

HATA

The particulars with respect to Hata, Shunroku are to be found in Appendix B, page 321 of the Summary. No additional documents were presented at the conclusion with relation to this accused.

It appears from his interrogation (Exh. 256) that the date given in these particulars for the termination of his first period in China, taken from his personnel record, is inaccurate and that he was in fact there until November 1938, being a Military Councillor concurrently. On the other hand his command was during that period confined to Central China.

This accused participated in Japan's over all aggression in at least three different ways: (1) He carried on aggressive warfare in China at two different periods of time as commander of various armies in China. (2) As Minister of War from August 30, 1939 to July 22, 1940, he helped determine the national policy and worked on the plans and preparations for aggressive war during that period; and (3) He was one of the prime movers in the overthrow of the Yonai Cabinet thus giving new direction and expansion to the entire conspiracy.

After serving for many years in the Army, the accused at the time of the outbreak of the Marco Polo Bridge Incident was commander of the Formosan Army. In August 1937, shortly after the outbreak, he was recalled to Tokyo to become Inspector General of Military Education, one of the three highest offices in Japan which controlled army policy and, through its control of the War Minister, could effectively control cabinet and other governmental policy and decision. (Exhibit 102). At the very outset of the China Incident, the accused was in a strong strategic position to affect policy. On February 14, 1938, the accused was appointed to succeed the accused Matsui as Chief of the Expeditionary Forces to Central China (Exh. 102) and admittedly assumed command on February 17th. (Rec. 3445). He remained there until November and while there he directed the siege and capture of the city of Hankow (Rec. 3447-3451; Exh. 256):



After his return from China he occupied the position of military counsellor and from May 25, 1939 to August 30, 1940, he was chief aide de camp to the Emperor. On August 30, 1939, he became Minister of War in the Abe Cabinet and remained as such throughout the Abe and Yonai Cabinets until July 22, 1940. During his administration several of the important acts involving furtherance of the conspiracy were carried out. Certain industries such as the Cast Iron Manufacturing Facilities industry were brought under control. (Rec. 8327, 8403, 8299). On October 12, 1939, the accused appointed the accused Muto as Chief of the highly important Military Affairs Bureau in the War Ministry and as a member of several government bodies such as the Planning Board, Manchurian Affairs Board and the Cabinet Information Board (Exh. 102 and 118). In November, Imperial General Headquarters, which had never been established heretofore except in case of war, was set up (Exh. 80). During the Abe Cabinet in November 1939, pressure was put on France to give Japan special rights in French Indo-China (Exh. 618A, 618A). Shortly after the Yonai Cabinet was formed on January 16, 1940, pressure was put on the Netherlands for special rights in the Dutch East Indies (Exh. 1309A). On February 16th, the Military Mission at Harbin drew up a plan for establishing a Far Eastern Anti-Comintern to unite sabotage activities against the Soviet Union (Exh. 736). During this administration the economic policy for relieving Japan of its dependency on the United States for military goods necessary to carry out the divine war was adopted (Exh. 1007). During the same month of March the program of the Kwantung Army for Aggression against the Soviet was sanctioned (Exh. 705). On March 30th the puppet Central Government of Wang Ching Wei at Nanking was established (Exh. 276A). Severer regulations were put into effect by the War Ministry with respect to military training in schools (Exh. 137). The accused attended the four ministers conference of June 18, 1940, which decided to make certain requests upon France, and in the event of refusal to use force (Exh. 619). Following this a further program of pressure was put into effect against France (Exh. 615A, 618A).



In the meantime the aggressive war was being pushed ahead in China. In March 1940, the accused as War Minister made it clear that Japan's progress would not be stopped by the Nine Power Treaty (Exh. 514).

Throughout his administration, efforts at reviving the proposed pact with Germany were constantly being made. On July 12th and 16th, 1940, there were joint conferences between the War, Navy and Foreign Offices, in which it was decided that there was a strong demand for the conclusion of a military alliance with Germany and Italy to realize Japan's plan for expansion in East Asia and the South Seas, whereby Japan and Germany would respectively support each other's policies (Exh. 527, 528).

To bring about an agreement with Germany and Italy the military had decided that the Yonai Cabinet was unfitted for the task. On July 8th ~~this~~ accused had let it be known that the Yonai Cabinet was not suitable to negotiate with Germany and Italy (Exh. 532) in view of the then world situation. On July 16th Hata submitted his resignation and at the Three Chief Officers Meeting of which the accused was a member, it was found impossible to name a successor and the Cabinet was compelled to resign en masse (Exh. 532). As War Minister the accused was one of the three men who determined whether or not the War Minister would resign and who, if anyone, would be allowed to become his successor. While it is true that control of the army was divided between matters of administration, being handled through the Cabinet and matters of high command, it should not be overlooked as learned counsel for the defense has overlooked that the War Minister himself had a dual role. The evidence is clear that on the one hand he was in charge of administration for the cabinet, while on the other hand he was a member of the high command. So far as policy as distinguished from operations is concerned, in the carrying out of which function he was not subject to cabinet control. Hata, as a member of the group of Three Officers Meeting had to concur in all three actions taken: (1) the determination of his own resignation; (2) the refusal to appoint a successor, and (3) the designation of a successor in the new cabinet. In all three decisions the accused Hata played an active



role. As his last official act as War Minister he put into office as War Minister the accused Tojo, having designated him to the Emperor before Konoye had made known his new cabinet. (Exh. 532).

From March 1, 1941 to November 22, 1944, the accused was commander in chief of the Expeditionary Forces to China (Exh. 102, 106). Exhibits 1887 to 1915 describe the conditions and treatment of prisoners of war and civilian internees during his administration, and while he was commander in the area with basic responsibility for the handling of prisoners of war there. Exh. 1991: Hata on 13 August 1942 issued regulations for punishment of enemy air crews providing for death penalty.

He is charged in Count 45 with responsibility for the attack upon and rape of Nanking, when he held his important post at the War Ministry, and in Counts 47-50 with similar attacks upon and outrages in other cities in China which have been proved to have taken place at dates when by his own account he was commander in chief of the Expeditionary Forces in the parts of China concerned. See Rec. pp. 3392-9 and 4609 as to Hankow. Count 47: pp. 4612-3 as to Changsha. Count 48: pp. 4611-2 as to Hangyang. Count 49: pp. 4653-4 as to Kweilin and Liuchow. Count 50: see also Exhibits 331-42, 344, 350, 351, 360. The attack on Canton, Count 46 was made by the South China force and he can only be held responsible for that on the basis that it was an act of the conspiracy of which we contend he was a member. Evidence is pp. 4648 - 50. In our submission these charges, which are based both upon the unlawful character of the war and the barbarous manner of conducting it, are adequately established, as well as the charges under Counts 44 and 53-55.