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28 JAPANESE WAR LEADERS INDICTED FOR WAGING WARS OF
AGGRESSION AND COMMITTING WHOLESALE "MURDER".

Twenty-eight military and political leaders of Japan during the period from January 1, 1928, to September 2, 1945, are charged with planning, preparing, initiating and waging wars of aggression in violation of international law and treaties, committing wholesale murder and instigating numerous "crimes against humanity," in a 55-count indictment presented today to the International Military Tribunal for the Far East.

The indictment, submitted by Joseph B. Keenan, Chief of Counsel for the prosecution, was signed by Mr. Keenan on behalf of the United States and by associate counsel representing ten other nations with which Japan was at war: China, the United Kingdom, U.S.S.R., Australia, Canada, France, the Netherlands, New Zealand, India and the Philippines.

All 28 defendants are accused of participating as "leaders, organizers, instigators or accomplices" in formulating or executing a conspiracy with Germany and Italy to "secure the military, naval, political and economic domination of the whole world, each having special domination in its own sphere." The accused are held responsible for "all acts performed by themselves or by any person in execution of this plan."

The defendants are:

SADAO ARAKI, former general, War Minister, member of the Supreme War Council, and Education Minister.

KENJI DONIHARA, former general, commander of Special Service Section in Manchuria, chief advisor to the North China autonomous government, and Inspector General of Military Training.

KINGORO HASHIMOTO, commander of an Artillery regiment at the rape of Nanking and of Japanese forces which shelled the Ladybird and the Panay, a founder of the Imperial Rule Assistance Association and alleged to have been a promoter of plots to remove politicians not considered sufficiently aggressive.

SHUNROKU HATA, former general, member of Supreme War Council, War Minister and commander-in-chief of the Expeditionary Force in Central China from July 1940 to 1944.

KIICHIRO HIRANUMA, Prime Minister in 1939, former president of the Privy Council and cabinet minister under Konoye.

KOKI HIROTA, Prime Minister from March 1936 to February 1937; and Foreign Minister under Saito, Okada and Konoye.

NAOKI HOSHINO, chief of General Affairs in Manchukuo in July 1937, president of the Planning Board under Konoye and Chief Secretary and Minister of State under Tojo.

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SEISHIRO ITAGAKI, former general, chief of staff of Kwantung Army and War Minister under Konoye and Hiranuma.

OKINORI KAYA, Minister of Finance under Konoye in 1937 and 1938, president of the North China Development Company and Finance Minister under Tojo.

KOICHI KIDO, cabinet minister under Konoye and Hiranuma, Lord Keeper of the Privy Seal from 1940 to 1945, chief confidential advisor to the Emperor and chairman of meetings of ex-premiers.

HEITARO KIMURA, former general, chief of staff of the Kwantung Army, Vice-War Minister under Konoye and Tojo, and commander-in-chief of the Japanese Army in Burma in 1944.

KUNIAKI KOISO, former general, Prime Minister from July 1944 to April 1945, chief of staff of the Kwantung Army, Overseas Minister under Hiranuma and Yonai, and Governor General of Korea in 1942.

IWANE MATSUI, former general, commander-in-chief of Japanese forces in Central China in 1937 and 1938, member of the Cabinet Advisory Council in 1938 and 1939 and president of the Greater East Asia Development Society.

YOSUKE MATSUOKA, Foreign Minister under Konoye in 1940 and 1941; chief delegate to the League of Nations Assembly in 1933; and president of the South Manchurian Railway from 1935 to 1939.

JIRO MINAMI, former general, member of the Privy Council from 1942 to 1945, War Minister in 1931 and commander-in-chief of Kwantung Army from 1934 to 1936.

AKIRA MUTO, chief of the Military Affairs Bureau of the War Ministry from 1939 to 1942, and chief of staff of the 14th Area Army in the Philippines under Yamashita in 1944.

OSAMI NAGANO, former admiral, Navy Minister under Hirota, commander-in-chief of the combined fleet in 1937 and member of the Supreme War Council in 1940.

TAKASUMI OKA, former vice admiral, chief of the General and Military Affairs Bureau of the Navy from 1940 to 1944 and Vice Navy Minister under Koiso in 1944.

SHUMEI OKAWA, an officer of the South Manchurian Railway alleged to have been an organizer of the Mukden incident on September 18, 1931, and a propagandist for the expulsion of the white races from Asia by aggressive war.

HIROSHI OSHIMA, ambassador to Germany in 1938 and 1939 and from 1941 to 1945.

Kenryo Sato, former Lt. General, chief of the Military Affairs Bureau of the War Ministry from 1942 to 1944.

MAMORU SHIGEMITSU, Foreign Minister under Tojo and Koiso from April 1943 to April 1945, and former ambassador to U.S.S.R., Great Britain and puppet government of Nanking.

SHIGETARO SHIMADA, former admiral, Navy Minister under Tojo in 1941 and member of Supreme War Council in 1944.

TOSHIO SHIRATORI, ambassador to Italy in 1939 and advisor to the Japanese Foreign Office in 1940.

TEIICHI SUZUKI, president of the Cabinet Planning Board and minister without portfolio under Konoye and Tojo from 1941 to 1943.

SHIGENORI TOGO, Foreign Minister under Tojo from October 1941 to March 1942 and under Suzuki in 1945.

HIDEKI TOJO, former general, Premier and War Minister from December 2, 1941 to July 1944.

YOSHIJIRO UMEZU, former general, Vice War Minister from 1936 to 1938 and commander of the Kwantung Army from 1939 to 1944 and chief of the general staff in 1944 and 1945.

Specific murder charges are made against some of the defendants for the thousands of deaths which resulted from the surprise attacks on Pearl Harbor, Hong Kong, Shanghai and the Philippines on December 7 and 8, 1941, without declaration of war. The indictment also charges use of poison gas in China and Japanese promotion of the sale of opium to weaken the will of the Chinese people to resist aggression.

The defendants are alleged to have comprised "a criminal militaristic clique" which dominated and directed the internal and foreign policies of Japan in such a way as to cause "aggressive wars and great damage to the interests of peace-loving peoples, as well as the interests of the Japanese people themselves."

The world conspiracy, which the defendants were said to have planned, "contemplated and carried out the violating of recognized customs and conventions of war by murdering, maiming and ill-treating prisoners of war, civilian internees and persons on the high seas, denying them adequate food, shelter, clothing, medical care or other appropriate attention, forcing them to labor under inhumane conditions and subjecting them to indignities."

In order to accomplish their scheme, the indictment states, the accused took advantage of "their power and their official positions and their own personal prestige and influence" to:

- "exploit to Japan's benefit the manpower and economic resources of the vanquished nations, plundering public and private property, wantonly destroying cities, towns and villages beyond any justification of military necessity;

- "perpetrate mass murder, rape, pillage, brigandage, torture and other barbaric cruelties upon the helpless civilian population of over-run countries;

- "increase the influence and control of the military and naval groups over Japanese government officials and agencies;

- "psychologically prepare Japanese public opinion for aggressive warfare by establishing so-called Assistance Societies, teaching nationalistic policies of expansion, disseminating war propaganda and exercising strict control over the press and radio;

- "set up puppet governments in conquered countries;

- "conclude military alliances with Germany and Italy to enhance by military might Japan's programme of expansion."

The mind of the Japanese people, according to a preamble to the Indictment, was "systematically poisoned with harmful ideas of the alleged racial superiority of Japan over other peoples of Asia and even of the whole world. Such parliamentary institutions as existed in Japan were used as implements for widespread aggression and a system similar to those then established by Hitler and the Nazi party in Germany and the Fascist Party in Italy was introduced. The financial resources of Japan were to a large extent mobilized for war aims, to the detriment of the welfare of the Japanese people."

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Of the 55 counts in the indictment, 36 are considered as "Crimes Against Peace," 16 are grouped under the heading of "Murder," and the remaining three are entitled "Conventional War Crimes and Crimes against Humanity."

Twenty-four of the 36 "Crimes Against Peace" are directed against all of the accused. All are charged with conspiring to "wage declared or undeclared war or wars of aggression and war or wars in violation of international law, treaties, agreements and assurances" against any country that opposed their plan to obtain domination of East Asia, the Pacific and Indian Oceans and all countries bordering on them. They are accused of planning and preparing such wars separately against each of the nations signing the indictment as well as against the Kingdom of Thailand.

Without exception, the accused are charged with responsibility for the actual waging of aggressive war against China, the United States, the Philippines, the British Commonwealth of Nations, the Netherlands and Thailand. Twelve defendants are charged with waging war on France in Indo-China. Thirteen are accused of waging war against the U.S.S.R. in 1938, when Japan, the indictment alleges, "without declaring war, attacked the territory of the Soviet Union at the Lake Hassan." Fourteen of the Japanese leaders are charged with waging war against the U.S.S.R. and the Mongolian People's Republic in 1939 when Japan is said to have attacked the territory of the Mongolian People's Republic, an ally of the U.S.S.R. at the Halkin Gol River.

Various groups of defendants are accused of "initiating" the wars of aggression. Eleven are charged with the attack on China which began on September 18, 1931, and 15 are held responsible for initiating the invasion of China of July 7, 1937. Commencement of aggressive war against the United States, the British Commonwealth and the Philippines is charged to 16 of the accused. The same defendants named as having waged the wars against France in Indo-China, the U.S.S.R. in Siberia and the Mongolian People's Republic are also accused of having "initiated" them.

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In one of the "Murder" counts, all the defendants are held responsible for participation in formulating and executing a plan whose object was "to procure and permit the murder on a wholesale scale of prisoners of war, members of the armed forces of countries opposed to Japan who might lay down their arms, and civilians, who might be in the power of Japan, on land or sea, in territories occupied by Japan, and crews of ships destroyed by Japanese forces, in ruthless pursuit of victory in the unlawful wars" in which Japan was engaged.

Sixteen of the accused are charged with murder of members of the armed forces and civilians of nations who were attacked by Japan in violation of treaties. Specifically, they are accused of "ordering, causing and permitting the armed forces of Japan to attack the territory, ships and airplanes" of these nations with which Japan was then at peace and consequently of unlawfully killing:

Admiral Kidd and about 4,000 other members of the Naval and military forces of the United States and certain civilians at Pearl Harbor on December 7, 1941;

Certain members of the British armed forces at Kota Bahru, Kelantan, and at Hong Kong on December 8, 1941;

Three members of the British naval forces in an attack on the HMS PETREL at Shanghai on December 8, 1941, and

Certain members of the U.S. armed forces and of the armed forces and civilian population of the Philippines at Davao on December 8, 1941.

Twelve of the defendants are accused of killing many thousands of Chinese civilians and disarmed soldiers by "unlawfully ordering, causing, and permitting the armed forces of Japan to attack" and to "slaughter the inhabitants of" Nanking on December 12, 1937; Canton on October 21, 1938 and Hankow on October 27, 1938. Seven of the accused are similarly charged in the cases of Changsha on June 18, 1944; **Hongyang** on August 8, 1944 and Kweilin and Liuchow on November 10, 1944.

Fourteen of the Japanese leaders are charged with the murder of those Red Army and Mongolian soldiers who died in the Japanese attack

at the Halking-Gol River in 1939 and 13 are accused in the murder of the Soviet armed forces personnel who fell in the Japanese attack in Siberia in 1938.

All three counts in the group of "Conventional War Crimes and Crimes Against Humanity" are made against 19 of the accused who are charged with ordering, authorizing and permitting Japanese theater commanders, War Ministry officials, prison camp commanders and military and civil police to commit violations of the laws and customs of war against the armed forces and military and civilian prisoners of the nations with which Japan was at war. In the case of China, seven additional defendants are held responsible for such acts.

Specifically alleged breaches of the Hague and Geneva Conventions include charges of murder, pillage, rape, the use of poison gas against China and the enslavement of the peoples dominated by Japan.

Prisoners of war and civilian internees were "murdered, beaten, tortured, and otherwise ill-treated and female prisoners were raped by members of the Japanese forces, "the indictment states.

Abuses of prisoners of war cited include working them in connection with operations of war, in unhealthy and dangerous conditions, at excessive hours, under severe disciplinary measures and without sufficient food and clothing.

Structural and sanitary conditions of POW camps and labor detachments and the washing and drinking facilities in the camps were "extremely bad, unhealthy and inadequate," it is asserted.

The sick and wounded were mistreated and medical personnel, chaplains and personnel of voluntary aid societies were not respected nor protected, all in breach of the conventions, the indictment states. Female nurses were raped, murdered and ill-treated, it is charged.

Other violations of the Hague and Geneva Conventions, listed in the specifications, include:

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Humiliation of prisoners of war, and especially officers; exposure of prisoners to insults; retention of prisoners in territories occupied by Japan.

Failure to collect and transmit information regarding prisoners of war; failure to keep adequate records regarding such prisoners, and where such records were maintained, deliberate destruction of them by the Japanese.

Obstruction of the rights of Protecting Powers, of Red Cross Societies, of prisoners of war and of their representatives; refusal to permit Switzerland, a Protecting Power, to visit POW camps.

Withholding of Red Cross parcels and mail.

The Japanese are accused of failing "to respect family honour and rights, individual life, private property and religious convictions and worship in occupied territories, and deportation and enslavement of the inhabitants."

"Large numbers of the inhabitants of such territories," one specification asserts, "were murdered, tortured, raped, and otherwise ill-treated, arrested and interned without justification, sent to forced labour, and their property destroyed or confiscated."

Crew survivors of ships sunk in naval action were killed and hospital ships were not respected by the Japanese, also in violation of the two conventions, according to the indictment.

Attacks were made without due warnings upon neutral ships, it is charged.

Tracing the beginnings of Japanese aggression to the conclusion of the war, the indictment asserts that "from January 1, 1928, onwards, there was a plot in the Japanese Army, and particularly in the Kwantung Army, supported by certain civilians, to create an incident in Manchuria, which should form a pretext for Japan to conquer, occupy and exploit that country as the first step in a scheme of domination which later extended to other parts of China, to the territory of the Union of Soviet Socialist Republics, and ultimately to a wider field, aiming to make Japan a dominant power in the world."

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The Japanese leaders are accused of military aggression in Manchuria which, after a long period of infiltration and consequent friction, resulted in Japanese troops blowing up a portion of the South Manchurian Railway. The Japanese, it is stated, falsely accused Chinese troops of destroying the railroad and then attacked the Chinese forces.

Aggressive incidents recounted include the occupation of Chinchow, January 3, 1932; the first attacks on Shanghai beginning about January 18, 1932; the bombing of Chapei on January 29, 1932, and the establishment of a separate puppet Government in the provinces of China which Japan controlled by September 15, 1932.

The prosecutors assert that the Japanese Government delivered no declaration of war against China, "made no effort to settle the alleged dispute by pacific means, or by mediation or arbitration," and rejected an offer of mediation by the United States, Great Britain and France. They charge that on April 18, 1934, Japan announced her absolute opposition to any foreign interference in China other than her own.

The establishment of the "so-called State of Manchukuo," with Henry Pu Yi as nominal ruler is reviewed, and it is alleged that large Japanese armies continued to stay in the Chinese territories, which they used as a "base for further aggression, and to control, with Japanese civilian officials, the whole Government, industry and finance," of China.

Later, the document states, the Japanese expansion in China was officially expanded into the "Greater East Asia Co-Prosperity Scheme," which the prosecutors say was "a title designed to cover up a scheme for complete Japanese domination of those areas." Japan, they assert, declared that this was the ultimate purpose of the military campaign.

Methods of corruption and coercion in China and other occupied countries are described in the indictment to include "a systematic policy of weakening the native inhabitants' will to resist by atrocities and cruelties, by force and threats of force, by bribery and

corruption, by intrigue amongst local politicians and generals, by directly and indirectly encouraging increased production and importation of opium and other narcotics and by promoting the sale and importation of such drugs among the people."

From this traffic, it is alleged, revenue was used to finance "the preparation for and waging of the wars of aggression set forth in this indictment," and to finance the puppet governments set up by the Japanese in occupied territories.

The participation in the drug traffic went on, it is contended, while the Japanese Government was actively participating in the proceedings of the League of Nations Committee on Traffic in Opium and Other Dangerous Drugs, and Japan "professed to the world to be cooperating fully with other member nations in the enforcement of treaties governing traffic in opium and other narcotics to which she was a party."

The indictment reviews the general preparation for war conducted by Japan, describing Japan's secret increase in naval strength, culminating in the surprise attack on Pearl Harbor; Japan's military conscription which began in April, 1939; Japan's fortification of mandated islands, and the country's economic and financial exploitation aimed toward war.

In this connection, the indictment discusses the construction of a government which became increasingly subservient to the wishes of the Army with the eventual ridding of "free Parliamentary institutions as previously existed," and the adoption of a "system similar to the Fascist or Nazi model."

"This took definite shape with the formation on October 12, 1940, of the Imperial Rule Assistance Association, and later of the Imperial Rule Assistance Political Society," the prosecutors state.

Free speech and writing by opponents of Japan's policy were stamped out, and numerous societies, some secret, were formed both in the Army and Navy and among civilians to conduct a vigorous campaign for national expansion, it is alleged.

"The educational systems, civil, military and naval, were used

to inculcate a spirit of totalitarianism, aggression, desire for war, cruelty and hatred of potential enemies," it is charged.

Aggressive acts against French Indo-China and Thailand, the Soviet Union, the United States, the Philippines, the British Commonwealth of Nations, the Netherlands and the Republic of Portugal are dealt with in detail in six pages of the indictment.

Collaboration between Japan, Germany, and Italy, for the establishment of an economic, political and military alliance are reviewed.

It is stated that the Axis powers signed the Anti-Comintern Pact with a secret protocol and a secret military treaty, directed ostensibly against the Union of Soviet Socialist Republics and Communism, but actually designed as a prelude to joint aggressive action in general.

It is asserted that on or about December 1, 1941, Japan requested Germany and Italy to declare war on the United States after the beginning of hostilities, and that a "No separate Peace Treaty" be entered into.

From 1936 to 1945, "close military, naval, economic and diplomatic cooperation and exchange of information were maintained between" Italy, Germany and Japan, the indictment charges, with the Japanese, "at the request of Germany, adopting the German policy of ruthless submarine warfare and the destruction of crews of ships sunk or captured."

Development of the Japanese-controlled Manchuria war industries is discussed, pointing up the aims of Japan in its aggression against Russia. Also, it is asserted, "a great number of new airfields, fortified areas, dumps, barracks, sea and river ports destined to serve in the war of aggression against the Union of Soviet Socialist Republics were built."

The indictment contends:

"Propaganda in the press, by radio, directed against the Soviet Union, was carried on intensely. On Manchurian territory, Japan organized and supported on a large scale elements from Russian emigrants hostile to the Soviet Union and prepared them for hostile

acts against the Union of Soviet Socialist Republics. Japan systematically organized armed clashes on the frontier and organized act of sabotage and terrorist acts on the Chinese Eastern Railroad.

"...the governing militarist clique in Japan in the whole course of the war between Germany and the Union of Soviet Socialist Republics was openly hostile towards the Soviet Union; maintained a selected army on the Soviet frontiers and was an organizer of widespread propaganda against the Soviet Union. Japan actively helped Hitlerite Germany, providing her with information regarding the Union of Soviet Socialist Republics, organized pirate attacks on Soviet merchant shipping in the Far East by closing straits, establishing prohibited zones and special limited water ways.....

"In the same summer of 1941, Japan worked out a new plan of a surprise attack against the Union of Soviet Socialist Republics and kept the Kwantung Army fully prepared for such an attack. She was prevented from it, not by the pact of neutrality, which as it may be seen from above, Japan disregarded, but by the successes of the forces of the Union of Soviet Socialist Republics in the war against Germany."

The culmination of events leading up to the Pearl Harbor attack is described in part as follows:

"In March, 1941, conversations between the Japanese ambassador in Washington and United States Secretary of State took place in an endeavor by the United States to settle outstanding differences and to reach a peaceful settlement.

"While these were proceeding, Japan continued at a feverish pace to prepare for war. At an Imperial Conference on July 2, the decision to advance southward, obviously directed against the United States of America, the Kingdom of the Netherlands and the British Commonwealth, was reached.

"At a further conference on September 6, it was decided to open hostilities against the United States of America, Great Britain and the Netherlands in case the requirements of Japan seemed unlikely to be realized by some time during the first part of October. On

December 1, a further conference definitely decided on war.

"The decisions of the two last-mentioned Conferences were kept secret. On 7th-8th December, 1941, while negotiations were still proceeding, Japan made surprise attacks on territories of the United States of America at Pearl Harbor, of the British Commonwealth of Nations at Singapore, Malaya, Hong Kong and Shanghai, of the Commonwealth of the Philippines, and of Thailand.

"She delivered no declaration of war, and to the British Commonwealth of Nations or to the Commonwealth of the Philippines, no document of any kind. To the United States of America, she delivered, after the attack, a document which did not and was not intended to amount to a declaration of war."

In its statement of individual responsibility for the crimes set forth in the indictment, the prosecution lists the dates of conferences which each of the defendants attended, indicating "that he was present at and concurred in the decisions taken at some of the conferences and cabinet meetings" held in 1941, "which decisions prepared for and led to unlawful war on 7th, 8th December, 1941."

"The Netherlands East Indies and the Portuguese portion of the Island of Timor were within the area coveted by Japan and described by her as the 'Greater East Asia Co-Prosperity Sphere,' the indictment contends.

Facts regarding the invasion of the Netherlands East Indies on January 11, 1942, and invasion of Portuguese Timor, February 19, 1942, conclude the historical summary incorporated within the indictment.

Signers of the indictment include:

Joseph B. Keenan, Chief of Counsel, for the United States of America; Hsiang Che-Chun, Republic of China; A.S. Comyns Carr, United Kingdom of Great Britain and Northern Ireland; S.A. Golunsky, Union of Soviet Socialist Republics; A.J. Mansfield, Commonwealth of Australia; H.G. Nolan, Canada; Robert Onoto, Republic of France; W.G. F. Boegerhoff Mulder, Kingdom of the Netherlands; R. H. Cuilliam, New Zealand; and Pedre Lopez for the Commonwealth of the Philippines. Mr. Carr also signed for p.p. Gevinda Menon, for India.

In a statement summarizing the indictments, Mr. Keenan asserted that the prosecution will contend that breaches of International Law "are crimes for which the personal responsibility lies not only upon the humbler individuals who actually commit specific breaches of the laws of war" but also upon those in higher positions who by their decisions bring about these violations.

"The time has come," he said, "to put into action this principle which has been boldly asserted and firmly established. The indictment involves no new law."

It will be contended also, he declared, that "the intentional killing of a human being without lawful justification is murder by the law of every civilized country including Japan, by whose law even the intention is unnecessary." Lawful belligerency, he said, would be a justification but the indictment alleges that Japan's belligerency was unlawful because it violated treaties forbidding aggression and was begun without a declaration of war. Specific instances of murder, he pointed out, are charged in the various surprise attacks on December 7 and 8, 1941, the slaughters in Chinese cities, and the attacks on Soviet territory.

"It may seem strange," he asserted, "to include charges of murder in an indictment before an International Tribunal. But it is high time, and indeed was so before this war began, and that the promoters of aggressive, ruthless war and treaty-breakers should be stripped of the glamour of national heroes and exposed as what they really are--plain, ordinary murderers."

In regard to the counts charging breaches of the laws and customs of war, Mr. Keenan stated that mild phrases used in the Conventions such as "inhumane treatment" indicate that the framers of the Conventions "never contemplated the possibility of such outrages as are alleged against Japan in the conduct of her wars from 1931 to 1945."

The omission of any name from the indictment, Mr. Keenan pointed out, does not imply that the individual is exonerated from complicity in the charges or may not be charged later. The numbers

were limited in this trial, he said, "for convenience and clarity in presenting the case."

Many of the principals, he asserted, are already dead. One of the principals, General Juichi Terauchi, former War Minister and Army leader in China, Burma and Thailand, is suffering from a brain disease in Malaya and is utterly incapable of standing trial, Mr. Keenan reported.

"But the indictment," he said, "includes the survivors of those who, on the evidence at present available, appear to have major responsibility for most of the phases and activities which contributed to the crimes alleged against Japan."