

1 Wednesday, 27 November 1946

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment
10 at 0930.

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12 Appearances:

13 For the Tribunal, same as before with the
14 exception of the HONORABLE R. B. PAL, Member from
15 India, not sitting.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 The Accused:

19 All present except OKAWA, Shumei, who is
20 represented by his counsel.

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22 (English to Japanese and Japanese
23 to English interpretation was made by the
24 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): Mr. President,
5 if the Tribunal please: I regret the necessity of
6 presenting a shortlanguage correction. I can assure
7 the Tribunal that this will not be necessary for any
8 of the other excerpts from KIDO's Diary presented
9 during this phase of the case.

10 Exhibit 1269, record page 11,309, line 17:
11 substitute "control of discussion about" for "muzzling."

12 THE PRESIDENT: Brigadier Nolan.

13 BRIGADIER NOLAN: Mr. President and Members
14 of the Tribunal:

15 In the extracts from the KIDO Diary that I
16 will ask permission to introduce in evidence today,
17 certain changes have been suggested by the Language
18 Arbitration Board and notified to the defense and to
19 the prosecution. I propose, with the permission of
20 the Tribunal, to read the extracts in the form
21 suggested by the Arbitration Board and, subsequently,
22 to have re-processed those particular documents and
23 distributed both to the Tribunal and to the defense.

24 THE PRESIDENT: The Tribunal approves.

25 BRIGADIER NOLAN: I read from exhibit 1272:

1 "Tokyo, 17 May 1942 "9.40 hours

2 "Arrived, 18 May 1942

3 "No. 1478 of 14 May 1942

4 "Re: Telegraph of 30 January, No. 287.

5 Prot B 22 IX 310.

6 "The Japanese Army have repeatedly approach-
7 ed the Military Attache with the request to recommend
8 certain Japanese for receiving German decorations on
9 the occasion of the Tripartite Pact."

10 Besides above, it proposed 2 or 3 more
11 awardings.

12 "Because of the hesitancy on the part of
13 the Japanese Decorations Office in the matter of Ger-
14 man desires for decorations and in line with your
15 telegram of 9 October, No. 1070, according to which
16 a list of recommendations for German decorations to
17 be bestowed upon Japanese at the occasion of the Tri-
18 partite Pact is to take place only after the bestowal
19 of Japanese decorations has been effected, I have
20 since refrained, on principle, and in agreement with
21 the Military Attache, from passing on the Japanese
22 desires and from making proposals of my own.

23 "However, in the meantime and notably since
24 the war broke out, a number of Japanese should be
25 mentioned; these have made important contributions

1 to German-Japanese cooperation and our joint waging
2 of the war at the same time they occupy key positions
3 in the Japanese Government or Army of such importance,
4 that even without regard to reciprocity, their decora-
5 tion seems suitable. This concerns men of the immed-
6 iate group surrounding TOJO, who will presumably re-
7 tain for some time their decisive influence on the
8 shaping of Japanese policy. I learned that the Ita-
9 lians have recently planned a number of bestowals of
10 the decorations. Hence I would like to propose to
11 suggest the following decorations to the Fuehrer:

12 "(1) Teiichi SUZUKI, Lieutenant-General re-
13 tired, Minister of State, President of the Planning
14 Board of the Cabinet, born 16 December 1888 in CHIBA.
15 In the scope of the tasks conferred on him as head of
16 the Planning Board to bring Japan on the highest level
17 of defense, SUZUKI wields decisive influence on the
18 reorganization of Japan's inner administration, includ-
19 ing almost all of the ministries. He likewise controls
20 economic planning in Japan, as well as the organiza-
21 tion of economic and administrative construction in
22 the Southern territories. SUZUKI is at the same time
23 an executive organ (General Secretary of the Board
24 for the Construction of Greater East Asia). On the
25 strength of this great authority, his connections with

1 the Army and his personal relations to TOJO, SUZUKI
2 has created a position for himself that can be label-
3 ed as a kind of a Vice-Chancellorship. This is also
4 shown by SUZUKI's order of rank in the Japanese Cab-
5 inet at official events. Although he was formerly
6 somewhat ambiguous in his attitude towards Germany,
7 SUZUKI has especially recently supported cooperation
8 with Germany and had an important share in the deci-
9 sion of Japan's entry into the war. Proposed Order:
10 Grand Merite.

11 "(2) Toshio SHIRATORI, born 8 June 1887 in
12 CHIBA, formerly Ambassador in ROME. Adviser of the
13 Foreign Minister when the Tripartite Pact was con-
14 cluded. For a long time he was the principal advocate
15 of intimate cooperation with Germany. Member of the
16 New Diet after having recovered his health SHIRATORI
17 will probably again play an important part in foreign
18 and home politics. Order: Great Cross.

19 "On recommendation of the Military Attache:
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21 "(3) General SUGIYAMA, Chief of General
22 Staff since 3 October 1940, born 21 January 1880 in
23 KOKURA, former Minister of War. In all of his posi-
24 tions he has always openly advocated cooperation with
25 Germany, wielding great influence in the conclusion
of the alliance. Grade: Great Cross.

1 "(4) Lieutenant-General HEITARO KIMURA,
2 Vice Minister of War, born 28 September 1888 in TOKYO
3 Prefecture. K. was in Germany 1922-1924. In his
4 position of Chief of the General Staff of the Kwantung
5 Army, October 1939 to October 1940, he has especially
6 worked in behalf of Germany. Vice Minister of War
7 since 10 April 1941, he is one of the principal ad-
8 vocates of German-Japanese military cooperation.
9 Grade: Great Cross.

10 "(5) Lieutenant-General AKIRA (TN: From
11 context the garbled part seems to be MUTO), former
12 Director of the military political section of the
13 War Ministry since October 1939, born 15 November 1892
14 in KUMAMOTO. He has now received an important field
15 command, and an extraordinary career is predicted
16 for him. Without regard to the vacillations of Japan-
17 ese policy, M. has always advocated the conclusion of
18 a German-Japanese alliance in a most important posi-
19 tion. Order: Great Cross, under special considera-
20 tion of his official position.

21 "(6) Major-General KENRYO SATO, Chief of the
22 Political Section of the War Ministry, born 1 June 1895
23 in ISHIKAWAKEN. Definitely pro-German; representative
24 and adviser and at present successor of General MUTO.
25 The importance wielded by him during the last three

1 months before Japan's entry into the war has obviously
2 increased. Order: Distinguished Service Cross with
3 Stars.

4 "(7) Lieutenant-General YUKIO KASAHARA,
5 born 6 November 1889 in TOKYO, Chief of the European
6 Section of the General Staff at the time of the Anti-
7 Comintern Pact; until 1941 Chief of the General
8 Staff of the Japanese Army in North China; at pre-
9 sent field command; using his important influence he
10 has always worked as a leader for the Anti-Comintern
11 Pact and German-Japanese cooperation. Order: Dis-
12 tinguished Service Cross with Stars.

13 "On recommendation of Air Attache:

14 "(8) Colonel General KENJI DOHIHARA, Chief
15 of the Army's Airarm Bureau since 9 June 1941, born
16 8 August 1883 in OKIYAMA. By constant close and
17 friendly cooperation with the Air Attache, he has in
18 a leading position, contributed, in the true sense
19 of the Tripartite Pact, to the extension and deepening
20 of the military alliance. Order: Great Cross.

21 "(9) Vice Admiral EIKICHI KATAGIRA, Chief
22 of the Navy's Airarm Bureau since 24 September 1941,
23 born 10 September 1885 in YONEZAWA. Reasons as per
24 Para.(6). Order: Great Cross.

25 "To the above proposals I would like to re-

1 mark:

2 "SUGIYAMA had been recommended for the Great
3 Cross already in 1937 because of his pro-German atti-
4 tude. As Chief of the General Staff he continued taking
5 a leading part in working for Military cooperation
6 with Germany.

7 "KIMURA has closely cooperated with Minister
8 of War and Prime Minister TOJO already on the Kwantung
9 Army. His personal relationship to TOJO as well as
10 his primary preoccupation in his position of Prime
11 Minister have enhanced his influence on the leadership
12 of the War Ministry, as well as his position in regard
13 to the other Vice-Ministers to a marked degree.

14 "MUTO, as head of the political section of
15 the War Ministry since 1939, has often been mentioned
16 in my reports. In view of the political influence
17 wielded by the Japanese Army, his attitude was and
18 is of great importance. The same is now true of Major-
19 General SATO who has so far cooperated in a friendly
20 way with the Military Attache and the Embassy as
21 MUTO's representative.
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23 "DOHIHARA and KATAGIRI have an equally im-
24 portant share in military cooperation, along with the
25 Chiefs of the Army's and Navy's Airarm Bureaus. Be-
cause of the successes of the Japanese airarm their

1 position among Japan's military and political leader-
2 ship has especially risen. In view of their position
3 simultaneous bestowals of the Great Cross seem called
4 for."

1 I now offer in evidence a KIDO Diary extract,
2 IPS document No. 1632W (116).

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 1632W (114) will receive exhibit No. 1273.

6 (Whereupon, the document above referred
7 to was marked prosecution's exhibit No. 1273 and
8 received in evidence.)

9 BRIGADIER NOLAN: I read from exhibit 1273 in
10 part:

11 "At 2:10 Premier TOJO came to my room, and
12 related the circumstances surrounding the establish-
13 ment of the Greater East Asia Ministry.

14 "He said that the matter had been debated
15 at that morning's Cabinet conference, that as
16 Foreign Minister TOGO had objected in principle
17 to the establishment, there had been no agree-
18 ment in views. After a short recess, in the after-
19 noon the Premier had talked the matter over with the
20 Foreign Minister, but could not persuade him. Then
21 the Premier had asked him to resign, but his answer
22 being that he could not do so at once, the negotia-
23 tions had come to a standstill. The Premier had
24 then requested the Foreign Minister to let him
25 know by 4 p.m. whether he would resign or not."

1 "If the Foreign Minister does not resign, the Cabinet
2 will be forced to resign en bloc due to non-unity,
3 the Premier concluded.

4 "I was greatly surprised by the news as
5 it came so suddenly, but since the Cabinet could
6 do nothing I let the matter ride.

7 "From 2:30 to 3 audience with the Emperor
8 reporting the above matters. He, too, was greatly
9 surprised. He wanted by all means to avoid a
10 resignation en bloc in view of the situation at
11 home and abroad, and at the present stage of war,
12 today when America has begun to show considerable
13 signs of counter-offensive action. I was really
14 impressed. Therefore, I asked the Emperor to call
15 in Navy Minister SHIMADA as an intermediary. With
16 the Emperor's permission, I had the Chief Aide-de-
17 Camp request the Navy Minister to appear at the
18 Palace immediately.

19 "At the same time I called Chief Secretary
20 MATSUDAIRA, who had already retired to his home, to
21 come and had him consider the steps to be taken in
22 case the Navy Minister's intermediation should fail.

23 "At 3:10 Navy Minister SHIMADA came to
24 the Palace, and I saw him immediately. Having
25 given him the reason why he was so suddenly called,

1 I asked him to do his very utmost. From 3:20 to
2 3:25 audience with the Emperor. Reported the
3 conversation which I had just had with the Navy
4 Minister. Then the Navy Minister was received
5 in audience after which he later came to my room
6 and told me that he was deeply impressed by the
7 gracious mind of the Emperor and that he would do
8 his best.

9 "From 3:45 to 4 audience with the Emperor,
10 who told me what he had said to the Navy Minister.

11 "At 5:00 received an interim report by
12 phone from the Navy Minister by Aide-de-Camp
13 SAMEJIMA that a solution seemed possible.

14 "Then at 5:35 I received a phone call
15 from the Navy Minister that Foreign Minister TOGO
16 having understood the Premier's position had de-
17 cided to present his resignation at about six o'clock.

18 "From 5:40 to 5:45 audience with the
19 Emperor. Reported these events and informed the
20 Emperor that we had avoided the danger of a mass
21 resignation. He appeared then to be relieved and
22 I was pleased.

23 "Then I returned home. After supper, I
24 went again to the Palace at 7:00. Premier TOJO
25 also came and reported to the Emperor that TOGO

1 had resigned and that he (TOJO) would be responsible
2 for TOGO's post in addition to his own.

3 "The Emperor sanctioned all this and
4 installed him at 8:00 P.M. as the Foreign Minister."
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1 BRIGADIER NOLAN: I now offer in evidence an
2 extract from the KIDO Diary of the 13th of May, 1943,
3 IPS Document No. 1632W (101).

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1632W (101) will receive exhibit No. 1274.

7 (Whereupon, the document above referred
8 to was marked prosecution's exhibit No. 1274 and
9 received in evidence.)

10 BRIGADIER NOLAN: I read from exhibit 1274,
11 extract from the Diary, 13 May 1943:

12 "At 3 p.m. Foreign Minister SHIGEMITSU
13 visited the Palace and after the audience he visited
14 my room and we exchanged views concerning the prospect
15 of the world situation, etc. He told me his opinion
16 about his meeting with Ambassador Stahmer, which was
17 as follows:

18 "Ambassador Stahmer is seriously afraid of
19 the present situation in Germany; the power of the Army
20 has been gradually gathering strength and the Nazi
21 Party apparently is overwhelmed by them. If this
22 tendency becomes stronger, some violence will occur in
23 politics as well as in diplomacy, and at last Germany
24 will be confronted with a similar situation as in the
25 last stage of the first Great War. In this occasion,

1 by all means, some powerful person should be sent from
2 Japan to Germany for the establishment of liaison between
3 the two countries."

4 I offer in evidence IPS document No. 1170,
5 being a meeting of the Investigation Committee of the
6 Privy Council held on the 18th of August, 1943, rel-
7 ative to the conclusion of a treaty between Japan and
8 Thailand concerning Thai territory in Malaya and Shan
9 areas.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 1170 will receive exhibit No. 1275.

13 (Whereupon, the document above referred
14 to was marked prosecution's exhibit No. 1275 and
15 received in evidence.)

16 BRIGADIER NOLAN: The accused present were
17 MINAMI, TOJO, SHIGEMITSU, SATO, AND OKA. I read from
18 page 2 of exhibit 1275:

19 "KUBOTA, a member of the committee, raised a
20 question concerning the exchange document referred to
21 in the draft, and AOKI, Greater East Asia Minister,
22 made the reply. SHIMIZU, a member, asked whether there
23 was any dissatisfaction on the part of Burma due to
24 Japanese approval of the annexation of the two Shan
25 states by Thailand, and whether there was any request

1 on the part of Thailand for the re-acquisition of
2 Penang Island and the State of Wellesley, both of which
3 she had lost in Malaya but had not been included in
4 the present annexation plan. In reply to this ques-
5 tion, Premier TOJO related the circumstances when he
6 had made the proposal in his interviews with BA MAW
7 at Singapore and Phibun at Bangkok during his trip
8 South. He stated that although Ba Maw had shown no
9 sign of dis-satisfaction regarding Thailand's annex-
10 ation of the two Shan States, uneasiness might be enter-
11 tained by the natives, and that, therefore, nothing
12 should be left to be desired in Japan's future policies.
13 He further explained that because only a few years had
14 passed since Thailand's cession of the territories which
15 she was about to reacquire, her desires had been very
16 strong. He explained that it was for this reason that
17 Japan was trying to recognize Thailand's reacquisition
18 of these territories, and that the present measures
19 taken toward the four Malay states seemed to be a
20 surprise to Thailand, Phibun's face was full of joy."

21 I omit the next paragraph.

22 "Then MINAMI, a member of the committee,
23 inquired what meaning such an action would have by
24 International Law. MORIYAMA, Director of the Bureau
25 of Legislation, replied that it was the popular opinion

1 according to International Law that occupying nations
2 had no territorial rights in occupied areas, and, there-
3 fore, such treaties for territorial cession in the
4 occupied area should not be concluded. However, on
5 the other hand as an occupying nation was conducting
6 the administration for occupied areas, in other words,
7 military administration, and as there was no" --
8 something; I can't read it.

9 THE PRESIDENT: "No spec regulations."
10 Special, I suppose.

11 BRIGADIER NOLAN: " -- special regulation
12 stipulating that we should continue this condition for-
13 ever, it should be perfectly all right to agree that
14 there would be no objections to our abolishing the
15 military administration in the occupied area and
16 letting a third power annex such territories. He ex-
17 plained that the treaty between Japan and Thailand
18 would be concluded in this spirit. A reply was made
19 by Premier TOJO to the effect that the Japanese Army
20 already firmly believed that this was Japan's terri-
21 tory and that the measure for this draft should be
22 taken according to this firm conviction."

23
24 The top of page 4:

25 "HAYASHI, a member of the committee, asked
whether the Government intended to consider such

1 measures provided in the Treaty as not being contrary
2 to International Law. Premier TOJO answered that
3 International Law should be observed so long as the
4 enemy observed it; but that International Law should
5 be interpreted from the viewpoint of executing the war
6 according to our own opinions, and that he considered
7 the present measure as being perfectly justified by
8 International Law."

9 I now offer in evidence an extract from the
10 KIDO Diary, 6 January 1944, IPS document No. 1632W(105).

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 1632W (105) will receive exhibit No. 1276.

14 (Whereupon, the document above referred
15 to was marked prosecution's exhibit No. 1276 and
16 received in evidence.)

17 BRIGADIER NOLAN: I read from exhibit 1276:

18 "Went to my office at 10:00 a.m. and had a
19 talk with Chief Secretary MATSUDAIRA at 11:00 a.m.
20 concerning the fate of Germany and measures we
21 must take thereafter regarding the situation, and
22 asked him to investigate the subject.

23 "I am wondering during the beginning of
24 this year about the progress of the war during the
25 coming year. No matter what is said, the fate of

1 our ally, Germany, is the most important problem.
2 If she has reserve power great enough to fight
3 through the year and to assume the initiative,
4 it will relieve the situation but if, on the con-
5 trary, she should be defeated during the coming
6 year, it will be critical for our country. Although
7 I am not wishing for such a thing to occur, it is
8 necessary to prepare for that emergency.

9 "First, we must consider whether we
10 should take measures to bring the war to an end,
11 in case Germany is beaten or surrenders uncondition-
12 ally. In that case Japan should, of course, take
13 action based on decisions independently arrived at
14 relating to the situation at the time. It is reas-
15 onable to suppose that the enemy will intensify
16 their political offensives on us. Therefore, we
17 must take greatest care to devise counter policies
18 lest traitors like Badoglio make their appearance
19 in large numbers even within the country.

20 "The continuance of TOJO's Cabinet will
21 no doubt become quite difficult in such an event
22 and upon its retirement, the big problem will be
23 whether the mere recommendation of a successor to
24 the Throne through the elder statesmen's council as
25 usual, will be enough or not. If things get to such

1 a pass it is a problem worthy of consideration whether
2 or not the council should further determine before-
3 hand an outline of the diplomatic course Japan
4 should follow and recommend the succeeding Cabinet
5 to undertake the execution of the policy.

6 "Secondly, under such a situation, I
7 believe that there will be no hope in setting up
8 such a plan unless it includes very considerable
9 concessions on our part. As is clear in the Im-
10 perial proclamation of war the aim of the Greater
11 East Asia War from the beginning was the breaking
12 down of the so-called encirclement by the ABCD.
13 We can regard it as a conclusion for the time
14 being if this object is accomplished. From that
15 point of view, it is possible to outline the plan
16 as follows:

17 "1. The problems of the Pacific Ocean
18 shall be dealt with by the principal nations
19 bordering that Ocean.

20 "2. Japan, U.S.S.R., China, U.S.A. and
21 Great Britain shall organize a commission.

22 "3. The regions occupied by Japan and
23 the islands in the Pacific Ocean shall be a non-
24 fortified zone.

25 "4. With the exception of Manchuria, the

1 independent nations other than the principal nations
2 in those regions, shall be made permanent neutral
3 countries similar to Switzerland. The remaining
4 occupied regions shall be placed under the admini-
5 stration of a joint commission composed of the prin-
6 cipal nations.

7 "5. The economic policies in the regions
8 should, in principle, be based on freedom, reciprocity
9 and equal opportunity.

10 "When and how the plan is to be proposed
11 is a matter which should be studied most carefully.
12 The time should not coincide with the collapse of
13 Germany but should be prior to the time when U.S.A.,
14 Great Britain and U.S.S.R. unite in their hostility
15 against Japan. Measures may be taken with the
16 U.S.S.R. as the go-between.

17 "The plan may at a glance be considered
18 as too conciliatory and weak-kneed, but looking
19 over the future trend of the world, I believe we
20 must nurture and cultivate our actual powers within
21 the state for about one century to come, due to the
22 experience gained as a result of the China Incident
23 and the German-Soviet war to the development of air-
24 craft, and to the actual strength of U.S.A. and
25 U.S.S.R. and moreover in view of the terrible

1 attribution of our national power.

2 "If this judgment is correct; we should
3 carefully avoid being isolated and attacked all at
4 once by the nations of the world as a coloured race,
5 and from this point of view, I believe the best
6 way for us is to maintain cooperation against
7 Anglo-Saxon America and Britain with Soviet Russia
8 and China which are essentially oriental, prepare
9 our organization to meet the changing circumstances,
10 and quietly save our real strength."
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1 BRIGADIER NOLAN: I now offer in evidence an
2 extract from the KIDO Diary, 17 July 1944, IPS docu-
3 ment No. 1632W (106).

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1632W (106) will receive exhibit No. 1277.

7 (Whereupon, the document above referred
8 to was marked prosecution's exhibit No. 1277 and
9 received in evidence.)

10 BRIGADIER NOLAN: I read from the fifth para-
11 graph from the bottom of page 1 of exhibit 1277:

12 "At 9.30 p.m. on 17 July, 1944, Admiral
13 Keisuke OKADA called and talked to me as follows:

14 "1. A Senior Statesmen's council was held at
15 Baron HIRANUMA's house today.

16 "1. Those who attended were Messrs. WAKATSUKI,
17 OKADA, HIRANUMA, HIROTA, ABE, KONOYE and YONAI.

18 "1. Mr. WAKATSUKI is made chairman, and he
19 begins to talk first. This Cabinet has completely
20 lost the sympathy of the public; and he thinks that
21 the present situation is really serious. He asks for
22 opinions.

23 "1. YONAI: Since the 13th I have been
24 asked several times to join the Cabinet. After care-
25 ful consideration I have written declining the offer."

1 "As OKA, Chief of Naval Affairs Bureau came and talked
2 to me about the general opinion of the Navy and all,
3 I replied that it would be reasonable for me to be
4 returned to active service again and serve as Supreme
5 War Councillor or in any other capacity; but that even
6 if I entered the Cabinet as Minister of State I could
7 be of little service, and that it would not be the
8 thing to do. I have no intention of joining the
9 Cabinet.

10 "ABE: Although the people are completely out
11 of sympathy with this Cabinet, the situation would
12 become more difficult if it were replaced by a still
13 weaker Cabinet. We must think about such points. As
14 President of the Imperial Rule Assistance Political
15 Society, I must decide my attitude according to the
16 attitude of the Imperial Rule Assistance Political
17 Society.

18 "HIRANUMA: Whether the Cabinet is overthrown
19 or not, or whether the next Cabinet will be a weak one
20 or not is not the point. The point is that we are
21 really concerned about our country, and we must make
22 up our minds to do something.

23 "HIROTA: I also was asked to help by
24 KARASAWA who talked about diplomatic policy vis-a-vis
25 the Soviet Union, but no one has talked to me since

1 then. Even if I were asked to, I should not join the
2 Cabinet.

3 "Questions and answers were exchanged between
4 OKADA and ABE over the question of the Navy. Finally
5 the following decision was made and the meeting ad-
6 journed.

7 "Accordingly, I asked him (Translator's Note:
8 OKADA) if I might understand by the above talk that I
9 have been given information concerning the gathering
10 of the senior statesmen, that is, if I might take it
11 that he had come with the intention of keeping contact,
12 and as he replied in the affirmative, I acknowledged
13 that such was the case. I asked him because I thought
14 that I should have to give careful consideration, if
15 he intended to ask me to report it to the Emperor.

16 "'In order to find our way through the
17 current difficult situation, it is necessary to renew
18 the popular mind. All people must rally and cooperate
19 to build a powerful national Cabinet which will surge
20 forward unswervingly. A partial reorganization of the
21 Cabinet will not be of any use.'

22 "At 12.20 on 17 July 1944, Premier TOJO called
23 and explained the Cabinet policy which may be summed
24 up as follows:

25 "'As we are told of the Emperor's intention

1 regarding the three points to which the Lord Keeper of
2 the Privy Seal called attention some time ago, we have
3 decided to carry out the consolidation of the Supreme
4 Command as well as a change of Navy Ministers. I had
5 a talk with the candidate for Navy Minister, Admiral
6 Naokuni NOMURA, tonight, and we agreed.'

7 "When we decided our policy at first, we were
8 not thinking of the question of the Supreme Command.
9 But things have reached a point where this had had to
10 be taken into consideration because of the general
11 situation, since it was feared that a state might arise
12 in which there would be insufficient unity between
13 Army and Navy. From this point of view, we have
14 changed our policy on reorganization of Cabinet and
15 other problems to minimum.

16 "Reinforcement of Headquarters. The Liaison
17 Conference which has been inclined to be businesslike
18 and has not been made use of to the fullest extent,
19 shall be renovated and strengthened. It shall con-
20 sist of two ministers of state of the Premier class
21 (ABE and YONAI considered) besides both Chiefs of
22 Staff and the Minister of War and Navy, Munitions,
23 Finance and the Foreign Minister.

24 "Cabinet reorganization.

25 "In order to strengthen the air force,

1 FUJIWARA shall serve full time as Minister of Muni-
2 tions, and, therefore, we request retirement of Mr.
3 KISHI as Minister of State. MAEDA or SHIMADA shall
4 be appointed Welfare Minister in order to have a member
5 of the Imperial Rule Assistance Political Society in
6 the Cabinet. General ABE and Admiral YONAI will be
7 asked to join the Cabinet as Ministers of State in
8 order to reinforce the Imperial Headquarters.'

9 "In connection with the Senior Statesmen:

10 "'We are prepared to consider the revival of
11 the Cabinet Advisory system, if it is desired by the
12 Senior Statesmen. Hereafter, the Cabinet members
13 shall always keep close contact with the Senior
14 Statesmen and fully reflect their intentions.'

15 "In connection with the Imperial Rule Assist-
16 ance Political Society:

17 "'The advisory set-up shall be divided into
18 ~~two~~ departments, technical and political, and five
19 advisors shall be appointed from among the members
20 of the House of Peers and the House of Representatives.'"

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1 BRIGADIER NOLAN: I now offer in evidence an
2 extract from the KIDO diary of the 18th of July 1944,
3 IPS document No. 1632W (113).

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document
6 No. 1632W (113) will receive exhibit No. 1278.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1278 and received in evidence.)

10 BRIGADIER: I now read from exhibit No. 1278
11 on page 1, the fourth paragraph:

12 "Was received in audience from 9:15 to 9:30.
13 Reported to the Throne concerning the trend of the
14 Senior Statesmen, principally about their meeting at
15 HIRANUMA's residence. At 9:30 Premier TOJO proceeded
16 to the Imperial Palace to be received in audience.
17 Saw him and talked with him in the First Anteroom.
18 The Premier revealed to me that he had decided on a
19 resignation en bloc. Accordingly, I said that in
20 order to carry out the political change smoothly, in
21 view of the importance of the Army's position in the
22 domestic picture, I should like to be informed, for
23 my own information, of the succeeding Prime Minister,
24 if he had one in mind. The Premier answered that the
25 Senior Statesmen have a heavy responsibility for the

1 present political change; therefore, he supposed that
2 they must have a plan in mind and he would not venture
3 to give his opinions. However, in case a cabinet
4 headed by an Imperial prince were considered, he hoped
5 that none of the Army royalty would be taken into con-
6 sideration."

7 I skip one paragraph:

8 "Was received in audience from 11:25 to 11:40,
9 and was shown the written resignation of TOJO and the
10 other cabinet members."

11 On page 2:

12 "The Details of the Senior Statesmen's Con-
13 ference."

14 I read the first two paragraphs:

15 "Having been summoned by the Emperor former
16 Prime Ministers WAKATSUKI, OKADA, HIROTA, KONOYE,
17 HIRANUMA, ABE and YONAI, President of the Privy Coun-
18 cil HARA and Lord Keeper of the Privy Seal KIDO, met
19 in conference at 4 P. M. on 18 July Showa /1944/.
20 Discussion was held as to who should be recommended
21 to the Throne as premier of the succeeding Cabinet,
22 Premier TOJO having tendered his resignation. The
23 conference was closed at 8:45 P.M.

24 "Grand Chamberlain HYAKUTAKE, who attended
25 the meeting in accordance with the Emperor's wish,

1 notified those present of the import of the Imperial
2 summons. Lord Keeper of the Privy Seal KIDO gave a
3 detailed explanation of the circumstances which had
4 led to the resignation en bloc of the TOJO Cabinet."

5 And a paragraph on page 11:

6 "The meeting being closed, I was immediately
7 received in audience by the Emperor in his study from
8 8:50 to 9:15. I reported the results of the confer-
9 ence in detail. I asked the Emperor to inquire of
10 the Army High Command whether the appointment of
11 Field-Marshal TERAUCHI, the first candidate, would
12 affect the military operations as he is the Supreme
13 Commander of the Southern Area Army. The Emperor re-
14 plied that he would have the Chief Aide-de-Camp ask
15 the Chief of the General Staff TOJO (who happened to
16 be at the Palace for the installation ceremony for new
17 Chief of the General Staff UMEZU). At 9:50 p.m., I
18 was received in audience again. His Majesty told me
19 as follows:

20 "Upon the Emperor's asking Chief of the General
21 Staff TOJO as to the effect upon the military operations
22 of Field-Marshal TERAUCHI's appointment, the latter op-
23 posed the idea for the following two reasons. The
24 Emperor thought them reasonable and has decided to ap-
25 point General KIOSO!"

1 "(1) When the enemy's counter-offensive is at
2 its height it is impossible to leave the post of front
3 line Supreme Commander vacant even for a single day.

4 "(2) To allow the domestic political situation
5 to affect the front lines is bad for morale, and is
6 certain to cause serious repercussions in the East Asia
7 Co-Prosperity Sphere, as well as among neutral powers.
8 Therefore, such a step must be avoided by all means.'

9 "After asking the Emperor to summon the Grand
10 Chamberlain and to order him to make arrangements for
11 summoning General KOISO, I withdrew.

12 "I was summoned and was received in audience
13 from 10:10 to 10:25 p.m. The Emperor revealed to me
14 his impression that judging from the line-up at the
15 installation ceremony, TOJO might resume the post of
16 War Minister after all and asked me if I didn't think
17 so. I replied that I feared that it would have an
18 unfavorable effect on the political situation."

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1 BRIGADIER NOLAN: I now offer in evidence an
2 extract from the KIDO Diary of the 19th of July, 1944.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 1632W (114) will receive exhibit No. 1279.

6 (Whereupon, the document above referred
7 to was marked prosecution's exhibit No. 1279 and
8 received in evidence.)

9 BRIGADIER NOLAN: I read from exhibit 1279:

10 "At 6:30 a.m. Mr. SUZUKI, Teiichi, at 8
11 Mr. ABE, Genki, and at 8:30 Mr. HIROSE visited me and
12 each discussed the political situation.

13 "At 10 the Chief Aide-de-Camp came to my office
14 and consulted me about the Imperial message to the
15 Commander of the Kwantung Army.

16 "From 10:20 to 11:35 I was received in audience
17 by His Majesty and reported on the political situation
18 and on other matters.

19 "At 1:00 Mr. KAYA visited me at my office and
20 talked to me about the monetary policy towards China.

21 "At 2 the Chief Aide-de-Camp came to my office
22 and conferred with me regarding the Imperial message
23 to Chief of Army General Staff TOJO.

24 "At 3 Imperial Household Minister MATSUDAIRA
25 came to my office and told me about the circumstances

1 of the change of government.

2 "At 4 Director of the Police Bureau MACHIMURA
3 came to my office and informed me of the conditions
4 of peace and order, etc.

5 "At 6 Prince KONOYE called on me at my home
6 and asked me what I thought about making the next
7 Cabinet a coalition Cabinet of KOISO and YONAI for
8 the purpose of forming a true national unity Cabinet,
9 adding that Baron HIRANUMA had also agreed. As I
10 had been feeling the need of taking some steps to put
11 up a united front, I agreed to the idea, and at 6:30
12 called in Chief Secretary MATSUDAIRA and asked him to
13 find out the views of other elder statesmen before
14 tomorrow morning."

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1 BRIGADIER NOLAN: I will now offer in evi-
2 dence an extract from the KIDO Diary of 20th July,
3 1944, IPS document No. 1632W (115).

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1632W (115) will receive exhibit No. 1280.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1280 and received in evidence.)

10 BRIGADIER NOLAN: I will read from exhibit
11 1280, the fifth paragraph from the top of the page:

12 "Conference of Senior Statesmen reconvened at
13 4, and I fully explained the development regarding
14 the coalition. General ABE also revoked his dis-
15 approval.

16 "At 4:15 Governor-General KOISO arrived from
17 Korea and immediately came to the Palace. I ex-
18 plained in detail the political situation leading to
19 the resignation en bloc.

20 "I was received in audience from 4:50 to 4:58
21 and reported to the Throne until I asked his Majesty
22 to summon KOISO and YONAI.

23 "General KOISO and Admiral YONAI were received
24 in audience at the Imperial Study at 5:10. His
25 Majesty gave his message, 'Subjects, form a Cabinet

1 in cooperation,' telling them to observe the text
2 of the Constitution, and to handle the affairs so
3 as not to irritate the Soviet in order that the
4 Greater East Asia War might be accomplished.

5 "As it was also General KOISO's wish, at 5:30
6 I took the General and the Admiral to a place where
7 the senior statesmen were meeting and brought them
8 together.

9 "I was received in audience from 5:50 to 6:05.
10 Prince KONOYE came to my office at 6:10 and we had a
11 talk. At 7:30 General KOISO called on me at my home
12 and told me about his discussion with Premier TOJO
13 and Chief of Army General Staff UMEZU."

14 I now offer in evidence an extract from the
15 KIDO Diary of 4th April, 1945, IPS document No.
16 1632W (117).

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 1632W (117) will receive exhibit No. 1281.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1281 and received in evidence.)

23 BRIGADIER NOLAN: Reading from the top of
24 page 2 of exhibit 1281:

25 "At 2 P.M. Premier KOISO came to the office and

talked to the following effect.

1 " As I have previously discussed with you, I
2 am of the opinion that, in the war situation of
3 today the present organization and character of the
4 government as the highest national organ are by no
5 means, good. That is why, with the Emperor's per-
6 mission, I was admitted to Imperial Headquarters.
7 I have also given my opinion (Translator's Note
8 there) concerning the direction of the war but to
9 little avail. From now on, we must have, at any
10 cost, an Imperial Headquarters Cabinet or Cabinet
11 which will direct the war. Toward the end of last
12 month, therefore, I talked with YONAI and we discussed
13 the matter from various standpoints. We could think
14 of a reform, but whether we should have it or not
15 was a matter of doubt as we have never known of a
16 Cabinet being strengthened by reform. In fact, I
17 informed His Majesty of this question at the end
18 of last month. I had also thought at that time of
19 opening the second Greater East Asia Conference in
20 the middle of the month. Also in view of the war
21 situation in OKINAWA, I had been thinking of de-
22 ciding on my step at about the end of the month.
23 However, not only has the second Greater East Asia
24 Conference come to be suspended (a meeting of
25

1 Ambassadors is now under consideration in its place)
2 but also it is likely that the war in OKINAWA may take
3 several months more. Meanwhile it happens that in the
4 Army Marshal SUGIYAMA and Marshal HATA have been de-
5 cided upon to go out as Commanders-in-Chief in order
6 to strengthen the defense structure. Accordingly, the
7 Army is going to recommend General ANAMI to the Throne
8 as War Minister and I hear that the Army wants to
9 realize the above plan by about the 6th. Such being
10 the case, it would not be fair to recognize this
11 change now and then carry out the mass resignation
12 at the end of the month.'

13 Therefore, KOISO upon consultation with Navy Minister
14 YONAI today, has decided that a resignation en block
15 is desired for the reasons given in the separate sheet.

16 "Then I asked KOISO when he proposed to do this.
17 He answered that if it suited the Emperor, he was
18 thinking of having a special Cabinet meeting today
19 to gather the letters of resignation, but I suggested
20 that he had better do so tomorrow morning as there
21 would be no time for His Majesty to consider the
22 question if it happened too suddenly. KOISO agreed
23 with me.

24 "Was received in audience at 2:45 and reported
25 the matter to the Throne. I stated that this time

1 the Lord Keeper of the Privy Seal would like to see
2 the Ministers of the Army and Navy and the two
3 Chiefs of Staff prior to the Senior Statesmen's Con-
4 ference, and received the Emperor's permission.

5 "(Translator's Note. Test of KOISO's reasons
6 for resigning.)

7 "Since we are convinced that at this moment when
8 the situation of the Empire is getting more and more
9 urgent, with changes on both political and war
10 fronts east and west, and when there should exist no
11 discrimination between the battlefield and the home
12 front or between the Supreme Command and the Civil
13 Government a fundamental change should be made in
14 the organization and character of the Cabinet so
15 that they may cope with the present situation and
16 so that the Cabinet, together with the whole nation
17 with renewed resolution may be powerful enough to
18 go straight forward for the accomplishment of the
19 great task of assisting the Throne. To this end we
20 have decided to ask permission of the Emperor to
21 tender our resignation and carry out a resignation
22 en bloc."

23 I offer in evidence an extract from the
24 KIDO Diary of 5th April, 1945, IPS document No.
25 1632W (118).

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's docu-
3 ment No. 1632W (118) will receive exhibit No.
4 1282.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1282 and received in evidence.)

8 THE PRESIDENT: Captain Brooks.

9 MR. BROOKS: Mr. President, I intended to
10 let this matter go by, but in reference to ex-
11 hibit 1278, after hearing these other documents
12 I think it wise to call to the Court's attention
13 pages 9 and pages 10, as they show a good deal of
14 the background of the selection of the man, General
15 KOISO, for Premier, as he was considered by the
16 members of the Cabinet, their knowledge of him,
17 his acquaintance, and so forth, and I believe that
18 it does have a great deal of bearing and should be
19 called to your attention.

20 THE PRESIDENT: Don't go away.

21 MR. BROOKS: I started to ask to have that
22 read at the time, but then I thought I would let
23 it go and bring it in later. But I see now that part --
24 this is the first time I seen the first part of it --
25 but I think it should be called to the Court's

1 attention, and I will try to bring it out later and
2 try to have an understanding and a background.

3 THE PRESIDENT: It is for the prosecution
4 to say how much of any document they will read to
5 the Court. If they leave out a part which the
6 defense thinks should brought to the Court's notice
7 the defense can read it in the course of giving
8 their evidence, but if Brigadier Nolan cares to read
9 the part to which you refer, Captain Brooks, we will
10 hear it now, although it will be out of place

11 MR. BROOKS: I won't insist on it, your
12 Honor. The Brigadier said he would read it, but I
13 just wanted to call it to the Court's attention,
14 because there is a lot of material in there to be
15 discussed that gives the background of these men
16 which were discussed for this position which is
17 very important. But I do believe it is wise for
18 the Court to read page 9 and 10 to understand the
19 background and the ideas of this man as will be
20 presented from now on.

21 THE PRESIDENT: In future defense counsel
22 should approach the prosecuting counsel. If he
23 agrees to read the additional material he may do so,
24 but interruptions of this kind will not be permitted.
25

BRIGADIER NOLAN: I read from exhibit 1282,

1 pages 1 and pages 2, being marked as KIDO's Diary of
2 5 April 1945:

3 "At 10:30 A.M. Prime Minister KOISO proceeded
4 to the Imperial Palace to tender his resignation to
5 the Throne.

6 "From 10:45 to 10:55 I was received in audience
7 by His Majesty and was shown Prime Minister KOISO's
8 resignation.

9 "At 11:00, Prime Minister KOISO called at my room
10 to talk about the time of announcement and other
11 matters. It was generally agreed to announce it at
12 the 7:00 P.M. news broadcast.

13 "As previously arranged with the Chief Aide-de-
14 Camp to His Majesty, I conferred with the Chief of
15 the General Staff UMEZU at 11:35, Navy Minister YONAI
16 at 11:55, War Minister SUGIYAMA at 1:00 and Chief of
17 the Naval General Staff OIKAWA at 2:00, as described
18 in the attached report. At 12:55 P.M. air raid
19 alert warning was issued. From 2:55 to 3:15 I was
20 received in audience by His Majesty in the library.

21 "At 3:20 Admiral OKADA called at my room and
22 conferred with me.

23 "From 5:00 to 8:00, we borrowed the Reception
24 Room to hold a meeting of JUSHIN (Translator's Note:
25 Senior Statesmen.) Baron WAKATSUKI joined us at

1 6:00 P.M. because his train was delayed.

2 "At the conclusion of the meeting, the Senior
3 Statesmen were asked to affix their private seals.

4 "At 8:30 I talked with President of the Privy
5 Council SUZUKI.

6 "From 8:45 to 9:15 I was received in audience by
7 His Majesty (at the library) and reported in detail
8 the opinions of the Senior Statesmen. The Imperial
9 mandate was issued to Baron KANTARO SUZUKI. I
10 replied that it would be considered in accordance
11 with His Majesty's discretion.

12 "At 10:00 the Imperial mandate was issued to
13 Admiral SUZUKI. After being received in audience, he
14 called at my room and conferred with me on various
15 matters. Came back home at 11:30.

16 "I asked Chief of the General Staff UMEZU to
17 call on me at 11:30 A.M. The interview was as
18 follows:

19 "Premier KOISO presented his resignation to
20 the Throne today. The reason is that in view of the
21 present war situation, the organization and
22 characteristics of the Cabinet must be altered to
23 make it more powerful. In other words, it should
24 be an Imperial Headquarters Cabinet or a War
25 Directing Cabinet. In this connection, from the

1 Supreme Command's viewpoint, I would like to ask
2 whether you desire to express any opinions. I
3 would also like to ask you of your opinions con-
4 cerning the forecast of the war, the collapse of
5 Germany and the political aggression of the San
6 Francisco Conference.

7 "1. In regard to the forecast of war, the
8 battle of OKINAWA is bitterly contested and al-
9 though the forecast is not favorable, we must be
10 determined to fight it out to its bitter end re-
11 gardless of whether the enemy can be routed or not.
12 If the morale of the people can be uplifted to dis-
13 play its total power, it is no doubt difficult but
14 not impossible. In this connection, the Army is
15 steadily making preparations. I therefore earnestly
16 hope that a Cabinet will be formed which will be in
17 conformity to this desire. One plan would be to
18 adopt a war-time Cabinet or minority Cabinet which
19 was adopted by various countries in the previous
20 World War.

21 "1. The Imperial Headquarters Cabinet and War
22 Directing Cabinet are worth considering but it is
23 difficult to link together the supreme command and
24 state affairs.

25 "1. Petroleum is the chief source of worry but

1 there is enough to last several months. At present,
2 permission has been granted to organize special corps
3 to dig for oil in Japan proper. We desire to
4 double the present production."

5 I offer in evidence an extract from the
6 KIDO Diary of the 9th of August, 1945, IPS document
7 No. 1632W (107).

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 1632W (107) will receive exhibit No. 1283.

11 BRIGADIER NOLAN: I read from exhibit
12 1283, being an extract from the Marquis KIDO's Diary
13 of August 9, 1945:

14 "At 1:30 p.m. Premier SUZUKI called at my office
15 and reported that the Supreme War Guidance Council has
16 decided to accept the Potsdam Declaration on the
17 following conditions: (1) Preservation of the
18 Imperial Dynasty, (2) Independent evacuation of
19 troops, (3) Handling in our own country of persons
20 responsible for the war, and (4) No guarantee occu-
21 pation."
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1 THE PRESIDENT: Mr. Higgins.

2 MR. HIGGINS: Mr. President and Members of
3 the Tribunal. On November 6, page 9752 of the
4 record, the prosecution tendered IPS document No.
5 2400-A, entitled "Measures to be taken toward the
6 peoples of East Asia," prepared by the Racial
7 Question Committee of the National Policy Research
8 Institute. This document was given exhibit No.
9 1029 and was marked for identification only, for the
10 reason that it did not sufficiently appear that the
11 Institute was officially connected with the Japanese
12 government nor that any of the accused were respon-
13 sible for the document.

14 The prosecution has made further investigation
15 and there does not appear now to be sufficient
16 evidence to warrant the admission of the document
17 in evidence. The prosecution consents, therefore,
18 that it may be stricken from the record.

19
20 THE PRESIDENT: It has been tendered for
21 identification merely. No Member of the Tribunal
22 has seen it; it is no part of the record. We do
23 not look at documents until they are finally
24 tendered, and any document we can not look at can
25 not be part of the record.

MR. HIGGINS: I make this statement, Mr.

1 President, because the document was read to the
2 Tribunal and is recorded in the record.

3 THE PRESIDENT: If so, it should not have
4 been read until it was finally admitted. You may
5 or may not be stating the fact, Mr. Higgins.

6 MR. HIGGINS: With the exception of one
7 witness to be called for cross-examination --

8 MR. BROOKS: Mr. President, as I under-
9 stand, the objection I made at that time was --
10 this matter was received conditionally and I believe
11 if it is as the prosecution has just stated it should
12 be expunged from the record, that part that was read
13 into the record should be expunged completely, and I
14 ask the Court to allow it.
15

16 THE PRESIDENT: It is necessary to make
17 clear that we do not look at documents merely
18 tendered for identification unless we are asked to
19 determine a question which involves a reading of
20 the document. That may have been so here. The
21 document will be disregarded by the Tribunal.

22 MR. HIGGINS: With the exception of one
23 witness to be called for cross-examination, this
24 closes the phase of the case involving the relations
25 between the United States of America and the British
Commonwealth, on the one hand, and Japan on the

1 other.

2 At this time Mr. Horwitz desires to clear up
3 some pending matters.

4 THE PRESIDENT: Mr. Horwitz.

5 MR. HORWITZ: Mr. President, it will be
6 recalled that at the time Mr. Oneto was presenting
7 his phase of the case five documents were received
8 conditionally, subject to furnishing certificates
9 of origin. These documents were court exhibits No.
10 618, 620, 628, 633 and 634. Certificates of origin
11 have now been obtained for each of these. Exhibit
12 634 is from the archives of the War Ministry and all
13 the remainder are from the archives of the Foreign
14 Office.

15 I now tender the certificates and ask that the
16 condition be removed.

17 THE PRESIDENT: Admitted on the usual
18 terms. I suppose they should be attached to the
19 relative document and given the same number with the
20 addition of a letter. Do you see any objection to
21 that course?
22

23 MR. HORWITZ: I see no objection to that,
24 your Honor.

25 THE PRESIDENT: The Clerk of the Court will
mark them accordingly. He need not call the numbers

1 now. He will have to look into it first.

2 Mr. Higgins.

3 MR. HIGGINS: Mr. President, Mr. Justice
4 Mansfield will now proceed for the prosecution.

5 THE PRESIDENT: Mr. Justice Mansfield.

6 MR. JUSTICE MANSFIELD: If the Tribunal
7 please, I desire to apply to call at this stage a
8 witness in relation to Counts 53, 54 and 55 of the
9 Indictment. The phase dealing with that particular
10 part of the Indictment has not yet commenced, but
11 this witness is from Australia and will not be
12 available unless he is able to give evidence within
13 the next few days.

14 THE PRESIDENT: Have we no coercive
15 powers?

16 MR. JUSTICE MANSFIELD: Of course the
17 Tribunal has coercive powers provided he is within
18 the jurisdiction when the coercive powers are exer-
19 cised. Yes.

20 I notice the witness is in the box but I have
21 not yet got the approval of the Tribunal.

22 THE PRESIDENT: Mr. Logan.

23 MR. LOGAN: The Court hasn't heard the
24 defense's objections yet either, your Honor. If
25 the Tribunal please, ordinarily we have no objection

1 to calling witnesses out of order, but this is a
2 commencement of another phase and I understand the
3 phase which will follow the one which is just com-
4 pleted will only take three or four days.

5 We are working on some very serious objections
6 to the presentation of the atrocity phase of this
7 case and it may very well be that the hearing of these
8 witnesses at this time would not be necessary if
9 the Court rules in our favor on the objections which
10 we intend to make. We consider these fundamental
11 objections and by putting this witness on at this
12 time it may be a waste of time for the Court to
13 listen to them.

14 THE PRESIDENT: Mr. Cunningham.

15 MR. CUNNINGHAM: If the Tribunal please,
16 this question not only presents evidence in another
17 phase of the case but it presents a phase included
18 in a great group of counts of the Indictment, and
19 the case has been divided into three great groups.
20 Presenting this case in piecemeal, such as this,
21 creates a serious handicap to present general ob-
22 jections to the evidence of a particular phase of
23 the case or particular group, and I urge most
24 seriously that the testimony of these witnesses be
25 deferred until after the opening statement and after

1 the defense has an opportunity to make its objec-
2 tions to the evidence -- to the general evidence to
3 be presented in the atrocity phase of the case.

4 THE PRESIDENT: What is the occupation of
5 the proposed witness, Mr. Justice Mansfield?

6 MR. JUSTICE MANSFIELD: He is a surgeon.

7 THE PRESIDENT: Is he placed in any par-
8 ticular office of responsibility in Australia?

9 MR. JUSTICE MANSFIELD: He is a surgeon on
10 the staff of one of the large hospitals in Melbourne
11 and also a lecturer at the Melbourne University.

12 THE PRESIDENT: Can he be replaced? I sup-
13 pose he has a substitute now.

14 MR. JUSTICE MANSFIELD: I presume he has
15 a substitute for any of his private practice, but
16 I understand that he completed the work which he
17 was required to do up to the time he left, but there
18 is other work which he will have to do when he
19 returns.

20 THE PRESIDENT: Suppose we take his evidence
21 in due course, how much longer will he be here, Mr.
22 Justice Mansfield?

23 MR. JUSTICE MANSFIELD: I should say that if
24 his evidence is taken in due course, without allowing
25 for any cross-examination of the witnesses in the

1 earlier phases, that he will not be put on much be-
2 fore Christmas, if then.

3 THE PRESIDENT: He won't be required at the
4 university because of the vacation, but he will be
5 required at the hospital, which is more important.

6 MR. JUSTICE MANSFIELD: That is correct.

7 MR. LOGAN: If the Tribunal please, I don't
8 understand this statement about Christmas. It is
9 my understanding that there is only the Netherlands
10 phase to go on as soon as this one now has been com-
11 pleted, and that will only take about three or four
12 days, as I understand it.

13 THE PRESIDENT: A majority of the Court
14 are prepared to hear him now if it means he will be
15 delayed until Christmas if he isn't heard now, but
16 we want to know how long he will be delayed if we
17 take his evidence in due course.

18 When will you be opening your section, Mr.
19 Justice Mansfield?

20 MR. JUSTICE MANSFIELD: Well, I anticipate
21 not before the 16th of December, and I am assured by
22 some of my more pessimistic colleagues that it won't
23 be until next year.

24 THE PRESIDENT: Does your section follow
25 that of the Netherlands?

1 MR. JUSTICE MANSFIELD: No, Mr. President.

2 THE PRESIDENT: A majority of the Court
3 have decided to hear his evidence now. That, of
4 course, is subject to what decision we come to on
5 the defense's objection.

6 Mr. Smith.

7 MR. SMITH: If your Honor please, I would
8 like to enter an objection to the testimony of this
9 witness on behalf of Mr. HIROTA.

10 THE PRESIDENT: We will recess now for
11 fifteen minutes.

12 (Whereupon, at 1050, a recess
13 was taken until 1105, after which the
14 proceedings were resumed as follows:)

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THE PRESIDENT: Mr. Smith.

MR. SMITH: If your Honor please, during the recess I understood from Justice Mansfield that the testimony of the proposed witness is limited to Counts 53, 54 and 55. As Mr. HIROTA is not mentioned in those Counts, I would like to withdraw the objection, if the Court please.

THE PRESIDENT: Mr. Cunningham.

MR. CUNNINGHAM: If the Tribunal please, it appears rather illogical to me to present an objection to the introduction of evidence after the evidence has been introduced, so I would like the privilege, before this witness testifies, to make a few objections to the introduction of evidence concerning atrocities as far as the defendant is concerned that I represent.

THE PRESIDENT: You had better wait until he is sworn and proceeds to give evidence. That is the usual course.

MR. JUSTICE MANSFIELD: I call Albert Ernest Coates.

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COATES

DIRECT

1 A L B E R T E R N E S T C O A T E S, called as
2 a witness on behalf of the prosecution, being
3 first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. JUSTICE MANSFIELD:

Q What is your full name?

A Albert Ernest Coates.

Q And your rank?

A Lieutenant-Colonel.

Q To what unit of the Army do you belong?

A Australian Army Medical Corps.

Q Did you belong to that unit on the 17th of
13 March 1942?

A I did.

Q Where were you on the 17th of March 1942?

A At Fadang, Sumatra.

Q And what happened on that date?

A I was captured by the Japanese.

Q In May, 1942, did you leave Sumatra?

A I did.

Q How many other prisoners of war left with you?

A Five hundred British relicts from sunken ships.

Q And from Sumatra where was your destination?

A Mergui, Burma.

Q What was the form of transport?

COATES

DIRECT

1 A We were embarked on the England Maru, confined
2 in very small spaces beneath the two decks. Conditions
3 were bad, ventilation poor and food the usual rice and
4 radish soup.

5 Q How long did the journey last?

6 A Seven days.

7 Q When you arrived at Mergui where were you
8 confined?

9 A We joined a thousand Australians, making a
10 total of fifteen hundred, and were confined in a small
11 school.

12 Q And what was the size of the school in rel-
13 ation to the numbers?

14 A A school would accommodate about a quarter
15 of the number of children sitting at desks, but was
16 totally inadequate to accommodate the number of prisoners
17 of war. Consequently, "jail fever" or what is known
18 as dysentery broke out in fulminating form.

19 Q Were there any drugs available to treat that
20 disease?

21 A The Japanese doctor advised me to use the
22 charcoal from the kitchen.

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COATES

DIRECT

1 MR. CUNNINGHAM: It appears now that the
2 witness is testifying concerning atrocities under the
3 rules of land warfare; and I should like to object to
4 the introduction of any evidence relative to the com-
5 mission of any conventional war crimes, especially
6 those which have a definite geographical localization,
7 first.

8 I further object to the introduction of any
9 evidence concerning the defendant OSHIMA during all
10 of the period of hostilities described, for the reason
11 that he was beyond the limits of the jurisdiction of
12 this Tribunal at all periods of time covered by these
13 three counts of the indictment.

14 I object to any evidence on the part of the
15 prosecution intending to bear on the conspiracy to
16 commit violation of the rules of land warfare or crimes
17 classed as crimes against humanity where the Charter
18 does not contemplate a conspiracy to commit this class
19 of crimes, and that proof be confined strictly to the
20 individual or personal responsibility of those in
21 charge; that the Charter limits the scope of this
22 inquiry to bring to justice only those individuals whose
23 acts were beyond the jurisdiction of the other courts
24 organized for the punishment of offenses against the
25 rules of land warfare and crimes against humanity;

COATES

DIRECT

1 that the rules of land warfare prescribe that the
2 character of the courts which have jurisdiction over
3 military offenses depends upon the local laws of each
4 country; that the United States has courts-martial,
5 military commissions, and provost courts, and these
6 courts have exclusive jurisdiction over the rules --
7 violation of the rules of land warfare and the mis-
8 treatment of prisoners of war. Each nation represented
9 on this Tribunal is given exclusive jurisdiction over
10 the offenses to its armed forces. The offenses of
11 violation of the rules of land warfare is by this
12 Charter and by the proclamation creating the Tribunal,
13 one of purely military character, cognizable only in
14 time of war before a tribunal constitutionally created
15 for that specific purpose under the rules of the various
16 countries.

17 Evidence of atrocities in this Tribunal is
18 further objected to for the reason that the rules of
19 land warfare contemplate a legal state of war; and the
20 prosecution should be required to elect whether or
21 not it selects a legal state of war or an illegal
22 state of war upon which to base its case.

23 In support of this geographical location, I
24 merely wish to quote one statement of Mr. Robert
25 Jackson in presenting his report to the President on

COATES

DIRECT

1 the Nuernberg trial.

2 THE MONITOR: Mr. Cunningham, if you are to
3 quote any statement, will you quote it phrase by phrase,
4 please, as we have difficulty in translating a long
5 sentence.

6 MR. CUNNINGHAM: For the purpose of the re-
7 cord, I withdraw that statement and go to my final
8 statement.

9 THE PRESIDENT: You may adopt the language
10 of Mr. Justice Jackson, but you cannot quote him as an
11 authority.

12 MR. CUNNINGHAM: In conclusion, I merely
13 wish to state that I have prepared abundant authority
14 for the contentions which I have set out in these
15 objections, but I should like to reserve the argument
16 on them to some later time, but wanted to raise them
17 at this time.

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THE PRESIDENT: Mr. Justice Mansfield.

Q Witness, you were about to --

THE PRESIDENT: Do you wish to reply? An objection is taken.

MR. JUSTICE MANSFIELD: I have not heard any argument on the objections which have been taken.

THE PRESIDENT: I think his objection covered this evidence. He said you could give no evidence of these conventional war crimes because we have no jurisdiction, as our jurisdiction is confined to crimes which have no geographical location. Secondly, that so far as conspiracy is alleged, it does not extend to conventional war crimes. If I have misunderstood the argument of counsel, I would like to be corrected.

MR. CUNNINGHAM: That is it, in substance.

THE PRESIDENT: Thirdly, that conventional war crimes can be dealt with only by the military tribunals of particular nations, and not by a combined court such as this. The Tribunal has already decided, if my memory serves me correctly, that not only is aggressive war in issue, but the type of war conducted. In these circumstances the evidence would be admissible. The Tribunal has decided to admit the evidence.

COATES

DIRECT

1 BY MR. JUSTICE MANSFIELD (Continued):

2 Q Witness, you were about to tell us of a
3 statement made with respect to drugs?

4 A As I stated, drugs were not supplied.
5 Charcoal was used, and we had quite a smart epidemic
6 of dysentery amongst patients.

7 Q Was there any hospital accommodations sup-
8 plied?

9 A At first the serious ones were confined
10 in part of the above-mentioned school, but owing to
11 the kindness of the Japanese doctor he obtained for
12 us the use of some coal huts in the local civil
13 hospital.

14 Q Will you describe the conditions in that
15 hospital?

16 A The patients in serious condition were
17 without any clothing except that which they wore,
18 and their faeces-saturated clothing had to be washed,
19 leaving the patients lying naked on the bare floors.

20 Q Were there any deaths?

21 A Not very many; only about twenty.

22 Q With proper medical supplies would those
23 deaths have occurred?

24 A No. The disease was found to be amoebic
25 dysentery. Microscopic tests were done by the local

COATES

DIRECT

1 Burmese doctor. Emetine, the specific drug, would
2 have cured those patients. but the Japanese doctor
3 informed me that it was only available to the
4 Japanese. Although only twenty died, many of those
5 patients subsequently died from the infection, which
6 is a slow, smouldering one after the initial out-
7 burst.

8 Q Were there any executions while you were in
9 Mergui?

10 A Yes. Two men who went out of the camp
11 were summarily executed, and one man who was mentally
12 unbalanced was also executed for walking out of the
13 hospital precincts.

14 Q Were they charged with any offense, if you
15 know?

16 A Yes, making an attempt to escape, punishable
17 by death.

18 Q In August where did you go to?

19 A Tavoy.

20 Q And where did you work at?

21 A In a prisoner of war hospital, which was
22 serving about three thousand prisoners of war for
23 the neighborhood.

24 Q And what were the conditions in that hospital?

25 A A little better than they had been at Mergui.

COATES

DIRECT

1 The beds were of concrete and not of wood; hence,
2 they could be kept cleaner. And a little more
3 drugs were supplied by the Japanese there, particu-
4 larly after I had the experience of assisting a
5 Japanese doctor save the life of a Japanese soldier.
6 Some rather ancient bottles of decoctions of old
7 fashioned medicine and three or four gynecological
8 instruments were presented to me.

9 Q After Tavoy where did you go?

10 A From Tavoy to Thanbyuzayat.

11 Q And from there where did you go?

12 A To the 30 kilo. The railway construction
13 was well under way in February-March, 1943, and
14 at the 30 kilo were accumulated two thousand of the
15 more recent casualties from the railroad.

16 Q All of whom were prisoners of war?

17 A All prisoners of war.

18 Q From what disease were these men suffering?

19 A They showed the earlier manifestations of
20 avitaminosis, that is lack of vitamins. Partial
21 blindness, burning feet, and sore tongue, sore mouth,
22 inability to swallow, diarrhea. Many of them had
23 chronic amoebic dysentery and malaria in a relaxing
24 form.

25 Q Were any drugs available to treat these

COATES

DIRECT

1 diseases?

2 A There were no drugs nor medical orderlies.
3 All of the medical orderlies of the medical unit
4 that came up there were being employed in the con-
5 struction of the railway. With four medical officers
6 in charge of two thousand patients, I had to recruit
7 volunteer medical orderlies from recovering sick.

8 Q How did this hospital cease to function?

9 A General SOSA, a Japanese, went through
10 the camp with a retinue, saw the patients, many of
11 them still standing up, ordered the hospital to be
12 closed and all the dying patients to be put out to
13 work.

14 Q And were those orders carried out?

15 A They were.

16 Q In your opinion as a medical man what would
17 be the fate of most of the men sent to work?

18 A A great number of them died in the next
19 month or two.

20 Q From there to what camp did you go?

21 A I was sent to the 75 mile camp in Burma as
22 a free-lance, regimental, medical officer.

23 Q And how many men were in that camp when you
24 first arrived?

25 A Over three thousand.

COATES

DIRECT

1 Q In what condition were they?

2 A Very poor condition.

3 Q Were they sent anywhere?

4 A They were, all but three hundred, sent
5 away to 105 kilo camp. Of the last thirteen hundred,
6 a thousand of them were inspected by a Japanese
7 doctor in my presence by hastily walking past the
8 standing, sitting, or lying men, depending on their
9 ability to do that. He decided the one thousand of
10 the thirteen hundred were sick. I pointed out to him
11 their enfeebled condition and urged that he leave
12 them to be cared for, but he said, "They must finish
13 the railway, and after that they will have a long
14 rest."

15 Q You remained with the three hundred, is that
16 so?

17 A A I remained alone with these three hun-
18 dred lying and very ill patients.

19 Q What happened to them?

20 A A number died, but most of them were trans-
21 ferred eventually in July to the 55 kilo camp.

22 Q Were there any natives in this camp of
23 75 kilo?

24 A The huts which were no longer occupied
25 by white POW's were now filled with natives in
various stages of disease, cholera particularly.

COATES

DIRECT

1 Q What was the death rate of these natives?

2 A They died at the rate of fifteen a day.

3 Q Were they given any proper medical treat-
4 ment while they were there?

5 A In the early stages, no; but later a
6 Japanese doctor came and did something for them.

7 Q Then, in July did you go to 55 kilo camp to
8 take charge of the hospital?

9 A I did.

10 Q Will you describe the conditions in that
11 camp?

12 A The camp was an abandoned working camp, con-
13 sisting of eight bamboo and attap huts, floored with
14 strips of bamboo. Hygiene was bad, latrines having
15 to be dug alongside and up to the edges of the woods
16 because of the high instance of dysentery and the
17 absence of bed pans. There were eighteen hundred
18 patients in the camp, five hundred of whom suffered
19 from large and medium-sized ulcers of the leg. There
20 was a large amount of both bacillary and amoebic
21 dysentery, and we had no specific drugs, and so we
22 used to put those patients in what was called the dead
23 house. If the dysentery was infective, these patients
24 were isolated. Rarely would they come out of that hut
25 area. We had a big element of malaria in the camp.

COATES

DIRECT

1 It was practically universal. The quinine supplied
2 was only sufficient for those patients admitted with
3 a primary diagnosis of malaria by the Japanese. For
4 example, quinine was supplied for three hundred
5 patients, but practically eighteen hundred had malaria.
6 I protested to the medical authorities at Thanbyuzayat,
7 that is the Japanese, and it was pointed out that the
8 Japanese allowed a man to have only one disease; if he
9 had malaria he couldn't have an ulcer of the leg, and
10 if he had an ulcer of the leg he couldn't have dysen-
11 tery. Unfortunately, there were many men who had
12 three or more diseases. Quinine was the only drug
13 supplied in a quantity which was measureable. The
14 rest of the drugs supplied were in infinitesimal
15 quantities. The fortnightly issue of drugs other
16 than quinine would be something like this: a box
17 packed neatly with straw and containing at the bottom
18 a few cakes of sulphur, a pound of Epsom salts, and
19 six small bandages. That was the sole issue of medi-
20 cal equipment for eighteen hundred seriously sick
21 men segregated purposely by the Japanese in that camp.
22 Malaria was a great underlying cause of blood de-
23 struction, that is anemia, and consequently seriously
24 afflicted men suffered from other diseases. But an
25 even more important factor was the lack of food,

COATES

DIRECT

1 resulting in forms of malnutrition, avitaminosis,
2 lack of vitamins, and nutritional edema. All other
3 diseases were, as it were, based on this lack of food,
4 lack of meat particularly, and vitamin-containing
5 substances so necessary to keep the body together.

6 Q Did that have any effect on the spread of
7 tropical ulcer?

8 A Tropical ulcer, we had seen in large numbers
9 both in Malaya, where I was for a year before Japan's
10 attack, and also in Sumatra. This condition was
11 familiar to us, but the new disease with this ulcer
12 of the leg with which we became acquainted in the
13 jungle in 1943 was something quite different. There
14 was no inflammation, but only local death of the
15 limb. There was no inflammation.

16 THE PRESIDENT: We will adjourn until half
17 past one.

18 (Whereupon, at 1200, a recess was
19 taken until 1330, after which the proceedings
20 were resumed as follows:)
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AFTER-NOON SESSION

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The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: There is a matter I would like to bring up at this stage. You applied, Mr. Justice Mansfield, yesterday for permission to tender certain affidavits but to be allowed to read only a synopsis of those affidavits instead of reading the whole of them. A majority of the Court thinks that you should have that permission provided you serve the defense with a copy of the synopsis as soon as it is prepared. That will be perhaps a week or more before it is used, we take it. You might also endeavor to discover, if you can, what was done with the tens of thousands of affidavits that were used at Nuernberg by the Court. It is suggested that they were never wholly read.

MR. LEVIN: Mr. President.

THE PRESIDENT: Mr. Levin.

MR. LEVIN: While I realize the Court has stated that exceptions go to adverse rulings as a matter of course, nevertheless we regard the ruling

1 in this instance as a very great departure from the
2 previous rulings and of such importance that we want
3 to take special exception to the ruling of the Court
4 in this matter.

5 THE PRESIDENT: An exception is always an
6 exception but I suppose you want to emphasize your
7 objection to this course.

8 MR. LEVIN: That is correct.

9 THE PRESIDENT: Mr. Logan.

10 MR. LOGAN: There is also included in that
11 application, if the Tribunal please, a request by
12 the prosecution to be only required to serve trans-
13 lations in Japanese of the excerpts rather than of the
14 entire affidavits. Has the Tribunal ruled on that?

15 THE PRESIDENT: I think Mr. Justice
16 Mansfield contended that if the rule applied it
17 required him to do no more than he intended.

18 MR. JUSTICE MANSFIELD: The prosecution
19 intends to comply with the provisions of Rule 6(b)
20 with regard to the use of affidavits.

21 THE PRESIDENT: But there is this difference,
22 Mr. Justice Mansfield, that you must face up to. The
23 whole of the affidavit must go in evidence. The
24 Judges will be at liberty to peruse the whole of it.
25 Therefore, you cannot say you are using only the

1 synopsis. The rule is really inapplicable. You
2 would overcome the difficulty by serving the whole
3 of the affidavit and the whole of the excerpt in
4 Japanese as well as in English.

5 MR. LOGAN: If the Tribunal please, under
6 that Rule 6(b)(1) we have been making these appear-
7 ances in Chambers for the purpose of relaxing that
8 rule, and that rule, as it stands, is that if an
9 entire document is used, even though the prosecution
10 just used excerpts, that the entire document should
11 be translated. And these motions have been made in
12 Chambers for the purpose of relaxing the rule so as
13 just to permit the prosecution to make translations
14 of the excerpts they intend to use.

15 THE PRESIDENT: To hold the Court's decision,
16 Mr. Justice Mansfield, I can assure you it will be
17 necessary to serve the affidavits and the synopses
18 not only in English but in Japanese.

19 MR. JUSTICE MANSFIELD: If the Tribunal
20 please, Rule 6(b) is not as it was stated by Mr. Levin.
21 Rule 6(b) requires the whole of the affidavit or docu-
22 ment to be copied in English and served on the
23 defense and the excerpts which are to be used only
24 are required to be translated into Japanese and copies
25 thereof served. The prosecution, in this instance,

1 has endeavored to meet the wishes of the Tribunal by
2 presenting its evidence in a brief summary, that is,
3 for the purpose of saving time. If the Tribunal now
4 imposes upon the prosecution the obligation of trans-
5 lating the whole of every document into Japanese and
6 serving 135 copies in Japanese on the defense, it will
7 mean that the whole of the translation work, or a very
8 large portion of it, will have to be re-done and all
9 the copies re-done.

10 THE PRESIDENT: Why? Why is that?

11 MR. JUSTICE MANSFIELD: Because we have
12 complied with the provisions of Rule 6(b) in making
13 135 copies in English of the complete document and
14 135 copies in Japanese of the excerpts relied upon.
15 That is what the rule says.

16 THE PRESIDENT: Well, you would require that
17 even under our ruling now. You would require at
18 least that, but we are making you also give trans-
19 lations of the affidavit in Japanese additionally.

20 MR. JUSTICE MANSFIELD: Well, if that is
21 the position, if the Court please, I wish to withdraw
22 my application to use synopses because we cannot
23 possibly be ready in time.

24 THE PRESIDENT: You had better find out how
25 the tens of thousands of affidavits were used at

1 Nuernberg because if they were read in Court -- if
2 they had to be read in Court -- the case would have
3 taken years. We know this: they were tendered in
4 evidence there, they were used there, but they were
5 not wholly read there. So what was done?

6 MR. JUSTICE MANSFIELD: They were apparently
7 presented by means of a report; that is, the ones
8 pertaining to the judgment. But the point that I
9 desire to make to the Tribunal at this juncture is
10 that the desire of the prosecution is to meet the
11 wishes of the Tribunal with regard to the saving of
12 time.

13 THE PRESIDENT: How long will you take if
14 you have to read all the affidavits?

15 MR. JUSTICE MANSFIELD: It is very difficult
16 to estimate the exact time, but I should say that it
17 will take at least a fortnight, if not longer, to
18 read the whole of the affidavits.

19 THE PRESIDENT: Well, you won't save a great
20 deal of time by reading synopses.

21 MR. JUSTICE MANSFIELD: Well, that is purely
22 an estimate on my part. The synopses will probably
23 not take more than an hour to an hour and a half
24 each.

25 THE PRESIDENT: You had better see what was

1 done at Nuernberg. You say they were reported on, so
2 that involved the Court not having even a synopsis
3 but the finding of somebody else. Is that so?

4 MR. JUSTICE MANSFIELD: The only information
5 which I have is that which is contained in the judg-
6 ment in relation to affidavits contained in reports.

7 MR. LOGAN: I believe, if the Tribunal
8 please, that at Nuernberg there were about 38,000
9 affidavits and they were referred to a commission
10 which, of course, returned an impartial report,
11 whereas here, your Honor, if the synopses are
12 presented by the Prosecution I don't think we could
13 call it an impartial report.

14 THE PRESIDENT: That is why we wanted the
15 copy of the synopsis in each case served on you.

16 Mr. Levin.

17 MR. LEVIN: Mr. President, I should like to
18 add one observation, and that is this: that under
19 the terms of the Charter, proceedings are required
20 to be carried on in the language understood by the
21 accused, in the language of the accused. When the
22 affidavits are presented in evidence they are part
23 of the record and, therefore, under the circumstances,
24 it must of necessity be translated in Japanese.

25 THE PRESIDENT: The Court is wholly with

1 you on that, Mr. Levin. You need not paint the lily.

2 MR. LEVIN: In one group of the Nuernberg
3 affidavits there were one hundred thousand of them.
4 In what form they were submitted or offered in
5 evidence I am not certain, your Honor.

6 THE PRESIDENT: That affected the organiza-
7 tions. I don't know to what extent it was used
8 against the accused individually. I am reminded
9 they were defense affidavits.

10 MR. JUSTICE MANSFIELD: I realize a number
11 of them were defense affidavits, but I think there
12 were affidavits put in by the prosecution also.

13 THE PRESIDENT: That I am reminded is also
14 true. I haven't read the whole of the Nuernberg
15 Judgment.

16 MR. JUSTICE MANSFIELD: All that we are ask-
17 ing is that we comply with Rule 6(b) as it stands and
18 we be enabled to furnish, in addition, a synopsis.
19 We haven't asked for any relaxation of Rule 6(b).

20 THE PRESIDENT: There is still an alternative
21 open, Mr. Justice Mansfield. You can reduce the number
22 of those affidavits from 135 to some lesser number,
23 perhaps. Of course, we can't control you there
24 unless the evidence is cumulative.

25 MR. JUSTICE MANSFIELD: There will be

1 considerably more than 135 affidavits for the whole
2 twenty areas; more than six affidavits for each area.

3 THE PRESIDENT: However, you have the
4 Court's decision and it is for you to say.

5 MR. JUSTICE MANSFIELD: Is it the decision
6 of this Court that the whole of the affidavit --

7 THE PRESIDENT: The whole of the affidavit and
8 the whole of each synopsis must be served both in
9 Japanese and in English on the defense.

10 MR. JUSTICE MANSFIELD: Well, I ask the
11 leave of the Tribunal, then, to allow me to consider
12 the decision. If it is possible to be ready in time
13 to have some of these documents from which excerpts
14 are being used -- one document runs into forty pages;
15 we are only using one page from it. That will have
16 to be translated into Japanese and that will take
17 forty days for one person.

18 THE PRESIDENT: You had better proceed with
19 the examination of the witness.
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COATES

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1 ALBERT ERNEST COATES, called as
2 a witness on behalf of the prosecution,
3 resumed the stand and testified as follows:

DIRECT EXAMINATION

BY MR. JUSTICE MANSFIELD (Continued):

4
5 Q Would you describe the state of repair of
6 the huts in which the sick were housed at Kilo 55?
7

8 A The huts were in bad repair. Many of them
9 leaked and, of course, there wasn't sufficient working
10 party in the camp who were well enough to keep them
11 in repair.

12 Q Were there frequent down pours in the wet
13 season of rain?

14 A Yes. The rain frequently came through the
15 roof but it didn't matter much. The men had no
16 clothing and they were so obsessed with their other
17 sufferings that the down pour of rain didn't seem to
18 affect them a great deal.

19 Q Did the senior medical officer, Japanese
20 medical officer for Burma visit this camp in July,
21 1943?

22 A Yes. He came in order to find three hundred
23 more workmen.

24 Q Did he find them?

25 A He kindly allowed me to help him make the

COATES

DIRECT

1 selection so that the least sick men were sent off
2 to work.

3 Q From what were these men suffering who were
4 taken by him?

5 A Medium size ulcers of the leg covered with
6 leaves and a bit of bark. Medium; middle sized;
7 six inches. And malaria recurring, which at that
8 time we could not regard as a disease in the ordinary
9 sense of the word because there were so many other
10 overwhelming problems. By that I mean if a man had
11 malaria, and that only, and he had some days between
12 his attacks, he was to all intents and purposes to
13 be regarded as a fit man for work.

14 Q Would you describe your daily tasks in this
15 camp?

16 A Rising at daylight and walking around amongst
17 the men, supervising the work of four other medical
18 officers; segregating the very sick from the less
19 sick, and working particularly on the ulcers of the
20 leg; inspecting the bad cases that would be likely
21 to be amputated that day; curetting perhaps seventy
22 or eighty of these ulcers during the morning and
23 supervising the dressing by a team of volunteer
24 orderlies; and then cheering the men up, telling them
25 a few funny stories; and in the afternoon proceeding

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to amputate nine or ten legs.

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Q What were the conditions of the operating theatre, so-called?

A After a lot of persuasion the Japanese sergeant camp commander gave me permission to put up a lean-to, a lean-to of bamboo about six feet by eight, and in that little operating theatre we amputated one hundred and twenty legs. The method of operation is technical but it is of interest to know we had a tiny amount of cocaine which was used in small quantities as a spinal anesthetic.

Q What instruments were used?

A I had two instruments, a knife -- or rather, three, a knife and two pairs of artery forceps, and we used the saw which the carpenters and butchers used.

COATES

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1 Q Did you ever have any inspection by any
2 Lieutenant Colonel at that camp as a result of a
3 protest?

4 A Following a strongly worded protest to
5 Tambesi through Brigadier Varley, Lieutenant Colonel
6 NAGATOMO visited the camp. He promised to take away
7 the men who required amputation or who had been am-
8 putated to Moulmein to a Japanese hospital. Nothing
9 more was heard of the proposal, but he did send a
10 Japanese doctor out to the camp to act as camp com-
11 mander.

12 Q Who was Lieutenant Colonel NAGATOMO, do
13 you know?

14 A He was the Japanese officer in charge of
15 prisoners of war in Burma.

16 Q Were there any physical assaults on the
17 patients in those camps -- in that camp?

18 A There were the usual daily beatings up by
19 Korean guards, a few men lost an odd tooth, and so
20 forth.

21 Q What was the physical condition of the
22 Japanese guards?

23 A Well nourished, strong, healthy.

24 Q Did they at any time suffer from avit-
25 aminosis?

Korean

COATES

DIRECT

1 A Not to my knowledge.

2 Q What was the condition of the medical
3 staff, the prisoner of war medical staff?

4 A The doctors were in poor condition. I
5 myself was only seven and a half stone weight, and
6 suffered from three diseases at least.

7 Q Did you visit any other camps?

8 A Yes, in the later stages the 50 kilo camp,
9 people from the Siam POW's, the H and F Force.

10 Q At any other camp?

11 A Later at Changi in Siam.

12 Q And how did conditions in those camps com-
13 pare with kilo 55?

14 A At the 50 kilo I think they were worse,
15 because they had come on a pretty long march and
16 they had not been able to amputate legs; they hadn't
17 facilities, even the primitive ones that we had. At
18 50 camp the same conditions prevailed, but they had
19 had cholera while on the march in Siam and about 700
20 of their 1800 patients died within two or three
21 months, whereas at our camp we were fortunate in
22 that we only lost about a fifth of our camp popula-
23 tion that died at that time, but many more died
24 afterwards. At the Changi Camp in Burma, which I
25 had the opportunity of seeing in passing through,

COATES

DIRECT

1 as I shall describe later, exactly the same con-
2 ditions prevailed in some eight or nine thousand
3 prisoners of war.

4 Q What was the attitude of the Japanese
5 medical officers towards the sick?

6 A The Japanese medical officer with whom I
7 had most contact in Burma, chief medical officer of
8 the Burma prisoners of war, simply obtained labor.
9 I could never persuade him to hazard a diagnosis
10 or make any suggestions in treatments. On the other
11 hand, the little doctor that was sent out by NAGATOMO,
12 while he did nothing active -- in other words, he
13 wasn't hostile, and thus it came about that we were
14 able to have a lower mortality, as a result of ob-
15 taining clandestine food, without which we would
16 probably have lost 75 per cent of our camp population.

17 Q Were reports ever made by you as to the
18 camp conditions?

19 A Yes, both in Burma, thus bringing about the
20 visit of Colonel NAGATOMO, and in Siam.

21 Q And in those reports did you describe the
22 conditions in the camp?

23 A I did, and an expression which I used
24 quite often was as follows: The spectacle of the
25 emaciated, skeletons of men on the one hand and the

COATES

DIRECT

1 edematous, water-logged wrecks on the other, many
2 with rotting, gangreneous ulcers of the legs, emitting
3 a nauseating stench, lying in their pain and misery,
4 were such as I never wish to witness again. The
5 daily procession to the graveyard was a reminder to
6 those still alive that death would soon end their
7 sufferings. The memory of it is not easily obliterated.

8 Q Is it your opinion as a medical officer that
9 the deaths occurring in kilo 55 could have been
10 avoided?

11 A I am quite sure they could.

12 Q By what methods?

13 A Adequate feeding, adequate drugs, parti-
14 cularly quinine in amounts sufficient not only to
15 treat but to use as a preventive; the recognition
16 by the Japanese of such special diseases as we had,
17 avitaminosis and amoebic dysentery, and the provision
18 of simple specifics. This, together with adequate
19 feeding, which could have been quite possible, seeing
20 as we did any number of cattle in the neighborhood.
21 Even in the absence of amenities such as beds,
22 bedding, towels, soap, we could have saved most of
23 the lives.

24 Q Did you conduct postmortems during the time
25 you were at kilo 55 to determine what was the cause

COATES

DIRECT

1 of death?

2 A I have over 130 postmortems done there.

3 Q And what did they disclose, in general?

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1 A In many cases perforation of the bowel from
2 amoebic dysentery -- a perforation, hole -- with
3 fatal peritonitis. In other cases and in a very
4 large proportion we found edema, wattery clogging
5 up of the tissues, but all the organs shrunken. In
6 others again the gross evidences of pellagra, the
7 shrunken organ and the cellophane bowel. The rice
8 which the men could not eat, in many cases was ap-
9 plied to ulcers of the leg as a poultice to encourage
10 inflammation, and fortunately some of these men being
11 able to overcome one of their conditions were
12 eventually persuaded and prevailed upon and en-
13 couraged and helped to eat a little more and they
14 were gradually pulled around. Thus we welcomed the
15 appearance of pus, that being what in olden times
16 was called laudable pus, a prelude to healing. We
17 were forced back, therefore, to primitive methods of
18 our fathers or ancestors hundreds of years ago.

19 Q What was the mortality in that camp?
20

21 A We lost 330 out of some 1600 that were
22 there.

23 Q At the end of December 1943 were you evac-
24 uated from Kilo Fifty-five?

25 A Yes, the railway being completed the sick
were divided into two groups, the light sick and the

COATES

DIRECT

1 serious sick. The term "light sick" was applied not
2 necessarily to a man who wasn't going to die, but to
3 a man who had a disease which would either recover
4 or kill him say within three or four months. That
5 was a Japanese classification. The sick were moved
6 by box truck to a place near Bangkok. The so-called
7 light sick to Canberry, and the heavy sick to
8 Nakompaton.

9 Q Were you appointed senior medical officer at
10 Nakompaton?

11 A I was.

12 Q What equipment were you told to take with you?

13 A I was told to take no medical equipment, but,
14 of course, that meant nothing, because there was no
15 medical equipment except the few things one carried
16 in one's pocket, but that everything in a modern
17 hospital would be provided at Nakompaton.

18 Q What did you find on arrival at Nakompaton?

19 A A few bamboo huts for working parties.

20 Q And was there any medical equipment of any
21 sort?

22 A None whatever.

23 Q How many patients went with you at that time?

24 A The first group of patients came after I
25 arrived, namely, 1,000, and in the next three months

COATES

DIRECT

1 there were 8,000 in the camp. These were the
2 residual heavy sick from the whole of the Burma-
3 Siam Railway, with the exception of those of the
4 F and P force who had been sent back to Singapore.

5 Q In what condition were those men? Very ill?

6 A Yes. A great number of them were stretcher
7 cases that could not move themselves at all. Many
8 of them had ulcers of the leg and a great number,
9 of course, were suffering from avitaminoses. Fifteen
10 hundred had amoebic dysentery, and the remainder all
11 kinds of medical diseases mixed up, three or four in
12 each man. In addition there were permanently dis-
13 abled men, with amputated legs, of course, and badly
14 damaged legs which were slowly healing with ulcers.

15 Q Were there sufficient medical orderlies to
16 look after those sick?

17 A The allotment of medical orderlies to me by
18 the Japanese doctor was ten per thousand, three POW
19 doctors per thousand. The doctor was the same man
20 who had been sent as camp commander in the latter
21 stages at Fifty-five Kilo. And when the wooden,
22 bamboo buildings, rather, with wooden floors, with
23 which we were to accommodate the sick, later in
24 March, he rather shamefacedly pointed them to me
25 and said, "That is all I have to offer you."

COATES

DIRECT

Q Was application made for an increase?

1 A I was asked for a report by the Japanese
2 medical authorities on the affair in Burma. I wrote
3 that, giving them a full and unabridged description,
4 and giving a list of the requirements at the Nakom-
5 paton hospital to make it an appropriate place in
6 which to treat the sick.

7 Q Did you ever receive any more medical
8 orderlies?

9 A No, but we did prevail upon the local au-
10 thorities to allow us to employ convalescent patients
11 as volunteer orderlies.
12

13 Q Were you told why they would not provide
14 further medical orderlies, what they wanted the men
15 for?

16 A Yes, I was informed that that proportion of
17 medical orderlies was ordered by the Japanese
18 authorities in Burma, that any other medical order-
19 lies had to work in ordinary working parties for the
20 Japanese.

21 Q Was it possible to carry on an efficient
22 hospital with the number assigned to you?

23 A No, it was quite impossible, but fortunately
24 or unfortunately, a number of sick doctors and sick
25 orderlies came in and from time to time we were able

COATES

DIRECT

1 to call them to help until they were sent from the
2 camp.

3 Q What was the position with regard to food
4 and drugs at that hospital?

5 A In the first six months it was bad. One of
6 the first things that was done after the arrival of
7 the very sick was to cut the rations down to what
8 was called the Japanese hospital scale for prisoners
9 of war. The scale of rations was just sufficient to
10 sustain a healthy man, but when meat was cut to one-
11 third, rice to one-half, and vegetables to two-
12 thirds, it is obvious that that was not enough for a
13 sick or recovering patient.

14 THE PRESIDENT: We will recess for fifteen
15 minutes.

16 (Whereupon, at 1445, a recess was
17 taken until 1500, after which the proceed-
18 ings were resumed as follows:)
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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Justice Mansfield.

BY MR. JUSTICE MANSFIELD: (Continued)

Q Did you make any applications for beds or
bedding in this Nakompaton Hospital?

A Yes, I applied for beds, bedding, all the
various appurtenances of a hospital, as well as drugs
and equipment.

Q Were they supplied?

A There were no beds or any other equipment
supplied until in May very small consignments, and then
in July 1944 a much larger consignment of American Red
Cross goods arrived. During the early months in the
Nakompaton the doctors were at their wits' end as to
how to treat this large number of sick without drugs
and on the reduced Japanese ration. The very sick were
nourished at the expense of the less sick and blood
transfusions by the defibrinated method became a routine.
Many other medical measures of the same kind were adopted
and followed right through in that camp; the taking of
bodily secretions from one man and giving it to another,
such as acid from the stomach, blood and other things.
Patients as they recovered became more like milking cows
for the benefit of those who hadn't. Red Cross drugs

COATES

DIRECT

1 that had arrived in July certainly saved the lives of
2 a great number. The mortality was steadily rising
3 until that date. From then on the mortality dropped.

4 Q Were there any beatings in that camp?

5 A There would be epidemics of beatings.

6 Q Who were beaten?

7 A Patients, medical orderlies and occasionally
8 doctors.

9 Q And by whom were they beaten?

10 A Japanese guards, that is, the Koreans; from
11 time to time by the Japanese officer-in-charge of the
12 guards. *Koreans*

13 Q Were complaints made about these beatings
14 to the commanding officer -- Japanese commanding officer?

15 A I pointed out in one of my reports to the
16 Japanese that the hospital, of which we had hoped so much,
17 still resembled a Japanese prison camp and not a hospital,
18 and that the beatings that were taking place didn't seem,
19 in my opinion, to be justifiable nor were they to be
20 reasonably considered on a humanitarian basis.

21 Q What was the result of the protests?

22 A From time to time there would be an improvement
23 and I think that our contacts with the Japanese officers
24 were effective, but a sudden outbreak of the epidemic
25 would occur again at an unspecified time.

COATES

DIRECT

1 Q Were the guards ever punished for having
2 beaten the prisoners?

3 A Not to my knowledge at Nakompaton, but I
4 do recollect in Burma a very good Japanese sergeant
5 who inflicted corporal punishment on a Korean guard
6 for the beating of a prisoner.) *Korean*

7 Q What were the nationalities of the prisoners
8 of war in the various camps in which you were confined?

9 A In all the camps there were United Kingdom,
10 that is, the British, Australian, Dutch and a few Americans
11 from Java.

12 Q Did any incident happen in September 1944?

13 A Yes, a neighboring camp 17 kilometers away,
14 a railway siding at Mompladuk was bombed by the Allies.
15 A large prison camp adjoining the railway was partially
16 destroyed, one hundred prisoners killed and over one
17 hundred wounded.

18 Q Did you make any request to send assistance
19 to that camp?

20 A I requested that we should send assistance
21 to the camp as in the camp there were not surgeons--
22 there was only one-- and a few other doctors and we had
23 a number, but that request was refused.
24
25

COATES

DIRECT

1 Q Were the camps marked with any sign to show
2 that they were prisoner-of-war camps?

3 A No marking of a camp was allowed, nor were
4 any slit trenches allowed to be dug in our camp.

5 Q And was that applicable also to the other
6 camps which you saw?

7 A After the Mompladuk bombing, the Japanese
8 senior officer filled the camp up again with more men
9 than it had contained before, and laughingly told them
10 that "Bomb-bomb very good." But he did permit them
11 to build some little shelters, slit trenches, and so
12 forth.

13 Q In December 1944, was any mass punishment
14 imposed upon Nakompaton Camp?

15 A Yes. One of our recovering patients left the
16 camp to visit the neighboring village. He was arrested
17 and then the camp authorities were called upon to
18 account for him. Well, we knew nothing about him, being
19 one of 7,000, but the whole camp was put on parade for
20 thirty-six hours. All patients were laid out under the
21 stars for the whole of one night. Protests to the
22 Japanese doctor had the ban lifted.

23
24 Q In July 1944, were you told anything by one of
25 the clerks in the adjutant's office of the camp?

A In July 1945--

COATES

DIRECT

1 Q '45; I beg your pardon.

2 A One of the men in the office informed me that
3 he and four -- three others would like to have letters
4 from me to be found on their dead bodies after the
5 war, as they proposed to tell us what was happening and
6 try and help us to do the best we could in the coming
7 massacre.

8 Q Did he say what the coming massacre was to be?

9 A Yes. We had observed the machine gun nests
10 all around our hospital and the hut full of grenades
11 in the Japanese compound, and he informed us that they
12 were to be used when a landing occurred in Japan and
13 attempt was made for our release.

14 Q Did he mention anything about secret orders?

15 A He said he had seen a copy of those secret
16 orders.

17 Q For what were the machine guns and the grenades
18 to be used; to massacre whom or to kill whom?

19 A The machine guns covered every hut and the
20 grenades were to kill the men in the huts and the
21 machine guns to kill those escaping; so they said.

22 Q That is, prisoners?

23 A Prisoners of war, yes.

24 Q Well, prior to that, in January 1945, were
25 all officers taken from the camp except medical officers?

COATES

DIRECT

1 A All officers, of whom there had been 500
2 as patients in the camp, were removed by the end of
3 February 1945 to working camps.

4 Q Does that include any officers who were
5 seriously ill?

6 A It included men dying of such things as
7 brain tumors, cancers, and all the various other
8 serious infective conditions. Some of them did die.
9 As an illustration, a paralyzed American who had a
10 tumor of the brain on which a preliminary operation
11 was done was wheeled out on a bamboo stretcher.

12 Q What was the Japanese ~~discipline~~ like after the
13 removal of the officers?

14 A The discipline of the Japanese was what might
15 be called extreme, from our point of view.

16 Q What form did it take?

17 A Beatings up became more common, searches of
18 huts, turning the men out, became almost daily
19 occurrences; sudden parades and calls, alarms and
20 excursions.

21 Q And you were there until the Japanese capitulation?
22

23 A At the time of the capitulation the Japanese
24 colonel called me in and announced the armistice.

25 MR. JUSTICE MANSFIELD: I ask that the

COATES

DIRECT

1 witness be shown exhibit 475, if the Court please.
2 That is the Japanese report on the Burma-Thailand
3 Railway.

4 (Whereupon, a document was handed
5 to the witness.)

6 Q You have a copy -- the original exhibit 475
7 and a copy of it there. Now, I would like you to
8 deal with some matters arising in that. Will you turn
9 to page 9 of the copy, please. You will see there
10 that it states "Though the Japanese Army did its best
11 in taking the best possible measures conceivable at
12 that time in order to improve the treatment of the
13 prisoners of war cooperating with the Japanese troops,
14 laying stress on billeting, ration and health, many
15 prisoners of war fell victim of the work."

16 A I don't think that the Japanese would admit
17 that they took the best possible measures conceivable.
18 Some of them talked to me about the show afterwards,
19 and they recognized that they hadn't taken the best
20 possible measures.

21 THE PRESIDENT: Mr. Logan.

22 MR. LOGAN: I move to strike out, your Honor,
23 what this witness thinks that the Japanese might or
24 might not do with respect to this report. It is
25 his opinion.

COATES

DIRECT

1 THE PRESIDENT: His opinion as to what the
2 Japanese might do with the report, of course, is
3 not evidence.

4 MR. JUSTICE MANSFIELD: Witness, will you just
5 please answer by giving facts.

6 THE PRESIDENT: Objection allowed.
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1 Q Now would you say in what way they did not
2 take the best possible measures conceivable at the
3 time?

4 A They made no adequate preparations for
5 proper feeding or the proper medical treatment of
6 the prisoners of war employed on the railway.

7 Q Then in the next paragraph you will see:
8 "We should like to declare the Japanese troops
9 participated in the joys and sorrows of the prisoners
10 of war." What have you to say in regard to that?

11 THE PRESIDENT: Is it necessary to examine
12 him on this report by the Japanese, Mr. Justice
13 Mansfield?

14 MR. JUSTICE MANSFIELD: There are certain
15 medical--

16 THE PRESIDENT: It is sufficient to have
17 his evidence apart from any view that he might express
18 on the Japanese report.

19 MR. JUSTICE MANSFIELD: Yes, very well,
20 your Honor. I will not proceed to question him on
21 that.

22 Q Did the Japanese at any time take any proper
23 measures to combat malaria in the jungle?

24 MR. LOGAN: If the Tribunal please, that is
25 calling for a conclusion. The witness has already

COATES

DIRECT

1 gone over the facts of what he saw.

2 THE PRESIDENT: How would you combat it
3 except by the use of nets and spraying gangs and
4 medicines?

5 MR. JUSTICE MANSFIELD: He has only dealt
6 with medicines up to the present.

7 THE PRESIDENT: Well, he may say what steps
8 were taken by the Japanese to combat malaria in
9 the jungle, if he knows.

10 Q From your knowledge, what, if any, steps
11 were taken by the Japanese to combat malaria?

12 A In late 1943 a body of medical men, Japanese,
13 visited camps and took specimens of blood for examin-
14 ation. Then again a number of men were employed in
15 late 1943, that is to say, October to December, in
16 the more remote camps in Burma in oiling and generally
17 spraying; that is, prisoners of war were employed
18 to combat mosquito malaria. But, in the earlier
19 months, when these diseases caused such havoc, there
20 was no such organization. That it did function in
21 Siam, and function very well, is very evident from
22 our own results with malaria in that camp. Oiling
23 of water and such like was generally done.

24 Q What was the incidence of malaria amongst
25 the prisoners of war to your knowledge? How many

COATES

DIRECT

1 prisoners of war contracted malaria to your knowledge?

2 A Ninety-five per cent.

3 Q In July, 1943, to your knowledge, how many
4 prisoners of war in Burma were in hospital camps?

5 A Between three and four thousand out of ten
6 thousand; but, in addition, quite a large number of
7 seriously ill men were retained in working camps.

8 Q And approximately how many in Thailand,
9 Siam, were in hospitals, what percentage?

10 A The figures varied from thirty to forty
11 per cent.

12 Q Can you tell the Court what was the total
13 mortality amongst prisoners of war employed on the
14 Burma-Thailand Railway, approximately?

15 MR. BROOKS: I want to object, if the
16 Court please, unless the proper basis is laid to show
17 that the man had the opportunity to observe and show
18 from what record these conclusions or statements are
19 being made in answer to the prosecution's question.
20 As I understood, he was a prisoner of war.

21 THE PRESIDENT: On what do you base your
22 knowledge, sir?

23 THE WITNESS: I would rather not answer that
24 question, if you don't mind. You have the facts, I
25 presume, before the Court. I am a doctor, not an

COATES

DIRECT

1 administrator of figures or records.

2 MR. JUSTICE MANSFIELD: I withdraw the
3 question.

4 THE PRESIDENT: Mr. Logan.

5 CROSS-EXAMINATION

6 BY MR. LOGAN:

7 Q Doctor, you have been talking about vitamin-
8 osis. What is that, lack of vitamins?

9 A The term "avitaminosis" means lack of vita-
10 mins.

11 Q Then that comes from lack of certain types
12 of food like green vegetables and meats and so forth?

13 A There are a number of diseases called de-
14 ficiency diseases or avitaminosis which are produced
15 by the lack of certain substances normally found in
16 a rich and healthy diet.

17 Q One does not necessarily have to be a prisoner
18 of war to suffer from vitaminosis, is that right?

19 A There are two examples in which I agree with
20 you. In olden times, before anything was known about
21 these conditions, men on ship suffered from one, scurvy;
22 and, again, in olden times, or less olden times but
23 not recently, rickets. Those diseases we never saw.

24 THE PRESIDENT: Observe the red light strictly,
25 Colonel.

COATES

CROSS

1 THE PRESIDENT (Continuing): What caused
2 these deficiency diseases? Describe the food and
3 say what it lacked.

4 THE WITNESS: Pellagra was one of the main
5 deficiency diseases caused by a lack of nicotinic
6 acid. That substance is found in meat and certain
7 vegetable proteins. Therefore, with sufficient
8 meat or the equivalent of meat, cheese, fish, what
9 not, or, on the other hand, enough vegetable proteins:
10 that is, vegetables containing these substances, that
11 pellagra would not have occurred.

12 Q Did the Japanese soldiers suffer from
13 avitaminosis?

14 A Never, at any time, did I have the honor of
15 carrying out a medical examination of Japanese soldiers,
16 sir.

17 Q So your answer is: you don't know, is that
18 right?

19 A Yes.

20 Q Did any of the Japanese soldiers in the
21 building of this railway suffer from ulcers?

22 A I believe they did.

23 Q Did any of them suffer from dysentery?

24 A Yes, particularly in the later stages in Siam
25 when we saw a great number of them at the end of the

COATES

CROSS

1 war in a neighboring camp.

2 Q Did any of them suffer from malaria?

3 A I presume so.

4 Q Would you say about ninety-five per cent of
5 them suffered from malaria?

6 A I have no knowledge of figures in the
7 Japanese Army so I cannot say.

8 Q In the early part of the time that you were
9 there did the Japanese soldiers have nets and
10 quinine, spray guns, and so forth, to combat malaria
11 for themselves?

12 A I presume they did because I was told from
13 time to time that there was only enough drugs for
14 the Japanese Army and that was one reason why we
15 could not have any.

16 Q Yet with all these drugs and medical equip-
17 ment they still contracted malaria, didn't they?

18 A Yes, but on the other hand, their incidence
19 was low as compared with our's.

20 Q But you don't know what percentage of them
21 contracted it?

22 A I do know that they had a hospital at
23 60-kilo camp. It wasn't full, and they seemed to
24 work well on the railway, and they did have prophylactic
25 lactic quinine.

COATES

CROSS

1 Q Are you familiar with the transportation
2 facilities available in the construction of this
3 railway?

4 A Yes, a little.

5 Q Was there a regular road running from these
6 camps, one to the other, passable, capable of having
7 trucks drive over them regularly?

8 A There were roads. There was a road on
9 which I, myself, was driven out to the 55 -- to the
10 75-kilo camp in May, 1943, quite a passable road;
11 and Japanese officers from Siam came up from Bangkok
12 by car, automobile.

13 Q How many months is the rainy season down
14 there?

15 A It commenced in May, 1943, and the weather
16 generally became fine in September.

17 Q Isn't it a fact that during that period of
18 time those roads were practically impassable? As a
19 matter of fact, do you know that one witness who
20 previously appeared before this Tribunal testified
21 that roads were knee-deep in mud?
22

23 A I can only speak with certainty of the
24 75 and 55-kilo camps from which we had communication
25 by road with Thanbyuzayat; and I know that for about
two to three weeks at the end of May and early June

COATES

CROSS

1 at the 75 camp we could not get rations up by truck.

2 Q Haven't you mentioned more than two camps,
3 Doctor? I think you mentioned the 30-kilo camp,
4 75-kilo, 105, 55. Don't you know the conditions of
5 the roads with respect to all those camps?

6 A I never traveled on the road to the 105-kilo,
7 but patients from that camp were brought to the 55-kilo
8 right through the wet season by truck.

9 Q Weren't you ever at the 105-kilo camp?

10 A Never at the 105.

11 Q Well, didn't you testify that while you
12 were at 105-kilo camp the last thirteen hundred men
13 there were examined by a Japanese doctor in your
14 presence and he decided which one thousand of them
15 were sick? Maybe I am mistaken.

16 A Unless I am mistaken, I stated that at the
17 75-kilo camp I attended, with the Japanese doctor,
18 a parade of men who were being dispatched to the
19 105-kilo camp.

20 Q Well, I was probably in error then. Now,
21 Doctor, was this railroad constructed principally
22 through a jungle?

23 A Yes.

24 Q The transportation really was difficult,
25 wasn't it?

1 was taken until Friday, 29 November 1946,
2 at 0930.)

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