a  
4 collateral matter except where bias or something of  
5 the sort is concerned. You can always prove bias.  
6 Major Blakeney.

7 MR. BLAKENEY: I do not think that requires  
8 any answer, your Honor.

9 THE PRESIDENT: Is this merely a matter of  
10 impugning the credibility of the witness, or does it  
11 go to the issue, or is it relevant to the issue?  
12 That is a new and serious point raised by Mr.  
13 Tavenner.

14 MR. BLAKENEY: I did not think it was new,  
15 because I had tried to make it clear that in my opin-  
16 ion this evidence is both evidence in impeachment and  
17 affirmative evidence in support of the defenses being  
18 presented. It is impeachment in that it contains not  
19 only the passages put to Pu-Yi in cross-examination  
20 but also in that it contains traverses or negations  
21 of other things testified to by him.

22 It constitutes affirmative evidence in sup-  
23 port of the defense to the extent that it shows con-  
24 ditions as found by Woodhead in Manchuria; for example,  
25 in his statement of the conditions in which he found

1 the Emperor of Manchukuo living, and on a few other  
2 points as well.

3 As to whether a witness can properly be im-  
4 peached by proof of his prior inconsistent statements,  
5 even if it is a collateral matter, I never knew it to  
6 be objected to in any Tribunal.

7 I therefore submit that the objections are  
8 ill taken and the document is admissible.

9 THE PRESIDENT: By a majority the objections  
10 are sustained in part and rejected in part. The docu-  
11 ment with the exception of paragraphs 10 and 11 is  
12 admitted on the usual terms.

13 CLERK OF THE COURT: Defense document No.  
14 2483 will receive exhibit No. 3158.

15 (Whereupon, the document above  
16 referred to was marked defense exhibit No.  
17 3158 and received in evidence.)

18 MR. BLAKENEY: I read exhibit 3158, which,  
19 omitting the formal parts, is as follows:

20 "1. I have been acquainted with the former  
21 Ch'ing Emperor, sometimes known as Henry P'u-yi, for  
22 a great many years, and especially during the years  
23 that he resided in Tientsin I was a close friend, saw  
24 him often and was well acquainted with his personality  
25 and character.

1 "2. In September 1932 I made a visit to Man-  
2 churia to study the situation. After brief visits to  
3 Dairen and Mukden I proceeded to Changchun, the new  
4 capital. I had hardly reached the hotel there when a  
5 young Chinese Foreign Office official called to say  
6 that the Chief Executive, Mr. P'u-yi, had heard of my  
7 coming, and would be pleased to receive me at 10:30  
8 next morning. This young man, Mr. Yu, who can con-  
9 verse equally readily in Chinese, English, Japanese  
10 and Russian, called for me in good time and escorted  
11 me to the former Emperor's residence. After a wait  
12 of a few minutes in the official reception room, a  
13 message was received that the Chief Executive would  
14 see me in his private apartments, to which I was  
15 immediately conducted.

16 "3. The former Emperor greeted me with ob-  
17 vious pleasure, and had scarcely invited me to be  
18 seated before he remarked that on one of the last  
19 occasions on which I had seen him, in October 1930,  
20 at a private lunch in Tientsin, I had remarked that  
21 perhaps next time we met he might not be so access-  
22 ible; that I might have to invoke the assistance of  
23 a Foreign Office official. 'You see,' he observed,  
24 'that your prophecy has been fulfilled.' After I had  
25 inquired after the Empress, and he had asked for

1 information regarding several of his former foreign  
2 friends in Tientsin, I told him that later I should  
3 like to put some formal questions to him for my news-  
4 paper articles; but asked whether first I might put  
5 some personal and unusually frank questions, as a  
6 friend. He answered that I might ask him anything  
7 that I liked.

8 "4. I then said that it would be of interest  
9 to many of his friends to know whether he was really  
10 happy in his present position. He replied with emphasis  
11 that he was.

12 "Was he busy?

13 "Not, he said, so busy at the moment as he  
14 was a few months ago. The administrative machinery was  
15 now better organized, and though he devoted a consider-  
16 able portion of every day to state business, he was  
17 not too busy to find time to see his friends.

18 "5. I then remarked that the general im-  
19 pression that prevailed in Shanghai and indeed  
20 throughout China was that he had been coerced into  
21 his present position, and that he was not a free agent.

22 "From this report he emphatically dissented.  
23 He had, he maintained, been actuated by a double  
24 motive in accepting the office of Chief Executive.  
25 First, on account of political reasons. When the

1 Manchu Dynasty abdicated it had been with the avowed  
2 intention of restoring the sovereignty to the people.  
3 Twenty years had elapsed since, but what had been the  
4 result? The political power had passed not into the  
5 hands of the people, but of ambitious and grasping  
6 militarists. There had been incessant civil war and  
7 disorder. The welfare of the people had been en-  
8 tirely disregarded. They had been tyrannized over and  
9 oppressed. China's relations with Foreign Powers had  
10 grown steadily worse. And the pledge made in the  
11 Abdication Treaty that absolute equality would be  
12 maintained between the five races of China had been  
13 flagrantly violated.

14 "Secondly, he was actuated by personal mot-  
15 ives. Manchuria was his ancestral home. It was only  
16 natural that he should feel greatly interested in what  
17 was happening in this territory. Moreover, every  
18 undertaking to the Manchu Dynasty contained in the  
19 Abdication Agreement had been wantonly violated. The  
20 allowance to be paid to him by the State had been  
21 cancelled. His private property had been confiscated.  
22 He had been treated with studied disrespect by the  
23 Kuomintang. And the ancestral tombs had been violat-  
24 ed, and no serious attempt made to secure the restora-  
25 tion of the treasures stolen from them.

1 "It was only natural, therefore, that when  
2 trouble occurred in Manchuria he should follow develop-  
3 ments with great attention and wonder whether he was  
4 not destined to play some part in an attempt to im-  
5 prove the condition of his ancestral provinces.

6 Emmissaries of the separatist movement called upon  
7 him in Tientsin and urged him to proceed to Manchuria.  
8 And at last he felt that if he were ever to go he must  
9 go forthwith or he might find it impossible to leave.

10 "The possibility of a restoration movement,  
11 he said, was obviously known to and feared by General  
12 Chiang Kai-shek, who offered temporarily to restore  
13 the Conditions of Favourable Treatment if he (P'u-yi)  
14 would repudiate it. He had intimated, however, that  
15 material considerations would not influence him; that  
16 the Republican Government could best fulfill its  
17 responsibilities by concerning itself with the welfare  
18 of the people, by giving them good government, and by  
19 restoring internal peace. If it had Tls. 4,000,000  
20 (the amount of the Emperor's annual pension, as stipu-  
21 lated in the Abdication Agreement) to spend, let it  
22 spend that sum on relieving existing poverty in China.

23 "6. When he had decided to leave Tientsin for  
24 Manchuria he did not even take the Japanese Consul-  
25 General into his confidence.



1 "Then the story that you were kidnapped and  
2 sent to Port Arthur under Japanese escort on a de-  
3 stroyer is not true?"

4 "Mr. P'u-yi, who understands English quite  
5 well, threw back his head and roared with laughter.  
6 'Kidnapped?' he said, 'Kidnapped? No, no.'

7 "I told him that that was the version of his  
8 departure from Tientsin that was widely current and  
9 generally believed, and asked whether I might be told  
10 the actual details of his movements, adding that what  
11 he had told me up till then was confidential, but that  
12 as a matter of historical interest I should like to  
13 know exactly what happened when he left Tientsin.

14 "Mr. P'u-yi replied that his movements had  
15 had to be kept secret for two reasons: first, because  
16 his departure from Tientsin might have been frustrated;  
17 secondly, because he would have been in considerable  
18 danger of assassination had his whereabouts been re-  
19 vealed.  
20

21 "He left Tientsin just as the trouble be-  
22 tween the Japanese and Chinese in that city started,  
23 and traveled direct to Yinkow (Newchwang) on the  
24 steamer Awachi Maru. He left a letter behind to be  
25 delivered to the Japanese Consul-General informing him  
of the departure, and asking him to afford adequate

1 protection to the Empress (who remained in his resi-  
2 dence in the Japanese Concession) when she followed.  
3 From Newchwanghe proceeded to Tang Kung Tzu (the hot  
4 springs between Liaoyang and Tashihchao), where he  
5 remained only a couple of days, returning to meet his  
6 wife at Port Arthur. She also traveled on an ordinary  
7 steamer. The next few weeks were spent at that center,  
8 where he amused himself by studying the siege opera-  
9 tions in the Russo-Japanese War and visiting the ruins  
10 of the former Russian fortifications. He and his wife  
11 then returned to Tang Kung Tzu, where they lived  
12 quietly until he proceeded to Changchun. When he was  
13 convinced that it was his duty to go north and assume  
14 the office of Chief Executive, he went straight  
15 through to Changchun by train. At no time, in  
16 Tientsin, in the Leased Territory, or in Manchuria,  
17 was he ever under any restraint, nor was any coercion  
18 applied to him.

19  
20 "7. The former Emperor emphasized that I had  
21 seen from my own experience how nonsensical the stories  
22 told about his position in Changchun were. Here we  
23 were, talking without restriction, with only a young  
24 Chinese present, who made no attempt to direct the  
25 course of conversation, and who only interpreted my  
remarks and questions when Mr. P'u-yi did not under-

1 stand them, with no Japanese within hearing, and ab-  
2 solutely no restriction upon the topics discussed.  
3 Could I, he asked, really believe that he was  
4 virtually a state prisoner under such conditions?

5 "8. I asked his views on the government of  
6 Manchuokuo, and he at once replied that he favored the  
7 adoption of the Wang Tao doctrine, based upon the  
8 teachings of Confucius. 'Heaven,' he said, 'did not  
9 divide people into nations, but regarded them all as  
10 human beings and desired peace between them, and love.  
11 Competition and strife between nations only led to  
12 war and intense suffering. Confucius taught that  
13 governments should rule honestly, observe the golden  
14 rule toward each other, and work for humanity and  
15 peace. That crystallized the Oriental spirit. That  
16 was the spirit in which Manchoukuo had issued its  
17 declaration of independence. We are opposed to racial  
18 and national animosities. That is why we call this the  
19 Ta Tung (Great Equal) era. We should like to have the  
20 friendliest relations with Great Britain and all the  
21 other Powers. And we believe that we can contribute  
22 towards the realization of world peace. Our domestic  
23 policy will aim at making it possible to lead peaceful,  
24 and happy lives. We shall have no political parties  
25 in the new State. They only make for disharmony.

1 We shall do our utmost to show ourselves trustworthy  
2 in our foreign relations. I hope that the people of  
3 your country (Great Britain) will understand and  
4 appreciate our attitude. We shall welcome the in-  
5 vestment of their capital in enterprises in Manchuokuo.  
6 We shall be pleased to have them come and dwell among  
7 us. For many years I had a British tutor (Sir  
8 Reginald Johnston), and I therefore acquired some know-  
9 ledge of British history and civilization and prin-  
10 ciples. Therefore I have a special interest in  
11 fostering friendly relations between Great Britain and  
12 Manchoukuo. Your Sovereign, King George, has already  
13 been acquainted with my views.'

14 "9. Mr. P'u-yi admitted the gravity of the  
15 bandit situation, but said that though recently  
16 aggravated by external influences, it was not a new  
17 problem and required all to give all the assistance in  
18 their power to eliminate this evil. In this connec-  
19 tion, he paid a very warm tribute to General MUTO, the  
20 Chief of the Japanese delegation to Manchuokuo.  
21 Very friendly personal relations had been established  
22 between them as a result of General MUTO's recent visit  
23 to Changchun to extend his Government's formal recogni-  
24 tion to Manchoukuo. And he felt confident that  
25 General MUTO would help to smooth over past and present

difficulties."

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That concludes my evidence, and Mr. Freeman  
will continue.

1 THE PRESIDENT: Mr. Freeman.

2 MR. FREEMAN: If the Tribunal please, I  
3 have one witness to offer as to POW subdivision which  
4 has been requested by all the counsel and will take  
5 only probably three minutes.

6 I call the witness KASHIWA, Toku, whose  
7 affidavit is defense document 2239.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please,  
10 prosecution will announce now that it waives cross-  
11 examination so as to save the time in calling the  
12 witness.

13 MR. FREEMAN: I offer in evidence then  
14 defense document 2239.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 2239  
17 will receive exhibit No. 3159.

18 (Whereupon, the document above  
19 referred to was marked defense exhibit  
20 No. 3159 and received in evidence.)

21 MR. FREEMAN: I shall read into evidence  
22 exhibit 3159, beginning with the second paragraph:

23 "I am KASHIWA Toku. I served in Jehol,  
24 Manchoukuo from December 1940 to February 1942 as the  
25 commander of the 9th Independent Guard Unit. The duty

1 of the unit was guarding the railroad and maintaining  
2 order; the area under its jurisdiction was a part of  
3 Jehol Province and a part of West Hsingan Province.

4 "At first I was under direct command of the  
5 commander in chief of the Kwantung Army; but from  
6 August 1941 I came under the command of the commander  
7 of the Kwantung Defense Army. Its strength was three  
8 Independent Guard infantry battalions and the number  
9 of men was a little less than 3,000. In Jehol Province  
10 there was, besides my guard unit, a military police  
11 corps, but no other Japanese troops were stationed  
12 there.

13 "The unit headquarters was in Chengteh; the  
14 headquarters of the battalions were in Chengteh, Chih-  
15 feng, and Kupehkow, and each carried out its functions  
16 within its area. Each battalion was divided into  
17 smaller units which were stationed at various places.  
18 In Pingchuan, there was a small unit of about 40 or 50  
19 men led by a company commander.

21 "The Manchoukuo Army had a military district  
22 in Jehol Province and had its headquarters in Chengteh,  
23 and one brigade each was stationed in Chihfeng and  
24 Kupehkow.

25 "At that time order was well preserved except  
~~for two or three thousand soldiers of the 8th Route Army~~

1 who came and went around the Manchu-North China border  
2 with North China as their base. In June 1941 a sweep-  
3 ing campaign against the 8th Route Army was staged  
4 around the Sino-Manchoukuoan border. At this time my  
5 unit was temporarily reinforced with two battalions  
6 from the Kwantung Army, with which battalions campaign  
7 of subjugation was carried out within North China and  
8 around the border in cooperation with the North China  
9 Garrison.

10 "As Jehol Province had opium plantations,  
11 the 8th Route Army came into the villages and sometimes  
12 did some harm to the natives in order to get opium for  
13 their military fund. In these cases the guard unit  
14 cleaned them up with the cooperation of the Manchoukuo  
15 Army and the provincial officials.

17 "Peace and order were kept well in the  
18 Pingchuan district and force was never used as it was  
19 unnecessary. Even at the time of the cleaning up of  
20 the 8th Route Army in June 1941, was kept in normal  
21 condition. It is quite untrue that any massacre of  
22 natives happened around Pingchuan at about August 1941,  
23 and I have neither ever received any report of such an  
24 occurrence nor heard anything about it. Though it was  
25 specifically claimed that this massacre was performed by  
Japanese and Manchoukuoan troops, that is quite impossible.



1 because it was my principle always to avoid having  
2 Japanese and Manchoukuoan troops at the same time in  
3 the same place and I always set the areas for troop  
4 movements for both armies and required them to act  
5 separately.

6 "On this 8th day of April, 1947."

7 That concludes, if the Tribunal please,  
8 the general phases of the defense except such  
9 matter as has been reserved to be presented later.

10 THE PRESIDENT: Mr. Tavenner.

11 MR. TAVENNER: If the Tribunal please, in  
12 lieu of cross-examination on this affidavit the prose-  
13 cution desires to refer to prosecution exhibit 360,  
14 page 4655 of the transcript.

15 THE PRESIDENT: Yes, Mr. Tavenner.

16 MR. TAVENNER: There are two other matters  
17 that I desire to call to the Tribunal's attention. The  
18 first is a correction of prosecution exhibit 14, at  
19 page 17,176 of the transcript. Our attention was called  
20 to the fact that one article of this document did not  
21 appear in the English translation although it was in the  
22 Japanese. I desire now to present to the clerk page  
23 three to be substituted in that document to make it  
24 complete.  
25

THE PRESIDENT: In the absence of any objection

1 the substitution will be made.

2 MR. TAVENNER: If the Tribunal please, we  
3 find it necessary to reserve for a short time longer  
4 our decision about recalling the witness YAMAMOTO  
5 for further cross-examination.

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1 THE PRESIDENT: I might say here that the  
2 Tribunal has extended until the 17th of October the  
3 time for producing certain witnesses in which the  
4 Russian prosecution are interested.

5 MR. BLAKENEY: If that order has been made  
6 I should like specifically to repeat the reservation  
7 heretofore made of our right to produce additional  
8 evidence in the Russian phase after considering the  
9 cross-examination of the prosecution witnesses.

10 THE PRESIDENT: Mr. Chief of Counsel.

11 MR. KEENAN: Mr. President and Members of the  
12 International Military Tribunal for the Far East:

13 In view of the fact that the proceedings  
14 have now reached the stage where the defense is about  
15 to begin the presentation of the individual defenses  
16 of the accused, the present application filed by the  
17 accused OKA for the production of certain witnesses,  
18 as well as applications filed by other accused, pre-  
19 sents a problem of the utmost importance which will  
20 have a grave bearing on the length of this proceeding.  
21 It is respectfully submitted that the application  
22 requires a ruling from the Tribunal delimiting the  
23 scope henceforth to be permitted the accused in  
24 offering evidence in "their individual phases."

25 In the presentation of its case, the

1 prosecution was faced with a twofold problem. On  
2 the one hand, it had to establish that the conspira-  
3 cies and substantive offenses alleged in the indict-  
4 ment were committed, and on the other hand it had to  
5 show that these particular accused committed those  
6 crimes. In the presentation of its evidence, with  
7 the consent of the Tribunal, the prosecution divided  
8 its case into phases for the purposes of organization  
9 and clarity. During the presentation of the phases  
10 and separately at the conclusion of the phases, the  
11 prosecution offered evidence in support of the charges  
12 against the individual accused.

13 From the opening statements of counsel for  
14 the defense and from the method of proof used to date,  
15 it is clear that the accused rely upon a dual defense  
16 which is designed to meet both facets of the prosecu-  
17 tion's problem. On the one hand they contend that  
18 there was no conspiracy and that no substantive of-  
19 fenses were committed; and on the other hand they  
20 contend that whether or not a conspiracy existed or  
21 substantive offenses were committed, the accused did  
22 not participate in them. To meet its dual burden, the  
23 defense decided in addition to offering evidence on  
24 behalf of the individual accused, to also present  
25 evidence in five phases. These phases were: the

1 . general phase, the Manchurian phase, the China phase,  
2 the Russian phase, and the Pacific phase. During the  
3 presentation of the evidence on the five phases, the  
4 defense has addressed itself to the question of the  
5 existence of the conspiracies and the commission of  
6 the substantive offenses. They have offered evidence  
7 on behalf of all the defendants to meet every issue  
8 raised by the prosecution on this question. This can  
9 be clearly seen if we analyze the prosecution's phases  
10 in terms of the phases presented by the defense.

11 The prosecution's first phase on the  
12 "Constitution and Laws of Japan" was countered by the  
13 evidence of the first section of the general phase of  
14 the defense. Section five of the defense general  
15 phase was introduced in answer to the prosecution  
16 phase entitled "Propaganda to Prepare Public Opinion  
17 for War." All the issues raised in the prosecution  
18 third phase, "Manchurian Aggression," were joined  
19 through the evidence introduced in the "Manchurian  
20 Division" offered by the defense. The third of the  
21 defense phases, "China," was offered to meet the  
22 prosecution's evidence in the phase called "Aggression  
23 in China." In both the Manchuria and China divisions  
24 the defense attempted to rebut the prosecution's  
25 evidence in its "Narcotic and Opium" and its "Economic

1 Aggression in China and Manchuria" phases. The  
2 prosecution's "Conspiracy with Germany and Italy"  
3 phase had its reply in the anti-comintern section  
4 of the defense "Russian" phase and the "Tripartite  
5 Pact" section of the Pacific phase. The entire  
6 fourth defense phase -- the Russian division --  
7 dealt with the evidence to rebut the prosecution's  
8 "Relation with the Soviet Union." Parts 3 and 4 of  
9 the general phase and all of the Pacific phase were  
10 devoted to materials to answer the phases of the  
11 prosecution's case entitled, "Relations with the  
12 United States and Great Britain" and "Relations with  
13 the Netherlands." The Pacific phase also replied to  
14 every issue raised by the prosecution phases,  
15 "Preparation for War, Economic, Military, and Naval,"  
16 "Relations with France," and Class B and C crimes in  
17 the Philippines. Both the China phase and the Pacific  
18 phase introduced evidence on the subject of atroc-  
19 ties. In meeting these various phases of the prose-  
20 cution's case, the defendants have had and have  
21 availed themselves of the opportunity of not only  
22 denying the prosecution's evidence on the existence  
23 of the conspiracies and substantive offenses but  
24 also of asserting the affirmative defenses of self-  
25 defense and encirclement.

1           It is thus clear that already the accused  
2 have been given fair and full opportunity to present  
3 all the evidence they desired on the question of the  
4 existence of the conspiracies and substantive offenses.  
5 In doing this, since this Tribunal imposed no limit  
6 as to time or number of witnesses in meeting the  
7 general issues, the defense have used more than one  
8 hundred court days, and have already presented more  
9 than twice the number of witnesses presented by the  
10 prosecution. They have had ample time to prepare  
11 when we consider that they had the period during which  
12 the prosecution was presenting its case and the more  
13 than ten weeks of recess granted to them for preparation  
14 purposes since the prosecution closed. It is, there-  
15 fore, hardly to be expected that any serious thought  
16 would be given to the repetition of the evidence on  
17 these issues on behalf of any single accused. Yet,  
18 the present petition discloses the purpose of offering  
19 during the individual defenses more evidence by outside  
20 witnesses on the issue of the existence of the conspi-  
21 racies and substantive offenses. Such procedure, if  
22 allowed, can only be repetitious of the evidence  
23 already covered on behalf of all defendants and lead  
24 to inordinate prolongation of the trial. It contains  
25 within it the inherent possibility of the same evidence

1 being repeated on issues already covered a maximum of  
2 twenty-five times which could serve no purpose other  
3 than making a mockery of these proceedings, injuring  
4 its dignity and value beyond recall. Obviously there  
5 must be imposed some limit based on reason and fairness.

6 We respectfully submit that here more than at  
7 any other stage of this proceeding we need a hard and  
8 fast ruling. We realize, of course, that this cannot  
9 exclude the occasional exercise of discretion where  
10 merited. The defense requires a hard and fast rule  
11 to avoid submission by it of a plethora of documents  
12 and material which could only be rejected on presenta-  
13 tion to court at the expense of an enormous and prohi-  
14 bitive waste of this Tribunal's time. The language  
15 of the Charter, we submit, is abundantly clear.  
16 Article 12A and B provides "the Tribunal shall (a)  
17 confine the trial strictly to an expeditious hearing  
18 of the issues raised by the charges; and (b) take  
19 strict measure to prevent any action which would cause  
20 any unreasonable delay and rule out irrelevant issues  
21 and statements of any kind whatsoever." The afore-  
22 mentioned language employed passes on a mandate which  
23 we think applies particularly to the matter now  
24 presented.  
25

There are no precedents exactly applicable



1 and while it is conceded that this Tribunal is not  
2 bound by the Nuremberg rulings and practice, the methods  
3 adopted by that Tribunal in a similar situation may  
4 be of some assistance. In that case the defense was  
5 not presented in phases, but each individual had his  
6 own defense. However, the Tribunal having found that  
7 the accused Goering was the one whose defense might  
8 most reasonably be expected to cover in general the  
9 defense applicable to all, required Goering to present  
10 his defense first. His testimony took twelve days.  
11 Thereafter the Tribunal permitted the other accused  
12 varying periods from two to five days each to present  
13 their defense, depending on the importance of the  
14 accused. No defendant, other than Goering, could pre-  
15 sent evidence on any matter but his personal partici-  
16 pation in the alleged crimes. The role of Goering at  
17 that trial is in a sense analagous to the part played  
18 by the phases in this proceeding in denying the  
19 existence of the conspiracies and substantive offenses.

21 In view of the fact that the issue of the  
22 existence of the conspiracies and substantive offenses  
23 has been fully covered in the general phases with the  
24 exception of what the accused themselves may have to  
25 say on this issue, it is the firm conviction of the  
prosecution that during the individual phases, other

1 than what the accused themselves may have to say, if  
2 they desire, about the existence of the conspiracy or  
3 substantive offenses, no testimony is germane unless  
4 it goes to the issue of individual participation. It  
5 is therefore respectfully recommended and urged to  
6 this Tribunal that with the exception heretofore men-  
7 tioned, it delimit the scope of the individual phases  
8 strictly to the presentation of evidence solely on  
9 the question of the individual participation of the  
10 accused and that the present application by the  
11 accused OKA and all other similar applications be  
12 denied.

13 It is further urged that whatever ruling be  
14 made in response to this application it be emphasized  
15 that both prosecution and defense will be held strictly  
16 to compliance therewith.

17 THE PRESIDENT: We will recess now for  
18 fifteen minutes, and during the recess the defense  
19 will have an opportunity to consider their reply to  
20 the chief of counsel for the prosecution.

21 (Whereupon, at 1045, a recess was  
22 taken until 1100, after which the proceedings  
23 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. YAMAOKA.

4 MR. YAMAOKA: If the Tribunal please, with  
5 regard to the matters brought up by the learned chief  
6 prosecutor before recess, American counsel have had a  
7 very short meeting. In view of the fact that the new  
8 matter which has been raised by the learned chief  
9 prosecutor is of such grave importance to the entire  
10 defense, we should like leave of the Tribunal to reply  
11 in full tomorrow morning at 9:30. This will permit  
12 Japanese counsel to confer in full on this matter,  
13 and I do not believe that they have had that opportunity  
14 as yet.

15 THE PRESIDENT: Well, I understand the accused  
16 ARAKI will give evidence now, is that correct?

17 MR. YAMAOKA: Yes, your Honor.

18 THE PRESIDENT: And his evidence will probably  
19 take up the greater part of the day.

20 MR. YAMAOKA: Yes, your Honor.

21 THE PRESIDENT: Judging from the length of  
22 his affidavit, it will.

23 MR. YAMAOKA: I understand that --

24 THE PRESIDENT: Well, the Court will hear you  
25 at half past nine tomorrow morning, Mr. YAMAOKA.

1 MR. YAMAKA: Thank you.

2 I understand that Mr. Roberts has one or two  
3 documents he desires to present.

4 THE PRESIDENT: Mr. Roberts.

5 MR. ROBERTS: Document No. 1898, which was  
6 on my order of proof which I expected to present yester-  
7 day, was not completed in the Japanese translation.  
8 However, I understand that the translation is now com-  
9 plete.

10 THE PRESIDENT: This is a document of over  
11 one hundred fifty pages. How much of it do you pro-  
12 pose to read?

13 MR. ROBERTS: I intend to read only excerpts  
14 from these documents in order simply to give a clear  
15 picture of the events pictured in the documents them-  
16 selves. I have checked the certain documents which I  
17 intend to read. There will be check marks appearing on  
18 the documents, and it is a small portion of the entire  
19 documents which are to be offered.

20 THE PRESIDENT: Mr. Chief of Counsel.

21 MR. KEENAN: Mr. President, I have been in-  
22 formed that the defense had completed their general  
23 phase, evidence, and I ask the indulgence of the Tri-  
24 bunal for a moment. Mr. Tavenner, who is more familiar  
25 with this document, will state the position of the

1 prosecution if you could wait for just a moment.

2 THE PRESIDENT: Mr. Tavenner.

3 MR. TAVENNER: If the Tribunal please, ob-  
4 jection is made to the introduction of this document  
5 in evidence on the ground that the diplomatic negoti-  
6 ations between the United States and China regarding  
7 the extraterritorial rights of the United States  
8 certainly could not be material to any issue before  
9 this Tribunal.

10 The negotiations led up to a treaty which  
11 was not enacted or concluded. Even if such treaty  
12 had been concluded, it would be immaterial and ir-  
13 relevant.

14 THE PRESIDENT: Mr. Roberts.

15 MR. ROBERTS: A vitally important issue be-  
16 fore the Tribunal concerns the actions of some of the  
17 accused in China during the year 1931, and thereafter,  
18 so that we must necessarily inquire into the conditions  
19 prevalent in China at that time for the purposes of  
20 providing some reasonable explanation for the action  
21 taken by Japan.

22 Some proof has been adduced through Japanese  
23 sources (witnesses and documents) that the deplorable  
24 state of affairs prevailing in China were the result  
25 of conditions within that country, and not the result

1 of aggression by foreign interests. Evidence was  
2 further adduced that Japanese action was taken as the  
3 result of civil war, banditry, and communism in China,  
4 which endangered the lives and property of Japanese  
5 nationals. In view of the fact that this material was  
6 subject to possible doubt, because of the source, we  
7 now desire to bring before the Court certain official  
8 State papers from the Foreign Relations of the United  
9 States, which will show the following:

10           That the Chinese Government, in violation of  
11 long standing agreements relating to the Pacific, uni-  
12 laterally, before the Mukden Incident, abolished all  
13 extraterritorial rights of Japan in China and announced  
14 its intention to retake the Kwantung leased territory,  
15 the Manchurian Railroad and railway zone and to con-  
16 tinue its anti-Japanism and discrimination against  
17 Japanese nationals;

18           That in 1930 and previously the Chinese Govern-  
19 ment had adopted a stiff and intransigent position that  
20 all extraterritorial rights of the United States, Great  
21 Britain, France, Norway, and Japan would be extinguished,  
22 and acting upon that premise the Chinese Government re-  
23 modeled its domestic law to ignore all such extraterri-  
24 torial rights;

25           That Japan, in common with the position of the

1 United States and Great Britain, was in favor of the  
2 gradual abolition of extraterritorial rights but felt  
3 that as such rights could not be given up at one stroke  
4 and that all such rights should be withdrawn in exact  
5 proportion to the ability of the Chinese to organize  
6 a stable government and maintain law and order suf-  
7 ficient to protect the lives and property rights of  
8 the nationals in China.

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1           The Chinese, in violation of many agreements  
2 relating to the Pacific area, issued its Mandate in  
3 1931, before the Mukden Incident, to take effect on  
4 January 1, 1932, and by the terms of that Mandate all  
5 extraterritorial rights of Japan, the United States,  
6 Great Britain, France and Norway were to be disregarded  
7 as of January 1, 1932 and thereafter nationals of all  
8 such countries were to be subjected without limit to  
9 Chinese law and procedures; this Mandate was never  
10 rescinded but its execution was temporarily postponed  
11 about January 1, 1932 because of sheer disorganization  
12 and instability in the national Government of China and  
13 the situation in Manchuria

14           THE PRECIDENT: Mr. Roberts, I hope you are not  
15 taking advantage of this to make a number of statements  
16 in the nature of evidence, really. It is remarkable  
17 that, if this document has the importance you suggest,  
18 it should be put in at that stage after the case was  
19 closed, after the general phase was closed. I do not  
20 recollect any opening of any of the phases in which  
21 this document was foreshadowed, but my memory may not  
22 serve me well.

23           MR. ROBERTS: It was intended to include this  
24 in the reservation because the Japanese translation  
25 was not completed on this document until this morning.



1           In the general opening statement by Doctor  
2 KIYOSE this was foreshadowed as conditions in China  
3 as far as the action taken by Japan.

4           THE PRESIDENT: We were never in any doubt about  
5 that, but it is whether the scope includes a document  
6 of this nature. I am considering it.

7           MR. ROBERTS: It certainly is of extreme  
8 importance, and, as I said, being State papers of the  
9 United States Government it is something that will, of  
10 course, have the confidence of the Court because other  
11 matter, as I said, which was from Japanese sources may  
12 not have had such confidence.

13           In view of the objection I have one or two  
14 other points I would like to make concerning what these  
15 documents will show.

16           These state papers also reflect the disunity  
17 and instability within the Chinese Government, un-  
18 conciliatory attitude with respect to all interest of  
19 foreigners within China and the extraordinary difficulty  
20 in dealing diplomatically with the Nationalist Government  
21 of China.

22           These papers also show beyond doubt that the  
23 willingness of the United States and Great Britain to  
24 surrender practically everything in the way of extra-  
25 territorial rights put Japan in a delicate position in

1 her dealings with China because of the larger population  
2 of Japanese residents and greater property interests  
3 in China and Manchuria.

4           Here the Tribunal will see that the unilateral  
5 action taken by the Chinese reduced the Nine-Power Pact  
6 in its practical effect to a dead letter. Japan ignored  
7 this unilateral action on the part of the Chinese but  
8 was nevertheless willing at all times to enter into  
9 negotiations with the Chinese for gradual abolition of  
10 extraterritorial rights as heretofore stated. This  
11 document has an important bearing on the question of who  
12 was the aggressor in China and Manchuria, and it is  
13 significant to note that four other nations were like-  
14 wise ready to fight China in 1931 for the preservation  
15 of the rights and interest of their nationals.

16           As I have said, because of the bulk, we have  
17 checked certain portions for reading and these, we believe,  
18 will give a good bird's eye view of the diplomatic  
19 situation viz-a-viz all foreign interests as of 1931.

20           THE PRESIDENT: This document isn't a late  
21 find, is it? You have had this material from the start.

22           MR. ROBERTS: However, we have had the difficulty,  
23 as I said, in translation and you will find that on my  
24 order of proof, I believe, dated September 2 possibly.

25           As a matter of fact, we sought the help of the

1 prosecution in translating this and gave them part of  
2 the materials to translate for us.

3 THE PRESIDENT: Now, in what opening statement  
4 was it argued that Japan overran Manchuria to preserve  
5 the right of extraterritoriality?

6 MR. ROBERTS: In the opening statement made  
7 by Doctor KIYOSE. That was the material that was re-  
8 ferred to.

9 THE PRESIDENT: We would like the prosecution  
10 to tell us whether they agree with Mr. Roberts that the  
11 matters that he claims to be in it are really in the  
12 document.

13 MR. TAVENNER: If the Tribunal please, I have  
14 not been able to read this entire document. In view of  
15 the circumstances under which the orders of proof were  
16 presented, I did not expect this document to be presented.  
17 I am advised that it does not contain the statements  
18 made by counsel in some instances, but I am not in a  
19 position to make a definite statement of my own on that  
20 subject.

21 THE PRESIDENT: By a majority the objection  
22 is sustained and the document rejected.

23 Mr. McManus.

24 MR. McMANUS: Your Honor, I should like to  
25 read the opening statement in defense of the accused

1 ARAKI, Sadao.

2 THE PRESIDENT: A question is raised as to  
3 your right to open the evidence for the accused. There  
4 would be no question about it in a national court.

5 We would like you to refer us to the Charter,  
6 Mr. McManus.

7 MR. McMANUS: It is, if your Honor pleases,  
8 Article 15(c), which states "The prosecution and each  
9 accused (by counsel only, if represented) may make a  
10 concise opening statement."

11 THE PRESIDENT: I suppose you don't intend to  
12 repeat matters that have already been opened in the  
13 other phases. You seem to be well within your rights.

14 MR. McMANUS: I assure the Tribunal I have no  
15 such intention.

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1 If it please the Tribunal, we would like to  
2 present counter-evidence in refutation of the charges  
3 and assertions of the prosecution against the accused  
4 ARAKI.

5 1. The charges of the prosecution against ARAKI  
6 are as follows:

7 Together with all the other accused: counts  
8 1 to 17; 27 to 32; 34 and 44;

9 Together with some other accused: counts 18,  
10 19, 23, 25, 26, 33, 35, 45, 46, 47; and 51 to 55.

11 The prosecution, however, points out only the  
12 following public career of ARAKI:

13 Minister of War (December 13, 1931 - January 23, 1934)

14 Cabinet Councillor (October 15, 1937 - May 26, 1938)

15 Minister of Education (May 26, 1937 - August 30, 1939)

16 Chairman of National Spiritual Mobilization,  
17 (March 28, 1939 - August 30, 1939)

18 Cabinet Councillor (December 1, 1939 - August 3,  
19 1940.)

20 Such being the case, except for ARAKI's occu-  
21 pation of the above-mentioned positions, the charges  
22 against ARAKI for the remaining period must be clearly  
23 expressed; on the other hand, in this connection the  
24 prosecution only vaguely enumerates counts, against  
25

1 which, we therefore submit, no counter-evidence is nec-  
2 essary, but only a chart that will show at a glance  
3 ARAKI's non-involvement with such counts should suffice.

4 2. Evidence of his non-participation in conspiracy.

5 The prosecution asserted that ARAKI participat-  
6 ed in conspiracy, propagated aggression and instigated  
7 young officers. We will show that ARAKI is not a chauv-  
8 inist, nor a fascist, let alone an aggressionist, but a  
9 believer in KO DO (the Imperial Way), a genuine Nippon-  
10 ism. And the KO DO that he believed in is a moderate,  
11 unbiased course of service and, according to its  
12 Doctrine, a public road through heaven and earth, and  
13 an everlasting path for humanity which is infallible  
14 for all ages and true in all places. He will further  
15 prove his ideas are not so subversive, self-conceited  
16 and conservative as to threaten world peace; that he  
17 is a pacifist and a humanitarian; that in all his  
18 speeches, articles and actions he has been advocating  
19 this KO DO for world peace, and that these speeches,  
20 articles and actions have been definitely opposed to  
21 the instigation of propaganda and instruction for any  
22 aggressive war. As to HAKKO ICHIU, we can clearly  
23 prove in what sense he used the phrase.  
24  
25

We will prove that he taught the Army to act  
as the Imperial forces, which meant they should carry

1 out the Imperial virtue of benevolence, and that his  
2 motto in training the Army was: "Never be resented by  
3 the enemy in victory; be loved by the natives during  
4 your garrison."

5 From his experiences in World War I, he warned  
6 the world that warfare was deteriorating to a brutal  
7 combat; that even in an inevitable defensive war he  
8 condemned the use of poison gas or bacteria as a crime,  
9 and contended that the destructive power of weapons  
10 should be limited and that war damage upon women, child-  
11 ren and other non-combatants should be avoided at all  
12 costs. We will further prove that he did not believe,  
13 from his view of KO DO, that impending political issues  
14 between Japan and such countries as China, the Soviet  
15 Union, Britain and the United States should be settled  
16 by war; that his past has been a series of struggles  
17 against radicalism; that Japan could not escape from  
18 the world-wide confusion around 1930; that Japan was  
19 suffering from unusual and devastating circumstances  
20 which occurred one after another, internally as well as  
21 externally; that he devoted himself to solving these  
22 incidents and succeeded in settling them all one by  
23 one. Fate, however, seems to have forbidden him any  
24 further efforts, for on January 1, 1934, after his  
25 settlement of the Manchurian Incident, he became serious-

1 ly ill, partly from his overwork, and he resigned from  
2 War Ministership. Because of his worry over the miser-  
3 able destiny Japan was precipitately following, he was  
4 obliged to leave the political arena.

5 That, from his viewpoint of KO DO he opposed  
6 expansion of operations in the China Incident, as well  
7 as the Tripartite Pact, for fear lest it should lead to  
8 a world war.

9 All the above will be proved by documentary as  
10 well as oral evidence.

11 3. We will prove that it was because of ARAKI's  
12 efforts that the Manchurian Incident and the First  
13 Shanghai Incident were settled with the least possible  
14 damage, thus preventing them from developing into a  
15 wholesale disturbance of East Asia.

16 We will show that the Manchurian Incident had  
17 some factors which could have lead to a great inter-  
18 national eruption; that the Incident had broken out  
19 three months before so that it could not be returned to  
20 status quo ante when ARAKI was appointed Minister of War  
21 and that in Manchuria the movement for independence had  
22 been brewing because of its historical background and  
23 had swayed the entire Manchurian population.. This, how-  
24 ever, has already been proven to some extent in the  
25 general phase. We will, however, show that the measures



1 taken by him since he became War Minister were neither  
2 aggressive nor indicative of occupation, but aimed at  
3 the protection of Japan's rights and interests and  
4 her residents, in accordance with international law  
5 and were the realization of a cabinet decision to  
6 terminate hostilities at the earliest possible date;  
7 that there were two measures to be taken to cease fire,  
8 that one was to pacify disturbances by bandits, and to  
9 repulse other challenging activities and to conclude a  
10 truce, and the other was to calm Japan's internal ex-  
11 citement and to make the nation reflect upon herself,  
12 and that ARAKI succeeded in realizing these two steps  
13 perfectly. Further, that ARAKI was always prudent in  
14 dealing with establishment and recognition of Manchukuo;  
15 that he fulfilled his duty, respecting the opinions of  
16 the Foreign Office authorities and, acting in accord-  
17 ance with the Government's principle, that he not only  
18 made efforts to cease hostilities, and to prevent them  
19 from expanding into general disturbances, but that he  
20 tried to propose, despite strong opposition, and even  
21 at the risk of his life, a Far Eastern peace conference  
22 with a view to establishing a foundation for peace in  
23 the East; that at his resignation on account of ill-  
24 ness from overwork, he entrusted the Cabinet with his  
25 plan to secure peace. We will establish this fact.

1 We will further show that as to international  
2 relations, he always followed a principle of mutual  
3 cooperation; that he opposed a premature recognition  
4 of Manchukuo; that after the Shanghai Incident he  
5 effected evacuation of all the military personnel  
6 despite powerful opposition; that he was the last man  
7 to agree to withdraw from the League of Nations. When  
8 he learned this to be inevitable, he tried to establish  
9 a plan for world peace in cooperation with Great Brit-  
10 ain and the United States; that in dealing with military  
11 affairs according to the Government's policies, he  
12 respected international treaties and never trespassed  
13 beyond their limits. We shall also establish this fact  
14 to the satisfaction of this Tribunal.

15 Further, that he respected the independence  
16 of Manchukuo and wished for her, as in her declaration,  
17 to be an ideal state as an oasis of stability in East  
18 Asia, and that he had no such wild fancy as to consider  
19 Manchukuo as a puppet state.

20 4. We will establish the fact that ARAKI had no  
21 connection with the Army since 1936.

22 We will also prove that while ARAKI was Minist-  
23 er of War, the May 15th Incident broke out, in which not  
24 even one young army officer participated; that the  
25 February 26th Incident, however, was an illegal action

1 undertaken by young officers to the discredit of  
2 the Imperial Army, reverence for which ARAKI had al-  
3 ways advocated; that ARAKI was much concerned about it,  
4 and that though quiet reigned for a time, after  
5 ARAKI's resignation of the post, they disliked ARAKI's  
6 sound and moderate ideas, and at the time of the In-  
7 cident they refused to see him when Minister of War  
8 KAWASHIMA asked them to do so.

9 We will show that ARAKI and five other gener-  
10 als were obliged to leave actual service, assuming moral  
11 responsibility for the confusion caused by the incident,  
12 as it was the proper and expected thing to do because  
13 it should have been incumbent upon any superior offic-  
14 er of the Army to have known and prevented it in its  
15 inception, even though they were unaware of such activ-  
16 ities; that as soon as they retired from active service,  
17 a system was enforced that a Minister of War should be  
18 appointed from the active list, which was aimed partic-  
19 ularly at these six generals, to deprive them from  
20 becoming a War Minister at any time in the future.

21 Witness TANAKA, Ryukichi introduced to the  
22 court the so-called KO DO group. We will prove that  
23 there existed no such party, that such a nomination  
24 was not made, nor asserted by ARAKI or his friends,  
25 but that someone or another began to call those who

1 were in sympathy with KO DO'sm, such as ARAKI, the  
2 KO DO group. We will further show that those who  
3 rejected such KO DO spiritualism as being too un-  
4 wieldy, and considered above everything else control  
5 or an all-mobilization campaign system like that of  
6 Germany in World War I, were called the Control group.  
7 We will establish the fact that almost all of the  
8 so-called KO DO group were expelled from the Army on  
9 the pretext of liquidation after the February 26th  
10 Incident, though they had no connection with it.

11 We will show that the prosecution has mistaken  
12 General ARAKI as a leader of the military clique. We  
13 will prove that the world-wide fame of General ARAKI  
14 was won fifteen years ago by his meritorious service  
15 when he had settled perfectly the Manchurian Incident  
16 preventing it from affecting all East Asia, and we will  
17 explain by evidence the reason why he himself, who had  
18 been so famous, was soon expelled from the Army and  
19 never even once organized a cabinet.

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21 5. We will establish the fact that though Prince  
22 KONOYE asked ARAKI to settle the China Incident, ARAKI  
23 could not do so in his capacity of Minister of Civil  
24 Affairs.

25 We will show that Prince KONOYE recognized the  
sincere and earnest desire for peace in General ARAKI,

1 and others, who were called the KO DO group, when the  
2 Prince made every effort to have them try to help settle  
3 the China Incident, as they had done with the Manchur-  
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1 We will prove that cabinet councillorship was  
2 a system created by Prince KONOYE with the object of  
3 settling the Incident with the help of such prudent men  
4 as General ARAKI, even in his retirement, and others,  
5 and that he made ARAKI, together with Messrs. UGAKI  
6 and IKEDA enter his cabinet after the above-mentioned  
7 renovation, as they would be useless to him outside  
8 the cabinet.

9 However, we will further show that after his  
10 renovation of the cabinet Prince KONOYE hurriedly or-  
11 ganized a system of The Five Minister Conference  
12 (Premier, War, Navy, Foreign, and Finance Ministers)  
13 which practically nullified his previous plan as Minis-  
14 ter of Education. Therefore ARAKI had no opportunity  
15 whatsoever in this capacity to make any contributions  
16 to settling the Incident, even though he was a cabinet  
17 member.

18 We will show also that there was no truth to  
19 the fact that Education Minister ARAKI strengthened  
20 military training at schools, as he was opposed to ex-  
21 pansion of the Incident; that he opposed banishment of  
22 some Jewish professors, and that he made an address to  
23 American NISEIs (when requested for his advice) to the  
24 effect that if there should be any war between Japan  
25 and America it was their duty as good citizens to be  
loyal and faithful to the U. S., and that if it afflic-

1     ted them morally they should do their best to prevent  
2     any such war. We will establish the fact that he  
3     opposed elimination of English from school curriculums,  
4     as it meant isolated self-complacency; that he contended  
5     that Japan's cultural agreement should be reached not  
6     only with Germany but with the whole world; further,  
7     that for the first time it was Baron ARAKI who pro-  
8     vided for Christianity in the religions association law,  
9     and that in this way his deeds were always in opposi-  
10    tion to an aggressive war.

11             We will show by evidence that the Nomonhan and  
12    the Chang Ku Feng Incidents were border issues that  
13    broke out at that time, and that as he was Minister of  
14    Education he had no connection with them; that ARAKI  
15    had deep sympathy with and understanding  
16    of the Russian people, but that he was anxious to  
17    prevent Bolshevisation by the Third Internationale,  
18    and that notwithstanding he did not make any prepara-  
19    tions to promote aggressive action against the Soviet  
20    Union.

21             We will clearly show that the chairmanship  
22    of the National Spiritual Mobilization Committee was  
23    only a natural concurrent position of a Minister of  
24    Education; that it was a type of spiritual elevation  
25    movement, and that the prosecution has mistaken it for

1 the chairmanship of a deliberation council under the  
2 National Mobilization law, which was fundamentally  
3 different from the former.

4 6. We will prove that after his retirement  
5 from public life ARAKI had no connection with the  
6 current problems.

7 We will show that realizing a Minister of  
8 civil affairs was quite futile in solving the incident,  
9 he retired from any administrative office with his  
10 resignation from the HIRANUMA Cabinet.

11 We will establish the fact that his councillor-  
12 ship in the ABE and the YONAI Cabinets was accepted in  
13 consideration of his friendship with both Premiers,  
14 in view of their earnest requests; that a cabinet  
15 councillor system had become purely nominal by that  
16 time, and that the Prosecution has confounded the  
17 Cabinet councillor system (established on October 15,  
18 1937) with the cabinet advisory council system (organ-  
19 ized in March, 1943); that these offices were created  
20 for different objectives, and that the cabinet coun-  
21 cillor, no one having been accused on account of his  
22 holding this post, was an honorary post, having merely  
23 the function privately to state his opinions to the  
24 Premier without any official responsibility.  
25

We will prove that at the formation of the



1 YONAI Cabinet Premier YONAI asked ARAKI to be Home  
2 Minister to cooperate with him in settling the inci-  
3 dent, but that he refused the offer on the ground  
4 that he was not sufficiently confident in view of the  
5 general trend of the time, and that thus he was not in  
6 touch with political activities.

7 We will show by conclusive evidence that at  
8 the formation of the Second KONOYE Cabinet, Premier  
9 KONOYE sent the Chief Cabinet Secretary to ARAKI,  
10 asking him to be a Cabinet Councillor, that when ARAKI  
11 refused it the Premier himself visited him at his resi-  
12 dence, that though they hotly discussed the matter for  
13 about five hours, ARAKI did not accept even that post,  
14 as he was strongly opposed to the Imperial Rule Assis-  
15 tance Association and the Tripartite Pact, and that from  
16 this time their public intercourse was suspended for all  
17 time thereafter.

18 We will present evidence in covering conspiracy,  
19 the Manchurian Incident, the China Incident, and ARAKI's  
20 activities after his retirement, dealing with the  
21 above-mentioned six items in complete and conclusive  
22 refutation and denial of all the charges in the Indict-  
23 ment.  
24

25 At this time, if the Tribunal pleases, I  
would like to proffer a chart showing a break-down

1 of the Indictment as it concerns the accused ARAKI.  
2 It shows clearly every important incident since 1928  
3 and the position held by Baron ARAKI at such times.  
4 It further shows the cabinets under which these inci-  
5 dents occurred and other pertinent dates concerning  
6 the accused ARAKI's association or non-association  
7 with them. I am merely offering this chart for the  
8 benefit of the Tribunal and the prosecution, so that  
9 it may be seen at a glance ARAKI's status at the time  
10 of each incident above mentioned and at the time of  
11 each count in the Indictment. I am not tendering it  
12 into evidence, but as stated before, merely submitting  
13 it for the benefit of the Tribunal if this court should  
14 at any time care to refer to same. I should like to  
15 have it marked for identification, if the Court please.

16 CLERK OF THE COURT: Defense document No. 2242  
17 will receive exhibit No. 3160 for identification only.

18 (Whereupon, the document above referred  
19 to was marked defense exhibit 3160 for identifica-  
20 tion.)

21 MR. McMANUS: At this time I should like to  
22 call the accused ARAKI.  
23

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1 S A D A O A R A K I, an accused, called as a witness  
 2 in his own behalf, being first duly sworn, testi-  
 3 fied through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. McMANUS:

6 Q Will you state your full name, please?

7 A ARAKI, Sadao.

8 MR. McMANUS: May the witness be shown defense  
 9 document 2488?

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

12 Q General, is that your affidavit?

13 A Yes.

14 Q Does your signature appear at the end of the  
 15 affidavit?

16 A Yes.

17 Q Are the facts therein contained true and  
 18 correct?

19 A Yes.

20 MR McMANUS: At this time I tender document  
 21 2488 and request that it be received into evidence.

22 THE PRESIDENT: Mr. Comyns Carr.

23 MR. COMYNS CARR: May it please the Tribunal,  
 24 the prosecution does not feel that it can object to  
 25 this document, but it calls attention to the fact that

1 it occupies 46 pages in which statements of fact are  
2 inextricably woven with argument and with references  
3 to what it is alleged that other witnesses or docu-  
4 ments are going to prove. We respectfully suggest  
5 to the Tribunal that this should not be taken as a  
6 precedent for the affidavits of other witnesses.

7 THE PRESIDENT: Witnesses not being accused.  
8 That we allow one accused we must allow all, but we  
9 will not allow any witness to indulge in an argument.

10 MR. COMYNS CARR: Your Honor, with respect, I  
11 intended my observation to apply to other accused.  
12 The difficulty of taking formal objection to this is  
13 the difficulty of extricating that which is proper in  
14 an affidavit from that which is not; but I was going  
15 to suggest to my learned friend that he should consider  
16 in the reading omitting a number of passages which are  
17 obviously open to the criticism I have leveled at it.

18 THE PRESIDENT: Mr. McManus.

19 MR. McMANUS: May I proceed, your Honor?

20 THE PRESIDENT: Well, it is nearly twelve.

21 We will adjourn now until half-past one.

22 (Whereupon, at 1155, an adjournment was  
23 taken until 1330.)  
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

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S A D A O A R A K I, an accused, called as a witness on his own behalf, resumed the stand and testified through Japanese interpreters as follows:

CLEIK OF THE COURT: Defense document No. 2488 will receive exhibit No. 3161.

(Whereupon, the document above referred to was marked defense exhibit No. 3161 and received in evidence.)

THE PRESIDENT: Mr. McManus.

MR. McMANUS: At this time I should like to read exhibit No. 3161, if the Tribunal please.

"I, ARAKI, Sadao, make oath and say as follows:

"1. Circumstances up to my acceptance of the post of War Minister:

"I served as the Chief of No. 1 Division of the General Staff from January 1928 to August 1928;

1 President of the Staff College until August 1929;  
2 the Commander of the 6th Division in Kumamoto until  
3 August 1931, and Chief of the General Affairs Bureau  
4 of the Department of Military Education.

5 "While I was in the service of those posts,  
6 I recognized from my experiences in World War 1 and  
7 from my views on the morality of war, as well as from  
8 the basic principle in founding our army, the neces-  
9 sity of disassociating our army from the old Prussian  
10 style army, and so I devoted my whole hearted atten-  
11 tion to the education and training of troops with  
12 the final object of promoting their moral standard.

13 "The general situation in those days was by  
14 no means eventless. On the contrary, there was every  
15 sign of potential unrest. However, my view on the  
16 current problems was always different from the opin-  
17 ions of the leaders of Japan, including those of  
18 militarists, and I always remained unbiased to any  
19 of the movements which were opposed to each other.

20 "It was on August 15, 1931 that I arrived  
21 in Tokyo to accept the post of the Director of the  
22 General Affairs Bureau of the Department of Military  
23 Education. This was an advisory position to the  
24 Inspector-General of the Department of Military Edu-  
25 cation.

1 "The outbreak of the Manchurian Incident was  
2 known to me from the newspaper. I was told that the  
3 government had set up a non-expansion policy, and  
4 so I did not think much of this incident.

5 "On the occasion of the October Incident,  
6 I happened to have been asked by War Minister MINAMI  
7 and Chief of General Staff KANAYA to subdue the  
8 trouble. I successfully discharged this task, but  
9 was informed nothing further as to the punishment  
10 of the people involved in this incident.

11 "At that time, I was merely the Chairman  
12 of the committee of the entrance examination of the  
13 Military Preparatory School and the Military Academy,  
14 a position which was to be occupied by the Chief of  
15 the General Affairs Bureau of the Department of  
16 Military Education as was regulated in that Depart-  
17 ment, and which had nothing to do with the current  
18 problems.

19 "2. Circumstances around my acceptance of  
20 the post of War Minister.

21 "At the end of 1931, I was the senior member  
22 of the Vice-Minister class, and because of this, I  
23 was asked on December 13th by Mr. Tsuyoshi INUKAI  
24 to become War Minister. As was customary with the  
25 army at that time, I reported this matter to and

1 requested direction of the Three Chiefs of Army  
2 (War Minister, Chief of the General Staff, and In-  
3 spector-General of the Department of Military Educa-  
4 tion). The opinion of the Three Chiefs was unani-  
5 mous and they instructed me to accept the post.  
6 Thus I sent in my acceptance to Mr. INUKAI and became  
7 War Minister when the INUKAI Cabinet was formally  
8 organized on the same day. Mr. INUKAI at this Tri-  
9 bunal testified that my acceptance was made under  
10 some extraordinary circumstances, but not only was  
11 there any uncustomary procedure in connection with  
12 my acceptance, but neither my predecessor nor any  
13 person of importance at that time informed me of such  
14 circumstances.

15 "On the following day of my acceptance of  
16 this new post and the subsequent day, War Minister  
17 MINAMI, my predecessor, Vice-Minister SUGIYAMA and  
18 Chief of the General Staff KANAYA gave me the ex-  
19 planation of the state of affairs of Japan at that  
20 time, the outline of which was as follows:

21 "(a) That since the outbreak of the Man-  
22 churian Incident, both the government and the army  
23 authorities strived to settle the trouble under a  
24 non-expansion policy, but that the condition in Man-  
25 churia which had been aggravated for many years in



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2 (War Minister, Chief of the General Staff, and In-  
3 spector-General of the Department of Military Educa-  
4 tion). The opinion of the Three Chiefs was unani-  
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7 War Minister when the INUKAI Cabinet was formally  
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10 some extraordinary circumstances, but not only was  
11 there any uncustomary procedure in connection with  
12 my acceptance, but neither my predecessor nor any  
13 person of importance at that time informed me of such  
14 circumstances.

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16 this new post, and the subsequent day, War Minister  
17 MINAMI, my predecessor, Vice-Minister SUGIYAMA and  
18 Chief of the General Staff KANAYA gave me the ex-  
19 planation of the state of affairs of Japan at that  
20 time, the outline of which was as follows:

21 "(a) That since the outbreak of the Man-  
22 churian Incident, both the government and the army  
23 authorities strived to settle the trouble under a  
24 non-expansion policy, but that the condition in Man-  
25 churia which had been aggravated for many years in

1 the past, was so complicated that both the Japanese  
2 civilian inhabitants in Manchuria and the Kwantung  
3 Army were still in danger; that the government of  
4 the existing Manchurian regime had lost its grip,  
5 some of its influential personnel had absconded while  
6 the rest of them had established their own strong-  
7 holds in various parts of Manchuria, and an absolute  
8 state of anarchy was revealed throughout Manchuria.

9 "(b) That the army authorities, in view of  
10 their primary duty, was dually engaged to cope with  
11 this situation -- protection of the Japanese nation-  
12 als and their rights and interests in Manchuria was  
13 one, and self-defense to insure the security of the  
14 Kwantung Army was the other; that the condition, as  
15 had been made clear by the second declaration of the  
16 WAKATSUKI Cabinet, was so aggravated that it was im-  
17 practicable to return the Japanese troops to their  
18 original stations.

19 "(c) That Chang Hsueh-liang, who had es-  
20 tablished in Chinchow District a stronghold for  
21 violation of peace and order in Manchuria, did not  
22 keep his promise of evacuating all the troops under  
23 his command from the Chinchow District, and that  
24 there was not the slightest indication of sincerity  
25 to show that some day he might fulfill this promise.

1           "(d) That the fact that the Japanese force,  
2 from a desire for peaceful settlement, had returned  
3 its troops from half way point of its campaign to  
4 Chinchow was utilized by Chang Hsueh-liang for his  
5 propaganda. He was busy propagandizing that he and  
6 his troops won the victory in this campaign and, by  
7 thus instigating the fighting spirit of the troops,  
8 caused them to cross the Liao River to appear and  
9 overrun the districts as far as near Mukden; that  
10 this very much endangered Japanese nationals and the  
11 troops at the foremost front.

12           "(a) That while the League of Nations had  
13 not appreciated the actual situation in full, the  
14 recent councillors meeting decided to despatch a  
15 commission of enquiry and that it approved our right-  
16 ful assertion of reserving our rights of pacifying  
17 bandits and other groups of turbulent elements.

18           "The above were the outlines of the actual  
19 state of affairs explained to me by those three  
20 important people of the army, and their conclusion  
21 was that if the situation was left alone, and if it  
22 should cause any damage to the Japanese nationals or  
23 should the Kwantung Army suffer any serious damage  
24 from it, the hostility would expand all over China  
25 and would result in serious international relations.

1 "3. Determination of government policy.

2 "When I reported these matters to Premier  
3 INUKAI, he, in his capacity as the president of a  
4 political party, and being aware of the graveness  
5 of Japan's internal and external situations more  
6 fully than I, told me his opinion as follows:

7 "(a) Self-defense and non-expansion should  
8 be the fundamental policy to cope with the situation,  
9 and based on this policy, the restoration of law and  
10 order and termination of hostilities in Manchuria  
11 should be immediately realized.

12 "(b) It should be borne in mind that Chang  
13 Hsueh-liang, the violator of law and order, was the  
14 man to deal with, and as such, the theatre of action  
15 must be extremely restricted, and on no occasion  
16 should it exceed the territory under his domination.

17 "(c) Military action may be required to  
18 save the imminent danger to the Chinchow District,  
19 but even in doing so, a request should be first made  
20 for the withdrawal of the troops under Chang's com-  
21 mand from that district so that the root of future  
22 evil will be eliminated.

23 "(d) To the League of Nations and other  
24 countries which were related to Manchuria by treat-  
25 ies, a thorough explanation should be made in order

1 to gain their complete understanding as to the real  
2 state of affairs of Manchuria.

3 "These opinions of the Premier were discus-  
4 sed at the Cabinet meeting and were made the basic  
5 policy of the INUKAI Cabinet. In accordance with  
6 this decision, I made the necessary contact with the  
7 ministers of Finance and Navy to make preparation  
8 for the War Office to discharge its sphere of duty.  
9 This decision was also conveyed by me to the General  
10 Staff so as to request them to act accordingly.

11 "In connection with this decision of the  
12 Cabinet, there is an allegation in exhibit No. 187  
13 and No. 188 to the effect that I made a plan for the  
14 occupation of the Four Eastern Provinces. This is a  
15 mistake caused by the interpretation of an incompetent  
16 interpreter and it was entirely different from the  
17 fact. I shall refer to this matter at the latter  
18 part of this statement under 28.

19 "I have never heard, not even as a rumor,  
20 that the Premier INUKAI had the intention of petition-  
21 ing for an Imperial Command to withdraw the Kwantung  
22 Army, as was testified to by Mr. Takashi INUKAI be-  
23 fore the Tribunal. Premier INUKAI, as clever as he  
24 was, should have known quite well that the Emperor,  
25 who was an ardent observer of the Constitution, would

1 not have granted an Imperial Command for the with-  
2 drawal of troops without first having the advice of  
3 the General Staff. I shall refute this allegation  
4 by a witness who will testify to the matters concern-  
5 ing the Supreme Command.

6 "There is also an allegation by the prosecu-  
7 tion in Chapter 1 of Appendix A of the Indictment  
8 that after the INUKAI Cabinet was formed -- 'The  
9 Japanese government which came into power on the 13th  
10 of December of 1931, and all subsequent Japanese  
11 governments adopted and continued this aggression  
12 and its gradual extention over other parts of China.'  
13 That both the INUKAI and SAITO Cabinets, while I was  
14 a member of them, had never made any such policy  
15 shall be fully shown by the several speeches made  
16 by the responsible members of the two Cabinets at  
17 public occasions, and several witnesses and document-  
18 ary evidence which are to be submitted before the  
19 Tribunal will corroborate this.

20 "4. Pacification of Liao-si (West of the  
21 Liao River) District.

22 "The Japanese Government, in conformity with  
23 the abovementioned policy, expected a peaceful settle-  
24 ment of the troubles in the Chinchow District through  
25 diplomatic negotiations, but almost a month had vain-

1 ly passed since the commencement of the negotiation  
2 and there was not a sign of their withdrawing from  
3 the district. On the contrary, the activities of  
4 the bandits along the River Liao coast were more  
5 intensified and at the end of December 1931, the  
6 aggravated situation reached such a stage that the  
7 Japanese Government had to resort to arms to wipe out  
8 the stronghold of the bandits and the lawless mobs  
9 in order to save the Japanese nationals from danger.  
10 I communicated this decision of the government to  
11 the General Staff. In the meantime, the government  
12 made a proclamation on the 27th to clarify the situa-  
13 tion and explained to the world the difficulties  
14 that Japan was confronted with.

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1 "On the 28th of the same month the General  
2 Staff despatched to Manchuria from Korea a divisional  
3 headquarters and a brigade, the main body of which  
4 began action at the very end of the month.

5 "The Kwantung Army by this time, in view of  
6 the daily occurrence of various casualties, had taken  
7 several measures to cope with the situation and had  
8 several times requested without response the with-  
9 drawal of Chang Hsueh-liang and his men from the  
10 Liao-si District.

11 "However, the bandit troops upon learning  
12 that Japan had decided to take a decisive measure  
13 fled from the Chinchow District, together with the  
14 groups under Chang Hsueh-liang's command. Thus, a  
15 unit of Japanese troops under command of Lieutenant  
16 General MURO made its entry into the city of Chinchow  
17 on January 3rd, 1932, without resorting to bloodshed  
18 and the Japanese nationals were relieved.

19 "After this campaign the army undertook the  
20 task of maintaining law and order in that locality,  
21 leaving the rest of the activities to the diplomatic  
22 authorities. However, during the month of January  
23 the troops of the garrison forces suffered several  
24 casualties inflicted by bandits in various parts of  
25 the locality, including the annihilation of KOGA Regi-



1 ment at Chin-si, but the troops on the spot, observing  
2 the principle of non-expansion policy, endured it and  
3 did not take any counter steps.

4 "5. The First Shanghai Incident.

5 "The cause of expedition and the policy of  
6 the Army.

7 "The First Shanghai Incident was initiated  
8 when, in the middle of July 1932 a body of Chinese  
9 civilians assaulted a party of Japanese priests and  
10 either killed or wounded them. This incident induced  
11 a clash between the Japanese Navy and the Chinese 19  
12 Route Army, and a great number of Japanese nationals  
13 in Shanghai as well as the navy itself were very much  
14 endangered.

15 "The Navy authorities, in view of discharg-  
16 ing their international duty in Shanghai as well as to  
17 save their own navy troops and protect Japanese Nation-  
18 als in that city, reported the case to the government  
19 and requested a detachment of army troops to Shanghai.  
20 The government knew the imminence of the situation and  
21 decided upon a policy of relieving the navy and pro-  
22 tecting the Japanese nationals on the spot, and re-  
23 quested the army for a detachment of troops.

24 "I consulted on this matter the Chief of the  
25 General Staff and we agreed to conform with the govern-

1 ment policy by despatching a minimum force. The Chief  
2 of the General Staff reported the matter to the Throne  
3 and upon the approval of His Majesty, the expedition  
4 was finally decided upon.

5 "By this time the situation in Shanghai had  
6 become so critical that a mixed brigade was first  
7 despatched, in accordance with the request of the  
8 navy, by a destroyer, and this brigade was on peace  
9 time footing on account of the shortage of time.  
10 Then the UEDA Division, also in a state of being im-  
11 mobilized, followed the brigade. The strength of the  
12 opponent at that time was said to be about 50,000.

13 "In conformity with the policy of the govern-  
14 ment, I strived to settle this incident, as much as  
15 possible, in an amicable manner, and desired the Chief  
16 of General Affairs and Divisional Commander UEDA to  
17 follow this policy. This resulted in Divisional Com-  
18 mander UEDA's advice to the opponent of the peaceful  
19 settlement, which will be shown in evidence in defense  
20 document to be followed later. This attempt at peace-  
21 ful settlement by Divisional Commander UEDA was not  
22 duly responded to, and on the contrary, it drove him  
23 into a considerable plight.  
24

25 "This request for peace and subsequent hesi-  
tation on the part of Divisional Commander UEDA, in

1 immediately resorting to action, was interpreted and  
2 propagandized by the Chinese side as their complete  
3 victory over Japanese forces, and the propaganda in-  
4 duced a situation whereby the Chinese force under the  
5 direct control of the Nanking Government joined the  
6 Canton 19th Route Army with whom the expeditionary  
7 force was confronted. Moreover, this new situation  
8 affected the situation in Manchuria and caused further  
9 aggravation of law and order there. Even the proposal  
10 made by the League of Nations to Japan served to en-  
11 hance the spirit of the Chinese people. The situation  
12 became extremely serious and the safety of more than  
13 20,000 Japanese nationals was menaced. Thus, China's  
14 side took advantage of our aspiration for an amicable  
15 settlement and created a new situation more dangerous  
16 to Japan.

18 "Worried with this added difficulty the govern-  
19 ment requested the Army to immediately save this sit-  
20 uation. It was either on the 7th or 8th of February  
21 that the advance party of the Army expeditionary force  
22 landed on the spot. Divisional Commander UEDA arrived  
23 there in the middle of February and this new crisis  
24 was created at the end of the same month.

25 "On account of this renewed request from the  
government, my position required me to devise measures

1 to immediately save the situation by means of close  
2 co-operation between operational tactics and diplomacy,  
3 that is to say, the measures complying with the oper-  
4 ational request of the General Staff on one hand and  
5 conforming with the political principle of the govern-  
6 ment on the other.

7 "On this matter I consulted the General Staff  
8 and agreed to their appointing Colonel Binshiro  
9 OBATA (Lieut. General OBATA, who became Minister of  
10 State in the Prince KUNI Cabinet immediately after  
11 the surrender) the Chief of operations Section of the  
12 General Staff. We also agreed to recommend General  
13 SHIRAKAWA as the Supreme Commander of the Expeditionary  
14 Force as the most appropriate person with sufficient  
15 faculty who would maintain close co-operation with the  
16 local diplomatic agent to take timely measures in ter-  
17 minating the hostilities. Then in accordance with the  
18 suggestion of the General Staff, further re-inforce-  
19 ment of two divisions was decided upon at the Cabinet  
20 meeting.

21 "Various preparations were made for this re-  
22 inforcement and at dawn of March 1st the advance divi-  
23 sion of the expeditionary force made surprise landing  
24 at Tzi-liao-kou, a strategic point behind the enemy.  
25 The enemy after some insignificant resistance re-

1 treated beyond the 20 kilometer line and as the re-  
2 treat was in conformity with the request that the  
3 expeditionary had previously made, Supreme Commander  
4 SHIRAKAWA immediately ordered cessation of hostility  
5 on the 3rd of March. The Chinese Army followed suit  
6 on the following day.

7 "Thus, due to the ingenious tactics of the  
8 operational force, the primary object of the expedi-  
9 tionary was achieved and the incident was settled while  
10 the main body of the re-inforcements was still on board  
11 ship.

12 "The Government and the central military  
13 authorities, hand in hand with the activities of the  
14 diplomatic authorities, endeavored to settle the whole  
15 situation upon guarantee of the Chinese side to ob-  
16 serve law and order in the future.

17 "The Japanese troops voluntarily withdrew  
18 at the end of March to the rear line and one and one  
19 half divisions of the expeditionary force were subse-  
20 quently returned to Japan. Then, through the valuable  
21 efforts of the committees of the U.S.A., Britian,  
22 France, Italy, Japan and China, a plan for inter-  
23 national security and safety in and around Shanghai  
24 was set up and a truce agreement between Japanese and  
25 Chinese troops was signed on May 5th.

1           "By virtue of the provisions of the truce  
2 agreement (Section 3, Appendix 2), the army had the  
3 right of stationing there a certain part of its force.  
4 However, from fear that it would turn out to be the  
5 cause of future trouble and because of respect for  
6 Chinese sovereignty, and, furthermore, as the primary  
7 object of the expedition had been accomplished, it  
8 was decided to withdraw, at the risk of various dif-  
9 ficulties, all the troops from China and the with-  
10 drawal was completed by the end of May.

11           "At that time there were opinions among the  
12 people, however, in and out of office, that the over-  
13 all withdrawal was still premature. The opinions were  
14 regarded to be well grounded in view of past exper-  
15 iences, because both in Manchuria and at the early  
16 stages of the Shanghai Incident, our moderate attitude  
17 in the beginning seemed to have given cause to the  
18 enemy to make propaganda that they had won the victory,  
19 and that it succeeded to some extent in deceiving the  
20 people with a result that the over-all situation was  
21 made worse on account of this.

22           "Nevertheless, the army, in view of its aspir-  
23 ations for peace, carried out the over-all withdrawal.  
24 Unfortunately, while giving a good impression among a  
25 part of the learned and well-informed classes of Chinese

1 people, the over-all withdrawal did nothing more than  
2 to spur the Chinese general public and to create amongst  
3 them a contempt for the Japanese Army. In fact, it had  
4 a harmful effect over the situation in Manchuria and  
5 gave rise to further disturbances there. I may point  
6 out here that this was the most delicate part of the  
7 policy toward China, and both the government and the  
8 army authorities had many difficulties on this parti-  
9 cular point.

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1 "These circumstances will be fully shown by  
2 the government declaration, proclamations made by  
3 Divisional Commander UEDA and Supreme Commander  
4 SHIRAKAWA, my several speeches made in the capacity of  
5 War Minister concerning the withdrawal of troops and  
6 also those made in the Diet sessions, all of which  
7 will be tendered in evidence.

8 "6. Protection of Japanese nationals in and  
9 around Harbin.

10 "Hsi Hsia (a member of the Monarchist Party)  
11 who became the Governor of Kirin Province on Sep-  
12 tember 30, 1931, subsequently declared the independence  
13 of his Province. However, after two months of this  
14 declaration, he caused some discord with Ting-Chao  
15 and Li-Tu of Harbin, and because of this conflict,  
16 the general situation in and around Harbin was thrown  
17 into confusion, threatening, at the same time, the  
18 safety of Japanese nationals residing there.

19 "The danger became more imminent when Hsi  
20 Hsia, in January, 1932, determined to conduct his  
21 subjugation campaign toward the north and started  
22 fighting on the 27th. This urgent situation compelled  
23 the Japanese nationals to request the Kwantung Army  
24 for their rescue, and the Koreans and Manchurians of  
25 the same district also frequently made the same



request.

1            "In the meantime, it happened that four  
2 Japanese were murdered, several Koreans were taken away,  
3 and about 4,000 Japanese and 2,000 Koreans were placed  
4 under extreme danger. The Kwantung Army ordered an  
5 aerial reconnaissance of the district, but the air-  
6 craft had to make an emergency landing near Harbin,  
7 and the crew, who were commissioned officers of the  
8 Kwantung Army, were murdered.

9            "The government had taken a cautious attitude  
10 toward this district, but as the situation became so  
11 serious the government considered it necessary to take  
12 measures to restore law and order in that district and  
13 to protect the Japanese residents.

14           "However, while the Japanese residents were  
15 to be protected, the government made it a policy that  
16 the international relations, especially the relations  
17 with the Soviet Union, should not be endangered. The  
18 Chief of General Staff, in conformity with this policy,  
19 ordered some restrictions to the Kwantung Army as to  
20 its military actions.

21           "The restrictions caused much difficulty to  
22 the Kwantung Army in its operation, and a corps of the  
23 army finally succeeded, after considerable hardships,  
24 in reaching the outskirts of the City of Harbin.  
25

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2 Japanese were murdered, several Koreans were taken away,  
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10 toward this district, but as the situation became so  
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15 to be protected, the government made it a policy that  
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17 with the Soviet Union, should not be endangered. The  
18 Chief of General Staff, in conformity with this policy,  
19 ordered some restrictions to the Kwantung Army as to  
20 its military actions.

21            "The restrictions caused much difficulty to  
22 the Kwantung Army in its operation, and a corps of the  
23 army finally succeeded, after considerable hardships,  
24 in reaching the outskirts of the City of Harbin.  
25

1 "As the object of this campaign was to pro-  
2 tect the Japanese nationals in that district, and as  
3 the object was thus accomplished, the main body of the  
4 expeditionary force retraced its course without even  
5 entering the City of Harbin.

6 "The explanatory speeches made by Foreign  
7 Minister YOSHIZAWA on January 31, 1932, at the plenary  
8 session of the Privy Council and the 62nd session of  
9 the Imperial Diet, the minutes of which will be  
10 tendered in evidence, will clarify the circumstances  
11 in which this campaign was carried out.

12 "7. Independence declaration of Manchukuo  
13 and its recognition; also the attitude of the Japanese  
14 central military authorities toward it.

15 "Soon after the restoration of law and order  
16 in Chinchow, I think it was in the beginning of  
17 January, 1932, Staff Officer ITAGAKI of the Kwantung  
18 Army came to Tokyo and reported to me the situation  
19 in Manchuria, the picture of the independence movement  
20 and Commander in Chief HONJO's view of the general  
21 situation.

22 "According to the reports I received, each  
23 Province of Manchuria had declared its independence  
24 and it was in such a precarious condition that a single  
25 false step would lead the whole situation into a state

1 of chaos where each local regime held its own sphere of  
2 influence. On the other hand, there was an aspiration  
3 rapidly developing among the influential people all  
4 over Manchuria to found a new state. In fact, this  
5 aspiration was getting so irresistibly strong among  
6 them that it was almost impossible for the Kwantung  
7 Army, which was neither forcing a military administra-  
8 tion nor was it provided with sufficient strength  
9 to maintain law and order without seriously taking  
10 this new situation into consideration. In connection  
11 with this report, I further learned the following  
12 facts: That the unanimous opinion of those who were  
13 concerned in this independent movement was to have  
14 Mr. Pu-Yi as the ruler of the new state; that Com-  
15 mander in Chief HONJO's opinion was to leave the  
16 matter to them and not to take any measure which might  
17 interfere with the zealous aspiration of the Man-  
18 churian people.

19 "On hearing this report, I thought of the  
20 necessity of paying attention to the international  
21 problems which might arise out of Manchuria's inde-  
22 pendence declaration. However, I reported this infor-  
23 mation to the Premier.

24 "The Premier had known by that time what was  
25 going on in Manchuria and was of the opinion that the

1 of chaos where each local regime held its own sphere of  
2 influence. On the other hand, there was an aspiration  
3 rapidly developing among the influential people all  
4 over Manchuria to found a new state. In fact, this  
5 aspiration was getting so irresistibly strong among  
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10 this new situation into consideration. In connection  
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17 interfere with the zealous aspiration of the Man-  
18 churian people.

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20 necessity of paying attention to the international  
21 problems which might arise out of Manchuria's inde-  
22 pendence declaration. However, I reported this infor-  
23 mation to the Premier.

24 "The Premier had known by that time what was  
25 going on in Manchuria and was of the opinion that the

1 question of independence should be left alone, only  
2 he considered that the international problems as men-  
3 tioned in the above should be studied.

4 "The decision of the government on this prob-  
5 lem was also to leave it alone to the Manchurian people  
6 and to make no interference with it inasmuch as the  
7 primary concern of the government was in preservation  
8 of law and order.

9 "In the meantime the independence movement  
10 in Manchuria made further progress and then a decision  
11 for independence was reached on February 28th among  
12 the influential people of Manchuria with an addi-  
13 tional resolution to ask Mr. Pu-Yi to become its  
14 ruler. Then, the independence was declared on  
15 March 1st, and Mr. Pu-Yi became its President on the  
16 9th of the same month.

17 "The Kwantung Army, whose primary duty was to  
18 secure the peace and order in Manchuria, wished that  
19 the newly born regime would respect, as it had de-  
20 clared, the international treaties and external regu-  
21 lations, and would base its administration, internally,  
22 upon the people's will, so that an ideal nation where-  
23 in the King's Way is fully observed under the har-  
24 monious collaboration of five races, a real happy  
25 land, free from all the unfortunate incidents in the

1 past, should be realized. The attitude of the Kwan-  
2 tung Army was that of watching its development, but  
3 not to make any interference with it.

4 "However, preservation of peace and order and  
5 protection of Japanese nationals, which were the main  
6 duties of Kwantung Army, had to be conducted in such  
7 a way as would correspond to the ever-changing situa-  
8 tion, and so the Kwantung Army had discussions with  
9 the new regime concerning these local matters exclusive-  
10 ly.

11 "These reports from the Kwantung Army to the  
12 central military authorities were reported to the  
13 government by the latter as soon as they were received.  
14 The government, in view of the actual state of affairs  
15 in Manchuria, reached the conclusion that there was no  
16 alternative but to leave to the discretion and judg-  
17 ment of the Commander in Chief of the Kwantung Army  
18 the preservation of peace and order in Manchuria and  
19 decided to observe the further development of the  
20 situation.

21  
22 "I also followed this policy of the govern-  
23 ment and carefully watched the situation so that I  
24 should not make any mistake in the future when counter-  
25 measures were to be taken.

"The Foreign Office viewed this problem to be

1 a case of a domestic split of a nation and that the  
2 independence was not an infringement of international  
3 law. Under the circumstances, all that the army  
4 could do was to follow the policy of the government  
5 and devote its efforts in successfully carrying out  
6 its original duty of preserving peace and order and  
7 securing the national defense of Manchuria.

8 "In the meantime, the new regime gradually  
9 consolidated its foundation and so the government,  
10 with a view to avoiding further disturbances in Man-  
11 churia, decided to cooperate, whenever possible,  
12 with the new regime. The government made explanation  
13 of this policy at the 61st session of the Imperial  
14 Diet.

15 "I have never heard that Premier INUKAI dis-  
16 patched Mr. KAYANO as a special envoy to the Nanking  
17 Government for a friendly understanding, as was tes-  
18 tified to by Mr. Takeshi INUKAI. Even if it were  
19 true, it must have been of a private nature. Mr.  
20 INUKAI's further testimony that Premier INUKAI talked  
21 over the matter with a chief of a section of the  
22 General Staff and that the chief of the section, be-  
23 cause of this talk, was relegated to another post is  
24 entirely wrong. Mr. INUKAI did not mention the name  
25 of the colonel, but from his testimony that the colonel



1 was relegated to the Commander of the Ranan Regiment  
2 and also from the testimony given by witness FUJITA,  
3 it is clear that he meant Colonel SHIGETO. Colonel  
4 SHIGETO was sent out of the central military author-  
5 ities, together with other people, because of his hav-  
6 ing had some relation with the March and October  
7 Incidents, and because of this, he was made an object  
8 of the army's 'purging shift' of military personnel.  
9 Witness FUJITA also gave evidence to this effect.

10 "I had several interviews with the Premier  
11 to discuss the Manchurian problems, but never had we  
12 any friction of opinion between us. I always dealt  
13 with the matters in accordance with the fixed policies  
14 of the government, and whenever a new problem arose,  
15 I fully discussed it with the Premier and followed his  
16 decision about it.

17 "With regard to Premier INUKAI's attitude  
18 toward the international problems, I never perceived  
19 in him any sign of an aggressive attitude. Not only  
20 Premier INUKAI alone, but the Kwantung Army was eagerly  
21 wishing for the ideal progress of Manchukuo and that  
22 was all that they desired for this new country. This  
23 fact has already been clarified before this Tribunal  
24 by the will of late General HONJO and other evidence.  
25

"PART II.

1 "Next I shall refer to the question of  
2 officia' recognition of the state of Manchukuo.  
3 Primarily this question, which was purely an inter-  
4 national diplomatic matter, was under the charge of the  
5 Foreign Office; accordingly, the Army did not take any  
6 step in this matter and except for those problems  
7 which concerned the maintenance of peace and order  
8 and problems of national defense that might arise  
9 therefrom, I respected the opinion of the Foreign  
10 Minister and left everything to his care.  
11

12 "Manchukuo, since its foundation, had gradually  
13 become a subject of discussion both in and out of Japan,  
14 and the House of Representatives, on June 15th, made  
15 a resolution at its plenary session that an official  
16 recognition should be given to this new state.

17 "The government of Japan, after careful con-  
18 sideration of the matter, decided to follow the views  
19 of the Foreign Office, which suggested that the new  
20 state was the result of an internal split of an inde-  
21 pendent nation and that recognition of such state  
22 which acquired its legal independence would not in  
23 any way infringe international law. Necessary pro-  
24 cedures were then taken and the formal recognition was  
25 given on September 15th, whereupon the Japan-Manchukuo

1 Protocol was signed and an arrangement was made for  
2 the exchange of Ambassadors.

3 "Upon this formal recognition, the Kwantung  
4 Army was charged with the new duty of garrison and  
5 joint defense of the new state. This new additional  
6 duty meant that the entire conduct of the Kwantung  
7 Army bore an international complexion by representing  
8 the two independent countries, Japan and Manchukuo,  
9 and so they made it their rule to confer with the  
10 Manchukuo authorities before they took any action in  
11 connection with the national defense and maintenance  
12 of peace and order.

13 "Thus the situation made its natural develop-  
14 ment from its formation to formal recognition, and  
15 along with this development, Japan found it necessary  
16 to determine her attitude, toward this state of  
17 affairs. The government of Japan, from her desire for  
18 the sound development of Manchukuo as her friendly  
19 neighbor, decided to give Manchukuo, in compliance  
20 with her request, all the necessary assistance in her  
21 power, and by doing so, to take measures to prevent  
22 activities causing disturbances in Manchukuo.

23 "That Japan had neither the intention of  
24 making Manchukuo her cat's paw, nor violating inter-  
25 national law can be easily ascertained from the

1 speeches made by the Premier and the Foreign Minister  
2 at the Imperial Diet as well as from their answers to  
3 the interpellations at the Privy Council. This will  
4 also be seen in the speech broadcasted by Mr. Ting,  
5 Premier of Manchukuo, on the first anniversary of  
6 Manchukuo's foundation, in which he expressed his  
7 zealous ideal of founding a new state.

8 "Personally I desired that Manchukuo should  
9 develop soundly along the line as was indicated in  
10 her independence declaration toward the goal of be-  
11 coming an ideal nation, and would acquire every neces-  
12 sary qualification for an independent country.

13 "In the spring of 1934, when Mr. Henry Pu-Yi,  
14 Emperor of Manchukuo, visited Japan, I was given an  
15 audience with him for several hours. Mr. Pu-Yi  
16 eagerly and strongly emphasized his desire of estab-  
17 lishing a happy land of ODO (King's Way) and at a  
18 later stage of the conversation, he sent the inter-  
19 preter away and talked to me face to face by way of  
20 writing on a sheet of paper, his ambition of becoming  
21 the Emperor of all China, thereby restoring his ancestral  
22 old Chin Dynasty there.

23 "On this occasion I dared to give him advice  
24 and said that what the Emperor should do was to culti-  
25 vate the virtue of Emperorship, as he had declared when

1 he ascended the Throne, and to become worthy of con-  
2 fidence both in and out of the country.

3 "As this conversation will show, there was  
4 not the slightest indication that Mr. Henry Pu-Yi  
5 would have become a tool of the Japanese government;  
6 on the contrary, there was even a sign that he would  
7 take the initiative to induce the Japanese government  
8 in the direction he desired.

9 "The development of Manchukuo after that was  
10 not quite as it should have been. Dissatisfied with  
11 this state, I refrained from attending the 10th anni-  
12 versary celebration of its foundation, and I broadcast  
13 what I had in mind about the situation. My views and  
14 belief on Manchuria had been fully expressed in my  
15 talk with Lord Lytton and others.

16 "As was explained in my speech at the 62d  
17 session of the Imperial Diet, Chang Hsueh-liang's  
18 activities, before the formal recognition of Manchukuo,  
19 of causing disturbances in Manchuria were carried out  
20 to such an extent that it compelled Japan to take  
21 measures to settle the situation.

22 "10. Pacification of North Manchuria,  
23 Kholombail and Jehol.

24 "The pacification campaign of North Manchuria,  
25 Kholombail and Jehol was somewhat different in nature,

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21 measures to settle the situation.

22 "10. Pacification of North Manchuria,  
23 Kholombail and Jehol.

24 "The pacification campaign of North Manchuria,  
25 Kholombail and Jehol was somewhat different in nature,

1 inasmuch as Manchukuo had been founded and recognized  
2 by that time, and the military action was taken to  
3 discharge the army's duty to both Japan and Manchukuo.  
4 In other words, the campaign was an action fulfilling  
5 the army's duty as was provided in the Japan-Manchukuo  
6 Protocol, and it was nothing but a domestic affair of  
7 Manchukuo.

8 "Pacification campaign by the Japan-Manchukuo  
9 Allied Force over North Manchuria was executed because  
10 Ma Seng-shan who had once pledged his loyalty to Man-  
11 chukuo plotted a rebellion of Su Ping-wen in December  
12 1932 and Jehol at the end of February 1933 because of  
13 a rebellion by Tan Wang-jin.

14 "In carrying out those campaigns, I drew the  
15 special attention of the General Staff to follow the  
16 government policy so that the expedition to Kholombail  
17 would not cause any bad influence over Soviet-Japan  
18 relations and warfare in Jehol would not expand itself  
19 over North Manchuria. I further requested them that  
20 their action should be based strictly on the Japan-  
21 Manchukuo Protocol and utmost attention be made in  
22 bringing about the termination of hostilities. I also  
23 requested the maintenance of a very close contact between  
24 the War Office and the General Staff.

25 "In Kholombail district, we were assisted

1 greatly by the good will of the Soviet Union and suc-  
2 ceeded in safely saving the Japanese residents, and  
3 the pacification was ended at that.

4 "In the Jehol campaign, the General Staff  
5 and the Kwantung Army made it their policy to stop  
6 the advance of troops at the line of the Great Wall,  
7 even at the risk of operational disadvantage. There  
8 was once an occasion when the troops marched over the  
9 Great Wall, but they were immediately ordered to re-  
10 turn. This action caused another attack from the  
11 enemy, but our troops in a drive after the retreating  
12 enemy reached the Soo River and stopped there. Thus  
13 the policy of the government and the central army  
14 authorities was strictly adhered to by the troops of  
15 the Kwantung Army.

16 "In the meantime, Chang Hsueh-liang actually  
17 withdrew from all official positions and an agreement  
18 was reached and the Tangku Truce was signed between  
19 Ho Ying-chin, representative of the National Government,  
20 and Major General OKAMURA, Vice-Chief of Staff and the  
21 representative of the Kwantung Army. Further details  
22 of this will be given by witnesses ENDO, SABURO and  
23 TAKEDA, Hisashi.

24 "11. Conclusion of the Tangku Truce Agreement.

25 "In compliance with the request of Mr. Ho



1 Ying-chin, Deputy Chairman of the Peking Subcommittee  
2 of the National Government Military Committee, on  
3 May 25, 1933, cessation of hostility was discussed  
4 between Mr. Ho and Major General OKAWURA, representative  
5 of the Kwantung Army, and the Truce Agreement was  
6 signed on the 31st of May of the same year. The agree-  
7 ment was confirmed by the governments of Japan and  
8 Manchukuo in due course, and thus the hostilities in  
9 Manchuria virtually ended.

10 "The Manchurian Incident was not primarily  
11 a war in the sense of definition of international  
12 law. Therefore, there was no such procedure as a  
13 peace treaty. Only an agreement was reached between  
14 the two parties as to several arrangements to prevent  
15 occurrence of further hostilities in the future.

16 "Subsequently, the members of the government  
17 of Manchukuo and those of China met at the Dairen  
18 conference to discuss practical routine matters concern-  
19 ing the maintenance of friendly relations between China  
20 and Manchukuo. Some members of our government who were  
21 in charge of such matters also attended the conference,  
22 but as the matter did not directly concern the relations  
23 between Manchukuo and Japan, I do not remember the  
24 details.  
25

"Thus the disturbances and hostilities which

1 had been rampantly prevailing all over Manchuria at  
2 the time of the WAKATSUKI cabinet which had created  
3 a potential danger, such as would induce at any time  
4 an all-out clash between China and Japan, were com-  
5 pletely settled by me within one and half year of my  
6 acceptance of War Ministership to the INUKAI cabinet  
7 which succeeded the WAKATSUKI cabinet, and the mission  
8 charged to the army of terminating hostilities was  
9 fulfilled.

10 "12. Policies I adopted after the Tangku  
11 Agreement.

12 "My most important mission as War Minister  
13 which was settling the hostilities having been thus  
14 accomplished, I decided to take this opportunity to  
15 establish plans to stabilize several internal as well  
16 as external affairs. I set up the following three  
17 main principles and determined upon their realization.

18 "1. Stabilization of domestic state of  
19 affairs which had been in absolute chaos since the  
20 beginning of the Showa Era.

21 "2: Complete purification of the army so as  
22 to base itself on the principle of the foundation of  
23 the Imperial Army.

24 "3. Improvement of foreign relations, through  
25 which to secure peace of the world, and of the Far East

1 in particular.

2 "In June 1933 when the Imperial Diet closed,  
3 I set forth to establish a practical plan to execute  
4 these principles.

5 "The first thing I intended to do was to  
6 purify the public mind by dispelling from Japan all the  
7 evil causes accumulated since World War I, paying at  
8 the same time special attention to the internal as well  
9 as external state of affairs and to the specific  
10 feature of Japan's national character. The best way  
11 to accomplish this task was to let the people apprec-  
12 iate the virtue of benevolence of His Majesty, the  
13 Emperor. One of the practical plans for this purpose  
14 was to petition for the grant of a general amnesty and  
15 to release both the right and left wing political  
16 criminals and other criminals with the exception of  
17 those whose crime was of particularly atrocious nature,  
18 and to give them firm warning not to repeat the same  
19 folly.  
20

21 "Secondly, I intended to stabilize the mind  
22 of people of the rural district and fishing villages by  
23 establishing means of relieving them from the extreme  
24 poverty in which they were at that time.

25 "Thirdly, I thought it necessary to devise  
fundamental measures to settle the confusions and

1 disturbances in political and ideological circles.

2 "My fourth intention was to find means to  
3 secure the original character of the Imperial Army  
4 whose reason for existence was in practicing morals,  
5 and let it thoroughly understand the fundamental  
6 principles of founding the army, so that the occurrence  
7 of ominous incidents, which had been rather frequent  
8 in the past, would be prevented in the future.

9 "Fifthly, Japan at that time was confronted  
10 with several difficult international problems. I con-  
11 sidered it of urgent necessity to solve all of those  
12 problems by making the utmost concession that we could  
13 afford, while making full assertions on what we had to  
14 assert. What Japan needed then was to determine the  
15 minimum extent of her self-existence and protect her  
16 from being affected by the hitherto precarious state of  
17 affairs in Europe.

18 "Under these circumstances, what should have  
19 been done before anything else was to secure peace in  
20 the Far East, and in order to do so, I determined to  
21 hold an international conference among the countries  
22 interested in Far Eastern affairs. My intention was  
23 first to establish peace in the Far East and on the  
24 Pacific after thorough deliberation upon pending matters  
25 among the participants of this international conference,

1 and then make it the cornerstone on which to secure  
2 world peace.

3 "The matter was, however, too grave to be  
4 decided instantaneously. I spent the whole of July  
5 and August in studying practicability of this plan  
6 as well as in preparation of preliminary matters. In  
7 September I prepared a basic suggestion for this plan,  
8 and suggested to the Premier to make a definite plan  
9 based on my suggestions, so that it may be presented  
10 for deliberation at the Imperial Diet.

11 "Petitioning for amnesty seemed to me the  
12 most difficult problem. On this question, I gained  
13 the approval of the Navy Minister, and the suggestion  
14 was put to the Premier as an agreed opinion of both  
15 Navy and Army.

16 "There were several objections to the amnesty  
17 to be granted to the criminals of the extreme right and  
18 extreme left wings. I maintained that however wrong  
19 they may have been, their misconduct had arisen from  
20 their passion to improve the future of their country  
21 and community.  
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1 "It was the unfortunate circumstances in  
2 which they were brought up or their narrow prejudice  
3 that had driven them to blindly rush to such an extreme  
4 ideal. They were nonetheless valuable subjects of His  
5 Majesty to whom his virtue of benevolence should  
6 equally be extended. I insisted that this was the  
7 characteristic feature of our national polity, and en-  
8 deavored to realize it.

9 "The question having developed thus far, Pre-  
10 mier SAITO ordered the people of the government in  
11 charge of this type of work to study the practical side  
12 of this plan, and, apart from this, he successively  
13 held conferences among the ministers who were related  
14 to the subject matter of the plan. Five Minister Con-  
15 ferences concerning foreign affairs and national de-  
16 fense were often held and other Five Minister Confer-  
17 ences concerning rural district problems being that  
18 they were a part of domestic political problems were  
19 also frequently held. I attended these conferences to-  
20 gether with Mr. MITSUCHI, Minister of Railways.

21 "Both of these conferences met more than  
22 twenty times and the gist of the plan was thoroughly  
23 discussed by the end of the year. There were several  
24 matters of which even definite plans were set up.

25 "The basic study of the plan showed due

1 progress and a communique in the form of a memorandum  
2 was given on matters concerning foreign affairs and  
3 national defense in October 1933. Some very impor-  
4 tant decisions were reached concerning rural district  
5 problems which were part of the problems for the  
6 domestic council.

7 "My intention was to establish definite plans  
8 for all the subject matters by the end of January  
9 1934, when the Imperial Diet was expected to be con-  
10 vened, and to present them to the Diet for delibera-  
11 tion. The government, army and Diet, should seek for  
12 the stabilization of internal affairs by their re-  
13 spective function, and these efforts, combined with  
14 the activities of the diplomatic branch would induce  
15 the whole situation to opening the Far Eastern Peace  
16 Conference. This was my intention and I did my best  
17 for its realization.

18 "As I devoted my whole attention after con-  
19 clusion of the Tangku Truce Agreement to this matter,  
20 I had not much interest in other problems and even  
21 when I had some objection or different opinion on  
22 some matters, I usually let them go at that.

23 "On the first of January, 1934, while the  
24 plan was in the midst of deliberation, I fell serious-  
25 ly ill and was confined to bed. However, as I most

1 eagerly wished to execute this plan at any cost, I  
 2 recommended General HAYASHI as my successor, and I  
 3 resigned from the post of War Minister.

4 "By that time, the essential portion of my  
 5 plan was still being discussed, part by part, by the  
 6 respective Cabinet Ministers but it was not yet ready  
 7 to be presented to the Cabinet meeting. Such having  
 8 been the case, when I was resigning from my post, I  
 9 sent to the Premier this suggestion of my plan, to-  
 10 gether with a letter, expressing all my views and  
 11 beliefs, and asked him to expedite the opening of the  
 12 Cabinet Meeting for this plan.

13 "Unfortunately, not only the general situa-  
 14 tion failed to develop as I had expected but the in-  
 15 ternal conditions of the army authorities changed  
 16 radically. Dissatisfied with the state of affairs I  
 17 decided to avoid being materially involved in any of  
 18 the official matters. My successor, General HAYASHI,  
 19 after four months' tenure of office, had to resign  
 20 for personal reasons and recommended me as his suc-  
 21 cessor, but because of this dissatisfaction, I per-  
 22 sistently declined its acceptance.

23 "In the meantime, things completely turned to  
 24 the worse, and after two years from the time of my  
 25 resignation, the 2.26 Incident forced myself and other



1 senior members of the army to leave active service  
altogether.

2 "For two years from my resignation from  
3 the War Ministership to retirement from active  
4 service, I occupied the post of War Councillor, but  
5 not a single enquiry of important nature was made to  
6 me, and so there is nothing to state about this  
7 period.

8 "Further, this was the period when the in-  
9 ternal condition of the army was in absolute chaos,  
10 and as I was always placed outside its central  
11 circles, I did not know the helm of military affairs  
12 at that time. All of these conditions will be shown  
13 by documentary evidence and witnesses.  
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"13. International Treaty Problems.

"Diplomatic affairs were not under the charge of the War Minister. As the War Minister, I only attended to what matters were under my charge and disposed of them in accordance with the policy determined by the government and so I did not know much of the diplomatic matters.

"Decision of a diplomatic affair was usually done upon investigation and opinion of the Foreign Minister. When it had an important bearing upon other departments of the government, the Minister of such Department was consulted, and when it was sufficiently important as to be related to all Departments in a general way, it was usually discussed at the Cabinet meeting. Otherwise, most of them were disposed of by the decision of the Foreign Minister.

"With regard to international treaties in connection with the Manchurian Incident, the WAKATSUKI Cabinet had already invoked the right of self-defense, and the Premier and Foreign Minister of the INUKAI Cabinet also several times declared the continuation of this right of self-defense.

"I was told that our action was within the limit of action for self-defense, about which every signatory of the Non-Aggression Pact had reserved the

1 right of execution, and a prominent scholar of inter-  
2 national law defined, 'The act of self-defense is  
3 conducted until pressure by violence and menace is  
4 removed.' Moreover, there was a reservation made  
5 by Japan on December 10, 1931, at the Council Meet-  
6 ing of the League of Nations, which was approved by  
7 the Council, of the right of subjugating bandit  
8 troops and lawless elements. The army acted within  
9 the extent of this right based on the policy de-  
10 termined by the government.

11 "As for the problems concerning independence  
12 of Manchoukuo and its subsequent recognition, Premiers  
13 and Foreign Ministers of the INUKAI and SAITO Cabinets  
14 gave explanations at the Imperial Diet and the Privy  
15 Council. They said that the independence was a natural  
16 result of an internal split of a nation conducted by  
17 her own people and that the Nine Power Treaty had not  
18 provided any restriction on such action. They fur-  
19 ther said that the independence was realized upon the  
20 basis of the historical background in Manchuria. They  
21 quoted several opinions of some of the scholars of  
22 international law and said that were several instances  
23 in which the presences of foreign troops contributed  
24 toward the realization of independence.  
25

"These explanations convinced all other

1 members of the cabinet and the army continued its  
2 action in conformity with this fixed policy until  
3 execution of the right of self-defense was no more  
4 required. As far as I remember, all of these details  
5 were contained in the Views of Japanese Government  
6 which were submitted to the plenary session of the  
7 League of Nations.

8 "The relation with the League of Nations  
9 had already been considerably aggravated before the  
10 INUKAI Cabinet, perhaps due to lack of proper expla-  
11 nation of the situation. It was immediately prior  
12 to the formation of the INUKAI Cabinet that the  
13 League of Nations decided to dispatch its Enquiry  
14 Mission. This decision was quite satisfactory to us  
15 and the INUKAI Cabinet hoped that the Mission would  
16 arrive at an accurate recognition of the situation  
17 based on the actual state of affairs. The army also  
18 expected that the Enquiry Mission would make an  
19 unbiased conclusion toward peace by having contact with  
20 the actual conditions on the spot in the light of the  
21 historical background.

22 "As I have stated above, the policy of the  
23 INUKAI Cabinet toward Manchuria was immediate restora-  
24 tion and subsequent maintenance of peace and order,  
25 and it aimed at improvement of international relations

1 by giving cooperation and correct understanding to  
2 the problems among nations.

3 "The army, also in conformity with this  
4 policy, minimized its military action and devoted  
5 its efforts in immediately bringing about the termi-  
6 nation of the hostilities. The manner in which the  
7 army settled the Shanghai Incident was a good indica-  
8 tion of this policy of the army and its over-all with-  
9 drawal from Shanghai served to improve, more or less,  
10 Japan's international relations. Encouraged with this  
11 fact, the army continued to concentrate its effort  
12 on this point.

13 "The independence of Manchoukuo and its  
14 formal recognition was studied, as was stated above,  
15 by both the INUKAI and SAITO Cabinets. By keeping a  
16 watch on the result of this study and on the prerequi-  
17 site for peace and order in Manchuria, both cabinets  
18 followed the natural growth of this movement and when  
19 convinced of its healthy progress, decided to give it  
20 formal recognition. The army, in conformity with  
21 this policy of the government, strived to prevent  
22 actions disturbing the peace and order, which had  
23 barely been restored after several uprisings, and to  
24 discharge its new task of joint defense of the state  
25 of Manchoukuo.

1                   "With regard to the League of Nations, I  
2 knew that the government had tried to obtain its  
3 understanding by tendering them written views of  
4 the government on the complexity of the character of  
5 the Incident and its suggestions for the means of  
6 maintaining peace in the future. When Mr. MATSUOKA  
7 was dispatched by the government as its plenipoten-  
8 tiary, the government had decided its policy of  
9 staying with the League at all costs in order to seek  
10 a proper understanding, and I think Mr. MATSUOKA was  
11 instructed accordingly.

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1           "The army, also in conformity with the govern-  
2           ment policy, strived to bring about a situation in  
3           which Japan could remain with the League in order to  
4           afford them a correct understanding of the problem.  
5           However, there were continued disturbances and unrest  
6           in various parts of Manchuria and before these hos-  
7           tilities had been settled, the resolution of the  
8           plenary session of the League of Nations was reached.  
9           The hope of Japan's getting a true understanding from  
10          the League having been thus frustrated, Japan had no  
11          alternative but to withdraw from it in accordance with  
12          the provisions of Article I and 3 of its regulations.  
13          Nevertheless, Japan declared to the world by an  
14          Imperial Rescript and a government communique her deter-  
15          mination of collaborating with the world. This will  
16          also be testified to by documents and witnesses.

17                   "14. My views and thoughts on foreign affairs,  
18

19           "While I was in office, foreign affairs did not  
20           come directly under my jurisdiction, and accordingly,  
21           I could not bring into practice my views on those mat-  
22           ters. All I could do was to discharge the duty of the  
23           army in accordance with the fixed policy of the govern-  
24           ment. But in order to clarify the grounds on which  
25           my actions toward the international problems were based,  
          I feel it necessary to state herewith my fundamental

1 ideology on international problems and the subsequent  
2 steps that I undertook at that time.

3 "(a) Relation with the Soviet Union.

4 "I had been in Russia for many years and was  
5 one of those who had a fond feeling toward and a good  
6 understanding of that country. My article in the  
7 monthly magazine 'Russia' correctly conveyed my true  
8 sentiment. Nevertheless, I could not advocate the  
9 world Bolshevization policy of the Third Internationale.  
10 My opposition to this principle and measures against  
11 it was more intensified when in 1923 and 1932 members  
12 of the Communist party plotted an assault on the person  
13 of His Majesty the Emperor.

14 "In fact, from the end of the TAISHO Era  
15 (about 1923) to the earlier period of the SHOWA Era  
16 (about 1931), Japan was thoroughly subjected to clan-  
17 destine activities of the Communist party manifested  
18 in the form of a labor conflict and other political  
19 struggles of sinister nature, and the existence of the  
20 country was endangered as it never had been before. A  
21 publication of Mr. Bezedovsky, the Soviet ambassador  
22 in Japan in 1926 and 1927, explaining the details of  
23 such activities, gave a deep warning to the world. I  
24 took it as the weakness in the ideological status of  
25 Japan, and did not take it so seriously as to consider



1 that it strained the relation between the Soviet and  
2 Japan.

3 "I may say that I am not inferior to the  
4 Communist party in the passion to relieve the poor class  
5 of people, which, I understand, is one of the tenets  
6 of that party. However, my belief is that if the  
7 administration under the Emperor based on the original  
8 doctrine of this country is realized, not only the  
9 poorer class of people, but the whole people in general  
10 can enjoy better welfare without being forced to any-  
11 thing. This was clearly manifested in the message of  
12 one of the Emperors who said, 'Should there be a single  
13 person among the whole population who is not given his  
14 proper place, we are to blame for that.' I believed  
15 that neither violence nor crafty measures was required  
16 in providing welfare to the people. My opinion was  
17 if the Soviet Union believed in communism, that was  
18 their affair and we had no reason to interfere with  
19 it. Every country is entitled to follow its own policy  
20 in accordance with the internal condition of that  
21 country. This having been my conviction, my opposition  
22 to the Third Internationale did not go as far as to  
23 advocate interference with the Soviet Union.  
24

25 "I felt at that time the necessity of taking  
self-defensive measures against the menace of eastward

1 infiltration of the Soviet influence and of the very  
2 active policy of the Third Internationale of Bolshe-  
3 vizing the whole world, but never had I felt the  
4 necessity of preparation of any positive military action  
5 against the Soviet Union, to say nothing of taking  
6 such action.

7 "To cope with this menace of the Soviet Union,  
8 there may have been several researches and suggestions  
9 among the people whose duty was to deal with such  
10 matters, and I believe those in charge of the matters  
11 would have devised measures within the extent of their  
12 duty, but I have reason to believe that such measures  
13 should not have exceeded the extent of research. The  
14 research alleged by the prosecution to have been made  
15 by KAWABE and KASAHARA would have been one of their  
16 opinions as members of the General Staff, but whatever  
17 it may have been, it had no relation with me. As far  
18 as I knew, no positive plan of the responsible author-  
19 ities against the Soviet Union existed. On the con-  
20 trary, the fact was that the army had once placed much  
21 expectation in the change of policy of the Soviet  
22 Union.

23 "To the conclusion of that Non-Aggression  
24 Pact, I was not necessarily opposed in principle, but  
25 I seriously and carefully listened to public opinion

1 that before signing such pact as the Non-Aggression  
2 Pact, all the pending problems between the two coun-  
3 tries ought to be settled upon the basis of sincerity  
4 by both parties, as otherwise, the pact was destined  
5 to fail and was apt to leave cause for future trouble.

6 "I do not admit the conclusions and the alle-  
7 gation tendered in evidence by the prosecution against  
8 myself. When I pointed out the obscurity of the bor-  
9 ders of Outer Mongolia, it was not from an aggressive  
10 intention toward Soviet as it was a defensive precaution.  
11 This can be easily ascertained from the other parts  
12 of the sentence around that expression.

13 "I sincerely hope that good Russians will  
14 peacefully display their rich natural gift."

15 THE PRESIDENT: This is a convenient break.

16 We will recess for fifteen minutes.

17 (Whereupon, at 1445, a recess was  
18 taken until 1500, after which the proceed-  
19 ings were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. McManus.

4 MR. McMANUS (Reading continued):

5 "(b) Relation between China and Japan.

6 "With regard to the relation between China  
7 and Japan, we have been told since we were children how  
8 eagerly our seniors of high ideals and experiences  
9 endeavored, since the Meiji Era, to secure a firm and  
10 healthy independence for China our good and friendly  
11 neighbour, and thereby to bring happiness to the people  
12 of our friendly nation. Such expression as Jobun Doshu  
13 (same character and same race) and Shinshi Hosha (relation  
14 between lips and teeth, and wheels and axis) were often  
15 used to denote how the relation between China and Japan  
16 should be. This was how my original conception of China  
17 was formed, and I believe it was the same with all the  
18 people who had some interest in China. My article in the  
19 magazine Bungei Shunju entitled 'To President Chiang  
20 Kai-shek and appeal to my brethren' expresses my view  
21 and conception in this matter.

22 "I advocated that the cooperation of China  
23 and Japan should be based upon the promotion of Oriental  
24 culture which is further based on the union of eastern  
25 and western culture. I expressed this opinion of mine

1 in 1925, when I had a chance of talking to some of the  
2 Chinese people in Shanghai who are now engaged in im-  
3 portant tasks as leaders of that country. As for the  
4 means of bringing about perfect independence to China,  
5 I had the occasion of giving my personal suggestion to  
6 President Chiang Kai-shek in the spring of 1932, through  
7 the staff of the Chinese Legation in Japan.

8 "China is destined to be our friendly neighbor.  
9 I most sincerely desire perfect independence for this  
10 country, but never had I dreamed of her division. This  
11 is the reason why I always quote the Outer Mongolian and  
12 Sinking problems for comparison.

13 "I viewed the Manchurian Incident as a kind of  
14 explosion of a situation which had been brought to the  
15 bursting point by variegated historical background and  
16 the complicated state of affairs of Manchuria at that  
17 time, and the explosion resulted in the independence  
18 declaration by the people of Manchuria. In other words,  
19 it was the natural result, caused by the influence of  
20 the mass of the people, which could not have been stopped  
21 merely by the strength of a limited number of people,  
22 without first correcting its cause. If China wanted to  
23 get rid of this sinister incident, she should have devised  
24 adequate measures immediately after World War I and for  
25 a person like myself who was charged to deal with this  
Incident from its half way mark, the first necessity

1 was to put an end to the hostilities. I considered that  
2 if Manchuria should turn out to be an ideal happy land,  
3 whether politically independent or not, and gained the  
4 approval of the world, its relation with China and peace  
5 in the Far East for that matter could be somehow re-  
6 adjusted in the future and I dealt with this matter along  
7 this train of thought. What I really had in mind was  
8 to welcome the creation of an ideal happy land on a  
9 part of Chinese soil, in anticipation of rehabilitation  
10 of ts mother land.

11 "When I saw the Manchurian people who had been  
12 under the hard rigors of living, I could not help praying  
13 for realization of an ideal happy land of Kodo (King's  
14 Way) as had often been talked of by the leaders of  
15 Manchuria. It was not myself alone, but all the people  
16 of broader views who had the same opinion as above. The  
17 main thing was to bring peace immediately between China  
18 and Japan and let the world recognize the fact. Re-  
19 adjustment of relations between China and Manchoukuo  
20 could be thereafter easily accomplished.

21 "With this view in mind, I considered as  
22 War Minister that what was required most urgently was  
23 to terminate hostilities. This was the reason why I  
24 evacuated all the Japanese troops from Shanghai, and  
25 advocated after the Tangku Truce Agreement, the opening  
of a Far Eastern Peace Conference. This will be proven

1 by witnesses and documents.

2 "The Marco Polo Incident occurred four years  
3 after the Tangku Truce Agreement. It would hardly be  
4 necessary to say that this Incident had no relation to  
5 the Manchurian Incident. I acceded to the request of  
6 Premier KONOYE, accepted the post of Cabinet Councillor  
7 and Education Minister in his cabinets. The object of  
8 the Premier was to let me find means to terminate the  
9 China Incident. I did my best to comply with the request  
10 of the Premier, but my power was not strong enough to  
11 bear any fruit along this line.

12 "On the occasion of the Nanking campaign, I  
13 opposed the act of occupying the enemy capital. I thought  
14 it was detrimental to the feelings of the people of both  
15 countries in the future. This was why I deplored the  
16 occupation of that city.

17 "It was then I thought of the poem of seven  
18 steps of Tsao Tzu-kian.

19 "It is my belief that if the leaders of China  
20 and Japan and the leading countries of the world had a  
21 little deeper appreciation of the relations between  
22 China and Japan, the Marco Polo Incident would not have  
23 had such repercussions as it did.

24 "It was from these same views that before the  
25 occupation of Canton and Hankow, I made my suggestions

1 and opposed the military action against those cities.  
2 However, at that time I was not a member of the army  
3 authorities, nor was I keeping contact with the actual  
4 state of affairs and so my hopes were not fulfilled.  
5 I have never dreamed of aggression against China and  
6 never acted accordingly. In fact, I placed my utmost  
7 importance in the cultural and spiritual unity between  
8 China and Japan.

9 "(c) Relations with the U.S.A. and Britain.

10 "I am not a so-called pro-Anglo-Saxon, nor am  
11 I, of course, an anti-Anglo-Saxon. I am a Japanese.  
12 I can not bear the sight of Japan being held in contempt  
13 by others or being reduced to destruction. Moreover,  
14 I am of the opinion of obeying His Majesty the Emperor  
15 and bringing about peace and welfare upon the basis of  
16 the original doctrine of Japan. I believed so and I have  
17 practiced so. This was not an opinion formed from so-  
18 called divine-inspirationism or from dogmatic ultra-  
19 nationalism. On the contrary, I trust it is a most humane  
20 principle agreeable to the world's omnipresent natural  
21 law. With this principle in mind, I did not try to cater  
22 to the current trend of making omnipotent Germany and  
23 Italy. Because I did not do so, I was sometimes blamed  
24 and abused as a pro-Anglo-Saxon. It has not been my  
25 practice to flatter or fawn upon others. I was sometimes



1 Unscrupulous in commenting upon what seemed to me wrong,  
2 and warned about the same, but I was never reluctant in  
3 praising what I believed to be right. Above all, I cannot  
4 help feeling grateful throughout my life to the obligation  
5 under which I was once placed. On such an occasion, I  
6 always expressed my gratitude whatever the reason for  
7 the obligation may have been. It was in this sense  
8 that I opposed the suggestion that the monument of  
9 Commodore Perry in Kuriham should be removed. I expressed  
10 similar types of opinions on several occasions. It  
11 was one thing I could not understand why, because of my  
12 above belief and attitude, I should have been called during  
13 the war by the opportunists and by those who were  
14 obsequious to the current trend to be unpatriotic pro-  
15 Anglo-Saxon.

16 "It was my consistent ideal that war should not  
17 be waged to satisfy meaningless desires. Except for some  
18 special occasions, war is apt to leave behind it certain  
19 aftermaths of personal feeling. Japan had never fought  
20 against the U.S.A. or Britain. On the contrary, it  
21 was my belief that Japan had been under the obligation  
22 of those two countries for the past ten years in  
23 connection with the crisis with which Japan had been  
24 confronted. Britain in particular was our ally for many  
25 years in the past, and to the U.S.A. while we had owed

1 her much financially, there was not the slightest  
2 friction of feeling.

3 "There had only been a slight unpleasant  
4 feeling between the two nations in connection with  
5 the racial problem and the Washington Conference. How-  
6 ever, even on these matters, I think there was sufficient  
7 understanding among the people of learning and fame in  
8 the U.S.A. and Japan. Furthermore I did not take it any  
9 more than as a mere political problem, in which there  
10 was not the slightest factor of danger for the relations  
11 between the two countries.

12 "To be quite frank, the relation between the  
13 U.S.A. and Japan after the Manchurian Incident had not  
14 always been a pleasant one. Of course, each party must  
15 have had its own reason to remain so, but the main thing  
16 hinged upon sentiment and misunderstanding, and I  
17 believed it was not so deeply rooted as would completely  
18 destroy the friendly relation which had existed between  
19 the two countries.

20 "During the time of the Manchurian Incident,  
21 I was one of those who was worried over the general  
22 situation of the world. I had had sincere faith in  
23 Britain's refined diplomacy and the U.S.A.'s power of  
24 enforcement, and upon those I placed much expectation  
25 to save the world from the deteriorated situation facing

1 it.

2 "I expressed my opinion to many of the well-  
3 informed people of learning and fame in both Britain  
4 and America and wanted to adjust through those people  
5 the application of the sanctions of the League of  
6 Nations, and also, more importantly, to prevent the  
7 explosion of the general unrest which was then pre-  
8 vailing all over the world. I believed I was doing much  
9 good for the sake of world peace, and I repeatedly  
10 warned them that unless steps were taken along the line  
11 as I suggested, the situation in Europe was suggestive  
12 of a world war.

13 "It was also from my fear of the above that I  
14 desired that those people improve the method of appli-  
15 cation of the sanctions of the League of Nations, based  
16 more upon the actual facts than anything else.

17 "It looked to me that the U.S.A. had maintained  
18 an indifferent attitude having stayed outside the realm  
19 of the League of Nations, and therefore, was in a  
20 position to make a calm and unbiased judgment of the  
21 world's state of affairs and Britain was also, in my  
22 opinion, in the same position, because of her rich ex-  
23 perience in dealing with important international  
24 problems. The rest of the countries were, I thought,  
25 too busy in rehabilitating the damages of World War I

1 to do anything else.

2 "Japan had been recognized as having the power  
3 of maintaining the security of the Far East, and so I  
4 considered that much could be contributed to the world's  
5 peace if those three countries, Japan, U.S.A. and Britain,  
6 discussed the basic policy of peace in the world with-  
7 out prejudice and bias.

8 "Because of this conviction, I had deliberate  
9 discussions over the world's state of affairs since the  
10 outbreak of the Manchurian Incident with Sir Lindley  
11 and other successive British Ambassadors to Japan and  
12 Major-General Piggot, British Military Attache and  
13 others. I also appealed to the learned American people  
14 to call their attention to the situation in the East.  
15 Mr. Releigh, lecturer of the Oxford University was  
16 another person with whom I had hearty discussion. I also  
17 appealed to a group of foreigners in my speech at  
18 Karuizawa in the summer of 1934.

19 "In these speeches and discussions, I frankly  
20 indicated the points on which I thought there should be  
21 self-reflection and reconsideration on the part of the  
22 U.S.A. and Britain. It had not been my practice to  
23 flatter, nor was it my habit to commit myself to any-  
24 thing unreasonable, to say nothing of the abuse of  
25 armed force.

1 "It had been my belief that world peace could  
2 only exist if people based their conduct upon warm-  
3 heartedness and justice of natural law, restricted  
4 their selfish desires and conceded to others to the  
5 utmost to such an extent as would not impair their self-  
6 existence.

7 "At the time when the question of importation  
8 of Siamese rice was much discussed in Japan, I insisted  
9 that we should endure some economical disadvantages to  
10 accede to the request of Siam so that we could express  
11 our appreciation of the warm friendship that Siam had  
12 shown us for many years in the past. I explained this  
13 to the people of rural districts in order to gain their  
14 understanding of the question.

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1           "When we had an occasion of negotiating with  
2 Lancashire in connection with our exportation of cotton  
3 piece goods, I insisted that we should make the best  
4 possible concession in the negotiation and should not  
5 effect any undue pressure upon Lancashire, and that  
6 all international problems should be settled from a  
7 broad point of view. This conduct of mine was always  
8 based upon the belief as I have stated above.

9           "It was my opinion that in facing the activ-  
10 ities of the League of Nations or fulfilling the pro-  
11 visions of international treaties, Japan should always  
12 stand on this belief, that by no means should she lose  
13 sight of her ultimate object in selecting the means.  
14 I advocated from the same belief that those who had  
15 power should be right and those who were right should  
16 have power. The idea of power to power principle was  
17 one thing I detested most.

18           "I believed that all of these assertions could  
19 be fully understood by Britain and America, and heartily  
20 desired that by understanding them, they would contri-  
21 bute to the peace of the world. I feel ashamed in be-  
22 ing even alluded to as a person advocating world dom-  
23 ination or aggression and expansion.

24           "My Ideas

25           "In 1895, I was much disturbed with an

1 incident known as 'Three Power Interferences' which  
2 resulted in Japan's retrocession of Liaotung, and it  
3 caused me to join the army to defend the motherland.

4 "I participated in the Russo-Japanese War  
5 when I was a Lieutenant. In World War I, I was with  
6 the Russian Army at the eastern front of Europe and  
7 had ample opportunities of witnessing the true nature  
8 of war among the civilized countries.

9 "This experience affected greatly the views  
10 of war which I had had by that time, and became the  
11 second epochal period in the history of my ideology.  
12 The essence of my new ideology was that war, if inevit-  
13 able, should be the war of human beings not the struggle  
14 among beasts. I came to have new ideas as to weapons,  
15 style of fighting and equipment for national defense,  
16 and with a view to lessen the war damage have made an  
17 appeal based on this idea to the people both in and out  
18 of Japan for the past twenty years.

19 "Parallel with the above advocacy, I specu-  
20 lated over the basis of peace, namely, the means with  
21 which to avoid the occurrence of war. I came to the  
22 conclusion that the existing international treaties  
23 alone were not only virtually insufficient to avoid  
24 war, but they sometimes caused war, and I intended to  
25 improve this shortcoming.

1 "There were numerous causes of war, but  
2 economic pressure, menace on self-existence, denial  
3 of the special characteristics of a nation and racial  
4 prejudice constituted their principal part and so far  
5 as they were not completely eliminated, war was un-  
6 avoidable. The method of maintaining peace by way of  
7 keeping a certain balance of armament among the nations  
8 was nothing but a camouflaged peace, which could be  
9 easily broken by a miscalculation on the part of a  
10 nation over the balance of her armament and that of  
11 other nations. Once the peace was broken, the scale  
12 of equipment and installation for war and the selected  
13 arms of precision would give cause to boundless calam-  
14 ity. I, therefore, considered it the duty of a civil-  
15 ized nation to go a step forward to study the funda-  
16 mental cause of war, and take every possible opportunity  
17 to propagate this idea to the people of the world.

18 "There was another point to be considered.  
19 After World War I, a disruption took place in the world  
20 of thought dividing the whole world into three ideo-  
21 logical circles, and each circle contested one another  
22 beyond the barrier of economy and living.

23 "I perceived a danger of inducement to war in  
24 this conflict of thought. I drew attention of the  
25 people to the necessity of securing a fundamental



1 ideal for establishment of peace, and in order to  
2 achieve this purpose, I advocated the amalgamation of  
3 eastern and western culture, enhancement of the spirit  
4 of mutual concession, and, in order to heighten the  
5 sense of sympathy I advocated Kodo (Imperial Way.)

6 "Thus, I endeavoured to harmonize the inter-  
7 ests of the world to avoid the potential calamity, but  
8 unfortunately most of the countries of the world were  
9 indifferent to this advocacy because of their lack of  
10 recognition of this fundamental ideal and each rushed  
11 forward to expand its influence into the world accord-  
12 ing to its long entertained or newly harboured ideal.

13 "After World War I, two world offensive move-  
14 ments occurred with the support of armed force, one  
15 was the World Bolshevizing Movement and the other was  
16 Nazism as a totalitarian nation. Japan's attention  
17 was drawn to this and the necessity of self-defense  
18 impressed her. I personally considered that the most  
19 effective self-defense could be carried out by promot-  
20 ing the sense of morality and justice.

21 "Primarily, my views of peace or views of life  
22 do not admit of territorial expansion. Amalgamation  
23 of a nation which had its own race and history was one  
24 thing I definitely rejected. I said it was one thing  
25 to protect the land of their ancestors and it was quite

1 another to expand it. I considered that a land other  
2 than its own could be developed as a source of raw  
3 materials under the principle of mutual help. That  
4 was why I objected to the amalgamation of Korea and  
5 although I was abroad when it took place, I sent a  
6 letter to my senior, expressing my views, and insisted  
7 that Japan should cooperate with Korea by respecting  
8 its civilization.

9 "Such having been my views, I can clearly  
10 declare that never in my life have I entertained an  
11 idea of aggression, to say nothing of world domination.

12 "If I may be allowed to express my views, such  
13 ambition as territorial expansion is nothing but an  
14 infantile glory which is far from permanent welfare.

15 "With regard to Manchuria, I accepted the  
16 post of War Minister when Manchuria was in a turmoil  
17 of disturbances. My whole-hearted attention was de-  
18 voted to nothing but terminating the hostilities. As  
19 I was so deeply impressed solely with the miserable  
20 conditions in which the Manchurian people lived I took  
21 a sympathetic view in the establishment of a happy  
22 land of King's Way (Kodo.) Further, I was favorably  
23 impressed when, after the foundation of Manchoukuo, by  
24 the zealous aspiration of the Manchurian people, the  
25 leaders of that new country made Confucianism, a

1 doctrine originated in China, their principle for  
2 creation of an ideal country. The complicated inter-  
3 national problems of Manchuria had not slipped out of  
4 my mind, but since the independence had been declared,  
5 I wished from this sense of morality, the realization  
6 of an ideal nation.

7 "However, as time passed, it did not develop  
8 in the way that I had hoped and several petitions and  
9 bitter criticisms of the Manchurian people reached my  
10 ears. Worried over this situation as I have stated in  
11 the above, I declined to go to Manchuria to celebrate  
12 her tenth anniversary of independence and did not  
13 attend the celebration held in Japan.

14 "I have already stated that my views of war,  
15 nation and peace which I had had since my participation  
16 in World War I, were definitely opposed to imperialism,  
17 exclusive egoism and the coercion control principle.  
18 My conduct was always coherent to this principle. I  
19 feared that the manner in which the powers, after  
20 World War I, dealt with Germany were portent of future  
21 trouble. Pressures which all the countries that won  
22 victory over Germany, (including Japan) imposed upon  
23 this defeated country as well as the attitude of the  
24 newly awakened Germany toward the world were quite  
25 precarious from the standpoint of world peace, and

1 because of my aforementioned views, I expressed my  
2 desires, whenever I could, for the alleviation of such  
3 conditions.

4 "Historically, the strained situation of  
5 Japan in the past has been continuous, but as far as  
6 I was concerned, I had my own ideal as above stated  
7 and because of this, I disassociated myself from the  
8 movements before and after my tenure of War Minister.  
9 I went my own way in accordance with my ideal, and did  
10 not take any action in concert with the people who had  
11 different views. On the other hand, I endeavoured to  
12 propagate my idea of international morality and beliefs  
13 throughout the world.

14 "15. Armament and my policy in directing  
15 the Army.

16 "The equipment and strength of our army was  
17 so poor that it was not even as good as that of Poland.  
18 In 1921 the army authorities desired to raise the stand-  
19 ard of armament of the entire Japanese Army to only  
20 half of that of the other powers at the time of World  
21 War I. For this purpose, a bill of approximately 460  
22 million yen for running expenses for ten years was  
23 presented to the Diet and was duly approved. However,  
24 the payment of the whole amount was successively post-  
25 poned and in 1931, which was a year before the

1 Manchurian Incident, the sum of 360 million yen was  
2 still left unused. That is to say, not even one  
3 quarter of the original plan was accomplished.

4 "I had my own view toward the establishment  
5 of the army and war, which I had harbored since World  
6 War I. I believed in the necessity of modern equip-  
7 ment for an independent nation, but I had never  
8 dreamed of completing armament for the sake of waging  
9 war. I regarded the army as a symbol of morality and  
10 placed more importance on its spiritual element. I  
11 felt the necessity of a completion of armament, but I  
12 never considered its completion in connection with pre-  
13 paration for aggression. On the contrary, my opinion  
14 was just the reverse. However, I could not bring this  
15 ideal of mine into practice, having been disrupted by  
16 the necessity of settling the Manchurian and Shanghai  
17 Incident.

18 "It was also from this ideal of mine that in  
19 1932 and 1933, I conceded the sum of 15 million yen  
20 and 10 million yen respectively from the Army budget  
21 to the Navy and cooperated with the Finance Office and  
22 Navy Office. I thought it would be detrimental to the  
23 credit of Japan if the army and navy disagreed with  
24 each other for a matter of a small amount in the budget  
25 and if, because of this, the Navy Minister should resign

1 from his post. As far as the army was concerned,  
2 serving the country under the complete harmony of  
3 the army and navy was its first moral duty and  
4 accomplishment of this mission was considered by it  
5 much more important than a monetary question of ten  
6 or fifteen million yen.

7 "The army budgets in 1932 and 1933, exclud-  
8 ing the budget for the Manchurian Incident, was about  
9 one hundred and seventy million yen each and there are  
10 virtually no increases in comparison with those of  
11 preceding years. On the contrary, 1933 showed some  
12 decrease. New installations and equipment which had  
13 to be provided to cope with the incident were paid by  
14 appropriating the budget of the following year. Under  
15 such circumstances, any positive preparation of war  
16 was impossible.

17 "The army budget for the Manchurian Incident  
18 while I was War Minister was one hundred and forty or  
19 fifty million yen each for the two successive years.  
20 After the recognition of Manchoukuo, the army was  
21 charged with the added task of Manchurian national  
22 defense by the provisions of the Japan-Manchoukuo  
23 Protocol. Also, there was some reinforcement of rail-  
24 way guards in compliance with the expansion of the  
25 railways to be guarded, but this did not involve any

1 material increase of expense. In attending to the  
2 joint defense of Manchoukuo, the military install-  
3 ations in Manchoukuo were limited to those of a  
4 defensive nature, and nothing was undertaken by way  
5 of offensive action.  
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1 "Establishment of railway lines, unification  
2 of communication systems and exploitation of natural  
3 resources were the reasonable necessities for a new  
4 state on her way to development; also from the nec-  
5 essity of maintaining law and order. It was nothing  
6 more than an ordinary step that a newlyborn nation  
7 should take, and Manchukuo merely did it. It is def-  
8 initely wrong and groundless to accuse that Japan  
9 made Manchuria a militaristic base for aggressive war.  
10 To further support this, the military installations  
11 in Manchukuo were limited to those of defensive nature.

12 "As I have stated before, my view of war and  
13 view of national defense, which I had harbored since  
14 World War I, was fundamentally different from those  
15 of other people. Therefore, armaments of powers did  
16 not attract my attention and I did not approve any  
17 imperialistic policy or immoral equipment, whether  
18 militaristic, ideological or economic. The armament was  
19 consequently carried out in view of this consideration.

20 "In the administration of military affairs, I  
21 abolished discrimination in treatment between the rich  
22 and the poor. I also denounced the system of paying  
23 money to become a cadet and equalized the opportunity  
24 in military service. Because of this change, some of  
25 the college students who wanted to become cadets may



1 have sought some preparatory military knowledge out of  
2 their desire for enlightenment. I contend that this  
3 cannot be called militarization of education.

4 "I also established a policy which I believe  
5 to be the basic conditions for the purification of the  
6 army, and intended for the improvement in the treatment  
7 of war wounded.

8 "Since this was my principle, even in armament,  
9 I can definitely say that there was not the slightest  
10 truth in the testimony of witness OUCHI that during my  
11 tenure of office as War Minister, I militarized school  
12 education.

13 "The guiding principle in my direction of the  
14 army was first to make an army based upon morality, the  
15 principle upon which the army was founded, and second  
16 to let it display its characteristics as an army which  
17 observed the Imperial Way. In order to realize this,  
18 refer to my purging in the aftermath of several disast-  
19 rous incidents in the past. This was the reason why I  
20 conducted shifts of several of the military personnel.  
21 I did my best in quieting the young officers who had  
22 been dissatisfied with the situation and in the May 15  
23 Incident there was not one participation in it by any  
24 army officer, and I am proud to say that throughout my  
25 tenure of office as War Minister there was not a single

1 case of any such unlawful action.

2 "I further endeavored to eliminate the Prussian  
3 type from the army. I insisted that the troops should  
4 further the virtue of the army to such an extent that  
5 they would not cause grudge from an opponent, and to  
6 win the favor and respect of inhabitants wherever they  
7 might be stationed. Our army in those days was apt to  
8 be ideologically confused with the Prussian army and  
9 such a conception needed correction. I, first of all,  
10 wanted some of the members of the cabinet to understand  
11 this spirit and with it to rectify the common misconcep-  
12 tion that armament was for the sake of waging war. I  
13 determined that this must be thoroughly understood by  
14 the whole public and whenever possible expressed my  
15 views in speeches and other writings.

16 "With regard to the strained situation of  
17 Japan, I requested the earnest reflection of the people  
18 over the current problems and urged them to place their  
19 first importance in the promotion of morality.

20 "The real meaning of my speech entitled 'Emerg-  
21 ency Japan', which was offered in evidence by the pros-  
22 ecution, can be proved by many other speeches bearing  
23 'emergency' in their titles. If the whole of this  
24 speech is read without prejudice, I believe the real  
25 intention of mine will be understood. The process of

1 manufacture of this film and the impression that this  
2 film gave to the spectators will also be a good indica-  
3 tion of the intention with which I made this speech.

4 "All of these speeches were made with a view  
5 to introducing my moral views which I gained through  
6 my experience in World War I.

7 "What underlies the Imperial Rescript granted  
8 by the late Emperor MEIJI to the army and navy person-  
9 nel is the sense of sincerity. The present Emperor  
10 showed in his Imperial Rescript granted when he ascend-  
11 ed the Throne that the true principle of the foundation  
12 of Japan was based upon the spirit of benevolence. I  
13 advocated that the army should observe the principle  
14 of these Imperial Rescripts and should exert their  
15 best to discharge its duty. My intention was to enhance,  
16 by my advocacy, the virtue of benevolence of the Emper-  
17 or among the people, and this was, I thought, the first  
18 step to let the troops completely become aware of the  
19 true spirit of the Imperial army. By their efforts,  
20 I believe I succeeded, even in the slightest degree,  
21 in removing imperialistic thought from the army, and  
22 also from the people, and prevented them from egotist-  
23 ical conduct.

24 "16. Military discipline during the Manchur-  
25 ian Incident.

1 "The Manchurian Incident arose from what had  
2 been vitally important to Japan. As the ultimate ob-  
3 ject of this incident was to bring peace and welfare  
4 to both Japanese and Chinese nationals, the officers  
5 and soldiers of the Japanese Army at the front, as  
6 well as the general public in Japan were sympathetic  
7 toward the Manchurians and other people on the spot.  
8 The hostilities were not of the nature of a declared  
9 war, and so all the captives were immediately released  
10 and were given assistance to engage in peaceful work.  
11 Those who were in distress were given relief funds.  
12 These facts were made clear by the report of those who  
13 inspected conditions there. There was not a single  
14 case of massacre or violence, nor was there any report  
15 made to that effect. Lord Lytton's Report admitted  
16 this fact.

17 "The incident which was reported by the  
18 Chicago Tribune as having occurred near SENKINSAI was  
19 nothing but a minor skirmish between a small squad  
20 and a body of local bandits. This was exaggerated and  
21 made the subject of propaganda, as was the usual prac-  
22 tice with the Chinese people, and the propaganda was  
23 reported by Mr. Powell and was inserted in the paper  
24 as it was. This is clear by the testimony of Mr. Powell  
25 himself, and the same may be supported to some extent by

1 the protest of the Japanese consul. The skirmish was  
2 too small to be reported to me, so I did not know of it.

3 "17. The circumstances under which I became  
4 Cabinet Councillor in the First KONOYE Cabinet.

5 "Since my withdrawal from active service in  
6 March 1936, I had not been quite satisfied with the  
7 state of affairs and was leading a life of a retired  
8 man. During that time there was an occasion when, at  
9 the outbreak of the China Incident in July 1937, I was  
10 extremely worried about the situation and suggested to  
11 Prince KONOYE my view on means of bringing about peace.

12 "It happened in September 1937 that Prince  
13 KONOYE, who was the Prime Minister at that time, sent for  
14 me. When I saw him, he was very much worried about the  
15 China Incident and asked me if I had any idea as to the  
16 means of saving the situation. It was the time when the  
17 Second Shanghai Incident had broken out and the situa-  
18 tion was really serious.

19 "I told him that if a frontal clash between  
20 China and Japan should take place, it would not only be  
21 against the policy of our country, but would also cause  
22 great difficulty for Japan from the operational view-  
23 point. I suggested that he should ask Lt. Gen. OBATA's  
24 opinion about those matters, but he told me that he had  
25 had Lt. OBATA's opinion already, and that from his

1 opinion he was more convinced of the gravity of the  
2 situation. He said that it was the reason why he came  
3 to me and wanted my unreserved opinion for saving the  
4 situation.

5 "I told him that since the state of affairs had  
6 developed to such an extent as those existing, it would  
7 require a person with strong influence among military  
8 circles, not a retired soldier like myself, to settle  
9 the affair. I added that, in any case, Prince KONOYE  
10 would require a great deal of resolution to cope with  
11 the situation.

12 "In the meantime, Premier KONOYE set up an  
13 organization of Cabinet Councillors and about ten  
14 people including myself were appointed the Cabinet  
15 Councillors. The object of this organization was to  
16 seek suggestions to check the expansion of the incident  
17 and to settle it.

18 "18. The functions of the Cabinet Councillors  
19 and my suggestions to the Premier.

20 "The Cabinet Council was not organized into a  
21 regular system of a council. Its members were to make  
22 their individual suggestions to Premier KONOYE and the  
23 Council had no recognized right of resolution. The  
24 Councillors were to meet regularly once or twice a week.  
25 However, it was to hear the latest information from the

1 governr nt or to exchange each other's views, and not  
2 to discuss any fixed agenda.

3 "As the KONOYE Cabinet did not place much im-  
4 portance in this system, the Cabinet Council was grad-  
5 ually reduced to a nominal existence and a Councillor  
6 was an honorary post for which no pay or other form of  
7 treatment was given. At the time when this system was  
8 established, the China Incident had considerably ex-  
9 panded and the troops had reached somewhere near Nanking.

10 "I submitted my opinion to the Premier, saying  
11 that to attack and subsequently occupy the capital of  
12 China would only make the whole situation more serious  
13 than ever, and would create a considerable hindrance  
14 to the readjustment of China-Japan relations in the  
15 future. I suggested that Peace should be sought before  
16 this campaign took place.

17 "All the Councillors were of more or less the  
18 same opinion, and the government authorities seemed  
19 to have done their best in endeavoring to save the  
20 situation. However, what was lacking with the govern-  
21 ment authorities was a resolute determination to push  
22 through their policy, whereas the military action  
23 which was under the direction of the Supreme Command  
24 gained more influence every day and resulted in the  
25 further aggravation of the situation.

1 "I think it was around this time that a peace  
2 negotiation was made through the good offices of Mr.  
3 Trautman, German Ambassador in China. All of the  
4 Councillors were looking forward to the success of  
5 this negotiation, but the repeated efforts on the part  
6 of the Japanese government were frustrated. The Coun-  
7 cillors did not participate in the deliberation of  
8 this peace negotiation and accordingly were not inform-  
9 ed of its details. However, they eagerly expected the  
10 government, in an abstract manner, to accomplish this  
11 negotiation, until it proved in vain on the 16th of  
12 January.

13 "Thus, the Councillors, whose duty from its  
14 inception had been nullified, became a mere nominal  
15 sinecure. The Councillors are charged with atrocities  
16 in Nanking, but they had neither the authority nor duty  
17 of controlling such an incident.

18 "19. The circumstances in which I became  
19 Education Minister and the state of affairs during my  
20 tenure of office.

21 "Prince KONOYE, from his sincere apprehension  
22 over the situation, and desiring to devise counter means  
23 against it, determined at the end of May to reshuffle  
24 his Cabinet, and selected as ministers the following  
25 members from the Cabinet Councillors: General UGAKI



1 was appointed Minister of Foreign Affairs; Mr. IKEDA,  
2 Minister of Finance and concurrently Minister of Com-  
3 merce and Industry; and myself Minister of Education.  
4 He then appointed Lt. Genl. ITAGAKI as War Minister.  
5 I had some expectation for this renovated Cabinet,  
6 but Premier KONOYE, after the renovation, made it his  
7 practice to confer on current problems only with the  
8 Five Minister Conference comprised of Ministers of War,  
9 Navy, Foreign and Finance, and other Ministers were not  
10 invited to the discussions.

11 "At that time military operations were in pro-  
12 gress, and as they were under control of the Supreme  
13 Command, the Cabinet had no authority to check them.  
14 Thus, while the Premier was indecisive, military action  
15 gradually developed and reached as far as Wuchang, Han-  
16 kow and Canton. During this time, the members of the  
17 Cabinet other than those of the Five Minister Council  
18 were not immediately informed of the latest state of  
19 affairs.

20 "Under the circumstances, my position was merely  
21 the chief of the education administration, which was en-  
22 tirely outside the realm of current affairs, and all I  
23 did was to promote education and its administration.

24 "20. My work as Minister of Education.

25 "The Ministry of Education, as one of its

1 fixed duties, shared with the Ministry of Home Affairs  
2 the task of keeping surveillance over the General  
3 Spiritual Mobilization Organization. Consequently,  
4 the Minister of Education had to write in magazines  
5 and make broadcasts in connection with educational matters,  
6 as part of his routine duties. The drafts of  
7 articles or broadcasts usually prepared by the staff  
8 of ministry in charge of such matters, and the Minister  
9 only made them public. The work was executed along the  
10 customary line. I do not think there was anything which  
11 was planned with specific intention or departed from the  
12 customary practice.

13 "Excerpts of some of my books were tendered to  
14 the Tribunal as prosecution evidence. To this I contend  
15 that if the whole book had been read, instead of ex-  
16 cerpts, what I was aiming to explain would have been  
17 understood.

18 "During the earlier period of my tenure of  
19 office as Education Minister, there were some in the  
20 Ministry who were inclined toward flattery or fanat-  
21 ically pleaded the true principle of the fundamental  
22 policy of our country; there were some who were inclined  
23 to agree with the Nazi ideology; on the other hand,  
24 there were still some submerged elements in the schools  
25 who followed communism.

1 "This situation required competent persons who  
2 could regulate this confusion, and this was why I con-  
3 ducted personnel shifts among the Education Office  
4 Staff.

5 "I also appointed competent people who could  
6 cope with confidence with the request from the military  
7 authorities and other government branches so that the  
8 evil practice of being obsequious to such requests could  
9 be eliminated.

10 "At that time, the Education Council had already  
11 been established (in 1937). This was the highest insti-  
12 tution for the renovation of the education system and  
13 it comprised as Councillors the most prominent persons  
14 of learning and experience, both in and out of office.  
15 All the important problems of education were deliber-  
16 ated upon at this Council and the government policies  
17 on education were decided upon by its resolutions.

18 "The inception of the advocacy for compulsory  
19 education at the Youths School dates back to the be-  
20 ginning of the TAISHO Era when it was then only a  
21 Supplementary School.

22 "In 1937, the Educational Administration Council  
23 made a report, in answer to the inquiry from the gov-  
24 ernment about the question of Youths School. In  
25 January 1938, at the time of my predecessor, compulsory

education was already decided upon at a Cabinet meeting.  
1 Then the question was again deliberated upon by the  
2 Education Council and according to its reply in July  
3 of the same year, it was arranged that an Imperial  
4 Ord'nance be issued in April 1939 for its enforcement.  
5 This new system was to give equal opportunity of educa-  
6 tion to all people, and help to develop their natural  
7 gifts. It is entirely wrong to interpret this change  
8 as militarization of education.  
9

10 "The education system in Japan since the MEIJI  
11 Era had been formed after the European and American  
12 lives. While the system enjoyed certain popularity  
13 among the public, it offered more opportunity to the  
14 well-to-do class of people, and those of talent and  
15 faculty from the poorer classes found difficulty in  
16 developing their natural gifts. I perceived that this  
17 was contrary to our original program to let everyone  
18 gain his proper place, when the Educational Council sub-  
19 mitted its decision that education in the Youths School  
20 should be made compulsory. I took this opportunity to  
21 develop the education of the working class of youths,  
22 and to give to those who showed good result in the  
23 Youths School ample opportunity to develop their  
24 talent.  
25

"The most serious apprehension of Japan at

1 that time was the disturbance of ideological circles.  
2 There was a time when communism spread widely among  
3 the people, and once it became the tide of public  
4 opinion; then there was a time, later, when people fol-  
5 lowed Nazism or Fascism. This trend gave rise to com-  
6 plications between the liberalism which had also ex-  
7 isted at that time, and caused a terrible state of  
8 chaos.

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1 "The several unfortunate incidents which arose  
2 from the current situation at that time were due to the  
3 disturbance of thought on the part of the people. On  
4 the other hand, the rise of the Nippon spirit tended  
5 to create a dogmatic nationalism, which from its lack  
6 of ubiquity, was apt to fall into extreme rightism and  
7 was pregnant of much danger. The cause of this defect  
8 was due to the fault of perfunctory education which had  
9 a tendency of making the people lose sight of ideologi-  
10 cal independence and lofty ideas. In order to reform  
11 this, I advocated that the imperial virtue of benevolence  
12 and tolerance, which had been the basic spirit from the  
13 time of the foundation of our country, should be borne  
14 in mind and cultivate in it an ubiquitous character  
15 which was welcome in all the modern civilized countries  
16 of the world. Imperial admonition was my guiding  
17 principle when attending to this work, inasmuch as the  
18 imperial admonition was teaching us the basic principle  
19 of humanity with His Majesty's generosity, and I con-  
20 sidered that that was the code that the people should  
21 observe. This principle, which had been the basic  
22 spirit from the time of the foundation of the Empire,  
23 was entirely different from militarism; not only was it  
24 just the contrary to militarism, but it was the one  
25 essentially required for the correction of the defect

1 in ideological circles at that time.

2 "21. Military Training in Schools.

3 "The history of physical exercise in military  
4 style which was eventually turned into military train-  
5 ing dates back many years ago, but I am not going into  
6 its detail now. I had heard of some conflict between  
7 the education institutions and the military authorities  
8 with regard to military training in the schools, but  
9 neither of the parties had my sympathy, inasmuch as the  
10 whole conflict seemed to be due to their narrow views.

11 "It was quite natural that school education  
12 placed its importance in cultivating the spirit of dis-  
13 cipline and cooperation by training. But as the result  
14 of the training depended on the character of the person  
15 who was in charge of training, there were instances  
16 when the training was executed in excess of the above  
17 object. On the other hand, there were several cases  
18 where, on account of lack of proper understanding on  
19 the part of the school authorities, liberalism was re-  
20 garded as synonymous to a sloven life and students were  
21 left in an irregular and slatternly existence. Another  
22 fearful tendency was communistic ideology, which, com-  
23 bined with some of the political plotters, caused  
24 deterioration of the student's spirit by abetting them  
25 into the habit of disdaining such virtues as discipline,

1 moderation, cooperation and diligence, all of which  
2 were indispensable to the promotion of the culture of a  
3 nation.

4 "During the earlier period of my Education  
5 Ministership, these fearful tendencies were gaining  
6 influence, much to my regret. There were frequent  
7 occasions when students were arrested and detained by  
8 the police on the charge of disturbing public order.  
9 These types of students were given to slandering the  
10 training in the schools as being militarization of  
11 school education. There were some even among the  
12 teachers and professors who encouraged students toward  
13 such tendencies.

14 "I changed the system of training in the  
15 schools in such a way so as to observe moderation be-  
16 tween the above two extremes and with it I tried to  
17 promote the lofty ideals of the students.

18 "The reformation of the system of the Youths  
19 School was an act of equalizing the right and duty of  
20 education. By the reformation there was no increase in  
21 hours allotted for training and there was not the  
22 slightest evidence to show that the education was mili-  
23 tarized.

24 "Military training in the schools was a part  
25 of the school education, and from the viewpoint of



1 educational administration it should not have exceeded  
2 this category. This was my principle in coping with  
3 this training, and so any request from the army authori-  
4 ties which attempted to bring it out of this category  
5 met my refusal.

6 "There were occasions when in compliance with  
7 the request of students and school authorities, the use  
8 of modern weapons was introduced in training, but this  
9 decision was an autonomous disposition of the school  
10 authorities in view of the students' request, and was  
11 not done by the request of the Education Ministry.

12 "While I was Education Minister I placed im-  
13 portance on cultivating the moral element rather than  
14 promoting the skill of combat. This moral element  
15 served to reveal the Emperor's virtue of benevolence.  
16 That is to say, by training I taught students to cul-  
17 tivate their morals rather than to cultivate the habit  
18 of depending on armed force.

19 "23. National Spirit General Mobilization.

20 "The National Spirit General Mobilization sys-  
21 tem had been established at the time of the First  
22 KONOYE Cabinet and its object was to straighten the  
23 national spirit against the state of affairs after the  
24 outbreak of the China Incident. It had been established  
25 before I became the Education Minister.

1 "Its central executive organ was civilian,  
2 comprised of people of learning, fame and experience  
3 which had been placed under the charge of the Depart-  
4 ments of Home Affairs and Education. Its main object  
5 was the improvement of the people's daily life and  
6 spiritual restraint.

7 "Later, there was a tendency for the policy of  
8 this central executive organ to become dogmatic. The  
9 HIRANUMA Cabinet, desiring to follow its policy proper-  
10 ly, established a committee system with the chairman  
11 of the committee to be selected from  
12 among the cabinet ministers, to pursue a basic policy,  
13 and all the people of learning and experience both in  
14 and out of office were requested to deliberate so that  
15 the committee could submit its opinion to the govern-  
16 ment.

17 "In my capacity of Education Minister, I was  
18 recommended to the chairmanship of this committee, but  
19 most of the actual work was handled by the Intelligence  
20 Bureau of the Cabinet. The committee and staff included  
21 many civilians, especially women, and deliberated on  
22 renovation and curtailment of daily living.

23 "However, in spite of its primary objective,  
24 the discussion tended to delve into current problems,  
25 diverting from its original purpose of cultivating the

1 fundamental character of the people in order to be worthy  
2 of association with the modern world.

3 "That was most urgently required under the  
4 circumstances was to ask the people to undertake a  
5 severe introspection into their daily mode of living,  
6 concentrate upon the cultivation of the spirit of endur-  
7 ance and improvement of their daily life, respect social  
8 morality and help them to bring about efficiency in  
9 their work.

10 "In order to realize the above, I established  
11 a day of self-introspection. I decided that the first  
12 day of every month be called the 'Serving Day' and  
13 requested the people to lead a life of restraint on  
14 this day. There was an opinion at that time that in  
15 view of the current situation, the 7th of every month,  
16 the day of the outbreak of the China Incident, would be  
17 a better day for 'Serving Day.' However, my opinion  
18 was that 'Serving Day' should be disconnected with the  
19 current state of affairs. My intention was to use this  
20 day for permanently promoting the basic standard of  
21 living of the people, and in order to get the people  
22 to understand this principle, I made the first day of  
23 every month the day for self-introspection. Thus I  
24 tried to prevent everything from coming under the in-  
25 fluence of the current situation.

1 "I wish to add that the National Spirit General  
2 Mobilization was entirely different in nature from  
3 National General Mobilization and Student Mobilization.  
4 The National Spirit General Mobilization was merely a  
5 part of the daily life renovation movement.

6 "24. International problems while I was the  
7 Education Minister.

8 "My duty as Education Minister was limited  
9 mainly to education administration, and the general  
10 international problems were outside the scope of my  
11 work. I have no recollection whether such matters as  
12 Premier KONOYE's declaration of the Establishment of the  
13 New Order or Foreign Minister ARITA's declaration was  
14 debated at the Cabinet Meeting.

15 "My non-association with the international  
16 problems was more conspicuous at the time of the HIRANUMA  
17 Cabinet. In fact, I knew nothing about those matters  
18 at that time, inasmuch as all the important problems  
19 were discussed and decided at the Five Minister Confer-  
20 ence.

21 "Japan-German Cultural Agreement was first  
22 proposed to me by the Foreign Office and then Japan  
23 entered into this agreement. The agreement concerned  
24 culture only and had no political significance.

25 "Exchange of boys between Germany and Japan

1 was planned and executed before my acceptance of the  
2 Education Ministership. The first group returned home  
3 after my assumption of office. I did not see in this  
4 party anything more than an ordinary social visit of a  
5 tourist party. I wanted to send a similar party not to  
6 Germany alone, but to all other civilized countries,  
7 but could not realize it.

8 "The Khasan and Nomonhan Incidents were repor-  
9 ted to the Cabinet Meeting as being mere skirmishes  
10 between the border garrisons of both countries. The  
11 Education Minister was not concerned in the disposal  
12 of such incidents. Only one thing was clear, that the  
13 government desired an amicable settlement and the army  
14 acted from the beginning to end in conformity with this  
15 policy. That was why those incidents did not become  
16 serious subjects of discussion at the Cabinet Meeting.

17 "I did not know anything about the Tripartite  
18 Pact and the Wang-Chin-wei government. I did not even  
19 know how they were discussed or made. As for the sta-  
20 tioning of troops in French Indo-China and the problems  
21 concerning the Lesser Southern Group of Islands and  
22 Hainan Island, I had not the slightest idea of what was  
23 going on.

24 "25. Cabinet Councillor at the ABE and YONAI  
25 Cabinets.

1 "It was quite a long time after the formation  
2 of the ABE Cabinet that I was asked to become a Coun-  
3 cillor of that Cabinet. (I think it was in December  
4 1939). I had known that a Cabinet Councillor was mere-  
5 ly a nominal post and that I could not be of any material  
6 service to that Cabinet, so I first declined to accept  
7 it, but the Premier was so persistent that I had to  
8 accept it after all. The ABE Cabinet resigned en bloc  
9 after two months of my acceptance of this post, and so  
10 I did not even have a chance of talking to the Premier.

11 "When the YONAI Cabinet was formed, I was asked  
12 to become its Home Minister. However, my view was as  
13 I have stated above, and furthermore, the state of  
14 affairs was so aggravated at that time that I con-  
15 sidered it was impossible for any one, except those who  
16 held strong influence over the military authorities, to  
17 exercise an effective administration to cope with the  
18 situation, and so I refused to accept it.

19 "Then I was asked to become its Cabinet  
20 Councillor, but as my view was unchanged since the  
21 ABE Cabinet, again I declined to accept it. But when I  
22 was persistently asked by him to list my name among the  
23 Councillors only for nominal purpose, I could not very  
24 well refuse it and became a Cabinet Councillor.  
25

"As my assumption of the post had taken place

1 under such circumstances, I remained its nominal member  
2 and actually did not do any work. I did not even know  
3 what was going on in the cabinet. It was, however, con-  
4 ceivable that both the ABE and YONAI Cabinets were op-  
5 posed to the Tripartite Pact and that they were eager  
6 to put an end to the China Incident.

7 "26. My attitude toward the Second KONOYE  
8 Cabinet.

9 "It was in September 1940, about two months  
10 after the formation of the Second KONOYE Cabinet, that  
11 Mr. TOMITA, Chief Cabinet Secretary, unexpectedly visi-  
12 ted me and asked me to become a Cabinet Councillor of  
13 the Second KONOYE Cabinet.

14 "I had been told that the establishment of the  
15 Grand Rule Assistance Association and the conclusion  
16 of the Tripartite Pact were going to be disclosed short-  
17 ly. These were the two important domestic and foreign  
18 problems over which I had had serious apprehensions for  
19 some time in the past. Since these two problems were  
20 to be realized, it meant that my apprehension could  
21 not remain mere apprehension, but developed into some-  
22 thing very serious. I decided that I could not assist  
23 the Cabinet which was to commit those mistakes. In  
24 fact, the things were so serious that I thought I had  
25 to make a very careful consideration about it. I con-

1 fided these considerations to Mr. TOMITA and told him  
2 that I could not accede to his request.

3 "On the evening of the same day Prince KONOYE  
4 visited me at my house and repeated his request. We  
5 had a hot discussion for more than five hours. I ex-  
6 plained to him that the state of affairs at that time  
7 indicated very grave consequences and I did not accept  
8 his request.

9 "From March 1936 to October 15, 1937, from  
10 September 1939 to November 1939, and after July 1940, I  
11 was not in any official position and no public activity  
12 was undertaken by me during those periods. The incid-  
13 ents such as the Anti-Comintern Pact, outbreak of the  
14 China Incident, stationing of troops in French Indo-  
15 China, Tripartite Pact and the Pacific War occurred dur-  
16 ing those periods, and so I do not think it necessary  
17 for me to state anything about those incidents.

18  
19 THE PRESIDENT: We will adjourn until half  
20 past nine tomorrow morning.

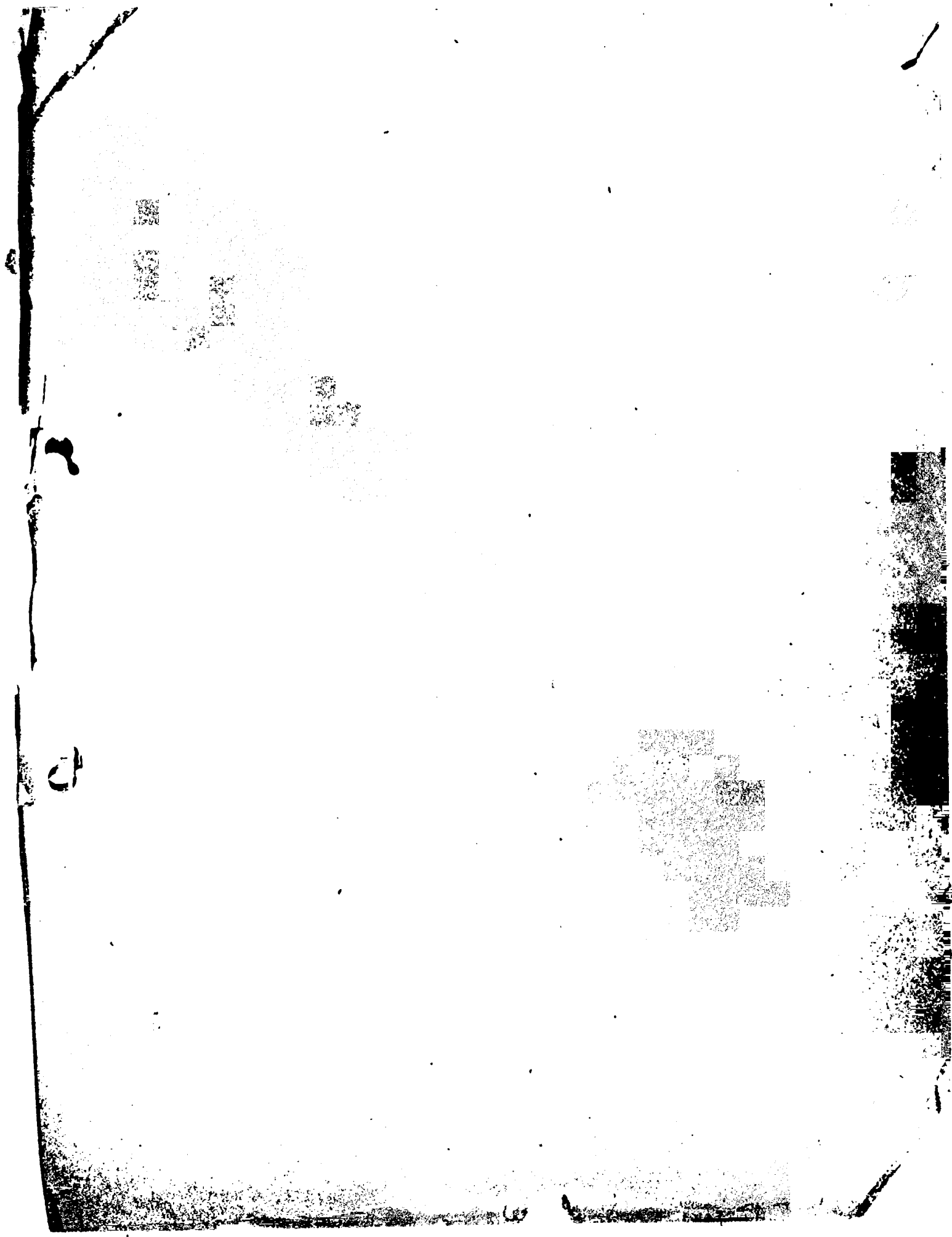
21 (Whereupon, at 1600, an adjourn-  
22 ment was taken until Thursday, 11 September  
23 1947, at 0930.)

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11 SEPTEMBER 1947

I N D E X  
of  
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
2487	3162		Handwritten Statement given Elton M. Hyder on 11 February 1946 by ARAKI, Sadao		28244
			<u>MORNING RECESS</u>		28250
	3163		Book entitled "A Diplomatic History of the Shanghai Incident (printed in Japanese)		28257
1899-D	3163-A		Excerpt therefrom		28257
1899-A	3163-B		Statement of Army Com- mander SHIRAKAWA dated 1 March 1932 (p.91 .. "A Diplomatic History of Shanghai Incident)		28271
			<u>NOON RECESS</u>		28271

11 SEPTEMBER 1947

I N D E X  
Of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
ARAKI, Sadao (resumed)	28221
Direct (cont'd) by Mr. McManus	28221
Direct (cont'd) by Mr. McManus	28270
Direct by Mr. Blakeney	28276
Question by Mr. Warren	28284
Cross by Mr. Comyns Carr	28286
<u>AFTERNOON RECESS</u>	28295
Cross (cont'd) by Mr. Comyns Carr	28296

1 Thursday, 11 September 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE R. B. PAL, Member  
15 from India, not sitting from 0930 to 1600.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 (English to Japanese and Japanese  
20 to English interpretation was made by the  
21 Language Section, IMTFE.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 - - -

4 S A D A O A R A K I, an accused, called as a  
5 witness on his own behalf, resumed the stand  
6 and testified through Japanese interpreters as  
7 follows:

8 THE PRESIDENT: Mr. McManus.

9 MR. McMANUS: If the Tribunal pleases, as was  
10 suggested in Chambers this morning, may I request that  
11 the motion to be argued this morning be postponed until  
12 the conclusion of the accused ARAKI's direct testimony?

13 THE PRESIDENT: I do not think there is any  
14 objection to that, Mr. McManus.

15 MR. McMANUS: I shall proceed then, your Honor.

16 (Reading): "28. My refutation against  
17 prosecution testimony.

18 "Prosecution's record of my interrogation and its  
19 intrinsic value.

20 "1. The prosecution tendered exhibit No. 187-A  
21 onward as being the record of my interrogation. I pre-  
22 sume the prosecution meant by this to submit to the  
23 Tribunal the record of the interrogation which the  
24 prosecutors (Colonel Morrow and Mr. Hyder) conducted of  
25 me at the Sugamo Prison. The interrogation was carried

1 on for more than twenty times, between January 18th  
2 and March 12, 1946, by the prosecutors, assisted by  
3 one or two interpreters each time.

4 "The English versions of the said interroga-  
5 tions were stenographically recorded on the first  
6 few occasions, but this procedure was stopped later,  
7 whereas the Japanese version was not recorded from  
8 the beginning. The interpreters were not fully con-  
9 versant with Japanese and there were several points  
10 over which, on account of incompetent interpretation,  
11 we failed to come to a mutual understanding. More-  
12 over, the record of this interrogation was not read  
13 to me, nor was it even shown to me.

14 "I was never asked to give oath or sign the  
15 statement in connection with this interrogation.  
16 The record, when presented before the Tribunal, con-  
17 tained quite a number of misunderstandings, complica-  
18 tions and mistakes; more remarkable were its diversions  
19 from the facts, and as a whole, I cannot hold myself  
20 responsible for the contents of these statements.

21 "2. Through the whole course of interrogation,  
22 the prosecution changed interpreters almost on each oc-  
23 casion, and as far as I could see, all of them were  
24 unable to thoroughly understand Japanese and the Japan-  
25 ese state of affairs. The interpreters themselves

1 seemed to have conscientiously admitted their incom-  
2 petence.

3 "As I felt uneasy of this situation, I sug-  
4 gested that I should write the outline, if not the  
5 details, of what were asked of me. I said that if  
6 the prosecutors were to make interrogations based on  
7 my written statement, it would not only save consider-  
8 able time, but also would help to convey my idea  
9 accurately and correctly.

10 "This suggestion was duly agreed to by the  
11 prosecution and although I had not much time to elabor-  
12 ate on its contents, I made a statement concerning the  
13 settlement of the Manchurian Incident after my accept-  
14 ance of the post of War Minister, and also, in answer  
15 to the question of the prosecution regarding the move-  
16 ment of young officers, I made another statement con-  
17 cerning the situation of Japan at the time of the  
18 Incident and the general outline of how I acted in it.  
19 The former was handed over to Mr. Hyder and the latter  
20 to Colonel Morrow, and I asked them to let me read the  
21 English translation of those two statements when it was  
22 ready.

23  
24 "I think this took place on or about 11th or  
25 12th of February 1946. There is a remark in exhibit  
No. 187-C, as having been said by the prosecutor, 'I



1 will bring you a copy of this translation,' and also  
2 as my statement, 'All of these are written in the  
3 document that I gave you,' refer to this conversation.

4 "However, much to my anxiety, the translation  
5 was not shown to me, and the interrogation of the  
6 prosecutors continued. Of course, the interrogation,  
7 which was carried out in the same manner as before,  
8 filled me with apprehension, but since I had already  
9 presented my written statement, it did not worry me  
10 too much. I only waited for the time when a proper  
11 interrogation based on my written statement would take  
12 place.

13 "After the commencement of this trial, the  
14 translation of the documents in question was handed  
15 to me through my defense counsel, and the prosecution  
16 submitted to the Tribunal the record of my interroga-  
17 tion in evidence. On that occasion, my counsel tried  
18 to explain to the Tribunal the circumstances in which  
19 the interrogation was carried out, but my impression  
20 was that the explanation was not properly understood.

21 "My counsel subsequently tried to take every  
22 opportunity to explain this matter to the Tribunal. He  
23 once tendered a copy of this translation in evidence  
24 under a general phrase, but it was not admitted on the  
25 ground that it should be submitted under the individual

1 will bring you a copy of this translation,' and also  
2 as my statement, 'All of these are written in the  
3 document that I gave you,' refer to this conversation.

4 "However, much to my anxiety, the translation  
5 was not shown to me, and the interrogation of the  
6 prosecutors continued. Of course, the interrogation,  
7 which was carried out in the same manner as before,  
8 filled me with apprehension, but since I had already  
9 presented my written statement, it did not worry me  
10 too much. I only waited for the time when a proper  
11 interrogation based on my written statement would take  
12 place.

13 "After the commencement of this trial, the  
14 translation of the documents in question was handed  
15 to me through my defense counsel, and the prosecution  
16 submitted to the Tribunal the record of my interroga-  
17 tion in evidence. On that occasion, my counsel tried  
18 to explain to the Tribunal the circumstances in which  
19 the interrogation was carried out, but my impression  
20 was that the explanation was not properly understood.

21 "My counsel subsequently tried to take every  
22 opportunity to explain this matter to the Tribunal. He  
23 once tendered a copy of this translation in evidence  
24 under a general phase, but it was not admitted on the  
25 ground that it should be submitted under the individual

1 phase.

2 "I contend that the written statement that I  
3 made at the Sugamo Prison is indispensable to the  
4 record of my interrogation and that they should be  
5 read together. I further suggest that even in that  
6 written statement, there is a slight mistake which  
7 occurred through misinterpretation of prosecutor's  
8 question.

9 "3. Such being the case, the record of my  
10 interrogation contained several important mistakes  
11 and, furthermore, the contents are not consistent as  
12 a Japanese sentence, some of which, I shall point out  
13 in the following:

14 "1. The allegation that during the Manchurian  
15 Incident, I established a plan for occupation of Man-  
16 churia. (Exhibit No. 188-A, 188-B, 188-C, among which  
17 188-C is slightly better, but the other two do not  
18 make sense.)

19 "This allegation is entirely different from  
20 the fact. That this allegation is wrong can easily be  
21 checked by comparing the date of my interrogation, my  
22 written answer to the prosecutors and Exhibit No. 188-A,  
23 188-B and 188-C.

24 "The real state of affairs at that time has  
25 been fully explained in my present statement, and the

1 statement will be supported by the evidence which has  
2 been submitted by this time and also by those which  
3 will be submitted in the future.

4 "2. The allegation makes us believe as if  
5 the Privy Council was the party which decided the  
6 national policy. That this is wrong is quite clear  
7 even from common sense.

8 "3. It is also a great mistake, as can easily  
9 be ascertained, in the allegation that the War Minister  
10 dictated orders to the Chief of General Staff for the  
11 dispatch of troops.

12 "4. The date when the INUKAI cabinet  
13 decided the outline of its Manchurian policy was not  
14 the 17th of December. This mistake arose when the  
15 prosecutor insisted that the plenary session of the  
16 Privy Council for the deliberation of 'Issuance of  
17 Bond to cover the Emergency Expense to deal with the  
18 Manchurian Incident' was on that date.

19 "5. My statement concerning the basic  
20 principle of dealing with the Incident was confused  
21 by the interpreter with my statement concerning the  
22 fact. By this I mean our conversation relative to  
23 whether or not the document in question is still kept,  
24 regulation of cabinet meeting, whether or not attend-  
25 ance at the cabinet meeting was compulsory.

1 "6. The allegation is that I stated that  
2 the sovereignty over Manchuria rests with China. It  
3 may be so from general conception based on a map, but  
4 the fact was different, and my statement to that effect  
5 was mistaken as above shown.

6 "7. The allegation that I directed the  
7 independence declaration of Manchuria and its sub-  
8 sequent recognition is entirely mistaken. This will  
9 be clarified by the allusion to the same in this state-  
10 ment as well as by other evidence which is to be ten-  
11 dored.

12 "8. Conversations concerning the responsibil-  
13 ity of cabinet members, the declaration of the Foreign  
14 Minister, those who were responsible for the China  
15 Incident, and the circumstances in which I accepted  
16 the post of Cabinet Councillor were only partially  
17 recorded, and because of this, the record failed to  
18 convey the real meaning and is apt to mislead the  
19 readers. This will be clarified by documentary evidence  
20 and witnesses.

21 "9. The extent of authority of the Supreme  
22 Command, which was in charge of the expedition, and  
23 that of the government was not thoroughly expressed in  
24 the record of my interrogation.  
25

"I merely stated an instance to show that in

1 ordinary times, the government policy is shown to  
2 the Supreme Command by the government in order to  
3 make it a basis for the former to decide upon its  
4 movement, but by this I did not mean to specifically  
5 state the fundamental power and authority of those  
6 two organs.

7 "When the warfare was started, or when the  
8 Supreme Command deemed it necessary from national  
9 defense point of view, it was entitled to make a  
10 direct access to the Throne, and so it cannot be said  
11 that the dispatch of troops was done only when it was  
12 agreed to by the government.

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1 "2. Further refutation to other evidence  
2 of the prosecution.

3 "a. The Motion Picture 'Emergency Japan.'

4 "'Emergency Japan' was the title of my speech  
5 which I made, in compliance with the request of the  
6 Osaka Mainichi Newspaper, on the subject of Emergency.

7 "It was the time when Japan was unfortunate  
8 to have to withdraw from the League of Nations. An  
9 air of uneasiness prevailed throughout the country,  
10 and there was utter confusion both politically and  
11 ideologically.

12 "I had an idea of my own, with which I wanted  
13 to appeal to my fellow compatriots. My aforementioned  
14 speech was to restrain the people from corrupt customs  
15 and from habits which prevailed throughout the country,  
16 and to encourage them to further their recognition  
17 of the international relations, and, by doing so, to  
18 quiet the people's mind which was apt to run to  
19 extremes.

20 "I advocated in this speech that the real ob-  
21 ject of national defense is not in waging war, but in  
22 protecting and securing morals and justice; that the  
23 troops of Japan should not make it their first object  
24 to blindly resort to armed force, but that they  
25 should place the first importance in securing morals,

1 and thus I requested the self-reflection of the  
2 people over the circumstances in which they were, in  
3 order to enhance their culture.  
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1 "I was not concerned in any way in the manu-  
2 facture of this film. I trust the section of the War  
3 Office in charge gave necessary warning to the manu-  
4 facturers to be very careful not to provoke inter-  
5 national feeling by this film. The above intention of  
6 mine was clearly manifested in 2nd, 3rd, 4th, 6th,  
7 7th and 12th reels of this film.

8 "I have used this expression of emergency  
9 on several other occasions and other documentary  
10 evidence bearing this title of emergency will clarify  
11 what I meant by this expression.

12 "I made a speech in the summer of 1933 . . .  
13 in which I said, 'What is needed by the people of  
14 emergency Japan is the watchword, don't reject others,  
15 don't abuse others, don't blame others, but cultivate  
16 your character.' I also told the younger generations  
17 of Japan the state of mind that they should have,  
18 'Don't be satisfied by finding yourself alone con-  
19 tented. Cooperate with and assist others in bringing  
20 about peace and welfare of the people. Don't criti-  
21 cize the faults of others. Be generous and broad-  
22 minded. The peace of the world and your own welfare  
23 will be realized by observing the above. Be kind to  
24 foreigners and take into your consideration the wel-  
25 fare of the foreign countries. Let us teach the world

1 the path of humanity to reach world peace.'

2 "I advocated these principles in connection  
3 with the expression 'Emergency' and I tried to intro-  
4 duce this principle into the film when it was manu-  
5 factured in dealing with the subject of the funda-  
6 mental principle of the Japanese troops. By this I  
7 intended to show the aspiration of Japan of cooperat-  
8 ing with the world in realizing peace on earth.

9 "There were some minor points which, due to  
10 technical reasons and because of the intention of the  
11 manufacturer to cater to the taste of the lower  
12 standard of people, were not quite up to my original  
13 intention, but as a whole, I considered that the film  
14 was faultless. I never heard from anyone that the  
15 film made any acute impression on the spectators.

16 "(b) My articles in 'Mombu Jiho' while I was  
17 the Education Minister and my speeches and broadcasts  
18 that I made during that period were nothing but the  
19 routine work of an Education Minister, and they were  
20 not delivered in connection with any incident in par-  
21 ticular. The prosecution depicted several words as  
22 being provocative, but I contend that the Incident was  
23 going on at that time and expression of that kind was  
24 quite common with the general public and there was  
25 nothing strange in that. Those speeches and articles

1 were prepared in such a way that one can really appre-  
2 ciate my purported principle only when he reads through  
3 the whole text. I never considered them as giving en-  
4 couragement to the expansion of the Incident or  
5 instigating aggression. Lastly, as can be seen from  
6 what I have explained, at no time did I conspire with  
7 anyone to commit, nor did I commit myself personally,  
8 directly or indirectly, any of the crimes charged by  
9 the prosecution. On the contrary, I did everything in  
10 my power to avoid war and the tragic consequences in  
11 which Japan finds herself today."

12 Signed, ARAKI, Sadao.

13 If your Honor pleases, on page 12 of the  
14 affidavit, at the bottom of the page, it is stated  
15 that there was a visit by Mr. Henry Pu-Yi wherein the  
16 accused, ARAKI, had a conversation with him in 1934.  
17 That should read 1935.

18 An additional correction, if the Court pleases.  
19 In two paragraphs above that there is reference made  
20 to speeches made by the Premier. It should be Foreign  
21 Minister.  
22

23 THE PRESIDENT: Was that Mr. Ting?

24 MR. McMANUS: UCHIDA was the Foreign Minister  
25 at that time, if your Honor please.

THE PRESIDENT: Does the witness swear that

those corrections state the facts?

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MR. McMANUS: I shall ask him, your Honor.

BY MR. McMANUS:

Q General ARAKI, are the statements you made in your affidavit true?

A It is true.

THE PRESIDENT: No, this affidavit is being amended without reference to him.

MR. McMANUS: I shall ask him about that, your Honor.

THE PRESIDENT: It is pretty irregular.

BY MR. McMANUS:

Q General, are the facts just stated, amending the affidavit -- are they true as amended?

A Yes.

MR. McMANUS: Now, if the Court pleases, there are just a few other questions I should like to put to this witness concerning his direct examination.

Q General ARAKI, the prosecution offered in evidence an excerpt from the Japan Advertiser, exhibit 671-A, which is a report of your speech as Education Minister on July 11, 1938, in Osaka at the Osaka Political and Economic Research Association, in which you are charged to have said that Japan's determination to fight against the Soviet and China

1 was sufficiently strong to last more than ten years.  
2 This article of the Japan Advertiser was based on the  
3 report of the Asahi Newspaper.

4 Did you make a speech on the 11th of July  
5 1938 at the Osaka Political and Economic Research  
6 Association in Osaka?

7 A Yes, I did.

8 Q Did you say on that occasion what was alleged  
9 by the prosecution in exhibit No. 671-A?

10 A The article in question was written in a very  
11 vague manner and it was very difficult to grasp the  
12 meaning of the article. The point that was just men-  
13 tioned -- I did not state anything concerning the point  
14 which was just mentioned to me.

15 Q Then what was it you said that was mis-  
16 interpreted by the paper, General?

17 A The facts of the situation are as follows:  
18 This Political and Economic Research Association came  
19 to me suddenly and asked me to make a few remarks.  
20 At that time the question of controlled economy was  
21 being discussed and it was being advocated that people  
22 should go barefoot and wear wooden clogs instead of  
23 shoes. In such a state of affairs it would be diffi-  
24 cult to conduct a long-range war for ten or twenty  
25 years, and it was my opinion that in such a state of

1 affairs a long protracted war, lasting ten or twenty  
2 years, Japan could not endure such a protracted war --  
3 such an affair. Not war, an affair.

4 THE MONITOR: Strike out the "war" and just  
5 say, with such an idea it would be impossible for  
6 Japan to endure an affair which may last ten or twenty  
7 years.

8 THE PRESIDENT: Who said strike out "war",  
9 the witness or the interpreter?

10 THE MONITOR: The interpreter, sir. That  
11 was a correction by the monitor.

12 THE PRESIDENT: Did the witness at any time  
13 use the word "war"?

14 THE MONITOR: No, sir.

15 A (Continued) And therefore I told the Economic  
16 Association that instead of getting all in a dither and  
17 taking hurried steps to enforce controlled economy,  
18 they should take time so that things could be done from  
19 a sound basis. Immediately after this speech I made  
20 a speech to the same effect at the Osaka Public Hall  
21 and therefore if this speech is read it will not be  
22 necessary for me to make any further remarks.

23 MR. McMANUS: May the witness see defense  
24 document 674?

25 Q General, I now show you defense document 674

1 and ask you whether or not it is a copy of a hand-  
2 written statement tendered by you to the prosecution  
3 during the month of February 1946, in reply to ques-  
4 tions submitted to you by Mr. Morrow and Mr. Hyder.

5 THE PRESIDENT: Have you asked the prosecu-  
6 tion to produce the original of that, Mr. McManus?

7 MR. McMANUS: Yes, your Honor.

8 A Although I have not read the whole document,  
9 judging from the title and from a brief glance at the  
10 whole, I think this is that statement.

11 THE PRESIDENT: Mr. Comyns Carr.

12 MR. COMYNS CARR: Your Honor, we have  
13 supplied the copy of this and we have the original,  
14 but I am not aware that anybody was asked to produce  
15 it. We are quite ready to do so, of course, if de-  
16 sired.

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THE PRESIDENT: If the original is available to you, Mr. McManus, you must produce it and not a copy.

MR. McMANUS: If your Honor please, I requested Mr. Hyder and Mr. Morrow for the original of this document. At that time they informed me that the original was mislaid or they could not find it. They did say, however, that they had a translation of the original, and they supplied me with that translation. I also asked them at that time for two other statements which accompany this one. They supplied me one other, which is defense document 2487 and stated at that time they could not supply me with the third copy because all these documents, the originals, according to Mr. Hyder and Mr. Morrow, were mislaid or could not be found at that time. Consequently, I assumed that the copies have not been found as yet -- that the originals had not been found as yet, and therefore I proceeded on the basis that I could introduce these translations which I received from the prosecutors themselves.

THE PRESIDENT: Mr. Comyns Carr.

MR. COMYNS CARR: I find that I was mistaken in saying that we have the originals in the sense of the Japanese originals. What we have and what we



1 have supplied a copy of is a translation made at  
2 that time.

3 THE PRESIDENT: That explanation is satis-  
4 factory.

5 MR. McMANUS: May the witness be shown  
6 document 2487, please.

7 Q Now, General, I ask you whether or not this  
8 is another handwritten statement submitted to the  
9 prosecution during the month of February 1946 in  
10 response to questions submitted to you by Mr. Hyder  
11 and Mr. Morrow?

12 A That is the document which I wrote by my-  
13 self, in my own hand. I do not believe this is the  
14 original which I handed to Mr. Hyder; I believe it is  
15 a copy. An explanation to this effect follows later  
16 in this document -- is given in this document.

17 MR. McMANUS: At this time, if the Court  
18 pleases, I tender in evidence document 674 and docu-  
19 ment 2487.

20 THE PRESIDENT: Mr. Comyns Carr.

21 MR. COMYNS CARR: May it please the Tribunal,  
22 the prosecution objects to document 674, which has  
23 already been tendered and rejected by this Tribunal  
24 at page 18,383 and onwards, not for the reason stated  
25 in the affidavit, that it would be better put in at

1 this time than at the time it was tendered, but for  
2 the reason stated by the President: "I have no doubt  
3 that the prosecution would gladly receive from this  
4 accused a confession but nothing in the nature of an  
5 exculpation. What an accused said in answer to a  
6 prosecution interrogator, although tending to excul-  
7 pate the accused, would of course be admitted if it  
8 were relevant; but this is not in the same class."

9 In introducing the statement my friend put  
10 a leading question to the witness, suggesting to him  
11 that this was in answer to questions by the prosecu-  
12 tion. The affidavit at the top of page 39 shows  
13 plainly that that is contrary to the fact on the  
14 witness' own statement. It was made, according to  
15 him, at his own suggestion in the course of the inter-  
16 rogation.

17 THE PRESIDENT: Well, it was tendered before  
18 in a general phase. Now it is tendered on behalf of  
19 the accused himself. I think we would be inclined  
20 to admit it if it could by any stretch be regarded  
21 as an answer to the persons interrogating him.

22 MR. COMYNS CARR: Your Honor, I was coming  
23 to that point, and that is why I am objecting to this  
24 first document but not to the second.

25 THE PRESIDENT: I see.

1           MR. COMYNS CARR: The first document is a  
2 long speech or lecture or essay of twenty-three pages,  
3 most of which has nothing whatever to do with the  
4 subjects on which he was being interrogated, but  
5 relates to his experiences in World War I and the  
6 ideas which he formed as a result of those exper-  
7 iences, all of which, irrelevant though in my sub-  
8 mission it is, is contained in the affidavit.

9           THE PRESIDENT: You contend it is repe-  
10 titive?

11           MR. CARR: Repetitive and irrelevant; mostly  
12 irrelevant.

13           THE PRESIDENT: It is hardly likely that he  
14 had made in this document now tendered a point which  
15 he omitted from his affidavit, but it may be so.  
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1 MR. COMYNS CARR: Your Honor, intimated when  
2 rejecting it before that the proper place to make  
3 these statements if he wanted to was in the witness  
4 box.

5 MR. McMANUS: That is exactly why I am  
6 offering it at this time, your Honor.

7 MR. COMYNS CARR: That is no reason why it  
8 should be said twice, in my submission, your Honor.  
9 The fact that he said it on some previous occasion  
10 does not add anything to its weight.

11 The second document, 2487, is strictly rele-  
12 vant both to the matters in issue and also to the  
13 question as to the correctness of the interrogation,  
14 and to that, therefore, we do not object.

15 MR. McMANUS: If your Honor pleases, the  
16 prosecutor's argument seems quite inconsistent. They  
17 object to one and do not object to the other, and they  
18 are both in the same category.

19 If the Court pleases, I submit that if the  
20 prosecutor offers the interrogations of the accused  
21 ARAKI right after the indictment and before this trial  
22 began, they should offer all statements of the accused  
23 as a result of such interrogations, and not only part  
24 of them. I further call the attention of the Tribunal  
25 to the fact that this statement was made before the

1 accused ARAKI was indicted.

2 THE PRESIDENT: What is there in 674 that  
3 is not in the affidavit, apart from so many words?

4 MR. McMANUS: It explains further the ideas  
5 of the accused ARAKI, and it gives in more detail his  
6 dealing and the teachings to the soldiers and his  
7 connection with the army. Further, it explains the  
8 internal and external conditions of Japan at that  
9 time.

10 THE PRESIDENT: By a majority, the Tribunal  
11 sustains the objection to document 674 and rejects it.

12 Document 2487 is admitted on the usual terms.

13 MR. McMANUS: If your Honor pleases, I with-  
14 draw the tender of document 2487, in view of the fact  
15 that the objection has been sustained concerning  
16 document 674, as I feel both of them must be read  
17 together as they are both part of the accused's state-  
18 ments. So I therefore withdraw the tender of the  
19 second document.

20 THE PRESIDENT: No, there is no ground for  
21 withdrawal after it has been accepted.

22 MR. McMANUS: It is my contention, if the  
23 Court pleases, that the document cannot be read alone.  
24 It is part--  
25

THE PRESIDENT: That is only a contention.

1 You can, if you wish, say you do not rely on it, but  
2 it is before the Court and it must be considered by  
3 the Tribunal.

4 CLERK OF THE COURT: Defense document 2487  
5 will receive exhibit No. 3162.

6 (Whereupon, the document above  
7 referred to was marked defense exhibit  
8 No. 3162 and received in evidence.)

9 MR. McMANUS: If the Tribunal pleases, I do  
10 not propose to read the document at this time.

11 ' Now if the Court pleases, I should like some  
12 direction from the Tribunal. I have several other  
13 documents that I should like to have this witness  
14 identify so that they might possibly be received into  
15 evidence. I request the Tribunal to advise me whether  
16 or not the identification of these documents should  
17 be continued during the direct presentation of the  
18 case of the accused, or at such time after the cross-  
19 examination.

20 THE PRESIDENT: We do not advise. We direct.  
21 But you must do as you think fit, and we will give  
22 our directions accordingly. We do not advise you or  
23 direct you to take any particular course at present.

24 MR. McMANUS: May the witness be shown defense  
25 document 2137.

1 MR. COMYNS CARR: According to the witness'  
2 last answer, he could not answer the question now put  
3 to him.

4 MR. McMANUS: Your Honor, he merely said that  
5 the book was explained to him by an English inter-  
6 preter, and he said it was a correct report.

7 THE PRESIDENT: I think the objection is  
8 well taken.

9 MR. McMANUS: If your Honor pleases, may I  
10 continue and try further to identify this document?

11 Q General, you read document 2137 in Japanese,  
12 did you not?

13 A Yes.

14 Q The document 2137 that you read in Japanese,  
15 is that a true and correct report of the interview  
16 that you granted to Hugh Byas on January 16?

17 A Yes.  
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1 MR. McMANUS: At this time, I offer document  
2 2137 in evidence, if the Court please.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: May it please your Honor,  
5 we object to this document, which is one of a very  
6 numerous class in this list. It merely shows that in  
7 an interview with this American press correspondent  
8 the accused made a number of unexceptionable state-  
9 ments about Manchuria in marked contrast with the  
10 prosecution's evidence as to statements which he made  
11 on other occasions.

12 In our submission, if you are charged with  
13 stealing something on Friday, it is no answer to show  
14 you stole nothing on Saturday and that you taught a  
15 class not to steal on Sunday. Or, to take a closer  
16 analogy, if you are charged with publishing libel about  
17 a man on Friday, it is no answer to show that you pub-  
18 lished a laudatory statement about him on Saturday.

19 And, these documents, which merely show that,  
20 for Western consumption, the accused made a number of  
21 specific or unexceptionable speeches, in my submission,  
22 throw no light at all on the question of whether the  
23 other speeches and other writings and, in particular,  
24 the acts, which the prosecution have proved, make out  
25 the case against him.



1 MR. McMANUS: If your Honor pleases, first of  
2 all, Mr. Hugh Byas is a British correspondent, not an  
3 American correspondent.

4 Now, if your Honor pleases, this interview  
5 depicts the ideas of the War Minister at the time he  
6 was interviewed by a correspondent and gives his ideas,  
7 which I think is quite pertinent for the Court to know  
8 at this time.

9 THE PRESIDENT: You might put it this way:  
10 He is charged with having a guilty mind throughout a  
11 long period.

12 MR. McMANUS: Then, if your Honor pleases,  
13 the prosecution seems to take that for granted. They  
14 seem to take the fact that the man is found guilty al-  
15 ready because they have said so, because they have sub-  
16 mitted their charges.

17 I certainly think the Court should take  
18 counterevidence, which is in direct contradiction to  
19 what the prosecution charges are, so that the Court  
20 may weigh both sides of the question.  
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1 THE PRESIDENT: Then, it is put this way by  
2 a Colleague: Well, suppose he expresses murderous  
3 sentiments on Thursday, would any pious sentiments  
4 expressed on Friday or Saturday be relevant? Would  
5 they tend to counteract his murderous sentiments?  
6 If you are entitled to get in these expressions to Mr.  
7 Byas, you are entitled to get in expressions to any-  
8 body else. Mr. Byas doesn't stand in any privileged  
9 position, and you can get them in for every day of the  
10 period over which he is charged, no matter to whom he  
11 expressed them. There is no limit.

12 MR. McMANUS: If the Court pleases, might I  
13 respectfully point out that the analogy suggested by  
14 one of your Honor's Colleagues, does not seem to have  
15 too much weight for this reason: That it is still  
16 Thursday. It is exactly at the time of the Manchurian  
17 Incident when ARAKI gave this interview to Hugh Byas.

18 THE PRESIDENT: Without making any suggestion  
19 against the accused, a clever conspirator would want to  
20 hide his deeds and probably would express pious sentiment  
21 to some people, especially to people publishing books.  
22 For that very reason, self-serving statements were not  
23 admitted in any national court. If they were, there  
24 would be no limit to the amount of evidence that a  
25 man charged with conspiracy could give of that kind.

1 But, I do not overlook the fact that the test is  
 2 pro-ative value. It is a matter for us to decide.

3 MR. McMANUS: If your Honor pleases, this  
 4 document is not offered for the purpose of showing the  
 5 importance of the person to whom it was given. It is  
 6 given for the purpose of showing what ARAKI himself  
 7 said, what ARAKI's ideas were; whether it were to a  
 8 newspaperman, whether it were to anybody at all.

9 THE PRESIDENT: By a majority the Court  
 10 sustains the objection and rejects the document.

11 We will recess for fifteen minutes.

12 (Whereupon, at 1045, a recess was  
 13 taken until 1100, after which the proceed-  
 14 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: With the Tribunal's per-  
4 mission, the accused TOGO will be absent from the  
5 court-room for the rest of the session.

6 Mr. McManus.

7 MR. McMANUS: May the witness be shown defense  
8 document 2136?

9 THE PRESIDENT: This seems to be the same  
10 kind of thing, Mr. McManus.

11 MR. McMANUS: Yes, your Honor, but I am sub-  
12 mitting it on the basis that your Honor, as you sugges-  
13 ted once before, would consider each document by it-  
14 self.

15 THE PRESIDENT: That doesn't mean that we  
16 will consider each document in the same class by it-  
17 self. You want a record of these things, so just  
18 put them together and tender them as one, Mr. McManus.  
19 You can even describe what they are, interviews between  
20 the accused and the different correspondents, stating  
21 the time and place. That is sufficient.

22 MR. McMANUS: If your Honor pleases, I feel  
23 as though I did not exhaust my complete argument on  
24 the first document; I have some additional points,  
25 and I ask the Tribunal to hear me on this particular

1 document.

2 THE PRESIDENT: This is most irregular and  
3 we won't do irregular things. If we did, this Court  
4 would have a lot to answer for.

5 MR. McMANUS: If your Honor please, I assure  
6 the Tribunal I shall be very, very brief.

7 THE PRESIDENT: The question is one of prin-  
8 ciple, not of brevity. You wouldn't dare ask any  
9 court in the United States to do such a thing.

10 MR. McMANUS: I have some arguments on this  
11 document which I didn't have on the other; if the  
12 Court please. It is a different document and I am just  
13 requesting the Tribunal to hear me briefly on this  
14 particular document.

15 THE PRESIDENT: This document is in exactly  
16 the same position as the one just rejected. It is an  
17 interview between ARAKI and the Associated Press corres-  
18 pondent.

19 MR. McMANUS: Your Honor, I contend that this  
20 statement, as it was made at the time, is practically  
21 part of the res gestae. Furthermore, it shows the  
22 state of mind or the mens rea of the accused ARAKI  
23 at the time; and we will prove later that his actions,  
24 which followed coincided with his state of mind.  
25

THE PRESIDENT: The state of mind argument

1 was raised by me on the first document. It wasn't  
2 overlooked. Well, I will take the views of my  
3 colleagues, but if we give a decision on one docu-  
4 ment and immediately after reverse it for no good  
5 reason on the next, where do we stand?

6 By a majority the objection is upheld and the  
7 document rejected.

8 MR. McMANUS: I now ask that the witness be  
9 shown defense document 1899-D.

10 I believe the witness is looking at defense  
11 document 1835. 1899-D is the one I request that he be  
12 shown.

13 THE PRESIDENT: Apparently the Marshal of the  
14 court hasn't that.

15 Mr. Comyns Carr.

16 MR. COMYNS CARR: If your Honor pleases, no  
17 such document is on the list served upon us, nor, as  
18 far as I can place it, is the document on the order  
19 of proof.

20 I am mistaken.

21 THE PRESIDENT: It is on the Judges order of  
22 proof.

23 MR. McMANUS: Mr. Carr stated he overlooked  
24 it, that it is on his order of proof, your Honor.

25

(Thereupon, Mr. Comyns Carr took a posi-

1 'tion in front of the lectern.)

2 THE PRESIDENT: It is not tendered yet, Mr.  
3 Comyns Carr.

4 MR. McMANUS: May I put the question to the  
5 witness, if the Court pleases?

6 Q General, I show you a statement by General  
7 UEDA depicting his efforts to settle the Shanghai  
8 Incident. Will you tell us whether or not you direc-  
9 ted General UEDA to make this statement, or is this  
10 the statement you told General UEDA to make?

11 MR. COMYNS CARR: The prosecution objects to  
12 that question. This is one of the type of documents  
13 which is, in our submission, covered by the uncomple-  
14 ted argument, which is to be resumed as soon as my  
15 friend has finished asking the witness questions. In  
16 our submission, its admissibility or otherwise will be  
17 covered by the decision on that point.

18 THE PRESIDENT: His direction given to the  
19 army, either given by himself or others, would not be  
20 in the nature of a self-serving statement at all.

21 MR. COMYNS CARR: Your Honor, the point I  
22 am making has nothing to do with self-serving state-  
23 ments. The point is that the document is part of the  
24 general history of that phase --

25 THE PRESIDENT: Oh, I see.

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MR. COMYNS CARR (continuing): -- and whether it will be admitted at this stage depends upon the result of the application which the learned Chief Prosecutor made yesterday which has not yet been concluded.

THE PRESIDENT: But did ARAKI make this statement or did he get General UEDA to make it?

MR. McMANUS: It is my intention to bring out through the witness that he instructed General UEDA to make it.

THE PRESIDENT: He should be at liberty to state his own personal part in these matters. That was recognized yesterday by the learned Chief Counsel when he said there may be exceptions. This may be one.

By a majority the Court overrules the objection and allows the question.

BY MR. McMANUS (Continuing):

Q Will you please answer the question, General?

A The document, which was just shown to me was a different one. I would like to have the proper one shown to me.

MARSHAL OF THE COURT: 1899-D? Is that the one you want?

MR. McMANUS: Yes.

(Whereupon, a document was handed to the



witness.)

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2 THE WITNESS: This is a statement made by  
3 Divisional Commander UEDA on the front lines, and the  
4 contents of this statement include the instructions  
5 which I gave him at the time he left for his post.

6 THE INTERPRETER: "Based on his understanding  
7 of my intention as embodied in instructions give him  
8 at his departure."

9 MR. McMANUS: I offer same in evidence, if  
10 the Court pleases.

11 THE PRESIDENT: Were the instructions in  
12 writing?

13 THE WITNESS: I recognize -- I believe that  
14 the instructions were given in writing.

15 THE PRESIDENT: This is admitted on the usual  
16 terms, without objection.

17 MR. McMANUS: At this point, if the Tribunal  
18 pleases, I have other documents, but I request that I  
19 may be permitted to suspend now so that the argument  
20 may be continued on the question raised by Mr. Keenan  
21 yesterday.  
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1                   CLERK OF THE COURT: The book entitled  
2 "A Diplomatic History of the Shanghai Incident",  
3 printed in Japanese, will receive exhibit No. 3163  
4 for identification only, and the excerpt therefrom,  
5 being defense document 1899-D, will receive exhibit  
6 No. 3163-A.

7                   (Whereupon, the document above re-  
8 ferred to was marked defense exhibit 3163-A  
9 and received in evidence.)

10                  MR. McMANUS: Mr. President, I request leave  
11 of the Tribunal to identify additional documents after  
12 the argument on the motion brought before this Tribu-  
13 al yesterday.

14                  MR. COMYNS CARR: Your Honor, may I point out  
15 that this procedure is a grave waste of time? The  
16 Tribunal has on occasion allowed a few additional  
17 questions beyond an affidavit, but has always said  
18 that they should be few.

19                  THE PRESIDENT: Mr. Comyns Carr, if we under-  
20 stand rightly, he is tendering documents now, or pro-  
21 poses to do so, and getting the witness to identify  
22 them.

23                  MR. COMYNS CARR: Yes, your Honor, but this  
24 method is, in my submission, a grave waste of time.  
25 If you will look at the top of page 6 of the affidavit,

1 the first new paragraph, it now appears that the doc-  
2 ument which has just been admitted is the document  
3 referred to in that paragraph, just as the two doc-  
4 uments sent by the accused to the prosecution -- one  
5 of which was admitted and one rejected -- were dealt  
6 with in the affidavit on page 39. They could perfect-  
7 ly well have been exhibited to the affidavit; but to  
8 read paragraphs of the affidavit and then ask oral  
9 questions to identify them afterwards has already in-  
10 volved a grave waste of time and if persisted in will  
11 involve a great deal more.

12 THE PRESIDENT: There is no reason that I can  
13 discover why the document was not made an exhibit to  
14 the affidavit. That would have saved any time being  
15 spent here on identifying the document, but we will  
16 waste more time by attempting to rectify it. We can  
17 only hope that it won't be repeated in affidavits to  
18 come. So far the affidavits have not been lacking in  
19 that respect.

20  
21 The Court will now hear the defense reply to  
22 learned chief of counsel.

23 MR. LOGAN: The defense are unanimous in  
24 opposing the application of the prosecution for a  
25 "hard and fast ruling" to limit the scope of the  
evidence to be offered in the individual phases.

1  
2 This application is untimely as it should have been  
3 made last February when the defendants commenced pres-  
4 entation of evidence in the general phases.

5 Dr. KIYOSE stated in his opening statement,  
6 on Pages 17,013 and 17,014 of the record, with respect  
7 to the general phases: ". . . So the defendants and  
8 their counsel have come to an agreement that they will  
9 produce as far as possible, evidence in common where  
10 the offenses charged are in common." With respect  
11 to the individual phases he stated; "It may be prob-  
12 able that since the interests, views and actions of  
13 some of the accused were opposed to each other, con-  
14 flicting evidence will be presented. In so doing  
15 some of the accused may, from their own standpoint,  
16 demand exceptions to the facts and evidence as adduced  
17 in the above five divisions or may furnish other evid-  
18 ence in their individual interest."

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20 No objection was then made (by the prosecution)  
21 to the procedure adopted by the defendants of present-  
22 ing their evidence in general phases and in individual  
23 phases.  
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In following this procedure for various reasons, such as divergence of views as to the general facts, it became necessary from time to time for the defendants to refrain from presenting some evidence in the general phases. Also, some of the accused desire to use the general evidence in his individual case since he was more directly connected with it and it would prove more effective for him if presented then. An attempt at this late date to preclude such evidence would result, we submit, in an unfair trial.

Furthermore, on page 17,004 of the record, the prosecution was advised of our procedural intent when we stated: "It is, therefore, necessary that the accused reserve to themselves the right to present their different views of the facts in their individual opening statements and in the presentation of their individual cases." Similar reservations were made in opening statements of other phases and still no objection by the prosecution.

Furthermore, some of the accused took specific objection to the introduction of some evidence in the general phases and thus prosecution's claim, with respect to the general phases that "they have offered evidence on behalf of all of the defendants to meet every item raised by the prosecution on this

1 question" is not supported by the record. If prose-  
2 cution had sought in February the ruling it now seeks  
3 that evidence would have been presented in the general  
4 phases and the general phases would have taken that  
5 much more time. By failure of the prosecution to ob-  
6 ject to the procedure at those various times the ac-  
7 cused will have been lulled into a false sense of se-  
8 curity if the order prayed for is granted.

9 At times the Tribunal has indicated that  
10 general evidence would be more appropriate in the  
11 individual phases. For example, on page 25,891 of  
12 the record the following appears:

13 "THE PRESIDENT: The majority of the Tribunal  
14 think that as this affidavit is contested by some of  
15 the accused it should not be read in the general phase.  
16 Therefore, the objection is sustained. It may be read  
17 on behalf of those individuals who support it, of  
18 course, to other objections that are open."  
19

20 We also recall other instances where docu-  
21 ments of a general nature were rejected with the  
22 ruling that if it could be shown in the individual  
23 cases that any of the accused relied on the matter  
24 set forth in the documents offered it could then be  
25 presented. In a number of instances, witnesses who  
were called in the general phases were not examined

1 by counsel for individual accused on matters concern-  
2 ing that accused, because it was planned to recall  
3 the witness in the individual case. In the interest  
4 of a fair trial it is necessary that the accused be  
5 permitted to recall those witnesses.

6 Another example is to be found as late as  
7 August 12, 1947 on page 25,553 of the record where  
8 the following appears: "THE PRESIDENT: It is only  
9 in the general phases that you give the evidence that  
10 establishes the facts in relation to all; in the in-  
11 dividual phases you give the facts which influenced  
12 the determination of the individual as well. And  
13 this document would appear to fall in the latter  
14 class."

15 There will be no plethora of documents and  
16 materials presented in the individual phases as ar-  
17 gued by the prosecution. The prosecution is unduly  
18 apprehensive if it fears a rehash of evidence. We  
19 should be trusted to that extent at least. On the  
20 contrary, the evidence of a general nature for in-  
21 dividual purposes will be confined to a minimum. Such  
22 evidence may be classified as general in nature, but  
23 it will be highly relevant to that accused's case.  
24 Consequently, what each accused thought, did, saw  
25 and heard and upon what matters he based his thinking

1 and action is highly relevant and material in view of  
2 the serious charges alleged in the Indictment.

3 It is difficult to fully comprehend the mean-  
4 ing of the prosecution's concept. To be sure, no de-  
5 fendant from now on is to attempt to give general  
6 evidence, as such. He will give only such evidence as  
7 will explain his position in relation to the charges  
8 against him. To promulgate a rule affecting all ac-  
9 cused on the materiality, relevancy or repetitiveness  
10 of evidence which has not yet been offered is untimely.  
11 It is for the Tribunal to determine this at the proper  
12 time.

13 The argument of the prosecution relative to  
14 matters concerning the kind of evidence to be offered  
15 in the individual defenses of these accused is inspired  
16 only by the now pressing problem of shortening the  
17 length of the trial. We, too, share in the recogni-  
18 tion of the importance of this factor. But any pro-  
19 cedural suggestion with this motive impelling it and  
20 which is not at the same time efficacious in obtain-  
21 ing a fair trial for those who here stand indicted,  
22 violates the purpose of all our past endeavors.

23 From the foregoing it is apparent that the  
24 accused have not been given a full opportunity to pre-  
25 sent all the evidence they desire on the question of



1 of the existence of a conspiracy and substantive of-  
2 fenses as stated by the prosecution.

3 The statistics on the number of witness and  
4 time consumed by the defense and the duration of the  
5 recesses, we submit, has no bearing on this application.  
6 If it is of any moment, the prosecution has introduced  
7 more than twice as many exhibits as has the defense.  
8 The citation by the prosecution of the procedure at  
9 the Nurenberg Trial is, of course, distinguishable.  
10 In that case there were only four counts in the In-  
11 dictment. Here we have fifty five. The time covered  
12 in the Indictment here is much longer. In that trial  
13 there was just one war whereas this trial involves the  
14 Manchurian Incident, the China Affair and the Pacific  
15 War. There are more accused in this case. The general  
16 phases presented by the prosecution in this case had to  
17 be met. The defense did not devise the prosecution's  
18 method of procedure. Insofar as the time consumed by  
19 the individual accused in the Nurenberg Trial is con-  
20 cerned it is our estimate that each accused here will  
21 not require so great a time. As a matter of fact, some  
22 of the accused will not take the stand in this case.

23  
24 Apparently the prosecution in the last part  
25 of its argument advocates a limitation of the indivi-  
dual cases solely to the testimony of the accused. He

would then be deprived of the right to submit corro-

1 beratory testimony which is contrary to the guarantee  
2 of a fair trial as stated in the amended charter and  
3 contrary to fundamental concepts of Anglo-Saxon Law.

4 I might say that this question arose in the  
5 application by counsel for Admiral OKA, and he wishes  
6 to say something at this time with respect to that  
7 objection.

8 THE PRESIDENT: Mr. Roberts.

9 MR. ROBERTS: In view of the fact that the  
10 application of the prosecution for an additional order  
11 of limitation was based upon my application in Paper  
12 No. 1048 for an order for the production of the wit-  
13 nesses FUKUTOME and ONODA on behalf of my client,  
14 OKA, I desire to point out to this Tribunal, just as  
15 I stated in Chambers, that the first two items re-  
16 ferred to in said application should be disregarded.  
17 These were included because it was originally intended  
18 to use these witness in the general phase. The third  
19 item, which relates only to testimony concerning my  
20 client's connection with the Japanese-American nego-  
21 tiations and his attitude thereon, is the only one in  
22 said application relied upon in this request for said  
23 witnesses. It was stated in addition that said wit-  
24 nesses were called to give information concerning the  
25 attitude of my client to the note of December 7th, 1941.

1 delivered by Japan to the United States.

2 May I assure the Tribunal that it is also  
3 the desire of counsel to bring this trial to a fair  
4 and expeditious conclusion and in so doing it is not  
5 my intention to re-introduce any proof which has been  
6 adduced during the general phase, as I recognize  
7 this to be unnecessary from a practical as well as  
8 an evidentiary point of view.

9 However, considerable material and proof  
10 were not submitted in the general phase for the  
11 reason that it was not subscribed to by all of the  
12 defendants, despite the fact that it might have  
13 benefitted a majority of said defendants. Said proof  
14 having been reserved for presentation in the case of  
15 an individual defendant, certainly cannot be denied  
16 admittance on behalf of said defendant, especially  
17 when it serves to explain the connection of a defen-  
18 ant with some incident or event.

19 Similarly, where proof has been of a personal  
20 nature, it has not been offered in the general phase.  
21 It may have some general aspects but may apply to only  
22 one or two of the defendants and will be relied upon  
23 by them to explain their connection with an incident  
24 or event.

25 Any attempt to draw a thin line of demarcation

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22 one or two of the defendants and will be relied upon  
23 by them to explain their connection with an incident  
24 or event.

25 Any attempt to draw a thin line of demarcation

1 between proof which may seem general and that which  
2 may appear to be personal is a difficult and impos-  
3 sible task for this Court to assume. The further  
4 limitation of proof as suggested by the prosecution  
5 is likewise a dangerous departure from present recog-  
6 nized criminal procedure and if applied too strictly  
7 may be tantamount to denial of a fair and impartial  
8 trial of the accused.

9           It is respectfully submitted that the addi-  
10 tional limitation order here proposed by the prose-  
11 cution is neither practical nor susceptible of in-  
12 telligent application. The present rule requiring  
13 affidavits to be filed three days before a witness  
14 is called is a sufficient safeguard against any at-  
15 tempt on the part of counsel to unduly prolong this  
16 trial.

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1 THE PRESIDENT: The Tribunal will consider  
2 the matter; but I may say the Court has never permit-  
3 ted repetitive evidence and, of its own motion, has  
4 rejected it.

5 Mr. Chief of Counsel.

6 MR. KEENAN: Mr. President, may I have the  
7 indulgence of the Court for a very few moments? At  
8 the outset, I would emphasize the position of the  
9 prosecution, that it desires no rule that will pre-  
10 vent the accused from tendering relevant and material  
11 documents and testimony from the witness stand. We  
12 are seeking to avoid the presentation of evidence  
13 grossly repetitive and often patently immaterial in  
14 the course of these open proceedings, wasting the  
15 precious hours available during the hearings before  
16 this Tribunal. We suggest, Mr. President, that some  
17 rules will have to be announced and applied by this  
18 Tribunal to prevent a violation of the Charter in  
19 the matter of prolonging these proceedings unjusti-  
20 fiably and, in such manner, preventing the expeditious  
21 hearing that is specifically provided for in the parts  
22 of the Charter already respectfully brought to this  
23 Tribunal's attention.

24 We realize the unusual nature of these pro-  
25 ceedings and that any rule applied, naturally, will

1 have to be subject to exceptions. We do not believe  
2 we have suggested the only method by which some limi-  
3 tation can be placed upon the material to be offered  
4 and the time to be consumed in the presentation of  
5 the defense. We have never asked, as suggested by  
6 defense counsel, that the remainder of the trial be  
7 confined to the testimony of the accused. Quite to  
8 the contrary: We recognize that other relevant and  
9 proper evidence may be submitted. We have not asked  
10 that that be excluded. We have not been served with  
11 documents three days in advance of their presentation.  
12 We would like to have the service at the same time  
13 that the rule prescribes the Court to be served, and  
14 we assure this Tribunal and the defense that we will  
15 make good use of the time outside of Court to save  
16 the time of everyone in the court during the court  
17 proceedings.

18 We ask only, Mr. President, finally, for the  
19 promulgation, adoption and enforcement of rules that,  
20 while giving the accused full and fair opportunity  
21 to present all proper matters of defense, will not  
22 unduly impose upon the time of the Court. Instead  
23 of the defense being lulled into a false sense of  
24 security, there is the danger that we be lulled into  
25 a soporific state so this trial would never end and

pass on to the great beyond without any result.

1 THE PRESIDENT: Throughout the trial, the  
2 Tribunal has been consistent in rejecting everything  
3 irrelevant, immaterial and repetitive and will con-  
4 tinue to do so. We will reserve our decision.

5 Mr. McManus.

6 MR. McMANUS: It is not my intention to read  
7 exhibit 3136-A at this time, if the Court please. I  
8 shall proceed to another document.

9 May the witness be shown defense document  
10 1899-., please?

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

13 This is a statement of Army Commander SHIRAKA-  
14 KAWA made to the 9th Division whereby he expressed a  
15 reluctance to fight re the Shanghai Incident.

16 DIRECT EXAMINATION

17 BY MR. McMANUS (Continued):

18 Q General, can you tell us whether or not you  
19 gave Commander SHIRAKAWA such instructions?  
20

21 A The views -- the policies of the government  
22 and of the army concurred, and the same instructions  
23 which were given to Divisional Commander UEDA at the  
24 time of his departure were also given to General  
25 SHIRAKAWA at the time of his departure.



1 Mr. McMANUS: I tender defense document  
1899-A and request that it be received into evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Defense document 1899-A  
4 will receive exhibit No. 3163-B.

5 (Whereupon, the document above  
6 referred to was marked defense exhibit No.  
7 3163-B and received in evidence.)

8 Mr. McMANUS: May the witness be shown de-  
9 fense document 1899-B?

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

12 Q General, this is another statement made by  
13 Commander SHIRAKAWA on March 3, 1942 showing a cessa-  
14 tion of hostilities on the part of the Japanese army.  
15 Did you instruct Commander SHIRAKAWA to this effect?  
16

17 THE PRESIDENT: Mr. Comyns Carr.

18 Mr. COMYNS CARR: Your Honor, in our submis-  
19 sion, there must be some limit to this process. The  
20 affidavit deals with Commander SHIRAKAWA at page 7.  
21 It doesn't suggest anything of the kind. And to  
22 endeavor to get in a statement which merely purports  
23 to record something that happened in the past in the  
24 guise of asking the witness whether he instructed the  
25 General to make such a statement is, in my submission,

an abuse of the procedure altogether.

1           MR. McMANUS: If the Court pleases, merely  
2 because the accused mentions these instructions in  
3 his affidavit does not necessarily make them true  
4 and correct, and I am offering these documents for  
5 the purpose of corroborating what the accused had to  
6 say in his affidavit. I feel as though the most ex-  
7 peditious way to have these documents admitted is  
8 through the defendant himself. These documents could  
9 have been appended to the affidavit, but I would  
10 necessarily have to go through the same procedure to  
11 have them identified, submitted and admitted into  
12 evidence.  
13

14           MR. COMYNS CARR: If the document is merely  
15 tendered as corroboration of the witness, there is  
16 no need to waste time by asking the witness questions  
17 about it. He cannot identify them.

18           THE PRESIDENT: Had it been an exhibit in  
19 the affidavit, a much shorter form would have been  
20 employed. Time has been wasted. This, of course,  
21 may become cumulative, too, Mr. McManus. We must  
22 watch that.

23           MR. McMANUS: If your Honor please, I have  
24 done my best to try to expedite this trial, and this  
25 procedure seems to be the most expeditious procedure

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21 watch that.

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23 done my best to try to expedite this trial, and this  
24 procedure seems to be the most expeditious procedure  
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1 that I could think of, if the Court pleases. I will  
2 state that most of these documents being presented  
3 now are to corroborate the statements in the accused's  
4 affidavit; and, if the prosecution will not make any  
5 objections to corroborative evidence and admit them,  
6 I am sure time would not be wasted.

7 THE PRESIDENT: Well, during the luncheon  
8 adjournment you might devise some means of shortening  
9 them further, Mr. McManus.

10 MR. McMANUS: I shall do that, sir.

11 Has your Honor given a ruling on the last  
12 document, 1899-B, which I submitted?

13 THE PRESIDENT: No. I would like to consult  
14 my colleagues about documents in this class. This is  
15 not the only one. There are others.

16 We will adjourn until half-past one.

17 (Whereupon, at 1200, a recess was  
18 taken.)

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The Tribunal met, pursuant to recess, at 1340.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

- - -

S A D A O A R A K I, an accused, resumed the stand  
and testified through Japanese interpreters as  
follows:

THE PRESIDENT: We have come to a decision  
on the matter raised by the learned chief of counsel.  
It is a majority decision. During the general phase  
certain evidence was tendered but rejected as being  
more appropriate to the case of an individual or  
individual accused. Such evidence may be tendered  
again in the course of an individual case. Where  
evidence is tendered and received in an individual  
case there will, of course, be no need to tender such  
evidence in other individual cases. If in the course  
of an individual case evidence which might have been  
received on a general phase is tendered it will not be  
received in the individual case in the absence of con-  
vincing reasons.

Mr. McManus.

MR. McMANUS: If your Honor pleases, during

1 the noon recess Mr. Carr and myself came to an agree-  
2 ment, with the Court's permission, of course, that I  
3 submit the accused ARAKI for cross-examination purposes  
4 at this time so that at the time of the adjournment of  
5 court this afternoon Mr. Carr and myself might have an  
6 opportunity to go over the documents which I intend to  
7 offer on the individual phase and possibly come to an  
8 agreement as to some of them. However, as to those  
9 on which we cannot agree we will respectfully request  
10 the Court to permit the accused ARAKI after cross-  
11 examination to remain on the witness stand to afford his  
12 defense counsel an opportunity to endeavor to get such  
13 documents as cannot be agreed upon identified through  
14 the accused himself. We submit this for the Court's  
15 approval.

16 THE PRESIDENT: The Court sees no objection  
17 to that course.

18 MR. McMANUS: If your Honor pleases, then,  
19 at this time the accused ARAKI is submitted for cross-  
20 examination purposes.

21 THE PRESIDENT: Major Blakeney.

22 MR. BLAKENEY: Before cross-examination  
23 occurs I should like to offer some additional examina-  
24 tion of General ARAKI, and first on behalf of the  
25 defendant TOGO.

DIRECT EXAMINATION

1 BY MR. BLAKENEY:

2 Q General ARAKI, what is the extent of your  
3 acquaintance with the defendant TOGO, Shigenori?  
4

5 A As public men I had hardly anything to do  
6 with him -- we had hardly anything to do with each  
7 other.

8 Q You have stated in your affidavit that at  
9 no time did you conspire with anyone to commit any of  
10 the crimes charged by the prosecution. You have read  
11 the Indictment, of course?

12 A Yes, I have.

13 Q Now I wish to ask you whether at any time  
14 between the first of January 1928 and the second of  
15 September 1945 you discussed with the defendant TOGO  
16 the formulation or execution of a plan that "Japan  
17 should secure the military, naval, political and eco-  
18 nomic domination of East Asia and of the Pacific and  
19 Indian Oceans, and of all countries and islands therein  
20 and bordering thereon and for that purpose (Japan)  
21 should alone or in combination with other countries  
22 having similar objects, or who could be induced or  
23 coerced to join therein, wage declared or undeclared  
24 war or wars of aggression, and war or wars in violation  
25 of international law, treaties, agreements and

1 assurances, against any country or countries which  
2 might oppose that purpose"?

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: Prosecution objects to that  
5 question as being an attempt to get this witness to  
6 forswear the issue not only with regard to himself  
7 but also with regard to another accused.

8 THE PRESIDENT: He has joined issue with the  
9 prosecution in his plea of not guilty. He is being  
10 asked in effect, are you guilty or not guilty.

11 MR. COMYNS CARR: And also, is TOGO guilty  
12 or not guilty.  
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1 MR. BLAKENEY: No, I did not ask that; I  
2 asked him whether he had discussed the matter. It is  
3 strictly factual.

4 MR. COMYNS CARR: That is open to the further  
5 objection that conspiracy may exist without any dis-  
6 cussion.

7 MR. BLAKENEY: I will come to that.

8 THE PRESIDENT: Co-conspirators may never see  
9 one another, may never know of the existence of one  
10 another, may never exchange a word, directly or in-  
11 directly.

12 If it was alleged by the prosecution that a  
13 certain conversation took place between the accused,  
14 ARAKI, and the accused, TOGO, you would be able to  
15 deny that.

16 MR. BLAKENEY: Apparently the prosecution's  
17 suggestion is that if two men work toward the same  
18 end or take steps which in result lead to the same  
19 end, they are conspirators without more, but if I  
20 understand correctly, the essence of conspiracy is  
21 the plotting or the conspiring, the breathing to-  
22 gether to achieve a lawful end.

23 THE PRESIDENT: Unless the prosecution have  
24 given evidence that these two did have a discussion,  
25 we cannot find that they did have one, and you are

1 beating the air, but that does not preclude a finding  
2 of conspiracy against one or both. In his affidavit  
3 which has been read he has already stated he did not  
4 conspire with anybody.

5 MR. BLAKENEY: That passage, of course, I  
6 just quoted to him with the intention of trying to  
7 enlarge on it in case the Tribunal should consider  
8 that to be a mere statement of conclusion. It was my  
9 position that if the defense was to attempt success-  
10 fully to negate the allegation of conspiracy, we would  
11 have to disprove by the testimony of those who know  
12 that they had planned, plotted, conspired, whether  
13 orally, directly, indirectly, in writing, by deed, or  
14 otherwise.

15 If the law is that men who merely travel  
16 converging roads until perhaps in ignorance of each  
17 other's existence they arrive at the common destina-  
18 tion are conspirators, then of course we are wholly  
19 at the mercy of chance.

20 THE PRESIDENT: Mr. Blakeney, neither you nor  
21 I are responsible for the definition of conspiracy  
22 or for its scope. Conspirators need not know each  
23 other, they need not know of each other's existence,  
24 let alone exchange words.

25 MR. BLAKENEY: But if they are to be convicted

1 under Count 1 of the Indictment, they must have par-  
2 ticipated in the formulation or execution of a common  
3 plan.

4 THE PRESIDENT: It is no use finding fault  
5 with the definition of conspiracy or with the nature  
6 of the evidence that supports the charge.

7 MR. BLAKENEY: I am not offering to find fault  
8 with the definition; I am attempting to adduce strictly  
9 factual evidence on the question of whether there was  
10 a plan which imports agreement.

11 THE PRESIDENT: There certainly is a strong  
12 division of opinion among my colleagues. I will take  
13 their opinion about it.

14 One apparently thinks that you are entitled  
15 to swear the issue. That might be the law in his  
16 country; it is not in mine. I do not suggest you are  
17 attempting to swear the issue.  
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MR. BLAKENEY: The only desire that I have, I assure the Tribunal, is to extract the facts upon which the issue can be determined, and I regret the exceedingly great cost of time which this will probably entail.

THE PRESIDENT: By a majority the objection is upheld and the question disallowed.

BY MR. BLAKENEY:

Q General ARAKI, have you ever at any time within the dates which I mentioned to you heard of such a plan as that which I have outlined to you?

MR. COMYNS CARR: In my submission that is, if possible, even more objectionable because it invites gossip from any known or unknown source, in addition to the objections made to the previous question.

THE PRESIDENT: I think I can safely say that the majority are of the same opinion, but we will hear you, Major Blakeney.

MR. BLAKENEY: I wish to be heard only to say that I should have framed the question: Did you ever hear from any of these accused?

THE PRESIDENT: It does not render the question less objectionable, but I do not know whether it is objected to in that form.

MR. COMYNS CARR: Your Honor, the question

1 is open to all the previous objections in that form,  
2 and also to the objection that my learned friend does  
3 not represent all the accused, who may not all be  
4 desirous of wasting the time of the Court by offer-  
5 ing such questions.

6 THE PRESIDENT: The objection is upheld and  
7 the question disallowed.  
8

9 MR. BLAKENEY: In order that the record may  
10 be clear, I should like only to say that if per-  
11 mitted I should have asked similar questions on  
12 behalf of each of the three defendants whom I am today  
13 representing, directed against each count of con-  
14 spiracy wherein any of them is named with this de-  
15 fendant, and should ask similar questions of any  
16 defendant who in the future took the witness stand.  
17

18 I am requested to state that this statement  
19 is authorized not only on behalf of the defendants,  
20 TOGO, UMEZU, and SHIGEMITSU, but also of the de-  
21 fendants KIDO, KOISO, HIRANUMA, MINAMI, and DOHI-  
22 HARA.

23 THE PRESIDENT: Colonel Warren.

24 MR. WARREN: Your Honor, the ruling of the  
25 Tribunal I understand fully. However, by the very  
nature of the crime of conspiracy as outlined by the

1 Court, by the wording of the Indictment and the  
2 counts thereunder, of a common plan, it is our position  
3 that -- that is, my position in defending DOHIHARA and  
4 HIRANUMA, that if there was a common plan that some-  
5 where down the line some of these men -- the box who  
6 are charged must have had contact with another.

7 THE PRESIDENT: We cannot allow the decision  
8 to be reopened on your application.

9 MR. WARREN: Not at all, sir. I am about  
10 to bring up a new proposition. This is not the first  
11 time that I have been interrupted and an objection  
12 interposed before I finished my statement. I ask  
13 that I be accorded the courtesy due an attorney before  
14 this Tribunal.

15 MR. COMYNS CARR: Your Honor, in my sub-  
16 mission counsel has no right to make any statement  
17 whatever at this stage. If he has a question he can  
18 put it and the Tribunal will doubtless rule upon its  
19 admissibility if objected to; but argument at this  
20 point is inadmissible in my submission.

21 THE PRESIDENT: When Major Blakeney has  
22 finished his examination we shall be only too happy  
23 to hear you, Colonel Warren, if you also propose to  
24 examine the witness.

25 MR. WARREN: He had finished.

1 THE PRESIDENT: The Tribunal still has  
2 control of its own proceeding. We desire to hear  
3 you, Major Blakeney, unless you have concluded.

4 MR. BLAKENEY: I had done, your Honor.

5 MR. WARREN: I would not presume to take  
6 the microphone from an attorney who had not finished,  
7 your Honor.

8 THE PRESIDENT: That attorney did not  
9 announce to the Court that he had finished his exami-  
10 nation. If he did I did not hear his announcement.

11 MR. WARREN: Now, your Honor, in view of  
12 what I said before the objection was interposed, I  
13 have a question which I feel that I should ask each  
14 of the witnesses, each of the accused, who take the  
15 stand as a witness. I want to know if your Honor  
16 feels that the ruling covers that question. I will  
17 tell you briefly what it is.

18 THE PRESIDENT: If you put a question to the  
19 witness and objection, is taken the Tribunal will decide  
20 on the objection.

21 MR. WARREN: Thank you, sir.

22 BY MR. WARREN:

23 Q General ARAKI, you have been accused by the  
24 Indictment in this case of having conspired with many  
25 of the accused under different counts. Did you ever

1 at any time enter into a conspiracy by word, act, or  
2 deed to your knowledge with the accused DOHIHARA or  
3 with the accused HIRANUMA?

4 THE PRESIDENT: The accused has already  
5 answered that in his affidavit.

6 MR. WARREN: He has, your Honor. I wanted  
7 to explain to the Court why I asked that. By a process  
8 of elimination somewhere down the line if none of the  
9 accused ever talked to these men, it would not appear  
10 they could have entered into a common plan. That is  
11 the reason, but if the ruling of the Court previously  
12 covered it we shall not ask it any more. But I do  
13 want to show that I should have asked those questions  
14 of each of the accused who take the witness stand.

15 THE PRESIDENT: The accused has already  
16 denied any conspiracy with any of the other accused.  
17 He need not repeat his denial.  
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1 THE PRESIDENT: Mr. Comyns Carr.

2 MR. COMYNS CARR: May it please the Tribunal,  
3 subject to your approval and in the interests of time,  
4 the prosecution has decided that it will not in  
5 general be necessary to cross-examine this witness  
6 with regard to matters already in evidence. We pro-  
7 pose to put before the Tribunal references to the  
8 exhibits and other evidence related to certain statements  
9 in the affidavit of the accused upon which they bear.  
10

11 There may be exceptional cases where we shall  
12 think it necessary to cross-examine the accused with  
13 regard to some matter already in evidence, but in  
14 general it will be confined to new matter; chiefly to  
15 questions based upon a number of excerpts from the  
16 HARADA-SAIONJI Diary, a copy of which, in English and  
17 Japanese, was deposited with your clerk on the 29th  
18 August 1947 and has been and is available to the defense.

19 Strictly speaking, the excerpts themselves  
20 can only become evidence, if at all, in rebuttal. But  
21 in case the Tribunal should think it convenient we  
22 are ready to hand to you and to the defense and to  
23 the witness a copy of the several excerpts on which  
24 the cross-examination will be based. This diary has  
25 already formed the basis for a number of questions  
which have been put to the accused MINAMI and other

1 witnesses.

2 It would be helpful to us if the Tribunal  
3 cared to indicate whether in their view the omission  
4 of cross-examination on matters already in evidence  
5 is acceptable.

6 THE PRESIDENT: We are not advising either  
7 side; not the prosecution or any accused.

8 MR. McMANUS: If the Tribunal pleases, I  
9 object to this line of questioning on the grounds that  
10 the HARADA-SAIONJI Diary contains numerous conclusions  
11 and opinions, and I do not think that the witness in  
12 the stand now should be cross-examined not only on new  
13 material but should not be cross-examined on conclusions  
14 or opinions of anyone. Furthermore--

15 THE PRESIDENT: Mr. McManus, we can decide  
16 only on the questions put if objections are made.

17 MR. McMANUS: I have made an objection, your  
18 Honor.

19 THE PRESIDENT: But we have not heard a  
20 question yet.

21 MR. COMYNS CARR: I will refer to the evidence  
22 and other exhibits which should be looked at by way  
23 of contrast to this witness' affidavit, attaching them  
24 to certain paragraphs thereof. Many of them, however,  
25 have reference to other paragraphs as well.

1 Paragraph beginning "At the end of 1931"  
2 down to "such circumstances": evidence of INUKAI,  
3 record page 1551.

4 Page 9 of the affidavit, paragraph reading  
5 "Soon after the" down to "situation": Exhibit 226,  
6 record page 2834.

7 Same page, paragraph beginning "The decision"  
8 down to "order": Exhibit 187, page 2784; exhibit 222,  
9 page 2817; exhibit 223, page 2825; exhibit 233,  
10 page 2927; exhibit 234, page 2933; exhibit 225,  
11 page 2829; exhibit 231, page 2919.

12 Page 10 of the affidavit, sentence beginning  
13 "The attitude" down to "with it": Exhibit 226,  
14 page 2834.

15 Page 10, paragraph beginning "However, pre-  
16 servation" down to "nationals," and paragraph  
17 beginning "The Kwantung Army" down to "exclusively":  
18 Exhibit 227, page 2844.

19 Page 10, paragraph beginning "These reports"  
20 down to "situation": Exhibit 228, page 2846.

21 THE PRESIDENT: Mr. Carr, a Member of the  
22 Tribunal points out that the pages of the affidavit  
23 do not appear in the transcript and it would be better  
24 for you to give us the number of the subjects or the  
25 chapters.

1 MR. COMYNS CARR: Your Honor, some of the  
2 chapters are so long it would be rather difficult to  
3 identify by that means, but I will give both, if that  
4 will suit the purpose.

5 Page 12 of the affidavit, chapter 7, part 2,  
6 paragraph beginning "The government of Japan" down to  
7 "ambassadors": Exhibit 222, record page 2817; 223,  
8 page 2825; 228, page 2846; and 229, page 2899.

9 Same page, 12, "That Japan had neither" down  
10 to "law": Exhibit 222, page 2817; 223, page 2825;  
11 226, page 2834; 231, page 2919; 241, page 2972; 233,  
12 page 2927; 234, page 2933; 225, page 2829.

13 Page 13 of the affidavit -- I am afraid there  
14 is something wrong with the numbering of the sections.  
15 The next one to the one I read is numbered 10.

16 THE PRESIDENT: There is no 9 in my copy.

17 MR. COMYNS CARR: No, nor in mine.

18 Paragraph beginning "In the Jehol campaign"  
19 down to "drive": Exhibit 192-A, page 2269-70.

20 193 -- no, 192-A, page 2269, and 193, page 2273,  
21 paragraph 3.

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Page 1, paragraph 13 of the affidavit, the sentence beginning "As the War Minister" down to "diplomatic matters:" exhibit 1104, page 10,081; exhibit 2219, page 15,841; exhibit 2218, page 15,837; exhibit 2216, page 15,832.

Again, page 17, paragraph beginning "As for the problems" down to "independence:" exhibit 1104, page 10,081.

Same page, paragraph beginning "These explanations" down to "Nations:" same exhibit.

Page 19 -- I am not quite sure in which of the sections on this page that part is. It is either the end of 13 or the beginning of 14 -- paragraph beginning "Standing from the League" down to "witnesses:" exhibit 2222, page 15,845.

Page 20, section 14-A, paragraph beginning "To cope with this" down to "Soviet Union:" exhibit 668, page 7,332; exhibit 670, page 7,331.

Page 20 again, second section, paragraph beginning "I do not admit" down to "expression:" exhibit 746, page 7,720; exhibit 747, page 7,727; exhibit 671-A, page 7,336.

Same page, but section 14-B, sentence beginning "With regard to the" down to "matter:" exhibit 730, page 7,964; and exhibit 667, page 7,309.

1           Page 21, same section, sentence beginning  
2 "Desire perfect independence" down to "comparison:"  
3 exhibit 671-A, page 7,336.

4           Page 31 of the affidavit, section 20, para-  
5 graph beginning "With regard to the" down to "matter:"  
6 exhibit 730, page 7,964 -- oh, I beg your pardon, no.  
7 Cut that out, please.

8           Page 31, section 20, paragraph beginning  
9 "Under the circumstances" down to "administration:"  
10 exhibit 2218, page 15,837.

11           Same page and section, paragraph beginning  
12 "In 1937, the Educational" down to "enforcement:"  
13 evidence of IWATMATSU, defense witness, pages 18,569  
14 to 18,570.

15           Page 33, section 21, paragraph beginning "I  
16 changed" down to "students:" evidence of IWATMATSU,  
17 page 18,548.

18           Page 33, section 21, paragraph beginning "The  
19 reformation" down to "militarized:" evidence of OUCHI,  
20 pages 942, 943, 963, 964, and 965.

21           Page 33, section 21, paragraph beginning  
22 "There were occasions" down to "Education Ministry:"  
23 evidence of OUCHI, page 963.

24           Page 35, section numbered 23 -- although I  
25 can find no No. 22 -- paragraph beginning "My duty" --

1 I beg your pardon -- page 35, section 24, paragraph  
2 beginning "My duty as Education Minister" down to  
3 "meeting:" exhibits 2218, page 15,837; 2219, page  
4 15,841; 271, page 3,460; 1291, page 11,695; 491,  
5 page 6037.

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1 BY MR. COMYNS CARR (Continued):

2 Q Now, General ARAKI, on page 4, paragraph 2  
3 of your affidavit and in section 28 of your affidavit,  
4 beginning at page 38, you say that no reliance can be  
5 placed upon your interrogations because he interpreters  
6 were incompetent, and you say that the interpreters  
7 admitted their incompetence.

8 MR. COMYNS CARR: Would Mr. Kildoyle kindly  
9 stand up, please?

10 (Whereupon, Mr. Kildoyle arose.)

11 Q Would you turn around, General, and look at  
12 him? He is behind you.

13 THE PRESIDENT: Bring him into the courtroom,  
14 Mr. Carr.

15 MR. COMYNS CARR: Would you gentlemen stand  
16 forward, please? Come forward here, Mr. Kildoyle, will  
17 you please and turn towards the witness.

18 (Whereupon, Mr. Kildoyle and two other  
19 men approached the center of the floor and faced  
20 the witness.)

21 Q Do you remember this gentleman, General? He  
22 was in army uniform when you saw him.

23 A I think I have seen him before.

24 Q He interpreted at your interrogations on no  
25 less than eight occasions; don't you remember that?



1 A I do not remember his having come on so  
many occasions.

2 THE PRESIDENT: Do you remember him having  
3 come at all?

4 THE WITNESS: Yes, I do.

5 Q And four of the extracts from your interrogation  
6 which have been put in evidence were interpreted by  
7 him; do you remember that?

8 A I do not remember how many.

9 Q Is he one of those who you say admitted his  
10 incompetence?

11 A No, that is not so. I do not -- When you  
12 speak of his having been in uniform, I do not remember.  
13 However, since the interpreter's changed on many  
14 occasions, I cannot say who came how many times and  
15 who said what.  
16

17 Q You speak a certain amount of English, don't  
18 you, General?

19 A I can speak to a certain extent with the  
20 help of a dictionary. However, according to the  
21 Japanese fashion I would have to answer, "I do not  
22 know."

23 Q You had a dictionary there at the interrogation,  
24 didn't you?

25 A Yes, if you speak of a dictionary, I had a

1 midget dictionary, a pocket dictionary, of about  
2 the size I just indicated.

3 THE MONITOR: "I do not remember whether it  
4 was an English-Japanese or a Japanese-English dictionary,  
5 but I did have one."

6 A (Continuing) I do not remember whether it  
7 was this person who is standing here now to whom I  
8 addressed myself then, but, if he was one of the inter-  
9 preters, I think he must remember also that on many  
10 occasions I could not understand what word -- exactly  
11 what word was being meant, and, therefore, I would  
12 pull the dictionary out of my pocket and point to a  
13 certain word and ask if that was the word that was  
14 being meant. The dictionary was about the thickness  
15 I indicated and the size I indicated, and I do not  
16 know how many words were in that dictionary altogether.

17 THE MONITOR: "And I am rather doubtful whether  
18 I could actually call it a dictionary."

19 THE PRESIDENT: We will recess for fifteen  
20 minutes.

21 (Whereupon, at 1445, a recess was  
22 taken until 1505, after which the proceed-  
23 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Comyns Carr.

4 BY MR. COMYNS CARR (Continued):

5 Q General, you have spoken about the small dic-  
6 tionary you had. Do you remember that Mr. Kildoyle  
7 had a large one?

8 A Are you asking whether I remember?

9 Q Yes.

10 A Yes, he had.

11 Q Both Japanese-English and English-Japanese?

12 A I don't remember for sure. However, I think,  
13 it was as you say.

14 Q And did you notice that if ever he was in  
15 doubt about any word he consulted it?

16 A Yes, I knew that. It was that that made me so  
17 uneasy.

18 Q Did you from time to time raise a query as to  
19 the correctness of the English word that he was using?  
20

21 A On a few occasions the English word was one  
22 which I knew, and when the term employed was one con-  
23 cerning which I was in doubt, I would ask him and then  
24 the two of us would open the dictionary and look up  
25 the word together. On some occasions this process  
would sometimes take several minutes, and finally after

1 this had happened several times, I began to feel sorry  
2 and that is why I offered to make a written statement.

3 Q That is just what I was going to put to you:  
4 that whenever you objected to anything you and he had  
5 a consultation and compared your dictionaries?

6 A Yes, that is so; and while I was able to carry  
7 on a conversation with him in Japanese, I had no idea  
8 how the terms were being translated into English, and  
9 that is what made me feel so uneasy. If you desire,  
10 I can tell you what my state of mind was at that time  
11 regarding this.

12 Q I would rather you answered the question.  
13 I suggest to you that whenever you raised a  
14 query, the word ultimately put down was agreed between  
15 you and him after you had compared dictionaries?

16 A No, that is not the way I felt.

17 THE MONITOR: Not necessarily.

18 Q And I suggest to you further that he was only  
19 in need of consulting the dictionary when you used  
20 some unusual or technical word?

21 A That is not so. To give an example: In the  
22 phrase "Chian o kaifuku", "restoration of order," the  
23 interpreter was unable to get the meaning of the word  
24 "chian", or "order." Finally, he mixed up the word "chian"  
25 or "order", with the word "Chiang" and asked whether

1 I meant Chiang Hsueh-liang, and from that time on I  
2 began to feel quite uneasy over the interpretation.  
3 I don't know whether it was the interpreter who is  
4 here now who did this, and it seems to me that the  
5 interpreters were much better in English than they were  
6 in Japanese. However, when the conversation turned on  
7 a difficult subject, I always felt quite uneasy.  
8 This wasn't an experience solely -- Correction:  
9 This wasn't the experience only I had. I believe it  
10 was the same with all other people who were interroga-  
11 ted at that time.

12 MR. COMYNS CARR: For the convenience of the  
13 Tribunal, I may mention that the exhibits translated by  
14 Mr. Kildoyle were 188-C, D, and E and 2218 and 2219.

15 Now would Mr. KAWASHIMA come forward?

16 (Whereupon, a person approached the  
17 center of the floor and faced the witness.)

18 Q Do you remember this gentleman, also in the  
19 uniform of the United States Army, interpreting on one  
20 occasion only, that is, exhibit 188-E?

21 A I am afraid I cannot recollect this person,  
22 since the previous person had distinguishing features.  
23 Now, on thinking it over, I am able to remember his  
24 face, but as to this person, I don't remember him at  
25 all.

1 Q I take it, therefore, you cannot say whether  
he is one of those who confessed he was incompetent?

2 A I don't know.

3 MR. COMYNS CARR: Thank you, Mr. KAWASHIMA.

4 Now will Mr. Maxon step forward, please?

5 (Whereupon, a person approached the  
6 center of the floor and faced the witness.)

7 Q Do you remember Mr. Maxon? He was then wear-  
8 ing the uniform of a Commander in the United States  
9 Navy, and he interpreted for you on three occasions,  
10 one of which is exhibit 188-A.

11 A I am afraid it is difficult for me to  
12 remember. Maybe if the Commander was wearing his navy  
13 uniform I might be able to recognize him. However,  
14 this is a difficult question and I am afraid I really  
15 cannot say.

16 Q Do you remember that there was an officer in  
17 naval uniform who interpreted on three occasions?  
18

19 A I don't remember well. Anyway, as I have said,  
20 the interpreters changed on several occasions and there  
21 may have been navy men among them. I don't remember for  
22 sure.

23 Q Do you remember whether this gentleman or any  
24 navy man -- I think he was the only one -- was one of  
25 those who you say admitted his incompetence?

A That is not so.

1 Q Do you remember whether this gentleman, or  
2 any Navy man -- I think there was only one -- do you  
3 remember whether you heard him say he admitted his  
4 incompetence?

5 A That is not so.

6 Q Do you remember that he also brought a dic-  
7 tionary with him in case a particularly difficult  
8 word should arise?

9 A I was not then interested in the features  
10 of the people who came. I cannot reply.

11 Q Did you know that he was teaching in a school  
12 in Japan when you were Education Minister?

13 A No, I don't believe he told me of that. It  
14 is not in my memory.

15 Q You know that all of the interrogations which  
16 these three gentlemen took were taken down in full by  
17 way of question and answer?

18 A I don't know for sure. I remember that dur-  
19 ing the early stages there was someone who was taking  
20 down notes in shorthand. However, I don't know who  
21 it was and I don't know what they were writing.

22 MR. COMYNS CARR: Thank you Mr. Maxon.

23 Q Now then, let us see: Take one example of  
24 the matters you complain of and see what it is that  
25 you really complain of: You say, at the top of page

1 41 of your affidavit, sub-paragraph 1, of section 28,  
 2 and again in the first new paragraph at the top of  
 3 page 4, that they wrongly wrote you down as saying  
 4 that you made a plan for the occupation of.-- in one  
 5 place you say "Manchuria", and in the other "the Four  
 6 Eastern Provinces". Now, which part of it is it  
 7 that you complain of?

8 A May I have the exact words repeated, please?

9 Q I will read the paragraphs in your affidavit  
 10 for you, if you wish, General. I will read the one  
 11 on page 4: You say "In connection with this decision  
 12 of the Cabinet, there is an allegation in exhibit  
 13 No. 187 and No. 188 to the effect that I made a plan  
 14 for the occupation of the Four Eastern Provinces. This  
 15 is a mistake caused by the interpretation of an incom-  
 16 petent interpreter and it was entirely different from  
 17 the fact." Now, where is it wrong? Do you mean that  
 18 you did not make a plan?

19 A Yes, that is so.

20 Q You say you made no plan at all?

21 A What do you mean by plan?

22 Q You have used the word yourself.

23 A Although many of the documents are not at my  
 24 disposal now, I remember that shortly after the open-  
 25 ing of this trial documents 188-A, 188-B and 188-C were



1 presented to this Court, and although all three doc-  
2 uments treat of the same subject, the wording of doc-  
3 ument 188-C was comparatively understandable. The  
4 other two used wording which was quite different  
5 from document C, and this is an example of how, in  
6 spite of the fact that the interpreters probably did  
7 take great pains, their interpreting was not adequate.

8 Q Now would you mind answering my question?  
9 Do you say that you did not make a plan?

10 A It is just as I have answered.

11 Q Well, please answer Yes or No. Did you make  
12 a plan or didn't you?

13 A I have just replied that I did not make such  
14 a plan.

15 Q Do you object to the word "occupation"?

16 A I object to the whole. In connection with the  
17 word "occupation" which has just come up, I remember  
18 that I spoke for quite some time with an interpreter  
19 in an attempt to define just what was meant. The word  
20 is "senryo" in Japanese.

21 Q Which interpreter?

22 A I do not remember.

23 Q Do you know that all three of the gentlemen  
24 you have just seen took interrogations from you on this  
25 subject, and all three of them have used the word

1 "occupy" or "occupation" as part of your answer or  
2 as part of a question to which you took no exception.

3 A Later, in reading over the written account  
4 of the interrogation, I saw the word "senryo" for  
5 "occupation" for the first time, and I do not remember  
6 whether that word was actually used during interroga-  
7 tion or not.

8 THE INTERPRETER: Correction. I do not remem-  
9 ber whether that word "occupied" was actually written  
10 down at that time when I replied.

11 Q Do you say that whatever was done and decided  
12 at that time when you first -- soon after you took  
13 office, was not concerned with all of the Four Eastern  
14 Provinces?

15 THE INTERPRETER: Will the reporter please  
16 repeat the question?

17 (Whereupon, the last question was  
18 read by the official court reporter.)

19 A I am afraid I cannot understand the import  
20 of your question. However, if it concerns Manchuria,  
21 of course it had to do with the Four Eastern Provinces  
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1 Q It is not, of course, is it? Manchuria was  
2 Three Eastern Provinces, and you chose to occupy  
3 Jehol as well, making four.

4 A That is not correct. The term "Four Eastern  
5 Provinces" was first used by Chiang Hsueh-liang around  
6 the time when he declared his allegiance to the Kuo-  
7 mintang. At that time he had already put the Prov-  
8 ince of Jehol under his control and referred to the  
9 regions which he controlled as the Four Eastern  
10 Provinces.

11 Q Well, now, would you answer the original  
12 question: Was it part of the plan, soon after you be-  
13 came War Minister, that those Four Provinces should  
14 be occupied by Japanese troops?

15 A I cannot understand the question very well,  
16 but there were no plans to occupy the Four Eastern  
17 Provinces either before or after I took office. I  
18 can say definitely that there was none during the  
19 time that I was the Minister. This is as I have re-  
20 peatedly said.

21 Q Now, would you look at exhibit 3162, please,  
22 which was admitted into evidence this morning but not  
23 read.  
24

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

Language Division, have you got exhibit  
1 3162 which was put in evidence this morning?

2 THE MONITOR: Yes, we have.

3 Q (Continuing) Is that the handwritten state-  
4 ment which you gave to Mr. Hyder, one of the prose-  
5 cuting attorneys, on the 11th of February, 1946?

6 A As I said this morning, this, I believe, is  
7 a copy of what I gave him at that time. However, I  
8 wrote the same thing and handed it to Mr. Hyder at  
9 that time. I remember.  
10

11 Q Well, now, I want you to listen to parts of  
12 it. The first paragraph: "On December 13, 1931 I  
13 was appointed War Minister when I considered it most  
14 important to stabilize the situation by mapping out  
15 a general plan for the solution of various compli-  
16 cated problems which then existed both inside and  
17 outside this country." And then half way down the  
18 next paragraph:

19 "At that time battles were being fought  
20 covering an extensive area in Manchuria. In Northern  
21 Manchuria disturbances were once subdued, but owing  
22 to Ma Chen Chan's revolt the region was again thrown  
23 into scenes of war, and our army had already occupied  
24 Chichihar. Should the state of affairs have been  
25 left as it was, there was no telling how far the war

1 disaster might have extended. Strategically speaking,  
2 our army was at war with Chan Hsin Liang's troops  
3 which were really powerful, and any slight error on  
4 the part of the army might have brought about an an-  
5 nihilation. Prior to this we had had bitter exper-  
6 iences of humiliation at Nikolayevsk, Chinan and  
7 Nanking, though matters were a little different in  
8 the last named place. In order not to repeat a  
9 similar blunder, and at the same time to avoid an  
10 all-round clash between Japan and China and also to  
11 limit disaster to the least possible extent, the af-  
12 fair had to be dealt with promptly and decisively  
13 as the disaster already had reached far by that time;  
14 otherwise, I judged it would go beyond control. In  
15 view of the fact that this incident had developed  
16 rather unplanned in the past it was necessary to make  
17 the following plan: I consulted the Premier, Finance  
18 Minister and the Chief Secretary and it was decided  
19 to restore public order, without delay, in the Liausi  
20 District which had been left in suspense and obscur-  
21 ity and at the same time to pacify the bandits who  
22 had still remained there disturbing public order.  
23 Because it was the time when the Diet was not in ses-  
24 sion, the necessary expense was decided to be drawn  
25 on the Emergency Exponse account. When the Cabinet

1 action was taken on this matter necessary steps were  
2 also taken through the Privy Council and completed.  
3 It was some time between the 10th and the 20th of  
4 December.

5 "The above mentioned plan was as follows:

6 "1. Aim: To restore public peace in Man-  
7 churia promptly.

8 "2. The opponent: The Chiefs of the Four  
9 East Provinces who were responsible for having put  
10 the land into disorder.

11 "3. Area: Consequently the Four East Pro-  
12 vinces under the control of Mr. Chiang.

13 "In the Privy Council the matter was dis-  
14 cussed and two or three advisers who were present  
15 asked questions and after answering them this was  
16 approved.

17 "Especially Adviser EGI said that the matter  
18 had been set forth logically consistent and clearly,  
19 and furthermore, he encouraged me to go on with this  
20 plan and try to restore public peace at once -- so I  
21 remember. Thus the proposed expense (30,000,000 yen  
22 or 50,000,000 yen) was approved for payment, Imme-  
23 diately necessary procedures were taken and the Su-  
24 preme Command Department actually started on operation.  
25 In those days Chiang Hsin Liang seemed to be at Chin

and to Li Hsin Liang, and the latter to Li Hsin Liang.

1 Chow in Liausi District, and then he moved to Jehol.

2 "In order to avoid an extension of the war  
3 disaster, I decided to limit the force to a minimum  
4 and to move the troops slowly, waiting for Mr. Chiang's  
5 reconsideration; so I did not give a real mobilization  
6 order to the troops on the field. However, the matter  
7 did not get any better. I suppressed our army force  
8 from going to a positive action till spring the fol-  
9 lowing year. Also we kept to the policy not to go  
10 beyond the boundary of the last province, under any  
11 circumstances, and stay within the line of the Great  
12 Wall. Although after the Jehol operation, the troops  
13 twice advanced beyond the Great Wall for operation,  
14 yet the Assistant Chief of the General Staff made an  
15 urgent trip to the field at the command of the Em-  
16 peror and ordered them to retreat and stay within  
17 the Great Wall line."

18 Then you altered that last sentence to read:

19 "Although after the Jehol operation the  
20 troops twice advanced beyond the Great Wall for oper-  
21 ation, yet it was decided that the Assistant Chief of  
22 the General Staff would make an urgent trip to the  
23 field at the command of the Emperor and order them to  
24 retreat and stay within the Great Wall line. However,  
25 the matter was settled before he left."

I need not read any more of it.

1                   What do you say is different about that  
2 account which you wrote yourself from the account  
3 given in the questions and answers taken down by the  
4 three interpreters?

5           A    This matter cannot be satisfactorily com-  
6 puted unless I tell you of the circumstances in  
7 which I handed this written document to Mr. Hyder.

8           Q    You told us that in your affidavit, and you  
9 needn't tell it again.

10           MR. McMANUS: I submit, if the Court pleases,  
11 that this has not been thoroughly explained in the  
12 affidavit; that I attempted this morning to have  
13 document 674 admitted which, I stated, was part of  
14 the same; and I think that under those circumstances  
15 the witness should have an opportunity to explain  
16 from the box.

17           THE PRESIDENT: I cannot see why, for the  
18 purposes of this answer, any such explanation is re-  
19 quired. He simply asked: What is the difference be-  
20 tween the two answers? If an explanation is neces-  
21 sary at some stage, give it, but not now.

22           A    Although I believe it will be difficult for  
23 you to understand -- although I believe you cannot  
24 understand the situation unless I explain, in accord-  
25 ance with your Honor's ruling I shall reply to that



1 question when it is asked me, and I shall now confine  
2 my answer to the present question.

3 In the interrogation drawn up by the inter-  
4 preter, the words "occupation of the Four Eastern  
5 Provinces" came out, whereas, in my written state-  
6 ment I have said that it was important that the strife  
7 going on in Manchuria should cease immediately before  
8 it developed into an all out clash between Japan and  
9 China. That is where the great difference exists.

10 Q You did occupy the Four Eastern Provinces,  
11 didn't you?

12 A No, they were not occupied.

13 Q Were not your troops at the end of the  
14 operation in control of every part of them?

15 A I suppose you are aware of the establishment  
16 of the State of Manchukuo. The real state of affairs  
17 is that, after the establishment of Manchukuo, the  
18 Japan-Manchukuo Protocol was signed; and, under this  
19 Protocol, Japan obtained the right to station troops  
20 in Manchukuo and thus fulfilled her international  
21 obligations under that protocol.

22 Q And before the protocol was signed you  
23 stationed them there without any right, didn't you?

24 A Japan's right to station troops along the  
25 railway zone in Manchuria was established -- was

1 question when it is asked me, and I shall now confine  
2 my answer to the present question.

3 In the interrogation drawn up by the inter-  
4 preter, the words "occupation of the Four Eastern  
5 Provinces" came out, whereas, in my written state-  
6 ment I have said that it was important that the strife  
7 going on in Manchuria should cease immediately before  
8 it developed into an all out clash between Japan and  
9 China. That is where the great difference exists.

10 Q You did occupy the Four Eastern Provinces,  
11 didn't you?

12 A No, they were not occupied.

13 Q Were not your troops at the end of the  
14 operation in control of every part of them?

15 A I suppose you are aware of the establishment  
16 of the State of Manchukuo. The real state of affairs  
17 is that, after the establishment of Manchukuo, the  
18 Japan-Manchukuo Protocol was signed; and, under this  
19 Protocol, Japan obtained the right to station troops  
20 in Manchukuo and thus fulfilled her international  
21 obligations under that protocol.

22 Q And before the protocol was signed you  
23 stationed them there without any right, didn't you?

24 A Japan's right to station troops along the  
25 railway zone in Manchuria was established -- was

1 based on treaties. When, later, the Japanese troops  
2 went into action outside -- in areas outside the  
3 railway zone, the Imperial Government declared on  
4 several occasions that this action was being taken  
5 in self defense; and, since peace and order had not  
6 yet been restored, the troops did not withdraw into  
7 the railway zone.

8 Q Now, in your statement I observe you use  
9 the phrase that the troops were "to pacify the ban-  
10 dits." How do troops pacify a bandit?

11 A That is a very detailed affair; and, unless  
12 you give me some specific details, it is difficult  
13 for me to answer.

14 Q I want to know what you meant by sending  
15 your troops to pacify the bandits. You meant to  
16 kill them, didn't you?

17 A I do not believe that was so.

18 THE PRESIDENT: I suppose he means "subdue."

19 Q Now, in your affidavit, page 14, Section  
20 11, second paragraph, first sentence, you say, "The  
21 Manchurian Incident was not primarily a war in the  
22 sense of definition of international law." And in  
23 exhibit 3162 you say, the second paragraph, about  
24 eight lines down, "Strategically speaking, our army  
25 was at war with Chan Hsin Liang's troops which were

1 really powerful" -- How do you reconcile those two  
2 statements?

3 A May I have the first quotation repeated?  
4 I was unable to get it clearly.

5 Q You said in your affidavit, "The Manchurian  
6 Incident was not primarily a war in the sense of  
7 definition of international law."

8 A I understand. In the first instance I  
9 meant that it was not a war, strictly speaking, as  
10 defined in international law; and in the second in-  
11 stance I meant that the enemy which was actually fac-  
12 ing us at that time was really powerful and numerous.

13 Q And were his troops the bandits that you  
14 were talking about?

15 A No, that is not so.

16 Q What did you call his troops?

17 A Chiang Hsueh-liang's troops were the troops  
18 under Chiang Hsueh-liang's command, and the bandits  
19 were bandits.

20 Q What do you mean by a "bandit"?

21 A There are many different kinds of bandits.  
22 As a general description, I think you could say that  
23 bandits are those who acted lawlessly but without  
24 any special plans.

25 Q By "acting lawlessly," do you mean resisting

1 the Japanese?

2 A Those who act -- which violate peace and  
3 order -- which disturb peace and order in the vari-  
4 ous districts can be called lawless acts.

5 Q And the Japanese were the people who were,  
6 according to you, trying to maintain peace and order,  
7 were they not?

8 A Do you mean the Japanese or the Japanese  
9 Army?

10 Q The Japanese Army.

11 A It was the duty of the Japanese Army to  
12 maintain peace and order.

13 Q Now, on page 13 of your affidavit, para-  
14 graph -- it should be 9, but it is really printed as  
15 Part II of 7. Anyway, in the third paragraph on the  
16 page you speak of the development of Manchoukuo after  
17 you left office. You say it was not quite as it  
18 should have been and that you were dissatisfied with  
19 it and refrained from attending the 10th anniversary  
20 celebration of its foundation. What were you dissatis-  
21 fied about?  
22

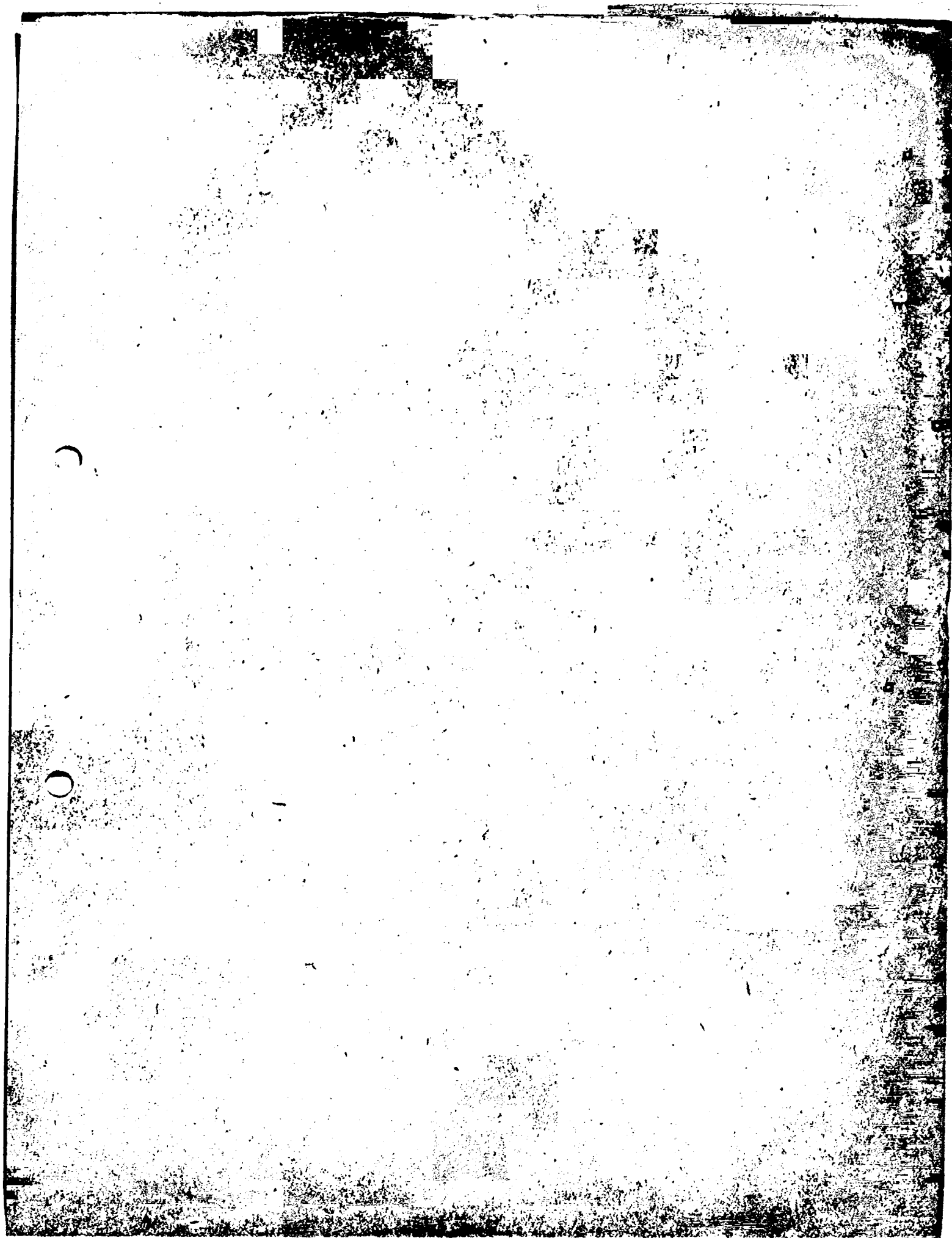
23 A At the time of the establishment of Manchuria  
24 the persons who exercised sovereignty in Manchuria  
25 announced their ideals. They stated, among other  
~~things, that they wished to establish a bright and~~

1 peaceful country governed by the Kingly Way and  
2 hoped to establish a country of high moral character  
3 which would be a haven of peace. But, later, I be-  
4 gan to feel that the actual carrying out of these  
5 ideals was not in accordance with what I, myself,  
6 had believed in. On the occasion of the 10th  
7 anniversary of the founding of Manchoukuo, I remember  
8 reading newspapers which carried many statistics on  
9 the development of Manchoukuo and stated that Man-  
10 choukuo had made such and such progress; and, there-  
11 fore, I was very dissatisfied that the newspapers  
12 had not praised the development of Manchoukuo as a  
13 bright and peaceful land governed in accordance with  
14 the Kingly Way. And it was because of this feeling  
15 that I could not bring myself to attend the commemor-  
16 ation ceremony and to offer my congratulations.

18 THE PRESIDENT: Well, it is now four  
19 o'clock. The rate of progress of the individual cases  
20 is disappointingly slow. We will adjourn until half-  
21 past nine tomorrow morning.

22 (Whereupon, at 1600, an adjourn-  
23 ment was taken until Friday, September  
24 12, 1947, at 0930.)  
25

- - -



19 Sept.



12 SEPTEMBER 1947

I N D E X  
O f  
W I T N E S S E S

<u>Defense' Witnesses</u>	<u>Page</u>
ARAKI, Sadao (resume d)	28316
Cross (cont'd) by Mr. Comyns Carr	28316
<u>MORNING RECESS</u>	28340
Cross (cont'd) by Mr. Comyns Carr	28341
<u>NOON RECESS</u>	28357
Cross (cont'd) by Mr. Comyns Carr	28358

12 SEPTEMBER 1947

I N D E X  
Of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
	3164		Book entitled "Pertaining to the whole Japanese Nation" (written in Japanese)	28364	
2406	3164-A		Excerpts (4) therefrom		28364
	3165		Book entitled "Secret Manchurian Diary" (written in Japanese)	28380	
620-P	3165-A		Excerpt therefrom		28380
			AFTERNOON RECESS		28384

1 Friday, 12 September 1947

2 - - -  
3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -  
12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE R. B. PAL, Member  
15 from India, not sitting from 0930 to 1600 and HONORABLE  
16 JUSTICE LORD PATRICK, Member from the United Kingdom  
17 of Great Britain, not sitting from 1330 to 1600.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 - - -  
21 (English to Japanese and Japanese  
22 to English interpretation was made by the  
23 Language Section, IMTFE.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: I notice one of the accused  
4 is absent from the dock apart altogether from the  
5 witness. I have not been notified of that.

6 LANGUAGE ARBITER (Major Moore): If the  
7 Tribunal please, I offer the following language cor-  
8 rections:

9 Record page 28,235, line 23, delete from  
10 "state" to the end of the paragraph and substitute  
11 "case it would be impossible to endure for a long  
12 period of ten or twenty years."

13 THE PRESIDENT: The accused KAYA, with the  
14 permission of the Tribunal, will be absent for the  
15 first session today consulting with his counsel.

16 Mr. Comyns Carr.

17 - - -

18 S A D A O A R A K I, an accused, called as a witness  
19 on his own behalf, resumed the stand and testified  
20 through Japanese interpreters as follows:

21 CROSS-EXAMINATION

22 BY MR. COMYNS CARR (Continued):

23 Q General ARAKI, when the Tribunal adjourned  
24 yesterday I had asked you what it was which caused you  
25 to be dissatisfied with the state of affairs in

1 Manchuria after you left office. I still want to  
2 know what actual event or what actual action taken  
3 in Manchuria caused that dissatisfaction.

4 MR. McMANUS: If the Tribunal pleases, may  
5 we have one question at a time? I respectfully ask  
6 that the witness be permitted to answer the first  
7 question first.

8 THE PRESIDENT: If the witness so desires  
9 I shall ask that the questions be put separately.  
10 His interest will be protected. So far he has not  
11 indicated that he is in any difficulty. I can see  
12 nothing wrong with Mr. Carr's method of cross-examina-  
13 tion, and your intervention in this way, Mr. McManus,  
14 is wasting our time.

15 MR. McMANUS: If your Honor pleases, I do not  
16 wish to take the time of the Court in finding fault  
17 with my friend, but after all, if the Court pleases,  
18 let this witness answer one question.

19 THE PRESIDENT: I am in charge, not you. If  
20 the witness indicates that he has any difficulty he  
21 will say so and I will protect him.

22 MR. McMANUS: Well, I am quite relieved now  
23 that the Tribunal has that situation in mind.

24 MR. COMYNS CARR: If my friend had looked at  
25 the record he would have seen the witness gave an

answer of a sort to the first question yesterday.

1 What I am now asking is for particulars of that answer.

2 A As I replied to your question yesterday, the  
3 question hinges on whether or not the plan for the  
4 construction of a land of peace and security in ac-  
5 cordance with the principles of the Kingly Way were  
6 progressing per schedule.

7 Q Can you tell us of any actual thing which was  
8 done in Manchuria which caused your dissatisfaction?

9 A As I have stated in my affidavit, following  
10 my resignation as War Minister I have not been in  
11 touch with many aspects of state affairs. Since my  
12 departure from the office of War Minister I have heard  
13 many reports about Manchuria from governors of various  
14 provinces and other public officials of the new state,  
15 and they told me about the various aspects of Manchu-  
16 kuo developments such as the extension of railways,  
17 economic development, et cetera, but not for once did I  
18 ever hear that the foundation of the principle of the  
19 Kingly Way had been established or not, and that is why  
20 I was dissatisfied on that point. That is the first  
21 reason for my dissatisfaction. I recognize and I must  
22 express my gratitude to those who have devoted their  
23 great efforts in the development of Manchukuo, which  
24 development compared with the development of other  
25

1 countries had been remarkable. However, the second  
2 reason for my dissatisfaction comes from the fact  
3 that I have heard complaints from the people, that  
4 the establishment of the principles of the Kingly way  
5 have not been to the satisfaction of the people.

6 THE PRESIDENT: Do you really think these  
7 answers are going to help us, Mr. Carr?

8 MR. COMYNS CARR: No, your Honor. I hope  
9 that at some time the witness will come to the par-  
10 ticulars which I have asked for.

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1 Q Don't you mean this, General, that the  
2 development--

3 MR. McMANUS: May I request, if the Court  
4 pleases, that the prosecutor ask the question again,  
5 not a new one.

6 THE PRESIDENT: Request is refused.

7 Q Don't you mean this, General, that in Man-  
8 chukuo all power was really in the hands of the  
9 Japanese Army and Japanese officials, and Manchukuo  
10 was being developed for the benefit of Japanese war  
11 industries?

12 A I cannot grasp the point in that question.  
13 Do you mean to ask me whether I was dissatisfied with  
14 that?

15 Q Yes.

16 A Then my answer would be that was not so.

17 MR. McMANUS: May I at this time, if the  
18 Court pleases, suggest that the question be explicitly  
19 explained to the witness?  
20

21 THE PRESIDENT: The question was perfectly  
22 clear. The only concern of the witness was that he  
23 did not appreciate the point, not the meaning, and  
24 witnesses are concerned not with the purposes of  
25 questions, but with their meaning.

MR. McMANUS: If your Honor pleases, I am



1 sure that this Tribunal wants to elicit the true  
2 facts, and I sincerely hope that possibly you might  
3 get answers if the questions are understood by the  
4 witnesses. That is all I am trying to do right now:  
5 Does the witness understand the question?

6 THE PRESIDENT: As the transcript will show,  
7 the question was perfectly clear. It was not capable  
8 of being misunderstood.

9 I have appealed to my colleagues to discipline  
10 you, Mr. McManus. I can assure you not one is with  
11 you in this. Counsel forget, when they behave this  
12 way, that the transcript will be the best answer to  
13 them if any question arises.

14 THE WITNESS: There seems to have been some  
15 confusion with regard to the last question, and so if  
16 I should state the point clearly I will say this,  
17 that the development of Manchukuo in accordance with  
18 the principle of the Kingly Way for the creation of a  
19 peaceful state was not directed in the proper direction.  
20 That is all.

21 Q Only one other question I will ask you about  
22 that. Whom do you blame for that state of affairs?

23 A That is not for me to answer. It is not for  
24 me to answer that question because I am speaking of  
25 matters after I left the office of War Minister and

1 I was not aware nor familiar with the details or  
2 particulars of the state of Manchukuo.

3 Q I come to another question, then. On page 25  
4 of your affidavit, the seventh paragraph, which is in  
5 the section headed "My Ideas," you say, second  
6 sentence of the paragraph: "My whole-hearted atten-  
7 tion was devoted to nothing but terminating the hos-  
8 tilities," that is, in Manchuria. And on page 14, the  
9 last paragraph of Section 11, you say that the trouble  
10 in Manchuria was completely settled by you within one  
11 and a half years of acceptance of War Ministership.

12 Do not you really mean that within one and  
13 a half years you had won a complete victory over the  
14 forces of Chang Hsueh-Liang in the four provinces and  
15 completely subjugated them?

16 A How you could interpret that passage in that  
17 way I can't understand. It is as written clearly there

18 Q How had you settled the matter except by  
19 winning a complete military victory?

20 A As I stated in my affidavit yesterday, as  
21 the incident developed, many changes took place and  
22 finally an agreement was reached between Japan and  
23 China. I need not go into the details regarding that  
24 agreement. The question of Jehol came out yesterday,  
25 but this question was settled in accordance with an

1 international agreement made between Japan and Man-  
2 chukuo, namely, the Japan-Manchukuo Protocol, and it  
3 was under that that the question was settled on behalf  
4 of Manchukuo.

5 Q After your resignation at the end of 1934,  
6 you were awarded a barony, were you not?

7 A I think that was at the end of 1935.

8 Q And was not the reason why the barony was  
9 requested on your behalf by the then War Minister  
10 that you were the person chiefly responsible for victory  
11 in the Manchukuo incident?

12 MR. McMANUS: If your Honor pleases, I object  
13 to the question.

14 THE PRESIDENT: Objection overruled.

15 A I think the granting of the peerage is a matter  
16 in charge of the Imperial Household Department. That  
17 is the way I understand it. I personally do not know  
18 what it is that you speak about because that was not  
19 within the province of my own affairs.  
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1 Q Do you not know that the then War Minister,  
2 General KAWASHIMA, informed the then Prime Minister,  
3 Admiral OKADA, that you were the person chiefly re-  
4 sponsible for the victory in the Manchukuo Incident  
5 and that the young officers would not be satisfied  
6 if you didn't get a peerage?

7 A Who said that? If you want to know the details  
8 I should be glad, if the Tribunal so permits, to go into  
9 the details, because that is contrary to the truth. But,  
10 being details, I shall refrain from stating them.

11 Q Did you know that General KAWASHIMA, the War  
12 Minister, was working on your behalf to obtain a peer-  
13 age for you?

14 MR. McMANUS: If your Honor please, I must  
15 object on the ground that it is outside the scope of  
16 the affidavit, and, furthermore, it certainly is ir-  
17 relevant.

18 THE PRESIDENT: Objection overruled.

19 A Are you saying that War Minister KAWASHIMA  
20 was working on my behalf?

21 Q Yes.

22 A Well, that is a matter that concerns General  
23 KAWASHIMA. I do not know anything about it. However,  
24 if you wish to know the details I am com lled to speak  
25 of some of them and I say that with regard to granting

1 a peerage or the baronetcy as a result of the Manchurian  
2 Incident, it was my conviction and my belief, even from  
3 the time that I was War Minister, that such titles  
4 should not be granted whether any incident or question  
5 was settled or not; not only the awarding of a peerage  
6 but the granting of any awards in general.

7 THE INTERPRETER: A slight correction: That  
8 no titles of any nature, whether the peerage or the  
9 awards in general, should not be granted until something  
10 has been completely consummated.

11 A (Continuing) However, I advocated that an  
12 exception should be made to those who had devoted their  
13 efforts on the front lines and to those who had been  
14 killed in action. There are much more details that I  
15 might state, but I shall refrain from doing so, because  
16 I think it is unnecessary.

17 Q I suggest to you that the Premier didn't want  
18 to recommend you, but was induced to do so, because the  
19 War Minister said the young officers wouldn't be  
20 satisfied if you didn't get it.

21 A Whether the newspapers reported of such matters  
22 or not -- at any rate when there was some sort of affair  
23 going on -- The newspapers may not have reported in so  
24 many words, but when there was some confusion created  
25 as a result of such rumors, I told KAWASHIMA, point-blank,

1 that if you are considering some kind of honors for  
2 me, to stop it immediately. I believed that it  
3 would not have had any effect on young officers or  
4 young men.

5 I would like to say this especially: I do  
6 not know what you mean by "young officers," but at  
7 that time there were moments when I was being criticized  
8 and denounced by so-called "young officers."

9 If you insist that Premier OKAI said so, I  
10 would suggest that you call him and cross-examine him  
11 on this point. Then, you might confirm the matter.

12 Q Now, did you know the late Baron HARADA, who  
13 died in February, 1946?

14 A Yes.

15 Q Did you know that for many years he acted as  
16 personal secretary to Prince SAIONJI, the General?

17 A Yes, I do.

18 Q Do you know that as part of his duties he was  
19 constantly interviewing important people in Japanese  
20 life and conveying what they said to Prince SAIONJI?

21 A Well, he may have interviewed important,  
22 influential people. He may have interviewed others of  
23 the hoi poloi, I do not know. But, I do not think that  
24 his reports were necessarily accurate or important.

25 Q Did he have a number of conversations with you

1 about -- Did he have a number of conversations from  
2 time to time with you about affairs of State for the  
3 purpose of conveying what you said to Prince SAIONJI  
4 and also of conveying to you the opinions of Prince  
5 SAIONJI and other persons?

6 MR. McMANUS: I object to that question.

7 THE PRESIDENT: Mr. Carr, the other day you  
8 referred to this diary.

9 MR. COMYNS CARR: Yes, your Honor.

10 THE PRESIDENT: And, if I recollect rightly,  
11 you said copies would be made available to the Court.

12 MR. COMYNS CARR: That is what I am leading up  
13 to, your Honor.

14 THE PRESIDENT: Needless to say, none of us  
15 will look at any document that is not tendered, and will  
16 take into consideration no document that is not admitted.  
17 I am sure you didn't intend anything else, Mr. Carr,  
18 but I want to make it plain what our position is.

19 MR. COMYNS CARR: Yes. The Tribunal will --

20 MR. McMANUS: If the Tribunal pleases, may I  
21 suggest that questions should not be asked along those  
22 lines, or according to this diary. I request that, and,  
23 of course, I have all due respect for my learned friend,  
24 Mr. Carr. But, I am sure he understands it also and I  
25 ask your Honor to put that in the Tribunal's ruling also.

1 THE PRESIDENT: We will follow the convention,  
2 of course, from which Mr. Carr has not yet departed.

3 MR. COMYNS CARR: The Tribunal may remember  
4 that in the cross-examination of other witnesses,  
5 particular MINAMI, I and other counsel put a number  
6 of questions which were vehemently objected to on  
7 behalf of the defense, because they asserted that if  
8 questions were being put, based upon any document, the  
9 document should there and then be produced. The  
10 Tribunal ruled that the questions could be put regard-  
11 less of the source, if any, of the information provided.  
12 they were otherwise proper questions, but intimated  
13 that they would expect that at the proper time the  
14 documents on which the questions were founded should  
15 be offered in evidence.

16 THE PRESIDENT: Yes.

17 MR. COMYNS CARR: Having regard to the attitude  
18 which the defense then adopted, I am offering now to  
19 produce here and now the documents on which my questions  
20 are going to be based, if either the Tribunal or the  
21 defense desire to see them at this stage. But, if it  
22 is preferred that they should be reserved until tendered  
23 in rebuttal, if they are tendered, if it is necessary  
24 to tender them, then, of course, I do not press the  
25 offer.



THE PRESIDENT: The attitude of at least  
the majority of the Bench is as I have stated.

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1 MR. McMANUS: If the Court pleases, the  
2 defense vehemently objects.

3 MR. COMYNS CARR: There doesn't seem to be  
4 any necessity for objecting.

5 MR. McMANUS: For the prosecutor to put  
6 these questions to any witness seems as though it  
7 would be outside the scope of any affidavit which  
8 should be submitted by any individual defendant.

9 THE PRESIDENT: The objection is overruled.

10 MR. COMYNS CARR: Then, I understand the  
11 Tribunal does not desire to see the excerpts at this  
12 time?

13 THE PRESIDENT: Not until they are tendered,  
14 and they will not be admitted when tendered unless a  
15 proper foundation is laid for their admission.

16 MR. COMYNS CARR: Yes.

17 THE PRESIDENT: That is a majority decision.

18 BY MR. COMYNS CARR (Continued):

19 Q General ARAKI, in the summer of 1931, before  
20 you were appointed War Minister, were you a member of  
21 a society and prominent figure in a society known as  
22 Kokuhon-Sha?  
23

24 A Yes.

25 MR. COMYNS CARR: Your Honor, I should have  
pressed for an answer to my previous question, whether

1 General ARAKI did not meet with Foreign Minister  
2 HARADA on numerous occasions and inform him of his  
3 views.

4 MR. McMANUS: May we have the question clear-  
5 ly put to the witness, your Honor? Have the reporter  
6 read the question.

7 THE PRESIDENT: Objection overruled. The  
8 question is perfectly plain.

9 Again, I refer to the transcript, and on the  
10 basis of that transcript, we may have to take serious  
11 action.

12 A I shall reply. HARADA and I were not very  
13 close friends or acquaintances. On occasions, he  
14 dropped in all of a sudden, and usually the conver-  
15 sation related to talks on -- gossipy talks on daily  
16 topics, and not for once did I ever hear that he was  
17 going to report to Prince SAIONJI the subject or con-  
18 tents of our conversation. If Baron HARADA had in-  
19 tended to obtain information from me, then that  
20 information would have been of a very, very crude and  
21 elementary nature.

22 Only once, I think, we -- once or twice we  
23 had a very long and intimate conversation, but since  
24 the subject matter -- substance of that conversation  
25 has no relation with the proceedings here, I shall

refrain from speaking of them.

1  
2 Q Now, returning to the Kokuhon-Sha, was the  
3 accused HIRANUMA the founder and president of that  
4 society?

5 A Yes.

6 Q And, would it be right to describe it as an  
7 extreme rightist movement?

8 A Not so.

9 Q Would it be right to describe you at that  
10 time as an idolizer of HIRANUMA?

11 A Well, I don't get the point in your question,  
12 but as a senior of mine, I always respected him for  
13 his very considered -- his sound and very considered  
14 thoughts.

15 Q Were you a strong political supporter of his?

16 A The Kokuhon-Sha had no political significance  
17 or meaning whatsoever.

18 If necessary, I shall be glad to explain the  
19 motive or purpose of its establishment.

20 Q If you wish to. Briefly, I hope.

21 A It was after the great earthquake of the Kanto  
22 area, when a man by the name of NAMBA Daisuke attempted  
23 to assault the Emperor -- the person of His Imperial  
24 Majesty, the Emperor. This was the first event or  
25 incident of its kind since the foundation of Japan,

1 and we who were very much taken aback by this unex-  
2 pected outbreak all agreed that such an incident  
3 should never be repeated again. Because in as much  
4 as such an incident was a black spot in our hereto-  
5 fore "crystine" history, the purpose for the creation  
6 of that organization was to make it clear and plain  
7 to the people of Japan, as a means of safeguarding  
8 against the repetition of such an incident, that His  
9 Imperial Majesty, the Emperor, was constantly con-  
10 cerned with the happiness of the people and was there-  
11 fore not unaware of the discontent and dissatisfaction  
12 among his people.

13 Later on, I was not deeply associated with  
14 this organization, but I believe that about the only  
15 activities this organization indulged in in its later  
16 stages was the publication of some magazine.

17 Q Now, I want to ask you about the Shanghai  
18 Incident in 1932. At page 5, section 5, of your affi-  
19 davit, you say in the first paragraph that it "was  
20 initiated when in the middle of" -- the copy says  
21 "July" but you must have meant January, 1932 -- "a  
22 body of Chinese civilians assaulted a party of Japa-  
23 nese priests and either killed or wounded them." I  
24 suggest to you that it began before that, did it not?  
25

A I can't quite understand, because I did not

1 think it began before then.

2 Q As a result of what was happening in Manchuria,  
3 was there not organized by the Chinese, particularly in  
4 Shanghai, a movement for the boycott of Japanese goods?

5 A Yes.

6 Q And, did not the Japanese Foreign Ministry,  
7 on the 12th of January, 1932, announce that because of  
8 the anti-Japanese movement throughout China the Japa-  
9 nese Government was resolved to adopt drastic measures  
10 to deal with the situation?

11 A Who said that?  
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1 Q I am asking you whether the Japanese Foreign  
2 Ministry did not issue that announcemer<sup>t</sup>.

3 A I do not remember any particulars.

4 Q And did it not add that the measures might  
5 include the dispatch of increased naval landing parties  
6 or the blockade of various important Chinese ports?

7 MR. McMANUS: If your Honor pleases, the  
8 witness said that he didn't know anything about,  
9 knows nothing at all about it, and the prosecutor is  
10 testifying himself. I object to the form of the ques-  
11 tion and I object to it being written in the record.

12 THE PRESIDENT: Objection overruled.

13 Q Do you not remember that phrase being used  
14 by the Japanese Foreign Ministry?

15 A I do not know.

16 Q By the end of January were there not, in  
17 fact, more than sixty Japanese warships in various  
18 Chinese ports, including more than thirty in Shanghai?

19 A I am not familiar with naval affairs.

20 Q Between the 12th of January and the 18th of  
21 January was there not a demonstration carried out by a  
22 Japanese naval landing party and Japanese residents  
23 in which they wrecked a large number of shops owned  
24 by Chinese on the Sze-Chuang Road in Shanghai?

25 THE PRESIDENT: For the information of one

1 of my colleagues, Mr. Carr, I am assuming that you  
2 are taking the attitude that a boycott of Japanese  
3 goods in China was no justification for a war on  
4 China?

5 MR. COMYNS CARR: Yes, your Honor.

6 THE PRESIDENT: Rightly or wrongly, you are  
7 taking that stand?

8 MR. COMYNS CARR: Yes, sir. certainly; espec-  
9 ially insofar as it was provoked by the already exist-  
10 ing Japanese war on China in Manchuria.

11 MR. McMANUS: If your Honor please, may I  
12 please object to this colloquy, to its going into  
13 the record?

14 Q I suggest to you, General ARAKI, that it was  
15 not only in that attack on the Chinese shops that the  
16 incident, the trouble with regard to the Buddhist  
17 monks arose, is that right?

18 A There seems to be a request for details  
19 as to the outbreak of the Shanghai Incident. If  
20 that is desired I shall be very glad to narrate how  
21 I first came to be interested in that Incident---

22 Q One moment, General. Will you answer the  
23 question, please, before you narrate anything else?

24 THE INTERPRETER. The witness said that "I  
25 think it was the Navy Ministry, or possibly the Min-



1 ister, who made the first report of the Incident to  
2 the Cabinet."

3 Since you are inquiring about such details,  
4 I thought I should explain myself a little clearer,  
5 and by so explaining it might make the question need-  
6 less. But if you wish me to answer that question  
7 immediately, I would say I do not know.

8 Q If you don't know, then why did you state in  
9 your affidavit that this Incident was initiated by  
10 this alleged attack on the Buddhist priests?

11 A As I have just said, I became interested  
12 in the Shanghai Incident for the first time when the  
13 first report was made to the Cabinet by the Navy  
14 Ministry.

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1 Q Then was that?

2 A I think it was about the middle of January.

3 Q And did you not then know about the matters  
4 which I have asked you about?

5 A Do you mean about the priests that you asked me  
6 about?

7 Q No, not only about the priests but about the  
8 other matters I have been asking you.

9 A No, I didn't know. Such a report may have  
10 been made in the cabinet, but I don't know.

11 Q Was it your position, then, that you just  
12 picked out the incident of which the Japanese could  
13 complain and ignored all the rest?

14 A Inasmuch as the Ministry of the Navy was hand-  
15 ling all such matters, and inasmuch as the Navy Minister  
16 was the person who reported this matter for the first  
17 time, I remember his saying -- his reporting about the  
18 Buddhist priests. I think that was around -- before  
19 or after -- the 20th of January; but before that date,  
20 since the matter was entirely in the hands of the Navy,  
21 I had no interest in the matter.  
22

23 Q Did you take no interest in the public announce-  
24 ment by the Foreign Minister which I asked you about?

25 A No, it does not remain indelibly in my  
memory, because there were so many and frequent pro-

tests made to China at that time.

1 Q Do you know that on the 20th of January the  
2 Japanese COUNSUL General in Shanghai, MURAI, presented  
3 five demands to Mr. Wu, the Mayor of Shanghai?  
4

5 A At that time, no.

6 Q Did you trouble to inquire at any time what  
7 demands had been presented by the Japanese in Shang-  
8 hai to the Chinese and what answer had been received?  
9

10 A Since such details relate to something that  
11 happened around fifteen years ago, I cannot say whether  
12 such matters were asked about or not, or inquired  
13 about or not.

14 Q But you sent troops to Shanghai?

15 A Yes.

16 Q Before doing so didn't you trouble to find  
17 out the rights and wrongs of the dispute there?

18 A I was about to say that, but you asked me to  
19 wait and answer the question. That is why I didn't  
20 reply to that -- I didn't explain myself on that. May  
21 I speak of it?

22 Q Yes.

23 A I think it was about the 14th or 15th of  
24 February that Navy Minister OSUMI came to me and said  
25 that the situation in Shanghai was very threatening  
and asked for army assistance. Thereupon I asked

1 what was the matter. That was the first time I heard  
2 it. That is how I learned of it, that is, from Navy  
3 Minister OSUMI. I learned for the first time from him  
4 about the actual threatening situation in Shanghai; and  
5 I think I wrote about this in the affidavit, that the  
6 Navy also reported the matter to the cabinet and re-  
7 quested there that army reinforcements be sent, and  
8 since the matter could not be decided by myself, I  
9 brought the matter up to the General Staff, consulted  
10 with them, and came to the conclusion that there was  
11 no alternative but to comply with the request, and  
12 dispatched reinforcements.

13 THE PRESIDENT: We will recess for fifteen  
14 minutes.

15 (Whereupon, at 1045, a recess was taken  
16 until 1100, after which the proceedings were re-  
17 sumed as follows:)  
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1                   MARSHALL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed:

3                   THE PRESIDENT: The accused KAYA is still  
4 conversing with his counsel, with the Tribunal's per-  
5 mission, and will be so doing for the remainder of the  
6 morning session.

7                   CROSS-EXAMINATION

8 BY MR. COMYNS CARR (Continued):

9           Q     General ARAKI, just before the adjournment  
10 you told us that the first you heard of the Shanghai  
11 Incident was from the Navy Minister about the middle  
12 of February. A few minutes earlier you had told us  
13 that you had heard of it at a Cabinet meeting on the  
14 20th of January. Which is right?

15           A     With respect to the Buddhist priests, I  
16 heard that for the first time at a Cabinet meeting  
17 somewhere in the middle of January before or after  
18 the 20th of that month; and I learned for the first  
19 time of that -- the Buddhist priests incident at  
20 that Cabinet meeting for the first time either from  
21 the Navy Minister or the Foreign Minister. I do not  
22 remember which minister reported. Inasmuch as it was  
23 the assignment of the Navy to handle matters in that  
24 area, namely Shanghai, I was not familiar nor inter-  
25 ested in the matter until the proposal or the request

1 came from the Navy in February asking for Army rein-  
2 forcements.

3 Q Did you not, as a Cabinet Minister, consider  
4 it your duty to inquire into the rights and wrongs  
5 of action which the Navy proposed to take in Shanghai  
6 in the name of the Japanese Government?

7 A I merely placed my confidence and trust in  
8 the Navy because the matters were in charge of the  
9 Navy.

10 Q Now, you told me you did not know of the  
11 Five Demands presented to the Chinese mayor on the  
12 20th of January.

13 A Such demands may have been presented, but I  
14 have no recollection of it. That may have happened,  
15 and I should think that it did happen because most of  
16 the-- most of the protests, and there were many of  
17 them, were sent by the Foreign Ministry.

18 Q Do you know that on the afternoon of the  
19 28th of January the Chinese mayor, under protest,  
20 accepted the whole of those Five Demands, drastic as  
21 they were, and began carrying them into effect?

22 Mr. McMANUS: If the Tribunal please, I  
23 object to the form of the question.  
24

25 THE PRESIDENT: Objection overruled.

A I have no recollection.

1 Q Do you know that, in spite of that, at  
2 eleven p.m. that same night the Japanese Navy landed  
3 reinforcements and attacked the Chinese?

4 A As I have said before, I do not recall;  
5 and, even though you might ask me many details, I  
6 cannot say that I remember each and all of them.

7 Q If those things are true and you had known  
8 of them, would you still have sent troops to Shanghai  
9 to help the Navy?

10 MR. McMANUS: I object to the question, if  
11 the Court please.

12 THE PRESIDENT: Objection upheld. You need-  
13 n't answer, witness.

14 Q Now, was TAKAHASHI, the Finance Minister,  
15 your colleague in the INUKAI Cabinet?

16 A Yes.

17 Q Was he a truthful person?

18 A I should think everybody spoke the truth.

19 Q Including TAKAHASHI?

20 A Yes, I think so; I believe so.

21 Q On or about the 17th of February did you say  
22 to him with regard to Shanghai that, if the Chinese  
23 didn't retreat twenty kilometres, you would continue  
24 to batter?  
25

A Whether I made such a statement on that

1 particular day or not, I do not remember; but I am  
2 of the belief that, if that did not happen, war would  
3 have broken out on a larger scale. The hostilities  
4 concerned Japan and China; and, even though the word  
5 "Sino-Japanese" was used, the Army that was engaged  
6 on the Chinese side was the 19th Route Army which was  
7 not under the direct command or under the jurisdiction  
8 of the Nanking Government -- which was not always  
9 under the direct command or jurisdiction of the Chi-  
10 nese Government at Nanking. If that 19th Route Army  
11 withdrew twenty kilometres at that time, then the  
12 international obligations as they related to the  
13 Shanghai area would be fulfilled, the Shanghai Inci-  
14 dent settled, and a safety zone created.

15 Q Did you express the view to TAKAHASHI that,  
16 in order to recover the Army's prestige, the Army  
17 must be sent to Shanghai to shoot?

18 A That couldn't possibly have happened.

19 Q Did that correctly represent the situation?

20 A I do not know the source. If TAKAHASHI is  
21 alleged to have made such a statement, he would be  
22 entirely in the wrong. That is not true because, if  
23 that was the case, TAKAHASHI would never have agreed.

24 Q Did you say of TAKAHASHI to HARADA on the  
25 7th of November, 1932 that he was a splendid man?



1           A    I do not remember the date nor whether I  
2 ever made such a statement; but, until his death, I  
3 respected him very highly.

4           Q    Now, on the same page 5, paragraph 5, of  
5 your affidavit, the last paragraph but one, you say,  
6 with regard to Shanghai, "I consulted on this matter  
7 the Chief of the General Staff, and we agreed to con-  
8 form with the government policy by despatching a  
9 minimum force." On the 6th of December, 1932 did  
10 you say this to HARADA --

11                   Language Division, can you use the Japanese  
12 copy that you have?

13           THE MONITOR: No, we do not have the Japan-  
14 ese copy of HARADA.

15           MR. McMANUS: If the Court pleases, of  
16 course I do not object to what General ARAKI said  
17 to HARADA or anyone else if he knew him at the time.  
18 However, if he bases his questions on conclusions  
19 and ideas and statements of another man, first of  
20 all, I think, the proper question should be, did  
21 the witness know HARADA, and then proceed from there  
22 on.

23           THE PRESIDENT: Need I state at this stage  
24 of the development of the law that, if the man says  
25 a thing to a perfect stranger, that perfect stranger

1 may state what he said in court if it be relevant  
2 and material? And this witness said that he knew  
3 HARADA.

4 MR. COMYNS CARR: Language Division, have  
5 you found it now: entry dated 6 December, 1932 from  
6 Chapter 65?

7 THE MONITOR: No, we don't have the Japanese  
8 copy, Mr. Carr. We will just translate.

9 MR. COMYNS CARR: All right.

10 BY MR. COMYNS CARR (Continued):

11 Q On that day, the 6th of December, 1932,  
12 did Baron HARADA come to see you and did the conver-  
13 sation turn upon the Jehol operations?

14 A I do not remember when I met Baron HARADA,  
15 and I do not know by the question alone what subjects  
16 were discussed.

17 Q I have put to you that the subject under  
18 discussion was Jehol and the proposed operations  
19 there.

20 A I do not know.

21 Q Did you not say this: "If we should con-  
22 tinue to limit our troops to Jehol to those at pre-  
23 sent there, wouldn't it be a repetition of the  
24 Nikolaevsk Incident?"

25 A I don't recall.

1 Q Did you go on to say, "Let us deal with  
2 this situation as we did in the Shanghai Incident"?

3 A Well, even if that should be an entry in  
4 HARADA's diary, I do not know when or where and how  
5 such conversation took place. I have no recollection.

6 Q I have suggested to you that it took place  
7 on the 6th of December, 1932 and that HARADA visited  
8 you, I cannot suggest where, but, presumably, the  
9 War Ministry. And I suggest that you went on to say,  
10 after the passage I read --

11 MR. McMINUS: If the Court pleases, I object.  
12 I object to the prosecutor reading anything other  
13 concerning that particular point because the witness  
14 says he knows nothing at all about it, and there  
15 should be nothing contained in the record concerning  
16 that particular meeting because the witness knows  
17 nothing at all about it. Your Honor, Mr. Carr tried  
18 to refresh the witness' recollection on several occa-  
19 sions. It is apparent to the Tribunal that the wit-  
20 ness knows nothing about this conversation, so why  
21 proceed with some statement that the prosecutor has  
22 here to be read into the record?

23 THE PRESIDENT: We are now dealing with  
24 another occasion, and Mr. Carr is at liberty to re-  
25 fresh the memory of the witness by pointing out the

1 time and place and the nature of the conversation.

2 Q Did you, after the reference I have put to  
3 you to the Shanghai Incident, that is, "deal with it  
4 as we did in the Shanghai Incident" -- did you go on,  
5 "that is, finish the matter in the shortest possible  
6 time by sending a large force"?

7 A Inasmuch as Baron HAKADA paid visits upon  
8 me quite unexpectedly and, after indulging in some  
9 conversation, left immediately, it is difficult for  
10 me to recall when and what kind of talk was held be-  
11 tween us except on special occasions.

12 Q Did you say that or not?

13 A I have already replied. I said I do not  
14 know. It is not in my memory. Is not that reply  
15 sufficient?  
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1 Q Did you go on to say that you were?

2 THE PRESIDENT: Mr. Carr, as a colleague re-  
3 minds me, you have a duty to put to this witness  
4 matters which you intend to prove later. I think you  
5 have discharged that duty very fully. In view of his  
6 attitude I think it is only a matter of form to put  
7 these things to him.

8 MR. COMYNS CAR?: If your Honor pleases, it  
9 does go on to another matter and I thought perhaps it  
10 would be fair to give him an indication of that --  
11 another aspect of this matter.

12 THE PRESIDENT: It is sufficient to put each  
13 matter shortly. It is not fully appreciated that you  
14 are doing all this in fairness to the accused.

15 Q Did you say, with regard to Shanghai, that  
16 the army did not want to send men there?

17 A To whom?

18 Q To HARADA, on this same occasion.

19 A Well, I can't possibly reply because as I have  
20 said before I do not recall or remember any of the  
21 conversations which I have had with HARADA, and there-  
22 fore I can't make any positive reply.

23 Q Was it a fact that the army did not want to  
24 send men to Shanghai?

25 A Yes.

Q Why not?

1 A Well, my views were that it was meaningless  
2 to conduct warfare and since the navy was handling  
3 the matter at the time the much-desired hope was that  
4 the navy would put an end to the affair without any  
5 need for the army going into action, and on that ac-  
6 count the army did not want to send troops to that  
7 front for the navy's purpose.

8 As additional explanation, I might say that  
9 the General Staff office had no plan with respect to  
10 sending forces or conducting operations in the Chinese  
11 Republic and it was a difficult matter whether the  
12 high command would agree to anything of that sort.

13 Q Was not the real truth this: that you knew  
14 about the circumstances I have been putting to you  
15 at Shanghai, you knew that the Japanese navy was in  
16 the wrong there, and you did not want to pursue it?

17 A What I said is the truth. I have never  
18 thought of that. I have never even considered such  
19 matters. I never even thought of matters as you have  
20 stated. Neither do I think that the navy was in the  
21 wrong.

22 Q Did you complain to HARADA that the Foreign  
23 Ministry gave you no credit for having secured a quick  
24 settlement at Shanghai?  
25

1           A    May I have that question re-translated?  
2                    (Whereupon, the last question was  
3           re-translated by the interpreter.)

4                    As I have repeatedly said, I do not remember  
5           anything that I have said to HARADA at any time, and  
6           if it might be something specific, I might recall, but  
7           I do not know whether I made specifically such state-  
8           ments to him. I might have said certain things to  
9           other people, but I do not recall my conversations with  
10          Baron HARADA.

11           Q    Well, see if you remember this rather strik-  
12          ing phrase. Did you go on to say that under those  
13          circumstances it was no use for you to try to behave  
14          yourselves?

15           MR. McMANUS: If your Honor pleases, I object  
16          to the question as being entirely irrelevant.

17           THE PRESIDENT: The objection on that ground  
18          is overruled.

19           MR. McMANUS: May I make it on other  
20          grounds, if the Court pleases?

21           THE PRESIDENT: You are supposed to state all  
22          your grounds at the same time. No. You are not  
23          allowed to argue piecemeal.

24           MR. McMANUS: If your Honor pleases, I pre-  
25          sume the prosecutor is basing his questions on HARADA's

1     Memoirs. The document is not in evidence, many of  
 2     the statements there are conclusions and also  
 3     opinions --

4             All right, I retire.

5             THE PRESIDENT: Yes, Mr. Carr?

6             MR. COMYNS CARR: Your Honor, if the Tribunal  
 7     thinks I have put more than is necessary of this --  
 8     I do not want to go on longer than is necessary to  
 9     give him the opportunity of dealing with the matters  
 10    if he can. I am certainly not desirous to take up the  
 11    time of the Tribunal by reading it now simply for the  
 12    sake of reading it.

13            THE PRESIDENT: We hesitate to interfere  
 14    where counsel is plainly acting within his rights as  
 15    you are, Mr. Carr, but it does occur to us that this  
 16    witness is taking up a general attitude about these  
 17    matters and that the prospects of cross-examination  
 18    being of much assistance are very dim.

19            MR. COMYNS CARR: I will leave that topic,  
 20    your Honor, and come to a different one.

21            Q     General ARAKI, on pages 12 and 17 of your  
 22    affidavit you refer to the advice that you received  
 23    on international law before agreeing to recognize the  
 24    independence of Manchukuo. From whom did you get  
 25    that advice?



1 A From the Foreign Minister.

2 Q Did you not ask or know from what legal  
3 authorities he had obtained his advice?

4 A I think an outline on such a matter was  
5 brought up.

6 Q Did you know that two international lawyers  
7 of, I think, English nationality, Dr. T. te and Dr. Batey,  
8 were consulted by the Japanese government on the point?

9 A I do not recall.

10 You mean that I spoke to them, consulted them,  
11 or they told me?

12 Q I am not suggesting that they told you per-  
13 sonally but I am suggesting that their advice was  
14 before the cabinet of which you were a member.

15 A I have no recollection but are these two men  
16 that you have just mentioned advisors or some extra  
17 official employees of the Foreign Office?

18 Q I suggest that they were international lawyers  
19 living in Japan who were regularly consulted by the  
20 Foreign Office.

21 A I understand the question.

22 MR. McMANUS: If the Tribunal please, I think  
23 it is clearly stated in the affidavit of the witness  
24 that he had nothing at all to do with diplomatic affairs.  
25 I think this is outside the scope of the affidavit and

1 I object to the question.

2 THE PRESIDENT: It is difficult to say what  
3 is outside the scope of an affidavit in which the  
4 accused affirms that he did not conspire with any  
5 of the accused. This question is within the scope  
6 of the affidavit undoubtedly.

7 MR. COMYNS CARR: Your Honor, might I just  
8 remind the Tribunal, it is not necessary on this occa-  
9 sion but in case it should be on any other, that the  
10 Tribunal has already stated sometime back that in  
11 the case of an accused cross-examination would not  
12 necessarily be limited to the scope of the affidavit.

13 THE PRESIDENT: I am satisfied to deal with  
14 the matter on the grounds raised.

15 Q Was NIKAHASHI the Home Minister in the  
16 INUKAI cabinet and a colleague of yours?

17 THE MONITOR: How do you spell that, sir?  
18 Will you spell it?

19 MR. COMYNS CARR: N-I-K-A-H-A-S-H-I.

20 THE MONITOR: Mr. Carr, there is no such  
21 Japanese name. Is it N-A-K-A?

22 MR. COMYNS CARR: It may be. I may have got  
23 it spelled wrong on this. Yes, NAKAHASHI -- N-A.

24 A If it was NAKAHASHI, Tokugoro, then he was a  
25 colleague of mine in the same cabinet.

1 Q Yes. Now, I am going to put it to you quite  
2 shortly that the opinions of these two lawyers were  
3 known to the cabinet, that they were both unfavorable,  
4 that they were both to the effect that the proposed  
5 establishment of the independent Manchukuo by Japan's  
6 aid and recognition of it would be breaches of inter-  
7 national law. I should add that that was before the  
8 cabinet in February, 1932.

9 MR. McMANUS: May we have the question, your  
10 Honor?

11 THE PRESIDENT: I understand that is a ques-  
12 tion. If the witness is in doubt we will assist him.

13 Q Is not that right, Witness?

14 A Does the question relate to this: that  
15 whether or not I know that these two international  
16 lawyers submitted such an opinion to the cabinet --

17 Q In February, 1932.

18 A I understand the question, but I do not know.

19 Q About the 11th of March, 1932, did you attend  
20 a cabinet meeting and was not it then decided that in  
21 view of the possibility of this being a violation of  
22 the Nine-Power Pact, recognition should be postponed,  
23 at least on the surface, for the time being?

24 A May I have it repeated? I did not get the  
25 whole question.

1 (Whereupon, the last question was  
 2 read by the Japanese court reporter.)  
 3 I do not remember at which cabinet meeting  
 4 this happened but I am aware of the fact that a policy  
 5 decision of that nature was made.  
 6 The question of international law has just  
 7 come up and there were many international problems,  
 8 but I think the action and policy of the INUKAI  
 9 Cabinet at that time was that it was a continuance of  
 10 the right of self-defense, and that such a right of  
 11 self-defense should be continued to be invoked as long  
 12 as threats or dangers existed, and that there was the  
 13 possibility yet of the trouble spreading even into  
 14 Japan proper. I think that was one of the internation-  
 15 al law questions existing at the time.  
 16 THE PRESIDENT: Are you suggesting that the  
 17 establishment of Manchukuo as an alleged independent  
 18 state was a measure of Japan's self-defense?  
 19 THE WITNESS: No, that is not so. I have  
 20 just expressed the views entertained by the inter-  
 21 national lawyers.  
 22 Now, with respect to the independence of  
 23 Manchuria and the establishment of the independent  
 24 state of Manchukuo, the views entertained by the  
 25 international lawyers on this score was that inasmuch

as this was created as a result of a split within  
1 a nation, it would not be illegal for even a party  
2 to the Nine-Power Pact to grant recognition to that  
3 state, that new state, and this matter was on the  
4 agenda a number of times, and I think if I remember  
5 correctly the Foreign Minister at the time, Count  
6 UCHIDA, gave a full explanation of Japan's position  
7 on the matter following the recognition of Manchukuo  
8 when he spoke before the Diet.

9 THE PRESIDENT: We will adjourn until half-  
10 past one.

11 (Whereupon, at 1200, a recess was  
12 taken.)  
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.  
MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Comyns Carr.

- - -

S A D A O A R A K I, an accused, resumed the stand  
and testified through Japanese interpreters as  
follows:

CROSS-EXAMINATION

BY MR. COMYNS CARR (Continued):

Q General ARAKI, in 1933 did you publish a book  
which is about to be shown to you?

Please show it to the witness.

THE WITNESS: I should like to inquire of  
you, Mr. Prosecutor, has the question and answer which  
was going on just before the recess been concluded?  
I was asked about NAKAHASHI, Tokugoro, and I replied  
to the question. I should like to know whether you  
have concluded that subject matter.

THE PRESIDENT: You appeared to have finished  
your answer and unless you are asked another question  
we do not wish to hear further from you on that matter.

1 THE WITNESS: No, it was not clear to me  
 2 whether the question concerning NAKAHASHI, Tokugoro,  
 3 had been completed or not. That is why I made this  
 4 inquiry.

5 A This book was not published by me. I think  
 6 this book was published by an instructor of a normal  
 7 school by the name of SHIBUI after putting together a  
 8 number of press stories, press articles and magazine  
 9 articles on subjects on which I was supposed to have  
 10 made talks.

11 Q Did you make the talks?

12 A I would not be able to explain unless the  
 13 newspapers and magazines which were actually used in  
 14 editing this book are shown to me.

15 Q I propose to show you a page of the book  
 16 which purports to report a speech by you on the 21st  
 17 of February 1933. I want to draw your attention to  
 18 page 84 of that book.

19 Will this gentleman please show him where the  
 20 passage is?

21 MR. McMANUS: If the Court pleases, I have no  
 22 objection to this document and I propose that possibly  
 23 my learned friend might not have any objection to such  
 24 a document upon the part of the defendant.

25 Q Did you make the speech and utter the words

1 there shown to you?

2 A This does not appear to be a speech.

3 Q What does it appear to be?

4 A Will you wait just a moment? I am scanning  
5 through to see what it is all about because it appears  
6 to have been taken from something or other which I do  
7 not know about. Will you give me just a few moments?

8 Yes, I have seen it.

9 Q In that document, whatever it is, did you say  
10 this, at page 84, the passage shown to you:

11 "For what purpose does the League exist?

12 "Doesn't the League exist for the sake of  
13 world peace?

14 "Doesn't the Nine-Power Treaty exist for  
15 the sake of the peace of the Far East? If the League  
16 of Nations should be such as to suit the convenience  
17 of only Europe and America we wish to be excused from  
18 same. If the Nine-Power Treaty seeks only the conven-  
19 ience of the rights and interests of themselves we  
20 must give it a flat refusal."

21 Is not that what you wrote -- said or wrote?

22 A It appears that the interpretation now given  
23 from the English into Japanese appears to be somewhat  
24 different from what I am reading from this book. Al-  
25 though I seem to be insisting on a little too much,



1 I should like to have the question repeated.

2 (Whereupon, the question was read  
3 by the Japanese court reporter.)

4 MR. McMANUS: May I request at this time, if  
5 the Tribunal pleases, that the witness from the box  
6 read it in Japanese and that it may be translated  
7 into English.

8 MR. COMYNS CARR: Language division, you have  
9 a copy of the actual Japanese text of the book. Please  
10 use that. Read it to him in the text as you have it  
11 from the Japanese.

12 THE MONITOR: Mr. Prosecutor, may we have the  
13 document number?

14 MR. COMYNS CARR: 2406.

15 A Substantially it is all right although there  
16 seems to be a phrase missing in what was read by the  
17 interpreter.  
18

19 I understand now.

20 MR. COMYNS CARR: I ask now that the book be  
21 received in evidence.

22 THE INTERPRETER: The witness just said: I  
23 do not know whether the English rendition of that  
24 passage is accurate or not. I have not been told to  
25 that effect.

MR. McMANUS: Might I inquire, if the Court

1 pleases, whether or not any other excerpts are going  
2 to be offered from this book; after all, the prosecutor  
3 offered the book into evidence.

4 THE PRESIDENT: The rules as to processing  
5 and serving of documents apply only where they are  
6 tendered not in the course of cross-examination or re-  
7 examination.

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1 MR. McMANUS: If the Tribunal pleases, we  
2 have no objection. We want the entire truth and facts  
3 to come out here right from the witness box and right  
4 in the courtroom.

5 THE PRESIDENT: Mr. McManus' conduct is most  
6 disorderly. He is not behaving like a lawyer today.  
7 We are under great restraint. At this stage of the  
8 case we are reluctant to take any drastic action, and  
9 we will avoid it as far as possible.

10 The document is admitted on the usual terms.

11 MR. McMANUS: I think that calls upon my part  
12 for an apology. I do apologize if I have offended the  
13 Court. I must say it has been possibly due to an over-  
14 zealousness upon my attitude to defend my client.

15 THE PRESIDENT: We are greatly relieved to  
16 receive your apology, and we commend you for it,  
17 Mr. McManus.

18 MR. McMANUS: Thank you.

19 CLERK OF THE COURT: The book, written in  
20 Japanese, entitled, "Pertaining to the Whole Japanese  
21 Nation," will receive exhibit No. 3164.

22 MR. COMYNS CARR: And now I tender--

23 THE WITNESS: I may be going forward insisting  
24 a little bit too much. I may be causing trouble on  
25 the part of this Tribunal, but in order to evade any

1 possible misunderstanding, I should like to know  
2 whether the English rendition of the passage just read  
3 to me by the prosecutor is an accurate rendition of  
4 what appears in the book. I say this because often  
5 there are many mistakes caused during translation or  
6 interpretation of documents.

7 THE PRESIDENT: The matter will be referred  
8 to the Language Section.

9 MR. COMYNS CARR: I now tender in evidence,  
10 on one sheet of paper, four excerpts from that book,  
11 one being the one I have just read, and I shall be  
12 reading the other three in due course.

13 THE PRESIDENT: The book, I suppose, should  
14 be marked for identification.

15 MR. COMYNS CARR: It has been, I understand.

16 THE PRESIDENT: No, it was tendered outright,  
17 not objected to, admitted. But it is really tendered  
18 for identification. Mark it such.

19 CLERK OF THE COURT: Correction: The book  
20 written in Japanese entitled "Pertaining to the Whole  
21 Japanese Nation" will receive exhibit No. 3164 for  
22 identification only.

23 THE PRESIDENT: The four excerpts are admitted  
24 on the usual terms.

25 CLERK OF THE COURT: And the four excerpts

1 therefrom, being prosecution document 2406, will  
2 receive exhibit No. 3164-A.

3 (Whereupon, the book above referred  
4 to was marked prosecution exhibit No. 3164  
5 for identification; and the excerpts therefrom,  
6 being document No. 2406, were marked prosecution  
7 exhibit No. 3164-A and received in evidence.)

8 MR. COMYNS CARR: Have the copies been dis-  
9 tributed?

10 CLERK OF THE COURT: Yes, sir.

11 THE PRESIDENT: We each have 3164-A.

12 MR. COMYNS CARR: I understand there are some  
13 surplus copies for the defense.

14 MR. McMANUS: I suppose, if the Tribunal  
15 pleases, that I should object. I think I have a valid  
16 objection. But I refrain from doing so, with the hope  
17 that reciprocation might be extended also from the  
18 prosecution.

19 THE PRESIDENT: The four excerpts are on one  
20 sheet. Are you going to read these, Mr. Carr?

21 MR. COMYNS CARR: I shall be reading the other  
22 three, but not at this moment, your Honor.

23 Q On or about the 21st of August, 1932, did  
24 you have a conversation with Prince KONOYE about a  
25 suggestion that the Manchurian affair should be settled

by direct negotiations between Japan and China?

1           A    If, as you have been doing in the past,  
2 mentioning dates, it is very difficult for me to  
3 recall any particular dates. Are you referring to  
4 Baron HARADA?

5           Q    No, Prince KONOYE.

6           A    I have no recollection. I do not remember  
7 about any meeting in a particular month and on a  
8 particular date of that month.

9           Q    Do you remember having a conversation at any  
10 time in 1932 with KONOYE about a suggestion from the  
11 Chinese ambassador that the whole matter should be  
12 settled by direct negotiations between China and  
13 Japan?

14           A    I do not remember, but don't you think  
15 Prince KONOYE was ignorant of such matters? He was  
16 then a president of the House of Peers.

17           THE MONITOR: Wasn't he a president of  
18 the House of Peers at that time?

19           A    (Continuing) I do not recall the subject  
20 matter just brought up.

21           Q    Did you disagree with that suggestion?

22           THE PRESIDENT: He says he does not  
23 recollect it, Mr. Carr.

24           Q    Did you say words to this effect, that you  
25

1 were in favor of creating a situation in which Japan  
2 would wage a war against the whole world when Japan  
3 became isolated from the rest of the world as the  
4 result of the deliberations of the League of Nations?

5 MR. McMANUS: I object to the question and the  
6 statement, in view of the witness' answer, if the  
7 Court please.

8 THE PRESIDENT: When he professes ignorance  
9 of the whole of a subject matter, I do not think you  
10 should continue to cross-examine as to parts of that  
11 subject matter.

12 MR. COMYNS CARR: If your Honor pleases, I  
13 was only making sure that I had laid the foundation  
14 for evidence on the subject.

15 MR. McMANUS: If your Honor pleases, I press  
16 my objection.

17 THE PRESIDENT: The objection 's upheld.  
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1 Q Now, would you look, General, at page 118 of  
2 the book which you have seen before? Let this gentle-  
3 man find the page for you. Are you there using these  
4 words -- please read, Language Division, from docu-  
5 ment 2406, page 118 -- "It must be, at present, the  
6 first resolution toward the Manchurian question to  
7 let Europe and America understand the existence of a  
8 spirit whereby we shall push ahead by brushing every-  
9 thing aside, in the event of anyone laying obstacles  
10 in our way"?

11 A Yes.

12 Q And, then, please turn to page 21 of the  
13 book. Did you there say this: "Various countries of  
14 the Far East have been the objects of oppression by  
15 white races. The awakened Imperial country, Japan,  
16 cannot tolerate their high-handedness anymore. It is  
17 the duty of the Imperial Japan resolutely to oppose  
18 the action of any power, so long as it is against the  
19 Imperial policy"?

20 A It is so written.

21 MR. COMYNS CARR: Did he say, "It is so  
22 written"?

23 THE INTERPRETER: Yes, sir.

24 LANGUAGE ARBITER (Major Moore): Mr. Presi-  
25 dent, the answer to the former question came through



1 as "Yes." It should have been, as this one, "It is  
2 written there."

3 THE PRESIDENT: Thank you, Major.

4 BY MR. COMYNS CARR (Continued):

5 Q And, is it written, General, from a speech  
6 or writing of yours?

7 A I think it was taken from somewhere.

8 Q Well, from something that you had produced?

9 A As I have said before, it is obvious that  
10 this book was created after articles taken from news-  
11 papers, magazines, portions taken out of books and  
12 lectures, piecemeal, were put together in this book.

13 Q But, all things said by you?

14 A I have not given this book a very careful  
15 scrutiny, but at the time when this -- the matter of  
16 publishing a book of this kind was brought up, I told  
17 the party who was publishing the book that in case  
18 certain parts are to be extracted and used in this  
19 publication, the source of those particular extracts  
20 should be given in a footnote or in some form.

21 Q And, is it given?

22 A What do you mean?

23 Q Is the source given in the book?

24 A No, it is not mentioned.

25 Q Did you see the book immediately after it had

been published, at the time?

1           A    Yes, I think it was sent to me immediately  
2 after it came off the press and, of course, since it  
3 concerns something which I wrote or spoke about, I  
4 did not give it any close scrutiny or study, but at  
5 that time, I did tell him, "Why didn't you put in  
6 footnotes or some other indication of the source of  
7 the material used?" But, being of such detail, I  
8 left it at that.

9  
10           Q    Did you dispute, at the time, the accuracy  
11 of any part of it as not being things you said?

12           A    I have not gone into such details.

13           Q    Now, will you turn to page 27 of the book?  
14 Do you find there these words: "Unnecessary to say,  
15 the Imperial Army's spirit lies in exalting the Im-  
16 perial Way and spreading the National Virtue. Every  
17 single bullet must be charged with the Imperial Way  
18 and the end of every bayonet must have the National  
19 Virtue burnt into it. If there are any who oppose the  
20 Imperial Way or the National Virtue, we give them an  
21 injection with this bullet and this bayonet"?

22           A    It is so written.

23           Q    And, did you say it?

24           A    I should like to have you read a little  
25 further on if you want to get the full import.

1 Q If you wish to read any further, please do.

2 MR. McMANUS: If your Honor pleases, I have  
3 no objection to the witness reading further on, but  
4 I certainly think that the affidavit of the witness  
5 covers this whole situation.

6 Q What is it that you want to read, General?

7 INTERPRETER: This is a rough translation:  
8 "However, before such an injection, there would be  
9 no need to see blood if there is any reflection or  
10 reconsideration."

11 A (Continuing) I should like to state further  
12 that inasmuch as I did not actually write the  
13 article by my own hand, some phraseology used is very  
14 sharp.

15 With regard to press articles and magazine  
16 articles, I think for the purpose of selling these  
17 publications for commercial purposes the state of  
18 affairs in the country were taken into consideration  
19 and, in parts, strong words were used. But generally  
20 speaking, although I have not glanced through and read  
21 the entire book, the thoughts I had in mind were sub-  
22 stantially reproduced.

23 Q Now, then, I want to ask you one or two more  
24 questions about Jehol. At a cabinet meeting of the  
25 13th of February, 1933 -- Language Division, please

1 turn to this date in the memoirs, the last part of it.  
2 Was it decided that the Jehol issue should be looked  
3 upon, in all respects, as involving insurgents? In  
4 other words, they, that is the Japanese Army, are not  
5 going to attack Chinese regular troops but will attack  
6 these so-called bandits.

7 MR. McMANUS: If your Honor pleases, may we  
8 have a clarification of that question?

9 THE PRESIDENT: It could only be clarified  
10 by repeating it. I can see nothing left obscure, but  
11 if the witness wants it repeated in another form, let  
12 him ask.

13 A Shall I reply to that last question?

14 Q Yes.

15 A Well, it seems another date sometime in Feb-  
16 ruary has come up again. Can you tell me where and  
17 to whom such a statement was made?

18 Q I am suggesting that that was the decision  
19 of the cabinet meeting that day, of which you were a  
20 member.

21 A There was no decision to the effect as just  
22 phrased.

23 Q Was that --

24 A (Continuing) From the context of what was just  
25 read to me, I should think that it developed from the

1 policy which was decided and that was that action will  
2 be limited to the subjugation of banditry, and all such  
3 action was taken by Japan in accordance and on the  
4 basis of the Japan-Manchukuo Protocol. Before the  
5 Jehol issue was brought up, the decision of the cabi-  
6 net was, if I remember this correctly as a fact, to  
7 prevent the issues between Japan and China from  
8 developing into a war.

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1 Q Was not the real decision this: That in  
2 order to avoid, if possible, further trouble with  
3 the League of Nations, the campaign in Jehol should  
4 be described as one against insurgents and so-called  
5 bandits and not against the regular Chinese troops?

6 A What is meant by the word "described" or  
7 "description"?

8 Q It should be described by the Japanese Army  
9 and Government.

10 A That question was not clear to me. May I  
11 have it repeated clearly? I should like to have the  
12 question put to me clearly in different language, if  
13 possible.

14 Q Did not the Japanese Cabinet on the 13th of  
15 February, 1933 decide that in order to avoid further  
16 trouble with the League of Nations, the campaign in  
17 Jehol should be described as being one against insurgents  
18 and so-called bandits, and not against Chinese regular  
19 troops?

20 THE PRESIDENT: The word "described" gave the  
21 witness trouble. Substitute "represented" for "described."

22 A From the manner in which that particular passage  
23 was written, it appears to sound to me as an insult  
24 not only against Japan as a nation, but against the  
25 Cabinet and the Army as well. If Baron HARADA is alleged

1 to have written that, it would have been -- it would  
2 be his own private and subjective views.

3 I will state this: That the discussion of the  
4 Cabinet and the decision of the Cabinet was that all  
5 action should be taken on the basis of the Japan-  
6 Manchoukuo Protocol, and the problem which was then  
7 under consideration was with regard to the scope --  
8 was with regard to deciding on the scope of the action  
9 and I do not think it involved anything vis-a-vis, as  
10 regards bandits or Chinese regulars or something else.  
11 The Cabinet decision was that inasmuch as this was an  
12 internal problem of Manchoukuo -- But, since the Japanese  
13 Army was taking action, the Cabinet decision, if I  
14 remember correctly, was to the effect that such action  
15 should be so calculated as it would not lead to any  
16 outbreak between Japan and China -- that it would not  
17 lead to a general hostilities between Japan and China.

18 Q At this same meeting was not the question of  
19 the reply to the note from the League of Nations and  
20 the question whether Japan should withdraw from the  
21 League of Nations also being considered?

22 A I do not recall.

23 Q And I suggest to you that this proposed  
24 representation of the Jehol campaign was decided upon  
25 in order not to complicate, at that moment, the

difficulties with the League of Nations.

1  
2 MR. McMANUS: I ask for a question, if the  
3 Court please, rather than a suggestion to the witness  
4 what is to be the answer.

5 THE PRESIDENT: Treat that as a question.

6 THE WITNESS: Shall I reply?

7 THE PRESIDENT: Yes, if you understand the  
8 question.

9 A I am now merely guessing at the question, but  
10 I do not now recall whether there was such a cabinet  
11 meeting at the time. This is merely a guess at the  
12 question, and, although I do not think I am mistaken  
13 in my understanding, I do not recall whether there was  
14 such a cabinet meeting at that time.

15 Q All right. Now, was not the actual effect  
16 of the Jehol campaign to drive the Chinese regular  
17 troops out of Jehol?

18 A May I have it repeated? I could not hear the  
19 question.

20 (Whereupon, the last question was read  
21 by the Japanese court reporter.)

22 A Well, I do not know how many Chinese regular  
23 troops there were, but I am not familiar with the actual  
24 operations. Well, if Chinese regulars were there, that  
25 would be the case. From the operational order I can



1 presume that if the Chinese regulars came into Jehol  
2 and created disturbances in that area -- that if the  
3 Chinese regular troops came into Jehol and hindered  
4 the task of pacification and subjugation in that area,  
5 then military action would be taken to clean them up.

6 If I might add a little more; Jehol became  
7 a part of the State of Manchoukuo -- Inasmuch as Jehol  
8 became a part of the State of Manchoukuo, if Chinese  
9 troops came into the State and took a challenging and  
10 provocative attitude, then the troops on the Manchoukuo  
11 side would naturally resort to military action to subdue  
12 or to drive them out.

13 MR. McMANUS: May I suggest, your Honor, that  
14 the last answer, the one before this, of the witness be  
15 submitted to Major Moore?

16 THE PRESIDENT: It is referred to the Language  
17 Section.

18 A (Continuing) Will you repeat that?

19 Q Was not the true situation this: That as you  
20 told us in your affidavit, after you drove Chang Hsueh-  
21 liang out of China, he established himself in Jehol and  
22 after that you drove him out of Jehol?

23 A That is a difficult question to answer. I  
24 have already definitely replied that the Jehol question  
25 was a purely domestic question of Manchoukuo and that

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action was taken on the basis of the Japan-Manchoukuo Protocol, and, inasmuch as it was a domestic issue of Manchoukuo, it was not for us to interfere.

MR. COMYNS CARR: Well, I am now going to ask questions -- Language Section, please -- on IPS document No. 620-P, which you have in English and Japanese. If you find it, may it be shown to the witness and the relevant passage found and shown to him.

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

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1 Q Now, General, is that book -- look, first of  
2 all, at the cover -- the Great Manchurian Diary of the  
3 Japanese Army for the year 1933?

4 A Yes, the title is "Manchuria Secret Diary,  
5 Showa 8, 1933."

6 Q Yes.

7 Now, would you turn to the page which was  
8 shown you before. Is that a telegram and does it bear  
9 your personal signature, bearing the date completed  
10 April 8, 1933?

11 A What was the question?

12 Q The question is, Is that a telegram dated  
13 April 8, 1933, and does it bear your personal signature?

14 A April 8? I can't find the date.

15 Q Do you find your personal signature?

16 A I don't notice the date. In another section  
17 it says "March 11."

18 Q Don't trouble about the date. Do you find  
19 your personal signature on the document?

20 A Yes.

21 Q Now follow it as it will be read to you.

22 MR. McMANUS: I object to the reading, if  
23 the Court please. The book has not been marked into  
24 evidence, and I object to it being marked into evidence.  
25

MR. COMYNS CARR: I am obliged to my friend.

1 I offer the book for identification.

2 CLERK OF THE COURT: The book, written in  
3 Japanese, entitled "Secret Manchurian Diary" will re-  
4 ceive exhibit number 3165 for identification only.

5 (Whereupon, the document above referred  
6 to was marked defense exhibit 3165 for identifica-  
7 tion.)

8 MR. COMYNS CARR: Now I tender the excerpt,  
9 which the witness agrees has his personal signature,  
10 in evidence.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution document No.  
13 620-P will receive exhibit No. 3165-A.

14 (Whereupon, the document above referred  
15 to was marked defense exhibit 3165-A and received  
16 in evidence.)

17 MR. COMYNS CARR: I will read only the bottom  
18 part of the document:

19 "Original Telegram Handwritten.

20 "Minister - Signature of ARAKI, Vice Minister -  
21 Signature of YANAGAWA.

22 "Bureau Chief - Signature of SHIGEATSU,  
23 Section Chief - Signature of YAMASHITA.

24 "Member of the Section - Signature of SUZUKI.

25 "Re: Congratulations to Manchukuo. Telegram

1 from the Minister to the Commander of the Kwantung Army.

2 "By the close cooperation of the Japanese and  
3 Manchurian Armies, we had a great success in clearing  
4 JEHOL of bandits. Together with our congratulations  
5 on the fact that the foundation of Far Eastern Peace  
6 has been already built up, we express our deep gratitude  
7 for the great activity of the officers and men. Please  
8 report the above message to the Manchurian Army."

9 Q Now, General, on the 15th of February, 1933,  
10 was it discussed at a cabinet meeting whether Japan  
11 should withdraw from the League of Nations?  
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1           MR. McMANUS: I hesitate to make these ob-  
2           jections, but was the witness there on that date?  
3           How should he know, otherwise?

4           THE PRESIDENT: You mustn't suggest answers  
5           to him. The question is perfectly legitimate. He  
6           can explain if he wasn't there.

7           A     Did you say February 15th?

8           Q     Yes.

9           A     I don't remember the date February 15th, and  
10          although I am uncertain of the date, I think the  
11          question concerning the League came up for discuss-  
12          ion in the Cabinet.

13          Q     And did you on that occasion, together with  
14          the Foreign Minister UCHIDA, immediately offer a res-  
15          olution to withdraw from the League?

16          A     No, such a thing did not happen.

17          THE PRESIDENT: I have received a request from  
18          a member of the Tribunal to ask a question referring  
19          to the telegram, exhibit 3165-A. The telegram is  
20          hand-written and bears many signatures. Has it been  
21          written by one of the people who signed it?

22          THE WITNESS: The seal indicates the names  
23          of those who approved of the text of the telegram,  
24          the draft of the telegram; and the draft itself was  
25          drawn up by the officer in charge.

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THE PRESIDENT: Yes, Mr. Carr.

Q After it had been finally decided by the Cabinet to withdraw from the League, was an Imperial Proclamation drafted for the purpose?

A Yes.

Q Did the draft contain a reference to the Japanese in Manchuria?

A What draft?

Q The draft of the Imperial Proclamation.

A Do you mean the contents of the Imperial Rescript?

Q Yes, as originally drafted--- I beg your pardon. Was there a draft which you approved in these words: "As the national policy of the Imperial Government in connection with the recognition of Manchuria."

A Since the Imperial Rescript on that occasion was made public, if I am permitted to see the text I might be able to find out whether any such words or phrase were used or not. I have not memorized the Rescript.

Q I am asking you about the preliminary discussions before it received final form.

A I do not remember the details, but what I do remember is that the draft was first made by the Foreign

1 Office, and inasmuch as it was in connection with an  
2 Imperial Rescript, certain modifications or revisions  
3 or amendments were made by the Inner Cabinet Council  
4 and discussions on such matters were held there,

5 THE PRESIDENT: We will recess for fifteen  
6 minutes.

7 (Whereupon, at 1445, a recess  
8 was taken until 1500, after which the  
9 proceedings were resumed as follows:)  
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1 MARSHALL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE MONITOR: If the Court please, this is  
4 the Language Section. Just before the recess, in  
5 connection with the drafting of Imperial Rescript, the  
6 words "Inner Cabinet Council" were used. This should  
7 have been translated "Cabinet Meeting in the Imperial  
8 Diet."

9 THE PRESIDENT: Major Moore.

10 LANGUAGE ARBITER (Major Moore): If the Tri-  
11 bunal please, the answer which Mr. McManus asked be  
12 referred to the Language Section will appear in the  
13 record in two sentences. The second s tence is a  
14 correct translation.

15 THE PRESIDENT: Does it appear as a correct-  
16 ion of the first?

17 LANGUAGE ARBITER (Major Moore): No, sir, it  
18 does not. It seems, sir, that the interpreter gave  
19 the sentence and then repeated it in a clearer form.  
20

21 THE PRESIDENT: You say, in effect, the first  
22 sentence is wrong, the second is right.

23 LANGUAGE ARBITER (Major Moore): Yes, sir.

24 THE PRESIDENT: Thank you, Major Moore.

25 LANGUAGE ARBITER (Major Moore): I have one  
more, please, sir. In exhibit 3164-A, the paragraph

1 "P 21," the last word, "policy," should be corrected  
2 to Capital Way: W-a-y."

3 THE PRESIDENT: Imperial Way.

4 Mr. Comyns Carr.

5 BY MR. COMYNS CARR (Continued):

6 Q General ARAKI, the point of the questions  
7 I was putting to you just before the adjournment is  
8 this: Did you object to the words "independence of  
9 Manchuria" being included in the Imperial Rescript  
10 on the ground that, if the term "independence" was  
11 used, it might be inconvenient at the time when Man-  
12 churia should merge with Japan?

13 A Nothing of the sort happened.

14 Q Would it be true to say that you were always  
15 in favor of the annexation of Manchuria?

16 A That is most outrageous.

17 Q And that you intended to execute your plans  
18 even after your resignation from the government?

19 A I have never even dreamed of such a thing.

20 Q With regard to the words "independence of  
21 Manchuria," they did ultimately appear in the Rescript.  
22 But, did you successfully object to a passage being  
23 put in that there should be no disorderly emotion be-  
24 tween superiors and subordinates and between military  
25 and civilians?

1           A    That question wasn't clear to me. Not to  
2 include what?

3           Q    Was it proposed that there should be a pas-  
4 sage in the Imperial Rescript ordering that there  
5 should be no disorderly emotion between superiors and  
6 subordinates and that there should be harmony between  
7 civil and military officers?

8           THE PRESIDENT: Have you had that English  
9 translation revised, Mr. Carr?

10          MR. COMYNS CARR: I was not reading the  
11 exact words. I was summarizing them, your Honor.  
12 Does your Honor mean in the words --

13          THE PRESIDENT: That expression "disorderly  
14 emotion" is puzzling to me.

15          MR. COMYNS CARR: Yes, your Honor, it is.

16          Q    Put it the other way 'round in which it seems  
17 also to have been suggested: that there should be  
18 respectful admiration between superior and subordinate.

19          A    I'd like to have the whole question from  
20 beginning to end repeated.

21          Q    Was there a proposal in the Cabinet that the  
22 Imperial Rescript should contain phrases to this  
23 effect: one, that the civil and military should work  
24 in harmony within their respective spheres; and  
25 another, that there should be respectful admiration

1 or good feeling between superior and subordinate?

2 A Is that all?

3 Q Yes.

4 A Are you asking me whether I proposed the  
5 insertion of such words?

6 Q No, whether you opposed the insertion of  
7 such words.

8 A I have never made a statement to any such  
9 effect. I was a little bit confused there a while  
10 ago because of piecemeal interpretation.

11 Q Now, in October, 1933, would it be true to  
12 say that the Army was determined to attack Russia in  
13 1935 and the Navy was determined to attack the United  
14 States in 1936?

15 MR. McMANUS: If the Court pleases, I object  
16 to this question on the ground that it is outside  
17 not only the scope of the affidavit, but it is en-  
18 tirely new material.  
19

20 THE PRESIDENT: It is within the scope of  
21 the affidavit, and most cross-examination tends to  
22 reveal new material. The objection is overruled.

23 Q Was that true?

24 A It would be extremely funny even to --  
25 ridiculous even to imagine such a thing.

Q At a Cabinet meeting on the 5th of December,

1 1933, was there a discussion about the attitude of  
2 the United States and European countries towards  
3 Japan with regard to trade matters, tariff rates,  
4 particularly?

5 A In the Cabinet meeting?

6 Q Yes.

7 A I have no recollection.

8 Q Did Finance Minister TAKAHASHI say that the  
9 trouble was not merely with regard to trade rela-  
10 tions but arose from the fact that the Japanese Army  
11 and Navy were claiming that 1935 and 1936 would be  
12 critical years and conducting propaganda as if Japan  
13 was on the verge of war with Russia and the United  
14 States?

15 A The words "critical years" was just used,  
16 but at that time such words as "crisis" or "crises"  
17 were used. But, because it was a crisis did not  
18 mean that there was any intention to engage in war  
19 or to start war.

20 Q Did TAKAHASHI say there would be no such  
21 crisis?

22 A I do -- although I do not recall what  
23 Finance Minister TAKAHASHI said, I have not even  
24 once heard such a thing from the mouth of TAKAHASHI,  
25 himself.

1 Q Did you reply, turning pale with anger,  
2 "That is not true. There will be a crisis. The  
3 military have no intention of starting a war today.  
4 However, we must make preparations."?

5 MR. McMANUS: I object, your Honor, and I  
6 object to that last remark going into the record.  
7 If the Court please, on many occasions when the wit-  
8 ness says he doesn't know anything about anything  
9 and the prosecutor insists upon testifying, that is  
10 not conducive to a fair trial, if the Court please,  
11 for the record.

12 THE PRESIDENT: Are you pressing the ques-  
13 tion in view of the previous answer, Mr. Carr?

14 MR. COMYNS CARR: Your Honor, on this  
15 occasion the witness agreed that there had been a  
16 discussion about some such matter although he didn't  
17 quite agree with the wording. Therefore, I thought  
18 it proper to put to him the remainder of it. But,  
19 if I have laid sufficient foundation for further  
20 evidence, I won't press it.

21 THE PRESIDENT: If Mr. Carr presses for an  
22 answer, the objection is overruled.

23 Q Did you use those words, General?

24 A Well, there seems to have been a little bit  
25 of confusion on this matter just now, but I will say

1 that there was one occasion in which Finance Min-  
2 ister TAKAHASHI and I engaged in a very heated argu-  
3 ment, though I do not know whether anybody turned  
4 pale or red. But that is not the question over which  
5 we debated. If necessary, I shall explain that par-  
6 ticular argument. If not, I will refrain. Shall I  
7 reply?

8 THE PRESIDENT: Not unless requested.

9 Q A year earlier, in November, 1932, did you  
10 show, first of all to Prince KONOYE and afterwards  
11 to Baron HARA, a plan you had then for a national  
12 policy?

13 A May I have the date repeated?

14 Q In November, 1932.

15 A I have no recollection.

16 Q Did not the policy consist of three items --

17 MR. McMANUS: If the Court please, I must  
18 object again. I am sorry that I have to. But the  
19 witness said he had no recollection, and now the  
20 prosecutor is asking him, did not the policy consist  
21 of three items? He has no recollection at all.

22 THE PRESIDENT: You can attempt to refresh  
23 his memory by giving more particulars, and that's  
24 what I understood you were doing. The objection is  
25 overruled.

1 Q First, to execute an emergency policy for  
2 increasing the national strength for two years;  
3 second, consider whether to attack Soviet Russia with-  
4 in the two years or not; and third, meanwhile main-  
5 tain friendly relations with the United States.

6 A I do not recall ever seeing him nor such an  
7 occasion taking place.

8 Q In explaining the policy to Baron HARADA,  
9 did you put forward as an alternative the policy  
10 you mentioned in your affidavit, namely, calling an  
11 international peace conference for the Far East?

12 A At the end of 1932 the Manchurian question  
13 was not yet settled -- was not as yet settled, and I  
14 thought of nothing else but bring the Manchurian ques-  
15 tion to a speedy conclusion.

16 Q Did you say that within the two or three  
17 years you must perfect Japan's defense, that is, com-  
18 plete preparations and assert Japan's intent by show  
19 of force whether in peace or war?

20 A I do not think that I had any occasion or  
21 should have any occasion to talk on such matters  
22 with Mr. HARADA.  
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1 Q Did Finance Minister TAKAHASHI object that  
2 it would take four or five years and cost too much?

3 A Do you mean together with Baron HARADA?

4 Q Not on the same occasion. At any time.

5 MR. McMANUS: If the Tribunal please, I am  
6 at a loss myself to follow these questions. I have a  
7 vague idea that they might be from Baron HARADA's  
8 Memoirs, to which I objected previously because of  
9 the fact they were based on conclusions and opinions.  
10 Concerning this specific question I object to the  
11 form of it.

12 THE PRESIDENT: Objection overruled.

13 THE WITNESS: May I have that last question  
14 repeated?

15 Q Did Finance Minister TAKAHASHI object to  
16 your plan on the ground that it would take not two  
17 years but four or five and would cost too much?

18 MR. McMANUS: I object, if your Honor please,  
19 to the insertion of "your plan." There is no indica-  
20 tion that ARAKI made a plan. Let that be brought out  
21 if he did make one. Why should the prosecutor insert  
22 such a word, "your plan"?

23 THE PRESIDENT: Mr. Carr.

24 MR. COMYNS CARR: In my submission, your  
25 Honor, the question is proper. It would be

1       unintelligible without linking it to the plan I have  
2       already suggested to him. True, he denies it, but  
3       to make the question intelligible I must associate  
4       it with the plan I have already asked him about.

5               THE PRESIDENT: Instead of the word "your"  
6       substitute "the plan already referred to."

7               MR. COMYNS CARR: If your Honor pleases.

8               Q     Will you answer please?

9               A     There was no such thing.

10              Q     And did you say that the budget you were  
11       demanding for the purpose of this plan was quite  
12       reasonable and --

13              THE PRESIDENT: There is no need for any  
14       further cross-examination if you want to be fair to  
15       the witness and to lay a foundation for evidence  
16       later. We feel that we are getting no assistance by  
17       having questions put to this witness about matters  
18       which he denies.

19              MR. COMYNS CARR: If your Honor thinks I  
20       have laid sufficient foundation to go into the whole  
21       discussion at a later date I will not ask any more  
22       questions about it.

23              THE PRESIDENT: I think you should put to  
24       him each of the matters very briefly, and when you get  
25       an intimation from him that he knows nothing about them

1 or does not remember them, then cease to cross-examine  
2 about the particular matter.

3 MR. COMYNS CARR: If your Honor pleases, yes.

4 Q Did you at a Cabinet Meeting on the 13th of  
5 January 1933, and previously, oppose the conclusion  
6 of a nonaggression pact with Russia?

7 A I have not opposed the conclusion of a  
8 nonaggression pact.

9 Q Did you say that it might facilitate the  
10 spreading of communistic propaganda as the reason?

11 A Let me say what I had in mind with regard to  
12 the nonaggression pact. This was an opinion which  
13 commonly prevailed among my fellow Cabinet members.  
14 Inasmuch as there were many pending issues between  
15 Japan and Russia these questions should first be  
16 settled, and that a nonaggression pact should be  
17 concluded only after full sincerity and good faith  
18 had been shown by both sides following such settle-  
19 ments. Otherwise, the matter would be a cause for  
20 further trouble. That was the common view held by  
21 the Cabinet Ministers.

22 Q In a Cabinet meeting on the 13th of January,  
23 1933, on the subject of the nonaggression pact, was  
24 there an argument between Finance Minister TAKAHASHI  
25 and yourself because he asserted and you denied that

1 the army and the Kempetai in particular were controlling  
2 public opinion and newspapers by threats?

3 A Among all the Cabinet Ministers, Finance  
4 Minister TAKAHASHI was the man I most respected and  
5 with whom I was most intimate, and because of that we  
6 have often conducted an unreserved exchange of views  
7 and opinions, but I do not recall any such an argument  
8 having taken place in a Cabinet meeting on some day  
9 in January.

10 Q But was there an argument on that subject  
11 at any Cabinet meeting?

12 A No.

13 Q At the Cabinet Meeting on the first of  
14 February, 1933, was there a complaint raised by some  
15 of your colleagues that the army was instigating the  
16 newspapers to advocate withdrawal from the League of  
17 Nations?

18 A I do not know.

19 Q Did you say that it was the newspapers who  
20 were writing them, themselves, and not at your insti-  
21 gation?

22 A Yes.

23 Q And did he say that you could stop them if  
24 you liked, and why didn't you?

25 A Newspapers were outside of my jurisdiction.

1 the army and the Kōmpetai in particular were controlling  
2 public opinion and newspapers by threats?

3 A Among all the Cabinet Ministers, Finance  
4 Minister TAKAHASHI was the man I most respected and  
5 with whom I was most intimate, and because of that we  
6 have often conducted an unreserved exchange of views  
7 and opinions, but I do not recall any such an argument  
8 having taken place in a Cabinet meeting on some day  
9 in January.

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11 at any Cabinet meeting?

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14 February, 1933, was there a complaint raised by some  
15 of your colleagues that the army was instigating the  
16 newspapers to advocate withdrawal from the League of  
17 Nations?

18 A I do not know.

19 Q Did you say that it was the newspapers who  
20 were writing them, themselves, and not at your insti-  
21 gation?

22 A Yes.

23 Q And did he say that you could stop them if  
24 you liked, and why didn't you?

25 A Newspapers were outside of my jurisdiction.

1 Q Do you know a Major AKIKUSA, or a name  
2 resembling that, who was stationed in Manchuria and  
3 working with White Russian emigrants there?

4 A Yes, I know Major AKIKUSA.

5 Q And did you support him in organizing plots  
6 against the Soviet Union amongst those White Russian  
7 emigrants?

8 A No.

9 Q Did you at his request give an interview  
10 to a man, to one of the White Russian emigrants named  
11 Rodzaevsky in Tokyo?

12 A I learned of the name, Rodzaevsky, for the  
13 first time when the Russian prosecutor, I think it was,  
14 submitted an affidavit from this person during the  
15 Russian phase. I did know that a number of White  
16 Russians came visiting in Tokyo, but I do not know  
17 their names.

18 Q Did you give Rodzaevsky or anybody authority to  
19 publish an interview with you in the newspaper called  
20 "Our Way," which the White Russians published in  
21 Manchuria?

22 A I have never given such a permission.  
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1 Q Did you know for many years a man named  
2 Semenov?

3 A Yes, very well.

4 Q Did you discuss with him plans for cutting  
5 off the Maritime Provinces from the Soviet Union?

6 A No.

7 Q Now, on the 9th of December, 1933, did you  
8 and the Navy Minister issue a statement in the press?

9 A I might recall it if you tell me its substance.

10 Q About the suggested crisis of 1936 and de-  
11 nouncing a movement which you said was seeking to  
12 alienate the public minds from the military.

13 A Was that in August, 1933?

14 Q In December, 1933.

15 A At that time, following decisions made with  
16 regard to the national defense and diplomacy at the  
17 Five Ministers Conference, I think something of that  
18 kind was issued with the Foreign Office, but as to  
19 its contents, I would not be able to say by giving me  
20 such a bare outline of it. I think it is possible  
21 that such a statement could have been issued.

22 Q Is it true that the accused, KOISO, during  
23 the Manchurian campaign sent Kempei-tai men, members  
24 of the Kempei-tai, to China and Manchuria, disguised  
25 as laborers?

1 A I do not know.

2 Q Did you say so to Baron HARADA on the 3rd  
3 of August, 1939?

4 A I have no recollection of ever having said  
5 that to him.

6 Q Did you say that you knew a lot about KOISO  
7 who was then a cabinet colleague of yours; was he not  
8 Minister of Overseas Affairs?

9 A What year was that?

10 Q 1939, in the HIRANUMA Cabinet. Were you not  
11 Minister of Education and KOISO Minister of Overseas  
12 Affairs?

13 A Yes, that was so.

14 Q Did you not say a number of things to Baron  
15 HARADA against KOISO, including the one I have put  
16 to you?

17 THE MONITOR: Mr. Comyns Carr, kindly re-  
18 phrase your question, please.

19 Q Did you not say to Baron HARADA a number of  
20 things against KOISO, including the one I have already  
21 put to you?

22 A No.

23 Q Now, it has been shown in exhibit 2213 that  
24 large sums of money were sent from the Manchurian  
25 Secret Service Fund to KOISO in Manchuria in December



1933.

1 A Is that a question?

2 Q No, it is the foundation of a question that  
3 is ready.

4 Did you order KOISO, when you were War  
5 Minister, to send back to you out of that money, one  
6 million yen?

7 A There is no such thing.

8 Q Did he, in fact, send back one million yen  
9 to the War Ministry?

10 A I do not know.

11 Q Was it not used by you for the purpose of  
12 propaganda on the part of the army in Japan?

13 A That is outrageous.

14 Q When you joined the Second KONOYE Cabinet, in  
15 May, 1938, you had already been a cabinet councillor  
16 since the previous October, had you not?

17 A Wasn't that interpretation mistaken? I  
18 didn't understand.

19 Q Were you not a cabinet councillor from  
20 October 1937 onwards, under the First KONOYE Cabinet?

21 A Yes.

22 Q You say on page 30 of your affidavit at the  
23 top, in Section 18, that you objected to the occupa-  
24 tion of Nanking.  
25

1 A Yes.

2 Q And that it would make relations between  
3 China and Japan much worse in the future?

4 A Not only that, but the primary point was that.

5 Q In May, 1938 did you become Education Minister  
6 in that cabinet?

7 A Yes.

8 Q By that time Nanking had been occupied, had  
9 it not, and the Rape of Nanking had taken place, as  
10 you say contrary to your advice.

11 MR. McMANUS: I object to the form of the  
12 question, your Honor.

13 THE INTERPRETER: The fall of Nanking --  
14 the witness went that far.

15 THE WITNESS: May I continue?

16 MR. COMYNS CARR: Yes.

17 A I recall that Nanking fell on the 13th of  
18 December. Yes, when I became Minister of Education  
19 Nanking had already fallen and the army was already  
20 in action.

21 Q Had you read the accounts of the atrocities  
22 committed by the Japanese army at Nanking?

23 A No, I had not read them.

24 Q Why not?

25 A Because even at that time I did not hear of

it even as a rumor.

1 Q What you now know of it was entirely contrary,  
2 was it not, to the policy you say you inculcated into  
3 the army? •

4 MR. McMANUS: I object to the question, if  
5 the Court pleases. There is no proof, conclusively  
6 or otherwise, that General ARAKI inculcated anything  
7 into anybody at any time, any place, or anywhere.

8 THE PRESIDENT: He was asked whether he had  
9 inculcated into the army something contrary to what  
10 happened at Nanking according to the evidence in this  
11 case, and you object to such a question?

12 MR. COMYNS CARR: There are pages in the  
13 affidavit to that effect, your Honor.

14 THE PRESIDENT: The objection is overruled.

15 MR. McMANUS: If the Tribunal please, I have  
16 no objection to the answer the witness is going to  
17 give, not at all, but I object to the pregnancy of  
18 the question.

19 THE PRESIDENT: The question was certainly  
20 in elliptical form, but as I put it it was unobjec-  
21 tionable and he should answer.

22 THE WITNESS: May I interpret the last  
23 question as follows: that what I advocated with re-  
24 gard to the Japanese army, was it contrary to what  
25

took place later in Nanking?

1           . MR. COMYNS CARR: Yes.

2           A    If the incident at Nanking is exactly as has  
3           been related to this Court, then I will say that I  
4           regret exceedingly that it was contrary to what I had  
5           advocated, but I am not fully familiar with the facts.

6                         THE PRESIDENT: We will adjourn until half-  
7           past nine on Monday morning.

8                                 (Whereupon, at 1605, an adjourn-  
9           ment was taken until Monday, 15 September  
10          1947, at 0930.)

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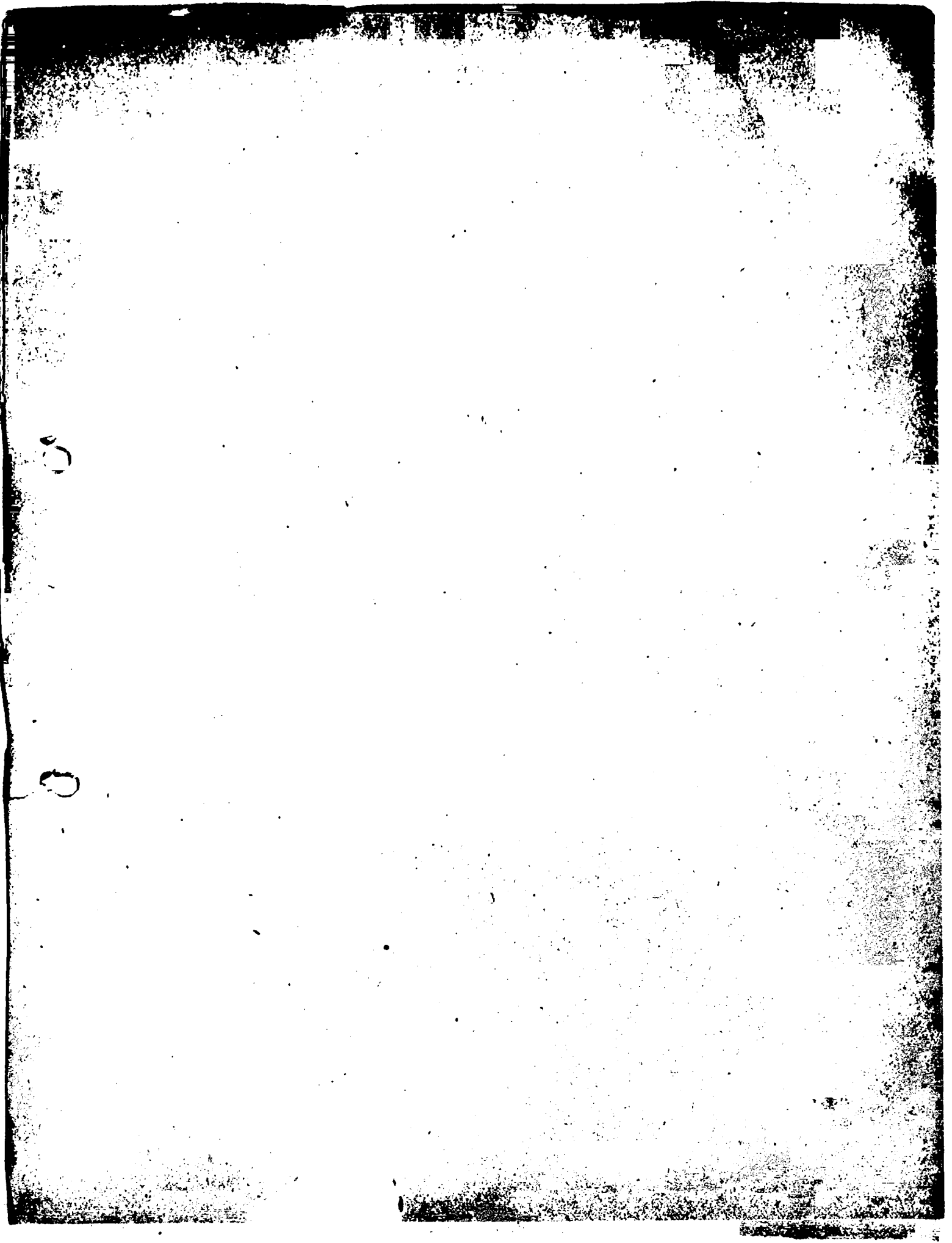
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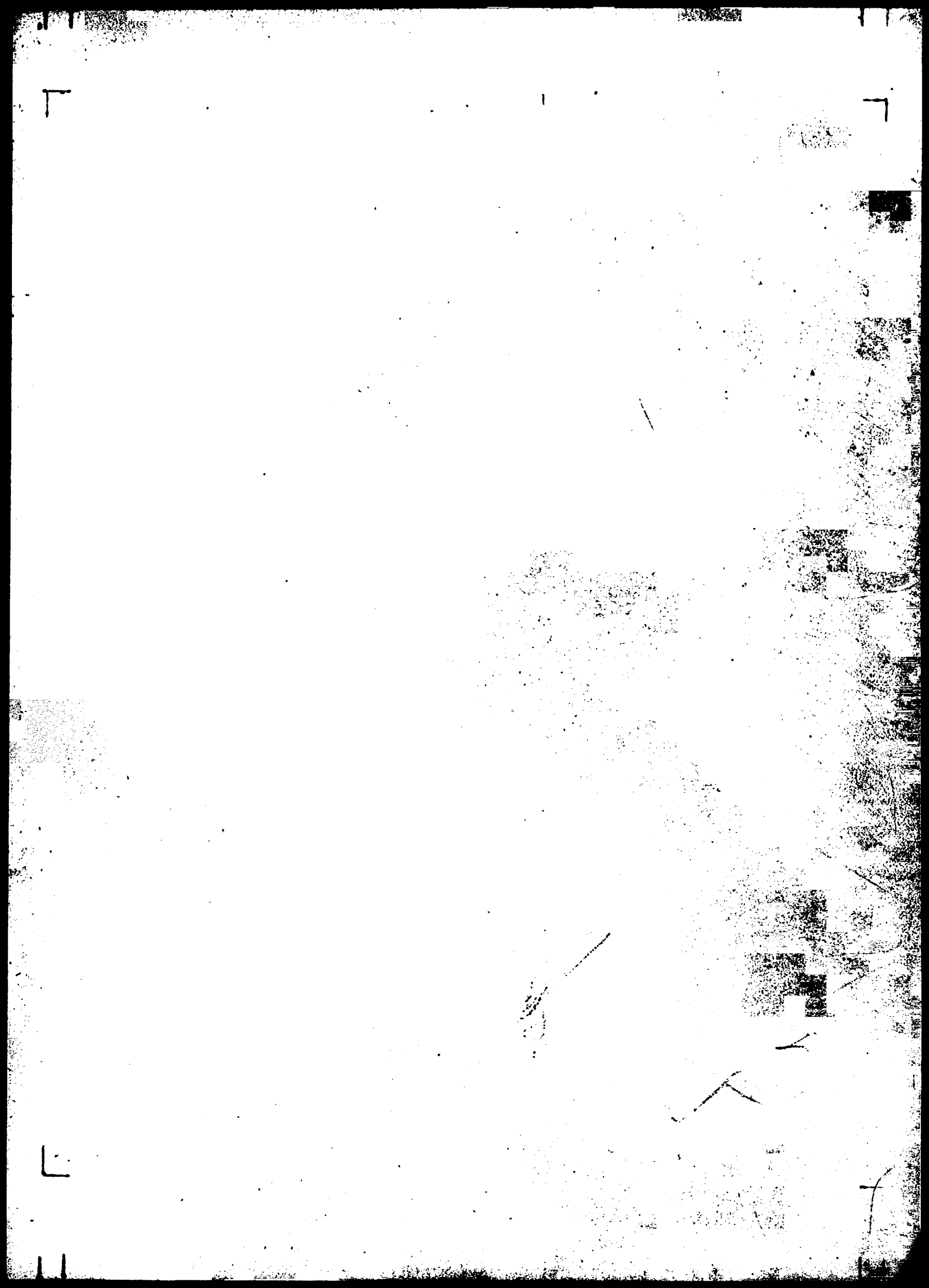
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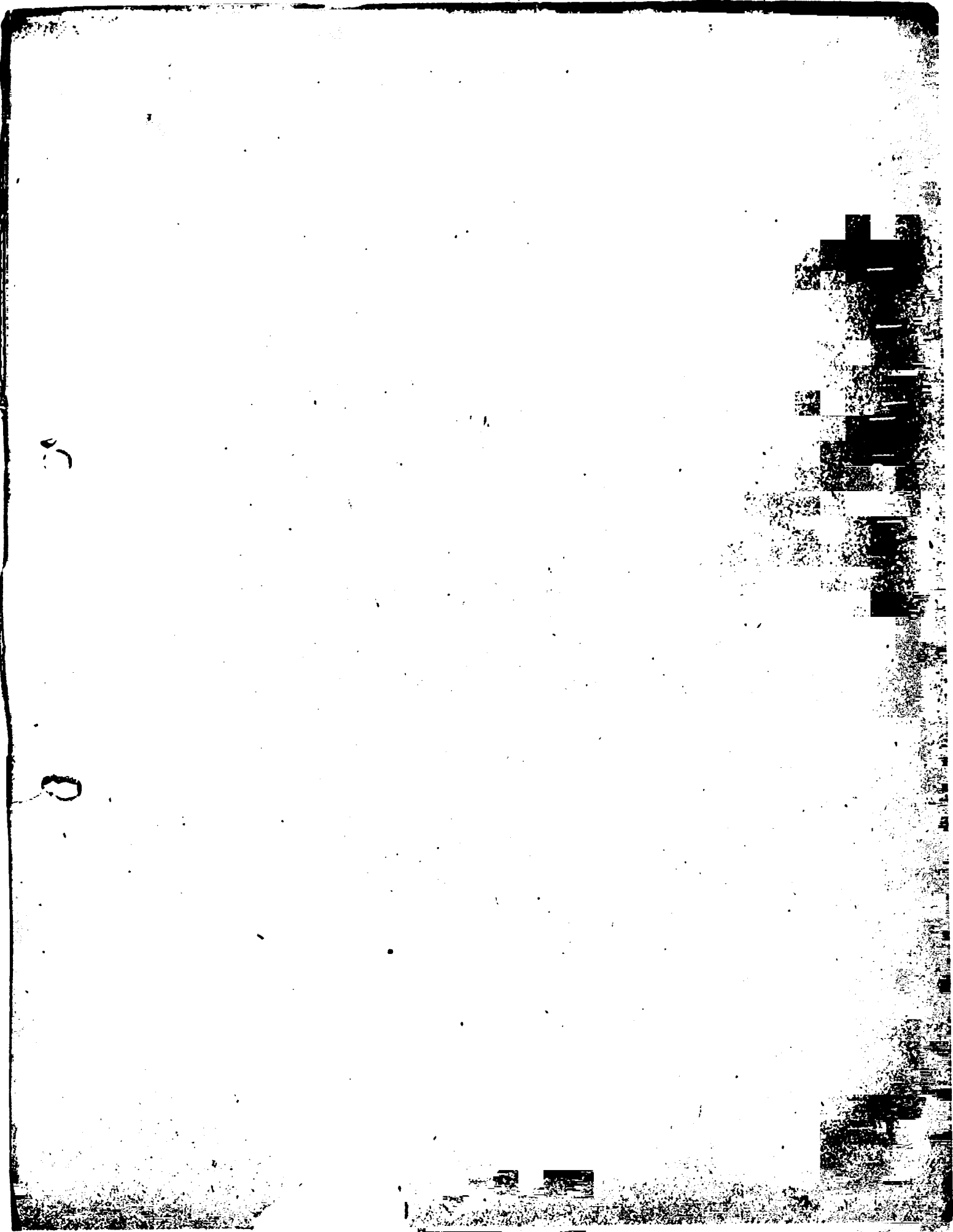
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15 SEPTEMBER 1947

I N D E X  
Of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
ARAKI, Sadao (resumed)	28405
Cross (cont'd) by Mr. Comyns Carr	28405
Redirect by Mr. McManus	28415
Questions by the President of the Tribunal, Sir William Webb	28419
<u>MORNING RECESS</u>	28419
Questions (cont'd) by the President of the Tribunal, Sir William Webb	28420
Redirect (cont'd) by Mr. McManus	28421
(Witness excused)	28429
MASAKI, Jinsaburo	28455
Direct by Mr. SUGAWARA	28455
Cross by Mr. Comyns Carr	28464
(Witness excused)	28471
OMORI, Sogen	28476
Direct by Mr. McManus	28476
(Witness excused)	28476

15 SEPTEMBER 1947

I N D E X  
of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
TODOOKI, Sakae	28479
Direct by Mr. McManus	28479
(Witness excused)	28481
NAKAMURA, Kazu	28482
Direct by Mr. McManus	28482
<u>AFTERNOON RECESS</u>	28483
(Witness excused)	28484
ARITA, Hachiro	28485
Direct by McManus	28485
Cross by Mr. Comyns Carr	28489
(Witness excused)	28503
ISHIWATA, Sotaro	28504
Direct by Mr. McManus	28504
(Witness excused)	28509

15 SEPTEMBER 1947

I N D E X  
of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2010	3166		Letter dated 20 January 1934 from ARAKI, Sadao to His Excellency the Premier Viscount Minoru SAITO - Basic Suggestions for the Emergency		28429
			<u>RECESS</u>		28430
1882	3167		The Stenographic Record of the Proceedings of the 61st Session of the House of Peers in the Imperial Diet, No. 2, dated 23 March 1932 - Report by ARAKI, Sadao, Minister of State		28436
			<u>NOON RECESS</u>		28452
1169	3168		Affidavit of MASAKI, Jinsaburo		28456
1956	3169		Affidavit of ARIA, Hachiro		28485
2138	3170		Affidavit of ISHIWATA, Sotaro		28504

1 Monday, 15 September 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE R. B. PAL, Member  
15 from India, not sitting from 0930 to 1600.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 (English to Japanese and Japanese  
20 to English interpretation was made by the  
21 Language Section, IMTFE.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Comyns Carr.

4 - - -

5 S A D A O A R A K I, an accused, resumed the stand  
6 and testified through Japanese interpreters as  
7 follows:

8 CROSS-EXAMINATION

9 BY MR. COMYNS CARR (Continued):

10 Q General ARAKI, just one further question about  
11 Jehol. You had said on two occasions that the entry into  
12 Jehol was done under the Japanese-Manchoukuo Pact of the  
13 15th of September, 1932. Is that your view?

14 A Yes.

15 Q But, you told us before that it had been decided  
16 as early as December, 1931, soon after you entered the  
17 cabinet, that Jehol was to be included in the area of  
18 operations; did you not?

19 A That is not so. The policy laid down at the  
20 beginning of the INUKAI Cabinet was that --

21 THE MONITOR: Japanese court reporter.

22 (Whereupon, the last answer was read  
23 by the Japanese court reporter.)

24 THE INTERPRETER: Since it was not definite  
25 who was to carry things out, no one could tell how far

1 the Army would go.

2 (Whereupon, the monitor spoke to the  
3 witness in Japanese.)

4 THE INTERPRETER: Correction: Since no one  
5 would know who the opponent was to be in the Chinese  
6 Army, no one could tell how far the Japanese Army would  
7 be able to go.

8 A (Continuing) Therefore, since the person  
9 responsible for the unsettled state of affairs in Man-  
10 churia was Chang Hsueh-liang, we must settle accounts  
11 with him. Then, naturally, the problem came up as to  
12 how far the authority of Chang Hsueh-liang extended,  
13 and since at that time his authority extended to Jehol,  
14 that's what we decided on. But, since our real desire  
15 was not in the use of armed force, the desire of the --  
16 even the desires of the INUKAI Cabinet was to settle  
17 things peacefully in as short a time as possible. That  
18 was the main outline of the policy laid down when the  
19 INUKAI Cabinet was established.

20 MR. COMYNS CARR: I refer the Tribunal to  
21 exhibit 3162 in connection with that answer.

22 Q Did not the operations against Jehol actually  
23 begin in July, 1932, and were they not continued in  
24 August, 1932?

25 A No, that is not so.



1 Q Now, you told me on Friday, just before the  
2 adjournment, that you had not heard even a rumor of  
3 the atrocities of the Japanese Army at Nanking. Do  
4 you really mean that?

5 A At the time I had heard nothing whatsoever  
6 about the so-called Incident.

7 Q When did you first hear about it?

8 A The first time I heard of this Incident was  
9 when testimony on it was given before this Tribunal, but  
10 when I replied on Friday, I said that I was not yet sure  
11 whether they were actually the facts.

12 Q As a cabinet adviser, did you not see the  
13 reports which came from the Japanese Consulate-General  
14 in Nanking?

15 A Cabinet advisers were not shown such documents.

16 Q Did you not know that officers were sent out  
17 to Nanking to investigate the matter?

18 THE MONITOR: Mr. Comyns Carr, is that civilian  
19 officers or military officers?  
20

21 MR. COMYNS CARR: Military officers.

22 A I do not know anything whatsoever about that.

23 Q Do you not read the newspapers?

24 A Yes, I do read the newspapers.

25 Q Do you read foreign newspapers as well as  
Japanese newspapers?

1 A No, I do not read foreign newspapers.

2 Q Did not the Japanese newspapers contain  
3 accounts of the achievements of the Japanese soldiers  
4 in massacring Chinese?

5 A I have never seen such accounts.

6 Q Did you not know that General MATSUI was re-  
7 called in February, 1938, and replaced by General HATA.

8 A I know he was replaced. I do not know anything  
9 about the circumstances.

10 Q Did you not inquire into the reasons?

11 A No.

12 A Now, you have told us that you did know that  
13 on the 16th of January, 1938, the KONOYE Cabinet decide  
14 to have no further negotiations with Chiang Kai-shek.

15 A I do know that.

16 Q And that, as I understand from your affidavit,  
17 was entirely contrary to your own policy; was it not?

18 A At the time this statement was announced, all  
19 the cabinet advisors gave strong opinions on the matter  
20 as the meaning of the phrase "no further dealings with  
21 the Chiang Regime" was very ambiguous and the wording  
22 of the statement itself was not of the best, and no one  
23 was able to predict what the effect of such a statement  
24 would be.

25 Q This much is clear about it, was it not: that

1       he Cabinet had decided to fight to a finish with  
2       Chiang Kai-shok?

3       A    The cabinet advisors hardly heard anything  
4       of such a nature. In fact, it was very kind of the  
5       Cabinet even to show us the statement at all.

6       Q    It was published, was it not?

7       A    It was -- the Cabinet issued the statement and  
8       I feel that it was very kind of the Cabinet to show us  
9       that statement at all.

10      Q    You mean to show it to you before it was pub-  
11      lished?

12      A    Yes.

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1 Q Now, what was the strong opinion which you  
2 say you expressed about it?

3 A The opinion of practically all the cabinet  
4 councilors was that, although the wording of the state-  
5 ment was ambiguous, it did mean that all negotiations  
6 with the Chiang Kai-shek regime in the future would  
7 be cut off, and we felt that that would constitute an  
8 obstacle to any possible future negotiations between  
9 the Chinese Government and ourselves. This voicing  
10 of the opinion of the cabinet councilors in regard to  
11 this statement, that it was ambiguous, was about the  
12 last chance the councilors had to give any opinion or  
13 make any efforts in connection with advising the cab-  
14 inet.

15 Q And, contrary to your advice, the statement  
16 was issued, was it not?

17 A I do not know what exactly was discussed at  
18 the cabinet meeting. However, I do know that this  
19 statement to the effect that the Japanese Government  
20 would not deal with the Chiang regime was issued with-  
21 out any alterations at all.

22 Q Why, then, did you in May 1938 join the Govern-  
23 ment which had rejected your advice on two vital ques-  
24 tions of policy, which you have told us about?

25 A I felt that it was still too early for me to

1 go completely into retirement, that I should make one  
2 final effort for the sake of my country, and also  
3 accepted partly because of Prince KONOYE's very  
4 urgent pleas. I felt it was still too early to  
5 give up hope.

6 I should like to say this much for Prince  
7 KONOYE: That when, in connection with this statement  
8 about the Chiang regime, I met him later and asked  
9 him about the statement, he said that, "I did not  
10 issue it with the thought that all future negotiations  
11 with the Chiang regime was to be cut off but that, if  
12 the Chiang regime reconsidered, we are always willing  
13 to take up negotiations again."

14 Q Do you not know, while you were a member of  
15 the cabinet, he repeated the statement in December  
16 1938?

17 A I do not remember well at the present moment.

18 Q And, do you not know that in December 1938  
19 steps were being taken by the cabinet to establish  
20 Wang Ching-wei as a rival government?  
21

22 A I do not know.

23 Q Why did you remain a member of the cabinet  
24 which continued to act in opposition to what you say  
25 were your policies?

A As I said before, I felt that there was still

1 some way by which my hopes and ideals could be real-  
2 ized and was bending all my efforts to that end, but  
3 because of my position -- because of the cabinet  
4 position which I held, I had no means of knowing about  
5 the policies in regard to those matters, nor was my  
6 advice sought on these questions and, for instance, I  
7 did not even know when Wang Ching-wei came to Japan,  
8 that he was there.

9 Q Now, you have suggested that, during the time  
10 you were in the First KONOYE Cabinet and the HIRANUMA  
11 Cabinet, matters were decided by the Five Ministers  
12 Conference and you were not consulted, is that true?

13 A Yes.

14 Q Was not the truth that no decision taken by  
15 that Five Ministers Conference could be put into effect  
16 until it had been brought before the cabinet and re-  
17 ceived the approval of the cabinet?

18 A That would be so if a policy was to be carried  
19 carried -- actually carried out after being decided  
20 upon. However, at the time, hardly any important  
21 policies was being decided.

22 Q For instance, were you not present on or  
23 about the 10th of June, 1939, when the HIRANUMA Cab-  
24 inet decided to establish the regime of Wang Ching-wei?

25 A I am not sure on that point. However, we did

1 not even know that Mr. Wang had been brought to Japan  
2 and was in Japan at that time.

3 Q Did you not, on the first anniversary of the  
4 China Incident, make a speech in which you yourself  
5 said that Japan would not lay down arms until anti-  
6 Japanese China was completely crushed to the extent  
7 that it could not stand up again?

8 A I do not believe that can have been my  
9 address. I have no recollection, personally, of  
10 having delivered such an address, and I believe it  
11 must be taken from the Monbu Ji Hyo or one of the  
12 other documents to which you referred before.

13 Q Did you not cause it to be published in your  
14 own Education Ministry review?

15 A The Education Ministry review, or Monbu Ji  
16 Hyo, was published by the Education Ministry, and there  
17 was a competent section which handled the publishing  
18 of that review, and somebody must have written that  
19 statement, and probably I myself, maybe, glanced  
20 through it, but it was nothing more than that. And,  
21 I remember that when you showed me one of those  
22 monthlies, I looked through it, and I thought, "Oh,  
23 yes, I do remember that." But, that is about the  
24 extent to which the matter goes.  
25

And, in the first part of the article, ideas

1 to that effect may be found, but if you will look at  
2 the document as a whole and especially at the latter  
3 part --

4 THE INTERPRETER: Correction: "Not "document"  
5 but "article."

6 A (Continuing) -- you will find that the real  
7 impert of the article is not in such an idea.

8 MR. COMYNS CARR: That is exhibit 2281, and  
9 that concludes my cross-examination.

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THE PRESIDENT: Mr. McManus.

REDIRECT EXAMINATION

BY MR. McMANUS:

Q General, you were interrogated on a great number of occasions, were you not?

A Between twenty and thirty times -- twenty odd times.

Q The three interpreters who appeared in the courtroom yesterday were not the only interpreters which appeared before you at Sugamo, were they?

THE PRESIDENT: On Friday.

A No.

Q There were others, were there?

A I recollect that there were several others.

MR. McMANUS: If your Honor please, may I re-tender at this time defense document 1899B, which the Court has not yet ruled upon.

THE PRESIDENT: Is there any objection to this?

Mr. Comyns Carr.

MR. COMYNS CARR: The prosecution objects to this document, if the Tribunal please, on the ground that it is a matter which if relevant at all should have been introduced in the general phase.

THE PRESIDENT: Did the witness say that he

was personally responsible for this statement by  
1 SHIRAKAWA?

2 MR. McMANUS: I believe so, your Honor.

3 THE PRESIDENT: That he directed that this  
4 statement be made; is that so?

5 MR. McMANUS: That is my recollection of the  
6 witness' testimony, if the Court pleases.

7 THE PRESIDENT: Mr. Carr.

8 MR. COMYNS CARR: It is not my recollection,  
9 your Honor. I don't think he was asked about this  
10 document. I may be wrong.

11 THE PRESIDENT: He made a statement to that  
12 effect as regards other commanders, but I do not  
13 recollect whether he did about SHIRAKAWA.

14 MR. COMYNS CARR: Your Honor, he made a  
15 statement to that effect with regard to proclamations  
16 issued by this person SHIRAKAWA and also UEDA imme-  
17 diately on their arrival in Shanghai; but I don't  
18 think he has yet said that everything they issued  
19 subsequently was issued on his instructions.

20 THE PRESIDENT: Well, unless he can be shown  
21 to be connected with it personally it must be rejected  
22 upon that doctrine that we have decided to apply, or  
23 ruling, as I should say.

24 MR. McMANUS: May I inquire of the witness,  
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if the Court pleases, to determine whether or not  
he was responsible for this statement?

1 Q General, I ask you to look at defense docu-  
 2 ment 1899-B and tell the Tribunal whether or not you  
 3 were personally responsible for the statement made by  
 4 SHIRAKAWA therein.

5 A I shall reply. Previous to General SHIRAKAWA's  
 6 departure I instructed him, just as I instructed  
 7 Divisional Commander UEDA, that the ideas of the govern-  
 8 ment and of the central military authorities were the  
 9 same as those which he subsequently embodied in his  
 10 proclamation -- in his statement -- that they should be  
 11 such. Although this goes into details, I believe that  
 12 General SHIRAKAWA issued this statement in accordance  
 13 with my intentions that the matters should be solved  
 14 without recourse to arms.

15 MR. McMANUS: I tender the document again, if  
 16 the Court pleases.

17 THE PRESIDENT: Mr. Comyns Carr.

18 MR. COMYNS CARR: Your Honor, it is a very  
 19 small matter, but to maintain the principle, in my sub-  
 20 mission the answer entirely fails to cover this docu-  
 21 ment, which is a statement of fact about matters which  
 22 happened after the general issuing the statement had  
 23 arrived in Shanghai.  
 24

25 THE PRESIDENT: By a majority the objection  
 is sustained and the document rejected.

Q General, on May 11, 1932 --

1 THE PRESIDENT: Before you re-examine I  
2 think I should put a number of questions on behalf of  
3 Members of the Tribunal, so that your re-examination  
4 may cover the answers to these questions, if necessary.  
5

6 BY THE PRESIDENT:

7 Q In paragraph 3 of your affidavit, Witness, you  
8 refer to the policy of the government being non-expan-  
9 sion. Did that apply to China proper?

10 A It applied everywhere.

11 THE PRESIDENT: I have quite a number of ques-  
12 tions here in behalf of General Zaryanov, the Member  
13 from the U. S. S. R. They relate to a period before  
14 that covered by the Indictment, but it is claimed they  
15 go to the character of the witness.

16 BY THE PRESIDENT:

17 Q The first question is: Were you arrested for  
18 espionage in middle Asia in April, 1912, by the Russian  
19 Secret Service Agents?

20 A I was not arrested, but if permitted, I shall  
21 state the circumstances at that time -- my own feeling  
22 of dissatisfaction and of oppression. I shall state the  
23 facts briefly.  
24

25 Q Before you say anything further we have de-  
cided to adjourn and confer on these questions.

1 (Whereupon, at 1015, a recess was  
2 taken until 1035, after which the proceedings  
3 were resumed as follows:)

4 MARSHAL OF THE COURT: The International  
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: The question and the answer  
7 or part answer thereto put to this witness just be-  
8 fore we adjourned will not be considered. The ques-  
9 tion may be put later in the course of the case if  
10 circumstances so warrant. That will be decided in  
11 due course if the necessity arises. I am expressing  
12 now the wish of General Zaryanov.

13 I have another question on behalf of the  
14 General: Do you know anything about the Japanese  
15 Plan OTSU.

16 THE WITNESS: By the OTSU Plan, may I inquire  
17 if a strategic plan is meant? 'I believe the OTSU  
18 Plan is a strategic plan -- an operational plan. I  
19 do not know about this plan.

20 THE PRESIDENT: That plan has already been  
21 referred to in evidence.

22 Do you know at what those plans were aimed?

23 THE WITNESS: I cannot now recollect. May  
24 I inquire around -- when -- around what year this  
25 strategic plan refers to?

1 THE PRESIDENT: Well, if you do not recol-  
2 lect, I think I had better leave it at that.

3 THE WITNESS: I do not recollect.

4 THE PRESIDENT: I understand it was about  
5 1922, '3 or '4. I am not sure, myself; I have for-  
6 gotten the prosecution's evidence.

7 THE WITNESS: No, I do not know about that  
8 plan.

9 THE PRESIDENT: Mr. McManus.

10 BY MR. McMANUS (Continued):

11 Q General, on May 11, 1932 did you make a  
12 statement from your official residence concerning  
13 the withdrawal of Japanese troops from Shanghai?

14 A Yes.

15 Q I ask you to look at defense document 1899-E  
16 and tell the Tribunal whether or not this is a true  
17 and correct report of that statement which you made  
18 at that time.

19 THE PRESIDENT: Mr. Comyns Carr.

20 MR. COMYNS CARR: Your Honor, the Tribunal  
21 objects to this document --

22 THE PRESIDENT: The prosecution.

23 MR. COMYNS CARR: The prosecution -- I beg  
24 your pardon -- objects to this document. If the  
25 document is admissible, I should not object to its

1 authenticity. But, in my submission, it offends  
2 against the ruling which the Tribunal gave on Thurs-  
3 day, that the witness cannot seek to counter belli-  
4 cose statements which he is alleged to have made by  
5 proving that on other occasions he made statements  
6 which were non-bellicose. In our submission, this  
7 document amounts to nothing more than that.

8 MR. McMANUS: If the Tribunal please, it  
9 certainly tends to show the attitude of the witness  
10 at that time.

11 THE PRESIDENT: It is covered by our previ-  
12 ous ruling to which Mr. Carr refers, I think, Mr.  
13 McManus.

14 The Court would like to see this document.

15 Mr. Comyns Carr.

16 MR. COMYNS CARR: I would like, your Honor,  
17 to add that, so far as the document contains any  
18 facts, they are all in evidence already.

19 THE PRESIDENT: By a majority, the Court  
20 sustains the objection and rejects the document.

21 Q I show you, General, defense document 1884  
22 and ask you whether or not this is a true and correct  
23 report from a speech made by you on March 8, 1932  
24 welcoming the Inquiry Committee of the League of  
25 Nations.



THE PRESIDENT: Mr. Comyns Carr.

1 MR. COMYNS CARR: Your Honor, again I make  
2 the same objection and the same remark, that if the  
3 document is admissible, I thought I had made it  
4 clear to my friend that I wouldn't object to its  
5 authenticity and, therefore, it is unnecessary to  
6 ask this witness to identify it.

7 THE PRESIDENT: Well, we haven't seen it  
8 yet.

9 MR. COMYNS CARR: It is really nothing but  
10 a statement of the Japanese position to the League  
11 of Nations which we have had over and over again.  
12 Parts of it, on the last page, 3, are, in fact, not  
13 so very pacific and rather support the prosecution's  
14 case, but we do not consider the document of suffi-  
15 cient importance to ask that it be admitted on that  
16 ground.  
17

18 THE PRESIDENT: Yes. By a majority the  
19 Court upholds the objection and rejects the document.

20 Q General, at this time I ask you whether or  
21 not, on October 30, 1933, you suggested an Asiatic  
22 Peace Conference, inviting all countries concerned  
23 to participate for the promotion of world peace.

24 A Yes.

25 Q I now ask you to examine defense document

1 2012 and tell us whether or not this is a true and  
2 correct report of the circumstances surrounding your  
3 suggestion at that time.

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

6 THE PRESIDENT: Mr. Comyns Carr. The  
7 document has not been tendered yet, has it?

8 MR. McMANUS: I am waiting for the wit-  
9 ness' reply.

10 A This is a report written down by a news-  
11 paperman who came to see me in Fukui where I granted  
12 him an interview concerning the proposal I had made  
13 before for the holding of an Asia Pacific Confer-  
14 ence. I do not know anything about the latter part  
15 of this document.

16 THE PRESIDENT: What is the latter part?  
17 Where does that start?

18 THE WITNESS: The part beginning: The self-  
19 abandonment of the Far Eastern Monroe Doctrine --  
20

21 MR. COMYNS CARR: It is on page 4, your  
22 Honor, of the English copy.

23 THE WITNESS: "... Foreign Office Authorities  
24 Express Surprise and Oppose Scheme which They Think  
25 Amounts ...." etc., etc. This part I know nothing  
about.

1 Q General, you did make such a suggestion,  
2 did you not?

3 A I have already stated in my affidavit that  
4 after the Tangku Truce, that all my efforts for the  
5 realization of this conference -- I have not men-  
6 tioned this statement itself in my affidavit, but  
7 the main facts are there.

8 MR. McMANUS: I now tender document 2012,  
9 if the Court pleases.

10 THE PRESIDENT: Mr. Comyns Carr.

11 MR. COMYNS CARR: If your Honor pleases,  
12 the prosecution objects to this document, as to the  
13 first part as being unnecessary and repetitious.  
14 My friend has served us with a document which is  
15 the actual witness' own written statement of this  
16 proposal to him sent to the Prime Minister. To that  
17 we do not propose to object. But it is quite unnec-  
18 essary to have a newspaper report of an interview  
19 about the same subject as well, in our submission.

20 The latter part of it, beginning at page 4,  
21 is the comments of some unnamed Foreign Office offi-  
22 cial explaining why, in the view of the Foreign  
23 Office, the proposal was impractical and likely to  
24 lead to more trouble than good.

25 THE PRESIDENT: In any event, Mr. McManus,

1 as this does not arise out of cross-examination,  
2 you would have to get our leave, and I do not think  
3 you are likely to get it under the circumstances.

4 By a majority, the objection is sustained  
5 and the document rejected.

6 Q General, upon your resignation as War  
7 Minister, did you suggest an outline for the emer-  
8 gency confronting Japan at that time?

9 THE PRESIDENT: Mr. Comyns Carr.

10 MR. COMYNS CARR: Your Honor, I cannot  
11 understand why my friend is taking up time by seek-  
12 ing to examine this witness about these documents.  
13 I have told him that I shall not object on the ground  
14 of authenticity but only on the ground of irrelevance  
15 of subject matter, and it is a pure waste of time  
16 to ask the witness to identify each document under  
17 those circumstances.

18 MR. McMANUS: At this time I tender docu-  
19 ment 2010 and ask that it be marked into evidence,  
20 if the Court please.

21 THE PRESIDENT: Mr. Comyns Carr.

22 MR. COMYNS CARR: Prosecution does not ob-  
23 ject to this document, your Honor, but the whole of  
24 the first page and the first paragraph on the second  
25 page and the last half of the third page are mere

1 flowery expressions of compliments to various people  
2 and, in our submission, need not be read.

3 THE PRESIDENT: Well, we haven't read this  
4 to discover whether it arises out of cross-examina-  
5 tion.

6 MR. McMANUS: If the Tribunal pleases, I  
7 am not on redirect examination. I requested the  
8 Tribunal last week to permit me to keep this witness  
9 on the stand for the purpose of identifying docu-  
10 ments. I daresay he might be considered to be still  
11 on direct examination.

12 THE PRESIDENT: Mr. Comyns Carr.

13 MR. COMYNS CARR: Your Honor, he is quite right  
14 about that; but, as I already submitted, it is quite  
15 unnecessary to ask this witness to identify these  
16 documents because they are either admissible or not  
17 admissible on their own merits.

18 THE PRESIDENT: Well, should he remain on  
19 the stand? Is he required further?

20 MR. COMYNS CARR: It would not be proper  
21 for my friend to ask the witness any question in  
22 reexamination on this document because there was no  
23 cross-examination on the subject.

24 THE PRESIDENT: That is the point I am  
25 making, and it is based on his presence in the

1 witness box.

2           Mr. COMYNS CARL: I would suggest that,  
3 unless my friend has any further questions which are  
4 reexamination, the witness should return to his  
5 place.

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1 MR. McMANUS: I have several other documents  
2 concerning speeches that the accused himself made. I  
3 had intended to try to have them identified by the  
4 witness himself.

5 THE PRESIDENT: It appears the prosecution  
6 have all the documents listed in the order of proof  
7 and having seen those documents they are satisfied  
8 not to contest their authenticity.

9 MR. COMYNS CARR: Your Honor, as far as I am  
10 aware there is not one of them on which it would be  
11 either necessary or proper to ask the witness a ques-  
12 tion. I have said several times that we shall not  
13 dispute their authenticity and the witness can throw  
14 no light on their relevance.

15 MR. McMANUS: I shall offer them on their own  
16 merits then, if the Tribunal pleases.

17 Do I understand, your Honor, that you have  
18 accepted document 2010? If so, may I have a number,  
19 please, an exhibit number?

20 THE PRESIDENT: The witness will resume his  
21 place in the dock.

22 (Whereupon, the witness was excused.)

23 THE PRESIDENT: Defense document No. 2010 is  
24 admitted on the usual terms.

25 CLERK OF THE COURT: Defense document No. 2010

1 will receive exhibit No. 3166.

2 (Whereupon, the document above  
3 referred to was marked defense exhibit  
4 No. 3166 and received in evidence.)

5 MR. McMANUS: Will your Honor bear with me  
6 for just a few minutes, please?

7 THE PRESIDENT: The Court will recess for  
8 fifteen minutes.

9 (Whereupon, at 1104, a recess was  
10 taken until 1120, after which the proceedings  
11 were resumed as follows:)

12 MARSHAL OF THE COURT: The International  
13 Military Tribunal for the Far East is now resumed.

14 THE PRESIDENT: Mr. McManus.

15 MR. McMANUS: I now offer defense document  
16 1883 which is a speech by Minister of State INUKAI  
17 delivered in January 1932 and is tendered to explain  
18 the attitude of the cabinet of which ARAKI was a member  
19 toward the Manchurian Incident. It will also show  
20 that attitude included no territorial ambitions.

21 MR. COMYNS CARR: May it please the Tribunal,  
22 the prosecution objects to this as offending against  
23 the recent rulings. Not being a speech by ARAKI it  
24 should have been tendered, if at all, in the general  
25 phase and in any case, so far as ARAKI can claim



1 responsibility for it, it is merely an example of a  
2 statement for public consumption of a pacific character.

3 THE PRESIDENT: It appears to be perfectly  
4 general, Mr. McManus. Are there any special grounds  
5 for its admission?

6 MR. McMANUS: Only, if your Honor pleases,  
7 as I stated before, it shows the attitude of the  
8 cabinet of which ARAKI was a member.

9 THE PRESIDENT: That is a special ground.  
10 ARAKI was a member of the cabinet.

11 By a majority the objection is sustained  
12 and the document rejected.  
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1 MR. McMANUS: I should now like to read from  
2 Exhibit 3163-A. It is a statement by General UEDA  
3 to the Chinese, depicting his efforts to settle the  
4 Chinese Incident amicably: "A Diplomatic History of  
5 the Shanghai Incident", page 83:

6 "It is my ardent wish to accomplish my  
7 duty by the most effective means and I notify your  
8 army of the following articles:

9 "1. Your army is to stop fighting at once,  
10 complete the withdrawal of the front line troops from  
11 the present front at 0700 February 20th. Withdrawal  
12 must be completed by 1700 February 20th, from the  
13 area (including the SHIHTZELIN Fort) which is 20  
14 kilometers north of the settlement borderline, and  
15 which is a line connecting the west bank of the  
16 HUANGPU River and the northwest edge of the settle-  
17 ment, extending through FENG HOTUCHEN, CHOWCHIACHIACHEN  
18 and PUSUNGCHEN, and which connects the east bank of  
19 the HUANGPU River and LAN-NI-TU and CHANG-CHIA-LOW-  
20 CHEN. Furthermore, fortresses and other military  
21 facilities within the said area must be withdrawn,  
22 and must not be re-established.

23 "2. The Japanese army will not shell, bomb  
24 nor pursue your army after your army commences to with-  
25 draw. However, reconnaissance by planes will not be

1 restricted. After the withdrawal of your army, the  
2 Japanese army will hold only the area in the HUNG KIU  
3 vicinity, including the road area of the Municipal  
4 Police Office and the area around the HUNG KIU Park.

5 "3. After the front line withdrawal of your  
6 army is completed, the Japanese army will dispatch  
7 investigators with guards to the withdrawal zone, in  
8 order to ascertain its execution. These investigators  
9 will be recognized by bearing the Japanese flag.

10 "4. Your army must thoroughly protect the  
11 lives and properties of Japanese nationals residing in  
12 the Shanghai area outside of the said withdrawal zone.  
13 If the protection of these people is not complete, the  
14 Japanese will take appropriate steps. The most effect-  
15 ive prohibitive measures will also be taken against  
16 guerillas.

17 "5. Separate negotiations will be made con-  
18 cerning the protection of foreigners in the Shanghai  
19 area (including the withdrawal zone).  
20

21 "6. As for prohibiting anti-Japanese move-  
22 ments, you must carry out strictly the promise which  
23 Mayor WU made to Consul General MURAI on January 28.  
24 The Japanese diplomatic officials will probably nego-  
25 tiate separately about this item with your Chief  
Administrator of Shanghai. If all the aforementioned

1 items are not carried out, the Japanese army will be  
2 obliged to take free actions against your army, and  
3 all the responsibilities arising as a result will be  
4 borne by you.

5 "2100 hours, Feb. 18, 1932.

6 "To General TSAI TING KAI, the Commanding  
7 Officer of the 19th Route Army.

8 "From UEDA, Kenkichi, the Commanding Officer  
9 of the Japanese Forces."

10 I should like now to read from exhibit 3163-B  
11 which is a statement of army commander SHIRAKAWA,  
12 made March 1, 1932, to the Ninth Division, which is  
13 tendered for the purpose of showing the attitude of  
14 the Japanese army, the Cabinet and War Minister ARAKI  
15 whereby they expressed a reluctance to fight re the  
16 Shanghai Incident and discloses further their attitude  
17 to settle the affair expeditiously, page 91, "Diplomat-  
18 ic History of the Shanghai Incident":

19 "I have just arrived here today, to take com-  
20 mand of the Shanghai expeditionary army in order to  
21 protect our people residing in the Shanghai area, in  
22 cooperation with the Navy.

23 "Though Japan has made every effort to settle  
24 the matter by peaceful means, it has been all in vain,  
25 and now that the 9th division has taken arms at last,

1 the Chinese are going to resist us with heavier prepar-  
2 ations and a larger force. Thus being the case, Japan  
3 is obliged to the increase in her forces necessary to  
4 accomplish her primary purpose. We, however, don't  
5 want to fight and to complicate the matter any more.  
6 If the Chinese accept our demands faithfully and evac-  
7 uate their forces immediately, we shall not hesitate  
8 to cease military action. And it is obvious that we  
9 shall be faithful neighbours toward the common Chinese  
10 people and maintain harmony with all other countries  
11 concerned while respecting their rights and interests.

12 "On the occasion of my arrival in the Shanghai  
13 area commanding the Imperial army, I intend to do my  
14 best not to enlarge this incident, in view of the  
15 objective for which our army was sent, and to limit  
16 it as much as possible and settle it quickly in order  
17 to protect our people fully and at the same time to  
18 restore peaceful order to East Asia.

19 "1932, March 1.

20 "Commander of the Shanghai Expeditionary Army

21 "SHIRAKAWA, Yoshinori."  
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1 I now offer defense document 1882. This  
2 is a report by ARAKI, Minister of State, at the 61st  
3 Session of the House of Peers made on March 23, 1932,  
4 concerning the Manchuria Incident and the first  
5 Shanghai Incident, wherein all Japanese troops were  
6 withdrawn to further the interests of peace.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: May it please the Tribunal,  
9 the prosecution objects to this document as being  
10 again nothing more than a repetition of the pacific  
11 sentiments for public consumption by the accused  
12 ARAKI with which these military operations were ac-  
13 companied.

14 THE PRESIDENT: You object as a self-serving  
15 statement.

16 MR. McMANUS: This report was made right at  
17 the time of the Manchurian Incident, and I certainly  
18 should think the Court would be most interested in  
19 finding out what the attitude of ARAKI was at that  
20 time.

21  
22 THE PRESIDENT: By a majority the objection  
23 is overruled and the document admitted on the usual  
24 terms.

25 CLERK OF THE COURT: Defense document No.  
1882 will receive exhibit No. 3167.

1 (Whereupon, the document above  
2 referred to was marked defense exhibit  
3 No. 3167 and received in evidence.)

4 MR. McMANUS: I shall now read from exhibit  
5 3167.

6 "The Official Gazette, Extra, 24 March,  
7 1932.

8 "The Stenographic Record of the Proceedings  
9 of the 61st Session of the House of Peers in the  
10 Imperial Diet, No. 2.

11 "Sitting Opened at 10:09 A. I., Wednesday,  
12 23 March 1932.

13 "Mr. ARAKI, Sadao, Minister of State.

14 "(Omitted)."

15 And then I shall continue:

16 "I should like to give an outline concerning  
17 the matters of the moment that are chiefly in my charge.  
18 The Anti-Japanese movement in China, which has been a  
19 great hindrance to permanent peace in the Orient and one  
20 of the most deplorable occurrences, has precipitately  
21 enlivened its activities of later years and the  
22 privileged rights of our country have not only been  
23 entirely ignored by the Manchurian authorities, but  
24 also great pressure has come to be laid on Japanese  
25 and Korean residents, until their inscience resulted

1 in the slaughter of these people. This serious  
2 situation culminated in the murder of Japanese army  
3 officers. Our countrymen, as well as those living  
4 in Manchuria, that have tolerated these outrages with  
5 patience, have come to stand face to face with the  
6 imminent danger. This state of things has grown  
7 worse, and challenged by the riotous act of violence  
8 inflicted by Chinese soldiers under command of Wang  
9 I-Chen in the vicinity of Peitaiying near Mukden,  
10 the Japanese troops have been forced to rise against  
11 their will for their own self-defense.

12 "Since then, the Japanese Army has faced  
13 with minor forces the outnumbering enemy, making  
14 continuous operation night and day and getting over  
15 various difficulties. On the other hand, as we have  
16 just received here in the assembly an encouragement  
17 resolution, we have met with such an enthusiastic  
18 support, born of nation-wide public wrath, as not  
19 experienced for many years. Thus in unity of the  
20 people many international crises have been faced  
21 with and borne through.

22 "The Japanese Army, in half a year, have  
23 repulsed frequent attacks of ex-soldier bandits,  
24 mounted bandits and Chinese plain-clothes soldiers.  
25 At present, the Japanese forces now staying in



1 Manchuria number less than 30,000 and are stationed  
2 in the vast area of Manchuria and Mongolia more than  
3 two times and a half as large as our empire and are  
4 directly charged with protection of the lives and  
5 properties of the 1,000,000 Japanese and Korean  
6 residents and indirectly with the preservation of  
7 peace and welfare of the 30,000,000 inhabitants. The  
8 soldiers have fulfilled their duty with unflinching  
9 rectitude to take up their stand on the life-line of  
10 national defense and safeguarded national security.

11 "I consider the honorable members are already  
12 well aware of such information.

13 "At the time of the outbreak of the incident,  
14 the Japanese Army forces were formed of the 2nd  
15 Division and the Independent Garrison numbering only  
16 10,400 with the inclusion of those troops scattered  
17 in various localities. The forces in and about Mukden  
18 were only 4,000 strong at the time of the incident.  
19 On the contrary, the Chinese Army numbered approxi-  
20 mately 220,000 in total and the forces stationed near  
21 Mukden were no less than 14,000. In consideration of  
22 this situation, at the outbreak of the conflict, the  
23 dispatch of a mixed brigade from Korea has been de-  
24 cided on and as is well known, other troops have been  
25 dispatched from home and Korea to meet the requirement

1 of various critical moments. In this manner the  
2 minor Japanese forces have stripped Manchuria of the  
3 menace near Liaohsi and swept away all disturbances  
4 in North Manchuria. Bandits have not merely been  
5 suppressed, but also they have been pacified with  
6 a view to the least casualties on the part of the  
7 Japanese Army. These endeavors have resulted in the  
8 present rest. On closer observation, however, the  
9 circumstances admit of no optimism and the authori-  
10 ties concerned are now in hasty endeavors for measures  
11 to cope with the situation. It is a matter of course  
12 that we hope for the preservation of eternal peace in  
13 Manchuria and her development even from the stand-  
14 point of our own national defense and needless to say,  
15 for this purpose, the prevailing condition necessi-  
16 tates the existence of the present strength of the  
17 forces, and the more, if possible. The respective  
18 authorities are now engaged in the examination of  
19 this case. Concerning the state of things in Shang-  
20 hai and its vicinity, the army perceived the necessity  
21 of taking up measures with deliberation, judging from  
22 its peculiar character different in its nature from  
23 the disturbances in Manchuria and watched further  
24 development, but at the end of February, to meet the  
25 need of the emergency, it was decided by the Cabinet

1 council to send a brigade from Kyushu and a division  
2 reinforced to a certain degree on a program designed  
3 by the Supreme Command. In view of the specially  
4 complicated situation of Shanghai, the army authori-  
5 ties wished for the immediate solution of the problem  
6 without any bloodshed from the start and repeatedly  
7 carried on negotiations with the Chinese authorities,  
8 which showed no sincerity and replied with bombard-  
9 ment. It is a matter of great regret that these  
10 circumstances compelled us to exchange fire.

11 "The Chinese Army reinforced their strength  
12 with the guards under the command of Chiang Kai-shek  
13 in addition to the 19th Route of Canton then in active  
14 position, the whole strength totaling 6 divisions,  
15 threatened to take the offensive. Therefore, in  
16 accordance with our prepared plan, two Japanese  
17 divisions and adjunct troops required for the area  
18 have been dispatched and early this month, with one  
19 blow, have irretrievably defeated the main body of  
20 the enemy. At present the Japanese forces are assembled  
21 in a certain limited area in a state of suspension of  
22 hostilities with a view to restoring peace. In per-  
23 fect harmony with the fundamental policies of the  
24 Imperial Government and in cooperative operations  
25 with the Navy, the Japanese Army in due consideration

1 of the situation of the time has succeeded in the  
2 attainment of its object, evading the full-scale  
3 conflict between Japan and China. The object of  
4 sending our troops to the Shanghai area is the  
5 protection of the Japanese residents and the preserva-  
6 tion of peace in the International Settlement. Con-  
7 sequently, so long as China does not menace with a  
8 large-scale offensive, the Japanese Army authorities  
9 have decided, acting on the intention of the Supreme  
10 Command, to withdraw the forces of their own accord.  
11 In the middle of this month, the 11th Division and  
12 the 24th Mixed Brigade have been given instructions  
13 for evacuation and stand-by at home and they are now  
14 under transportation. The above-mentioned is the  
15 outline of the important military affairs of which  
16 I am in charge. In view of the present conditions, at  
17 home and abroad, careful examination of the nature  
18 and development of the incident shows that it is not  
19 only incomparable in its gravity and seriousness with  
20 our expedition to Siberia or with the Manchurian  
21 Incident, but also it may be said to in its importance  
22 even the Russo-Japanese War. It is simply natural  
23 that the morale of our soldiers and the nation has  
24 been enhanced as a result. It is our earnest desire  
25 to safeguard the security of the nation and the peace

1 and welfare of the people by virtue of our loyalty  
2 to the country, unselfish devotion and exertion, and  
3 our strong unity and thus to see the glorious conclusion  
4 The harmonious cooperation of the army and the navy  
5 demonstrated during the the latest operations, in  
6 the excellence of which the army may well take pride,  
7 is unrivalled in history and it should be particularly  
8 stated that it is worth our special attention. What  
9 with the august virtue of His Majesty and gods' grace,  
10 and what with the unrivalled devotion and loyalty of  
11 the soldiers, it has been clarified that the army  
12 deserves the high regard of the countries of the  
13 world and that it can take its resolute stand on the  
14 unanimous support of the people. It is a matter of  
15 congratulation that the new dawning light of peace  
16 is now being noticed in the Orient. Impressed with  
17 the growing importance of the responsibilities, the  
18 authorities concerned are all determined, in considera-  
19 tion of our national structure, to tide over the crises  
20 by united efforts, to secure national defense to  
21 exalt the Imperial prestige abroad, to extend national  
22 virtues at home for the well-being of all the people,  
23 to abide by the KODO (The Imperial Way), instead of  
24 hereby, to make contribution toward perfect peace of the  
25 empire, and to redouble our efforts for the fulfillment.

of our heavy responsibilities of guarding and main-  
taining Our Imperial Throne.

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1 I now offer defense document 1825, which is  
2 a speech by War Minister ARAKI delivered on March 25,  
3 1932, at the 61st Session of the Imperial Diet,  
4 wherein ARAKI advocated the establishment of a neutral  
5 zone in China and the concluding of a truce agreement  
6 despite the opposition of various other members.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: May it please the Tribunal,  
9 in addition to the objections which I urged against  
10 the last document, this document is merely a repetition  
11 at somewhat greater length of that part of the last  
12 document which dealt with the situation in Shanghai.  
13 It was made the day after the speech which has just  
14 been read.

15 THE PRESIDENT: Is there anything new in this  
16 one, Mr. McManus?

17 MR. McMANUS: It is somewhat repetitious, if  
18 the Court pleases, but maybe if I just call it to the  
19 Court's attention and have it noted by the Court, I  
20 could refrain from reading it.

21 THE PRESIDENT: The objection that the document  
22 is repetitious is sustained and the document is  
23 rejected.  
24

25 MR. McMANUS: I should now like to read from  
exhibit 3166. This exhibit contains the emergency

1 policies offered by the accused ARAKI to the Premier  
2 upon his resignation from the post of War Minister.

3 The document is offered for the purpose of  
4 showing that ARAKI proposed suggestions for Japan to  
5 settle any existing difficulties between other powers  
6 for the promotion of world peace.

7 In compliance with the wishes or the sug-  
8 gestion of Mr. Carr, the prosecutor, I shall not read  
9 the first page but will start on page 2, beginning at  
10 the fourth paragraph. This is a covering letter with  
11 respect to basic suggestions for the emergency, by  
12 ARAKI, Sadao.

13 "The present situation of Japan, both inter-  
14 nally and externally, may appear in different ways to  
15 those who look at it from different angles, but if I  
16 may be allowed to tender my own appreciation, I firmly  
17 believe that this is not an emergency situation from  
18 a mere phraseological point of view, but a truly criti-  
19 cal juncture at which the fate of our Empire is solely  
20 at stake. Opinions seem to differ among the general  
21 public as to whether or not a crisis in Japan will resul  
22 but real important affairs of a state are apt to arise  
23 without even a day's notice and my humble opinion is  
24 that a nation must be ready at all times, morally and  
25 materially, to avoid any possible portentous trouble



and to secure a basis for her further development.

1 This precaution, I may add, has been necessary through-  
2 out all ages.

3 "From this viewpoint, I am not inclined to  
4 believe that we can afford to take a rose-coloured view  
5 of things. In fact, the potential danger of a nation  
6 is often made an actual one when people try to avoid  
7 tackling difficult problems and seek to comfort them-  
8 selves by taking a light view of matters. Ill-informed  
9 though I am, this is how I feel when I trace back the  
10 history of the varied fortune of races.

11 "I do not believe it a far-fetched opinion  
12 or an intentionally created pessimism if we forecast  
13 unseen difficulties in the immediate future of our  
14 country. On the contrary, I trust this is the very  
15 moment when national unity is most urgently required  
16 to bring about the prosperity of the Empire.

17 "To cope with this important situation, I have  
18 in fact already expressed my views on various occasions,  
19 including that of the Five-Minister Conference. How-  
20 ever, as I regard it as a question of vital importance,  
21 I take the liberty of making my further suggestion,  
22 though it may partially overlap what I said before,  
23 under a separate cover, and solicit Your Excellency's  
24 valuable consideration over the future of Japan and  
25

1 that you kindly put it into practice.

2 "It has not entirely slipped my notice that  
3 some people are filled with misgivings concerning the  
4 attitude of the military authorities toward interna-  
5 tional problems. To this I may say that our attitude  
6 has been consistent and rigid in the past, and will  
7 remain so in the future, vis-a-vis those whose ideology  
8 and views on national polity are not reconcilable with  
9 the character of the national polity of our Empire.  
10 However, with my poor knowledge of international rela-  
11 tions and also in an endeavour to maintain as close  
12 contact as possible with the relative branches of  
13 government authorities, I have been exerting what little  
14 service I could toward promoting our position among  
15 the powers and their confidence in us, explaining to  
16 them wherever possible the principle of the foundation  
17 of our Empire in connection with the national policies  
18 and principles of the present. My intention in doing  
19 so has been to seek either implicitly or explicitly  
20 for friends among the powers so that the Empire may  
21 not be reduced to a state of international isolation.  
22 I hope that Your Excellency will render your assistance  
23 in realizing closer relations between the foreign  
24 and military authorities, with whose cooperation Japan  
25 may maintain her present superior position among the

1 international communities, and that her rightful claim  
2 may be duly complied with."

3 That is all from that covering letter, if  
4 the Tribunal pleases. I should now like to read the  
5 basic suggestions.

6 "It is a matter of urgency at present to  
7 inspire the people with the moral sense of our Empire  
8 and to reveal at home and abroad the essential quali-  
9 ties of its culture by means of perfecting its national  
10 power based on nation-wide harmony, and moreover, to  
11 aim at strengthening the recognition of our national  
12 structure and furthering the peace and security of our  
13 national life internally, and to expedite the estab-  
14 lishment of peace in East Asia and the Pacific exter-  
15 nally.

16 "Due to the international crises marking the  
17 10th year of Showa (1935) and to the general tendency  
18 toward renovation running high among the jurisdictional  
19 courts and also among other circles, several unfavour-  
20 able social trends are expected to be revealed in the  
21 proceedings of trials and in other aspects of social  
22 life, especially in public speeches, etc., and these  
23 are liable to produce general unrest among the people  
24 and among rural communities in particular.

25 "Combined with the disturbance in educational

1 circles and the unrest in the labor field will be  
2 aggravated and there is a fear that some, if not all,  
3 of the army and navy personnel may be influenced by these  
4 unfavourable conditions and be led into restlessness.

5 "The general situation at present seems to  
6 be in apparent tranquility, but it is my opinion that  
7 it would be impossible for the government to tide over  
8 the real difficult situation, both internal and ex-  
9 ternal, unless means are devised completely to dispel  
10 the prevailing unrest in public feeling.

11 "Now that these tendencies have gathered  
12 strength discord and unrest refuse to be driven away  
13 by any ordinary or mediocre measures.

14 "I really think the affairs of state of Japan  
15 should be a matter of religious service. The fundamen-  
16 tal aims should be to enable the people to live in peace  
17 and contentment by observing such virtues as due wor-  
18 ship of gods, intimacy between the sovereign and his  
19 subjects and perfect harmony between the high and the  
20 low. Therefore, we should make it our noble cause to  
21 act in observance of various virtues peculiar to our  
22 Empire and to reject both Communism and Fascism.  
23 Government means adjustment of tendencies as well; a  
24 tendency should be adjusted after it is taken into  
25 consideration, and then directed so that it may take a

1. proper course. Natural tendencies do not always take  
2. reasonable courses but sometimes go astray; therefore  
3. those in a position to govern must devote themselves to  
4. assisting in the Emperor's rule, in conformity with  
5. nature and by transcending reason, so as to bring about  
6. the development of our national power and let the people  
7. live a peaceful life. This is the true way to govern.

8. "Since these tendencies have already gathered  
9. strength and the crisis of our country is impending,  
10. we must, acting upon the fundamental principle mentioned  
11. above, be prompt in judging where this trend will lead  
12. us to. We must sacrifice ourselves in order to render  
13. allegiance and assistance to the Emperor in compliance  
14. with the source of our government which aims at worship  
15. of gods, intimacy between the sovereign and his subjects  
16. and perfect harmony between the high and the low. Since  
17. appeal to His Majesty's benevolence and then to trans-  
18. gress His Imperial virtues, would constitute an act  
19. certainly deserving our inevitable death, we must pe-  
20. tition His Majesty to grant amnesty to our brethren  
21. for their past crimes. Thus we may purify this bewil-  
22. dered phase of life and drive the offenders to devote  
23. themselves to a new way of living in expiation of their  
24. sin. Hereby we can effect a complete change of public  
25. feeling, and furthermore, without scruple, we must

1 carry out a large-scale reform in diverse fields of  
2 government. For this purpose we shall have to request  
3 the Imperial decision so that the people may be informed  
4 on the boundless august plan, and shall have to adjust  
5 this tendency which is apt to be distorted, on this  
6 the eve of the national crisis and thereby consolidate  
7 the basis of our Empire which is destined to be over-  
8 lasting and noble. Thus establishing the basis of  
9 development of our national power, we must thoroughly  
10 discharge at this juncture, our great duty of being  
11 of assistance to the Imperial Throne.

12 "According to the purport stated above, I  
13 hereby suggest the following policy."

14 THE PRESIDENT: Mr. McManus, what help are  
15 we to get from these vague generalities? Can you  
16 suggest what help we can get?

17 MR. McMANUS: If the Court pleases, I think  
18 your Honor could understand how ARAKI at the time was  
19 trying to promote peace, trying to straighten the  
20 situation out between Japan and other countries.

21 THE PRESIDENT: Look over this during the  
22 luncheon adjournment; perhaps you will decide not to  
23 read any more. We will adjourn until half-past one.  
24

25 (Whereupon, at 1200, a recess was

taken.)

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## AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at 1330.

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MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

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THE PRESIDENT: Mr. McManus.

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"B. International Policies

"By judging the international situation, we shall determine our policies towards the political situation in the world, among which especially those towards Soviet Russia, U.S.A. and China are ranking. For this purpose the following must be decided upon, while preparations must be made for the invitation, at a suitable opportunity, of a Peace Conference among powers to establish a basis for peace in East Asia and the Pacific.

"a. Our policy towards Soviet Russia mainly in respect of the international relations in thought.

"b. Our policies towards China, U.S.A. and the League of Nations mainly in respect to the Manchurian Problems.

1 "c. Our policies towards Great Britain and  
2 U.S.A. mainly in respect to the London Disarmament  
3 Conference.

4 "d. Our policies towards Great Britain,  
5 U.S.A. and China mainly in respect of the international  
6 economic relation."

7 I now would like to present, with the Court's  
8 approval, my co-counsel, Mr. SUGAWARA, who will call  
9 a witness.

10 THE PRESIDENT: Mr. SUGAWARA.

11 MR. SUGAWARA: I shall call as my next  
12 witness MASAKI Jinsaburo. His affidavit is No. 1162.

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1 J I N S A B U R O M A S A K I, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. SUGAWARA:

7 Q Mr. Witness, please state your full name.

8 A MASAKI Jinsaburo.

9 Q And your address.

10 A My address is No. 168 Setagaya, 1 Chome,  
11 Setagaya-ku, Tokyo. A slight correction, however, is  
12 necessary in that when I prepared my affidavit, I was  
13 not yet at home. This affidavit was prepared and  
14 signed at the International Military Tribunal for  
15 the Far East at Ichigaya.

16 Q I shall now show you your affidavit. Will  
17 you please examine it and see if your signature is  
18 there and whether it is your affidavit?

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

21 A This is my affidavit, and I have signed it.

22 Q Are there any corrections to be made in this  
23 affidavit? If so, please state them.

24 A There are none.

25 Q Please state the reason why the address

1 written -- the correction of the address written in  
2 that affidavit should be made.

3 A The change of address took place because up  
4 to 11:00 a.m. on the 30th of August, I was held at  
5 Sugamo Prison.

6 Q Are there any other corrections to be made?

7 A There are none.

8 MR. SUGAWARA: I shall now present defense  
9 document No. 1162 in evidence.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 1162  
12 will receive exhibit No. 3168.

13 (Whereupon, the document above  
14 referred to was marked defense exhibit  
15 No. 3168 and received in evidence.)

16 MR. SUGAWARA: I shall start to read:

17 "My name is Jinsaburo MASAKI. I was former-  
18 ly a General of the Imperial Japanese Army.

19 "I was the Vice-Chief of the General Staff  
20 from January 1932 to June 19th, 1933, a War Council-  
21 lor for a short while; the Inspector-General of train-  
22 ing from January 1934 to July 16th, 1935; a War  
23 Councillor again and was then transferred to the first  
24 reserve in March 1936.

25 "When I became the Vice-Chief of the General

1 Staff, the Chief of the General Staff was H.R.H. the  
2 Prince KAN-IN and the War Minister was Lieutenant-  
3 General ARAKI Sadao.

4 "When I assumed this post War Minister ARAKI  
5 explained to me the internal and external situations  
6 of Japan which existed at that time, the gist of which,  
7 as far as I remember, was as follows.

8 "The state of affairs of our country, both  
9 internal and external is quite alarming. There have  
10 already been many internal incidents and our relation  
11 with the League of Nations is far from being satis-  
12 factory.

13 "As for Manchuria in spite of the non-  
14 expansion policy of the former cabinet, the situation  
15 has simply become more aggravated.

16 "As there is every danger that it will  
17 develop into a regular war, we must leave no stone un-  
18 turned in immediate saving of this complicated situ-  
19 ation. When I (ARAKI) was appointed Minister of War  
20 the Chinchou district was in a critical condition.  
21 Unless we saved it, our residents and troops would be  
22 endangered. The diplomatic negotiations were at a  
23 standstill; the situation was aggravated, and the  
24 Kwantung Army was in a difficulty. The Government,  
25 therefore, was obliged to decide to liquidate that

1 district for self-defence and protection of the resi-  
2 dents. The General Staff Office ordered the Kwantung  
3 Army to that effect. The liquidation campaign has  
4 just finished. I think there will be no need of  
5 further operations unless our Army is challenged. At  
6 any rate we will try to cease hostilities within the  
7 smallest passible scope. The Government is on prin-  
8 ciple dealing with Chang Hsueh-liang who is still dis-  
9 turbing peace and order. Therefore our scope of oper-  
10 ation is limited under any condition within his sphere  
11 of influence. Bearing this in mind, please control  
12 the Army strictly.'

13 "At my appointment, my predecessor told me  
14 almost the same thing.

15 "At the time when I assumed the post as the  
16 Vice-Chief of the General Staff, I met Premier INUKAI.  
17 While he has explained chiefly our political diffi-  
18 culties that Japan was experiencing at that time, he  
19 also made some remarks on the situation which was more  
20 or less similar to that of War Minister ARAKI. The  
21 Premier did not in any way suggest that he had any  
22 intention of petitioning to the Throne for an Imperial  
23 Order, by virtue of which to withdraw all the troops  
24 from Manchuria, nor did I ever hear from anyone that  
25 Premier INUKAI had any such intention.

1 "I reported to H.R.H. the Prince KAN-IN,  
2 Chief of General Staff, what I had heard from the  
3 Premier and the War Minister respectively, and with  
4 his approval, I managed and conducted the matters in  
5 accordance with the Government's policies shown to me  
6 by War Minister ARAKI. While I was doing so, it was  
7 suddenly decided by the Ministry that troops be dis-  
8 patched immediately to Shanghai which were requested  
9 by navy authorities for the purpose of reinforcing the  
10 navy and to protect Japanese nationals there.

11 "Bearing in mind what I had heard from the  
12 War Minister I took every precaution to observe his  
13 principle so that the dispatched troops would not ex-  
14 ceed the scope of their primary object. Divisional  
15 Commander UEDA (T.N. - Commander of the dispatched  
16 troops) also followed closely this principle and  
17 endeavoured to settle the situation without resorting  
18 to means of bloodshed. I remember he first made a  
19 proclamation requesting reconsideration by the opponent  
20 over their action. However, contrary to his expec-  
21 tation, the opponent increased their preparation for  
22 fighting and added difficulties. In fact, there were  
23 signs that an over-all clash between Chinese and Japa-  
24 nese was inevitable.

25 "Under these circumstances, further

1 reinforcement was decided from the point of view of  
2 strategic importance with the purpose of solving the  
3 situation quickly. When the vanguard of the second  
4 reinforcement made their landing at Chiilaikou along  
5 the Yangtzekiang the 19 Route Army began to retreat,  
6 and as it was driven beyond the expected line, attack  
7 was ceased. Thus hostilities ended in three days,  
8 with almost negligible casualties.

9 "In due course, an agreement was signed to  
10 ensure the future safety.

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1            "This agreement provided Japan the right of  
2 stationing certain part of her troops there, but in  
3 view of War Minister ARAKI's principle, which was  
4 completely identical to ours, we decided to evacuate  
5 all the troops from China and I think the complete  
6 withdrawal was made within a month of signing the agree-  
7 ment, the Jehol and Hulunpeirh campaigns and the task  
8 of the Kwantung Army through the provisions of the  
9 Japan-Manchoukuo Protocol and because of constant  
10 disturbances of law and order in and around Jehol chiefly  
11 by Tang Yulian and in Hulunpeirh chiefly by Su Ping-wen,  
12 it became necessary for the Japanese and Manchoukuo forces  
13 to resort to military action based on the provisions of  
14 the Protocol. It took place after the formal recognition  
15 of the State of Manchoukuo, and as the precaution was  
16 taken throughout the campaign not to divert from the  
17 primary principle of bringing about law and order the  
18 operation called for extreme difficulties; nevertheless,  
19 as to Hulunpeirh our object was achieved through good  
20 offices of the Soviet Union and as to Jehol efforts were  
21 made to limit the action within the line of the Great  
22 Wall and observance of this fundamental policy was sternly  
23 requested to the troops in the front at the risk of  
24 suffering considerable operational inconveniences.  
25 There was an occasion when the troops advanced beyond

1 this limit, but they were immediately ordered to  
2 return and further action was stopped at that. Then  
3 the hostilities were finally settled by the conclusion  
4 of the Tangku Agreement.

5 "I believe that War Minister ARAKI was one  
6 of the persons who were most seriously worried about  
7 the Manchurian Incident. Because of this worry, he had  
8 made a firm determination to settle it, which finally  
9 led to the Tangku Agreement. No sooner had the Agree-  
10 ment been signed than he strove to settle the overall  
11 situation of Japan by adjusting foreign as well as  
12 domestic affairs.

13 "He often told me in those days that he was  
14 devoting his effort toward letting the people live up  
15 to the original teachings of Japan, enhancing by so  
16 doing the virtue of benevolence of His Majesty the  
17 Emperor among the people, and externally, toward im-  
18 proving aggravated international relations by realizing  
19 the already advocated International Peace Conference.

20 "The natives' wishes for the Independence of  
21 Manchoukuo were ardent, when I was appointed the Vice-  
22 Chief of the General Staff. The General Staff did not  
23 on principle interfere with it as it was a political  
24 problem. Minister of War ARAKI assumed the most  
25 prudent attitude toward it. He was in accordance with



1 the decision of the Government based on the opinion of  
2 the Foreign Office and the real situation. During this  
3 time the General Staff was devoting itself to security  
4 of peace and order there.

5 "The opinion of War Minister ARAKI toward the  
6 League of Nations was quite clear. He fully explained  
7 his opinion at the cabinet meeting and induced the  
8 meeting to the decision that Japan would not withdraw  
9 from the League.

10 "I was under the impression that the War Minister  
11 had been prepared with an opinion with which he hoped  
12 to persuade the League of Nations. It also seemed to me  
13 that the War Minister had had a firm belief of getting  
14 the complete understanding of powers over Japan's  
15 position if once restoration of law and order in Man-  
16 churia were attained which he thought above everything  
17 else.

18 "War Minister ARAKI stressed importance on  
19 quality than on quantity of troops from the viewpoint  
20 of armament. He endeavoured to recover the armament  
21 which had fallen behind since World War I up to that of  
22 other Powers at the time of the War. He had his own  
23 ideal on national defense, which was all based on  
24 morality. He was particularly concerned in promoting  
25 the character and moral standard of the commissioned

officers.

1 "War Minister ARAKI also exerted to calm the  
2 mind of young officers who, indignant at the current  
3 situation, had already caused considerable troubles.  
4 He did his best to develop the immaculate spirit of  
5 those officers without being distorted so that they may  
6 devote their unshattered attention to their duty. While  
7 devoting his whole-hearted attention for this purpose,  
8 he also let his subordinates spare no time in teaching  
9 and guiding the younger officers, and so they began to  
10 show the sign of composure in due course, and at the  
11 occasion of May 15th Incident, it turned out that no  
12 army commissioned officer participated in it."

13  
14 Prosecution may examine this witness, because  
15 I have no further additional questions to ask.

16 THE PRESIDENT: Mr. Comyns Carr.

17 CROSS-EXAMINATION

18 BY MR. COMYNS CARR:

19 Q I have a few questions, General.

20 On page 3 of the affidavit you say "The natives'  
21 wishes for the Independence of Manchoukuo were ardent,"  
22 that the General Staff didn't interfere with it, and  
23 "ARAKI assumed the most prudent attitude toward it."

24 Do you remember being interrogated while you  
25 were in Sugamo?

1 A No, I do not.

2 Q Did you say the following: "I had something  
3 to do with setting up Manchuria as an Independent State"?

4 A Well, when you suggest something like that  
5 to me I do recall an interrogation, but the meaning  
6 is entirely contrary.

7 Q Did you say "there was an opinion in the Army  
8 to take over Manchuria entirely" --

9 A No, I did not say such a thing at all.

10 Q --"but I thought that would never clear up  
11 the mess, so I offered an advice to the Emperor to set  
12 up an Independent State and also offered the same advice  
13 to Premier SAITO at that time"?

14 A Well, let me explain the circumstances and the  
15 facts this way: When I went to Manchuria I found  
16 Japanese officials holding positions in all quarters.  
17 Under such a state of affairs, it would appear as if  
18 Japan had occupied Manchuria, and, therefore, I stated  
19 emphatically that under such a situation Manchuria could  
20 not be properly governed and administered, and that if  
21 Manchuria was to be properly governed and if Manchuria  
22 was to enjoy real stability, then the administration of  
23 Manchuria must be left entirely and in Manchurian hands.

24 Q Did you say "I felt any occupation of Manchuria  
25 by Japan was a violation of the Nine-Power Treaty"?

1           A    With regard to treaties, I am a complete lay-  
2 man, but from a layman's intuition I felt that that  
3 would be a violation.

4           Q    Now, with regard to Shanghai as to which you  
5 have given evidence, did you say this when you were  
6 being interrogated: "Whilst I was Vice-Chief of Staff,  
7 I went to receive the Emperor's permission on different  
8 matters and especially recalled that I went to get this  
9 permission at the time we sent the 14th Division to  
10 Shanghai"?

11           A    What did you mean by that question?

12           Q    Did you say that when you were interrogated?

13           A    I am quite old and I have already forgotten.  
14 Unless you give me a few more details I won't be able  
15 to explain.  
16

17           Q    I will read on. Did you go on to say "When I  
18 went the Emperor first said that he could see no reason  
19 for sending them"?

20           A    He did not say that he saw no reason. But,  
21 the Emperor did make the statement to the effect that  
22 "would it be all right, was it necessary to send more  
23 troops?"

24           THE MONITOR: He made inquiry to that effect.

25           Q    Did you say that the Emperor told you that he  
felt that with the situation coming back to normal in

1     Shanghai --

2             MR. SUGAWARA: I object to the last question,  
3     your Honor. I see no relevancy when it involves the  
4     Emperor.

5             THE PRESIDENT: The objection is emphatically  
6     overruled.

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1 Q Did you say that the Emperor felt that with  
2 the situation coming back to normal in Shanghai it  
3 was not necessary to send the division there?

4 A Not so.

5 Q Do not you know that before even the naval  
6 party was landed in Shanghai the Chinese Mayor had  
7 accepted the whole of the terms demanded by the Jap-  
8 anese Consul General?

9 A That I do not know.

10 Q Did you say, "I told the Emperor that they were  
11 already on the move and if they were not to be used in  
12 Shanghai we definitely needed them in Manchuria," and he  
13 finally reluctantly agreed?

14 A That wasn't the case. There was a war going  
15 on in Shanghai and it was doubted by us whether troops  
16 were needed there or not, and so we took every possible  
17 precaution. But half the troops were on the high seas  
18 and half of them were on the train -- on the move, and  
19 we couldn't stop them, and so it was carried out on the  
20 plan that if they went to Shanghai and they were not  
21 needed in effecting the settlement, then they would be  
22 transferred to Manchuria, where they were lacking in  
23 troops.  
24

25 Q Did you say that troops were sent three times  
to Shanghai?

1 A I don't know whether I said that or not, but  
2 it is a fact that they were sent there three times.

3 Q Did you say that matters like the sovereignty  
4 of China or the treaties guaranteeing it did not enter  
5 into your heads at that time?

6 A No. As a matter of fact, the troops of the  
7 various powers were stationed in North China and  
8 Shanghai, and at that time ideas pertaining to sovereign-  
9 ty were rather superficial, and therefore we hardly  
10 thought about it.

11 Q Well, then, the answer should have been yes,  
12 shouldn't it?

13 A Was the question to the effect that -- Was the  
14 question whether or not we thought of sovereignty?

15 Q Sovereignty or treaties.

16 A We didn't think about it deeply.

17 Q When you said it never entered into your heads,  
18 in the plural, whose head were you thinking of besides  
19 your own?  
20

21 A I am not referring to anybody in particular,  
22 because in so far as the diplomatic affairs were con-  
23 cerned, I was following the direction as laid down by  
24 the government -- by the diplomatic authorities of the  
25 government.

Q Didn't you mean ARAKI's head?

1 A No, ARAKI wouldn't be included in this  
2 category because ARAKI of all persons placed extremely  
3 great emphasis and importance on international treaties.

4 Q Did he tell you that this was a breach of them?

5 A He did not.

6 Q And he agreed to do it, did he not?

7 A I think with regard to the dispatch of forces  
8 he agreed, because it was a cabinet decision.

9 Q Now, on page 3 of your affidavit, in the  
10 middle, you say the opinion of War Minister ARAKI  
11 toward the League of Nations was quite clear, that he  
12 fully explained his opinion at the cabinet meeting and  
13 induced the meeting to the decision that Japan would  
14 not withdraw from the League.

15 Were you present at that cabinet meeting?

16 A I was not present at the meeting, but what I  
17 have stated there and elsewhere in the affidavit is  
18 what I have frequently and constantly heard from ARAKI  
19 himself.

20 Q Don't you know the truth is that he expressed  
21 the exact opposite opinion at the cabinet meeting?

22 A That I don't know. I placed my implicit trust  
23 in what ARAKI told me. I don't know for myself what  
24 took place in the cabinet meeting.

25 MR. COMYNS CARR: No further questions.



1. MR. SUGAWARA: There will be no redirect  
2 examination. May the witness be excused?

3 THE PRESIDENT: He is excused on the usual  
4 terms.

5 (Whereupon, the witness was excused.)

6 MR. SUGAWARA: Mr. McManus will continue to  
7 present evidence.

8 THE PRESIDENT: Mr. McManus.

9 MR. McMANUS: I now request that defense docu-  
10 ment 1934 be received into evidence. This is War Min-  
11 ister ARAKI's statement to the 62nd Session of the Diet,  
12 made on June 3, 1932, concerning the uneasiness of resi-  
13 dents of China because of the withdrawal of the Japanese  
14 troops, but which was done nevertheless because of a  
15 desire for peace and fulfillment of treaty obligations.  
16 This document is also tendered for the purpose of showing  
17 that the War Minister deplored the participation of  
18 eleven army cadets in the May 15 Incident.

19 THE PRESIDENT: Mr. Comyns Carr.

20 MR. COMYNS CARR: If your Honor pleases, in  
21 our submission, this document is substantially repeti-  
22 tive and self-serving, and for both the reasons argued  
23 before, the prosecution objects to it.

24 THE PRESIDENT: Is there anything new in it,  
25 Mr. McManus?

1 MR. McMANUS: Nothing other than what I just  
2 stated, if the Court pleases.

3 THE PRESIDENT: It appears to be repetitive.

4 By a majority the Tribunal sustains the objec-  
5 tion and rejects the document as being repetitive.

6 MR. McMANUS: I now invite the Tribunal's  
7 attention to exhibit 2177 and request that I be per-  
8 mitted to read one question and one answer on page 22  
9 from this document. This document contains the minutes  
10 of the third trial of OKAWA Shumei. I shall now read  
11 the question on page 22:

12 "Question to OKAWA:

13 "Were General MASAKI and General ARAKI involved  
14 in the March Incident or the October Incident?

15 "Answer: No."

16 I now tender defense document 1869, which  
17 is a stenographic record of the House of Representatives,  
18 62nd Session of the Diet, and tender same for the pur-  
19 pose of showing that it was the decision of the entire  
20 Diet and not that of ARAKI alone to recognize Manchoukuo  
21 as an independent state. This session of the Diet was  
22 held on June 15, 1932.  
23  
24  
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THE PRESIDENT: Mr. Comyns Carr.

1 MR. COMYNS CARR: May it please the Tribunal,  
2 this is a speech in the Diet by an individual named  
3 KODAMA whom I do not think we have heard of before.  
4 In my submission it is entirely irrelevant to con-  
5 sider whether the Diet did or did not agree with the  
6 policy of the government. The persons charged here  
7 are those in the dock, and the question is whether  
8 they are responsible for it.

9 If my friend desires it, I have no objection  
10 to admitting that the Diet did pass a resolution on  
11 15 June 1932 that the government should recognize  
12 Manchukuo, but the speech of Mr. KODAMA, in my sub-  
13 mission, is a mere waste of time.

14 THE PRESIDENT: Mr. McManus.

15 MR. McMANUS: Yes, your Honor. I wanted to  
16 show that ARAKI did not take any initiative, that it  
17 was the decision of the Diet.

18 I think Mr. Carr's concession will suffice.

19 THE PRESIDENT: You may withdraw the document.

20 MR. McMANUS: Yes, I do so withdraw it.

21 I now tender defense document 2011 which is a  
22 record of the proceedings of the House of Peers of  
23 August 26, 1932. It is an address of State Minister  
24 Count UCHIDA and is tendered to show that it was the  
25

1 will of all the statesmen of Japan to recognize Man-  
2 churian independence and not that of ARAKI alone. It  
3 is also offered for the purpose of disclosing the then  
4 future intentions of Japan toward Manchuria as an  
5 independent state and the explanations for such  
6 recognition.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: If it please the Tribunal,  
9 the prosecution objects to this speech by a person who  
10 is not charged. In my submission it cannot help ARAKI  
11 to show that if this be a crime he had partners in  
12 crime other than those in the dock.

13 THE PRESIDENT: Mr. McManus.

14 MR. McMANUS: I have nothing further to add,  
15 your Honor, except just to submit the document for the  
16 Court's decision.

17 THE PRESIDENT: The objection is sustained  
18 and the document rejected.

19 MR. McMANUS: I now offer defense document  
20 1822, which is a stenographic record of the 64th session  
21 of the Diet held on March 18, 1933, wherein ARAKI made  
22 a report on the activities of the army concerning the  
23 Jehol Province and wherein he emphatically stated the  
24 nature of these activities was for the purpose of sub-  
25 jugating the bandits under the Japan-Manchukuo Protocol

1 wherein he expressly reiterated his desire for a  
2 peaceful settlement of the difficulties and a per-  
3 manent peace for the Orient.

4 THE PRESIDENT: Mr. Comyns Carr.

5 MR. COMYNS CARR: May it please the Tribunal,  
6 the prosecution has no strong objection to this par-  
7 ticular document, although I cannot recognize my  
8 friend's description of it as being accurate, but in  
9 our submission it adds nothing and is a waste of time.

10 MR. McMANUS: If your Honor pleases, I sug-  
11 gest that your Honor receive it into evidence and  
12 your Honors determine whether or not it is important.

13 THE PRESIDENT: Does it add anything to the  
14 attitude of the accused, ARAKI, as stated by him in  
15 earlier speeches? Is it not repetitive, really?

16 MR. McMANUS: He states several emphatic  
17 points here which do contain some new matter, if the  
18 Court pleases.

19 THE PRESIDENT: There may be some additions  
20 in matters of detail but the general attitude as stated  
21 here is as it was stated earlier. The details are  
22 not material in this particular matter.

23  
24 The Court sustains the objection and rejects  
25 the document as being repetitive.

MR. McMANUS: At this time I should like to

1 call the witness OMORI

2  
3 S O G E N O M O R I, called as a witness in be-  
4 half of the defense, being first duly sworn,  
5 testified through Japanese interpreters as  
6 follows:

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: This affidavit is, in our  
9 submission, so irrelevant that I would like to make  
10 my objection to it before time is taken up by asking  
11 the witness questions about it.

12 THE PRESIDENT: Better let it be tendered in  
13 the usual way, Mr. Carr.

14 MR. COMYNS CARR: If your Honor pleases.

15 DIRECT EXAMINATION

16 BY MR. McMANUS:

17 Q Would you state your name, please?

18 A My name is OMORI, Sogen. My address is  
19 Tojo-In, Toji-In Kitamachi, Kamikyo-Ku, Kyoto.

20 MR. McMANUS: May the witness be shown de-  
21 fense document 1959?

22 Q Mr. OMORI, is this your affidavit?

23 A Yes.

24 Q And are the facts therein true and correct?

25 A Yes, true and correct.

1 MR. McMANUS: I now tender defense document  
2 1959, if the Court pleases.

3 MR. COMYNS CARR: If it please the Tribunal,  
4 the sole subject of this affidavit is that the witness,  
5 who is a priest, says that he was invited to take part  
6 in a plot to assassinate ARAKI by some political  
7 opponents of his, and that he refused to do so.

8 THE PRESIDENT: How could that be relevant,  
9 if that is a fair statement of the contents?

10 MR. McMANUS: If your Honor pleases, ARAKI  
11 is charged with being an aggressor, of promoting into  
12 the minds of young officers ideas of aggression, and  
13 promoting world domination. I claim, if your Honor  
14 pleases, that this will show that he followed a middle-  
15 of-the-road attitude and he was not an aggressor at  
16 all, even to such --

17 THE PRESIDENT: In other words, this witness'  
18 opinion is that ARAKI is not an aggressor. He in  
19 effect swears the issue for us, and we solemnly listen  
20 to him.

21 MR. McMANUS: Your Honor, this witness does  
22 not give his opinion. He states a set of facts from  
23 which your Honor can draw your conclusions.

24 THE PRESIDENT: The only conclusion that we  
25 are invited to draw is that this witness does not think

1 ARAKI was an aggressor, and therefore would not take  
2 part in his assassination. I have not read the whole  
3 of the affidavit, but I am taking it that Mr. Carr's  
4 statement, which, is not contradicted, is correct.

5 MR. McMANUS: If the Tribunal pleases, I call  
6 your earnest attention to page 2, paragraph 2. There  
7 is a clear expression of facts there.

8 THE PRESIDENT: By a majority, on my casting  
9 vote, the objection is upheld and the document re-  
10 jected.

11 MARSHAL OF THE COURT: Is it desired, Mr.  
12 President, that the witness be discharged?

13 THE PRESIDENT: Did you apply to have him  
14 discharged?

15 MR. McMANUS: I so apply, if the Court  
16 pleases.

17 THE PRESIDENT: He is discharged on the  
18 usual terms.

19 (Whereupon, the witness was excused.)

20 MR. McMANUS: I now request that the witness  
21 TODOROKI be called, please.

22 THE PRESIDENT: What is the number of this  
23 document?

24 MR. McMANUS: 2519.  
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1 S A K A E T O D O R O K I, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

## DIRECT EXAMINATION

BY MR. McMANUS:

Q Would you state your full name, please.

A TODOROKI, Sakae.

MR. McMANUS: May the witness be shown de-  
fense document 2519, please.(Whereupon, a document was handed  
to the witness.)Q Would you tell this Tribunal whether or not  
that is your affidavit.

A This is my affidavit.

Q Are the facts contained therein true and  
correct?

A Yes.

MR. McMANUS: I now tender document 2519,  
if the Tribunal pleases.MR. COMYNS CARR: If the Tribunal please,  
the prosecution objects to this affidavit in toto.  
The witness was a newspaper reporter, and the affi-  
davit consists partly of evidence as to AKAKI's  
general character, partly of the witness' and other

1 persons' opinions about a considerable number of  
2 matters, and partly of newspaper gossip of a general  
3 kind. So far as it contains any facts, they are re-  
4 petitive.

5 As to that part of it which consists of a  
6 testimonial to the character of the accused ARAKI,  
7 in our submission, before a Tribunal such as this  
8 and at this stage of the proceedings, such evidence  
9 is useless and should be rejected.

10 THE PRESIDENT: This matter came up in  
11 Chambers, and I pointed out to Major Furness, I  
12 think, what the position would be in a British court.  
13 Technically, you can receive evidence of general  
14 character on the question of guilt or innocence, but  
15 I have never known it to be done. But, no doubt,  
16 it has been done at times, and it is an open ques-  
17 tion as to whether we should receive character evi-  
18 dence here, but I do understand the majority are  
19 opposed to it. I may be wrong.

20 Yes.

21  
22 MR. COMYNS CAIR: Your Honor, with regard  
23 to that point, might I add that, in my experience,  
24 when it is received at all, it is confined to the  
25 single question: What is the reputation of the  
accused amongst his neighbors? This, and particu-

1 larly some other affidavits of the same kind which  
2 are on the list go into a great deal of detail.

3 MR. McMANUS: If the Tribunal please, I  
4 was aware of your Honor's ruling concerning -- your  
5 Honor's views concerning the acceptance of character  
6 testimony. However, it was just an impossible task  
7 to take the particular phrases out of these affidav-  
8 its. Some reference is made to his character, but  
9 it is not the crux of the affidavit, if the Court  
10 please.

11 THE PRESIDENT: By a majority, the objection  
12 is sustained and the whole document rejected.

13 (Whereupon, the witness was ex-  
14 cused.)

15 MR. McMANUS: At this time, if the Court  
16 please, I should like to call the witness NAKAMURA.

17 THE PRESIDENT: What is the number of that  
18 document, Mr. McManus?

19 MR. McMANUS: 2132.  
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1 K A Z U N A K A M U R A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

## DIRECT EXAMINATION

BY MR. McMANUS:

Q Would you state your full name, please.

A NAKAMURA, Kazu.

MR. McMANUS: May the witness be shown de-  
fense document 2132?(Whereupon, a document was handed  
to the witness.)Q Will you tell this Tribunal whether or not  
this is your affidavit.

A Yes, it is.

Q Are the facts contained therein true and  
correct?

A Yes, it is correct.

MR. McMANUS: I tender document 2132, if  
the Tribunal pleases.MR. COMYNS CHAIR: Prosecution objects to  
this affidavit as a whole on grounds similar to the  
last. It consists of the opinion of the witness and  
the alleged opinion of a number of other persons as  
to ARAKI's character and other topics; and, so far

1 as it contains any matter of fact at all, it relates  
2 primarily to the activities of the witness, himself,  
3 and a person named MATSUKATA and hardly at all to  
4 anything done by ARAKI. There is one passage in  
5 which the witness deposes to the correctness of a  
6 report of a speech made by ARAKI. As to that --  
7 two speeches -- we shall object on the ground of  
8 irrelevancy, but we should not challenge their  
9 authenticity.

10 MR. McMANUS: If your Honor pleases, this  
11 is a very important document in my opinion. It goes  
12 to show that this witness conducted a summer school,  
13 and he requested General ARAKI on several occasions  
14 to make speeches. He heard the speeches; he knows  
15 about them; he can tell you whether or not -- the  
16 reason why he invited him there and whether or not  
17 he inculcated into the minds of people ideas of  
18 aggression.

19 THE PRESIDENT: This may be an excellent  
20 character witness in a certain event. A majority  
21 sustains the objection and rejects the document.  
22 We will recess for fifteen minutes.

23 (Whereupon, at 1445, a recess was  
24 taken until 1500, after which the proceed-  
25 ings were resumed as follows:)

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MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

MR. McMANUS: I believe your Honor has rejected  
the affidavit of the witness in the box now so I shall  
request that he be excused on the usual terms.

THE PRESIDENT: He is excused accordingly.

(Whereupon, the witness was excused.)

MR. McMANUS: I now request that the witness  
ARITA be called, whose affidavit is document No. 1956.

- - -

1 H A C H I R O A R I T A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. McMANUS:

6 Q Will you state your full name, please?

7 A ARITA, Hachiro.

8 MR. McMANUS: May the witness be shown defense  
9 document No. 1956?

10 Q Will you tell this Tribunal whether or not  
11 that is your affidavit?

12 A This is my affidavit.

13 Q Are the facts therein true and correct?

14 A Yes.

15 MR. McMANUS: I tender document No. 1956.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document No. 1956  
18 will receive exhibit No. 3169.

19 (Whereupon, the document above  
20 referred to was marked defense exhibit  
21 No. 3169 and received in evidence.)

22 MR. McMANUS: I shall proceed to read exhibit  
23 3169:

24 "Having first duly sworn an oath as on attached  
25 sheet and in accordance with the procedure followed in

1 my country I hereby depose as follows.

2 "AFFIDAVIT

3 "ARITA, Hachiro.

4 "1. My career: Vice-Minister of Foreign  
5 Affairs to the SAITO cabinet. Minister of Foreign  
6 Affairs to the first KONOE cabinet. Minister of  
7 Foreign Affairs to the HIRANUMA cabinet. Minister  
8 of Foreign Affairs to the YONAI cabinet.

9 "2. Relations to Mr. ARAKI: During the  
10 time of the SAITO cabinet when Mr. ARAKI was Minister  
11 of War, I was Vice-Minister of Foreign Affairs and at  
12 the time of both the first KONOE cabinet and the  
13 HIRANUMA cabinet I was a cabinet minister with  
14 Mr. ARAKI who took the office of the Minister of  
15 Education. During the YONAI cabinet Mr. ARAKI was  
16 Cabinet Councillor, and I was Minister of Foreign  
17 Affairs. After that both of us did not take any pub-  
18 lic office, but we met often at private parties.

19 "3. Five Ministers' Conference and Mr. ARAKI:

20 "It was in the later period of the cabinet  
21 that I took the office of Minister of Foreign Affairs  
22 to the first KONOE cabinet.

23 "This cabinet held Five Ministers' Conferences,  
24 consisting of Prime, War, Naval, Foreign and Financial  
25 Ministers, for the purpose of debating on the important



1 affairs of the situation; for instance, the problem  
2 of a reenforcement of the Anti-Comintern Agreement  
3 Pact (or the so-called Tripartite Alliance) was dis-  
4 cussed at one of these conferences. But Mr. ARAKI  
5 of course did not attend the Five Ministers' Confer-  
6 ences because he was Minister of Education.

7 "4. Mr. ARAKI occupied the office of the  
8 chairman of the committee of the General Spiritual  
9 Mobilization, because his official position of Minister  
10 of Education was closely connected with the national  
11 spiritual field, and so far as I remember he was  
12 appointed in the same way as ex officio.

13 "5. Mr. ARAKI and Japan-German Cultural  
14 Agreement: Japan had entered into a cultural agree-  
15 ment with Germany and Italy, and this kind of agree-  
16 ment was intended to be concluded but with as many  
17 other countries as possible. Therefore Japan entered  
18 into a cultural agreement with Hungary, Brazil and  
19 Siam besides the above-mentioned countries.

20 "Although there was not an existing agree-  
21 ment, Japan carried out the various culture exchanges  
22 with Poland, Portugal, Argentine and Belgium.

23 "As for the United States of America, Japan  
24 held an old Japanese fine arts exhibition in the Inter-  
25 national Exhibition at San Francisco. As these

1 agreements were cultural problems aiming at culture  
2 exchange in the world, as to the conclusion of an  
3 agreement and its enforcement the Foreign Office  
4 always conferred with the Ministry of Education.  
5 The business mainly consists of exhibition of fine  
6 arts and industrial arts and exchange of students  
7 and professors.

8 "Mr. ARAKI, Minister of Education, insisted  
9 on an exchange of culture of the wide world, empha-  
10 sizing that it should not be limited to Germany and  
11 Italy alone and the Foreign Office had the same  
12 opinion with him.

13 "6. Mr. ARAKI and the Tripartite Alliance:

14 "I heard many times at several private meet-  
15 ings that Mr. ARAKI had disagreed to the Tripartite  
16 Alliance and various kinds of control.

17 "At the resignation of the HIRANUMA cabinet  
18 due to Tripartite Alliance issue, Mr. ARAKI was con-  
19 sidered one of the most agreeable successors to the  
20 head of the following cabinet, together with General  
21 ABE, Nobuyuki and Mr. IKEDA, Seihin. One of the  
22 principal reasons that Mr. ARAKI was pointed out as  
23 prospective successor was that he had such an opinion  
24 regarding the Tripartite Alliance as I stated above.  
25

"On this 22 day of March 1947 at Tokyo.

"Deponent ARITA, Hachiro."

THE PRESIDENT: Mr. Comyns Carr.

CROSS-EXAMINATION

BY MR. COMYNS CARR:

1 "Deponent ARITA, Hachiro."  
2 THE PRESIDENT: Mr. Comyns Carr.  
3 CROSS-EXAMINATION  
4 BY MR. COMYNS CARR:  
5 Q Mr. ARITA, you say that various matters  
6 were brought before Five Ministers' Conferences  
7 which Mr. ARAKI as Education Minister did not attend.  
8 Was it not necessary for the decisions at all of  
9 those Five Ministers' Conferences to be brought  
10 before the cabinet for their approval before they  
11 could be put into effect?

12 A Of course, to carry into effect or to give  
13 effect to any decisions of the Five Ministers'  
14 Conference they would have to be weighed by the  
15 entire cabinet.

16 Q And were not the facts as to the negotiations  
17 with Germany and Italy in 1938 and 1939, in fact, well  
18 known to other cabinet ministers including ARAKI as  
19 well as to the five ministers?

20 A I have stated in my affidavit that Mr. ARAKI  
21 was not a member of the Five Ministers' Conference.

22 Q Do you think that is an answer to my ques-  
23 tion?  
24

25 A I have only replied to part of the question.  
If members of the cabinet other than those

1 who were members of the Five Ministers' Conference  
2 were aware or familiar with the discussions held at  
3 the Five Ministers' Conference then that particular  
4 minister could not have heard that officially. He  
5 could only have heard of it informally through some  
6 other member or some other person familiar with the  
7 discussions.

8 Q In the last paragraph of your affidavit  
9 you say that after the resignation of the HIRANUMA  
10 cabinet Mr. ARAKI was thought of as a possible successor  
11 because he was known to be opposed to the negotiations  
12 for the Tripartite Alliance. How could that be if  
13 he did not know all about those negotiations?

14 A I do not think ARAKI was familiar with all  
15 the details discussed at the Five Ministers' Confer-  
16 ence. However, with regard to the proposed Tri-  
17 partite Alliance, the subject was not only discussed  
18 at the Five Ministers' Conference but was widely dis-  
19 cussed in public at the time, whether that Tripartite  
20 Alliance should be approved or not -- was good or not.

21 Q But was it not also discussed in the cabinet?

22 A Not once was there an official discussion  
23 of this subject at the cabinet meeting.

24 Q Were there unofficial discussions?

25 A Not even unofficially.

1 Q Was there not a compromise arrived at in  
2 May or June 1939 on the question whether the pro-  
3 posed alliance should commit Japan to military action  
4 in support of Germany and Italy as against countries  
5 with whom they might be at war other than Russia?  
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7 A Yes, such matters were discussed at the  
8 Five Ministers' Conference.  
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1 Q I suggest to you that they were also dis-  
2 cussed at the Cabinet conferences and that all agreed  
3 on the compromise.

4 A Never has a discussion of the Five Ministers  
5 Conference been reported to the Cabinet and there  
6 debated.

7 Q If Mr. ARAKI himself has told us in his inter-  
8 rogation, exhibit 2218, that questions of foreign policy  
9 were reported from the Five Ministers Conferences to  
10 the Cabinet and there decided upon, is he wrong?

11 A As I have said before, I do not recollect  
12 any decision made by the Five Minister Conference ever  
13 being reported to the cabinet as a whole.

14 Q Now let us get a little clearer what was  
15 the matter in dispute. First of all, was it not  
16 agreed by all the members of the Five Ministers Con-  
17 ference and of the Cabinet that Japan should enter  
18 into a treaty with Germany and Italy by which she  
19 was bound to give them military support if they be-  
20 came involved in a war with Russia?

21 A No such decision was ever made by the Cab-  
22 inet.

23 Q Was it made by the Five Ministers Conference?

24 A It is very difficult for me to speak of the  
25 problem which was discussed very simply, inasmuch as

1 from the Spring through the Summer of 1939 this ques-  
2 tion was discussed on many, many occasions by the  
3 Five Ministers Conference and was a problem which  
4 was extremely perplexing and complicated.

5 Q But that is quite a simple question, isn't  
6 it?

7 A I am rather hesitant as to making any defi-  
8 nite reply because I might possibly make a mistake in  
9 making a reply. I say this because I hardly expected  
10 that the details of the Tripartite Alliance would be  
11 discussed today at this Tribunal -- the relation be-  
12 tween the Five Minister Conference and the Tripartite  
13 Alliance.

14 Q Did you know the late Baron HARADA?

15 A Yes. Well.

16 Q And did you frequently, throughout this year  
17 1939, report to him for the information of Prince  
18 SAIONJI exactly what had been discussed and what had  
19 been decided?

20 A No, I have never made any report to Prince  
21 SAIONJI myself, but I have on many occasions given  
22 information to Baron HARADA which he might use in  
23 reporting on diplomatic and political developments  
24 which he might report to Prince SAIONJI, at Baron  
25 HARADA'S request.

1 from the Spring through the Summer of 1939 this ques-  
2 tion was discussed on many, many occasions by the  
3 Five Ministers Conference and was a problem which  
4 was extremely perplexing and complicated.

5 Q But that is quite a simple question, isn't  
6 it?

7 A I am rather hesitant as to making any defi-  
8 nite reply because I might possibly make a mistake in  
9 making a reply. I say this because I hardly expected  
10 that the details of the Tripartite Alliance would be  
11 discussed today at this Tribunal -- the relation be-  
12 tween the Five Minister Conference and the Tripartite  
13 Alliance.

14 Q Did you know the late Baron HARADA?

15 A Yes. Well.

16 Q And did you frequently, throughout this year  
17 1939, report to him for the information of Prince  
18 SAIONJI exactly what had been discussed and what had  
19 been decided?

20 A No, I have never made any report to Prince  
21 SAIONJI myself, but I have on many occasions given  
22 information to Baron HARADA which he might use in  
23 reporting on diplomatic and political developments  
24 which he might report to Prince SAIONJI, at Baron  
25 HARADA'S request.



1 Q Now, was not the point in dispute this:  
2 Whether the Treaty should include an undertaking  
3 by which Japan would give military support to Germany  
4 and Italy in the event of their being involved in a  
5 war with some country other than Russia?

6 A I do not recall the exact phraseology or  
7 the words used at the time, but generally, I think  
8 it was so.

9 Q And were not HIRANUMA, the Premier, and  
10 ITAGAKI, the War Minister, and OSHIMA, the Ambassador  
11 in Germany, all in favor of agreeing to give such  
12 support;---

13 MR. WARREN: I wish to object to that as call-  
14 ing for a conclusion of the witness. I represent  
15 HIRANUMA in this instance.

16 THE PRESIDENT: The objection is overruled.

17 Q ---on the other hand, was it not opposed by  
18 Admiral YONAI and yourself?

19 A Yes, it is a fact that I and the then Navy  
20 Minister YONAI were opposed.

21 Q At the time Prime Minister HIRANUMA was  
22 given the Imperial command to form a cabinet succeed-  
23 ing to that of Prince KONOYE, I was called by Prince  
24 KONOYE to concede to my remaining in office as Foreign  
25 Minister.

1 MR. WARREN: If the Court please, I would  
2 like to object to this line of questioning for the fur-  
3 ther reason that apparently they are now stepping out-  
4 side of the matter contained in the affidavit -- at  
5 least, as I interpret it, they are -- and for the  
6 further reason, as I understood a previous ruling of  
7 the Tribunal, this type of questioning being an attempt  
8 to go into the case of another accused, would not be  
9 permitted in these individual phases in this manner.

10 THE PRESIDENT: We placed no limitation of  
11 that nature on the cross-examination. This matter  
12 seems to be well within the scope of the affidavit.

13 The objection is overruled.  
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ARITA

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1 Q Was not a compromise arrived at that, in the  
2 event of Germany or Italy being at war with a country  
3 other than Russia, Japan would give political and  
4 economic support to them and military aid if possible,  
5 but that it should be explained to them that it would  
6 not be possible to give effective military aid?

7 A There were compromise plans on at least two  
8 occasions. The compromise was not limited to one only.

9 Q Was not this the compromise which was adopted  
10 round about the 4th of May, 1939?

11 A As I have said before, since I had made no  
12 preparations to discuss the details of these discus-  
13 sions or negotiations I am afraid I could not give you  
14 an accurate reply.

15 Q And was not that compromise made known to all  
16 the members of the Cabinet and to the chief secretary?

17 A I do not think that was the case.

18 Q And were they not all prepared to agree to it  
19 including ARAKI?

20 A Inasmuch as the decision of the Five Ministers  
21 Conference was not reported to the Cabinet as a whole,  
22 there could not have been the possibility of the Cabinet  
23 approving it.

24 Q Was it not put into a draft in that form and  
25 sent to Germany?

1           A    I cannot say whether the draft plan as just  
2 read to me was sent just as it was; but it was as a  
3 matter of course that a compromise plan somewhat to  
4 that effect was communicated to the representative in  
5 the field.

6           Q    Now, do you say that the matter was allowed  
7 to get to the stage of a draft treaty to which Japan  
8 would be committed if the other side accepted it,  
9 and that that was done without the knowledge of all  
10 the members of the Cabinet?

11           A    To every extent the discussion of this subject  
12 matter was limited to the Five Ministers Conference  
13 discussion. It was entirely in the preparatory state,  
14 and only after some arrangement was reached between  
15 Japan and Germany or the other party, then the matter  
16 was to be submitted to the Cabinet for its approval,  
17 and only thereafter would the treaty be formally  
18 signed.

19           Q    Let me ask you: You told us that you did  
20 consult with Baron HARADA and discuss matters with him  
21 from time to time. Was that because you knew that  
22 Baron HARADA as Prince SAIONJI's secretary was the  
23 channel through which SAIONJI would give direct advice  
24 to the Emperor?  
25

          A    I do not know whether or not Prince SAIONJI

1 ever expressed opinions on diplomatic questions  
2 directly to the Emperor. However, when any cabinet  
3 changes took place it was Prince SAIONJI's responsi-  
4 bility to recommend the succeeding cabinet and also  
5 necessary for him to have correct information with  
6 regard to the movements -- political and diplomatic  
7 movements.

8 Q And wasn't that the reason why all the  
9 various ministers and people who wanted to be ministers  
10 were anxious to let HARADA know their views in order  
11 to increase their position in the eyes of Prince  
12 SAIONJI?

13 A I do not know what others felt or thought.

14 Q Wasn't that your reason?

15 A I had not one iota of thought of trying to  
16 increase my own position or better my own position.

17 Q Now, let's turn to the question of the  
18 alliance. Was not the draft which you told me was  
19 drawn up as a result of the compromise in May rejected  
20 by the Germans because they had an alternative draft  
21 which they preferred?

22 A I do not know whether or not they actually  
23 rejected the Japanese offer, proposal, but an alterna-  
24 tive plan was submitted by the Germans.

25 Q Yes. And was not a new agreement reached

1 between the various parties taking part in the dis-  
2 cussion in Japan on the 5th of June as to the manner  
3 of handling that proposal?

4 A I do not remember the date exactly, but the  
5 German draft was discussed by the Five Ministers  
6 Conference.

7 Q Now, isn't it the fact that the differences  
8 of opinion within the Cabinet on this and other ques-  
9 tions were such that the HIRANUMA Cabinet would have  
10 collapsed even if Germany had not signed the non-  
11 aggression pact with Russia?

12 THE PRESIDENT: Mr. Carr, how will the answer  
13 to that question help us, assuming it is what you  
14 anticipate?

15 MR. COMYNS CARR: Possibly not. Possibly it  
16 isn't worth pursuing, your Honor. In that case I will  
17 not ask any further questions.

18 THE PRESIDENT: You are for the accused  
19 OSHIMA, Mr. SHIMANOUCHI?

20 MR. SHIMANOUCHI: I should like to conduct a  
21 cross-examination on behalf of the accused OSHIMA.

22 MR. COMYNS CARR: Your Honor, I am not aware  
23 that the witness has said anything against the accused  
24 OSHIMA. I put to him a question, but I didn't under-  
25 stand the witness to agree with what I was suggesting.

1 THE PRESIDENT: I do not recollect any  
2 adverse answer. His name was bracketed with that of  
3 the accused HIRANUMA and another name that I have  
4 forgotten.  
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1 MR. USAMI: If the Tribunal please, as  
2 counsel for HIRANUMA, I desire to re-examine this  
3 witness on matters concerning HIRANUMA and which  
4 occurred during the cross-examination of my friend.

5 THE PRESIDENT: Matters left obscure. But why  
6 shouldn't Mr. McManus conduct the re-examination?

7 If nothing has been left obscure by the cross-  
8 examination in relation to HIRANUMA, what is the scope  
9 for re-examination, assuming you have the right?

10 MR. USAMI: The witness started to answer,  
11 to tell the Court, that at the time of the formation  
12 of the HIRANUMA Cabinet, the witness had a talk with  
13 Mr. HIRANUMA, and the witness answered so far and my co-  
14 counsel, Mr. Warren, came to the lectern and put an  
15 objection.

16 THE PRESIDENT: If something hostile to the  
17 accused HIRANUMA was said, you are entitled to cross-  
18 examine. If something was left obscure in relation  
19 to HIRANUMA, you are entitled to re-examine. Now,  
20 what was hostile or what was obscure?

21 MR. USAMI: Nothing said hostile to HIRANUMA  
22 by this witness, but he started to tell a story about  
23 a talk he had with HIRANUMA at the time of the formation  
24 of HIRANUMA Cabinet. He could not finish his story  
25 because of my co-counsel's objection, and that story



1 I want the witness to continue and finish. That is  
2 the only thing I should like to hear.

3 THE PRESIDENT: It may be a very interesting  
4 story, but you can have it completed only if something  
5 hostile was said about HIRANUMA or something left  
6 obscure about him, and you can't suggest either and  
7 you have no right to the lectern.

8 MR. USAMI: With all due respect to the Tri-  
9 bunal, I think the testimony half finished leaves the  
10 matter very obscure.

11 THE PRESIDENT: What was left obscure? I am  
12 open to listen to you. I do not want to shut you out.  
13 But you will not tell me what was left obscure.

14 MR. COMYNS CARR: Your Honor, my friend says --  
15 I do not know if it is right -- that the witness was  
16 prevented from completing the story by the interven-  
17 tion of his co-counsel for HIRANUMA. He certainly  
18 was not prevented by me.

19 THE PRESIDENT: Nor by the Tribunal. That  
20 could have happened only if the objection were upheld,  
21 and it was overruled.

22 The discussion is closed. You are not  
23 entitled to re-examine or cross-examine.

24 Mr. McManus.

25 MR. McMANUS: I have no other questions, if

1 the Court pleases, and I therefore request that the  
2 witness be permitted to stand down.

3 THE PRESIDENT: The witness is excused on  
4 the usual terms.

5 (Whereupon, the witness was excused.)

6 MR. McMANUS: I now request to call the wit-  
7 ne s ISHIWATA; document 2138.

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1 S O T A R O I S H I W A T A, called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified through Japanese interpreters  
4 as follows:

## 5 DIRECT EXAMINATION

6 BY MR. McMANUS:

7 Q Will you state your full name, please?

8 A ISHIWATA, Sotaro.

9 MR. McMANUS: May the witness be shown  
10 document 2138.11 Q Would you please tell this Tribunal whether  
12 or not that is your affidavit?

13 A This is my affidavit.

14 Q Are the facts contained therein true and  
15 correct?

16 A Yes, true and correct.

17 MR. McMANUS: I now tender document 2138,  
18 if the Court pleases.

19 THE PRESIDENT Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document No. 2138  
21 will receive exhibit No. 3170.22 (Whereupon, the document above  
23 referred to was marked defense exhibit  
24 No. 3170 and received in evidence.)

25 MR. McMANUS: I shall now read exhibit No. 3170

1 "Deponent: ISHIWATA, Sotaro.

2 "I, ISHIWATA, Sotaro, make oath and say as  
3 follows:

4 "My address is No. 455 Seijo-machi,  
5 Setagaya-ku, Tokyo."

6 THE PRESIDENT: In future, Mr. McManus,  
7 omit that because he has already stated that on oath.

8 MR. McMANUS: All right.

9 THE PRESIDENT: It will appear in the transcript  
10 twice now.

11 MR. McMANUS: (Continuing) "From January  
12 until August 1939 and from February 1944 until February  
13 1945, I was Minister of Finance; from January until  
14 July 1940 and from February until April 1945, I was  
15 Chief Secretary of the Cabinet; from April until October  
16 1941, I was Chief of the General Affairs in the  
17 Imperial Rule Assistance Association; and from June  
18 1945 until January 1946, I was Minister of the Imperial  
19 Household.

20  
21 "In July 1941 while I was Chief of the General  
22 Affairs in the Imperial Rule Assistance Association  
23 (my resignation of the office was effected by the  
24 appearance of the TOJO Cabinet) I was requested by  
25 the Kokumin Press people to have a table talk with a  
certain person who would be chosen by me as the most

1 suitable of the several persons suggested by them.

2 "I replied to them that General ARAKI was  
3 the best partner to talk with if he would accept it,  
4 because I knew him to have an intention of non-  
5 expansion of the China Incident and also I knew him  
6 not to agree to the Italo-German-Japanese Alliance,  
7 which intentions he expressed to me many times.

8 "I understood that their idea was to make my  
9 talk a feature with General ARAKI's opinion inserted  
10 at several points.

11 "About the end of July, I remember, we five,  
12 that is, General ARAKI and I, two from the Kokumin  
13 Press and a scribe (he did not take down in shorthand).  
14 met together at the Hakusui, a restaurant in Akasaka,  
15 sometime around six o'clock in the evening.

16 "Most of the talk which lasted two hours was  
17 occupied by General ARAKI, I remember, who told his  
18 reminiscences at the time of the Siberian Expedition  
19 more than two decades before, when he was a field  
20 soldier. Most of it I heard for the first time and  
21 was much interested. The journalists, however, were  
22 much puzzled because it was not a conversation and  
23 could not be made an intended article.

24 "Therefore they asked me later to agree to  
25 their making an article of their own composition out

of the talk.

1           "So I replied that it might be inevitable  
2 to alter the talk but that they must be very careful  
3 not to create a story from it lest it should cause  
4 any trouble.  
5

6           "But the Article published in the paper was  
7 far different from the talk which we had that evening;  
8 my talk was increased much more than I did and General  
9 ARAKI's was omitted more than half.

10           "Besides the dictation done at that evening  
11 was not very good and I remember that many parts of  
12 that article in the paper were not clear to me.

13           "Especially on that evening General ARAKI  
14 compared the situation at the time of the Siberian  
15 Expedition with that of the current time (1941) and  
16 deplored the government for not having any definite  
17 policy of unifying the army and the navy, and then he  
18 worried deeply over the future of the nation.

19           "So far as I remember, the gist of his opinion  
20 was that the government should act under principles  
21 based on the great cause of justice and make final  
22 decision in carrying out the schemes planned by the  
23 army and the navy without their interference.  
24

25           "But an article could not be permitted to  
appear in the newspapers stating ill of the army and

1 the navy and the government under the circumstances  
2 of that time (1941); therefore any opinion conflicting  
3 with them was stuck out or shaded off by the editors.  
4 Consequently the article in the paper resulted in an  
5 incoherence.

6 "General ARAKI after he resigned from the  
7 post of Minister of Education in the HIRANUMA Cabinet  
8 in 1939, I observed conspicuously refrained from  
9 facing the public and was noted as a recluse from  
10 current events of the time. At the same time, the  
11 army authorities were opposed to him.

12 "In the HIRANUMA Cabinet, Mr. ARAKI and I were  
13 cabinet colleagues, I being Minister of Finance.  
14 At that time the Five-Ministers Conference discussed  
15 current problems, chiefly foreign issues, and made  
16 decisions. Therefore, Minister of Education ARAKI  
17 did not participate in it at all. As to the Nomohan  
18 Incident, even I was reported after its occurrence."

19 THE PRESIDENT: That is "informed" I think.

20 MR. McMANUS: (Continuing) "When the YONAI  
21 Cabinet was being formed, I made an earnest appeal  
22 to General ARAKI to take the office of the Minister  
23 of Home Affairs by order of Admiral YONAI, as the  
24 General was considered a man of self-respect, but he  
25 declined it on the grounds that he could not render

1 any service as the currents of the time were against  
2 him.

3 "As the situation at the time of the table  
4 talk was more critical than the time when the YONAI  
5 Cabinet was formed, General ARAKI's gravest anxiety  
6 with which he thought why the government did not estab-  
7 lish a strong policy to suppress the army and the navy  
8 and work out a plan for the security of the nation,  
9 was manifested on the pretext of his old story of the  
10 Siberian Expedition, as far as I can recollect.

11 "Under the various circumstances mentioned  
12 before, the article that appeared in the paper was  
13 much distorted and confusing and did not depict what  
14 General ARAKI's talk actually was."

15 THE PRESIDENT: Mr. Comyns Carr.

16 MR. COMYNS CARR: If it please the Tribunal,  
17 the prosecution does not desire to cross-examine,  
18 but the reference, in case the Tribunal wanted it, to  
19 the newspaper article which the witness was discussing,  
20 was exhibit 667 at page 7309.

21 MR. McMANUS: May the witness be excused?

22 THE PRESIDENT: He is excused accordingly.

23 (Whereupon, the witness was excused.)

24 THE PRESIDENT: Will you finish tomorrow,  
25 Mr. McManus?



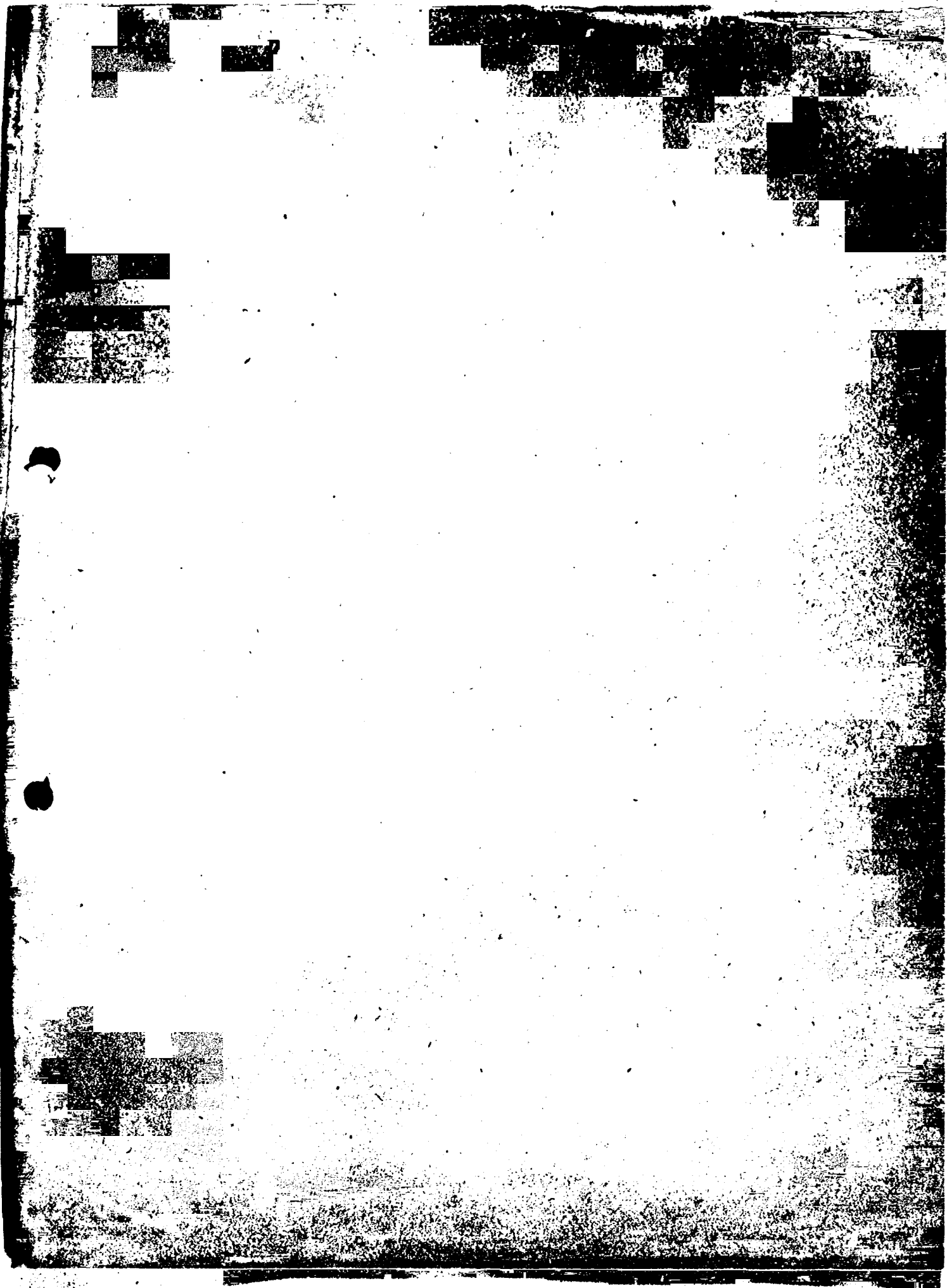
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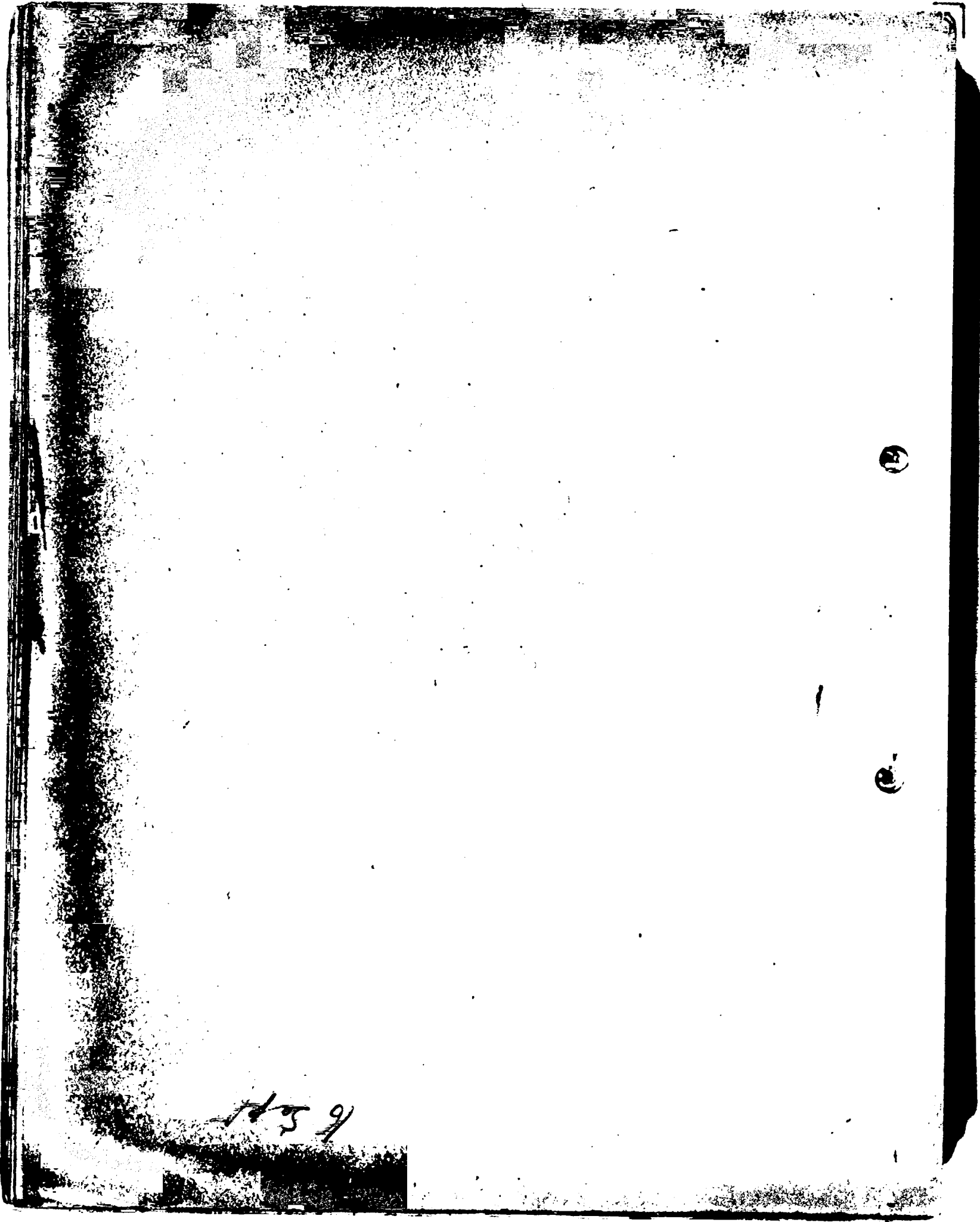
MR. McMANUS: Possibly, your Honor. I will  
do my best.

THE PRESIDENT: We will adjourn until  
half-past nine tomorrow morning.

(Whereupon, at 1600, an adjournment  
was taken until Tuesday, 16 September 1947,  
at 0930.)

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654

16 SEPTEMBER 1947

I N D E X  
O F  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
IIMURA, Minoru (recalled)	28517
Direct by Mr. SUGAWARA	28517
(Witness excused)	28520
IWAMATSU, Goro (recalled)	28523
Direct by Mr. McManus	28523
Cross by Mr. Brown	28530
(Witness excused)	28532
YOKOMIZO, Mitsuteru	28533
Direct by Mr. SUGAWARA	28533
(Witness excused)	28537
KOMURA, Sakahiko	28541
Direct by Mr. SUGAWARA	28541
<u>MORNING RECESS</u>	28543
(Witness excused)	28544
TOMITA, Kenji	28545
Direct by Mr. SUGAWARA	28545
(Witness excused)	28550
NAKAJIMA, Torakichi	28553
Direct by Mr. SUGAWARA	28553
(Witness excused)	28559

16 SEPTEMBER 1947

I N D E X  
Of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
MATSUYAMA, Tsunejiro	28560
Direct by Mr. SUGAWARA	28560
(Witness excused)	28562
MATSUMOTO, Takizo	28563
Direct by Mr. SUGAWARA	28563
<u>NOON RECESS</u>	28565
AIZAWA, Makoto	28602
Direct by Mr. Warren	28602
Cross by Judge Nyi	28607

16 SEPTEMBER 1947

I N D E X  
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E X H I B I T S

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidenc</u>
2095	3171		Affidavit of YOKOMIZO, Mitsuteru		28536
1914	3172		Affidevit of TOMITA, Kenji		28545
2494	3173		Affidavit of NAKAJIMA, Torakichi		28556
1819	3174		Minutes of a Privy Council Meeting held on 30 January 1932		28579
	3175		Pamphlet entitled "Pre- ceedings of the Education Council	28584	
2281	3175-A		Excerpt therefrom		28584
			<u>AFTERNOON RECESS</u>		28586
2098	3176		Affidavit of AIZAWA, Makoto		28603

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Tuesday, 16 September 1947

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

The Tribunal met, pursuant to adjournment,  
at 0930.

- - -

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE R. B. PAL, Member  
from India and HONORABLE JUSTICE HENRI BERNARD, Member  
from the Republic of France, not sitting from 0930 to  
1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: With the permission of the  
4 Tribunal, the accused HOSHINO will be absent from  
5 the courtroom conferring with his counsel for the whole  
6 of the day.

7 Major Moore.

8 MAJOR MOORE: If the Tribunal please, ex-  
9 hibit 3164, record page 28,360, lines 17 to 20, a  
10 section taken from pages 83 and 84 of the original  
11 Japanese has been referred. We recommend that the  
12 translation be approved.

13 The attention of the Tribunal is called to  
14 the fact that the first line is a phrase taken from  
15 the previous paragraph and the remainder is one para-  
16 graph.

17 THE PRESIDENT: Mr. McManus.

18 MR. McMANUS: At this time, if the Tribunal  
19 pleases, I should like to tender defense document  
20 No. 535, which is a speech made by Baron ARAKI at the  
21 Karuizawa Cultural Summer School. It tends to explain  
22 the accused ARAKI's ideas on "Bushido" and is offered  
23 for the purpose of refuting the charges that the  
24 accused ARAKI inculcated into the mind of students  
25 ideas of aggression and promoted world domination.

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THE PRESIDENT: Mr. Brown.

1 MR. BROWN: Your Honor, the prosecution ob-  
2 jects to this document on the ground that it is ir-  
3 relevant. The heading at the top of the document gives  
4 the summary of its contents, and it is suggested that  
5 the contents are clearly irrelevant.  
6

7 MR. McMANUS: If your Honor pleases, it clear-  
8 ly depicts the ideology of the accused ARAKI, and I  
9 think in view of the charges, such as inculcation into  
10 the minds of young officers and students, that it is  
11 quite relevant.

12 THE PRESIDENT: The meaning of "Bushido" is  
13 not an issue, of course.

14 By a majority the objection is sustained and  
15 the document rejected.

16 MR. McMANUS: At this time, if the Tribunal  
17 pleases, I should like to tender defense document  
18 1824 which is another address by the accused ARAKI,  
19 made at the same place. The title of it is "Object  
20 of War by General ARAKI, Sadao."

21 THE PRESIDENT: Mr. Brown.

22 This is on the object of any war at all, is  
23 it?

24 MR. McMANUS: Yes, your Honor. It is offered  
25 for the purpose of showing the ideology of the accused  
ARAKI.

1 MR. BROWN: Your Honor, the prosecution ob-  
2 jects to this document on the ground that it is  
3 irrelevant. It contains merely the gist of the lec-  
4 ture, it suggests that the editor is responsible for  
5 the wording, and it is on the question of how any war  
6 should be waged.

7 MR. McMANUS: Concerning the objection that  
8 it is the wording of the editor, if your Honor please,  
9 I call to the Tribunal's attention that I endeavored  
10 to have this document -- this was one of the documents  
11 that I intended to have identified by the accused  
12 ARAKI and also by the witness NAKAMURA.

13 MR. BROWN: May I say, your Honor, the  
14 prosecution does not dispute the authenticity. The  
15 other objection remains.

16 MR. McMANUS: I can only reiterate, if the  
17 Court please, that it is relevant in my opinion. As  
18 I stated before, it depicts the ideology of the ac-  
19 cused ARAKI.

20 THE PRESIDENT: By a majority the objection  
21 is sustained and the document rejected.

22 MR. McMANUS: I now tender, for the same pur-  
23 pose, defense document 1867 which is an address by  
24 the accused ARAKI, delivered in 1929 to the Sixth  
25 Division on the occasion of its last maneuvers. This

1 document is also tendered for the purpose, as stated  
2 before, of refuting the charges of inculcating  
3 aggression into the minds of young officers, and I  
4 call to the Tribunal's attention that this address  
5 was made to troops.

6 THE PRESIDENT: Mr. Brown.

7 MR. BROWN: Your Honor, the prosecution ob-  
8 jects to this document on the grounds that it is also  
9 irrelevant. It is a general address to troops, tell-  
10 ing them how they should behave.

11 THE PRESIDENT: Does it tell them they should  
12 observe the Geneva Convention and such like provisions?

13 MR. BROWN, No, your Honor.

14 MR. McMANUS: Not in specific terms, if the  
15 Court pleases, but I think from the contents such can  
16 be inferred.

17 THE PRESIDENT: It talks about never-failing  
18 victory and glorious history and things like that.

19 By a majority the objection is sustained and  
20 the document rejected, mainly on the ground of ir-  
21 relevance and immateriality, as far as I can judge.

22 MR. McMANUS: The next document tendered by  
23 the defense, if the Tribunal pleases, is 1868. It is  
24 in the same category as the last one, but I should  
25 like to tender it for purposes of record.

1 THE PRESIDENT: Mr. Brown.

2 MR. BROWN: Your Honor, the prosecution ob-  
3 jects to this document as irrelevant. It was delivered  
4 in 1929 by ARAKI when he was Divisional Commander and  
5 it is in general terms about the relationship between  
6 the army and the local people, the attitude that  
7 soldiers should adopt to ex-soldiers, and the execu-  
8 tion of business. It is suggested that all these  
9 topics are irrelevant.  
10

11 THE PRESIDENT: Mr. McManus.

12 The objection is sustained and the document  
13 rejected.

14 MR. McMANUS: I should now ask, if the Tri-  
15 bunal pleases, to present my co-counsel, Mr. SUGAWARA,  
16 who will call the witness IIMURA. Defense document  
17 2226.

18 THE PRESIDENT: Counselor SUGAWARA.  
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1 M I N O R U I I M U R A, recalled as a witness on  
2 behalf of the defense, having been previously  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 THE PRESIDENT: You are still on your former  
6 oath.

7 MR. SUGAWARA: May the witness be shown de-  
8 fense document 2226.

9 DIRECT EXAMINATION

10 BY MR. SUGAWARA:

11 Q Is that the affidavit you have made out?

12 A Yes, it is.

13 Q Is there no correction to be made?

14 A No.

15 MR. SUGAWARA: I now tender defense document  
16 2226 in evidence.

17 THE PRESIDENT: Mr. Brown.

18 MR. BROWN: Your Honor, the prosecution ob-  
19 jects to the whole of this affidavit as irrelevant.  
20 It deals entirely with the question of character.  
21

22

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1 MR. SUGAWARA: Language Section, I will read  
2 the refutation I prepared, No. 1.

3 Our learned friend of the prosecution has  
4 endeavored to show the Tribunal that ARAKI incūlcated  
5 into the mind of young officers and the people the  
6 principle of aggression and world domination and pre-  
7 sented several evidences to this purpose.

8 This is exactly where the difficulty arises  
9 for defense, inasmuch as an excerpt of a part of a long  
10 speech or writing tends to give a false impression and  
11 is apt to divert from the original intention of the  
12 speaker or the writer, which could be thoroughly under-  
13 stood only when the whole speech or written article was  
14 read.

15 Especially in a rhetoric expression in Japanese,  
16 which ARAKI was fond of introducing into his speeches,  
17 something which meant almost nothing, or an ordinary  
18 meaning, could appear to mean, when replaced word by  
19 word in English, something very drastic.

20 The difficulty in getting authentic witness or  
21 evidence to testify the numerous speeches that defen-  
22 dant ARAKI is supposed to have made is further inten-  
23 sified by the fact that all of those speeches took  
24 place more than ten years ago.

25 Under the circumstances, what we intend to

1 show to the Tribunal is what was defendant ARAKI's  
2 ideology or thought. Was ARAKI really of the principle  
3 of aggression and world domination? While admitting  
4 that a man of one principle could intentionally advocate  
5 another, if circumstances so require, we respectfully  
6 wish to say, would it have been possible for a man of  
7 ARAKI's position and standing to inculcate anything  
8 which was just the contrary to what he had always been  
9 advocating for many years in the past?

10 We desire to show the principle and ideology  
11 with which ARAKI had been consistent throughout all of  
12 his speeches and writings. This will also be supported  
13 by those who had spent most of their public life with  
14 ARAKI and who had been acquainted with his principle  
15 and thought.

16 It is inevitable, much to our regret, that the  
17 evidence of this type and method is aptly confused with  
18 and taken as character evidence. We respectfully wish  
19 the Tribunal's indulgence to permit us the presentation  
20 of this evidence, which, although it may appear to be  
21 a kind of character evidence, is in fact an important  
22 indicator to the principle and ideology of KODO (Im-  
23 perial Way), which was fundamentally different from  
24 militarism and aggressionism, and with which ARAKI  
25 has been consistent throughout his life. Our last

1 submission is that in the Tribunal of this type an  
2 evidence to ideology should be differently treated from  
3 that to character.

4 THE PRESIDENT: By a majority the objection is  
5 sustained and the document rejected.

6 MR. SUGAWARA: Mr. McManus will continue with  
7 the presentation of evidence.

8 MR. McMANUS: May the witness be released on  
9 the usual terms?

10 THE PRESIDENT: He is released accordingly.

11 (Whereupon, the witness was excused.)

12 MR. McMANUS: I now tender defense document  
13 268, which contains excerpts from the accused ARAKI's  
14 publication entitled Youth and Culture. It is tendered  
15 for the same purpose as heretofore stated concerning  
16 the ideology of the accused.

17 THE PRESIDENT: Mr. Brown.

18 MR. BROWN: Your Honor, the prosecution objects  
19 to this document on the ground that it is irrelevant.  
20 It consists of advice to young men on how to behave,  
21 and two pages advocating Knightly Benevolence.

22 THE PRESIDENT: Mr. McManus, this seems to be  
23 covered by the earlier decisions.

24 MR. McMANUS: I have no other.

25 THE PRESIDENT: As regards this, the question



1 for us is, What did the Japanese soldiers do? What  
2 opportunities had ARAKI to prevent them doing it?  
3 What steps did he take to prevent them? not what speeches  
4 he made about them.

5 MR. McMANUS: If your Honor pleases, the  
6 accused ARAKI is charged with having conspired to in-  
7 culcate ideas of aggression. The fact that he made  
8 such speeches is a direct refutation of the prosecu-  
9 tion's charge that he inspired young officers with ideas  
10 of aggression.

11 THE PRESIDENT: That is character evidence.  
12 The argument is that he was a man of good character;  
13 therefore he could not have done this. As one of my  
14 colleagues observes, this is more objectionable than  
15 other matter we have already rejected.

16 The objection is sustained and the document  
17 rejected.

18 MR. McMANUS: If your Honor pleases, the next  
19 defense document is in the same category. I shall  
20 merely offer it for the purposes of the record. It is  
21 defense document 1960.

22 THE PRESIDENT: Mr. Brown.

23 MR. BROWN: Your Honor, the prosecution ob-  
24 jects. I don't think it is necessary to add anything  
25 further.

1 THE PRESIDENT: The objection is sustained  
2 and the document rejected.

3 MR. McMANUS: I shall now request that the  
4 witness IWAMATSU Goro be recalled to the witness stand  
5 so that I may complete the reading of exhibit 2378.

6 THE PRESIDENT: Mr. Brown.

7 MR. BROWN: The prosecution objects to the  
8 portions which it is proposed to read on pages 5, 6,  
9 and 7. Apart from one statement of evidence which the  
10 prosecution does not challenge, it deals entirely with  
11 character.

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1 MR. McMANUS: If the Tribunal pleases, this  
2 document has already been admitted by the Tribunal.  
3 It is an exhibit -- 2378; and, at the time when the  
4 witness was on the stand, I requested leave to re-  
5 call the witness so that I could complete the reading  
6 as I had not completed it at that time because it did  
7 not deal with the certain portion of the case I was  
8 then putting in.

9 THE PRESIDENT: The witness is still on  
10 his former oath.

11 - - -

12 G O R O I W A M A T S U, recalled as a witness on  
13 behalf of the defense, having been previously  
14 sworn, testified through Japanese interpreters  
15 as follows:

16 THE PRESIDENT: We must hear you further,  
17 Mr. McManus. We cannot recall this instantly.

18 MR. McMANUS: If your Honor pleases, this  
19 witness was secretary to General ARAKI when he was  
20 Education Minister.

21 THE PRESIDENT: Was the whole document ad-  
22 mitted?

23 MR. McMANUS: Yes, it was admitted, if the  
24 Tribunal pleases.

25 THE PRESIDENT: Mr. Brown.

1 MR. BROWN: Your Honor, on page 18,538  
2 of the record Mr. McManus stated that he did not  
3 intend to read the entire document at that time.  
4 That was, therefore, not the time to take objection  
5 to this part. To go back to the exhibit, the third  
6 paragraph on page 5 contains -- repeats evidence which  
7 has already been given. There is, in fact, another  
8 document which has been served on us stating exactly  
9 the same fact again, and the remaining portions deal  
10 entirely with character.

11 THE PRESIDENT: Well, how much do you in-  
12 tend to read, Mr. McManus?

13 MR. McMANUS: From the top of page 5, if  
14 the Tribunal pleases, and page 6 including the  
15 second paragraph on page 7.

16 THE PRESIDENT: Well, apparently there is  
17 no objection to that.

18 (Whereupon, Mr. Brown approached  
19 the lectern.)

20 Now, Mr. Brown, we must be fair in this  
21 matter. You did not object to this document when  
22 it was first tendered. You read it. You knew what  
23 was in it, and you must have believed some of it  
24 was admissible. Now I am asking you to state what  
25 it is, and you object to the lot.

1 MR. BROWN: Your Honor, this part was not  
2 previously objected to because it was not previously  
3 proposed to read it.

4 THE PRESIDENT: The objection is not to  
5 reading but to the thing going into evidence. We  
6 do not admit anything inadmissible because it is  
7 not going to be read. If we admit a thing, we  
8 make it evidence whether we read it or not, and we  
9 could read it although it is not read in court.

10 Read the part you propose to read. It  
11 doesn't follow that we will regard it as having  
12 probative value.  
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1           MR. McMANUS: I shall start at the begin-  
2           ning of the second paragraph on page 5, your Honor:

3           "Before the General became Educational Min-  
4           ister there was an attempt by the Japanese Govern-  
5           ment to promote an exchange of goodwill between  
6           Germany and Japan. This program was carried out to  
7           the extent of sending young men to Germany, and Ger-  
8           many in return would send some of her young men to  
9           Japan. When Baron ARAKI became Education Minister  
10          the group of Japanese youths who had left previously  
11          for Germany returned. ARAKI, as Education Minister,  
12          met them eventually and he expressed this opinion  
13          to me:

14                 "I regret that these young men returned  
15                 home with Nazi influence, I do not like our young  
16                 men being imbued with Nazi principles. If this pro-  
17                 gram is to continue in the future it will be my sug-  
18                 gestion that these young men going to Europe again  
19                 should visit not only Germany but England and France  
20                 as well.'

21                 "On the occasion when the German-Japanese  
22                 Culture Agreement was signed, Minister ARAKI wanted  
23                 me to devise some plan or means to conclude this  
24                 agreement to cover not only Germany but as many other  
25                 nations who might express some interest in the program.

1 "When Baron ARAKI was the Education Minister  
2 he stated to me on one occasion an opinion that if a  
3 nation became a first class country by strength of  
4 armed forces it would not last long. A nation to be-  
5 come a first class country had to do so by virtue of  
6 culture. He encouraged the study of science and  
7 personally negotiated with the Finance Ministry to  
8 obtain an extra allowance of 3,000,000 Yen annually  
9 for the study of basic science in colleges and univer-  
10 sities. He respected technical education and on all  
11 occasions listened to the opinion of business men.  
12 It was his desire to carry out vocational education  
13 to a great extent and in this respect he looked toward  
14 business circles.

15 "During the China Incident a few of his in-  
16 terests, expressions and actions vividly remain with  
17 me. On one occasion there was public clamor to the  
18 effect that the art exhibition and the teaching of  
19 the English language in schools should be abolished.  
20 He was definitely opposed to this suggested re-  
21 striction and stated that the culture of a nation is  
22 not the kind to be temporarily stopped.

23 "Concerning the suggestion of the abolition  
24 of the English language teaching, he was of the opinion  
25 that it might have originated from an anti-foreign

1 principle and he expressed the opinion to me, quoting  
2 one of the Emperor MEIJI's five oaths, that Japan  
3 should not indulge in a superior complex of its own,  
4 nor flatter itself that it is superior to others.  
5 The Japanese public, he said, must become such as to  
6 be admired, loved and respected by all without asking  
7 other people to do so; and that the study of English  
8 not only should it not be abolished but it should be  
9 encouraged and that students should have the determi-  
10 nation to learn more languages if possible. He  
11 brought to the attention of the students that Britian  
12 and the United States were studious enough to study  
13 the Japanese language and he suggested that if this  
14 were the attitude of great nations Japan must follow  
15 them.  
16

17 "Minister ARAKI, when he was Education Min-  
18 ister, advocated most sincerely the policies of the  
19 late Emperor MEIJI, first, that Japan should not be  
20 a nation of Fascism, then again that Japan should  
21 apply itself more diligently to the study of Western  
22 civilization. Further, that the Japanese people should  
23 flourish the power of unbiased judgment and attain above  
24 all things the culture of a nation which has been in  
25 existence for 2600 years.

~~"While he was Education Minister he advocated~~



1 and encouraged the education of the deaf and blind,  
2 referring frequently to the case of Madam Helen  
3 Keller. He was an ardent champion of loyalty. On  
4 one occasion I remember a group of Niseis visited  
5 him and requested his opinion as to what action  
6 should be taken by them in the event of a future  
7 struggle between Japan and other countries. He ad-  
8 vised them that their first duty was to the country  
9 of their birth. However, he further stated that if  
10 they felt reluctant to engage in any conflict with  
11 the country of their ancestors that they should do  
12 all that they possibly can to prevent any such un-  
13 fortunate happening and to try to iron out any mis-  
14 understanding which might arise. I was deeply im-  
15 pressed and respected him sincerely for his opinion."  
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1 THE PRESIDENT: Mr. Brown, do you really  
2 think you ought to cross-examine? I am quite sure  
3 that, had you not allowed that document to go in  
4 without objection, it would have been rejected on  
5 objection.

6 MR. BROWN: Your Honor, I do not wish to  
7 cross-examine except to ask the witness whether  
8 he has yet found the document which he undertook  
9 to produce the last time he appeared here as a  
10 witness.

11 CROSS-EXAMINATION

12 BY MR. BROWN:

13 Q Have you brought that document with you,  
14 Mr. IWAMATSU?

15 A I handed it to the defense counsel.

16 Q When?

17 A Some time after the last time I appeared  
18 in this court.

19 THE PRESIDENT: Which one? Which counsel?

20 THE WITNESS: I handed it in at the office  
21 of Mr. McManus.

22 Q Did you hand it to a Japanese person?

23 A Yes.

24 THE PRESIDENT: Yes, Mr. McManus.

25 MR. McMANUS: Your Honor please, my co-

1 counsel states that he has the document but not with  
2 him. But he shall submit it to the Court at the  
3 first opportunity. It is at his home, I understand.

4 THE PRESIDENT: Well, I don't know whether  
5 that calls for comment or not by the Tribunal. I  
6 cannot recall instantly all the circumstances.

7 MR. COMYNS CARL: Your Honor, the circum-  
8 stances were that in the course of cross-examination  
9 by me he said that he had a document which would  
10 prove a certain fact. He then produced a document  
11 which he had with him in the waiting room, and it  
12 turned out not to prove the fact at all. Then he  
13 said that he had the real document at home and would  
14 produce it.

15 THE PRESIDENT: Not to produce this further  
16 document may possibly be to suppress evidence of  
17 lack of credibility.

18 MR. COMYNS CARL: Your Honor, I do not know  
19 what is in it, and I should not like to make any  
20 accusation against anybody without seeing it.

21 MR. McMANUS: If your Honor pleases, I can  
22 assure the Tribunal, from my co-counsel, that the  
23 document will be produced as expeditiously as pos-  
24 sible and that, furthermore, I will have Mr.  
25 IWAMATSU here for any further interrogation or any

1 comment that the prosecutor might like to make con-  
2 cerning the document. I am sorry that this happened  
3 at this time, but I was not aware of it.

4 THE PRESIDENT: If his credibility was  
5 questioned by the prosecution, that document should  
6 settle it one way or the other, and it has not been  
7 produced. Now he is in the box.

8 MR. McMANUS: Your Honor, I can do nothing  
9 more than to advise the Court that I will produce  
10 the document that my co-counsel has, which he claims  
11 is the document, as soon as possible.

12 MR. COMYNS CARR: Your Honor, I suggest  
13 the most convenient thing would be to postpone the  
14 matter until I have had the opportunity of seeing  
15 the document, and I would like to reserve the right  
16 to cross-examine the witness further, if necessary,  
17 after I have seen it.

18 THE PRESIDENT: Well, he is released again  
19 on the usual terms.

20 (Whereupon, the witness was ex-  
21 cused.)

22 MR. McMANUS: At this time, if the Tribunal  
23 pleases, I call upon my co-counsel, Mr. SUGAWARA to  
24 introduce document 2095 which is an affidavit of  
25 the witness, YOKOMIZO.

1 MITSUTERU YOKOMIZO, called as a  
2 witness on behalf of the defense, being first  
3 duly sworn, testified through Japanese inter-  
4 preters as follows:

## DIRECT EXAMINATION

BY MR. SUGAWARA:

Q State your name, please.

A YOKOMIZO, Mitsuteru, care of TOYAMA, 221  
9 Tsukimida, Hodogaya-ku, Yokohama.Q Now, you will be shown defense document  
11 2095. Tell the court if it is your affidavit --  
12 2095.(Whereupon, a document was handed  
14 to the witness.)

Q Are the contents therein true and correct?

THE INTERPRETER: The witness answered,  
17 "Yes, this is my affidavit."

A They are true.

MR. SUGAWARA: I tender defense document  
20 2095 in evidence.

THE PRESIDENT: Mr. Brown.

MR. BROWN: Your Honor, the prosecution  
23 objects to this document on the ground that it is  
24 irrelevant. Apart from a short description of the  
25 object with which the National Mobilization Com-

1 mittee was set up, at the bottom of the first page,  
2 it deals mainly with the structure of that commit-  
3 tee, with ARAKI's character, and there is a short  
4 statement at the end about the Cabinet records  
5 which, your Honor --

6           Mr. SUGAWARA: I do not know whether the  
7 prosecution is charging that ARAKI was Chairman of  
8 the National Spiritual Mobilization Movement --  
9 Committee or whether, as Mr. Comyns Carr pointed  
10 out, they are charging that Mr. ARAKI was Chairman  
11 of the National Mobilization Committee. The two  
12 offices of Chairman of the National Spiritual Mobe-  
13 lization Committee and that of Chairman of the  
14 National Mobilization Committee, which was founded  
15 under the terms of the National Mobilization Law,  
16 are quite different; and, if the prosecution is  
17 charging that ARAKI was Chairman of the National  
18 Mobilization Committee, there is really no need  
19 for me to say anything further. If they are  
20 charging that he was Chairman of the National  
21 Spiritual Mobilization Committee, this witness was  
22 the General Secretary of that committee. And we  
23 believe that under those circumstances it is the  
24 natural duty of the defense to prove that this  
25 National Spiritual Mobilization Movement was none

1 than a movement to promote the people's livelihood.

2 THE PRESIDENT: Well, what are you contend-  
3 ing, Mr. Brown?

4 MR. BROWN: I should have added that the  
5 last paragraph deals with general matters which  
6 should, if anything, have been introduced during  
7 the general phase; and I should have said, your  
8 Honor, National Spiritual Mobilization Committee.  
9 It was simply a slip of the tongue. There was no  
10 allegation, it was otherwise: National Spiritual.

11 MR. SUGAWARA: I should like to be permit-  
12 ted to state a word concerning the last paragraph.  
13 This witness was Chief of the General Affairs of  
14 the Cabinet Secretariat when General ARAKI was War  
15 Minister. The prosecution has made an issue out of  
16 the records of the Cabinet meetings of those days.  
17 The defense contended yesterday that General ARAKI  
18 presented to Premier SAITO the so-called "Emergency  
19 Policies." This witness is the only one who can  
20 tell us how these records were disposed of in the  
21 Cabinet Secretariat. Especially, the prosecution  
22 has presented much evidence alleging that they were  
23 records of Cabinet meetings, but it is a matter of  
24 common knowledge among the Japanese that records of  
25 Cabinet meetings are not always kept, and I wish to  
prove this point through this witness.

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1 THE PRESIDENT: Are you making any allega-  
2 tions in respect of this National Spiritual Mobiliza-  
3 tion movement, Mr. Brown?

4 MR. BROWN: No, your Honor.

5 THE PRESIDENT: None at all.

6 MR. BROWN: That is right.

7 THE PRESIDENT: Not merely that ARAKI was  
8 associated with it but no allegation of any kind?

9 MR. BROWN: No, your Honor.

10 THE PRESIDENT: Then there is nothing to meet.  
11 By a majority the objection is sustained  
12 in part. We admit the last paragraph dealing with  
13 the cabinet records but reject the balance. That part  
14 is admitted on the usual terms.

15 CLERK OF THE COURT: Defense document  
16 No. 2095 will receive exhibit No. 3171.

17 (Whereupon, the document above  
18 referred to was marked defense exhibit  
19 No. 3171 and received in evidence.)

20 MR. SUGAWARA: I shall commence reading the  
21 document:

22 "Next I shall relate about the documents  
23 discussed at the cabinet meetings.

24 "I was the Chief of General Affairs of the  
25 Cabinet Secretariat at the INUKAI and SAITO cabinets,



1 to both of which Mr. ARAKI was War Minister, and so  
2 I was responsible for keeping in record the documents  
3 discussed at the cabinet meetings and subsequently  
4 passed to the Secretariat for safekeeping. The de-  
5 cision at the cabinet meetings was not necessarily done  
6 on documents, a considerable part of it was done ver-  
7 bally. Moreover, quite a number of documents on  
8 which decision had been made at the meeting was not  
9 given to the Secretariat for safekeeping. It was not  
10 a customary practice to make record of the cabinet  
11 meetings."

12 THE PRESIDENT: Any cross-examination?

13 MR. BROWN: No, your Honor.

14 THE PRESIDENT: The witness is discharged on  
15 the usual terms.

16 (Whereupon, the witness was excused.)

17 THE PRESIDENT: Mr. McManus.

18 MR. McMANUS: At this time, I the Tribunal  
19 please, I tender document 1823, which is an address by  
20 General ARAKI to Chiang Kai-shek showing that ARAKI  
21 was endeavoring to promote free and more intimate re-  
22 lations between Japan and China.

23 THE PRESIDENT: Mr. Brown.

24 MR. BROWN: Your Honor, the prosecution objects  
25 to this document on the ground that it is irrelevant.

1 It deals as my learned friend has said with an  
2 address to Mr. Chiang Kai-shek, goes on to say that  
3 the speaker hopes for the prosperity of the East and  
4 the peace of the world, states that Japan has much  
5 to contribute by way of saving Western culture and  
6 suggests that the Chinese and the Japanese should  
7 assist in this, and states, lastly, that the speaker  
8 is deeply grieved that the Sino-Japanese problems  
9 have come to such a pass.

10 THE PRESIDENT: Mr. McManus.

11 MR. McMANUS: May I call your Honor's  
12 attention to Section 6, Appendix A of the Indictment,  
13 the very last paragraph which states briefly: "The  
14 educational systems, civil, military and naval, were  
15 used to inculcate a spirit of totalitarianism, aggres-  
16 sion, desire for war, cruelty and hatred of potential  
17 enemies." This is included in many counts of the  
18 Indictment, if the Court pleases, and it is the  
19 prosecution's contention that ARAKI comes under this  
20 particular charge.

21 I would like to make it clear to the Tribunal  
22 that it is in refutation of this that I am offering  
23 all these talks, speeches and ideolog: of ARAKI;  
24 consequently, it is my contention that it is clearly  
25 relevant and I disagree with the learned prosecutor.

1 THE PRESIDENT: Was this a letter written  
2 to Chiang Kai-shek or something in the nature of an  
3 open letter that he may never have seen?

4 MR. McMANUS: It was an open letter, if the  
5 Tribunal pleases.

6 THE PRESIDENT: Propaganda.

7 By a majority the objection is sustained and  
8 the document rejected.

9 MR. McMANUS: I now tender defense document  
10 1881, which is a statement by Minister of State ARAKI  
11 made in 1939 showing his advocacy of cultural agree-  
12 ments with other countries other than Germany alone.

13 THE PRESIDENT: Mr. Brown.

14 MR. BROWN: Your Honor, the prosecution  
15 objects to this document as irrelevant.

16 THE PRESIDENT: Yes. How is this relevant,  
17 Mr. McManus.

18 MR. McMANUS: If your Honor pleases, it  
19 shows that ARAKI, as claimed by the prosecution, in-  
20 culcated ideas of aggression and it corroborates  
21 Mr. IWAMATSU's statement which I just read this  
22 morning from defense document 650.

23 It has been called to my attention, your  
24 Honor, that I just stated that ARAKI advocated aggres-  
25 sion. Of course, that was a slip of the tongue. I

meant just the opposite.

1 THE PRESIDENT: By a majority the objection  
2 is sustained and the document rejected.

3 MR. McMANUS: I now present my co-counsel,  
4 Mr. SUGAWARA.

5 THE PRESIDENT: Mr. SUGAWARA.

6 MR. SUGAWARA: I should like to question  
7 the witness KOMURA, Sakahiko.

8 I call the witness KOMURA.

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1 SAKAHIKO KOMURA, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as fol-  
4 lows:

5 DIRECT EXAMINATION

6 BY MR. SUGAWARA:

7 Q Witness, will you state your name to the  
8 Court, please?

9 A KOMURA, Sakahiko.

10 Q What is your address?

11 A 1910 Kichijoji Kitatama-gun, Tokyo.

12 Q Witness, you will be shown defense document  
13 2135. Will you examine it and state whether it is  
14 your affidavit or not?

15 A This is my affidavit.

16 Q Is it a correct affidavit?

17 A Yes, it is true and correct.

18 MR. SUGAWARA: I tender defense document 2135  
19 in evidence.

20 MR. BROWN: Your Honor, the prosecution ob-  
21 jects to this document, which appears to deal with  
22 nothing but character.

23 MR. SUGAWARA: Although I have already spoken  
24 on the question of ideology, I should like to be per-  
25 mitted to say one word in connection with this document.

1           The prosecution in this case has taken up the  
2 question of ideology. The Chief Prosecutor, Mr. Keenan,  
3 has employed the phrase "dangerous or harmful ideolo-  
4 gies." In Mr. Hammack's opening statement words to  
5 the same effect were also used, and he has also charged  
6 that ARAKI propagated, taught and instigated aggressive  
7 ideologies. On the 21st of June 1946 Mr. Donihi employ-  
8 ed words to the effect that the movie shown by the pros-  
9 ecution, "Emergency Japan," was considered by the pros-  
10 ecution to be propaganda of the very worst type. In  
11 connection with education, the three prosecution wit-  
12 nesses, OUCHI, TAKIKAWA AND IKESHIMA, all practically  
13 using the same language, charged that ARAKI strengthen-  
14 ed military education, although we later disproved this  
15 through cross-examination. Concerning inculcation of  
16 aggressive ideologies, the Soviet Prosecutor, Mr.  
17 Golunsky, said that ARAKI and others instigated aggres-  
18 sive ideas into the young officers. To sum this all  
19 up, it adds to the fact that the prosecution is charg-  
20 ing that ARAKI instigated, propagandized and inculcated  
21 aggressive principles and education.  
22

23           In rebutting this, the defense is saying that  
24 ARAKI neither taught, instigated nor propagated aggres-  
25 sive ideologies; that what ARAKI did propagate was not  
aggression, but "Kodo",, or the Imperial Way, which was

1 Japan's own intrinsic spiritual ideology, which is  
2 entirely contrary to the aggressive ideology.

3 Therefore, we believe that, in order to come  
4 to any judgment whatsoever it is necessary to determine  
5 whether "Kodo", or the Imperial Way was or was not an  
6 aggressive philosophy.

7 This witness has been associated with the  
8 defendant for a long time. He is well acquainted  
9 with ARAKI's attitude and thoughts at the time of the  
10 Pacific War and therefore it is my sincere belief that,  
11 without considering these matters, it is impossible  
12 to say offhand that ARAKI was an instigator of agres-  
13 sive principles, and therefore I find it difficult to  
14 understand why the prosecution should object to evi-  
15 dence of this type. I ask that the evidence of this  
16 witness be accepted.

17 THE PRESIDENT: The Court will recess for  
18 fifteen minutes.

19 (Whereupon, at 1050, a recess was  
20 taken until 1110, after which the proceedings  
21 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: By a majority the objection  
4 is sustained and the document rejected.

5 The witness is discharged on the usual terms.

6 (Whereupon, the witness was excused.)

7 MR. SUGAWARA: As my next witness I call  
8 TOMITA, Kenji.

9 THE PRESIDENT: We should not have to wait  
10 for these witnesses for such length of time.

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1 K E N J I T O M I T A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. SUGAWARA:

7 Q Witness, will you state your name?

8 A TOMITA, Kenji.

9 Q And what is your address?

10 A 3594 Hiratsuka, Hiratsuka City, Kanagawa  
11 Prefecture.

12 Q Witness, you will be shown defense document  
13 1914. Will you examine it and state whether it is  
14 your affidavit or not?

15 A This is undoubtedly my affidavit.

16 Q Are the contents correct?

17 A This is the affidavit I wrote before.

18 Q Are the matters you have written in there  
19 true and correct?

20 A Yes, they are.

21 MR. SUGAWARA: I tender defense document  
22 1914.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document No.  
25 1914 will receive exhibit No. 3172.

1                    ("Hereupon, the document above  
2                    referred to was marked defense exhibit  
3                    3172 and received in evidence.)

4                    MR. SUGAWARA: I shall read the document.

5                    "I, TOMITA, Kenji, make oath and say as  
6                    follows:

7                    "I was Chief Cabinet Secretary in the  
8                    Second and Third KONOYE Cabinets.

9                    "In the summer of 1940, some time after  
10                    the formation of the Second KONOYE Cabinet, I went  
11                    to General ARAKI by order of Premier KONOYE, to ask  
12                    him to be a Cabinet Councilor, but he declined the  
13                    offer.

14                    "There were two reasons why General ARAKI  
15                    declined the post of Cabinet Councilor. First, he  
16                    opposed the establishment of the Imperial Rule As-  
17                    sistance Association. Secondly, he opposed the con-  
18                    clusion of the Tripartite Alliance between Japan,  
19                    Germany and Italy.

20                    "General ARAKI's opposition against the  
21                    formation of the Imperial Rule Assistance Association  
22                    was based on the following ground: The prevailing  
23                    political partisans' attitude could not always be  
24                    approved. But the Imperial Rule Assistance Associa-  
25                    tion was said to aim at establishing one party for

1 the whole nation rejecting co-existence of different  
2 political parties. Probably it would lead to despotic  
3 autocracy, depriving every one of his freedom to  
4 express his own opinion. It would be against the  
5 spirit of the Constitution and Emperor MEIJI's in-  
6 tentions when he declared that all measures of govern-  
7 ment should be decided by public opinion. It would be  
8 a system contrary to the structure of the state and  
9 the august will of the Emperor. That was his reason  
10 for opposition. Later it was clarified that the  
11 Imperial Rule Assistance Association was not a  
12 political but a public association. But at that time  
13 that was not clear to the public. So was his opinion.

14 "He opposed the Tripartite Alliance between  
15 Japan, Germany and Italy from his original ideologi-  
16 cal standpoint that most of the Japanese leaders not  
17 only overestimated the real strength of Germany but  
18 it also confounded the idea of our KODO (The Imperial  
19 Way) with that of the German totalitarianism, and  
20 therefore that the alliance was misleading in clar-  
21 ification of Japan's real standpoint. Moreover, he  
22 absolutely opposed it from his professional military  
23 standpoint that it would lead to aggravating the  
24 feelings of America and Britain toward Japan with the  
25 resultant difficulty of settling the China Incident

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so much so that it might probably become inevitable  
for Japan to wage war against America and England.

1                    "He stated the Imperial Rule Assistance  
2 Association as a domestic problem and the Tripartite  
3 Alliance as an international problem were both  
4 extremely important for Japan. Conferences for  
5 settling these problems ought to have been conducted  
6 with utmost prudence. But as they had already been  
7 decided, his opinion could affect them no longer.  
8 Therefore, he said the post of a cabinet councillor  
9 was meaningless.

10                    "'Premier KONOYE's opinion is in fact the  
11 same as yours,' I said to him after hearing his opi-  
12 nions mentioned above, 'Though there are some who  
13 want to found the Imperial Rule Assistance Association  
14 on totalitarianism like Nazism, the Premier rejects  
15 it because it might be a revival of the Shogunate,  
16 contrary to the national structure of Japan. For the  
17 purpose of settling the China Incident at the earliest  
18 date possible, however, not existent political parties  
19 but a nation-wide organization is necessary to suppress  
20 the army. Such a national organization the Imperial  
21 Rule Assistance Association is aiming at. The Premier  
22 is far from considering the Tripartite Alliance as a  
23 means to hostilities against America and Britain as  
24 some people do. He fundamentally agrees with you,  
25 ~~General ARAKI, as he has an ardent desire to settle~~

1 the China Incident as soon as possible. Therefore  
2 we earnestly ask you to accept the post of cabinet  
3 councillor by all means.'

4 "After all my efforts in negotiation, he said  
5 he was not self-confident, under the prevailing  
6 objective circumstances, and could not be persuaded  
7 to accept the post. From that time on public asso-  
8 ciation between Prince KONOYE and General ARAKI was  
9 discontinued for the time being, though private inter-  
10 course continued, I remember."

11 THE PRESIDENT: Mr. Brown.

12 MR. BROWN: There will be no cross-examination,  
13 your Honor.

14 THE PRESIDENT: The witness is discharged on  
15 the usual terms.

16 (Whereupon, the witness was excused.)

17 MR. SUGAWARA: Mr. McManus will continue  
18 for the defense.

19 THE PRESIDENT: Mr. McManus.

20 MR. McMANUS: I now tender defense document  
21 1923, which is an article by ARAKI in 1935 depicting  
22 the racial character and arts of Russia, and it is  
23 tendered to show that ARAKI advocated an all-out  
24 effort on the part of the Japanese people to understand  
25 Russia.

1 THE PRESIDENT: Mr. Brown.

2 MR. BROWN: Your Honor, the prosecution  
3 objects to this document as irrelevant. It deals  
4 with nothing but ARAKI's views on the racial character-  
5 istics known to the Russian people.

6 THE PRESIDENT: Yes, Mr. McManus.

7 MR. McMANUS: It is offered for the same  
8 purpose, if the Tribunal pleases, as other documents  
9 have been, in refutation of Chapter 6 in the Indictment,  
10 last paragraph.

11 THE PRESIDENT: By a majority, the objection  
12 is sustained and the document rejected.

13 MR. McMANUS: I now tender defense document  
14 1917. This is a speech by the accused ARAKI, made  
15 on July 11, 1938, in the city of Osaka on the current  
16 situation at the time of the China Incident. It is  
17 tendered for the purpose of refuting the charge of  
18 inculcation and also to show his tendency for peace  
19 between China and Japan.

20 THE PRESIDENT: Mr. Brown.

21 MR. BROWN: Your Honor, the prosecution  
22 objects to this document as totally irrelevant. The  
23 first page contains fleeting references to Nazism  
24 and Fascism, and apart from that expresses regret at  
25 Sino-Japanese relations.

1           The second page contains a dissertation on  
2 how to behave, and an exhortation to be honest.

3           The third page contains a long story about  
4 the offering of a half-smoked cigarette by a Japanese  
5 to a dead Chinese.

6           THE PRESIDENT: A dead one?:

7           MR. BROWN: Yes, your Honor. It is suggested  
8 that the document is totally irrelevant.

9           MR. McMANUS: It is tendered for the same  
10 purpose as the other documents have been submitted.

11          THE PRESIDENT: By a majority the objection  
12 is sustained and the document rejected.

13          MR. McMANUS: I shall now ask Mr. SUGAWARA  
14 to take the lectern with the Court's permission and  
15 present the witness NAKAJIMA, defense document 2494.

16          THE PRESIDENT: Mr. SUGAWARA.

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1 T O R A K I C H I N A K A J I M A, called as a  
2 witness on behalf of the defense, being first  
3 duly sworn, testified through Japanese inter-  
4 preters as follows:

## DIRECT EXAMINATION

BY MR. SUGAWARA:

5  
6 Q Witness, will you state your name?7  
8 A NAKAJIMA, Torakichi.9  
10 Q What is your address?11  
12 A 838, 2-chome, Kami Kitazawa-machi, Setagaya-ku,  
13 Tokyo.14  
15 Q You will be shown defense document 2494. Will  
16 you examine it and state whether it is your affidavit  
17 or not?18  
19 A This is unmistakably my affidavit.20  
21 Q Are the contents true and correct?22  
23 A They are true and correct.24  
25 MR. SUGAWARA: I offer in evidence defense  
document 2494.

THE PRESIDENT: Mr. Brown.

MR. BROWN: Your Honor, in the first place  
I am informed by the Language Division that this is a  
very bad translation.The prosecution objects to most of this  
af idavit. It is perhaps shorter to state the parts

1 to which we do not object.

2           The prosecution does not object to paragraph 10  
3 or paragraph 9. The first three pages, in our sub-  
4 mission, go purely to character; that is, up to  
5 and including paragraph 8. The remainder of the docu-  
6 ment, it is suggested, consists of character evidence,  
7 repetitive evidence, and irrelevant matter.

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1 THE PRESIDENT: Well, you are not objecting  
2 to 16, although it would be repetitive. Part of 16  
3 relates to the Tripartite Pact. We have enough of  
4 that I think.

5 MR. BROWN: Your Honor, the last witness, who  
6 so stated, was not challenged on that point by the  
7 prosecution. It therefore seems unnecessary to have  
8 it here.

9 THE PRESIDENT: Mr. SAGAWARA.

10 MR. SUGAWARA: As you have said, I would  
11 like to delete paragraph No. 16. The fact that the  
12 translation is not complete --

13 THE MONITOR: As the prosecution states, I  
14 regret that the translation has not been done suffic-  
15 iently.

16 MR. SUGAWARA (Continuing): However, the  
17 witness has nothing to do with this.

18 This witness was attached to the division in  
19 Kumamoto when the accused ARAKI was Division Commander.

20 THE MONITOR: The 6th Divisional Commander as  
21 a Major-General.

22 MR. SUGAWARA (Continuing): Therefore, this  
23 witness is well acquainted as to what attitude ARAKI  
24 took toward military education. This witness was a  
25 close friend of ARAKI and was a classmate of ARAKI

1 while they were attending the military cadet school,  
2 while all important matters ARAKI was connected with  
3 was discussed confidentially with this witness, who  
4 was a close friend.

5 THE PRESIDENT: Well, Mr. SUGAWARA, you need  
6 not debate these points at such great length.

7 I think a majority favors the admission of  
8 paragraphs 9, 10, and 12.

9 MR. SUGAWARA: I have asked this witness to  
10 testify to all matters which are included in the affi-  
11 davit because he was in a position to know about these  
12 things.

13 THE PRESIDENT: The question is not what his  
14 knowledge is, but whether what he says is relevant  
15 and material and has probative value.

16 By a majority, the objection is sustained in  
17 part but is overruled as regards those three paragraphs,  
18 9, 10, and 12, and the document, as to that extent, is  
19 admitted on the usual terms.

20 CLERK OF THE COURT: Defense document No.  
21 2494 will receive exhibit No. 3173.

22 (Whereupon, the document above  
23 referred to was marked defense exhibit  
24 No. 3173 and received in evidence.)  
25

MR. SUGAWARA: I shall read the document.

1 THE PRESIDENT: Paragraphs 9, 10, and 12 only.

2 MR. SUGAWARA (Reading):

3 "9. In Dec. of 1931 General ARAKI was  
4 appointed War Minister. As I was then living in Tokyo,  
5 I often called on him to hear him speak on various  
6 questions. He was then very much worrying over the  
7 Manchurian Incident. He said that there was a danger  
8 of it developing into an all out clash between Japan  
9 and China, if we should leave it to take its own  
10 course and as the League of Nations failed to grasp  
11 the truth of the situation because of the one-sided  
12 propaganda of the Chinese, I for myself should do my  
13 best to put an end to the armed fighting now going on,  
14 and to prevent the danger of an all-out clash between  
15 Japan and China. He then said to the effect that after  
16 that he would endeavor to see the League of Nations  
17 and the other Powers brought together to take the right  
18 cognizance of the situation.  
19

20 "10. He was also absolutely against Japan's  
21 seceding from the League of Nations. When I met him  
22 after Japan's secession, he said that at the Cabinet  
23 meeting a provision had been made for a non-withdrawal  
24 from the League but as a result of the proceedings of  
25 the Conference at Geneva withdrawal became a matter of  
necessity. Politics is a really difficult thing,

1 complained he.

2 "12. In January of 1934 he caught pneumonia.  
3 As his condition became quite serious he resigned his  
4 post as War Minister and became a patient in the  
5 sanatorium at Atami. I went to the sanatorium to  
6 inquire of his condition. He said: I am very sorry  
7 that I became ill at a very important moment. We are  
8 already out of the League. What I wished to do was  
9 to hold the opening of the Far Eastern conference  
10 in order to restore our co-operation with the Powers,  
11 but I became ill and found it impossible to take an  
12 active step in the Diet and elsewhere. This was the  
13 reason why I resigned, but I have my plans presented  
14 before the Prime Minister SAITO and other ministers  
15 by letters, and as for the army since HAYASHI, my  
16 successor, pledged to carry it out, I think that it  
17 will be realized."  
18

19 THE PRESIDENT: Now, does either side re-  
20 quire those paragraphs to be referred to the Language  
21 Section?

22 MR. BROWN: The prosecution, your Honor,  
23 requests that those paragraphs should be submitted to  
24 the Language Division.

25 THE PRESIDENT: They are referred accordingly.

MR. BROWN: Your Honor, the prosecution does

1 not intend to cross-examine this witness but refers  
2 the Tribunal, in connection with paragraph 9, to ex-  
3 hibits 187-A to 188-E, which begin on page 2,216, and  
4 in connection with paragraph 10, to exhibit 2222 on  
5 page 15,845 of the record.

6 THE PRESIDENT: The witness is discharged on  
7 the usual terms.

8 (Whereupon, the witness was excused.)

9 - - -

10 THE PRESIDENT: Mr. SUGAWARA.

11 MR. SUGAWARA: Next, I call MATSUYAMA  
12 Tsunejiro as my next witness.

13 THE PRESIDENT: What is the number of the  
14 document?

15 MR. SUGAWARA: 1913.  
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1 T S U N E J I R O M A T S U Y A M A, called as a  
2 witness on behalf of the defense, being first  
3 duly sworn, testified through Japanese inter-  
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. SUGAWARA:

7 Q Witness, will you state your name?

8 A MATSUYAMA, Tsunejiro.

9 Q And what is your address?

10 A 835 Sendagaya, 5-Chome, Shibuya-ku, Tokyo.

11 Q Witness, you will be shown defense document  
12 1913. Will you examine it and state whether it is your  
13 affidavit or not?

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

16 A This is undoubtedly mine.

17 Q Are the contents therein true?

18 A They are true and correct.

19 MR. SUGAWARA: I tender into evidence defense  
20 document 1913.

21 THE PRESIDENT: Mr. Brown.

22 MR. BROWN: Your Honor, the prosecution objects  
23 to this document as irrelevant. It contains nothing  
24 but evidence of character, in our submission.

25 MR. SUGAWARA: The prosecution has charged



1 conspiracy and propaganda in relation to religious  
2 acts in Japan. This witness is being presented to show  
3 ARAKI's attitude towards religion.

4 THE PRESIDENT: What section of the Indictment  
5 do you rely upon?

6 MR. SUGAWARA: I do not recall the exact portion,  
7 but, if my memory is correct, I remember that the  
8 prosecution has charged that use was made of a mystic  
9 sort of religious fervor and of a one-sided stressing  
10 of Japan's superiority in regard to religion in order  
11 to inculcate aggressive ideologies.

12 THE PRESIDENT: Can you help us, Mr. Brown?  
13 You are familiar with the Indictment, the Particulars  
14 at all events. Religion is not mentioned in any Count,  
15 but there may be something in the Particulars.

16 MR. SUGAWARA: According to my recollection, I  
17 do remember that the witnesses presented by the prosecu-  
18 tion, who testified in connection with education, did  
19 say that Japan's mystic belief in supernatural power  
20 of her God was responsible for much of what happened.

21 THE PRESIDENT: Mr. Brown.

22 MR. BROWN: Your Honor, I have no recollection --  
23 I consulted also at the table -- The prosecution has  
24 no recollection of evidence of intolerance towards other  
25 religions.

1 THE PRESIDENT: The statement in Section 12  
2 of the Particulars relating to occupied territories.

3 By a majority the objection is sustained and  
4 the document rejected.

5 The witness is discharged on the usual terms.

6 (Whereupon, the witness was excused.)

7 - - -

8 MR. SUGAWARA: I call as my next witness,  
9 MATSUMOTO, Takizo.

10 THE PRESIDENT: Number of the document?

11 MR. SUGAWARA: 2493.  
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1 T A K I Z O M A T S U M O T O, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. SUGAWARA:

6 Q Witness, will you state your name?

7 A MATSUMOTO, Takizo.

8 Q What is your present occupation?

9 A Professor at Meiji University, Member of the  
10 House of Representatives, Parliamentary Vice-Minister  
11 of Foreign Affairs.

12 Q You will be shown defense document 2493. Will  
13 you examine it and state whether it is your affidavit  
14 or not?

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

17 A This is undoubtedly mine.

18 Q Are the contents true and correct?

19 A Yes, they are.

20 MR. SUGAWARA: I tender into evidence defense  
21 document 2493.

22 THE PRESIDENT: Mr. Brown.

23 MR. BROWN: Your Honor, the prosecution objects  
24 to this document as irrelevant and repetitious.

25 MR. SUGAWARA: This witness will show not only

1 what ARAKI's thoughts were, but also his attitude at  
2 the time of the China Incident and at the time of the  
3 Pacific War.

4 THE PRESIDENT: Well, now, it is a short  
5 question. According to this affidavit, the accused  
6 ARAKI advised the Nisei's in America to be loyal to  
7 America. And ARAKI, according to the witness, never  
8 attempted any justification of the war between America  
9 and Japan. What relevance has that?

10 Now, we do not want a long statement about  
11 nothing in particular. Give us a reply to that.

12 MR. SUGAWARA: The fundamental principles  
13 underlying ARAKI's ideas can be found in his address  
14 to the Nisei's telling them to loyal to America. And  
15 also this witness shows that ARAKI bent every effort,  
16 vis-a-vis America, so that the Japanese-American con-  
17 flict would not break out.

18 THE PRESIDENT: By a majority the objection  
19 is sustained and the document rejected.

20 MR. SUGAWARA: Mr. McManus will continue with  
21 the presentation of evidence.

22 THE PRESIDENT: Mr. McManus.

23 MR. McMANUS: At this time, if the Tribunal  
24 pleases, I should like to offer defense document 573.  
25 This is a questionnaire or an interrogatory submitted

1 to Major-General F.S.G. Piggott, Military Attache to  
2 the British Embassy in Tokyo from 1921 to 1926, and  
3 1936 to 1939.

4 Before the Tribunal decides on this question,  
5 I should also like to call to the attention of the  
6 Tribunal that the replies of Major-General Piggott  
7 are contained in defense document 340, and that, if  
8 defense document 570 is admitted, it will have to be  
9 admitted in conjunction with and together with 340 so  
10 that they can be read simultaneously.

11 I also call to the attention of the Tribunal  
12 that defense document 573-B and 340-B merely denote  
13 the source and should be attached to these two documents.

14 THE PRESIDENT: Mr. Comyns Carr, we will hear  
15 any objection you may make after luncheon. We will  
16 adjourn until half-past one.

17 (Whereupon, at 1200, a recess was taken.)

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## AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is resumed.

THE PRESIDENT: With the Tribunal's per-  
mission, the accused HATA and KAYA will be absent from  
the courtroom for the whole of the afternoon, conferring  
with counsel.

Mr. Comyns Carr.

MR. COMYNS CARR: May it please the Tribunal,  
my learned friend has submitted document 573, a  
series of questions which it appears from the accom-  
panying documents that he sent by post to two wit-  
nesses in England, one a journalist and the other the  
former military attache in the British Embassy. So  
far, he has only tendered the answers of the military  
attache.

So far as I can trace, the questions were  
never submitted to the Tribunal or to the prosecution  
before they were dispatched, and the answers are not  
on oath.

The main objection, however, is to the ques-  
tions themselves, all of which, in our submission,  
are objectionable. The whole of them are really

1 directed simply to obtain answers relevant to the  
2 question of character, or to opinions expressed by  
3 him on various topics. They are divided into para-  
4 graphs.

5 Now, as for the information of the person  
6 to whom they are addressed, as to their acquaintance  
7 with him, whether they discussed the Manchurian  
8 situation, and whether they can state his views with  
9 regard to a vast number of questions --

10 "1-A. Whether or not he advocated at any  
11 time any policy or policies of expansion."

12 I will not read them all, but take G -- the  
13 British military attache's views are sought as to the  
14 extent of ARAKI's political activities, if any, and  
15 H -- the extent of his influence as War Minister on  
16 the individual limitations of the War Minister in  
17 carrying out the national policies of the Japanese  
18 Government. And sub-paragraph 2 invites general  
19 expressions of opinion about his public utterances.  
20 And sub-paragraph 5 invites general expression of  
21 opinion about his conduct as Education Minister;  
22 6, about his religious activities; and 7, do you know  
23 other people who know General ARAKI?, and invites  
24 general opinion as to his reputation.

25 In our submission, no answers obtained to

1 questions such as that could be admissible, even if  
2 they were on oath.

3 THE PRESIDENT: Did you notice what General  
4 Piggott says in the very last sentence? "It was his  
5 misfortune that as an exponent of this mentality and  
6 of his country's policies and destiny his hyperbole  
7 assumed an importance greater than the hard facts  
8 beneath in the ears of foreign listeners."

9 Can we let General PIGGOTT or any other per-  
10 son say General ARAKI said it all right, but he did  
11 not mean it?

12 MR. COMYNS CARR: In many of the other  
13 answers, your Honor, General PIGGOTT states that he  
14 was not there at the relevant times and has no know-  
15 ledge.

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1 MR. McMANUS: If the Tribunal pleases, in  
2 reply to the prosecution's objection, I would like to call  
3 to the attention of the Tribunal that many months ago  
4 one of my colleagues, Mr. Furness, visited England with  
5 this questionnaire. When he returned with the replies  
6 the documents were immediately processed and served upon  
7 the prosecution. However, because the General's signa-  
8 ture wasn't on oath it became necessary for me to send  
9 over a copy of the questionnaire, together with the  
10 replies he submitted, and asked him to have them so  
11 made upon oath, which he did, and I informed the Tribu-  
12 nal that the original document and signature of General  
13 Piggott under oath is contained in the court box at  
14 this time.

15 I further point out to the Court that mostly  
16 all these questions pertain to facts, General Piggott  
17 having been associated for a long time with General  
18 ARAKI. I will, however, admit to the Tribunal that in  
19 paragraph 7 those questions were put to General Piggott  
20 with the understanding I could have a character witness  
21 in General Piggott. However, that was before I became  
22 aware of the Court's ruling as to character witnesses.

23 These questions would be permissible in our  
24 courts, if the Tribunal pleases, but I shall omit them  
25 from the document, or reading the document, if the

1 Court accepts the defense document.

2 I further maintain that some of these ques-  
3 tions do not denote the opinion of General Piggott.  
4 However, because of the difficulty or inconvenience  
5 of bringing the General here I requested the Tribunal  
6 to submit these questions; and as I recollect, your  
7 Honor indicated that if they were under oath the  
8 Tribunal would be inclined to accept them. However --

9 THE PRESIDENT: Stop there. All I said is  
10 recorded, transcribed, circulated among my colleagues,  
11 and no such statement appears; not a word I have said  
12 in chambers but has been recorded and circulated. The  
13 court reporter was present on every occasion, reported  
14 every word as I said it, and what I said was circulated.  
15 without any correction.

16 I refer to that. You will find no such state-  
17 ment in the record as you attribute to me. I have  
18 said undoubtedly that sworn interrogatories would be  
19 as effective as an affidavit. But that is another  
20 matter. As to whether the affidavit would be accepted  
21 would depend upon the attitude of the whole Court.

22 MR. McMANUS: It wasn't my intention, if the  
23 Tribunal pleases, to misinterpret your Honor's remarks.  
24 If I have done so I am sorry. I further did not mean  
25 to take any of your Honor's remarks for granted. But

1 I do contend that these questions are relevant, and I  
2 submit the document to the Tribunal for its submission  
3 into evidence.

4 THE PRESIDENT: By a majority the objection  
5 is sustained and the document rejected.

6 Mr. McManus, we have received a further order  
7 of proof, No. 4, today. Are all those documents and  
8 witnesses new or have they appeared in earlier orders  
9 of proof?

10 MR. McMANUS: If the Tribunal pleases, they  
11 have not appeared on earlier orders of proof. However,  
12 I might explain to your Honor that my co-counsel has  
13 been working diligently and he feels as though some  
14 of these documents should be added to our defense, and  
15 he would like to present them, or endeavor to present  
16 them this afternoon.

17 THE PRESIDENT: We have received supplementary  
18 orders of proof containing amendments or additions  
19 within limits, but this is not a document of that kind  
20 within limits. It is unlimited practically. There  
21 are as many new documents as have already been offered.

22 You see, you have had fifteen months, or a  
23 considerable period at all events -- at least the whole  
24 of this year -- to consider what answer you would give.  
25 Do you think we should be left at the mercy of Mr.

1 SUGAWARA's judgment in these matters?

2 MR. McMANUS: If your Honor pleases, Mr.  
3 SUGAWARA is the counsel of record and he is the Chief  
4 Counsel for General ARAKI. I think some consideration  
5 should be given to his opinion as to what additional  
6 evidence he might wish to proffer.

7 THE PRESIDENT: Our experience with Mr.  
8 SUGAWARA in the last day or two has not been a very  
9 happy one. We have wasted a lot of time on documents  
10 that he presented, only to be rejected. What is the  
11 nature of all these new documents?

12 MR. McMANUS: May I have Mr. SUGAWARA explain  
13 to the Tribunal?

14 THE PRESIDENT: I prefer you to do it. You  
15 would probably take less time about it and do it more  
16 effectively.

17 MR. McMANUS: If your Honor pleases, I am not  
18 familiar with all of them, but I can say that some of  
19 them are records from the various sessions of the Diet,  
20 I believe. If your Honor will give me just a moment  
21 to discuss with Mr. SUGAWARA the general nature of those  
22 I am not familiar with, I would appreciate it. May  
23 I have the Court's indulgence for just a few moments?  
24

25 THE PRESIDENT: You may, Mr. McManus.

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1                   MR. McMANUS: If the Tribunal pleases, I  
2 understand that a number of them are similar to the  
3 documents which already have been submitted. How-  
4 ever, we thought they might add to the weight of  
5 the evidence for the defense, and that is why they  
6 have been submitted on this order of proof. These  
7 are not new documents, if the Court pleases. We  
8 have been working on them; Mr. SUGAWARA and my  
9 other colleagues have been working on them; but it  
10 took a little time to have them translated, although  
11 I'm not complaining about the translation. But we  
12 had so many other documents that it was difficult  
13 to prepare them in a running order of proof at one  
14 time. However, I will say to the Tribunal that  
15 they are similar to the documents that have already  
16 been presented, but we are offering them for your  
17 Honor to consider the weight of the defense docu-  
18 ments that are going in.

19                   THE PRESIDENT: Mr. Comyns Carr.

20                   MR. COLYNS CARR: Your Honor, perhaps I can  
21 assist the Tribunal because I have examined all these  
22 documents although none of them were served before  
23 yesterday afternoon and some only in the middle of  
24 this morning. The latter included one witness who  
25 was called just before the adjournment. Among them

1 all I can only find two to which the prosecution  
2 would not take vehement objection on grounds similar  
3 to those already sustained. One is No. 1819, which  
4 is the minutes of a Privy Council meeting of the  
5 30th January, 1932, a part of which might, perhaps,  
6 be considered relevant. And the other is No. 2281  
7 which is a document purporting to show that the  
8 decision to make attendance at the Youth Schools  
9 compulsory was taken originally not when MIKI was  
10 Education Minister but when KIDO was Education  
11 Minister. The prosecution would not wish to inter-  
12 fere with the private dispute between them on this  
13 point.

14 THE PRESIDENT: Mr. McManus, perhaps you  
15 had better go through this list again and make sure  
16 of not presenting matters that have already been  
17 rejected except for record purposes.

18 MR. McMANUS: If your Honor please, may  
19 I proceed with the presentation of my other docu-  
20 ments on the third order of proof; and then, if the  
21 Court will permit me five minutes to go over the  
22 documents with Mr. SUGAWARA, I am sure that I can  
23 comply with your Honor's wishes.

24 THE PRESIDENT: List those documents which  
25 are similar to those rejected. We must rely on your

1 good judgment up to a certain point, Mr. McManus,  
2 and we do so. Proceed with your own order.

3 MR. McMANUS: I understand that your Honor  
4 has rejected defense document 573 and the replies  
5 thereto, defense document 340, is that correct,  
6 your Honor?

7 THE PRESIDENT: That was the last decision  
8 we gave.

9 MR. McMANUS: For record purposes, if your  
10 Honor pleases, I have a similar document which I  
11 would like to submit for the record purposes; and  
12 this questionnaire, 573, was also submitted to  
13 Captain M. D. Kennedy, a British Army Language  
14 Officer in Japan, 1917-1920, and Reuters Correspond-  
15 ent in Japan, 1925-1934, to which he also submitted  
16 replies, and that is defense documents 573, 339 and  
17 356 which I tender as one exhibit for the purposes  
18 of the record.

19 THE PRESIDENT: Mr. Brown.

20 MR. BROWN: The prosecution objects, your  
21 Honor.

22 THE PRESIDENT: Objection sustained and  
23 documents rejected.

24 MR. McMANUS: I would also like to submit  
25 for the purposes of the record at this time defense

1 document 638 which is a copy of a letter dated  
2 December 30, 1946 to Mr. Furness from Francis O.  
3 Lindley, and I tender this document also for  
4 purposes of the record.

5 THE PRESIDENT: Mr. Brown.

6 MR. BLOWN: The prosecution objects, your  
7 Honor.

8 THE PRESIDENT: Objection upheld and docu-  
9 ment rejected.

10 MR. McMANUS: If your Honor pleases, that  
11 completes my third order of proof. In order to  
12 comply with your Honor's request, I ask for just  
13 five minutes to discuss this fourth order of proof  
14 with my co-counsel so that we might determine what  
15 documents come in the same category as your Honor  
16 has already rejected.

17 THE PRESIDENT: There are two documents  
18 to which the prosecution do not intend to offer very  
19 strenuous objection. I think that is the expression  
20 they used. Why not tender those now, Mr. McManus?

21 MR. McMANUS: Mr. SUGAWARA had intended to  
22 tender them. May I request that he be permitted to  
23 do so, your Honor?

24 THE PRESIDENT: Yes, he may.

25 MR. SUGAWARA.



1           MR. SUGAWARA: May I be permitted to state  
2 a word in connection with order No. 4 -- order of  
3 proof No. 4?

4           THE PRESIDENT: No, we do not want to hear  
5 you at this stage. Just tender those two documents,  
6 defense documents 1819 and 2281 if you intend to do  
7 so.

8           MR. SUGAWARA: Omitting the first part of  
9 this document, I shall read from --

10          THE PRESIDENT: Wait a minute. You have  
11 not tendered them yet. I have invited you to do  
12 so. We will take it as tendered. Is there any  
13 objection?

14          MR. COMYNS CARR: Only to part of it,  
15 your Honor.

16          THE PRESIDENT: It is defense document 1819.  
17 Mr. Comyns Carr.

18          MR. COMYNS CARR: In our submission, the  
19 relevant part of it begins at page 10 in the middle  
20 to the end of the document, which consists of the  
21 accused MAKI's answers to some very lengthy ques-  
22 tions put by a councillor named ISHII. In our sub-  
23 mission, it is not necessary to read the questions  
24 because their nature sufficiently appears from the  
25 answers. Beginning with the words on page 10, the

1 middle, "No. 11 (ARAKI)."

2 MR. SUGAWARA: I think it is hardly pos-  
3 sible to understand the answer without first reading  
4 the questions. This is the first Privy Council meet-  
5 ing held after ARAKI became War Minister subsequent  
6 to the outbreak of the Manchurian Incident. This  
7 document shows in great detail exactly on what de-  
8 cisions were based Japan's actions during the Man-  
9 churian Incident and the Shanghai Affair -- upon  
10 what resolutions instead of decisions.

11 THE PRESIDENT: Well, from a glance at  
12 the answer that the accused ARAKI is supposed to  
13 have given, I do not see any need to refer to the  
14 questions or to the matter preceding.

15 MR. SUGAWARA: After ARAKI's answer we find  
16 the answer of Foreign Minister YOSHIZAWA, also.  
17 ARAKI states that in regard to diplomatic matters,  
18 he had left everything up to the Foreign Office  
19 authorities. I believe that the reply made by  
20 Foreign Minister YOSHIZAWA before this Privy Council  
21 meeting represents the opinion of the Foreign Office  
22 at the time and will be of value to the Tribunal  
23 in connection with ARAKI's own affidavit.

24 THE PRESIDENT: That includes the parts not  
25 objected to. I understand the objection is not to

1 anything after page 10. You can read from the middle  
2 of page 10 to the end.

3 I have to take a decision of my colleagues  
4 at this time. They may not agree with what I am  
5 suggesting.

6 By a majority, the objection is sustained  
7 and the document rejected except to the extent indi-  
8 cated, that is, from the middle of page 10 to the  
9 end of the document, beginning with the words,  
10 "No. 11 (ARAKI)."

11 CLERK OF THE COURT: Defense document No.  
12 1819 will receive exhibit No. 3174.

13 (Whereupon, the document above re-  
14 ferred to was marked defense exhibit No.  
15 3174 and received in evidence.)

16 MR. SUGAWARA: I shall commence my reading:  
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(Reading) "No. 11 (ARAKI):

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2 I will answer your question as regards the actions  
3 of the army. In the declaration of the Commander of  
4 the Kwantung Army made at the beginning of the Man-  
5 churian Incident, there was a portion stating that  
6 Japan would turn Manchuria into a Land of Bounty.  
7 In view of the circumstances prevailing at the time,  
8 this statement was made as a means to calm the popu-  
9 lation. It would therefore be improper to conclude  
10 that it defines the objectives of the army. However,  
11 I have sent a warning for the future to the Commander  
12 of the Kwantung army. The cause of the Manchurian  
13 Incident is primarily due to Chang Hsueh-liang's  
14 inability to maintain friendly relations with the  
15 Japanese forces. Therefore, the action of the Im-  
16 perial army must naturally extend to the limits to  
17 which Chang formerly exercised his influence. As  
18 to the action of the army, there are rumors that the  
19 front line forces are not submitting to any control  
20 and are acting at their own discretion. However, once  
21 we have resorted to measures of self-protection, we  
22 are obliged to take the initiative in order to attain  
23 our objectives and maintain the prestige of the Im-  
24 perial forces. In the course of such action, there  
25 may be acts which give the impression of being excess-

1 sive, but I beg you will give your most sympathetic  
2 consideration to tactical acts related to the opera-  
3 tional command. As to relations with the diplomatic  
4 authority, these are most amicable and smooth.

5 "No. 16. (YOSHIZAWA): I shall explain the  
6 contents of the budget requested by the Foreign Of-  
7 fice. Although the total amount of our requests is  
8 3,030,000 Yen, necessary expenses have been met twice,  
9 in November and in December of last year, by expendi-  
10 ture from the second reserve fund. The amounts re-  
11 quested this time include: (1) police expenses in  
12 Manchuria, including the wages, etc. of the police  
13 force; (2) relief expenses to provide for food, ship  
14 transportation, etc. for Japanese nationals who have  
15 taken refuge in our consulates in South China; (3)  
16 telegraphic communication expenses needed for classi-  
17 fication of the incident to the League of Nations and  
18 governments concerned, and (4) secret funds and mis-  
19 cellaneous expenses; all these expenses are required  
20 in connection with the Manchurian Incident.

21 "My conviction is that the first objective  
22 of our action in Manchuria is the maintenance of peace  
23 and tranquility, this being our fundamental policy  
24 toward Manchuria. Of course, it is very difficult to  
25 maintain perfect order over such an extensive banditry-

1 ridden land, where even the ordinary people often  
2 turn bandits. But, in my opinion, the peace of that  
3 region is an absolute necessity to our Empire. Our  
4 second objective is the protection of our rights and  
5 interests. In this connection, it is also necessary  
6 to bear in mind the history of Manchuria. The action  
7 of our government in the past has been based on this  
8 principle, and that will also hold true in future.

9 "As to the views of the Cabinet concerning  
10 the action of a new government, this matter originated  
11 among the Chinese themselves in Manchuria. It is  
12 natural that it is of deep concern to Japan and there-  
13 fore we are carefully considering our policy regarding  
14 in this matter.

15 "Next, to say a few words concerning the scope  
16 and extent of Japan's action, I should like to state  
17 that in the past there was a secret Russo-Japanese  
18 agreement, establishing a boundary line to the exer-  
19 cise of influence of both nations, but the said agree-  
20 ment became void as a result of the Russian revolution.  
21 In consequence, we consider that it has no binding  
22 power today. However, as you are all aware, Russia  
23 has great interests in the Far East. As to the dis-  
24 patch of troops in Harbin, this, as the Minister of  
25 war has stated, was done by the Kwantung army as a

1 temporary measure to protect the lives and properties  
2 of the Japanese in North Manchuria, which were endan-  
3 gered by bandits, and I am consider that further steps  
4 should be taken must be decided according to the future  
5 situation. In short, Japan's acts are based on the  
6 maintenance of order and the protection of our rights  
7 and interests in Manchuria. We shall send troops even  
8 to the North Manchuria area whenever Japanese lives and  
9 properties are placed in pressing peril, but we are  
10 giving careful consideration to the relations with  
11 Russia."  
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1           Next I present defense document 2281.  
2           This document is offered to rebut the prosecution  
3           charges that it was ARAKI's responsibility that  
4           compulsory attendance in the Youth Schools was en-  
5           forced.

6           THE PRESIDENT: Admitted on the usual terms.

7           CLERK OF THE COURT: The pamphlet entitled  
8           "Proceedings of the Education Council," being de-  
9           fense document No. 2281, will receive exhibit No.  
10          3175 for identification only; and the excerpt there-  
11          from, bearing the same defense document No. will  
12          receive exhibit No. 3175A.

13                         (Whereupon, document No. 2281  
14           was marked defense exhibit 3175 for identi-  
15           fication; and the excerpt therefrom was  
16           marked defense exhibit 3175A and received  
17           in evidence.)

18           MR. SUGAWARA: I shall commence reading:  
19           "Excerpt from Proceedings, Education Coun-  
20           cil, 2nd Session.

21                         "Held on 13 Jan. 1938 at the Official resi-  
22           dence of the Prime Minister.

23                         "Session opened at 1.40 p.m.

24                         "(The list of the attendants omitted)

25                         "Education Minister



1 "(Marquis KIDO, Koichi)

2 "At the conference held on 11th of this  
3 rnth, the Cabinet decided upon a policy to make  
4 the young men's school a compulsory course of edu-  
5 cation for the young men of this country. Concern-  
6 ing this question, the Temporary Education Committee  
7 organized in 1917 already adopted a report recommend-  
8 ing the Government to take steps as soon as possible  
9 to make a part or all of the supplementary technical  
10 schools a compulsory course in national education.  
11 Recently again in 1935 the Educational Administra-  
12 tion Council, which deliberated on the General Plan  
13 of Young Men's School, adopted in its report to the  
14 Government a side decision for making the young  
15 men's school a compulsory course.

16 "In as much as, however, the young men's  
17 school is an important institution of education, we  
18 expect that the Council will fully discuss all  
19 problems concerning it, such as its organization,  
20 its curriculum, the advisability of young women's  
21 school as compulsory institution, etc. The results  
22 of such discussions will be respected and followed  
23 by the Government."

24 THE PRESIDENT: Well, now, Mr. McManus  
25 and Mr. SUGAWARA, we will adjourn until three

1 o'clock to give you an opportunity to straighten  
2 this matter out. I think you will need it. We  
3 will adjourn until three o'clock.

4 (Whereupon, at 1430, a recess  
5 was taken until 1505, after which the  
6 proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. McManus.

4 MR. McMANUS: If the Tribunal please, first  
5 I should like to invite the attention of the Tribunal  
6 to exhibit 148, and in this exhibit the first reel of  
7 the film, "Emergency in Japan," was not tendered by  
8 the prosecution. We contend that the whole principle  
9 is not understood unless this part is presented.  
10 Consequently, I offer this document.

11 There are just three other documents, if  
12 the Court please, that I think might come under the  
13 ruling of the Tribunal, and I should like to formally  
14 tender them at this time.

15 I tender document 2122, wherein Prince KONOYE  
16 states that the reason why the China Incident was not  
17 immediately settled was because the Generals of the  
18 Kodo Group, the Imperial Way Group, had left the army.

19 MR. COMYNS CARR: The prosecution objects to  
20 this document, your Honor. In the first place, the  
21 book from which it is taken is not one of those which  
22 have already been established as being written by  
23 Prince KONOYE at all, and the certificate in our  
24 submission does not sufficiently establish that that  
25 is his genuine writing, in view of the doubt which

1 has arisen as to the authenticity of a great many  
2 documents attributed to him; but the main objection  
3 is that in any event it is only an opinion of Prince  
4 KONOYE which if he were here to testify to it in  
5 person would not, in our submission, be admissible.  
6 The first part alleges that General ARAKI and a  
7 certain General OBATA were members of what is called  
8 the Kodo Group and were opposed to the Manchurian  
9 Incident and to a number of other matters. If I  
10 recollect aright, General ARAKI has himself denied  
11 that he was a member of this or any other group in  
12 the army, and the statement is obviously inconsistent  
13 with his having held office as War Minister during  
14 the greater part of the incident. The latter part of  
15 it is purely Prince KONOYE's opinion as to the effect  
16 upon the strength of the army in political life of  
17 the fall of ARAKI and MAZAKI.

18 MR. McMANUS: I merely tender the document,  
19 if the Court please, for whatever probative value the  
20 Tribunal might give to it.

21 THE PRESIDENT: By a majority the objection  
22 is sustained and the document rejected.

23 MR. McMANUS: I now tender defense document  
24 2544, which is a speech by the then Education Minister  
25 ARAKI in the Diet, wherein he tells his basic policy

1 for education.

2 MR. COLYNS CARR: It is so short that the  
3 Tribunal can read it for themselves, so short that  
4 the Tribunal can read it quicker than I can describe  
5 it, and I submit it is irrelevant.

6 THE PRESIDENT: We always read the whole of  
7 these things, you know.

8 By a majority the objection is sustained and  
9 the document rejected.

10 MR. McMANUS: Concerning the other documents  
11 in order of proof No. 4, if the Court pleases, I  
12 assume that they come under the ruling of the Court  
13 as already rendered, and I suggest that I tender all  
14 these numbers at one time for the record purposes.  
15 If the prosecution at the end of my listing these  
16 documents cares to make a blanket objection why they  
17 may do so.

18 THE PRESIDENT: That is a sensible course,  
19 Mr. McManus.

20 MR. McMANUS: May I list the numbers for  
21 the record, then, if the Court pleases.  
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1 MR. COMYNS CARR: The prosecution agrees with  
2 that course.

3 MR. McMANUS: I tender for record purposes the  
4 following defense document numbers: 2520, 2460, 2278,  
5 2190, 639, 1826, 2124, 2551, 2545, 2457, 2568, 2578,  
6 280, 2549, 2547, 2548, 1827, 2525, 2572, 2462, 2193,  
7 2452, 1949, 1847, 2178, 2194, 2495, 2546, 2458, 1848,  
8 2459, 1885, 298, 2282, 2189, 2123, 2456, 2280, 2281,  
9 2544, and 2493.

10 With one exception, if the Tribunal pleases,  
11 I would like to--

12 THE PRESIDENT: The youth school one was  
13 accepted.

14 MR. McMANUS: Yes, With one exception, if  
15 the Tribunal pleases: I should like to formally tender,  
16 rather than blanket it in this list, 2282, which is a  
17 record of the Shimpeitai Incident. Section 6 of Appen-  
18 dix 1 alleges that some of the people were threatened  
19 with assassinations by young officers. This document  
20 will show that ARAKI was the person who was the object  
21 of such assassination.

22 MR. COMYNS CARR: May it please the Tribunal,  
23 with regard to the documents listed, the prosecution  
24 formally objects to them all.

25 With regard to 2282, the certificate shows

1 that it is taken from a book called "Opinions on the  
2 Shimpeitai Case," by an unnamed author, and the only  
3 certification of it is that the book has been in the  
4 possession of one of the Japanese defense counsel for  
5 a number of years. Then, the extract, excerpt, submitted  
6 merely says it is a report by someone unknown on the  
7 Shimpeitai Incident. And in any case, in my submission,  
8 the Tribunal has already ruled that the subject matter  
9 is irrelevant when it rejected the affidavit of a  
10 witness whose name I forget but who deposed to the  
11 same thing yesterday.

12 THE PRESIDENT: Mr. McManus.

13 MR. McMANUS: If your Honor pleases, I tender  
14 it for whatever probative value it has, pointing out  
15 to the Court that it is a record of the court proceed-  
16 ings which was kept by Mr. HAYASHI concerning the  
17 S. Impeitai Incident.

18 THE PRESIDENT: By a majority, the objection  
19 is sustained in respect of each of the documents  
20 mentioned by Mr. McManus, including document 2282.  
21 Accordingly, all such documents are rejected.

22 MR. McMANUS: At this time, if the Tribunal  
23 pleases, this concludes our presentation of the case  
24 on behalf of the defense of General ARAKI.

25 I now present Colonel Warren, if the Court

1 please.

2 If the Tribunal pleases, I understand that I  
3 made the assertion that this concludes our presenta-  
4 tion. However, I assumed that there would be summa-  
5 tions at the end of the case.

6 THE PRESIDENT: We clearly understood you to  
7 refer to your evidence.

8 MR. WARREN: If the Tribunal please, we are  
9 ready to proceed in the presentation of evidence for  
10 General DOHIHARA. However, the opening statement will  
11 be made in this phase of the case by Mr. OHTA.

12 THE MONITOR: Mr. OHTA, we do not seem to  
13 have the English copy of your opening statement.

14 MR. WARREN: Document 2556.

15 Your Honor, it appears for some reason the  
16 opening statement did not appear in my order of proof,  
17 and I am sorry; but I know it has been distributed some  
18 three or four days ago. I do not know how that over-  
19 sight occurred.  
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THE PRESIDENT: The Judges haven't copies of this, as far as I am aware. I haven't one.

Well, we will hear you read it, Mr. OHTA, but you must provide copies, though, as soon as you can.

Read on.

MR. OHTA: Mr. President and Members of the Tribunal, in presenting the case of the accused DOHIHARA Kenji, we have interrogated many witnesses and examined literally hundreds of documents, but in the interest of time we have discarded all of our contemplated evidence, both oral and written, except that which we feel is absolutely necessary. In accordance with the policy which we have thus established, we shall attempt to place our individual defense before the Tribunal as expeditiously as possible.

There has been produced, for the benefit of the Tribunal, a great deal of information apparently directed against the accused DOHIHARA. The prosecution has characterized this information as competent evidence, but a careful analyzation will reveal that it is, in the main, either rank hearsay or an attempt to prove facts by innuendo, and in the opinion of counsel need not be answered. Consequently, we have limited ourselves to rebuttal evidence and such other explanatory evidence as we feel will be of most benefit to

1 the Tribunal.

2 Evidence concerning the so-called Mukden  
3 Army Special Service Organ, which was headed by General  
4 DOHIHARA, was introduced in such a manner as to leave  
5 the impression that this organization was a far flung  
6 network, at all times engaged in nefarious and under-  
7 handed practices. In order to meet this highly con-  
8 jectural evidence, we will offer the affidavit of one  
9 AIZAWA Makamoto, who will testify that he was employed  
10 as a civilian in this organization from December, 1933,  
11 until March 1936, and that the accused DOHIHARA was his  
12 immediate superior. His testimony will disclose that  
13 in truth and in fact the Mukden Special Service Organ  
14 had only four clerks, of which he was one. He will  
15 outline in general the operations of that organ, and  
16 will describe its actual functions.

17 The prosecution has introduced evidence in-  
18 tending to show that General DOHIHARA was not only  
19 opposed to the Chinese people as such, but that he  
20 actively instigated incidents for the purpose of  
21 bringing about a clash of arms between the Chinese  
22 and Japanese nations. In support of this theory the  
23 prosecution produced one General Ching Teh-Chun, who  
24 testified, in substance, that he had held a conver-  
25 sation with a certain SHIBAYAMA in Chung-Shan Park in

1 Peking; that this SHIBAYAMA told him: "DOHIHARA is  
2 about to go to Manchuria to embark on some big pro-  
3 ject." This conversation is alleged to have taken  
4 place just prior to the Mukden Incident. We shall  
5 produce and offer to the Tribunal, by affidavit, the  
6 testimony of a witness by the name of SHIBAYAMA. He  
7 will testify, among other things, that after General  
8 Ching testified, he called the witness SHIBAYAMA and  
9 informed him that he had used his name before the Tri-  
10 bunal. Furthermore he informed him in what connection  
11 he name had been used. This witness, if permitted to  
12 testify, will deny that he ever had any such conver-  
13 sation with General Ching at any time; that, as a  
14 matter of fact, prior to 9 September 1931 he was in  
15 Tokyo in connection with the murder of one Captain  
16 NAKAMURA Shintaro and that while there General  
17 DOHIHARA was also in Tokyo making his report on the  
18 same case, and that it would have been quite impos-  
19 sible for him to have had any conversation with  
20 General Ching at the time General Ching testified the  
21 conversation took place.

22 In a further attempt to tie General DOHIHARA  
23 into other activities in Manchuria, evidence was intro-  
24 duced in the form of several telegrams which originated  
25 with one KUWAJIMA Kazue, who was the then Consul

1 General at Tientsin. On first examination, these  
2 telegrams apparently recite facts. The prosecution,  
3 however, did not offer the testimony of KUWAJIMA  
4 Kazue, who prepared and caused to be transmitted the  
5 telegrams in question, but we will offer him as a  
6 witness. We will offer his testimony in order to  
7 show the true character of the evidence contained in  
8 the telegrams in question. If permitted to testify,  
9 KUWAJIMA will state, among other things, that the con-  
10 tents of the telegrams were based upon information  
11 gleaned from such sources as newspaper articles,  
12 rumor; in short, any information from whatever  
13 channels available. He will further state that the  
14 telegrams contained nothing but conclusions which he  
15 had drawn without having any personal knowledge of the  
16 alleged facts. This testimony will be offered to  
17 show to the Tribunal that if the evidence in question  
18 had been offered by the prosecution in any other form,  
19 it could have been, and no doubt would have been,  
20 rejected on any of several grounds. In order to sub-  
21 stantiate the testimony of the witness KUWAJIMA we  
22 will make brief reference to prosecution's exhibit  
23 245, which is the affidavit of one MORISHIMA Morito,  
24 a prosecution witness who was an Assistant Consul  
25 General. He states, concerning the transmission of

1 such information as was contained in the telegrams  
2 introduced by the prosecution, that it was the duty  
3 of the Consulate officials to draw conclusions and to  
4 transmit them to the Foreign Office.

5           There is a great deal of evidence concerning  
6 alleged atrocities committed against the Chinese by  
7 Japanese forces, and while there is none directly  
8 attributed to the forces of the accused DOHIHARA, the  
9 inference is strong and it appears, by innuendo only,  
10 that the accused DOHIHARA was responsible for some of  
11 the acts. We will offer the testimony of several  
12 witnesses who were officers with General DOHIHARA in  
13 the field, and we will offer the personal testimony  
14 of at least one newspaper correspondent who was in the  
15 field with him and who had an opportunity to observe  
16 his actions, listen to his counsel, and to inspect  
17 and become familiar with his orders concerning the  
18 treatment of the Chinese people. This testimony will  
19 show that General DOHIHARA not only did not believe in  
20 armed hostilities between the Japanese and Chinese,  
21 but that he actually deplored the fact that such hos-  
22 tilities were being carried on; that he often caution-  
23 ed and, when necessity arose, reprimanded his subord-  
24 inates with reference to the ill-treatment of the  
25 Chinese people. We will offer a document which was

1 written by the accused DOHIHARA and published in  
2 March, 1937, which will bear out the testimony of  
3 the witnesses as to his attitude and thoughts. This  
4 document will show that not only did he act in accord-  
5 ance with well defined principles, but that he also  
6 wrote about them and used whatever medium was at his  
7 disposal to inform the Japanese people of his thoughts.  
8 Our testimony will show that the Chinese people in the  
9 occupied territory under the command of the accused  
10 DOHIHARA came to trust him and continued in their  
11 occupations peacefully and without interference from  
12 Japanese troops. Evidence of this type will be intro-  
13 duced to show that he acquired and maintained a repu-  
14 tation among the masses of Chinese civilians for fair  
15 play and honest dealings. In this connection we shall  
16 make reference to certain passages in the Lytton Report  
17 and will offer in evidence a verbatim conversation  
18 between Lord Lytton and the accused DOHIHARA, by which  
19 we will prove that Lord Lytton not only knew of his  
20 reputation but also commended him for his ability to  
21 be able to reorganize in a phenomenal period of time  
22 the disrupted city of Mukden.

23           The prosecution introduced evidence to show  
24 that at one time the accused DOHIHARA was Commander  
25 of the Seventh Area Army which had jurisdiction over

1 Malaya, Sumatra, Java, and British Borneo. The reason  
2 for the prosecution's evidence undoubtedly was for the  
3 purpose of attempting to show that the accused DOHI-  
4 HARA was responsible for all atrocities, if any,  
5 which may have occurred in those areas during his  
6 command of the Seventh Area Army. We will offer evi-  
7 dence to prove that the Seventh Area Army was a sub-  
8 ordinate command of the Southern Army, and that the  
9 Southern Army retained under its direct supervision  
10 the control of the prisoner of war camps, and that the  
11 Commander of the Seventh Area Army had nothing what-  
12 soever to do with prisoners of war.

13           There is evidence to show that at one time  
14 General DOHIHARA was the Commanding General of the  
15 Eastern Area Army of Japan. This evidence also was  
16 undoubtedly introduced to show that General DOHIHARA  
17 was responsible for the atrocities, if any, committed  
18 in the area under the command of the Eastern Area  
19 Army. Our testimony will show that the Eastern Army  
20 was in charge of the defense of the Tokyo area and  
21 some adjacent territories. We will produce and offer  
22 as a witness one TATSUMI Yeichi, who will testify  
23 that he was General DOHIHARA's Chief of Staff. He  
24 will also testify about a rather complicated system of  
25 command, which was set up for the purpose of the control

1 and treatment of prisoner of war camps and prisoners  
2 of war in the area under the jurisdiction of the  
3 Eastern Area Army. He will also testify that he  
4 knows of his own personal knowledge that General  
5 DOHIHARA never received a single complaint concern-  
6 ing the mistreatment of prisoners of war during the  
7 time he was the Commanding General of the Eastern  
8 Area Army. He will testify briefly concerning the  
9 policy of General DOHIHARA with reference to the treat-  
10 ment of prisoners of war and General DOHIHARA's act-  
11 ivities concerning them.

12           We will also make brief reference to the  
13 testimony of a prosecution witness who testified con-  
14 cerning a visit of General DOHIHARA to one of the  
15 prisoner of war camps. This reference will be made  
16 in order to show that if there was mistreatment of  
17 prisoners, it was contrary to the orders of General  
18 DOHIHARA, because before his visit the camp commanders  
19 required the camp to be cleaned on several different  
20 occasions in anticipation of General DOHIHARA'S  
21 inspection trips. Our testimony will disclose that  
22 General DOHIHARA did not and could not formulate major  
23 policies concerning prisoners of war, and that the only  
24 policies which he did formulate were with reference to  
25 those of command, administration, and supply.



1                   This, in brief, covers the content of our  
2                   expected testimony, and we will now proceed to the  
3                   introduction of our evidence in the individual phase  
4                   concerning General DOHIHARA.  
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1 THE PRESIDENT: Colonel Warren.

2 MR. WARREN: If the Tribunal please, at this  
3 time we should like to call as our first witness AIZAWA,  
4 Makoto.

5 - - -

6 M A K O T O A I Z A W A, called as a witness on  
7 behalf of the defense, being first duly sworn,  
8 testified through Japanese interpreters as  
9 follows:

10 DIRECT EXAMINATION

11 BY MR. WARREN:

12 Q Will you state your name and give your present  
13 address to the Tribunal, please?

14 A My name is AIZAWA, Makoto. My present residence  
15 is No. 1 Daimachi, Okasaka, Minato-ku, Tokyo.

16 MR. WARREN: May the witness be handed defense  
17 document No. 2098.

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

20 Q Will you look at that document and tell the  
21 Court whether or not that is an affidavit which was  
22 prepared for you and sworn to by you?

23 A This is my affidavit.

24 Q Are the contents of that affidavit true?

25 A They are true.

1 MR. WARREN: At this time we offer in evidence  
2 defense document No. 2098.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document No. 2098  
5 will receive exhibit No. 3176.

6 (Whereupon, the document above re-  
7 ferred to was marked defense exhibit No.  
8 3176 and received in evidence.)

9 MR. WARREN: (Reading)

10 "Having first duly sworn on oath as on attached  
11 sheet in accordance with the procedure followed in my  
12 country, I hereby depose as follows:

13 "I, AIZAWA, Makoto, of lawful age, being first  
14 duly sworn, in accordance with the procedure followed in  
15 my country, desire to make the following statement of  
16 my own free will and accord!"--

17 THE PRESIDENT: Colonel Warren, you have many  
18 affidavits. Do not read those formal parts, it isn't  
19 necessary.

20 MR. WARREN: Thank you, sir.

21 (Reading continued)

22 "From April, 1933, until March, 1936, I was  
23 employed as a civilian by the Mukden Army and was  
24 attached to the Mukden Army Special Service Organ.  
25 During part of my tenure, specifically from December, 1933:

1 until March, 1936, when I resigned, DOHIHARA, Kenji was  
2 the Chief of the Mukden Special Service Organ. During  
3 his tenure of office General DOHIHARA had as his  
4 assistants, in the order named, Majors IMAI, Tokeo;  
5 TAJIMA, Hikotaro; and TANIHAGI, Nakao.

6 "I have been asked if I knew what the original  
7 duties of the organ for which I worked were supposed  
8 to be. I cannot answer this question for the reason that  
9 the specific duties were set forth in instructions issued  
10 to the Chief of the Special Service Organs from the Army  
11 Commander and were given to the Chief of our organ by  
12 the commander of the Kwantung Army and were, in accordance  
13 with the common practice of Armies, considered either  
14 confidential or secret and the information contained in  
15 such orders was not generally disseminated among the  
16 employees, especially civilian employees. Consequently  
17 I, being a civilian employee, have no personal knowledge  
18 of the orders, but I do know generally what they contained  
19 because of the functions we carried out and the duties  
20 we were expected to perform.

21 "Generally the duties were similar to those of  
22 the press section of the Kwantung Army. They consisted  
23 of announcing to the press news from the fronts  
24 communicated to the organ by Japanese troops, which were  
25 in action in various places. For example, the Jehol

1 operation.. There were four clerks, and they were kept  
2 busy for the most part decoding telegrams which con-  
3 tained matters for press releases. My specific duties  
4 were to translate radio broadcasts received from China  
5 and to assist in deciphering coded telegrams. After  
6 the end of the Jehol operation; that is, from the time  
7 of the arrival of General DOHIHARA, our duties were  
8 somewhat modified. This came about because the supply  
9 of news to the press which constituted the bulk of our  
10 work had been curtailed at that time. Our duties con-  
11 sisted of collection of information, issuance of press  
12 releases. We were mainly concerned in those days with  
13 the collection of information regarding political move-  
14 ments and the state of the public peace in Fengtien,  
15 Jehol Provinces and Inner Mongolia."

16 I think on your copy the word "peace" has been  
17 omitted, sir.

18 "The Mukden Special Service Organ had a branch  
19 in Dairen, which gathered information from China sources,  
20 useful for reference in our relations with Manchukuo  
21 and with the progress of Manchukuo. It compiled in-  
22 formation concerning movements of the Japanese in  
23 Manchukuo and especially in the South Manchurian Rail-  
24 road circles. The reason for our supervision and guidance  
25 of persons of Japanese extract who were in the employ

1 of the Manchukuo Government was to see that they did not  
2 act overbearingly or go to extremes in their conduct,  
3 which they were sometimes inclined to do. We compiled  
4 and kept a very complete list of the personal conduct  
5 of the principal Japanese officials who thus fell under  
6 the jurisdiction of the Mukden Special Service Organ.  
7 General DOHIHARA was always insistent that such persons  
8 conduct themselves properly. While the officials of the  
9 South Manchurian Railroad were not employees specifically  
10 of the Manchurian Government, it was, nevertheless, very  
11 necessary to check their actions and to keep them within  
12 the strict limits of their official activities with the  
13 railroad and not permit any interference with the inner  
14 political situation in Manchukuo.

15 "I have been asked if the Special Service Organ,  
16 of which I was an employee, as previously stated, had  
17 anything to do with matters relating to opium. I have  
18 already related the activities of the Organ and I can  
19 definitely state that at no time while I was connected  
20 with the Organ, or while General DOHIHARA was connected  
21 with the Organ, did it ever have anything at any time  
22 to do with opium. Of this I am positive.

23 "I have not been asked this question, but I  
24 should like to state that the Special Service Organ  
25 was not a large organization, as I know many people

1 believe. It consisted only of the head of the organ-  
2 ization, his assistant and four clerks, of which I was  
3 one. I therefore know of my own personal knowledge  
4 everything that went on within the Organ. This was  
5 possible because of its small size."

6 The prosecution may cross-examine.

7 THE PRESIDENT: Judge Nyi.

8 CROSS-EXAMINATION

9 BY JUDGE NYI:

10 Q Mr. Witness, on page two near the top of your  
11 affidavit, you stated that you, as a civilian employee,  
12 could not tell what the duties of the Special Service  
13 Organ were with which you worked from 1933 to 1936; but  
14 you did describe certain functions of the Organ.

15 Am I to understand that what you know about the  
16 functions of the Organ is limited to the nature of the  
17 work that was assigned to you during that period?

18 A I described in my affidavit not simply the  
19 work assigned to myself personally, but the general  
20 functions of the Mukden Special Service Detachment --  
21 Organ.

22 Q In your affidavit, you made a distinction  
23 between the orders that came from the Army Commander  
24 and the contents of the orders. You knew the contents  
25 of the orders by the work to which you were assigned.

1           How could you know the orders themselves if  
2 the work was not assigned to yourself?

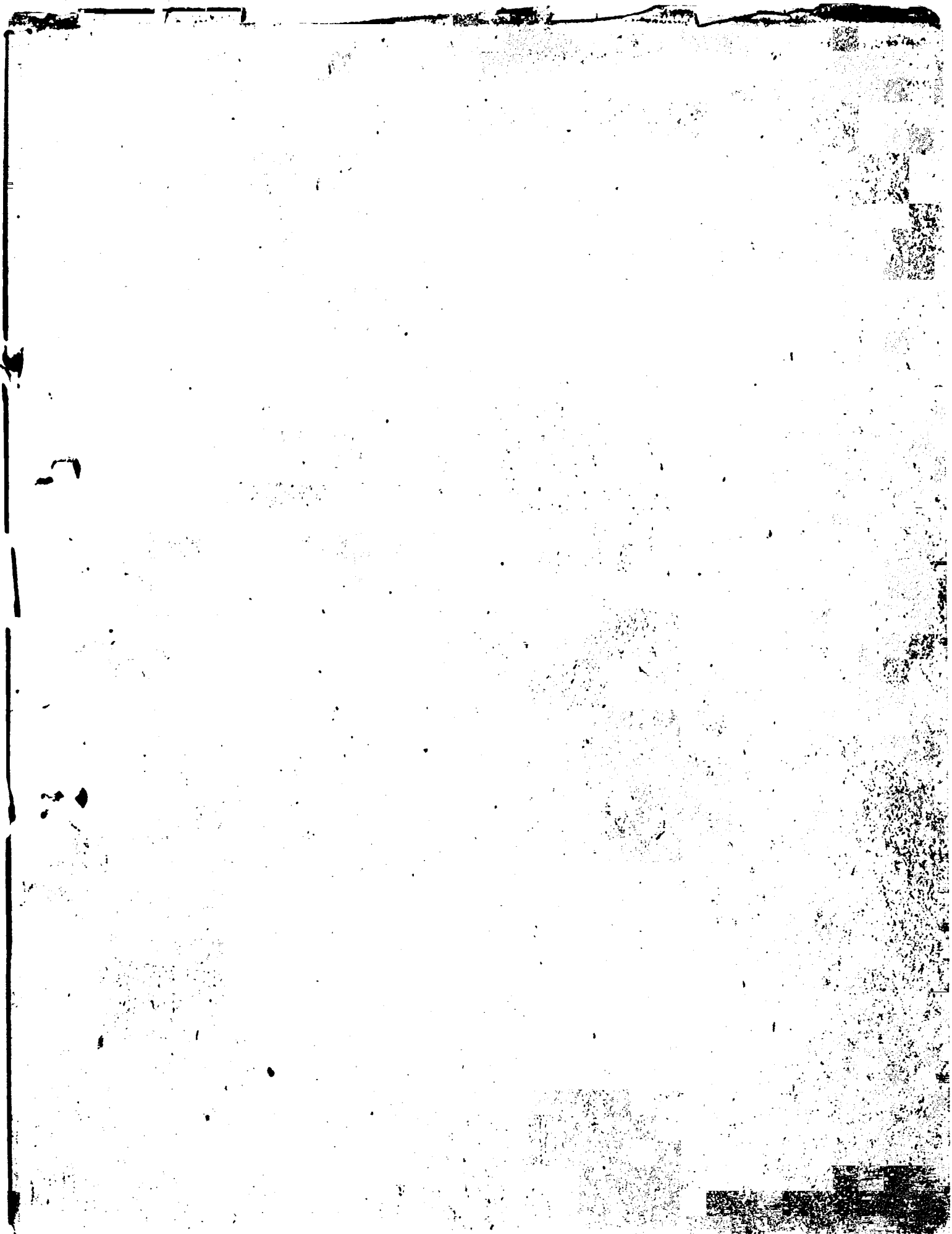
3           A    I do not state that I knew the contents of the  
4 orders. As I stated, the general duties of the Special  
5 Service Organ was set forth in instructions given to  
6 the Chief of the Special Service Organ from the Army  
7 Commander. The Chief of our Organ and his assistants  
8 saw these instructions, but we civilian employees did  
9 not. However, I was able to state what the general  
10 functions of the Organ were because, as we employees  
11 continued to work in this Organ, it gradually became  
12 clear to us what the general functions of this Organ  
13 were.

14           THE PRESIDENT: We will adjourn until half-  
15 past nine tomorrow morning.

16                   (Whereupon, at 1600, an adjournment  
17 was taken until Wednesday, 17 September 1947,  
18 at 0930.)

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17 Sept

17 SEPTEMBER 1947

I N D E X  
Of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
AIZAWA, Makoto (resumed)	28610
Cross (cont'd) by Judge Nyi	28610
(Witness excused)	28626
SHIBAYAMA, Kaneshiro (recalled)	28627
Direct by Mr. Warren	28627
Direct (cont'd) by Mr. Brooks	28634
<u>MORNING RECESS</u>	28635
Direct (cont'd) by Mr. Brooks	28636
Cross by Judge Nyi	28638
Questions by the President of the Tribunal, Sir William Webb	28645
(Witness excused)	28646
KUWAJIMA, Kazue	28647
Direct by Mr. Warren	28647
Question by the President of the Tribunal, Sir William Webb	28651
Cross by Judge Nyi	28652
Questions by the President of the Tribunal, Sir William Webb	28653
<u>NOON RECESS</u>	28656

17 SEPTEMBER 1947

I N D E X  
of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
KUWAJIMA, Kazue (cont'd)	
Cross (cont'd) by Judge Nyi	28657
(Witness excused)	28666
YAZAKI, Kanju	28671
Direct by Mr. Warren	28671
Cross by Judge Nyi	28684
<u>AFTERNOON RECESS</u>	28685
Cross (cont'd) by Judge Nyi	28686
(Witness excused)	28687
WATASE, Ryosuke	28687
Direct by Mr. Warren	28687
(Witness excused)	28695
SAKURAI, Tokusaburo	28700
Direct by Mr. Warren	28700
(Witness excused)	28709
HATTORI, Takushiro	28710
Direct by Mr. Warren	28710
Cross by Colonel Ivanov	28713

17 SEPTEMBER 1947

I N D E X

Of

EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1763		3177	Report of Information compiled by the Special Service Organ in Mukden	28614	
1763-B		3177-A	The Present Political Situation in China - The Main Points of the Letter from NOBUO SUZUKI (received 27 August 1934)		28621
2087	3178		Affidavit of SHIBAYAMA, Kaneshiro		28628
2116	3179		Affidavit of KUWAJIMA, Kazuo		28648
		3180	Volume entitled "Far Eastern Commission of Inquiry"	28669	
2437	3180-A		Excerpts therefrom		28669
2053	3181		Affidavit of YAZAKI, Kanju		28675
2107	3182		Affidavit of WATASE, Ryosuke		28688
		3183	Periodical "Bungei Shunju" dated March, 1937	28698	
1498	3183-A		Excerpt therefrom - "Reestablishment of our Policies Toward China" written by DOHIHARA, Kenji		28698
1485	3184		Affidavit of SAKURAI, Tokusaburo		28701
2230	3185		Affidavit of HATTORI, Takushiro		28711

1  
2 Wednesday, 17 September 1947

3 - - -

4  
5 INTERNATIONAL MILITARY TRIBUNAL  
6 FOR THE FAR EAST  
7 Court House of the Tribunal  
8 War Ministry Building  
9 Tokyo, Japan

10 The Tribunal met, pursuant to adjournment,  
11 at 0930.

12 - - -

13 Appearances:

14 For the Tribunal, all Members sitting, with  
15 the exception of: HONORABLE JUSTICE R. B. PAL, Member  
16 from India and HONORABLE JUSTICE I. M. ZARYANOV, Member  
17 from the U. S. S. R., not sitting from 0930 to 1600.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 - - -

21 English to Japanese and Japanese  
22 to English interpretation was made by the  
23 Language Section, IMTFE.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): If the  
5 Tribunal please, we present the following language  
6 corrections: exhibit 3085, record, page 27,542, line  
7 16, after "was also" insert "generally fair"; line 26,  
8 after "internees" insert "and I believe the treatment  
9 was generally with fairness."

10 THE PRESIDENT: Judge Nyi.

11 - - -

12 M A K O T O A I Z A W A, called as a witness on  
13 behalf of the defense, resumed the stand and  
14 testified through Japanese interpreters as  
15 follows:

16 CROSS-EXAMINATION

17 BY JUDGE NYI (Continued):

18 Q Mr. Witness, just before the recess yesterday  
19 you were telling us about the functions of the Special  
20 Service Organ--

21 THE PRESIDENT: Does this witness' examination-  
22 in-chief warrant a very lengthy cross-examination?

23 JUDGE NYI: I do not think the prosecution  
24 will conduct a very lengthy examination of this witness  
25 but we have just a few questions.

1 Q (Continuing) If the orders and instructions  
2 were considered secret and confidential as you stated,  
3 you would not be in a position to know what other  
4 people were doing unless they told you about them, is  
5 that correct?

6 A That is not so. Even though we subordinates  
7 were unfamiliar with the exact contents of the instruc-  
8 tions given to the chief of the Special Service Organ  
9 by the commanding general at the time he took over the  
10 office of chief of the Special Service Organ, still  
11 we are able to know what the functions of the organ  
12 are because it conducted the work of collecting  
13 intelligence and information and also giving out press  
14 releases and the work of the Special Service Organ  
15 being collection of information and intelligence and  
16 press releases, I would know what the functions of the  
17 Special Service Organ are.

18 THE PRESIDENT: Can you suggest to this  
19 witness that his figures are wrong and that instead  
20 of four being employed, forty were employed or some  
21 other number? Can you do anything like that? If you  
22 have a different view of this Special Service organ-  
23 ization you can put that view to him and see how he  
24 reacts, if you really have views which could be sup-  
25 ported by evidence later, if necessary.



1 JUDGE NYI: Thank you, your Honor.

2 Q Now we will come to a point where we have  
3 some difference of views. Mr. Witness, you stated in  
4 the second paragraph on page 4 that the Special Service  
5 Organ did not have anything to do with opium. Do you  
6 know what other organization in Mukden at the time had  
7 control of opium?

8 MR. WARREN: I object, your Honor. That is  
9 outside the scope of the affidavit, I am quite certain.

10 THE PRESIDENT: I think it is. Objection upheld.

11 JUDGE NYI: With respect to this point the  
12 prosecution would like to invite the Tribunal's atten-  
13 tion to pages 15,856 and 19,976 of the record with  
14 respect to that point.

15 Q On page 3, near the top, of your affidavit  
16 you stated that you were mainly concerned in those  
17 days with the political movement and the state of the  
18 public peace in Fengtien, Jehol Provinces and Inner  
19 Mongolia. In the course of your employment under  
20 DOHIHARA do you know that in 1935 DOHIHARA himself  
21 was launching on a political offensive for the creation  
22 of a separate state in North China under the threat  
23 of sending five divisions within the Great Wall and  
24 moving the Manchukuoan Emperor to Peiping?

25 A I have no knowledge whatsoever about it.

1 Q Do you know that he was in Peiping and  
2 Tientsin area in November 1935 in connection with  
3 the aforesaid movement?

4 A Yes.

5 THE PRESIDENT: Colonel Warren.

6 MR. WARREN: Your Honor, we don't object  
7 to this witness' answering these questions, but they  
8 seem clearly outside the scope of the direct examina-  
9 tion. He is merely speaking about the Mukden Organ  
10 and that is all we vouch for. We do not know anything  
11 about all this other stuff.

12 JUDGE NYI: Your Honor, this concerns the  
13 activities of the Special Service Organ in Mukden and  
14 in our submission it is clearly within the scope of  
15 the affidavit.

16 MR. WARREN: If he can tie it up in that  
17 manner, I withdraw my objection.

18 THE PRESIDENT: Well, proceed with your  
19 questions.

20 Answer the question. I think he did answer.

21 JUDGE NYI: I believe he did answer.

22 Q Do you know that the newspapers all over  
23 the world were reporting the activities of DOHIIAHA  
24 in the Tientsin and Peiping area with regard to the  
25 creation of the Five Provinces Autonomous Movement?



1 IPS document 1763 will receive exhibit number 3177  
2 for identification only.

3 (Whereupon, the document above re-  
4 ferred to was marked prosecution exhibit 3177  
5 for identification only.)

6 Q Mr. Witness, let me show you a report which  
7 was taken from this compilation. Do you recognize  
8 this?

9 A The report written in Japanese underneath was  
10 made by the Special Service Organ, but as to the  
11 English on top, I know nothing about it.

12 Q That is enough. Toward the end of page 6 of  
13 this paper, do you see that the name of DOHIHARA also  
14 appears?

15 MR. WARREN: Your Honor, I would like, if  
16 possible, to have a copy of this so that I can make  
17 intelligent objection in case it is necessary.

18 (Whereupon, a document was handed  
19 to Mr. Warren.)

20 THE INTERPRETER: The witness replied, "Yes."

21 Q On that page do you see the passage that "the  
22 very mention of the names of DOHIHARA and ITAGAKI is  
23 enough to make the people turn pale in South China?"

24 THE PRESIDENT: I am not sure whether Judge  
25 Nyi is saying what is written there, or is commenting

1 on something written there.

2 JUDGE NYI: It says there.

3 Your Honor, we would like to tender this  
4 in evidence and have it read.

5 THE PRESIDENT: Colonel Warren.

6 MR. WARREN: Your Honor, what he is offer-  
7 ing here has been drawn by them. We have no idea  
8 what he is putting in, or whether he is putting in  
9 disconnected sentences, or what they are attempting  
10 to do, but at first glance here it is patent that it  
11 does not convey the true story, and we want at this  
12 time to object until we have the whole story and know  
13 where we are at.

14 JUDGE NYI: Your Honor, we have a question  
15 to follow which will be perfectly within the scope of  
16 this affidavit.

17 MR. WARREN: Your Honor, of course, I cannot  
18 read Japanese, but my co-counsel tells me that this  
19 interpretation, instead of saying Major General DOHIHARA  
20 and ITAGAKI, speaks about "the tiger". I don't know  
21 what it means, but I think the original should be  
22 gotten by the Language Section at this time and the  
23 wording checked to find out whether this translation  
24 is true or not.

25 JUDGE NYI: Your Honor---

1           THE PRESIDENT: So far the proper steps have  
2 not been taken. This witness did say it was a report  
3 by DOHIHARA and ITAGAKI, I think, but we don't know  
4 what the report is about. You should have drawn his  
5 attention to what it was, got him to describe it,  
6 and then tendered it.

7           JUDGE NYI: Your Honor, in the light of this  
8 report we are going to ask him about ---

9           THE PRESIDENT: It doesn't matter what you  
10 are going to do. Get a proper foundation for tender-  
11 ing it. You see, objection was taken to it. For a  
12 time I did not think there was going to be any,  
13 but we have to deal with the objection properly.

14          JUDGE NYI: Your Honor---

15          THE PRESIDENT: Ask the witness what the  
16 report is, and draw his attention to any particular  
17 passage in it, and then tender it if he acknowledges  
18 it.

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1 Q Mr. Witness, you have seen this part of the  
2 report. Now, since you say that the Special Service  
3 Organ in Mukden deals with the collection of reports  
4 only, how does it happen that the people in South  
5 China became so scared of the names of DOHIHARA and  
6 ITAGAKI? Could you give us any facts that will explain  
7 this?

8 A First of all, may I speak about this report?

9 It was a report made by the Mukden Special  
10 Service Organ; however, as to the reports compiled by  
11 the Mukden Special Service Organ, these reports are  
12 distributed to the army, to the Vice-Chief of the  
13 Army General Staff and to the Vice-Minister of War,  
14 and these reports are collected and classified into  
15 political, economic and other subjects.

16 Q But you haven't answered my question.

17 A I have not completed my answer.

18 As it is indicated here, the various questions  
19 are classified into political, economic and social  
20 questions. The subject just pointed out by you is  
21 classified under social questions. With respect to  
22 points of observation of the public there is a report,  
23 an item in here to the effect that the mere mention of  
24 the names of ITAGAKI and DOHIHARA was enough to make  
25 the people turn pale in South China, but I presume

1 that this item was taken from the newspapers comment-  
2 ing on these two men and the report thus received  
3 from the press was reported in this particular report.  
4 DOHIHARA's name constantly appeared in the newspapers.  
5 Furthermore, newspaper comments frequently reported  
6 to the effect that DOHIHARA was engaged in conspira-  
7 cies and various plots but, as a matter of fact, during  
8 the years that I served under General DOHIHARA there  
9 was not one iota of any evidence of his ever partici-  
10 pating in such movements.

11 THE PRESIDENT: We do not want this witness  
12 to digress to that extent. I notice that this docu-  
13 ment has attached a certificate of source and authen-  
14 ticity and it could have been tendered direct and  
15 would be admitted subject to its having probative  
16 value.

17 JUDGE NYI: Your Honor--

18 THE PRESIDENT: We will take it as tendered  
19 with that certificate. The only question is, what  
20 probative value has it, and if it has any, is it  
21 properly translated. We can only refer to it if we  
22 decide to admit it.

23 MR. WARREN: Your Honor, in view of this  
24 witness' explanation as to what these items are we  
25 feel it has lost probative value, but if the Court



wants to take it, we have no objection.

1 THE PRESIDENT: Colonel Warren, this Tribunal  
2 has no wants in the matter. The question is, has it  
3 probative value? Do you want to argue that?  
4

5 MR. WARREN: Your Honor, we do not feel that  
6 it has, but your Honor has seen it. It is very short  
7 and I do not want to take the Tribunal's time in  
8 arguing it. I will make the record objection.

9 THE PRESIDENT: Is it clearly understood  
10 that if an objection is made we have to deal with it  
11 after hearing argument, if necessary?

12 We take you as submitting now that it has no  
13 probative value and therefore should be rejected.

14 JUDGE NYI: Your Honor, in our submission,  
15 we think it has because, taken together with the  
16 evidence which we have already submitted, it does have  
17 a significance as to the activities of DOHIHARA and his  
18 organ, the Special Service Organ of Mukden.

19 THE PRESIDENT: By a majority the Court over-  
20 rules the objection and admits the document on the  
21 usual terms.  
22  
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1 CLERK OF THE COURT: Prosecution document  
2 1763-B will receive exhibit No. 3177-A.

3 (Whereupon, the document above  
4 referred to was marked prosecution exhibit  
5 No. 3177-A and received in evidence.)

6 Q Mr. Witness, toward the end of page 2 of  
7 your affidavit, you stated that from the time of  
8 arrival of LOHIHARA your duties were somewhat modified.  
9 Then, in the next paragraph on page 3, you went on to  
10 say that the Special Service Organ took charge of  
11 supervision and guidance of Japanese personnel in  
12 Manchukuo Government, and that you kept a complete  
13 list of their conduct. Do you remember how many  
14 Japanese officials were there during that time under  
15 the jurisdiction of the Special Service Organ?  
16

17 A The Mukden Special Service Organ had nothing  
18 to do with the supervision of officials of Japanese  
19 extraction.

20 THE MONITOR: Slight correction: It was  
21 not in control of Japanese officials or officials of  
22 Japanese extraction.

23 Q Didn't you say, in the middle of page 3: "The  
24 reason for our supervision and guidance of persons  
25 of Japanese extract who were in the employ of the  
Manchukuo Government was to see that they did not act

1           overbearingly or go to extremes in their conduct"?

2           A    Supervision and guidance are quite different  
3           from control.

4           Q    With the addition of the duty of supervising  
5           and guiding the persons of Japanese officials in Man-  
6           chukuo Government, now you admit that the work of the  
7           Special Service Organ under DOHIHARA is not confined  
8           to the collection of news and the issuing of press  
9           releases, do you?

10          A    The question is not clear to me.

11                   (Whereupon, the last question was  
12           read by the Japanese court reporter.)

13          A    (Continuing) The functions of the Mukden  
14           Special Service Organ were collection of information  
15           and press releases. I do not recall whether or not  
16           the Special Service Organ's functions also included  
17           the supervision and guidance of officials of Japanese  
18           extraction. However, it is a fact that the Special  
19           Service Organ collected information concerning these  
20           officials as a measure of preventing such officials  
21           from interfering in the government of Manchukuo by  
22           acting overbearingly.

23          Q    The language is clear when you use the  
24           expression "our supervision and guidance of the per-  
25           sons of Japanese extract"; is that correct?

1           A    What do you mean by clear language, "language  
2 is clear"?

3           Q    You stated, in the middle of page 3 which  
4 I just read you a few minutes ago, "our supervision  
5 and guidance of persons of Japanese extract," and you  
6 did not say that you collected information concerning  
7 the supervision and guidance.

8           MR. WARREN: Your Honor, I should like to  
9 call attention to the Tribunal that the statement of  
10 counsel at this time that he did not say so is con-  
11 trary to the affidavit itself, in which he says that  
12 "We compiled and kept a very complete list of the  
13 personal conduct," et cetera.

14           I am sorry, I forgot to say I therefore  
15 object.

16           JUDGE NYI: What Mr. Warren just said is  
17 the next sentence.

18           THE PRESIDENT: Objection upheld.

19           Q    Mr. Witness, how many divisions or sections  
20 were there within the Special Service Organ at Mukden?  
21

22           A    There was nothing of the kind. There were  
23 only the chief and the assistant and his assistant,  
24 the office of the chief and the office of his assistant,  
25 and the office of the clerks. That is all.

          Q    Do you know that there were special service

1 organs of the Kwantung Army at Shanghaikwan, Chinchow,  
2 and Antung, besides the one at Dairen which you men-  
3 tioned in your affidavit?

4 MR. WARREN: Your Honor, I have no doubt  
5 that what counsel states is true. But this witness  
6 is confined to the Mukden Special Service Organization  
7 to which General DOHIHARA was connected. We did not  
8 go into the others. It is outside the scope of the  
9 direct examination.

10 JUDGE NYI: Your Honor, this affidavit  
11 concerns the activities of DOHIHARA, not only in Mukden.  
12 On page 3 the affidavit says they collected information  
13 about conditions in Fengtien, Jehol Provinces, and  
14 Inner Mongolia.

15 THE PRESIDENT: I think he can tell us what  
16 branches there were.

17 MR. WARREN: Your Honor, may I make an  
18 observation?

19 THE PRESIDENT: He does mention one of them,  
20 I notice. It is within the scope of an affidavit  
21 dealing with the operations of the principal office  
22 to say what branches it had.

23 MR. WARREN: Your Honor, may I make this  
24 observation: The Mukden Special Service Organization,  
25 according to this affidavit, was in the city of Mukden,

1 with one branch in Dairen. We did not go into the  
2 others because it is similar to the Intelligence  
3 Department of our army: There were hundreds of them,  
4 probably.

5 THE PRESIDENT: Your attempts to state what  
6 is here, Colonel Warren, are resented by at least two  
7 of my colleagues besides myself. The question is  
8 within the scope of the affidavit, and the witness  
9 must answer.

10 MR. WARREN: Your Honor, I do not know whom  
11 I have offended, but I apologize to those particular  
12 persons. I meant no offense. I merely meant to state  
13 that if the affidavit was not clear the witness would  
14 clarify that point, that those were the only two  
15 offices of the Mukden organization. And the others,  
16 if the Court feels it is within the province, I of  
17 course have no objection to going into that. I am  
18 sorry if I was misunderstood.

19 THE PRESIDENT: The affidavit says the  
20 Mukden office had a branch in Dairen. That is all  
21 it says. It may or may not mean that was the only  
22 branch. That is the point.

23 Please answer the question.

24 A The only branch of the Mukden Special Service  
25 Organ was in Dairen. The Special Service Organs in

1 Shanghaikwan and other places just mentioned by the  
2 prosecutor are entirely separate Special Service  
3 Organs not under the jurisdiction of the Mukden Special  
4 Service Organ.

5 Q Were all these Special Service Organs which  
6 I just mentioned under the direction of General  
7 DOHIHARA?

8 A In my recollection, there were no Special  
9 Service Organs either in Antung or in Chinchow. The  
10 Special Service Organ in Shanghaikwan did not receive  
11 directions from General DOHIHARA.

12 Q Was the Special Service Organ in Harbin also  
13 under the direction of General DOHIHARA?

14 A No.

15 JUDGE NYI: Your Honor, this concludes our  
16 cross-examination.

17 THE PRESIDENT: Colonel Warren.

18 MR. WARREN: We have nothing further from  
19 this witness. May he step down?

20 (Whereupon, the witness was excused.)

21 THE PRESIDENT: Do you desire exhibit 3177-A  
22 to be referred to the Language Section?

23 MR. WARREN: My Japanese counsel advised me  
24 to make that request, your Honor. Thank you very much.

25 At this time we should like to call as our

1 next witness, SHIBAYAMA, Kaneshiro.

2

- - -

3 K A N E S H I R O S H I B A Y A M A, recalled  
4 as a witness on behalf of the defense, having  
5 been previously sworn, testified through  
6 Japanese interpreters as follows:

7 THE PRESIDENT: You are still on oath,  
8 Witness.

9 DIRECT EXAMINATION

10 BY MR. WARREN:

11 Q Will you state your name and present address  
12 to the Court, please?

13 A My name is SHIBAYAMA, Kaneshiro. My address,  
14 No. 861 Komaba-machi, Meguro, Tokyo.

15 MR. WARREN: Will you hand the witness, please,  
16 defense document No. 2087.

17 Q Will you look at the document which you hold  
18 and tell the Tribunal whether or not that is your  
19 affidavit, and if the contents thereof are true?

20 A This is my affidavit. Its contents are true  
21 and correct.

22 MR. WARREN: If the Tribunal please, at  
23 this time we offer in evidence defense document  
24 No. 2087, except the following extract which the  
25 prosecution has objected to and I think has merit.



1           On page 2, beginning with the first sentence  
2 and the words "In my association," and continuing for  
3 two sentences, ending with the words "Military  
4 Education." That portion we do not offer.

5           THE PRESIDENT: Admitted on the usual terms,  
6 to that extent.

7           CLERK OF THE COURT: Defense document 2087  
8 will receive exhibit No. 3178.

9           (Whereupon, the document above  
10 referred to was marked defense exhibit  
11 No. 3178 and received in evidence.)  
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1 MR. WARREN (Reading): "I have been asked  
2 if I am acquainted with the accused DOHIMARA, Kenji,  
3 and if I were familiar with his activities during the  
4 time immediately preceding and following the Mukden  
5 Incident. Also, I have been asked if I am acquainted  
6 with one General Ching Teh-chen, a Chinese general  
7 who was a witness for the prosecution, and as to  
8 whether I ever had a conversation with him concerning  
9 the accused DOHIMARA at Chungshan Park in Peking. I  
10 do have knowledge of these facts and desire to make  
11 the following statement concerning them.

12 "From December 1928 until October 1931, I  
13 served under General Chang Hsueh-liang of Manchuria  
14 as a military advisor. For about eight months in  
15 the beginning, that is, from December 1928, I was  
16 assistant to General DOHIMARA, who was for that period  
17 of time military adviser to General Chang Hsueh-liang.  
18 During that period of time I became well and per-  
19 sonally acquainted with him, knew his policies and  
20 often discussed them with him. On many occasions he  
21 emphasized that the secret of friendly relations be-  
22 tween Japan and China was for the Japanese to study  
23 more deeply the state of affairs in China and to  
24 carry on friendly relations between the two peoples  
25 in good faith, discarding the Japanese superiority

1 complex, and to refrain absolutely from enforcing  
2 our will by unilateral force.

3 . . . . .

4 "Not only did General DOHIHARA advocate  
5 his policies, but in territories under his command  
6 he required a strict observance of those policies.  
7 I know this to be a positive fact because in January  
8 1938 I accompanied Lt. Gen. UMEZU, Yoshijiro, the  
9 then Vice-Minister of War, on a tour of inspection  
10 of the battle lines of North China. On this tour  
11 we visited Tsoushieng, which was the headquarters  
12 of General DOHIHARA. I was greatly surprised to  
13 learn that tranquility prevailed throughout the  
14 city and that it was at the height of prosperity.  
15 It was hard for me to realize that this was actually  
16 the base of military operations nearest the front  
17 line of battle.

18  
19 "In 1937, prior to the tour of inspection  
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1 which I have just mentioned and at the time of the  
2 occurrence of the China Incident, General DOHIHARA  
3 was Commander of the 14th Division at Utsunomiya,  
4 Japan, and was ordered to go to North China. It is  
5 a fact that the masses of the people of North China  
6 were deeply impressed by his policy and actually  
7 crowded to areas under his control because they knew  
8 they would be able to pursue their callings in peace  
9 and contentment, without undue interference from the  
10 Japanese military. Our inspection tour confirmed  
11 everything we had heard concerning the situation  
12 in the territories under the command of General  
13 DOHIHARA.

14 "On September 9, 1931, immediately prior to  
15 the outbreak of the Manchurian Incident, by order of  
16 General Chang Hsueh-liang I was sent to Tokyo in con-  
17 nection with the murder of Captain NAKAMURA, Shintaro,  
18 and returned to Peking on September 24th of the same  
19 month. While I was in Tokyo General DOHIHARA was  
20 there to make his report as Chief of the special  
21 military organ at Mukden on the progress being made  
22 in the Captain NAKAMURA case. I met him and talked  
23 with him in Tokyo on September 14th.

24 "During the presentation of the prosecution's  
25 case, General Ching Teh-chen, with whom I am well and

1 personally acquainted, appeared before this Tribunal  
2 as a prosecution witness and testified that five days  
3 before the outbreak of the Manchurian Incident General  
4 Ching met a friend of his by the name of SHIBAYAMA,  
5 who was also a mutual friend of the defendant DOHI-  
6 HARA, in Chungshan Park in Peking. At this meeting  
7 General Ching stated that the SHIBAYAMA with whom  
8 he conversed said in substance: 'DOHIHARA is about  
9 to go to Manchuria to embark on some big project.'  
10 General Ching has always been friendly with me and  
11 I have been friendly with him and consider him as my  
12 friend, and while he was in Tokyo, and after his  
13 testimony, I was contacted by him and he stated that  
14 he had used my name before the Tribunal and also told  
15 me in what connection. I was surprised at the General's  
16 carelessness in using my name in such connection be-  
17 cause I know that I am the only SHIBAYAMA who is a  
18 friend of both General Ching and General DOHIHARA.

19 "As shown by my previous statements concern-  
20 ing my whereabouts on the date referred to by General  
21 Ching, it would have been quite impossible for me to  
22 have discussed General DOHIHARA at that time and place,  
23 and in fact I have never at any time told General Ching  
24 anything about the foregoing affair, much less men-  
25 tioned the name of General DOHIHARA in connection

1       therewith. In his conversation with me General  
2       Ching told me he had used my family name, SHIBAYAMA,  
3       but not my given name.

4               "Due to the fact that I was engaged in work  
5       in the Captain NAKAMURA case, and I know General  
6       DOHIHARA was spending most of his time on the case,  
7       and knowing his whereabouts just prior to the outbreak  
8       of the Mukden Incident in September 1931, I was very  
9       greatly surprised to learn that anyone could seriously  
10       consider he had any connection with it."

11               The prosecution may cross-examine.

12               THE PRESIDENT: Captain Brooks.

13               MR. BROOKS: If the Tribunal please, I have  
14       five questions I would like to ask on direct examina-  
15       tion on behalf of General MINAMI. They all concern  
16       one point, and it will save duplication of calling  
17       this witness covering this same material. It is  
18       closely connected with Mr. Warren's case, and I did  
19       not know that he was going to call him, and I was  
20       intending to get a similar affidavit on my own behalf.  
21       Since this question is closely connected with what  
22       Mr. Warren's case is, it will save time by asking him  
23       only this one point he did not cover in his affidavit,  
24       and I will adopt the rest of the affidavit for  
25       MINAMI.

## 1 DIRECT EXAMINATION (Continued)

2 BY MR. BROOKS:

3 Q Now, Mr. Witness, in paragraph 3 on page 2  
4 of your affidavit you state you were in Tokyo on  
5 and around September 18, 1931. Now, did you meet  
6 the War Minister, General MINAMI, at that time?

7 A Yes, I met him.

8 Q What was the subject of your conversation  
9 with MINAMI at that time?

10 A As I was about to return from Tokyo to  
11 Mukden, I asked of the War Minister if he had any  
12 directions to give to me. On that occasion the War  
13 Minister requested me to orally communicate with the  
14 Commanding General in Korea, General HAYASHI, while  
15 en route through Chosen or Korea, the following  
16 message: The message I was asked by the War Minister  
17 to carry to General HAYASHI was that under no circum-  
18 stances should the Korean Army be permitted to cross  
19 the Yalu River into Manchuria.

20 Q Did he state why?

21 A He did not state the reason.

22 THE PRESIDENT: Were you a general  
23 officer in the Japanese Army then?

24 THE WITNESS: I was then a major.  
25

1 Q Did you give this message to General  
2 HAYASHI, the Commander-in-Chief of the Korean Army?

3 A First of all, I sent a wire to the Command-  
4 ing General of the Korean Army and arranged to see  
5 the Chief of Staff, KODAMA, at the station.

6 Q And did you see the Chief of Staff, General  
7 KODAMA?

8 A Chief of Staff KODAMA had come as far as  
9 Ryuzan to meet my train, and we traveled together  
10 to Keijo or Seoul.

11 THE PRESIDENT: Were you on MINAMI's staff  
12 or in his office?

13 THE WITNESS: I was then not one of the staff  
14 of War Minister MINAMI.

15 THE PRESIDENT: Why should he employ you to  
16 send a communication of that kind to such a person?

17 THE WITNESS: In my judgment the matter of  
18 such a kind required the earliest possible and most  
19 urgent attention, and because I happened to be  
20 leaving Tokyo for Mukden I presume that this particular  
21 message was entrusted to me.

22 THE PRESIDENT: It is not very convincing yet.

23 We will recess for fifteen minutes.

24 (Whereupon, at 1045, a recess was  
25 taken until 1100, after which the proceedings  
were resumed as follows:)



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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Brooks.

4 BY MR. BROOKS (Continued):

5 Q Now, Mr. Witness, when, where and why did  
6 you call on General MINAMI?

7 A At that time, I was Military Adviser to Marshal  
8 Chang Hsueh-liang in Mukden and I was receiving at that  
9 time frequent directions from the War Minister. And,  
10 therefore, I went to visit him, thinking that there  
11 might be some instructions I might receive from him.  
12 In my recollection, the time was, if I am not mistaken,  
13 the night of the 19th of June. The place was the  
14 Japanese room of the official residence of the War  
15 Minister and the time around 6:30 p.m.

16 THE PRESIDENT: Surely not in June.

17 THE WITNESS: I was mistaken; September 19th.

18 THE PRESIDENT: But he said June. It wasn't  
19 a mistranslation, was it?

20 THE MONITOR: It was not a mistranslation.

21 THE PRESIDENT: How did he come to make such  
22 a gross mistake? Such mistakes are not easily made.

23 THE WITNESS: I thought it was September, and  
24 I was about to say September.

25 THE PRESIDENT: But, you said June, and you

1 did not correct it.

2 THE WITNESS: I was a bit confused because  
3 I had mixed up the numeral "6" with the 6th Year of  
4 Showa, which was the year in which this meeting took  
5 place.

6 BY MR. BROOKS (Continued):

7 Q Mr. Witness, prosecution exhibit 57, the last  
8 paragraph, page 64, states that Major SHIBAYAMA arrived  
9 in Tokyo on September 12th. Is that a correct state-  
10 ment?

11 A Yes.

12 Q Now, what was your mission?

13 A It was to communicate to the Japanese military  
14 headquarters the intentions and wishes of Marshal Chang  
15 Hsueh-liang in connection with the murder of Captain  
16 NAKAMURA.

17 Q At this time you were an officer of the  
18 Japanese Army; is that correct?

19 A Yes.

20 Q Now, as to this message, when and where did  
21 you deliver this message to General KODAMA?

22 A I think the date was the 20th, although I do  
23 not remember the exact time, I presume it was around  
24 11 o'clock in the morning on board a train bound between  
25 Ryuzan and Seoul.

1 Q That is in Korea?

2 A Yes, in Korea.

3 Q Now, why did War Minister MINAMI give you  
4 this message for the Commander-in-Chief HAYASHI?

5 A I believe that was because the Minister of War,  
6 General MINAMI, desired to bring about a settlement --  
7 a local settlement of the Manchukuo Incident on the  
8 smallest possible scale.

9 MR. BROOKS: No further questions, your Honor.

10 THE PRESIDENT: Judge Nyi.

11 JUDGE NYI: May it please the Tribunal, the  
12 prosecution has a few questions to put to the witness.

13 CROSS-EXAMINATION

14 BY JUDGE NYI:

15 Q Mr. Witness, in the last paragraph on page 1  
16 of your affidavit you stated that you served as a  
17 Military Adviser to General Chang Hsueh-liang in Manchuria  
18 from December, 1928 until October, 1931. Were you in  
19 any way connected with General Chang before that time?  
20

21 A Yes.

22 Q In what capacity?

23 A It was in the previous year -- When I was in  
24 Chinchow in Honan Province Chang Hsueh-liang came --

25 THE INTERPRETER: Correction: It was in the  
previous year when I was in Chinchow in Honan Province

1 that Chang Hsueh-liang came to that city with his  
2 army. At that time I was travelling in Honan Province  
3 and was -- and happened to be in Chinchow at that  
4 time.

5 Q You were General DOHIHARA's assistant during  
6 the first few years; was that correct?

7 A Yes, only several months.

8 Q Was it true that when DOHIHARA left Chang  
9 Hsueh-liang he recommended you to General Chang as his  
10 successor?

11 A Not so.

12 Q How many Japanese military advisers did  
13 General Chang have at the time when you were his adviser?  
14

15 A Two.

16 THE PRESIDENT: Did he have any non-military  
17 advisers?

18 THE WITNESS: No.

19 Q Who was the other Military Adviser?

20 A General DOHIHARA's successor as Military  
21 Adviser was Colonel SENO.

22 Q How did it happen that General Chang picked  
23 you out for going to Tokyo to settle the NAKAMURA Case  
24 in 1931?

25 A That was because Marshal Chang felt the  
necessity of communicating to the Japanese military

1 authorities his desire to bring about a peaceful  
2 settlement of the Captain NAKAMURA Incident.

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1 Q Was it also because you were close to the  
2 Japanese military circles?

3 A That I do not know.

4 Q You were familiar -- were close to the  
5 Japanese military circles in Tokyo, were you, at that  
6 time?

7 A At that time, I had no intimate connection  
8 with the Japanese military circles, because I was  
9 purely a military adviser only to Marshal Chang, and  
10 there was no need for me to respond to the orders of  
11 the Japanese Army. Consequently, my connections --  
12 I had very little connection with the Japanese mili-  
13 tary.

14 Q What was General Chang's specific instruc-  
15 tions with regard to the NAKAMURA case?

16 A Chang Hsueh-liang -- Marshal Chang Hsueh-  
17 liang's desires was to see to it that the Captain  
18 NAKAMURA incident be fully investigated -- carefully  
19 investigated by both sides, and that if, after the  
20 investigation, it happened that he would be respons-  
21 ible -- would be found responsible for the incident,  
22 he said that, depending on the representations made  
23 by the Japanese side, he would listen to them and try  
24 to bring about a peaceful settlement of the issue.  
25

Q So, he was sincere in his effort to bring

1 about a settlement of the NAKAMURA case, was he?

2 A Yes.

3 Q Do you know by that time that a second  
4 inquiry into the NAKAMURA case had been ordered?

5 A No, I did not know.

6 Q Did you also know that another high-ranking  
7 Chinese official, by the name of Tang Erh-ho, had  
8 been ordered by General Chang to proceed to Tokyo for  
9 consultation with Baron SHIDEHARA?

10 THE MONITOR: Will you please spell it?

11 JUDGE NYI: T-a-n-g E-r-h - ho...

12 MR. WARREN: Your Honor, we desire to object  
13 to this line of questions concerning the NAKAMURA  
14 case. We don't believe it is within the scope of the  
15 direct examination. Although he does mention it, he  
16 mentions it as a point of recollection, not as an  
17 attempt to analyze it at all.

18 THE PRESIDENT: It is very difficult to say  
19 it is outside the scope of the affidavit, which does  
20 mention it. Nevertheless, I fail to see the point of  
21 the cross-examination.

22 JUDGE NYI: May it please your Honor, this  
23 present witness has mentioned -- made two references  
24 to the NAKAMURA case in his affidavit.

25 THE PRESIDENT: We are with you on the scope

1 of the affidavit. But, what is the purpose of the  
2 cross-examination?

3 JUDGE NYI: Your Honor, in our submission,  
4 this has a very close relation to the activities of  
5 the accused DOHIHARA, and they were both in Tokyo at  
6 that time.

7 THE PRESIDENT: Is that your reason? That  
8 doesn't appear to be sufficient. There may be another.  
9 The NAKAMURA case played some part.

10 As I am reminded, it is one of three hundred  
11 matters that is supposed to have been causing trouble  
12 between China and Japan, but the prosecution gave it  
13 very little attention. It is also dealt with, I am  
14 reminded, in the written report.

15 What can this witness add? What can he do  
16 except waste time.

17 JUDGE NYI: Your Honor, this witness said  
18 that he had a talk with DOHIHARA in Tokyo, and we  
19 might get from this witness what were the views of  
20 DOHIHARA in this case, and which were not in the  
21 written report.

22 THE PRESIDENT: If we are going into all  
23 these details at this length, we will never finish.

24 JUDGE NYI: May it please your Honor, we will  
25 drop this point.



1 BY JUDGE NYI (Continued):

2 Q Mr. Witness, you spoke of your trip to China  
3 after the outbreak of hostilities in 1937.

4 A Yes, I did make a trip.

5 THE PRESIDENT: The prosecution has as great,  
6 if not a greater, responsibility than the defense of  
7 avoiding a waste of time in this case.

8 Q Mr. Witness, you stated that you met  
9 DOHIHARA in North China in January, 1938. Have you  
10 been with him in China at that location again in the  
11 same year?

12 A I did not meet him twice in the same year in  
13 North China.

14 Q Did you meet him elsewhere in this same  
15 year?

16 A Yes.

17 Q Was it true that both you and DOHIHARA were  
18 sent to China on the same mission in August, 1938?

19 A Not to North China, but I made an inspection  
20 trip to both North and South China.

21 THE INTERPRETER: Slight addition: I  
22 accompanied DOHIHARA on this inspection trip.

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1 Q Was it also for the creation of a new cen-  
2 tral government to be headed by General Wu Pei-fu  
3 and Mr. Tang Shao-yi?

4 A That is not so.

5 Q You stated on page 1, at the bottom, that  
6 DOHIHARA was anxious to bring about friendly rela-  
7 tions between China and Japan. Did he ever tell you  
8 that it would be close to his idea of maintaining friend-  
9 ly relations by creating a new government?

10 A I have never ever heard of that.

11 Q You also mentioned in the affidavit about  
12 your inspection tour with General UMEZU.

13 THE PRESIDENT: What about it? You are tell-  
14 ing him something; you are not putting a question.

15 Q My question would be: Did you go there on  
16 the request of General TERAUCHI?

17 A That is not so.

18 JUDGE NYI: Your Honor, we conclude our cross-  
19 examination.

20 THE PRESIDENT: By what means did you travel  
21 from Tokyo to Korea after talking to MINAMI?

22 THE WITNESS: By rail.

23 THE PRESIDENT: By boat and by rail, I suppose,  
24 and perhaps by air.

25 THE WITNESS: I traveled by rail, sir.

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THE PRESIDENT: Colonel Warren.

MR. WARREN: We have no further questions.  
May the witness step down, sir?

THE PRESIDENT: He is excused on the usual  
terms.

(Thereupon, the witness was excused.)

MR. WARREN: We should like to call as our  
next witness KUTAJIMA, Kazuo.

- - -

1 K A Z U E K U W A J I M A, called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. WARREN:

7 Q Will you state your name and present ad-  
8 dress to the Tribunal, please?

9 A My name is KUWAJIMA, Kasue.

10 Q Your present address is in Tokyo, I take it?

11 A Tokyo, yes.

12 MR. WARREN: May the witness be handed  
13 defense document 2116?

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

16 BY MR. WARREN:

17 Q Will you look at the document you hold in  
18 your hand and state whether or not that is your affi-  
19 davit and if the contents contained therein are true?

20 MR. WARREN: Tell the witness to answer,  
21 not shake his head.

22 THE PRESIDENT: Say yes or . The shake  
23 of the head is not recorded and is not always under-  
24 stood.

25 A Yes.

1           MR. WARREN: If the Tribunal please, at  
2 this time I offer in evidence defense document 2116  
3 except the last two sentences in the affidavit on  
4 page 2, starting with the words "I was" and ending  
5 with the words "military man". By agreement with  
6 the prosecution I shall not offer that or ask to  
7 read it.

8           THE PRESIDENT: Admitted on the usual terms  
9 with the last two sentences excised.

10          CLERK OF THE COURT: Defense document  
11 No. 2116 will receive exhibit No. 3179.

12                   (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 3179 and received in evidence.)

15          MR. WARREN: (Reading)

16                "My name is KUWAJIMA, Kasue, and I was gra-  
17 duated from the Waseda University in 1906. In 1911  
18 I passed the diplomatic service examination, entering  
19 the diplomatic service in the same year, and was still  
20 in the service in 1931, at which time I was Consul  
21 General at Tien-Tsin. I held such posts prior to  
22 and at the time of the Manchurian Incident.

23                "As Consul General I collected certain in-  
24 formation concerning the accused DOHIMURA, Kenji,  
25 which I considered to be in connection with his

1 actions with reference to the Manchurian Incident,  
2 and wired such information to the then Foreign Min-  
3 ister SAIDEHARA, or to the Chief of the Asia Bureau  
4 of the Foreign Ministry. Some of these wires were  
5 introduced in evidence by the prosecution as exhibits  
6 287, 289, 290, 291, 292, 293, 295, 296, 300, and 304,  
7 etc. In connection with sending these wires, and  
8 similar wires, I have been asked concerning the method  
9 I employed in securing the information therein con-  
10 tained.

11 "In order to fully understand the situation,  
12 it is necessary for me to explain that there was dis-  
13 agreement and friction between the Foreign Office and  
14 the Kwantung Army regarding Henry Pu-Yi's coming out  
15 of retirement. The Army was acting independently of  
16 the Foreign Ministry and we received no official in-  
17 formation from the Kwantung Army as to the activities  
18 of any of its members, and had no means by which I  
19 could do so. It may be possible that the Foreign  
20 Ministry was receiving such information, but as to  
21 that I cannot say.

22 "I, as Consul General, was far too busy to  
23 conduct any personal investigation of the actions of  
24 DOHIHARA and had to depend upon my subordinates to  
25 collect what information they could. They secured

1 information from whatever sources were available, such  
2 as newspaper articles, conversations held with various  
3 people, both Chinese and Japanese, rumors, in short,  
4 any information which might tend to throw any light  
5 whatever upon the activities, in this instance, of  
6 General DOHIHARA. All this information was reported  
7 to me and I then sifted the information and then drew  
8 my own conclusions. The conclusions which I drew com-  
9 prised the contents of the telegrams which were in-  
10 troduced in evidence by the prosecution as having  
11 been sent from me to the Foreign Minister, or the  
12 Bureau of Foreign Ministry.

13 "This was the only source of information I  
14 had, and with the great mass of information, it was  
15 quite impossible to check the authenticity of its  
16 source. I had to do the best I could under the cir-  
17 cumstances as I had no further personal information.

18 "As for my personal contact with the accused  
19 DOHIHARA, I recall that I met him on two occasions,  
20 at which time we exchanged merely social conversations."

21  
22 Now, your Honor, I should like to ask the  
23 witness one additional question:

24 Q Mr. KUWAJIMA, did you place confidence in  
25 the reports of the consular police?

A After receiving reports of the consular

1 police I never used them as data for telegrams to be  
2 sent to the Foreign Office. The reports made by the  
3 consular police were not immediately used as material  
4 for reports.

5 MR. WARREN: Will you repeat that for my  
6 benefit? I am sorry, I didn't hear it.

7 (The last answer of the witness was  
8 repeated by the official court reporter).

9 THE PRESIDENT: On behalf of a Member of the  
10 Tribunal, I ask the following question: What were  
11 the two opinions of the Kwantung Army and the For-  
12 eign Office regarding Henry Pu Yi coming out of re-  
13 tirement?  
14

15 THE WITNESS: According to the standpoint  
16 of the views entertained by the Foreign Minister, ac-  
17 cording to the instructions given me, was that it  
18 was not time for Mr. Henry Pu Yi to appear; that it  
19 was not time for Mr. Henry Pu Yi to appear in Man-  
20 churia.

21 JUDGE NYI: If it please the Tribunal, the  
22 prosecution has a very few questions to ask this  
23 witness.  
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## CROSS-EXAMINATION

1  
2 BY JUDGE NYI:

3 Q Mr. Witness, on page 1 of your affidavit you  
4 spoke of the wires you sent to Baron SHIDEHARA from  
5 Tientsin in November, 1931, which had been received  
6 and referred to as exhibit 287, et cetera. Was it  
7 true, Mr. Witness, that before you sent these wires  
8 Baron SHIDEHARA had sent you a telegraphic instruc-  
9 tion to stop the abduction plan of Emperor Hsuan Tung  
10 and to be on guard?

11 A I received instructions from the Foreign  
12 Minister to see the Emperor Hsuan Tung, that is, Mr.  
13 Henry Pu-Yi, and to advise him against going to Man-  
14 churia.

15 Q So you sent these wires, not as a matter of  
16 routine but in consequence of the telegraphic instruc-  
17 tion of Baron SHIDEHARA, is that correct?

18 A Naturally it was in accordance with the instruc-  
19 tions of the Foreign Minister that I interviewed Mr. Pu-  
20 Yi and communicated the advice.

21 Q Now, of the ten telegrams you referred to in  
22 your affidavit, is it true that you had given the source  
23 of the information in each instance?  
24

25 THE PRESIDENT: Colonel Warren.

MR. WARREN: We object. The telegrams are in

1 evidence and are the best evidence of what they con-  
2 tain.

3 JUDGE NYI: Your Honor, we ask these ques-  
4 tions on the ground that the present witness is try-  
5 ing to give something which will be contrary to the  
6 exhibits which are already in evidence.

7 THE PRESIDENT: He is trying to reduce their  
8 value. That is what it amounts to.

9 I think we have heard enough about it.

10 Now a question on behalf of a Member of the  
11 Tribunal:

12 Was the Foreign Affairs Department opposed  
13 to Pu-Yi coming out at all?

14 THE WITNESS: Yes. May I have the question  
15 repeated to me?

16 ( Thereupon, the Interpreter spoke in  
17 Japanese.)

18 My understanding and according to the instruc-  
19 tions received by me, it wasn't time for Mr. Pu-Yi to  
20 appear in Manchuria.

21 THE INTERPRETER: That it wasn't yet time for  
22 Mr. Pu-Yi to appear in Manchuria.

23 THE PRESIDENT: That is all you know about  
24 their attitude?

25 THE WITNESS: Yes.

1 Q Mr. Witness, in the last paragraph of your  
2 affidavit you say that "as for my personal contact with  
3 the accused DOHIHARA, I recall that I met him on two  
4 occasions, at which time we exchanged merely social  
5 conversation."

6 Q Was it true that in your telegrams to Baron  
7 SHIDEHARA you mentioned that you had several talks  
8 with DOHIHARA himself?

9 A In none of my telegrams have I ever referred  
10 to my talking with General DOHIHARA.

11 THE INTERPRETER: I have at no time in my  
12 telegrams reported the results of any conversation with  
13 DOHIHARA.

14 Q Let me refresh your memory. In Exhibit 287  
15 you said that you talked with DOHIHARA and conveyed to  
16 him your personal opinion. In Exhibit 300 you speci-  
17 fically stated that "I have deliberately talked with  
18 him several times not to commit such atrocities."

19 THE MONITOR: Judge Nyi, what part of the ex-  
20 hibit does it refer to?

21 JUDGE NYI: Exhibit No. 300.

22 THE MONITOR: What page and what paragraph.

23 JUDGE NYI: In the middle of page 41,397.

24 THE MONITOR: Could you tell us the date of  
25 the telegram, please?

JUDGE NYI: November 17, 1931.

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MR. WARREN: Your Honor, we should like to object to this method of attempting to impeach the witness. I think the proper method, at least in my country, is to present the witness with the document and let him refresh his memory, and then question him concerning contrary statements.

THE PRESIDENT: The method of cross-examination is his concern; the propriety of what he is doing is a matter for you, Colonel.

MR. WARREN: Your Honor, I was objecting to this method of attempting to impeach the witness. Perhaps I didn't make myself clear.

THE PRESIDENT: He is perfectly fair to the witness, but I wish he would read the telegram to him. Perhaps it would be sufficient to do what other prosecutors have done and just refer us to the telegram, where it is necessary, but here it is not necessary because the affidavit itself mentions telegrams.

Were the consular police trustworthy men?

THE WITNESS: The consular police brought much information to my office daily, but it wasn't to be trusted to the extent that it can be used immediately for reporting purposes.

JUDGE NYI: Your Honor, I will just read the

1 one sentence which I have just begun, in accordance  
2 with your instruction.

3 THE PRESIDENT: Do so after lunch.

4 We will adjourn until half-past one.

5 (Thereupon, at 1200, an adjournment was  
6 taken until 1330.)  
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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Major Moore.

LANGUAGE ARBITER (Major Moore): If the Tribunal please, exhibit 3177-A, page 7, paragraph marked 1 has been referred. We recommend that the sentence be deleted and substitute the following: "In South China to hear the names of Major General DOHIHARA and ITAGAKI is something like mentioning a tiger and the people turn pale."

THE PRESIDENT: Thank you, Major.

Judge Nyi.

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K A Z U E K U W A J I M A, called as a witness on behalf of the defense, resumed the stand and testified through Japanese interpreters as follows:

## CROSS-EXAMINATION

JUDGE NYI: May it please the Court, before the recess I was about to read a sentence in exhibit 300. I think the language section is ready with this document and if it please the Court, I will proceed to read:

1 "I have deliberately talked with him" --  
2 meaning DOHIHARA -- "several times not to commit such  
3 atrocities but it appears he is continuing plans to  
4 overthrow Chang and there is apprehension that he may  
5 start another incident in the Peking-Tientsin area in  
6 the near future."

7 MR. WARREN: If the Tribunal please, the part  
8 just quoted by counsel I have been informed by our  
9 interpretation section as well as some of the court  
10 reporters that there appears to be a misinterpretation  
11 and we should like at this time to request the Tribunal  
12 to permit us to submit it to the court arbiters.

13 THE PRESIDENT: We will refer it immediately.  
14 What do you suggest is wrong with it?

15 MR. WARREN: As I understand, the words,  
16 "several times," probably would be "two times," or  
17 not at least that many times; the word, "atrocities"  
18 and what not, is not correct; and "deliberately talked"  
19 appears to be incorrect, as near as I can recollect.  
20 I have marked copies which I can give to them immed-  
21 iately, both in the English and Japanese.

22 THE PRESIDENT: I do not know how long this  
23 light will be on. I want to prevent you from giving  
24 these copies to the arbiters. Let them give their  
25 judgment in the first instance without reference to

1 any promptings.

2 MR. WARREN: Your Honor, I am sorry--

3 THE PRESIDENT: The time comes when I have  
4 to speak against the red light to prevent things  
5 from being done.

6 MR. WARREN: I am sorry, your Honor. Those  
7 were merely copies which we had agreed on. We just  
8 had marked the place so that they could find it in  
9 referring to it was all.

10 THE PRESIDENT: I wanted to know whether  
11 the changes were serious or not.

12 JUDGE NYI: Your Honor, in the interest of  
13 saving time I think we can give this Japanese copy to  
14 the witness and see what he thinks about it.

15 THE PRESIDENT: Major Moore will advise the  
16 Court.

17 MR. WARREN: Thank you.

18 THE PRESIDENT: Proceed with something else  
19 in the meantime.

20 JUDGE NYI: I will, thank you.

21 BY JUDGE NYI (Continued):

22 Q Mr. Witness, do you know that your telegrams  
23 not only contained reports from sources of your own  
24 but they were also corroborated by telegraphic reports  
25 of the Japanese Consulate in Shanghai, Nanking and



1 Peiping regarding the activities of DOHIHARA?

2 A Regarding that point I did not have any  
3 information pertaining thereto so I had no knowledge  
4 of them.

5 Q Did you know that afterwards?

6 A I did not know because such telegrams were  
7 not circulated to my Consulate General.

8 Q In the first paragraph on page 2 of your  
9 affidavit you stated that your source of information  
10 may be rumor. In your experience as a diplomat for  
11 twenty years as of that time, was it customary for  
12 you to report to your government rumors when you had  
13 more reliable sources available?

14 MR. WARREN: I wish to object for two  
15 reasons, your Honor. The first reason is that there  
16 is no testimony that there were other reliable sources.  
17 The second is that the prosecution itself has intro-  
18 duced evidence which directly bears out the testimony  
19 of this witness that any available source of informa-  
20 tion was used and that it was the duty of the Consulate  
21 office to draw conclusions. That is their testimony.  
22

23 THE PRESIDENT: The question does assume that  
24 more reliable sources of information were available.  
25 Ask him, were they.

Q Mr. Witness, on two occasions did you say

1 that DOHIHARA came and spoke to your consulate -- to  
2 the staff of your consulate? Were they rumors?

3 A DOHIHARA came to the Consulate General and  
4 came to my own room only once and on that occasion  
5 all we did was to exchange greetings and nothing more.

6 Q In two exhibits that you referred to it is  
7 stated that you had personal conversation with DOHIHARA  
8 with regard to the removal of Emperor Hsuang Tang to  
9 Manchuria?

10 A I recollect that talks were held with General  
11 DOHIHARA through a member of the staff of the Consulate  
12 General on two or perhaps three occasions.

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1 Q Didn't you, in exhibit 289, say that "I told  
2 him as my personal opinion that even if the Emperor's  
3 emergence from retirement could be propagated as owing  
4 to the desire on the part of the Chinese in Manchuria,  
5 it would be preferable to see the results of the ses-  
6 sion of the Board of Directors of the League, and in  
7 case the Chinese are really desirous and ample meas-  
8 ures can be taken, there would occur no difference  
9 about his landing place to be Yin-Low or Dairen"?

10 MR. WARREN: If your Honor please, I have  
11 the document before me and it appears patent to me  
12 that the quotation is with reference to a conversa-  
13 tion held with Emperor Pu-Yi, and not with DOHIHARA.  
14 That is my interpretation. Therefore I object to the  
15 question.

16 JUDGE NYI: Your Honor, the language is very  
17 clear and this is the conversation with DOHIHARA, if  
18 we read from the very beginning.

19 THE PRESIDENT: The telegram starts this way:  
20 "I tried every means to persuade DOHIHARA but he was  
21 insisting on the following points." It looks as though  
22 you are within your rights in putting that question.

23 The objection is overruled.

24 This is a most difficult cross-examination in  
25 the circumstances and the difficulties should not be

1 added to by making premature objections not properly  
2 considered.

3 MR. WARREN: If your Honor please, I refer  
4 your Honor to paragraph 5, and I think a perusal of  
5 that will show that my objection was neither premature  
6 nor immaterial. I am sincere in my belief that he was  
7 speaking of the Emperor Pu-Yi and not of DOHIHARA.

8 THE PRESIDENT: Proceed to put the question.

9 JUDGE NYI. Thank you.

10 Q The next question I am going to put to the  
11 witness relates to the telegram, exhibit 300.

12 THE PRESIDENT: You haven't received an  
13 answer to any question yet. You were putting a ques-  
14 tion but you were interrupted before you completed it.  
15 You can abandon it if you like.

16 JUDGE NYI: These two statements are closely  
17 related and I prefer to ask him when I have finished  
18 asking him the questions relating to exhibit 300.

19 THE PRESIDENT: You will proceed differently  
20 if you expect the Court to have an intelligent appre-  
21 ciation of your cross-examination. You can not be allow-  
22 ed to jump from one document to another without any  
23 explanation. It makes it most difficult for us to  
24 follow you if you do that.

25 JUDGE NYI: Thank you.

1 Q Mr. Witness, you stated this morning, and  
2 also in the afternoon, that you did not have any dis-  
3 cussion with regard to the moving of Emperor Fu-Yi  
4 with DOHIMARA personally. After I read the sentence  
5 beginning with "I told him as my personal opinion",  
6 does that refresh your memory that you did have a  
7 conversation with DOHIMARA?

8 A I do not have the original of the telegram  
9 in my hands, so unless I am shown that particular  
10 document it is difficult for me to reply. May I  
11 have it shown to me?

12 (Whereupon, a document was shown  
13 to the witness.)

14 The personal opinion mentioned in this docu-  
15 ment is not my opinion, it is that of one of the staff  
16 of the Consulate General, and therefore at the end of  
17 this document you will find the words to the effect  
18 that it was so said.

19 THE PRESIDENT: You distinguish between the  
20 staff's opinion and your own in this very telegram.

21 THE WITNESS: In this particular telegram it  
22 is said at the outset: "According to a report made  
23 by a staff member of the Consulate General," and at  
24 the end of this telegraphic report are the words, "he  
25 so stated," and that is the way I filed the report.

1 THE PRESIDENT: Just listen to this: "To this  
2 the staff of our Consulate advised him about the inter-  
3 national situation and the relation with China proper.  
4 Moreover, I told him as my personal opinion that even  
5 if the Emperor's emergence from retirement could be  
6 propagated" etc., etc.

7 Had you any reason to doubt the accuracy of  
8 anything you told Tokyo on that occasion?

9 THE WITNESS: No. I had no reason to doubt.

10 THE PRESIDENT: Is there any need to cross-  
11 examine on this?

12 JUDGE NYI: Well, we have just one point  
13 which relates to exhibit 300 and I think the Language  
14 Section has ready its report on the divergences, the  
15 alleged divergences of the translations.  
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1 THE PRESIDENT: Major Moore.

2 THE LANGUAGE ARBITER (Major Moore): If the  
3 Tribunal please, exhibit 300, page 2, line 9, substitute  
4 "fully" for "deliberately," "twice" for "several times"  
5 and "rash acts" for "atrocities."

6 THE PRESIDENT: Read it now as amended.

7 THE LANGUAGE ARBITER (Major Moore): "I have  
8 fully talked with him twice not to commit such rash  
9 acts but it appears he is continuing plans to overthrow  
10 Chang and there is apprehension that he may start another  
11 incident in the Peking-Tientsin area in the near future."

12 BY JUDGE NYI (Continued):

13 Q After hearing this correction in my reading  
14 have you anything to answer, Mr. Witness?

15 A There is nothing.

16 JUDGE NYI: This concludes our cross-examination.

17 THE PRESIDENT: Colonel Warren.

18 MR. WARREN: May the witness step down, your  
19 Honor?

20 THE PRESIDENT: He is released on the usual  
21 terms.

22 (Whereupon, the witness was excused.)

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MR. WARREN: I want to make brief reference  
to prosecution's exhibit No. 245. This is an affidavit

1 by Assistant Consul-General MORISHIMA and was introduced  
2 by the prosecution and there are only two short sentences,  
3 one in the middle of the fourth paragraph. I want  
4 to refresh the Court's memory in connection with the  
5 previous statement in which he states "In order  
6 effectively to perform these duties and functions, the  
7 Consul-General's office availed itself of all accessible  
8 channels of information." He also states that one  
9 of the sources was the Consular Police.

10 In the following paragraph he states: "It was  
11 the duty and responsibility of our office to draw conclusions  
12 from information so obtained" --

13 If the Tribunal please, at this point we should  
14 like to offer in evidence defense document No. 2437.  
15 This is a record of an interview with General DOHIHARA  
16 taken on May 3, 1932. The interview was primarily  
17 with Lord Lytton, Chairman of the Commission of Inquiry,  
18 requested by the League of Nations, commonly referred  
19 to as the "Lytton Report." It is an official United  
20 States Government document and is duly certified to  
21 by J.R. Lovell, Colonel, General Staff Corps, U.S. Army,  
22 Deputy Director of Intelligence for Research, War  
23 Department, General Staff. This document records the  
24 official visit which General DOHIHARA had with the  
25 Lytton Commission, and sets out his views with reference



1 to the events immediately following the Mukden  
2 Incident, also his activities in Tientsin and Harbin.  
3 It also deals with questions concerning Pu-Yi. There  
4 are other references in the document to conditions  
5 which then existed and which we believe to be of benefit  
6 to the Tribunal. This document is offered for the  
7 purpose of showing to the Tribunal that the Lytton  
8 Commission had a great deal of confidence in the truth  
9 and veracity of General DOHIHARA, inasmuch as a perusal  
10 of the Lytton Report will show that in their statement  
11 of fact with reference to the subject upon which they  
12 conversed with General DOHIHARA, they accepted, in  
13 almost every instance, his version of the situation. It  
14 is offered for the further purpose of showing that this  
15 ties into our general testimony, which will be offered  
16 and which has been offered and which will be connected,  
17 that contrary to the impression left by the evidence  
18 of the prosecution, the accused, General DOHIHARA, did  
19 have the confidence of the masses of people, as well as  
20 of the officials of the places where he was stationed.  
21 In fact, this document will show that Lord Lytton him-  
22 self complimented General DOHIHARA on his accomplishment,  
23 not only in his conversation with him on May 3, 1932,  
24 but at a later date when the Lytton Report was compiled.  
25

THE PRESIDENT: After that lengthy statement,

28,66.

1 do you think you ought to read the document if it is  
2 admitted?

3 MR. WARREN: I assume the Tribunal has the  
4 document and have read it, and unless my co-counsel  
5 see fit to read it, if the Court desires to accept it,  
6 I won't read it. I will talk to them and see what they  
7 suggest.

8 We have no desire to read it.

9 THE PRESIDENT: The document is admitted on  
10 the usual terms.

11 CLERK OF THE COURT: The volume entitled "Far  
12 Eastern Commission of Inquiry" will receive exhibit  
13 No. 3180 for identification only. The excerpts there-  
14 from, being defense document No. 2437, will receive  
15 exhibit No. 3180-A.

16 (Whereupon, the document above re-  
17 ferred to was marked defense exhibit No. 3180  
18 for identification; the excerpts therefrom  
19 being marked defense exhibit No. 3180-A and  
20 received in evidence.)

21 MR. WARREN: If the Tribunal please, I have  
22 a running commentary here which I will disregard and ask  
23 them not to pay attention to it for this reason: I  
24 had intended to read extracts from the Lytton Report,  
25 but I find in my marked copy since coming to court that

1 the prosecution had already read this and I will  
2 merely make reference at this time to the fact that  
3 General DOHIHARA was at Mukden for one month and put  
4 the city back on an even keel and the Lytton Commission  
5 praised him for that at that time. That appears on  
6 page 88. And, there was another extract in substan-  
7 tiation which I will not read at this time.

8           May we have called at this time the witness  
9 YAZAKI, Kanju.

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1 K A N J U Y A Z A K I, called as a witness on behalf  
2 of the defense, being first duly sworn, testi-  
3 fied through Japanese interpreters as follows:

4 MR. WARREN: May the witness be handed  
5 defense document No. 2053?

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

8 DIRECT EXAMINATION

9 BY MR. WARREN:

10 Q Will you state your name and your present  
11 address to the Court, please?

12 A My name is YAZAKI Kanju; my address is 167,  
13 3-Chome, Nobuto-cho, City of Chiba.

14 Q Will you please look at the document which  
15 you have in your hand and tell the Tribunal if that is  
16 your affidavit and whether the contents are true?

17 A This is my affidavit, and the contents are  
18 correct.

19 MR. WARREN: If the Court please, at this  
20 time we desire to offer in evidence defense document  
21 No. 2053 with certain deletions which I shall name,  
22 which have been agreed upon with the prosecution.

23 On page 2, the second paragraph, "At the  
24 time the China Affair broke," there is a comma there,  
25 and then these words will be stricken and not offered:

1 "General DOHIHARA deeply regretted that it had come  
2 about and" -- that will not be offered.

3 I have also agreed that on page 8, the middle  
4 of the first paragraph, starting with the words,  
5 "Whenever trouble arose," continuing through the  
6 balance of that paragraph and ending with the words,  
7 "Greater East Asiatic War" -- that I have agreed with  
8 the prosecution that the objection has merit, and we  
9 will not offer that.

10 However, I understand there are some other  
11 sections which we could not agree upon, which the  
12 prosecution will probably wish to make objection to  
13 and have the Tribunal pass on its admissibility.

14 THE PRESIDENT: Judge Nyi.

15 JUDGE NYI: May it please the Tribunal, in  
16 addition to the deletions made by my learned friend,  
17 Mr. Warren, we have further objections to part of that  
18 affidavit.

19 The part which we objected to appears on  
20 page 5, paragraphs 1, 2, and 3, which extend to the  
21 first line of page 6. This part of the affidavit con-  
22 tains talks made by DOHIHARA on different occasions.  
23 In our submission, they are both self-serving and  
24 repetitious.

25 It is nothing but the utterance of DOHIHARA

1 after the hostilities broke out. One can white-  
2 wash anything he does not think proper. So, this  
3 will be of no probative value.

4 Furthermore, it is repetitious. Almost the  
5 exact language was used in the SHIBAYAMA affidavit,  
6 the last seven lines of page 1 of SHIBAYAMA's affi-  
7 davit.

8 In substance, the talks referred to the under-  
9 standing between the Chinese and the Japanese refrain-  
10 ing from using force. Although it is amplified a  
11 little bit here, we still do not see the necessity  
12 of amplification.

13 We would like to refer to the ruling of this  
14 Tribunal, made on September 11, with regard to the  
15 press interview given to Hugh Byas, a British corres-  
16 pondent. There your Honor correctly stated the law,  
17 that no self-serving documents are admitted in  
18 national courts. Furthermore, there were --

19 THE PRESIDENT: I think you have stated your  
20 reasons sufficiently --

21 JUDGE NYI: Thank you.

22 THE PRESIDENT: -- but I find it difficult  
23 to follow why you should ask us to strike only  
24 numbered paragraphs 1, 2, and 3 on pages 5 and 6,  
25 and leave other matter which seem to me to be equally

1 objectionable and which are related to those three  
2 numbered paragraphs.

3 JUDGE NYI: We will, your Honor, if your  
4 Honor suggests, object to the other parts which are  
5 equally objectionable.

6 THE PRESIDENT: I am not here to advise you,  
7 but just to understand you.

8 JUDGE NYI: Thank you.

9 In our submission, the deletion of these  
10 three paragraphs might suffice the purpose.

11 THE PRESIDENT: Colonel Warren.

12 IR. WARREN: Your Honor, we submit that none  
13 of these portions or the other portions referred to  
14 are self-serving declarations. We would have to  
15 assume that General DOHIHARA knew at the time these  
16 declarations were made that we would have a Pacific  
17 War and he would be in the box and would be tried, or  
18 at least there must have been some intimation.

19 They are not speeches. They are explanations  
20 of his policies, which he gave to his subordinate  
21 officers, and the formulation of the policies, which  
22 he had, he gave to them. It was not a speech, and  
23 the man who testified was his subordinate officer and  
24 testified what he heard.

25 They are not newspaper articles printed by a

man for the press.

1  
2 They are not repetitious because the period of  
3 time spoken of here does not cover the same period of  
4 time spoken of in the previous affidavit.

5 I submit, your Honor, that, insofar as my  
6 practice of law permits me to state, this would be  
7 admitted, this document and testimony would be admitted,  
8 in any criminal proceedings in any court in the United  
9 States, and any failure to admit it would place the  
10 Court in jeopardy of reversible error.

11 THE PRESIDENT: We do not want to know what  
12 would be done in the United States or in Britain or  
13 anywhere else; but, I am quite sure what you said is  
14 an exaggeration.

15 MR. WARREN: Your Honor, I am quite sure it  
16 isn't.

17 THE PRESIDENT: I am concerned with the way  
18 the affidavit will be left if the objections taken are  
19 sustained. However, we cannot add to the objections.

20 The objection is upheld and the document is  
21 admitted as to the part unobjected to and not deleted,  
22 on the usual terms.

23 CLERK OF THE COURT: Defense document 2053  
24 will receive exhibit No. 3181.

25 (Whereupon, the document above referred



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to was marked defense exhibit No. 3181 and  
received in evidence.)

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MR. WARREN: He states:

1 "My name is YAZAKI, Kanju, and that I was  
2 a professional army officer and held the rank of  
3 Lieutenant General at the termination of hostili-  
4 ties between the Allied Nations and Japan. That  
5 during my life as an army officer I became well and  
6 personally acquainted with one DOHIHARA, Kenji, who  
7 is now one of the accused on trial before the Inter-  
8 national Military Tribunal for the Far East. My  
9 acquaintance with the former General DOHIHARA covers  
10 a number of years and I have been intimately ac-  
11 quainted with him since the time I was a Captain.  
12

13 "Prior to the China Incident and during the  
14 month of March 1937, the accused DOHIHARA was ap-  
15 pointed Commander of the 14th Division of the Japanese  
16 Army, which was then stationed in Utsunomiya, on the  
17 Island of Honshu, in Japan, which was its permanent  
18 station. At the outbreak of the China Incident in  
19 July 1937, the accused DOHIHARA was still the Com-  
20 mander of the 14th Division and I was then a Lieu-  
21 tenant Colonel on his staff. In August we were ordered  
22 to North China, where we were engaged in military  
23 operations in the region along the Peking-Hankow  
24 Railroad, where I continued to serve as his staff  
25 officer.

1 "At the time the China Affair broke and  
2 when we were departing to North China under our  
3 mobilization orders he gave us instructions and  
4 orders, which were later repeated on the battle-  
5 field, in which he emphasized that the China Affair  
6 was not a war of aggression but was aimed ultimately  
7 at cooperation between Japan and China. He espe-  
8 cially enjoined us that a rigid enforcement of  
9 regulations and orders pertaining to the protection  
10 of the Chinese people would be had. During operations  
11 and on the battlefield Divisional Commander DOHILARA  
12 gave his primary attention to purely strategic mat-  
13 ters and, of necessity, left the details to his sub-  
14 ordinates. However, he never lost sight of his duty  
15 as an officer to his subordinates and never hesitated  
16 to assist them personally in the discharge of their  
17 duties, whether they were important or trifling, when  
18 it came to the protection of the Chinese people. He  
19 used to pay minute attention to duties concerning  
20 Chinese people to avoid injury or oppression on non-  
21 combatants.

22 "In order to illustrate my point, I would  
23 like to cite some examples which I have personally  
24 seen.

25 "Once during operations on the river

1 Yungting-ho his men had decided to use a Chinese  
2 farrer's house to set up a command post for General  
3 DOHIHARA. However, when this was called to the atten-  
4 tion of General DOHIHARA, he noticed there were  
5 Chinese women and children taking refuge in the  
6 house, and forbade his subordinates to enter. He  
7 had his office located in front of the house where  
8 he, his staff officers and subordinates camped in  
9 the open air and attended to their business.

10 "Again near Paoting he observed some of his  
11 men burning firewood which belonged to Chinese  
12 farmers, which they had appropriated in order to  
13 warm themselves. General DOHIHARA immediately rode  
14 to the spot on horseback, scolded them soundly and  
15 made them stop at once.

16 "Again, near Paoting General DOHIHARA saw  
17 a Japanese soldier on the march having a Chinese  
18 carry his knapsack, and immediately reprimanded the  
19 soldier. The soldier stated that he had employed the  
20 Chinese and had promised to pay him for the work. In  
21 order to be fair General DOHIHARA ordered the Japanese  
22 soldier to re-negotiate with the Chinese in his  
23 presence and when it became clear that the soldier  
24 could not speak the Chinese language the General ordered  
25 that the soldier immediately relieve the Chinese of

1. the knapsack and cautioned him severely concerning  
2. his future conduct in such matters.

3. "Many such instances could be set forth.  
4. However, I mention these three only to show that  
5. even in matters which might be considered as  
6. trifling General DOHIHARA did not permit the abuse  
7. of civilians and noncombatants. I have heard his  
8. subordinates on more than one occasion state in  
9. substance, 'Our Divisional Commander loves the  
10. Chinese better than the Japanese soldiers.'

11. "General DOHIHARA had a high regard for  
12. the Chinese people and for noncombatants, as such. I  
13. have never known an occasion when the Chinese general  
14. public in any jurisdiction under the command of  
15. General DOHIHARA were not settled and peaceful  
16. towards the Japanese forces under his command. They  
17. continued in their business operations without inter-  
18. ruption and their stores and merchandising establish-  
19. ments continued to prosper. It was not uncommon for  
20. the Chinese to assist the Japanese soldiers volun-  
21. tarily in drawing water, preparing meals, cleaning  
22. houses, carrying goods and other such daily routine  
23. matters. In fact, their regard for General DOHIHARA  
24. was such that they would inform him of any bandit  
25. attack which they anticipated."

1            Obviously to read the next paragraph would  
2 be futile, and I shall not do so.

3            Continuing on page 6:

4            "Not only did General DOHIHARA often speak  
5 in the manner which I have just related, but he en-  
6 deavored to execute his own views and to place them  
7 in practice. It was not a matter of mere words with  
8 him, but also a sincere attitude on his part, and he  
9 was known throughout the division for his sincerity  
10 to his ideals and teachings.

11           "All I have stated is just by way of illus-  
12 tration of the attitude of General DOHIHARA and his  
13 behavior in camp and on the battlefields. He was  
14 constantly instructing and advising not only his  
15 staff officers, but all of his subordinate officers  
16 and men and we found his instructions and admonitions  
17 to be of great value in peacefully dealing with the  
18 Chinese people.

19           "As I knew him well General DOHIHARA often  
20 confided in me; both by his behavior and his speech  
21 I knew he held an opinion opposed to the China Affair  
22 from the very beginning. However, as an army officer,  
23 he had no choice except to obey the orders of his  
24 superiors, but even in camp, to his intimates, he  
25 always deplored the China Affair.

1 "In the 13th year of Showa, February, 1938,  
2 due to illness, I was returned to Japan and served  
3 with the basic echelon of the 14th Division at Utsuno-  
4 miya. After my return I continued to have correspon-  
5 dence with General DOHIHARA and one of the letters which  
6 I received was under date of April 22, 1938. This  
7 letter was safe-handed (carried by messenger) from  
8 the North China fronts and I still have it in my  
9 possession. In this letter he states:

10 "Our state has no basic strategic principle  
11 established for the affairs and seems to be operating  
12 passively decoyed by the opponents and is, as it were,  
13 leading a hand-to-mouth existence. Moreover, without  
14 strengthening the scaffold on which she stands, she  
15 supports both the North and the Central China new  
16 regimes, which are just like castles on the sand, and  
17 unconscious of the urgent need of consolidating the  
18 foundation, tries to arrange mere formalities of these  
19 governments. I am greatly disappointed at this atti-  
20 tude of our state, and am very much concerned about  
21 it. I have no intention to rejoice in giving a big  
22 talk which is of no use. I beg you to explain, when-  
23 ever you may have a chance, to the authorities with  
24 regard to the above-mentioned points and call for  
25 their reflection...'

1 "By way of explanation, the north regime refund  
2 to was Wang Ko-min's temporary government, and the  
3 Central China Government was Liang Hung-chih's  
4 restoration government. Knowing General DOHIHARA as  
5 I had, I knew this letter was but another of his pro-  
6 tests against the entire China Affair, I realized that  
7 he knew his views were shared by me and that he expected  
8 me, wherever possible, to assist him.

9 "General DOHIHARA, from young manhood onward  
10 through his career cherished an ideal for enhancement  
11 of friendly relations between Japan and China, and  
12 while he was in the Army College he made a special  
13 study of the Chinese language and of the history of  
14 China. After graduation he was appointed a member  
15 of the General Staff and was sent to China, where he  
16 stayed for many years. His name became well known,  
17 even to the Chinese civilians. During his years in  
18 China and Manchuria he served on two occasions as  
19 Chief of the Special Services Organization at Mukden.  
20 This organization was primarily for the purpose of  
21 gathering military information and intelligence.

23 "I desire to further state that I have personal  
24 knowledge of everything I have stated in this affidavit."

25 THE PRESIDENT: Judge Nyi.

JUDGE NYI: If it please the Tribunal, the



1 prosecution has a few questions to ask the witness.

2 CROSS-EXAMINATION

3 BY JUDGE NYI:

4 Q Mr. Witness, beginning the middle of page 4  
5 of your affidavit, you spoke of the movement of the  
6 Chinese general public in the war areas. Have you  
7 been attached to some other units besides DOHIHARA's  
8 in the China War?

9 A Yes, I have.

10 Q According to your knowledge, was it customary  
11 for the local Chinese residents, after the operations  
12 were over, to move back and to resume their  
13 occupation?

14 A Yes, it was.

15 Q Have you any knowledge as to how many per cent  
16 of the local population were forced to leave their  
17 homes and go and settle down in the interior?

18 A I do not know.

19 Q In the third paragraph on page 6 of your  
20 affidavit, you stated that DOHIHARA was opposed to  
21 the China affair from the very beginning. By "China  
22 Affair" do you mean the hostilities which started at  
23 Marco Polo Bridge in 1937?

24 A That was my intention in speaking of it.

25 Q Did General DOHIHARA ever tell you that he

1 deplored the Mukden Incident in 1931?

2 A No, I did not hear such a thing at the time  
3 of the Manchurian Incident of 1931.

4 Q I am not asking you whether you heard any-  
5 thing at the time of the happening of the Mukden  
6 Incident in 1931, but I am asking you whether you  
7 heard anything that he deplored the Mukden Incident  
8 after that?

9 A I have heard such comments frequently.

10 Q From General DOHIHARA?

11 A Yes.

12 THE PRESIDENT: We will recess for fifteen  
13 minutes.

14 (Whereupon, at 1445, a recess was  
15 taken until 1500, after which the proceedings  
16 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Judge Nyi.

4 BY JUDGE NYI (Continued):

5 Q Mr. Witness, just before the recess you  
6 were telling us that General DOHIHARA also deplored  
7 the Mukden Incident.

8 A Yes, that is so.

9 Q But you didn't see fit to put this in your  
10 affidavit, did you?

11 A That is not the case. I only wrote in my  
12 affidavit parts of the matters relating to General  
13 DOHIHARA and not all.

14 Q Do you know that not long after he wrote  
15 you the letter which you refer to in your affidavit  
16 General DOHIHARA was summoned back to Japan and he  
17 was given an important assignment to head a Kikan  
18 or an organ called the DOHIHARA Organ to work for  
19 the withdrawal of Chinese Generals from current  
20 hostilities?  
21

22 A I heard of that as a rumor, but I did not  
23 hear that directly from General DOHIHARA.

24 Q How do you know that was a rumor?

25 A I do not know.

JUDGE NYI: We have no further questions.

1 MR. WARREN: At this time may the witness  
2 step down, your Honor?

3 THE PRESIDENT: He is released on the  
4 usual terms.

5 (Whereupon, the witness was ex-  
6 cused.)

7 MR. WARREN: We will call as our next  
8 witness WATASE, Ryosuke.

9 - - -

10 R Y O S U K E W A T A S E, called as a witness on  
11 behalf of the defense, being first duly sworn,  
12 testified through Japanese interpreters as  
13 follows:

14 DIRECT EXAMINATION

15 BY MR. WARREN:

16 Q Will you state your name and your present  
17 place of residence to the Tribunal, please?

18 A My name is WATASE, Ryosuke; my present ad-  
19 dress, No. 857 Shimotakai-cho, 4-chome Suginamiku,  
20 Shibayama, Tokyo.

21 MR. WARREN: May the witness be handed  
22 defense document 2107?

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

25 Q Will you look at that document which you

1 have, Mr. Witness, and tell the Tribunal whether or  
2 not that is your affidavit and if the contents  
3 thereof are true.

4 A This is my affidavit, and its contents are  
5 true.

6 Mr. WARREN: At this time, your Honor, we  
7 should like to offer in evidence defense document  
8 No. 2107.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 2107  
11 will receive exhibit No. 3182.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 3182 and received in evidence.)  
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1 MR. WARREN: The witness states:

2 "That at the present time I am employed by  
3 the Tokyo Mainichi Press as a member of their staff,  
4 as Chief of the Investigation Board of the Editor  
5 Bureau. I have been asked if I am acquainted with  
6 the accused LOHIHARA, Kenji, and if I were familiar  
7 with his activities immediately following the Lukou-  
8 chiao Incident of 7 July 1937 (12th year of Showa).

9 "At that time I held the post of Vice Chief  
10 of the Political Department of the Osaka Mainichi  
11 Press and shortly after July 7, 1937, to be exact on  
12 July 14, 1937, I arrived at Tientsin. The China In-  
13 cident had not been settled locally and, as I recall,  
14 one of the objects then in mind was for the Army to  
15 advance towards Pouting. The operation was under the  
16 direct command of Lieutenant General KATSUKI, Kiyoshi,  
17 who initiated the actions and was in active command  
18 of the offensive operations. As I recall, there were  
19 three divisions, one under the command of General  
20 TANI, Hisao, who took the central offensive along the  
21 Ching-Han line. This was the 6th Division. Lieuten-  
22 ant General KAWAGISHI, Bunsaburo, was on the right of  
23 the border between Hopei and Shansi Provinces, while  
24 Lieutenant General DOHIMARA moved on the left in the  
25 direction of Kuan and Manching, moving almost south

1 toward Pouting.

2 "I was attached to the correspondent work  
3 with the Tani unit and consequently on the march to  
4 Pouting I was not in a position to observe General  
5 DOHIHARA. However, our move was successful and  
6 without encountering any major opposition we, that  
7 is, the Tani unit, entered into the fortress of  
8 Pouting on September 24, 1937. The unit under the  
9 command of General DOHIHARA entered the following day.  
10 As soon as I learned General DOHIHARA had arrived,  
11 I went to visit him at his command headquarters, where  
12 I held a conversation lasting over a period of approx-  
13 imately two hours. We had many interruptions but I  
14 would state that I talked with him during that period  
15 of time at least one hour. I found him very cooper-  
16 ative, frank, and perfectly willing to answer my ques-  
17 tions. As nearly--"

19 At this point in my printed copy they left  
20 out a complete line and it should read: "As nearly as  
21 I can recall the conversation General DOHIHARA in an-  
22 swer to my questions, told me that apparently because  
23 of the action of Japan there was little choice except  
24 to continue an offensive; that after the initial step  
25 had been taken it was foolish to hope that the attack  
on Pouting would conclude Japan's action against China;

1 that the original incident, regrettable as it was,  
2 had aroused the Japanese to the point where further  
3 action unquestionably would have to be taken."

4 I am sure that word "Japanese" should be  
5 "Chinese."

6 "He told me that the National Government  
7 would certainly continue to resist and that the only  
8 alternative was for the Japanese Army to withdraw  
9 of its own accord, and it did not appear that any such  
10 action would be taken by those in command. When asked  
11 how far he believed Japan would have to advance, he  
12 answered in substance, that since such conditions had  
13 come to pass as I, as a correspondent, had observed,  
14 that Japan has no way but to continue to attack, be-  
15 cause the Chinese territory is boundless and it was  
16 impossible for him to state how far he believed Japa-  
17 nese forces would be required to go. He said there  
18 were many great difficulties before the Japanese and  
19 that no hasty judgment could be formed. However, he  
20 did state that the Chinese public, as distinguished  
21 from the Central Government, could not be considered  
22 as enemies of Japan and that to consider them as such  
23 would be a great mistake. Believing such to be true,  
24 he had placed rigid discipline on his troops with re-  
25 ference to the treatment of Chinese civilians; that he



1 had warned his forces not to harass the Chinese public  
2 or non-belligerents, and that especially in time of  
3 battle his subordinates were not to injure the  
4 general feeling of the Chinese public. He stated that  
5 it was his policy to strictly punish, by military dis-  
6 cipline, those who conducted themselves in any manner  
7 so as to harass the peaceful general public under any  
8 situation that was not absolutely necessary, in order  
9 to safeguard their own lives and property. He stated  
10 that this policy would be put in practice within his  
11 jurisdiction because Japan should never cause the  
12 Chinese public to become her enemy. In short, General  
13 DOHIHARA was deeply worried about the future of the  
14 Sino-Japanese war, was willing to talk about it, and  
15 displayed, by his actions, his feelings in the matter.  
16 He was genuinely concerned over the enormous damage  
17 which would inevitably result to the Chinese public.

18 "I was particularly impressed with the fact  
19 that General DOHIHARA did not display a single sign  
20 of pleasure as a result of the victorious attack on  
21 Pouting. On the contrary, I observed his deep worry  
22 about the future as caused by the incident. As the  
23 same time, after my interview with General DOHIHARA,  
24 I felt that I had come closer in touch with the real  
25 nature of the Sino-Japanese war than ever before. I

1 came to seriously consider that Japan had now reached  
2 the moment when she must reconsider the then current  
3 situation. General DOHIHARA's interview had a pro-  
4 found effect upon my understanding of Sino-Japanese  
5 relations.

6 "Subsequently, I was not attached to General  
7 DOHIHARA's unit but I had many friends who were, and  
8 while I did not question his sincerity, I was inter-  
9 ested to see whether he would continue the policy  
10 towards the Chinese people which he had outlined.  
11 I had many friends who were with DOHIHARA's unit  
12 from time to time and in my conversations with them  
13 they verified that not only did he carry out the  
14 policy, but as a matter of fact so strict was he with  
15 reference to his subordinates in carrying out the po-  
16 licy which he had outlined that there was often some  
17 dissatisfaction among his troops, and that they some-  
18 times openly stated to the correspondents that it ap-  
19 peared as though General DOHIHARA loved the Chinese  
20 more than he did his own soldiers, and that he might  
21 treat them a little more liberally, especially in war  
22 time. It is true there was dissatisfaction with  
23 General DOHIHARA's troops and that it was generally  
24 attributed to the strict control which he exercised  
25 with reference to the treatment of non-combatants.

1 "It is also a fact that this strictness on  
2 the part of General DOHIHARA became widely known  
3 among the Chinese public and it is also a fact that  
4 they would remain in their homes when General  
5 DOHIHARA made an advance into their territory. As  
6 a result of that treatment, it is also true that the  
7 Chinese public supplied provisions and labor and  
8 otherwise assisted General DOHIHARA's unit."

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1 THE PRESIDENT: Judge Nyi.

2 JUDGE NYI: Your Honor, the prosecution  
3 does not desire to cross-examine this witness.

4 THE PRESIDENT: The witness is released on  
5 the usual terms.

6 (Whereupon, the witness was ex-  
7 cused.)

8 MR. WARREN: If the Language Section will  
9 refer to my running commentary, page 2, last para-  
10 graph -- At this point, if the Tribunal please, I  
11 should like to offer in evidence defense document  
12 1498 which is an article appearing in the Japanese  
13 periodical "Bungei Shinju" for March, 1937. This  
14 article was written by General DOHICHA and will  
15 substantiate the testimony of our witnesses who  
16 testified to the effect that General DOHICHA had  
17 certain well defined ideas concerning the relation-  
18 ship between Japan and China, but that, in addition,  
19 he incorporated his ideas into a well defined policy  
20 which he enforced in the field. This document will  
21 show he also used whatever medium he had at his com-  
22 mand to carry his message to the Japanese people.  
23 The document reflects the thoughts, ideas and feel-  
24 ings of the accused at that time, and shows con-  
25 clusively that his published ideas were diametrically

1 opposed to any common plan or purpose which might  
2 bring him within the purview of the alleged con-  
3 spiracy charged in the Indictment in the Counts  
4 thereunder.

5 Now, if the Tribunal please, if this docu-  
6 ment is accepted, it is rather lengthy and the Tri-  
7 bunal has undoubtedly scanned it, we do not desire  
8 to read it.

9 THE PRESIDENT: Judge Nyi.

10 JUDGE NYI: May it please the Tribunal,  
11 the prosecution objects to the introduction of this  
12 document on the ground that it is both self-serving  
13 and repititious. I am not going to repeat what I  
14 have just stated with regard to the talks in the  
15 YAZAKI affidavit. I would just like to point out  
16 to the Tribunal that the gist of this document, of  
17 this speech, this article may be gathered from the  
18 second paragraph on page 1. It reads, "In a word,  
19 we may say that this was caused from the fact that  
20 the Chinese people were not thoroughly informed as  
21 to our real intentions and, on the contrary, our  
22 activities up to this day have only led them to har-  
23 bour the feeling of suspicion and misunderstanding."  
24 In other words, he was urging understanding the  
25 Chinese and the Japanese people which had been

1 brought up in SHIBAYAMA's affidavit, the last few  
2 lines of page 1, and also in the affidavit of the  
3 last witness, Mr. YAZAKI.

4 This is a written article, and the speech  
5 is self-serving. Documents like press interviews  
6 have been rejected by this Tribunal in the last  
7 few days; and, in our submission, there is little  
8 difference between a written article and speeches  
9 and also the press interviews which have already  
10 been rejected.

11 THE PRESIDENT: Colonel Warren.

12 MR. WARREN: We submit, your Honor, as a  
13 matter of legal principle, a document written by an  
14 accused during a period of time when : a alleged con-  
15 spiracy is supposed to be leading its life is not a  
16 self-serving declaration. This document sets out  
17 the feelings of General DOHIMAKI at that time with-  
18 out any thought in his mind or any intimation that  
19 he would be in the box or might be tried for his  
20 acts.

21 As for newspaper articles and magazine re-  
22 ports and so on, the Court has ruled on those, as  
23 I understood, because they were liable to reflect  
24 the editorial opinion of the writer. This is the  
25 work of the accused, himself, and their objection

1 could not possibly lie in the estimation of this  
2 counsel. It is not repititious because this is the  
3 first and will be the only document which we offer  
4 in defense of General DOHIHARA, which was compiled  
5 and written by himself.

6 JUDGE NYI: Your Honor, this article was  
7 written in March, 1937. This was after the Mukden  
8 Incident, 1931, and also the 1935 confusion in  
9 North China. It is self-serving in our submission.  
10 On a similar occasion my learned --

11 THE PRESIDENT: Do not repeat that. We  
12 do not want to hear that twice. It is doubtful as  
13 to whether you should be heard at all a second time.  
14 By a majority, the objection is overruled and the  
15 document admitted on the usual terms.

16 CLERK OF THE COURT: The periodical "Bungei  
17 Shunju," dated March, 1937, written by DOHIHARA,  
18 Kenji, will receive exhibit No. 3183 for identifi-  
19 cation only. The excerpt therefrom, being defense  
20 document 1498, will receive exhibit No. 3183A.

21 (Whereupon, the book above re-  
22 ferred to was marked defense exhibit  
23 No. 3183 for identification; and document  
24 1498, an excerpt therefrom, was marked  
25 defense exhibit No. 3183A and received  
in evidence.)

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THE PRESIDENT: You told us what is in it.

MR. WARREN: At this time, may we call the  
witness SAKURAI.

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1 TOKUSABURO SAKURAI, called as a  
2 witness on behalf of the defense, being first  
3 duly sworn, testified through Japanese inter-  
4 preters as follows:

## DIRECT EXAMINATION

BY MR. WARREN:

7 Q Will you state your name and your present  
8 address to the Tribunal, please?

9 A My name is SAKURAI, Tokusaburo. My present  
10 address is 665 Yukigaya-cho, Ota-ku, Tokyo.

11 MR. WARREN: May the witness be handed  
12 defense document 1485?

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

15 Q Will you look at the document which you hold  
16 and tell the Court whether or not that is your affi-  
17 davit and whether or not the contents thereof are true?

18 A Yes, this is my affidavit and it is correct.

19 MR. WARREN: At this time, if the Tribunal  
20 please, we offer in evidence defense document No.  
21 1485, but by agreement with the prosecution, we wish  
22 to delete therefrom paragraph 4 on page 3, commencing  
23 with the words "On 18 April 1938," continuing through  
24 the entire paragraph.

25 THE PRESIDENT: That means the whole of

1 page 4 goes out.

2 MR. WARREN: Yes, sir, it does, your Honor.  
3 And page 10, or page 9, paragraph 12, commencing with  
4 the words "I had been personally acquainted" and con-  
5 tinuing through the balance of the affidavit.

6 THE PRESIDENT: Admitted on the usual terms,  
7 subject to those deletions.

8 CLERK OF THE COURT: Defense document 1485  
9 will receive exhibit No. 3184.

10 (Whereupon, the document above  
11 referred to was marked defense exhibit No.  
12 3184 and received in evidence.)

13 MR. WARREN (Reading): "1. While I was  
14 serving as a staff officer of the 5th Division, from  
15 May, 1932, to July, 1934, General DOHIHARA was Com-  
16 mander of the 9th Infantry Brigade, belonging to the  
17 same Division.

18 "2. I was appointed a staff officer of the  
19 1st Army Corps immediately after the outbreak of the  
20 China Incident in August, 1937, and remained in this  
21 position until November, 1938. In the meantime, General  
22 DOHIHARA was Commander of the 14th Division, belong-  
23 ing to the 1st Army Corps.

24 "From 15 April to 12 June, 1938, while I was  
25 thus serving as a staff officer of the First Army

1 Corps, the 14th Division carried out the following  
2 operations simultaneously with the battle of Hsuehow:  
3 the crossing of the Yellow River, the interception of  
4 the Lung-Hai Railway and the capture of positions  
5 around Langfeng and of the walled city of Kaifeng.  
6 In the course of these operations, I was attached to  
7 the 14th Division as an additional staff officer in  
8 charge of operations. Serving on the staff of General  
9 DOHIHARA, and receiving practical training from him  
10 night and day in the thick of battle, I performed my  
11 duties as a staff officer responsible for operations,  
12 while fierce fightings went on.

13 "3. Early in 1938, the headquarters of the  
14 1st Army Corps was in Shihkiachwang (now called Shihmen)  
15 and the headquarters of the 14th Division in Sinsiang  
16 (about two hundred and fifty miles to the south of  
17 Shihkiachwang.) I was chiefly engaged in the service  
18 of supply, as a staff officer of the Third Section in  
19 the headquarters of the 1st Army Corps. A part of the  
20 Supply Unit with motor lorries of the Transport Unit,  
21 and of the Communication Unit, under the direct com-  
22 mand of the 1st Army Corps, were temporarily attached  
23 to the 14th Division stationed at Sinsiang. Officers  
24 and men of these units who, either having been relieved  
25 of their duties or having served their time in the

1 garrison area of the 14th Division, and returning to  
2 the 1st Army Corps, unanimously told me as follows:

3 "General DOHIHARA had such deep concern over  
4 the protection of the Chinese masses that he always  
5 issued strict orders. At the same time, he taking  
6 the lead personally saw to it that his orders were  
7 actually carried out, and so, all members of the  
8 Division thoroughly observed his orders. Consequently,  
9 whatever region the DOHIHARA Division occupied, its  
10 inhabitants, who had taken refuge elsewhere, would  
11 come back to their homes in a day or two and resume  
12 their work as peacefully as before. As for the de-  
13 gree of General DOHIHARA's love towards his sub-  
14 ordinates, there was among the officers and men of  
15 supply units such saying as Chinese civilians first,  
16 then the 14th Division, and then units directly  
17 attached to the 1st Army Corps."  
18

19 \* \* \*

20 "5. Early in May, 1938, in order to carry  
21 out the operation of crossing the Yellow River, my  
22 division had to leave Sinsiang, site of the divisional  
23 headquarters for Puyanghsien, to the east of Sinsiang,  
24 where we were to begin our preparations for that  
25 crossing operation. The people of Sinsiang had such  
great confidence in General DOHIHARA that we could not

1 leave the place without bidding farewell to the  
2 President of the Business Club, and all others. How-  
3 ever, a river crossing operation required, first of  
4 all, to be kept secret, and to tell them that we were  
5 moving to the east would have revealed the movements  
6 of our division. Therefore, although we were in  
7 reality moving to the east, I told the President of  
8 the Business Club that we were going westward. There-  
9 upon, the President of the Business Club said that he  
10 was sorry to part from General DOHIHARA, whom he loved  
11 and admired from the bottom of his heart, that the  
12 Sinsiang inhabitants would like to give a grand fare-  
13 well banquet in his honor, and all men and women,  
14 both young and old would like the streets and when we  
15 started. As a staff officer in charge of operations,  
16 however, I had to dissuade him from doing anything of  
17 the sort because it was sure to reveal the movement of  
18 the division. Thus, on May 5, 1938, the headquarters  
19 of the Division started by train from a small station,  
20 over five miles distant from Sinsiang, instead of  
21 starting from Sinsiang station, which was more likely  
22 to attract public attention. Once the people of Sinsiang  
23 gave to General DOHIHARA a piece of red bunting  
24 with letters in gold, in praise of his high moral  
25 character.

1 "6. On the night of 11 May, 1938, in the  
2 face of the enemy, the 14th Division under the command  
3 of General DOHIHARA resolutely carried out the opera-  
4 tion of crossing the Yellow River in the vicinity of  
5 Puyang-Hsien, and the enemy by surprise by virtue of  
6 thorough preparations and the bravery of the officers  
7 and men, dealing the opposing forces a severe blow  
8 and succeeding in the extremely difficult operation  
9 of crossing a river in the face of the enemy. Then  
10 a chase started on the following, 12th. When marching,  
11 I always rode on a horse and proceeded immediately  
12 behind General DOHIHARA. On the evening of the 12th,  
13 we caught sight of the war-stricken Chinese, young  
14 and old, with quilts on their backs, fleeing south-  
15 wards across a vast plain and taking cover in an  
16 immense expansion of barley fields. Noticing this,  
17 General DOHIHARA ordered his interpreter, TAKEDA, the  
18 chief guard, and some others, who were marching be-  
19 side him, to tell the Chinese as follows:

21 "The Japanese Army have not the slightest  
22 intention of attacking anyone but the Chinese forces  
23 who oppose us. The people at large had better return  
24 to their homes and resume their work.' In addition,  
25 General DOHIHARA himself, speaking in Chinese, told  
men, women and children hurrying by with quilts on

1 their backs to return to their homes. Although the  
2 villagers fled at first from their homes, they, rely-  
3 ing on the words of the General and his men, returned  
4 afterwards to their village. After they returned  
5 home, they served tea and refreshments to the officers  
6 and men of the Japanese Army.

7 "7. Our Division launched an attack on the  
8 walled city of Kaifeng in the afternoon of June 5.  
9 It was customary in those days, before launching an  
10 attack on any city, for us to be given by the high  
11 command a large-scale map on which were marked in red  
12 ink positions of churches, hospitals, and establish-  
13 ments that were within the rights and interests of the  
14 United States, Great Britain, France, etc. We were  
15 under strict orders not to direct shell fire or launch  
16 attack against them. In the walled city of Kaifeng  
17 were also such churches, hospitals, and other build-  
18 ings belonging to America and England. Laying par-  
19 ticular stress on this point, therefore, General  
20 DOHIHARA repeatedly warned his men, giving additional  
21 orders to be cautious in their assault, especially in  
22 artillery attack.

23 "8. On the night of the 5th of June, our  
24 Division captured the walled city of Kaifeng. A sec-  
25 tion of our forces mopped up enemy remparts in the

1 city, while other units pursued the retreating enemy  
2 far in the direction of Chungmow. Soon after the  
3 occupation, in the evening of the 6th of June, General  
4 DOHIHARA, accompanied by his staff officers, inspected  
5 the walled city, lest looting and similar acts should  
6 be committed. The inhabitants had all fled because of  
7 the previous day's bombardment, and there was hardly  
8 a soul to be seen in the streets. When General  
9 DOHIHARA turned a street corner, he saw a Japanese  
10 soldier coming out of a Chinese house with a chicken  
11 in his right hand; whereupon, he spoke directly to the  
12 soldier, 'You should not have looted a Chinese civilian,  
13 disobeying my every day instructions. What if its  
14 owner upon his return should think that Japanese  
15 soldiers had stolen his chicken? Return it at once to  
16 where it came from!' The Division Commander personal-  
17 ly setting good examples, even the rank and file came  
18 to observe thoroughly his instructions. In due course,  
19 the name of 'the DOHIHARA Unit' became the equivalent  
20 of 'doing no harm to Chinese civilians.' As it  
21 gradually became known to the refugee Chinese civilians  
22 that that very DOHIHARA Unit captured the walled city  
23 of Kaifeng, two days later they came back to resume  
24 their daily work.  
25

"9. Just when the TESHIMA Brigade pursued



1 the enemy to the vicinity of Chungmow, the enemy broke  
2 open the Yellow River embankment, instantly the  
3 district was flooded over. The IWAKURA Engineers  
4 Unit was engaged in the rescue work with the help of  
5 their collapsible boats. When the unit commenced this  
6 rescue operation a large number of Chinese civilians  
7 also were suffering damages. The Chinese who were  
8 rescued from drowning expressed their hearty thanks  
9 to the Unit.

10 "10. For this operation action, General  
11 DOHIHARA praised Colonel IWAKURA, of the Engineers,  
12 who commanded the Engineers Unit.

13 "11. While our Division was on the south-  
14 ward march for the purpose of intercepting the Lunghai  
15 Railway, at night we often saw fire burning in the  
16 distance. On such occasions, General DOHIHARA looked  
17 back at me and urged me to take all possible pre-  
18 cautions lest Chinese houses shall be burnt. He said,  
19 'Warn my subordinates repeatedly to put fire out com-  
20 pletely whenever they leave camping grounds, so that  
21 no fire may break out.' General DOHIHARA continuously  
22 enforced strict discipline among his men in regard to  
23 fire, so that not a single house was burnt in the  
24 Division's operational and garrison area. \* \* \*

THE PRESIDENT: Judge Hsiang.

1 JUDGE HSIANG: If it please the Tribunal, the  
2 prosecution does not propose to cross-examine the  
3 present witness.  
4

5 THE PRESIDENT: He is released on the usual  
6 terms.

7 (Whereupon, the witness was excused.)

8 MR. WARREN: May we have HATTORI, Takushiro?  
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1 T A K U S H I R O H A T T O R I, called as a wit-  
2 ness on behalf of the defense, being first duly  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 DIRECT EXAMINATION .

6 BY MR. WARREN:

7 Q Will you state your name and present address  
8 to the Tribunal, please?

9 A My name is HATTORI, Takushiro. My address is  
10 No. 42 Honmura-Cho, Shinkuku-ku, Tokyo.

11 MR. WARREN: May the witness be handed defense  
12 document 2230?

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

15 Q Will you examine that document, please, and  
16 tell the Court whether or not that is your affidavit  
17 and if the contents thereof are true?

18 A This is unquestionably my affidavit. Its  
19 contents are true.

20 MR. WARREN: At this time, if the Tribunal  
21 please, we offer in evidence defense document 2230  
22 except the last paragraph on page 3 commencing with  
23 the words "knowing the situation" and ending with  
24 "Nomonhan Incident."  
25

THE PRESIDENT: Admitted on the usual terms.

HATTORI

DIRECT

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1 CLERK OF THE COURT: Defense document 2230  
will receive exhibit No. 3185.

2 ("Whereupon, the document above referred  
3 to was marked defense exhibit 3185 and received  
4 in evidence.)

5 MR. WARREN (reading): "My name is HATTORI,  
6 Tarushiro, and I now reside in the City of Tokyo.  
7 I am an ex-Colonel of the Japanese army and at the  
8 time of the Nomonhan Incident I was a Staff Officer of  
9 the Kwantung Army. I have been asked if I know  
10 whether or not the accused DOHIRA, Kenji, was in any  
11 manner concerned with the Nomonhan Incident. I do  
12 know and can state as a positive fact that he was in  
13 no manner concerned with the Incident. He held the post  
14 of Attache to the General Staff from June, 1938, and  
15 was appointed Commander of the 5th Army on May 19, 1939,  
16 which post he held until he was appointed as a Supreme  
17 War Counsellor on September 28, 1939. The Nomonhan  
18 Incident occurred on the 12th of May, 1938, just a  
19 few days before General DOHIHARA became commander of  
20 the 5th Army. The headquarters of the 5th Army was  
21 established at Tung-an in Eastern Manchuria and its  
22 primary function was the defense of that immediate  
23 area.  
24  
25

"As a Staff Officer of the Kwantung Army I

1 knew that the creation of the 5th Army, of which General  
2 DOHIHARA was the first commander, had nothing to do  
3 with the Nomonhan Incident. The 5th Army had, as  
4 subordinate units, the 11th and 24th Divisions, the  
5 3rd Cavalry Brigade and the Futau Border Garrison.  
6 None of these units participated in any manner in the  
7 Nomonhan Incident, which was going on and continued to  
8 go on for a short time after General DOHIHARA's appoint-  
9 ment as commander, of the 5th Army. I know that  
10 General DOHIHARA was never transferred to an area that  
11 had any connection whatsoever with the Nomonhan Inci-  
12 dent, but confined his military duties to defense in  
13 the Tung-an area.

14 "Confusion may have arisen as to the partici-  
15 pation of the 5th Army in the Nomonhan Incident be-  
16 cause after it developed, the Commanding General of the  
17 Kwantung Army withdrew machine gun units, mortar corps,  
18 and other such units from each army in Manchuria and  
19 added them to the 6th Army, or the 23rd Division, which  
20 was then fighting at Nomonhan. Units were taken from  
21 the 5th Army as well as from other available sources,  
22 but General DOHIHARA was not officially concerned in  
23 any manner with the withdrawal of such units from his  
24 command and did not, and could not have issued the  
25 orders for such withdrawal. Toward the end of the Inci-

HATTORI

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1 dent the 3rd Cavalry Brigade, which I have mentioned  
2 as one of the units under the 5th Army, was withdrawn  
3 from the command of the 5th Army for the purpose of  
4 adding to the Nomonhan military strength, but before  
5 this unit could be added, the Incident was concluded  
6 and the brigade never participated in the fighting.  
7 I know that the withdrawal of the 3rd Cavalry Brigade  
8 from the 5th Army was not upon the order of General  
9 DOHIHARA, nor was he in any way responsible for it.  
10 The orders were issued by higher authority." \*\*\*\*\*

11 THE PRESIDENT: Colonel Ivanov.

12 CROSS-EXAMINATION

13 BY COLONEL IVANOV:

14 Q Mr. Witness, were two new armies, the 5th and  
15 6th, formed in the Kwantung Army in 1939?

16 A Yes.

17 Q Do you know whether General DOHIHARA was  
18 appointed first commander of the 5th Army seven days  
19 after the hostilities in the Nomonhan area had commenced?  
20

21 A Yes, I do.

22 Q Is it known to you that military operations  
23 in the Nomonhan area continued for four months in 1939  
24 and that during that time General DOHIHARA held the  
25 position of the commander of the 5th Army and was in  
Manchuria?

1 A Yes, I do.

2 Q Wasn't General DOHIHARA relieved from the  
3 post of the commander of the 5th Army in September  
4 1940, that is, only after the Molotov-TOGO agreement  
5 on the redemarcation of the borderline in the Nomonhan  
6 area had been signed in the summer of 1940?

7 A In my recollection General DOHIHARA left his  
8 post in September, 1939.

9 Q Isn't it a mistake of yours that General  
10 DOHIHARA was relieved from the post of the commander  
11 of the 5th Army in 1939?

12 A My recollection is that it was in 1939.

13 Q Did the separate units of the 5th Army par-  
14 ticipate in the fighting in the Nomonhan area in com-  
15 pliance with the order of the commanding general of  
16 the Kwantung Army, who supervised the operations of the  
17 army in the Nomonhan area and was responsible for their  
18 success to the Imperial Headquarters, and didn't General  
19 DOHIHARA carry out these orders as regards the 5th Army?  
20

21 A The operational command of the Nomonhan opera-  
22 tions was the responsibility of the commanding general  
23 of the Kwantung Army. If units of the 5th Army were to  
24 be dispatched to the fighting in the Nomonhan area,  
25 then that would mean the transfer of units of that  
army to the command of other units. This means that

1 the responsibility thereof does not rest with the  
2 Commander in Chief of the 5th Army but with the  
3 commanding general of the Kwantung Army.

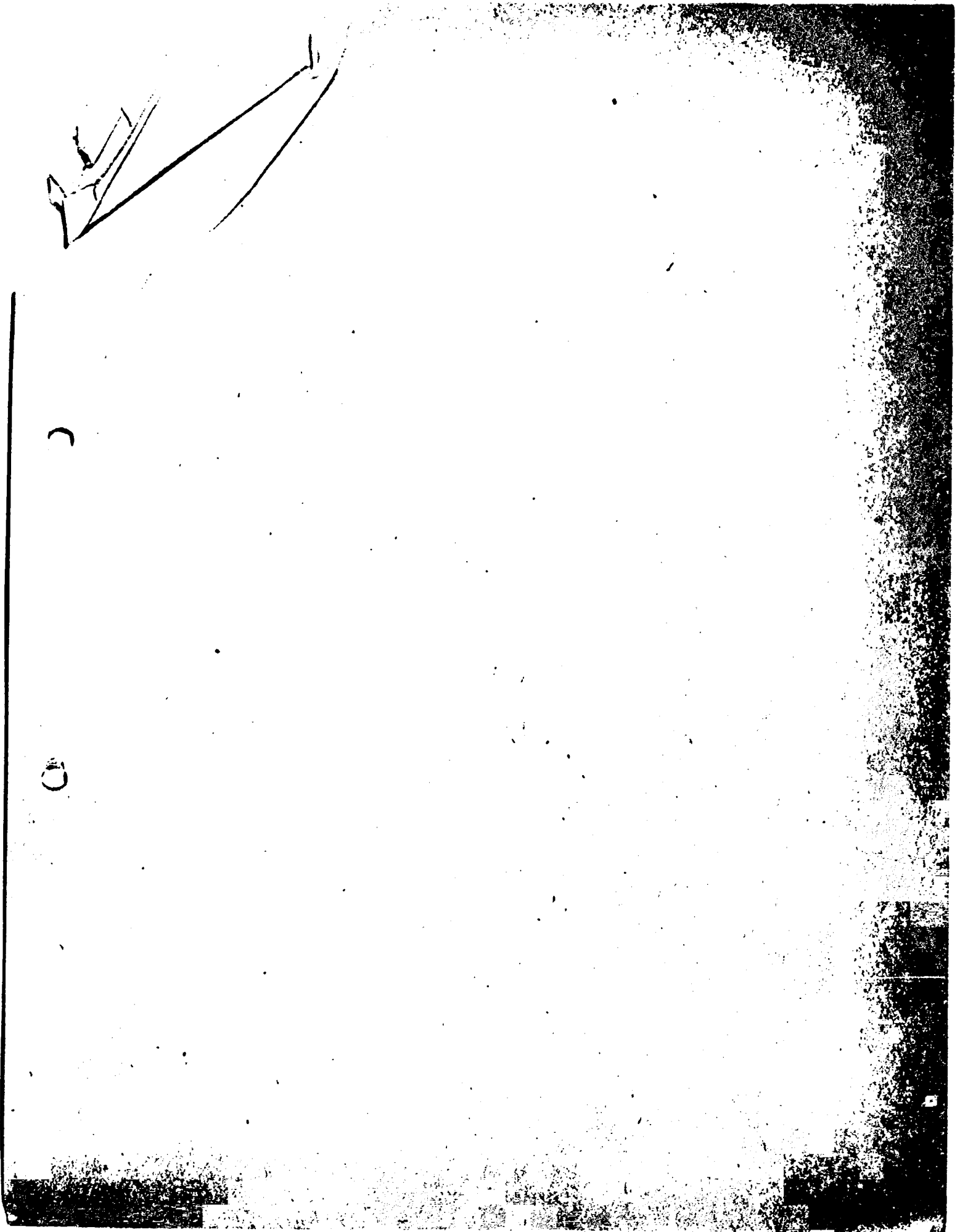
4 THE PRESIDENT: We don't want an argument. We  
5 just want you to state what was the fact, whether the  
6 5th Army units engaged in the fighting.

7 THE WITNESS: The 5th Army did not participate  
8 in the fighting at Nomonhan.

9 THE PRESIDENT: We will adjourn until half-  
10 past nine tomorrow morning.

11 (Whereupon, at 1600, an adjournment was  
12 taken until Thursday, 18 September 1947, at 0930.)  
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18 SEPTEMBER 1947

I N D E X  
Of  
"WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
HATTORI, Takushiro (resumed)	28717
Cross (cont'd) by Colonel Ivanov	28717
(Witness excused)	28721
FUHA, Hiroshi	28722
Direct by Mr. Warren	28722
Cross by Colonel Mornane	28727
(Witness excused)	28734
KAWABE, Torashiro (recalled)	28738
Direct by Mr. Warren	28738
(Witness excused)	28747
<u>MORNING RECESS</u>	28747
TATSUMI, Yeichi	28750
Direct by Mr. Warren	28750
(Witness excused)	28755
OBATA, Minoru	28767
Direct by Mr. Harris	28767
Cross by Mr. Tavenner	28773
<u>NOON RECESS</u>	28776

18 SEPTEMBER 1947

I N D E X  
Of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
OBATA, Minoru (cont'd)	
Cross (cont'd) by Mr. Tavenner	28777
Redirect by Mr. Harris	28778
Questions by the President of the Tribunal, Sir William Webb	28778
Redirect (cont'd) by Mr. Harris	28781
(Witness excused)	28781
OGAWA, Kiichi	28781
Direct by Mr. Harris	28781
(Witness excused)	28786
SUZUKI, Takashi	28787
Direct by Mr. Harris	28787
(Witness excused)	28789
HASHIMOTO, Kingoro	28790
Direct by Mr. HAYASHI	28790
Cross by Mr. ITO	28799
Cross by Mr. Tavenner	28802
<u>AFTERNOON RECESS</u>	28807
Cross (cont'd) by Mr. Tavenner	28808

18 SEPTEMBER 1947

I N D E X  
Of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2232	3186		Affidavit of FUHA, Hiroshi		28722
2054	3187		Affidavit of SANADA, Joichiro		28734
2052	3138		Affidavit of KAWABE, Torashiro		28741
2489	3189		Affidavit of TAISUKI, Yeichi		28750
2498A	3190		List of HASHIMOTO, Kingoro's Books		28754
2298B	3190-A		List of HASHIMOTO, Kingoro's Articles		28764
2499	3191		Excerpt from Prosecution Exhibit No. 734-A - The Special Secret Report from Turkey No. 5, dated 15 November 1929: Situation in the Caucasus and its Strategic use for the purpose of Sabotage Activities - Sender: HASHIMOTO, Kingoro, Artillery Major to: The Assistant-chief of the Army General Staff OKAMOTO, Renichiro		28765
1361	3192		Affidavit of OBATA, Minoru		28768
488	3193		Affidavit of OGAWA, Kiichi		28782
2130	3194		Affidavit of SUZUKI, Takashi		28787
2231	3195		Affidavit of HASHIMOTO, Kingoro		28790

1 Thursday, 18 September 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE R. B. PAL, Member  
15 from India and HONORABLE JUSTICE I. M. ZARYANOV, Member  
16 from the U. S. S. R., not sitting from 0930 to 1600;  
17 HONORABLE JUSTICE E. H. NORTHCROFT, Member from the  
18 Dominion of New Zealand, not sitting from 1330 to 1600.

19 For the Prosecution Section, same as before.

20 For the Defense Section, same as before.

21 - - -

22 (English to Japanese and Japanese  
23 to English interpretation was made by the  
24 Language Section, IMTFE.)  
25

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Colonel Ivanov.

4 - - -

5 T A K U S H I R O H A T T O R I, called as a  
6 witness on behalf of the defense, resumed the  
7 stand and testified through Japanese inter-  
8 preters as follows:

9 CROSS-EXAMINATION

10 BY COLONEL IVANOV (Continued):

11 Q Mr. Witness, did the machine gun units,  
12 mortar units and some other such units of the 5th  
13 army dispatched to the Nomonhan area, as you say on  
14 page 2, paragraph 2 of the English text of your  
15 affidavit, take part in the operations?

16 A They did.

17 Q Did the commander of the Kwantung Army give  
18 orders concerning the dispatch of troops to the Nomon-  
19 han area to General DOHIHARA or directly to the com-  
20 manders of the dispatched units?

21 A The orders were issued to General DOHIHARA.

22 Q Will you clarify, Mr. Witness, whether the  
23 5th army was stationed in the border area of East  
24 Manchuria for the purpose of operations against  
25 Soviet Maritime Province?

1           A    The 5th army was in charge of the defense  
2 of Manchuria's eastern borders for the defense of  
3 Manchuria.

4           Q    Did the Kwantung Army staff inform Commanding  
5 General of the 5th Army DOHIHARA of the tasks of this  
6 army as set forth in the operation plan of a war  
7 against the USSR for 1939?

8           A    May I have the question repeated, please?

9                   (Whereupon, the last question was  
10 read by the Japanese court reporter.)

11          A    As far as operational plans were concerned,  
12 I believe that a draft was shown by the commander  
13 of the Kwantung Army.

14          Q    But General DOHIHARA knew of the battle task  
15 set to his army in case of war against the Soviet  
16 Union, didn't he?

17          A    General DOHIHARA knew of the operational  
18 plans in the contingency of a war -- in the event a  
19 war occurred -- so far as those plans concerned the  
20 5th army.

21          Q    Did you as a staff officer of the Kwantung  
22 Army know of the contents of the operation plan of a  
23 war against the USSR in 1939 and of the tasks allotted  
24 in this plan to the 5th army?

25          A    Yes, I did know.



1 Q Did not the operation plan of a war against  
2 the USSR for 1939 provide for the operations aimed at  
3 the seizure of the Soviet Maritime Province and was  
4 not the 5th army to take part in these operations?

5 MR. WARREN: If the Tribunal please, we  
6 would like to object to this line of questioning. It  
7 appears to be just outside the scope of the direct  
8 examination. We were referring only to the Nomonhan  
9 Incident, and then it is also dealing in facts that  
10 did not occur or things that did not happen.

11 COLONEL IVANOV: Your Honor, in my reply I  
12 would like to answer the objections given by defense  
13 counsel. In his affidavit the witness contended on  
14 two occasions that the primary function of the 5th  
15 army under DOHIHARA's command was defense. This may  
16 be seen on page 1 of the affidavit and in the second  
17 paragraph of the second page of the affidavit; but  
18 this contention of the witness contradicts prosecution  
19 exhibits 834, 703 and 705 which elucidate the contents  
20 of the offensive operation plan against the USSR of  
21 1939 and 1940.

22 THE PRESIDENT: Objection overruled.

23 Q Will you answer my question?

24 A Among the duties of the commanders of the  
25 various armies under the control of the Kwantung Army,

1 the following distinction can be made: those in  
2 time of peace and those in time of war.

3 Q We are interested in the duties of the  
4 commander of the 5th army in case of war against  
5 the Soviet Union. He was preparing for the discharge  
6 of these duties in peacetime.

7 A The wartime duties of a commander are not  
8 given to him until after the actual outbreak of war.

9 Q Mr. Witness, you haven't answered my question.  
10 Please say yes or no.

11 MR. WARREN: I object to requiring a witness  
12 to say yes or no, your Honor.

13 THE PRESIDENT: I direct him to say yes or  
14 no and add any explanation that is necessary.

15 Q I repeat my question. Wasn't it the task of  
16 the 5th army to seize Soviet Maritime Province in  
17 accordance with the plan of war of 1939?

18 RUSSIAN MONITOR: Correction, please: To  
19 take part in the operations provided for by the plan  
20 of 1939 for the seizure of the Soviet Maritime Province?

21 A No, that is not so. The primary duty of the  
22 5th army was defense -- always defense. Therefore,  
23 the first concern of the 5th army and the first action  
24 of the 5th army would be defense; but, of course, in  
25 considering the question of defense there is always

1 the possibility of taking an offensive defense.

2 Q But the offensive operation directed at the  
3 seizure of the Soviet Maritime Province was contem-  
4 plated in that plan?

5 A The offensive action itself stemmed from  
6 the thought of an offensive defense.

7 Q Mr. Witness, weren't you yourself engaged  
8 in working out plans of war against the USSR when you  
9 were a staff officer of the Kwantung Army and when you  
10 worked in the Japanese Army General Staff?

11 A I was not in charge of war plans; however,  
12 I did have to do with strategic or operational plans.

13 COLONEL IVANOV: I invite the attention of the  
14 Tribunal to prosecution exhibits 834, 838, 703 and 705  
15 in which is given the contents of offensive plans of  
16 war against the Soviet Union in 1939-1940.

17 THE PRESIDENT: Colonel Warren.

18 MR. WARREN: We have no further questions.  
19 May the witness step down, your Honor?

20 THE PRESIDENT: He is released on the usual  
21 terms.

22 (Whereupon, the witness was excused.)

23 MR. WARREN: May we call as our next witness  
24 FUHA, Hiroshi.  
25

1 H I R O S H I F U H A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 MR. WARREN: May the witness be handed  
6 defense document 2232?

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

9 BY MR. WARREN:

10 Q Will you state your name and present address  
11 to the Tribunal, please?

12 A My name is FUHA, Hiroshi. My address is  
13 1438 2-chome, Setagaya, Setagaya-ku, Tokyo.

14 Q Mr. FUHA, will you look at the document in  
15 your hand and tell the Court whether it is your affi-  
16 davit and whether the contents thereof are true?

17 A This is my affidavit and it is true and  
18 correct.

19 MR. WARREN: At this time we offer in  
20 evidence defense document 2232.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 2232  
23 will receive exhibit No. 3186.

24 (Whereupon, the document above re-  
25 ferred to was marked defense exhibit 3186 and

received in evidence.)

1 MR. WARREN (reading): "My name is FUHA,  
2 Hiroshi. During the recent war I held many positions  
3 as Staff Officer of various armies. I was appointed  
4 Staff Officer of the 15th Army on January 19, 1943,  
5 Staff Officer of the Burma Area Army on March 18, 1943,  
6 Staff Officer of the 7th Area Army on July 14, 1944,  
7 Staff Officer of the 1st General Army on April 6, 1945,  
8 and Staff Officer of the 12th Area Army on June 15,  
9 1945.  
10

11 "I have been asked what I know concerning the  
12 organization, command responsibility and command chan-  
13 nels, especially of the 7th Area Army, with which army  
14 I served as Staff Officer from July, 1944 until April  
15 1945. The 7th Area Army was organized April 15, 1944,  
16 under the Southern General Army, and its first Com-  
17 mander-in-Chief was the accused DOHIMAKI, Kenji, who  
18 held this post from April 1944 until April 1945, when  
19 the command was taken over by General ITAGAKI, who  
20 held the post from April 1945 until August 1945. The  
21 command jurisdiction of the 7th Area Army was Malaya,  
22 Sumatra, Java and British Borneo. Borneo was divided  
23 into a British area and a Dutch area. In the beginning  
24 the army was charged with the preservation of peace in  
25 the British area and the Navy was charged with that in

1 the Dutch area. Consequently the Army had no juris-  
2 diction whatsoever over the Dutch area.

3 "The Borneo garrison, a component of the 7th  
4 Army, was the unit directly responsible. However,  
5 repeated attacks in New Guinea by allied forces gave  
6 cause for increasing alarm and, in fact, they recon-  
7 quered most parts of New Guinea. The need for general  
8 reorganization became of immediate urgency and the  
9 Borneo garrison was, in August, 1944 reorganized into  
10 the 37th Army and at the same time was withdrawn from  
11 the command of the 7th Area Army and placed under the  
12 direct command of the Southern Army. Consequently,  
13 the commander of the 7th Area Army had no further  
14 responsibility and no direct command whatsoever over  
15 its operations and actions. This move resulted, of  
16 course, in the removal of all things relating to  
17 British Borneo from the command of the 7th Area Army  
18 as of August 1944.  
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1 "Moreover, at no time was any prisoner of  
2 war camp located within the territorial jurisdiction  
3 of the 7th Area Army ever under its control. They  
4 were always under the direct control of the Southern  
5 Army, which was a superior command to that of the  
6 7th Area Army. The Commander-in-Chief of the Southern  
7 Army, Marshal TERAUCHI, controlled the administration  
8 of these camps and placed the responsibility for each  
9 camp directly upon the camp commander. Consequently,  
10 in areas such as the territorial jurisdiction covered  
11 by the 7th Area Army, the intermediate commanders had  
12 no responsibility whatsoever in respect to the adminis-  
13 tration of prisoners of war, and were not authorized  
14 to, and could not issue any order concerning them.  
15 Their only responsibility was a functional responsibil-  
16 ity, and not one of administration. Their duty was  
17 limited strictly to security; to guard the camps of  
18 prisoners of war, or take measures where necessary to  
19 safeguard them from enemy attack. They had no voice  
20 whatsoever in the administration of the camps or in  
21 the treatment of the prisoners of war. Perhaps I have  
22 not made myself clear in referring to intermediate  
23 commanders. In this particular instance I am speaking  
24 with reference to security channels only and have no  
25 reference whatsoever to command channels. In the

1 chain of security command there is first the commander-  
2 in-Chief of the Southern Army, the commander of the  
3 area army, and the commander of a subordinate army  
4 or garrison. The intermediate commander to whom I  
5 have reference would be the commander of the army and  
6 not the commander of the area army. In order to  
7 clarify this affidavit, I have prepared a chart  
8 showing command channels and security channels only.  
9 This chart, which I incorporate as a part of my affi-  
10 davit, clearly depicts the two channels to which I have  
11 made reference. The situation then boils down to this  
12 proposition. Full responsibility for the administra-  
13 tion and treatment of prisoners of war was under the  
14 direct command of the Commander-in-Chief of the Southern  
15 Army. Security of prisoner of war camps was the direct  
16 responsibility of the army or garrison commander, as  
17 the case might be. The area army commander had no  
18 responsibility or authority whatsoever. The Commander-  
19 in-Chief of the Southern Army, in addition to reserving  
20 to himself the direct administration thereof and the  
21 treatment of the prisoners of war, also reserved to  
22 his command ship transportation and naval units and  
23 army aerial units, including airfield service. These  
24 units and services, in addition to that of the prisoner  
25 of war camps, even if located within the territorial



1 jurisdiction covered by an area army, were not in any  
2 manner subject to any command function of any kind  
3 exercised by the commander of the area army."

4           You may cross-examine.

5           THE PRESIDENT: Colonel Mornane.

6                           CROSS-EXAMINATION

7 BY COLONEL MORNANE:

8           Q    Witness, what was your rank when you were  
9 staff officer of the 7th Area Army?

10          A    Lieutenant Colonel.

11          Q    Where were the headquarters of the 7th Area  
12 Army?

13          A    At Singapore.

14          Q    Now, do you remember, on the 23d of October,  
15 1944, as a result of an agreement between the army  
16 and navy authorities, that the command of the  
17 Andaman and Nicobar Islands went over from the navy  
18 to the 29th Army?

19          A    I do remember.

20          Q    And the 29th Army was under the 7th District  
21 Army?

22          A    Yes.

23          Q    Now, at the same time, by a similar agreement,  
24 the army became responsible for the whole of Borneo?

25          A    No, that did not happen.

1 Q While you were a staff officer of the 7th  
2 Area Army, did not the army authorities take over from  
3 the navy the defense of the whole of Borneo and the  
4 Celebes?

5 A In August, 1944, the defense of Borneo came  
6 under the direct jurisdiction of the Southern Army.  
7 I know nothing of what happened after that.

8 Q I suggest to you that the 37th Army was not  
9 formed until the 12th of October.

10 A According to my recollection, the 37th Army  
11 was formed in August, 1944, and immediately came under  
12 the direct jurisdiction of the Southern Army.

13 Q Now, in regard to the formation of the 7th  
14 Area Army, I suggest to you that that was formed on  
15 the 27th of March, and not the 15th of April, 1944;  
16 is that correct?

17 A I still believe what I said in my affidavit  
18 to be true.

19 Q That district army was formed before you  
20 became a member of its staff?

21 A Yes.

22 Q And you are now relying on records you have  
23 since seen as to the formation of that army?

24 A Yes.

25 Q Have you seen any of those records within the

1 last three months?

2 A Yes.

3 Q Where did you see them?

4 A I saw them at the headquarters of the 7th  
5 Area Army in Singapore.

6 Q I ask you, have you seen any of those records  
7 within the last three months?

8 A No, I have not.

9 Q And if the Central Liaison Office say that  
10 army was formed on the 27th of March, you would not  
11 be in a position to deny that, would you?

12 A No, I cannot.

13 THE PRESIDENT: Colonel Mornane, is there  
14 any need to do more than to refer to your exhibits  
15 in this?

16 COLONEL MORNANE: With regard to this, sir, we  
17 have no exhibits. I am merely laying the foundation  
18 for evidence in rebuttal.

19 THE PRESIDENT: The Central Liaison Office  
20 documents are still to be tendered?

21 COLONEL MORNANE: That is so, sir.

22 Q Now, what are the normal functions of an  
23 area army in relation to one of the armies under its  
24 command?

25 THE PRESIDENT: But you are speaking about

1 prisoners of war only, are you?

2 COLONEL MORNANE: No, sir; with regard to  
3 supplies, hospitalization, operational policy.

4 Q Will you answer the question, please?

5 A The area army commander has the power to give  
6 orders in relation to education, personnel, operations,  
7 supplies, and other matters, to the armies under his  
8 control.

9 Q And the area army does not carry any troops  
10 apart from headquarter troops?

11 A Yes, it has no troops other than that.

12 Q And then the area army commander would be  
13 directly responsible to the general army commander?

14 A Yes.

15 THE PRESIDENT: You still hav the treatment  
16 of captives in mind, I suppose, Colonel? Otherwise,  
17 I cannot follow what you are driving at.

18 COLONEL MORNANE: That is so, sir.

19 What we say, sir, is this, that this is a  
20 most unusual setup that the witness has been describing.  
21 It is quite opposed to the ordinary setup.

22 THE PRZESIDENT: That is sufficient.

23 Q Now, Witness, could you tell the Tribunal of  
24 any other case where the commander of the area army  
25 did not have responsibility for all military

installations in the armies under his command?

1  
2 MR. WARREN: If the Tribunal please, I should  
3 like to object to that question, because in the last  
4 paragraph of the affidavit the witness has answered  
5 the question, in which he states definitely that  
6 all area armies, that is, an area army; he refers  
7 broadly to other armies--

8 COLONEL MORNANE: I want the name.

9 MR. WARREN: Oh, you want the name? I am  
10 sorry.

11 THE PRESIDENT: You had not completed your  
12 question?

13 COLONEL MORNANE: I will re-ask the question,  
14 if the Tribunal pleases.  
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installations in the armies under his command?

1  
2 MR. WARREN: If the Tribunal please, I should  
3 like to object to that question, because in the last  
4 paragraph of the affidavit the witness has answered  
5 the question, in which he states definitely that  
6 all area armies, that is, an area army; he refers  
7 broadly to other armies--

8 COLONEL MORNANE: I want the name.

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10 sorry.

11 THE PRESIDENT: You had not completed your  
12 question?

13 COLONEL MORNANE: I will re-ask the question,  
14 if the Tribunal pleases.

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1 Q Can you tell the Tribunal of any other cases  
2 where the commander of an army is directly responsible  
3 to the commander of the general army and not to the  
4 commander of the area army?

5 MR. WARREN: Your Honor, I would like to  
6 object to that for the reason that the question is  
7 obviously based upon a set of circumstances not  
8 testified to here and which the witness did not  
9 testify to.

10 THE PRESIDENT: That limitation has never  
11 been intelligible to me and never will be.

12 The objection is overruled.

13 A I shall reply. The prisoner of war camps  
14 had a special chain of command, and I know of no  
15 other case which approximates the example of these  
16 prisoner of war camps.

17 Q Now, you were a staff officer in the Burma  
18 Area Army. I suggest to you that the prisoner of war  
19 camp at Rangoon came directly under the command of  
20 the Burma Area Army Commander. Is that not so?

21 A I believe that as far as administrative  
22 functions were concerned it was not under the direct  
23 command of the Burma Area Army, and that the case of  
24 the Burma Area Army was just the same as that of the  
25 7th Area Army and other armies.

1 COLONEL MORNANE: I would refer the Tribunal  
2 on that point to the exhibit put in with respect to  
3 TAZUMI, Commander of the Rangoon Camp, at page  
4 27,565 of the record.

5 Q Now, Witness, I will read to you Article 3  
6 of the Ordinance of Prisoner of War Camps of 23  
7 December 1941:

8 "Prisoner of war camps shall be administered  
9 by a commander of an army or a commander of a garrison  
10 under the general supervision of the Minister of War."

11 Can you reconcile the practice adopted by  
12 the Southern Army Commander with regard to prisoners  
13 of war with that article?

14 A This provision applied to prisoner of war  
15 camps in the Japanese homeland, and when prisoner of  
16 war camps overseas are considered I believe it should  
17 be interpreted that the Commander of the Southern Army  
18 was the army commander referred to in Article 3.

19 THE PRESIDENT: Colonel Warren.

20 MR. WARREN: If the Tribunal please, our  
21 next witness --

22 THE PRESIDENT: This witness is released  
23 on the usual terms.  
24  
25



1 COLONEL MORNANE: I would refer the Tribunal  
2 on that point to the exhibit put in with respect to  
3 TAZUNI, Commander of the Rangoon Camp, at page  
4 27,565 of the record.

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13 of war with that article?

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15 camps in the Japanese homeland, and when prisoner of  
16 war camps overseas are considered I believe it should  
17 be interpreted that the Commander of the Southern Army  
18 was the army commander referred to in Article 3.

19 THE PRESIDENT: Colonel Warren.

20 MR. WARREN: If the Tribunal please, our  
21 next witness --

22 THE PRESIDENT: This witness is released  
23 on the usual terms.  
24  
25

1 MR. WARREN: Oh, pardon me. I am sorry, sir.

2 (Whereupon, the witness was excused.)

3 MR. WARREN: We had intended to use, as  
4 appears on our order or proof, the witness SANADA  
5 as our next witness. However, this witness was a  
6 victim of the atom bomb and is periodically sick as  
7 a result of it; and he lives in Hokkaido and started  
8 on his way here according to information we have re-  
9 ceived.

10 THE PRESIDENT: If necessary, we will take  
11 him out of turn.

12 MR. WARREN: What I was going to suggest --  
13 I took the matter up with Mr. Tavenner, and he stated  
14 they would waive cross-examination, and if the Tribunal  
15 will permit me to read his affidavit at this time we  
16 can dispose of the matter.

17 THE PRESIDENT: You have our permission.

18 MR. WARREN: At this time we should like to  
19 offer in evidence defense document No. 2054.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 2054  
22 will receive exhibit No. 3187.

23 (Whereupon, the document above  
24 referred to was marked defense exhibit  
25 No. 3187 and received in evidence.)

1 MR. WARREN (Reading): "My name is SLNADA,  
2 Joichiro, and I served as Chief of the Military  
3 Section of the Military Affairs Bureau of the War  
4 Ministry from February 5, 1941 (16th year of Showa)  
5 to April 20, 1942 (17th year of Showa) and that  
6 during my tenure of office I became thoroughly  
7 familiar with the Supreme War Council, its functions  
8 and operations, and desire to make the following  
9 statement concerning the same.

10 "The Supreme War Council was an advisory  
11 body to the Emperor on important military affairs,  
12 but did not have the authority to independently ad-  
13 vise the Emperor on such matters. In other words, it  
14 only advised or gave its opinion to the Emperor upon  
15 his request. Accordingly, when there was no draft of  
16 a subject for a consultation presented by the Emperor,  
17 there could be no official Supreme War Conference.

18 "The meeting of the Supreme War Council  
19 referred to in Appendix E of the Indictment as having  
20 been held on June 30, 1941, and which was attended by  
21 the accused DOHIMARA was not an official conference  
22 of that body because there was no draft of a subject  
23 by the Emperor; consequently there was no matter for  
24 consultation whatever and the members of the Supreme  
25 War Council were not called upon to make any sort of

1 decision.

2 "I have personal knowledge of what occurred  
3 at this meeting because the then Director of the  
4 Military Affairs Bureau, MUTO, Akira, was ill and I,  
5 as Chief of the Military Section, attended the meet-  
6 ing in his behalf.

7 "The meeting was called to order at 1:30  
8 p. m. War Minister TOJO made an opening address and  
9 was followed by General SUGIYAMA, Chief of the General  
10 Staff, who spoke on the conditions and prospects of  
11 the war in Europe during the period of a week since  
12 the outbreak of hostilities between Germany and  
13 Soviet Russia, which had started June 22, 1941.

14 (Details were furnished by OKAMOTO, Seifuku, Chief of  
15 the Second Section). The meeting ended at 2:30 p. m.

16 "As stated above, in the meeting of that day  
17 there was only the explanation of the international  
18 situation created by the outbreak of war between  
19 Germany and Russia, and there was no statement of  
20 opinion whatever by the war councilors. There was  
21 no discussion at all concerning the Greater East Asia  
22 war; that is, the outbreak of a possible war between  
23 Japan and America.

24 "The names of the councilors and associates  
25 who attended the meeting are as follows:" -- and I

1 will omit reading those names.

2 At this time may we have the witness

3 KAWABE.

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1 T O R A S H I R O K A W A B E, recalled as a witness  
2 on behalf of the defense, having previously been  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 THE PRESIDENT: You are still on your former  
6 oath.

## D I R E C T E X A M I N A T I O N

8 BY MR. WARREN:

9 Q Will you state your name and present address  
10 to the Tribunal, please?

11 May the witness be handed defense document  
12 No. 2052?

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

15 THE MONITOR: Before that, the witness  
16 replied, "My name is," and he was interrupted.

17 MR. WARREN: I am sorry.

18 A (Continuing) My name is KAWABE Torashiro;  
19 my present address is Jindai Village, Kitayama-gun,  
20 Tokyo-to.

21 Q Will you examine the document which you now  
22 hold and state to the Tribunal if that is your affid-  
23 davit and if the contents therein are true?

24 A This is my affidavit. However, there is a  
25 correction I wish to make.

1 Q Will you point the correction out, please?

2 A The correction is towards the end of the  
3 document. As the document I have is not numbered,  
4 I cannot give the page number.

5 Q Read your correction.

6 A On page 5 of the English test, "The reason I  
7 dare say this is that finally, and just before the out-  
8 break of the war, when I asked General DOHIHARA a few  
9 questions concerning what appeared to me to be a  
10 strained and gloomy prospect, he did not have the  
11 slightest idea whatsoever as to the import of my  
12 questioning, and instead asked me what it was all about.  
13 There is no correction in the English text.

14 THE MONITOR: There was no correction in the  
15 English text. He was correcting the Japanese text.

16 THE PRESIDENT: Well, I do not know how he  
17 can correct one without correcting the other. Any-  
18 thing is possible. After all, the English is a trans-  
19 lation, not an independent document, so we understand.

20 MR. WARREN: Our documents, your Honor, for  
21 the most part were translated into English, revised  
22 into presentable English, and then retranslated back  
23 into Japanese, and probably there is an error between  
24 his original Japanese and this final translation.

25 THE PRESIDENT: Well, we have heard enough

1 for the time being.

2 BY MR. WARREN (Continued):

3 Q With the correction that you have made, is  
4 the document true and correct as to contents?

5 A There is one other correction. Again there  
6 is no correction in the English text. It seems that  
7 in the Japanese text the words "he" and "me" were  
8 reversed.

9 MR. WARREN: Your Honor, I have gone over  
10 this repeatedly with these witnesses, and they have  
11 been told that there might be a difference of a word  
12 or two in the Japanese text which would not make any  
13 difference. Apparently, that is what he is talking  
14 about, I don't know.

15 Q Are there any more corrections?

16 A That is all. The remaining portions of the  
17 affidavit are true and correct.

18 MR. WARREN: I now offer in evidence defense  
19 document No. 2052, except the following extracts which  
20 I will describe and which, by agreement with the prose-  
21 cution, we will not offer.

22 On page 1, in the middle of the second para-  
23 graph of the English copy, commencing with the words,  
24 "I observed that he administered," continuing through  
25 the balance of that page and through the entire



1 paragraph which ends about a third of the way down on  
2 page 2 and ends with the words, "force by arms against  
3 China."

4 On page 4 of the document, the second para-  
5 graph, commencing at the beginning of the paragraph  
6 with the words, "From my observations," we will  
7 delete the following two sentences which end in, "in  
8 civilian politics."

9 THE PRESIDENT: Admitted on the usual terms,  
10 subject to those deletions.

11 CLERK OF THE COURT: Defense document 2052  
12 will receive exhibit No. 3188.

13 (Whereupon, the document above  
14 referred to was marked defense exhibit  
15 No. 3188 and received in evidence.)

16 MR. WARREN (Reading): "I first became  
17 acquainted with the accused DOHIMARA Kenji in 1934,  
18 at which time he was Chief of the Special Service  
19 Organ in Mukden, Manchuria. At that time I held the  
20 post of Staff Officer of the Kwantung Army. I held  
21 this post from August, 1934, until March, 1936. Dur-  
22 ing this period my work often brought me in contact  
23 with General DOHIMARA and I became familiar with the  
24 methods he used in the administration of his official  
25 affairs and also became intimately acquainted with him

1 from a personal standpoint and learned his view-  
2 points with reference to the relationship of Japan  
3 and China.

4 "When General DOHIHARA was Inspector General  
5 of the Army Air Force, I served under him as Chief  
6 of the General Affairs Section of the Army Air Force.  
7 He was my immediate superior officer. During this  
8 period of time I became familiar with the duties and  
9 responsibilities of the Inspector General of the Army  
10 Air Force and desire to make the following obser-  
11 vations with reference thereto:

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1           "The Inspector General of the Army Air Force  
2 was under the direct command of the Emperor and was  
3 subordinate only to the Minister of War, insofar as  
4 his duties were concerned. The Inspector General of the  
5 Army Air Force was in charge of the technical education,  
6 which was his primary duty, and although the Chief of  
7 the Army Air Command Headquarters was subordinate to  
8 the Minister of War with reference to maintenance,  
9 supply, etc., neither of them had authority to partic-  
10 ipate or to advise in operational matters, and were  
11 precluded from participating in the preparation or  
12 planning of any operational mission with reference to  
13 armed forces in the field or in war. I have mentioned  
14 the Inspector General of the Army Air Force and the Chief  
15 of the Army Air Force Command Headquarters, which were  
16 two distinct posts. In order to clearly show General  
17 DOHIHARA's position, I feel it best to explain the  
18 command relationship between these two posts, both of  
19 which General DOHIHARA held simultaneously.  
20

21           "As Inspector General of the Army Air Force,  
22 which was concerned only with technical educational  
23 matters and had nothing to do with planning and operation-  
24 al matters, General DOHIHARA was under the direct command  
25 of the Emperor. As Chief of the Army Air Command  
Headquarters, the chain of command went from the Emperor

1 through the War Ministry, then to General DOHIHARA  
2 as Chief of the Army Air Command Headquarters. In  
3 this position he did have some duties with reference  
4 to Air Corps supply, but did not participate in  
5 planning and operational matters.

6 "At the time General DOHIHARA was Inspector  
7 General of Military Education, I did not serve under  
8 him, but because of the close connection which I  
9 formerly had with that office, I am fully acquainted with  
10 its operations and responsibilities. The Inspector  
11 General of Military Education was responsible for the  
12 administration of the various technical schools and  
13 Army Service Schools generally, and the educational  
14 matter of the Army, with the exception of technical  
15 matters pertaining to aviation. However, he had no  
16 authority, and as a matter of practice did not take  
17 part in any planning or operational matter, and had  
18 absolutely no voice in any decision with reference to  
19 planning and operation of the Army in the field.

20 "Because of my many experiences in the Army,  
21 I am fully acquainted with the Supreme War Council, of  
22 which General DOHIHARA was at one time a member. The  
23 Supreme War Council is more of an honorary position than  
24 an actual integral part of the Army Command, and was  
25 simply a military inquiry organ, whose duty was to

1 respond to the Emperor's questions on important  
2 military problems. It had little or no practical  
3 authority and was, in fact, an organ which received  
4 reports on general affairs and the current military  
5 situation from various Army leaders in the central or  
6 main commands.

7 "..."I know of occasions where he was required  
8 to deal with various civilian aircraft industry problems,  
9 involving political significance."

10 THE PRESIDENT: That sentence begins "While  
11 he was Chief of the Air Command"..."

12 MR. WARREN: Yes, I am sorry.

13 "While he was Chief of the Air Command Head-  
14 quarters, I know of occasions where he was required to  
15 deal with various civilian aircraft industry problems,  
16 involving political significance. When these matters  
17 came up, he merely clarified the position of the Army,  
18 its objects and expectations and left all concrete  
19 measures entirely in the hands of the industrialists and  
20 refused to engage in politics with them. I have never  
21 known him to offer them a hand for the sake of political  
22 artifice. On the contrary, he remained aloof almost  
23 in the extreme.

24 "I have been asked if I knew anything of  
25 General DOHIHARA's views on the Pacific war. With

1 respect to this I wish to state that General DOHIHARA  
2 assumed his post as Inspector General of the Army Air  
3 Forces and Chief of the Army Air Command Headquarters  
4 six months prior to the outbreak of the Pacific war,  
5 at which time, as previously stated, I was appointed  
6 his Assistant as head of the General Affairs Section.  
7 General DOHIHARA discussed the problems with me on  
8 many occasions and from these discussions I know he  
9 had scarcely any knowledge up to the outbreak of the  
10 war of the various essential problems of political and  
11 military significance in our country. The reason I dare  
12 say this is that finally, and just before the outbreak  
13 of the war, when I asked General DOHIHARA a few  
14 questions concerning what appeared to me to be a strained  
15 and gloomy prospect, he did not have the slightest idea  
16 whatsoever as to the import of my questioning, and  
17 instead asked me what it was all about. After discussing  
18 the problems, he ordered me to get information from  
19 the War Ministry and the General Staff Headquarters so  
20 that he would have the knowledge which we deemed necessary  
21 to the discharge of his duties.

22 "I have also been asked about the decoration  
23 which General DOHIHARA received from Germany. This  
24 was received by General DOHIHARA during the time he  
25 was Inspector General of the Army Air Force, and as his

1 subordinate I was present at the time he received it.  
2 As I recall, he was decorated with the Grand Cross  
3 by the German Government. I knew personally that  
4 General DOHIHARA had never undertaken any political  
5 action, or, for that matter, any action of any kind  
6 to strengthen or enlarge the triple alliance between  
7 Japan, Germany and Italy, and we were surprised that he  
8 received the medal. The only reason that we could  
9 attribute at that time for him having received the medal  
10 was due to the fact that he was the head of the Depart-  
11 ment. I distinctly remember that the General himself  
12 uttered words of surprise upon receiving the decoration."

13 THE PRESIDENT: Will there be any cross-  
14 examination? You can let the witness go now if there  
15 will not be, otherwise we will recess until 11 o'clock.

16 Do you intend to cross-examine, Judge Nyi?

17 JUDGE NYI: The prosecution does not desire to  
18 cross-examine this witness, but we do want to make  
19 certain references.

20 THE PRESIDENT: The witness is discharged on  
21 the usual terms.

22 (Whereupon, the witness was excused.)

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24 THE PRESIDENT: We will recess for fifteen  
25 minutes.

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(Whercupon, at 1045, a recess was  
taken until 1100, after which the proceed-  
ings were resumed as follows:)

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THE PRESIDENT: Judge Nyi.

JUDGE NYI: May it please the Tribunal, the prosecution desires to make certain references to part of the record with regard to the position of Supreme War Councilor and the reason for DOHIHARA's receiving the decorations from the German Government.

THE PRESIDENT: Just mention the exhibits and the page of the transcript if you have it, Judge.

JUDGE NYI: Yes. We invite the Tribunal's attention to exhibit 2246 on page 16,179 and exhibit 1272 on pages 11,352 to 53; exhibit 2247 on page 16,180. That is all.

THE PRESIDENT: Colonel Warren.

MR. WARREN: At this time, if the Tribunal please, we should like to have the witness TATSUMI, Eiichi.

1 E I I C H I T A T S U M I, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. WARREN:

6 Q Will you state your name and present address  
7 to the Tribunal, please?

8 A My name is TATSUMI, Eiichi. My address is  
9 Inasa, Taisha-machi, Hikawa-Gun, Shimane-ken.

10 MR. WARREN: May the witness be handed de-  
11 fense document 2489?

12 Q Will you look at that document and tell the  
13 Court whether or not it is your affidavit, and whether  
14 or not the contents are true?

15 A They are true and correct.

16 MR. WARREN: At this time we offer in evidence  
17 defense document No. 2489.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 2489  
20 will receive exhibit No. 3189.

21 (Whereupon, the document above  
22 referred to was marked defense exhibit No.  
23 3189 and received in evidence.)

24 MR. WARREN (Reading): "I have been asked if  
25 I know anything about General DOHIHARA's attitude

1 towards prisoners of war during the time he was Com-  
2 manding General of the Eastern Area Army of Japan,  
3 which position he held from May, 1943 until March,  
4 1944. I have also been asked if I know anything con-  
5 cerning the control of prisoners of war in the Tokyo  
6 area during that period of time. I served as Chief of  
7 Staff to General DOHIHARA for the entire period of  
8 time that he was in command of the Eastern Area Army  
9 and consequently am familiar with his policies and  
10 with the system for the control of prisoners of war in  
11 the Tokyo area."

12 THE PRESIDENT: What was the witness' army  
13 rank?

14 BY MR. WARREN (Continued):

15 Q Mr. TATSUMI, what was your army rank at the  
16 time you went out of the army?

17 A At the time of the conclusion of the war I  
18 was a lieutenant-general.

19 Q What is your present position?

20 A I am no profession at present.

21 MR. WARREN (Reading): "The main function of  
22 the Eastern Area Army was the defense of Tokyo and  
23 adjacent territory, which was by far the most important  
24 place of defense of Japan proper. As Commanding  
25 General of the Eastern Area Army General DOHIHARA had

1 under his direct command several divisions, air de-  
2 fense units, hospitals and other special units. In  
3 short, there were literally hundreds of separate units  
4 under his command.

5 "With reference to the handling of prisoner  
6 of war detachments throughout the main islands of  
7 Japan and occupied territories, there was a special  
8 arrangement. There had been established for the pur-  
9 pose of dealing with the affairs of prisoners of war  
10 two separate bureaus, one known as the Prisoner of War  
11 Information Bureau, and the other as the Prisoner of  
12 War Control Bureau. The Chief of both of these units  
13 was the same person, and both organizations were set  
14 up directly under the Minister of War. All complaints  
15 received from foreign nations, and other outside  
16 sources, were routed to the Chief of the Prisoner of  
17 War Information Bureau just mentioned. In addition to  
18 these two bureaus, there was set up in the City of  
19 Tokyo an area office for the centralized control of  
20 prisoner of war detachments within the territorial  
21 jurisdiction of the Eastern Area Army. The main  
22 office was in the official chain of command under the  
23 Commanding General of the Eastern Area Army. Its  
24 branches and detachments numbered about twenty with a  
25 total of some 4,000 prisoners. The Prisoner of War

1 Control Bureau and the Prisoner of War Information  
2 Bureau just referred to were in no manner or wise  
3 connected with the command of the Eastern Area Army,  
4 and the Commanding General of the Eastern Area Army  
5 had no control whatsoever over these two organiza-  
6 tions. However, in accordance with the orders of the  
7 Minister of War, or upon his own initiative, the Chief  
8 of these two bureaus directed the Chiefs of the prison-  
9 er of war camps throughout Japan in regard to the  
10 control of the prisoners of war, and he or his subordin-  
11 ate officers often paid visits to the various branches  
12 and detachments scattered throughout the various parts  
13 of Japan for the purpose of observation and inspec-  
14 tion or for the purpose of giving directions to them.  
15 As explained, the Commander of the Eastern Area Army,  
16 according to the official chain of command, was  
17 responsible for the control and administration of  
18 prisoners of war within his territorial jurisdiction.  
19 However, in actual practice the activities of the  
20 Prisoner of War Control Bureau and Prisoner of War  
21 Information Bureau operated to relieve the adminis-  
22 trative responsibility for prisoners of war from him,  
23 which permitted him to devote much more time to the  
24 manifold duties which he had to perform.  
25

"I know personally that during the time

1 General DOHIHARA was Commander of the Eastern Area  
2 Army he never received a single complaint, either  
3 from his superior officers or from his subordinate  
4 officers, with reference to the mistreatment of  
5 prisoners of war. I do not mean he did not receive  
6 any reports on prisoners of war, because he did re-  
7 ceive a monthly report on general conditions, but they  
8 did not refer to the mistreatment of prisoners of war.

9 "I know that despite the many duties which  
10 General DOHIHARA was compelled to perform he was  
11 interested in the welfare of prisoners of war and  
12 would take occasion to visit the camps under his con-  
13 trol. On one visit to the Naoetsu camp General  
14 DOHIHARA learned that the camp was not adequately  
15 provided with skilled medical care, and that in an  
16 emergency it had to depend upon securing the services  
17 of doctors from cities as far away as Shibata. De-  
18 spite the fact that there were many units and detach-  
19 ments of the Japanese Army, and many civilian com-  
20 munities, as devoid of medical attention as this  
21 prisoner of war camp, General DOHIHARA managed to make  
22 special arrangements to provide the camp with medical  
23 care by army physicians stationed at the Base Hospital  
24 at Takata, only a short distance away.

25 "The policy with reference to the handling of

1 prisoners of war was forwarded to the Commander of the  
2 Eastern Area Army over the signature of the Minister  
3 of War for his compliance and was not formulated by  
4 such commanding officer."

5 You may cross-examine.

6 THE PRESIDENT: Judge Hsiang.

7 JUDGE HSIANG: If it please the Tribunal,  
8 the prosecution is not going to cross-examine this  
9 witness, but desires to point out the following: the  
10 defendant DOIHARA in his capacity as the Commanding  
11 General of the Eastern District Army visited some of  
12 the prisoner of war camps under his jurisdiction in  
13 September and October 1943, and at one camp alone --

14 THE PRESIDENT: Just give us the page of the  
15 transcript and the exhibit number, if you have it.

16 JUDGE HSIANG: Reference in the Court record  
17 is as follows: page 16,258 and pages 14,270 to 80.

18 THE PRESIDENT: The witness is released on the  
19 usual terms.  
20

21 (Whereupon, the witness was excused.)

22 MR. WARREN: Will the Language Section refer  
23 to my running commentary, the last entry?

24 At this time, with the Tribunal's kind per-  
25 mission, I should like to read from the record of the  
cross-examination of the witness Chish lm. This

1 re·ding is in connection with the prisoner of war  
2 camps in the Tokyo area, and adjacent territories,  
3 at the time the accused General DOIHARA was Commander  
4 of the Eastern Area Army. To refresh the Tribunal's  
5 memory, I should like to state that this witness  
6 testified concerning the condition of the camps, lack  
7 of clothing, treatment of prisoners, etc. I should  
8 like to read commencing with the next to the last  
9 question on page 14,277 of the record for 3 January  
10 1947, and continuing through the second answer on  
11 page 14,278 thereof.

12 THE PRESIDENT: Just refer to the pages of  
13 the transcript; do not read them.

14 MR. WARREN: Very well, sir. That is the  
15 substance, and the question which I would like to call  
16 attention to is the one which starts, "Well, I under-  
17 stood you to testify" and it ends with "I have no  
18 recollection."

19 At this time, if the Tribunal please, we have  
20 completed the presentation of our evidence on behalf  
21 of the accused DOIHARA.

22 THE PRESIDENT: That is the case for DOIHARA,  
23 as we say in the national court. Some question arose  
24 the other day about that.

25 MR. WARREN: No, your Honor. I have a few



1 more remarks to make before I rest my case.

2 THE PRESIDENT: After you close your case,  
3 you address on your evidence. You use the expression  
4 "I close my case" before you address, not afterwards.  
5 However, it may be different in America. We have your  
6 summation yet, Colonel Warren.

7 MR. WARREN: Your Honor, I had not completed  
8 my statement and the Tribunal, had they let me finish,  
9 would have known that I had not rested. When I say  
10 "I rest," your Honor, I shall not attempt to put a  
11 further bit of testimony before the Tribunal.

12 If I made an error, it should not be charged  
13 up against my client.

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1 THE PRESIDENT: I am not suggesting any error.  
2 I want to know just where we stand. There may be a  
3 difference in the formulas used in America and those  
4 used in the British Empire as far as I am familiar with  
5 the British Empire procedure. I don't know. In the  
6 British Empire you would say, "That is the case for  
7 the accused." I understand the equivalent expression  
8 in America is, "That concludes the presentation of my  
9 evidence." In either case no further evidence can be  
10 given except in the interest of justice and by the  
11 express direction of the Court.

12 Mr. Chief Counsel.

13 MR. KEENAN: In view of some previous remarks  
14 of the learned counsel, Mr. Warren, and in view of his  
15 statement that he has no more evidence to present, I  
16 ask respectfully the Court to instruct counsel either  
17 to proceed to present evidence in the form of witnesses  
18 or documents, if he has any, or to refer the Court to  
19 any part of the record, and to confine the defense of  
20 DOHIHARA to such orderly procedure as outlined in the  
21 Charter.

22 THE PRESIDENT: Colonel Warren.

23 MR. WARREN: Your Honor, the red light stopped  
24 me. I hadn't completed my sentence. I would have said,  
25 had I been permitted to continue, that we had completed

1 the presentation of our evidence on behalf of the  
2 accused DOHIHARA in so far as witnesses and documents  
3 are concerned outside of General DOHIHARA. That  
4 couldn't possibly mean that I had stopped my case.  
5 I didn't intend to. I intended to tell the Tribunal  
6 what I wanted to do concerning General DOHIHARA. I  
7 wanted to tell the Tribunal that we had not prepared  
8 an affidavit on the part of the accused DOHIHARA, but  
9 that neither his counsel nor myself has anything which  
10 they desire to withhold from the Tribunal, and that if  
11 any Member of the Tribunal desires him to take the stand,  
12 in accordance with the provisions of the Charter, he  
13 will answer for the Tribunal any question, under oath,  
14 which any Member propounds; and he will not take the  
15 witness stand unless called by the Court or any Member  
16 thereof. We do not offer him ourselves as a witness.

17 THE PRESIDENT: Mr. Chief Counsel.

18 MR. KEENAN: Mr. President, I object to the  
19 statement made by the learned defense counsel to the  
20 effect -- I haven't the exact phraseology -- that he  
21 has no desire to withhold anything from the Court. I  
22 ask that if they intend to put a witness on the stand,  
23 he be called by them as their witness.

24 THE PRESIDENT: The Tribunal has said all it  
25 proposes to say about this matter for the time being.

1 MR. WARREN: Your Honor, inasmuch as this is  
2 a matter which may arise at a later time and it affects  
3 the rights of these accused, may I point out to the  
4 Tribunal why I am taking this course of action, which  
5 I have a right to do?

6 THE PRESIDENT: Colonel Warren, the purpose  
7 of such a statement to the Tribunal would be to get  
8 their advice, which we do not give, or their direction,  
9 which we shall give only when the necessity arises. We  
10 have said all we propose to say about this matter.  
11 That is all I am authorized to say for the time being.

12 MR. WARREN: Your Honor, at the risk of incur-  
13 ring the Tribunal's displeasure, at this time, in the  
14 interest of my client, I must insist I be heard further,  
15 because I am not asking for advice. I did that three  
16 weeks ago and your answer at that time was that you  
17 would deal with it at a later time when it arose. This  
18 is the time the question has arisen.

19 THE PRESIDENT: The Tribunal has decided not  
20 to hear you at this stage on this matter. In your sum-  
21 ming up you can give any explanation you think fit in  
22 this regard.

23 It would be most unusual in any court with  
24 which we are acquainted to allow you to make an explana-  
25 tion of this kind at this stage. In your summing up you

1 would have liberty to do so. It is quite usual in  
2 our courts, at all events, for counsel addressing the  
3 jury at the conclusion of the case to give any explana-  
4 tion he sees fit as to not calling the accused.  
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1 MR. WARREN: Your Honor, this Tribunal may  
2 give the prosecution an opportunity to comment on  
3 the failure of the accused to answer any questions.  
4 I want the record to show that the accused has  
5 offered himself to this Tribunal for questioning  
6 within the terms of the Charter and has not refused  
7 to answer anything. And we will not rest our case  
8 at this time, if your Honor please, unless it is  
9 subject, of course, to reopening.

10 THE PRESIDENT: The accused and his counsel  
11 have the responsibility for deciding whether the ac-  
12 cused will go into the box. Whether that is shared  
13 or not is another matter, but certainly it rests on  
14 the accused and his counsel to make that decision.

15 MR. KEENAN: Mr. President, the prosecution  
16 objects to this record registering any statement  
17 that is not in accordance with the fact. The state-  
18 ment has been made that DOHIAKI has been offered  
19 as a witness. We challenge the accuracy and truth-  
20 fulness of that statement.

21 THE PRESIDENT: The debate is closed, but  
22 we will hear you if you propose something new,  
23 Colonel Warren.

24 MR. WARREN: I should like to say this,  
25 your Honor: that under the provisions of the

1 Charter, which I had before me just a minute ago,  
2 this Tribunal has the right to call and question  
3 the accused. We merely stated at this time that  
4 the Tribunal could do so and we would not refuse  
5 to answer a single question.

6 THE PRESIDENT: The Tribunal knows what  
7 is in the Charter. There is no need for you to re-  
8 mind us of that. The debate is closed. I cannot  
9 hear you further without the express permission of  
10 the Tribunal.

11 MR. WARREN: Then I ask for it, sir.

12 THE PRESIDENT: No Member of the Tribunal  
13 has intimated to me that he wants to hear you  
14 further.

15 MR. WARREN: Your Honor, I have asked for  
16 a ruling, not an intimation.

17 THE PRESIDENT: You have the ruling. You  
18 will not be heard further.

19 MR. WARREN: If that is the ruling, then  
20 I take exception.

21 At this time, your Honor, we will pass the  
22 case to the next man. We will not voluntarily rest  
23 our case at this time because of the attitude of  
24 the Tribunal. It has not answered the question,  
25 in our opinion, which must be answered before we

1 will say we will not put the accused on the witness  
2 stand.

3 THE PRESIDENT: We refer to the tran-  
4 script.

5 Commander Harris.

6 MR. HARRIS: Mr. President and Members of  
7 the Tribunal, the defendant HASHIMOTO, Kingoro now  
8 desires to submit to this Tribunal, through wit-  
9 nesses, documents and his own testimony, further  
10 evidence intended to disprove the charges alleged  
11 against him in the Indictment. Since this evidence  
12 is quite brief, we are dispensing with a formal  
13 opening statement.

14 I now offer in evidence defense document  
15 2498A and 2498B, two charts. The former --

16 THE PRESIDENT: Admitted on the usual  
17 terms.

18 CLERK OF THE COURT: Defense document 2498A  
19 will receive exhibit No. 3190. Defense document  
20 2498B will receive exhibit No. 3190A.

21 (Whereupon, document Nos. 2498A  
22 and 2498B were marked defense exhibit  
23 Nos. 3190 and 3190A, respectively, and  
24 received in evidence.)  
25

MR. HARRIS: I do not desire to read



exhibits 3190 and 3190A at the present.

1           Prosecution's exhibit No. 734 was marked  
2 for identification at page 7,647 of the record.  
3 Prosecution exhibit No. 734A, which was read into  
4 evidence on the same page of the record and which  
5 is an excerpt from the above exhibit, explains only  
6 in part the position of the defendant HASHIMOTO.  
7 In order to complete the picture, I now offer in  
8 evidence defense document No. 2499 which is a  
9 further excerpt from exhibit No. 734.  
10

11           THE PRESIDENT: Admitted on the usual terms.

12           CLERK OF THE COURT: Defense document 2499  
13 will receive exhibit No. 3191.

14           (Whereupon, the document above  
15 referred to was marked defense exhibit  
16 No. 3191 and received in evidence.)

17           Mr. HARRIS: Reading from exhibit 3191,  
18 I quote from page 2 of the record:

19           "Now in relation to how advantage can be  
20 taken of these countries strategically, the following  
21 points should be borne in mind subject to change,  
22 of course, with the then existing world situation.

23           "We must recognize that England after her  
24 expedition into the Caucasus following the Russian  
25 revolution, is greatly desirous of holding on to

1 Bakuh's oil. And it is necessary to take advantage  
2 of this fact. However, in the event of Russo-  
3 Japanese trouble she cannot very well make any move-  
4 ment in the Caucasus against Russia without suffi-  
5 cient reason. But it is possible for England and  
6 Japan to jointly act and encourage both Turkey and  
7 Persia's craving for territory in the Caucasus and  
8 use these two countries as tools to work upon the  
9 Musuliman state in the Caucasus.

10 "In any event, it is most essential to con-  
11 tinue to maintain good relations with England in  
12 case trouble should arise between Russia and Japan."  
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1 I shall first call the witness OBATA,  
2 Minoru whose testimony is contained in defense docu-  
3 ment 1361.  
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6 M I N O R U O B A T A, called as a witness on  
7 behalf of the defense, being first duly sworn,  
8 testified through Japanese interpreters as  
9 follows:

10 DIRECT EXAMINATION

11 BY MR. HARRIS:

12 Q Please state your name and address.

13 A My name is OBATA, Minoru; my address, 260  
14 Yanagigaura-machi, Usa-Gun, Oita-Ken.

15 MR. HARRIS: May the witness be shown de-  
16 fense document 1361?

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

19 Q Please examine that document and state  
20 whether it is your affidavit signed and sworn to  
21 by you.

22 A It is undoubtedly mine.

23 Q Is it true and correct?

24 A With the exception of my occupation, it is.  
25 My occupation now is farmer.

~~MR. HARRIS: I offer in evidence, as cor-~~

1 rected, defense document 1361.

2 THE PRESIDENT: Admitted on the usual  
3 terms.

4 CLERK OF THE COURT: Defense document  
5 1361 will receive exhibit No. 3192.

6 (Whereupon, the document above  
7 referred to was marked defense exhibit  
8 No. 3192 and received in evidence.)  
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1       rected, defense document 1361.

2               THE PRESIDENT: Admitted on the usual  
3 terms.

4               CLERK OF THE COURT: Defense document  
5 1361 will receive exhibit No. 3192.

6                       (Whereupon, the document above  
7 referred to was marked defense exhibit  
8 No. 3192 and received in evidence.)  
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1                   MR. HARRIS: I now read exhibit 3192:

2                   "At the time of the termination of the war  
3 I was a colonel in the army. Now I am taking charge  
4 of ships engaged in repatriation work.

5                   "I know Colonel HASHIMOTO, Kingoro, very  
6 well.

7                   "In August 1937, when Colonel HASHIMOTO was  
8 called up by the army and became the regimental com-  
9 mander of the 13th Field Heavy Artillery Regiment,  
10 I was then appointed to be a battalion commander  
11 under his command. From that time till he returned  
12 to Japan in April 1939 from Hsiushui (China) I was  
13 always with him.

14                   "When he arrived at the point about 8 miles  
15 (3 RI) west of Wuhu on December 11, 1937, Colonel  
16 HASHIMOTO received the following order from Com-  
17 manding General YANAGAWA and thereupon returned to  
18 Wuhu immediately:

19                   "'Unit Commander HASHIMOTO shall command  
20 his regiment together with one field artillery batta-  
21 lion and one infantry battalion and attack at the  
22 point near Wuhu ships which are carrying Chinese  
23 soldiers and sailing up on the Yangtse.'

24                   "This order came about 2 A. M.

25                   "Colonel HASHIMOTO's order then to me was,

1 'Major OBATA shall command his own unit together with  
2 one artillery battalion and occupy a position at the  
3 wharf of Wuhu and attack fleeing Chinese fleet.'

4 This order came about 5 A. M.

5 "By order of Colonel H. SHIMOTO, Lieutenant  
6 NAKAMURA was to advance to a point about 2,000 meters  
7 downstream and to wave a handkerchief whenever he  
8 saw the fleeing enemy ships by telescope. When I  
9 saw the handkerchief waved by Lieutenant NAKAMURA  
10 I was to fire upon these ships.

11 "It was still before dawn and not yet light:  
12 Lieutenant NAKAMURA waved the handkerchief. I saw  
13 through the telescope a fleet of 5 or 6 ships all  
14 gathered and anchored about 50 meters apart. I in-  
15 stantly began firing upon this fleet. The distance  
16 was about 4,000 meters.

17 "Even after dawn it was very difficult to  
18 see the ships clearly because of deep fog on that  
19 day, which was very typical on the Yangtse. I could  
20 only discern ships loaded with Chinese soldiers.

21 "When we fired twenty or thirty shells one  
22 of the ships put out a black smoke screen. After  
23 covering was completed by the smoke screen one ship  
24 sailed toward us.

25 "Seeing the ship coming toward us we thought

1 they were about to surrender, so we stopped the  
2 shelling upon them entirely. As the ship neared  
3 its hull became clear. When it came within 3,000  
4 meters we first discovered then it was not a Chinese  
5 army ship. At first it was not the distance but the  
6 heavy fog which made it difficult for us to tell  
7 these were not Chinese Army ships.

8 "After ceasing fire and while waiting for  
9 the ship to reach the wharf, we then found out by  
10 its flag that it was a British ship and it had re-  
11 ceived two direct hits.

12 "A rear admiral wearing staff officer in-  
13 signia, the captain of the ship, his executive of-  
14 ficer, and one other officer came ashore and asked  
15 us to meet for negotiations.

16 "From our side Colonel H.SIMOTO, Lieutenant  
17 NAKAMURA and I, together with one interpreter, took  
18 part in this negotiation. The first question they  
19 asked was why we had fired upon them. To this  
20 Colonel HASHIMOTO instantly replied: 'We fired upon  
21 the ships because they were loaded with Chinese sol-  
22 diers.' Their next question was why we had fired  
23 on British ships. Colonel HASHIMOTO again instantly  
24 answered: 'Due to the heavy fog we were not able to  
25 see and tell they were British ships.'



1 "Since one death had resulted from the shell-  
2 ing, the Captain of the British ship asked us to at-  
3 tend the funeral service. We sent one representative  
4 to this funeral service. This was held at the public  
5 hall.

6 "This British ship was the 'Ladybird!!' Later  
7 I learned that the matter of the Ladybird incident was  
8 taken up through diplomatic negotiations, but as to  
9 its details I know nothing.

10 "Colonel HASHIMOTO and the HASHIMOTO forces  
11 had no connection whatsoever with the sinking of the  
12 American ship 'Panay.' We, the HASHIMOTO force, had  
13 never seen the 'Panay.'

14 The HASHIMOTO force was stopped at Wuhu, 14  
15 or 15 'RI' (about 37 miles) from Nanking. Shortly  
16 after the fall of Nanking this force was ordered to ad-  
17 vance to Hangchow and therefore never participated in  
18 the attack on Nanking nor did it enter into Nanking or  
19 its vicinity.

20 "The HASHIMOTO force did not attack Hankow  
21 nor did it enter Hankow or its vicinity."

22 "The HASIMOTO force did not attack Canton  
23 (Kuang Tung) nor did it enter Canton or its vicinity."

24 You may cross-examine.  
25

1 THE PRESIDENT: Mr. Tavenner.

2 CROSS-EXAMINATION

3 BY MR. TAVENNER:

4 Q Mr. OBATA, do I understand that the shell-  
5 ing of the "Ladybird" occurred about thirty-seven  
6 miles north of Nanking?

7 A Yes, you may.

8 Q What hour of the morning?

9 A I believe it was around nine o'clock.

10 Q You have stated that Lieutenant NAKAMURA  
11 was posted two thousand yards down the river from  
12 your battery. What orders did you give him or were  
13 given him other than those mentioned in your affi-  
14 davit? I should have stated "meters" instead of  
15 "yards."

16 A No other orders were given him.

17 Q Now, after assuming his post two thousand  
18 meters down the river, how far was he from the  
19 "Ladybird"?

20 A About two thousand four hundred or five  
21 hundred meters.

22 Q Now, Mr. OBATA, if you saw a handkerchief  
23 dropped by Lieutenant NAKAMURA two thousand yards  
24 away from you, was there anything to your knowledge  
25 which would have prevented him from discerning a

1 flag on a battleship or the hull of a battleship  
2 two thousand five hundred meters away from him?

3 A The fog; there was a fog.

4 Q Did Lieutenant NAKAMURA give you any report  
5 at the time he dropped the handkerchief or make any  
6 signal to indicate to you that this was a ship of  
7 a foreign power -- of a third power?

8 A No, he did not.

9 Q Was not the reason for his failure to give  
10 you any such warning the fact that it was understood  
11 all the time that the ship of a foreign power would  
12 be fired upon if observed?

13 A That is not so.

14 Q You said you had not given him any in-  
15 structions other than those mentioned in your affi-  
16 davit. Now I ask you what instructions did you re-  
17 ceive about firing upon the ships of third powers?

18 A I received no orders concerning the ships  
19 of third powers.

20 Q I did not understand the reply.

21 (Whereupon, the last answer was  
22 read by the official court reporter.)

23 Q (Continuing) Now, you referred in your  
24 affidavit to an order received by Colonel HASHIMOTO.  
25 Did you see the order?

A Yes.

1 Q In what form or how was that order re-  
2 ceived, by courier or how?

3 A Orally.

4 Q Orally?

5 A Yes, orally.

6 Q From whom?

7 A From Colonel HASHIMOTO.

8 Q But I understood you to say that you saw  
9 the order. If you saw it, it must have been in  
10 writing.

11 A I take back what I said about seeing it.

12 Q You state now you did not see the order?

13 A Yes.

14 Q Then, if Colonel HASHIMOTO received an  
15 order about firing upon vessels regardless of  
16 nationality, he said nothing to you about that?

17 A That is so.

18 Q Do you know that an investigation was made --  
19 THE INTERPRETER: Correction: Strike out  
20 "That is so." "As you say."

21 Q (Continuing) Do you know that an investi-  
22 gation was made of this matter by a man named  
23 NAKAYAMA, Yasuto, and did he talk to you about it?  
24

25 A I do not know the name of NAKAYAMA, Yasuto.

1 Q Well, did anyone investigating this matter  
2 consult you?

3 A No one consulted me.

4 THE PRESIDENT: We will adjourn until  
5 half-past one.

6 (Whereupon, at 1200, a recess  
7 was taken.)

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## 1 AFTERNOON SESSION

2 The Tribunal met, pursuant to recess, at 1330.

3 MARSHAL OF THE COURT: The International  
4 Military Tribunal for the Far East is now resumed.5 THE PRESIDENT: With the permission of the  
6 Tribunal the accused HOSHINO will be absent from the  
7 courtroom conferring with his counsel for the whole of  
8 this afternoon's session.  
9

10 Mr. Tavenner.

11 - - -

12 M I N O R U O B A T A, called as a witness on be-  
13 half of the defense, resumed the stand and testi-  
14 fied through Japanese interpreters as follows:

## 15 CROSS-EXAMINATION

16 BY MR. TAVENNER (Continued):

17 Q Mr. OBATA, I asked you a question before re-  
18 cess regarding the order described on page 1 of your  
19 affidavit as having been received by Colonel HASHIMOTO  
20 from General YANAGAWA. I want to make certain whether you  
21 saw that order or whether that order was a verbal order.22 A The order was given verbally. Later I saw  
23 the order which a secretary had written down.24 Q You mean to state that the order when received  
25 by Colonel HASHIMOTO was received by him verbally?

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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

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THE PRESIDENT: With the permission of the  
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this afternoon's session.

Mr. Tavenner.

- - -

M I N O R U O B A T A, called as a witness on be-  
half of the defense, resumed the stand and testi-  
fied through Japanese interpreters as follows:

## CROSS-EXAMINATION

BY MR. TAVENNER (Continued):

Q Mr. OBATA, I asked you a question before re-  
cess regarding the order described on page 1 of your  
affidavit as having been received by Colonel HASHIMOTO  
from General YANAGAWA. I want to make certain whether you  
saw that order or whether that order was a verbal order.

A The order was given verbally. Later I saw  
the order which a secretary had written down.

Q You mean to state that the order when received  
by Colonel HASHIMOTO was received by him verbally?

1           A    I do not know how he received this order --  
2 what were the circumstances in which he received this  
3 order.

4           Q    When you saw a copy of what was received at a  
5 later date, did it say anything about firing upon  
6 ships regardless of nationality?

7           A    I did not see the order which came from  
8 army commander YANAGAWA -- from the YANAGAWA army.

9           Q    Therefore you know nothing about what it  
10 contained as a matter of fact?

11          A    That is so; I did not know.

12          MR. TAVENNER: Now, if the Tribunal please,  
13 I would like to refer to two exhibits: exhibit 2188,  
14 page 15,678 of the transcript, and exhibit 954-C,  
15 page 9452 of the transcript.

16                There are no further questions, if your  
17 Honor please.

18          MR. HARRIS: I should like to ask the  
19 witness a few questions.

20                                REDIRECT EXAMINATION

21          BY MR. HARRIS:

22           Q    What type and size of ship was the "Ladybird"?  
23

24           THE PRESIDENT: Before you proceed, Commander  
25 Harris, this seems to me to be a question which should  
be put to the witness:



1                   How, from a distance of 2,000 meters, did  
2 he see Lieutenant NAKAMURA wave a handkerchief, it  
3 being still before dawn and not yet light?

4                   THE WITNESS: I saw it through a telescope--  
5 through binoculars.

6                   THE PRESIDENT: But can you see that way in  
7 the nighttime, that is, before dawn and not yet light?  
8 Did the Japanese have any instrument of that nature?

9                   THE WITNESS: I saw him after it became  
10 light.

11                   THE PRESIDENT: That appears to contradict  
12 your affidavit. You should have an opportunity to  
13 explain that.

14                   MR. HARRIS: Would you explain to the  
15 Tribunal--

16                   THE PRESIDENT: You say in paragraph 7 --  
17 I will read it as it is written in English: "It was  
18 still before dawn and not yet light; Lieutenant  
19 NAKAMURA waved the handkerchief. I saw through the  
20 telescope" certain things.

21                   THE WITNESS: If it is a distance of about  
22 2,000 meters the mist which was over the land was  
23 comparatively lighter.

24                   THE PRESIDENT: But it was before dawn and  
25 not yet light. Would you like us to refer to the

1 original Japanese?

2 THE WITNESS: No, your Honor.

3 THE PRESIDENT: You said that; you do not  
4 question that?

5 MR. HARRIS: May that be referred to the  
6 language section, your Honor? I believe the Japanese  
7 states that it was not completely light. I may be  
8 wrong but I have been told that is what the Japanese  
9 says.

10 THE PRESIDENT: We will refer it to Major  
11 Moore.

12 Now, there is another question on behalf of  
13 a Member of the Tribunal: Is General YANAGAWA still  
14 living?

15 THE WITNESS: I do not know.

16 THE PRESIDENT: Another Member of the Tribunal  
17 asks: As a flag of a ship is larger than a handkerchief,  
18 why was the handkerchief seen and not the flag?  
19

20 THE WITNESS: The handkerchief was waved at  
21 a distance of 2,000 meters from where I was, whereas  
22 the ship was at least 4,000 meters away. Furthermore,  
23 the mist over the land was comparatively lighter than  
24 the mist over the water.

25 THE PRESIDENT: Yes, Commander Harris, proceed  
with your redirect examination.

BY MR. HARRIS (Continued):

1 Q Will the witness please answer the question  
2 which I had asked in relation to the type and size  
3 of the ship?  
4

5 A Although I do not remember well, according  
6 to my recollection it was a gunboat.

7 MR. HARRIS: There are no further questions.  
8 May the witness be released on the usual  
9 terms?

10 THE PRESIDENT: He is released on the usual  
11 terms.

12 (Whereupon, the witness was excused.)

13 MR. HARRIS: I next call the witness OGAWA,  
14 KIIICHI, whose testimony appears in defense document  
15 488.

16 - - -

17 K I I C H I O G A W A, called as a witness on  
18 behalf of the defense, being first duly sworn,  
19 testified through Japanese interpreters as follows:

20 DIRECT EXAMINATION

21 BY MR. HARRIS:

22 Q Please state your name and address.

23 A My name is OGAWA, Kiichi; my address is:  
24 Nipponzan, Myohoji Temple, Togo, Numazu City, Shizuoka  
25 Prefecture.

1 MR. HARRIS: May the witness be shown  
2 defense document 488?

3 Q Please examine that document and state  
4 whether it is your affidavit, signed and sworn to by  
5 you.

6 Witness, is that your affidavit?

7 A Yes, it is.

8 Q Is that your signature?

9 A Yes.

10 Q Are the contents true and correct?

11 A Yes.

12 MR. HARRIS: With the exception of that  
13 portion of paragraph 15, line 5, beginning with the  
14 words, "and are entirely," and continuing through the  
15 remainder of the paragraph, and also all of paragraph  
16 17, I now offer in evidence defense document 488.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 488  
19 will receive exhibit No. 3193.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 3193 and received in evidence.)  
23  
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1 MR. HARRIS: I read exhibit 3193:

2 "1. At present I am a priest of the Nichi  
3 Ren Sect, living in Shizuoka Prefecture and also am  
4 engaged in the work of helping children orphaned by  
5 the war.

6 "2. I became a member of the Dainihon  
7 Seinento in April 1938. While HASHIKOTO, Kingoro,  
8 president of the society, was away on active military  
9 duty, I being an advisor to the society, acted for him  
10 as president pro temp. Upon his return in April 1939  
11 I relinquished my post of advisor and became a coun-  
12 cillor and remained so till the dissolution of the  
13 society in October 1940."

14 "3. The purposes of the Dainihon Seinento  
15 were to abolish the established parties and to accom-  
16 plish domestic reform since the general public feel-  
17 ing at that time was that these parties and the  
18 Zaibatsu, in collusion, had selfishly appropriated to  
19 themselves the government to such extent that extreme  
20 corruption was rampant everywhere and the only ones  
21 whom the public could trust were the military and the  
22 judiciary. The Dainihon Seinento absolutely did not  
23 have aggressive war as its objective.

24 "4. The membership in the Dainihon Seinento  
25 fluctuated somewhat but it never reached 20,000. It

1 never included a single military man on the active  
2 list or a single influential government official.

3 "5. The expenses of the Dainihon Seinento  
4 were met by the ¥ 1 yearly membership fee and the ¥ 1  
5 entrance fee paid in by each member of the society.  
6 The society never received any financial aid from the  
7 military or from any other source.

8 "6. The 'Taiyo Dai Nihon', which is the  
9 official news organ of the society, was not circulated  
10 outside of its membership.

11 "7. The Dainihon Sekiseikai, a thought organ-  
12 ization, was formed upon the dissolution of the Dai-  
13 nihon Seinento out of a portion of the latter's member-  
14 ship.

15 "8. The Dainihon Sekiseikai had as its ob-  
16 jectives the guidance of the thought of Japanese youth  
17 and the encouragement of increasing the rice production.  
18 This increase was to be based on the Oinoue system.  
19 Aggressive war was absolutely no part of the society's  
20 objectives.

21 "9. The membership of the Dainihon Sekiseikai  
22 was about 5,000. It never included a single military  
23 man on the active list nor a single influential gov-  
24 ernment official.

25 "10. The expenses of the Dainihon Sekiseikai

1 were met by the ¥ 1 yearly membership fee and the  
2 ¥ 2 entrance fee paid in by each member. The society  
3 never received any financial aid from the military or  
4 from any other source.

5 "11. The Dainihon Sekiseikai took over the  
6 management of the official news organ of the Dainihon  
7 Seinento - the 'Taiyo Dai Nihon'. After the transfer  
8 of management to the Sekiseikai every effort was made  
9 to publish articles concerning increasing rice produc-  
10 tion. This also was not circulated outside the member-  
11 ship.

12 "12. I have not been connected with the IRAA."

13 IRYA is a mistake, your Honor. It should be  
14 IRAI.

15 "13. In September 1944 at the time of the  
16 dissolution of the Dainihon Sekiseikai I joined the  
17 Imperial Rule Youth Association. Its membership never  
18 included a single military man on the active list, nor  
19 a single influential government official. I was at  
20 the time of my joining the association on the general  
21 affairs committee, and in November 1944 I became chief  
22 of the Guidance Branch.

23 "14. The activity of the IRYA was principal-  
24 ly the encouragement of an increase in wheat production.  
25 The activity of the IRYA was absolutely not directed

1 toward aggressive war.

2 "15. The books of HASHIMOTO, Kingoro -  
3 'Advice to Youth', 'The Second Creation', 'The Inevi-  
4 table Renovation', 'How to Rebuild World', 'The Declara-  
5 tion of HASHIMOTO, Kingoro', and his essays in the  
6 'Taiyo Dai Nippon', were all written after he gave up  
7 his military career and had become an ordinary civil-  
8 ian. . . .

9 "16. The above mentioned books are all re-  
10 productions of the essays appearing in the 'Taiyo Dai  
11 Nippon'."

12 You may cross-examine.

13 THE PRESIDENT: Colonel Woolworth.

14 MR. WOOLWORTH: If the Tribunal please, I  
15 would invite the Tribunal's attention to paragraph 8  
16 of exhibit 3193; to exhibit 2188, which will be found  
17 in the record at pages 15,680-1.

18 There is no cross-examination of the witness.

19 THE PRESIDENT: The witness is released on  
20 the usual terms.

21 (Whereupon, the witness was excused.)

22 MR. HARRIS: I wish now to call the witness  
23 SUZUKI, Takhashi, whose testimony is contained in  
24 defense document 2130.  
25



1 T A K A S H I S U Z U K I, called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified through Japanese interpreters  
4 as follows:

## 5 DIRECT EXAMINATION

6 BY MR. HARRIS:

7 Q Please state your name and address.

8 A My name is SUZUKI, Takashi. My address,  
9 45 Uye-machi, Nakano-ku, Tokyo.10 MR. HARRIS: May the witness be shown  
11 defense document 2130.12 Q Please examine that document and state  
13 whether it is your affidavit, signed and sworn to by  
14 you. Witness, is that your affidavit?  
15

16 A Yes, it is.

17 Q Is that your signature?

18 A Yes.

19 Q Are the contents true and correct?

20 A Yes.

21 MR. HARRIS: I offer in evidence defense  
22 document 2130.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2130  
25 will receive exhibit No. 3194.

(Whereupon, the document above

1 referred to was marked defense exhibit  
2 No. 3194 and received in evidence.)

3 MR. HARRIS: I read exhibit 3194.

4 "My last rank as an army officer was that of  
5 colonel.

6 "In August 1934 I sponsored a farewell party  
7 at Akebonoso Restaurant for Major General Hideki TOJO,  
8 who was to be transferred to become Commanding General  
9 of the Kurume Brigade.

10 "The sponsors of this party were GONDO,  
11 Masanori, a section chief of the Military Academy,  
12 AMANO, Isamu, an instructor at the Military Academy,  
13 and I, then serving in the first section of the Army  
14 General Staff.

15 "The ones who gathered at this party were  
16 selected only from among those officers who were  
17 serving either in the Army General Staff, War Ministry,  
18 Department of Military Training or Military Academy  
19 and were in the good graces of Major General TOJO. I  
20 did not send out an invitation to Mr. SHIMOTO,  
21 Kingoro, who was then attached to Mishima Regiment  
22 and who was not serving in any one of the above-  
23 mentioned four groups.

24 "Further I was not aware of any particular  
25 friendly relationship between him and Major General

1 TOJO that would call for his being specially singled  
2 out for invitation. For those reasons he was not  
3 present at the party.

4 "At no time other than at the above-mentioned  
5 party did I ever act as sponsor of a party at the  
6 Akebonoso Restaurant."

7 You may cross-examine.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please, there  
10 will be no cross-examination of this witness, but  
11 reference is made to the prosecution evidence appearing  
12 at page 2056 of the transcript.

13 MR. HARRIS: May the witness be released on  
14 the usual terms?

15 THE PRESIDENT: He is released accordingly.

16 (Whereupon, the witness was excused.)

17 MR. HARRIS: Mr. HAYASHI will now continue  
18 with the evidence.

19 THE PRESIDENT: Counsel HAYASHI.

20 MR. HAYASHI: I call as my first witness,  
21 the defendant HASHIMOTO, Kingoro.  
22

23 - - -  
24  
25

1 KINGORO HASHIMOTO, an accused,  
2 being first duly sworn, testified through  
3 Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. HAYASHI:

6 Q I should like to ask the witness his name.

7 A HASHIMOTO, Kingoro.

8 MR. HAYASHI: I should like to have defense  
9 document 2231 shown to the witness.

10 Q Is this your affidavit, to which you have  
11 signed your signature?

12 A Yes, as you say.

13 Q Are the contents true?

14 A Yes.

15 MR. HAYASHI: I offer in evidence defense  
16 document 2231.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 2231  
19 will receive exhibit No. 3195.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 3195 and received in evidence.)

23 MR. HAYASHI: I shall read exhibit No. 3195.

24 "1. I commenced my army service when com-  
25 missioned an artillery second lieutenant in December

1 1911. In August 1934 I was appointed artillery colonel  
2 and became commander of the second heavy field artillery  
3 regiment at Mishima. I was transferred to the reserve  
4 list in August 1936.

5 "2. I was again called up to the colors in  
6 August 1937 and dispatched to the north and to middle  
7 China as a heavy artillery regimental commander till  
8 in April 1939 I was again restored to the reserve list.

9 "3. Except for the above two periods of active  
10 duty I have never been in government service and have  
11 been at all other times a simple ordinary civilian.

12 "4. Neither has any official position which  
13 I have occupied been sufficiently important to have  
14 entitled me to take part in any planning, preparing  
15 or conspiring in relation to the Manchurian Incident,  
16 the China Incident or the Pacific War, nor did I as  
17 a matter of fact participate in any planning, preparing  
18 or conspiring in regard to these incidents or war.

19 "5. I have never been on friendly terms  
20 with any of the defendants. As a matter of fact, at  
21 the time of the so-called October Incident I was  
22 severely reprimanded by Lt. General ARAKI and confined  
23 by order of War Minister MINAMI.

24 "6. My publications 'Messages to Young Men,'  
25 'The Inevitability of Renovation,' 'The Road to the

1 Reconstruction of the World,' 'The Second Creation,'  
2 and essays which appeared in the magazine 'Taiyo Dai-  
3 Nippon' were all written and published when I was an  
4 ordinary civilian. In these publications and essays  
5 were described only my personal opinions as an ordi-  
6 nary civilian and they did not represent any plan or  
7 conspiracy worked out in cooperation with any other  
8 party.

9 "7. While a civilian I made some public  
10 speeches, but these conveyed only my personal convictions  
11 arrived at independently and not through any plan or  
12 conspiracy with any other persons.

13 "8. In September 1927, I was appointed  
14 Military Attache to the Japanese Embassy in Turkey  
15 and served there till January 1930. During that  
16 period -- on 15 November 1929 -- I sent to Deputy Chief  
17 of Staff OKAMOTO, Renichiro, a report bearing the title  
18 of 'Situation in the Caucasus and Its Strategic  
19 Utilization.' This report was made in the course of  
20 the performance of a military attache's routine duty.  
21 In this report the phrases 'Subject to change, of  
22 course, with the then existing world situation' and 'in  
23 case trouble should arise between Russia and Japan'  
24 appear. These phrases should be interpreted to mean  
25 that 'our attitude has to be altered in accordance

1 with changes in international relations' and 'if,  
2 unfortunately, a war should break out between Japan  
3 and Russia.'

4 "It is obvious not only from this report,  
5 but from an examination of any and all other evidence  
6 that I have never plotted, prepared or conspired with  
7 others to wage an aggressive war against Russia.

8 "9. In October 1930 I inaugurated with a  
9 view to national reform a study and discussion group  
10 called 'Sakurakai' or the 'Cherry Blossom Society'  
11 whose members consisted of officers under the rank  
12 of lieutenant colonel.

13 "'Sakurakai' or the 'Cherry Blossom Society'  
14 was not a secret society, had no regulations and no  
15 fees were charged. The society had no connection with  
16 the Kwantung Army or its officers.

17 "Discussions were not held relative to the  
18 Manchurian Problem nor did the society have any con-  
19 nection with the Manchurian Incident.

20 "10. I did not form any research group on  
21 Manchu-Mongolia issues nor did I join or back incognito  
22 any such group. I have never even heard of the  
23 existence of such a group.

24 "11. In March 1931, I participated in the  
25 so-called March Incident plotted by Doctor OKAWA,

1 Shumei, with the aim to organize a cabinet headed by  
2 General UGAKI, Kazushige, for the cause of national  
3 reform, but the plan was not realized because of  
4 the General's disapproval.

5 "The incident was not linked with the Man-  
6 churian Incident.

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1 "12. I thought up the so-called October  
2 Incident in October 1931 to bring about a cabinet  
3 headed by Lieutenant General ARAKI for the purpose  
4 of national reform and urged him to accept. But,  
5 on the contrary, he severely reprimanded me and at  
6 the order of War Minister MINAMI I was arrested by  
7 the Military Police. After 25 days heavy confinement  
8 I was relegated to the position of a regimental officer  
9 of the Hineji Regiment. This incident had no connec-  
10 tion whatsoever with the Manchurian Incident. It was  
11 first thought out in the course of a conversation  
12 with Captain CHO, Isamu in the beginning of October  
13 of the same year, after he returned to Tokyo from  
14 Peking. It never materialized. No civilians joined  
15 the October Incident. Mr. KOISO, Kuniaki was not  
16 related in any way to this incident.

17 "13. I have never had a chance to talk  
18 with Mr. TANAKA, Ryukichi concerning the Manchurian  
19 Incident.

20 "In August 1934 I was the commander of the  
21 heavy field artillery regiment at Michima City. I  
22 knew nothing of the meeting sponsored by SUZUKI,  
23 Takashi at the Akebonoso restaurant. I have never  
24 been there, nor do I know anything of its whereabouts.  
25

"14. In April 1931 as chief of the Russian

1 Section of the Second Department of the General  
2 Staff at the meeting for 'Estimation of Situation'  
3 I advanced the following opinion, to wit: That Army  
4 General Headquarters should recommend that the govern-  
5 ment take a firm attitude toward settling the hun-  
6 dreds of pending questions in Manchuria. Other than  
7 this, I had nothing to do with the Manchurian Incident  
8 or the founding of Manchukuo.

9 "15. At the time of the Marco-Polo Bridge  
10 Incident of July 1937, I was living in Tokyo as a  
11 reserve officer on inactive duty and had nothing to  
12 do with the incident.

13 "16. While I was at the front, pursuant to  
14 the order of Commanding General of the Army YANAGAWA,  
15 at Wuhu I fired at ships fleeing from Nanking which  
16 were carrying retreating Chinese soldiers. Unfortu-  
17 nately, on that occasion the British Gun Boat 'Lady  
18 Bird,' which was among the Chinese ships, was struck  
19 and an incident was created. But the fact that the  
20 shooting was by mistake due to the dense fog which  
21 made me take it for a Chinese ship was brought to  
22 light and I was set free from any responsibility.

23 "17. I have had nothing to do with the  
24 'Panay Incident.'

25 "18. Neither I nor the forces under my

1 command have ever been at Nanking, Hankow or Canton.  
2 I have neither ill-treated POW's, nor committed in-  
3 human acts against any persons. Neither have I per-  
4 mitted others under my authority to do such acts. I  
5 have never been in a position whercin I could have  
6 performed such acts.

7 "19. After I left active service, I  
8 founded in October 1936, with a view to national  
9 reform, the Great Japan Youth Party of which no  
10 soldier on active duty nor any distinguished per-  
11 sonages were members.

12 "The party was supported by 1 yen per capita  
13 entrance fee and 1 yen per capita annual membership  
14 fee paid in by a little less than 20,000 members. It  
15 was never subsidized by the army or from any other  
16 quarter. It did not aim at aggressive war.

17 "20. After the dissolution of the said  
18 party in October 1940, I established the Great Japan  
19 Loyalty Society (Dai-Nippon Sekisei-kai), consisting  
20 of some of the members of the former. No soldiers on  
21 active duty nor any distinguished personages were  
22 among its members. This society was maintained by  
23 about 5,000 members' entrance fees at 2 yen per  
24 capita and an annual membership fee of 1 yen per  
25 capita and was not subsidized by the army or from any

1 other quarter. This society did not aim at aggres-  
2 sive war. It was dissolved in September 1944.

3 "21. 'Taiyo Dai-Nippon' was the official  
4 publication of the Great Japan Youth Party and then  
5 of the Great Japan Loyalty Society after the former's  
6 dissolution. Its circulation was limited to its  
7 members.

8 "22. In the fall of 1940, I was appointed  
9 a director of the Imperial Rule Assistance Association  
10 (IRAA), formed by KONOYE, Fumimaro, from which I re-  
11 signed in February 1941. The said association's ob-  
12 ject was the practice of the 'Way of the Subject.'  
13 It was not a body which was formed with aggressive  
14 war as its aim nor did it work toward such an end.

15 "23. In September 1944, I was appointed  
16 headquarters director of the Imperial Rule Assistance  
17 Adult Association which was a part of the IRAA, but  
18 I resigned in February 1945. After joining this  
19 association my only work was the barley crop in-  
20 crease campaign. The association was not a body which  
21 was formed with aggressive war as its aim nor did it  
22 work toward such an end."

23 I should like to ask one additional question.

24 Q Is General YANAGAWA, Heisuke still living?

25 A No, he is dead.

1 MR. HAYASHI: You may cross-examine.  
2 (Whereupon, Mr. ITO assumed the  
3 lectern.)

4 THE PRESIDENT: On behalf of whom?

5 MR. ITO: On behalf of MATSUI, Iwane.

6 CROSS-EXAMINATION

7 BY MR. ITO:

8 Q I should like to ask you a question concern-  
9 ing paragraph 8 of your affidavit.

10 According to exhibit 733 it is stated that in  
11 1929 MATSUI attended a meeting of Japanese military  
12 attaches in Berlin which you attended. Did you attend  
13 such a meeting?

14 A Yes, I did.

15 Q At that meeting did you or MATSUI make any  
16 plans, decisions against the U. S. S. R.?

17 A No decisions were made at that conference.

18 Q What was the object of that meeting?

19 A It was in April. The meeting was held in  
20 April, 1929. The Military Attache to the Embassy in  
21 Berlin sent an invitation to the military attaches  
22 in Europe saying that since Lieutenant General MATSUI,  
23 the former head of the Second Department of the General  
24 Staff Department, was coming to Europe, it would be a  
25 good idea to have a discussion meeting at Berlin. I

1 went to Berlin on that invitation. On the morning  
2 of the following day the discussion meeting was held,  
3 the friendly meeting was held. Lieutenant General  
4 MATSUI talked to us on the situation in the home  
5 island, while we talked to him about the situation in  
6 the countries in which we were stationed. That is  
7 all that transpired.

8 Q Then no particular measures were taken in  
9 regard to any plans against the U. S. S. R. or of any  
10 defense against the U. S. S. R.?

11 A That goes without saying.

12 THE INTERPRETER: I repeat the question of  
13 the counsel:

14 Q Then nothing particular took place at that  
15 meeting with regard to any war plans against the  
16 U. S. S. R. or any conspiracy against the U. S. S. R.?

17 A That goes without saying.

18 Q Then no documents were made regarding the  
19 decisions made at that meeting against Soviet Russia;  
20 am I right?

21 A No, of course not.

22 THE PRESIDENT: Mr. Tavenner.

23 MR. TAVENNER: If the Tribunal please, I  
24 would like first to inquire whether there is any  
25 further direct or cross-examination of this witness

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before I begin.

THE PRESIDENT: Apparently, there is not.

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## CROSS-EXAMINATION

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2 BY MR. TAVENNER:3 Q Colonel HASHIMOTO, what date was it in 1930  
4 when you assumed your position with the General Staff  
5 office in Tokyo?6 A It was in May, 1930, that I arrived back in  
7 Tokyo from Turkey.

8 Q When did you assume your office?

9 A In May.

10 Q How long did you hold your position con-  
11 tinuously from that date?

12 A Until the end of November, 1931.

13 Q What was your exact official title?

14 A Chief of the Russian Section, General Staff  
15 Department.

16 Q Briefly, what were your duties?

17 A To collect information regarding Russia.

18 Q Did that require you to be familiar with  
19 conditions in Manchuria?

20 A As far as it concerned Russia, yes.

21 Q Were you acquainted with the workings and  
22 operations of the East Asia Economic Research Insti-  
23 tute?  
24

25 A I knew nothing about it.

Q Possibly, if I identify it this way, you may



1 recall: It is the institute of which Dr. OKAWA was  
2 the director. Does that refresh your recollection?

3 A Yes.

4 THE MONITOR: Strike out the "yes" just now.

5 A (Continuing) Of course, it was Dr. OKAWA's  
6 institute.

7 Q You knew that Dr. OKAWA was the director of  
8 that institute?

9 A Yes.

10 Q Were you well acquainted with Dr. OKAWA?

11 A Yes.

12 Q You held frequent meetings with him, did you  
13 not?

14 A I met him about ten times at various  
15 restaurants.

16 Q At what time?

17 A I became acquainted with him around the end  
18 of 1930, I believe.

19 Q And, your meetings with him continued over  
20 what period of time?

21 A Spasmodically.

22 Q Over an extended period of time?

23 A I met him at restaurants. I neither met him  
24 for a long period of time, nor a short period of time.

25 Q But, you met him spasmodically over how long

1 a period of time?

2       A    In short, I met him spasmodically between  
3 the end of 1930, when I became acquainted with him,  
4 to the end of November, 1931, when I was transferred  
5 to Himeji.

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1 Q As long as you held your official position  
2 as Chief of the Russian Section of the General Staff --  
3 General War Office -- you continued to meet him.

4 THE MONITOR: "The end of 1930" should be  
5 "the end of May, 1930."

6 THE PRESIDENT: You do not mean "General War  
7 Office."

8 MR. TAVENNER: No, sir, I want to correct it  
9 now. I would like to correct it to General Staff Office  
10 as I first started to state it.

11 A I was Chief of the Russian Section before I  
12 became acquainted with OKAWA.

13 Q But, you met with him off and on while you  
14 held that position; did you not?

15 A Yes, that is so.

16 Q Now, during that period of time was he en-  
17 gaged in propaganda work throughout Japan?

18 A I do not know whether he was engaged in propa-  
19 ganda work or not. I do know that he did make speeches  
20 on several occasions.

21 Q On several occasions? Don't you know he made  
22 hundreds of speeches throughout Japan over a period of  
23 two years regarding the Manchurian situation?

24 A Since I have only heard his speech on one  
25 occasion, I do not know how many hundreds of speeches

1 he may have made.

2 Q Was Doctor OKAWA at that time engaged in fo-  
3 menting the people of Japan over the so-called Manchurian  
4 question?

5 A I know nothing whatsoever about those things,

6 Q Well, you talked to Doctor OKAWA on political  
7 subjects, didn't you?

8 A I have never talked with him on political  
9 questions. I have only met with him in restaurants.

10 Q Well, is there any reason why you cannot speak  
11 of politics in a restaurant?

12 A No.

13 Q Well, did you speak concerning politics with  
14 Doctor OKAWA?

15 A I have never talked with him on any specific  
16 political questions to speak of.

17 Q Well, you say "to speak of". That is a com-  
18 parative term. Will you tell us to what extent you did  
19 speak to him about politics?

20 A I have often talked with him on the question  
21 of political corruption in Japan.

22 Q And you talked to him about fomenting a dis-  
23 turbance in Tokyo, did you not?

24 A Yes, I did.

25 Q And you and he were engaged together in what

1 is known as "The March 15th Incident"; isn't that true?

2 A Did you say "The March 15th Incident"?

3 Q Yes.

4 A Do you not mean, rather, "The March Incident"?

5 Q Well, let us call it the March Incident.

6 A Yes, I did participate.

7 Q Was the accused KOISO also engaged in that

8 Incident with you and Doctor OKAWA?

9 A The then Major General KOISO was concerned  
10 with this matter. That is to say, I gave OKAWA some  
11 bombs and he, Major General KOISO, took away those bombs.

12 THE PRESIDENT: Continue after the recess, Mr.  
13 Tavenner.

14 We will recess for fifteen minutes.

15 (Whereupon, at 1445, a recess was  
16 taken until 1500, after which the proceed-  
17 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Tavenner.

4 BY MR. TAVENNER (Continued):

5 Q Colonel HASHIMOTO, is it not a fact that  
6 Doctor OKAWA advocated the principle of reformation  
7 of the government in Japan in order to settle what he  
8 called the Manchurian problem?

9 A OKAWA never told me anything of that kind.

10 Q Do you not as a fact know that that is the  
11 doctrine he stood for and the doctrine which he preached?

12 A No.

13 Q Is it not true that as a result of Doctor  
14 OKAWA's stirring up of the people that the dissatis-  
15 faction arose to such an extent that the army fell in  
16 line with Doctor OKAWA?

17 A I can hardly believe that OKAWA had such  
18 actual power and ability.

19 Q Now, isn't it true that after the dissatis-  
20 faction of the people became so great, after Doctor  
21 OKAWA's propaganda missions, even the General Staff,  
22 of which you were a member, that is, the Army General  
23 Staff, began to send out lecturers?

24 A That is far from the facts, at least during my  
25 period of office in the General Staff.

1 Q You refer in your affidavit to the fact that  
2 you made certain suggestions about settling the problem  
3 in Manchuria. What were those suggestions?

4 A I made these suggestions at the occasion of  
5 the conference on the estimate of the situation.

6 Q What was that?

7 A April, 1931.

8 Q What were the suggestions?

9 A At the time in Manchuria repeated incidents  
10 were breaking out in which there were threats to  
11 Japanese lives and property. The Japanese residents  
12 right to live and to engage in business was threatened  
13 and our railway rights were violated. The Japanese  
14 Foreign Office only protested once against all these  
15 incidents and took the attitude of trying to settle  
16 these incidents on the spot, so that finally these in-  
17 cidents mounted up to total three hundred several tens.  
18 Thereupon I advocated that it was the duty of the  
19 General Staff to strongly urge the government to take  
20 a firm line towards the central government of China and  
21 to carry out the negotiations with a very firm attitude.

22 Q So you were alert to what you considered to  
23 be the problems in Manchuria and you were recommending  
24 definite and positive action, were you not?

25 A I said that positive action must be taken in

1 some kind of noise. But two or three days later General  
2 UGAKI said that he had no such desire, that he was  
3 against the whole thing, and thereupon this whole plan  
4 fell flat.

5 Q Now, it was the purpose, was it not, to stir  
6 up this mass demonstration in order that martial law  
7 would be declared and the army be put in control of  
8 the government?

9 A As I had nothing to do with the plans after  
10 I gave the bombs to Doctor OKAWA, I know nothing about  
11 the content of the plans other than what I have stated.

12 Q Had you not gone to Doctor OKAWA yourself and  
13 advised him that the upper class of the army was burn-  
14 ing with indignation at the Diet and that the Diet should  
15 be crushed?

16 A No, I said no such thing. All OKAWA told me  
17 was, "UGAKI seems willing to go on with the thing.  
18 Therefore give me the bombs."

19 Q In other words, you are taking the position  
20 that you meekly followed the dictates of Doctor OKAWA?  
21 Is that your contention?

22 A No, the simple matter is that OKAWA thought  
23 up this plan and I agreed to the plan, and I gave him  
24 the bombs in accordance with that agreement; but after  
25 having given him those bombs I had nothing further to



1 do with the plan, and therefore I don't know anything  
2 more than that, and I don't think that the plan ever  
3 involved such a big thing as having the army called  
4 out.

5 Q "as Lieutenant General NINOMIYA consulted  
6 about the matter?"

7 A I believe that General NINOMIYA did know about  
8 the plan.

9 Q What was his official position?

10 A Vice Chief of the General Staff.

11 Q Wasn't Major General TATEKAWA consulted about  
12 these matters and was he not a party to this scheme?

13 A I don't know whether Major General TATEKAWA  
14 was actually a party to this scheme. However, Doctor  
15 OKAWA asked me for the paper bombs. I had very great  
16 difficulty in finding these bombs and so I consulted  
17 with Major General TATEKAWA about this problem, where-  
18 upon General TATEKAWA said, "Well, then, I will give  
19 you a letter of introduction to the Commandant of the  
20 infantry school, and thereupon I went to the infantry  
21 school with this letter of introduction and obtained  
22 the bombs. That is the extent of Major General TATEKAWA's  
23 participation in this plan. That is what I said.

24 Q What position did Major General TATEKAWA have in  
25 the army -- in the government?

1 A Chief of the First Department, General Staff  
2 Department.

3 Q What did the First Department deal with?

4 A Operations.

5 Q Now, wasn't Major General NAGATA also in-  
6 volved?

7 A No.

8 Q So you say this was a very small affair, but  
9 do you not agree that the very top notch ranking offi-  
10 cers of the Japanese army were involved in it?

11 A Of course the problem is the question of just  
12 how far would be meant by the term "involved"; but I  
13 don't think you can say it went as far as that the  
14 upper crust of the army was involved.

15 For instance, of course then the bombs were  
16 taken away from me by a certain officer and another  
17 one wrote me a letter of introduction when I had trouble  
18 in obtaining the bombs, but that is about as far as the  
19 matter went, and I don't think you can say they were  
20 connected with the incident.

21 Q Who was this certain officer who took away the  
22 bombs?

23 A Are you asking who I obtained the bombs from?

24 Q You just mentioned that a certain officer took  
25 the bombs away. To whom did you refer?

1           A    General KOISO took the bombs which I had given  
2 to OKAWA.

3           Q    That is the accused General KOISO?

4           A    Yes.

5           Q    What official position did he have at that  
6 time?

7           A    Chief of the Military Affairs Bureau.

8           Q    Are you familiar with the testimony of Doctor  
9 OKAWA at his trial in 1934 regarding the part Lieutenant  
10 General KOISO played in this affair?

11          A    Could you quote from the testimony?

12          Q    "This Lieutenant General KOISO, taking charge  
13 of everything, told me that since there would be the  
14 danger of being discovered if too many fussed about it,  
15 we should pretend to have suspended it on the surface,  
16 and that I should represent the civilians and that he  
17 would represent the army."

18                   Do you recall that?

19          A    No, I do not, and I do not believe that those  
20 were the facts. I don't believe that such things oc-  
21 curred.

22          Q    Doctor OKAWA also said, quoting from page  
23 15,583 of the transcript, "Our idea was to set up a  
24 new political power and form a cabinet centering around  
25 the army."

1 Did you hear him testify to that fact in  
2 court?

3 A No.

4 THE PRESIDENT: Were you present at OKAWA's  
5 trial?

6 THE INTERPRETER: Before the witness answered:  
7 "To set up UGAKI as Prime Minister."

8 THE WITNESS: No, I was not present at such a  
9 trial.

10 Q Now, who was the originator of the October  
11 Incident which occurred just a short time after the  
12 Manchurian Incident?

13 A Myself.

14 Q Did Doctor OKAWA assist you?

15 A No.

16 Q You state that when Doctor OKAWA testified in  
17 his trial in 1934 that he participated in it, he did  
18 not?

19 A He did not participate. In the March Incident  
20 OKAWA and I were co-conspirators. However, I began to  
21 feel that if civilians were let in on plots such as  
22 these, matters were always apt to leak out somewhere  
23 or another and that it would become very difficult to  
24 carry out such a plot, and therefore we came to the  
25 decision not to let any civilians at all in on our plans.

1 In the March Incident OKAWA and I were out together.

2 THE MONITOR: Strike out "co-conspirators."

3 MR. TAVENNER: Will the Marshal hand to the  
4 witness exhibit 2188?

5 ("Thereupon, a document was handed  
6 to the witness.)

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1 Q Before I ask you questions about that  
2 exhibit, I would like to ask you what official  
3 positions you held with the Sakura Kai Society?

4 A The Sakura Kai had no chairman, and the  
5 leading members were called sponsors. However, the  
6 fact of the matter was that I practically was run-  
7 ning the whole show.

8 Q Well, how long did you run the show; from  
9 what date to what date?

10 A It was in October -- around October of  
11 1930 that the Sakura Kai commenced its researches.  
12 Around that time this organization had no name --  
13 was not called the Sakura Kai, and it was in April  
14 of 1931 that the name Sakura Kai was given.

15 Q Well, just answer me, please. How long did  
16 you operate or control the business of that society?

17 A From around October, 1930 to the end of  
18 November, 1931.

19 Q What other societies were you a member of  
20 at that time -- during that period?

21 A I belonged to no other society.

22 Q What was the next society that you organ-  
23 ized after November, 1931?

24 A That was not in 1931. My next society was  
25 formed not in 1931 but in 1936, a society which I

1 formed after I had been relegated to the reserves.  
2 I called this society the Great Japan Youth Party.

3 Q Did you belong to any societies between  
4 November, 1931 and 1936?

5 A No, absolutely none.

6 Q What was the date in 1936 when you organ-  
7 ized this society?

8 A 17th of October.

9 Q Were you the head of it?

10 A Yes, as you say.

11 Q How long were you at the head of that  
12 organization?

13 A Until October, 1940.

14 Q Did you hold positions in any other so-  
15 cieties during that period of time, between 1936  
16 and '40?

17 A In October, 1940 this Great Japan Youth  
18 Society was -- Youth Party was reorganized as the  
19 Great Japan Loyalty Society, and I was president  
20 of this society until September, 1944.

21 Q Now, the exhibit that I asked the marshal  
22 to hand you is an interrogation or excerpts from  
23 interrogations which were introduced in evidence.  
24 There will be pointed out to you in the Japanese  
25 text the portion that I desire to call to your

1 attention. In the English text it appears near the  
2 bottom of the first page, and the question is:  
3 "You belong to the Dai Nippon Seki Sei Kai?" I  
4 would like to ask you whether or not the questions  
5 appearing immediately following that and the answers  
6 were made, that is the answers attributed to you,  
7 by you. You may examine down to the question:  
8 "Did you have any part in the formation of the Dai  
9 Nippon Seinen To?" which will be pointed out to  
10 you.

11 (Whereupon, the witness was  
12 shown a place in the document previously  
13 handed to him.)

14 Q (Continuing) Now, will you state whether  
15 or not you made the answers attributed to you there.

16 A There is one very big mistake -- big error  
17 in this text. This is on page 2 -- page 4 of the  
18 Japanese text. The question is: "The way it  
19 stands, you admit plotting" and so forth, and so  
20 forth, but the relevant part is, "...but you deny  
21 any knowledge or complicity in the 2/26 affair?"  
22 My reply is said to be, "Yes, that is correct."  
23 What I meant there was that I had nothing to do,  
24 no knowledge or complicity in the 2/26 affair. The  
25 question -- the first part of the question, however,



1 reads: "The way it stands, you admit plotting with  
2 General TATEKAWA, General KOISO, General NINOMIYA,  
3 General SUGIYAMA and Dr. OKAWA to bring about the  
4 March Incident and to bring about the October inci-  
5 dent ...."; and when my answer is taken in conjunc-  
6 tion with the question as a whole, it would seem  
7 as if I am accusing General KOISO, TATEKAWA, NINO-  
8 MIYA and SUGIYAMA of plotting with me in this Oc-  
9 tber incident, but I had no such intention. The  
10 reason why this is so is that you have just ex-  
11 tracted this question by itself. But, if you will  
12 read the pages before this question -- the questions  
13 before this question, you will find that a question  
14 is asked, who was connected with the October inci-  
15 dent? And then, immediately this question follows --  
16 correction: with the March and October incidents --  
17 and, therefore, it follows that Generals TATEKAWA,  
18 KOISO, NINOMIYA, SUGIYAMA and Dr. OKAWA had nothing  
19 to do with the October incident. The October inci-  
20 dent involves myself and myself alone.

21 Q Well, now, subject to that explanation by  
22 you, are the questions as attributed to you cor-  
23 rect? I meant to say, are the answers attributed  
24 to you correct?

25 A They are correct.

1 MR. TAVENNER: Now, if the Tribunal please,  
2 I would like to read those questions and answers  
3 although they already appear in the transcript.

4 THE PRESIDENT: Do not read them again.

5 MR. TAVENNER: Then, if I may be permitted,  
6 I would like to describe the place in the record a  
7 little more adequately so that the Tribunal will  
8 have no difficulty locating them.

9 THE PRESIDENT: We prevented Colonel War-  
10 ren from reading a part of the transcript this  
11 morning. We must be fair.

12 MR. TAVENNER: These questions and answers  
13 begin with the fourth line from the top of page  
14 15,676 of the transcript and extend to the line  
15 which is the 7th from the bottom of the following  
16 page -- to and including the 7th line, if you ac-  
17 cept the correction.

18 BY MR. TAVENNER (Continued):

19 Q Now, the answers which you have just told  
20 me are correct are answers made by you and are  
21 truthful, are they not?  
22

23 A They are correct.

24 Q I will now call your attention to another  
25 excerpt from the same document which will be pointed  
out to you with reference to the shelling of the

1 "Ladybird." In the English text the question  
2 begins, "Under whose orders did you act ...."  
3 Will you examine that question and answer and state  
4 whether or not the answer attributed to you is true  
5 and correct.

6 A Are you referring to only one question and  
7 answer, in other words, to the answer to the ques-  
8 tion, "Under whose orders did you act when you shelled  
9 the Ladybird?"?

10 Q Yes, that is the question.

11 A The phraseology may be somewhat different.  
12 However, there is no mistake in the meaning.

13 Q Then do you mean that the meaning as con-  
14 tained in that answer is correctly descriptive of  
15 the matter?  
16

17 A There is no mistake. However, it is on  
18 the understanding that you are referring simply to  
19 this one question and answer -- "Under whose orders  
20 did you act when you shelled the Ladybird?"

21 Q I am referring to that question and the  
22 answer to it.

23 A Yes.

24 Q Is there anything that you desire to add  
25 to complete the information regarding your answer  
to that question?

A May I?

1 Q I understood you to state that the trans-  
2 lation may not have been a completely accurate  
3 translation. I am merely giving you the opportunity  
4 to make it correct if there is any error in any re-  
5 spect.

6 A Thank you. In the order itself it is  
7 stated, "Nanking being in a state of siege ..."  
8 This phrase is wrong. This should be corrected as  
9 follows: "Our troops are now attacking Nanking."  
10 That is all.

11 MR. TAVENNER: The reference, if the Tri-  
12 bunal please, to that excerpt, is on page 15,678  
13 of the transcript beginning four lines from the bot-  
14 tom and extending over four lines on the top of the  
15 following page.

16 Q I desire also to point out questions and  
17 answers appearing at page 15,675 of the transcript  
18 beginning with the words "Do you know anything about  
19 the Greater East Asia Co-Prosperity Sphere?" and  
20 extending down to the question, "You belong to the  
21 Dai Nippon Seki Sei Kai?"  
22

23 (Whereupon, the witness was  
24 shown a place in the document before him.)

25 Q (Continuing) The questions and answers in

the Japanese text are being presented to you.

1           A    Thank you. I have gotten the place.

2           Q    Did you make the answers attributed to you  
3 there: The last question, "You wanted to get the  
4 British out of this sphere?"; answer, "Yes."?

5           A    In reference to that question and answer, I  
6 did not know exactly what the prosecutor meant when  
7 he said, "You wanted to get the British out of this  
8 sphere?"; but, since I didn't want to take the bother  
9 of asking him, I just got impatient and replied, "Yes."  
10

11          Q    Well, let me ask you now: Did you want to  
12 get the British out of that sphere, that is, out of  
13 India, the Philippines, China, Burma and Asia?

14          A    I wished to get the British out of politi-  
15 cal domination of those areas.

16          Q    By political domination you mean to expel  
17 them by force, don't you?

18          A    There may be occasions when force might be  
19 necessary. However, I was hoping that it would  
20 not -- such an occasion would not arise. I felt  
21 it would be fortunate if they would get out without  
22 the use of force, but I did not -- I was not think-  
23 ing at the time of Japan taking any immediate  
24 action -- immediately declaring war in order to get  
25 the British out by force.

1 Q You did advocate it a little later, though,  
did you not?

2 A The point of my argument in my writings  
3 was that the China Incident was still unsettled and  
4 the reason why the China Incident was still un-  
5 settled was that Britain was backing China up; and,  
6 therefore, unless accounts were settled with Britain,  
7 the China Incident would never be settled.

8 Q And you advocated an attack upon the Brit-  
9 ish and driving them out of Asia completely, did  
10 you not, and you preached that doctrine throughout  
11 Japan by publications which were the official pub-  
12 lications of your organizations, did you not?

13 A I preached that doctrine to the members  
14 of my society.

15 Q And the members of your societies aggre-  
16 gated twenty thousand people?

17 A Yes.

18 Q And then they were republished in booklet  
19 form and distributed, were they not?

20 A The books published by myself consist of  
21 articles which were originally published in the  
22 Taiyo Dai Nippon, the official bulletin of this  
23 society.

24 Q So you republished to the general public  
25

1 these articles which you say received only limited  
2 circulation among your twenty thousand members when  
3 it was first written.

4 THE PRESIDENT: We will adjourn now until  
5 half-past nine tomorrow morning.

6 (Whereupon, at 1600, an adjourn-  
7 ment was taken until Friday, 19 September,  
8 1947, at 0930.)

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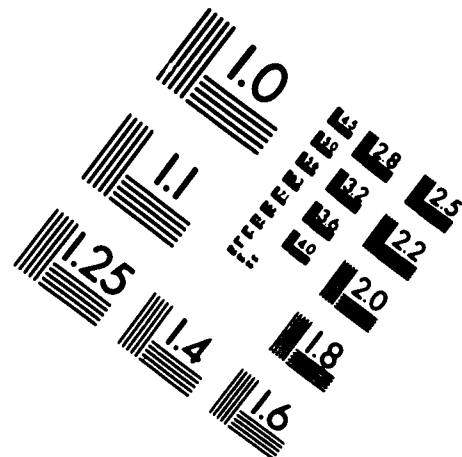
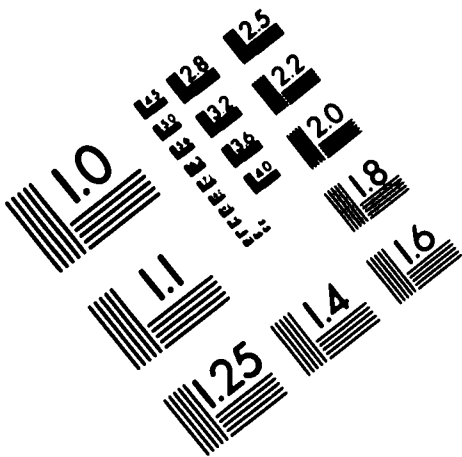
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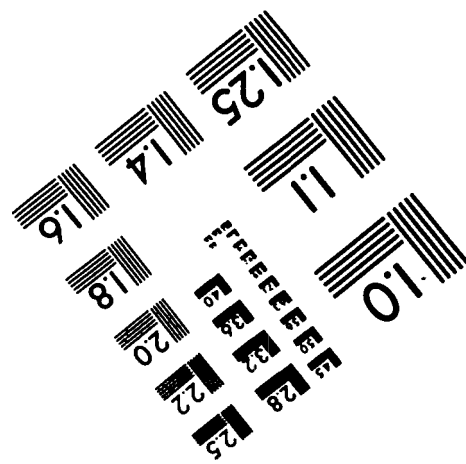
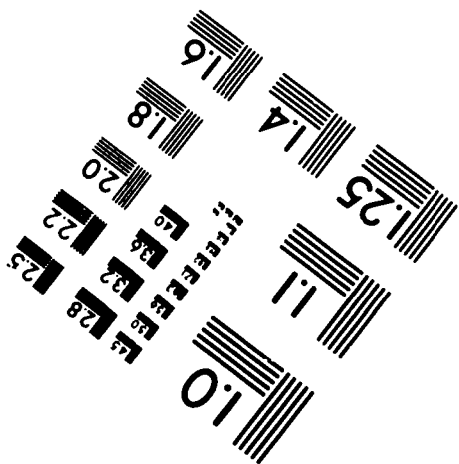
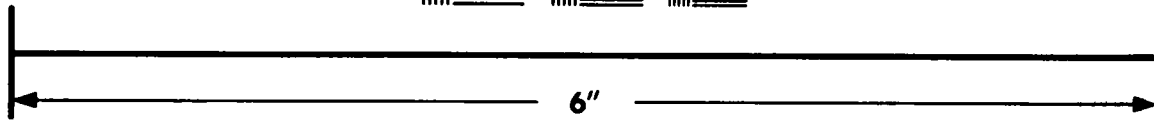
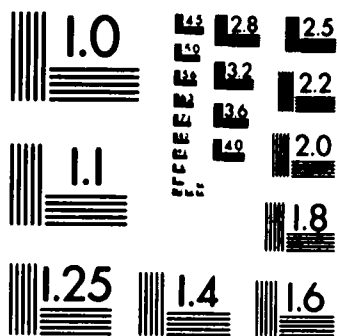


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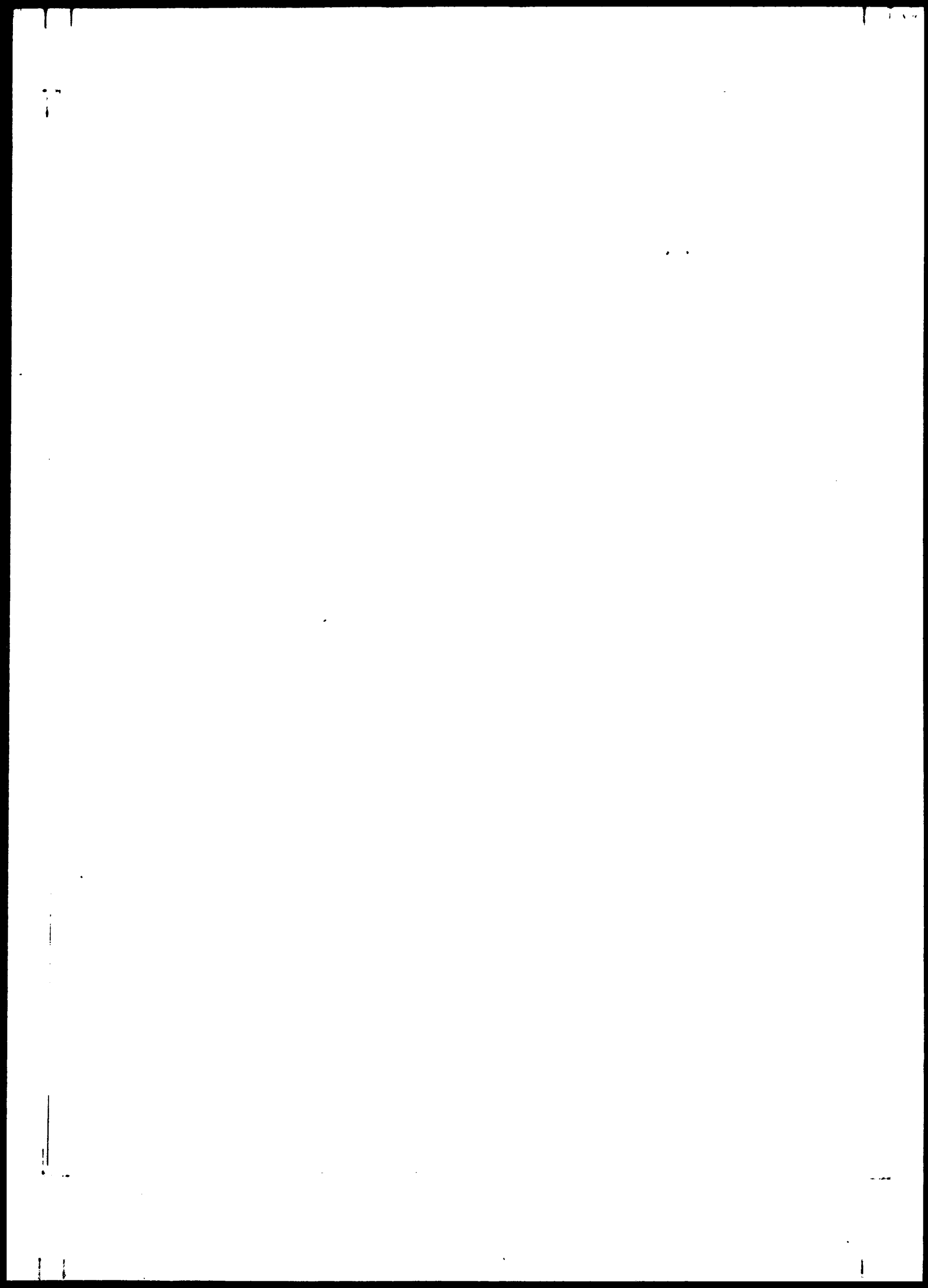
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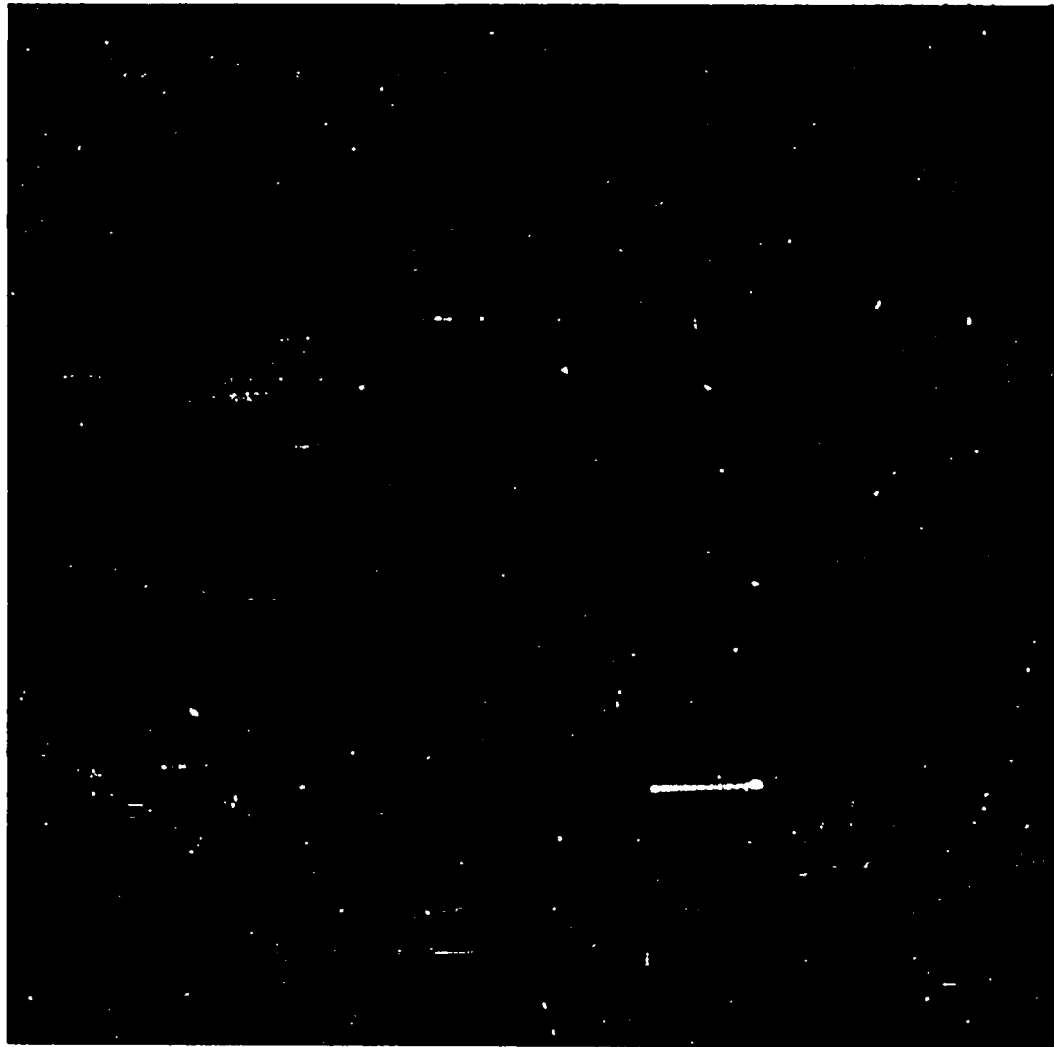


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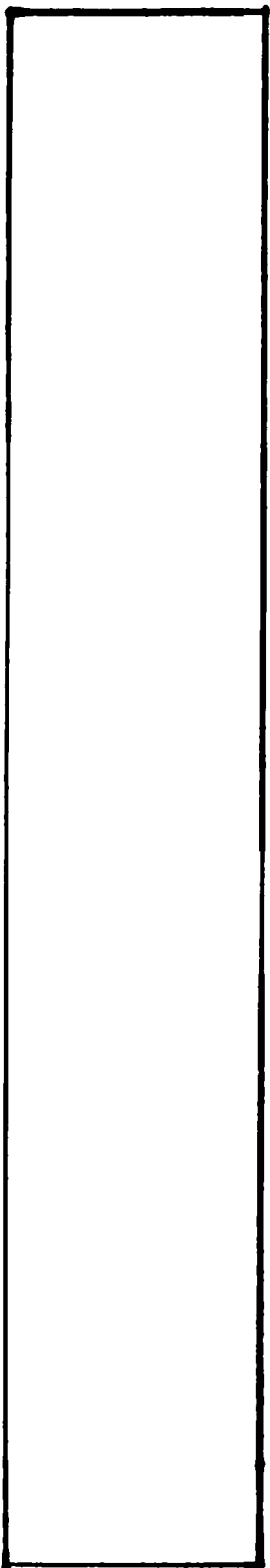


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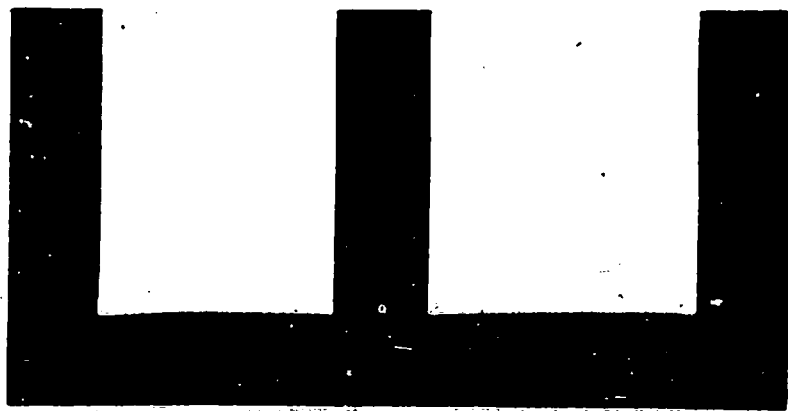
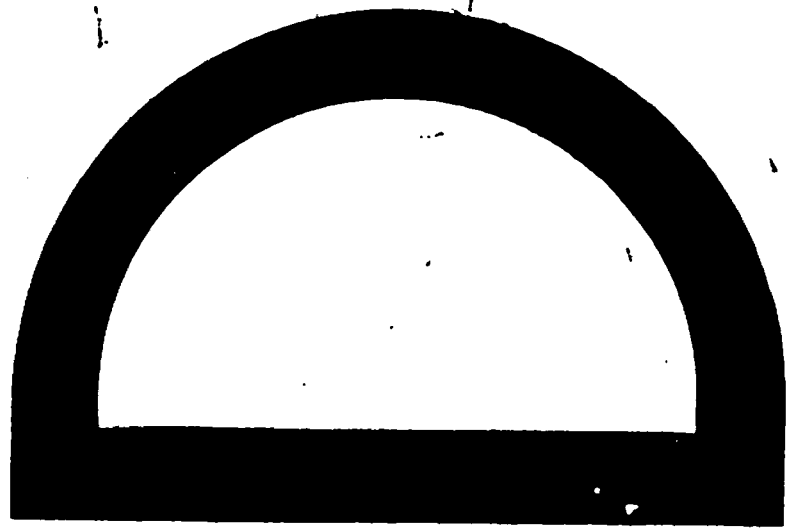
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