

INTERNATIONAL PROSECUTION SECTION

GHQ, SCAP

14 March 1946

Memo to: Executive Committee.  
From : Christmas Humphreys.  
Subject: Replimentary Report on NAKAMURA, Aketo, Lieut-General.

General Nakamura appears in the list of 11 suggested Defendants put forward by the British Foreign Office, and is the only name not to be found in any other short list of Defendants. He was apparently included in the list as being commander of the Japanese Military Police from October 1941 to January 1943, and therefore possibly responsible for the ill-treatment of civilian internees by the Japanese, particularly of those of British nationality. The evidence as to such ill-treatment is contained in the Clauson Report, which was a report of a committee set up by Mr. Eden, then British Foreign Minister, in October 1942 to inquire into the treatment by the Japanese authorities of British diplomatic and consular establishments and private British subjects. The report, which presumably can be put in evidence, contains inconsiderable detail a great number of cases of gross ill-treatment of civilians in different parts of the Japanese Empire and in the various centres in over-run territory where such civilians were interned.

Looking at the report generally, one notices that the treatment of civilians varied enormously from gross ill-treatment to "No complaint", and although in the centres of ill-treatment a few persons died from such ill-treatment, there was no wholesale murder by direct or indirect means and no large number of persons died. In considering therefore whether the person nominally responsible for the general behaviour of the police should rank as a major war criminal, one has to consider two things:-

- (1) That the ill-treatment contrary to all known treaties and agreements of civilian internees nowhere reached the gravity of such incidents as the Rape of Nanking, or even the level of systematic murder on a small scale, and
- (2) It would be difficult to make out a system of ill-treatment, whoever was responsible for such a system.

In not more than half the centres of confinement is there any substantial complaint, and it is therefore very difficult to say of the man in charge that his subordinates were carrying out any system of ill-treatment for which he could reasonably be held responsible.

The only two positions held by Nakamura in respect of which his conduct might be examined are, firstly, that of Chief of the Military Affairs Bureau and General Secretary of the Supreme War Council for six months in 1938, and secondly, the post of Head of the Military Police from October 1941 to January 1943. Unless therefore it is considered that the ill-treatment was gross enough to make the person responsible a major war criminal, and secondly, that the ill-treatment, such as it was, was the outcome of a system devised and carried out on the orders of this proposed Defendant, I cannot see that he ranks sufficiently high to be included in the proposed short list of Defendants.

Unless therefore there is reason to suppose that far more evidence is likely to be forthcoming against him, I am of the opinion that his name should be omitted from the list.