

ERRATA SHEET

(MJTO)

5 Nov. 1947

Def. Doc. 2679, Affidavit of MJTO, Akira:

Page 1, para. numbered 4, line 1, "Military Affairs Section" should read: "Military Administration Section"

Page 2, para. numbered 5, line 4 and 5, "In August of the same year" should read: "In August of 1936"

Page 4, para. numbered 10, line 1, "in June 1938" should read: "in July 1938"

Page 5, line 2, "Information Section" should read: "Intelligence Division"

Page 8, line 1, "of the Emperor could not be" should read: "of the Emperor on 6 September could not be"

Page 8, para. numbered 16, line 12, "can not execute" should read: "can not meet"

Page 9, para. numbered 18, lines 9 and 10; 13 and 14; 17; 27, "the Bureau of Intelligence" should read: "the Intelligence Division"

Page 11, para. numbered 21, line 7, "latter part of March 1940" should read: "latter part of June 1940"

Page 11, 7th line from bottom, "I resigned my position" should read: "I left my position"

Page 13, para. numbered 25, line 1, "also testified that TOJO opposed himself" should read: "also testified that he opposed himself"

Page 13, para. numbered 25, line 26, "War Ministry indicates" should read: "War Ministry (Exhibit #74) indicates"

Page 14, para. numbered 29, line 17 and 18, "the War Prisoners' Control Department" should read: "the War Prisoners' Administration Department"

Page 14, para. numbered 29, line 26, "became complicated and the battlefield" should read: "became complicated as the battlefield"

Page 15, line 16, "that I ever had any protest regarding" should read: "that there was any protest at all regarding"

Page 17, 12th line from bottom, "for all his best efforts, he had completely" should read: "for all his best efforts, in the extremely difficult conditions, he had completely"

Page 20, para. numbered 39, line 24, "were less than 1,800 tons" should read: "were only 1,800 tons"

Page 21, para. numbered 41, line 4, "of Japan" should be in brackets, that is, "(of Japan)"

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

UNITED STATES OF AMERICA, et al

-vs

ARAKI, Sadao, et al

SWORN DEPOSITION (Translation)

DEPONENT: MUTO, Akira

1. From 1922, a lieutenant at that time, I served at the office of Inspector General of Military Training and was engaged in revision of drill manuals, drill standards, etc., in accordance with changes in tactics after the first world war. My service there continued until 1929 though I became ill in January of 1928. From that time I was in poor health and spent half of the year of 1929 on sick leave. In December of the same year, however, I was ordered to enter the Staff College as a post-graduate student. What is called the post-graduate plan at the Staff College is the system under which ten officers are selected from among majors and lieutenant-colonels who have already graduated from the college, for the purpose of studying higher strategy and tactics for one year. My rank at that time was that of major. My assignment was to study the fundamental thoughts of Clausewitz and Sun-tzu in order to make a comparison between European and Oriental thought in the matters of tactics and strategy. Such being the case, concerning the incident in which Field Marshal CHANG, So-lin was killed by a bomb at Mukden at that time, I learned it only through newspapers.
2. In November of 1930, I was attached to the General Staff and ordered to serve at the 2nd Section there, which corresponded to G-2 in the U. S. Army. However, as I was still not in good health, I took a more-or-less leisurely post at the European post there. In August of 1931, I was transferred to the 1st Section to do work on line of communications matters. At that time, the Chief of the General Staff attempted to revise the regulations concerning line of communications matters on the basis of experiences during the First World War and, as the work was not yet finished, he ordered me to make the compilation.

Meanwhile, the so-called Manchurian Incident broke out in September of the same year and the General Staff was in a tension for a while. However, the strength which was actually ordered to move was only one brigade, despatched from Korea to reinforce the Kwantung Army, so we, in the line of communications branch, were not especially busy, and I could continue my work of compiling the regulations on line of communications business. My work continued to March 1932. On completion of my work I was ordered to serve at the 2nd Branch again. I learned that a society called "Sakurakai" existed at that time, but I was not a member of it, nor had I anything to do with it.
3. In March of 1934, I was transferred to the 1st Infantry Regiment. Prior to this, in August 1933, I was promoted to lieutenant colonel. As it was provided that a regimental commander should be a colonel, I acted there as an assistant for the Regimental Commander.
4. Next, I was transferred to the Military Affairs Section, Military Affairs Bureau, War Ministry, in March of 1935 and was there until June of the following year, during which period, concurrently with my regular duties, I taught about army institutions as a tutor in the Army College. During this period an incident I especially remember was a riot by young officers which broke out on February 26th of that year. They murdered several senior statesmen and occupied the buildings of the War Ministry, the General Staff, the Diet, the Metropolitan Police, etc. At that time I

worked hard, day and night, as a member of the staff of the War Ministry for suppression of the riot and dealing with the aftermath of the incident. I further learned that my name was listed in the second assassination list afterwards. This was because I had hitherto opposed the movement of the young officers.

5. In June of 1936, I was appointed a staff officer of the Kwantung Army and put in charge of information as Chief of the Second Section, the Operations Department of the same army. My service as such staff officer continued up to March 1937 or approximately eight months. In August of the same year I was promoted to colonel. TANAKA, Ryukichi, who has appeared as a witness before this Tribunal, was at that time my subordinate as a senior lieutenant colonel.
6. In March 1937, I was transferred to the General Staff and came to take charge of operation, organization, mobilization, etc., as Chief of the Second Section under the command of the Chief of the First Division. However, it was in the middle part of March that I arrived at my post, when the operation plan for 1937 had already been drawn up. So I made a study of the following year's plan.

As to the operations plan concerning China at that time -- in regard to that, I have found that my answer to the interrogation made by the prosecutor was incorrectly understood in that I was supposed to have answered to the prosecutor as if there had been at that time a unified operational plan for an over-all war against China. The operational plan with regard to China, as to which I spoke at the time, was the plan for a partial despatch of armed forces to China for protection of Japanese residents in North or Central China. Therefore, when an incident broke out in North China in July of 1937, the said plan could not be put into practice. What the General Staff had planned was merely reinforcement of the Japanese Stationing Forces in China to protect Japanese residents in case an incident broke out in and around Peking and Tientsin. However, the situation was completely different, and it became necessary to make another study of it. I took these tasks by order of my director.

7. In the latter part of October, 1937, I went to Shanghai under the order of the Chief of Staff, to observe the military situation of the Japanese Expeditionary Army there. While I was making this observation trip there, around November 4, the Tenth Army, under command of Lt. General YANAGAWA, landed at Hangchow Bay according to the plan of the General Staff; and at the same time the Headquarters of the Central China Area Army was established, and General MATSUI, the Commander in Chief of the Expeditionary Army at Shanghai, came to hold simultaneously the post of Commander in Chief of the Central China Area Army and to command concurrently the Expeditionary Army at Shanghai and the Tenth Army. I was appointed an Assistant Chief of Staff for General MATSUI without returning to Tokyo.

The operations duties of General MATSUI were to protect the lives and property of Japanese residents by driving back the Chinese forces around Shanghai, and the operational area was the delta in the east, from the line connecting Fushan, Soochow and Chiahsing. His duties were accomplished around 23 or 24 November.

8. By that time, General MATSUI had not yet been given the function of occupying Nanking. It was the first of December that the order to occupy Nanking was received from the Imperial Headquarters. Then General MATSUI ordered the Expeditionary Army at Shanghai and the Tenth Army to proceed to attack Nanking. The headquarters of General MATSUI was in the suburbs of Shanghai City, and went forward to Soochow around 5 December. It was around 7 December that the newly appointed Commander in Chief took over,

and General MATSUI was relieved as Commander in Chief of the Expeditionary Army at Shanghai and thus came to act solely as Commander in-Chief of the Central China Area Army.

Receiving, about 8 December, the report that our vanguards had advanced over the line of Mapanshan and were approaching Nanking, General MATSUI gave orders as follows:

- (1) The first line shall remain within a limit of 3 or 4 kilometers outside the city of Nanking.
- (2) In order to advise the guards in the city of Nanking to surrender, leaflets would be scattered by airplanes.
- (3) If the Chinese forces surrender, both armies (the Expeditionary Army at Shanghai and the Tenth Army) shall have two or three battalions selected from each division to enter the city of Nanking, and they shall take charge of preserving public peace in the areas allotted to them, and the main forces shall remain outside the city of Nanking. Foreign rights and interests, specially indicated, shall be protected.
- (4) In case the Chinese forces should not surrender by noon of 10 December, the city of Nanking shall be attacked; provided, however, that even in such case the units to enter the city shall act in accordance with the preceding items, maintain strict military discipline and morale, and secure the public peace quickly.

These orders were delivered to the headquarters of both armies by Chief of Staff TSUKADA, who went personally to both offices, accompanied by two or three staff officers. As the Chinese forces did not surrender, the attack on Nanking was started from the noon of the 10th and Japanese forces advanced into Nanking over the castle-wall on the 13th.

General MATSUI, who had already become ill at Shanghai, was still not in good condition after he went forward to Foochow, so I arranged to remain at Foochow, taking care of the General. However, he had to participate, as the Supreme Commander of the Army, with the Supreme Commander of the Navy, in the formal entry to be held on 17 December. Then an airfield was built hurriedly in paddy-fields in the suburbs of Soochow, and he went to Koujung by a small airplane on 15 December and then got to Tangshuichen by car.

After the formal entry at Nanking was held on 17 December, General MATSUI heard for the first time from Chief of Staff TSUKADA that most of the units had entered the city against the commander's order; that, following the entry of the units, plunder and rape cases occurred there. Concerning this matter, it is stated in the prosecutors' interrogatory to me that General MATSUI had been blamed by his staff for these cases, but this is complete misinterpretation. I meant that General MATSUI himself got very angry at these cases, by the honorific expression in Japanese as follows: "Sore o kiite Matsui taisho ga okorareta." (TN: This means "General MATSUI got angry to hear it.")

General MATSUI ordered both commanders to withdraw promptly out of the city all forces except the strength necessary for guard of Nanking, and strictly to maintain military discipline and morale. I understand that both commanders executed this order. However, the withdrawal of the units out of the city of Nanking was delayed a little, because Chinese forces were burning buildings, calling such actions "Cleaning Operations"; and besides there was little water to drink.

My office, as mentioned above, was Assistant Chief of Staff of the Central China Area Army. The functions of Assistant Chief of Staff (which are provided for in the Higher Headquarters Service Regulations) were to assist the Chief of Staff and chiefly to act as an intermediary to coordinate work of other organs, etc. in replacement of personnel, supplies or provisions, arms and ammunition, etc. so that these matters might be carried out smoothly. The Assistant Chief of Staff was partial assistant for the Chief of Staff and had no power to make a decision at all. Moreover, the duties were not to maintain military discipline and morale. During my stay at Nanking I made investigations, by order of the Chief-of-Staff, on the camping capacity outside the city of Nanking, and engaged in the work of withdrawing the soldiers from the city.

Now, as for General MATSUI, after he stayed at Nanking for four or five days -- it was my wrong recollection that I answered to the interrogation of the prosecutor that he stayed there for a week -- he, followed by staff officers, returned to the headquarters at Shanghai about December 21. I also went back to Shanghai. It was because he had another duty of reducing Hangchow. After the formal entry at Nanking, General YANAGAWA, the Commander of the Tenth Army, turned and forwarded his army to Hangchow, and the 101st Division which remained near Shanghai was also marching toward Hangchow. Therefore General MATSUI returned hurriedly to Shanghai to command these forces. The Chinese forces at Hangchow retreated without fighting, so Japanese forces captured it without bloodshed about December 24.

9. Towards the first part of February 1938, the Imperial Headquarters reduced the strength of Japanese forces in Central China to about six divisions, abolished the Central China Area Army, the Expeditionary Army at Shanghai and the Tenth Army, and left only the Expeditionary Army in Central China. Then General MATSUI, H.I.H. ASAKA, Lt. General YANAGAWA and a majority of staff officers returned home and General HATA came as the new Commander in Chief. I remained there as Assistant Chief of Staff for General HATA.
10. Early in June 1938 I was transferred to the post of Vice Chief of Staff of the North China Area Army, left the Central China Expeditionary Forces, and moved to Peiping. I remained at the post until October 1939. Count 46 takes up the attack on Canton on 21 October 1938 and charges me on this account. However, the attack was carried out by a unit which had no relation with the North China Area Army, and I had no connection with it. The same can be said about the attack on the city of Hankow which took place around 27 October 1938 and which is mentioned in Count 47. I had nothing to do with that, likewise. The "Khalkin-Gol" River case which occurred in the summer of 1939 and which appears in Count 26 is a case which I had no connection with, because it broke out when I was still attached to the North China Area Army in Peiping, and because it was carried out by a unit which had no connection with the North China Area Army.
11. In October 1939, I took office as Chief of the Military Affairs Bureau of the War Ministry, and, at the same time or immediately after, was appointed Chief Secretary of the Supreme War Council and secretaries or councillors of about ten kinds. But these concurrent posts were those which automatically followed the position of the Chief of the Military Affairs Bureau, and no special implications are attached to it.

I occupied the post of Chief of the Military Affairs Bureau from October 1939 to April 1942, but no changes were perceivable as for the duties of the Military Affairs Bureau during this period. But in July 1940, after the Second KONOE Cabinet was formed, the authority of the Cabinet Information Board was strengthened, and such things as censorship of matters

connected with the Army, which had hitherto been carried out by the Information Section of the War Ministry, were all transferred to the new Cabinet Information Board.

12. Even when I took office as the Chief of the Military Affairs Bureau, I knew nothing of political or diplomatic problems. However, as I had previously served in Central and North China for about two years, I had some opinions concerning Chinese affairs. It was my tentative opinion that among the five hundred million people in China, there was rising a racial consciousness of tremendous vigor, and now the China Incident was assuming the form of racial war; that its nucleus was Mr. CHANG, Kai-shek; that the Chinese questions would not be solved with the old views maintained regarding China by the so-called experts on China; that the longer the China Incident continued, the harder the settlement would be; that we should work out at once a plan of solution to deal with the CHANG Regime, breaking the past impasse and to harmonize the relations between Japan, the United States and Britain.

I had no special connections with the National Policy Institute. Only from what my predecessor told me, I regarded the institute as a middle-of-the-road organization of intellectual civilians, beneficial because it permitted knowing the opinions of civilian circles. Although Mr. YATSUGI, the Chief Secretary of the Institute Society, gave evidence that I had addressed the institute a few times, this is his erroneous memory. Never once did I show up there to make an address. Indeed, I was asked time and again to address the group after I returned from China, but I refused. Only once -- I remember it was around February or March 1940 I was invited to luncheon by the leaders of the group, and went there. Then, after lunch, I was strongly requested to speak something and stated my personal opinions concerning China, for about ten minutes. This is the only time when I have ever visited the institute. Concerning the National Policy Institute, there was another affair, which I shall mention. Though I do not remember the date clearly, Baron OKURA paid a visit to me in the autumn of 1941 and after explaining about the financial difficulties of the National Policy Institute, made a request for subsidies from the Foreign, War and Navy Ministries. Then in accordance with the procedure to be followed when we receive a request of the kind, I told the Vice Minister about it, and he approved it, and then the subsidies amounting to ¥20,000 were granted. I do not know for what purpose the money was used. Furthermore, I do not know anything about the research documents on the Greater East Asia Co-prosperity Sphere, which were prepared by the institute; and, of course, I have never seen them. However, if such documents were prepared, they must have been done after I left Tokyo in April 1942.

The Liaison Conference was a liaison conference as the term denotes, the purpose of which was to promote understanding between the government and the Supreme Command and to bring about harmony between government business and the Supreme Command. I attended it in the capacity of a secretary. The secretary's duties were to prepare and arrange for the Liaison Conference topics for discussion, chosen by my superiors, and, if necessary, to prepare explanatory notes or to bring persons to explain. In the Liaison Conference, when opinions of all the members were unanimous, they were to sign the decisions, but the secretary had no capacity to do so. I attended the Imperial Conference, but that was also in the capacity of a secretary. The secretary of the Imperial Conference had less business than that of the Liaison Conference, and his duties were merely to distribute to the seats of the members the documents which were prepared by the respective organs in charge.

I also attended the Inquiry Commission Conference of the Privy Council, but in the capacity of an explainer. Primarily, policy matters were to be explained by the Minister. However, in case the explanation should go

into details, necessitating explanations of practical and technical nature, the so-called explainer made the explanation on behalf of the Minister. But, as a matter of fact, I never made an explanation there.

As stated above, I attended the Liaison Conference, the Imperial Conference and the Conference of the Privy Council as secretary or explainer, but automatically, from duty, without any special intent. If any reasons were to be forcibly sought, the only reason would be that I was the Chief of the Military Affairs Bureau. Whoever assumed the post of the Chief of the Military Affairs Bureau, had to attend these conferences. I never took part in the discussions, and, of course, I was not to sign any decisions reached there.

13. Exhibit No. 2243 presented by the International Prosecution Section is an excerpt from the articles which reported the address delivered by me in the Committee of Accounts of the Diet on March 20, 1940. It is, however, quite different from what I said. First of all, its title was quite different from its contents, and so I will give an account of the circumstances at the time.

The Committee of Accounts consisted of ten members. The Chief of the Accountant's Bureau was accustomed to take charge of its explanation, but one of those members called for the Minister's attendance. When they were informed that the War Minister had just attended the Committee of Budgets, it was said that it was quite enough if the Chief of the Military Affairs Bureau would attend in his stead. For this reason, I attended the committee.

As Mr. HAMAJI, a member of the Diet, delivered an eloquent address from a draft he had prepared, I made a reply.

The prosecutors charged that my answer showed disapproval of political parties, denial of liberalism and insistence on totalitarianism.

I was of the opinion that, as can be seen in the shorthand records of proceedings (Def. Doc. #2734), political parties, officials and professional officers should go shoulder to shoulder, thus to tide over the national crisis. Far from opposing political parties, I was earnestly hoping for their sound development.

What Mr. HAMAJI said then was that we should adopt "totalitarianism". On the contrary, I replied that totalitarianism indeed prevailed over Europe, but we Japanese should be based on the idea of national polity or national constitution proper to this country. I stated that, though my ignorance prevented me from expressing it accurately, the term "kokutaishugi", that is, the principle of Japanese national constitution or national polity, would in all probability hold good in this country.

In regard to the denial of liberalism, I replied that inasmuch as the erroneous liberalism based on the selfish individualism should be done away with at a time when our nation was confronted with a crisis, we should not strive for our own interests so much as for the advantages of our country.

In addition to this, though Mr. HAMAJI bluntly criticized officials, the military, and the political parties, I replied that what must be reformed on due reflection must be reformed, adding that as we had willingness to introspect regarding reforms, what was worthwhile to reform among the Army's attitudes, we wished them to speak out whatever fault it might be. In response to my answer as mentioned above, he expressed gratitude, stating that he was much delighted to find plainly these opinions on the part of the Army.

14. I engaged myself under instruction of the War Minister, on routine work in the Japanese-American negotiations. I deemed it necessary to lead the U.S.-Japanese negotiations to a successful conclusion; the reason had a close bearing on the fact that I inferred that the Japanese people, who had been called upon to tighten their belts ever since the Manchurian Incident, were fed up with the China Incident.

Japan was impatient for a speedy winding up of the incident, but to our great regret, we found the joint assistance given by the U.S.A. and Great Britain to the Chungking Regime had prevented us from doing so. If matters should be left to take their own course, Japan had no other way but to be faced with a grave crisis. If, however, the U.S.-Japanese negotiations should be brought to a successful conclusion, to the contrary, the relations among Japan, Britain and the United States would not only be adjusted, but what is still better, the China Incident would come to a settlement; (thus, Japan would be saved).

The possibility of a successful conclusion of the negotiations sometimes changed for better or for worse, but none-the-less we cherished a gleam of hope until the end of November, 1941.

The Army's opinion regarding the Japanese-American negotiations was framed by mutual agreement between the War Minister and the Chief of the General Staff. The decision was not, therefore, solely at the hand of the War Minister. It was because of the peculiarity of the structure of the Army. In other words, when the Army disclosed its views on foreign policies, it did so from the angle of national defense and military tactics. The General Staff Office studied and made plans on the basis of the international news and information collected by them. The War Minister, having no such international intelligence organs, made his arguments chiefly from the angles of home politics, budget and materials. Only when the views of both sides were in agreement, was the opinion regarded as the foreign policy of the Army.

Concerning the problems which happened during the course of the negotiation, the General Staff and the War Minister often disagreed.

The liaison business between the War Ministry and the Foreign Office was done through the Chief of the Military Affairs Bureau and the Chief of the American Section of the Foreign Office. On that occasion, if the War Ministry's opinion was at divergence with that of the Foreign Office and the Naval Ministry, we used to study the opinion of the Army again from the beginning. Not a few times I made concessions within the scope of my duties on the occasions of conferences with the Naval Ministry and the Foreign Office. Especially about August 1941, when Japan made concessions one by one to America, I think I made such concessions. War Minister TOJO never reprimanded me for these compromises, although I was reprimanded sometimes by Minister TOJO on other matters, while I was always protested to by the General Staff. It was not rare that I was summoned to the General Staff Office and was required to make explanations. During the reverse and vicissitudes of the U. S.-Japan negotiations, public opinion became very strong; and some persons, including myself, were in danger of assassination. It was at this time that I was given a special military police guard, as was testified by TANAKA, Ryukichi.

15. On October 12, 1941, at KONOE's residence in Ogikubo, a discussion was held concerning the prospect of the Japan-American Conference by the Prime Minister, War Minister, Navy Minister, Foreign Minister, etc. I knew the fact on the following day. When the same problem was again discussed at the Cabinet Conference on 14 October, Minister TOJO had contended he would not make any bit of concession concerning the problem of military occupation of China in the Japan-American Conference; that is to say, the decision of

the Council in the presence of the Emperor could not be altered, which caused a headlong collision between TOJO and Premier KONOYE as well as Foreign Minister TOYODA. And so the resignation of the Cabinet en bloc was said to be probable. I also learned that Naval Minister OIKAWA had expressed his desire to leave all the matters in the hands of the Premier. I lost no time in getting in touch with the General Staff Office and made a query as follows: the Naval Minister's proposal of leaving the matters all in the hand of the Premier might be interpreted as the Naval Ministry's evasion of opening hostilities, having altered the September 6 decision. Whether the Army should also have to alter its attitude, considering the Navy's main part to be played in the war against America, the answer given by the General Staff Office was that it would not change its attitude, as the Naval Staff Office was not inclined to change the September 6 decision any more than ever.

At this, I guessed that the issue was the divergence of opinion between the Government and the Supreme Command, and if so, the question would remain as ever unsettled, even if the KONOYE Cabinet should resign en bloc. So long as the question lies there, it could not be settled, no matter how often the Cabinet should be changed. Premier KONOYE should assume the responsibility of solving the problem by himself rather than resigning. To this end, it was necessary for the Naval Minister to disclose his real intention. Thus, War Minister TOJO would be able to obtain the understanding of the General Staff Office. These were my thoughts at that moment. Then I called on Chief Cabinet Secretary TOMITA in the afternoon of the 14th of the same month and told him my views as stated above, for half an hour, desiring his tactful handling of the matter. But the attempt to get the Naval Ministry to express their wish against war proved unsuccessful after all. This was immediately reported to War Minister TOJO.

16. According to the testimony of Lt. General TANAKA, Shinichi, the operations plan which the General Staff maps out can not be determined without the consent of the War Minister. It might be so interpreted, but really it is not so. As a matter of fact, the operations plan is the most important duty of the General Staff, and the War Minister can not interfere with the plan itself. Only it is a question whether or not the War Minister can provide the personnel, materials and money necessary for making the plan practical. If the War Minister can not guarantee the execution of their request, the General Staff makes new plans so far as the War Minister can give his assurance. The operations plan is, naturally, apt to be an idealistic one, so that it is quite usual that the personnel and materials it requires should be so big that the War Minister can not execute the original plan.

General TANAKA, Shinichi, also testified that the War Minister, War Vice Minister and Directors of Bureaus signed the order which the Chief of the General Staff issued to the front line units to be prepared for war. The Chief of the General Staff has the authority to give order to front-line units to be prepared for war, but from the viewpoint of diplomacy and supply of material, it is necessary to inform that fact to the War Ministry. In order to speed up the procedure, therefore, it was the rule to send up a draft of telegram to the War Ministry to obtain signatures of the officers concerned. General TANAKA testified to this fact. But whether the signature and seal of the Military Affairs Bureau Chief is on it has no decisive meaning, as TANAKA's testimony shows.

17. The Conference of Directors of Bureaus is a meeting in the War Ministry, in which each Director reports to the Minister and Vice Minister the present state of business in his charge and makes it known to the others, thus to smooth the liaison of business. In order to get the Minister's sanction on some matters, it was the general rule that a Director of Bureau

should, at first, obtain approval of the Vice Minister and then present them to the Minister for his sanction. But there were some cases where the Minister orally passed decision on some matters at the aforesaid Conference, and in such cases it was the rule to submit documents afterwards for formal sanction.

Since August, 1941 I sometimes reported the progress of Japanese-American negotiations at the Conference. However, at the Conference I only reported what had been determined in the Liaison Conference or in the Conference in the Imperial presence, and never have I stated my own opinion. It was testified by TANAKA, Ryukichi, that at the Directors' Conference about November 29, 1941, I had expressed my opinion about the interruption of the U. S.-Japan negotiations after the receipt of the Hull note on 26 November. I deny it absolutely.

18. TANAKA testified that the control of newspapers was one of the functions of the Information Section of the Bureau of Military Affairs, but this is not correct. The Information Section belonged to the Imperial Headquarters, and the Bureau of Military Affairs merely took charge of editing the "Tsuwamono", a weekly for the Army, and the supervision of compiling occasional pamphlets. The information Section came into being after the Imperial Headquarters was established in December, 1937; and it was made to belong to the Headquarters, and so it was not under the Chief of the Bureau of Military Affairs. In the Ministry of War, however, the Bureau of Intelligence was still left, though reduced. As the building of the Imperial Headquarters, the General Staff Office, was small, the above-mentioned Information Section of the Imperial Headquarters was located in the building of the Ministry of War, together with the Bureau of Intelligence of the Ministry of War. Perhaps this misled TANAKA to the aforesaid statement. Moreover, soon after the second KONOE Cabinet was organized, all the censorship and control of the newspapers and magazines relating to the Army, of which the Bureau of Intelligence of the Ministry of War had been taking charge, came to be administered in the Bureau of Intelligence of the Cabinet. Announcement of the situations of war from time to time and the propaganda towards the enemy were the functions of the Information Section of the Imperial Headquarters.

As I stated above, the Chief of the Information Section of the Imperial Headquarters was not at all controlled as such by the Chief of the Bureau of Military Affairs, but as to editing the "tsuwamono", above-mentioned military weekly, and compilation of the pamphlets, explaining the current topics for the use of military education, he was under the Chief of the Bureau of Military Affairs, as the Chief of the Bureau of Intelligence of the Ministry of War.

19. TANAKA, Ryukichi, former Chief of the Military Service Bureau, testified that when I sat with him at a luncheon or a banquet, I talked with him about international problems. But at such a meeting I was never inclined to take up a serious problem and discuss it. I never talked seriously with him on any occasion about such problems; much less did I say that Japan, under the conclusion of the Tripartite Alliance, must establish a new order in East Asia in concert with the attempt of Germany and Italy to build up a new order in Europe. In this connection, TANAKA himself admitted in this Court that he had not heard anything about it from me.

He however testified that in the Military Affairs Bureau there had existed a consistent view or policy favoring the Tripartite Alliance since the ABE Cabinet, and that he was aware of it by taking a side-view as Chief of the Bureau or the Section of Military Service. (But TANAKA could not show on what grounds he came to such a conclusion.) I entirely deny his statement. It was in the middle of October, 1939, that is, at the time of the ABE Cabinet, that I took office as Chief of the Military Affairs Bureau.

What I then learned was that at the time of the HIRANUMA Cabinet, before the ABE Cabinet, the Army hoped for the conclusion of the Tripartite Alliance between Japan, Germany and Italy and made an effort to materialize it, but it resulted in failure owing to the non-aggression pact concluded between Germany and the Soviet Union. Japan's feeling at that time was that she had been deceived by Germany and that such upstarts as Hitler and Mussolini could not be trusted. I am one of those who thought so.

My opinion regarding Germany and Italy was that the national strength of those states was not as strong as was propagated; (that Hitler was but a first-grade private in the First World War and Mussolini was then a sergeant); that whatever a bold attempt they might make, and even if they should fail in it, they could be satisfied with it, as it could make them heroes of the age, while such was not applicable to the Japanese statesmen; and that if once they failed, they would spoil the glory of a national polity having a history of three thousand years; and that for this reason, it was dangerous for Japan to conclude an alliance with Hitler and Mussolini. Whenever I talked with advocates for concluding the Tripartite Alliance, I told them the above-mentioned opinion of mine. Once, when I told it to a German aviation officer, Colonel Groner, he nodded with a smile, for he was not a member of the Nazi Party.

September 1939 war broke out between Britain and Germany. In the latter part of May of the next year, Germany won the victory of Dunkirk by so-called lightning operations. At that time it was generally believed among the Japanese that Germany would get the final victory. Again prevailed the advocacy among such people for concluding the Tripartite Alliance. But I predicted that the war between Britain and Germany would prove to be a protracted one, so I doubted that Germany would get the final victory. There were many reasons for it. Speaking first of Germany, the following reasons could be mentioned: that the German air force was not as sufficient as was propagated; that Germany had not preparations enough to cross the Strait; that her naval force was inferior to that of Great Britain. As for Britain, there were the following factors: Britain's naval strength was overwhelmingly superior to that of Germany; according to reports of Lt. General TATSUMI, the British people held a rather calm attitude; Premier CHURCHILL frankly admitted Britain's "Defeat at Dunkirk"; the United States would give her positive help to Britain. Summing up these points, the conclusion I came to was that the advance of the German forces would come to a stop on the coastline, and while they remained there, Britain would find time enough to make a rally; in the long run, Hitler would come to fail in conquering Britain, just as Napoleon had failed. On this point, I frequently talked with Colonel IWAKURO, Chief of the War Affairs Section. He, I think, is well aware of this talk of mine.

20. TANAKA, Ryukichi, testified that the resignation en bloc of the YONAI Cabinet was due to the fact that HATA, Minister of War, offered a proposal regarding the conclusion of the Tripartite Alliance (which TANAKA said was supported by the ^{Military Affairs} Bureau) but it did not come to a unanimous agreement, so that HATA resigned. It was, however, quite wrong. There was no request during HATA's tenure of office that the government conclude the Tripartite Alliance. The YONAI Cabinet adopted a policy not to intervene in the European War, and HATA, Minister of War, also supported it. Then, why did HATA tender his resignation which caused the YONAI Cabinet to resign en bloc? That was due to the following circumstance: At that time, the General Staff was so eager for settling the China Affair as soon as possible that it offered a proposal to have Germany intervene between us, and further urged the War Minister to solidify the national structure in order to cope with any possible situation in world events. To these demands of the General Staff, the YONAI Cabinet did not return any earnest response. Prince KONOE, who at that time resigned his position as President of the Privy Council, started a new party movement with a view to improving internal affairs.

The enhanced YONAI Cabinet became all the more unpopular with the public. Just at that time, for about ten days between the latter part of June 1940 and the beginning of July of that year, I was away from the War Ministry, because I served on a reception committee for the Manchukuo Emperor. Then I came back to the Ministry, when I saw official correspondence sent to the War Minister from the Chief of the General Staff, to the effect that a proper step should be taken to tide over the emergency. It was an expression of a very strong intention that such a form was used in dealing with those matters.

HATA, Minister of War, was very anxious to solve the matter as mentioned above, but it did not go as expected, and he was placed in a delicate position between the General Staff Office and the Government, and at last was obliged to resign. As far as I knew, his resignation was not at all due to disagreement regarding the conclusion of the Tripartite Alliance.

21. Interviews with foreign military attachés was one of the duties of the Military Affairs Bureau. Hence, I frequently received a call from them. As for the talk that is indicated in Exhibit No. 523, it is, I suppose, what I talked about when I received a call from the German military attaché; because I never called foreign military attachés myself to come to the Ministry. When I see the date regarding the matter in the exhibit, it proves to be the latter part of March 1940. That was just the time when there was an opinion that Japan should ask Germany to intervene in settling the China Affair. So I assume that the talk must have referred to that matter, sounding the German attitude. The words "Japan has interest in French Indo-China problems" probably, I am convinced, concerned the fact that at that time both Governments of Japan and France had come to a mutual understanding regarding a ban on transportation of materials to the Chungking Regime and that the Inspection Corps started for French Indo-China under Major General NISHIHARA. This was not my personal opinion, but a description of what was then really going on.
22. At the time when TOJO entered the KONOE Cabinet as Minister of War, the Army had the following opinions about diplomacy: The main object of diplomacy should be the settling of the China Affair; as for the other diplomatic problems, elastic constructive diplomacy should be carried on with a view to attaining that object. That was as was shown in the political programme of the KONOE Cabinet. Therefore, the diplomatic policy was not so limited as to require a conclusion of the Tripartite Alliance. Then, why was the Tripartite Alliance so rapidly concluded in September, shortly after the KONOE Cabinet had been formed in July? It was entirely due to the fact that Foreign Minister MATSUOKA took such an active part. MATSUOKA, Foreign Minister, with a great confidence in his capacity of diplomacy, carried out a drastic reform of his Ministry and pushed himself forward on his belief, without giving ear to any other person's opinion. It was also due to his sole activity that the Tripartite Alliance was so rapidly concluded. I had no knowledge of the significance of the pact until I heard the Chief of the Treaty Bureau explain the text of the Tripartite Pact at the Inquiry Commission of the Privy Council. In this Court I first learned that I had been suggested for an order by German Ambassador OTT to the German Government for the reason that I endeavored for good relations between Japan and Germany. The date of the telegram from Ambassador OTT regarding the decoration was the middle of May 1942 after I resigned my position as Chief of the Military Affairs Bureau. According to international usages, this kind of affair was practised by a mutual exchange of proposals. Therefore, Germany, I believe, was informed of my name by the War Ministry for the reason that I had been at that time Chief of the Military Affairs Bureau. But as I mentioned above, I have never seen the decoration that may have been granted to me.

23. From October 1939 to April 1942 I held the position of Chief of the Military Affairs Bureau. For about one year and eight months of that period (from July 1940 to April 1942), I was under TOJO, Minister of War. In response to the inquiry of the Prosecution, I was interpreted as if I answered to the effect that the War Minister came to my office to ask my opinion. This is a big misinterpretation. A minister never came to a director's office.

I could express my opinion to General TOJO in his capacity as War Minister, but I was not allowed to do that to General TOJO in his capacity as Prime Minister. He drew a clear line between the function of the Prime Minister and that of the Minister of War; therefore, as far as the function of the Prime Minister was concerned, he did not adopt any opinion of the staff of the War Ministry.

It seems to have been contended by the Prosecution that in case of disagreeing with the Minister of War, I could resign my position (in reply to the Defense's motion to dismiss). It was, however, prohibited for the Japanese military to resign or leave the service for the reason of their disagreeing with their superiors.

Only in case of illness, were they permitted to do so. TANAKA, Ryukichi, testified in this Court that he knew someone who had resigned his position as Chief of the Military Affairs Bureau for such a reason as is mentioned above. I wonder whom on earth he mentioned by saying so. I also know that there was an instance in which someone did not follow the order of the War Minister, and the Army authorities transferred him with a disciplinary object. It was, however, the worst instance. As a matter of military discipline, it was not to be excused. As for transfer, while I served as Chief of the Military Affairs Bureau, soon after TOJO took office as Minister of War, I frequently asked the Chief of the Personnel Bureau to transfer me. In the latter part of October 1941, after the TOJO Cabinet was formed, I expressed my desire for transfer at a meeting attended by the Minister of War, Vice Minister of War and the Chief of the Personnel Bureau. But every time it was not adopted.

24. TANAKA, Ryukichi, spoke of me as a statesman. But it was a sarcasm peculiar to him. He once rebuked me, saying that I was too business-like. My personal history shows clearly that I had never made a study of politics and diplomacy and had no experience in those affairs until I took office as Chief of the Military Affairs Bureau. But after having the position, I made, as a matter of duty, a study of political and diplomatic problems which came up. My views were sometimes adopted by the Minister and sometimes not. TANAKA testified that General TOJO had scarcely any sense of politics and diplomacy and no experience in those affairs, so he adopted my opinion about them. This was his dogmatic opinion, contrary to the fact. TANAKA once served in China and held the position of Chief of the Military Intelligence Organ there, but he overestimated his experience and regards himself as if he had a sense and experience about politics and diplomacy. I felt quite disgusted to hear his speaking from such a viewpoint of General TOJO before some civilians. He was quite wrong in his criticism of General TOJO. Needless to say, General TOJO, being a military man, had no political experience. But he was such a hard worker that he studied anything concerning politics and formed his opinion about it. He was not in the least a person who would blindly obey such an opinion as mine. This can be easily seen from the fact that for more than two years after I was transferred he steered through difficult political situations as Prime Minister.

It was at the busiest time after the outbreak of the Pacific War that I was transferred.

25. TANAKA, Ryukichi also testified that TOJO opposed himself to the political intervention of military men, especially of the Military Affairs Bureau. TANAKA added that the political intervention of military men was prohibited by the Japanese Constitution. First of all, he was wrong in his statement that it was prescribed in the Constitution. The Constitution contains no such provision. Speaking of legal basis for it, they are as follows: Military men in active service have no franchise nor eligibility for election; Military Criminal Law restricts the freedom of political speech and association of military men in active service; the Imperial Rescript granted by the Emperor Meiji to military and naval men in 1882 admonishes that military men should perform their duties without intervening in politics. (The last Imperial Rescript was what the Emperor Meiji granted to military and naval men in order to admonish them because those who participated in the Meiji Restoration was agitated owing to a political trend.) Military men should, as is mentioned above, not intervene in politics. However, the War Minister can and must take part in politics. It is because the War Minister has the power to attend the Cabinet Conference as a Minister of State, and is actually thus a statesman. However, the War Minister must carry out the matters decided upon by the Cabinet Conference. For this purpose, it is necessary to have a political affair machinery. The Military Affairs Bureau is the very machinery which deals with these political affairs. The function of the Military Affairs Bureau consists in carrying on such political affairs and not in politics itself. If the bureau was not allowed to carry on such political affairs, the War Minister as politician would prove to be functionless. For this reason, the organization of the War Ministry indicates clearly that liaison business with the Diet is one of the duties of the Military Affairs Section of the Military Affairs Bureau.

On this point, I was never protested to by TANAKA, Chief of the Military Service Bureau. Whereas, I was quite surprised to hear his making a self-righteous statement in this Court about military men's intervention in politics. Contrary to his testimony, I remember that he made so many speeches and actions regarding politics, which did not belong to his duties as Chief of the Military Service Bureau, that I advised him to abstain from doing them. He was not only my former subordinate, but also a friend of mine, so I gave him advise (without deliberate consideration) but it was in vain. Soon after that, a rumor prevailed among the public that MUTO and TANAKA had had a quarrel, so that I was greatly annoyed. It is true that about 1941 I objected to his attending the Diet in session as a Government Commissioner. That was due to the following reason: In the War Ministry, explanations and replies in the Diet were prepared beforehand and approved by the War Minister so that there might not be any inconsistency or misunderstanding in replies to interpellations. That was the same in every ministry. But TANAKA would have a bold utterance of his own accord. This might have amused the members of the Diet and made the newspapers lively, but it was the Military Affairs Bureau that was annoyed by facing a protest against it from other ministries and the General Staff.

26. On December 8, 1941, when the Pacific War broke out, TOJO, Minister of War, delivered an address to all the staff of the War Ministry. Just before TOJO's delivering the address, TANAKA, Chief of the Military Service Bureau, came up to me and said "With this war, TOJO has become a hero." "If Japan should be defeated;" I retorted, "Japan's national polity would be changed. Consequently, far from being called 'hero', TOJO might be blamed for 'high treason'." However, I remember I deeply regretted that I had told him that the national polity might be changed if Japan was defeated. In this connection, I remember also that on that day or the following day, TOMINAGA, Chief of Personnel Bureau, told me, "What a man TANAKA is, to tell me that TOJO will become a hero! I accused TANAKA of his imprudence in such a serious affair of our State as if it were a personal problem of TOJO's." But he testified in this Court that I myself had said so. Whereas,

according to TANAKA's testimony in the Court, the utterances of TANAKA and myself were contrariwise stated. I cannot understand his motive.

27. Furthermore, TANAKA, Ryukichi testified that about the 9th of December, 1941, when I talked with the chiefs of other bureaus at a luncheon about the progress of negotiations between Japan and America, I said that the visit of Ambassador KURUSU to America and the sending of the TATSUTA MARU had been a sort of camouflage before the war. There is no reason I have said such a thing. I absolutely did not say that. As for the visit of Ambassador KURUSU to America, I also heard it had been suggested as a step sincerely taken for Japan-American negotiations by Foreign Minister TOGO at the request of Ambassador NOMURA and had been decided upon after his consultation with TOJO, Prime Minister, as was testified in this Tribunal. Regarding the sending of the TATSUTA MARU, however, it had no connection with the War Minister and I knew nothing about the details of its despatch. Since the war broke out, there prevailed mysterious stories or rumors considered true among the general public. I believe the matters regarding Ambassador KURUSU and the TATSUTA MARU might have been among them. I am sure TANAKA testified, connecting, of his own accord, matters regarding myself with those rumors.
28. The Prosecution's deposition of Exhibit No. 2240 indicates that I answered that I had made a draft of the Imperial Rescript regarding the Declaration of War together with HOSHINO, Chief Secretary, and OKA, Chief of the Military Affairs Bureau of the Navy. That was a mistake. The fact was that I and OKA only offered reference materials for the Rescript to HOSHINO, Chief Secretary. Such an Imperial Rescript was, as a principle, to be prepared in the Cabinet. The Cabinet made a draft of it.
29. In the Japanese Government, the general control of war prisoners was under the charge of the War Minister. And collateral matters as to war prisoners, such as, free transportation by rail, free mail service and free exchange service, were under the charge of the respective Ministers concerned. It did not mean, however, that war prisoners came under the control of the Minister of War as soon as they were delivered to the Japanese Army. At first, the Commander of the Army or Navy^{who} took war prisoners in the front should examine them, make a list of the war prisoners and report them to the Imperial Headquarters. Then the Imperial Headquarters should report them to the Minister of War, who should show in turn the location and capacity of the proper camp to Imperial Headquarters. The Imperial Headquarters should arrange for the transport of the war prisoners to the camp indicated by the War Minister. War prisoners would be under the charge of the War Minister for the first time when this transportation was completed.

In the past wars, the Minister of War had the War Prisoners' Intelligence Bureau and the War Prisoners' Camps as the organs for controlling war prisoners. In the Great East Asia War, however, the War Prisoners' Control Department was newly organized in the Ministry of War. The reason why the War Prisoners' Control Department was created this time was due to the following facts: In past wars, namely, the Russo-Japanese War and World War I, the business concerning war prisoners was comparatively simple, as the battlefields were limited to either Manchuria or Tsingtao, and the number of war prisoners was few; so that the competent bureaus of the War Ministry, with the War Prisoners' Intelligence Bureau as the nucleus, were sufficient to transact the business. In the Pacific War, however, the business became complicated and the battlefield was wide and prisoners scattered over a wide area -- the said department was created for the sake of unifying the business.

The organization of the War Prisoners' Intelligence Bureau and the War Prisoners' Camp Ordinance were promulgated by Imperial orders toward the end of December of 1941. But the War Prisoners' Control Department was

established by the order of the War Minister toward the end of March 1942. These regulations, were drawn up at the Military Affairs Bureau to which I was then attached. However, the order of establishing the War Prisoners' Control Department was issued during my absence from duty, owing to my journey by order to the southern area. I was informed of it later.

I served as the Director of the Military Affairs Bureau until April of 1942, when any plan for taking in war prisoners was not yet laid. It was because there was no authentic report from the Imperial Headquarters; the questions whether it was right to transport the war prisoners taken in the southern tropics to the north in a cold season, whether there were any places and buildings suitable for the war prisoners' camps, etc. being under investigation. So it was not yet decided on at that time. The Shanghai and Zenzuji Camps were urgently set up, as the war prisoners taken by the navy forces were transported by boats.

As for the war prisoners' labour, no study had been made at all at that time. I have no recollection that I ever had any protest regarding the treatment of POW from any foreign countries during my tenure as director.

30. As to some exhibits. ---

- (1) Exhibit No. 2246 states that there were explanations of the international situation at the informal meeting of the war councillors on July 1, 1941. But I was absent from that meeting, because I was sick in bed.
- (2) I have never read the report of investigation made by the Provost Marshal concerning the airmen who had made an air raid on Japan on May 23, 1942, which is stated in Exhibit No. 2245. I was then no longer the Chief of the Bureau of Military Affairs, and, because I was not in Tokyo, it was not possible for me to read that report.
- (3) Exhibit No. 2247: I was in Sumatra at the time when the ceremony of awarding decorations was held in the German Embassy on October 1, 1942. And I have never had decorations from the German Ambassador.
- (4) Exhibit No. 476 includes a secret diary of the Imperial Headquarters concerning the incident of Singapore from February to March in 1942. But I have never seen such a document. As a matter of fact, an attendant of the Minister of War was not given a seat in the Imperial Headquarters. And also the secret diary of the Imperial Headquarters was not to be seen by an attendant of the Minister of War.

31. Regarding the treatment of war captives in China, the prosecutor produced my interrogation (Exh. No. 255) as evidence. The contents of that document were true. In October 1939, when I took charge as Director of the Military Affairs Bureau, it was already two years and three months after the outbreak of hostilities between Japan and China. During this period the captives in China were not treated as prisoners of war, and were therefore treated in a special way. Even the War Prisoners' Intelligence Bureau was not in existence. The Chinese operated on the same basis or theory as the Japanese did in regard to captives. Even after that time the Japanese Government never declared war, nor did she declare the existence of hostilities; hence, the treatment of war captives was carried on as it had been before. Accordingly, the war captives were never within the jurisdiction of the War Minister, and hence the Director of the Military Affairs Bureau had nothing to do with them. Further, I was never ordered to make a study of this matter by my superior officers.

32. I was ordered by the War Minister to go to the Southern Area of operations to observe the state of affairs there, scheduled for three weeks from about March 20, 1942. I made a tour of Formosa, Saigon, Bangkok, Rangoon, Singapore, Palembang, Java, Manila, etc. to learn of the conditions. I returned to Tokyo on April 12. When I arrived at the War Ministry about noon, Director of the Personnel Bureau TOMINAGA told me that there was the decision that I was transferred to be the Commander of the Imperial Guard Division stationed at Sumatra.

I was actually appointed the Commander of the Imperial Guard Division on April 20 and to the date of my departure in preparing for the departure, and I did no work as Director of the Military Affairs Bureau. I arrived at Medan on May 11 and placed the division under my command. In my 30 years life as a soldier, it was the first time that I ever had a responsible post with a certain decisive power, whereas the period ended when I was dispensed with from the duty of division commander in 1944.

33. My duty in Sumatra was to take charge of the defence of Northern Sumatra in accordance with the order from the 25th Army Commander. I took command of the Imperial Guard Division, of which one infantry regiment among three had been detached in Malaya as under the direct command of the 25th Army Commander.

As regards the military administration in this district, the organ under the direct control of the Commander, stationed at every province of Sumatra, was in charge of it. Between the military administration and the defence -- which was my duty -- a clear line was drawn.

Secondly, as for the control of war prisoners and internees, the control war prisoners had been, when I arrived there, handed over to the Commander and was under the charge of the officer despatched by the Commander. The ordinary enemy aliens were interned by the military administration organs. It was, accordingly, no part of my duty to superintend the affairs concerning war prisoners and internees. The growing activity of the British forces on the Indian Ocean reduced my area of defence into Patanori Province, East Coast Province and Achie Province in the northern end of Sumatra after April 1943, and afterwards into Achie Province and East Coast Province from the beginning of 1944.

while I was in office in Sumatra, there were no hostilities and, accordingly, no war prisoners taken.

I never employed war prisoners for labour. Within my area of defence, however, there were many forces beyond my command, such as air units, oil-drilling corps, shipping corps, supply corps under direct control of the 25th Army Commander, naval forces, etc. Certain corps among them were employing war prisoners for labour.

It was not my duty to defend the camps of either war prisoners or internees. My duty was general defence of Northern Sumatra, without including special defence, namely immediate guard of the war prisoners' camps and many supply warehouses, etc.

34. As for troubles with native inhabitants, though I received reports from regimental chiefs on punishment of my subordinate soldiers, all of these related to the cases inside my army. I remember, as an only case having anything to do with native inhabitants, there was a love affair between a certain first-grade private and a native girl. After my arrival at my post, I ordered everyone, including myself, attached to the Imperial Guard Division, to put a mark, red cherry-blossoms on a white patch, on the left breast, so even native inhabitants could recognize at a glance anyone of

the Imperial Guard Division. They called us the "Cherry Corps". Even with such identification, I heard of no complaint neither from the military administration organization part nor from the native inhabitants about my division.

Having been appointed the Chief of the Staff of the 14th Area Army, I left Medan for the Philippine Islands on October 12, 1944.

35. I arrived at Port McKinley in the suburbs of Manila City as the Chief of the Staff of the 14th Area Army on the night of October 20, 1944.

As regards the general condition of the Philippine Islands at that time, the U. S. Army landed at Leyte Island on October 18, before General YAMASHITA, who had arrived there only early in October, became well acquainted with the state of the islands. The 16th Division defending the island seemed to have been routed at a stroke, and reported nothing about the situation; and the whole Philippine Islands, especially, Luzon Island, with hardly any fortifications, were plunged into a chaos. The alleged atrocities during my time in the Philippine Islands occurred in the chaotic war situation.

General YAMASHITA's duty was to take charge of the defence of the Philippine Islands in accordance with the command of Field Marshal TERAUCHI, the Commander in Chief of the Southern General Army; for that purpose, expecting the U. S. Army possibly to invade the Southern Philippines, to make preparations for decisive battles, for the present, with the naval and air forces; and, in Luzon Island, with the military forces; and to cooperate with the air and naval forces in the Philippine Islands in carrying out operations. Field Marshal TERAUCHI was then at Manila and later removed to Saigon, on November 17, 1944.

The above duty of General YAMASHITA was suddenly altered. It was due to the order from the Southern General Army Headquarters given about October 12 or 13 which said, "The 14th Area Army shall destroy the enemy invading Leyte Island with the maximum strength of the Army forces, in cooperation with the naval and air forces." Up to that time, the operation plan was that, in case the U. S. Army should invade the Southern Philippines, only the 35th Army stationed in its vicinity would participate in the decisive battles to be fought by the naval and air forces. Therefore, as nothing had been prepared for transporting the army forces from Luzon Island, we hastily set to arrangements of ships, escort by the air and naval forces, picking out the necessary force from the garrison in Luzon Island and provisions of munitions and food, in order to observe the above command. Nevertheless, after the air and naval forces were frustrated in the decisive battles about October 24 or 25, the command of the air and sea of the Southern Philippines fell to the enemy's hands. As a result, though more than 50,000 men in all were sent about seven times up to early in December, most of their ships were sunk except the transport ships of the 1st Division. Thus, early in December, General YAMASHITA could only acknowledge the fact that, for all his best efforts, he had completely failed in the decisive battle in Leyte.

As for the Luzon campaign, alterations were also made as to General YAMASHITA's duty. The Leyte operations, having called for forces from Luzon, emptied Luzon Island of its defence and completely spoiled the defence plan. Reinforcements of three divisions were sent from Japan, but one-half or one-third of their force was lost, being torpedoed or air-raided by the U. S. forces and barely the remnants arrived at Northern Luzon. In addition, they had no maneuvering power owing to their loss of automobiles, horses, etc. Such being the case, the Commander in Chief of the Southern General Army ordered General YAMASHITA to evade decisive battles and to assume the defensive persistently.

Thereupon, General YAMASHITA decided on the policy of evading decisive battles with the predominant U. S. forces in the plain, to restrict the enemy to Luzon as long as possible, taking advantage of mountainous regions and to delay the enemy's attack against Japan proper. For that purpose, the General took the following steps:

- A. To establish three main positions in the mountainous region east of Manila, in the mountains west of Clark Field and in the mountainous region in the vicinity of Baguio and Paletapas;
- B. As to Manila City, to disable the harbour facilities and, besides, to carry maximum munitions out of the city and then open the city and set it outside the battlefield;
- C. To defend against the landing U. S. Army, disposing a unit in the vicinity of Apari at the northern end of Luzon Island;
- D. To detach one unit to the Batangas Peninsula to delay the U. S. Army's rush toward the Manila district.

It was just after the U. S. force landed at San Jose in Mindoro Island on December 15 that this plan was shown.

The U. S. 6th Army under the command of General KRUGER finally landed at the Bay of Lingayen on January 9, 1945, followed by the 8th Army under the command of General BRONFELBERGER which landed on the southwestern part of Luzon Island. At that time, the Japanese Army had not yet completed their disposition. I could not but admire the U. S. Army, the enemy as they were, for their operations, since they landed on Leyte, in contrast with our expectation. Their cooperation between the air, naval and army forces was complete. Their army force, once they landed on Luzon, displayed really a great power of manoeuvre and fire. The Japanese forces found their command system instantly destroyed and, at last, were made to fight independently, taking up their individual positions. I learned after the war ended that the Japanese Army in every district fought well to the last in spite of their inferior equipment, especially, of shortage of provisions. But General YAMASHITA was defeated after all.

36. The communication functions of the Japanese Army in the Philippine campaign was extremely poor. The Supreme Commander in the Southern Philippines was Lt. General SUZUKI, Sosaku, the Commander of the 35th Army, who, after the U. S. Army landed on Leyte, removed his headquarters from Cebu to Ormoc. From then on, communications with the Lt. General became of the worst. After the U. S. forces occupied Ormoc early in December, communication was interrupted, except occasional short despatches via the 100th Division at Davao, Mindanao Island.

The traffic between YAMASHITA's headquarters at Baguio and YOKOYAMA's headquarters east of Manila was suspended (about January 13) after the U. S. Army landing at Lingayen on January 9 intercepted the Baguio-Manila Road.

Wireless was barely available until about May or June, though no telegram other than really important ones for operations was despatched, owing to the shortage of vacuum tubes and storage batteries.

As for the communication between YAMASHITA's headquarters and the headquarters at the west of Clark Field, wireless as well as land traffic was interrupted, since the U. S. Army charged into Clark Field about the middle of January. As a result, our knowledge of the state of that district became utterly uncertain. A telephone line was installed to connect our forces in the vicinity of the Bay of Lingayen, though it was in a condition

of being more broken than available, by aerial and land bombardment. With the forces in the vicinity of Palotebas, communication was made by wireless, which was also inadequate due to breakdown of instruments.

Such frequent breakdown of instruments as given above was due to the facts that, firstly, the communication equipment of our Army was originally inferior to that of the U. S. Army beyond comparison, and that, secondly, many of these instruments had been soaked in the sea, and were constantly broken. In addition, most persistent bombarding by the U. S. forces destroyed our instruments one after another. In such circumstances the commanding organizations of General YAMASHITA had been destroyed.

37. General YAMASHITA never ordered Manila City to be defended to the last. As his Chief of Staff, I was well acquainted with the General's intention. I was always with him, except the time when I went out to observe the front. Even if any order was given, during my absence, I did not fail to see it later. I can, therefore, tell for certain that such an order was in no case given. On the contrary, I once studied earnestly, by order of General YAMASHITA, how to make Manila City open. Having realized, however, that the matter was beyond the scope of the General's authority and could not be put in practice, he was at last resolved to place Manila City outside the battlefield.

It was largely owing to the following circumstances that, in spite of the above, the hostilities and accidents of violence to the citizens broke out practically within the city of Manila. On January 3, 1945, General YAMASHITA ordered Lieutenant General YOKOYAMA, the Commander of the 8th Division, to take command of the forces in the vicinity of Manila and, in order to command the operations in the district of the Bay of Lingayen, removed to Baguio. Then, on January 5, the Supreme Commander of the naval forces removed to Baguio, after investing Lieutenant General YOKOYAMA with the commanding power over the naval forces in the vicinity of Manila concerning their land fighting alone. After that, about February 10, General YAMASHITA, informed of hostilities being continued within the city, urged Lieutenant General YOKOYAMA immediately to withdraw these forces into the mountains east of Manila. However, Rear Admiral IWABUCHI, the Supreme Commander of the forces in the city of Manila, did not observe this, for reasons which I do not know. And they were annihilated at last. I learned from the investigation made after the war came to an end that, when the U. S. forces had invaded Manila City about February 4 or 5, approximately 1,800 men of the army force had remained there under the command of Rear Admiral IWABUCHI and the naval force had amounted to some 20,000 strong.

38. There were many guerrilla forces in the Philippine Islands. After the termination of war, it was made public that the number of formal guerrillas reported to the Philippine Government was some 500,000. It is, however, unknown how many guerrilla besides the above either temporarily or continuously cooperated with them. They were so many that every native inhabitant seemed to be a guerrilla after the U. S. Army's landing. General YAMASHITA, about November 1944, ordered his men to attack armed guerrillas in view of increased guerrilla activity. Nevertheless, he by no means ordered any member of guerrilla or any collaborator to be sentenced to death without a trial. We, the staff, including General YAMASHITA, were utterly ignorant at that time of the news that, about February or March of 1945, some inhabitants were murdered (in Batangas district). General YAMASHITA received no report on it. Neither did General YAMASHITA receive any report about the atrocities alleged to have been committed in other parts of the Philippine Islands. A sole case was that, early in April, 1945, Tokyo ordered us to investigate into the actual state of affairs of violence against some Spanish club which took place in February in the city of Manila. General YAMASHITA ordered Lieutenant General YOKOYAMA to

investigate into it, which was not successful, owing to the total destruction of the Japanese forces in Manila City already toward the end of February.

39. The war prisoners and internees in the Philippine Islands were under the control of General YAMASHITA when I arrived at my post there (October 20, 1944). Practically speaking, however, the Caretaker of the War Prisoners' Camp at Manila City was dealing with them under the command of the Assistant Commissary General. No significant alteration was made, even after I arrived at my post, on the regulations about the treatment of war prisoners.

The ration of food, after being inquired into by the Chief of the Paymaster's Department, the Assistant Commissary General, etc., was decided to be varied according to the food condition in general, similar to that for the Japanese troops. The ration was successively decreased in Luzon. I have now no exact recollection of its details, but in fact the ration of rice was reduced from 400 grams to 300 grams toward the middle of November.

The reason was that the Philippine Islands, though originally an agricultural country, had been importing rice from French Indo-China and Siam even in ordinary times, and that, although the foodstuffs for the Japanese Army were entirely transported from French Indo-China and Siam too, the importation became difficult since the U. S. submarines suspended the traffic on the China Sea. Fortunately 10,000 tons rice came early in November, one-third of which was, however, decided to be put to immediate use for the Loyte operations. Towards early December, the reserved rice in the Supply Depot was released. The arrivals after December were less than 1,800 tons.

To cope with such food condition, we set to purchasing rice in the Central Philippines in cooperation with the Philippine Government. One of the reasons that General YAMASHITA disposed our main force to Northern Luzon was that the Kagayan Valley had overproduced rice. However, only a part of this plan was put into practice, when the U. S. Army landed on the Philippines. In consequence, we could not use the rice accumulated with such effort.

40. The procedure of transporting war prisoners to Japan was to begin with the receipt of order by the Commander, the controller of war prisoners, from the War Minister to the effect that such and such number of war prisoners should be sent to such and such place. The ships to transport them should be appointed by the Chief of the General Staff and be notified to the Shipping Commanders. Then the Commander should make preparations for transportation of war prisoners and make them take the appointed ships. They were out of the control of the Commander after they were made to go on board the ships in this way. I was informed, for the first time, of the fact that the ORYOKU MARU transported them in December 1944, when she was air-raided and took refuge in Orongapo about December 15. Let me explain why, until then, I, as the Chief of Staff, did not know about it. The said order for transporting the war prisoners had been issued prior to my arrival, and I heard that they were made to gather at Manila from the camps including that of Cabanatuan and the preparations were made. As the ships were appointed about December 12 or 13, the Assistant Commissary General and the Chief of the War Prisoners' Camp let them take ships in accordance with the order already received. So that it did not come to my knowledge. On being informed of the ORYOKU MARU's accident, General YAMASHITA ordered the Chief of the War Prisoners' Camp to rescue them as promptly as possible. I, on my part also, cooperated with the Chief of the War Prisoners' Camp, by order of General YAMASHITA, as to the arrangements for cars and trains, the transportation of food, etc. As at that time the U. S. Army landed on Midoro Island near Manila, the General was very busy.

But he did his best in spite of that.

41. In laying the plan for Luzon operations, consideration was given to the question of how to deal with war prisoners. As a result, General YAMASHITA decided on liberating the war prisoners and internees with a list of them through the state representing the rights and interests of Japan in case the U. S. Army should land on Luzon Island, and reported to the Commander in Chief of the Southern General Army to that effect. On the other hand, the Commander in Chief of the Southern General Army gave an advice to him that it was too early yet to do so. However, the regulation previously instructed by the Commander said, "War prisoners may be released in case the war situation should really necessitate it." It was, however, considered to be practically impossible to remove war prisoners and internees into the heart of mountains in the then circumstances in Luzon. Therefore, General YAMASHITA, judging the circumstances to be really unavoidable, decided to put it into practice and, about the middle of December, ordered the Chief of the War Prisoners' Camp to that effect. Then the chief immediately gathered the internees of the Baguio and Port McKinley Camps, and made preparations for releasing them, accumulating food reserve for a month.

It was for the first time that I learned, after the war was over, that the Chief of the War Prisoners' Camp, having been mistaken that the above-mentioned state representing the rights and interest meant the state which represents U.S.A., namely, Switzerland, whose agency was absent at that time from Manila, had dealt with the matter not through the medium of the representing state but that, as to other matters, he had taken such necessary steps as were possible for releasing them without causing hostilities.

42. We desired, for the sake of obtaining information of the enemy, to take war prisoners during hostilities. In the defensive fighting, however, it was too difficult to take war prisoners at all. Only one case was the capture of a flight officer in August, 1944, but General YAMASHITA, learning that the officer's attitude was so admirable, ordered him to be sent back to the front of the U. S. Army. Later, Major General GUILL, the Commander of the U. S. 32nd Division, informed us of his safe return.
43. In accordance with the Imperial Headquarters' command, I surrendered myself, together with General YAMASHITA, on September 3, 1945.

General YAMASHITA at no time released command of the Army on account of illness or any other reason. Neither was he ever absent, during the Philippine operations, from duty on an official trip to Japan or the Southern General Army Headquarters. I was always with the General and heard any report with him, to save time. I was fully acquainted with General YAMASHITA's intentions. He never issued orders against international laws nor orders against humanity. He also never permitted nor connived at the misconduct of his subordinates when he knew of them. Under these difficult conditions, General YAMASHITA took all possible precautions to prevent atrocities.

44. I attended as a witness the trial of General YAMASHITA. As for myself, I was often examined as a war criminal suspect. Towards the end of March 1946, however, I learned from Captain CARTER, the Chief of the camp, that I was "clear" of the crime. I was told to that effect by a certain lieutenant, a member of the War Crimes Investigation Committee.

On this 23rd day of October, 1947

At Ichigaya, Tokyo

DEPONENT: MUTO, Akira (seal)

We, OKAMOTO, Shoichi, HARA, Seiji, and SAEKI, Chihiro,
hereby certify that the above statement was sworn by the Deponent,
who affixed his signature and seal thereto in the presence of these
witnesses.

On the same date

At Ichigaya, Tokyo

/s/

Witnesses: OKAMOTO, Shoichi (seal)

HARA, Seiji (seal)

SAEKI, Chihiro (seal)

OATH

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

/s/ Akira Muto (seal)