

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.
30 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>
Tomoyuki Yamashita (resumed)		3611	3660	

EXHIBITS

<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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402

3637

<u>DEFENSE EXHIBIT NO.</u>		
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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.

Will you read the last question and answer, please?

GENERAL REYNOLDS: Read the last six questions and answers, if you will.

REPORTER RACKLIN: "Q (By Major Kerr) What standard did you use for determining the ration of prisoners of war?

"A (Through Major Pratt I am not certain as to the details, but I believe that the standard was to be exactly the same as that given to the Japanese forces.

"Q Are those the Japanese forces when in combat, or the Japanese forces at a base camp?

"A When sufficient food was available, it was to be on a parity with base troops, but from November on there was not sufficient food for this type of standard, so we merely tried to make it uniform.

"Q Isn't it a fact that the Japanese soldier was expected largely to live off the land?

"A Usually, if we had the supplies available they were distributed to the troops, but in some areas such as a mountain province, they were scarce and we lived on wild grasses and potatoes and such things as we could obtain there.

"Q Did you receive any information concerning the execution of American prisoners of war" --

TOMOYUKI YAMASHITA

the witness on the stand at the time of adjournment, having been previously duly sworn, was examined and further testified as follows through Interpreters Major Pratt, Lieutenant Asano and Sergeant Yorioka:

CROSS EXAMINATION (Cont'd)

MAJOR PRATT: If the Commission please, on the second answer which the reporter just read, we would like to make an amendment there.

GENERAL REYNOLDS: Very well.

MAJOR PRATT: I should like the last phrase of that answer to read instead of "so we merely tried to make it uniform," it should read "so only one ration standard was used in the Japanese Army."

GENERAL REYNOLDS: Any comments by the Defense?

CAPTAIN SANDBERG: No.

MAJOR KERR: No comments, sir.

GENERAL REYNOLDS: Very well, the change is adopted by the Commission.

(The following questions were translated to the witness by Lieutenant Asano and the answers of the witness were given in English by the interpreter indicated.)

Q (By Major Kerr) Did you receive any reports concerning the execution of American prisoners of war on Batan Island?

A (Through Interpreter Asano) No, I haven't.

Q Did you ever receive any information at all on that matter?

INTERPRETER ASANO: Will you read the question over

again?

(Question read.)

THE WITNESS: No, I haven't.

Q (By Major Kerr) Did you receive any information that Americans had been captured on Batan Island?

A No, I haven't.

Q Was it your policy to leave to the local commanders the method of treatment of prisoners of war?

A (Through Major Pratt) If a unit has the prisoners, they send a message asking for their disposition.

Q To whom is such a message sent?

A They came to my headquarters, but ordinarily I would not see such a report.

Q Who would see such a report?

A This was the duty of G-3 officer.

Q Who determined what would be done with the prisoners?

A It was the final decision of the army headquarters as to where the prisoners would be sent.

Q Who in the headquarters?

A These reports come in regular order up there. The prisoners were transferred from the lower unit to the higher headquarters in regular order, but if it was a case of sea transportation the requisition for transportation came directly to army headquarters.

Q What officers determined what would be done with prisoners of war?

A In my headquarters it was Lieutenant Colonel Ishikawa who was in charge of the line of communications.

Q Did you receive reports concerning the enemy cap-

tured and what had been done with him?

A (Through Interpreter Asano) No, I haven't.

Q Did you ever receive such a report?

A (Through Major Pratt) No, I didn't request them. They came up without request to the higher headquarters.

Q Did you ever request from your subordinate officers that they inform you on that subject?

A Without any request there was an order that those reports would be sent to my headquarters.

Q Did they come to you personally?

A No.

Q Then you were too busy, were you, to inquire as to what was being done with prisoners of war?

A I was interested in the matter, but I did not have sufficient time to make inspections.

Q You don't know, do you, what was being done with prisoners of war on outlying islands?

A I did not receive any reports, but it is my belief that the prisoners were receiving satisfactory treatment.

Q That is merely an assumption by you?

A This is not an assumption; it is my belief. That the prisoners of war were being treated in accordance with the regulations was my belief.

Q The evidence shows that three American prisoners of war were executed by members of your command on Batan Island.

A I do not know all the facts of this matter, but it is certain that I never issued an order to this effect.

Q Did you leave to the commanders in outlying islands

the decision as to what was to be done with prisoners of war?

MAJOR PRATT: Will you read the question?

(Question read.)

THE WITNESS: Absolutely not.

Q (By Major Kerr) You stated that upon capture of an enemy, the capture would be reported to your headquarters.

A (Through Major Pratt) It is as I said before, that the prisoners would be sent up through channels from regiments to brigade and from brigade to division.

Q Would any check be made by your headquarters as to what happened to those prisoners?

A If prisoners were taken the reports were sent up through the chain of command, but if these reports did not reach my headquarters we could not know about it.

Q When a report did reach your headquarters that a prisoner had been captured, was a check later made by your headquarters on what was done with that prisoner?

A Since we did not receive any reports, the occasion did not arise. However, I do remember of one occasion when my headquarters was at the Third Rest House that a U. S. aviator was taken prisoner. As I recall it, his name was Captain Shaw. He was injured and so he was taken to the number Four Rest House at the command post, and he was given first-aid treatment and then he was interrogated. The only report I received was concerning this particular incident.

Q During your entire time in the Philippine Islands the only reports of captured prisoners you received was of this one captain?

A (Through Interpreter Asano) Yes.

Q Did not that seem strange to you?

A Can you explain, please?

Q Did it seem strange to you that you would receive a report covering only one prisoner of war?

A (Through Major Pratt) I feel that this is the situation: We were always being pushed back by the United States forces and possibly there were some Japanese who were being taken prisoner of war, but there were no United States prisoners of war; I thought that as a source of information, PW's were very good, but we just couldn't get any.

Q Did you know that prisoners of war were being required to work on Palawan Island?

A I learned upon my arrival that prisoners had been working on Palawan since before the time I came.

Q That was your arrival in the Philippines?

A Yes, they were down there before I arrived in the Philippines. However, half of them returned to Manila and the other half were supposed to be returned, but the ship was sunk. I thought of sending for them again, but there were no ships left.

Q Did you know what kind of work they were being required to do there?

A It was airfield work.

Q In your opinion, was that compulsory work on an airfield in accordance with international law?

A At the time they were sent there, since there were no United States air attacks going on, I feel that it was all right.

Q Did you know of prisoners of war working on any other

military installations?

A After my arrival, there were no other such occasions.

Q Did you receive reports from your units on Palawan Island?

A I did not receive any reports from Palawan. In accordance with the chain of command, they should go to the 4th Air Army.

Q You had army units on Palawan Island, did you not?

A There were four platoons under a company commander, who were under my command.

Q What unit was that?

A I don't remember the name of the organization. However, they were on this long island of Palawan; they had the duty of guarding the small harbors.

Q They also guarded the airports, did they not?

MAJOR PRATT: Just a moment.

A (Through Major Pratt, continuing) And they had no relationship with the 4th Air Army.

Q (By Major Kerr) Did your troops also guard airfields on Palawan?

A No, they did not have the duty of guarding. The duty of guarding the airfields was the duty of the air personnel.

Q Did you have army units on Palawan Island in December of 1944?

A (Through Lieutenant Asano) Yes.

Q In the event of a threatened American landing on Palaway, would your army troops take steps to repel the landing?

A (Through Major Pratt) I have never received reports on such minute matters.

Q Did your forces require civilians to work upon military installations not under attack?

LIEUTENANT ASANO: May we have the question, please?

(Question read)

A (Through Major Pratt) No, I haven't.

Q (By Major Kerr) Did your forces or any men under you require civilians to do such work?

A No.

Q In December 1944, were Japanese ships being sunk in Philippine waters?

LIEUTENANT ASANO: Will you read the question?

(Question read)

A (Through Lieutenant Asano) Yes.

Q (By Major Kerr) Very few ships got to or from the Philippines during that month?

A (Through Major Pratt) Quite a few ships were sent for the purposes of supply, et cetera, but they were sunk enroute by submarines and air attacks.

Q During the month of November 1944, sea travel between Japan and the Philippines was very hazardous?

A Yes, and the same situation prevailed in October, September and in August.

Q When did you learn of the orders from Tokyo for the shipment of American prisoners of war from the Philippines to Japan in December 1944?

A It came shortly before my arrival via the Supreme Southern Command, ordering the prisoners to be sent.

Q Then you learned of that order when you arrived in October, is that right?

A Yes.

Q Who determined when the prisoners would be shipped?

A This came from Tokyo, and they stated which ship would be used and when.

Q When did you find --

A (Continuing) And what number of prisoners would be sent.

Q When did you find out that a shipload of prisoners were to be dispatched from Manila in December?

A On December 13 or 14, the number of prisoners and the ships was designated. On December 14, I received a report that they were sent to Japan.

Q Prior to that, you knew that Tokyo had ordered prisoners of war shipped to Japan?

A I heard that prisoners were sent to Japan several times prior to my arrival.

Q Did you protest the shipment of prisoners of war under those hazardous conditions?

A No. There were also Japanese civilian residents who were being returned to Japan on the same ship.

Q Why didn't you remonstrate against shipping prisoners of war to Japan under those hazardous conditions?

A I considered Japan the safest possible place for the Japanese residents and the prisoners of war.

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess)

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

Q (By Major Kerr) When did you hear of the sinking of the ORYOKU MARU?

A (Through Major Pratt) I believe it was about the 15th of December that I heard of the sinking of the ORYOKU MARU.

Q Did you take any action on the matter?

A The report was that an action was taken.

Q Did you inquire as to what action actually was taken?

A The action was taken and the report over the telephone was satisfactory.

Q You spoke of an American aviator being captured in Mountain Province in the latter part of your Philippine campaign. When was that?

A It was on the 7th, 8th or 9th of August.

Q And is that the "Captain Shaw" you referred to?

A (Through Interpreter Asano) Yes.

Q And during all of your time in the Philippines that is the only American prisoner of war who, to your knowledge, was captured by the Japanese forces?

A Yes.

Q You stated that you ordered destruction of bridges on the road between Manila and Batangas. When did you order such destruction?

A (Through Major Pratt) The latter part of December.

Q To whom did you give those orders?

A I gave the order to the commanding officer of the Shimbu group.

Q Do you know whether or not the order was carried out?

A At the time I was in Baguio, but I believe that the order was carried out.

Q Did you receive any report on execution of the order?

A (Through Interpreter Asano) No. I haven't received reports regarding the matter.

Q Is it a custom in the Japanese Army for an officer who issues an order not to check to see whether or not it is complied with?

A (Through Major Pratt) The usual procedure is that the order will be carried out.

Q Is it customary to check to determine whether or not the order has been obeyed?

A In matters of extreme importance such would be the case, but ordinarily I trust the integrity of the group, division and lower commanders.

Q Did you order the destruction of bridges in Manila?

A (Through Interpreter Asano) Yes.

Q When did you issue that order?

A The latter part of December.

Q What bridges did you order destroyed?

A (Through Major Pratt) The bridges over the Pasig and the bridges on the main roads to Lingayen and Batangas.

Q To whom did you issue such orders?

A (Through Interpreter Asano) To the commanding officer of the Shimbu group.

Q Did not you testify that the Shimbu group came into existence in January?

A (Through Major Pratt) The Shimbu group was organized in the latter part of December and on January 2nd I met the

commanding officer of the Shimbu unit.

Q To whom did you issue this order for the destruction of bridges? That is, to what officer?

A (Through Major Pratt) To Lieutenant General Yokoyama, commanding officer of the Shimbu group.

Q When did Yokoyama become commanding officer of the Shimbu group?

A 26th or 27th of December.

Q Wasn't a written order issued assigning him as commanding general of Shimbu group?

A I issued the appointment as commanding officer of the Shimbu group in an operational order.

Q Do you recall the date of that order?

A The 26th or the 27th.

Q How soon after that did you issue the order for the destruction of Manila bridges?

A It was contained in the operational order which appointed the commanding officer of the Shimbu group.

Q What units did you put into Shimbu group in that order?

A The former unit of the Shimbu unit commander, the 8th Division, was the main strength of the group; the Kobayashi Heidan; the Kawashima Brigade; the Noguchi Brigade, that is, Major General Noguchi. That completes it.

Q When did the Kobayashi unit come under your command?

A Since Major General Kobayashi was commanding officer of the Manila defense force he was under my command from the beginning.

Q Then you put under the Shimbu group the entire Manila defense force?

A The entire troop strength of the Manila defense force, plus the most part of the 30,000 troops under direct control of Imperial General Headquarters and Southern Army were put into the newly-formed Kobayashi Heidan.

Q And then early in January the Naval troops in Manila were added to the Shimbu group?

(Translated by Interpreter Asano)

MAJOR PRATT: May I ask a question, sir?

Major Kerr, was that a question?

MAJOR KERR: A question, yes.

INTERPRETER ASANO: Read the question, please.

(Question read)

A (Through Major Pratt) Yes. The land-based Naval troops in Manila in the event of land warfare were put under the Shimbu group for tactical control only.

Q (By Major Kerr) Did you order the destruction of buildings in Manila?

A (Through Interpreter Asano) No.

Q Did you order the destruction of warehouses?

A No.

Q Did you order the destruction of docks or dock facilities?

A No, I haven't.

Q Then at no time did you order the destruction of any installation or structure in Manila other than bridges; is that correct?

A Only the bridges.

Q Why did you order the destruction of the bridges?

A (Through Major Pratt) Since these bridges led from

Manila to Lingayen and Batangas I ordered it through military necessity.

Q Were those orders carried out?

A I didn't receive a report on it but I learned later it was carried out.

Q When were the bridges to be destroyed?

A (Through Interpreter Asano) I did not indicate time. (continuing through Major Pratt) It was to be the decision of the Shimbu group commander as to what the suitable time should be.

Q Did you specify any circumstance governing the destruction of the bridges?

A (Through Major Pratt) The proper time to destroy the bridges was left to the decision of the Shimbu group.

Q Was this destruction of bridges part of a plan to defend Manila?

A These bridges were a part of the communications system between Manila, Batangas and Lingayen and it was done in order to cut these lines of communications.

Q Was it also done as a defensive measure?

A It was done in order to cut communications so that the United States forces could not move along these lines at will.

Q You testified that you decided not to defend Manila. When did you make that decision?

A I started considering the defense of Luzon at the time that I thought the Leyte operation was finished. That was at the time of the Ormoc landing.

Q When did you decide not to defend Manila?

A At the time that I just stated.

Q Approximately what date?

A On the 6th or 7th of December.

Q Was that your own decision?

A I made the decision and my staff officers helped in the formulation of this decision.

Q Did you notify Tokyo of that decision?

A I reported it to the Southern Army.

Q Did you get any reply from the Southern Army?

A (Through Interpreter Asano) Yes, there was.

Q What was the reply?

A (Through Major Pratt) That my plans were satisfactory for the defense of Luzon.

Q When did you get that reply?

A I believe it was the 7th or 8th of December.

Q Were you in communication with the Southern Army until the time of your surrender?

A (Through Interpreter Asano) Yes, I have been.

Q Were communications between you and the Southern Army good throughout January?

A (Through Major Pratt) They were not really sufficient --

Q Did you receive --

MAJOR PRATT: Wait a minute.

A (continuing through Major Pratt) -- and at times they were not up to par.

Q (By Major Kerr) But you were able to get it through back and forth, is that correct?

A (Through Interpreter Asano) Yes.

Q After you received the reply in December, December 6th or 7th, or 7th and 8th, from the Southern Army, did you receive any further instructions from the Southern Army concerning the defense of Manila?

A (Through Major Pratt) They did not say; I did not mention the defense of Manila. The message concerned the defense of the entire Island of Luzon. I said nothing concerning whether Manila would be defended or not defended.

Q Did you ever get instructions from the Southern Army concerning the defense of Manila?

A I received no orders concerning the defense of the City of Manila.

Q Did you get any such orders or instructions from Tokyo?

A The instructions from Tokyo come through the Southern Army and since the Southern Army didn't issue any I didn't receive any.

Q Did you at any time receive instructions from the Southern Army for the destruction of port facilities in Manila?

A I received no orders from the Southern Army for the destruction of port facilities in Manila City.

Q Or for the destruction of any other facilities in Manila?

A (Through Interpreter Asano) No.

Q Did you receive instructions from the Southern Army

to hold all sea and air bases firmly?

A No, I haven't.

Q Did you receive any instructions from the Southern Army that in the event of the loss of Manila, its use to the enemy will be hampered by cutting off its water supply and by other such measures?

A No, I haven't.

Q You are sure that at no time you received any such instructions from the Southern Army, is that correct?

A Yes.

Q Is it a fact that you told President Laurel that you would not declare Manila an open city because to do so would dishonor Japanese arms?

A No.

Q I have a report from the Liaison Committee in Tokyo to the effect that early in January the Southern Army dispatched to you a telegram including these instructions:

"The 14th Area Army will hold the sea and air bases firmly and that if it becomes necessary to relinquish them see that the enemy cannot use them."

Do you now recall receiving those instructions?

A (Through Major Pratt) I never received them.

Q The Liaison Committee further reports that these instructions include the following:

"In the event the Area Army is forced to give up its sea, air and military bases these facilities will be completely demolished to prevent enemy use."

Do you deny receiving those instructions?

A I never received such instructions but I would like

to inquire as to what this Liaison Committee is?

Q My question is whether or not you received such instructions from the Southern Army?

A If you consider the contents, I absolutely did not receive such orders and if you consider the contents they are not of a military nature. The complete destruction of an airfield is impossible.

Q The Liaison Committee further reports that your instructions from the Southern Army were as follows, as communicated to you in January of 1945:

"Manila will be defended to the utmost and in the event of its loss its use to the enemy will be hampered by cutting off its water supply and by other such measures."

I ask you, did you receive those instructions?

A (Through Interpreter Asano) What day of January was this?

Q Did you receive them at anytime?

A No, I haven't.

MAJOR PRATT: "Absolutely not."

Q (By Major Kerr) Do you deny ever having received instructions substantially similar to those that have been read to you?

A (Through Major Pratt) I deny it; I did not receive them.

Q You don't deny, do you, that the last instructions concerning the defense of Manila were of a military nature?

A (Through Interpreter Asano) I do not understand the question.

MAJOR KERR: Will you repeat the question?

(Question read)

THE WITNESS: (Through Major Pratt) From a military standpoint the defense of Manila is useless. From a military standpoint the City of Manila would be very disadvantageous.

GENERAL REYNOLDS: Does that complete the answer?

MAJOR PRATT: Yes.

GENERAL REYNOLDS: During his testimony the witness inquired as to the source of the information from the Liaison Committee which is, of course, a committee formed at the headquarters of the Japanese Imperial Army.

Senior Counsel is requested to explain the meaning of the term "Liaison Committee" and how they operate.

COLONEL CLARKE: I do not know how they operate in Japan, that is, referring to that Liaison Committee.

MAJOR KERR: Sir, for our purposes at present I believe it is not material as to the source of this information. I have asked the witness whether or not he received such instructions or commands from the Southern Army. That is all that is particularly material.

During our rebuttal case we will put into evidence the instructions and the reports of the Liaison Committee and at that time if the Commission so desires, we will explain fully the nature of that organization.

GENERAL REYNOLDS: Nevertheless, the Accused requested information concerning the term and if the Defense is unable to explain it to him then we will ask the Prosecution to give him a suitable brief statement upon the resumption of the hearing.

The Commission will recess for approximately ten minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session. The first order of business will be the answer to the question that the Accused wanted to know about: What is a Liaison Committee and that will be given by the Prosecution.

MAJOR KERR: The Liaison Committee of Tokyo of the Imperial Japanese Army and Navy is the official means of liaison between the Imperial Japanese Army and Navy and the armed forces of the Supreme Commander for the Allied Powers. Access to the official documents or records or reports of the Japanese Government is obtained through that Liaison Committee.

(The above statement by Major Kerr was translated to the witness by Interpreter Yajima.)

THE WITNESS: (Through Interpreter Yajima) I understand.

MAJOR KERR: Is that satisfactory?

GENERAL REYNOLDS: I believe you should also tell him the chairman or head of the committee.

MAJOR KERR: The chairman of the Liaison Committee of the Japanese Army and Navy, as of 5 November 1945, was Lieutenant General S. Arisue, Imperial Japanese Army.

(The above statement by Major Kerr was translated to the witness by Interpreter Yajima.)

GENERAL REYNOLDS: That is sufficient.

(The following questions were translated to the

witness by Interpreter Yajima and the answers of the witness were given in English by the Interpreter indicated.)

Q (By Major Kerr) When did you give orders for the Noguchi Unit to evacuate Manila?

A (Through Major Pratt) In the latter part of December in the order to the Shimbu Group I ordered the withdrawal. I included it in this order, and after this I ordered my chief of staff to inform the 4th Air Army, which was outside my command, and the navy, that Manila should be outside of the combat area.

Q When you gave these orders in December, how close were the closest American troops to Manila?

A On the 15th of December, the closest American unit was in the southern part of Mindoro, San Jose.

Q If you intended at that time to evacuate Manila without a fight, why were pillboxes and other defenses being constructed in Manila in January?

A I did not order the construction of such installations.

Q Do you know whether or not such installations were constructed in Manila in January?

A I don't know anything concerning that matter, either to where they were or what they were.

Q Do you know whether or not they were constructed in Manila in December?

A I don't know that either.

Q Did you call a conference of generals and admirals and other high officers at Santa Mesa, on 16 December?

A No.

Q Was such a conference held by you with high commanding officers at Santa Mesa on approximately that date?

A I have never heard about it.

Q Who was your assistant secretary in December 1944?

A (Through Sergeant Yajima) There is no such thing as "assistant secretary."

(Through Major Pratt) What exactly is an "assistant secretary"? It may be the interpretation.

Q Did you have any clerical assistant in December 1944?

A (Through Major Pratt) No, I didn't have one.

Q Did you have a secretary?

A No, I did not have a private secretary.

Q Who recorded the proceedings of your conferences?

A At my conferences the chief of staff and other staff officers were present, and some one of them would record the matters.

Q Is that the only record which was taken?

A (Through Sergeant Yajima) Yes.

Q Did you hold a conference with high officers at any place on or about 16 December 1944?

A (Through Major Pratt) I did not hold any such conference.

Q When did you first communicate to your subordinate officers your plan for the defense of Luzon?

MAJOR PRATT: Will you read the question, please?

(Question read.)

A (Through Major Pratt) I issued orders to the Shimbu Group at the end of December, and I informed the other units at the time of my arrival. I issued orders, but I didn't hold a conference with them.

Q After you arrived in the Philippines in October, did you request instructions from Tokyo concerning the policy towards Filipino civilians?

A I very seldom sent direct messages to Tokyo. I worked through the Southern Army.

Q Did you receive any such instructions from the Southern Army?

A No, I didn't receive any.

Q Did you receive any such instructions from Tokyo?
Please answer yes or no.

A No.

Q Isn't it a fact that you received word from Tokyo that, in view of the hostile attitude of the Filipinos, they were to be treated as enemies?

A Absolutely not.

Q Did you make any report -- strike that. Did you receive any such instructions from the Southern Army?

A I did not receive it from the Southern Army either.

Q Did you receive it from any source?

A I had never received such order from anywhere.

Q Did you report to Tokyo, or to the Southern Army, the hostility of the Filipino civilians?

A I never reported that.

Q You had no discussion whatever with the Southern Army, with Marshal Terauchi, or with Tokyo, concerning the hostility of Filipinos; is that correct?

A That is correct. I never reported such things to either the Southern Army or Imperial General Headquarters in Tokyo.

Q Did you go to Tokyo after you came to the Philippines?

A No.

Q Did you send anyone to Tokyo while you were in the Philippines?

A Only those people who were transferred there.

Q Did any member of your staff go to Tokyo?

A I did not send any member of my staff to Tokyo.

Q Was any member of your staff called to Tokyo by higher authority?

A Who do you mean by "a higher commander"? Do you mean Count Terauchi?

A On the orders of anyone other than yourself.

A No, just those people who were transferred.

Q Did a court martial sentence of death on a charge of being guerrilla require your approval?

A Yes.

Q How were such people executed? By shooting, hanging, beheading or bayoneting?

A As I recollect, it is execution by shooting.

Q And that is the only approved method of execution, is it?

A (Through Sergeant Yajima) Yes.

Q Do you know whether or not executions actually were carried out in other manners?

A I do not know that.

Q You have no knowledge of an execution having been carried out by bayoneting or by beheading?

A (Through Major Pratt) I do not know about that.

Q Did you ever make any effort in the Philippines to see to what extent your regulations or the regulations of higher authority were being complied with?

A I did not investigate such matters personally.

Q You stated that you met General Ricarte three times. Did you know him in Japan?

A No, but since I came here.

Q When was the second time that you met him?

A About the 22nd of December.

Q Where?

A It was at my place at Fort McKinley.

Q You have testified that you met Ricarte on 8 December. Where was that?

A It was on the south side of the Legislative Building.

Q Was that at your headquarters or in the City of Manila?

A It was the Legislative Building in the City of Manila.

Q What was the occasion?

A It was the inauguration ceremony of the opening of the Philippine Patriotic League.

Q At that time, did you have a social gathering where you drank with General Ricarte?

A It is as I stated before, the opening of the Philippine Patriotic League, and there was no drinking or party.

Q What was the first time you met General Ricarte?

A It was about the 19th of November.

Q The 19th of November was the last previous time that you had seen General Ricarte? Was that the last previous time that you had seen General Ricarte? I will withdraw that question.

What was that occasion?

A It was the time when I was invited to Malacanan.

Q So the first time you saw Ricarte was when you were invited to Malacanan, and the second time was at the Legislative Building, is that correct?

A No, the second time was at my headquarters at

Fort McKinley.

Q On what date was that?

A December 22, about December 22.

Q Is that the only time that General Ricarte called at your headquarters?

A Yes.

Q Did you live at your headquarters?

A I lived in separate small house.

Q Where was that small house located?

A It was a small building in Fort McKinely, about 200 meters from my headquarters.

Q Are you sure of the dates that you have given the Commission?

A (Through Major Pratt) Yes, I am certain.

Q Since you were such a busy man that you did not have time even to inspect the Fort McKinley prisoner of war camp, how do you account for your clear recollection of the dates of these visits?

I will break that question up. At this time you were a very busy man, were you not?

A (Through Interpreter Yajima) Yes, I was busy.

Q How does it happen that you recall the dates of these visits so clearly?

A (Through Major Pratt) There are some things that I do not recall and there are some things that I recall sufficiently well.

MAJOR KERR: Will you mark this as the next exhibit?

(A copy of the Tribune dated December 7, 1944, was marked Prosecution Exhibit No. 402 for identification.)

Q (By Major Kerr) I will hand you a copy of the December 7, 1944, issue of the Tribune, published in Manila, and will ask you whether or not the picture which appears on the first page thereof includes your picture?

A (Through Interpreter Yajima) Yes.

Q Was General Ricarte included in that picture?

A Yes.

Q Do you recall the occasion when that picture was taken?

A (Through Major Pratt) Yes, I remember the occasion.

Q What was the occasion?

A This was the occasion on which Ricarte, Ramos and Duran reported to me on the formation of the Philippine Patriotic League.

May I see that paper, please?

MAJOR KERR: Here it is.

THE WITNESS: (Through Major Pratt) The time that I went to Malacanan was on the 19th of November. On the 22nd of November these three men came to my place to report on the formation of the Philippine Patriotic League, and this picture is a picture of that occasion.

Q (By Major Kerr) Was that the first or second time that you were with Ricarte?

A (Through Interpreter Yajima) The second time.

Q You previously testified the second time you saw Ricarte was on the 22nd of December. Do you now change that testimony?

A That is an error. It should be -- I request that to be corrected to the 22nd of November.

Q Then you did meet Ricarte at least four times, is that correct?

A (Through Major Pratt) No, three times. The first time was on the 19th of November, when I was invited to Malacanan.

The second time was with Ricarte, Ramos and Duran, along with some interpreters that came out.

Q That was on what date?

A November 22nd.

Q And the third time was when?

A The third time was the 8th of December.

Q And on the 8th of December you met Ricarte where?

A The south side of the Legislature Building in Manila City.

Q Are you sure now those are the only meetings that you had with Ricarte?

A Yes, that is all.

Q Did you have any communications with Ricarte?

A No.

Q Where was Ricarte's home?

A I don't know.

Q Do you know whether or not he lived in Manila?

A I heard recently that he did live in Manila.

Q If you did issue an order for the killing of Filipino civilians who showed hostility towards Japanese forces, would that be a highly secret order?

A I neither issued such an order secretly or officially.

Q If you had issued such an order would it have been classified as highly secret?

A I didn't issue such an order and I don't know about that.

Q Did you ever go into the home, the former home of President Quezon?

A If that is the house that Count Terauchi was using, I did visit there.

Q Do you know the location of the house which Count Terauchi used?

A (Through Interpreter Yajima) Yes, I do.

Q What house did he use?

A (Through Major Pratt) I know it is along the sea-shore, but I don't know the exact location.

Q That is to say, it is on Dewey Boulevard?

A I don't know the name of the street, but it is a street that runs along the waterfront.

Q You testified that when you arrived in the Philippines in October the army was disorganized and had poor morale.

A (Through Interpreter Yajima) Yes.

Q Did you in October tell the Philippine Cabinet that you would give MacArthur thirty days to get out of Leyte or you would smash him?

A (Through Major Pratt) I did not say such a thing.

Q And did you say at that time to the Cabinet that you would drag MacArthur into that very room where he would sign your surrender terms?

A No, I didn't say such a thing as that.

Q Did you make any similar statement?

A No; generally speaking I never met the Cabinet.

Q Did you ever meet it?

A When I was called or invited to Malacanan, the Malacanan Palace, that was the first time I ever met any of the Cabinet.

Q When was that?

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

(Whereupon, at 1130 hours a recess was taken until 1330 hours, 30 November 1945.)

AFTERNOON SESSION

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

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.

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 Interpreters Major Pratt, Lieutenant Asano, and Sergeant Oishi:

CROSS EXAMINATION (Continued)

GENERAL REYNOLDS: Will you read back the last six questions and answers, please?

REPORTER RACKLIN: Yes, sir.

(Questions and answers read)

REPORTER RACKLIN: The question was unanswered.

MAJOR KERR: I will rephrase the question, sir, since this is the beginning of another session.

(The following questions were translated to the witness by Sergeant Oishi and the answers of the witness were given in English by the interpreter indicated.)

Q (By Major Kerr) On what date did you meet the Cabinet for the first time?

A (Through Major Pratt) I met them for the first time on the day that I was invited to Malacanan.

Q What was that date?

A The 19th of November.

Q Did you have subsequent meetings with them?

A No. I never met them after that.

Q Did you have discussions with President Laurel concerning the defense of Manila?

A I never talked to President Laurel in regards to such operational matters.

Q Did you discuss with President Laurel the attitude of the Filipino civilians towards Japan?

A No, I did not discuss that subject.

Q Did you discuss with President Laurel the evacuation of Manila?

A I never discussed that with him.

Q After you moved your headquarters out of Fort McKinley did you leave to the local military police headquarters the matter of dealing with the guerrillas in their custody?

INTERPRETER OISHI: Read the question.

(Question read)

A (Through Major Pratt) Even after I moved my headquarters from Fort McKinley to Ipo I did not leave any orders on that matter with the military police.

Q (By Major Kerr) After you moved from Ipo on into Mountain Province did you authorize military police commanders to dispose of guerrillas as they saw fit?

A Even after I moved my headquarters to Baguio I did not leave that prerogative to the military police.

Q While your headquarters were at Baguio did you receive any reports from the military police commanders?

A After I moved to Baguio I did not receive any reports from the military police.

Q After you left Manila the latter part of December did you receive any courts-martial records for your review or approval?

A (Through Interpreter Oishi) No, there isn't.

Q Do you recall how many death sentences by courts-martial assessed against persons charged as guerrillas were approved by you in the Philippines?

A (Through Major Pratt) I recall reviewing about 40 of the sentences concerning guerrillas from military tribunals.

Q How about court-martials?

A Approximately four military court-martials.

Q Then the only death sentences for guerrillas which you approved in the Philippine Islands totaled not more than 44; is that correct?

A It was 44 cases.

Q How many of those involved death sentences?

A Forty cases involved the death sentence and some cases only involved one person and others involved five or six.

Q Do you recall approximately how many persons were sentenced to death in those cases that you approved?

A I do not remember the exact number of persons.

Q I believe you testified previously that a death sentence for a guerrilla could not be effected without your approval; is that correct?

A (Through Interpreter Oishi) Yes.

Q You also testified that guerrilla activity was very great in the Philippines; is that correct?

A Yes.

Q And yet the number of guerrillas captured, tried and sentenced to death numbered at most only a few hundred; is that correct?

A (Through Major Pratt) I did not give any definite count such as you stated.

Q Very well. What is your estimate of the number of persons the death sentences for whom you approved?

A Each incident comprised one case and there were 40 such cases and some of them had one or two or three people; so I do not know the total count.

Q Do you recall the largest number of persons involved in any one case?

A (Through Interpreter Oishi) I do not recall that.

Q If 25,000 men, women and children, after having been taken into custody, tied, were killed by members of your forces in Batangas Province it necessarily follows, does it not, that those people were murdered?

INTERPRETER OISHI: Will you repeat the question?

(Question read)

LIEUTENANT ASANO: The question again.

(Question again read)

A (Through Major Pratt) I do not clearly understand the meaning of the last part of the sentence.

Q (By Major Pratt) Did you approve death sentences for 25,000 civilians in Batangas Province?

A (Through Interpreter Oishi) No, I did not approve.

Q Did you approve of death sentences for as many as 1000 civilians in Batangas Province?

A No, I didn't. I never ordered the death sentence for a thousand people in Batangas.

Q Did you approve death sentences for as many as one thousand people in all the Philippines?

A I did not approve the death sentence for 1,000 civilians.

Q You testified concerning a conference which you held with chiefs-of-staff in October, at which time you issued instructions concerning suppression of guerrillas.

A On the 10th or 11th of October, I called a conference of all the chiefs-of-staff of the subordinate units.

Q There were also present the commanding officers of those units, is that correct?

A The commanding officers of the nearby units were present.

Q Tell the Commission the names of the officers, both commanding officers and chiefs-of-staff, present at that conference.

A The chief-of-staff of the 35th Army, Major General Tomochika; Lieutenant Colonel Aoshima, chief-of-staff of the 105th Division; Colonel Suzuki, chief-of-staff of the Manila Defense Force; Staff Officer Takenaka of the 58th Mixed Brigade; the chief-of-staff of the 26th Division -- I don't remember his name; chief-of-staff of the 2nd Armored Division -- I don't exactly remember his name; the commanding officer of the Military Police Unit; Major General Nakamura, chief-of-staff of the line of communications. I don't remember all the rest of them too well.

Q Did you have any subsequent conferences on the

subject of guerrilla activity?

A No.

Q Was General Lim, L-i-m, apprehended, to your knowledge?

MAJOR PRATT: Sir, if we might have what force he is connected with, I think I can clear the matter up.

MAJOR KERR: Well, it is connected with the Philippine Army, or with USAFFE.

A (Through Major Pratt) I have never heard that name.

Q Did President Laurel complain to you about the treatment of his son by the Kempei Tai?

A He mentioned nothing to me.

Q Did you hear of any complaint by President Laurel on that matter?

A I heard from my chief-of-staff that, rather than complaining, he talked with the chief-of-staff.

Q What did your chief-of-staff tell you about the matter?

A I heard that he said that the commander of the Military Police Unit, Nagahama, was not very well liked by the Philippine people.

Q Is that the only report that he made to you concerning that matter?

A He said that an official in Batangas Province was apprehended.

Q What else did he tell you?

A I don't believe there was anything else. I don't remember anything else.

Q Did you hear any other complaints about the treatment

of civilians by the Kempei Tai?

MAJOR PRATT: Will you read the question, please?

(Question read.)

A (Through Major Pratt) No.

Q (By Major Kerr) You are a professional soldier, are you not?

A I am a soldier.

Q And you are proud of your service to your native land, are you not?

A Yes.

Q Are the standards of ethical conduct by professional soldiers substantially the same throughout civilized nations?

MAJOR PRATT: Will you read the question, please?

(Question read.)

A (Through Major Pratt) It is the same.

Q (By Major Kerr) Is it a recognized duty, among soldiers, of a commanding officer to control his troops so that they do not commit wrongful acts?

MAJOR PRATT: May we have that question repeated?

(Question read.)

A (Through Interpreter Oishi) It is a recognized duty.

Q (By Major Kerr) Is it a wrongful act for soldiers to commit rape?

A (Through Major Pratt) Not only for soldiers is that a wrongful act.

Q Is it a wrongful act for soldiers to kill unarmed civilians without trial?

A (Through Interpreter Oishi) Yes.

Q Is it a wrongful act for soldiers to execute guerrillas?

(Translated to the witness by Interpreter Oishi.)

Q (Continuing) Without trial?

MAJOR PRATT: Sir, the original question did not have the major's last addition to it.

MAJOR KERR: Well, let the question be put completely.

A (Through Major Pratt) Without trial, it cannot be done.

Q (By Major Kerr) Is it a wrongful act for soldiers to torture people?

A It is a prohibited act.

Q Is it a wrongful act for soldiers to burn or destroy property without military necessity?

A (Through Interpreter Oishi) Yes.

Q Is it a wrongful act to execute a prisoner of war merely because he attempted to escape?

A (Through Major Pratt) That would depend upon the circumstances.

Q Would it be a wrongful act to execute a prisoner of war after he had been apprehended, merely because he attempted to escape?

MAJOR PRATT: Will you repeat the question, please?

(Question read.)

A (Through Major Pratt) That is not correct.

Q (By Major Kerr) Under what circumstances would it be proper to execute a prisoner of war merely because he attempted to escape?

A In the case that a prisoner should go beyond the

designated boundaries, or outside the fixed area, and there is no other means of stopping him, then he could be subject to the death sentence.

Q If he is recaptured --

(The witness continued speaking in the Japanese language.)

MAJOR KERR: Will you interpret his last remark, please?

MAJOR PRATT: "I wish this statement to be accurate."

Q (By Major Kerr) I am not talking about --

MAJOR PRATT: May we check this answer, sir?

MAJOR KERR: Excuse me.

THE WITNESS (through Major Pratt): May I correct that previous answer to the question concerning the prisoners of war: If the prisoner goes beyond the fixed limits of the area, and if there is no other means of stopping him, it falls within the duty of the guard to shoot him.

Q (By Major Kerr) I am not referring to a prisoner in the act of escaping. I am referring to a prisoner who has attempted to escape and has been recaptured.

A (Through Major Pratt) In that case, it cannot be done.

Q In other words, it would be wrongful in that case to punish with a death sentence, is that correct?

A No, that could not be done then.

Q You acknowledged that it is a recognized duty of a commanding officer to control his troops so that they do not commit atrocities?

MAJOR PRATT: Will you read the question, please?

(Question read.)

A (Through Interpreter Oishi) It is his duty.

(Through Major Pratt) And furthermore, I gathered together the commanding officers of units and chiefs-of-staff, and I instructed them that my idea was that each unit must instruct its subordinate units, and those subordinate units must instruct their men as to my desires; and people who did not obey would be dealt with. Each unit has this responsibility of educating and instructing its subordinates. And from a practical standpoint, I took every possible available means.

Q (By Major Kerr) Does the responsibility of a commanding officer stop when he takes action to punish his men for wrongful acts?

A (Through Major Pratt) This would depend on the nature of the offense, and the offender will be legally punished; and if the offender's superiors have condoned or permitted or ordered these offenses, then they, too, would be punished.

However, if the commanding officer has taken the necessary precautions and means to prevent it, then he is subject only to administrative reprimand.

This is an extremely important point, and I wish there to be no mistake about the meaning of my words. I wish there to be no mistake in translation.

MAJOR KERR: The Prosecution also desires that there be no mistake. Therefore, I request that the question be put to the witness again.

COLONEL CLARKE: I think we have a machine up here, and we can run it back for you.

MAJOR KERR: It will be sufficient if the reporter read the question and have him answer it again.

I am not saying, sir, that the interpretation is not correct, but on so important an answer I believe there should be a double check on it.

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session. Since the Accused and his counsel and the Prosecution have laid such great importance on the question that has just been asked and the answer, the Accused is offered an opportunity, if he wishes to do so, to reduce that statement to writing and have it translated by the interpreters and read to the Commission. This can be done at this time, if he chooses to do so, or later this afternoon or tomorrow morning upon resumption of the hearing.

Will you explain that to the Accused?

(The above statement was translated to the witness by Interpreter Oishi.)

THE WITNESS (Through Major Pratt): I should like to take my time and write this out.

GENERAL REYNOLDS: Very well, you may do so, and the cross examination will continue.

MAJOR KERR: Sir, I think I should state for the record that I am advised, and this is in fairness to the Interpreters, I am advised by the Prosecution's own inter-

prefer that the question and the answer were properly interpreted.

I suggested that the question be addressed to the witness again so that on this important matter there would be no question at all.

There was no reflection on the interpreters' intent.

GENERAL REYNOLDS: I am sure the interpreters understand that there is no reflection upon them in any way. The Accused and the Prosecution both stated the importance which they attached to the answer. We wish to be sure that the Accused has every opportunity to express himself.

Q (By Major Kerr) In the Japanese Army are there two types of responsibility?

A (Through Interpreter Oishi) Yes.

Q If a commanding officer fails to take proper action to control his troops what type of responsibility is that?

A (Through Major Pratt) That will depend upon the circumstances and the facts of the case.

Q Under what circumstances would the responsibility be what you would call criminal responsibility?

A In the case when a commanding officer should order murder or other such actions, or in the case when he orders it, permits it or condones it, that would be criminal responsibility.

Q If he knew that his troops would commit wrongful acts if he did not take action to prevent the acts, and he took no action to prevent such acts, would that be criminal responsibility?

INTERPRETER OISHI: Will you read the question, please?

(Question read.)

MAJOR KERR: I will rephrase that question.

Q (By Major Kerr) If a commanding officer, knowing that his troops might commit wrongful acts, took no action to prevent them, would he be criminally responsible?

A (Through Major Pratt) Acts such as this must be stopped, but the location of the commanding officer and the time and the circumstances must also be taken into consideration.

Q If, despite everything he did to prevent the acts, his troops committed wrongful acts, would the commanding officer be administratively responsible?

A Even though he takes all the available means in order to prevent these acts, the location and time and circumstances must be taken into consideration. However, if he has taken all possible means to stop them and still finds it impossible to prevent them he is subject to administrative responsibility.

However, if the conditions are such that it is utterly impossible for him to take any action then he would not even be administratively responsible.

Q Under administrative responsibility might that officer be dismissed from the service?

A It would depend upon the investigations and the decision of the superior officer as to whether he would be dismissed from the service or forced to resign.

Q I ask that you look at the two maps to your rear.

The map on your left represents the Philippine Islands. Each red pin or disc represents a major violation of the laws of war, which according to testimony in this case was committed by your troops. According to the evidence, approximately 60,000 unarmed men, women and children were killed in the Philippine Islands by men under your command.

Do you deny to this Commission that you knew of or ever heard of any of those killings?

INTERPRETER OISHI: Will you please read the question?

(Question read.)

A (Through Major Pratt) I never heard of nor did I know of these events.

Q (By Major Kerr) Can you explain to the Commission how all of those murders could have been committed from one end of the Philippine Islands to the other for a period of over seven months without your ever having heard of it?

A I absolutely know nothing about it.

Q This is your opportunity to explain to this Commission, if you care to do so, how you could have failed to know about those killings.

A The facts are that I was constantly under attack by large American forces, and I have been under pressure day and night. Under these circumstances I had to plan, study and carry out plans of how to combat superior American forces, and it took all of my time and effort.

At the time of my arrival I was unfamiliar with the Philippine situation, and nine days after my arrival I was confronted with a superior American force. Another thing was that I was not able to make a personal inspection

and to coordinate the units under my command. As a result of the inefficiency of the Japanese system, Japanese Army system, it was impossible to unify my command, and my duties were extremely complicated.

Another matter was that the troops were scattered about a great deal and the communications would of necessity have to be good, but the Japanese communications were very poor and, therefore, the communications were not all they should have been.

Reorganization of the military force takes quite a while, and these various troops, which were not under my command, such as the air force and the Third Maritime Command, were -- and the navy -- were gradually entering the command one at a time, and it created a very complicated situation. The source of command and coordination within a command is or lies in trusting in your subordinate commanders. Under the circumstances I was forced to confront the superior U. S. forces with subordinates whom I did not know and with whose character and ability I was unfamiliar.

Besides this I put all my efforts to get the maximum efficiency and the best methods in the training of troops and the maintaining of discipline, and even during combat I demanded training and maintenance of discipline. However, they were inferior troops and there simply wasn't enough time to bring them up to my expectations. These were insufficiently trained troops, and for a long time they had been under the influence of a tropical climate, and due to the lowering of morale my plan became even

more difficult.

I wished to augment my inefficient communications system by the use of airplanes, but when they came under my command they proved to be all useless. I tried to dispatch staff officers and various people to the outlying units, but the situation was such that they would be attacked by guerrillas en route and would be cut off. Consequently, it became very difficult to know the situation in these separated groups. When the Americans landed on Leyte, Mindoro and Luzon the situation came to a point where our communications were completely disrupted.

And under conditions like this and with both the communication equipment and personnel of low efficiency and old type, we managed to maintain some liaison, but it was gradually cut off, and I found myself completely out of touch with the situation.

I believe that under the foregoing conditions I did the best possible job I could have done. However, due to the above circumstances, my plans and my strength were not sufficient to the situation, and if these things happened they were absolutely unavoidable. They were beyond anything that I could have expected. If I could have foreseen these things I would have concentrated all my efforts toward preventing it.

If the present situation permits it, I will punish these people to the fullest extent of military law.

Certain testimony has been given that I ordered the massacre of all the Filipinos, and I wish to say that I absolutely did not order this, nor did I receive the

order to do this from any superior authority, nor did I ever permit such a thing, or if I had known of it would I have condoned such a thing, and I will swear to heaven and earth concerning these points.

That is all I have to say.

Q (By Major Kerr) These difficulties that you mention --

GENERAL REYNOLDS: The Commission interrupts. We will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

The record will show the absence of Brigadier General Handwerk.

You may proceed.

(The following questions were translated to the witness by Lieutenant Asano and the answers of the witness were given in English by the interpreter indicated.)

Q (By Major Kerr) These difficult conditions you describe became apparent to you soon after you came to the Philippines, did they not?

A (Through Interpreter Asano) Yes; immediately after my arrival.

Q In view of your realization of those difficult conditions did you make any special effort to maintain control of your troops?

A (Through Major Pratt) Yes. I took every possible opportunity and all possible methods to instruct the subordinate units in accordance with my instructions.

Q Did you ever personally visit the battlefield?

A At Fort McKinley we were constantly being bombed and at Baguio we were under shell-fire all the time and my headquarters were just the same as the front lines.

Q That is the extent of your visits to the battlefield?

A The combat situation being what it was, it was impossible to visit the front lines frequently. And when we were at Bambang, Kiangon, and Rest House #3 we were under constant shell-fire and bombardment.

Q I will ask --

A (interposing) My chief of staff and staff members

also maintained contact as often as possible with the front-line areas.

Q I will ask you to refer now to the second map to your rear, the one on your right. That represents the Manila area and, again, each red pin or disc represents a major atrocity committed by troops under your command. You have sat through every session of this Commission, have you not?

A (Through Interpreter Asano) Yes, I have.

Q And you have had interpreted to you the testimony of the witnesses?

A Yes, I have.

Q Can you as a soldier and as the commanding officer of the troops who committed those acts explain to the Commission how it came about that those terrible things would be done in the Philippines during your command?

A (Through Major Pratt) The reasons are the same as in the testimony I gave previously.

Q You have no explanation to make concerning that conduct by your troops; is that correct?

A The matter of having combat in Manila is in direct opposition to my ideas and is tactically unsound.

Q Then you desire to lay the blame and responsibility for these wrongs entirely upon subordinate officers and men; is that correct?

A The persons who perpetrated these crimes should be punished and the immediate superior units should be subject to investigation and upon the findings they should receive either criminal punishment or administrative punishment.

Q You admit, do you, that you failed to control your troops in the Philippines?

A I have put forth my maximum effort in order to control the troops, and if this was not sufficient, then somehow I should have done more. Other people might have been able to do more, but I feel that I have done my very best.

Q Did you fail to control your troops? Please answer "yes" or "no".

A I believe that I did control my troops.

MAJOR KERR: That is all, sir.

GENERAL REYNOLDS: Does the Defense have further questions?

REDIRECT EXAMINATION

COLONEL CLARKE: I will ask the Prosecution if we may see that newspaper, please (indicating Prosecution Exhibit 402 for identification.)

(Prosecution Exhibit 402 for identification was passed to Colonel Clarke.)

COLONEL CLARKE: I will ask the Prosecution if they intend to introduce it as an exhibit.

MAJOR KERR: We do not.

COLONEL CLARKE: If the Court please, the Defense would like to have this newspaper introduced as a Defense exhibit. It is one paper we looked for and couldn't find or we would have put it in with the other volume of exhibits.

MAJOR KERR: No objection, sir.

GENERAL REYNOLDS: Very well.

MAJOR KERR: We will ask, sir, that a photostatic

copy be substituted for the original paper.

You are submitting the entire paper or merely the first sheet?

COLONEL CLARKE: We will submit the sheet and point out the pertinent parts.

Mark this for identification, please.

(Copy of The Tribune, Manila, Philippines, Thursday, December 7, 1944 was marked Defense Exhibit EE for identification.)

COLONEL CLARKE: We introduce as Defense Exhibit EE, sir, The Tribune, Manila, Philippines, December 7, 1944. It will be photostated and photostatic copies introduced in lieu thereof inasmuch as this paper belongs to the Prosecution. The pertinent parts may be read now, sir, or they may be read when we have the photostatic copy.

GENERAL REYNOLDS: Read them now.

COLONEL CLARKE: "THREE PATRIOTS LEAD IN NEW MOVEMENT TO DEFEND FREEDOM.

"Inauguration of 'Makapili' Slated Soon;
President Laurel to Be Honorary Adviser;
Ricarte, Ramoz and Duran to Be at Helm

"The formation of Makabayang Katipunan ng Filipino (Makapili), new body dedicated to the cause of the defense of the Philippine Republic, will shortly be announced, it was learned yesterday.

"The organization, marking a positive step in the movement for the maintenance of the independence of the Republic, is under the leadership of General Artemio Ricarte, veteran fighter for independence, Benigno Ramoz, former head of the Ganap party; and Pio Duran, member of

the National Assembly.

"President Jose P. Laurel has already consented to assume the post of the honorary highest adviser to the Makapili.

"The staff of the headquarters of the league comprises General Ricarte, Mr. Ramoz, and Mr. Duran as the highest adviser, the president and the vice-president, respectively.

"Rallying under the banner of patriotism, the promoters of the league are guided by the principle of vigorously carrying out the fight of the Filipinos in support of the Government of the Republic.

"They will forge ahead in their campaign to attain the final victory in this war or the survival of all nations and peoples of Greater East Asia, upholding the Republic declaration of war on the United States and Great Britain.

"The aims of the organization are as follows:

"1. To consolidate and strengthen the defense of the Philippine Republic.

"2. To cooperate in the maintenance of peace and order and to make a common cause with other Asiatic nations in crushing their common enemy, the United States and Great Britain.

"3. To mobilize the nation for the purpose of securing the supply of foodstuffs and war materials.

"4. To extend positive collaboration to the Imperial Japanese armed forces.

"5. To propagate the significance and aims of the Greater East Asia War among the people.

"6. To bring home to the minds of the people the idea that there will be no independence of the Philippines without the victory of the Asian people."

And under the picture shown in the lefthand columns of this paper:

"General Tomoyuki Yamashita, right, gave words of encouragement to leaders of the 'Makabayang Katipunan ng Filipino' when they called on him recently. They are left to right: Assemblyman Pio Duran, General Artemio Ricarte and Benigno Ramoz."

And the heading of one article is "Yamashita Backs Organization of 'Makapili'."

GENERAL REYNOLDS: Is that all?

COLONEL CLARKE: Yes, sir.

GENERAL REYNOLDS: The newspaper is accepted as a Defense exhibit for such probative value, if any, as it shall be held to possess.

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

MAJOR KERR: Sir, may I point out to the Commission a very interesting feature of this paper.

GENERAL REYNOLDS: You may.

MAJOR KERR: The Commission will note that on the first page there is a picture which is the picture identified by the witness. It shows the Accused in a pose in what appears to be alcoholic conviviality with General Ricarte and other persons named -- all during a time when the Accused stated that he was "extremely busy".

(Defense Exhibit EE was passed to members of the

Commission.)

GENERAL REYNOLDS: The comments of the Prosecution are noted. The Defense may proceed.

Q (By Colonel Clarke) General Yamashita, you have testified on cross examination that there were intelligence officers in a few places in Luzon. What reports, if any, did those intelligence officers furnish to your headquarters concerning any action taken to suppress guerrillas?

A (Through Major Pratt) It was the duty of the combat units to suppress the guerrillas. However, the intelligence officers stationed there sent reports on the number and the movement of the guerrillas, but their duty was not the suppression of guerrillas. That was the duty of combat units.

Q When the word "Manila" is used in Japanese operational orders to what does it have reference?

A In operations orders the word "Manila" refers to the extensive area south of Nichols Field, north of Lake Laguna, Antipolo and the mountain area to the north, Wawa, Ipo, and then extending southwest to the Pampango River and then out to the edge of Manila Bay.

Q How was the area of Manila proper designated in Japanese operational orders?

A It was specifically referred to as the "Manila City Area".

MAJOR PRATT: I would like to add that that could be translated into "Manila City" itself.

Q (By Colonel Clarke) You testified on cross examination that 50,000 Japanese troops had been sent to Leyte and you

also testified that the transfer was 28 October. Over what period of time were these troops being assembled and transported to Leyte?

A I received the order to send the troops to Leyte on about 21st of October of last year. The first troops to be assembled were sent out of Manila Harbor on the 28th of October. The first group of ships went out on the 28th and after that they went out very gradually, the last troops going out on the 3rd or 4th of December.

Q Was there a second shipment of troops prepared to send to Leyte?

MAJOR PRATT: Will you read the question, please?

(Question read)

A (Through Major Pratt) On the 7th of December the U. S. forces landed at Ormoc and after that I received an order from the Supreme Command of the Southern Army to continue the operations on Leyte. So during the period of 10 December to 13 December we concentrated the troops in Manila and we planned a counter-landing at Carigara Bay. However, the Americans made a landing on Mindora on the 15th, so we ceased these preparations.

Q So that the assembling and equipping and transporting of troops to Leyte during the Leyte campaign occupied your headquarters and your staff from the 22nd of October until about the 15th of December; is that correct?

A Yes, that's a fact. I was extremely busy with the changes in plans, the gradual sending of reinforcements, and the plans for counter-landing.

Q You testified on cross examination that while troops

were in transit to Leyte they were under your command. In what way, if any, was this command situation different from the transportation of prisoners of war to Japan?

A Army personnel who were under my command were under that command even when on the sea. However, they were escorted by Naval escort vessels which controlled their actions.

As for the prisoners, the supervision of prisoners while in surface transport was the responsibility of the Third Maritime Command.

Q There has been evidence in this case that a considerable quantity of rice was purchased locally by the Japanese forces. Was that rice available for use?

A We bought and collected rice in central Luzon. However, it was pilfered by the guerrillas and it was bombed and destroyed by the U. S. air forces. There was no transport available, so we couldn't move the rice, and the U. S. forces landed earlier than we had expected. So as a result we did buy it but it was just the same as if we hadn't bought it.

Q In the normal course of events, to whom would an order for the destruction of harbors and docks, or a naval base be given?

A That is a matter that should be handled by the navy themselves.

Q And to whom would the order ordinarily go?

A That is a matter to be handled by the navy and its subordinates, and has no connection with me.

COLONEL CLARKE: I request the Prosecution to see the document which they read sometime during the examination this morning, concerning the orders of Tokyo.

(A document was handed to Colonel Clarke by Major Kerr.)

COLONEL CLARKE: I am going to read from the document before me, which has no heading, no signature, certain portions --

MAJOR KERR: If the Commission please, that document is not in evidence. I made reference to it only in connection with one small part of it. Now, I submit that only that part is before the Commission at this time.

COLONEL CLARKE: Inasmuch as Prosecution read from it this morning, we request we be permitted to read from it at the present time, sir.

GENERAL REYNOLDS: The request is granted. You may proceed.

COLONEL CLARKE: This document commences as follows:

"At the outbreak of the war General Yamashita was under the command of Field Marshal Terauchi, Commander in Chief of the Southern Army. Later, in August 1942, he

assumed command of one area army in Manchukuo. In early October 1944, he again came under the command of Field Marshal Terauchi, and arrived in Manila to assume command of area army. Official documents and evidence requested by the Allies are held by the Southern Army (unless they have been burned.)

"Since the Central (TN: presumably referring to the War Ministry) burned reports at the cessation of hostilities, the following data was furnished through recollections of staff officers who participated in the operations. Consequently, the information cannot be construed as absolutely correct."

GENERAL REYNOLDS: I believe the Interpreters are somewhat at a loss to know what you want them to do with the document.

COLONEL CLARKE: I wanted them to read it.

(Translated to the witness by Major Pratt.)

COLONEL CLARKE: This document contains what is purported to be certain orders. Those orders were read to you this morning by Major Kerr.

(Translated to the witness by Interpreter Asano.)

COLONEL CLARKE: One of those orders was that the 14th Area Army will hold sea and air bases firmly.

(Translated to the witness by Interpreter Asano.)

COLONEL CLARKE: And another was that "If it becomes necessary to relinquish them, see that the enemy cannot use them."

(Translated to the witness by Interpreter Asano.)

COLONEL CLARKE: And another order was that in the

event the 14th Area Army had to give up sea, air and military bases, they will be demolished to prevent enemy use.

(Translated to the witness by Interpreter Asano.)

COLONEL CLARKE: - And, finally, "Manila will be defended to the utmost, and in the event of its loss its use to the enemy will be hampered by cutting off its water supply, and other such measures."

(Translated to the witness by Interpreter Asano.)

Q (By Colonel Clarke) Did you ever receive such an order from the Imperial Headquarters, Southern Area Command, or any other source?

A (Through Major Pratt) I never received such an order from either the Imperial General Headquarters, the Supreme Southern Command, or any other source.

COLONEL CLARKE: I am going to read a paragraph numbered 1 under "E".

(Translated to the witness by Interpreter Asano.)

COLONEL CLARKE: "An investigation of the 14th Area Army Headquarters is desired in this regard. However, the following is presented for what reference value it may have:

"The defense of Manila served as a forward outpost for the main defensive positions in the area of Montalban, Ipo, and Antipolo. The defenses were conducted at Fort McKinley, at the neck of land south of Nichols Air Field, and the defense position on the northern tip of Karokan Air Field. In addition, a suicide battalion resisted from the remains of Fort Santiago at the city's center and from the area of the Post Office and the Pasig River Bridges.

It appears that they were ordered to restrict American use of the City of Manila as long as possible. Furthermore, it appears that the naval forces completely destroyed the Naval Base of Cavite and the wharfs of Manila."

(Translated to the witness by Major Pratt.)

Q (By Colonel Clarke) Did you have defenses at McKinley, Nichols Field and Karokan?

A (Through Major Pratt) We had troops for defense against airborne attacks in that vicinity. We expected an American airborne attack.

GENERAL REYNOLDS: The Commission will recess for approximately five minutes.

(Short recess)

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

COLONEL CLARKE: May we have the last question?

(Question read)

Q (By Colonel Clarke) Were these defenses in furtherance of any plan to fight in the City of Manila?

A (Through Major Pratt) The main defensive positions were at Ipo, Montalban, Wawa, and Antipolo and in the mountainous area of the positions at Karokan, Quezon, and Nielson Field were anti-airborne attack forward positions and the positions faced the City of Manila.

Consequently, since they were facing Manila they absolutely could not be used for the defense of Manila.

Q Were any of these defenses within the City of Manila itself?

A (Through Interpreter Asano) As far as the 14th Area

Army was concerned we did not order any defense positions in the city.

THE WITNESS: (Through Major Pratt) I can't say as to whether the navy had defensive positions constructed along the seafront.

Q (By Colonel Clarke) Was the Noguchi Unit a suicide unit?

A (Through Interpreter Asano) It wasn't.

Q You testified on cross-examination that a capture of a certain aviator had been reported to you; a Captain by the name of Shaw. What action did you take upon the report of his capture?

A (Through Major Pratt) This officer was a fine officer and he was respected by everyone but since he landed in an area where there was no food or accommodations I thought it best to return him to the U. S. Forces, so I had my officers escort him back to the 32nd -- to the American lines, and at a later date I got a letter from the 32nd Division Commander stating that he had arrived safely. This 32nd Division is an American unit.

COLONEL CLARKE: You may examine.

MAJOR KERR: No questions.

GENERAL REYNOLDS: The Commission will assemble at 8:30 new Manila time tomorrow morning to hear such rebuttal testimony as is considered truly and really necessary by both the Prosecution and the Defense.

We will now stand in recess until the time announced.

(Whereupon, at 1730 hours, 30 November 1945, the trial was adjourned until 0830 hours, 1 December 1945.)