

not used - 1

The duties and responsibilities of the Chief of Staff of the Army

from July 1944 to August 1945, of the Imperial GHQ, of which both the Chief of the Army said Staff and the Chief of the Navy General Staff (Shimada), the Minister of War (Tojo), the Minister of the Navy (Shimada), Vice Minister of War and Vice Minister of the Navy, were members, have been shown both by witnesses and by Exhibit No. 80.

The duties of the Chief of the Military Affairs Bureau of the War Ministry (Mito and Sato), his responsibilities and authority, have been shown by witnesses (Tanaka and Yamagaki) and by Exhibit No. 74, show inter alia his responsibility for:

- A. Matters concerning various regulations in war-time.
- B. Matters concerning general affairs of national defense policies.
- C. Matters concerning international regulations.

The last mentioned is of particular importance in considering the question of responsibility for treatment of POW, and in that assignment of duty is found the reason that practically all matters of importance regarding treatment of POW, protests as to their treatment, went through the hands of the Military Affairs Bureau, and, as has been testified, that Bureau made the policy regarding treatment of POW.

As has also been shown by testimony of witnesses, the Naval Affairs Bureau of the Ministry of the Navy (Oka) had duties corresponding to those of the Military Affairs Bureau of the War Ministry.

The numerous protests against ill-treatment of POW's received by the Foreign Ministry were customarily transmitted by the Foreign Ministry to the War Ministry and copies sent to the Navy Ministry, the Home Ministry and the Greater East Asia Ministry, and occasionally to other ministries. Thus, not only are the officers of the War Ministry charged with notice and responsibility, but also the officers of the Navy Ministry, the Home Ministry and the Greater East Asia Ministry.

Exhibit 1958 - shows that Vice Minister of War KIMURA, on January 23, 1942, in answer to inquiries from the Ministry of Foreign Affairs, following several conferences, advised the Ministry that Japan would act in accordance with the Geneva POW Convention of 1929 and give due consideration in regard to food and clothing to the racial habits and customs of interned prisoners. Responsibility for this decision lies with the Minister of War TOJO, Vice Minister of War KIMURA, and Chief of the Military Affairs Bureau MUTO.

Exhibit 1956 - shows that TOGO, Minister of Foreign Affairs, on January 29, 1942, in a letter to the Argentine Legation, stated that Japan would apply the provisions of the Geneva POW Convention, but added the words "mutatis mutandis". The responsibility for this change lies with the defendant TOGO.

Exhibit 1960 - was the first public utterance by TOJO on the policy re the forced labor of all POW and the "tough" treatment of them - May 30, 1942.

Exhibit 1961 - followed the announcement contained in Exhibit 1960, and was a notification from the POW Management Bureau of the War Ministry dated June 3, 1942, on the subject of the policy of forced labor of POW officers and non-commissioned officers. Here the responsibility lies with TOJO, Minister of War; KIMURA, Vice Minister of War; and MUTO, Chief of the Military Affairs Bureau (the Bureau concerned with foreign nationals).

Exhibit 1962 - again announced the policy as to POW of "no work, no food," June 25, 1942, address of TOJO to Chief of POW Camps.

Exhibit 1963 - this policy reiterated on July 7, 1942 to other POW Camp Commanders by TOJO.

Exhibit 1964-A shows that instructions were given to all POW Camp Commanders, June 25 and 26, and July 7 and 8th, 1942, re handling of POW. The responsibility for these instructions and explanations of regulations, lies with War Minister TOJO, Vice War Minister KIMURA, and Chief of the Military Affairs Bureau SATO.

Exhibit 1965 - Laws, Rules and Regulations Regarding Treatment of POW, and labor, etc., many of which violated the POW Convention of 1929, the Hague Convention of 1907, and other laws and customs of war. The responsibility for these laws again rests with Minister of War TOJO, Vice Minister of War KIMURA, and Chief of the Military Affairs Bureau SATO.

Exhibit 1966-A - shows that KIMURA advocated passage of the POW Punishment Act before the Diet February 17, 1943, many provisions of which violated both the Hague and Geneva Conventions and the assurances given by Japan in 1942.

Exhibit 1967 - shows the approval on October 22, 1942, by Vice Minister of War KIMURA, Minister of War TOJO, and the Chief of the Military Affairs Bureau SATO, of the proposal to use POW on munitions work and other enterprises having to do with war.

Exhibit 1968 - shows that Minister of War TOJO and Chief of the Military Affairs Bureau SATO were advised on September 2, 1942, of the forcing of POW to take oaths, and made no objection thereto, which action violated both the Hague and Geneva Conventions.

Exhibit 1969 - shows receipt by the War Ministry of the report from the Eastern Area Army re illegal employment of POW on munitions work, to which no exception was taken by either War Minister TOJO, Vice Minister of War KIMURA, or Chief of the Military Affairs Bureau SATO.

Exhibit 1970-A shows the approval by Minister of War TOJO, Vice Minister of War KIMURA, Chief of Military Affairs Bureau SATO, and Commander in Chief of the Kwantung Army UMEZU, in August and September, 1942 of illegal use of POW on munitions work in Manchuria.

Exhibit 1971-A shows illegal employment of POW on construction work for national defense in September, 1942, in a report from the Home Ministry.

Exhibit 1972-A Another report dated August, 1942, from the Home Ministry shows the illegal employment of POW in military works.

Exhibits 1973 show the approval of TOJO, KIMURA, MUTO and SATO, and
1974
1975 Commander in Chief of the Korean Army ITAGAKI, to the sending of POW to Korea for exhibition purposes. MINAMI, Governor-General of Korea, also gave his approval to the proposal.

Exhibit 1976 - shows the publication by ITAGAKI, Commander in Chief of the Korean Army, of illegal rules and regulations re POW in Korea. These rules and regulations came to the attention of, but were not objected to by TOJO, KIMURA or SATO, 4 September 1942.

Exhibit 1977 - shows knowledge on the part of War Ministry that POW were cruelly treated, 20 December 1943, at which time TOJO was War Minister, and SATO was Chief of the Military Affairs Bureau.

Exhibit 1978 - Provides for "emergency measures" re POW and, among other things, provides for keeping POW at work even in areas being bombed - March 17, 1945. The responsibility for this order lies with UMEZU, then Chief of Staff.

Exhibit 1979-A Shows organization and authority for Imperial GHQ. Responsibility for its decisions, therefore, rests with those occupying the following positions:

Chief of Staff - Army
Chief of Staff - Navy
Vice " " " - Army
" " " " - Navy
Various Chiefs of Sections of General Staff
War Minister
Navy Minister
Vice War Minister
Vice Navy Minister
Various Chiefs of Bureaus of War and Navy Ministries.

Exhibit 1979-A TOJO admits responsibility for treatment of prisoners of war.

Exhibit 1980-B TOJO stated Japan was governed by the 1907 Hague and 1929 Geneva POW Conventions.

Exhibit 1980-C TOJO again accepts responsibility for treatment of POW.

Exhibit 1980-D TOJO states that protests of the U. S. and Britain re the treatment of POW were taken up at the bi-weekly meetings of Bureau Chiefs of the War Ministry. This also ties in KIMURA, Vice Minister; MUTO and SATO, both having been Chief of the Military Affairs Bureau.

Exhibit 1980-E TOJO inquired re Bataan Death March, but did nothing.

- Exhibit 1981-A TOJO admits inhuman treatment of POW's.
- Exhibit 1981-B TOJO admits responsibility for not following the Hague and Geneva Conventions.
- Exhibit 1982-A TOJO was in Thailand for three days - 4 July 1943 - 6 July 1943, so knew the conditions on the Burma-Siam Railway.
- Exhibit 1983-A TOJO said the work of the POW Bureau was directly under the Military Affairs Bureau (MUTO and SATO). Rules re POW's result of conferences between the Military Affairs Bureau and the General Staff.
- Exhibit 1983-B TOJO knew of reports re ill-treatment of POW in the Thai-Burma area and the Philippines.
- Exhibit 1984-A TOJO issued order re death penalty for fliers raiding Japan. Recommended death of three, and commutation of sentence for other Doolittle fliers.
- Exhibit 1984-B TOJO said malnutrition of POW's discussed at bi-weekly meetings of Bureau Chiefs. Requests re food came to the Military Affairs Bureau (MUTO or SATO) and War Minister could take action after consultation between the Chief of the Military Affairs Bureau and the Field Commander.
- Exhibit 1985 KIDO had notice of POW atrocities as recited by Eden in March, 1942.
- Exhibit 1986 KIDO had knowledge of manner of treatment of Doolittle fliers.
- Exhibit 1987-A KIDO informed the Emperor re details of Doolittle fliers' treatment 3 October 1942.

- Exhibit 1988 - Shows War Ministry was informed of sick rate of POW on the Burma-Siam Railway, which was 37% up to September, 1943. (Also see Exhibit No. 473). TOJO, KIMURA and SATO.
- Exhibit 1989 - Shows decision to build Burma-Siam Railway was made by Imperial GHQ for strategic purposes and to exploit tungsten deposits for munitions manufacture. Use of POW labor was decided by TOJO, and KIMURA. The poor physical condition of POW was reported to the General Staff, August, 1943.
- Exhibit 1990 - Shows Burma-Siam Railway construction was principally a tactical operation authorized by the General Staff in Tokyo.
- Exhibit 1991 - Shows TOJO's order re death penalty for fliers adopted by the Japanese forces in China.
- Exhibit 1992 - Shows War Minister's order re death penalty for captured fliers transmitted by KIMURA to all units of the Japanese Army.
- Exhibit 1993 - Shows War Minister's order, sent from Imperial GHQ to Chinese Expeditionary Forces, re death penalty for captured air crews.
- Exhibit 1994 - Shows execution by order of the Eastern Sea District Area Army of 11 members of air crew after alleged trial by court 11 July 1945 - TOJO, KIMURA, SATO, TOGO, DOHIMARA, CG Eastern area army.
- Exhibit 1995 - Shows execution of two fliers, 18 July 1945, by order of HQ, Central Japan District.

Exhibit 1998 - Shows illegal sentences in trials of POW's in violation of treaties and assurances.

ITAGAKI, Commanding General, Korean Army
UMEZU, Commanding General, Kwantung Army

TOJO)
KIMURA) Responsible for POW Punishment Act.
SATO)

Exhibit 1999 Shows War Ministry's intention to conceal illegal punishments - TOJO, KIMURA and SATO.

Exhibit 2000 - Shows illegal destruction of documents - UMEZU, Chief of Staff.

Exhibit 2001-A Shows illegal destruction of documents - UMEZU, Chief of Staff.

Exhibit 2003 - Shows instructions from War Ministry to make officers and warrant officers work. TOJO, KIMURA, and SATO.

Exhibit 2004-
2010 Show use of POW's on military work in Formosa with approval of War Ministry - TOJO, KIMURA and SATO.

Exhibit 2011 - Shows War Minister's knowledge of mistreatment of POW's.

Exhibit 2012-
2013 Show instructions from War Ministry received in Formosa 27 March 1945 re disposition of POW's in violation of treaties and assurances - KOISO.

Exhibit 2014 - Shows no limit placed on hours of work of POW by order of War Ministry, 16 March 1945 - KOISO.

- Exhibit 2015 - Shows preparations for destruction of POW's in Formosa
1 August 1944, from Commanding Officer Taihoku POW Camp
to Commanding General Taiwan Army.
- Exhibit 2016-A Shows denials of freedom of visits to POW camps by Japanese
Foreign Office - TOGO, SHIGEMITSU, TOJO, KIMURA, SATO, in
violation of treaties and assurances - 1942 - 1945.
- Exhibit 2017-
2019 Shows denial of right to visit POW camps - July, 1943
(SHIGEMITSU, TOJO, KIMURA, SATO).
- Exhibit 2020-
2021 Shows refusal of Foreign Ministry and War Ministry to permit
certain questions to be asked by Swiss when visiting POW
Camps, contrary to treaties and assurances - TOJO, KIMURA,
SATO and SHIGEMITSU.
- Exhibit 2022 - Shows notice to Japanese Government of ill-treatment and
atrocities committed on U. S., British and Australian POW's -
8 July 1942 to 5 July 1945 - TOGO, SHIGEMITSU, TOJO, KIMURA,
SATO, KOISO, UMEZU, OKA, SHIMADA.
- Exhibit 2023 - Shows notice to Japanese Government of mistreatment of POW's
in Thailand, by Swiss, and answers by Foreign Ministry
denying, although report had been made by WAKAMATSU (Exhibit
1989) - SHIGEMITSU, TOJO, KIMURA, SATO, OKA, SHIMADA.
- Exhibit 2024 - Protest by U. S. through Swiss of mistreatment of U. S.
civilians interned by Japan - 23 December 1942, answered
26 May 1943. Further protests, and answers by SHIGEMITSU
which were false.

- Exhibit 2025-A Protests and answers re labor in connection with operations of war of POW's - 15 December 1942 to 1 August 1945 - TOGO, SHIGEMITSU, TOJO, KIMURA, SATO, OKA, SHIMADA and UMEZU.
- Exhibit 2026 Protest and answer re food of POW - SHIGEMITSU, TOJO, KIMURA, SATO, OKA, SHIMADA.
- Exhibit 2027 - Affidavit of E. Tomlin Bailey of U. S. State Department shows Japan's assurances re POW Convention and protests filed by U. S.
- Exhibit 2028 - Shows number of POW's who were killed or died while in power of Japan - also number killed or died in German hands (in case of U. S. and the United Kingdom).
2033
- Exhibit 2012 - Show instructions from War Ministry re disposition of POW's in case of emergency - UMEZU, Chief of Staff.
2013
- Exhibit 2015 - Shows preparations for destruction of POW's by Commanding Officer of Taihoku POW Camp, reported to Commanding General, Taiwan Army.
- Page 15,221 Shows killing of 140 POW's by Japanese soldiers and sailors at POW Camp at Puerto Princessa, Palawan, 14 December 1944. (Corroberated by Exhibits 2110, 2111, 2112), SATO, Chief Military Affairs Bureau.
- Page 15,025 Vice-Admiral ABE, Koso received report from Admiral SAKAYBARA at Wake of death of 96 POW's in October, 1943. (His duty was to report same to Naval Ministry, Tokyo).
- Page 15,046 Shows Japanese Commanding Officer at Wake, Rear Admiral SAKAYBARA ordered execution of 96 American POW's 7 October 1943.

Page 14,973 Admiral SAKAIBARA admitted ordering execution of 96 POW's on Wake 7 October 1943 (Exhibit 2036-A)

Page 15,028 Vice Admiral ABE, Koso ordered execution of 9 American POW's from Makin at Kwajalein in October, 1942 as a result of visit from Lt. Commander OKADA, Sudamoto, of General Staff in Tokyo, "who told me not to ship the POW's back to Japan but dispose of them on the spot, which I judged to be the Navy's policy." OKA and SHIMADA.

Page 15,029 Captain CBARA testified Vice Admiral ABE said on October 10 1942, "In accordance with a directive received from Central HQ, it has been decided to execute the Makin prisoners here and not send them back to Japan. You will take charge of carrying out this /execution/." OKA, SHIMADA.

Page 15,030 Vice Admiral ABE said, as to the 9 American POW's, "a directive was issued to me from the Highest Naval Central HQ to dispose of them on my island..." OKA, SHIMADA.

Page 14,980-1
Exhibit 2036-B Shows that Military Affairs Bureau of Naval Ministry responsible for POW - OKA, Chief of Military Affairs Bureau of the Navy; SHIMADA, Naval Minister.

Page 15,154
Exhibit 2092 Destruction of crews of British Ships "Daisy Moller," "British Chivalry," "Sutley," "Ascot," and "Nancy Moller," 1943-4.

Page 15,109-
15,126 Destruction of crew of Jean Nicolet, 2 July 1944.

Page 15,148-
15,150 Destruction of crew of John A. Johnson, 29 October 1944.

Page 15,186

Shows OSHIMA's talk with Ribbentrop re submarine warfare. Germany sent two submarines to Japanese and Ribbentrop talked about failing to rescue survivors of torpedoed merchant ships and German U-Boat order of September, 1942 that they would not rescue survivors. OSHIMA reported this to Japanese Naval Attaché:

Page 15,185
Exhibit 2105

"1st Submarine Force Secret #2-43, '...Do not stop with sinking of enemy ships and cargo; at the same time that you carry out the complete destruction of the crews of the enemy's ships, if possible, seize part of the crew and endeavor to secure information about the enemy.' " OSHIMA,
OKA, SHIMADA.

1956

INTRODUCTORY STATEMENT
(Colonel G. S. Woolworth)

Col Woolworth
Capt James Cheseloh
Strickland

Mr. President and Members of the Tribunal:

Ant Ino

It is now proposed to show the individual responsibility of the defendants for the Class B Offences, ample evidence of the commission of which has already been introduced covering Japan Proper as well as all territory occupied by Japanese troops. It may well be - as suggested by Mr. Justice Mansfield in his opening statement - that the identical pattern followed by the Japanese Army and Navy in every area in the treatment of prisoners of war, civilian internees and native population, necessitates the inference of guilt of those officials of the Government of Japan such as the members of the Cabinet, some other high officials of the Government, of officers of the Imperial GHQ, and of those officers of the Army and Navy in command in the various areas where these offences took place. At the risk of redundancy, and so that this Tribunal need not rely upon implications or inferences, however convincing, this additional evidence will be adduced.

Part in File

First, it is desired to invite the attention of the Tribunal as briefly as possible to the official position occupied by certain of the defendants at the time these Class B Offences have been proven to have been committed:

A - (In Tokyo)

TOJO - was Prime Minister and concurrently Minister of War - 1941-1944; also Foreign Minister - 2 Sept. 1942 to 1 October 1942.

A - (In Tokyo)

ARAKI - was Minister of War December, 1931 to July, 1934.

HIRANUMA - was Prime Minister -- January to August, 1939.

HIROTA - was Foreign Minister -- September, 1933 to March, 1936.

was Prime Minister and for a time Foreign Minister

concurrently -- March, 1936 to February, 1937.

Foreign Minister - June, 1937 to May, 1938.

MATSUOKA - President of the South Manchurian Railway -
(deceased)

1935- 1939; Foreign Minister, July, 1940 -

July, 1941.

MINAMI - was Minister of War - April, 1931 to December, 1931;

Commander in Chief of the Kwantung Army - 1934 -

1936.

1932 - P

- KIMURA - was Vice-Minister of War - 1941 - 1944.
- MUTO - was Chief of the Military Affairs Bureau (War Ministry) - October, 1939 - April, 1942.
- SATO - was Chief of the Military Affairs Bureau (War Ministry) - April, 1942 - December, 1944.
- KOISO - was Prime Minister - July, 1944 to April, 1945.
- UMEZU - was Chief of Staff of the Army - July, 1944 to end of war.
- SHIMADA - was Minister of the Navy - October, 1941 - February, 1944; Chief of Naval General Staff - February, 1944 - July, 1944.
- NAGANO - was Chief of Naval General Staff - 1941 - February, 1944.
- OKA - was Chief of Military Affairs Bureau of the Navy - 1940-1944.
- TOGO - Foreign Minister - October, 1941 - 2 September, 1942, April, 1945 - August, 1945.
- SHIGEMITSU - Foreign Minister - April, 1943 - April, 1945.
- KIDO - Lord Keeper of Privy Seal - 1940 - 1945.
- B - (In Army Commands)
- MATSUI - Commander in Chief of Japanese forces in China - October, 1937 - February, 1938 (Rape of Nanking - December, 1937).
- DOHISHI - Commander in Chief of Eastern Army in Japan - 1943-1944; Commander in Chief of 7th Area Army in Singapore - 1944 - April, 1945.
- HASHIMOTO - Commander of Artillery Regiment which shelled the "Ladybird" - 1937.

HATA - Commander in Chief of Expeditionary Force in Central China - July, 1940 - 1944.

ITAGAKI - Commander in Chief Japanese Army in Korea - July, 1941 - March, 1945; Commander in Chief of 7th Area Army in Singapore - April, 1945 - August, 1945.

KIMURA - Commander in Chief of Japanese Army in Burma - March, 1944 to the end of the war.

MUTO - Commander of the 2nd Guards Division in Sumatra, 1943; Chief of Staff of 14th Area Army in the Philippines under General YAMASEITA in 1944.

SATO - Assistant Chief of Staff of China Expeditionary Forces - January, 1945; then Commander of the 37th Division in Indo-China and in Thailand to the end of the war.

UMEZU - Commander in Chief of the Kwantung Army - 1939 - June, 1944.

Second, the agreements and assurances of the Japanese Government to abide by the Geneva Prisoner of War Convention re the treatment of prisoners of war, and so far as applicable to civilian internees, made to the United States, the Governments of Britain, Canada, Australia, New Zealand and Netherlands, are already in evidence. It is proposed to show, by evidence from official Japanese Government records, directives issued in violation of such agreements and assurances, and those among the defendants responsible therefor.

Third, it will be shown by official Japanese records of knowledge on the part of many of these defendants of the neglect, ill-treatment and illegal punishment of prisoners of war and internees.

Fourth, it will be shown by official records of the Swiss Legation, the protecting Power, of the Japanese Foreign Office and the Prisoner of War Information Bureau, that protests in behalf of the United States and Britain over failure to permit visits to prisoner of war camps and against ~~inhumane~~ treatment of prisoners of war, showed notice to many of these ~~authorities~~ whose duty it was to permit such visits and to put a stop to such inhumane treatment.

Fifth, Statistics from official records of Australia, Canada, the United Kingdom, New Zealand and the United States, will show the number of prisoners of war and the number who died in captivity.