

Permanent residence and status; YAMANASHI prefecture - Commoner.

Date of birth; 25 December 1879.

Name; KUBOTA, Tokujiro.

Former residence;

Former name; ISHIKAWA.

Father;

Step-father;

Mother;

Step-mother;

- 9 November 1899; Appointed a clerk in a revenue office.
Assigned to serve in the MATSUMOTO Revenue Control Bureau.
- 5 November 1902; Appointed a clerk in a revenue office.
Assigned to serve in the TOKYO Revenue Superintendance Office.
- 7 July 1906; graduated from HOSEI University.
- 25 November 1907; Appointed a clerk in the Audit Bureau.
Served in its first and second Divisions.
- 3 December 1909; Passed the First Appointment Examination For Judges and Prosecutors.
- 6 " " ; Relieved of principal duty at own request.
- 25 " " ; Appointed a judicial officer on probation by the Ministry of Justice.
- " " " ; Assigned for training to the MITO Area, and MITO District, Courts and Prosecutors Offices.
Given yearly salary of 300 yen.
- 1 July 1910; Appointed acting prosecutor of the MITO District Court.
- 16 November 1910; Relieved from the above position.
- 16 September 1911; Assigned for training to the KOFU Area and KOFU District Courts and Prosecutors Offices.
- 12 November 1912; Appointed a judge.
Given the 7th rank of the Higher Civil Service by the Cabinet.
Appointed a preliminary Judge.
Assigned to the KOFU Area Court and, concurrently, to the KOFU District Court.
Given yearly salary of 420 yen by the Ministry of Justice.
- 30 January 1913; Conferred with the 7th Court Rank, Junior Grade.
- 20 March " ; Given yearly salary of 600 yen.
- 30 June " ; Appointed a prosecutor.
Given the 7th rank of the Higher Civil Service.
Appointed a prosecutor of the TOKYO District Court and, ~~concurrently~~
concurrently, of the TOKYO Area Court.
Given the 10th salary grade.
- 8 May 1915; Appointed prosecutor of the URAWA District Court and, concurrently, of URAWA Area Court and KAWAGOE District Court.
Given the 9th salary grade.
- ~~#####~~
- 22 May 1915; Promoted to the 6th rank of the Higher Civil Service by the Cabinet.
- 10 July " ; Conferred with the 7th Court Rank, Senior Grade.
- 10 Nov. " ; Awarded the Medal in Commemoration of the Imperial Enthronement.
- 1 September 1917; Appointed prosecutor of the NAGANO Area Court and, concurrently, of NAGANO District Court.
Given the 8th salary grade.
- 15 September " ; Appointed prosecutor of the IIYAMA District Court, concurrently.
- 1 July 1918; Appointed prosecutor of the TOKYO District Court and, concurrently, of the TOKYO Area Court.
Given the 8th salary grade by the Ministry of Justice.
- 20 June 1919; Appointed prosecutor of the MAEBASHI District Court and, concurrently, of MAEBASHI Area Court.
Given the 7th salary grade.
- 28 June " ; Decorated with the Imperial Order of the Sacred Treasure, 6th class, by the Bureau of Decorations.

- 31 July 1920: Conferred with the 6th Court Rank, Junior Grade.
- 20 October 1920: Promoted to the 5th rank of the Higher Civil Service by the Cabinet.
- " " " : Given the 6th salary grade by the Ministry of Justice.
- 7 December " : Appointed prosecutor of the ODAWARA District Court by the Ministry of Justice.
- 24 July 1922: Appointed prosecutor of the NAGANO District Court and, concurrently, of NAGANO Area Court by the Ministry of Justice.
Given the 5th salary grade by the Ministry of Justice.
- 9 December 1922: Promoted to the 4th rank of the Higher Civil Service by the Cabinet.
- 10 January 1923: Conferred with the 6th Court Rank, Senior Grade.
- 30 June 1924: Decorated with the Imperial Order of the Sacred Treasure, 5th Class.
- 27 October 1924: Appointed prosecutor of the KOFU Area Court and, concurrently, of the KOFU District Court by the Ministry of Justice.
- 21 January 1925: Given the 4th salary grade by the Ministry of Justice.
- 27 July 1926: Appointed prosecutor of the SHIMOZUMA District Court and, concurrently, prosecutor of the SHIMOZUMA Branch of the MITO Area Court by the Ministry of Justice.
- 27 December 1926: Given the 3rd salary grade by the Ministry of Justice.
- 28 January 1927: Promoted to the 3rd rank of the Higher Civil Service by the Cabinet.
- 15 March 1927: Conferred with the 5th Court Rank, Junior Grade.
- 30 May 1927: Appointed prosecutor of the TAIRA District Court and, concurrently, of the TAIRA Branch of the FUKUSHIMA Area Court by the Ministry of Justice.
- 24 July 1928: Appointed prosecutor of the WAKAMATSU District Court and, concurrently, of the WAKAMATSU Branch of the FUKUSHIMA Area Court by the Ministry of Justice.
- 26 October 1929: Appointed prosecutor of the AKITA Area Court and, concurrently, of AKITA District Court by the Ministry of Justice.
Given the 2nd salary grade by the Ministry of Justice.
- 12 June 1930: Decorated with the Imperial Order of the Sacred Treasure, 4th Class.
- 30 July 1931: Appointed prosecutor of the NAGANO Area Court and, concurrently, of NAGANO District Court by the Ministry of Justice.
- 1 April 1932: Conferred with the 5th Court Rank, Senior Grade.
- 15 August 1934: Appointed prosecutor of the MATSUMOTO District Court and, concurrently, prosecutor of the MATSUMOTO Branch of NAGANO Area Court.
Given the 1st salary grade by the Ministry of Justice.
- 25 June 1936: Appointed prosecutor of the NAGAOKA District Court and, concurrently, prosecutor of the NAGAOKA Branch of NIIGATA Area Court by the Ministry of Justice.
- 15 April 1937: Conferred with the 4th Court Rank, Junior Grade.
- 27 December 1937: Accorded the treatment befitting the chokunin rank by the Cabinet.
- 11 January 1938: Appointed prosecutor of the HAMAMATSU District Court and, concurrently, prosecutor of the HAMAMATSU Branch of the SHIZUOKA Area Court by the Ministry of Justice.
- 9 May 1938: Decorated with the Imperial Order of the Sacred Treasure, 3rd Class.
- 15 February 1941: Promoted to the 2nd rank of the Higher Civil Service by the Cabinet.
- 15 February 1940: Appointed a prosecutor of the Supreme Court.
Given the 2nd salary grade by the Ministry of Justice.
- 17 February 1941: Placed on the retired list by the Ministry of Justice.
- 11 March 1941: Advanced one rank as an act of grace from the Throne.
Conferred with the 4th Court Rank, Senior Grade.

Oct. 3 1947

MEMORANDUM FOR: Mr. Sutton
FROM : EDWARD P. MONAGHAN, Chief,
Investigative Division, IPS
SUBJECT : Defense Witness

1. Please find attached hereto list of material available on the following witness and/or witnesses.

DEFENDANT

Witness General

WITNESS

KUBOTA, Tokujiro

LIST OF MATERIAL AVAILABLE

Curriculum Vitae

2. Please acknowledge receipt of this memorandum by initialling and returning attached carbon copy to this office, Room 300.

Incl
(Described above)

EP M
EDWARD P. MONAGHAN

CURRICULUM VITAE

Permanent residence and status: YAMANASHI Prefecture - Commoner.
Date of Birth: 25 December 1879
Name: KUBOTA, Tokujiro
Former residence: ISHIKAWA
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Step-father:
Mother:
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Area Court by the Ministry of Justice.
- 26 Oct 1929 Appointed prosecutor of the AKITA Area Court and,
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of Justice.
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DIRECT EXAMINATION OF KUBOTA, TOKUJIRO,
by Mr. Freeman.

27885 * The witness identified exhibit 3127 as his
27887 affidavit and verified it. * The affidavit stated that
the matter of using POWs concerning exhibit 1970-A took
place when he was President of the Manchurian Engineering
and Machinery Co. Although there arrived at Mukden about
1300 POWs about November 1942, his company did not begin
to employ them until about February. Their number was
about 50, and thereafter increased and reached 600.
According to their first plan, they were going to use about
one thousand, but the percentage of actual workers was 60%
at the highest. This was because they found that a number
were farmers, and there were few experienced mechanics,
also, they did not work them improperly, taking into con-
sideration their health, ability, rank, etc.

27888 * The company employees numbered about 300
Japanese and 700 Manchurians when they first used POWs.
At the peak, there were about 2,000. His company manu-
factured machinery in the category of enlarging productive
power, and so far as he knew there were no plans to make it
a military factory, and no order was received to produce
arms or parts thereof. Consequently, his company never
used POWs in work related to the manufacture of arms, or
work directly concerned with war operations.

27889 There were so few technically experienced workers
among the POWs at first that even though they attended the
factory every day they did no work worth mentioning. In
compliance with the desire of the majority of the POWs,
they decided to teach them machinery techniques. They
purchased materials from the Army in Manchuria to be used
in an educational program * and classified them into
mechanics, fitters, finishers, etc., and taught them the
techniques of machinery manufacturing under company
engineers and workers.

Col. MATSUDA, Chief of the Mukden Camp, inspected
the company frequently, and instructed the Japanese and
Manchurian employees to treat the POWs with charity and
tolerance. There was no discriminatory treatment and no
ill-feeling, and all worked harmoniously as one. Before
reporting to the factory after their arrival at Mukden,
the POWs were idle and were awkward in doing no work, but
they used to visit the factory as they desired.

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27890 A party for them was held on Christmas Eve, 1942. although various materials were not easily available, they bought tobacco, candy, fruit, etc., and distributed them * to the POWs, who themselves put on entertainment.

27894 Exhibit 3128, a record of punishment given
27895 Japanese guards for mistreating POWs, stated * that it was prepared to clarify how personnel in charge of POW camps in Japan committed illegal acts on POWs and how the authorities dealt with them. Additional reports of the cases would be made later on. Upon inquiry, it was revealed that with few exceptions, atrocious and inhuman acts of violence were never done deliberately. There were certain cases where improper measures were taken in the treatment of a POW, * such as some unauthorized punishment inflicted by personnel carried away by emotions and misunderstanding of customs. These cases were caused through language differences and the lack of efforts on their part, or unavoidable circumstances resulting in a lot of illness and deaths among the POW, and carelessness on the part of employers of POWs caused accidents. Most of the cases were unavoidable, but they reported them.

27896

Where treatment was unfair, they did justice to their faults and gave strict warnings to the offenders, who were dealt with as mentioned in the affixed list. Instructions were given to district commanders that they should examine each case, deal fairly with offenders, and clarify where the responsibility rested.

27897

* The basic policy of the treatment of POWs aimed at just and fair treatment, according to various regulations. Superintendents strictly observed this basic policy, but it was a matter of regret that some of them dealt out illegal punishment which the Japanese practiced by habit, and sometimes treated them unfairly under various circumstances or unavoidable accidents.

27898

Illegal punishment was a chronic evil practice of the army and a national defect. Generally, the people made light of the evil of this practice, and never regarded it as so gross an insult as Europeans and Americans. They have such erroneous views that a kind man would rather chastise an offender with a blow than punish him formally with law putting him to shame before the public or disgracing his family, * but deeply regretted that such an evil practice brought trouble to POWs.

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Army authorities had already been cognizant of the serious evil of private punishment, and made every effort to remove the practice, but with all their efforts conditions failed to improve as much as expected. The Japanese are quick-tempered and excitable over trifles, especially when trouble takes place on account of language or difference in customs. They are too impatient to inquire into the right and wrongs of the case, or chastise offenders by lawful means, and carried away by their sentiment they dealt out private punishment on the spot. When they later become calm they repent of their violent acts.

27899 Examination of the facts of such private punishments * showed that in almost all cases the punishers did not vent their own rancor, but to correct the POWs misconduct or in self-defense, or on account of misunderstandings produced by language differences. Some POWs, however, were really irreclaimable, lacked moral sense and were shunned by the others, who sometimes asked them to chastise such a POW.

27900 Most unjust acts were done by men lower than NCO, and very few officers committed them. Consideration was paid in selecting lower officials, who were usually in touch with the POWs, and much care taken for their supervision and guidance. Almost all watchmen were disabled servicemen, and a comparatively large number of these were prejudiced and mentally defective because of their physical defects, and were * liable to treat POWs unfairly, so they always had close supervision over these guards. Those extremely wrong were fired at a moment's notice. As the leaders and guards were selected and recommended by the employers of POWs and these persons were not of good character, much care was taken in their selection and close supervision and guidance exercised.

27902 * Exhibit 7129, a communication dated 26 May,
27903 1942, from Military Police Commander NAKAMURA to Chief of Staff SUGIYAMA, stated * that attached was a report of the investigation of eight officers and men, of American planes taking part in a raid on Japan on 18 April and were forced down in China. Forwarding addressees included TOJO, KIMURA, OKA, SATO, NAGANO, and SHIMADA.

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27904 Exhibit 3130, a copy of an excerpt from a telegram from Chief of Staff SUGIYAMA to HATA, dated 10 October, 1942, stated that the verdict issued by the Military Tribunal concerning the punishment of American airmen who raided the Japanese homeland, was considered fair and just, but upon review it was believed that with the exception of both pilots and the gunner, the death sentences should be
27905 * commuted to life imprisonment. On the 13th of the month Col. TAKAYAMA would depart from Fukuoka in connection with the case, and it would be appreciated if he should be kept informed as to the execution of the sentences, etc.

27906 Exhibit 3131, communication dated 10 October, 1942, from Chief of Staff SUGIYAMA to HATA, Commanding General of the China Expeditionary Forces, stated that the two pilots and machine gunner had been sentenced to death. The death sentence of the co-pilot, two navigators and the bombardier * were commuted. The time of execution was about 15 October. The five whose death sentence was commuted were to be sentenced to life imprisonment. As war criminals, their treatment should not be that accorded ordinary war prisoners. Even in the event of an exchange of POWs, they may not be repatriated.

27908 Exhibit 3132, an order from the Chief of the General Staff to the Chief of Staff, stated that enemy airmen committing acts of atrocities should be committed to a military tribunal, and all announcements as to verdict would be made by Imperial Headquarters. Absolute secrecy as to the place of disposition must be maintained.

27909 Exhibit 3133, regulations concerning the punishment of POWs in effect until March, 1943, stated that if a POW offers resistance or violence to supervisors, guards, or escorts, he shall be punished with imprisonment at hard labor. A light offender shall receive imprisonment without hard labor for not less than six months nor more than five years. If a number conspired to commit these offenses, the ring leader shall receive death and the remainder punished with exile. A slight offender shall receive imprisonment with hard labor, if they conspire and make a mass escape the
27910 ring leader shall be exiled. * The serious offender shall receive death, and the rest imprisonment with hard labor. A slight offender shall receive imprisonment with heavy labor for not less than six months and not more than five years.

NARRATIVE SUMMARY OF THE RECORD
September 8, 1947
DEFENSE - Division V - Pacific
POW

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Other offenses and punishments were: breaking parole, imprisonment with hard labor. Breaking parole and resisting with a weapon, death. After giving parole not to escape and breaking parole, imprisonment with heavy labor.

The provisions, except those relating to breaking parole, should not apply to offenses committed while they were previously POWs by those who have been taken prisoner again. When a POW is placed on trial by court-martial, provisions applicable to men of the Imperial Army should be applied according to rank.

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Exh. No.

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al



P/W in Manchuria
Sworn Deposition (Translation)

Deponent: KUBOTA, Tokujiro

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

1. I am KUBOTA, Tokujiro. I am presently living in KUBOTA-Mura, SHIMOTSUGA-Gun, TOCHIGI-Prefecture. I was born in Osaka on the 14th day, July, the 24th year of Meiji (1891). I was the President of the Manchurian Engineering Machinery Company Ltd. (MANSHU KOSAKU KIKAI KABUSHIKI KAISHA) from June, the 17th year of Showa (1942) to February, the 19th year of Showa (1944).
2. The matter of using prisoners of war concerning court exhibit No. 1970-A took place when I was the President of the Manchurian Engineering Machinery Company Ltd., so, I shall depose as follows

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concerning the real circumstances of the use of the prisoners in connection with this case as the said president at that time.

(1) Although, there arrived at Mukden approximately 1,300 prisoners of war towards November, the 17th year of Showa (1942), it was about February, the 18th year of Showa (1943) that the said company commenced to employ the POWs, and their number was about 50. Thereafter, the number of P.O.W.s were gradually increased, and their peak reached about 600. According to the first plan, we were going to use about 1,000 P.O.W.s, however, the percentage of actual workers was 60% at the highest rate. This was due to the fact that as a consequence of an investigation of the P.O.W.s abilities, we found out a number of them were farmers and that there were fewer experienced mechanics than we had expected. Also because of the fact that we did not work them improperly taking into consideration such things as the P.O.W.s health, ability, rank etc.

~~By the way,~~ The employees of our company numbered approximately 300 Japanese and about 700 Manchurians --- totalling about 1,000, when we first began to use the P.O.W.s; at the peak we had approximately 800 Japanese and about 1,200 Manchurians --- totalling about 2,000.

(2) Our company manufactured machinery belonging to the category

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of enlarging productive power, and as far as I know there were no plans established either by the Army, or by Manchukuo or by our company also, to make the company a military factory, and not a single order was received by our company from any arms manufacturing factories in Manchuria, Japan proper and other places, to produce arms or parts thereof. Consequently, our company never used the P.O.W.s to engage in work related with the manufacture of arms or with work directly concerned with the operations of war.

3. As mentioned above, there were so few technically experienced workers among the prisoners of war, contrary to our first expectations, that at first, although they attended the factory every day they did not do any work worth mentioning. In the meantime, in compliance with the desire of the majority of the POWs we decided to teach them the techniques of machinery manufacture. We purchased about five tons of pig iron and steel materials from the 918th Army unit in Manchuria at that time, to be used as material for the educational program and we classified the P.O.W.s into mechanics, finishers, fitters, tool makers, blacksmiths, carpenters, draftsmen, designers, warehouse-keepers, automobile repairmen etc. and taught them the techniques of machinery manufacture under the leadership of the company's engineers and skilled workers. As a result of this, after my

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resignation as president of the company, an automatic lathe was made.

4. Colonel MITSUDA, Chief of the internment camp in Mukden, inspected our company frequently and instructed all the Japanese and Manchurian employees to treat the P.O.W.s with charity and tolerance. Consequently ~~there~~ ^{there} was ~~no~~ ^{no} discriminatory treatment between the Japanese, Manchurian and the P.O.W.s, and ~~with us~~ ^{there was no} ill feeling. They were able to work with pleasure in perfect harmony as one.

5. The prisoners of war were idle and felt awkward doing no work whatsoever during the interval and before reporting to the factory after their arrival at Mukden but, they used to visit the factory now and then as they desired: A party for the P.O.W.s was held in the main dining hall of the factory on Christmas Eve, 1942 in accordance with the P.O.W.'s desires. Though various materials were not easily available at that time, we bought tobacco, Candy, apples, oranges etc. by all possible means and distributed them to the P.O.W.s; and the P.O.W.s themselves contributed to the party by putting on skits and other entertainment.

On this 5th day of August, 1947

At Nippon Industrial Bank, Marunouchi, Chiyoda-Ward, Tokyo.

DEPONENT: KUBOTA, Tokujiro (seal)

I, SHIOBARA, Tokisaburo, 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 Tokyo

Witness: /S/ SHIOBARA, Tokisaburo (seal)

OATH

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

/S/ KUBOTA, Tokujiro (seal)