

JUDGMENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

**PART B
CHAPTER VII**

THE PACIFIC WAR

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**CONVENTIONAL WAR CRIMES
(Atrocities)**

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PART B - CHAPTER VII

PACIFIC WAR

The failure in 1938 of the Japanese attack at Lake Khassan had revealed the unexpected military strength of the U.S.S.R. in the Far East, The conclusion on 23rd August 1939 of the Non-Aggression Pact between Germany and the U.S.S.R. and the preoccupation of Germany with her war against Britain and France had freed the U.S.S.R. for the time being of anxiety as to her Western frontier. Japan's advance to the North, hitherto intended to be the first step in the realization of her national policy, was now deferred until a better opportunity presented itself.

As the door of opportunity closed in the North the Southern gates began to open and Japan took various steps preliminary to the realization of the second major part of her national policy, the advance to the South. France and Britain suffered a grave rebuff at Munich in September 1938. Thereafter Prince Konoze, on 3rd November 1938, publicly declared Japan's intention to establish the New Order in East Asia, and in that same month Japan announced that she could no longer apply the Treaty System unconditionally. She said that the application

of the principles of "The Open Door" and "Equal Opportunity" might have to yield in face of the changed conditions in China. In that same month of November 1938 the Five Ministers' Conference decided to capture Hainan Island. That island was taken in February 1939 and the Sprately Islands in March 1939.

In September 1939 there came war between Germany and Poland, France and Britain. At once we find Ambassador OSHIMA and General Terauchi speaking of the advisability of Japan advancing to the South: from the month of September 1939 onwards the attitude of the Japanese military in China towards foreign interests was noticeably more intransigent: and about that time the Japanese began to bomb the Yunnan Railway. In November 1939 the Japanese Foreign Office demanded that France should cease forwarding military supplies over the Yunnan Railway to China and should admit a Japanese Military Mission to French Indo-China to see that no such supplies went forward. Nothing could better advertise Japanese aggressiveness in the South, for France was entitled to forward these supplies and there was as yet no indication that French military strength would be broken. Nevertheless Japan felt strong enough to present these demands upon France, in view of France's preoccupation with the war in Europe. On 2nd November 1940 Japan presented to the Netherlands demands which, if granted, would have given her a preferential position among the

nations in respect to the economy of the Netherlands East Indies. In March 1940 KURIISO told the Diet Committee of Accounts that Japan should expand into the Pacific Islands so as to be economically independent of the United States of America.

On 9th May 1940 Germany invaded the Netherlands. Japan at once asked for and received from the United States of America, Britain and France assurances that they would preserve the status quo of the Netherlands East Indies. Japan gave a similar assurance. Nevertheless by 22nd May 1940 she had asked for and received from Germany the statement that Germany had no interest in the Netherlands East Indies, a statement which was interpreted, in Japan, and as it turned out rightly interpreted, as giving Japan a free hand in her relations with the Netherlands East Indies, as far as Germany was concerned.

On 17th June 1940 France asked Germany for an armistice. On 19th June 1940 Japan renewed her demand on French Indo-China for the cessation of passage of supplies through Indo-China to China and for the reception of a Japanese Military Mission to ensure that none went forward. These demands had been refused by France when they were made in 1939, but the situation of France was now very different, a fact of which Japan was taking advantage. Now the Governor of French Indo-China agreed, and the Japanese Military Mission arrived in Hanoi on 29th June 1940.

KOISO, then Minister of Overseas Affairs, spoke to the German Ambassador on 24th June 1940, of Japan's colonial aspirations in French Indo-China and the Netherlands East Indies and inquired what Germany's attitude was towards proposed military activity of Japan in these territories. The Ambassador adhered to the German declaration of disinterest in the Netherlands East Indies already given on 22nd May 1940. He further stated that Germany would probably raise no objections to Japanese action in French Indo-China but she would wish Japan to tie down the United States in the Pacific by a threat of attack on the Philippines and Hawaii. On 1st July 1940 Japan refused a United States offer of an agreement to preserve the status quo in the Pacific during the European War. The reason for this refusal was stated in an interview between KIDO and Arita, the Foreign Minister, as the inadvisability at this time of having Japan's activities, including those in the Netherlands Indies, restricted. There could be no plainer admission of Japan's aggressive intentions towards her neighbors. On 8th July 1940 Kurusu and Sato told Ribbentrop that for nine years the object of Japan had been to build a new China freed from the Treaty System, thus giving the lie to repeated official declarations of Japan made during those years. On 16th July 1940 Japan notified the Netherlands that she was sending an economic mission to Batavia to discuss supplies by the Netherlands East Indies to Japan.

On that same day the Yonai Cabinet resigned under pressure from the military and their supporters, who thought the Cabinet too supine to take advantage of the opportunity for Japanese aggression in the South now presented by the fall of France and the Netherlands and the anxieties of Britain in Europe. The way was clear for the accession of the Second Cabinet of Konoye on 22nd July 1940 and for the steps it took to further that policy of Japanese aggression to the South.

JAPANESE POLICY IN 1940

During the Second Konoye Cabinet, which took office on the 22nd July 1940, important decisions were made which contributed directly to the launching of the Pacific War on 8th December 1941.

The negotiations with Germany leading to the signing of the Tripartite Pact on 27th September 1940 have been discussed in an earlier part of the judgment. However, for a clearer understanding of the decisions made and the plans adopted during the Second and Third Konoye Cabinets and the succeeding Cabinet under TOJO, it is advisable to review briefly the policy and plans adopted from July to October 1940. These were a reaffirmation of the policy enunciated by the HIROTA Cabinet on 11th August 1936 and the practical application of that policy to the circumstances obtaining in the latter half of the year 1940.

The important matters were: The Cabinet decision of 26th July 1940, the decision of the Four Ministers' Conference of 4th September 1940 and the Liaison Conference of 19th September 1940, the outline of Japanese foreign policy prepared in the Foreign Office on 28th September 1940--the day after the signing of the Tripartite Pact,--the decisions of the Cabinet meeting of 3rd October 1940, and the "Tentative Plan Towards 'the Southern Regions'" prepared in the Foreign Office on 4th October 1940.

As a result of these it was settled by the beginning of October 1940 that the policy of the Japanese Government was to move to the Southern Regions with a view to the occupation of Singapore, British Malaya, and the Dutch East Indies, at the same time striving to avoid war with the U.S.S.R. and the United States of America. In the event of war breaking out with the United States, which was considered possible, the Philippines, Guam and other American possessions would be included among the territories to be taken.

In somewhat more detail the policy aimed at the following: (1) reliance on the Tripartite Pact; (2) conclusion of a Non-Agression Pact with the U.S.S.R.; (3) successful conclusion of the war in China; (4) incorporation of French Indo-China, the Netherlands East Indies, the Straits Settlements, British Malaya, Thailand, the Philippines, British Borneo and Burma into the Greater East

Asia Co-Prosperity Sphere (which hereafter for shortness we will refer to as the "Co-Prosperity Sphere"); (5) to offer to mediate for settlement of the European War and in return obtain from Great Britain recognition of the Co-Prosperity Sphere; (6) conclusion of a Non-Aggression Pact with the United States, whereby the United States would recognize the Co-Prosperity Sphere in return for Japanese respect for the independence of the Philippines.

On 4th October 1940, Konoye made a statement to the Press in which he said that if the United States refused to understand the real intentions of Japan, Germany and Italy and continued its challenging attitude and acts, both the United States and Great Britain would be forced into war with Japan, meaning that Japan would be compelled to go to war with them. He explained that Japan was maneuvering, diplomatically to induce the U.S.S.R., Great Britain and the United States to suspend aid to China.

By this time the aggressive intentions of Japan had become so evident that the United States of America was not prepared to continue to supply Japan with the raw materials to manufacture munitions of war which would be used to realize these aggressive aims. A Presidential Proclamation was issued extending to all iron and steel scrap, except to the Western Hemisphere and Great Britain, the embargoes imposed in 1938 and 1939 in protest against Japan's disregard of treaties. It should be noted that the

United States of America had on 26th January 1940 terminated its Commercial Treaty with Japan. The embargo was extended and placed under a licensing system on 10th December 1940. Copper, brass, zinc, bronze, nickel, and potash were added to the embargo list on 3rd February 1941. Scrap rubber was added on 5th May 1941. By 20th June 1941 the situation had so deteriorated that all petroleum exports from the United States were banned, except to Great Britain and South America.

Measures were adopted to counteract the American embargoes by strengthening the national economy of Japan and by organizing Japan-Manchukuo-China as an economic bloc. The Cabinet decided that it was necessary to allot to each of the three countries within the bloc well defined spheres of activity in labor, finance, exchange, manufacturing, communications, transportation, etc., in order to avoid economic rivalry, dual investments, and duplication of enterprises.

MEASURES TO IMPLEMENT POLICY

In a policy study of 25th October 1940, the Konoye Cabinet decided to recognize the puppet Central Government of China led by Wang Ching-Wei and to negotiate a basic treaty with that government for adjustment of relations between it and the Government of Japan. The Treaty was signed on 30th November; and the new Ambassador to the puppet government was instructed that

since the Cabinet had adopted the puppet Central Government as an instrument for long term warfare, he should bear that point in mind and cooperate to the fullest extent with the Army and Navy.

HOSHINO, as President of the Planning Board and formerly Director of the General Affairs Board of Manchukuo, was actively directing the negotiation of a joint declaration to be made by Japan, Manchukuo and China upon the occasion of the signing of the Sino-Japanese Basic Treaty. KIMURA was appointed to the Japan-Manchukuo Joint Economic Committee on 7th November 1940. The Japan-Manchukuo-China Joint Declaration was initialed in final form on 8th November and published on 30th November 1940 at the time the signing of the Sino-Japanese Treaty was announced. This joint declaration stated that the three countries would cooperate on a military and economic basis and take all necessary measures to establish the New Order in Asia.

HOSHINO has explained the reorganization of the Japanese economy to bring it in line with the new economic bloc. He stated that in November the Cabinet decided upon a plan to group companies of each industry into associations in order to control those companies through the heads of the associations who were to be appointed by the Cabinet and placed under the supervision of the Minister of Commerce and Industry. He said that laws and ordinances were issued to place the plan into effect and that

there was little revision of the plan thereafter. As a result of that plan no less than 212 major corporation mergers took place in 1940 involving capital amounting to 2,380,000,000 yen; and during the first half of 1941 there were 172 major mergers involving over 3,000,000,000 yen.

The Privy Councillors had indicated during the deliberation upon the Tripartite Pact a number of measures that should be taken to prepare Japan for the war which they expected to follow the signing of the Tripartite Pact. Immediately after the Privy Council meeting, HOSHINO began to take measures to strengthen Japan's financial structure. On 19th October 1940, an Imperial Ordinance entitled "Ordinance Concerning Operation of Funds of Banks and Other Financial Institutions" was promulgated to add to government control over finances by requiring all financial institutions to adjust their investment policies according to government directives and providing for compensating of losses incurred by financial institutions as a result of government directives. On the same day, the Imperial Ordinance for Control of Corporate Accounts was promulgated by which institutions were required to conserve funds for attainment of the object of the National General Mobilization Law.

IMPERIAL RUBE ASSISTANCE ASSOCIATION

One of the matters giving the Privy Councillors concern at the meeting of 26th

September 1940, during the discussion of the Tripartite Pact, was the reaction to be expected from the Japanese people to the hardships to which they were being subjected and which would be increased as a result of the signing of the Pact because of economic sanctions the United States was expected to impose. Konoye's answer to that problem was the organization of the Imperial Rule Assistance Association on 10th October 1940. KIDO and Konoye had discussed the organization of a great all-embracing political party in May 1940 before the fall of the Yonai Cabinet, but had deferred action. HASHIMOTO brought to the Preparatory Committee of the Association his long experience in the organization of political associations; and HOSHINO assisted as a member of the Committee. The Articles of Association were drawn in detail with the obvious intention that the Association should spread over Japan into every district, county, city and even into every home. The Association was designed to turn Japan into a one party state on the lines of totalitarian states in Europe. Other political parties would be abolished. The Premier was to be at the head of the Association and the leader of the one party. Its purpose was presented euphemistically as being to establish a spiritually and physically united national structure to aid the Emperor in realizing the aims of Hakko Ichiu and making Japan the leader of a glorious world.

HASHIMOTO AND SHIRATORI APPEAL FOR
PUBLIC SUPPORT OF WAR POLICY

A number of organizations were affiliated with the Imperial Rule Assistance Association. HASHIMOTO was a member of the Board of Directors of the Association. He organized the Sekiseikai, an ultra nationalist society. On 7th November 1940, while on an organizing tour, he issued his command to that society as follows: "Rise up resolutely, time approaches. Instigate at once a powerful national movement, using every kind of method, speeches, meetings, posters, etc., and begin a sweeping campaign against sympathizers of England and America and at the same time start a movement to inspire moral support of the Advance Southward." He delivered an address to a meeting of the society at Kyoto attended by more than 5,000 persons on

2nd January 1941. In that speech HASHIMOTO advocated the overthrow of England and America, as he had done in his popular speech "Praying to Soldiers". Here again, he advocated a "Southward Advance".

HASHIMOTO was engaged in writing during this period. He published his "Inevitability of Renovation" on 20th December 1940; and on 30th January 1941 he published his "Road to the Reconstruction of the World" and issued the 14th edition of his "Second Creation". In his "Inevitability of Renovation", after mentioning that the end of the year was approaching and that it was time to "ring a loud alarm bell", he advised that it was time to attack Great Britain while she was engaged in war with Germany and Italy in order to eliminate her opposition to the establishment of the New Order in Asia and the Pacific Region, and that the defeat of Great Britain should be followed by an attack upon the United States. His "Second Creation" contained the "Declaration of HASHIMOTO Kingoro". That declaration was to the effect that the world was facing an historic turning point, and that Japan, whose national policy was "Hakko Ichiu", should take a bold leap and immediately display her original character by following the Emperor blindly with all the Nation's capacity in order to become the glorious leader of the World. He stated that war preparations should be completed to enable Japan to crush Great Britain and the United States, who were interfering with Japan's expansion upon the Continent of Asia and her advance to the south. In his "Road to the Reconstruction of the World", HASHIMOTO displayed his support of totalitarian government and admiration of the methods of dictators and admitted having taken part in the Manchuria Incident. Japan's secession from the League and renunciation of the Washington Naval Limitations Treaty, as well as in the May an

February incidents and other plots in Japan.

SHIRATORI had retained his position as ambassador to Italy until 28th August 1940 when he became a Diplomatic Councillor in the Foreign Office and assisted in the reorganization of the Government along totalitarian lines and in the purge from the Foreign Service of those thought to have Anglo-Saxon sympathies. During this period, he lectured and wrote extensively in support of the proposed Tripartite Pact. In November 1940 he collected a number of his lectures and magazine articles and published them in one volume for distribution in support of the Pact. He declared in his "European War and the Attitude of Japan", which had been published in November 1939, that the European War could be developed to aid Japan in the establishment of its aims in the Far East. He stated in his "Necessity of the Japan-Germany-Italy Alliance" of December 1939 that the aim of Germany and Italy was to divide the world into a comparatively few groups of States with each group dominated by one member State, and that Japan should join Germany and Italy in their endeavor in order to establish the New Order in Asia, i.e. the domination of East Asia. In his "Trend of the Great War" of June 1940, he said that Japan was actually involved in the war because the fuse of the European War was first attached by the China War; and he asked significantly whether the enemies of Germany and Italy who were opposing the establishment of the New Order in Europe were not the enemies of Japan. He advised, in his "Comment on Japan's Non-interference" of June 1940, that since Japan had been assuming the leading role in establishing the New Order ever since the beginning of the Manchurian Incident, she should give early assistance to the Axis Powers, who were attempting to destroy the Old Order based upon demo-

cratic capitalism and establish the New Order based on totalitarian principles. He advised that this assistance should take the form of containing the American Fleet in the Pacific and suggested as Japan's possible reward the Netherlands East Indies and British colonies in the Far East and the Pacific.

SHIRATORI continued his writings after the Tripartite Pact was signed. He stated in his "Conclusion of Japan-Germany-Italy Alliance" of 29th September 1940 that historians of the future generations would probably refer to the Pact as the "Treaty of the New World Order", as it not only represented a racial feud between the Anglo-Saxon and the Teuton and between the Yellow and White Races, but it included a positive programme to overthrow the status quo and prescribe the New World. He declared in his "Three Power Pact and the World of Tomorrow", published in December 1940, that the totalitarian movement was spreading over the world like a prairie fire, leaving no room in the World of Tomorrow for any other concept of world and man. He said that Japan had maintained a pure and unadulterated totalitarian government during her entire existence which embodied the principle of the unity of the sovereign and subjects of one organic body as the immutable faith of the Japanese people. He said that the Manchurian Incident was a bursting forth of this healthy instinct of the nation, which had been hitherto suppressed by conditions long imposed by the democratic powers. He called for reexamination and a return to the true spirit of Hakkō Ichū. He pointed to the China War as essentially a conflict between Japan and the democratic powers, and declared that the wars in the East and in the West were in fact one war.

TOTAL WAR RESEARCH INSTITUTE

A Privy Councillor had inquired during the deliberations upon the Tri-Partite Pact about preparations to meet the situation in case of war. The National Policy Investigation Association or Kokusaku-Kenkyu-Kai had existed since 1936 as an investigating and advisory body to assist the Government in the solution of the graver political problems; but its principal value was that it served as a medium to bind the Zaibatsu to the Military. The Total War Research Institute was organized as an official government board or commission by Imperial Ordinance on 30th September 1940. The Ordinance provided that the Institute should be under the Prime Minister and control basic study and research in connection with national total war as well as with the education and training of officials and others to wage total war. HOSHINO became the Acting Director of the Institute on 1st October; and he was followed by high-ranking Generals and Admirals, who continued the work of the Institute until April 1942. SUZUKI was one of the Councillors of the Institute. Each Ministry of the Government was represented in the Institute. Many Boards and Bureaux of the Government as well as the Government of Formosa, the South Manchurian Railway, the Zaibatsu Companies, and the Yokohama Specie Bank were also represented on the staff of the Institute. Students were selected from every branch and department of the country's activities. Lectures were delivered, studies or exercises were conducted. The Institute compiled research reports on important subjects which were useful in planning total war.

To provide more manpower in order to achieve Japan's leadership of all East Asia, a campaign to encourage increase of the birth rate of the Japanese was adopted by the Cabinet on 22nd January 1941. HOSHINO advanced the plan and

it was adopted by the Cabinet with Home Minister HIRANUMA and War Minister TOJO warmly supporting the measure. The plan was to make payments to young married people to encourage early marriages, reduce the marriage age, ban birth control, give priority on materials to prolific families and establish special bureaux to encourage a high birth rate. The purpose was to increase the population so as to insure the leadership of Japan over East Asia, and furnish manpower for labour and military service in the development of Japan's plan in East Asia. The goal set was a population for Japan of 100,000,000 by 1950. The plan was put into effect by appropriate ordinances and decrees.

COOPERATION UNDER TRIPARTITE PACT

Active cooperation with Germany and Italy under the Pact began shortly after it was signed. OSHIMA wrote in a newspaper article published on 27th October 1940, that one could not fail to be deeply stirred by the fact that the Pact had been concluded and that Japan's objective of founding a New World Order had been made clear, but that the nation with unswerving resolution should make preparations for the attainment of that objective without delay. He advised that mutual economic and military cooperation with Germany and Italy should be perfected speedily so that no opportunities to establish the New Order in Greater East Asia and the South Seas would be lost.

The three Signatories of the Pact agreed on 20th December 1940 to form the Commissions provided for by the Pact. The Agreement called for the establishment of a General Commission and two Technical Commissions, military and economic, to be formed independently of each other in each of the three capitals. MUTO, as Chief of the Military

Affairs Bureau, and OKA, who had become Chief of the Naval Affairs Bureau of the Navy Ministry, were appointed to the Technical Military Commission in Tokyo.

OSHIMA, was appointed Ambassador to Germany on the day the agreement was reached and became a member of the General Commission in Berlin. The Army and Navy had urged OSHIMA's appointment as Ambassador because he was recognized as a strong supporter of the Pact and his appointment would promote cooperation with Germany and Italy. Matsuoka, in a speech delivered on 15th January on the occasion of OSHIMA's departure for Germany, stated that he was most delighted that OSHIMA was returning as Ambassador to Germany as he had built up such a personal credit among the German leaders that he could talk to them without reserve, and that practical use of the Pact would largely depend upon OSHIMA's ability.

Matsuoka planned a visit to Germany after OSHIMA's arrival there. His purpose was to promote cooperation under the Pact, to secure German assistance in settlement of the China War and to negotiate a Non-Aggression Pact with the U.S.S.R., as contemplated by the Pact, for the purpose of neutralising the U.S.S.R. during the advance to the South. The mediation of the border dispute between French Indo-China and Thailand, which we will mention presently, delayed Matsuoka's departure for Germany. He arrived in Berlin in March 1941, and after holding conversations with Ribbentrop and Hitler proceeded to Moscow, where he concluded the Soviet-Japanese Non-Aggression Pact of 13th April 1941. Ratifications of that Pact

were exchanged in Tokyo on 20th May 1941. As we have indicated, and as we have discussed elsewhere, this Pact did not mean that Japan had abandoned its aims of aggrandisement at the expense of the Soviet. The Pact was dictated by expediency. It was a matter of timing.

With war proceeding in China and a war in contemplation with Great Britain and the Netherlands and possibly with America, it was necessary to do everything possible to avoid immediate war with the U.S.S.R.

PREPARATIONS FOR MOVE TO THE SOUTH

One of the principal elements of the policy adopted by the Cabinet in September and October 1940 was the establishment of an economic bloc of Japan, Manchukuo and China in order to accelerate the establishment of the East Asia Co-Prosperity Sphere. It was decided that the first stage of development of the Co-Prosperity Sphere should be a penetration into the whole area west of Hawaii, including French Indo-China, the Netherlands East Indies, British Burma, and the Straits Settlements, excluding for the time the Philippines and Guam. A complete strategical plan was formulated. An attempt was to be made to effect a settlement with Generalissimo Chiang Kai-Shek and to employ his troops, rewarding China by allowing her to annex Tonkin Province of French Indo-China and Northern Burma. It was planned to conclude protective treaties with French Indo-China and Thailand under the guise of military and economic alliances in order to secure bases in those countries for an advance on Singapore. Thailand was to be promised part of French Indo-China as her reward. However, in order to delay Thailand in making preparations to resist invasion by Japan, it was planned to pretend that Japanese-Thailand relations were secure until Japan was ready to start military action. To avoid destruction of the oil wells and other resources in the Islands of the Netherlands Indies, it was decided to capture Singapore before beginning operations against the Netherlands East Indies and to call upon the inhabitants during the siege of Singapore to declare their independence, seize the oil wells and

hand them over intact to the Japanese. Independence movements were to be used in French Indo-China, Burma and Malaya to assist penetration in those areas. Military action was to begin upon settlement with Generalissimo Chiang Kai-Shek, or upon Germany's invasion of England, whichever occurred first; and in the event that neither occurred, the action was to commence when Germany had achieved some substantial military success. Action was to be coordinated with German military plans.

During November 1940 the Konove Cabinet began to make advances to Generalissimo Chiang Kai-Shek for settlement of the China War. MATSUOKA continued his overtures to Generalissimo Chiang Kai-Shek and expected favourable progress as a result of conversations to be held by him in Berlin. The recognition by Japan of the puppet Central Government of China, however, had destroyed any possibility of reaching an agreement with the Generalissimo.

THAILAND'S CLAIMS

With the outbreak of war in Europe, Thailand had presented demands to French Indo-China for the return to Thailand of territory lost to Indo-China in the year 1904. On 12th June 1940 a Non-Aggression Pact was signed between French Indo-China and Thailand. One of the terms provided for the appointment of a commission to settle the matter of the disputed border. When France sued for an armistice with Germany on 17th June 1940 Thailand demanded the revision of the border in accordance with her wishes as a condition of ratifying the Non-Aggression Pact of 12th June 1940.

On 30th August 1940 there was concluded between Japan and France the so-called Matsuoka-Henri Agreement, by which France agreed to the entry of Japanese troops into Northern Indo-China. A note was sent by Thailand to the French Indo-China authorities on 28th September 1940, repeating her demands and proposing the Mekong River as the boundary between Thailand and French Indo-China. The Note stated that Thailand would not press her claims to territory in Laos and Cambodia unless and until such time as France renounced her sovereignty over French Indo-China. On 11th October the French rejected these demands. Thailand then began the concentration of troops along the border and France countered by a like concentration. It appeared that hostilities would commence soon, but Japan limited her occupation of French Indo-China to the Northern part of that territory and Thailand, left without Japanese support, stayed her hand.

In late October 1940 Thailand sent a delegation to Japan to learn the Konoye Cabinet's intentions regarding the border dispute between Thailand and French Indo-China. The Japanese plans formulated in September and October 1940 contained a suggestion that a secret committee should be formed under the Japanese Thailand Non-Agression Pact to make preparations for a military alliance between Japan and Thailand, to be signed as soon as Japan should begin the military action against Singapore. Accordingly, it was decided at the Four Ministers' Conferences of 5th and 21st November 1940 to assist Thailand in her negotiations with French Indo-China and force French Indo-China to accept Thailand's demands by returning the territory on the west side of the Mekong River across from Luangprabang and Bakse to

Thailand, provided Thailand would accept the Japanese demands. Prime Minister Pibun of Thailand accepted the Japanese demands. In this way Japan prejudged the issue of a dispute in which she subsequently insisted in acting as arbitrator.

Following the Four Ministers' Conference of 21st November 1940, Matsuoka informed the German Ambassador that he had proposed to Thailand that if she limited her territorial claims, the Konoye Cabinet would be willing to mediate between Thailand and French Indo-China. He told the Ambassador that if the need should arise, Japan would request the support of the German Government in dealing with the Vichy French Government. He said also that a cruiser was to be despatched to Saigon as a demonstration against French Indo-China to force her to agree to the Japanese demands. This cruiser was scheduled to arrive in Saigon about the middle of December.

The Prime Minister of Thailand having agreed to the Japanese terms for so-called "mediation" of the dispute, Thailand resumed military action against French Indo-China; and on 26th November 1940 an engagement was fought between Thailand and French troops. Taking advantage of this action, Matsuoka informed the French Ambassador that he would act as an arbitrator regarding Thailand's demands for recovery of territory ceded to France in 1904.

The Ambassador replied the next day that the Vichy French Government appreciated the offer of arbitration, but that it expected its territorial integrity in French Indo-China to be respected.

FRENCH INDO-CHINA AND THAILAND TO BE USED
FOR ATTACK ON SINGAPORE.

On 23rd January 1941, Kurusu, the Japanese Ambassador in Berlin, explained to Weizsacker that an advance southward against Singapore was unthinkable without using the land bridge of the Malay Peninsula after crossing French Indo-China and Thailand territory. For that reason Britain should be prevented from interfering with Japanese arrangements with Thailand. A group led by Diplomatic Councillor SHIRATORI was demanding an immediate attack upon Singapore which they considered the key position in the Pacific Area. As a consequence, the Japanese military authorities and the German Military Attaches in Tokyo in January 1941 made a study of the possibilities of such an attack. The conclusion reached was that the attack should be carried out in phases by occupying Saigon, and then landing on the Malay Peninsula.

The Liaison Conference of 30th January 1941 decided to utilize the mediation of the border dispute between French Indo-China and Thailand to establish Japan's position in those countries and to obtain naval bases on Camranh

Bay as well as air bases in the vicinity of Saigon to be used for the attack upon Singapore. The steps taken to give effect to this decision will be dealt with later. The true purpose of the mediation was to be concealed, it was decided, and the negotiations were to be described as an attempt to maintain the peace between the disputing parties. After the Liaison Conference Konoye and the Chiefs of the Army and Navy General Staffs informed the Emperor of the decision of the Conference and secured his approval. KIDO, who was aware of the decision, recorded in his diary that this procedure of by-passing the Imperial Conference was unusual.

Germany prevented the Vichy French Government from sending reinforcements to French Indo-China, and French Indo-China was forced to sign an armistice with Thailand on 31st January 1941. Under the terms of the armistice, the troops of both countries were to retreat from the lines held on 17th January and all military action was to cease. Japanese were to supervise the observance of the armistice, which was to continue until a permanent peace treaty could be agreed upon. SATO, who had been on temporary duty with the South China Expeditionary Forces during the first invasion of French Indo-China in September and October 1940, was one of Japan's representatives in the supervision of this armistice. He did not return to his duties in

the Military Affairs Bureau until March, when an agreement had been reached between Japan and Vichy France for settlement of the dispute and France had agreed to all of Japan's demands.

The armistice having been signed, preparations for the mediation proceeded. The Japanese Mediation Commission was appointed on 5th and 6th February 1941, with Matsuoka, MUTO and OKA among its members. The negotiations were to begin on 7th February; and on 6th February Matsuoka informed the German Ambassador that his Cabinet intended to use the mediation to force both France and Thailand to agree to make no political or military agreement with any third power and requested that the German Government be so notified.

The results of this mediation of Japan in the dispute between Thailand and French Indo-China were seen when the peace treaty between Vichy France and Thailand was finally signed on 9th May 1941. The Treaty provided for the cession by France to Thailand of territory and for the establishment of the border along the centre of the Mekong River, all as claimed by Thailand. We have previously seen that this result had been determined at the Japanese Four Ministers' Conferences of 5th and 21st November 1940.

LIAISON CONFERENCES

The action of the Prime Minister and Chiefs of the General Staffs on 30th January

1941 established a precedent which was customarily followed until the end of the Pacific War. Important decisions were made at Liaison Conferences, and reported directly to the Emperor for his approval. Thereafter Imperial Conferences were held only on the most important questions, such as decisions to declare war. The Liaison Conference therefore latterly became the real policy-determining body of the Empire. Members of the Conference were the Prime Minister, Foreign Minister, Army Minister, Navy Minister, Home Minister, Chiefs of the Army and Navy General Staffs and their Vice-Chiefs, the Chiefs of the Military Affairs Bureau and Naval Affairs Bureau, President of the Planning Board and the Chief Secretary of the Cabinet. In the Second Konoye Cabinet, TOJO, HIRANUMA, HOSHINO, MUTO, SUZUKI after his appointment as President of the Planning Board, and OKA after his appointment as Chief of the Naval Affairs Bureau, regularly attended these Conferences and participated in the formation and execution of government policies.

DIPLOMATIC DISCUSSIONS

In February 1941 British Foreign Minister Anthony Eden summoned Ambassador SHIGEMITSU for a conference on the situation. He referred to reports that the situation in the Far East was extremely strained, and expressed disapproval of Matsuoka's statements

and contentions that only Japan had the right to mediate in conflicts in the Far East. He condemned the fraudulent nature of the mediation then being conducted between France and Thailand. He declared Britain's intention to defend her territories in the Far East. SHIGEMITSU replied that he was not aware of any strained situation. The evidence shows, however, that he was not only aware of the critical situation but was also thoroughly familiar with the plans adopted by the Konoye Cabinet and the action which had been taken up to that date to carry them into effect. He said that he interpreted Mr. Eden's remarks as a clear statement of the British position based on the premise that British-Japanese relations were near the breaking point; and after complaining of British-American cooperation he stated that he would make a complete report to his Government and request instructions.

Matsuoka saw in this conference between Mr. Eden and SHIGEMITSU an opportunity to carry out the fifth provision of the plan adopted in September and October 1940, which was that at an appropriate time Japan should attempt to mediate so that Britain would make peace with Germany and to use that mediation to obtain from Britain recognition of Japan's domination of South East Asia and the adjacent parts of the Pacific. The plan was that Japan in return for that recognition would promise the preservation

of the British Empire, including Australia and New Zealand, and would promise general economic cooperation with Britain. Matsuoka was conducting the mediation between France and Thailand; and on 10th February 1941, he informed the German Ambassador that an attack upon Singapore was being prepared. However, on 13th February he cabled SHIGEMITSU to inform Mr. Eden that the British Ambassador's report of an impending crisis in the Far East was a ridiculous fantasy.

Matsuoka told SHIGEMITSU that the report of the British Ambassador seemed to have been made upon the assumption that Japan would acquire military bases in French Indo-China and Thailand and then commence action against Britain in the South Seas concurrently with Germany's invasion of England. He said it was difficult to understand on what ground the Ambassador in Tokyo had based the alarming report as he, Matsuoka, had privately investigated and had been unable to find any basis for the report. Notwithstanding Matsuoka's denial the substance of the British Ambassador's report was in fact what had been decided by the Liaison Conference of 30th January 1941 at which Matsuoka was present. Matsuoka instructed SHIGEMITSU to say to Mr. Eden that there was no basis for the Press reports that Japan was planning to start military action at any moment as there was nothing that Japan could gain by such action.

Matsuoka saw the British Ambassador in Tokyo on 15th February 1941 and, after attempting to learn the source of the Ambassador's information regarding the impending crisis in the Far East, assured him that so long as Britain and the United States refrained from taking provocative action Japan would under no circumstances initiate action which should cause anxiety on the part of those Powers. The Ambassador enquired whether Matsuoka would check the southward advance and asked whether Japan expected exorbitant compensation for her role as mediator of the French-Thailand dispute. Matsuoka replied that he would try to check the southward advance to the best of his ability, and assured the Ambassador that Japan's purpose in mediating the dispute was solely to restore peace between French Indo-China and Thailand.

Matsuoka on 20th February 1941 complained to the British Ambassador regarding the reinforcement of the British garrison in Malaya. Matsuoka complained also to the American Ambassador that Britain was taking offensive action in reinforcing the garrison in Malaya. The American Ambassador replied that it seemed to him extraordinary that Japan should interpret and characterize an obviously defensive measure as an offensive one. He then mentioned the occupation by Japan in succession of Weichow, Hainan Island and the Spratley Islands, as well as the concentration of troops in French Indo-China and the public declarations of intention

to advance to the South. He observed that the facts could hardly be interpreted by either Great Britain or the United States as indicating peaceful intentions on the part of Japan.

Matsuoka addressed a Note to Mr. Eden on 17th February 1941. He denied the report of an

impending crisis in the Far East. He claimed that the primary purpose of the Tripartite Pact was to limit the sphere of the European War by preventing third Powers from becoming engaged and thereby to bring the war to an early termination. He assured the British Government that this was the sole object of the Pact, which constituted the fundamental basis of Japanese foreign policy. He submitted that he could not but be anxious because of the British and American Governments' attempt to prepare for supposed contingencies in the Pacific Ocean and in the South Seas, and observed that if the United States would restrict its activities to the Western Hemisphere, the situation would indeed be very much mitigated. He then stated that the uppermost thought in his mind had always been world peace and that he sincerely hoped for an early termination of the China and European Wars. He suggested that Japan act as mediator for the settlement of the European War.

The British Government replied to Matsuoka's offer of mediation of 24th February 1941. After assuring the Japanese Government that the preparations by Great Britain and the United States in the Pacific Ocean and the South Seas were purely defensive and that they intended to take no offensive action against Japan, the British Government rejected the offer for mediation of the European War. The British Government stated that it had made every effort to avert the hostilities in Europe before their commencement; but having been forced into the hostilities, it had no thought but to carry them to a victorious conclusion.

Mr. Churchill had a conversation with

SHIGEMITSU on the day this reply was despatched to the Japanese Government in which he emphasized Britain's determination to continue the war. He expressed regret that Anglo-Japanese relations, which had been friendly from the time of the conclusion of the Anglo-Japanese Alliance, should be getting worse. He said it would be a tragedy if a clash should occur between the two Nations, that the defensive works under construction around Singapore were merely for protection, expressed his confidence in victory in the European War, and said that the question of mediation of that war as mentioned by Matsuoka would not arise. SHIGEMITSU denied that Matsuoka had suggested mediation and stated that Matsuoka had only intended to emphasize Japan's spirit toward peace. He expressed regret that Britain had been giving aid to the Chungking Government in its resistance to Japan.

Matsuoka, in a communication addressed to Mr. Churchill on 27th February 1941, reaffirmed his explanation of Japan's intentions under the Tripartite Pact, and again assured Britain that Japan had no intentions of attacking her. He professed surprise that his Note to Mr. Eden of 17th February had been interpreted as an offer of mediation, but hinted that he was not adverse to the idea.

PREPARATION FOR THE ATTACK UPON

SINGAPORE

The failure of the attempt to destroy British-American cooperation and gain British acceptance of their penetration into South East Asia through mediation in the European War made it

necessary for the Japanese leaders to pursue their alternative plan to use force to accomplish the same end by an attack upon Singapore. Preparations for the attack proceeded at a rapid pace. Aerial photography was undertaken in January 1941 to collect data for the landing operations at Kota Bharu. Additional mapping of that area was completed by the Japanese Hydrographic Office in July 1941. The maps were completed and printed by the Naval General Staff in early October 1941.

The War Ministry, in conjunction with the Finance Ministry, as early as January 1941 commenced preparing military currency for use in the areas which they expected the Japanese troops to occupy in the advance to the South. Special currencies were printed and deposited with the Bank of Japan to be drawn by the Army as it occupied enemy territories. The military currency thus prepared consisted of dollars which were suitable for use in Malaya, Bornee and Thailand; guilders for use in the Netherlands East Indies; and pesos for the Philippines. In January 1941 therefore both the War Ministry and the Finance Ministry contemplated Japanese armies occupying those territories for which this currency was prepared.

The Total War Research Institute early in 1941 compiled research reports on such subjects as "The Estimate of the Domestic and Foreign Situation from the Total War Viewpoint", "Study of Total War Pertaining to the National Strength of Imperial Japan and the Foreign Powers", "Draft of the Plan for the Establishment of Greater East Asia", and "First Phase in the Total War Plan".

OSHLA returned to Berlin to take up his duties again as Ambassador to Germany. He informed Weizsacker of the German Foreign Office on 22nd February 1941 that

Singapore would have to be seized by an attack from the sea and from the land; and on 27th February he told Ribbentrop that preparations for the attack upon Singapore would be completed by the end of May; he added that the occupation of Hong Kong and the Philippines had been provided for in case of need. On 28th March 1941 Ribbentrop told Matsuoka that the capture of Singapore was essential and that the Philippines could be occupied at the same time. Matsuoka agreed with Ribbentrop and felt that if Japan did not take the risk of conquering Singapore, she would become a third-rate power.

FURTHER PREPARATION

The Japanese Imperial Headquarters continued its preparations for the attack upon Singapore during Matsuoka's visit to Germany. The Chiefs of the Army and Navy General Staffs informed the German Ambassador late in March 1941 that they were vigorously preparing for the attack upon Singapore. SHIRATORI discussed with the German Ambassador the strategy for the attack; it was his opinion that a frontal attack by the Navy should not be made, but that bases should be established on the Malay Peninsula from which the Japanese Air Force aided by German dive bombers might bomb Singapore in preparation for the attack down the peninsula. Matsuoka, in a conference with Field Marshal Goering on 29th March 1941, made arrangements for assistance from the German Air Force in return for an increase in the amount of rubber to be supplied to Germany by Japan.

Economic measures for war were being accelerated in Japan. An important question was oil as the United States was increasing its embargo and the negotiations with the Netherlands East Indies at Batavia were making

no progress. HOSHINO, of the Planning Board, estimated that the Army and Navy had sufficient oil in storage until the oil in the Netherlands East Indies could be seized. He, however, believed that the margin was narrow, as Japan's production was only 300,000 tons and her annual consumption was 2,000,000 tons. This fact made careful planning necessary for the capture of the oil resources of the Netherlands East Indies intact. This need for careful planning caused the Imperial Headquarters to suggest to Konoye in April 1941 that HOSHINO be replaced by SUZUKI, a soldier, in whom the Army and Navy had complete confidence. Konoye discussed the matter with KIDO, and on the 4th April, HOSHINO was appointed a member of the House of Peers and SUZUKI was appointed President of the Planning Board and Minister without Portfolio.

The leaders of Japan now decided to strengthen the close relationship among Japan, French Indo-China, and Thailand, to continue economic negotiations with the Netherlands at Batavia, and to maintain normal economic relations with other countries, but, in case they should conclude that the Empire's self-existence was threatened by the embargoes of the United States, Great Britain and the Netherlands, to resort to arms immediately to prevent consumption of Japan's reserve of vital war materials. KIMURA was appointed Vice-Minister of War on 10th April and nine days later he became Director of War Supplies. These appointments necessitated his relief from the Japan-Manchukuo Joint Economic Commission.

Military topographical data was being assembled for military operations in various parts of

the world. Espionage activities in the Netherlands East Indies were being carried out increasingly. Operations were being planned against Java, Sumatra, Bali and other places as well as Singapore. Mandated Islands were being fortified and plans were being completed for operations in the South Seas. Data were being assembled for use in Burma and Malaya. The work of printing military script for use in the occupation of southern areas continued.

Matsuoka, in conference with Hitler on 4th April 1941, requested Hitler to furnish Japan through the Technical Military Commission established under the Tripartite Pact with all available information including the latest technical improvements and inventions relating to submarine warfare. He explained that the Japanese Navy would need this information in case it should decide to attack Singapore. Matsuoka added that sooner or later war with the United States would be unavoidable and Japan desired to be ready to strike decisively at the right moment. But Matsuoka cautioned Hitler not to mention in any cables to Japan that an attack upon Singapore had been agreed upon, lest the secret leak out. Ambassador OSHIMA took part in Matsuoka's conferences in Berlin relating to assistance in the plans for the attack upon Singapore.

NEUTRALITY PACT - JAPAN - U. S. S. R.

An important question was the time for the attack upon Singapore. The Germans urged its immediate commencement, but the Konoye Cabinet's policy from the beginning, which Matsuoka had helped to form at a Conference on 19th July 1940, had contemplated a

Non-Agression Pact with the U.S.S.R. to protect the Japanese rear during the attack upon Singapore and the Netherlands East Indies. Hitler insisted in his conversation with Matsuoka on 27th March 1941, with OSHIMA and others present, that a better opportunity to begin the attack than the present would never occur again. Matsuoka replied that it was only a matter of time before Japan would attack as the Japanese had the feeling that otherwise she would lose a chance which might only return after a thousand years. Matsuoka referred to negotiations with the U.S.S.R. for a Non-Agression Pact. The next day, Ribbentrop tried to discourage Matsuoka from concluding the Pact with the U.S.S.R., stating that Japan should attack Singapore immediately and that if the U.S.S.R. interfered, Germany would attack the U.S.S.R. immediately. Ribbentrop repeated that assurance the following day. Matsuoka maintained his intention to visit Moscow on his return from Berlin and he concluded the Pact with the U.S.S.R. on the 13th of April 1941.

FRENCH INDO-CHINA

Matsuoka returned to Japan to conclude the formal agreements with France and Thailand which he had arranged before his departure for Berlin and support for which he had obtained during that visit.

In June 1940, shortly after the fall of France, she was forced to agree with Japan's demands to permit a military mission into Indo-China to ensure observance of the embargo on materials to China. The Military Mission arrived at Hanoi on the 29th June 1940.

The Japanese Cabinet having decided upon its foreign policy, Foreign Minister Matsuoka moved on 1st

August 1940 to put that policy into effect. He called the French Ambassador and delivered what was virtually an ultimatum to France regarding French Indo-China. He also discussed with the German Ambassador an alliance and the securing of German approval to a Japanese invasion of French Indo-China.

In presenting his views to the French Ambassador, Matsuoka informed him that although Japan appreciated the admission of the military mission into French Indo-China, the Konoye Cabinet desired that France should allow Japanese troops to be stationed in Northern French Indo-China and the right to establish air bases there for action against the National Government of China. The French Ambassador pointed out that the demand was equivalent to requesting France to declare war against China although Japan had not done so. Matsuoka replied that the request was the result of necessity and that unless it was granted French neutrality might be violated. Matsuoka assured the French Ambassador that if the request was granted Japan would respect French territorial integrity and would evacuate French Indo-China as soon as possible.

Matsuoka informed the German Ambassador of his demands upon France and stated that he would be grateful if the German Government would not object to the action taken and would use its influence to induce the French Government to grant the demands. The French Ambassador asked, on 9th August 1940, for a clarification of the Japanese demands and a guarantee of French territorial rights in French Indo-China. Matsuoka again requested the German Government on 15th August 1940 to support the Japanese demands by influencing the Vichy France Government. On that day he threatened France with military

action if the decisions to grant the demands of Japan were further delayed. After further negotiation between Matsuoka and Henri on 20th and 25th August, the latter on 25th August informed the Japanese Foreign Office that France had decided to yield to the Japanese demands. The so-called Matsuoka-Henri Agreement, consisting of an exchange of letters, was signed on 30th August 1940.

According to the Matsuoka-Henri Agreement, the occupation of French Indo-China was to be temporary as it was stated to be solely for action against China and would be limited to Tonkin Province; and further, that Japan would respect the rights and interests of France in the Far East, especially the territorial integrity of Indo-China and the sovereignty of France in all parts of the Union of Indo-China.

The arrangements for the establishment of air bases and the passage of Japanese troops into Tonkin Province were left for negotiation between the head of the Japanese Military Mission at Hanoi and the Governor-General of French Indo-China. The Governor-General of French Indo-China was slow to yield to the demands of the leader of the Japanese Military Mission, Nishihara. Nishihara threatened on 4th September 1940 to remove his Mission from Hanoi and order the advance of the Japanese South China Expeditionary Army across the French Indo-China border. On 4th September 1940 an agreement was signed but certain details remained to be settled. On 6th September 1940 a unit of the Japanese Army in China crossed the border into French Indo-China. This action was said to have occurred through mistake and negotiations were continued.

The American Ambassador called upon Matsuoka on 19th September 1940 and informed the Foreign Minister that the United States Government regarded Japan's demands upon France as a serious infringement of the status quo in French Indo-China contrary to the Japanese Cabinet's announcement. The Ambassador's remonstrance was disregarded, however, as an understanding had been reached with the German Government and the Tripartite Pact was expected to be signed in a few days.

The Vice-Foreign Minister informed the French Ambassador on 19th September that unless an agreement was reached between Nishihara and the Governor-General of French Indo-China before 23rd September, the Japanese Army would cross the border into Indo-China on that day. The Japanese Military Mission evacuated French Indo-China and put to sea on 22nd September in preparation for the expected invasion. The Japanese Army began the advance into French Indo-China at 2:30 p.m. of the same day. Faced with an actual invasion, the Governor-General was forced to accept the Japanese demands and signed an agreement on 24th September 1940 for military occupation of Tonkin Province, the establishment of air bases and the grant of military facilities in French Indo-China. The occupation of Tonkin Province proceeded rapidly and the air bases were established.

RELATIONS WITH THE NETHERLANDS EAST INDIES

Japan's policy and actions having provoked sanctions and economic restrictions by America, she decided that her warlike needs, especially of oil, must be obtained from the Netherlands East Indies.

On 12th January 1940 Japan gave notice to the Netherlands that the Treaty of Judicial Settlement,

Arbitration, and Conciliation of August 1935 would expire in August 1940. Under this treaty the parties were bound to settle any dispute between them by peaceful means and a permanent committee had been set up to settle disputes.

The Foreign Office made a study of Japan's economic preparation for war in March 1940. That office came to the conclusion that the United States, having insisted upon observance of the Nine-Power Pact from the very beginning of the China War, might be expected to extend her embargoes against vital war supplies for Japan if Japanese aggression continued. Ways and means were considered to make Japan independent of the United States for the supply of war materials. Counter-measures suggested were: to seek sources of supplies in other countries, to consolidate the "intimate relationship" between Japan, Manchukuo, and China, and to bring the countries of South East Asia under Japan's economic control.

The Japanese Minister at The Hague had delivered to the Netherlands Foreign Minister a Note on 2nd February making certain demands. The principal demands made at that time were: that restrictions upon exports from the Netherlands and Netherlands East Indies to Japan and restrictions upon imports from Japan into the Netherlands East Indies should be removed; that laws respecting entry into the Netherlands East Indies should be modified; that facilities for Japanese investments in the Netherlands East Indies should be extended; and that all anti-Japanese publications in the Netherlands East Indies should be censored. A reply to these demands was still under consideration when Germany invaded the Netherlands.

On the 15th April 1940 Foreign Minister Arita

issued a statement to the press. In this he pointed out that an intimate economic relationship of mutual dependence existed between Japan and the South Seas Region, especially the Netherlands East Indies, and that if the European War were allowed to spread so as to disturb the status quo of the Netherlands East Indies Japan would be deeply concerned and the peace of East Asia would be disturbed. The next day, the Japanese Minister at the Hague called upon the Netherlands Foreign Minister to explain Japan's concern regarding the maintenance of the status quo in the Netherlands East Indies. The Netherlands Minister replied that his Government had not sought, nor would it seek any country's protection of the Netherlands East Indies and that it was determined to refuse any offer of protection or intervention of any kind which might be made by any country. The United States Secretary of State, Mr. Hull, in reply to Arita's press statement, informed him on 17th April that intervention in the domestic affairs of the Netherlands East Indies or any alteration of the status quo anywhere in the entire Pacific Area by other than peaceful means would be a threat to the peace.

Germany invaded the Netherlands on 9th May 1940; and two days later Arita reaffirmed his statement of 15th April regarding the status quo in the Netherlands East Indies. This statement contained the information that he had called upon the Netherlands Minister in Tokyo to reaffirm the determination of the Netherlands Government to accept no intervention in the Netherlands East Indies. The announcement stated that the Governments of the United States, Great Britain, France, Germany and

Italy had been notified of Japan's continued concern over the maintenance of the status quo in the Netherlands East Indies.

The United States Secretary of State, Mr. Hull, issued a statement the day following in which he said that during recent weeks a number of Governments, including the United States, Great Britain and Japan, had made clear in official utterances their attitude of continued respect for the status quo of the Netherlands East Indies, that this was in harmony with definite commitments formally made in writing in 1922, and that he assumed those Governments would continue to abide by their commitments. The British Ambassador called upon Arita on 13th May and delivered a British statement to the effect that the British Government had no intention of intervening in the Netherlands East Indies and believed the Dutch forces there sufficient to maintain the status quo. The Netherlands Minister called upon Arita on 15th May and informed Arita that the Netherlands Government believed that Great Britain, the United States and France had no intention of intervening in the Netherlands East Indies. The French Ambassador called upon Arita on 16th May and stated that his Government agreed that the status quo in the Netherlands East Indies should be maintained.

The day after the French Ambassador had called upon Arita and delivered to him the assurance from France, which completed the assurances from all the Allied and Neutral Powers concerned that the status quo would be maintained in the Netherlands Indies, the Japanese Ambassador called upon Mr. Hull

in Washington. After the Ambassador had questioned Mr. Hull regarding the status of certain Netherlands possessions in the Western Hemisphere, Mr. Hull interrupted him and pointed to material which had arrived via news services from Tokyo in which the Yonai Cabinet was reported to be discussing frequently questions regarding the Netherlands East Indies and Japan's supposed special rights in them. He said that the United States, Great Britain and France had recently renewed their commitments to respect the status quo of the Netherlands East Indies, but notwithstanding the efforts to maintain an understanding with Japan there were constantly coming from Tokyo statements implying that the commitments had not been made. The Ambassador assured Mr. Hull that the Yonai Government was completely satisfied with the situation following the statements of the Powers and that his Government had no intention of proceeding against the Netherlands East Indies.

The Netherlands Minister assured Arita on 16th May 1940 that the Netherlands East Indies had no intention of placing any restrictions on the exportation of oil, tin, rubber and other raw materials vital to Japan and was desirous of maintaining general economic relations with Japan. In a Note handed to the Netherlands Minister in Tokyo on 20th May, Arita referred to that assurance and informed the Minister that Japan desired the Governor-General of the Netherlands East Indies to give definite assurances that the quantities of articles enumerated in an accompanying list would

be exported to Japan each year regardless of circumstances which might arise. This demand was rejected by the Netherlands on 6th June and attention was called to the fact that economic relations between the two countries were governed by the so-called Hart-Ishizawa Agreement of April 1937 and to the further fact that Japan had recently renewed its commitment to respect the status quo in the Netherlands East Indies.

In Berlin the Japanese Ambassador called at the German Foreign Office in Berlin on Arita's instructions and asked for a declaration of the German position upon the status of the Netherlands East Indies. Ribbentrop instructed the German Ambassador in Tokyo to assure Arita that Germany had no interest in the Netherlands East Indies and that she thoroughly understood Japan's anxiety regarding the Netherlands East Indies. He instructed the Ambassador to mention during his interview with Arita that Germany, in contrast to the policy of the other great Powers, had always pursued a policy of friendship with Japan and believed that this policy had been advantageous to Japanese interests in East Asia. The German Ambassador delivered this declaration of disinterest to Arita on 22nd May as instructed, for which Arita expressed gratitude. The next day, the Japanese Press gave great publicity to the declaration, contrasted the German attitude with that of the other Powers, and asserted that the German declaration gave Japan a free hand to act as she desired with regard to the Netherlands East Indies. Subsequent events showed that this assertion was entirely justified. On 24th June

KOISO told the German Ambassador that Japan had colonial aspirations in Indo-China and the Netherlands East Indies. Japan, having received Germany's statement of disinterest in the Netherlands East Indies on 22nd May 1940, informed the Netherlands Minister in Tokyo on 16th July 1940 of their intention to send a delegation into Batavia for economic negotiations. Before the departure of the mission from Japan, the Yonai Cabinet resigned. The Second Konoye Cabinet took office on 22nd July. The basic principles of foreign policy decided by Konoye, War Minister TOJO, Foreign Minister Katsuoka and the Navy Minister on 19th July before they assumed office were formally adopted at the Liaison Conference of 27th July. The policy thus adopted among other things called for strengthening of the diplomatic policy towards the Netherlands East Indies in order to obtain important materials. Accordingly, the Konoye Cabinet proceeded with arrangements to despatch the economic mission to Batavia.

Drafts of alternative demands to be made upon the Netherlands were in the course of preparation while the selection of a chairman for the economic mission was being debated. The Navy was not prepared for an attack against the Netherlands East Indies. This is confirmed by a statement made by Prince Fushimi, Chief of the Naval General Staff, to the Emperor on 10th August 1940 that the Navy at that time wished to avoid using force against the Netherlands and Singapore and that the later war came the better, since at least eight months were needed to complete preparations after a decision for war was made. Now the help of the Navy was essential in any attack on the Netherlands East Indies, for seaborne expeditions would be necessary. The drafts of the alternative demands to be made upon the

Netherlands stated that the Cabinet had decided to express their opinions frankly upon the problems of entry, enterprise and investment in the Indies and requested that the Netherlands Government agree to the demands of the Japanese Empire which was devoting itself to the establishment of the New Order in East Asia and Japan maintained that it was necessary to establish rapidly the economic self-sufficiency of the Co-Prosperity Sphere centred around Japan, Manchukuo and China and extending to the South Pacific. The first proposal asked, inter alia, that the Netherlands East Indies as a member of the Co-Prosperity Sphere give preferential treatment to Japan and allow Japan to exploit and develop certain natural resources of the Indies. The second proposal asked that the Netherlands East Indies cease relations with Europe and take its place as a member of the Co-Prosperity Sphere, allow a measure of self-government by Indonesians, and conclude a joint defence agreement with Japan to defend the Co-Prosperity Sphere. All restrictions on the export of goods, especially to Japan, must be abolished. These were demands which no independent country would grant save under duress.

The mission met with a cool reception when it arrived in Batavia in September 1940, and Kobayashi, the head of the Mission, advised Matsuoka on 13th September 1940 that the Governor-General of the Indies was not impressed by the serious situation and by Japan's threatening attitude. He suggested termination of the negotiations as he considered them to be futile. Matsuoka, however, had advised Kobayashi's assistant, Consul-General Saito, on 3rd September 1940, that the negotiations should not be limited to political problems and should also be directed toward the

acquisition of oil fields as that was one of the Cabinet's main purposes in despatching the mission to Batavia. Kobayashi advised Matsuoka on 18th September that he would continue the negotiations as an aid to the acquisition of oil fields, but suggested that the negotiations on that subject, which had until then been in progress in Tokyo, be transferred to Batavia.

The Tripartite Pact was signed, and the occupation of Tonkin Province together with the acquisition of military bases in French Indo-China was assured in late September 1940. According to the plan adopted in September and October 1940 it was decided to develop the attack upon Singapore by securing bases in French Indo-China and Thailand and to lull the Dutch into a sense of security by continuing the economic negotiations at Batavia while secretly instigating an independence movement among the natives and securing military data for the invasion of the Netherlands East Indies. It was decided also to launch a sudden attack upon Singapore, and while that attack was in progress to call upon the natives of the Netherlands East Indies to declare their independence of the Netherlands, secure the oil wells and natural resources of the Netherlands East Indies and deliver them intact to the Japanese forces as they advanced from Singapore to occupy the Netherlands East Indies. The call for the uprising of the natives of the Indies was to include a warning that if any of the oil wells or other resources of the Netherlands East Indies were destroyed the leading Dutch officials would be killed by the invading Japanese forces. The plan contained provisions for the organization of a new government in the Netherlands East Indies in order that Japan might conclude a protective treaty with it under the guise of a military alliance which would provide for the

appointment of Japanese military and economic advisers in powerful positions in the new government. The new government was to be organized by a committee of Japanese and natives, with the Japanese forming a majority, and the Netherlands East Indies were to be governed by the committee until the new government could be established.

The signing of the Tripartite Pact and the invasion of French Indo-China raised serious misgivings among the Netherlands delegation at Batavia who hesitated to continue the negotiations. The Japanese delegation assured them that the Pact was not directed towards the Netherlands Government and that Japan desired to continue the negotiations in order to promote friendly political and economic relations between the Netherlands East Indies and Japan. The Netherlands delegation agreed to continue on the understanding that Japan had no hostile intentions towards and did not claim leadership over the Netherlands East Indies and requested the Japanese delegation to submit a list of points for discussion. On the day that this assurance was given, Kobayashi sent to Matsuoka a recommendation that no time should be lost in placing the Netherlands East Indies in the Co-Prosperity Sphere and that, with that in mind, appropriations should include funds for propoganda and training of personnel in preparation for that move. The new policy necessitated the replacement of Kobayashi by a man thoroughly familiar with the policy and plan. Kobayashi announced his recall to Tokyo two days after giving the above assurance.

The Japanese Ambassador in Berlin informed the German Government that Japan was prepared to act as purchasing agent to supply the German Government with vital war materials from the Far East and the Netherlands East Indies in return for Germany's support of Japan's advance to the

South and into the South Seas. The German Government accepted this offer and on 4th October 1940 delivered to the Ambassador bills of exchange as advance payment for tin, rubber, castor oil and spices to be obtained in the Netherlands East Indies. A complete working agreement for conducting the purchases was made. This agreement made further revision of the policy toward the Netherlands East Indies necessary. The Cabinet on 25th October 1940 revised its policy to meet its agreement with Germany. It was decided that the obligations of the Japanese Government to Germany required the Indies to be in the Greater East Asia Economic Sphere immediately by establishing close economic relations and by developing and utilising their rich natural resources for cooperation with the Axis Powers. Complete details of a plan to place the policy into effect were agreed upon. Among others, these were that the Netherlands East Indies should sever economic relations with Europe and America, that the production in and export of essential war materials from the Netherlands East Indies should be placed under Japanese control, and that the formulation and execution of all economic problems of the Netherlands East Indies should be placed under a Japanese-Netherlands Commission. Had these ends been achieved, Japan would have controlled the economy of the Indies.

OSFIMA, who at this time had no diplomatic post, wrote an article for the Yomiuri newspaper on 27th October 1940 in which he called attention to Japan's obligation to cooperate with the Axis, pointing out that the Tripartite Pact imposed new obligations. He advised that the Japanese should realise that fact and establish a close relationship of mutual harmony and prosperity among Japan, French Indo-China, India, the Netherlands East Indies, the South Seas

Islands, etc., for cooperation with Germany and Italy. He referred to the American embargo on vital war supplies, which was then being increased in an effort to halt further Japanese aggression, and said that America was not the world's arbiter and that if she would employ her vast natural resources to help establish the New Order she would indeed make a great contribution to world peace.

The Netherlands delegation had given the Japanese an elaborate and detailed statement of the oil situation on 7th October 1940, in which they set forth the amount of the various petroleum products they were prepared to supply to Japan in view of the overall situation and demands by other countries and also detailed the areas in the Netherlands East Indies which were available to the Japanese for exploration and exploitation for oil. The Japanese delegation replied on 21st October 1940 that they were not satisfied with the amount of oil which the Dutch proposed to supply and expressed general dissatisfaction with the proposals. They said that Japan desired to acquire rights to explore and exploit not only the oil areas reserved for private enterprise but also the Government reserve areas as well.

Consul-General Saito, in commenting upon the proposals to Matsuoka on 25th October 1940, explained that from the viewpoint of an industrialist the proposals were most reasonable, but that from a strategical viewpoint they should be given further consideration. He pointed out that the plan to prospect for oil must be used for the exploration of areas as bases for military operations against the Dutch by sending into those areas a large number of planes as well as troops disguised as labourers, and he requested advice as to the areas considered strategically important by the Military.

The Japanese delegation purported to accept the Dutch proposals on 29th October 1940. They, however, stated that they understood the proposals and their acceptance as granting to Japan certain large areas in Borneo, the Celebes, Dutch New Guinea, the Aroa Archipelago and the Schouten Archipelago as Japan's sphere for exploration and exploitation for oil. They added that areas in Sumatra were also desired and that Japanese interests desired to participate in the capital investment of the Dutch oil companies. The Dutch took the position that the acceptance, which went far beyond the Dutch offer, put an end to the negotiations. The Konoye Cabinet however had completed its plans to place the policy decisions of September and October 1940 into effect. Their preparations for employing force against the Netherlands were not yet complete. They announced that a special envoy was about to be appointed to instil new life into the negotiations. This envoy was appointed on 28th November 1940. He was Yoshizawa, a member of the House of Peers and formerly the Foreign Minister in the Inukai Cabinet.

Yoshizawa proceeded to Batavia and presented new proposals on 6th January 1941 which were in keeping with the policy decisions of October 1940. In the preamble to those proposals it was stated that a certain interdependence existed between Japan and the Netherlands East Indies, that the Indies were abundant in natural resources and thinly populated and undeveloped, and that Japan earnestly desired to participate in the exploitation of their natural resources and to promote trade and economic relations with the Netherlands East Indies. The detailed proposals called for modification of the entry

laws, granting mining and fishing rights to Japanese, opening an air service between Japan and the Netherlands East Indies, abolition of restrictions upon Japanese ships, the lifting of import and export restrictions, and the granting of manufacturing and enterprising rights to Japanese nationals in the Netherlands East Indies. These proposals if accepted would have placed the Netherlands East Indies under the economic domination of Japan. Had they been accepted Japan would have obtained without war at least a considerable portion of her aggressive aims in South East Asia.

Yoshizawa reported to Matsuoka that he did not expect a favourable reply to his proposals as the Netherlands East Indies were depending more

and more on Great Britain and the United States since the removal of the Dutch Government to London following the German invasion of the Netherlands. He stated that the defeat of the Italian Army in the Mediterranean Theater, the firm attitude of the United States toward Japan, and the improvement of the Indies defences, had given the Dutch new confidence, and that determined measures would be necessary to include the Netherlands East Indies in the Co-Prosperty Sphere.

The Netherlands delegation answered Yeshizawa's proposals on 3rd February 1941 by stating that their first consideration was to provide for the welfare and progress of the native population of the Netherlands East Indies by improving economic relations and increasing trade with all neutral countries in a spirit of goodwill, and that the interest of the Netherlands East Indies demanded that economic relations with foreign countries be maintained on a basis of strict non-discrimination. They also pointed out that during the war it was necessary to restrict trade and other economic activities in order to ensure that direct or indirect advantages would not accrue to enemies of the Netherlands. A strong objection was then made to the claim of interdependence between Japan and the Netherlands East Indies as being unwarranted by the facts.

The Dutch reply to Yeshizawa's proposals left the door open for further negotiations, but the Dutch were aware of a speech delivered by Matsucka before the Diet on 21st January 1941 as well as of events in French Indo-China and Thailand which seemed to indicate preparation for military action by Japan against the Netherlands East Indies and consequently were suspicious of the

continuation of the negotiations. They warned the Japanese delegation that a Japanese occupation of Southern French Indo-China would constitute a military menace towards the Netherlands East Indies of such seriousness that it would cancel any agreement reached in the economic negotiations.

Matsuoka had said in his speech on 21st January 1941 that the Netherlands East Indies and French Indo-China, if only for geographical reasons, should be in intimate and inseparable relationship with Japan. He declared that the situation which had hitherto thwarted that relationship should be remedied, and pointed to the negotiations at Batavia as being directed to that end. Yoshizawa attributed the rejection of his proposals to Matsuoka's speech and complained to Matsuoka, warning him that if he were to be successful in maintaining the negotiations while the attack was being prepared, it was necessary for the officials in Tokyo to conduct themselves in a manner more conducive to that end.

The Dutch had been warned; and on 13th February 1941 Yoshizawa informed Matsuoka that the Dutch expected positive aid from the United States and Great Britain and preferred to rely upon the United States rather than upon Japan. He advised that discontinuance of the negotiations at Batavia was merely a matter of time, and that Japan's only means of settling the Indies problem was by force. Konoye instructed Yoshizawa on 28th March 1941 that failure of the negotiations would injure Japan's prestige, and that as the European situation was rapidly changing, the Japanese delegation should remain in Batavia to await developments, despite the Dutch

attitude. These instructions were followed and the negotiations continued.

The Japanese delegation replied on 14th May 1941 to the Dutch rejection of their proposals by making modified proposals but stated that they desired to make it clear that the views expressed in the preamble to their proposals of 16th January were firmly held by the Japanese Government. The Netherlands delegation, aware of the further developments in the dispute between French Indo-China and Thailand, as well as the signing of the Soviet-Japanese Non-Aggression Pact, rejected the modified proposals on 6th June 1941 as being incompatible with the essential principles of Netherlands economic policy. They also required that raw materials exported from the Indies to Japan would not be reexported to Germany.

The next day Yoshizawa urgently requested authority to withdraw from the negotiations as he feared a Dutch request for the departure of his delegation. Matsuoka, describing the terms of the Dutch reply as "unwarrantable", authorized discontinuance of the negotiations. Yoshizawa asked for an audience with the Governor-General of the Netherlands East Indies on 17th June 1941. After making one last futile attempt to secure modification of the Dutch attitude, he produced a draft of a joint communique to be issued announcing termination of the negotiations. The communique, designed to save "face" for Japan both at home and abroad, was approved with minor changes by both delegations; it contained this statement: "It is needless to add that the discontinuance of the negotiations will lead to no change in the normal relations

"between the Netherlands East Indies and Japan."

PREPARATIONS FOLLOWING TRI-PARTITE PACT

TOJO said, during the discussion of the Tri-Partite Pact before the Investigation Committee of the Privy Council, that the Cabinet had considered the possibility of war with the United States resulting from the conclusion of the Pact and revealed that there had been careful planning to meet that eventuality. The discussion at the Imperial Conference and before the Investigation Committee of the Privy Council in September 1940 revealed that the Navy considered a Japanese-American war inevitable and was completely prepared for it, excepting that no adequate provision had been made for replenishing its war reserves of oil. HOSHINO said that the Planning Board had been carefully planning for the war with the United States by accumulating vital war materials, including oil, and that he considered the supply sufficient for a short, decisive war. He considered, moreover, that the supply could be replenished from the Netherlands East Indies and elsewhere if the war should be prolonged. The Privy Councillors were aware that the conclusion of the Tri-Partite Pact probably meant war with the United States and in reporting upon the Pact recommended that all necessary preparations be made for it.

Extensive preparation for war with the United States, Great Britain and other Powers followed. The puppet Central Government of China was recognized and the Japan-Manchukuo-China economic bloc was strengthened to improve Japan's economic position to meet the American embargo on war supplies after War Minister HATA and other Japanese leaders had publicly proclaimed that Japanese

operations would not be stopped by what they termed the obsolete Nine-Power Treaty. The Planning Board under HOSHINO renewed its efforts to accumulate vital materials. As already related Konoye's Imperial Rule Assistance Association was organized with the help of HOSHINO, KIDO and HASHIMOTO to steel the people against the privations of the war with the United States and Great Britain which the Japanese leaders claimed to be inevitable. Propaganda in the form of writings and lectures was disseminated to popularize the waging of wars of aggression for acquisition of territory and natural resources. HASHIMOTO, SHIRATORI and OSHIMA were heavy contributors to this propaganda campaign. A military planning board in the form of the Total War Research Institute was organized and placed in operation with HOSHINO as its first President and with SUZUKI as one of its Councillors. OSHIMA was sent to Germany to promote cooperation between the Axis members in the adventure upon which they had embarked.

RELATIONS WITH U.S.A. AND GREAT
BRITAIN

In October 1940 Konoye issued a statement to the Press in which he said that his Government was maneuvering diplomatically to induce the United States, Great Britain and the U.S.S.R. to recognize the Co-Prosperity Sphere envisaged by the Japanese leaders, a euphemism for Japan's domination of East Asia. He implied that if the United States refused to understand the real intentions of Japan she as well as Britain would be forced into war. The United States Government because of that statement, extended its embargo to iron and steel scrap and increased its preparedness for

defence. The Japanese Embassy in Washington complained that the Japanese Government found it difficult to concede that the extension of the embargo was caused solely by concern for the defence of the United States. The United States Government replied that despite the Nine-Power Treaty and other Japanese obligations American trade had been practically eliminated from Manchuria and North China, and that it now appeared that Japan was intent upon forcing American enterprises from Shanghai also.

The United States Government was concerned about Japan's advance to the south and the conclusion of the Tri-Partite Pact which had been followed by Konoye's warning. The President of the United States in an address to Congress declared that at no previous time had American security been so seriously threatened. On 15th January 1941 the Secretary of State told the Committee of Foreign Affairs of the House of Representatives that it was clear that Japan was animated from the start by broad and ambitious plans for establishing herself in a dominant position in the entire region of the Western Pacific, and that her leaders had openly declared their determination to achieve and maintain that position by force of arms so as to make themselves masters of an area containing almost one half of the entire population of the world. It was apparent to the Government of the United States that the Japanese military leaders were about to undertake the conquest of the entire Pacific Area at least to the westward of Hawaii and extending to the South Seas and to India.

The United States Pacific Fleet, based at Pearl Harbor, Hawaii, represented one of the greatest

obstacles to the execution of the Konoye Cabinet's policy for military moves to the South. It was feared by many of the Japanese leaders that this fleet might be used to reinforce Singapore, and they advocated an immediate attack upon Singapore to prevent this. The Japanese Navy, however, was demanding that more oil and other vital supplies be accumulated and that adequate preparations be made for replenishing those supplies before launching the attack upon Singapore. The Navy estimated in August 1940 that at least eight months would be required for this preparation. The Navy maintained its demands before the Imperial Conference and the Privy Council during the discussions which preceded the signing of the Tri-Partite Pact.

The general plan adopted by the Konoye Cabinet took the Navy's demands into consideration by providing for an attempt to eliminate the threat of the United States Pacific Fleet through negotiations for a non-aggression pact with the United States Government. The suggestion was that as part of such a Treaty Japan should guarantee the security of the Philippines and Guam and the United States of America should recognize the Co-Prosperity Sphere. Preparation for an attack upon the United States forces was to proceed during the negotiations, so that in case the negotiations should fail, a surprise attack might be launched.

A plan to destroy the United States Pacific Fleet while it lay at anchor in Pearl Harbor by a surprise attack to be launched while the United States was at peace with Japan was conceived and submitted to the Commander of the Combined Fleets for study. He approved the plan and transmitted it to the Imperial General

Headquarters as early as January 1941. The plan called for the organization of a task force to deliver an aerial attack upon the United States Pacific Fleet at Pearl Harbor. To avoid detection and make the surprise complete, this force was to use a Northern route little used by commercial shipping. In conjunction with the aerial attack, it was planned to use submarines to destroy any ships that might attempt to escape the air attack. There were many details to be worked out, such as the development and manufacture of shallow water torpedoes and midget submarines, as well as the perfection of a method of refueling at sea to allow the employment of the longer but more secure Northern route of approach. The Japanese leaders considered that if the attack upon Pearl Harbor should be successful and result in the destruction of the United States Fleet, they would be able to seize all the important points in the Pacific and Indian Oceans before the United States would be able to prepare and launch a counter-attack. It was hoped then that the United States would weary of a prolonged and costly war and negotiate a peace which would recognize Japan's supremacy in the territories it would have seized.

Foreign Minister Matsuoka took the first step toward the execution of the Cabinet's plan in January 1941 by appointing Nomura as Ambassador to the United States to undertake the negotiations. Matsuoka delivered to Nomura his instructions on 22nd January, immediately before Nomura's departure from Japan. These were that Nomura should make the President of the United States and his subordinate officials understand that Japan had been forced to sign the Tri-Partite Pact

because of American and British interference with the organization of the Co-Prosperity Sphere, that the Pact was merely defensive, but that it provided for immediate military assistance from the other two Powers in case the United States attacked any one of the Signatory Powers, and that Japan would be faithful to the Alliance. He further instructed Nomura to advise the United States Government that it would be well for the United States to cease interference with Japan's aims in East Asia and to cooperate with Japan in the establishment of the Co-Prosperity Sphere in return for an opportunity to participate in the benefits which might accrue from the establishment of that sphere.

A propaganda campaign was immediately commenced, which was designed to convince the United States Government of the gravity of the situation and of the need for prompt negotiation of an understanding. The Cabinet decided to secure bases on Camranh Bay and around Saigon for an attack to the South and called upon the German Government to prevent the reinforcement of French troops in French Indo-China. The Plan was approved at the Liaison Conference on 30th January 1941. The United States Government learned of the plan from its observer at Vichy, France, who reported on 28th January 1941 that the German Government had forbidden the Vichy Government to send reinforcements. In consequence of this America, on 3rd February 1941, added many non-ferrous metals and potash to its embargo list. It was at this time that Mr. Eden saw SHIGEMITSU and asked for an explanation of the report from the British Ambassador in Tokyo to the effect that a crisis was expected in the Far East within a week or two.

The extension of the embargo by the United States Government caused Matsuoka some embarrassment in the Diet. He sent Nomura further instructions. He urged Nomura immediately upon his arrival in Washington to make it clear that Japan had never intended to attack the United States, but that the Japanese Government could not understand why the United States was preparing for war against Japan, and that, if the United States continued to prepare, the result would endanger peace in the Pacific, as Japan had not been so much exhausted by the China war as some seemed to think, and that continued warlike preparation by the United States was not advisable. He again instructed Nomura to emphasize the necessity for cooperation between the two Governments in the establishment of the Co-Prosperity Sphere in order to avert a crisis in the Pacific Area.

The United States Lend-Lease Act became effective and gave new encouragement to the Powers resisting the Axis to the extent that the Netherlands delegation increased its resistance to the demands of the Japanese economic mission at Batavia. Mr. Eden was awaiting a reply from SHIGEMITSU to his inquiry regarding the report of an impending crisis in the Far East, and the American Ambassador in Tokyo was demanding cessation of Japanese interference with American trade in French Indo-China. Matsuoka instructed SHIGEMITSU to inform Mr. Eden that the British Ambassador's report of an impending crisis was a ridiculous fantasy, although only three days before he had informed the German Ambassador that he planned to visit Berlin to learn the attitude of the German Government toward the activities of the United States Government, for, as he explained, Japan planned to attack Singapore to deprive the United

States of bases in the Pacific in case she should enter the European War. This was the situation when Nomura arrived in Washington.

The President of the United States received Nomura on 14th February 1941. He said that relations between the United States and Japan were deteriorating as a result of Japan's advance to the South and the conclusion of the Tripartite Pact. He suggested that the new Ambassador might like to re-examine and frankly discuss with the United States Secretary of State the important phases of American-Japanese relations. Nomura made a cautious reply to the President and in reporting to Matsuoka asked for further clarification of Japan's obligation to attack the United States in the event of that Power's entry into the European War. Matsuoka replied to Nomura on 4th March that he had made his position clear on that point on a number of occasions, that Japan would participate in the war in case the United States declared war on Germany.

The preparations for the attack upon Singapore were rapidly progressing. OSHIMA informed Ribbentrop in Berlin on 22nd February 1941 that the preparations would be complete by the end of May, and that for safety's sake preparations were also being made for war upon the United States as well as upon Great Britain.

He said that the occupation of the Philippines had been included in the preparations. Notwithstanding these preparations, Matsuoka assured Mr. Eden in his message of 17th February of the Japanese Government's peaceful intentions, and suggested that Japan act as mediator of the European War. The British Government rejected the offer on 24th February 1941 and said that, although it had been an unwilling participant in the European War, with the assistance it was receiving from the United States it would be able to maintain itself against all enemies, and that it was determined to continue the war until Naziism was completely eradicated from Europe.

United States Secretary of State Hull and Ambassador Nomura held a conversation on 8th March 1941. Nomura said it was unthinkable that Japan and the United States should fight because of the destructive effects that would inevitably result. Mr. Hull agreed with him, but enquired whether the Japanese Military, who were in control of the Japanese Government, could expect the United States to sit quiet while two or three nations organized naval and military forces and went out to conquer the rest of the world. Nomura denied that these were the intentions of his Government and said he did not believe there would be any more military movements

unless the United States embargo should force his Government to make them. Mr. Hull then mentioned the Tripartite Pact and the public declarations of Hitler, Matsucke and other important German and Japanese leaders to the effect that their countries under the Pact were determined to establish a New Order in the World by use of force. Nomura again denied that it was the intention of his Government to use military force for conquest. Mr. Hull replied that so long as Japanese forces were all over China and as far south as Thailand and Indo-China, and so long as this was accompanied by threatening declarations by Japanese statesmen, there could only be increasing concern by nations who were vitally interested in halting world conquest by force.

The President of the United States talked with Nomura again on 14th March 1941, only three days after Matsucke, with the assistance of the German Government, had forced the Vichy French Government to accept Japanese terms of settlement of the border dispute between France and Thailand. The President complained to Nomura that the American people were aroused over what appeared to be a concerted effort under the Tripartite Pact to effect a junction of the German and Italian forces approaching the Suez Canal and the Japanese forces approaching Singapore. Nomura assured the President that Japan did not intend to

advance further to the South. The President then suggested that an armed clash between Japan and the United States could be avoided if the Japanese Government would remove the cause of the American people's suspicion of their intentions.

Matsuoka went to Berlin for consultation with Hitler upon the question of concerted action under the Tri-Partite Pact after receiving the French acceptance of his terms for settlement of the France-Thailand dispute. He paused in Moscow, and the American Ambassador in the U.S.S.R. was invited to talk with him on 24th March 1941. Matsuoka was emphatic in his assurance to the American Ambassador that under no circumstances would Japan attack Singapore or any American, British or Dutch possession and he insisted that Japan had no territorial ambitions. He said that Japan was ready to join the United States in a guarantee of the territorial integrity and political independence of the Philippines. He declared that Japan would not go to war with the United States. However, upon Matusoka's arrival in Berlin, he explained to Hitler that his denials of his Government's intentions to attack were intended to deceive the British and Americans until the day when Japan would suddenly attack Singapore.

UNITED STATES CONDITIONS FOR DISCUSSIONS

Colonel Iwakuro, of Nomura's staff, working in cooperation with certain private citizens of the United States and Japan, composed a draft of proposals which it was thought might serve as the basis for an agreement between Japan and the United States. This draft was presented to the State Department for delivery to Mr. Hull. Mr. Hull saw Nomura on 16th April 1941, informed him that the draft had been received but that the United States Government could only consider proposals presented formally by the Ambassador. Nomura said he was prepared to present the draft formally as a basis for negotiations. Mr. Hull explained to Nomura that before the United States Government would commence negotiations it was necessary for the Japanese Government to convince the American Government of its sincerity by abandoning its doctrine of conquest by force and its use of force as an instrument of national policy and to adopt the principles which the United States had proclaimed and was practising and which it considered as embodying the foundation on which all relations between Nations should properly rest, Mr. Hull then stated these principles as being:

- (1) Respect for the territorial integrity and the sovereignty of each and all nations;
- (2) Non-interference in the internal affairs of other countries;
- (3) Equality of commercial

opportunity; and (4) Non-disturbance of the status quo of the Pacific, except by peaceful means. Mr. Hull emphasized that his talk must not be considered as the commencement of negotiations and that his statement of principles must be accepted before negotiations could begin. Nomura replied that he was convinced that his Government had no intention of advancing further to the South but that he would submit the principles enunciated by Mr. Hull to his Government and ask for instructions.

Nomura's request for instructions was received in the Japanese Foreign Office on 18th April 1941 and Konoye consulted with KIDO and the Emperor upon the answer to be given. The principle of equality of commercial opportunity appealed to the Zaibatsu which urged the Cabinet to commence negotiations upon the basis of the proposed draft. KIDO and Konoye agreed that negotiations might be commenced with the United States Government, but that the Cabinet should be careful to keep faith with the German and Italian Governments and should not abandon its plan to establish the Co-Prosperity Sphere, that being Japan's fixed national policy.

Matsuoka on his return to Tokyo again paused in Moscow, where negotiations resulted in his signing of the Japanese-Soviet Non-Aggression Pact on 13th April 1941. He explained to the

German Ambassador to Japan, who was accompanying him, that the Pact would substantially facilitate the Japanese advance to the South.

Konoye after discussing with KIDO and the Emperor the reply to be given to Nomura's request for instructions, cabled Matsuoka to return to Tokyo promptly in order to consider the matter. Matsuoka arrived in Tokyo on 22nd April 1941 and sent Nomura a draft proposal to submit to the United States Government.

The campaign of infringement of the interests of the United States continued during the deliberation upon the answer to be given to Nomura. Japanese interference with the movements of American nationals and American merchandise in China became more pronounced. The American Consulate at Kunming in China was bombed for the third time and heavy damage caused. The Japanese Navy occupied Eniwetok Atoll and began setting up naval installations there. On 5th May 1941 the United States Government answered these acts by adding additional items, including scrap rubber, to its embargo list.

Ribbontrop learned of the conditions laid down by the United States for the commencement of the negotiations between Japan and the United States and of the Japanese Cabinet's decision to open negotiations. He immediately stated to Ambassador OSHIMA that he could not

understand Japan submitting to such conditions. OSHIMA assured Ribbentrop that his Government had no intention of entering into any treaty with the United States embodying the principles laid down by Mr. Hull.

Ribbentrop accused the Japanese Cabinet of having abandoned its plan for attacking Singapore and of having broken faith with the German Government. He demanded that the Japanese Government either refuse to agree to the Hull principles or agree only on condition that the American Government give its assurance that it would remain neutral. OSHIMA agreed with Ribbentrop, transmitted his views to Matsuoka,

and stated that he considered Ribbentrop's suspicions and accusation well-founded. He recommended that the Cabinet adopt Ribbentrop's suggestion.

On 8 May 1941 Nomura reported to Matsuoka and pointed out that the United States would not recognize the New Order in East Asia nor the retention of territory acquired through aggression and was insistent on the observance of the four principles enunciated by Mr. Hull.

Nomura delivered the first official Japanese proposal to Mr. Hull on 12 May 1941. That draft was couched in obscure and platitudinous terms, which really provided for a secret understanding between the two Governments, in substance as follows: The United States Government would agree (1) to recognize the establishment by Japan of the New Order in China in accordance with Konoye's three principles as embodied in the Japan-Manchukuo-China Joint Declaration of 30 November 1940 and to advise Generalissimo Chiang Kai-Shek to negotiate peace with Japan forthwith; (2) to enter into a secret agreement to withdraw aid to the National Government of China if the Generalissimo did not enter into negotiations for peace; (3) to recognize the right of Japan to establish the Co-Prosperity Sphere embracing China and the Southern Area upon the understanding that Japan's expansion in that area was to be of a peaceful nature and to cooperate in producing and procuring from this sphere the natural resources which Japan needs; (4) to amend its immigration laws so as to admit Japanese nationals on the basis of equality and non-discrimination; (5) to restore normal economic relations between the two countries; (6) to take note of Japan's obligation under Article 3

of the Tripartite Pact to attack the United States if in the opinion of the Japanese Government the assistance rendered to the Allied Powers resisting Germany and Italy amounted to an attack upon the Axis; and (7) to refrain from rendering assistance to the Allied Powers. The Japanese Government in return would agree to (1) resume normal trade relations with the United States; (2) assure the United States a supply of the commodities available in the Co-Prosperity Sphere; and (3) join the United States Government in a guarantee of the independence of the Philippines on condition that the Philippines would maintain a status of permanent neutrality.

The day after this draft proposal was delivered to Mr. Hull, the Japanese delegation at Batavia delivered its amended demands to the Dutch delegation which reiterated the Japanese Government's previous declaration of interdependence between the Netherlands East Indies and Japan. In Tokyo Matsuoka informed the American Ambassador that both he and Konoye were determined that Japan's advance to the South would be made by peaceful means, "unless", he added significantly, "circumstances rendered that impossible." The American Ambassador inquired what circumstances Matsuoka had in mind. Matsuoka replied that he referred to the concentration of British troops in Malaya, which he described as provocative.

Ribbentrop learned of the draft proposal presented by Nomura to the United States of America, and immediately took OSHIMA to task, expressing resentment of Matsuoka's decision to commence negotiations with the United States without consult-

ing the German and Italian Governments. He demanded that the attack upon Singapore be commenced without further delay. OSHIMA, reporting to Matsuoka, said: "I express my apprehension that should Japan lose this opportunity to expand southward and the possibility of attacking Singapore, she will invite the contempt not only of the United States and Great Britain, but also of Germany and Italy." He informed Matsuoka of the resentment of the German leaders against the negotiations with the United States and stated that, since the Japanese-American negotiations were considered to involve a change in Japanese foreign policy which violated the plans of the military, he had taken the liberty of informing the Japanese Army and Navy officials. This was the beginning of the friction between Konoye and Matsuoka.

UNITED STATES AGREES TO NEGOTIATE

- MAY 1941

The United States Government accepted the Japanese draft proposal of the 12th May 1941 as a starting point for the negotiations and undertook to explore the possibility of an understanding with the Japanese Government. On 28 May 1941 Mr. Hull and Nomura met. In the course of the conversation it became clear that there were two great obstacles to any successful prosecution of the negotiations: (1) the obscurity in which Japan's commitments under the Tripartite Pact were at present left, and (2) the provisions

for settlement of the China question. As to the first matter, Mr. Hull desired that Japan qualify its attitude towards the possible event of the United States being drawn into the European War as a measure of self-defense. As to the second matter, Mr. Hull pointed out that the Japanese insistence on retaining troops in China after the conclusion of any peace treaty with China would be a factor operating against friendship between the United States and Japan. Nomura was not able to state how many troops Japan proposed to retain in China nor the areas where they would be quartered.

On 31 May Mr. Hull told Nomura that at some proper time before definitive discussions he would discuss the draft proposal in strict confidence with the Chungking Government. Moreover, on 31 May a further United States draft was handed to Nomura in which it was proposed, inter alia, that Japan should state that the provisions of the Tripartite Pact did not apply to nations which became involved in the European War by reasons of protection, self-defense and national security. It was further proposed that Japan should submit to the United States of America the framework of the terms which she would submit to China. Annexed to this draft was a full statement of the attitude of the United States towards the activities of Germany and a declaration that the United States was resolved to take measures of self-defense in resistance to a movement which, in the view of the United States of America, was clearly directed to world conquest by force.

On the 4th of June the Japanese Embassy suggested certain amendments to the American proposals.

Among them was the suggestion that the United States should drop from its draft the provision that the obligations of Japan under the Tripartite Pact did not apply to the case where a nation became involved in the European War as a measure of self-defence. Mr. Hull considered these Japanese amendments and on 6th June he told Nomura that they had carried the negotiations away from the fundamental points which the United States of America believed to be involved. In his view they revealed a stressing of Japan's alignment with the Axis, no clear indication of intention to place Japan's relations with China on a basis which would contribute to peace in the Far East, and a veering away from clearcut commitments on policies of peace and non-discriminatory treatment. Nevertheless Nomura on 15th June 1941 submitted to Mr. Hull a new draft embodying the very suggestions to which Mr. Hull had already taken objection. Chungking was bombed by more than 100 Japanese planes on 10th June and American property was destroyed. Public statements by spokesmen of the Japanese Government emphasized Japan's commitment and intentions under the Tripartite Pact in a sense hostile to the interests of the United States of America. The negotiations at Batavia were obviously breaking down. The United States Government issued an order on 20th June banning all shipments of oil except those to Great Britain and South America.

The Japanese had been pressing for an answer to their proposals of 12th May. Mr. Hull talked to Nomura on 21st June. He referred to the accumulating evidence from all over the world, including the public statements of Japanese leaders, indicating that the Japanese Military would endorse no understanding with the United States except one that envisaged Japan fighting on the side of

Hitler should the United States become involved in the European War through its programme of aid to the democracies. He then stated that the proposal of 12th May 1941 violated the principles which the American Government was committed to uphold, particularly in respect to the provisions of the proposal relating to China. Mr. Hull then informed Nomura that he had come to the conclusion that before proceeding with the negotiations the United States Government must await some clearer indication than had yet been given that the Japanese Government desired to pursue a course of peace. He expressed the hope that the Japanese Government would manifest such an attitude.

PREPARATIONS INTENSIFIED

The plan of September and October 1940 had been followed. The ultimate objective of the plan was the domination of East Asia by Japan. That objective was to be reached by the use of force if necessary. Some of the steps to be taken in the execution of that plan were in the alternative. The Tripartite Pact had been entered into and used as an instrument for intimidation of the Western Powers and as a guarantee of cooperation by the Axis Powers with Japan as she advanced to the South. The Non-Aggression Pact had been signed with the U.S.S.R. as a protection of Japan's rear as she made that advance. The attempt to negotiate a peace with Generalissimo Chiang Kai-Shek in order to free Japanese troops and acquire the use of Chinese troops in making that advance had failed. The attempt to mediate the European War and thereby secure British recognition of Japan's advance into South East Asia so as to eliminate the necessity of an attack upon Singapore had likewise failed.

The attempt to eliminate possible interference with that attack by the United States Pacific Fleet through negotiation with the United States had also failed. The negotiations at Batavia for acquisition of oil and other vital materials had failed also those negotiations had terminated on 17th June 1940. Japan's reserves of war supplies were in danger of being depleted. The decision of the Imperial General Headquarters made in early April 1941 stood. The time for final preparation had now arrived.

The Japanese Navy began training and practice for the attack on Pearl Harbor in late May 1941. Dive bombing was practiced at Kagoshima, Japan, where the terrain resembled that at Pearl Harbor. The development of a shallow water torpedo had been started early in 1941 as the waters in Pearl Harbor were shallow. The Navy spent considerable time in developing and experimenting with that type of torpedo during the summer. Refueling at sea was made a matter of special training in order to permit the use of the more secure northern route of approach to Pearl Harbor.

CABINET POLICY AND DECISIONS OF JUNE
AND JULY 1941.

OSHIMA, acting on instructions from his Government, began discussions with Ribbentrop on 10th June 1941 which were to lead to the acquisition of additional naval bases in southern French Indo-China for use in the attack upon Singapore and the Netherlands East Indies. KIDO was advised by Konoye of the decision of the Imperial General Headquarters to attack Singapore and the proceedings under that decision. On 21st June 1941 Matsuo informed the German Ambassador of the decision. telling him that

the situation had become unbearable, that the negotiations with the Netherlands Government were not to be resumed, and that in order to attack Singapore and the Netherlands East Indies additional bases were required in southern French Indo-China. He said that he had instructed OSHIMA to inquire whether the consent of Vichy France could be obtained by the German Government and if not he would take the matter up directly with the Vichy French Government.

OSHIMA informed Konoye as early as 6th June 1941 that the German Government had decided to attack the U.S.S.R. This information caused considerable confusion among the Japanese leaders. There were some, including Matsuoka, who considered it better for Japan to postpone the attack to the South and emulate the role of Italy in the European War by attacking the U.S.S.R. in the rear at the opportune time in the German-Soviet struggle for the purpose of seizing Soviet territories in the Far East thereby obtaining oil from Sakhalin. There were others, including Konoye and KIDO, who argued that the original plan of September-October to prosecute the advance to the South should not be abandoned. Germany attacked the U.S.S.R. on 22nd June. Acting upon KIDO's advice, the Emperor instructed Matsuoka to conform to Konoye's wishes and KIDO and HIRANUMA repeated this advice.

The Liaison Conference of 25th June 1941 attended by HIRANUMA, TOJO, MUTO and OKA and others decided that Japan would accelerate its measures towards French Indo-China and Thailand. This was necessary in view of the failure of the negotiations at Batavia. Naval and air bases were to be established promptly in southern French Indo-China and force employed if the French did not comply

with the Japanese demands. Preparations were to be made for despatch of the necessary military force before beginning negotiations with France. These bases were needed for the attack on Singapore and the Netherlands East Indies, Konoye and the Chiefs of Staff reported these decisions to the Emperor.

The decisions of the Liaison Conference show that HIRANUMA, TOJO, MUTO, and OKA agreed with Konoye that the fixed policy should not be changed. TOJO reported to the Emperor on 28th June 1941. He told KIDO, later in the day, that the Army's plan was for the time being to remain neutral in the German-Soviet War, with the Kwantung Army "remaining calm and prudent" and to strengthen the Imperial General Headquarters by arranging for it to meet every day in the Palace. SUZUKI had proposed measures for strengthening the Imperial Headquarters on 23rd June. KIDO had agreed with him, but advised that the Board of Field Marshals and Fleet Admirals should be consulted. DOHIHARA was a member of the Board and was present when TOJO and his Vice-Minister of War, KIMURA, appeared before the Board on 30th June to express TOJO's views regarding the fast-moving situation. Thus the Military marshalled their forces to prevent Matsuoka from upsetting their strategy by his plan of postponing the move Southward and attacking the U.S.S.R. at once, which he had outlined to the Emperor on 22nd June 1941. The embarrassment caused by Matsuoka's attitude and the necessity of his resignation was being discussed.

The Imperial Conference of 2nd July 1941 following the Liaison Conference of 25th June finally put the question at rest. TOJO, SUZUKI, HIRANUMA and OKA, among others, were present at that conference. The Conference decided that regardless of any change in the situation

Japan would adhere to its plan for the domination of East and South-East Asia and would proceed with the Southward advance at the same time being ready to take advantage of any favourable situation in the German-Soviet War to attack the U.S.S.R. Necessary diplomatic negotiations were to be continued while final preparations for the attack upon Singapore and Pearl Harbor were being completed and the Japanese forces were moving into position in southern French Indo-China and Thailand for the attack. Japan was to remain neutral in the German-Soviet War while secretly preparing an attack upon the Soviet Union which was to be launched if and when it became apparent that the U.S.S.R. had been so weakened by the war that it would not be able to offer effective resistance. TOJO was a strong advocate of this plan and stated that, "Japan would gain great prestige by attacking the U.S.S.R. at a time when it is ready to fall to the ground like a "ripe persimmon".

The Army General Staff was ordered to proceed with its final operational plans for the campaigns to be waged in the Southern Areas. The troops which later carried out landing operations in the Philippines and in the Malaya Peninsula began practicing landing operations along the China coast, on Hainan Island, and along the coast of French Indo-China while others trained on Formosa. The units which were to attack Hong Kong were given rigorous training in night fighting and in storming pill-boxes at a station near Canton, China. Training areas were selected at places where the terrain and climate approximated to that of the area to be attacked. The training continued all through the summer and until the actual attack. Admiral SPMADA was in command of the China Area Fleet while this training was in progress.

Three Japanese Army divisions were prepared for action against French Indo-China. The Japanese Government planned to demand that the Vichy French Government grant permission to the Japanese Government to occupy southern French Indo-China and to construct military bases there. This action had been suggested to OSHIMA by Ribbentrop, who considered it inadvisable for Germany to make the demand. The Japanese plan was that the demand would be made in the form of an ultimatum which was to be followed by invasion if the demands were not granted. The demands were to be made on 5th July 1941, but inquiries by the British and American Ambassadors revealed that the plan had leaked out, and KIDO recorded in his diary that in view of that fact it had been decided to postpone issuance of the ultimatum for five days in order to observe what moves if any the British and Americans would make to resist the ultimatum. The American and

British Ambassadors were given a flat denial of any intentions to advance into southern French Indo-China.

Matsuoka instructed the Japanese Ambassador to Vichy France on 12th July 1941 to serve the ultimatum and demand an answer on or before 20th July. The next day, Konoze in a personal message to Marshal Petain assured the Marshal that Japan would respect the sovereign rights of France in French Indo-China if the Japanese Army were allowed to base there and establish naval bases on the shores. Before an answer to the ultimatum was received, the Second Konoze Cabinet resigned because of disagreement between Konoze and Matsuoka regarding the strategy to be employed.

THIRD KONOZE CABINET

Following the Imperial Conference of 2nd July 1941 Matsuoka was not easily reconciled to the decision of the Conference and did not act completely in accord with it.

MUTO and OKA, as Chiefs of the Military Affairs Bureau and the Naval Affairs Bureau respectively, had drawn up a formula which would insure continuation of the negotiations with America by making additional proposals. Konoze had agreed to continue with Matsuoka as his Foreign Minister provided Matsuoka would cooperate in applying the MUTO-OKA formula. Matsuoka said he had no objection to the formula, but at the same time he insisted on rejecting Mr. Hull's statement to Nomura of 21st June 1941 as being disgraceful to Japan. This was the statement in which Mr. Hull had said that before proceeding with the negotiations the United States must await some

clearer indication than had yet been given that the Japanese Government desired to pursue a course of peace. Matsuoka proposed to present the MUTO-OKA proposals only after Mr. Hull's statement had been specifically rejected. Konoye was fearful lest this action might cause the United States to refuse to negotiate further and insisted that Matsuoka send the counter-proposals drafted by MUTO and OKA to Nomura along with the instructions for rejection of Mr. Hull's statement so that the danger of termination of the negotiations might be reduced. Matsuoka disregarded Konoye's advice and in the instructions he issued to Nomura acted on his own view thus precipitating a Cabinet crisis. KIDO upon learning of the crisis was determined to preserve the Konoye Cabinet for the execution of the decisions reached at the Imperial Conference of 2nd July 1941 and conferred with members of the Imperial Household and with the Emperor upon a plan to return the Imperial Mandate to Konoye if the Cabinet should resign en bloc. KIDO recommended that Matsuoka be asked to resign. Konoye vetoed that suggestion lest Matsuoka and his followers make political capital of his forced resignation by suggesting that it had been dictated by America. The Konoye Cabinet accordingly resigned en bloc on 16th July 1941 and the Emperor ordered KIDO to summon the Jushin, a body composed of the former Prime Ministers acting as Senior Statesmen, together with the President of the Privy Council, to recommend Konoye's successor.

On 17th July 1941 KIDO conferred with the Senior Statesmen upon Konoye's resignation statement. Wakatsuki, Abe, Okada, Hayashi, Yonai and HIROTA were

present. The view was expressed that Konoye would be able to unite all political circles behind the Military and the meeting was unanimous that he should be recommended to the Emperor. The Emperor summoned Konoye and delivered the Imperial Mandate to him to form a new Cabinet. The Third Konoye Cabinet was formed on 18th July. Toyoda became Foreign Minister, TOJO remained as War Minister, HIRANUMA became Minister without Portfolio, and SUZUKI remained as President of the Planning Board and Minister without Portfolio. KIMURA remained as Vice-Minister of War. MUTO and OKA continued in their positions. The new Foreign Minister declared that there would be no change in policy as a result of the Cabinet change.

OCCUPATION OF SOUTHERN FRENCH INDO-CHINA

OSHIMA handed Ribbentrop a memorandum on the Japanese ultimatum to the Vichy French Government on 19th July 1941 explaining that the ultimatum had been delivered in order to secure military bases in French Indo-China as the first step in the "push to the South", meaning thereby the attack upon Singapore and the Netherlands East Indies. He requested the German Government to advise the Vichy Government to accept the ultimatum and meet the demands of the Japanese Government. Toyoda advised the German Ambassador in Tokyo on 20th July that the Cabinet change would not affect the policy decision reached at the Imperial Conference on 2nd July. After reporting to Germany the terms of the ultimatum with the statement that it had no alternative but to give in to violence, Vichy France accepted the Japanese ultimatum and agreed to the Japanese demands. 40,000 troops sailed on 24th July to take up the occupation of Southern French Indo-China and the

construction of eight air bases near Saigon and of naval bases at Saigon and Camranh Bay, in accordance with the agreement. The formal agreement was ratified on 28th July and signed the next day. TOJO, MUTO, SUZUKI and OKA were present at the meeting of the Privy Council on 28th July and represented the Cabinet as explainers of the agreement. TOJO stated that the agreement was one of the measures decided at the Imperial Conference of 2nd July based upon the decision of the Liaison Conference of 25th June, that the Cabinet and the Army and Navy Chiefs of Staff were united and were holding Liaison Conferences almost every day in the Palace in order to take appropriate measures under the Cabinet's strategic policy.

FURTHER DISCUSSIONS WITH UNITED STATES OF AMERICA

Ambassador Nomura had warned on 3rd July and 19th July 1941 in telegrams to the Foreign Minister that when the advance to the South commenced there would be danger that diplomatic relations between Japan and the United States might be severed by the United States Government. The American Acting Secretary of State, Mr. Welles, inquired of Nomura on 23rd July the meaning of the demands upon Vichy France; and in reply to Nomura's explanation that Japan needed to secure an uninterrupted supply of raw materials and insure against military encirclement, he stated that the agreement which had been under discussion between the Japanese and American Governments would give Japan far greater economic security than would the occupation of French Indo-China. He added the United States Government considered the occupation as notice that Japan "was taking the

"last step to proceeding on a policy of expansion and "conquest in the region of the South Seas", and that he had been instructed to say that the Secretary of State could see no basis for pursuing further the conversations with the Japanese Ambassador. The next day the American State Department issued to the press a statement that by the course the Japanese Government had followed and was following in Indo-China, it was giving a clear indication of determination to pursue an objective of expansion by force or threat of force and that there was no apparent reason which warranted the occupation of French Indo-China other than a desire for military bases to be used in the conquest of adjacent areas.

The President of the United States proposed to the Japanese Government on 24th July 1941 that French Indo-China be regarded as a neutralized zone, Japan being given full opportunity of assuring for herself food supplies and other raw materials she was seeking, but the proposal was rejected. On 25th July the President issued a directive freezing all Japanese and Chinese assets in the United States. Japan's actions towards Indo-China were regarded as creating a great risk of war compelling the threatened nations to take steps to prevent their security being wholly undermined. On 26th July 1941 Toyoda, the Japanese Foreign Minister, explained Japan's actions towards French Indo-China as being necessary to carry through the China affair. He alleged also that Japan had reports of an intended encirclement of French Indo-China which would be a menace to the area which was indispensable in prosecuting the China affair. No

evidence of any such intended encirclement of French Indo-China or of any report thereof has been adduced before us. The evidence is conclusive that Japan's reason for advancing into Southern French Indo-China was the desire to secure bases for an attack upon Singapore, preliminary to an attack upon the Netherlands East Indies. These bases also threatened the Philippines. When Singapore was in fact attacked troops from Saigon and planes from bases in southern French Indo-China took part in the attack. Britain and the Netherlands issued similar freezing orders on 26th and 28th July respectively. On 8th August, after the freezing order was issued by the United States Government, Nomura inquired of the American State Department whether it might be possible for the responsible heads of the two Governments to meet with a view to discussing means for reaching an adjustment of relations. After reviewing briefly the steps which had led to a discontinuance of the informal negotiations between him and Nomura, the Secretary of State said that it remained with the Japanese Government to decide whether it could find means of shaping its policies along lines which would make possible an adjustment of views.

SUPPLY PROBLEMS

OSHIMA learned of the slowing down of the German advance into Russia at the end of July 1941 which information gave the Japanese Imperial General Headquarters considerable concern for it was realized that Japan's supply of accumulated war materials was not sufficient to wage war against the U.S.S.R., the United States and Great Britain at the same time.

It was feared that the U.S.S.R. might assist the United States by giving the United States military bases in Soviet territory if Japan should attack the United States of America. This possibility was discussed between the Japanese Foreign Minister and the Soviet Ambassador in early August 1941.

Towards the end of July 1941 the Emperor called the Naval Chief of Staff for consultation on the subject of Japan's policy with the United States. Nagano, the Chief of Staff, informed the Emperor that he was opposed to the Tripartite Alliance and believed that so long as it existed it would be impossible to adjust relations between Japan and the United States of America. If the relations could not be adjusted and Japan was cut off from oil, in case of war with the United States of America, Japan's oil supply would be sufficient for only one and a half years. There would be no alternative but to take the initiative in operations. The Emperor asked Nagano if it would be possible to win a sweeping victory. Nagano replied that it was doubtful if Japan would win.

The Emperor expressed anxiety to KIDO about having to wage a desperate war, but KIDO reassured the Emperor by saying that the opinion of the Chief of Staff was too simple. He said that Japan was not without means of restoring the friendship between the United States of America and Japan. He stated, however, that he would ask the Prime Minister to give careful consideration to the questions raised by the Navy Chief of Staff. KIDO and Konoye considered the questions on 2nd and 7th August 1941. KIDO outlined in his diary the points advanced by the Navy

in its argument against proceeding with the attack. The Navy had expected to obtain oil from Sakhalin and the Netherlands East Indies to replenish its supply in case the war should be prolonged. Now there was a possibility that the U.S.S.R. would become allied with the United States thus preventing the acquisition of oil from Sakhalin. The risk involved in depending upon the capture of the oil installations in the Netherlands East Indies intact and upon the transportation of the oil over great stretches of submarine-infested waters which might be patrolled by aircraft based in Soviet territories was entirely too great. The Army did not agree with the Navy and maintained that the accumulated supply of oil would be sufficient to ensure victory. Konoye and KIDO agreed that the situation was serious and that it was necessary to have an agreement between the Army and Navy without loss of time.

FURTHER DISCUSSIONS WITH UNITED STATES OF AMERICA

Ambassador Nomura's suggestion of 26th July 1941, following the American freezing order of the 25th, that the heads of the two Governments should meet in an effort to adjust relations was renewed on orders of his Government on 7th August, and was welcomed by the Government of the United States. Accordingly on 17th August, while the Japanese Army and Navy Chiefs canvassed the subject of oil to supply the Japanese Navy in a war with the United States, the President replied to Nomura's suggestion. He said that if the Japanese Government were in a position to embark upon a peaceful programme along the lines suggested by the principles stated by Mr. Hull, the United States Government would be pleased to resume the

informal discussions and endeavour to arrange a suitable time and place for the heads of the two Governments to exchange views. The President referred to the circumstances in which the discussions had been interrupted and said it would be helpful before proceeding with plans for a meeting if Japan would furnish a clear statement as to its present attitude and plans. The President further stated to Nomura that nothing short of complete candour would further the objective. If Japan took any further steps in pursuance of a policy of military domination by force or threat the United States of America would be compelled to take steps immediately to safeguard the rights, interests, safety and security of the United States and its nationals.

The Total War Research Institute had been studying the question of negotiations with the United States, and during the first half of August 1941 suggested a solution: "To the proposal of America, we shall neither give our word clearly concerning the position of Japan, but adopt a delaying policy by diplomatic negotiations, repleting war preparations in the meantime."

Konoye addressed a letter to the President on 27th August 1941 in which he stated that he believed that the deterioration of relations between the two countries was largely due to a lack of understanding and that he desired to meet the

President personally for a frank exchange of views. He suggested that they meet first and discuss from a broad standpoint all important problems before a formal negotiation of an agreement. At the same time a statement from the Japanese Government was also presented to the President. In this the Japanese Government said it welcomed the invitation to an exchange of views, that Japan was ready for peace and would be proud to make sacrifices to obtain peace in the Pacific. It said that Japan's action in French Indo-China was intended to hasten settlement of the China Incident, to remove all menace to the peace of the Pacific and to secure to Japan an equitable supply of essential materials. It said also that Japan did not intend to threaten other countries and was prepared to withdraw its troops from French Indo-China as soon as the China Incident was settled or a just peace established in East Asia and that Japan's action in French Indo-China was not preparatory to a military advance into neighbouring territories. The statement continued that the Government of Japan was willing to restrict the discussions to proposals which were in conformity with the basic principles to which the United States had long been committed, as the national policy long cherished by the Japanese Government was in full accord on that point.

Japan's statements in regard to French Indo-China were false. We now know that Japan's motive for quartering troops and seizing bases in southern French Indo-China in July 1941 was the desire to secure a base and jumping off place for her intended attack on Malaya

and the Netherlands East Indies. It had nothing to do with the so-called "China Incident". Japan was proposing, as we now know, that she should retain this base for attack on Malaya and the Netherlands East Indies, which was also a threat to the Philippines and the sea lanes, until her demands on China were satisfied, or until "a just peace" was established in East Asia, an event the occurrence of which she alone would determine, for no other criterion for its determination was suggested. This statement is founded on by the defense as amounting to Japan's agreement that the four principles stated by Mr. Hull would be given effect to. If any clear representation by Japan to that effect can be read out of the statement it is now proved that at that time the leaders of Japan had no intention of living up to such representation.

The President replied to Konoye's letter and his Government's statement on 3rd September 1941. He said that he noted with satisfaction Konoye's expressed desire for peace in the Pacific and his Government's statement that its long cherished national policy was in accord with the principles to which the United States Government had long been committed. The President stated that he could not avoid taking cognizance, however, of indications in some quarters in Japan of support of concepts which would seem capable of raising obstacles to successful collaboration between Konoye and the President along the lines proposed. He therefore suggested that it would seem highly desirable to take precautions toward ensuring success for their proposed meeting by entering immediately upon preliminary discussions of the fundamental questions on which they sought agreement.

The President requested an indication of the Japanese Government's attitude regarding those fundamental questions.

Meantime, from the month of August onward the Japanese General Staff had been advocating an immediate breaking off of negotiations and the opening of hostilities. Konoye was opposed to this and held repeated conversations with the Army and Navy Ministers and others in which he sought to counter this policy.

Immediately upon receipt of the President's letter on 5th September 1941, Konoye called a Cabinet meeting. TOJO opposed the proposed meeting of Konoye and the President. He testified before this Tribunal that his reason for doing so was that the President expressed reluctance to meet with Konoye unless an agreement was first reached covering all the essential matters. The Emperor asked Konoye many questions regarding the strategy to be employed in a war with the United States and Britain. Konoye advised the Emperor to summon the Chiefs of Staff of the Army and Navy to answer those questions, and KIDO seconded that advice.

IMPERIAL CONFERENCE 6TH SEPTEMBER 1941

The Imperial Conference met on 6th September 1941 with TOJO, SUZUKI, MUTO, OKA and others present. The Conference decided that Japan should advance to the South, that an effort should be made to obtain Japan's demands through negotiations with the United States and Great Britain, but that if those demands were not fulfilled by the beginning of October, a decision on the opening of hostilities would be made. The demands which Japan desired to see fulfilled were also decided at that Conference and were as follows: "Japan's minimum demand to be fulfilled "in her negotiations with the United States (Britain), "and the limit Japan is able to come to an

"agreement in this connection. Sect. I. Japan's
 "minimum-demand to be fulfilled in her negotiations
 "with the United States (Britain).

"(1) Matters concerning the CHINESE INCIDENT.

" The United States and Britain will neither
 "meddle in nor interrupt the disposition of the
 "Chinese Incident.

" (a) They will not interrupt Japan's attempt
 "to settle the Incident in accordance with the Sino-
 "Japanese Basic Treaty and the Japan-Manchukuo-China
 "Tripartite Joint Declaration.

" (b) "Burma Route" will be closed; and the
 "United States and Britain will give Chiang's Regime
 "neither military nor economic support.

".....

"(2) Matters concerning the security of Japan's
 "national defense.

" The United States and Britain will not take
 "such action in the Far East as to threaten Japan's
 "national defence.

" (a) Recognition of the special relations
 "existing between Japan and France based on the Japan-
 "French Agreement.

" (b) They will not establish any military
 "interests in Thailand, Dutch East-India, China and
 "far-eastern Soviet territory.

" (c) They will not further strengthen their
 "present armaments in the Far East.

"(3) Matters concerning Japan's obtaining necessary
 "materials.

" The United States and Britain will cooperate
 "with Japan in obtaining her necessary resources.

" (a) They will restore their commercial relations
"with Japan and will supply Japan from their territories
"in the South Western Pacific with resources indispensable
"for her self-existence.

" (b) They will gladly collaborate in Japan's
 "economic cooperation with Thailand and French Indo-China.
 "Sect. II. The Limit Japan is able to come to an
 agreement.

" If the United States and Britain will consent
 "to our demands in Section I:

"(1) Japan, with French Indo-China as a base,
 "will make no military advances into any of the
 "adjacent areas except China.

"(2) Japan will be ready to withdraw her
 "troops from French Indo-China after an impartial
 "peace will have been established in the Far East.

"(3) Japan will be ready to guarantee the
 "neutrality of the Philippines."

One cardinal vice in this decision is the proposal that Japan should be left controlling the economy of China for her own ends, as had been achieved by the agreement Japan had made with the puppet government of China, and that America and Britain should withdraw all military and economic support from the legitimate government of China which had long been the victim of Japan's aggression which support these countries were quite entitled to give. If Japan had revealed that this was her "minimum demand to be fulfilled in her negotiations with the United States of America and Britain" it is not too much to say that these negotiations would have proceeded no further. This "minimum demand" was in vital conflict with the four principles which Mr. Hull had stated, upon the observance of which he insisted throughout the negotiations.

CONTINUED PREPARATIONS FOR WAR

The Chief of the Army General Staff instructed his Chief of Operations immediately after this Imperial

Conference to intensify his plans and preparations for war. Because of the practices governing the relationship between the War Ministry and the General Staff, War Minister TOJO, Vice-Minister of War KIMURA, Chief of the Military Affairs Bureau MUTO, and Chief of the Naval Affairs Bureau OKA, must have known and assisted in the preparations being made.

The training for the attack upon Pearl Harbor, and the training along the China coast for the landing operations against Malaya, the Philippines and the Netherlands East Indies and Borneo were drawing to a close. Admiral SHIMADA, Commander-in-Chief of the China Area Fleet, was transferred to command the Yokosuka Naval District near Tokyo and was appointed a member of the Naval Officers' Council on 1st September. The final "War Games" or Naval Staff Conferences to work out details for the operation, in which a large number of high-ranking naval officers participated, were held at the Naval War College in Tokyo between 2nd and 13th September 1941. The problems to be solved were two: first, the problems of working out the details of the carrier attack upon Pearl Harbor, and second, the problem of establishing a schedule of operations for the occupation of Malaya, Burma, the Netherlands East Indies, the Philippines and the Solomon and Central Pacific Islands. The solution of these problems as worked out constituted the basis of Combined Fleet Secret Operations Order No. 1, which was later issued.

The Foreign Minister, Toyoda, whose Consul-General at Hawaii was engaged in espionage, arranged a code on 24th September for transmitting secret reports on the American Fleet in Hawaiian waters.

Internal preparations for the attack continued at a rapid pace. TOJO made a survey of the preparations and reported on that survey to KIDO on 11th September. The Cabinet adopted a "Workers Mobilization Plan" which had been devised jointly by SUZUKI's Planning Board and the Welfare Ministry for increasing production of munitions. The Inspector General of Military Education issued training manuals on landing operations and identification of Allied planes. TOJO's War Ministry prepared operation maps for Singapore and Hawaii. The Cabinet Printing Bureau continued printing occupation currency in pesos, dollars and guilders for use in the Philippines, Malaya and the Netherlands East Indies.

TALKS WITH UNITED STATES OF AMERICA CONTINUED

Konoye, on 6th September, the day of the Imperial Conference just referred to, and notwithstanding the contrary nature of the decisions of that conference, told the American Ambassador that he fully subscribed to the four principles which Mr. Hull and the President of the United States had enunciated. The next day in Washington, Ambassador Nomura presented a new Japanese draft proposal to the United States Government which was apparently intended as a basis for the commencement of the preliminary negotiations to which the President had referred in his letter to Konoye on 3rd September. The essence of that draft proposal was that Japan would not "without any justifiable reason" make further military moves to the South and would interpret her obligations under the Tripartite Pact "by the concepts of protection and self-defence" without consideration of the views of the other Axis Governments. The United States was to cease giving aid to China, assist Japan in negotiating

peace with China on Japanese terms, agree to cooperate with Japan in the acquisition and development of natural resources in the Southern areas, and suspend military measures in the Far East and in the South Western Pacific Area. Japan had refused to withdraw her troops from French Indo-China. This draft proposal reaffirmed Japan's intention to adhere to the Tripartite Pact, for Japan refused to give or evaded giving her assurance that she would not attack the United States under the terms of that Pact. The subsequent negotiations revealed the peace terms for China as founded on the Konoye principles which would have given Japan economic domination of China enforced by Japanese troops stationed in China, and as providing for the recognition by China of Japan's seizure of Manchuria.

The acceptance of this proposal by the United States would have secured the Japanese Government its objective as decided on 3rd October 1940. That this was the intention of the Japanese Government is revealed by Toyoda, who instructed Nomura on 13th September 1941 that his Government was not prepared, as he expressed it "to swallow" the four American principles. The United States Government considered that the draft proposal of 3rd September was unsatisfactory and inconsistent with Konoye's letter and his Government's statement to the President of 28th August 1941.

On 25th September 1941 the Japanese Government presented to the American Ambassador in Tokyo a completely new draft proposal and urged that an early reply be made. The new draft did not indicate any modification of the Japanese attitude on fundamental points. HASHIMOTO

declared in an article published in the Taiyo Dai Nippon on 25th September that there was no hope of adjusting relations with the United States and Great Britain and that proper action for the Japanese Government was clearly indicated in the Tripartite Pact, meaning thereby direct action in conjunction with Germany and Italy. The President of the Cabinet Information Bureau made a speech in commemoration of the first anniversary of the signing of the Tripartite Pact in which he said that the real meaning of the Pact was clear from the Imperial Rescript issued on the day of its conclusion. He declared that by that Pact the leading position of Japan in the establishment of the New Order in Greater East Asia was definitely recognized and that whatever changes might occur in the international situation and whatever difficulties Japan might encounter there would be no change whatever in the fact that the Pact constituted the keynote of Japan's diplomacy.

The beginning of October, the time set by the Imperial Conference of 6th September for the decision on the opening of hostilities, was rapidly approaching, but the Army and Navy were still contending as to whether the Navy would be able to carry out its mission with the existing supply of oil. TOJO was impatient of the diplomatic discussions with America and insisted that the attack should not be delayed. The Army leaders declared that they would withhold the attack until 15th October, but would wait no longer. Konoye and KIDO discussed the question of disagreement between the Army and Navy on the subject of oil reserves. Konoye declared that he had no confidence so long as this disagreement existed and there was no choice for him but to consider his

resignation if the Army insisted on starting the war on 15th October. KIDO implored him to be prudent, and called in SUZUKI for consultation.

Mr. Hull delivered to Nomura a complete review of the negotiations on 2nd October. The review concluded with a statement that the United States Government had endeavoured to make clear that it envisaged a comprehensive programme calling for the uniform application to the entire Pacific Area of the principles which Mr. Hull and the President had enunciated, but that the Japanese Government had indicated its intention to circumscribe the application of those principles by qualifications and exceptions. Mr. Hull then asked: "If this impression is correct, can the Japanese Government feel that a meeting between the responsible heads of Government under such circumstances would be likely to contribute to the advancement of the high purposes which we have mutually had in mind?"

The impression was correct. As we have previously noted, Toyoda, Japan's Foreign Minister, told Nomura on the 13th September that Japan could not accept the four principles. Nomura reported to Toyoda on 8th October 1941 that the Americans insisted upon the four principles as the basis on which relations between the two countries should be adjusted, that they had always felt that if conversations between Konoye and the President were to occur it would be necessary to have a definite understanding that those principles would be applied to the problems in the Pacific, and that they believed that so long as there was disagreement on that matter it would be futile to discuss details. KIDO and Konoye agreed after receiving this message that the

prospects of an agreement were very discouraging; and KIDO suggested that it might be necessary to reconsider the decision of 6th September and postpone the attack until Japan should be better prepared. KIDO suggested that the termination of the China Incident was the first consideration, meaning thereby the military defeat of China.

DECISION FOR WAR - 12 OCTOBER 1941

War Minister TOJO, the Army Chief of Staff and other Army leaders revealed in their discussion of the subject with the German Ambassador in the first days of October that they had signed the Tripartite Pact in order to carry out the advance to the South and establish Japan in South East Asia, and that in order to accomplish their purpose by defeating Britain it was necessary to keep America at bay and eliminate the U.S.S.R. The Chief Secretary of the Cabinet discussed the American negotiations with KIDO on 7th October 1941. He reported that the Army, under the leadership of TOJO, was of the opinion that there was no room left for the continuation of the parley with America, but that the Navy held the opposite view. He suggested that Konoye should talk to TOJO in an effort to promote a better understanding with the Navy and then call TOJO and the Navy Minister to a meeting with Konoye and the Foreign Minister to secure cooperation between Army and Navy.

Konoye talked with TOJO, but TOJO insisted that there was no hope for diplomatic success in the American negotiations and that the Cabinet should make up its mind for war. Konoye requested War Minister TOJO, Navy Minister Oikawa, Foreign Minister Toyoda and President

of the Planning Board SUZUKI to meet at his residence on 12th October 1941 for a final conference on the question of war or peace. Before the conference, the Navy Minister sent OKA to Konoye with the message that the Navy was not ready for war with the United States but was prevented from saying so by its prior consent to go to war given at the Imperial Conference of 6th September. Accordingly he intended at the approaching conference to leave the matter to Konoye and that he hoped Konoye would decide to continue the negotiations.

Konoye opened the meeting on 12th October 1941 by stating that at last the Ministers must decide whether it would be war or peace and suggested that they re-examine the possibility of success by diplomatic negotiations. TOJO retorted that there was no hope of success by continuing the negotiations. The Navy Minister suggested that the decision of that question should be left to the Prime Minister. TOJO declared that, since all of the Ministers were responsible for the decision, it should not be left to the Prime Minister alone. TOJO agreed to reconsider his determination to break off the negotiations provided the Foreign Minister would assure him of inevitable success by continuing them. The Foreign Minister pointed out the obstacles to an agreement between Japan and the United States and stated that the major obstacle was the presence of Japanese troops in China. TOJO emphatically declared that Japan could not yield on that point, and that, due to the sacrifices she had made in the China War, the Government must insist upon complete realization of the Konoye principles. It was finally decided (1) that

Japan should not abandon the plan adopted in September and October 1940, (2) that an effort should be made to determine whether the negotiations with the United States would be successful within the time to be set by the Imperial Headquarters, and (3) that preparations for the attack should not be discontinued unless that question should be answered in the affirmative.

The Chief Secretary of the Cabinet reported the results of the Conference to KIDO; and the next day KIDO and SUZUKI, in discussing the Conference, came to the conclusion that Konoye should make further efforts to promote an understanding between TOJO and the Navy Minister. That night Konoye summoned Toyoda to give a complete report upon the Japanese-American negotiation. Toyoda gave it as his opinion that Japan would inevitably be forced to withdraw her troops from China in order to reach an agreement with the United States. The next morning, 14th October 1941, prior to the Cabinet meeting Konoye summoned TOJO, informed him that according to his investigation there was no hope of obtaining Japan's objectives through negotiating with the United States if Japan insisted on retaining troops in China, but there was some hope of success if Japan "yielded on the pretence and took the reality". He tried to persuade TOJO to agree to an abandonment of the plans for the advance to the South and to concentration of Japan's efforts on settlement of the China War. He pointed out the apparent weakness of Japan and her Allies and warned that if Japan should attack the United States it would be a real world war. TOJO answered that the sacrifices of Japan

in the China War were such that he could not agree to Japanese troops being withdrawn from China even if it meant his resignation from the Cabinet. Konoye then requested that he repeat his statement at the Cabinet meeting. TOJO maintained his position before the Cabinet meeting of 14th October, and the meeting adjourned without reaching a decision.

MUTO attempted through OKA to persuade the Navy Minister to declare whether or not the Navy was prepared to proceed with the war, but MUTO was unsuccessful. Late on the night of 14th October 1941 TOJO despatched SUZUKI to Konoye with a message to the effect that since the Navy Minister would make no declaration in the matter nothing could be done, and that since the Cabinet was unable to carry out the decision of the Imperial Conference of 6th September there was nothing left for them to do but resign en bloc. He asked Konoye to inform KIDO. Konoye in turn instructed SUZUKI to inform KIDO, which he did the next morning. Later in the day, Konoye called on KIDO and told him that he would no longer continue as Prime Minister because of the disagreement with TOJO. TOJO had said that he did not wish to discuss matters with Konoye as he was not sure he would be able to control his anger. Konoye collected the letters of resignation of his Ministers on the morning of the 16th October 1941 and adding his own delivered them to the Emperor over the objection of KIDO late in the afternoon of that day.

Konoye's letter of resignation gives a vivid explanation of the situation. He explained that, when he organized the Third Konoye Cabinet to prosecute the expansion to the South, it was his firm conviction that his Cabinet's objective would be

obtained through negotiations with the United States Government, and that although his expectations had not been realized to date he still believed that "If we take the attitude of yielding to her in appearance but keeping for us the substance and casting away the name", those objectives might be obtained through the negotiations. Konoye said that TOJO had been demanding that war be commenced with the United States on 15th October in accordance with the decision of the Imperial Conference of 6th September and had given as his reason that the situation had come to a point when no other means could be found to obtain the Japanese demands. Konoye declared that it was impossible for him to accept the responsibility for plunging the Nation again into a titanic war the outcome of which could not be forecast.

TOJO BECOMES PRIME MINISTER 18 OCTOBER
1941

KIDO made a last minute appeal to TOJO for harmony among the Cabinet members by explaining that the country had a right to expect unity of purpose and cooperation between the Army and Navy before plunging into a war with the United States. He suggested that the decision of the 6th September to begin the war in the first part of October might have been wrong and that it should be reviewed in an effort to obtain complete agreement. TOJO agreed with KIDO; but before KIDO could take further action, Konoye had submitted the resignation of his Cabinet.

KIDO immediately saw the Emperor and discussed a successor to Konoye. KIDO recommended either TOJO or the Navy Minister should be appointed.

The next morning the Senior Statesmen assembled with Wekatsuki, Okada, Hayashi, HIROTA, Abe and Yonai, among others, present. KIDO opposed a suggestion of either Prince Hiroshikuni or Utsuki as a successor to Konoye and suggested TOJO. He said that the most important matters were the revision of the decision of 6th September and the settlement of differences between the Army and Navy. HIROTA was among those who gave positive approval of KIDO's suggestion that TOJO be Prime Minister, none opposed it. Upon submitting the recommendation, KIDO advised the Emperor to issue special instructions to both TOJO and the Navy Minister. These special instructions were discussed by KIDO with TOJO and the Navy Minister in the anteroom after their audience with the Emperor. KIDO told them that he presumed that the Imperial message had just been given them regarding cooperation. He understood it to be the Emperor's wishes that in deciding national policy it was necessary to investigate domestic and foreign affairs more broadly and deeply and to carry out an earnest study without considering themselves bound by the decision of 6th September. He then delivered to each of them written instructions calling for cooperation between the Army and Navy and specially calling upon the Navy Minister to further that cooperation more closely.

TOJO was promoted to General on 18th October 1941 and given permission to remain on active duty while serving as Prime Minister in order that he might also serve as War Minister. He held both of these positions during the entire

term of his Cabinet. He also served as Minister of Munitions and for short periods of time as Minister of Education, Home Minister, Foreign Minister, and Minister of Commerce and Industry. SHIMADA served as Navy Minister for the entire term of the TOJO Cabinet. In February 1944 TOJO took over the duties of Chief of the Army General Staff in addition to his many other duties, and SHIMADA took over the position of Chief of the Navy General Staff at the same time in addition to his position as Navy Minister. KIMURA remained as Vice-Minister of War until 11th March 1943, when he became War Councillor. He was appointed Commander-in-Chief of Japanese forces in Burma on 30th August 1944. MUTO remained as Chief of the Military Affairs Bureau until 20th April 1942, when he was appointed Commander of the Imperial Guards Division in northern Sumatra. SATO remained in the Military Affairs Bureau and succeeded MUTO as Chief of that Bureau. OKA remained as Chief of the Naval Affairs Bureau of the Navy Ministry during the entire term of the TOJO Cabinet. TOGO served as Foreign Minister until 1st September 1942. KAYA served as Minister of Finance until 19th February 1944. SUZUKI served as President of the Planning Board and as Minister without Portfolio until the TOJO Cabinet resigned. HOSHINO was Chief Secretary of the Cabinet during its entire term. OSHIMA continued as Ambassador to Germany. SHIGEMITSU remained as Ambassador to Great Britain until his appointment as Ambassador to the Puppet Central Government of China on 16th December 1941 where he served until his appointment as Foreign Minister in the TOJO Cabinet on 20th April 1943. DOHIHARA remained as Chief of Air Inspectorate General and concurrently a Supreme

War Councillor. Later, in May 1943 he was given command of Japan's Eastern Army until March 1944 when he was appointed Commander of the 7th Area Army at Singapore. HATA, UMEZU, and ITAGAKI were in command of Japanese forces in China and Korea.

PREPARATIONS FOR WAR CARRIED ON UNDER TOJO

TOJO carried on the plan decided in September and October 1940. Under interrogation after the surrender he was asked: "You explained that the policy after the 6th September (1941) Imperial Conference was on the one hand to negotiate for peace and on the other to prepare for war; did you continue that policy?" TOJO answered, "Yes, I undertook the work as Premier".

The Japanese overseas intelligence service was improved and extended after the TOJO Cabinet was organized, particularly in the Netherlands East Indies, in preparation for the capture of the oil installations in those Islands. The Kokusaku-Kankyu-Kei, or National Policy Investigation Association, which had been in existence since 1936, began to make plans and appointed a "Committee for Administrative Measures" to devise plans for administration of the Southern Areas which the Japanese Government expected to occupy. Its first report was forwarded to TOJO as Prime Minister in October 1941. The Army and the Ministry of Overseas Affairs adopted the plan. Additional invasion maps were prepared. The Army and Navy began issuing plans and regulations for joint operations, and the organization of the Southern Army, which was later to have its headquarters at Singapore, was completed and its commander selected. Its initial headquarters was established at Saigon. The Corps in training near Canton for the attack upon Hong Kong was preparing intensively for the attack and, according to captured diaries of its members, expected to complete its training early in December.

SHIMADA and OKA were concerned with the plan to attack Pearl Harbor. Discussions took place at the

Naval War College regarding the plan. The Commander of the Combined Fleets, Yamamoto, proposed to attack the United States Pacific Fleet while it lay at anchor at Pearl Harbor. Others advocated a waiting strategy, which called for an attack upon the American Fleet if and when it attempted to advance among the Japanese fortified islands of the Pacific. Yamamoto threatened to resign and secured the adoption of his plan. The final plans were completed by 1st November 1941. These plans provided for attacks against Pearl Harbor, Singapore, and various other American, British as well as Dutch possessions.

TOJO immediately upon the formation of his Cabinet began to act upon KIDO's advice as approved by the Emperor "to investigate the domestic and foreign affairs more broadly and deeply". A list of subjects to be so investigated was completed in the latter half of October. The list was entitled "Major Items to be Re-Examined Concerning Essentials for the Prosecution of National Policies". The list contained such subjects as: "What is the future outlook of the European War Situation?" "What is the outlook from the point of view of strategy in regard to a war against the United States, Great Britain and the Netherlands in the initial stage and when protracted over several years?" "Assuming that we initiate war in the Southern Regions this Fall, what will be forthcoming as relative phenomena in the North?" "What degree of cooperation can we induce Germany and Italy to give us in connection with the opening of the war against the United States, Great Britain, and Holland?" "Is it possible for us to restrict our adversaries of the war to only the Netherlands, or

"Great Britain and the Netherlands?" "Will it be possible
 "to attain within the shortest possible time our minimum
 "demand which was decided at the Imperial Conference of
 "6th September by continuing negotiations with the
 "United States?"

The foregoing subjects were assigned to various Ministries and Bureaux for study and the Government conferred upon them with the Imperial General Headquarters in a series of Liaison Conferences. These Liaison Conferences were held almost daily as TOGO explained to Nomura in Washington, "in order to lucubrate upon a fundamental national policy". The conferences were regularly attended by TOJO, TOGO, SHIMADA, KIYA, SUZUKI, HOSHINO, MUTO and OKA. HOSHINO, formerly Director of the General Affairs Board of the puppet state of Manchukuo in which position he had worked with TOJO, and formerly President of the Planning Board in Japan, had been selected as Chief Secretary of the Cabinet by TOJO because of his long experience in economic planning and had been charged by TOJO to devote his main efforts to such activities in cooperation with SUZUKI, whom TOJO had selected to head the Cabinet Planning Board. HOSHINO also acted as Recorder for the conferences. SUZUKI acted as liaison between the conferences and Lord Keeper of the Privy Seal KIDO. MUTO as Chief of the Military Affairs Bureau and OKA as Chief of the Naval Affairs Bureau acted as liaison between their Ministries and the Army and Navy General Staffs respectively.

NEGOTIATIONS WITH UNITED STATES OF AMERICA
RENEWED

TOJO had selected TOGO as his Foreign Minister primarily to conduct the negotiations with the United

States. Ambassador Nomura was uncomfortable and desired to be relieved. He said in his communication to TOGO on 23rd October, "I am sure that I, too, should go out with the former Cabinet. I know that for some time the Secretary of State has known how sincere I was, yet knew how little influence I have in Tokyo. Nor do I imagine that you all have any objections at the Foreign Ministry now that I am already a dead horse. For me, it is painful to continue in a deceptive existence, deceiving myself and others". TOGO advised Nomura on 2nd November, "We have carefully considered and discussed a fundamental policy for the improvement of relations between Japan and America; but we expect to reach a final decision at the Imperial Conference on the morning of 5th November and will let you know the result immediately. This will be our Government's last effort to improve diplomatic relations. When we resume negotiations, every aspect of the situation makes it urgent that we reach a decision at once. This is to be strictly kept for your information".

TOGO cabled Nomura again on 4th November. He said that conference had followed conference and at last they were able to bring forth a counter-proposal for the resumption of Japanese-American negotiations based upon the unanimous opinion of the Cabinet and the Military. He added, however, that this would be the last effort at negotiation, that they had decided to gamble the fate of their land on the throw of this die, and that if a quick accord was not reached the talks would be ruptured and the relations of the two countries would be on the brink of chaos. He declared that Japan was making her last possible bargain. He instructed Nomura to follow his

instructions to the letter in conducting the negotiations as there would be no room for personal interpretation. He then impressed upon Nomura the importance of his mission by stating that he was in a key position and that the Cabinet was placing great hopes on his ability to "do something good for our Nation's destiny". At that point he urged Nomura to think deeply and compose himself and make up his mind to continue at his post.

TOGO, in his series of cables to Nomura on 4th November, transmitted the counter-proposal which had been decided upon. He said that the proposal was yet to be sanctioned at the Imperial Conference scheduled for the next morning, but that as soon as that sanction was obtained he would inform Nomura and that he desired the proposal presented immediately upon receipt of that information. The proposal was designated "Proposal A", and was in the form of an amendment of the Japanese Government's proposals of 25th September, and was described in the cable from TOGO to Nomura as an "ultimatum". The proposal provided for a gradual withdrawal of Japanese troops. The first withdrawal was to be from French Indo-China and was to be made if and when a peace treaty should be signed with the National Government of China. Upon the signing of the peace treaty troops would be withdrawn from China, except in designated areas to be specified in the treaty, whence they would be evacuated after a suitable period. On the period of the stationing of troops in these areas, TOGO told Nomura "Should the American authorities question you in regard to 'the suitable 'period' answer vaguely that such a period should 'encompass 25 years'". Regarding the Tripartite Pact, the proposal renewed the Japanese Government's

determination not to give an assurance that Japan would not attack the United States as provided by the Pact, but the Japanese Government would make its own interpretation, independently of the other Axis Powers, of its obligation under the Pact. On the question of non-discrimination in trade, Japan would agree to apply the principle provided it would be applied universally throughout the world.

TOGO made it clear that while terms might be made with America upon other matters Japan would not yield on their demand to station troops in China. Their sacrifices in China over four years and the internal situation in Japan made it impossible to yield upon this point. In other words Japan required America to condone the invasion of China and to leave that country in servitude to Japan. A "Proposal B" was also transmitted to Nomura to be presented if no agreement could be reached on "Proposal A". This will be dealt with later.

TOGO informed Nomura in his telegram on 4th November that in view of the gravity of the negotiations and in view of Nomura's request to be relieved he was sending Ambassador Kurusu as a Special Envoy to assist him in conducting the negotiations, but that he was carrying no new instructions. A few days later, TOGO confided to the German Ambassador that Kurusu had been instructed on the firm attitude of the Japanese Government and that Kurusu had been given a definite time limit which he could not cross. Nomura was instructed to make arrangements for Kurusu to see the President of the United States immediately upon his arrival.

The Cabinet imposed additional censorship regulation on news dispatches and speeches which might disclose Japanese war preparations and strategic activities

during the conduct of the negotiations.

An Imperial Conference was held on 5th November 1941 as TOGO had advised Nomura. TOJO, TOGO, SHIMADA, KAYA, SUZUKI, MUTO, OKA and HOSHINO were present. The policy to be pursued against the United States, Great Britain and the Netherlands was decided upon. It was decided to re-open the Japanese-American negotiations and to offer the United States Government two propositions in the alternative which were designated as "A" and "B". These were the propositions transmitted to Nomura the day before. It was further decided that if neither of these were accepted by the United States on or before 25th November, the Japanese Government would notify the German and Italian Governments of its intention to begin the war against the United States and Great Britain and call upon them to participate and to agree not to make a separate peace. The decision contemplated using the American Government for securing an agreement with Great Britain if the American Government agreed to either of the

proposals.

Immediately after the conference on 5th November, TOGO cabled Nomura that the proposals had been sanctioned at the conference and that he was to begin the talks along the lines given in the instructions of the day before. While arrangements for signing any agreement must be completed by the 25th November, Nomura was instructed to avoid giving the impression that a time limit for agreement had been fixed by the Japanese or that the proposal was of the nature of an ultimatum.

It was further decided at the Imperial Conference that Thailand should be approached to permit passage of Japanese troops through her territory. Japan would promise to respect the sovereignty and territorial integrity of Thailand. The bait was to be held out to Thailand that Japan would consider giving her part of Burma or Malaya. As to the Netherlands East Indies, to conceal Japan's intentions negotiations would be opened on the subject of procuring essential materials for Japan. The Philippines would be made independent after occupation as would also a portion of the Netherlands East Indies, while the rest would be retained by Japan.

TOJO called upon KIDO immediately after the conference and informed him of the decisions just mentioned, of the formation of the Southern Army and of the decision to send Kurusu to Washington to assist Nomura. On 5th November 1941 TOGO sent a further cable to Nomura making 25th November positively the final date for signing terms with America.

NAVY ORDER FOR ATTACK

The Commander of the Japanese Combined Fleets, Yamamoto, visited the Chief of the Naval General Staff, Nagano, in Tokyo on 3rd November and gave his approval to the final draft of the Combined Fleet Operations Order which had been under preparation for months. The order provided for the execution of the advance to the South by attacking Singapore and completing an enveloping movement against the Netherlands East Indies in the manner originally planned on 4th October 1940. It also provided for the attack upon the Philippines which OSHIMA had mentioned to Ribbentrop months before as being under preparation. These attacks were to be covered by an attack upon Pearl Harbor to destroy the United States Pacific Fleet. The British and Americans were to be driven from China by attacks upon Hong Kong and Shanghai and other incidental operations were included. The order read: "The Empire is expecting war to break out with the United States, Great Britain and the Netherlands. When the decision is made to complete over-all preparations for operations, orders will be issued establishing the approximate date (Y-Day) for commencement of operations (sic) and announcing 'First Preparations for War'". The order then continued with instructions that upon the announcement of Y-Day all fleets and forces, without further special orders, would organize and complete battle preparations and when directed by their commanding officers the various fleets and forces would proceed to their rendezvous and wait in readiness for the attack. The order provided further: "The time for outbreak of war (X-Day) will be given in an Imperial General Headquarters Order. This order will be given several days in advance.

"After 0000 hours, X-Day, a state of war will exist. Each
"force will commence operations according to plan". After
leaving the Imperial Conference on 5th November, the
Chief of the Naval General

Staff ordered Yamamoto to issue the order and it was issued on that day.

PROPOSAL "A" PRESENTED 7 NOVEMBER 1941.

Ambassador Nomura presented his "Proposal A" to Mr. Hull on 7th November. On 10th November he read a memorandum explaining that proposal to the President of the United States, but the memorandum was vague and uncertain. On the day Nomura was reading that memorandum, Vice-Admiral Nagumo, who was to command the carrier task force in its attack upon Pearl Harbor, issued his order to his task force to rendezvous at Tankan Wan (Hitokappu Bay, Etorofu Island, Kuriles). SHIMADA said that the order directed all ships of the task force to complete battle preparations by 20th November and proceed to the rendezvous under strict security regulations. Combined Fleet Operation Order No. 3 of 10th November fixed 8th December as "X-Day". That was the day when after 0000 hours a state of war would exist.

On 12th November Mr. Hull told Nomura that the Japanese proposal was being studied and that he hoped to reply to it on the 15th.

The United States Government was maintaining close contact with the British, Netherlands and Chinese Governments during the conduct of the negotiations and there was an understanding that if the Japanese Government should agree to the four basic principles which Mr. Hull and the President had enunciated, those Governments would be consulted before any agreement would be reached upon specific problems in the Far East and the Pacific Area. Prime Minister Winston Churchill declared on 10th November in the course of a speech delivered in London: "We do not know whether the efforts of the United States to preserve peace in the Pacific will be successful. But, if they fail, I take this occasion to say -- and it is my duty to say -- that should the

"United States be involved in a war with Japan, a British "declaration will follow within an hour". The British Ambassador called upon TOGO the next day to explain his Government's position. During the course of the conversation, TOGO informed the Ambassador that the negotiations had entered their final phase, that Japan had made her final proposal, and that if the United States rejected it, there would be no reason to continue negotiations further.

The Liaison Conferences continued almost daily for the decision of questions relating to the attack. The conference of 11th November decided upon the policy to overthrow quickly the American, British and Dutch bases in the Far East, to establish Japanese self-sufficiency, and at the same time to hasten the surrender of the Chungking Regime. The plan was to concentrate on Great Britain with the cooperation of the Axis Powers so as to defeat that country first and then deprive America of her will to continue the war. Japanese troops were moving into position. The air units were assembling at Saigon for their attack upon Singapore. The ships which were to make up the carrier task force for the attack upon Pearl Harbor were sailing from Japanese ports bound for their rendezvous at Tankan Wan.

The United States Government impliedly rejected the "ultimatum" or "Proposal A" presented by Nomura on 7th November when Mr. Hull delivered a memorandum to Nomura on 15th November replying to that proposal. Mr. Hull pointed out that the proposals regarding the withdrawal of Japanese troops were indefinite and uncertain as they did not specify a time limit for such withdrawal nor the areas to be evacuated. He said also that the United States could not undertake that other Powers would give universal application to the principle of non-discrimination in trade. No reply was ever received to this memorandum. Nomura

had advised TOGO the day before that the United States Government was determined to do everything possible short of war to stop further Japanese military moves either southward or northward and that rather than yield on that point they would not hesitate to fight, as they had no intention of committing another mistake like that of Munich.

After receiving the memorandum from Mr. Hull, TOGO began final preparations for the attack. He cabled the Japanese Consul-General in Honolulu to take extra care to preserve secrecy, but to make his reports on ships in harbor at least twice a week as the situation was most critical. Nomura had asked for an extension of time, but TOGO replied to him on the 16th as follows: "I set the deadline for the solution of these negotiations and there will be no change". He instructed Nomura to press for a solution on the basis of the proposals "A" and "B" and to do his best to bring about an immediate solution. TOGO then turned his attention to negotiation of an agreement with the German Government not to conclude a separate peace in case Japan became involved in war with the United States regardless of the cause of the war. The agreement was reached on 21st November.

PROPOSAL "B" 20TH NOVEMBER 1941

Special Envoy Kurusu arrived in Washington on 15th November 1941, but he did not present any new proposals until he and Nomura presented to Mr. Hull the alternative "Proposal B" on 20th November. This was the alternative which TOGO had transmitted to Nomura on 4th November and which had been approved by the Imperial Conference on 5th November. TOGO had instructed Nomura not to present "Proposal B" until it became apparent that an agreement could not be reached on "Proposal A". This "Proposal B" was a completely new draft proposal and was not intended as an amendment of prior proposals. It made no mention

of the Tripartite Pact, the question of removal of troops from China, or the principle of non-discrimination in trade. Japan offered to withdraw her troops from southern French Indo-China upon acceptance of the proposals and to withdraw them from northern French Indo-China upon negotiation of a peace treaty with Generalissimo Chiang Kai-Shek, or upon the conclusion of an equitable peace in the Pacific. In return for these so-called concessions, the United States was asked to agree not to interfere with the negotiation of the peace treaty with Generalissimo Chiang Kai-Shek and to agree to furnish Japan with oil. The proposal also provided for a mutual agreement to cooperate in the acquisition and exploitation of natural resources in the Netherlands East Indies and to cooperate in the restoration of commercial relations to the situation existing before issuance of the freezing orders.

The American Government arrived at the conclusion that the Proposal B was not sincere in view of information contained in Japanese messages which the American intelligence service had intercepted and decoded and in view of the fact that troops withdrawn from southern French Indo-China were to be maintained in northern French Indo-China and on Hainan Island, whence they could be brought back in a day or two. Japan proposed to maintain the position she had seized vis-a-vis southern French Indo-China, a position which threatened the countries to the south and threatened the trade routes. The American Government considered that acceptance of this proposal would amount to condonation of Japan's past aggression and approval of unlimited conquest by Japan in the future as well as abandonment of the principles of the United States of America and the betrayal of China.

Mr. Hull called a conference of the Ambassadors and Ministers from Great Britain, Australia and the Netherlands on the morning of 22nd November and asked for their opinions on the

Japanese proposals. This conference agreed that if Japan sincerely desired peace and firmly intended to adhere to a peaceful policy they would welcome it and would be glad to cooperate in resuming normal trade relations with Japan, but that the proposals and statements of Japan's Ambassadors in Washington seemed to be opposed to the statements of the Japanese leaders and Press in Tokyo. The British and Dutch representatives agreed to consult their Governments and to report their opinions to Mr. Hull.

Mr. Hull met Nomura and Kurusu on the afternoon of 22nd November 1941. He informed them of the meeting held that morning and of his expectation of a decision by the conference on the following Monday, 26th November. Nomura and Kurusu pressed for an expression of the American attitude independently of the British and Dutch opinions. Mr. Hull replied that all of the Powers concerned were anxious that the pressing problems in the South Pacific be resolved, but from that viewpoint the latest proposal was not sufficient. On 22nd November TOGO cabled Nomura that the 29th November was the latest date for the conclusion of an agreement as "after that things are automatically going to happen".

Nomura and Kurusu met Mr. Hull again on 26th November. Mr. Hull, after pointing out that the "Proposal B" violated the four fundamental principles which he had enunciated early in the negotiations and to which the United States of America was committed, informed the Ambassadors that the American Government was of the opinion that the adoption of the proposals would not contribute to ultimate peace in the Pacific. Mr. Hull suggested that further efforts be made to reach an agreement on the practical application of these four fundamental principles. With that object in view, he offered a new draft proposal which in its essence provided for enforcement of the four fundamental

principles in the Far East, and which contemplated a multilateral agreement among the United States of America, Great Britain, China, Japan, the Netherlands, Thailand and the U.S.S.R. for withdrawal of Japanese forces from China and for maintaining the territorial integrity of that country.

The proposed agreement provided that Japan and the United States of America with a view to ensuring a lasting peace in the Pacific would declare (1) that they had no designs on the territory of other nations, (2) that they would not use military force aggressively, (3) that they would not interfere in the internal affairs of other states, and (4) that they would settle international disputes by peaceful processes. These were the four general principles which Mr. Hull had stated as early as 16th April 1941, and which the United States of America had all along insisted must be agreed upon in principle and applied in practice. They were principles to which Japan had, prior to 1936 repeatedly stated her adherence but which she had since that date often infringed in practice.

In the domain of international commerce it was proposed (1) that there should be no discrimination as between nationals of different states, (2) that excessive restrictions on the flow of international trade should be abolished, (3) that there should be access without discrimination by the nationals of all states to raw materials, and (4) that trade agreements between states should ensure the protection of the interests of the populations of countries which must import goods for consumption. These were principles to which Japan in her dependence on international trade and as a large importer of goods for consumption could hardly object, and indeed there had already been agreement on the substance of them in the course of the prior negotiations. But the practical application of all the above principles was a different matter. Japan had waged a war of aggression against China

for years, in the course of which she had possessed herself of Manchuria, had occupied a large part of the rest of China, and had controlled and diverted much of Chinese economy to her own uses. She had now obtained the essential bases in French Indo-China for, had made all the preparations for, and was poised to launch a new series of predatory attacks upon her neighbors to the South. She hoped that these would secure for her the booty of her past aggressions and the further territories and materials she required to make her dominant in East Asia and the Western and Southern Pacific. The practical application of the above principles would involve the surrender of the fruits of her past aggression and the abandonment of her schemes for further aggression towards the South.

From the beginning of the negotiations the United States of America had steadfastly insisted on an acknowledgment of the principles she stated, and Hull had repeatedly called attention to the necessity of working out the translation of these principles into practice. In the early stages of the negotiations Japan had evaded giving an unequivocal declaration of agreement with the principles. About the month of August 1941 Konoye succeeded after great difficulty in obtaining the consent of the Military to his informing the United States of America that Japan accepted the four principles. As we have seen this was a mere empty gesture. There was no intention to apply the principles. The leaders of Japan had never been prepared to give practical application to the principles, to surrender the booty of the past and to abandon the booty in prospect. They had carried on the negotiations in that knowledge, although they had all along been warned by the United States of America that the practical application of the principles was an essential to any agreement. Some of them apparently hoped by a mixture of military threat and diplomatic manoeuvre to persuade the United States of America

to relax the application of her principles so far at least as to allow Japan to retain the dominant position she had seized in Manchuria and China. They were not certain that Japan would emerge victorious from a war with the United States of America and the Western Powers, and, if they could persuade these powers to acquiesce in the position Japan had secured in Manchuria and the rest of China they were prepared to abandon, for a while, the projected advance to the South. Others of them did not believe that the Powers could be so beguiled and only acquiesced in the protraction of the negotiations until those who were more hopeful should be persuaded that the beguilement was impossible - which would make for national unity - and until Japan's preparations for war should be completed.

In his note of 26th November, Hull detailed certain measures which were essential if the principles were to be acknowledged and put into practice. These were (1) that there should be a non-aggression pact among all the nations with interests in the Far East, (2) that all these nations should reject preferential treatment in their economic relations with French Indo-China, (3) that Japan should withdraw her armed forces from China and French Indo-China, and (4) that Japan should withdraw all support from her puppet government in China.

This suggested practical application of the principles brought the leaders of Japan sharply face to face with reality. They had never been prepared to apply the principles in practice and were not prepared to do so now. Their preparations for war were now complete. The fleet which was to strike at Pearl Harbor

sailed this day in the early morning. They unanimously resolved to go to war and so to manipulate the diplomatic exchange that their military forces would be able to attack the armed forces of the United States of America and Britain at the chosen points before warning, through the breaking off of the negotiations, could reach them.

Komura and Kurusu cabled TOGO that their failure and humiliation were complete. On 27th November the Japanese Foreign Office instructed Kurusu not to break off negotiations. TOGO telegraphed Nomura and Kurusu on 28th November. He said, "In spite of the efforts you two Ambassadors have made, it is surprising and regrettable that such a proposal as the recent one (Mr. Hull's proposal of 26th November) had been made to Japan by the United States. It is impossible for us to negotiate on the basis of their proposal. With the submission of the Imperial Government's opinion of the American proposal (which will be telegraphed in two or three days) the situation will be such that there will be nothing left but to practically drop the negotiation. But, we wish you to refrain from giving the impression to the United States that the negotiation is broken off. Tell them that you are waiting for instructions from your Government." On the 29th November 1941 the Japanese Foreign Office instructed Kurusu and Nomura to make certain representations to the United States State Department but to be careful not to say anything which could be construed as a rupture of the negotiations. The Foreign Office repeated this warning to the Japanese Ambassadors in Washington on the 30th November.

KIDO had discussed the situation with the Emperor on 19th November. He advised the Emperor that if the war should be commenced merely because the time limit for the negotiations had expired, it might subject the Emperor to undue criticism and that therefore the Premier should be ordered to convene another Imperial Conference in which the former Prime Ministers would be allowed to participate before giving his sanction to commencement of the war. At a later conference between KIDO and the Emperor on 20th November, they decided that under the circumstances another Imperial Conference upon the war should be held. Accordingly, on the morning of 29th November, the Jushin, or Council of Senior Statesmen was convened in preparation for their meeting with the Emperor later in the day. During the morning session, TOJO, SUZUKI, SHIMADA, TOGO, and KIDURA were present. TOJO explained the inevitability of war with the United States. After an interval, the Jushin and TOJO met with the Emperor, who heard each man's opinion in turn. TOJO gave the Government's point of view. The discussion proceeded upon the theory that war was inevitable, as TOJO had said, and HIRANUMA as well as the other members of the Jushin, with the exception of HIROTA and Konoye, contented themselves with giving advice based on that assumption.

LIAISON CONFERENCE 30TH NOVEMBER 1941

The Liaison Conference which met on 30th November was the conference at which the final details for the attack upon the Allied Powers was agreed upon. TOJO, SHIMADA, TOGO, KAYA, SUZUKI, MUTO, OKA, and HOSHIKAWA were present. The planned attack upon Pearl

Harbor was freely discussed. The form and substance of the note to the Government of the United States rejecting Mr. Hull's draft proposal of the 26th and implying a rupture in the negotiations at Washington was agreed upon. It was agreed that a declaration of war would not be necessary. The time of delivery of the note was discussed. TOJO said that there were various theories advanced as to the time that should elapse between the delivery of the note implying a rupture in the negotiations and the actual attack upon Pearl Harbor. He said that some thought an hour-and-a-half should be the time allowed and that other periods of time suggested were one hour, thirty minutes, etc. All agreed that the time of delivery of the note should not be permitted to destroy the element of surprise in the attack. MUTO said it was finally decided to allow the Navy General Staff to decide upon the time to be allowed between the delivery of the note and the beginning of the attack; that the Navy General Staff was to estimate when their operations would take place and then notify the Liaison Conference of the time at which the United States could be notified.

IMPERIAL CONFERENCE 1ST DECEMBER 1941

The Imperial Conference called to sanction the decisions made at the Liaison Conference on 30th November met on 1st December. TOJO, TOGO, SHIMADA, KAYA, SUZUKI, HOSHINO, MUTO and OKA were present among others. TOJO presided at the conferences; he explained the purpose of the conference and thereafter the Ministers and the Chiefs-of-Staff discussed the question from the standpoint of their responsibility. The

question was war or peace with the United States, Great Britain and the Netherlands. The decision was in favor of war. The record of that decision reads, "Our negotiations with the United States regarding "the execution of our national policy, adopted 5th "November, have finally failed. Japan will open "hostilities against the United States, Great Britain "and the Netherlands." KIDO recorded in his diary: "At 2 p.m. the Imperial Conference was held, and at "last, the war against the United States was decided "upon. At 4:30 p.m. the Prime Minister visited me to "discuss the Imperial Rescript to Declare War." The next day, that is to say 2nd December, the Imperial General Headquarters issued the order designating 8th December as X-Day, but as we have seen this date had already been fixed by Combined Fleet Operations Order No. 3 of 10th November 1941.

Admiral Yamamoto issued an order from his flagship in Hiroshima Bay on 22nd November 1941 which was directed to the carrier task force then in its rendezvous at Tankan Wan. The order was to the effect that the force would move out of Tankan Wan on 26th November and proceed without being detected to Latitude 40 degrees North, Longitude 170 degrees West so as to arrive there by 3rd December. Refueling was to be carried out there as quickly as possible. On the morning of 26th November, the carrier task force steamed out of Tankan Wan, headed for its refueling point. The force consisted of Japan's six large aircraft carriers as well as battleships and destroyers and other craft. Admiral Nagumo had

issued the simple order, "Attack Pearl Harbor!"
Nothing further was necessary for on 23rd November
he had issued detailed orders for the attack.

TERMINATION OF NEGOTIATIONS WITH UNITED STATES
OF AMERICA

In Washington the peace negotiations were continuing. President Roosevelt, Secretary Hull, and Ambassadors Nomura and Kurusu held a conversation on 27th November 1941 from 2.30 p.m. for a period of about an hour. After this interview, Kurusu attempted to carry on a telephone conversation with a member of the Japanese Foreign Office in Tokyo in which he displayed an ignorance of voice code but a surprising knowledge of the plans of the TOJO Cabinet to use the negotiations in Washington as a screen to cover the attack upon the Allied possessions in the Pacific. He was advised that the attack was imminent and that he was expected to keep the negotiations going at all costs, in effect, that the appearance of continued negotiations was to be maintained although "the date set.... has come and gone". The United States was to be prevented "from becoming unduly suspicious".

At about 10 a.m. on 7th December 1941 (Washington time 8 p.m. 6th December) TOGO's message to Nomura and Kurusu transmitting the note to be delivered to the United States Government in reply to the United States draft proposal of 26th November and implying a rupture in the negotiations began to arrive in Washington. It was transmitted in several parts. In one part TOGO informed Nomura that, "Although the exact time for presenting the note to

"America will be telegraphed later, all necessary
"preparations should be made upon receipt of this
"memorandum so that it can be carried out as soon as
"instructions for such action are received".

President Roosevelt in a final effort to reach a peaceful settlement with the Japanese Government dispatched a personal message to the Japanese Emperor. The message was sent to the American Ambassador in Tokyo, Mr. Grew, with instructions to deliver it to the Emperor. This message reached Tokyo at noon and although its contents were known to Japanese Officials in the course of the afternoon it was not delivered to Mr. Grew until nine o'clock that night. As soon as he had decoded the message Mr. Grew called upon Foreign Minister TOGO at 15 minutes after midnight on the morning of 8th December 1941 and requested an audience with the Emperor for the purpose of delivering the message; but TOGO informed Mr. Grew that he would present the message to the Throne. Mr. Grew took his leave at 30 minutes after midnight (Washington time 10.30 a.m., 7th December 1941). By this time the two countries were at war as the Naval Operations Orders already referred to fixed 0000 hours of the 8th December (Tokyo time) as the time at which "a state of war will exist". The attack upon Kota Bharu commenced at 1.25 a.m. and upon Pearl Harbor at 3.20 a.m. (both Tokyo time). No satisfactory explanation of the delay in delivering to Mr. Grew the President's message to the Emperor was given to this Tribunal. Whatever effect that message might have had was precluded by this unexplained delay.

PEARL HARBOR

The Japanese Task Force had proceeded to carry out its operation orders as scheduled. One hour after Mr. Grew had taken his leave of TOGO, that is to say at 1.30 a.m., 8th December 1941 (Pearl Harbor time, 6 a.m., 7th December) (Washington time 11.30 a.m., 7th December) the planes which were to deliver the first attack on Pearl Harbor took off from the decks of their carriers at a point approximately 230 miles north of Pearl Harbor. Ambassador Nomura in Washington had asked for an appointment to see Secretary Hull at 3 a.m., 8th December 1941 (Washington time 1 p.m., 7th December), but he later telephoned and asked that the appointment be postponed to 3.45 a.m., 8th December 1941 (Washington time 1.45 p.m., 7th December). Before Nomura called upon Mr. Hull the first assault upon Pearl Harbor was delivered at 3.20 a.m., 8th December 1941 (Pearl Harbor time 7.50 a.m., 7th December) (Washington time 1.20 p.m., 7th December). Ambassadors Nomura and Kurusu arrived at Secretary Hull's office at 4.05 a.m., 8th December 1941 (Washington time 2.05 p.m., 7th December), which was 45 minutes after the first attack was actually delivered at Pearl Harbor, and were not received by Mr. Hull until one hour after the attack had begun. The Japanese Ambassador stated that he had been instructed to deliver his message at 3 a.m., 8th December 1941 (Washington time 1 p.m., 7th December), but that he was sorry that he had been delayed owing to trouble in decoding and transcribing the message. The

Secretary asked why he had been told to deliver the message at the specific hour of 1 p.m. Washington time. The Ambassador replied that he did not know, but that was his instruction. It is true that TOGO had telegraphed instructions to Nomura on 8th December 1941 (Washington time 7th December), as follows: "Will the Ambassador please submit to the United States Government our reply to the United States at 1.00 p.m.

on the 7th, your time". A second attack was delivered upon Pearl Harbor by horizontal bombers from 4.10 a.m. to 4.45 a.m. (Pearl Harbor time 8.40 a.m. to 9.15 a.m.) and a third attack was delivered by dive bombers from 4.45 a.m. to 5.15 a.m. (Pearl Harbor time 9.15 a.m. to 9.45 a.m.).

KOTA BHARU

Forty-five minutes after Mr. Grew had taken his leave of TOGO in Tokyo, that is to say at 1.25 a.m., 8th December 1941 (Kota Bharu time 11.45 p.m., 7th December) (Washington time 11.25 a.m., 7th December), the beach defence troops on the Badang and Sabak Beaches on the east coast of British Malaya, the point of junction of which at Kuala Peamat is about one-and-a-half miles northeast of Kota Bharu Airfield, reported ships anchoring off the coast. TOJO said that these ships had sailed from Saigon in French Indo-China. At 1.40 a.m., 8th December 1941 (Kota Bharu time, midnight 7th December) (Washington time, 11.40 a.m., 7th December) these ships began snelling the beaches. This was one hour and twenty minutes before the time at which it had originally been arranged that Kurusu and Nomura should call on Mr. Hull with the Japanese note and two hours and twenty-five minutes before they actually arrived at Secretary Hull's office. About 2.05 a.m., 8th December 1941 (Kota Bharu time 12.25 a.m., 8th December) the first wave of Japanese troops landed at the junction of Badang and Sabak Beaches. Having secured the first line of beach defences, the Japanese began the second phase of their landing operations against the British Malaya Peninsula. This second phase was a landing operation at Singora and Patani, which towns were located just north of the

boundary between British Malaya and Thailand and were therefore in Thailand. This second landing began at 3.05 a.m., 8th December 1941 (Kota Bharu time, 1.25 a.m., 8th December) (Washington time, 1.05 p.m., 7th December). Air reconnaissance revealed that the Japanese ships were disembarking troops at Singora and Patani and that the airdrome at Singora was under occupation by the Japanese landing party. The Japanese forces later crossed the Malaya-Thailand Border at Pedang Besar and at Kroh to execute a flanking movement against Kota Bharu.

An air raid was made upon the City of Singapore in British Malaya by Japanese planes beginning at 6.10 a.m., 8th December 1941 (Singapore time, 4.30 a.m., 8th December) (Washington time, 4.10 p.m., 7th December). These attacking planes came from bases in French Indo-China according to TOJO and from carriers off-shore. Bombs were dropped on the Seletar and Tengah airfields as well as on the city.

THE PHILIPPINES, WAKE AND GUAM.

The first attack on the Island of Guam was delivered at 8.05 a.m., 8th December 1941 (Washington time, 6.05 p.m., 7th December), when eight Japanese bombers came through the clouds and dropped bombs in the vicinity of the Cable Station

and Pan-American compound.

During the early morning hours of 8th December 1941 (Wake and Washington time, 7th December) the attack began on Wake Island with bombing by Japanese planes.

The Philippines received their first attacks on the morning of 8th December 1941 (Washington time, 7th December) also. Heavy bombing attacks were made by the Japanese forces on the city of Davao on the Island of Mindanao and on Clark Field on the Island of Luzon.

HONG KONG

Hong Kong received its first attack at 9.00 a.m., 8th December 1941 (Hong Kong time, 8.00 a.m. 8th December) (Washington time, 7.00 p.m. 7th December). Although war had not been declared against Great Britain, a broadcast from the Tokyo Radio, which was in code and which gave warning to the Japanese nationals that war with Great Britain and the United States was imminent, had been picked up by the authorities at Hong Kong around 5.45 a.m. 8th December 1941. This warning allowed the defenders of Hong Kong to make some preparation for the expected attack.

SHANGHAI

The third invasion of Shanghai began in the early morning hours of 8th December (Washington time, 7th December) when Japanese patrols were observed crossing the Garden Bridge over Soochow Creek and running military telephone

lines as they went. They met no opposition and were able to take over the Bund without difficulty. They had taken complete possession of it by 4.00 a.m., 8th December 1941 (Shanghai time, 3.00 a.m. 8th December) (Washington time, 2.00 p.m., 7th December).

THE JAPANESE NOTE DELIVERED IN WASHINGTON
ON 7th DECEMBER 1941

Hague Convention No. III of 1907, relative to the opening of hostilities, provides by its first Article "The Contracting Powers recognize that hostilities between themselves must not commence without previous and explicit warning in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war". That Convention was binding on Japan at all relevant times. Under the Charter of the Tribunal the planning, preparation, initiation, or waging of a war in violation of international law, treaties, agreements or assurances is declared to be a crime. Many of the charges in the indictment are based wholly or partly upon the view that the attacks against Britain and the United States were delivered without previous and explicit warning in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war. For reasons which are discussed elsewhere we have decided that it is unnecessary to deal with these charges. In the case of counts of the indictment which charge

conspiracy to wage aggressive wars and wars in violation of international law, treaties, agreements or assurances we have come to the conclusion that the charge of conspiracy to wage aggressive wars has been made out, that these acts are already criminal in the highest degree, and that it is unnecessary to consider whether the charge has also been established in respect of the list of treaties, agreements and assurances - including Hague Convention III - which the indictment alleges to have been broken. We have come to a similar conclusion in respect to the counts which allege the waging of wars of aggression and wars in violation of international law, treaties, agreements and assurances. With regard to the counts of the indictment which charge murder in respect that wars were waged in violation of Hague Convention No. III of 1907 or of other treaties, we have decided that the wars in the course of which these killings occurred were all wars of aggression. The waging of such wars is the major crime, since it involves untold killings, suffering and misery. No good purpose would be served by convicting any defendant of that major crime and also of "murder" eo nomine. Accordingly it is unnecessary for us to express a concluded opinion upon the exact extent of the obligation imposed by Hague Convention III of 1907. It undoubtedly imposes the obligation of giving previous and explicit warning before hostilities are commenced, but it does not define the period which

must be allowed between the giving of this warning and the commencement of hostilities. The position was before the framers of the Convention and has been the subject of controversy among international lawyers ever since the Convention was made. This matter of the duration of the period between warning and hostilities is of course vital. If that period is not sufficient to allow of the transmission of the warning to armed forces in outlying territories and to permit them to put themselves in a state of defence they may be shot down without a chance to defend themselves. It was the existence of this controversy as to the exact extent of the obligation imposed by the Convention which opened the way for TOGO to advise the Liaison Conference of 30th November 1941 that various opinions were held as to the period of warning which was obligatory, that some thought it should be an hour and a half, some an hour, some half an hour. The Conference left it to TOGO and the two Chiefs of Staff to fix the time of the delivery of the Note to Washington with the injunction that that time must not interfere with the success of the surprise attack. In short they decided to give notice that negotiations were broken off at so short an interval before they commenced hostilities as to ensure that the armed forces of Britain and the United States at the points of attack could not be warned that negotiations were broken off. TOGO and the naval and military men, to whom the task had been delivered, arranged that the Note

should be delivered in Washington at 1.00 p.m. on 7th December 1941. The first attack on Pearl Harbor was delivered at 1.20 p.m. Had all gone well, they would have allowed twenty minutes for Washington to warn the armed forces at Pearl Harbor. But so anxious were they to ensure that the attack would be a surprise that they allowed no margin for contingencies. Thus, through the decoding and transcription of the Note in the Japanese Embassy taking longer than had been estimated, the Japanese Ambassadors did not in fact arrive with the Note at Secretary Hull's office in Washington until 45 minutes after the attack had been delivered. As for the attack on Britain at Kota Bharu, it was never related to the time (1.00 p.m.) fixed for the delivery of the Note at Washington. This fact has not been adequately explained in the evidence. The attack was delivered at 11.40 a.m. Washington time, one hour and twenty minutes before the Note should have been delivered if the Japanese Embassy at Washington had been able to carry out the instructions it had received from Tokyo.

We have thought it right to pronounce the above findings in fact for these matters have been the subject of much evidence and argument but mainly in order to draw pointed attention to the defects of the Convention as framed. It permits of a narrow construction and tempts the unprincipled to try to comply with the obligation thus narrowly construed while at the same time ensuring that their attacks shall come as a

surprise. With the margin thus reduced for the purpose of surprise no allowance can be made for error, mishap or negligence leading to delay in the delivery of the warning, and the possibility is high that the prior warning which the Convention makes obligatory will not in fact be given. TOJO stated that the Japanese Cabinet had this in view for they envisaged that the more the margin was reduced the greater the possibility of mishap.

THE FORMAL DECLARATION OF WAR

The Japanese Privy Council's Committee of Investigation did not begin the consideration of the question of making a formal declaration of war upon the United States, Great Britain and the Netherlands until 7.30 a.m., 8th December (Tokyo time) when it met in the Imperial Palace for that purpose at that time. SHIMADA announced that the attacks had been made upon Pearl Harbor and Kota Bharu; and a bill declaring war on the United States and Great Britain, which had been drafted at the residence of HOSHINO during the night, was introduced. In answer to a question during the deliberations on the bill, TOJO declared in referring to the peace negotiations at Washington that, "those negotiations were continued only for the sake of strategy". TOJO also declared during the deliberations that war would not be declared on the Netherlands in view of future strategic convenience; and that a declaration of war against Thailand would not be made

as negotiations were in progress between Japan and Thailand for the conclusion of "an Alliance Pact". The Bill was approved; and it was decided to submit it to the Privy Council. The Privy Council met at 10.50 a.m., 8th December 1941 and passed the Bill. The Imperial Rescript declaring war against the United States and Great Britain was issued between 11.40 and 12.00 a.m., 8th December 1941 (Washington time, 10.40 p.m. and 11.00 p.m., 7th December) (London time, 2.40 a.m. and 3.00 a.m., 8th December). Having been attacked, the United States of America and the United Kingdom of Great Britain and Northern Ireland declared war on Japan on 9th December 1941 (London and Washington, 8th December). On the same day the Netherlands, Netherlands East Indies, Australia, New Zealand, South Africa, Free France, Canada and China also declared war on Japan. The next day, MUTO stated in a conversation with the Chief of Operations of the Army General Staff that the sending of Ambassador Kuruqu to the United States was nothing more than a sort of camouflage of events leading to the opening of hostilities.

CONCLUSIONS

It remains to consider the contention advanced on behalf of the defendants that Japan's acts of aggression against France, her attack against the Netherlands, and her attacks on Great Britain and the United States of America were justifiable measures of self-defence. It is

argued that these Powers took such measures to restrict the economy of Japan that she had no way of preserving the welfare and prosperity of her nationals but to go to war.

The measures which were taken by these Powers to restrict Japanese trade were taken in an entirely justifiable attempt to induce Japan to depart from a course of aggression on which she had long been embarked and upon which she had determined to continue. Thus the United States of America gave notice to terminate the Treaty of Commerce and Navigation with Japan on 26th July 1939 after Japan had seized Manchuria and a large part of the rest of China and when the existence of the treaty had long ceased to induce Japan to respect the rights and interests of the nationals of the United States in China. It was given in order that some other means might be tried to induce Japan to respect these rights. Thereafter the successive embargoes which were imposed on the export of materials to Japan were imposed as it became clearer and clearer that Japan had determined to attack the territories and interests of the Powers. They were imposed in an attempt to induce Japan to depart from the aggressive policy on which she had determined and in order that the Powers might no longer supply Japan with the materials to wage war upon them. In some cases, as for example in the case of the embargo on the export of oil from the United States of America to Japan, these measures were also taken in order to build up the supplies which were

needed by the nations who were resisting the aggressors. The argument is indeed merely a repetition of Japanese propaganda issued at the time she was preparing for her wars of aggression. It is not easy to have patience with its lengthy repetition at this date when documents are at length available which demonstrate that Japan's decision to expand to the North, to the West and to the South at the expense of her neighbors was taken long before any economic measures were directed against her and was never departed from. The evidence clearly establishes contrary to the contention of the defense that the acts of aggression against France, and the attacks on Britain, the United States of America and the Netherlands were prompted by the desire to deprive China of any aid in the struggle she was waging against Japan's aggression and to secure for Japan the possessions of her neighbors in the South.

The Tribunal is of opinion that the leaders of Japan in the years 1940 and 1941 planned to wage wars of aggression against France in French Indo-China. They had determined to demand that France cede to Japan the right to station troops and the right to air bases and naval bases in French Indo-China, and they had prepared to use force against France if their demands were not granted. They did make such demands upon France under threat that they would use force to obtain them, if that should prove necessary. In her then situation France was compelled to yield to the threat of force and granted

the demands.

The Tribunal also finds that a war of aggression was waged against the Republic of France. The occupation by Japanese troops of portions of French Indo-China, which Japan had forced France to accept, did not remain peaceful. As the war situation, particularly in the Philippines, turned against Japan the Japanese Supreme War Council in February 1945 decided to submit the following demands to the Governor of French Indo-China: (1) that all French troops and armed police be placed under Japanese command, and (2) that all means of communication and transportation necessary for military action be placed under Japanese control. These demands were presented to the Governor of French Indo-China on 9th March 1945 in the form of an ultimatum backed by the threat of military action. He was given two hours to refuse or accept. He refused, and the Japanese proceeded to enforce their demands by military action. French troops and military police resisted the attempt to disarm them. There was fighting in Hanoi, Saigon, Phnom-Penh, Nhatrang, and towards the Northern frontier. We quote the official Japanese account, "In the Northern frontiers the Japanese had considerable losses. The Japanese army proceeded to suppress French detachments in remote places and contingents which had fled to the mountains. In a month public order was re-established except in remote places". The Japanese Supreme War Council had decided that, if Japan's demands were

refused and military action was taken to enforce them, "the two countries will not be considered "as at war". This Tribunal finds that Japanese actions at that time constituted the waging of a war of aggression against the Republic of France.

The Tribunal is further of opinion that the attacks which Japan launched on 7th December 1941 against Britain, the United States of America and the Netherlands were wars of aggression. They were unprovoked attacks, prompted by the desire to seize the possessions of these nations. Whatever may be the difficulty of stating a comprehensive definition of "a war of aggression", attacks made with the above motive cannot but be characterised as wars of aggression.

It was argued on behalf of the defendants that, in as much as the Netherlands took the initiative in declaring war on Japan, the war which followed cannot be described as a war of aggression by Japan. The facts are that Japan had long planned to secure for herself a dominant position in the economy of the Netherlands East Indies by negotiation or by force of arms if negotiation failed. By the middle of 1941 it was apparent that the Netherlands would not yield to the Japanese demands. The leaders of Japan then planned and completed all the preparations for invading and seizing the Netherlands East Indies. The orders issued to the Japanese army for this invasion have not been

recovered, but the orders issued to the Japanese navy on 5th November 1941 have been adduced in evidence. This is the Combined Fleet Operations Order No. 1 already referred to. The expected enemies are stated to be the United States, Great Britain and the Netherlands. The order states that the day for the outbreak of war will be given in an Imperial General Headquarters order, and that after 0000 hours on that day a state of war will exist and the Japanese forces will commence operations according to the plan. The order of Imperial General Headquarters was issued on 10th November and it fixed 8th December (Tokyo time), 7th December (Washington time) as the date on which a state of war would exist and operations would commence according to the plan. In the very first stage of the operations so to be commenced it is stated that the Southern Area Force will annihilate enemy fleets in the Philippines, British Malaya and the Netherlands East Indies area. There is no evidence that the above order was ever recalled or altered in respect to the above particulars. In these circumstances we find in fact that orders declaring the existence of a state of war and for the execution of a war of aggression by Japan against the Netherlands were in effect from the early morning of 7th December 1941. The fact that the Netherlands, being fully apprised of the imminence of the attack, in self defence declared war against Japan on 8th December and thus officially recognised the existence of a state of war which had been begun by Japan cannot change that war from a war of aggression on the part of Japan into something other than that. In fact Japan did not declare war against the Netherlands until 11th January 1942

when her troops landed in the Netherlands East Indies. The Imperial Conference of 1st December 1941 decided that "Japan will open hostilities against the United States, Great Britain and the Netherlands." Despite this decision to open hostilities against the Netherlands, and despite the fact that orders for the execution of hostilities against the Netherlands were already in effect, TOJO announced to the Privy Council on 8th December (Tokyo time) when they passed the Bill making a formal declaration of war against the United States of America and Britain that war would not be declared on the Netherlands in view of future strategic convenience. The reason for this was not satisfactorily explained in evidence. The Tribunal is inclined to the view that it was dictated by the policy decided in October 1940 for the purpose of giving as little time as possible for the Dutch to destroy oil wells. It has no bearing, however, on the fact that Japan launched a war of aggression against the Netherlands.

The position of Thailand is special. The evidence bearing upon the entry of Japanese troops into Thailand is meagre to a fault. It is clear that there was complicity between the Japanese leaders and the leaders of Thailand in the years 1939 and 1940 when Japan forced herself on France as mediator in the dispute as to the border between French Indo-China and Thailand. There is no evidence that the position of complicity and confidence between Japan and Thailand, which was then achieved, was altered before December 1941. It is proved that the Japanese leaders planned to secure a peaceful passage for their troops through Thailand into Malaya by agreement with Thailand. They did

not wish to approach Thailand for such an agreement until the moment when they were about to attack Malaya, lest the news of the imminence of that attack should leak out. The Japanese troops marched through the territory of Thailand unopposed

on 7th December 1941 (Washington time). The only evidence the prosecution has adduced as to the circumstances of that march is (1) a statement made to the Japanese Privy Council between 10 a.m. and 11 a.m. on 8th December 1941 (Tokyo time) that an agreement for the passage of the troops was being negotiated, (2) a Japanese broadcast announcement that they had commenced friendly advancement into Thailand on the afternoon of the 8th December (Tokyo time) (Washington time, 7th December), and that Thailand had facilitated the passage by concluding an agreement at 12.30 p.m., and (3) a conflicting statement, also introduced by the prosecution, that Japanese troops landed at Singora and Patani in Thailand at 3.05 in the morning of 8th December (Tokyo time). On 21st December 1941 Thailand concluded a treaty of alliance with Japan. No witness on behalf of Thailand has complained of Japan's actions as being acts of aggression. In these circumstances we are left without reasonable certainty that the Japanese advance into Thailand was contrary to the wishes of the Government of Thailand and the charges that the defendants initiated and waged a war of aggression against the Kingdom of Thailand remain unproved.

Count 31 charges that^a war of aggression was waged against the British Commonwealth of Nations. The Imperial Rescript which was issued about 12 noon on 8th December 1941 (Tokyo time) states "We hereby declare war on the United States of America and the British Empire." There is a great deal of lack of precision in the use of terms throughout the many

plans which were formulated for an attack on British possessions. Thus such terms as "Britain", "Great Britain", and "England" are used without discrimination and apparently used as meaning the same thing. In this case there is no doubt as to the entity which is designated by "the British Empire". The correct title of that entity is "the British Commonwealth of Nations". That by the use of the term "the British Empire" they intended the entity which is more correctly called "the British Commonwealth of Nations" is clear when we consider the terms of the Combined Fleet Operations Order No. I already referred to. That order provides that a state of war will exist after 0000 hours X-Day, which was 8th December 1941 (Tokyo time), and that the Japanese forces would then commence operations. It is provided that in the very first phase of the operations the "South Seas Force" will be ready for the enemy fleet in the Australia area. Later it was provided that "The following are areas expected to be occupied or destroyed as quickly as operational conditions permit, a, Eastern New Guinea, New Britain". These were governed by the Commonwealth of Australia under mandate from the League of Nations. The areas to be destroyed or occupied are also stated to include "Strategic points in the Australia area". Moreover, "important points in the Australian coast" were to be mined. Now the Commonwealth of Australia is not accurately described as being part of "Great Britain", which is the term used in the Combined Fleet Secret Operations Order No. I, nor

is it accurately described as being part of "the British Empire", which is the term used in the Imperial Rescript. It is properly designated as part of "the British Commonwealth of Nations". It is plain therefore that the entity against which hostilities were to be directed and against which the declaration of war was directed was "the British Commonwealth of Nations", and Count 31 is well-founded when it charges that a war of aggression was waged against the British Commonwealth of Nations.

It is charged in Count 30 of the Indictment that a war of aggression was waged against the Commonwealth of the Philippines. The Philippines during the period of the war were not a completely sovereign state. So far as international relations were concerned they were part of the United States of America. It is beyond doubt that a war of aggression was waged against the people of the Philippines. For the sake of technical accuracy we shall consider the aggression against the people of the Philippines as being a part of the war of aggression waged against the United States of America.

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PART B. CHAPTER VIII
CONVENTIONAL WAR CRIMES

(Atrocities)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FORMULATION OF MILITARY POLICY

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

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

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

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

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

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

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

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

CAPTIVES TAKEN IN THE CHINA WAR WERE
TREATED AS BANDITS

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

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

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

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

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

THE POLICY REMAINED UNCHANGED AFTER THE MARCO POLO BRIDGE

INCIDENT

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

THE RAPE OF NANKING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

four weeks after MATSUI and MUTO had entered the city.

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

THE WAR WAS EXTENDED TO CANTON AND HANKOW

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

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

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

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

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

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

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

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

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

RETURNING SOLDIERS TOLD OF ATROCITIES COMMITTED
BY THEM

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

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

MURDER OF CAPTURED AVIATORS

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

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

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

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

The offences were air attacks

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MASSACRES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Incident) (July 1943-March 1944); Lautem, Portuguese Timor (January 1943); Moa Island (September 1944); Semata Island (September 1944); Aileu, Portuguese Timor (September 1942); Nauru Island (March 1943); Hopevale, Philippines (December 1943); Alaminos, Philippines (March 1944); San Carlos, Philippines (February 1943); Barrio Angad, Philippines (November 1944); Palo Beach, Philippines (July 1943); Tigbuan, Philippines (August 1943); Calbayog, Philippines (July 1943); Ranao-Pilayan, Philippines (June 1944); Bogo, Philippines (October 1944); Barrio Umagos, Philippines (October 1944); Lipa Airport, Philippines (1944); Santa Catalina, Philippines (August 1944); and Sitio Canugkay, Pilar, Philippines (December 1944). There were massacres of prisoners of war and civilian internees or conscripted laborers during the occupation which were committed because they had become starved, diseased or otherwise disabled and were no longer of use or for other reasons had become a burden to the Japanese occupation force. Such massacres were committed at the following places: Chaymoga Labor Camp, Siam (February 1944); Hsipaw, Burma (January 1945); Port Blair, Andaman Islands (August 1945); Kota Tjane, Sumatra (May 1943); Sibolga, Sumatra (April 1942); Djombang, Java (April 1942); Amboina, Ambon Island (July 1943); Wewak, British New Guinea (May 1944); Aitape, New Guinea (October 1943); But, New Guinea (June 1944); Rabaul, New Britain (January 1943); Bouganville (August 1944); Wake Island (October 1943); and in the labor camps along the Burma-Siam Railroad Project (1943-1944). There were some massacres which

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MASSACRES WERE ORDERED

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

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

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

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

DEATH MARCHES

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

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

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

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

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

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

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

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

OTHER FORCED MARCHES

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

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

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

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

BURMA-SIAM RAILWAY

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

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

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

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

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

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

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

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

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

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

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

necessities of life and medical care.

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

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

"A None.

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

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

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

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

"Q Was any bedding supplied?

"A None whatever.

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

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

"Q Was any roofing material ever received?

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

"had a proper roof over them.

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

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

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

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

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

In 1942 before the work began the Southern Army

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

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

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

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

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

TORTURE AND OTHER INHUMANE TREATMENT

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

suspension, kneeling on sharp instruments and flogging.

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

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

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

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

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

Torture by burning was practiced extensively.

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

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

The so-called knee spread was a frequent method

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

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

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

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

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

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

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

that on occasions prisoners were beaten to death.

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

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

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

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

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

VIVISECTION AND CANNIBALISM

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

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

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

A case of mutilation of a living captive, this

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

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

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

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

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

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

PRISON SHIPS WERE SUBJECTED TO ATTACK

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

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

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

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

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

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

and conscripted Indonesian laborers aboard.

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

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

SUBMARINE WARFARE

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

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

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

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

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

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

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

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

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

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

ILLEGAL EMPLOYMENT, STARVATION AND

NEGLECT OF PRISONERS AND INTERNEES

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

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

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

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

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

CONSIDERATION FOR RACIAL NEEDS

Food and Clothing

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

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

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

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

MEDICAL SUPPLIES

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

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

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

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

HOUSING

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

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

Work

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

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

Native Labor

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

confinement and work forced upon them by their Japanese captors.

PRISONERS AND INTERNEES FORCED TO SIGN PAROLE

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

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

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

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

EXCESSIVE AND UNLAWFUL PUNISHMENT WAS IMPOSED

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

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

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

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

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

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

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

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

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

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

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

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

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

PRISONERS OF WAR HUMILIATED

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

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

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

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

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

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

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

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

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

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

THE SYSTEM

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

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

JAPAN AGREED TO APPLY

THE GENEVA CONVENTION, 1929

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Although the prosecution seems to consider

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

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

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

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

detailed provisions for its application.

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

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

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

ILL-TREATMENT OF PRISONERS OF WAR A POLICY

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

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

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

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

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

JAPANESE PURPOSE WAS TO PROTECT JAPANESE NATIONALS

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

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

CREATION OF THE PRISONER OF WAR INFORMATION BUREAU

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

CREATION OF THE PRISONER OF WAR ADMINISTRATION SECTION

On 31 March 1942, "Regulations for the

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

THE MILITARY AFFAIRS BUREAU RETAINED CONTROL

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

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

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

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

DETENTION CAMPS AND THEIR ADMINISTRATION

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

administered by Navy officers of corresponding rank and authority.

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

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

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

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

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

THE NAVY PARTICIPATED IN THE SYSTEM

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

ADMINISTRATION OF THE SYSTEM IN JAPAN PROPER

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

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

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

ADMINISTRATION OF THE SYSTEM

IN FORMOSA, KOREA AND SAKHALIN

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

ADMINISTRATION OF THE SYSTEM
IN THE OCCUPIED TERRITORIES

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

ACCUSED WHO ADMINISTERED THE SYSTEM
IN THE OCCUPIED TERRITORIES

UMEZU became Commander-in-Chief of the Kwantung

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

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

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

DOHIHARA commanded the 7th Area Army

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

ALLIED PROTESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

"facts stated in said letters never happened."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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