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CPENING STATEMENT KILURA -- Individual Phase



Mr. President and Members of the Tribunal:

Evidence will be presented for General KILURA to show that he was Chief of Staff of the Lwantung army from October 22, 1940 until April 10, 1941 and not from October 1939 to October 1940 as alleged by the prosecution. It will also be shown that KIMURA was actually in Manchuria as Chief of Staff for about four months only. It will be shown that while he was in Manchuria he had no connection with Germany.

There will be presented a statement made by the man in the best position to know, namely, General TOJO, to the effect that KIMURA did not take any interest in politics, economics or diplomacy. That KIMURA while Vice War Minister did not formulate policies, nor advise in their formulation. That he acted only under prescribed regulations and assisted the War Minister on purely administrative matters. This statement will also show that important decisions were not made by KIMURA and that matters concerning the treatment of prisoners of war were decided by the War Minister and orders concerning such issued in the name of the Vice War Minister. It will be shown that the authorities and responsibilities of the Vice War Minister were not increased after TOJO became concurrently War Minister and Prime Minister.

Following this there will be presented affidavits of men who held positions in the War Ministry and Navy Ministry.

They will explain in detail the way administrative matters were

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handled by the Vice War Minister. It will be shown that KIMURA concentrated his energy chiefly on ordnance administrative matters and at the same time endeavored to establish and maintain harmony in the Ministry. It will be shown that important orders issued by the War Ministry were preceded by the words, "As the Minister has decided so I send this note by order."

assistant to the Minister concerning military administrative affairs, but not concerning state affairs. That he could not have had authority in state matters unless authorized by the Emperor.

Although a prosecution witness has already testified that the Vice War Minister had no authority to command, appoint, dismiss or punish the Chiefs of Bureaus and Departments, evidence will be produced to verify these facts by defense witnesses. One affidavit will show that a Vice Minister has no authority to direct, command or cancel the business specially assigned to each of the Bureaus and Divisions.

Concerning the trial of the "Doolittle Flyers" it will conclusively shown that KIMURA was not responsible for any decision in connection with this matter. However, since the prosecution has stated that "he personally issued the order for the death penalty on captured airmen", we will offer evidence to show the kind of trial contemplated by the War Ministry. This might more properly be used in other individual phases but is being offered now since the Tribunal has indicated an interest in the form of trial.

Evidence will be offered to show that the advice of counsel was sought by the War Ministry concerning the revision of the Prisoner of War Punishment Act.

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SEMBA, Tsutomu, the men who drafted the "Note of Utilizing the Manchurian Machine Tool Company for the Purpose of Urgent Aerial Maintenance" will testify that they had no intention of using the Manchurian Tool Company in the production of arms and in fact did not do so.

TANAKA, Tadakatsu, will testify that much of KIMURA's time was taken in attending ceremonial and routine matters. He will also testify that KIMURA was not materially concerned with the drafting of the revision of the Prisoner of War Punishment Act. He will further testify that KIMURA had nothing to do with the drafting of the instruction by the War Minister to the Zentsuji Division concerning the treatment of Prisoners of War on May 30, 1942.

Since the prosecution has gone so far afield in citing exhibit numbers in which they charge KIMURA as being responsible for alleged atrocities in particular, we have found it necessary to take up all of the exhibits that deal with the Burma Area atrocities even though KIMURA was there only a short time.

It will be shown that there were other Japanese troops in the Burma Area besides those under KIMURA's command. ICHIDA, Jiro, will testify that no report of the alleged atrocities in Burma was ever received by the Burma Area Army headquarters. It will be shown that the Commander of the Burma Area Army had nothing to do with the Mergui-Kirihkan Road. Some evidence has already been introduced in the general defense and in the individual defense of other accused which is also defensive matter for KIMURA. For instance, it was shown that the treatment of prisoners of war and civilian internees in the Burma Area was generally good during the time that General KIMURA was in command. It was also shown that letters of thanks were received

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from former prisoners of war.

Although KIMURA is named in the conspiracy counts, no proof has been made that he did anything more than any loyal soldier would have done when his country was at war or was preparing for war. Hence there is nothing for us to answer concerning the alleged conspiracy.

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か迄

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