

Report by: H. Shimozuma  
1 May 1947

Memo for the file

Subject: TSUKAMOTO, Hirotsugu

Check of IPS case files reveal  
no information regarding Subject

21,575  
MEMORANDUM

TO : Files  
FROM : D. N. Sutton

SUBJECT: ) TSUKAMOTO, Hirotsugu - Cross-examination  
Def. Doc. 1074, Exhibit 2548  
21,577 6 May 1947, R. 21,559-21,581

Record Page

21,566

Recalls only 10 cases. Some of these cases  
General Matsui held a meeting of all of his  
officers on the day of the ceremonial entry  
into Nanking, 17 December 1937.

21,567

General Matsui said that in light of what  
had happened during the period between the  
time the Japanese troops left Shanghai  
and entered Nanking they should be more  
careful.

That various incidents of rape, looting,  
and plunder were likely to happen.

21,568

General Matsui said that criminal acts, such  
as rape and looting occurred in the past.

After the troops entered Nanking, various  
incidents, including looting, rape, burglary,  
etc. happened.

21,569

The witness told General Matsui about these  
incidents, and then the witness is not sure  
about this.

21,570

Does not know whether General Matsui also re-  
ceived information from the Japanese Consul  
at Nanking concerning the unlawful acts of  
the Japanese troops.

21,571,  
21,572,  
21,573

Denies all knowledge of the reports made by  
the International Committee for the Nanking  
Safety Zone - Rabe, Dr. Bates and Dr. Smythe.

The Commander of the M.F. units, who was dir-  
ectly under the commanding general, referred  
criminal acts to the Judicial Department,  
who decided whether or not there was to be a  
trial. The cases were tried by the Judicial  
Department, of which the witness was chief.  
of any cases of mass  
cases of massacre of  
by Mr. Fitch, Dr. Shi,  
and Mr. Hayes.

29 May 1947

- 21,575 The Commander of the M.P. units, who was directly under the commanding general, referred criminal acts to the Judicial Department, who decided whether or not there was to be a trial. The cases were tried by the Judicial Department, of which the witness was chief.
- 21,576 Has no knowledge of any cases of arson.
- 21,577 Has no knowledge of any cases of massacre of civilians as testified by Mr. Fitch, Dr. Shu, and Mr. Magee.
- 21,579 Recalls only 10 cases. Some of these cases involved several people, hence the number of people was more than ten.

As the battles around Shanghai closed and the Army began to retreat, the witness became pressed with work. After entering Shanghai, he was very busy. On the day of formal entry he tried four cases. He was strict enough to punish those who violated military discipline, in compliance with MATSUI's orders and the Field Service regulations. The attitude was so strict that sharp comments were made on the severe punishment and close examination into slight offenses. This criticism was made known by a report of the Judicial Department, War Ministry, when he established communication. The witness carried out his judicial duties strictly in accordance with the criminal law and MATSUI's intentions.

21,583

After entry, unlawful acts were committed and he examined these cases. He remembered MATSUI calling all officers together and telling them about the cases and giving strict orders to maintain military discipline with severity. Four or five officers were involved and the rest were mostly trifling cases by privates. Crimes were chiefly plunder and rape, theft and injury were few, little deaths with few. There were a few murder cases, but he had no memory of punishing incendiaries or mass slaughter criminals. The crimes were committed at different places. A considerable number took place in the refugees' quarters in Hankow.

The Judicial Department could not carry out search for crimes. They were sent there after search and arrest by the M.P.'s. The Judiciary then collected evidence, based on which they prosecuted.

May 6, 1947

DEFENSE - Division III - China

TSUKAMOTO - Direct

Page

DIRECT EXAMINATION OF TSUKAMOTO, Hirotsugu  
by Mr. Mattice

21,561

The witness identified Exhibit 2548 as his affidavit and stated that he had a few corrections to make. The affidavit stated \* that the witness had been a military judicial officer until August 1943, when he retired. On August 15, 1937 he was with the Shanghai Expeditionary Force as Chief of No. 10 Judicial Department; on August 30, 1937 he became the prosecutor of the Shanghai Force; \* on February 9, 1938 he became prosecutor and judge of the Central China Expeditionary Force, returning home in January 1939.

21,562

As the battles around Shanghai closed and the Army began pursuit, the witness became pressed with work. After entering Nanking he was very busy. On the day of formal entry he tried four cases. He was strict enough to punish those who violated military discipline, in compliance with MATSUI's orders and the Field Service regulations. The attitude was so strict that sharp comments were made on the severe punishment and close examination into slight offenses. This criticism was made known by a report of the Judicial Department, War Ministry, when he established communication. The witness carried out his judicial duties strictly in accordance with the criminal law and MATSUI's intentions.

21,563

After entry, unlawful acts were committed and he examined these cases. He remembered MATSUI calling all officers together and telling them about the cases and giving strict orders to maintain military discipline with severity. Four or five officers were involved and the rest were mostly trifling cases by privates. Crimes were chiefly plunder and rape, theft and injury were few, while deaths with few. There were a few murder cases, but he had no memory of punishing incendiaries or mass slaughter criminals. The crimes were committed at different places but a considerable number took place in the refugees' quarters in Nanking.

The Judicial Department could not carry out search for crimes. They were sent there after search and arrest by the MP's. The Judiciary then collected evidence, based on which they prosecuted.

NARRATIVE SUMMARY OF THE RECORD  
MAY 6, 1947  
DEFENSE, DIV. III, CHINA.  
TSUKAMOTO -CROSS EXAM.

Page 3263

21,564

TSUKAMOTO - cross examination  
by Mr. Sutton

The witness stated he was in Nanking from December 17th or 18th, 1937, and left there in August, 1937. While he did not remember how many cases he examined in December and January, he thought it was around ten.

21565

\* He did not know the exact date of the fall of Nanking but believed it was about December 13, 1937. He did not know when MATSUI entered although he was present at the ceremony at the entry of troops. He believed MATSUI was there when he came. \* He did not remember clearly when MATSUI called his officers together - it was some time after the entry of the troops, he believed. He believed it was on the same day but he was not positive. While he did not know when MATSUI entered, the ceremony of the entry was on December 17th. He did not recall that MATSUI had spoken about any \* specific illegal acts committed before and after the entry into Nanking. He spoke about what had happened in general from the time the troops left Shanghai and entered Nanking. In the light of what had happened he stated that the Japanese should be more careful.

21,566

21,567

21,568

He could not remember any concrete examples of what MATSUI said but he did say that various incidents of rape, looting or plunder were likely to happen and stricter \* discipline should be imposed so that the incidents would not happen. He did not speak of any specific acts committed in Nanking but did say that criminal acts such as rape and looting occurred in the past and caution should be exercised so that that would not happen again.

21,569

After the troops entered Nanking various incidents, including looting and rape happened and MATSUI suggested the troops should be more careful.\* The witness was not positive where MATSUI had received his information from, it might have been from reports

21,570

which the witness as chief of the legal section made regarding criminal acts in the past. The witness did not report at the time of the entry into Nanking. He recalled he had told him about it before that time. He did not know \* whether the Japanese Consul at Nanking gave MATSUI information on the subject and did not know that MATSUI learned on his entry that the troops had committed outrages in Nanking and had gotten this information from Japanese diplomats and the consul.

21,571

\* The witness stated that the safety zones were operated by the International Committee for the Nanking Safety Zone but he did not know whether this committee made daily reports to the consular authorities from December 16 1937 to February 2 1938. He had not heard that the reports set out 425 groups of cases of crimes committed in Nanking. He had no knowledge of this.

21,572

\* He had never heard that Mr. Raabe, the chairman, made daily personal reports to the Japanese authorities as to crimes of soldiers in Nanking. He had never heard that Dr. Smythe, secretary of the committee had filed daily two protests during December and January with the consular service. He had never heard that Dr. Bates, vice-president of the University of Nanking \* for three weeks daily delivered to the Japanese Embassy a typed report of the crimes of which he had knowledge. He did not know about that at all. He did not know that Bates had frequent conversations with consuls and vice-consuls and that the consuls continually promised that the situation would be corrected.

21,573

21, 574

He did not know that HIDAKA, consul of the Embassy had testified that the reports filed with Nanking were sent to the army in Nanking. He had never heard either of the sending of \* or of the reports. It was not his duty to prosecute all crimes committed by Japanese soldiers in Nanking. His duties were to answer questions on the orders

given by the commander on legal matters and to deal with criminal matters transferred by commanders of units, including commanders of the military police.

The Chief of the Judicial Department has no immediate responsibility to prosecute crimes. None of these crimes were ever brought to his knowledge or to his attention.

21,575

\*The Military Police immediately subordinate to the commander- were responsible as a whole to handle the matters transferred to him by various commanders. The commander of M.P. units or other units referred the criminal act to the witness and he decided whether the criminals were to be indicted or not. The cases were tried by his department.

21,576

\* He did not remember whether they tried any case on the burning of the YMCA Building in Nanking and does not think there was any such occasion. He never heard the Japanese soldiers had burned the Episcopal Mission, and after capturing, had burned the Christian Disciple Mission. He never heard of the burning of churches, and mission schools in December, 1937. He had no recollection of the burning of the Russian Embassy January 1, 1938.

21,577

\*He had never heard that 1500 refugees were taken from the safety zone, tied together in groups of 100 and shot and their bodies thrown into a pond. He believed this was not true. He had made no investigation with regard to the thousand Chinese civilians who on December 16th were marched to the banks of the Yangtze River and shot with machine guns.

21,578

\* He did not believe that there was any such incident as the policemen taken on December 15th, marched out and shot. He had never heard of the Japanese Army searching out former soldiers of the Chinese army who had thrown away their arms, and shooting them. He did not \* believe there was any

21,579

NARRATIVE SUMMARY OF THE RECORD  
MAY 6, 1947  
DEFENSE \* DIV. III \* CHINA.  
TSUKAMOTO - Cross - Exam.

Page 3266

relation between the reports according to the testimony which the questioner had quoted, and the ten cases which he actually handled.

REDIRECT EXAMINATION BY MR. ITO.

When he said 10 cases he did not mean that one case involved only one person. Certain cases involved several people. The number of people involved were more than 10.

21,580

\* Except for a few cases which were not prosecuted, the rest were tried and punished.



# TSUKAMOTO

1. Move to which section 3 - document not  
introduced - is ~~also~~  
accounted for

2. unlawful acts in Hankow -

when ~~you~~ you in Hankow 2

How long then - 17 or 18 Dec to Aug 1938

(1.2)  
sub

How many cases did you examine  
Dec 1937 -

~~over the 52 cases mentioned in~~ <sup>around 10</sup> ~~cases~~

~~you affidavit all that you examined~~  
Jan 1938 -

were these all the cases reported  
from Hankow -

How many of these were what you  
term trifling cases?

Bung cold

Did you investigate the burning

of the Russian Embassy on

1-1-38.

Rate

## Mass Slaughter

Did you learn that at one time 1500 refugees were  
taken for the safety goes ~~their tanks~~ tied a  
group of 150-200 marched out & shot &  
their bodies thrown into a pond.

Patitch

###

R 2566-67

Did you make any investigation with regard  
to ~~some 30,000~~ to move the 1000 civilians

who were wounded & the death of 7 of your type  
on 16 Dec 1937 & <sup>shot by Japanese soldiers</sup> ~~showered down by machine~~  
~~gun fire~~ with machine guns

page 3898

Did you investigate the

case of 1300 civilians taken

from the refugee camps on Dec 15

roped together in groups &

marched off & shot.

Fitch

R 4461-

4463

---

300 Palaniemen taken on

Dec 15 from the military prison

and ~~was~~ marched to the West gate

of the city where a group of 1700

Chinese were assembled by Japanese

soldiers forced thru the gate &

shot by machine guns.

2604-5

Wu chong etc

Did you investigate the  
shooting of over 5000

former soldiers by the jay troops

on Dec 16 after they had

been warned of heading to

Shiakwon on the bank of the

Yangtze River

Capt Ling.

R 3370-3373

Watsui entered Hankow Dec. 17 <sup>Drum Point Entry</sup>  
ceremonial services for Seoul Dec 18 - memorial service

Watsui  
# 257

R 3459

## TSUKAMOTO

Gen Tanaka  
to want speak with

Has testified before Pless. 1. Was in Hankow 17 or 18 Dec 37  
city # 1938.

2. not certain but his idea cases  
examined in Dec 37 Jan 38 around 10. E

Hankow fell on 13 Dec 1937 did I not?

When did Gen Watsui enter Hankow - (17-Dec)

When did Gen Watsui call together all of his officers

as stated in the 6th # of your affidavit?

Where did this ~~conference~~ take place?

What unlawful acts of soldiers did  
he say had been committed.

nature & extent of these acts?

From whom did Gen Watsui obtain his  
information about the unlawful act?

~~Rafel~~  
~~Memoir~~

Did he not obtain this knowledge

from the Japanese Consulate ~~of~~ at Hankow

(Malini 51257 R3453)

It is not a fact that <sup>no</sup> Malini heard almost as soon as he  
entered Hankow that his troops  
had committed many outrages  
in Hankow.

Source: Japanese Diplomat  
The Consul at Hankow

[Matsumi 4, 257 R 3433]

He heard almost as soon as he entered  
Nanking that his troops had committed many  
outrages in Nanking.

Source - Japanese diplomat

the consul at Nanking

you state <sup>(R.S.)</sup> that ~~most~~ <sup>many</sup> of the cases you tried took place  
in the refugees quarters in Nanking ~~and~~  
were there operated by the Int Com for the  
Nanking Safety Zone.

Reports by this Committee

Did not this com. make <sup>almost</sup> daily reports to  
the consular authorities in Nanking from 16 Dec 37  
to 2 Feb 1938?

Did you know that in these reports  
there are set out 425 groups of  
cases many containing many or thirty  
different cases of rape & other crimes committed by  
Japanese troops.

Doc Peaking Safety  
4 3 2 3  

---

R 4536

Did not ~~Dr. Bates~~ Mr. Pabe the change  
that committee almost daily report in  
person to the Japanese authorities in  
Nanking as to the crimes committed by  
soldiers -

Did not ~~Dr. Bates~~ the change the  
committee file two protests nearly  
every day each containing a <sup>number</sup> of  
crimes committed by Japanese soldiers.

Smith R. 4457-8

Did not Dr. Bates almost daily for 3 weeks  
deliver to the Prof. Emberry a typed report giving  
the crimes of which he had knowledge which  
occurred the previous day.

Bates 2639



Did not Mr Bates also hold frequent  
conversations with the consul T Fokui

Mr Consul TANAKA and

FUKUDA, Toyoyasu

Bates 2638

As if ~~you know~~ a fact that these  
official continually promise that  
the situation would be corrected

that they at no time denies the  
necessity of these report  
Synth 44578  
Synth "

Although Consul Gen Hiroba testified  
that these report were sent to the  
army in Nanking - you never  
heard of them?

R 21453

And it was your duty to prosecute  
all crimes committed by the soldiers  
in Hankow?

Inceduaries - (unlawful <sup>cases</sup> burning)  
~~mass murder cases~~ 7 3 28

Bates  
2635-8

Did you investigate the burning by Jap  
soldiers of the Y. M. C. A. Bldg.

Mayer  
3920

Did you investigate the burning by  
Jap soldiers of the burning of the  
building of the Episcopal mission

" Same - Christian Disciples mission

Same the burning of church  
building & missions schools in Hankow.

By U.

~~177~~

When did the nucleus be-  
g of the atom's & what  
did he fear.

Did you advise the Japanese army that they were entitled to search out former soldiers of the Chinese army who had thrown away their arms and shoot them?

Do you know that this was being systematically done by parties commanded by officers? If you did so advise us what was the ground for this advice?

MR. 5/6/47

ERRATA SHEET

Def. Doc, No. 1074.

Change the tittle " List of Those Who Violated Military Discipline" of P.4 to " List of Those Who Violated Morality".

witness TSUKAMOTO

辯護側書證第 1 0 7 4 號

六頁ノ表題 「軍紀違反者一覽表」ヲ「風紀違反者一覽表」ト訂正願ヒマス

(pen a check on Lt Col. Otsuka / 2)

Atty advises this was in  
JLH - wants to  
put in affidavit.

5-1-

~~Discipline out working~~  
~~Infraction is punishment~~  
~~List of names used.~~

1. Object to section 3 -  
Document not proper

Connections by unit

Def. Doc. #1074

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

RAKI, Sadao, et al

E 2548

R 21561

Sworn Deposition

Deponent :- TSUKAMOTO, Hirotsugu.

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 live at No. 2546, Kichijoji, Musashino-machi, Tokyo. In January 1944, I had a slight attack of apoplexy. Since then I have had difficulty in walking and have been recuperating myself at home.

2. I had been a military judiciary till August 1943, when I retired.

My career in the Shanghai Expeditionary Force is briefly as follows:

Aug. 15, 1937 appointed Chief of No. 10 Army Judicial Department.

Aug. 30, 1937, judiciary of the Shanghai Expeditionary Force, prosecutor of the same.

Feb. 9, 1938, prosecutor, preliminary judge and judge of the Central China Expeditionary Force.

Jan. 1939, returned home.

3. I remember having counter signed, as chief of the Judicial Department, the instructions issued by Commander Matsui about September, 1937 on landing at Shanghai, calling the attention of all the troops under

not signed for by unit

P. signed + instructions issued

... strict maintenance of military discipline and public morals, but the full text of the instructions is not in my hands now.

4. With the close of battles a round Shanghai and the commencement of our army's pursuit of the Chinese forces, I became much more pressed with work as the Chief of the Judicial Department. After entering Nanking I was occupied much in the same way. On the very day of formal entry into the city, I remember having tried some four cases.

when

5. I am convinced that I was strict enough to punish those who violated the military discipline, in compliance with the order of Commander Matsui and in conformity with the Field Service Regulations.

So strict was the attitude of the Judicial Department of the Shanghai Expeditionary Force that sharp comments were some times made by some units on our severe punishment and our close examination into even slight offences. Such criticism was made known to me by Lt. Col. Otsuka, member of the Judicial Department, War Ministry, when he visited to establish communication with us. However, I carried out my judicial duties strictly in accordance with the military criminal law and in compliance with the intentions of Commander Matsui.

when

6. After the entry into Nanking, unlawful acts were committed by Japanese troops, and I remember having examined into these cases.

how many

when

I also remember Commander Matsui calling all officers together and telling them of the occurrence of such cases and giving strict orders for the maintenance of military discipline with the greatest severity.

7. I list at the end of this affidavit the names of those whom I punished, which I wrote down in my note. But I think there are still more names which were left out. In any case, I reported to the

Excluded

Judicial Bureau of War Ministry all the cases, names of persons, and kinds of punishment which had been handled by The Judicial Section of the Shanghai Expeditionary Force, and those records would clarify the details. The records, however, have been burnt down and so the details are not available now. But, according to my memory, that report consisted of 6 sheets of 20-line ruled paper, so I am sure that I dealt with at least 120 cases.

8. Four or five officers were involved in the above cases, and the rest were mostly trifling ones committed by privates. The kinds of crimes were chiefly plunder, ~~theft~~ <sup>rape & whor</sup>, ~~etc~~ <sup>while</sup> the cases of ~~rape~~ <sup>theft</sup> and injury were few, and the cases of death caused by those very few, to the best of my knowledge. I remember there were a few murder cases, but have no memory of having punished incendiaries or dealt with mass slaughter criminals. The above crimes were committed at different places, but a considerable number of cases, I believe, took place in the refugees' quarters in Nanking.

9. The Judicial Department had no right of carrying out search for crimes. The criminals were sent to Judicial Section, after search and arrest by the M.P. directly attached to the Army H.Q. Then we collected evidence, based on which they were prosecuted.

What about the reported cases??

- 3 -

How many M/Ps in Nanking

How many troops

w.c. Matsumoto's demand for

murdered Doc 1075 - 1 million

Reports & authorities, w.c. Doc Nanking Safety zone Complaint 740



Def. Dox. #1074

*Morality*

LIST OF THOSE WHO VIOLATED ~~MILITARY DISCIPLINE.~~

*What does that mean?*

Sept. 1937 --- Feb. 1938

MIYAURA, ---

YASUDA, Tei

SAKURAI, Tadashi

TSUCHIDA, Hisashi

SAKAKI, Rokusaburo

FUKIWARA, Yasuo

SHINAGAWA, Hatsuo

NOMIYAMA, ---

SOMA, Kyojiro

ISOBE, Toshitaka

YAMASEKO, Zensuko

SHIDETSUGU, Sanoyoshi

KAMINISHI, Seiichi

ISHIKAWA, Seiji

OHNISHI, Takoji

YAMAMOTO, Seiki

YOSHIDA, Seiji

TODA, ---

ITO, Kinosuke

HIROSAKI, Kenkichi

TAKAHASHI, Tomoichi

YOKOUCHI, Miyao

TSUJIMOTO, Masao

ONO, ---

and one other

FUJII, ---

HIASA, Yoshizo

KATSURAMURA, Tadaichi

NOCHIZUKI, Gunpei

SUZUKI, Seiji

TODOROKI, Takaharu

TSUNEOKA, Riichi

OHNISHI, Etsuji

KURITA, Kazuo

UEMURA, Ken

HOMMA, Kichitaro

FUKUZAWA, ---

SATO, ---

UEDA, Ichiro

KITAHARA, Kakuichi

AIKAWA, Gozo

and ten others,

10

TAMAKI, Tōtarō.

*41 names  
11 others*

*52 in all*

On this 26th day of February, 1947,

at Tokyo

DEPONENT /s/ TSUKAMOTO, Hirotsugu (

Def. Doc. #1074

I, ITO, Kiyoshi 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/ ITO, Kiyoshi (seal)

OATH

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

/s/ TSUKAMOTO, Hirotsugu (seal)

MEMORANDUM FOR: Mr. Sutton; Mr. Edwards

2 May 1947

FROM : EDWARD P. MONAGHAN, Acting Chief  
Investigative Division, IPS

SUBJECT : Defense Witness

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

DEFENDANT - General

WITNESS

TSUKAMOTO, Hirotsugu

LIST OF MATERIAL AVAILABLE

Memo for the file

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

Incl  
(Described above)

*E P M*  
EDWARD P. MONAGHAN

371

Report by: H. Shimojima

2 May 1947

Memo for the file:

SUBJECT: TSUKAMOTO, Hirotsugu

Check of IPS Case File reveal no information regarding Subject.

1 May 1947

MEMORANDUM FOR: Mr. Sutton; Mr. Edwards

FROM : EDWARD P. MONAGHAN, Acting Chief  
Investigative Division, IPS

SUBJECT : Defense Witness

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

DEFENDANT - General

WITNESS

TSUKAMOTO, Hirotsugu

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)

*E P M*  
EDWARD P. MONAGHAN