

Doc. 3025 Evid.

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(18)

INTERNATIONAL PROSECUTION SECTION

Doc. No. 3025

13 May 1947

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Instructions Concerning the Treatment of Aircrews of Enemy Raiding Planes (Army Secret Tel No. 2190)

Date: 28 July 1942 Original () Copy (x) Language: Japanese

Has it been translated? Yes (x) No ()
Has it been photostated? Yes () No (x)

LOCATION OF ORIGINAL

First Demobilization Ministry

SOURCE OF ORIGINAL: First Demobilization Ministry

PERSONS IMPLICATED: (Army Vice-Minister) LtGen KIMURA, Heitaro; TANABE, Moritake (Vice-Minister of General Staff); USHIROKU, Jun (Chief of Staff, Jap Army in China)

CRIMES TO WHICH DOCUMENT APPLICABLE: Violation PW Convention

SUMMARY OF RELEVANT POINTS

Document consists of two secret army memorandums and separate papers (forms) containing rules and articles for the punishment of crews of enemy raiding planes on Japanese territory; with certificate from First Demobilization Ministry.

Riku (Army) Mitsu (Secret) No. 2190 - 28 Jul 1942 from Vice-Minister KIMURA, Heitaro, contains following instructions on treatment of enemy air crews:

(1) "Those who have not violated International Law shall be treated as POWs and those who have shall be punished as wartime felons."

(2) The Defense Commanders-in-Chief and the Commanders-in-Chief (including commanders in Japan and Overseas and Governors-General of HONGKONG and Occupied Areas) shall send crew of enemy planes which have invaded their territories, to Martial Law Council (GUN RITSU KAIGI) for punishment.

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(3) Re Martial Law Council -- regulations re Special Court Martial contained in Army Court Martial Law shall be applied.

San (Staff) Mitsu (Secret) No. 383-1, dated 28 Jul 1942 from Vice-Minister of the General Staff, TANABE, Moritake, to USHIROKU, Jun (Chief of Staff of Jap Army despatched to CHINA): Contains notification to the effect that the "promulgation and publication of the Martial Law and the time of the execution of punishment for the crew of American planes which participated in the recent raid (A.N. Doolittle raid, April 1942/ shall be reserved until further notice (scheduled for mid-August)". It is further stated in the above communication that announcement re punishment of the American crew will be made by Imperial General Headquarters.

Separate Papers Enclosed for Reference -- contains the contents (6 articles) of the Martial Law of the Japanese Army: Art I - to whom law shall be applied (view of enemy planes which have raided Japanese, Manchukuo, or occupation areas); Art II - List of acts ~~permitted~~ punishment, such as bombing or attacking civilians or private property of non-military character and committing "cruel and inhuman" acts; Art III - Martial punishment shall be death; life imprisonment for over ten years may be substituted under certain "extenuating circumstances"; Art IV - Death shall be by shooting, Art V - "Special reasons" may cause remission of execution; Art VI - Re imprisonment, "relevant stipulations" of Penal Law will be applied.

(A.N. Before using this in evidence, see IPS Doc. No. 1681, similar to this in part, which was introduced into evidence as Exhibit No. 1992.)

Treatment prisoners

doc. no. 1681 Kimura
IPS

of 5 files

Attys interested

in introducing no doc. into evidence which contains prob. of doc.

und. defense doc. no. unchecked translation

✓ refer to doc

Hajime ITO

FULL TRANSLATION -1-

3025

RIKU (Army) MITSU (Secret) no. 2190

Matters concerning the Crew of Enemy Planes Air-Raiding

~~JAPAN, etc.~~

28 July, 1942.

Vice-Minister KIMURA, Hyōtarō

To / blank /

you are hereby notified, under instructions, that it has been

decided to deal with the crew of enemy planes that have

come to air-raid JAPAN, MANCHUKOU or our operation areas, and

entered our sphere of authority, in the following manner:

(1) Those who have not violated the wartime stipulations of International Law shall be treated as POW's, and those who have shall be punished as wartime felons.

(2) The Defence Commanders-in-Chief, and the Commanders-in-

Chief, (including Commanders in JAPAN and Overseas, and
governors-general of HONGKONG and Occupied Areas. This
expression is used in the same meaning hereafter.) shall
send those of the crew of enemy planes that have entered
the sphere of their respective authorities, who are liable
to be punished as wartime felons, to the Martial Law
Council (GUNRITSU KAIGI)

As for the above-mentioned Martial Law Council,
regulations regarding the Special Court Martial contained
in the Army Court Martial Law shall be applied thereto.

General Headquarters, Army Department, SAN (Staff)
MITSU (Secret) No. 383-1

Notification regarding the treatment of the crew
of enemy planes air-raiding JAPAN etc.

28 July 1942.

Vice-minister of the General Staff, TANABE, Moritake.
To Chief of Staff of the Japanese Army dispatched
to CHINA, USHIROKU, Jun.

(by ARMY SECRET NO. 2190, as of July, 1942.)

Whereas a notification has been sent regarding the treatment

of the crew of enemy planes air-raiding JAPAN, etc., ~~by ARMY~~

~~SECRET NO. 2190, as of July, 1942,~~ the promulgation and

publication of the Martial Law, and the time of the execution

of punishment for the crew of American planes which

participated in the recent raid shall be reserved until

further notice (scheduled for mid-August).

Furthermore, the announcement regarding the execution of punishment for the crew of American planes participating in the recent raid will be made by the Imperial general Headquarters. You are hereby notified, under instructions, to report the decisions given to the Chief of the general Staff as soon as possible.

P. S. You are referred to the separate papers for the contents of the Martial Law and its announcement.

Separate paper for Reference

Martial Law of the — Army (draft)

Art. I This martial law shall be applied to the crew

of the enemy planes that ^{have} air-raided the JAPANESE

territory, MANCHUKOU or our operation areas, and entered

the sphere of authority of the — Army.

Art. II Those that have committed the following acts shall

be liable to martial punishment:—

1. Bombing, shooting ^{at} or otherwise attacking civilians

with the objects of intimidating, killing or wounding them.

2. Bombing, shooting at, or otherwise attacking private

properties possessing no military character, with the object of destroying or damaging them.

3 Bombing, shooting at, or otherwise attacking objects other than military objects, except out of necessity.

4 Committing acts especially cruel and inhuman, in defiance of humanity.

This law shall also be applied to those who ^{have} invaded

the JAPANESE territory, MANCHUKOU or our operation areas

with the object of committing acts mentioned in the above

three items, and entered the sphere of authority of the

— Army before achieving the act.

Art. III Martial punishment shall be death. In consideration of extenuating circumstances, however, life imprisonment or imprisonment for over 10 years may be substituted.

Art. IV Death shall be by shooting.

Imprisonment shall be in places stipulated separately, and penal servitude as stipulated shall be imposed.

Art. V In case there are special reasons, the execution of the martial punishment shall be remitted.

Art. VI Regarding imprisonment, ^{relevant} stipulations in the Penal Law shall also be applied, besides those in this Law.

Supplementary Rules

~~Supplementary Rules.~~

This Martial Law shall be put into effect on
and from —, —, of the — th year of SHOWA.

This Martial Law shall be applied to acts committed
before its enforcement, too.

INTERNATIONAL PROSECUTION SECTION

EVIDENTIARY DOCUMENT NUMBER 3025

TITLE: Instructions Concerning the Treatment of Aircrews of
Enemy Raiding Planes (Army Secret Tel No. 2190)

SOURCE: First Demobilization Ministry

MICROFILMING

Document 3025 Source: First Demobilization Ministry

has been microfilmed on 25 Oct 1948 for
permanent historical record.

(None) (Part) of this document had been extracted for court use.

F. MATTISON
Files Unit
Document Division

IPS 5025

本印刷物は第一復員局法務調査部長大山文雄よりI.P.S.のパー
キンソン氏に昭和二十一年六月一日手交致した文書の寫しである

昭和二十二年五月九日

第一復員局法務調査部長 大山文雄

極東國際軍事裁判所

國際檢察部

調査官 J. P. Manroe 殿



陸密第二一九〇號

空襲ノ敵航空機搭乗員ニ關スル件

昭和十七年七月二十八日

陸軍次官 木村 兵太郎

殿

帝國領土、滿洲國又ハ我カ作戰地域ヲ空襲シ我カ權内ニ入リタル敵航空機搭乗員ハ左記ノ如ク取扱フコトニ定メラレタルニ付承知相成度依命通牒ス

左記

- 一、戰時國際法規ニ違反セサル者ハ俘虜トシテ取扱ヒ之ニ違反ノ所爲アリタル者ハ戰時重罪犯トシテ處斷ス
- 二、防衛總司令官、軍司令官、内地、外地各軍、香港占領地、總督ヲ含ム以下之ニ同シハ當該權内ニ入

ニリタル敵航空機搭乗員ニシテ戦時重罪犯トシテ處断スヘキ疑アリ
者ハ軍律會議ニ送致ス
一前項ノ軍律會議ニ關シテハ陸軍軍法會議法中特設軍法會議ニ關スル
規定ヲ準用ス

命
空
海
陸

陸軍大臣 大 塚 均 大 臣

陸軍省 陸軍部 陸軍大臣 陸軍部 陸軍大臣

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大本營 參密第三八三號第一
陸軍部

空襲ノ敵航空機搭乗員取扱ニ關スル件通牒

昭和十七年七月二十八日

參謀次長 田邊盛武

支那派遣軍總參謀長 後宮淳殿

昭和十七年七月陸密第二一九〇號ヲ以テ空襲ノ敵航空機搭乗員ノ取扱ニ關シ示達セラレタル處軍律ノ布告及其ノ發表並今次米國空襲機搭乗員ニ對スル罰ノ執行ノ時期ニ關シテハ別ニ示サルル時期迄（八月中旬ト豫定ス）保留セラレ度

尙今次米國空襲機搭乗員ノ罪ノ執行ニ關スル發表ハ大本營ニ於テ行ハルルニ付右判決ヲナルヘク速カニ參謀總長ニ報告セラレ度依命通牒ス
追テ軍律及軍律布告ノ内容ニ關シテハ別紙案ヲ參考トセラレ度

參考別紙

〇〇軍軍律（案）

第一條 本軍律ハ帝國領土滿洲國又ハ我カ作戰地域ヲ空襲シ〇〇軍ノ内ニ入りタル敵航空機搭乗員ニ之ヲ適用ス

第二條 左ニ記載シタル行爲ヲ爲シタル者ハ軍罰ニ處ス

一 普通人民ヲ威嚇又ハ殺傷スルコトヲ目的トシテ爆撃、射撃其ノ他ノ攻撃ヲ加フルコト

二 軍事的性質ヲ有セサル私有財産ヲ破壊又ハ毀損スルコトヲ目的トシテ爆撃、射撃其ノ他ノ攻撃ヲ加フルコト

三 已ムヲ得サル場合ノ外軍事的目標以外ノ目標ニ對シテ爆撃、射撃其ノ他ノ攻撃ヲ加フルコト

四 前三號ノ外特ニ人道ヲ無視シタル暴虐非道ナル行爲ヲナスコト

前號ノ行爲ヲ爲ス目的ヲ以テ帝國領土滿洲國又ハ我カ作戰地域ニ來襲シ其ノ未タ之ヲ遂ケサル前〇〇軍ノ權内ニ入りタル者亦同シ

第三條 軍罰ハ死トス但シ情狀ニ依リ無期又ハ十年以上監禁ヲ以テ之

ニ代フルコトヲ得

第四條 死ハ銃殺ス

監禁ハ別ニ定ムル場所ニ拘置シ定役ニ服ス

第五條 特別ノ事由アルトキハ軍罰ノ執行ヲ免除ス

第六條 監禁ニ付テハ本軍律ニ定ムルモノノ外刑法ノ懲役ニ關スル規

定ヲ準用ス

附則

本軍律ハ昭和〇〇年〇月〇日ヨリ之ヲ施行ス

本軍律ハ施行前ノ行爲ニ對シテモ之ヲ適用ス

内ニ入リ...

一...

〇〇軍律(案)

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Treatment of Aircrews

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