

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; NAKASAWA, Mitsuo

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 a former lieutenant-general, and from November, 1937 to the end of January, 1938 participated in the siege of Nanking as Chief of Staff of the 16th Division under the command of the Shanghai Expeditionary Force.
2. While the 16th Division was carrying out a pursuit attack towards Chuyung in Dec. 1937, orders were received to attack Nanking on or about December 3rd, and started its advance but on or about the 8th of the same month was ordered to stop further advance at a point three or four kilometers from Nanking. Furthermore we were ordered that, as Nanking

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was the capital of China and there were many foreign interests, cultural and historical remains, and cultural institutions, not to destroy them, and, that at the time of triumphal entry into the city, to send a select unit in order to placate and treat the citizen kindly and to maintain order. I had this point made known thoroughly with the respective units.

3. What troubled us most during the attack on Nanking were the battle fought in the vicinity of Tsuchinshan where the 33rd Regiment faced the enemy and that fought in the vicinity of Chungshan-ling, the divisions main front. The division paid no small price to capture Nanking without damaging Tsuchinshan and the Hsiaoling of the Ming Dynasty which were specified in the orders. The Chinese units occupying the vicinity of Chungshan-ling were not only the greatest obstruction to the divisions front, but also by firing at the rear and flank of the 33 Regiment, which was attacking Tsuchinshan, they harassed the regiment to no end. Still, our Army had to stand the disadvantage of refraining from using artillery pieces, not to mention of the use of heavy infantry weapons. These facts hindered our advance generally and we were forced to suffer a great loss needlessly. However, because of our sacrifice, Chushan-ling and Hsiaoling of the Ming Dynasty were kept intact, and the regiment, which finally occupied Tsuchinshan in spite of the difficulties, was given a letter of appreciation from the Army Commander after the campaign.

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4. The 16th Division, which had reached the walls of Nanking at Chungshan Men at the dawn of December, 13th, 1937, sent in about two battalions into the city and had them sweep the area previously indicated, that is, the area embracing Raipingshan, Shanyuan-men, Hsia-men and Chungshan Road.

The sweeping was continued on the next day also. On the fifteenth of December the 16th Division headquarters and a small unit entered the city, but no inhabitants had evacuated from the area under the charge of the division. On December 23rd dispositions of troops were changed. A part of the 16th Division was given new disposition of guarding the inside and outside of the city, substituting another unit which entered the city previously, and remained in Nanking until about January 20th of the following year.

5. The refugees' area became, after the change in disposition of December 23rd, included in the garrison district of the 16th Division. The area was marked out clearly at the time of entry and was guarded strictly simultaneously with the entry and even officers were not permitted to go in or out of this area unless they had special permission. After the Central China Area Army and the Commander of the Shanghai Expeditionary Army entered the city, instructions were often issued to maintain strict military and moral discipline and I passed these orders to every unit.

6. At the time of the occupation of Nanking all the responsible administrative personnel had already fled from the city. There wasn't a single one remaining^{and} consequently the Japanese troops could find no

person with whom they could negotiate in regard to maintaining peace and order. Indeed the situation was such that our troops had no other alternative but to take over into their hands the maintenance of order. It was extremely inconvenient for both the Japanese troops and the Chinese inhabitants.

7. After entering the city we found on the highway from the Chungshan Men of the city limits of Nanking to Hsia-Men a great deal of discarded uniforms, sabers, ammunition, rifles, and caps. Judging from the circumstances, it was clear that the soldiers who had thrown away these military equipment would conceal themselves in the city in civilian attire. And yet when we made our sweep inside of the city limits of Nanking, there were no Chinese to be seen with the exception of the refugee area. Consequently it was also quite obvious that the defeated remnant troops who had thrown their military equipment away and were in civilian garments had filtered into the refugees' area. Therefore, being unable to trust that all the inhabitants in the refugees' area were peaceable citizens, the necessity of investigating the inhabitants of the area came about.

8. Thus, a Sino-Japanese Joint Commission was organized on Dec. 25th to investigate the inhabitants.

The method of investigation was to interrogate or inspect the Chinese one by one in the presence of both Japanese and Chinese and judge whether he was a straggler or not by consultation of the Japanese soldiers and

the Chinese Committees; for the general people, certificates of residence were issued. Those who were determined to be stragglers by these means were turned over to the Headquarters of the Shanghai Expeditionary Force. Accordingly, it is indeed not true that they were slaughtered.

9. As almost all the villages outside of Nanking were set on fire by Chinese troops putting the so-called "scorch earth" operation into practice as they retreated so that the Japanese troops didn't even have any houses to billet and almost all the units were forced to camp out. Common as such "scorch earth" operations of the Chinese troops were, the burning of homes were especially numerous in the area of this battle.

Even inside of the Nanking fortress there were traces of fire here and there when we first entered. These were said to be fires started by the Chinese troops as they retreated. Because of the necessity of maintaining billeting facilities in cold weather, the Headquarters ordered every unit to be on the alert against fire at all time, and a responsible man was picked to control fire in each unit. But in spite of these precautions, there were times when we caught Chinese girls with certificates of residence starting fires.

10. I did receive reports from the military police of a few instances of plunder committed by Japanese soldiers. However, as the residents fled, their belongings were carried with them and most of their houses were practically empty. I never did hear of any organized or mass plundering. Needless to say it is absolutely without fact that the

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Headquarters ordered, connived, or permitted such illegal acts. I was informed directly by Chinese victims that most of the plundering and destruction in the battle-fields of China were the common acts of retreating Chinese troops and those desperate people who took chances to force themselves in the area.

11. The protection of foreign interests and cultural institutions was strictly ordered by General MATSUI and was made known down to the last unit under his command. The Chinese, however, were skilful in hiding behind foreign interests. They used to especially abuse the use of foreign flags and there were cases in which straggler Chinese soldiers were found hiding under a foreign flag. I got such reports many times from the Chinese even within the Nanking fortress. Consequently, it is true that the Japanese troops could not at once identify the existence of foreign flags as being synonymous of foreign interests with confidence, and sometimes they could not help raiding places that impressed them as being dangerous. It is regrettable that these raids gave rise to all kinds of complications.

12. There is no such fact that organized rapes were committed by Japanese soldiers. There were a few scattered offenses concerning discipline as I recall but I know they were all punished in accordance with the laws.

13. The places where buried bodies were said to have been found according

to the evidence presented by the prosecution are those places where the Chinese troops had built positions and defended themselves as in the case of area between "Chungshan Nan and Ma-GUN" or places where there were facilities for the receiving of the dead and wounded from their positions as in the case of Taiping-Ma Fukuashan and the vicinity. It is a fact that many of the soldiers of both sides were killed in these areas. But never was there any mass-butchery committed at these places.

14. When the 16th Division came to guard Nanking and its vicinity its efforts were concentrated on maintaining peace and order. As the result order was restored in the city, the confused people were straightened out and they were gradually returning to their homes with confidence in the Japanese troops. General MATSUI's order to treat the inhabitants kindly was so thoroughgoing that as early as the end of the year the Assembly of the Maintenance of Public Order was organized and at the inaugural ceremony held on January 1, 1938, thousands upon thousands of Chinese gathered at the public square in front of Kulou, the place of ceremony, and cheered. Subsequently, the number of residents was increasing and even peddlers were seen more and more. It is absolutely not true that illegal and violent acts of the Japanese troops were frightening the inhabitants at that time.

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On this 23rd day of September, 1947,
at Tokyo.

Deponent: /s/ NAKASAWA, Mitsuo (seal)

I, JODAI, Takayoshi 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/ JODAI, Takayoshi (seal)

OATH

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

/s/ NAKASAWA, Mitsuo (seal)

ERRATA SHEET

The following corrections should be made on the
Defense Document No. 2667 (Revised)

Page 1, paragraph 2, line 3

"but on or about the 9th of" should read "but
on or about the 8th of"

Page 3, paragraph 4, line 4

"Hsia-men" should read "Hsiakwan"

Page 3, paragraph 5, lines 1-2 from the bottom

"There wasn't a single one remaining" should read

"There wasn't a single administrative personnel
remaining"

Page 4, paragraph 7, line 2

"Hsia-men" should read "Hsiakwan"