

EXHIBIT No. 3065

(37)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

Sworn Deposition

Deponent: TAKITA, Toshitane

Having first duly sworn an oath as an attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

1. Q. Briefly state the posts held by you.

A. From July 1, 1935, to November 15, 1937, I was on the staff of Section One, Naval Affairs Bureau of the Navy Ministry, and had charge of matters connected with naval organization and personnel.

Thereafter I was staff officer of the fleet in the China waters, commander of the aircraft carrier "Soryu" and staff officer of the Second Fleet. After that from November 15, 1940, to July 14, 1942, I assumed the post of Chief of Section One, Naval Affairs Bureau, and had charge of matters relating to naval armament and naval administration.

After that I served as staff officer of the Third Fleet, staff officer of the Combined Fleet, commander on the staff of the Combined Fleet, and Assistant of chief staff of Naval Combined Forces. From May 15, 1945, up to the termination of the war I was Deputy Director, Naval Affairs Bureau of the Navy Ministry, and had charge of matters relating to the navy's preparation for war. I was a rear admiral when the war ended.

2. Q. What sort of office routine was handled in Section One, Naval Affairs Bureau of the Navy Ministry?

Def. Doc. #2128

- A. 1) Naval preparations and matters relating to general naval administration.  
2) Matters relating to warships, vessels, units, offices, and organization of schools and duties.  
3) Matters relating to organization of warships, ships and units and service duties.  
4) Matters relating to naval discipline and public morals.  
5) Matters relating to maneuvers.  
6) Matters relating to censorship.  
7) Matters relating to ceremonies, etiquette, regulations on uniforms and garniture.  
8) Matters relating to warships, vessels and ordnance and other war supplies in general.  
9) Matters relating to martial law and defense,

The foregoing are items provided for in the Regulations Pertaining to the Organization of the Navy Ministry, but the nature of the duties are set out in detail in the Regulations Pertaining to the Functions of the Navy Ministry. Also the contents thereof were also classified in detail in the Table of the Division of Duties Navy Ministry Personnel.

3. Q. Since December 8, 1941, what section in the Navy Ministry handled matters pertaining to prisoners of war?
- A. Section one of the Naval Affairs Bureau handled them.
4. Q. Were there any provision stating that matters relating to prisoners of war came within the jurisdiction of the Naval Affairs Bureau?
- A. The words "prisoners of war" were not particularly used in the Ordinance on Organization of Ministry of Navy and Regulations Pertaining to the Functions of the Navy Ministry. But since matters relating to prisoners of war were embraced within the general matters concerning naval administration, (a) the task of preparing a draft for the establishment or revision of the various regulations concerning the handling of P.O.W. (b) Liaison Work within Japan in connection with P.O.W. was undertaken by Section One Naval Affairs Bureau, and for that purpose regular personnel was assigned.

Furthermore, with respect to the handling of the prisoners of war as a matter of international routine affair, Section Two of the Naval Affairs Bureau acted as a reception organ.

Def. Doc. #2128

5. Q. What were the standard of rules and customs in the Navy upon which the prisoners of war were handled?

A. It was based on international law, which was the standard upon which the Navy handled prisoners of war.

Regulations Pertaining to the Treatment of Prisoners of War. These were the procedures provided for until the prisoners of war captured by the Navy were turned over to the army.

It had been the practice since the Meiji Era and there were various regulations pertaining to it for the Navy to turn over the prisoners of war captured by it to the Army, and they were interned in the prisoners of war camp under the control of the War Minister.

6. Q. What sort of concrete measures were taken by the Navy so that it could work on the basis of international law?

A. On October 7, 1914, the Rules of Naval Warfare were promulgated. Article One provides:

"During wartime the Imperial warships may, according to this order, or other rules, regulations and provisions of treaties, capture at sea, and take all necessary measures against other acts of hostility in order to attain the object of the war. With respect to matters which are not provided for herein, the principles of international law shall be applied."

These were the basic rules and regulations.

The Japanese Navy had been giving suitable lectures in connection with international law at various schools conforming with the educational standard of such schools. Moreover, specialists in international law were dispatched to the fleet and gave lectures there on.

There were two civil officials in the Navy who were conversant with international law, and they were attached to the secretariate of the Navy Minister. They handled matters relating to international relations, and the opinions of these civil officials were not only respected, but if it became necessary either one of them, or a specialist like Dr. Jumpei Shinobu was dispatched to the fleet and he gave the necessary advice in the

Def. Doc. #2128

disposition of questions involving international relations. After the outbreak of the China Incident the Navy Ministry frequently issued reference books advisory memorandum, telegrams of warning, etc. to the various naval units in connection with international law. The following were some of the principal books which were published and distributed to the various warships and naval units:

Outline of Wartime International Law  
Tables appended to above  
Supplement to above  
Commentary on Naval Ministerial Order Guiding Men-of-War's  
Conduct in High-Sea and Foreign Territorial  
Various Problems Pertaining to Rules of Naval Warfare  
Laws & Regulations Relating to Naval Warfare of Various  
Nations in the War of 1939-1940 (12 volumes)

Among the various laws or reference books referred to above there was contained various treaties, advisory matters relating to prisoners of war.

7. Q. What authority had the Navy Minister in connection with the administration of P.O.W.?

A. The Navy Minister had authority to the rules for the administration of the prisoners of war. He drafted the Rules and Regulations Pertaining to the Treatment of Prisoners of War, and provisions Relating to Supplies & Allowances of Prisoners of War. The Director of Naval Affairs Bureau, Director of Accounts and Supplies Bureau and Director of Legal Bureau were aides to the Navy Minister in connection with the adoption, revision or abolition of these rules and regulations.

The commander-in-chief of the naval station, commander-in-chief of guardship and commander-in-chief of the fleet were in a position to enforce the administration of the prisoners of war on the basis of the regulations drafted by the Navy Minister. When prisoners of war were captured by any unit under the command of the foregoing commanders, the necessary regulations concerning their administration were fixed.

8. Q. I wish to ask you about the relations between the Navy Minister and the operation force. Was the Navy Ministry consulted by the Naval General Staff in connection with the operation orders issued to the operation force?

Def. Doc. #2128

- A. He was not consulted at all with regard to pure operations.
9. Q. Was the Navy Ministry ever consulted with regard to the submarine operations in the Pacific War?
- A. Never.
10. Q. With regard to matters concerning the prisoners of war at the zone of operation, were they disposed of as naval administration matters?
- A. In case of an actual engagement with the enemy, or in the case of an emergency corresponding thereto existing the matters were disposed of as operational matters.
11. Q. Under which of the foregoing matters did the administration of the prisoners of war in the various islands take form when Japanese troops were actually subjected to enemy attacks or constantly exposed to the dangers of enemy assault?
- A. It was disposed of as operational matter.
12. Q. What was the date when the Japanese force occupied Wake island in the early stage of the war?
- A. As I remember, it was on December 23, 1941.
13. Q. Were there any prisoners of war on the said island when it was occupied, and how many were there?
- A. I remember that the number of war prisoners was unexpectedly large, which surprised me. However, I do not remember the number.
14. Q. When and by whom was that report made?
- A. I recall that soon after the occupation, the commander of Wake island operation force telegraphed to the commander-in-chief of the 4th fleet, and the commander-in-chief of the combined fleet. At the same time, the information was sent to the Naval General Staff and the Navy Ministry.

- 15 Q. Who was the garrison commander on Wake island, and how many men were under his command?
- A. The garrison commander on Wake island during my tenure as chief of Section One, Naval Affairs Bureau, was Navy Capt. Suzumu Kawasaki, who was under the command of Vice Admiral Narumi Inouye, commander-in-chief of the 4th Fleet.
16. Q. What steps were taken to handle the prisoners of war on Wake island?
- A. It was decided to transport them to Japan and deliver them to the army. In early part of January 1942 the Nitta Maru was dispatched to Wake island, and the prisoners of war placed on board.
- 17 Q. Was this regarded as a naval administration matter or an operational matter?
- A. That it was inconvenient from the point of view of supply to leave a large number of prisoners of war on the islands in mid ocean so it was better to transport them quickly to Japan, was a naval administration matter. Whether or not it would hinder the general operations to send such a large type ship as the Nitta Maru to Wake island immediately after the opening of hostilities, or whether defense against enemy attack on the Nitta Maru could be prevented was an operational matter. That is to say, whether the Nitta Maru should be dispatched to Wake island or not was a matter which must be considered from both the naval administration and operation.
18. Q. Who ordered the movement of the Nitta Maru?
- A. As I recall the Mobilization Bureau, an aide organ to the Navy Minister, drew up the plan of the movement after having obtained the approval of the sections and bureaus concerned in the Navy Ministry and the Naval General Staff, and the Navy Minister issued the command for its movement.
19. Q. What were the movements of the prisoners of war after they had been taken aboard the Nitta Maru?

- A. As I remember, the Nitta Maru arrived in Japan about the middle of January, but pursuant to the request of the army the prisoners from Wake island were placed in a temporary prison camp in Shanghai, and they were transported to Woosung direct from the Nitta Maru.
20. Q. Were the prisoners of war transported on the Nitta Maru all from Wake Island? How many were there?
- A. They were not all. As I recall those transported on the Nitta Maru ran up to considerable number, but I do not know how many.
21. Q. What was the the reason for the entire prisoners not being transported on the Nitta Maru?
- A. At the time the Nitta Maru reached Wake island (I do not remember the exact time) we received a telegram from the commanding officer on the spot saying that there were many prisoners of war whose transfer was difficult on account of their being ill, while there were quite a number who voluntarily wished to remain there. Subsequently the Navy Minister studied the problem of supply and international law questions. According to the opinion of a specialist in international law attached to the Navy Minister's Secretariat, the prisoners of war could remain after they have voluntarily signed a contract agreeing to engage in work which was not connected directly with combat. Therefore, we answered by cable to such effect and have each prisoner sign such an agreement which should be dispatched to the Navy Ministry. Furthermore, I recall that we received instructions which were issued, that as for those who were ill and could later be removed, and others who have completed their work and desired to be transported to Japan, could be so transported as soon as transportation was available.
22. Q. Did those contracts reach the Navy Ministry, and what became of the prisoners of war who had remained thereafter?
- A. Up to the time of my resignation as Chief of Section One, Naval Affairs Bureau, that is July 14, 1942, these contracts did not reach us. Except for an episode, which I



DEF. DOC. #2128

heard, concerning the prisoners of war remaining on Wake island, I do not recall receiving any report.

- Q. What was that episode?
23. A. The occupation force on Wake island discovered huge amounts of construction materials and engineering machinery and construction engineers on the island. They were surprised to find an enormous quantity of these together with precision construction machinery. They immediately tried to use them and started to operate the bulldozers, but could not do so. While they were at a loss what to do, one of the American engineers, who was watching, by sign language waved aside the Japanese soldiers and springingly operated the bulldozer. The story was that this was the motive which prompted some of the prisoners to remain there.
24. Q. Do you know anything about the fact that several prisoners of war who had been placed on board the Nitta Maru were executed enroute from Yokonama to Woosung between the middle and the end of January 1942?
- A. I do not know anything about it. At that time not only was there no reply, but I do not recall hearing of any subsequently.
25. Q. What was the situation with respect to meting out of punishments to the prisoners of war?
- A. There was a law called the P.O.W. punishment law, and the Naval Regulations Pertaining to the Treatment of War Prisoners which clarified following point, namely .  
If it was a disciplinary measure the commander of the naval authorities who actually had the prisoners interned applied the provisions of the Naval Disciplinary Regulations.  
In case of a penal measure, the naval authorities investigated as executive naval judicial prosecuting officer (kaigun shiho keisatsu kan), turned over the case to the prosecutor of the nearest court-martial who would try the case.
26. Q. Did you see the detailed Regulations for the Punishment of Prisoners of War established by the transport commander of the Nitta Maru, or did you receive a report thereof?
- A. We knew nothing about it at that time, nor did we become aware of it until recently.

DEF. DOC. #2128

27. Q. Who set up the temporary prison camps and selected their sites?

A. The commanders-in-chief of the fleet, naval station and minor naval station, who received the prisoners of war, set up the prison camps pursuant to the Regulations for the Treatment of Prisoners of War.

28. Q. Who set up the Ofuna temporary prison camp? Do you know what was the occasion when you became aware of its establishment?

A. The Ofuna temporary prison camp was established by the Yokosuka Naval Station. I learned of it for the first time when the Yokosuka Naval Station submitted the papers to the Navy Ministry requesting appropriation in connection with the construction of the Ofuna temporary prison camp. I remember that it was a short time before I resigned as Chief of Section One, Naval Affairs Bureau.

29. Q. Did you, during your tenure in the Naval Affairs Bureau, receive reports or protests that the prisoners of war at Ofuna temporary prison camp were mistreated or driven to hard labor, or that patients were not given adequate medical treatment?

A. There were absolutely no reports on such matters, nor have I heard it from other sources.

On this 27day of Aug. 1947  
at Tokyo

Deponent /s/ TAKATA, Toshitane (seal)

I, Somiya Shinji, 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/ SOMIYA, Shinji (seal)

DEF. DOC. #2128

OATH

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

/s/ TAKATA, Toshitane (seal)