

EXHIBIT No. 3298

(23)

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

Sworn Deposition

Deponent: KOKUBU, Shinhichirō

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in our country I hereby depose as follows:

1. I, KOKUBU, Shinhichirō, am an ex-Lieutenant-general and live at Sakae-machi, Isshinden-cho, Kawage-gun, Mie Prefecture. I am 54 years old.

2. By an order issued sometime about November 5th in 1937, I left the post of staff officer of the Kwantung Army and was appointed staff officer of the 5th Division (my rank then was lieutenant-colonel and I was in charge of operations) under the command of Lieutenant-general ITAGAKI, Seishirō. About June 15th of the following year, I left this post and was transferred to the post of Senior Adjutant of the Ministry of War (my rank was then colonel).

Def. Doc. # 2042

Just before this, Gen. ITAGAKI left the post of Commander of the 5th Division and was installed as Minister of War. I remained in my post till about August 1st, 1939, and then was transferred to the post of the regimental commander at Omura in Nagasaki Prefecture. As shown in the above record, I served closely under Gen. ITAGAKI most of the time when he was Commander of the 5th Division and Minister of War. I shall depose about the events during that period.

3. About Nov. 5th in 1937 I went to the headquarters of the 5th division which was engaged in a battle for capturing Taiyuan in Shansi Province, and was assigned to serve under Commander ITAGAKI as a staff officer. Prior to this, as I had served under him as a staff officer when he was the chief of staff in the Kwantung Army, his personality, knowledge and views were familiar to me. Now, upon arrival at my post, he reiterated his opinion that Japan and China should not fight. He said that the regrettable incident has occurred already and as long as he is acting at the front under the Imperial command, he should as a matter of course serve his country as ordered, however, efforts should be made to bring the incident to a peaceful settlement as early as possible. And he admonished us that our officers and men should treat the Chinese people with affection and that the slightest cruelty should not be tolerated. Such was Gen. ITAGAKI's

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principle throughout his service as Divisional Commander.

4. The 5th Division, after taking a part in the battle for capturing Taiyuan, was ordered to move on to Paoting in Hopei Province and was stationed thereabouts from the end of November, 1937 till the early part of January, 1938, undergoing training in preparation for the ensuing operations. Afterwards it was organized into the 2nd Army which was in the Tsin-Pu Railway area. From the middle of January 1938 till the end of April of the same year, the division was located along the Kiao-Tsi Railway (Tsingtaw, Tsinan) and from April 30th on it participated in the Hsuchow campaign.

On the attached map I have indicated, as I remembered, the movements of the 5th Division during this period.

5. As is clear from the foregoing statement, the 5th Division was moving towards Paoting from Shansi Province when Nanking fell on December 13th, 1937, and it was at Paoting that Divisional Commander ITAGAKI and his staff, including me, were informed of the fall for the first time. It is needless to say that the officers and men of the 5th Division under the Command of ITAGAKI had nothing to do with the so-called Nanking Affair.

6. During his service, Divisional Commander ITAGAKI was particularly desirous of enforcing military discipline above all things and taught his officers and men in this respect. Giving strict warning against any unjust action

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Def. Doc. # 2042

that might be taken against the Chinese people, he came out with a policy to punish severely, according to the military law, even one man if he found guilty. With regard to military discipline, he attached importance to the responsibility of commanding officers and other responsible officers who were under his jurisdiction and went ahead to reprimand even officers in such category when they neglected their duties in this connection. Not only did he wish to maintain military discipline in those units under his command but he was also deeply concerned about that of other units. He did everything to bring out the true quality of the Japanese Army and to maintain its prestige.

He often gave instructions to his units on observing military discipline as well as speaking to his officers and men on this subject by citing examples of good military discipline.

In the early part of January, 1938 the following request on the subject of Observation of Military Discipline by Units Overseas was received from the Chief of Staff of the Army Section, Imperial Headquarters.

(I had copied this and kept it in my possession).

Request of the Staff of the Army Section.

When we look back, the Imperial Army has already been fighting nearly half a year, always making great gains

MINISTRE OF DEFENSE
TSINGTAO
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Def. Doc. # 2042

wherever it fought. The loyalty and valour of our officers and men are the object of unlimited admiration at home and abroad.

The merit of the Imperial Army is more and more being recognized, but when we reflect upon the condition within the Army we realize that there still exist many shortcomings. In regard to military discipline especially, we often hear loathsome incidents breaking out lately. Although we do not wish to believe such incidents, we can not help but feel disturbed. One man's misconduct will affect the quality of an entire unit and a mistake made by one unit will disgrace the sacred task of the entire army.

All commanding officers must fully grasp the meaning of leadership, willingly set examples and maintain rigid military discipline by meting out punishments to offenders and giving encouragement to those whoever praiseworthy. Soldiers should warn one another against misconduct; and every individual should caution himself against falling into the stale of looseness and laxity. From now on, as the campaigns progress there will be an increasing number of units which will be assigned in areas away from the front to maintain security. In view of this every officer and man should especially endeavor to maintain self-discipline, to restrain his personal desires and to keep harmony and unity so as not to disgrace the good name of the Imperial

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of 15
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Def. Doc. # 2042

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This serves not only to maintain the honour and dignity of our forces, but also helps to subdue the third nations and hostile forces as well as to win the popular sentiment of the enemy nationals. In the end it will mean the achievement of our true object of sending troops and the response to the Imperial wishes.

When we review the general situation in the past, especially, the rapid progress of our military operations and the conditions of our forces, we can find numerous causes which made our maintenance of rigid military discipline difficult. Consequently, we are fully aware that we can not point out each and every instance of offense and violation and hold our overseas units responsible for it. Nevertheless, the more difficult and inconvenient does the situation grow, the more sincere efforts must be made to overcome it. Although I feel deeply sympathetic with our officers and men overseas who are fighting bravely day and night under the stress of extreme weather, I am certain that you will understand my ardent desire and request concerning the enforcement of military discipline with a view to bringing this Incident to a successful end.

January 7th, 1938

Prince KOTOHITO
Chief of Staff, Army
Section, Imperial
Headquarters.

MINISTRY OF WAR
TSINGTAO

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Def. Doc. # 2042

The Commander of the North China Area Army gave instructions in connection with the above. The main points were as follows:

(I had copied this and kept it in my possession).

Instructions

To all units under this command:

A request regarding the enforcement of military discipline has been forwarded to me by the Chief of the General Staff as in the attached sheet. I am greatly concerned. Officers and men under my command must exert their every effort to caution one another and observe more rigid military discipline.

January 8th, 1938

TERAUCHI, Hisaichi
Commander, North
China Area Army.

At that time I was ordered by Divisional Commander ITAGAKI to make a draft of instructions, to be given to his division. I was ordered to stress further the desire of the Staff of the Army Section and the Commander of the North China Area Army. This draft was inspected closely by Divisional Commander ITAGAKI and sometime about January 21st of the same year, it was issued in the form of Divisional Commander's instructions, the summary of which was as follows:

MINISTRY OF DEFENSE
TSINGTAO
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Instructions

Although speeches and instructions were often given on the subject of military discipline in the past, it is regrettable that it is not being observed as strictly as I wish it to be observed.

It was with great awe that I was requested to enforce military discipline by the Chief of Staff, Army Section, Imperial Headquarters and by the Commander of the Area Army. Every unit commander under my command must admonish his subordinates to drive home the object of the above request so as to intensify the enforcement of military and moral discipline.

January 21st, 1938

ITAGAKI, Seishirō
Commander, 5th
Division.

The foregoing instructions were made in the form of a document and the copies were distributed among the units under his command. The original along with the Request of the Staff of the Army Section and the instructions of the Commander of the North China Area Army must have been kept at the Headquarters of the 5th Division. But later the 5th Division moved to ARU islands, and while there the war ended and documents were disposed by burning by the order of the central authority. And the 5th Depot Division

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in Hiroshima was destroyed by the atomic bomb, so it is not likely that any copy is in existence today.

7. Gen. ITAGAKI was looked upon as a so-called authority on China after his long years of duties and study in China. Accordingly, he was well versed in things ^{of} China and held a deep affection towards the Chinese people. For example, surrendered Chinese soldiers and captured bandits were not left to the disposal of his subordinates, but were brought to him directly whenever possible and he personally questioned them with courtesy in his fluent Chinese language. Immediately after the capture of Taiyuan, he prohibited the soldiers from lodging in the city and took precautions to prevent any illegal action that might be taken against the properties of the local people.

8. Gen. ITAGAKI came to Tokyo in the latter part of May, 1938 and was installed as Minister of War on June 3rd. A little later I was appointed to the post of Senior Adjutant of the War Ministry sometime about June 15th. While serving thus under him I had very little to do with our administrative policy due to the type of work I was assigned to. But I was quite familiar with his ideas because he revealed them to me whenever he had a chance to do so.

His ideas were that Japan and China should not fight; that Japan ought not to use armed forces against China;

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Def. Doc. # 2042

that efforts should be made to bring about an early peace; and that our troops should be withdrawn. All his efforts were concentrated along this line.

His motto was 'harmony among men', and he went so far as to rephrase it 'harmony among men world over'. Anything that was contrary to his motto, he contended, should be watched closely even if it seemed unimportant.

Also, in order to further materialize and practice the Imperial messages given to the soldiers and sailors to cope with the situations in the field, he always maintained that it was important to make and distribute among all officers and men such instructions as "Battlefield Code". The fact that our so called "Battlefield Code" was published later based on his suggestion is a proof of the fire character of General ITAGAKI.

On this 6th day of August, 1947

At Tokyo

Deponent: /S/ KOKUBU Shinhichirō (seal)

I, BANNO, Junkichi, hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this Witness.

On the same date,
at the same place

Witness: /S/ BANNO, Junkichi (seal)

Def. Doc. # 2042

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In accordance with my conscience I swear to tell the whole truth with holding nothing and adding nothing.

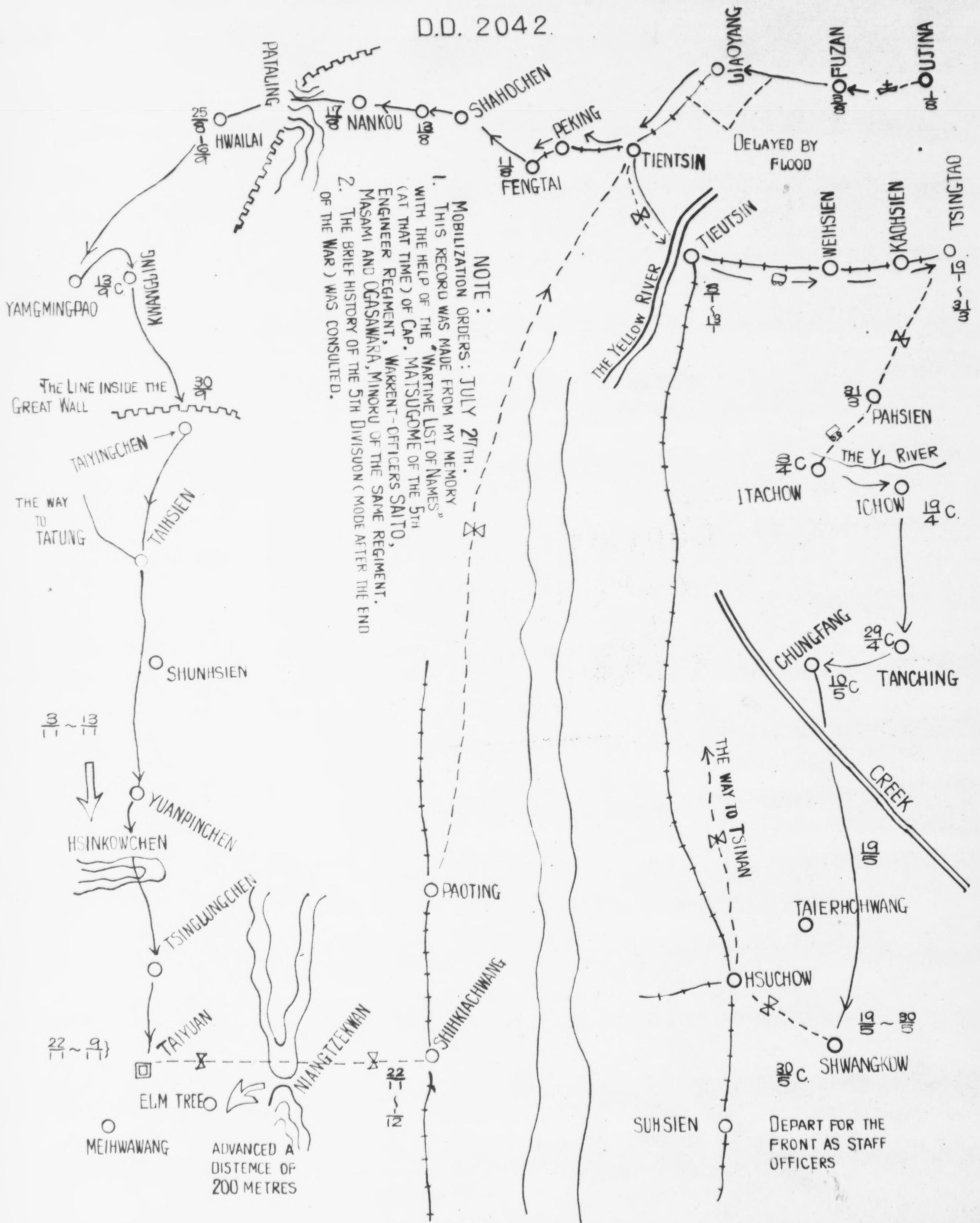
/S/ KOKUBU, Shinhichirō (seal)

15-16 TSINGTAO

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NOTE:
 MOBILIZATION ORDERS: JULY 27TH.
 1. THIS RECORD WAS MADE FROM MY MEMORY WITH THE HELP OF THE "WARTIME LIST OF NAMES" (AT THAT TIME) OF CAP. MATSUGOME OF THE 5TH ENGINEER REGIMENT, WAKKENT-OFFICERS SAITO, MASAMI AND OGASAWARA, MINOKU OF THE SAME REGIMENT.
 2. THE BRIEF HISTORY OF THE 5TH DIVISION (MODE AFTER THE END OF THE WAR) WAS CONSULTED.

DEPART FOR THE FRONT AS STAFF OFFICERS

ADVANCED A DISTENCE OF 200 METRES