

NARRATIVE SUMMARY OF THE RECORD

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PAGES 1601 TO 2000

FILE SET 1

*This book covers Record
pages 10442-12699*

Missing
105
FILE COPY

RETURN TO ROOM 361

Page

DIRECT EXAMINATION OF ALBERT ERNEST COATES,
By Mr. Justice Mansfield.

- 11403 * The witness stated that he was a Lieutenant-Colonel in the Australian Army Medical Corps, and was a member of that body on March 17, 1942, when he was at Padang, Sumatra. He was captured by the Japanese on March 17, 1942, and left Sumatra in May, 1942. At that time 500 British survivors from sunken ships left with him for Mergui, Burma, * on the England Maru, where they were confined in very small spaces between the decks and where conditions were bad, ventilation poor, and food was the usual rice and radish soup. The journey lasted seven days, and when they arrived at Mergui they were joined by a thousand Australians, making a total of 1500, and were confined in a small school which would accommodate children to a total of one quarter of the 1500. This space was totally inadequate, and as a result "jail fever", or dysentery in the fulminating form broke out. The Japanese doctors advised him to use charcoal from the kitchen as a medicine.
- 11404
- 11409 * Drugs were not supplied, charcoal was. As a result there was quite an epidemic of dysentery. At first the serious cases were confined in part of the school, but due to the kindness of a Japanese doctor use of some coal huts in a local civil hospital was obtained. The patients were in a serious condition, had no clothing other than what they wore, and when their clothes were washed the patients would lie naked on the floor. There were only about twenty deaths. These deaths would not have occurred with proper medical supplies. The disease was found to be amoebic dysentery, by local microscopic tests.
- 11410 * Emetine, a specific, would have cured them, but the Japanese doctor told him that this was available only for the Japanese. Many other patients subsequently died from the infection, which is a slow one after the initial outbreak.

The witness stated that two men who went out of camp were summarily executed, and one mentally unbalanced man was also executed for walking outside the hospital grounds. They were charged with attempting to escape, punishable by death.

In August, the witness went to Tavoy, where he worked in a POW hospital serving two to three thousand prisoners. The conditions there were a little better than at Mergui. The beds were of concrete and could be kept

Page

cleaner. A little more drugs were supplied, particularly after the witness had helped save the life of a Japanese soldier. They had some ancient bottles of old-fashioned medicine and three or four gynecological instruments. From Tavoy he went to Thanbyuzayat, and from there he went to the 30 kilo, where railway construction was under way, where they had accumulated 2,000 of the recent railroad casualties, all of whom were POW. These men showed the earlier signs of avitaminosis, or lack of vitamins, that is partial blindness, burning feet, sore tongue and mouth, inability to swallow, diarrhea. Many had chronic amoebic dysentery and malaria in a relaxing form.

11412

* There were no drugs nor medical orderlies. All medical orderlies that came up there were being employed in the construction of the railway. Having only four medical officers for 2,000 men, he had to recruit volunteer orderlies from the convalescents. General SOSA went through the camp, saw the patients, many still standing, ordered the hospital closed and all dying patients to be put to work. These orders were carried out. A great number of them died in the next month or so.

11413

* He next was sent to the 75 kilo camp in Burma, as a free-lance medical officer, where there were over 3,000 men in very poor condition. All but 300 of these were sent to the 105 kilo camp. Of the last 1300, a thousand were inspected by a Japanese doctor, who hastily walked past them, and he decided that 1,000 were sick. When the witness pointed out their feeble condition and asked that they be left to be cared for, he was told that the railroad must be finished, after which they would have a long rest. The witness remained alone with the 300 very ill patients, of whom a number died, but whom the most in July were transferred to the 55 kilo camp.

11414

At the 75 kilo camp the huts were not occupied by white POW's, but were filled with natives with various diseases, particularly cholera, * who died at the rate of 15 per day. In the earlier stages they received no medical treatment, but later a Japanese doctor came and did something for them. In July the witness went to the 55 kilo camp to take charge of the hospital. This was an abandoned work camp consisting of just eight bamboo huts, floored with bamboo. Hygiene was bad, latrines having to be dug near the edge of the woods because of the high instance of dysentery and lack of bed pans.

Page

11415 There were 1800 patients, 500 of whom had large and medium ulcers on the leg. There was bacillary and amoebic dysentery, and since they had no specifics they had to put the patients in the so-called dead house. If the dysentery was infective the patients were isolated, and they rarely came out of the area. Malaria was a big element in the camp. * The quinine supplied was only sufficient for those admitted on a Japanese primary diagnosis. Quinine was supplied for 300, but 1800 had malaria. The witness protested, and the Japanese pointed out that a man could only have one disease. If he had malaria he could not have an ulcer. There were many men who had three or four diseases, and quinine was the only drug supplied in any quantity. The rest were infinitesimal. The fortnightly issue of drugs other than quinine would consist of a box neatly packed with straw, having at the bottom a few cakes of sulphur, a pound of epsom salts, and six small bandages, for 1800 seriously ill and segregated men. Malaria was a great cause of anemia, and as a result seriously afflicted men suffered from other diseases.

11416 * An even more important factor was the lack of food, resulting in malnutrition, avitaminosis, and nutritional edema. All other diseases were based on lack of food, particularly meat, and vitamin-containing substances necessary for the body.

He had seen tropical ulcer in Malaya in the year before Japan's attack, and in Sumatra, but the new disease with the ulcer on the leg was quite different from this. There was no inflammation, but only local death of the limb.

11425 * At Kilo 55 the huts were in bad repair. Many leaked, and there were not sufficient well men to keep them in repair. The rain frequently came through the roof, but this did not matter much. The men had no clothing, and they were so obsessed with their other sufferings that the rain did not affect them a great deal.

11426 In July, 1943, the Senior Japanese Medical Officer for Burma visited the camp to find 300 more workmen. He allowed the witness to help him make the selection, * so that the least sick men were sent to work. Of the men taken, there were many who suffered with medium size ulcers of the leg, six inches covered with leaf and bark. There was recurring malaria, which

Page

could not be regarded as an ordinary disease because there were so many other overwhelming problems. In between attacks of malaria the man was to all intents and purposes to be regarded as a fit man for work.

11427 At this camp the witness rose at daylight and supervised the work of four other medical officers, segregated the sick, and worked particularly on leg ulcers, inspecting the bad cases that were likely to be amputated that day; curetting some 70 or 80 ulcers during the morning and supervised the dressings by a team of volunteer orderlies. In the afternoon he amputated nine or ten legs. * As to an operating theater, after much persuasion the sergeant camp commander allowed the witness to put up a 6 x 8 bamboo lean-to, which he used as an operating theater. While the method of operation is technical, it was of interest to know that they had only a tiny amount of cocaine as a spinal anesthetic. As instruments he used a knife and two pair of artery forceps and a saw such as carpenters and butchers use.

11428 * Following a strongly worded protest through Brigadier Varley, Lieutenant Colonel NAGATOMO visited the camp and promised to take away men needing amputation or who had been amputated to Moulmein. Nothing further was heard of this, but a Japanese doctor was sent to the camp to act as camp commander. Colonel NAGATOMO was the Japanese officer in charge of POW in Burma. There were the usual daily beatings of the men by well-nourished, strong and healthy Korean guards. A few men lost an odd tooth, etc. These Korean guards did not suffer from a lack of vitamins.

11429 * The POW doctors were in poor condition, and the witness himself weighed only 7½ stone and suffered from at least three diseases. In the later stages the witness visited the 50 Kilo Camp, POW's from Siam, and the H. & F. Forces at Changi. The 50 Kilo Camp was worse than the 55 Kilo, because the men had come on a long march and they had not been able to amputate. They did not have even primitive facilities. At this camp the men who had cholera, while marching in Siam about 700 of their patients died within two or three months, while at 55 camp they lost only about a fifth of the population at that time, but many more died later.

Page

11430 * At Changi, which he saw later, exactly the same conditions prevailed for some 8-9,000 POW. The Japanese Chief Medical Officer for Burma POW simply obtained labor. He would never give a diagnosis or make a suggestion for treatment. The doctor sent by NAGATOMO, while he did nothing active, was not hostile, and as a result there was a lower mortality, because they obtained clandestine food without which they would have lost 75% of the population.

11431 The witness made reports on conditions both in Burma and in Siam in which he described the camp conditions, stating that the spectacle of emaciated skeletons of men on the one hand, * and the edematous water-logged wrecks on the other, many with rotting gangrenous ulcers of the legs, emitting a nauseating stench, lying in pain and misery, were such as he never wished to witness again. The daily procession to the graveyard was a reminder to those still alive that death would soon end their sufferings. The memory of it is not easily obliterated.

 He was quite sure that the deaths in camp 55 could have been avoided by adequate feeding and drugs, particularly quinine if used as a preventive, by the recognition by the Japanese of the special diseases they had, and the provision of simple specifics. This, together with adequate feeding, which was possible because of the cattle in the neighborhood, and even in the absence of beds, bedding, towels, and soap, could have saved most of the lives.

11432 * The witness had conducted over 130 post mortems
11433 while at 55. * In many cases there were perforations of the bowel from dysentery, with fatal peritonitis. In other cases they found watery clogging of the tissues, with all organs shrunken. There were gross evidences of pellagra. The rice which was not eatable was used by the men as a poultice to encourage inflammation, and some of the men were able to overcome their conditions and were persuaded to eat a little more and were pulled around. By recognizing the appearance of laudable pus, they were forced back to primitive methods of medicine of one hundred years ago. In that camp they lost 330 out of some 1600 there. In December 1943 the men were evacuated from Kilo 55. The men were divided into two groups, the light and the serious.

Page

11434

* The term light of sick was not necessarily applied to a man who was not going to die, but to a man who had a disease which he could recover from or die within a period. This was a Japanese classification. The sick were moved by box truck to a place near Bangkok, the light sick to Canberry and the heavy sick to Nakompaton. The witness was appointed senior medical officer at Nakompaton. He was told to take no medical equipment, but this was meaningless since there was none, and he was told that everything in a modern hospital would be provided.

11435

At Nakompaton he found a few bamboo huts, and no medical equipment. The first group of patients was about 1,000, and in the next three months there were * 8,000 in the camp. These were the remains from the whole of the Burma-Siam railway, excepting the men sent to Singapore. These men were very ill, a great number being stretcher cases that could not move at all. Many had ulcers, and very many suffered from avitaminoses. 1500 had amoebic dysentery, and the remainder had all kinds of diseases. There were also permanently disabled men with amputated legs and badly damaged ones which were slowly healing. Medical orderlies were allotted at the rate of ten per thousand, and three POW doctors per thousand. The doctor allotted was the camp commander at the later period at 55 Kilo. This man was rather ashamed of the accommodations.

11436

* The witness was asked to make a report by the Japanese medical authorities, and he wrote giving a full report and unabridged description, and a list of the requirements to make it an appropriate place in which to treat the sick. He never received any more orderlies, but they did prevail upon local authorities to allow them to use convalescents as volunteer orderlies. He was informed that that proportion of medical orderlies was ordered by the authorities in Burma, and that these had to work in ordinary working parties for the Japanese. It was impossible to carry on an efficient hospital with the number assigned, but fortunately a number of sick doctors and orderlies came in from time to time, * and they were able to help until sent from the camp.

11437

In the first six months food and drugs were bad. One of the first things after their arrival was to cut the rations down to the Japanese hospital scale for POW's. The scale was sufficient to sustain a healthy man, but when meat was cut to one-third, rice to one-half, and vegetables to two-thirds, it is obvious that it is not enough for a sick or convalescent person.

Page

11438

* He also applied for beds, bedding, as well as drugs and equipment. There were no beds or other equipment supplied until May, and then in small consignments. In July 1944 there was a much larger consignment of American Red Cross goods. During the early days the doctors were at their wits' end on how to treat a large number of sick without drugs and on reduced rations. The very sick were nourished at the expense of the others, and blood transfusions became routine. Many other medical measures, such as taking of bodily secretions from one man and giving it to another, were used. Patients who recovered became more like milking cows for the benefit of those who hadn't. The Red Cross drugs * saved the lives of a great number. The mortality rate had risen until their arrival, and from then on dropped.

11439

At the camp there were epidemics of beatings in which the patients, medical orderlies, and occasionally doctors were beaten by the Korean guards, and from time to time by the Japanese officer in charge. The witness pointed this out in one of his reports, in which he stated that the hospital still resembled a prisoner's camp, and that the beatings were not justifiable and were not to be considered on a humanitarian basis. From time to time there was improvement, and he thought his contacts with the Japanese officers were effective, but a sudden outbreak would occur at an unspecified time.

11440

* The guards were not, to his knowledge, punished at Nakompaton, but in Burma a good sergeant inflicted corporal punishment on a Korean guard for beating a prisoner. In all the camps the prisoners were from Britain, Australia, Holland, and a few Americans from Java. In September, 1944, at a neighboring camp, there was bombing of a railway siding by allied planes, and a large prisoner camp was partially destroyed with 100 persons killed and over 100 wounded. The witness requested that they should send assistance to the camp, since they had only one surgeon and a few doctors, while he had a number, but this request was refused.

11441

* No markings of the camp were allowed, and no slit trenches could be dug. After the bombing, the Japanese senior officer filled the bombed camp up again with more men than before, and told them that the bombing was very good. He did, however, permit them to build some shelters and slit trenches.

Page

In December 1944 one of the recovering patients left the Nakompton camp to visit a neighboring village. He was arrested and the camp authorities were called upon to account for him. Although they knew nothing about it, the whole camp of 7,000 was put on parade for 36 hours. Only protests to the Japanese doctor lifted the ban.

11442

* In July, 1945, one of the men in the office informed the witness that he and three others would like to have letters from him to be found on their dead bodies after the war, since they proposed to tell what was happening and to try to help the POW to do the best they could in the coming massacre. They had observed machine gun nests all around the hospital and a hut full of grenades in the Japanese compound, and he stated that they were to be used when a landing occurred in Japan and attempts were made for POW release. He said he had seen a copy of the secret orders to this effect. The machine guns covered every hut, and the grenades were to be used to kill the men in the huts and the machine guns to kill escaping POW's.

11443

* At the end of February, 1945, all officers were removed to work camps, including men dying from tumors, cancers, and all kinds of infective conditions. Some of them did die. A paralyzed American with a brain tumor, after a preliminary operation, was taken. After the removal of the officers, the discipline of the Japanese was extreme. Beatings became more common, turning men out became daily occurrences, and there were sudden parades, alarms, and excursions. At the time of the Japanese capitulation, the Japanese colonel called the witness in and announced the armistice.

11446

* The witness, in connection with Exhibit No. 445, the Japanese report on the Burma-Thailand Railway, thought the Japanese have made no adequate preparations for proper feeding or treatment of POW employed on the railway.

11447

* The witness stated that with respect to malaria control, in late 1943 a body of Japanese medical men visited the camps and took blood specimens. In October to December, 1943, in the more remote camps, a number of men oiled and sprayed the camps, using POW for the work. In the earlier months there was no such organization. It did function, and function well in S. Oiling or water was generally done.

NARRATIVE SUMMARY OF THE RECORD
(November 27, 1946)
(B & C OFFENSES - COATES-Direct)

Page 1761

Page

11448

* 95% of the POWs contracted malaria. In July 1943, between 3 and 4,000 out of 10,000 POWs were in hospital camps, but there was a large number of seriously ill men still in the working camps. In Thailand, Siam, the figures varied from 30 to 40%.

Page

CROSS-EXAMINATION BY MR. LOGAN, COUNSEL FOR KIDO

11,449

* The witness stated that there are a number of diseases called 'deficiency diseases' or avitaminosis produced by the lack of certain substances normally found in a rich and healthy diet. In olden times before anything was known about this men on ships suffered from scurvy and rickets. These two diseases he did not see in the camps. * Pellagra was one of the main deficiency diseases caused by the lack of nicotinic acid found in meat and certain vegetable proteins. With sufficient meat or its equivalent in cheese, fish and vegetable proteins pellagra would not have occurred.

11,450

11,451

The witness never examined any Japanese soldiers and he did not know whether they had Pellagra. Some of the Japanese soldiers suffered from ulcers and some from dysentery, particularly in the later stages in Siam. * He presumed that some suffered from malaria but he had no knowledge of the figures for the Japanese Army. He presumed that the Japanese soldiers had nets and quinine, spray guns, etc., to combat malaria because he was told that there were only enough drugs for the Japanese Army and that was one of the reasons why he could not have any. While the Japanese contracted malaria, their incidence was low. He did not know the exact percentage, but he did know the Japanese had a hospital at 60-kilo camp, which was not full. They seemed to work well on the railway and they did have prophylactic quinine.

11,452

* He had some little familiarity with the transportation facilities available in building this railway. There were roads. There was one in which he was driven on to the 75-kilo camp in May 1943, which was quite passable and Japanese officers came up from Bangkok by car. The rainy season lasted from May to September, 1943.

11,453

The witness could speak with certainty only for the 75 and 55-kilo camps from which he had communication by roads. For two or three weeks at the end of May and early June at the 75-kilo camp * they could not get rations by trucks. He had never traveled on the road to the 105-kilo camp, but patients from it were brought from there to the 55-kilo right through the rainy season

NARRATIVE SUMMARY OF THE RECORD
(November 27, 1946)
(B & C Offenses--Coates-Cross)

Page 1763

Page

11,454 by truck. He was never at 105 camp. He had testified with respect to the 75 camp. The railway was constructed principally through the jungle. * There were roads and villages used by the natives, ox tracks and so on before the Japanese constructed their road which preceded the railway.

The witness did not know whether POW's assisted in building the road which preceded the railway. He did not know whether the Japanese could get food into the country by way of ship.

The guards who beat POW's were Koreans, but to his certain knowledge, protests to Japanese officers were not effective except in one case, the man in Burma he had previously mentioned.

(November 29, 1946)

11,458 * The witness was beaten four times in Burma and he saw at least 30 to 40 other beatings in Nakompaton, Siam. The total he had seen would run into a hundred.
11,459 * He actually saw the assaults take place. Once or twice he saw assaults by sergeants and corporals on Japanese, mostly by Koreans.

The England-Marui was a troop ship and it carried some Japanese officers in good quarters. He could not say that it had been used to transport Japanese soldiers.

11,460 It is true that they received a little more drugs, as he stated, at Tavoy than they had received in Mergui. * They received a few drugs at Mergui. The hospital at Mergui received no drugs, however. No drugs were received while the 1,500 prisoners were at the school. The organization was not such as to permit the supply of drugs.

11,461 * They did get drugs, as he stated before, from the working camp, more particularly quinine, but he did not recollect any other drugs.

He did not know how many classrooms were in the school and couldn't guess. He was there only five days when he was taken ill by amoebic dysentery. The

Page

school had a few small latrines and he knew of no other building in Mergui which could have been used, but he had never had an opportunity to look around.

11,462

* It is good medical practice to segregate serious cases of dysentery.

With respect to the three men executed, some form of inquiry was held and the executions took place soon after the arrests. He could not say whether the men had been tried. He was only the medical officer.

11,463

* He was at the 30-kilo camp for six weeks from about the middle of April to the end of May. He knew that a large number of patients ordered out of the hospital there had died. They were men he knew since Malaya. He left with them since the camp was completely closed down as a hospital. He then went as an ordinary POW to a working camp at the 75-kilo camp, where he remained until the 12th of July.

11,464

* Mergui is a sizeable trading port marked on the map. He had no definite knowledge whether there were any other large buildings in the town. He never could visit and investigate. He was a POW and subject to all restrictions as a POW. He did not know the population of the town and could not estimate.

11,465

At the 75-kilo camp they received about five grains of quinine per man per day through the Quartermaster's Department. He also received about once a fortnight a box containing * some bandages, a little sulfa and a pound of epsom salts, the same size box as he received at the 55-kilo camp. The contents were less but the number of men was six times as great. The issue of drugs at the 75-kilo camp were such as would be issued to a small section of healthy men for regimental aid post purposes. * The drug issue was carefully calculated on the basis of numbers in the camp and the supply was not the kind needed for 300 delinquents.

11,466

The witness was only in one working camp, the 75-kilo, for a short time before the 3,000 men were divided up and sent away. During that time he assisted the local medical officers in the hut set apart for the heavy sick. He had access to the other huts and saw the men and conditions under which they were living.

NARRATIVE SUMMARY OF THE RECORD
(November 29, 1946)
(B & C Offenses, Coates--Cross)

Page 1765

Page

He lived then, not in the hospital, but with the senior POW officers.

11,467 The other camps he was in were the 55-kilo
in Burma, * Nakompaton in Siam and Thanbyuzayat from
February to April, 1943, Mergui and Tavoy. He also
visited the camp in Burma where F and H forces were
and Changi. On two occasions he visited hospitals set
aside for treating Japanese soldiers, once in Tavoy
where he helped with a serious case and the morning
following the Armistice when he visited the neighboring
11,468 camp at Nakompaton and offered his services. * He
visited before the Armistice the Japanese hospital
for three days. At Tavoy he could observe that the
Japanese had all the facilities of a local British Civil
Hospital with a good dispensary, good operating theater,
11,469 and good store of drugs. This was in 1942. * He did
not know whether that supply of drugs continued during
the entire period. This also applies to the other camps.

11,470 At 55-kilo camp the amoebic dysentery patients
were isolated only insofar as they were put together
in one hut only a few yards away from other huts. It
was good practice to so isolate them. While at 55 the
witness protested * in writing and the letter was re-
ceived. After the letter was received Brigadier Varley,
the senior Vankampaton officer in the Burma-Siam Rail-
way, POW, wrote and told him that he thought the witness
was exaggerating. The witness replied that the figures
were even worse and that he would like to have someone
come and see for himself. Brigadier Varley was a POW
who went down on a ship going from Siam to Japan.

11,471 The witness's medium of protest was Dr.
SUGUCHI who visited the camp and to whom he violently
protested. The witness's method of protest was through
POW control through Brigadier Varley who handed it on
to Colonel NAGATOMO. NAGATOMO * inspected and a few
weeks later sent Dr. AONUMA to replace the sergeant camp
commander. The protests did have this result.

The temperature in this area is more humid
than warm. In some parts of the year it is rather cool
in the dry season so that men lit fires at night. At
55-kilo in July the temperature was the usual tropical
one.

Page

11,472

* It is not quite correct to say that the non-possession of clothes was of no moment since clothing had some other value as a cover against mosquitoes and bamboo slats. Many of the men had only a pair of ragged shorts in which they worked, their shirts having disappeared a long time ago. The statement that the men had no clothing was a little exaggerated in the sense that it was not a nudist colony.

It is correct in both Malaya and Sumatra there were ulcers before the Japanese came in, but these were quite different from the ulcers which the men had. Tropical ulcers seen before the war occurred in well men. There was no deficiency of vitamins. It was a mixed infection and the ulcers were superficial.

11,473

* He was at kilo 55 from July 12 to December 24. The witness stated that bare skin exposed to abrasion in the jungle by bamboo scratches and by bits of stone flying up from the area worked certainly was the primary cause of the ulcer.

11,474

* The Japanese soldiers were well clad and and their legs well protected. When he saw them they wore puttees and trousers which covered the knees completely. The only Japanese he saw wearing shorts were officers not engaged in heavy work. Some of the Japanese got ulcers because from time to time they were exposed to slight scratches.

11,475

* In all, the witness took off 114 legs and his colleagues amputated a few others. This was not done all the time. He did have cocaine for a spinal anesthetic given to him by his own dental officer which he had brought from Singapore.

11,476

There was no cocaine at the other camps. He spent a day in November at the 50 kilo camp and he had an opportunity to examine the entire camp * which had about 1,800 patients.

A typical meal was rice for breakfast and rice and vegetable soup for lunch and dinner. There was something to drink twice a day, either tea or boiled water. When meat was received it was made into a stock for the vegetable soup. If one cut up the meat to give each man

Page

a piece they would each get a little cube about a centimeter in size.

11,477 * On many occasions the witness observed what Japanese soldiers ate, but only on three occasions was he a guest, having been ordered to be one. At the 55-kilo camp, because he was ordered with all his medical officers, he ate with them. On many occasions Japanese guards would give a little rice to a POW. They were not willing to share in a general sense. They did share sporadically when the spirit moved them.

11,478 * The Japanese diet differed materially from that of the POW's. It had more seasoning and fish and meat. On the whole they received the same kind of food but also received special things such as onions and sweet potatoes. They were valuable vegetables. He could not speak of other camps. He could recall that in going from Southern Burma to Tavoy he was invited when he arrived by a Japanese sergeant to spend the evening around a fire and they had quite a nice meal. In spots the Japanese soldiers were quite friendly. * He did not know whether the sweet potatoes and onions continued to be served to the Japanese soldiers during the entire time. In May 1944 they received a small quantity of Red Cross supplies and in July they received quite a consignment of such supplies. These were not adequate to treat the sick.

11,479

There was enough emetine to give a half course to 250 out of 1,500 amoebic dysentery cases. At that time they also received from the Red Cross some bootmending apparatus, rubber tubing, large ampoules of glucose and saline, several barrels of Epsom salts and a large number of bandages.

11,481 * It is all written down in his diary. There was some mepacrene used for malaria. This was used up after six months even though it was used with great care in bad cases only. There were sulfur drugs and some invalid food which had been destroyed. There were no surgical instruments although the witness had to sign for them. The Japanese doctor told him they had been lost.

When the witness was captured he was a survivor from a sunken ship and had nothing but his boots, shirt, hat and trousers.

Page

The witness was in the first world war for four and a half years. When the war broke out he was in private practice, but he held an appointment in connection with the military repatriation defense hospitals. Regulation dress in the tropics for Australian troops is long trousers with gaiters and boots, a shirt with long sleeves and a hat. Short pants are used only for walking-out dress and not for work in the tropics. Some of the men wore long pants, others shorts, depending upon their duties.

The Japanese could have withheld from the POW's the Red Cross supplies.

11,483

* Machine gun nests were only built around the camp in May, June, and July 1945. There were no machine gun nests of a comparable nature around any other camp he was in. He had never seen any sort of machine gun nests before. There were guards who worked around and were the sole protection.

11,484

After a severe epidemic of beatings when protests were made there would be periods of improvement. Then there would be similar outbreak again. On the whole, knowing that the Japanese generally used physical violence as a means of correction, he was not surprised. * He saw not only the Korean officers doing this, but also two Japanese officers. The beatings were sporadic. In most of the cases he did not understand why they occurred. He did see Japanese beating their own soldiers. Beatings depended on the individual personality of the one inflicting the punishment and the camp commander. He had not seen orders issued by camp commanders for punishment. Frequently he received orders for circulation to POW's that under all circumstances * they would salute which was sometimes impossible for a sick man.

11,485

The guards were given a free hand by the Japanese to beat. Such orders were published in Japanese, which the witness could not read, but he was informed that there were such orders and he had heard Japanese officers addressing the POW's and telling the men that that was so. To some extent this depended upon the camp commander. He did not know that any such order had been issued by KIDO. * It is true that when complaints were made to some camp commanders steps were taken to alleviate conditions.

11,486

Page

11,487 The purpose of digging slit trenches is to give protection from air raids. * The clerk in the Adjutant's office, towards the end of the war, told the witness that the machine gun nests and guns were set up to kill the POW's in case of a landing in Japan or an attempt to effect the POW release. They did not carry this out. He did not think that this was a rumor. It is not much like a rumor when one sees a number of machine gun nests surrounding a camp and pointing towards one's huts.

11488 CROSS-EXAMINATION BY MR. BLEWETT,
 Counsel for TOJO.

11489 The witness stated that Mergui was a place of disembarkation and staging area for POW being taken to Burma, and there was an airdrome and other things built by POWs during their stay. * At Mergui the witness functioned as senior medical officer. The witness stated that the word hospital was hardly the proper term. They were depots for the very sick, and there were no hospitals in the true sense of the term.

11490 * The witness had no knowledge of any of Japan's plans for the care and maintenance of victims of accidents and diseases. The witness knew by reliable reports that the 1,000 prisoners reached 105 Kilo Camp and were actually put to work.

11491 * As for scientific safeguards, in a few camps there was quinine to be given at 5 grains a day to prevent malaria. Later in the year the Japanese did take some POWs to join their sanitary corps to oil in one camp. At the end of the year they took both blood and rectal smears from the survivors.

 There was a series of huts at Tambesi which received the sick brought up from Tavoy, but there was no hospital. All that was used for the sick were the abandoned working huts. He had not seen any large projects there or in his own country, or in any other country, but having served in the first World War he knew something about medical conditions.

NARRATIVE SUMMARY OF THE RECORD
(November 29, 1946)
(B & C Offenses, Coates-Cross)

Page 1770

Page

- 11492 * He did not wish to infer that when he said that on board ship they had rice and radish soup but refused to serve it. The Japanese did have medical and other supplies on hand which were actually refused to the witness and his assistants. There was no high ranking medical officer * of the Japanese army in Burma. The senior medical officer was a first lieutenant. The witness had no contact with other officers, such as the lieutenant-colonel in charge. He could not comment generally about the Japanese army standard of medicine and hospitalization because he did not see a great deal of it, but only the few camps that he saw.
- 11493
- 11494 * He based his opinion that the Mergui Camp was overcrowded on the fact that when men lay down to sleep at night there was not a square foot of space in the camp, and this despite the fact that many men were still up and on duty.
- 11495 * Nakampaton was about 35 miles from Bangkok. 30 Kilo is in Burma. Nakampaton was established as an asylum for the sick at the eastern end of the line in the early part of 1944, after the railway had been completed and the rest of the serious sick were withdrawn from the area. * The patients that came were the serious chronic sick, who would take more than six months to recover and who had been at work on the line after it was completed. Nakampaton was not in use in 1943. There was an asylum to receive the casualties after the railway had been built.
- 11496

The total number that passed through the hospital was about ten thousand, and the static population of the sick was roughly five thousand.

CROSS-EXAMINATION by Mr. Cunningham,
Counsel for OSHIMA.

- 11498 * The witness stated he had never appeared for examination before any other Tribunal. He had not testified in atrocity cases, except in a general way. At the end of the war he gave a picture to the Supreme Allied Command generally on the affairs in Burma and Siam, for historical purposes. He had no knowledge whether his report had been used in any trial. Under interrogation in Melbourne * he had given names of certain Japanese officers whom he thought were responsible for bad conditions, and he could remember . He had mentioned NAGATOMO and Dr. SUGUCHI, but he had no knowledge that they had ever been tried.
- 11499

Page

11500 The purpose of the interrogation in Melbourne had been to obtain a general picture of conditions in POW camps from which they had just been released, and this was confined to Australian POWs. He had no information or report on the results or inquiries later conducted because of his testimony. * He had mentioned certain names, particularly of guards and junior Japanese underlings who had conducted themselves badly, but he did not consider it his duty to lay specific charges. This was a matter for other officers who had more intimate relations. It was his duty to paint a general picture and give the Commission in Australia an idea of the actual conditions, not with any purpose of retribution, but in historical fashion. He did not give a report paralleling the information given in this courtroom.

11501 * He had only mentioned in the court one or two instances of a little kindness, but there were statements he had made showing that immediately after the capture the POWs were not treated uncivilly. At the time of capture the medical officer in Sumatra permitted him to carry on the treatment of the wounded. When a number of Japanese raided the hospital in which the witness had a large number of wounded, the same Japanese doctor protested and had the place put out of bounds. When the local commander insisted that all seriously wounded should be moved into the prisoner camp, this same doctor worked it so that he could retain the POWs there for another two weeks.

11502 * At Tavoy, the Japanese doctor, while admitting he could not do anything to get drugs, was not unsympathetic. The witness stated that in the 55 Kilo Camp in Burma, when supplies were short and he had made representations to Dr. AONUMA, AONUMA stated that he was not permitted to allow the POWs to buy any food in the local village or establish any canteen, but when he caught some of the men who carried on business to obtain food he did not punish them in the manner expected. The witness had with AONUMA a certain fraternal association. They mutually respected each other.

11503 * In Burma there were few medical orderlies because such were employed as laborers, and the organization was only a skeleton. At Nakampaton the Japanese allowed one doctor and ten orderlies per thousand, plus three NCOs. They permitted the witness to organize the orderlies for a specific function, and to hold clinical meetings for discussion. This was appreciated.

NARRATIVE SUMMARY OF THE RECORD
(November 29, 1946)
(B & C Offenses, Coates-Cross)

Page 1772

Page

11504 In the early stages the Japanese doctor was present, but later he was not permitted to attend, and the relations became purely formal. * Some of these men he believed would have liked to have made closer contact, but the iron machine of POW did not permit it. The witness stated that there was organized interference by Japanese to prevent him from alleviating the situation. In building of beds, they could have constructed some with camp material, but this was not allowed. There were many restrictions and petty interferences, and sometimes serious ones, so that they militated against effective treatment. At the end of 1944, in a report to the Japanese, he pointed out that though the hospital was the best in Nakompton it was far from what could be expected of a country of the status of Japan. It had too much the appearance of a prison camp, * that beatings were far too frequent and various restrictions prevented them from doing their work, which he knew the Japanese medical authorities desired.

11505

A Japanese colonel visited the camp for inspection about October 1944. The witness wanted to put some of the needs before him, but his request to do so was refused. By stratagem he managed to speak with this colonel, and he told him that the patients were not recovering for want of fat, protein, vitamins, and drugs. As a result of this the diet improved and the camp became better. This colonel was a medical officer, he was informed.

11506

He could only infer that at this particular time it was the policy of the Japanese Medical Corps to help POWs, but it is his personal opinion that many would have liked to have done something to help. He had, however, no knowledge of the relationship between the Medical Corps and the General Staff. This was the highest ranking officer with whom he spoke, but he had walked within twenty yards of General SADA * at the 30 Kilo Camp in early 1943. He saw the Colonel in late 1944.

11507

From late 1944 till the end of the war food conditions improved. There were many reasons for this. One was that there was a canteen permitted, and the POW were able to purchase food with money earned. The diet, however, was still below a normal one in proteins, fats, and vitamins, but those of the POW who had been accustomed to a light Oriental ration did not look or feel ill.

Page

11508

* While the Nakompaton hospital had many faults and was far below what one could expect, it was quite an improvement and the facilities allowed indicated that the Japanese Medical Staff wanted to see as many men recover as possible. Two men were extremely helpful, Doctor MATSUSHITA and Lieutenant WAKAMATSU.

The first news the witness received from home was three and a quarter years after his capture. The first Red Cross material was an ounce of butter per man in October 1943. The next lot of Red Cross stuff, for 13 men, was in the middle of 1944. The witness repeatedly applied for books, papers, and something to help the intelligent men, but they never came.

CROSS-EXAMINATION by Mr. Hanai.

11510

The witness stated that when he said rations of meat were decreased one-third and rice to one-half, he meant that prior to that the regular rations in meat were three times and that of rice two times more. In April, 1944, at NAKOMPATON, they were told * that the camp would no longer be regarded as a workmen's camp, but one for sick men and that the appropriate ration scale would be adopted, which he believed was one-third of the amount of meat, two-thirds rice, and two-thirds vegetables. He had no knowledge what the Japanese troops received in meat, as they lived in separate compounds.

11511

There was abundant meat in the neighborhood, because the POWs could buy with money they secured, and at the end of the war the witness was able to buy large quantities of meat the day following the armistice. He was able to buy food for a short period at the 55 Kilo camp in 1943 in Burma. As some of the patients recovered they made little trips outside the camp at night, making contact with the Burmese and purchased food with money supplied by POW officers. * Without this food a great number more would have died. He believed that the Japanese doctor was aware of this and did not act for the sake of humanity.

In Nakompaton and Kamburi recovered patients became the source of blood supply. Some of the recovered were allowed to stay in the hospital as workers, and many of the workers had to be used many times to give their blood. Fifteen hundred transfusions were given in the camp in a few months.

Page

- 11512 He was aware that the punishment of Japanese soldiers was not carried out in the presence of POWs. * However, he had seen one Japanese sergeant beat up and punish a guard for maltreatment of POWs, and he had seen many guards beaten by officers, and some punishment was carried out in sight of the POWs. He knew nothing, however, of the rules and internal arrangements of the Japanese Army.
- 11513 * Malaria is fairly common in Burma, as is dysentery and tropical ulcer. However, they can be gotten over by inoculation, proper preventive measures, and the proper use of drugs for treatment. This is true when there are facilities--without them it is hazardous to live in the jungle.
- 11514 * Charcoal was used for dysentery, but it has no value in killing germs. All it does is absorb the water and smell, and is not a specific curative. It is an absorbent of toxins, and it is wise in the tropics to have a little charcoal in case of diarrhea, but it does not kill the germs. The charcoal the witness used
- 11515 consisted only of crushed ashes. * His orderlies used to go to the kitchen and rake out the ashes from under the fire and grind them up. Vegetable charcoal was used, that is, the wood which was used to cook the food and the ashes which remained. As a doctor, he does know that charcoal is a good absorbent and is used in Australia
- 11516 for a variety of diseases. * There was no other charcoal other than that obtained in the kitchen available.

CROSS-EXAMINATION by Mr. Brooks.

The witness stated there was enough charcoal from the kitchen to give all the prisoners in Burma an adequate dose.

- 11517 With respect to the Red Cross supplies, in 1944 when he received some he had no knowledge of any difficulties of transportation of the Japanese. In 1945 he was told by a doctor that supplies had been sent but that they were held up by the Japanese in Bangkok for some months * as a reprisal for the U. S. sinking of a Japanese ship, but he stated that out of the kindness of the Japanese heart they would allow him to have some. They gave him 35 boxes of ampoules of salt water. At this stage they could make all these things themselves. He has knowledge of only this incident.

Page

- 11518 He believed that in previous hearings he had only mentioned one person who was a peculiarly objectionable interpreter. In the primitive camps in Burma, the witness lived with the men. * The Japanese had house rules for POW camps, and the witness had a copy of them at all camps. * In Burma in 1943, they were the same in all camps, because they were issued by Colonel NAGATOMO, who was in charge of all POWs in that area. These rules provided only for detailed affairs in regard to camps, such as saluting of guards, the matter of washing, minor domestic matters, and had nothing to do with large control of POWs. They did not set out the food, clothing, housing and medical supplies.
- 11519
- 11520 * He did not have a copy in his possession, but he does have one. He did not know if he could make it available, but would try. He had not seen the army regulations prohibiting the beating of prisoners. Other rules he had to make known to his men, such as if a man tried to escape he would be shot.
- 11521 When he referred to orders being disobeyed in previous testimony, he was referring probably to the orders of NAGATOMO. Soon after the doctor arrived * at the camp, the witness discussed the problems with him. The witness asked him to see if there could be made available, if not more rations, facilities for purchasing them from the natives. He stated he would submit the request to headquarters, and later informed the witness that the request was refused. This was sent to the POW Headquarters at Thanbyuzayat. He reported that the POWs were not permitted to make any contact with the Burmese.
- 11522
- 11523 The Japanese medical officers preferred not to talk about the reason for the lack of medical supplies, * and said so. They stated that there were no supplies available for them to give to the POWs. They did not say, however, whether or not they had them.
- 11524
- 11525 * In speaking of camp commanders, he used the term regardless of rank. The best camp commander was a sergeant, for whom the witness had a high regard. It would not be possible to compare this fellow, who interpreted his regulations in the correct spirit, bearing in mind the nature of his POWs, with the arrogant, strutting, sword-carrying fellow who imagined that he was interpreting the same regulations. Punishment of prisoners depended on * disposition of the guard more than in the observance.

Page

CROSS-EXAMINATION by Mr. Levin.

The only rules the witness stated which he saw were the house rules and the rules issued by the camp commanders. They applied to the conduct of the POWs and had nothing to do with what the Japanese were supposed to do. He knew nothing of this.

11526

* The only high officers with whom he had communicated were NAGATOMO in 1943 and the colonel he spoke about earlier, late in 1944.

The camp commanders varied in grade. At Tavoy it was a sergeant, at 30 Kilo camp a sergeant, at 55 Kilo a sergeant and then a lieutenant. At Nakompaton there was a lieutenant-colonel in charge.

DIRECT EXAMINATION OF ARTHUR SEAFORTH BLACKBURN
BY MR. JUSTICE MANSFIELD

Page

- 11529 The witness stated that he was a Brigadier of the
11530 Australian Imperial Forces. In March 1942 he was in Java
 and was the senior Australian officer in that area and the
 general officer commanding all Australian troops there.
 March 12, 1942 he was captured by the Japanese forces in
 Java and remained a prisoner until Japan surrendered in
 August 1945. During his internment he was frequently
 informed by Japanese officers that the Japanese policy was
 to treat prisoners under the principles of "Bushido"; that
 the principles of the Geneva Convention would be applied
 when it suited them and that prisoners of war had no rights.
- 11531 April 13 1942 the witness was taken to Batavia
 and put in Cycle Camp where he assumed command of the 2600
 Allied POWs there including U.S., British and Australians.
 They were housed in Dutch barracks suitable for 1000 native
 troops. The number of prisoners varied but reached a
 maximum of 4900. There were never any extra buildings or
 kitchens or sanitary arrangements provided. Shortly after
 his arrival about 500 men, survivors of two ships, were
 brought to the camp in a pitiful state of neglect and ill
 health. Most were semi-naked and a large number were
 unable to walk without aid. They had received no medical
 attention since captured March 1st and all were suffering
 from malaria or dysentery or both. Everyone had to be
 put into a camp hospital. He applied to the Japanese for
11532 blankets, clothing, towels and soap but it was refused.
 The food was always completely inadequate and the prison-
 ers began to lose weight. They never received the quantity
 of food approved for POWs by the Japanese. There was
 practically no medicine issued and after drugs on hand
 were finished they were without drugs until they got some
 into camp from outside sources. The witness made frequent
 written and verbal protests about food and drugs but
 never received any satisfaction. Sickness was frequent in-
 cluding at least two severe epidemics of dysentery. The
 health of the men steadily deteriorated and a large number
 died.
- 11533 Discipline was very harsh in camp and physical beatings
 and brutalities were frequent. He made constant protests
 in writing and orally to the camp commander and to head-
 quarters officers but never received any satisfaction or
 lessening of brutalities.

NARRATIVE SUMMARY OF THE RECORD
(November 29 1946)
(B and C Offenses - BLACKBURN-Direct)

Page 177^a

Page
11533

In June 1942 the witness was ordered to get the signature of every prisoner to a form promising instant obedience to every Japanese order. Each man refused to sign unless the words "subject to the oath of allegiance we have already taken" were added. July 3 the witness with Col. Searles, the senior American officer in the camp, informed the camp commander that they would get the signatures if these words were added. They refused and demanded that the forms be signed and they had an order issued that day imposing severe mass punishments on the whole camp and a large number of officers and men were beaten. The witness was sent for by an officer from Imperial Japanese Headquarters in Java and informed that unless everyone signed food and medicine would be progressively decreased until they did. The next day notices were posted that POWs lives would no longer be guaranteed. Machine guns were posted and a large number of guards brought in. Col. Searles and the witness and all hut commanders were locked in the guard house and every other officer was marched out of the camp.

DECEMBER 2nd

11536 On his way to the guardhouse the witness ordered the men to sign. The men were forced to sign and were beaten with rifle butts and heavy sticks. Later that day Col. Searles and the witness signed. The following month there was an orgy of beatings of all officers and men. The witness
11537 lodged frequent protests against these beatings and other breaches of international custom but never received any satisfaction. He left Java December 28 1942. About the middle of 1943 certain officers who had been in Cycle Camp joined up with the witness in Formosa. He personally interviewed about ten or fifteen of these men and they told him they had been forced to take part in the manufacture of a propaganda film in Cycle Camp. After his return to Australia he was ordered to conduct an inquiry
11538 into the making of the film and interviewed some twenty or thirty men who had been forced to take part. The Japanese had picked the healthiest looking men and had ordered them to take part in the film to depict POW life. Everyone refused and was subjected to extreme brutalities and punishments and finally threatened with death. They still refused and were told that unless they did participate the food ration of each POW in Java would be reduced until they did take part. They then agreed to take part. They raked the POW camp to get the cleanest and best clothes and gave them to these men to wear. They then took part

NARRATIVE SUMMARY OF THE RECORD
(December 2, 1946)
(B and C Offenses -BLACKBURN DIRECT)

Page 17

Page

- 11538 in the manufacture of the picture which gave an utterly untrue picture of camp life.
- 11539 This film was captured by the allies when they went into Java and the witness saw it in December 1945. It was then decided to have the actors gather together if possible and have them give a true version, side by side with the Japanese film. Certain photographs taken by Allied cameramen after the capitulation when conditions had considerably improved were available and they were put into the picture made in Australia as a contrast to the Japanese film. When he left Java his party included a number of senior British and Dutch officers, the Governor-General of the Netherlands East Indies and Col. Searles. They left in a dirty 5000 ton ship and were
- 11540 carried in the lower holds. A shelf had been built in the middle about seven feet wide and the prisoners were kept in two layers, lying down. There were no lights, portholes or ventilation except an open hatch way above. The prisoners could not lie side by side but had to lie alternately. The heat was intense. There were no washing or bathing facilities and all latrines were on the top deck. There was only one stepladder leading to the top with an armed sentry to allow only one to go up at a time. Food consisted of very thin soup and a small quantity of rice. Occasionally they were allowed one quarter hour exercise.
- 11541 They arrived at Singapore January 5th and left January 10th for Japan. There were about sixty prisoners in the party. They traveled to Japan on the "Ake Maru", a ten thousand ton ship. Conditions were identical except as they came further north the days became shorter and they were held in the holds in absolute darkness for twelve or thirteen hours per day. They landed at Moji and then were taken to Formosa which they reached Jan 30 1943. Conditions on the third transport were identical except that they were more crowded and some had to sleep on the open hatchway with the rain beating down on them. None of the transports had any medical arrangements and the POWs were unable to obtain any medical assistance or treatments for the sick except what their own medical men with their medical drugs gave them.
- 11542 * The witness reached Karenko Camp in Formosa February 1943 and he and the others were immediately addressed by the camp commandant who stated they were regarded as criminals for having fought against Japan and it was only

NARRATIVE SUMMARY OF THE RECORD
(December 2 1946)
(B and C Offenses- BLACKBURN-direct)

Page 2/30

- Page by the kindness of the Japanese Government that they were given their lives which would depend upon their future behavior. He then demanded that all sign a form promising on their honor that they would obey every order and would never make any attempt to escape. The witness refused stating it was against his honor since it was his duty to escape if he could and asked what penalty would be applied for refusal. He directed that the witness should sign at once and aimed a blow which the witness dodged. The witness was taken to the guardhouse and directed to take off his clothes. The Japanese guards ripped off his clothes.
- 11543 *The Japanese officer then came into the room and two guards placed themselves one on each side of the witness. The officer struck the witness and the witness fell to the
- 11544 ground where the officer kicked him. * The guard then ripped off the rest of his clothes and took him to a small 12 x 6 cell absolutely bare except for a concrete slab which served as a latrine. The witness had a bad cold at the time and the cold in Karenko in February is very intense. He coughed constantly and was shivering violently. About an hour later they gave him his trousers with all the buttons hacked off. For about six hours he alternately had to stand or sit at attention for about an hour. He was refused a drink of water. After six hours he slept. When he awoke he was again refused water and food. He was then asked whether he would sign the form which he said he would do only under protest and again ask for food and water. At 11 o'clock an officer came back and again asked him *to sign. When he repeated he would sign under protest he was told that he must stay there without food sleep or water. About an hour later he was given a small mug of cold water and thereafter a handful of cooked rice. He remained in the cell all day being made to stand and sit at attention. By evening he was feverish and by nine o'clock he was allowed to go to sleep. Next morning his clothes were given to him and he was told he was going to sign the form. None of the clothes had buttons. Later he was taken to the guardroom and the form put in front of him. He said he was signing it under protest and duress and his signature was then accepted. He was then taken to his quarters in a long room with 28 other POWs. The room had 14 beds on each side. *
- 11545
- 11546 In the camp were the Governors of Hongkong, the Malay States, Guam, some chief justices, General Percival, Gen. Wainwright and all allied officers of the rank of Colonel and upwards. There were also some Red Cross representatives. The discipline was extremely harsh and all officers and

sentries showed the greatest hostilities. Beatings were daily occurrences. The witness had seen all the persons mentioned, General Heath and others, beaten by ordinary Japanese sentries either for no visible offense or for a very trivial one. New rules were constantly made and their breach was used as a pretext for beating prisoners. It was almost impossible to avoid being beaten. It was discovered that it was an offense to have dirt under one's finger nails and everyone who did was immediately beaten.

- 11547 Gen. Percival was beaten for this. Another excuse was that it was an offense to have one's buttons undone. After dark the sentries would suddenly invade the room and inspect to find whether any buttons were open. Everyone found with such a button was immediately beaten. Beatings consisted or varied from severe punches to kicks, hits with rifle butts and heavy sticks. Gen. Percival was beaten very severely on the jaw and face and the beatings
- 11548 were always severe enough to leave some mark. *Every sentry or Japanese soldier in camp had to be saluted by every POW. Gen. Percival was beaten by a private - no officer was present but the officer of the day was in the next room. The witness was at the door of the next room and saw him. The officer of the day took no notice. It was the custom in the camp for sentries at night to hide in the passageways that led from the sleeping quarters to the latrines. If any POW passed any sentry without stopping and saluting and bowing, he was immediately beaten up even though he could not see in the dark. The witness himself was beaten three times for this.
- 11549 Another penalty was to make an officer * stand outside the latrine with a bucket of water and hold it at arms length for ten or fifteen minutes. The Japanese would then be called up to stand and look and laugh at one in that position. It was very difficult because often he could not withhold the call of nature. He could not say whether this was done to any governor, chief justice or general. It was done to him and to a number of colonels. Gen. Heath who has a slightly withered left arm through a war injury was beaten for not having his hands straight down to his side. Very frequent written and verbal complaints were
- 11550 put in to the Japanese Camp Commandant *. The only results of these complaints was an immediate epidemic of extreme brutality throughout the camp. Whenever the senior allied officers put in a complaint they let the others know about it so that they could be on their best behavior.

NARRATIVE SUMMARY OF THE RECORD
(December 2 1946)
(B and C Offenses- BLACKBURN- direct)

Page 172

Page One exception followed the assault on Gen. Heath. Following the complaint he was taken by the officer of the day to the guardhouse, made to stand in front of the sergeant of the guard at attention while the latter spoke in Japanese. The officer of the day then said "You have received an apology" and he was taken back. The assault on Gen. Heath had ruptured some blood vessels in his eye and it was feared that he would lose his sight. *The Governor of Guam was hit in the eye without giving any reason whatsoever. Gen. Wainwright told the witness that he had been assaulted. The witness did not personally see it. The witness did see the severe bruises on his jaw which could only have come as a result of an assault.

11551

All officers were made to work clearing scrub land for farm and digging in heavy clay soil. The oldest 12 officers were made to herd goats. The goatherds were Gen. Wainwright, Gen. Percival, Gen. Heath ; the governor of Hongkong, the governor of Singapore, the governor of Malay and three American colonels * over sixty, and two British colonels who were over sixty. This goatherd business was not funny since if any goat escaped and got into the forbidden portion of the camp the goatherds were immediately beaten up.

11552

No clothing whatever was issued in this camp. The food was very inadequate. Every officer lost weight steadily and was always hungry. He himself had seen officers picking over the garbage tins to find something edible. There was a strict prohibition against buying any extra food except salt and occasionally some sauces and these were not purchased, * they were occasionally issued by the Japanese and debited to the POWs. In April 1943 all officers of the rank of brigadier and upwards, and all civilian governors were moved to Tamasata Camp. They were told that they were to be moved to make more room in Karenke Camp. In Tamasata the food was considerably worse but conditions otherwise were an improvement. In June 1943 they were told that a representative of the Red Cross was to visit and inspect. The Red Cross man was allowed to talk to some six or seven officers in the presence of the Japanese. He left at one o'clock and they were then told they would be moved the next day back to Karenke Camp. All officers in Tamasata except Gen. Wainwright, Gen. Percival and so forth were taken back to Karenko and were moved after a few days with the rest to Shirakawa Camp.

11553

NARRATIVE SUMMARY OF THE RECORD
(December 2 1946)
(B and C Offenses- BLACKBURN- direct)

Page 178

Page

- 11555 For part of the time Gen. ter Poorten, the Allied Commander in Chief of the Netherlands East Indies was in the camp and for the whole of the time six Dutch generals including Gen. Schilling and a number of Dutch colonels were there. In the trip to Shirikawa, they were loaded into open trucks and at every village level crossing or station all the civilian population were lined up to watch them go through, laughing and jeering at them. The conditions at Shirikawa continued as at Karenko, including the beatings. Gen. Key was severely beaten and kicked because he filed a written complaint about the breach of customs of war. * He was British. The treatment of the Dutch officers was exactly the same as that of the British and American. He personally saw the beatings of some Dutch colonels. Since his quarters were in a slightly different part of the camp to the Dutch generals he personally did not see any generals beaten, except Gen. Cox whom he saw beaten on the legs with a rifle butt because his feet were not close enough together when he stood at attention. This was done by a private with the officer of the day watching.
- 11556 * He was told frequently of the beatings of Dutch officers. The sanitation at Shirikawa was particularly bad.
- 11557 The latrines began to overflow within a month into open drains which led across the camp alongside the sleeping quarters and about five yards from the kitchen. Frequent complaints were made and as a result in October 1943 the American and British colonels were compelled to empty the latrines with open buckets. The work continued in the camp and as the climate was considerably hotter it was much more difficult. In May 1944 Brig. Gen. McBride was found dead in bed at reveille in the morning. He had worked along with the witness on the previous day and had complained to the officer in charge of not feeling well. He was not allowed to stop work and was found dead the next morning. In June 1944 a Red Cross representative visited the camp and was interviewed by * a few officers selected by the Japanese who forbade them to mention the subject of work. However one of them did inform the Red Cross representative and discipline from then on became very much more severe. Officers were frequently placed in solitary confinement in cells for trivial offenses and without trial. On no occasion did any officer receive any trial.
- 11558

NARRATIVE SUMMARY OF THE RECORD
(December 2 1946)
(B and C offenses- BLACKBURN-direct)

Page 1784

Page

11559 On a number of occasions the camp was inspected by Col. Suzawa in charge of administration and on at least two occasions representatives from the camp were permitted to put their problems before him. There was no alleviation of any condition. On occasion Japanese generals, and on one occasion the Governor of Taiwan visited the camp but the POWs were not allowed to speak to them or get close to them. These visitors spoke only to the Japanese.

The food was inadequate and of insufficient quantities of rice and thin vegetable soup and after complaint to the Red Cross in June 1944 the low standard of rice was reduced to 375 grams per person per day in all.

11560 The progressive lack of food and vitamins caused the POWs to become alarmingly thin and in poor health. This definitely did not apply to the Japanese guards and officers. Immediately after the interview with the Red Cross man fresh rules were made and it became an offense to get under mosquito nets before nine o'clock and there was a large increase in malaria. In October 1944 they left for Manchuria and in May 1945 were brought into the main prisoner war camp in Mukden. This consisted of two story barracks built on a bit of very low-lying ground on the outskirts of Mukden. There were already about 1200 POWs there since 1943 working in the factories. Each building* or each floor of each building had a wooden shelf dividing the floor from the ceiling giving about 5 feet of space per man. Buildings were very crowded and very dirty and were infested with lice and fleas. Food was progressively shorter although he had seen on his rail trip to Mukden very large quantities of food piled up at the stations. When the war was ended and they got out of camp there was not the slightest difficulty in obtaining every sort and quantity of food, eggs, fresh vegetables and meat without difficulty.

11561

Discipline was very severe particularly on the enlisted men. Officers were subjected to extreme indignities and annoyances and on occasions were assaulted. At the end of hostilities a man was released from a cell who had been there for 150 days without any charge or trial. Another * man stated he had been beaten at least twice a day for the last ten days although he had not been sentenced or brought to the camp commandant for anything. Two days after hostilities ended he visited the cemetery about two miles from the camp where there were over 300 graves, mostly American enlisted men out of a party of approximately 1400 who were taken there in 1943.

NARRATIVE SUMMARY OF THE RECORD

(December 2 1946)

(B and C offenses- BLACKBURN- direct)

Page 1785

Page

- 11563 For the last four or five months sickness became extremely bad and for the last three months sick parades more than doubled. This was due partly to the fact that latrines as usual were in a constant overflow, flies were very bad and dysentery was rife. This was made worse by the shortage of food for the last three months. In Mukden there were fairly ample supplies of drugs but none to deal with dysentery. When he arrived in Mukden there was sufficient emetine left to treat four cases. There were some 30 odd cases in the hospital and they were recurring all the time. The doctors had difficulty allotting the remaining four doses amongst the patients.
- 11564 All officers in the camp including the generals were engaged in heavy manual work, clearing scribs, digging in heavy wet clay soil. They were not assigned to any particularly disagreeable jobs other than the fact that the generals and English and American colonels were made to empty the latrines. This happened only in October 1944 when daily protests of the bad sanitation were made. The protests stopped after the results of the protests in October 1944 - the duty consisted of getting the contents of the latrine out by hand into an empty bucket *and walking out in view of the civil population and depositing it outside, There were sixty colonels involved in this duty.

Page

CROSS-EXAMINATION by Mr. Blewett,
Counsel for TOJO.

- 11565 * The witness stated that before the capture he commanded in Java approximately 3,000 men, including some 500 Americans and a few hundred English. He did not know how many Allied troops were captured then or shortly thereafter. The witness attended on March 12 before the Japanese Commander-in-Chief, together with the British
- 11566 senior officer and Colonel Searle, * and signed a surrender document, but he did not know the surrender terms. However, he did know that there was an express condition in regard to POWs in the terms of surrender he signed. After a long argument the Japanese Commander-in-Chief added expressly that POWs would be subject to rights under the Geneva Convention of 1929. The witness was not the senior officer at that time in Java, but was the senior Australian officer, with American troops under his command.
- 11567 * In so far as the Australian troops in Java were concerned, he signed the surrender document, while Colonel Searle signed for American troops. He would say that aside from Dutch troops there were about eight or nine thousand Allied troops in Java, but these consisted, except for Australians and Americans, mainly of ground staffs of the air force, and base troops, and clerks.
- 11568 There were a large number of * Dutch civilian internees. He could not tell whether there were U. S., British, or Dutch, with the exception of one American whom he and Colonel Searls put into a uniform and passed off as a soldier.

- 11569 The Japanese first landed on Java during the night of February 28, March 1. He did not know when the Netherlands declared war against Japan, since he was then in the Middle East. Between March 12 and April 13, 1942, the POWs were left entirely to their own resources in the surrender area, and were liable for their own feeding, and there were no Japanese except around the perimeter of an area of some miles. * The POWs were scattered out through some tea plantations south of Bandoeng, their last position.

From the 12th of March until the witness arrived in Batavia, he was in charge of all the troops he had commanded, subject that he and other officers would be strictly accountable for discipline, and that if any man was found outside a designated area he would be shot on sight.

Page

11570

* The officers were made solely responsible for feeding Allied troops, and received no rations from the Japanese. They were ordered to bring to certain points all weapons of war. During that period the Japanese did not inform the POWs that the principles of the Geneva Convention would apply only to POWs when expedient. However, on a large number of occasions throughout his imprisonment he was informed by various officers of various ranks, particularly by Lieutenant SONIE, Captain INNINURI, Captain HIOKE, and another lieutenant. Colonel SHUSAWA addressed all the prisoners at Shirikawa Camp, and informed them that they would have the rights under the Geneva Convention when expedient, in reply to a request for leave to interview the protecting powers.

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* At Batavia his quarters consisted of Dutch barracks built for native troops, consisting of single story buildings with wooden floors and verandas.

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Originally 400 Americans were confined in Cycle Camp, and then later 200 survivors from the Houston. * Colonel Tharp was commander of the American unit, but Colonel Searles was senior American officer.

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When they first arrived the nationalities were mixed up, but with the assistance of Colonel Searles they were sorted into nationalities. There were about ten buildings, and there was considerably more than 100 in each barracks. The lowest number in the Camp was 2600, and the highest 4900. The men were all brought to Cycle Camp from the vicinity of Central Java within a few days or a week, * prior to April 13, when the witness brought down the last party.

He organized a system whereby one or two officers would live in a small room at the end of each barracks to help the men. The rest of the officers lived in a building at one end of the camp. The witness did not know the Japanese system for registering POWs, but the day after he got to Cycle Camp he was required to prepare and hand in a roll of the name, rank, and nationality of each POW. At first he was told to lodge with the Japanese a hut register. He therefore sought and obtained permission to move men from one hut to another on the understanding he would be able at any moment to inform the Japanese in what hut any man was housed.

Page

11574

* There were no beds in the huts. Originally all slept on the floor, but the men afterwards constructed rough stretchers out of bamboo and sacking. He had no knowledge whether the barracks were in the same condition as when taken over by the Japanese. He assumed, however, because of the shortness of the period that they were. The men were extremely crowded for sleeping quarters. All verandas had to be used, although the rain came in.

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* Within 400 yards of the camp was another more substantially built and bigger barracks, which for some months after the witness arrived was unoccupied. His only answer, when he asked for utilization of this building, was "no". He did not know whether the Japanese had materials available for extra buildings. The witness had in mind that the men, if given equipment and tools, would be delighted to build up their barracks, but the easier thing would have been to make empty buildings nearby available. Outside the barbed wire and behind a high wall was a big two story building, which was empty at least until October 1942.

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* Wherever possible the Allies had destroyed every possible weapon of war before surrender. The men kept bedding and blankets. All side arms and tools were taken away, and from the Americans all of their kitchen equipment and dishes were taken. In the beginning no clothes or shoes were taken, but some had very little clothing and no spare shoes. When they began to wear out, the Japanese stated that the POWs would have to use the spares of men who had them to replace the worn out material.

11577

* The survivors of the Perth and Houston were entirely navy men or marines, and since they had swum ashore they arrived practically naked. Nothing was issued to them to cover their nakedness. The witness was informed that the Japanese had taken possession of a large quantity of Dutch clothing and uniforms which would have fit the men. So far as most of the troops went, the Japanese had no clothing or boots that would have fitted.

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These survivors * traveled from the coast of west Java, the ships having been sunk in Sunda Strait. The men had been detained for more than three weeks in a native jail in the large Dutch town of Serang.

NARRATIVE SUMMARY OF THE RECORD
(December 2, 1946)
(B & C Offenses, Blackburn-Cross)

Page 1789

Page

The hospital at Cycle was set up by the witness, by designating one hut as a hospital and putting in doctors and orderlies. It had no beds, and no water within 50 yards. His staff consisted of the medical officers from the American battalion, from his two infantry battalions, and one other medical officer and two of the medical staff of the Houston who helped him in the hospital after they recovered.

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* These men were not deterred in their work in the sense of being prevented, but frequently desired things were overridden by Japanese order. The Japanese always put a corporal, called the medical corporal, in the hospital, who was absolutely supreme over all doctors. This is what he meant by not being permitted to do what they desired, and the serious deficiencies of medicines and equipment. The requested towels and soap were

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certainly available in Batavia in large quantities, and the blankets and clothing were available from captured stores. He made the application to the camp commandant, * Lieutenant YATAMOTO. He did not know whether YATAMOTO had been charged with any crime by a war tribunal. No reason was given for his refusal. The witness pressed for a reason and pleaded for two hours, but got no satisfaction except that nothing would be done and he must do the best himself.

11581

* Of his own knowledge, he knew at the time there was an abundance of food in Batavia, although he did not know the population of Batavia. So far as medical supplies go, he knew that there were very large supplies of practically all drugs available in Batavia. So far as

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food is concerned, * he believed there were large quantities of food available, and the Japanese could, as an occupying force, commandeer a portion of that.

In the early stages Dutch civilians and natives made frequent efforts to throw food of all sorts into the camp, but were prevented from doing so. The food supplied in Cycle Camp was very inadequate. All POWs lost weight, and the food was less by more than 50% than the Japanese approved scale for POWs.

11583

The guards were mostly Japanese, with a few Koreans. The witness himself saw a tremendous lot of beatings, because Colonel Searles and he spent all their time going around the camp to help the men. * There was a standing order that every beating was to be reported to him immediately so that they could do something to ease the situation.

NARRATIVE SUMMARY OF THE RECORD
(December 2, 1946)
(B & C Offenses, Blackburn-Cross)

Page 1790

Page

11584 The sentry rarely tried to assign a cause, but since they only spoke Japanese they could not understand them anyway. There was therefore no good trying to assign a cause. The only one he ever got from the camp commandant was that the beaten prisoner had angered a sentry. The witness at no stage ever got an investigation or trial in any case. On one occasion the witness himself was beaten and made to walk naked by a sentry throughout the camp to the kitchen, and collect food and feed it to two men in cells. He was beaten with fists and rifle butts. * He had come from a bath with only a towel around him, and when it fell off he was kicked for letting it fall off. He protested to the commandant, who expressed his regret and stated he would take some action against the sentries concerned. This is the only protest out of hundreds which he and Searles made that met with any response.

11585 * The witness was never told the purpose of the beatings. He was merely told that this was a customary Japanese method of discipline to prisoners. The witness had never ascertained the name of the officer from headquarters with whom he conferred. The witness testified that he had stated to the Japanese that he would be willing to sign the cards they asked if certain words were added. The signing of these cards had nothing to do with reducing the number of guards. They were large sheets of paper with the words already written, and a space for signatures. He had one of them now. Even after the cards were signed there was not the slightest reduction of the number of guards.

11586 * He was at Cycle Camp all the time until December 28. The men there did road work, loading and unloading on the dock, sorting out captured material, etc. At first officers were compelled to work. The Japanese complained that not enough work was being done, and he managed to bluff them that more work could be done if the officers were in charge instead of working. As a result less work was done, since the officers switched and prevented the men from working hard if it had any relation to the war effort.

11587 In Batavia neither the hours nor the work were unduly severe. The pledges were signed under duress. * After the signing, instead of life becoming more bearable for the first month it was decidedly more unbearable. There was an orgy of beatings, and certain recreational advantages, such as concerts and lectures

Page

were immediately stopped. Educational lecture rights were never restored. Concerts were strictly limited to one a week, and conditions were in no way better than before signing. The witness had informed the camp commander the day after signing that every man had done so under protest and duress. All entertainment was by the POWs.

Generally speaking, officers could not go to Batavia or make trips outside. On two occasions Colonel Searles and he were taken to Batavia to try and deal with the medical supplies when health conditions were becoming drastic. On each occasion they succeeded in obtaining from a Dutch firm large supplies of drugs without payment.

11588 * While conditions grew better than they had been during the first month following the signing, they never became any better than before the signing of the form. With respect to the film that was made after he left, all he knew was that it had been captured by the Allies in Java, and it is now in Australia. He had no information that the film was ever shown to the International Red Cross or others. He did not know the purpose of it.

11589 When removed from Java in December 1942, General SAITO informed them * that a model POW Camp had been established in the best surroundings, to which all senior officers would be taken. The camp was continued right through the war, and there were a number
11590 of prisoners in it when the war ended. * He knew of no reason why the general officers should be removed from Java. When they got to their destination they found all U. S., British, Dutch, and Australian generals in one camp. The reason seemed to be to get them together all in one place.

11591 He did not know why the officers were confined to quarters on board ship. He did not think it was through fear of detection. The left Singapore on January 10, arriving at Moji on the 20th, and reaching * Formosa on January 30. The first camp was at Karenko, on the coast
11592 of Formosa. * Karenko is a town. The camp consisted of substantially built two-story barracks. These were solid buildings which had been established some years before by some foreign charitable organization as a school. They were not moderned on our standards, and they were not at all Japanese standards of buildings.

Page

11593 There were a few small rooms in each, in which two officers were placed. The rest were in big rooms, holding 28 per room. Beds were straw-filled mattresses, and pillows, blankets and an eating bowl were provided. The guards were Japanese.

In going to Manchuria, officers from brigadier up went from Formosa to Japan by air, the colonels traveling by ship. All crossed to southern Korea by ship and from there to Manchuria by train.

In the first Manchuria camp the buildings were similar to Karenko, except that they were extremely dirty. At Mukden the witness was merely one of the POWs.

11594 * When asked whether treatment accorded to POWs was very much up to the camp commander and countenanced by Japanese general officers, the witness stated that on at least three occasions in Java, Formosa, and in Manchuria, he was informed by general Japanese officers that they disapproved of the POW treatment but could do nothing about it because it was the system laid down. In the second place, the POWs were inspected several times in Batavia and Formosa by Japanese generals without any improvement following the inspection.

11595 When asked whether the bad treatment at first was not due to many prisoners taken at one time, * the witness stated that except for the necessary crowding for the first day or two and the necessary shortage of supplies for the first few days, he could not see that the conduct in any way was justified, even to conditions in France in October 1918.

CROSS-EXAMINATION by Mr. Logan,
Counsel for KIDO.

11596 * The witness stated he was a lawyer. The theories he told on the treatment of prisoners was on the principle of Bushido, and was told him by captains, lieutenants and colonels, and General SAITO. He was told this many times, but only once by a general. He did not know whether the general's speech was interpreted or handed over for delivery after a reading. If it was the latter system, the Japanese addressing would himself hand over for reading to the rest the English translation prepared by him or his subordinates.

Page

He could not remember the general's name without looking at a document. His first name was Misitoshi. His speech was delivered on December 26 or 27, 1942.

11598 When they left Java the vessel on which they traveled appeared to be a cargo vessel being used as a transport. There were a large number of Japanese troops on board, and it was a very small vessel. * He could not state the number of Japanese troops. Accommodations for Japanese troops was the same, except the floor and shelf for the Japanese had grass mats. The ship was blacked out in accordance with security regulations. The vessel had practically no portholes; he had never seen a vessel with so few. Those they did have were kept closed, presumably for security reasons. If the vessel was a cargo one, the only way of getting down to the hold is by a long ladder. The Japanese used the same ladder for as far as they had to go.

11599 * The period from October 1944 to May 1945 was, generally speaking, the best period he had as a POW. This good period stopped in February 1945, when all the officers refused to volunteer for work.

In Manchuria the accommodations were approximately the same as at Karenko, only much dirtier, but the food was better. There were very few beatings, but there were some. The camp was called Chungcheatch, and was about 200 miles northwest of Mukden. He did not speak about treatment in this camp, because he had no particular incidents to tell.

11600 * He had seen General Percival beaten at Karenko Camp about March of 1943 by a Japanese sentry. This took place in General Percival's room, and the witness was standing at the door of the next room and heard the row and moved to the window. The beating was a severe one with fists across the face. The witness saw him struck three or four times with the closed fist.

11601 * He saw General Heath struck outside the barrack room on the exercise square. He never saw General Wainwright beaten, but he saw marks on his face which Wainwright told him were the results of beatings. This took place between the first of February 1944 and the end of March, 1944. Wainwright was struck by a Japanese sentry.

Page

- 11602 In all camps the officers were allowed to wear their insignia, and all wore on their right breast a bit of cloth * issued by the Japanese on which was printed the POWs name and rank. General Percival was wearing this when assaulted. The POWs had to wear it even when going to the latrine in pajamas. One was immediately beaten up if he was found without it, so the POWs took particular care to always wear it. This was in Japanese writing. In some cases the beatings were due to misunderstandings because of language difficulties, but it did not apply to the majority of cases because the beatings would occur without a word being spoken.
- 11603 * General Percival was beaten for having a speck of dirt on his fingernails. Of the beatings he saw, the majority were made without words being spoken.
- 11604 One of the results of the work the men were doing was naturally to give physical exercise. * However, there was a large exercise yard, and the officers were all men of 50 years or upward, who were accustomed to taking exercises whenever they could by walking around the yard, and other forms. The general who died was 57, and he died of heart failure.
- 11605 He had seen Japanese soldiers eating in these various camps. On three occasions he had been commanded to attend Japanese Headquarters at meals. The guardhouse at Batavia was about ten yards from his window, and he watched this at least three or four times; in Mukden not at all, * and in the northern camp once or twice. In addition, on 50 or 60 occasions he had assisted in carrying garbage tins outside the Japanese kitchen into the lines to be fed to the pigs. There were other instances. A pig belonging to the POWs and for which they were debited with the cost was slaughtered. 500 prisoners got 26 pounds and 48 guards got 30 pounds.
- 11606 * The witness did not have a copy of SAITO's speech. He did not know whether the British officer who read it was allowed to keep it or whether it was taken back. He did not know where General SAITO is now. SAITO did not say that POWs had no rights whatsoever.
- 11607 * He gathered all the generals together and gave them a tea party, explaining that they were leaving. All the generals were ordered to attend. When they arrived there there were three cups of tea and some cakes. Each was given a cup of tea and two cakes, and as they finished SAITO came into the room, explaining that they were being

Page

removed from Java to a very pleasant camp which was thoroughly fitted and where they would be treated according to the principles of Bushido and would have a good time.

11608 SAITO was not in charge of Karenko Camp. He wished the generals good bye, and told them to obey all orders. His speech was quite a pleasant one. * From his experience, SAITO had a good reputation as to treatment of POWs. He repeated the names of the men who made the statements that POWs had no rights whatsoever, but he did not know whether they were authorized by higher officers to make them.

11609 * The witness stated he would be very much surprised if each individual beating was reported to Tokyo.

CROSS-EXAMINATION by Mr. Brooks.

11610 * The witness stated that, with respect to Bushido, his own knowledge was very superficial, though he had read a very brief book on it once while in a POW camp in Manchuria.

December 3, 1946

11614 * The setting of restrictive areas for POWs took place in Java, and in the witness' opinion was perfectly proper. It was the only thing to do where they were unable to put the POWs behind barbed wire.

11615 The witness stated that on general conditions in Mukden, the sentries were in general kept on the outside perimeter and were not made to parade through the quarters. * For the first few months the POWs were not compelled to salute all Japanese sentries. The camp had a building constructed as a hospital, which was handed over. For the first few months the attitude of the officers toward POWs was dignified.

11616 The witness stated that he had received from the various camps a two page list of the offenses and the punishment which would be incurred for these offenses. * However, he did not recall ever receiving any written series of rules of conduct or procedure to be followed by the Japanese in handling POWs. The only thing he had seen was the two page list of what POWs must and must not do, and the punishments for violations.

NARRATIVE SUMMARY OF THE RECORD
(December 3, 1946)
(B & C Offenses, Blackburn-Cross)

Page 1796

Page

He assumed that there must have been rules for the Japanese army, but the nearest he ever got to seeing them was that Lieutenant SONIE in the Batavia Camp once quoted to him from a book on a question of discipline.

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* When asked whether the care and punishment of POWs depended on the disposition, attitude, and interpretation of POW rules by the guard or officer in charge, the witness stated that during the period of marked improvement in Manchuria they were informed by a Japanese captain that they would receive better treatment because there had been a change of policy from the government in Tokyo. He was told this between the 1st and 15th of October, 1944, in Beppu. He said there had been a change of policy and that was the reason why they had started to receive better treatment. * He did not say whether this was due to the change of Cabinet in July, 1944, and the witness at the time did not know whether there had been a change in the government. He did not know this captain's name, but he was in charge of the MP's which took charge of the prisoners when they arrived in Beppu for five days.

11619

The POWs were taken to a comfortable clean, Japanese hotel in Beppu, and this captain occupied one of the rooms there. He could not give this captain's name or number, but he spoke English and was in charge of the generals' group in Beppu.

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* The taking off of buttons from POW clothes was not for security purposes. This is the only occasion he had known that to happen. He was not familiar with any Japanese regulation covering the removal of such articles.

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The witness had stated that on one occasion the basic food ration was reduced to 375 grams per officer. * He did not know what the Japanese ration was, but the POW ration prior to reduction had been between 550 and 600.

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The oath which he signed first in Batavia and then in Formosa was in no sense an oath of allegiance to Japan.

Page

11624 * He knew of no cases within his personal knowledge of any other camp commander in the various theaters that were praised instead of accused by former POWs and where a few acts of brutality were severely punished. Certain general officers told him that they regretted the acts of brutality, but had no power to control them because it was under orders, but he did
11625 not imagine that * on each occasion that he beat up a prisoner the individual sentry received a direct order to do so.

The impression as to orders was that it was the order of the authorities controlling the POW camps. In one case the word "government" was used, but he interpreted this to mean the POW administrative system. He did not know that he had considered whether it was the local or higher headquarters. In one case, the second in command of the camp stated that he regretted the brutality but could do nothing to stop it because
11626 those were the orders. * He definitely conveyed that the orders were that sentries would be at liberty to punish physically any prisoner they saw fit to punish, and he had no power to control it.

This arose because the witness protested that in an hour no less than 42 men had been beaten, two of whom had to go to the hospital. He did not gather that he was telling him that the action was at the discretion of the individual guard. What he meant to convey was that the method for punishing POWs was for sentries to assault them without trial. He does not pretend to
11627 remember the commander's exact words. * He conveyed his personal regret and that he was unable to interfere because this was the system. It was within the guard's authority. He did wish to interfere with it but could not.

This commander's name was Lieutenant KITAKURI or KITAMURA. He was in Cycle Camp from May 1942 to September or October of that year. He left to rejoin his unit. These incidents all happened prior to the change of policy.

NARRATIVE SUMMARY OF THE RECORD
(NETHERLANDS RELATIONS)
(Japan-Netherland relations)

Page 1790

(Dec.3,1946)

Page

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Opening Address by Mr. Justice BORGERHOFF MULDER.

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The court's attention was directed to Exhibit 24 being the Four Power Treaty of Dec. 13 1921 by which the United States, Great Britain, France and Japan agreed to respect each other's rights in relation to their Pacific positions and to settle all differences * by peaceful means only.

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Exhibit 26. Japan's declaration regarding the respecting of rights of Netherlands in the Pacific dated Feb.5, 1921 and published August 17 1923, stated that Japan had concluded the 4 Power treaty with respect to the Pacific. The Netherlands not being a signatory to the treaty and her possessions, therefore * not being included in the agreement, Japan anxious to forestal any conclusion contrary to the spirit of the treaty declares it is firmly resolved to respect the rights of the Netherlands in the Pacific.

11672

Exhibit 1284. Announcement of the Foreign Office April 15, 1940 stated * that on being questioned by the papers as to the possibility of the Netherlands being involved in the European war and its repercussions in NEI, Foreign Minister ARITA had stated that with the South Seas, especially the NEI, Japan is economically and intimately bound by mutuality in ministering to each other's needs. Other East Asiatic countries have close economic relations with those regions. They are all contributing to the prosperity of East Asia. Should the European war be extended to the Netherlands and there be repercussions in the NEI it would not only interfere with these economic interdependence relations but would give rise to an undesirable situation from the standpoint of peace in East Asia. Japan cannot therefore but be *deeply concerned over any development accompanying the European war which may affect the status quo of the NEI.

11673

On April 18, 1940 the foreign office announced that Mr. ISHII, minister to the Hague, had called on the Netherlands Foreign Minister on April 16th and explained to him Japan's attitude on the NEI. The

NARRATIVE SUMMARY OF THE RECORD
(NETHERLANDS RELATIONS)
(Japan-Netherlands relations)

Page 1798

Page

Dutch foreign minister expressed the Netherlands appreciation of Japan's attitude and stated that Holland had not and would not seek in the future any country's protection of the NEI and that the government was determined to refuse any offer to protect or to intervene. The Dutch Minister to Tokyo called on ARITA and confirmed this report.

11674

The court's attention was called to Exhibit 1013 whereby the United States laid emphasis on the fact that each signatory to the pact of Dec. 13, 1921 was bound to respect the territorial integrity of the NEI.

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Exhibit 1285. Foreign Office announcement of May 11, 1940 stated * that Japan considering that war might spread to Holland had stated on April 15th its deep concern over any development that would affect the status quo of the NEI and they so notified the Netherlands. The Netherlands expressed its determination not to alter its policy of maintaining the status quo under any circumstances. As the war has now spread to Holland the foreign minister has invited the Netherlands Minister and informed him that Japan hopes that the Netherlands will firmly maintain this determination on the NEI.

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The Foreign Minister has also called * attention to Japan's concern on this question to the representatives of Britain, Germany and France. He has also notified the United States and Italy of the fact that he has notified the belligerent nations.

11677

Exhibit 1286. Foreign Office announcement of May 13 1940, stated that the British Ambassador * called on the foreign minister with Britain's reply to Japan's representation, of May 11th on the NEI. He stated that Britain shares Japan's concern over the NEI but believes that the Dutch forces in the NEI are sufficient to maintain the status quo and Britain has no intention of intervening.

11678

On May 15 1940 the foreign office announced that the Netherlands minister called on the foreign minister under instructions, with reference to the communication of May 11th and stated that Holland believes * that Britain, the United States and France do not intend to intervene in the NEI. On May 16 1940 the foreign office announced that the French Ambassador

NARRATIVE SUMMARY OF THE RECORD
(NETHERLAND RELATIONS)
(Japan-Netherlands relations)

Page 1000

Page

- 11679 had called that day on the foreign minister and stated that France agreed entirely with Japan's policy on the question as set forth in the communication of May 11th. Exhibit 1267. A press release of the United States Department of State May 11th, 1940 * stated that Hull had said that he had no full report about the matters referred to in press dispatches from Tokyo. In recent weeks a number of governments, including Britain, Japan and US have made clear officially their attitude to continue respecting the status quo of the NEI.
- 11680 This is in harmony * with former commitments of 1922. The United States assumes that each committing nation will continue to abide by their commitments. On April 17 1940 Hull had said that intervention in domestic affairs of the NEI or any alteration of the status quo by other than peaceful processes would be prejudicial to stability, peace and security throughout the Pacific. The expressions of intent to respect the status quo of the NEI cannot be too often reiterated.
- 11681 Exhibit 1288. Memorandum of Hull May 16, 1940, stated that in a conversation with the Japanese Ambassador, Hull had picked up some material from Tokyo in which Japan is reported to be discussing often some phases of the NEI and its supposed special rights there. Hull stated that he had not intended showing this but it had been his thought that Japan, US, Britain and France had each repeated recently their prior commitments to respect the status quo in the NEI; that he had thought the matter was settled because of the unequivocal pledges. He stated that notwithstanding many efforts to maintain a thorough understanding with Japan * there was continuously coming from Tokyo discussions of the Indies as though the commitment had not been made.
- 11682

Hull stated that there were reports that he was slow to accredit, but their tenor interfered with the mutual efforts to preserve understanding and fair play and treatment between the two nations by causing misunderstandings and increasing hostilities. Hull said he would make no complaining about the matter if it was part of Japan's newspaper policy but added that the United States always strives for peace and to avoid controversy and if controversy arose the fault would not be that of the United States. He hoped that the United States attitude would not be misunderstood. The Ambassador disclaimed any

NARRATIVE SUMMARY OF THE RECORD
(Netherlands Relations)
(Japan-Netherlands relations)

Page 1801

Page

- 11682 purpose of Japan to send him to enter into a long examination to which he was subjecting him. He then
- 11683 repeated * that Japan was entirely satisfied with the situation following the reiteration of the status quo of the NEI by all the governments and it had no purpose to raise a further controversy unless Britain or France should land troops to protect them. Hull stated that he had inquired of the two nations and had their unequivocal understanding that they had no idea of intervening in the NEI in any way. The Ambassador made some reference to the Monroe Doctrine in connection with the West Indies and Hull replied that he had repeatedly pointed out that under the Monroe Doctrine Japan's merchant ships have clear access to every harbor in America (not including the special arrangement between the United States and Cuba, while under Japan's policy the United States and others are to be denied equality of trade and opportunity in every Chinese port, yet his government looked with complacency on this conflict.
- 11684 Hull again pointed out * that Japan's newspapers were undertaking to keep alive and emphasize some supposed interests of Japan in NEI. It was surprising to see that after Japan had spread itself out over the huge Republic of China, the reports were intimating that it would not be content unless it extended itself some 3000 miles to take in the East Indies, with the view of shutting out all trade equality while Japan would continue to demand equality every where else. There was no selfish or other reason on the part of others to interfere in the least with equality of trade opportunities for Japan. The Ambassador replied that Japan was satisfied on the NEI situation and Japan had no plan or purpose to proceed there. Hull expressed satisfaction with this but pointed out the difficulty * of understanding Japan's policy or press, which continued to indicate a claim to some sort of special interest in the NEI.
- 11685 Hull stated he still interpreted the Ambassador's visit as one under instructions to develop a pretext to support Japan in its plans and purposes toward the NEI.
- 11686 The court's attention was called to Exhibit 1014 in which Grew quoted Japan's foreign minister as asserting categorically that Japan entertained no territorial ambitions and that any suspicion that she intended to proceed against the NEI *was unjustified.

NARRATIVE SUMMARY OF THE RECORD
(Netherlands Relations)
(Japan-Netherlands relations)

Page 1802

Page

12687 Exhibit 1289. Telegram from the US Ambassador to Russia to the U S. Secy of State March 24 1941. Stated that he spoke to MATSUOKA for an hour who stated emphatically under no circumstances would Japan take Singapore or any US., British or Dutch possession and was insistent that Japan had no territorial ambitions. * He said Japan was ready at any moment to join the US to guaranty the integrity of the Philippines. He referred to the outcome of the mediation between Thailand and FIC as evidence; he said Japan would not go to war with the US and that from his reading of American history if a conflict should take place it would come only as the result of affirmative action by the U.S.

12688 The court's attention was called to Exhibit 979 dated August 11 1936 and signed by HIROTA as Prime Minister and NAGANO as Navy Minister, and the Finance and Foreign Ministers. * This stated that the fundamental principle of administering Japan lies in realizing Japan's ideal by strengthening the foundation of the country internally and prospering externally, making Japan the stabilizing power in East Asia. This consists of securing a steady footing on the Eastern continent as well as developing in the south seas under the joint efforts of diplomatic skill and national defense.

12789 Exhibit 1290-A * HASHIMOTO's address to young men stated in Chapter 7 - there are only three ways for Japan to escape from the pressure of surplus population. Her situation is like that of many people crammed into a small room. The three regions of escape are emigration, * inroads into world markets and expansion of territory. The emigration door has been closed by anti-Japanese immigration policy of other countries. The second, inroads into world markets is being pushed back by high tariff walls and the abrogation of commercial treaties. Japan must naturally rush to the last door remaining open. This may sound dangerous but the territorial expansion they have in mind does not necessarily mean occupying other countries' territories and annexing them. It simply means that since other powers have gone too far in surpressing Japan's materials and merchandise Japan is looking for a place overseas for Japanese capital, skill and labor to have free play without white oppression. The nations which have closed the

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Page

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two other doors to world markets to Japan they cannot criticize * Japan's attempt to rush out of the third door. If they do not like this they should open the doors which they have closed and permit freedom of activity to Japan's emigrants and merchandise. If there is still on earth land with endowed natural resources which have not been developed by the white race, it is Providence's will and God's wishes for Japan to go there and develop it. There remains many lands of this kind on earth. The south sea lands are only a short distance from Southern Formosa and can be reached by motor fishing boats from the south seas mandated islands. There are large islands, such as Borneo, Celebes and New Guinea scattered throughout the seas. * The Netherlands holds title to most of them. But they have actually developed only the small island of Java leaving the others almost untouched. The Netherlands have their hands full with the island of Java alone and have no reserve power to develop the others. For these reasons Japan demands islands in the north, south, east and west of Japan where the Japanese may freely develop their powers. She does not wish nominal territories but a new land where her labor and technology and merchandise and capital may freely display without persecution of their activities and develop the riches now idle.

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In moving southward Japan must be prepared to encounter a great obstacle. * While the Netherlands own the greater part of this the actual protecting power is the British empire which has the greatest navy in the world. If Japan plans this without thorough preparation her scheme would show a reckless failure. Nevertheless she will call on the world for her right to expand overseas. The only way for Japan is to effect overseas development by seeking new world and the world has no moral right to deny it. This would be out of the question if the Japanese were an inferior race without the ability to develop new lands and to govern. The superior ability of Japan has already been tested.

11694

The facts show plainly which of the two, whites or Japanese are better qualified to develop overseas land. While there are defects in Japan's rule

NARRATIVE SUMMARY OF THE RECORD
(Netherlands relations)
(Japan-Netherlands relations)

Page 1804

Page

of Korea and Formosa, despite that, the lands developed and the peoples ruled by the Japanese superior race are fortunate compared with those under white rule.

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Exhibit 1291. Official declaration of Japan Nov. 3, 1938 on the future of East Asia, by the Japanese Government, stated that the Japanese army and navy have succeeded in occupying Canton, Wuchang, Hankow and Haueyang, the main territory of China has been conquered. The national government has been reduced to a local regime but so long as it continues Japan will not lay down the arms until it is completely destroyed. Japan's ultimate aim is to establish a new order which will secure eternal peace in the Far East - *and this is the final purpose of the present war. The new order can be established through the collaboration of Manchukuo and China with Japan in economics and politics and culture and should aim at establishing international justice, anti-communistic cooperation and a new culture and economic entity in the Far East. Japan expects China to take partial charge of establishing the new order and she expects the Chinese people to understand Japan's sincerity and give cooperation. If the Chinese government throws away its old policy and changes personnel she will not be refused entry into the new order.

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Japan believes that the other powers should understand Japan's intentions and will change their attitude to suit the situation in East Asia.

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Completion of the task is Japan's glorious mission and Japan must take firm steps to renovate the various internal systems to develop the total power of the nation.

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The court's attention was called to Exhibit 509 in which it was stated that OSHIMA * had given his opinion in September 1939 that Japan was ready for an advance to the south.

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In Exhibits 517, 518 and 519 the German Ambassador reported that he had * explained to Japan that Germany was not interested in NEI. He had stated that this was considered by the Japanese press as a "carte blanche" for Japan.

NARRATIVE SUMMARY OF THE RECORD
(NETHERLANDS RELATIONS)
(JAPAN-Netherlands relations)

Page 1805

Page

- 11699 Attention was called to Exhibit 523, dated June 24 1940 in which OTT reported that KOISO, overseas minister had inquired as to Germany's attitude on Japan's military activity in FIC and NEI. The court's attention was also directed to Exhibits 527 and 528, minutes of a joint conference of the Army, Navy and Foreign Office on July 12 and 16 1940 in which Japan's attitude towards the southern regions * and her future domination of these areas were extensively discussed.
- 11703 Exhibit 1292. Telegram from Hull to Grew June 22, 1940 stated * that it was Hull's desire that Grew call on the foreign minister and explore the question of arriving at an understanding between the United States and Japan through an exchange of notes. These notes would be based on the interest of both in keeping to a minimum the adverse effects of the European war; the notes would express the agreement that both nations had a common desire to maintain the status quo with regard to the possessions of belligerents in the Pacific unless modified peacefully. The notes might contain a provision for consultation between the two should any question arise involving the status quo which renders * consultation desirable. The US, would understand by the phrase relating to possessions and territories in the Pacific Area of belligerent European powers to include their possessions in all parts of the Pacific.
- 11704 This suggestion relates to the definite problem of averting new complications and difficulties into the general Pacific situation. It does not involve and should not be inferred to imply any withdrawal from former positions on specific problems. It is a preventative rather than a curative measure. At the same time it is the US belief that the possibility of bettering the situation lies in procedures which tend to prevent them from becoming worse. This would tend to turn * public thought toward consideration of peaceful and constructive processes. It would dissipate various suspicions and curtail inflammatory agitation. It would take care of the particular present and future problem and while it would not dispose of the main specific questions being discussed between Japan and the US
- 11705

NARRATIVE SUMMARY OF THE RECORD
(Netherland relations)
(Japan-Netherland relations Dec.3,1946)

Page 1806

Page

and might facilitate solving some of them.

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Exhibit 1293. Memorandum of Grew, June 24, 1940, stated* that on that day he had conferred with the foreign minister on the possible exchange of notes mentioned by Hull. All questions put by the minister were covered in the State Dept. instructions. When the minister asked whether mandated islands were included Grew answered he would submit the point to Washington but the foreign minister did not press the subject. The minister promised to study the situation and reply soon. He further stated though that unless a number of the outstanding differences between the United States and Japan were first solved, he thought the situation might be difficult to accept. When asked what differences he referred to in particular, he replied that the absence of a commercial treaty was the outstanding one. Grew made clear to him that this proposal must not be misunderstood to imply any retreat from the US previous position on particular problems. Grew found it significant that the exploration was regarded by the US as the continuance of the June 10th and June 19th conversations entered into to discover means to ameliorate the American/Japanese relations.

11707

Arita called Grew's attention to the trend of public opinion which affirmed that closer relations with Germany and Italy was growing in strength. ARITA was in favor of a rapprochement with the US but the present situation opened him to severe criticism.

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Exhibit 1294. Kido's diary June 27, 1940, stated that ARITA had come to the palace and spoke; Kido was told that Grew had a proposal for a treaty between the United States and Japan which would maintain the status quo in the Pacific and * prevent forceful changes. However, since the matter was extremely delicate and it was inadvisable at this time to have Japan's activities, including those in the Netherlands restricted, and since it will end in something like the revival of the 9 Power Treaty, prompt acceptance would be limited. It might be considered if it were limited to the Japanese and US Pacific Islands.

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NARRATIVE SUMMARY OF THE RECORD
(Netherland relations)
(Japan-Netherland relations Dec 3 1946)

Page 1807

Page
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Exhibit 1295. Kido Diary July 1 1940 stated that Kido had spoken to the aide de camp on the Army's view regarding ARITA's broadcast and that he had answered questions of the Emperor on the actual facts about the broadcast. He spoke with ARITA and heard from him the truth about the broadcast. Afterwards he spoke to ARITA on the circumstances of the broadcast, the tense situation in Hongkong and the matter of the status quo in the Pacific proposed by Grew. ARITA's idea was that the time is not prepared for settling matters of our territories and those of the belligerent nations. If it were limited to Japan and US it could be considered.

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Exhibit 1296. Oral statement by ARITA to GREW June 28 1940 stated * that he had studied Grew's proposal of the 24th and in view of present conditions he doubted whether consideration should be given to exchange of formal notes on the basis of a policy giving direct effect to the proposal. Hostilities are progressing in Europe and Japan is much concerned what their effect will have on the status of belligerent possessions in the Pacific. Under this situation, during a transitory period, for the US and Japan to conclude any agreement on these possessions would give rise to a very delicate relationship for Japan which has taken a position of non-involvement. ARITA stated he was trying to prevent * the spread of the European war to the Pacific and therefore he brought up the point whether it was not timely and appropriate to consider whether there could not be a discussion of problems concerning only the US and Japan. This American proposal cannot be considered apart from prior conversations and in order to make further progress on this proposal it will be necessary to have the US' views on the statements set forth in the ARITA statement of June 12th.

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Exhibit 1297. Foreign Office announcement dated August 1, 1940 stated that * The world stands at a great turning point and is about to witness the creation of new governments, economy and culture. Japan is confronted by her greatest trial. To fully carry out her national policy in accordance

NARRATIVE SUMMARY OF THE RECORD

(Netherland relations)

(Netherland-Japan relations Dec 3 1946)

Page 1808

Page

11715

with its spirit * it is important that Japan should grasp the inevitable trends in world history, effect speedy basis renovations in government and strive for the perfection of the national defense structure. The basic policy has therefore been formulated as follows: The basic aim lies in the firm establishment of world peace in accordance with HAKKO ICHIU, and in the construction of a new order in Greater East Asia founded on the solidarity of Japan, Manchukuo and China. Japan will devote her total strength to fulfilling this policy by setting up quickly an unshakable national structure to meet the requirements and developments at home and abroad. The same day Foreign Minister MATSUOKA stated * that Japan's great mission is to perform and demonstrate KODO throughout the world. In international relations this amounts to enabling all nations and races to each find its proper place. The great aim of Japan's foreign policy is therefore to establish a great East Asian chain of common prosperity. This will pave the way for establishing an equitable world peace. In concert with friendly powers which are prepared to cooperate with Japan she will strive to fulfill her ideal and mission.

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The court's attention was called to Exhibits 550 and 552, Privy Council meetings * in which MATSUOKA pointed out that the whole southern area, including NEI was to fall within the co-prosperity sphere.

The court's attention was called to Exhibit 861 being the cabinet decision of October 3 1940 on the economic measures for organizing the co-prosperity sphere and its expansion.

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Exhibit 1298. KIDO's diary, August 10, 1940 stated * that the Emperor had told him Prince FUSHIMI had told him that the government at present wishes to avoid the use of force against NEI and Singapore and that since at least eight months is needed to prepare after a decision for war is made, and the later war comes, the better.

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Exhibit 628. The outline of Japan's foreign policy September 28 1940, stated * that Japan must promptly strengthen the coalition between Germany and Italy and Japan and make a rapid improvement in adjusting Japan's Soviet relations. At the same time she must

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make every effort to realize peace with China by making use of German and Russian pressure and thus prompt the establishment of the co-prosperity sphere. Then pressing the Anglo-American alliance, at a proper time, Japan should offer her good offices to Britain to make peace with Germany and at the same time should carry out an epoch-making adjustment of Japanese-American relations. She thus expects to establish a peaceful system between Japan, Germany and Italy, Russia, United States and Britain for the reconstruction of world peace.

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The strengthening of the Axis * should be carried out under the decision of the Imperial Conference of September 18th in the Tri-Partite Pact. The Soviet relations should be carried out according to the plan for adjusting Soviet-Japanese diplomatic relations. The peace between China and Japan should be carried out according to the policy of rapid disposition of the China Incident. As to the Greater East Asia co-prosperity sphere in FIC, NEI, Strait Settlement, Malay, Thailand, Philippine Islands, British Borneo and Burma with Japan, Manchukuo and China as the center, Japan should construct a sphere in which politics, economy and culture of these countries are combined.

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As to FIC and DEI, Japan must first try to conclude a comprehensive economic agreement on all phases while planning such political coalitions as recognition of independence, conclusion of mutual assistance pacts etc.

As to Thailand, she should strive to strengthen mutual assistance and coalition. Towards countries outside the sphere, Japan must act so that they will admit the establishment of the spheres and cooperate with it.

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Japan's tentative plan for policy towards the Southern regions: Although Japan's objective into the south covers in the first stage the whole area west of Hawaii, excluding the Philippines and Guam, FIC, DEI, British Burma and the Strait Settlements are the area she should first control. Then she should gradually advance into the other areas, depending upon the US attitude, the Philippines and Guam will be included.

Page

To avoid the danger that the natural resources of the Nei may be destroyed as war strategy, Japan should use military power there before using it in the NEI.

11723 It is necessary to investigate the strength of Singapore and also in the event Japan lays hands on one of the British territories, to investigate whether they are not strategically forced to extend to the others.

11724 The military alliance with THAILAND should be concluded and that country used as an air base. In order to delay England in making preparations it is will to pretend that the relations diplomatically are not secure until military action starts. In case it is felt that the military alliance cannot be kept secret they must consider whether they should set up a secret committee based on the treaty to enable Japan to start on a military alliance as soon as military action starts. The military operations are to be started simultaneously with the German ones to land on the British mainland. Close contact must be kept with Germany. If Germany gives up the idea of landing in Britain * Japan should start her military operations when Germany carries out her heaviest battle. If Britain yields to Germany prior to military action even though the internal situation is not favorable to Japan at the time of peace between Britain and Germany, Japan must make Britain remove the defenses on Singapore and make her conclude an economic treaty advantageous to Japan.

In case Japan is forced to act without relation to the plans for China by using the pretext that Britain is aiding Chiang Kai-shek by the Burma route and in case the plans are a success, by using the pretext that the Oriental peace cannot be threatened by British military forces in Singapore, Japan should request Britain to return Hong Kong, British Malaya and the Strait Settlements, including British Borneo, to the races in East Asia and if she refuses, start war. These pretexts hamper relations with the US but it is likely that something that can be used as a direct reason will arise by that time.

The former territory of Thailand shall be returned to it and the other regions shall be made protectorates. But the Strait Settlements will be placed under Japan's direct rule. In the newly established inde-

Page

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pendent countries the economic rights of third powers will follow the case in FIC. As to NEI, while the attack on Singapore is going on, or slightly later, Japan should present the following requests and if they are not admitted, she should use military power. (1) Since the Dutch Government in England does not exist under international law, the NEI shall declare its independence and take an appropriate name. (2) The ruler and the constitution shall be decided by a committee consisting of several Japanese, NEI Dutch natives, and China. * That the Japanese and natives should have more than one half of the country. The committee will carry out internal administration. (3) The Governor-General and all other Dutch officials of high rank shall resign. Their official titles shall be retained by them, with their honors and pay. The position of all other Dutch will be recognized as they are. (4) If any of the important natural resources will be destroyed, all persons connected shall be severely punished for being responsible. This will be announced beforehand by radio and other means.

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Before presenting above requests, Japan should, if possible cause an independence movement to stir up among the natives. If it is better strategy to act first with the DEI, the time to start would be at the same time as the opening of Germany's military operations * to land in Britain. If Germany gives up her intention to land in Britain, Japan should start action at some appropriate time before hostilities cease. After the NEI becomes independent they must conclude a protective treaty under the name of a military alliance and have her appoint Japanese military and economic advisers in powerful positions. Japan must lease places which are important from the military point of view.

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The trade rights of third powers shall follow the case in FIC. But they will have to follow the government's instructions in developing important resources and in disposing of products. * After Japan has grasped real power in the NEI and Singapore, she must take measures to get real power in other British territories. Hongkong will be returned to China unless important strategically. The local

NARRATIVE SUMMARY OF THE RECORD
(Netherlands Relations)
(Japan-Netherlands relations)

Page 1812

Page

administrative system in each place will be considered.
Australian territories are to be considered separately.

- 11729 Exhibit 1299-A. Article from Yomiuri newspaper for
11734 October 27 1940, written under the name of * OSHIMA
and by his consent, stated * one cannot fail to be
11735 deeply stirred that the Tri-Partite Alliance has
been signed *. Since this treaty calls for cooperation
in establishing a new order of Germany and Italy
in Europe, Japan has an additional responsibility.
Since there are nations in the world which desire to
maintain the old system obstruction will be offered
to attaining the economic aims of the three powers.
Japan must expect this and must make careful preparation
for it. Unfortunately there have been conflicting
opinions arising within the country as well as
useless and harmless frictions and disputes. If these
continue Japan will not be able to accomplish her
mission and so might imperil the future of Japan.
If there has been a lack of clarity in the past, with
the present conclusion of the new alliance, the
11736 great objective of founding a new world order * stands
illuminated. Japan must not indulge in vain bickerings
but must be ready to burst through any barrier to
achieve her aims. There are risks involved. However
the YAMOTO race has never flinched from danger
staking its destiny on spreading the benefits of the
Imperial Way. It is absolutely necessary for it to
have resolute determination and firm courage.
- 11737 If there are some who consider that the Tri-Partite
Pact imposes an additional strain on relations with
the United States this is mistaken. Japan's mission
to set up a new order and to establish relationships
with the southern countries are matters of long
standing and do not arise from the new alliance. In
America some are likely to view the new treaty
as a war like challenge directed to the United
States. But this will not rise in the minds of those
who read the treaty with composure. No one knows
better than the United States herself that Japan
neither plans to attack America nor is prepared to
do so. Those who maintain this opinion therefore
dislike the idea of a new order or have designs
upon East Asia. Japan would face opposition from
these people whether the treaty existed or not.

NARRATIVE SUMMARY OF THE RECORD

(Netherlands Relations)

(Japan-Netherlands relations) Dec. 3 1946

Page 1815

Page

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If any in America have the idea of obstructing the new order by force and arms, the Alliance is more likely to nip such a senseless idea in the bud.
* The working out of the treaty is work for the future and must be activated with all speed. The first essential step is to complete preparation for action rapidly. As concrete steps Japan must establish a relationship of mutual harmony and prosperity with NEI and FIC and the South Sea Islands. She must settle this with the new order in Europe and for this she must consult with Germany and Italy. There must be cooperation militarily between the nations of the East and West to perfect a plan leaving no gaps in the bonds of mutual cooperation between the three countries.

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Diplomatically the three must march ahead in perfect concord to protect their common interests from the outside. Since Germany and Italy's policy for prosecuting the war in Europe is closely bound with the new order in East Asia there will have to be discussions in this connection.

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And there is a tremendous amount of preliminary work to be done. The one thing to be avoided is passivity, allowing the other party to make the first move. This prohibition is absolutely imperative in war and diplomacy. Careful preparations must be made before hand and the world situation watched. No matter must be allowed to slip. Matters must be handled speedily and decisively. These must be the principles of Japanese diplomatic policy from now on. There should be no anxiety about the matter of the country's policy. If faith in the alliance should waiver, or if it should be mismanaged and the treaty become dead, then the dignity of Japan will be impaired and the task of setting up a new order made more difficult.

Exhibit 1300. Speech of Foreign Minister MATSUOKA dated Jan 21 1941 in the Diet: That the NEI and FIC if only for geographical reasons * be in intimate and inseparable relationship with Japan. The situation which has heretofore thwarted this must be thoroughly remedied and good neighbor relations secured. With this in view, in Sept. 1940, the navy sent Minister KOBAYASHI (Minister of Commerce and Industry) to the NEI as a special envoy. He was obliged to return to Japan when a definite stage had been reached in his negotiations concerning the purchase of oil and

NARRATIVE SUMMARY OF THE RECORD
(Netherland Relations)
(Japan-Netherland relations Dec 3 1946)

Page 1814

- Page other questions. As his successor, Japan has recently sent YOSHIZAWA, former minister of foreign affairs who has resumed negotiations.
- 11742 Exhibit 1302. Telegram from MATSUOKA * to the Japanese
11743 delegate in Batavia Jan 28 1941, stated * that YOSHIZAWA should absolutely refrain from using expressions that would deny Japan's hegemony within the Greater East Asia sphere when speaking to outsiders.
- 11744 Exhibit 1303. Kido Diary Feb 1 1941 * stated: Prince FUSHIMI, Premier KONOYE and Gen SUGIYAMA were received in audience and reported to the Emperor the policy toward FIC and Thailand decided at the Liaison Conference on January 30th. This is a new precedent for the Chiefs of Staff and the Premier to report at the same time. Up to the present decisions of Liaison conferences have been reported to the Emperor at Imperial Conferences and other decisions individually. This time both parties have presented the report. The Premier proposed that an Imperial Conference be held but since broad principle had already been approved by the Emperor they used this way.
- 11745 The Aide-de-Campe spoke to KIDO * on the general principal of the plan is to establish Japan's leading position in FIC and Thailand by using the opportunity presented by their having accepted arbitration to contribute to the preparation for the southward policy. The Navy aims to use Camranh Bay and the air bases near Saigon. But since this cannot be stated openly, the action will be represented as aimed at preserving trade and communications and security against war between FIC and Thailand. If military force is to be used the further approval of the Emperor will be asked.
- 11746 KIDO spoke to Prince KONOYE about these matters. MATSUOKA spoke to KIDO and told him that when the * broad policy toward FIC and Thailand was decided, the army planned to limit the time to the end of March but MATSUOKA had opposed it as impossible and the army cancelled it. He intends to conduct his future diplomacy on the lines reported to the Emperor. It is assumed that the Liaison Conference on the 3rd will decide the plan which he will take to Germany and Russia. He will visit Germany to find out the actual state of German policy toward Britain and he will make full arrangements with them. At the same time he would like to adjust

Page

relations with Russia and to make a general peace with China by the end of April. Then he will center Japan's whole strength toward the south. The China Incident cannot be solved without the solution of the Southern question and the nation's fate hangs on the southern question. It will therefore be necessary to have the whole energy of the nation concentrated on it.

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The court's attention was called to Exhibit 571 - Report on conversation between the German Foreign Minister, RIBBENTROP and OSHIMA on February 23 1941, stating the relative spheres of Germany and Japan.

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Exhibit 1304: Memorandum for the German Foreign Minister March 21 1941, stated in connection with notes on German-Japanese Economic Questions to be taken up with MATSUOKA; That Germany will have to buy raw materials from third countries through Japan, such as rubber and tin from NEI and THAILAND etc. Germany is ready to place foreign bills of exchange at the disposal of Japan. Thus far, in deference to England and America, * Japan has done little in this direction. But in addition to this bureaucratic restraints and involved procedural regulations have produced difficulties and delays. The Wohlthat Delegation should be able to obtain improvements. Germany is counting on Japanese aid with blockade runners and auxiliary cruisers to transport such raw materials to Germany.

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Germany feels that the great possibilities for the new economic order between the two great spheres of Germany and Japan can only be fully realized if matters are carried out in the grand manner. Freest possible trade exchange should take place to win and reserve to oneself preference over third countries. Over centralization should be shunned. Japan should be able to carry on business and make trade agreements directly with independent countries in the German-Italian sphere, and visa versa.

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Japan's conception according to previous statements is that Germany should have trade dealings with countries like China, Indo-China and NEI not directly but only through Japan. No fundamental aggravation of this question has yet occurred since Germany is dependent on Japanese support in imports during the war.

NARRATIVE SUMMARY OF THE RECORD
(Netherlands relations)

(Japan-Netherlands relations) Dec. 3 1946.

Page 1816

Page

The court's attention was called to Exhibit 580 - conversation between RIBBENTROP and MATSUOKA March 1941 discussing the attack towards the south. MATSUOKA feared that if Japan attacked NEI the oil fields would be set on fire.

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Exhibit 1305 -decision by Imperial Headquarters of April 1941 - the aims of the measures to be taken in the south are to promote the settlement of the China Incident and to extend overall national defensive power in the interests of self-existence and self-defense.

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To carry this out Japan will establish close relations in military, political and economic affairs with FIC and THAILAND. She will establish close economic relations with NEI and maintain normal relations (commercial) with the other countries in the south. This purpose shall be accomplished on principle through diplomatic means. In carrying them out resort to arms for self defense will be taken in the following instances only and when no solution can be found:

(1) In case Japan's self-existence should be threatened by embargoes of the US, Britain and Netherlands. (2) In case the anti-Japanese encirclement by US, Britain and Netherlands and China becomes so tense that it cannot be tolerated in the interests of national defense.

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Exhibit 1306: Decision of the Liaison Conference June 25, 1941 stated* that in view of existing conditions Japan will accelerate its measures towards FIC * and Thailand in connection with the return of the delegate from NEI, a military union shall be established with FIC as soon as possible. Japan in making this military union shall stress the establishment or use of air bases and harbor facilities in specified areas in FIC and stationing of troops in the Southern part, and the furnishing of facilities in connection with such stationing. She will also stress the opening of diplomatic relations for the purpose of this.

In case France or FIC do not comply Japan will obtain her object by arms. Preparation will be commenced beforehand for sending troops.

NARRATIVE SUMMARY OF THE RECORD
(Netherland relations
(Japan Netherland relations Dec 3 1946)

Page 1817

Page

- 11755 Exhibit 639-A. Telegram from Bangkok to Berlin dated July 4 1941 stated that the writer had been informed by the Japanese Embassy Secretary that the failure of Japan's economic negotiations with FIC would oblige her to take over the oil resources there by force since her fleet would otherwise be incapable of action. Prior to this there is to be a Japanese military occupation of FIC to procure a concentration area and jumping-off ports against the NEI.
- 11756 The occupation of THAILAND *is not envisaged. The preparations are to be carried out by Gen. USHIROCKU on the south China front, in Canton. Conduct of the English forces in Singapore is considered to be purely defensive. A telegram of the same tenor was sent to Tokyo.
- 11757 Exhibit 588. Imperial Conference of July 2 1941 showed that Japan stated that she would adhere to the principles of establishing her co-prosperity sphere regardless of any change in the international situation - she would stop up the southwards advances to establish a base for self-existence and self-defense and would remove all obstacles in the way of achieving this purpose.

Page

11762 Exhibit No. 641, Telegram from Canton to Tokyo, July 16, 1941, showed * that the purpose of occupying South FIC was to launch from there as rapidly as possible an attack. The first step is to be the sending of an ultimatum to NEI.

11764 Exhibit No. 52, Treaty of Judicial Settlement, Arbitration, and Conciliation between Japan and the Netherlands, April 19, 1933, stated * in Article 1 that all disputes between the parties which it has not been possible to settle amicably within a reasonable time by normal diplomatic procedure, shall, at the request of either of them, be justiciable by a Permanent Conciliation Commission, to be established. Disputes which are deemed by both to be juridical are to be submitted to the Commission only by common accord.

11765 Article 11 provides that the Commission * shall have five members, each party to appoint one of their own nationals as a commissioner and the remaining three to be chosen by common accord from nationals of other powers, each of different nationality, one of the latter three to be appointed as president.

Article 25 provided that the treaty is to be effective on ratification for a period of five years, and be renewable for further successive periods of five years if not denounced six months before expiry. Proceedings pending at the time of expiry shall continue until concluded.

11766 * At the time of signing the treaty, the plenipotentiaries declare themselves agreed that the treaty is to apply to all disputes which may arise not directly affecting the interests of third powers. Should Japan's legal situation in relation to the Permanent Court of International Justice be changed because of her withdrawal from the League, the parties would at once enter into negotiations to decide whether it is necessary to amend the treaty relating to the Court. For the period of negotiations the provisions will be suspended, but pending proceedings at Japan's request shall continue until a conclusion is reached, and the treaty shall continue to be applicable.

11767 * The Treaty was ratified * on August 12, 1935, and the Commission was appointed in November 1935.

Page

11768 Exhibit No. 1307, Official Announcement of the
11769 Japanese Foreign Ministry, October 31, 1935, * stated that
the ratifications of the Japan-Netherlands Treaty, * signed
on April 19, 1933, were exchanged on August 12, 1935.
Under Article 12, a Permanent Conciliation Commission,
composed of five members, is to be established as soon as
possible. The two governments have consulted on organ-
ization, and Baron HIRANUMA has been appointed member.
For Holland, Beelaerts van Blokland was appointed.
Informal acceptance of Max Hueber, a Swiss, and as chairman
Raoul Fernandez, a Brazilian, and Johann Ludwig Gorwinkel,
a Norwegian, have been received. The Commission is
expected to be formally completed on November 1, and is
to be a permanent organization charged with the duty of
settling by conciliation all disputes not settleable by
diplomatic means. This Commission is the first of its
type for Japan.

The Treaty is binding until August 12, 1940,
and will remain binding for a further five years if not
denounced six months prior to that date.

On January 12, 1940, the Japanese Government
informed the Netherlands Government of the abrogation of
the Treaty.

11771 Exhibit No. 1308, Affidavit of Dr. H. J. van
Mook, stated * that his permanent home is in Batavia;
that in 1944 he published a book entitled "The Netherlands
Indies and Japan." He was at that time Minister of the
Colonies in the Netherlands Government, temporarily
residing in London. * He had formerly served in the
11772 Netherlands Indies, joining the staff of the Department
of Economic Affairs in 1934. On August 31, 1937, he
became Director of Economic Affairs, and in August 1940
he was appointed Temporary Minister Extraordinary and
Plenipotentiary and Chairman of the Delegation for
economic negotiations with Japan. In these functions he
had intimate knowledge concerning the relations between
Holland and Japan in Asia in the eight years before the
war. This knowledge is set forth in his book. The facts
are ones that he witnessed or knows from official or
other documents to which he had access. All documents
and speeches have been copied and translated from true
copies in the possession of the Ministries in London and
Washington. In his book the facts have been given truly.

Page

- 11773 * The documents published in his book are full, true, complete and accurate copies of the originals, with superscriptions and signatures omitted.
- 11778 Exhibit No. 1309-A, excerpt from the book "The Netherlands Indies and Japan, Battle on Paper, 1940-1941", stated that * relations between the NEI and Japan presented no special difficulties until after the world crisis of 1929. In 1899 Japanese had been accorded the status of "Europeans". In 1912 a general trade treaty had put Japanese activities, including immigration, on the most-favored nation footing.
- 11779 * The Japanese were late in the business field, and their participation in agriculture and mining remained limited because others had got a start on them. In Imports and exports, banking and shipping, their share was gradually increasing, but until 1929 there was no disturbing developments. With the world economic crisis the situation changed rapidly and materially. Japan's share in NEI imports rose from 11% in 1929 to 30% in 1935, whereas for the same period the percentages for the Netherlands, Europe, and the U. S. dropped from 20% to 13%, from 28 to 23%, and from 13 to 8%. Japan's share in NEI exports was only 5% in 1935, as against 22, 18, and 15% for Netherlands, Europe, and U. S.
- 11780 * On February 2, 1940, Mr. ISHII, Japanese Minister to the Hague, handed to the Minister for Foreign Affairs a note entitled "Chief items desired to be agreed upon between Japan and the Netherlands". With respect to the Matters Relating to Commerce, he proposed that Japan refrain from taking any measures prohibiting or restricting the exportation of principal goods needed by NEI, and Japan is to adopt such measures as are deemed important to further the importation of goods from NEI. It is understood that the exportation may sometimes be difficult for economic reasons.
- 11781 On the other hand, the Netherlands was likewise to refrain from any measure of prohibition or restriction, and the measures of prohibition and restriction to which exports have been subjected are to be modified to render the flow of goods easier. Existing measures of import * restrictions on Japanese goods are to be abolished or moderated.

Page

On matters relating to entry, Japan is to adopt no restrictive measure as to entry of employees of Netherlands firms in Japan, while the Netherlands is to abolish or moderate the existing foreign labor ordinance.

11782 With respect to enterprise and investment, Japan, within its influence and competence, is to afford reasonable protection to Netherlands interests in Manchukuo and China, and are to facilitate * new Dutch investments in Japan; and the Dutch offer of investment to Manchukuo and China is to be recommended by Japan to be accommodated. The Netherlands are to extend further facilities to existing Japanese enterprises in NEI, and are to grant new ones to new enterprises, including the ones under joint control of Japan and Holland.

11783 With respect to the press, the anti-Netherlands tendency in Japan and the anti-Japanese tendency in the Netherlands and NEI are to be placed under strict control. A suitable reply to this was still under consideration, when on May 10, 1940, Germany invaded Holland. * On May 18 the Japanese Consul-General at Batavia visited the Director of Economic Affairs and delivered condolences, requests, and veiled threats. On May 20 Foreign Minister ARITA handed a note to the Minister in Tokyo. This note
11787 stated * that he was referring to his conversation of May 16 concerning NEI products, in the course of which the Dutch Minister stated that he had received a telegram from the Governor-General of NEI that NEI had no intention of placing any restrictions on the export to Japan of mineral oil, tin, rubber, and other raw materials of vital importance to Japan; and that it was his desire to maintain the general economic relations as close as ever.

11788 * The note pointed out that in addition to the specified materials, there are many other kinds of commodities hitherto imported by Japan from NEI of vital importance to Japan. Japan therefore requested that NEI give a definite assurance that for the time being the quantities of articles enumerated in the attached list are to be exported each year from NEI to Japan under all circumstances. They asked for an early reply.

11789 * On June 6, 1940, the Netherlands Minister in Tokyo handed a note to ARITA, Minister for Foreign Affairs, which stated that Holland is aware that the note of May 20 was actuated by concern lest, in these

Page

11790 difficult times, there be a lack of * contact, and deliberation should give rise to tensions which would disturb the traditional friendly relations. Holland agrees with Japan on the necessity of combatting incorrect reports and misdirected propaganda. Holland sees no cause for serious concern about Dutch-Japanese relations, particularly to the NEI. These relations, economically, were settled on April 9, 1937, by the Hart-ISHIZAWA agreement. Certain promises were made and proportionments agreed upon, and certain negotiations carried on in a spirit of good will.

11791 * In fact, in 1938 Holland drew Japan's attention to the fact that the prospects of the agreement of Japan buying larger quantities of indigenous products like sugar, fell far short of realization. This step was dictated by the importance of these exports for the native population, whose purchasing power is the basis of Japanese imports.

11792 Notwithstanding this unsatisfactory outcome for Holland, it has accepted Japan's explanation that the China Incident has had considerable influence on economic conditions in Japan, and on the fulfillment of this part of the Hart-ISHIZAWA agreement. In judging the results of this agreement the NEI has given due considerations to those exigencies which inevitably follow war. They therefore are convinced that Japan will take into consideration * the fact that Holland was forced into war, which will have its repercussions on the economic situation in NEI.

The relations between the two countries must develop without hindrance. Holland has noted with satisfaction ARITA's statement concerning the importance of maintaining the status quo without reserve. This is considered very important, since it bears closely upon the interests of Allies as well as upon other countries bordering upon the Pacific, as is evidenced by the statements of Britain, France, and the U. S. It is of great importance for maintaining peace in the Pacific that the NEI remain unimpaired, and that they be able to continue to act as a world-supplier of various raw materials and food products.

11793 * He then replied to the note of February 2, 1940, and the note of May 20.

Page

- 11794 Exhibit No. 1310, Decision of the Liaison Conference of July 27, 1940, stated * that the policy would be to improve conditions at home and abroad; to accelerate settling the China Incident so as to prevent third powers from assisting the Chiang regime; settle the southern problem within limits * so as not to cause a war against a third power; and to fulfill certain policies. These policies are to foster a strong political tie with Germany and Italy, and to actively adjust diplomacy toward the Soviet while maintaining a firm front towards the U. S.; to strengthen the diplomatic policy towards NEI to obtain important raw materials; to reform the war-time organization at home.

- 11796 Exhibit No. 1309-A, Van Mook's book, stated that the exchange of notes had hardly been concluded when Japan repeated proposals for negotiation on a more comprehensive scale. On July 16 * they informed the Netherland Minister in Tokyo of their intention to send a delegation to Batavia for economic negotiation, under Mr. SAKO, with a number of assistants and military experts on war materials, oil, etc. Mr. SAITO, Consul-General in Batavia, an expansionist, was to be included in the delegation.

The subject matter remained hazy, but the question of personnel was very much in the foreground. On the change of Cabinet, Mr. SAWADA replaced SAKO as chief delegate, to be dropped again for General KOISO. KOISO, however, on August 3 had given a press interview in which he had stated violently that Holland had always been most oppressive towards the natives of the Indies. In view of this, he was unacceptable to Holland as a delegate without a public retraction or denial of the statement.

- 11797 Suddenly, on August 27, Japan * handed a memorandum to the Minister at Tokyo stating that Mr. KOBAYASHI, Minister of Commerce and Industry, had been appointed special envoy to the NEI; that he would be seconded in his mission to establish closer economic relations by Mr. OTA and Mr. SAITO, with a staff of 24 assistants, including an army, air, and two naval officers, all to leave from Kobe on August 31.

Page

- Exhibit No. 1311, Drafts of Alternative Demands to be made on NEI, dated August, 1940, was received in evidence. * The first proposal stated that Japan had previously submitted to Holland her demands on settling matters pending between Japan and the NEI. According to the reply of June 6, 1940, it is understood that the NEI has generally accepted, * the part regarding the supply of essential goods. The Netherlands, however, still does not fully understand Japan's true intentions concerning the entrance of Japanese into NEI, and the investment by Japanese there for developing and using the rich resources, of the utmost importance to Japan. In previous negotiations it has been recognized that the settlement of these problems has been Japan's desire for many years, but Holland is still repeating its biased legal argument, and Japan cannot but express its disappointment and dissatisfaction and to state its opinions on the problems of entry, enterprise and investment.
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- 11799
- 11800 Present * world conditions, instability and friction, are caused by unjust distribution of resources due to unreasonable territorial situations. There are vast undeveloped areas with abundant resources, and a few nations suffering from a lack of resources and over-population while having vigorous powers of existence. This situation is irrational, and unless it is rationalized there will be general national conflict. To prevent this situation it is of the utmost importance for countries possessing vast undeveloped territories to voluntarily open their resources to the world, allowing other nationals to freely enter, and abolish all business and economic restrictions.
- 11801 Japan recognized that the Holland policy toward NEI has contributed toward the peace and prosperity of East Asia by permitting free and equal economic activity * to all. In recent years, however, the Dutch policy is in the nature of a closed door. While the NEI is under Holland, geographically it is within the Co-Prosperity Sphere, and the Netherlands should first open the rich resources in the NEI to the races in East Asia, and then for all mankind. Holland has come down heavily recently on the side of the Dutch and other Europeans. Early she gave vast rights to a few distant nations for important enterprises like mining, without any desire for the welfare of the Co-Prosperity Sphere.

Page

11802 It is very unreasonable for Holland to have a closed-door policy toward Japan, who has great abilities for exploration and development, and it is neglect of duty as a member of the Co-Prosperity Sphere. Japan has * pointed this out and asked Holland to reconsider, but has been unable to get any results, thus giving rise to a feeling of great dissatisfaction to Japan. Japan therefore submits her sincere and frank demands and requests that Holland promptly agree to them.

11803 * With respect to new enterprises, NEI has recently issued and revised various laws, and has reserved for itself all prospective mining districts for petroleum and other minerals of great importance for Japan. It is impossible for Japan to obtain mining rights, and the transfer of existing ones has also been prohibited.

11804 The U. S. and Britain, prior to these laws, have secured mining districts for petroleum and other minerals, and are mining on a large scale. Japan therefore requests Holland * that mining of petroleum and other minerals, applications by Japanese nationals for right to mine, and to establish various new enterprises and the transfer of present Japanese held rights, be permitted, from the standpoint of equal opportunity irrespective of present laws.

11805 With respect to this, free carrying out of actual investigation in Japanese prospective areas shall be submitted, even before proceedings for application are taken. Japan wishes to undertake the following new enterprises. She wishes to prospect and mine in all petroleum mining regions, including government reserved areas. She desires the same for other minerals, and she demands that applications for mining rights by those having the right to prospect * shall be granted without fail.

She also wishes to establish air routes, and new navigation routes and submarine cables between Japan and the NEI. She also desires fishery, forestry, agriculture, and manufacturing industries. With respect to air and navigation routes, NEI should give all possible assistance and cooperation to investigation and preparation.

Page

11806 With respect to newspapers, the NEI has made it a policy to prevent Japanese from running Malay and Chinese newspapers. Japanese shall have permission to run these, as well as the Dutch and Chinese. In the past, the Dutch and the natives * have had no knowledge of Japan, and there have been regrettable features in their attitude because of this. Since Holland is more into the war, the constant acts of violence and insult committed against Japanese in the Indies have been caused by a lack of understanding of Japan's intentions, and the precautionary measures taken toward Japanese. The principal cause is the anti-Japanese attitude of the newspapers. Japan therefore demands a thorough supervision of the newspapers.

The anti-Japanese attitude is strongest in the Dutch papers, and these are hardly ever supervised, despite the fact that they lead the others. They shall be thoroughly supervised.

11807 * Supervision of Chinese papers is lukewarm, and do not always represent the general public opinion of the Chinese in NEI. They forcibly implant anti-Japanese feelings and lead to an anti-Japanese movement and boycott. The NEI authorities had the attitude of overlooking these facts. Yet they banned the publication of a Japanese newspaper printing an article in support of Wang Ching-wei because it instigated the feeling of the Chinese in the Indies. They also prohibited any import of newspapers published in occupied China because they were anti-Chiang. This attitude could be said to be pro-Chinese and anti-Japanese. Japan therefore demands a stricter supervision of newspapers run by the Chinese, and a revision of the biased attitude against Japanese newspapers.

11808 The second proposal stated, after laying a general background of the needs of the have-not nations, * that in East Asia two or three powerful European nations have occupied vast areas as colonies, and have left the greater part undeveloped. Despite this, they adhere to policies of exclusion against nations that are building up their countries.

11809 * Japan has confined territory and poor resources and big population, as well as a high rate of increase and excellent expansion powers. Besides Japan, all the territories of East Asia except Thailand are now as colonies, chiefly for the welfare of the sovereign European nations, and no opportunity for advancement

Page

and development, politically or economically, is given to the natives, who are kept in a conquered position. This is extremely unfair.

Japan is now carrying out the mission of establishing a new order in East Asia, and it is her desire to create a reciprocal relationship of supply between the new order in Europe and America and the co-Prosperity Sphere centering around Japan, Manchuria, and China, and including the south Pacific.

11810 As the NEI is a vast area with rich resources within the co-Prosperity Sphere, its resources should * be quickly developed for the prosperity and welfare, first of East Asia, and then of the world. The NEI has regarded as of too great importance the interest of Hollanders and other Europeans, and has given scant consideration to the co-Prosperity Sphere. It has been adhering to a policy of exclusion against Japan, and although Japan has drawn attention to the unreasonableness of this, there have been no results.

In line with these views, Japan expresses to the NEI its desire to forward the establishment of a new order for the mutual welfare of East Asian nations, and requests the NEI to cooperate to this purpose, and Japan demands the following things.

11811 * The NEI should cut off relations with Europe and take a position as a member of the co-Prosperity Sphere. With respect to economic questions, Japanese should be given the same treatment as subjects of Holland entering the NEI with respect to leaving there, protection of their persons and properties, travel, acquisition of property, management of business, and all other matters connected with navigation and trade.

11812 The NEI should not restrict or prohibit * the exportation of goods, especially those needed by Japan, but should give facilities and use its good offices.

11813 The * KOBAYASHI Delegation arrived in the NEI about the middle of December, 1940.

11814 Exhibit No. 1312, Telegram from KOBAYASHI to Foreign Minister MATSUOKA, September 13, 1940, stated that in his interview with the Governor-General * he had gained the impression that the latter was concerned on with diplomatic formulas.

Page

When KOBAYASHI hinted at the existence of discriminatory treatment toward Japan, the governor argued that this had not been so in the past, and in the future the NEI would treat each country on a fair basis and did not intend to practice discriminatory treatment. He does not realize that the present situation is so serious that if he remained concerned with diplomatic formulas only, the existence of NEI will be in danger. He tried his utmost to evade political problems, and showed not the slightest sign of interest to sound out Japan's true intention towards the NEI. It is not much use to continue negotiations with such a governor-general.

- 11817 Exhibit No. 1313, telegram from KOBAYASHI to MATSUOKA, October 18, 1940, stated * in establishing the Greater East Asia Co-Prosperity Sphere, the need of placing the NEI within the sphere is very urgent.
- 11818 KOBAYASHI and his staff * are all of this opinion. To accomplish this, it is necessary to administer a policy which will deeply implant Japan's economic powers in the NEI. The Department of Overseas Affairs must at least plan the materialization of various items requested in the budget, such as the complete equipment of overseas organizations, the establishment of TAKUMANJUKU, the cultivation of facilities for enlightening both Japanese and the people of NEI. These are matters of extreme urgency and must be given special consideration. Details will be reported later.

- 11821 Exhibit No. 1314, telegram sent by order of MATSUOKA to SAITO, Consul-General at Batavia, * stated in connection with the purchase of the Netherlands India Oil Production, the negotiations should be done at home, but the intention is that on the spot negotiations should be carried out in accordance with instructions. All home offices have been instructed to tell their brokers not to disturb the unity during negotiations. The acquisition of oil fields is to be emphasized, and the negotiations generally * should be carried out with the NEI government.
- 11822 Observe all hindrance attempts by Britain and the U. S. They cannot guarantee that the NEI will not lay stress on oil purchases intentionally in order to refuse Japan's acquisition of oil fields, which is her main purpose. He is therefore to clearly distinguish from the beginning the acquisition of oil fields and the purchase of oil.

Page

11823 Exhibit No. 1315, telegram from KOBAYASHI to MATSUOKA, September 18, 1940, stated * since Japan has a pressing need to buy 3,150,000 tons of NEI petroleum, and the Tokyo negotiations are at a standstill, he is requesting that MUKAI be allowed to carry on negotiations in Batavia. While there may be misgivings on the influence of negotiations in Batavia on the petroleum problem, these misgivings would be the same regardless of where the negotiations were held, and the negotiators in Batavia have no misgivings about the ones at Tokyo.

11824 If the negotiations for purchasing 3,000,000 odd tons failed, the failure in Tokyo would be no more than just a failure in commercial relations, with no political repercussions. It is thought that their sudden proposal on the petroleum problem in Tokyo is an anticipatory move on this point. If the negotiations carried on in Batavia fail, their failure would mean that world opinion * would charge the NEI with moral responsibility for the failure, and the NEI would make every effort for their success.

Failure to make the purchase could be utilized to browbeat the NEI on the enterprises problem. Moreover, direct participation of the NEI in the petroleum purchase problem can be utilized for Japan's maneuvers to make them sell to Japan the stocks of NEI petroleum companies on the grounds of purchasing petroleum.

11825 From the present situation, the actual securing of the purchase is not the time to talk about the problem of price, and it would therefore be more advantageous to let MUKAI negotiate as the representative of all Japanese petroleum men. The transfer of negotiations would involve a certain loss of time, but when they considered that Tokyo negotiations have been prolonged owing to instructions from the government in Batavia, this cannot be * thought of as a real loss. He therefore thought the negotiations could be transferred to Batavia. This idea had the positive approval of the Army and Navy, and of MUKAI.

11826 Continuing with Exhibit No. 1309-A, the Van Mook book, it was stated * that the two delegations met from October 14 to 16, 1940, under the chairmanship of KOBAYASHI and Van Mook. General relations between Japan and the NEI were discussed, and due attention was given to the effect of the Tripartite Pact on relations with NEI.

Page

11827 The Japanese Delegation officially expressed that despite the Tripartite Pact, Japan's strong desire to maintain firm and friendly relations with the NEI is not affected. All Japan wishes is co-existence and * co-prosperity. Among the other points which came into the discussion was the oil problem. The Netherlands Delegation gave an elaborate explanation of the situation in the presence of the Chief of the NEI Mining Bureau. The delegations are to continue negotiations in Batavia on the understanding that the complete scope of subjects will come into discussions in the near future. The negotiations were frank.

11828 The Netherlands took the position that, although Japan's accession to the Tripartite Pact raised serious misgivings, it was prepared to continue negotiations on the understanding that Japan had no hostile intentions and did not claim leadership over the NEI. It urged that Japan submit * a full statement of the points to be discussed, but saw no objection to treating the oil purchase matter separately. These were mainly a matter of agreement between the Japanese buyers and the oil producing companies, and since both were in Batavia the NEI delegation would be pleased to lend its good offices for contact.

11829 Japanese demands with regard to purchasing mineral oil and products has gradually become more defined. A week after the conference opened, Japan's annual minimum requirements over and above regular sales of NEI oil was set forth as a total of 3,150,000 tons. It was, in part, erroneously contended that contracts had already been agreed for the delivery of 120,000 tons of aviation crude, 792,000 tons of other crude, and * 100,000 tons of aviation gas to be delivered per annum. The five year guarantee by the NEI Government on the regular fulfillment of these requirements was demanded.

Two days after accepting these proposals, Mr. KOBAYASHI, on October 20, announced his recall and left on the 22nd. The reason given was that he could no longer be spared, and that he had to be home for the 2600th anniversary of the Empire.

On October 21, 1940, a note was given by the Japanese Delegation to the Netherlands, in which they stated that they were appreciative of the of the explanation of the petroleum situation contained in the Netherlands note of October 7.

Page

11830 Japan wishes to call attention to the fact that after negotiations between MUKAI and two companies, the proposals of the companies * on oil supply to Japan show a wide difference in quantity and in quality over MUKAI, and it is to be emphasized that the proposed quantity of supply of aviation gas and crude to Japan is as good as nil.

Since the Netherlands delegation is well aware of Japan's interest in the problem, they would appreciate if Netherlands would do their utmost to comply with Japan's proposals. Japan has also a big interest in exploiting oil wells and the Netherlands policy of allocating spheres of interest for existing companies are not satisfactory. Japan is anxious to acquire rights of access to territories now explored or being explored, as well as to the government reserves.

11831 MUKAI is ready * to enter into negotiations about the government reserved areas.

On October 29, 1940, MUKAI wrote a letter to the Chairman of the Netherlands Delegation, stating with respect to oil territory, that certain areas which have not yet been committed to any other party or parties will be considered as an interest to Japan. They are in Borneo, Celebes, Dutch New Guinea, Aroa Archipelago, and the Schouten Archipelago, with a total of 16,363,000 ha.

11832 * Since Japan desires to carry on explorations and exploitations in all of these districts upon the completion of the geological examinations, he would be obliged if they would acknowledge all of these districts as Japan's sphere of interest, and the necessary steps according to the Mining law be taken. In addition to demanding that certain additional areas in Borneo and Sumatra totalling 1,100,000 ha be allotted to Japan.

11833 * Japan may also consider the capital participation of NEI in these enterprises.

With an eye to the furtherance of the prosperity and friendship of both countries, Japan strongly desires to participate in the capital of the N. V. Nederlandsche Indische Aardolie Maatschappij. Since the Holland Government holds a considerable amount of shares in these undertakings, they would like to have considered the

11834 * allotment of part of these shares to Japan. He asked to be informed of the terms and conditions.

NARRATIVE SUMMARY OF THE RECORD
(December 4, 1946)
(Netherlands Relations)

Page 1832

Page

- 11835 Exhibit No. 1316, telegram from SAITO to MATSUOKA, 25 October, 1940, stated * that with reference to the telegram from MUKAI to the Chief of the Fuel Affairs Bureau, from the standpoint of an industrialist it is most reasonable, but it is necessary that further
- 11836 * consideration be given from a strategic standpoint. From the submission of application for prospecting in the indicated areas, Japan presumes that it will arouse the NEI suspicion, but they in Batavia think it necessary that Japan carry on an investigation into all the areas, and have a great number of planes and plain-clothes troops enter the area to enable it to become a strategical base for military operations against the Dutch. Unless the vast investigation area is secured, the program will seem a flimsy excuse to the Dutch, and since there is only a difference of 150 to 200 thousand guilders, he deems it necessary that the prospecting rights be acquired from the whole areas.

- 11837 Even when they are decided on obtaining prospecting and mining rights, it is desired * that the strategical standpoint be considered in selecting the districts.

Exhibits No. 597, 631, and 1304, show that Japan was attempting to acquire materials to aid the German war effort.

- 11838 Exhibit No. 1317, the Cabinet Decision of October 25, 1940, stated * that the inevitability of occurrences in economic affairs arising from the progress of the new order and Japan's priority in the NEI based on the Tripartite Pact requires making the NEI a link in the East Asia economic sphere, by establishing close economic relations and developing their rich natural resources from the general standpoint of co-existence and co-prosperity. They must take measures to stop the NEI from relying on the European-American economic block and make it take a standpoint as a member of the Greater East Asia Sphere; they must remove or mitigate various restrictions which obstruct Japan's economic activities and give them preference and freedom; they should propose
- 11839 a joint development of the NEI so as to secure * the supply of necessary war material so that Japan will become independent from British resources. If necessary, they should purchase or lease suitable territory. In addition, the guarantee from the NEI as to supplying necessary major items, Japan must obtain NEI agreement for an increase in variety and quantity of these materials.

Page

She must make every effort to integrate under Japan's guidance the trade control over oil, rubber, quinine and other materials. Japan must purchase as far as possible the agricultural products produced in the NEI which bring profit to the natives and stimulate their purchasing power. The NEI should accede to Japan's demands and encourage agriculture. Japan must seek special cooperation from NEI for an increase in export of Japanese merchandise.

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* In order to establish a great monetary sphere within East Asia, efforts will be made to make NEI a link in this sphere, but it should not aim to include it in the yen bloc. It will try to place exchange control under Japan's guidance. For the present, every advantage should be accorded to Japan in the matter of exchange control, and the NEI banks should establish credit to the Japanese and give other financial facilities.

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Efforts should be made to establish special rights and interests in the coastal trade, entry of unopened ports, administration and use of port facilities, landing and operating rights of submarine cables, participation in managing inland and other communications, * the inauguration of regular air service; increasing the number of fishing boats, removing of restrictions of imports on fish, establishment of fishery bases, and acquisition of their rights and interests in the marine product industry.

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In addition, they must prohibit the establishment of new rights and interests of third powers in the NEI, and try to oust those already in existence. It will make the NEI start an economic structure commission and other organs with Japanese included, to form domestic and foreign economic policies. The NEI will be required to consult these organs in regard to trade, finance, taxation, customs duties, economic agreements with other countries, * enterprises, traffic and communications, etc. Japanese importers in NEI will be made to participate.

Japan will demand strict control of anti-Japanese articles by newspapers, periodicals, etc., and will insure freedom of Japanese in publishing. They will demand that the NEI exercise rigid control over Chinese assuming anti-Japanese attitude. On the other hand, the Japanese will use the Chinese organization and resources in consideration of their economic position.

Page

Various measures shall be resorted to, such as inviting influential natives to Japan, and by propaganda. The economic policy is to be based on the broad viewpoint of establishing the co-Prosperity Sphere and toward expanding the interests of Japan.

- Continuing with Exhibit No. 1309-A, the Van Mook book, it was stated * that on November 15 the Netherlands Minister handed an aide-memoire to the Vice Minister of Foreign Affairs in Tokyo, to point out that the negotiations were at a standstill for a lack of subject matter, and to recommend discontinuance. On November 20 a note verbale was given, announcing the imminent appointment of a new special envoy, who was to activate the proceedings. * On November 28 Mr. YOSHIZAWA was appointed, and he was due to arrive on December 23 in Batavia.

On January 16, 1941, the new delegation presented a memorandum in which it was stated that most of the rich vast territories of NEI were thinly populated and undeveloped. Their development and exploitation would be of benefit not only to the NEI and Japan, but to the world.

- Japan and the NEI are in relation of economic interdependence, and great importance should be stressed upon the need of strengthening the economic relations between the two countries. Japan desires * to participate in exploiting the NEI natural resources and to promote trade with her. Japan is firmly convinced that a great contribution could be made toward NEI prosperity if the NEI could see their way to meet Japan's desires. Therefore Japan made the following proposal.

- With respect to the entry of Japanese nationals and other affairs, that there be modification of the restriction on entry, that the procedure laid down in the Labour Ordinance be simplified to permit entry of Japanese possessing passports, up to the maximum number stipulated in the Entry Ordinance, that is, 1,633 in 1940, with exceptions. In addition, there should be permission of entry to nationals required * to carry on exploitation and development enterprises in Sumatra, Borneo, and Great East, where the development cannot be speeded without an increase of Japanese nationals. Temporary stay should not be included in the number. The entry tax should be abolished. All difficulties concerning explorations should be abolished.

Page

Restrictions imposed upon medical practice should be modified so that Japanese qualified doctors and dentists can practice in the NEI.

- 11848 Where Japan and NEI joint enterprises are desired,* necessary assistance should be given for realizing it and favorable treatment be given to Japanese for making arrangements, such as labor, equipment, etc. All applications from Japanese nationals are to be treated in a friendly spirit.

- 11849 With respect to mining, permission for exploring and exploiting various minerals in desired regions, including government reserves, is to be given promptly. Fishery by Japanese nationals in territorial waters is to be permitted so far as it does not compete with the natives, and that an increase in the number of fishing boats and employees necessary for this fishing, including deep sea fishery, be allowed, and that all kinds of facilities be permitted, * and the restriction of import harbors for fish be abolished, and that fish caught by Japanese fishermen in NEI be exempt from import duties.

There should be established a direct air service between Japan and NEI by Japanese planes, and facilities for wireless and meteorology be rendered to Japanese aviators.

- 11850 With respect to coastal navigation already granted to Japanese, an increase in ships should be permitted and the restrictions * on tonnage and navigable areas be abolished. Coastal navigation should be given when needed for operating Japanese enterprises. Certain harbors necessary to promote trade should be designated as open ports.

Formalities for Japanese ships to visit non-open ports necessary for shipment of products to Japan shall be dealt with quickly, and restrictions on tonnage of ships shall be abolished.

- 11851 Consent should be given for the laying of submarine cables under Japanese management. The prohibition of Japanese language in telegraphic communication between Japan * and NEI should be removed.

NARRATIVE SUMMARY OF THE RECORD
(December 4, 1946)
(Netherlands Relations)

Page 1836

Page

11851

Application by Japanese nationals regarding businesses under the Business Regulation Ordinance should be complied with as far as possible.

Import quotas should be arranged in accordance with an attached list, as well as Japan's purchases from NEI.

Japanese importers should get an increased percentage of import quotas, and should be exempted from the obligation to import the goods of third countries.

With regard to imports of Japanese goods, there should be friendly measures on customs.

NARRATIVE SUMMARY OF THE RECORD
(December 4, 1946)
(Netherlands Relations)

Page 1837

Page

11,852

* The answer of the Netherlands to the Japanese demands was given on February 3, 1941. This memorandum stated that to clarify the NEI position with regard to economic negotiations to avoid misunderstanding the Netherlands would restate the considerations determining NEI economic policy.

Although the improvement of economic relations and the increase of actual trade with neutrals is the object of constant care, the measures taken must comply with certain principles. There must be taken into consideration that the welfare, progress and emancipation of the people of the NEI are the prime objects of the Netherlands policy. Measures which tend to run counter to these interests or would narrow the scope of their future development should be obviated.

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* The interests of the NEI demand that economic relations with others should be maintained on a basis of strict non-discrimination and shall not disturb the formation of the NEI as a self-sustaining economic unit within the Kingdom and that there should be no preponderance of foreign interests in any field of economic activity.

During the war it is unavoidable that trade and other activities will be subject to restrictions to prevent direct or indirect advantage to the enemy and to safeguard the defense of NEI.

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Insofar as the opening paragraphs of the Japanese note states that the natural resources of the NEI have been inadequately developed and that economic relations between Japan and NEI are so important and vital as to warrant using the term * 'interdependence,' the Netherlands wishes to point out that such conditions are not substantiated by the facts. The fact that so much of the territory is sparsely populated is due not to lack of funds, labor or spirit, but to the relative scantiness and scattered character of the natural resources. The poor results in this part of the NEI confirmed this view and the data supplied by scientific explorations confirm it.

The NEI provides practically all its own food and production has so developed that restrictions had to be imposed to prevent a permanent glut in world markets. Mineral production is relatively high compared to reserves and in case of poor quality minerals, exploitation was

Page

11,855

undertaken as soon as the demand could be expected to arise.
* This does not mean that there is no room for further development, although cooperation of private foreign capital and knowledge is recommended within the limits mentioned. The developments should proceed according to rational economy and should be realized to the benefit of the abundant population in other parts of the NEI. The fact that the number of agricultural emigrants from Java has reached 50,000 persons a year and is increasing should convince that the NEI does not stand in need of migration, and that all parts of the NEI are necessary for alleviating the pressure of Java population.

11,856

With respect to trade relations it should be born in mind that Japan's total export value in the NEI decreased from 4.21 percent in 1930--1932 to an average of 3.74 percent in 1937--1939. * While Japan's share in imports is larger, it should not be overlooked that they were made possible through the creation of buying power by exports by NEI to third countries.

11,857

Exhibit 1318, telegram from YOSHIZAWA to MATSUOKA with copies to the Vice Minister of War and Vice Chief of the General Staff, dated January 27, 1941, stated * lately the reliance of NEI on Britain and the U.S. has increased. The defeat of Italy in the Mediterranean and U.S. aid to Britain and her firm attitude toward Japan have encouraged the NEI. She is optimistic that the situation is developing favorably. The strengthening and development of her home defenses have intensified her self-confidence. She is not only disregarding the co-prosperity sphere, but is expressing her spirit of opposition on every matter. It can be considered that unless Japan adopts determined measures, not only the progress of the negotiations but the development of the relations would be difficult. * Lt. Colonel NAKAYAMA will make a further report on details.

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Exhibit 1319, telegram from YOSHIZAWA to MATSUOKA, February 6, 1941, stated * that MATSUOKA's speech on the co-prosperity sphere in the Diet and his answers to questions and newspaper editorials have given a great shock to government and private civilians in the NEI and the local papers are giving much space to it.

Page

11,860

The discussion which arose during the interview of OTA and ISHIZAWA on February 5 has been reported. With respect to the erroneous press news sent out by Domei on the interview between the Dutch Minister and OHASHI, steps have been taken for correction. So long as these views are reported, even if it is only a news report, * it is natural that it should produce considerable repercussions. Since dispatches continue to arrive to the effect that doubt is cast upon the status of Holland, the Dutch authorities, not satisfied with YOSHIZAWA's statement, have caused the Dutch Minister to demand recognition by Japan of the exiled government as the de jure and de facto government.

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One need not speak of the cold attitude of the NEI authorities toward Japan in the past. If the situation is let alone, nothing much can be expected. Without resorting to armed force it will probably be impossible to make the NEI a member of the co-prosperity sphere. It is imperative that Japan must first have full preparations for all possible eventualities, not only military, but also adjustment of the China affair and others.

* If the government has confidence in this matter, YOSHIZAWA has nothing to say. If the government does not have confidence in itself, Japan must choose peaceful economic negotiations however unsatisfactory. This is why he believed he had been sent. If he is right in so believing, then the actions of the government and speeches must conform to this policy so as to help the negotiation progress to Japan's advantage. The most recent developments in Tokyo do not cover this aim.

11,862

Exhibit 1045, cable from YOSHIZAWA to MATSUCKA, stated * cooperative relations between NEI, U. S. and Britain have become much closer as U.S. aid to Britain is active and the NEI attitude toward Japan reflects only the attitude of the U.S. It is difficult to notice such a distinction as is generally supposed in Japan. The U.S. attitude is growing worse even without Hull's speech. There is no doubt that the South Seas problem, especially the NEI, is an important cause for U.S. expansion of naval ships. The real problem lying between Japan and the U.S. is not China, but the NEI. Regardless of the European war the U.S. will regard with hostility

Page

11,863

a Japan which has ambition to the South Seas. The authorities of the NEI, considering their own interests, desire to be in the U.S.' hands rather than with Japan. They can expect positive aid from both the U.S. and Britain and they think * that not even Germany will agree to the NEI coming under Japanese authority so easy. On the other hand, in Japan's speech against the U.S. and NEI there is no consistent underlying strength and it has given the impression that a barking dog seldom bites.

The Dutch have begun to underrate Japan's real power. It is natural for the NEI to follow the U.S.' attitude. When the U.S. is about to push on her oppression against Japan one cannot expect even unsatisfactory success from the NEI negotiations. Its breaking up is only a question of time. The acquiring of the thirteen items of needed commodities will meet with difficulty. The only means by which Japan can settle the NEI problem is by exercising her real power. Otherwise, it is fruitless for Japan to try to achieve success by negotiations shouting loudly for a co-prosperity sphere under Japan's leadership.

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Exhibit 1320, telegram from KONOYE to YOSHIZAWA, March 28, 1941, stated that YOSHIZAWA's viewpoint is reasonable that the only means for settlement are things given in his telegram. However, Japan has paid the greatest possible attention to the negotiations, but if they end without results, Japan will lose all confidence in her foreign policy, * while the enemy will gain the impression that Japan is easily dealt with and will intensify their operations. There is some evidence that Holland feels embarrassed by the continued presence of Japan and regards it as an anticipatory measure by Japan to turn to advantage any change. They are taking the indifferent attitude that continuing the negotiations is only a waste of time and they are putting on a superficial show of satisfaction with the cooperative attitude of the representatives and are content to regard it as a compromise with Japan.

However, considering the change in the situation after MATSUOKA's visit to Europe and the intention of the Foreign Minister and the Colonial Minister, who are to visit, he requested that the delegation push pertinaciously

NARRATIVE SUMMARY OF THE RECORD
(December 4, 1946)
(Netherlands Relations)

Page 1841

Page

11,866 Japan's original demands to direct its main effort to acquiring resources * and to await further developments of the decision reached in concert with the Army.

Because of the imperative necessity for continued presence in Batavia he is to take care that the negotiations do not fall into the Dutch plan to get rid of Japan's representatives.

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* Continuing with Exhibit 1309-A, it was stated in the first stage of the conversations the Netherlands delegation had to caution the Japanese that the occupation of Southern French Indo-China would be a military menace toward the NEI so serious that it would cancel any economic agreement. Between March and May 1941 MATSUOKA went to Europe and returned admiring the Axis and the Russian neutrality pact and Japan began to install herself even more firmly in Indo-China and Thailand and the potential leak in the blockade of Germany widened. Both countries produced 130,000 tons of rubber annually as against Japan's consumption of 50,000 tons. Japan's need for 10,000 tons of tin was exceeded by at least 50 percent.

11,868

On May 14, 1941, the Japanese delegation presented a memorandum in which they stated in reconsidering the memorandum which they presented * on January 16, 1941 they present a new proposal that they wish to make it clear that the Japanese viewpoint expressed in the preamble was still firmly held.

11,869

Exhibit 1321, telegram from MATSUOKA to YOSHIZAWA, SHIGEMITSU and NOMURA, May 23, 1941, * stated that on the 22nd MATSUOKA invited Craigie and told him that the NEI negotiations through Japan's wholesale concession had reached a rapprochement but that there still remained some difficulty about rubber and tin. In June 1940 Holland assured Japan that in any situation she would supply Japan with 20,000 tons of rubber and 3,000 tons of tin and despite the fact that Japan agreed, the NEI, taking the quantities of rubber and tin exported by FIC and Thailand to Japan into consideration, now asserts that the former quantities should be further reduced. However, the demand for tin and rubber in Japan has increased. MATSUOKA explained that although * it is claimed that there is danger of Japan supplying Germany with rubber, even by adding the quantity of rubber expected to be imported from FIC and Thailand to the 20,000 tons demanded of the NEI, it will be far below

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Page

the total quantity required by Japan. No country would give its own flesh to another country by going to the extent of cutting its own. Furthermore, it is presumptuous of the NEI and constitutes an act of humiliation to Japan, who is a great power, to have a small nation like the NEI demand assurances that Japan will not re-export to Germany. Japan could never give such assurances. Should negotiations end in rupture, there is not stating what a grave situation may arise diplomatically and internally, inciting not only anti-Dutch but also anti-British and anti-U.S. sentiment which may not be able to be checked.

11,871

Exhibit 1309-A, stated * that the Netherlands delegation presented a memorandum on January 6, 1941, which stated from the memorandum presented by Japan on May 4 and 22nd, the Netherlands has noticed that Japan's proposals have been modified in several incidents as a result of discussions. They have valued these modifications as a result of endeavors of Japan to adapt the Japanese proposals to the exigencies of present circumstances and to meet the objections raised by the Netherlands delegation because of the incompatibility of a number of those proposals with the principles of economic policy in the NEI.

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However, Holland must express its regret that Japan's views are still * materially in violation with these principles. The Japanese memorandum of the 14th states that Japan still firmly holds to views in the preamble of the memorandum of January 16. Since these were based on open inadequacy in the development of natural resources of the NEI and an assumed interdependence between NEI and Japan, it is clear that their practical application would create a special position for Japan in the NEI. The Dutch must, therefore, point again to its fundamental economic policy in regard to the NEI as set forth in its memorandum of February 3; a policy which furthers the welfare, progress and emancipation of the people, non-discrimination toward friendly foreigners and the avoidance of preponderance of foreign interests in any field.

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Furthermore, the relations between the NEI and others * must, for the time of the war, be affected by subjection of trade and other economic activities to unavoidable restrictions to prevent advantage to the

Page

enemy to safeguard the defense of the NEI and to promote the Dutch war effort. These are by nature temporary.

Notwithstanding the difference in conception, the Netherlands delegation desires to try again to convince Japan, not only of the reasonableness of its position on specific questions, but also of the practical possibilities open to Japan on various points.

11,875

Exhibit 1323, telegram from YOSHIZAWA to MATSUOKA, June 7, 1941, stated * that while the Dutch reply shows some points where they have agreed to Japan's wishes, nevertheless the prospects are not bright in regard to problems of entry into the country, enterprises and commerce. On the question of resources and to the important commodities the Dutch are stubbornly persisting in their conditions. In fact they have decreased the quantities compared with the normal figures submitted by them.

11,876

* Now that MATSUOKA had lodged a strong protest against the British and Dutch representatives and the Publicity Department had been carrying on an active campaign, it is impossible to accept the Dutch reply as it is.

Even if Japan should demand Dutch concessions and try to continue the negotiations since the reply received, in addition to being specially considered by a Plenary Session and had been submitted to the Indian Council and approved by the Dutch government in London, it is clear that the NEI would no longer accept such demands in view of the Dutch showing a firm attitude not to discuss matters any further.

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While the only option left on the attitude to be adopted would be to have the Japanese delegation leave after announcing a rupture on the ground that the Dutch reply was unsatisfactory. In that event, out of respect toward its people, Japan * would have to assume a strong attitude toward the Dutch and the press would have to denounce Holland. The Dutch would by no means yield to such a threatening gesture. On the contrary they would give no new petroleum concessions, no moral support towards the renewal of the contract re sale of oil, no promise on materials other than petroleum and would restrict supply more and more. Copra and palm oil would be reduced and

Page

11,878

it would be impossible for Japanese firms and merchants to export to Japan. Japanese doctors would be prohibited from establishing their practice and restrictions against entry would be strengthened. No advance notice would be given regarding the importation of Japanese goods. * Various methods would be used to increase pressure upon business and living of Japanese and the attitude of dependence on Great Britain and the U.S. would be strengthened. Japan must be prepared for the situation, after rupture, to be very grave. It would be unfavorable for Japan's prestige at home and abroad to attempt to prolong the stay, but since the Dutch would most probably demand the withdrawal of the delegation and Japan's prestige would be completely lost in the event this was done, the matter must be given careful attention and he asked for immediate instructions. He stated that he expected to return to Japan at the first available opportunity after the 20th.

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Exhibit 1323, * telegram from MATSUOKA to YOSHIZAWA, June 14, 1941, stated the reply of the NEI is beyond acceptance and it is meaningless for Japan to continue the negotiation on that basis. Japan has, therefore, decided to break off the conference and withdraw the delegation.

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Continuing with Exhibit 1309-A, * it was stated that the delegation met again at YOSHIZAWA's request on June 10 and it was clear that Japan wished to wind up the business and they asked only for a number of technical matters to complete their report. On June 17 YOSHIZAWA, at an audience with the Governor General, pointed out that Japan had drawn up its last proposals conciliatory to the extent that they ran the risk of disapproval if the talk was published. Yet the Netherlands' reply was wholly unsatisfactory and was no basis for an agreement. He was instructed to the Governor General to reconsider and if that was impossible, Japan would discontinue the negotiations. The Governor replied that the Netherlands believed * that an agreement could not be reached on the terms proposed. He could not suggest any alterations. However, he felt the negotiations had not been unproductive, although there was no agreement. The respective positions were analyzed and the parties had a better understanding of each other. YOSHIZAWA stated that Japan wished to see the general trade and economic relations maintained as before. The Governor concurred.

11,881

Page

11,882 This failure was to be expected since the NEI could not extend their very liberal policy as recommended by Japan. The Netherlands would be satisfied to continue mutual relations on the old footing. YOSHIKAWA produced a draft of a joint communique, which, after amendments, was agreed upon, which stated * that both nations regret that the economic negotiation had come to no satisfactory result, but the discontinuation will not lead to a change in the normal relations between the NEI and Japan.

The Tribunal's attention was called to Exhibit 635, a telegram from Ott to Ribbentrop, June 21, 1941, in which Ott reported that MATSUOKA had stated that the negotiations with NEI had been broken and they must now set up air and naval bases in FIC.

11,883 Exhibit 1324, excerpt from the Japan Year Book 1933-1934, stated * on July 28 the Netherlands announced the suspension of the Japan-Netherlands Financial Agreement and the freezing of Japanese assets in the whole NEI.

11,885 Exhibit 1325, official report by the Bureau of East Asiatic Affairs of the NEI on the organization of the Japanese Intelligence Service in the Netherlands Indies, October 27, 1941, stated * the Japanese Intelligence Service of the NEI consisted of four organizations, the FOO, FNC, FAO and OCO.

11,886 * The FOO, the Foreign Office Organization had as its central points the Japanese Consulates at Manado, Makassar, Soerabaja, Batavia and Medan. Intelligence collected by journeys by informants to places where there are Consulates and on official journeys by Consular officials. This eliminates censorship of the mails. Diplomatic couriers traveled throughout the NEI at regular intervals, generally in pairs and always remaining together. They arrived regularly each month.

11,887 * Prior to recent restrictions they used to travel on other than the reproduced route, which is limited to places where there are Consulates, they then went to East Borneo and the Palembang region. These couriers collect all intelligence brought to the Consulates and are often non-coms of the Army, Navy or State Police force. For purposes of expediency they are incorporated into the FOO as being the service organization. The couriers' route

Page

runs from Tokyo to Formosa, FIC, Thailand, Singapore, Consulates in the NEI and Palao and vice versa. In addition to this service the Consulates have telegraphic coded communications for conveying intelligence to Tokyo.

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Crews of Japanese mail steamers, etc., * serve as supplementary couriers.

PNO, the Palao Naval Organization, operates for the Naval Information Service of Tokyo, more or less independent of the Foreign Affairs Ministry. The central point is Palao from where instructions are received and intelligence collected. Indications show that important information is passed on through the Tokyo Intelligence Service to the military authorities. Some of the informants who are paid from Palao are regularly recalled to Tokyo and Palao. In Tokyo they always reside at the Tokyo Hotel. Most of the agents have permits to live in the NEI and spend a part of the year abroad, either at Palao or Japan. It is not imperative for the intelligence collected to go through Palao. It often reaches * Tokyo direct and is passed from there to Palao.

11,889

The FAO, the Formosa Army Organization, has as its central point and collecting point Central Formosa, with its organization under military direction. Its lines of communication are mainly concentrated on the western section of the NEI as contrasted with PNO, which pays more attention to movements in the east of the NEI. When circumstances require, intelligence can be sent direct to Tokyo.

OCO, the Overseas Chinese Organization, is more concerned with Fifth Column activities, yet it serves as an intelligence supply organization, to a greater extent than the PNO and FAO which operate through Japan. The Consulates, together with officials * or private Japanese receive the required information from Chinese. The Consulates have large funds at their disposal to finance the OCO.

11,890

A detached map shows the number of Wang Ching Wei agents dispersed throughout the NEI. The impression is that the Japanese Consulate General at Batavia acts as a receiving center for the OCO and passes on intelligence direct to Tokyo or to headquarters in China. There is regular contact between Tokyo and Amoy. There are

Page

11,891 branch lines to Nanking, Canton, Hainan and Formosa. The Koain at Tokyo forms part of this system. The four organizations in the NEI work in close contact with each other. This contact has now become still * closer.

11,895 Exhibit 1326-A, a letter dated May 30, 1938, attached to an official report of the NEI on Japanese subversive activities was received in evidence. This letter from KOTANI of the Europe-Asia Bureau to a Mr. KANEKO, stated that he was sending a plan for the publication of a daily paper in the Malay language in the NEI. *Saeroen was to be appointed Chief Editor, since he used to be the editor of a paper and is known as pro-Japanese and his dismissal was brought about by wealthy overseas Chinese. He has close relations with elected members of the People's Council, who are leaders of the native independence movement and collaborate closely with KUBO. He is now connected with the Aneta press bureau.

11,896 The Plan Adviser is to be Mr. KUBO * who has been in the NEI for thirty years and knows its politics and economics. He is friendly with influential natives and will stand behind Saeroen.

MOMINOKI will look after the Japanese news. He has been in the NEI for more than ten years and used to be editor of the Nichiro Shogyo Shimbun and now contributes to Malay papers. He is the center of the struggle to convince the NEI of the true nature of the Chinese conflict and is the most proficient of Malay among the Japanese. He will work under Saeroen for translation.

11,897 The paper is to be a daily publication in Batavia with 8 to 10 pages * and a subscription price of 50 to 75 cents per month. While this price may be low, in view of the low income of East Indian intellectuals the price should not be more than one guilder per month. The initial budget was to be 31,000 guilders and a monthly deficit to be expected.

The letter stated that Japanese newspapers in the Indies are read by only a small portion of Japanese and they are never seen by Chinese and Javanese. A paper

Page

11,898

printed in Malay explaining Japan's situation can expect important results. A paper inserting Japanese advertisements, explaining Japanese commerce and introducing Japan would serve to foster amicable relations * and would save the 60 million people from false Chinese reports. This plan has been considered for three years but nothing materializes. The Japanese in Java could not counteract Chinese news during the Manchurian conflict and they experienced great hardship. Now that the Sino-Japanese incident has become bigger and complicated, the home country of overseas Chinese in NEI is on the verge of becoming the scene of warfare. The NEI is boosting China to curry favor of the rich Chinese and the Chinese have more than 10 papers in Malay and 10 in Chinese. The Japanese have only two papers which have been fused into one and it contains only news provided by the news service * of the Ministry of Foreign Affairs. The hope of the Japanese inhabitants is that a Malay paper will insert Japanese propaganda and commercial news. The natives have to be made acquainted with Imperial Japanese love of Justice.

11,899

The intellectual East Indians of Java, etc., expect Japan to publish a Malay paper under Japanese management. If it is not now begun, it will never be realized. He urges that the paper be started for the sake of Japan's march to the south.

11,901

Exhibit 1326-B, a letter dated December 24, 1938 attached to the foregoing report, stated that at the end of the year the atmosphere in Japan is very tense. There are very few decorations in the streets. The business for which he had devoted so many years had, unfortunately, ended in failure. In the days when the problem of the southward policy had come to the fore he could not find sufficient words to apologize to his country. He was worried when he returned from the Foreign Office * to find out whether any report had been received that the newspaper had begun.

Although he felt that the banning of his return to the NEI would be only a question of time, the thing that worried him is the progress regarding the paper. He is aware of local complications and as it would not do to make Saeroen president and chief editor, he asked KANEKO to manage the paper and start publication.

Page

11,902

However, he pointed out that the propaganda value would be considerably minimized. Both MOMINOKI and himself would defy the NEI authorities and re-enter the country and he had conferred with the general staff about this. If the plan of Saeroen should be realized, it would be a long cherished desire. It was the writer's policy not to return until this object had been achieved. Even if he could not re-enter, * he would not fail to send sufficient operating funds. He had given KOTANI 5,000 ¥, which he got from MATSUOKA, President of the South Manchurian Railway. Further the Bureau of East Asiatic Economic Research of the railway under the leadership of OKAWA has promised to give a subsidy of about 50,000¥ per year.

11,903

IWATA intends to supply Siamese cowhides to the Army and upon its realization and his acquiring special concessions in South China he will send 20,000 to 30,000 ¥ to the work in the NEI. Preparations are being made to send personnel to make up the shortage. He asked to be advised of the necessary counter-measures.

If the establishing of the newspaper is impossible, * he thought it necessary to buy and transfer to Batavia another paper. In collecting money for future work he advised that closest contact be kept with the Foreign Affairs Ministry and cooperate with the Consul General. The letter was signed by KANEKO.

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Exhibit 1326-C, a letter from the Southwest Development Company, dated March 15, 1935, stated * that MATSUE was transmitting the reports received from the Naval staff and the Consulate General of Batavia of February 14, 1935, concerning conditions for starting enterprises in Dutch territory. The company would like to apply for permission to do experimental drilling in certain territories. * A thorough study of the NEI

11,906

mining legislation is necessary and he inclosed a copy of the law. The local authorities may not be well disposed toward the application. The writer, therefore, requested that great secrecy be had in making investigations of this territory of about 1.7 million hectares and in inquiring about procedure for making application. He was asked to submit a definite plan.

Exhibit 1326-D, letter from the Southwest Development Company to its branch manager, May 20, 1939, stated

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11,907 that after staying three days in Palao the writer was leaving. It is remarkable how at Palao the expansion of all tropical industries ... continued and the establishment of new companies is astounding. He was greatly impressed by the things learned from the leading personalities. He believed this to be nothing else than the realization of Japan's trend toward filling her needs for various resources from the south through Japanese * instead of by importation. It is not possible to have all Japanese requirements satisfied from the Mandated territories. The next important problem has to be met by the expansion of Japan in Great New Guinea and the time is rapidly and silently approaching when the company should be taking an active part.

11,908

For the sake of the company's new advance to the Spratley Islands, the Chief of the General Affairs Section of the Palao Office will go to these islands on the 27th. On Hainan Island all forms of enterprise are flourishing and the company's research party is engaged in work.

The aerial route between Tokyo and Palao has been completely opened and passengers are conveyed to Tokyo in two days. There is one plane per week. Four motor hydro planes are used and in order to perfect this air line they are piloted by naval officers on the active list. * Naval Attache OKUMA, who has been very helpful in the New Guinea Enterprise Department has been promoted to the Navy Ministry and his successor has arrived.

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A large quay is being constructed on the Island of Marakaru, which will accommodate two vessels of 6,000 tons. The work is being executed by the NampoSangyo K.K. and ground has been broken for constructing two 10,000 ton oil tanks. It is gratifying that such large installations which as sine qua non imply the expansion of New Guinea.

With respect to increase in personnel for New Guinea he had been informed by OKUMA that permission had been given for 10 persons. This is rather futile but ten are equivalent to the 10,000, because they represent matchless warriors. He hopes with the motto 'Health * First' in mind, that the best will be done for the exploitation of New Guinea.

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11,911

Exhibit 1326-E, letter to HAYASHI, President of the Japan South Seas Association, Batavia, from CHUANG at British Penang. The letter is addressed to President TSUKIHARA and states * that he felt ashamed at having been engaged by the Overseas Intelligence Bureau to do so little. With the situation in Europe becoming tense the Bureau has redoubled its energy toward realizing its great plan for the domination of East Asia. He was happy to be a member. It has become impossible to fully describe their delight on seeing the blue-eyed people * who have oppressed the Asiatics in the past having to hang their heads beneath the knees of the Japanese.

11,912

In accordance with instructions to intensify his activities he had contacted his comrades in Siam and five have already entered in disguise. It is their duty to obtain confederates to commit sabotage, to incite the natives to hostility and to spread alarming rumors. He had followed his instructions. Each agent worked separately. TSUKIHARA had stated that a high official would come to the south and give secret instructions. This has now happened since HAYASHI, an important diplomat and head of the Intelligence, arrived at Batavia on the 23rd. It is clear that the work will increase in seriousness and more and more definite instructions will be received.

11,913

He has heard that Britain has no more military strength to fight * and before long will suffer national ruin and a doomed race. To cover their shame, the local authorities have expressly stationed mixed troops of feeble soldiers at important and strategic points. This crazy small nation has the idea that the stationing of troops would inspire confidence among the people, ignorant of the fact that they look even more ridiculous. All the mixed troops entertain a grudge and few are willing to sacrifice their lives for the regime. If he should incite them, the volunteers would find it impossible to fulfill their duties.

11,914

In accordance with orders they had decided to use large amounts in the near future to corrupt the soldiers and people and to organize a Fifth Column to be ready when the fighting begins. It will be impossible, however, to obtain satisfactory * results unless personnel, labor and material are supplied in large numbers and volumes and distributed.

Page

11,915

He has received his salary and campaigning expenses. As to results, they have improved and effective propaganda, together with the war situation, has convinced the soldiers and people that England will soon collapse and another powerful nation must be obtained to guarantee their security. They all desire to render little services for money, but the chance has not yet come. His comrades have succeeded recently in stealing various important topographic maps as well as data on the distances of military forces. If he desires them, * he would forward them in a way to escape censorship. He intends to move. This letter was dated May 30, 1940.

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Exhibit 1327, telegram from ISHIZAWA to Tokyo, September 2, 1941, stated * that conditioned by the military invasion of FIC, the government of the islands has drastically stepped up anti-Japanese tendencies and assumed an attitude of aid to China. This is evidenced by the unconvincing control over anti-Japanese editorials in the Chinese press, the solicitation of funds for building military airplanes for Chinese and the demands for suspension of publication of the Japanese operated East India Daily News Chinese edition, as well as the Malay magazine. However, there is a small group of Chinese whose anti-Japanese tendencies have improved as a result of government activities. However, when they learned that these Chinese were coming closer to Japan they began to exercise their old tendencies on a greater scale. Japanese having good contacts with Chinese were exiled and Chinese friends arrested for questioning. It has been reported that a statement has been made that they are in danger of their lives.

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The fact that the police strength in the islands has been greatly augmented recently and made it extremely difficult to carry on the schemes against the Chinese. As a consequence nothing can be done directly. He, therefore, would like to have the organs for manipulating public opinion and the development of the schemes remain passive for a little while. For a time being he was concentrating his best efforts in collecting intelligence * dealing with Chinese activities. Until Japan has brought FIC and Thailand within her sphere of influence it would be most favorable to strengthen the schemes with regard to the Chinese. He would, therefore, like to have sent to the islands influential persons in whom Nanking has confidence who could command large numbers of followers among the

Page

Chinese and who will teach the doctrine that the Chinese and Japanese are one, as well as set up organs to influence Chinese opinion. These men would have no relation with either the Consulate or with Japanese, but would meet only with influential Chinese. He asked that the message be transmitted to Ambassador HONDA in China and other diplomatic officials.

11,921

From Exhibit 909, Japan's decision to fight, the Army, Navy Central Headquarters agreement stated that the object of Imperial Headquarters of the Army and Navy in setting forth clearly the division of duties and command in joint operations was to promote a maximum display of efficiency. This was issued at the end of October. The high ranking officer for * Sumatra, Borneo, Malaya, Celebes, and the Philippines, including FIC and Thailand is to be Marshal TERAUCHI. His command will be called the Southern Army and will be stationed at Saigon. There was a plan for effecting large Army convoys together with all details. There were agreements of aerial warfare naming the places to be attacked by both Army and Navy and places of independent attack. There are also supply and communication plans and agreements on occupied territories, cities and resources.

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Exhibit 1328, major items to be re-examined concerning essentials for the prosecution of national policy, a list of questions drawn up for the liaison conference at the end of October 1941, stated * that the questions to be considered are: what is the future outlook of the European war from a strategic point in regard to the U.S., England and Holland in the initial stage and when carried on for several years? * In this case what military measures with the U.S. and England, availing themselves of the unoccupied areas in China be? If Japan initiates war in the south in the fall, what will be the relative phenomena in the north? What are the estimates of shipping to be commandeered by the government and also their wear and tear during the first three years of war? What are the estimates of transportation capacity of vessels available for civilian purposes and on the supply and demand of major commodity items? What will be the scale of the government's war budget and the sustaining power in finance and credit in the event of war? * What degree of collaboration can they get from Germany and Italy in connection with war against the U.S., England and Holland? Is it possible to restrict

Page

11,926 the enemy to the Netherlands or to Britain and the Netherlands? If the war is to begin in March of the next year, what are to be the advantages and disadvantages in foreign relations, the outlook on the supply and demand of important resources, the strategic view, when should the war be commenced? * What advantages can be gained by maintaining the present status by giving up the war plan and increasing the production of synthetic oil? Will it be possible to obtain Japan's minimum demand of September 6 by continuing negotiations with the U.S.? To what extent should Japan modify her minimum demand to arrive at a compromise and can she accept it? Assuming Japan accepts the U.S. memorandum of October 2, what chance will Japan have internationally especially toward China as compared with that of pre-China Incident? How will the opening of war against the U.S. and others affect Chungking?

11,928 Exhibit 1329, the answer to the aforesaid questions, stated * that in case of outbreak of war against Britain, U.S. and Holland it is impossible to expect a great deal from Germany and Italy. If the war breaks out in the autumn, Germany has given the impression that she would attack the U.S. In view of the obligations of the Tripartite Pact Japan can't expect Germany and Italy to declare war depending on Japan's attitude. But * this would mean that they would only take further steps in their present relations. Their attack on vessels and warships in the Atlantic would be intensified and they would play an important role by diverting U.S. in their landing operations on Britain, thus helping indirectly. It is difficult to expect all this from Germany, which needs a preparatory period for next operations after pausing in attacking Russia. Since the contact with Germany has been cut off it is impossible to expect material and economic assistance from Germany. As for advance to the NEI Germany has thought of pressing the Dutch to bring pressure on the NEI, but they doubted its effect because of the large number of German prisoners in the NEI.

11,930 In the event the war broke out in the spring Germany is hinting on carrying out a landing operation on the French coast but there is no way of knowing that * the operations will be carried out. This attack will indirectly help Japan to fight U.S. and Britain, but no more direct assistance can be expected except the operations

NARRATIVE SUMMARY OF THE RECORD
(December 4, 1946)
(Netherlands Relations)

Page 1855

Page

11,931

of the Japanese and German forces which will indirectly benefit each other since the hope of contact through Siberia will be difficult. It is dangerous to rely upon this since they do not know whether the landing operation on Britain will take place. In either event the greatest help they can expect from Germany and Italy will be the advance of Germany and Italy to the Near East, Central Asia and India. Since Japan's advance must be carried out in accordance with them a full arrangement is required beforehand. In the event the war breaks out later than next spring Germany's attack upon Britain will be much more intensified. It may, therefore, be more advantageous for Germany to fight America, but they must take into consideration the possibility of peace between Germany and Britain. * They did not feel that there was any possibility of restricting the enemy to the Netherlands or to Britain and the Netherlands. As to the attitude to be taken by Britain and the U.S. in the event Japan advances by force to the south, they had not yet heard of any military alliance nor any settlement for cooperation between the U.S., Britain and the Netherlands, but there is no doubt they have a mutual understanding on joint defense in that event. The attitude of the U.S. and Britain will be affected by the time and manner of Japan's military advances to the south, the international situation and their own internal situation. They must take into consideration all probable cases, but in any event they cannot restrict their opponents to the Netherlands and they also must be ready for Russia's entering the war.

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* When Japan advances to the NEI they must expect that Britain, first of all carry out a diplomatic campaign, but she will probably make up her mind to take up arms for self-defense. Whether she does this immediately or not depends on the situation. They are considerably sure of this view. Britain may, at once, ask for U.S. assistance even if the U.S. does not participate immediately, she will, of course, hasten to strengthen her preparations. She will probably take diversionary measures by closing consulates, recalling ambassadors, severing diplomatic relations, * and demonstrations by her navy and air forces.

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It is dangerous to believe that the U.S. would take gradual steps. They can only expect that she will take more prompt steps in case Japan advances to the south

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11,934

compared with Germany's case. The U.S. would be unable to overlook Japan's southward advance as 'another's business' because she considers the Southwest Pacific as a zone over which she has power of utterance. Some of the materials in the area are necessary to America. She would be afraid she would lose her right of utterance. She fears occupation of the Philippines and American public opinion would be more excited than in the case of the European war. Considering the advantages and disadvantages in the event the war breaks out in March of the next year * the advantages are that the Soviet forces may suffer a crushing blow and be very busy with reconstruction and, consequently, there might be a considerable transfer of Soviet strength from the Far East. The threat and burden in the north will be less than at present.

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There also may be some slight chance of taking diplomatic measures so as to mediate Russo-German peace. Since the German winter operations are expected to be directed toward Africa, the Near East and Central Asia, Britain must defend them. Her European theater will be very busy and her position in East Asia will be weakened. Germany's diversionary role will be more effective. Even if the U.S. does not participate in war, her preparations will be further advanced and internally she will be troubled by difficult * problems of domestic administration and finance. Militarily she may have to divide her strength in the Pacific and diplomatically she may have to soften her attitude toward Japan. In addition Japan will get time to improve and strengthen her diplomatic position in Thailand and FIC.

The disadvantages are that the economic difficulties will increase by March of the next year and militarily it is dangerous to give the opponents time to prepare.

11,936

The Court's attention was called to Exhibit 818, decision of the Imperial Conference of November 5, 1941, which stated * that in order to conceal Japan's intentions it would open a series of diplomatic negotiations with the NEI in the form of continuing the previous ones with the chief object of obtaining commodities needed.

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Exhibit 1169 and Exhibit 1176, the decisions of the Imperial Conference of November 5, 1941 and plans for executing the war, stated that * Japan will make part of

Page

the NEI independent and retain other parts in the Empire.

Exhibit 1252 provided for naval operations against the NEI starting December 8, 1941.

Exhibit 877, dated November 20, 1941, a liaison conference decision provided for military administration in the southern areas to be occupied.

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Exhibit 1330, a telegram from the Japanese Consul General in Batavia to Japanese Consuls in the NEI, November 29, 1941, stated * as of December 1 the consuls were to investigate and telegraph the nationality, name, port of arrival or departure, date of arrival or departure, port of destination of foreign merchant men or warships operating in the Pacific, the Indian Ocean and the South China Sea zones.

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11,941

* Exhibit 588, the Imperial Conference of December 1, 1941, was corrected to read that Japan's negotiations with the U.S. regarding the execution of national policy * adopted on November 5 have finally failed. She will open hostilities against the U.S., Britain and Netherlands.

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The Tribunal's attention was called to Exhibit 1214, an intercepted telegram from Tokyo to Hsinking, December 1, 1941, stating that while Manchukuo will not participate in the war, Britain, U.S. and Netherlands will be regarded as de facto enemies.

The Court's attention was called to Exhibit 1241, the minutes of the Privy Council on the declaration of war in which TOJO stated that the question of whether or not war would be declared on the Netherlands will be omitted in view of the future strategic convenience.

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The Court took judicial notice that on December 8, 1941, the Netherlands Government * declared war to exist between the Netherlands and Japan.

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Exhibit 1331, regulations of the sixth committee, approved by the Prime Minister, December 2, 1941, as amended January 23, 1942, provided * that the committee should be established in the Cabinet to discuss and draft matters of economic plans and control centering around the acquisition and development of resources in the southern areas. It shall consist of a Chairman and five committeemen and the president of the Planning Board * is to be the chairman. Committeemen and temporary committeemen are to be appointed by the Premier from among the higher officials of the Planning Board and other offices. The Chairman is to preside.

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The Committee is to have a Chief Secretary and secretaries and the Chief Secretary is to be the Vice-President of the Planning Board, who shall manage the business under the direction of the Chairman. The general affairs of the committee are to be handled by the Planning Board. The establishment of the Committee and its dealings * are to be kept secret.

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At the Cabinet conference of November 28, 1941 it was decided that the Sixth Committee organized from the Planning Board, Foreign, Finance, War and Navy Ministries

Page

is to be established to discuss and draft matters on economic plans and control for the South Seas and its general affairs are to be handled by the Planning Board.

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The Fifth Committee is to be abolished. The reason for this change is that while economic problems of the southern areas have been handled by the Fifth Committee it has become necessary to carry out economic plans * and control centering around the acquisition and development of resources for the southern areas through a controlled activation of all national power under a united policy, thus contributing toward establishing a powerful national defense state. They have, therefore, decided to set up in the Cabinet a committee to handle this.

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Exhibit 1332, the first report of the Sixth Committee, dated December 12, 1941, entitled "Outline of the Economic Counter-Plans for the Southern Area," stated that the principal aim of the policy is to fill the demand for important national resources and thereby contribute to the execution of the present warfare * and at the same time to establish a system of autarchy for the Co-Prosperity Sphere and find means of strengthening Japan's economy.

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The areas of the counter-plan shall be Area A, including NEI, Malaya, Borneo and the Philippines and Area B, including FIC and Thailand. As to Area A, there is to be a first counter-plan and a second counter-plan. In the first counter-plan emphasis is to be laid on acquiring natural resources, particularly for securing the necessary resources for carrying out the war. Every measure is to be adopted to prevent the flow of special resources to enemy countries. In acquiring resources emphasis is to be laid so that existing enterprises will cooperate * and efforts shall be made to lighten to the minimum the burden on Japan's economy.

In regard to the second counter-plan the completion of the Co-Prosperity Sphere and its autarchy system was to be an objective.

With respect to Area B, steps will be taken to produce effective measures based on pre-arranged policy and with the utilization of Japan's prestige and coercive power, which will be increased as a result of developments in Area A, measures shall be used to realize the demands

Page

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for important resources, especially food. Should the situation change suddenly, another policy shall be decided. With respect to Area A, all acquired or exploited materials shall be included in the material * mobilization plan and at the beginning of the operation all existing important materials shall be collected and distributed in accordance with the decisions of the Army and Navy. The order of exploitation will be decided by central authorities after considering the war situation and the degrees of necessity. Estimates for acquisition for the fiscal years of 1942 and 1944 are indicated. Personnel funds for developing local petroleum and other minerals are to be allotted to the Army and Navy.

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* Deficient resources of each district shall be supplied so that self-sufficiency will be planned for necessities of life. There will be mutual interchange of products as soon as possible and Japan will be relied upon only for such materials as cannot be found. Mutual interchange of production shall be made in accordance with negotiations between the Army and Navy in the area and at home under government regulations. The development of resources shall concentrate on petroleum with priority on funds, materials, etc. At the outset the petroleum industry will be managed by the armed forces, but when conditions permit it should be transferred to private enterprise. Considering the acquisition and transportation, appropriate areas * shall be developed and the efforts shall be directed toward acquiring oil suitable for aviation gasoline.

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The needed facilities for local refining shall be restored in proportion to existing facilities and with reference to Japanese and Manchurian capacity.

In the mining industry the exploitation shall be concentrated on key points with the principal aim of exploiting the maximum quantity by a minimum number of efficient enterprises. Current operating facilities shall be restored as soon as possible and a step shall be taken to promote exploitation in new areas such as nickel, ore, copper ore, bauxite, chromium, manganese, mica, phosphate rock and non-ferrous metal. Tin ore and iron ore are to be temporarily suspended.

The selection of entrepreneurs to exploit important resources * shall, in principle, be in accord with the idea

Page

that the exploitation in one place is to be left solely to one entrepreneur; that he must possess excellent and sound ability and experience in the industry and the area and elsewhere and he must possess the ability necessary to exploit resources. Throughout the southern area the variety of resources shall be divided and shared by two or more entrepreneurs so as to avoid a one firm monopoly. Special resources, however, are not restricted by this. Agriculture, forestry and marine enterprises shall be checked for the present except in urgently necessary cases. Each region should try to attain self-sufficiency in its food.

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Manufacturing industries * shall not be set up as a rule except special ones like shipbuilding and repair shops. This rule is not applicable to industries having equipment in the area and which can contribute to reducing the shipping load.

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They should try to make the best use of the local currency. At first they will use military currency expressed in terms of the local currency of the area to circulate on a par with local currency by compulsion. At home and in the area a structure should be considered for managing military currency. Any expenses required for acquiring and developing resources in the area are to be drawn from the war budget. Japan should try to control the local system of currency issue as far as possible and to advance towards unification of both. Already issued military currency should be withdrawn and in exchange for local currency.

The liquidation of military currency shall be carried out by borrowing money and floating loans through note issuing banks, confiscate enemy property and ordering the local government or public corporations to bear a share of the national defense. Measures to raise funds for developing natural resources shall be decided later. Exchange control is to be completely organized to control movement of funds.

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Freight space for transportation to and from the south is to be allotted monthly by the army and navy and * is to be used for transporting natural resources. Ships of more than 500 tons are to be transferred to the central authorities but those under 500 tons are to be used in the

Page

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area under central direction. The order and quantity of shipping of resources are to be decided according to importance. Natural resources expected to be useful in economic warfare with Britain and the U.S. such as rubber, tin, petroleum, quinine, tungsten, Manila hemp, copra, and palm oil and local goods for the self-sufficiency of the armed forces are to be decided by the needs of the operations and are expected to contain * provisions and forage, fuel and some clothing and building material. Important materials such as petroleum should be used most sparingly and within the allotted limits.

In case a manufacturing industry is needed it should be limited to the use of existing equipment under military management.

With respect to the Second Counter Plan it should aim at the completion of the autarchy system and the Co-Prosperity Sphere, aid the economic development of the Japanese in the southern area on a nationally planned basis and promote economic exchange within the sphere. The details to be decided later.

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With respect to Area B the plan should be based on the policies determined by the Fifth Committee. They * may be revised later.

Marine transportation regulations shall conform to those of Area A.

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Exhibit 1333-A, summarized plan for management of the southern area, dated December 14, 1941 stated * the purpose of the plan is to guarantee the security of Japan and establish the organization necessary for constructing the Co-Prosperity Sphere in which Japan is the leader. The basic policies of the plan are the acquisition and utilization of military bases and the right to station troops, securing the demands for acquiring resources for national defense and tightening economic cooperation in the Sphere and severing the political shackles of Europe and the U.S. in the South Seas and at the same time respecting * the desire of the people for emancipation and independence. The procedure such as incorporation of any region into Japan or the establishment of a protectorate must be carried out when it is considered proper from the standpoint of national defense, the stupidity of the natives and other conditions.

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The Philippines are to become independent quickly and are to promise to offer the use of military bases and other cooperation to Japan. They will make an agreement of the close diplomatic collaboration with the Empire.

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The NEI are to be independent as 'The Indonesian Federation,' having promised the establishment of military bases * and cooperation with Japan on other points. In diplomatic policies they must promise to act hand in hand with Japan and Japan shall participate in their military diplomacy. They are to promise close economic collaboration in developing and utilizing natural resources.

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Java, Sumatra, and the Celebes together with their adjoining islands are to be made states capable of setting up a self-government and made into a federation. Dutch Borneo, Dutch New Guinea and Timor presently are incapable of self-government and are to be made dominions of the federation, but their control is to be directed to Japan. Riouw and Lingga Islands and Anambas and Natuna Islands, because of military and transportation needs, are to be organized as Japanese territory * under a Governor-General at Singapore. Singapore and the other Strait settlements are to be organized as Japanese territory and a Japanese Governor-General at Singapore shall administrate them. The Liabuan Island is to be organized as part of Borneo under the direct control of Japan.

With respect to the federated and non-federated states in Malaya, all of the states are to be made protectorates of Japan and organized as kingdoms. A new federation consisting of the former federated and non-federated states is to be set up. Japan's right of protectorate over the federation as well as its members by a treaty of protection are to be established. It will be directed and controlled by the Japanese Governor-General in Singapore.

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* The Kingdom of Brunei is not to be included in the Malaya federation, but is to be a separate Japanese protectorate. Such areas which are regions lost by Thailand are to be considered separately. British North Borneo and Sarawak are to be organized as Japanese territory and governed from Singapore. Brunei is to be a kingdom under Japan with the latter having the right to protect by a treaty of protection under the direct control of the Governor-

Page

11,966 General in Singapore. The reversion of Hongkong is to be decided contingent on the settlement of the China Incident.
* Areas not mentioned are to be considered separately when the occasion arises.

11,969 Exhibit 1334, the fundamental principles of the remedial measures to the southern regions to be occupied as a result of the Great East Asia war, stated * when Japan completely occupies the southern regions belonging to the U.S., Britain and the Netherlands, Japan will be in a position to decide * on matters concerning sovereignty, politics, culture and economy according to her own desire. Since the Imperial Declaration of War states that Japan aspires to expel anglo-U.S. domination in the Orient in order to insure Japan's existence and also to establish the Greater Asiatic Co-Prosperity Sphere in order to secure the stability of East Asia so that it may contribute to the peace of the world. The remedial measures on these regions should be conducted in accordance with the purport of the rescript.

When Japan occupies the southern regions the influences of the U.S., Britain and the Netherlands shall be expelled. There shall be established special agents in charge of matters of politics, culture and economy so that a all-around plan may be set up to establish the Co-Prosperity Sphere.

11,971 * To insure Japan's existence and a high degree of national defense be built up, the development of natural resources by the inhabitants under Japan's leadership is to be obtained. This is a vital necessity for promoting the well-being of the people in the region by considering the relation of demand and supply. Plans must be quickly made both for industrial reorganization of the whole sphere and a counter-plan for a cut in production of natural resources considered to be over-produced, considering, however, always, the living conditions of the inhabitants and industrial economies of many years.

11,972 After peace and order are secured all regions, except those to be military operational bases specially under Japan's control, are to be so liberated as to have the natives restore their independence * in accordance with ability of the natives in the area. The areas to be independent shall be monarchies according to various situations and in case of necessity these may be coalitions.

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Although self-government internally will be gradually granted to each country which has achieved its independence, Japan shall exercise control through a special organization so far as defense and foreign affairs are concerned. With respect to regions to be made into independent states they are to be all Dutch possessions, British Borneo, Labuan Island, Sarawak, Brunei Cocos Island, Christmas Island, Andaman Islands, Nicobar Islands and Portuguese Timor.

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Exhibit 1335, maneuvers for the first period of total war, data of the Total War Research Institute, dated February 18, 1942, stated * the necessary remote areas must be speedily secured to establish a long term endurance attitude; by practical application of the alliance the war will be carried out. Preparations for war with Russia will be completed and a new China promoted. If unavoidable, Japan will wage war against Russia. Japan's chief object in pursuing the war to an end lies in the existence and development of its national power and special care is to be taken to grasp the right time. When the war is ended Japan must try to firmly establish the Co-Prosperity Sphere. It will be a minimum requirement to prevent another war with China and Japan will equip herself for the defense of her national independence in that direction.

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* In carrying out a long period war strategic points in the defense circle will be occupied and while prosecuting the war the powers of self-sufficiency will be strengthened and secured. England will be the main object and to maintain Japan's position she will give special effort to destroying the U.S. and English fleet. She will strengthen the prohibition of intercourse between territories under her power and the U.S. or England, and will destroy the transportation on the west coast of the U.S. as much as possible.

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Japan will take extra precautions in particular against the egress of national defense materials from East Asia. The attitude toward China will be to secure the occupied territories according to previous policy and provide for the development of necessary materials. These will be promoted so as to move toward establishing a new China and in the meantime Japan will try to destroy Chungking * by exhausting their armed forces and economy.

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Japan will try to utilize materials which can be procured in the war zone and will complete her military powers so as to overthrow the U.S. and British attacks which will follow the lapse of time, especially any change in Europe. Good results are to be expected from the Axis domination in the Mediterranean, the counter-blockade on England and the destruction of east coast transportation of the U.S. An attempt will be made to establish contact with Germany and Italy in the Indian Ocean. In case Germany actually lands in England Japan will take the resulting shock into account and strengthen her power in East Asia. It will be the general policy to avoid war with Russia at present, however, preparations must be made to the utmost * for any change in the situation.

If the unavoidable happens, such as joint operations by the U.S. and Russia, Japan will immediately seize the opportunity to resort to military methods against Russia. If Chungking proposes peace, Japan will accept it according to her policy and if possible, she would like to advance and cooperate with India.

She will comply by request in the armistice between Germany and Russia and may propose it herself. This will establish security on the Manchurian-Russian border and Japan desires the advance and cooperation of Russia in India and Iran.

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The cessation of hostilities between Japan and the U.S. and England will be settled at the same time as that between Germany and England and the U.S. When hostilities cease in Europe, hostilities will be suspended * in the Far East. Japan will try to settle the China matter by herself apart from other problems. Japan must watch against Europe and the U.S. concluding a previous truce at the sacrifice of East Asia and must prepare a special way of dealing with things if the worst come to worst.

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* The chief object of territories occupied is to secure the conditions necessary for accomplishing the war. The territories will be decided upon in accordance with progress and on consideration of the best way to solidify the foundation for establishing a small Co-Prosperity Sphere. Japan must secure strategically vital

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areas which would assist offensively and capture strong points which would be a stronghold for enemy counter-attacks. She must secure territories which produce materials necessary for self-sufficiency in order to complete the war. Japan must control the areas necessary to blockade the enemy in essential materials and to intercept their commerce and communications. * Every care must be taken to procure essential materials in the south and to control and smash the enemy's military and economic counter-attacks. Japan must enforce her counter-blockade of Chungking, the U.S. and Britain on strategic and urgent materials. In China she must overthrow the Chungking regime and develop a new China by securing a nucleus group to insure procurement of materials.

In the north she must do her best to secure a basic sphere of national defense and maintain her superiority strategically. She must insure that all is well with procuring strategic materials.

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* The main point of conditions to be secured at the end of hostilities is to approach the concrete ideal of the Co-Prosperity Sphere. The extent to which it can be realized depends Japan's national power at the time, especially to the extent she has secured the spoils of her victory which will differ according to the length of the war and the general aspect of the situation, the position of allied countries and extent of exhaustion of the enemy countries. Any definite prognostication is difficult and the situation should be met by avoidance of inordinate ambitions. However, there shall be three basic principles: (1) When the war is soon over the enemy countries left with a margin of strength * Japan's maxim will be the securing of her existence and self-sufficiency on the direction of establishing the sphere. She will take as her standard for China the previous policy with some scope for mitigation. In the south she will secure a number of the most important military bases and will establish a preferential hold on essential materials. (2) When the war is brought to an end by a single enemy defeat the maxim will be the establishment of a basis for the building of the Co-Prosperity Sphere. Japan will take as her standard for China the policy as previously arranged. In the south she will secure necessary military bases. The Philippines will enjoy independence under Japan's protection and guidance and British Malaya and North * Borneo will be under Japan. A special economic

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Page

zone in the NEI will be established and a preferential hold on materials will be secured from FIC, all contributing to founding a small scale self-sufficiency sphere.

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In the north measures will be taken to sever East Siberia from Russia. (3) When the war is terminated by an enemy surrender with Japan still left with a margin of strength, Japan will plan the establishment of the smaller Co-Prosperity Sphere at a single stroke. The standard for China will be the same. In the south Japan will secure in toto all military bases in the smaller Sphere. The Philippines and Burma will be independent as before. In the NEI and FIC self-government will be realized and special zones needed for military and economic purposes will be established there. British Malaya and North Borneo will be annexed to Japan. * For Australia and India there will be the necessary economic union. In the north Japan will complete the disposal of East Siberia.

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With respect to the establishment of operational areas in the southern region the aims of the policy of military establishment are to secure and control strategic strong points and to insure that everything tends in the direction of establishing East Asia. These aims are to be realized in preference to other policies for the south. Provisions necessary for operations and activities to be first completed * and after that construction work for maintenance of public order in the district, transportation and communications. The administration will be established during the period of operative activities to control or defend construction work. The Army and Navy will bear partial responsibility for establishment according to operational demands, the characteristics of the area and other factors.

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The administration must grasp the principle of local administration and trivial interventions shall be avoided. They shall try to make use of existing machinery. Public peace and order in occupied territories will be secured as far as possible by ordinary police and native army with the assistance of the Japanese. * The time for change from military to ordinary administration will be generally at the end of the war, after considering the actual situation. There may be cases where ordinary administration is introduced before the end of the war or the

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military administration continued even after the war. The most important object of political construction in the south is to comply with the demands of the present war in consideration of establishment of the Great Co-Prosperity Sphere. While Japan must crush the tendency in the south to rely on the U.S. and Britain and guide them to believe in Japan, she must lay stress on facilitating the procurement and delivery of necessary military materials for operations. The form of administration will be military during the war. * The military commanding officer or governor-general will be appointed with a number of able civilians and officers under him. From the first the most able military officers and others must be chosen and the administration will utilize the present administrative system as far as possible. As to natives it is better not to force assimilative measures even in areas to be later annexed, but to adopt policies agreeable to the natural abilities of the races. It will be the policy to exercise strict control over the natives who have previously shown hostile feelings toward Japan and then gradually slacken. European and American nationals will be treated as natives. The Chinese * will be treated in the same way. Strict supervision of those who have previously shown hostility will be exercised, but the others will be treated justly with no special oppressive measures. Steps will be taken to make them cooperate in accomplishing the present war and assist in settling the present China war. The rule will be to control the southward advance of ordinary Chinese during the war.

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The southward advance of Japan will aim at fulfilling wartime demands militarily and economically and as a rule it will be restricted to essential personnel. In agriculture the Japanese will be limited to technical instructors. The return of Japanese who have lived in the south will be permitted on a preferential basis only to those eligible as occupation members, but they must be selected and trained. Adequate selection and training must be given to military men discharged * overseas and officials who retire abroad. Such officials and civilians must not feel that they are superior to different races or treat them with contempt, but they must be careful not to spoil the natives.

In the Philippines military administration will be enforced for the present and a central political organ

Page

11,991

will be established under the governor-general which the Philippines will gradually run themselves. Independence will be accelerated quickly without waiting for the end of the war since it would serve to instigate the desire for independence among other natives and it will be a good example for establishing the sphere. They will have to cooperate positively in the war against Britain and the U.S. and Japan will maintain rights to station armies and to use military bases even * after the war.

In Malaya and British Borneo there will be a governor-general with Singapore and Penang under him directly. He will be in direct control of the native rulers and dispatch controllers to direct them. The administration of areas smaller than provinces will be carried on as far as possible on the line of existing machinery, though efforts must be made to obliterate British influence by taking measures to reform the British way of ruling. Japan will respect the native rulers' political measures and help to raise the Malayan standards. For economic reforms Japan will carry out a number of measures giving consideration to maintaining peace and order.

11,992

In NEI military administration will be established under the governor-general and existing administrative organs used for minor or local administration. * Some Dutch officials and Indonesians will be employed indifferently. The most important object there will be to fulfill Japan's economic demands necessary to carry out obligations since the area will be adjacent to the front and strict military administration will be established. Measures to promote the position of the Indonesians and to raise their standard must be adopted, to make them gradually change their attitude toward the Dutch and give them the hope that after the termination of the war they will enjoy independence.

Strict military administration will be established in Burma, however, the existence of an administrative organ will be recognized, which under Japan's influence will become the nucleus of an independent government.

Indians in Burman must be handled discreetly.

Page

11,993

* With respect to economics, construction policy during the period is to restore and develop production of national resources and make the area a source of supply for heavy industry materials needed for the war. Special stress is to be laid on petroleum, iron ores, bauxite, copper and other non-iron metals. The production of iron ores is the basis, but a certain amount of reserve manufacturing equipment and a large amount of equipment for refining petroleum will be constructed and restored.

11,994

For the first two years the aim will be complete restoration of war damages after which necessary increase will be attained. * To procure necessary materials rapidly, areas of less damage will be selected. Greater importance is attached to NEI, Malaya and the Philippines in the real construction because of materials. For the method of construction a national organization will be set up to include the southern regions to unify and regulate the construction. Under this body certain responsible persons will be selected to undertake to increase production. The production of surplus materials will be reduced to the amount necessary for Japan's demands and construction power will be directed toward the more urgent demands to avoid confusion in the economy of the area and to maintain a powerful weapon in the armory of economic warfare a certain amount of production * may be maintained insofar as it is not a heavy burden on materials and labor.

11,995

Work in the ideas and culture in the southern races must be carried out on the lines of general policy and in consideration that these races have been newly attached to Japan. Their standards are low and their racial characteristics are mild and have no anti-Japanese feeling.

Since the knowledge of Japan by the southern races is insufficient every method and occasion must be used to propagate the true Japan and to introduce Japan through publications and information organizations. Lectures, exhibitions, moving pictures and musical concerts will be given and all public methods adopted. Japan must comply with the characteristics of each race when carrying out propaganda and the results must be thoroughly investigated and the policy selected so as to accord with the actual situation. * The propaganda system in the south must be extended and strengthened and the main outline

Page

11,997 of the propaganda and its essential organization must be held by Japan. While the main object of propaganda is to control the intellectual class in each district, special methods among the ignorant will also be adopted. A way must be thought of to utilize the secret Chinese associations. If the situation permits, it will be good to have the intellectual class travel in Japan and introduce them to the real Japan, thus having them discard reliance on Europe and the U.S. The existing methods and policies of education should be re-examined and those based on European and U.S. influence abolished. * Although changes in direction will be made according to general policy there should be no great changes in education during the period and care should be taken to utilize existing institutions.

Japan will assist and direct the spread of national education and the instruction of youth and in order to implant the idea of the Co-Prosperity Sphere, all kinds of texts must be compiled and Japan will supply them with teaching materials.

11,998 Public thoughts should be established through guidance and education of the army and cooperation and guidance should be given to training and re-education of native teachers. Civilian scholars should be sent from Japan to important points and elements of superior ability should be sent abroad * to Japan to study under special instructions specially set up so as to give proper guidance. When they have finished their studies practical use will be made of them under a definite policy.

11,999 Although innocent racial movements in the districts shall be encouraged and guided steps shall be taken to abolish the influence of liberalism and communism. When independence movements are based on narrow-minded racialism it shall be corrected and guided so as to turn into Oriental moralism. A powerful thought movement shall be carried on and strengthened to prosecute the joint war against Britain and the U.S. so as to comply with the expansion of the war results. * Consideration shall be given to gathering leading and intelligent men to form a spiritual organization for the whole of East Asia to promote the common consciousness.

Efforts shall be made to make the people realize the Co-Prosperity idea through actual living by means of

Page

12,000

concrete and practical measures. This shall be realized by degrees. The main principle shall be to respect the natives' political volition as much as possible and efforts will be made to relieve them of economic sufferings and to adopt political measures as would not dampen their hopes for the future. Consideration should be given for maintaining and extending the natives' right to * participate in the government and the immediate abolition of the bad systems enacted by Britain, U.S. and Holland and by the appointment and use of native officials and leaders.

The traditional spirit of the various races shall be respected and protection shall be given to the ancient sages and patriots.

12,001

The hardships and material living of the natives during this period will be considerably aggravated and it must be expected that for a while there will be no time to consider their sufferings. Economic development necessitates the utmost care and not only must they avoid causing unnecessary economic sufferings, but the material living of the natives requires handling with compassion. Consideration must be given toward adequate measures such * as assisting and educating the natives, releasing farms belonging to British and U.S., amending bad taxes.

Although hostile Chinese residents will be ousted, non-hostile ones will be recognized and it shall be aimed to have them switch over to cooperate in establishing the Co-Prosperity Sphere.

12,002

* Customs and morals peculiar to the natives will not be interfered with unless it obstructs the sphere and the principle will be not to change the tranquility of their private lives. Utmost cooperation shall be given to the rehabilitation works for the natives having suffered war damage. Efforts will be made to build hospitals, traveling clinics * and institutions for tropical disease research and sanitation as well as improvement of medical schools.

12,003

During the period efforts will be stressed for popularization of the Japanese language to make it the common language of East Asia by banning English and Dutch as official languages.

Page

Measures shall be adopted such as the opening of Japanese language schools in important places, the appointment of Japanese speaking natives and the popularization of Japanese papers and magazines and the teaching of elementary Japanese by radio.

12,004

With respect to the Japanese on the spot they must leave no stone * unturned in showing the Japanese army in its true light. They must carefully pick out officials and enforce official discipline. General crossing-over of Japanese shall not be permitted but shall be restricted to those who become leaders and who shall display strict discipline so as to win the confidence and respect of foreign races.

12,005

Importance shall be attached to the education of Japanese children on the spot and special instruction will be started both in Japan and on the spot for training educators. Special institutions will also be established for selecting and training spiritual and cultural leaders. Talented men, who are qualified to introduce Japan's true form * and to consolidate morally the East Asiatic races will be selected and trained. They must be able to come into close contact with the life of the natives spiritually without using any power or authority as a background. They must become teachers and friends in the reality of their spiritual and cultural living. They must investigate the actual conditions of their districts and are to be selected and appointed from among talented religionists, artists, educators, scientists, technicians, economists and social workers.

12,006

Efforts will be made toward preventing any Red propaganda by the Soviet and there will be strict control over Communism. While it shall be made the principle to convert anti-Japanese movements * by positive education, obstinate and malicious ones shall be crushed. Strict limitations will be imposed on listening in to broadcasts, newspapers and publications shall be subjected to strict censorship. Missionary work of hostile English and Americans shall be prohibited. Japanese missionaries will be sent. Literary works implying the adoration of Europe and America obstructive to establishing the Sphere shall be banned and a clean sweep made of those persons having no intention of abandoning their European and American feelings.

Page

12009

Exhibit No. 1336, draft of basic plan for establishment of Greater East Asia Co-Prosperity Sphere by the Total War Research Institute, January 27, 1942, stated that the states, citizens and resources belonging to the Pacific Central Asia and the Indian Ocean are to be established as an autonomous zone on behalf of the peoples of east Asia. The area includes Japan, Manchuria, North China, Lower Yangtze River, and the Russian Maritime Province. * Japan has the duty as the leader of this union.

12011

This presupposes the emancipation or independence of Eastern Siberia, China, FIC, the South Seas, Australia, and India. In the union Japan is both the stabilizing power and the leading influence, and the first necessity is the consolidation of the inner belt of East Asia. The Sphere is to be divided into the Inner Sphere, that vital for Japan, and includes Japan, Manchuria, North China, the Lower Yangtze, and the Russian Maritime area. The Smaller Co-Prosperity Sphere is the smaller self-supplying sphere of East Asia, including the inner sphere plus Eastern Siberia, China, FIC, and the South Seas.

12012

The Greater Co-Prosperity Sphere * is the larger self-supplying sphere, and includes the smaller one plus Australia, India, and the Islands in the Pacific. Parallel with the divisions the following spheres of defense for Japan should be set up. The basic sphere covers the inner sphere and is the zone requiring absolute safety. The defense sphere covering the smaller co-Prosperity Sphere is a zone which must be perfectly defended against invasion from Europe and America. The sphere of influence in general corresponds to the Greater Sphere, and is the zone in which a superior position is to be maintained against attacks from Europe or America. For the present the smaller sphere is to be the zone in which the construction of East Asia and the stabilization of national defense is to be aimed at. Upon its completion there will be a gradual expansion * toward constructing the greater sphere. The construction of the Greater Sphere requires not only complete prosecution of the war, but presupposes another great war in the future. The following two points must be made the primary starting points for political construction.

12013

- 1, Preparation for war with other spheres of the world; 2, unification and construction of the smaller sphere. With these points in mind, the basic principle for constructing East Asia or of the political dominant influence of European and American countries in the

Page

12014 smaller sphere shall be driven out and * the desires of the peoples for independence shall be respected and endeavors made to fulfill it, but proper forms of government will be decided for them in consideration of military and economic requirements and of the elements peculiar to each.

12015 * This conception differs from an independence
12016 based on the ideals of liberalism and national self-determination. During the course of construction * military unification is deemed particularly important, and the military zones and points necessary for defense shall be directly or indirectly under Japan. The people of the sphere will obtain their proper position, their minds will be unified, with Japan as the center. The position of the sphere will be strengthened by mutual supply of needs.

The ideal political forms twenty years hence for the areas when organized on the principles mentioned, and are then set out. These are ultimate forms, and the time and means of realization will vary. Military affairs within the sphere will be handled by Japan, in view of necessity for defense.

12017 * Singapore, and such of its nearby areas, including the NEI, as are of military importance, are to be made territories of Japan at an appropriate time. In other British regions, sultans or local lords will be allowed, and after unification they shall be a Japanese protectorate without autonomy. The people of the area are too low in living standards and politics to stage a racial movement. It is therefore necessary to bring up the native races in conformity with military and economic requirements.

The NEI, excluding areas to be incorporated into Japan, shall have their independence at a suitable time under an Indonesian federation, under Japan's protection. This protection is necessitated by economic and military considerations.

12018 The area centering around Java has a high standard of culture, * and has carried on an intensive campaign for independence. This is appropriate, culturally and politically. The rest of the land, however, is generally an area of primitive barbarity, especially in China.

Page

In view of these circumstances and from the point of military development of the resources, the area even after independence will require considerable protection and interference.

12019 Hawaii Midway, the Australian Mandates, New Guinea, the Eastern Archipelagos, New Caledonia, and the other islands are of great military importance, have no particular races, and will be made a part of Japan. Australia and New Zealand will ultimately become Japanese territory, they being made into areas for immigration of Japanese. As the movement grows, the aim will be to make India * an independent country with the necessary relationship with Japan maintained.

12020 East Asia can be said to be a Co-Prosperity Sphere only when the peoples have realized a firm and solid union. The ties should be strong enough to enable Japan to rise in leadership. This requires the perfection of Japan's defense structure and the strengthening of her national power. The substance of unification * lies in Japan becoming actually the center and in strengthening the direct ties within the sphere. The methods of unification vary according to the differences in the people and with the varying degrees of military importance, as seen from the standpoint of Japan's and East Asia defense. However, there are some principles to be followed. 1, cooperation among Japan, Manchukuo and China shall be strengthened. 2, Manchukuo in the north and Malay in the south, shall be the keypoints, and the relations with Japan shall be inseverably strong.

12021 Ties shall be formed under Japanese guidance for cooperation and guidance, and the offices, if necessary, should be in Japan. An absolutely uniform system of administration shall not be adopted because of the variances of the people. 3. * Military key points shall be secured. 4, Popular dependence upon Japan shall be strengthened. 5, The common ideals of establishing the sphere shall be enforced. 6, Immigration of able-bodied Japanese shall be encouraged. 7, The universal diffusion of Japanese language and the interchange of culture shall be carried out.

12022 Exhibit No. 675-A, an article by HASHIMOTO, entitled "The Greater East Asia Sphere Under Imperial Influence", January 5, 1942, stated that * although full study is necessary, a careful consideration should be given to the various factors in deciding how the countries should be divided and administered.

Page

There are certain general principles to be followed. Independence should be given to each race in its proper place, and there should be incorporated completely into Japan those areas where the inhabitants have no capacity for independence or the areas are strategically important.

12023 Greater East Asia may be divided administratively. * Hainan Island, Hong Kong, Malaya, Sumatra, Borneo, Celebes, Ceylon Island, and the opposite coast of Australia, New Guinea, New Zealand, and other islands in the Pacific and Indian Ocean, should be Japanese territory. Independent countries are to be Manchukuo, China, Burma, including Bengal, FIC, India, Philippines, Afghanistan, Siam, and Java. Territories incorporated into Japan should be administered by governor-generals, and independent states should have Japanese advisers. Military and diplomatic affairs should be under Japanese guidance absolutely, and other matters should be controlled by Japan.

12024 A supreme council for the Greater East Asia Sphere, under Japan's leadership, should be set up * in Tokyo, where there should be a planning board for the sphere to handle business affairs.

The cardinal principle is to separate the ideology of the Co-Prosperity Sphere under Japanese influence; the spirit of labor should be cultivated; and anti-American and British movements should be launched. Culture should be improved and guidance given to develop superior races to prepare for the great future fight between the white and colored races. There should be freedom of religion, but Christianity should be gradually destroyed, while the TENNO teaching should be thoroughly inculcated. The Japanese language should be the common language in the sphere.

12025 Exhibit No. 1337, declaration concerning the opening of hostilities against Netherlands forces, the Board of Information, January 12, 1942, stated * that while Japan had previously declared war on the U. S. and Britain, they had not taken any hostile measures
12026 against Holland, and they desire to avoid *the calamity of war befalling on the natives of NEI. Holland, however, has notified Japan that in view of Japan's war against the U. S. and Britain, they recognize that a state of war exists between Japan and the Netherlands.

Page

Since then the Holland forces have resorted to various hostile acts towards Japan, and Holland has turned the NEI into bases for the U. S., Britain, and Holland in the war against Japan. Japan has no hostile attitude toward the innocent natives of the NEI, but in view of the need of destroying the hostility of Holland and for protecting the lives and property of Japanese there Japan's army and navy began hostilities against Netherland's forces on January 11.

12028 Exhibit No. 1338-A, a speech by Foreign Minister TOGO in the Diet, January 22, 1942, stated * Japan is now fighting with great determination and advancing the aim of the war. Although the enemies have spread propaganda, it is admitted everywhere that it is unavoidable for Japan to take up arms. The emancipation and prosperity must not be satisfied by the leaders of U. S. and Britain. Japan goes forward convinced that the emancipation and prosperity of East Asia is her task. Japan is justified in this war, and as a result her forces are winning marvelous results.

12029 * This is a war in which Japan downs America and Britain, who have been aggressive and intend to control the world. The nature of the war is to emancipate East Asia and establish a new world order. Accordingly, Manchukuo and China have cooperated with positive zeal, as have FIC and Thailand. Thailand, in particular, is determined to eliminate these influences. On December 21, 1941, she concluded the alliance with Japan. Japan will respect the constructive efforts of Thailand, and actual cooperation has increased. The spirit of cooperation between Japan and the friendly countries is making the carrying out of the war and control of the south easy.

12030 The * Axis connection has become increasingly tight, and close cooperation has taken place militarily and economically, as well as diplomatically. Whatever Britain and U. S. may do to try to separate the Axis from each other, there is no room to allow them to accomplish this. The Axis will stand firm as a rock. The Axis differs from the Allied powers, who have many exiled governments. The Neutrality Pact with the Soviet Union is kept and remains unchanged.

Page

12031 Japan will keep good relations with neutral countries in South America and Europe as long as possible. If South America is not tempted by the U. S. and does not show an unfriendly attitude towards Japan, their position will be respected. Japan is watching the Rio de Janeiro conference. Japan's true enemy is * U. S. and British ambition to control the world. To do this they make a puppet of a third country and sacrifice her in cold blood.

Japan has never been hostile to the natives of the NEI and never expected them to sink into the depths of misery because of U. S. and Britain. However, U. S., Britain, Holland, and Chungking have made the NEI their strategic base, and the act of hostility of the NEI has become evident. Japan has had to begin fighting against the NEI.

12032 There are still many bigoted people in Chungking who depend on the Allies, but he believed that in the future they will wake up and cooperate in the construction of the new order in East Asia. The aim of the war is to establish the Co-Prosperity Sphere, based on Japan's foundation spirit. * At the same time it decides the destiny of all East Asia, and it is natural that areas necessary for defending East Asia be grasped by Japan, and that areas which have been U. S. and British territories be given their proper standing in accordance with their traditions and culture. This is quite different from a so-called invasive war. The U. S. and British, who desire to call this war invasive, have only proved that they kept to that idea in accordance with their doings. Japan does not expect the fighting of races, and therefore does not admit any necessity for it. She does not fight with a narrow minded, exclusive intention. The Co-Prosperity Sphere does not have an exclusive nature. It is evident that the relation of economy and communication will be strong in the sphere.

12033 In order * to construct the sphere, Japan must have her grand view and conception in regard to its principles. She must show her positive attitude in her various organizations and fully meet the expectations in East Asia. Her duty has become more grave, and Japan must conquer various difficulties with the help of all Japanese.

Page

12035 Exhibit No. 1338-B, Speech of TOJO in the Diet, January 22, 1942, stated after reciting Japanese victories and the sacrifices of the soldiers, * that the cardinal principal for directing the war is, while expanding by securing strategic points in Greater East Asia and bringing under Japan's control areas containing important resources, to fight out the war until the U. S. and Britain are defeated, by carrying out aggressive operations closely with Germany and Italy. The U. S. and Britain have for a long time prepared to conquer the world. They will * counter-attack obstinately and try to recover, and the war will be long. The true war must be in the future. To carry out the aim of this holy war the people must do their best with the faith of victory in defiance of difficulties.

As Japan pushes her military operations, she is engaged in establishing the East Asia Sphere, which comes truly from the spirit of her foundation. This establishment will be made by cooperation of various races in vast areas. These new areas have been extremely exploited, and the development of their culture has been checked by U. S. and Britain.

12037 * Japan is going to establish an eternal peace in East Asia, and will construct a new world order. This is a great undertaking, and is to lead her military successes to final victory. Japan has in mind to bring under her power those areas absolutely indispensable for the defense of Greater East Asia, and to deal with the others in accordance with their varying traditions and cultures, and the changes of the war.

The army and navy have captured Hong Kong, taken most of the Philippines and Malay, and have occupied strategic points in the NEI. Since Hong Kong and Malay have been British dominions for many years and are trouble bases, Japan will make them strategic points of defense

12038 * The Philippines will be given independence willingly by Japan if they understand her intention and cooperate as members of the sphere. The same applies to Burma. If the NEI and Australia continue to resist they will be crushed. When their inhabitants understand Japan's true intentions and cooperate, Japan will support their development and welfare. Chiang Kai-shek will be crushed to the last. China still has a chance to abandon old relations with U. S. and Britain and to take part in constructing the sphere.

Page

12039 The peoples of Manchukuo, China, and Thailand have made constant efforts with Japan to establish the Sphere, * and FIC has also cooperated.

12042 The Court's attention was drawn to exhibit 1271, telegram from Ott to Ribbentrop, January 29, 1942, in which Ott, commenting on the two previous speeches, stated * that the speeches might be considered to lay down Japan's basic policy for constructing the Co-Prosperity Sphere under Japanese leadership.

12043 Exhibit No. 1339, sworn statement of Major G. L. Reinderhoff, stated * that he knew about certain war crimes because of his work with the Netherlands Forces Intelligence Service, and he knew about these war crimes from his work from interrogations of certain Javanese.

12044 * With respect to the threatened prospect of murder at Balikpapan and Tarakan in January 1942, while a POW, together with other Dutch officers on board a Japanese staff ship, he was told that the officers were to be transported by motor launch to Balikpapan, and if the destruction of the oil works there should be effected in the event of a Japanese landing, as it had been stated, or if Balikpapan were defended or if the Dutch garrison were to resist the landing, then all POWs and all other Europeans of both sexes at Tarakan would be killed, as well as all soldiers and Europeans of both sexes who might fall to the Japanese at Balikpapan.

12045 This statement is recorded in a Japanese document, signed with seals, with English translations attached. The contents were read by the Chief of Staff, with the aid of an interpreter, in the presence of the * commanding general, plus five other Japanese officers. When the witness left the Dutch motorboat and reached Balikpapan by plane, this document with English translation was handed over to the troop commander and then delivered to General Headquarters at Bandoeng.

12047 Exhibit No. 1340, sworn statement by Colonel C. van den Hoogenband, stated * that on January 20, 1942, an ultimatum from the Japanese commander at Tarakan was handed to him in his capacity of commander of Balikpapan, by Captain Reinderhoff, who had escaped as POWs, in the presence of certain witnesses. The ultimatum was drafted in Japanese, with English translation attached.

Page

12048 It stated that overwhelming Japanese forces were advancing on Balikpapan, and in view of their superiority the affiant was requested to surrender Balikpapan in its entirety, undestroyed. If he did not comply, * all Europeans would be murdered.

After reading the document, he asked Mr. Colijn whether all Europeans to be murdered would include Europeans already in Japanese hands at Tarakan. Colijn was of the opinion that they would be included, and requested the affiant to accept the ultimatum to alleviate the fate of the Europeans. The reply was drafted in English, and stated that the affiant had received the necessary orders regarding destruction, which had to be carried out. The reply was sent through Naval Lieutenant van Brakel, who handed the letter to the crew of the vessel.

He was informed that no murders took place in Tarakan, but they did occur at Balikpapan on February 20, 1942. The affiant was not present, since on January 24 he had fought his way to the airport of Samarinda II, and on February 8 had been evacuated to Bandoeng.

12049 * Both Colijn and Reinderhoff were officially appointed by the Japanese as bearers of the ultimatum. On the way by boat they hailed a Dutch plane, which picked them up, to which the Japanese had agreed. The affiant handed the ultimatum to Colijn and Reinderhoff, who left by airplane for Java on January 20 with instructions to hand the document to the Commander-in-Chief.

12050 Exhibit No. 1341, sworn statement by J. T. van Amstel, stated that in January 1942 he was serving on a transport, * when at sea near Tarakan they were attacked and shot at by a Japanese plane, which dropped bombs that did not hit them. He was wounded and taken to Balikpapan, and taken to an emergency hospital on January 11.

The Japanese invaded Balikpapan on January 24, 1942. On February 20 a rumor circulated in the hospital through the native male nurses that on February 24 all Europeans were to be slaughtered. On February 23 all white people, in all 8, were taken from the hospital, leaving the witness because of his dark skin. During the night he escaped and mingled with the population dressed as a native. On February 24 the inhabitants of Dam kampong, where he was, were called together by the Japanese and taken to a place on the beach, where they saw the

Page

- 12051 Europeans standing together. He was fifty meters from them. He recognized Doctor Arps, * and others, including a patient taken from the hospital. He saw three catholic priests, and other officers. A Japanese officer started a conversation with a district officer, which he could not understand, but he saw that the district officer was being beaten. There was a lot of shouting. The Japanese officer who was talking to the district officer drew his sword and cut off both of the district officer's arms and legs. The body was then taken to a coconut tree and stabbed with a bayonet. The same thing happened to a policeman in uniform. * The rest were formed into groups of ten to fifteen, and their hands tied to their backs. The group was driven into the sea until they were in water up to their breasts, when they were shot one after another by the Japanese. They could not float away because of barbed wire entanglements near the beach.
- 12052
- 12053 * The entire group of Europeans killed must have numbered from 80 to 100. The natives were forced to look on, and those who wanted to go away were brought back with beatings and violence.
- 12054 Exhibit No. 1342, sworn statement of Lieutenant A. F. P. Hulsewe, the Royal Netherlands Navy Reserve, stated * that on February 22, 1942, he was called up to serve in the Navy, to report at Bandoeng. He reported on February 23 and was attached to a War Office Section under direct * orders of Commander Brouwer. On March 2
- 12055 he was commissioned a sub-lieutenant. On March 6 he was summoned by his colleague to attach himself to the Governor-General of the NEI, and he reported. On March 7 the Governor-General moved to a villa on the outskirts of Bandoeng, after a bombing attack by the Japanese on the residency. During the early part of the morning of March 8 there were several Japanese planes continuously over Bandoeng. Because of the bombings the Governor-General and his suite were in a large air raid shelter built deep into the hillside, which was connected by telephone. * He then learned that talks had been started between NEI forces holding Bandoeng and the Japanese who had broken through at Lemban. Shortly before ten a. m. the Governor-General was summoned by telephone about these talks. He refused to go, stating that his presence was not needed in talks concerning the surrender of a single locality. A later telephone call stated that if the Governor-General did not report, the town of Bandoeng would be bombed.
- 12056

Page

12057 The Governor's party was made to wait in a mess, where they were joined by a number of Japanese officers. * He made a fiery speech on Japan's victory. After considerable time the governor was asked to choose a small number of people to accompany them, since there was not space to accommodate the whole NEI party.

The talks were held in the dining room, with newspaper reporters and moving picture people present. The Governor-General faced Lieutenant-General IMAMURA. There were at least twenty Japanese officers present.

12058 The affiant had no clear recollection of the exact sequence of questions and answers, or * of their complete contents. This was his first attempt at interpreting, and he found it difficult because IMAMURA persisted on using a highly statistical draft. A Japanese finally took over as interpreter.

The first question was whether the Governor-General had come to submit the surrender of his forces. The answer was no, since he had come because he had been summoned to talk concerning the surrender of Bandoeng, with the threat that the town would be destroyed by aerial bombing if he did not appear. He was unable, even if willing, to hand in surrender terms since his powers as Governor-General had been cancelled by the government a few days previously.

12059 The Japanese replied that they were not * going to be tricked by a piece of political skull-duggery, and in their eyes he was still the Commander-in-Chief of the NEI forces. The Governor-General maintained that he had been summoned only for the surrender of Bandoeng. The Japanese stated that Bandoeng was only of small importance and is theirs for the taking, and the GOC air forces insisted that the surrender of the town would be useless since air reconnaissance had shown considerable bodies of NEI troops withdrawing into the difficult mountain area.

12060 The upshot was a renewed demand that IMAMURA made that the Governor-General unconditionally surrender all forces, with a threat that unless compliance was given, Bandoeng would be bombed flat. After some talk the unconditional surrender * was agreed to, with two or three days grace for troops in outlying areas. The whole proceedings were verbal, and he did not remember if the Governor-General signed anything.

NARRATIVE SUMMARY OF THE RECORD
(December 5, 1946)
(Netherlands Relations)

Page 1886

Page

12062 Exhibit No. 1343-A, an account of the NBI Operations, as related by a lieutenant-colonel, found in ATIS report, August 11, 1943, stated * that at 4 o'clock they arrived at the airdrome, where headquarters was. There were a number of high ranking Dutch Indies officers and ten civilians, so the writer realized that the Governor-General was there. There was an interview with this Governor-General later. The Governor-General and the Army Commander-in-Chief were questioned by IMAMURA as to what power they possessed.

12063 The Governor-General stated he did not have the prerogative of supreme command, which seemed very strange, since from long ago the military and civilian services were in the hands of the Governor-General, while only the Navy was under the direct control of the Queen. The writer did not know whether it was the evading of responsibility on the arrival of Wavell.

12064 When the Army Commander asked him whether he would surrender unconditionally, the Governor-General calmly shook his head. He asked that the photographers be removed. When asked therefore why he had come, he stated he had been invited. He was planning to discuss the matter with the Java Civil Administration. When the Commander-in-Chief asked him if he would surrender unconditionally and asked him to accept only the surrender of Bandoeng and was told that the Bandoeng area was not a problem; the only problem is whether the Dutch are willing to surrender unconditionally. When the Commander-in-Chief of the Dutch Army stated that they were not an enemy of the Japanese Army, the Governor-General * stared pointedly at the Commander-in-Chief. No matter how many times he was questioned, he only mentioned the armistice of Bandoeng.

IMAMURA finally said that there was no use for further questioning. If there is no surrender, there is no other way but to attack continuously. The Dutch will return to Bandoeng immediately. They would be protected by Japanese up to the sentry line, but when they stepped over the sentry line the Japanese would attack Bandoeng with aircraft. He then gave him ten minutes to make a final decision.

Page

12068 Exhibit No. 1344, Course of Events Leading up to Decision on Political Control and Reversion on the East Indies in the second World War, stated * prior to the outbreak of the war, various estimates were made by the Supreme Command and the Government on the problem of political control and reversion of the southern occupied areas, including the Dutch Indies. From the outset, the Foreign Ministry had attached importance to the independence of the Dutch Indies.

The Court's attention to the various plans of Japan prior to and immediately after the outbreak of the war for the future of occupied territories, was called by Exhibits 628, 1334, 1333-A, 1336, and 1335.

The decisions of the Japanese with respect to the future of East Indies was shown in Exhibit No. 877.

12071 Exhibit No. 687, the meeting of the Privy Council on the Greater East Asian Ministry, October 9, 1942, was * admitted into evidence. It showed that there were present MINAMI, TOJO, HOSHINO, and SUZUKI. TOJO made a report and explanation of the draft of the bill. When a member of the council questioned whether the new Ministry would not excite suspicion as to whether Japan is regarding the country as of the sphere as Japanese colonies and that the enemy would take advantage of this and bring about an unfavorable effect on India, and questioned whether it would not be better to establish a combined organization of East Asia countries, TOJO replied that to achieve victory, an absolute necessity for Japan, the combined fighting power of East Asia must be strengthened. However, the various Japanese organs are confusedly set up, and it is difficult to maintain unified and active measures. It is desired to establish a ministry to establish an appropriate national policy in achieving the aims and to insure swift and decisive action. Since Japan has already openly declared the construction of the sphere, there is no need to refrain from using the term "Greater East Asia Ministry". It is better to use it voluntarily.

12073 As to its effect on foreign countries * within the sphere, all are tied to Japan, and since the draft aims for the benefit of the whole sphere the misunderstanding will be solved. As to third countries, it is sufficient to counteract it with propaganda.

Page

There is no reaction from India. The combined organization proposal will be studied as a political problem, and has no relation to the new ministry.

When asked whether treating the independent countries in the sphere as mandates would not cause uneasiness of the countries and the alienation of the people, TOJO replied that the draft is intended to establish an organization for constructing Greater East Asia. In its operation close attention must be paid with respect to alienation of the relative countries.

12074

* At the meeting of October 12, 1942, there were present TOJO, HOSINO, and SUZUKI. When the question was asked whether it was not necessary to have a powerful liaison organ between the new minister and the other ministers, TOJO replied that since war guidance is a problem of the entire state, the government and the supreme command * have already set up a liaison conference, and it decides basic policy. Foreign Minister TANI stated that in relations between the new and the Foreign Minister, there is a direct mutual exchange of important information, and through their methods practical liaison will be effected.

12075

When the questioner queried whether it would not be better to have an administration in the occupied zones in the interim replaced immediately by a permanent Greater East Asia Administration, TOJO stated that the southern occupied areas are now under military occupation and the authority of the new ministry is excluded, but full preparations will be made for the time when the area shifts from military to civil administration. The military itself desires to have the shift speedily, and designs are now being made * to have the military administration gradually replaced by civil service officials.

12076

When questioned as to the scope of the Greater East Asia Sphere, TOJO replied that it would include Kwantung Province, the South Sea Island group, Manchuria, China, Thailand, FIC, and the newly occupied areas, and the sphere will be enlarged as areas increase.

12077

* When a query was raised as to the appointment of commissioned officers on active service to civil service posts in the new ministry, TOJO replied that since there is military administration in the south and in view of the fact that affairs in China require

Page

serious views in maintaining public security, it necessitates that the civil service officials of the new ministry have thorough knowledge and experience in regard to the army and navy.

12078

When the question was asked whether there was any danger that the establishing of the ministry would injure the prestige of independent nations in the sphere and cause a weakening in the mental and material cooperation, giving to the enemy the power * to commit malevolent propaganda, TOJO replied that military operations in the early stages of the war as a whole have made favorable progress, and nearly all strategical key points have been occupied. The vital question is the construction of Greater East Asia with these points as a foundation. Future operations of the enemy will show their militaristic power in the highest degree, and counter attacks will be made. The aspect of war will display a much intensified situation. It is therefore necessary that plans be made to construct the Sphere by a single effort at this time, utilizing the advantage before the enemy counter-attack. Adjustment for necessary organization shall be made. The influence affecting a third power is a problem of secondary significance, and is not a reason for delaying constructing the Sphere. If it did give rise to a misunderstanding * among the various countries in the Sphere, proper employment of the new organization would eventually give understanding to the countries of the Sphere as to their advantage.

12079

12080

When asked * whether the handling of foreign countries by two different agencies would not cause consternation so that the countries under the ministry would treat it as a colonization ministry, TANI replied that Japan had special diplomatic relations with several countries in the Sphere. Since their diplomacy is internal there is no need to fear. It is similar to the special agreement between FIC and France. Since France respects Japan's intentions, it is impossible to believe that FIC will deal with Japan as a colonization ministry. The French Ambassador has conferred with the Foreign Minister concerning local FIC problems, but no objections were made.

12081

* TOJO stated that since determining the essence of the sphere and a unified policy was the pressing necessity of the moment, the unification of various organs requires immediate attention. The change from military to civil government will be immediately