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Yamashita, Tomoyuki, 1885-1946, defendant.
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BEFORE THE
MILITARY COMMISSION
convened by the
COMMANDING GENERAL
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA)

-vs-)

TOMOYUKI YAMASHITA)
-----)

PUBLIC TRIAL

High Commissioner's Residence,
Manila, P. I.
28 November 1945

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL RUSSEL B. REYNOLDS, Presiding Officer
and Law Member
MAJOR GENERAL LEO DONOVAN
MAJOR GENERAL JAMES A. LESTER
BRIGADIER GENERAL MORRIS C. HANDWERK
BRIGADIER GENERAL EGBERT F. BULLENE

APPEARANCES:

(Same as heretofore noted)

REPORTED BY:

E. D. CONKLIN
L. H. WINTER
M. M. RACKLIN

I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Shigemasa Sunada	3482	3497		
Hiromu Hosoda	3500	3502	3506	
Kensuke Sakasaki	3509			
Tsutomu Nishiyama	3513	3517		
Tomoyuki Yamashita	3518			

EXHIBITS

<u>DEFENSE EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
CC	3488	3492
DD	3493	3494

P R O C E E D I N G S

GENERAL REYNOLDS: The Commission is in session. You may proceed.

MAJOR KERR: Sir, all members of the Commission, the Accused and Defense Counsel are present.

GENERAL REYNOLDS: Defense may proceed.

MAJOR GUY: If the Commission please, Colonel Takayama was on the stand, I believe, at the conclusion of the testimony last night, and is available in the event any more examination is desired.

MAJOR KERR: We have no cross examination, sir.

GENERAL REYNOLDS: He may be considered dismissed.

MAJOR GUY: Call Mr. Sunada.

GENERAL REYNOLDS: Any occasion for this delay?

MAJOR GUY: The witness is coming now, sir.

SHIGEMASA SUNADA

called as a witness on behalf of the Defense, being first duly sworn through Interpreter Yorioka, was examined and testified as follows through Interpreters Major Pratt, Sergeant Yorioka and Sergeant Ochi:

DIRECT EXAMINATION

Q (By Major Guy) You will state your name.

A Shigemasa Sunada.

Q Where do you live, Mr. Sunada?

A (Through Interpreter Yorioka) Karuizawa, Nagano Ken.

Q And what is your business or profession?

A I am a lawyer.

Q Have you been a member of the Japanese Diet?

A Yes, I have been a member of the Japanese Diet for 25

years since I was 35 years old.

Q And what district in Japan do you represent in the Japanese Diet?

A I represented the metropolis of Kobe.

Q Now, Mr. Sunada, do you know General Yamashita?

A Yes, I do.

Q When did you first meet him?

A When General Ugaki started his disarmament conferences, I was one of the members of the committee. I worked between the Minister of War and the Diet. At that time, I met with the representatives of the Army who came to formulate this armament reduction plan, and at that time General Yamashita was a Lieutenant Colonel, and I have known him since then.

Q Well, what part did General Yamashita play in this reduction-of-arms program?

A General Yamashita was serving in the capacity of formulating this reduction plan.

Q Mr. Sunada, are you acquainted with or do you know General Yamashita's reputation as an army officer, amongst the people of Japan? Just answer yes or no.

A Yes, I do.

Q Will you state what that is?

A Among the Army men, General Yamashita was known as a man of high virtue, and a man of the utmost integrity.

Q What was his reputation as a disciplinarian?

A General Yamashita was a man who demanded discipline among his men.

Q Now, Mr. Sunada, did you have occasion to serve with General Yamashita at Singapore?

A Yes, I have.

Q And when did you go to Singapore?

A I went to Singapore the year following the outbreak of the war, and the date was March 5. I stayed there for three years and three months.

Q What were your duties in Singapore?

A I represented the citizens of Japan, and regarding the policies of General Yamashita I expressed my opinion and my views.

Q When did General Yamashita leave Singapore?

A This was in June 1942.

Q And do you know where he went from Singapore?

A He left as a commanding officer of Manchuria.

Q Did he go through Tokyo at that time, if you know?

A It was the desire of all his colleagues that General Yamashita should stop enroute at Tokyo, but he was not able to do this and directly went to Manchuria.

Q Now, do you know why he did not get to go through Tokyo?

A This I cannot -- I do not know.

Q Was he ordered to go directly --

INTERPRETER YORIOKA: He said, "However --"

MAJOR GUY: Oh, I am sorry.

A (Through Interpreter Yorioka, continuing) -- from the public discussions, it was rumored that General Yamashita did not see eye to eye with the Minister of War at that time, so it was not the desire of the Minister of War that General Yamashita should stop enroute at Tokyo.

Q And who was the Minister of War?

A Tojo. He was Tojo.

Q Now, Mr. Sunada, was the Japanese victory at Singapore celebrated in Japan?

A The stronghold of Singapore fell on February 15, and on February 18 the whole populace celebrated by raising flags and carrying on a joyous celebration.

Q Now, do you know whether or not a celebration was held by the Japanese troops in Singapore itself?

A I met General Yamashita later, and as there was such a celebration within Japan proper I asked him about the condition at Singapore. General Yamashita said that at that time he told his troops that, as the war was not over, it was not the correct time to celebrate; and furthermore, there were more than 100,000 allied prisoners. So it was felt that it was not proper to celebrate the fall of Singapore at that time, and so instead a celebration of -- strike that -- a ceremony for the more than 3000 dead or injured was sponsored.

Q Now, in connection with this memorial service was a monument erected to the Japanese dead? Just answer yes or no.

A Yes.

Q Now, state whether or not General Yamashita also ordered the erection of a monument to the British?

A I went to General Yamashita about the place where this memorial was to be made and this place was Bukitema Road. At that time General Yamashita said, "That as there are no one here to commemorate the English dead it is very proper to set up a similar monument for the English." So a cross-shaped monument was put up at the very spot and it is still there. This monument was in commemoration of both British and Australian troops.

Q About when was that that these two monuments were erected?

A These monuments were completed about one month before General Yamashita left Singapore, so General Yamashita attended or visited these monuments and put flowers on them.

Q Now, Mr. Sunada, what was General Yamashita's reputation as being either an extremist or a moderate?

A He is of the moderate clique.

Q And what was his reputation as to being either in favor or disfavor with General Tojo?

A I believe he was in opposition to General Tojo's policies.

Q All right.

MAJOR GUY: Sir, I am now going to address some questions to the witness concerning two additional witnesses

whose statements I have here, the purpose of the examination being to identify these witnesses whose statements I have here and whom we could not for various reasons have here from Japan.

This part of the examination is for that purpose.

GENERAL REYNOLDS: Very well.

Q (By Major Guy) Mr. Sunada, you have previously in your testimony referred to General Ugaki. Do you know General Ugaki?

A Yes, I do.

Q How long have you known General Ugaki?

A Almost forty years.

Q Will you tell us briefly who General Ugaki is?

A General Ugaki is known among the Japanese military men as one of the moderate party. This moderate party favored that the Japanese armaments should be just sufficient to maintain the national defense.

Q And was General Ugaki twice War Minister of Japan?

A Yes, he was twice Japanese Minister of War.

Q Can you tell us the years, approximately the years when he was War Minister?

A I cannot remember the exact dates, but I believe it was around or about ten years ago.

Q And the first time was in 1924, isn't that right?

A Yes.

Q Was he also Foreign Minister for a time in the cabinet of Prince Konoye?

A Yes, he served in the cabinet of Prince Konoye for a while.

Q Do you know whether or not General Ugaki was at one time called upon by the Emperor to form a cabinet and become Premier himself?

A Yes, he was.

Q Do you know whether or not he succeeded in forming the cabinet?

A No, it was not successful.

Q Will you tell us why?

A The army extremists opposed him at that time and in the Japanese laws an active Lieutenant General or a General must serve in the post of Minister of War. Because of this opposition from the army extremists this position of the Minister of War could not be filled and the cabinet could not be formulated.

Q This is the same General Ugaki under whom General Yamashita served in the War Ministry, as you have previously testified?

A Yes, it is the same person.

Q Do you know why General Ugaki could not come down from Tokyo with the rest of the witnesses?

A Yes, I have heard.

Q And what was that?

A General Ugaki greatly desired to come down here to serve as a witness but at Naguoka General Ugaki was taken ill and he was very regretful of it.

MAJOR GUY: Will you mark this as our next exhibit?

(Statement of General Ugaki
was marked Defense Exhibit CC
for identification.)

Q (By Major Guy) Showing you this document marked Defendant's Exhibit CC, I will ask you to state whether or not that is the signature of General Ugaki?

A There is no mistake about it.

Q Did you see him sign that document?

A I did not see him sign it but I have known him for a very long time; there is no mistake that this is his signature.

Q You know that that is his signature?

A Yes, I do know it.

MAJOR GUY: I will now offer into evidence, as Defense Exhibit CC, the statement of General Kazushige Ugaki.

GENERAL REYNOLDS: The exhibit may be read.

MAJOR GUY: "Statement of General Kazushige Ugaki.

"My name is Kazushige Ugaki. I am a retired general in the Japanese Army and reside at Naguoka, Shizuoka prefecture, Japan.

"I have known General Yamashita since the year 1924, at which time I was Minister of War and was engaged in the task of starting the reduction and reorganization of the Japanese Army. General Yamashita, who was then a Major, was assigned to the War Ministry. I then went out as War Minister but in 1929 came back in again as War Minister and General Yamashita, then a Lieutenant Colonel, was again in the War Ministry as a member of the Military Affairs Bureau of the War Office. He has been in the Bureau under the previous administration and stayed on under me. For a period of five years I was Governor General of Korea and

General Yamashita served there as a Brigade Commander in 1936 and 1937. I have not retired from the army and public life but have kept in touch at various times with General Yamashita. Due to my long association and contacts with him, I feel I know him intimately. I know his reputation both for his personal life and his professional life. His personal reputation is that he is a strong character, clean and honest and of a kindly and gentle disposition. His professional reputation is that he is an excellent and energetic soldier and a firm but fair disciplinarian and liked and admired by his subordinates. He is regarded as a general who has no political ambitions.

"During the period of time I was War Minister, I took the position that the Japanese Army should be reduced in size but that, at the same time, it should be modernized and mechanized. It was my policy that the army should be large enough only for the defense of the empire and not for any aggression. I started that program during my first tour of duty as War Minister in 1924 and then finished it up during my second tour in 1929-1930. General Yamashita assisted in the preparation of the plans for the reduction of the army and the plan was carried through the Diet even though strongly opposed by certain factions, cliques and the military. General Yamashita's views, concerning the army reorganization and military policy coincided with my own. After resigning my post as Governor-General of Korea I received an order from the Emperor to form a cabinet but I could not do so because of the objection from factions, especially in the military, who had not forgotten that the

army was reduced at my behest. Later, when Prince Konoye was called upon to form a cabinet and I was designated in that cabinet as Foreign Minister. As such I came forward with the policy that the so-called 'China incident' should be settled and that peaceful relations should be established with China. I was able to stay on as Foreign Minister only about five months and was forced to resign because of opposition within the nation and certain groups and factions who were against my policy of restoring immediate peace between Japan and China. During the period of my office, however, I kept up relations with China and advocated the policy of friendly relations with the British Empire and the United States and maintained close association with the British Ambassador, Mr. Craigie, and the American Ambassador, Mr. Grew.

"General Yamashita was not at any time associated with any of the cliques, factions, or groups, that I have referred to as having opposed my policies. It was my idea that there should be cooperation between all countries rather than war but my opponents believed that Japanese policy should be based on military might. I believe that General Yamashita shared by views and opinions on matters of foreign policy as well as on the army reorganization. He is well thought of by the people and is the type of man needed for the future of the country.

"K. Ugaki

"KAZUSHIGE UGAKI.

"Dated at Tokyo, Japan, this
day of November 1945.

"Sadao Otake
"Witness.

"Subscribed and sworn to before me this
3rd day of November 1945.

"Henry P. Andre

"Capt. JAGD."

GENERAL REYNOLDS: Are there comments by the
Prosecution?

MAJOR KERR: Merely this, sir, the Prosecution
notes that this statement is by a man who for a period of
five years served as Japanese Governor-General of Korea
and further, the statement points out that the Accused
served as a Brigade Commander in Korea.

GENERAL REYNOLDS: The comments of the Prosecution
are noted. The document is accepted by the Commission for
such probative value, if any, as it shall be deemed to
possess.

(Defense Exhibit CC for
identification was received
in evidence.)

Q (By Major Guy) Mr. Sunada, do you know General Umezu?

A Yes, I do.

Q And how long have you known General Umezu?

A I have known him from 15 to 16 years hence.

Q Have you been related to General Umezu by marriage?

A I am not a relation of General Umezu but I am of General Ugaki.

Q Will you tell us briefly who General Umezu is?

A Toward the last part of the war General Umezu was Chief of Staff -- Chief of the General Staff. Before that he was commander in chief of the Kwangtung Province -- commanding general of the Kwangtung Army.

Q Has he long held important positions in the Japanese Army?

A Yes, he has.

Q And what position is he now holding, if you know?

A He was chief of the General Staff but, as the army has been dissolved, I do not know in what position he is serving now.

MAJOR GUY: Mark this for identification, please.

(Statement of Yoshijiro Umezu
was marked Defense Exhibit
No. DD for identification.)

Q (By Major Guy) Mr. Sunada, handing this document marked Defense Exhibit DD, I will ask you whose signature that bears.

A This is the signature of General Umezu.

Q Do you know his signature?

A I do not know his signature, but I actually saw him sign this at the offices of General MacArthur.

Q In Tokyo?

A In Tokyo.

MAJOR GUY: I now offer in evidence the statement of General Umezu identified as Defendant's Exhibit DD.

GENERAL REYNOLDS: Are there any comments by the Prosecution?

MAJOR KERR: Yes, sir. We note with interest, sir, that the man whose statement is offered in evidence for a period of five years was commander in chief of the Kwangtung Army in Manchuria and thereafter was appointed chief of the Army General Staff, a post which he continued to hold until termination of the war.

GENERAL REYNOLDS: The document may be read by the Defense.

(Defense Exhibit No. DD for identification was received in evidence.)

MAJOR GUY: "Statement of General Yoshiji Umezu.

"My name is Yoshiji Umezu. I am general in the Japanese Army and reside in the City of Tokyo, Japan. I was originally commissioned in the army in 1904 and assigned to the Infantry. Thereafter I had company, regimental, brigade and divisional commands as well as various tours of staff duty. For a period of time I was in command of the Japanese army at Tientsin in China and for a period of five years was Commander in Chief of the Kwangtung Army in Manchuria. I was relieved of this assignment last year and was appointed Chief of the Army General Staff, a post which I continued to hold until the termination of the war. I have known General Yamashita for about thirty years and

at several times in our careers we have served together and I feel that I know him intimately. He served with me as a Captain in Switzerland and as an Assistant to the Military Attache and also with me in the Ministry of War. I am acquainted with his general reputation and will state that General Yamashita bears a reputation as being a man of excellent character and of being an able soldier and officer.

"In 1941 General Yamashita headed a Japanese army mission to Germany, the purpose of which was to study the German military establishment and to ascertain how the Germans had succeeded in building up such a strong military force. General Yamashita returned from Germany in July, 1941 and stopped off in Manchuria where I was then stationed and visited me. He told me that Japan needed much reorganizing and that her armed services needed much improving before she would be ready for a major war. He particularly mentioned improvement of the Air Force and mechanization and motorization of the ground forces.

"General Yamashita had no connection with any political ambitious group or clique, supposing that such a clique did exist, as is evidenced by the fact that he was not in Tokyo, except for very short periods, during the last ten years. I am also aware of the grouping of Japanese Generals in the mind of the American public as 'political' generals and otherwise. General Yamashita was not a political general as he spent most of his time either in the field with troops or away on military affairs duties in other countries.

"At no time was any policy directive or order issued

by any high Japanese War Offices directing or authorizing any Japanese troops to engage in any excesses such as murder or massacre of civilians and the unnecessary destruction of property or the mistreatment of prisoners of war. If any such directive had been issued I am sure that I would have known it.

"I believe, in 1929 General Ugaki was War Minister and at that time General Yamashita -- then a Lieutenant Colonel -- was in the War Office and in accordance with Ugaki's policy of reduction of the army, Yamashita assisted in the preparation of the plan for this reduction of the Japanese army by four divisions.

"After the successful conclusion of the campaigns against Malaya and Singapore, General Yamashita in the course of discussions of the war stated to me 'General, we went in the wrong direction in this war' I gathered that he felt that our participation in the war had been unwise and he also stated that we should not have started the Japanese-American war.

"As an illustration of the kindly and gentle nature of the man I wish to point out an instance. When General Yamashita returned from Germany he brought me a gift and one might have expected from such a soldier to receive a sword or some weapon indicative of the military profession. Instead of that he brought me a beautiful little statue of a little girl, sitting on a bench. He seemed to think that the statue was very pretty and evidenced great pleasure in presenting it to me.

"When I learn of the charges now pending against

General Yamashita, knowing him as I have for many years, I cannot believe he would order any such things to be done or would condone his subordinates doing such things, or would he permit such things to happen if it were in his power to stop them.

(signed) "Yoshijiro Umezu
Yoshijiro Umezu

"Dated at Tokyo, Japan, this
day of November 1945.

(signed) Sadao Otake
Witness

"Subscribed and sworn to before
me this 3rd day of November 1945

(signed) Henry D. Andre
Capt., JAGD "

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

The Commission will recess for approximately ten minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session.
You may proceed.

MAJOR GUY: Defense has no further questions of this witness.

GENERAL REYNOLDS: Cross examination?

CROSS EXAMINATION

Q (By Major Kerr) You were with Yamashita in the Philippines?

A No.

Q The Kwantung Army in Manchuria, the leaders of that army were the most extreme militarists of Japan, were they not?

A I do not believe that all the leaders of Kwantung Army were radicals.

Q As a group, though, as a whole, they were the most extreme militarists, were they not?

A It is not so.

Q This man Umezu -- or how do you pronounce that?

LIEUTENANT ASANO: "Umezu".

Q (By Major Kerr, continuing) -- Umezu; is it not a fact that he organized and controlled the Japanese underground movement in China?

A (Through Interpreter Asano) No. Duties of General Umezu did not call for such matters.

Q How do you know they did not?

A General Umezu had been in the Imperial General Staff, and at other times was a Vice Minister of War; therefore, he did not have much to do in underground movements or such action in China.

Q You base your answer entirely upon the fact that he held those two positions?

A General Umezu was not very well versed in matters regarding China, and therefore he didn't have much to do with affairs of China.

Q Did the Kwantung Army keep the Japanese Diet informed as to its plans and operations?

A No, there were no reports submitted to the Imperial Diet by the Kwangtung Army, and it is customary for any

such matters from any unit to go to the War Ministry.

Q How long were you with Yamashita in Malaya?

A I was with General Yamashita in Malaya for about three or four months. However, I stayed in Malaya for more than three years.

Q During what period of time, between what dates, were you with him there?

A I was with General Yamashita since March 5 to sometime in June, until he left for Manchuria.

Q In other words, you were not in Malaya when Singapore fell?

A Yes, I wasn't there. The fall of Singapore was February 15.

Q So that it was almost three weeks after the fall of Singapore before you reached Malaya?

A Singapore fell on the 15th of February, and I arrived there the 5th of March.

Q Where were you before you went to Singapore?

A In Tokyo.

MAJOR KERR: That is all.

GENERAL REYNOLDS: The witness is dismissed.

MAJOR GUY: No further questions by Defense.

(The witness made a statement in the Japanese language)

GENERAL REYNOLDS: Do not translate what he said.

Although the witness has already been dismissed when he started to make his statement, the Commission desires to hear what was said. You may translate it.

LIEUTENANT ASANO: "At this moment, I have a request to make to the Commission, and I wish to speak regarding

this trial about the public opinion in Japan."

GENERAL REYNOLDS: That will terminate the translation.
The witness is dismissed.

(Witness excused)

HIROMU HOSODA

called as a witness on behalf of the Defense, being first duly sworn through Interpreter Asano, was examined and testified as follows through Interpreters Major Pratt, Lieutenant Asano, and Sergeant Yajima:

DIRECT EXAMINATION

Q (By Major Guy) You will state your name.

A (Without aid of interpreter) Hosoda, Hiromu.

Q What is your rank in the Japanese Army?

THE WITNESS (Through Interpreter Asano): Hiromu Hosoda.

Q (By Major Guy) What is your rank in the Japanese Army?

A (Through Interpreter Asano) Colonel in the Japanese Army.

Q What is your present assignment, Colonel Hosoda?

A I am on duty with the Ministry of War.

Q And how long have you been in the Japanese Army?

A Approximately 18 years.

Q Are you in the class known as the "Younger Senior Officers" of the Japanese Army?

A Yes.

Q Are you acquainted with the reputation of General Yamashita as an officer, amongst the class of officers of the Japanese Army that you have described yourself as belonging to?

A Yes.

Q Will you state what that reputation is?

A First of all, he is very well known for his strategy, as a strategist, amongst the Army circle. General Yamashita demanded strict discipline to the younger officers. General Yamashita demanded strict discipline to his subordinates but, however, on the other hand he was very affectionate and kind towards his subordinates.

Q Now, Colonel, what was his reputation amongst the junior officers, the class to which you belong, as to his being a moderate or extremist in military thought?

A He was considered a moderate.

Q Now, would you say that General Tojo was reputed to lead the extremist school of thought in the Japanese Army?

A Yes.

Q Now, did you have occasion to visit General Yamashita's headquarters in Singapore shortly after the fall of that city?

A Yes.

Q Do you remember the circumstances of a case of a Japanese noncommissioned officer who was charged with assaulting a native woman during the course of that campaign?

A Yes.

Q Will you relate to the Commission the circumstances and what action was taken by General Yamashita in that case?

A First of all, he court-martialed the noncommissioned officer who committed this crime. In addition to punishing this noncommissioned officer through court-martial, he reprimanded the immediate superior officer of this non-

commissioned officer. He not only punished this noncommissioned officer and reprimanded and warned the superior officer of this noncommissioned officer, but he published this fact throughout his subordinate units. The purpose of this posting of this notice was to warn the Japanese Army against such crime, so that it will not take place again.

MAJOR GUY: That is all we have with this witness.

CROSS EXAMINATION

Q (By Major Kerr) Did you take part in the so-called "2:26" incident?

A No.

Q Have you ever served under General Yamashita?

A I was a member of the inspection tour mission to Germany, which was under General Yamashita.

Q Is that the only time you have served under Yamashita?

A Yes, that is all.

Q What is your present assignment in the Japanese Army?

A I am an official of the War Ministry.

Q What are your duties there?

A I am in charge of the demobilization.

Q How long have you been connected with the War Ministry?

A About a month and a half.

Q What was your assignment prior to that?

A I was a staff officer of the General Staff.

Q Was that in Japan, in Tokyo?

A Yes.

Q How long did you hold that assignment?

A Approximately five years.

Q Have you ever seen the official protests made by the British government to the Japanese government concerning the atrocities which occurred in Singapore under General Yamashita?

A No, I haven't.

Q Have you ever heard of those protests?

A No, I haven't.

Q When did you visit Singapore after its fall?

A It was the latter part of February 1942.

Q What day in February?

A I do not remember clearly. It was sometime in latter February.

Q Can you recall how long after the Japanese troops entered Singapore, you reached the city?

A Approximately 40 days after.

Q Approximately 40 days after, is that correct?

A I do not remember very clearly. However, I believe it was about 40 days after the Japanese troops came into Singapore.

Q That is four zero days, is that correct?

A My memory are not correct.

Q How long did you remain in Singapore?

A Two days.

Q Where did you go from there?

A Sumatra and Java.

Q How long did you remain there?

A In either places, I remained only one or two days.

Q I want the record to be clear on this, so I repeat:
You went to Singapore approximately 40 days after its

capture by the Japanese forces, and remained there two days, is that correct?

A Yes, it is so.

Q You testified that you heard that some Japanese soldier was punished by reason of having assaulted a native woman in Singapore?

A Yes.

Q Do you know what punishment he received?

A He was sentenced to two years confinement.

Q And you said that his officer was reprimanded?

A Yes, he was very strongly warned.

Q Is it customary in the Japanese Army to punish the officers of men who commit wrongful acts?

A There is moral responsibility.

MAJOR KERR: What was the answer?

(Answer read)

Q (By Major Kerr) I repeat the question: Is it the practice and the custom in the Japanese Army to punish the officers of men who commit wrongful acts?

A There are two types of punishment: first, by military court, or by law; and on the other hand, there is a punishment for delinquency of supervisory responsibility.

Q Under which of those two classifications did the punishment of this officer in Singapore fall?

A This officer in charge of that noncommissioned officer who committed the crime was punished by being restricted to his quarters, and which means that he could not go out on his free time or to associate with his friends.

Q Under Japanese military law, is an officer held respon-

sible for the wrongful acts of his men?

A Yes, a Japanese officer is responsible for the subordinate's acts. However, it is not legal responsibility, but it is a moral responsibility.

Q And is he punishable by reason of that moral responsibility?

A Yes, there are. What I meant to say regarding this moral responsibility is that in some instances an officer is forced to resign from the service.

MAJOR KERR: That is all of this witness, sir.

I would like to say at this time, sir, that in view of the fact that the Defense has seen fit to put on testimony concerning the conduct of Yamashita's troops in Singapore, his disciplinary measures, his reputation and character by reason of those acts in Singapore, the Prosecution will be prepared at the time of its rebuttal case to introduce competent testimony concerning the conduct of Yamashita's troops in Singapore and during the Malayan campaign, as well as the acts or failures to act of Yamashita.

GENERAL REYNOLDS: The comments of the Prosecution are noted.

Before we dismiss this witness, the Commission desires the Prosecution to explore further into this case of assault. Determine the severity of the offense, and determine especially if it involved rape.

MAJOR KERR: Yes, sir.

Q (By Major Kerr) Referring to the incident where a Japanese soldier was punished by reason of his assault upon a native woman in Singapore, do you know the nature of that assault?

A That event took place, not in Singapore, but before the troops entered Singapore during the campaign and the crime that was perpetrated by the NCO was that he injured a native woman.

Q How did he injure her?

A The NCO during the night fired upon this native woman without determining who she was.

Q Did he succeed in hitting her?

A Yes.

Q It was not a case of rape or assault or intent to rape?

A No, it is not so.

Q Is that the only incident that you heard of where a Japanese soldier was punished for his wrongful acts in or near Singapore?

A Since I was at Singapore only two days that was the only report I received.

MAJOR KERR: That is all, sir.

GENERAL REYNOLDS: Any further questions by the Defense?

MAJOR GUY: Yes.

REDIRECT EXAMINATION

Q (By Major Guy) Colonel Hosoda, in reference to a question on cross-examination as to the responsibility for officers in the Japanese army for the misconduct of troops

under them, I believe you stated that they were held responsible when there was administrative delinquency or delinquency in the administration of a command by those officers, is that right?

MAJOR KERR: I do not recall any such answer. I would like to have the record read to make sure that that was his answer.

Furthermore, I would like to have the Commission warn Counsel about leading questions.

GENERAL REYNOLDS: There will be no objection by the Commission to further exploration of this subject if you will confine yourself to the testimony given by the witness.

In order not to confuse the issue, the Commission feels you should direct any further examination of this witness to the link between the authority granted a commander in the Japanese army and the responsibility. That is to say, if the commander is given authority to do certain things and if he is held responsible for the act.

He is given authority to maintain discipline and he is held responsible in all modern armies in the world with maintenance of discipline, we know that. If you wish to explore along those lines there is no objection.

If you wish to explore along the line that a soldier under the commander's jurisdiction committed murder, and can the commander be convicted of murder -- of course, it would be pointless.

The Commission will recess for ten minutes and the Defense can analyze the extent and nature of any further

cross-examination.

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

Does the Defense wish to cross-examine this witness further?

MAJOR GUY: We just have a couple of questions.

GENERAL REYNOLDS: You are cautioned then to let the witness answer the question and not to phrase the question so that you indicate the answer that you expect and desire.

Proceed.

Q (By Major Guy) Colonel Hosoda, when you say an officer is responsible for the acts of his subordinates, to whom is he responsible?

A (Through Interpreter Yajima) It is the superior officer's responsibility. Strike that, please. He would be responsible to his superior officers.

Q Now, is this a criminal matter or a criminal responsibility?

A It is not a criminal responsibility.

Q Now if the officer in question was not at fault but had done everything he could do under the circumstances, what action would his superiors take against him?

A After he has done his best he will not be punished.

MAJOR GUY: That is all.

MAJOR KERR: No further questions, sir.

GENERAL REYNOLDS: The witness is dismissed.

(Witness excused)

KENSUKE SAKASAKI

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreter Yajima, with Interpreter Asano acting as "check" Interpreter, assisted by Major Pratt:

DIRECT EXAMINATION

Q (By Major Guy) Will you state your name?

A Sakasaki, Kensuke.

Q Where do you live, Mr. Sakasaki?

A Kama Kura.

Q Is that near the City of Yokoyama in Japan?

A Yes.

Q And what is your business?

A I am the president of a mining company.

Q Do you have any other businesses in Japan other than the mining business?

A Yes.

Q And what is that business?

A Construction company.

Q Are you doing any work for the American forces in Japan at the present time?

A Yes.

Q And what is the nature of the work you are doing for the American forces?

A Ship repairing and also the construction of housing facilities for the American troops.

Q How long have you been engaged in that work?

A About a month and a half.

Q Now, do you know General Yamashita personally?

A Yes.

Q When and under what circumstances did you first meet him?

A I met him when I was first inducted as a soldier. General Yamashita was at that time a 1st Lieutenant in my company.

Q And you were a private?

A Yes.

Q When was that?

A About thirty-three years ago.

Q And was that the start of your friendship?

A Yes.

Q Your friendship has continued throughout the years since?

A Yes.

Q Where in Japan is General Yamashita's residence?

A Kama Kura.

Q That is the same town you live in?

A Yes.

Q Is Mrs. Yamashita there in town?

A Yes.

Q Now, Mr. Sakasaki, I will ask you if you are familiar with General Yamashita's reputation among the people of Japan as an army general and as a leader?

A Yes, I do.

Q Will you state to the Commission what that reputation is?

A As a soldier, General Yamashita is a fine soldier and as a man he is well respected.

Q From your personal knowledge of General Yamashita, referring particularly to his personal characteristics, would you say that he justifies his reputation?

A Yes.

Q Now, did you have a conversation with General Yamashita in Manchuria in June or July of 1941?

A Yes.

Q And whereabouts did that conversation take place in Manchuria?

A Hsinking, the capitol of Manchuria.

Q Was the matter of the world situation and the possibility of war discussed at that time between you and General Yamashita?

A Yes, just a little.

Q And what did General Yamashita say on that occasion?

A He said in general that it was not a good idea to solve the international relationships by military actions.

Q Did he believe that Japan should go into war or stay out of war?

A He said that we should not go into war.

MAJOR GUY: That is all of this witness.

CROSS-EXAMINATION

Q (By Major Kerr) How long since you have served under Yamashita?

A I served two years as a soldier.

Q At the time of this conversation in Manchuria in 1941 did Yamashita say anything as to methods of suppressing guerrillas?

A No, not in particular.

Q Did he say anything about the Chinese or Manchurian civilians towards the Japanese forces?

A General Yamashita has always visited the leaders of Manchuria to see that they were living in comfort.

Q Did he say anything during that conversation about the methods of dealing with unfriendly civilians in conquered areas?

INTERPRETER YAJIMA: Will you read the question?

(Question read)

THE WITNESS: No, not in particular.

MAJOR KERR: That is all, sir.

MAJOR GUY: Nothing further.

GENERAL REYNOLDS: The witness is dismissed.

(Witness excused)

MAJOR GUY: Mr. Tsutomu Nishiyama.

TSUTOMU NISHIYAMA

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

MAJOR GUY: This witness will testify in English.

MAJOR KERR: Do you understand English?

THE WITNESS: Yes.

MAJOR KERR: Please be seated. Please speak loudly and talk to the Commission.

THE WITNESS: Yes.

DIRECT EXAMINATION

Q (By Major Guy) You may state your name.

A Nishiyama, Tsutomu.

Q And where do you live, Mr. Nishiyama?

A Tokyo.

Q And what is your business at the present time?

What is your occupation now?

A Government official.

Q And what position do you hold with the Japanese Government?

A Vice-President of the Central Liaison Board that deals with American Occupation Army.

Q The Central Liaison Board or office is the connecting link, is it, between the Japanese Government and the American Forces?

A Yes.

Q And as such are you in constant contact with the American Army Headquarters in Tokyo?

A Yes, I am.

Q How long have you held this office?

A From the beginning of October.

Q What is your business ordinarily?

A I was for a long time bank employee and bank director or bank president and also government officer.

Q Did you live in the United States for a while?

A Yes.

Q And tell us when you lived in the States?

A Along 1934 to 1936, and from 1937 to 1942.

Q And what were you doing in the States?

A On my first visit I was there as bank manager, and the second time I was Japanese Government Financial Commissioner in New York.

Q Were you in New York City on the first tour also?

A Yes.

Q And what bank were you with?

A Yokohama Specie Bank.

Q Where were you when the war started?

A In Washington.

Q And were you interned?

A Yes.

Q And when were you returned to Japan?

A August 1942.

Q And where did you go after that?

A I went to Manchuria as bank president.

Q And how long did you remain in Manchuria?

A About two years.

Q Now, do you know General Yamashita?

A Yes, I do.

Q And how long have you known him?

A We were school chums in high school at Shikoku.

Q At where?

A Shikoku.

Q Have you maintained an association with General Yamashita in all the years since then?

A No. We lost track of each other until the "China Incident" broke out.

Q That was in about 1937?

A Yes.

Q Now, did you keep track of him by reputation?

A I beg your pardon?

Q Did you know him or were you acquainted with his reputation?

A Oh, yes.

Q And did you see each other at all during that period of time?

A Yes; from time to time.

Q From time to time you would see each other?

A Yes.

Q So you did maintain that contact?

A Yes.

Q Now, do you know General Yamashita's reputation amongst the civilian population in Japan as an army officer and as a leader?

A Yes, I do.

Q Will you tell this Commission what that reputation is?

A The reputation of General Yamashita was a strong man,

honest and not politically-minded. He was looked upon with favor by the Japanese public because he did not belong to the cliques -- army cliques -- which attempted to capture the political power in Japan.

Q How was he regarded in his political inclinations by the people? As a moderate or as an extremist?

A He was considered to belong to the clique of moderates.

Q What is his personal reputation as to his personal characteristics?

A He is believed to be of very fine and lofty character; honest, straight and frank.

Q What is his reputation for his human side, for making and keeping friends?

A He is believed to be very kind, affectionate and sympathetic.

Q Did you have a conversation with General Yamashita prior to his coming to the Philippines?

A Yes.

Q And whereabouts and when did that conversation take place?

A It happened on September 24, 1944, at his official residence in Manchuria.

Q And did he tell you at that time that he was leaving?

A Yes. He confided to me that he was leaving Manchuria for his new position in the south.

Q Did you make any statements to him concerning the status of the war?

A Yes, I did.

Q And what did you say to him about the war at that time?

A I told him that it was very regrettable that he was going away because I was sure, wherever he might go -- because I was sure that he was to be beaten. On the other hand, he had the respect of the army and he enjoyed the confidence of the people and he was looked upon as one of the important men who handled momentous and important affairs when Japan was definitely beaten and defeated.

Q Did you feel that the war --

MAJOR KERR: May I have that answer read by the reporter?

(Answer read.)

Q (By Major Guy) Did you feel that the war at that time was in a desperate stage for Japan?

A Yes, I did.

MAJOR GUY: That's all. Your witness.

CROSS EXAMINATION

Q (By Major Kerr) What were you doing in Manchuria in 1944?

A I?

Q Yes.

A I was the president of the Manchurian Bank.

Q How long had you held that position?

A About two years.

Q How long had you been in Manchuria?

A Two years.

MAJOR KERR: That is all, sir.

GENERAL REYNOLDS: The witness is dismissed.

COLONEL CLARKE: General Yamashita.

TOMOYUKI YAMASHITA

called as a witness in his own behalf, being first duly sworn through Interpreter Asano, was examined and testified as follows through Interpreter Yajima, assisted by Interpreter Asano and Interpreter Pratt:

DIRECT EXAMINATION

Q (By Colonel Clarke) Please state your name.

A Tomoyuki Yamashita.

Q What is your home address?

A Kamakura.

Q What was your rank in the Japanese Army at the time of your surrender?

A General in the army.

Q What was your assignment prior to the surrender?

A Commanding General of the 14th Area Army.

Q Where were you stationed before you came to the Philippine Islands?

A Manchuria.

Q When did you first learn you were assigned to a command in the Philippine Islands?

A At Manchuria.

Q What date?

A 23rd of October, 1944.

(Interpreter Yajima interrogated the witness.)

THE WITNESS: (Through Interpreter Yajima) 23rd of September, 1944.

Q (By Colonel Clarke) When did you first assume command of the 14th Area Army?

A 9th of October, 1944.

Q Where did you establish your headquarters at that time?

A Fort McKinley.

Q Where did you next establish your headquarters?

A Ipo.

Q On what date?

A 23rd of -- 26th of December of last year.

Q Did you establish a headquarters in the City of Manila between 9 October 1944 and 26 December 1944?

A No, sir.

Q Did you have a headquarters in the City of Manila at any time since you have come to the Philippines?

A No, sir.

Q How soon after you assumed command of the 14th Area Army did the Americans land at Leyte?

A Nine days after I took my command the Americans made their landing.

Q What was the mission assigned to the 14th Area Army?

A The defense of the Philippine Islands.

Q Will you describe the general state of affairs which existed in the 14th Area Army group at the time you assumed command?

INTERPRETER YAJIMA: Read the question, please.

(Question read.)

A They were in a state of -- (witness interposes in native tongue) -- They were in an unsatisfactory condition. For example, the chief of staff of the headquarters was

sick in bed. Among the old staff members there were only three left, and the new staff officers were not familiar with the conditions that existed in the Philippine Islands.

Q Were there sufficient troops in the Philippine Islands with which to accomplish your mission?

A At that time the strength was insufficient. We needed about five more divisions.

Q Were there sufficient military supplies for the defense --

A No. We needed food, gasoline and transportation facilities particularly. All supplies were deficient, particularly the food, gasoline and transportation facilities.

Q What were the relations existing between the Japanese Army and the Filipino population?

A Among the Filipinos, there were considerable anti-Japanese feelings that existed.

Q When you assumed command of the 14th Area Army Group, were you the supreme commander in the Philippines?

A I was not the supreme commander.

Q Who was the supreme commander in the Philippines?

A Commander in Chief of the Southern Army, Terauchi.

Q Where was his headquarters?

A The City of Manila.

Q For how long a time after you assumed command of the 14th Area Army Group was Marshal Terauchi your superior in the Philippines?

A I was under the command of Terauchi until the 30th of August of 1945.

Q Was there an air force command in the Philippines?

INTERPRETER YAJIMA: Will you repeat that, please?

(Question read.)

COLONEL CLARKE: May I change that question, sir:

Q (By Colonel Clarke) Was there an air force in the Philippines?

A (Through Interpreter Yajima) Yes.

Q What was the designation of that force?

A The 4th Air Army.

Q Who was the commander of the 4th Air Army?

A Lieutenant General Tominaga.

Q Was the 4th Air Army under your command?

A No.

Q Was there a Maritime Transport Command in the Philippines?

A There was the 3rd Maritime Transport Command of the army.

Q Who was the commanding officer of that unit?

A Major General Inada.

Q Was the Maritime Transport Command under you?

A No.

Q At the time that you assumed command of the 14th Area Army Group in the Philippines, were there other troops in the Philippines which were not under you?

A Yes. Besides the 4th Air Army, the 3rd Maritime Transport Command, there were approximately 30,000 men who were directly under the command of the Grand Imperial Headquarters and the Southern Army.

Q Calling your attention to Defense Exhibit J, which

is this chart to the left (indicating), does that chart set forth accurately the chain of command in the Philippines as of 9 October 1944?

A It shows the chain of command when I arrived in the Philippines on October 9.

Q What was the Imperial General Headquarters plan for the defense of Leyte?

A The instructions designated by the Southern Army Headquarters was that the navy and the air forces will carry out the decisive battle. The army units will cooperate with them on Leyte, and in that vicinity, and stop the American landings.

GENERAL REYNOLDS: The Commission will recess until 1:30.

(Whereupon a recess was taken until 1330 hours, 28 November 1945.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

TOMOYUKI YAMASHITA

the witness on the stand at the time of recess, having been previously duly sworn, was examined and further testified as follows through Interpreter Yajima, with Interpreter Asano acting as "check" Interpreter, and assisted by Major Pratt:

DIRECT EXAMINATION (resumed)

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

MAJOR KERR: All the members of the Commission are present, the Accused and Defense counsel are present, sir.

COLONEL CLARKE: Will the reporter read back the last question and answer.

(Question and answer read.)

Q (By Colonel Clarke) Was any change made by the Imperial Headquarters in that plan at a later date?

A There was a change of orders later.

Q When was that change made?

A I remember this as being October 22nd. According to this new plan the greatest troop strength possible will be sent from Luzon to Leyte and to assist in the decisive battle with the Navy and Air Corps.

Q To what extent did the execution of this plan affect the operations in your headquarters?

A It was a basic change on the Luzon plan so myself and the members of my headquarters were busy day and night

and even at that we were short of time.

Q / To what extent did you succeed in carrying out these orders from the Supreme Southern Headquarters?

A In order to carry out the orders from the Southern Army I sent approximately 50,000 troops to Leyte, but the situation was that due to the air attacks and attacks from the submarines that only half of the troops actually arrived at Leyte.

Q When did it become apparent to you that the battle of Leyte had been lost?

A That was about the 7th of December when the Americans landed on Ormoc Bay.

Q Did you receive any orders at that time from the Supreme Southern Command?

INTERPRETER YAJIMA: Will you read the question?

(Question read.)

THE WITNESS: Yes. At that time the orders came from the Southern Army Headquarters to carry on the Leyte campaign. Therefore, I obtained additional troops from Luzon and issued an order to this effect: To make a counter-landing on Carigara Bay and attack the American troops.

Q (By Colonel Clarke) After the battle for Leyte had been lost what was your next problem?

A It was the defense of Luzon.

Q What was the first action you had to take in order to solve this problem?

A To increase the strength of the troops and to unify the command.

Q What actions did you take to procure reinforcements?

A I made a request to the Supreme Commander of the Southern Army for reinforcements and approximately three divisions gradually arrived in December, during the month of December, but during the voyage the reinforcements encountered attacks from the air and from submarines. Therefore, the troops that actually arrived were about one-third or one-half of the original strength.

Q What did you do to get unity of command?

A I made a request to the commander of the Southern Army to put under my command the 4th Air Army, the 3rd Maritime Transport Command of the Army, and the 30,000 troops that were under the command of the Southern Army and the Imperial Headquarters.

Q When did you get these other commands?

A The 30,000 troops which were under the direct command of the Imperial General Headquarters and the Southern Army came under my command at the beginning of December. The 4th Air Army came under my command on the 1st of January; the 3rd Maritime Transport Command came under my command gradually from about the middle of January to the middle of February.

Q Did you get command of the naval troops in the City of Manila?

A The Navy was not under my command until the very end, but the Navy land units which were stationed in Manila came under my command as of the 6th of January for tactical purposes. The Navy never came under my command.

INTERPRETER YAJIMA: Will you correct the first part?

GENERAL REYNOLDS: Let us have the last two questions and answers read by the reporter.

(Record read)

Q (By Colonel Clarke) What were the tactical purposes of which you have spoken in relation to the control over the Navy troops in the City of Manila?

A These were the long-standing orders which was an agreement between the Army and the Navy in Tokyo and according to this in the event that the Navy would operate in land warfare they would come under the command of the Army.

Q Do you mean, then, that in so far as Naval troops were concerned you had tactical control of Naval troops when engaged in land operations only?

A Yes. It was only tactical command; for instance, command to advance or to retreat. It did not include such things as personnel, punishment, billeting, supply.

Q Realizing that the battle of the Philippines had been lost, what strategic plan did you adopt relative to the defense of Luzon?

INTERPRETER YAJIMA: Read the question.

(Question read)

A After the battle of Leyte was lost my immediate concern was the defense of Luzon. So I made my plans according to these lines.

Q (By Colonel Clarke) What was that strategic plan?

A Taking advantage of the mountain terrain, my plan was to establish three strongpoints: in the north a strongpoint at Baguio and Balete Pass; the second strongpoint was

west of Clark Field; the third strongpoint in mountains east of Manila. These plans were to carry out a delaying action.

Q Why did you adopt this delayed-action strategy?

A In view of the Leyte operations I realized that that decisive battle was impossible. Therefore I decided on a delaying action to divert as much American forces in Luzon so as to keep them from attacking Japan as much as possible. In my experiences with the Leyte operations I realized the American air forces and Navy were exceedingly superior to ours and also the fire power of the ground forces were superior and very mobile. Therefore I knew that I could not conduct a warfare on a flat land. Therefore I employed a delaying action in the mountains.

Q Where did Manila City fit into this picture?

A I decided to put Manila outside the battle area. First, the population of Manila is approximately one million; therefore it is impossible to feed them. The second reason is that the buildings are very inflammable. The third reason is that because it is a flat land it requires tremendous number of strength to defend it. For these three reasons my policy or plan was to leave Manila outside combat zone.

Q What orders, if any, were issued by you to effect the evacuation of Manila?

A The evacuation-of-Manila order was issued to Major General Kobayashi of the Manila Defense Command and to Lieutenant General Shimono of the Line of Communications Command, and also I ordered my Chief of Staff to inform

the Navy and the 4th Air Army, not under my command, regarding my plans.

Q Was this order carried out by the Army troops?

A The Army units evacuated Manila gradually in accordance with my orders.

Q When did you issue orders to evacuate Manila to the various units under your command?

A The middle of December.

Q How many Army troops remained in the City of Manila at the time of the battle of Manila?

A Approximately 1500 or 1600 of the army troops.

Q What mission had been assigned to this detachment of troops?

A Those I mentioned, including the Noguchi Detachment, their mission was to guard military supplies, to protect the military supply route, and to obtain oil.

Q Did the Naval troops evacuate the City of Manila?

A Just a part of the Navy left, but the majority --

On or about the 13th of February I received a report to the effect that, while just an element of the Navy had evacuated the city, the majority still remained in Manila.

COLONEL CLARKE: Let me have that answer read back.

(Question and answer read)

COLONEL CLARKE: Will you read the last question back and have the interpreter repeat it to the witness?

(Question read)

(Translated by Interpreter Yajima)

GENERAL REYNOLDS: Please be certain to talk unusually loud because it is very difficult to hear.

THE WITNESS (Through Interpreter Yajima): Just a part of the Navy did evacuate, but, according to what I heard later on, which was on or about the 13th of February, the greater part of the Navy troops were still in Manila.

Q (By Colonel Clarke) What did you do upon learning that a large number of the Navy had remained in Manila?

A I heard this, so I immediately sent an order to the Shimbu Shudan. The order was to the effect that, in accordance with our original plan, to evacuate immediately all the Navy troops from Manila.

GENERAL REYNOLDS: We will recess for approximately ten minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

The Commission wishes to inquire of Senior Counsel whether the Accused has been informed of the procedures ordinarily in effect at military hearings, regarding an accused person testifying in his own behalf.

COLONEL CLARKE: He has been, sir.

GENERAL REYNOLDS: Does he understand that he is subject to cross examination?

COLONEL CLARKE: He does, sir. Does the Court desire to interrogate him on it?

GENERAL REYNOLDS: If Senior Counsel has instructed him in the matter, we will proceed.

COLONEL CLARKE: Do you want me to ask him if he is satisfied?

GENERAL REYNOLDS: You may ask him if he is satisfied with the explanation you have made.

(Major Pratt, Lieutenant Asano and Sergeant Oishi now acting as interpreters.)

Q (By Colonel Clarke) Were you explained the right you would have as a witness in a hearing before this Commission, concerning your testimony?

A (Through Major Pratt) The explanation was satisfactory, and I understood fully.

Q And did you or did you not state that you desired to be sworn as a witness in this proceeding?

A Yes.

Q Did you or did you not understand that you were not required to take the stand as a witness?

A Yes.

Q Did you understand that if you did not take the stand, it would not be held against you?

A (Through Interpreter Asano) Yes, I heard.

Q Did you understand that you could make a statement not under oath, in which case you would not be cross examined by the Prosecution?

LIEUTENANT ASANO: Will you repeat the question, please?

(Question read.)

COLONEL CLARKE: I will withdraw the question.

Q (By Colonel Clarke) Did you understand that you have the privilege of making a statement not under oath?

A (Through Interpreter Asano) Yes.

Q In which case you would not be subject to cross examination?

A Yes.

Q Did you understand that you could have a statement made to the Court through the Counsel?

MAJOR KERR: If the Commission please, I would like the record to show that the Prosecution does not concede that the statements which counsel is making, or the statements which are inferred in his questions of this witness at this time, necessarily state rules that bind upon this Commission. We see no harm in asking the question, but we certainly do not concede that all of these rules of necessity apply to this Commission.

GENERAL REYNOLDS: The comments of Prosecution are noted.

Counsel may proceed.

LIEUTENANT ASANO: Will you repeat the question, please?

(Question read.)

A (Through Interpreter Asano) Yes.

Q (By Colonel Clarke) Understanding these rights, what do you choose to do?

A To testify on my own accord.

GENERAL REYNOLDS: Proceed.

COLONEL CLARKE: Now, may we have the last question before the recess?

(The question and answer referred to were read by the reporter as follows:)

"Q What did you do upon learning that a large number of the navy had remained in Manila?

"A I heard this, so I immediately sent an order to the Shimbu Shudan. The order was to the effect that, in accordance with our original plan, to evacuate immediately all the navy troops from Manila."

Q (By Colonel Clarke) When was the Shimbu Army Group organized?

A (Through Major Pratt) In the latter part of December.

Q Were any orders given to the Shimbu Army Group upon activation, concerning the naval land troops in Manila?

A At the time that the Shimbu Group was organized, the facts concerning Manila were included in the order, and on the 2nd day of January, when the commanding officer

of the Shimbu Group came to Fort McKinley, I reminded him of this matter. And after that, we had training on a scale model and I fully instructed him as to the Manila situation -- I instructed the Deputy Chief of Staff, Konuma. And the Shimbu Group fully informed Admiral Iwabuchi of these plans, and he should have been fully cognizant of them.

COLONEL CLARKE: May we have that answer read back, please?

(Answer read.)

Q (By Colonel Clarke) Was your headquarters at Fort McKinley on January 2?

A (Through Major Pratt) After December 26, Fort McKinley was no longer my headquarters. My headquarters were at Ipo. But on the 2nd of January, I came to Fort McKinley to meet General Yokoyama, the commander of the Shimbu Group, and I came there to discuss these matters with him.

Q Then instead of General Yokoyama coming to see you at Fort McKinley on January 2, you went to see him; is that correct?

A Yes, because General Yokoyama was at Fort McKinley; I came from my headquarters in Ipo to meet him there.

Q Before recess, the last recess, you stated that upon receipt of the information that naval troops had not evacuated Manila, you sent an urgent message to Shimbu, is that correct?

A Yes. On the 13th of February, from Baguio, I sent a message to General Yokoyama, commander of the Shimbu

Group, stating that the navy will withdraw from Manila immediately.

Q Did you receive any answer from Shimbu?

A I didn't receive a direct reply to my orders. However, I received a report from General Yokoyama that on the 14th or 15th, I believe, that a part of his forces were advancing on the rear of the U. S. forces at Novaliches and Maraguina, so that the navy troops could withdraw from Manila.

Q During the period of your command of the 14th Army Group, between the dates of 9 October 1944 and the date of your surrender, did you know of any mistreatment of the civilian population in Manila?

A I knew nothing about mistreatment of civilians in Manila.

Q During the same period of time did you receive any report from your subordinates to the effect that the civilian population in Manila was being mistreated?

A I did not receive any reports concerning mistreatment of civilians in Manila.

Q Did you receive any reports on this subject from Tokyo?

A I did not receive a report on the mistreatment of civilians in Manila, but I did receive a report concerning, an order concerning the Spanish citizens in Manila from Tokyo, and I was ordered to investigate this matter. So I sent a message to the Shimbu Group telling them to conduct an investigation and report it to me immediately.

Q When did you receive this communication from Tokyo?

A In the first part of April.

Q After you had directed the Shimbu headquarters to investigate this matter, did Shimbu report back to you?

A About one week later I received a reply from the Shimbu Group saying that they had made various investigations but had not been able to find out anything, but they would continue to investigate.

Q Was Shimbu able to complete that investigation?

A They made various attempts at investigation, but were not able to determine anything.

Q Did you make any report to Tokyo regarding this incident?

A I sent a message via the Southern Army that I had investigated, but was unable to determine anything.

Q Did you issue any instructions or orders for the destruction of buildings and other property in the City of Manila?

A I never issued such an order, but I did order the destruction of the militarily important bridges on the road from Lingayan to Aparri and in between Manila and Batangas.

Q Will you describe again the bridges you ordered to be destroyed?

A I ordered the destruction of the bridges on the main road from Lingayan to Manila to Batangas by reason of military necessity.

Q Did you receive any report from any source whatsoever to the effect that buildings and other property was

being destroyed in the City of Manila?

A No, I absolutely did not receive such reports.

Q Did you at any time issue any orders directing the killing of noncombatant civilians?

A Absolutely not.

Q Did you receive a report from any source whatsoever to the effect that noncombatant civilians were being killed or raped by Japanese troops in the City of Manila?

A I never received such a report.

Q Did you know or did you receive a report to the effect that any of your subordinate commanders had issued any orders directing the killing of noncombatant civilians in the City of Manila?

A I have never heard of it.

Q Did you at any time issue an order directing the execution of American prisoners of war?

A Absolutely not.

Q Did you receive any reports to the effect that your subordinate officers had issued any orders of that kind?

A No.

Q Did you receive any report from any source whatsoever that Japanese soldiers had or were killing American prisoners of war?

A No.

Q Did you make any inspection of the prisoner of war camps or internment camps in the Philippines?

INTERPRETER PRATT: Will you read the question back?

(Question read.)

THE WITNESS: No.

Q (By Colonel Clarke) Did you ever visit Santo Tomas?

A No.

Q Did you ever visit the Cabanatuan prisoner of war camp?

A No.

Q Why were no inspections or visits made by you to the prisoner of war camps or the internment camps?

A Shortly after my arrival the U. S. troops landed on Leyte, and the Leyte operation took place, and after that came the defense of Luzon, and I was absorbed day and night in planning for the defense of Luzon. I had to concentrate on tactical matters and, consequently, I had no spare time to look into anything else.

Q What was your policy with respect to prisoners of war and prisoner of war camps?

GENERAL REYNOLDS: The Commission will recess for ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

The reporter will please read the last question.

(Question read)

INTERPRETER PRATT: That question was not answered.

GENERAL REYNOLDS: That question was not answered,
as I recall.

(Translated by Interpreter Pratt.)

A (Through Interpreter Pratt) My policy was that they should be treated exactly the same as officers, non-commissioned officers and enlisted men of the Japanese armed forces.

Q (By Colonel Clarke) Did General Kou make any reports to you concerning the condition in the prisoner of war and interment camps?

A General Kou made two verbal reports to me. In the reports I recall that he mentioned the food situation but I don't remember anything else about them.

Q When were these oral reports made to you?

A In the middle of October and either in the latter part of November or the early part of December.

Q Did General Kou make any written reports to your headquarters concerning conditions in the prisoner of war and internment camps?

A The written reports were just monthly reports.

Q When were these reports rendered to your headquarters? In which months, if you know?

A He made the monthly reports in October and November.

Q What did General Kou report as to conditions in these reports?

A These monthly reports were fixed forms, but I do not recall exactly what they had to say.

Q Did General Kou in either the oral or written reports report unfavorable conditions except for the food situation?

A Nothing in particular.

Q What was the general food situation in the Philippine Islands between October 1944 and February 1945?

A The general situation was that there was a definite deficiency of food.

Q Was there any difference in the quality or quantity of the food or the rice ration to the Japanese soldier and to the prisoners of war or internees?

A I ordered that they should be the same both in quality and in quantity.

Q There has been testimony in this case to the effect that the quality and the quantity of the food to the prisoners of war and the internees were less than that furnished to Japanese army troops. Do you know anything about that?

A I had ordered that they would be absolutely the same quality and quantity and I never received any reports to the contrary.

Q Did you take any steps to remedy the food situation in general?

A Since there was a general lack of food in the Philippine Islands I frequently sent requests to the Southern Army for the importation of food from outside.

Q Did you receive any food pursuant to that request?

A I heard several times that some was coming, but they were always attacked on the way by American airplanes or submarines. But in early November a ship did arrive.

Q Did you take any other steps to procure food?

A I ordered the Finance and Intendance Section to buy rice in the Central Luzon area, that is, the Cagayan Valley.

Q Did you procure any rice through this method?

A I ordered the rice to be collected in Central Luzon and some was collected, but it was lost due to the U. S. attack and attacks by the guerrillas. And, furthermore, because of a lack of transportation, only a very little was obtained.

Q Did these acts on your part alleviate the food situation in general?

A It was unavoidable but the situation became increasingly worse.

Q Did you order the massacre of approximately 150 American prisoners of war at Palawan?

A Absolutely I did not order the execution of American prisoners on Palawan.

Q Did you receive a report from any source whatsoever that approximately 150 American prisoners of war had been executed on Palawan?

A I neither received reports nor heard anything about this incident.

Q Were the airfield construction units stationed at Palawan in December of 1944 under your command?

A The construction units that were there at that time

were not in my command. They were under the 4th Air Army.

Q If these prisoners of war were working under one of these airfield construction units would the prisoners of war be under your command?

INTERPRETER PRATT: May I have the question?

(Question read)

A They would not be attached to my command.

Q (By Colonel Clarke) Was there a prisoner of war camp at Palawan?

A There was none.

Q Did you order the execution of three prisoners of war on Batan Island?

A I absolutely did not order an execution on Batan Island.

Q Did you ever order the execution of American prisoners of war at any place or at any time?

A Absolutely not.

Q Did you receive any reports concerning the execution of three prisoners of war at Batan?

A No.

Q Did you receive a report of the execution of American prisoners of war at any place in the Philippine Islands at any time?

A I never received such reports.

Q Did you order or permit Red Cross packages which were to be delivered to prisoners of war to be opened by any Japanese soldier and the contents or any part of them to be taken therefrom?

A I have neither permitted it nor ordered it.

Q Have you ever heard of any Red Cross packages being rifled by Japanese armed forces?

A No.

Q Did you at any time have your headquarters in any building in the City of Manila?

A I have never had my headquarters in a building in Manila.

Q Were any prisoners of war transported to Japan in the month of December, 1944?

A Yes, there were.

Q Who ordered the transfer of the prisoners of war, and who had charge of the transportation?

A There was an order from Tokyo through the Southern Army Command to transport these prisoners. When the movement was on land, it was under the direction of the line of communications commander, and if it was aboard ship it would be under the 3rd Maritime Transport Command of the army.

Q Was the Maritime Transport Command under you in December, 1944?

A In December, the 3rd Marine Transport Group was not under my command, but in the middle of January of this year it came under my command.

Q Did you receive any instructions concerning the disposition of civilian internees?

A Yes.

Q From whom were those instructions received, and what did they provide?

A They came from Tokyo, through the Southern Army Command. If the enemy should come, and "if the enemy approaches and the

conditions become unavoidable, you will release them."

Q Did you issue any orders pursuant to those instructions?

A Yes.

Q What were your orders?

A My instructions were that if the United States troops landed, a roster of all the prisoners was to be made up and turned over to a third power, a neutral power, and that one month's supply of rations should be prepared to be left with the prisoners. This list of the prisoners was to be forwarded to the United States Army, through a neutral power, and one month's supply of food would be left for the prisoners.

The order from Tokyo was that the prisoners were to be released if the Americans approached, but my order was that they were to be released if the Americans landed, and that one month's supply of provisions were to be left for them.

However, since the time element in the two orders was different, I was reprimanded by the Southern Army.

Q To whom were the rosters to be delivered?

A They were to go through the neutral power, to the United States Army.

MAJOR PRATT: This could be translated as "protective power."

Q (By Colonel Clarke) Did you know or did you receive any report from any source whatsoever that American prisoners of war were subjected to beatings and to abuses?

A (Through Major Pratt) I never received such a report.

Q Or that the housing conditions in the prisoner of war camps was inadequate, and that the sanitation facilities were poor?

A I never received such a report.

Q Or that the medical supplies in the prisoner of war and internment camps was inadequate?

A No.

Q Were the internees released according to the provisions of the order issued by you?

A Yes. I heard this later, but the prisoners were released in accordance with my instructions. Not exactly as my instructions stated, but generally speaking they followed that plan.

GENERAL REYNOLDS: The reporter is asked to read the last two questions and their answers.

(Questions and answers read.)

Q (By Colonel Clarke) How did the release of the internees differ from your order?

A The camp commander was supposed to turn over the list of prisoners to the protecting power, and he thought that the protecting power of the United States was the Swiss, and he asked the ambassador about it; but he was unable to contact the Swiss Government, as the chief of staff related before.

Q Did you receive any reports relating to guerrilla activities?

A Yes.

Q What was the nature of the report?

A After the American landings on Leyte, the guerrilla

actions increased more and more, and it became so that they interfered with military operations at quite a few places.

Q Did you issue any orders or take any action relating to guerrilla activities?

A On October 11 of last year, at a conference with the chief of staff, we discussed this matter, and I said that armed guerrillas, those guerrillas carrying weapons, must be suppressed by means of military action.

Q Did you issue an order to that effect?

A Yes, I issued an order for the suppression of armed bandits.

MAJOR PRATT: If the Commission please, the witness has made a specific point of using this term of "armed bandits" in contrast to the word adopted in Japanese of "guerrilla." I do not know just why he has, but he has made a specific point of adopting this word.

GENERAL REYNOLDS: Very well.

COLONEL CLARKE: Is there a Japanese word for "guerrilla"?

MAJOR PRATT: I have seen it appear in quite a few military orders and documents, written in a Romanization of the word "guerrilla."

COLONEL CLARKE: As I understand, there is an original Japanese word, but that "guerrilla" is "armed bandit" in Japanese, so I assume that is the reason the witness used it.

GENERAL REYNOLDS: The point is immaterial. We think the meaning is clear in both languages as to what is

meant.

Q (By Colonel Clarke) You stated that at a conference you spoke of this matter to the chief of staff, or the chiefs of staff? Which?

A (Through Major Pratt) This was a conference of the chiefs of staff of all the units.

Q I am going to read from Prosecution's Exhibit 4 a paragraph, and this paragraph appears in Advatis Translation No. 50, dated 28 January 1945, of a document entitled "Philippine Operation Plan Summary," dated 11 October 1944. The paragraph is number 5 on page 4 of the document.

After I read it, I want you to tell me whether or not that is the order referred to by you?

GENERAL REYNOLDS: Hold up just a second.

In order for us to identify the exhibit, is it possible to read the entire order, or is there some reason why you don't wish to do so?

COLONEL CLARKE: It is about five pages long, sir, and this is the only portion in here which has anything to do with the particular activity.

GENERAL REYNOLDS: Very well.

MAJOR PRATT: Will you read just the last part of that question?

(The portion referred to was read by the reporter as follows:)

"After I read it, I want you to tell me whether or not that is the order referred to by you."

Q (By Colonel Clarke, continuing) "In view of the special characteristics of the Philippine operation, subversive activities of the residents and attacks in our rear by airborne raiding forces must be considered. In order to avoid mistakes in conducting the operations, take precautions against armed guerrillas, subjugate them quickly, and put a stop to their activities."

A (Through Major Pratt) This is a summary of the methods of operations to be used, which I gave to the assembled chiefs of staff on October 11.

GENERAL REYNOLDS: Does that complete his answer to that question?

MAJOR PRATT: Yes, sir.

GENERAL REYNOLDS: The Commission will recess until 8:30 tomorrow.

(Whereupon, at 1635 hours, 28 November 1945, the trial was adjourned until 0830 hours, 29 November 1945.)