

Page

DIRECT EXAMINATION OF FUHA, Hiroshi,
by Mr. Warren.

28722 * The witness identified and verified exhibit
28723 3186 as his affidavit. * The witness stated that among
his various positions during the recent war, he was staff
officer of the 7th Area Army from July 1944 until April,
1945. The 7th Area Army was organized 15 April, 1944,
under the Southern General Army, and its first commander
was the accused DOIHARA, who held this post from April
1944 to April, 1945, when it was taken over by ITAGAKI.

Command jurisdiction of the 7th Army was Malaya,
Sumatra, Java, and British Borneo. Borneo was divided into
British and Dutch areas. At first the army was charged
with preserving peace in the British area and the navy with
that in the Dutch area. The 24th Army had no jurisdiction
whatsoever over the latter area. The Borneo garrison, a
part of the 7th Army, was the unit responsible.

28724 * Repeated attacks in New Guinea by Allied forces
increased alarm, and in fact most parts of New Guinea were
conquered. Need for general reorganization became urgent,
and in August, 1944, the Borneo Garrison was reorganized
into the 37th Army and withdrawn from under the command of
the 7th Army. The 7th Army commander had no further re-
sponsibility, and no command over its operations. This
move resulted in the removal of all things relating to
British Borneo from 7th Army command as of August 1944.

28725 * At no time was any POW camp within the juris-
diction of the 7th Army. They were always under the
control of the Southern Army. The commander of the Southern
Army, TERAUCHI, controlled the administration of the camps
and placed responsibility upon the camp commanders. In
areas such as the territorial jurisdiction covered by the
7th Army, intermediate commanders had no responsibility
in the administration of POWs and were not authorized to
and could not issue any orders concerning them. Their
responsibility was functional and not administrative.
Their duty was limited to security to guard POW camps,
or take measures to safeguard them from the enemy. They
had no voice in camp administration or treatment of POWs.
When speaking of intermediate commanders, he spoke with
reference to security channels only, and not to command
channels.

Page

In the chain of security command, there is first the Commander of the Southern Army, the Commander of the Area Army, and the Commander of a subordinate army or garrison. An intermediate commander would be the army commander, and not the army area commander. The chart which he incorporated as a part of his affidavit showing command and security channels depicts this.

28727

Full responsibility for administration and treatment of POWs was under the Southern Army Commander. Security of POW camps was the responsibility of the army or garrison commander, and the army area commander had no responsibility or authority whatsoever. The Southern Army Commander, in addition to reserving direct administration and treatment of POWs, also reserved ship transportation and naval and army aerial units. These units and services even located within the territorial jurisdiction of an area army, were not subject to any command function exercised by the commander of the area army.

CROSS-EXAMINATION BY COLONEL MORNANE.

28728

The witness stated that his rank was lieutenant colonel when he was staff officer of the 7th Area Army, which had headquarters at Singapore. He remembered that on 23 October, 1944, as result of an agreement between army and navy authorities, command of the Andaman and Nicobar Islands went from the navy to the 29th Army, which was under the 7th District Army. It did not happen that by a similar agreement the army became responsible for the whole of Borneo. * In August, 1944, the defense of Borneo came under the jurisdiction of the Southern Army, but he knew nothing of what happened after that.

28729

It was suggested to the witness that the 37th Army was not formed until 12 October, but the witness stated that according to his recollection it was formed in August 1944, under the Southern Army. It was suggested to the witness that the 7th Army was formed on 27 March, but he stated he believed it was the 15th April, 1944. The district army was formed before he became a member of its staff, and he was relying on records since as to the formation of that army. * He had seen these records within the last three months, at 7th Army Headquarters in Singapore. Upon being re-asked if he had seen any of these records within the last three months, he stated he had not.

Page

28730 If the Central Liaison Office said the army was formed on 27 March, he would not be in a position to deny it. In regard to the normal functions of an area army in relation to the armies under it, * the area commander has power to give orders in relation to education, personnel, operations, supplies, etc. The area army does not have any troops apart from headquarters troops. The area commander would be directly responsible to the general army commander.

28732 * He was asked if there were any other cases where an army commander was directly responsible to the commander of the general army and not to the army area commander, and he stated POW camps had a special chain of command, and he knew of no other case. As far as administrative functions were concerned, the POW camp at Rangoon was not under the Burma area army. The Burma area army was the same as that of the 7th area army and other armies. To the witness was read a statement from article 3 of the ordinance of POW camps of December 23, 1941, saying that POW camps shall be administered by a commander of an army * or garrison commander under the general supervision of the War Minister. He was asked to reconcile the practice of the Southern Army Commander with regard to POWs with that article. The witness stated that provision applied to POW camps in the Japanese homeland. As for POW camps overseas, he believed it should be interpreted that the commander of the Southern Army was the one referred to.

28735 * Exhibit 3187, the affidavit of SANADA, Joichiro, stated that the affiant was Chief of the Military Section of the Military Affairs Bureau from 5 February, 1941, to 20 April, 1942, and during his tenure became familiar with the functions and operations of the Supreme War Council. The Council was an advisory body to the Emperor on important military affairs, but did not have authority to independently advise. It only advised upon the Emperor's request. When there was no draft of a subject for consultation presented by the Emperor, there could be no official Supreme War Conference. The Supreme War Council referred to in Appendix E of the Indictment as having been held on 30 June, 1941, and which was attended by the accused DOIHARA, was not an official conference because there was no draft of a subject by the Emperor. Consequently, there was no matter for consultation, and the members were not called upon to make any decision.

Page

28736

* The witness had personal knowledge of what occurred at that meeting, because the Director of the Military Affairs Bureau, MUTO, was ill and the witness attended in his behalf. At the meeting, War Minister TOJO made an opening address and was followed by Chief of Staff SUGIYAMA, who spoke on the conditions and prospects of the European War which had broken out between Germany and the Soviet on 22 June, 1941. During that meeting there was only the explanation of the international situation caused by the outbreak of the German-Russian war. There was no statement of opinion by the war councillors and no discussion concerning the Greater East Asia War, or the outbreak of a possible war between Japan and the U. S.

no objection

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

Burma

James Edward

SWORN DEPOSITION (Translation)

Deponent: FUHA, Hiroshi



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.

I, FUHA, Hiroshi, of lawful age, being first duly sworn in accordance with the customs in my country, depose and state as follows:

My name is FUHA, Hiroshi. During the recent war I held many positions as Staff Officer of various armies. I was appointed Staff Officer of the 15th Army on January 19, 1943, Staff Officer of the Burma Area Army on March 18, 1943, Staff Officer of the 7th Area Army on July 14, 1944, Staff Officer of the 1st General Army on April 6, 1945, and Staff Officer of the 12th Area Army on June 15, 1945.

I have been asked what I know concerning the organization, command responsibility and command channels, especially of the 7th Area Army, with which army I served as Staff Officer from July, 1944, until April, 1945. The 7th Area Army was organized April 15, 1944, under the Southern General Army, and its first Commander-in-Chief was the accused DOHIMARA, Kenji, who held this post from April, 1944, until April, 1945, when the command was taken over by General Itazaki, who held the post from April, 1945, until August, 1945. The command jurisdiction of the 7th Area Army was Malaya, Sumatra, Java and British Borneo. Borneo was divided into a British area and a Dutch area. In the beginning the army was charged with the preservation of peace in the British area and the Navy was charged with that in the Dutch area. Consequently the Army had no jurisdiction whatsoever over the Dutch area.

The Borneo garrison, a component of the 7th Area Army, was the unit directly responsible. However, repeated attacks in New Guinea by allied forces gave cause for increasing alarm and, in fact, they reconquered most parts of New Guinea. The need for general reorganization became of immediate urgency and the Borneo garrison was, in August, 1944, re-organized into the 37th Army and at the same time was withdrawn

Def. Doc. No. 2232

from the command of the 7th Area Army and placed under the direct command of the Southern Army. Consequently the commander of the 7th Area Army had no further responsibility and no direct command whatsoever over its operations and actions. This move resulted, of course, in the removal of all things relating to British Borneo from the command of the 7th Area Army as of August, 1944.

Moreover, at no time was any prisoner of war camp located within the territorial jurisdiction of the 7th Area Army ever under its control. They were always under the direct control of the Southern Army, which was a superior command to that of the 7th Area Army. The Commander-in-Chief of the Southern Army, Marshall Terauchi, controlled the administration of these camps and placed the responsibility for each camp directly upon the camp commander. Consequently, in areas such as the territorial jurisdiction covered by the 7th Area Army, the intermediate commanders and no responsibility whatsoever in respect to the administration of prisoners of war, and were not authorized to, and could not issue any order concerning them. Their only responsibility was a functional responsibility and not one of administration. Their duty was limited strictly to security; to guard the camps of prisoners of war, or take measures where necessary to safeguard them from enemy attack. They had no voice whatsoever in the administration of the camps or in the treatment of the prisoners of war. Perhaps I have not made myself clear in referring to intermediate commanders. In this particular instance I am speaking with reference to security channels only and have no reference whatsoever to command channels. In the chain of security command there is first, the Commander-in-Chief of the Southern Army, the Commander of the Area Army, and the Commander of a subordinate army or garrison. The intermediate commander to whom I have reference would be the commander of the army and not the commander of the Area Army. In order to clarify this affidavit, I have prepared a chart showing command channels and security channels only. This chart, which I incorporate as a part of my affidavit, clearly depicts the two channels to which I have made reference. The situation then boils down to this proposition. Full responsibility for the administration and treatment of prisoners of war was under the direct command of the Commander-in-Chief of the Southern Army. Security of prisoner of war camps was the direct responsibility of the army or garrison commander, as the case might be. The Area Army commander had no responsibility or authority whatsoever. The Commander-in-Chief of the Southern Army, in addition to reserving to himself the

Def. Doc. No. 2232

direct administration thereof and the treatment of the prisoners of war, also reserved to his command ship transportation and naval units and army aerial units, including air field service. These units and services, in addition to that of the prisoner of war camps, even if located within the territorial jurisdiction covered by an Area Army, were not in any manner subject to any command function of any kind exercised by the Commander of the Area Army.

On this 16 day of April, 1947.

At Tokyo.

DEPONENT /s/ KUHA, Hiroshi (seal)

I, ^{KATO}~~KUHA~~, Takahisa 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/ ^{KATO, Takahisa}~~FUHA, Takahira~~ (seal)

OATH

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

/s/ FUHA, Hiroshi (seal)

