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極東国際軍事裁判速記録

(英文)

第49.497頁から

第49.858頁まで

昭和23年11月11日から

昭和23年11月12日まで

国立公文書館

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分類 法務省

平成11年

排架番号 4 A

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法務大臣官房司法法制調査部

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1969

日付頁索引 (第 卷)

審理 段階	判決	
	<small>事 実 認 定 (太平洋戦争 通例の戦争犯罪 訴因の認定、判定、刑の宣告)</small>	
年月日	午 前	午 後
23-11-11	49.497~49.596	49.597~49.698
12	49.698 ₂ ~49.761	49.762~49.858
備 考	1. 内容の索引については、各日速記 録冒頭の Index を参照されたい。 2. 証拠資料(却下資料等を含む。) の索引については、「極東国際軍事 裁判記録目録」の英文速記録頁欄を 参照されたい。	

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Thursday, 11 November 1948

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.

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 Military
2 Tribunal for the Far East is now resumed.

3 THE PRESIDENT: All the accused are present
4 except KAYA, SHIRATORI and UMEZU, who are represented
5 by counsel. The Sugamo Prison surgeon certifies that they
6 are ill and unable to attend the trial today. The cer-
7 tificates will be recorded and filed.

8 I continue the reading of the Tribunal's
9 Judgment:

10 PREPARATIONS INTENSIFIED

11 The plan of September and October 1940 had been
12 followed. The ultimate objective of the plan was the
13 domination of East Asia by Japan. That objective was
14 to be reached by the use of force if necessary. Some
15 of the steps to be taken in the execution of that plan
16 were in the alternative. The Tripartite Pact had been
17 entered into and used as an instrument for intimidation
18 of the Western powers and as a guarantee of cooperation
19 by the Axis Powers with Japan as she advanced to the
20 South. The Non-Aggression Pact had been signed with the
21 U.S.S.R. as a protection of Japan's rear as she made
22 that advance. The attempt to negotiate a peace with
23 Generalissimo Chiang Kai-shek in order to free Japanese
24 troops and acquire the use of Chinese troops in making
25 that advance had failed. The attempt to mediate the

European War and thereby secure British recognition of
1 Japan's advance into Southeast Asia so as to eliminate
2 the necessity of an attack upon Singapore had likewise
3 failed. The attempt to eliminate possible interference
4 with that attack by the United States Pacific Fleet
5 through negotiation with the United States had also
6 failed. The negotiations at Batavia for acquisition of
7 oil and other vital materials had failed also; those nego-
8 tiations had terminated on 17 June 1940. Japan's
9 reserves of war supplies were in danger of being depleted.
10 The decision of the Imperial General Headquarters made
11 in early April 1941 stood. The time for final preparation
12 had now arrived.
13

14 The Japanese Navy began training and practice
15 for the attack on Pearl Harbor in late May 1941. Dive
16 bombing was practiced at Kagoshima, Japan, where the
17 terrain resembled that at Pearl Harbor. The development
18 of a shallow water torpedo had been started early in
19 1941 as the waters in Pearl Harbor were shallow. The
20 Navy spent considerable time in developing and experi-
21 menting with that type of torpedo during the summer.
22 Refueling at sea was made a matter of special training
23 in order to permit the use of the more secure northern
24 route of approach to Pearl Harbor.
25

CABINET POLICY AND DECISIONS OFJUNE AND JULY 1941.

1
2 OSHIMA, acting on instructions from his
3 Government, began discussions with Ribbentrop on
4 10 June 1941 which were to lead to the acquisition of
5 additional naval bases in southern French Indo-China
6 for use in the attack upon Singapore and the Netherlands
7 East Indies. KIDO was advised by Konoye of the decision
8 of the Imperial General Headquarters to attack Singapore
9 and the proceedings under that decision. On 21 June 1941
10 Matsuoka informed the German Ambassador of the decision,
11 telling him that the situation had become unbearable,
12 that the negotiations with the Netherlands Government
13 were not to be resumed, and that in order to attack
14 Singapore and the Netherlands East Indies additional
15 bases were required in southern French Indo-China. He
16 said that he had instructed OSHIMA to inquire whether
17 the consent of Vichy France could be obtained by the
18 German Government and if not he would take the matter
19 up directly with the Vichy French Government.

20
21
22 OSHIMA informed Konoye as early as 6 June 1941
23 that the German Government had decided to attack the
24 U.S.S.R. This information caused considerable confusion
25 among the Japanese leaders. There were some, including
Matsuoka, who considered it better for Japan to postpone

1 the attack to the South and emulate the role of Italy
2 in the European War by attacking the U.S.S.R. in the
3 rear at the opportune time in the German-Soviet struggle
4 for the purpose of seizing Soviet territories in the
5 Far East thereby obtaining oil from Sakhalin. There
6 were others, including Konoye and KIDO, who argued that
7 the original plan of September-October to prosecute the
8 advance to the South should not be abandoned. Germany
9 attacked the U.S.S.R. on 22d June. Acting upon KIDO's
10 advice, the Emperor instructed Matsuoka to conform to
11 Konoye's wishes and KIDO and HIRANUMA repeated this
12 advice.

13 The Liaison Conference of 25 June 1941 attended
14 by HIRANUMA, TOJO, MUTO and OKA and others decided that
15 Japan would accelerate its measures towards French Indo-
16 China and Thailand. This was necessary in view of the
17 failure of the negotiations at Batavia. Naval and air
18 bases were to be established promptly in southern French
19 Indo-China and force employed if the French did not comply
20 with the Japanese demands. Preparations were to be made
21 for despatch of the necessary military force before
22 beginning negotiations with France. These bases were
23 needed for the attack on Singapore and the Netherlands
24 East Indies. Konoye and the Chiefs of Staff reported
25 these decisions to the Emperor.

The decisions of the Liaison Conference show
1 that HIRANUMA, TOJO, MUTO and OKA agreed with Konoye
2 that the fixed policy should not be changed. TOJO
3 reported to the Emperor on 28 June 1941. He told KIDO
4 later in the day that the Army's plan was for the time
5 being to remain neutral in the German-Soviet War, with
6 the Awantung Army "remaining calm and prudent" and to
7 strengthen the Imperial General Headquarters by arranging
8 for it to meet every day in the Palace. SUZUKI had pro-
9 posed measures for strengthening the Imperial Headquarters
10 on 23 June. KIDO had agreed with him but advised that
11 the Board of Field Marshals and Fleet Admirals should
12 be consulted. DOMIHARA was a member of the Board and
13 was present when TOJO and his Vice-Minister of War,
14 KIMURA, appeared before the Board on 30 June to express
15 TOJO's views regarding the fast-moving situation. Thus
16 the military marshalled their forces to prevent
17 Matsuoka from upsetting their strategy by his plan of
18 postponing the move southward and attacking the U.S.S.R.
19 at once, which he had outlined to the Emperor on
20 22 June 1941. The embarrassment caused by Matsuoka's
21 attitude and the necessity of his resignation was being
22 discussed.

25 The Imperial Conference of 2 July 1941 following
the Liaison Conference of 25 June finally put the

1 question at rest. TOJO, SUZUKI, HIRANUMA and OKA,
2 among others, were present at that conference. The
3 Conference decided that regardless of any change in the
4 situation Japan would adhere to its plan for the domina-
5 tion of East and Southeast Asia and would proceed with
6 the southward advance at the same time being ready to
7 take advantage of any favorable situation in the German-
8 Soviet War to attack the U.S.S.R. Necessary diplomatic
9 negotiations were to be continued while final preparations
10 for the attack upon Singapore and Pearl Harbor were
11 being completed and the Japanese forces were moving into
12 position in southern French Indo-China and Thailand for
13 the attack. Japan was to remain neutral in the German-
14 Soviet War while secretly preparing an attack upon the
15 Soviet Union which was to be launched if and when it
16 became apparent that the U.S.S.R. had been so weakened
17 by the war that it would not be able to offer effective
18 resistance. TOJO was a strong advocate of this plan
19 and stated that, "Japan would gain great prestige by
20 attacking the U.S.S.R. at a time when it is ready to
21 fall to the ground like a ripe persimmon."
22

23 The Army General Staff was ordered to proceed
24 with its final operational plans for the campaigns to
25 be waged in the Southern Areas. The troops which later
carried out landing operations in the Philippines and in

the Malaya Peninsula began practicing landing operations
1 along the China coast, on Hainan Island, and along the
2 coast of French Indo-China while others trained on
3 Formosa. The units which were to attack Hongkong were
4 given rigorous training in night fighting and in storming
5 pillboxes at a station near Canton, China. Training
6 areas were selected at places where the terrain and
7 climate approximated to that of the area to be attacked.
8 The training continued all through the summer and until
9 the actual attack. Admiral SHIMADA was in command of
10 the China Area Fleet while this training was in progress.
11
12 Three Japanese Army divisions were prepared for
13 action against French Indo-China. The Japanese Govern-
14 ment planned to demand that the Vichy French Government
15 grant permission to the Japanese Government to occupy
16 southern French Indo-China and to construct military
17 bases there. This action had been suggested to OSHIMA
18 by Ribbentrop, who considered it inadvisable for Germany
19 to make the demand. The Japanese plan was that the
20 demand would be made in the form of an ultimatum which
21 was to be followed by invasion if the demands were not
22 granted. The demands were to be made on 5 July 1941,
23 but inquiries by the British and American Ambassadors
24 revealed that the plan had leaked out, and KIDO recorded
25 in his diary that in view of that fact it had been

1 decided to postpone issuance of the ultimatum for five
2 days in order to observe what moves if any the British
3 and Americans would make to resist the ultimatum. The
4 American and British Ambassadors were given a flat denial
5 of any intentions to advance into southern French Indo-
6 China.

7 Matsuoka instructed the Japanese Ambassador
8 to Vichy France on 12 July 1941 to serve the ultimatum
9 and demand an answer on or before 20 July. The next
10 day, Konoye in a personal message to Marshal Petain
11 assured the Marshal that Japan would respect the
12 sovereign rights of France in French Indo-China if the
13 Japanese Army were allowed to base there and establish
14 their naval bases on the shores. Before an answer to
15 the ultimatum was received the Second Konoye Cabinet
16 resigned because of disagreement between Konoye and
17 Matsuoka regarding the strategy to be employed.

18 THIRD KONOYE CABINET

19
20 Following the Imperial Conference of 2 July 1941
21 Matsuoka was not easily reconciled to the decision of the
22 Conference and did not act completely in accord with it.

23 MUTC and OKA, as Chiefs of the Military Affairs
24 Bureau and the Naval Affairs Bureau respectively, had
25 drawn up a formula which would insure continuation of
the negotiations with America by making additional

1 proposals. Konoye had agreed to continue with Matsuoka
2 as his Foreign Minister provided Matsuoka would cooperate
3 in applying the MUTO-OKA formula. Matsuoka said he had
4 no objection to the formula, but at the same time he
5 insisted on rejecting Mr. Hull's statement to Nomura
6 of 21 June 1941 as being disgraceful to Japan. This
7 was the statement in which Mr. Hull had said that before
8 proceeding with the negotiations the United States must
9 await some clearer indication than had yet been given
10 that the Japanese Government desired to pursue a course
11 of peace. Matsuoka proposed to present the MUTO-OKA
12 proposals only after Mr. Hull's statement had been
13 specifically rejected. Konoye was fearful lest this
14 action might cause the United States to refuse to
15 negotiate further and insisted that Matsuoka send the
16 counter-proposals drafted by MUTO and OKA to Nomura along
17 with the instructions for rejection of Mr. Hull's state-
18 ment so that the danger of termination of the negotia-
19 tions might be reduced. Matsuoka disregarded Konoye's
20 advice and in the instructions he issued to Nomura
21 acted on his own view thus precipitating a Cabinet
22 crisis. KIDO upon learning of the crisis was determined
23 to preserve the Konoye Cabinet for the execution of the
24 decisions reached at the Imperial Conference of 2 July
25 1941 and conferred with members of the Imperial

Household and with the Emperor upon a plan to return the
1 Imperial Mandate to Konoye if the Cabinet should resign
2 en bloc. KIDO recommended that Matsuoka be asked to
3 resign. Konoye vetoed that suggestion lest Matsuoka and
4 his followers make political capital of his forced resigna-
5 tion by suggesting that it had been dictated by America.
6 The Konoye Cabinet accordingly resigned en bloc on
7 16 July 1941 and the Emperor ordered KIDO to summon the
8 Jushin, a body composed of the former Prime Ministers
9 acting as Senior Statesmen, together with the President
10 of the Privy Council, to recommend Konoye's successor.
11

12 On 17 July 1941 KIDO conferred with the Senior
13 Statesmen upon Konoye's resignation statement. Wakatsuki,
14 Abe, Okada, Hayashi, Yonai and HIROTA were present. The
15 view was expressed that Konoye would be able to unite all
16 political circles behind the military and the meeting was
17 unanimous that he should be recommended to the Emperor.
18 The Emperor summoned Konoye and delivered the Imperial
19 mandate to him to form a new Cabinet. The Third Konoye
20 Cabinet was formed on 18 July. Toyoda became Foreign
21 Minister, TOJO remained as War Minister, HIRANUMA became
22 Minister without Portfolio, and SUZUKI remained as
23 President of the Planning Board and Minister without
24 Portfolio. KIMURA remained as Vice-Minister of War. MUTO
25 and OKA continued in their positions. The new Foreign

1 minister declared that there would be no change in
2 policy as a result of the Cabinet change.

3 OCCUPATION OF SOUTHERN FRENCH INDO-CHINA

4 OSHIMA handed Ribbentrop a memorandum on the
5 Japanese ultimatum to the Vichy French Government on
6 19 July 1941 explaining that the ultimatum had been
7 delivered in order to secure military bases in French
8 Indo-China as the first step in the "push to the South,"
9 meaning thereby the attack upon Singapore and the Nether-
10 lands East Indies. He requested the German Government
11 to advise the Vichy Government to accept the ultimatum
12 and meet the demands of the Japanese Government. Toyoda
13 advised the German Ambassador in Tokyo on 20 July that
14 the Cabinet change would not affect the policy decision
15 reached at the Imperial Conference on 2 July. After
16 reporting to Germany the terms of the ultimatum with
17 the statement that it had no alternative but to give in
18 to violence, Vichy France accepted the Japanese ultimatum
19 and agreed to the Japanese demands. 40,000 troops sailed
20 on 24 July to take up the occupation of Southern French
21 Indo-China and the construction of eight air bases near
22 Saigon and of naval bases at Saigon and Camranh Bay,
23 in accordance with the agreement. The formal agreement
24 was ratified on 28 July and signed the next day. TOJO,
25 MATO, SUZUKI and OKA were present at the meeting of the

1 Privy Council on 23 July and represented the Cabinet
2 as explainers of the agreement. TOJO stated that the
3 agreement was one of the measures decided at the
4 Imperial Conference of 2 July based upon the decision of
5 the Liaison Conference of 25 June, that the Cabinet and
6 the Army and Navy Chiefs of Staff were united and were
7 holding Liaison Conferences almost every day in the
8 Palace in order to take appropriate measures under the
9 Cabinet's strategic policy.

10 FURTHER DISCUSSIONS WITH UNITED STATES OF AMERICA

11 Ambassador Nomura had warned on 3 July and 19
12 July 1941 in telegrams to the Foreign Minister that when
13 the advance to the South commenced there would be danger
14 that diplomatic relations between Japan and the United
15 States might be severed by the United States Government.
16 The American Acting Secretary of State, Mr. Welles,
17 inquired of Nomura on 23 July the meaning of the demands
18 upon Vichy France; and in reply to Nomura's explanation
19 that Japan needed to secure an uninterrupted supply of
20 raw materials and insure against military encirclement,
21 he stated that the agreement which had been under discus-
22 sion between the Japanese and American Governments would
23 give Japan far greater economic security than would the
24 occupation of French Indo-China. He added the United
25 States Government considered the occupation as notice

1 that Japan "was taking the last step to proceeding on a
2 policy of expansion and conquest in the region of the
3 South Seas," and that he had been instructed to say that
4 the Secretary of State could see no basis for pursuing
5 further the conversations with the Japanese Ambassador.
6 The next day the American State Department issued to the
7 press a statement that by the course the Japanese Govern-
8 ment had followed and was following in Indo-China, it
9 was giving a clear indication of determination to pursue
10 an objective of expansion by force or threat of force
11 and that there was no apparent reason which warranted the
12 occupation of French Indo-China other than a desire for
13 military bases to be used in the conquest of adjacent
14 areas.

15 The President of the United States proposed to
16 the Japanese Government on 24 July 1941 that French Indo-
17 China be regarded as a neutralized zone, Japan being
18 given full opportunity of assuring for herself food
19 supplies and other raw materials she was seeking, but
20 the proposal was rejected. On 25 July the President
21 issued a directive freezing all Japanese and Chinese
22 assets in the United States. Japan's actions towards
23 Indo-China were regarded as creating a great risk of war
24 compelling the threatened nations to take steps to prevent
25 their security being wholly undermined. On 26 July 1941

1 Toyoda, the Japanese Foreign Minister, explained Japan's
2 actions towards French Indo-China as being necessary to
3 carry through the China affair. He alleged also that
4 Japan had reports of an intended encirclement of French
5 Indo-China which would be a menace to the area which was
6 indispensable in prosecuting the China affair. No
7 evidence of any such intended encirclement of French
8 Indo-China or of any report thereof has been adduced
9 before us. The evidence is conclusive that Japan's
10 reason for advancing into southern French Indo-China was
11 the desire to secure bases for an attack upon Singapore,
12 preliminary to an attack upon the Netherlands East
13 Indies. These bases also threatened the Philippines.
14 When Singapore was in fact attacked, troops from Saigon
15 and planes from bases in southern French Indo-China took
16 part in the attack. Britain and the Netherlands issued
17 similar freezing orders on 26 and 28 July respectively.
18 On 8 August, after the freezing order was issued by the
19 United States Government, Nomura inquired of the American
20 State Department whether it might be possible for the
21 responsible heads of the two governments to meet with
22 a view to discussing means for reaching an adjustment of
23 relations. After reviewing briefly the steps which had
24 led to a discontinuance of the informal negotiations
25 between him and Nomura, the Secretary of State said that

1 it remained with the Japanese Government to decide
2 whether it could find means of shaping its policies
3 along lines which would make possible an adjustment of
4 views.

5 SUPPLY PROBLEMS

6 SSHINSA learned of the slowing down of the
7 German advance into Russia at the end of July 1941,
8 which information give the Japanese Imperial General
9 Headquarters considerable concern for it was realized
10 that Japan's supply of accumulated war materials was
11 not sufficient to wage war against the U.S.S.R., the
12 United States and Great Britain at the same time. It
13 was feared that the U.S.S.R. might assist the United
14 States by giving the United States military bases in
15 Soviet territory if Japan should attack the United
16 States of America. This possibility was discussed
17 between the Japanese Foreign Minister and the Soviet
18 Ambassador in early August 1941.

19 Towards the end of July 1941 the Emperor called
20 the Naval Chief of Staff for consultation on the subject
21 of Japan's policy with the United States. Nagano, the
22 Chief of Staff, informed the Emperor that he was opposed
23 to the Tripartite Alliance and believed that so long as
24 it existed it would be impossible to adjust relations
25 between Japan and the United States of America. If the

1 relations could not be adjusted and Japan was cut off
2 from oil, in case of war with the United States of
3 America, Japan's oil supply would be sufficient for
4 only one and a half years. There would be no alterna-
5 tive but to take the initiative in operations. The
6 Emperor asked Nagano if it would be possible to win a
7 sweeping victory. Nagano replied that it was doubtful
8 if Japan would win.

9 The Emperor expressed anxiety to KIDO about
10 having to wage a desperate war, but KIDO reassured the
11 Emperor by saying that the opinion of the Chief of
12 Staff was too simple. He said that Japan was not without
13 means of restoring the friendship between the United
14 States of America and Japan. He stated, however, that
15 he would ask the Prime Minister to give careful con-
16 sideration to the questions raised by the Navy Chief
17 of Staff. KIDO and Konoye considered the questions on
18 2 and 7 August 1941. KIDO outlined in his diary the
19 points advanced by the Navy in its argument against
20 proceeding with the attack. The Navy had expected to
21 obtain oil from Sakhalin and the Netherlands East Indies
22 to replenish its supply in case the war should be pro-
23 longed. Now there was a possibility that the U.S.S.R.
24 would become allied with the United States thus preventing
25 the acquisition of oil from Sakhalin. The risk involved

1 in depending upon the capture of the oil installations
2 in the Netherlands East Indies intact and upon the
3 transportation of the oil over great stretches of
4 submarine-infested waters which might be patrolled by
5 aircraft based on Soviet territories was entirely too
6 great. The Army did not agree with the Navy and main-
7 tained that the accumulated supply of oil would be
8 sufficient to ensure victory. Konoye and KIDO agreed
9 that the situation was serious and that it was necessary
10 to have an agreement between the Army and Navy without
11 loss of time.

12 FURTHER DISCUSSIONS WITH UNITED STATES OF AMERICA

13 Ambassador Nomura's suggestion of 26 July 1941,
14 following the American freezing order of the 25th, that
15 the heads of the two Governments should meet in an effort
16 to adjust relations was renewed on orders of his govern-
17 ment on 7 August and was welcomed by the Government of
18 the United States. Accordingly on 17 August, while the
19 Japanese Army and Navy Chiefs canvassed the subject of
20 oil to supply the Japanese Navy in a war with the United
21 States, the President replied to Nomura's suggestion.
22 He said that if the Japanese Government were in a position
23 to embark upon a peaceful program along the lines
24 suggested by the principles stated by Mr. Hull, the
25 United States Government would be pleased to resume the

1 informal discussions and endeavor to arrange a suitable
2 time and place for the heads of the two governments to
3 exchange views. The President referred to the circum-
4 stances in which the discussions had been interrupted
5 and said it would be helpful before proceeding with plans
6 for a meeting if Japan would furnish a clear statement
7 as to its present attitude and plans. The President
8 further stated to Nomura that nothing short of complete
9 candor would further the objective. If Japan took any
10 further steps in pursuance of a policy of military
11 domination by force or threat the United States of
12 America would be compelled to take steps immediately to
13 safeguard the rights, interests, safety and security
14 of the United States and its nationals.

15 The Total War Research Institute had been
16 studying the question of negotiations with the United
17 States and during the first half of August 1941 suggested
18 a solution: "To the proposal of America, we shall
19 neither give our word clearly concerning the position
20 of Japan, but adopt a delaying policy by diplomatic
21 negotiations, repleting war preparations in the meantime."

22 Konoye addressed a letter to the President on
23 27 August 1941 in which he stated that he believed
24 that the deterioration of relations between the two
25 countries was largely due to a lack of understanding

1 and that he desired to meet the President personally for
2 a frank exchange of views. He suggested that they meet
3 first and discuss from a broad standpoint all important
4 problems before a formal negotiation of an agreement.
5 At the same time a statement from the Japanese Government
6 was also presented to the President. In this the
7 Japanese Government said it welcomed the invitation to an
8 exchange of views, that Japan was ready for peace and
9 would be proud to make sacrifices to obtain peace in
10 the Pacific. It said that Japan's action in French Indo-
11 China was intended to hasten settlement of the China
12 Incident, to remove all menace to the peace of the
13 Pacific and to secure to Japan an equitable supply of
14 essential materials. It said also that Japan did not
15 intend to threaten other countries and was prepared to
16 withdraw its troops from French Indo-China as soon as
17 the China Incident was settled or a just peace established
18 in East Asia and that Japan's action in French Indo-China
19 was not preparatory to a military advance into neighbor-
20 ing territories. The statement continued that the
21 Government of Japan was willing to restrict the discus-
22 sions to proposals which were in conformity with the
23 basic principles to which the United States had long
24 been committed, as the national policy long cherished by
25 the Japanese Government was in full accord on that point.

Japan's statements in regard to French Indo-
1 China were false. We now know that Japan's motive for
2 quartering troops and seizing bases in southern French
3 Indo-China in July 1941 was the desire to secure a base
4 and jumping off place for her intended attack on Malaya
5 and the Netherlands East Indies. It had nothing to do
6 with the so-called "China Incident." Japan was proposing,
7 as we now know, that she should retain this base for
8 attack on Malaya and the Netherlands East Indies, which
9 was also a threat to the Philippines and the sea lanes,
10 until her demands on China were satisfied or until "a
11 just peace" was established in East Asia, an event the
12 occurrence of which she alone would determine, for no
13 other criterion for its determination was suggested.
14 This statement is founded on by the defense as amounting
15 to Japan's agreement that the four principles stated
16 by Mr. Hull would be given effect to. If any clear
17 representation by Japan to that effect can be read out
18 of the statement it is now proved that at that time the
19 leaders of Japan had no intention of living up to such
20 representation.
21

22
23 The President replied to Konoye's letter and
24 his government's statement on 3 September 1941. He said
25 that he noted with satisfaction Konoye's expressed desire
for peace in the Pacific and his government's statement

that its long cherished national policy was in accord
1 with the principles to which the United States Government
2 had long been committed. The President stated that he
3 could not avoid taking cognizance, however, of indica-
4 tions in some quarters in Japan of support of concepts
5 which would seem capable of raising obstacles to success-
6 ful collaboration between Konoye and the President along
7 the lines proposed. He therefore suggested that it would
8 seem highly desirable to take precautions toward ensuring
9 success for their proposed meeting by entering immediately
10 upon preliminary discussions of the fundamental questions
11 on which they sought agreement. The President requested
12 an indication of the Japanese Government's attitude
13 regarding those fundamental questions.

15 Meantime, from the month of August onward the
16 Japanese General Staff had been advocating an immediate
17 breaking off of negotiations and the opening of hostili-
18 ties. Konoye was opposed to this and held repeated
19 conversations with the Army and Navy Ministers and others
20 in which he sought to counter this policy.

22 Immediately upon receipt of the President's
23 letter on 5 September 1941, Konoye called a Cabinet
24 meeting. TOJO opposed the proposed meeting of Konoye and
25 the President. He testified before this Tribunal that
his reason for doing so was that the President expressed

1 reluctance to meet with Konoye unless an agreement was
2 first reached covering all the essential matters. The
3 Emperor asked Konoye many questions regarding the
4 strategy to be employed in a war with the United States
5 and Britain. Konoye advised the Emperor to summon the
6 Chiefs of Staff of the Army and Navy to answer those
7 questions and KIDO seconded that advice.

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IMPERIAL CONFERENCE 6th SEPTEMBER 1941

1 The Imperial Conference met on 6th September
2 1941 with TOJO, SUZUKI, MUTO, OKA and others present.
3 The Conference decided that Japan should advance to
4 the South, that an effort should be made to obtain
5 Japan's demands through negotiations with the United
6 States and Great Britain, but that if those demands
7 were not fulfilled by the beginning of October a de-
8 cision on the opening of hostilities would be made.

9 The demands which Japan desired to see fulfilled were
10 also decided at that Conference and were as follows:

11 "Japan's minimum demand to be fulfilled in her negotia-
12 tions with the United States (Britain), and the limit
13 Japan is able to come to an agreement in this con-
14 nection. Sect. I. Japan's minimum-demand to be
15 fulfilled in her negotiations with the United States
16 (Britain).
17

18 "(1) Matters concerning the Chinese Incident.

19 "The United States and Britain will neither
20 meddle in nor interrupt the disposition of the Chinese
21 Incident.
22

23 "(a) They will not interrupt Japan's attempt
24 to settle the Incident in accordance with the Sino-
25 Japanese Basic Treaty and the Japan-Manchukuo-China
Tripartite Joint Declaration.

1 "(b) "Burma Route" will be closed; and the
2 United States and Britain will give Chiang's Regime
3 neither military nor economic support.

4 ".....

5 "(2) Matters concerning the security of
6 Japan's national defense.

7 "The United States and Britain will not take
8 such action in the Far East as to threaten Japan's
9 national defense.

10 "(a) Recognition of the special relations
11 existing between Japan and France based on the Japan-
12 French Agreement.

13 "(b) They will not establish any military
14 interests in Thailand, Dutch East Indies, China and
15 far-eastern Soviet territory.

16 "(c) They will not further strengthen their
17 present armaments in the Far East.

18 "(3) Matters concerning Japan's obtaining
19 necessary materials.

20 "The United States and Britain will co-operate
21 with Japan in obtaining her necessary resources.

22 "(a) They will restore their commercial re-
23 lations with Japan and will supply Japan from their
24 territories in the South Western Pacific with re-
25 sources indispensable for her self-existence.

1 "(b) They will gladly collaborate in Japan's
2 economic co-operation with Thailand and French Indo-
3 China.

4 "Sect. II. The limit Japan is able to come
5 to an agreement.

6 "If the United States and Britain will con-
7 sent to our demands in Section I:

8 "(1) Japan, with French Indo-China as a
9 base, will make no military advances into any of the
10 adjacent areas except China.

11 "(2) Japan will be ready to withdraw her
12 troops from French Indo-China after an impartial
13 peace will have been established in the Far East.

14 "(3) Japan will be ready to guarantee the
15 neutrality of the Philippines."

16 One cardinal vice in this decision is the
17 proposal that Japan should be left controlling the
18 economy of China for her own ends, as had been
19 achieved by the agreement Japan had made with the
20 puppet government of China, and that America and
21 Britain should withdraw all military and economic
22 support from the legitimate government of China which
23 had long been the victim of Japan's aggression, which
24 support these countries were quite entitled to give.

25 ~~If Japan had revealed that this was her "minimum demand"~~

1 to be fulfilled in her negotiations with the United
2 States of America and Britain" it is not too much to
3 say that these negotiations would have proceeded no
4 further. This "minimum demand" was in vital con-
5 flict with the four principles which Mr. Hull had
6 stated, upon the observance of which he insisted
7 throughout the negotiations.

8 CONTINUED PREPARATIONS FOR WAR

9 The Chief of the Army General Staff in-
10 structed his Chief of Operations immediately after
11 this Imperial Conference to intensify his plans and
12 preparations for war. Because of the practices
13 governing the relationship between the War Ministry
14 and the General Staff, War Minister TOJO, Vice-
15 Minister of War KIMURA, Chief of the Military Affairs
16 Bureau MUTO, and Chief of the Naval Affairs Bureau
17 OKA, must have known and assisted in the preparations
18 being made.

19 The training for the attack upon Pearl Harbor
20 and the training along the China coast for the landing
21 operations against Malaya, the Philippines and the
22 Netherlands East Indies and Borneo were drawing to
23 a close. Admiral SHIMADA, Commander-in-Chief of the
24 China Area Fleet, was transferred to command the
25 Yokosuka Naval District near Tokyo and was appointed

1 a member of the Naval Officer's Council on 1st
2 September. The final "War Games" or Naval Staff
3 Conferences to work out details for the operation,
4 in which a large number of high-ranking naval of-
5 ficers participated, were held at the Naval War Col-
6 lege in Tokyo between 2nd and 13th September 1941.
7 The problems to be solved were two: First, the
8 problems of working out the details of the carrier
9 attack upon Pearl Harbor, and Second, the problem
10 of establishing a schedule of operations for the
11 occupation of Malaya, Burma, the Netherlands East
12 Indies, the Philippines and the Solomon and Central
13 Pacific Islands. The solution of these problems
14 as worked out constituted the basis of Combined
15 Fleet Secret Operations Order No. 1, which was later
16 issued.

17 The Foreign Minister, Toyoda, whose Consul-
18 General at Hawaii was engaged in espionage, arranged
19 a code on 24th September for transmitting secret
20 reports on the American Fleet in Hawaiian waters.

21 Internal preparations for the attack con-
22 tinued at a rapid pace. TGJO made a survey of the
23 preparations and reported on that survey to KIDO on
24 11th September. The Cabinet adopted a "Workers
25 Mobilization Plan" which had been devised jointly

1 by SUZUKI's Planning Board and the Welfare Ministry
2 for increasing production of munitions. The In-
3 spector General of Military Education issued training
4 manuals on landing operations and identification of
5 Allied planes. TOJO's War Ministry prepared opera-
6 tional maps for Singapore and Hawaii. The Cabinet
7 Printing Bureau continued printing occupation cur-
8 rency in pesos, dollars and guilders for use in the
9 Philippines, Malaya and the Netherlands East Indies.

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TALKS WITH UNITED STATES OF AMERICA CONTINUED.

1 Konoye, on 6th September, the day of the
2 Imperial Conference just referred to, and notwithstanding
3 the contrary nature of the decisions of that conference,
4 told the American Ambassador that he fully subscribed to
5 the four principles which Mr. Hull and the President of
6 the United States had enunciated. The next day in Wash-
7 ington, Ambassador Nomura presented a new Japanese draft
8 proposal to the United States Government which was
9 apparently intended as a basis for the commencement of
10 the preliminary negotiations to which the President had
11 referred in his letter to Konoye on 3rd September. The
12 essence of that draft proposal was that Japan would not
13 "without any justifiable reason" make further military
14 moves to the South and would interpret her obligations
15 under the Tripartite Pact "by the concepts of protection
16 and self-defence" without consideration of the views of
17 the other Axis Governments. The United States was to
18 cease giving aid to China, assist Japan in negotiating
19 peace with China on Japanese terms, agree to cooperate
20 with Japan in the acquisition and development of
21 natural resources in the Southern areas, and suspend
22 military measures in the Far East and in the South
23 Western Pacific Area. Japan had refused to withdraw her
24 troops from French Indo-China. This draft proposal
25

1 reaffirmed Japan's intention to adhere to the Tripartite
2 Pact, for Japan refused to give or evaded giving her
3 assurance that she would not attack the United States
4 under the terms of that Pact. The subsequent negotiations
5 revealed the peace terms for China as founded on the
6 Konoze principles which would have given Japan economic
7 domination of China enforced by Japanese troops stationed
8 in China, and as providing for the recognition by China
9 of Japan's seizure of Manchuria.

10 The acceptance of this proposal by the United
11 States would have secured the Japanese Government its
12 objective as decided on 3rd October 1940. That this was
13 the intention of the Japanese Government is revealed by
14 Toyoda, who instructed Nomura on 13th September 1941 that
15 his Government was not prepared, as he expressed it "to
16 swallow" the four American principles. The United States
17 Government considered that the draft proposal of 3rd
18 September was unsatisfactory and inconsistent with Konoze's
19 letter and his Government's statement to the President
20 of 28th August 1941.

21
22 On 25th September 1941 the Japanese Government
23 presented to the American Ambassador in Tokyo a com-
24 pletely new draft proposal and urged that an early reply
25 be made. The new draft did not indicate any modification
of the Japanese attitude on fundamental points.

HASHIMOTO declared in an article published in the Taiyo
1 Dai Nippon on 25th September that there was no hope of
2 adjusting relations with the United States and Great
3 Britain and that proper action for the Japanese Government
4 was clearly indicated in the Tripartite Pact, meaning
5 thereby direct action in conjunction with Germany and
6 Italy. The President of the Cabinet Information Bureau
7 made a speech in commemoration of the first anniversary
8 of the signing of the Tripartite Pact in which he said
9 that the real meaning of the Pact was clear from the
10 Imperial Rescript issued on the day of its conclusion.
11 He declared that by that Pact the leading position of
12 Japan in the establishment of the New Order in Greater
13 East Asia was definitely recognized and that whatever
14 changes might occur in the international situation and
15 whatever difficulties Japan might encounter there would
16 be no change whatever in the fact that the Pact consti-
17 tuted the keynote of Japan's diplomacy.

20 The beginning of October, the time set by the
21 Imperial Conference of 6th September for the decision on
22 the opening of hostilities, was rapidly approaching, but
23 the Army and Navy were still contending as to whether
24 the Navy would be able to carry out its mission with
25 the existing supply of oil. TOJO was impatient of the
diplomatic discussions with America and insisted that

the attack should not be delayed. The Army leaders
1 declared that they would withhold the attack until 15th
2 October, but would wait no longer. Konoye and KIDO
3 discussed the question of disagreement between the Army
4 and Navy on the subject of oil reserves. Konoye declared
5 that he had no confidence so long as this disagreement
6 existed and there was no choice for him but to consider
7 his resignation if the Army insisted on starting the war
8 on 15th October. KIDO implored him to be prudent, and
9 called in SUZUKI for consultation.

11 Mr. Hull delivered to Nomura a complete review
12 of the negotiations on 2nd October. The review concluded
13 with a statement that the United States Government had
14 endeavoured to make clear that it envisaged a comprehen-
15 sive programme calling for the uniform application to
16 the entire Pacific Area of the principles which Mr. Hull
17 and the President had enunciated, but that the Japanese
18 Government had indicated its intention to circumscribe
19 the application of those principles by qualifications
20 and exceptions. Mr. Hull then asked: "If this impression
21 is correct, can the Japanese Government feel that a meet-
22 ing between the responsible heads of Government under
23 such circumstances would be likely to contribute to the
24 advancement of the high purposes which we have mutually
25 had in mind?"

1 The impression was correct. As we have pre-
2 viously noted, Toyoda, Japan's Foreign Minister, told
3 Nomura on the 13th September that Japan could not accept
4 the four principles. Nomura reported to Toyoda on 8th
5 October 1941 that the Americans insisted upon the four
6 principles as the basis on which relations between the
7 two countries should be adjusted, that they had always
8 felt that if conversations between Konoye and the Presi-
9 dent were to occur it would be necessary to have a defi-
10 nite understanding that those principles would be applied
11 to the problems in the Pacific, and that they believed
12 that so long as there was disagreement on that matter
13 it would be futile to discuss details. KIDO and Konoye
14 agreed after receiving this message that the prospects
15 of an agreement were very discouraging; and KIDO suggested
16 that it might be necessary to reconsider the decision
17 of 6th September and postpone the attack until Japan
18 should be better prepared. KIDO suggested that the termi-
19 nation of the China Incident was the first consideration,
20 meaning thereby the military defeat of China.

22 DECISION FOR WAR - 12 OCTOBER 1941.

23 War Minister TOJO, the Army Chief of Staff and
24 other Army leaders revealed in their discussion of the
25 subject with the German Ambassador in the first days of
October that they had signed the Tripartite Pact in order

to carry out the advance to the South and establish Japan
1 in South East Asia, and that in order to accomplish their
2 purpose by defeating Britain it was necessary to keep
3 America at bay and eliminate the U.S.S.R. The Chief
4 Secretary of the Cabinet discussed the American negotia-
5 tions with KIDO on 7th October 1941. He reported that
6 the Army, under the leadership of TOJO, was of the opinion
7 that there was no room left for the continuation of the
8 parley with America, but that the Navy held the opposite
9 view. He suggested that Konoye should talk to TOJO in an
10 effort to promote a better understanding with the Navy
11 and then call TOJO and the Navy Minister to a meeting
12 with Konoye and the Foreign Minister to secure cooperation
13 between the Army and Navy.
14

15 Konoye talked with TOJO, but TOJO insisted that
16 there was no hope for diplomatic success in the American
17 negotiations and that the Cabinet should make up its
18 mind for war. Konoye requested War Minister TOJO, Navy
19 Minister Oikawa, Foreign Minister Toyoda and President
20 of the Planning Board SUZUKI to meet at his residence
21 on 12th October 1941 for a final conference on the ques-
22 tion of war or peace. Before the conference, the Navy
23 Minister sent OKA to Konoye with the message that the
24 Navy was not ready for war with the United States but
25 was prevented from saying so by its prior consent to go

to war given at the Imperial Conference of 6th September.

1 Accordingly he intended at the approaching conference to
2 leave the matter to Konoye and that he hoped Konoye
3 would decide to continue the negotiations.

4 Konoye opened the meeting on 12th October 1941
5 by stating that at last the Ministers must decide whether
6 it would be war or peace and suggested that they re-
7 examine the possibility of success by diplomatic negotia-
8 tions. TOJO retorted that there was no hope of success
9 by continuing the negotiations. The Navy Minister sug-
10 gested that the decision of that question should be left
11 to the Prime Minister. TOJO declared that, since all
12 of the Ministers were responsible for the decision, it
13 should not be left to the Prime Minister alone. TOJO
14 agreed to reconsider his determination to break off the
15 negotiations provided the Foreign Minister would assure
16 him of inevitable success by continuing them. The Foreign
17 Minister pointed out the obstacles to an agreement between
18 Japan and the United States and stated that the major
19 obstacle was the presence of Japanese troops in China.
20 TOJO emphatically declared that Japan could not yield on
21 that point, and that, due to the sacrifices she had made
22 in the China War, the Government must insist upon
23 complete realization of the Konoye principles. It was
24 finally decided (1) that Japan should not abandon the

1 plan adopted in September and October 1940, (2) that an
2 effort should be made to determine whether the negotiations
3 with the United States would be successful within the time
4 to be set by the Imperial Headquarters, and (3) that
5 preparations for the attack should not be discontinued
6 unless that question should be answered in the affirmative.

7 The Chief Secretary of the Cabinet reported
8 the results of the Conference to KIDO; and the next day
9 KIDO and SUZUKI, in discussing the Conference, came to
10 the conclusion that Konoye should make further efforts to
11 promote an understanding between TOJO and the Navy Minis-
12 ter. That night Konoye summoned Toyoda to give a com-
13 plete report upon the Japanese-American negotiation.
14 Toyoda gave it as his opinion that Japan would inevitably
15 be forced to withdraw her troops from China in order to
16 reach an agreement with the United States. The next
17 morning, 14th October 1941, prior to the Cabinet meeting
18 Konoye summoned TOJO, informed him that according to his
19 investigation there was no hope of obtaining Japan's
20 objectives through negotiating with the United States if
21 Japan insisted on retaining troops in China, but there
22 was some hope of success if Japan "yielded on the
23 pretence and took the reality." He tried to persuade
24 TOJO to agree to an abandonment of the plans for the
25 advance to the South and to concentration of Japan's

1 efforts on settlement of the China War. He pointed out
2 the apparent weakness of Japan and her Allies and warned
3 that if Japan should attack the United States it would
4 be a real world war. TOJO answered that the sacrifices
5 of Japan in the China War were such that he could not
6 agree to Japanese troops being withdrawn from China even
7 if it meant his resignation from the Cabinet. Konoye
8 then requested that he repeat his statement at the Cabinet
9 meeting. TOJO maintained his position before the Cabinet
10 meeting of 14th October, and the meeting adjourned with-
11 out reaching a decision.

12 MUTO attempted through OKA to persuade the Navy
13 Minister to declare whether or not the Navy was prepared
14 to proceed with the war, but MUTO was unsuccessful.
15 Late on the night of 14th October 1941 TOJO despatched
16 SUZUKI to Konoye with a message to the effect that since
17 the Navy Minister would make no declaration in the matter
18 nothing could be done, and that since the Cabinet was
19 unable to carry out the decision of the Imperial Con-
20 ference of 6th September there was nothing left for them
21 to do but resign en bloc. He asked Konoye to inform
22 KIDO. Konoye in turn instructed SUZUKI to inform KIDO,
23 which he did the next morning. Later in the day, Konoye
24 called on KIDO and told him that he would no longer
25 continue as Prime Minister because of the disagreement

with TOJO. TOJO had said that he did not wish to discuss
1 matters with Konoye as he was not sure he would be able
2 to control his anger. Konoye collected the letters of
3 resignation of his Ministers on the morning of the 16th
4 October 1941 and adding his own delivered them to the
5 Emperor over the objection of KIDO late in the afternoon
6 of that day.

7
8 Konoye's letter of resignation gives a vivid
9 explanation of the situation. He explained that, when
10 he organized the Third Konoye Cabinet to prosecute the
11 expansion to the South, it was his firm conviction that
12 his Cabinet's objective would be obtained through nego-
13 tiations with the United States Government, and that
14 although his expectations had not been realized to date
15 he still believed that "If we take the attitude of
16 yielding to her in appearance but keeping for us the
17 substance and casting away the name," those objectives
18 might be obtained through the negotiations. Konoye said
19 that TOJO had been demanding that war be commenced with
20 the United States on 15th October in accordance with
21 the decision of the Imperial Conference of 6th September
22 and had given as his reason that the situation had come
23 to a point when no other means could be found to obtain
24 the Japanese demands. Konoye declared that it was
25 impossible for him to accept the responsibility for

plunging the Nation again into a titanic war the outcome
1 of which could not be forecast.

2 TOJO BECOMES PRIME MINISTER 18 OCTOBER 1941.

3 KIDO made a last minute appeal to TOJO for
4 harmony among the Cabinet members by explaining that the
5 country had a right to expect unity of purpose and
6 cooperation between the Army and Navy before plunging
7 into a war with the United States. He suggested that
8 the decision of the 6th September to begin the war in
9 the first part of October might have been wrong and that
10 it should be reviewed in an effort to obtain complete
11 agreement. TOJO agreed with KIDO; but before KIDO
12 could take further action, Konoye had submitted the
13 resignation of his Cabinet.
14

15 KIDO immediately saw the Emperor and discussed
16 a successor to Konoye. KIDO recommended either TOJO or
17 the Navy Minister should be appointed. The next morning
18 the Senior Statesmen assembled with Wakatsuki, Okada,
19 Hayashi, HIROTA, Abe and Yonai, among others, present.
20 KIDO opposed a suggestion of either Prince Higashikuni
21 or Ugaki as a successor to Konoye and suggested TOJO.
22 He said that the most important matters were the revision
23 of the decision of 6th September and the settlement of
24 differences between the Army and Navy. HIROTA was
25 among those who gave positive approval of KIDO's suggestion

that TOJO be Prime Minister, none opposed it. Upon
1 submitting the recommendation, KIDO advised the Emperor
2 to issue special instructions to both TOJO and the Navy
3 Minister. These special instructions were discussed by
4 KIDO with TOJO and the Navy Minister in the anteroom
5 after their audience with the Emperor. KIDO told them
6 that he presumed that the Imperial message had just been
7 given them regarding cooperation. He understood it to
8 be the Emperor's wishes that in deciding national policy
9 it was necessary to investigate domestic and foreign
10 affairs more broadly and deeply and to carry out an
11 earnest study without considering themselves bound by
12 the decision of 6th September. He then delivered to
13 each of them written instructions calling for cooperation
14 between the Army and Navy and specially calling upon
15 the Navy Minister to further that cooperation more closely,
16

17 TOJO was promoted to General on 18th October
18 1941 and given permission to remain on active duty while
19 serving as Prime Minister in order that he might also
20 serve as War Minister. He held both of these positions
21 during the entire term of his Cabinet. He also served
22 as Minister of Munitions and for short periods of time
23 as Minister of Education, Home Minister, Foreign Minis-
24 ter, and Minister of Commerce and Industry. SHIMADA
25 served as Navy Minister for the entire term of the TOJO

Cabinet. In February 1944 TOJO took over the duties of
1 Chief of the Army General Staff in addition to his many
2 other duties, and SHIMADA took over the position of Chief
3 of the Navy General Staff at the same time in addition
4 to his position as Navy Minister. KIKURA remained as
5 Vice-Minister of War until 11th March 1943, when he be-
6 came War Councillor. He was appointed Commander-in-Chief
7 of Japanese forces in Burma on 30th August 1944. MUTO
8 remained as Chief of the Military Affairs Bureau until
9 20th April 1942, when he was appointed Commander of the
10 Imperial Guards Division in northern Sumatra. SATO
11 remained in the Military Affairs Bureau and succeeded
12 MUTO as Chief of that Bureau. OKA remained as Chief of
13 the Naval Affairs Bureau of the Navy Ministry during the
14 entire term of the TOJO Cabinet. TOGO served as Foreign
15 Minister until 1st September 1942. KAYA served as
16 Minister of Finance until 19th February 1944. SUZUKI
17 served as President of the Planning Board and as Minister
18 without Portfolio until the TOJO Cabinet resigned.
19 HOSHINO was Chief Secretary of the Cabinet during its
20 entire term. OSHIMA continued as Ambassador to Germany.
21 SHIGEMITSU remained as Ambassador to Great Britain until
22 his appointment as Ambassador to the Puppet Central
23 Government of China on 16th December 1941 where he served
24 until his appointment as Foreign Minister in the TOJO
25

Cabinet on 20th April 1943. DOHIHARA remained as Chief
1 of Air Inspectorate General and concurrently a Supreme
2 War Councillor. Later, in May 1943 he was given command
3 of Japan's Eastern Army until March 1944 when he was
4 appointed Commander of the 7th Area Army at Singapore.
5 HATA, UMEZU, and ITAGAKI were in command of Japanese
6 forces in China and Korea.

7
8 PREPARATIONS FOR WAR CARRIED ON UNDER TOJO.

9 TOJO carried on the plan decided in September
10 and October 1940. Under interrogation after the sur-
11 render he was asked: "You explained that the policy
12 after the 6th September (1941) Imperial Conference was
13 on the one hand to negotiate for peace and on the other
14 to prepare for war; did you continue that policy?" TOJO
15 answered, "Yes, I undertook the work as Premier."

16 The Japanese overseas intelligence service was
17 improved and extended after the TOJO Cabinet was organized,
18 particularly in the Netherlands East Indies, in prepara-
19 tion for the capture of the oil installations in those
20 islands. The Kokusaku-Kenkyu-Kai, or National Policy
21 Investigation Association, which had been in existence
22 since 1936, began to make plans and appointed a "Committee
23 for Administrative Measures" to devise plans for adminis-
24 tration of the Southern Areas which the Japanese Govern-
25 ment expected to occupy. Its first report was forwarded

to TOJO as Prime Minister in October 1941. The Army and
1 the Ministry of Overseas Affairs adopted the plan. Addi-
2 tional invasion maps were prepared. The Army and Navy
3 began issuing plans and regulations for joint operations,
4 and the organization of the Southern Army, which was
5 later to have its headquarters at Singapore, was completed
6 and its commander selected. Its initial headquarters
7 was established at Saigon. The Corps in training near
8 Canton for the attack upon Hong Kong was preparing inten-
9 sively for the attack and, according to captured diaries
10 of its members, expected to complete its training early
11 in December.

13 SHIMADA and OKA were concerned with the plan to
14 attack Pearl Harbor. Discussions took place at the
15 Naval War College regarding the plan. The Commander of
16 the Combined Fleets, Yamamoto, proposed to attack the
17 United States Pacific Fleet while it lay at anchor at
18 Pearl Harbor. Others advocated a waiting strategy, which
19 called for an attack upon the American Fleet if and when
20 it attempted to advance among the Japanese fortified
21 islands of the Pacific. Yamamoto threatened to resign
22 and secured the adoption of his plan. The final plans
23 were completed by 1st November 1941. These plans provided
24 for attacks against Pearl Harbor, Singapore, and various
25 other American, British as well as Dutch possessions.

TOJO immediately upon the formation of his
1 Cabinet began to act upon KIDO's advice as approved by
2 the Emperor "to investigate the domestic and foreign
3 affairs more broadly and deeply." A list of subjects
4 to be so investigated was completed in the latter half
5 of October. The list was entitled "Major Items to be
6 Re-Examined Concerning Essentials for the Prosecution of
7 National Policies." The list contained such subjects as:
8 "What is the future outlook of the European War Situation?"
9 "What is the outlook from the point of view of strategy
10 in regard to a war against the United States, Great
11 Britain and the Netherlands in the initial stage and
12 when protracted over several years?" "Assuming that we
13 initiate war in the Southern Regions this Fall, what will
14 be forthcoming as relative phenomena in the North?"
15 "What degree of cooperation can we induce Germany and
16 Italy to give us in connection with the opening of the
17 war against the United States, Great Britain, and Holland?"
18 "Is it possible for us to restrict our adversaries of the
19 war to only the Netherlands, or Great Britain and the
20 Netherlands?" "Will it be possible to attain within
21 the shortest possible time our minimum demand which was
22 decided at the Imperial Conference of 6th September by
23 continuing negotiations with the United States?"
24
25

The foregoing subjects were assigned to various

1 Ministries and Bureaux for study and the Government con-
2 ferred upon them with the Imperial General Headquarters
3 in a series of Liaison Conferences. These Liaison Con-
4 ferences were held almost daily as TOGO explained to
5 Nomura in Washington, "in order to lucubrate upon a
6 fundamental national policy." The conferences were
7 regularly attended by TOJO, TOGO, SHIMADA, KAYA, SUZUKI,
8 HOSHINO, MUTO and OKA. HOSHINO, formerly Director of
9 the General Affairs Board of the puppet state of Man-
10 chukuo in which position he had worked with TOJO, and
11 formerly President of the Planning Board in Japan, had
12 been selected as Chief Secretary of the Cabinet by TOJO
13 because of his long experience in economic planning and
14 had been charged by TOJO to devote his main efforts to
15 such activities in cooperation with SUZUKI, whom TOJO
16 had selected to head the Cabinet Planning Board. HOSHINO
17 also acted as Recorder for the conferences. SUZUKI
18 acted as liaison between the conferences and Lord Keeper
19 of the Privy Seal KIDO. MUTO as Chief of the Military
20 Affairs Bureau and OKA as Chief of the Naval Affairs
21 Bureau acted as liaison between their Ministries and
22 the Army and Navy General Staffs respectively.
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25

NEGOTIATIONS WITH UNITED STATES OF AMERICA1 RENEWED

2 TOJO had selected TOGO as his Foreign Minister
3 primarily to conduct the negotiations with the United
4 States. Ambassador Nomura was uncomfortable and desired
5 to be relieved. He said in his communication to TOGO
6 on 23rd October, "I am sure that I, too, should go out
7 with the former Cabinet. I know that for some time the
8 Secretary of State has known how sincere I was, yet
9 knew how little influence I have in Tokyo. Nor do I
10 imagine that you all have any objections at the Foreign
11 Ministry now that I am already a dead horse. For me,
12 it is painful to continue in a deceptive existence,
13 deceiving myself and others." TOGO advised Nomura on
14 2nd November, "We have carefully considered and dis-
15 cussed a fundamental policy for the improvement of
16 relations between Japan and America; but we expect to
17 reach a final decision at the Imperial Conference on
18 the morning of 5th November and will let you know the
19 result immediately. This will be our Government's
20 last effort to improve diplomatic relations. When we
21 resume negotiations, every aspect of the situation
22 makes it urgent that we reach a decision at once. This
23 is to be strictly kept for your information."

24 TOGO cabled Nomura again on 4th November. He

1 said that conference had followed conference and at
2 lest they were able to bring forth a counter-proposal
3 for the resumption of Japanese-American negotiations
4 based upon the unanimous opinion of the Cabinet and
5 the Military. He added, however, that this would be
6 the last effort at negotiation, that they had decided
7 to gamble the fate of their land on the throw of this
8 die, and that if a quick accord was not reached the
9 talks would be ruptured and the relations of the two
10 countries would be on the brink of chaos. He declared
11 that Japan was making her last possible bargain. He
12 instructed Nomura to follow his instructions to the
13 letter in conducting the negotiations as there would be
14 no room for personal interpretation. He then impressed
15 upon Nomura the importance of his mission by stating
16 that he was in a key position and that the Cabinet
17 was placing great hopes on his ability to "do something
18 good for our Nation's destiny." At that point he urged
19 Nomura to think deeply and compose himself and make up
20 his mind to continue at his post.

21
22 TOGO, in his series of cables to Nomura on
23 4th November, transmitted the counter-proposal which
24 had been decided upon. He said that the proposal was
25 yet to be sanctioned at the Imperial Conference
scheduled for the next morning, but that as soon as that

1 sanction was obtained he would inform Nomura and that
2 he desired the proposal presented immediately upon
3 receipt of that information. The proposal was desig-
4 nated "Proposal A", and was in the form of an amendment
5 of the Japanese Government's proposals of 25th September,
6 and was described in the cable from TOGO to Nomura as
7 an "ultimatum". The proposal provided for a gradual
8 withdrawal of Japanese troops. The first withdrawal
9 was to be from French Indo-China and was to be made
10 if and when a peace treaty should be signed with the
11 National Government of China. Upon the signing of the
12 peace treaty troops would be withdrawn from China,
13 except in designated areas to be specified in the
14 treaty, whence they would be evacuated after a suitable
15 period. On the period of the stationing of troops in
16 these areas, TOGO told Nomura "Should the American
17 authorities question you in regard to 'the suitable
18 period' answer vaguely that such a period should en-
19 compass 25 years." Regarding the Tripartite Pact, the
20 proposal renewed the Japanese Government's determina-
21 tion not to give an assurance that Japan would not
22 attack the United States as provided by the Pact, but
23 the Japanese Government would make its own interpretation,
24 independently of the other Axis Powers, of its obliga-
25 tion under the Pact. On the question of non-discrimination

in trade, Japan would agree to apply the principle provided it would be applied universally throughout the world. TOGO made it clear that while terms might be made with America upon other matters Japan would not yield on their demand to station troops in China. Their sacrifices in China over four years and the internal situation in Japan made it impossible to yield upon this point. In other words Japan required America to condone the invasion of China and to leave that country in servitude to Japan. A "Proposal B" was also transmitted to Nomura to be presented if no agreement could be reached on "Proposal A." This will be dealt with later.

TOGO informed Nomura in his telegram on 4th November that in view of the gravity of the negotiations and in view of Nomura's request to be relieved he was sending Ambassador Kurusu as a Special Envoy to assist him in conducting the negotiations, but that he was carrying no new instructions. A few days later, TOGO confided to the German Ambassador that Kurusu had been instructed on the firm attitude of the Japanese Government and that Kurusu had been given a definite time limit which he could not cross. Nomura was instructed to make arrangements for Kurusu to see the President of the United States immediately upon his

1 arrival.

2 The Cabinet imposed additional censorship
3 regulations on news dispatches and speeches which
4 might disclose Japanese war preparations and strategic
5 activities during the conduct of the negotiations.

6 An Imperial Conference was held on 5th November
7 1941 as TOGO had advised Nomura, TOJO, TOGO, SHIMADA,
8 KAYA, SUZUKI, MUTO, OKA and HOSHINO were present. The
9 policy to be pursued against the United States, Great
10 Britain and the Netherlands was decided upon. It was
11 decided to re-open the Japanese-American negotiations
12 and to offer the United States Government two proposi-
13 tions in the alternative which were designated as
14 "A" and "B". These were the propositions transmitted
15 to Nomura the day before. It was further decided that
16 if neither of these were accepted by the United States
17 on or before 25th November, the Japanese Government
18 would notify the German and Italian Governments of its
19 intention to begin the war against the United States
20 and Great Britain and call upon them to participate and
21 to agree not to make a separate peace. The decision
22 contemplated using the American Government for secur-
23 ing an agreement with Great Britain if the American
24 Government agreed to either of the proposals.
25

Immediately after the conference on 5th November,

1 TOGO cabled Nomura that the proposals had been sanctioned
2 at the conference and that he was to begin the talks
3 along the lines given in the instructions of the day
4 before. While arrangements for signing any agreement
5 must be completed by the 25th November, Nomura was
6 instructed to avoid giving the impression that a time
7 limit for agreement had been fixed by the Japanese or
8 that the proposal was of the nature of an ultimatum.

9 It was further decided at the Imperial Confer-
10 ence that Thailand should be approached to permit
11 passage of Japanese troops through her territory. Japan
12 would promise to respect the sovereignty and territorial
13 integrity of Thailand. The bait was to be held out to
14 Thailand that Japan would consider giving her part of
15 Burma or Malaya. As to the Netherlands East Indies,
16 to conceal Japan's intentions negotiations would be
17 opened on the subject of procuring essential materials
18 for Japan. The Philippines would be made independent
19 after occupation as would also a portion of the Nether-
20 lands East Indies, while the rest would be retained by
21 Japan.

22
23 TOJO called upon KIDO immediately after the
24 conference and informed him of the decisions just
25 mentioned, of the formation of the Southern Army and of
the decision to send Kurusu to Washington to assist

1 Nomura. On 5th November 1941 TOGO sent a further cable
2 to Nomura making 25th November positively the final
3 date for signing terms with America.

4 NAVY ORDER FOR ATTACK

5 The Commander of the Japanese Combined Fleets,
6 Yamemoto, visited the Chief of the Naval General Staff,
7 Nagano, in Tokyo on 3rd November and gave his approval
8 to the final draft of the Combined Fleet Operations Order
9 which had been under preparation for months. The order
10 provided for the execution of the advance to the South
11 by attacking Singapore and completing an enveloping
12 movement against the Netherlands East Indies in the
13 manner originally planned on 4th October 1940. It also
14 provided for the attack upon the Philippines which
15 OSHIMA had mentioned to Ribbentrop months before as
16 being under preparation. These attacks were to be
17 covered by an attack upon Pearl Harbor to destroy
18 the United States Pacific Fleet. The British and
19 Americans were to be driven from China by attacks upon
20 Hong Kong and Shanghai and other incidental operations
21 were included. The order read: "The Empire is expecting
22 war to break out with the United States, Great Britain
23 and the Netherlands. When the decision is made to
24 complete over-all preparations for operations, orders
25 will be issued establishing the approximate date (Y-Day)

for commencement of operations (sic) and announcing
1 'First Preparations for War.'" The order then continued
2 with instructions that upon the announcement of Y-Day
3 all fleets and forces, without further special orders,
4 would organize and complete battle preparations and
5 when directed by their commanding officers the various
6 fleets and forces would proceed to their rendezvous
7 and wait in readiness for the attack. The order pro-
8 vided further: "The time for outbreak of war (X-Day)
9 will be given in an Imperial General Headquarters Order.
10 This order will be given several days in advance. After
11 0000 hours, X-Day, a state of war will exist. Each
12 force will commence operations according to plan."
13 After leaving the Imperial Conference on 5th November,
14 the Chief of the Naval General Staff ordered Yamamoto
15 to issue the order and it was issued on that day.
16

17 PROPOSAL "A" PRESENTED 7 NOVEMBER 1941.

18 Ambassador Nomura presented his "Proposal A"
19 to Mr. Hull on 7th November. On 10th November he read
20 a memorandum explaining that proposal to the President
21 of the United States, but the memorandum was vague and
22 uncertain. On the day Nomura was reading that memorandum,
23 Vice-Admiral Nagumo, who was to command the carrier task
24 force in its attack upon Pearl Harbor, issued his order
25 to his task force to rendezvous at Tanken Wan (Hitokappu

1 Bay, Etorofu Island, Kuriles). SHIMADA said that
2 the order directed all ships of the task force to
3 complete battle preparations by 20th November and pro-
4 ceed to the rendezvous under strict security regulations.
5 Combined Fleet Operation Order No. 3 of 10th November
6 fixed 8th December as "X-Day." That was the day when
7 after 0000 hours a state of war would exist.

8 On 12th November Mr. Hull told Nomura that the
9 Japanese proposal was being studied and that he hoped to
10 reply to it on the 15th.

11 The United States Government was maintaining
12 close contact with the British, Netherlands and Chinese
13 Governments during the conduct of the negotiations and
14 there was an understanding that if the Japanese Govern-
15 ment should agree to the four basic principles which
16 Mr. Hull and the President had enunciated, those Govern-
17 ments would be consulted before any agreement would be
18 reached upon specific problems in the Far East and the
19 Pacific Area. Prime Minister Winston Churchill declared
20 on 10th November in the course of a speech delivered in
21 London: "We do not know whether the efforts of the
22 United States to preserve peace in the Pacific will be
23 successful. But, if they fail, I take this occasion
24 to say -- and it is my duty to say -- that should the
25 United States be involved in a war with Japan, a British

1 declaration will follow within an hour." The British
2 Ambassador called upon TOGO the next day to explain his
3 Government's position. During the course of the converse-
4 tion, TOGO informed the Ambassador that the negotiations
5 had entered their final phase, that Japan had made her
6 final proposal, and that if the United States rejected
7 it, there would be no reason to continue negotiations
8 further.

9 The Liaison Conferences continued almost daily
10 for the decision of questions relating to the attack.
11 The conference of 11th November decided upon the policy
12 to overthrow quickly the American, British and Dutch
13 bases in the Far East, to establish Japanese self-
14 sufficiency, and at the same time to hasten the surrender
15 of the Chungking Regime. The plan was to concentrate
16 on Great Britain with the cooperation of the Axis Powers
17 so as to defeat that country first and then deprive
18 America of her will to continue the war. Japanese
19 troops were moving into position. The air units were
20 assembling at Saigon for their attack upon Singapore.
21 The ships which were to make up the carrier task force
22 for the attack upon Pearl Harbor were sailing from
23 Japanese ports bound for their rendezvous at Tanakan Wan.

24 The United States Government impliedly rejected
25 the "ultimatum" or "Proposal A" presented by Nomura on

7th. November when Mr. Hull delivered a memorandum to
1 Nomura on 15th November replying to that proposal.
2 Mr. Hull pointed out that the proposals regarding the
3 withdrawal of Japanese troops were indefinite and un-
4 certain as they did not specify a time limit for such
5 withdrawal nor the areas to be evacuated. He said
6 also that the United States could not undertake that
7 other Powers would give universal application to the
8 principle of non-discrimination in trade. No reply
9 was ever received to this memorandum. Nomura had
10 advised TOGO the day before that the United States
11 Government was determined to do everything possible
12 short of war to stop further Japanese military moves
13 either southward or northward and that rather than
14 yield on that point they would not hesitate to fight,
15 as they had no intention of committing another mistake
16 like that of Munich.

18 After receiving the memorandum from Mr. Hull,
19 TOGO began final preparations for the attack. He cabled
20 the Japanese Consul-General in Honolulu to take extra
21 care to preserve secrecy, but to make his reports on
22 ships in harbor at least twice a week as the situation
23 was most critical. Nomura had asked for an extension of
24 time, but TOGO replied to him on the 16th as follows:
25 "I set the deadline for the solution of these negotiations

1 and there will be no change." He instructed Nomura
2 to press for a solution on the basis of the proposals
3 "A" and "B" and to do his best to bring about an
4 immediate solution. TOGO then turned his attention to
5 negotiation of an agreement with the German Government
6 not to conclude a separate peace in case Japan became
7 involved in war with the United States regardless of the
8 cause of the war. The agreement was reached on 21st
9 November.

10 We will recess for fifteen minutes.

11 (Whereupon, at 1045, a recess was
12 taken until 1100, after which the proceedings
13 were resumed as follows:)
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MARSHAL OF THE COURT: The International
1 Military Tribunal for the Far East is now resumed.

2 THE PRESIDENT: I proceed with the reading
3 of the Tribunal's Judgment:

4 PROPOSAL "B" 20th NOVEMBER 1941

5 Special Envoy Kurusu arrived in Washington on
6 15th November 1941, but he did not present any new
7 proposals until he and Nomura presented to Mr. Hull
8 the alternative "Proposal B" on 20th November. This
9 was the alternative which TOGO had transmitted to
10 Nomura on 4th November and which had been approved by
11 the Imperial Conference on 5th November. TOGO had
12 instructed Nomura not to present "Proposal B" until it
13 became apparent that an agreement could not be reached
14 on "Proposal A". This "Proposal B" was a completely new
15 draft proposal and was not intended as an amendment of
16 prior proposals. It made no mention of the Tripartite
17 Fact, the question of removal of troops from China, or
18 the principle of non-discrimination in trade. Japan
19 offered to withdraw her troops from southern French
20 Indo-China upon acceptance of the proposals and to
21 withdraw them from northern French Indo-China upon
22 negotiation of a peace treaty with Generalissimo Chiang
23 Kai-shek, or upon the conclusion of an equitable peace
24 in the Pacific. In return for these so-called concess-

ions, the United States was asked to agree not to inter-
1 fere with the negotiation of the peace treaty with
2 Generalissimo Chiang Kai-shek and to agree to furnish
3 Japan with oil. The proposal also provided for a mutual
4 agreement to cooperate in the acquisition and exploit-
5 ation of natural resources in the Netherlands East
6 Indies and to cooperate in the restoration of commercial
7 relations to the situation existing before issuance of
8 the freezing orders.

9
10 The American Government arrived at the conclus-
11 ion that the Proposal B was not sincere in view of
12 information contained in Japanese messages which the
13 American intelligence service had intercepted and
14 decoded, and in view of the fact that troops withdrawn
15 from southern French Indo-China were to be maintained
16 in northern French Indo-China and on Hainan Island,
17 whence they could be brought back in a day or two.
18 Japan proposed to maintain the position she had
19 seized vis-a-vis southern French Indo-China, a position
20 which threatened the countries to the south and
21 threatened the trade routes. The American Government
22 considered that acceptance of this proposal would
23 amount to condonation of Japan's past aggression and
24 approval of unlimited conquest by Japan in the future
25 as well as abandonment of the principles of the United

States of America and the betrayal of China.

1 Mr. Hull called a conference of the Ambassadors
2 and Ministers from Great Britain, Australia and the
3 Netherlands on the morning of 22nd November and asked
4 for their opinions on the Japanese proposals. This
5 conference agreed that if Japan sincerely desired
6 peace and firmly intended to adhere to a peaceful policy
7 they would welcome it and would be glad to cooperate in
8 resuming normal trade relations with Japan, but that
9 the proposals and statements of Japan's Ambassadors in
10 Washington seemed to be opposed to the statements of the
11 Japanese leaders and Press in Tokyo. The British and
12 Dutch representatives agreed to consult their Govern-
13 ments and to report their opinions to Mr. Hull.

14 Mr. Hull met Nomura and Kurusu on the afternoon
15 of the 22nd November 1941. He informed them of the meet-
16 ing held that morning and of his expectation of a decis-
17 ion by the conference on the following Monday, 26th
18 November. Nomura and Kurusu pressed for an expression
19 of the American attitude independently of the British
20 and Dutch opinions. Mr. Hull replied that all of the
21 Powers concerned were anxious that the pressing problems
22 in the South Pacific be resolved, but from that viewpoint
23 the latest proposal was not sufficient. On 22nd November
24 TOGO cabled Nomura that the 29th November was the latest
25

1 date for the conclusion of an agreement as "after that
2 things are automatically going to happen."

3 Nomura and Kurusu met Mr. Hull again on 26th
4 November. Mr. Hull, after pointing out that the
5 "Proposal B" violated the four fundamental principles
6 which he had enunciated early in the negotiations and to
7 which the United States of America was committed, inform-
8 ed the Ambassadors that the American Government was of
9 the opinion that the adoption of the proposals would
10 not contribute to ultimate peace in the Pacific.
11 Mr. Hull suggested that further efforts be made to
12 reach an agreement on the practical application of these
13 four fundamental principles. With that object in view,
14 he offered a new draft proposal which in its essence
15 provided for enforcement of the four fundamental
16 principles in the Far East, and which contemplated a
17 multilateral agreement among the United States of
18 America, Great Britain, China, Japan, the Netherlands,
19 Thailand and the U.S.S.R. for withdrawal of Japanese
20 forces from China and for maintaining the territorial
21 integrity of that country.
22

23 The proposed agreement provided that Japan and
24 the United States of America, with a view to ensuring a
25 lasting peace in the Pacific, would declare (1) that
they had no designs on the territory of other nations;

(2) that they would not use military force aggressively;
1 (3) that they would not interfere in the internal affairs
2 of other states; and (4) that they would settle inter-
3 national disputes by peaceful processes. These were the
4 four general principles which Mr. Hull had stated as
5 early as 16 April 1941, and which the United States of
6 America had all along insisted must be agreed upon in
7 principle and applied in practice. They were principles
8 to which Japan had, prior to 1930, repeatedly stated her
9 adherence but which she had since that date often
10 infringed in practice.
11

12 In the domain of international commerce it was
13 proposed (1) that there should be no discrimination as
14 between nationals of different states; (2) that excessive
15 restrictions on the flow of international trade should be
16 abolished; (3) that there should be access without
17 discrimination by the nationals of all states to raw
18 materials; and (4) that trade agreements between states
19 should ensure the protection of the interests of the
20 populations of countries which must import goods for
21 consumption. These were principles to which Japan in her
22 dependence on international trade and as a large importer
23 of goods for consumption could hardly object, and, indeed,
24 there had already been agreement on the substance of them
25

1 in the course of the prior negotiations. But the practical
2 application of all the above principles was a
3 different matter. Japan had waged a war of aggression
4 against China for years, in the course of which she had
5 possessed herself of Manchuria, had occupied a large
6 part of the rest of China, and had controlled and diverted
7 much of Chinese economy to her own uses. She had now
8 obtained the essential bases in French Indo-China for,
9 had made all the preparations for, and was poised to launch
10 a new series of predatory attacks upon her neighbors to
11 the South. She hoped that these would secure for her
12 the booty of her past aggressions and the further territories
13 and materials she required to make her dominant
14 in East Asia and the Western and Southern Pacific. The
15 practical application of the above principles would
16 involve the surrender of the fruits of her past aggression
17 and the abandonment of her schemes for further aggression
18 towards the South.

19
20 From the beginning of the negotiations the
21 United States of America had steadfastly insisted on an
22 acknowledgement of the principles she had stated, and
23 Hull had repeatedly called attention to the necessity
24 of working out the translation of these principles into
25 practice. In the early stages of the negotiations Japan
had evaded giving an unequivocal declaration of agreement

with the principles. About the month of August 1941
1 Konoye succeeded after great difficulty in obtaining
2 the consent of the Military to his informing the United
3 States of America that Japan accepted the four principles.
4 As we have seen, this was a mere empty gesture. There
5 was no intention to apply the principles. The leaders
6 of Japan had never been prepared to give practical
7 application to the principles, to surrender the booty
8 of the past and to abandon the booty in prospect. They
9 had carried on the negotiations in that knowledge,
10 although they had all along been warned by the United
11 States of America that the practical application of the
12 principles was an essential to any agreement. Some of
13 them apparently hoped by a mixture of military threat
14 and diplomatic maneuver to persuade the United States
15 of America to relax the application of her principles
16 so far at least as to allow Japan to retain the dominant
17 position she had seized in Manchuria and the rest of China.
18 They were not certain that Japan would emerge victorious
19 from a war with the United States of America and the
20 Western Powers, and, if they could persuade these powers
21 to acquiesce in the position Japan had secured in
22 Manchuria and the rest of China they were prepared to
23 abandon, for a while, the projected advance to the South.
24 Others of them did not believe that the Powers could be

1 so beguiled and only acquiesced in the protraction of the
2 negotiations until those who were more hopeful should be
3 persuaded that the beguilement was impossible - which
4 would make for national unity - and until Japan's prepara-
5 tions for war should be completed.

6 In his note of 26th November, Hull detailed
7 certain measures which were essential if the principles
8 were to be acknowledged and put into practice. These
9 were (1) that there should be a non-aggression pact
10 among all the nations with interests in the Far East;
11 (2) that all these nations should reject preferential
12 treatment in their economic relations with French Indo-
13 China; (3) that Japan should withdraw her armed forces
14 from China and French Indo-China; and (4) that Japan
15 should withdraw all support from her puppet government
16 in China.

17 This suggested practical application of the
18 principles brought the leaders of Japan sharply face to
19 face with reality. They had never been prepared to
20 apply the principles in practice and were not prepared
21 to do so now. Their preparations for war were now com-
22 plete. The fleet which was to strike at Pearl Harbor
23 sailed this day in the early morning. They unanimously
24 resolved to go to war and so to manipulate the diplomatic
25 exchange that their military forces would be able to

1 attack the armed forces of the United States of America
2 and Britain at the chosen points before warning, through
3 the breaking off of the negotiations, could reach them.

4 Nomura and Kurusu cabled TOGO that their failure
5 and humiliation were complete. On 27th November the
6 Japanese Foreign Office instructed Kurusu not to break
7 off negotiations. TOGO telegraphed Nomura and Kurusu
8 on 28th November. He said, "In spite of the efforts
9 you two Ambassadors have made, it is surprising and
10 regrettable that such a proposal as the recent one
11 (Mr. Hull's proposal of 26th November) had been made to
12 Japan by the United States. It is impossible for us to
13 negotiate on the basis of their proposal. With the
14 submission of the Imperial Government's opinion of the
15 American proposal (which will be telegraphed in two or
16 three days) the situation will be such that there will
17 be nothing left but to practically drop the negotiation.
18 But, we wish you to refrain from giving the impression
19 to the United States that the negotiation is broken off.
20 Tell them that you are waiting for instructions from your
21 Government." On the 29th November 1941 the Japanese
22 Foreign Office instructed Kurusu and Nomura to make
23 certain representations to the United States State Depart-
24 ment but to be careful not to say anything which could be
25 construed as a rupture of the negotiations. The Foreign

1 Office repeated this warning to the Japanese Ambassadors
2 in Washington on the 30th November.

3 KIDO had discussed the situation with the Emperor
4 on 19th November. He advised the Emperor that if the war
5 should be commenced merely because the time limit for the
6 negotiations had expired, it might subject the Emperor to
7 undue criticism and that therefore the Premier should be
8 ordered to convene another Imperial Conference in which
9 the former Prime Ministers would be allowed to partic-
10 ipate before giving his sanction to the commencement
11 of the war. At a later conference between KIDO and the
12 Emperor on 26th November, they decided that, under the
13 circumstances, another Imperial Conference upon the war
14 should be held. Accordingly, on the morning of 29th Nov-
15 ember, the Jushin, or Council of Senior Statesmen, was
16 convened in preparation for their meeting with the
17 Emperor later in the day. During the morning session
18 TOJO, SUZUKI, SHIMADA, TOGO and KIMURA were present.
19 TOJO explained the inevitability of war with the United
20 States. After an interval, the Jushin and TOJO met with
21 the Emperor, who heard each man's opinion in turn.
22 TOJO gave the Government's point of view. The discussion
23 proceeded upon the theory that war was inevitable, as
24 TOJO had said; and HIRANUMA as well as the other members
25 of the Jushin, with the exception of HIROTA and Konoye,

1 contented themselves with giving advice based on that
2 assumption.

3 LIAISON CONFERENCE 30 NOVEMBER 1941

4 The Liaison Conference which met on 30 November
5 was the conference at which the final details for the
6 attack upon the Allied Powers was agreed upon. TOJO,
7 HIRAYAMA, TOGO, KAYA, SUZUKI, MUTO, OKA, and HOSHINO
8 were present. The planned attack upon Pearl Harbor
9 was freely discussed. The form and substance of the
10 note to the Government of the United States, rejecting
11 Mr. Hull's draft proposal of the 26th and implying a
12 rupture in the negotiations at Washington, was agreed
13 upon. It was agreed that a declaration of war would
14 not be necessary. The time of delivery of the note was
15 discussed. TOJO said that there were various theories
16 advanced as to the time that should elapse between the
17 delivery of the note implying a rupture in the negotiations
18 and the actual attack upon Pearl Harbor. He said that
19 some thought an hour- and-a-half should be the time
20 allowed and that other periods of time suggested were
21 one hour, thirty minutes, etc. All agreed that the time
22 of delivery of the note should not be permitted to destroy
23 the element of surprise in the attack. MUTO said it was
24 finally decided to allow the Navy General Staff to decide
25 upon the time to be allowed between the delivery of the

1 note and the beginning of the attack; that the Navy
2 General Staff was to estimate when their operations
3 would take place and then notify the Liaison Conference
4 of the time at which the United States could be notified.

5
6 IMPERIAL CONFERENCE 1 DECEMBER 1941

7 The Imperial Conference called to sanction the
8 decisions made at the Liaison Conference on 30 November
9 met on 1 December. TOJO, TOGO, SHIMADA, KAYA, SUZUKI,
10 HOSHINO, MUTO and OKA were present, among others. TOJO
11 presided at the conference; he explained the purpose
12 of the conference and thereafter the Ministers and
13 the Chiefs-of-Staff discussed the question from the
14 standpoint of their responsibility. The question was
15 war or peace with the United States, Great Britain and
16 the Netherlands. The decision was in favor of war.
17 The record of that decision reads: "Our negotiations
18 with the United States regarding the execution of our
19 national policy, adopted 5 November, have finally failed.
20 Japan will open hostilities against the United States,
21 Great Britain and the Netherlands." FIDO recorded in his
22 diary: "At 2 p.m. the Imperial Conference was held, and
23 at last, the war against the United States was decided
24 upon. At 4:30 p.m. the Prime Minister visited me to
25 discuss the Imperial Rescript to Declare War." The next

1 day, that is to say, 2 December, the Imperial General-
2 Headquarters issued the order designating 8 December as
3 X-Day, but as we have seen, this date had already been
4 fixed by Combined Fleet Operations Order No. 3 of 10
5 November 1941.

6 Admiral Yamamoto issued an order from his flagship
7 in Hiroshima Bay on 22 November 1941 which was directed to
8 the carrier task force then in its rendezvous at Takan Wan.
9 The order was to the effect that the force would move out
10 of Takan Wan on 26 November and proceed without being
11 detected to Latitude 40 degrees North, Longitude 170 degrees
12 West, so as to arrive there by 3 December. Refueling was
13 to be carried out there as quickly as possible. On the
14 morning of 26 November the carrier task force steamed out
15 of Takan Wan, headed for its refueling point. The force
16 consisted of Japan's six large aircraft carriers as well
17 as battleships and destroyers and other craft. Admiral
18 Nagumo had issued the simple order, "Attack Pearl Harbor!"
19 Nothing further was necessary, for on 23 November he had
20 issued detailed orders for the attack,
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22
23
24
25

TERMINATION OF NEGOTIATIONS WITH UNITED STATES OF
AMERICA

1
2
3 In Washington the peace negotiations were con-
4 tinuing. President Roosevelt, Secretary Hull, and
5 Ambassadors Nomura and Kurusu held a conversation on
6 27th November 1941 from 2:30 p.m. for a period of about
7 an hour. After this interview, Kurusu attempted to
8 carry on a telephone conversation with a member of the
9 Japanese Foreign Office in Tokyo in which he displayed
10 an ignorance of voice code but a surprising knowledge
11 of the plans of the TOJO Cabinet to use the negotia-
12 tions in Washington as a screen to cover the attack
13 upon the Allied possessions in the Pacific. He was
14 advised that the attack was imminent and that he was
15 expected to keep the negotiations going at all costs,
16 in effect, that the appearance of continued negotia-
17 tions was to be maintained although "the date set....
18 has come and gone." The United States was to be pre-
19 vented "from becoming unduly suspicious."
20

21 At about 10 a.m. on 7th December 1941
22 (Washington time 8 p.m. 6th December) TOGO's message
23 to Nomura and Kurusu transmitting the note to be
24 delivered to the United States Government in reply
25 to the United States draft proposal of 26th November
and implying a rupture in the negotiations began to

1 arrive in Washington. It was transmitted in several
2 parts. In one part TOGO informed Nomura that,
3 "Although the exact time for presenting the note to
4 America will be telegraphed later, all necessary
5 preparations should be made upon receipt of this
6 memorandum so that it can be carried out as soon as
7 instructions for such action are received."

8 President Roosevelt in a final effort to
9 reach a peaceful settlement with the Japanese Govern-
10 ment dispatched a personal message to the Japanese
11 Emperor. The message was sent to the American Ambas-
12 sador in Tokyo, Mr. Grew, with instructions to deliver
13 it to the Emperor. This message reached Tokyo at
14 noon and although its contents were known to Japanese
15 officials in the course of the afternoon it was not
16 delivered to Mr. Grew until nine o'clock that night.
17 As soon as he had decoded the message Mr. Grew called
18 upon Foreign Minister TOGO at 15 minutes after mid-
19 night on the morning of 8th December 1941 and re-
20 quested an audience with the Emperor for the purpose
21 of delivering the message; but TOGO informed Mr. Grew
22 that he would present the message to the Throne.
23 Mr. Grew took his leave at 30 minutes after midnight
24 (Washington time 10:30 a.m., 7th December 1941). By
25 this time the two countries were at war as the Naval

Operations Orders already referred to fixed 0000 hours
1 of the 8th December (Tokyo time) as the time at which
2 "a state of war will exist." The attack upon Kota
3 Bharu commenced at 1:25 a.m. and upon Pearl Harbor at
4 3:20 a.m. (both Tokyo time). No satisfactory explana-
5 tion of the delay in delivering to Mr. Grew the Presi-
6 dent's message to the Emperor was given to this Tri-
7 bunal. Whatever effect that message might have had
8 was precluded by this unexplained delay.

10 PEARL HARBOR

11 The Japanese Task Force had proceeded to
12 carry out its operation orders as scheduled. One
13 hour after Mr. Grew had taken his leave of TOGO, that
14 is to say at 1:30 a.m., 8th December 1941 (Pearl Har-
15 bor time, 6 a.m., 7th December) (Washington time,
16 11:30 a.m., 7th December) the planes which were to
17 deliver the first attack on Pearl Harbor took off from
18 the decks of their carriers at a point approximately
19 230 miles north of Pearl Harbor. Ambassador Nomura
20 in Washington had asked for an appointment to see
21 Secretary Hull at 3 a.m., 8th December 1941 (Washing-
22 ton time 1 p.m., 7th December), but he later tele-
23 phoned and asked that the appointment be postponed to
24 3:45 a.m., 8th December 1941 (Washington time 1:45
25 p.m., 7th December). Before Nomura called upon

1 Mr. Hull the first assault upon Pearl Harbor was deliv-
2 ered at 3:20 a.m., 8th December 1941 (Pearl Harbor
3 time 7:50 a.m., 7th December) (Washington time 1:20 p.m.,
4 7th December). Ambassadors Nomura and Kurusu arrived
5 at Secretary Hull's office at 4:05 a.m., 8th December
6 1941 (Washington time 2:05 p.m., 7th December), which
7 was 45 minutes after the first attack was actually de-
8 livered at Pearl Harbor, and were not received by
9 Mr. Hull until one hour after the attack had begun.
10 The Japanese Ambassador stated that he had been in-
11 structed to deliver his message at 3 a.m., 8th Decem-
12 ber 1941 (Washington time 1 p.m., 7th December), but
13 that he was sorry that he had been delayed owing to
14 trouble in decoding and transcribing the message. The
15 Secretary asked why he had been told to deliver the
16 message at the specific hour of 1 p.m. Washington
17 time. The Ambassador replied that he did not know,
18 but that was his instruction. It is true that TOGO
19 had telegraphed instructions to Nomura on 8th Decem-
20 ber 1941 (Washington time 7th December), as follows:
21 "Will the Ambassador please submit to the United
22 States Government our reply to the United States at
23 1:00 p.m. on the 7th, your time." A second attack
24 was delivered upon Pearl Harbor by horizontal bombers
25 from 4:10 a.m. to 4:45 a.m. (Pearl Harbor time 8:40

a.m. to 9:15 a.m.) and a third attack was delivered
1 by dive bombers from 4:45 a.m. to 5:15 a.m. (Pearl
2 Harbor time 9:15 a.m. to 9:45 a.m.).

3 KOTA BHARU

4 Forty-five minutes after Mr. Grew had taken
5 his leave of TOGO in Tokyo, that is to say at 1:25
6 a.m., 8th December 1941 (Kota Bharu time 11:45 p.m.,
7 7th December) (Washington time 11:25 a.m., 7th Decem-
8 ber), the beach defence troops on the Badang and
9 Sabak Beaches on the east coast of British Malaya,
10 the point of junction of which at Kuala Peamat is
11 about one-and-a-half miles northeast of Kota Bharu
12 Airfield, reported ships anchoring off the coast.
13 TOJC said that these ships had sailed from Saigon in
14 French Indo-China. At 1:40 a.m., 8th December 1941
15 (Kota Bharu time, midnight 7th December) (Washington
16 time, 11:40 a.m., 7th December) these ships began
17 shelling the beaches. This was one hour and twenty
18 minutes before the time at which it had originally
19 been arranged that Kurusu and Nomura should call on
20 Mr. Hull with the Japanese note and two hours and
21 twenty-five minutes before they actually arrived at
22 Secretary Hull's office. About 2:05 a.m., 8th Decem-
23 ber 1941 (Kota Bharu time 12:25 a.m., 8th December)
24 the first wave of Japanese troops landed at the junction

1 of Badang and Sabak Beaches. Having secured the first
2 line of beach defences, the Japanese began the second
3 phase of their landing operations against the British
4 Malaya Peninsula. This second phase was a landing
5 operation at Singora and Patani, which towns were loca-
6 ted just north of the boundary between British Malaya
7 and Thailand and were therefore in Thailand. This
8 second landing began at 3:05 a.m., 8th December 1941
9 (Kota Bharu time, 1:25 a.m., 8th December) (Washington
10 time, 1:05 p.m., 7th December). Air reconnaissance
11 revealed that the Japanese ships were disembarking
12 troops at Singora and Patani and that the airdrome
13 at Singora was under occupation by the Japanese land-
14 ing party. The Japanese forces later crossed the
15 Malaya-Thailand Border at Pedang Besar and at Kroh
16 to execute a flanking movement against Kota Bharu.

17
18 An air raid was made upon the City of Singa-
19 pore in British Malaya by Japanese planes beginning
20 at 6:10 a.m., 8th December 1941 (Singapore time, 4:30
21 a.m., 8th December) (Washington time, 4:10 p.m., 7th
22 December). These attacking planes came from bases
23 in French Indo-China according to TOJO and from car-
24 riers off-shore. Bombs were dropped on the Seletar
25 and Tengah airfields as well as on the city.

THE PHILIPPINES, WAKE AND GUAM.

1 The first attack on the Island of Guam was
2 delivered at 8:05 a.m., 8th December 1941 (Washington
3 time, 6:05 p.m., 7th December), when eight Japanese
4 bombers came through the clouds and dropped bombs in
5 the vicinity of the Cable Station and Pan-American
6 compound.

7 During the early morning hours of 8th Decem-
8 ber 1941 (Wake and Washington time, 7th December)
9 the attack began on Wake Island with bombing by
10 Japanese planes.
11

12 The Philippines received their first attacks
13 on the morning of 8th December 1941 (Washington time,
14 7th December) also. Heavy bombing attacks were made
15 by the Japanese forces on the City of Davao on the
16 Island of Mindanao and on Clark Field on the Island
17 of Luzon.

HONG KONG

18
19 Hong Kong received its first attack at
20 9:00 a.m., 8th December (Hong Kong time, 8:00 a.m.,
21 8th December) (Washington time, 7:00 p.m., 7th Decem-
22 ber). Although war had not been declared against
23 Great Britain, a broadcast from the Tokyo Radio, which
24 was in code and which gave warning to the Japanese
25 nationals that war with Great Britain and the United

1 States was imminent, had been picked up by the author-
2 ities at Hong Kong around 5:45 a.m., 8th December
3 1941. This warning allowed the defenders of Hong
4 Kong to make some preparation for the expected attack.

5 SHANGHAI

6 The third invasion of Shanghai began in the
7 early morning hours of 8th December (Washington time,
8 7th December) when Japanese patrols were observed
9 crossing the Garden Bridge over Soochow Creek and
10 running military telephone lines as they went. They
11 met no opposition and were able to take over the Bund
12 without difficulty. They had taken complete posses-
13 sion of it by 4:00 a.m., 8th December 1941 (Shanghai
14 time, 3:00 a.m., 8th December) (Washington time, 2:00
15 p.m., 7th December).
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THE JAPANESE NOTE DELIVERED IN WASHINGTONON 7th DECEMBER 1941

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Hague Convention No. III of 1907, relative to the opening of hostilities, provides by its first Article "The Contracting Powers recognize that hostilities between themselves must not commence without previous and explicit warning in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war." That Convention was binding on Japan at all relevant times. Under the Charter of the Tribunal the planning, preparation, initiation, or waging of a war in violation of international law, treaties, agreements or assurances is declared to be a crime. Many of the charges in the indictment are based wholly or partly upon the view that the attacks against Britain and the United States were delivered without previous and explicit warning in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war. For reasons which are discussed elsewhere we have decided that it is unnecessary to deal with these charges. In the case of counts of the indictment which charge conspiracy to wage aggressive wars and wars in violation of international law, treaties, agreements or assurances we have come to the conclusion that the charge of conspiracy to wage aggressive wars has been made out, that these

acts are already criminal in the highest degree, and that it
1 is unnecessary to consider whether the charge has also
2 been established in respect of the list of treaties, agree-
3 ments and assurances - including Hague Convention III -
4 which the indictment alleges to have been broken. We have
5 come to a similar conclusion in respect to the counts which
6 allege the waging of wars of aggression and wars in vio-
7 lation of international law, treaties, agreements and
8 assurances. With regard to the counts of the indictment
9 which charge murder in respect that wars were waged in
10 violation of Hague Convention No. III of 1907 or of other
11 treaties, we have decided that the wars in the course of
12 which these killings occurred were all wars of aggression.
13 The waging of such wars is the major crime, since it
14 involves untold killings, suffering and misery. No good
15 purpose would be served by convicting any defendant of that
16 major crime and also of "murder" *eo nomine*. Accordingly
17 it is unnecessary for us to express a concluded opinion
18 upon the exact extent of the obligation imposed by Hague
19 Convention III of 1907. It undoubtedly imposes the obli-
20 gation of giving previous and explicit warning before
21 hostilities are commenced, but it does not define the
22 period which must be allowed between the giving of this
23 warning and the commencement of hostilities. The position
24 was before the framers of the Convention and has been the

subject of controversy among international lawyers ever
1 since the Convention was made. This matter of the duration
2 of the period between warning and hostilities is of course
3 vital. If that period is not sufficient to allow of the
4 transmission of the warning to armed forces in outlying
5 territories and to permit them to put themselves in a
6 state of defence they may be shot down without a chance
7 to defend themselves. It was the existence of this con-
8 troversy as to the exact extent of the obligation imposed
9 by the Convention which opened the way for TOGO to advise
10 the Liaison Conference of 30th November 1941 that various
11 opinions were held as to the period of warning which was
12 obligatory, that some thought it should be an hour and a
13 half, some an hour, some half an hour. The Conference left
14 it to TOGO and the two Chiefs of Staff to fix the time
15 of the delivery of the Note to Washington with the injunc-
16 tion that that time must not interfere with the success of
17 the surprise attack. In short they decided to give notice
18 that negotiations were broken off at so short an interval
19 before they commenced hostilities as to ensure that the
20 armed forces of Britain and the United States at the points
21 of attack could not be warned that negotiations were broken
22 off. TOGO and the naval and military men, to whom the
23 task had been delivered, arranged that the Note should be
24 delivered in Washington at 1:00 p. m. on 7th December 1941.

1 The first attack on Pearl Harbor was delivered at 1.20
2 p.m. Had all gone well they would have allowed twenty
3 minutes for Washington to warn the armed forces at
4 Pearl Harbor. But so anxious were they to ensure that
5 the attack would be a surprise that they allowed no
6 margin for contingencies. Thus, through the decoding
7 and transcription of the Note in the Japanese Embassy
8 taking longer than had been estimated, the Japanese
9 Ambassadors did not in fact arrive with the Note at
10 Secretary Hull's office in Washington until 45 minutes
11 after the attack had been delivered. As for the at-
12 tack on Britain at Kote Bharu, it was never related
13 to the time (1.00 p.m.) fixed for the delivery of the
14 Note at Washington. This fact has not been adequately
15 explained in the evidence. The attack was delivered
16 at 11.40 a.m. Washington time, one hour and twenty
17 minutes before the Note should have been delivered if
18 the Japanese Embassy at Washington had been able to
19 carry out the instructions it had received from Tokyo.

21 We have thought it right to pronounce the
22 above findings in fact for these matters have been
23 the subject of much evidence and argument, but mainly
24 in order to draw pointed attention to the defects of
25 the convention as framed. It permits of a narrow con-
struction and tempts the unprincipled to try to comply

1 with the obligation thus narrowly construed while at
2 the same time ensuring that their attacked shall come
3 as a surprise. With the margin thus reduced for the
4 purpose of surprise no allowance can be made for error,
5 mishap or negligence leading to delay in the delivery
6 of the warning, and the possibility is high that the
7 prior warning which the Convention makes obligatory
8 will not in fact be given. TOJO stated that the
9 Japanese Cabinet had this in view for they envisaged
10 that the more the margin was reduced the greater the
11 possibility of mishap.

12 THE FORMAL DECLARATION OF WAR

13 The Japanese Privy Council's Committee of
14 Investigation did not begin the consideration of the
15 question of making a formal declaration of war upon
16 the United States, Great Britain and the Netherlands
17 until 7.30 a.m., 8th December (Tokyo time) when it
18 met in the Imperial Palace for that purpose at that
19 time. SHIMADA announced that the attack had been
20 made upon Pearl Harbor and Koto Bharu; and a bill
21 declaring war on the United States and Great Britain,
22 which had been drafted at the residence of HOSHIKAWA
23 during the night, was introduced. In answer to a
24 question during the deliberations on the bill, TOJO
25 declared in referring to the peace negotiations at

1 Washington that, "those negotiations were continued
2 only for the sake of strategy". TOJO also declared
3 during the deliberations that war would not be de-
4 clared on the Netherlands in view of future strategic
5 convenience; and that a declaration of war against
6 Thailand would not be made as negotiations were in
7 progress between Japan and Thailand for the conclusion
8 of "an Alliance Pact". The Bill was approved, and
9 it was decided to submit it to the Privy Council.
10 The Privy Council met at 10.50 a.m., 8th December
11 1941 and passed the Bill. The Imperial Rescript
12 declaring war against the United States and Great
13 Britain was issued between 11.40 and 12.00 a.m., 8th
14 December 1941 (Washington time, 10.40 p.m. and
15 11.00 p.m., 7th December) (London time, 2.40 a.m.
16 and 3.00 a.m., 8th December). Having been attacked,
17 the United States of America and the United Kingdom
18 of Great Britain and Northern Ireland declared war
19 on Japan on 9th December 1941 (London and Washington,
20 8th December). On the same day the Netherlands,
21 Netherlands East Indies, Australia, New Zealand,
22 South Africa, Free France, Canada and China, also de-
23 clared war on Japan. The next day, MUTO stated in
24 a conversation with the Chief of Operations of the
25 Army General Staff that the sending of Ambassador

1 Kurusu to the United States was nothing more than a
2 sort of camouflage of events leading to the opening
3 of hostilities.

4 CONCLUSIONS

5 It remains to consider the contention ad-
6 vanced on behalf of the defendants that Japan's acts
7 of aggression against France, her attack against the
8 Netherlands, and her attacks on Great Britain and the
9 United States of America were justifiable measures
10 of self-defense. It is argued that these Powers
11 took such measures to restrict the economy of Japan
12 that she had no way of preserving the welfare and
13 prosperity of her nationals but to go to war.

14 The measures which were taken by these Powers
15 to restrict Japanese trade were taken in an entirely
16 justifiable attempt to induce Japan to depart from a
17 course of aggression on which she had long been en-
18 gaged and upon which she had determined to continue.
19 Thus the United States of America gave notice to ter-
20 minate the Treaty of Commerce and Navigation with
21 Japan on 26th July 1939 after Japan had seized Man-
22 churia and a large part of the rest of China and when
23 the existence of the treaty had long ceased to induce
24 Japan to respect the rights and interests of the
25 nationals of the United States in China. It was given

in order that some other means might be tried to induce
1 Japan to respect these rights. Thereafter, the
2 successive embargoes which were imposed on the export
3 of materials to Japan were imposed as it became clearer
4 and clearer that Japan had determined to attack the
5 territories and interests of the Powers. They were
6 imposed in an attempt to induce Japan to depart from
7 the aggressive policy on which she had determined and
8 in order that the Powers might no longer supply Japan
9 with the materials to wage war upon them. In some
10 cases, as for example in the case of the embargo on
11 the export of oil from the United States of America
12 to Japan, those measures were also taken in order to
13 build up the supplies which were needed by the nations
14 who were resisting the aggressors. The argument is
15 indeed merely a repetition of Japanese propaganda is-
16 sued at the time she was preparing for her wars of
17 aggression. It is not easy to have patience with
18 its lengthy repetition at this date when documents are
19 at length available which demonstrate that Japan's de-
20 cision to expand to the North, to the West, and to
21 the South, at the expense of her neighbors was taken
22 long before any economic measures were directed
23 against her and was never departed from. The evidence
24 clearly establishes contrary to the contention of the
25

1 defense that the acts of aggression against France,
2 and the attacks on Britain, the United States of
3 America and the Netherlands were prompted by the de-
4 sire to deprive China of any aid in the struggle she
5 was waging against Japan's aggression and to secure
6 for Japan the possessions of her neighbors in the
7 South.

8 The Tribunal is of the opinion that the
9 leaders of Japan in the years 1940 and 1941 planned
10 to wage wars of aggression against France in French
11 Indo-China. They had determined to demand that
12 France cede to Japan the right to station troops and
13 the right to air bases and naval bases in French Indo-
14 China, and they had prepared to use force against
15 France if their demands were not granted. They did
16 make such demands upon France under threat that they
17 would use force to obtain them, if that should prove
18 necessary. In her then situation France was com-
19 pelled to yield to the threat of force and granted
20 the demands.
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The Tribunal also finds that a war of aggression was waged against the Republic of France. The occupation by Japanese troops of portions of French Indo-China, which Japan had forced France to accept, did not remain peaceful. As the war situation, particularly in the Philippines, turned against Japan the Japanese Supreme War Council in February 1945 decided to submit the following demands to the Governor of French Indo-China: (1) that all French troops and armed police be placed under Japanese command, and (2) that all means of communication and transportation necessary for military action be placed under Japanese control. These demands were presented to the Governor of French Indo-China on 9th March 1945 in the form of an ultimatum backed by the threat of military action. He was given two hours to refuse or accept. He refused, and the Japanese proceeded to enforce their demands by military action. French troops and military police resisted the attempt to disarm them. There was fighting in Kanoi, Saigon, Phnom-Penh, Nhatrang, and towards the Northern frontier. We quote the official Japanese account, "In the Northern frontiers the Japanese had considerable losses. The Japanese army proceeded to suppress French detachments in remote places and contingents which had fled to the mountains. In a month

public order was re-established except in remote places."

1 The Japanese Supreme War Council had decided that, if
2 Japan's demands were refused and military action was
3 taken to enforce them, "the two countries will not be
4 considered as at war." This Tribunal finds that Japanese
5 actions at that time constituted the waging of a war of
6 aggression against the Republic of France.

7
8 The Tribunal is further of opinion that the
9 attacks which Japan launched on 7th December 1941
10 against Britain, the United States of America and the
11 Netherlands were wars of aggression. They were unpro-
12 voked attacks, prompted by the desire to seize the pos-
13 sessions of these nations. Whatever may be the diffi-
14 culty of stating a comprehensive definition of "a war
15 of aggression," attacks made with the above motive
16 cannot but be characterised as wars of aggression.

17
18 It was argued on behalf of the defendants that,
19 inasmuch as the Netherlands took the initiative in
20 declaring war on Japan, the war which followed cannot be
21 described as a war of aggression by Japan. The facts
22 are that Japan had long planned to secure for herself
23 a dominant position in the economy of the Netherlands
24 East Indies by negotiation or by force of arms if
25 negotiation failed. By the middle of 1941 it was
apparent that the Netherlands would not yield to the

Japanese demands. The leaders of Japan then planned
1 and completed all the preparations for invading and
2 seizing the Netherlands East Indies. The orders issued
3 to the Japanese army for this invasion have not been
4 recovered, but the orders issued to the Japanese navy
5 on 5th November 1941 have been adduced in evidence.
6 This is the Combined Fleet Operations Order No. 1
7 already referred to. The expected enemies are stated
8 to be the United States, Great Britain and the Nether-
9 lands. The order states that the day for the outbreak
10 of war will be given in an Imperial General Headquarters
11 order, and that after 0000 hours on that day a state of
12 war will exist and the Japanese forces will commence
13 operations according to the plan. The order of Imperial
14 General Headquarters was issued on 10th November and
15 it fixed 8th December (Tokyo time), 7th December
16 (Washington time) as the date on which a state of war
17 would exist and operations would commence according to
18 the plan. In the very first stage of the operations so
19 to be commenced it is stated that the Southern Area
20 Force will annihilate enemy fleets in the Philippines,
21 British Malaya and the Netherlands East Indies area.
22 There is no evidence that the above order was ever
23 recalled or altered in respect to the above particulars.
24 In these circumstances we find in fact that orders
25

1 declaring the existence of a state of war and for the
2 execution of a war of aggression by Japan against the
3 Netherlands were in effect from the early morning of
4 7th December 1941. The fact that the Netherlands, being
5 fully apprised of the imminence of the attack, in self-
6 defence declared war against Japan on 8th December and
7 thus officially recognised the existence of a state of
8 war which had been begun by Japan cannot change that
9 war from a war of aggression on the part of Japan into
10 something other than that. In fact Japan did not declare
11 war against the Netherlands until 11th January 1942
12 when her troops landed in the Netherlands East Indies.
13 The Imperial Conference of 1st December 1941 decided
14 that "Japan will open hostilities against the United
15 States, Great Britain and the Netherlands." Despite
16 this decision to open hostilities against the Nether-
17 lands, and despite the fact that orders for the execu-
18 tion of hostilities against the Netherlands were already
19 in effect, TOJO announced to the Privy Council on 8th
20 December (Tokyo time) when they passed the Bill making
21 a formal declaration of war against the United States
22 of America and Britain that war would not be declared
23 on the Netherlands in view of future strategic con-
24 venience. The reason for this was not satisfactorily
25 explained in evidence. The Tribunal is inclined to

1 the view that it was dictated by the policy decided
2 in October 1940 for the purpose of giving as little
3 time as possible for the Dutch to destroy oil wells.
4 It has no bearing, however, on the fact that Japan
5 launched a war of aggression against the Netherlands.
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1 The position of Thailand is special. The
2 evidence bearing upon the entry of Japanese troops
3 into Thailand is meagre to a fault. It is clear that
4 there was complicity between the Japanese leaders and
5 the leaders of Thailand in the years 1939 and 1940 when
6 Japan forced herself on France as mediator in the
7 dispute as to the border between French Indo-China
8 and Thailand. There is no evidence that the position
9 of complicity and confidence between Japan and Thailand,
10 which was then achieved, was altered before December
11 1941. It is proved that the Japanese leaders planned
12 to secure a peaceful passage for their troops through
13 Thailand into Malaya by agreement with Thailand. They
14 did not wish to approach Thailand for such an agreement
15 until the moment when they were about to attack Malaya,
16 lest the news of the imminence of that attack should
17 leak out. The Japanese troops marched through the
18 territory of Thailand unopposed on 7th December 1941
19 (Washington time). The only evidence the prosecution
20 has adduced as to the circumstances of that march is
21 (1) a statement made to the Japanese Privy Council between
22 10 a.m. and 11 a.m. on 8th December 1941 (Tokyo time)
23 that an agreement for the passage of the troops was
24 being negotiated, (2) a Japanese broadcast announcement
25 that they had commenced friendly advancement into Thailand

~~on the afternoon of the 8th December (Tokyo time)~~
1 (Washington time, 7th December), and that Thailand had
2 facilitated the passage by concluding an agreement at
3 12.30 p.m., and (3) a conflicting statement, also
4 introduced by the prosecution, that Japanese troops
5 landed at Singora and Patani in Thailand at 3.05 in
6 the morning of 8th December (Tokyo time). On 21st
7 December 1941 Thailand concluded a treaty of alliance
8 with Japan. No witness on behalf of Thailand has
9 complained of Japan's actions as being acts of aggression.
10 In these circumstances we are left without reasonable
11 certainty that the Japanese advance into Thailand
12 was contrary to the wishes of the Government of Thailand
13 and the charges that the defendants initiated and waged
14 a war of aggression against the Kingdom of Thailand
15 remain unproved.
16

17 Count 31 charges that a war of aggression
18 was waged against the British Commonwealth of Nations.
19 The Imperial Rescript which was issued about 12 noon
20 on 8th December 1941 (Tokyo time) states "We her by
21 declare war on the United States of America and the
22 British Empire." There is a great deal of lack of
23 precision in the use of terms throughout the many plans
24 which were formulated for an attack on British possessions.
25 Thus such terms as "Britain", "Great Britain", and "England"

1 are used without discrimination and apparently are used
2 as meaning the same thing. In this case there is no
3 doubt as to the entity which is designated by "the
4 British Empire". The correct title of that entity
5 is "the British Commonwealth of Nations". That by the
6 use of the term "the British Empire" they intended
7 the entity which is more correctly called "the British
8 Commonwealth of Nations" is clear when we consider
9 the terms of the Combined Fleet Operations Order No. 1
10 already referred to. That order provides that a state
11 of war will exist after 0000 hours X-Dry, which was 8th
12 December 1941 (Tokyo time), and that the Japanese forces
13 would then commence operations. It is provided that
14 in the very first phase of the operations the "South
15 Seas Force" will be ready for the enemy fleet in the
16 Australia area. Later it was provided that "The following
17 are areas expected to be occupied or destroyed as quickly
18 as operational conditions permit, a, Eastern New Guinea,
19 New Britain". These were governed by the Commonwealth
20 of Australia under mandate from the League of Nations.
21 The areas to be destroyed or occupied are also stated
22 to include "Strategic points in the Australia area",
23 Moreover, "important points in the Australian coast" were
24 to be mined. Now the Commonwealth of Australia is not
25 accurately described as being part of "Great Britain",

1 which is the term used in the Combined Fleet Secret
2 Operations Order No. 1, nor is it accurately described
3 as being part of "the British Empire", which is the
4 term used in the Imperial Rescript. It is properly
5 designated as part of "the British Commonwealth of
6 Nations". It is plain therefore that the entity against
7 which hostilities were to be directed and against which
8 the declaration of war was directed was "the British
9 Commonwealth of Nations", and Count 31 is well-founded
10 when it charges that a war of aggression was waged
11 against the British Commonwealth of Nations.

12 It is charged in Count 30 of the Indictment
13 that a war of aggression was waged against the Commonwealth
14 of the Philippines. The Philippines during the period
15 of the war were not a completely sovereign state. So
16 far as international relations were concerned they were
17 part of the United States of America. It is beyond doubt
18 that a war of aggression was waged against the people
19 of the Philippines. For the sake of technical accuracy
20 we shall consider the aggression against the people
21 of the Philippines as being a part of the war of
22 aggression waged against the United States of America.

24 PART B. CHAPTER VIII CONVENTIONAL WAR CRIMES

25 (Atrocities)

After carefully examining and considering all

1 the evidence we find that it is not practicable in a
2 judgment such as this to state fully the mass of oral
3 and documentary evidence presented; for a complete
4 statement of the scale and character of the atrocities
5 reference must be had to the record of the trial.

6 The evidence relating to atrocities and other
7 Conventional War Crimes presented before the Tribunal
8 establishes that from the opening of the war in China
9 until the surrender of Japan in August 1945 torture,
10 murder, rape and other cruelties of the most inhumane
11 and barbarous character were freely practiced by the
12 Japanese Army and Navy. During a period of several
13 months the Tribunal heard evidence, orally or by affidavit,
14 from witnesses who testified in detail to atrocities
15 committed in all theaters of war on a scale so vast,
16 yet following so common a pattern in all theaters, that
17 only one conclusion is possible - the atrocities were
18 either secretly ordered or wilfully permitted by the
19 Japanese Government or individual members thereof and
20 by the leaders of the armed forces.

21 Before proceeding to a discussion of the
22 circumstances and the conduct of the accused in relation
23 to the question of responsibility for the atrocities
24 it is necessary to examine the matters charged. In
25 doing so we will in some cases where it may be convenient

refer to the association, if any, of the accused with
1 the happenings under discussion. In other cases and
2 generally, as far as it is practicable, circumstances
3 having relevance to the issue of responsibility will
4 be dealt with later.

5 At the beginning of the Pacific War in December
6 1941 the Japanese Government did institute a system
7 and an organization for dealing with prisoners of war
8 and civilian internees. Superficially, the system
9 would appear to have been appropriate; however, from
10 beginning to end the customary and conventional rules
11 of war designed to prevent inhumanity were flagrantly
12 disregarded.
13

14 Ruthless killing of prisoners by shooting,
15 decapitation, drowning, and other methods; death marches
16 in which prisoners including the sick were forced to
17 march long distances under conditions which not even
18 well-conditioned troops could stand, many of those
19 dropping out being shot or bayoneted by the guards;
20 forced labor in tropical heat without protection from
21 the sun; complete lack of housing and medical supplies
22 in many cases resulting in thousands of deaths from
23 disease; beatings and torture of all kinds to extract
24 information or confessions or for minor offences;
25 killing without trial of recaptured prisoners after

1 escape or for attempt to escape; killing without trial
2 of captured aviators; and even cannibalism. These are
3 some of the atrocities of which proof was made before
4 the Tribunal.

5 The extent of the atrocities and the result
6 of the lack of food and medical supplies is exemplified
7 by a comparison of the number of deaths of prisoners
8 of war in the European Theater with the number of deaths
9 in the Pacific Theater. Of United States and United
10 Kingdom forces 235,473 were taken prisoners by the
11 German and Italian Armies; of these 9,348 or 4 per
12 cent died in captivity. In the Pacific Theater 132,134
13 prisoners were taken by the Japanese from the United
14 States and United Kingdom forces alone of whom 35,756
15 or 27 per cent died in captivity.

16 ALLEGATION THAT THE LAWS OF WAR DID NOT APPLY
17 TO THE CONDUCT OF THE WAR IN CHINA

18 From the outbreak of the Mukden Incident till
19 the end of the war the successive Japanese Governments
20 refused to acknowledge that the hostilities in China
21 constituted a war. They persistently called it an
22 "Incident". With this as an excuse the military authorities
23 persistently asserted that the rules of war did not
24 apply in the conduct of the hostilities.

25 This war was envisaged by Japan's military

1 leaders as a punitive war, which was being fought to
2 punish the people of China for their refusal to
3 acknowledge the superiority and leadership of the
4 Japanese race and to cooperate with Japan. These
5 military leaders intended to make the war so brutal and
6 savage in all its consequences as to break the will of
7 the Chinese people to resist.

8 As the Southern movement advanced to cut off
9 aid to Generalissimo Chiang Kai-shek, the Chief-of-Staff
10 of the Central China Expeditionary Force on 24 July
11 1939 sent an estimate of the situation to War Minister
12 ITAGAKI. In that estimate of the situation, he said:
13 "The Army Air Force should carry out attacks upon
14 strategic points in the hinterland in order to terrorize
15 the enemy forces and civilians, and so develop among
16 them an anti-war, pacifist tendency. What we expect
17 of offensive operations against the interior is the
18 mental terror they will create among the enemy forces
19 and civilians rather than the material damage inflicted
20 direct upon enemy personnel and equipment. We will
21 wait and see them falling into nervous prostration in
22 an excess of terror and madly starting anti-Chiang and
23 pacifist movements."

24 Government and military spokesmen alike from
25 time to time stated that the purpose of the war was to

1 make the Chinese people "seriously reflect" upon the
2 error of their ways, which in effect meant acceptance
3 of Japanese domination.

4 HIROTA in February, 1938, speaking in the House
5 of Peers said "Japan has been endeavoring to make the
6 Chinese Nationalist Government make reflections, if
7 possible, while chastising their mistaken ideas by
8 armed force..." In the same speech he said "Since
9 they were facing Japan with very strong anti-Japanese
10 feeling, we decided on a policy whereby we had to
11 necessarily chastise them."

12 HIRANUMA began his "stimulation of the national
13 morale" by a speech to the Diet on 21 January 1939 in
14 which he said: "In regard to the China Incident upon
15 which both the Cabinet and the people are concentrating
16 their endeavors, there exists an immutable policy for
17 which Imperial Sanction was obtained by the previous
18 Cabinet. The present Cabinet is of course committed
19 to the same policy. I hope the intention of Japan
20 will be understood by the Chinese so that they may
21 cooperate with us. As for those who fail to understand,
22 we have no other alternative than to exterminate them."

23 We will adjourn now until half-past one.

24 (Thereupon, at 1200, a recess was taken.)
25

AFTERNOON SESSION

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

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

5 THE PRESIDENT: I continue the reading of the
6 Tribunal's Judgment:

7
8 FORMULATION OF MILITARY POLICY

9 Before discussing the nature and extent of
10 atrocities committed by the Japanese armed forces it is
11 desirable to state, very shortly, the system under which
12 such conduct should have been controlled.

13 Those having authority in the formulation of
14 military policy were the Army and Navy Ministers, the
15 Chiefs of the Army and Navy General Staffs, the Inspector-
16 General of Military Education, the Supreme War Council
17 of Field Marshals and Fleet Admirals, and the War Council.
18 The Army and Navy Ministers administered; the Inspector-
19 General of Military Education supervised training; and
20 the Chiefs of the Army and Navy General Staffs directed
21 operations of the armed forces. The two war councils
22 were advisory groups. The Army enjoyed special preroga-
23 tives. One of these was the exclusive right to nominate
24 the successor of the War Minister. By the exercise of
25 this power the Army was able to enforce continued

adherence to the policies advocated by it.

1 In the War Ministry the policy initiating
2 agency was the Military Affairs Bureau, which after
3 consultation with the Army General Staff, other Bureaus
4 of the War Ministry and other departments of the govern-
5 ment concerned, announced the policy of the Japanese
6 military, usually in the form of regulations issued over
7 the signature of the War Minister. This was the Bureau
8 which formed the policy and issued regulations governing
9 the conduct of war in general and the treatment of
10 civilian internees and prisoners of war in particular.
11 Such administration of prisoners of war as there was
12 during the war in China was conducted by this Bureau.
13 Until the opening of hostilities in the Pacific War,
14 the administration of civilian internees and prisoners
15 of war was retained by this Bureau when a special
16 division was created in the Bureau to perform that
17 function. Three of the accused served as Chiefs of this
18 powerful Military Affairs Bureau; they were KOISO, WUTO
19 and SATO. KOISO served at the beginning of the war in
20 China between the dates of 8 January 1930 and 29 February
21 1932. WUTO served before and after the commencement
22 of the Pacific War; he became Chief of the Bureau on
23 30 September 1939 and served until 20 April 1942. SATO
24 was employed in the Bureau before the beginning of the

Pacific War, having been appointed on 15 July 1938;

1 when SATO was transferred to command troops in Sumatra,
2 SATO became Chief of the Bureau and served in that
3 capacity from 20 April 1942 to 14 December 1944.

4 The corresponding Bureau in the Navy Ministry
5 was the Naval Affairs Bureau. The Naval Affairs Bureau
6 formed and promulgated regulations for the Navy and
7 prescribed the policy of the Navy in conducting war at
8 sea, occupied islands and other territory under its
9 jurisdiction, and administered such prisoners of war
10 and civilian internees as came under its power. The
11 accused OKA served as Chief of this Bureau before and
12 during the Pacific War from 15 October 1940 to 31 July
13 1944.
14

15 In the War Ministry, the Vice Minister of War
16 was the operating chief of the War Ministry Office and
17 was responsible for coordination of the various Bureaus
18 and other agencies under the Ministry. He received
19 reports and suggestions from commanders in the field,
20 advised the War Minister on the affairs under the
21 Ministry and often issued orders and directives. Three
22 of the accused served as Vice-Minister of War during
23 the period prior to the Pacific War. KOISO served from
24 29 February 1932 to 8 August 1932. UMEZU occupied the
25 position from 23 March 1936 to 30 May 1938. TOJO became

Vice Minister of War on 30 May 1938 and served until
1 10 December 1938. KIMURA was Vice Minister of War before
2 and after the commencement of the Pacific War; he was
3 appointed on 10 April 1941 and served until 11 March
4 1943.

5
6 Lastly, of course, the commanders in the field
7 were responsible for the maintenance of the discipline
8 and the observance of the laws and customs of war by
9 the troops under their command.

10 CAPTIVES TAKEN IN THE CHINA WAR WERE

11 TREATED AS BANDITS

12 The Japanese delegate at Geneva in accepting
13 the resolution of the League of Nations of 10 December
14 1931 setting up the Lytton Commission and imposing a
15 virtual truce, stated that his acceptance was based on
16 the understanding that the resolution would not preclude
17 the Japanese Army from taking action against "bandits"
18 in Manchuria. It was under this exception to the reso-
19 lution that the Japanese military continued hostilities
20 against the Chinese troops in Manchuria. They maintained
21 that no state of war existed between Japan and China;
22 that the conflict was a mere "incident" to which the
23 laws of war did not apply; and that those Chinese troops
24 who resisted the Japanese Army were not lawful combatants
25 but were merely "bandits." A ruthless campaign for the

extermination of these "bandits" in Manchuria was
1 inaugurated.

2 Although the main Chinese Army withdrew within
3 the Great Wall at the end of 1931, resistance to the
4 Japanese Army was constantly maintained by widely dis-
5 persed units of Chinese volunteers. The Kwantung Army
6 Intelligence Service listed a large number of so-called
7 Chinese route-armies, which in 1932 formed the sub-
8 divisions of the volunteer armies. These volunteer
9 armies were active in the areas around Mukden, Haisheng
10 and Yingkow. In August 1932 fighting broke out in the
11 immediate vicinity of Mukden. At the height of the
12 fighting at Mukden on 8 August 1932 Vice-minister of
13 War KOISO was appointed Chief-of-Staff of the Kwantung
14 Army and also Chief of its intelligence service. He
15 served in that capacity until 5 March 1934. On
16 16 September 1932 the Japanese forces in pursuit of
17 defeated Chinese volunteer units arrived at the towns
18 of Pingtingshan, Chienchinpao and Litsekou in the
19 vicinity of Fushun. The inhabitants of these towns
20 were accused of harboring the volunteers or "bandits"
21 as they were called by the Japanese. In each town the
22 Japanese troops assembled people along ditches and forced
23 them to kneel; they then killed these civilians, men,
24 women and children, with machine guns; those who survived

the machine-gunning being promptly bayoneted to death.
1 Over 2,700 civilians perished in this massacre, which
2 the Japanese Kwantung Army claimed to be justified
3 under its program of exterminating "bandits." Shortly
4 thereafter, KOISO sent to the Vice Minister of War an
5 "Outline for Guiding Manchukuo" in which he said:
6 "Racial struggle between Japanese and Chinese is to
7 be expected. Therefore, we must never hesitate to
8 wield military power in case of necessity." In this
9 spirit the practice of massacring, or "punishing" as
10 the Japanese termed it, the inhabitants of cities and
11 towns in retaliation for actual or supposed aid rendered
12 to Chinese troops was applied. This practice continued
13 throughout the China War; the worst example of it being
14 the massacre of the inhabitants of Nanking in December
15 1937.
16

17
18 Since the Government of Japan officially
19 classified the China War as an "Incident" and considered
20 Chinese soldiers in Manchuria as "bandits," the Army
21 refused to accord to captives taken in the fighting
22 the status and the rights of prisoners of war. MUTO
23 says that it was officially decided in 1938 to continue
24 to call the war in China an "Incident" and to continue
25 for that reason to refuse to apply the rules of war to
the conflict. TOJO told us the same.

many of the captured Chinese were tortured,
1 massacred, placed in labor units to work for the
2 Japanese Army, or organized into army units to serve
3 the puppet governments established by Japan in the
4 occupied territory in China. Some of these captives
5 who refused to serve in these armies were transported
6 to Japan to relieve the labor shortage in the munitions
7 industries. At the camp at Akita, on the northwest
8 shore of Honshu Island, 418 Chinese out of a group of
9 981 so transported to Japan died from starvation,
10 torture or neglect.
11

12 THE POLICY REMAINED UNCHANGED AFTER THE MARCO POLO BRIDGE

13 INCIDENT

14 Both the League of Nations and the meeting at
15 Brussels of the signatories of the Nine-Power Treaty
16 failed to stop Japan's pursuing this "punitive" war
17 on China after the outbreak of hostilities at the Marco
18 Polo Bridge in 1937. This policy of Japan to treat
19 the China War as an "incident" remained unchanged. Even
20 after the establishment of the Imperial General Head-
21 quarters which was considered appropriate only in the
22 case of an "incident" of such an extent as to require
23 a declaration of war, as suggested by the War Minister
24 at the Cabinet meeting held on 19 November 1937, no
25 additional effort was made to enforce the laws of war

1 in the conduct of the hostilities in China. Although
2 the Government and the fighting services were organized
3 on a full wartime basis, the China war was still treated
4 as an "incident" with the consequent disregard of the
5 rules of war.

6 THE RAPE OF NANKING

7 As the Central China Expeditionary Force under
8 command of MATSUI approached the city of Nanking in
9 early December 1937, over one-half of its one million
10 inhabitants and all but a few neutrals who remained
11 behind to organize an International Safety Zone, fled
12 from the city. The Chinese Army retreated, leaving
13 approximately 50,000 troops behind to defend the city.
14 As the Japanese forces stormed the South Gate on the
15 night of 12 December 1937, most of the remaining 50,000
16 troops escaped through the North and West Gates of the
17 city. Nearly all the Chinese soldiers had evacuated
18 the city or had abandoned their arms and uniforms and
19 sought refuge in the International Safety Zone and all
20 resistance had ceased as the Japanese Army entered the
21 city on the morning of 13 December 1937. The Japanese
22 soldiers swarmed over the city and committed various
23 atrocities. According to one of the eye witnesses they
24 were let loose like a barbarian horde to desecrate the
25 city. It was said by eye witnesses that the city

1 appeared to have fallen into the hands of the Japanese
2 as captured prey, that it had not merely been taken in
3 organized warfare, and that the members of the victorious
4 Japanese Army had set upon the prize to commit unlimited
5 violence. Individual soldiers and small groups of two
6 or three roamed over the city murdering, raping, looting
7 and burning. There was no discipline whatever. Many
8 soldiers were drunk. Soldiers went through the streets
9 indiscriminately killing Chinese men, women and children
10 without apparent provocation or excuse until in places
11 the streets and alleys were littered with the bodies of
12 their victims. According to another witness Chinese
13 were hunted like rabbits, everyone seen to move was
14 shot. At least 12,000 non-combatant Chinese men, women
15 and children met their deaths in these indiscriminate
16 killings during the first two or three days of the
17 Japanese occupation of the city.

18
19 There were many cases of rape. Death was a
20 frequent penalty for the slightest resistance on the
21 part of a victim or the members of her family who
22 sought to protect her. Even girls of tender years and
23 old women were raped in large numbers throughout the
24 city, and many cases of abnormal and sadistic behavior
25 in connection with these rapings occurred. Many women
were killed after the act and their bodies mutilated.

~~Approximately 20,000 cases of rape occurred within the~~
1 city during the first month of the occupation.

2 Japanese soldiers took from the people every-
3 thing they desired. Soldiers were observed to stop
4 unarmed civilians on the road, search them, and finding
5 nothing of value then to shoot them. Very many resi-
6 dential and commercial properties were entered and
7 looted. Looted stocks were carried away in trucks.
8 After looting shops and warehouses the Japanese soldiers
9 frequently set fire to them. Taiping Road, the most
10 important shopping street, and block after block of the
11 commercial section of the city were destroyed by fire.
12 Soldiers burned the homes of civilians for no apparent
13 reason. Such burning appeared to follow a prescribed
14 pattern after a few days and continued for six weeks.
15 Approximately one-third of the city was thus destroyed.

16 Organized and wholesale murder of male civil-
17 ians was conducted with the apparent sanction of the com-
18 manders on the pretense that Chinese soldiers had re-
19 moved their uniforms and were mingling with the
20 population. Groups of Chinese civilians were formed,
21 bound with their hands behind their backs, and marched
22 outside the walls of the city where they were killed in
23 groups by machine gun fire and with bayonets. More
24 than 20,000 Chinese men of military age are known to
25

have died in this fashion.

1 The German Government was informed by its
2 representative about "atrocities and criminal acts not
3 of an individual but of an entire Army, namely, the
4 Japanese," which Army, later in the report, was quali-
5 fied as a "bestial machinery."
6

7 Those outside the city fared little better
8 than those within. Practically the same situation
9 existed in all the communities within 200 li (about
10 66 miles) of Nanking. The population had fled into the
11 countryside in an attempt to escape from the Japanese
12 soldiers. In places they had grouped themselves into
13 fugitive camps. The Japanese captured many of these
14 camps and visited upon the fugitives treatment similar
15 to that accorded the inhabitants of Nanking. Of the
16 civilians who had fled Nanking over 57,000 were over-
17 taken and interned. These were starved and tortured
18 in captivity until a large number died. Many of the
19 survivors were killed by machine gun fire and by bayonet-
20 ing.
21

22 Large parties of Chinese soldiers laid down
23 their arms and surrendered outside Nanking; within 72
24 hours after their surrender they were killed in groups
25 by machine gun fire along the bank of the Yangtze River.
Over 30,000 such prisoners of war were so killed.

There was not even a pretence of trial of these
1 prisoners so massacred.

2 Estimates made at a later date indicate that
3 the total number of civilians and prisoners of war
4 murdered in Nanking and its vicinity during the first
5 six weeks of the Japanese occupation was over 200,000.
6 That these estimates are not exaggerated is borne out
7 by the fact that burial societies and other organizations
8 counted more than 155,000 bodies which they buried.
9 They also reported that most of those were bound with
10 their hands tied behind their backs. These figures do
11 not take into account those persons whose bodies were
12 destroyed by burning or by throwing them into the
13 Yangtze River or otherwise disposed of by Japanese.

14 Japanese Embassy officials entered the city
15 of Nanking with the advance elements of the Army; and
16 on 14 December an official of the Embassy informed the
17 International Committee for the Nanking Safety Zone
18 that the "Army was determined to make it bad for Nan-
19 king, but that the Embassy officials were going to try
20 to moderate the action." The Embassy officials also
21 informed the members of the committee that at the time
22 of the occupation of the city no more than 17 military
23 policemen were provided by the Army commanders to main-
24 tain order within the city. When it transpired that
25

complaints to the Army officials did not have any
1 result, those Japanese embassy officials suggested to
2 the foreign missionaries that the latter should try
3 and get publicity in Japan, so that the Japanese
4 Government would be forced by public opinion to curb
5 the Army.

6 Dr. Bates testified that the terror was
7 intense for two and one-half to three weeks, and was
8 serious six to seven weeks following the fall of the
9 city.
10

11 Smythe, the Secretary of the International
12 Committee for the Safety Zone, filed two protests a day
13 for the first six weeks.

14 MATSUI, who had remained in a rear area until
15 17 December, made a triumphal entry into the city on
16 that day and on 18 December held a religious service
17 for the dead, after which he issued a statement in the
18 course of which he said: "I extend much sympathy to
19 millions of innocent people in the Kiangpei and Chekiang
20 districts, who suffered the evils of war. Now the flag
21 of the Rising Sun is floating high over Nanking, and
22 the Imperial Way is shining in the southern parts of
23 the Yangtze-Kiang. The dawn of the renaissance of the
24 East is on the verge of offering itself. On this
25 occasion I hope for reconsideration of the situation

by the 400 million people of China." MATSUI remained
1 in the city for nearly a week.

2 MUTO, then a colonel, had joined MATSUI's
3 staff on 10 November 1937 and was with MATSUI during
4 the drive on Nanking and participated in the triumphal
5 entry and occupation of the city. Both he and MATSUI
6 admit that they heard of the atrocities being committed
7 in the city during their stay at rear headquarters after
8 the fall of the city. MATSUI admits that he heard that
9 foreign governments were protesting against the commis-
10 sion of these atrocities. No effective action was
11 taken to remedy the situation. Evidence was given
12 before the Tribunal by an eye witness that while MATSUI
13 was in Nanking on the 19th of December the business
14 section of the city was in flames. On that day the
15 witness counted fourteen fires in the principal
16 business street alone. After the entry of MATSUI and
17 MUTO into the city, the situation did not improve for
18 weeks.
19

20
21 Members of the diplomatic corps and press and
22 the Japanese Embassy in Nanking sent out reports detail-
23 ing the atrocities being committed in and around
24 Nanking. The Japanese Minister-at-Large to China,
25 Ito, Nobofumi, was in Shanghai from September 1937 to
February 1938. He received reports from the Japanese

1 Embassy in Nanking and from members of the diplomatic
2 corps and press regarding the conduct of the Japanese
3 troops and sent a resume of the reports to the Japanese
4 Foreign Minister, HIROTA. These reports as well as
5 many others giving information of the atrocities com-
6 mitted in Nanking, which were forwarded by members of
7 the Japanese diplomatic officials in China, were for-
8 warder by HIROTA to the War Ministry of which UMEZU was
9 Vice-Minister. They were discussed at Liaison Confer-
10 ences which were normally attended by the Prime Minister,
11 War and Navy Ministers, Foreign Minister HIROTA,
12 Finance Minister KAYA, and the Chiefs of the Army and
13 Navy General Staffs.

14 News reports of the atrocities were widespread.
15 MIKAMI, who was serving as Governor-General of Korea
16 at the time, admits that he read these reports in the
17 press. Following these unfavorable reports and the
18 pressure of public opinion aroused in nations all over
19 the world, the Japanese Government recalled MATSUI and
20 approximately 30 of his officers but took no action to
21 punish any of them. MATSUI, after his return to Japan
22 on 5 March 1938, was appointed a Cabinet Councillor and
23 on 29 April 1940 was decorated by the Japanese Government
24 for "meritorious services" in the China War. MATSUI,
25 in explaining his recall, says that he was not replaced

1 by HATA because of the atrocities committed by his
2 troops at Nanking but because he considered his work
3 ended at Nanking and wished to retire from the Army.
4 He was never punished.

5 The barbarous behaviour of the Japanese Army
6 cannot be excused as the acts of a soldiery which had
7 temporarily gotten out of hand when at last a stubborn-
8 ly defended position had capitulated--rape, arson and
9 murder continued to be committed on a large scale for
10 at least six weeks after the city had been taken and for
11 at least four weeks after WATSUI and MUTO had entered
12 the city.

13 The new Japanese Garrison Commander at Nanking,
14 General Amaya, on 5 February 1938, at the Japanese
15 Embassy in Nanking made a statement to the foreign
16 diplomatic corps criticizing the attitude of the for-
17 eigners who had been sending abroad reports of Japanese
18 atrocities at Nanking and upbraiding them for encour-
19 aging anti-Japanese feeling. This statement by Amaya
20 reflected the attitude of the Japanese military toward
21 foreigners in China, who were hostile to the Japanese
22 policy of waging an unrestrained punitive war against
23 the people of China.
24
25

THE WAR WAS EXTENDED TO CANTON AND HANKOW

1 When Shanghai capitulated on 12 November 1937
2 and MATSUI began his advance on Nanking, the National
3 Government of China under Generalissimo Chiang Kai-shek
4 abandoned its capital city, moved to Chungking with
5 interim headquarters at Hankow and continued the
6 resistance. After the capture of Nanking on 13 December
7 1937 the Japanese Government established a puppet
8 government at Peiping.
9

10 The program designed to "pacify" the inhabi-
11 tants of this occupied area and "make them rely on the
12 Japanese Army" and force "self examination" on the
13 part of the National Government of China, which was
14 adopted at Shanghai and Nanking and proclaimed by
15 MATSUI at Nanking, indicated settled policy. In
16 December 1937 at Hsing Tai district on the Peiping-
17 Hankow Railway, gendarmes under the command of a
18 Japanese warrant officer seized seven civilians, who
19 were suspected of being Chinese irregulars, tortured and
20 starved them for three days, then bound them to a tree
21 and bayoneted them to death. Soldiers from this Army
22 had appeared at the village of Tung Wang Chia, in
23 Hopeh Province, earlier in October 1937 and committed
24 murder, rape and arson, killing 24 of the inhabitants
25 and burning about two-thirds of the homes. Another

village in the same province known as Wang-Chia-To was

1 visited by a Japanese unit in January 1938 and more
2 than 40 of the civilian inhabitants were murdered.

3 Many of the inhabitants of the area around
4 Shanghai fared no better than those in Nanking and
5 other parts of North China. After the fighting had ceased
6 at Shanghai, observers found around the ashes of farm
7 houses in the suburban areas of Shanghai the bodies of
8 farmers and their families with their hands tied behind
9 them and bayonet wounds in their backs. As MATSUI's
10 troops occupied village after village on their march
11 to Nanking they plundered and murdered and terrorized
12 the population. Soochow was occupied in November 1937
13 and a number of residents who had not fled from the
14 advancing troops were murdered.
15

16 HATA's troops entered Hankow and occupied the
17 city on 25 October 1938. The next morning a massacre
18 of prisoners occurred. At the customs wharf, the Japan-
19 ese soldiers collected several hundred prisoners. They
20 then selected small groups of three or four at a time,
21 marched them to the end of the gangplanks reaching out
22 to deep water; pushed them into the river and shot them.
23 When the Japanese saw that they were being observed
24 from the American gunboats anchored in the river off
25 Hankow, they stopped and adopted a different method.

1 They continued to select small groups, put them into
2 motor launches and took them out in the stream where
3 they threw them into the water and shot them.

4 It was during the Third Konoye Cabinet that
5 the massacre at the town of Powen, on the Chinese
6 Island of Hainan, occurred. In August 1941 during a
7 punitive operation, a Japanese naval unit passed through
8 the town of Powen without opposition. The next day, as
9 a detachment from that unit returned to Powen, they
10 found the dead body of a sailor of the Japanese Navy
11 who had apparently been dead for several days. Under
12 the assumption that the sailor had been killed by the
13 residents of Powen, the detachment burned the native
14 houses and the church of the town. They killed the
15 French missionary and 24 natives and burned their bodies.
16 This incident is important because the wide circulation
17 given the report of the massacre must have informed the
18 members of the Cabinet and its subordinate officials
19 of the method of warfare continuing to be employed by
20 the Japanese military forces. The Chief of Staff of
21 the Japanese occupation forces on Hainan Island made a
22 complete report of this matter to Vice-Minister of War
23 KIMURA on 14 October 1941. KIMURA at once circulated
24 the report for the information of all concerned to the
25 various bureaus of the War Ministry and then sent it to

the Foreign Ministry. It received wide circulation
1 both in and out of the Army.

2 An indication that the ruthless methods of
3 the Japanese Army in waging war continued is revealed
4 by the conduct of a detachment of soldiers from UMEZU's
5 Army in Manchukuo in the campaign designed to stifle
6 all resistance to the puppet regime under Emperor
7 Pu Yi. This detachment visited the village of Si-Tu-Ti
8 in Jehol Province one night in August 1941. It captured
9 the village, killed the members of more than 300
10 families and burned the village to the ground.

11 Even long after the occupation of Canton and
12 Hankow the Japanese, while carrying on campaigns into
13 the farther interior, committed large-scale atrocities
14 there. Toward the end of 1941 Japanese troops entered
15 the city of Wei-Yang in Kwantung Province. They
16 indulged in a massacre of Chinese civilians, bayoneting
17 male and female, old and young without discrimination.
18 One eye witness, who survived a bayonet wound in the
19 abdomen, told of the slaughter of more than 600 Chinese
20 civilians by Japanese troops. In July 1944 Japanese
21 troops arrived at the Tai Shan district in the Kwantung
22 Province. They committed arson, robbery, slaughter and
23 numerous other atrocities. As a result thereof, 559
24 shops were burnt, and more than 700 Chinese civilians
25

killed.

1 From Hankow the Japanese troops carried on
2 their campaign southward to Changsha. In September
3 1941 the Japanese troops of the Sixth Division forced
4 more than 200 Chinese prisoners of war to plunder large
5 quantities of rice, wheat and other commodities. Upon
6 their return the Japanese soldiers, to conceal these
7 crimes, massacred them by artillery fire. After the
8 Japanese forces had occupied Changsha, they also
9 freely indulged in murder, rape, incendiarism and
10 many other atrocities throughout the district. Then
11 they drove further down southward to Kweilin and
12 Liuchow in Kwangsi Province. During the period of
13 Japanese occupation of Kweilin, they committed all
14 kinds of atrocities such as rape and plunder. They
15 recruited women labor on the pretext of establishing
16 factories. They forced the women thus recruited into
17 prostitution with Japanese troops. Prior to their
18 withdrawal from Kweilin in July 1945 the Japanese
19 troops organized an arson corps and set fire to buildings
20 in the entire business district of Kweilin.

23 RETURNING SOLDIERS TOLD OF ATROCITIES

24 COMMITTED BY THEM

25 After the occupation of Hankow, Japanese
soldiers returning from China told stories of the Army's

1 misdeeds in China and displayed loot which they had
2 taken. This conduct on the part of the soldiers re-
3 turning to Japan apparently became so general that the
4 War Ministry under ITAGAKI, in an effort to avoid un-
5 favorable criticism at home, issued special orders to
6 the commanders in the field to instruct returning
7 officers and men upon the proper conduct to be followed
8 by them upon reaching Japan. These special orders were
9 prepared in the Military Service Section of the Military
10 Service Bureau of the War Ministry, classified as "Top
11 Secret" and issued by ITAGAKI's Vice Minister of War
12 in February 1939. They were transmitted by the Vice
13 Chief of the Army General Staff to the Japanese Army
14 Commanders in China. These secret orders detailed
15 the objectionable conduct of returning soldiers which
16 was to be corrected. It was complained that the
17 soldiers told stories of atrocities committed by them
18 on Chinese soldiers and civilians; some of the stories
19 commonly heard were cited as follows: "One company
20 commander unofficially gave instructions for raping as
21 follows: 'In order that we will not have problems,
22 either pay them money or kill them in some obscure
23 place after you have finished'"; "If the army men who
24 participated in the war were investigated individually,
25 they would probably all be guilty of murder, robbery

1 or rape"; "The thing I like best during the battle is
2 plundering. In the front lines the superiors turn a
3 blind eye to plundering and there were some who plundered
4 to their heart's content"; "At. . . we captured a
5 family of four. We played with the daughter as we
6 would with a harlot. But as the parents insisted that
7 the daughter be returned to them we killed them. We
8 played with the daughter as before until the unit's
9 departure and then killed her"; "In the half year of
10 battle, about the only things I learned are rape and
11 burglary"; "The plundering by our army in the battle
12 area is beyond imagination"; and "The prisoners taken
13 from the Chinese Army were sometimes lined up in one
14 line and killed to test the efficiency of the machine
15 gun." Concerning loot brought back to Japan by return-
16 ing soldiers, it was noted that some commanders dis-
17 tributed among the men license cards authorized by the
18 stamp of the unit commander permitting the soldiers to
19 transport their loot to Japan. These orders stated:
20 "Not only does the improper talk of the returned officers
21 and men become the cause of rumors, but also impairs
22 the trust of the people in the Army, disrupts the unity
23 of the people supporting the Army, etc. I repeat the
24 order again to make the control of instruction even more
25 strict and consequently glorify the meritorious deeds,

1 raise the Japanese Army's military reputation and insure
2 that nothing will impair the accomplishment of the
3 object of the Holy War."
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MURDER OF CAPTURED AVIATORS

1 Japanese leaders feared that aerial war-
2 fare might be waged against the cities and towns of
3 Japan. One of the reasons given by the Japanese
4 Military for opposing ratification of the Geneva
5 Prisoner of War Convention of 1929 was that such
6 ratification would double the range of enemy planes
7 making raids on Japan in that the crews could land
8 on Japanese territory after completing their mis-
9 sions and be secure in the knowledge that they
10 would be treated as prisoners of war.

12 The fear that Japan would be bombed was
13 realized on 18 April 1942, when American planes under
14 the command of Colonel Doolittle bombed Tokyo and
15 other cities in Japan. This was the first time
16 Japan had been subjected to a bombing raid; and in
17 the words of TOJO, it was an awful "shock" to the
18 Japanese. Sugiyama, the Chief of the Japanese
19 General Staff, demanded the death penalty for all
20 aviators who bombed Japan. Although there had been
21 no law or regulation of the Japanese Government prior
22 to this raid under which the death penalty could be
23 administered, Prime Minister TOJO ordered regulations
24 issued to be retroactive to the time of the raid
25 which would permit the death penalty to be imposed

1 upon the Doolittle fliers. TOJO later admitted that
2 he took this action as a deterrent to prevent future
3 raids.

4 These regulations which were dated 13 August
5 1942 were made applicable to "enemy fliers who have
6 raided" Japan, Manchukuo or Japanese operational
7 areas "and have come within the jurisdiction of the
8 Japanese Expeditionary Forces in China". Thus,
9 they were directly and retrospectively aimed at the
10 United States airmen already in the hands of the
11 Japanese in China.

12 The offences were air attacks

- 13 (1) upon ordinary people,
14 (2) upon private property of a non-military
15 nature,
16 (3) against other than military objectives,
17 and
18 (4) "violations of war-time international
19 law".
20

21 The punishment prescribed was death or im-
22 prisonment for ten years or more.

23 Conduct defined as offenses 1, 2 and 3 were
24 such as the Japanese themselves had regularly prac-
25 ticed in China. It will be remembered that in July
1939 the Chief-of-Staff of the Central China Expedi-

1 tionary Force reported to War Minister ITAGAKI that
2 a policy of indiscriminate bombing in order to ter-
3 rorize the Chinese had been accepted. The fourth,
4 violations of the laws of war, required no such re-
5 gulations. Their breach was punishable in any event,
6 but, of course, only upon proper trial and within
7 the limits of punishment permitted by international
8 law.

9 The crews of two of the Doolittle planes
10 which had been forced to land in China were taken
11 prisoner by the Japanese occupation forces under the
12 command of HATA. These eight fliers composing the
13 crews were treated as common criminals, being hand-
14 cuffed and bound. The members of one crew were taken
15 to Shanghai and the members of the other crew were
16 taken to Nanking; at each place they were interro-
17 gated under torture. On 25 April 1942 the fliers
18 were taken to Tokyo and were kept blindfolded and
19 handcuffed until they were inside the Military Police
20 Headquarters in Tokyo. They were then placed in
21 solitary confinement, from which they were taken out
22 and questioned again under torture for eighteen days.
23 At the end of this period the fliers, to avoid further
24 torture, signed statements written in Japanese, the
25 contents of which were unknown to them.

1 The fliers were returned to Shanghai on 17
2 June 1942, where they were incarcerated, starved,
3 and otherwise ill-treated. On 28 July 1942 Vice-
4 Minister of War KIMURA transmitted TOJO's orders to
5 HATA, who was the Supreme Commander of all Japanese
6 Forces in China at that time. TOJO's orders were
7 to the effect that the fliers were to be punished
8 under the new regulations. On orders from the Chief
9 of the General Staff, HATA instructed that the fliers
10 be put on trial. At this "trial" some of the airmen
11 were too ill to take part in the proceedings, there
12 was no translation of the matters charged, and they
13 were given no opportunity to defend themselves. The
14 trial was a mere mockery. This trial was held on
15 20 August 1942 when all of the fliers were sentenced
16 to death. Upon review in Tokyo, and on the recom-
17 mendation of TOJO, five of the sentences were re-
18 duced to life imprisonment and the remaining three
19 death sentences were approved. On 10 October 1942
20 HATA ordered the sentences to be executed and re-
21 ported his action to the Army Chief of Staff. The
22 death sentences were carried out as ordered.

23
24 In this manner was begun the policy of
25 killing Allied fliers who fell into the hands of the
Japanese. This was done not only in Japan but in

1 occupied territories during the remainder of the
2 Pacific War. The usual practice was to starve
3 and torture captured aviators before their murder.
4 Even the formality of a trial was often omitted.
5 Where a court-martial was held prior to their being
6 killed it appears that the court-martial was a mere
7 formality.

8 As an illustration, we cite the case of two
9 American B-29 fliers at Osaka on 18 July 1945, who
10 were charged with violation of the regulations.
11 Prior to the trial, their case was investigated by
12 an officer appointed to perform that duty, who re-
13 commended the death penalty. The recommendation
14 was approved by the Commander of the Central Military
15 District and by General HATA, who was at that time
16 the Commander of the Second Army Corps at Hiroshima.
17 The recommendation of the Investigating Officer, with
18 the approval of the Military Commanders, was sent
19 to the War Ministry for final approval; and that ap-
20 proval was obtained. At the trial the report and re-
21 commendation of the Investigating Officer and the ap-
22 proval of General HATA and others were read to the
23 court-martial by the prosecutor, who demanded the
24 death penalty based upon those documents. The accused
25 were asked a few routine questions and the death pen-
alty was imposed. They were executed the same day.

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In the Tokai Military District, prior to May 1945, eleven Allied airmen were subjected to trials in which their interests were not safeguarded, sentenced to death and executed. However, the Commandant of Military Police for Japan considered this procedure imposed an unnecessary delay in the killing of captured Allied fliers; consequently in June 1945, he sent a letter to each of the Military Police Headquarters Commandants of the several military districts in Japan complaining of the delay in the disposition of captured Allied airmen, stating that it was impossible to dispose of them immediately by courts-martial, and recommending that the Military Police in the military districts dispense with courts-martial after securing the approval of the Commander of the Military District. In the Tokai Military District 27 Allied fliers were killed without trial after this letter was received. In the Central Military District over which HATA exercised administrative command, 43 Allied airmen were killed without having been tried by courts-martial or otherwise. At Fukuoka eight Allied airmen were killed without trial on 20 June 1945, eight more in the same manner on 12 August 1945, and three days later on 15 August 1945 the third group of eight, making a total of 24 Allied airmen killed at Fukuoka

1 without being given a trial after the above-mentioned
2 letter recommending this procedure was sent out from
3 Tokyo by the Commandant of Military Police.

4 The killing of Allied airmen in the Tokai,
5 Central and Western Districts of Japan was done by
6 firing squads; in the Eastern District, which embraced
7 Tokyo, more inhumane methods were used. Allied airmen
8 captured in that district were detained in the Military
9 Police Headquarters Guard House, pending a so-called
10 investigation to determine whether they had violated
11 the Regulations. This investigation consisted of
12 interrogation under torture in an effort to coerce
13 the victim into confessing to facts which would subject
14 him to the death penalty under the regulations. No
15 less than 17 airmen died in this guard house as a
16 result of torture, starvation and lack of medical care.
17 Those who survived this torture were victims of a more
18 dreadful death. The Tokyo Army Prison was located
19 on the edge of the Yoyogi Military Parade Ground.
20 This prison was a disciplinary barracks in which were
21 confined Japanese soldiers serving sentences. The
22 prison grounds were small and surrounded by a brick
23 wall approximately 12 feet high. The prison buildings
24 were of wood and were constructed so close together
25 as to occupy all of the ground available within the

brick wall except for necessary alley-ways and courts.
1 One of the cell blocks was set apart by a wooden wall
2 seven feet high. On 25 April 1945, five Allied fliers
3 were placed in that cell block; on 9 May, 29 more were
4 added; and on 10 May, 28 others were confined there.
5 On the night of 25 May 1945 Tokyo was heavily bombed.
6 On that night there were 62 Allied fliers confined in
7 this cell block. There were 464 Japanese Army prisoners
8 confined in other buildings within the prison. The
9 wooden buildings of the prison, as well as the highly
10 inflammable dwellings surrounding it, were hit and set
11 on fire by incendiary bombs. The prison was completely
12 demolished; and after the fire, it was found that all
13 of the 62 Allied fliers had perished. It is signifi-
14 cant that none of the 464 Japanese or any of their
15 jailors suffered a similar fate. The evidence shows
16 that the fate of the Allied airmen was deliberately
17 planned.
18

19
20 In the occupied territories, one of the
21 methods of killing captured airmen was by decapitation
22 with a sword, and at the hands of a Japanese officer.
23 Captured airmen were killed this way at Singapore,
24 Malaya, (June-July 1945); Samarinda, Borneo (January
25 1945); Palembang, Sumatra (March 1942); Batavia, Java
(April 1942); Menado, Celebes (June 1945); Tomohon,

Celebes (September 1944); Toli-Toli, Celebes (October
1 1944); Kendari, Celebes (November 1944) (January
2 1945) (February 1945); Beo, Talaud Islands (March
3 1945); Rainis, Talaud Islands (January 1945); Singkang,
4 Celebes (July 1945); Carare, Ambon Island (August 1944);
5 New Guinea (October 1944); Totabil, New Britain
6 (November 1944); Porton Island (December 1943);
7 Kwajalein Island (October 1942); and Cebu City,
8 Philippines (March 1945).

9
10 Another method of murdering Allied fliers
11 was used at Hankow, China, in December 1944. Three
12 American fliers, who had been forced down and captured
13 sometime before, were paraded through the streets
14 and subjected to ridicule, beating and torture by the
15 populace. When they had been weakened by the beatings
16 and torture, they were saturated with gasoline and
17 burned alive. Permission for this atrocity was granted
18 by the Commander of the 34th Japanese Army.

19 The cruelty of the Japanese is further illus-
20 trated by the treatment of an Allied airman, who was
21 captured at Rebaul on the Island of New Britain. He
22 was bound with a rope on which fish-hooks had been
23 attached so that when he moved the hooks dug into his
24 flesh. He ultimately died of malnutrition and dysentery.
25

MASSACRES.

1 Massacres of prisoners of war, civilian
2 internees, sick and wounded, patients and medical
3 staffs of hospitals and civilian population were common
4 throughout the Pacific Area. Prisoners of war and
5 civilian internees were massacred in some instances
6 shortly after capture.
7

8 A massacre at Balikpapan in Borneo occurred
9 in the following circumstances: On January 20, 1942,
10 two Dutch POW officers were ordered by the Japanese
11 to Balikpapan to transmit an ultimatum to the Dutch
12 commandant in which it was demanded to surrender
13 Balikpapan intact. In case of noncompliance, all
14 Europeans were to be killed. The ultimatum was read
15 in the presence of a Japanese Major General and five
16 other Japanese officers to the Dutch officers who had
17 to deliver it to the commander at Balikpapan. Reply
18 was sent by the Commander of Balikpapan to the Japanese
19 to the effect that the Commander at Balikpapan had had
20 from the Dutch authorities the necessary instructions
21 with regard to demolition, which, therefore, had to be
22 carried out.
23

24 When the Japanese approached Balikpapan, the
25 oil fields were set on fire. In an affidavit of an
eyewitness, the Tribunal was given a description of

1 the massacre of the white population of Balikpapan
2 numbering between 80 and 100, who were executed in
3 a cruel manner on 24 February 1942 by being driven into
4 the sea and subsequently shot after some had been
5 killed by having arms and legs lopped off with swords,
6 as is described later.

7 In this relation, it is interesting to note
8 that there was produced, in this trial, a Foreign
9 Affairs document, marked "very secret", containing
10 a "tentative draft of Japan's policies toward the
11 Southern Regions", dated October 4, 1940. In this
12 draft it states with regard to the Dutch East Indies:

13 "If any of the important natural resources
14 should be destroyed, all the persons connected with
15 the raw material, ten government officials concerned,
16 shall be severely punished as being the responsible
17 persons."

18 It was of vital importance for Japan to take
19 the NEI oil fields intact. The oil question was a
20 decisive element in the move to the South, and the
21 Japanese Government was very much afraid lest, in case
22 of war the oil fields would be set on fire. Matsuoka
23 gave expression to this fear to von Ribbentrop on
24 March 29, 1941, when he stated:
25

"If at all avoidable, he would not touch the

1 Netherlands East Indies, since he was afraid that in
2 the event of a Japanese attack on this area the oil
3 fields would be set on fire. They could be brought
4 into operation again only after one or two years."

5 In view of this, and remembering the fact
6 that the Japanese Government officially ordered the
7 destruction of all harmful documents, this Foreign
8 Office draft obtains a special significance. Yamamoto,
9 a former high official in the Foreign Office, when
10 asked for the reason why most of the things planned
11 in the "tentative draft" actually did occur, in spite
12 of the fact that this draft was, according to him,
13 made only by a junior secretary, cynically replied
14 that "these secretaries were very good students."

15 Taking all these facts together, the result
16 justifies the inference that the plan proposed in the
17 draft of October 4, 1940, was accepted as government
18 policy, the more so because a massacre of male personnel
19 also occurred at Elora, apparently in relation to the
20 demolition of the oil fields at Tjapu, Java. Women
21 in this place were not killed, but were all raped
22 several times in the presence of the commanding officer.

23 Instances of such massacres occurred at:
24 Hong Kong, China (December 1941); Ipoh, Malaya (December
25 1941); between Perit Sulong and Meur, Malaya (January

1942); Parit Sulong, Malaya (January 1942); Kertonga,
1 Malaya (January 1942); Alexander Hospital, Malaya
2 (January 1942); Singapore, Malaya (February-March 1942);
3 Penjang, Malaya (February 1942); Maur, Malaya (February
4 1942); Jampang Job, Thailand (December 1941); Longnawa,
5 Borneo (August 1942); Tarakan, Borneo (January 1942);
6 Benke Island, Netherlands East Indies (February 1942);
7 Kote Rodja, Sumatra (March 1942); Rembang, Java
8 (March 1942); Lembang, Java (March 1942); Soebang,
9 Java (March 1942); Tjieter Pass, Java (March 1942);
10 Bandoeng, Java (March 1942); Laha, Arbon Island,
11 Moluccas (February 1942); Okabeti, Dutch Timor (Feb-
12 ruary 1942); Oesaps Besar, Dutch Timor (April 1942);
13 Tatu Keta, Portuguese Timor (February 1942); Milne Bay,
14 British New Guinea (August 1942); Buna, British New
15 Guinea (August 1942); Tol, New Britain (February 1942);
16 Terawe Island (October 1942); Camp O'Donnell, Philippines
17 (April 1942); and Santa Cruz, Manila, Philippines
18 (April 1942). Massacres occurred in this manner in
19 French Indo-China in the hostilities against the Free
20 French organizations there. Prisoners of war and
21 detained civilians were massacred at such places as:
22 Langson (March 1945); Dinh Lap (March 1945); Thekhek
23 (March 1945); Tong (March 1945); Tan Qui (March 1945);
24 Loas (March 1945); Dong Dong (March 1945); Hagiang

(March 1945); and Tonkin (March 1945).

1 Citizens of the U.S.S.R. at Hailar in Man-
2 churia were massacred on 9 August 1945. This was done
3 at the instance of the Commander of the Kwantung Army.
4 Those murdered were not charged with any offense, but
5 the reason given for the murders was that they might
6 carry on espionage or sabotage against the Japanese
7 Army.

8
9 After the Japanese forces had occupied terri-
10 tory and fighting had ceased, massacres were freely
11 committed as a means of terrorizing the civilian
12 population and subjecting them to the domination of
13 the Japanese. Massacres of this type were committed
14 against the civilian population at the following places:
15 Shanyway, Burma (1945); Therrawaddy, Burma (May 1945);
16 Ongun, Burma (May 1945); Ebaing, Burma (June 1945);
17 Kelagon, Burma (July 1945); Mantenani Island (February
18 1944); Sulug Island (October 1943); Ucar Island (Early
19 1944); Dinowan Island (July 1944); Pontienak, Borneo
20 (October 1943-June 1944); Singkawang, Borneo (August
21 1944); Buitenzorg, Java (1943); Java (The "Koo"
22 Incident) (July 1943-March 1944); Lautem, Portuguese
23 Timor (January 1943); Moc Island (September 1944);
24 Semata Island (September 1944); Aileu, Portuguese
25 Timor (September 1942); Nauru Island (March 1943);

1 Hopevale, Philippines (December 1943); Alaminos,
2 Philippines (March 1944); San Carlos, Philippines
3 (February 1943); Barrio Angad, Philippines (November
4 1944); Palo Beach, Philippines (July 1943); Tigbuen,
5 Philippines (August 1943); Calbayog, Philippines
6 (July 1943); Ranao-Pileyan, Philippines (June 1944);
7 Bogo, Philippines (October 1944); Barrio Umagos,
8 Philippines (October 1944); Lipa Airport, Philippines
9 (1944); Santa Catalina, Philippines (August 1944);
10 and Sitio Canugkay, Pilar, Philippines (December 1944).
11 There were massacres of prisoners of war and civilian
12 internees or conscripted laborers during the occupation
13 which were committed because they had become starved,
14 diseased or otherwise disabled and were no longer of
15 use or for other reasons had become a burden to the
16 Japanese occupation force. Such massacres were com-
17 mitted at the following places: Chaymogs Labor Camp,
18 Siem (February 1944); Hsipaw, Burma (January 1945);
19 Port Blair, Andaman Islands (August 1945); Kota
20 Tjane, Sumatra (May 1943); Sibolga, Sumatra (April
21 1942); Djombang, Java (April 1942); Amboina, Amboina
22 Island (July 1943); Wewak, British New Guinea (May
23 1944); Litape, New Guinea (October 1943); But, New
24 Guinea (June 1944); Rabaul, New Britain (January 1943);
25 Bougainville (August 1944); Wake Island (October 1943);

and in the labor camps along the Burma-Siam Railroad
1 Project (1943-1944). There were some massacres which
2 were intended to discourage general violation of
3 regulations such as that at the labor camp on Heinen
4 Island (May 1943) in an effort to prevent smuggling;
5 that at Saigon, French Indo-China (December 1943)
6 intended to prevent illegal use of the radio; and that
7 of civilians and prisoners of war at Amboina, Ambon
8 Island (July 1943) where the civilians were killed for
9 giving, and the prisoners for receiving, food. In
10 addition to those referred to were other massacres
11 and murders, such as that aboard the Nitta Maru
12 (December 1941) where American prisoners of war were
13 beheaded; and that on New Guinea which involved the
14 killing of two American prisoners of war (October
15 1944). In the latter case, the Japanese officer
16 responsible said, "I asked if I could get an American
17 prisoner of war and kill him." The Commander of the
18 36th Japanese Division promptly granted the request
19 and delivered two prisoners to be killed. They were
20 blindfolded, tied and stabbed in the back with bayonets
21 and then decapitated with shovels.

24 There were massacres perpetrated in antici-
25 pation of a Japanese withdrawal or of an Allied attack.
These were not limited to prisoners of war, although

many prisoners were massacred under these circumstances,
1 apparently to prevent them from being liberated by the
2 Allied forces. Civilian internees and members of the
3 civilian population were also massacred under such
4 circumstances. Massacres of this type occurred in
5 the following places: Hailar, China (August 1945);
6 Molucca, Nicobar Islands (July 1945); Sandakan, British
7 Borneo (June-July 1945); Rensau, British Borneo (August
8 1945); Kudat Belat, British Borneo (June 1945); Miri,
9 British Borneo (June 1945); Labuan, British Borneo
10 (June 1945); Lacluta, Portuguese Timor (September 1945);
11 Ballah Island (January 1943); Ocena Island (September
12 1943); Puerto Princessa, Philippines (December 1944);
13 Irian Area, Philippines (April 1945); Calamba, Phil-
14ippines (February 1945); Panghulo, Philippines (February
15 1945); Tapel, Philippines (July 1945); and Barrio
16 Dinwiddie, Philippines (August 1945). Massacres of
17 this kind were very numerous in Batangas Province of
18 the Philippines. They were committed among others at
19 the following places: Barrio San Andres (January
20 1945); Busan (February 1945); Santo Tomas (February
21 1945); Lippe (February and March 1945); Taal (February
22 1945); Taneuen (February 1945); and Rosario (March
23 1945). When it became apparent that Manila would be
24 liberated massacres of this type were committed all over
25

the city as well as rape and arson.

1 We have not mentioned massacres of prisoners
2 of war at sea, to be discussed later, nor those that
3 occurred in "death marches." These also we shall
4 mention later. Apart from the massacres already
5 mentioned there were many individual murders. Many
6 of them were committed in horrible fashion; many were
7 committed in connection with other crimes such as
8 rape, robbery and arson, while others were committed
9 apparently for no other purpose than to gratify the
10 cruel instincts of the perpetrators.

12 Some of the massacres call for further des-
13 cription especially those of patients and medical
14 personnel in military hospitals which were clearly
15 marked with the Geneva insignia and entitled to protec-
16 tion under that convention as well as the general laws
17 of war. During the massacres at Hong Kong, Japanese
18 troops entered the Military Hospital at St. Stephens
19 College and bayoneted the sick and wounded in their
20 beds, and raped and murdered nurses who were on duty
21 there. During the battle of Northwestern Johore in
22 Malaya (January 1942), an ambulance convoy containing
23 sick and wounded was captured by Japanese soldiers.
24 The personnel and wounded were removed from the am-
25 bulances and killed by shooting, bayoneting and burning

1 alive after being saturated with oil. At Katonga in
2 Malaya (January 1942), an ambulance convoy was fired
3 upon by Japanese machine gunners. The personnel and
4 wounded were taken from the convoy, tied together and
5 shot in the back. The Alexandra Hospital at Singapore,
6 Malaya, was captured by the Japanese forces on 13
7 February 1942. The Japanese troops went through the
8 first floor of the hospital and bayoneted everyone
9 on that floor. They entered the operating room where
10 a soldier was under chloroform undergoing an operation
11 and bayoneted the patient, the surgeon and the
12 anesthetist. They then went to the second floor
13 and other parts of the building and removed the patients
14 and medical personnel and massacred them. When the
15 Japanese troops entered Soebang, Java, in March 1942,
16 they removed a nurse and her patients from the Military
17 Hospital and massacred them with women and children
18 of the civilian population. These massacres in dis-
19 regard of the laws of war respecting the treatment to
20 be accorded to military hospitals and their personnel
21 and patients illustrate the attitude of Japanese soldiers
22 and their officers towards the laws of war.

24 There is a similarity of method to be found
25 in most of the massacres. The victims were first bound
and then shot, bayoneted or decapitated with swords.

In most instances, the victims were shot and then

1 bayoneted by Japanese soldiers who went among the wounded
2 killing those who still lived. In a number of cases
3 they were gathered on a beach with the water to their
4 backs or on the edge of a cliff and there killed.

5 In some places even more dreadful methods
6 were employed. At the Manila German Club and at Fort
7 Santiago the victims were gathered together in a build-
8 ing, which was set on fire; and those who attempted
9 to escape were shot or bayoneted as they emerged from
10 the flames.

11 In evidence upon the atrocity committed at
12 the German Club in Manila in February 1945, it was
13 disclosed that fugitives took shelter under the Club
14 from bombardment and shell-fire then proceeding.
15 Japanese soldiers surrounded the Club by a barricade
16 of inflammable material, then poured gasoline over this
17 barricade and ignited it. Thus the fugitives were
18 forced to attempt to escape through the flaming bar-
19 ricade. Most of them were bayoneted and shot by the
20 waiting Japanese soldiers. Some of the women were
21 raped and their infants bayoneted in their arms.
22 After raping the women the Japanese poured gasoline
23 on their hair and ignited it. The breasts of some of
24 the women were cut off by Japanese soldiers.
25

1 a massacre took place at St. Paul's College
2 in Manila in the following manner: approximately 250
3 people were placed in the building and the doors and
4 windows solidly shot and barred. While so confined it
5 was noticed that the three hanging chandeliers were
6 wrapped in blackout paper and that strings or light
7 wires ran from inside these wrappings to the outside
8 of the building. Later the Japanese brought in biscuits,
9 candy and liquor of some sort, placed them in the centre
10 of the room and told the captives that they were safe
11 where they were and that they might have the food and
12 drink which had been brought to them. accordingly
13 they went to the food as deposited and within a matter
14 of moments there were three explosions. The covered
15 chandeliers had contained explosives. Many were
16 thrown to the floor and a panic ensued. Japanese
17 outside the building began firing machine guns into
18 it and threw grenades. The explosions had blown out
19 the windows and a portion of the wall, through which
20 those who were able endeavoured to escape. Many of
21 these were killed as they tried to do so.
22
23
24
25

1 At a prisoner of war camp above Puerto Princesa
2 Bay on the Philippine Island of Palawan there occurred
3 a particularly cruel and premeditated massacre of American
4 prisoners. There were some 150 prisoners in this camp.
5 They had been told previously by their captors that if
6 Japan won the war they would be returned to America but
7 that they would be killed if Japan were defeated. Before
8 the massacre there had been some raiding of the island
9 by American aircraft. In the camp a number of shallow
10 and lightly covered air raid shelters had been dug. At
11 about 2 p.m. on 14 December 1944, the prisoners were
12 ordered to go to these shelters. Japanese soldiers
13 armed with rifles and machine guns were posted around
14 the camp. When the prisoners were all in the shelters,
15 gasoline was thrown into them from buckets and then this
16 was followed by lighted torches. Explosions followed
17 and those prisoners who were not too badly burnt
18 struggled to escape. These were killed by fire from the
19 rifles and machine guns placed in position for the
20 purpose. In some cases they were killed by bayonet
21 thrusts. Five only of the 150 survived this dreadful
22 experience. They did so by swimming out into the bay
23 whence after nightfall they escaped into the jungle and
24 eventually joined up with Philippines guerillas.

~~Mass drowning was used at Port Blair, Andaman~~

Islands (August 1945), where the civilian internees were
1 placed aboard ship, taken to sea, and forced into the
2 water. A combination of drowning and shooting, similar
3 to that employed at Hankow, was used at Kota Radja (March
4 1942), where Dutch prisoners of war were placed in sloops,
5 towed to sea, shot and thrown into the sea. At Tarakan,
6 Borneo (January 1942), Dutch prisoners of war were taken
7 aboard a Japanese light cruiser, taken to the spot where
8 a Japanese destroyer had been fired upon by them, decapi-
9 cated and thrown into the sea.

11 MASSACRES WERE ORDERED.

12 The evidence shows that most of these massacres
13 were ordered by commissioned officers, that some of them
14 were ordered by high-ranking generals and admirals, that
15 in many cases commissioned officers were actually present
16 during their commission, observing, directing or actually
17 doing the killing. Japanese orders were captured which
18 gave directions for killing Filipinos. The file of
19 orders issued by the Manila Navy Defence Force between
20 December 1944 and February 1945 was captured. It con-
21 tained this order: "Be careful to make no mistake in
22 the time of exploding and burning when the enemy invades.
23 When killing Filipinos, assemble them together in one
24 place as far as possible thereby saving ammunition and
25 labor." Diaries of Japanese soldiers were captured

1 indicating that their owners had been ordered to massacre
2 and had done so pursuant to such orders. Battle reports
3 of military units and police reports of military police,
4 which were captured, contained reports to superior
5 authorities relating to massacres which had been committed,
6 together with the number of rounds of ammunition expended
7 and the number of victims killed. Prisoners of war from
8 many camps in Japan and the occupied areas have testified
9 that they were informed by their Japanese, Formosan
10 and Korean guards that they would be killed in case the
11 Allies invaded the locality or if Japan should lose the
12 war. We have referred to cases where these threats were
13 carried out. In one camp, at least, written evidence
14 of an order from higher authority to kill the prisoners
15 of war was found. The captured journal from a camp
16 in Formosa contained an entry showing that a reply had
17 been sent to an inquiry from the Chief-of-Staff of the
18 11th Military Police Unit of the Kiirun Fortified Area
19 Headquarters regarding "extreme measures" for prisoners
20 of war. The method to be employed in carrying out these
21 "extreme measures" was detailed as follows: "Whether
22 they are destroyed individually or in groups, or however
23 it is done, with mass bombing, poisonous smoke, poisons,
24 drowning, decapitation, or what, dispose of them as the
25 situation dictates. In any case, it is the aim not to

1 allow the escape of a single one, to annihilate them
2 all, and not to leave any traces." This annihilation
3 was, inter alia, prescribed in all cases "where escapes
4 from the camp may turn into a hostile fighting force."

5 A general order was issued by Vice-Minister of
6 War Shibayama on 11 March 1945. The order stated: "The
7 handling of prisoners of war in these times when the
8 state of things is becoming more and more pressing and
9 the evils of war extend to the Imperial Domain, Manchu-
10 ria and other places, is in the enclosed summary. We
11 hope you follow it, making no mistakes." The enclosed
12 summary to which reference was made began: "The Policy:
13 With the greatest efforts prevent the prisoners of war
14 falling into the hands of the enemy. Further for this
15 purpose carry out a transfer of the place of confinement
16 for those prisoners of war for whom it is necessary."
17 The Ranau Death Marches, which began at about this time
18 between Sandakan and Ranau in Borneo to which we will
19 refer presently, conformed to the policy indicated by
20 the order just quoted.

22 DEATH MARCHES.

23 The Japanese Army did not observe the laws of
24 war in the movement of prisoners of war from one place
25 to another. Prisoners were forced to march long
distances without sufficient food and water and without

rest. Sick and wounded were forced to march in the
1 same manner as the able. Prisoners, who fell behind
2 on such marches were beaten, tortured and murdered.
3 We have been furnished evidence of many such marches.

4 The Bataan March is a conspicuous example.
5 When General King surrendered his forces on Bataan on
6 9 April 1942, he was assured by Japanese General Homma's
7 Chief-of-Staff that his soldiers would be treated
8 humanely. General King had saved sufficient trucks
9 from demolition to move his men from Bataan to the
10 prisoner of war camp. The American and Filipino soldiers
11 on Bataan had been on short rations and the sick and
12 wounded were numerous. However, when General King
13 suggested the use of the trucks, he was forbidden to do
14 so. The prisoners were marched in intense heat along
15 the highway to San Fernando, Pampanga, which is a
16 distance of 120 kilometers or 75 miles. The sick and
17 wounded were forced to march. Those who fell by the
18 roadside and were unable to continue were shot or
19 bayoneted. Others were taken from the ranks, beaten,
20 tortured and killed. The march continued for nine days,
21 with the Japanese guards being relieved at five kilometer
22 intervals by fresh guards who had been transported in
23 the American trucks. During the first five days the
24 prisoners received little or no food or water.
25

1 Thereafter, the only water available was that from an
2 occasional artesian well or caribou wallow. When the
3 prisoners grouped around a well in an attempt to get
4 water the Japanese fired upon them. Shooting and bayon-
5 eting of prisoners were commonplace. Dead bodies
6 littered the side of the road. Murata, who had been
7 sent to the Philippines in February 1942 by War Minister
8 TOJO as a civilian advisor to General Homma, drove along
9 this highway and saw the dead bodies along the highway
10 in such great numbers that he was prompted to ask
11 General Homma about the situation. Murata testified
12 that, "I merely saw it; I did not complain about it; I
13 just asked questions." At San Fernando, the prisoners
14 were crowded into railway freight cars to be transported
15 to Camp O'Donnell. They were forced to stand through
16 lack of space and many died in the cars from exhaustion
17 and lack of ventilation. It is not clear how many
18 died in this movement from Bataan to Camp O'Donnell.
19 The evidence indicates that there were approximately
20 8,000 deaths of American and Filipino prisoners. At
21 Camp O'Donnell, the evidence shows that from April to
22 December 1942 no less than 27,500 Americans and Filipinos
23 died.

24
25 TOJO admitted that he heard of this march in
1942 from many different sources. He said that his

information was to the effect that the prisoners had been
1 forced to march long distances in the heat and that many
2 deaths had occurred. TOJO also admitted that the United
3 States Government's protest against the unlawful treat-
4 ment of these prisoners had been received and discussed
5 at the bi-weekly meetings of the Bureau Chiefs in the
6 War Ministry soon after the death march occurred, but
7 that he left the matter to the discretion of the Bureau
8 Chiefs. TOJO said that the Japanese forces in the
9 Philippines were not called upon for a report on the
10 incident and that he did not even discuss the matter
11 with General Homma when that General visited Japan in
12 early 1943. TOJO said that he first inquired into this
13 subject when he visited the Philippines in May 1943;
14 and at that time he discussed it with General Homma's
15 Chief-of-Staff, who informed him of the details. TOJO
16 explained his failure to take action to prevent a repe-
17 titution of similar atrocities as follows: "It is
18 Japanese custom for a commander of an expeditionary
19 army in the field to be given a mission in the per-
20 formance of which he is not subject to specific orders
21 from Tokyo, but has considerable autonomy." This can
22 mean only that under the Japanese method of warfare such
23 atrocities were expected to occur, or were at least
24 permitted, and that the Government was not concerned to

prevent them.

1 Such atrocities were repeated during the
2 Pacific War which it is reasonable to assume resulted
3 from the condonation of General Homma's conduct at
4 Bataan.

5 OTHER FORCED MARCHES.

6 On the march from the port to Koepang prisoner
7 of war camp on Dutch Timor in February 1942 the prisoners
8 suffering from wounds, hunger, malaria and dysentery
9 were marched for five days with their hands tied behind
10 their backs, and were driven and beaten along by their
11 Japanese and Korean guards like a herd of cattle.
12 Similar marches were imposed upon Indian prisoners
13 between Wewak, But and Aitape in British New Guinea
14 during 1943 and 1944. On those marches the prisoners who
15 became ill and were unable to keep up with the main body
16 were shot. There was evidence of other similar hap-
17 penings. Those mentioned show the accepted and common
18 practice followed by the Japanese Army and Prisoner of
19 War Administration when moving prisoners of war from one
20 place to another under harsh conditions enforced by
21 the beating and murdering of stragglers.
22

23 The Ranau marches are in a different category.
24 They began early in 1945, when the Japanese feared that
25 the Allies were preparing a landing at Kuching; the

~~purpose of these marches was to remove the prisoners to~~
1 prevent their liberation. The village of Ranau is in
2 a jungle over 100 miles west of Sandakan in Borneo on the
3 eastern slope of Mt. Kinabalu. The trail from Sandakan
4 to Ranau lies through dense jungle and is too narrow for
5 vehicles. The first 30 miles are marshy and heavy with
6 mud and slush. The next 40 miles are in higher country
7 over short, steep hills. The next 20 miles are over a
8 mountain. The last 26 miles are all uphill and moun-
9 tainous. Australian prisoners of war were moved along
10 this jungle trail in a series of marches. The prisoners
11 were suffering from malaria, dysentery, beri-beri and
12 malnutrition before they were taken from the camp at
13 Sandakan. The test to determine whether a prisoner was
14 fit to make the march was to beat and torture him to make
15 him stand; if he did stand, he was considered fit for the
16 march. The prisoners were forced to carry food and
17 ammunition for their guards as well as their own scanty
18 rations. One party of 40 prisoners was forced to subsist
19 for three days on this march upon six cucumbers divided
20 among them. Those who fell out of the marching column
21 were shot or bayoneted to death. The marches continued
22 until the first part of April 1945. The trail was
23 littered with the corpses of those who perished along the
24 way. Less than one-third of the prisoners of war who
25

1 began these marches at Sandakan ever reached Ranau. -
2 Those who did reach Ranau were starved and tortured to
3 death or died of disease or were murdered. Only six out
4 of more than two thousand who were prisoners at Sandakan
5 are known to have survived. These did so by escaping
6 from the camp at Ranau. Those who were too sick to
7 begin the marches at Sandakan died of disease or were
8 murdered by their guards.

9 We will adjourn for fifteen minutes.

10 (Whereupon, at 1445, a recess was taken
11 until 1500, after which the proceedings were
12 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 PRESIDENT: I continue the reading of the
4 Tribunal's judgment.

5 BURMA-SIAM RAILWAY

6 A flagrant example of atrocities over an
7 extended period in one area is found in the treatment
8 of prisoners of war and native workmen employed in the
9 construction of the Burma-Siam Railway. Prior to and
10 during the work prisoners were constantly subjected
11 to ill-treatment, torture and privation of all kinds,
12 commencing with a forced march of 200 miles to the
13 area under almost indescribable hardships. As a re-
14 sult in eighteen months 16,000 prisoners out of
15 46,000 died.

16 To further their strategic plans in Burma
17 and India, Japanese Imperial General Headquarters
18 early in 1942 considered the question of communi-
19 cations. The shortest convenient line of communica-
20 tions at that time was through Thailand. It was decided to
21 link the railroad running from Bangkok in Siam with
22 that from Moulmein in Burma, the distance of the gap
23 being about 250 miles (400 kilometers). This com-
24 munication with the Japanese armies in Burma would
25 be facilitated.

1 For that purpose, on the advice of TOJO, it
2 was decided to use prisoners of war and orders were
3 issued to the Southern Army then stationed in Malaya
4 to proceed with the work with all possible speed, Nov-
5 ember 1943 being fixed as the completion date. Fur-
6 suant to these orders two groups of prisoners were
7 sent from the Singapore area commencing in August 1942;
8 one group known as "A" Force being sent by sea and the
9 second group, composed of "F" and "H" Forces by rail
10 to Bangpong. From Bangpong they were made to march to
11 the various camps along the line of the projected con-
12 struction.

13 Before "F" and "H" Forces left Singapore, the
14 Japanese general in charge of the prisoner of war
15 administration informed the prisoners that they were
16 being sent to rest camps in the mountains where the
17 food situation was better because so many of them were
18 sick and suffering from malnutrition, caused by lack
19 of food and insanitary conditions in the Singapore
20 camps. He therefore insisted that the sick be in-
21 cluded in those to be sent to the labor camps. The
22 prisoners were crowded into railway freight cars with
23 the men sitting cross-legged on the floor without
24 sufficient space to lie down. They had been told that
25 it would not be necessary to carry along their cooking

1 utensils as they would be replaced. However, they
2 were not replaced. Furthermore, the only food fur-
3 nished the prisoners was thin vegetable stew, and for
4 the last twenty-four hours of the trip by rail no food
5 or water was available.

6 After four days and four nights the prisoners
7 were detained and required to surrender their bag-
8 gage and what cooking gear they had brought, as well
9 as all drugs and medical equipment. They were then
10 required to march 200 miles on foot in two and one-
11 half weeks. The march would have taxed fit soldiers,
12 as the route lay over rough jungle tracks in mountain-
13 ous country. The march was accomplished in fifteen
14 night stages in the rain and mud of the monsoon. The
15 weakened condition of the prisoners, together with
16 the necessity of carrying some 2,000 non-walking sick,
17 made this march almost beyond human endurance. Some
18 of those who became sick or too weak to march were
19 beaten and driven by their guards.

20
21 In the camps established along the projected
22 railway, which lay in virgin jungle, no cover was
23 provided; sanitary facilities were almost non-existent,
24 medical care and drugs were not provided, clothing was
25 not furnished, rations were completely inadequate,
while the constant driving and daily beating of the

1 prisoners added to the ever-mounting toll of dead and
2 disabled. Those who tried to escape were killed. Other
3 groups of prisoners of war from Singapore followed "F"
4 and "H" Forces and were accorded similar treatment.

5 TOJO told the Tribunal that he had received
6 reports of the poor condition of the prisoners employed
7 on this project and that he sent the Chief of the
8 Prisoner of War Information Bureau to investigate in
9 May 1943. He admits that the only action which he took
10 as a result of that investigation was to court-martial
11 a certain company commander who had dealt unfairly
12 with the prisoners of war, and to relieve from duty
13 the Commanding General of Railway Construction. How-
14 ever, we find from other evidence that the Commanding
15 General was not removed because of the ill-treatment
16 of prisoners of war. The first Commanding General
17 of Railway Construction, who was in charge of this
18 project, was killed by an Allied air raid. The second
19 Commanding General in charge of the project was trans-
20 ferred because he was too sick to attend to his duties,
21 and because the work was not progressing fast enough
22 for the Imperial General Headquarters. The inspector,
23 who recommended the removal of the second Commanding
24 General was not, as stated by TOJO, the Chief of the
25 Prisoner of War Information Bureau, but Wakamatsu, the

Director of the Third Division of the Army General

1 Staff in charge of transportation and communication.

2 He reported to the Chief of the Army General Staff

3 that the work was not making sufficient progress and

4 recommended that the General in command of the rail-

5 road units in Malaya be placed in charge of the con-

6 struction and that he be allowed a two-months exten-

7 sion of the date set for the completion of the road.

8

9 The court-martial of one company commander

10 was so insignificant and inadequate as a corrective

11 measure in view of the general disregard of the laws

12 of war by those in charge of prisoners of war on this

13 project and the inhumane treatment to which they were

14 subjecting the prisoners as to amount to condonation

15 of their conduct. One of the principal concerns of

16 the Government and the Japanese Imperial General Staff

17 in 1943 was that the railway should be completed in time

18 to use it in resisting the advance of the Allied

19 forces which was making progress in Burma. No con-

20 cern appears to have been shown for the cost in sick,

21 wounded and dead Allied prisoners of war caused by

22 the constant driving, beating, torturing and murdering

23 at the hands of their Japanese and Korean guards and

24 the insanitary conditions in which the prisoners were

25 required to live and work and the failure of the

1 Japanese Government to furnish the barest necessities
2 of life and medical care.

3 The lack of proper accommodation, the treatment
4 of the sick, and the inhumane treatment of prisoners
5 engaged in connection with construction of the railway,
6 which is typical of Japanese treatment of prisoners of
7 war, is described by the witness, Colonel Wild, who
8 was kept on this project until November 1943. Colonel
9 Wild, who, by reason of his knowledge of Japanese,
10 acted as liaison officer between the prisoners of war
11 and the Japanese officers, visited many of the camps in
12 which the prisoners were kept and had a first-hand
13 knowledge of the treatment accorded them. The follow-
14 ing extract from his evidence graphically describes
15 conditions:
16

17 "Q Substantially, was there any difference
18 between the living conditions and treatment of pris-
19 oners of war in these various camps?

20 "A None.

21 "Q Will you describe one of them as an
22 example?

23 "A When I entered Songkrai camp on the third
24 of August 1943, I went first to a very large hut accom-
25 modating about 700 men. The hut was of the usual pat-
tern. On each side of an earthen gangway there was a

12-foot wide sleeping platform made of split bamboo.

1 The roof was inadequately made with an insufficient
2 quantity of palm leaves which let the rain through
3 almost everywhere. There were no wells, and a stream
4 of water was running down the earthen gangway. The
5 framework of the hut was bamboo tied with creeper.
6

7 "In this hut were 700 sick men. They were
8 lying two deep along each side of the hut on the split
9 bamboo platform. Their bodies were touching one another
10 down the whole length of the hut. They were all very
11 thin and practically naked. In the middle of the hut
12 were about 150 men suffering from tropical ulcers.
13 These commonly stripped the whole of the flesh from a
14 man's leg from the knee to the ankle. There was an
15 almost overwhelming smell of putrefaction. The only
16 dressings available were banana leaves tied around
17 with puttees, and the only medicine was hot water.
18 There was another hut further up the hill of similar
19 design in which so-called fit men were kept, and one
20 well-roofed and better constructed hut occupied by the
21 Japanese guards.
22

23 "Q Was there any bedding supplied?

24 "A None whatever.

25 "Q What did they have to cover them from the
rain?

1 "A When we first entered these working camps
2 none of them were roofed at all for the first few
3 weeks. The monsoon had already broken, and during
4 these weeks the men had nothing whatever to cover
5 themselves from the rain except banana leaves. If
6 they were strong enough each man cut a couple of
7 banana leaves and put them over his own body.

8 "Q Was any roofing material ever received?

9 "A In my own camp of which I was in command,
10 Lover Niki, we got a lorry load of atap palm, which
11 was enough to roof half the hut in which the worst
12 of the sick were lying. In Niki Camp no atap palm
13 was ever received, but we got some rotten, leaking
14 canvas. In the other four camps after a few weeks
15 about enough atap palm was supplied to roof all the
16 huts with about half the amount that was necessary.
17 Again, this does not apply to the Japanese and Korean
18 guards, who always had a proper roof over them.

19 "Q By the middle of July 1943, that is ten
20 weeks after you had left Singapore, what was the state
21 of 'F' Force as a whole?
22

23 "A We had 1700 deaths by that time, and 700
24 men out of the 7,000 were going out to work. Of these
25 700, we British officers considered that 350 should
have been lying down sick."

1 The account of the construction of this
2 railway would be incomplete without reference to the
3 treatment of the conscripted native labour employed.

4 To supplement the prisoners of war employed
5 on the work, native labourers, Burmese, Tamils, Java-
6 nese, Malaysians and Chinese were recruited, sometimes
7 on promises of varying kinds, and at others by force
8 for labour in occupied areas. In all about 150,000
9 of these labourers were employed on the railway work.
10 The treatment given them and the conditions under
11 which they existed were, if anything, worse than those
12 already described. At least 60,000 of the 150,000
13 died during the period of construction.

14 We shall deal later in some detail with pro-
15 tests made by the Allies against ill-treatment of
16 prisoners and shall refer to knowledge of atrocities
17 on the part of the General Staff and the Government.
18 It is, however, pertinent at this stage to refer to
19 the evidence establishing that before the railway
20 project was begun the Army was advised of the terrible
21 conditions under which the work would be done; that
22 the Government had knowledge of the casualties and
23 failed to remedy these conditions.

24 In 1942 before the work began the Southern
25 Army Headquarters was advised of the danger of prisoners

~~contracting the various tropical diseases, and from~~
1 time to time the death rate was reported. Confirma-
2 tion of the knowledge of the danger to the health of
3 the prisoners and the insufficiency of food, shelter
4 and medical supplies is found in a report dated 6
5 October 1944 from the Chief of Staff of the Southern
6 Army to the Chief of the Prisoner of War Information
7 Bureau, reading in part: "For strategic reasons the
8 completion of the railway was most urgent. Since the
9 proposed site of this railway line was a virgin jungle,
10 shelter, food, provisions and medical supplies were
11 far from adequate and much different from normal con-
12 ditions for prisoners of war."
13

14 In July 1943, when thousands of prisoners had
15 died or were incapacitated by disease, Foreign Minister
16 SHIGEMITSU in reply to a protest said that the pris-
17 oners were equitably treated and that all sick received
18 medical attention. Yet, even according to Japanese
19 figures, within a month of the sending of SHIGEMITSU's
20 message the total prisoners who had died in Thailand
21 alone was 2,909. According to the same source the
22 death rate had increased enormously month by month
23 from 54 in November 1942 to 800 in August 1943.
24

25 In the summer of 1943 Wakametsu on his return
to Tokyo from his inspection of the area previously

1 referred to, reported personally to Sugiyama, Chief
2 of the General Staff, that he had seen many cases of
3 beri-beri and dysentery and that the quality of the
4 food was not of the required standard.

5 It is claimed that many of the deaths oc-
6 curred because the Allied Forces interfered with the
7 regular supply of food and drugs. However, for the
8 very reason of this interference with shipping the
9 order was given in February 1943 to shorten the terms
10 by which the work had to be finished by four months.
11 Since that order the commanders became reckless. POW
12 were told: Man are of no importance, the railroad has
13 to be built irrespective of any suffering or death, or,
14 "the construction of the railway had to go on without
15 delay as it was required for operational purposes, and
16 had to be finished within a certain time at all costs,
17 irrespective of the loss of lives of British and Aus-
18 trelian prisoners."

19 Finally we refer to one of the monthly reports,
20 dated 3 September 1943, received by the Prisoner of
21 War Information Bureau from the Prisoner of War Com-
22 mandant in Thailand, which stated that of a total of
23 40,314 prisoners 15,064 were sick. In view of the
24 practice of forcing beri-beri and dysentery cases to
25 continue to work, the number of sick, if these had

been included, would have been much greater.

1 TORTURE AND OTHER INHUMANE TREATMENT

2 The practice of torturing prisoners of war
3 and civilian internees prevailed at practically all
4 places occupied by Japanese troops, both in the occu-
5 pied territories and in Japan. The Japanese indulged
6 in this practice during the entire period of the Paci-
7 fic War. Methods of torture were employed in all
8 areas so uniformly as to indicate policy both in train-
9 ing and execution. Among these tortures were the water
10 treatment, burning, electric shocks, the knee spread,
11 suspension, kneeling on sharp instruments and flogging.

12 The Japanese Military Police, the Kempeitai,
13 was most active in inflicting these tortures. Other
14 Army and Navy units, however, used the same methods
15 as the Kempeitai. Camp guards also employed similar
16 methods. Local police forces organized by the Kem-
17 peitai in the occupied territories also applied the
18 same methods of torture.
19

20 We will show how the Chiefs of Camps were
21 instructed in Tokyo before assuming their duties. We
22 will also show that these Chiefs of Camps were under
23 the administrative control and supervision of the
24 Prisoner of War Administration Section of the Military
25 Affairs Bureau of the War Ministry to which they

rendered monthly reports. The Kempeitai were administered by the War Ministry. A Kempeitai training school was maintained and operated by the War Ministry in Japan. It is a reasonable inference that the conduct of the Kempeitai and the camp guards reflected the policy of the War Ministry.

To indicate the prevalence of torture and the uniformity of the methods employed we give a brief summary of these methods.

The so-called "water treatment" was commonly applied. The victim was bound or otherwise secured in a prone position; and water was forced through his mouth and nostrils into his lungs and stomach until he lost consciousness. Pressure was then applied, sometimes by jumping upon his abdomen to force the water out. The usual practice was to revive the victim and successively repeat the process. There was evidence that this torture was used in the following places: China, at Shanghai, Peiping and Hanking; French Indo-China, at Hanoi and Saigon; Malaya, at Singapore; Burma, at Kyaikto; Thailand, at Chumporn; Andaman Islands, at Port Bleir; Borneo, at Jesselton; Sumatra, at Medan, Tadjong Karang and Palembang; Java, at Batavia, Bandung, Soerabaja and Buitenzorg; Celebes, at Makassar; Portuguese Timor, at Ossu and Dilli; Philippines,

1 at Manila, Nichols Field, Palo Beach and Dumaguete;
2 Formosa, at Camp Haito; and in Japan, at Tokyo.

3 Torture by burning was practiced extensively.
4 This torture was generally inflicted by burning the body
5 of the victim with lighted cigarettes, but in some in-
6 stances burning candles, hot irons, burning oil and
7 scalding water were used. In many of these cases, the
8 heat was applied to sensitive parts of the body, such
9 as the nostrils, ears, abdomen, sexual organs, and in
10 the case of women, to the breasts. We have evidence of
11 specific instances in which this form of torture was
12 employed in the following places: China, at Hankow,
13 Peiping, Shanghai and Komonhen; French Indo-China, at
14 Haiphong, Hanoi, Vinh and Saigon; Malaya, at Singapore,
15 Victoria Point, Ipoh and Kuala Lumpur; Burma, at Kyaik-
16 to; Thailand, at Chumporn; Andaman Islands, at Port
17 Blair; Nicobar Islands, at Kakana; Borneo, at Jesselton;
18 Sumatra, at Palembang and Pagan Baru; Java, at Batavia,
19 Bendung and Semarang; Moluccas Islands, at Amboina;
20 Portuguese Timor, at Ossu; Solomon Islands, at Buin;
21 Philippine Islands, at Manila, Iloilo City, Palo,
22 Betaan and Dumaguete; and in Japan, at Kawasaki.
23
24
25

The electric shock method was also common.

1 Electric current was applied to a part of the victim's
2 body so as to produce a shock. The point of application
3 was generally a sensitive part of the body such as the
4 nose, ears, sexual organs or breasts. The evidence
5 shows specific instances of the use of this method of
6 torture at the following places: China, at Peiping and
7 Shanghai; French Indo-China, at Hanoi and Mytho;
8 Malaya, at Singapore; Thailand, at Chumporn; Java, at
9 Bandung, Buitenzorg and Semarang; and in the Philippine
10 Islands, at Davao.

12 The so-called knee spread was a frequent method
13 of torture. The victim, with his hands tied behind his
14 back, was forced to kneel with a pole, sometimes as much
15 as three inches in diameter, inserted behind both knee
16 joints so as to spread those joints as pressure was applied
17 to his thighs, at times by jumping on his thighs. The
18 result of this torture was to separate the knee joints
19 and so cause intense pain. The evidence shows specific
20 instances of this torture being used at the following
21 places: China, at Shanghai and Nanking; Burma, at Tavoy;
22 Andaman Islands, at Port Blair; Borneo, at Sandakan;
23 Sumatra, at Pakan Baru; Moluccas Islands, at Halmahera
24 Island; Portuguese Timor, at Dilli; Philippine Islands,
25 at Manila, Nichols Field and Pasay Camp; and in Japan

at Tokyo.

1 Suspension was another common form of torture.
 2 The body of the victim was suspended by the wrists, arms,
 3 legs or neck, and at times in such manner as to strangle
 4 the victim or pull joints from their sockets. This method
 5 was at times combined with flogging during suspension.
 6 Specific instances of the employment of this method of
 7 torture occurred in the following places: China, at
 8 Shanghai and Nanjing; French Indo-China, at Hanoi;
 9 Malaya, at Singapore, Victoria Point, Ipoh and Kuala
 10 Lumpur; Thailand, at Chumporn; Burma at Kyaikto;
 11 Borneo, at Sandakan; Sumatra, at Brastari; Java, at
 12 Bandung, Soerabaja and Buitenzorg; Moluccas Islands,
 13 at Amboina; Portuguese Timor, at Dilli; Philippine
 14 Islands, at Manila, Nichols Field, Palo, Iloilo City and
 15 Dumaguete; and in Japan, at Tokyo and Yokohama.

17 Kneeling on sharp instruments was another form
 18 of torture. The edges of square blocks were mostly used
 19 as the sharp instruments. The victim was forced to kneel
 20 on these sharp edges for hours without relief; if he moved
 21 he was flogged. Specific instances of the use of this
 22 method have been shown to us to have occurred at the
 23 following places: French Indo-China, at Hanoi; Malaya,
 24 at Singapore; Andaman Islands, at Port Blair, Moluccas
 25 Islands, on Halmahera Island; Philippine Islands at Davao;

and in Japan, at Fukuoka and Omuta.

1 Removal of the nails of the fingers and toes
2 also occurred. Instances of this method of torture
3 are found at the following places: China, at Shanghai;
4 Celebes, at Menado; Philippines, at Manila, Iloilo City;
5 and in Japan, at Yamani.

6 Underground dungeons were used as torture
7 chambers at the following places: French Indo-China, at
8 Hanoi; Malaya, at Singapore; and in Java, at Bandung.

9 Flogging was the most common of the cruelties
10 of the Japanese. It was commonly used at all prisoner
11 of war and internee camps, prisons, Kempeitai headquarters
12 and at all work camps and on all work projects as well as
13 aboard prison ships. It was indulged in freely by the
14 guards with the approval and often at the direction of
15 the Camp Commandant or some other officer. Special in-
16 struments were issued for use in flogging at camps;
17 some of these were billets of wood the size of a baseball
18 bat. On occasions prisoners were forced to beat their
19 fellow prisoners under the supervision of the guards.
20 Prisoners suffered internal injuries, broken bones, and
21 lacerations from these beatings. In many instances they
22 were beaten into unconsciousness only to be revived in
23 order to suffer a further beating. The evidence shows
24 that on occasions prisoners were beaten to death.
25

Mental torture was commonly employed. An illustration of this form of torture is to be found in the treatment to which the Doolittle fliers were subjected. After having been subjected to the various other forms of torture, they were taken one at a time and marched blindfolded a considerable distance. The victim could hear voices and marching feet, then the noise of a squad halting and lowering their rifles as if being formed to act as a firing squad. A Japanese officer then came up to the victim and said: "We are Knights of the Bushido of the Order of the Rising Sun; we do not execute at sundown; we execute at sunrise." The victim was then taken back to his cell and informed that unless he talked before sunrise, he would be executed.

On 5 December 1944, the Swiss Legation in Tokyo delivered to Foreign Minister SHIGEMITSU a Note of Protest from the British Government. In that note SHIGEMITSU was informed that a copy of a book entitled, "Notes for the Interrogation of Prisoners of War", and issued by the Japanese Hayashi Division in Burma on 6 August 1943, had been captured. The note gave SHIGEMITSU direct quotations from that book as follows: "Care must be exercised when making use of rebukes, invectives or torture as it will result in his telling falsehoods and making a fool of you. The following are the methods normally to be adopted:

1 (a) Torture, which includes kicking, beating and anything
2 connected with physical suffering. This method to be
3 used only when everything else fails as it is the most
4 clumsy one." (This passage was specially marked in the
5 copy captured.) "Change the interrogating officer when
6 using violent torture, and good results can be had if
7 the new officer questions in a sympathetic manner.

8 (b) Threats. (1) Hints of future physical discomforts,
9 for instance: torture, murder, starving, solitary con-
10 finement, deprivation of sleep. (2) Hints of future
11 mental discomforts, for instance: he will not be allowed
12 to send letters, he will not be given the same treatment
13 as the other prisoners of war, he will be kept till the
14 last in the event of an exchange of prisoners, etc."

15 The note then continued: "The Government of the United
16 Kingdom has requested that the attention of the Japanese
17 Government be drawn to the foregoing." It recalls that
18 the Japanese Government has recently strongly denied
19 that Imperial Japanese authorities make use of torture.
20 See the letter from SHIGEMITSU to the Swiss Minister of
21 1 July 1944." We have no evidence that any action was
22 taken to stop this practice of torturing Allied prisoners
23 of war; on the other hand, the practice continued to the
24 time of the surrender of Japan and, when the surrender
25 came, orders were issued to assist the criminals in

avoiding just punishment for their crimes. In addition
1 to ordering all incriminating evidence in the form of
2 documents to be destroyed, the following order was issued
3 by the Chief of Prisoner of War Camps of the Prisoner of
4 War Administration Section of the Military Affairs
5 Bureau on 20 August 1945: "Personnel who mistreated
6 prisoners of war and internees or are held in extremely
7 bad sentiment by them are permitted to take care of it by
8 immediately transferring, or by fleeing without trace."
9 This order was sent to various prisoner of war camps
10 including those in Formosa, Korea, Manchuria, North China,
11 Hong Kong, Borneo, Thailand, Malaya and Java.

VIVISECTION AND CANNIBALISM

15 Vivisection was practiced by Japanese Medical
16 Officers upon prisoners in their hands. There were also
17 cases of dismemberment of prisoners by Japanese who were
18 not Medical Officers. In addition to the incidents stated
19 below other dismembered bodies of dead captives were
20 found in circumstances indicating that the mutilation
21 had occurred before death.

22 There was evidence that at Khandok a prisoner
23 of war described as "healthy, unwounded", was treated as
24 follows: "The man was tied to a tree outside the Hikari
25 Kikan Office. A Japanese doctor and four Japanese medical

students stood around him. They first removed the
1 finger nails, then cutting open his chest removed his
2 heart, on which the doctor gave a practical demonstration."

3 The captured diary of a Japanese, apparently an
4 officer, recorded an incident on Guadalcanal. "26
5 September - Discovered and captured the two prisoners
6 who escaped last night in the jungle, and let the Guard
7 Company guard them. To prevent their escaping a second
8 time, pistols were fired at their feet, but it was
9 difficult to hit them. The two prisoners were dissected
10 while still alive by Medical Officer Yamaji and their
11 livers were taken out, and for the first time I saw the
12 internal organs of a human being. It was very inform-
13 ative."
14

15 A case of mutilation of a living captive, this
16 time not by a medical, but by a combatant Japanese
17 officer, was deposed to from Cananray, in the Philippines.
18 The evidence was: "... A young woman (. . . .) about
19 24 years old was caught hiding in the grass. The officer
20 in charge of the entire patrol tore off her clothes,
21 while two soldiers held her. He then had her taken to
22 a small nipa hut, without walls . . . and there the
23 officer in charge of the patrol used his sabre to
24 cut her breasts and womb. Soldiers held her while the
25 officer did this. At first the girl was screaming.

1 she finally lay still and silent. The Japanese then set
2 fire to the nipa hut. . . ."

3 At Manila an eye witness described how his house
4 boy was tied to a pillar. The Japanese then cut off his
5 genitals and thrust his severed penis in his mouth.

6 Other instances of the mutilation of prisoners
7 in the hands of Japanese soldiers occurred at Balikpapan
8 in Borneo. The incident was related by an eye witness as
9 follows: "I saw a district officer in uniform and a
10 police inspector in uniform. A Japanese officer started
11 a conversation with that district officer I saw
12 that during that conversation that officer was ill-treating
13 the district officer by blows in his face with the hand,
14 and further with the scabbard over his body The
15 Japanese officer who had started the talk with the (Dutch)
16 district officer, drew his sword and hewed off both the
17 district officer's arms, a little above his elbows, and
18 then his two legs at the height of the knees. The district
19 officer was also taken to a coconut tree, bound to it and
20 stabbed to death with a bayonet. After this, the
21 same officer went over to the policeman in uniform; . . .
22 he was kicked and beaten with the hand and with the sword
23 in the scabbard. After this, that (Japanese) officer
24 hewed off his arms under the elbow and his legs near the
25 knees. I heard him shout once more, 'God save the Queen'.

1 With bayonet thrusts and kicks the policeman was made to
2 stand up and, standing on his leg stumps, he was stabbed
3 to death with a bayonet."

4 Towards the end of the Pacific War the Japanese
5 Army and Navy descended to cannibalism, eating parts of
6 the bodies of Allied prisoners whom they had unlawfully
7 killed. This practice was not unnoticed nor even
8 disapproved by the Japanese Army. A Japanese prisoner
9 upon interrogation said: "On 10 December 1944 an order
10 was issued from 18th Army Headquarters that troops were
11 permitted to eat the flesh of Allied dead but must not
12 eat their own dead." This statement was confirmed by a
13 captured memorandum upon discipline found in the possess-
14 ion of a Major General. In this memorandum occurs the
15 passage: "Although it is not prescribed in the criminal
16 code, those who eat human flesh (except that of the enemy)
17 knowing it to be so, shall be sentenced to death as the
18 worst kind of criminal against mankind."

19 At times this consumption of the flesh of their
20 enemies was made into something of a festive occasion at
21 officers' quarters. Even officers of the rank of General
22 and Rear-Admiral took part. Flesh of murdered prisoners,
23 or soup made from such flesh was served at meals of
24 Japanese below the rank of officers. The evidence indicates
25 that this cannibalism occurred when there was other food

1 available. That is to say, on such occasions, this
2 horrible practice was indulged in from choice and not
3 of necessity.

4 PRISON SHIPS WERE SUBJECTED TO ATTACK

5 The Japanese practices in the movement of
6 prisoners of war by sea was in line with equally
7 unlawful and inhumane methods of movement by land.
8 The prisoners were crowded into holds and coal bunkers
9 of ships with inadequate sanitary facilities and insuff-
10 icient ventilation, and were given no medical service.
11 They were forced to remain below decks during long
12 voyages and to subsist on meager rations of food and
13 water. These prison ships were unmarked and subjected
14 to Allied attacks in which thousands of prisoners
15 perished.

16 The method employed to conserve space was
17 generally as follows: Wooden stages or temporary decks
18 were built in empty coal bunkers and holds with a vertical
19 distance of three feet between them. The space allotted
20 to prisoners on these temporary decks was an area six
21 feet by six feet for 15 prisoners. They were compelled
22 to sit cross-legged during the entire voyage. Space was
23 conserved also by the elimination of proper sanitary
24 facilities. The sanitary facilities provided consisted
25 of buckets or boxes which were lowered into the hold or

1 bunker with ropes and were removed in the same manner for
2 emptying over the side. Drippings from these containers
3 added to the general insanitary conditions. Many prison-
4 ers were suffering from dysentery when taken on board;
5 and their excreta fell freely through the cracks of
6 the wooden stages upon the prisoners below. To save
7 space for the preparation of food, the prisoners were
8 served uncooked food or food that had been prepared before
9 sailing. For the same reason, an inadequate supply of
10 water was carried. To add to the horrible conditions
11 which prevailed prisoners were not allowed on deck.
12 This method of transportation by sea of prisoners of
13 war prevailed generally during the entire period of
14 the Pacific War. It has been defended as necessary
15 because of a shortage of tonnage possessed by Japan.
16 This is not a good defense; for the Japanese Government
17 was not entitled to ~~make~~ ^{take} prisoners if it was unable to
18 do so under the conditions prescribed by the laws of war.
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This method of transportation was used in August 1942 in moving the first group of British prisoners from Singapore to Moulmein to labor on the Burma-Siam Railroad. It occurred again when the "Nitta Maru" called at Wake Island in January 1942 to remove 1,235 American prisoners of war and civilian internees to Yokohama and Shanghai. In this case as in others, the prisoners and internees were forced to run the gauntlet of Japanese soldiers in which they were beaten and kicked as they went aboard. It was in connection with this voyage that our attention was first called to the "Regulations for Prisoners" which were in force aboard prison ships. Those regulations among other things provided as follows: "The prisoners disobeying the following orders will be punished with immediate death: (a) those disobeying orders and instructions; (b) those showing a notion of antagonism and raising a sign of opposition;... (d) those talking without permission and raising loud voices; (e) those walking and moving without order;... (i) those climbing ladder without order;... the Navy of the Great Japanese Empire will not try to punish you all with death. Those obeying all the rules of the Japanese Navy, cooperating with Japan in constructing the 'New Order of Great Asia' will be well treated." On some voyages the prisoners were crowded into bunkers not fitted with temporary decks

and forced to range themselves around the coal so long
as standing room remained. On other voyages, highly
inflammable cargo was packed in the hold with the
prisoners. In addition to the many obvious discomforts
and dangers to health to which this method of packing
prison ships subjected the prisoners, it made their escape
from the ship in case of sinking almost impossible.

The prison ships were often attacked in the same
manner as other Japanese ships by the Allied forces
who could not distinguish them from other ships. A large
number of sinkings resulted and thousands of Allied
prisoners of war were lost. It was the practice in some
cases, when these attacks occurred, to fasten down the
hatches to prevent the escape of the prisoners and to
station Japanese soldiers armed with rifles and machine
guns with orders to kill those prisoners who might over-
come these obstacles and escape from the sinking ship.
This happened on the "Iibson Maru" which was sunk in
October 1942 on a voyage out of Hong Kong with British
prisoners aboard. In other cases, the prisoners were shot
or otherwise murdered after the sinking and while in the
water. This was done in the case of the "Oryoku Maru",
which was sunk on a voyage from Manila in December 1944 with
American prisoners of war aboard. The same thing
occurred in the case of the sinking of the "Van 'eerwyck"

1 in the Malacca Straits in June 1944. This occurred
2 again in the sinking of the "Junior Maru" in September
3 1944 off the east coast of Sumatra with large numbers
4 of Ambonese prisoners of war and conscripted Indo-
5 nesian laborers aboard.

6 Many prisoners of war died on these voyages
7 from suffocation, disease and starvation; those
8 who survived were so weakened from the ordeal of
9 the voyage that they were unable to labor upon
10 arriving at their destination. This impairment of
11 the ability of the prisoners of war to perform
12 labor caused the War Ministry to issue "Despatch,
13 Army Asia Secret Order No. 1504" dated 10 December
14 1942. In that order it was stated that, "Recently
15 during the transportation of the prisoners of
16 war to Japan many of them have taken ill or have
17 died and quite a few of them have been incapacitated
18 for further work due to the treatment on the way,
19 which at times was inadequate." Instructions were
20 then given to insure the arrival of the prisoners
21 at their destination in condition to perform
22 labor. The condition of the prisoners transported
23 by sea was not materially improved by the issuance
24 of this order, however; and on 3 March 1944,
25

1 TOJO's Vice-Minister of War, Tominaga, issued another
2 order to "the Units concerned" in which, among other
3 things, he said: "In the Prisoner of War Administration,
4 the use of prisoners for labor has been stressed hereto-
5 fore. Although this has directly helped to increase
6 our fighting strength, the average prisoner of war's
7 health condition is hardly satisfactory. Their high
8 death rate must be brought to our attention. In the
9 light of the recent intensified enemy propaganda warfare,
10 if the present condition continues to exist, it will be
11 impossible for us to expect the world opinion to be what
12 we wish it to be. Such will cause an obstacle to our
13 prosecution of moral warfare. Not only that, it is
14 absolutely necessary to improve the health condition of
15 prisoners of war from the standpoint of using them
16 satisfactorily to increase our fighting strength. It
17 should be added that, although efforts must be exerted
18 to utilize spaces on ships in transporting war prisoners,
19 it is necessary that the purport of the Despatch, Army
20 Asia Secret No. 1504 of 1942 be thoroughly understood
21 in handling war prisoners at this juncture." Members of
22 the Government and many government officials were aware
23 of the effect of these methods upon the prisoners. Such
24 corrective measures as were taken by them, which were
25 totally inadequate, were designed to preserve the ability

of the prisoners to perform labor for use in the prosecution of the war, not to insure the enforcement of the laws of war relating to the movement of prisoners of war.

SUBMARINE WARFARE

Inhumane, illegal warfare at sea was waged by the Japanese Navy in 1943 and 1944. Survivors of passengers and crews of torpedoed ships were murdered.

Ambassador OSHIMA was empowered by the TOJO Cabinet to discuss the prosecution of the war with the Reich Foreign Minister; and although technical questions were to be discussed directly by members of the Mixed Commission, it was OSHIMA's expressed opinion that it was of the greatest importance that questions of policy should be discussed exclusively by OSHIMA and Ribbentrop, the German Foreign Minister. OSHIMA had a conference with Hitler on 3 January 1942. Hitler explained his policy of submarine warfare, which he was conducting against Allied shipping, and said that although the United States might build ships very quickly, her chief problem would be the personnel shortage since the training of seafaring personnel took a long time. Hitler explained that he had given orders for his submarines to surface after torpedoing merchant ships and to shoot up the life-boats, so that the word would get about that most seamen were lost in torpedoings and the United

States would have difficulty in recruiting new crews.

1 OSHIMA, in replying to Hitler, approved this statement
2 of policy and stated that the Japanese, too, would
3 follow this method of waging submarine warfare.

4 An order issued by the Commander of the First
5 Submarine Force at Truk on 20 March 1943, contained this
6 command: "All submarines shall act together in order to
7 concentrate their attacks against enemy convoys and
8 shall totally destroy them. Do not stop with the sinking
9 of enemy ships and cargoes; at the same time, you will
10 carry out the complete destruction of the crews of the
11 enemy's ships; if possible, seize part of the crew and
12 endeavor to secure information about the enemy."

13 This order for inhumane warfare at sea was
14 followed by the Japanese submarine commanders. Between
15 13 December 1943 and 29 October 1944, Japanese submarines
16 after sinking eight British, American and Dutch merchant
17 vessels in the Indian Ocean and one American vessel in
18 the Pacific Ocean, surfaced after firing their torpedoes,
19 attempted to or did take on board the master of the ship,
20 and then proceeded to destroy the life-boats and murder
21 the survivors.

22 Repeated protests were made by the Allied Govern-
23 ments in which they stated the exact date and position
24 of the sinkings and the details of the atrocities
25

1 committed upon the passengers and crews of the torpedoed
2 vessels. No satisfactory answer was made to these pro-
3 tests and the sinkings continued without modification of
4 the treatment of survivors.

5 The action taken by the Japanese Navy in the
6 sinking of the British Merchant Ship "Behar" by gunfire
7 on 9 March 1944 is illustrative. One hundred and fifteen
8 survivors were picked up by the cruiser "Tone". Later
9 in the day, the "Tone" reported the sinking and capture
10 to the Flagship "Aoba". Orders were immediately sig-
11 nalled to the "Tone" from the "Aoba" to kill the sur-
12 vivors. It was later decided to place fifteen of the
13 survivors, including two women and one Chinese in a
14 civilian internee camp and to kill the remaining one
15 hundred. On orders of the captain of the "Tone" these
16 hundred survivors were killed aboard the "Tone."

17 The massacre of survivors of the American ship
18 "Jean Nicolet" is another example of methods employed by
19 the Japanese Navy. This ship was travelling from Austra-
20 lia to Ceylon in July 1944 when she was torpedoed at
21 night by a Japanese submarine while some 600 miles from
22 land. Her ship's company was about 100 of whom about
23 90 were taken aboard the submarine. The ship was sunk
24 and her boats were also smashed by gun fire although all
25 did not sink. The hands of the survivors were tied

1 behind their backs. A few of the officers were taken
2 below and their fate is not known to the Tribunal. The
3 remainder were made to sit on the forward deck of the
4 submarine as she cruised searching for survivors. During
5 this time some were washed overboard and others were
6 beaten with wooden and metal bludgeons and robbed of
7 personal property such as watches and rings. Then they
8 were required to proceed singly towards the stern between
9 lines of Japanese who beat them as they passed between
10 their ranks. Thus they were forced into the water to
11 drown. Before all the prisoners had been forced to run
12 the gauntlet the vessel submerged leaving the remaining
13 prisoners on her deck to their fate. Some, however, did
14 survive by swimming. These and their comrades whom they
15 kept afloat were discovered the next day by aircraft
16 which directed a rescuing ship to them. Thus twenty-two
17 survived this terrible experience, from some of whom
18 this Tribunal received testimony of this inhumane conduct
19 of the Japanese Navy.

21 ILLEGAL EMPLOYMENT, STARVATION AND
22 NEGLECT OF PRISONERS AND INTERNEES

23 General Uemura, Director of the Prisoner of War
24 Administration Section of the Military Affairs Bureau of
25 the War Ministry, only a few weeks after the agreement
with the Allies to apply the provisions of the Geneva

1 Prisoner of War Convention to prisoners of war and
2 civilian internees, advised the Chief-of-Staff of the
3 Japanese Army in Formosa on 2 April 1942 that "Plans are
4 now being pushed for the use of prisoners of war in pro-
5 duction", and requested an immediate report upon the
6 number that might be utilized for that purpose in Formosa.

7 On 6 May 1942, the Vice-Minister of War in-
8 formed the Chief-of-Staff of the Army in Formosa of the
9 policy governing employment of prisoners of war. He said
10 that it had been decided that: "Prisoners of war can be
11 used for the enlargement of our production and as
12 military labor, white prisoners of war will be confined
13 successively in Korea, Formosa and Manchuria. Superior
14 technicians and high ranking officers - Colonels and
15 above - will be included among the prisoners of war
16 confined in Formosa. Those who are not suitable for use
17 in enlargement of our production will be confined in
18 prisoner of war camps which will be built immediately
19 on the spot." General Uemura on 5 June 1942 directed
20 the Chief-of-Staff of the Army in Formosa as follows:
21 "Although the working of prisoner of war officers and
22 warrant officers is forbidden by the Regulations of 1903,
23 the policy of the control authorities is that under the
24 situation of our country where not one person now eats
25 without working they want them to set to work. It is

desired that you give proper orders on this." These
1 instructions were also sent to all other Army units
2 concerned. This directive originated within the
3 Cabinet for on 30 May 1942, Prime Minister TOJO issued
4 instructions to the Commander of a Division, which had
5 a prisoner of war camp under its jurisdiction in which
6 he said: "The present situation of affairs in this
7 country does not permit anyone to lie idle doing
8 nothing but eating freely. With that in view, in
9 dealing with prisoners of war, I hope you will see that
10 they may be usefully employed." On 25 June 1942, TOJO
11 issued his instructions to newly appointed Chiefs of
12 Prisoner of War camps. He said: "In Japan, we have our
13 own ideology concerning prisoners of war, which should
14 naturally make their treatment more or less different
15 from that in Europe and America. In dealing with them,
16 you should, of course, observe the various Regulations
17 concerned, aim at an adequate application of them...At
18 the same time, you must not allow them to lie idle doing
19 nothing but eating freely for even a single day. Their
20 labor and technical skill should be fully utilized for
21 the replenishment of production, and contribution ren-
22 dered toward the prosecution of the Greater East Asiatic
23 War for which no effort ought to be spared." The
24 application of these instructions account at least in
25

part for the constant driving, beating and prodding of
1 the sick and wounded prisoners and those suffering from
2 malnutrition to force them to labor upon military works
3 until they died from disease, malnutrition and exhaustion.
4 These instructions were repeated on 26 June 1942 by TOJO
5 to another group of newly appointed prisoner of war camp
6 chiefs and again to another such group on 7 July 1942.

7
8 That the Cabinet supported TOJO in his program
9 to employ prisoners of war to aid in the prosecution of
10 the war is shown by the "Foreign Affairs Monthly Report"
11 of the Foreign Section of the Police Bureau of the Home
12 Ministry issued for the month of September 1942. The
13 report showed that due to the labor shortage in Japan,
14 the Cabinet Planning Board with the concurrence of the
15 Prisoner of War Administration Section of the Military
16 Affairs Bureau of the War Ministry held a conference on
17 15 August 1942 at which it was decided to transfer
18 prisoners of war to Japan and employ them to mitigate
19 the labor shortage in the industries in the National
20 Mobilization Plan. According to the report, it had been
21 decided to employ the prisoners of war in mining,
22 stevedoring, and on engineering and construction works
23 for national defense. A complete plan had been agreed
24 upon whereby the prefectural governors cooperating with
25 the Welfare Ministry and the Army would take charge of.

1 the supervision of the prisoners of war and their
2 employment. With members of the Government, HOSHINO
3 and SUZUKI participated in this decision. HOSHINO had
4 been selected as Chief Secretary of the Cabinet by TOJO
5 because of his long experience in economic planning and
6 had been charged by TOJO to devote his main efforts to
7 such activities in cooperation with SUZUKI, whom he had
8 selected to head the Cabinet Planning Bureau. HOSHINO
9 became Chief Secretary of the Cabinet on 18 October 1941
10 and served until the fall of the TOJO Cabinet on 19
11 July 1944. SUZUKI became a Councillor of the Planning
12 Bureau on 30 May 1939 and when HOSHINO was relieved as
13 President of the Cabinet Planning Bureau and as Minister
14 without Portfolio on 4 April 1941, SUZUKI succeeded him
15 and continued to serve as Minister without Portfolio and
16 President of the Cabinet Planning Bureau in the Third
17 Kono Cabinet and the TOJO Cabinet until the TOJO
18 Cabinet resigned on 19 July 1944.

CONSIDERATION FOR RACIAL NEEDSFood and Clothing

1
2 The Japanese Government promised early in
3 1942 to take into consideration the national customs
4 and racial habits of the prisoners of war and civilian
5 internees in supplying them with food and clothing. This
6 was never done. Regulations in force at the time this
7 promise was made required that camp commandants in
8 supplying prisoners of war and internees with food
9 and clothing should be guided by the Table of Basic
10 Allowances governing the supply of the Army. The
11 commandants were authorized to determine the amount
12 of the allowance to be made to the inmates of the camps
13 but were directed to make such determination within
14 the limits prescribed in the Table of Allowances. These
15 Regulations, insofar as they affected diet, were interpreted
16 as forbidding the prisoners and internees sufficient
17 food, even when other food existed in the vicinity of
18 the camps. This rule was followed even when the inmates
19 of the camps were dying in large numbers from malnutrition.
20
21 The amount and kind of food prescribed by the Table
22 of Allowances was not materially changed during the
23 war, except to reduce the amount prescribed, although
24 it soon became apparent to those in command that due
25 to different national dietary customs and habits, the

1 prisoners and internees could not subsist on the food
2 supplied. On 29 October 1942, orders were issued to
3 all camp commandants that "in view of the consumption
4 of rice and "barley by workers in heavy industries in
5 Japan," the ration for prisoners of war and civilian
6 internees who were officers or civil officials should
7 be cut so as not to exceed 420 grams per day. In
8 January 1944, this ration of rice was further cut to
9 a maximum of 390 grams per day. As the inmates of the
10 camps began to suffer from malnutrition, they fell
11 easy prey to disease and were quickly exhausted by the
12 heavy labor forced upon them. Regardless of this,
13 the commandants of the camps enforced TOJO's instructions
14 that those who did not labor should not eat and still
15 further reduced the ration and in some cases withdrew
16 it entirely from those who were unable to labor because
17 of illness or injury.

18 The Regulations provided that the prisoners of
19 war and civilian internees should wear the clothing
20 formerly worn by them, that is to say the clothing they
21 were wearing when captured or interned. This Regulation
22 was enforced by the camp commandants with the result
23 that in many of the camps the inmates were in rags before
24 the war ended. It is true that the Regulation allowed
25 the camp commandants to lend certain items of clothing

in cases where the clothing formerly worn by the prisoners
1 or internees was unfit, but this appears to have been
2 used only in rare cases.

3 MEDICAL SUPPLIES

4 The Japanese Army and Navy were required by
5 their regulations to keep on hand and in storage a
6 supply of medicine and medical equipment sufficient
7 for one year's use. This was done in many instances
8 by confiscating Red Cross drugs and medical supplies,
9 but the supplies were kept in storage or used mostly
10 for the benefit of Japanese troops and camp guards.
11 The prisoners of war and civilian internees were rarely
12 furnished medicines and equipment from these warehouses.
13 At the time of surrender, large quantities of these
14 supplies were found stored in and around prisoner of
15 war and civilian internec camps in which prisoners
16 and internees had been dying at an alarming rate for
17 lack of such supplies.
18

19 Suzuki, Kunji, who served as a staff officer
20 of the Eastern Military District, on Honshu Island
21 under DOHIMARA and other Commanders, testified before
22 this Tribunal. Suzuki admitted that he authorized chiefs
23
24
25

of camps and guards at the detention camps in his
1 district to confiscate Red Cross parcels intended for
2 prisoners of war. The evidence shows that this was
3 common practice at the camps located in Japan as
4 well as in Japan's overseas possessions and in the
5 occupied territories. Incidentally Suzuki also admitted
6 that he knew that his guards were beating and otherwise
7 illtreating the prisoners.
8

9 Failure to afford adequate or any medical
10 supplies to prisoners of war and civilian internees
11 was common in all theatres of war and contributed to
12 the deaths of thousands of prisoners and internees.
13

14 HOUSING

15 The regulations provided that Army buildings,
16 temples and other existing buildings should be used as
17 prisoner of war and internee camps. The regulations
18 also provided that employers using prisoner of war
19 and civilian internees in war production should furnish
20 necessary shelter for them. Nevertheless the housing
21 provided was in many instances inadequate as cover or
22 insanitary or both. The Japanese adjutant at the
23 Kenburi camp in Siam opened a hospital for the sick
24 prisoners of war in a group of approximately 20 empty
25 huts, which had been evacuated shortly before by a
Japanese cavalry regiment which had been using the huts.

1 as stables. Atop huts with dirt floors furnished the
2 only shelter available in most of the camps located
3 on islands in the Pacific and along the Burma-Siam
4 Railway. It was common practice to build these camps
5 with the labor of the prisoners of war who were to
6 occupy them, and to force the prisoners to live in
7 the open, exposed to the weather until the huts were
8 completed. However, in some instances, the prisoners
9 were spared the labor of construction by moving them
10 into atop hut camps, which had been depopulated by
11 epidemics; this was the case at the 60 kilometer camp
12 on the Burma-Siam railway project where approximately
13 800 Australian prisoners of war were quartered in the
14 huts recently occupied by Burmese laborers who had
15 died of cholera. A former Javanese labor camp at Lahat,
16 Molucca Islands, was converted into a prisoner of war
17 camp in August 1944. When the Dutch and British prisoners
18 of war arrived at the camp, they found it filled with
19 dead bodies of Javanese. KIMURA as Vice-Minister of
20 War when informed that ITAGAKI was planning to quarter
21 1,000 British and 1,000 American prisoners of war in
22 three theological schools in Korea inquired if the
23 buildings scheduled for accommodation of the prisoners
24 of war were not too good for them.
25

WORK

1 The policy of the Japanese Government was to
2 use prisoners of war and civilian internees to do
3 work directly related to war operations. In the theater
4 of operations they were used to construct military
5 air fields, roads, railroads, docks, and other military
6 works and as stevedores to load and unload military
7 supplies. In the overseas possessions and in Japan
8 they were forced in addition to the foregoing work
9 to labor in mines, in munitions and aircraft factories,
10 and in other projects bearing a direct relation to
11 war operations. As a general rule, the camps in which
12 the prisoners of war and civilian internees were detained
13 were located near the place of employment without regard
14 to their safety, in consequence they were subjected
15 to unnecessary danger from air raids both on and off
16 their work. There is evidence that in some instances
17 the camps were so located deliberately with the intention
18 of deterring the Allies from raiding the military works
19 or factories concerned.

Native Labor

22 Having decided upon a policy of employing prisoner
23 of war and civilian internees on work directly contributing
24 to the prosecution of the war, and having established a
25 system to carry that policy into execution, the Japanese

went further and supplemented this source of manpower
1 by recruiting laborers from the native population
2 of the occupied territories. This recruiting of laborers
3 was accomplished by false promises, and by force. After
4 being recruited, the laborers were transported to
5 and confined in camps. Little or no distinction
6 appears to have been made between these conscripted
7 laborers on the one hand and prisoners of war and
8 civilian internees on the other hand. They were all
9 regarded as slave laborers to be used to the limit
10 of their endurance. For this reason, we have included
11 these conscripted laborers in the term "civilian internees"
12 whenever that term is used in this chapter. The lot
13 of these conscripted laborers was made worse by the
14 fact that generally they were ignorant of the principles
15 of hygiene applicable to their unusual and crowded
16 conditions and succumbed more readily to the diseases
17 resulting from the insanitary conditions of confinement
18 and work forced upon them by their Japanese captors.

PRISONERS AND INTERNEES FORCED TO SIGN PAROLE

To reduce the number of guards necessary for
23 prisoners of war and civilian internees, regulations in
24 defiance of the Rules of War were issued by the War
25 Ministry early in 1943 providing, "As soon as prisoners
of war have been imprisoned, they shall be administered

an oath forbidding them from seeking an escape. Prisoners
1 of war who refuse to take the oath mentioned in this
2 paragraph shall be deemed to have intentions of escaping
3 and shall be placed under strict surveillance." This
4 "strict surveillance" in practice meant solitary
5 confinement on reduced rations or subjection to torture
6 until they took the oath required. At Singapore in
7 August 1942, 16,000 prisoners, who had refused to give
8 the parole demanded, were herded into a barrack square
9 and kept there without food or latrine facilities for
10 four days to force them to sign the parole. The resulting
11 conditions are too disgusting to describe. Some of
12 the prisoners of war at Hong Kong, who refused to sign
13 the parole, were confined in a prison without food and
14 forced to kneel all day. If they moved they were beaten.
15 The senior prisoner of war at the camp at Sandakan, who,
16 with his men, refused to sign was immediately seized
17 and beaten. A firing squad paraded. He was saved
18 from death only when his men agreed to sign. Prisoners
19 of war in camps in Batavia and Java were beaten and
20 deprived of food until they signed the parole. At
21 Zentsuji Camp on Shikoku Island, 41 prisoners were kept
22 in confinement from 14 June 1942 until 23 September 1942
23 for refusing to take the oath and were finally threatened
24 with death if they persisted in their refusal. As
25

1 already stated, the Prisoner of War Regulations also
2 applied to civilian internees by virtue of another
3 regulation which we have quoted. To enforce this
4 parole, which was obtained by coercion, the regulations
5 further provided, "Persons on parole, who break the
6 parole, shall be subject to either the death penalty,
7 or hard labor, or imprisonment for life or for a
8 minimum of seven years. When the persons mentioned
9 offer armed resistance, they shall be subject to the
10 death penalty". The regulations also provided: "Those
11 persons, who violate any other oath, shall be subject
12 to a maximum of ten years imprisonment." This latter
13 provision is explained by still another article in
14 the regulations as follows, "Before a commandant of
15 a prisoner of war camp dispatches prisoners of war
16 (i.e. sends prisoners of war to work details or to
17 work camps from the prisoner of war camp), he shall
18 endeavor to prevent escapes and unexpected disturbances,
19 investigating thoroughly the characters, mental attitudes,
20 past histories, as well as the abilities of the prisoners
21 of war, and in addition he shall administer a solemn
22 oath on other matters of importance." ITAGAKI, as
23 Commander of the Korean Army, informed War Minister
24 TOJO by a message dated 4 September 1942, that he
25 intended to force all prisoners of war, including officers

and warrant officers under his jurisdiction to work; as
1 he put it, "Not one prisoner of war must be left to
2 time in idleness". He stated that one of the regulations
3 he had issued was that "It is important to guard against
4 destruction by the prisoners of war; if necessary, make
5 them give an oath and establish severe penalties." On
6 1 September 1942, TOJO received a message from the
7 Commander of the Formosa Army that "399 prisoners of
8 war, including Lt. General Percival, 6 Major-Generals,
9 or Rear Admirals, 27 Brigadier-Generals, or Commodores,
10 25 Colonels, or Navy Captains, 130 officers of the
11 rank of Lt. Colonel, or Commander or below, and 210
12 non-commissioned officers together with 6 civil officials,
13 who had been transferred from the Tami group, were
14 interned on 31 August 1942 in the Formosa Prisoner
15 of War Camp. At first Lt. General Percival and others
16 refused to make an oath, but finally all but three
17 (1 Brigadier-General, 1 Navy Captain and 1 Engineering
18 Lieutenant) signed their names."

21 This system of regulations issued and enforced
22 by the Japanese Government to compel prisoners of war
23 and civilian internees by duress to give an oath not to
24 escape and not to violate other regulations and orders
25 of the Japanese Government violated the general laws
of war. The system was devised, instituted and maintained

1 as part of the policy of the Japanese Government in
2 disregard and violation of the laws of war.

3 We will adjourn until half-past nine tomorrow
4 morning.

5 (Whereupon, at 1600, an adjournment
6 was taken until Friday, 12 November 1948, at
7 0930.)

8 - - -

Hayashi

23. 11. 12

9

Friday, 12 November 1948

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.

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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A

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

3 THE PRESIDENT: All the accused are present
4 except KAYA, SHIRATORI and UMEZU, who are represented
5 by counsel. The Sugamo Prison surgeon certifies that
6 they are ill and unable to attend the trial today. The
7 certificates will be recorded and filed.

8 I continue the reading of the Tribunal's
9 judgment.

10 EXCESSIVE AND UNLAWFUL PUNISHMENT WAS IMPOSED.

11 TOJO, in his instructions to chiefs of prisoner
12 of war and civilian internee camps told those officials
13 to tighten their control over their subordinates and to
14 supervise the prisoners rigidly; he said, "It is neces-
15 sary to put them under strict discipline." He repeated
16 this charge in his instructions to the Commander of the
17 Zentsuji Division on 30 May 1942, when he said:

18 "Prisoners of war must be placed under strict discipline
19 as far as it does not contravene the law of humanity.
20 It is necessary to take care not to be obsessed with
21 the mistaken idea of humanitarianism or swayed by per-
22 sonal feelings towards those prisoners of war which may
23 grow in the long time of their imprisonment."
24

25 The Geneva Prisoner of War Convention of 1929
provided with respect to punishment of prisoners of war

for offenses committed while they were prisoners: "Any
1 corporal punishment, any imprisonment in quarters with-
2 out daylight, and, in general any form whatever of
3 cruelty is forbidden," and "Collective punishment for
4 individual acts is also forbidden." Other important
5 limitations upon punishments that might be inflicted
6 upon prisoners of war were included. All of them were
7 designed to insure humane treatment of the prisoners.
8 One of these limitations was contained in a provision of
9 the Convention which dealt with escapes and attempts to
10 escape; that provision reads: "Escaped prisoners of war
11 who are retaken before being able to rejoin their own
12 army or to leave the territory occupied by the army
13 which captured them shall be liable only to disciplinary
14 punishment. After an attempted or accomplished escape,
15 the comrades of the person escaping who assisted in the
16 escape may incur only disciplinary punishment on this
17 account. Arrest is the most severe summary punishment
18 which may be imposed on a prisoner of war. The duration
19 of a single punishment may not exceed 30 days." In
20 this connection disciplinary punishment and summary
21 punishment were used as synonymous terms. It was also
22 provided that, "Attempted escape, even if it is not a
23 first offense, shall not be considered as an aggravating
24 circumstance in case the prisoner of war should be given
25

over to the courts on account of crimes or offenses
1 against persons or property committed in the course of
2 that attempt."

3 That the Japanese truly understood the Convention
4 is shown by their objection in 1934 to its ratification.
5 They said that under the Convention "Prisoners of war
6 could not be so severely punished as Japanese soldiers
7 and this would involve a revision of Japanese Military
8 and Naval Disciplinary Codes to put them on an equal
9 footing, a revision which was undesirable in the interests
10 of discipline." The real objection to the ratification
11 of the Convention was that the Military desired to avoid
12 any express commitments which would hinder their policy
13 of ill-treatment of prisoners of war.
14

15 Early in the Pacific War and after the Japanese
16 Government had given its promise to apply the provisions
17 of the Convention to Allied prisoners of war and civilian
18 internees, ordinances and regulations were made contrary
19 to that promise. In 1943, this regulation was published:
20 "In case a prisoner of war is guilty of an act of
21 insubordination, he shall be subject to imprisonment
22 or arrest; and any other measures deemed necessary for
23 the purpose of discipline may be added." Under this
24 regulation, corporal punishment as well as torture and
25 mass punishment was administered. It was common practice

1 in all areas in which prisoner of war and civilian internee
2 camps were located to inflict corporal punishment for the
3 slightest offence or for no offence. This punishment
4 in its mildest forms was beating and kicking the victim.
5 The victim if he became unconscious was often revived with
6 cold water or by other means, only to have the process
7 repeated. Thousands died as a result of this punishment.
8 In some cases death was hastened by weakness due to
9 starvation and disease. Other forms of cruel punishments
10 frequently employed were: exposing the victim to the hot
11 tropical sun for long hours without headdress or other
12 protection; suspension of the victim by his arms in such
13 a manner as at times to force the arms from their sockets;
14 binding the victim where he would be attacked by insects;
15 confining the victim in a cramped cage for days without
16 food; confining the victim in an underground cell with-
17 out food, light or fresh air for weeks; and forcing the
18 victim to kneel on sharp objects in a cramped position
19 for long periods of time.

20
21 In direct defiance of the rules of war mass
22 punishments were commonly employed as punishment for
23 individual acts, especially when the Japanese were unable
24 to discover the offender. The usual form of mass punish-
25 ment was to force all members of the group involved to
assume a strained position such as sitting with the legs

folded under the body and the hands on the knees with
1 the palm turned upward, or kneeling, and to remain in
2 that position during daylight hours for days. Other
3 forms of mass punishment were also employed such as that
4 used at Havelock Road Camp in Malaya where the prisoners
5 were forced to run in a circle without shoes over broken
6 glass while being spurred on by Japanese soldiers who
7 beat them with rifle butts. On 9 March 1943 an ordinance
8 was issued providing the death penalty, or life imprison-
9 ment, or confinement for ten years or more for a number
10 of offences; the novel feature of this ordinance was
11 that in the case of each offence it provided for the
12 death penalty or other severe penalty to be imposed upon
13 the so-called "leader" of any group action resulting in
14 the commission of the offence named and the same punish-
15 ment, or a slightly less severe penalty, for all others
16 who might be involved. Under this ordinance, mass punish-
17 ment was often inflicted upon groups of prisoners of war
18 or civilian internees for what at the most amounted to
19 no more than an individual act. This ordinance also
20 provided the death penalty for "prisoners of war who
21 defy or disobey the orders of persons supervising,
22 guarding, or escorting them"; it also provided imprison-
23 ment for five years for "prisoners of war who privately
24 or publicly insult persons supervising, guarding or
25

escorting them." This is an example, of which there
1 are a number, where the Japanese Government departed
2 from its undertaking in respect of the Geneva Convention
3 by altering its laws concerning prisoners of war.

4 During the Pacific War, contrary to its under-
5 taking already referred to, the Japanese Prison of War
6 regulations were amended to permit an escaping prisoner
7 to be punished in the same way as a deserter from the
8 Japanese Army. The ordinance of 9 March 1943 contained
9 the following provision: "The leader of a group of
10 persons, who have acted together in effecting an escape,
11 shall be subject to either death or to hard labor or to
12 imprisonment for life or for a minimum of ten years.
13 The other persons involved shall be subject to either the
14 death penalty, or to hard labor or to imprisonment for
15 life or for a minimum of one year." This provision
16 taken together with the regulations governing paroles
17 not to escape, which prisoners of war were forced to
18 give, constituted the regulations governing escapes which
19 were enforced in all camps. These regulations were in
20 direct violation of international law and, as we have
21 just pointed out, were contrary to the Convention which
22 Japan had promised to apply. Under these regulations,
23 the death penalty was imposed almost without exception
24 upon all prisoners who attempted to escape or escaped and
25

were recaptured. Also, under these regulations, those
1 comrades who assisted a prisoner to escape were also
2 punished, frequently by the death penalty. In some
3 camps, the prisoners were divided into groups and the
4 practice was to kill all members of the group if one
5 member attempted to escape or was successful in escaping.
6 Even the formality of a trial was dispensed with in many
7 instances. The death penalty is proved to have been
8 imposed for attempt to escape at the following camps:
9 Mukden in Liaoning Province of China (July 1943); Hong
10 Kong, China (July 1943); Singapore, Malaya (March 1942);
11 Mergui, Burma (1942); Tarakan, Borneo (1942 and 1945);
12 Pontianak, Borneo (June 1942); Bandjermasin, Borneo
13 (July 1942); Samarinda, Borneo (January 1945); Palembang,
14 Sumatra (March 1942); Djati Nanggor, Java (March 1942);
15 Bandung, Java (April 1942); Batavia, Java (April 1942);
16 Soekaboemi, Java (May 1942); Jogjakarta, Java (May 1942);
17 Tjimahi, Java (May 1942); Malassar, Celebes (September
18 1942); Amboina, Moluccas Islands (November 1942) (April
19 1945); Oesapa Besar, Dutch Timor (February 1942); Caba-
20 natuan, Philippines (June 1942); Motoyama, Japan
21 (November 1942); Fukuoka, Japan (May 1944); Wake Island
22 (October 1943); and Ranau, Borneo (August 1945).

23 PRISONERS OF WAR HUMILIATED.

24 The Japanese maintained a policy of submitting
25

1 allied prisoners of war to violence, insults and public
2 humiliation to impress other peoples of Asia with the
3 superiority of the Japanese race.

4 On 4 March 1942, Vice-Minister of War KIMURA
5 received a telegram from the Chief-of-Staff of the
6 Korean Army, of which ITAGAKI was Commander, stating
7 that: "As it would be very effective in stamping out
8 the respect and admiration of the Korean people for
9 Britain and America, and also in establishing in them
10 a strong faith in victory, and as the Governor-General
11 and the Army are both strongly desirous of it, we wish
12 you would intern 1,000 British and 1,000 American prisoners
13 of war in Korea. We wish you would give us special con-
14 sideration regarding this matter." The Governor-General
15 of Korea at that time was MINAMI. On 5 March 1942,
16 KIMURA replied that about 1,000 white prisoners of war
17 were to be sent to Fusan, Korea. On 23 March 1942,
18 ITAGAKI sent a message to War Minister TOJO informing
19 him of the plans to use the prisoners of war for
20 psychological purposes; he said: "It is our purpose by
21 interning American and British prisoners of war in Korea
22 to make the Koreans realize positively the true might
23 of our Empire as well as to contribute to psychological
24 propaganda work for stamping out any ideas of worship
25 of Europe and America which the greater part of Korea

1 still retains at bottom." ITAGAKI went on to say that
2 the first camp would be located at Seoul, Korea, in the
3 abandoned Iwamura Silk Peeling Warehouse; his former
4 plan to confine the prisoners in the theological school
5 in Pusan having been abandoned when KIMURA objected that
6 those buildings were too good for prisoners of war.
7 Among the main points of his plan, ITAGAKI stated that
8 the prisoners of war would be used on various works in
9 the principal cities of Korea, especially where psycho-
10 logical conditions were not good, in order to achieve his
11 purpose stated at the beginning of his message; and that
12 the equipment of the camps would be cut to a minimum and
13 that the internment, supervision and guarding of the
14 prisoners would be carried out so as to leave nothing to
15 be desired in the accomplishment of the purpose for
16 which the prisoners of war were being transported to
17 Korea.

18
19 On 2 April 1942, the Chief-of-Staff of the
20 Army in Formosa informed the Prisoner of War Information
21 Bureau that he planned to use prisoners of war not only
22 for labor to increase production for war but also "as
23 material for education and guidance."

24 Thus was applied the plan to use prisoners in
25 violation of the laws of war as pro-Japanese propaganda.
On 6 May 1942, the Vice-Minister of War informed the

1 Chief-of-Staff of the Formosa Army that "white prisoners
2 of war will be confined successively in Korea, Formosa,
3 and Manchuria." He added, "for the purpose of control
4 and security it is planned to assign special units
5 organized of Koreans and Formosans." The psychological
6 effect was to be attained by allowing Koreans and Formo-
7 sans to take part in the plan to submit Allied prisoners
8 of war to insult and public curiosity!

9 On 16 May 1942, Vice-Minister of War KIMURA
10 notified the Commander-in-Chief of the Southern Area
11 Army, whose headquarters were at Singapore, that between
12 May and August the white prisoners of war at Singapore
13 should be handed over to the Formosan and Korean Armies.

14 The white prisoners of war were handed over
15 and sent to Korea. About 1,000 prisoners captured in
16 the fighting in Malaya arrived in Korea and were marched
17 through the streets of Seoul, Fusan, and Jinsen where
18 they were paraded before 120,000 Koreans and 57,000
19 Japanese. These prisoners had previously been subjected
20 to malnutrition, ill-treatment and neglect so that their
21 physical condition would elicit contempt from those who
22 saw them. ITAGAKI's Chief-of-Staff in reporting to
23 KIMURA on what he considered the great success of this
24 demonstration of Japanese superiority quoted a Korean
25 bystander who had remarked: "When we look at their frail

and unsteady appearance, it is no wonder that they lost
1 to the Japanese forces"; he also quoted another Korean
2 bystander who remarked: "When I saw young Korean
3 soldiers, members of the Imperial Army, guarding the
4 prisoners, I shed tears of joy!" ITAGAKI's Chief-of-
5 Staff concluded his message with the observation that,
6 "As a whole, it seems that the idea was very successful
7 in driving all admiration for the British out of the
8 Koreans' minds and in driving into them an understanding
9 of the situation."
10

11 As far away as in Moulmein, in Burma, this
12 practice of parading prisoners of war was followed. In
13 February 1944, 25 Allied prisoners of war were paraded
14 through the streets of that city. They were in an
15 emaciated condition and were forced to carry notices in
16 Burmese, falsely stating that they had been recently
17 captured on the Arakan front. They were ridiculed and
18 held up to contempt by a Japanese officer who accompanied
19 the parade.
20

21 THE SYSTEM.

22 Certain changes made regarding the enforcement
23 of the laws of war and the administration of prisoners
24 of war and civilian internees by Japan after the out-
25 break of the Pacific War were nominal only; they did not
secure the enforcement of the laws of war. The attitude

of the Japanese Government toward the enforcement of
1 the laws of war, as demonstrated in its prosecution of
2 the China War, did not really change with the commence-
3 ment of the Pacific War. Certain changes in governmental
4 organizations and methods of procedure were made, but
5 no real effort was made to secure the enforcement of
6 the laws of war. In fact, as has been shown in the
7 Regulations affecting attempts to escape, changes were
8 made which enjoined the commission of grave breaches of
9 the laws of war. During the China War no special agency
10 had been created by the Japanese Government for the
11 administration of prisoners of war and civilian internees
12 and no Prisoner of War Information Bureau was maintained
13 as required by The Hague and Geneva Conventions. MUTO
14 said that "the question of whether Chinese captives
15 would be treated as prisoners of war or not was quite a
16 problem, and it was finally decided in 1938 that because
17 the Chinese conflict was officially known as an 'incident'
18 although it was really a war that Chinese captives
19 would not be regarded as prisoners of war." TOJO said
20 that this was true; and that after the commencement of
21 hostilities in the Pacific War, he considered that
22 Japan was bound to abide by The Hague and Geneva Con-
23 ventions; and for that reason, he caused a Prisoner of
24 War Information Bureau to be created. This statement

1 by TOJO that he considered that Japan was bound to abide
2 by The Hague and Geneva Conventions in the prosecution
3 of the Pacific War must be interpreted in the light of
4 his statement made during a meeting of the Investigation
5 Committee of the Privy Council on 18 August 1943. He
6 then said: "International Law should be interpreted
7 from the viewpoint of executing the war according to
8 our own opinions." This idea was the basis upon which
9 the policy of the Japanese Government for its treatment
10 of prisoners of war and civilian internees was developed.

11 JAPAN AGREED TO APPLY THE GENEVA CONVENTION,
12 1929.

13 The Secretary of State of the United States
14 directed the American Legation in Switzerland, on
15 18 December 1941, to request the Government of Switzer-
16 land to inform the Japanese Government that the Govern-
17 ment of the United States intended to abide by the Geneva
18 Prisoner of War Convention and the Geneva Red Cross Con-
19 vention, both of which had been signed on 27 July 1929,
20 that it further intended to extend and apply the provi-
21 sions of the Geneva Prisoner of War Convention to any
22 civilian enemy aliens that it might intern, that it
23 hoped that the Japanese Government would apply the
24 provisions of these conventions reciprocally as indicated,
25 and that the Government of the United States would

1 appreciate an expression of intention by the Japanese
2 Government in that respect. The inquiry was delivered
3 to the Japanese Foreign Minister TOGO on 27 December 1941
4 by the Minister for Switzerland.

5 The Governments of Great Britain and the
6 Dominions of Canada, Australia and New Zealand also
7 inquired through the Argentine Ambassador in Tokyo on
8 3 January 1942. In that inquiry, those Governments said
9 that they would observe the terms of the Geneva Prisoner
10 of War Convention of 1929 towards Japan and asked if the
11 Japanese Government was prepared to make a similar
12 declaration.

13 On 5 January 1942, the Argentine Ambassador
14 delivered another note on behalf of Great Britain, Canada,
15 Australia and New Zealand, proposing that in the appli-
16 cation of Articles 11 and 12 of the Convention relative
17 to the provision of food and clothing to prisoners, both
18 parties take into consideration the national and racial
19 customs of the prisoners.

20
21 Upon receipt of these inquiries, TOGO called
22 upon the War Ministry, Navy Ministry, Ministry for Home
23 Affairs and Ministry of Overseas Affairs for their
24 opinion. At that time TOJO was concurrently Prime Minis-
25 ter and War Minister; MUTO was Chief of the Military
Affairs Bureau of the War Ministry; SATO was MUTO's

assistant in the Military Affairs Bureau, KIMURA was
1 Vice-Minister of War; SHIMADA was Navy Minister; OKA
2 was Chief of the Naval Affairs Bureau in the Naval
3 Ministry; and HOSHINO was Chief Secretary of the Cabinet.
4

5 TOGO was concerned for the safety of the Japanese
6 living in Allied countries and for that reason desired
7 to give a favorable answer to the inquiries and so
8 instructed the Bureau of Treaties, pointing out that
9 the fate of Japanese residents, amounting to several
10 hundred thousands, in the enemy countries would be
11 affected by the treatment by Japan of the prisoners of
12 war and civilian internees who might be in her power.
13 The War Ministry agreed with TOGO. On 23 January 1942,
14 KIMURA told TOGO: "In view of the fact that the Geneva
15 Convention relating to prisoners of war was not ratified
16 by His Majesty, we can hardly announce our observance of
17 the same. But it would be safe to notify the world
18 that we have no objection to acting in accordance with
19 the Convention in the treatment of prisoners of war. As
20 regards providing prisoners of war with food and clothing,
21 we have no objection to giving due consideration to the
22 national or racial habits and customs of the prisoners."
23
24 TOGO answered the American and British inquiries
25 on 29 January 1942. His note to the Government of the
United States read as follows: "Japan strictly observes

1 the Geneva Convention of July 27, 1929, relative to the
2 Red Cross, as a signatory of that Convention. The
3 Imperial Government has not yet ratified the Convention
4 relating to treatment of prisoners of war of 27 July
5 1929. It is therefore not bound by the said Convention.
6 Nevertheless it will apply 'mutatis mutandis' the
7 provisions of that Convention to American prisoners of war
8 in its power." The note addressed to the Governments of
9 Great Britain, Canada, Australia and New Zealand on the
10 same date was as follows: "The Imperial Government has
11 not ratified the agreement concerning the treatment of
12 prisoners of war dated 27 July 1929, and therefore, it
13 would not be bound to any extent by the said agreement,
14 but would apply 'mutatis mutandis' the provisions of the
15 said agreement toward the British, Canadian, Australian
16 and New Zealand prisoners of war under Japanese control.
17 The Imperial Government would consider the national and
18 racial manners and customs under reciprocal conditions
19 when supplying clothing and provisions to prisoners of
20 war." The same assurances were given to the other allied
21 powers.
22

23 As the War Ministry had not agreed to extend
24 these provisions to civilian internees, TOGO through his
25 Vice-Minister inquired of the War Ministry on 27 January
1942 regarding the application of the Prisoner of War

1 Convention to non-combatant internees. After conferences
2 the War Ministry acquiesced further in TOGO's plan to
3 protect Japanese nationals in Allied countries, and on
4 6 February 1942 KIMURA told TOGO: "The 1929 Convention
5 relating to prisoners of war has no binding power what-
6 soever on Japan. But this Ministry has no objection to
7 applying the principles of the Convention to non-combatant
8 internees within such limits as it is applicable,
9 provided, however, that no person be subjected to labor
10 against his will."

11 TOGO informed the Government of the United
12 States on 13 February 1942 that, "The Imperial Government
13 will apply for the duration of the war under conditions
14 of reciprocity the provisions of the Convention relating
15 to treatment of prisoners of war of 27 July 1929 to enemy
16 civilian internees, in so far as they are applicable
17 and provided that they are not made to work without their
18 consent."
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1 Taking note of the assurances TOGO had addressed
2 the British countries on 29 January 1942 that Japan would
3 take into consideration the national and racial customs
4 of the prisoners of war in supplying them with cloth-
5 ing and provisions, the United States addressed another
6 inquiry on that subject. That inquiry was dated 20
7 February 1942 and stated that the Government of the
8 United States would be bound by the same provisions
9 for prisoners of war as for civilian internees in
10 conformity with Articles 11 and 12 of the Geneva
11 Convention and expected in consequence that the Japan-
12 ese Government would equally conform to those provisions
13 in the treatment of prisoners of war and civilian
14 internees. TOGO answered this inquiry on 2 March 1942
15 in the following manner: "The Imperial Government
16 intends to take into consideration, with regard to
17 provisions and clothing to be distributed, the racial
18 and national customs of American prisoners of war and
19 civilian internees placed under Japanese power."

21 This exchange of assurances constituted a
22 solemn agreement binding the Government of Japan as
23 well as the Governments of the other combatants to
24 apply the provisions of the Geneva Prisoner of War
25 Convention of 27 July 1929 to prisoners of war and
civilian internees when supplying them with food and

clothing as required by that Convention and not to
1 force internees to work. The agreement provided that
2 the Convention was to be applied in a spirit of reci-
3 procity, that is to say equally by both sides, each
4 performing in kind and in return for that done by the
5 other. The only exception to this rule established by
6 the agreement were such as might be justified under
7 the reservation "mutatis mutandis". That the agree-
8 ment did not allow an exception to be made by reason
9 of conflict with the municipal law of Japan is plain
10 upon construction and is shown by TOGO's testimony
11 as follows: "The inquiries from the United States
12 and Britain were therefore referred in the normal
13 course by the Foreign Ministry Treaty Bureau, which
14 managed such matters, to the War Ministry, as the
15 ministry empowered to decide the question. The answer
16 which came back was that we should undertake to apply
17 the terms of the Geneva Convention 'mutatis mutandis',
18 and it was therefore so replied to the Governments
19 inquiring.
20

21
22 "Although the prosecution seems to consider
23 that by giving of this answer Japan became bound by
24 the Convention to the same extent as if she had
25 ratified it, I assumed (and still assume) that we were
binding ourselves only to apply the Convention so far

1 as circumstances permitted. 'Mutatis mutandis', then,
2 I supposed to imply that in the absence of serious
3 hindrances the Convention would be applied; I assumed
4 also (although this was only assumption on my part)
5 that where the requirements of the Convention came
6 into conflict with the provisions of domestic law the
7 former would prevail." The Director of the Bureau of
8 Treaties, who conducted the conferences with the other
9 Ministries regarding the answer to be given the Allied
10 inquiries, further confirmed this.

11 Although when it was made the members of the
12 TOJO Cabinet intended that the Allied Powers should
13 understand the agreement as we have interpreted it,
14 they did not abide by the agreement. Instead it was
15 used as a means to secure good treatment for Japanese
16 who might become prisoners of war or be interned by
17 the Allied Powers. When Vice-Minister KIMURA answered
18 TOGO's request for his opinion regarding the answer
19 to be made to the Allied inquiries, he said that "it
20 would be safe to notify the world" that Japan would
21 observe the Convention, but he prefaced that statement
22 with the remark that the Government could hardly
23 afford to announce an intention to observe the Conven-
24 tion in view of the fact that the Emperor had not
25 ratified it. The successive Japanese governments did

1 not enforce the Convention, for although the Ministers
2 of State considered these assurances to the Allies
3 to be a promise to perform new and additional duties
4 for the benefit of prisoners of war and internees,
5 they never issued any new orders or instructions to
6 their officers in charge of prisoners of war and internees
7 to carry this new promise into execution and never
8 set up any system which secured performance of the
9 promise. Instead of making an effort to perform this
10 agreement they made efforts to conceal from the Allies
11 their guilty non-performance by denying access to the
12 prisoner of war and internee camps; by limiting the
13 length, contents and number of letters which a pris-
14 oner or internee might mail; by suppressing all news
15 regarding such prisoners and internees; and by neglect-
16 ing to answer or by making false answers to protests
17 and inquiries addressed to them regarding the treatment
18 of prisoners and internees.

19
20 Reference has been made in an earlier part
21 of this judgment to the effect of the various conven-
22 tions in relation to the treatment of prisoners of
23 war and civilian internees and to the obligations of
24 belligerents in that respect. Whatever view may be
25 taken of the assurance or undertaking of the Japanese
Government to comply with the Geneva Prisoner of War

Convention "mutatis mutandis" the fact remains that
1 under the customary rules of war, acknowledged by all
2 civilized nations, all prisoners of war and civilish
3 internees must be given humane treatment. It is the
4 grossly inhumane treatment by the Japanese military
5 forces as referred to in this part of the judgment
6 that is particularly reprehensible and criminal. A
7 person guilty of such inhumanities cannot escape
8 punishment on the plea that he or his government is
9 not bound by any particular convention. The general
10 principles of the law exist independently of the
11 said conventions. The conventions merely reaffirm
12 the pre-existing law and prescribe detailed provisions
13 for its application.

15 As to the effect of the undertaking by the
16 Japanese Government to observe the convention "mutatis
17 mutandis" for at no stage in the defence was anything
18 said or even suggested to the effect that these words
19 justified the atrocities and other grossly inhumane
20 acts of Japanese forces nor was it argued that these
21 words could justify the looting, pillaging and arson
22 which has been clearly established. On those points
23 the accused who gave evidence, for the most part,
24 did no more than plead complete ignorance of the
25 happenings deposed to,

1 any interpretation placed on the condition
2 which attempted to justify the atrocities would amount
3 to nothing more than a submission that by the insertion
4 of the words "mutatis mutandis" the Japanese military
5 forces would be permitted with impunity to behave with
6 gross barbarity under the guise of complying with a
7 Convention which prescribed humane treatment as its
8 cardinal principle. Such a submission could not be
9 accepted.

10 ILL-TREATMENT OF PRISONERS OF WAR & POLICY

11 The Japanese Government signed and ratified
12 the Fourth Hague Convention of 1907 Respecting the Laws
13 and Customs of War on Land, which provided for humane
14 treatment of prisoners of war and condemned treacherous
15 and inhumane conduct of war. The reason for the failure
16 of the Japanese Government to ratify and enforce the
17 Geneva Prisoner of War Convention which it signed at
18 Geneva in 1929 is to be found in the fundamental train-
19 ing of the Japanese Soldier. Long before the beginning
20 of the period covered by the Indictment, the young men
21 of Japan had been taught that "The greatest honor is
22 to die for the Emperor," a precept which we find
23 ARAKI repeating in his speeches and propaganda motion
24 pictures. An additional precept was taught that it is
25 an ignominy to surrender to the enemy.

The combined effect of these two precepts was
1 to inculcate in the Japanese soldier a spirit of con-
2 tempt for Allied soldiers who surrendered, which, in
3 defiance of the rules of war, was demonstrated in their
4 ill-treatment of prisoners. In this spirit they made
5 no distinction between the soldier who fought honorably
6 and courageously up to an inevitable surrender and the
7 soldier who surrendered without a fight. All enemy
8 soldiers who surrendered under any circumstance were
9 to be regarded as being disgraced and entitled to live
10 only by the tolerance of their captors.

12 Ratification and enforcement of the Geneva
13 Convention of 1929 it was thought would involve abandon-
14 ment of this view of the Military. The Convention had
15 been signed by the Japanese Plenipotentiaries at Geneva
16 in 1929; but when the Convention came up for ratifica-
17 tion in 1934, both the Japanese Army and Navy petitioned
18 against ratification; and by that time they had suffic-
19 ient political power to prevent ratification. They
20 gave as some of their reasons for resisting ratifica-
21 tion, that the obligations imposed by the Convention
22 were unilateral, that the Convention imposed new and
23 additional burdens on Japan, but that Japan could not
24 gain anything by ratifying it, for no Japanese soldier
25 would ever surrender to the enemy.

1 In this connection it is interesting to note
2 that TOJO giving instructions to chiefs of prisoner
3 of war camps said: "In Japan we have our own ide-
4 ology concerning prisoners of war, which should natur-
5 ally make their treatment more or less different from
6 that in Europe and America."

7 JAPANESE PURPOSE WAS TO PROTECT JAPANESE
8 NATIONALS

9 The decision to create a Prisoner of War In-
10 formation Bureau was prompted by an inquiry from the
11 International Red Cross in Geneva, which was forwarded
12 to the War Ministry from the Foreign Ministry on 12
13 December 1941. The International Red Cross had tele-
14 graphed the Japanese Foreign Ministry that in view of
15 the fact that the war had extended to the Pacific its
16 Committee had placed the services of the Central
17 Prisoner of War Bureau at the disposal of the bellig-
18 erent States and inquiring whether the Japanese Govern-
19 ment was disposed to exchange by the intermediary of
20 the Central Bureau of Geneva lists of information on
21 prisoners of war and in so far as possible on civilian
22 internees. Conferences were held by the officials
23 in the War Ministry; and on 28 December 1941, Vice-
24 Minister of War KIMURA informed Foreign Minister TOGO
25 that the War Ministry was ready to exchange information,

1 that "it is not that we "declare that we are prepared
2 to apply in practice' the provisions of the Prisoner
3 of War Convention of 1929, but that we "utilize them
4 for the convenience of transmission of information."
5 By 12 January 1942, the International Red Cross had
6 received replies from Japan and the United States
7 declaring that they were ready to proceed with the
8 transmission of information.

9 CREATION OF THE PRISONER OF WAR INFORMATION

10 BUREAU

11 The Prisoner of War Information Bureau was
12 created by Imperial Ordinance on 27 December 1941.
13 The Bureau was charged with making investigations of
14 the following subjects: internments, removals, releases
15 on parole, exchanges, escapes, admissions to hospitals
16 and deaths of prisoners of war. It was also given the
17 duty of maintaining records for each prisoner of war
18 and managing the communications and correspondence
19 regarding prisoners of war, and of collecting informa-
20 tion pertaining to the condition of prisoners of war.
21 The ordinance provided that the Bureau should have a
22 Director and four Secretaries. This Prisoner of War
23 Information Bureau was placed under the supervision
24 and control of the War Minister and was organized as
25 a section of the Military Affairs Bureau, where at

1 different times it came under the control and super-
2 vision of MUTO and SATO. All personnel of the Prisoner
3 of War Information Bureau were appointed on the
4 recommendation of the War Minister. TOJO appointed
5 Lieutenant General Uemura as the first Director of
6 the Bureau.

7 CREATION OF THE PRISONER OF WAR ADMINISTRATION
8 SECTION

9 On 31 March 1942, "Regulations for the
10 Treatment of Prisoners of War" were promulgated,
11 creating what was called the "Prisoner of War Adminis-
12 tration Section" in the Military Affairs Bureau of the
13 War Ministry under the supervision and control of TOJO
14 as War Minister. TOJO exercised this control and super-
15 vision through MUTO as Chief of the Military Affairs
16 Bureau. The regulations provided that the Section
17 should have a Director and other personnel to be
18 appointed upon the recommendation of the War Minister.
19 TOJO appointed Lieutenant General Uemura as the First
20 Director of the Section, thereby combining in one
21 person the administration of the Prisoner of War Infor-
22 mation Bureau and the Prisoner of War Administration
23 Section. The Prisoner of War Information Bureau was
24 only an information and records office created, as
25 KIMURA said, to use the provisions of the Prisoner of

1 War Convention of 1929 for the purpose of gaining
2 information; it had no power of control or supervision
3 over prisoners of war and civilian internees. The
4 Prisoner of War Administration Section on the other
5 hand was given authority to "conduct all affairs
6 relative to the treatment of prisoners of war and
7 civilian internees in the theater of war."

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dTHE MILITARY AFFAIRS BUREAU RETAINED CONTROL

1 The Military Affairs Bureau of the War Ministry
2 under ITO and later under SATO retained control of the
3 system set up for enforcement of the Laws of War during
4 the Pacific War. Although the ordinance creating the
5 Prisoner of War Information Bureau provided: "In regard
6 to matters falling within his jurisdiction, the Director
7 may demand information from any military or naval unit
8 concerned," General Uemura and the Directors following
9 him were required to transmit all inquiries and other
10 communications through the office of the Chief of the
11 Military Affairs Bureau. They had no power to take any
12 action without the approval of the Chief of the Military
13 Affairs Bureau.

15 According to TOJO, all orders and directives
16 relating to prisoners of war and civilian internees were
17 issued by the War Minister. He also says that these
18 orders and directives were drafted by the Military
19 Affairs Bureau after the Chief of that Bureau had held
20 conferences with the General Staff and other agencies
21 of the Government concerned.

23 As we will discuss presently, bi-weekly confer-
24 ences of all Bureau Chiefs in the War Ministry were held
25 and attended by the War Minister and Vice-Minister of War;
TOJO and KIMURA attended most of these conferences.

KIMURA was Vice-Minister of War from 10 April 1941 to 11 March 1943. Matters relating to prisoners of war and civilian internees were discussed at these conferences, with TOJO and KIMURA at times attending. Orders and regulations were formulated and forwarded to all agencies of the Government concerned with the treatment of prisoners of war and civilian internees.

DETENTION CAMPS AND THEIR ADMINISTRATION

Detention camps for prisoners of war were authorized by Imperial Ordinances and Regulations issued by the War Ministry on 23 December 1941. These regulations provided that prisoner of war camps were to be administered by a commander of an Army or a commander of a garrison under the general supervision of the Minister of War. As we have stated, however, all these camps were not under the Army commanders: in those areas under the jurisdiction of the Navy, the camps were administered by Navy officers of corresponding rank and authority.

Detention camps for civilian internees were authorized by regulations issued by the War Ministry on 7 November 1943. The regulations provided: "When the commander of an Army, which term shall herein include persons of the equivalent status as a commander of an Army, has interned enemy nationals or neutrals at the

front, he shall establish an army internment camp as soon
 1 as possible. The commander of an army that establishes
 2 the army internment camp shall administer the same."

3 General regulations were issued providing for
 4 the administration of civilian internees, which were not
 5 materially different from those providing for the admin-
 6 istration of prisoners of war. All regulations applic-
 7 able to prisoners of war were made applicable to civilian
 8 internees, except in those cases where specific regula-
 9 tions were issued applicable to civilian internees alone.
 10 These regulations also provided that, "The commander of
 11 an army that establishes the army internment camp shall
 12 administer the same."
 13

14 The following accused administered detention
 15 camps as military commanders during the Pacific War,
 16 namely: DONIHARA as Commander of the Eastern Military
 17 District in Japan and as Commander of the 7th Area Army
 18 at Singapore; HATA as Commander of all Japanese Expedi-
 19 tionary Forces in China and as Commander of the military
 20 districts in Central and Western Honshu in Japan;
 21 ITAGAKI as Commander of the Korean Army and as Commander
 22 of the 7th Area Army at Singapore; KIMURA as Commander
 23 of the Army in Burma; MUTO as Commander of the Japanese
 24 Army in Northern Sumatra; SATO as Commander of the Army
 25 in French Indo-China; and UBEZU as Commander of the

Manchuria.

1 The regulations provided that, "A commander of an
2 Army or a commander of a garrison may, whenever necessary,
3 delegate his subordinates to assist in the management of a
4 prisoner of war or civilian internee camp. Persons
5 delegated according to these provisions shall be under
6 the supervision and command of the Commandant." Special
7 supervisors or chiefs were selected and trained in Tokyo
8 to manage prisoner of war and civilian internee camps;
9 and after careful and detailed instruction, which was
10 completed by a personal message from Prime Minister TOJO,
11 these chiefs of camps were sent out from Japan to all
12 places where prisoner of war and civilian internee camps
13 were located to take charge of those camps and manage
14 them under the command of the Army and Navy commanders.
15 These chiefs of camps were required by regulations to
16 make monthly reports to the Prisoner of War Administra-
17 tion Section in the Military Affairs Bureau of the War
18 Ministry. These reports were discussed at the bi-weekly
19 conferences of the Bureau Chiefs in the War Ministry,
20 which were usually attended by the War Minister and Vice-
21 Minister of War. These reports were included in statis-
22 tics relative to the high death rate in the camps due to
23 malnutrition and other causes. TOJO said that this item
24 received his particular attention. A summary of the
25

1 monthly reports from the chiefs of camps was filed in
2 the office of the Prisoner of War Information Bureau,
3 which was under the same director as the Prisoner of
4 War Administration Section.

5 THE NAVY PARTICIPATED IN THE SYSTEM

6 It was contemplated that the Navy would deliver
7 to the Army for detention and administration all prison-
8 ers of war taken and civilian internees interned by it,
9 but in many cases this was not done or was delayed for
10 a long time. Also, in some areas the Navy exercised
11 jurisdiction for administration of occupied areas. For
12 instance, the Navy occupied such islands as Borneo,
13 the Celebes, the Moluccas, Timor and other islands east
14 of a line through Bali. It also occupied other islands,
15 such as Wake Island. In those areas occupied by the
16 Navy, the prisoners of war and civilian internees were
17 administered by the Navy Minister and the enforcement of
18 the laws of war in those areas became the responsibility
19 of the Navy, under the directions of SHIMADA and OKA.

21 ADMINISTRATION OF THE SYSTEM IN JAPAN PROPER

22 Prisoners of war detained in Japan were under
23 the War Ministry in the same manner as prisoners in
24 other areas, but it is said that the Home Ministry was in
25 charge of the police in Japan and was therefore considered

1 to be the proper Ministry to administer all matters
2 relating to civilian internees in Japan proper. It
3 will be noted that TOJO served as Home Minister from
4 18 October 1941 to 17 February 1942, and from 25 November
5 1942 to 6 January 1943. TOJO said that "there was a
6 separate body under the Home Ministry to deal with
7 civilian internees, but I don't know what the name of
8 that was."

9 For the purpose of defense and military admin-
10 istration, Japan was divided into eight military districts.
11 Each military district was occupied by an army, the com-
12 mander of which was also the military administrator of
13 the district and in charge of all prisoner of war camps
14 within his district. The Eastern District embraced the
15 Tokyo-Yokohama Area and was occupied by the 12th Area
16 Army. DOHIHARA commanded that army and administered
17 the district from 1 May 1943 to 22 March 1944, and again
18 from 25 August 1945 to the time of the surrender on
19 2 September 1945. The Churoku Military District embraced
20 the Hiroshima Area and the western tip of Honshu Island
21 and was garrisoned by the Second Army Corps. HATA com-
22 manded that Corps from 7 April 1945 until the surrender
23 on 2 September 1945.
24
25

ADMINISTRATION OF THE SYSTEMIN FORMOSA, KOREA AND SAKHALIN

1
2 In the overseas possessions of Japan, which
3 were not in a theater of operations, such as Formosa,
4 Korea and Sakhalin, civilian internees were under the
5 administration of the Ministry of Overseas Affairs,
6 but prisoners of war in those possessions were under the
7 administration of the War Ministry in the same manner as
8 prisoners in other areas. The Ministry of Overseas
9 Affairs was established by Imperial Ordinance of
10 10 June 1929. That Ordinance provided that this Ministry
11 was to control all affairs relating to the Korea Govern-
12 General's office, the Formosa Governor-General's office,
13 the Kwantung Administration office and the South Seas
14 Administration office. To provide for the major wartime
15 reorganization of the Japanese Government, this Ministry
16 was abolished in 1943 and its functions divided and
17 transferred to the Ministry of Home Affairs, and the
18 Ministry of Greater East Asia. TOGO was Minister of
19 Overseas Affairs from 18 October 1941 to 2 December 1941.

ADMINISTRATION OF THE SYSTEM IN THEOCCUPIED TERRITORIES

22
23
24 The Ministry of Greater East Asia was created by
25 Imperial Ordinance on 1 November 1942. That Ordinance
directed that "the Minister of Greater East Asiatic Affairs

1 shall administer the execution of various political affairs
2 excepting purely diplomatic arrairs concerning Greater East
3 Asia, which is hereinafter defined as excluding Japan
4 proper, Korea, Formosa and Sakhalin. The Minister of
5 Greater East Asiatic Affairs shall superintend affairs
6 concerning the Kwantung Bureau and of the South Seas Gov-
7 ernment Office. There shall be instituted in the Ministry
8 of Greater East Asiatic Affairs the following four Bureaux:
9 The General Affairs Bureau, the Manchurian Affairs Bureau,
10 the Chinese Affairs Bureau and the Southern Area Affairs
11 Bureau." This Ministry was organized to govern all areas
12 which had fallen or might fall under the military power of
13 Japan, except Korea, Formosa and Sakhalin. The Ordinance
14 further provided, "To extend cooperation to the Army and
15 the Navy, the Ministry of Greater East Asiatic Affairs
16 shall conduct affairs concerning administration of the
17 occupied areas within the Greater East Asia Area." The
18 first Minister was Aoki, who was followed by SHIGEMITSU
19 who took over this Ministry on 20 July 1944 and served
20 in that capacity until 7 April 1945, when he was
21 succeeded by TOGO who held the office until 16 August
22 1945.
23
24
25

ACCUSED WHO ADMINISTERED THE SYSTEMIN THE OCCUPIED TERRITORIES

1
2 UMEZU became Commander-in-Chief of the Kwantung
3 Army on 7 September 1939 and served in that capacity until
4 18 July 1944. He was the virtual ruler of Manchukuo and
5 was directly responsible for the treatment of prisoners of
6 war and civilian internees in Manchuria. HATA was Commander
7 in-Chief of the Japanese Expeditionary Force in China from
8 1 March 1941 to 22 November 1944. On 11 March 1943, KIMURA
9 resigned as Vice-Minister of War; he was appointed Comman-
10 der-in-Chief of the Japanese Army in Burma on 30 August
11 1944 and served in that position until the surrender.
12 During his tour of duty in Burma he put into practice the
13 policies which he helped to develop during his term of
14 office as Vice-Minister of War. He first established his
15 headquarters at Rangoon. At this time atrocities occurred
16 in that area, at Hsipaw, Moksekwin Reserve Forest, Henzada,
17 Onun Cemetery, Tharrawaddy and at the Kenpeitai Jail in
18 Rangoon. At the end of April 1945, KIMURA moved his
19 headquarters to Moulmein. Thereafter atrocities occurred
20 at or near Moulmein. The entire population of Kalagon,
21 a village 10 miles from KIMURA's headquarters, was massacred
22 on 7 July 1945 under order of his field officers. Massa-
23 cres occurred in Moulmein after KIMURA's arrival; the
24 Kenpeitai became more inhumane in their treatment of
25

Burmese and the internees in the camp at Tavoy were
1 starved and beaten.

2 MUTO made an inspection trip to the southern
3 Regions from 20 March 1942 to 12 April 1942; he visited
4 Formosa, Saigon, Bangkok, Rangoon, Singapore, Palembang,
5 Java, Manila and other places. He returned to Tokyo and
6 was appointed Commander of the Imperial Guards Division
7 on 20 April 1942 and stationed in Northern Sumatra. He
8 was the Japanese military commander in Northern Sumatra,
9 with his headquarters at Medan until 12 October 1944, when
10 he was transferred to the Philippine Islands. During his
11 term of office as such commander, he put into practice the
12 policies which he advocated as Chief of the Military Af-
13 fairs Bureau of the War Ministry in Tokyo. In the area
14 occupied by his troops in Northern Sumatra, some of the
15 most disgraceful atrocities of the war were committed.
16 Prisoners of war and civilian internees were starved,
17 neglected, tortured, murdered and otherwise mistreated
18 and civilians were massacred. The laws of war were
19 ignored. MUTO further demonstrated his disregard for the
20 laws of war upon his transfer on 12 October 1944 to become
21 Chief-of-Staff of the 14th Japanese Army in the Philippine
22 Islands under General Yamashita. On the night of 20
23 October 1944, MUTO arrived at Fort McKinley in the
24 Philippines to assume his duties as Chief-of-Staff to
25

1 General Yamashita. He held that assignment until the
2 Japanese surrender in September 1945. During his
3 tenure as such Chief-of-Staff, a campaign massacre,
4 torture and other atrocities were waged by the troops
5 under Yamashita and MUTO on the civilian population of
6 the Philippines, including the massacres in Bantangas
7 and massacres and other atrocities at Manila. These
8 bore the same features and followed the pattern set
9 eight years earlier at Nanking when MUTO was a member
10 of MATSUI's staff. During this period prisoners of
11 war and civilian internees were starved, tortured and
12 murdered.

13 DOHIHARA commanded the 7th Area Army at Singa-
14 pore from 22 March 1944 until he was relieved by
15 ITAGAKI on 7 April 1945 to become Inspector General
16 of Military Education. During his period of command
17 prisoners of war were treated as common criminals,
18 starved, tortured and otherwise ill-treated. After
19 ITAGAKI assumed the command of the 7th Area Army at
20 Singapore there was no improvement in the condition
21 of the prisoners of war under the jurisdiction of that
22 Army. During June and July 1945, while he was in
23 command, no less than 17 Allied airmen were taken from
24 their cells in the Outram Road Gaol and murdered.
25

ALLIED PROTESTS

1 Formal and informal protests and warnings
2 against violations of the laws of war lodged by the
3 Allied Powers and the Protecting Power during the
4 Pacific War were ignored; or when they were answered,
5 the commission of the offenses was denied, or un-
6 truthful explanations were given.

7
8 The procedure followed in Tokyo was described
9 to us as follows: Formal protests from the Allied
10 Powers and the protecting Power were regularly de-
11 livered to the Foreign Ministry. The Foreign Ministry
12 then circulated copies of these protests to the Minis-
13 tries and Bureaux of the Japanese Government concerned.
14 All protests concerning matters under the jurisdiction
15 of the War Ministry and the Prisoner of War Information
16 Bureau were first delivered to the Secretariat of the
17 War Ministry. The Secretariat forwarded the protests
18 to the Military Affairs Section of the Military Aff-
19 fairs Bureau. MUTO was Chief of this bureau from
20 30 September 1939 to 20 April 1942. SATO was Chief
21 of this Section from 15 July 1938 until he replaced
22 MUTO as Chief of the Military Affairs Bureau in 1942.
23 SATO served as Chief of the Military Affairs Bureau
24 until 14 December 1944. The Military Affairs Section
25 discussed the protests with the various sections of the

1 Military Affairs Bureau concerned, such as the Prisoner
2 of War Administration Section or the Prisoner of War
3 Information Bureau. The protest was then taken up
4 and discussed at the bi-weekly meetings of the Bureaux
5 Chiefs of the War Ministry which were usually attended
6 by the War Minister and Vice-Minister of War. At these
7 meetings it was decided whether a reply would be made
8 to the protest and the nature of the reply to be made.
9 The Director of the Prisoner of War Administration
10 Section, who was also the Director of the Prisoner of
11 War Information Bureau, attended these discussions
12 and received orders on important matters direct from
13 the War Minister and the Vice-Minister; he furnished
14 copies of the protests and the replies to be made
15 thereto to the Prisoner of War Information Bureau for
16 filing. This was the practice even when the copies
17 of the protests were addressed to the War Minister or
18 the Prisoner of War Information Bureau.

19
20 In addition to formal protests, radio broad-
21 casts were regularly made over Allied stations de-
22 tailing the atrocities and other violations of the laws
23 of war being committed by the Japanese armed forces
24 and warning the Japanese Government that it would be
25 held responsible for these offenses. These broadcasts
were monitored by the Japanese Foreign Ministry and

distributed to all ministries, bureaux and officials
concerned. Lord Keeper of the Privy Seal KIDO re-
corded in his diary on 19 March 1942 that: "The
Imperial Household Minister came to the office and told
me about Eden's address in Parliament concerning our
soldiers' atrocities at Hong Kong, and we exchanged
opinions".

The formal protests delivered were too numerous
for detailed mention here. In general, it may be said
that these protests related to the violations of the
laws of war which we have mentioned as well as to many
others. In each case, specific and detailed facts
were stated which permitted complete investigation.
The same thing may be said of the protests and warnings
delivered over the radio.

We will mention here, by way of illustration
only, some of these protests and warnings. As early
as 14 February 1942 the United States Government de-
livered a note through the Swiss Government stating
that it had received reports that the Japanese author-
ities in the occupied areas of the Philippines were
subjecting American civilians to an extremely rigid
and harsh regime involving abuse and humiliation and
that the American Government desired assurances that
immediate steps had been taken to remedy the situation

and to accord to Americans in the Philippines moderate
1 treatment similar to that being extended to Japanese
2 nationals in the territories of the United States.
3 Foreign Minister TOGO replied on 24 February 1942 that
4 "conditions applied to American Nationals in the
5 Philippines by the Japanese authorities are more
6 favorable than contemplated by the Geneva Convention
7 of 1929". This statement was false. He denied
8 that American nationals were being subjected to un-
9 favorable treatment and said that the "Apprehensions
10 of the American Government were based on unknown
11 sources and cited no exact facts and therefore were
12 without foundation".

14 On 12 December 1942 the United States Govern-
15 ment delivered another formal protest. It stated that
16 it had learned of gross ill-treatment suffered by
17 American civilians and prisoners of war in violation
18 of the commitment of the Japanese Government to apply
19 the provisions of the Geneva Prisoner of War Convention
20 of 1929 to American prisoners of war and, in so far as
21 they might be applicable, to civilian internees. The
22 United States stated that it was evident that Japan
23 had failed to fulfill its undertaking and that some
24 Japanese officers and agencies had violated the prin-
25 ciples of that Convention not only by positive ill-

1 treatment but by failure to provide for those American
2 nationals the necessities of life. The United States
3 then lodged an emphatic protest and stated that it ex-
4 pected this inhumane and uncivilized treatment of
5 American prisoners of war and civilian internees to be
6 made a matter of immediate investigation, that it ex-
7 pected those responsible to be disciplined immediately,
8 and that it expected an assurance that ill-treatment
9 of prisoners of war and civilian internees would be
10 discontinued. Specific instances were cited, giving
11 dates and other facts to support this protest. No
12 reply was made to this protest until 28 May 1943,
13 when Foreign Minister SHIGEMITSU replied that an in-
14 vestigation was being made and that he would communi-
15 cate "in due course" when the results of the investi-
16 gation were known.

17 In the meantime, on 5 April 1943, the United
18 States had filed another protest against the ill-
19 treatment of the Doolittle fliers. The United States
20 Government warned: "The American Government also
21 solemnly warns the Japanese Government that for
22 American prisoners of war or for any other acts of
23 criminal barbarity inflicted upon American prisoners
24 in violation of the laws of warfare, accepted and
25 practiced by civilized nations, as military operations

1 now in progress draw to their inexorable and in-
2 evitable conclusion, the American Government will
3 visit upon the officers of the Japanese Government
4 responsible for such uncivilized and inhumane acts
5 the punishment they deserve".
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A large number of specific protests was lodged
1 by the United States with Foreign Minister SHIGEMITSU
2 before he finally answered, on 24 April 1944, the protest
3 of the United States which had been made on 12 December
4 1942. In that reply, he indicated that the investigation,
5 which he had mentioned in his Note of 28 May 1943, had
6 been completed, and that he had a report thereon. He
7 accused the Government of the United States of "distorting
8 and exaggerating the facts" and rejected the protest;
9 he went to great length to set out what he claimed to
10 be the facts as disclosed by the so-called investigation.
11 The United States replied to this accusation on 1 March
12 1945 by a note reading: "The United States Government
13 cannot accept a statement by the Japanese Government
14 impugning its veracity. The United States Government's
15 protest concerning treatment accorded by Japanese
16 authorities to American nationals in Japan and Japanese
17 occupied territory is based on documentary evidence,
18 which cannot be refuted in such an arbitrary fashion
19 by the Japanese Government. The statements contained
20 in the Japanese Government's reply of 24 April 1944
21 are so far removed from the facts as known to the
22 United States Government that it can only conclude
23 that the Japanese Government has permitted itself to
24 be misled by fabricated reports of local officials and
25

had not made an independent investigation of the
1 matters protested in the United States Government's
2 Note of 12 December 1942. The United States Government
3 therefore considers the reply unsatisfactory and will
4 continue to hold the Japanese Government answerable."

5 British protests were treated in the same
6 fashion as those from the Government of the United
7 States. An illustration is afforded by the protests
8 and answer regarding the treatment of prisoners of
9 war in Rangoon Gaol. On 8 July 1942, the British Govern-
10 ment caused a protest to be delivered to Foreign Minister
11 TOGO in which it was stated that a photograph had
12 appeared in the Japan Times and Advertiser, a newspaper
13 published in Tokyo, which showed British prisoners of
14 war cleaning the streets of Rangoon under the amused
15 eyes of the public. The protest was renewed on 1
16 August 1942. On 15 September 1942, the British
17 Government further protested that the prisoners in
18 Rangoon Gaol were furnished insufficient rations, that
19 they were forced to sleep on the bare floors of the
20 prison and that their boots had been confiscated. TOJO
21 acted as Foreign Minister from 1 September 1942 to 17
22 September 1942; and while occupying that office received
23 a Note calling his attention to the foregoing protests.
24 On 9 February 1943, Foreign Minister Tani, who had
25

replaced TOJO as Foreign Minister replied, "the competent
1 authorities have stated after having made a full inquiry
2 that the facts stated in said letters never happened."

3 The protests of the British Government against
4 the treatment of British prisoners of war in Burma and
5 Siam received similar treatment. The British Government
6 protested on 4 July 1944 in a Note delivered to SHIGEMITSU
7 that it had learned from postcards printed by the
8 Japanese authorities that about twenty thousand British
9 prisoners of war had been transferred to the vicinity
10 of Moulmein without notification. It also protested
11 against the unfavorable conditions and ill-treatment
12 to which these prisoners were subjected. SHIGEMITSU
13 replied on 26 August 1944 that the "majority of British
14 and Allied prisoners of war, who were in Burma on 4 July
15 1944 were prisoners who had been attached to camps in
16 Thailand and Malaya and had been provisionally transferred
17 to Burma." SHIGEMITSU replied on 3 October 1944 to
18 further protests from the British Government relative
19 to the health of prisoners laboring in Burma and Siam.
20 In that reply he said: "The Imperial Government, by
21 exercising great vigilance as to the health and hygiene
22 of prisoners of war, takes added measures, such as
23 monthly medical examination of each prisoner of war
24 camp, to enable sickness to be treated in the first stage."
25

1 He then detailed the medical aid which he claimed had
2 been given to the prisoners on the Burma-Siam Railway.
3 The facts stated were entirely false as the prisoners
4 had not received medical attention and had been dying
5 by thousands from beri-beri, cholera, malaria and other
6 tropical diseases. The true facts were learned when
7 the Rakuyo Maru was torpedoed and sunk in the South
8 China Sea on 12 September 1944. There had been 1300
9 prisoners of war aboard that unmarked Japanese prison
10 ship. The Japanese picked up the Japanese survivors,
11 but deliberately left the prisoners to their fate.
12 Approximately 100 Australian and United Kingdom survivors
13 were later rescued and taken to Australia and Great
14 Britain. From these prisoners it was learned that all
15 available prisoners of war in Singapore and Java were
16 moved early in 1942 to Burma and Thailand to work on
17 the Burma-Siam Railway project. We have already described
18 the conditions under which they traveled and the terrible
19 conditions during the construction of the railway.
20 SHIGEMITSU was informed of the facts learned from these
21 rescued prisoners of war in a Note from the British
22 Government dated 4 December 1944, renewing the British
23 protests. Forced at last to reply, TOGO, who had
24 succeeded SHIGEMITSU as Foreign Minister, made a belated
25 reply to these protests on 15 May 1945. He said that

it was regretted that the situation was such that
1 "the concerted efforts of all the sanitary services
2 of the Japanese troops cannot prevent the spread of
3 diseases of the digestive system, etc." He denied
4 that atrocities had been committed by Japanese troops
5 in Burma and as to the protest against the parading
6 of British prisoners of war in Moulmein, which we have
7 mentioned, he gave the conventional Japanese answer
8 that it "never happened".
9

10 In addition to the disregard shown these
11 formal protests, the many protests and warnings given
12 over the radio were completely ignored although these
13 had been regularly recorded in the Japanese Foreign
14 Office and distributed to the various ministries. On
15 24 January 1944, a report from the United States
16 Government giving the details and results of the Bataan
17 March was broadcast over the British Broadcasting
18 Corporation's network and recorded in the Japanese
19 Foreign Office. Again on 29 January 1944 radio station
20 KWID at San Francisco, California, broadcast White
21 House Secretary Stephen Early's disclosure that the
22 Japanese would not permit the United States Government
23 to send food and supplies to United States and Filipino
24 prisoners. Early said, "The time has come for releasing
25 the factual reports which have been carefully investigated

and authenticated because we cannot expect to get
1 further relief to our prisoners now in the hands of the
2 Japanese." This broadcast was recorded in the Japanese
3 Foreign Office, KWID again broadcast on 29 January
4 1944 statements by United States Secretary of State
5 Cordell Hull and British Foreign Secretary Anthony
6 Eden. Mr. Hull in speaking of the treatment of prisoners
7 of war in Japanese hands stated: "According to the
8 reports of cruelty and inhumanity, it would be necessary
9 to summon the representatives of all the devils available
10 anywhere and combine their fiendishness with all that
11 is bloody in order to describe the conduct of those
12 who inflicted these unthinkable atrocities on the
13 Americans and Filipinos."

14
15 The vigor of this language was fully justified
16 by the evidence given before the Tribunal. Mr. Eden had
17 stated before the House of Commons that British protests
18 had drawn unsatisfactory results from Japan. He said
19 that the Japanese were violating not only international
20 law but all human, decent civilized conduct. He warned
21 the Japanese Government that in time to come the record
22 of their military atrocities in the war would not be
23 forgotten. Mr. Hull had closed his statement with the
24 remark that the United States Government was assembling
25 all possible facts concerning Japanese treatment of

prisoners of war and that it intended to seek full
1 punishment of the responsible Japanese authorities.
2 General MacArthur's General Headquarters issued a
3 warning on 22 October 1944 to the Japanese Commander
4 of the 7th Area Army at Singapore, who had jurisdiction
5 over the Philippine Islands as well as a large segment
6 of the Pacific area. General MacArthur warned that
7 he would hold the enemy leaders immediately responsible
8 for any failure to accord prisoners of war and civilian
9 internees proper treatment. He said that although
10 the Americans and Filipinos who surrendered in the
11 Philippines believed they would be treated with the
12 dignity, honor and protection to which prisoners of
13 war were entitled under the laws of war, unimpeachable
14 evidence had been received of the degradation and even
15 brutality to which they had been subjected in violation
16 of the most sacred code of martial honor. All of these
17 broadcasts were recorded in the Japanese Foreign Office
18 and given a wide circulation among the Japanese Ministries.

20 ILL-TREATMENT OF PRISONERS OF WAR AND CIVILIAN
21 INTERNEES WAS CONDONED AND CONCEALED

22 The Japanese Government condoned ill-treatment
23 of prisoners of war and civilian internees by failing
24 and neglecting to punish those guilty of ill-treating
25 them or by prescribing trifling and inadequate penalties

1 for the offence. That Government also attempted to
2 conceal the ill-treatment and murder of prisoners and
3 internees by prohibiting the representatives of the
4 Protecting Power from visiting camps, by restricting
5 such visits as were allowed, by refusing to forward
6 to the Protecting Power complete lists of prisoners
7 taken and civilians interned, by censoring news
8 relating to prisoners and internees, and ordering the
9 destruction of all incriminating documents at the
10 time of the surrender of Japan.

11 The following are examples of inadequate
12 sentences imposed for ill-treatment of prisoners. For
13 flogging, the punishment imposed was admonition or a
14 few days confinement in quarters or a few days extra
15 duty. A guard guilty of torturing prisoners of war
16 was admonished. A guard who was guilty of frequently
17 lynching prisoners of war was admonished. Several
18 guards were found guilty of lynching prisoners of war;
19 the most severe punishment imposed was discharge. The
20 penalty imposed on the officer responsible for the
21 burning alive of 62 Allied fliers during an air raid
22 on the Tokyo Army Prison was an admonition. These
23 cases are evidence that the War Ministry knew there was
24 ill-treatment of prisoners. The trifling nature of
25 the punishments imposed implies condonation.

The Government actively concealed the ill-
1 treatment to which prisoners of war and civilian intern-
2 ees were being subjected by refusing visits by repre-
3 sentatives of the Protecting Power designated by the
4 Allies. The Swiss Minister in Tokyo, as early as 12
5 February 1942, delivered a note to Foreign Minister
6 TOGO in which he said: "I have the honor to bring to
7 the knowledge of Your Excellency that the Government
8 of the United States is prepared to facilitate, at the
9 request of the representative of the Protecting Power,
10 their visits to Japanese subjects who are temporarily
11 detained, interned, or at liberty on parole. I would
12 be greatly obliged to Your Excellency if you would
13 facilitate in part the task of my Legation so far as
14 it concerns visits to internees." He delivered another
15 note to Foreign Minister TOGO on 17 February 1942 in
16 which he said: "The Government of the United States
17 of America has already informed the Spanish Ambassador,
18 protecting Japanese interests in the United States,
19 that he is at liberty to visit prisoner of war camps
20 as well as places where civilian internees are detained.
21 The Government of the United States requests, in con-
22 formity with the Geneva Prisoner of War Convention,
23 that the Swiss representatives in Japan and in the
24 territories occupied by Japanese forces be authorized
25

1 as soon as possible to commence their visits of in-
2 spection to places where American citizens, who are
3 prisoners of war or civilian internees, are located."
4 He delivered other notes to TOGO in March and June
5 1942 repeating those requests. During June 1942 he
6 requested the same permission to visit the subjects
7 of Great Britain and the Dominions, who were detained
8 as prisoners or internees. TOGO at last replied to
9 these requests on 30 July 1942 by a note in which he
10 said: "I desire to inform Your Excellency that the
11 Imperial Government having in principle refused to
12 recognize the representation of any interests in the
13 occupied territories comprising the Philippine Islands,
14 Hong Kong, Malaya and the Netherlands East Indies,
15 it follows that permission cannot be given to your
16 delegates to visit American prisoners of war and
17 civilian internees in the above-mentioned territories;
18 but that in respect of Shanghai only, in occupied China,
19 the competent authorities can give this permission."
20 The Governments of the United States and Great Bri-
21 tain protested immediately and renewed their requests.
22 The correspondence between the Swiss Minister and
23 Foreign Minister Tani, who succeeded TOGO, reflects
24 that this policy of refusing permission to visit
25 prisoners and internees detained in the occupied

1 territories and in Japan's overseas possessions was
2 continued. The Swiss Minister continued to press for
3 permission, however; and on 22 April 1943, SHIGEMITSU,
4 who had become Foreign Minister, delivered a Note
5 Verbal to the Swiss Minister in which he said: "As
6 the Foreign Minister has communicated to the Swiss
7 Minister by Note dated 20 July 1942, the Imperial
8 Government shall not permit visits to prisoners of
9 war and civilian internee camps in occupied territor-
10 ies." Although the Swiss Minister had been informed
11 by Foreign Minister TOGO that representatives of the
12 Protecting Power would be allowed to visit camps at
13 Shanghai, the visits were not made because the so-
14 called "competent authorities," to which TOGO referred
15 the Swiss Minister, refused to give permission for the
16 visits and the permission was not forthcoming from
17 the TOJO Cabinet in Tokyo. SHIGEMITSU was informed
18 of this in a note from the Swiss Minister dated 12
19 May 1943. In response to these persistent and re-
20 peated requests from the Swiss Government for per-
21 mission to visit prisoners of war and civilian intern-
22 ees, a few selected camps, which had been prepared
23 for the occasion, were allowed to be visited in Japan.
24 The Swiss Minister, on 2 June 1943, requested permis-
25 sion from SHIGEMITSU to visit the remaining camps in

Japan as well as the camps in the occupied territories,
1 and inquired when a second visit might be made to the
2 camps which had been visited in Japan. Foreign Minis-
3 ter SHIGEMITSU replied on 23 July 1943 and said: "As
4 regards prisoner of war camps in the occupied areas,
5 a notification will be made to Your Excellency if the
6 time comes when permission can be granted; and as re-
7 gards prisoner of war camps in Japan proper, which
8 have not yet been visited, permission will be granted
9 gradually at a favorable opportunity. Permission for
10 periodic visits to those camps, that have already been
11 visited, shall not be granted in advance; but in case
12 a visit is desired, consideration will be given to
13 applications made on all such occasions." However,
14 consideration was not given to these applications; and
15 on 12 February 1944, the Swiss Minister complained to
16 SHIGEMITSU that no reply had been made to requests to
17 visit detention camps between August 1943 and February
18 1944. This complaint was repeated in a note to
19 SHIGEMITSU on 30 March 1944, in which the Swiss Minis-
20 ter said: "You know that I am not satisfied with my
21 activities as representative of foreign interests in
22 Japan. The results do not correspond to the efforts.
23 I can see this in a concrete fashion as shown by the
24 statistics of my services and requests which have been
25 made by my Government at the request of the

1 Governments who have confided their interests in us,
2 I desire to confine myself for the moment to my re-
3 quests to visit prisoner of war camps. Reviewing
4 my requests made over more than two years, I find that
5 from 1 February 1942 to 15 March 1944, I have inter-
6 vened 134 times in writing. These 134 notes have
7 brought exactly 24 replies from the Foreign Ministry.
8 Most of these replies are either negative or forward
9 to me decisions made by competent authorities. I
10 have received three replies in nine months." It was
11 not until 13 November 1944 that he was notified by
12 SHIGEMITSU's Foreign Ministry that the time had come
13 when permission could be granted to visit prisoners
14 of war and internees in the occupied territories; and
15 then the visits were limited to Manila, Shonan and
16 Bangkok. In a note addressed to the Swiss Minister
17 in Tokyo on 17 November 1944, SHIGEMITSU informed the
18 Swiss Minister that visits would be allowed to pris-
19 oner of war camps in the occupied territories on
20 condition of reciprocity if they did not interfere
21 with military operations. The Swiss Minister in a
22 note dated 13 January 1945, asked SHIGEMITSU when
23 these visits could be commenced. I was not until 7
24 April 1945, that TOGO, who had succeeded SHIGEMITSU as
25 Foreign Minister, replied to the many urgent requests

to visit detention camps in the occupied territories.

1 In that reply, TOGO stated that Japan "would lose
2 no time" in making preparations for visits in Thailand.
3 By the use of one excuse or another, visits were never
4 freely allowed throughout the war.

5
6 In the few cases where the representatives
7 of the Protecting Power were allowed to visit deten-
8 tion camps, the camps were prepared for the visit,
9 and the visits were strictly supervised. Regulations
10 issued by the TOJO Cabinet early in the Pacific War
11 provided that when an interview with a prisoner of
12 war was authorized restrictions regarding the time and
13 place of the interview and the range within which the
14 conversation was to be conducted would be imposed and
15 that a guard would be present during the interview.
16 These regulations were enforced notwithstanding the
17 repeated objections of the Protecting Power. In a
18 note to the Swiss Minister, dated 22 April 1943,
19 SHIGEMITSU said: "The Imperial Government shall not
20 allow delegates of the Protecting Power to interview
21 prisoners of war without the presence of a guard."
22 The Swiss Minister protested and SHIGEMITSU replied
23 on 24 June 1943: "The Ministry hastens to inform the
24 Legation that Article 13 of our country's detailed
25 regulations stipulates that a guard shall be present

when prisoners of war are interviewed, and that it is
1 not possible to modify our treatment of prisoners of
2 war practiced in conformity with the said Article."
3 After a visit to the prisoner of war camp at Motoyama
4 in Japan in the spring of 1943, the senior prisoner
5 at the camp, who had dared to complain of the working
6 conditions to which the prisoners had been subjected,
7 was tortured. He was forced to kneel for five hours
8 before a Japanese guard. The next time this camp was
9 visited, this senior prisoner was placed in confine-
10 ment and was not allowed to speak to the representa-
11 tive although that representative demanded to interview
12 him.
13

14 The fate of prisoners of war and civilian
15 internees was further concealed by refusal to forward
16 to the Protecting Power a list of the names of pris-
17 oners of war and civilian internees detained. An
18 example of the refusal to supply such lists is the
19 case of the prisoners of war and civilian internees
20 detained after the capture of Wake Island. The Swiss
21 Minister on 27 May 1942 requested of TOGO the names
22 of the prisoners of war and civilian internees cap-
23 tured on Wake Island and their present whereabouts.
24 On 6 October 1942, the Swiss Minister informed the
25 Foreign Minister, then Tani, that the United States

Government was still without report on approximately
1 400 American civilians who were on Wake Island at the
2 time of its capture. On 8 April 1943, the list not
3 having been furnished, the Swiss Minister informed
4 Foreign Minister Tani that the United States Government
5 was insisting upon being furnished the names and loca-
6 tion of the remaining 400. Foreign Minister Tani
7 replied on 19 April 1943 that all information to be
8 furnished had already been given. On 21 August 1943,
9 the Swiss Minister furnished the new Foreign Minister
10 SHIGEMITSU a list of 432 American civilians who should
11 have been on Wake Island at the time of its occupation
12 by the Japanese forces, but whose names were not
13 found on the lists furnished to the International
14 Red Cross Bureau by the Japanese, and requested informa-
15 tion regarding those civilians. On 15 May 1945,
16 the Swiss Minister informed Foreign Minister, now
17 TOGO, that no answer had been received to the request
18 for information regarding the remaining 432 civilians
19 from Wake Island. The information was not obtained
20 until after the surrender of Japan. In truth, 98 of
21 these unfortunate people were murdered by the Japanese
22 Navy in October 1943.

23
24
25
In the draft already issued it stated that
all the people were murdered; actually 98 were murdered.

That correction should be made.

1 News reports and mail were specially cen-
2 sored, no doubt to prevent disclosure of the ill-
3 treatment to which prisoners of war were being subjected.
4 Censorship regulations issued by the Information Bureau
5 of the War Ministry on 20 December 1943, while TOJO was
6 War Minister, provided among other things the follow-
7 ing: "Care should be taken to avoid issuing twisted
8 reports of our fair attitude which might give the enemy
9 food for evil propaganda and bring harm to our interned
10 brothers. For this reason, any reports including
11 photographs, pictures, etc., which come under the
12 following categories are prohibited: Anything that
13 gives the impression that prisoners of war are too well
14 treated or are cruelly treated; any concrete informa-
15 tion concerning facilities, supplies, sanitary condi-
16 tions, or other matters pertaining to living conditions
17 within prisoner of war camps; any information giving
18 the names of any location of prisoner of war camps
19 other than the following:" Then followed twelve
20 general names such as Tokyo, Korea, Borneo, etc. The
21 mail which prisoners of war were allowed to send was
22 restricted almost to the point of prohibition. Pris-
23 oners in some camps, such as those at Singapore, were
24 told by their guards that unless they reported
25 told by their guards that unless they reported

1 favorebly on conditions at the camp their cerds would
2 not be sent. This appears to have been the general rule.
3
4 - When it became apparent that Japan would be
5 forced to surrender, an organized effort was made to
6 burn or otherwise destroy all documents and other
7 evidence of ill-treatment of prisoners of war and civ-
8 ilian internees. The Japanese Minister of War issued
9 an order on 14 August 1945 to all army headquarters,
10 that confidential documents should be destroyed by
11 fire immediately. On the same day, the Commandant of
12 the Kempeitai sent out instructions to the various
13 Kempeitai Headquarters detailing the methods of burning
14 large quantities of documents efficiently. The Chief
15 of the Prisoner of War Camps under the Prisoner of War
16 Administration Section of the Military Affairs Bureau
17 sent a circular telegram to the Chief of Staff of
18 the Formosan Army on 20 August 1945 in which he said:
19 "Documents which would be unfavorable for us in the
20 hands of the enemy are to be treated in the same way
21 as secret documents and destroyed when finished with."
22 This telegram was sent to the Korean Army, Kwantung
23 Army, North China Army, Hong Kong, Mukden, Borneo,
24 Thailand, Malaya and Java. It was in this telegram
25 that the Chief of Prisoner of War Camps made this
statement: "Personnel who ill-treated prisoners of

war and internees or who are held in extremely bad
1 sentiment by them are permitted to take care of it
2 by immediately transferring or by fleeing without
3 trace."

4 We will recess now until half-past one.

5 (Whereupon, at 1100, a recess was
6 taken.)
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AFTERNOON SESSION

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

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

6 THE PRESIDENT: I continue the reading of the
7 Tribunal's Judgment.
8

9 PART C -- CHAPTER IX

10 FINDINGS ON COUNTS OF THE INDICTMENT

11 In Count I of the Indictment it is charged
12 that all the defendants together with other persons
13 participated in the formulation or execution of a common
14 plan or conspiracy. The object of that common plan is
15 alleged to have been that Japan should secure the
16 military, naval, political and economic domination of
17 East Asia and of the Pacific and Indian Oceans, and of
18 all countries and islands therein or bordering thereon,
19 and for that purpose should, alone or in combination
20 with other countries having similar objects, wage a
21 war or wars of aggression against any country or
22 countries which might oppose that purpose.
23

24 There are undoubtedly declarations by some of
25 those who are alleged to have participated in the con-
spiracy which coincide with the above grandiose

statement, but in our opinion it has not been proved
 1 that these were ever more than declarations of the aspir-
 2 ations of individuals. Thus, for example, we do not
 3 think the conspirators ever seriously resolved to
 4 attempt to secure the domination of North and South
 5 America. So far as the wishes of the conspirators
 6 crystallized into a concrete common plan we are of
 7 opinion that the territory that they had resolved
 8 Japan should dominate was confined to East Asia, the
 9 Western and Southwestern Pacific Ocean and the Indian
 10 Ocean, and certain of the islands in these oceans. We
 11 shall accordingly treat Count I as if the charge had
 12 been limited to the above object.
 13

14 We shall consider in the first place whether
 15 a conspiracy with the above object has been proved to
 16 have existed.

17 Already prior to 1928 Okawa, one of the
 18 original defendants, who has been discharged from this
 19 trial on account of his present mental state, was public-
 20 ly advocating that Japan should extend her territory on
 21 the continent of Asia by the threat or, if necessary,
 22 by use of military force. He also advocated that Japan
 23 should seek to dominate Eastern Siberia and the South
 24 Sea Islands. He predicted that the course he advocated
 25 must result in a war between the East and the West, in

1 which Japan would be the champion of the East. He was
2 encouraged and aided in his advocacy of this plan by
3 the Japanese General Staff. The object of this plan
4 as stated was substantially the object of the conspiracy,
5 as we have defined it. In our review of the facts we
6 have noticed many subsequent declarations of the con-
7 spirators as to the object of the conspiracy. These
8 do not vary in any material respect from this early
9 declaration by Okawa.

10 Already when Tanaka was premier, from 1927 to
11 1929, a party of military men, with Okawa and other
12 civilian supporters, was advocating this policy of
13 Okawa that Japan should expand by the use of force. The
14 conspiracy was now in being. It remained in being
15 until Japan's defeat in 1945. The immediate question
16 when Tanaka was premier was whether Japan should attempt
17 to expand her influence on the continent--beginning
18 with Manchuria--by peaceful penetration, as Tanaka and
19 the members of his Cabinet wished, or whether that ex-
20 pansion should be accomplished by the use of force if
21 necessary, as the conspirators advocated. It was
22 essential that the conspirators should have the support
23 and control of the nation. This was the beginning of
24 the long struggle between the conspirators, who advo-
25 cated the attainment of their object by force, and

1 those politicians and latterly those bureaucrats, who
2 advocated Japan's expansion by peaceful measures or
3 at least by a more discreet choice of the occasions on
4 which force should be employed. This struggle culminated
5 in the conspirators obtaining control of the organs of
6 government of Japan and preparing and regimenting the
7 nation's mind and material resources for wars of
8 aggression designed to achieve the object of the con-
9 spiracy. In overcoming the opposition the conspirators
10 employed methods which were entirely unconstitutional
11 and at times wholly ruthless. Propaganda and persuasion
12 won many to their side, but military action abroad
13 without Cabinet sanction or in defiance of Cabinet veto,
14 assassination of opposing leaders, plots to overthrow
15 by force of arms Cabinets which refused to cooperate
16 with them, and even a military revolt which seized the
17 capital and attempted to overthrow the government were
18 part of the tactics whereby the conspirators came
19 ultimately to dominate the Japanese polity.

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21 As and when they felt strong enough to over-
22 come opposition at home and latterly when they had
23 finally overcome all such opposition the conspirators
24 carried out in succession the attacks necessary to
25 effect their ultimate object that Japan should dominate
the Far East. In 1931 they launched a war of aggression

1 against China and conquered Manchuria and Jehol. By
2 1934 they had commenced to infiltrate into North China,
3 garrisoning the land and setting up puppet governments
4 designed to serve their purposes. From 1937 onwards
5 they continued their aggressive war against China on a
6 vast scale, overrunning and occupying much of the
7 country, setting up puppet governments on the above
8 model, and exploiting China's economy and natural
9 resources to feed the Japanese military and civilian
10 needs.

11 In the meantime they had long been planning and
12 preparing a war of aggression which they proposed to
13 launch against the U.S.S.R.. The intention was to seize
14 that country's eastern territories when a favorable
15 opportunity occurred. They had also long recognized
16 that their exploitation of East Asia and their designs
17 on the islands in the Western and Southwestern Pacific
18 would bring them into conflict with the United States
19 of America, Britain, France and the Netherlands who
20 would defend their threatened interests and territories.
21 They planned and prepared for war against these countries
22 also.

23 The conspirators brought about Japan's alliance
24 with Germany and Italy, whose policies were as aggressive
25 as their own, and whose support they desired both in

1 the diplomatic and military fields, for their aggressive
2 actions in China had drawn on Japan the condemnation of
3 the League of Nations and left her friendless in the
4 councils of the world.

5 Their proposed attack on the U.S.S.R. was
6 postponed from time to time for various reasons, among
7 which were (1) Japan's preoccupation with the war in
8 China, which was absorbing unexpectedly large military
9 resources, and (2) Germany's pact of non-aggression
10 with the U.S.S.R. in 1939, which for the time freed
11 the U.S.S.R. from threat of attack on her western
12 frontier, and might have allowed her to devote the bulk
13 of her strength to the defence of her eastern territories
14 if Japan had attacked her.

15 Then in the year 1940 came Germany's great
16 military successes on the continent of Europe. For the
17 time being Great Britain, France and the Netherlands
18 were powerless to afford adequate protection to their
19 interests and territories in the Far East. The military
20 preparations of the United States were in the initial
21 stages. It seemed to the conspirators that no such
22 favorable opportunity could readily recur of realizing
23 that part of their objective which sought Japan's
24 domination of Southwest Asia and the islands in the
25 Western and Southwestern Pacific and Indian Oceans.

1 After prolonged negotiations with the United States
2 of America, in which they refused to disgorge any
3 substantial part of the fruits they had seized as the
4 result of their war of aggression against China, on
5 7 December 1941 the conspirators launched a war of
6 aggression against the United States and the British
7 Commonwealth. They had already issued orders declaring
8 that a state of war existed between Japan and the
9 Netherlands as from 00.00 hours on 7 December 1941.
10 They had previously secured a jumping-off place for
11 their attacks on the Philippines, Malaya and the
12 Netherlands East Indies by forcing their troops into
13 French Indo-China under threat of military action if
14 this facility was refused to them. Recognizing the
15 existence of a state of war and faced by the imminent
16 threat of invasion of her Far Eastern territories, which
17 the conspirators had long planned and were now about
18 to execute, the Netherlands in self-defence declared
19 war on Japan.
20

21 These far-reaching plans for waging wars of
22 aggression and the prolonged and intricate preparation
23 for and waging of these wars of aggression were not the
24 work of one man. They were the work of many leaders
25 acting in pursuance of a common plan for the achievement
of a common object. That common object, that they

1 should secure Japan's domination by preparing and
2 waging wars of aggression, was a criminal object.
3 Indeed no more grave crimes can be conceived of than
4 a conspiracy to wage a war of aggression or the waging
5 of a war of aggression, for the conspiracy threatens
6 the security of the peoples of the world, and the
7 waging disrupts it. The probable result of such a
8 conspiracy and the inevitable result of its execution
9 is that death and suffering will be inflicted on count-
10 less human beings.

11 The Tribunal does not find it necessary to
12 consider whether there was a conspiracy to wage wars
13 in violation of the treaties, agreements and assurances
14 specified in the particulars annexed to Count I. The
15 conspiracy to wage wars of aggression was already
16 criminal in the highest degree.

17 The Tribunal finds that the existence of the
18 criminal conspiracy to wage wars of aggression as
19 alleged in Count I, with the limitation as to object
20 already mentioned, has been proved.

21 The question whether the defendants or any of
22 them participated in that conspiracy will be considered
23 when we deal with the individual cases.

24 The conspiracy existed for and its execution
25 occupied a period of many years. Not all of the

1 conspirators were parties to it at the beginning, and
 2 some of those who were parties to it had ceased to be
 3 active in its execution before the end. All of these
 4 who at any time were parties to the criminal conspiracy
 5 or who at any time with guilty knowledge played a part
 6 in its execution are guilty of the charge contained in
 7 Count I.

8 In view of our finding on Count I it is
 9 unnecessary to deal with Counts 2 and 3, which charge
 10 the formulation or execution of conspiracies with
 11 objects more limited than that which we have found
 12 proved under Count I, or with Count 4, which charges
 13 the same conspiracy as Count I but with more specifica-
 14 tion.

15 Count 5 charges a conspiracy wider in extent
 16 and with even more grandiose objects than that charged
 17 in Count I. We are of opinion that although some of
 18 the conspirators clearly desired the achievement of
 19 these grandiose objects, nevertheless there is not
 20 sufficient evidence to justify a finding that the
 21 conspiracy charged in Count 5 has been proved.

22 For the reasons given in an earlier part of
 23 this judgment we consider it unnecessary to make any
 24 pronouncement on Counts 6 to 26 and 37 to 53. There
 25 remain therefore only Counts 27 to 36 and 54 and 55,

in respect of which we now give our findings.

1 Counts 27 to 36 charge the crime of waging wars
2 of aggression and wars in violation of international
3 law, treaties, agreements and assurances against the
4 countries named in those counts.

5 In the statement of facts just concluded we
6 have found that wars of aggression were waged against
7 all those countries with the exception of the Common-
8 wealth of the Philippines (Count 30) and the Kingdom of
9 Thailand (Count 34). With reference to the Philippines,
10 as we have heretofore stated, that Commonwealth during
11 the period of the war was not a completely sovereign
12 state and so far as international relations were con-
13 cerned it was a part of the United States of America.
14 We further stated that it is beyond doubt that a war of
15 aggression was waged in the Philippines, but for the
16 sake of technical accuracy we consider the aggressive
17 war in the Philippines as being a part of the war of
18 aggression waged against the United States of America.

19 Count 23 charges the waging of a war of
20 aggression against the Republic of China over a lesser
21 period of time than that charged in Count 27. Since
22 we hold that the fuller charge contained in Count 27
23 has been proved we shall make no pronouncement on Count
24 28.
25

1 Wars of aggression having been proved, it is
2 unnecessary to consider whether they were also wars
3 otherwise in violation of international law or in
4 violation of treaties, agreements and assurances. The
5 Tribunal finds therefore that it has been proved that
6 wars of aggression were waged as alleged in Counts 27,
7 29, 31, 32, 33, 35 and 36.

8 Count 54 charges ordering, authorizing and
9 permitting the commission of Conventional War Crimes.
10 Count 55 charges failure to take adequate steps to
11 secure the observance and prevent breaches of conven-
12 tions and laws of war in respect of prisoners of war and
13 civilian internees. We find that there have been cases
14 in which crimes under both these Counts have been
15 proved.

16 Consequent upon the foregoing findings, we
17 propose to consider the charges against individual
18 defendants in respect only of the following Counts:
19 Numbers 1, 27, 29, 31, 32, 33, 35 36, 54 and 55.
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PART C -- CHAPTER XVERDICTS

1
2 The Tribunal will now proceed to render its
3 verdict in the case of each of the accused.

4 Article 17 of the Charter requires that the
5 judgment shall give the reasons on which it is based.
6 Those reasons are stated in the recital of facts and
7 the statement of findings, the reading of which has just
8 been completed. Therein the Tribunal has examined
9 minutely the activities of each of the accused concerned
10 in relation to the matters in issue. Consequently,
11 the Tribunal does not propose in the verdicts now to be
12 read to repeat the many particular findings on which
13 the verdicts are based. It will give its reasons in
14 general terms for its findings in respect of each
15 accused, such general reasons being based on the partic-
16 ular statements and findings in the recital already
17 referred to.
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ARAKI, Sadao

1 The defendant ARAKI, Sadao is charged under
2 Count 1 with conspiracy to wage aggressive wars and
3 wars in violation of international law, treaties,
4 agreements and assurances. He is charged also under
5 Counts 27, 29, 31, 32, 33, 35 and 36 with waging such
6 wars. Under Counts 54 and 55 he is charged with
7 responsibility for war crimes committed in China. At
8 all material times he was a military officer of high
9 rank. He became a Lieutenant-General in 1927 and a
10 General in 1933. Throughout he was prominent in the
11 hierarchy of the Army.

13 He was an energetic proponent of the Army
14 policy of political domination at home and of military
15 aggression abroad. He was in fact and was recognized
16 as being one of the prominent leaders of that Army
17 movement. As a member of different Cabinets he advanced
18 the Army policy to prepare for wars of aggression by
19 stimulating the warlike spirit of the young men of
20 Japan, by mobilizing Japan's material resources for
21 war and by speeches and by control of the press, inciting
22 and preparing the Japanese people for war. Both in and
23 out of political office he helped to formulate and was
24 a vigorous advocate of the policy of the military party
25 to enrich Japan at the expense of her neighbors. He

both approved and actively supported the policies
1 undertaken by the Japanese Army in Manchuria and Jehol
2 to separate that territory politically from China, to
3 create a Japanese-controlled government and to place
4 its economy under the domination of Japan. The Tribunal
5 finds him to have been one of the leaders of the con-
6 spiracy set out in Count 1 and he is adjudged guilty
7 under that Count.

8
9 ARAKI assumed office as Minister of War in
10 December 1931 after the aggressive war against the
11 Republic of China in Manchuria had commenced. He con-
12 tinued as Minister of War until January 1934. Through-
13 out that period he took a prominent part in the develop-
14 ment and the carrying out of the military and political
15 policies pursued in Manchuria and Jehol. He gave all
16 possible support to the successive military steps taken
17 for the occupation of that portion of the territories
18 of China. ARAKI from May 1938 until August 1939 was
19 Minister of Education, in which capacity he approved
20 and collaborated in military operations in other parts
21 of China. We have found that the war in China was from
22 1931 onwards a war of aggression and we find that this
23 defendant participated in the waging of that war.
24 Accordingly we find him guilty under Count 27.

25 There is no evidence that he took any active

part in the wars referred to in Counts 29, 31, 32, 33,
1 35 and 36, on all of which we find him not guilty. As
2 to war crimes there is no evidence of his responsibility
3 for such crimes and we find him not guilty under
4 Counts 54 and 55.
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DOHIMARA, Kenji

1 The defendant DOHIMARA, Kenji is charged under
2 Counts 1, 27, 29, 31, 32, 33, 35, 36, 54 and 55.

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4 At the commencement of the period under
5 review DOHIMARA was a Colonel in the Japanese army
6 and by April 1941 had attained the rank of General.
7 Before the Manchurian affair he had been in China
8 for about eighteen years and had come to be regarded
9 in the Army as a specialist on China. He was
10 intimately involved in the initiation and development
11 of the war of aggression waged against China in
12 Manchuria and in the subsequent establishment of the
13 Japanese-dominated state of Manchukuo. As the aggres-
14 sive policy of the Japanese military party was pursued
15 in other areas in China DOHIMARA took a prominent part
16 in its development by political intrigue, by threat
17 of force and by the use of force.

18
19 DOHIMARA acted in close association with
20 other leaders of the military faction in the develop-
21 ment, preparation and execution of their plans to bring
22 East and South East Asia under Japanese domination.

23 When his special knowledge of China and his
24 capacity for intrigue there were no longer required
25 he was employed as a General Officer in the field in
pursuit of the aims for which he had conspired. He

1 took part in the waging of aggressive war not only
2 against China but also against the U.S.S.R. and against
3 those countries against whom also Japan waged aggres-
4 sive war from 1941 until 1945 excepting the Republic
5 of France. As to the wars waged against the U.S.S.R.
6 in 1938 and 1939, DOHIRU was a Lieutenant General
7 on the General Staff which had overhead control of the
8 Lake Khassen fighting.. At Nomonhan elements of the
9 army he commanded took part in that fighting.

10 As to the waging of war against the Republic
11 of France (Count 33) the decision to wage this war
12 was made by the Supreme Council for the Direction of
13 War in February 1945. The accused was not a party
14 to that decision and the evidence does not establish
15 that he took part in the waging of that war.

16 We find him to be guilty of conspiracy to
17 wage aggressive war under Count 1 and of waging
18 aggressive wars as charged under Counts 27, 29, 31,
19 32, 35 and 36. He is not guilty under Count 33.

20 DOHIRU commanded the 7th Area Army from
21 April 1944 until April 1945. This command included
22 Malaya, Sumatra, Java and for a time Borneo. The
23 evidence as to the extent of his responsibility for
24 protecting prisoners of war within the area of his
25 command from murder and torture is conflicting. At

1 least he was responsible for their supplies of food
2 and medicine. The evidence is clear that they were
3 grossly ill-treated in respect of these supplies.
4 Prisoners were starved and deaths from malnutrition
5 and food deficiency diseases occurred at an appalling
6 rate. These conditions applied only to prisoners of
7 war and did not occur among their captors. It was
8 urged in defence that the deterioration of Japan's
9 war position in these areas and the severance of
10 communications made it impossible to maintain better
11 supplies for prisoners. The evidence shows that
12 food and medicine was available which could have
13 been used to relieve the terrible conditions of the
14 prisoners. These supplies were withheld upon a
15 policy for which DOHIMURA was responsible. Upon
16 these findings of fact DOHIMURA's offence falls rather
17 within Count 54 than Count 55. Accordingly he is
18 found guilty under Count 54 and we make no finding
19 under Count 55.
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HASHIMOTO, Kingoro

1 HASHIMOTO is indicted under Counts 1, 27, 29,
2 31, 32, 54 and 55.

3 He was an Army officer and early joined the
4 conspiracy. He thereafter furthered the achievement
5 of its objects by all the means in his power. None
6 of the conspirators held more extreme views than he
7 did; none was more outspoken in his statement of these
8 views. In the beginning he advocated the expansion of
9 Japan through the seizure of Manchuria by force of
10 arms. As time went on he advocated the use of force
11 against all Japan's neighbors for the accomplishment
12 of the aims of the conspirators.
13

14 He was an ardent admirer of government by
15 military dictatorship. He detested the political par-
16 ties, which played some part in the government of Japan
17 and opposed the schemes of conquest which the conspira-
18 tors were determined to effect. He was a principal
19 in many of the activities by which the conspirators
20 came ultimately to suppress the opposition of the demo-
21 cratic elements in Japan and to control the government.
22 Without this control their aggressive schemes could
23 not have been accomplished. Thus, for example, he was
24 one of the principals in the plots of March and October
25 1931 which were designed to overthrow the existing

1 cabinets and to establish cabinets in their place which
2 would support the conspirators. He was also a party
3 to the plot of May 1932 of which the object, and result
4 was the assassination of Premier Inukai who had cham-
5 pioned democracy and opposed the policies of the con-
6 spirators. His publications and the activities of the
7 societies he founded or supported were largely devoted
8 to the destruction of democracy and the establishment
9 of a form of government more favorable to the use of
10 war for achieving the expansion of Japan.

11 He played some part in planning the occurrence
12 of the Mukden Incident so as to give the Army a pre-
13 text for seizing Manchuria. He claimed some of the
14 credit for the seizure of Manchuria and for Japan leav-
15 ing the League of Nations.

16 After its early years it was mainly as a pro-
17 pagandist that he figured in the execution of the con-
18 spiracy. He was a prolific publicist and contributed
19 to the success of the conspiracy by inciting the appe-
20 tite of the Japanese people for the possessions of
21 Japan's neighbors, by inflaming Japanese opinion for
22 war to secure these possessions, by his advocacy of an
23 alliance with Germany and Italy which were bent on sim-
24 ilar schemes of expansion, by his denunciation of
25 treaties by which Japan had bound herself to refrain

1 from the schemes of aggrandisement which were the aims
2 of the conspiracy, and by his fervent support of the
3 agitation for a great increase in the armaments of Ja-
4 pan so that she might secure these aims by force or the
5 threat of force.

6 He was a principal in the formation of the
7 conspiracy and contributed largely to its execution.

8 As to Count 27, having first plotted the sei-
9 zure of Manchuria by force of arms he thereafter played
10 some part in the planning of the Mukden Incident so that
11 it might serve as a pretext for the seizure of Manchuria.
12 Being thus fully apprised that the war against China
13 was a war of aggression and being one of those who had
14 conspired to bring about that war he did everything
15 within his power to secure its success. For a time
16 he was, in fact, a military commander in the field.
17 He thereby waged a war of aggression against China as
18 charged in Count 27.

19 There is no evidence directly connecting
20 HASHIMOTO with any of the crimes charged in Counts 29,
21 31, 32, 54 and 55. The Tribunal finds him not guilty
22 on these Counts.

23 The Tribunal finds HASHIMOTO guilty on Counts
24 1 and 27.
25

HATA, Shunroko

1 HATA is charged under Counts 1, 27, 29, 31,
2 32, 35, 36, 54, and 55.

3 On the formation of the Abe Cabinet in August
4 1939 HATA assumed the post of War Minister which he
5 held continuously until July 1940 when the Yonai
6 Cabinet fell. Though holding Cabinet rank for less
7 than one year HATA contributed substantially to the
8 formulation and execution of the aggressive plans. As
9 War Minister he exerted considerable influence on the
10 Government policy. The war in China was waged with
11 renewed vigor; the Wang Ching Wei Government was
12 established at Nanking; the plans for control of French
13 Indo-China were developed and the negotiations with the
14 Netherlands in relation to matters concerning the
15 Netherlands East Indies were conducted.

17 HATA favored Japanese domination of East Asia
18 and the areas to the South. To achieve this object he,
19 for example, approved the abolition of political parties
20 to be replaced by the Imperial Rule Assistance Association,
21 and in collaboration with and after consulting
22 other high military authorities he precipitated the
23 fall of the Yonai Cabinet, thereby making way for the
24 full alliance with Germany and the establishment of a
25 virtual totalitarian state in Japan.

Thereafter from March 1941 as Commander-in-
 1 Chief of the expeditionary forces in China he continued
 2 to wage war in that country until November 1944.

3 He continued to wage war against China and
 4 the Western Powers as Inspector General of Military
 5 Education, one of the highest active military posts in
 6 the Japanese Army.

7 When the Lake Khasson hostilities occurred
 8 HATA was in Central China and at the time of the
 9 Nomonhan Incident he was *Vice-de-Camp* to the Emperor,
 10 becoming War Minister a little more than a week before
 11 the conclusion of that Incident. The Tribunal is of
 12 the opinion that HATA did not participate in the waging
 13 of either of these wars.
 14

15 War Crimes

16 In 1938 and again from 1941 to 1944 when
 17 HATA was in command of expeditionary forces in China
 18 atrocities were committed on a large scale by the
 19 troops under his command and were spread over a long
 20 period of time. Either HATA knew of these things and
 21 took no steps to prevent their occurrence, or he was
 22 indifferent and made no provision for learning whether
 23 orders for the humane treatment of prisoners of war
 24 and civilians were obeyed. In either case he was
 25 in breach of his duty as charged under Count 55.

1 The Tribunal finds HATA guilty under Counts 1,
2 27, 29, 31, 32, and 55. He is not guilty under Counts
3 35, 36, and 54.
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HIRANUMA, Kiichiro

1 HIRANUMA is indicted under Counts 1, 27, 29,
2 31, 32, 33, 35, 36, 54 and 55. He became a member of
3 the conspiracy if not at the beginning, shortly after-
4 wards. He was a member and from 1936 President of the
5 Privy Council until 1939, when he became Prime Minister;
6 later he served in succession as Minister Without Port-
7 folio and Home Minister in the second and third Konoye
8 Cabinets.
9

10 During the period when he was a member of the
11 Privy Council he supported the various measures coming
12 before that body which involved the carrying out of the
13 aggressive plans of the militarists. As Prime Minister
14 and as Minister he continued to support these plans.
15

16 From 17 October 1941 until 19 April 1945, the
17 accused was one of the Senior Statesmen. At the meeting
18 of Senior Statesmen held on 29 November 1941 to advise
19 the Emperor on the question of peace or war with the
20 Western Powers, the accused accepted the opinion that
21 war was inevitable and advised the strengthening of
22 public opinion against the possibility of a long war.

23 At the meeting of the Senior Statesmen held on
24 5 April 1945 the accused strongly opposed any overtures
25 for peace and advocated that Japan should fight to the
end.

At all times covered by the Indictment HIRANUMA
1 was not only a supporter of the policy of the domination
2 of Japan in East Asia and the South Seas by force when
3 necessary, but he was one of the leaders of the conspiracy
4 and an active participant in furthering its policy. In
5 carrying out that policy he waged war against China,
6 the United States of America, the British Commonwealth
7 of Nations, the Netherlands, and in 1939 against the
8 U.S.S.R.
9

10 The Tribunal finds the accused HIRANUMA guilty
11 on Counts 1, 27, 29, 31, 32 and 36.

12 There is no evidence directly connecting him
13 with the crimes charged in Counts 33, 35, 54 and 55.
14 We, therefore, find him not guilty on these counts.
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HIROTA, Koki

1 HIROTA is indicted under Counts 1, 27, 29, 31,
2 32, 33, 35, 54, and 55.

3 HIROTA was Foreign Minister from 1933 until
4 March 1936 when he became Prime Minister. From the fall
5 of his Cabinet in February 1937 for four months he held
6 no public office. He was Foreign Minister again in the
7 First Konoye Cabinet until May 1938. From that time
8 forward his relation with public affairs was limited to
9 attending meetings of the Senior Statesmen (Jushin) from
10 time to time to advise on the appointment of Prime Minis-
11 ters and on other important questions submitted.

13 From 1933 to 1938, when HIROTA held these high
14 offices, the Japanese gains in Manchuria were being con-
15 solidated and turned to the advantage of Japan and the
16 political and economic life of North China was being
17 "guided" in order to separate it from the rest of China
18 in preparation for the domination by Japan of the
19 Chinese political and economic life. In 1936 his cabinet
20 formulated and adopted the national policy of expansion
21 in East Asia and the Southern Areas. This policy of
22 far-reaching effect was eventually to lead to the war
23 between Japan and the Western Powers in 1941. Also in
24 1936 the Japanese aggressive policy with regard to the
25 U.S.S.R. was reiterated and advanced, culminating in

the Anti-Comintern Pact.

1 From the 7th of July 1937 when the war in
2 China was revived, throughout HIROTA's tenure of office,
3 the military operations in China received the full
4 support of the Cabinet. Early in 1938, also, the real
5 policy towards China was clarified and every effort made
6 to subjugate China and abolish the Chinese National
7 Government and to replace it with a government dominated
8 by Japan.

9
10 In early 1938 the plan and legislation for
11 mobilization of man power, industrial potential, and
12 natural resources was adopted. This plan with little
13 change in essentials was the basis on which the prepara-
14 tions to continue the China War and for waging further
15 aggressive wars were carried out during the succeeding
16 years. All these plans and activities were fully known
17 to and supported by HIROTA.

18
19 Thus during his tenure of office HIROTA,
20 apparently a very able man and a forceful leader, was
21 at times the originator and at other times a supporter
22 of the aggressive plans adopted and executed by the
23 military and the various Cabinets.

24 On his behalf Counsel in final argument urged
25 the Tribunal to consider HIROTA's consistent advocacy
of peace and peaceful or diplomatic negotiation of

1 disputed questions. It is true that HIROTA, faithful
2 to his diplomatic training, consistently advocated attempt-
3 ing firstly to settle disputes through diplomatic chan-
4 nels. However, it is abundantly clear that in so doing
5 he was never willing to sacrifice any of the gains or
6 expected gains made or expected to be made at the expense
7 of Japan's neighbours and he consistently agreed to the
8 use of force if diplomatic negotiations failed to obtain
9 fulfilment of the Japanese demands. The Tribunal there-
10 fore cannot accept as exculpating this accused the
11 defense offered on this point.

12 The Tribunal consequently finds that at least
13 from 1933 HIROTA participated in the common plan or
14 conspiracy to wage aggressive wars. As Foreign Minister
15 he also participated in the waging of war against China.
16

17 As to Counts 29, 31 and 32 HIROTA's attitude
18 and advice as one of the Senior Statesmen in 1941 is
19 quite consistent with his being opposed to the opening
20 of hostilities against the Western Powers. He held no
21 public office after 1938 and played no part in the
22 direction of the wars referred to in these Counts. The
23 Tribunal holds that the evidence offered does not
24 establish his guilt on these Counts.

25 As to Counts 33 and 35, there is no proof of
HIROTA's participation in or support of the military

operations at Lake Khassan, or in French Indo-China in
1 1945.

2 With regard to War Crimes there is no evidence
3 of HIROTA's having ordered, authorized, or permitted
4 the commission of the crimes as alleged in Count 54.

5 As to Count 55 the only evidence relating him
6 to such crimes deals with the atrocities at Nanking in
7 December 1937 and January and February 1938. As Foreign
8 Minister he received reports of these atrocities
9 immediately after the entry of the Japanese forces into
10 Nanking. According to the Defence evidence credence was
11 given to these reports and the matter was taken up with
12 the War Ministry. Assurances were accepted from the
13 War Ministry that the atrocities would be stopped.
14 After these assurances had been given reports of atroci-
15 ties continued to come in for at least a month. The
16 Tribunal is of opinion that HIROTA was derelict in his
17 duty in not insisting before the Cabinet that immediate
18 action be taken to put an end to the atrocities, fail-
19 ing any other action open to him to bring about the same
20 result. He was content to rely on assurances which he
21 knew were not being implemented while hundreds of murders,
22 violations of women, and other atrocities were being
23 committed daily. His inaction amounted to criminal
24 negligence.
25

The Tribunal finds HIROTA guilty under Counts 1, 27 and 55. He is not guilty under Counts 29, 31, 32, 33, 35, and 54.

HOSHINO, Naoki

1 HOSHINO is charged under Counts 1, 27, 29, 31,
2 32, 33, 35, 54 and 55.

3 Until the accused HOSHINO went to Manchuria
4 in 1932 he was employed in the Japanese Department of
5 Finance. He was sent to Manchuria by his Government to
6 become a Senior Official of the Manchukuo Finance Minis-
7 try and of the Manchukuo General Affairs Bureau. By
8 1936 he had become Vice Chief of the Finance Ministry of
9 Manchukuo and Chief of the General Affairs Section of
10 the National Affairs Board of Manchukuo. In these
11 positions he was able to exercise a profound influence
12 upon the economy of Manchukuo and did exert that influence
13 towards Japanese domination of the commercial and
14 industrial development of that country. He operated
15 in close cooperation with the Commander of the Kwantung
16 Army, the virtual ruler of Manchukuo. In effect, if
17 not in name, he was a functionary of that Army whose
18 economic policy was directed to making the resources of
19 Manchukuo serve the warlike purposes of Japan.

22 Although he was nominally a servant of the
23 Government of Manchukuo and had been so for eight years
24 he was recalled to Japan in 1940 to become a Minister
25 without Portfolio and President of the Planning Board.
In this position he was the leader in the special steps

1 then being taken to equip Japan for the continuation of
2 the aggressive war then being waged in China and for
3 wars of aggression then contemplated against other
4 countries with possessions in East Asia.

5 From April 1941, when he left the Cabinet, his
6 official functions in connection with warlike preparations
7 were reduced but not entirely abandoned.

8 Upon the accession of the accused TOJO as
9 Prime Minister in October 1941 HOSHINO became the Chief
10 Secretary of the Cabinet and soon after a Councillor
11 of the Planning Board. From this time he was in close
12 association with all the preparations for the aggressive
13 war already determined upon and now shortly to be waged
14 against those countries attacked by Japan in December
15 1941.
16

17 Throughout all the period from 1932 to 1941 he
18 was an energetic member of the conspiracy alleged in
19 Count 1 of the Indictment and is accordingly adjudged
20 guilty under that Count.

21 Not only did he conspire to wage aggressive war
22 but in his successive official positions he took a
23 direct part in the waging of aggressive wars as set out
24 in Counts 27, 29, 31 and 32, under all of which also he
25 is adjudged guilty.

He has not been proved to have participated in

1 the wars charged in Counts 33 and 35 and of those is
2 found not guilty.

3 There is no evidence connecting him with the
4 crimes charged in Counts 54 and 55 and of these also
5 he is found not guilty.
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ITAGAKI, Seishiro

1 The accused is charged under Counts 1, 27,
2 29, 31, 32, 33, 35, 36, 54 and 55.

3 By the year 1931 ITAGAKI, then a Colonel on
4 the Staff of the Kwantung Army, had joined the con-
5 spiracy the immediate object of which then was that
6 Japan should seize Manchuria by force of arms. He
7 fanned the agitation in support of this aim: he helped
8 to engineer the so-called "Mukden Incident" as a
9 pretext for military action: he suppressed several
10 attempts to prevent that military action: he author-
11 ised and directed that military action.

12 He next played a principal part in the
13 intrigues which fostered the sham movement for the
14 independence of Manchuria and which resulted in the
15 establishment of the puppet state of Manchukuo.

16 He became Vice-Chief of Staff of the Kwantung
17 Army in December 1934 and thereafter was active in
18 setting-up puppet regimes in Inner Mongolia and North
19 China. He wished to extend Japan's military occupation
20 into Outer Mongolia to serve as a threat to the terri-
21 tories of the U.S.S.R. He was one of the coiners of
22 the phrase "Anti-Communism" to serve as a pretext for
23 Japanese aggression in North China.

24 When fighting broke out at Marco Polo Bridge

1 in July 1937 he was sent from Japan to China where he
2 took part in the fighting as a Divisional Commander.
3 He favoured the expansion of the area of aggression
4 there.

5 He became Minister of War in the Konoye
6 Cabinet in May 1938. Under him the attacks on China
7 were intensified and extended. He was a party to the
8 important ministerial conferences which decided to
9 attempt to destroy the National Government of China
10 and to set up a puppet regime in its stead. He then
11 was largely responsible for the preliminary arrange-
12 ments which resulted in the setting-up of the puppet
13 regime of Wang Ching-wei. He took part in the arrange-
14 ments for the exploitation of the occupied areas of
15 China for the benefit of Japan.

16 As Minister of War in the HIRANUMA Cabinet
17 he was again responsible for the prosecution of the
18 war against China, and for the expansion of Japan's
19 armaments. In the Cabinet he was a strong advocate
20 of an unrestricted military alliance among Japan,
21 Germany and Italy.

22 As War Minister he tried by a trick to
23 obtain the consent of the Emperor to the use of force
24 against the U.S.S.R. at Lake Khassan. Subsequently
25 at a Five Ministers Conference he obtained authority

1 to use such force. He was still War Minister during
2 the fighting at Nomonhan.

3 He was a strong supporter of the declaration
4 of Japan's so-called "New Order" in East Asia and the
5 South Seas. He recognized that the attempt to set
6 up the New Order must lead to war with the U.S.S.R.,
7 France and Great Britain who would defend their
8 possessions in these areas.

9 From September 1939 to July 1941 he carried
10 on the war against China as Chief of Staff of the
11 China Expeditionary Army.

12 From July 1941 to April 1945 he was Commander-in-
13 Chief of the Army in Korea.

14 From April 1945 to the date of the Surrender
15 he commanded the 7th Area Army with Headquarters in
16 Singapore. His subordinate armies defended Java,
17 Sumatra, Malaya, the Andaman and Nicobar Islands, and
18 Borneo.

19 Having conspired to wage wars of aggression
20 against China, the United States of America, the
21 British Commonwealth, the Netherlands, and the U.S.S.R.,
22 he took an active and important part in waging these
23 wars which he knew were wars of aggression.

24 The Tribunal finds ITAGAKI guilty on Counts 1,
25 27, 29, 31, 32, 35 and 36. He is not guilty under
Count 33.

War Crimes

1 The area which ITAGAKI commanded from April
2 1945 to the Surrender included Java, Sumatra, Malay,
3 the Andaman and Nicobar Islands, and Borneo. Many
4 thousands of prisoners of war and internees were held
5 in camps in these areas during the above period.

6 According to the evidence which he adduced
7 these camps, save those in Singapore, were not under
8 his direct command but he was responsible for the
9 supply of food, medicines and hospital facilities to
10 them.

11 During this period the conditions in these
12 camps were unspeakably bad. The supply of food,
13 medicines and hospital facilities was grossly in-
14 adequate. Deficiency diseases were rampant and as a
15 result many persons died every day. Those who survived
16 to the date of the Surrender were in a pitiable condition.
17 When the camps were visited after the Surrender no such
18 conditions prevailed among the guards.

19 ITAGAKI's excuse for this atrocious treatment
20 of the prisoners and internees is that the attacks of
21 the Allies on Japanese shipping had made the trans-
22 portation of supplies to these areas very difficult
23 and that he did the best he could with the supplies
24 he had. After the Surrender, however, supplies of

1 food and medicine were made available by ITAGAKI's
2 Army to the camps in Singapore, Borneo, Java and
3 Sumatra. The explanation tendered in evidence and
4 argument for ITAGAKI is that the Japanese were expecting
5 a long war and were conserving supplies. This amounts
6 to a contention that ITAGAKI was justified under the
7 prevailing circumstances in treating the prisoners
8 and internees with gross inhumanity. The Tribunal
9 has no hesitation in rejecting the defense. If
10 ITAGAKI, being responsible for supplies to many
11 thousands of prisoners and internees, found himself
12 unable to maintain them for the future, his duty under
13 the Laws of War was to distribute such supplies as he
14 had and meantime to inform his superiors that arrange-
15 ments must be made, if necessary with the Allies, for
16 the support of the prisoners and internees in the
17 future. By the policy which he adopted he is respon-
18 sible for the deaths or sufferings of thousands of
19 people whose adequate maintenance was his duty.

21 The Tribunal finds ITAGAKI guilty on Count 54.
22 As in the case of DOHIHARA, the Tribunal makes no
23 finding on Count 55.
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KAYA, Okinori

1 The accused KAYA is charged under Counts 1,
2 27, 29, 31, 32, 54 and 55.

3 KAYA was a civilian.

4 In 1936 he was appointed a Councillor of the
5 Manchurian Affairs Bureau and in February 1937 he
6 became Vice Minister of Finance. In June 1937 he
7 was appointed Finance Minister in the first Konoye
8 Cabinet, which position he held until May 1938. In
9 July 1938 he became Adviser to the Finance Ministry.
10 In July 1939 he was appointed a member of the Asia
11 Development Committee, and in August of that year
12 President of the North China Development Company, in
13 which position he remained until October 1941, when
14 he became Finance Minister in the TOJO Cabinet. He
15 resigned as Finance Minister in February 1944, but
16 again became Adviser to the Finance Ministry.
17

18 In these positions he took part in the formu-
19 lation of the aggressive policies of Japan and in the
20 financial, economic and industrial preparation of
21 Japan for the execution of those policies.
22

23 Throughout this period, particularly as
24 Finance Minister in the first Konoye and TOJO Cabinets,
25 and as President of the North China Development Com-
pany, he was actively engaged in the preparation for

1 and the carrying out of aggressive wars in China and
2 against the Western Powers. He was an active member
3 of the conspiracy alleged in Count 1 and is adjudged
4 guilty under that Count.

5 In the various positions held by him K.Y.A.
6 took a principal part in the waging of aggressive
7 wars as alleged in Counts 27, 29, 31 and 32 of the
8 Indictment. He is, therefore, adjudged guilty under
9 those Counts.

10 The evidence does not disclose K.Y.'s
11 responsibility for war crimes and accordingly he is
12 found not guilty under Counts 54 and 55.
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KIDO, Koichi

1 The accused KIDO, Koichi is charged under
2 Counts 1, 27, 29, 31, 32, 33, 35, 36, 54 and 55.

3 From 1930 until 1936 KIDO was a member of the
4 Emperor's household in the position of Chief Secretary
5 to the Lord Keeper of the Privy Seal. During this
6 period he was aware of the true nature of the military
7 and political ventures in Manchuria. At this time,
8 however, he was not associated with the conspiracy
9 which had been instituted by the military and their
10 supporters.

11 In 1937 KIDO joined the first Konoe Cabinet
12 as Education Minister and for a period was Welfare
13 Minister. On the accession of HIRANUMA as Prime
14 Minister in 1939 KIDO continued as a member of the
15 Cabinet until August 1939 with the portfolio of Home
16 Affairs. In this period from 1937 to 1939 KIDO
17 adopted the views of the conspirators and devoted
18 himself wholeheartedly to their policy. The war in
19 China had entered into its second phase. KIDO was
20 zealous in the pursuit of that war, even resisting
21 the efforts of the General Staff to shorten the war
22 by making terms with China. He was intent on the
23 complete military and political domination of China.
24

25 Not only did KIDO thus support the plans of

1 the conspirators in China but as Education Minister
2 he applied himself to the development of a strong
3 warlike spirit in Japan.

4 Between August 1939 and June 1940 when he
5 became Lord Keeper of the Privy Seal, KIDO was active
6 with Konoye in the development of a scheme to replace
7 the existing political parties by a single party of
8 which Konoye was to be President and KIDO Vice
9 President. This one party system was expected to give
10 Japan a totalitarian system and thus remove political
11 resistance to the plans of the conspirators.

12 As Lord Keeper of the Privy Seal KIDO was in
13 a specially advantageous position to advance the
14 conspiracy. His principal duty was to advise the
15 Emperor. He kept in close touch with political
16 events and was on terms of intimate political and
17 personal relationship with those most concerned. His
18 position was one of great influence. He used that
19 influence, not only with the Emperor but also by
20 political intrigue so as to further the aims of the
21 conspiracy. He shared those aims which involved the
22 domination of China and the whole of East Asia as well
23 as the areas to the South.

24
25 As the time approached for the commencement

1 of war against the Western Powers KIDO displayed some
2 degree of hesitation because doubts of complete success
3 were entertained within the Navy. Even in this state
4 of timidity KIDO was determined to pursue the aggressive
5 war against China and lent himself, although now with
6 less confidence, to the projected war against Great
7 Britain and the Netherlands and in case of need against
8 the United States of America. When the doubts of the
9 Navy had been overcome KIDO's doubts seem also to have
10 been removed. He resumed his pursuit of the full
11 purposes of the conspiracy. He was largely instru-
12 mental in securing the office of Prime Minister for
13 TOJO who until now had been a determined advocate
14 of immediate war with the Western Powers. In other
15 ways he used his position in support of such a war
16 or purposely refrained from action which might have
17 prevented it. He refrained from advising the Emperor
18 to take any stand against war either at the last or
19 earlier when it might have been more effective.

21 The Prosecution has tendered no evidence
22 pointing to guilt in KIDO for the wars referred to
23 in Counts 33, 35 and 36.

24 As to war crimes KIDO was a member of the
25 Cabinet when the atrocities were committed at Nanking.
The evidence is not sufficient to attach him with

1 responsibility for failure to prevent them. During
2 the war against the Western Powers in 1941 and there-
3 after KIDO's position was such that he cannot be held
4 responsible for the atrocities committed.

5 KIDO is found guilty of the charges in Counts
6 1, 27, 29, 31 and 32, and not guilty under Counts 33,
7 35, 36, 54 and 55.
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KIMURA, Keituro

1 KIMURA is indicted under Counts 1, 27, 29, 31,
2 32, 54 and 55.

3 KIMURA, an army officer, during the greater
4 part of the period under consideration was engaged in
5 administrative work in the War Ministry, culminating
6 in his becoming Vice-Minister of War in April 1941.
7 Later he was appointed Councillor of the Planning Board
8 and Councillor of the Total War Research Institute.
9 In March 1943 he was relieved of the post of Vice War
10 Minister and in August 1944 he became Commander-in-
11 Chief of the Burma Area Army which post he held until
12 the surrender of Japan in 1945.

14 During his service as Vice War Minister in
15 almost daily contact with the War Minister and other
16 Ministers, Vice-Ministers, and Bureau Chiefs he was in
17 a position to learn and was kept fully informed of all
18 government decisions and action during the crucial
19 negotiations with the U.S.A. He had full knowledge
20 of the plans and preparations for the Pacific War and
21 the hostilities in China. Throughout, he collaborated
22 and cooperated with the War Minister and the other
23 Ministries from time to time giving advice based on
24 his wide experience, wholeheartedly supporting the
25 aggressive plans.

1 Though not a leader, he took part in the formu-
2 lation and development of policies which were either
3 initiated by himself or proposed by the General Staff
4 or other bodies and approved and supported by him. In
5 this way he was a valuable collaborator or accomplice
6 in the conspiracy to wage aggressive wars.

7 Concurrently with his activities as one of
8 the conspirators as Commander of a division in 1939
9 and 1940, then as Chief of Staff of the Kwantung Army
10 and later as Vice War Minister he played a prominent
11 part in the conduct of the war in China and in the
12 Pacific War. Possessed with full knowledge of the
13 illegality of the Pacific War, in August 1944 he took
14 command of the Burma Area Army and so continued until
15 the Surrender.

16 In a positive way he was a party to breaches
17 of the Rules of War in that he approved the employment
18 of prisoners in many instances in work prohibited by
19 the Rules and in work under conditions resulting in
20 the greatest hardship and the deaths of thousands of
21 prisoners. An example of the latter case is the
22 employment of prisoners in the construction of the
23 Burma-Siam Railway, the orders for which were approved
24 and passed on by KIMURA.

25 Furthermore with knowledge of the extent of the

atrocities committed by Japanese troops in all theaters
1 of war, in August 1944 KIMURA took over command of the
2 Burma Area Army. From the date of his arrival at his
3 Rangoon Headquarters and later when his headquarters
4 was moved to Moulmein the atrocities continued to be
5 committed on an undiminished scale. He took no dis-
6 ciplinary measures or other steps to prevent the com-
7 mission of atrocities by the troops under his command.
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9 It has been urged in KIMURA's defence that
10 when he arrived in Burma he issued orders to his troops
11 to conduct themselves in a proper soldierly manner
12 and to refrain from ill-treating prisoners. In view
13 of the nature and extent of the ill-treatment of pris-
14 oners, in many cases on a large scale within a few
15 miles of his headquarters, the Tribunal finds that
16 KIMURA was negligent in his duty to enforce the rules
17 of war. The duty of an army commander in such circum-
18 stances is not discharged by the mere issue of routine
19 orders, if indeed such orders were issued. His duty
20 is to take such steps and issue such orders as will
21 prevent thereafter the commission of war crimes and
22 to satisfy himself that such orders are being carried
23 out. This he did not do. Thus he deliberately dis-
24 regarded his legal duty to take adequate steps to
25 prevent breaches of the laws of war.

1 The Tribunal finds KIMURA guilty under Counts
2 1, 27, 29, 31, 32, 54 and 55.

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KOISO, Kuniaki

1 KOISO is charged under Counts 1, 27, 29, 31,
2 32, 36, 54, and 55.

3 He joined the conspiracy in 1931 by partici-
4 pating as one of the leaders of the March Incident,
5 the purpose of which was to overthrow the Hamaguchi
6 Government and put in office a government favourable
7 to the occupation of Manchuria. Thereafter he played
8 a leading role in the development of the Japanese plans
9 for expansion from August 1932 when he was appointed
10 Chief of Staff of the Kwantung Army.

11
12 As Chief of Staff of the Kwantung Army from
13 August 1932 to March 1934 he prepared or concurred in
14 proposals and plans submitted to the Government through
15 the War Ministry for the political and economic organ-
16 ization of Manchukuo according to the policy of the
17 conspirators as adopted by the Japanese Government.
18 It is urged in his defence that in forwarding proposals
19 and plans to Tokyo he did so merely as Chief of Staff
20 and that such action did not import his personal ap-
21 proval. In view of his knowledge of the aggressive
22 plans of Japan the Tribunal cannot accept this plea.
23 He went beyond the scope of the normal duties of a
24 Chief of Staff in advising on political and economic
25 matters to further these plans.

1 While he was Chief of Staff there also occurred
2 the military invasion of Jehol and renewed fighting in
3 Manchuria.

4 Later as Overseas Minister in the Hirota
5 and Yonai Cabinets KOISO supported and took part in
6 the direction of the war in China, the beginning of
7 the occupation of French Indo-China and the negotia-
8 tions intended to obtain concessions from and eventual
9 economic domination of the Netherlands East Indies.

10 During the same period he advocated the plan
11 for Japan to advance "in all directions."

12 In July 1944 KOISO was recalled from his post
13 of Governor of Korea to become Prime Minister. In
14 that capacity he urged and directed the waging of the
15 war against the Western Powers. He retired as Prime
16 Minister to make way for the Suzuki Cabinet in April
17 1945 when it became clear that the war was lost for
18 Japan.

19 There is no evidence that he played any part
20 in the hostilities at Nomonhan either by organizing
21 or directing them.

22 War Crimes

23 When KOISO became Prime Minister in 1944
24 atrocities and other war crimes being committed by
25 the Japanese troops in every theater of war had become

1 so notorious that it is improbable that a man in
2 KOISO's position would not have been well-informed
3 either by reason of their notoriety or from inter-
4 departmental communications. The matter is put beyond
5 doubt by the fact that in October 1944 the Foreign
6 Minister reported to a meeting of the Supreme Council
7 for the Direction of War, which KOISO attended, that
8 according to recent information from enemy sources it
9 was reported that the Japanese treatment of prisoners
10 of war "left much to be desired." He further stated
11 that this was a matter of importance from the point
12 of view of Japan's international reputation and future
13 relations. He asked that directions be issued to the
14 competent authorities so that the matters might be
15 fully discussed. Thereafter KOISO remained Prime
16 Minister for six months during which the Japanese
17 treatment of prisoners and internees showed no improve-
18 ment whatever. This amounted to a deliberate disre-
19 gard of his duty.

21 The Tribunal finds KOISO guilty under Counts 1,
22 27, 29, 31, 32 and 55. He is not guilty under Counts
23 36 and 54.
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MATSUI, Iwane

1 The accused MATSUI is charged under Counts 1,
2 27, 29, 31, 32, 35, 36, 54 and 55.

3 MATSUI was a senior Officer in the Japanese Army
4 and attained the rank of General in 1933. He had a wide
5 experience in the Army, including service in the Kwantung
6 Army and in the General Staff. Although his close
7 association with those who conceived and carried out
8 the conspiracy suggests that he must have been aware
9 of the purposes and policies of the conspirators, the
10 evidence before the Tribunal does not justify a finding
11 that he was a conspirator.
12

13 His military service in China in 1937 and 1938
14 cannot be regarded, of itself, as the waging of an
15 aggressive war. To justify a conviction under Count 27
16 it was the duty of the prosecution to tender evidence
17 which would justify an inference that he had knowledge
18 of the criminal character of that war. This has not
19 been done.
20

21 In 1935 MATSUI was placed on the retired list
22 but in 1937 he was recalled to active duty to command the
23 Shanghai Expeditionary Force. He was then appointed
24 Commander-in-Chief of the Central China Area Army, which
25 included the Shanghai Expeditionary Force and the Tenth
Army. With these troops he captured the city of Nanking

on 13th December 1937.

1 Before the fall of Nanking the Chinese forces
2 withdrew and the occupation was of a defenseless city.
3 Then followed a long succession of most horrible atrocities
4 committed by the Japanese Army upon the helpless
5 citizens. Wholesale massacres, individual murders, rape,
6 looting and arson were committed by Japanese soldiers.
7 Although the extent of the atrocities was denied by Japanese
8 witnesses the contrary evidence of neutral witnesses
9 of different nationalities and undoubted responsibility is
10 overwhelming. This orgy of crime started with the capture
11 of the City on the 13th December 1937 and did not
12 cease until early in February 1938. In this period of
13 six or seven weeks thousands of women were raped, upwards
14 of 100,000 people were killed and untold property was
15 stolen and burned. At the height of these dreadful happenings,
16 on 17 December, MATSUI made a triumphal entry
17 into the City and remained there from five to seven days.
18 From his own observations and from the reports of his
19 staff he must have been aware of what was happening. He
20 admits he was told of some degree of misbehavior of his
21 Army by the Kempeitai and by Consular Officials. Daily reports
22 of these atrocities were made to Japanese diplomatic
23 representatives in Nanking who, in turn, reported them to
24 Tokyo. The Tribunal is satisfied that MATSUI knew what
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1 was happening. He did nothing, or nothing effective to
2 abate these horrors. He did issue orders before the
3 capture of the City enjoining propriety of conduct upon
4 his troops and later he issued further orders to the
5 same purport. These orders were of no effect as is now
6 known, and as he must have known. It was pleaded in his
7 behalf that at this time he was ill. His illness was not
8 sufficient to prevent his conducting the military opera-
9 tions of his command nor to prevent his visiting the City
10 for days while these atrocities were occurring. He was
11 in command of the Army responsible for these happenings.
12 He knew of them. He had the power, as he had the duty,
13 to control his troops and to protect the unfortunate
14 citizens of Nanking. He must be held criminally respons-
15 ible for his failure to discharge this duty.

16 The Tribunal holds the accused WANG GUI guilty
17 under Count 55, and not guilty under Counts 1, 27, 29,
18 31, 32, 35, 36 and 54.
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MINAMI, Jiro

1 MINAMI is charged under Counts 1, 27, 29, 31,
2 32, 54 and 55.

3 In the year 1931 MINAMI was a General and from
4 April to December he was Minister of War. Prior to the
5 Mukden Incident he had already associated himself with
6 the conspirators in their advocacy of militarism, of
7 the expansion of Japan, and of Manchuria as "the lifeline
8 of Japan". He was forewarned of the likelihood of the
9 incident occurring. He was ordered to prevent it. He
10 took no adequate steps to prevent it. When the incident
11 happened he described the action of the Army as "righteous
12 self-defense". The Cabinet at once decided that the
13 incident must not be expanded and MINAMI agreed to put
14 the policy of the Cabinet into effect, but day after
15 day the area of the operations expanded and MINAMI took
16 no adequate steps to restrain the Army. In the Cabinet
17 he supported the steps taken by the Army. He early
18 advocated Japan's withdrawal from the League of Nations,
19 if that body should oppose the actions Japan had taken
20 in China. The Cabinet decided that there should be no
21 occupation of Manchuria and no military administration.
22 MINAMI knew that the Army was taking steps to carry both
23 those measures into effect but did nothing to stop it.
24 His failure to support the Premier and Foreign Minister
25

1 by taking steps to control the Army led to the downfall
2 of the Cabinet. Thereafter he advocated that Japan
3 should take over the defense of Manchuria and Mongolia.
4 He had already advocated that a new state must be founded
5 in Manchuria.

6 From December 1934 to March 1936 he was
7 Commander-in-Chief of the Kwantung Army, completed the
8 conquest of Manchuria, and aided in the exploitation of
9 that part of China for the benefit of Japan. He was
10 responsible for setting up puppet governments in North
11 China and Inner Mongolia under the threat of military
12 action.

13 He was in part responsible for the development
14 of Manchuria as a base for an attack on the U.S.S.R. and
15 for plans for such an attack.

16 He became Governor-General of Korea in 1936
17 and in 1938 supported the prosecution of the war against
18 China, which he called "the Holy War", and the destruc-
19 tion of the National Government of China.

20 The Tribunal finds MINAMI guilty on Counts 1 and
21 27. He is not guilty of the charges contained in Counts
22 29, 31, 32, 54 and 55.

MUTO. Akira

1 The accused is indicted under Counts 1, 27, 29,
2 31, 32, 33, 36, 54 and 55.

3 He was a soldier and prior to holding the
4 important post of Chief of the Military Affairs Bureau
5 of the Ministry of War he held no appointment which
6 involved the making of high policy. Further, there is
7 no evidence that in this earlier period he, alone or
8 with others, tried to affect the making of high policy.

9
10 When he became Chief of the Military Affairs
11 Bureau he joined the conspiracy. Concurrently with this
12 post he held a multiplicity of other posts from September
13 1939 to April 1942. During this period planning, prepar-
14 ing and waging wars of aggression on the part of the
15 conspirators was at its height. He played the part of a
16 principal in all these activities.

17
18 When he became Chief of the Military Affairs
19 Bureau the fighting at Nomonhan was over. He had no part
20 in the waging of this war.

21 He was Chief-of-staff in the Philippines when
22 Japan attacked France in French Indo-China in March 1945.
23 He had no part in the waging of this war.

24 The Tribunal finds MUTO guilty on Counts 1, 27,
25 29, 31 and 32. He is not guilty on Counts 33 and 36.

War Crimes

1 MUTO was an officer on the Staff of MATSUI from
2 November 1937 to July 1938. It was during this period
3 that shocking atrocities were committed by the Army of
4 MATSUI in and about Nanking. We have no doubt that MUTO
5 knew, as MATSUI knew, that these atrocities were being
6 committed over a period of many weeks. His superior
7 took no adequate steps to stop them. In our opinion
8 MUTO, in his subordinate position, could take no steps
9 to stop them. MUTO is not responsible for this dreadful
10 affair.

11
12 From April 1942 to October 1944 MUTO commanded
13 the Second Imperial Guards Division in Northern Sumatra.
14 During this period in the area occupied by his troops
15 widespread atrocities were committed for which MUTO
16 shares responsibility. Prisoners of war and civilian
17 internees were starved, neglected, tortured and murdered,
18 and civilians were massacred.

19 In October 1944 MUTO became Chief-of-Staff to
20 Yamashita in the Philippines. He held that post until
21 the surrender. His position was now very different
22 from that which he held during the so-called "Rape of
23 Nanking". He was now in a position to influence policy.
24 During his tenure of office as such Chief-of-Staff a
25 campaign of massacre, torture and other atrocities was

1
2 waged by the Japanese troops on the civilian population,
3 and prisoners of war and civilian internees were starved,
4 tortured and murdered. MUTO shares responsibility for
5 these gross breaches of the Laws of War. We reject his
6 defense that he knew nothing of these occurrences. It is
7 wholly incredible. The Tribunal finds MUTO guilty on
8 Counts 54 and 55.

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OKA, Takasumi

1 OKA is charged in Counts 1, 27, 29, 31, 32, 54,
2 and 55 of the Indictment.

3 OKA was an officer in the Japanese Navy. In
4 October 1940 he was promoted to Rear Admiral and became
5 Chief of the Naval Affairs Bureau of the Navy Ministry.

6 OKA was an active member of the conspiracy during
7 his tenure of office as Chief of the Naval Affairs
8 Bureau from October 1940 to July 1944. In this office
9 he was an influential member of the Liaison Conference
10 at which the policy of Japan was largely decided. He
11 participated in the formation and execution of the policy
12 to wage aggressive war against China and the Western
13 Powers.
14

War Crimes

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16
17 There is some evidence tending to show that
18 OKA knew or ought to have known that war crimes were
19 being committed by naval personnel against prisoners of
20 war with whose welfare his department was concerned but
21 it falls short of the standard of proof which justifies
22 a conviction in criminal cases.

23 The Tribunal finds OKA not guilty on Counts 54
24 and 55, and guilty on Counts 1, 27, 29, 31 and 32.
25

OSHIMA, Hiroshi

1 OSHIMA is indicted under Counts 1, 27, 29, 31,
2 32, 54 and 55.

3 OSHIMA, an Army officer, was engaged during
4 the period under review in the diplomatic field. He
5 was first Military Attache of the Japanese Embassy in
6 Berlin, later being promoted to the post of Ambassador.
7 Holding no diplomatic post for about one year from
8 1939 he returned to Berlin as Ambassador where he
9 remained till the Surrender of Japan.
10

11 A believer in the success of the Hitler Regime,
12 from his first appointment in Berlin OSHIMA exerted
13 his full efforts to advance the plans of the Japanese
14 military. At times, going over the head of the Ambassador,
15 he dealt directly with Foreign Minister Ribbentrop, in
16 an endeavour to involve Japan in a full military
17 alliance with Germany. Upon his appointment as Ambassador
18 he continued his efforts to force the acceptance by
19 Japan of a treaty which would align Japan with Germany
20 and Italy against the Western Powers and thus open
21 the way for putting into execution the HIROTA policy.
22 In furtherance of the aggressive policy of the Army
23 faction he repeatedly pursued a policy in opposition
24 to end in defiance of that of his Foreign Minister.
25

The Soviet-German Neutrality Pact temporarily

blocked his schemes. He then returned to Tokyo and
 1 there supported the proponents of war by articles in
 2 newspapers and magazines and by closely cooperating
 3 with the German Ambassador.

4 OSHIMA was one of the principal conspirators
 5 and consistently supported and promoted the aims of the
 6 main conspiracy.

7 He took no part in the direction of the war
 8 in China or the Pacific War and at no time held any
 9 post involving duties or responsibility in respect of
 10 prisoners.

11 OSHIMA's special defence is that in connection
 12 with his activities in Germany he is protected by
 13 diplomatic immunity and is exempt from prosecution.
 14 Diplomatic privilege does not import immunity from legal
 15 liability, but only exemption from trial by the Courts
 16 of the State to which an Ambassador is accredited. In
 17 any event this immunity has no relation to crimes
 18 against international law charged before a tribunal
 19 having jurisdiction. The Tribunal rejects this special
 20 defence.

21 The Tribunal finds OSHIMA guilty under Count 1.
 22 He is not guilty under Counts 27, 29, 31, 32, 54 and 55.
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SATO, Kenryo

1 The accused SATO, Kenryo, is charged under
2 Counts 1, 27, 29, 31, 32, 54 and 55.

3 In 1937 SATO, then a member of the Military
4 Affairs Bureau, was promoted to the rank of Lieutenant
5 Colonel. In that year he was appointed an Investigator
6 of the Planning Board. Thereafter in addition to his
7 duties in the Military Affairs Bureau he had other
8 duties, not only with the Planning Board, of which for
9 a time he was Secretary, but also with other bodies
10 in greater or less degree connected with Japan's war
11 in China and its contemplated wars with other countries.

12 The Konoye Cabinet presented the General
13 Mobilization Law to the Diet in February 1938. SATO
14 was employed as an "explainer" and made a speech before
15 the Diet in support of the measure.
16

17 In February 1941 SATO was appointed Chief of
18 the Military Affairs Section of the Military Affairs
19 Bureau. He was promoted to Major General in October
20 1941. In April 1942 he became Chief of the Military
21 Affairs Bureau, a position of considerable importance
22 in the Japanese Army. This position he held until 1944.
23 Concurrently he held a variety of other appointments
24 mostly concerned with other departments of state whose
25 activities he linked with the Ministry of War.

1 It was thus not until 1941 that SAITO attained
2 a position which by itself enabled him to influence the
3 making of policy, and no evidence has been adduced that
4 prior to that date he had indulged in plotting to
5 influence the making of policy. The crucial question
6 is whether by that date he had become aware that Japan's
7 designs were criminal, for thereafter he furthered the
8 development and execution of these designs so far as
9 he was able.

10 The matter is put beyond reasonable doubt by
11 a speech which SAITO delivered in August 1938. He states
12 the Army point of view on the war in China. He shows
13 complete familiarity with the detailed terms, never
14 revealed to China, upon which Japan was prepared to
15 settle the war against China. These on the face of
16 them plainly involved the abolition of the legitimate
17 government of China, recognition of the puppet state
18 of Manchukuo whose resources had been by this largely
19 exploited for Japan's benefit, regimentation of the
20 economy of China for Japan's benefit, and the stationing
21 of Japanese troops in China to ensure that these illicit
22 gains would not be lost. He states that North China
23 would be put completely under Japan's control and its
24 resources developed for national defence, i.e. to aid
25 in Japan's military preparations. He predicts that Japan

1 will go to war with the U.S.S.R., but says she will
2 select a chance when her armaments and production have
3 been expanded.

4 This speech shows that SATO did not believe
5 that Japan's actions in China had been dictated by the
6 wish to secure protection for Japan's legitimate
7 interests in China as the Defence would have us believe.
8 On the contrary he knew that the motive for her attacks
9 on China was to seize the wealth of her neighbour. We
10 are of opinion that SATO, having that guilty knowledge,
11 was clearly a member of the conspiracy from 1941 onwards.

12 Thereafter in important posts in the Government
13 and as an Army Commander he waged wars of aggression
14 as charged in Counts 27, 29, 31, and 32.

15 War Crimes

16 There is no doubt that SATO knew of the many
17 protests against the behaviour of Japan's troops, for
18 these protests came to his Bureau and they were discussed
19 at the bi-weekly meetings of Bureau Chiefs in the War
20 Ministry. TOJO presided at these meetings and he it was
21 who decided that action or inaction should be taken in
22 regard to the protests. SATO, his subordinate, could not
23 initiate preventive action against the decision of his chief.

24 The Tribunal finds SATO guilty on Counts 1, 27, 29,
25 31, and 32. He is not guilty on Counts 54 and 55.

SHIGEMITSU, MEMOIR

1 The accused is charged under Counts 1, 27, 29,
2 31, 32, 33, 35, 54, and 55.

3 As to Count 1, his actions are challenged when
4 he was Minister to China in 1931 and 1932; when he was
5 Councillor of the Board of Manchurian Affairs; when he
6 was Ambassador to the U.S.S.R. from 1936 to 1938; when
7 he was Ambassador to Great Britain from 1938 to 1941;
8 and when he was Ambassador to China during the years 1942
9 and 1943. There is no evidence that he played any part
10 in the making of policy as Councillor of the Board of
11 Manchurian Affairs. For the rest we find that SHIGEMITSU,
12 as Minister and Ambassador, never exceeded the functions
13 proper to these offices. During the years above mentioned
14 he was not one of the conspirators. Indeed he repeatedly
15 gave advice to the Foreign Office which was opposed to
16 the policies of the conspirators.
17

18 By the year 1943, when he became Foreign Minister,
19 the policy of the conspirators to wage certain wars of
20 aggression had been settled and was in course of execution.
21 Thereafter there was no further formulation nor development
22 of that policy.
23

24 The Tribunal finds SHIGEMITSU not guilty on
25 Count 1.

 In 1943 his country was engaged in the war in the

Pacific. He was fully aware that so far as Japan was
1 concerned that war was a war of aggression, for he
2 knew of the policies of the conspirators which had
3 caused the war and indeed had often advised that they
4 should not be put into effect. Nevertheless he now
5 played a principal part in waging that war until he
6 resigned on 13th April, 1945.

7
8 The Tribunal finds SHIGEMITSU guilty on Counts
9 27, 29, 31, 32, and 33. He is not guilty on Count 35.

10 War Crimes

11 During the period from April 1943 to April
12 1945, when SHIGEMITSU was Foreign Minister, the Protecting
13 Powers transmitted to the Japanese Foreign Office
14 protest after protest which it had received from the
15 Allied. These were grave protests forwarded to the
16 Protecting Powers by responsible agencies of state and
17 in many cases accompanied by a wealth of detail. The
18 matters of protest were (1) inhumane treatment of
19 prisoners, (2) refusal to permit the Protecting Powers
20 to inspect all save a few prisoners' camps, (3) refusal
21 to permit the representatives of the Protecting Powers
22 to interview prisoners without the presence of a
23 Japanese witness, and (4) failure to provide information
24 as to the names and location of prisoners. The protests
25 were dealt with in the Foreign Ministry in the first place.

Where necessary they were passed to other ministries
1 with requests for information to enable the Foreign
2 Minister to reply to them.

3 One cannot read the long correspondence between
4 the Japanese Foreign Office and the Protecting Powers
5 without suspecting that there was a sinister reason
6 for the failure of the Japanese military to supply their
7 Foreign Office with satisfactory answers to these
8 protests, or at the least that there was a case for
9 an independent inquiry by an agency other than the
10 military, whose conduct was in question. Protest after
11 protest went unanswered or was only answered after
12 months of unexplained delay. Reminder after reminder
13 by the Protecting Powers went unnoticed. Those protests
14 which were answered were met without exception by a
15 denial that there was anything to complain of.

16
17 Now it was the highest degree unlikely that
18 every one of the complaints made by responsible people
19 and accompanied by circumstance and detail was completely
20 unjustified. Moreover the refusal of the military to
21 permit inspection of camps, their refusal to permit
22 the representatives of the Protecting Powers to interview
23 prisoners without the presence of a Japanese witness,
24 and their failure to provide details of the prisoners
25 in their hands gave rise to the suspicion that they had

something to hide.

1 We do no injustice to SHIGEMITSU when we hold
2 that the circumstances, as he knew them, made him
3 suspicious that the treatment of the prisoners was not
4 as it should have been. Indeed a witness gave evidence
5 for him to that effect. Thereupon he took no adequate
6 steps to have the matter investigated, although he,
7 as a member of the government, bore overhead responsibility
8 for the welfare of the prisoners. He should have pressed
9 the matter, if necessary to the point of resigning, in
10 order to quit himself of a responsibility which he
11 suspected was not being discharged.

12 There is no evidence that SHIGEMITSU ordered,
13 authorized, or permitted the commission of war crimes
14 or crimes against humanity. The Tribunal finds
15 SHIGEMITSU not guilty on Count 54.

16 The Tribunal finds SHIGEMITSU guilty on
17 Count 55.

18 In mitigation of sentence we take into account
19 that SHIGEMITSU was in no way involved in the formulation
20 of the conspiracy; that he waged no war of aggression
21 until he became Foreign Minister in April 1943, by which
22 time his country was deeply involved in a war which would
23 vitally affect its future; and in the matter of war crimes
24 that the military completely controlled Japan while he
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1 was Foreign Minister so that it would have required
2 great resolution for any Japanese to condemn them.

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SHIMADA, Shigetaro

1 The accused is charged under Counts 1, 27, 29,
2 31, 32, 54 and 55.

3 Until October 1941 SHIMADA played nothing but
4 the role of a naval officer carrying out his duties
5 as such and until that date had no part in the conspiracy.
6

7 In October 1941, he was a Senior Naval Officer
8 eligible for the post of Navy Minister. He became Navy
9 Minister in the TOJO Cabinet and held that office until
10 August 1944. For a period of six months from February
11 to August 1944 he was also Chief of the Navy General
12 Staff.

13 From the formation of the TOJO Cabinet until
14 the Western Powers were attacked by Japan on 7th December
15 1941 he took part in all the decisions made by the
16 conspirators in planning and launching that attack. He
17 gave as his reason for adopting this course of conduct
18 that the freezing orders were strangling Japan and would
19 gradually reduce her ability to fight; that there was
20 economic and military "encirclement" of Japan; that the
21 United States of America was unsympathetic and unyielding
22 in the negotiations; and that the aid given by the Allies
23 to China had raised bitter feeling in Japan. This
24 defence leaves out of account the fact that the gains
25 to retain which he was determined to fight were, to his

1 knowledge, gains Japan had acquired in years of
2 aggressive war. The Tribunal has already fully examined
3 this defence and rejected it.

4 After war was declared he played a principal
5 part in waging it.

6 The Tribunal finds SHIMADA guilty on Counts 1,
7 27, 29, 31 and 32.

8 War Crimes

9 Some most disgraceful massacres and murders
10 of prisoners were committed by members of the Japanese
11 Navy in the islands of the Pacific Ocean and on the
12 survivors of torpedoed ships. Those immediately responsible
13 ranged in rank from Admirals downwards.

14 The evidence, however, is insufficient to justify
15 a finding that SHIMADA is responsible for these matters,
16 that he ordered, authorized or permitted the commission
17 of war crimes, or that he knew they were being committed
18 and failed to take adequate steps to prevent their
19 commission in the future.

20 The Tribunal finds SHIMADA not guilty on Counts
21 54 and 55.
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SHIRATORI, Toshio

1 The accused is indicted under Counts 1, 27, 29,
2 31, and 32.

3 He entered the Japanese diplomatic service in
4 1914. He first came into prominence as Chief of the
5 Information Bureau of the Foreign Office, which post he
6 held from October 1930 to June 1932. In that position he
7 justified Japan's seizure of Manchuria to the Press of the
8 world. No doubt it was dictated to him that he should do
9 so, but it is characteristic of the accused's activities
10 then and thereafter that he was not content to perform
11 whatever might be his duties at the moment. Thus early he
12 was expressing views on matters of policy, views which
13 received consideration in high quarters. He early advo-
14 cated that Japan should withdraw from the League of Nations.
15 He supported the setting-up of a puppet government in
16 Manchuria. From this period dates his support of the aims
17 of the conspiracy, a support which he continued to afford
18 for many years and by all the means in his power.

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21 He was Minister to Sweden from June 1933 to
22 April 1937. Certain letters of his show his views at this
23 time. In his opinion Russian influence should be expelled
24 from the Far East by force, if necessary, and before she
25 became too strong to be attacked. He was further of opinion
that such foreign influences as might be thought to be

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harmful to Japanese interests should be excluded from
1 China, and that Japanese diplomats should support the
2 policy of the militarists. He showed himself a whole-
3 hearted believer in aggressive war.

4 Returning to Japan he published articles advo-
5 cating a totalitarian form of government for Japan and an
6 expansionist policy for Japan, Germany and Italy.

7 When the negotiations for an alliance among Japan,
8 Germany and Italy had commenced he was appointed Ambassa-
9 dor to Rome in September 1938. In these negotiations he
10 collaborated with the accused OSHIMA, then Ambassador to
11 Berlin, in support of the conspirators, who insisted on
12 a general military alliance among these countries. He
13 went so far as to refuse to comply with the instructions of
14 the Foreign Minister, who wished a more limited alliance
15 only. He and OSHIMA threatened to resign if the wishes of
16 the conspirators were not met.

17 When Japan delayed too long and Germany signed a
18 non-aggression pact with the U. S. S. R. the negotiations
19 broke down, for Japanese opinion commonly regarded this as
20 a breach of the Anti-Comintern Pact. SHIRATORI returned
21 to Japan where he carried on propaganda designed to excuse
22 Germany's action and to prepare the way for the general
23 military alliance with Germany and Italy which he still
24 thought necessary to support Japanese expansionist aims.
25

1 In his propaganda at one time or another he advocated all
2 the objects of the conspirators: that Japan should attack
3 China, that Japan should attack Russia, that Japan should
4 ally herself with Germany and Italy, that she should take
5 determined action against the Western Powers, that she
6 should establish the "New Order," that she should seize
7 the chance offered by the European War to advance to the
8 South, that she should attack Singapore, and so on. This
9 propaganda was continued while he was advisor to the
10 Foreign Office from August 1940 to July 1941.

12 He became ill in April 1941 and resigned the
13 position of advisor to the Foreign Office in July of that
14 year. Thereafter he plays no important part in events. The
15 Tribunal finds SHIRATORI guilty on Count 1.

16 He never occupied such a position as would justify
17 a finding that he waged any war of aggression. The Tribunal
18 finds SHIRATORI not guilty on Counts 27, 29, 31 and 32.

SUZUKI, Teiichi

1 SUZUKI, Teiichi, is charged in Counts 1, 27,
2 29, 31, 32, 35, 36, 54 and 55 of the Indictment.

3 SUZUKI was a soldier. As a Lieutenant
4 Colonel and Member of the Military Affairs Bureau in
5 1932, he was an active member of the conspiracy. After
6 the assassination of Premier Inukai in May 1932 he said
7 that similar acts of violence would occur if new Cab-
8 inets were organized under political leadership and he
9 favored the formation of a coalition government. The
10 object was to secure a government which would support
11 the schemes of the conspirators against China.

12 During his service with the Bureau he insisted
13 that the U.S.S.R. was the absolute enemy of Japan and
14 assisted in the preparations then being made to wage
15 aggressive war against that Power.
16

17 There is no evidence that SUZUKI participated
18 in waging war against the U.S.S.R. at Lake Khasan and
19 there is no evidence that he participated in waging
20 war against the U.S.S.R. or the Mongolian People's
21 Republic at Nomonhan.
22

23 In November 1937, SUZUKI became a Major-
24 General. He was one of the organizers and head of
25 the political and administrative division of the Asia
Development Board. As such he actively furthered the

1 exploitation of the parts of China occupied by Japan.

2 When the Second Konoze Cabinet was formed to
3 complete the military domination of Japan, and to
4 prosecute the move to the South, SUZUKI became Minister
5 Without Portfolio and one of the Councillors of the
6 Total War Research Institute. Konoze replaced HOSHINO
7 by SUZUKI as President of the Planning Board. SUZUKI
8 continued in that position until the fall of the TOJO
9 Cabinet on 19 July 1944.

10 As President of the Planning Board and Minister
11 Without Portfolio, SUZUKI regularly attended the
12 meetings of the Liaison Conference, the virtual policy
13 making body for Japan. SUZUKI was present at most of
14 the important conferences leading to the initiating and
15 waging of aggressive wars against the Allied Powers.
16 At those conferences he actively supported the con-
17 spiracy.

18 There is no evidence that the accused was
19 responsible for the commission of atrocities.

20 We find SUZUKI guilty as charged in Counts 1,
21 27, 29, 31, and 32, and not guilty of Counts 35, 36,
22 54 and 55.
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TOGO, Shigenori

1 The accused TOGO is indicted under Counts 1,
2 27, 29, 31, 32, 36, 54 and 55.

3 TOGO's principal association with the crimes
4 charged against him was as Foreign Minister in the TOJO
5 Cabinet from October 1941 until September 1942 when he
6 resigned and later in the Suzuki Cabinet of 1945 in
7 which he also acted as Foreign Minister. During the
8 interval between his resignation and reappointment he
9 played no part in public life.

11 From the date of his first appointment until
12 the outbreak of the Pacific War he participated in the
13 planning and preparing for the war. He attended Cab-
14 inet meetings and conferences and concurred in all
15 decisions adopted.

16 As Foreign Minister he played a leading role
17 in the negotiations with the United States immediately
18 preceding the outbreak of the war and lent himself to
19 the plans of the proponents of war. The duplicity
20 employed in those negotiations has been dealt with
21 earlier.

23 After the outbreak of the Pacific War he col-
24 laborated with other members of the Cabinet in its con-
25 duct as well as in the waging of the war in China.

In addition to the defence common to all the

1 accused of encirclement and economic strangulation of
2 Japan, which has been dealt with elsewhere, TOGO pleads
3 specially that he joined the TOJO Cabinet on the assur-
4 ance that every effort would be made to bring the nego-
5 tiations with the United States to a successful con-
6 clusion. He states further that from the date of his
7 taking office he opposed the Army and was successful in
8 obtaining from them concessions which enabled him to
9 keep the negotiations alive. However, when the nego-
10 tiations failed and war became inevitable, rather than
11 resign in protest he continued in office and supported
12 the war. To do anything else he said would have been
13 cowardly. However his later action completely nulli-
14 fies this plea. In September 1942 he resigned over a
15 dispute in the Cabinet as to the treatment of occupied
16 countries. We are disposed to judge his action and
17 sincerity in the one case by the same considerations
18 as in the other.

20 There is no proof of any criminal act on TOGO's
21 part as alleged in Count 36. His only part in relation
22 to that count was to sign the post war agreement be-
23 tween the U.S.S.R. and Japan settling the boundary be-
24 tween Manchuria and Outer Mongolia.
25

War Crimes

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2 Up to his resignation in 1942 TOGO appears to
3 have endeavored to see to the observance of the Rules
4 of War. He passed on such protests as came to him for
5 investigation and in several instances remedial meas-
6 ures were taken. At the time of his resignation atroc-
7 ities committed by the Japanese troops had not become
8 so notorious as to permit knowledge to be imputed to
9 him.
10

11 In the spring of 1945 when he returned as For-
12 eign Minister there was then an accumulation of protests
13 which he passed on to the proper authorities. The Tri-
14 bunal is of opinion that there is not sufficient proof
15 of TOGO's neglect of duty in connection with war crimes.

16 The Tribunal finds TOGO guilty on Counts 1,
17 27, 29, 31, and 32. He is not guilty on Counts 36,
18 54, and 55
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TOJO, Hideki

1 The accused is charged under Counts 1, 27, 29,
2 31, 32, 33, 36, 54 and 55.

3 TOJO became Chief of Staff of the Kwantung
4 Army in June 1937 and thereafter was associated with
5 the conspirators as a principal in almost all of their
6 activities.

7 He planned and prepared for an attack on the
8 U.S.S.R.; he recommended a further onset on China in
9 order to free the Japanese Army from anxiety about its
10 rear in the projected attack on the U.S.S.R.; he helped
11 to organize Manchuria as a base for that attack; never
12 at any time thereafter did he abandon the intention to
13 launch such an attack if a favorable chance should
14 occur.

15 In May 1938 he was recalled from the field to
16 become Vice-Minister of War. In addition to that
17 office he held a great number of appointments so that
18 he played an important part in almost all aspects of
19 the mobilization of the Japanese people and economy for
20 war. At this time he opposed suggestions for a peace
21 of compromise with China.

22 He became Minister of War in July 1940 and
23 thereafter his history is largely the history of the
24 successive steps by which the conspirators planned and
25

1 waged wars of aggression against Japan's neighbors, fr
2 for he was a principal in the making of the plans and
3 in the waging of the wars. He advocated and furthered
4 the aims of the conspiracy with ability, resolution
5 and persistency.

6 He became Prime Minister in October 1941 and
7 continued in that office until July 1944.

8 As War Minister and Premier he consistently
9 supported the policy of conquering the National Govern-
10 ment of China, of developing the resources of China in
11 Japan's behalf, and of retaining Japanese troops in
12 China to safeguard for Japan the results of the war
13 against China.

14 In the negotiations which preceded the attacks
15 of 7 December 1941 his resolute attitude was that Japan
16 must secure terms which would preserve for her the fruits
17 of her aggression against China and which would conduce
18 to the establishment of Japan's domination of East Asia
19 and the Southern Areas. All his great influence was
20 thrown into the support of that policy. The importance
21 of the leading part he played in securing the decision
22 to go to war in support of that policy cannot be over-
23 estimated. He bears major responsibility for Japan's
24 criminal attacks on her neighbors.
25

In this trial he defended all these attacks

1 with hardihood, alleging that they were legitimate
2 measures of self-defense. We have already dealt fully
3 with that plea. It is wholly unfounded.

4 As to Count 36 there is no evidence that TOJO
5 occupied any official position which would render him
6 responsible for the war in 1939 as charged in Count 36.

7 The Tribunal finds TOJO guilty on Counts 1,
8 27, 29, 31, 32 and 33, and not guilty on Count 36.

9 WAR CRIMES

10 TOJO was head of the War Ministry which was
11 charged with the care of prisoners of war and of
12 civilian internees in the theatre of war and with the
13 supply of billets, food, medicines and hospital
14 facilities to them. He was head of the Home Ministry
15 which was charged with a similar duty towards civilian
16 internees in Japan. Above all he was head of the
17 government which was charged with continuing responsi-
18 bility for the care of prisoners and civilian internees.

19 The barbarous treatment of prisoners and
20 internees was well known to TOJO. He took no adequate
21 steps to punish offenders and to prevent the commission
22 of similar offences in the future. His attitude towards
23 the Bataan Death March gives the key to his conduct
24 towards these captives. He knew in 1942 something of
25 the conditions of that march and that many prisoners

had died as a result of these conditions. He did not
1 call for a report on the incident. When in the
2 Philippines in 1943 he made perfunctory inquiries about
3 the march but took no action. No one was punished.
4 His explanation is that the commander of a Japanese
5 Army in the field is given a mission in the performance
6 of which he is not subject to specific orders from
7 Tokyo. Thus the head of the Government of Japan know-
8 ingly and wilfully refused to perform the duty which
9 lay upon that Government of enforcing performance of
10 the Laws of War.
11

12 To cite another outstanding example, he advised
13 that prisoners of war should be used in the construction
14 of the Burma-Siam Railway, designed for strategic purposes.
15 He made no proper arrangements for billeting and feeding
16 the prisoners, or for caring for those who became sick
17 in that trying climate. He learned of the poor condi-
18 tion of the prisoners employed on the project, and sent
19 an officer to investigate. We know the dreadful condi-
20 tions that investigator must have found in the many
21 camps along the railway. The only step taken as a
22 result of that investigation was the trial of one
23 company commander for ill-treatment of prisoners.
24 Nothing was done to improve conditions. Deficiency
25 diseases and starvation continued to kill off the

prisoners until the end of the project.

1 Statistics relative to the high death rate
2 from malnutrition and other causes in prisoners of war
3 camps were discussed at conferences over which TOJO
4 presided. The shocking condition of the prisoners in
5 1944, when TOJO's Cabinet fell, and the enormous
6 number of prisoners who had died from lack of food
7 and medicines is conclusive proof that TOJO took no
8 proper steps to care for them.
9

10 We have referred to the attitude of the
11 Japanese Army towards Chinese prisoners of war. Since
12 the Japanese Government did not recognize the "Incident"
13 as a war, it was argued that the Rules of War did not
14 apply to the fighting and that Chinese captives were
15 not entitled to the status and rights of prisoners of
16 war. TOJO knew and did not disapprove of that shocking
17 attitude.
18

19 He bears responsibility for the instruction
20 that prisoners who did not work should not eat. We have
21 no doubt that his repeated insistence on this instruc-
22 tion conducted in large measure to the sick and wounded
23 being driven to work and to the suffering and deaths
24 which resulted.
25

 We have fully referred to the measures which
were taken to prevent knowledge of the ill-treatment of

1 prisoners reaching the outside world. TOJO bears
2 responsibility for these measures.

3 The Tribunal finds TOJO guilty under Count 54.
4 We make no finding under Count 55.
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UMLZU, Yoshihiro

1 The accused UMLZU is charged under Counts 1,
2 27, 29, 31, 32, 36, 54 and 55.

3 UMLZU was an Army officer. While he was in
4 command of Japanese troops in North China from 1934
5 to 1936 he continued the Japanese aggression in that
6 country against the northern provinces, he set up a
7 pro-Japanese local government, and under threat of
8 force compelled the Chinese to enter into the Ho-UMLZU
9 agreement of June 1935. This for a time limited the
10 power of legitimate government of China.

11 UMLZU was Vice-Minister of War from March
12 1936 to May 1938 while the National Policy Plans of
13 1936 and the Plan for Important Industries of 1937
14 were decided upon. These were Army plans and were
15 one of the prime causes of the Pacific War.

16 In January 1937, when the Imperial Mandate
17 to form a new Cabinet was given to General Ugaki,
18 UMLZU played an important part in the Army's refusal
19 to countenance Ugaki as HIROTA's successor. Because
20 of this opposition Ugaki was unable to form a Cabinet.

21 When the fighting in China broke out anew in
22 July 1937 at Marco Polo Bridge this accused knew and
23 approved of the plans of the conspirators to carry on
24 the war. UMLZU was a member of the Cabinet Planning
25

1 Board as well as of many other boards and commissions
2 which largely contributed to the formulation of the
3 aggressive plans of conspirators and to preparations
4 necessary for the execution of these plans.

5 In December 1937, TOJO, as Chief-of-Staff
6 of the Kwantung Army, sent to UMEZU plans for prepara-
7 tion for the attack on the U.S.S.R. and later plans
8 for the strengthening of the Kwantung Army and plans
9 for installations in Inner Mongolia which TOJO stated
10 were of vital importance both in the preparation for
11 war with the U.S.S.R. and in connection with the war
12 with China.

13 While UMEZU was Commander of the Kwantung
14 Army from 1939 to 1944 he continued the direction of
15 the economy of Manchukuo so as to serve the purposes
16 of Japan; plans were made for the occupation of Soviet
17 territories, and plans were also made for the military
18 administration of the Soviet areas to be occupied and
19 officers were sent to the occupied areas in the south
20 to study the military administration there with a
21 view to using the information thus obtained in the
22 Soviet territories.
23

24 The evidence is overwhelming that the accused
25 was a member of the conspiracy.

With reference to Count 36, the fighting at

1 Nomonhan had begun before he took command of the
2 Kwantung Army. He was in command only a very few days
3 before the fighting ceased.

4 UMEZU served as Chief of the Army General
5 Staff from July 1944 until the Surrender. He thereby
6 played a principal part in the waging of the war
7 against China and the Western Powers.

8 War Crimes

9 There is not sufficient evidence that UMEZU
10 was responsible for the commission of atrocities.

11 The Tribunal finds UMEZU guilty on Counts 1,
12 27, 29, 31, and 32. He is not guilty on Counts 36,
13 54, and 55.
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1 Under the Charter the Judgment I have read is
2 the Judgment of the Tribunal.

3 The Member for India dissents from the majority
4 Judgment and has filed a statement of his reasons for
5 such dissent.

6 The members for France and the Netherlands
7 dissent as to part only from the majority Judgment and
8 have filed statements of their reasons for such dissents.

9 The Member for the Philippines has filed a
10 separate opinion concurring with the majority.

11 Generally, I share the view of the majority as
12 to the facts, but without recording any dissent, I have
13 filed a brief statement of my reasons for upholding the
14 Charter and the jurisdiction of the Tribunal and of some
15 general considerations that influenced me in deciding on
16 the sentences.

17 These documents will be part of the Record and
18 will be available to the Supreme Commander, to Defense
19 Counsel and to others who may be concerned. Defense
20 Counsel have applied for a reading in court of these
21 separate opinions, but the Tribunal had already considered
22 this matter and decided that they would not be so read.

23 The Tribunal adheres to this decision.

24 The accused will be removed from the dock and
25 then returned singly for sentence in the order in which

1 their names appear in the title of the Indictment.

2 The three accused who are too ill to attend the
3 trial today will be sentenced in their absence after
4 those accused who are present have been sentenced.

5 To enable the accused who are present to be
6 presented for sentence in the order stated, we will
7 adjourn for fifteen minutes.

8 (Whereupon, at 1530, a recess was taken
9 until 1555, after which the proceedings were
10 resumed as follows:)
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1 MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

2 THE PRESIDENT: In accordance with Article 15-h
3 of the Charter, the International Military Tribunal
4 for the Far East will now pronounce the sentences
5 on the accused convicted on this Indictment.

6 Accused ARAKI, Sadao, on the Counts of the
7 Indictment on which you have been convicted, the
8 International Military Tribunal for the Far East
9 sentences you to imprisonment for life.

10 Accused DOHIMARA, Kenji, on the Counts of the
11 Indictment on which you have been convicted, the
12 International Military Tribunal for the Far East
13 sentences you to death by hanging.

14 Accused HASHIMOTO, Kingoro, on the Counts of
15 the Indictment on which you have been convicted, the
16 International Military Tribunal for the Far East
17 sentences you to imprisonment for life.

18 Accused HATA, Shunroku, on the Counts of
19 the Indictment on which you have been convicted, the
20 International Military Tribunal for the Far East
21 sentences you to imprisonment for life.

22 Accused HIRANUMA, Kiichiro, on the Counts of
23 the Indictment on which you have been convicted, the
24 International Military Tribunal for the Far East
25 sentences you to imprisonment for life.

1 Accused HIROTA, Koki, on the Counts of the
2 Indictment on which you have been convicted, the
3 International Military Tribunal for the Far East
4 sentences you to death by hanging.

5 Accused HOSHINO, Naoki, on the Counts of the
6 Indictment on which you have been convicted, the
7 International Military Tribunal for the Far East
8 sentences you to imprisonment for life.

9 Accused ITAGAKI, Seichiro, on the Counts of
10 the Indictment on which you have been convicted, the
11 International Military Tribunal for the Far East
12 sentences you to death by hanging.

13 Accused KIDO, Koichi, on the Counts of the
14 Indictment on which you have been convicted, the
15 International Military Tribunal for the Far East
16 sentences you to imprisonment for life.

17 Accused KIMURA, Heitaro, on the Counts of the
18 Indictment on which you have been convicted, the
19 International Military Tribunal for the Far East
20 sentences you to death by hanging.

21 Accused KOISO, Kuniaki, on the Counts of the
22 Indictment on which you have been convicted, the
23 International Military Tribunal for the Far East
24 sentences you to imprisonment for life.
25

1 Accused MATSUI, Iwane, on the Counts of the
2 Indictment on which you have been convicted, the
3 International Military Tribunal for the Far East
4 sentences you to death by hanging. .

5 Accused MINAMI, Jiro, on the Counts of the
6 Indictment on which you have been convicted, the
7 International Military Tribunal for the Far East
8 sentences you to imprisonment for life.

9 Accused MUTO, Akira, on the Counts of the
10 Indictment on which you have been convicted, the
11 International Military Tribunal for the Far East
12 sentences you to death by hanging.

13 Accused OKA, Takazumi, on the Counts of the
14 Indictment on which you have been convicted, the
15 International Military Tribunal for the Far East
16 sentences you to imprisonment for life.

17 Accused OSHIMA, Hiroshi, on the Counts of the
18 Indictment on which you have been convicted, the
19 International Military Tribunal for the Far East
20 sentences you to imprisonment for life.

21 Accused SATO, Kenryo, on the Counts of the
22 Indictment on which you have been convicted, the
23 International Military Tribunal for the Far East
24 sentences you to imprisonment for life.
25

1 Accused SHIGEMITSU, Mamoru, on the Counts of
2 the Indictment on which you have been convicted, the
3 International Military Tribunal for the Far East
4 sentences you to imprisonment for seven years as from
5 the date of arraignment.

6 Accused SHIMADA, Shigetaro, on the Counts of
7 the Indictment on which you have been convicted, the
8 International Military Tribunal for the Far East
9 sentences you to imprisonment for life.

10 Accused SUZUKI, Teiichi, on the Counts of
11 the Indictment on which you have been convicted, the
12 International Military Tribunal for the Far East
13 sentences you to imprisonment for life.

14 Accused TOGO, Shigenori, on the Counts of the
15 Indictment on which you have been convicted, the
16 International Military Tribunal for the Far East
17 sentences you to imprisonment for twenty years as from
18 the date of arraignment.

19 Accused TOJO, Hideki, on the Counts of the
20 Indictment on which you have been convicted, the
21 International Military Tribunal for the Far East
22 sentences you to death by hanging.
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1 The Tribunal sentences the accused KAYA,
2 SHIRATORI and UMEZU on the Counts on which they have
3 been convicted to imprisonment for life in each case.

4 The Tribunal adjourns.

5 (Whereupon, at 1612, 12 November
6 1948, the Tribunal adjourned.)

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