

ANNUAL SUMMARY OF THE RECORD

VOLUME 12

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27122

\* Opening Statement of Mr. Freeman.

27123

Exhibit No. 15, Treaties Governing Land Warfare. From the Hague Convention of 1907 it was stated that the government which has the prisoners of war is charged with their maintenance. In the absence of a special agreement between \* belligerents, POW's shall be treated as regards board, lodging and clothing, on the same footing as the troops of the government which captured them.

27124

From the Geneva Convention \* it was stated that POWS shall be lodged in buildings or barracks with all possible guarantees of hygiene and healthfulness. Quarters must be protected from dampness, sufficiently heated and lighted. All precautions must be taken against fire. As to dormitories, the total surface minimum cubic amount of air, arrangement and material of bedding shall be the same as for troops at base camps of the detaining power. The food ration shall be equal in quantity and quality to that of troops at base camps. Prisoners shall receive facilities for preparing additional food which they might have. A sufficiency of potable water shall be furnished. Use of tobacco shall be permitted. Prisoners may be employed in kitchens. All collective disciplinary measures affecting food are prohibited.

Clothing, linen and footwear to be furnished by the detaining power. Replacement and repairing must be assured regularly. Laborers must receive work clothes as required. Canteens shall be installed in all camps where prisoners may obtain at local market price food products and ordinary objects.

The contracting parties recognized that the regular application will find a guaranty in the possibility of collaboration of the protecting powers; the protecting powers may besides their diplomatic personnel appoint delegates from among its own nationals or from nationals of other neutral powers, who must be subject to the approval of the belligerent near where they exercise their mission.

Representatives of the protecting power or its accepted delegate shall have access to places occupied by POWS and may interview them, generally without witnesses, personally or through interpreters.



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27126

\*The convention is to become effective six months after the deposit of at least two instruments of ratification and shall become effective for each contracting party six months after the deposit of its instrument of ratification. From the date it becomes effective it shall be open for adherences by any country who did not sign the convention.

Adherence shall be given by written notification addressed to the Swiss Federal Council and shall take effect six months after the date of their receipt. The Swiss Federal Council shall communicate adherences to the governments of all countries on whose behalf the convention was signed or notification of adherence made.

A state of war shall give immediate effect to ratifications deposited and to adherences notified by belligerent powers prior to or after the outbreak of hostilities; communication of ratification or adherences received from powers at war shall be made by the Swiss Federal Council by the most rapid method.

Exhibit 1490, agreement of Japan, stated that Japan strictly observes the Geneva Convention of July 27 1929 relative to the Red Cross, but did not yet ratify the convention relating to treatment of prisoners of war of July 27, 1929. It is therefore not bound by the said convention but will apply mutatis mutandis the provisions of the convention to U.S. POWS in its power.

Exhibit 1496 stated that it would apply mutatis mutandis the provisions of the Geneva Convention to British, Canadian and Australian POWS under its control.

27128

Exhibit 1471, statement of living conditions in Japan as against those in America stated \* that the Foreign Ministry assured that Japan would do all in its power to extend good treatment but it could not offer a standard of living equal to that of the U.S. because conditions were so different. Japanese people are poor and contented with little which gives rise to difficulties concerning treatment of foreign internees. Non-interned Americans' situation good according to their own statement.

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Direct Examination of MATSUMOTO, Shun-Ichi  
by Mr. Freeman.

27129  
27133

\* The witness identified Exhibit 3039 as his affidavit and verified it. The affidavit stated \* that the witness was employed in the office of the Director of the Bureau of Treaties from Sept 1940 to Oct 1942. After the Pacific war broke out, matters concerning POWS as well as civilians held in the theatre of operations were under the control and charge of the Army and Navy; civilians of enemy countries interned in Japan were under that of the Home Ministry, and those in overseas territories, were under the Ministry of Overseas Affairs. In this connection liaison business with foreign countries transacted through the Foreign Ministry was carried out chiefly by the Bureau of Treaties until Nov 1 1942.

When war broke out, TOGO expressed to the Foreign Ministry his hope that civilian internees and prisoners of war might be treated with humanity and lenience. Pointing out the possible fate of several hundred thousand Japanese in enemy countries would be affected by treatment in Japan of POWS he urged them to take all possible steps for realizing his hopes. They transacted business as he wished in their contact with officials of other government offices concerned.

27134

On Dec. 27, 1941 \* the United States addressed an inquiry through the Minister of Switzerland to the Japanese Government regarding the Treaty of 1929 for treatment of prisoners of war. The United States being a signatory inquired whether the Japanese Government intended to abide by the convention during the war despite it not having ratified it. Japan had been a signatory to the Hague Convention. That had in the appendix seventeen stipulations regarding POWS. In accordance with TOGO's opinion that Japan should out of humanitarianism, abide by the Geneva Convention which expressed in fullest detail the stipulations of the Hague Convention, to the maximum extent that circumstances permitted, the witness discussed the matter with UEMURA, director of the POW Information Bureau, and other army and navy officers.

27135

\* As a result a reply was made to the U.S. in accordance with the answer of the War Ministry that although Japan had not ratified the convention and was not bound by it, she would apply it mutatis mutandis with regard to American POWS.



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CROSS-EXAMINATION BY THE TRIBUNAL

27139

The witness stated that internees were under the jurisdiction of the Home Minister, so far as Japan was concerned, from the standpoint of police control. Foreign internees in Korea and Formosa were under the \* Overseas Minister, because such administration was under his ministry.

27140

According to Japanese law, POWs in Japan proper were under the War Minister's jurisdiction, and civilian internees and POWs in Manchuria were under the Manchukuo Government jurisdiction. POW in overseas countries like Formosa were under the jurisdiction of the military there, and consequently were under the War Ministry.

27141

After November, 1942, matters relating to POWs and internees were handled within the Foreign Office by the office handling matters relating to foreign residents with the protecting powers. By relations between the provisions of domestic law and those of the Geneva Convention, \* the witness meant that when the question arose in Japan as to the Convention's ratification, it was found that certain aspects to Japanese law would have to be revised, else it would be impossible to ratify the convention.

REDIRECT EXAMINATION BY MR. FREEMAN.

27142

\* The witness stated that the Home Minister was in control of the police for Japan proper, and POWs were under the jurisdiction of the War Minister. Jurisdiction over the Kempeitai in Japan proper was in the War Minister's hands, but the witness did not know concerning jurisdiction in outside territories.



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DIRECT EXAMINATION OF KUDO, TADAO.  
By Mr. Freeman.

27146           \* The witness stated that he lived in Kamakura, and identified  
exhibit No. 3040 as his affidavit, and verified it. The affidavit stated  
27147           that the witness was Chief of the Third Section of the Treaty Bureau,  
from January 8 to October 31, 1942. The section was concerned chiefly  
with the business of international cooperation, including conferences,  
treaties, etc. When he was Section Chief, contact of the Foreign  
Ministry with foreign countries in connection with POWs and internees  
was transacted chiefly in his section. It was his superior's desire  
that POWs be treated as leniently as possible to lessen their diffi-  
culties, to say nothing of the observance of treaties to which Japan  
was a party. Foreign Ministry officials, although without authority,  
actually, to deal with the matters, exerted efforts to realize the  
desires of the Foreign Minister and other superiors.

27148           The Ministry received inquiries and protests from Switzerland  
or Argentina acting for the U. S. or Britain in connection with POW  
treatment, \* and these representations were sent to the authorities  
without delay, and on receipt of the information from them never  
failed to transmit them to the countries concerned. When the witness  
was in charge of these matters, treatment was good, often ideal, and  
few complaints or protests were received. This was probably due to the  
war being in its earlier stages, and food and clothing were substantial.  
As to POW treatment in occupied territory, some protests were received,  
but replies came from authorities concerned to the effect that fair and  
equitable treatment was given, and the Foreign Office having no means  
of investigating, they could only believe the reports.

27149           They endeavored earnestly and sincerely to lessen the diffi-  
culties of POWs as far as possible, and incidents dealt with by the  
Ministry when the witness was in the Treaty Bureau \* was a request of  
the International Red Cross Committee in the middle of February, 1942,  
that its delegates be allowed to visit internment camps. The Treaty  
Bureau conveyed the request to the War Minister and others, and as a  
result the visits were allowed. The witness listed eleven visits, four  
to camps for POWs and seven to camps for civilian internees.

27150           \* The witness recalled also that Swiss representatives visited  
camps occasionally, although he did not remember details. The above list  
was of visits during his time, but he understood that other Red Cross,  
as well as protective powers, made visits from time to time thereafter.  
The Railway Ministry issued free tickets and other facilities to Red  
Cross delegates, in accordance with the Foreign Ministry's request.



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27151 Visits to internment camps in occupied territories were not permitted by the military while the witness was in office, for these regions constituted an operational theatre. The Ministry requested the authorities concerned to be as lenient as possible in POW treatment in Japan proper, and were always told that treatment was good and equitable. \* Red Cross delegates, after visits in the camps mentioned, reported conditions good, favorable, or excellent.

TOGO informed the Swiss Minister of the food ration supplied to the internees in Japan on February 13, 1942, to show internees were receiving better food than the Japanese generally. It was a statement regarding present conditions, and not a future commitment. Regarding POW treatment in occupied territory, the Ministry had little knowledge.

27152 When an inquiry or protest was received, it was sent without delay to the authorities concerned asking for necessary information, and on receipt of the reply it was sent to the countries concerned. The witness recalled that communications of this nature were made on POW conditions in Guam, Wake Island, and the Philippines. \* Information received was promptly transmitted to the countries concerned. The Ministry, without means of investigation, had to rely upon such information, and could do nothing further than to draw attention to the authorities to the need of according fair and equitable treatment, especially considering the residence of Japanese in enemy countries.

27153 Nothing was known with respect to ill-treatment of POWs in occupied areas unless they were informed by the military or adversary belligerents. As to POWs on Wake, inquiries were received from the Swiss Minister at the beginning of 1942, but they were inquiries about conditions and not protests, and they did not fail to transmit them to the proper authorities, and on receipt of a reply immediately sent information to the Swiss Minister. A further communication was made to him on August 10. \* It was not known at all that ill-treatment was carried out there, as testified by Mr. Steward. The "Bataan Death March" was also unknown then. As for the Thai-Burma Railway, the matter was solely the Army's concern, and no plan of its construction or of POW labor there was heard while the witness was in the Bureau of Treaties.

Concerning relief of POWs early in 1942, the British proposed to send a Red Cross ship from Australia to bring goods to the POW at Hong Kong and Singapore. The U. S. Red Cross made a similar proposal for American POWs at various places in East Asia. The Foreign Ministry approached the Navy, but they maintained that the safety of navigation could not be guaranteed because of the war situation in the Southwestern Pacific.



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27154 They exerted themselves successfully to receive food, medicine, and other goods, taking advantage of the voyages for diplomatic exchange which were being arranged between Japan, U. S., and Britain. \* Certain ships transported the goods of about 4,500 tons, and they were distributed to the POWs through the Red Cross in Japan, Shanghai, and Hong Kong, and at Singapore and Manila where no military officials were stationed.

27155 Regarding the exchange of information concerning POWs on December 9, 1941, the Geneva Red Cross Committee notified Japan that the Central POW Information Bureau would act as intermediary for POW information of both belligerents, and requested Japanese cooperation. The Foreign Minister notified compliance, and from that time on, efforts were exerted with the competent authorities of the POW Information Bureau, Home Ministry and Communications, to offer all information obtainable to the Geneva Bureau as quickly as possible. \* They rendered services so that similar information might be supplied to the Swiss and Argentine representatives acting as protecting powers. Delay in supplying information took place in some cases, but they were told that it was due to the difficult conditions in the areas of military operations and to communication difficulties with remote regions, and not to bad faith.

The Foreign Ministry informed the Swiss Minister that, regarding the U. S. civilian internees, they were ready to reply to every individual inquiry after full investigation, and requested the names of persons of whom information was required. This suggestion was made to conform more fully to the desires of those concerned to speed investigation.

CROSS-EXAMINATION BY COLONEL MORNANE.

27156 \* The witness stated that he ceased to have any connection with these matters from October 31, 1942. Regarding complaints received prior to that time, he stated that such matters were referred to the Second Section of the Treaty Bureau, which sent them to the office handling matters relating to Japanese nationals in enemy countries presided over by Minister SUZUKI. They would not send them direct to the War Ministry from the Foreign Office. SUZUKI handled a good deal of the business, but the witness did not know its extent. The witness did not know as to what particular ministries complaints would be sent, because when he was transferred to SUZUKI's office he had no concern, 27157 \* and did not know what happened to any document after it left his office.

He did not mean in his affidavit that replies were received from SUZUKI's department. With regard to POW, they were received from the POW Information Bureau, and with regard to civilian internees from the Home and Overseas Ministries. This did not mean that although he did not make the request directly, but through SUZUKI, the POW Information Bureau and others replied directly to the Foreign Office and not through SUZUKI. SUZUKI's office had not been thus created.



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The SUZUKI referred to was Minister Plenipotentiary, who is now Director of the Central Liaison Office in YOKOHAMA, and not the accused.

27158 \* The complaints were addressed to the Foreign Minister by the protecting powers. There were very few of them. After receipt, they were sent to the department concerned, namely the POW Information Bureau. He did not think there were protests regarding civilian internees.

As to how he knew the treatment was fairly good, often ideal, that was reported to the witness frequently by officers in charge, and circumstances in those days with regard to food were good, and the Red Cross never said conditions were bad.

27159 When asked whether complaints were sent direct to the Foreign Office to the POW Control Bureau, or through the War Ministry, the witness said that when matters \* were not important most of them were sent to the POW Information Bureau. \* Important matters were referred to the War Vice-Minister, but he did not remember concretely what kind of messages were sent. The witness had no definite recollection of what important matters were. He thought that some matters had been sent during his time to the Vice-Minister of War, but didn't remember.

27160 With regard to information regarding Wake, that was sent to the POW Information Bureau, because this was only a request for \* information. The POW Information Bureau was under the War Ministrie's Jurisdiction.

The witness did not remember clearly whether, in regard to Red Cross visits to internees, that the people held there included those exchanged on diplomatic ships in 1942. He thought it was around June when the ships left. He based his information regarding the Red Cross visit to Hong Kong in May 1942, on what he received from the POW Information Bureau in reply to an inquiry by him made recently. This inquiry was not made at the time, but recently.

27161 \* He heard of this Hong Kong visit while at the Treaty Bureau  
27162 and again recently from the POW Information Bureau. \* The Red Cross told him of conditions at the Argyle Street Camp in Hong Kong. He did not hear at that time that conditions were bad or that food was inadequate. The witness stated he had not recently consulted POW Information Bureau records. With regard to civilian internees, his deposition was based upon memory, and also a reference published by the Red Cross Committee.

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27163 With regard to POWs, it contained information from the Red Cross Committee, such as a report published regarding the visit made to the Zentsuji Camp, on March 12. \* With regard to Hong Kong, he did not get any Red Cross report. He based his understanding concerning Red Cross visits after he went out of office on an order from friends employed by the Committee, who were Swiss.

He did not hear that they had any great difficulty visiting the camps, nor that they were not allowed to visit them. These Swiss were Mr. Pestalozzi and Billfinger, of the Red Cross International Committee.

27164 \* When replies as to POW conditions were delay, further requests were made to the officers in charge at regular conferences held with the POW Information Bureau. All matters with regard to information were handled by his section. There was no case in which no information was received. It was only replies on requests for information being delayed.

27165 He recalled receiving on May 26, 1942, with regard to Wake, a request of the Swiss Minister. He did not know that on the 27th of July, 1945, the Swiss Minister again asked for the same information, because he was not in office at that time. \* The witness said he remained in the Foreign Office, but no longer handled matters of that kind, and left the Foreign Office last year. To give his evidence, he discussed some matters with Foreign Office colleagues. The only matter quoted here is the passage referring to Wake Island. He did not know anything about the final action.

27166 \*With reference to information only, some were sent directly by him, and others were sent by the Director of the Treaty Bureau. The witness simply did what he was told, and up to October, 1942, had received very few complaints.

Attention of the Court was called to Exhibit No. 2034, 2039, and 2040 to 2053.

The witness stated there was no case where a file of inquiries made by the War Ministry was asked for by the Foreign Ministry. They had no authority to make such request.

REDIRECT EXAMINATION BY MR. FREEMAN.

27167 \* The witness knew that the POW Information Bureau was under the control of the War Minister, but did not know whether it was an independent bureau.



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27169 Exhibit No. 3014-A, a Report of the Red Cross Inspection of POW Camps, stated \* that on a visit to camp Sumiro Jogakuin in Tokyo on May 16, 50 Allied citizens were found, two-thirds of whom were local missionaries, who arrived at the camp, which was established on December 8. The telegraphic message described the very salubrious camp situation and the excellent lodging and food conditions. All the internees were made to have a medical examination monthly, and in case of need were sent to public hospitals. Catholic and Protestant religious services were held, and the internees had a library with newspapers, and other amusements. None was indigent among them.

27170 \* The commander of the service of the foreigners of the Metropolitan Police gave good treatment to the internees, who were represented by four men, who maintained excellent discipline and morale. The camp was exemplary, and the sole desire expressed by the internees was about calls to the outside world, which they wished more frequently.

From the delegation in Shanghai, it was reported that 67 nurses from Corregidor were safe and sound and interned in the University of Manila, where they were treated well. Also, about 13,000 civilians were interned in St. Thomas's, and 200 letters from them showed treatment and conditions of life excellent.

27171 From the delegation in Japan, it was reported that Camp No. 2 of Yokohama, visited May 30, was on the seashore on artificial ground. \* It was well-drained, sunny, well-ventilated, and comprised 27 Allied citizens. It was opened on December 19, 1941. The building was two-storied. Treatment, discipline, and morale were good. The delegate received few complaints from internees, suffering from depression. The same day the delegate visited Camp No. 1, in southern Yokohama, which sheltered 52 Allied citizens. Treatment, discipline, and morale there were good.

27172 On June 11 the camp of Shiroyama, Nagasaki, was visited, where 25 Allied citizens were found. The camp was on top of a hill, drained well, with an excellent climate, and enjoyed the fertility of the country. Treatment, morale, and discipline were good, and no complaints were heard. \* It was pointed out that they desired to have books, cards, and play-things, and the Japanese Red Cross was trying to get them. The delegate concluded that the camp was excellent.

On June 13, Camp Miyoshi, Hiroshima Prefecture, was visited. The camp was opened December 13, 1941. There were 18 women and three men interned there. It is situated in a town where in 1935 an American mission established a sanatorium. The climate was salubrious, the buildings solid, sunny, and well-ventilated. Good morale reigned, and no complaint was made to the delegate. The commander, a sympathetic man, was satisfied with the discipline and their spirit of comradeship.



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On June 19 the Sendai Camp was visited. It was opened on December 9, 1941. 22 U. S. citizens had vacated it two days before the visit, on their own demand. The interned are lodged in a neighboring house, while there remained in the camp 28 Allied citizens. The camp is in a wood in the midst of Sendai. Food was abundant and conditions were very favorable.

27174 From the delegation in Japan, information was provided on the camp at Zentsuji, in November, 1942. The camp was established in 1914 to lodge POWs, and accommodated again to such purpose after its abandon in 1919. It was wooden, and not surrounded by barbed wire. U. S., British, and Australian POWs were there at that time. The interneers named it the University of Zentsuji, because of the courses of commerce, engineering, \* stenography, navigation, Japanese, which were given by the prisoners themselves. Theatrical performances took place weekly, and a conference on Thursday evening. Religious services were celebrated by Anglican and Protestant chaplains, and health service was secured by U. S., British, and Japanese physicians.

27175 Exhibit No. 3042-A, excerpt from the Red Cross International Review from January to July, 1942, stated \* that since the conflict has extended to the Pacific Area, the Committee has, as it has done for other belligerents, placed the services of the Central POW Bureau at the disposal of belligerent states, asking them to exchange through the Central Bureau lists of information of POWs, and so far as possible, on civil interneers. The communication was sent to the U. S., Japan, the Netherlands in London, Costa Rica, Cuba, Dominican Republic, Guatemala, Haiti, Honduras, Nicaragua and Salvador, Britain, Australia, Canada, and South Africa. By January 12, answers were received from U. S., Japan, Guatemala, Haiti and Nicaragua, who declared themselves ready to proceed on exchange of information.

27176 \* From the delegation in Japan, information was received that Guam and Wake POWs expressed gratitude for the good treatment accorded to them. On March 12, a POW camp was visited situated in a plain between pine-covered hills. The climate was healthful, and there were no diseases. The size of the camp was three hectares, and it contained two wooden army barracks capable of receiving several hundred prisoners.

27177 \* The Court's attention was called to exhibits 1639, 1640, 2038, 2035, 2036-A, B, and C, and the evidence of Stewart at page 14911 to 14937.

27179 Exhibit No. 3043, communication from the Vice-Minister of the Navy to the Vice-Minister of Foreign Affairs, in reply to letter of August July 27, 1929, stated that as a result of study on the treaty, the Navy Minister reached the conclusion \* that it was advisable to refrain from recommending to the Throne ratification of the Geneva Treaty on POW.

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The Japanese soldiers do not expect to become POWs, but the soldiers of foreign countries are not considered in the same way. Although the treaty appears reciprocal in form, in substance it is unilateral, causing obligations on the Japanese side only. The treaty guarantees lenient treatment, hence in case the enemy attempts to make air raids considering that they would become prisoners after achieving their aims, the range of action of the enemy's planes might be doubled. It is feared the extent of air raid danger would be enlarged, bringing disadvantages to Japanese naval operations.

27180 The provisions allowing third powers to interview POWs without observers was harmful militarily. \* Provisions concerning punishment of POWs give them more advantages than those Japanese soldiers will receive under Japanese law, necessitating amendment of the various naval laws and penal codes. Revision is not advisable in the light of the principles of the laws, the purpose of which is to maintain discipline. On these grounds, it was believed better not to recommend ratification.

27181 Exhibit No. 3044, the Army's reply concerning ratification,  
27182 showed that \* the Army was agreeable to the articles relative to \* treatment of sick, but opposed ratification concerning treatment of POWs.

27183 From exhibit No. 1965, the Official Regulation of the War Ministry on Treatment of POWs, it was stated that the director administered the bureau affairs under the direction and supervision of the War Ministry. With regard to matters falling within his jurisdiction, the Director of the POW Information Bureau may demand information from any military or naval unit concerned. The commandant shall be responsible to an army or garrison commander, and shall manage all camp affairs. The Army or Garrison Commander, whenever necessary, shall delegate his subordinates to assist in the management of the camp. \* Such delegates are to be under the supervision of the commander.

27184 POW, as defined here, is any enemy combatant who has fallen into the power of Japan, or any other who is to be accorded POW treatment by virtue of treaties. POWs should be humanely treated and not insulted or maltreated. He should be given appropriate treatment according to his rank. This should not apply to persons not truthfully answering questions regarding name and rank, or to anyone guilty of any other offense. POWs should be controlled according to army regulations, and not by arbitrary restraint. \* He should enjoy religious freedom, and may participate in ceremonies of his own denomination, so long as discipline and public morals are not prejudiced.



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A POW not on parole, captured before succeeding in escaping, should be subject to disciplinary punishment. When he initially succeeds in escaping and is recaptured, he should not be liable for any punishment for a previous escape.

27185

\* An Army or Garrison Commander administering a POW Camp, shall establish standing orders for the camp and report to the War Minister and to the Director of the POW Information Bureau. Since postal matter sent to or by POWs are exempt from charges by international agreement, the camp administrator should provide for adequate procedures through arrangement with local post offices. Regulations for POW administration should be established by the chief camp administrator, and should be reported to the War Minister and to the Director of the POW Information Bureau. Extreme care and stringent rules should be adopted against the danger of fire at camps.

27186

\* After internment, the camp commander should record the name, nationality, unit, rank or status, and state of health of the POW and report to the Director of the POW Information Bureau. An infirmary, including a recreation room, should be established for the examination and treatment of POWs who do not need hospital treatment. Hospital wards shall be attached to the camps when necessary, where patients requiring admittance should receive treatment. Wards shall be furnished with medical supplies, clothing, bedding, etc. Medical services for the wards should be rendered by staff members of the nearest army hospital.

27187

In cases of necessity, Japanese Red Cross relief squads may \* render medical services under a medical officer. Unless otherwise provided for, the treatment of dispatched POWs should be determined by the camp commandant who dispatches them. The commandant should inspect and examine dispatched prisoners when necessary.

27188

Many prisoners transported to Japan recently have taken ill or died, and quite a few have been incapacitated for further work due to inadequate treatment in transport. The unit was therefore instructed to rigidly enforce the rules regarding the selection of POWs to be sent to Japan, medical examinations, distribution of medical personnel, necessary medicine during transit, provisioning, administration during transit, \* facilities to be provided at ports of call, supply of clothing, etc.

Medical treatment of POW patients was generally to be rendered at an infirmary at the camp. POW patients requiring special treatment, or having contagious diseases, may be admitted to an army hospital by arrangement between the camp commandant and the director of the nearest army hospital. When this cannot be done, treatment may be in the care of any local civilian physician.



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Army internees shall be treated with justice, considering their customs and manners, and no insults or maltreatment shall be imposed. Generally, all army internees shall be treated without distinction as to their former status.

27189 The army internment camp shall be in buildings adequate to prevent escape, \* and adequate for the maintenance of health. Quarters for army internees should be separated into those for men, and for women and children. Further separation should be made according to nationality, age, etc., but members of the same family may be allowed to live together. After internment, the camp commandant should immediately divide each nationality group into groups of men, women, and children, and should report to the War Minister and to the Bureau. The same procedure shall apply after release of internees.

27190 Medical treatment shall be rendered at the camp, and adequate medical supplies shall be furnished. If there is a POW camp or branch in the vicinity, medical treatment \* can be given at infirmaries there. Generally, army internee patients requiring hospitalization shall be received in a district hospital, the hospital attached to the camp, or a hospital at a camp branch.

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DIRECT EXAMINATION OF ISHII, MASAMI.  
By Mr. Freeman.

27190           \* The witness identified exhibit No. 3045 as his affidavit and  
27191           verified it. The affidavit stated \* that the instruction attached hereto  
              was drafted by the witness by direction of General TERAUCHI, Commander of  
              the Southern Army, and Lt.-Gen. TSUKADA, his Chief of Staff, and approved  
              by them. On November 20 TERAUCHI called a meeting of all commanders  
              under his command, including Gen. KAWAGUCHI of the attached corps, and  
              transmitted this instruction. The commander read the instruction to them,  
              and had it printed and handed to them afterwards. The witness was in  
              attendance on the occasion.

27192           \* The instruction states that TERAUCHI had been appointed  
              Commander of the Southern Army, and was anxious to discharge the heavy  
              responsibility, depending on the loyalty and bravery of his commanders  
              and men. Officers and men should grasp the war's true meaning, impress  
              their responsibility on their minds and do their best.

              Both the Army and Navy have always been on good terms and in  
              close cooperation, and should prove their true strength and accomplish the  
              aim of the present campaign in the shortest time, never losing the belief  
              that Japan can never lose the war. They should appease and enlighten  
              innocent local peoples by showing the virtues and dignities of the  
              Japanese army through their behavior, and should refrain from violence.  
27193           They should especially exercise self-restraint and fight bravely in view  
              of the hot climate and prevailing \* pestilence at the front.

CROSS-EXAMINATION BY COLONEL MORNANE.

27194           \* The witness stated that he was a colonel, and staff officer  
              in the Southern Army. The authority of the Commander of the Southern  
              Army extended over FIC, Siam, Malaya, Sumatra, Java, NEI, British Borneo,  
              and the Philippines. General YAMASHITA was then Commander of the 25th  
              Army, which was part of the Southern Army.

27195           \* The work of the witness involved operations. In the course  
              of his duty he never learned that 5,000 Chinese had been arrested in  
              Singapore about February 21, 1942, nor had he ever heard it. At that  
              time he was in Saigon, at General TERAUCHI's headquarters.



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27197

Exhibit No. 3046, an amendment to Article 2 of the regulations concerning POW treatment, \* dated April 9, 1942, stated that Article 2 of the regulations provides that the POW Control Bureau should transact business regarding POWs and internees. The scope of such business included matters concerning general plans for treatment, such as accommodations, discipline, exchange, release, punishment and general allowances of POWs and internees, matters concerning POW labor, correspondence, punishment, and labor and correspondence of civilian internees.

27198

\* Exhibit No. 3047, a notification from the Adjutant's Office to the POW Control Bureau, dated November 22, 1942, stated that it was sent to inform the Bureau that it had decided to entrust to the Chief of the POW Control Bureau the decision on matters of minor importance concerning \* accommodation, handling, allowances, transfer, labor and punishment of POWs at the front.

27199

Matters concerning correspondence, relief of POWs and internees and matters of minor importance concerning granting to foreigners entry of POW camps, and military detention houses, were entrusted to them.

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DIRECT EXAMINATION OF SUZUKI, KUNJI  
BY MR. FREEMAN

27201 The witness identified Exh. No. 3048 as his affi-  
27202 davit and verified it. The witness stated \* that on Sept. 29,  
1942 he attended, as chief of the War Prisoners' Camp, the  
joint education of the newly-appointed chiefs of the POW  
Camps given by General UEMURA. (in the Record this name appears  
as KAMIMURA) Chief of the POW Control Bureau, who read TOJO's  
instructions. Neither TOJO nor KIMURA was present. UEMURA  
explained that with respect of treatment of POWs it was natur-  
al that they be faithful to righteous execution according to  
the rules to carry out Japan's impartial attitude but they  
must supervise them rigidly in so far as they did not become  
inhuman. This meant that the treatment of POWs should be  
carried out according to the POW Treatment Rule. POWs must be  
treated with benevolence and never insulted or ill-treated.  
Great care, however, must be taken so that no untoward inci-  
27203 dent \* should happen. Refraining from both warm treatment  
and ill treatment was essential. War prisoners should not be  
idle even one day, but their labor and skill must be used to  
increase production. This means that the entire nation of  
Japan is striving according to its abilities to increase pro-  
duction to overcome shortages of labor. POWs should also  
render service to increase production, filling in with short-  
age of labor in accordance with their health, ability and  
skill. It is not good for POWs to be forced to work with-  
out consideration for health, ability or skill. Technical  
experts should be given the opportunity to display their  
27204 special skill and kept away from fatigue work. \* The pres-  
ent war will not be easy and will be long and they must  
therefore make reasonable and efficient use of POWs, re-  
fraining from force and impatience. They must take their  
health and ability into consideration and allow reasonable  
holidays. If they are mistreated and become ill or die,  
it will be unfavorable to Japan. UEMURA emphasized the  
cardinal principle of impartiality in treating POWs. He  
stated that TOJO's instruction was nothing but an enlarg-  
ment of this principle. UEMURA told the witness that the  
chiefs of the POW Camps know that POWs should be fairly  
treated, according to the Treatment Rule and TOJO's in-  
structions. They must be cautious of things which attract  
27205 public attention. \* They must not cause feelings unfavor-  
able to POWs among the people who are having trouble in  
getting daily commodities, by making it appear that pris-  
oners get too good treatment but they should always be  
treated justly. Recently, one of the municipal assembly  
men had asked why meat was given to POWs. Tokyo had seen



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Page 27206 pork being transported for POW food. UEMURA had also seen cases of this kind. They should bear in mind not to excite the Japanese people without reason. The witness therefore put into practice the principle that there was a difference between the way Japan, Europe and American countries treat POWs \* due to different ideas as to POWs.

In Europe and America POWs are treated as honorable prisoners, while in Japan they are treated with sympathy and pity, as pitiful prisoners. In Japan it is the greatest disgrace to be taken prisoners but as to enemies who surrender it is thought to accord with the spirit of "Bushido", that they be treated with benevolence and pity. The words in the instruction that they should try to make the people of occupied areas know the superiority of Japan and to believe that it is the highest honor to be Japanese subjects meant the Japanese are to display their excellent character and not insult POWs.

27207 Foreigners and some Japanese think that Japan is inferior in a moral sense. They must know that the Japanese \* are not inferior in morality and justice through the fair treatment of POWs.

27208 The witness discharged his duties for a year and a half and did his best to observe UEMURA's explanation and the War Prisoners Treatment Rule.\* To drive home TOJO's instructions, he often summoned the Chiefs of the Branch Camps to call their attention to it, and always inspected where POWs were working so that they would not be subjected to unreasonable labor. He never found any prisoners forced to labor in disregard of rank, health or ability.

27209 In food rationing, he gave more than the fixed quantity which was 420 grams for officers and 570 for others. The figures varied from 650 to 786. All POWs, officers and other ranks, got the same ration. Compared with the Japanese ration at the time, even the minimum quantity to POWs was 110 grams more than was allotted to Japanese heavy workers. In addition the POWs were given per day a rice ball \* of 70 grams so that their food was never less than 720 grams. Food for the sick was the most worrisome problem. They were given best quality bread, and those in serious condition were given milk and eggs in a small quantity which was not supplied to the sick among the Japanese, even to pregnant women.



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27210 As to officer labor, the witness permitted them to arrange the prisoner mail. The senior officers distributed the business among the other officers and they were all glad to work. At some branch camps they did voluntary farming, rabbit raising, fishing or gardening. This was a consolation or an amusement rather than labor. There was no camp \* where officers engaged in the same kind of work as others.

Some baseball, volleyball, checkers, cards and musical instrument equipment were sent by the Red Cross and distributed to the branch camps and used freely.

The witness permitted those who wished to buy musical instruments and they organized a brass band, giving a concert on Christmas 1943.

At the end of 1943 TOJO visited the Tokyo POW Camp without notice. He inspected the camp and gave prize money because of his satisfaction over the arrangement.

27211

CROSS-EXAMINATION BY COL. MORNAME

27212 The witness stated that UEMURA, as head of the POW Control Bureau, could give directions or orders to the witness, but not in his capacity as Chief of the POW Information Bureau. UEMURA never gave orders in his capacity as Chief of the Information Bureau. They did carry out his instructions of September 29, 1942. At the time of the instructions \* the witness had two camps under his superintendency, one in Tokyo and the other at Kawasaki. At the end of the year he controlled five in Tokyo, Kawasaki, Yokohama, Naoetsu and Mizushima.

27213 The witness carried out frequent inspections in camps near Tokyo, but went to distant camps once or twice a year. There was no absence of opportunity for the people to complain. They had the opportunity. They would have had to make their complaints in the presence of the staff of the prison camp. However, when the witness inspected various places, the senior \* POW officer came along and had the opportunity of speaking directly but only in the presence of a member of the camp. They did not speak to him directly about violence.

The witness stated he knew a man by the name of KURIYAMA but had not heard directly that he ever hit anybody. He did hear that he reprimanded prisoners. He never told KURIYAMA directly or alone that he was not supposed to hit prisoners. The witness stated that he remembered making a



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27214

statement in September 1946 to Captain Phelps under oath and that he had initialed \* each page of the statement. When asked whether he had not then said that KURIYAMA often hit prisoners, the witness said he would correct his previous statement and accept the statement that he made to Captain Phelps. He had heard that KURIYAMA often hit prisoners. He heard this when he was in Shinagawa Camp in 1942 from ONISHI, an interpreter.

27215

He cautioned KURIYAMA and told him not to be rough or ill treat POWs.\* KURIYAMA only replied yes to the witness' advice. He had heard that KATO was rough with prisoners at the Tokyo POW Camp sometime after August 1943. This was the first time he had heard this. This was learned by Major HAMADA and he strictly warned KATO and then reported to the witness. The witness did not talk to KATO directly and did not do anything at that time.

27216

KATO had inflicted some wounds on a POW and the witness thought he had committed an offense and therefore \* made an inquiry of the Legal Affairs Section of the Eastern Army to find out if an offense had been committed and if KATO would have to be court martialed. He subsequently had no further complaints about KATO's conduct toward POWs.

The witness had KATO return to Tokyo Camp not only because he was rude toward POWs but also to Japanese and employees. The witness thought it improper to have him stay at Hitachi and therefore recalled him. He thought it improper to have him continue direct contact with POWs.

27217

The witness stated he knew a Lt. HAYASHI \* who was stationed in the 2nd Branch Camp in Yokohama. The witness frequently warned him about the treatment of POWs by his subordinates. He told him what he had testified to in his affidavit. He told him this even before HAYASHI's subordinates were ill-treating POWs. Later he learned that these subordinates were mistreating POWs.

27218

The witness knew Sgt. WATANABE, who served under him at Omori Camp.\* He had mistreated POWs in the winter of 1943. He had never received an official report, but in a conversation the witness learned that WATANABE conducted himself quite roughly. The witness then cautioned Capt. NEMOTO to guide and direct WATANABE properly. He had never since then received an official report to the effect that WATANABE was rough. The witness stated he had spent a good deal of

27219

time giving evidence at Yokohama on the minor war trials \*

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27221 and a number of men under his command have been convicted and sentenced to death. \* The witness stated he did not know how many deaths occurred in camp 1-D in Tokyo in the winter of 1942 and 1943. While Area Commandant, he investigated every month the number of men who died in his camps. \*

27223  
27224 The witness stated he had no recollection of the death rate at the time of TOJO's visits to his camps. With respect to the ill, the witness ordered their rations reduced by one-third, according to orders received from the Eastern Army around March 1943. At that time, General NAKAMURA was in charge of the Eastern Army. \*

The witness did complain to the POW Information Bureau because they sent men in poor condition to a cold area. He complained to General HAMADA. The witness stated that he did authorize his staff to take Red Cross goods supplied for the use of POWs.

REDIRECT EXAMINATION BY MR. FREEMAN

27225 The witness stated he authorized his staff to take Red Cross supplies \* because of a lack of wisdom and virtue. He stated that the reduction in food to the sick also applied to sick Japanese soldiers. From 1942 to 1944 the approximate number of POWs in camps under his command was 4300. He had signed this affidavit on July 1, 1947 \* and had never been questioned by anyone since making it. He is presently confined in Sugamo.

27226



PAGE

DIRECT EXAMINATION OF YAMAZAKI, SHIGERU BY MR. FREEMAN

27229  
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27231

The witness identified Exh. 3049 as his affidavit and verified it. \* The affidavit stated that the instructions of June 3, 1942 for labor-duty for officer and warrant officer POWs, Exh. 1961, were made with the desire of having POWs work voluntarily, and they took the POW's health into consideration and did not mean compulsory labor. They issued from the Director of the Control Bureau to the Army and Garrison commanders who controlled the camps, but was not directed to the heads of the camps.\* The words "that proper guidance be rendered" refers to the camp heads as leaders, but does not directly point to the POWs. The instructions were issued personally by the director.

27232

On June 25, 1942 the War Minister gave instructions to the newly-appointed heads of camps, and again on July 7, 1942. These instructions were made out by UEMURA, then director of the POW Control Department, on his own initiative. They were both read by UEMURA at the meeting of the heads of the camps at which TOJO and KIMURA were not present. \* The witness attended these meetings and he read TOJO's instructions as proxy. He stated that POWs must be handled with justice, not pampered, and not permitted to eat the bread of idleness. Efforts should be made to demonstrate to the natives Japanese superiority.

CROSS-EXAMINATION BY MR. TAVENNER

27234

As the witness recalled, the first conference was attended by the prospective commandants who were to go to Korea and Formosa and the second was attended by those who were to go to the Philippines, Java and Siam. Generally the same instructions were read and discussed at both. These were TOJO's instructions \* but he did not attend.

27235

When asked whether the instructions directed the use of white POWs for menial labor to impress the natives, the witness stated that manual labor was not clearly stated or expressed, but instructions were given that various measures be taken to demonstrate the Japanese superiority. There was no idea expressed in the text that it was intended to degrade and humiliate whites. Nothing clearly was stated at the time. What was said was that two things could be considered to demonstrate Japanese superiority to the natives. The first was to demonstrate Japan's moral \* superiority by justly treating POWs. The other was that in the past Japanese had worshipped Europeans and Americans but the Japanese have captured white POWs and have now attained the status when they



PAGE could use white POWs and the result was that Japanese superiority could be shown to the natives by using the POWs before the natives. The result generally could mean that they were to be used in connection with menial tasks in such a way as to humiliate them. That was the result. \* The idea that no one was to eat the bread of idleness was added to this and both of these together was the result stated.

27236

General UEMURA was the commanding officer and was in charge of leading the discussion before the camp commanders. He frequently said things to show that he was proud of this plan to use allied prisoners and strongly advocated it. His immediate superior was TOJO.

27237

POWs in Japan and in the operation theaters were used to expand war production.\* They were used to construct roads, railroads, and in loading and unloading freight and ships. He would classify this work as common hard labor, the kind usually known as coolie labor work. Rather than say that the primary purpose was to demonstrate Japanese superiority, the first and primary purpose was to expand production.

27239

Exh. 3050-A, excerpt from Army Regulations relative to labor of POWs, stated \* that the labor imposed on POWs shall not be too heavy and should not be such as to disgrace the positions, military or civil, which they hold in their country or which relate directly to plans of operation against their country.

27242

Exh. 3051, Notice from the Vice-Minister of War to the Units concerned, stated (March 3, 1944) \* that the use of POWs for labor has been stressed before. Although it has helped to increase the fighting strength and produced other good results, their health condition is hardly satisfactory due to inevitability of shortage of materials. Their high rate of death must be brought to our attention. In the light of recent enemy propaganda, if the condition continues to exist, Japan cannot expect world opinion to be what it wishes and this would be an obstacle to the moral warfare. It is absolutely necessary to improve the health of the POWs to use them satisfactorily to increase fighting strength. In view of this they were requested and instructed to take certain measures for prompt improvement of POW health.\* Although efforts must be exerted to utilize space on ships in transporting POWs, it is necessary that the purport of Despatch No. 1504 of 1942 be thoroughly understood.

27243

Food and clothing should be supplied to POWs according to the degree of their labor. Dispensaries should be immediately established to give satisfactory treatment. For



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this purpose necessary funds, materials and sanitary supplies should be procured or delivered on request. Efforts should be made to fully utilize medical personnel among the enemy and also they should request the War Minister to have Army medical officers serve concurrently at POW camps \* To increase the rate of laboring POWs statistically, they should avoid using sick POWs who need rest or to give heavy labor to patients or those physically weak. Attention should be brought to sanitary care and consideration given to the physical condition of each POW in light of the climate, and if necessary individuals should be confined in different places alternately or transferred to increase their efficiency.

Relaxation should be considered so long as security and control permit. If the health condition gets worse due to inadequate care, an order of suspension or restriction of employment of POWs will be issued.

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Direct Examination of YAMAMOTO, Chikao  
by Mr. Roberts

27245  
27252

The witness identified Exhibit 3052 as his affidavit and verified it. The affidavit states that the witness \* was Chief of First Section, Administrative Division, Dept. of Naval Aeronautics from September 1941 to December 1942; Chief of First Section, Naval Dept. of Imperial Supreme Hqrs from Jan 1943 to Dec 1944; and Chief of Staff, 10th Air Fleet and Commandant 72nd Air Squadron from Jan 1945 to the end of the war.

From Jan 1943 to Dec 1944 he was in charge of matters concerning overall operations of the navy under the Chief of the First Div. Naval Dept of Imperial Supreme Hqrs. He had to direct the members of the section in drawing plans and drafting orders and directions for overall operational conduct.

27253

\* He handled such matters both exclusively for submarine operations and for overall operations including submarine warfare. He participated in the overall operations since the latter part of March, 1943, the third phase of the campaign. The submarine warfare could be broken down to three periods. The first was from late March 1943 to October 1943. The operational policy for this period was destruction of maritime traffic as in the prior period. Cooperating with the German submarines in operation in the Indian Ocean area and supply to outlying bases.

27254

\* The results of the operations led them to believe that submarines could be used better against enemy sea traffic than against naval forces. Increased enemy aircraft activities in the Solomon Islands and Rabaul areas made surface supply more and more difficult, compelling the use of submarines to transport supplies. Such supplying by submarine was later extended to New Guinea, the Mandated Islands and the Aleutians, causing numerous submarines to be diverted from traffic destruction, leaving only a scant force of submarines for that purpose.

The plan for this minor period was given to YAMAMOTO, Isoroku, commander of the Combined Fleet, by Chief of Staff NAGANO March 25, 1943. The witness himself participated in drafting the directive.

The second period began in October 1943 with an unaltered principle in operation.



page

27255

The coming of German submarines into the Indian Ocean however, required demarcation of the German and Japanese submarine field of operation. This was indicated by an order of NAGANO to Adm. KOGA, commander of the Combined Fleet, October 4, 1943. This operational agreement set 70 degrees longitude as the line. Prior to this date nothing was shown to the units concerning this matter. It was probably not deemed necessary to issue the directive until German submarine activity was actually in the Indian Ocean although the agreement was already concluded.

The witness drew up the directive.

27256

The third period started August 1944. \* There was no alteration in principle by directive. The navy had become too tightly occupied with operations in the Philippines to divert submarines for sea traffic destruction and submarines engaged in traffic destruction in the Indian Ocean and Pacific Ocean were withdrawn.

On March 25 1954 Staff Directive 209 was about to be delivered to YAMAMOTO from NAGANO. The item for cooperation with Germany was first inserted in this directive because it was expected that both would start operations shortly in the Indian Ocean in accordance with the military agreement.

It was not until October 4 1943 that operational units were first instructed in the matter because there had been no necessity.

27257

\*During his tenure as chief of the First Section no Japanese Navy officer in Germany or any German official had ever notified Tokyo of Germany's request for cooperation in submarine warfare. He had never heard that Germany requested Japan in 1943 to adopt the policy of killing all persons on board allied vessels except a few for information. The Japanese navy never adopted such a principle. It is a matter of course that there was strict observance of international law and high regard to human lives which guided the navy.

27258

In the staff directive of November 30, 1941 and directive #60 of March 1, 1942 \* warned that in carrying out submarine warfare ample time for sufficient retirement should be given to crew members and passengers unless circumstances otherwise dictated.

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The humanitarian spirit of the Navy remained unchanged.

Submarines in the Indian Ocean operated under the command of the South-Western Area Fleet from July 1942 to October 1943. At that time the 8th Submarine Squadron joined full forces and both were placed under the command of the 8th Squadron which was under the command of the South-Western Area Fleet. Since August 1944 every submarine of this squadron was diverted to other area from the Indian Ocean.

27259

The submarines in the Pacific Ocean from 1942 to 1944 were \* commanded by the Sixth Fleet. This included the First Submarine Force as of March 20 1943. There was no direct connection between the first Submarine Squadron and the Submarine Force in the Indian Ocean. Although both the Sixth Fleet and the SW Area Fleets were under the combined Fleet, neither of the submarine forces had anything in common on matters pertaining to command.

27260

\* The forces of the SW Area Fleet were based at Penang and operated in the Indian Ocean and from October, 1943, only east of 70 degrees East longitude. The forces of the Sixth Fleet were based at Truk with the Pacific Ocean as the field of action.

MITO became commander of the First Submarine Squadron on March 29 1943 but was succeeded by Adm. KOUDA and the squadron was ordered to the North Pacific and assigned to duty in the Kiska-Attus area in the middle of April.

The witness had never seen top secret First Submarine Squadron Order #2 issued March 20, 1943.

CROSS-EXAMINATION by CAPT. ROBINSON

27261

\* The witness stated he did not know that submarines in the Indian Ocean followed the German policy in the destruction of shipwrecked survivors. He had never heard that the Nicolett was sunk on July 2 1944 in the Indian Ocean and that many other allied vessels were sunk there and their crews machine-gunned and passengers destroyed. He did once hear that the United States, Britain and Holland and others protested against such tactics. He had heard nothing definite.



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27262

\* He had never heard that the Germans supplemented their written orders by oral instructions to destroy shipwrecked survivors. In regard to the protests that were made, he believed they were taken up by the competent section of the navy and his subordinates would investigate reports coming in from various naval units, reporting time and place, if the time and place coincided with those set forth in the protest. His subordinates had made such investigations. However, he had never had any report made to him that as a result of these investigations there was an actual case in which time and place did coincide.

27263

\* He again repeated that he had never heard of any incidents where ships were sunk and crews destroyed by such tactics. He stated that the 16th Squadron never had any submarines under it. He believed that Adm. \* TAKASU was in command of the Southwest Area Fleet in February 1944 and he believed that Adm. SAKONJI was in command of the 16th Squadron.

27264

When asked whether the SW Area Fleet and the 16th Squadron held a conference at Penang February 23, 1944, at which they made plans for operations in the Indian Ocean, he stated that Imperial Gen. Hara had no knowledge of such conferences held by commanders in these areas.

27265

When asked whether it was possible that orders to submarine commanders might be passed on orally as had been done by the Germans, the witness stated since no reports were submitted as to what orders or instructions the local commanders gave their subordinates, based on orders from Imperial Headquarters, he did not know what orders they actually gave. However, although most orders given by local commanders were in written form, some were given orally. In order to explain the orders of the local commanders the Chief of Staff would give oral explanations with them. But these oral explanations would customarily be distributed later in written form.

27266

\* He repeated that he had no knowledge of the PENANG meeting on February 23, 1944.

27267

\*The witness stated that he had not heard of the sinking of the British ship BEHAR and the execution of 65 of its survivors and he had never heard of Britain's protest.

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\* The attention of the Tribunal was called to Exhibits 2104, 2087 and 2088 and the testimony of McDougall at page 15109.

27270

\* Exhibit 3053-A - Directive of Imperial Headquarters referred to in the affidavit stated bases situated at the very head of the front lines should be supplied by submarines or like combatant vessels if occasion demanded and every possible assistance should be made in transferring supplies to any units disposed on outflung positions.

27274

\* Exhibit 3054-A, Staff Directive #60 - Imperial General Hqrs, dated March 1, 1942, stated that in the operations by surface craft, it should be made a rule that such attacks should be preceded if possible by due visit and search and every endeavor made to rescue lives if circumstances warranted the sinking of the vessels.

As a rule hostile vessels should be captured and brought to a port of Japan proper whenever possible. When this is not feasible captured vessels should be made to sail to the nearest friendly port or be destroyed after proper measures are taken for personnel and cargo.

As a rule persons of armed forces, including civilians, armed men, mariners, technicians, important government officials, who belong to enemy countries and the Chiang Kai-shek regime shall be taken prisoners of war.

27275

27276

\* Exhibit 3055 - Navy regulation for treatment of POWS dated Feb. 17, 1904, as amended 1941, stated that \* in case a POW is guilty of disobedience, he may be confined and bound if necessary. If he attempts to desert, arms may be used to prevent it if necessary. A POW who attempts to desert or disobeys shall be subject to disciplinary punishment which shall be effected according to the regulations \* of the Naval Disciplinary Punishment Ordinance which shall be enforced by the chief of naval officials then in charge of the internment of said POW.

27277

The naval commandant shall deliver POWS with their roster, POW journal and other articles kept under custody, and inventory of such articles to a naval station or closest naval authority. If a POW dies during the delivery, roster, personal belongings and all other documents shall be delivered.



page

Naval stations or other naval authorities on receiving POWS shall detain them in any temporary camp available having adequate facilities to prevent them from desertion until transportation or redelivery is possible.

27278

\*Commanders of stations or other authorities shall hand over at designated places the POWS under their care together with the other items to the army authorities who are to receive the POWS.

27279

Exhibit 3056- Report on POW Administration made to SCAP by the Tokyo Central Liaison Office, stated that in principle all POWS captured by the navy were to be handed over to the army. \* But until such time there were cases of temporary naval supervision in improvised camps, where the POWS were placed under regulations of war based on international agreements, to be treated the same as regular POWS.

The organization having the policy making or administrative authority over such POWS were the party designated by the commander of a Major or Minor Naval Station or operational forces, who was usually the commander of the defense area in question. This commander in turn designated another party, usually a junior officer and interpreters and other civilian employees.

27280

\* The designated commander performed direct supervision over the camp under orders from the commander of the station or operational force. The junior officer carried out actual management under orders from his commander and the interpreters and others worked under him. The designated commander issued instructions for the direct supervision of the camp while the junior officer established necessary regulations for supervising POWS in a temporary camp.

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TOMIOKA, Sadatoshi (DIRECT)

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27282

\* Direct Examination of TOMIOKA, Sadatoshi  
by Mr. Roberts.

27284

The witness identified Exhibit 3057 as his affidavit and verified it. The affidavit stated that from October 1940\* to January 1943 he was Chief of the First Section Naval General Staff. From then to Nov. 5 1944 he was at sea. After Dec 1944 he was Chief of the First Division, Naval Gen. Staff until the end of the war.

27285

\* As chief of the First Section he was under the command of the First Division. He took charge of general military operations and his duties were to command the section and plan general military operations and draft orders and instructions regarding the operations.

In October 1942, he sent Lt. Com. OKADA to Kwajalein and other places. In October 1942 it was decided to organize a combined inspection party of the army and navy to inspect front lines, mainly to re-examine the defense projects in the Pacific Ocean area. They were to go to the Marshalls, the Marianas, the Carolines, the Solomons, New Britain Island etc. The witness sent Com. OKADA as a member of the party. OKADA was subordinate to the witness and was in charge of defense preparations.

27286

Com. NAKAO, of the Navy Ministry, went with OKADA as a specialist. The witness gave orders to OKADA as Chief of the First Section. The witness personally and directly gave the duties to the members of his section when they were sent out. OKADA was no exception. The First Section did not handle POWS and the witness gave no orders or instructions on them. At that time he did not know that Adm. ABE, commander of Kwajalein Island held POWS. He knew by reports that there were POWS in Truk and in Rabaul but could not recall anything about the fact that ABE stated that OKADA told him that the disposition of central authorities was to execute prisoners when they were captured and not send them to Japan.

27287

They never knew about this. Adv. ABE's statement differs greatly with the Navy's official forms for forwarding orders which were usually issued in the form of telegrams or documents and not by oral orders. There is no such thing as forwarding an order orally through a third person. He also did not know of any case



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when an order or instruction was forwarded directly to a unit under the command of a naval fleet from the Naval General Staff without first going through fleet headquarters.

27288

\* The 6th Naval Base Corps was stationed on Kwajalein and Rear Adm Koso ABE was the commander. The unit was under the over-all command of Vice Adm INOUE, Commander of the 4th Fleet.

Under no circumstances would orders be sent directly to the commander of Kwajalein from the Naval General Staff. Such orders from the General Staff are sent to the Combined Fleet and are forwarded normally to units in its command as orders from Fleet Headquarters. Exceptions are made when such orders are concurrently sent to headquarters of the Combined Fleet and to headquarters of the Fourth Fleet. There is no precedent when an order was sent directly from the Naval Gen. Staff to the Commander of the 6th Naval Base Corps or when headquarters of the 4th Fleet merely acted as intermediary in communicating an order to the commander of the 6th Naval Base Corps.

27289

\*The navy minister never gave direct orders to a member of the Staff.

OKADA returned a month later after completing the mission and the witness received his report. There was nothing about POWS in Kwajalein in it. OKADA was killed in the Philippines on Dec. 6, 1944 and NAKAO was also killed May 16, 1945.

The witness had participated in planning submarine operations and drafting orders from November 1941 to January 1943 and from December 1944 to the end of the war.

27290

\* Submarine warfare fell roughly into three stages - the period when they worked havoc on communication coordinating with fleet operations; the period when major force was devoted to destruction of communication lines and the period when they menaced communication lines as well as supplied the advanced bases.

27291

\* The first period was from Dec. 8 1941 to June 1942. This policy was made known to YAMAMOTO, chief of the Combined Fleet by NAGANO in Instruction #15 which pointed out the course of submarine operations in relation to general sea warfare at the outbreak of war.

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This was drafted November 30, 1941 by the Chief of the First Division, Naval Gen. Staff in the event war broke out with the United States, Britain and Holland in the near future. The plan attached importance to offensive operations in the southern regions in the Pacific Ocean area. The primary object of the submarine warfare was to watch and pursue U.S. fleets movements and the destruction of communication lines was secondary.

Especially the line in the Indian Ocean had been instructed to strengthen activities after operations in the south had reached a certain stage. In destroying communications the feeling of the Japanese Navy to respect human lives and abide by law and regulation was clarified in instructions of Nov 30 1941 and March 1 1942. This policy was never altered.

The second period was from June 1942 to March 1943 and placed primary importance on destruction of maritime communication lines. In the first stage offensive strategy in the south reached a definite stage and importance was then attached to destruction of communication lines. Cruisers and other surface craft were employed with submarines to do this and confuse the enemy.

27293

\* The bulk of submarine force was allocated for this purpose. Main water areas for such attacks were the southeastern coast of Africa and the northwestern part of the Indian Ocean, the eastern coast of Australia and Cook's strait area.

In the Pacific Ocean emphasis was laid on destroying communication lines by blockading communication between the U.S. and Australia. These operations were made known to YAMAMOTO by the Chief of Staff on June 22 1947 in Instruction 107.

27294

The third stage was based on a policy issued March 25 1943. This was planned and approved by the witness' successor YAMAMOTO Chikao as Instruction 209. This order emphasized \* destruction of maritime communication lines, supplying advanced bases by part of the submarine forces and performing coordinated operations with German submarines in the Indian Ocean.

Annihilation of crew members of enemy vessels was never planned or indicated by Imperial Hqrs except for a few necessary to obtain information. If it had been it would have been recorded in the files. This was against the spirit of the Japanese Navy.



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27295 The Germans never made such a request when the witness was at the Naval Gen. Staff. He had never heard of the first submarine order \* issued by the Commander of the First Submarine Flotilla on March 20 1943.

27296 \*It was indicated in Imp.Hqrs Naval Command Inst. 15 issued Nov 30 1941, that it was lawful to attack unarmed enemy merchant ships only in waters 300 nautical miles from the enemy coastline and in the area between Hawaii and the west coast of the U.S. mainland. In other cases, unless circumstances were unavoidable, time must be given for the crew and passengers to seek safety.

As for dealing with shipping of neutral countries, instructions were given to take measures as provided in international law with the exception of the four nations of Panama, Norway, Denmark and Greece.

27297 In Instruction No.60 issued March 1 1942, they were instructed \*ed as set forth above in Exhibit 3054-A.

27298 Exhibit 3058-A, Naval General Staff Directive 15, November 30, 1941, from NAGANO to YAMAMOTO, stated that in case war breaks out with the United States, Britain and Holland the policy in the annex will be the guide to the conduct of sea communication destruction \* warfare for the time being.

27303 Exhibit 3059 - Certificate stated that the original of \* instructions, Navy Department, Imperial Hqrs were in the custody of the Adjutants' Office, Navy Dept. Imperial Hqrs, but were lost in the airraid of May 25, 1945.

27304 A set of copies were kept at the First Dept of the Naval Gen Staff in lieu of the original. But Instructions #1 and #35 were destroyed in the air raid.

CROSS-EXAMINATION BY CAPT ROBINSON

27305 The witness stated that the first section of the General Staff had no knowledge that Adv. ABE held POWS in Kwajalein or that ABE had asked navy hqrs at Tokyo to take those prisoners to Tokyo. That section did not handle POW affairs.

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POWs were handled by the Navy Ministry. The First Section handled operational plans.

27306

The presence of POWS at Kwajalein and other islands had nothing to do with their problem of defense. POWS were to be handled in accordance with set regulation. He could not state whether the reasons given by local island commanders for executing POWS was that they constituted a defense problem which required their execution.

27306

\*He did remember reports about POWS at Truk and in Rabaul but could not remember all the reports coming in from all areas of fighting. Reports on POWS came in attached to fighting reports but sometimes they did not come with combat reports.\*

27307

He did not know whether Navy Hqrs received Admiral ABE's report of the execution of fliers at Kwajalein.

27308

The witness stated he knew nothing about what happened in 1944. Since he left his post in January 1943 he knew nothing of what occurred after that date, including the First Submarine Force order issued March 20 1943.

27309

The attention of the Tribunal was called to Exhibits 2055-A and 2055-C with respect to instruction \* #15 \* What he said with respect to it was based on his recollection.

27312

Exhibit 3060-A, Directive 282, Imperial Gen Hqrs, Naval Dept stated \* that in executing submarine operations they should adhere to the fact that the boundary between Japan's submarines and Germany's submarines is set on the longitudinal line of seventy degrees east generally, the east side of it being allocated to Japan and the west to Germany. In case of necessity they can operate irrespective of the boundary.

The submarines operating in the Indian Ocean are forbidden to make any anti-submarine attack.

27314

\* Exhibit 3054-B, Directive of Imperial General Hqrs, Naval Department, showed revocation of order #60.



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27315

DIRECT EXAMINATION OF OHASHI, TATSUO  
by Mr. Roberts.

The witness identified exhibit No. 3061 as his affidavit, and verified it. The witness stated that after the surrender he was a Reserve Rear Admiral. From May 1942 until December 1943 he served as commander of the Rio de Janeiro Maru, which was a diesel-engined passenger transport of 10,000 tons, capable of 16 knots. The Navy conscripted the ship and converted it into an auxiliary submarine tender. It was a two-masted, single funnel ship, passenger type. The masts and funnel were green, the rest grey. Such colors were adopted to avoid long-range detection by enemy submarines. In April, 1942, she sailed to Kwajalein for the Midway operation, and in June returned to Sasebo. She left Sasebo for Penang in July, and was attacked by an enemy submarine off FIC and damaged. She entered Singapore for repairs, and on completion sailed for Surabaya in December 1942.

27319

\* From January to October 1943 she was occasionally engaged in transport duty, with Surabaya as a base. As Surabaya was a submarine base, unless submarines required advance bases there was no need for tenders, but there was a shortage of ships, and that was why she transported personnel and military supplies, including weapons and ammunition. She operated in Java, Borneo, Celebes, New Guinea, Anbon, the Philippines, Sunda, Timor etc. She never transported patients. The first time they touched on Anbon was the middle of January 1943, and he thought they touched there about twice between that time and March the same year. They stopped at Anbon for local transportation of personnel and supplies.

27320

\* They always anchored at Anbon for a day or two.

He could not remember whether POWs were used by the local troops for loading freight, and they never took patients aboard at Anbon. The crew was approximately 300, and the necessary personnel were armed.

In April, 1942, the ship was under the direct command of the Combined Fleet, and belonged to the 5th Submarine Squadron. After June 1942, she was attached to the 5th Submarine Squadron. In September, 1943, she was made an auxiliary transport, and was sent back to Japan for refitting.

27321

\* He heard that she was sunk in Truk in 1943.

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The Rio de Janeiro Maru never assumed Red Cross insignia while the witness was aboard. When he read in the papers that an Allied POW testified that the ship had used Red Cross insignia at Ambon, he wondered how such a mistake had been possible. There was no hospital ship by the name Rio de Janeiro Maru.

There was no cross-examination by the prosecution, but the attention of the Court was called to pages 13,990 to 14,023 of the record.

CROSS-EXAMINATION BY THE TRIBUNAL.

27322 \* The witness stated that the Rio de Janeiro had transported POWs, and he believed it was June or July 1943.

REDIRECT EXAMINATION BY MR. ROBERTS

The witness stated that they had originally planned to transport POWs from Makassar to Surabaya, but before entering the harbor they found that it had been mined and changed course and landed in Batavia.

27323 \* There was nothing to indicate on the ship that she was carrying POWs.



Page

DIRECT EXAMINATION OF OKOCHI, DENSHICHI  
by Mr. Roberts.

27324 \* The witness identified exhibit No. 3062 as his  
27325 affidavit, and after corrections verified it. The witness  
\* stated that he was a former Vice Admiral, and on November  
2, 1944, arrived in Manila as Commander of the Southwestern  
Area Fleet, and as Commander of the Third Expeditionary Fleet.  
By the latter part of December, 1944, the greater part of the  
naval and air forces had been lost. After that he took command  
of the remnants of the naval units ashore. In the Philippines  
even these units were soon placed under Army command for land  
operations. He merely directed and supervised personnel  
affairs.

27326 In January, 1945, when U. S. forces landed at  
Lingayen, he left Manila on the 5th and moved to Bagio, due  
to circumstances arising from the need of taking command of  
over-all military operations. \* The Naval forces left in  
Manila were placed under the command of General YAMASHITA  
for land operations from January 6. The witness was only able  
to give indirect moral encouragement, for he no longer poss-  
essed command over these forces.

27327 All communications between his forces and the Manila  
forces were by wireless, and the efficiency of the wireless  
became greatly decreased, but still continued. The progress  
of the Manila battles was reported to the witness, as well  
as to YAMASHITA. From the information received, he was able  
to picture the disturbed situation of the Japanese in Manila  
when the U. S. besieged the city. Enemy shelling and bombing  
were extremely intense, and the whole area was completely  
devastated. Guerrilla activities were intensified.  
\* Ammunition ran short.

Thus, externally, they faced the gunfire of the  
U. S. forces, and internally were harrassed by guerrillas.  
The forces were evidently fighting under great difficulties.  
About February 20, communication with Manila was cut, and he  
judged the entire garrison had been killed. Details as to  
internal conditions of their units were entirely unknown, and  
the witness had never dreamed of the so-called "Manila  
atrocities". About April 13, a message from the Navy Vice-  
Minister was received, which said that Spain had severed  
diplomatic relations on the ground that Japanese troops  
massacred Spanish nationals at Manila. Report was requested.

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27328 This was the first time that the witness felt that some incident had occurred. Since all personnel involved had been killed, there was no way to conduct an investigation. He inquired of YAMASHITA's headquarters, but they cabled a reply to the effect that they knew nothing about the incident. \* He learned about particulars of the incident for the first time from the indictment against YAMASHITA.

DIRECT EXAMINATION BY MR. OKAMOTO,  
Counsel for MUTO.

27329 The witness stated that he knew YAMASHITA's opera-  
27332 \* tions policies immediately after the landing of U. S. troops in Manila. \* The witness stated that he expressed an opinion concerning strategy to YAMASHITA about February 10, 1945.  
27333 \* He felt it was useless to continue such fighting, and sent his Chief of Staff to YAMASHITA and ask for the withdrawal of the Manila garrison. The Chief of Staff returned and said such orders had already been issued.

27334 The strength of the Navy unit when the right of command was delegated to the Army was 20,000, and that of the Army unit \* two battalions.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.



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DIRECT EXAMINATION OF ARIMA, SHIZUKA,  
by Mr. Roberts

27335           \* The witness identified exhibit No. 3063 as his  
27336 affidavit, and verified it. \* The witness stated that he had  
held various posts in the Navy Medical Department, and from  
November 1943 was Chief Medical Officer of the First Fleet, and  
on May 9, 1945, became Chief of the First Section of the Medical  
Bureau.

Authority for the handling of POWs was in the hands  
of the Army, and the Navy was not supposed to keep and manage  
them. The Navy had no special stock of medical goods for POWs.  
When the Navy interned POWs temporarily between their capture  
and transfer to the Army, the unit in charge of their manage-  
ment was supplied with medical stores for the total number of  
soldiers in the unit and prisoners, and all medical treatment  
was carried out without discrimination. Seriously ill prisoners  
were allowed to enter a Navy hospital exactly as the Japanese.  
The Navy neither treated them particularly warmly or especially  
cold. Medical treatment was carried out strictly and fairly  
in accordance with Navy Regulations for POWs.

27338           It was a fundamental principle of the Navy to keep  
medical stores for a period of a year for peacetime national  
defense, regardless of the enemy or duration of the war. The  
outbreak of the war found them provided with this quantity.  
They had no particular instruction to take steps concerning  
medical stores to wage war for four years against U. S.,  
Britain, and Holland. They learned about the outbreak of the  
war and its scale only from \* news reports, and they faced  
the war unprepared.

As to the disposition and numerical increase of  
surgeons and medical men to take care of the increased number  
of POWs, the number of men in a unit temporarily caring for  
POWs was increased, and steps to increase the number of  
doctors was taken, but because of the rapid increase in the  
Army and organization of troops after the outbreak, the  
increase of doctors could not meet the need.

A plan for distributing medical materials providing  
for supply of basic quantity for the total number of the unit  
plus estimated quantity, was adopted in accordance with the  
Account and Supply Regulations of Medical Stores. The person  
responsible for distribution was the Chief of the medical  
stores section of the navy hospital bureau.



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Otherwise, the apothecary officer of the hospital ship supplied them at the request of the medical officer. It was impossible to supply stores when there was no stock. At distant places supplies sometimes did not arrive because of sinking. If communications and traffic on the front were stopped, it was impossible to supply them.

The chain of command concerning medical business in the navy included the chief of the medical bureau, who was assistant to the Naval Minister and commanded his subordinates indirectly in the name of the Minister. Commanders of Naval Districts, guard districts and fleet headquarters were under the control of the Ministry, and each of their staffs included a chief medical officer.

27340

Under the commander-in-chief \* there were warships, units, schools, naval hospitals. Temporary management was done by them. POWs needing medical treatment were received into the unit infirmary. The person responsible for their treatment was the infirmary surgeon in charge of the infirmary, directly subordinate to the commanding officer. He received orders from the unit commander, and sometimes received suggestions from his superior medical officer, but they were not commands. The seriously ill among the POWs in the infirmary were transferred to navy hospitals, just as the Japanese.

27341

Concerning dwellings, clothes, and labor. the Medical Bureau paid particular attention in the early days of the war \* to tropical problems, and later to the maintenance of physical strength of the soldiers in the homeland. By scientific research and war-time study, they exerted themselves to put their conclusions into practice, but it was most difficult to carry out. The national strength was insufficient to meet the demand. When penicillin was needed, they could not use it, as the small quantity on hand could be used only for clinical study. They had only a test tube of DDT as study material, and could not use it universally.

27342

The death of POWs from diseases in Japan was a grave matter, but many Japanese soldiers died from diseases also. \* After 1944 the ration for soldiers deteriorated until it dropped below 1500 calories. There was no heat in winter, warm baths became impossible, clothes and bedclothes were wanting, and maintaining body warmth was impossible. As a result a disproportion arose between calories absorbed and consumed per day, resulting in loss of physical strength and nourishment.



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Illness seldom broke out among older soldiers, but often broke out among the young men not accustomed to military life. This physical weakness caused many to suffer from pneumonia and diarrhea, and their convalescence was retarded. The Navy called it prostration from inability to adjust oneself, and distinguished it statistically from malnutrition in the overseas war front.

27343

\* The number of cases of this disease was more than 6,000 in the Navy alone, of which more than 500 died. It was inferred that the actual number was more than 10,000, of which more than 1,000 died. Erroneous diagnoses called these cases pneumonia or diarrhea, but they were actually complications of the disease.

27344

The difference in resistance to bacteria in the case of foreigners must be kept in mind. The witness could not make out a scientific conclusion of the comparative ability of war prisoners and Japanese to resist disease, but from study and experiment on animals and epidemiological observation, animals brought up in favorable environment have less resistance to bacteria infection than those in a natural environment. Men exposed to bacteria from childhood in an unfavorable environment have greater resistance than men from a favorable environment. \* It could be inferred that POWs were more susceptible to bacterial infection than the Japanese. POWs also suffered from spiritual restlessness, inability to climatize, unfamiliarity with Japanese food, difference in customs, lack of communication due to the language barrier.

27345

It is possible to infer that patients took a longer time to recover from diseases. \* It often happens that when persons who have lived in a favored district where there are few TB bacteria come to a city in contact with people with active TB, they fall ill suddenly and die shortly, but persons who lived in a city from childhood and often resisted TB infection fall ill and pass into a chronic state and their convalescence is better.

27346

When a tribe from a malarial area becomes immune racially from malaria for a long period, they seldom die from acute malaria, but when temperate zone inhabitants who have never been infected with malarial protozoa enter a malarial area they are immediately attacked by acute malaria and their \* condition grows worse. In the case of dysentery the same tendency may be observed.



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27347 Japan's sanitary environment must be regarded as a reason for weakening the prisoners' resistance. Japan's climate is sub-tropical in summer, and the winters are severely cold. Even a person living in Japan from childhood would have trouble until he became climatized, and many weak persons are attacked in their childhood by various diseases and die. During wartime, even Japanese accustomed to Japanese food were unsatisfied due to the shortage of food materials. Owing to the lack of chemical fertilizers, human manure was used for the cultivation of vegetables, and the density of parasites inside the bowels was raised. Resistance of the Japanese to disease was lower, and cases of dysentery, typhoid, pneumonia, and tuberculosis increased. He was afraid that a large number of \* health troubles arose among the POW coming to such an environment.

The difficulty in understanding medical English in Japan was a considerable handicap in the treatment of POWs. Even the Japanese, except physicians, do not understand the difficult medical terms in the Japanese language. In interpreting them into English even a professional would find himself unequal. Education of physicians was of the German school, and Army and Navy surgeons were quite ignorant of medical English. It is inferred that if POWs complained about their illness, the Japanese did not understand the details, and the POWs often failed to understand what the Japanese doctors meant in giving advice.

THERE WAS NO CROSS-EXAMINATION OF THE WITNESS.

27349 \* Exhibit No. 3064, a reply dated December 6, 1945, to SCAP, from the 2nd Demobilization Ministry in answer to an inquiry regarding the sinking of merchant ships in the Indian Ocean dated November 19, 1945, stated \* that with regard to  
27350 such cases, protests were filed during the war by the respective governments except for the Norwegian S. S. Scotia. At the time of the protest, the matters were investigated through reports and telegrams and persons returned from the operating areas. No positive results were obtained, and the governments were notified.

Almost all Japanese submarines operating in the Indian Ocean were lost, and there were few survivors. Because of the destruction of relative records, the renewal of the survey had become very difficult, and accurate results could not be expected. They had conducted their investigation upon the inquiry of crew survivors and of those occupying key posts in submarine warfare.



Page

27351

\* There were nine submarines operating in the Indian Ocean during the period when the merchant ships described in the protest were sunk. Their duties lay in destroying communications, reconnaissance, and supplying German submarines, but priority was given to the reconnoitering of such areas as Maldive Islands, Chagos, Diego Suarez, Mombasa, Aden Bay, and northwestern Australia. These duties caused submarines to operate all over the Indian Ocean. Except for one, all the submarines had been reported as missing and its commander was killed. Accuracy cannot be guaranteed, but the movements of the submarines have been described based upon memories of crew survivors, on the attached chart.

27352

\* During that period, a considerable number of German submarines were engaged in destroying commerce in all spheres of the Indian Ocean. Since the summer of 1943, the dividing line between the German and Japanese operational area and the limits of the periods of operations was rescinded on the desire of the German Navy.

27353

The only thing is to make a comparison between the movements of the Japanese submarines and the date and place of the sinking of each steamer, as is done in Table No. 2. By the table they can identify no submarine which may be suspected of the sinkings, with the exception of three. \* These three with their crews failed to return to their base, and thus there is no means to continue the investigation further. As to the Scotia, information concerning the date and place of sinking will be revealed as soon as possible.

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DIRECT EXAMINATION OF TAKATA, TOSHITANE  
by Mr. Roberts.

27354 \* The witness identified exhibit No. 3065 as his  
27357 affidavit, and after correction verified it. \* The affidavit  
stated that he held various posts in the Navy, and from November  
15, 1940, to July, 1942, held the post of Chief of Section One  
of the Naval Affairs Bureau, and had charge of matters relating  
to armament and administration. After that he was a staff  
officer of the Third and Combined Fleet, and Assistant Chief  
of Staff of the Naval Combined Forces. From May 1945 to the  
end of the war he was Deputy Director of the Naval Affairs  
Bureau, and had charge of matters relating to preparation for  
war.

27358 Section One handled naval preparations and matters  
relating to general administration, \* matters relating to  
warships, vessels, units, offices, and organization of schools  
and duties; the organization of warships, ships and units and  
service duties; naval discipline and public morals; maneuvers,  
censorship, ceremonies, etiquette, regulations on uniforms;  
all their war supplies in general, and matters relating to  
martial law and defense.

27359 The nature of the duties is set out in detail in  
Regulations of Functions pertaining to the Navy Ministry.  
Since December 8, 1941. Section One handled matters pertaining  
to POWs. \* When asked if there were any provisions stating  
that POW matters come under the jurisdiction of the Naval  
Affairs Bureau, the witness stated that the words POW were  
not particularly used in the ordinances and regulations, but  
since POW matters were embraced within the general matters of  
administration, the task of preparing a draft for the revision  
of various POW regulations and liaison work was undertaken by  
Section One, and for that purpose regular personnel assigned.

27360 With respect to handling of POWs as a matter of  
international routine, Section Two acted as the reception. The  
standard of rules and customs upon which POWs were handled was  
based on international law. Regulations pertaining to the  
\* treatment of POWs provided for the procedure for the time  
between capture by the navy and turning them over to the Army.  
Since the Meiji Era there were various regulations pertaining  
to the Navy's turning over the POWs, and they were interned  
in POW camps under the control of the War Ministry.



Page

27361 On October 7, 1940, rules of naval warfare were promulgated, and provided that during wartime the Japanese warships may capture prisoners at sea and take all necessary measures against enemy hostility. With respect to matters which are not provided for, the principle of international law shall apply. The Japanese Navy had been given lectures \* on international law at various schools, and specialists in international law were sent to the fleet and gave lectures thereon.

There were two civil officers in the Navy conversant with international law, attached to the secretariat of the Navy Minister. They handled matters relating to international relations, and their opinions were not only respected, but if it became necessary one of them or a specialist was dispatched to the fleet to give necessary advice on a question of international law.

27362 After the outbreak of the China Incident, the Navy Ministry frequently issued reference books etc. to naval units in connection with international law. He listed various books distributed on international law. \* Among these books were contained various treaties and advisory matters relating to POWs.

The Navy Minister had authority to make rules for the administration of POWs, and drafted rules and regulations relating to POWs. The directors of the Naval Affairs Bureau, Accounts and Supplies and Legal Bureau, Military, and Medical Supplies Bureau, were aides to the Navy Minister in this connection.

27363 The commanders of the naval stations, guardships, and fleet, \* were in a position to enforce the administration of POW on the basis of these regulations. When POWs were captured the necessary regulations concerning their administration were fixed.

27364 The witness stated the Navy Ministry was not consulted by the General Staff in connection with operation orders, nor ever consulted with regard to submarine operations. With regard to matters concerning POWs in operational zones, in case of actual engagement or emergency, the matters were disposed of as operational matters. \* When Japanese troops were actually subjected to enemy attack, the administration of POWs was disposed of as an operational matter.

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27365

The witness said that Wake was occupied on December 23, 1941. The number of prisoners was unexpectedly large, although he did not remember the number. Soon after the occupation, the Wake Commander telegraphed to the Commander of the 4th Fleet and the Commander of the Combined Fleet, and at the same time sent information to the Navy General Staff, Navy Ministry. The garrison commander on Wake during the witness' tenure as Chief of Section One was Captain KAWASAKI, who was \* under the command of Vice Admiral INOUE, commander of the 4th Fleet. It was decided to transport the POWs on Wake to Japan and deliver them to the Army. In the early part of January, 1942, the Nitta Maru was sent to Wake and the POWs placed on board.

It was inconvenient from the supply viewpoint to leave large numbers of POWs on mid-ocean islands, and it was better to send them quickly to Japan. This was a naval administration matter. Whether or not to send the ship was an operational matter. The Nitta Maru therefore had to be considered both administratively and operationally.

27366

\* The witness recalled the Mobilization Bureau drew up the plans of movements of the Nitta Maru, after the approval of the section concerned, and the Navy Minister issued the command for its movement. The Nitta Maru arrived in Japan about the middle of January, but on army request POWs were placed temporarily in a prison camp in Shanghai, and were transported to Woosong direct from the Nitta Maru. Not all the POWs on the Nitta Maru were from Wake. He recalled that those transported were a considerable number, but he did not know how many.

27367

At the time the Nitta Maru reached Wake they received a telegram from the commander on the spot, saying that there were many POWs whose transfer \* was difficult on account of illness, but there were a large number who wished to voluntarily remain there. The Navy Minister studied the problem of supply and international law. The international law specialist advised that the POWs could remain after voluntarily signing a contract and agreeing to work not connected directly with combat. They answered by cable to such effect. He recalled that they received instructions that as far as those who were ill and could be removed, and those who had completed their work and desired to go to Japan, they could be transferred as soon as transportation was available.



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27368 The contracts signed by the POWs who remained had not reached Section One at the time of the witness' resignation, which was July 14, 1942. He did not recall any report, except for an episode, concerning the Wake Island POWs who remained. \* This episode was that the occupation force on Wake discovered huge amounts of construction materials and engineering machinery and construction engineers, together with precision construction machinery. They tried to use them and operate the bulldozers, but could not do so. One of the American engineers, by sign language waved aside the soldiers and smilingly operated the bulldozer. The story was that this was the motive which prompted some of the POWs to remain.

The witness did not know anything about the fact that several POWs on board the Nitta Maru were executed en route from Yokohama to Woosung between the middle and end of January 1942. There was no reply, and he did not recall hearing of any subsequently.

With respect to the meting out of punishment to POWs, there was a law called the POW Punishment Law and also the Navy Court Martial Law, and other regulations. If it was a disciplinary measure, the commander who had the prisoners interned applied navy disciplinary regulations. In the case of a penal measure, the naval authorities investigated as a prosecutor and turned over the case to the nearest court martial prosecutor for trying. At the time, the witness knew nothing of the detailed regulations for the punishment of POWs established by the commander of the Nitta Maru, and did not become aware of it until recently.

27370 Commanders of the Fleet and Minor Naval Stations who received POWs set up camps pursuant to regulations for the treatment of POWs. \* The Ofuna temporary prison camp was established by the Yokosuka Naval Station. The witness learned of it for the first time when the station submitted papers to the Ministry requesting appropriations for its construction. It was a short time before he resigned as Chief of Section One. The witness received no reports during his tenure regarding protests of the POWs at Ofuna who were mistreated and driven to hard labor, or that patients were not given adequate medical treatment, and he had not heard it from other sources.

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CROSS-EXAMINATION BY COMMANDER COLE.

27371       \* The witness did not recall the approximate date on which Ofuna Camp was established. He stated that it was possible that Ofuna Camp could have been established without the approval of the Naval Affairs Bureau. According to POW regulations, chiefs of naval units in whose hands POW fell, and various naval station commanders receiving POWs were empowered to set up provisional camps. When buildings in existence were used as camps, it was not necessary to consult with the Naval Affairs Bureau beforehand.

27372       \* Since there were not adequate buildings at Yokosuka Naval Station, they desired to build extra ones and needed appropriations. The Naval Affairs Bureau handled this matter only to the extent of approving the appropriations. The witness had no clear recollection when the request for appropriations for the Ofuna camp reached the Navy Ministry. He did recollect a report from his subordinate that a request for appropriations had come from Yokosuka Naval Station after they had already

27373       \* begun building a temporary camp. The Navy Ministry did provide funds for the establishment of the camp.

The witness could not recall receiving any reports covering the number, names and rank of the POWs at Ofuna Camp. He believed it existed until after the war.



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DIRECT EXAMINATION OF YAMAMOTO, YOSHIO,  
by Mr. Roberts.

27374           \* The witness identified exhibit No. 3066 as his  
27375 affidavit and verified it. \* The affidavit stated that  
instructions concerning the handling of POWs were issued by  
the Navy Ministry by telegram and correspondence. They were  
directed to Headquarters, Naval Base, Minor Naval Stations,  
and Fleet. The originals were in the custody of Section One,  
but were all lost by air raid fire.

27376           He could recall that instructions issued in December  
1941, provided that supervision of POWs was to be in Army  
hands, but the Navy was to administer them until turned over  
to the Army. This was set forth in the regulations concerning  
POWs. \* As POWs were captured in the southern zone from  
January 1942 to February, instructions were issued to send  
them to Japan. As there were quite a number of deaths at  
Sasebo temporary prison camp from December 1942 to the spring  
of 1943, orders were issued to the Sasebo Naval Station to  
investigate the state of affairs, and attention was called to  
the accommodations and food situation.

27377           In October, 1943, a directive was issued to transfer  
to the Army a considerable number of prisoners from Sasebo.  
In December, 1944, instructions were issued to survey and  
report on the condition of POWs outside Japan. The condition  
of them was to be reported in accordance with the regulations,  
but due to difficulties encountered in traffic and communications  
many reports did not reach Tokyo and caused office routine to  
bog down. \* Instructions were then sent to make a survey, but  
reports still did not arrive.

27378           In March, 1945, it was instructed that if POWs were  
interned by troops stationed abroad they should turn them over  
to the nearest army units as quickly as possible. POWs captured  
by the Navy were stationed at Wake, Rabaul, Ambon, Macassar and  
Haiphong. Most of the Wake POWs were sent to Woosung, Shanghai,  
in early 1942, and one portion was later sent to Japan and  
delivered to the Army, and a small portion remained to engage  
in engineering. He understood that the POWs in Rabaul were  
sent to Japan and turned over to the Army. He did not know  
whether there were prisoners held in other areas, as there were  
no reports. \* He had not received any reports that POWs in  
those areas had been mistreated.



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27378

\* He did not know that the U. S. on August 21, 1943, sent a list with the names of 400 prisoners on Wake whose whereabouts were unknown. He received no information concerning various inquiries made by the U. S. regarding the tidings of prisoners on Wake between October 1943 and July 1945. He did not recall any other inquiries regarding the Wake POWs other than the reply to the inquiry \* from the Japanese office that there were a few prisoners remaining on Wake. A report came directly from the commander of the Wake garrison to the 4th Fleet, and at the same time a telegraphic report came to the Navy Ministry and the Combined Fleet General Staff.

27379

27380

When asked what the nature of the report was, the witness stated that at the time there was a bombardment of Wake by the U. S. The situation was such that landing of U. S. troops was expected, and the POWs thereupon rioted and were shot. The Navy Ministry was not in a position to take direct action, and so took none. It was watching what action would \* be taken by the Commander of the 4th Fleet.

The communications between Wake, Truk, and Tokyo was by wireless, and sea-borne traffic could not be conducted because of danger. There were no reports from the 4th Fleet with respect to the conduct of the commanding officer on Wake. At the end of 1943 the South Sea Islands were being attacked, and the 4th Fleet was being exposed to severe battles. It was impossible to press for reports because of this condition and cause investigations to be made. A court-martial was set up in the 4th Fleet at that time.

27381

\* The Navy Ministry's position remained indefinite because there was no report, but the capture of the various South Sea Islands and the occupation of Wake Island became imminent, and despite the fact that the entire garrison was prepared for mass self-destruction, there was no way to rescue the garrison. They could not summon the commanding officer to headquarters for investigation, or send him to court-martial.

He knew Commander OKADA, staff officer of the Naval General Staff. Neither the witness nor anyone in the Naval Affairs Bureau instructed Vice Admiral ABE on Kwajalein, through OKADA or any other, to execute the prisoners in Kwajalein on the spot. The Naval Affairs Bureau was not concerned with OKADA's trip to the South Seas. The Bureau was not aware that there were POWs on Kwajalein at that time.



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The Navy always issued orders in writing, and never entrusted anyone with verbal orders. The Navy Minister could not give direct orders to ABE as the commander on the spot. He did not remember the date and number of the protests received in connection with sinking of Allied merchant ships by Japanese submarines in the Indian Ocean and atrocities on survivors, but they did receive some protests. Those in charge of submarines were asked to investigate. Since the matter involved operations, the investigation was referred to the Naval General Staff and the matter was thoroughly investigated. They reached the conclusion that since Japanese submarines were not involved a reply to such effect was sent to the Foreign Office.

27383

\* After the war there was an inquiry from GHQ, so the surviving crew members and those connected with the matter were investigated, but the fact could not be established and they so replied. This last report is exhibit No. 3064.

Yokosuka Naval Station administered the temporary camp in Ofuna. The witness thought that the commanding officer of the Minor Naval Station in Yokosuka appointed some suitable subordinate as superintendent of the camp. Such a matter was within the province of the Yokosuka Naval Station, and no report was made to the Navy Ministry.

Yokosuka Station made a report on the personnel in the camp, their names, ranks, and other designations. No report was ever received that the POWs in Ofuna were mistreated or that they received inadequate medical attention.

There was no Cross-examination of the witness, but the attention of the Tribunal was called to exhibit No. 2055-C.

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27387

\* Exhibit 3054-C, Naval General Staff Directive #61 dated March 1 1942 from Chief of Staff NAGANO to Commanders of the various Naval Stations, except the commander-in-chief of the Combined Fleet, stated \* that in dealing with enemy and neutral shipping the sea area should be patrolled. In dealing with foreign shipping due process shall be taken in accordance with the law. \* If a sinking is made without due process because of some forced circumstances, every possible means shall be taken to rescue lives. Persons of the armed forces, either armed men or civilians, higher graded mariners, technicians, government officials belonging to the enemy countries or to Chiang Kai-shek shall be taken POWS.

27388

27389

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The prosecution called the court's attention to the fact that the last sentence not read showed that Directive #15 was \* abolished. It was referred to in Exhibits 3057 and 3052, and Exhibit 3054-B related to the abolishing of Directive #60.



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KONDO- Direct Exam.

Direct Examination of KONDO, Jotaro by Mr. Freeman.

27391  
27392

\*The witness identified Exhibit 3067 as his affidavit and verified it. \* The affidavit stated that from January 1942 to July 1944 he was governor of Kanagawa Prefecture. Concerning Exhibit #1969, Report Concerning Labour Conditions of POWs, it was a copy of the report the witness sent to the Eastern Army Commander for reference. It was made originally in his name to the Home and Welfare Ministry under whose jurisdiction he was. He had no obligation to report to the Eastern Army Commander.

27393

The witness presumed the Hqrs of Eastern Army transmitted the report to the War Ministry. His report showed that POW labor brought about a favorable impression upon the Japanese. \* No public announcement of such labor was made but the people found out about it by unintentional observation. It was the personal opinion expressed by a passer-by. It was never intended to use POWs for public display. He never received any instructions to expose POWs to public view and he gave no such instructions. The report was made to the Home and Welfare Ministers, by the prefectural government compiling information received customarily from various local organs. Copy of the report went to the Eastern Army Commander with no special significance.

27394

\* The witness stated that he gave no suggestions or instructions regarding exposing POWs to public view. But he did give advice to the authorities in charge of camps. This related to the route connecting POW camps and places at which they were to work. He recalled that through a Chief of Section serving under him he suggested to the camp authorities that to maintain the dignity of POWs and to effectuate better traffic control, the route selected should be the shortest distance between the camp and the place of work and should not expose POWs to public view.

21395

The witness had no direct \* authority to offer these instructions but was in a position to report on anything he felt improper in his jurisdiction and let these facts be known to the proper authorities. It was the custom at that time and it was also his authority as Governor to control traffic regulations.

He had received a report from the section chief that the camp authorities accepted the advice.

There was no cross-examination of the witness.

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Direct examination of SUGITA, Kazuji  
by Mr. Freeman.

27397 \* The witness identified Exhibit 3068 as his affidavit and after correction verified it.

27399 \* Instructions of YAMASHITA at the start of the Malayan Campaign emphasized making friends with the natives. On Singapore's fall they saw to it that an exemplary occupation work should be carried out without hitch in taking over the city, considering the great repercussions, felt all over the world. While acting upon the instructions, YAMASHITA urged Gen. Percival to surrender early to avoid bloodshed of townspeople. The promise was also made that the British noncombatants and women would be protected.

27400 During the Singapore attack the Japanese sustained much loss. The tension with the British was intense after the fall of the city. The sentiment of the Japanese soldiers \* against Chinese merchants grew worse as they obstructed operations a great deal. Toward the end of December 1941, a hundred or more Chinese merchants took a stand in a forest to disturb commissary lines and burn Japanese munitions.

At the end of December 1941, during the battle near Cambar signal shells were seen shooting in the night from around the troops. Investigation showed it was done by the Chinese merchants.

27401 In the middle of January 1942 at various battles as well as at the time of the enemy air raids on Kuala Lumpur, signal shells were again shot up to show the way for enemy fire and planes. This was later shown to be the tricks of the Chinese merchants. Also in the middle of January 1942 they guided enemy planes on night raids. In the middle of January 1942 Chinese merchants aided enemy submarines \* lying off the coast and sheltered enemy secret agents who came from the submarines, making the enemy fire easy and advantageous from the Maracca Sea.

In many places communications were cut. The Commanding General made no change in the instructions but put more stress on strict punishment of those obstructing operations. His attitude was stern toward ill behavior of Japanese officers and men. An investigation after the war disclosed that he issued an order on February 27 1942 with the aim of mopping up Chinese merchants of enemy character lurking in the city and intended to deal them a decisive blow.



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27402

\* The witness saw neither the actual mopping up or even a single corpse. He heard later that Headquarters of Japanese Forces in the Southern Regions thought the mopping up tactics should not have been used. They were not ordered by him. MUTO \* said mopping up tactics should not have been used. The witness did not remember interviewing Maj. Gen. NEWBIGIN and Col. Wild on February 22 1942, about which Col. Wild testified.

27402

Immediately after Singapore's fall conferences and arrangements were frequent to prevent mishaps, divergences and misunderstandings between Japan and Britain. It was not until the latter part of February that the operation operated smoothly.

In the Island of Singapore the British were interned at Changi and Indian soldiers at Nieson and other areas, and there was considerable confusion. It was difficult to concentrate the British stationed on separate islands but efforts were made to prevent incidents. The British Forces carried foodstuffs in good quantity and used their own automobiles, trucks and hydro-automobiles. They were driving about 20 trucks a day to carry foodstuffs from the water. These trucks were confiscated about the middle of March.

27403

\* The ordinary townspeople detained in private houses in North Singapore were taken toward the end of February to Changi Prison. The Japanese were so pressed with preparations for their next operation while British POWS were quite at leisure that some Japanese asked which was the winner.

He remembered YAMASHITA's inspection of the camps in the early part of March 1942 when he shook hands with Lt. Gen. Percival who expressed thanks to YAMASHITA. Until the early part of February most POWS were engaged in improving the prison and preparing for cultivation of crops, bathing at intervals in the sea. Since the beginning of March hundreds of prisoners were coming back and forth by autos from Changi to clean Singapore. This proved so inconvenient that the plan was changed to transfer part to the city from Chengi and preparations were under way. He did not know what became of it for he was shifted to different post and traveled to Sumatra on official business.\*

27404

Of the Hospital Alexander Incident he got no information. The front line was not advanced as far as the hospital on the 12th or 13th of March, the date on which Wild testified it occurred.

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27405 He acknowledged Exhibit 476, the Outline of the investigation on inhumanities during the Malayan Campaign" except the part made of two leaves of Japanese paper copied from excerpts of Diary of February 18th. These documents were availed of by the Prisoners Investigation Committee. Among them, the State of Punishment of Chinese Merchants at Singapore, was written by the witness but as it proved insufficient, it was revised as an Outline of the investigation on inhumanities during the Malayan Campaign of 23 November. A number of insertions and cancellations were made by others. He drafted them and presented them to the Central Prisoners Investigation Committee \*and to the Prisoners Investigation Board. He did not know whether they were adopted by the organizations. He was not sure who wrote such notes as "deleted" or "see attached papers".

Cross Examination by Col. Mornane.

27406 The witness stated he held the post of Chief of Intelligence Staff in 1942 and it was part of his duties to keep Gen. YAMASHITA informed \*. On February 21st he was primarily a liaison officer and was hardly concerned with intelligence and at that time he did not know that on the 21st of February the arrest of the Chinese had begun. It had not started at that time. He became chairman of a committee to inquire into the massacre after the war and then ascertained that the arrests began on February 21st. The fact that over 5000 were killed was concerned with the 21st of Feb. and thereafter. He made use of Major Gen KAWAMURA's diary and other information \*. KAWAMURA was garrison commander and the Kempei-tai was under him. He did not recall a diary entry concerning a meeting where reports concerning the punishing of 5000 were read.

27408 \* The Chinese were not tried by any court. The witness stated he struck out a passage in his affidavit in regard to the 5000 killed because he could not say that he had obtained the figures from authoritative sources. The witness said he later heard that Headquarters thought that mopping up tactics should not have been used from staff officers who came to Singapore. He had not heard that the Southern Army Hqrs had not ordered the mopping up tactics but heard they were opposed to it but did not issue \*an order to the commander of the 25th army.

27409



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Mopping up was ordered by Gen. HAMASHITA and the Southern Army took no steps to punish those responsible for issuing the order to kill the Chinese.

27410 The witness meant that it was February 12th or 13th instead of March 12th or 13th that the front line was not advanced as far as the Alexander Hospital. He knew where the Alexander Hospital was situated. He did not think \* that the Japanese Front Line passed there on the 14th of February at 4.30 pm. He knew they did not pass there on the 13th or 14th of February. He had never heard of the massacre at the Alexander Hospital before he left Singapore.

The attention of the Tribunal was called to Exhibits 1506 and 1507 and to page 5398 of the record.

27411 \* From Exhibit 476 which is a report on the inhumanities in Malayan campaign, it was stated that even after the fall of Singapore anti-Japanese Chinese hid in cities and forests. Some of them were communists and maintained connections among themselves and continued active operations under an organization to carry on an anti-Japanese movement. They tried to obtain arms, ammunition, provisions and comrades in arms. They looted the surrendered arms, assassinated officers and men, destroyed communication and transportation lines, killed, threatened and pillaged law-abiding citizens. The state of peace and order on the Malay Peninsula after the war was still alarming.

Purging operations there represented peace preservation patrol activities to protect not only the Japanese but also the life and property of the native people. They regretted to say they had no clear idea of the situation due to lack of data. The anti-Japanese Chinese who lost their lives fell under their bullets during the battle. Their side also suffered considerable casualties.

27413 From Exhibit 475, Japanese report on the construction of the Burma-Thailand Railway stated \* that as construction was completed in October 1943, all pows except those engaged in maintenance work were transferred to camps in Siam. The camps there could shelter them and the food and sanitary conditions were improved. Those thought to be suitable for certain work were removed to FIC and then transferred to Singapore and moved to Japan. The POWS who were rescued departed from Singapore at the beginning of September and 1300 English and Australian prisoners were abroad.



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They suffered a good deal from the rainy season, especially on the Burma side. During the rainy season hurriedly constructed motor roads and newly built railroads were very difficult to maintain and hindered supplies. On the Thai side, since the middle of May a through motor car communication was suspended and on the Burma side kept up with difficulty.

27414

\* When the Keonoi rivers rose, it could be used for navigation and served as a line of communication. But in flood it was a hindrance. Immediately after the rainy season sets in no navigation is possible for twenty days. During this time there is the danger of suspension of communication both on land and on water. On the Burma side both railway bridges and road bridges were swept away and the supply was critical.

Another hindrance was the fact that the rainy season set in one month earlier than usual. Various countermeasures were not complete. They were taken by surprise and most of their efforts came to nothing. The effect was fatal to their work, supply and maintenance etc. and coupled with the sudden prevalence of cholera construction work and superintendence of prisoners became difficult and victims increased.

27415

\*The success of construction depended on preparedness in the rearward area. The Southern Army acknowledged the need of preparing for supply, sanitation and measures securing and maintaining labor and pooling of construction materials and every effort was made to realize this.

27416

The main part of the newly delivered 200 supply motor trucks were usable only \* for twenty days before the rainy season started and only 40 percent were fit for service. Every effort was made to supply fixed rations and they tried to pile up the reserve stocks for use in inner regions during the rainy season but without success. There was no great difficulty in the supply of stable ration although the inner regions lacked a certain quantity of supplementary rations.

Motor trucks were sent too late. The construction of the road was not complete within the limits. It was in active use for a short time during the dry season. There was a shortage in transportation capacity and these were the main causes for the lack of rations.



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27417 Supply was comparatively easy during the dry season. When the rainy season set in roads in Thailand and Burma were muddy and permitted no motor-car traffic while the waters in the rivers did not rise rapidly. In May through traffic on land and water was held up, the supply was cut and those in the inner regions had to be content with half to one\* third of the fixed rations.

27417 The Pows were transported on the Thailand side by railway and on the Burma side by ships, to the construction area and their removals within the construction area were done on foot.

27418 After the Thailand camp was organized it was designed to cooperate with construction troops for a year since July 1943. The delay in the work progress was due to the increase of patients due to the weather and this made necessary closer relations between the working troops and the camp \* regarding improvement of supply and sanitation and working capacity until in July 1943 the Thailand Camp was put under the construction commander. A part of the war prisoners on the Burma side was since July 1943 put under the command of the commander of the 5th railway regiment who was also commander of the construction work there.

POWs properly were under the control of the head of Thailand Camp. Except in the Burma area the camps were directly under the construction commanders but were never under the direct control of the working troops.

27419 The close relation was kept between the supervision party and the employing party and attention was paid to pows' health and efforts made to improve the situation on the basis of customs and manners. There \* were many instructions to the men and those in the course of embarkation.

In September when the rain season was over the road conditions improved. In addition to the advance of construction, the concurrent use of the water route became possible. Supply transportation improved and the regular rations could be given with the aid of commissary troops and transportation sections of the troops. Due to the fatigue after more than a year and the deployment in remote places the number of patients and deceased did not shrink.

In October 1943 the Thailand Camp sent 1000 healthy prisoners alternately from the flat country to the remote places and engaged them

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27420 in re-inforcement work of the railway, and at the same time successively transferred this main body over level ground and tried to recover the health of the pows. \* Supervision became normal too.

Many camps were established in the rendezvous and a camp hospital was built at Nakonpaton. Besides an effort to give medical treatment, supplies were given beyond the regular rations. The health of the pows got better and the number of patients and dead dwindled.

Two branches of the Malay camp were restored to their proper positions by the end of the year and health conditions also improved.

27421 In June 1943 \*Lt. FUJII, commander of the 9th Railway Regiment had ordered one of the pows to shoot his fellow who was suffering from cholera, to check the disease. He was brought to trial but was acquitted. The commander of his troops gave him maximum punishment and he was suspended from office. The railway construction commander disciplined the commander of the 9th Railway Regiment to which FUJII belonged. The details are not certain as the documents were burnt.

Concerning other affairs, it was difficult for the central authority to search into them. It was desired the local authorities be investigated. But there was no case where 600 men were pushed to death from a precipice.

27422 \*As to the treatment of POWS during the construction of the Thailand-Burma railway, it would become clear when the circumstances were understood, that the greatest efforts were made but many fell unavoidable victims.

27423 The transportation capacity required ran short and the 3500 cars in Malaya were reduced to about 1700 usable cars because of decadence and poor means of communication. Various \* cars of FIC, Thailand, Malay and Japan were used. They had hard work to draw up transportation plans and to manage the cars. The Third Field Railway Headquarters took charge of the planning and managing of the railway transportation according to south army ordinance.

In the transportation of the persons it was not unusual that one train was limited to take 700 persons on board in the Malay-Southern Thailand line. This standard was adopted indiscriminately for pows and native laborers.



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The cars consisted of five uncovered wagons and other covered ones. These were mainly cars transporting rice from Thailand to Malay and coming back without loading.

27424

\*Transportation was carried out on this organization. Because of the situation even Japanese officers were taken on board the wagons. There may have been instances where the rate of covered and uncovered wagons were subject to slight alteration in accordance with the situation, or more persons than the full capacity were forced to be taken on board.

Although researches made from the end of 1944 on the treatment of pows in the Moulmein Area the details are unknown as the persons concerned are dead or transferred.

27425

\* Some contents of the protests have discrepancies and some are exaggerated and unfounded. It is not true that nearly 20,000 pows were accommodated in Moulmein and its vicinity at the beginning of 1942. In Moulmein and its vicinity from March to June 1942 about 120 English officers and about 700 Indian pows and in Tavoy 79 Indian pows were interned together with hostile citizens.

The pows in Moulmein and in Tavoy were removed to Rangoon Field Camp in June 1942 and February 1943.

It was decided that pows should be employed when construction of the Thailand-Burma Railway was discussed and 9535 pows from Java and 1946 from Singapore were removed to Burma in November 1942 and in January 1943. As they were composed into the Thailand Camp it must have been reported concerning an opening place there.

Those who died before the construction of the railway were five Englishmen and five Indians. It was just at the beginning of the Burma operation and it was almost impossible to supply the rear. The collecting of materials on the spot was not carried out as it was desired. Therefore the supply may not have been enough but it was the same with the Japanese Army.

The number of deceased pows in the district east of Tanbizaya after the construction of the Thailand-Burma Railway was begun is shown in Table VIII.

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In all Burma west of Tanbizaya there were 10 deceased in October and 12 in November 1942. It is unfounded that there were so many dead as protested.

274227

\* As construction of the railway was most urgent the work had to be forced with whatever material and equipment the army had. The districts along the line were the jungle where no man had been and accommodations and supplies and sanitary facilities were different from the normal life of the pows and traffic was interrupted frequently during the 1943 rainy season. The pows as well as the Japanese soldiers were obliged to suffer.

The main forces of the Japanese Army's sanitary facilities were concentrated to prevent diseases that could not be checked. Still more, the civilized prisoners were unaccustomed to wild life.

27428

\* When the railway was opened in October 1943 every establishment was completed and the number of patients and deceased dwindled.

It is not true that pows were contemptuously displayed in February 1944. It is not certified whether some engaged in the supplementary work were employed to transport food and materials in the city of Moulmein after the completion of the Thailand-Burma Railway.

27429

Exhibit 3069, Army Order #1, issued by the War Minister to Japanese soldiers at the front, stated \* that even though their military might overcame the enemy, their martial virtue will not be perfect if they are devoid of the virtue of benevolence to forgive those who submit and to love those who obey. Martial spirit should not be haughty and benevolence not ostentatious. The virtues of bravery and benevolence are noble only when they flow naturally and spontaneously from one's self.

27430

"They should pay regard to the custody of enemy assets and properties. Requisition, confiscation and destruction of supplies should be carried out only on superior orders. They were to love and protect innocent native people with benevolence.



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Direct Examination of Kimiya ICHINOHE  
by Mr. Freeman.

27431

\* The witness identified Exhibit 3070 as his affidavit and verified it. The witness stated he had been a staff officer and was in Sumatra from February 14 1943 to June 27 1944. While he was on duty \* in Sumatra Island copies of the Imperial Rescript and Instruction in the War Field were distributed to soldiers in every corp stationed there. At Division Headquarters all members paraded every morning. At the morning parade the Imperial Rescript or Instructions to Army Officers and Men on Conduct and Behavior in Battle Fields, was read and instructions or directions based on them were given, so that the Rescript and the Instructions were well diffused and put into practice.

27432

27433

\*The same thing was performed on festival and memorial days. In every corp the same effort was made to diffuse and put into practice the Imperial Rescript and Instructions. He knew this by reports from the corps and by his personal attendance on festival and memorial days.

27434

\*

There was no cross examination  
of the witness.

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KRETSCHMER (Affidavit)

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27435

Exhibit 3071, affidavit of Alfred E. Kretschmer, stated that he was German Military Attache in Tokyo from Dec. 4 1940 until May 8 1945. Between January 1941 and March 1944 he visited all Japanese Fronts with the exception of the New Guinea Front.

In March 1942 when all Axis attaches visited the southern regions conquered by the Japanese, only in Singapore were they invited to see the pow camps. They declined as they had already protested in Manila when they were shown a civilian internment camp. Because of this they were not again invited to visit a camp.

27436

\*In Singapore they saw Australian POWS driving by in trucks. They looked healthy and happy and scarcely guarded. In December 1942 or January 1943, in reprisal for chaining of German soldiers captured during an English raid, the German Government had ordered a special number of British POWs to be put in chains. The German Foreign Office commissioned Ott to ask the Japanese Foreign Office to join in these reprisals as Italy had promised. Ott, as well as the attache detested the extension of such reprisals and thought the Japanese would reject the request.

Ott therefore remonstrated to the German Foreign Office but he was disregarded and Ott asked the affiant to approach the Japanese Army with the proposal. He himself addressed the Foreign Office. The affiant talked the matter over with Major YAMAZAKI of the War Ministry and next day received the War Ministry's answer that the Japanese army would not join in on such German reprisals, they being contrary to the Bushido spirit. Ott received a corresponding answer from the Japanese Foreign Office. In the affiant's conversations with army circles he learned that the desire existed to treat POWs decently according to international law as was done in the first World War.

As to the civil internment camp in Manila the quarters were somewhat crowded but the internees looked healthy and were apparently allowed to govern and feed themselves. Whenever he saw Japanese soldiers there they were in fair or good discipline.



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Direct Examination of INADA, Nasazuni by Mr. Freeman.

27438

The witness identified Exhibit 3072 as his affidavit and verified it. The witness stated that he was at present in Sugamo Prison; that at the outbreak of the war he was Vice-Chief of Staff of the Fifth Army in Manchuria as a Major General. In the spring of 1942 he became chief of staff of that army and in March 1943 vice-chief of the General Staff of the Southern Army in Singapore and held various other jobs.

27440

About July 1943 in Singapore he had an interview with Lt. Gen. HAMADA, chief of the War Ministry's Prisoner Control Dept. who was then on a tour of inspection of conditions of war prisoners. When he stated his wish to improve POW's treatment the \* witness answered that TERAUCHI was opposed to cruel treatment of POWS and wanted more care in handling them. His staff always saw to it that his officers and men acted accordingly. They instructed the POWs should be treated the same as ordinary armed units since special treatment better than that could not possibly be given.

The work on the Thailand-Burma railway employed ordinary armed units, civilian laborers and POWS and the work was not easy. They were hard pressed for provisions and medicine but they were never cruelly treated. All that could be afforded was done to maintain their working power.

HAMADA said he had inspected principal POW internment camps in various parts of southern countries and had given instructions to improve the treatment of POWS.

CROSS-EXAMINATION BY COL. MORNANE

The witness stated he had never inspected the Burma-Thailand prison camps personally and therefore could not say of his own knowledge that POWS were never cruelly treated in relation to the Burma-Thailand railway.

The attention of the Tribunal was called to Exhibits 1555 to 1575 at pp 12991 through 13087 of the record, and the evidence of Williams at page 13003, Coates at page 11411 to 11433 and Wild at page 5345,

DIRECT EXAMINATION OF SAWADA, SHIGERU BY MR. FREEMAN

PAGE

27443  
27444

\* The witness identified Exh. 3073 as his affidavit and verified it. \* The affidavit stated that from December 1940 to October 1942 the witness was Commander of the 13th Army in Shanghai. Occupation of the International Settlement at Shanghai on December 8, 1941 was orderly and disciplined and was praised by all citizens. There were no unfortunate happenings or any shooting. Every precaution was taken to prevent incidents which accompany military occupation. The force was kept at a minimum and did not exceed 500. The occupation was in daylight and began an hour later than the time in which people went to work.

27445

Prior to the troop advance \* the military group consisted of army, navy and foreign office personnel, visited the Municipal Office and gave notice of the occupation so that the authorities could prevent disturbance and unrest. Settlement police units were stationed at security positions and the troops advanced in their presence. The troops marched in formation to the U.S. Marine Corps Barracks and were prohibited from dispersing.

Any special duty was undertaken by a corps commanded by an officer or non-com. Patrols were sent to inspect and prevent wrongs being committed. Notices were posted telling the citizens to be calm.

27446

The witness summoned all the commanders \* and instructed them to take every precaution, and that military discipline be enforced strictly, and they should discharge their duty without arms. Banks kept open and business was carried on as usual. Japanese nationals could not enter the city without certificates. Not a single incident occurred. There was much traffic.

27447

Newspapers were unanimous in their approval of the exemplary behavior. \*

There were some 1500 to 1600 U.S. and British POWs under the 13th Army. The witness used to instruct the chief of the camp to be fair and just in his treatment of POWs and General YUSE, Camp Commander, abided by the instructions. When POWs went outside to work, he used to share the work with them. He reported once a week on camp conditions and was so devoted that he died while in office from disease. The camp was properly equipped and managed. A Swiss delegate was delighted after he had inspected the camp and wrote a letter of thanks after his visit.



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27448

While one of the interpreters was indicted as a war criminal, yet the general conditions in the camp may be gathered from the fact that with this exception \* no one else has been put to trial. They tried to be fair and just in treatment of their men. They did not intend to restrain any peaceful citizens who did not resist. They therefore decided on the methods of treating these citizens. During his tenure of office, hostile nationals such as Americans, Britishers, etc. were under no restraint whatsoever and were at liberty to reside and make a living in the city. They were allowed to follow their respective occupations. Even leading officials of the Municipal Office were not removed but were allowed to carry on their work until they resigned voluntarily in March 1942.

27449

Bank deposits were not frozen and a certain amount could be drawn each month. For treatment of hostile nationals and their properties, there was a committee consisting of delegates from the War Ministry, Navy Ministry, the Foreign Office and the Asiatic Development Bureau, \* which decided on various measures so that no one could take arbitrary and high-handed steps.

27450

The authorities of the Foreign Office knew better than anyone else that in the Shanghai district a fair and just treatment was accorded to hostile nationals. \*

CROSS-EXAMINATION BY MR. TAVENNER

27451

The witness stated that the trial and execution of the Doolittle Fliers was carried out under the army of which he was responsible. His superior was General TADA. The accused HATA was then Commander-in-Chief of the China Expeditionary Forces \* and the witness was serving under and subordinate to HATA. Since the witness was absent from his post prior to and at the time of the trial, he had not discussed the matter with HATA. A month had elapsed after the trial when he returned from the front. He talked with HATA after he returned but the trial was already over. Prior to the trial he did not tell HATA that he was waiting for receipt of orders to try the fliers and HATA did not tell him this. When they spoke, HATA was awaiting the results of the review taking place in Tokyo.

The Kempei Tai were not under the witness' command. The witness received orders to try the Doolittle Fliers from HATA. He did not have a copy of the order and did not know what happened to it. He did not discuss the matter with HATA



Page

27454 prior to receiving the order. The witness was away for several months commanding front-line forces in a large-scale operation along the Sekkan Railway. The order from HATA was a simple one, ordering the 13th Army to conduct the trial of the Doolittle Fliers. \* The witness did not know the charges or formalities of the proceedings because of his absence and the matters were handled by his subordinates.

Around September 20th after returning from the front-line, the witness went to Headquarters to report on the trial. He told HATA that the sentence seemed to be very heavy. However, since the results had been reported to Tokyo, they could do nothing but await the review then being conducted. HATA agreed that there was nothing could be done except wait.

27455 The attention of the Tribunal was called to Exh. 1819, 1901, the testimony of Powell at page 3270, Exh. 1897, 1900, 1901, 1911, 1914.

CROSS-EXAMINATION BY MR. LAZARUS  
COUNSEL FOR HATA

27457 The witness stated that HATA had the duty to supervise and command the China expeditionary forces. There were two categories of operation depending on their scope. Some HATA planned on his own authority and some he waited for orders from Tokyo. With respect to trying foreign fliers \* he received his orders directly from HATA but he had heard from HATA that the latter received his orders from Tokyo. Later the witness confirmed this from HATA. He also heard it from TOJO after he entered Omori Camp in October or November 1945. General SUGIYAMA was Chief of Staff at the time of the trial. The witness had not heard the details as to whether the order was issued by SUGIYAMA or TOJO. It had to come from either of these two places. The witness did not know where the order commuting the sentence of five fliers and ordering the execution of three came from because the order came after he left as commander. He later heard that the order came from Tokyo but he didn't know where.

27459 \* The witness stated that the judges in the Doolittle case were at liberty to conduct the trial on the basis of military law promulgated by the China Expeditionary Forces. They had no power to acquit. He heard later that the order promulgating these laws came from Tokyo.

27465 The witness stated that if orders came from Tokyo to try the Doolittle Fliers, before they could reach his headquarters, they would have to go through HATA's headquarters



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and when a decision was announced it had to be forwarded to Tokyo through HATA's office because he was commander of the China forces.

27466 After reviewing the order of commutation and execution, in order to reach the witness' command it would have to go through HATA.

Attention of the Tribunal was called to Exh. 1984-A, the interrogation of TOJO.

RECROSS-EXAMINATION BY MR. TAVENNER

27467 He stated he did not know whether HATA had authority to make recommendations in connection with the review. When asked whether HATA made a recommendation, the witness stated that when he reported to HATA, the latter said that since the raiding incident took place in Japan, and since the order said it was to be reviewed in Japan, there probably would be a just and fair review and there was nothing to do but wait for the decision of TOJO. Neither the witness nor HATA made any recommendation. \* He did not think HATA made any recommendation but he could not speak positively on this point. He did recall that he said there was nothing to do and it would be reviewed in Tokyo. HATA did not ask the witness to make a recommendation. At the time, and even today, he did not know whether the order was issued by the War Minister or the Chief of Staff.

27468 The attention of the Tribunal was called to Exh. 1991

27470 \* RECROSS-EXAMINATION BY MR. LAZARUS

The witness stated it is not the usual custom in the Japanese Army in such cases for either him or HATA to make recommendations to their superiors.

27471 Exh. 3074, the affidavit of Mary Martin, stated \* that the witness' husband was British Consul General in Chungking and they had gone to Hongkong in November 1941 where he was operated on. He was getting on very well, but the attack on Hongkong was followed by a complete breakdown of most services, such as food and medicine. The chances for survival were slight and her husband died on April 7, 1942. From January to June, when the witness left on the Gripsholm, she or her husband owed every bit of consideration and help they received to certain Japanese officials to whom she felt deeply grateful.

27472 This accounts for her being alive today. \* When her husband died,

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27473

she was unprepared to face concentration camp life and told the Japanese in the Foreign Office. He realized what she meant. This kindness shown to her was received by various other people. The kindnesses were innumerable. Mr. ODA came to see her husband personally. He loaned them money, both personal and government money. He gave them a pass which was of the highest protection and it meant that she received courteous treatment from all sentries. On her husband's death he sent a representative to the funeral with a wreath expressing his sympathy. He always showed kindness \* although he was extremely bad tempered, particularly at the time when the Doolittle bombing of Japan took place.



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DIRECT EXAMINATION OF KOMODA, KOICHI

27476

27477

\* The witness identified Exh. 3075 as his affidavit and verified it. \* The witness stated that he was commander of the 104th division from December 1940 to July 1942 in Kwangtung, and later served until the surrender in Korea.

In December 1941 the Japanese Army carried out almost no military operations and tried to maintain peace and order in the Kwangtung District. It was hardly possible to conclude that the Army occupied the walled city on December 21, 1941.

27478

When war broke out on December 8, there was only a division and a half in the district. At that time Yu Han-mou with a force of 220,000 took the offensive and the witness' division did everything \* to defend itself against attack.

Although the witness lived in the Kwangtung District for twenty months, he had never heard of Shihuohan, Uyanchiao, Shahsia, Shaipuchang, and other named cities. He was confident that military discipline was strictly maintained. He sent judiciaries twice a week to various units to give training to prevent crimes. They did their utmost to prevent crimes no matter how slight.

The witness' strict military discipline won Chinese respect. There wasn't a single case in which a Chinese was murdered by his subordinates.

The attention of the Tribunal was called to Exhibits 350 and 351. There was no cross-examination of this witness.

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DIRECT EXAMINATION OF OKADA, YOSHIMASA

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27480 The witness identified Exh. 3076 as his affidavit and verified it. The affidavit stated that the witness was in the 6th Area Army at Hankow to June 1943. In January 1944 Headquarters of the Japanese Expeditionary Forces in China ordered the 23d Army to capture Liuchow, advancing from the Canton area. The original order for this was burned \* but  
27481 the witness remembered it and knew the movements of the Army.

The 23d Army was in Canton. When it got the order to capture Liuchow instead of advancing directly toward Liuchow, the main force marched to the north, and the KOYASEKO force to the south, concealing the operations plan.

The KOYASEKO force was a battalion under the command of the YONEYAMA Brigade. It started from Kowkong late in June and entered Taishan leading the van of the whole brigade. By that time all inhabitants of Taishan had already evacuated and there wasn't a soul to be seen.

27482 The force tried to march toward Liuchow from a point 30 miles south of Taishan but there was a strong enemy position and there was a fierce battle which lasted most of July \* and casualties were heavy and much arms and ammunition were wasted. The aim of the battalion was not to fight but to advance secretly to Wuchow and sweep out the mines of the enemy in Si-kiang to help the main force which was coming up north. One of the navy minesweepers accompanied them. Under this situation they were at a loss when confronted with unexpected battle. They were delayed five days in getting to Wuchow, but after a hard battle they drove back the enemy and advanced toward the city.

27483 All the inhabitants had taken refuge and none could be seen. The force had the urgent duty of getting to Wuchow without wasting a moment. Therefore it could not have been possible for them to have had time enough to murder the inhabitants or set fire to their houses enroute. They had to march day and night. \* The commander of the Army had strictly ordered all the soldiers to observe the "three don'ts"; that is, "don't burn," "don't kill," and "don't plunder."

KOYASEKO had been superintendent of the Military Preparatory School in Osaka until appointed commander of the force. It was the unwritten rule of the Army that a superintendent of such school be selected from officers of noble character. He therefore did not believe that there could be any atrocities committed by his men. If there had



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been, the witness would have been informed of it. He attached a rough sketch of the map showing the course that the KOYASEKO force followed from Canton toward Wuchow.

The attention of the Tribunal was called to Exh. 350, 352, 353, 354 to 359 inclusive. There was no cross-examination of the witness.

Page

DIRECT EXAMINATION OF KOYASEKO, KANAME

27486           \* The witness identified Exh. 3077 and verified it.  
27488           The affidavit stated \* that beginning in 1941 for three years  
the witness was attached to the Osaka Military Preparatory  
School. From 1944 to the end of the war he was commander  
of the 126th Independent Infantry Battalion and participated  
in the operations in South China. In June 1944 his battalion  
advanced from Canton to the Taishan area and thence north-  
ward, operating in the Wuchow area, a strategic point on the  
Sikiang River. They made a forced march for about a month  
and due to unexpected stubborn resistance were delayed in  
their rapid advance and spent about five days longer than  
directed.

27489           Scores of officers and men were killed and wounded  
and a large amount of ammunition consumed.\* His unit was  
always under strict orders to maintain military discipline  
strictly and severely. Their slogan was the three don'ts,  
"don't burn, don't kill, and don't plunder" which he was  
sure his unit had not violated. The men adhered so thorough-  
ly to the orders of superior officers that he was positive  
no one under his command ever killed any Chinese or ever set  
fire to any Chinese houses. They were told that in a valley  
north of Taishan, there was a group of villagers forming an  
armed body, called the Sanshansiang self-defense corps and  
led by members of the communist traitors-slaying party, that  
all the members of this body, amounting to some 800, were  
armed either with rifles or with revolvers and that they  
constantly oppressed the neighboring villagers.

27490           Late in June the witness' unit advanced toward the  
Taishan area \* and then was ordered to move further. At that  
time the coolies employed in Canton desired to go home and  
the Japanese gave them sufficient wages and clothes and let  
them go. The coolies released were about half of those who  
had followed them from Canton. He heard that these coolies,  
when passing this communist village, were assaulted by the  
villagers and looted, massacred or captured. They then  
retreated to Taishan and obtaining help of neighboring vill-  
agers, who had been oppressed by the communists, they re-  
venged themselves on this enemy and this occasioned some  
bloodshed. He knew nothing but what he said because the  
Chinese alone were involved in the affair and he thought  
that any atrocity reported around Taishan was by mistake.  
He stated not a single act of atrocity was ever committed  
27491           by his unit. \* The actions of his battalion were of purely  
military nature and included no illegal actions. He attached  
a sketch-map. There was no cross-examination of the witness.



Page

DIRECT EXAMINATION OF TOSHIMA, FUSATARO  
BY MR. FREEMAN

- 27494      The witness identified Exh. No. 3078 as his affidavit and verified it. \* From 1940 to 1942 the witness was Commander of the 3rd Division in China. In the summer of 1941 the Chinese Forces in Changsha were very powerful and were beginning to take the offensive against the Japanese. To deliver a hard blow against these Chinese it was decided to have the troops advance toward this area, not to occupy the area but just to crush the enemy forces. \*
- 27495      The Japanese forces were to return to their garrison station as soon as they attained their objective.

The witness' 3rd Division started operations together with the 4th, 6th and 10th Divisions in early October. The 4th Division entered Changsha and after staying three days pulled out for their stationed area. The 3rd Division advanced as far as Chuchow but did not enter Changsha.

- 27496      During operations, military discipline was exceedingly strict and actions of the Japanese was fine and exemplary. The authorities of the Japanese Expeditionary Army in China applied their utmost effort in maintaining strict military discipline. In March 1941 the army commander summoned together all the divisional commanders within the army to Hankow where a meeting was held to talk over the maintenance of strict military \* discipline. He delivered grave and firm instructions. He stated that the essence of the army is not just being strong; every soldier must treat the inhabitants in the field of operations with sincerity and kindness, aid righteousness and punish the bad, basing their actions on the true spirit of BUSHIDO. Each commander must make certain that there is no soldier under his command that would act contrarily to the spirit of BUSHIDO. All divisional commanders had their men faithfully obey these instructions. Prior to this time there had been the three taboos of "Do not burn, kill or loot." In obedience to these orders of their superiors, they did not commit any deeds that would be a disgrace to a soldier.

While the 3rd Division was in the midst of operations a view was presented that they had better destroy enemy barracks by fire. But the witness issued strict orders prohibiting soldiers from destroying even barracks of the enemy, as it was difficult to distinguish private homes from those used as barracks.

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Another attack on Changsha was carried out at the end of 1941 with the same objective. The 3rd and 6th Division attacked the Chinese Forces in the area. They returned without going into Changsha although they had advanced close to it.

During his stay in China, in accordance with the intention of the army commander, the witness paid utmost attention to maintenance of strict military discipline. So far as his division was concerned, he believed there was not a thing in which they were not unimpeachable. The attention \* of the Tribunal was called to Exhibits 341 and 342. There was no cross-examination of the witness.

27498



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DIRECT EXAMINATION OF SUZUKI, TEIJI  
BY MR. FREEMAN

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27500 The witness identified Exhibit No. 3079 and verified it. The affidavit stated \* that from August 1942 he was Commander of the 104th Division under the Kwangtung 23rd Army until March 1945. Toward the end of June 1944, the division was ordered to occupy the Liuchow Airfield. To conceal movement, he had the troops advance toward the banks of the Lienchiang in the northern districts of Kwangtung, and then had them turn around and advance toward Wuchow. They started action against the Liuchow Airfield from its eastern and southern districts. Just at this time the 6th and 68th Regiments, both a part of the Central China Army, were marching from the northern and eastern districts of the Liuchow Airfield, and in cooperation with them, they succeeded in occupying the airfield in November 1944. After five days, they advanced as far as Checheng, then changed directions to return to Kwangtung. His division entered the Liuchow Airfield only, and did not allow a single man to enter the city of Liuchow across the river.

In occupying the airfield, only a single advance battalion from his division fought against the remaining enemy and they were able to enter the airfield easily, almost without battle worth speaking of. During the battle the division strictly observed the three-point instructions of "Don't burn, don't kill and don't plunder." They faithfully carried out the policy of extending love to the people and behaved with the chief objective on pacification and securing peace in the rear areas.

27502 The residents had escaped and there were none who remained. When they learned that Japanese army discipline was strictly maintained and that the Japanese Army not only did not injure the residents but loved them, they returned one by one to follow their occupations. \* Discipline of his division was strictly maintained and there was not a single instance of his men having killed any resident or having burned any of their houses.

There was no cross-examination of this witness.

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DIRECT EXAMINATION OF YONEYAMA, YONESHICA  
 BY MR. FREEMAN

27503

\* The witness identified Exhibit 3080 as his affidavit and verified it. The affidavit stated that from December 1942 the witness was Commander of the 22nd Independent Mixed Brigade which attacked Liuchow from the Kwantung area. His unit did not advance directly toward Liuchow but began to advance south toward Leichow Peninsula in the opposite direction, in order to conceal the operation plan.

The battalion under his command began action near Kuantung and marched to the vicinity of Chaoyangli, north of Taishan, at the end of June. All the inhabitants, beginning with those of Taishan, had fled.

27505

He did not permit soldiers \* to enter the town of Taishan, except a small number of military policemen to guard the evacuated houses. There were no incidents on the streets. Strictly abiding by the Army Commander's commands of "Don't burn, don't kill and don't plunder," the forces maintained exceedingly strict military discipline. Around Taishan, they never killed inhabitants or set fire to their houses. They received fierce fire from numerous enemy watch-towers constructed at a place approximately 30 miles south of Taishan and met with stubborn resistance, suffering considerable loss, including the artillery commander.

27506

\* When the unit left Kuantung, they took several hundred coolies. When they came to Taishan, the coolies wished to go home; after giving them wages, allowances and clothes, they permitted them to do so. New ones were not recruited. He was informed that when these coolies came by a communist village on their way home, they were arrested by members of a society by the name of Chu Chien Tuan, (Organization for punishing traitors) who robbed them and finally killed them. This had nothing to do with the Japanese troops. He never heard that the Japanese killed, plundered or set fire, and none of his subordinates were guilty of such action.

He stated that Commander KOYASEKO was a man of noble character; he loved the Chinese and stressed "respect for old people and love for children." He held unusual confidence among the Chinese people.

There was no cross-examination of the witness.



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DIRECT EXAMINATION OF KURODA, SHIGENORI  
BY MR. FREEMAN

The witness identified Exhibit No. 3081 as his affidavit and verified it. The affidavit stated that from 1938 to August 1941 the witness was Commander of the 4th Independent Garrison in Manchuria and Commander of the 26th Division.

27510

In January 1940, as Commander of the 26th Division, under the Central Mongolian Army under Lt. Gen. OKABE, the witness was engaged in operations in the Wuyuan District to suppress forces there. Their troops advanced from Paotou by motor and defeated the enemy in ten days. His forces evacuated Wuyuan \* immediately after occupation and the town was then guarded by OKABE's forces.

The witness used to warn his troops never to treat the nationals cruelly and this was understood by all, from commanders down. He instructed them to be kind toward the Chinese and this was obeyed faithfully. His division was noted for discipline and was the model division. He therefore denied that on February 2 or 3 of 1940, some soldiers of the 13th Regiment of the 26th Division committed outrage and slaughter. The battle was fought on the open plain of Wuyuan and no attack was attempted on the town. Moreover, all the inhabitants had taken refuge in the interior and no one was left. Besides, any such unlawful acts could not and in fact were not committed by his troops, nor by the troops of Maj. Gen. ADACHI, the Commander of the Infantry Corps and Col. ISHIGURO, Commander of the Regiment, both of whom were very scrupulous about discipline.

If there had been unlawful acts, they would have been reported, and communication was satisfactory so that the witness could receive and examine all reports from everywhere. However, no such cases of violence came to his notice. Moreover, if such an act had been committed, it would have been brought before a court martial for strict punishment, but no case of this nature was tried by a court martial.

27512

On the contrary, the fact was that Japanese troops were massacred in the Wuyuan district. In March 1940 a number of Japanese soldiers of the OKABE group, who were guarding the town of Wuyuan, were massacred by Tien Tso-yi's forces who invaded the town. \* The attention of the Tribunal was called to Exh. 361 to 370. There was no cross-examination of this witness.

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DIRECT EXAMINATION OF ABE, Yoshimitsu  
BY MR. FREEMAN

27,513           The witness identified Exhibit No. 3082 as his affidavit and  
27,519   verified it. The witness was Chief of Staff \* of the 38th Division and  
          in that capacity, took part in the battle of Hong Kong which started by  
          order of the 23rd Army on the morning of December 8, 1941. They had no  
27,520   information that there were Soviet ships \* in the harbor before or during  
          the landing operations. They saw three or four sunken ships in the harbor  
          before the attack, but didn't know whether it was due to bombing by a  
          chance shell or from scuttling. The bombardment was concentrated on enemy  
          ground positions near the landing point. There was no need to fire at  
          ships in the harbor. It is not true that they fired on ships at anchor.  
          Enemy shell might have hit the anchored ships since they were directing  
          fire at Japanese landing craft.

          Japanese troops did not open fire until they landed. They put  
          up a smoke screen while the enemy fired. Landing operations began about  
          9 PM while dark, so although the enemy used searchlights, their firing  
27,521   was hit and miss and it is possible that some of the merchant ships might  
          have been hit. \* They were positive that the Japanese never committed  
          such acts as locking up the crews and confiscating their belongings. It  
          cannot be denied that the Chinese in the occupied area after the landing  
          plundered evacuated houses and warehouses day and night and looted the  
          ships in the harbor. Since the division was still attacking interior  
          positions, it was difficult to suppress such disorders.

          To avoid further sacrifice of human life, the 23rd Army twice  
          sent Chief of Staff TADA to advise the British to surrender. On the  
          second occasion, they suggested to the British that they consider  
          evacuating the women and children. This was not accepted. The division  
          took charge of only disarming and watching prisoners of war, and he did  
27,522   not know \* how many British prisoners of war there were. He thought  
          there were fifteen in Kowloon and 6,000 in Hong Kong. The British dis-  
          armed themselves and gathered in barracks, so there was no incident.  
          Handling of prisoners of war was then completely under the 23rd Army.  
          The 23rd Army took charge of non-combatants in Hong Kong, but they were  
          few in number since most had evacuated before the battle began. The  
          remainder continued to live in hotels or homes.

          The forces were deeply moved by the Imperial command which  
          gave them the honor of capturing Hong Kong and news of their heavy  
          responsibility. The divisional commander on several occasions intructed



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27,523 them that the attack differed from garrisoning in China. \* It was an attack on a well prepared fortress and a strong Army. The history of the battle will be closely examined and commented on by future historians. They must stake their lives on a victory in this battle and no act of illegal conduct shall be committed such as murder, atrocities, plunder and destruction. The attitude must be gentlemanly so they would not suffer the slightest criticism. This was strictly obeyed throughout the battle.

27,524 After the division broke through the border and captured the principal position, tactics demanded that the Army storm Kowloon so that the garrison there would be prevented from retreating to Hong Kong. It was plain that the entry of large numbers into Kowloon would throw it into confusion and the Army was ordered to halt north of the city and the two best trained infantry battalions were ordered to enter. The town was thus saved from confusion. During landing operations on Hong Kong enemy artillery within the town fired fiercely. Despite this the troops were forbidden to bombard and were ordered to aim at pillbox positions higher on the hill than the residential district. This was a great tactical disadvantage, but despite it they did their best to protect Hong Kong from disaster.

27,525 Since the troops could not attack inside the city \* Hong Kong remains as it used to be. There were no casualties. After the surrender at least three battalions were ordinarily needed to maintain peace and order and disarm the enemy. They, however, used only one of the best infantry battalions for this task, cutting the number to the least possible and placing the men on their honor. They performed wonderfully. Even after capture there were only three select infantry battalions in the town because of incidents that might follow mass entry. The main forces were in the suburbs north of the town of Kowloon and restrictions on entry were placed on the soldiers. No incidents took place, although the soldiers complained.

27,526 The Chinese refugees looted, taking advantage even during the battle. The Japanese therefore strictly prohibited the public from going out at night. Since the refugees broke into evacuated houses during broad daylight and night \* preventing looting was difficult. After occupation the Chinese refugees opened markets in Kowloon and Hong Kong, but most of their goods was stolen. He was convinced there was no murder, atrocities, and looting by the officers and men of his division. He did not know the number of British soldiers killed and wounded, but the British took care of the wounded for the most part. Some were searched

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for and found by Japanese troops. When the dead were discovered, they were buried respectfully and the wounded were taken to hospitals.

27,527

The attention of the Tribunal \* was called to the testimony of Captain Barnett, page 13,112, and to exhibits No. 1590 to 1608 inclusive, and exhibits No. 818 to 821.

There was no cross-examination of the witness.

27,528

The witness reported \* that the number of prisoners taken at Kewloon was fifteen.



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DIRECT EXAMINATION OF SHIMODA, Chiyoshi  
by MR. FREEMAN

27,530 The witness identified Exhibit No. 3083 as his affidavit and verified it. \* The affidavit stated that from April 1940 to October 1941 he was staff officer of the 104th division as Chief of Operations and Intelligence. In October 1941, he became staff officer of the 23rd Army in Canton, serving as Chief of Intelligence until March 1943. In December 1941, the Army stopped all operations and devoted its energy to maintaining public order. It successfully entered the city \* without fighting. Since Hong Kong was occupied, the Chinese Army had a calm attitude and peace was maintained.

In Canton he had never heard of such places as Hsihupan, Wuyenchiao, Shasia, etc. If anything special had taken place in the Japanese Army, he would have heard of it as Chief of Intelligence. Even matters concerning life of the Chinese was to be reported without exception, but he never received any such report. He denied that 2,000 citizens were massacred by the Japanese at that time. The commander and leading staff were extremely strict on discipline and repeatedly warned their subordinates to treat the Chinese kindly, respect their customs, and not interfere with the authorities. They gave the soldiers the brief motto of not burning, killing or plundering and tried to have this pervade the whole army. Scarcely anyone disobeyed it.

27,532 If the Army had ever massacred a Chinese, it would have been a serious problem. The rumor of 2,000 Chinese massacred was a fiction and the thing did not take place while he was with the 23rd Army.

27,533 The attention of the Tribunal was called to Exhibits 350 and 351.

There was no cross-examination of the witness.

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DIRECT EXAMINATION OF OKABE, Eiichi  
by MR. FREEMAN

27,534           The witness \* identified Exhibit No. 3084 as his affidavit and verified it.

The affidavit stated that the witness was Managing Director of the Manchurian Aircraft Manufacturing Company from December 1944. This company had its head office and main factory in Mukden.

27,535           Next to its factory was that of the Manchurian Machine Tool Manufacturing Company and several U.S. and British prisoners of war were working there, \* and some had high technical ability. While no prisoners of war worked in his factory, he asked for the reason of the man in charge of the workers. This man replied that they had inquired about employing prisoners of war unofficially from the Kwantung Army and the reply was that the prisoners could not work in airplane factories under international law. With this answer, he first learned of the international law limitation and the attitude of the Kwantung Army toward prisoners of war, carefully observing the limitation of international law.

There was no cross-examination of the witness.



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DIRECT EXAMINATION OF IKEJIRI, Satoshi  
by MR. FREEMAN

27,537 The witness identified Exhibit No. 3085 as his affidavit, and after correcting it, verified it. The affidavit stated that the witness was the Army Adjutant in the Burma area from May 5, 1944 until August 15, 1945. In the middle of September 1944, General KIMURA arrived to take over command in the Burma area until the end of the war and the witness was his adjutant, \* having as his main duties the handling of correspondence, books, confidential documents, awards and the handling of documents concerning prisoners of war and internees.

27,538

27,539 Headquarters of the Burma Army had no connection with treatment of prisoners of war during construction of the railroad and it was a year after the railroad was completed that KUMURA arrived at his post. The Rangoon prisoner of war camp was a branch of the Malay camp and was under the command of the combined southern Army. The Chief of the Rangoon camp was removable by the Chief of the Malay camp. The Chief and the two non-coms were the staff and were sent from the Malay Camp. The surgeon and guards were sent from the 73rd headquarters of Line of Communications, Burma Army, and were under the command \* of the camp commander.

27,540 In the camp at Tavoy, enemy civilians were held under the control of the commander of the 24th Mixed Brigade under the Burma Army. KIMURA always directed his subordinates to treat prisoners of war with benevolence and never to insult or mistreat them, but to treat them fairly, observing the regulations. \* In Rangoon, the camp, a former prison, was a permanent building equipped with sanitation, dispensary, sick rooms, showers, kitchen and exercise yard. Its equipment was in good condition. Healthy men of the ranks of non-com and below were sometimes ordered to work when necessary, but patients were allowed to rest. The main labor was work at the wharf and odd jobs in supply and at camp. Prisoners rested on Sunday and on their own public holidays. They were given additional supplies from time to time. Prisoners of the rank of warrant officer and above voluntarily, for exercise, supervised the prisoners at work.

27,541 The prisoners were made to run a farm by using vacant land in the camp and to raise livestock issued to them from official depots to obtain fats. Surplus crops from the farm were sold on the Rangoon market and the receipts became their income for purchasing of luxuries. They sometimes sent a military band from the Army to entertain the prisoners and equipped the camp with piano, books and did their best to



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27,542 give what comfort they could. Prisoners of war could buy goods at the camp canteen. They bought a considerable amount of cigarettes and milk. He never heard of any mistreatment of prisoners during KIMURA's stay. He remembered the reprimanded some prisoners of several occasions \* at the request of General Hobson, their senior officer, for failure to obey his command. Both General Hobson and Major Loring, representing the prisoners, on two occasions gave letters of thanks to the commander for fair treatment and twice to the Chief of the camp. At the end of April 1945 when the Japanese withdrew from Rangoon, prisoners were told they would be released, whereupon the two officers gave a letter of thanks to the Chief of the camp. He had not heard of the officers since.

27,543 Treatment of internees at Tavoy was in accordance with the provisions and there was no report of any particular case of mistreatment. Seven or eight times there were letters of thanks. While KIMURA was in office, there were scant supplies from the rear. Materials were running short. They did their best to treat the prisoners good. \* These facts are based on reports from headquarters, 73rd Line of Communications and 24th Mixed Brigade, and upon the witness' recollection of information from Captain SHIRAKAWA, former adjutant of the 73rd.

CROSS-EXAMINATION BY COLONEL MORNANE

27,544 The witness stated that the Rangoon prisoner of war camp was not under the direct command of KIMURA. The camp commander was TAZUMI, \* who was sent from Malaya to become camp commander. He was placed under control of the 73rd Line of Communications, but he was under the control of the prisoner commander at Malaya and on important matters, received this commander's orders. He would deny that TAZUMI was directed by the commander of the Burma area Army in connection with the business of the camp.

27,545 The witness was liaison officer \* on matters regarding security and supplies, and all documents to be reported to the camp commander at Malaya. A copy of the reports was also given to Burma headquarters and it was the witness' duty to handle them. All reports came through the 73rd Line of Communications, which was under KIMURA. The witness never saw Rangoon camp until the end of the war. His description was based on documents and what he had heard from the Adjutant of the 73rd Line of Communications. \* He did not keep a written record of this information but after the war he saw the documents and reports of the 73rd Line of Communications and the 24th Mixed Brigade. This was toward the end of 1945, which was the last time he had seen the documents. His

27,546



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27,547 description was from unassisted memory. \* It was the responsibility of the Rangoon commander to distribute medical supplies and give medical treatment. \* The supplies were provided by the 23rd Line of Communications. This medicine and supplies came from the supply depot of the Burma area Army under the jurisdiction of that Army.

27,549 Responsibility for this probably lies with that headquarters. While the Burma Army did control the supply depot, it had no knowledge of actual requests made and the actual supplies supplied. The witness returned to Japan on July 21, 1946. He knew that the commander of the camp was tried by a Tribunal for mistreating prisoners of war. \* He could not say anything definite about the result of that trial but could tell only what he had heard from others. He testified at the trial. He did not know the details of the matter in which TAZUMI was charged as being a party to ill treating prisoners of war resulting in seventeen deaths at Rangoon.

27,551 He knew that Lieutenant ONISHI was also charged at the time. \* Since he had nothing to do with ONISHI's testimony, he did not know that ONISHI had testified that they were exceedingly short of medical supplies. There were no other camps under the control of the Burma Army. The Tavoy camp was not a camp for prisoners of war, but for civilian internees. This camp was under control of the Burma area Army. He stated there were no camps at Moulmein, which is very close to Rangoon. However, \* Rangoon and Moulmein are separate. There were no prisoner of war camps at Moulmein.

27,553 The witness stated that the officer handling correspondence for prisoners of war had never received an official communication inquiring as to condition of prisoners of war in Moulmein. \* Mergui did not come under control of the Burma area Army. It was outside the area of the Army's jurisdiction. The Army's jurisdiction only went a little further south of Tavoy. \* The witness stated he remembered receiving two or three reports of the death of prisoners of war. He did not recall receiving a report of the death of Lieutenant Almond and Sergeant King. When he got these reports, he did not have inquiries made as to the cause of death. \* He had not seen the letters written by General Hobson and Major Loring. He did try to have them duplicated for production at Captain TAZUMI's trial, but he did not discover what happened to them.

The attention of the Tribunal was called to Exhibits 1555, 1557, 1558, 1583, and 2022.

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REDIRECT EXAMINATION OF IKEJIRI, Sateshi  
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27,556

The witness stated that in a report of the death of a prisoner of war. the cause of death would accompany the report.



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DIRECT EXAMINATION OF SAKURAI, Tokutaro  
 by MR. FREEMAN

27,558 The witness identified Exhibit No. 3086 as his affidavit and verified it. The witness stated that he was in charge \* of defending the Akyab area on the India-Burma border, commanding the 55th division from September 1943 to February 1945. He served as Chief Adviser to the Burmese National Defense Army. Immediately after that Army revolted, the witness was sent to the infantry school on April 5, 1945. After the military operation of Imphal which failed in September 1944, General KIMURA came into office.

The witness took charge of a force of about 3700, made up of three infantry and one artillery battalions, one cavalry regiment, and was in charge of the frontal defense of Akyab while the main force of the division moved to the Bassein area. KIMURA stressed and advised that they strive to win the confidence of the people, enforce strict discipline and raise morale. He repeated this on several occasions.

27,559 The commanders brought this home to their subordinates and told them strict discipline was the best way to win confidence. They did their best to behave as prudently as possible and discipline was strictly maintained. KIMURA was so earnest to promote friendship with the Burmese and stabilize their livelihood that he had a pamphlet compiled called "The Attitude to Take Towards the Burmese" and distributed. \* The subordinates were guided by this pamphlet. All the men in the witness' garrison behaved well. There was not a single case in which Burmese were persecuted or mal treated. In addition, they gave the people agricultural implements, hatchets and boats and they were grateful. Friendly relations with the Burmese were strong and the Burmese were willing to help with transportation in rear areas and in transporting provisions to the sick even voluntarily.

27,561 The Army respected and protected Burmese religion. The Burmese said that they would defend the seashore and they did guard it. When the enemy landed, they reported it by signal. Once the village headman was killed in action while obstructing enemy landing. In February 1945, the witness went to Rangoon to become Chief Adviser to the Burmese National Defense Army. \* Public peace was not as good as in Akyab. The main forces of the Burmese Army were then in Henzada, while powerful units were at Toungoo, Pegu and Thaton. On March 15, 1945, the Japanese and the Burmese Army concluded an operational agreement and the Japanese celebrated. However, the Burmese suddenly rose in revolt at the end of March, 1945 and the condition of the



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Japanese Army became worse daily. With this change, the witness called on KIMURA, the Chief of the Burma Area Army and talked over with him how to handle it. KIMURA, after considering the former friendly relations, ordered that the Japanese must not take any revengeful action. He ordered they must protect all those who would pledge allegiance, regardless of the past and carry out only minimum punitive action necessary for operations.

CROSS EXAMINATION BY COLONEL MORNANE

27,562 The witness stated that the Burmese National Defense Army was an Army led by General Aung San, organized by the Burmese. Its officers were all Burmese, but there were a few Japanese liaison officers. When asked why this Army revolted, he stated the situation in Burma had grown worse for the Japanese and there was constant enemy propaganda. This Burma Defense Army had been organized before the witness came to Burma and after he became its supreme adviser, he was  
27,563 connected with it \* for only a short time. At the time of the revolt the main strength of the Army was near Henzada. The witness was in Henzada at first with the main force of the Burmese Army. Three days after the revolt, he returned to Rangoon. Subsequently the Japanese occupied Henzada. By April and May, he had already been transferred to the infantry school and was not at Burma.

The attention of the Tribunal was called to Exhibits 1543 and 1544.

27,564 The witness stated that the Burmese soldiers did not revolt against their Burmese officers. Some Japanese liaison officers were killed and some escaped. The witness saw no signs that the Army desired to revolt against himself personally.

27,565 Exhibit No. 3087, interrogation of Captain TAZUMI Genzo \* stated that the affiant was commander of the prisoner of war camp at Rangoon in Burma when KIMURA was commander of the Burma area Japanese Army. Although the commander at Rangoon was subject to the commander at Malay, he was being ordered and directed by the commander of the  
27,566 Burma Area Japanese Army in carrying out his business. \* The commander of the prisoner of war camp at Rangoon when taking over the former field prisoner of war camp at Rangoon as the 6th detachment of Malay was placed under the command of the Burma Area Army on March 15, 1944 and the latter Army put him under the control of the 73rd Line of Communication. It was said that the commander of Rangoon camp was under



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the control of the 73rd Line of Communications. It was said that the commander of Rangoon Camp was under the immediate command, order and direction of the commander of the 73rd.

27,567

The witness stated \* that the South Area Army had never given any orders or directions to the camp at Rangoon. There were no European prisoners of war sent from Rangoon to other camps. Toward the end of 1944 the witness was ordered to send Lieutenant Peacock of the British Navy to Japan, but he became ill and was sent back to camp. They transferred about a hundred Indian prisoners of war by January 1945 to the HIKARI organ as personnel for the Indian National Army.

27,568

There was a vast degree of difference in the health among the prisoners of war. Those who had excellent health kept up the same condition. \* and those who were of poor build were constantly weak and fell ill and as soon as they left the hospital again returned. From the number of patients it could not be said to be good. After July 1944 the number of patients gradually decreased and the health of prisoners improved. Frequent jungle sores were cured by August 1944. This advance in health was more remarkable for Indians than for Europeans.

27,569

Despite efforts, it was impossible to have the number of beri cases reduced. Two cases of smallpox broke out around April 1944 but were completely cured. In the middle of April, there were about ten genuine cholera cases but it was prevented from spreading before it became serious. It was impossible to keep the camp hygienically satisfactory because of the shortage of medicine and equipment, but generally speaking, the hygienic \* situation was in good condition due to sensible attention and effort of both the staff and the prisoners.

While clothing was not as good as at Changie and elsewhere where the witness previously was, he was able to maintain the ordinary condition by using Japanese goods. He believed that they furnished a good supply of food to the prisoners. It is supposed that the European prisoners did not like boiled rice regularly, but that couldn't be helped. They made every effort to obtain fresh meats and eggs. Housing was bare looking because they were using a bare prison. Furniture and fixtures were poor. However, since there were small number of prisoners and there was sufficient space, prisoners were able to house at ease.



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The prisoners were required to work seven hours a day. \* Sick and wounded were treated very kindly. If a prisoner of war was wounded while working in the camp, they presented him a gift in the name of the camp. Army surgeons and staffs were kindly and earnestly on duty day and night. There is the case of Lieutenant Peacock. Since he was scheduled to be sent to Japan after leaving the camp under guard, he suddenly became ill and couldn't go. Although treated in the naval hospital, his progress was no good. When he was sent back to the camp, he could hardly walk and could not take ordinary meals. ONISHI devoted himself entirely to his treatment and gave him luxury articles and his own medicine.

27,571

The whole sanitation section took care of him kindly, carrying him out into the open air or helping him to walk. When he returned, it was feared he would not recover, but his health improved so that he was able to participate in four successive day and night marches along with the prisoners who were lying in the common mass camps on evacuation in April 1945. Generally speaking, sick prisoners were under proper treatment. Owing to lack of medicine and equipment, he could not say it was perfect, but nothing more could be done under the circumstances. The sick were not required to labor. The vegetables and other products from the farms cultivated by the prisoners were supplied them \* for rations. There were not enough hogs to meet the demand, but there was a surplus of fresh vegetables which were shipped to the military market with the understanding of the Area Army in exchange for special pork, eggs and cooking oil. These were added to the prisoner of war supplies.

27,572

The witness was responsible to the commander of the 73rd Commissary Sector for executing the Burma Area Army orders for handling prisoners of war and for supplying them as well as the service regulations of the Rangoon camp under the 73rd. General KIMURA never visited Rangoon prison while the witness served there.

27,573

The witness received letters of thanks from prisoners of war towards the end of 1945 when leaving the camp and the trucks were burned down with all official and private things. The last letters he got were snatched by an unknown soldier along with his black leather purse when the Australian soldiers plundered at Singapore.



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DIRECT EXAMINATION OF ICHIDA, JIRO,  
By Mr. Freeman.

27574 \* The witness identified exhibit No. 3089 as his affidavit, and verified it. The affidavit stated that in April, 1944, the witness was appointed Vice-Chief of Staff of the Burma Army, and held that office to the surrender, as a Major-General. His chief duty was to assist the Chief of Staff.

27576 In mid-September 1944, General KIMURA arrived as Commander of the Burma Army, which had suffered a crushing defeat at Imphal, with its strength weakened. Since August, 1943, supplies had almost ceased to come from Japan. On his arrival, KIMURA issued instructions that his command maintain discipline and try to win the confidence of the natives. They \* had meetings in late October and mid-December, 1944, and late January, 1945, and KIMURA summoned his staff officers to command headquarters and reminded them of his instructions. KIMURA constantly tried to have his instructions obeyed thoroughly, so that the Burmese came to place great confidence in him.

KIMURA met the Burmese ministers once or twice a month to exchange opinions. He welcomed complaints, and in proper cases had improvements made. The war situation developed unfavorably, and there was increasing hardships on the part of the natives. KIMURA felt sorry for them, and when he met Burmese officials always expressed thanks for their good will and showed sympathy for their delicate circumstances. KIMURA instructed his men to contribute to the stabilization of Burmese living conditions at the expense of strategical requirements.

27577 \* KIMURA always took pains to promote good feeling with the Burmese, and to prevent misunderstandings because of difference of customs, manners and language, he had completed a pamphlet, "The Attitude to take toward the Burmese", and had it distributed among his men and Japanese residents. He also asked the Burmese government to tell their people of the readiness and desire to act with them of the Japanese. The government distributed a translation of this request among the prefectural governors. The result of KIMURA's efforts is shown in the friendly relations between the Army and the populace, which were notably improved, and their men did their best to realize KIMURA's intentions.



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27578      The witness attended Japanese-Burmese cooperation conferences as an army representative, and had opportunity to contact high government officials. The witness took care to \* cooperate in all ways to insure the stabilization of the livelihood of the populace.

Withdrawal of Army Headquarters from Rangoon to Moulmein commenced at the end of April 1945, and was completed beginning July. Headquarters could not function properly, and in its hasty retreat loss of communication and transportation equipment and documents, transfer of skilled officers, unsatisfactory replacements, and frequent air raids, interfered with the satisfactory functioning. The air raids were conducted day and night, frequently compelling headquarters to seek shelter outside Moulmein. Soldiers, including invalids, had to seek shelter in the jungles day and night.

27579      \* At the end of March, 1945, the Burmese defense army, of 6,000 to 8,000, revolted, and guerrillas started harassing their rear lines. The Burma defense army had seemed to favor the Japanese, as agreement had been arranged at Rangoon for united operations. The revolt was unexpected, but later it became clear that there had been a secret declaration of war against Japan on March 14, 1945, and the Burmese had previously stationed men in the rear of the Japanese Army at key points. The main body in Henzada, with the outbreak of the uprising, destroyed communications and transportation and assaulted their sentries and squads of soldiers and gendarmerie and murdered officers, and seized money and stores. The guerrillas engaged in espionage, so that Burma Army Headquarters and the 28th and 33rd Headquarters \* were subjected to bombings with heavy losses and the Japanese officers were mostly killed belonging to the advance militia. Of 200-odd Japanese nationals in the Delta region, only a few were found safe at the war's end.

27580      KIMURA sought no revenge, but stressed the importance of the previous friendship, and met the situation from a strategic point of view only. There were no forces to meet the emergency. A small amount of troops and part of the 55th division, were used to make a false show of strength. From January, 1945, guerrilla parties formed in the mountain regions and in the regions south of Papun. With the entry of Indian educated Burmese, the arrival of Indians and British officers by parachute, and the replenishment by air of arms and ammunition, guerrilla strength grew rapidly and groups were scattered far and wide, acting with the rebels.



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27581

\* In one village ten Japanese Red Cross were assaulted and none were returned, but KIMURA always warned against retaliation. While KIMURA was commanding, there was no chance to take British-Indian troops as prisoners. The situation for the few months before the end of the war was a succession of defeats, and as a result the men were demoralized and exhausted. Japanese were scattered all over the area, overpowered by a sense of defeat, and had their minds on how to defend only.

27582

\* Harassing activities in the rear, loss and destruction of communication, combined to all but paralyze the army, rendering it difficult for officers to lead their men. Burma Army Headquarters, then scheduled to break up before the end of August, and the retrenchment and reorganization, was planned and partly executed. Most staff officers had been transferred, and they were obliged to make-shift with non-career officers. Headquarters was busily engaged in preparing to meet the intended Allied attacks, and had much difficulty in attending to this business. While laboring under these difficulties, the

27583

\* war ended. KIMURA had tried all this time to improve discipline and to win the trust of the populace.

There was no report of a single instance of unlawful conduct, and the witness was sure KIMURA issued no orders for the perpetration of atrocities. Such acts would not have been tolerated. As for the Kalagon village affair, British headquarters, after the war's end, questioned KIMURA about it, and he and the witness and others knew nothing of it. He heard about it for the first time in March, 1946.

27584

In regard to conditions of POWs in internment camps during KIMURA's tenure, the Burma-Siam Railway was under the Commander of the Southern Area Armies, and had \* been completed a year before KIMURA arrived. The Burma Army had no part in its construction or operation.

POWs in Rangoon, a detachment of the Malayan camp, were under the Chief of that camp, who was under the jurisdiction of the Southern Expeditionary Forces Commander. The latter ordered the Chief of the Malayan Camp to set up a detachment in Rangoon under the Burma Army Commander and put it under the 83rd Supply Corps.

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27585 Three and a half month's after KIMURA's arrival, the Tavoy Internment Camp was in charge of the Independent 24th Mixed Brigade. In December, 1944, the Tavoy and Mergui army districts were transferred to the Thailand Army and placed under control of the \* Tavoy unit.

27586 The Rangoon camp was originally a prison, where about 600 were interned. It was a permanent building, very fit to live in, and equipped with medical rooms, sick rooms, recreation halls, etc. For recreation, there were pianos, phonographs and books, and sports equipment. A military band occasionally entertained. The depot supplied live stock to help supply nourishment to the prisoners, who were permitted to lay out farms, inside and outside the compound to make themselves self-supporting. After a time they could produce more than enough and sell the surplus in the Rangoon market. The proceeds were the prisoners'. POWs did not have rations of staple food reduced, but were better \* supplied than the Japanese. Milk, tobacco, and other daily necessities could be bought at the camp canteen.

Sundays and the POWs national holidays were observed as days of rest, with additional rations sometimes. Working hours were reduced to six, and the type of work was the unloading of ships conveyance, and other general jobs. The witness heard of no atrocities ever practiced by Japanese during KIMURA's tenure, though he was told that punishment had been given several times at the request of Brigadier Popson when British-Indian soldiers were disobedient.

27587 In June, 1944, before KIMURA's arrival, cholera broke out, but was soon checked. \* Since August, 1943, medical supplies almost ceased to arrive, and even the Japanese did without. Medical treatment left much to be desired, but they did their best. Captain TAZUMI, Chief of the Camp at Rangoon, who everyone agreed was an excellent chief, received from Brigadier Popson and Major Rollins, letters of thanks.

When Army Headquarters evacuated Rangoon, it was decided that POWs whose health would be impaired by removal, and those whose services were not needed, would be left. Only those well and strong would be removed, but because of the war situation all were released toward the end of April, 1945.



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27588 About 200 were accommodated in the Tavoy Internment Camp, where the management was fair and proper, and the institution received letters of thanks. \* Such letters were attached to reports and documents submitted to the British after the surrender.

It was the practice for the Japanese Air Force to take charge of captured Allied airmen for interrogations, and the Burma Command had no authority over the Air Force.

CROSS-EXAMINATION BY COLONEL MORNANE.

27589 \* The witness stated that when he said that KIMURA showed sympathy for the delicate circumstances of the Burmese, he meant that because the war situation was growing unfavorable and there was pressure exerted at the front, natives residing in such districts were forced to undergo a situation where law and order were not secure. Before this time, law and order had existed there. It did not include the fact that the Burma Government had been set up by the Japanese. The establishment of such government took place before the witness arrived in Burma, and he was not acquainted with the details, but he believed it was set up by the Japanese.

27591 By the national defense militia he means the Burmese National Defense Army. \* Japanese officers did not direct the Burmese Army, but General Onson was the commander. He did not remember the number of Japanese officers of the militia who were killed.

The witness stated he was repatriated from Rangoon in January, 1947. He did not give evidence at the trial of Major ICHIKAWA. The 33rd Division was under KIMURA's command, and he believed that the 213th Regiment was a part of it. The witness stated that he did not know Col. TSUKUDA, commander of that regiment.

27592 \* During the time the Rangoon POW Camp contained POWs, the witness did not visit it, but did so after the war when war crimes suspects were confined there. The only time he inspected it was after it came under British control. The situation he described was the result of a visit made on business connected with the British Army after the surrender. His description was based firstly on reports made at staff officer's conferences, and also after the surrender in conversation or reports from TAZUMI, camp commander.

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27593           \* He did not commit these reports to writing, but he relied on his memory. The witness gave no evidence for Captain TAZUMI when he was charged at Rangoon with war crimes, and gave no evidence at any other trial prior to this.

27594           The witness did not know definitely, but believed that after Allied airmen were interrogated they were not sent to the Rangoon Camp. \* He did not know whether his headquarters ever inquired into the deaths of Rangoon POWs. If such a matter were brought up before the conference, he would know about it, but it was not.

Attention of the Court was called to exhibits No. 1537 to 1558.

CROSS-EXAMINATION BY MR. HOWARD,  
Counsel for KIMURA.

27595           \* The witness stated that ICHIKAWA was convicted of complicity in the Kaladan Incident. ICHIKAWA was under General TANAKA, Divisional Commander. TANAKA was jailed as a suspect, but just prior to the witness' leaving Rangoon he was released, and the witness understood he was now in Japan.

27596           Exhibit No. 3090, an excerpt from the Biennial report of General Marshall to the Secretary of War, July 1 1943 to June 30, 1945, stated \* the Burma Campaign continued with intensity through the monsoon season of 1944. Allied troops were disposed along the Chindwin River north of Kalewa and from the upper Irrawaddy to Lungling. The southward push was planned through Central Burma to Mandalay, and Mountbatten prepared to seize Rangoon amphibiously. At the close of the monsoon, Allied troops under General Sultan advanced south along the Irrawaddy, captured Schwegu in early November, and by December had cleared the supply road  
27597           \* to Bhamo.

The Japanese had never recovered from Stillwell's thrusts and from losses inflicted by British and Indian forces. As fast as combat forces advanced, U. S. engineers established a road behind them. On January 28, 1945, the Stillwell road was opened. In Western Burma the British broke south against Japanese delaying actions, and in the Arakan cleared the Kaladan River delta and provided air strips.



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27598

By the end of January, 1945, the Japanese retreat was in full swing, and MacArthur's landings in the Philippines and U. S. fleet operations in the China Sea cut the Japanese supply line to Burma. In mid-February, a British column drove to Meiktila. \* The seizure undermined the whole Japanese position in Central Burma. Other forces closed on Mandalay, and Japanese there held out until March 21. Forty days later British air force troops descended along the shores of the Rangoon River and assault troops followed, and British forces entered Rangoon May 3. The Burma Campaign had all but ended. A few Japanese units withdrew into Thailand and the Moulmein area, but thousands were cut off. Mountbatten reported the Japanese had received 300,000 casualties, of which 97,000 were killed.

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DIRECT EXAMINATION OF YOSHIDA, GOMPACHI,  
 by Mr. Freeman.

27599 \* The witness identified exhibit No. 3091 as his  
 27600 affidavit, and verified it. \* The witness stated that in  
 August 1943, he was appointed commander of the Rangoon  
 Air Defence Forces, and in September, 1944, became Chief of  
 Staff of the 15th Army, where he remained until the end of  
 the war.

27601 \* General KIMURA assumed his office on September  
 12, 1944, and the next day delivered an address to his  
 officers and men. He told them emphatically to encourage  
 discipline, to punish and reward, promote friendship and  
 good understanding and to win public favor.

27602 In obedience to KIMURA's address, the witness  
 held an inspection of his troops and organized units to  
 treat and rescue Burmese killed or wounded in air raids,  
 fire service units, and units to deliver medical supplies.  
 When appointed Chief of the 15th Army, it was retreating  
 toward the Irrawaddy following the failure at Imphal.  
 KIMURA instructed the witness to the same effect as in  
 KIMURA's first address. \* Besides this, he gave strict  
 orders to the witness to avoid scorched earth tactics in  
 retreating and to keep the natives out of the horrors of  
 war, and to offer facilities for government officials and  
 civilians who wished to evacuate with the Japanese.

27603 When the witness arrived at 15th Army Headquarters  
 he found telegraphic orders from KIMURA to this effect. On  
 assuming his post, he thought it urgent to make it thoroughly  
 known to the whole Army KIMURA's intentions. The review of  
 military discipline was carried out by 15th Army Commander  
 KATAMURA and the witness to thoroughly inform the soldiers  
 of the Area Army Commander's intentions. KATAMURA took  
 charge of the review of major units, and the witness took  
 charge of minor. Corps commanders likewise reviewed sub-  
 units. At that time the 31st and 33rd Divisions were  
 retreating with difficulty, but despite this their command-  
 ers carried out inspection \* with regard to discipline on  
 the battlefield and applied prompt punishment to unit  
 commanders for neglecting care of arms. Scorched earth  
 tactics were prohibited, and facilities for retreat were  
 afforded the civilians. It was ordered to avoid billeting  
 in residential districts. Front line forces put up with  
 inconvenience to keep the people from suffering from the  
 war.



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After the evacuation from Maymyo, a special order was issued to ban scorched earth tactics. KIMURA was eager to promote understanding with the Burmese, and distributed a pamphlet entitled "The Attitude to Take Toward the Burmese", and ordered it observed. They made efforts to see the order carried out. The pamphlet had articles on the differences in manners and customs, and tried to clear away misunderstanding and promote friendship.

27604

\* The witness reported that the pamphlet and KIMURA's telegram to the 15th Army Headquarters could not be submitted to the Tribunal because they had been lost or burned at the time of the retreat. Besides, at the end of the war all documents other than those concerning personnel affairs, accounts and supplies, were burned by orders.

27605

At the time of the opening of the battle of Irawaddy, KIMURA held meetings at Rangoon Headquarters to consult with his officers on problems of strategy, education, and self-government. At each meeting KIMURA gave instructions and delivered repeated addresses on the maintenance of discipline and the winning of public favor. He emphasized this at other meetings also. \* His subordinates concentrated efforts to obey these instructions.

Because of racial similarities, the Japanese and Burmese were well disposed toward each other. Generally, the Army was cautious in action, and enforced discipline and won the confidence of the Burmese. With increased pressure, an anti-war feeling stole into the hearts of the Burmese, particularly after the defeat at the Irrawaddy. Anti-Japanese tendency came about from the time of the revolt of the Burmese National Defense Army.

27606

After the failure at Imphal, the 15th Army suffered heavy losses of troops and arms, and there was a decline of morale and physical strength. Many soldiers suffered from disease, and it was quite difficult for the 15th Army to regain combat power. There was little supply from the rear, and they prepared for the coming battles at Irrawaddy with difficulty. From mid-February, 1945, a frontal attack by British-Indian forces was attempted, and there was also a flank attack by way of Meiktila. As a result, their lines were cut off and each corps isolated. Land communication was cut off, and because of lack of batteries wireless communication was barely available.

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Beginning early in June 1945, land communication was scarcely possible, as this was the rainy season, and communication between a commander and his subordinates or between units was hardly carried out. Activities of British and Indian planes and guerrilla attacks in the rear vitally menaced their forces. Soldiers in minor units and stragglers were in constant danger.

27608 \* There was no cross-examination of the witness.

27609 Exhibit No. 3092, the affidavit of HIRAOKA, Junzo, stated \* that he was appointed an Attache to the commander of the Burma Army in March, 1943, and remained such until the end of the war. The last of February, 1945, he was appointed to the additional post of adviser to the Burma Government, and had many opportunities to contact important men in the government presided over by Bahmo.

27610 KIMURA assumed his post in a difficult political and strategic situation, but it was his special concern to secure the confidence of the Burmese. KIMURA took advantage of every opportunity to emphasize the importance of this, and warned his soldiers and the Japanese residents to that effect. \* After October, 1944, KIMURA had conversations with leading men of the Burmese Government and listened to their opinions without reserve, and transmitted suggestions to those concerned for correction.

27611 The talks were heartily received by the Burmese leaders, and feeling improved toward Japan. KIMURA, Ambassador ISHII and Bahmo talked regularly at least once a month, and tried to promote understanding. After February, 1945, the strategical situation worsened and living conditions of the Burmese deteriorated. KIMURA often warned his staff, that though they were preoccupied by operational demands, they must not forget the feelings of the Burmese, nor lose their popularity, even at the \* sacrifice of a part of military operations. He directed the release of textile goods to the Burmese civilians, and limited the quantity of grain purchased by the Japanese. The witness often saw scenes in the departmental conferences in which he was urging the chief of the Medical Department to promote medical relief for the sick and wounded among the Burmese.



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27612 Notwithstanding the scarcity of paper, KIMURA published a leaflet entitled "The Attitude to Take Toward the Burmese People" and distributed it among his soldiers and Japanese residents. He also had his Vice-Chief lecture on the kindly treatment to be given to the Burmese people. KIMURA's sympathy and sincerity helped regain the confidence of the Burmese which had been lessening through Japan's disadvantageous war situation, and anti-Japanese underground movements were temporarily stopped.

About November, 1944, many Burmese leaders told the witness that they were happy to have a benevolent commander who had understanding and sympathy toward Burma, and they expected the anti-Japanese atmosphere to be swept away. In February, 1945, when the war situation in many districts was most adverse, a handicraft exposition under Japanese sponsorship was held at Rangoon, attracting 50-100,000 every day. Rangoon movie theatres were packed almost day and night, even after the rebellion of the Burmese Defense Army.

27613 At the time of the evacuation from Rangoon, KIMURA, \* having deliberately decided not to incur war disaster upon the Burmese, prohibited the burning of their property and left Burmese leaders to do as they liked. As the adviser to the Burmese Government, the witness sometimes heard the Burmese Government complain of junior grade Japanese military men and civilians, but never heard of any cruelty committed by the soldiers.

27619 \* From exhibit No. 1472, TOGO's communication of February, 1942, directed to the U. S. Government through the Swiss Government, stated that U. S. citizens whom the Swiss were trying to protect enjoyed proper treatment, as they had been able to judge from visits. The government did not have complete details on all occupied territories, but an official of the Hong Kong Consulate took over the American Consulate, and did his best to obtain facilities for U. S. officials. In accordance with the desire of U. S. personnel, members of the U. S. Embassy were put  
27620 together in buildings selected \* by the U. S. Consul himself. They expressed their thanks for the treatment accorded them. They were allowed to go out twice weekly under the escort of a Japanese official, and their food was assured and all were in good health.



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Adequate protection was likewise accorded other U. S. citizens, and the members of the U. S. consulate at Manila benefit from the same treatment accorded consuls of other countries. They lived in a building belonging to a U. S. citizen in the suburbs, and they all had given thanks for the treatment given them and said they suffered no privations. Treatment given other U. S. citizens was no less indulgent in principle. The old women and the young, the sick and pregnant, were not detained.

27624 Exhibit No. 3094, an excerpt from the record of  
the trial of YAMASHITA, gave testimony of ISHIKAWA, Kikuo.  
27625 \* The witness stated that he came to the Philippines on  
September 27, 1944, and was assigned to supply and trans-  
portation. He was a member of the Headquarters Staff of  
the 14th Army group, and kept that post to the surrender,  
at which time he was at No. 3 Rest House.

27626 \* At Fort McKinley, Baguio and Kapanagan, he was  
in YAMASHITA's headquarters, and as a staff officer in  
charge of supply and transportation, he stated that supply  
was divided into food, weapons, ammunition, and medicines.  
Transportation was concerned only with motor transport.

27627 When asked what his connection was with General  
KIRA, the Intendance Officer, he explained that KIRA had  
charge of the daily issue of rations, and the witness was  
concerned with rations only during operations. Control of  
rations themselves was KIRA's. If a shipment of rice  
arrived, or extreme scarcity made it necessary to cut the  
ration, then it came to the attention of the witness. He  
had a very close connection with the food supply. If a  
\* ship arrived in Manila, it was necessary to get it  
unloaded, and all available transportation had to be routed  
for discharge of the ship and the hauling of supplies.

27628 The witness knew there was no difference in the  
condition of food supplies between POW camps, internees  
camps, and the Japanese Army. When the witness arrived in  
October, although the standard ration for troops was 450  
grams, they received not more than 400. On the 9th of  
November, 10,000 tons of rice arrived, and about half was  
sent to Leyte. Assuming \* that the remainder must be  
stretched over two months, the ration was again cut to  
400 grams, but the actual ration received was less than 350.



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No food arrived by boat in December, all ships having been sunk. The food situation deteriorated, and many organizations received not more than 250 or 260 grams. It appeared necessary to secure part of the new rice crop, and he brought this matter to the attention of KIRA. The witness was sure of the 10,000 tons of rice arriving about November 9, and believed that KIRA's statement that 16,000 tons of rice arrived was a mistake.

27629 \* Of the 10,000 tons received, 500 tons went to the Navy. The actual amount used was about 4,000, due to spoilage. The soldiers got three meals a day, but sometimes only two. Some time in January, 1945, it was cut to two, as a general rule.

27630 The witness stated that he made inspection of POW camps on order of Chief of Staff MUTO. \* He visited Santo Tomas, Bilibid and McKinley internment camps, and went to no others. MUTO told the witness to inspect matters dealing with supply, particularly food. The food supply he found the same as the Army's, but gradually diminishing. Ships did not come in, and they had no fuel for transportation, and they had to borrow this from the air force.

27631 The Japanese Army purchased vegetables locally, but he doubted if they purchased rice. \* He visited camps about November 20, 1944, and reported to MUTO that the food was the same as the Army's, but was meager. He told MUTO that since ships had not come in and they could not buy rice locally, they must do something from Luzon. The witness recommended that they obtain fuels for transportation from the Air Force. \* MUTO immediately sent the witness and Deputy Chief of Staff NISHIMURA to the 4th Air Force to obtain 10,000 drums of gasoline. They did not get it. The witness made seven trips in all, and finally on December 15 received 600 drums, \* which they used to transport munitions and food from Manila.

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27634 The witness recalled an order concerning the release of POWs and internees, which came from Tokyo through YAMASHITA, and was issued to the camps. \* This order first came to the witness' attention about December 20, and stated that they were to treat the POWs in a friendly manner, and if U. S. forces approached they should leave food and medicines for POWs. They were not to treat them in any atrocious manner. This was a written order, but the witness had thrown it away at the Luzon POW Camp No. 1.,

27635 on instructions from the one in charge of the prison.



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27636        The witness never heard reports of cruelty and ill-treatment of POWs during his trips to Santo Tomas, Billibid, and Fort McKinley, or at any other time. \* He began his trips of inspection on November 20, and visited the camps on different days. Santo Tomas was first visited, then Billibid, and last McKinley. This was the only time he visited them, and he did not visit any others.

27638        \* On cross-examination the witness stated that he did not know the details of the canned goods supply for the internees, although he was in charge of over-all planning. He could not remember distinctly whether there were canned goods at Santo Tomas.

27640        \* The witness stated that at McKinley, he went where they were preparing the food, and they were getting together rice with fried potatoes and beans. This was in December, 1944, and the diet was very similar to that of the Japanese. He did not inspect the storehouses at Mc  
27641 Kinley, nor the dining rooms at Santo Tomas, \* as he went there after supper. At the warehouse the food stored was similar to Japanese standards, and was mostly rice. He did not know what had been served at the meal before he got there.

27642        At Billibid he inspected the warehouse and kitchen and found the rations the same as the Japanese. He talked with no internees about food. \* There were no complaints or reports submitted to the witness by camp committees at any of the places. He talked with the Japanese in charge of the camps, who were not satisfied with the food conditions and requested more rice and canned goods. The witness wanted to increase rice and canned goods, but as far as rice went they were getting the same amount as the Japanese, but the witness made a recommendation and took action concerning canned goods. He gave instructions to increase the amount of canned goods, even though there were not many available. He did not know the results of these instructions. These increases were intended for the internees and POWs.

27643        \* The witness stated that MUTO's testimony that the witness was Staff Officer in charge of POWs was correct. The only inspections he made were those which he had testified to, because he could not make an inspection before. He had been to McKinley only once, due to fuel shortage and operational preparations. The witness stated that he was at Fort McKinley until January 5, 1945, and in the vicinity of Cabanatuan the latter part of January or early February, 1945.



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27644 \* He never visited Cabanatuan. There were about 2100 POWs at Bilibid at the time of his inspection, and about 300 at McKinley. The rice prepared must have been from a half to one sack, which was fifty to one hundred pounds.

27645 \* At McKinley he observed internees, but not elsewhere. He thought their appearance similar to the Japanese guards. Besides being in charge of provisions and medical supplies of POWs, the witness had nothing else to do with them, and had the same duties with respect to  
27646 internee camps. \* His duties included all camps in the Philippines.

27647 The witness stated that no complaints filed by POWs and internees were brought to his attention, although YAMASHITA required such complaints to be forwarded to his headquarters. He believed the most responsible person for the camps was the camp commander. \* Regulations on the conduct of POW camps was made by discussion between the camp commander and the committee. He could not remember if they were approved by higher authority, but probably it was so. These things had been decided before the witness' arrival. These matters were the responsibility of the camp commander, and he had little to do with what was going on within the camp. Since the regulations were made by the inmates he didn't think he could state anything about them, and he had never inquired what the regulations were, nor did he know who prescribed the regulations with regard to punishment. The Japanese Government held the camp commander responsible for camp administration. The  
27649 direct responsibility \* was that of the camp commander, but overall responsibility was with the Army Commander.

27650 General KO, and later Col. HAYASHI, were responsible for the carrying out of orders from Tokyo. The next responsible person was the witness, and above the witness was the commander of the 14th Area Army, \* General YAMASHITA. YAMASHITA was responsible to Tokyo for their administration, and next in command above him was Marshal TERAUCHI. Reports of POWs were sent direct to Tokyo to the Office of Information, and the witness \* believed that reports from Tokyo came directly. Reports other than routine had to go through the Supreme Southern Commander, who was Marshal  
27650 TERAUCHI.



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DIRECT EXAMINATION OF KOSHI, SABURO  
BY MR. FREEMAN

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\* The witness identified Exh. 3095 as his affidavit and verified it. \* The affidavit stated that during the war he was assistant Resident of Asahan of the East Coast Residency, Sumatra, Netherlandish East India, in charge of the military government there from August 6, 1943 to August 15, 1945. From the surrender to April 1946 he was engaged in the arrangement of business at Tanjon Valley. When he arrived at his post the European POW camp \* was near Medan. All native soldiers had been released by that time except those from Ambon. They were under detention because of differences in religion and custom. He didn't know about internal affairs of the camp for administration of POWs was under the direction of the camp commandant at Singapore and had nothing to do with military government. The policy concerning treatment of internees was in accordance with humanity and international law.

Food was supplied according to the rule. Compulsory labor and mistreatment were prohibited and punishments dealt with according to law. The internees' private property was permitted to be brought in to the greatest possible extent and the remaining property was kept by the Administration Bureau of Enemy's Assets. \*

From August 1942 to March 1944 detention camps were under the military government and were located in Medan, Blastagy Shantal, Binjay, Tanjon Valley. Hospitals, hotels, churches and private houses were used for camp buildings. The provision ration, especially of staples, for the internees was larger than for the general inhabitants. Even in pre-war time Sumatra could not supply herself with sufficient food and was dependent upon imports. During the war, lack of vessels because of submarine attack caused great difficulties. They conducted a movement to increase food production but without result because of transportation shortage they encountered many difficulties in gathering crops and could not distribute food \* to inhabitants so well. As for internees' rations, they did their best. When there was a rice shortage, they made up for it with other kinds of grain. There were very few vegetables raised in the area so they encouraged vegetable growing but the result was not so good.

General internees were first allowed to carry some cash and other valuables but this was restricted about May 1943



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due to various evils. Internees could go shopping and some merchants could enter the compound, but as evils came the authorities became more strict and intercourse with the outside and employment of maid service was prohibited.

27660

A European doctor was attached to each camp. Mild cases were taken care of at the dispensary and serious cases at the hospital. \* At that time there was a large quantity of medicines.

Within the compound everything was transacted by an autonomous system. They could take recreation and other measures for health, and if it was anything impossible for them to do they would send representatives to make proposals.

The buildings were European style and good for health. Life within the camp was totally autonomous and they educated their children themselves. Considering distance and other matters they provided the greatest possible conveniences and on national holidays they were permitted to see their families.

27661

Japanese could not enter the camp without permission. It was the policy of the military government to have those concerned in farms and doctors voluntarily collaborate in the administration of farms and sanitation. \* Several hundred Europeans worked outside the camp and enjoyed life almost as before. They were completely protected from being looted and the authorities guaranteed the performance of their duties. Some were made to stop collaboration and were held in camp through prescribed formalities for such reasons as having conflict with Japanese or friction with the natives. All others continued life as before until the military situation became acute. All except a few willingly collaborated in military government and good results were recognized.

27662

From April 1944 to October 1944 the 25th Army was in charge of the camps because the military situation in the Indian Ocean grew strained \* and one or two of the camps were removed inland. Treatment was as before, but it appeared that Lt. Col. SATA, who had newly entered the duty, and a few soldiers and civilians were inattentive because they were

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unaccustomed to the land and the surrounding situation. Yet the military government ordered them to give perfect assistance to the interned. About this time economic difficulties began and the business of the camp grew difficult to manage. Officials did their best to get materials and foods and their efforts were impressive.

Due to shortage of staff, part of the guard was filled by native soldiers and European people as collaborators were replaced by Japanese or natives as the war situation grew acute.



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27665

Liaison men sent did not return. YAMASHITA  
\* From October 1944 to the surrender administration went on as before. With the pressing of the war situation the authorities established at Shilingolingo and Airupaminke camps under his charge which held 7,000 internees. The Shilingolingo Camp was for the male, while the Airupaminke was for female and children. The former camp was newly built, the latter consisted of farm buildings.

27666

\* In both camps living conditions and sanitation were not satisfactory and the camp for females and children was a little better. The witness sympathized with the interned but the situation was caused by military conditions and could not be helped.

27667

When the commander of the 25th Army made an inspection about June 1945, the witness heard him and Division Commander KUNOMURA talking. The improvement of the camp was the main subject. Soon after that, Chief of Staff of the 25th Army, YAHAGI, delivered an address to the officials of the camp. He made remarks in detail on the treatment of the interned, based upon humanity and international law. He rebuked inattentions of the officials and showed clearly that the rules of treatment should be followed. \* The orders from above were thoroughly based on international law and humanity but the witness admitted that because of inattention, inferior officers were sometimes guilty of not obeying orders.

As a whole, however, the detention camp was in a satisfactory condition prior to October 1944.

The witness was called a gentleman by all people when he was in office, and when he left for Japan he was thanked by an English prosecutor for his treatment of the Europeans. He heard that Linhare acknowledged at this court the goodness of his treatment. He owed all of his honor to the instructions of Division Commander MUTO.

27668

\* As military government in Sumatra was performed by a department of the 25th Army, a Division Commander there had nothing to do with it, nor had any right to order the governor of a residency on any matter concerning military government. Therefore, MUTO had nothing to do with military government and the detention camp nor had any relations with



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the witness as to order and direction.

The witness heard that MUTO arrived at his Sumatra post in the middle of May 1942 and left there early in October 1944. During this time North Sumatra was quiet except for the food situation. The policy was to have the interned collaborate in military government. Internment life was still good. Not long after the witness arrived there he saw MUTO for the first time.

27669

\* In an interview with MUTO on August 16, 1942 he told him of conditions which he had discovered for himself and which he had learned from his predecessor. The witness requested instructions from MUTO and was told that following Sumatra's occupation a military officer was in charge of military government. MUTO hoped that the witness, as a civilian, would do what he believed best, regardless of precedents set by soldiers. \* He told the witness that he could not secure peace without winning the natives' hearts. The witness should pay all consideration to this matter.

27670

MUTO told the witness that the internees should be sympathized with and be looked after with compassion. Camps should be prudently located lest natives or soldiers commit unlawful acts.

On January 25, 1943 the witness called on MUTO and set forth a plan to get together at one place the camps scattered around Tanjong Valley. He planned to take measures concerning sanitation and internment and to have a Netherland doctor reside outside the camp to take care of the health of the internees and natives.

27671

\* MUTO looked pleased with these plans and urged that they be carried out. The witness added that it was uneconomical to let the internees be idle when the food situation was bad, and MUTO said that since compulsory labor was prohibited by international law, the internees should be encouraged to work voluntarily. MUTO told the witness not to let children in the camps play all day but to collect text books so that they might study.

MUTO said the Army must maintain strict discipline but recently there had come various kinds of army corps and he could not tell what kind of persons were in them. He said



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that if the witness found anyone acting indiscreetly, he should report it to MUTO, and that all internees should be treated as gentlemen.

27672

\* In August 1943 MUTO inspected Wilhelmina Fall and told the witness that in order to carry out military government successfully, he should be prudent and revise old ways of administration. Food is the most important and he should make efforts to increase food production, but when control goes too far, circulation of food will be hindered and people's productive desire oppressed. The economic activity of the Chinese merchants should be used and bad Japanese should be expelled. On Japanese politics, \* MUTO said he did not like the rightist wing. The Japanese must have more universal interests and observe the world.

27673

About September 1944, the witness saw MUTO at Kisaran Assistant Resident's lodging and he said that Japan had recently promised Indonesians independence. MUTO was discouraged to see Sultans clinging to the feudalistic Sultan government. It was necessary, he said, for the military government to lead the people well.

27674

While MUTO had nothing to do with the witness concerning command and business systems, the witness voluntarily requested MUTO to express opinions on military government. Based on such opinions \* the witness handled military government for three years with good results and was grateful to MUTO for his guidance.

27675

\* CROSS-EXAMINATION BY COLONEL MORNANE

27676

The witness stated that the compliment which Major Linhare had given him was that a civilian named KOSHI, a resident of Asahan Province, had tried his best to relieve women internees of their sufferings. The only camps over which he had control were the seven on the eastern coast. He did not know a place called Sentar. \* As the camps were only a part of his duties, he could only spend a short time there but he did visit the Tanjong Valley camp very frequently at first. Whenever request came from the camp or problems arose, he personally disposed of such matters, but due to pressing business later he could not go as often. In the early stages he went more often than every fortnight.

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27677

The witness stated that he had no knowledge of evidence given that at Tanjong Valley in January 1943 food was withheld from women internees for two days as punishment. \* When the witness was told that it had been sworn that women in that camp were forced to sweep village streets, he stated he had no knowledge of it. He could neither affirm nor deny it. With regard to Brastagi Camp, women on account of lack of food, had broken out of the camp and in a subsequent Kempei Tai investigation were corporally punished. The witness stated he had heard the women left camp without authorization but he did not know what happened later. He carried out no investigation concerning the matter. He did not know any details with respect to Brastagi because it was outside his jurisdiction. He was resident governor of Asahan only. He had only mentioned that there was a detention camp at Brastagi, and when he had referred to the five camps located in certain cities, he was merely mentioning the fact. Tanjong Valley alone was under his administration from August 1942 to March 1944.

27679

\* While the Tanjong Valley Camp was the only camp under his control, he has also stated from what he saw and heard and from what he saw in the other districts during his three years there.

27680

The attention of the court was directed to Page 27,532 of the record. Exhibit 3096, a report to Geneva of the inspection of the POW camp at Mukden by a Red Cross delegate, stated that the Mukden Camp had a capacity of 1500 but only 1274 were held there on the date of inspection, which was 11 November 1943. \* They ranged in age from 21 to 57. The camp was located on a fertile plain outside Mukden and its total area was 49,330 sq. mtrs. It was surrounded by a brick wall with high-tension wire on the top. The area of the building for use of POWs was 11,550 sq. mtrs. It was a two-story brick building similar to a barracks and had a connecting washroom and lavatories, double paned windows and a wooden floor. In a separate building was a hospital, canteen, storeroom, bathroom, boiler-room. It was furnished with electric lights and heated by brass pipes covered by bricks. The period from 10 November to 20 March, ventilation was excellent and there was a fire extinguisher. \*

27682



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The living quarters comprised 3 buildings, each divided into ten compartments with a capacity of 50. At present there were 42 to 46 men and 16 officers quartered there. A sleeping kit consisted of a straw mattress, 6 army blankets, 2 sheets, 1 pillow and 1 pillow case, and in the summertime a mosquito net. Orders were translated into English. Hygienic equipment included a washroom, latrine, water taps, Japanese-style lavatories, and bathtubs in which 222 bathe every other day, officers every day. Change room for those assigned labor contained water taps, excellent drainage, flush toilet with lime disinfection. Water was provided from a camp well and boiled before use.

The ration in grams was: wheat flour 400, kao-liang 80, maize 190, special ration for those assigned labor, meat or fish meat 52 to 100, fat 25, vegetables including potatoes 600, soya beans 200, some apples and oranges, sugar 60, flavorings such as pepper and soy sauce, 20, totalling an average of 3800. For the invalid and laborers, 4120 calories; Japanese army 3457 calories.

At lunch time the delegate had vegetable soup, sweet potato pie, potato-onion-and-bean pie, corn bread, ordinary bread and kao-liang tea, and all of excellent quality. Prisoners were satisfied with the food but in a long time felt the monotony.

27683

\* Personal weight in Dec. 1942 was 64.7 kilos; at the time of inspection 69.1 kilos. There were 48 POW cooks, including a baker and head cook with 24 years' experience.

There was a vegetable garden of 5300 sq. mtrs. and two rooms for storing vegetables. When first quartered, there were 700 to 800 severely ill. By the efforts of the Headquarters Kwantung Army, General Army Hospital, and the Red Cross Hospital, health was improving and the present conditions were excellent.

27684

There was a well equipped sickroom in the compound \* with medical apparatus and other necessities supplied to army hospitals. Calls to patients were made by doctors among the prisoners and dentistry could be had at the army hospital.

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Patients were injected against typhoid, paratyphoid, dysentery and smallpox. Roentgen rays and blood examinations were available. There was a Japanese surgeon, 3 NCO medical orderlies, 3 privates, 5 civilian nurses. Prisoner doctors included 4 surgeons, medical orderlies, and privates totalling 29. There was a total number of 69 patients, of which 43 were in the camp hospital for a long time. Since the camp's opening the number of dead at Mukden was 154. The worst month was December 1942, and the death rate receded after that. Deaths were caused by disease.

27685

Clothing was provided for both winter and summer. Winter clothing consisted of overcoat, boots, wool cowl, woolen \* gloves, socks and underwear. There were also working clothes. Prisoners brought their own raincoats and summer clothing. For laundry, a special washing equipment with soap was provided. Officers were paid the same as Japanese officers.

Roll call was at 7:00 o'clock and lights went out at 21 o'clock. Work was voluntary and no work on Sundays and holidays. It consisted of maintenance and control of the camps and work shops and the men were paid up to 25 sen a day. There was a boot repair shop, 4 sewing machines, metal and lumber workshops.

At the canteen, cigarettes, candies, everyday necessities were sold. Profits were used according to the prisoners' wishes. Men were allowed 10 cigarettes a day and officers more. A recreation room was next to the canteen.

27686

Special services in English were held every Sunday. Sports could be played both indoor and outdoor. \* Books and newspapers were provided. There were two phonographs with records, but no motion pictures nor radios. There was a great desire for more books, especially technical texts. The permissible communication per year was for an officer 3 letters and 3 cards; a warrant officer 1 letter, 3 cards; NCO 4 cards; private 3 cards. 20 radiograms were allowed per month. Up to 1943 there had been 1620 outgoing letters and cards and 431 incoming. According to the American representative, U.S. POWs received no mail after May 1942, but 5 answers to cablegrams despatched were received.

27687

They had not been allotted any Red Cross relief goods yet. \* but had received ¥ 1500 from the Vatican Missionary to buy musical instruments and clothing. From the words of



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Page the representatives, general conditions were satisfactory.  
27687 Col. MATSUDA showed kindness and on some points conditions were better than expected. There were no complaints. According to the camp chief, there was a lack of discipline because the POWs had come from different units. There were 160 penalty cases for such things as petty theft and the breaking of camp regulations. Three deserters were condemned to death after being court martialled for murder and violence.

The delegate inspected a prisoners' cemetery. On the graves were plain wooden crosses with name, rank, nationality and identification number.

The general impression the delegate had of the camp was excellent. There was utmost cooperation from the Manchurian Red Cross and untold favors from the Kwantung Army Headquarters.

27689 \* Exhibit 3097-A was read in evidence. This was an excerpt from the Manual of War-time Service. It stated that it was clear that forces engaged in sacred warfare should protect the cause of righteousness and not move without that cause in view of the spirit of the state. That was the principle on which force was based.

27690 In view of the real meaning of the sacred war, it was natural that their forces should be ready to succor and enlighten POWs, the sick and wounded who had abandoned resistance \* or were incapable of resisting. This was the case with hostile residents and their properties, and much more so in the case of people and property of the third power. The righteousness of their forces would be concretely understood by hostile peoples and third nationals. Their forces should act not only in accordance with international law and conventions, but should also display initiative.

27691 To meet wartime demands they had made every effort to maintain discipline in peace time training, but in war-time they were apt to be less enthusiastic and hesitate to discharge their duties, allowing their men to make an excuse for neglecting the strict observance of regulations and proper dress. \* Wartime environment is so different that they could not be so orderly as in peacetime, but nevertheless they should expand immaterial demands because

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27692

their forces had received a great number of reservists not accustomed to military discipline. Roughness of mind and demoralizing acts and speech are to be found in the battlefield. As for example, offenses against military discipline and vicious offenses such as looting and rape. This trend would be promoted by miserable conditions of the battlefield, imperfect housing facilities and poor supplies. To prevent it, a commander should take every opportunity to bring home the meaning of the sacred war and to stress education and training and to control and direct their men with fairness \* and punish them properly. In wartime one is apt to feel sympathy with his men and subordinate justice to personal feelings, but such an idea is apt to spread and a minor offense may be overlooked. These facts create an unfavorable environment for maintenance of military discipline. One must have the spirit to make a sacrifice in the cause of justice and realize that it is not to love the men under them so that they are influenced by personal feelings. They should bring about the idea that military discipline may not be violated with impunity.



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DIRECT EXAMINATION OF NISHIURA, SUSUMU  
BY MR. FREEMAN

Page

27694 The witness identified Exhibit 3098 as his affidavit and verified it. \* The affidavit stated that the witness was Chief of the Army Affairs Section for the Military Affairs Bureau from April 20, 1942 to December 1944, and as such was in charge of the establishment and institution of the army. He had a thorough knowledge of how the business of training POWs was allotted in the army, both in principle and in practice.

27695 \* After the capture of POWs, they were investigated and a POW roll and diary was prepared. The POWs were then delivered to the nearest office of transportation and communication.

An operational commander who wanted to send POWs to the rear reported to Imperial Headquarters the number to be sent and Headquarters informed the War Ministry. When the Ministry received such a report, they advised Headquarters as to the ports to which POWs should be sent, and Headquarters informed the Ministry of the date of their arrival at the place assigned.

In accordance with Headquarters' orders, the office of transportation and communication would escort POWs to the designated place and deliver them to a receiver designated by the Ministry. The commander of an operational force would establish a provisional camp to house and supervise them until delivery.

27696 \* After delivery, POWs came under the War Ministry but before that time their treatment was in the hands of the operations troops. Any trouble occurring prior to delivery was out of the War Minister's hands. After the War Ministry received POWs they were put in a POW Camp established by the ministry which was supervised by an Army Commander or Defense Commander designated by him.

27697 Many POW camps were established at the front, in which case the field commander supervised the camps in his area under the jurisdiction of the War Ministry. Provisional camps were beyond the Minister's jurisdiction. \* The chief supervisor (army or defense commander) in conformity with regulations supervised the camps and laid



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down regulations. Business under the War Minister was divided and assigned to the POW Administration Department. The POW Department was governed by the regulations concerning the treatment of POWs and by the Adjutant's Notification and that of each Bureau in the War Ministry indicated that the chief business connected with the treatment of POWs and allotted to the Bureau according to the official system.

27698

The Administration Department as a chief office in charge managed matters concerning general plans of treatment at the front; detention; supervision; exchange; release; employment and punishment. \* Also matters concerning POW labor and communications of military internees.

27699

The Administration Department was established at the end of March 1942 in accordance with regulations. In past wars the treatment of POWs was allotted to bureaus in the War Ministry. At the beginning of the last war, it was thought this allotment was practicable but the greatness in number of POWs and the complicated business of treating them made it necessary to have an exclusive office managing such affairs. The Administration Department was established to meet such demand at the end of March 1942. \* The Administration Department was the responsible office and was on the same level as other bureaus and not in a position to be controlled by the Military Affairs Bureau. During the witness' tenure as Chief of the Army Affairs Section, he at no time gave orders to this department for he believed business concerning POWs should be managed by it.

27700

\* The main business of which the Bureau of Military Affairs took charge concerning POWs was to draw up ordinances and organization of POW camps and regulations concerning the establishment and organization of the Administration Department and to draft replies of the Vice-Minister concerning application of the Geneva Convention. There was also the POW Information Bureau managed by the War Minister which was an organization established under the Hague Convention and entirely separate from the War Ministry. It was different from the Administration Department and the Chief of the Information Bureau was not subject to the Chief of the Bureau of Military Affairs or other bureaus. According to the Information Bureau's regulations, it had a right to ask for information from operating forces.



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27701

\* The so-called mistreatment of POWs in Malay and Bataan Peninsulas took place during or immediately after the fighting, and the POWs were not yet under the War Ministry. POWs engaged in the Tailand-Burma Railway construction were under the War Ministry. The construction was carried out by the Commander of the Southern Army by order of the Chief of Staff. The War Ministry was consulted about this construction order by the Chief of Staff and various bureaus were consulted according to the division of business in the Official System of Organization. The Military Affairs Bureau took charge of the construction budget; the Maintenance Bureau, communication, materials and labor; and the POW Administration Department, labor, etc. Each bureau and department was consulted according to the business in its charge and the Minister and Vice-Minister of War jointly responsible for the consequences.

27702

The Southern Area Army undertook to carry out \* the construction work, and the General Staff took the lead in shortening or lengthening the term of construction, alleviating transportation facilities and increasing forces, etc. The Director of Transportation and Communication Bureau directed the construction work. As the POWs were under the jurisdiction of the War Minister, he dispatched HAMADA, Director of the POW Information Bureau and Chief of the POW.

27703

\* CROSS-EXAMINATION BY COLONEL MORNANE

The witness stated that the Military Affairs Bureau was divided into a Military Affairs Section and an Army Affairs Section and in addition had an information unit. The principal duties of the Army Affairs Section were the organization of the army, control and supervision of the budget, and disposition of various army organizations.

27704

With respect to POWs the Army Affairs Section had charge of such matters as the drafting of regulations governing the camps. Regarding the building of camps, the policy was to use buildings existing before the war, and officials in charge of administration of POW Camps were to select from such buildings those suitable. \* With regard to buildings accommodating POWs, such matters were handled by the Building and Construction Section of the Intendance Bureau. The Affairs Section was in charge of camp organizations and



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drafted regulations, but as to general plans, as to the location of the camps, these would be drawn up by the Administration Bureau within the limits of such plans.

27705

\* Then the Affairs Section would draft regulations for the camps. It did nothing further toward organizing them. With regard to POWs, the Military Affairs Section had the closest connection with problems of international law and regulations concerning POWs and he didn't think the Military Affairs Section had anything else to do with POWs.

27707

\* Up to the time POWs were sent to the rear and report made to Headquarters as to their number, the person in charge was the commander of operations who was responsible for them. The policy was to send them to the rear and dispatch them as soon as circumstances permitted. The manner in which they were treated was not a matter for the Administration Division.

27708

\* The witness stated that he was familiar with regulations for the treatment of POWs issued March 31, 1942 which stated that the Administration Division shall be established for the conduct of all affairs relative to treatment of prisoners of war and civilian internees in the theatre of war. The witness stated that he believed the original phrasing was "civilian internees in the theatre of war and prisoners of war" and was different from the present interpretation. The Administration Department handled only POWs under the Ministry of War. If POWs were not under the direct control of the War Minister, they would not be under the Administration Department.

27709

\* The witness stated that he had not said the POW Information Bureau was not related to the War Ministry. He had said it was an entirely different organization. The Administration Department was one of the bureaus constituting the War Ministry, but the Information Bureau did not constitute such a department but was a separate entity. The witness stated that it was correct that the Information Bureau which was managed by the War Minister was established in accordance with the Hague Convention and entirely separate from the Ministry. \* He meant it was entirely separate because the Administration Department was a bureau constituting the Ministry of War and he had compared the Information Bureau with that department's status. He stated

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27711 that the Chief of the Information Bureau and the Chief of the Administration Department were the same man. At first, the Chief was Colonel HANADA and he was succeeded by Colonel NINOMIYA. They would be under the control of the accused SATO as Chief of the Military Affairs Bureau. Complaints as to breaches of international conventions and such from the Swiss or other protecting powers would go to the Military Affairs Bureau. \*

27712 Some complaints came directly as reference to the Military Affairs Bureau from the Foreign Office, but he did not know which came directly as he had nothing to do with such matters. He thought that for the most part, protests were handled directly by the Information Bureau. He did not know when they would come through the Ministry of War from the Information Bureau. \* He could not tell where requests by protecting powers to visit prisoner of war camps were addressed, nor who handled requests to be allowed to visit the camps as he was not concerned with such matters.

27713 \* CROSS-EXAMINATION BY MR. BROOKS

27714 The witness stated that the official organization of the War Ministry may have had minor revisions \* in 1935 but there were major revisions in 1936. When handed Exhibit 74, which listed the Intendance Bureau as one of the seven bureaus of the War Ministry, the witness explained that this was the same as the Bureau of Accounts mentioned in his Affidavit. \*

27716 Exhibit 74 did not refer to the War Ministry  
27717 organization prior to 1936 \* but the witness' testimony referred to the periods as the revision in 1935 and 1936.

27721 After that the Army Affairs Section had general control over budgetary matters. \* The witness stated that he did not know whether all the employees of the Information Bureau and Administration Bureau were the same, but he did know that the principal staff members were the same. He was not familiar with the particulars or details of the expenditures of funds from the bureaus, but knew that employees and staff members were not having salaries duplicated. He thought the funds were the same.

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DIRECT EXAMINATION OF KOBAYASHI, SHUJIRO,  
by Mr. Freeman.

27723  
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\* The witness identified exhibit No. 3099 as his affidavit and verified it. \* The affidavit stated that in July, 1944, the witness arrived at Manila as Staff Officer of the 14th Army. When the Shimbu Group under that army was formed at the close of that year, he was ordered attached to it, and until the surrender was engaged in the campaign east of Manila. As senior staff officer, his main duty was to control operations and rear service. When he arrived at his post, the commander was General KURODA, who was succeeded by YAMASHITA in October, 1944.

26730 U. S. landings in Leyte started on October 18, and two days later Chief of Staff MUTO arrived. Serious study was given as to whether Manila should be defended to the last. YAMASHITA decided on a plan of its abandonment. Concerning this problem, MUTO insisted on abandonment from the outset and gave this opinion to YAMASHITA.

The air commander gave strict instructions forbidding harm to the citizens or putting any building to warfare use, except simple works for air defense and self-defense were permitted at McKinley barracks, and on buildings near the seashore. Preparatory works for destruction of three bridges were permitted to prevent the enemy from using them. The witness endeavored, as the staff officer left behind east of Manila, to have his forces thoroughly understand these instructions. At a meeting of staff officers and adjutants at Montalban the middle of January, he communicated it to them and explained that even if it should handicap them, they should act to realize the intention of the commander.

27731

The commander of the Shimbu Group \* also attached importance to the commander's intention, and gave instructions early in January, emphasizing that since the world was watching the action at Manila they were required to maintain strict discipline and behave justly.

The Manila forces, suffering from surprise attacks, were in chaos, owing to guerrilla activities, panic stricken refugees, confused commissary units, hospitals, etc, which still remained unarmed in the city. The Shimbu Headquarters at Montalban tried to obtain information, but could not ascertain actual conditions because of deficient communications. On February 18 they came to confirm the general progress of battles, but details remained uncertain for them.



Page

27732           \* Liaison men sent did not return. YAMASHITA was strict as to discipline. To avoid trouble with the people he ordered the troops, including those stationed in towns as well as the new reinforcements from Japan, to restrain themselves from using private buildings, and to make it a rule to stay in camp. He confirmed this when he sent them to the place concerned and used barracks, or those similar to them, as his residence to set an example. They were required in general to pay the people for foodstuffs, utensils, etc., they had used, and where necessary to give an I.O.U. and obtain their consent. When the group ran out of provisions in May, 1945, \* the witness saw the commander order his troops by bulletin to carry out YAMASHITA's instructions, and commanders under him gave similar orders.

27733

In purging and suppressing guerrillas, he instructed the army to discriminate between guerrillas and peaceful people, to avoid mistaking one for an enemy. For this purpose, "armed guerrilla" definitely indicated suppressive operations.

Instructions to the inhabitants on how to escape from war disasters were put in writing, and arrangements made after escape to prevent them from being mixed with the troops. In Manila, staff officers of defense headquarters who had experience in taking care of the citizens in the past remained behind to prevent misunderstanding.

27734

\* In the middle of December, 1944, when a U. S. attack against Luzon was indicated, divisions concerned were instructed to deliver POWs and internees peaceably to the U. S. on arrival and to have them carry provisions for one month and escort them against bandits. The Shimbu Group delivered 4,000 in Manila and St. Tomas, and 3,000 in Los Bagnios to them.

27735

On the evening of February 3, when Manila was surprised by U. S. Filipino forces and the camp besieged by tanks, the head of the camp, to avoid spread of disaster to the internment buildings, mustered his staff and negotiated with the U. S. Army. The U. S. Army proposed that they would comply with the delivery of the internees, the Japanese should be disarmed. The camp head said that although his main duty would end with the peaceful delivery of internees, they would not surrender, \* and that either they would remove to Japanese positions in arms, or fight to the death.

Page

After more negotiations and as representatives of the internees gave the U. S. advice, saying that the Japanese had looked after them well, the U. S. Army replied they would comply with the Japanese proposal and led the way to a safety zone. The camp head ordered his men in full arms, had them put the camp buildings in order, and departed. For fear of surprise attack by the U. S. Army after leaving the gate, they prepared to fight, but the U. S. colonel who guided them warned the Japanese against misunderstanding by the U. S. troops, and told them to walk along either side of the road. At the head of them he led them outside U. S. dispositions.

27737

\* Since the Los Banos district was located far from Shimbun Group Headquarters, there was misunderstanding due to communication difficulties. About the middle of January the camp head tried, without permission, to free the internees and retreat. The commander ordered him to protect them in safety and supply them with food until the arrival of the U. S. Army. The camp head again took them to the former place, and when the U. S. forces arrived proposed their delivery by messenger. This was accomplished by setting them free. Lack of preparations for the operations, and especially inferior wireless equipment, complete command of the air in the daytime by the U. S., traffic difficulties, and the disorder of their forces, \* which had been hastily formed, and the abrupt joining of air and naval forces with no former connection with them, prevented the getting of available reports. They had read after the end of the war for the first time that as early as February 4 or 5, U. S. forces had advanced to the southern side of Manila. It was beyond their imagination that an accident occurred in Manila and Batangas districts. They received no report on such a matter, nor made any.

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CROSS-EXAMINATION BY MR. TAVENNER.

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\* When asked if it were not a fact that instead of setting POWs free, they were rescued as a result of an attack, the witness stated that he didn't know what happened at the end. That was from a report. \* When asked if he didn't know that parachute troops, amphibious landings, and guerrilla activities had joined in attack on the camp, the witness stated that he had never before heard of the airborne attack. From other reports he heard that many craft went from Lake Laguna to Los Banos.



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27741

When asked if he didn't know that advanced units of the U. S. penetrated Japanese lines and seized the camp, the witness stated that he testified according to a report from the camp to the effect \* the camp had been encircled by the U. S. but that without fighting and through negotiations, the transfer of internees was effected. He had not received reports that the camp had been surrounded as a result of battle or seized.

Attention of the Court was called to exhibits No. 1365 to 1378, 1412 to 1414, 1422, 1438-A, 1438-B, and 1439 to 1447.

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DIRECT EXAMINATION OF YASUDA, TSUNEO,  
 by Mr. Freeman.

27743           \* The witness identified exhibit No. 3100 as his  
 27744 affidavit, and verified it. \* The witness stated that he  
 was in Singapore as a colonel attached to the Southern Army  
 Medical Department from October 1942 to July 5, 1944, and  
 was in charge of medical and sanitary affairs under General  
 AOKI, Medical Department Chief.

27745           During the construction of the Burma-Thailand  
 Railway, the witness stressed the importance of sanitation  
 measures, and that the success of construction depended  
 on sanitary conditions. TERAUCHI paid special attention to  
 this, and the witness made every effort to investigate  
 sanitation and prepare for it before and after the starting  
 of construction, aiming chiefly at malaria, cholera, dysentery  
 and black plague. \* He sent a medical captain with the  
 Surveying Corps to the area at the end of 1942, to study  
 sanitary conditions and collect material to establish  
 definite measures. In January, 1943, Dr. OMORO, of the  
 Research Institute on Tropical Medicine, was sent as an  
 authority on the Malaria-mosquito, who was a non-regular  
 civilian official attached to the army, and with 11 others  
 went both to Thailand and Burma to investigate malaria in  
 the construction areas. More effective prevention and  
 extermination of malaria was based on their reports.

27746           Investigations were carried on with the water  
 supply and purification corps at the area, and also the  
 prevention of malaria and other diseases and the water  
 supply was investigated. To enforce sanitation, the main  
 body of the water supply and purification department, and  
 the majority \* of the medical services attached to the army,  
 formed the medical unit of the railway corps attached to  
 the railway construction unit. Despite careful investigation  
 and preparations, the rainy season set in a month earlier  
 than expected, before foodstuffs, drugs, and medicines were  
 sufficiently accumulated. The construction ways were turned  
 into a quagmire, and traffic came almost to a standstill.  
 Cholera broke out among the natives, and found its way to  
 the Thailand construction district and became more prevalent.  
 It reached its peak in June, 1943, and defied the devoted  
 efforts which were handicapped by the traffic situation.  
 The Medical Department Chief went to the area and took over  
 the supply of medicines from the Army reserve stocks.



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27747           \* Medical personnel were sent to the area to check the diseases. The situation was reported to TERAUCHI, and construction work was suspended in an effort to stamp out the epidemic. The fact that malnutrition, dysentery, malaria, and tropical ulcer increased as the work progressed might be thought to have been the result of bad sanitary conditions by the rainy season, as well as the dearth of foodstuffs. Against the epidemic, the medical services activities and the supply of drugs were stimulated, and the supply of essential foodstuffs and of mosquito nets and blankets were attempted to be obtained, but the situation could not be easily improved because of transportation difficulties.

CROSS-EXAMINATION BY COL. MORNANE.

27748           \* The witness stated that he advised the Southern Army Headquarters before POWs were sent to Burma and Thailand of the danger from sickness and disease. The witness knew that it would be difficult to provide adequate sanitation in the jungle. The witness did not know that in spite of that Headquarters sent the prisoners to the jungle. The witness was interested to get reports as to the sickness and death rate on the railway. He conveyed important parts of such reports to Headquarters. Adequate medical supplies alone was not necessary; food supplies were more important. He pointed out to Headquarters that deaths were due to lack of food and medicines.

27749           The witness stated that deaths occurred as early as October, 1942, \* but he recalled that sanitary conditions prior to that period were comparatively good. The witness did not know that at one camp 130 of 675 were ill. He never visited camps on the railway.

                Attention of the Court was called to exhibits No. 1561 to 1659, 1574 and 1575, and testimony at pages 13003 and 11411.

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DIRECT EXAMINATION OF KODAMA, KYUZO,  
by Mr. Freeman.

27751  
27752

\* The witness identified exhibit No. 3101 as his affidavit and verified it. \* The affidavit stated that the witness served as Chief of the Military Service Section of the Military Affairs Bureau from March 1940 to June, 1944. The duties of the Section concerned military discipline, punishment, regulations of various sorts, proper duties of soldiers, etc.

27753

\* Since discipline was the backbone of the army, the forces as well as the central authorities concentrated their efforts on its enforcement. All division commanders in the homeland, as well as staff chiefs and officers of home forces, were annually called to Tokyo for instructions through the three heads of the Army, who always laid special stress on discipline. Sometimes staff chiefs were called to a special meeting. Primary importance was attached to strengthening command power as the basis of discipline. By emphasizing this it was possible to keep the army from possible misbehavior and to improve the characters of those committing such acts.

27754

In wartime, more immediate and concrete measures were taken to prevent misconduct resulting from abnormal circumstances \* at the front, as well as lowered moral standards of the troops from the increase in personnel. The enforcement of discipline and raising of morale were emphasized in all manuals. The training manual requires soldiers, from their start for the front, to be careful about discipline and set an example to the natives in fighting areas, to heighten Japanese prestige. Both officers and men were given necessary training in international law and regulations. Teaching concerning the Red Cross Treaty was given in Manual No. 60, and the law-text for the Military Academy Preparatory School dealt with Land Warfare Regulations.

27755

\* So that laws and regulations would be observed, concrete instructions were given on the action of a sentry, instructions concerning billeting, requisitioning of materials, and the treatment of POWs. The central authorities did not receive formal information concerning cases appearing before military tribunals. Consequently, their measures were not usually adequate for the actual cases to which they were actually applied.



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In view of the prolonged warfare and declined character and intelligence of the troops, the principles regarding education, control and guidance were given, and attention was called to them and other measures taken. The Wartime Service Manual was distributed to officers as a reference and guide book during front line service. Its compilation was carried out in 1938 by the Inspector-General on the basis of experience gained through service abroad.

27756

\* Military Discipline and Morale Investigation Corps were sent out for investigation and guidance. Staff members of the central authorities were ordered in 1939 to make an inspection tour in China for two months. On their return, central authorities gave all units a guide to enforcement of discipline and morale, and adopted measures to enhance recreation facilities and replacements.

Articles brought from abroad on the return of soldiers and civilians were strictly inspected by every unit at every port of embarkation, as well as the home unit, to discover and prevent breaches of discipline and plunder.

27757

\* Copies of instructions to the men at the front were distributed in 1941 to heighten morality. As the war was prolonged, the fear of the decline of morality and possible plundering and violations came to be felt. To meet the situation, the instructions was compiled and distributed in the name of the War Minister. A copy was carried by every man always, and by respectfully reading it he exerted himself to comply with its teachings.

In 1942, part of the Army Criminal Code was revised, and necessary provisions were added in relation to military offenses to strengthen discipline. In this change, the crime of rape at the front was prescribed as a crime for which prosecution may be instituted without complaint by the injured party. Central authorities gave strict warnings against private punishment, and applied it to the treatment of POWs and the natives, as well as to Japanese.

27758

\* Care was taken to prevent offenses and crimes against natives. A special term for this was invented, and a statistical study of such crimes and misdeeds made, to which the attention of every unit was called.

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The Military Administrative Order was revised in August, 1943. An item was added that the order applied to forces at the front and regiment commanders, and it was stated they should give lessons and guidance to subordinates about the treatment of natives.

To improve the minds of soldiers who had become dissipated through long service and dangers, adequate consideration was taken to afford conveniences for the forwarding of letters from their homes, the sending out of entertainment and comforts, and the promotion of recreation facilities.

CROSS-EXAMINATION BY COLONEL MORNANE.

27759

\* The witness stated that the punishment of POWs was in the province of the Military Affairs Bureau. The Service Bureau had no connection with it. He had no positive recollection whether the camp commander had authority to punish POWs. By saying his duties covered matters concerning military discipline, the witness meant that when punishment was dealt out for violation of regulations, reports made to the Foreign Minister passed through his section.