

JUDGMENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

**PART B
CHAPTER VII**

THE PACIFIC WAR

**PART B
CHAPTER VIII**

**CONVENTIONAL WAR CRIMES
(Atrocities)**

November 1948

CONTENTS

Chapter VII - Pages 843-1,000 -- Chapter VIII - Pages 1,001-1,136

PART B. CHAPTER VIII
CONVENTIONAL WAR CRIMES

(Atrocities)

After carefully examining and considering all the evidence we find that it is not practicable in a judgment such as this to state fully the mass of oral and documentary evidence presented; for a complete statement of the scale and character of the atrocities reference must be had to the record of the trial.

The evidence relating to atrocities and other Conventional War Crimes presented before the Tribunal establishes that from the opening of the war in China until the surrender of Japan in August 1945 torture, murder, rape and other cruelties of the most inhumane and barbarous character were freely practiced by the Japanese Army and Navy. During a period of several months the Tribunal heard evidence, orally or by affidavit, from witnesses who testified in detail to atrocities committed in all theaters of war on a scale so vast, yet following so common a pattern in all theaters, that only one conclusion is possible - the atrocities were either secretly ordered or wilfully permitted by the Japanese Government or individual members thereof and by the leaders of the armed forces.

Before proceeding to a discussion of the circumstances and the conduct of the accused in relation to the question of responsibility for the atrocities it is necessary to examine the matters charged. In doing so we will in some cases where it may be convenient refer to the association, if any, of the accused with the happenings under discussion. In other cases and generally, as far as it is practicable, circumstances

having relevance to the issue of responsibility will be dealt with later.

At the beginning of the Pacific War in December 1941 the Japanese Government did institute a system and an organization for dealing with prisoners of war and civilian internees. Superficially, the system would appear to have been appropriate; however, from beginning to end the customary and conventional rules of war designed to prevent inhumanity were flagrantly disregarded.

Ruthless killing of prisoners by shooting, decapitation, drowning, and other methods; death marches in which prisoners including the sick were forced to march long distances under conditions which not even well-conditioned troops could stand, many of those dropping out being shot or bayoneted by the guards; forced labor in tropical heat without protection from the sun; complete lack of housing and medical supplies in many cases resulting in thousands of deaths from disease; beatings and torture of all kinds to extract information or confessions or for minor offences; killing without trial of recaptured prisoners after escape and for attempt to escape; killing without trial of captured aviators; and even cannibalism: these are some of the atrocities of which proof was made before the Tribunal.

The extent of the atrocities and the result of the lack of food and medical supplies is exemplified by a comparison of the number of deaths of prisoners of war in the European Theater with the number of deaths in the Pacific Theater. Of United States and United Kingdom forces 235,473 were taken prisoners by the German and Italian Armies; of these 9,348 or 4 per cent died in

captivity. In the Pacific Theater 132,134 prisoners were taken by the Japanese from the United States and United Kingdom forces alone of whom 35,756 or 27 per cent died in captivity.

ALLEGATION THAT THE LAWS OF WAR DID NOT APPLY TO
THE CONDUCT OF THE WAR IN CHINA

From the outbreak of the Mukden Incident till the end of the war the successive Japanese Governments refused to acknowledge that the hostilities in China constituted a war. They persistently called it an "Incident". With this as an excuse the military authorities persistently asserted that the rules of war did not apply in the conduct of the hostilities.

This war was envisaged by Japan's military leaders as a punitive war, which was being fought to punish the people of China for their refusal to acknowledge the superiority and leadership of the Japanese race and to cooperate with Japan. These military leaders intended to make the war so brutal and savage in all its consequences as to break the will of the Chinese people to resist.

As the Southern movement advanced to cut off aid to Generalissimo Chiang Kai-shek, the Chief-of-Staff of the Central China Expeditionary Force on 24 July 1939 sent an estimate of the situation to War Minister ITAGAKI. In that estimate of the situation, he said: "The Army Air Force should carry out attacks upon strategic points in the hinterland in order to terrorize the enemy forces and civilians, and so develop among them an anti-war, pacifist tendency. What we expect of offensive operations against the interior is the mental terror they will create among the enemy forces and civilians rather than the material damage inflicted direct upon enemy

"personnel and equipment. We will wait and see them
 "falling into nervous prostration in an excess of terror
 "and madly starting anti-Chiang and pacifist movements."

Government and military spokesmen alike from
 time to time stated that the purpose of the war was to
 make the Chinese people "seriously reflect" upon the
 error of their ways, which in effect meant acceptance of
 Japanese domination.

HIROTA in February, 1938, speaking in the House
 of Peers said "Japan has been endeavoring to make the
 "Chinese Nationalist Government make reflections, if
 "possible, while chastising their mistaken ideas by armed
 "force" In the same speech he said "Since they were
 "facing Japan with very strong anti-Japanese feeling, we
 "decided on a policy whereby we had to necessarily
 "chastise them."

HIRANUMA began his "stimulation of the national
 "morale" by a speech to the Diet on 21 January 1939 in
 which he said: "In regard to the China Incident upon
 "which both the Cabinet and the people are concentrating
 "their endeavors, there exists an immutable policy for
 "which Imperial Sanction was obtained by the previous
 "Cabinet. The present Cabinet is of course committed
 "to the same policy. I hope the intention of Japan will
 "be understood by the Chinese so that they may cooperate
 "with us. As for those who fail to understand, we have
 "no other alternative than to exterminate them."

FORMULATION OF MILITARY POLICY

Before discuss'ng the nature and extent of
 atrocities committed by the Japanese armed forces it is
 desirable to state, very shortly, the system under which
 such conduct should have been controlled.

Those having authority in the formulation of military policy were the Army and Navy Ministers, the Chiefs of the Army and Navy General Staffs, the Inspector-General of Military Education, the Supreme War Council of Field Marshals and Fleet Admirals, and the War Council. The Army and Navy Ministers administered; the Inspector-General of Military Education supervised training; and the Chiefs of the Army and Navy General Staffs directed

operations of the armed forces. The two war councils were advisory groups. The Army enjoyed special prerogatives, One of these was the exclusive right to nominate the successor of the War Minister. By the exercise of this power the Army was able to enforce continued adherence to the policies advocated by it.

In the War Ministry the policy initiating agency was the Military Affairs Bureau, which after consultation with the Army General Staff, other Bureaux of the War Ministry and other departments of the government concerned, announced the policy of the Japanese Military, usually in the form of regulations issued over the signature of the War Minister. This was the Bureau which formed the policy and issued regulations governing the conduct of war in general and the treatment of civilian internees and prisoners of war in particular. Such administration of prisoners of war as there was during the war in China was conducted by this Bureau. Until the opening of hostilities in the Pacific War, the administration of civilian internees and prisoners of war was retained by this Bureau when a special Division was created in the Bureau to perform that function. Three of the accused served as Chiefs of this powerful Military Affairs Bureau; they were KOISO, MUTO and SATO. KOISO served at the beginning of the war in China between the dates of 8 January 1930 and 29 February 1932. MUTO served before and after the commencement of the Pacific War; he became Chief of the Bureau on 30 September 1939 and served until 20 April 1942. SATO was employed in the Bureau before the beginning of the Pacific War, having been appointed on 15 July 1938; when MUTO was transferred

to command troops in Sumatra, SATO became Chief of the Bureau and served in that capacity from 20 April 1942 to 14 December 1944.

The corresponding Bureau in the Navy Ministry was the Naval Affairs Bureau. The Naval Affairs Bureau formed and promulgated regulations for the Navy and prescribed the policy of the Navy in conducting war at sea, occupied islands and other territory under its jurisdiction, and administered such prisoners of war and civilian internees as came under its power. The accused OKA served as Chief of this Bureau before and during the Pacific War from 15 October 1940 to 31 July 1944.

In the War Ministry, the Vice-Minister of War was the operating chief of the War Ministry Office and was responsible for coordination of the various Bureaus and other agencies under the Ministry. He received reports and suggestions from commanders in the field, advised the War Minister on the affairs under the Ministry and often issued orders and directives. Three of the accused served as Vice-Minister of War during the period prior to the Pacific War. KOISO served from 29 February 1932 to 8 August 1932. UMEZU occupied the position from 23 March 1936 to 30 May 1938. TOJO became Vice-Minister of war on 30 May 1938 and served until 10 December 1938. KIMURA was Vice-Minister of War before and after the commencement of the Pacific War; he was appointed on 10 April 1941 and served until 11 March 1943.

Lastly, of course, the commanders in the field were responsible for the maintenance of the discipline and the observance of the laws and customs of war by the troops under their command.

CAPTIVES TAKEN IN THE CHINA WAR WERE
TREATED AS BANDITS

The Japanese Delegate at Geneva in accepting the resolution of the League of Nations of 10 December 1931 setting up the Lytton Commission and imposing a virtual truce, stated that his acceptance was based on the understanding that the resolution would not preclude the Japanese Army from taking action against "bandits" in Manchuria. It was, under this exception to the resolution that the Japanese Military continued hostilities against the Chinese troops in Manchuria. They maintained that no state of war existed between Japan and China; that the conflict was a mere "incident" to which the laws of war did not apply; and that those Chinese troops who resisted the Japanese Army were not lawful combatants but were merely "bandits". A ruthless campaign for the extermination of these "bandits" in Manchuria was inaugurated.

Although the main Chinese Army withdrew within the Great Wall at the end of 1931, resistance to the Japanese Army was constantly maintained by widely dispersed units of Chinese volunteers. The Kwantung Army Intelligence Service listed a large number of so-called Chinese route-armies, which in 1932 formed the subdivisions of the volunteer armies. These volunteer armies were active in the areas around Mukden, Haisheng and Yingkow. In August 1932, fighting broke out in the immediate vicinity of Mukden. At the height of the fighting at Mukden on 8 August 1932 Vice-Minister of War KOISO was appointed Chief-of-Staff of the Kwantung Army and also Chief of its Intelligence Service. He served in that capacity until 5 March 1934. On 16 September 1932 the Japanese forces in pursuit of defeated

Chinese volunteer units arrived at the towns of Pingtingshan, Chienchinpao and Litsekou in the vicinity of Fushun. The inhabitants of these towns were accused of harboring the volunteers or "bandits" as they were called by the Japanese. In each town the Japanese troops assembled people along ditches and forced them to kneel; they then killed these civilians, men, women and children, with machine guns; those who survived the machine-gunning being promptly bayoneted to death. Over 2,700 civilians perished in this massacre, which the Japanese Kwantung Army claimed to be justified under its program of exterminating "bandits". Shortly thereafter, KOISO sent to the Vice-Minister of War an "Outline for Guiding Manchukuo" in which he said: "Racial struggle between Japanese and Chinese is to be expected. Therefore, we must never hesitate to wield military power in case of necessity." In this spirit, the practice of massacring, or "punishing" as the Japanese termed it, the inhabitants of cities and towns in retaliation for actual or supposed aid rendered to Chinese troops was applied. This practice continued throughout the China War; the worst example of it being the massacre of the inhabitants of Nanking in December 1937.

Since the Government of Japan officially classified the China War as an "Incident" and considered Chinese soldiers in Manchuria as "bandits", the Army refused to accord to captives taken in the fighting the status and the rights of Prisoners of War. MUTO says that it was officially decided in 1938 to continue to call the war in China an "Incident" and to continue for that reason to refuse to apply the rules of war to the conflict. TOJO told us the same.

Many of the captured Chinese were tortured, massacred, placed in labor units to work for the Japanese Army, or organized into army units to serve the puppet governments established by Japan in the conquered territory in China. Some of these captives who refused to serve in these armies were transported to Japan to relieve the labor shortage in the munitions industries. At the camp at Akita, on the northwest shore of Honshu Island, 418 Chinese out of a group of 981 so transported to Japan died from starvation, torture or neglect.

THE POLICY REMAINED UNCHANGED AFTER THE MARCO POLO BRIDGE

INCIDENT

Both the League of Nations and the meeting at Brussels of the signatories of the Nine-power Treaty failed to stop Japan's pursuing this "punitive" war on China after the outbreak of hostilities at the Marco Polo Bridge in 1937. This policy of Japan to treat the China war as an "incident" remained unchanged. Even after the establishment of the Imperial General Headquarters which was considered appropriate only in the case of an "incident" of such an extent as to require a declaration of war, as suggested by the War Minister at the Cabinet meeting held on 19th November 1937, no additional effort was made to enforce the laws of war in the conduct of the hostilities in China. Although the Government and the fighting services were organized on a full wartime basis, the China war was still treated as an "incident" with the consequent disregard of the rules of war.

THE RAPE OF NANKING

As the Central China Expeditionary Force under command of MATSUI approached the city of Nanking in early December 1937, over one-half of its one million inhabitants and all but a few neutrals who remained behind to organize an International Safety Zone, fled from the city. The Chinese Army retreated, leaving approximately 50,000 troops behind to defend the city. As the Japanese forces stormed the South Gate on the night of 12 December 1937, most of the remaining 50,000 troops escaped through the North and West Gates of the city. Nearly all the Chinese soldiers had evacuated the city or had abandoned their arms and uniforms and sought refuge in the International Safety Zone and all resistance had ceased as the Japanese Army entered the city on the morning of 13 December 1937. The Japanese soldiers swarmed over the city and committed various atrocities. According to one of the eyewitnesses they were let loose like a barbarian horde to desecrate the city. It was said by eyewitnesses that the city appeared to have fallen into the hands of the Japanese as captured prey, that it had not merely been taken in organized warfare, and that the members of the victorious Japanese Army had set

upon the prize to commit unlimited violence. Individual soldiers and small groups of two or three roamed over the city murdering, raping, looting, and burning. There was no discipline whatever. Many soldiers were drunk. Soldiers went through the streets indiscriminately killing Chinese men, women and children without apparent provocation or excuse until in places the streets and alleys were littered with the bodies of their victims. According to another witness Chinese were hunted like rabbits, everyone seen to move was shot. At least 12,000 non-combatant Chinese men, women and children met their deaths in these indiscriminate killings during the first two or three days of the Japanese occupation of the city.

There were many cases of rape. Death was a frequent penalty for the slightest resistance on the part of a civtion or the members of her family who sought to protect her. Even girls of tender years and old women were raped in large numbers throughout the city, and many cases of abnormal and sadistic behavior in connection with these rapings occurred. Many women were killed after the act and their bodies mutilated. Approximately 20,000 cases of rape occurred within the city during the first month of the occupation.

Japanese soldiers took from the people everything they desired. Soldiers were observed to stop unarmed civilians on the road, search them, and finding nothing of value then to shoot them. Very many residential and commercial properties were entered and looted. Looted stocks were carried away in trucks. After looting shops and warehouses, the Japanese soldiers frequently set fire to them. Taiping Road, the most important

shopping street, and block after block of the commercial section of the city were destroyed by fire. Soldiers burned the homes of civilians for no apparent reason. Such burning appeared to follow a prescribed pattern after a few days and continued for six weeks. Approximately one-third of the city was thus destroyed.

Organized and wholesale murder of male civilians was conducted with the apparent sanction of the commanders on the pretense that Chinese soldiers had removed their uniforms and were mingling with the population. Groups of Chinese civilians were formed, bound with their hands behind their backs, and marched outside the walls of the city where they were killed in groups by machine gun fire and with bayonets. More than 20,000 Chinese men of military age are known to have died in this fashion.

The German Government was informed by its representative about "atrocities and criminal acts not of an individual but of an entire Army, namely, the "Japanese," which Army, later in the Report, was qualified as a "bestial machinery."

Those outside the city fared little better than those within. Practically the same situation existed in all the communities within 200 li (about 66 miles) of Nanking. The population had fled into the country-side in an attempt to escape from the Japanese soldiers. In places they had grouped themselves into fugitive camps. The Japanese captured many of these camps and visited upon the fugitives treatment similar to that accorded the inhabitants of Nanking. Of the civilians who had fled Nanking over 57,000 were overtaken and interned. These were starved and tortured in captivity until a large

number died. Many of the survivors were killed by machine gun fire and by bayoneting.

Large parties of Chinese soldiers laid down their arms and surrendered outside Nanking; within 72 hours after their surrender they were killed in groups by machine gun fire along the bank of the Yangtze River.

Over 30,000 such prisoners of war were so killed. There was not even a pretence of trial of these prisoners so massacred.

Estimates made at a later date indicate that the total number of civilians and prisoners of war murdered in Nanking and its vicinity during the first six weeks of the Japanese occupation was over 200,000. That these estimates are not exaggerated is borne out by the fact that burial societies and other organizations counted more than 155,000 bodies which they buried. They also reported that most of those were bound with their hands tied behind their backs. These figures do not take into account those persons whose bodies were destroyed by burning or by throwing them into the Yangtze River or otherwise disposed of by Japanese.

Japanese Embassy officials entered the city of Nanking with the advance elements of the Army; and on 14 December an official of the Embassy informed the International Committee for the Nanking Safety Zone that the "Army was determined to make it bad for Nanking, but that the Embassy officials were going to try to moderate the action". The Embassy officials also informed the members of the Committee that at the time of the occupation of the city no more than 17 military policemen were provided by the Army commanders to maintain order within the city. When it transpired that complaints to the Army officials did not have any result, those Japanese embassy officials suggested to the foreign missionaries that the latter should try and get publicity in Japan, so that the Japanese Government would be forced by public opinion to curb the Army.

Dr. Bates testified that the terror was intense for two and one-half to three weeks, and was serious six to seven weeks following the fall of the city.

Smythe, the Secretary of the Int. Committee for the Safety Zone, filed two protests a day for the first six weeks.

MATSUI, who had remained in a rear area until 17 December, made a triumphal entry into the city on that day and on 18 December held a religious service for the dead, after which he issued a statement in the course of which he said: "I extend much sympathy to millions of innocent people in the Kiangpei and Chekiang districts, who suffered the evils

"of war. Now the flag of the rising sun is floating
"high over Nanking, and the Imperial Way is shining
"in the southern parts of the Yangtze-Kiang. The dawn
"of the renaissance of the East is on the verge of of-
"fering itself. On this occasion, I hope for recon-
"sideration of the situation by the 400 million people
"of China". MATSUI remained in the city for nearly a
week.

MUTO, then a colonel, had joined MATSUI's staff
on 10 November 1937 and was with MATSUI during the drive
on Nanking and participated in the triumphal entry and
occupation of the city. Both he and MATSUI admit that
they heard of the atrocities being committed in the city
during their stay at rear headquarters after the fall
of the city. MATSUI admits that he heard that foreign
governments were protesting against the commission of
these atrocities. No effective action was taken to
remedy the situation. Evidence was given before the
Tribunal by an eye witness that while MATSUI was in
Nanking on the 19th of December the business section of
the city was in flames. On that day the witness count-
ed fourteen fires in the principal business street alone.
After the entry of MATSUI and MUTO into the city, the
situation did not improve for weeks.

Members of the Diplomatic Corps and Press and
the Japanese Embassy in Nanking sent out reports detail-
ing the atrocities being committed in and around Nan-
king. The Japanese Minister-at-Large to China, Ito,
Nobofumi, was in Shanghai from September 1937 to Feb-
ruary 1938. He received reports from the Japanese Embassy
in Nanking and from members of the Diplomatic Corps and
Press regarding the conduct of the Japanese troops and

sent a resume of the reports to the Japanese Foreign Minister, HIROTA. These reports as well as many others giving information of the atrocities committed at Nanking, which were forwarded by members of the Japanese diplomatic officials in China, were forwarded by HIROTA to the War Ministry of which UMEZU was Vice-Minister. They were discussed at Liaison Conferences, which were normally attended by the Prime Minister, War and Navy Ministers, Foreign Minister HIROTA, Finance Minister KAYA, and the Chiefs of the Army and Navy General Staffs.

News reports of the atrocities were widespread. MINAMI, who was serving as Governor-General of Korea at the time, admits that he read these reports in the Press. Following these unfavorable reports and the pressure of public opinion aroused in nations all over the world, the Japanese Government recalled MATSUI and approximately 80 of his officers but took no action to punish any of them. MATSUI, after his return to Japan on 5 March 1938, was appointed a Cabinet Councillor and on 29 April 1940 was decorated by the Japanese Government for "meritorious services" in the China War. MATSUI, in explaining his recall, says that he was not replaced by HATA because of the atrocities committed by his troops at Nanking but because he considered his work ended at Nanking and wished to retire from the Army. He was never punished.

The barbarous behaviour of the Japanese Army cannot be excused as the acts of a soldiery which had temporarily gotten out of hand when at last a stubbornly defended position had capitulated - rape, arson and murder continued to be committed on a large scale for at least
had been taken and for at least

four weeks after MATSUI and MUTO had entered the city.

The new Japanese Garrison Commander at Nanking, General Amaya, on 5 February 1938, at the Japanese Embassy in Nanking made a statement to the Foreign diplomatic corps criticizing the attitude of the foreigners who had been sending abroad reports of Japanese atrocities at Nanking and upbraiding them for encouraging anti-Japanese feeling. This statement by Amaya reflected the attitude of the Japanese Military toward foreigners in China, who were hostile to the Japanese policy of waging an unrestrained punitive war against the people of China.

THE WAR WAS EXTENDED TO CANTON AND HANKOW

When Shanghai capitulated on 12 November 1937 and MATSUI began his advance on Nanking, the National Government of China under Generalissimo Chiang kai-shek abandoned its capital city, moved to Chungking with interim headquarters at Hankow and continued the resistance. After the capture of Nanking on 13 December 1937 the Japanese Government established a puppet government at Peiping.

The program designed to "pacify" the inhabitants of this occupied area and "make them rely on the "Japanese Army" and force "self exarination" on the part of the National Government of China, which was adopted at Shanghai and Nanking and proclaimed by MATSUI at Nanking, indicated settled policy. In December 1937 at Hsing Tai District on the Peiping-Hankow Railway Gendarmes under the command of a Japanese Warrant Officer seized seven civilians, who were suspected of being Chinese Irregulars, tortured and starved them for three days, then bound them to a tree and bayoneted them to death. Soldiers from this Army had

appeared at the village of Tung Wang Chia, in Hopeh Province, earlier in October 1937 and committed murder, rape and arson, killing 24 of the inhabitants and burning about two-thirds of the homes. Another village in the same province known as Wang-Chia-To was visited by a Japanese unit in January 1938 and more than 40 of the civilian inhabitants were murdered.

Many of the inhabitants of the area around Shanghai fared no better than those in Nanking and other parts of North China. After the fighting had ceased at Shanghai, observers found around the ashes of farm houses in the suburban areas of Shanghai the bodies of farmers and their families with their hands tied behind them and bayonet wounds in their backs. As MATSUI's troops occupied village after village on their march to Nanking they plundered and murdered and terrorized the population. Soochow was occupied in November 1937 and a number of residents who had not fled from the advancing troops were murdered.

HATA's troops entered Hankow and occupied the city on 25 October 1938. The next morning a massacre of prisoners occurred. At the customs wharf, the Japanese soldiers collected several hundred prisoners. They then selected small groups of three or four at a time, marched them to the end of the gangplanks reaching out to deep water; pushed them into the river and shot them. When the Japanese saw that they were being observed from the American gunboats anchored in the river off Hankow, they stopped and adopted a different method. They continued to select small groups, put them into motor launches and took them out in the stream where they threw them into the water and shot them.

It was during the Third Konoye Cabinet that the massacre at the town of Powen, on the Chinese Island of Hainan, occurred. In August 1941 during a punitive operation, a Japanese Naval Unit passed through the town of Powen without opposition. The next day, as a Detachment from that Unit returned to Powen, they found the dead body of a sailor of the Japanese Navy who had apparently been dead for several days. Under the assumption that the sailor had been killed by the residents of Powen, the Detachment burned the native houses and the church of the town. They killed the French missionary and 24 natives and burned their bodies. This incident is important because the wide circulation given the report of the massacre must have informed the members of the Cabinet and its subordinate officials of the method of warfare continuing to be employed by the Japanese military forces. The Chief-of-Staff of the Japanese occupation forces on Hainan Island made a complete report of this matter to Vice-Minister of War KIMURA on 14 October 1941. KIMURA at once circulated the report for the information of all concerned to the various bureaux of the War Ministry and then sent it to the Foreign Ministry. It received wide circulation both in and out of the Army.

An indication that the ruthless methods of the Japanese Army in waging war continued is revealed by the conduct of a Detachment of soldiers from UMEZU's Army in Manchukuo in the campaign designed to stifle all resistance to the puppet regime under Emperor Pu Yi. This Detachment visited the village of Si-Tu-Ti in Jehol Province one night in August 1941. It captured the village, killed the members of more than 300 families and burned the village to the ground.

Even long after the occupation of Canton and Hankow, the Japanese, while carrying on campaigns into the farther interior, committed large-scale atrocities there. Toward the end of 1941, Japanese troops entered the city of Wei-Yang, in Kwantung Province. They indulged in a massacre of Chinese civilians, bayoneting male and female, old and young without discrimination. One eye-witness, who survived a bayonet wound in the abdomen, told of the slaughter of more than 600 Chinese civilians by Japanese troops. In July 1944, Japanese troops arrived at the Tai Shan District in the Kwantung Province. They committed arson, robbery, slaughter and numerous other atrocities. As a result, thereof, 559 sheeps were burnt, and more than 700 Chinese civilians killed.

From Hankow, the Japanese troops carried on their campaign southward to Changsha. In September 1941, the Japanese troops of the Sixth Division forced more than 200 Chinese prisoners of war to plunder large quantities of rice, wheat and other commodities. Upon their return, the Japanese soldiers, to conceal these crimes, massacred them by artillery fire. After the Japanese forces had occupied Changsha, they also freely indulged in murder, rape, incendiarism and many other atrocities throughout the district. Then they drove further down southward to Kweilin and Liuchow in Kwangsi Province. During the period of Japanese occupation of Kweilin, they committed all kinds of atrocities such as rape and plunder. They recruited women labour on the pretext of establishing factories. They forced the women thus recruited into prostitution with Japanese troops. Prior to their withdrawal from Kweilin in July 1945, the Japanese troops organized an arson corps and set fire to buildings in the entire business district of Kweilin.

RETURNING SOLDIERS TOLD OF ATROCITIES COMMITTED
BY THEM

After the occupation of Hankow, Japanese soldiers returning from China told stories of the army's misdeeds in China and displayed loot which they had taken. This conduct on the part of the soldiers returning to Japan apparently became so general that the War Ministry under ITAGAKI, in an effort to avoid unfavorable criticism at home and abroad, issued special orders to the commanders in the field to instruct returning officers and men upon the proper conduct to be followed by them upon reaching Japan. These special orders were prepared in the Military Service Section of the Military Service Bureau of the War Ministry, classified as "Top Secret" and issued by ITAGAKI's Vice-Minister of War in February 1939. They were transmitted by the Vice-Chief of the Army General Staff to the Japanese Army Commanders in China. These secret orders detailed the objectionable conduct of returning soldiers which was to be corrected. It was complained that the soldiers told stories of atrocities committed by them on Chinese soldiers and civilians; some of the stories commonly heard were cited as follows: "One company commander unofficially gave instructions for raping as follows: 'In order that we will not have problems, 'either pay them money or kill them in some obscure 'place after you have finished'." ; "If the army men who participated in the war were investigated individually, they would probably all be guilty of murder, robbery or rape."; "The thing I like best during the battle is plundering. In the front lines the superiors turn a blind eye to plundering and there were some who plundered to their heart's content."; "At...we captured

"a family of four. We played with the daughter as we would with a harlot. But as the parents insisted that the daughter be returned to them we killed them. We played with the daughter as before until the unit's departure and then killed her."; "In the half year of battle, about the only things I learned are rape and burglary."; "The plundering by our army in the battle area is beyond imagination."; and, "The Prisoners taken from the Chinese Army were sometimes lined up in one line and killed to test the efficiency of the machine-gun." Concerning loot brought back to Japan by returning soldiers, it was noted that some commanders distributed among the men license cards authorized by the stamp of the Unit Commander permitting the soldiers to transport their loot to Japan. These orders stated: "Not only does the improper talk of the returned officers and men become the cause of rumors, but also impairs the trust of the people in the Army, disrupts the unity of the people supporting the Army, etc. I repeat the order again to make the control of instruction even more strict and consequently glorify the meritorious deeds, raise the Japanese Army's military reputation and insure that nothing will impair the accomplishment of the object of the Holy War."

MURDER OF CAPTURED AVIATORS

Japanese leaders feared that aerial warfare might be waged against the cities and towns of Japan. One of the reasons given by the Japanese Military for opposing ratification of the Geneva Prisoner of War Convention of 1929 was that such ratification would double the range of enemy planes making raids on Japan in that the crews could land on Japanese territory after completing

their mission and be secure in the knowledge that they would be treated as prisoners of war.

The fear that Japan would be bombed was realized on 18 April 1942 when American planes under the command of Colonel Doolittle bombed Tokyo and other cities in Japan. This was the first time Japan had been subjected to a bombing raid; and in the words of TOJO, it was an awful "shock" to the Japanese. Sugiyama, the Chief of the Japanese General Staff, demanded the death penalty for all aviators who bombed Japan. Although there had been no law or regulation of the Japanese Government prior to this raid under which the death penalty could be administered, Prime Minister TOJO ordered regulations issued to be retroactive to the time of the raid which would permit the death penalty to be imposed upon the Doolittle fliers. TOJO later admitted that he took this action as a deterrent to prevent future raids.

These regulations which were dated 13 August 1942 were made applicable to "enemy fliers who have raided" Japan, Manchukuo or Japanese operational areas "and have come within the jurisdiction of the Japanese Expeditionary Forces in China". Thus they were directly and retrospectively aimed at the United States airmen already in the hands of the Japanese in China.

The offences were air attacks

- (1) upon ordinary people,
- (2) upon private property of a non-military nature
- (3) against other than military objectives, and
- (4) "Violations of war time international law".

The punishment prescribed was death or imprisonment for ten years or more.

Conduct defined as offences 1, 2, and 3 were such as the Japanese themselves had regularly practiced in China. It will be remembered that in July 1939 the Chief-of-Staff of the Central China Expeditionary Force reported to War Minister ITAGAKI that a policy of indiscriminate bombing in order to terrorize the Chinese had been adopted. The fourth, violations of the laws of war, required no such regulations. Their breach was punishable in any event, but, of course, only upon proper trial and within the limits of punishment permitted by international law.

The crews of two of the Doolittle planes which had been forced to land in China were taken prisoner by the Japanese occupation forces under the command of HATA. These eight fliers composing the crews were treated as common criminals, being handcuffed and bound. The members of one crew were taken to Shanghai and the members of the other crew were taken to Nanking; at each place they were interrogated under torture. On 25 April 1942 the fliers were taken to Tokyo and were kept blindfolded and handcuffed until they were inside the Military Police Headquarters in Tokyo. They were then placed in solitary confinement, from which they were taken out and questioned again under torture for eighteen days. At the end of this period the fliers to avoid further torture signed statements written in Japanese, the contents of which were unknown to them.

The fliers were returned to Shanghai on 17 June 1942 where they were incarcerated, starved, and otherwise ill-treated. On 28 July 1942 Vice-Minister of War KIMURA transmitted TOJO's orders to HATA who was the Supreme Commander of all Japanese Forces in China at that time.

TOJO's orders were to the effect that the fliers were to be punished under the new regulations. On orders from the Chief of the General Staff, HATA instructed that the fliers be put on trial. At this "trial" some of the airmen were too ill to take part in the proceedings, there was no translation of the matters charged, and they were given no opportunity to defend themselves. The trial was a mere mockery. This trial was held on 20 August 1942 when all of the fliers were sentenced to death. Upon review in Tokyo, and on the recommendation of TOJO, five of the sentences were reduced to life imprisonment and the remaining three death sentences were approved. On 10 October 1942 HATA ordered the sentences to be executed and reported his action to the Army Chief of Staff. The death sentences were carried out as ordered.

In this manner was begun the policy of killing Allied fliers who fell into the hands of the Japanese. This was done not only in Japan, but in occupied territories during the remainder of the Pacific War. The usual practice was to starve and torture captured aviators before their murder. Even the formality of a trial was often omitted. Where a court-martial was held prior to their being killed it appears that the court-martial was a mere formality.

As an illustration we cite the case of two American B-29 fliers at Osaka on 18 July 1945, who were charged with violation of the regulations. Prior to the trial, their case was investigated by an officer appointed to perform that duty, who recommended the death penalty. The recommendation was approved by the Commander of the Central Military District and by General HATA, who was at that time the Commander of the Second Army Corps

at Hiroshima. The recommendation of the Investigating Officer, with the approval of the Military Commanders, was sent to the War Ministry for final approval; and that approval was obtained. At the trial, the report and recommendation of the Investigating Officer and the approval of General HATA and others were read to the court-martial by the prosecutor, who demanded the death penalty based upon those documents. The accused were asked a few routine questions and the death penalty was imposed. They were executed the same day.

In the Tokai Military District, prior to May 1945, eleven Allied airmen were subjected to trials in which their interests were not safeguarded, sentenced to death and executed. However, the Commandant of Military Police for Japan considered this procedure imposed an unnecessary delay in the killing of captured Allied fliers; consequently in June 1945, he sent a letter to each of the Military Police Headquarters Commandants of the several military districts in Japan complaining of the delay in the disposition of captured Allied airmen, stating that it was impossible to dispose of them immediately by courts-martial, and recommending that the Military Police in the military districts dispense with courts-martial after securing the approval of the Commander of the Military District. In the Tokai Military District 27 Allied fliers were killed without trial after this letter was received. In the Central Military District over which HATA exercised administrative command, 43 Allied airmen were killed without having been tried by courts-martial or otherwise. At Fukuoka eight Allied airmen were killed without trial on 20 June 1945, eight more in the same manner on 12 August 1945, and three days

later on 15 August 1945 the third group of eight, making a total of 24 Allied airmen killed at Fukuoka without being given a trial after the above-mentioned letter recommending this procedure was sent out from Tokyo by the Commandant of Military Police.

The killing of Allied airmen in the Tokai, Central and Western Districts of Japan was done by firing squads; in the Eastern District, which embraced Tokyo, more inhumane methods were used. Allied airmen captured in that district were detained in the Military Police Headquarters Guard House, pending a so-called investigation to determine whether they had violated the Regulations. This investigation consisted of interrogation under torture in an effort to coerce the victim into confessing to facts which would subject him to the death penalty under the regulations. No less than 17 airmen died in this guard house as a result of torture, starvation and lack of medical care. Those who survived this torture were victims of a more dreadful death. The Tokyo Army Prison was located on the edge of the Yoyogi Military Parade Ground. This prison was a disciplinary barracks in which were confined Japanese soldiers serving sentences. The prison grounds were small and surrounded by a brick wall approximately 12 feet high. The prison buildings were of wood and were constructed so close together as to occupy all of the ground available within the brick wall except for necessary alley-ways and courts. One of the cell blocks was set apart by a wooden wall seven feet high. On 25 April 1945, five Allied fliers were placed in that cell block; on 9 May, 29 more were added; and on 10 May, 28 others were confined there. On the night of 25 May 1945 Tokyo was heavily bombed. On that night there

were 62 Allied flier confined in this cell block. There were 464 Japanese Army prisoners confined in other buildings within the prison. The wooden buildings of the prison, as well as the highly inflammable dwellings surrounding it, were hit and set on fire by incendiary bombs. The prison was completely demolished; and after the fire, it was found that all of the 62 Allied fliers had perished. It is significant that none of the 464 Japanese or any of their jailors suffered a similar fate. The evidence shows that the fate of the Allied airmen was deliberately planned.

In the occupied territories, one of the methods of killing captured airmen was by decapitation with a sword, and at the hands of a Japanese officer. Captured airmen were killed this way at Singapore, Malaya, (June-July 1945); Samarinda, Borneo (January 1945); Palembang, Sumatra. (March 1942); Batavia, Java (April 1942); Menada, Celebes (June 1945); Tomohon, Celebes (September 1944); Toli Toli, Celebes (October 1944); Kendari, Celebes (November 1944) (January 1945)(February 1945); Beo, Talaud Islands (March 1945); Rainis, Talaud Islands (January 1945); Singkang, Celebes (July 1945); Carara, Ambon Island (August 1944); New Guinea (October 1944); Totabil, New Britain (November 1944); Porton Island (December 1943); Kwajalein Island (October 1942); and Cebu City, Philippines (March 1945).

Another method of murdering Allied fliers was used at Hankow, China, in December 1944. Three American fliers, who had been forced down and captured

sometime before, were paraded through the streets and subjected to ridicule, beating and torture by the populace. When they had been weakened by the beatings and torture, they were saturated with gasoline and burned alive. Permission for this atrocity was granted by the Commander of the 34th Japanese Army.

The cruelty of the Japanese is further illustrated by the treatment of an Allied airman, who was captured at Rabaul on the Island of New Britain. He was bound with a rope on which fish-hooks had been attached so that when he moved the hooks dug into his flesh. He ultimately died of malnutrition and dysentery.

MASSACRES.

Massacres of prisoners of war, civilian internees, sick and wounded, patients and medical staffs of hospitals and civilian population were common throughout the Pacific War. Prisoners of war and civilian internees were massacred in some instances shortly after capture.

A massacre at Balikpapan in Borneo occurred in the following circumstances: On January 20, 1942, two Dutch POW officers were ordered by the Japanese to Balikpapan to transmit an ultimatum to the Dutch commandant in which it was demanded to surrender Balikpapan intact. In case of noncompliance, all Europeans were to be killed. The ultimatum was read in the presence of a Japanese Major General and five other Japanese officers to the Dutch officers who had to deliver it to the commander at Balikpapan. Reply was sent by the Commander of Balikpapan to the Japanese to the effect that the Commander at Balikpapan had had from the Dutch authorities the necessary instructions with regard to demolition, which, therefore, had to be carried out.

When the Japanese approached Balikpapan, the oil fields were set on fire. In an affidavit of an eyewitness, the Tribunal was given a description of the massacre of the white population of Balikpapan numbering between 80 and 100, who were executed in a cruel manner on 24 February 1942 by being driven into the sea and subsequently shot after some had been killed by having arms and legs lopped off with swords, as is described later.

In this relation, it is interesting to note that there was produced, in this trial, a Foreign Affairs document, marked "very secret", containing a "tentative draft of Japan's policies toward the Southern Regions", dated October 4 1940. In this draft it states with regard to the Dutch East Indies:

"If any of the important natural resources
 "should be destroyed, all the persons con-
 "nected with the raw material, ten government
 "officials concerned, shall be severely
 "punished as being the responsible persons".

It was of vital importance for Japan to take the NEI oil fields intact. The oil question was a decisive element in the move to the South, and the Japanese Government was very much afraid lest, in case of war the oil fields would be set on fire. Matsuoka gave expression to this fear to von Ribbentrop on March 29, 1941, when he stated:

"If at all avoidable, he would not touch the
 "Netherlands East Indies, since he was afraid
 "that in the event of a Japanese attack on
 "this area the oil fields would be set on
 "fire. They could be brought into operation
 "again only after one or two years".

In view of this, and remembering the fact that the Japanese Government officially ordered the destruction of all harmful documents, this Foreign

Office draft obtains a special significance. Yamamoto, a former high official in the Foreign Office, when asked for the reason why most of the things planned in the "tentative draft" actually did occur, in spite of the fact that this draft was, according to him, made only by a junior secretary, cynically replied that "these secretaries were very good students".

Taking all these facts together, the result justifies the inference that the plan proposed in the draft of October 4 1940, was accepted as government policy, the more so because a massacre of male personnel also occurred at Blora, apparently in relation to the demolition of the oil fields at Tjepu, Java. Women in this place were not killed, but were all raped several times in the presence of the commanding officer.

Instances of such massacres occurred at:
 Hong Kong, China (December 1941); Ipoh, Malaya (December 1941); between Perit Sulong and Maur, Malaya (January 1942); Perit Sulong, Malaya (January 1942); Katonga, Malaya (January 1942); Alexander Hospital, Malaya (January 1942); Singapore, Malaya (February-March 1942); Panjang, Malaya (February 1942); Maur, Malaya (February 1942); Jampong Job, Thailand (December 1941); Longnawa, Borneo (August 1942); Tarakan, Borneo (January 1942); Banka Island, Netherlands East Indies (February 1942); Kota Radja, Sumatra (March 1942); Rembang, Java (March 1942); Lembang, Java (March 1942); Soebang, Java (March 1942); Tjiatar Pass, Java (March 1942); Bandoeng, Java (March 1942); Laha, Ambon Island, Molucces (February 1942); Okabeti, Dutch Timor (February 1942); Oesapa Besar, Dutch Timor (April 1942); Tatu Meta, Portuguese Timor (February 1942); Milne Bay, British New Guinea (August 1942); Buna, British New Guinea (August 1942); Tol, New Britain (February 1942); Tarawa

Island (October 1942); Camp O'Donnell, Philippines (April 1942); and Santa Cruz, Manila, Philippines (April 1942). Massacres occurred in this manner in French Indo-China in the hostilities against the Free French organizations there. Prisoners of war and detained civilians were massacred at such places as: Langson (March 1945); Dinh Lap (March 1945); Thakhek (March 1945); Tong (March 1945); Tan Qui (March 1945); Loas (March 1945); Dong Dang (March 1945); Hagiang (March 1945); and Tonkin (March 1945).

Citizens of the U.S.S.R. at Hailar in Manchuria were massacred on 9 August 1945. This was done at the instance of the Commander of the Kwantung Army. Those murdered were not charged with any offense, but the reason given for the murders was that they might carry on espionage or sabotage against the Japanese Army.

After the Japanese forces had occupied territory and fighting had ceased, massacres were freely committed as a means of terrorizing the civilian population and subjecting them to the domination of the Japanese. Massacres of this type were committed against the civilian population at the following places: Shanywa, Burma (1945); Tharrawaddy, Burma (May 1945); Ongun, Burma (May 1945); Ebaing, Burma (June 1945); Kalagon, Burma (July 1945); Mantanani Island (February 1944); Sulug Island (October 1943); Udar Island (Early 1944); Dinawan Island (July 1944); Pontianak, Borneo (October 1943-June 1944); Singkawang, Borneo (August 1944); Buitenzorg, Java (1943); Java (The "Koo"

Incident) (July 1943-March 1944); Lautem, Portuguese Timor (January 1943); Moa Island (September 1944); Semata Island (September 1944); Aileu, Portuguese Timor (September 1942); Nauru Island (March 1943); Hopevale, Philippines (December 1943); Alaminos, Philippines (March 1944); San Carlos, Philippines (February 1943); Barrio Angad, Philippines (November 1944); Palo Beach, Philippines (July 1943); Tigbuan, Philippines (August 1943); Calbayog, Philippines (July 1943); Ranao-Pilayan, Philippines (June 1944); Bogu, Philippines (October 1944); Barrio Umagos, Philippines (October 1944); Lipa Airport, Philippines (1944); Santa Catalina, Philippines (August 1944); and Sitio Canugkay, Pilar, Philippines (December 1944).

There were massacres of prisoners of war and civilian internees or conscripted laborers during the occupation which were committed because they had become starved, diseased or otherwise disabled and were no longer of use or for other reasons had become a burden to the Japanese occupation force. Such massacres were committed at the following places: Chaymoga Labor Camp, Siam (February 1944); Hsipaw, Burma (January 1945); Port Blair, Andaman Islands (August 1945); Kota Tjane, Sumatra (May 1943); Sibolga, Sumatra (April 1942); Djombang, Java (April 1942); Amboina, Ambon Island (July 1943); Wewak, British New Guinea (May 1944); Aitape, New Guinea (October 1943); But, New Guinea (June 1944); Rabaul, New Britain (January 1943); Bouganville (August 1944); Wake Island (October 1943); and in the labor camps along the Burma-Siam Railroad Project (1943-1944). There were some massacres which

were intended to discourage general violation of regulations such as that at the labor camp on Hainan Island (May 1943) in an effort to prevent smuggling; that at Saigon, French Indo-China (December 1943) intended to prevent illegal use of the radio; and that of civilians and prisoners of war at Amboina, Ambon Island (July 1943) where the civilians were killed for giving, and the prisoners for receiving, food. In addition to those referred to were other massacres and murders, such as that aboard the Mitta Maru (December-1941) where American prisoners of war were beheaded; and that on New Guinea which involved the killing of two American prisoners of war (October 1944). In the latter case, the Japanese officer responsible said, "I asked if I could get an American "prisoner of war and kill him." The Commander of the 36th Japanese Division promptly granted the request and delivered two prisoners to be killed. They were blindfolded, tied and stabbed in the back with bayonets and then decapitated with shovels.

There were massacres perpetrated in anticipation of a Japanese withdrawal or of an Allied attack. These were not limited to prisoners of war, although many prisoners were massacred under these circumstances, apparently to prevent them from being liberated by the Allied forces. Civilian internees and members of the civilian population were also massacred under such circumstances. Massacres of this type occurred in the following places: Hailar, China (August 1945); Malacca, Nicobar Islands (July 1945); Sandakan, British Borneo (June-July 1945); Ranau, British Borneo (August 1945);

Kuala Belat, British Borneo (June 1945); Miri, British Borneo (June 1945); Labuan, British Borneo (June 1945); Leeluta, Portuguese Timor (September 1945); Ballah Island (January 1943); Ocean Island (September 1943); Puerto Princesa, Philippines (December 1944); Irisan Area, Philippines (April 1945); Calambya, Philippines (February 1945); Panghulo, Philippines (February 1945); Tapel, Philippines (July 1945); and Barrio Dinwiddie, Philippines (August 1945). Massacres of this kind were very numerous in Batangas Province of the Philippines. They were committed among others at the following places: Barrio San Indres (January 1945); Bauan (February 1945); Santo Tomas (February 1945); Lippa (February and March 1945); Taal (February 1945); Tanauan (February 1945); and Rosario (March 1945). When it became apparent that Manila would be liberated massacres of this type were committed all over the city as well as rape and arson.

We have not mentioned massacres of prisoners of war at sea, to be discussed later, nor those that occurred in "death marches". These also we shall mention later. Apart from the massacres already mentioned there were many individual murders. Many of them were committed in horrible fashion; many were committed in connection with other crimes such as rape, robbery and arson, while others were committed apparently for no other purpose than to gratify the cruel instincts of the perpetrators.

Some of the massacres call for further description especially those of patients and medical personnel in military hospitals which were clearly marked with the

Geneva insignia and entitled to protection under that convention as well as the general laws of war. During the massacres at Hong Kong, Japanese troops entered the Military Hospital at St. Stephens College and bayoneted the sick and wounded in their beds, and raped and murdered nurses who were on duty there. During the battle of Northwestern Johore in Malaya (January 1942), an ambulance convoy containing sick and wounded was captured by Japanese soldiers. The personnel and wounded were removed from the ambulances and killed by shooting, bayoneting and burning alive after being saturated with oil. At Katonga in Malaya (January 1942), an ambulance convoy was fired upon by Japanese machine gunners. The personnel and wounded were taken from the convoy, tied together and shot in the back. The Alexandra Hospital at Singapore, Malaya was captured by the Japanese forces on 13 February 1942. The Japanese troops went through the first floor of the hospital and bayoneted everyone on that floor. They entered the operating room where a soldier was under chloroform undergoing an operation and bayoneted the patient, the surgeon and the anesthetist. They then went to the second floor and other parts of the building and removed the patients and medical personnel and massacred them. When the Japanese troops entered Soebang, Java, in March 1942, they removed a nurse and her patients from the Military Hospital and massacred them with women and children of the civilian population. These massacres in disregard of the laws of war respecting the treatment to be accorded to military hospitals and their personnel and patients illustrate

the attitude of Japanese soldiers and their officers towards the laws of war.

There is a similarity of method to be found in most of the massacres. The victims were first bound and then shot, bayoneted or decapitated with swords. In most instances, the victims were shot and then bayoneted by Japanese soldiers who went among the wounded killing those who still lived. In a number of cases they were gathered on a beach with the water to their backs or on the edge of a cliff and there killed.

In some places even more dreadful methods were employed. At the Manila German Club and at Fort Santiago the victims were gathered together in a building, which was set on fire; and those who attempted to escape were shot or bayoneted as they emerged from the flames.

In evidence upon the atrocity committed at the German Club in Manila in February 1945, it was disclosed that fugitives took shelter under the Club from bombardment and shell-fire then proceeding. Japanese soldiers surrounded the Club by a barricade of inflammable material, then poured gasoline over this barricade and ignited it. Thus the fugitives were forced to attempt to escape through the flaming barricade. Most of them were bayoneted and shot by the waiting Japanese soldiers. Some of the women were raped and their infants bayoneted in their arms. After raping the women the Japanese poured gasoline on their hair and ignited it. The breasts of some of the women were cut off by Japanese soldiers.

A massacre took place at St. Paul's College in Manila in the following manner: Approximately 250 people were placed in the building and the doors and

windows solidly shut and barred. While so confined it was noticed that the three hanging chandeliers were wrapped in blackout paper and that strings or light wires ran from inside these wrappings to the outside of the building. Later the Japanese brought in biscuits, candy and liquor of some sort, placed them in the centre of the room and told the captives that they were safe where they were and that they might have the food and drink which had been brought to them. Accordingly they went to the food as deposited and within a matter of moments there were three explosions. The covered chandeliers had contained explosives. Many were thrown to the floor and a panic ensued. Japanese outside the building began firing machine guns into it and threw grenades. The explosions had blown out the windows and a portion of the wall, through which those who were able endeavoured to escape. Many of these were killed as they tried to do so.

At a prisoner of war camp above Puerto Princesa Bay on the Philippine Island of Palawan there occurred a particularly cruel and premeditated massacre of American prisoners. There were some 150 prisoners in this camp. They had been told previously by their captors that if Japan won the war they would be returned to America but that they would be killed if Japan were defeated. Before the massacre there had been some raiding of the island by American aircraft. In the camp a number of shallow and lightly covered airraid shelters had been dug. At about 2 p.m. on 14 December 1944, the prisoners were ordered to go to these shelters. Japanese soldiers armed with rifles and machine guns were posted around the camp. When the prisoners were all in the shelters, gasoline was

thrown into them from buckets and then this was followed by lighted torches. Explosions followed and those prisoners who were not too badly burnt struggled to escape. These were killed by fire from the rifles and machine guns placed in position for the purpose. In some cases they were killed by bayonet thrusts. Five only of the 150 survived this dreadful experience. They did so by swimming out into the bay whence after nightfall they escaped into the jungle and eventually joined up with Philippines guerillas.

Mass drowning was used at Port Blair, Andaman Islands (August 1945), where the civilian internees were placed aboard ship, taken to sea, and forced into the water. A combination of drowning and shooting, similar to that employed at Hankow, was used at Kota Radja (March 1942), where Dutch prisoners of war were placed in sloops, towed to sea, shot and thrown into the sea. At Tarakan, Borneo (January 1942), Dutch prisoners of war were taken aboard a Japanese light cruiser, taken to the spot where a Japanese destroyer had been fired upon by them, decapitated and thrown into the sea.

MASSACRES WERE ORDERED

The evidence shows that most of these massacres were ordered by commissioned officers, that some of them were ordered by high-ranking generals and admirals, that in many cases commissioned officers were actually present during their commission, observing, directing or actually doing the killing. Japanese orders were captured which gave directions for killing Filipinos. The file of orders issued by the Manila Navy Defence Force between December 1944 and February 1945 was

captured. It contained this order: "Be careful to
"make no mistake in the time of exploding and burning
"when the enemy invades. When killing Filipinos,
"assemble them together in one place as far as possible
"thereby saving ammunition and labor." Diaries of
Japanese soldiers were captured indicating that their
owners had been ordered to massacre and had done so
pursuant to such orders. Battle reports of military
units and police reports of military police, which were
captured, contained reports to superior authorities
relating to massacres which had been committed, together
with the number of rounds of ammunition expended and
the number of victims killed. Prisoners of war from
many camps in Japan and the occupied areas have
testified that they were informed by their Japanese,
Formosan and Korean guards that they would be killed
in case the Allies invaded the locality or if Japan
should lose the war. We have referred to cases where
these threats were carried out. In one camp, at
least, written evidence of an order from higher
authority to kill the prisoners of war was found. The
captured journal from a camp in Formosa contained an
entry showing that a reply had been sent to an inquiry
from the Chief-of-Staff of the 11th Military Police
Unit of the Kiirun Fortified Area Headquarters regarding
"extreme measures" for prisoners of war. The method
to be employed in carrying out these "extreme measures"
was detailed as follows: "Whether they are destroyed
"individually or in groups, or however it is done, with
"mass bombing, poisonous smoke, poisons, drowning,
"decapitation, or what, dispose of them as the

"situation dictates. In any case, it is the aim not
 "to allow the escape of/^asingle one, to annihilate
 "them all, and not to leave any traces." This annihi-
 "lation was, inter alia, prescribed in all cases "where
 "escapes from the camp may turn into a hostile fighting
 "force."

A general order was issued by Vice-Minister
 of War Shibayama on 11 March 1945. The order stated:
 "The handling of prisoners of war in these times when the
 "state of things is becoming more and more pressing and
 "the evils of war extend to the Imperial Domain, Manchuria
 "and other places, is in the enclosed summary. We hope
 "you follow it, making no mistakes." The enclosed summary
 to which reference was made began: "The Policy: With the
 "greatest efforts prevent the prisoners of war falling
 "into the hands of the enemy. Further for this purpose
 "carry out a transfer of the place of confinement for
 "those prisoners of war for whom it is necessary."
 The Ranau Death Marches, which began at about this time
 between Sandakan and Ranau in Borneo to which we will
 refer presently, conformed to the policy indicated
 by the order just quoted.

DEATH MARCHES

The Japanese Army did not observe the laws of
 war in the movement of prisoners of war from one place to
 another. Prisoners were forced to march long distances
 without sufficient food and water and without rest.
 Sick and wounded were forced to march in the same manner
 as the able. Prisoners, who fell behind on such marches

were beaten, tortured and murdered. We have been furnished evidence of many such marches.

The Bataan March is a conspicuous example. When General King surrendered his forces on Bataan on 9 April 1942, he was assured by Japanese General Homma's Chief-of-Staff that his soldiers would be treated humanely. General King had saved sufficient trucks from demolition to move his men from Bataan to the prisoner of war camp. The American and Filipino soldiers on Bataan had been on short rations and the sick and wounded were numerous. However, when General King suggested the use of the trucks, he was forbidden to do so. The prisoners were marched in intense heat along the highway to San Fernando, Pampanga, which is a distance of 120 kilometers or 75 miles. The sick and wounded were forced to march. Those who fell by the roadside and were unable to continue were shot or bayoneted. Others were taken from the ranks, beaten, tortured and killed. The march continued for nine days, with the Japanese guards being relieved at five kilometer intervals by fresh guards who had been transported in the American trucks. During the first five days the prisoners received little or no food or water. Thereafter, the only water available was that from an occasional artesian well or caribou wallow. When the prisoners grouped around a well in an attempt to get water the Japanese fired upon them. Shooting and bayoneting of prisoners were commonplace. Dead bodies littered the side of the road. Murata, who had been sent to the Philippines in February 1942 by War Minister TOJO as a civilian advisor to General Homma,

drove along this highway and saw the dead bodies along the highway in such great numbers that he was prompted to ask General Homma about the situation. Murata testified that, "I merely saw it; I did not complain about it; I just asked questions". At San Fernando, the prisoners were crowded into railway freight cars to be transported to Camp O'Donnell. They were forced to stand through lack of space and many died in the cars from exhaustion and lack of ventilation. It is not clear how many died in this movement from Bataan to Camp O'Donnell. The evidence indicates that there were approximately 8,000 deaths of American and Filipino prisoners. At Camp O'Donnell, the evidence shows that from April to December 1942 no less than 27,500 Americans and Filipinos died.

TOJO admitted that he heard of this march in 1942 from many different sources. He said that his information was to the effect that the prisoners had been forced to march long distances in the heat and that many deaths had occurred. TOJO also admitted that the United States Government's protest against the unlawful treatment of these prisoners had been received and discussed at the bi-weekly meetings of the Bureau Chiefs in the War Ministry soon after the death march occurred, but that he left the matter to the discretion of the Bureau Chiefs. TOJO said that the Japanese forces in the Philippines were not called upon for a report on the incident and that he did not even discuss the matter with General Homma when that General visited Japan in early 1943. TOJO said that he first inquired into this subject when he visited the Philippines in

May 1943; and at that time he discussed it with General Homma's Chief-of-Staff, who informed him of the details. TOJC explained his failure to take action to prevent a repetition of similar atrocities as follows: "It is

"Japanese custom for a commander of an expeditionary army "in the field to be given a mission in the performance "of which he is not subject to specific orders from "Tokyo, but has considerable autonomy." This can mean only that under the Japanese method of warfare such atrocities were expected to occur, or were at least permitted, and that the Government was not concerned to prevent them.

Such atrocities were repeated during the Pacific War which it is reasonable to assume resulted from the condonation of General Homma's conduct at Bataan.

OTHER FORCED MARCHES

On the march from the port to Koepang prisoner of war camp on Dutch Timor in February 1942 the prisoners suffering from wounds, hunger, malaria and dysentery were marched for five days with their hands tied behind their backs, and were driven and beaten along by their Japanese and Korean guards like a herd of cattle. Similar marches were imposed upon Indian prisoners between Wewak, But and Aitape in British New Guinea during 1943 and 1944. On those marches the prisoners who became ill and were unable to keep up with the main body were shot. There was evidence of other similar happenings. Those mentioned show the accepted and common practice followed by the Japanese Army and Prisoner of War Administration when moving prisoners of war from one place to another under harsh conditions enforced by the beating and murdering of stragglers.

The Ranau marches are in a different category. They began early in 1945, when the Japanese feared that

the Allies were preparing a landing at Kuching; the purpose of these marches was to remove the prisoners to prevent their liberation. The village of Ranau is in a jungle over 100 miles west of Sandakan in Borneo on the eastern slope of Mt. Kinabalu. The trail from Sandakan to Ranau lies through dense jungle and is too narrow for vehicles. The first 30 miles are marshy and heavy with mud and slush. The next 40 miles are in higher country over short, steep hills. The next 20 miles are over a mountain. The last 26 miles are all uphill and mountainous. Australian prisoners of war were moved along this jungle trail in a series of marches. The prisoners were suffering from malaria, dysentery, beri-beri and malnutrition before they were taken from the camp at Sandakan. The test to determine whether a prisoner was fit to make the march was to beat and torture him to make him stand; if he did stand, he was considered fit for the march. The prisoners were forced to carry food and ammunition for their guards as well as their own scanty rations. One party of 40 prisoners was forced to subsist for three days on this march upon six cucumbers divided among them. Those who fell out of the marching column were shot or bayoneted to death. The marches continued until the first part of April 1945. The trail was littered with the corpses of those who perished along the way. Less than one-third of the prisoners of war who began these marches at Sandakan ever reached Ranau. Those who did reach Ranau were starved and tortured to death or died of disease or were murdered. Only six out of more than two thousand who were prisoners at Sandakan are known

to have survived. These did so by escaping from the camp at Ranau. Those who were too sick to begin the marches at Sandakan died of disease or were murdered by their guards.

BURMA-SIAM RAILWAY

A flagrant example of atrocities over an extended period in one area is found in the treatment of prisoners of war and native workmen employed in the construction of the Burma-Siam Railway. Prior to and during the work prisoners were constantly subjected to ill-treatment, torture and privation of all kinds, commencing with a forced march of 200 miles to the area under almost indescribable hardships. As a result in eighteen months 16,000 prisoners out of 46,000 died.

To further their strategic plans in Burma and India, Japanese Imperial General Headquarters early in 1942 considered the question of communications. The shortest convenient line of communications at that time was through Thailand. It was decided to link the railroad running from Bangkok in Siam with that from Moulmein in Burma, the distance of the gap being about 250 miles (400 kil.). Thus communication with the Japanese armies in Burma would be facilitated.

For that purpose, on the advice of TOJO, it was decided to use prisoners of war and orders were issued to the Southern Army then stationed in Malaya to proceed with the work with all possible speed, November 1943 being fixed as the completion date. Pursuant to these orders two groups of prisoners were sent from the

Singapore area commencing in August 1942; one group known as "A" Force being sent by sea and the second group, composed of "F" and "H" Forces by rail to Bangpong. From Bangpong they were made to march to the various camps along the line of the projected construction.

Before "F" and "H" Forces left Singapore, the Japanese general in charge of the prisoner of war administration informed the prisoners that they were being sent to rest camps in the mountains where the food situation was better because so many of them were sick and suffering from malnutrition, caused by lack of food and insanitary conditions in the Singapore camps. He therefore insisted that the sick be included in those to be sent to the labor camps. The prisoners were crowded into railway freight cars with the men sitting cross-legged on the floor without sufficient space to lie down. They had been told that it would not be necessary to carry along their cooking utensils as they would be replaced. However, they were not replaced. Furthermore, the only food furnished the prisoners was thin vegetable stew, and for the last twenty-four hours of the trip by rail no food or water was available.

After four days and four nights the prisoners were detrained and required to surrender their baggage and what cooking gear they had brought, as well as all drugs and medical equipment. They were then required to march 200 miles on foot in two and one-half weeks. The march would have taxed fit soldiers, as the route lay over rough jungle tracks in mountainous country. The march was accomplished in fifteen night stages in

the rain and mud of the monsoon. The weakened condition of the prisoners, together with the necessity of carrying some 2,000 non-walking sick, made this march almost beyond human endurance. Some of those who became sick or too weak to march were beaten and driven by their guards.

In the camps established along the projected railway, which lay in virgin jungle, no cover was provided; sanitary facilities were almost non-existent, medical care and drugs were not provided, clothing was not furnished, rations were completely inadequate, while the constant driving and daily beating of the prisoners added to the ever-mounting toll of dead and disabled. Those who tried to escape were killed. Other groups of prisoners of war from Singapore followed "F" and "F" Forces and were accorded similar treatment.

TOJO told the Tribunal that he had received reports of the poor condition of the prisoners employed on this project and that he sent the Chief of the Prisoner of War Information Bureau to investigate in May 1943. He admits that the only action which he took as a result of that investigation was to court-martial a certain company commander who had dealt unfairly with the prisoners of war, and to relieve from duty the Commanding General of Railway Construction. However, we find from other evidence that the Commanding General was not removed because of the ill-treatment of prisoners of war. The first Commanding General of Railway Construction, who was in charge of this project, was killed by an Allied air raid. The second Commanding General in charge of the project was transferred because

he was too sick to attend to his duties, and because the work was not progressing fast enough for the Imperial General Headquarters. The inspector, who recommended the removal of the second Commanding General was not, as stated by TOJO, the Chief of the Prisoner of War Information Bureau, but Wakamatsu, the Director of the Third Division of the Army General Staff in charge of transportation and communication. He reported to the Chief of the Army General Staff that the work was not making sufficient progress and recommended that the General in command of the railroad units in Malaya be placed in charge of the construction and that he be allowed a two-months extension of the date set for the completion of the road.

The court-martial of one company commander was so insignificant and inadequate as a corrective measure in view of the general disregard of the laws of war by those in charge of prisoners of war on this project and the inhumane treatment to which they were subjecting the prisoners as to amount to condonation of their conduct. One of the principal concerns of the Government and the Japanese Imperial General Staff in 1943 was that the railway should be completed in time to use it in resisting the advance of the Allied forces which was making progress in Burma. No concern appears to have been shown for the cost in sick, wounded and dead Allied prisoners of war caused by the constant driving, beating torturing and murdering at the hands of their Japanese and Korean guards and the insanitary conditions in which the prisoners were required to live and work and the failure of the Japanese Government to furnish the barest

necessities of life and medical care.

The lack of proper accommodation, the treatment of the sick, and the inhumane treatment of prisoners engaged in connection with construction of the railway, which is typical of Japanese treatment of prisoners of war, is described by the witness, Colonel Wild, who was kept on this project until November 1943. Colonel Wild, who, by reason of his knowledge of Japanese, acted as liaison officer between the prisoners of war and the Japanese officers, visited many of the camps in which the prisoners were kept and had a first-hand knowledge of the treatment accorded them. The following extract from his evidence graphically describes conditions:

"Q Substantially, was there any difference "between the living conditions and treatment of prisoners of war in these various camps?

"A None.

"Q Will you describe one of them as an example?

"A "Then I entered Songkrel camp on the third "of August 1943, I went first to a very large hut accom- "modating about 700 men. The hut was of the usual "pattern. On each side of an earthen gangway there was "a 12-foot wide sleeping platform made of split bamboo. "The roof was inadequately made with an insufficient "quantity of palm leaves which let the rain through "almost everywhere. There were no walls, and a stream "of water was running down the earthen gangway. The "framework of the hut was bamboo tied with creeper.

"In this hut were 700 sick men. They were "lying two deep along each side of the hut on the split "bamboo platform. Their bodies were touching one another

"down the whole length of the hut. They were all very
 "thin and practically naked. In the middle of the hut
 "were about 150 men suffering from tropical ulcers. These
 "commonly stripped the whole of the flesh from a man's
 "leg from the knee to the ankle. There was an almost
 "overwhelming smell of putrefaction. The only dressings
 "available were banana leaves tied around with puttees,
 "and the only medicine was hot water. There was another
 "hut further up the hill of similar design in which so-
 "called fit men were kept, and one well-roofed and better
 "constructed hut occupied by the Japanese guards.

"Q Was any bedding supplied?

"A None whatever.

"Q What did they have to cover them from the
 "rain?

"A When we first entered these working camps
 "none of them were roofed at all for the first few weeks.
 "The monsoon had already broken, and during those weeks
 "the men had nothing whatever to cover themselves from
 "the rain except banana leaves. If they were strong
 "enough each man cut a couple of banana leaves and put
 "them over his own body.

"Q Was any roofing material ever received?

"A In my own camp of which I was in command,
 "Lower Niki, we got a lorry load of atap palm, which was
 "enough to roof half the hut in which the worst of the
 "sick were lying. In Niki Camp no atap palm was ever
 "received, but we got some rotten, leaking canvas. In
 "the other four camps after a few weeks about enough
 "atap palm was supplied to roof all the huts with about
 "half the amount that was necessary. Again, this does
 "not apply to the Japanese and Korean guards, who always

"had a proper roof over them.

"Q By the middle of July 1934, that is, ten weeks after you had left Singapore, what was the state of 'F' Force as a whole?

"A We had 1700 deaths by that time, and 700 men out of the 7,000 were going out to work. Of these 700, we British officers considered that 350 should have been lying down sick."

The account of the construction of this railway would be incomplete without reference to the treatment of the conscripted native labour employed.

To supplement the prisoners of war employed on the work native labourers, Burmese, Tamils, Javanese, Malayans and Chinese were recruited sometimes on promises of varying kinds and at others by force for labour in occupied areas. In all about 150,000 of these labourers were employed on the railway work. The treatment given them and the conditions under which they existed were, if anything, worse than those already described. At least 60,000 of the 150,000 died during the period of construction.

We shall deal later in some detail with protests made by the Allies against ill-treatment of prisoners and shall refer to knowledge of atrocities on the part of the General Staff and the Government. It is, however, pertinent at this stage to refer to the evidence establishing that before the railway project was begun the Army was advised of the terrible conditions under which the work would be done; that the Government had knowledge of the casualties and failed to remedy these conditions.

In 1942 before the work began the Southern Army

Headquarters was advised of the danger of prisoners contracting the various tropical diseases, and from time to time the death rate was reported. Confirmation of the knowledge of the danger to the health of the prisoners and the insufficiency of food, shelter and medical supplies is found in a report dated 6 October 1944 from the Chief-of-Staff of the Southern Army to the Chief of the Prisoner of War Information Bureau, reading in part: "For strategic reasons the completion of the railway was most urgent. Since the proposed site of this railway line was a virgin jungle, shelter, food, provisions and medical supplies were far from adequate and much different from normal conditions for prisoners of war."

In July 1943, when thousands of prisoners had died or were incapacitated by disease, Foreign Minister SHIGEMITSU in reply to a protest said that the prisoners were equitably treated and that all sick received medical attention. Yet, even according to Japanese figures, within a month of the sending of SHIGEMITSU's message the total of prisoners who had died in Thailand alone was 2,909. According to the same source the death rate had increased enormously month by month from 54 in November 1942 to 800 in August, 1943.

In the summer of 1943 Wakamatsu on his return to Tokyo from his inspection of the area, previously referred to, reported personally to Sugiyama, Chief of the General Staff, that he had seen many cases of beri-beri and dysentery and that the quality of the food was not of the required standard.

It is claimed that many of the deaths occurred because the Allied Forces interfered with the regular supply of food and drugs. However, for the very reason of this interference with shipping the order was given in February 1943 to shorten the terms by which the work had to be finished, by four months. Since that order the commanders became reckless. POW were told: Men are of no importance, the railroad has to be built irrespective of any suffering or death, or, "the construction of the railway had to go on without delay "as it was required for operational purposes, and had "to be finished within a certain time at all costs, "irrespective of the loss of lives of British and "Australian prisoners".

Finally we refer to one of the monthly reports, dated 3 September 1943, received by the Prisoner of War Information Bureau from the Prisoner of War Commandment in Thailand, which stated that of a total of 40,314 Prisoners 15,064 were sick. In view of the practice of forcing beri-beri and dysentery cases to continue to work the number of sick, if these had been included, would have been much greater.

TORTURE AND OTHER INHUMANE TREATMENT

The practice of torturing prisoners of war and civilian internees prevailed at practically all places occupied by Japanese troops, both in the occupied territories and in Japan. The Japanese indulged in this practice during the entire period of the Pacific War. Methods of torture were employed in all areas so uniformly as to indicate policy both in training and execution. Among these tortures were the water treatment, burning, electric shocks, the knee spread,

suspension, kneeling on sharp instruments and flogging.

The Japanese Military Police, the Kempeitai, was most active in inflicting these tortures. Other Army and Navy units, however, used the same methods as the Kempeitai. Camp guards also employed similar methods. Local police forces organized by the Kempeitai in the occupied territories also applied the same methods of torture.

We will show how the Chiefs of Camps were instructed in Tokyo before assuming their duties. We will also show that these Chiefs of Camps were under the administrative control and supervision of the

Prisoner of War Administration Section of the Military Affairs Bureau of the War Ministry to which they rendered monthly reports. The Kempeitai were administered by the War Ministry. A Kempeitai training school was maintained and operated by the War Ministry in Japan. It is a reasonable inference that the conduct of the Kempeitai and the camp guards reflected the policy of the War Ministry.

To indicate the prevalence of torture and the uniformity of the methods employed we give a brief summary of these methods.

The so-called "water treatment" was commonly applied. The victim was bound or otherwise secured in a prone position; and water was forced through his mouth and nostrils into his lungs and stomach until he lost consciousness. Pressure was then applied, sometimes by jumping upon his abdomen to force the water out. The usual practice was to revive the victim and successively repeat the process. There was evidence that this torture was used in the following places: China, at Shanghai, Peiping and Nanking; French Indo-China, at Hanoi and Saigon; Malaya, at Singapore; Burma, at Kyaikto; Thailand, at Chumporn; Andaman Islands, at Port Blair; Borneo, at Jesselton; Sumatra, at Medan, Tadjong Karang and Palenbang; Java, at Batavia, Bandung, Soerabaja and Buitenzorg; Celebes, at Makassar; Portuguese Timor, at Ossu and Dilli; Philippines, at Manila, Nichols Field, Palo Beach and Dumaguete; Formosa, at Camp Haito; and in Japan, at Tokyo.

Torture by burning was practiced extensively.

This torture was generally inflicted by burning the body of the victim with lighted cigarettes, but in some instances burning candles, hot irons, burning oil and scalding water were used. In many of these cases, the heat was applied to sensitive parts of the body, such as the nostrils, ears, abdomen, sexual organs, and in the case of women, to the breasts. We have evidence of specific instances in which this form of torture was employed in the following places: China, at Hankow, Peiping, Shanghai and Kowonhan; French Indo-China, at Haiphong, Hanoi, Vinh and Saigon; Malaya, at Singapore, Victoria Point, Ipoh and Kuala Lumpur; Burma, at Kyaikto; Thailand, at Chumporn; Andaman Islands, at Port Blair; Nicobar Islands, at Kakana; Borneo, at Jesselton; Sumatra, at Palembang and Pakan Baru; Java, at Batavia, Bandung and Semarang; Moluccas Islands, at Amboina; Portuguese Timor, at Ossu; Solomon Islands, at Buin; Philippine Islands, at Manila, Iloilo City, Palo, Bataan and Dumaguete; and in Japan, at Kawasaki.

The electric shock method was also common. Electric current was applied to a part of the victim's body so as to produce a shock. The point of application was generally a sensitive part of the body such as the nose, ears, sexual organs or breasts. The evidence shows specific instances of the use of this method of torture at the following places: China, at Peiping and Shanghai; French Indo-China, at Hanoi and Mytho; Malaya, at Singapore; Thailand, at Chumporn; Java, at Bandung, Buitenzorg and Semarang; and in the Philippine Islands, at Davao.

The so-called knee spread was a frequent method

of torture. The victim, with his hands tied behind his back, was forced to kneel with a pole, sometimes as much as three inches in diameter, inserted behind both knee joints so as to spread those joints as pressure was applied to his thighs, at times by jumping on his thighs. The result of this torture was to separate the knee joints and so cause intense pain. The evidence shows specific instances of this torture being used at the following places: China, at Shanghai and Nanking; Burma, at Tavoy; Andaman Islands, at Port Blair; Borneo, at Sandakan; Sumatra, at Pekan Baru; Moluccas Islands, at Malahera Island; Portuguese Timor, at Dilli; Philippine Islands, at Manila, Nichols Field and Pasay Camp; and in Japan, at Tokyo.

Suspension was another common form of torture. The body of the victim was suspended by the wrists, arms, legs or neck, and at times in such manner as to strangle the victim or pull joints from their sockets. This method was at times combined with flogging during suspension. Specific instances of the employment of this method of torture occurred in the following places: China, at Shanghai and Nanking; French Indo-China, at Hanoi; Malaya, at Singapore, Victoria Point, Ipoh and Kuala Lumpur; Thailand, at Chumporn; Burma, at Kyaikto; Borneo, at Sandakan; Sumatra, at Brestagi; Java, at Bandung, Soerabaja and Buitenzorg; Moluccas Islands, at Amboina; Portuguese Timor, at Dilli; Philippine Islands, at Manila, Nichols Field, Palo, Iloilo City and Dumaguete; and in Japan, at Tokyo and Yokkaichi.

Kneeling on sharp instruments was another form of torture. The edges of square blocks were mostly used

as the sharp instruments. The victim was forced to kneel on these sharp edges for hours without relief; if he moved he was flogged. Specific instances of the use of this method have been shown to us to have occurred at the following places: French Indo-China, at Hanoi; Malaya, at Singapore; Andaman Islands, at Port Blair, Moluccas Islands, on Palmbhera Island; Philippine Islands, at Davao; and in Japan, at Fukuoka and Omuta.

Removal of the nails of the fingers and toes also occurred. Instances of this method of torture are found at the following places: China, at Shanghai; Celebes, at Manado; Philippines, at Manila, Iloilo City; and in Japan, at Yamani.

Underground dungeons were used as torture chambers at the following places: French Indo-China, at Hanoi; Malaya, at Singapore; and in Java, at Bandung.

Flogging was the most common of the cruelties of the Japanese. It was commonly used at all prisoner of war and internee camps, prisons, Kempeitai headquarters and at all work camps and on all work projects as well as aboard prison ships. It was indulged in freely by the guards with the approval and often at the direction of the Camp Commandant or some other officer. Special instruments were issued for use in flogging at camps; some of these were billets of wood the size of a baseball bat. On occasions prisoners were forced to beat their fellow prisoners under the supervision of the guards. Prisoners suffered internal injuries, broken bones, and lacerations from these beatings. In many instances they were beaten into unconsciousness only to be revived in order to suffer a further beating. The evidence shows

that on occasions prisoners were beaten to death.

Mental torture was commonly employed. An illustration of this form of torture is to be found in the treatment to which the Doolittle fliers were subjected. After having been subjected to the various other forms of torture, they were taken one at a time and marched blindfolded a considerable distance. The victim could hear voices and marching feet, then the noise of a squad halting and lowering their rifles as if being formed to act as a firing squad. A Japanese officer then came up to the victim and said: "We are Knights of the Bushido of the Order of the Rising Sun; we do not execute at sundown; we execute at sunrise." The victim was then taken back to his cell and informed that unless he talked before sunrise, he would be executed.

On 5 December 1944, the Swiss Legation in Tokyo delivered to Foreign Minister SHIGEMITSU a Note of Protest from the British Government. In that note SHIGEMITSU was informed that a copy of a book entitled, "Notes for the Interrogation of Prisoners of War", and issued by the Japanese Hayashi Division in Burma on 6 August 1943, had been captured. The note gave SHIGEMITSU direct quotations from that book as follows: "Care must be exercised when making use of rebukes, invectives or torture as it will result in his telling falsehoods and making a fool of you. The following are the methods normally to be adopted: (a) Torture which includes kicking, beating and anything connected with physical suffering. This method to be used only when everything else fails as it is the most clumsy

"one." (This passage was specially marked in the copy captured.) "Change the interrogating officer when using violent torture, and good results can be had if the new officer questions in a sympathetic manner."

"(b) Threats. (1) Hints of future physical discomforts, for instance: torture, murder, starving, solitary confinement, deprivation of sleep. (2) Hints of future mental discomforts, for instance: he will not be allowed to send letters, he will not be given the same treatment as the other prisoners of war, he will be kept till the last in the event of an exchange of prisoners, etc." The note then continued: "The Government of the United Kingdom has requested that the attention of the Japanese Government be drawn to the foregoing. It recalls that the Japanese Government has recently strongly denied that Imperial Japanese authorities make use of torture. See the letter from SHIGEMITSU to the Swiss Minister of 1 July 1944." We have no evidence that any action was taken to stop this practice of torturing Allied prisoners of war; on the other hand, the practice continued to the time of the surrender of Japan and, when the surrender came, orders were issued to assist the criminals in avoiding just punishment for their crimes. In addition to ordering all incriminating evidence in the form of documents to be destroyed, the following order was issued by the Chief of Prisoner of War Camps of the Prisoner of War Administration Section of the Military Affairs Bureau on 20 August 1945: "Personnel who mistreated prisoners of war and internees or are held in extremely bad sentiment by them are permitted to take care of it by immediately transferring or by fleeing without trace." This order was sent to various prisoner of war camps,

including those in Formosa, Korea, Manchuria, North China, Hong Kong, Borneo, Thailand, Malaya and Java.

VIVISECTION AND CANNIBALISM

Vivisection was practiced by Japanese Medical Officers upon prisoners in their hands. There were also cases of dismemberment of prisoners by Japanese who were not Medical Officers. In addition to the incidents stated below other dismembered bodies of dead captives were found in circumstances indicating that the mutilation had occurred before death.

There was evidence that at Khandok a prisoner of war described as "healthy, unwounded" was treated as follows: "The man was tied to a tree outside the Hikari Kikan Office. A Japanese doctor and four Japanese medical students stood around him. They first removed the finger nails, then cutting open his chest removed his heart, on which the doctor gave a practical demonstration".

The captured diary of a Japanese, apparently an officer, recorded an incident on Guadalcanal. "26 September - Discovered and captured the two prisoners who escaped last night in the jungle, and let the Guard Company guard them. To prevent their escaping a second time, pistols were fired at their feet, but it was difficult to hit them. The two prisoners were dissected while still alive by Medical Officer Yamaji and their livers were taken out, and for the first time I saw the internal organs of a human being. It was very informative."

A case of mutilation of a living captive, this

time not by a medical but by a combatant Japanese officer, was deposed to from Cananray, in the Philippines. The evidence was: ".....A young woman (,.....) about "24 years old, was caught hiding in the grass. The "officer in charge of the entire patrol tore off her "clothes, while two soldiers held her. He then had her "taken to a small nipa hut, without walls and "there the officer in charge of the patrol used his "sabre to cut her breasts and womb. Soldiers held her "while the officer did this. At first, the girl was "screaming. She finally lay still and silent. The "Japanese then set fire to the nipa hut."

At Manila an eye witness described how his house boy was tied to a pillar. The Japanese then cut off his genitals and thrust his severed penis in his mouth.

Other instances of the mutilation of prisoners in the hands of Japanese soldiers occurred at Balikpapan in Borneo. The incident was related by an eye witness as follows: "I saw a district-officer in uniform and "a Police Inspector in uniform. A Japanese officer "started a conversation with that district-officer "..... I saw that during that conversation that "officer was ill-treating the district-officer by blows "in his face with the hand, and further with the scabbard over his body. The Japanese officer who had "started the talk with the (Dutch) district-officer, "drew his sword and hewed off both the district-officer's "arms, a little above his elbows, and then his two legs "at the height of the knees. The district-officer was "also taken to a coconut tree, bound to it and stabbed "to death with a bayonet. After this, the same "officer went over to the Policeman in uniform; "he was kicked and beaten with the hand and with the "sword in the scabbard. After this, that (Japanese) "officer hewed off his arms under the elbow and his

"legs near the knees; I heard him shout once more
"God save the Queen'. With bayonet thrusts and kicks
"the Policeman was made to stand up, and standing on
"his leg stumps, he was stabbed to death with a bayonet."

Towards the end of the Pacific War the Japanese Army and Navy descended to cannibalism, eating parts of the bodies of Allied prisoners whom they had unlawfully killed. This practice was not unnoticed nor even disapproved by the Japanese Army. A Japanese prisoner upon interrogation said: "On 10 December 1944 an order was issued from 18 Army Headquarters that troops were permitted to eat the flesh of allied dead but must not eat their own dead." This statement was confirmed by a captured memorandum upon discipline found in the possession of a Major General. In this memorandum occurs the passage: "Although it is not prescribed in the criminal code, those who eat human flesh (except that of the enemy) knowing it to be so, shall be sentenced to death as the worst kind of criminal against mankind."

At times this consumption of the flesh of their enemies was made into something of a festive occasion at officers' quarters. Even officers of the rank of General and Rear-Admiral took part. Flesh of murdered prisoners or soup made from such flesh was served at meals of Japanese below the rank of officers. The evidence indicates that this cannibalism occurred when there was other food available. That is to say, on such occasions, this horrible practice was indulged in from choice and not of necessity.

PRISON SHIPS WERE SUBJECTED TO ATTACK

The Japanese practices in the movement of prisoners of war by sea was in line with equally unlawful and inhumane methods of movement by land. The prisoners were crowded into holds and coal bunkers of ships with inadequate sanitary facilities and insufficient ventilation, and were given no medical service. They were forced to remain below decks during long voyages and to subsist on meager rations of food and water. These prison ships were unmarked and subjected to Allied attacks in which thousands of prisoners perished.

The method employed to conserve space was generally as follows: Wooden stages or temporary decks were built in empty coal bunkers and holds with a vertical distance of three feet between them. The space allotted to prisoners on these temporary decks was an area six feet by six feet for 15 prisoners. They were compelled to sit cross-legged during the entire voyage. Space was conserved also by the elimination of proper sanitary facilities. The sanitary facilities provided consisted of buckets or boxes which were lowered into the hold or bunker with ropes and were removed in the same manner for emptying over the side. Drippings from these containers added to the general insanitary conditions. Many prisoners were suffering from dysentery when taken on board; and their excreta fell freely through the cracks of the wooden stages upon the prisoners below. To save space for the preparation of food, the prisoners were served uncooked food or food that had been prepared before sailing. For the same reason, an inadequate supply of water was carried. To add to the horrible conditions

which prevailed prisoners were not allowed on deck. This method of transportation by sea of prisoners of war prevailed generally during the entire period of the Pacific War. It has been defended as necessary because of a shortage of tonnage possessed by Japan. This is not a good defence; for the Japanese Government was not entitled to move prisoners if it was unable to do so under the conditions prescribed by the laws of war.

This method of transportation was used in August 1942 in moving the first group of British prisoners from Singapore to Moulmein to labor on the Burma-Siam Railroad. It occurred again when the "Nitta Maru" called at Wake Island in January 1942 to remove 1,235 American prisoners of war and civilian internees to Yokohama and Shanghai. In this case as in others, the prisoners and internees were forced to run the gauntlet of Japanese soldiers in which they were beaten and kicked as they went aboard. It was in connection with this voyage that our attention was first called to the "Regulations for Prisoners" which were in force aboard prison ships. Those regulations among other things provided as follows: "The prisoners disobeying the following orders will be punished with immediate death: "(a) those disobeying orders and instructions; (b) those "showing a motion of antagonism and raising a sign of "opposition; ... (d) those talking without permission "and raising loud voices; (e) those walking and moving "without order; ... (i) those climbing ladder without "order; ... the Navy of the Great Japanese Empire will not "try to punish you all with death. Those obeying all the "rules of the Japanese Navy, cooperating with Japan in

"constructing the 'New Order of Great Asia' will be well "treated." On some voyages the prisoners were crowded into bunkers not fitted with temporary decks and forced to range themselves around the coal so long as standing room remained. On other voyages, highly inflammable cargo was packed in the hold with the prisoners. In addition to the many obvious discomforts and dangers to health to which this method of packing prison ships subjected the prisoners, it made their escape from the ship in case of sinking almost impossible.

The prison ships were often attacked in the same manner as other Japanese ships by the Allied forces who could not distinguish them from other ships. A large number of sinkings resulted and thousands of Allied prisoners of war were lost. It was the practice in some cases, when these attacks occurred, to fasten down the hatches to prevent the escape of the prisoners and to station Japanese soldiers armed with rifles and machine guns with orders to kill those prisoners who might overcome these obstacles and escape from the sinking ship. This happened on the "Libson Maru" which was sunk in October 1942 on a voyage out of Hong Kong with British prisoners aboard. In other cases, the prisoners were shot or otherwise murdered after the sinking and while in the water. This was done in the case of the "Oryoku Maru", which was sunk on a voyage from Manila in December 1944 with American prisoners of war aboard. The same thing occurred in the case of the sinking of the "Van Waerwyck" in the Malacca Straits in June 1944. This occurred again in the sinking of the "Junior Maru" in September 1944 off the east coast of Sumatra with large numbers of Ambonese prisoners of war

and conscripted Indonesian laborers aboard.

Many prisoners of war died on these voyages from suffocation, disease and starvation; those who survived were so weakened from the ordeal of the voyage that they were unable to labor upon arriving at their destination. This impairment of the ability of the prisoners of war to perform labor caused the War Ministry to issue "Despatch, "Army Asia Secret Order No. 1504" dated 10 December 1942. In that order it was stated that, "Recently during the transportation of the prisoners of war to Japan many of them have taken ill or have died and quite a few of them have been incapacitated for further work due to the treatment on the way, which at times was inadequate." Instructions were then given to insure the arrival of the prisoners at their destination in condition to perform labor. The condition of the prisoners transported by sea was not materially improved by the issuance of this order, however; and on 3 March 1944, TOJO's Vice-Minister of War, Tominaga, issued another order to "the Units concerned" in which, among other things, he said: "In the Prisoner of War Administration, the use of prisoners for labor has been stressed heretofore. Although this has directly helped to increase our fighting strength, the average prisoner of war's health condition is hardly satisfactory. Their high death rate must be brought to our attention. In the light of the recent intensified enemy propaganda warfare, if the present condition continues to exist, it will be impossible for us to expect the world opinion to be what we wish it to be. Such will cause an obstacle to our prosecution of moral warfare. Not only that, it is absolutely necessary to improve the health condition of prisoners of war from the standpoint

"of using them satisfactorily to increase our fighting
"strength. It should be added that, although efforts must
"be exerted to utilize spaces on ships in transporting
"war prisoners, it is necessary that the purport of the
"Despatch, Army Asia Secret No. 1504 of 1942 be thoroughly
"understood in handling war prisoners at this juncture."
Members of the Government and many government officials
were aware of the effect of these methods upon the
prisoners. Such corrective measures as were taken by
them, which were totally inadequate, were designed to
preserve the ability of the prisoners to perform labor
for use in the prosecution of the war, not to insure
the enforcement of the laws of war relating to the
movement of prisoners of war.

SUBMARINE WARFARE

Inhumane, illegal warfare at sea was waged by the
Japanese Navy in 1943 and 1944. Survivors of passengers
and crews of torpedoed ships were murdered.

Ambassador OSHIMA was empowered by the TOJO
Cabinet to discuss the prosecution of the war with the
Reich Foreign Minister; and although technical questions
were to be discussed directly by members of the Mixed
Commission, it was OSHIMA's expressed opinion that it was
of the greatest importance that questions of policy should
be discussed exclusively by OSHIMA and Ribbentrop, the
German Foreign Minister. OSHIMA had a conference with
Hitler on 3 January 1942. Hitler explained his policy
of submarine warfare, which he was conducting against
Allied shipping, and said that although the United States
might build ships very quickly, her chief problem would
be the personnel shortage since the training of seafaring

personnel took a long time. Hitler explained that he had given orders for his submarines to surface after torpedoing merchant ships and to shoot up the life-boats, so that the word would get about that most seamen were lost in torpedoings and the United States would have difficulty in recruiting new crews. OSHIMA, in replying to Hitler, approved this statement of policy and stated that the Japanese, too, would follow this method of waging submarine warfare.

An order issued by the Commander of the First Submarine Force at Truk on 20 March 1943, contained this command: "All submarines shall act together in order to concentrate their attacks against enemy convoys and shall totally destroy them. Do not stop with the sinking of enemy ships and cargoes; at the same time, you will carry out the complete destruction of the crews of the enemy's ships; if possible, seize part of the crew and endeavor to secure information about the enemy."

This order for inhumane warfare at sea was followed by the Japanese submarine commanders. Between 13 December 1943 and 29 October 1944, Japanese submarines, after sinking eight British, American and Dutch merchant vessels in the Indian Ocean and one American vessel in the

Pacific Ocean, surfaced after firing their torpedoes, attempted to or did take on board the master of the ship, and then proceeded to destroy the life-boats and murder the survivors.

Repeated protests were made by the Allied Governments in which they stated the exact date and position of the sinkings and the details of the atrocities committed upon the passengers and crews of the torpedoed vessels. No satisfactory answer was made to these protests and the sinkings continued without modification of the treatment of survivors.

The action taken by the Japanese Navy in the sinking of the British Merchant Ship "Behar" by gunfire on 9 March 1944 is illustrative. One hundred and fifteen survivors were picked up by the cruiser "Tone". Later in the day, the "Tone" reported the sinking and capture to the Flagship "Aoba". Orders were immediately signalled to the "Tone" from the "Aoba" to kill the survivors. It was later decided to place fifteen of the survivors, including two women and one Chinese in a civilian internee camp and to kill the remaining one hundred. On orders of the captain of the "Tone" these hundred survivors were killed aboard the "Tone."

The massacre of survivors of the American ship "Jean Nicolet" is another example of methods employed by the Japanese Navy. This ship was travelling from Australia to Ceylon in July 1944 when she was torpedoed at night by a Japanese submarine while some 600 miles from land. Her ship's company was about 100 of whom about 90 were taken aboard the submarine. The ship was sunk and her boats were also smashed by gun fire although all did not sink. The

hands of the survivors were tied behind their backs. A few of the officers were taken below and their fate is not known to the Tribunal. The remainder were made to sit on the forward deck of the submarine as she cruised searching for survivors. During this time some were washed overboard and others were beaten with wooden and metal bludgeons and robbed of personal property such as watches and rings. Then they were required to proceed singly towards the stern between lines of Japanese, who beat them as they passed between their ranks. Thus they were forced into the water to drown. Before all the prisoners had been forced to run the gauntlet the vessel submerged leaving the remaining prisoners on her deck to their fate. Some, however, did survive by swimming. These and their comrades whom they kept afloat were discovered the next day by aircraft which directed a rescuing ship to them. Thus twenty-two survived this terrible experience, from some of whom this Tribunal received testimony of this inhumane conduct of the Japanese Navy.

ILLEGAL EMPLOYMENT, STARVATION AND

NEGLECT OF PRISONERS AND INTERNEES

General Uemura, Director of the Prisoner of War Administration Section of the Military Affairs Bureau of the War Ministry, only a few weeks after the agreement with the Allies to apply the provisions of the Geneva Prisoner of War Convention to prisoners of war and civilian internees, advised the Chief-of-Staff of the Japanese Army in Formosa on 2 April 1942 that "Plans are now being pushed for the use of prisoners of war in production", and requested an immediate report upon the number that might be utilized for that purpose in Formosa.

On 6 May 1942, the Vice-Minister of War informed the Chief-of-Staff of the Army in Formosa of the policy governing employment of prisoners of war. He said that it had been decided that: "Prisoners of war can be used for the enlargement of our production and as military labor, white prisoners of war will be confined successively in Korea, Formosa and Manchuria. Superior technicians and high ranking officers - Colonels and above - will be included among the prisoners of war confined in Formosa. Those who are not suitable for use in enlargement of our production will be confined in prisoner of war camps which will be built immediately on the spot." General Uemura on 5 June 1942 directed the Chief-of-Staff of the Army in Formosa as follows: "Although the working of prisoner of war officers and warrant officers is forbidden by the Regulations of 1903, the policy of the control authorities is that under the situation of our country where not one person now eats without working they want them to set to work. It is desired that you give proper orders on this." These instructions were also sent to all other Army units concerned. This directive originated within the Cabinet for on 30 May 1942, Prime Minister TOJO issued instructions to the Commander of a Division, which had a prisoner of war camp under its jurisdiction in which he said: "The present situation of affairs in this country does not permit anyone to lie idle doing nothing but eating freely. With that in view, in dealing with prisoners of war, I hope you will see that they may be usefully employed." On 25 June 1942, TOJO issued his instructions to newly appointed Chiefs of Prisoner of War camps. He said: "In Japan, we have our own ideology concerning prisoners

"of war, which should naturally make their treatment more or less different from that in Europe and America. In dealing with them, you should, of course, observe the various Regulations concerned, aim at an adequate application of them...At the same time, you must not allow them to lie idle doing nothing but eating freely for even a single day. Their labor and technical skill should be fully utilized for the replenishment of production, and contribution rendered toward the prosecution of the Greater East Asiatic War for which no effort ought to be spared." The application of these instructions account at least in part for the constant driving, beating and prodding of the sick and wounded prisoners and those suffering from malnutrition to force them to labor upon military works until they died from disease, malnutrition and exhaustion. These instructions were repeated on 26 June 1942 by TOJO to another group of newly appointed prisoner of war camp chiefs and again to another such group on 7 July 1942.

That the Cabinet supported TOJO in his program to employ prisoners of war to aid in the prosecution of the war is shown by the "Foreign Affairs Monthly Report" of the Foreign Section of the Police Bureau of the Home Ministry issued for the month of September 1942. The report showed that due to the labor shortage in Japan, the Cabinet Planning Board with the concurrence of the Prisoner of War Administration Section of the Military Affairs Bureau of the War Ministry held a conference on 15 August 1942 at which it was decided to transfer prisoners of war to Japan and employ them to mitigate the labor shortage in the industries in the National Mobilization Plan. According to the report, it had been

decided to employ the prisoners of war in mining, stevedoring, and on engineering and construction works for national defense. A complete plan had been agreed upon whereby the prefectural governors cooperating with the Welfare Ministry and the Army would take charge of the supervision of the prisoners of war and their employment. With members of the Government, HOSHINO and SUZUKI participated in this decision. HOSHINO had been selected as Chief Secretary of the Cabinet by TOJO because of his long experience in economic planning and had been charged by TOJO to devote his main efforts to such activities in cooperation with SUZUKI, whom he had selected to head the Cabinet Planning Bureau. HOSHINO became Chief Secretary of the Cabinet on 18 October 1941 and served until the fall of the TOJO Cabinet on 19 July 1944. SUZUKI became a Councillor of the Planning Bureau on 30 May 1939 and when HOSHINO was relieved as President of the Cabinet Planning Bureau and as Minister without Portfolio on 4 April 1941, SUZUKI succeeded him and continued to serve as Minister without Portfolio and President of the Cabinet Planning Bureau in the Third Konoye Cabinet and the TOJO Cabinet until the TOJO Cabinet resigned on 19 July 1944.

CONSIDERATION FOR RACIAL NEEDS

Food and Clothing

The Japanese Government promised early in 1942 to take into consideration the national customs and racial habits of the prisoners of war and civilian internees in supplying them with food and clothing. This was never done. Regulations in force at the time this promise was made required that camp commandants in supplying prisoners

of war and internees with food and clothing should be guided by the Table of Basic Allowances governing the supply of the Army. The commandants were authorized to determine the amount of the allowance to be made to the inmates of the camps but were directed to make such determination within the limits prescribed in the Table of Allowances. These Regulations, insofar as they affected diet, were interpreted as forbidding the prisoners and internees sufficient food, even when other food existed in the vicinity of the camps. This rule was followed even when the inmates of the camps were dying in large numbers from malnutrition. The amount and kind of food prescribed by the Table of Allowances was not materially changed during the war, except to reduce the amount prescribed, although it soon became apparent to those in command that due to different national dietary customs and habits, the prisoners and internees could not subsist on the food supplied. On 29 October 1942, orders were issued to all camp commandants that "in view of the consumption of rice and barley by workers in heavy industries in Japan," the ration for prisoners of war and civilian internees who were officers or civil officials should be cut so as not to exceed 420 grams per day. In January 1944, this ration of rice was further cut to a maximum of 390 grams per day. As the inmates of the camps began to suffer from malnutrition, they fell easy prey to disease and were quickly exhausted by the heavy labor forced upon them. Regardless of this, the commandants of the camps enforced TOJO's instructions that those who did not labor should not eat and still further reduced the ration and in some cases withdrew it entirely from

those who were unable to labor because of illness or injury.

The Regulations provided that the prisoners of war and civilian internees should wear the clothing formerly worn by them, that is to say the clothing they were wearing when captured or interned. This Regulation was enforced by the camp commandants with the result that in many of the camps the inmates were in rags before the war ended. It is true that the Regulation allowed the camp commandants to lend certain items of clothing in cases where the clothing formerly worn by the prisoners or internees was unfit, but this appears to have been used only in rare cases.

MEDICAL SUPPLIES

The Japanese Army and Navy were required by their regulations to keep on hand and in storage a supply of medicine and medical equipment sufficient for one year's use. This was done in many instances by confiscating Red Cross drugs and medical supplies, but the supplies were kept in storage or used mostly for the benefit of Japanese troops and camp guards. The prisoners of war and civilian internees were rarely furnished medicines and equipment from these warehouses. At the time of surrender, large quantities of these supplies were found stored in and around prisoner of war and civilian internee camps in which prisoners and internees had been dying at an alarming rate for lack of such supplies.

Suzuki, Kunji, who served as a staff officer of the Eastern Military District on Honshu Island under DOHIIHARA and other Commanders, testified before this Tribunal. Suzuki admitted that he authorized chiefs

of camps and guards at the detention camps in his district to confiscate Red Cross parcels intended for prisoners of war. The evidence shows that this was common practice at the camps located in Japan as well as in Japan's overseas possessions and in the occupied territories. Incidentally Suzuki also admitted that he knew that his guards were beating and otherwise ill-treating the prisoners.

Failure to afford adequate or any medical supplies to prisoners of war and civilian internees was common in all theatres of war and contributed to the deaths of thousands of prisoners and internees.

HOUSING

The regulations provided that Army buildings, temples and other existing buildings should be used as prisoner of war and internee camps. The regulations also provided that employers using prisoner of war and civilian internees in war production should furnish necessary shelter for them. Nevertheless the housing provided was in many instances inadequate as cover or insanitary or both. The Japanese adjutant at the Konburi camp in Siam opened a hospital for the sick prisoners of war in a group of approximately 20 empty huts, which had been evacuated shortly before by a Japanese cavalry regiment which had been using the huts as stables. Atap huts with dirt floors furnished the only shelter available in most of the camps located on islands in the Pacific and along the Burma-Siam Railway. It was common practice to build these camps with the labor of the prisoners of war who were to occupy them,

and to force the prisoners to live in the open, exposed to the weather until the huts were completed. However, in some instances, the prisoners were spared the labor of construction by moving them into atap hut camps, which had been depopulated by epidemics: this was the case at the 60 kilometer camp on the Burma-Siam railway project where approximately 800 Australian prisoners of war were quartered in the huts recently occupied by Burmese laborers who had died of cholera. A former Javanese labor camp at Lahat, Molucca Islands, was converted into a prisoner of war camp in August 1944. When the Dutch and British prisoners of war arrived at the camp, they found it filled with dead bodies of Javanese. KIMURA as Vice-Minister of War when informed that ITAGAKI was planning to quarter 1,000 British and 1,000 American prisoners of war in three theological schools in Korea inquired if the buildings scheduled for accommodation of the prisoners of war were not too good for them.

Work

The policy of the Japanese Government was to use prisoners of war and civilian internees to do work directly related to war operations. In the theater of operations they were used to construct military air fields, roads, railroads, docks, and other military works and as stevedores to load and unload military supplies. In the overseas possessions and in Japan they were forced in addition to the foregoing work to labor in mines, in munitions and aircraft factories, and in other projects bearing a direct relation to war operations. As a general rule, the camps in which the

prisoners of war and civilian internees were detained were located near the place of employment without regard to their safety, in consequence they were subjected to unnecessary danger from air raids both on and off their work. There is evidence that in some instances the camps were so located deliberately with the intention of deterring the Allies from raiding the military works or factories concerned.

Native Labor

Having decided upon a policy of employing prisoners of war and civilian internees on work directly contributing to the prosecution of the war, and having established a system to carry that policy into execution, the Japanese went further and supplemented this source of manpower by recruiting laborers from the native population of the occupied territories. This recruiting of laborers was accomplished by false promises, and by force. After being recruited, the laborers were transported to and confined in camps. Little or no distinction appears to have been made between these conscripted laborers on the one hand and prisoners of war and civilian internees on the other hand. They were all regarded as slave laborers to be used to the limit of their endurance. For this reason, we have included these conscripted laborers in the term "civilian internees" whenever that term is used in this chapter. The lot of these conscripted laborers was made worse by the fact that generally they were ignorant of the principles of hygiene applicable to their unusual and crowded conditions and succumbed more readily to the diseases resulting from the insanitary conditions of

confinement and work forced upon them by their Japanese captors.

PRISONERS AND INTERNEES FORCED TO SIGN PAROLE

To reduce the number of guards necessary for prisoners of war and civilian internees, regulations in defiance of the Rules of War were issued by the War Ministry early in 1943 providing, "As soon as prisoners of war have been imprisoned, they shall be administered an oath forbidding them from making an escape. "Prisoners of war who refuse to take the oath mentioned in this paragraph shall be deemed to have intentions of escaping and shall be placed under strict surveillance." This "strict surveillance" in practice meant solitary confinement on reduced rations or subjection to torture until they took the oath required. At Singapore in August 1942, 16,000 prisoners, who had refused to give the parole demanded, were herded into a barrack square and kept there without food or latrine facilities for four days to force them to sign the parole. The resulting conditions are too disgusting to describe. Some of the prisoners of war at Hong Kong, who refused to sign the parole, were confined in a prison without food and forced to kneel all day. If they moved they were beaten. The senior prisoner of war at the camp at Sandakan, who, with his men, refused to sign was immediately seized and beaten. A firing squad paraded. He was saved from death only when his men agreed to sign. Prisoners of war in camps in Batavia and Java were beaten and deprived of food until they signed the parole. At Zentsuji Camp on Shikoku Island, 41 prisoners were kept in confinement from

14 June 1942 until 23 September 1942 for refusing to take the oath and were finally threatened with death if they persisted in their refusal. As already stated, the Prisoner of War Regulations also applied to civilian internees by virtue of another regulation which we have quoted. To enforce this parole, which was obtained by coercion, the regulations further provided, "Persons on parole, who break the parole, shall be subject to either the death penalty, or hard labor, or imprisonment for life or for a minimum of seven years. When the persons mentioned offer armed resistance, they shall be subject to the death penalty". The regulations also provided: "Those persons, who violate any other oath, shall be subject to a maximum of ten years imprisonment." This latter provision is explained by still another article in the regulations as follows, "Before a commandant of a prisoner of war camp dispatches prisoners of war (i.e. sends prisoners of war to work details or to work camps from the prisoner of war camp), he shall endeavor to prevent escapes and unexpected disturbances, investigating thoroughly the characters, mental attitudes, past histories, as well as the abilities of the prisoners of war, and in addition he shall administer a solemn oath on other matters of importance." IITAGAKI, as Commander of the Korean Army, informed War Minister TOJO by a message dated 4 September 1942, that he intended to force all prisoners of war, including officers and warrant officers under his jurisdiction to work; as he put it, "Not one prisoner of war must be left to time in idleness". He stated that one of the regulations he had issued was that "It is important to guard against destruction by

"the prisoners of war; if necessary, make them give an oath and establish severe penalties." On 1 September 1942, TOJO received a message from the Commander of the Formosa Army that "399 prisoners of war, including "Lt. General Percival, 6 Major-Generals, or Rear Admirals "27 Brigadier-Generals, or Commodores, 25 Colonels, or "Navy Captains, 130 officers of the rank of Lt. Colonel, "or Commander or below, and 210 non-commissioned officer "together with 6 civil officials, who had been transferred "from the Tomi group, were interned on 31 August 1942 in "the Formosa Prisoner of War Camp. At first Lt. General "Percival and others refused to make an oath, but finally "all but three (1 Brigadier-General, 1 Navy Captain "and 1 Engineering Lieutenant) signed their names."

This system of regulations issued and enforced by the Japanese Government to compel prisoners of war and civilian internees by duress to give an oath not to escape and not to violate other regulations and orders of the Japanese Government violated the general laws of war. The system was devised, instituted and maintained as part of the policy of the Japanese Government in disregard and violation of the laws of war.

EXCESSIVE AND UNLAWFUL PUNISHMENT WAS IMPOSED

TOJO, in his instructions to chiefs of prisoner of war and civilian internee camps told those officials to tighten their control over their subordinates and to supervise the prisoners regidly; he said, "It is "necessary to put them under strict discipline." He repeated this charge in his instructions to the Commander of the Zentsuji Division on 30 May 1942, when he said: "Prisoners of war must be placed under strict

"discipline as far as it does not contravene the law
 "of humanity. It is necessary to take care not to be
 "obsessed with the mistaken idea of humanitarianism or
 "swayed by personal feelings towards those prisoners of
 "war which may grow in the long time of their imprison-
 "ment."

The Geneva Prisoner of War Convention of 1929 provided with respect to punishment of prisoners of war for offenses committed while they were prisoners:

"Any corporal punishment, any imprisonment in quarters
 "without sunlight, and, in general any form whatever of
 "cruelty is forbidden", and "Collective punishment for
 "individual acts is also forbidden." Other important
 limitations upon punishments that might be inflicted
 upon prisoners of war were included. All of them were
 designed to insure humane treatment of the prisoners.
 One of these limitations was contained in a provision of
 the Convention which dealt with escapes and attempts to
 escape; that provision reads: "Escaped prisoners of
 "war who are retaken before being able to rejoin their
 "own army or to leave the territory occupied by the
 "army which captured them shall be liable only to
 "disciplinary punishment. After an attempted or
 "accomplished escape, the comrades of the person es-
 "caping who assisted in the escape may incur only
 "disciplinary punishment on this account. Arrest is the
 "most severe summary punishment which may be imposed
 "on a prisoner of war. The duration of a single
 "punishment may not exceed 30 days." In this connection
 disciplinary punishment and summary punishment were
 used as synonymous terms. It was also provided that,

"Attempted escape, even if it is not a first offense,
 "shall not be considered as an aggravating circumstance
 "in case the prisoner of war should be given over to
 "the courts on account of crimes or offenses against
 "persons or property committed in the course of that
 "attempt".

That the Japanese truly understood the Convention is shown by their objection in 1934 to its ratification. They said that under the Convention "Prisoners of war
 "could not be so severely punished as Japanese soldiers
 "and this would involve a revision of Japanese Military
 "and Naval Disciplinary Codes to put them on an equal
 "footing, a revision which was undesirable in the
 "interests of discipline". The real objection to the ratification of the Convention was that the Military desired to avoid any express commitments which would hinder their policy of ill-treatment of prisoners of war.

Early in the Pacific War and after the Japanese Government had given its promise to apply the provisions of the Convention to Allied prisoners of war and civilian internees, ordinances and regulations were made contrary to that promise. In 1943, this regulation was published: "In case a prisoner of war is guilty of an
 "act of insubordination, he shall be subject to imprisonment or arrest; and any other measures deemed necessary
 "for the purpose of discipline may be added". Under this regulation, corporal punishment as well as torture and mass punishment was administered. It was common practice in all areas in which prisoner of war and civilian internee camps were located to inflict corporal punishment for the slightest offence or for no offence. This punishment in its mildest forms was beating and

kicking the victim. The victim if he became unconscious was often revived with cold water or by other means, only to have the process repeated. Thousands died as a result of this punishment. In some cases death was hastened by weakness due to starvation and disease. Other forms of cruel punishments frequently employed were: exposing the victim to the hot tropical sun for long hours without headress or other protection; suspension of the victim by his arms in such a manner as at times to force the arms from their sockets; binding the victim where he would be attacked by insects; confining the victim in a cramped cage for days without food; confining the victim in an underground cell without food, light or fresh air for weeks; and forcing the victim to kneel on sharp objects in a cramped position for long periods of time.

In direct defiance of the rules of war mass punishments were commonly employed as punishment for individual acts, especially when the Japanese were unable to discover the offender. The usual form of mass punishment was to force all members of the group involved to assume a strained position such as sitting with the legs folded under the body and the hands on the knees with the palm turned upward, or kneeling, and to remain in that position during daylight hours for days. Other forms of mass punishment were also employed such as that used at Havelock Road Camp in Malaya where the prisoners were forced to run in a circle without shoes over broken glass while being spurred on by Japanese soldiers who beat them with rifle butts. On 9 March 1943 an ordinance was issued providing the death penalty, or life imprisonment, or confinement for ten years or more

for a number of offences; the novel feature of this ordinance was that in the case of each offence it provided for the death penalty or other severe penalty to be imposed upon the so-called "leader" of any group action resulting in the commission of the offence named and the same punishment, or a slightly less severe penalty, for all others who might be involved. Under this ordinance, mass punishment was often inflicted upon groups of prisoners of war or civilian internees for what at the most amounted to no more than an individual act. This ordinance also provided the death penalty for "prisoners of war who defy or disobey "the orders of persons supervising, guarding, or escorting them"; it also provided imprisonment for five years for "prisoners of war who privately or publicly insult "persons supervising, guarding or escorting them." This is an example, of which there are a number, where the Japanese Government departed from its undertaking in respect of the Geneva Convention by altering its laws concerning prisoners of war.

During the Pacific War, contrary to its undertaking already referred to, the Japanese Prison of War regulations were amended to permit an escaping prisoner to be punished in the same way as a deserter from the Japanese Army. The ordinance of 9 March 1943 contained the following provision: "The leader of a group of "persons, who have acted together in effecting

"an escape, shall be subject to either death or to hard labor or to imprisonment for life or for a minimum of ten years. The other persons involved shall be subject to either the death penalty, or to hard labor or to imprisonment for life or for a minimum of one year." This provision taken together with the regulations governing paroles not to escape, which prisoners of war were forced to give, constituted the regulations governing escapes which were enforced in all camps. These regulations were in direct violation of international law and, as we have just pointed out, were contrary to the Convention which Japan had promised to apply. Under these regulations, the death penalty was imposed almost without exception upon all prisoners who attempted to escape or escaped and were recaptured. Also, under these regulations, those comrades who assisted a prisoner to escape were also punished, frequently by the death penalty. In some camps, the prisoners were divided into groups and the practice was to kill all members of the group if one member attempted to escape or was successful in escaping. Even the formality of a trial was dispensed with in many instances. The death penalty is proved to have been imposed for attempt to escape at the following camps: Mukden in Liaoning Province of China (July 1943); Hong Kong, China (July 1943); Singapore, Malaya (March 1942); Mergui, Burma (1942); Tarakan, Borneo (1942 and 1945); Pontianak, Borneo (June 1942); Bandjermasin, Borneo (July 1942); Samarinda, Borneo (January 1945); Palembang, Sumatra (March 1942); ^{/1942/} Djati Nanggor, Java (March 1942); Bandung, Java (April); Batavia, Java (April 1942); /Soekaboemi, Java (May 1942); Jogjakarta, Java (May 1942); Tjimahi, Java (May 1942);

Makassar, Celebes (September 1942); Amboina, Moluccas Islands (November 1942) (April 1945); Oesapa Besar, Dutch Timor (February 1942); Cabanatuan, Philippines (June 1942); Motoyama, Japan (November 1942); Fukuoka, Japan (May 1944); Wako Island (October 1943); and Ranau, Borneo (August 1945).

PRISONERS OF WAR HUMILIATED

The Japanese maintained a policy of submitting allied prisoners of war to violence, insults and public humiliation to impress other peoples of Asia with the superiority of the Japanese race.

On 4 March 1942, Vice-Minister of War KIMURA received a telegram from the Chief-of-Staff of the Korean Army, of which ITAGAKI was Commander, stating that: "As it would be very effective in stamping out the "respect and admiration of the Korean people for "Britain and America, and also in establishing in them a "strong faith in victory, and as the Governor-General "and the Army are both strongly desirous of it, we "wish you would intern 1,000 British and 1,000 American "prisoners of war in Korea. We wish you would give us "special consideration regarding this matter." The Governor-General of Korea at that time was MINAMI. On 5 March 1942, KIMURA replied that about 1,000 white prisoners of war were to be sent to Fusan, Korea. On 23 March 1942, ITAGAKI sent a message to War Minister TOJO informing him of the plans to use the prisoners of war for psychological purposes; he said: "It is our "purpose by interning American and British prisoners of "war in Korea to make the Koreans realize positively the "true might of our Empire as well as to contribute to "psychological propaganda work for stamping out any

"ideas of worship of Europe and America which the greater part of Korea still retains at bottom". ITAGAKI went on to say that the first camp would be located at Seoul, Korea, in the abandoned Iwemure Silk Reeling Warehouse; his former plan to confine the prisoners in the theological school in Fusen having been abandoned when KIURA objected that those buildings were too good for prisoners of war. Among the main points of his plan, ITAGAKI stated that the prisoners of war would be used on various works in the principal cities of Korea, especially where psychological conditions were not good, in order to achieve his purpose stated at the beginning of his message; and that the equipment of the camps would be cut to a minimum and that the internment, supervision and guarding of the prisoners would be carried out so as to leave nothing to be desired in the accomplishment of the purpose for which the prisoners of war were being transported to Korea.

On 2 April 1942, the Chief-of-Staff of the Army in Formosa informed the Prisoner of War Information Bureau that he planned to use prisoners of war not only for labor to increase production for war but also "as material for education and guidance."

Thus was applied the plan to use prisoners in violation of the laws of war as pro-Japanese propaganda. On 6 May 1942, the Vice-Minister of War informed the Chief-of-Staff of the Formosa Army that "white prisoners of war will be confined successively in Korea, Formosa, and Manchuria". He added, "for the purpose of control and security it is planned to assign special units organized of Koreans and Formosans". The psychological effect was to be attained by allowing Koreans and Formosans to

take part in the plan to submit Allied prisoners of war to insult and public curiosity!

On 16 May 1942, Vice Minister of War KIMURA notified the Commander-in-Chief of the Southern Area Army, whose headquarters were at Singapore, that between May and August the white prisoners of war at Singapore should be handed over to the Formosan and Korean Armies.

The white prisoners of war were handed over and sent to Korea. About 1,000 prisoners captured in the fighting in Malaya arrived in Korea and were marched through the streets of Seoul, Fusan, and Jinsen where they were paraded before 120,000 Koreans and 57,000 Japanese. These prisoners had previously been subjected to malnutrition, ill-treatment and neglect so that their physical condition would elicit contempt from those who saw them. ITAGAKI's Chief-of-Staff in reporting to KIMURA on what he considered the great success of this demonstration of Japanese superiority quoted a Korean bystander who had remarked: "When we look at their frail and unsteady appearance, it is no wonder that they lost to the Japanese forces"; he also quoted another Korean bystander who remarked: "When I saw young Korean soldiers, members of the Imperial Army, guarding the prisoners, I shed tears of joy!" ITAGAKI's Chief-of-Staff concluded his message with the observation that, "As a whole, it seems that the idea was very successful in driving all admiration for the British out of the Koreans' minds and in driving into them an understanding of the situation."

As far away as in Moulmein, in Burma, this practice of parading prisoners of war was followed. In February 1944, 25 Allied prisoners of war were paraded through the streets of that city. They were in an emaciated condition and

were forced to carry notices in Burmese, falsely stating that they had been recently captured on the Arakan front. They were ridiculed and held up to contempt by a Japanese officer who accompanied the parade.

THE SYSTEM

Certain changes made regarding the enforcement of the laws of war and the administration of prisoners of war and civilian internees by Japan after the outbreak of the Pacific War were nominal only; they did not secure the enforcement of the laws of war. The attitude of the Japanese Government toward the enforcement of the laws of war, as demonstrated in its prosecution of the China War, did not really change with the commencement of the Pacific War. Certain changes in governmental organizations and methods of procedure were made, but no real effort was made to secure the enforcement of the laws of war. In fact, as has been shown in the Regulations affecting attempts to escape, changes were made which enjoined the commission of grave breaches of the laws of war. During the China War no special agency had been created by the Japanese Government for the administration of prisoners of war and civilian internees and no Prisoner of War Information Bureau was maintained as required by The Hague and Geneva Conventions. MUTO said that "the question of whether Chinese captives would be treated as prisoners of war or not was quite a problem, and it was finally decided in 1938 that because the Chinese conflict was officially known as an 'incident' although it was really a war that Chinese captives would not be regarded as prisoners of war." TOJO said that this was true; and that after the commencement of hostilities in the Pacific War, he considered that Japan was bound to abide by The Hague and Geneva Conventions; and for that reason, he caused a Prisoner of War Information Bureau to be created. This statement by TOJO that he considered that Japan was bound to abide

by The Hague and Geneva Conventions in the prosecution of the Pacific War must be interpreted in the light of his statement made during a meeting of the Investigation Committee of the Privy Council on 18 August 1943. He then said: "International Law should be interpreted "from the view point of executing the war according to "our own opinions." This idea was the basis upon which the policy of the Japanese Government for its treatment of prisoners of war and civilian internees was developed.

JAPAN AGREED TO APPLY

THE GENEVA CONVENTION, 1929

The Secretary of State of the United States directed the American Legation in Switzerland, on 18 December 1941, to request the Government of Switzerland to inform the Japanese Government that the Government of the United States intended to abide by the Geneva Prisoner of War Convention and the Geneva Red Cross Convention, both of which had been signed on 27 July 1929, that it further intended to extend and apply the provisions of the Geneva Prisoner of War Convention to any civilian enemy aliens that it might intern, that it hoped that the Japanese Government would apply the provisions of these conventions reciprocally as indicated, and that the Government of the United States would appreciate an expression of intention by the Japanese Government in that respect. The inquiry was delivered to the Japanese Foreign Minister TOGO on 27 December 1941 by the Minister for Switzerland.

The Governments of Great Britain and the Dominions of Canada, Australia and New Zealand also inquired through the Argentine Ambassador in Tokyo on 3 January 1942. In that inquiry, those Governments said that they would

observe the terms of the Geneva Prisoner of War Convention of 1929 towards Japan and asked if the Japanese Government was prepared to make a similar declaration.

On 5 January 1942, the Argentine Ambassador delivered another note on behalf of Great Britain, Canada, Australia and New Zealand, proposing that in the application of Articles 11 and 12 of the Convention relative to the provision of food and clothing to prisoners, both parties take into consideration the national and racial customs of the prisoners.

Upon receipt of these inquiries, TOGO called upon the War Ministry, Navy Ministry, Ministry for Home Affairs and Ministry of Overseas Affairs for their opinion. At that time TOJO was concurrently Prime Minister and War Minister; MUTO was Chief of the Military Affairs Bureau of the War Ministry; SATO was MUTO's assistant in the Military Affairs Bureau, KIMURA was Vice-Minister of War; SHIMADA was Navy Minister; OKA was Chief of the Naval Affairs Bureau in the Naval Ministry; and HOSHINO was Chief Secretary of the Cabinet.

TOGO was concerned for the safety of the Japanese living in Allied countries and for that reason desired to give a favorable answer to the inquiries and so instructed the Bureau of Treaties, pointing out that the fate of Japanese residents, amounting to several hundred thousands, in the enemy countries would be affected by the treatment by Japan of the prisoners of war and civilian internees who might be in her power. The War Ministry agreed with TOGO. On 23 January 1942, KIMURA told TOGO: "In view of the fact that the Geneva Convention relating to prisoners of war was not ratified by His Majesty, we can hardly announce our observance of the

"same. But it would be safe to notify the world that we
 "have no objection to acting in accordance with the Con-
 "vention in the treatment of prisoners of war. As regards
 "providing prisoners of war with food and clothing, we
 "have no objection to giving due consideration to the
 "national or racial habits and customs of the prisoners."

TOGO answered the American and British inquiries on 29 January 1942. His note to the Government of the United States read as follows: "Japan strictly observes the Geneva Convention of July 27, 1929, relative to the Red Cross, as a signatory of that Convention. The Imperial Government has not yet ratified the Convention relating to treatment of prisoners of war of 27 July 1929. It is therefore not bound by the said Convention. Nevertheless it will apply 'mutatis mutandis' the provisions of that Convention to American prisoners of war in its power." The note addressed to the Governments of Great Britain, Canada, Australia and New Zealand on the same date was as follows: "The Imperial Government has not ratified the agreement concerning the treatment of prisoners of war dated 27 July 1929, and therefore, it would not be bound to any extent by the said agreement, but would apply 'mutatis mutandis' the provisions of the said agreement toward the British, Canadian, Australian and New Zealand prisoners of war under Japanese control. The Imperial Government would consider the national and racial manners and customs under reciprocal conditions when supplying clothing and provisions to prisoners of war." The same assurances were given to the other allied powers.

As the War Ministry had not agreed to extend these provisions to civilian internees, TOGO through his Vice-Minister inquired of the War Ministry on 27 January

1942 regarding the application of the Prisoner of War Convention to non-combatant internees. After conferences, the War Ministry acquiesced further in TOGO's plan to protect Japanese nationals in Allied countries, and on 6 February 1942 KIMURA told TOGO: "The 1929 Convention relating to prisoners of war has no binding power whatsoever on Japan. But this Ministry has no objection to applying the principles of the Convention to non-combatant internees within such limits as it is applicable, provided, however, that no person be subjected to labor against his will."

TOGO informed the Government of the United States on 13 February 1942 that, "The Imperial Government will apply for the duration of the war under conditions of reciprocity the provisions of the Convention relating to treatment of prisoners of war of 27 July 1929 to enemy civilian internees, in so far as they are applicable and provided that they are not made to work without their consent."

Taking note of the assurance TOGO had addressed the British countries on 29 January 1942 that Japan would take into consideration the national and racial customs of the prisoners of war in supplying them with clothing and provisions, the United States addressed another inquiry on that subject. That inquiry was dated 20 February 1942 and stated that the Government of the United States would be bound by the same provisions for prisoners of war as for civilian internees in conformity with Articles 11 and 12 of the Geneva Convention and expected in consequence that the Japanese Government would equally conform to those provisions in the treatment of prisoners of war and civilian internees. TOGO answered this

inquiry on 2 March 1942 in the following manner: "The Imperial Government intends to take into consideration, with regard to provisions and clothing to be distributed, the racial and national customs of American prisoners of war and civilian internees placed under Japanese power."

This exchange of assurances constituted a solemn agreement binding the Government of Japan as well as the Governments of the other combatants to apply the provisions of the Geneva Prisoner of War Convention of 27 July 1929 to prisoners of war and civilian internees alike, to take into consideration the national and racial customs of those prisoners and internees when supplying them with food and clothing as required by that Convention and not to force internees to work. The agreement provided that the Convention was to be applied in a spirit of reciprocity, that is to say equally by both sides, each performing in kind and in return for that done by the other. The only exception to this rule established by the agreement were such as might be justified under the reservation "mutatis mutandis". That the agreement did not allow an exception to be made by reason of conflict with the municipal law of Japan is plain upon construction and is shown by TOGO's testimony as follows: "The inquiries from the United States and Britain were therefore referred in the normal course by the Foreign Ministry Treaty Bureau, which managed such matters, to the War Ministry, as the ministry empowered to decide the question. The answer which came back was that we should undertake to apply the terms of the Geneva Convention 'mutatis mutandis', and it was therefore so replied to the Governments inquiring.

"Although the prosecution seems to consider

"that by the giving of this answer Japan became bound by
"the Convention to the same extent as if she had ratified
"it, I assumed (and still assume) that we were binding
"ourselves only to apply the Convention so far as cir-
"cumstances permitted. 'Mutatis mutandis', then, I sup-
"posed to imply that in the absence of serious hindrances
"the Convention would be applied; I assumed also (although
"this was only assumption on my part) that where the re-
"quirements of the Convention came into conflict with the
"provisions of domestic law the former would prevail."
The Director of the Bureau of Treaties, who conducted
the conferences with the other Ministries regarding the
answer to be given the Allied inquiries, further con-
firmed this.

Although when it was made the members of the
TOJO Cabinet intended that the Allied Powers should under-
stand the agreement as we have interpreted it, they did
not abide by the agreement. Instead it was used as a
means to secure good treatment for Japanese who might
become prisoners of war or be interned by the Allied
Powers. When Vice-Minister KIMURA answered TOGO's re-
quest for his opinion regarding the answer to be made to
the Allied inquiries, he said that "it would be safe to
notify the world" that Japan would observe the Convention,
but he prefaced that statement with the remark that the
Government could hardly afford to announce an intention
to observe the Convention in view of the fact that the
Emperor had not ratified it. The successive Japanese
governments did not enforce the Convention, for although
the Ministers of State considered these assurances to the
Allies to be a promise to perform new and additional
duties for the benefit of prisoners of war
and internees, they never issued any new orders

or instructions to their officers in charge of prisoners of war and internees to carry this new promise into execution and never set up any system which secured performance of the promise. Instead of making an effort to perform this agreement they made efforts to conceal from the Allies their guilty non-performance by denying access to the prisoner of war and internee camps; by limiting the length, contents and number of letters which a prisoner or internee might mail; by suppressing all news regarding such prisoners and internees; and by neglecting to answer or by making false answers to protests and inquiries addressed to them regarding the treatment of prisoners and internees.

Reference has been made in an earlier part of this judgment to the effect of the various conventions in relation to the treatment of prisoners of war and civilian internees and to the obligations of belligerents in that respect. Whatever view may be taken of the assurance or undertaking of the Japanese Government to comply with the Geneva Prisoner of War Convention "mutatis mutandis" the fact remains that under the customary rules of war, acknowledged by all civilized nations, all prisoners of war and civilian internees must be given humane treatment. It is the grossly inhumane treatment by the Japanese military forces as referred to in this part of the judgment that is particularly reprehensible and criminal. A person guilty of such inhumanities cannot escape punishment on the plea that he or his government is not bound by any particular convention. The general principles of the law exist independently of the said conventions. The conventions merely reaffirm the pre-existing law and prescribe

detailed provisions for its application.

As to the effect of the undertaking by the Japanese Government to observe the convention "mutatis mutandis", counsel for the Defence submitted inter alia that the insufficiency of food and medical supplies in many of the instances established was due to disorganization and lack of transport facilities resulting from the Allied offensives. Whatever merit that argument has in its narrow application it loses effect in face of the proof that the Allied Powers proposed to the Japanese Government that they should send, for distribution among prisoners of war and internees, the necessary supplies; which offer was refused by the Japanese Government.

It is not necessary to enter into a precise definition of the condition "mutatis mutandis" for at no stage in the defence was anything said or even suggested to the effect that these words justified the atrocities and other grossly inhumane acts of Japanese forces nor was it argued that these words could justify the looting, pillaging and arson which has been clearly established. On those points the accused who gave evidence, for the most part, did no more than plead complete ignorance of the happenings deposed to.

Any interpretation placed on the condition which attempted to justify the atrocities would amount to nothing more than a submission that by the insertion of the words "mutatis mutandis" the Japanese military forces would be permitted with impunity to behave with gross barbarity under the guise of complying with a Convention which prescribed humane treatment as its cardinal principle. Such a submission could not be accepted.

ILL-TREATMENT OF PRISONERS OF WAR A POLICY

The Japanese Government signed and ratified the Fourth Hague Convention of 1907 Respecting the Laws and Customs of War on Land, which provided for humane treatment of prisoners of war and condemned treacherous and inhumane conduct of war. The reason for the failure of the Japanese Government to ratify and enforce the Geneva Prisoner of War Convention which it signed at Geneva in 1929 is to be found in the fundamental training of the Japanese Soldier. Long before the beginning of the period covered by the Indictment, the young men of Japan had been taught that "The greatest honor is to die for the Emperor," a precept which we find ARAKI repeating in his speeches and propaganda motion pictures. An additional precept was taught that it is an ignominy to surrender to the enemy.

The combined effect of these two precepts was to inculcate in the Japanese soldier a spirit of contempt for Allied soldiers who surrendered, which, in defiance of the rules of war, was demonstrated in their ill-treatment of prisoners. In this spirit they made no distinction between the soldier who fought honorably and courageously up to an inevitable surrender and the soldier who surrendered without a fight. All enemy soldiers who surrendered under any circumstance were to be regarded as being disgraced and entitled to live only by the tolerance of their captors.

Participation and enforcement of the Geneva Convention of 1929 it was thought would involve abandonment of this view of the Military. The Convention had been signed by the Japanese Plenipotentiaries at Geneva in 1929; but when the Convention came up for ratification

in 1934, both the Japanese Army and Navy petitioned against ratification, and by that time they had sufficient political power to prevent ratification. They gave as some of their reasons for resisting ratification, that the obligations imposed by the Convention were unilateral, that the Convention imposed new and additional burdens on Japan, but that Japan could not gain anything by ratifying it, for no Japanese soldier would ever surrender to the enemy.

In this connection it is interesting to note that TOJO giving instructions to chiefs of prisoner of war camps said: "In Japan we have our own ideology "concerning prisoners of war, which should naturally "make their treatment more or less different from that in "Europe and America."

JAPANESE PURPOSE WAS TO PROTECT JAPANESE NATIONALS

The decision to create a Prisoner of War Information Bureau was prompted by an inquiry from the International Red Cross in Geneva, which was forwarded to the War Ministry from the Foreign Ministry on 12 December 1941. The International Red Cross had telegraphed the Japanese Foreign Ministry that in view of the fact that the war had extended to the Pacific its Committee had placed the services of the Central Prisoner of War Bureau at the disposal of the belligerent States and inquiring whether the Japanese Government was disposed to exchange by the intermediary of the Central Bureau of Geneva lists of information on prisoners of war and in so far as possible on civilian internees. Conferences were held by the officials in the War Ministry; and on 28 December 1941, Vice-Minister of War KIMURA informed Foreign Minister TOGO that the War

Ministry was ready to exchange information, but that "it is not that we 'declare that we are prepared to apply in 'practice' the provisions of the Prisoner of War Convention of 1929, but that we 'utilize them for 'the convenience of transmission of information.'" By 12 January 1942, the International Red Cross had received replies from Japan and the United States declaring that they were ready to proceed with the transmission of information.

CREATION OF THE PRISONER OF WAR INFORMATION BUREAU

The Prisoner of War Information Bureau was created by Imperial Ordinance on 27 December 1941. The Bureau was charged with making investigations of the following subjects: internments, removals, releases on parole, exchanges, escapes, admissions to hospitals and deaths of prisoners of war. It was also given the duty of maintaining records for each prisoner of war and managing the communications and correspondence regarding prisoners of war, and of collecting information pertaining to the condition of prisoners of war. The ordinance provided that the Bureau should have a Director and four Secretaries. This Prisoner of War Information Bureau was placed under the supervision and control of the War Minister and was organized as a section of the Military Affairs Bureau, where at different times it came under the control and supervision of MUTO and SATO. All personnel of the Prisoner of War Information Bureau were appointed on the recommendation of the War Minister. TOJO appointed Lieutenant General Uemura as the first Director of the Bureau.

CREATION OF THE PRISONER OF WAR ADMINISTRATION SECTION

On 31 March 1942, "Regulations for the

"Treatment of Prisoners of War" were promulgated, creating what was called the "Prisoner of War Administration Section" in the Military Affairs Bureau of the War Ministry under the supervision and control of TOJO as War Minister. TOJO exercised this control and supervision through MUTO as Chief of the Military Affairs Bureau. The regulations provided that the Section should have a Director and other personnel to be appointed upon the recommendation of the War Minister. TOJO appointed Lieutenant General Uemura as the First Director of the Section, thereby combining in one person the administration of the Prisoner of War Information Bureau and the Prisoner of War Administration Section. The Prisoner of War Information Bureau was only an information and records office created, as KIMURA said, to use the provisions of the Prisoner of War Convention of 1929 for the purpose of gaining information; it had no power of control or supervision over prisoners of war and civilian internees. The Prisoner of War Administration Section on the other hand was given authority to "conduct all affairs relative to the treatment of prisoners of war and civilian internees in the theater of war."

THE MILITARY AFFAIRS BUREAU RETAINED CONTROL

The Military Affairs Bureau of the War Ministry under MUTO and later under SATO retained control of the system set up for enforcement of the Laws of War during the Pacific War. Although the ordinance creating the Prisoner of War Information Bureau provided: "In regard to matters falling within his jurisdiction, the Director may demand information from any military or naval unit concerned," General Uemura and the Directors following him were required to transmit all inquiries and other

communications through the office of the Chief of the Military Affairs Bureau. They had no power to take any action without the approval of the Chief of the Military Affairs Bureau.

According to TOJO, all orders and directives relating to prisoners of war and civilian internees were issued by the War Minister. He also says that these orders and directives were drafted by the Military Affairs Bureau after the Chief of that Bureau had held conferences with the General Staff and other agencies of the Government concerned.

As we will discuss presently, bi-weekly conferences of all Bureau Chiefs in the War Ministry were held and attended by the War Minister and Vice-Minister of War; TOJO and KIMURA attended most of these conferences. KIMURA was Vice-Minister of War from 10 April 1941 to 11 March 1943. Matters relating to prisoners of war and civilian internees were discussed at these conferences, with TOJO and KIMURA at times attending. Orders and regulations were formulated and forwarded to all agencies of the Government concerned with the treatment of prisoners of war and civilian internees.

DETENTION CAMPS AND THEIR ADMINISTRATION

Detention camps for prisoners of war were authorized by Imperial Ordinances and Regulations issued by the War Ministry on 23 December 1941. These regulations provided that prisoner of war camps were to be administered by a commander of an Army or a commander of a garrison under the general supervision of the Minister of War. As we have stated, however, all these camps were not under the Army commanders; in those areas under the jurisdiction of the Navy, the camps were

administered by Navy officers of corresponding rank and authority.

Detention camps for civilian internees were authorized by regulations issued by the War Ministry on 7 November 1943. The regulations provided: "When the commander of an army, which term shall herein include persons of the equivalent status as a commander of an army, has interned enemy nationals or neutrals at the front, he shall establish an army internment camp as soon as possible. The commander of an army that establishes the army internment camp shall administer the same".

General regulations were issued providing for the administration of civilian internees, which were not materially different from those providing for the administration of prisoners of war. All regulations applicable to prisoners of war were made applicable to civilian internees, except in those cases where specific regulations were issued applicable to civilian internees alone. These regulations also provided that, "The commander of an army that establishes the army internment camp shall administer the same".

The following accused administered detention camps as military commanders during the Pacific War, namely: DOHIHARA as Commander of the Eastern Military District in Japan and as Commander of the 7th Area Army at Singapore; HATA as commander of all Japanese Expeditionary Forces in China and as Commander of the military districts in Central and Western Honshu in Japan; ITAGAKI as Commander of the Korean Army and as Commander of the 7th Area Army at Singapore; KIMURA as Commander of the Army in Burma; MUTO as Commander of the Japanese Army in Northern Sumatra; SATO as Commander of the

Army in French Indo-China; and UMEZU as Commander of the Kwantung Army in Manchuria.

The regulations provided that, "A commander of an army or a commander of a garrison may, whenever necessary, delegate his subordinates to assist in the management of a prisoner of war or civilian internee camp. Persons delegated according to these provisions shall be under the supervision and command of the Commandant." Special supervisors or chiefs were selected and trained in Tokyo to manage prisoner of war and civilian internee camps; and after careful and detailed instruction, which was completed by a personal message from Prime Minister TOJO, these chiefs of camps were sent out from Japan to all places where prisoner of war and civilian internee camps were located to take charge of those camps and manage them under the command of the Army and Navy commanders. These chiefs of camps were required by regulations to make monthly reports to the Prisoner of War Administration Section in the Military Affairs Bureau of the War Ministry. These reports were discussed at the bi-weekly conferences of the Bureau Chiefs in the War Ministry, which were usually attended by the War Minister and Vice-Minister of War. These reports included statistics relative to the high death rate in the camps due to malnutrition and other causes. TOJO said that this item received his particular attention. A summary of the monthly reports from the chiefs of camps was filed in the office of the Prisoner of War Information Bureau, which was under the same director as the Prisoner of War Administration Section.

THE NAVY PARTICIPATED IN THE SYSTEM

It was contemplated that the Navy would deliver to the Army for detention and administration all prisoners of war taken and civilian internees interned by it, but in many cases this was not done or was delayed for a long time. Also, in some areas the Navy exercised jurisdiction for administration of occupied areas. For instance, the Navy occupied such islands as Borneo, the Celebes, the Moluccas, Timor and other islands east of a line through Bali. It also occupied other islands, such as Wake Island. In those areas occupied by the Navy, the prisoners of war and civilian internees were administered by the Navy Minister and the enforcement of the laws of war in those areas became the responsibility of the Navy, under the directions of SHIMADA and OKA.

ADMINISTRATION OF THE SYSTEM IN JAPAN PROPER

Prisoners of war detained in Japan were under the War Ministry in the same manner as prisoners in other areas, but it is said that the Home Ministry was in charge of the police in Japan and was therefore considered to be the proper Ministry to administer all matters relating to civilian internees in Japan proper. It will be noted that TOJO served as Home Minister from 18 October 1941 to 17 February 1942 and from 25 November 1942 to 6 January 1943. TOJO said that "there was a separate body under the Home Ministry to deal with civilian internees, but I don't know what the name of that was."

For the purpose of defence and military administration, Japan was divided into eight military districts. Each military district was occupied by an army, the commander of which was also the military administrator of the district and in charge of all

prisoner of war camps within his district. The Eastern District embraced the Tokyo-Yokohama Area and was occupied by the 12th Area Army. DOHIMARA commanded that army and administered the district from 1 May 1943 to 22 March 1944 and again from 25 August 1945 to the time of the surrender on 2 September 1945. The Chugoku Military District embraced the Hiroshima Area and the western tip of Honshu Island and was garrisoned by the Second Army Corps. HATA commanded that Corps from 7 April 1945 until the surrender on 2 September 1945.

ADMINISTRATION OF THE SYSTEM

IN FORMOSA, KOREA AND SAKHALIN

In the overseas possessions of Japan, which were not in a theater of operations, such as Formosa, Korea and Sakhalin, civilian internees were under the administration of the Ministry of Overseas Affairs, but prisoners of war in those possessions were under the administration of the War Ministry in the same manner as prisoners in other areas. The Ministry of Overseas Affairs was established by Imperial Ordinance of 10 June 1929. That Ordinance provided that this Ministry was to control all affairs relating to the Korea Governor-General's Office, the Formosa Governor-General's Office, the Kwantung Administration Office and the South Seas Administration Office. To provide for the major wartime reorganization of the Japanese Government, this Ministry was abolished in 1943 and its functions divided and transferred to the Ministry of Home Affairs, and the Ministry of Greater East Asia. TOGO was Minister of Overseas Affairs from 18 October 1941 to 2 December 1941.

ADMINISTRATION OF THE SYSTEM
IN THE OCCUPIED TERRITORIES

The Ministry of Greater East Asia was created by Imperial Ordinance on 1 November 1942. That Ordinance directed that "the Minister of Greater East Asiatic Affairs shall administer the execution of various political affairs, excepting purely diplomatic affairs, concerning Greater East Asia, which is hereinafter defined as excluding Japan proper, Korea, Formosa and Sakhalin. The Minister of Greater East Asiatic Affairs shall superintend affairs concerning the Kwantung Bureau and of the South Seas Government Office. There shall be instituted in the Ministry of Greater East Asiatic Affairs the following four Bureaux: The General Affairs Bureau, the Manchurian Affairs Bureau, The Chinese Affairs Bureau and the Southern Area Affairs Bureau." This Ministry was organized to govern all areas which had fallen or might fall under the military power of Japan, except Korea, Formosa and Sakhalin. The Ordinance further provided, "To extend cooperation to the Army and the Navy, the Ministry of Greater East Asiatic Affairs shall conduct affairs concerning administration of the occupied areas within the Greater East Asia Area." The first Minister was Aoki, who was followed by SHIGEMITSU who took over this Ministry on 20 July 1944 and served in that capacity until 7 April 1945, when he was succeeded by TOGO who held the office until 16 August 1945.

ACCUSED WHO ADMINISTERED THE SYSTEM
IN THE OCCUPIED TERRITORIES

UMEZU became Commander-in-Chief of the Kwantung

Army on 7 September 1939 and served in that capacity until 18 July 1944. He was the virtual ruler of Manchukuo and was directly responsible for the treatment of prisoners of war and civilian internees in Manchuria. HATA was Commander-in-Chief of the Japanese Expeditionary Force in China from 1 March 1941 to 22 November 1944. On 11 March 1943, KIMURA resigned as Vice-Minister of War; he was appointed Commander-in-Chief of the Japanese Army in Burma on 30 August 1944 and served in that position until the surrender. During his tour of duty in Burma he put into practice the policies which he helped to develop during his term of office as Vice-Minister of War. He first established his headquarters at Rangoon. At this time atrocities occurred in that area, at Hsinaw, Noksokwin Reserve Forest, Henzede, Ongun Cemetery, Tharrewaddy and at the Kemprital Jail in Rangoon. At the end of April 1945, KIMURA moved his headquarters to Moulmein. Thereafter atrocities occurred at or near Moulmein. The entire population of Kalegon, a village 10 miles from KIMURA's headquarters, was massacred on 7 July 1945 under order of his field officers. Massacres occurred in Moulmein after KIMURA's arrival; the Kemprital became more inhumane in their treatment of Burmese and the internees in the camp at Tavoy were starved and beaten.

FUTO made an inspection trip to the southern Regions from 20 March 1942 to 12 April 1942; he visited Formosa, Saigon, Bangkok, Rangoon, Singapore, Palembang, Java, Manila and other places. He returned to Tokyo and was appointed Commander of the Imperial Guards

Division on 20 April 1942 and stationed in Northern Sumatra. He was the Japanese military commander in Northern Sumatra, with his headquarters at Medan until 12 October 1944, when he was transferred to the Philippine Islands. During his term of office as such commander, he put into practice the policies which he advocated as Chief of the Military Affairs Bureau of the War Ministry in Tokyo. In the area occupied by his troops in Northern Sumatra, some of the most disgraceful atrocities of the war were committed. Prisoners of war and civilian internees were starved, neglected, tortured, murdered and otherwise mistreated and civilians were massacred. The laws of war were ignored. MUTO further demonstrated his disregard for the laws of war upon his transfer on 12 October 1944 to become Chief-of-Staff of the 14th Japanese Army in the Philippine Islands under General Yamashita. On the night of 20 October 1944, MUTO arrived at Fort McKinley in the Philippines to assume his duties as Chief-of-Staff to General Yamashita. He held that assignment until the Japanese surrender in September 1945. During his tenure as such Chief-of-Staff, a campaign massacre, torture and other atrocities was waged by the troops under Yamashita and MUTO on the civilian population of the Philippines including the massacres in Batangas and massacres and other atrocities at Manila. These bore the same features and followed the pattern set eight years earlier at Nanking when MUTO was a member of MATSUI's staff. During this period prisoners of war and civilian internees were starved, tortured and murdered.

DOHIHARA commanded the 7th Area Army

at Singapore from 22 March 1944 until he was relieved by ITAGAKI on 7 April 1945 to become Inspector-General of Military Education. During his period of command prisoners of war were treated as common criminals, starved, tortured and otherwise ill-treated. After ITAGAKI assumed the command of the 7th Area Army at Singapore, there was no improvement in the condition of the prisoners of war under the jurisdiction of that Army. During June and July 1945, while he was in command, no less than 17 Allied airmen were taken from their cells in the Outram Road Gaol and murdered.

ALLIED PROTESTS

Formal and informal protests and warnings against violations of the laws of war lodged by the Allied Powers and the Protecting Power during the Pacific War were ignored; or when they were answered, the commission of the offenses was denied, or untruthful explanations were given.

The procedure followed in Tokyo was described to us as follows: Formal protests from the Allied Powers and the Protecting Power were regularly delivered to the Foreign Ministry. The Foreign Ministry then circulated copies of these protests to the Ministries and Bureaux of the Japanese Government concerned. All protests concerning matters under the jurisdiction of the War Ministry and the Prisoner of War Information Bureau were first delivered to the Secretariat of the War Ministry. The Secretariat forwarded the protests to the Military Affairs Section of the Military Affairs Bureau. MUTO was Chief of this bureau from 30 September 1939 to 20 April 1942. SATO was Chief of this Section from 15 July 1938 until he replaced MUTO as Chief of the Military Affairs Bureau in 1942. SATO served as Chief of the Military Affairs Bureau until 14 December 1944. The Military Affairs Section discussed

the protest with the various sections of the Military Affairs Bureau concerned, such as the Prisoner of War Administration Section or the Prisoner of War Information Bureau. The protest was then taken up and discussed at the bi-weekly meetings of the Bureau Chiefs of the War Ministry which were usually attended by the War Minister and Vice-Minister of War. At these meetings, it was decided whether a reply would be made to the protest and the nature of the reply to be made. The Director of the Prisoner of War Administration Section, who was also the Director of the Prisoner of War Information Bureau, attended these discussions and received orders on important matters direct from the War Minister and the Vice-Minister; he furnished copies of the protests and the replies to be made thereto to the Prisoner of War Information Bureau for filing. This was the practice even when the copies of the protests were addressed to the War Minister or the Prisoner of War Information Bureau.

In addition to formal protests, radio broadcasts were regularly made over Allied stations detailing the atrocities and other violations of the laws of war being committed by the Japanese armed forces and warning the Japanese Government that it would be held responsible for these offenses. These broadcasts were monitored by the Japanese Foreign Ministry and distributed to all ministries, bureaux and officials concerned. Lord Keener of the Privy Seal KIDO recorded in his diary on 19 March 1942 that: "The Imperial Household Minister came to the office and told me about Eden's address in Parliament concerning our soldiers' atrocities at Hong Kong, and we exchanged opinions."

The formal protests delivered were too numerous for detailed mention here. In general, it may be said that these protests related to the violations of the laws of war which we have mentioned as well as to many others. In each case, specific and detailed facts were stated which permitted complete investigation. The same thing may be said of the protests and warnings delivered over the radio.

We will mention here, by way of illustration only, some of these protests and warnings. As early as 14 February 1942, the United States Government delivered a note through the Swiss Government stating that it had received reports that the Japanese authorities in the occupied areas of the Philippines were subjecting American civilians to an extremely rigid and harsh regime involving abuse and humiliation and that the American Government desired assurances that immediate steps had been taken to remedy the situation and to accord to American in the Philippines moderate treatment similar to that being extended to Japanese nationals in the territories of the United States. Foreign Minister TOGO replied on 24 February 1942 that, "conditions applied to American Nationals in the Philippines by the Japanese authorities are more favorable than contemplated by the Geneva Convention of 1929." This statement was false. He denied that American nationals were being subjected to unfavorable treatment and said that the "Apprehensions of the American Government were based on unknown sources and cited no exact facts and therefore were without foundation."

On 12 December 1942, the United States Government delivered another formal protest. It stated that it

had learned of gross ill-treatment suffered by American civilians and prisoners of war in violation of the commitment of the Japanese Government to apply the provisions of the Geneva Prisoner of War Convention of 1929 to American prisoners of war and, in so far as they might be applicable, to civilian internees. The United States stated that it was evident that Japan had failed to fulfill its undertaking and that some Japanese officers and agencies had violated the principles of that Convention not only by positive ill-treatment but by failure to provide for those American nationals the necessities of life. The United States then lodged an emphatic protest and stated that it expected this inhumane and uncivilized treatment of American prisoners of war and civilian internees to be made a matter of immediate investigation, that it expected those responsible to be disciplined immediately, and that it expected an assurance that ill-treatment of prisoners of war and civilian internees would be discontinued. Specific instances were cited, giving dates and other facts to support this protest. No reply was made to this protest until 28 May 1943, when Foreign Minister HIGEMITSU replied that an investigation was being made and that he would communicate "in due course" when the results of the investigation were known.

In the meantime, on 5 April 1943, the United States had filed another protest against the ill-treatment of the Doolittle fliers. The United States Government warned: "The American Government also solemnly warns the Japanese Government that for any other violations of its undertakings as regards

American prisoners of war or for any other acts of criminal barbarity inflicted upon American prisoners in violation of the laws of warfare, accepted and practiced by civilized nations, as military operations now in progress draw to their inexorable and inevitable conclusion, the American Government will visit upon the officers of the Japanese Government responsible for such uncivilized and inhumane acts the punishment they deserve."

A large number of specific protests was lodged by the United States with Foreign Minister SHIGEMITSU before he finally answered, on 24 April 1944, the protest of the United States which had been made on 12 December 1942. In that reply, he indicated that the investigation, which he had mentioned in his Note of 28 May 1943, had been completed, and that he had a report thereon. He accused the Government of the United States of "distorting and exaggerating the facts" and rejected the protest; he went to great length to set out what he claimed to be the facts as disclosed by the so-called investigation. The United States replied to this accusation on 1 March 1945 by a note reading: "The United States Government cannot accept a statement by the Japanese Government impugning its veracity. The United States Government's protest concerning treatment accorded by Japanese authorities to American nationals in Japan and Japanese occupied territory is based on documentary evidence, which cannot be refuted in such an arbitrary fashion by the Japanese Government. The statements contained in the Japanese Government's reply of 24 April 1944 are so far removed

"from the facts as known to the United States Government
"that it can only conclude that the Japanese Government
"has permitted itself to be misled by fabricated reports
"of local officials and had not made an independent
"investigation of the matters protested in the United
"States Government's Note of 12 December 1942. The
"United States Government therefore considers the reply
"unsatisfactory and will continue to hold the Japanese
"Government answerable."

British protests were treated in the same fashion as those from the Government of the United States. An illustration is afforded by the protests and answer regarding the treatment of prisoners of war in Rangoon Gaol. On 8 July 1942, the British Government caused a protest to be delivered to Foreign Minister TOGO in which it was stated that a photograph had appeared in the Japan Times and Advertiser, a newspaper published in Tokyo, which showed British prisoners of war cleaning the streets of Rangoon under the amused eyes of the public. The protest was renewed on 1 August 1942. On 15 September 1942, the British Government further protested that the prisoners in Rangoon Gaol were furnished insufficient rations, that they were forced to sleep on the bare floors of the prison and that their boots had been confiscated. TOJO acted as Foreign Minister from 1 September 1942 to 17 September 1942; and while occupying that office received a Note calling his attention to the foregoing protests. On 9 February 1943, Foreign Minister Tani, who had replaced TOJO as Foreign Minister replied, "the competent authorities have stated after having made a full inquiry that the

"facts stated in said letters never happened."

The protests of the British Government against the treatment of British prisoners of war in Burma and Siam received similar treatment. The British Government protested on 4 July 1944 in a Note delivered to SHIGEMITSU that it had learned from postcards printed by the Japanese authorities that about twenty thousand British prisoners of war had been transferred to the vicinity of Moulmein without notification. It also protested against the unfavorable conditions and ill-treatment to which these prisoners were subjected. SHIGEMITSU replied on 26 August 1944 that the "majority of British and Allied prisoners of war, who were in Burma on 4 July 1944 were prisoners who had been attached to camps in Thailand and Malaya and had been provisionally transferred to Burma." SHIGEMITSU replied on 3 October 1944 to further protests from the British Government relative to the health of prisoners laboring in Burma and Siam. In that reply he said: "The Imperial Government, by exercising great vigilance as to the health and hygiene of prisoners of war, takes added measures, such as monthly medical examination of each prisoner of war camp, to enable sickness to be treated in the first stage." He then detailed the medical aid which he claimed had been given to the prisoners on the Burma-Siam Railway. The facts stated were entirely false

as the prisoners had not received medical attention and had been dying by thousands from beri-beri, cholera, malaria and other tropical diseases. The true facts were learned when the Rakuyo Maru was torpedoed and sunk in the South China Sea on 12 September 1944. There had been 1300 prisoners of war aboard that unmarked Japanese prison ship. The Japanese picked up the Japanese survivors, but deliberately left the prisoners to their fate. Approximately 100 Australian and United Kingdom survivors were later rescued and taken to Australia and Great Britain. From these prisoners it was learned that all available prisoners of war in Singapore and Java were moved early in 1942 to Burma and Thailand to work on the Burma-Siam Railway project. We have already described the conditions under which they traveled and the terrible conditions during the construction of the railway. SHIGEMITSU was informed of the facts learned from these rescued prisoners of war in a Note from the British Government dated 4 December 1944, renewing the British protests. Forced at last to reply, TOGO, who had succeeded SHIGEMITSU as Foreign Minister, made a belated reply to these protests on 15 May 1945. He said that it was regretted that the situation was such that "the concerted efforts of "all the sanitary services of the Japanese troops cannot "prevent the spread of diseases of the digestive system, "etc." He denied that atrocities had been committed by Japanese troops in Burma and as to the protest against the parading of British prisoners of war in Moulmein,

which we have mentioned, he gave the conventional Japanese answer that it "never happened".

In addition to the disregard shown these former protests, the many protests and warnings given over the radio were completely ignored although these had been regularly recorded in the Japanese Foreign Office and distributed to the various ministries. On 24 January 1944, a report from the United States Government giving the details and results of the Bataan March was broadcast over the British Broadcasting Corporation's network and recorded in the Japanese Foreign Office. Again on 29 January 1944 radio station KQID at San Francisco, California, broadcast White House Secretary Stephen Early's disclosure that the Japanese would not permit the United States Government to send food and supplies to United States and Filipino prisoners. Early said, "The time has come for releasing "the factual reports which have been carefully investigated "and authenticated because we cannot expect to get further "relief to our prisoners now in the hands of the Japanese." This broadcast was recorded in the Japanese Foreign Office. KQID again broadcast on 29 January 1944 statements by United States Secretary of State Cordell Hull and British Foreign Secretary Anthony Eden. Mr. Hull in speaking of the treatment of prisoners of war in Japanese hands stated: "According to the reports of cruelty and "inhumanity, it would be necessary to summon the representatives of all the demons available anywhere and combine their fiendishness with all that is bloody in order "to describe the conduct of those who inflicted those unthinkable atrocities on the Americans and Filipinos."

The vigor of this language was fully justified by the evidence given before the Tribunal. Mr. Eden had stated before the House of Commons that British protests had drawn unsatisfactory results from Japan. He said that the Japanese were violating not only international law but all human, decent civilized conduct. He warned the Japanese Government that in time to come the record of their military atrocities in the war would not be forgotten. Mr. Hull had closed his statement with the remark that the United States Government was assembling all possible facts concerning Japanese treatment of prisoners of war and that it intended to seek full punishment of the responsible Japanese authorities. General MacArthur's General Headquarters issued a warning on 22 October 1944 to the Japanese Commander of the 7th Area Army at Singapore, who had jurisdiction over the Philippine Islands as well as a large segment of the Pacific Area. General MacArthur warned that he would hold the enemy leaders immediately responsible for any failure to accord prisoners of war and civilian internees proper treatment. He said that although the Americans and Filipinos who surrendered in the Philippines believed they would be treated with the dignity, honor and protection to which prisoners of war were entitled under the laws of war, unimpeachable evidence had been received of the degradation and even brutality to which they had been subjected in violation of the most sacred code of martial honor. All of these broadcasts were recorded in the Japanese Foreign Office and given a wide circulation among the Japanese Ministries.

ILL-TREATMENT OF PRISONERS OF WAR
AND CIVILIAN INTERNEES WAS CONDONED AND CONCEALED

The Japanese Government condoned ill-treatment of prisoners of war and civilian internees by failing and neglecting to punish those guilty of ill-treating them or by prescribing trifling and inadequate penalties for the offence. That Government also attempted to conceal the ill-treatment and murder of prisoners and internees by prohibiting the representatives of the Protecting Power from visiting camps, by restricting such visits as were allowed, by refusing to forward to the Protecting Power complete lists of prisoners taken and civilians interned, by censoring news relating to prisoners and internees, and ordering the destruction of all incriminating documents at the time of the surrender of Japan.

The following are examples of inadequate sentences imposed for ill-treatment of prisoners. For flogging, the punishment imposed was admonition or a few days confinement in quarters or a few days extra duty. A guard guilty of torturing prisoners of war was admonished. A guard who was guilty of frequently lynching prisoners of war was admonished. Several guards were found guilty of lynching prisoners of war; the most severe punishment imposed was discharge. The penalty imposed on the officer responsible for the burning alive of 62 Allied fliers during an air raid on the Tokyo Army Prison was an admonition. These cases are evidence that the War Ministry knew there was ill-treatment of prisoners. The trifling nature of the punishments imposed implies condonation.

The Government actively concealed the ill-treatment to which prisoners of war and civilian internees were being subjected by refusing visits by representatives of the Protecting Power designated by the Allies. The Swiss Minister in Tokyo, as early as 12 February 1942, delivered a note to Foreign Minister TOGO in which he said: "I have the honor to bring to the knowledge of Your Excellency that the Government of the United States is prepared to facilitate, at the request of the representative of the Protecting Power, their visits to Japanese subjects who are temporarily detained, interned, or at liberty on parole. I would be greatly obliged to Your Excellency if you would facilitate in part the task of my Legation so far as it concerns visits to internees." He delivered another note to Foreign Minister TOGO on 17 February 1942 in which he said: "The Government of the United States of America has already informed the Spanish Ambassador, protecting Japanese interests in the United States, that he is at liberty to visit prisoners of war camps as well as places where civilian internees are detained. The Government of the United States requests, in conformity with the Geneva Prisoner of War Convention, that the Swiss representatives in Japan and in the territories occupied by Japanese forces be authorized as soon as possible to commence their visits of inspection to places where American citizens, who are prisoners of war or civilian internees, are located." He delivered other notes to TOGO in March and June 1942 repeating those requests. During June 1942 he requested the same

permission to visit the subjects of Great Britain and the Dominions, who were detained as prisoners or internees. TOGO at last replied to these requests on 30 July 1942 by a note in which he said: "I desire to inform Your Excellency that the Imperial Government having in principle refused to recognize the representation of any interests in the occupied territories comprising the Philippine Islands, Hong Kong, Malaya and the Netherlands East Indies, it follows that permission cannot be given to your delegates to visit American prisoners of war and civilian internees in the above-mentioned territories; but that in respect of Shanghai only, in occupied China, the competent authorities can give this permission." The Governments of the United States and Great Britain protested immediately and renewed their requests. The correspondence between the Swiss Minister and Foreign Minister Tani, who succeeded TOGO, reflects that this policy of refusing permission to visit prisoners and internees detained in the occupied territories and in Japan's overseas possessions was continued. The Swiss Minister continued to press for permission, however; and on 22 April 1943, SHIGEMITSU, who had become Foreign Minister, delivered a Note Verbal to the Swiss Minister in which he said: "As the Foreign Minister has communicated to the Swiss Minister by Note dated 20 July 1942, the Imperial Government shall not permit visits to prisoners of war and civilian internee camps in occupied territories." Although the Swiss Minister had been informed by Foreign Minister TOGO that representatives of the Protecting Power would be

allowed to visit camps at Shanghai, the visits were not made because the so-called "competent authorities", to which TOGO referred the Swiss Minister, refused to give permission for the visits and the permission was not forthcoming from the TOJO Cabinet in Tokyo. SHIGEMITSU was informed of this in a note from the Swiss Minister dated 12 May 1943. In response to these persistent and repeated requests from the Swiss Government for permission to visit prisoners of war and civilian internees, a few selected camps, which had been prepared for the occasion, were allowed to be visited in Japan. The Swiss Minister, on 2 June 1943 requested permission from SHIGEMITSU to visit the remaining camps in Japan as well as the camps in the occupied territories, and inquired when a second visit might be made to the camps which had been visited in Japan. Foreign Minister SHIGEMITSU replied on 23 July 1943 and said: "As regards prisoner of war camps in the occupied areas, a notification will be made to Your Excellency if the time comes when permission can be granted; and as regards prisoner of war camps in Japan proper, which have not yet been visited, permission will be granted gradually at a favorable opportunity. Permission for periodic visits to those camps, that have already been visited, shall not be granted in advance; but in case a visit is desired, consideration will be given to applications made on all such occasions." However, consideration was not given to these applications; and on 12 February 1944, the Swiss Minister complained to SHIGEMITSU that no reply had been made to requests to

visit detention camps between August 1943 and February 1944. This complaint was repeated in a note to SHIGEMITSU on 30 March 1944, in which the Swiss Minister said: "You know that I am not satisfied with "my activities as representative of foreign interests "in Japan. The results do not correspond to the "efforts. I can see this in a concrete fashion as "shown by the statistics of my services and requests "which have been made by my Government at the request "of the Governments who have confided their interests "in us. I desire to confine myself for the moment "to my requests to visit prisoner of war camps. "Reviewing my requests made over more than two years, "I find that from 1 February 1942 to 15 March 1944, "I have intervened 134 times in writing. These 134 "notes have brought exactly 24 replies from the Foreign "Ministry. Most of these replies are either negative "or forward to me decisions made by competent author- "ities. I have received three replies in nine months." It was not until 13 November 1944 that he was notified by SHIGEMITSU's Foreign Ministry that the time had come when permission could be granted to visit prisoners of war and internees in the occupied territories; and then the visits were limited to Manila, Shonan and Bangkok. In a note addressed to the Swiss Minister in Tokyo on 17 November 1944, SHIGEMITSU informed the Swiss Minister that visits would be allowed to prisoner of war camps in the occupied territories on condition of reciprocity if they did not interfere with military operations. The Swiss Minister in a note dated 13 January 1945, asked SHIGEMITSU when these visits could be commenced. It was not until 7 April

1945, that TOGO, who had succeeded SHIGEMITSU as Foreign Minister, replied to the many urgent requests to visit detention camps in the occupied territories. In that reply, TOGO stated that Japan "would lose no "time" in making preparations for visits in Thailand. By the use of one excuse or another, visits were never freely allowed throughout the war.

In the few cases where the representatives of the Protecting Power were allowed to visit detention camps, the camps were prepared for the visit, and the visits were strictly supervised. Regulations issued by the TOJO Cabinet early in the Pacific War provided that when an interview with a prisoner of war was authorized restrictions regarding the time and place of the interview and the range within which the conversation was to be conducted would be imposed and that a guard would be present during the interview. These regulations were enforced notwithstanding the repeated objections of the Protecting Power. In a note to the Swiss Minister, dated 22 April 1943, SHIGEMITSU said: "The "Imperial Government shall not allow delegates of the "Protecting Power to interview prisoners of war without "the presence of a guard." The Swiss Minister protested and SHIGEMITSU replied on 24 June 1943: "The Ministry "hastens to inform the Legation that Article 13 of our "country's detailed regulations stipulates that a "guard shall be present when prisoners of war are "interviewed, and that it is not possible to modify "our treatment of prisoners of war practiced in "conformity with the said Article." After a visit to the prisoner of war camp at Motoyama in Japan in the

spring of 1943, the senior prisoner at the camp, who had dared to complain of the working conditions to which the prisoners had been subjected, was tortured. He was forced to kneel for five hours before a Japanese guard. The next time this camp was visited, this senior prisoner was placed in confinement and was not allowed to speak to the representative although that representative demanded to interview him.

The fate of prisoners of war and civilian internees was further concealed by refusal to forward to the Protecting Power a list of the names of prisoners of war and civilian internees detained. An example of the refusal to supply such lists is the case of the prisoners of war and civilian internees detained after the capture of Wake Island. The Swiss Minister on 27 May 1942 requested of TOGO the names of the prisoners of war and civilian internees captured on Wake Island and their present whereabouts. On 6 October 1942, the Swiss Minister informed the Foreign Minister, then Tani, that the United States Government was still without report on approximately 400 American civilians who were on Wake Island at the time of its capture. On 8 April 1943, the list not having been furnished, the Swiss Minister informed Foreign Minister Tani that the United States Government was insisting upon being furnished the names and location of the remaining 400. Foreign Minister Tani replied on 19 April 1943 that all information to be furnished had already been given. On 21 August 1943, the Swiss Minister furnished the new Foreign Minister SHIGEMITSU a list of 432 American civilians who should have been

on Wake Island at the time of its occupation by the Japanese forces, but whose names were not found on the lists furnished to the International Red Cross Bureau by the Japanese, and requested information regarding those civilians. On 15 May 1945, the Swiss Minister informed Foreign Minister, now TOGO, that no answer had been received to the request for information regarding the remaining 432 civilians from Wake Island. The information was not obtained until after the surrender of Japan. In truth, all these unfortunate people were murdered by the Japanese Navy in October 1943.

News reports and mail were specially censored, no doubt to prevent disclosure of the ill-treatment to which prisoners of war were being subjected. Censorship regulations issued by the Information Bureau of the War Ministry on 20 December 1943, while TOJO was War Minister, provided among other things the following: "Care should be taken to avoid issuing twisted reports of our fair attitude which might give the enemy food for evil propoganda and bring harm to our interned brothers. For this reason, any reports including photographs, pictures, etc., which come under the following categories are prohibited: Anything that gives the impression that prisoners of war are too well treated or are cruelly treated; any concrete information concerning facilities, supplies, sanitary conditions, or other matters pertaining to living conditions within prisoner of war camps; any information giving the names of any location of prisoner of war camps other than the following:" Then followed twelve general names

such as Tokyo, Korea, Borneo, etc. The mail which prisoners of war were allowed to send was restricted almost to the point of prohibition. Prisoners in some camps, such as those at Singapore, were told by their guards that unless they reported favorably on conditions at the camp their cards would not be sent. This appears to have been the general rule.

When it became apparent that Japan would be forced to surrender, an organized effort was made to burn or otherwise destroy all documents and other evidence of ill-treatment of prisoners of war and civilian internees. The Japanese Minister of War issued an order on 14 August 1945 to all Army headquarters that confidential documents should be destroyed by fire immediately. On the same day, the Commandant of the Kempeitai sent out instructions to the various Kempeitai Headquarters detailing the methods of burning large quantities of documents efficiently. The Chief of the Prisoner of War Camps under the Prisoner of War Administration Section of the Military Affairs Bureau sent a circular telegram to the Chief-of-Staff of the Formosan Army on 20 August 1945 in which he said: "Documents which would be unfavorable for us in the hands of the enemy are to be treated in the same way as secret documents and destroyed when finished with." This telegram was sent to the Korean Army, Kwantung Army, North China Army, Hong Kong, Mukden, Borneo, Thailand, Malaya and Java. It was in this telegram that the Chief of Prisoner of War Camps made this statement: "Personnel

"who ill-treated prisoners of war and internees or who
"are held in extremely bad sentiment by them are per-
"mitted to take care of it by immediately transferring
"or by fleeing without trace."