May it please the Tribunal. We have been in some difficulty in preparing our answer to these motions partly because of the short notice we have had with regard to almost all of them, and partly because we have not known in how much detail the Tribunal would desire us to answer them. In the ordinary way we should neither be required nor allowed to sum up our case at this stage.

We propose however for the convenience of the Tribunal and subject to its approval, to handle the matter in the following way.

First we propose to hand in and circulate to the Defense for the convenience of all concerned a Chronological Summary of the whole of our evidence so far as it is reasonably capable of being dealt with in that way, down to the close of the Netherlands phase of the case on December 10, 1946. This is a somewhat formidable document, the main part of which consists of 314 pages, the preparation of which has involved considerable labour. Great care has been taken to avoid errors and omissions, but some may unavoidably have occurred. Bulky as it is, every item is necessarily much condensed, but we have given the reference to the page of the Record and the Exhibit number for every statement so that the reader can check and amplify it at will. At the end there are two Appendices; A gives a general indication of matters omitted because of their character not lending themselves to chronological treatment. This is of course particularly true of much of the oral testimony. We have also deliberately reserved the Class B and C offences for separate treatment. At the end of Appendix A is a list of the Exhibits which are extracts from "Foreign Relations" dealing with the negotiations from April to December 1941 leading up to the Pacific War. Appendix B deals separately with each accused, giving the pages of the Main Summary on which

he is actually named, a list of his offices, etc., with dates and references to the pages of the Main Summary covering those periods; the Exhibit numbers of extracts from his interrogation; and of speeches or writings by him (other than correspondence), if any; and the dates on which he received decorations for specific services forming part of the case.

We have not had time to include anywhere the evidence introduced since the close of the atrocities phase. I am incorporating a good deal of it in the following remarks, as well as correcting one or two errors which have been discovered in the Summary.

In asking you to accept this document we are following the practice prevailing in some courts, particularly in America, of handing in written briefs, but we would urge you to remember what it does, and what it does not, purport to include. May it be handed round? (Pause for any discussion, and circulation.)

Next I propose to address you on these motions as a whole, covering generally the position of each accused in relation to the Indictment. If when I have finished what I have prepared for simultaneous translation, any member of the Tribunal wishes me to deal with anything which I have omitted, I shall be pleased to answer to the best of my ability.

I will deal first of all with the Indictment generally, beginning with Group One Crimes against Peace. These consist first of five conspiracy counts, the first count general, the other four stressing particular aspects of the conspiracy as it developed. We have alleged that each of them began on 1st January 1928 and ended on 2nd September 1945, in my submission rightly, especially as to the latter date, because although for example the Manchurian aggression may be said to have been accomplished in 1934, or even earlier so far

as the four provinces themselves were concerned, the domination of them lasted to the end and they were used to the end to assist in further aggressions. Good examples of this are to be found in Exhibits 1214 and 1219 where TOGO is giving instructions on 4 and 7 December 1941 (and changing them within a few days) as to the parts which Manchuria and occupied China were to play in the Pacific War and the Chinese and Russian evidence (extending right up to 1945) as to the preparations going on there and the use of Manchuria as a base for the further invasion of China and the actual and contemplated invasion of the USSR. It follows that the guilt of the Manchuria conspiracy is not confined to those such as Okawa, Hashimoto and Itagaki, who are proved to have taken part in the original plot, and Minami, Araki, Dohihara and Koiso, who were active in it at an early date, but extends to all the other accused some of whom may not have been active in it or even in favour of it at the beginning, provided they are proved to have adopted it later. Counts 6-17 inclusive allege against all the accused the planning and preparation of aggressive wars against a number of countries. Here again the charges cover the whole period, in our submission rightly. Planning and preparation do not cease when actual war begins, nor are they, or the conspiracy to wage them, any the less offences because in a particular case the actual war may never have occurred at all or may technically have been started by the other party.

Basically our proposition as explained by my friend Mr. Williams is that from the moment when a particular accused is proved to have joined the conspiracy until the moment, if any, when he is proved definitely to have severed his connection with it, "as leader, organizer, instigator or accomplice", to quote the Charter, he is guilty as a principal, not only of the conspiracy, but also of all substantive

offences contemplated by the conspiracy, which may be "performed by himself or any person in the execution of such plan". In this and other respects the Charter only emphasizes legal propositions familiar to most of us. Therefore it is not in our submission necessary to prove direct participation by any individual in the particular act or acts the subject of any count, provided they occurred after we prove that he joined the conspiracy, and were within its scope, and he is not shown to have repudiated the conspiracy at that date. That being our view, I do not think it would be helpful to deal with each accused count by count, which would involve endless repetition.

With regard to Counts 18-25 "initiating aggressive wars," we may perhaps have been unduly meticulous in drawing the Indictment, in not following that principle to its logical conclusion. We have not charged every accused in each of these counts with "initiating" at specific times, unless we expected to have evidence connecting him with the immediate responsibility for those acts at the relevant dates. However if we have failed in that in any individual case, but given you sufficient evidence to show that at the date in question each named accused had joined the general conspiracy, we submit that that is enough. We have been perhaps too meticulous also in another respect, namely that in the cases where an actual declaration of war came from another country before an attack by Japan we have made no charge in this category, even though, as in the case of the Netherlands, we have submitted ample proof of Japan's aggressive intention and have therefore made a charge of "waging aggressive war." This does not apply to cases such as the United States and the British Commonwealth, the declaration of war came from them, but only because Japan had made her attack,

first without any declaration. Most of the above remarks apply to the "waging class of Counts 27-36.

I would like to say a few words about the contention that because declarations contemporary with the Kellogg-Briand Pact showed that it was not intended to exclude self-defence, and left each nation free to decide whether it was obliged to have recourse to war in self-defence, therefore this Tribunal has no jurisdiction to enquire into that decision. This has been dealt with in the Nuremberg judgment at pp. 28-30. I would concede that some latitude must be allowed in this matter. If you find on the facts when the evidence of the accused has been given, that such a view was both genuinely held and reasonable, it might afford a defence even if you did not agree with it. But we have given evidence to show that it was neither. It could only be entertained by giving to the words "self-defence" a meaning which they obviously cannot bear, namely "the enforcement of the policy of Japan in any part of the world". Such a meaning is sought to be given to them in a number of Japanese documents and statements by the accused which are in evidence. Some of them will be mentioned when I deal with the cases of those accused. But it can be found very clearly in the amusing Ex. 1270A in which a committee of Japanese lawyers working for the Foreign Minister (Togo), tried to manufacture an excuse for the failure or deliberate omission, to give warning before the attacks on December 8th 1941. In so doing they destroyed most of those which have been suggested and fell back upon "self-defence". In truth there is not the slightest pretext for this contention. We have given evidence of planned aggression by Japan, acting by these accused, at every stage. In the approach to the Pacific War every act of each of the allies during 1940-41 was merely provoked by some new aggressive move of Japan, obviously

designed as a threat against one or more of them. There is not the smallest evidence of an intention by any of them to attack Japan, or even to interfere by armed force with her aggression in China, which they would have been well justified in doing.

I do not propose to go through all the negotiations leading up to the Pacific War. The position at the beginning of them was that Japan had accomplished her aggression in Manchuria and had achieved large successes in, but had failed to complete her aggression in the rest of China. If you accept our contention that this was actually an unjustified aggression that view must be the touchstone in considering the subsequent negotiations, the members of the League of Nations, and of the Brussels Conference, including the United States and Britain, had so declared and refused to recognize these conquests. There was the Tri-Partite Pact and the advance to the South had begun. The European War was in progress and France and the Netherlands over-run. Russia and the United States were not yet involved.

Japan was in essence seeking, so far as her negotiations were genuine at all, to do something which was obviously impossible. She was like a burglar in possession of his spoils, who wants to be received back into respectable society, not only without punishment, but with the retention of part of his ill-gotten gains. The only point on which she was prepared to compromise was how much of the gains, repeatedly described as "the fruits of four and a half years of sacrifice in China" she should be allowed to keep. Any intelligent person must have known that on this basis there was never any hope of success.

I think it is sufficient to examine the question whether the United States note of November 26th 1941, Ex. 1245I provided any legitimate excuse, as alleged by the accused

concerned, for Japan to go to war. In my submission there is none. On the contrary, every proposal put forward is one which the United States and those who later became its allies had every right to demand, and Japan every moral and contractual obligation to concede. But even if this were not so, it does not contain the slightest hint of a threat that if it is not accepted the United States or any of the other countries concerned would attempt to enforce it by war. It was only Japan, represented by some of these accused, which regarded and used the break-down of the negotiations as a cause for war.

I now come to Group two: Murder, the inevitable consequence of aggressive warfare, and the greatest of all "Crimes Against Peace." These Counts in our submission reduce this matter to its simplest and most conclusive form. The argument that the crime of aggressive war involves ex post facto law is invalid for (among others) the reasons given in the Nuremberg Judgment. But when the charge is framed as murder it simply has no application. Every statesman or commander who is a party to ordering his army to attack and kill an enemy, even in legitimate warfare, fulfils all the conditions of murder if it was done without lawful justification. However, if it appears that this was done in lawful belligerency he is not guilty. Now we must recognise the destinction between that which is unlawful and that which is criminal. Every criminal act is unlawful, but not every unlawful act is criminal. In charging that aggressive war is a punishable crime in the individual who launches it, we have to establish that it is in itself such a crime, a burden which we claim here, and the Nuremberg Tribunal has found there to have been discharged. But when the matter is viewed as common law murder the point does not arise. The accused who necessarily fulfils all the other elements of murder, in that he has purposely ordered the killing of human beings, has to rely upon a lawful justification. He says war is such a justification, but if the war is unlawful his justification fails. Now even if it were not established, as we claim it is, that aggressive war, in breach of a treaty, is itself a punishable crime, it is certainly not lawful, and therefore cannot afford a justification for what is otherwise plain murder. If this has never been recognized before it is only because the circumstances have never arisen before, and it is high time it was recognized now. It has always been implicit in the definition of murder in every civilised country. It disposes finally of the last vestige of plausibility in the "ex post facto" argument. In group two we have alleged that the various acts of warefare were illegal, and the killings murder, for one or two or all of three reasons.

First that the war was undeclared and in the nature of a treacherous surprise. Second, that it was in breach of the treaties against aggressive war. Third, that the manner in which it was conducted was contrary to the laws of war.

This brings me to Group three in the Indictment. Conventional war Crimes and Crimes against Humanity. Our legal argument on this subject is rather fully set out in Appendix D to the Indictment itself. We have proved all the facts there alleged. We claim to have shown that the government of Japan was in effect bound by the Geneva Convention of 1929. But failing that we say they were unquestionably bound by the Hague Conventions, particularly Nos. 4 and 10 of 1907, and that all the Conventions are merely declaratory of International Law. Every outrage we have alleged comes in our submission within all of them.

These are the ways in which we claim to have proved the responsibility of the accused for these outrages.

1. Article 4 of the Hague Convention and Article 2 of the Geneva Convention provide that prisoners of war are in the power of the hostile government and not of the individuals or corps which capture them. No government or member of it in face of this can evade responsibility by trying to shift it on to a particular department such as the War or Navy Ministry, or onto individual commanders in the field, though the latter and the officials of those Ministries may and do thereby acquire a responsibility of their own. The main responsibility remains with every individual member of the government.

2. Every one of the accused must have been aware of the horrible notoriety attached to the Japanese army by the outrages at Nanking and elsewhere in China, and of the danger that this might recur.

3. We have proved a general similarity in the character of the outrages prevalent over all the theatres of war in which the Japanese army or

navy operated during the Pacific War, both with one another and with what happened in China, which establishes a universal plan or pattern, and indicates that this was a recognised policy of terrorism.

4. We have proved a long series of protests over the air and through the Protecting Powers which must have brought to the attention of all the accused the necessity of using their authority to improve the conditions, a duty which lay upon them in any case. In so far as these were addressed to Foreign Ministers Shigemitsu and Togo, we say that they by no means discharged their responsibility by merely passing the complaints on to the Ministries directly concerned, and forwarding such few, meagre and obviously unsatisfactory replies as they received, to the Protecting Powers. Their duty was to bring the matter before the Cabinet, which presumably they did, and if they could get no satisfaction, to resign.

5. In a number of cases we have proved direct personal responsibility of individual accused for outrages in general or in particular, including Matsui, Hata, Dohihara, Muto, Itagaki, Kimura and Sato, who held commands in areas concerned, and Tojo, Kimura, Muto, Sato and Shimada, who held posts immediately responsible at the centre. The idea that commanders in the field were alone responsible is unfounded. But they had a responsibility.

It is contended that by reason of the use of the words "mutatis mutandis" the Japanese Government was only bound to apply the provisions of the 1929 P. O. W. Convention insofar as they were not inconsistent with the provisions of Japanese internal laws and insofar as the exigencies of the war situation permitted or indeed at their discretion. The answer to this contention, however, is that, insofar as the Convention is binding or sets out international common law, the Japanese Government could not shelter itself behind any domestic legislation which would be inconsistent with it.

It has never been denied that persons may be criminally liable for violation of international law.

In the Yamashita case, the responsibility of a commanding officer was considered. The charge was that the commanding officer "unlawfully disregarded and failed to discharge his duty as commander to control the operations of the members of his command, permitting them to commit brutal atrocities against people of the United States and its allies and he thereby violated the laws of war." The Supreme Court of the United States stated that, in its opinion, an army commander had the duty "to take such appropriate measures as are in his power to control the troops under his command in the prevention of the specified acts which are violations of the law of war and which are likely to attend the occupation of hostile territory by an uncontrolled soldiery". Responsibility, according to this case, and, it is contended, according to international law, is based upon the "power to control".

The gneral proposition may, therefore, be stated that all persons who have the power to control the acts of others who commit breaches of the laws of war and who, knowing that such breaches have been committed, take no steps to prevent their repetition; or who, having reason to anticipate violations of the laws of war by persons under their control, fail to take proper measures to prevent their occurrence; or who, having a duty to ensure that their colleagues conform to the laws of war, neglect to perform that duty, are themselves guilty of offences against the laws of war.

In fixing the responsibility for violations of the laws of war upon persons who, by reason of their official position, have power to control the acts of subordinates, and who may be remote from the places where the atrocities are actually committed by the forces under their control, it may be contended that it is necessary that such persons should have knowledge that atrocities are likely to be committed or have been committed before any responsibility for their failure to prevent the commission or the repetition thereof can be imposed upon them. Once it is shown that a person has the knowledge or ought to have the knowledge that atrocities are likely

to be committed or have been committed by others under his control, it is submitted that a duty immediately arises to exercise the power of control so as to prevent the commission or repetition of such offences. No person can rid himself of responsibility if he deliberately fails to make inquiries and by reason of such failure does not acquire actual knowledge of atrocities. If this were so, every member of a Government could gain immunity simply by neglecting to inform himself.

It is also contended that, when a state of things is widespread and notorious, there is a prima facie presumption of knowledge which calls for rebuttal by the defendants. In the absence of such rebuttal, knowledge may be inferred.

As to knowledge that atrocities were likely to be committed after 7th December 1941, it is an important fact that the Japanese Government was at war with China from 1931 until 1945 and that during that period many atrocities and other flagrant breaches of the laws of war were committed by the Japanese Forces against prisoners of war and civilians, and that notifications and protests concerning such atrocities were sent to the Japanese Government in Tokyo and the general facts, if not the exact details, were notorious throughout the world and particularly in Japan. Evidence of such protests was given by Dr. Bates.

After 7th December, 1941, many letters of protest setting out details of breaches of the laws of war were sent by the Swiss Minister on behalf of allied Governments to the Japanese Foreign Minister. In most cases, there was no reply at all, while in others, after repeated reminders, replies were forthcoming only after great delay. In no case was any satisfactory answer ever received. Many requests to visit camps in Japan and elsewhere were made by the protecting power but, with a few exceptions, visits were always refused. When reasons were given for refusal, they were, in most cases, fictitious.

Permission to visit camps in Thailand, where the prisoners of war

and native labourers were held under the most appalling conditions, was frequently requested, but consistently refused by the Japanese Government on grounds which were clearly unreasonable. Exhibits 473 and 475, with Colonel Wild's evidence, establish that the operation on which these unfortunate men were forced to work was of strategic importance, ordered by Imperial General Headquarters, under the financial control of the Japanese Governemnt. The welfare of these men was deliberately sacrificed to so-called strategic necessity, which in itself made their employment, even under good conditions, unlawful.

In many cases, the conduct complained of by the allied powers was the direct result of deliberate action by Japanese officials in passing laws and promulgating orders governing the discipline and punishment of allied prisoners of war in Japanese hands.

The United States and British Governments on many occasions reminded the defendants of their obligations in matters concerning prisoners of war and reference may be made to the occasions on which they informed the Japanese Government that it could not escape responsibility for the consequences of its disregard of the principles of international law.

With reference to the contention that the Potsdam Declaration and instrument of surrender did not refer to any war criminals other than those guilty of what are called "Conventional War Crimes". Not only is this unfounded as a matter of construction, but we have now proved that it is not based on fact, but that the then Japanese government fully understood that it included those responsible for the war, by the entry from Kido's diary Ex. 1283 of Aug. 9th, 1945.

I will now deal with some further points in the General Motion of the Defence. Most of them I do not think it necessary to answer unless requested to do so by the Tribunal. The legal points were mostly dealt with on the motions directed against the Indictment itself, and are in our submission out of place at this stage. But I will add a few words on some of them. Practically all of them are contrary to the plain terms of the Charter, but we prefer to meet them on their merits.

I will take paras. 1 - 6 together. We repudiate altogether the idea that International Law is a matter to be proved by evidence (paras. 2 and 13). So far as we rely upon particular treaties we have proved them, or more correctly placed them before you. The only kind of law which requires evidence is the law of a country foreign to that in which the Tribunal has jurisdiction. This is an International Tribunal. International Law is your law. As to an international code and the right to establish an International Tribunal to enforce it, Japan and most of the countries here concerned recognized this at Versailles.

The code is well defined in the Treaties existing at that time or agreed upon since then and in the common standards of humanity. This subject was dealt with in the judgement of the Nuremberg Tribunal pp. 36-42 and although it is not binding upon you, and could of course if you wish it be amplified, for the present I adopt that passage. It also disposes of the contentions in paras. 7-8 and 10. These I submit are peculiarly absurd: "you cannot indict a nation," it has been said, the reason being that the acts are those of the individuals who held power in that nation. Now the converse is suggested: "You cannot indict the individual criminals because they committed their crimes in the name of their nation." So is the idea in para. 10 that because you cannot conduct a government without agreement among the individuals who form it, they cannot be guilty of a criminal conspiracy it obviously depends upon the question whether the policy on which they agree is criminal or not. The statements about Thailand in paras. 20 and 48 are contrary to the evidence. Exhs. 1186, 655, 602 and 1275 with the evidence of Colonel Wild, show that it was

the intention to invade Thailand and that it was done, before any agreement was reached. The contention in para. 48 with regard to Thailand and in para. 58 with regard to the Mongolian Republic that the Tribunal cannot deal with offenses against them because they are not represented in the Prosecution and are not proved to have consented to it is in our submission absurd. In no legal system that I know is the right of Prosecution limited to the injured party.

Coming now to the motions with regard to individual accused we observe a general tendency to suggest that many of them cannot be guilty because they were career officers or officials. It is necessary to distinguish carefully between the position of such people in the Japan of this period and in some of our own countries. In Japan the service ministers always had to be senior officers nominated by their colleagues, and from 1936 onwards they had to be on active service. With regard to the civilian ministers many of them from the beginning, and from February 1937 onwards almost all of them were also career officials. In each case the practice was for these men to hold career positions one day, become Ministers of State another day, and revert to career positions again after they retired from what we should regard as political office. Sometimes, after they had retired from one cabinet or command, they became Cabinet Councillors or Military Councillors to a later one. Moreover, even in their career positions they did not maintain the tradition of such men in our countries that they merely carried out their instructions. We find service officers, both senior and junior, taking part in plots directed to alter the course of politics in Japan, and carrying out policies of their own in their commands, with the sometimes reluctant acquiescence of the governments whom they were supposed to obey. We find the Army issuing officially statements of its views on questions of general as well as army policy. We find ambassadors threatening to resign, and resigning, when they did not see eye to eye with the government at home. There was no discipline among them. Under all these circumstances it is idle for these accused to shelter behind the

excuse, which might be valid in some countries, that they were merely career men.

When considering individual responsibility of each of these men it is our submission that as long as they held their respective positions with knowledge of what was happening or with a duty to inquire into it, and without any attempt to relieve themselves of that responsibility, it attaches to them. This applies to all of them, whatever the nature of the position. A soldier can ask to be relieved of his command, if he disapproves of that which he is called upon to do. We have two instances given to us by the witness Tanaka of men, himself and one other whom he mentioned but did not name, who resigned important positions in the War Ministry, the latter specifically upon the ground that he disagreed with the War Minister's policy. In the last resort it is the duty of even a soldier or a sailor, and equally certainly of a civilian, to disobey an order which he knows to be contrary to International Law. We have so many instances in the evidence of such men disobeying orders or acting contrary to the policy of their official superiors when they did not think it was aggressive enough, that it is idle for them to say they could not have done the same when it was manifestly unlawful.

In the case of cabinet ministers, members of the Privy Council, and men summoned to the Liaison Conferences, Imperial Conferences, and meetings of ex-premiers, they could have done much more. Not only could they have absolved themselves from personal guilt by voicing their protest, if they really dissented from the policies pursued, and resigning any office they held. They might easily by so doing have altered the whole course of events. The Japanese system was very stringent in the matter of cabinet unity and responsibility. One dissentient could, by refusing either to resign or to withdraw his opposition, force the resignation of the whole cabinet. This is well illustrated by contrasting what happened in the cases of Matsuoka in July 1941 (Ex. 1135-6) and Togo in September 1942 (Ex. 1273). In the

case of the Army and Navy Ministers, they could and Army Ministers did break up cabinets merely by resigning.

We have in the evidence rather stressed the fact, because it is unusual, that certain individuals in the Army and Navy outside the government could prevent the formation of a cabinet, or break it up when formed, by the exercise of their power of nominating, or refusing to nominate, or forcing the resignation of an officer in the service to those cabinet posts. Further the evidence shows that this power was actually used to more effect by the Army than by the Navy, coupled with the occasional outbreak and constant threat of insurrection in the Army to a greater extent than in the Navy. The Navy Chiefs therefore, if they had wished to stop a particular policy on conscientious or prudential grounds, could at any time have done so by using the same methods which the Army found so effective. Among the civilian ministers there was no outside organization which could interfere in the way the services could, but each individual minister had his own power of action.

Nor is it of any use for any individual to show that his opinion was opposed to a particular aggression, whatever the grounds of that opposition, if he acquiesced in it and retained his position.

Coming now to the Privy Council, that body had a right to examine treaties and other matters of importance. Their meetings were attended by members and officials of the government to explain their views and the reasons for them. The responsibility for their decisions, which invariably supported the government, rests in our submission both upon the members and the explainers.

The ex-premiers had the responsibility from July 1940 onwards, of consulting with Kido, as Lord Keeper of the Privy Seal, on the advice he should give to the Emperor as to the choice of a successor to an outgoing premier. It was his duty to report their views individually to the Emperor. On each of these occasions therefore they had the opportunity of testing the policy of each suggested candidate and influencing it by their choice. This was particularly important in the choice of Tojo in October 1941, and only less so in the war-time changes in July 1944 resulting in the appointment of Koiso, and April 1945 resulting in the

appointment of Suzuki, Kantaro. On each of these occasions Hirota and on the last two also Hiranuma as ex-premiers had opportunities of making a firm stand for peace. They didn't. On the first occasion Hirota, according to Kido (Ex. 1154), definitely supported Kido's recommendation of Tojo against Wakatsuki's proposal of Ugaki, who might really have stopped it. On the last two both of them supported fighting the war to a finish and concurred in the choices made.

Even more vital were the Liaison and Imperial Conferences in 1941 and the ex-Premiers meeting on November 29th of that year (Ex. 1196 which gives the views expressed by Hirota and Hiranuma). Everyone who attended those shares with the cabinet and with Kido the responsibility for what happened. If anyone who was opposed to war, especially anyone who was opposed to it on moral grounds, had spoken out boldly against it, regardless of internal repercussions, it is more than possible that the Emperor would have refused to sanction war. No one did - if indeed there was anyone who held such views in his heart.

I notice a suggestion that three of the accused, Hoshino, Muto, and Oka, merely attended the conferences in a secretarial capcity. If that were true, in our submission it does not absolve them. But actually, the evidence in our submission shows that, even if that is technically true, they were all persons of much greater position and influence than the word would imply.

The decorations received by the various accused during the period, some of which are noted in Appendix B to the Summary, are in our submission of particular significance. They vary of course in importance with the rank and position of each accused at the time they were awarded. Particulars will be found in the personnel records. We suggest that it is difficult for an accused to deny responsibility for a particular matter, when he has accepted a decoration for his services in respect of it, especially a high decoaration. Particularly important are the decorations of certain of the accused by Germany, the detailed reasons for which are given in Exhibit 1272, and the actual award of some of which is recorded in Exhibit 2247.

I now come to take the cases of the accused one by one.