

NARRATIVE SUMMARY OF THE RECORD

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DIRECT EXAMINATION OF MURATA, SHOZO,
by Mr. Freeman.

27761 * The witness identified exhibit No. 3102 as his
27764 affidavit, and verified it. * The affidavit stated that
concerning the Bataan Death March, he did not think it
clear whether "Death March" applied to Filipino or to
American POWs. The witness saw U. S. POWs on the march
from Corregidor toward the internment camp from the street,
but there didn't seem to be any deaths in the procession.
There were some deaths among the Filipinos, who marched
separately.

27765 When he visited Army Headquarters on Bataan soon
after the surrender, he saw POWs lying at the wayside who
had fallen out of the march on the way to camp. * He asked
the commander about this, and was told that there were not
expected to be so many. They had thought that there would
be 30 or 40 thousand surrendered, but there were 70 or 80
thousand, and there was great difficulty in transporting
them. They had no truck, and it was necessary for them to
walk, nor had they much in the way of rations. The POWs
were suffering from malaria and other diseases, and they
had a hard time escorting them.

27766 A Filipino told the witness that some POWs were
deeply moved by the fact that Japanese on duty in a camp
lived under the same roof and ate the same meals. During
the campaign, Commander HOMMA distributed leaflets which
stated that the Filipinos who swore allegiance to the
Japanese would not be regarded as enemies. HOMMA entertained
this idea to the last, because he released POWs in spite of
* the war's continuation. This pleased the Filipinos.
There were other cases of his getting employment for them
and assisting them in their education, but this was
hearsay.

CROSS-EXAMINATION BY MR. TAVENNER.

27767 * The witness stated it was true that he was in
the Philippines, first as an adviser to the Army beginning
February 11, 1942. The order for his appointment came from
TOJO, but since he belonged to the War Ministry, perhaps
he was appointed by TOJO as Minister for War. He was also
in the capacity as Ambassador Plenipotentiary to the
Philippine Government, beginning October, 1943.

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27768 In this latter capacity he made reports to the Minister for Greater East Asia Affairs. * According to the organization at that time, diplomatic relations with the Philippines was under the Ministry for Greater East Asia Affairs. He had forgotten the technical term used. So far as diplomacy was concerned, they followed the instructions of the Foreign Office.

At the time of the surrender the witness had already resigned as Ambassador. At that time there were no means of obtaining any instructions, because there was no communication or transportation. As long as he occupied his post he was under the Ministry of East Asia Affairs.

27769 When asked if he had received appeals from the Filipinos to intervene with the Army in behalf of those who were mistreated, the witness stated * that concerning mistreatment, he had had discussions on good things as well as bad, and mediated not only between the Army and the Philippine Government, but also between the Army and the civilians. When asked the nature of the complaints he received about mistreatment of Filipinos, * the witness
27770 stated his reply would depend on the time referred to, whether at the time of HOMMA, or later when YAMASHITA was in charge of the war when conditions were completely unchanged.

At first there was considerable uneasiness among the Filipinos, but as they came to understand the real intentions of Japan suspicion melted. In the later stages of the war the Filipinos depended for ten percent of their rice on imports, but due to ship sinkings this amount was not forthcoming.

27771 * In regard to complaints made to the witness, the primary one was the decrease in food supplies, because the Army had to take them away. The Army did not take all but only that necessary for operations. Since ships were being sunk and no food came in from the outside, they had to rely on native production. Since food could not come in there was no possibility of sending it outside, and the
27772 Army absolutely did not export rice. * The witness stated that some time before that, the U. S. had already landed at various points and established submarine bases. There were no complaints with regard to mistreatment made to the witness.

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27773 Even before the U. S. landings, guerrilla activities had become intense, * creating confusion and unrest. The Army suppressed guerrilla activities, and in doing so may have suppressed the good native population in the same way due to language difficulties, etc. Such actions would never have been taken if it had been known they were peaceful natives.

27774 When asked the nature of the complaints, the witness stated it was customary for him to dine twice a week with the Philippine Foreign Minister, and on those occasions he heard complaints, which he transmitted to the Commander-in-Chief. There were many causes of friction because of the language difficulty, * but later they were based on so many different causes that he could not recall all of them from memory. * The most conspicuous example was after he left Manila and went to Baguio, by a case concerning Manila, was when the Japanese forces increased and it was necessary to find dwellings for them and requisition houses, such matters caused dissatisfaction. Black marketing became rampant, and dealers hoarded food products and hid them in warehouses. Japanese gendarmes requisitioned such supplies or confiscated them, and that caused dissatisfaction and complaints.

27776 The witness had hardly heard of complaints of murdering Filipinos, but had heard that guerrillas were imprisoned. * When asked whether complaints were made of innocent Filipinos being slaughtered by the Army, the witness stated that when such complaints were made it was never said that they arose out of an unlawful act. When investigation was made, it was learned that some who were innocent were so mistreated, but in other cases it was found they were punished or mistreated because of illegal acts. These things came to light after the events occurred and investigations made.

27777 When asked regarding the flogging of Filipino citizens for supposed crimes, * the witness stated when such cases were brought to him, it would be difficult to consider flogging or mistreatment as one and the same thing. Such complaints were made to the witness. When these complaints were made to him, he had his subordinates let military authorities or the Commander-in-Chief himself know orally or in writing about them, to have an investigation made and for necessary proper steps taken. After the Army received the complaints they conducted an investigation, and if the matter were found to be a fact, punishment was dealt out.

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Often the authorities gave the witness a report to such effect, which was transmitted to the Philippine Foreign Minister. When asked if it were not a fact that he had complained because the Army would not follow his advice, the witness stated that Headquarters always listened and took up his complaints, but there were various armies under separate commands and instructions necessarily did not filter down to the lowest level.

Regarding his conversation with the Commander-in-Chief at the time of the Bataan March, the witness stated that previously he had answered questions pertaining to matters he handled as an ambassador, but this was a matter which took place when he was an adviser. He did not want the two positions confused. This happened soon after he assumed his position as adviser.

Two or three months after he arrived Bataan fell, and he immediately went to the scene. He saw men dead or lying along the roadside. He merely saw it and asked questions, but did not complain about it. Asking questions was not complaining.

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* When asked why he asked questions if it were not in the nature of a complaint, the witness stated that he was a civilian not an Army man. He went to the battlefield for the first time in his life, and saw men lying or dead on the field. It was strange, and he thought it only natural to ask questions.

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* When asked why, after seeing the weakened condition of Allied POWs he made no remonstrance to the commander, the witness stated that Allied POWs were spoken of, but there were also many Bataan natives who mingled with them in the march. He merely asked why this was, for before he could make complaints or come to a conclusion he would have to first find out what it was all about.

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When asked if he had talked to the commander about transportation, the witness stated that in viewing the scene he asked him how the situation came about, and the Commander-in-Chief stated there was a lack of transportation. * Even the U. S. forces had no food, and neither did the Japanese, to sufficiently feed the unexpectedly large number who surrendered.

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When asked if his question was prompted by the horror of the scene, the witness stated that this was not the only question he asked the commander. After a lapse of time there were many questions. He merely took this up in answer to a particular request. When the witness was asked again if his question to the commander was not prompted by the horror of the scene, he stated that the question seemed to imply that there was some killing * of people being carried out. That was not the case. He saw dead bodies along the roadside as he passed by in a car.

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The witness stated that, having no connection with the Army, he did not know Major General King. When asked if in his conversation with the commanding general at Bataan whether he had told him that General King had advised that he had enough U. S. motor vehicles with gasoline and drivers to transport the prisoners, * the witness stated that he was not a military man. He had nothing to do with the Army, and the conversation did not develop along those lines.

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When asked whether the commander, when he told the witness that he had expected only 30 or 40 thousand instead of 70 or 80 thousand prisoners, mentioned the arrangements he had made to transport the number he had expected, the witness stated that he heard nothing else.

* When asked if he had reported to the Foreign Office what he saw at Bataan, the witness stated that he had no connection with the Foreign Office and had no need to send any report. The time he was sent to the Philippines he was under the direction of TOJO. When asked if he advised TOJO, the witness stated he had no obligation or responsibility to report to the War Minister. He was an adviser to the Commander-in-Chief, and if there were any points on economic or political questions which he could suggest to him he would do so, and if the Commander-in-Chief had any consultations to make in regard to such questions he responded.

At no time did he, in writing or orally, report to the War Minister or Vice Minister, anything he saw in connection with the Bataan March, nor did he make a report to any other member of the War Ministry.

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EXAMINATION OF WATANABE, YASUJI BY MR. FREEMAN

27787 * The witness identified Exhibit 3103 as his affidavit
27789 and, after corrections, verified it. * The affidavit stated
 that the witness as a Navy Captain was, from June 1943 until
 April 1945, assigned to the Naval Affairs Bureau and from May
 1945 until the surrender in the Maritime Supervision Board.
27790 His duties chiefly concerned merchant shipping schedule.* At
 the outbreak of the war, Japan had approximately 6,300,000
 tons of merchant ships of more than 100 tons capacity. Because
 of U.S. submarine action, this tonnage dropped in August 1945
 to about 1,500,000 tons. This figure included grounded ships,
 those under repair, and others not capable of immediate sea
 duty; only 500,000 tons could be operated in homeland waters.

 Ships sunk or damaged by U.S. submarines, aircraft
 and mines amounted to about 1,100,000 tons in 1942; 2,100,000
 in 1943; 4,100,000 in 1944 and 1,500,000 in 1945, a total of
 about 8,100,000 tons. In spite of a 4,000,000 ton increase
 in construction, captured ships, etc., there was a great de-
 crease in overall tonnage. Newly constructed ships were
 structurally inferior and slow. Commodities carried varied
 but were largely food and war products.

27791 * There were service vessels consisting of those
 requisitioned by the military and civilian vessels operated
 under military supervision. Service vessels operated in the
 South Seas, Malaya and N.E.I., while civilian vessels ran
 between China, Manchuria and Japan and some other areas. Mer-
 chant traffic consisted of coal, petroleum, grain, iron, etc.
 To remedy the situation, Headquarters set up a revised convoy
 escort, but due to a lack of escorts the plan was ineffective
 and priority given to escorting convoys carrying petroleum and
 bauxite. Importation of iron ore from Hainan had to be stopped,
 together with food importations from FIC. After U.S. landings
 on Saipan in June 1944, the maintenance of southern routes
 became difficult. A Maritime Commission of military and civil-
 ian representatives was set up to seek a solution. The losses
 resulted in miserable living conditions for the people. Ferti-
 lizer shortages decreased the grain harvest and there was a 10%
 cut in staples. Japanese food supply, both at home and overseas,
 became serious.

 In 1945 transportation districts were limited to Man-
 churia, Korea and Northern China. In addition to submarine

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activity, merchant ship losses became more acute due to B-29 mine laying. Sea routes were restricted to home waters and resort had to railways. In May 1945 the Maritime Service Supervision Board was set up to supervise water transport but it was too late to do much since transportation capacity had been reduced 75%.

27793

* In the latter half of the war, sea transportation was devoted to raw materials for munitions, with a bad effect on the people's livelihood. In the final stage, to secure a minimum of food to sustain the people the import of raw materials for war manufactures was almost eliminated. Transportation capacity was then only 21% of pre-war strength.

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* In 1945 no shipments could be made to territories other than Manchuria, China, Ryukyu and Formosa. They were able to satisfy * demands of field troops only to the extent of 38%. In 1944 shipments were made in response to demands to the extent of only 56%; supplies to FIC, Sumatra, Java, and Borneo were only 35%; to Burma 41%; to the Philippines 47%. In 1943 the average shipment to all theaters was no more than 70%; to the Philippines and Burma 56%; to China 66%; to Central Pacific Islands and New Guinea 69%. In 1942 the average supplies was 76%.

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* Exhibit 3104, Regulations Concerning the Dispatch of POWs, was received in evidence and not read.

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* Exhibit 3106, Instructions Issued by the War Ministry in 1944 concerning the Frugal Consumption of Provisions, was received into evidence but not read.

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Exhibit 3107, a notification from the Chief of the POW Superintendence Bureau, dated 7 February 1945, stated * that recently the strength of POWs had deteriorated and there were cases of undernourishment, preventing them from demonstrating their laboring capacity. Though this was due to the domestic food situation, the problem of providing POW supplies to maintain proper health could not be neglected to maintain labor power. An increasingly pressing food situation must be expected. It was directed that measures be taken to improve supply and to adjust them by strengthening self-sufficiency. * Proper guidance should be given in accordance with the Army's plan to transport POWs to the homeland for labor purposes. To strengthen self-sufficiency

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in foods, they were directed not only to reclaim waste lands but to encourage employers of POWs to offer cultivated land. They were also to take positive measures to divert a part of the POWs engaged in production to work directly relating to their livelihood. They should abandon small scale methods and produce results and comply with Army Secret Order No. 301 (Exhibit 1961).

27801 Exhibit 3108-A, Regulations for POWs dated 4 June 1943, concerning the relief for dead and injured POWs by employers, was received into evidence but not read. *

27803 * DIRECT EXAMINATION OF ODAJIMA, TADASHI
BY MR. FREEMAN

The witness identified Exhibit 3109 as his affidavit and, after corrections, verified it.

27805 * The affidavit stated that the witness had occupied
27806 the post of senior official in the POW Information Office and of the POW Supervision Department in the War Ministry * since March 1943, with the rank of Colonel. The Supervision Department was abolished in November 1945. During that time he visited POW camps on the home island, Korea, Formosa, Manchuria, etc. He knew the facts about POW supervision and was acquainted with reports forwarded to the Information Bureau by camp chiefs and POW employers.

At the beginning of 1944, due to the fact that POW's health condition was not approved, notification concerning improvement of administration was issued to commanding generals in charge of POW administration in the name of the War Vice-Minister.

(Exhibit 3051) Because sanitation conditions aboard transports was not good, a notification was issued in December 1942 in the name of the War Vice-Minister and the Sub-Chief of the General Staff to call their attention to POW transportation.

27807 * (Exhibit 1965) On 26 December 1943, Major General HAMADA, Chief of the Administration Division, expressed TOJO's intent at a meeting of camp commandants as to the inadmissibility of mistreating POWs. He stated that while POW treatment must conform to local conditions, they should be careful not to

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27808 exceed proper limits prompted by hatred. This was particularly antagonistic and contrary to Bushido and to the principles of the present moral war. They must consider the unlimited evils of mistreatment arising from trivial personal feelings as aggravating a feeling on the part of POWs * and reflecting on the country's culture, and would help POWs to promulgate anti-Japanese propaganda after repatriation. Motives of mistreatment could be attributed to language difficulties and improper understanding of regulations of those in charge of administration. It sometimes occurred that some were knocked down by an enraged POW. In such case disgrace would not be redeemed by any penalty the POW would receive for his violence. It was expected that they would be careful in directing those under them and use every possible opportunity to make the meaning of the address known to their units and all units or persons employing POWs.

27809 The Army Medical College was expected to perfect measures to prevent epidemics among POWs and to provide for their treatment. * It was proper to carry out bacteriological as well as scientific research among POW patients and from February 1943, research was carried out by a special research party with Tokyo POWs. Results were published and contributed to POW health.

(Exhibit 3110) The circumstances of the investigation was received into evidence but not read.

27811 * Exhibit 3111 stated that generally speaking, POWs were pale and undernourished and not a few of them in hospitals had lost 20 to 30% of pre-war weight. The most decisive cause of undernourishment seemed to be lack of nutriment. Nutrition troubles originated mostly during the fighting and subsequent POW camp life in occupied areas. Though they recognized a tendency for recovery after their landing in Japan, there were not a few cases of malnutrition growing worse and causing death. When the causes of lack of nutriment were studied, it was found that despite sufficient caloric value, the Japanese diet caused, because of a difference of food customs, a comparative lack of albumin and fat and over-supply of carbohydrate. As a result, POWs suffered from lack of nutrition and vitamins and showed symptoms of unbalanced nutritions.

27812 * They must obtain for them such food as suits their customs and have them cook it to their taste and

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Page special food should be prepared for the sick in the camps and hospitals. Since Vitamin B deficiency diseases were most noted, unpolished rice and barley should be given for their main food; and for cases of neuritis or beriberi, additional rice-bran should be effective.

27813 The affidavit continued and stated that in accordance with results from this investigation, the Tokyo Camp took immediate steps. This was described * in Exhibit 3112 and excerpt from the Tokyo POW Camp Monthly Report of May 1943, which stated that through general examinations for bacterial infections given since January 1943 at the medical collage it was found that 183 POWs had dysentery amoebas (7.9%); 2 prisoners had dysentery germs (0.09%); one prisoner had paratyphoid-B germs (0.04%); 57 prisoners had diphtheria germs (2.4%); and 77 prisoners had malaria germs (3.3%).

Such POWs were immediately isolated and strict preventive measures taken. Every effort was made in treating them and checking the spread of disease.

27814 Isolation in every separate branch camp could not * be carried out because it would add extra duties to medical officers and the building and repair facilities and disease preventive equipment were inadequate. To successfully carry out preventive measures, it was decided best to assemble and isolate all POWs with disease germs in one place. Report to this effect had been made and preparations begun.

General UMEZU, commander of the Kwantung Army, took seriously the state of POW health and the number of epidemic cases. He issued special instruction in February 1943 to the Chief Supply Officer and officer in charge of the anti-infection and water supply main depot that the Mukden camps' medical service be strengthened by despatching many medical personnel to the camp to restore POW strength and to help the medical service there.

27815 * Exhibit 3113, UMEZU's instructions stated that the Chief Supply Officer should despatch one medical officer, two petty officers and ten orderlies to the Mukden Camp to be under the camp chief there. The camp chief should strengthen hygiene service and exert himself to restore POW physique. The chief of Headquarters should

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send five officers, five petty officers and about ten men to the Mukden Camp to assist the sanitation service.

27816

* As to details the camp commanders should make arrangements. From Exhibit 3114, a copy of instructions, it was stated that Anglo-American officers and men taken prisoner at Corregidor and Bataan were in an extremely wornout condition, lacking in food and suffering from pestilence. * It was decided that 1,485 of them be put

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in the Mukden Camp. Since December of last year they were intransit there, being constantly menaced by submarines. The food supply turned out bad and health became worse. On the way 57 died. At present 160 were under treatment. 8 were epidemic patients and there were no more than 300 who were healthy and engaged in daily work. A letter from YAMASHITA to Major General SMITH, a POW, dated July 7, 1942, stated that as a token of YAMASHITA's interest in Smith's welfare, he had sent 30 tins of butter, 30 of cheese, 150 bottles of beer and a bottle of sherry.

27822

* The affidavit continued and stated the feelings of the nation toward POWs was not cordial as air raids intensified and the number of those who had lost their kin became more numerous and feelings were aggravated. Proper treatment of POWs by the Army was censured everywhere as being too good. POW staffs were looked upon with apathy and criticized as unpatriotic. There were instances in which staffs were disturbed by unthinking people in the execution of their duties.

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Exhibit 3116, two reports from POW camp heads, stated * that on 11 March 1945 the HAKODATE Gendarmerie Detachment received a letter which asked whether the military took more care of POWs or the people. The letter stated that Japan could not win so long as she neglects her people and cherished POWs. The people were engaged in labor more than 12 hours a day and with rationed rice not more than 3 "go."

A report from the head of OSAKA POW Camp gave an occurrence in which Japanese cast glances at supplementary food supplied to POWs working in Osaka, assaulted a squad-head; one of the leaders said that despite the fact that the Japanese were rationed less than the

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27824 additional food given POWs * the POWs were provided with a plentiful addition besides daily meals, and they were too well treated.

27825 * The affidavit continued and the witness stated that to rectify the feeling toward POWs, the Army before quartering them at camps, sent staff members to such localities to explain to the officials and people there and those who had been granted by the army to employ POWs, how to treat them so that there would be no undesirable troubles. After the POWs were quartered, the staff improved every opportunity to rectify the people's ill feelings toward POWs. At some camps, liaison conferences between camp authorities and organizations employing POW labor were held once or more a month to prevent unpleasant troubles.

27826 * Exhibit 3117, the affidavit of an Osaka stevedore, stated that he could vouch that MURATA, Commander of the Osaka Camp, called a meeting of those concerned in POW labor supervision about September 1943. * He

27827 instructed them that while POWs were enemy nationals, they were fine soldiers, but their freedom lost, they were like infants. Therefore, private punishment would not be applied. If there was an offender, he would be punished at the camp. According to international law, they must be treated as good people. It was MURATA's desire that unless they suffer from ill health because of labor, those for whom they work should take care about their food and sanitation and supply them with abundant calories.

27829 * The affidavit continued, and the witness stated that the ration for POWs was almost all supplied by the Army. There was no case of supply failing to be carried out. Subsidiary foodstuffs were issued in a fixed allowance amount. Camp authorities supplied food by purchasing it from dealers with this fixed allowance, but as feeling toward POWs became aggravated, some people, seeing a considerable difference between the rations issued to the nation and the POWs, became envious and either blamed camp staffs or went so far as to interfere with such purchases. The camp staffs continued their efforts

27830 single-mindedly to secure foodstuffs * to maintain the POW's health in the face of undeserved blame and interference. At every camp the staffs in trying to obtain

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required foodstuffs, had close contact with distributory organizations and the city or village authorities, police stations, or agricultural societies, and when they found that someone was unreasonable, did their best to lead him to the right path. When they succeeded in obtaining the required food, they paid attention to such details as carrying it under cover or at night so as not to excite public antipathy.

27831

As the domestic food situation became acute, it was difficult to secure foods through legitimate distributory organizations, and the authorities had to increase their efforts. Unauthorized land was turned into gardens to help the self-supply of at least a portion of the food required. Sometimes the staffs went far with trucks or wagons * to purchase food. Other times they went to fishing ports and waited long for the arrival of fishing boats to buy at black market prices. No effort was left untried.

Some troubles occurred between a camp commandant and organizations employing POW labor. Companies or factories were approached with requests to supply supplementary food but most employers supplied food out of their own stock and some even supplied food originally intended to be issued to Japanese workmen.

27834

* By strenuous efforts and cooperation between camp staffs and employers, feeding of POWs was carried out smoothly and the ration issued amounted to 3,000 calories or more and was considered sufficient to maintain health. Some POW camps found it extremely difficult to obtain subsidiary foods and there was a consequent decrease in the food issued. This was only a temporary phenomenon and could not be attributed to negligence.

27835

Exhibit 3118, a document of the POW Information Bureau, calculated the amount of nutritive value of subsidiary food issued POWs.* The affidavit continued and stated that taking POW's national and racial customs into consideration, the camps were careful and paid attention to the issue of bread, albumen and fat, and to the manner of cooking. At many camps, baking ovens were provided and yeast was prepared * by their own cooking detail. At other

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POW camps, they were allowed to do their own cooking and consulted on menus.

27837 Exhibit 3119, a copy of a menu of a certain day at Hiroshima Camp, was received into evidence but not read. The affidavit continued and the witness stated that as to medical treatment, every camp made enormous efforts. When medicaments became so scarce that the supply became insufficient, they had to make special efforts to maintain POW health and had to obtain them from druggists or go out and collect herbs. The employers of POW labor also cooperated. * MURATA, the Osaka Camp Commandant, seeing many POWs suffering from undernourishment, instructed two surgeons to carry out a thorough study and investigation. The surgeons obtained useful materials for information and published them and established a measure of cure for this disease.

27838 Exhibit 3120, report of this investigation, stated that since May the food allotment for POWs had considerably improved * and the index number for nutritive value was going upward and did not sink below 3,000 calories generally. They could expect a gradual decrease in malnourished diarrhea cases, and the eradication of its causes.

27839 * It was necessary to feed workers over 3,000 calories daily, namely, 550 grams of carbohydrate; 57 grams of fat; and 70 grams of protein, not to mention others. This degree of nourishment is not only necessary for workers, but absolutely indispensable to patients. It was needless to emphasize the necessity of alimentotherapy or dietary cure in the treatment of disease in general. Most patients had already suffered from food deficiency and there was no other cure. There was a great advancement in dietary treatment to improve considerably dietary accommodations which were made in all detached camps since May 1944, especially after the introduction of special preparations of soya-beans, bones, etc. As a result, there was a gradual decrease of food deficient diarrhea. This could be cured with dietary treatments as its best countermeasure lay * in the improvement of nutritive value and a sufficient supply of protein especially.

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Food deficiency among POWs often accompanied symptoms of partial deficiency of nutritive elements,

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especially vitamins. They often clinically detected cases of malnutrition accompanied by beriberi or pellagra. In such cases, if they paid too much attention to concurrent symptoms and gave vitamins and neglected the principal disease, it would lead to an undesirable prognosis.

Recent experience showed that in not a few cases, stressed dietary treatment for serious cases of malnutrition with beriberi led to the cure of serious beriberi along with recovered nutrition. When they found cases of malnutrition with beriberi or peripheral nervous inflammation among POWs newly transferred from abroad, they applied not vitamin pills but merely a counter-measure device, consisting of dosing of rice-bran and moderate sun-bathing which brought a cure in a short time.

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* At the Tokyo Camp, penicillin, which was then very difficult to obtain even by the Army, was once applied to a POW in that camp.

27842

In the spring of 1945, Captain NUMAJIRI, Commander of the Ashio Branch Camp, believed from the condition of eight serious cases of beriberi that they should be transferred to an infirmary in Tokyo. Through the skill of the Infirmary Chief, they succeeded, after difficult negotiations and despite objections and blame, in preparing a special automobile for their transport. The patients were transferred all the way from Ashio to Tokyo and confined in an Infirmary where they recovered. This was a distance of 90 miles and if it had been a case of Japanese patients, such a warm treatment could not have been expected, because * of the traffic situation. The witness was told this by Captain NUMAJIRI.

In the last of 1944, an Army sergeant and an ambulance man at Niigata Camp had a critical case of acute pneumonia. They sat up with the sick POW for three days and nights and brought about his recovery. The POW senior officer expressed his appreciation to the camp authorities.

On 11 August 1945 the Osaka Camp authorities received unexpectedly an order for the internment of POWs transferred to Japan aboard the Risbon Maru, who had

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27843 been fatigued due to shipwreck. Due to many cases of dysentery, acute colitis and diphtheria, they could not be transferred to Tokyo as scheduled. Following the senior officer's instructions, they were taken to Osaka Camp. The staff personnel there assumed charge of the patients * and furnished them with gauze, etc. gathered from the homes of staff personnel, regardless of the danger of infection. Many factories employing POWs sent great quantities of medicines as gifts and tried to help them. Cases where administrators and civilians received letters of thanks, expressing gratitude for fair treatment and their efforts for POW happiness were too numerous to mention.

27844 * Exhibit 3121, a letter from the senior officer of the Tokyo Camp, to the Camp Chief, stated that in behalf of all POWs there, he wished to express warm appreciation for being allowed to enjoy a wonderful Christmas. For the prisoners it meant much to celebrate the day according to their customs. Most of the prisoners had already observed Christmas twice in the camp, but this one was the merriest of all. Had it not been for the authorities, they would not have been able to enjoy it.

27846 * Exhibit 3122, an extract from the Nippon Times of August 8, 1943, was a letter from a medical captain of the U.S. Army to the medical director and staff of Seitetsu Hospital, Hirohata. The letter stated that for almost two years the writer had been camp surgeon at the Hirohata Camp. During this time the medical director had helped care for the camp and had equipped the dispensary with medical and surgical instruments and medicines. He was generous with them even though they were scarce and difficult to obtain. His staff *
27847 physicians gave consultations, loaned reference books and x-rayed patients. The writer knew how busy the staff had been and how scarce supplies were and he appreciated their efforts. He wrote the letter as he left Japan so that anyone reading it would know that he acknowledged the fine spirit the director showed toward them. He and his staff had treated them much more fairly and honorable than others and deserved commendation.

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* The affidavit continued and the witness stated that officer POWs had never been ordered to work but were allowed to be employed at their own choosing. This was a provision in the regulations on the work of POWs (Exhibit 1965). In each camp they encouraged POWs to be employed at work of their own choosing for various reasons. With respect to the work of officers, a notification dated 3 June 1942 was made from the Director of the Administration Division requesting that officers should be employed at work of their own choosing. Officer POWs were encouraged to work for the purpose of health. It was more harmful than good for them to lead an idle life, and ennui would cause spiritual weakness. Therefore, they were encouraged to engage in light farm work or raise live stock.

27852

* Also to rectify the people's feelings toward POWs, they were encouraged to work. It was feared that the fact that those officers not employed were allowed to receive more than the Japanese nationals and have a bad influence upon administration. Explaining that under the state of war, every country had deep anxiety regarding food distribution, and that even though they were in captivity it was their duty to be employed in the work of self-supporting.

27853

It was from heartfelt desire to increase rations to officer POWs that they were encouraged to work. With the development of the war, the food situation became more difficult and staples for both military and nationals * were decreased. It also became more difficult to obtain subsidiary foodstuffs. Whereas up to June 1944, officers had received 420 grams of staples and NCOs and privates 570, (with an additional ration up to 220 over the 570 grams in accordance with the type of work and condition of health), after June 1944 the amount of staples for officers decreased to 390 grams, and for NCOs and privates employed at hard work to 705 grams. For those not at hard work it was decreased to 570. Decreased staples, however, did not harm health provided there was sufficient subsidiary foods. It became gradually difficult to obtain these subsidiary foods. The nutritive value which officers not employed at hard work could take showed a decline. Nevertheless, the nutritive value taken by the POWs was much higher than that of the Japanese.

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27854

* In view of the health conditions of officers in Zentsuji Camp, where many were interned, a plan was made to increase especially staple foods up to 500 grams and an investigation was made carefully. The plan ended in a mere attempt, proving that to distribute one and a half times more staples for POWs than for the Japanese was not adequate, in view of the food situation and from the point of view of proper guidance of Japanese nationals. With the intention to supply the same quantity of staples for officers as for NCOs and privates, they treated the officer POWs as if they were employed on hard work by assigning them slight self-supporting work to maintain their health and also with the intention to grant them an additional allowance of crops grown by farm work.

27855

For this reason they were encouraged to be employed. It was with neither an intention to exploit the labor facility of officers to relieve the labor shortage, nor to insult them as officers * but was the heartfelt desire of the administrators to encourage the officers for their own happiness to be employed.

Page

27855 Exhibit 3123, a document of the Information Bureau, describing cases where officer POWs were employed at voluntary work, stated that the four men voluntarily engaged in knitting fishing nets proved to be very efficient.

27856 * Officers had worked voluntarily with eagerness and seriousness. Their results were far better than those of the Japanese workers. Their great contribution was recognized by the firm, and it was decided to give them a sum of money for encouragement.

Officer POWs transferred and assembled at Ikuno and Oeyama were actively engaged in farming. At the latter place they raised vegetables for themselves, and expected to harvest eight sacks of wheat. Officer POWs transferred from Hiroshima Camp to Rokuroshi Training Camp volunteered to farm, and were working diligently.

27857 Japanese are generally short-tempered and excitable at trifles. It was especially the case with military units that despite supervision and instruction, the habit of inflicting private punishment for slight cause was not * extinct. Where misconduct was committed by a POW for violating regulations, disobedience or haughtiness, illegitimate punishment was liable to be inflicted without discrimination. These were cases for which the witness expressed sincere regret. It was presumed that in some cases, violent behavior would not have been conducted if officers had been acquainted with manners, customs, and language of the POWs.

When one NCO scolded a POW, the POW replied "I think so and so". Seeing the tongue put out naturally when he said "think", the NCO struck with with rage, presuming that he was being insulted. When POWs were scolded by others, they would gaze at the latter's face with arms folded. This was regarded by the Japanese as a haughty attitude.

27858 * The Administration Division prepared notifications on manners and customs of POWs, and transmitted them to camps to cut down troubles caused from misunderstandings.

The trials presently conducted at Yokohama testify to cases where staff members inflicted violations on POWs, but the witness always saw with a sense of respect the staffs concentrating all their efforts in the face of abuse and interference, to obtain foodstuffs, medicines, or complete arrangements for the protection against cold or damp.

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27859 They were inspired by a sense of genuine friendship toward the POWs. A certain NCO, now in Sugamo, was alleged to have assaulted the responsible person of an organization employing POW labor, at the indignation for the employer's lack of enthusiasm toward the POWs. The injured person protested to the witness against the NCO. Another time the witness discovered that a certain interpreter, * although he would strike a POW over a slight cause, would when one felt sick, attend him whole-heartedly without rest or food, and was always popular with POWs in spite of his bad habit. The camp staffs were real guardians for the POWs under their charge.

27860 Measures relative to the disposition of POWs in case of a gradual change in the situation (Exhibit 1978), aimed at the transfer of camps to avoid giving POWs up to the enemy, and to prevent POW casualties from air raids. They were not to make mistakes in disposition if they were obliged to resort to emergency measures. This notification

27861 * was made to protect POWs, and did not bear implication of mistreatment. About 10,000 POWs were removed from areas where air raids were expected to be intensified, to comparatively safe areas. Thanks to such steps, casualties from air raids hardly amounted to 100. More than 13 evacuated camps in the Tokyo and Osaka areas actually were bombed.

After March 1942, the Information Bureau began its communications with regard to the POW situation. Up to August, 1945, the number of POWs and internees reported was about 210,000, and after that to August 1947, 110,000 were reported. The number of deceased was about 45,000.

27862 The Information Bureau also released communications with regard to personnel killed in action, and up to August 1945 reported on about 11,000 cases. * The Bureau also answered inquiries relative to POWs, and up to August 1945 answered about 1,000.

CROSS-EXAMINATION BY COLONEL MORNANE.

When asked what steps were taken by his department to see that POWs were properly transported by sea, the witness stated that he was not in office at the end of 1942 when the order was issued, and didn't know the steps taken. The order was issued to respective units, and not issued by the Supervision Department.

Page

27863

* The department had no representative to meet ships bringing prisoners, but they did receive reports on their condition. Such reports indicated the POWs were in a very bad condition. Even after POWs were transferred to the mainland they did not come under the Supervision Department, but were under the respective units which received them. These units were not attached to the Supervision Department.

27864

When asked why the order was repeated on March, 1944, the witness stated that from the end of 1943 to the beginning of 1944, many POWs were transported, but as conditions were not good in March 1944, the order was re-issued. * His department exercised no control over the Tokyo camps. As the Information Bureau, they had the duty to collect reports. The Information Bureau had the same personnel as the Supervision Bureau. As a member of the latter, the witness had no connections with the Tokyo camps.

27865

When asked what department had control of the POWs, the witness stated the Military Affairs Bureau, the Intendance Bureau, * and Medical Bureau, and others were organs assisting the War Minister. He could not say exactly what bureau had control over the work, as they were all in the War Ministry. It was the responsibility of the Army Commander to have responsibility for the POWs in his area, and the War Minister directly controlled them. The War Minister's duty was administration, and the bureaus assisted him; therefore, no particular bureau was directly connected with the camps.

27866

* In accordance with regulations established March 31, 1942 and April 7, 1942, the duties of the Supervision Department were to take charge of POW matters within the Ministry. The second rule interpreted what was meant by POW matters and divided them into sections, consisting of plans in regard to the internment, handling, exchange, freeing, utilizing, and punishment of POWs; matters pertaining to labor, communications, punishment, and matters pertaining to labor and communication of POWs in battle areas. * It was mainly the Army's responsibility to protect POWs.

27867

27868

* The witness inspected POW camps on orders of the Chief of the Information Bureau. The object of the inspection was to see actual conditions and to see the companies employing POWs, and to draw plans in regard to withdrawing them if conditions were unsatisfactory.

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27869

* He was actually seeking to protect them. It was important for the Information Bureau to find out how POWs were being treated to carry out its duties under international law. In relation to international law, the Information Bureau's duty under the Hague Convention was to investigate the conditions of POWs and report to the Bureau at Geneva. After investigation, one of its duties was to draw up a list of POWs, and another was to reply to inquiries concerning them. * The information was sent to the Japanese Communications Bureau and the International Red Cross at Geneva.

27870

27871

With regard to information sought by the Swiss Minister through the Foreign Minister, replies were addressed to the Foreign Office by the Chief of the Information Bureau. He remembered an inquiry concerning the number of Americans on Wake after the end of the war, for the first time. * The Foreign Office was the window through which inquiries and protests were made. It would send inquiries to the War and Navy Ministries, or the East Asia Affairs Ministry, to obtain material with which to reply.

27872

The witness was able to tell what requests were made from the Foreign Office, because these documents were addressed to several departments such as the War or Vice Minister, Chief of the Military Affairs Bureau, etc., or * if a document was addressed to a particular bureau, copies were sent to the other departments. The Information Bureau kept a file of protests and inquiries from the protecting powers, and he based his testimony on these.

27873

* When asked the practice with regard to feeding sick prisoners, the witness stated that although he didn't know the details, he learned from reports that special rations were given to patients in the Tokyo camp. In the monthly reports from that camp there were notices, such as milk being supplied to patients, or a daily ration of eggs. He didn't know that at the Tokyo camps sick were only given two-thirds a normal ration. When asked if that was the first time he knew the sick received less rations than the well, the witness said that was not so.

27874

The witness had nothing to do with supply of rations to the Tokyo camps. He knew most of the items through the monthly report. He didn't know why survivors of the Lisbon Maru were sent to Osaka POW Camp although there were many cases of dysentery and diphtheria among them. He was not in office then. According to his recollection, the Lisbon Maru sank about September, 1942.

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27875 He did not remember a report dated 4 September, 1942, from ITAGAKI to TOJO setting out regulations for POW treatment in Korea. * When he was in the Information Bureau in 1943, he did not hear that POWs had been mistreated. The Information Bureau gave no instructions relating to censorship of news to POWs. He had heard of an instruction that reports which give an impression of cruel treatment, such as prisoners being punished or made to labor without clothing, should be censored.

27876 Upon being shown exhibit 1977, the witness stated that he had seen it and it was dated September 20, 1943. * He remembered vaguely of instructions being sent to the Chief of Staff of the Thailand Army in 1945 authorizing personnel who mistreated POWs to flee. He was a member of the department on August 20, 1945.

In Major General HAMADA's address, he made clear that POWs should be treated fairly and punished in accordance with law. When asked what steps he took to insure the instructions were carried out, the witness stated that all that HAMADA did was lecture.

27877 * The witness stated that he knew that 43 of the staff of the Osaka Camps had already been convicted for war crimes. When shown exhibit 1976, the witness stated that the document bore the stamp of the Control Section of POWs but he had never seen it before.

27878 * The attention of the Tribunal was called to exhibits 1916 to 1955, 2028 to 2033, and testimony at 14,270.

27879 Exhibit No. 3142, an excerpt from the Tokyo POW Internment Camp Monthly Report for March 1943, stated that staple food for NCOs and under was at first 570 grams, * but was increased in proportion to the amount of their labor to 690 by January 1, 1943. As the hours of labor were extended in March, the ration was increased to 786 grams, the largest regulated amount and the equal of that allowed Japanese soldiers. To prevent beri-beri, more cleaned wheat was used, so that staples were composed of 410 grams of polished rice and 376 of cleaned wheat. Efforts were made to supply them with subsidiary foods containing albumen and fat so they might be free from deficiency diseases and raise their resistance to disease

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To sufferers from diarrhoea, bread and eggs, etc., had been given, and to sufferers from beri-beri, vitamins and rice bran were supplied and an early recovery took care of.

27880 Efforts were made to increase sales of daily canteen necessities so that no undue pressure might be brought * upon the demand of the general public to have POWs find comfort and hope in this direction so they might display maximum laboring ability.

27881 Exhibit 3125, an excerpt from the Fukuoka Camp Monthly Report for June, 1944, stated that POWs under labor got 705 grams of rice and wheat per day, and those below NCOs free from labor 570 grams. Commissioned officers and equivalent ranks got 390 grams. General delivery of rice and wheat was based on the rate of 705 grams per day, but was to be distributed by allowing the foregoing rations to each in accordance with the nature of labor and physical conditions, * and by supplying the remaining amount to the POWs who were under hard labor or in bad health. The result was generally satisfactory.

At the sub-branch where POWs were employed in coal mining, each was given 710 grams of rice and wheat, the same allowed Japanese workers in identical work. The ration, with mixture of cereals and pulse, was given according to the method of the branch. Taking the demand and supply of rice and wheat into consideration, all branches rationed at a mixture rate of 30% of substitute food for rice and wheat according to the plan. There was no distribution of wheat flour through June, and all branches faced difficulty in rationing bread. They were now negotiating, and a fresh supply was expected next month.

27882 * As nutrition depended on the volume of subsidiary food in consequence of a smaller supply of staples and paying three sen to each POW to make this up, they made every effort to keep them in good health so that they might work, as well as preparing subsidiary food, they stuck to the principle of self-support. Generally, subsidiary foods were secured with smoothness and regularity, but meat was not easily gotten at certain sub-branches. In view of the taste of POWs, the diet was prepared with much use of seasonings, and cooking was done by the POWs themselves. At all branches, the average weight was 60.153 kilograms.

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27883

* Exhibit 3126, an excerpt from the report of Zentsuji POW Camp for November 1944, stated that though the supply of meat and fish was not enough, vegetables were placed on the regular channel since the middle of the month. They were getting them lawfully without sacrificing civilian demand, and were supplying more than 600 grams of vegetables per capita per day. Thanks to Red Cross relief food through the offices of the Information Bureau, conditions had become satisfactory for the present as far as meat and vegetables were concerned. * Soy beans, which had been substituted for staple foods, was stopped since the issuance of a notice of the Zentsuji Division. As substitutes for staple food, they had been making up for the deficit with the stock. Since the beginning of the month the stock had gone, so at present they were securing the necessary quantity from seasonable vegetables as substitutes for rice and wheat. They had installed a hand mill for pulverized food.

27884

Regarding the food supply for officer POWs which were a greater part of the camp, they were trying to improve the labor for their self-support, and making accountant officer POWs cooperate with the cooking section in planning menus. Besides encouraging the officers in their own cooking, they provided a special meal for recuperation of 570 grams of staples, which would be supplied to those in weakened condition, which at present numbered ten.

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DIRECT EXAMINATION OF KUBOTA, TOKUJIRO,
by Mr. Freeman.

27885 * The witness identified exhibit 3127 as his
27887 affidavit and verified it. * The affidavit stated that
the matter of using POWs concerning exhibit 1970-A took
place when he was President of the Manchurian Engineering
and Machinery Co. Although there arrived at Mukden about
1300 POWs about November 1942, his company did not begin
to employ them until about February. Their number was
about 50, and thereafter increased and reached 600.
According to their first plan, they were going to use about
one thousand, but the percentage of actual workers was 60%
at the highest. This was because they found that a number
were farmers, and there were few experienced mechanics,
also, they did not work them improperly, taking into con-
sideration their health, ability, rank, etc.

27888 * The company employees numbered about 300
Japanese and 700 Manchurians when they first used POWs.
At the peak, there were about 2,000. His company manu-
factured machinery in the category of enlarging productive
power, and so far as he knew there were no plans to make it
a military factory, and no order was received to produce
arms or parts thereof. Consequently, his company never
used POWs in work related to the manufacture of arms, or
work directly concerned with war operations.

27889 There were so few technically experienced workers
among the POWs at first that even though they attended the
factory every day they did no work worth mentioning. In
compliance with the desire of the majority of the POWs,
they decided to teach them machinery techniques. They
purchased materials from the Army in Manchuria to be used
in an educational program * and classified them into
mechanics, fitters, finishers, etc., and taught them the
techniques of machinery manufacturing under company
engineers and workers.

Col. MATSUDA, Chief of the Mukden Camp, inspected
the company frequently, and instructed the Japanese and
Manchurian employees to treat the POWs with charity and
tolerance. There was no discriminatory treatment and no
ill-feeling, and all worked harmoniously as one. Before
reporting to the factory after their arrival at Mukden,
the POWs were idle and were awkward in doing no work, but
they used to visit the factory as they desired.

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27890 A party for them was held on Christmas Eve, 1942. although various materials were not easily available, they bought tobacco, candy, fruit, etc., and distributed them * to the POWs, who themselves put on entertainment.

27894 Exhibit 3128, a record of punishment given
27895 Japanese guards for mistreating POWs, stated * that it was prepared to clarify how personnel in charge of POW camps in Japan committed illegal acts on POWs and how the authorities dealt with them. Additional reports of the cases would be made later on. Upon inquiry, it was revealed that with few exceptions, atrocious and inhuman acts of violence were never done deliberately. There were certain cases where improper measures were taken in the treatment of a POW, * such as some unauthorized punishment inflicted by personnel carried away by emotions and misunderstanding of customs. These cases were caused through language differences and the lack of efforts on their part, or unavoidable circumstances resulting in a lot of illness and deaths among the POW, and carelessness on the part of employers of POWs caused accidents. Most of the cases were unavoidable, but they reported them.

Where treatment was unfair, they did justice to their faults and gave strict warnings to the offenders, who were dealt with as mentioned in the affixed list. Instructions were given to district commanders that they should examine each case, deal fairly with offenders, and clarify where the responsibility rested.

27897 * The basic policy of the treatment of POWs aimed at just and fair treatment, according to various regulations. Superintendents strictly observed this basic policy, but it was a matter of regret that some of them dealt out illegal punishment which the Japanese practiced by habit, and sometimes treated them unfairly under various circumstances or unavoidable accidents.

27898 Illegal punishment was a chronic evil practice of the army and a national defect. Generally, the people made light of the evil of this practice, and never regarded it as so gross an insult as Europeans and Americans. They have such erroneous views that a kind man would rather chastise an offender with a blow than punish him formally with law putting him to shame before the public or disgracing his family, * but deeply regretted that such an evil practice brought trouble to POWs.

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Army authorities had already been cognizant of the serious evil of private punishment, and made every effort to remove the practice, but with all their efforts conditions failed to improve as much as expected. The Japanese are quick-tempered and excitable over trifles, especially when trouble takes place on account of language or difference in customs. They are too impatient to inquire into the right and wrongs of the case, or chastise offenders by lawful means, and carried away by their sentiment they dealt out private punishment on the spot. When they later become calm they repent of their violent acts.

27899 Examination of the facts of such private punishments * showed that in almost all cases the punishers did not vent their own rancor, but to correct the POWs misconduct or in self-defense, or on account of misunderstandings produced by language differences. Some POWs, however, were really irreclaimable, lacked moral sense and were shunned by the others, who sometimes asked them to chastise such a POW.

27900 Most unjust acts were done by men lower than NCO, and very few officers committed them. Consideration was paid in selecting lower officials, who were usually in touch with the POWs, and much care taken for their supervision and guidance. Almost all watchmen were disabled servicemen, and a comparatively large number of these were prejudiced and mentally defective because of their physical defects, and were * liable to treat POWs unfairly, so they always had close supervision over these guards. Those extremely wrong were fired at a moment's notice. As the leaders and guards were selected and recommended by the employers of POWs and these persons were not of good character, much care was taken in their selection and close supervision and guidance exercised.

27902 * Exhibit 3129, a communication dated 26 May,
1942, from Military Police Commander NAKAMURA to Chief of
27903 Staff SUGIYAMA, stated * that attached was a report of the investigation of eight officers and men, of American planes taking part in a raid on Japan on 18 April and were forced down in China. Forwarding addressees included TOJO, KIMURA, OKA, SATO, NAGANO, and SHIMADA.

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27904 Exhibit 3130, a copy of an excerpt from a telegram from Chief of Staff SUGIYAMA to HATA, dated 10 October, 1942, stated that the verdict issued by the Military Tribunal concerning the punishment of American airmen who raided the Japanese homeland, was considered fair and just, but upon review it was believed that with the exception of both pilots and the gunner, the death sentences should be
27905 * commuted to life imprisonment. On the 13th of the month Col. TAKAYAMA would depart from Fukuoka in connection with the case, and it would be appreciated if he should be kept informed as to the execution of the sentences, etc.

27906 Exhibit 3131, communication dated 10 October, 1942, from Chief of Staff SUGIYAMA to HATA, Commanding General of the China Expeditionary Forces, stated that the two pilots and machine gunner had been sentenced to death. The death sentence of the co-pilot, two navigators and the bombardier * were commuted. The time of execution was about 15 October. The five whose death sentence was commuted were to be sentenced to life imprisonment. As war criminals, their treatment should not be that accorded ordinary war prisoners. Even in the event of an exchange of POWs, they may not be repatriated.

27908 Exhibit 3132, an order from the Chief of the General Staff to the Chief of Staff, stated that enemy airmen committing acts of atrocities should be committed to a military tribunal, and all announcements as to verdict would be made by Imperial Headquarters. Absolute secrecy as to the place of disposition must be maintained.

27909 Exhibit 3133, regulations concerning the punishment of POWs in effect until March, 1943, stated that if a POW offers resistance or violence to supervisors, guards, or escorts, he shall be punished with imprisonment at hard labor. A light offender shall receive imprisonment without hard labor for not less than six months nor more than five years. If a number conspired to commit these offenses, the ring leader shall receive death and the remainder punished with exile. A slight offender shall receive imprisonment with hard labor, if they conspire and make a mass escape the
27910 ring leader shall be exiled. * The serious offender shall receive death, and the rest imprisonment with hard labor. A slight offender shall receive imprisonment with heavy labor for not less than six months and not more than five years.

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Other offenses and punishments were: breaking parole, imprisonment with hard labor. Breaking parole and resisting with a weapon, death. After giving parole not to escape and breaking parole, imprisonment with heavy labor.

The provisions, except those relating to breaking parole, should not apply to offenses committed while they were previously POWs by those who have been taken prisoner again. When a POW is placed on trial by court-martial, provisions applicable to men of the Imperial Army should be applied according to rank.

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DIRECT EXAMINATION OF OYAMA, AYAO,
by Mr. Freeman.

- 27912 * The witness identified exhibit 3134 as his
27913 affidavit and verified it. * The affidavit stated that
the witness had been examined before the Court on May 7,
1947, and was asked by a prosecutor about the original
formal record of the statistics list entitled "The List
of POWs punished by Army Court-Martial from December 8,
1941 to August 15, 1945 (Exhibit No. 1998), which he had
produced at the request of the prosecution. In replying
to the question, he had said that the list was compiled
according to a list of statistics in the custody of the
Legal Investigation Division of the 1st Demobilization
Bureau, but subsequent investigation showed this to be a
misunderstanding.
- 27914 * The list was compiled by his subordinates by
consulting copies of written findings, army court-martials
submitted by army commanders through the War Ministry. In
the above questioning, he replied to the prosecutor that
he supposed the copies of findings submitted to the Minis-
try and which had furnished the basis for his list, had
been destroyed by fire. This was an error due to mis-
understanding. Later he found that these copies had been
preserved. He found that the copy of the verdict for the
Wells case, about which he had been questioned by the
prosecutor, was found later. That was a report of the NADA
Unit of the 37th Army to the War Ministry. At that time
he had no remembrance about the details of the findings in
that case, and could not therefor answer the prosecutor's
question whether the witness thought it was just that
27915 Wells was sentenced * to twelve years imprisonment and
hard labor merely for spreading rumors.

When he discovered and read the copy of the
findings in the Wells case, he found that Wells' crime was
not merely the spreading of rumors. Actually, he was
sentenced to twelve years of penal servitude for offenses
against the POW Penal Code. The code provides that anyone
resisting or disobeying the order of those responsible for
supervising, watching, or guarding POWs, shall be punished
with death or penal servitude or imprisonment for life, or
not less than one year. The code also provides that whoever
forms a group to commit disobedient acts shall be punished
with penal servitude or imprisonment for not less than six
months or more than five years. The ring leaders shall be

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punished with penal servitude or imprisonment for not less than one year and not more than ten years.

- 27916 * Whoever spreads rumors about military affairs in wartime or of an incident, shall be punished with penal servitude or imprisonment for not more than seven years.

The witness wished to make it clear that he believed the verdicts sentencing Wells to twelve years penal servitude on the basis of those provisions was just.

There was no cross-examination of the witness.

- 27917 * Exhibit 3135, the judgement in that court-martial, was received in evidence, but not read.

- 27918 Exhibit 3136, an excerpt from the Red Cross report of January, 1944, stated * that on November 13 its delegate visited the POW camp at Mukden, which confined more than a thousand prisoners. The dwellings were satisfactory, were well-constructed and well-equipped brick buildings, and prisoners were provided with straw mattresses and complete bedding. They possessed both summer and winter clothing and were satisfied with the nourishment, although they found it monotonous. Sanitary arrangements were sufficient, and there was an infirmary attached with full equipment. There was also dental care. Prisoners received inoculations and vaccination. There was a sporting ground, and prisoners were given books. They sent plenty of messages. Discipline was somewhat relaxed.

- 27920 The delegate expressed much satisfaction with his visit and the kindness of the management and Red Cross and the officers attached to the camp were doing their utmost to better the treatment. A second call was made to the camp by another delegate on December 6. Measures to protect against aerial attack had been taken. Hygienic institutions were satisfactory. * Rations corresponded to those of the camp guards, but the quality looked better. Energy values obtained about 3500 calories.

Supplemental foods were prepared for POWs doing heavy labor, for patients, and on festival days. The hospital was of brick, and could receive 150 patients. There was a tuberculosis room, operation room, X-rays, pharmacy, etc. Medical and surgical equipment was complete, and patients suffering from special diseases were transferred to the Mukden military hospital.

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Medical inspections took place three times weekly, and the patients received doctor's visits daily. All had been inoculated.

27921 The money that they used was given them from their own savings, and was spent * at the canteen, where they could buy musical instruments, toilet articles, etc. They could also send funds to their families. Most were able to work.

At that time hours were eight per day, with recesses. Sunday was a holiday. Some worked in the factory. There was no chaplain, but religious services were celebrated in English by Japanese clergymen. Prisoners could play at sports, music, and cards.

Visitors were not admitted, nor could they visit the outside except to visit graves. The camp commander reported to the delegate that morale and spirits had generally been improved, and that relations between the authorities and POWs were satisfactory. Camp guards talked in a like manner. The state of health had been equally improved, and they seemed to be satisfied that they were given special considerations.

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*Exhibit 3137, the affidavit of Charles Ream Jackson stated that the affiant at the outbreak of the war was a U.S. Marine Corps Sgt. Major and served through Bataan and Corregidor. He was wounded and decorated. As a POW he was confined mainly in Cabanatuan Prison Camp leaving there about mid-August 1944, and arrived in Hanowa Camp at Honshu * shortly after Sept 1 1944. He had suffered from bacillic dysentery, amoebic chronic dysentery, edema and neuritis beri beri, ambliopia, ulcers, malaria, pellagra and general malnutrition. When he arrived in Hanowa Camp his main sicknesses were chronic amoebic dysentery, malaria, pellagra and beri beri. He weight 125 pounds, about 50 pounds underweight. He had recovered from wounds. He considered his mental condition normal.

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Six weeks after his arrival First Lt. ASAKA was camp commander. About five hundred enlisted prisoners were there including about eight medical corp men. * For the first ten days he rested and had extra rice but never enough food. Camp details were set by Captain Fleming. They organized into a group to work top side of the copper mine, another was to work in the machine shop and about four groups were to work underground mining ore. There was a smeltery group and a camp detail group.

The Mitsubishi Mine people had gone to expense to receive them and had built new barracks which were better than the ordinary construction in the village. Since all had been processed at Bilibid Prison in the Philippines and marked fit by U.S. doctors, the sick were taken off the detail.

27930

A Japanese doctor whom they called the Black Prince came there after a month. * Major Jackson had placed about 350 POWs in quarters meaning they were too sick to work. He was no diplomat, hated the Japanese and refused to back down from his position that if they went to work they would die. The Black Prince took all but forty off the sick list and the rest were sent to the mine. Army authorities and the mine people wanted to know why these men were not working and pressure was put on ASAKA to return them to duty. The doctors were relieved from duty and a medical sergeant called Cyclops ran sick call. He gradually allowed the quarters list to increase to nearly 80. Cyclops was ignorant of his duties and was putting malingerers on the quarters list and sending sick men to work.

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27931

About Nov 20 he sent a man named Miller to the mine and he died on the way back from pneumonia aggravated by malnutrition. After an inspection party came to the camp Dr. Jackson was sent away and Dr. Lamy assumed medical duties supervised * by Cyclops. Later Dr. Dan Golenternek came as camp surgeon. He was a master diplomat and took full charge. As the cold came about 300 or more were on the quarters list. ASAKA even had civilians for heavy work, clearing snow and emptying latrines, assisted in the latter by POWS. Cyclops got up a sort of hospital and things got better. By oriental standards they were treated well but not by U.S. standards. The punishments were handed out by Capt. Fleming who never reported a man to the Japanese. Punishments were of a minor nature.

27932

* The Japanese punished on the spot with a slapping which hurt their dignity mostly. Slappings were for minor offenses. It was several months before ASAKA put anyone in the brig and practically everyone who went there deserved it. The brig was a tough place - no heat - and ASAKA let most of them out in cold weather on the recommendation of Golenternek before their sentences expired. The witness considered ASAKA lenient. Many sold Japanese blankets, shoes and other articles issued them but in most cases they were reissued new articles and nothing much done about it.

27933

However there was a rigid military etiquette and guards slapped people around. But there were no brutal beatings. Some of the civilian guides at the mine were very brutal when out of sight of ASAKA. One sergeant had his arm broken by a guide. The witness * did not know whether it was every reported to ASAKA.

After Lt. Col. Walker took over as senior officer he threatened to report men to ASAKA and did so for theft. One sergeant went to the brig for confirmed and repeated theft, at the end of March and stayed there, except for occasional hospitalization, until nearly July, 1945. The only beatings he ever saw CYCLOPS give were at the beginning of cold weather when he ordered men fully clothed outside the barracks as a health measure. When they ignored his orders he clapped those caught out of uniform. On another occasion they refused to march with snap and precision and several men were slapped. On the whole CYCLOPS was their friend. He gave the sick small gifts and got the hospital going.

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* His going was regretted. His successor did little for or against the POWS. First Sgt. Jack Boyd, having been told by Capt. Fleming, who got it from ASAKA, that all POWS were to be executed in the event of a major landing in Japan, and several others stold dynamite, caps and fuses to make a last ditch defense when the shooting started. They secreted about forty pounds under their barracks floors. About the end of April they heard it had been discovered and would be investigated. In the Philippines they would have been shot first and investigated later. In the evening ASAKA told them to their relief that no one would be punished but the next time there would be a courts martial and probably the death penalty.

27935

* POW rations were entirely separate from the guards and Capt. Fleming and later Col. Walker supervised distribution. They tried their best to do it fairly but the men stole from supplies. The guards had about one half as much more as the POWS to eat and the mine civilians about the same. The witness observed that ASAKA and three other camp authorities lost weight daily. It would have been easy for them to eat all they wanted to and he credited them for their honesty.

27936

At Christmas time about four twelve pound boxes came from the Red Cross. They counted them as they were unloaded and knew exactly how many there were. He was positive that no Japanese ever stole any. They hated ASAKA because he tantalized them by issuing them in increments. * But this was the best thing for them, starved as they were. The guards would have given them anything for their packages. It was a cause of trouble and worry to ASAKA to keep them guarded. ASAKA began to short them on rations to build up a store-room. The impression the POWS got from the Japanese was that the war would last ten years and they had better save food because the army suffering from blockade might not have enough for them. After the surrender before they were dropped K Rations ASAKA gave them all they could eat.

Once when the camp authority was talking with Capt. Fleming about the treatment he heard him say that these prisoners could not be killed - ASAKA was responsible for their lives and well being. He considered ASAKA hard and strict but he took care to safeguard lives and health. He had little food and medicine and condoned repeated thefts and other violations.

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27937

* There were periodical inspections by the high command and ASAKA had the camp cleaned and POWS dressed their best. So far as he knew no one was permitted to interview inspecting officers and state grievances. In this command only eight died, all but one from illness. There was positively no sadistic torture or aggravated brutality such as he saw in the Phillipines and outside of the brig and the slappings there was not much to complain of.

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* Exhibit 3138, a Red Cross Report to Geneva, stated that the delegate interviewed the camp's senior officer who had been the POW representative for the last two years. The senior officer said the situation was as good as they could expect- they were comfortable, well housed, fed and clothed. Medicine was sufficient for current needs. But he was anxious to know whether there were further Red Cross supplies available.

They got through last winter very nicely with only one death and were kept warm. All Red Cross relief was turned over to the senior officer for distribution. Health conditions improved considerably since last year. There was no serious illness, nobody was on the downgrade and they were becoming acclimatized. Weights improved. New shoes were a problem as it was almost impossible to get large sizes. The remaining clothing was issued and there was repair material. There was adequate food and a good vegetable supply. Basic rations were kept according to specifications. Recreation was limited by the time available after work and insufficient space for games.

27940

* They had a good orchestra but needed another gramophone. Only one shipment of books had been received during the last fourteen months and they wanted more. Transit time in communicating with families was about one year either way but radiogram communication was better. Communications from the U.S. Government concerning family maintenance and insurance was received but none from other governments.

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*Exhibit 3139, letters of appreciation to POW Camp Commanders in Japan. A letter dated August 25, 1945 to the Camp Commander at Fukuoka gave appreciation of all ranks of the concern the commandant had shown and the efforts he had made to relieve monotony. The POWS realized the difficulties under which

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27943 he had performed his duties. The commandant had earned their profound respect.

Another letter expressed gratitude for the gentlemanly manner in which he had conducted camp affairs. His policy saved many lives and eased misery.

Another letter dated August 31 1945 from POWS at Mukden stated that the camp commandant was deserving of consideration due to his fair and considerate treatment. He always conducted himself as they would have behaved under the same situation.

27944 Another letter conveyed heartfelt gratitude to the camp authorities from a POW who had received the utmost assistance when he had received a leg injury.

27945 * A letter addressed to the manager of an Ore Dressing Mill from a POW stated that he was expressing thanks for himself and all who had worked at the mill for the manager's thoughtfulness toward them. His interest in their welfare, the care he took in their instruction did much to dispel their gloom. It also mentioned the manager's kindness and sympathy to the sick.

27946 *The workmen who were their instructors deserved thanks. A letter dated August 25, 1945 from Iruka stated that Cpl IKEDA performed his duties efficiently and fairly and extended exceptional courtesy to POWS when this was not the normal attitude of the guards. The writer spoke for all the 195 POWS there in requesting that *

27947 courtesy and consideration be shown IKEDA.

A letter of thanks to the Chief of the Mukden POW Camp stated that on behalf of the United States POWS, the writer wished to express gratitude for efforts made by all personnel who were engaged in health inspections, to investigate the causes and conditions of the bad health of POWS. All were impressed by the thorough-going methods and attitude taken by these experts. It was believed that in spite of the difficulty of their task they would achieve results. They had received kind treatment since they had come to the camp. It was beyond their expectation to have such concern shown.

27948 * The writer believed that all were grateful and would never forget this experience.

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*Exhibit 3141, a statement by Archbishop Marella, an Apollitic delegate stated that under instructions of the Holy See, the delegation occupied itself during the war in assuaging the lot of POWS and internees in Japan and abroad. An Information Service was organized and a card index set up. As requests for information arrived the indexes served to identify the POWS and their camps. Requests for family correspondence were routed through the foreign ministry and the military mail service. There even went out money destined for camps outside of Japan. Overtures were made to obtain authorization for the Apollitic Delegate to visit POW camps and to bring consolation, irrespective of religion.

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* International agreements did not recognize such right except on the part of the Red Cross and Protecting Powers, but permission was nevertheless given. This was a simple favor which did not give him as a matter of course either the right or duty to see to the observation of international conventions or protests violations. The object was purely humanitarian.

During 1943 and 1944 he visited some thirty camps accompanied by a functionary of the foreign ministry to help him on his trip and in relations with police and military. He was received cordially by the camp authorities and they regulated the programs of visits to the best of their instructions. This usually commenced with a report on the general situation at the camp, the number of inhabitants, health, sanitation etc. There then followed a quick inspection and an interview in the presence of officers.

27956

The other POWS *were usually at work. Naturally POWS could hardly speak openly but there were cases when they praised the efforts made by their overseers to render life less hard. It would have been nice to distribute provisions and clothing as was being done in other countries. But everything was rationed and it was impossible to do this. The most frequently expressed desire of the POW was for reading matter and a small number only were secured. This was not because the authorities desired to cause suffering but because of an exaggerated sense of responsibility. No book could be sent without being examined closely by censors who knew little English and were few in number.

POWS were permitted to write to their families three or four times a year but many letters were lost and replies came rarely. He stated that he lived a long time in Japan before the

27957 *war and more or less shared their fate during hostilities. He would like to explain the mentality of the country so far as it concerned POWS. Apart from atrocities and abuse, the condition of the POW in respect to quarters and clothing was that of the common people. The discipline was that of the Japanese army which was extremely hard in certain respects. The standard of living was much lower than usual. During the war it dropped considerably. The people had almost nothing to eat and could buy little clothing. They were housed closely and only two yards square per person were provided for workers in factories. Such conditions became insupportable and cruel for allied POWS without affecting the Japanese to the same extent.

27958 *To arrive at an impartial judgment, it was necessary to add that the Japanese do not have the idea of a POW that a long Christian culture had given others. They despised this class of person. No Japanese was permitted to allow himself to be captured. Officers used to state that what they were doing for POWS was absolutely one-sided for the enemy would never have any POWS.

The fact that they were entirely assimilated and subjected to Japanese customs led to the belief that there were deliberate humiliations when such was not the idea. The wide difference in religion led to the fact that their ignorance of the spiritual needs of the POWS were not taken into account. After the delegation insisted that such needs were really supreme, some results were obtained but circumstances often prevented it. Catholic priests * were not permitted access to the camps except those who were Japanese and those were few. Nevertheless they did their best to answer calls of the camp commanders but such calls were more often to preside at funerals than to assist the dying.

27959

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DIRECT EXAMINATION OF TATSUMI, Eiichi,
 by Mr. Warren.

28750 * The witness identified and verified exhibit
 28751 3189 as his affidavit. * The affidavit stated that the
 witness was Chief of Staff to DOIHARA at the time he was
 in command of the Eastern Area Army, and was familiar with
 his policies and system for the control of POWs in the
 Tokyo area. At the end of the war the witness was a
 lieutenant general.

28752 The main function of the Eastern Area Army was
 the defense of Tokyo and adjacent territory. * As its
 commanding general, DOIHARA had under him several divisions,
 air defense units, hospitals, and others. There were
 literally hundreds of separate units under his command.

28753 There was a special arrangement regarding the
 handling of POW detachments in the main islands in Japan.
 There had been established to deal with POW affairs the
 POW Information Bureau and the POW Control Bureau. The
 chief of both was the same person, and both were directly
 under the War Minister. All complaints from foreign
 nations and others were routed to the Chief of the Informa-
 tion Bureau. There was also an area office in Tokyo for
 the centralized control of POW detachments within the
 jurisdiction of the Eastern Area Army. The main office
 was in the chain of command under the Eastern Army
 Commander. There were about twenty branches and detach-
 ments, with about 4,000 prisoners. * The Control and
 Information Bureaus were not connected with the command of
 the Eastern Army, whose commander had no control over them,
 but in accordance with the War Minister's orders or upon
 his own initiative the Chief of the Bureaus directed the
 chiefs of the POW camps in regard to control of POWs.

 He or his subordinates often visited the various
 branches to observe and inspect and give instructions to
 them. The Eastern Army Commander was responsible for the
 control and administration of POWs within his jurisdiction,
 but in actual practice the activities of the Control and
 Information Bureaus operated to relieve him of this
 administrative responsibility. This permitted him to
 devote more time to his other duties.

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28754

* During the time DOIHARA commanded the Eastern Area Army he received no complaints, either from superiors or subordinates, concerning the mistreatment of POWs. The witness did not mean that he received no reports, because he had received a monthly report on general conditions, but these did not refer to POW mistreatment. The witness knew that despite his many duties, DOIHARA was interested in the welfare of POWs, and visited the camps under his control. On a visit to the Naoetsu camp, DOIHARA learned there was not adequate skilled medical care and that in an emergency the camp had to depend upon the services of doctors from cities as far away as Shibata. Despite there being many units and detachments of the army and many civilian communities as devoid of medical attention as this POW camp, DOIHARA managed to make special arrangements to provide the camp with medical care by army physicians at the base hospital at Takata, nearby.

28755

* The policy with reference to the handling of POWs was forwarded to the Eastern Army Commander over the War Minister's signature for his compliance, and was not formulated by him.

There was no Cross-Examination of the witness, but the attention of the Court was called to pages 16258 and 14270 to 80.

28756

* The defense called the attention of the Court to testimony at page 14277.

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DIRECT EXAMINATION OF MIYANO, Masatoshi,
by Mr. Kanzaki.

28867 * The witness identified and verified exhibit
3197 as his affidavit. The affidavit stated that when
28869 * the Doolittle fliers were captured, two of their air-
craft landed in China, one in the 13th Army Area and one
in the 11th Army's. When this was reported, the order
was given to the Chief of Staff, who asked to send them
there immediately. All the fliers went to Tokyo together
and came back together to China.

28870 * When they returned to China from Tokyo they
were sent to Shanghai, at which time the order was that
those fliers would be tried by the China Expeditionary
Force, which did not mean China Expeditionary Force
Headquarters.

One part of the order stated that a new military
law for the treatment of fliers who raided Japanese areas
had been created, and ordered them to post the new law.
The second part ordered that the fliers be tried by military
court in accordance with this new law. This order was
received 28 July 1942.

28871 The accused, HATA, was opposed to trying the
fliers by military law, but wanted to treat them as POWs.
He stated this to his Chief of Staff, and the witness
heard it because he was there at the time. * HATA stated
it was his intention to give the fliers as generous con-
sideration as possible. He said that if Tokyo insisted
they be tried under the new military law, he would give
them the lightest possible or most generous decision
possible at the trial. If there were the slightest
extenuating circumstances, he would consider them and
pass as light a sentence as possible.

28872 * Since the China Expeditionary Force Head-
quarters had no military court and since Tokyo had sent
the fliers to Shanghai, it was decided that the trial would
be held by the 13th Army, whose headquarters were there.
Because HATA opposed trying the fliers by a military court,
instead of ordering the 13th Army to proceed with the trial
he ordered it to investigate whether or not the fliers
would be tried by military law or could be treated as POWs.

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28873

* Neither HATA nor Headquarters received any answer from the 13th Army saying the evidence was not sufficient to hold a trial. When HATA expressed his intention of generous treatment to the fliers to his Chief of Staff, General USHIROGU, on the same day USHIROGU wrote Vice-Chief of the General Staff TANABE, stating HATA's intentions and asking the intentions of the Tokyo central authorities. As a result of this letter, Col. ARISUE came from Tokyo from the Chief of the General Staff and expressed the Chief's desires. These were to carry out the trial in a very strict manner, and that the punishment must be very strict. As a matter of fact, the Chief of the General Staff was expecting the death sentence.

28874

* Further, it was the Chief's order that the decision be forwarded to Tokyo for action. Execution of sentence should be stayed until the decision was forwarded from Tokyo, after action was taken there. After execution of sentence, no announcement was to be made by the Expeditionary Army Headquarters, but all announcements would be made by Imperial Headquarters.

HATA told ARISUE that because of the seriousness and importance of the matter, he wanted the Tokyo orders in writing. ARISUE reported that because of the seriousness of the matter, the Chief of Staff had decided to forward the orders not in writing, but by his special emissary, ARISUE, as this was the most reliable way of conveying them.

28875

After HATA forwarded the orders to Tokyo that the fliers should be tried, he took no further action. He did not appoint the members of the tribunal, the prosecutor, * nor defense counsel. He made no appointment for any position with regard to the court or its members. This was not within his province. The trial was to be held by the 13th Army, which had its headquarters in Shanghai where the fliers had been delivered. With the arrival of ARISUE and the orders that they were to be tried by military court, which court did not exist in Expeditionary Force Headquarters in Nanking, control of all matters in the trial was out of the latter's hands. As Expeditionary Force Headquarters, they were now the channel through which all orders relative to the trial would pass and be forwarded to the 13th Army in Shanghai.

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28876 HATA did not make known to the 13th Army his intention to treat the fliers generously, because he had already been told by ARISUE as to the intentions and * desires of the General Staff. If this had not happened, HATA, as the highest military authority in China, could have expressed his desires, but since he had been told directly what the Tokyo authorities wanted he had to control his own desires as to their treatment or the demands to be made for sentence. HATA still did not give up hope of giving the fliers a light sentence because there was still the order to forward to Tokyo the trial decision. Also, execution of sentence was to be stayed until the Tokyo decision was made known. HATA thought Tokyo would consider the matter carefully and mitigate the sentence after minute consideration of the entire case. He put every expectation on the further decision in Tokyo.

28877 * Since it had been ordered that final decision would be made in Tokyo, HATA could not suggest to his superiors in Tokyo what they should do or offer his recommendations. His intentions to treat the fliers generously had been communicated to Tokyo through his Chief of Staff. That was why Tokyo had sent ARISUE to HATA to notify him of the intentions of the central authorities. HATA had good reason to expect, since he knew his intentions were known to the General Staff and since they had ordered execution of sentence stayed until further order should be given by Tokyo, they would mitigate the sentences. HATA was correct in this, because later decisions came from Tokyo saving the lives of five of the fliers.

28878 When HATA had disclosed his intentions to his Chief of Staff, USHIROGU, the latter reported it to the Vice Chief of Staff in Tokyo and asked the intentions of the General Staff. * As a result of this, ARISUE was sent to Nanking to give the Chief of the General Staff's orders and desires for the conduct of the trial to HATA.

When the fliers were tried by military court under the new military law promulgated by Tokyo and ordered posted in China, the court could find the fliers guilty or could acquit them. At no time was HATA authorized to exercise discretion in the setting up of the tribunal, its members, or recommendation to them of decision. With the arrival of ARISUE, the entire matter was in accordance with Tokyo orders as if the trial had been held there.

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28879 The only difference was that Tokyo sent the fliers back to Shanghai * and ordered the trial held there. Everything, including the decision to hold the trial, the law under which the trial was to be held, review of sentence, time of execution of sentence, and even the announcement of the trial and its sentence and execution, were all handled by Tokyo. At no time were they permitted, or were they in a position to alter those decisions or offer recommendations. After the fliers were captured by the 11th and 13th Armies, Tokyo assumed entire control. They were ordered to Tokyo for questioning and examination and after that were returned to Shanghai, and the order arrived that the trial should be held in China.

28880 * The witness stated that in March, 1941, he became a staff member of the China Expeditionary Forces, holding this post to March 1943. He was Section Chief of the First Department of the Military Staff Office, and his section handled the Doolittle airplane incident case, because it was an affair concerning the Supreme Command. He was very conversant with the case.

28882 * The witness knew that on one day HATA told SAWADA, Commander of the 13th Army, that he did not know whether SAWADA liked the sentence of the tribunal or not, but that it was a matter beyond his control. * He could do nothing about it.

The witness stated that he had seen exhibit 3131, that the words in that exhibit "With regard to this matter we request your approval" was not customary phraseology of the Japanese Army. He had not seen such phraseology. In his recollection, he thought the words "Something should hereby be done" was what was originally said.

28884 * The phrase "Your approval is requested" had the effect of an order by the Chief of the General Staff to the Commander of the China Expeditionary Force.

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CROSS-EXAMINATION OF MIYANO
BY MR. SUTTON

28884 * The witness stated that he thought the Doolittle fliers were captured on April 19 but headquarters did not know about them until the 21st.

28885 * Report was made to HATA's Headquarters by the Commanders of the 13th and 11th Armies but he did not have a copy of that report. The witness did not know whether the telegram ordering the fliers to Tokyo was addressed by the Vice Chief of the General Staff to the Expeditionary Forces' Chief of Staff, or from the Chief of the General Staff to HATA. At any rate, the purport was that it was from the Chief to HATA.

28886 The five fliers captured in the 11th Army's Area were sent two days after capture to Nanking where they were held for two days by the Kempei-Tai. The three fliers captured by the 13th Army were sent to Shanghai where they were held by the Kempei-Tai * and shortly sent to Tokyo. The witness had no recollection of the place the fliers were held in Nanking. The Military Prison there was under HATA's command.

28887 * HATA had jurisdiction over the gendarmerie units in China. He did not know that the fliers while kept in China were given the water cure, kicked and slapped. The witness did not know that Lieutenant Neilsen was handcuffed and hung on a peg until unconscious.

28888 * When asked if Lieutenant Hallmark was put on a stretching machine, the witness stated that such matters were outside the knowledge of General Headquarters then. He believed that HATA was also unaware of them and he believed that HATA had never heard of them until now. The fliers were under HATA's command until they were brought to Tokyo where they were kept three months. He thought they were brought to Tokyo about the 25th or 26th of April, but he did not know if they were kept in solitary confinement. Asked if they were not kept in leg irons, not permitted to wash or shave or undress, and were beaten, kicked and slapped, the witness stated * that Expeditionary Force Headquarters received no information about them and he could not reply.

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The fliers were returned to HATA's command in China the end of July and were imprisoned in the gendarmerie jail in Shanghai.

28890

* When it was suggested to the witness that they were returned to China on 18 June 1942, he stated he might be mistaken in his recollection. The order directing that the fliers be tried by the China Expeditionary Force was issued by the Chief of the General Staff. The witness stated that they had the means to know how the fliers were treated in China but he did not think they were able to be informed of all the circumstances.

Asked if they made any efforts to ascertain the facts, the witness stated that at that time operations were on, and only officers in charge of the investigation, etc. of the fliers were connected with the affair. General Headquarters did not know all the details.

His section handled the business routine but did not engage directly in an investigation of that kind. With regard to the Doolittle Fliers' investigation, HATA ordered the 13th Army to take charge. The Army took charge and studied to find out whether conditions were sufficient to bring them before a military court. The 13th Army did not report the steps they took as a result of the investigation.

28892

* The rest of the order they received from Tokyo was that it should be applied generally to all fliers captured in China, but a verbal explanation was added to the effect that the ruling must be applied immediately to the Doolittle Fliers. HATA had a letter sent to the Chief of Staff expressing disagreement with the idea of placing the fliers on trial before a military court. After the Chief of Staff received the letter, the order was sent out by him that the fliers should be placed on trial. There was no room for HATA to make any alterations or take other steps concerning the trial.

28893

* When shown Exhibit 1992, Army Secret Order dispatched from the Vice War Minister KIMURA to all Chiefs of Staff, dated 28 July 1942, the witness was asked if that was the order he referred to as having been received from Tokyo, authorizing the trial by the Expeditionary Force. The witness stated it was not.

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Page This document was prepared by the War Office, establishing a regulation as to handling the Doolittle fliers and was not concerned with placing them before a military court. What he had been talking about was an order sent by the Vice Chief in the name of the Chief, ordering the trial, which was sent by the General Staff to the Expeditionary Force.

28894 * The witness stated that the date of Exhibit 1992 was July 28. When shown Exhibit 1993, notification of matters pertaining to the treatment of crew members of raiding enemy planes, the witness was asked if this was one of the orders to which he referred. He stated it was, and that its date was July 28. He did not think there were any further orders, but verbal orders were sent from the Chief of Staff through ARISUYE. The order received by HATA directed the fliers to be tried by a military court.

28895 * When asked if HATA ordered the 13th Army to set up such a military tribunal, the witness said there were no such piece-meal orders. HATA's instructions to the 13th Army were in connection with the prospective trial of the fliers before a military court. The 13th Army was first to investigate to find out whether conditions would warrant a military trial. HATA also ordered the 13th Army that they must not conduct a military trial of the fliers pending orders from himself. *In the meantime he communicated to Tokyo that he was opposed to a military trial of them. He sent this communication toward the end of July.

28897 * Asked if HATA ordered the 13th Army to set up a military tribunal to try the fliers, the witness replied no. Such phraseology was not used. He first directed the 13th Army to prepare for a military trial and also communicated to Tokyo his personal objections. His objections not being accepted, he had no alternative but to issue an order for the conduct of the trial. HATA ordered the 13th Army Commander SAWADA to try the fliers under the provisions of an order issued by him on 13 August 1942.

28898 * When shown a document, the witness identified it as a military ordinance of the China Expeditionary Forces providing for the punishment of enemy fliers,

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Page dated 13 August 1942. This was issued by HATA and the Doolittle Fliers were tried and convicted under it. The order from HATA to SAWADA was supposed to have been in writing so HATA sent such an order.

(The attention of the Court was called to SAWADA's testimony at Page 27452)

28899 * The trial was held about 20 August but the witness did not remember exactly. No counsel was provided in accordance with the provisions establishing the military court. It is military regulations that neither HATA nor SAWADA could make modifications providing for defense counsel. The witness understood that the fliers were told the charges levelled against them. Asked if it were not true that they were not given opportunity to plead guilty or not guilty, the witness stated he was unaware how the trials were conducted.

28900 * The witness stated he had read reports of the trial but did not recall details.

28901 * He did not know that the papers presented at the trial were read in Japanese and not translated. HATA received a report of the trial which showed the circumstances surrounding the trial and conviction, but no reports were made to HATA as to the manner in which the trial was conducted. The reports showed the judgment and reasons for it. Among the reasons, it was stated that the fliers in Tokyo and Nagoya machine-gunned school children and bombed civilian homes which could be clearly distinguished from military objectives.

28902 * The witness thought the report showed the evidence. No investigation was made by HATA after the trial. Reports to be sent to Tokyo were channeled through HATA's Headquarters. The witness did not recall that the reports showed that one of the convicted fliers was a navigator. HATA's order of 13 August 1942 provided that under special circumstances execution of military punishment shall be remitted.

28903 * Asked if HATA at any time after the trial suggested special circumstances in mitigation of punishment, the witness stated that inasmuch as HATA had

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Page already communicated disposition to the central military authorities and since he was on intimate terms with the Chief of Staff, and since HATA placed confidence in the views he had already set forth to the authorities, he felt there was no need to write another recommendation. He found no need for further investigations.

28904 * The witness did not know whether HATA requested the 13th Army prosecutor to ask for the death sentence. The witness stated that he had testified in the trial of SAWADA and others held in Shanghai in February 1946 in which the defendants there were charged with the unlawful trial and punishment of the Doolittle fliers. HATA was not a defendant at that trial. SAWADA and the other defendants there were all convicted. The witness was asked if he did not swear in the SAWADA trial that he did not remember if Nanking issued orders to the 13th Army in regard to the treatment of the fliers; that HATA ordered the trial to be held at Shanghai and requested the 13th Army prosecutor to ask for the death penalty; * that Hata requested the sentence to be executed; that HATA requested the prosecutor of the 13th Army to ask for the death sentence. The witness answered that in the document just read to him, there were words to the effect that a demand was made for the execution of sentence or something to that effect, but no such demand was actually made. He hadn't said that.

28906 With regard to the request made by HATA to the prosecutor to demand the death penalty, the statement the witness actually made was that such a demand was supposed to have been made. He said at that trial that since an order had come from the Chief of Staff, it was supposed to have been delivered, but at the trial in Shanghai, HATA said he had not heard of that before * and neither had any of the co-defendants. The fact was that they had not heard of it before so he would have to revise his recollection on this matter and say he did not know.

28907 * The witness was asked whether the questions and answers read to him were the questions put to him in the Court in Shanghai and were the answers given by him there under oath. The witness answered that he could not reply.

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The witness was asked if the question was asked him there if he meant that HATA requested the 13th Army prosecutor to ask for the death penalty and if he replied "He requested so." In response the witness stated that was not so.

28908

* The witness was asked if the question "Did General HATA request the prosecutor of the 13th Army to ask for the death sentence" was asked him and if he answered, "He requested the death sentence." The witness stated it was somewhat different. The witness did not remember if he was asked in the SAWADA trial what the contents of the order from the War Minister was. * He did make an answer in the Shanghai trial that the contents were that those air men who violated international law would be handled as criminals; those who did not violate it would be handled as POWs; those suspected of violating international law would be placed before a military tribunal and their crimes asserted.

28909

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Pages 28904 to 28906, being purported questions and answers of the witness at the Shanghai trial were re-read into the record.

28914

* The witness denied having been asked one part of the questions and answers he had just heard read. This part was the portion to the effect that HATA asked the prosecutor to ask for the death sentence. Since the witness did not know the facts he replied that such a request was supposed to have been made. He admitted the question but denied the answer. The remainder of the part of the question read was correct.

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DIRECT EXAMINATION OF TANAKA, Ryukichi,
by Mr. Lazarus.

29038 * The witness identified and verified exhibit
29041 3206 as his affidavit. * The affidavit stated that at the
time of the raid on Tokyo by American fliers in April,
1942, the witness was Chief of the Military Service Section
of the War Ministry.

29042 Because school children had been shot and non-
military areas bombed during the raid, there were different
opinions as to the treatment to be given fliers who became
prisoners. The General Staff in Tokyo decided that all
decisions as to the trial and treatment of them should be
exclusively within its province. As soon as the fliers
were captured in China, the General Staff ordered their
delivery to Tokyo. Investigations were made in Tokyo, and
preparations were made to hold the trial there. One opinion
as to the treatment to be given the fliers * was supported
by the General Staff, and the other by the War Ministry.
Because of these conflicts, the General Staff gave up its
intention to hold the trial in Tokyo and ordered it held
in China. Orders to such effect were forwarded to the
China Expeditionary Army Headquarters, and the fliers were
sent to Shanghai.

At that time there were no regulations that
fliers could be tried by a military court, and so in Tokyo
a new military law as to the treatment of fliers raiding
the Japanese homeland and areas under its control was
promulgated. A copy was sent to the China Expeditionary
Force, with orders that the law would be in effect there
also. In this same order was another order to the Exped-
itionary Army in China that the fliers would be tried under
this law there. Since there was no military court in the
Expeditionary Forces Headquarters at Nanking, the trial was
to be held by the 13th Army at its Shanghai Headquarters.

29043 * When the decision was announced to try the
fliers by the new law, the witness protested to General
TANABE, Vice Chief of Staff, and told him that in his
opinion the fliers should be treated as POWs. TANABE
stated that he agreed and that he had received a letter
from HATA's Chief of Staff, USHIROGU, that HATA was of the
same opinion and desired to treat them as POWs. TANABE
stated that nothing could be done because the General Staff
had already decided to try them by military law.

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According to army practice, the letter USHIROGU wrote to TANABE was never written by the Commander, but always by the Chief of Staff. When the Chief of Staff expresses anything in an official letter, it is the intentions of the Commander-in-Chief. Such a letter would never be addressed to the Chief of Staff, but always to the Vice-Chief.

29044

* When the witness learned that USHIROGU had written a letter containing HATA's views addressed to the Vice-Chief, he knew it was an official letter informing the General Staff of the opinion of the Commander of the Armies in China, HATA. As a result of this letter containing HATA's opinion, Colonel ARISUE was sent by the General Staff to HATA with the orders and desires of the General Staff. It was afraid HATA would not carry out the instructions to put the fliers to trial, and ARISUE was sent to notify HATA to do as he was ordered, and that no theory of his would be accepted by Tokyo with reference to the case. Another apprehension of the General Staff was that even if the China Expeditionary Force tried the fliers, they might have found a decision of not guilty and that HATA would then have released them after trial.

29045

* All orders with reference to the trial were issued by the General Staff in Tokyo, and the trial held by the 13th Army in China. Headquarters of the China Expeditionary Army was merely a channel through which the orders were transmitted to the 13th Army. Expeditionary Force Headquarters had absolutely no discretion or judgment on its part with reference to the trial.

CROSS-EXAMINATION BY MR. KEENAN.

29046

*The witness stated that he had personal knowledge with reference to the shooting of school children by the fliers. He did not see them actually shot, but merely received reports.

It was true that there were two different opinions as to the treatment to be given the fliers; one, that they be executed, and the other that they should be treated humanely as POWs. The witness advocated the mild opinion.

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29047

The opinion of the General Staff was sent to the War Ministry and a conference of Bureau Chiefs by the Chief of the Military Affairs Bureau, SATO. At the conference, War Minister TOJO definitely opposed this view, saying it was wrong. Some junior officers were rather extreme in their views, but since the War Minister said the extreme view was wrong, the witness believed it right to say the view of the War Ministry was that they should be held as POWs and not executed.

The Military Service Bureau was against execution to the end, and did not set its seal on the procedure until the General Staff obtained Imperial sanction. The reason that bureau had to put its seal on the document ordering this procedure was that as it was the agency controlling the Kempei Tai it had responsibility in the case, since the Kempei Tai had investigated the fliers and sent a report.

29048

* The term "extreme view" was a polite expression for execution, or the death penalty. The men who wanted to execute the fliers were General SUGIYAMA, Gen, Chief of

29049

the General Staff, * the Vice-Chief, Lieut. Gen. TANABE, who although he first opposed the step later agreed to it, and all the members of the First Department of the General Staff. The Chief of the First Department was TANAKA, Shinichi, but he had forgotten the names of the section chiefs.

29050

The fliers were captured in China the day after the Tokyo raid, and a few days later were returned to Tokyo. It would have been in accordance with ordinary procedure to have the trials take place at the location where the alleged offenses were committed. On this occasion that procedure was departed from. * If they had been tried in Tokyo, the witness would have had nothing to do with the actual trial, but would have been connected with the investigation that would lead up to the trial. He agreed that might have a great deal to do with what occurred at the trial.

29051

* When asked who the subordinates in the War Ministry were who favored execution, the witness stated he had no exact recollection, but there were some junior officers who held extreme opinions. He remembered that members of the Military Administration Section of the Military Affairs Bureau held extreme views, but he had forgotten their names. He agreed that it was a habit at that time and some years previous, that when extreme views about executing and murdering people were held, they were declared to be held only by junior officers.

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The witness stated that Defense Headquarters held a very strong opinion in favor of a trial of the fliers. Its head was Prince HIGASHIKUNI. Asked if that view was held by HIGASHIKUNI, the witness stated that since he heard this strong opinion from KOBAYASHI, Chief of Staff of Defense Headquarters, he did not know what HIGASHIKUNI's opinions were personally.

29052

* Asked if HIGASHIKUNI had anything to do with the promulgation of any regulation having to do with the execution of captured fliers, the witness stated that it was the duty of Defense Headquarters to issue laws concerning the Japanese homeland, just as the Commander of the Expeditionary Forces in China received a certain standard from central authorities and promulgated a law relative to the trial of the fliers in China based on that standard. It was Defense Headquarters which in the Japanese homeland issued such orders.

29053

* Regarding subordinates in the War Ministry who favored execution for the Doolittle fliers, the witness recalled that it was a Lieut. Col. OTSUKI, serving in the Military Administration Section, who came to the witness and urged that the fliers should be severely punished. The Head of the Military Affairs Bureau at that time was Colonel NISHIURA.

29054

The violent difference of opinion as to treatment of the fliers arose immediately on receipt of word that the fliers who had bombed Tokyo had been caught in China, the day after the raid. The reasons those who wanted the fliers executed gave was that since they were very afraid of the possibility of American bombing raids on Japan, * if the fliers were executed it would cause the American Air Force to fear their possible fate and desist from bombing Japan. It was a campaign of terrorism.

29055

* Asked why the proceedings could not have been held in Tokyo and why it was necessary to send them back to Shanghai, the witness stated he did not know the exact reasons, since even in his opinion it was wrong for a new military law to be promulgated after the act occurred and the fliers tried on that law, central authorities felt it would not be proper to hold the trial in Tokyo. He thought it could be said that it was the desire of the central military authorities to evade their own responsibility. He supposed they felt that they could get their desires of executing the fliers carried out better by sending them to China.

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29056

The witness recalled that the law was promulgated * about the end of July, and the fliers were sent to China on 18 June. The draft plan of the new law had been drawn up long before, but because of violent opposition, promulgation had been delayed.

If HATA had refused to carry out the law, he probably would have been relieved of his post and a new commander sent out, and the witness believed the new commander would have carried out the execution. The witness agreed that the worst that would have happened to HATA would have been that he would be relieved, even assuming that the instructions he received were tantamount to a command.

REDIRECT EXAMINATION BY MR. LAZARUS.

29057

* The first order that went to HATA was for the trial of the fliers. A later order was that they be severely punished. He thought the order commuting the death sentence of five fliers to life imprisonment came direct from the Emperor, and went through the General Staff. This order stated that the sentence would be carried out against the three whose sentence was not commuted. The second order * came before the trial was even started, communicated verbally through Colonel ARISUE. The Chief of Staff personally sent ARISUE to HATA and communicated this order. The witness heard from Major General MIYANO that the order was oral.

29058

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DIRECT EXAMINATION OF IHARA, Junjiro,
by Mr. Sasagawa.

30159 * The witness identified and verified exhibit
30160 3307 as his affidavit. * The affidavit stated that the
witness was Chief of Staff of the Korean Army from 9 July
1942 to 10 February 1945, and Chief of the 17th Area Army
and the Korean District Army from 11 February, 1945, to
the end of the war.

30161 When he arrived at his post as Chief of Staff of
the Korean Army, it had been decided that one thousand
POWs should be kept in Korea. Before the POWs arrival,
the camps were either newly built or reconstructed. The
principal camp buildings were about 500 meters from Army
Headquarters. The building was of brick, and was rebuilt
for more suitable living. * The surrounding area was
quiet and healthful.

The Jinsen branch camp was built on a healthful
location, as also was the Konan branch camp. They avoided
crowded places for camps, and they never chose a place for
propaganda purposes or putting affront on POWs. Places of
work for POWs were kept from crowded places in the city.
If the work place was far from camp, they transported them
by cars, trying to protect POW's dignity. The policy was
far from propaganda.

30162 * The report entitled "Reaction of General Public
on the Internment of English POWs" (exhibit 1975) was a
customary report to the War Ministry by the Staff Office.
The reports were not collected by army orders nor by War
Ministry instructions. They were addressed to the Vice
Minister from the Chief of Staff, because it was the
custom. This report was never made public.

Instructions of the Korean Army about treatment
of POWs were according to regulations and other instruc-
tions issued by the government, according to explanations
by the Chief of the POW Management Bureau and other
officials when they visited the camps.

30163 * Punishment was executed according to the War
Prisoners Punishment Law. When they asked the War Minister
for prisoner labor, they made careful investigation so it
would not be against the rules and regulations or humanity,
and they also did not have them work in direct operational
tasks.

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ITAGAKI, the Army Commander, was concerned about English POWs who were to come to Korea in cold weather and to climatic conditions. Considering that also they must be weak and sick from their long voyage, he instructed his men about the preservation of POW's health and to be careful about the position of the camps and equipment. Both the witness and ITAGAKI examined the buildings and equipment with staff officers. He instructed the camp commander and staff of the intendance corps.

30164

* ITAGAKI often consulted the witness on POW treatment, and gave instructions about their food, clothes, and medical treatment, telling the witness to give them as much nutritive value as Japanese soldiers, but to get them food suitable to their tastes. Their own medical men were allowed to be present and were consulted when they were given medical treatment. The witness stated there were occasions in which the Chief of Staff decided matters on behalf of the C-in-C, as when the commander was absent or met with accident and there were urgent or relatively unimportant matters.

30165

* Asked if in such a case documents were issued under the commander's name without his knowledge, the witness stated it was the practice to report such decisions to the commander, but depending on the character of the Chief of Staff or on the contents of the decisions, there were cases when the chief did not report it.

CROSS-EXAMINATION BY COL. MORNANE.

30166

Exhibit 1975 was handed the witness, and he stated that it was the document he referred to in his evidence * and was a report sent to the Vice Minister on 13 October. The witness was familiar with the document, and its first part dealt with the arrival of POWs in Korea. He agreed that the report contained a statement that the fact that Koreans clearly recognized that they were directly participating in the Greater East Asia war when they saw Korean guards was worthy of special mention. The idea was very successful in driving all admiration for British and Americans out of their minds.

30167

* The witness was shown exhibit 1973, and he agreed that it was a message from ITAGAKI to TOJO dated 23 March 1942. An excerpt from the document was quoted, which stated that the purpose of internment U. S. and British POWs in Korea was to make Koreans realize the true might of Japan and contribute to psychological propaganda for stamping out ideas of worship of Europe and America.

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30168 The witness stated he had looked through the document before writing the report, which was exhibit 1975. * Another quotation stated that as it would be effective in stamping out Korean admiration for Britain and the U. S. and as the Governor-General and the Army were strongly desirous of it, the Chief of Staff wished one thousand British and one thousand U. S. POWs would be interned in Korea. The War Vice Minister was asked to give special consideration regarding this matter. The witness believed he saw that document at that time also.

30169 * The witness did not recall whether he showed exhibit 1975 to the C-in-C, ITAGAKI. The report was a compilation of the reactions of the public toward POWs taken in Malaya and elsewhere and interned. They did not compile the report calling attention to the purport given in its first part. * The usual practice was to have the commander's approval when they sent a document like this or subsequently refer it to him, but he had no exact recollection whether that practice was followed in this case, but he did not doubt that this was followed.

30170 They took no steps to bring before the Governor-General the people's reactions to the arrival of POWs, as this was not their duty. When reminded that in a telegram he had stated to the War Vice Minister that the Governor-General desired POWs taken to Korea, the witness stated that his predecessor did not tell him of this telegram, and he didn't know who in the government-general was interested in this information.

30171 * POWS, when they first arrived at Korea, disembarked at Fusan, went by train to Keijo and other places, and some of the reports were as to what happened in Fusan.

REDIRECT EXAMINATION BY MR. SASAGAWA.

30172 The witness was handed a document which he said was received in Tokyo at the War Ministry, * and there was no sign in it that ITAGAKI saw it. The subject of the document was a secondary matter in the circumstances then prevailing, and was not important requiring commandant's perusal.

30173 * Exhibit 3308. a report of investigation by the Red Cross on POW Camps in Korea from the Vice Foreign Minister to the Chief of the POW Information Bureau, stated * that the POW camp at Seoul, Korea, was visited 18 December 1942. It had a capacity of 500, there were only 433 inmates. Just before the visit, 100 were sent to Mukden and 11 died.

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30177 The camp was on dry soil in a healthful spot. The largest building was a former spinning factory, four stories high, where POWs were billeted. * There was sufficient air and light, electric lights, iron stoves, common wash places, Japanese-style lavatories, and sewerage.

30178 The ration was described, which amounted to between 3251 and 3383 calories. The average weight of the POWs was 61 kg. * There was a canteen which sold tobacco and a few toilet articles, with some of the latter items being distributed free. Clothing was for summer use, but the Japanese government had supplied heavier clothing. There was an underwear shortage, but Japanese troops were in the same condition.

There was one Japanese and three POW doctors. Serious cases went to the military hospital. The medical places were in good condition. There were thirty patients of which two were in the hospital.

30179 * There was a playground of 900 square meters, a small library of English books, an English daily newspaper, and Sunday services were held. Their money was deposited at a savings bank, and work was left to the prisoners' choice. Their pay per day was 10 to 37 sen. They could send a specified number of letters, but they had received no incoming mail as yet. No visiting or going out was permitted. The relations with the commander were good, and their conduct was fair.

30180 * The Jinsen camp was visited 19 December, 1942. As in the Seoul camp, with one exception all POWs were from the British convoy. It was situated in a healthful spot. The average temperature was 11, one higher than at Seoul. The building, 6354 square meters of which were used for the POWs, was built in 1941 and was an army barracks. There were Russian style brick stoves, washing stands, and one Japanese and two POW doctors were on duty at the camp.

30181 * There was a playground and vegetable garden. There were 58 patients, of which 27 were in the hospital. The officers wanted to be separated farther from enlisted men. The POW dentists required dental instruments. The commandant of both camps was very kind. In other details, this camp was similar to the camp at Seoul.

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- Page The Civil Internment Camp at Koshu was visited
20 December, 1942. It was situated on a small hill near
a Korean village. The soil was fertile and the climate
good. * The building was an American mission house. It
30182 contained heating apparatus, and in each room were two
beds. The internees cooked for themselves, and there was
plenty of food stuff. They were allowed to buy things,
had plenty of clothing, and there was no restriction on
correspondence. All were healthy, and there was a hospital
near by. Books, newspapers, and magazines were provided,
and they were well treated by government officials, and
relations with them were good.
- 30183 * The officials were cordial, and were helping
the Japanese Red Cross generally.
- 30184 * Exhibit 3309, a report of talks between a
Red Cross representative and POW representatives in the
30185 presence of * Japanese camp officials, showed that one
POW told him they were grateful for the relief supplies
30186 they got from the Red Cross. * First of all, the POWs
told him, they wanted food, and then warm clothing. They
had ordinary clothing, but needed heavy clothing. They
had sufficient shoes. They wanted chiefly mental amuse-
ment, like scientific books. The Japanese let them read
various books and the Y.M.C.A. sent books, but these were
mostly novels.
- 30187 They had succeeded in managing an officer's farm,
30188 but needed tools. * Almost all the British POWs had
received letters. * They were well treated. The camp
commandant looked after their needs and was very just. He
did all that he could for them and they respected him.
The POWs stated that they hoped there could be religious
service at the next Christmas, and the camp commandant
stated he intended to have a ceremony.
- 30189 * The commandant said they would supply two of
the older POWs with additional blankets. Another POW
stated his health was good, but he was worried because he
had not heard from home.
- 30190 * Exhibit 3310, a report of visits to POW camps
in Korea and Mukden by a Red Cross representative, stated
30192 * that at the camp he visited there was sufficient electric
light, the large rooms were warmed by Russian style stoves
and the small ones by coal burning stoves. Ventilation and
sewerage were good, and there was an air raid shelter.
There were two interpreters, a Japanese style privy com-
partment, lavatories, a boiler for bath, wash basins with
faucets.

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* The ration included 20 grams of meat and 50 of fish. Eggs were provided for the ill and weak. Fruits were provided in season. If POWs engaged in outside labor, additional food was provided. The average number of calories was 3200.

30194

One officer and three soldiers, and an equal number of POWs were on duty in the dispensary. * The medical treatment building could admit twenty persons, and was said to be completely equipped, but there were no X-ray facilities. Medical attention was given once a day, and dental once a week. There was a playground, vegetable garden, and stock.

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33141 Communication breakdowns were due to the fact that equipment was originally inferior to that of the United States and many instruments had been soaked in the sea. In addition, most persistent bombardment by the U.S. destroyed the instruments and under these circumstances YAMASHITA's commanding organizations were destroyed. * YAMASHITA never ordered Manila to be defended to the last. As his chief of staff, MUTO was well acquainted with YAMASHITA's intention for he was always with him except when MUTO went to the front, and even then he saw YAMASHITA's orders later.

MUTO once studied on YAMASHITA's order on how to make Manila open. Realizing, however, that the matter was beyond the scope of YAMASHITA's authority and could not be put into practice, he was at last resolved to place Manila outside the battlefield. However, hostilities and violent accidents broke out practically within the city and on 3 January 1945, YAMASHITA ordered YOKOYAMA 8th division commander to take command of the forces in the vicinity of Manila and, in order to command operations in the district of Lingayen Bay, removed to Baguio.

33142 On January 5 the commander of the naval forces moved there also, after investing YOKOYAMA with command over naval forces in the * Manila vicinity concerning land fighting alone. About February 10, YAMASHITA informed of hostilities being continued within Manila, urged YOKOYAMA to withdraw immediately into the mountains east. However, rear admiral IWABUCHI, supreme commander of the forces in Manila, did not observe this.

33143 There were many guerrilla forces in the Philippines, and it was reported, after the termination of the war, that they amounted to some 500,000. There were so many that every native seemed to be a guerrilla after the U.S. landing. About November, 1944, YAMASHITA ordered his men to attack armed guerrillas in view of the increased activity. However, by no means * ordered any guerrilla or any collaborator to be sentenced to death without trial. The staff, including YAMASHITA, were utterly ignorant at the time that, about February or March of 1945, residents were ordered in the Batangas district.

YAMASHITA received no report on this or other atrocities in the Philippines. There was only one case of violence in April, 1945, and at Tokyo's order, YAMASHITA ordered YOKOYAMA to investigate it but this was not successful owing to the total destruction of Japanese forces in Manila the end of February.

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33144 * POWs and internees in the Philippines were under YAMASHITA's control when MUTO arrived at his post there. Practically speaking, however, the chief of the POW camp at Manila was dealing with them under the command of the assistant commissary general and no significant alternation was made after MUTO arrived at his post. The food ration, after being inquired into by the chief of the paymaster's department, assistant commissary general, etc., was successively decreased similar to that for Japanese troops and the ration was reduced from 400 to 300 grams toward the middle of November.

33145 The reason was that the Philippines had imported rice from FIC and Siam even in ordinary times, importation became difficult since United States submarines suspended the * traffic on the China Sea. 10,000 tons came in early November, but one-third was used for the Leyte operations. The reserved rice was released in early December and arrivals after then were only 1,800 tons. To cope with the food situation, they purchased rice in the Central Philippines in cooperation with the Philippine government. One reason YAMASHITA disposed of the main force to Northern Luzon was that the Kagan Valley had overproduced rice. However, only a part of this plan was put into practice after the United States landed, and consequently they could not use the rice accumulated.

33146 The procedure for transporting POWs to Japan was that on the receipt of an order by the commander, who controlled the POWs, from the war minister that they should be sent to such and such place, ships would be appointed by the chief of the general staff, and the shipping commander notified. Then the commander would make preparations for transportation. * They were out of the commander's control after they got aboard the ships. MUTO was informed for the first time that the Oryoku Maru transported them in December, 1944, when she was air-raided and took refuge in Oryoku Maru about December 15.

The said order for transporting the POW was issued prior to his arrival, and he heard they were made to gather at Manila. As the ships were appointed about December 12 or 13, the assistant commissary general and the chief of the POW camp let them take ships in accordance with order already received, so it did not come to MUTO's knowledge. On being informed of the Oryoku Maru's accident, YAMASHITA ordered the chief of the POW camp to rescue them. MUTO cooperated with the latter by YAMASHITA's order as to arrangement for transportation, food, etc. The U.S. army had landed near Manila and YAMASHITA was very busy but nevertheless did his best.

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- 33147 * In laying the plan for Luzon operations, consideration was given to the question of how to deal with POWs. YAMASHITA decided on liberating the POWs and internees through the state representing Japan's rights and interests, in case the United States landed on Luzon and reported to TERAUCHI to that effect. But TERAUCHI advised it was too early yet to do so. However, the previous regulation of the commander was that POWs might be released if the war situation necessitated it. It was considered practically impossible to remove prisoners and internees into the mountains. Therefore YAMASHITA decided to put it into practice and about mid December ordered the chief of POW camp to that effect, and he immediately made preparations for releasing internees of Baguio and Port McKinley camps.
- 33148 * The accused learned for the first time after the war was over that the camp's chief, having mistaken that the state representing the rights and interests meant the state representing the U.S.A., namely, Switzerland, whose agency was absent from Manila, dealt not through the representing state, but had taken steps for releasing them without causing hostilities.
- 33149 * For the sake of obtaining information of the enemy they decided they desired to take POWs during hostilities but this proved too difficult in defensive fighting. In accordance with headquarters command, MUTO surrendered together with YAMASHITA on 3 September 1945. YAMASHITA at no time released command of the army nor was he ever absent during the Philippine operations from duty. MUTO was always with him and heard any report with him and was fully acquainted with YAMASHITA's intentions. *YAMASHITA never issued orders against international law nor against humanity, nor permitted nor connived at the misconduct of his subordinates when he knew of them. YAMASHITA, under difficult conditions, took all possible precautions to prevent atrocities.
- 33150 MUTO attended the trial of YAMASHITA as a witness and was often examined as a war criminal suspect. Toward the end of March, 1946, he was told that he was clear of the crime and told to the same effect by a member of the war crimes' investigation committee.
- 33151 * On further oral examination the accused was shown exhibit 3445 and he stated he had seen it before but did not draw it up himself. It was drawn up by the general staff and sent to the military affairs section of the MAB from whom he received it. In turn he sent it to YAMAMOTO in the foreign

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DIRECT EXAMINATION OF NINOMIYA, Yoshiakiyo,
by Mr. Freeman.

34411 The witness identified and verified exhibit
34412 3527 as his affidavit. * The affidavit stated that the
witness was in the Military Affairs Bureau of the War
34413 Minister as a staff member, * becoming Chief of the
Military Affairs Section December 1942, remaining there
until July 1944. While he was Chief of the Section, the
accused SATO was his immediate superior.

The chief functions of the witness' section was
to handle matters dealing with other ministries and those
relating to international agreements. Told that TANAKA,
Ryukichi, had testified, (T. 14287), of protests relative
to the treatment of POWs being sent from the Foreign Office
to the War Ministry and then to the Military Affairs
Section of the MAB, the witness stated that he himself
didn't recall receiving such protests.

34414 Asked if it was true, as TANAKA had testified,
that replies to be made to authorities outside the war
office were prepared in the Military Affairs Section, the
witness stated that was not so, but all replies relating
to * POWs were made by the POW Information Bureau, which
had already been established when he became head of the
Military Affairs Section. The Chief of the POW Information
Bureau at that time was Lt. Gen. UYEMURA. The function of
UYEMURA's bureau was to handle matters relating to POWs.
The protests from Allied powers received by the Foreign
Office relative to treatment of POWs would be forwarded to
the POW Information Bureau.

34415 Asked if these protests relative to the treatment
of POWs had passed through his section, as TANAKA testified,
if he would have known it, he replied, yes, but he didn't
* recall ever receiving these protests.

CROSS-EXAMINATION BY COL. MORNANE.

34416 * The witness stated that he thought TANAKA left
the War Ministry about July or August, 1942. Asked if he
would disagree with TANAKA's evidence, he stated no, as
he had no exact recollection. The witness stated he was
actually in the War Ministry when TANAKA left. Between
April and December 1942, the witness was private secretary
to TOJO as War Minister, but not as Prime Minister. As
private secretary to TOJO, he was not in the Military
Affairs Section or the Military Affairs Bureau.

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* He had no recollection of seeing any protests in his capacity as private secretary. At that time he would not see the Military Affairs Bureau or Military Affairs Section files. He could not say as between April 1942 and the time TANAKA left the War Ministry whether any protests went to the Military Affairs Section.

Asked if the Military Affairs Bureau dealt with lots of matters concerning POWs, he replied that matters relating to POWs were handled by the POW Information Bureau. Asked if it was not the practice to send copies if not originals to the MAB, he stated he didn't think it was customary. When something was being sent out it was the usual procedure to send either the original for notation or copies.

34418

* Asked if all replies to protests when they went out would be signed by the MAB, he replied it would not mean that it would see all of them. Asked if he didn't, in his capacity in the Military Affairs Section before becoming private secretary to TOJO, actually handle certain matters regarding POWs, he replied there was no case of handling such matters in that capacity, and he had no exact recollection of seeing any in that section.

34419

When shown exhibit 3367, the witness acknowledged * that his name appeared there, as did Chief of the MAB SATO, but in those cases the seal by proxy appeared. It appeared that a staff member of the Bureau impressed both his own and SATO's seal by proxy. The witness did recognize it as an official document of the War Ministry.

34422

* Exhibit 3528, an item of exhibit 3367 for identification only, being a draft of an answer to the War Ministry dated 25 March 1942, and being the document identified by the witness, stated * that the Vice Minister informed the Foreign Ministry, that in their opinion Article 86 of the Geneva Treaty on POWs could not be accepted and applied completely or exactly as it was.

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* In view, however, of the fact that Japan was on her own part providing facilities and treating properly her POWs, in case the U. S. expressed her intention to give proper treatment to Japanese not only in the U. S. but in American countries which had declared war on Japan, Article 86 would be applied mutatis mutandis as the occasion demanded, and Swiss representatives would be permitted to pay visits. As to enforcement details, their intention was to investigate each case and give permission.

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* Reminded that the date of the document was 25 March 1942, it was suggested to the witness that SATO did not become Chief of the MAB until April 20, 1942. He stated that generally it was about that time, and he thought that SATO signed the document as Deputy for the then Bureau Chief, the accused MUTO. The witness thought he himself signed the document as Deputy for the then Chief of the Military Affairs Section, SATO, who was acting as Chief of the Bureau. This document clearly related to POWs.

34425

34426

When shown another item of exhibit 3367 for identification and asked if he recognized it as an official War Ministry document, * he stated it appeared to be a document of the POW Bureau. * Exhibit 3529, the document so identified, consisting of letters written on 23 June 1942 from the Vice-Foreign Minister to the President of the POW Intelligence Bureau and to the Vice-War Minister and draft replies from the President of the POW Intelligence Bureau to the Vice-War Minister, was received in evidence but not read. The witness acknowledged that on this document appeared "Section Chief" and following that "War Affairs Section, Military Affairs Section", but the Bureau Chief referred to was the Chief of the Bureau in the Foreign Office. Next to the date, 29 June 1942, it said "Bureau and Section in Charge", but did not say * "Chief of Bureau or Section in Charge". It indicated that the department in charge was the POW Information Bureau.

34427

Asked if it did not indicate also that joint responsibility was attached to the Bureau Chief, he stated that nothing was written in it so far as it related to the Bureau Chief. After "Chief of Section", the departments indicated were the Military Affairs Section, the Military Administration Section, and the Defense Section. Asked if that would not indicate that the document had gone through their hands, he replied that it appeared so, but there were no seals to indicate this. The document related to visits of Red Cross representatives and representatives of protecting powers to POWs.

34428

* When it was suggested to the witness that apart from similar documents, many documents relating to POWs went through the MAB or the Military Affairs Section, he stated that he noticed in the document that there was no indication on its face showing that anyone in the Section actually saw it. It was clearly indicated by the seals that related officials of the POW Information Bureau

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He could not say actually who in the Military Affairs Section or Military Administration Section saw it, because it showed that only those in the Information Bureau saw it. Asked if the words "Military Affairs Section" did not indicate it was intended to be seen by that section, he replied that perhaps the other party thought that way.

34429

* When shown exhibit 1967, he acknowledged that it appeared to be a request from the Chief of the General Staff, Eastern District Army, to the War Minister for the employment of POWs in certain works. In the right hand margin was a receipt of the Military Affairs Section dated 3 October 1942, and this Section was a part of the Military Affairs Bureau.

Asked if this did not indicate that the Administration Section had the document in their custody, he replied that no one could tell by it that that was so, because it bore the seal of the POW Administration Bureau and a seal affixed by someone in that Bureau. There was also a seal by the Military Affairs Section.

34431

* The attention of the Tribunal was called to certain exhibits, bearing either the Military Affairs Bureau or the Military Affairs Section on the fact of them during the year 1942. These were exhibit 1968, 1973, 1974, 1975, 1976, and 3129.

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Asked if, * in view of the various documents he had seen, if he didn't realize that in 1942, while he was private secretary to TOJO, quite a number of POW documents went through the hands of the Military Affairs Bureau, he

34434

replied that * some documents came to that bureau.

Reminded that earlier in the cross-examination he stated he didn't recall, as Chief of the Military Affairs Section, ever receiving any documents relating to POWs, he stated from the documents he had seen, most

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* related to a period when he was not in that section.

Asked if when he took charge of the Section if there was any change of policy to stop documents relating to POWs being sent through the Military Affairs Section, he replied he didn't think there was any change.

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34436 From exhibit 1983-A, was quoted a question and answer by the accused TOJO with regard to this matter. When asked if the clerical work done with respect to prisoners in Tokyo was done directly under the Military Affairs Bureau, TOJO answered * that it was done by that bureau, and the rules were the result of conferences between the Chiefs of the MAB and the General Staff.

The witness denied TOJO's answer.

Reference was made to the witness' statement that protests re treatment of POWs would be forwarded to the POW Information Bureau. With regard to this, he himself didn't recall any specific protests.

34437 Asked if he could say whether any protests were in fact forwarded to the POW Information Bureau, he stated that he knew what kind of activities the Bureau actually engaged * in, and although he could not say with certainty whether everything was received by the Information Bureau, he could say that nearly all matters relating to the subject were addressed to it.

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of administration but only of aiding the army and navy which did administer, by training officials to be sent to the area.

35766

*In Burma and the Philippines the military was in control both of military affairs and internal politics because they were deemed inseparably related to the war. While ambassadors managed diplomatic affairs they were interfered with by the military commanders. The same was true in Indo China where despite the difference in status the ambassador could not act against the military commander. The whole situation had so deteriorated that in most countries there were no longer functioning ambassadors. Burma had been partially reoccupied and the ambassador had escaped from Rangoon and they could not even learn about conditions. The Philippines had been lost. The various plans for the disposal of British Malay were never approved or known by TOGO during either of his terms. He had nothing to do with the changed conditions in FIC in March 1945. As a result of the change FIC came under the military authorities and the Embassy was closed and the ambassador returned to Japan in April.

35768

From that time the new ministry had nothing to do with FIC. At the Ambassadors' Conference the Thai Ambassador's resolution was adopted giving full support to the movement for independence in Annam, Cambodia and Luang Phrabang. It was the unanimous desire that all peoples have their independence and this was in conformity with the policy of Japan. The same may be said as to the resolution relative to the status of the NEI. TOGO emphasized in July at the Supreme Council for Guidance of the War the need * for assisting the Indonesians to independence to show Japan had no territorial aspirations in that area.

With respect to POW the The Foreign Ministry's connection began in January 1942 when notes from the United States and Britain were received through the Swiss Government asking whether Japan would agree to reciprocal application of the Geneva Convention. Japan was not a signatory but TOGO felt that out of humanitarian consideration she should agree to apply it so far as reasonably possible. The decision was not his to make. The sum of responsibility for managing matters for POWS rested in the POW Management Bureau and POW Information Bureau. The former was a War Ministry Bureau there was no responsibility for its connection on the Foreign Ministry. The Information Bureau was one especially created by Imperial Ordinance in wartime.

When such special ordinance is made it is countersigned by the ministers who have responsibility in the matter. Ordinances establishing this bureau were countersigned by ministers of war and

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navy and not by the foreign minister. The war minister was the responsible authority. The inquiries were the allies were referred in the normal course by the Foreign Ministry Treaty Bureau to the War Ministry with the ministry empowered to decide. The answer was that Japan should undertake to apply the terms of the convention "mutatis mutandis" and it was therefore so applied. While the prosecution seems to think that by this answer Japan became bound by the convention * as though she had ratified it, TOGO assumed that Japan was binding itself to apply it so far as circumstances permitted.

"Mutatis mutandis" implied that in the absence of serious hindrances the convention would be applied. He also assumed that where the requirements of the Convention conflicted with domestic law the convention would prevail. If this was a misconstruction neither War nor Navy Ministry ever suggested any other interpretation nor did the War Ministry's reply suggest it.

TOGO took it for granted on the basis of past history those precedents would be followed. This also accounted for the fact that when allied protests were received he accorded less credit to them. He felt that the War Ministry would take all steps to correct all abuses if any existed.

35771

*He desired to emphasize that the Foreign Ministry received and answered the protests and inquiries regarding POWS only as a channel of communication and not as the responsible agency. The answers were not prepared in the Ministry but were given by the Information Bureau. However the Ministry was the only place to which correspondence from other governments could come and from which answers could go. There was little question about POWS during TOGO's first term. He did recall the case of Hong Kong when early in 1942 EDEN made a speech charging atrocities after the capture of the city. TOGO then told TOJO that special attention should be paid to treating POWS kindly in order to preserve the name of the Japanese Army. TOJO sympathized with this and stated he would give due attention. Soon after TOGO was pleased to hear that EDEN had made a broadcast to the effect that the situation had improved.

35772

*A more active question in the first term was that of exchange of enemy nationals. It was TOGO's idea that not only diplomatic personnel but civilian internees should be liberated. This was difficult because it involved allocation of shipping bottoms and facilities and the high command was reluctant to agree, but only after considerable insistence by TOGO were the exchanges brought about. They succeeded in returning some thousands of enemy nationals from Japan, China, Manchukuo, FIC and Thailand.

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During his second term the Japanese Army's situation in the Philippines, Burma and other Southern districts deteriorated extremely. There was a large accumulation of POW matters on hand when he took office. As the Allies advanced in the South protests began to be lodged regarding the treatment of POWS and internees. In those * days due to the severe air raids the neutral protecting powers' ministers had removed to Karuizawa and communication was very difficult. Despite these difficulties under TOGO's instructions the foreign ministry transmitted the protests to competent authorities and conveyed all replies received. They often sent and received personal letters or sent officials to Karuizawa, exerting all efforts to meet the situation. There was never any negligence by the Foreign Ministry of its duty. The foreign Ministry despite that it had no power over POWS repeatedly requested authorities to accord fair and generous treatment to POWS.

35774

*When on June 3 1945 the Swiss Minister handed the protests regarding atrocities at Palawan Island, TOGO personally called the matter to ANAMI's attention and urged him to grant fair and generous treatment in general to POW to which he consented. Despite this, conditions were such that providing satisfactory information was impossible. The military explained that as a result of Japan's defeat telegraphic communication was very difficult and often impossible and even when possible confusion on the front rendered investigation almost impossible. The foreign ministry having neither jurisdiction nor means of investigation could do nothing but convey communications. The foreign ministry received no information of the trial of allied fliers.

35775

*The foreign ministry under TOGO's direction constantly tried to ameliorate conditions and in some ways succeeded, particularly in Japan proper. It could not meddle with matters under the military and could only urge the military to be humane which it did. If only in self-interest this would have to be the position of the foreign ministry because it was responsible for its own nationals in enemy countries. The foreign ministry had nothing to do with the truth or falsity of the replies furnished by the army or in a few cases by the navy to inquiries from enemy countries. TOGO had no personal contact with inquiries and answers, it being purely routine liaison work. No one in the foreign ministry could do more than forward the answers received. *It had no right to inspect camps and they could have done nothing had they reason to doubt the truth of the answers, which in absence of opportunity to inspect conditions, they did not have. TOGO's entry into the SUZUKI Cabinet had only one purpose - to end the war. His various efforts to bring the war to an earliest possible end were an extension into wartime of his opposition to the war in the first place.

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36411 About 1 a.m. on 8 December 1941, TOGO called on TOJO at the Prime Minister's residence and told him Grew informed him that Roosevelt had sent a personal message to the Emperor and handed him a copy of the document. TOGO also informed TOJO that he would deliver the message to the Emperor. He asked * TOGO if the message contained any concessions by the U. S. and the reply was there were none. TOJO stated that although he had no objection to reporting the matter to the Emperor, he was afraid that the planes of their task force would be taking off from the carriers. TOGO left, and TOJO believed he immediately reported to the Throne.

This was the first time TOJO knew of Roosevelt's message. He said it was absolutely untrue, as alleged by the prosecution, that he had previous knowledge that the President's message would be forthcoming. It was not true that the Government contrived to delay the delivery of such message. In Japan, TOJO said no one would commit lese-majeste and wilfully delay a message from the head of a nation addressed to the Emperor.

36412 * TOJO explained that the responsibility for controlling and directing subordinates in the military was divided into two categories. The first category covers matters within the chain of command of the Supreme Command, strategy, security, transport, and treatment of POWs during the period of transportation to POW camps established by the Minister of War. All these matters fall within the jurisdictional responsibility of the Supreme Command, and final responsibility rests with the General Staff chief. The occurrences which took place on the Malay and Bataan Peninsulas, and the affairs which occurred on transport vessels took place prior to * the internment of POWs in the camps established by the War Minister, and therefore the responsibility is with the Supreme Command.

36414 The second category covers matters which occur within the authority of the War Minister. The treatment of POWs after internment at detention camps established by the War Minister, or treatment of civilian internees interned in the war zones, except for China, are in this classification. The treatment of prisoners employed in the construction of the Burma-Siamese Railway fell within the jurisdiction of the War Minister. TOJO said he assumed administrative responsibility as War Minister for the period beginning with the Pacific War up to 22 July 1944. Regarding affairs in the first category, TOJO said he took administrative responsibility as the Chief of the General Staff from February to July 1944. He also assumed responsibility for any matters concerning foreign affairs such as protests from enemy countries, or through the international Red Cross, during the period of * September 1942, when he was also the Minister of Foreign Affairs. He also assumed administrative responsibility in his capacity as Minister of Home Affairs for any treatment of civilian internees in Japan from December 8, 1941, to February 17, 1942.

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36415 As Prime Minister and War Minister, TOJO said he was politically responsible for the POW punishment law. He had nothing whatever to say as to his legal or criminal responsibility, other than to state frankly that at no time during his entire career did he ever contemplate the commission of a criminal act. He gave orders in accordance with the POW Treatment Regulations and POW Service Regulations prohibiting maltreatment and imposition of forced labor, and he ordered that they * should be treated with humanity according to the principles of international law and the regulations. In January 1941 he issued the Field Service Instructions, in which directions were given to all army officers, soldiers and civilian employees of the army as to their behavior at the front.

36416 TOJO said the Geneva Protocol was not ratified by Japan. He said the Japanese conception regarding POWs differs from that of Europeans and Americans; the differences in living conditions, customs and manners between Japanese and other nationals, together with the enormous number of prisoners and the acute shortage of materials and supplies, made it impossible for Japan to apply the Geneva Protocol verbatim. * He explained that the statement that the Japanese conception regarding POWs differs from that of Europeans and Americans meant that the Japanese have deemed it most degrading to be taken prisoner, and all combatants had been instructed to choose death rather than be captured. Ratification of the Geneva Protocol would lead public opinion to believe that the authorities encouraged them to be captured as prisoners, and there was fear that such ratification would conflict with the tradition concerning POWs. When the Foreign Office inquired regarding the Geneva Protocol, the War Ministry replied that it had no objection to the application of the Protocol with necessary reservations concerning POWs. In January 1942, TOJO announced through the Ministries of Switzerland and Argentina that Japan would apply the Protocol with modification. The Japanese Government meant that it would apply the Geneva Protocol with changes to conform to the domestic law and regulations and existing conditions. 36417 * This was stated clearly in the Japanese note of April 22, 1944, in reply to the protest of the U. S.

Defense exhibit 3670, the Japanese reply to the U. S. protest, was admitted in evidence.

36418 TOJO said the disciplinary law for POWs was amended in March 1943 because the Law for POWs was first enacted * at the time of the Russo-Japanese War, and conditions prevailing then were different from those in the present; for instance, there were differences in race and nationality and number of POWs involved, and the entire situation was more complicated. TOJO said the new law adjusted articles relating to the crime of violence or insubordination against POW supervisors, the crime of escape in mass conspiracy, and the breach of parole. The new law adopted new penalties for misconduct, such as prisoners' mass meetings, assault and intimidation, and the formation of bands for the purpose of killing, wounding, intimidating, insulting or insubordination.

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against POW supervisors. TOJO said these reforms were drafted with the conviction that they were not in conflict with the Geneva Protocol.

36419

* Penalties for violations of wartime laws and regulations during an air raid were provided for in the Vice-War Minister's communication issued by order of the War Minister. TOJO said when the Doolittle fliers invaded the Tokyo area, atrocities were committed by these fliers in violation of international law and regulations. TOJO said these same atrocities instigated against a civilian population constituted war crimes according to established International Law. There was a demand for action to prevent such atrocities in the future. TOJO said, however, it was considered important to prevent rigorous treatment of plane crews by troops on the spot. TOJO said the conclusion was that all these cases go to trial and be disposed of after due deliberation as to whether there were violations of international law and regulations. This communication of the Vice-Minister was issued in July 1942. Based upon this and similar * communications, "Military Regulations for the Punishment of Enemy Flyers" was enacted in August 1942, in the name of the Commander of the Japanese Forces in China. This law was a compilation of the principles of the law and regulations then existing in international practice.

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TOJO said a trial was held pursuant to the aforesaid court-martial law at a court established in Shanghai, and all eight Doolittle flyers were sentenced to death. The court reported its findings to Imperial Headquarters, and the Chief of the Army Staff recommended to TOJO that the sentences should be carried out as pronounced. Knowing the Emperor's concern, TOJO, after an informal report to the Throne, took measures to have the death penalty of five of the prisoners commuted.

36421

* TOJO said the object for the construction of the Thailand-Burma Railway was to expedite supplies to the Japanese forces in Burma and facilitate commerce and communications between the two countries. On account of enemy submarines, it was important to open a land route to that area, and this railway was surveyed and constructed by order of the General Staff. TOJO agreed to the proposed undertaking. With respect to labor on the railway, he agreed to the employment of POWs, which were placed under his jurisdiction. TOJO said there were no military operations in that area so the construction work on the railway could not be construed as military operations prohibited to POWs by the Hague and Geneva treaties. He also stated the district was not an uncommonly unhealthy one. Japanese soldiers were treated equally with

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* men of other nationalities, and TOJO said they never thought that this type of employment would ever be challenged as prohibitive under international standards.

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36422 * The Army Staff Chief directed the construction work of the railway, but TOJO held the administrative responsibility as supervising authority over the POWs. In May 1943, on report of deficiencies in sanitary conditions and treatment of POWs, TOJO dispatched HAMADA, Chief of the POW Section and a number of expert surgeons. A company commander who dealt unfairly with the prisoners was tried by Court Martial. TOJO also relieved from duty the commanding general, railway construction, as testified to by WAKAMATSU, Tadichi.

36423 TOJO stated that TANAKA's statement that the "Summary of the Disposal of the POWs" * had the effect of compelling compulsory labor by the prisoners was grossly erroneous. TOJO said the Summary did not order nor suggest compulsory labor. The statement of the witness is his own interpretation. TOJO pointed out that according to "The Regulations on the Work of the POWs", officer POWs may voluntarily choose to labor. This Summary was not decided upon in the Bureau Directors' Council, TOJO said. It was drafted by Chief of the Prisoners Control Section and adopted by TOJO. This Summary, as well as the instructions TOJO gave commanders of camps, did not order compulsory or severe labor.

36424 TOJO said the prosecution had the wrong interpretation of the word "gunji" as used in Laws. * On page 31 of the English text is the following: "Prisoners of War who are white persons shall be imprisoned in Chosen, Taiwan, Manchuria and China successively to be employed in the expansion of our production and on work connected with military affairs". TOJO said the word "gunji" means "military affairs", or anything connected with war effort. The industry making clothing for soldiers and civilians was considered "gunji". So was the coal industry, the cement industry and the rice-polishing industry. Any industry that was necessary for the war effort was "military affairs".

36425 TOJO stated several of his replies to the prosecution interrogations concerning POWs were presented in evidence. TOJO wished to correct the record wherein he made erroneous statements due to the inaccuracy of memory. There is a paragraph in exhibit 1983-A to the effect that the rules concerning POWs were the result of conferences between the Chief of the MAB and the General Staff. The rules were drafted by various * bureaus and departments according to the subject matter, so TOJO said they were not drafted exclusively by the Chief of the MAB, as he stated before.

In exhibit 1984-B in answer to a question as to whether heads of various prison camps made a monthly report to the MAB with respect to the prisoners under their care in connection with food, health, labor, etc., TOJO replied in the affirmative. As regards the death of prisoners due to malnutrition and other causes, TOJO replied that the Commanders in the field were responsible. In case they could not fulfill their

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36426

responsibilities they were to request the War Ministry. TOJO had answered that these requests came to the Chief of the MAB and that after consultation between the latter and the commanders in the field, the War Ministry would send food or take other action. TOJO said the rations of prisoners were in charge of the Accountant's Bureau, and he was wrong to say they were * in charge of the MAB. The monthly report on POWs was presented to the War Minister and the Chief of the POW Information Bureau and not to the MAB.

36427

TOJO said the Greater East Asia Policy was expressed in different terms according to the particular period in history referred to. "The New Order in East Asia", "The New Order in Greater East Asia", etc., were used. The ultimate object of the policy was to establish the stability of the Far East. * TOJO actually participated in formulating and promoting this policy, so he was well qualified to explain their true intentions, since all ministries were concerned subsequent to the 2nd KONOYE Cabinet of July 1940.

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Japan's Greater East Asia policy was formed to effect economic cooperation among neighboring countries, which was one of the major results of the First World War, when the entire world was organized into economic zones or blocs. TOJO said the China Incident broke out because of the spread of Communism in Asia and the anti-Japanese policy of China. Japan's basic policy was the establishment of peace and stability in East Asia through friendly relations with China by anti-communistic and economic cooperation. One fundamental of her East Asia policy was the settlement of the China Incident. However, TOJO said despite Japan's valiant efforts, the relationship between Japan and China deteriorated because of U. S., British and Soviet assistance to the Chiang regime. Japan * did her best, but U. S. and Britain adopted a policy of strangulation against Japan, forcing her to strive for economic cooperation with FIC, Thailand and NEI, and she had to work alone to reestablish stability in East Asia.

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TOJO said Japan appealed to the powers for assistance. U. S., Britain and the Netherlands increased their pressure directed against Japan to such an extent that it became impossible to solve the problems through diplomatic negotiations. Japan was forced to exercise its sovereign right of self-preservation, and resort to arms in order to break through the barrier encircling her. The decision to resort to arms was necessary for self-defense. Japan's war aims included the materialization of its East Asia policy and steps were taken to establish a sphere of common prosperity in East Asia. * The means for realizing the policy were the emancipation of the Asiatic peoples in bondage and the establishment of a family of independent nations in East Asia.