

IPS Investigation SOP

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GENERAL HEADQUARTERS
 SUPREME COMMANDER FOR THE ALLIED POWERS
 INTERNATIONAL PROSECUTION SECTION
 INVESTIGATION DIVISION

15 April, 1947

MEMORANDUM: TO ALL MEMBERS OF STAFF

SUBJECT: Case Files. - Room 386

The following is a revision of memorandum dated 15 August 1946.

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Edward P. Monaghan
Acting Chief, Investigation
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IPS Exhibits

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10-M	1479	AMER. LEGATION, BERN. 275, Twenty-seventh. AMERICAN INTERESTS - JAPAN
10-M-1	2173	Chief of POW (Information) Bureau: Transmittal of the American Government's protest with regard to treatment of POWs and Civilian Internees under Japanese Jurisdiction.
219P (22)	935	UNOFFICIAL STATEMENT BY THE JAPANESE FOREIGN OFFICE, April 17, 1934.
558	2474	Lecture by KISHI, Shinsuke (Vice-Head of the Industrial Department of Manchukuo)
558	2363	INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST (Translated by Defense Language Branch) United States vs ARAKI, Sadao
751	719	PLAN OF STATIONING METEOROLOGICAL SERVICE SYSTEM IN CHAHAR-SUIYUAN. Reported by Kwantung Army Hq. (2 copies)
823	2479A	INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST (Translated by Defense Language Branch) United States vs ARAKI, Sadao
837-A	628	JAPANESE FOREIGN POLICY (1) Outline of Japanese Foreign Policy (2) Tentative Plan for Policy toward Southern Regions (3) Concerning Recognition of the New National Gov't and Conclusion of the Tripartite Alliance (4) Instructions from Foreign Minister to Envoy Extraordinary and Ambassador Pleni- potentiary, HONDA (a draft)
875A	750	RECORD OF THE MEETING OF PRIVY COUNCIL HELD ON 3 JULY, 1935. (A) Agreement between Japan and Manchoukuo on the establishment of a Joint Econ. Committee (B) Changes to be made in organization of the Ministry of Communications
891-A	911	RECORD OF THE PRIVY COUNCIL REGARDING THE IMPERIAL RATIFICATION OF THE LONDON NAVAL TREATY OF 1930
903-A	914	OUTLINE OF NAVAL BUDGET FOR THE FISCAL YEAR 1937 AND THE GENERAL ASPECT OF NATIONAL DEFENSE RELATED TO THE NAVY (Delivered by Admiral TOYODA)
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1093	271	THE MATTER OF THE TERMINATION OF CO-OPERATIVE RELATIONS BETWEEN THE JAPANESE EMPIRE AND VARIOUS ORGANS OF THE LEAGUE OF NATIONS.

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1165	650	MINUTES OF THE PRIVY COUNCIL MEETING AT THE CONCLUSION OF THE PROTOCOL BETWEEN JAPAN AND FRANCE FOR A COMMON DEFENSE OF FRENCH INDO-CHINA AND FOR AN EXCHANGE OF OFFICIAL DOCUMENTS REGARDING MILITARY COOPERATION
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1285	787A	AGENDA (Meeting of the Privy Council)
1492	1332	OUTLINE OF THE ECONOMIC COUNTER-PLANS FOR THE SOUTHERN AREA
1570	865	OUTLINE OF FUNDAMENTAL NATIONAL POLICIES (Planning Board)
1644	1291	STATEMENT OF THE IMPERIAL JAPANESE GOVERNMENT CONCERNING THE FUTURE OF EAST ASIA
1855	1107	Personnel who attended the GOZENKAIGI
1987	684	REPORT OF THE SOCIETY "KOKUSAKU KINKYUKAI"
1987-B	1334	THE FUNDAMENTAL PRINCIPLES OF THE REMEDIAL MEASURES FOR SOUTHERN REGIONS TO BE OCCUPIED AS A RESULT OF THE GREAT EAST ASIA WAR (2 copies)
2137-G	1317 ? 13117 ?	CABINET DECISION, 25 Oct. 1940/Showa 15/" "RE MEASURES FOR ECONOMIC DEVELOPMENT OF N.E.I."
2213	251	AFFIDAVIT - General TADA, Hayao, Japanese Army
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2248B	2222	Excerpts from ARAKI, Sadao interrogation
2339C	1346	JOINT DECLARATION ADOPTED ON NOVEMBER 6, 1943. <u>The Japan Year Book 1943-44 pages 1049 to 1051.</u> THE ASSEMBLY OF GREATER EAST ASIATIC NATIONS (2 copies, one having an additional "certificate")
2402B	1336	DRAFT OF BASIC PLAN FOR ESTABLISHMENT OF GREATER EAST ASIAN CO-PROSPERITY SPHERE By Total War Research Institute
2467	835	TESTIMONY - P.W. FORMER COMMANDER OF THE FIRST AREA ARMY OF THE KWANTUNG ARMY. General KITA, Seiichi. From April 20 to April 23, 1946.
2530-A	1055	NATIONAL MOBILIZATION LAW. Extract from "THE TOKYO <u>NICHI NICHI</u> "
2548	869	THE UNITED STATES OF AMERICA and OTHERS against ARAKI, Sadao and OTHERS
2751-A	2024	Communication from the Swiss Minister to M. Masayuku TANI, Minister of Foreign Affairs. (Re a protest from the Gov't of the United States - American citizens repatriated from Japan)
2979	2979	INSTRUCTIONS CONCERNING STRATAGEM
2979	2409	CERTIFICATE - A. MAURIN, Chief of the Russian Document Room of I.P.S.

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8445	2041	Translation of INTERNATIONAL PROSECUTION DOCUMENT No. 8445. (Re lists of civilian internees and prisoners of war sent to the International Red Cross.)
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751	719A	PLAN OF STATIONING METEOROLOGICAL SERVICE SYSTEM IN CHAHAR-SUIYUAN (Reported by Kwantung Army Hqs.)
870	492	CONCLUSION OF THE PROTOCOL BETWEEN JAPAN, ITALY AND GERMANY (Record of the Proceedings of the Privy Council Session.)
947	241	SIGNING OF THE PROTOCOL BETWEEN JAPAN AND MANCHUKUO (Proceedings of the Privy Council)
1022	1267	PRIVY COUNCIL MEETING MINUTES - 10 Dec. 1941 (Re Matter for the conclusion of the agreement between Japan, Germany, and Italy regarding the waging of a common war against U.S.A. and the United Kingdom, non-separate peace and collaboration for the establishment of the new order.)
1078	1241	Inquiry Committee Meeting concerning DECLARATION OF WAR AGAINST AMERICA AND ENGLAND (Records of the Meeting of the Inquiry Committee of the Privy Council on 8 Dec. 1941)
1215	553	CONCLUSION OF A THREE-POWER TREATY BETWEEN JAPAN, GERMANY, ITALY (Record of the Meeting of the Privy Council)
1285	787A	AGENDA (Record of the meeting of the Privy Council 18 Dec. 1940) (1) Recognition of Protocol concerning entrance of Hungary into Three Power Treaty between Japan, Germany and Italy. (2) Recognition of Protocol concerning entrance of Romania into Three Power Treaty between Japan, Germany and Italy. (3) Recognition of Protocol concerning entrance of Slovakia into Three Power Treaty between Japan, Germany and Italy. (4) Revision of the Ceremonial Law. (5) Special appointment of censors of the Home Ministry.
1451B	466	STATEMENT OF THE JAPANESE GOV'T REGARDING THE CONCLUSION OF A PACT OF ALLIANCE BETWEEN JAPAN AND THE REPUBLICS OF CHINA
1611 A	861	OUTLINE FOR THE ECONOMIC CONSTRUCTION OF JAPAN, MANCHOUKUO AND CHINA (Cabinet Meeting, 3 Oct. 1940)
1621C	1335	ESTABLISHMENT OF EAST ASIA - MANEUVERS FOR THE FIRST PERIOD OF TOTAL WAR
1767	290	Telegram from KUWASHIMA, the Consul-General in TIENTSIN to Foreign Minister SHIDEHARA
2137D	540	CABINET DECISION OF JULY 26, 1940. (Outline of Japan's Basic National Policy)
2600A 2853A	554 2016	27th SEPT., 1940/SHOWA 15th/ OFFICIAL GAZETTE EXTRA Communication to M. Ministry of Foreign Affairs, SUZUKI, Tadakazu.
5396	1667	INTERNATIONAL MILITARY TRIBUNAL OF THE FAR EAST No. 1 (United States vs Sadao ARAKI)

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8427	2042	Communication from the SWISS MINISTER (Re American POWs and civilian internees)
8437	2044	THE GAIMUSHO, TOKYO (Legation of Swiss Tokyo Foreign Interest)
8445	2041	Communication from the SWISS MINISTER to H.E. Monsieur Masayuki TANI, Minister for Foreign Affairs.

<u>EXHIBITS</u>	<u>TITLE</u>
1335	Maneuvers for the First Period of Total War
1336	Basic Plan for Establishment of Greater East Asia - Co-Prosperity Sphere (draft)
2173	Transmittal of the American Government's Protest with regard to the treatment of Prisoners of War and civilian. Internees under Japanese Jurisdiction.
1267	Privy Council Meeting Minutes dated 10 December 1941.
678	Affidavit of Kazuo YATSUGI dated 30 August 1946
2171	Matter concerning transmission of the notes from the American Government with regard to the International Treaty of July 27, 1929, regarding Treatment of Prisoners of War.
1241	Records of the meeting of the Inquiry Committee of the Privy Council on December 8, 1941
1479	Transmittal of the American Government's Protest with regard to the treatment of Prisoners of War and Civilian Internees under Japanese Jurisdiction.
1346	The Japan Year Book 1943-44 Pages 1049-1051
649	Proceedings of the Privy Council re Protocol between France and Japan and re Military Cooperation. (July 28, 1941)
492	Proceedings of the Privy Council Session re Conclusions of the Protocol between Japan, Italy and Germany. 6 Nov 1937.
290	Telegram from KUWASHIMA, the Consul-General in Tientsin to Foreign Minister Shidehara. (3 November 1931).
869	Affidavit of HORIBA KAZUWO (dated 5 August 1946) WITH - List of Members of the Institution for the Research into the War.

- 865 (1-8) Outline of Fundamental National Policies.
- 914-A Outline of Naval Budget for the Fiscal Year 1937 and the General Aspect of National Defense Related to the Navy
- 684 Report of the Society "KOKUSAKU KINKYUKAI"
- 650 (2) Certificate of T. SUZUKI re Minutes of Privy Council at Conclusion of Protocol between Japan and France for the Common defense of French Indo-China and for exchange of official documents regarding military operation.
- 1332 Outline of the Economic Counter-Plans for the Southern Area.
- 687 (a) Certificate of SHUZO JIMBO
- 2022 (1-22) True copies of letters and notes in French from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs and the original replies thereto of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.
- 1334 The Fundamental Principles of the Remedial measures for Southern Regions to be occupied as a result of the Great East Asia War.
- 719 Plan of Stationing Meteorological Service System in Chahar SUIYUAN
- 1107 Personnel who attended the GOZENKAIGI

① EXHIBITS

6 copies

NUMBERS	TITLE
1335 - -	Maneuvers for the First Period of Total War
1336 - -	Basic Plan for Establishment of Greater East Asia - Co-Prosperity Sphere (draft)
2173	Transmittal of the American Government's Protest with regard to the treatment of Prisoners of War and Civilian Internees under Japanese Jurisdiction
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1334	The Fundamental Principles of the Remedial measures for Southern Regions to be occupied as a result of the Great East Asia War.

INTERNATIONAL PROSECUTION SECTION, SCAP

Assignment Chart

Preparation of Trial Brief of Facts

A.	B.	C.																														
<p>JULY 1930 DECEMBER 1935</p> <p><u>ASSIGNED TO:</u> MR. WOODCOCK (IN CHARGE) MR. HYDER MRS. LLEWLYN</p>	<p>JANUARY 1936 JULY 1939</p> <p><u>ASSIGNED TO:</u> COLONEL MORROW (IN CHARGE) MR. HYDE JUDGE DELI. <u>Capt. Dorsey</u> <u>Kenneth A. Parkinson</u> <u>Mr. Mignone (part time)</u></p>	<p>AUGUST 1939 DECEMBER 1941</p> <p><u>ASSIGNED TO:</u> MR. FIEHELLY (IN CHARGE) MR. HIGGINS (IN CHARGE) MR. ENGLISH MR. MCKINNEY <u>Mr. Darsey</u> <u>Mr. Sackett</u> <u>Cmdr. Shea</u></p>																														
<p>Key Events</p> <p>TREATY VIOLATIONS (SEE TREATY STUDY) KWANTUNG ARMY DIRECTION & ACTIVITIES MANCHURIAN INCIDENT - SEPT. 1931 ASSASSINATIONS IN 1932 - INCLUDING: INOUE INUKAI BARON DAN</p>	<p>Key Events</p> <p>TREATY VIOLATIONS (SEE TREATY STUDY) FEB. 26, 1936 - INCIDENT POLITICAL INTRIGUES INVOLVED IN TWO ELECTIONS 1936 - 37 CHINA INCIDENT JULY 7, 1937 CHINA WAR</p>	<p>Key Events</p> <p>TREATY VIOLATIONS (SEE TREATY STUDY) RELATIONS WITH GERMANY & ITALY ANTI-COMINTERN PACT - 1939 ESTABLISHMENT OF IMPERIAL RULE ASSISTANCE ASSOCIATION-SUMMER 1940 TRI-PARTITE PACT - SEPTEMBER 1940 JAPANESE-RUSSIAN NEUTRALITY PACT - APRIL 1940 RELATIONS WITH U.S.A. & BRITAIN 1940-1941 IMPERIAL CONFERENCES - JULY & SEPT. 1941 DECISION TO ATTACK U.S.A. ATTACK AGAINST U.S.A., BRITAIN & NETHERLANDS</p>																														
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D.	E.	F.	G.
<p>Zaibatsu</p> <p><u>ASSIGNED TO:</u> MR. HAUXHURST (IN CHARGE) MR. HORWITZ</p> <p>MANCHURIAN ZAIBATSU AYUKAWA KUHARA HOSHINO MITSUI - POLITICAL LEADER- IKEDA MITSUBISHI " " GOKO SUMITOMO " " FURUTA YASUDA " " GENERAL MANAGER SMALLER INDUSTRIALISTS: OGURAYA - ISHIHARA - TSUDA</p>	<p>Expansionist & Ultra-Nationalistic Societies</p> <p><u>ASSIGNED TO:</u> (in chg) MR. SACKETT - Lt. Col. Hornaday <u>Capt. Phelps</u> <u>Capt. Sandusky</u> <u>Major Hornaday</u></p> <p>GENYOSHA (BLACK OCEAN SOCIETY) KOKURYUKAI (BLACK DRAGON SOCIETY) KOKUHONSHA "BUREAUCRATIC SOCIETY" KOCHISHA "TERRORIST SOCIETY" SHIMPEITAI " " AND OTHER PRINCIPAL SOCIETIES</p>	<p>Army Cliques (Gumbatsu)</p> <p><u>ASSIGNED TO:</u> COLONEL WOOLWORTH (IN CHARGE) CAPTAIN ROBINSON <u>Mr. Helm</u></p> <p>SAKURA-KAI (CHERRY BLOSSOM SOCIETY) TOSEI-HA (CONTROL GROUP) KODA-HA (IMPERIAL WAY GROUP)</p>	<p>Bureaucracy Groups (Kambatsu)</p> <p><u>ASSIGNED TO:</u> MR. HAMMACK</p> <p>IZAWA AND HIS ORGANIZATIONS HIRANUMA AND HIS ORGANIZATIONS AND OTHER PRINCIPAL GROUPS</p>

SOURCES OF INFORMATION

<p>Atis Records</p> <p><u>ASSIGNED TO:</u> LT. HEALEY</p> <p>Resources</p> <p>CAPTURED DOCUMENTS CATALOGUED & INDEXED; SPECIAL STUDIES & ANALYSES ON VARIOUS PHASES OF JAPANESE WAR PLANS AND ACTIVITIES</p>	<p>C.I.S.</p> <p><u>ASSIGNED TO:</u> LT. WALDORF</p> <p>Resources</p> <p>CENTRAL FILES & RECORDS (CIC) ON BACKGROUND AND ACTIVITIES OF PERSONALITIES; REFERENCE MATERIAL ON JAP. GOVT. & LEADERS. SPECIAL STUDIES & RECORDS OF SUSPECT JAP INDIVIDUALS & ORGANIZATIONS; CIVIL CENSORSHIP DATA.</p>	<p>Govt. Section & Economic & Scientific Section</p> <p><u>ASSIGNED TO:</u> CAPT. GAINE</p> <p>Resources</p> <p>RECORDS, FILES, STUDIES AND ANALYSES RELATIVE TO PAST & PRESENT JAP. GOVT. OFFICIALS, DEPARTMENTS, INDUSTRIALISTS, INDUSTRY, ECONOMY & FINANCE.</p>	<p>Civil I&E Section</p> <p><u>ASSIGNED TO:</u> MR. NOBLE</p> <p>Resources</p> <p>STUDIES ON VARIOUS PHASES OF JAPANESE LIFE, INDUSTRY, ECONOMY AND POLITICS; PUBLIC RELEASES, ANALYSES OF PROPAGANDA; NEWSPAPER FILES, SPEECHES & ARTICLES</p>
<p>Jap. Govt. Records</p> <p><u>ASSIGNED TO:</u> MR. MIGNONE (IN CHARGE) LT. GILLILAND</p> <p>SUPERVISES & BRIEFS DOCUMENT EXAM. (W.D.C.) SEARCHING JAP. GOVT. AGENCY RECORDS; DIRECTS SEARCH FOR SPECIFIC DOCUMENTS UPON REQUEST FROM OTHER SECTIONS; DECIDES WHICH BULK JAP. DOCUMENTS FOUND IN JAP. GOVT. AGENCIES SHOULD BE SCREENED IN DOCUMENT DIVISION OF STAFF</p>	<p>General Informants</p> <p><u>ASSIGNED TO:</u> MAJOR BARNARD</p> <p>MAINTAINS A CARD INDEX OF GENERAL INFORMANTS WHO CAN FURNISH INFORMATION ABOUT PERSONS AND EVENTS. AN INFORMANT WILL BE CONTACTED ONLY THROUGH THE STAFF MEMBER HANDLING HIM - (SEE MAJOR BARNARD FOR DETAILS)</p>	<p>Other Investigations</p> <p>REQUESTS FOR ALL OTHER INVESTIGATIONS & INQUIRIES WILL BE SUBMITTED TO THE INVESTIGATION DIVISION IN SEPARATE MEMORANDUMS (ORIG. & TWO COPIES) INDICATING THE NAME OF THE INTERESTED STAFF MEMBER.</p>	<p>I. P. S. Document Division</p> <p><u>Mr. Danly (in chg)</u></p> <p>DOCUMENTS, REFERENCE MATERIAL, INTERROGATION REPORTS; CENTRAL FILES SECTION CONTAINS CASE FILES ON ALL INDIVIDUALS, INVESTIGATION REPORTS AND HAS A COMPLETE NAME INDEX OF ALL PERSONS AND ORGANIZATIONS KNOWN TO THE I. P. S.</p>

DIRECTIVE ON THE APPREHENSION, TRIAL AND PUNISHMENT OF WAR CRIMINALS IN
THE FAR EAST

1. The term "War Crimes" as used herein includes:
 - a. Planning, preparation, initiation or waging of War of aggression or a war in violation of International Treaties, agreements and assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.
 - b. Violations of the law or customs of War, Such violations shall include but not be limited to murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of, or in, occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, or elsewhere improper treatment of hostages, plunder of public or private property, wanton destruction of towns or villages or devastation not justified by Military necessity.
 - c. Murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population, before or during the war or persecution on political, racial and religious grounds in execution of or in connection with any crime defined herein whether or not in violation of the Domestic Law of the Country where perpetrated.
2. The offense need not have been committed after a particular date to render the responsible party or parties subject to arrest, but, in general, shown to have been committed since, or if the period immediately preceding the Mukden Incident of September 18, 1931. The preponderance of cases may be expected to relate to the years since Lukouchiao incident of July 7, 1937.
3. You will take all practicable measures to identify, apprehend, and detain all persons suspected of having committed War Crimes, as defined in paragraph 1 above, and all persons whom any 1 of the United Nations or Italy charges with such crimes.
4. You will hold suspected War Criminals in close confinement, without access to the press or/other media of public information, and without distinction as to rank or position, as befits ordinary criminals.
 x x x x x
6. You should,
 - (a) Promptly establish an agency, acting under your command to investigate reports of War Crimes, to collect and analyse evidence, to arrange for the apprehension and prompt trial of suspects, to prepare, supervise and conduct the prosecution of individuals and organizations before International Military Courts or Tribunals, and to recommend to you which individuals and organizations should be prosecuted, before what courts they should be tried and what persons should be secured as witnesses.

"I"

INVESTIGATIONS SOP

QUESTIONNAIRE

Questionnaire
number _____
(to be assigned by
Ministry or other
Appropriate agency)

(Instructions: This Questionnaire shall be filled out in both Japanese and English. The English version will prevail if discrepancies exist between it and the Japanese version. Answers must be typewritten or printed clearly in block letters. Every question must be answered precisely and conscientiously and no space is to be left blank. If the question is to be answered by either "yes" or "no", print the word "yes" or "no" in the appropriate space. If the question is inapplicable, so indicate by some appropriate word or phrase such as "none" or "not applicable". Add supplementary sheets if there is not enough space in the questionnaire. Omissions or false or incomplete statements are criminal offenses and will result in prosecution and punishment.)

A. PERSONAL

1. List position which you hold or for which you are under consideration, with Civil Service Grade: _____
2. Name: _____
(Surname) (First & Middle Name)
3. Other names which you have used or by which you have been known: _____
4. Date of Birth: _____ 5. Place of birth: _____
6. Height: _____ 7. Weight: _____ 8. Scars, marks, or deformities: _____
9. Present address: _____
(in full)
10. Permanent Residence: _____
(in full)
11. Identity card type & number: _____
12. List any instances when you have been arrested, together with the reasons therefor, and any crimes of which you have been convicted: _____

13. Give any Civil Service rank and grade now held: _____

B. CHRONOLOGICAL RECORD OF EMPLOYMENT AND MILITARY SERVICE

14. In the space below, give a chronological history of your employment, including all of the positions which you have held, since 1 January 1931. In reporting either governmental or military positions, be sure to give all of the ranks which you may, at any time, have held: _____

C. MEMBERSHIP IN ORGANIZATIONS

15. In the space below, report whether or not you are or were a member or a founder or organizer or an officer of the national office or of a prefectural or metropolitan sub-division of the Imperial Rule Assistance Association, the Imperial Rule Assistance Political Society, or the Political Association of Great Japan. Report also whether or not you acted as editor for any publication of any of these associations or organized any branches or special activities for any of them: _____

16. In the space below, report any other party, association, society, fraternity, club, union, institution, whether social, political, military, patriotic, professional, cultural, honorary, athletic or otherwise, of which you are or were a member. Make this report whether or not this society was secret. State whether or not you were a founder or organizer or leader, or occupied any post of authority in any such organization and whether you have been an editor of any of its publications: _____

17. Has any member of your family held office, rank, or post of authority, or been otherwise influential, in any of the organizations listed above? If so give his name and address, his relationship to you and a description of the position which he held and of the organization: _____

18. With the exception of regular membership dues, list and give details of any contributions of money or property which you have made, directly or indirectly, to any of the organizations listed above, including any contributions made by any natural or juridical person or legal entity on your behalf or through your solicitation or influence: _____

19. Have you ever been the recipient of any titles, ranks, medals, testimonials, or other honors from any of the above organizations? If so, state the nature of the honor, the date conferred, and the reason: _____

REMARKS

23. _____

The statements on this Questionnaire are true and I understand that any omissions or false or incomplete statements are criminal offenses and will subject me to prosecution and punishment.

Signed _____ Date _____
(Signature of individual to whom the
Questionnaire relates)

CERTIFICATION OF SERVICE SUPERIOR

(Instructions: This certification shall be signed by the service superior (or other responsible official) of the incumbent of public office, or, in the case of applicants for public office, by the official responsible for employing the applicant).

I certify that the above is the true name and signature of the individual concerned and that, with the exceptions noted below, the answers made on this Questionnaire are true to the best of my knowledge and belief and the information available to me.

Exceptions (if no exceptions, write "none")

Signed _____ Official Position _____ Date _____

D. RECORD OF OTHER SERVICE

20. With exception of those you have specifically mentioned in Sections B and C above, list:

(a) Any part time, unpaid or honorary position of authority or trust you have held since 1 January 1931 as a representative of the Army or Navy or of any National Ministry or other Central Government agency or as a representative of the Imperial Rule Assistance Association, the Imperial Rule Assistance Political Society, the Political Association of Great Japan, or their agencies, affiliates, or successor organizations.

(b) Any service of any kind you have rendered, since 1 January 1931, in any military, police, law-enforcement, peace protection, or intelligence organization or in any organization concerned with Protection and Surveillance and control of thought, speech, religion, or assembly.

From:	To:	Name and Type of Organization	Highest office or Rank you held or Type of your service	Date of Apmt to highest office or rank	Duties

E. WRITINGS AND SPEECHES

21. List on a separate sheet the titles and publishers of all publications from 1 January 1931 to the present which were written in whole or in part or compiled or edited by you, and all public addresses made by you, giving subject, date and approximate circulation and in the case of speeches, the number in audience. If such publications or speeches were sponsored by any organization give its name. If no speeches or publications write "None" in this space:

F. CORPORATE POSITIONS

22. With the exception of those you have specifically mentioned above, list any corporate directorships or executive positions held by you since 1 January 1931 and were you served whether in Japan proper or outside of Japan.

<u>Corporation</u>	<u>Position Held</u>	<u>Dates</u>

QUESTIONNAIRE RECORD CARD

Questionnaire No. _____

NAME: _____ Japanese Governmental
(Surname) (First & Middle Name)

ADDRESS: _____ Agency _____

Position which applicant holds or for which he is under consideration (with Civil Service Grade):

Summary of pertinent portions of Individual's Record: _____

ACTION TAKEN (Check one): DATE: _____

() Removed from position: _____
(describe position)

() Application for employment as _____ denied.
(describe position)

() Retained in position: _____
(describe position)

() Application for employment as: _____ approved.

OTHER ACTION:

(Here record any applications to Hq, SCAP, for approval of appointment or re-instatement, the action taken by Hq, SCAP, on such application, the action taken by the Japanese Government accordingly and the date of such action. Also record any other action concerning the individual, such as reversal of initial retention of the individual upon direction of SCAP, conviction of the individual for falsifications or omissions in the Questionnaire, subsequent employment of the individual, etc.)

APPENDIX "C"

RESTRICTED

I. DIRECTIONS AND OUTLINE OF PROCEDURE FOR INVESTIGATOR-EXAMINERS

1. The special objective of the investigation is to perpetuate sufficient evidence to permit trial of the alleged criminals at a subsequent date based solely upon the strength of the report of such investigation, and in the absence of witnesses, if necessary.

2. There will be obtained sworn statements of a sufficient number of survivors or other witnesses, military or civilian, setting forth such facts as may be personally known through direct perception guarding as much as possible against hearsay testimony. The interrogation will be largely in question and answer form. However, after the foundational questions have been asked, it is considered advisable to permit the witness to relate in his own words his knowledge of the occurrence. If, after having done so, it appears that the narrative is incomplete in any respect, it should be supplemented by additional questions from the Investigator-Examiners.

a. With reference to hearsay evidence, the same may be proper when direct evidence of a relevant matter is not obtainable and when the source of hearsay is not too remote and is otherwise authentic. It should be remembered that the rule as to admissibility is "probative value."

3. Where a witness refers to his wife, mother, father, brother, sister, neighbor, nickname or other similar words, the complete name (if a married woman, her maiden name), age, nationality and home address of such person will be secured. Definite numbers will be ascertained according to the best estimate of the witnesses rather than employ such words as "several," "many," "few," "small," etc.

4. It is of the utmost importance that all evidence be specific in detail. The following points will be covered:

a. Reason or motive for the atrocity if any, and all facts relating to same.

b. Identification of any other survivors or witnesses by name, age and address in order that they may be examined for relevant testimony, and in order to corroborate testimony derived from such persons.

c. In the event reference is made to someone else by the witness, every effort should be made to identify that person to whom reference is made. For example, if the witness states, "He told me," or "A number of people were there," etc., full identification of the one who told him, or of the people who were there, etc. should be made.

d. Exact name, age, address, nationality and occupation of witnesses, together with indications of their future plans, or any other details which would help to locate them were they desired to testify before the War Crimes Commission. These questions should appear at the beginning of the deposition.

e. A sufficient number of witnesses to the atrocity must be interviewed and the most important statements will be taken, but it is not necessary that evidence be obtained from every witness. When the Investigator-Examiners are satisfied that the facts of the occurrence have been legally established by competent witnesses and any additional testimony would be merely cumulative, the names and addresses of all known witnesses in addition to those actually interrogated may be included separately as a part of the report.

RESTRICTED

f. In the matter of cumulative testimony the following procedure will be followed:

- (1) Where a witness(es) has been interrogated and possesses knowledge of the facts set forth in a statement, already obtained from another witness, at the end of that statement, after the certificate of the Investigator-Examiners, this notation should be made.

"The following witness(es) having been interrogated by the Investigator-Examiners possesses knowledge of the facts set forth in the above statement:

<u>Name</u>	<u>Age</u>	<u>Address</u>	<u>Nationality</u> "
-------------	------------	----------------	----------------------

- (2) Where a witness(es) possesses knowledge of a portion of a statement already taken, that information should be included in the report of the Investigator-Examiners in substantially this form:

"The following witness(es) having been interrogated possesses knowledge of the facts contained in the statement of _____ taken _____, 1945, as indicated below:

<u>Name</u>	<u>Age</u>	<u>Address</u>	<u>Nationality</u>	<u>Remarks</u> "
				(Here refer briefly to facts known by witness.)

- (3) Where a witness is known to have been present at the scene of an atrocity, but has not been interrogated due to inaccessibility or other similar reason, this notation should appear in the report of the Investigator-Examiners:

"The following witness(es), although present at _____, has not been interrogated for the reason that _____:

<u>Name</u>	<u>Age</u>	<u>Address</u>	<u>Nationality</u> "
-------------	------------	----------------	----------------------

- (4) Where a witness not only possesses knowledge of facts contained in a statement already taken and whose testimony, if given, would be substantially the same, but possesses knowledge of additional facts, a statement should be taken containing:

- (a) Foundational Questions.
- (b) References to statement read or testimony heard and questioned as to concurrence. (The statement already taken should be referred to by name and address of witness(es) and place and date where statement was taken.
- (c) Questions as to additional information.
- (d) Usual execution - jurats and certificates.

RESTRICTED

g. Determination of the relationship of the witness to the victims or to the perpetrator, if any, and of any ascertainable bias or motivating interest on the part of the witness should be established in order to evaluate the testimony.

h. Exact time, date and place of atrocity.

i. Every effort should be made to accurately identify the perpetrator. Frequently the person actually responsible for a war crime is not the soldier alone who committed it, but also his superior officer who may have ordered it. When that is true the Investigator-Examiner will by every means available, attempt to identify him. In this connection, Order of Battle Section, attached to G-2 sections and AFIS may be of assistance, as they may have records of the names of commanding officers of Japanese units located at specific places. By this means the identity of an officer may be established when he might otherwise be unknown. The Provost Marshall or AFIS may be able to advise if identified perpetrators are prisoners. The following should be used by Investigator-Examiners as a check list in interrogating witnesses as to the identity of a particular perpetrator.

- (1) Name and address, if known.
- (2) Color of hair and type of "cut," if bald, note.
- (3) Complexion.
- (4) Color of eyes - glasses.
- (5) Height.
- (6) Weight, build, posture.
- (7) Age (known or apparent).
- (8) Occupation (vocation and avocation) if known.
- (9) Race (white, yellow, brown, etc.)
- (10) Nativity (Place of birth)
- (11) Any peculiarities, tone of voice.
- (12) Mannerisms that may be noticeable.
- (13) Marks - scars.
- (14) Amputation.
- (15) Teeth (missing, false, gold, etc.)
- (16) Dress, habits, jewelry.
- (17) Education, language.
- (18) Relations and friends, if known (name and addresses).
- (19) Uniform - weapons...
 - (a) Color of uniform.
 - (b) Material.
 - (c) Trousers - short, long.

RESTRICTED

- (d) Shoes.
- (e) Leggings, boots.
- (f) Type of cap and color.
- (g) Belt.
- (h) Coat - type, in or out of trousers.
- (i) Weapon - ~~i.e.~~, pistol, sword, rifle, etc.

(20) Insignia.

- (a) Use plate showing army and navy insignia but do not incorporate in record as an exhibit.

j. In interrogation of suspected perpetrators, do not use physical violence, threats, or promise immunity. It is important that the proper psychological approach be ascertained before the interrogation. In most cases, the interpreter method is ineffective. Better results are obtained by turning over the interrogation to a Nisei.

k. Statements should be sworn to in the orthodox manner. If the witness is non-Christian, any form of oath which compels his conscience is proper.

l. Photographs are important sources of information, aid materially in perpetuating testimony, and will be made of all tangible, relevant or elucidating evidence. Search will be effected for any pictures taken of the scene at the time of the incident or immediately thereafter. Photographs will be taken of scenes of atrocities, graves, and wounds on the bodies of victims where the same are discernable at the time of interrogation.

- (1) All requests for photographic work and the pick-up of the same will be accomplished through 4026 Signal Battalion Headquarters. No direct contact will be made with the photo laboratory which is on Santa Mesa Road.
- (2) All requests for photostatic copies of sketches, documents and so forth will be made at the 2773 Engineer Signal Photo Laboratory located at the dead end of Farnacio Street.

m. Documentary evidence will be attached wherever available. Certificates by the Investigator-Examiners need not be made of exhibits that are adequately identified in the statement. If identification is not made, then certificate in form as set forth in Exhibit "B" hereto attached, will be used.

n. In conducting these investigations, it is essential that the identity (age, sex, address and nationality) of alleged victims and the causes of their deaths be determined. Certificates of medical officers as to the physical condition of survivors or dead bodies together with probable cause of death will be attached whenever necessary. This might involve disinterment of the remains (after proper authority has been first obtained) followed by pathological examinations to determine cause of death.

5. The interrogation of the witnesses will be so conducted

RESTRICTED

as to preclude possibility in the mind of the reviewing officer in this office or in Washington that material questions or leads were omitted. For example, if the witness does not know the name of the officer or unit involved, the record should nevertheless disclose the fact that the question of identity was asked.

BEFORE CONSIDERING AN INVESTIGATION COMPLETE, THE INVESTIGATOR SHOULD BE SATISFIED THAT HE HAS EXHAUSTED EVERY AVAILABLE SOURCE OF INFORMATION. NEGATIVE ANSWERS ARE NECESSARY.

6. With respect to the execution of statements the following procedure will be followed:

a. Witness will initial each page of the testimony, both original and copies, in the lower right hand corner of the page.

b. Witness will sign the original and copies of testimony exactly as his name appears in the testimony.

c. Where witness cannot write, he will place his mark on each page of the testimony and on the signature line, his mark being witnessed by the Investigator-Examiners. Form set forth in Exhibit "B" attached hereto will be followed.

d. When investigator-Examiner is not a member of JAGD, it is necessary where taking an affidavit, that after his name, rank and branch, there appear the following:

"Investigating Officer, War Crimes
Investigating Detachment."

e. Where an interpreter is used, affidavits and certificates in form as set forth in Exhibit "B" attached hereto will be followed.

7. Upon the completion of the investigation, Investigator-Examiners will prepare:

a. Report of the case. Form of this report is attached hereto and marked Exhibit "C."

b. A memorandum directed to the Executive Officer of the War Crimes Branch, through the Chief of the Investigating Section. This memorandum will set forth the name and number of the case and will indicate as inclosures the number of copies of the record, the Report of the Investigator-Examiners, and all allied papers in the hands of the Investigator-Examiners. Distribution will be noted as follows: Original and three copies of record together with Report of Investigator-Examiners and allied papers to Chief of Review Section.

8. It is the responsibility of the Investigator-Examiner in preparing the record to insure that:

a. Marginal requirements are observed; maximum neatness achieved.

b. The same size type is used throughout so far as reasonably practicable.

c. Quadruplicate copies are fully executed, properly assembled and that pages are marked "Restricted" at the top and bottom.

(1) By letter of the Secretary of War dated 21 August 1945, classification of war crimes matters has been reduced from Secret to Restricted.

RESTRICTED

All future papers relating to war crimes matters will be marked "Restricted" and those which have already been prepared and executed will be reclassified in accordance with Paragraph 15, AR 330-5. Change of classification will be accomplished by typewriting over the word "SECRET" at the top of the first page of the report and at the top of page one of the testimony, the following: "Classification changed from SECRET to RESTRICTED by order of the Secretary of War-- By (name and grade of officer making the change and the date thereof)."

d. Pages are numbered and exhibits alphabetically marked at the bottom center; exhibit pages will not be numbered.

e. Questions and answers are single spaced, double spacing appearing only between last answer and next question.

f. No signature shall appear at the top of any page without some preceding written matter.

9. Forms for deposition, signatures, jurats and certificates attached hereto as Exhibit "B" will be used unless authorized to the contrary.

10. In contacting other agencies reference should be made first to SOP concerning liaison. This SOP together with applicable forms is attached hereto and marked Exhibit "D."

RESTRICTED
EXHIBIT "B"

FORM OF TESTIMONY, AFFIDAVITS AND
CERTIFICATES TO BE USED BY
INVESTIGATING TEAMS

A. Body of Statement.

JOHN DOE, after having been duly sworn, testified at _____
Street, (City or province) _____, on (day) _____, (month) _____, 1945
as follows:

Q Please state your full name, age, address and nationality.
A

Q What is your occupation?
A

Q Do you intend to remain at your present address, and if not,
how can your whereabouts in the future be ascertained?
A

(Next will follow appropriate questions leading up to subject atrocity. Then will follow the general question relating to the atrocity of which the witness has knowledge. Witness will then answer in narrative form. Thereafter, additional questions will be asked the witness in order to fully complete the narration.)

Q Do you have anything further to add to your statement?
A

(If additional information is given by witness, question should be repeated until witness states that he has nothing further to add.)

(Signature of witness)

If witness cannot write, he or she will place the mark "X" on the signature line and the two Investigator-Examiners will witness the mark as follows:

his
John X Doe

mark
(signature of witness)

I (we) hereby certify that the above named witness, being unable to sign his name, did make the above "X" as his mark in my (our) presence.

JOHN SMITH, 1st Lt., JAGD

RICHARD ROE, 2nd Lt., JAGD

RESTRICTED

B. If deposition is taken in the English language, the following affidavit and certificate will be used:

~~COMMONWEALTH OF THE PHILIPPINES)~~
~~PROVINCE OF _____) SS~~
~~(If no province, omit)~~
~~CITY (or TOWN) OF _____)~~

ALLIED OCCUPATION FORCES
CITY OF _____ } *SS*

I, (John Doe), being duly sworn on oath, state that I have read and understood the foregoing transcription of my interrogation and all answers contained therein, consisting of _____ pages, are true to the best of my knowledge and belief.

(John Doe)

(Or X mark if witness cannot write.)

Subscribed and sworn to before me this _____ day of _____, 1945.

(Date of signature)

JOHN SMITH, 1st Lt., JAGD

(If not JAGD, then:

JOHN SMITH, 1st Lt., Inf.
Investigating Officer, War Crimes
Investigating Detachment.)

Date testimony taken
CERTIFICATE

I (we), (Name _____, rank _____, serial number _____), JAGD and (Name _____, rank _____, serial number _____), JAGD, certify that on _____ day of _____, 1945, personally appeared before me (us) (John Doe), and gave the foregoing answers to the several questions set forth; that after his (her) testimony had been transcribed, the said _____ read the same and affixed his (her) signature thereto in my (our) presence.

(Place) OF SIGNING

JOHN SMITH, 1st Lt., JAGD

(Date) OF SIGNING

RICHARD ROE, 2nd Lt., JAGD

C. In case the witness fails to understand English and an interpreter is needed, the following affidavits and certificate will be used:

RESTRICTED

COMMONWEALTH OF THE PHILIPPINES)
PROVINCE OF _____)
(If no province, omit))
CITY (or TOWN) OF _____)

ALLIED OCC FORCES)
SAME)
CITY OF TOKYO)

I, (John Doe) ^{2 spaces}, being duly sworn on oath, state that I had read to me and understood the translation of the foregoing transcription of my interrogation and all answers contained therein, consisting of two (2) pages, are true to the best of my knowledge and belief.

(John Doe)

(Or X mark if witness cannot write.)

Subscribed and sworn to before me this _____ day of _____, 1945.

~~JOHN SMITH, 1st Lt., JAGD~~

(If not JAGD, then:

JOHN SMITH, 1st Lt., Inf.
Investigating Officer, War Crimes
Investigating Detachment.)

~~COMMONWEALTH OF THE PHILIPPINES)
PROVINCE OF _____)
(If no province, omit.))
CITY (or TOWN) OF _____)~~

SS

SAME

I, (name of interpreter), residing at _____ Street, (District) _____, (Province or City) _____, being duly sworn on oath, state that I truly translated the questions and answers given from English to Tagalog and from Tagalog to English respectively (or whatever language may have been used), and that after being transcribed, I truly translated the foregoing deposition containing _____ pages, to the witness; that the witness thereupon in my presence affixed his (her) signature (name or mark) thereto.

(Interpreter's Signature)

Subscribed and sworn to before me this _____ day of _____, 1945.

~~JOHN SMITH, 1st Lt., JAGD.~~

(If not JAGD, then:

JOHN SMITH, 1st Lt., Inf.
Investigating Officer, War Crimes
Investigating Detachment.)

RESTRICTED

C E R T I F I C A T E

I, (we) _____ (Name) _____, _____ (rank), _____ (serial number)
JAGD, and _____ (Name) _____, _____ (rank), _____ (serial number),
JAGD, certify that on _____ day of _____, 1945, personally
appeared before me (us) _____, and according to _____,
gave the foregoing answers to the several questions set forth
therein; that after his (her) testimony had been transcribed, the
said _____ had read to him (her) by the said interpreter
the same and affixed his (her) signature thereto in my (our)
presence.

(Place)

JOHN SMITH, 1st Lt., JAGD

(Date)

RICHARD ROE, 2nd Lt., JAGD

D. Form of certificate for identification of photographs not
otherwise identified in the testimony:

PHOTOGRAPH

Short Description.

C E R T I F I C A T E

I, (we) certify that the above photograph was taken in my (our)
presence on _____, 1945 at _____ by _____,
of the 4026 Headquarters Signal Photograph Battalion; that it
accurately represents _____ as it (they) appeared
on that date.

JOHN SMITH, 1st Lt., JAGD

RICHARD ROE, 1st Lt., JAGD

FORM OF REPORT OF INVESTIGATOR-
EXAMINERS

15 September 1945

MEMO: Re Investigation of _____ Case.

I. INVESTIGATION:

This investigation was conducted during the period 15-25 May 1945 by 1st Lt. John SMITH, JAGD and 2nd Lt. John JONES, JAGD, pertaining to the following:

(A brief description of the atrocity investigated, i.e., "Attempted murder of Mr. John DOE, a Filipino civilian, 386 Interior 6, Calle Tejeron, Santa Ana, Manila, Philippine Islands, on 7 February 1945, by members of the Imperial Japanese Marines in violation of Paragraph _____, Rules of Land Warfare, FM 27-10.)

II. PROCEEDINGS:

1. The following named witnesses were duly sworn and testified as hereinafter appears:

NAME	AGE	SEX	HOME ADDRESS	RECORD
ALBERT, John	22	M	2231 Quezon Boulevard, Sampaloc, Manila, P.I.	6

WHERE STATEMENT STARTS

2. Segundo M. ACERTEO, 1420 Azcarraga, Manila, P.I., was duly sworn and acted as reporter-interpreter.

3. The following duly authenticated or identified documents were considered:

a. Diagram of scene Identified by Sam BROWN	EXHIBIT A Record 2
b. Photograph of victim Identified by Henry SMITH	EXHIBIT B Record 16

III. The following were victims:

<u>Killed</u>				
NAME	AGE	SEX	NATIONALITY	ADDRESS
ALBERT, Henry	25	M	Filipino	2235 Quezon Boulevard, Sampaloc, Manila, P.I.

RECORD (OF DEATH)

<u>Wounded</u>				
NAME	AGE	SEX	NATIONALITY	ADDRESS
ALBERT, Mary	22	F	Filipino	2235 Quezon Boulevard, Sampaloc, Manila, P.I.

(OF WOUND)

IV. DISCUSSION:

(In this paragraph the Investigator-examiner will comment on all matters not disclosed by the record, such as information obtained from G-2, GHQ, Battle Order Section, ATIS, Provost Marshal General, Recovered Personnel, CIC, Philippine Research and Information Section and any other organization or section from whom information or an attempt to obtain information was made. The failure to obtain testimony of material witnesses will also be explained in this paragraph.)

RESTRICTED

V. We believe that sufficient competent evidence now available has been perpetuated.

JOHN SMITH
1st Lieutenant, JAGD

JOHN JONES
2nd Lieutenant, JAGD

sample

Date: 18 February 1947

Report of Investigation Division, Legal Section, GHQ, SCAP.

Inv. Div. No. 1082	CRD No.	Report by: JOHN J. MARSHALL Civilian Investigator
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Title: UNKNOWN SUBJECT

Lt. Col. Harry M. PIKE - Victim
(American Aviator shot down near Hankow, China, September 1943)

Synopsis of facts:

Central Liaison Office advises Hiroki INAGAKI was
Commanding Officer of the Military Police Unit at
Nanking, China, from March 1943 to August 1945.
Military and biographical history set out on INAGAKI.

- P -

- Reference:
- Report of Major L. H. Barnard, dated 19 November 1946.
 - Report of Major L. H. Barnard, dated 14 January 1947.
 - Report of John J. Marshall, dated 28 January 1947.
 - Report of John J. Marshall, dated 4 February 1947.
 - Report of John J. Marshall, dated 6 February 1947.

DETAILS:

At Tokyo:

On 7 February 1947, K. ASAKAI, Director of General Affairs, Central Liaison Office, Imperial Japanese Government, advised this Division that a Hiroki INAGAKI was the Commanding Officer of the Military Police Unit at Nanking, China, from March 1943 to August 1945. The following is the full military and biographical history of INAGAKI, as furnished by the Central Liaison Office, the original of which is being forwarded to the Criminal Registry Division with their copy of this report:

MILITARY HISTORY OF
INAGAKI, Hiroki

Domicile: 39 Koaza Motobayashi, Aza Tanida, Chiryū-machi, Hekikai-gun, Aichi Prefecture.

Present Address: c/o Abe Yama, Nukazuka, Ishimori-machi, Tome-gun, Miyagi Prefecture.

- Distribution:
- 3 Prosecution
 - 1 CRD (encl)
 - 1 Col. Carpenter
 - 1 Chinese Division
 - 1 Sendai (5 encls)
 - 1 Inv. Div. (File 489)
 - 1 Inv. Div. (File 490)
 - 1 Inv. Div. (File 560)
 - 10 Inv. Div. (File 1082)
 - 1 Australian Division
 - 1 British Division
 - 1 Dutch Division
 - 1 Canadian Division
 - 1 Mr. Marshall

Do not write in this space.

LS/Inv. Div. Model

Date of Birth: 27 Jan. 1892

Military History:

Promotion

25 Dec. 1914: 2nd Lt.
Jun. 1928: Capt., MP
Mar. 1934: Maj. " "
Sept 1937: Lt. Col. MP
Dec. 1938: Col. MP.

Appointment

July 1914: Graduated from the Military Academy
25 Oct. 1914: Attached to the 38th Inf. Regt.
From Apr. 1923: Studied at the English Course in the Tokyo
To Apr. 1924: School of Foreign Languages.
From Aug. 1924: Served at the Translation Div. of the
To Jun. 1927: Army Aviation Hqs.
Jun. 1923: Graduated at the MP Training School.
From Jun. 1928: Served at the Osaka MP Unit Hqs.
To Dec. 1929:
From Dec. 1929: Comd. of the Wakayama MP Section.
To Jun. 1932:
From Jun. 1932: Comd. of the Utsunomiya MP Section.
To Dec. 1932:
From Dec. 1932: Chief of the 2nd Section of the MP, GHQ.
To Mar. 1934:
From Mar. 1934: Adj. of the MP Hqs of the Kwantung Army.
To Sept 1937:
From Sept. 1937: Comd. of the Chinchou MP Unit.
To Dec. 1938:
From Dec. 1938: Comd. of the Seoul MP Unit
To Mar. 1941:
From Apr. 1941: Chief of the 1st Section and the General Affairs
To Mar. 1943: Div. of the MP Hqs dispatched to Central China.
From Mar. 1943: Comd. of the Nanking MP Unit.
To Aug. 1945:
From 15 Aug. 1945: Interned in Concentration Camp at Yangmeitung
To Jan. 1946: in the suburb of Nanking.
From Feb. 1946: Interned in Shanghai.
To Jan. 1946:
Jan. 1947: Arrived at Sasebo.

Note: This follows his statement.

In view of the fact that Hiroki INAGAKI is presently residing in Miyagi Prefecture, it will be necessary for the Sendai Office to perform the interrogation of this individual. None of the previous reports on this case have been directed to the Sendai Office; therefore, one copy of each of the reports referred to in the references of this report is being forwarded to the Sendai Office, as it will be necessary for them to have a full file on the matter in order to interrogate INAGAKI.

UNDEVELOPED LEADS:

The Tokyo Office -- At Tokyo -- Will report the results of the demand placed upon the Japanese Government to furnish the full military and biographical history, permanent domicile, and present whereabouts of Major Generals YOSHIKAWA, WASUMI, SHINDO, and OCHIAI, and will set out any additional leads developed by such information and upon notification of these persons whereabouts, arrangements will be made to have them interrogated pertaining to their knowledge of the treatment of Lt. Col. PIKE during his imprisonment in Hankow.

Will confer with the Chinese Division and request them to make an effort to ascertain the identity of the Japanese Units which occupied Hankow on 15 September 1943.

The Sendai Office -- At Sendai -- Will contact Hiroki INAGAKI at the address of: c/o Abe Yama, Nakazuka, Ishimori-machi, Tome-gun, Miyagi Prefecture, and interrogate him pertaining to his knowledge of the treatment Col. PIKE received in Hankow, what Headquarters in Hankow was in control of Col. PIKE during his stay in that city, Col. PIKE's transfer to Nanking, the treatment he received in Nanking, and the final disposition made of Col. PIKE.

P E N D I N G

Date: 19 May 1947

Report of Investigation Division, Legal Section, GHQ, SCAP

Inv. Div. No. 1349

CRD No.

Report by: L. F. Bernard, Maj., CMP
O-39540

Title: CHANGED:

Lt Gen Sadae INOUE; Col Tokuchi TADA; Lt Col Toshihiko YAJIMA;
Lt Tetsuji KATSUYAMA.

Synopsis of facts:

Military and biographical histories of NIHEI, HAMANO, TANAKA, SAKAI and TADA, set out. Search for bodies of crash victims was conducted by Capt GLADYS, AGRS. Purported death certificate of KATSUYAMA obtained. HAMANO states KATSUYAMA returned to Japan in guise of enlisted man as YAJIMA's orderly and story of suicide is a subterfuge.

- P -

Reference: Report of Mr. Robert K. McKnight, dated 22 April 1947.

DETAILS:

At Tokyo:

The title of this report is being changed to drop the name of Corporal Irving TOPP who is a victim of the crash and to substitute the names of Lt. General INOUE, Colonel TADA, Colonel YAJIMA and Lt. KATSUYAMA, all of whom were either involved in the murder of Lt. KAUFMAN who survived the crash or conspired to conceal the facts concerning the part which KATSUYAMA played in the murder.

T. KATSUBE, Chief of Liaison Section, Central Liaison Office of the Japanese Government, forwarded the following military and biographical histories of Nobunari NIHEI, Juriyasu HAMANO, Masao TANAKA, Nao SAKAI and Tokuchi TADA, the originals of which are being transmitted to the Criminal Registry Division with their copy of this report:

Nobunari NIHEI

Domicile: No. 672, Higashi Omuro, Arato-mura, Seta-gun, Gumma-ken.

Date of Birth: 4 Apr. 1918

Military History:

Promotion

10 Jan. 1942: Pvt, 2nd Class

1 Dec. 1943: 2nd Lt.

20 Aug. 1945: 1st Lt.

Appointment:

10 Jan. 1942: Entered the Repl. Unit of the 100th Inf. Regt.

Distribution:

1 Prosecution
1 CRD (Encl)
1 AG Casualty Branch
1 OC&M (Memorial Div)
1 AG-PE
1 Apprehension Div
1 Niigata
1 Osaka
1 Sapporo
1 Sendai
1 G-2 (Mr. McQuail)
3 Inv Div (File #1349)
1 Mr. McKnight

1 Fukuoka
1 Australian Div
2 British Div
2 Com-Marianas LO
1 Capt Gill ✓

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L.S.

Inv. Div Model

Biographical History:

- Mar. 1928: Completed the Course of Civil Engineering of the Toshima Technical School in Osaka City.
- Aug. 1930: Served at the Yamamori Company at Shikiyama in Nara Pref.
- Dec. 1931: Retired from the above.
- Jan. 1932: Entered the Konoike Company in Osaka City.
- 1 Feb. 1946: Returned to the above position.

Note: The above description was based on his military career register and his own statements.

* * *

Neo SAKAI

Domicile: 220, Oaza-kamihiga, Kawanekajima-mura, Sarashina-Gun, Nagano-ken.

Date of Birth: 11 May 1914.

Military History:

Promotion:

- 1 July 1938: 2nd Lt.
- 1 Dec. 1939: 1st Lt.
- 15 Sept 1943: Capt

Appointment:

- 10 Jan. 1937: Entered the service in 50th Inf. Reg.
- 14 Aug. 1937: Enlisted to Home Depot Troops, 50th Inf. Reg.
- 9 Jan. 1938: Exempted upon Completion of the military service
- 9 Jan. 1938: Called to the service in Home Depot Troops, 50th Inf. Reg. (Served in China)
- 12 Sept 1940: Stationed in Manchuria.
- 1 Mar. 1944: Attached to 14th Div. HQ
- 8 Mar. 1944: Arrived in Manokwari, New Guinea.
- 19 Mar. 1944: Left Manokwari.
- 20 Mar. 1944: Arrived in Black Island
- Apr. 1944: Left Black Island.
- May 1944: Arrived at Manokwari.
- Dec. 1944: Left Manokwari and arrived at Parao.

There is no record of his military history thenceforth.

Biographical History:

- Mar. 1936: Graduated from Tokyo Agricultural University.

Note: This follows his Army Career Register.

* * *

Tokuchi TADA

Domicile: No. 192, Jiyugaoka, Meguro-ku, Tokyo-to.

Date of Birth: 9 Oct. 1901.

Military History:

Promotion

- 25 Oct. 1924: 2nd Lt.
- 25 Oct. 1927: 1st Lt.
- 1 Aug. 1933: Capt.
- 1 Mar. 1938: Maj.
- 1 Mar. 1941: Lt. Col.
- 1 Mar. 1944: Col.

Appointment:

- 13 Oct. 1921: Cadet.
- 1 Oct. 1922: Entered the Mil. Academy.
- 18 July 1924: Graduated from the above school.
- 25 Oct. 1924: Atchd to 1st Inf. Regt.
- 13 Dec. 1929: Entered the Mil. Staff College.

29 Apr. 1942: Transferred to the 15th Inf. Regt.
 10 Oct. 1942: Candidate for reserve officer.
 10 Dec. 1942: Entered an Army NCO Candidate Sch.
 28 Apr. 1943: Graduated from the above.
 24 Apr. 1944: Landed at Palau I. and then engaged in operations and
 guarding there.
 15 Nov. 1944: Platoon Comdr. of the 1st Marine Guerilla Unit.
 24 Feb. 1946: Landed at Uraga. Demobilized.

Note: The above description was based on his military career register.

* * *

Juriyasu HAMANO

Domicile: 630, Nikko-machi, Kamitsuga-gun, Tochigi Prefecture.
 Present Address: 60, Baba-machi, Nishinegishi, Isogo-ku, Yokohama City,
 Kanagawa Prefecture.
 Date of Birth: 15 Jan. 1919.

Military History:

Promotion:

1 Dec. 1943: 2nd Lt.
 20 Aug. 1945: 1st Lt.

Appointment:

1 Feb. 1942: Entered the 14th Transport Regt.
 10 Apr. 1942: Candidate for reserve officer.
 14 Dec. 1942: Attached to "Manshu" (Manchuria) 36th Unit.
 24 Apr. 1944: Attached to the 14th Divl Hqs and served in the Opera-
 tions Dept. of the above Hqs at Palau Is.
 15 Aug. 1945: Engaged in intelligence service at the above Dept.
 6 Mar. 1946: Demobilized.

Biographical History:

26 Dec. 1941: Graduated from the Dept. of Agriculture of the Tokyo
 Imp. University.
 12 Jan. 1942: Employed at the Tokyo Takushoku Company.
 1 Apr. 1946: Employed at the Shinko Foodstuff Company.
 1 Dec. 1946: Retired from the above.
 23 Dec. 1946: Served at the Economic Div. of the Tokyo-Kanagawa Military
 Government up to the present.

Note: This follows the investigation made by the Kanagawa Local Assistance
 Bureau.

* * *

Masao TANAKA

Domicile: No. 4 Aza Harajo, Shikashio, Yoshimoto-mura, Muko-gun, Hyogo-ken.
 Present Address: No. 34 Tsukiike, Takarazuka of the above village.
 Date of Birth: 5 Jan. 1908.

Military History:

Promotion:

1 Dec. 1928: 2nd Class Pvt.
 Date unknown: 2nd Lt.
 " " : 1st Lt.

Appointment:

1 Dec. 1928: Entered the 70th Inf. Regt.
 30 Nov. 1929: Discharged.
 29 Jul. 1941: Mobilized to the 111th Inf. Regt.; Platoon Comdr. of
 Infantry Gun of the 57th L. of C. Guard Unit (Manchuria)
 23 Feb. 1943: Landed at Palau Island
 9 June 1944: Coy. Comdr. of Infantry Gun of the 346th Ind. Inf. Bn.
 of the Ind. Mixed 53rd Brig. (at Palau I.)
 11 Jan. 1946: Land at Uraga and was demobilized.

Biographical History:

- Mar. 1928: Completed the Course of Civil Engineering of the Toshima Technical School in Osaka City.
- Aug. 1930: Served at the Yamamori Company at Shikiyama in Nara Pref.
- Dec. 1931: Retired from the above.
- Jan. 1932: Entered the Konoike Company in Osaka City.
- 1 Feb. 1946: Returned to the above position.

Note: The above description was based on his military career register and his own statements.

* * *

Neo SAKAI

Domicile: 220, Oaza-kamihige, Kawanekajima-mura, Sarashina-Gun, Nagano-ken.
Date of Birth: 11 May 1914.

Military History:

Promotion:

- 1 July 1938: 2nd Lt.
- 1 Dec. 1939: 1st Lt.
- 15 Sept 1943: Capt

Appointment:

- 10 Jan. 1937: Entered the service in 50th Inf. Reg.
- 14 Aug. 1937: Enlisted to Home Depot Troops, 50th Inf. Reg.
- 9 Jan. 1938: Exempted upon Completion of the military service
- o Jan. 1938: Called to the service in Home Depot Troops, 50th Inf. Reg. (Served in China)
- 12 Sept 1940: Stationed in Manchuria.
- 1 Mar. 1944: Attached to 14th Div. HQ
- 8 Mar. 1944: Arrived in Manokwari, New Guinea.
- 19 Mar. 1944: Left Manokwari.
- 20 Mar. 1944: Arrived in Black Island
- Apr. 1944: Left Black Island.
- May 1944: Arrived at Manokwari.
- Dec. 1944: Left Manokwari and arrived at Parao.

There is no record of his military history thenceforth.

Biographical History:

- Mar. 1936: Graduated from Tokyo Agricultural University.

Note: This follows his Army Career Register.

* * *

Tokuchi TADA

Domicile: No. 192, Jiyugaoka, Meguro-ku, Tokyo-to.

Date of Birth: 9 Oct. 1901.

Military History:

Promotion

- 25 Oct. 1924: 2nd Lt.
- 25 Oct. 1927: 1st Lt.
- 1 Aug. 1933: Capt.
- 1 Mar. 1938: Maj.
- 1 Mar. 1941: Lt. Col.
- 1 Mar. 1944: Col.

Appointment:

- 13 Oct. 1921: Cadet.
- 1 Oct. 1922: Entered the Mil. Academy.
- 18 July 1924: Graduated from the above school.
- 25 Oct. 1924: Atchd to 1st Inf. Regt.
- 13 Dec. 1929: Entered the Mil. Staff College.

29 Nov. 1932: Graduated from the above school.
 1 Aug. 1933: Coy. Comdr. of 1st Inf. Regt.
 7 Feb. 1936: Atchd to Mil. Ordnance Main Depot.
 25 Sept 1937: Intelligence official of the Intelligence Bureau.
 1 Mar. 1938: Member of the General Staff Office. Staff Officer of
 the Army Div. of the Imperial General HQ.
 14 Sept 1938: Atchd to the Army Affairs Bureau of the War Ministry.
 Member of the General Staff Office.
 28 Oct. 1938: Instructor of the Mil. Staff College.
 17 Aug. 1939: Concurrently served in the Mil. Aff. Bureau, War
 Ministry.
 9 May 1940: Member of the General Staff Office and concurrently
 Instructor of the Mil. Staff College.
 1 Aug. 1940: Atchd to the Mil. Aff. Bureau, War Ministry. Con-
 currently served in Mil. Ordnance Main Depot and
 Instructor of Mil. Nekano School.
 1 Mar. 1941: Staff Officer of 38th Div.
 15 Oct. 1941: Staff Officer of 23rd Army
 19 Jan. 1942: Staff Officer of Governor-General Div., Hong Kong
 Occupied Area.
 1 Aug. 1942: Staff Officer of the Korean Army.
 30 Nov. 1943: Chief of staff of 14th Div.
 24 Mar. 1944: Arrived on Palao Island.
 6 Mar. 1946: Demobilized.

Note: The above is based on his military career register.

* * *

On 22 April 1947, T. KATSUBE, Chief of Liaison Section, Central Liaison Office of the Japanese Government, forwarded what purported to be a death certificate of Tetsuji KATSUYAMA. This was executed on 24 February 1947 by the Chief of Nagano Local Assistance Bureau and reads as follows:

Certificate of Death

24 February, 1947

Name in full: KATSUYAMA, Tetsuji.
 Rank: Lieutenant.
 Unit: 14th Division Headquarters.

This is to certify, on the basis of the communication from the 14th Division Headquarters, that the above named person died of disease at the front at Gespan in Palao Island on 27 August, 1945 (hour not ascertained).

Chief of Nagano Local
 Assistance Bureau,
 t/ Kitamura, Katsuzo.

* * *

It is noted that in his transmittal of the above death certificate, Mr. KATSUBE stated that the circumstances of the death and information on those individuals who witnesses his death was a matter of continued investigation. Attention is invited, however, to the wording of the certificate which specifically states that KATSUYAMA died of disease on 27 August 1945.

On 2 May 1947, T. KATSUBE, forwarded another communication with a purported death certificate of KATSUYAMA, executed by Medical Lieutenant Kunio HIROI. This certificate was allegedly executed on 31 August 1945 and gave as the cause of death, illness, suicide, accident or poison. It then carried the notation that KATSUYAMA was presumed to have committed suicide with a pistol inasmuch as a bullet pierced his head. The ambiguous designation of the cause of death which

was allegedly determined by a medical officer of the YAMADA Unit, causes considerable doubt as to the authenticity of such a certificate inasmuch as any medical officer should readily be able to ascertain whether a death was caused by illness, gunshot wound or poison.

The originals of the above certificates, together with their letters of transmittal, are being transmitted to the Criminal Registry Division with their copy of this report.

The above discrepancies are not being called to the attention of the Central Liaison Office at the present time as information set out later in this report definitely indicates that the alleged suicide of KATSUYAMA is a fraud and every opportunity will be accorded the Central Liaison Office to implicate itself in this fraud inasmuch as it is indicated that they are not as yet cognizant of the fact that the Legal Section knows that KATSUYAMA did not commit suicide.

The following investigation was conducted by Mr. Robert K. McKnight:

When HAMANO reported to the Legal Section on 24 April 1947, he stated that the present address of Nobunori NIHARA is, c/o Osaka Branch Office, Nippon Yeast Company, 50 Saka-machi, Minami-ku, Osaka.

NIHARA is said to have returned to Japan on the same ship as Toshihiko YAJIMA and Tetsuji KATSUYAMA. It is possible that KATSUYAMA was travelling as YAJIMA's orderly under the name of KOYAMA. HAMANO stated that the Tokyo address of NIHARA is 903-4 Chome, Shimo Meguro, Meguro-ku, Tokyo. NIHARA is expected to be at the Osaka address until the end of May on business matters.

On 21 April 1947, Julius HAMANO executed a statement in English, the original of which is being transmitted to the Criminal Registry Division with their copy of this report. The statement reads as follows:

"I, Julius HAMANO, being of the Buddhist Religion upon being duly sworn to tell the truth, the whole truth and nothing but the truth, adding and subtracting therefrom nothing material to the issue testified substantially in answer to the following questions as follows:

Q. What is your name, age and present address?

A. My name is Julius HAMANO, I am 28 years old, by English count; my present address is: 60 Baba-cho, Nishinegishi, Isogo-ku, Yokohama.

Q. Can you speak English?

A. Yes, I can.

Q. Would you rather make your statement in English or in Japanese?

A. I would rather make this statement in English.

Q. On 29 March 1947, you made a statement to me regarding the execution of Lt. KAUFMAN and the suicide of his executor, Lt. Tetsuue KATSUYAMA. Is there anything in that statement which you like to change at this time?

A. Yes, I would like to change my former statement in the following manner:

On About 4 May 1945 at about noon, Lt. KAUFMAN was picked up by members of some unit on Koror Is. after having parachuted from a plane which crashed either on Koror Is. or just off shore. KAUFMAN was the only prisoner taken from that plane. Before evening on that same day, Lt. KAUFMAN was brought to the INOUE-Butai headquarters on Bebelthup Is. For about four hours on 5 May 1945 and four hours on 6 May 1945, Lt. KAUFMAN was interrogated and I served as interpreter. He was interrogated by Lt. Col. YAJIMA and Capt. YASUDA. During the interrogations KAUFMAN was in custody of Maj. KAWAMATA. Several times KAUFMAN asked me if he was going to be killed. I asked Lt. Col.

YAJIMA about this and he told me that KAUFMAN was not going to be killed. After those two days of interrogation, KAUFMAN was put into the custody of the Kempei Tai. About one week later, KAUFMAN was once more interrogated by Col. YAJIMA, Capt. YASUDA and a Lt. from the Kempei Tai. After the interrogation Lt. Col. YAJIMA went to consult Lt. Gen. INOUE and Col. TADA and when he returned, he told me that KAUFMAN was going to be sent to the KOICHI unit on Koror Is. to be executed. YAJIMA said that this execution was going to be performed to improve the moral of the soldiers of the KOICHI unit. Either that evening or the following day, ONOSE came to me and asked me to write a note which he could give to Lt. KAUFMAN before he was executed. I wrote for him a note stating the fact that Lt. KAUFMAN was being killed by order of the commanding officer, Lt. Gen. Sadae INOUE, because so many Japanese soldiers had been killed by the bombings of American planes. On the evening of the same day that I gave ONOSE this note, ONOSE took Lt. KAUFMAN to the KOICHI unit. ONOSE was accompanied by a member of the Kempei Tai. When ONOSE got back from Koror Island, he told me that on the way to Koror island, Lt. KAUFMAN had said that I was a good guy. ONOSE said that he agreed with KAUFMAN at that time and told him that I was his (ONOSE) best friend. ONOSE told me that when KAUFMAN was told that he was going to be executed, KAUFMAN was very brave. Just before he was to be executed, KAUFMAN asked ONOSE for a cigarette. After this KAUFMAN was executed by Lt. KATSUYAMA. I don't remember if KATSUYAMA cut off the head completely in one stroke or not.

Q. Do you have anything further to add about the execution?

A. No.

Q. Do you know why Lt. KATSUYAMA was the one CHOSEN to kill Lt. KAUFMAN?

A. I do not know.

Q. Did you know that Capt. KOICHI was at the INOUE-butai headquarters shortly before Lt. KAUFMAN was taken to the KOICHI unit?

A. Yes, I did.

Q. Did you know that Capt. KOICHI accompanied ONOSE and KAUFMAN to the KOICHI unit?

A. No, I did not.

Q. What was Capt. KOICHI doing at the headquarters of the INOUE butai?

A. I do not know.

Q. In your former statement on 29 March 1947, you told me that Lt. KATSUYAMA committed suicide after the end of hostilities when American authorities ordered him to give himself up in account for the killing of Lt. KAUFMAN. Is it true that he committed suicide?

A. No, Lt. KATSUYAMA did not commit suicide. He is still alive as far as I know and returned to Japan on the boat before I did which left Palau, 12 Feb. '46. I believe the name of this boat was "Transportation 40" and that it arrived at Uraga, Japan, 26, Feb. '46. KATSUYAMA returned to Japan in the guise of an enlisted man serving as Lt. Col. YAJIMA's orderly.

Q. What name did KATSUYAMA use when he returned to JAPAN?

A. I do not know.

Q. Describe Lt. KATSUYAMA.

A. KATSUYAMA has a long face, thin and about five feet four inches tall. He has a dark complexion, smooth skin, his ears were slightly deformed as a result of injuries received during American bombings and he has a scar behind his right ear as a result of being burnt.

Q. Where can we find KATSUYAMA?

A. I don't know. Lt. Col. YAJIMA should know.

Q. Where does Col. YAJIMA live?

A. I do not know.

Q. Do you know anyone who possesses KATSUYAMA's picture?

A. No, I do not.

Q. Do you have anything further to add to this statement?

A. No.

s/t/ Julius HAMANO
(Japanese Characters)

* * *

On 9 May 1947, Sadae INOUE was incarcerated in Sugamo Prison where he is currently confined. On 15 May 1947, the Com-Marianas Liaison Officer requested concurrence in the transfer of INOUE to GUAM to stand trial for the murder of Lt. KAUFMAN. The Investigation Division interposed no objection to the transfer inasmuch as the Commander Marianas has trial jurisdiction of crimes committed at Koror Island.

UNDEVELOPED LEADS:

The Osaka Office -- At Osaka -- Will interrogate Nobunori NIHARA, presently reported on a business trip, c/o Osaka Branch Office of the Nippon Yeast Company, 50 Saka-machi, Minami-ku, Osaka, and interrogate him concerning his knowledge of the murder of Lt. KAUFMAN and the probable present whereabouts of KATSUYAMA. NIHARA will also be vigorously interrogated concerning the possibility that KATSUYAMA returned to Japan under an assumed name as the orderly of Col. YAJIMA.

At Kobe -- Will interrogate MAKOTO OSAKI, presently reported residing at Kobe-shi, Kayashida-ku, Mikura-dori 7-5, concerning the execution of Lt. KAUFMAN, the fate of the other crew members and the whereabouts of KATSUYAMA.

The Sapporo Office -- At Sapporo -- Will interrogate Ryuchi KAZINO, presently reported residing in Hokkaido, Yamakoshi-gun, Yakumo-cho, Oasa Sharanbe, concerning the execution of Lt. KAUFMAN, the fate of the other crew members and the present whereabouts of KATSUYAMA.

The Sendai Office -- At Sendai -- Will interrogate Shozo TANNO and Masami CHIBA concerning the execution of Lt. KAUFMAN, the fate of the other crew members and the whereabouts of Lt. KAUFMAN.

The Niigata Office -- At Nagano-ken -- Will secure a picture of KATSUYAMA from his family reported residing at #2016 Takai Oasa, Takai-mura, Kami-takai-gun, Nagano-ken.

The Tokyo Office -- At Tokyo -- Will report the apprehension of KATSUYAMA.

Will re-interrogate INOUE, presently in Sugamo Prison, pointing out the fallacy of the statement given by him as reported in the report of Mr. Philip Cheles, dated 26 March 1947 and obtain a true statement of the part of INOUE in the murder of Lt. KAUFMAN and his knowledge of the present whereabouts of KATSUYAMA.

Will report the result of the demand on the Japanese Government for the military and biographical history and present whereabouts of former Lt. Col. Isao YAMADA who was allegedly medical officer of the headquarters of the INOUE-Butai on Babelthuap.

Upon the completion of the above lead, will set out appropriate lead for the interrogation of Isa YAMADA for the purpose of determining whether either INOUE or TADA were sick at the time of KAUFMAN incident.

Will interrogate Takeshi OKUSAWA, Kuniyuki NAKAMURA, Tadashi ONO, Bokuro WATANABE, Zinichiro YABE, Shigeharu YAMAGUCHI, Kurikichi YOKUSAKA and Haya INNAI concerning the fate of Corporal Irving TOPP and other crew members and the execution of Lt. KAUFMAN as well as the present whereabouts of KATSUYAMA.

P E N D I N G

Date: 22 April 1947

Report of Investigation Division, Legal Section, GHQ, SCAP

Inv. Div No.
1349

CRD No.

Report by: Robert K. McKnight

Title: Corporal Irving TOPP

Synopsis of facts: Statements from ONOSE, HAMANO, DOI, OGAKI and WATANABE set out. Military and biographical history of ONOSE set out. Witnesses report only one survivor from plane crash on 4 May 1945; execution of survivor, Lt. KAUFMAN, performed by order of INOUE; executor KATSUYAMA, believed to be still alive and in Japan. Pictures of ONOTERA and TOMIYAMA received.

-P-

Reference: Report of Capt. Wm. R. GILL, dated 3 February 1947.

DETAILS:

At Tokyo:

On 19 March 1947, an interrogation was conducted by this agent of Ichiro ONOSE, who was one of the officers in the Intelligence Section of the INOUE-Butai Headquarters at Babelthuap Island of the Palau group. In this statement, ONOSE stuck to the facts as set out in the report submitted by Lt. Gen. Sadao INOUE to American Army authorities at the time an investigation was conducted at Babelthuap Island, concerning the death of Lt. Wallace F. KAUFMAN. He reports, as did all witnesses interrogated, KAUFMAN was the only survivor from the B-24 that crashed on 4 May 1945. The signed original of this statement is being transmitted to CRD, one signed copy is being transmitted to the Prosecution Division and one signed copy is being attached to each Inv. Division copy of this report. This statement of ONOSE is set out to read as follows:

"I, Ichiro ONOSE, being of the Buddhist Religion, upon being duly sworn to tell the truth, the whole truth, and nothing but the truth, adding and subtracting therefrom nothing material to the issue testified substantially as follows:

I was on Babelthuap Island at the time of the air raid on 4 May 1945. During that air raid only one B-24 airplane was shot down. I did not see

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1 - Capt. Gill
1 Inv. Div (File 1349
encl 7)
1 McKnight

Do not write in this space.

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this plane crash but am certain that only one airplane crashed on that occasion, and that 1st Lt. Kaufman was the only survivor from that plane. From intelligence reports I know that the plane crashed off shore in the ocean.

I was not on Koror Island at the time that 1st Lt. KAUFMAN was killed but I know that KAUFMAN was dissatisfied at the conditions on Babelthuap Island and complained because of lack of food, lack of sunshine, and lack of wind, Babelthuap was a dense jungle island. I also know that KAUFMAN was sent back to Koror Island. After the end of the war I read a report written at the request of the American Army, concerning the KAUFMAN incident in which was the statement that KAUFMAN was sent back to Koror Island, where he was originally picked up, in answer to his own request.

Through intelligence reports I know that KAUFMAN was not in the custody of the Kempei-Tai unit when he was returned to Koror Island. One probable reason for this may have been the fact that there were only about three Kempei-Tai men comprising the Koror Island M.P. unit, and their facility for handling prisoners of war was only a cave. When he was taken to Koror Island he was taken there in the custody of either members of the DOI-Unit or the KOICHI-Unit which were on Koror Island, or else he was escorted by members of the Kempei-Tai unit on Babelthuap Island. Upon reaching Koror Island KAUFMAN was placed in the custody of the Koichi Unit, which was an anti-aircraft unit under the command of Captain KOICHI. He was probably placed in the hands of this unit rather than the DOI Unit because the KOICHI Unit was located in a safer position from a standpoint of air raids. The DOI Unit was under the command of Colonel DOI and was stationed at the port on Koror Island. I believe that KAUFMAN was placed in the custody of the anti-aircraft unit for the sake of protection from the bombing, as the bombing of the port was quite severe. The anti-aircraft unit in the custody of which KAUFMAN was placed was one which had suffered greatly from air raids including the air raid on 4 May 1945 during which the plane on which KAUFMAN was an officer crashed.

Through intelligence reports I know that 1st Lt. KATSUYAMA, a member of the KOICHI Anti-aircraft Unit, killed 1st Lt. KAUFMAN by beheading him near the location of the KOICHI Unit on Koror Island approximately twenty days after his capture. I know from what I have heard that KATSUYAMA committed suicide after the fall of Koror Island. I do not know the reason behind KATSUYAMA's action in killing 1st Lt. KAUFMAN, and heard of no change in policy concerning the treatment of prisoners of war captured from fallen airplanes. The Kempei-Tai on Koror Island had no connection with the KAUFMAN incident. To my knowledge no policy, directive, order, or any form of pressure from above was passed on to General INOUE or any of his subordinates relating to the special treatment for making examples of captured airmen and possibly beheading them. General INOUE was the commanding general of the area surrounding Babelthuap Island including Koror Island and received his orders from Manila or Japan.

Since the boat communications were disrupted between Babelthuap Island, area and the outside, there were no visitors, official or otherwise, who came to Babelthuap Island or Koror Island within four months of the end of the war in that area. The only communications existing with the outside were by wireless telegraph with Manila and Japan, so all orders received at this headquarters would have had to come by telegraph.

Captain Taichiro OGAKI was the signal officer at Babelthuap Island headquarters. In case of secret messages the three persons who would have had access to them would have been General Sadae INOUE the commanding general, Colonel Tokuchi TADA, the chief of staff, and Captain Taichiro OGAKI, the signal officer. It is doubtful if any one else would be informed of secret orders.

The only officers in the KOICHI Anti-aircraft Unit that I remember are Captain KOICHI(FNU), the commanding officer, 1st Lt. KATSUYAMA(FNU), and 1st Lt. Masao TANAKA.

Lt. Col. Toshihiko YAJIMA was the intelligence staff officer. (G-2) under Chief of Staff Tokuchi TADA. YAJIMA was my immediate superior. Orders from Japan or Manila would come normally to Gen. INOUE, and from him through Col. TADA to subordinate units including the intelligence section.

I believe that Taichiro OGAKI can now be located somewhere in Ibaraki-ken, Col. Tokuchi TADA in the Tokyo area, and 1st Lt. Masao TANAKA in the vicinity of Osaka.

s/ Ichiro ONOSE"

On 8 April 1947, the Central Liaison Office of the Japanese Government submitted a report of the military and biographical history of Ichiro ONOSE, the original of which is being transmitted to CPD along with their copy of this report. This document is set out to read as follows:

"Domicile: 6525, Yamagata, Yamagata-mura, Naka-gun, Ibaragi Prefecture.
Present Address: 1641, Kamikane-machi, Mito City, Ibaragi Prefecture.
Date of Birth: 10 March 1920.

Military History:

Promotion:

1 Feb 1942:	Pvt. 2nd Class.
1 Apr 1942:	Pvt. 1st Class.
24 Apr 1942:	S.Pvt.
1 Jun 1942:	Cpl.
1 Sep 1942:	Sgt.
28 Oct 1942:	Sgt. Maj.
1 Dec 1943:	2nd Lt.
20 Aug 1945:	1st Lt.

Appointment:

1 Feb 1942:	Entered the Repl. Unit of the 14th F.A. Regt.
1 Apr 1942:	Candidate for reserve officer.
28 Oct 1942:	Graduated from Military Academy of Candidate for Reserve Officer.
14 Dec. 1942:	Transferred to the 20th F.A. Regt.
1 Mar 1944:	Attached to the 14th Div. Hqs.
24 Apr 1944:	Landed at Palau Island.
28 Dec 1945:	Left Palau Harbor.
7 Jan 1946:	Landed at Uraga and demobilized.

Biographical History:

20 Mar 1937:	Graduated from the Mito Middle School in Ibaragi Prefecture.
8 Apr 1939:	Entered the Course of Mechanical Engineering of the Sendai Higher Technical School.
24 Dec 1941:	Finished the above.

5 Jan 1942: Employed at the Osaka Engineering Industry Co.
30 Jan 1942: Retired from the above because of entering barracks.
7 Jan 1946: Engaged in manufacturing of cement tile at his home
after being demobilized.

On 29 March 1947, an interrogation was conducted by this agent with Julius HAMANO, an officer of the Intelligence Section of the INOUE Butai Headquarters, on Babelthuap Island of the Palau Island area. HAMANO was formerly a resident of the United States of America and speaks fluent English. He was used as the interpreter when KAUFMAN was interrogated on Babelthuap. HAMANO had apparently not been briefed as to the story to be given when this case was investigated, and his interpretation of what actually took place appeared to be fairly accurate. He also is certain that only one flier escaped from the hit plane. He said that his knowledge of the incident is not too complete, because he was at a rest hospital at the time KAUFMAN was held prisoner and he was called from the hospital only on occasions when the prisoner was to be interrogated. The signed original of this statement is being transmitted to CRD, one signed copy is being transmitted to the Prosecution Division, and one signed copy is being attached to each Investigation Division copy of this report. The statement made by HAMANO is set out to read as follows:

"I, Julius HAMANO, being of the Buddhist religion, upon being duly sworn to tell the truth, the whole truth and nothing but the truth, adding nothing and subtracting nothing therefrom material to the issue, testified on 29 March 1947, in answer to the following questions, as follows:

Q. What is your name, age and present address?

A. My name is Julius Hamano. I am 28 years old, by English count; my present address is - 60 Baba-cho, Nishinogishi, Isogo-ku, Yokohama.

Q. Do you intend to remain at this address for the next six months, and if not, where can you be located?

A. I will be at the above address for the next six months.

Q. Can you speak English?

A. Yes, I can.

Q. Would you rather make your statement in English or in Japanese?

A. I would rather make this statement in English.

Q. How long were you stationed on Babelthuap Island at the headquarters of the Inoue-butai?

A. I was with the headquarters of the Inoue-butai from March 1944 until I was evacuated by the American army, March 1946. This headquarters was located in Chichiharu, Manchuria in March 1944 when I joined it. From Manchuria this headquarters moved to Koror Island of the Palau Island group, and I was on Koror Island until the end of July 1944. At this time the headquarters moved to Babelthuap Island and was there until the end of hostilities in that area; after this, in preparation for evacuation to Japan, I moved to Alakabesan Island on or about 16 February 1946.

Q. What were your duties at the headquarters of the Inoue-butai?

A. For a time I served as Adjutant to Chief of Staff, Col. Tokuchi Tada. I was also connected for a while with the Supply Section and the Intelligence Section.

- Q. How many prisoners of war were captured in the vicinity of Babelthuap Island and interrogated at the headquarters of the Inoue-butai?
- A. In August 1944 two captured sailors from Yap Island were brought to the headquarters to be questioned. Again in August 1944 three airmen were captured from a plane which crashed; they parachuted from the plane; they were also interrogated at the headquarters. The only other one to be taken was an airman who parachuted from a plane that crashed in the area May 1945. He was interrogated at this headquarters also.
- Q. Were all of these prisoners of war sent out of the Palau Island area to prisoner-of-war camps?
- A. No, all but the last who was captured in May 1945 were sent out of the area.
- Q. Did you serve as interpreter when these prisoners were questioned?
- A. I served as interpreter for the sailors in August 1944 and for the airman who crashed in May 1945. I was sick at the time the three airmen were captured in August 1944; they were interrogated by a civilian called Yamada.
- Q. What was the name and nationality of the airman who crashed in May 1945?
- A. He was Lt. Walter Kaufman; he was an American.
- Q. What were your duties at the time Lt. Kaufman was crashed there?
- A. I was at the rest hospital on Babelthuap Island. I had no duties but was called from the hospital to interrogate Lt. Kaufman.
- Q. Would you describe the plane crash as Lt. Kaufman described it to you?
- A. Lt. Kaufman told me that the plane he was on was flying toward its objective and prior to dropping the bombs he was ordered by the Captain of the ship to go and look through the Bombay hole. Just as he looked down through the hole he felt a shock which rocked the ship, and the next thing he knew he was thrown out of the ship, and he had pulled the rip cord of his parachute.
- Q. Was there only one plane that crashed during the raid?
- A. Yes, there was only one.
- Q. How many survivors were taken from the crash?
- A. Only one.
- Q. Was Lt. Kaufman injured when he fell from the plane?
- A. He had a cut on his hand, and his leg was scratched; these wounds became infected and bothered him a great deal.
- Q. Was he given any medical treatment?
- A. He was permitted to use the medical kit which he brought with him, and he was given some medical treatment by our medical officer when he asked for it.
- Q. Where and by whom was Lt. Kaufman captured?
- A. Lt. Kaufman was picked up in the water in Arimisu Channel by soldiers from Koror Island and was taken first to Koror Island.
- Q. When was he brought to Babelthuap Island?
- A. About a day or two after he was picked up.

- Q. How long was he kept on Babelthuap Island?
A. He was kept there about ten days.
- Q. Where was he sent then?
A. Back to Koror Island.
- Q. Why was Lt. Kaufman returned to Koror Island?
A. I believe he was sent back to Koror Island to be interrogated further by the Anti-aircraft Unit there; this was the Koichi-unit, under Captain Koichi.
- Q. Did Lt. Kaufman ever make any complaints to you about the treatment and conditions on the Babelthuap Island?
A. No. he never complained to me of the conditions at the Babelthuap Island. He was quite concerned about whether he was going to be killed or not, and when he asked me, I asked Lt.Col. Yajima, the Intelligence Staff Officer, for him about this. Lt.Col. Yajima told me to tell Lt. Kaufman that he would not be killed.
- Q. By whom was Lt. Kaufman ordered back to Koror Island?
A. I don't know. I saw no order sending him back.
- Q. In whose custody was Lt. Kaufman on the Babelthuap Island?
A. He was in the custody of the Kempei-tai headquarters, under Lt.Col Miyasaki.
- Q. In whose custody was Lt. Kaufman on Koror Island?
A. I don't know in whose custody Lt. Kaufman was when he went to Koror Island.
- Q. In whose custody was he when he was taken to Koror Island?
A. I believe he was taken to Koror Island by members of the Kempei-tai and Lt. Onose went along with the group.
- Q. Do you know any reason that Lt. Kaufman was sent to Koror Island other than for interrogation by an anti-aircraft unit?
A. No, I do not.
- Q. Doesn't it seem strange to you that Lt. Kaufman was put in the hands of a unit that would naturally be antagonistic to him?
A. Yes, it does seem strange to me.
- Q. Was Lt. Kaufman in the custody of an armed Kempei-tai soldier when interrogated on Babelthuap Island?
A. Yes, there was an armed guard with him at all times.
- Q. Did he receive this same Kempei-tai protection on Koror Island?
A. I don't know.
- Q. What happened to Lt. Kaufman on Koror Island?
A. I heard that he was killed by Lt. Katsuyama of the Anti-aircraft Unit on Koror Island.
- Q. How long a period elapsed after Lt. Kaufman first crashed there and the time he was killed:
A. About 14 days after he was crashed, I think.
- Q. What do you know of Lt. KATSUYAMA?
A. I did not know him personally. I heard from Lt. ONOSE that KATSUYAMA,

who was a friend of his, was a good fellow. He committed suicide after the end of hostilities when American authorities ordered him to give himself up in account for the killing of Lt. Kaufman. He wrote a note before he committed suicide stating that he hoped this would atone for the killing of Lt. Kaufman.

Q. Did you see this note which he wrote?

A. No, I just heard about it.

Q. Do you know of any orders or messages concerning a change in policy regarding the treatment of airmen which was received by the headquarters of the Inoue-butai which might have influenced their treatment of Lt. KAUFMAN in sending him to his death in the hands of an antagonistic unit?

A. No, I do not.

Q. From where did the Inoue-butai receive orders at the time of the Kaufman incident?

A. Orders were received by the headquarters of the Inoue-butai from the Japan Allied Naval Command, in Kure, Japan, I believe. They were in communication by radio-telegram with Japan and Manila.

Q. Were orders received by any other means than radio-telegram at the time of the Kaufman incident?

A. No, all orders were received by radio-telegram at that time. This was their only means of communication with areas outside of the Palau Island group since as early as September 1944.

Q. Did anyone come to or go from the Palau Island area after September 1944?

A. No, no one did.

Q. Was the Inoue-butai Headquarters the only one that had communication with areas outside the Palau Island area from September 1944 on?

A. No, I heard that the Naval Headquarters on Babelthuap Island had communication with the outside. This was the 30th Naval Base.

Q. Did you see all radio-telegrams coming to the INOUE headquarters?

A. No, radio-telegrams of top secret status I would not have seen.

Q. Who in this Headquarters would have seen all of these orders?

A. I believe three officers would have seen top secret messages - General Sadae INOUE, the Commanding Officer, Lt. Col. Tokuchi Tada, the Chief of staff, and Capt Oraki, the Signal Officer in charge of receiving and decoding radio telegrams.

Q. Was the situation such that the INOUE-butai Headquarters on Babelthuap Island was expecting an attack by landing forces at the time of the Kaufman incident?

A. No, they were expecting no attack by landing forces.

Q. Do you have anything to add to this statement?

A. No, I have nothing to add.

/S/ Julius HAMANO"

On 9 April 1947, Norio DOI, former commander of the forces stationed on Koror Island under Lt. Gen. Sadae INOUE on Babelthup Island, reported as instructed to the Investigation Division of Legal Section and a statement was taken from him concerning the KAUFMAN incident. DOI's claim to ignorance of the fact that KAUFMAN was sent to the KOICHI unit to be executed may be grounded on facts, but it is doubtful if KAUFMAN was sent to the KOICHI unit, which was within DOI's jurisdiction, without his having been notified. The signed original of this statement is being transmitted to CRD, one signed copy is being transmitted to the Prosecution Division, and one signed copy is being attached to Investigation Division copy of this report. This statement of DOI is set out to read as follows:

"Q. State your name, age and address.

A. Norio DOI, 52 years of age, Yamaguchi-ken, Iwakuni-shi, Oaza-fujiu, 1122.

Q. Will you remain at this address for the next six months?

A. Yes.

Q. What were your duties in May 1945?

A. I was the Koror garrison troop commander.

Q. Do you remember a raid in May 1945 where one American B-24 was shot down?

A. Yes.

Q. How many prisoners were taken from that plane?

A. There was one prisoner.

Q. Give us a description of the treatment this prisoner received from the time he was captured until the last knowledge you have of him.

A. I have forgotten the exact date but sometime in the early part of May 1945, one B-24 crashed in the southern tip of Koror Island. At that time one flier parachuted from the plane and landed in the ocean just south of Koror. After the American planes had left, three or four natives of Koror Island and four or five men from the Yamada Shipping unit put out a boat and picked the flier up. Members of the Yamada unit brought this flier to the headquarters of the Doi Unit. At the headquarters of the Doi unit, 1st. Lt. Yugo GOTO interrogated the flier for about twenty or thirty minutes. In as much as GOTO could not understand very much English, all we were able to find out from the flier was that he had come from a base on Pelieu Is. of the Palau group, and that his name was KAUFMAN and that his rank was 1st. Lt. After having fed him, I ordered him sent to the INOUE unit in accordance to Army regulations. I heard directly from chief-of-staff TADA that KAUFMAN came from a wealthy family living on the east coast. Twice in the latter part of May 1945, I received telephone calls from staff intelligence officer YAJIMA asking my approval of sending KAUFMAN to the KOICHI unit in order that this unit might be shown the flier captured from the plane which this unit had shot down. Both times I refused to agree to the idea of putting KAUFMAN in the hands of the KOICHI unit. I refused because I did not feel it necessary from the standpoint of the morale of the troops that KAUFMAN be shown to them and in the midst of battle, it would be too much trouble. Also because there was no-one in my unit and the KOICHI unit that spoke English and it would be too difficult to handle the prisoner. I believe it was in the early part of June 1945, I heard from some member of my unit, perhaps my orderly, that the prisoner had been executed two or three days earlier by 1st. Lt. Tetsuji KATSUYAMA of the KOICHI unit. One or two weeks after I heard this, when I was called to the headquarters of the INOUE unit concerning some other business, I

questioned YAJIMA about the execution of Lt. KAUFMAN. I asked Col. YAJIMA, "Didn't you put me on the spot as a unit commander by sending the prisoner to the KOICHI unit without my knowledge of it"? Col. YAJIMA replied simply, "Oh, I'm sorry, but what's done is done"!

In about Sept. 1945, I heard from Capt. KOICHI that Lt. KATSUYAMA had disappeared while on his way to the INOUE headquarters. Lt. KATSUYAMA is the officer from the KOICHI unit which executed KAUFMAN. KOICHI suggested to me to send out a searching party to Babelthup Island, however, I told him not to because KOICHI's unit couldn't possibly find KATSUYAMA in the dense jungle of Babelthup. Besides I told KOICHI that it would be better to get in touch with the INOUE headquarter, Kempei Tai, and the police force and let them do the searching for they would know more about the jungle. I later received a report that KATSUYAMA committed suicide in the vicinity of Gaspan.

Q. What sort of person was Lt. KATSUYAMA?

A. He was an officer of high caliber and also very courageous. I do not know his disposition or temperment for he was not a member of the DOI unit.

Q. Do you think KATSUYAMA performed this execution on his own accord or was it an order from the higher headquarters?

A. From my knowledge of KATSUYAMA as an officer, I do not believe he would have performed this execution unless he had had orders from higher headquarters, perhaps from Col. YAJIMA.

Q. Did the orders to have Lt. KAUFMAN sent to the KOICHI unit originate with Col. YAJIMA or was it Lt. Gen. INOUE?

A. Ordinarily orders of this sort would originate with YAJIMA upon the approval of Gen. INOUE. In this case, however, YAJIMA may have made the order without the knowledge of INOUE.

Q. Do you know of any order from Japan concerning the treatment of prisoners which might have influenced Gen. INOUE in his treatment of Lt. KAUFMAN?

A. No, I know of no such order.

Q. Do you wish to add anything further to this statement?

A. No.

/s/ Norio DOI"

On 7 April 1947, Daiichi OGAKI reported as instructed to the Investigation Division of Legal Section. OGAKI was instructed to report, in an effort to establish the fact that Lt. Gen. Sadae INOUE was acting under orders in some form presumed to have been received from high headquarters in Japan or Manila in disposing of Lt. KAUFMAN. When interrogated on 7 April 1947, OGAKI stated that he felt that he had seen such an order in May 1945, but when a statement was taken from him on 9 April 1947, he flatly denied that any orders concerning prisoners of war had been received after May 1944. Investigation will be continued in an attempt to establish this point either positively or negatively. The signed original of this statement is being transmitted to CRD, and signed copy is being attached to Investigation Division copy of this report. The statement made by Daiichi OGAKI, 9 April 1947 is as follows:

"Q. State your name, address, age, occupation and religion.

A. Daiichiro OGAKI, 32 years of age, Tochige-ken, Kamitsuga-gun, Kanuma-machi Omari-bashi-cho, Yamaichi-gata. I am an employee of the Nihon Zeki Kabushiki Kaisha. I am a Buddhist.

Q. Do you plan to remain at your present address for the next six months?

A. Yes.

Q. State a brief military history of yourself.

A. In August 21, 1937, I was called from the reserves to serve with the 59th Inf. Regt. at Utsunomiya. In July 1938, I went to Kansho, China. In April 1939, I passed the officer's candidate test and was shipped back to Japan and then entered the Morioka officer candidate school. I graduated in Oct. 1939 and went back to Utsunomiya to join my previous unit which had come back from China. I was then a cadet officer and in August 1, 1940, I became a 2nd Lt. In Sept. 1940 I went to Chichiharu, Manchuria and in February 1942 I was transferred to the 14th Division headquarters as a Signal Corps officer. I was then a 1st Lt. The 14th Division was stationed at Chichiharu at that time. In April 1944, we arrived at Koror atoll in the Palau group. In June 1944, the Division headquarters moved to Babelthaup. In September 1944, I went back to Koror. In January 1945 I went back again to Babelthaup and stayed there until the time of surrender.

Q. What were your duties with the headquarters of the 14th Div. or the INOUE butai from January 1945 on?

A. I was the head of the telegraph section.

Q. Do you remember the important telegrams that came to that headquarters while you were serving as the head of the telegraph section?

A. I remember some of them, for instance one which warned against the use of poisonous gas except as a last possible resort. Also I remember, in the weekly current event communications reports, of the Imperial Palace being bombed, bombings of the important shrines, and the report of the atomic bomb on Hiroshima.

Q. What sort of reports did you receive in May concerning conditions in Japan?

A. About that time we received reports of the bombing of Ise-shrine and also of the Imperial palace. We received reports that the bombing of Tokyo was quite severe.

Q. What sort of reports did you receive of battle conditions in the vicinity?

A. We received current reports as to the location of the allied forces.

Q. What sort of orders or directives were received in April, May, and June 1945 concerning the handling of prisoners-of-war?

A. In about May 1944, we received a telegram from the headquarters of the chief-of-staff in Tokyo concerning the questions to be put to prisoners-of-war. In regards to the handling of prisoners-of-war, the instructions were to send the prisoners to Japan if possible, if not prisoners were to be sent to the nearest headquarters. No further instructions were received regarding prisoners-of-war.

Q. You say that you received no instructions regarding the treatment of prisoners-of-war in or about May 1945?

A. That is right.

Q. Did you decode all the telegrams received in your telegraph section?

A. I did not decode all of them. This was done by the personnel of my office and I checked each telegram after it had been decoded. That is all but those going to the Kempei-Tai; these telegrams were not decoded by my section. A Sgt. YOKOYAMA of the Kempei Tai decoded these telegrams.

Q. Do you have anything to add to this statement?

A. No, I have not.

/s/ Daiichiro OGAKI"

By this time, it was obvious that Ichiro ONOSE, originally interrogated on 19 March 1947, had been withholding a great deal of information, as it was the general opinion of those interrogated that ONOSE was the best informed intelligence officer on the details of this incident. Consequently, a second interrogation of him was conducted at Mito-shi, Ibaraki-Ken as a result of which, the following statement was obtained on 16 April 1947. The signed original of this statement is being transmitted to CRD. One signed copy is being transmitted to the Prosecution Division and one signed copy is being attached to each Inv. Div. copy of this report. This statement of ONOSE is set out to read as follows:

"Q. State your name, address, age and occupation.

A. My name is ONOSE, Ichiro, I live at 1641 Kamigane-machi, Mito-shi, Ibaraki-ken, I am 28 years old, and I work in a factory which makes roofing tiles.

Q. You made a statement 19 March 1947 at Military Government headquarters, Mito-shi, Ibaraki-ken before me concerning the execution of Lt. KAUFMAN. Is there anything in that statement which you would like to change?

A. Yes, I like to change my original statement to read in the following manner:

Lt. KAUFMAN was captured on the morning of May 4, 1945 by members of some unit on Koror Island. That afternoon he was brought to the INOUE unit headquarters on Babelthuap Island. Interrogation of KAUFMAN lasted for about two days. He was interrogated by the officers of the INOUE unit headquarters with HAMANO as interpreter. Some time within the following two weeks, Col. YAJIMA called Col. DOI by telephone to ask DOI's permission to have KAUFMAN executed by some officer of the KOICHI unit. DOI refused this request two or three times. Finally about fifteen days later, Col. YAJIMA acting under the orders of Lt. Gen. INOUE, sent for Capt. KOICHI to report to the headquarters of the INOUE UNIT. When Capt. KOICHI arrived, YAJIMA explained to him clearly that DOI had refused to allow the execution of Lt. KAUFMAN by the KOICHI unit on Koror Island. YAJIMA then said that even though Col. DOI has refused, wouldn't KOICHI take the prisoner directly to his unit to be executed. KOICHI not too willingly agreed to accept the prisoner, so on the evening of that day KOICHI, his orderly, a member of the Kempei Tai and myself escorted KAUFMAN to the KOICHI unit on Koror Island. We were also accompanied by a sgt/Maj. Naohiko TSUCHIYA, member of the Intelligence section. The following morning, at about 0700, I went to the graveyard near the KOICHI unit where the execution was to take place. By that time all the soldiers in that vicinity and some natives had assembled. KAUFMAN was there having been brought there in the custody of some soldiers of the KOICHI unit. I went to where KAUFMAN was standing and pointed out to him the remaining scars of the recent bombings. I told him a sentence in English which HAMANO had written for me to the effect that he was being killed by order of the commanding officer, Lt. Gen. Sadac INOUE because of the many Japanese soldiers that had been killed as a result of the bombings by American planes. KAUFMAN then questioned me and said something like, "Why?, Isn't this war"? I tried to answer that his execution was also a result of the war. What I actually said in English was, "You are being killed, -----is war". KAUFMAN acted resigned to the situation and said, "uh huh". I offered him a cigarette which he accepted and said "Thank you". He smoked it with nervous fingers. In the meantime, Capt. KOICHI had come and the soldiers had paid a salute to him. When KAUFMAN had half finished

his cigarette, one of the non-commissioned officers of the KOICHI unit shouted to bring KAUFMAN over so a soldier came to lead KAUFMAN to his grave. I went with them and by using my hands, I questioned KAUFMAN whether or not he wished to be blindfolded. He answered that he wished to be blindfolded and he was blindfolded after he knelt before his grave. At that point, without further delay, Lt. KATSUYAMA decapitated KAUFMAN in one stroke with his officers sword. KAUFMAN's whole body fell freely into the grave which had been dug for him previously; I do not know by whom or when. Immediately the soldiers filled the grave with soil. A mound was piled over the grave and flowers were placed upon it. The soldiers paid a salute to the grave. On that occasion some officer, I'm not sure who, suggested that a cross be placed over the grave. I don't know if this was done or not. At this point the soldiers were dismissed. I returned to the headquarters of the INOUE unit at Babelthuap that day.

Q. Whose order was it that KAUFMAN be sent to the KOICHI unit?
A. This was an order from Lt. Sadae INOUE.

Q. Was this order a verbal or a written order?
A. It was a verbal order.

Q. Did Lt. Gen. INOUE order that Lt. KATSUYAMA behead KAUFMAN?
A. No, I am fairly certain that Col. YAJIMA acting for Lt. Gen. INOUE told Capt. KOICHI that some officer of his unit was to behead KAUFMAN. In my opinion, Capt. KOICHI being a weakspirited man could not have beheaded Lt. KAUFMAN. Consequently, during the discussion that took place among the officers of the KOICHI unit, it was decided that since casualties in Lt. KATSUYAMA's unit had been the greatest, he should perform the execution.

Q. Do you know anything of an order, directive or letter which was received by Lt. Gen. INOUE which might have influenced him in his treatment of Lt. KAUFMAN.
A. If I knew of such an order, out of loyalty to INOUE, I would tell you about it. I know of no such order having been received.

Q. Did Col. DOI know that Lt. KAUFMAN was sent to the KOICHI unit to be executed?
A. I believe that Col. DOI knew about the incident. I think Col. YAJIMA told Col. DOI that he was going to send KAUFMAN to the KOICHI Unit to be executed the day he was sent, despite the fact that Col. DOI had objected to this.

Q. Name everyone that you know who was present at the scene of the execution.
A. Those that I know who were present at the scene of the execution were Capt. KOICHI, 1st Lt. Masao TANAKA, 1st Lt. Tetsuya KATSUYAMA, Sgt/Maj Naohiko TSUCHIYA and myself. That's all I can remember by name.

Q. In your former statement, you told me that Lt. KATSUYAMA committed suicide. Was he ordered to commit suicide, if so, by whom?
A. Something I feel I should tell you that has thus far been kept secret is that Lt. KATSUYAMA did not really commit suicide. The pictures that were taken to prove Lt. KATSUYAMA suicide were fakes. The details of the plan to hide the fact that Lt. KATSUYAMA had not committed suicide were discussed by Col. TADA and Lt. Col. YAJIMA and they decided that Capt. WATANABE should perform the details of this plan, such as taking pictures and such. Those of us who knew that KATSUYAMA did not actually commit suicide were Capt. SAKAI, Capt. WATANABE, 2nd Lt. NIHIRA, 1st Lt. HAMANO, Lt. Gen. INOUE, Col. TADA, Lt. Col. YAJIMA, Capt. KOICHI and myself. We have all sworn on our

lives to defend this secret. By myself, this oath was made to Lt.Col. YAJIMA. Inasmuch as the details of the picture taking were carried out in secrecy, I did not know much about it. Shortly before I returned to Japan, Col. TADA complained that it would be best that Lt. KATSUYAMA was dead. However, I said at that time, in as much as he has been allowed to live until now, it would be disgustingly unreasonable to order him to commit suicide at this time. I believe that KATSUYAMA is still alive and that he returned to Japan sometime later than I, doubtless under a different name. YAJIMA should know the details about this. HAMANO and NIHIRA who returned to Japan by one of the last boats from that area should know more about what happened to KATSUYAMA.

I would like to see all the blame placed on Lt.Gen. INOUE so that KATSUYAMA can stop being a fugitive and live like a human being.

Q. Where do you think we can find KATSUYAMA?

A. The most logical place to look for KATSUYAMA is at the home of Lt.Col. YAJIMA.

Q. Do you have a picture of KATSUYAMA or do you know of anyone who has one?

A. No, I have not. I don't know who would have one unless it is his wife or family.

Q. Who were the closest friends of KATSUYAMA that you know of?

A. I don't know who his closest friends were except perhaps Lt. TANAKA of the KOICHI unit.

Q. Do you have anything further to add to this statement?

A. Yes, my reason for not giving you this information earlier was the fact that Lt. Gen. INOUE is an old man and does not have very much longer to live so out of loyalty to him, I tried to hide his guilt. All the officers on Babelthuap and Koror Is. know the details of the execution and I did not want to have to be the one to tell about it. I did not tell about KATSUYAMA's not having committed suicide because I was under oath to Col. YAJIMA to keep this fact a secret.

/s/ Ichiro ONOSE"

Inasmuch as the latter part of this statement concerning the existence of KATSUYAMA was made voluntarily by ONOSE, without being directly questioned, it is the opinion of this agent that no legal action should be taken against him for having given false information in his first statement.

Subsequently, a second statement was taken from Julius HAMANO, who was originally interrogated 29 March 1947. The details of this second statement are the same as those made by ONOSE in his second statement. He states that KATSUYAMA returned to Japan as Lt. Col. YAJIMA's orderly via Transportation #40 which left Palau 12 Feb. 1946 and arrived at Uraga 26 February 1946. He describes KATSUYAMA as being a short man about five feet four inches in height, thin-long face, dark complexion, smooth skin. His ears, he said, were slightly deformed as a result of an injury received from bombings. This statement, when signed, will be incorporated into the next report of this case.

A statement taken from Toshi WATANABE, 21 April 1947, who was the ranking Intelligence Section officer at the INOUE Butai headquarters, is set out below. This statement is identical in details with the second statements of

ONOSE and HAMANO. He informed this agent that KATSUYAMA used the name of KOYAMA while in hiding at Babelthuap. The signed original of this statement is being transmitted to CRD, one signed copy is being transmitted to the Prosecution Division and signed copy is being attached to Investigation Division copy of this report. This statement of WATANABE is set out to read as follows:

Q. Give me your name and address.

A. My name is Toshio WATANABE and my address is Kagawa Ken, Marugame Shi, Kamijikata 168, c/o Seitaro IMAI.

Q. Describe in detail the capture and execution of Lt. KAUFMAN on Koror Island and Babelthuap Island in May 1945.

A. On about May 4, 1945, at about 10:00 o'clock, a B-24 crashed in the ocean near Koror Island and one (1) flyer had parachuted into the water near Koror Island. I believe it was a member of the anti-aircraft unit on Koror Island that captured KAUFMAN. This flyer was taken to the Doi Headquarters that afternoon. I believe it was that night that KAUFMAN was brought over to the INOUE Butai Headquarters by 2nd Lt. GOTO. Upon Lt. KAUFMAN's arrival at the Babelthuap Island, he was interrogated at the headquarters by Lt.Col. YAJIMA using 2nd Lt. HAMANO as interpreter. After about two or three days, KAUFMAN was taken to the Kempei Tai.

I believe it was about two or three days before KAUFMAN was sent to Koror Island that YAJIMA called up Colonel DOI asking for his permission to send KAUFMAN to Koror Island to be executed by an officer of the KOICHI Unit. Colonel DOI refused this request. After this refusal, YAJIMA called KOICHI Headquarters and doubtless asked KOICHI whether he would take KAUFMAN to his unit to be executed. The reason for this I imagine was that the KOICHI Unit had received the most casualties as a result of American bombings and this was to be done to raise the moral of the troops. That evening, 2nd Lt. Ichiro ONOSE, Capt. KOICHI, a civilian named Mitsuharu SHIMOJO, a Kempei Tai member and KOICHI's orderly, escorted KAUFMAN to the KOICHI Unit on Koror Island.

The following is what I heard: I believe it was the following morning, all the members of KATSUYAMA's Company were assembled near a graveyard and KATSUYAMA decapitated KAUFMAN. That evening, Lt. ONOSE came back to the headquarters and reported what had taken place to Lt. Colonel YAJIMA.

Q. Who ordered you to swear to tell the American authorities the facts of this incident as they were reported to American authorities at the time investigation was conducted in the Babelthuap Island area?

A. A Lt. Colonel YAJIMA came to me directly after the war and ordered me to swear that I would protect the secret of the actual incident.

Q. What happened to KATSUYAMA?

A. I do not know what happened to KATSUYAMA after the war but I am certain that he did not commit suicide as indicated in the report handed to American authorities at the Babelthuap Island.

Q. Who constructed the plan to hide the fact that KATSUYAMA did not commit suicide?

A. This plan was made by Colonel TADA, Lt.Colonel YAJIMA.

Q. Describe the steps taken to hide KATSUYAMA.

A. After the war when an investigation was made by American authorities, KATSUYAMA had been ordered to appear at headquarters to account for the killing of Lt. KAUFMAN. He arrived at the entrance of the headquarters and I was detailed by Lt.Col. YAJIMA to guide KATSUYAMA to some place in the jungle where he could hide safely. Since he could not be called by

by his real name, KATSUYAMA went by the name of KOYAMA. I did not see much of him after this. However, I know that he was still alive at the time I left that headquarters in the latter part of October 1945. I believe food was carried to him in the jungle by YAJIMA's orderly and his own orderly. YAJIMA took the greatest part of the responsibility in looking after KATSUYAMA. Mitsuharu SHIMOJO took pictures of a dead body which was supposed to represent KATSUYAMA after he had committed suicide.

Q. Describe KATSUYAMA.

A. KATSUYAMA is a man about 5'4" tall. He is thin, has a round face with a smooth dark complexion, his nose is ordinary, he has no gold or protruding teeth and he used to wear glasses, however, I believe he removed these to hide his identity. He has a visible scar behind his right ear as a result of injuries received from bombings.

Q. Did he return to Japan as Lt. Colonel YAJIMA's orderly?

A. I don't know as I was not there until the time he left. However, it doesn't seem likely.

Q. Who would know the details up until the time KATSUYAMA returned to Japan?

A. I believe Lt. Colonel YAJIMA, Col. TADA, Lt. Gen. INOUE, Capt. Tadashi SAKAI and 2nd Lt. NIHIRA would know these details.

Q. Who took the greatest part in issuing orders for KAUFMAN's execution, INOUE, TADA or YAJIMA?

A. I believe that TADA, who was quite busy with other things at that time did not take a very active part in the KAUFMAN incident. Orders for his execution were, I believe, issued by verbal command of INOUE to YAJIMA.

Q. Were either Col. TADA or Gen. INOUE incapacitated by illness at the time of the KAUFMAN incident?

A. I am not certain. TADA did have appendicitis about this time but I am not certain just when. Lt. Gen. INOUE had appendicitis about August or July 1944. He was quite sick with a boil behind his left ear in July or August 1944. He was not ill at the time of the KAUFMAN incident.

Q. Then Lt. Gen. INOUE was actually not ill at the time of the KAUFMAN incident?

A. I am reasonably certain that he was not.

Q. Who was the medical officer at the INOUE Butai Headquarters?

A. His name was Lt. Colonel Isao YAMADA.

Q. Who were Lt. Col. YAJIMA's and KATSUYAMA's orderlies?

A. Lt. Col. YAJIMA's orderly was Superior Private FUJII. KATSUYAMA's orderly was either Private 1st Class or Superior Private KOMUGIDA of Kagoshima Ken.

Q. Do you have anything further to add to this statement?

A. No, I do not.

/s/ Toshio WATANABE

Investigation is in progress to locate KATSUYAMA, alias KOYAMA, who is said by ONOSE likely to be at the same place as YAJIMA. A check was made at YAJIMA's former address in Tokyo. He has not returned to this address, since the war; however, one of the neighbors had received a post-card from the wife of YAJIMA and the address on this card was:

YOSHIE YAJIMA
Sugi-do, Tsumori-mura, Kamimashiki-gun
Kumamoto-ken

HAMANO reports address as: 105 Minamijutan, Hate-machi, Kumamotu-shi, Kumamoto-ken.

Identification of KATSUYAMA would be simplified if a picture of him were to be obtained from his family who lives at:

2016 Oaza Takai, Takai-mura,
Kamitakai-gun, Nagano-ken.

Nobunari NIHIRA (Previously reported as NIHEI) is said by ONOSE AND WATANABE to be informed on the circumstances of KATSUYAMA's repatriation. HAMANO told this agent that NIHIRA returned to Japan on the same ship as YAJIMA and KATSUYAMA. As he was not on Babelthuap Island at the time of the KAUFMAN incident, he was able to give this agent no information of importance when interrogated at Legal Section, Tokyo. NIHIRA did return to Babelthuap shortly after the end of the war, however, and is said to know a great deal about the circumstances of KATSUYAMA and his repatriation. A lead will be set out for the interrogation of NIHIRA when his present address is obtained from HAMANO. NIHIRA is to be in Osaka for the next two months on business; his permanent address is in Tokyo.

Col. TADA was briefly interrogated by this agent, 18 April 1947, and again, 21 April 1947, in an effort to determine how much he knew about the investigation thus far conducted. Apparently he knew very little of it for his statement to this agent was the same as that made for the benefit of American authorities on Babelthuap Island, shortly following the cessation of hostilities in that area. No statement was taken from him at that time. He claims to have been sick with appendicitis at the time of the KAUFMAN incident and to have heard of it only through his doctors.

For further interrogation, Masao TANAKA, an officer of the KOICHI-unit, and Toshihiko YAJIMA, the Intelligence Staff Officer, have been instructed to report to Legal Section, Tokyo.

The death certificate and a report of the circumstances of the death of KATSUYAMA have been demanded of the Japanese Government by Capt. Wm. R. GILL, 2 April 1947.

Apprehension orders have been requested on Sakae INOUE, residing at #185 Nakakama, Kochi-shi, Koichi-ken, and Tetsuya KATSUYAMA, present address unknown; believed to be at the same place as Toshihiko YAJIMA, whose wife, Yoshie YAJIMA, was residing at Sugi-do, Tsumori-mura, Kamimashiki-gun, Kumamoto-ken, on 4 June 1946.

A demand has been placed on the Japanese Government for the full military and biographical history of Tokuchi TADA.

A demand will be placed on the Japanese government for the present address of Isao YAMADA, who was the medical officer at the headquarters of the INOUE-Butai, so that an interrogation can be conducted to determine whether either INOUE or TADA was sick at the time of the KAUFMAN incident.

At Sendai:

The following investigation was conducted by Major E. H. POWELL: On April 10, 1947, Mitsugu TOMIYAMA was photographed by the official photographer XI Corps. These photographs are inclosed with this report.

On 2 April 1947, Kaoru ONOTERA was photographed and these pictures are transmitted with this report. (Investigator's note: Both of these sets of photos are being transmitted to CRD along with their copy of this report.)

UNDEVELOPED LEADS:

The Tokyo Office - At Tokyo - Will conduct an interrogation of TANAKA and YAJIMA when these individuals report to the Legal Section as instructed.

Will report the result of the demand placed on the Japanese Government for the full military and biographical histories of NIHIRA, HAMANO, SAKAI, and TADA.

Will report the result of the demand placed on the Japanese Government for the death certificate and the report of the circumstances of the death of KATSUYAMA.

Will report on the apprehension of INOUE and KATSUYAMA.

Will, upon his apprehension, interrogate INOUE regarding the fate of Cpl. Irving TOPP, the execution of Lt. KAUFMAN, and the present whereabouts of KATSUYAMA.

Will, upon his apprehension, interrogate KATSUYAMA regarding the fate of Cpl. Irving TOPP, and the execution of Lt. KAUFMAN.

Will place a demand on the Japanese Government for the present address of Isao YAMADA, former Lt. Col. and medical officer at the headquarters of the INOUE-Butai on Babelthuap Island.

Will set out leads for the interrogation of Isao YAMADA to determine whether either INOUE or TADA was sick at the time of the KAUFMAN incident.

Will interrogate Takeshi OKUSAWA, Kuniyuki NAKAMURA, Tadashi ONO, Bokuro WATANABE, Zinichiro YABE, Shigeharu YAMAGUCHI, Kurikichi YOKOSAKA, and Hayato INAI concerning the fate of Cpl. Irving TOPP and other crew members, the execution of Lt. KAUFMAN, and the present whereabouts of KATSUYAMA.

The Niigata Office - at Nagano-ken - Will secure a picture of KATSUYAMA from his family reported residing at #2016 Takei Oasa, Takai-mura, Kami-takai-gun, Nagano-ken.

Will interrogate Nao SAKAI concerning the execution of Lt. KAUFMAN, the fate of the remaining crew members, and the whereabouts of KATSUYAMA.

The Sendai Office - At Sendai - Will interrogate Shozo TANNO and Masami CHIBA concerning the execution of Lt. KAUFMAN, the fate of the other crew members, and the whereabouts of Lt. KATSUYAMA.

The Osaka Office - At Kobe - Will interrogate Makoto OSAKI, address: Kobe-shi, Kayashida-ku, Mikura-dori 7-5, concerning the execution of Lt. KAUFMAN, the fate of the other crew members, and the whereabouts of KATSUYAMA.

The Sapporo Office - at Sapporo - Will interrogate Ryuichi KAZINO, address Hokkaido, Yamakoshi-gun, Yakumo-cho, Oasa Sharanbe, concerning the execution of Lt. KAUFMAN, the fate of the other crew members, and the present whereabouts of KATSUYAMA.

P E N D I N G

INVESTIGATIONS -- SOP --

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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

No.1.

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES.

- AGAINST -

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA, Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Memoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro.

Defendants.

INDICTMENT.

In the years hereinafter referred to in this Indictment the internal and foreign policies of Japan were dominated and directed by a criminal militaristic clique, and such policies were the cause of serious world troubles, aggressive wars, and great damage to the interests of peace-loving peoples, as well as the interests of the Japanese people themselves.

The mind of the Japanese people was systematically poisoned with harmful ideas of the alleged racial superiority of Japan over other peoples of Asia and even of the whole world. Such parliamentary institutions as existed in Japan were used as implements for widespread aggression, and a system similar to those then established by Hitler and the Nazi party in Germany and by the Fascist party in Italy was introduced. The economic and financial resources of Japan were to a large extent mobilized for war aims, to the detriment of the welfare of the Japanese people.

A conspiracy between the defendants, joined in by the rulers of other aggressive countries, namely, Nazi Germany and Fascist Italy, was entered into. The main objects of this conspiracy was to secure the domination and exploitation by the aggressive States of the rest of the world, and to this end to commit, or encourage the commission of crimes against peace, war crimes, and crimes against humanity as defined in the Charter of this Tribunal, thus threatening and injuring the basic principles of liberty and respect for the human personality.

In the promotion and accomplishment of that scheme, these defendants, taking advantage of their power and their official positions and their own personal prestige and influence, intended to and did plan, prepare, initiate, or wage aggressive war against the United States of America, the Republic of China, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Commonwealth of Australia, Canada, the Republic of France, the Kingdom of the Netherlands, New Zealand, India, the Commonwealth of the Philippines, and other peaceful nations, in violation of international law, as well as in violation of sacred treaty commitments, obligations and assurances; such plan contemplated and carried out the violation of recognized customs and conventions of war by murdering, maiming and ill-treating prisoners of war, civilian internees, and persons on the high seas, denying them adequate food, shelter, clothing, medical care, or other appropriate attention, forcing them to labour under inhumane conditions, and subjecting them to indignities; exploit to Japan's benefit the manpower and economic resources of the vanquished nations, plundering public and private property, wantonly destroying cities, towns and villages beyond any justification of military necessity; perpetrate mass murder, rape, pillage, brigandage, torture, and other barbaric cruelties upon the helpless civilian population of the over-run countries; increase the

influence and control of the military and naval groups over Japanese government officials and agencies; psychologically prepare Japanese public opinion for aggressive warfare by establishing so-called Assistance Societies, teaching nationalistic policies of expansion, disseminating war propaganda, and exercising strict control over the press and radio; set up "puppet" governments in conquered countries; conclude military alliances with Germany and Italy to enhance by military might Japan's programme of expansion.

Therefore, the above named Nations by their undersigned representatives, duly appointed to represent their respective Governments in the investigation of the charges against and the prosecution of the Major War Criminals, pursuant to the Potsdam Declaration of the 20th July, 1945, and the Instrument of Surrender of the 2nd September, 1945, and the Charter of the Tribunal, hereby accuse as guilty, in the respects hereinafter set forth, of Crimes against Peace, War Crimes, and Crimes against Humanity, and of Common Plans or Conspiracies to commit those Crimes, all as defined in the Charter of the Tribunal, and accordingly name as Defendants in this cause and as indicted on the Counts hereinafter set out in which their names respectively appear, all the above-named individuals.

GROUP ONE: CRIMES AGAINST PEACE.

The following counts charge Crimes against Peace, being acts for which it is charged that the persons named and each of them are individually responsible in accordance with Article 5 and particularly Article 5(a) and (b) of the Charter of the International Military Tribunal for the Far East, and in accordance with International Law, or either of them.

COUNT 1.

All the Defendants together with divers other persons, between the 1st January, 1928, and the 2nd September, 1945, participated as leaders, organisers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was that Japan should secure the military, naval, political and economic domination of East Asia and of the Pacific and Indian Oceans, and of all countries and islands therein and bordering thereon and for that purpose should alone or in combination with other countries having similar objects, or who could be induced or coerced to join therein, wage declared or undeclared war or wars of aggression, and war or wars in violation of international law, treaties, agreements and assurances, against any country or countries which might oppose that purpose.

The whole of the Particulars in Appendix A, of the Treaty Articles in Appendix B, and of the Assurances in Appendix C, relate to this Count.

COUNT 2.

All the Defendants together with divers other persons, between the 1st January, 1928, and the 2nd September, 1945, participated as leaders, organisers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was that Japan should secure the military, naval, political and economic domination of the provinces of Liaoning, Kirin, Heilungkiang and Jehol, being parts of the Republic of China, either directly or by establishing a separate state under the control of Japan, and for that purpose should wage declared or undeclared war or wars of aggression, and war or wars in violation of international law, treaties, agreements and assurances, against the Republic of China.

The whole of the Particulars in Appendix A, the following Treaty Articles in Appendix B: Nos. 1 to 6 inclusive, 8 to 14 inclusive, 22 to 30 inclusive, 32 to 35 inclusive; and the following Assurances in appendix C: Nos. 1 to 8 inclusive, relate to this Count.

COUNT 3.

All the Defendants together with divers other persons, between the 1st January, 1928, and the 2nd September, 1945, participated as leaders, organisers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was that Japan should secure the military, naval, political and economic domination of the Republic of China, either directly or by establishing a separate state or states under the control of Japan, and for that purpose should wage declared or undeclared war or wars of aggression, and war or wars in violation of international law, treaties, agreements and assurances, against the Republic of China.

The whole of the Particulars in Appendix A, and the same Treaty Articles and Assurances as in Count 2, relate to this Count.

COUNT 4.

All the Defendants together with divers other persons, between the 1st January, 1928 and the 2nd September, 1945, participated as leaders, organisers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was that Japan should secure the military, naval, political and economic domination of East Asia and of the Pacific and Indian Oceans, and of all countries and islands therein or bordering thereon, and for that purpose should alone or in combination with other countries having similar objects, or who could be induced or coerced to join therein, wage declared or undeclared war or wars of aggression, and war or wars in violation of international law, treaties, agreements and assurances against the United States of America, the British Commonwealth of Nations (which expression wherever used in this Indictment includes the United Kingdom of Great Britain and Northern Ireland, the Commonwealth of Australia, Canada, New Zealand, South Africa, India, Burma, the Malay States, and all other parts of the British Empire not separately represented in the League of Nations), the Republic of France, the Kingdom of the Netherlands, the Republic of China, the Republic of Portugal, the Kingdom of Thailand, the Commonwealth of the Philippines, and the Union of Soviet Socialist Republics, or such of them as might oppose that purpose.

The whole of the Particulars in Appendix A, and of the Treaty Articles in Appendix B and of the Assurances in Appendix C, relate to this Count.

COUNT 5.

All the Defendants together with divers other persons, between the 1st January, 1928 and the 2nd September, 1945, participated as leaders, organisers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was that Germany, Italy and Japan should secure the military, naval, political and economic domination of the whole world, each having special domination in its own sphere, the sphere of Japan covering East Asia, the Pacific and Indian Oceans and all countries and islands therein or bordering thereon, and for that purpose should mutually assist one another to wage declared or undeclared war or wars of aggression, and war or wars in violation of international law, treaties, agreements and assurances, against any countries which might oppose that purpose, and particularly against the

United States of America, the British Commonwealth of Nations, the Republic of France, the Kingdom of the Netherlands, the Republic of China, the Republic of Portugal, the Kingdom of Thailand, the Commonwealth of the Philippines, and the Union of Soviet Socialist Republics.

The whole of the Particulars in Appendix A, and of the Treaty Articles in Appendix B, and of the Assurances in Appendix C, relate to this Count.

COUNT 6.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of China.

The following Sections of the Particulars in Appendix A, Nos. 1 to 6 inclusive, and the same Treaty Articles and Assurances as in Count 2, relate to this Count.

COUNT 7.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the United States of America.

The following Sections of the Particulars in Appendix A, Nos. 3, 4, 5, 6, 7, 9 and 10; the following Treaty Articles in Appendix B, Nos. 1 to 10 inclusive, 17 to 19 inclusive, 22 to 35, inclusive and 37; and the whole of the Assurances in Appendix C, relate to this Count.

COUNT 8.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the United Kingdom of Great Britain and Northern Ireland and all parts of the British Commonwealth of Nations not the subject of separate counts in this Indictment.

The following Sections of the Particulars in Appendix A, Nos. 3, 4, 5, 6, 7, 9 and 10; and the following Treaty Articles in Appendix B, Nos. 1, 2, 5, 10 to 19 inclusive, 22 to 30 inclusive, 32 to 35 inclusive, 37 and 38; and the whole of the Assurances in Appendix C, relate to this Count.

COUNT 9.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Commonwealth of Australia.

The same Sections of the Particulars in Appendix A, and the same Treaty Articles and Assurances as in Count 8, relate to this Count.

COUNT 10.

All the Defendants between the 1st January, 1928 and the 2nd

September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against New Zealand.

The same Sections of the Particulars in Appendix A, and the same Treaty Articles and Assurances as in Count 8, relate to this Count.

COUNT 11.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against Canada.

The same Sections of the Particulars in Appendix A, and the same Treaty Articles and Assurances as in Count 8, relate to this Count.

COUNT 12.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against India.

The same Sections of the Particulars in Appendix A, and the same Treaty Articles and Assurances as in Count 8, relate to this Count.

COUNT 13.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Commonwealth of the Philippines.

The same Sections of the Particulars in Appendix A, and the same Treaty Articles and Assurances as in Count 7, relate to this Count.

COUNT 14.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Kingdom of the Netherlands.

The following Sections of the Particulars in Appendix A, Nos. 3, 4, 5, 6, 7, 9 and 10; the following Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 10 to 18 inclusive, 20, 22 to 30 inclusive, 32 to 35 inclusive, 37 and 38; and the following Assurances in Appendix C, Nos. 10 to 15 inclusive, relate to this Count.

COUNT 15.

All the Defendants between the 1st January, 1928 and the 2nd, September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of France.

The following Sections of the Particulars in Appendix A, Nos. 2, 3, 4, 5, 6, 7, 9 and 10; the following Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 10 to 19 inclusive, 22 to 30 inclusive, and 32 to 38 inclusive, and the following Assurances in Appendix C, Nos. 14 and 15, relate to this Count.

COUNT 16.

All the Defendants between the 1st January, 1928 and the 2nd

September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances against the Kingdom of Thailand.

The following Sections of the Particulars in Appendix A, Nos. 2, 3, 4, 5, 6, 7, 9 and 10; and the following Treaty Articles in Appendix B, Nos. 3, 4, 5, 10 and 32 to 38 inclusive, relate to this Count.

COUNT 17.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Union of Soviet Socialist Republics.

The following Sections of the Particulars in Appendix A, Nos. 1 to 8 inclusive, and the following Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 10 to 18 inclusive, 32 to 35 inclusive, 39 to 47 inclusive and Assurance No. 13 in Appendix C, relate to this Count.

COUNT 18.

The Defendants ARAKI, DOHIHARA, HASHIMOTO, HIRANUMA, ITAGAKI, KOISO, MINAMI, OKAWA, SHIGEMITSU, TOJO and UMEZU, on or about the 18th September, 1931, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of China.

Section 1 of the Particulars in Appendix A; and the following Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 11 to 14 inclusive, 22, 23, 25, 30, 40 to 43 inclusive, relate to this Count.

COUNT 19.

The Defendants ARAKI, DOHIHARA, HASHIMOTO, HATA, HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KAYA, KIDO, MATSUI, MUTO, SUZUKI, TOJO and UMEZU, on or about the 7th July, 1937, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of China.

Section 2 of the Particulars in Appendix A; the same Treaty Articles as in Count 18 and the following Assurances in Appendix C, Nos. 3, 4 and 5, relate to this Count.

COUNT 20.

The Defendants DOHIHARA, HIRANUMA, HIROTA, HOSHINO, KAYA, KIDO, KIMURA, MUTO, NAGANO, OKA, OSHIMA, SATO, SHIMADA, SUZUKI, TOGO and TOJO, on or about the 7th December, 1941, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the United States of America.

Section 9 of the Particulars in Appendix A, the following Treaty Articles in Appendix B, Nos. 1 to 9 inclusive; 19, 22 to 30 inclusive, 33, 34 and 37; and the whole of the Assurances in Appendix C, relate to this Count.

COUNT 21.

The same Defendants as in Count 20 on or about the 7th December, 1941, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Commonwealth of the Philippines.

The same Particulars, Treaty Articles and Assurances as in Count 20, relate to this Count.

COUNT 22.

The same Defendants as in Count 20, on or about the 7th December, 1941, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the British Commonwealth of Nations.

Section 9 of the Particulars in Appendix A, the following Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 19, 22 to 30 inclusive, 33 and 37; and the whole of the Assurances in Appendix C, relate to this Count.

COUNT 23.

The Defendants ARAKI, DOHIHARA, HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KIDO, MATSUOKA, MUTO, NAGANO, SHIGEMITSU and TOJO, on or about the 22nd September, 1940, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of France.

The same Particulars, Treaty Articles and Assurances as in Count 15, relate to this Count.

COUNT 24.

The same Defendants as in Count 20 on or about the 7th December, 1941, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Kingdom of Thailand.

Section 7 of the Particulars in Appendix A, and the following Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 33, 34, 36, 37 and 38, relate to this Count.

COUNT 25.

The Defendants ARAKI, DOHIHARA, HATA, HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KIDO, MATSUOKA, MATSUI, SHIGEMITSU, SUZUKI and TOGO, during July and August, 1938, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances by attacking the Union of Soviet Socialist Republics in the area of Lake Khasan.

The same Particulars, Treaty Articles and Assurances as in Count 17, relate to this Count.

COUNT 26.

The Defendants ARAKI, DOHIHARA, HATA, HIRANUMA, ITAGAKI, KIDO, KOISO, MATSUI, MATSUOKA, MUTO, SUZUKI, TOGO, TOJO and UMEZU, during the summer of 1939, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, by attacking the territory of the Mongolian People's Republic in the area of the Khackhin-Gol River.

The same Particulars, Treaty Articles and Assurances as in Count 17, relate to this Count.

COUNT 27.

All the Defendants between the 18th September, 1931 and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances against the Republic of China.

The same Particulars, Treaty Articles and Assurances as in Count 2, relate to this Count.

COUNT 28.

All the Defendants between the 7th July, 1937 and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of China.

The same Particulars, Treaty Articles and Assurances as in Count 2, relate to this Count.

COUNT 29.

All the Defendants between the 7th December, 1941 and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances against the United States of America.

The following Sections of the Particulars in Appendix A, Nos. 4 to 10 inclusive; and the same Treaty Articles and Assurances as in Count 20 relate to this Count.

COUNT 30.

All the Defendants between the 7th December, 1941, and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties agreements and assurances, against the Commonwealth of the Philippines.

The same Particulars, Treaty Articles and Assurances as in Count 29, relate to this Count.

COUNT 31.

All the Defendants between the 7th December, 1941 and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the British Commonwealth of Nations.

The following Sections of the Particulars in Appendix A, Nos. 4 to 10 inclusive; and the same Treaty Articles and Assurances as in Count 22, relate to this Count.

COUNT 32.

All the Defendants between the 7th December, 1941 and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Kingdom of the Netherlands.

The same Particulars, Treaty Articles and Assurances as in Count 14, relate to this Count.

COUNT 33.

The Defendants ARAKI, DOHIHARA, HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KIDO, MATSUOKA, MUTO, NAGANO, SHIGEMITSU and TOJO, on and after the 22nd September, 1940, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of France.

The same Particulars, Treaty Articles and Assurances as in Count 15, relate to this Count.

COUNT 34.

All the Defendants between the 7th December, 1941 and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements, and assurances, against the

Kingdom of Thailand.

The same Particulars and Treaty Articles as in Count 24, relate to this Count.

COUNT 35.

The same Defendants as in Count 25, during the summer of 1938, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances against the Union of Soviet Socialist Republics.

The same Particulars, Treaty Articles and Assurances as in Count 17, relate to this Count.

COUNT 36.

The same Defendants as in Count 26, during the summer of 1939, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances against the Mongolian People's Republic and the Union of Soviet Socialist Republics.

The same Particulars, Treaty Articles and Assurances as in Count 17, relate to this Count.

GROUP TWO: MURDER.

The following Counts charge the crimes of murder, and conspiracy to murder, being acts for which it is charged that the persons named and each of them are individually responsible, being at the same time Crimes against Peace, Conventional War Crimes, and Crimes against Humanity, contrary to all the paragraphs of Article 5 of the said Charter, to International Law, and to the domestic laws of all the countries where committed, including Japan, or to one or more of them.

COUNT 37.

The Defendants DOHIHARA, HIRANUMA, HIROTA, HOSHINO, KAYA, KIDO, KIMURA, MUTO, NAGANO, OKA, OSHIMA, SATO, SHIMADA, SUZUKI, TOGO and TOJO, together with divers other persons between the 1st June, 1940, and the 8th December, 1941, participated as leaders, organisers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was unlawfully to kill and murder the persons described below, by initiating unlawful hostilities against the United States of America, the Commonwealth of the Philippines, the British Commonwealth of Nations, the Kingdom of the Netherlands and the Kingdom of Thailand, and unlawfully ordering, causing and permitting the armed forces of Japan to attack the territory, ships and airplanes of the said nations or some of them at times when Japan would be at peace with the said nations.

The persons intended to be killed and murdered were all such persons, both members of the armed forces of the said nations and civilians, as might happen to be in the places at the times of such attacks.

The said hostilities and attacks were unlawful because they were breaches of Treaty Article 5 in Appendix B, and the accused and the said armed forces of Japan could not therefore, acquire the rights of lawful belligerents.

The accused and each of them intended that such hostilities should be initiated in breach of such Treaty Article, or were reckless whether such Treaty Article would be violated or not.

COUNT 38.

The Defendants DOHIHARA, HIRANUMA, HIROTA, HOSHINO, KAYA, KIDO, KIMURA, MATSUOKA, MUTO, NAGANO, OKA, OSHIMA, SATO, SHIMADA, SUZUKI, TOGO and TOJO, together with divers other persons between the 1st June, 1940 and the 8th December, 1941, participated as leaders, organisers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was unlawfully to kill and murder the persons described below, by initiating unlawful hostilities against the United States of America, the Commonwealth of the Philippines, the British Commonwealth of Nations, the Kingdom of the Netherlands and the Kingdom of Thailand, and unlawfully ordering, causing and permitting the armed forces of Japan to attack the territory, ships and airplanes of the said nations or some of them.

The persons intended to be killed and murdered were all such persons, both members of the armed forces of the said nations and civilians, as might happen to be in the places at the times of such attacks.

The said hostilities and attacks were unlawful because they were breaches of Treaty Articles 6, 7, 19, 33, 34, and 36 in Appendix B and the accused and the said armed forces of Japan could not therefore, acquire the rights of lawful belligerents.

The accused and each of them intended that such hostilities should be initiated in breach of such Treaty Articles, or were reckless whether such Treaty Articles or any of them would be violated or not.

COUNT 39.

The same Defendants as in Count 38, under the circumstances alleged in Counts 37 and 38, by ordering, causing and permitting the armed forces of Japan to attack the territory, ships and airplanes of the United States of America, with which nation Japan was then at peace, at Pearl Harbour, Territory of Hawaii, on the 7th December, 1941, at about 0755 hours (Pearl Harbour time), unlawfully killed and murdered Admiral Kidd and about 4,000 other members of the naval and military forces of the United States of America and certain civilians whose names and number are at present unknown.

COUNT 40.

The same Defendants as in Count 38, under the circumstances alleged in Counts 37 and 38, by ordering, causing and permitting the armed forces of Japan to attack the territory and airplanes of the British Commonwealth of Nations, with which nations Japan was then at peace, at Kota Bahru, Kelantan, on the 8th December, 1941, at about 0025 hours (Singapore time), unlawfully killed and murdered certain members of the armed forces of the British Commonwealth of Nations whose names and number are at present unknown.

COUNT 41.

The same Defendants as in Count 38, under the circumstances alleged in Counts 37 and 38, by ordering, causing and permitting the armed forces of Japan to attack the territory, ships and airplanes of the British Commonwealth of Nations, with which nations Japan was then at peace, at Hong Kong, on the 8th December, 1941, at about 0800 hours (Hong Kong time), unlawfully killed and murdered certain members of the armed forces of the British Commonwealth of Nations, whose names and number are at present unknown.

COUNT 42.

The same Defendants as in Count 38, under the circumstances alleged in Counts 37 and 38, by ordering, causing and permitting the armed forces of Japan to attack H.M.S. PETREL, a ship of the British Commonwealth of Nations, with which nations Japan was then at peace, at Shanghai on the 8th December, 1941, at about 0300 hours (Shanghai time), unlawfully killed and murdered three members of the naval forces of the British Commonwealth of Nations, whose names are at present unknown.

COUNT 43.

The same Defendants as in Count 38, under the circumstances alleged in Counts 37 and 38, by ordering, causing and permitting the armed forces of Japan to attack the territory of the Commonwealth of the Philippines, with which nation Japan was then at peace, at Davao, on the 8th December, 1941, at about 1000 hours (Manila time) unlawfully killed and murdered certain members of the armed forces of the United States of America and of the armed forces and civilians of the Commonwealth of the Philippines, whose names and number are at present unknown.

COUNT 44.

All the Defendants together with divers other persons between the 18th September, 1931 and the 2nd September, 1945, participated as leaders, organisers, instigators or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was to procure and permit the murder on a wholesale scale of prisoners of war, members of the armed forces of countries opposed to Japan who might lay down their arms, and civilians, who might be in the power of Japan, on land or sea, in territories occupied by Japan, and crews of ships destroyed by Japanese forces, in ruthless pursuit of victory in the unlawful wars in which Japan was, or would, during the said period be engaged.

COUNT 45.

The Defendants ARAKI, HASHIMOTO, HATA, HIRANUMA, HIROTA, ITAGAKI, KAYA, KIDO, MATSUI, MUTO, SUZUKI and UMEZU, on the 12th December, 1937, and succeeding days, by unlawfully ordering, causing and permitting the armed forces of Japan to attack the City of Nanking in breach of the Treaty Articles mentioned in Count 2 hereof and to slaughter the inhabitants contrary to international law, unlawfully killed and murdered many thousands of civilians and disarmed soldiers of the Republic of China, whose names and number are at present unknown.

COUNT 46.

The same Defendants as in Count 45, on the 21st October, 1938 and succeeding days, by unlawfully ordering, causing and permitting the armed forces of Japan to attack the City of Canton in breach of the Treaty Articles mentioned in Count 2 hereof and to slaughter the inhabitants contrary to international law, unlawfully killed and murdered large numbers of civilians and disarmed soldiers of the Republic of China, whose names and number are at present unknown.

COUNT 47.

The same Defendants as in Count 45, prior to the 27th October, 1938, and on succeeding days, by unlawfully ordering, causing and permitting the armed forces of Japan to attack the City of Hankow in breach of the Treaty Articles mentioned in Count 2 hereof and to slaughter the

inhabitants contrary to international law, unlawfully killed and murdered large numbers of civilians and disarmed soldiers of the Republic of China, whose names and number are at present unknown.

COUNT 48.

The Defendants HATA, KIDO, KOISO, SATO, SHIGEMITSU, TOJO and UMEZU, prior to the 18th June, 1944, and on succeeding days, by unlawfully ordering, causing and permitting the armed forces of Japan to attack the City of Changsha in breach of the Treaty Articles mentioned in Count 2 hereof and to slaughter the inhabitants contrary to international law, unlawfully killed and murdered many thousands of civilians and disarmed soldiers of the Republic of China, whose names and number are at present unknown.

COUNT 49.

The Same Defendants as in Count 48, prior to the 8th August, 1944, and on succeeding days, by unlawfully ordering, causing and permitting the armed forces of Japan to attack the City of Hengyang in the Province of Hunan in breach of the Treaty Articles mentioned in Count 2 hereof and to slaughter the inhabitants contrary to international law, unlawfully killed and murdered large numbers of civilians and disarmed soldiers of the Republic of China, whose names and number are at present unknown.

COUNT 50.

The same Defendants as in Count 48, prior to the 10th November, 1944, and on succeeding days by unlawfully ordering, causing and permitting the armed forces of Japan to attack the Cities of Kweilin and Liuchow in the Province of Kwangsi in breach of the Treaty Articles mentioned in Count 2 hereof and to slaughter the inhabitants contrary to international law, unlawfully killed and murdered large numbers of civilians and disarmed soldiers of the Republic of China, whose names and number are at present unknown.

COUNT 51.

The Defendants ARAKI, DOHIHARA, HATA, HIRANUMA, ITAGAKI, KIDO, KOISO, MATSUI, MATSUOKA, MUTO, SUZUKI, TOGO, TOJO and UMEZU, by ordering, causing and permitting the armed forces of Japan to attack the territories of Mongolia and the Union of Soviet Socialist Republics, with which nations Japan was then at peace, in the region of the Khalkhin-Gol River in the summer of 1939, unlawfully killed and murdered certain members of the armed forces of Mongolia and the Union of Soviet Socialist Republics, whose names and number are at present unknown.

COUNT 52.

The Defendants ARAKI, DOHIHARA, HATA, HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KIDO, MATSUOKA, MATSUI, SHIGEMITSU, SUZUKI and TOJO, by ordering, causing and permitting the armed force of Japan to attack the territory of the Union of Soviet Socialist Republics, with which nation Japan was then at peace, unlawfully killed and murdered certain members of the armed forces of the Union of Soviet Socialist Republics, whose names and number are at present unknown.

GROUP THREE: CONVENTIONAL WAR CRIMES AND CRIMES AGAINST HUMANITY.

The following Counts charge conventional War Crimes and Crimes against Humanity, being acts for which it is charged that the persons named and each of them are individually responsible, in accordance with Article 5 and particularly Article 5 (b) and (c) of the Charter of the International Military Tribunal for the Far East, and in accordance with International Law, or either of them

COUNT 53.

The Defendants, DOHIHARA, HATA, HOSHINO, ITAGAKI, KAYA, KIDO, KIMURA, KOISO, MUTO, NAGANO, OKA, OSHIMA, SATO, SHIGEMITSU, SHIMADA, SUZUKI, TOGO, TOJO and UMEZU, together with divers other persons, between the 7th December, 1941 and the 2nd September, 1945, participated as leaders, organisers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was to order, authorise and permit the Commanders-in-Chief of the several Japanese naval and military forces in each of the several theatres of war in which Japan was then engaged, and the officials of the Japanese War Ministry, and the persons in charge of each of the camps and labour units for prisoners of war and civilian internees in territories of or occupied by Japan and the military and civil police of Japan, and their respective subordinates frequently and habitually to commit the breaches of the Laws and Customs of War, as contained in and proved by the Conventions, assurances and practices referred to in Appendix D, against the armed forces of the countries hereinafter named and against many thousands of prisoners of war and civilians then in the power of Japan belonging to the United States of America, the British Commonwealth of Nations, the Republic of France, the Kingdom of the Netherlands, the Commonwealth of the Philippines, the Republic of China, the Republic of Portugal and the Union of Soviet Socialist Republics, and that the Government of Japan should abstain from taking adequate steps in accordance with the said Conventions and assurances and Laws and customs of War, in order to secure observance and prevent breaches thereof.

In the case of the Republic of China, the said plan or conspiracy began on the 18th September, 1931, and the following Defendants participated therein in addition to those above-named: ARAKI, HASHIMOTO, HIRANUMA, HIROTA, MATSUI, MATSUOKA, MINAMI.

COUNT 54.

The Defendants DOHIHARA, HATA, HOSHINO, ITAGAKI, KAYA, KIDO, KIMURA, KOISO, MUTO, NAGANO, OKA, OSHIMA, SATO, SHIGEMITSU, SHIMADA, SUZUKI, TOGO, TOJO and UMEZU, between the 7th December, 1941 and the 2nd September, 1945, ordered, authorised and permitted the same persons as mentioned in Count 53 to commit the offences therein mentioned and thereby violated the laws of War.

In the case of the Republic of China the said orders, authorities and permissions were given in a period beginning on the 18th September, 1931, and the following Defendants were responsible for the same in addition to those named above: ARAKI, HASHIMOTO, HIRANUMA, HIROTA, MATSUI, MATSUOKA, MINAMI.

COUNT 55.

The Defendants DOHIHARA, HATA, HOSHINO, ITAGAKI, KAYA, KIDO, KIMURA, KOISO, MUTO, NAGANO, OKA, OSHIMA, SATO, SHIGEMITSU, SHIMADA, SUZUKI, TOGO, TOJO and UMEZU, between the 7th December, 1941 and the 2nd September, 1945, being by virtue of their respective offices responsible for securing the observance of the said Conventions and assurances and the Laws and Customs of War in respect of the armed forces in the countries hereinafter named and in respect of many thousands of prisoners of war and civilians then in the power of Japan belonging to the United States of America, the British Commonwealth of Nations, the Republic of France, the Kingdom of the Netherlands, the Commonwealth of the Philippines, the Republic of China, the Republic of Portugal and the Union of Soviet Socialist Republics, deliberately and recklessly disregarded their legal duty to take adequate steps to secure the observance and prevent breaches thereof, and thereby violated the laws of war.

In the case of the Republic of China, the said offence began on the 18th September, 1931, and the following Defendants were responsible for the same in addition to those named above: ARAKI, HASHIMOTO, HIRANUMA, HIROTA, MATSUI, MATSUOKA, MINAMI.

Wherefore, this Indictment is lodged with the Tribunal, and the charges herein made against the above-named Defendants are hereby presented to the Tribunal.

Joseph B. Keenan

Chief of Counsel, acting on behalf of the
United States of America.

Hsiang Che-Chun

Associate Counsel, acting on behalf of the
Republic of China.

A.S. Comyns Carr

Associate Counsel, acting on behalf of the United
Kingdom of Great Britain and Northern Ireland.

S.A. Golunsky

Associate Counsel, acting on behalf of the
Union of Soviet Socialist Republics.

A.J. Mansfield

Associate Counsel, acting on behalf of the
Commonwealth of Australia.

H.G. Nolan

Associate Counsel, acting on behalf of Canada.

Robert Omato

Associate Counsel, acting on behalf of the
Republic of France.

W.G.F. Boegerhoff Mulder

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Kingdom of the Netherlands.

R.H. Quilliam

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New Zealand.

p.p. Govinda Menon,
A.S. Comyns Carr

Associate Counsel, acting on behalf of India.

Pedro Lopez

Associate Counsel, acting on behalf of the
Commonwealth of the Philippines.

APPENDIX A.

Summarized Particulars showing the principal Matters and Events upon which the Prosecution will rely in support of the several Counts of the Indictment in Group One.

SECTION 1.

MILITARY AGGRESSION IN MANCHURIA.

From January 1st, 1928, onwards there was a plot in the Japanese Army, and particularly in the Kwantung Army, supported by certain civilians, to create an incident in Manchuria, which should form a pretext for Japan to conquer, occupy and exploit that Country as the first step in a scheme of domination which later extended to other parts of China to the territory of the Union of Soviet Socialist Republics, and ultimately to a wider field, aiming to make Japan a dominant power in the World.

The major events in the execution of it were:

About 18th September, 1931: Following a long period of infiltration and consequent friction, Japanese troops blew up a portion of the South Manchurian Railway, falsely accused Chinese troops of doing so, attacked them, and thereafter progressively and rapidly carried out a Military occupation of the Chinese provinces of Liaoning, Kirin, Heilungkiang and Jehol (the north-eastern provinces.)

About 3rd January, 1932: Japanese forces occupied Chinchow in spite of assurance given by their Foreign Office to the United States on 24th November, 1931, that they would not do so.

Beginning about 18th January, 1932, Japanese naval, and later military forces, attacked the Chinese in Shanghai.

About 28th to 29th January, 1932: Japanese bombed Chapei at 12.15 a.m.

About 1st Feb. 1932: Japanese warships shelled Nanking.

During 1932, Japan set up a separate puppet Government in the said Provinces and on 15th September, 1932, officially recognized it.

The Japanese Government which came into power on 13th December, 1931, and all subsequent Japanese Governments adopted, supported and continued this aggression and its gradual extension over other parts of China.

Japan delivered no declaration of War against China, made no effort to settle the alleged dispute by pacific means, or by mediation or arbitration, rejected on 5th February, 1932, an offer of mediation by the United States, Great Britain and France, refused to adopt the report and recommendations of the Lytton Commission appointed by the League of Nations of which Japan and China were members, or the resolutions of the League, and on 27th March, 1933, resigned from the League.

On 18th April, 1934, Japan announced her absolute opposition to any foreign interference in China other than her own.

On 1st March, 1934, Japan caused Henry Pu Yi to be installed as the nominal ruler of the so-called State of Manchukuo. Nevertheless large Japanese armies continued down to the 2nd September, 1945, to be maintained in these territories, using them as a base for further aggression, and to control, together with Japanese civilian officials, the whole Government, industry and finance thereof.

SECTION 2.

MILITARY AGGRESSION IN THE REST OF CHINA.

Japanese aggression against China entered a new phase on July 7th, 1937, when her army invaded China south of the Great Wall, and her government adopted, supported and continued the aggression. All subsequent Japanese Governments did the same.

Subsequent major events in this phase were:

About 19th to 25th September, 1937, Japanese forces bombed Nanking and Canton, and deliberately killed large numbers of civilians.

About 13th December, 1937, Japanese forces captured Nanking, slaughtered many thousands of civilians and committed other outrages.

During 1940, Japan set up a separate puppet Government in those parts of China (other than the four north-eastern provinces above-mentioned) which she then occupied, claiming to be the "National Government of the Republic of China", and about 30th November, 1940, officially recognized it.

Again Japan delivered no declaration of war on China, made no attempt to settle the alleged dispute by pacific means, or by mediation or arbitration, refused on 25th September, 1937, to participate in the Far Eastern Advisory Committee of the League of Nations, refused on 27th October and again on 12th November, 1937, to attend the Conference held at Brussels of the other signatories to the Nine-Power Treaty of 6th February, 1922, or to discuss its application, refused on 22nd September, 1938, to sit with the League of Nations to mediate her dispute with China, and on 4th November, 1938, declared that the said Nine-Power Treaty was obsolete.

Japan continued her military aggression in China by capturing, among other cities, Hankow on the 27th October, 1938; Changsha on the 18th June, 1944; Hengyang on the 8th August, Kweilin on the 10th November and Liuchow on the 11th November of the same year; and deliberately killed large numbers of civilians and committed other outrages in each of the cities afore-mentioned.

SECTION 3.

ECONOMIC AGGRESSION IN CHINA AND GREATER EAST ASIA.

During the period covered by this Indictment, Japan established a general superiority of rights in favour of her own nationals, which effectively created monopolies in commercial, industrial and financial enterprises, first in Manchuria and later in other parts of China which came under her domination, and exploited those regions not only for the enrichment of Japan and those of her nationals participating in those enterprises, but as part of a scheme to weaken the resistance of China, to exclude other Nations and nationals, and to provide funds and munitions for further aggression.

This plan, as was the intention of some at least of its originators, both on its economic and military side, gradually came to embrace similar designs on the remainder of East Asia and Oceania.

Later it was officially expanded into the "Greater East Asia Co-Prosperity Scheme" (a title designed to cover up a scheme for complete Japanese domination of those areas) and Japan declared that this was the ultimate purpose of the military campaign.

The same organizations as are mentioned in Section 4 hereof were used for the above purposes.

SECTION 4.

METHODS OF CORRUPTION AND COERCION IN CHINA AND OTHER OCCUPIED TERRITORIES.

During the whole period covered by this Indictment, successive

Japanese Governments, through their military and naval commanders and civilian agents in China and other territories which they had occupied or designed to occupy, pursued a systematic policy of weakening the native inhabitants will to resist by atrocities and cruelties, by force and threats of force, by bribery and corruption, by intrigue amongst local politicians and generals, by directly and indirectly encouraging increased production and importation of opium and other narcotics and by promoting the sale and consumption of such drugs among such people. The Japanese Government secretly provided large sums of money, which, together with profits from the government-sponsored traffic in opium and other narcotics and other trading activities in such areas, were used by agents of the Japanese government for all the above-mentioned purposes. At the same time, the Japanese Government was actively participating in the proceedings of the League of Nations Committee on Traffic in Opium and other Dangerous Drugs and, despite her secret activities above-mentioned, professed to the world to be co-operating fully with other member nations in the enforcement of treaties governing traffic in opium and other narcotics to which she was a party.

This participation in and sponsorship of illicit traffic in narcotics was effected through a number of Japanese governmental organizations such as the Manchurian Affairs Board, the China Affairs Board and the Southern Region Affairs Board, which were combined in 1942 to form the Greater East Asia Ministry, and numerous subsidiary organizations and trading companies in the various occupied and so-called independent (puppet) countries which were operated or supervised by senior officers or civilian appointees of the Army and the Navy.

Further, revenue from the above-mentioned traffic in opium and other narcotics was used to finance the preparation for and waging of the wars of aggression set forth in this Indictment and to establish and finance the puppet governments set up by the Japanese Government in the various occupied territories.

SECTION 5.

GENERAL PREPARATION FOR WAR.

With a view to future wars of aggression, and in order to prevent other nations from interference in her war of aggression already in progress against China, Japan from 1st January, 1932, onwards strengthened her naval, military, productive and financial preparations for war. In particular, but without limiting the above allegations:

(a) NAVAL:

About 29th December, 1934, she denounced the Washington Naval Treaty after an unsuccessful attempt to persuade the other Signatories to agree to a common upper limit of global naval tonnage for her own obvious advantage.

About 23rd June, 1936, she refused to adhere to the London Naval Treaty.

On or about 12th February, 1938, she refused to reveal her naval building plans on request by the United States, Britain and France.

At all times she secretly increased her naval strength.

At all times and especially throughout 1941, she made secret naval plans for the surprise attacks which ultimately took place on December 7th-8th, 1941, on Pearl Harbour, Singapore, Hong Kong, Malaya and Shanghai, and for similar attacks on other places in the Pacific and Indian Oceans and on the

territory of the Union of Soviet Socialist Republics.

(b) MILITARY:

Japan continually and progressively increased the size of her army not only as required for her war of aggression against China, but to a larger extent for the purpose of other wars of aggression. On the 6th April, 1939, she passed a general Mobilization Law and thereafter put it into effect.

(c) NAVAL AND MILITARY:

Japan continually and progressively fortified the islands for which she held a mandate from the League of Nations.

Treaty Articles violated: 15, 17, 18, 31.

(c) PRODUCTIVE:

Japan continually and progressively increased her capacity for the production of munitions of war both on her own territory and in territories occupied or controlled by her, to an extent greater than was required for her war of aggression against China, for the purpose of other wars of aggression.

(e) FINANCIAL:

The finance for all the above-mentioned purposes was provided partly through the Budget by taxation, partly by loans, and partly from the profits of the exploitations as described in Section 3 hereof, and particularly of the sale of narcotics as described in Section 4 hereof.

SECTION 6.

THE ORGANIZATION OF JAPANESE POLITICS AND PUBLIC
OPINION FOR WAR.

Two provisions incorporated by ordinance or custom in the Japanese constitution gave to the militarists the opportunity of gaining control over the Governments which they seized during the period covered by this Indictment.

The first was that, not only had the Chiefs of Staff and other leaders of the Army and Navy direct access at all times to the Emperor, but they had the right to appoint and withdraw the War and Navy Ministers in any Government. Either of them could thus prevent a Government from being formed, or bring about its fall after it was formed. In May, 1936, this power was further increased by a regulation that the Army and Navy Ministers must be senior Officers on the active list. E.G., the fall of the Yonai Government on 21st July, 1940, and of the Third Konoye Government on the 16th October, 1941, were in fact brought about by the Army; in each case they were succeeded by Governments more subservient to the wishes of the Army.

The second was that, although the Diet had the right to reject a Budget, this did not give them control, because in that case the Budget of the preceding year remained in force.

During this period such free Parliamentary institutions as previously existed were gradually stamped out and a system similar to the Fascist or Nazi model introduced. This took definite shape with the formation on 12th October, 1940, of the Imperial Rule Assistance Association, and later of the Imperial Rule Assistance Political Society.

During this period a vigorous campaign of incitement to expansion

was carried on, in the earlier part of the period by individual writers and speakers, but gradually this came to be organized by Government agencies, which also stamped out free speech and writing by opponents of this policy. A large number of Societies, some secret, was also formed both in the Army and Navy and among civilians, with similar objects. Opposition to this policy was also crushed by assassinations of leading politicians who were not considered sufficiently friendly to it, and by fear and threats of such assassinations. The civil and especially the military police were also used to suppress opposition to the war policy.

The educational systems, civil, military and naval, were used to inculcate a spirit of totalitarianism, aggression, desire for war, cruelty and hatred of potential enemies.

SECTION 7.

COLLABORATION BETWEEN JAPAN, GERMANY AND ITALY. AGGRESSION AGAINST FRENCH INDO-CHINA AND THAILAND.

Successive Japanese Governments from early in 1936 onwards, cultivated close relations with the totalitarian powers in Europe, Germany and Italy, which harboured similar designs in relation to the rest of the world to those of Japan in relation to East Asia and the Indian and Pacific Oceans.

On November 25th, 1936, they signed the Anti-Comintern Pact with a secret Protocol and a secret Military Treaty, directed ostensibly against the Union of Soviet Socialist Republics and Communism, but actually designed also as a prelude to joint aggressive action in general.

Various countries under the domination of Axis Powers, including the puppet governments of "Manchukuo" and the Nanking Regime in China, were admitted to the Anti-Comintern Pact.

Between the 1st January, 1938 and the 23rd August, 1939, extensive negotiations were conducted between Japan, Germany and Italy, for the establishment of an economic, political and military alliance.

On 26th August, 1939, Japan through her ambassador in Washington, assured the United States of America that she had decided to abandon any further negotiations with Germany and Italy relative to closer relations under the Anti-Comintern Pact.

Negotiations between Japan and Germany for the establishment of an economic, political and military alliance were resumed in July, 1940.

Between 13th August and 22nd September, 1940, after the Armistice in June, 1940, between Germany and the authority later to be known as the Vichy Government of France, subservient to Germany, and after the occupation by Germany of a large part of France, Japan induced and coerced the general government of French-Indo-China to enter into agreements with her for military and economic concessions in that country, and especially the northern part thereof. On 22nd September, 1940, notwithstanding agreements signed on the same day, Japanese troops attacked French Indo-Chinese units and were met with strong resistance.

On 27th September, 1940, Japan signed the Tri-Partite Pact with Germany and Italy.

In the early part of 1941, Japan, taking advantage of a boundary dispute raised by Thailand against French Indo-China, purported to act as mediator or arbitrator therein, but actually brought about a settlement unduly favourable to Thailand with a view to obtaining her aid in or submission to future aggression, and at the same time made further demands for military and economic concessions in French Indo-China.

The said settlements were finally concluded on 6th-9th May, 1941.

Commencing in the latter part of February, 1941, Japan and Germany conducted negotiations on the subject of Joint Military Action against Singapore and the territory of other nations.

On 1st July, 1941, Germany, Italy and all Governments subservient to them in other European countries, at the request of Japan, recognized the so-called "National Government of the Republic of China".

On the 12th July, 1940, a Friendship Treaty was signed between Japan and Thailand.

From May to July, 1941, Japan further induced and coerced the general Government of French Indo-China to allow Japanese troops to land, establish naval and air bases, and generally obtain control over Southern French Indo-China. The main purpose on this occasion was to provide bases for aggression directly against the British Commonwealth of Nations and the Dutch East Indies, and indirectly against the United States of America. The said agreements were finally concluded on July 21st and 29th, 1941, on which date Japanese forces landed at Saigon, established naval and air bases and generally took control of French Indo-China.

Throughout the above-mentioned dealings with French Indo-China, Japan used the help of Germany and Italy, by coercion upon the Vichy Government, as well as direct threats of illegal force, to attain her ends.

By way of reaction to this aggression and threat of further aggression, the United States of America on July 25th, and Great Britain on July 26th, froze the assets of Japan and China under their control, and applied other economic pressure against Japan.

On 25th November, 1941, Japan renewed the Anti-Comintern Pact, with secret clauses.

On or about the 1st December, 1941, Japan invoking the Tri-Partite Pact, requested Germany and Italy to declare War on the United States after the beginning of hostilities, and that a "No separate Peace Treaty" be entered into.

On 5th December, 1941, Japan assured the United States of America that troop movements in French Indo-China were precautionary measures.

On December 7th-8th, 1941, Japan made surprise attacks on territories of the United States of America, the British Commonwealth of Nations, and Thailand, using in the two latter cases French Indo-China bases.

On the 11th December, 1941, Japan, Germany and Italy signed a "No Separate Peace Pact".

On 18th January, 1942, a Military Convention between Japan, Germany and Italy was signed in Berlin.

From 1936 to 1945 close military, naval, economic and diplomatic co-operation and exchange of information were maintained between the above three countries. At the request of Germany, Japan from the beginning of the war on December 7th-8th, 1941, adopted the German policy of ruthless submarine warfare and the destruction of crews of ships sunk or captured.

By the threatening attitude which Japan maintained from 1939 to 1941 against the United States of America, the British Commonwealth of Nations, the Kingdom of the Netherlands and the Republic of France, and from 1939 to 1945 against the Union of Soviet Socialist Republics, and by her increasing concentration of troops in regions convenient for attacks upon them, she directly assisted Germany and Italy in their wars against those nations, even while she remained nominally neutral.

SECTION 8.

AGGRESSION AGAINST THE SOVIET UNION.

In the course of many years, Japan was continually preparing war and performing acts of aggression against the Soviet Union.

Having failed in her attempts to capture the Soviet Far East in the period between 1918-1922, Japan did not abandon the idea of capturing the Soviet areas situated east of the Lake Baykal.

Since 1928 the Japanese General Staff had been planning a war of aggression against the Union of Soviet Socialist Republics eager to take advantage of a chance to start this war.

An important step in the preparation of a war of aggression against the Union of Soviet Socialist Republics was the occupation of Manchuria in 1931, which as well as Korea was transformed into a military base for attacking the Union of Soviet Socialist Republics in a number of years. Railroads and highways were constructed in Manchuria after 1931 of strategic importance and ran towards the frontier of the Union of Soviet Socialist Republics. The strength of the Kwantung Army had been increased from two divisions in 1931 to fifteen in 1941.

A great number of new airfields, fortified areas, dumps, barracks, sea and river ports destined to serve in the war of aggression against the Union of Soviet Socialist Republics were built.

In Manchuria the war industry developed at a fast rate. Areas adjacent to the Union of Soviet Socialist Republics frontier were being colonized by Japanese reservists with the purpose of strengthening the Kwantung Army at the moment of mobilization. Propaganda in the press, by radio, etc., directed against the Soviet Union, was carried on intensely. On Manchurian territory Japan organized and supported on a large scale elements from Russian emigrants hostile to the Soviet Union and prepared them for hostile acts against the Union of Soviet Socialist Republics. Japan systematically organized armed clashes on the frontier and organized acts of sabotage and terrorist acts on the Chinese Eastern Railroad.

In 1932, Japan twice rejected the proposal of the Union of Soviet Socialist Republics to conclude a non-aggression pact.

In 1938, Japan without declaring war, attacked the territory of the Soviet Union at the Lake Hassan.

In 1939 Japan again, without declaration of war, attacked the territory of the Mongolian People's Republic, an ally of the Union of Soviet Socialist Republics at the Halkin-Gol River (Namanhan), and engaged the Mongolian People's Republic army and its allied Red Army. In both cases Japan pursued the aim of reconnoitring the strength of the Red Army by battle and capturing strategic positions for future war against the Union of Soviet Socialist Republics. Having been repulsed twice and having suffered heavy losses, Japan nevertheless did not stop the preparations for a surprise attack against the Union of Soviet Socialist Republics.

While preparing for the war against the Soviet Union, Japan, during several years, carried on negotiations with Hitlerite Germany and Fascist Italy on a joint aggression. The principal stages, in this plot of aggressors, were the conclusion of the so-called Anti-Comintern Pact in 1936 and the signing of the Tri-Partite Pact of Japan, Germany and Italy in 1940, the aim of which was joint aggressive action of these countries against democratic powers, among them the Union of Soviet Socialist Republics.

In March 1941, while being in Berlin for the purpose of plotting

with Hitler about a joint aggression against democratic countries, the defendant Matsuoka was informed by the German government about preparations by the latter for war against the Union of Soviet Socialist Republics. As early as the beginning of July, following a conclusion of the pact of neutrality on behalf of Japan on 13th April, 1941, after the treacherous attack of Germany against the Union of Soviet Socialist Republics, Matsuoka officially declared to the Soviet Ambassador in Tokyo that the principal basis of the Japanese foreign policy was the alliance with Germany and that in case Germany addressed Japan with a request for help, the pact of neutrality with the Union of Soviet Socialist Republics would not present an obstacle for Japan to wage war on the side of Germany. In accordance with this, the governing militarist clique in Japan in the whole course of the war between Germany and the Union of Soviet Socialist Republics was openly hostile towards the Soviet Union; maintained a selected army on the Soviet frontiers and was an organizer of a widespread propaganda against the Soviet Union. Japan actively helped Hitlerite Germany, providing her with information regarding the Union of Soviet Socialist Republics, organized pirate attacks on Soviet merchant shipping in the Far East by closing straits, establishing prohibited zones and special limited waterways.

To render help to Germany, Japan, after Germany's attack against the Union of Soviet Socialist Republics in the summer of 1941, doubled the strength of her army in Manchuria and later on brought the strength of this army to a million men which necessitated maintaining considerable forces in the Far East by the Soviet Union instead of using them in the war against Germany.

In the same summer of 1941, Japan worked out a new plan of a surprise attack against the Union of Soviet Socialist Republics and kept the Kwantung Army fully prepared for such an attack. She was prevented from it, not by the pact of neutrality, which as it may be seen from above, Japan disregarded, but by the successes of the forces of the Union of Soviet Socialist Republics in the war against Germany.

SECTION 9.

JAPAN, THE UNITED STATES OF AMERICA, THE COMMONWEALTH OF THE PHILIPPINES AND THE BRITISH COMMONWEALTH OF NATIONS.

The whole of the other Sections of this Appendix are relevant to this Section and are not repeated here.

From 1931 until December, 1941, relations between Japan on the one hand and the United States of America and Great Britain on the other continuously deteriorated because of Japan's aggression in East Asia and duplicity in international negotiations.

The United States of America and Great Britain frequently protested that Japan's military operations were a violation of the provisions of the treaties mentioned in Count 2 hereof, and called the attention of both China and Japan to their obligations thereunder. They also declared that they would not recognize any situation in Manchuria or elsewhere brought about by violations thereof.

Japan in unequivocal terms gave assurances that she had no territorial ambitions in China, that she would respect the open door policy in China. In spite of these assurances she set up a puppet regime in Manchukuo and proceeded to close the door to the United States of America and British trade.

After the consolidation of the Manchurian position Japan continued her aggressive policy in East Asia in spite of assurances that she had no territorial ambitions south of the Great Wall.

The United States and Great Britain endeavoured to convince Japan that her best interests lay in peace, but it was clear from her actions

that she intended to resort to force to gain neighbouring countries and territories.

During 1935, Japan increased her military and naval strength and undertook limited military activities to extend her domination over China. The United States of America and Great Britain continued to draw Japan's attention to her treaty obligations but this had no effect on her military activities.

In 1936, the United States of America endeavoured to get Japan to agree to the principle of equality in commercial and industrial spheres and not to resort to force to obtain preferential rights. This was also rejected by Japan.

In 1937, Japan declared that the principles of international relationship propounded by the United States of America were consistent with her own, but qualified this by stating that the objectives could only be obtained by an understanding of the particular circumstances of the East. In 1937 Japan commenced further military aggression in China and soon thereafter the United States of America offered her good offices in the dispute and appealed to both parties to refrain from war. This Offer was not accepted by Japan and the appeal had no effect. In the same year Japan refused an invitation to attend the Brussels Conference called under the provisions of the Nine-Power Treaty. On August 26th, 1937, Japanese forces attacked cars belonging to the British Embassy in China, and on December 12th attacked warships belonging to the United States of America and Great Britain on the Yangtze.

At the end of 1938 Japan proclaimed her policy of a new order in East Asia and refused to give any unconditional assurance that the open door policy in China would be maintained.

Thereafter many interferences by Japan and Japanese controlled territories with the rights of the United States of America and British nationals took place and in July, 1939, the United States of America gave notice of termination of the 1911 commercial Treaty with Japan.

In September, 1940, after Japan's military alliance with Germany and Italy, the United States of America was forced to place limitations on the export of iron, steel and raw materials to Japan.

In March, 1941, conversations between the Japanese ambassador in Washington and the United States Secretary of State took place in an endeavour by the United States to settle outstanding differences and to reach a peaceful settlement. While these were proceeding Japan continued at a feverish pace to prepare for war. At an Imperial Conference on 2nd July, the decision to advance southward, obviously directed against the United States of America, the Kingdom of the Netherlands and the British Commonwealth, was reached. At a further Conference on 6th September, it was decided to open hostilities against the United States of America, Great Britain and the Netherlands in case the requirements of Japan seemed unlikely to be realized by some time during the first part of October. On 1st December, a further Conference definitely decided on war. The decisions of the two last-mentioned Conferences were kept secret. On 7th-8th December, 1941, while negotiations were still proceeding, Japan made surprise attacks on territories of the United States of America at Pearl Harbour, of the British Commonwealth of Nations at Singapore, Malaya, Hong Kong and Shanghai, of the Commonwealth of the Philippines, and of Thailand. She delivered no declaration of war, and to the British Commonwealth of Nations or to the Commonwealth of the Philippines, no document of any kind. To the United States of America she delivered, after the attack, a document which did not and was not intended to amount to a declaration of war.

She entirely disregarded all the other Treaty obligations referred to in Counts 7 and 8 hereof.

SECTION 10.

JAPAN, THE KINGDOM OF THE NETHERLANDS AND
THE REPUBLIC OF PORTUGAL.

The Netherlands East Indies and the Portugese portion of the Island of Timor were within the area coveted by Japan and described by her as the "Greater East Asia Co-Prosperity Sphere".

In addition to the general treaties binding Japan not to attack these areas, Treaty Articles Nos. 20 and 21, refer respectively to these nations in terms. Japan also had a treaty with the Netherlands regarding the East Indies which she denounced on the 12th June, 1940, in preparation for aggression against them. At that time the homeland of the Netherlands had been recently and treacherously over-run by Japan's ally, Germany, and the Dutch Government had been compelled to seek refuge in England. Thereafter Japan endeavoured to compel that Government to agree to a new treaty on terms unduly favourable to Japan, but they were unwilling to do so. The preparations of Japan for a general aggressive war in the Far East included an intention to invade the Netherlands East Indies. The occupation by Japan of French Indo-China, completed in July, 1941, and the attacks upon territories of the United States of America and the British Commonwealth of Nations on the 7th-8th December, 1941, were all part of a plan which included an invasion of the Netherlands East Indies. This was specifically one of the decisions of the Japanese Imperial Conference of the 6th September, 1941. Consequently the Netherlands Government immediately after the last mentioned attacks, declared war on Japan in self-defence.

On the 11th January, 1942, Japan invaded and thereafter rapidly occupied the Netherlands East Indies.

On 19th February, 1942, Japan, without any pretence of right or of any quarrel with the Republic of Portugal, invaded Portugese Timor, and occupied it for the purpose of carrying on her aggressive war against all the allied nations.

APPENDIX B.

List of Articles of Treaties violated by Japan
and incorporated in Groups One and Two.

The Convention for the Pacific Settlement of International Disputes,
signed at The Hague 29 July 1899.

The said Convention was signed and ratified by or on behalf of Japan and each of the Nations bringing the charges in this Indictment subject to certain reservations not here material.

1. Article I

"With a view to obviating, as far as possible, recourse to force in the relations between States, the Signatory Powers agree to use their best efforts to ensure the pacific settlement of international differences".

2. Article II

"In case of serious disagreement or conflict, before an appeal to arms, the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers".

The Convention for the Pacific Settlement of International Disputes,
signed at the Hague 18 October 1907.

The said Convention was signed and ratified by or on behalf of Japan and each of the nations bringing the charges in this Indictment with the exception of the United Kingdom and the Union of Soviet Socialist Republics, subject to certain reservations not here material.

3. Article 1.

"With a view to obviating as far as possible recourse to force in the relations between States, the Contracting Powers agree to use their best efforts to ensure the pacific settlement of international differences".

4. Article 2.

"In case of serious disagreement or dispute, before an appeal to arms, the Contracting Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers".

The Hague Convention No. III Relative to the Opening of Hostilities,
signed 18 October 1907.

The said Convention was signed and ratified by or on behalf of Japan and each of the nations bringing the charge in this Indictment.

5. Article I

"The Contracting Powers recognize that hostilities between themselves must not commence without previous and explicit warning, in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war".

Agreement effected by exchange of notes between the United States and
Japan, signed 30 November 1908, declaring their policy in the Far East.

6. "2. The Policy of both Governments, uninfluenced by any aggressive tendencies, is directed to the maintenance of the existing status quo in the region above-mentioned and to the defence of the principle of equal opportunity for commerce and industry in China.

7. 3. They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in said region.

8. 4. They are also determined to preserve the common interest of all Powers in China by supporting by all pacific means at their disposal the independence and integrity of China and the principle of equal opportunity for commerce and industry of all nations in that Empire.

9. 5. Should any event occur threatening the status quo as above described or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it useful to take".

The Convention and Final Protocol for the Suppression of the Abuse of Opium and other Drugs, signed at The Hague, 23 January 1912 and 9 July 1913.

10. The said Convention was signed and ratified by or on behalf of Japan and each of the nations bringing the charges in this Indictment.

The Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles, 28 June 1919, known as the Versailles Treaty.

11. Article 10 of the Covenant of the League of Nations.

"The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled".

12. Article 12 of the Covenant of the League of Nations.

"The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council".

13. Article 13 of the Covenant of the League of Nations.

"The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute, the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such award, the Council shall propose what steps should be taken to give effect thereto."

14. Article 15 of the Covenant of the League of Nations.

"If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such a request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute."

15. Article 22 of the Covenant of the League of Nations.

"Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and

religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above-mentioned in the interests of the indigenous population".

16. Article 23 (c) of the Covenant of the League of Nations.

"Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League.....

(c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs.

The Mandate from the League of Nations pursuant to the Versailles Treaty made at Geneva 17 December 1920.

17. Article 3.

"The Mandatory shall see that the slave trade is prohibited and that no forced labour is permitted, except for essential public works and services, and then only for adequate remuneration".

18. Article 4.

"The military training of the natives otherwise than for purposes of internal police and the local defence of the territory shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory."

Treaty between the British Commonwealth of Nations, France, Japan and the United States of America relating to their Insular possessions and Insular Dominions in the Pacific Ocean, 13 December, 1921.

The said Treaty was signed and ratified by the Signatory Powers.

19. Article I.

"The High Contracting Parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the High Contracting Parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other High Contracting Parties to a joint Conference to which the whole subject will be referred for consideration and adjustment".

Identic Communication made to the Netherlands Government on 4 February 1922 on behalf of the British Commonwealth of Nations and also "mutatis mutandis" on behalf of Japan and the other Powers signatory to the Quadruple Pacific Treaty of 13 December 1921, states that:-

20. The Netherlands not being signatory to the said Treaty, and the Netherlands possessions in the region of the Pacific Ocean therefore not being included in the agreement referred to, His Britannic Majesty's Government, anxious to forestall any conclusion contrary to the spirit of the Treaty, desires to declare that it is firmly resolved to respect the rights of the Netherlands in relation to her insular possessions in the region of the Pacific Ocean.

Identic Communication made to the Portuguese Government on 6 February 1922 on behalf of the British Commonwealth of Nations and also "mutatis mutandis" on behalf of Japan and the other Powers signatory to the Quadruple Pacific Treaty of 13 December 1921, states that:-

21. The Portuguese not being signatory to the said Treaty and the Portuguese possessions in the region of the Pacific Ocean therefore not being included in the agreement referred to, His Britannic Majesty's Government, anxious to forestall any conclusion contrary to the spirit of the Treaty, desires to declare that it is firmly resolved to respect the rights of Portugal in relation to her insular possessions in the region of the Pacific Ocean.

The Treaty between the United States of America, the British Commonwealth of Nations, Belgium, China, France, Italy, Japan, the Netherlands and Portugal, concluded and signed at Washington, 6 February 1922, known as the Nine-Power Treaty.

The said Treaty was signed and ratified by or on behalf of Japan and each of the nations bringing the charges in this Indictment with the exception of the Union of Soviet Socialist Republics.

Article I

"The Contracting Powers, other than China, agree:-

22. (1) To respect the sovereignty, the independence, and the territorial administrative integrity of China;
23. (2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable Government;
24. (3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;
25. (4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States."

Article II.

26. "The Contracting Powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or, individually or collectively, with any Power or Powers which would infringe or impair the principles stated in Article I."

Article III.

"With a view to applying more effectually the principles of the Open Door or equality of opportunity in China for the trade and industry of all

nations, the Contracting Powers, other than China, agree that they will not seek, nor support their respective nationals in seeking:-

27. (a) Any arrangement which might purport to establish in favour of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China;

28. (b) Any such monopoly or preference as would deprive the nationals of any other Power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category or public enterprise, or which by reason of its scope, duration, or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that the foregoing stipulations of this Article are not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking, or to the encouragement of invention and research.

China undertakes to be guided by the principles stated in the foregoing stipulations of this Article in dealing with applications for economic rights and privileges from the Governments and nationals of all foreign countries, whether parties to the present Treaty or not".

Article IV

29. "The Contracting Powers agree not to support any agreements by their respective nationals with each other designed to create Spheres of Influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory".

Article VII.

30. "The Contracting Powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present Treaty, and renders desirable discussion of such application, there shall be full and frank communication between the Contracting Powers concerned."

Treaty between the United States and Japan, signed at Washington
11 February 1922.

The said Treaty was signed and ratified by the Signatory Powers.

Article II.

31. "The United States and its nationals shall receive all the benefits of the engagements of Japan defined in Articles 3,4 and 5 of the aforesaid Mandate, notwithstanding the fact that the United States is not a member of the League of Nations".

The League of Nations Second Opium Conference Convention, signed at Geneva
19 February 1925.

32. The said Convention was signed and ratified by or on behalf of Japan and each of the nations bringing the charges in this Indictment, with the exception of the Union of Soviet Socialist Republics, China, and the United States of America.

Treaty between the President of the United States of America, the President of the German Reich, His Majesty the King of the Belgians, the President of the French Republic, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy, His Majesty the Emperor of Japan, the President of the Republic of

Poland, and the President of the Czechoslovak Republic, concluded and signed at Paris 27 August 1928, known as the Kellogg-Briand Pact and as the Pact of Paris.

The said Treaty was signed and ratified by the Signatory Powers.

Article I.

33. "The High contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another".

Article II

34. "The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means".

Declaration of Imperial Japanese Government, 27 June 1929, concerning Article I of the Kellogg-Briand Pact of 27 August 1928.

"The Imperial Government declare that the phraseology "in the names of their respective peoples" appearing in Article I of the Treaty for the Renunciation of War, signed at Paris on 27 August 1928, viewed in the light of the provisions of the Imperial Constitution, is understood to be inapplicable in so far as Japan is concerned".

The Convention relating to Narcotic Drugs, signed at Geneva 13 July 1931.

35. The said Convention was signed and ratified by or on behalf of Japan with a reservation as recorded in the protocol of signature and each of the nations bringing the charges in this Indictment, with the exception of the Union of Soviet Socialist Republics, China, the Commonwealth of Australia and New Zealand.

Treaty between Thailand and Japan concerning the continuance of friendly relations and the mutual respect of each other's territorial integrity, signed at Tokyo, 12 June 1940.

The said Treaty was signed and ratified by the Signatory Powers.

Article I.

36. "The High Contracting Parties shall mutually respect each other's territorial integrity and hereby reaffirm the constant peace and the perpetual friendship existing between them".

Convention respecting the Rights and Duties of Neutral Powers and Persons. in War on Land, signed at The Hague 18 October 1907.

37. Article I.

"The territory of neutral Powers is inviolable".

38. Article II.

"Belligerents are forbidden to move troops or convoys, whether of munitions of war or of supplies, across the territory of a neutral Power".

Treaty of Portsmouth between Russia and Japan, signed 5 September 1905
which established:

Article II (paragraph 3)

39. It is also agreed that in order to avoid all cause of misunderstanding

the two High Contracting Parties will abstain, on the Russo-Korean frontier, from taking any military measures which may menace the security of Russian or Korean territory.

Article III (Parts 1 and 2).

Japan and Russia mutually engage:

40. (1) To evacuate completely and simultaneously Manchuria except the territory affected by the lease of the Liaotung Peninsula, in conformity with the provisions of additional Article I, annexed to Treaty; and

41. (2) To restore entirely and completely to the exclusive administration of China all portions of Manchuria now in the occupation or under the control of the Japanese or Russian troops, with the exception of the territory above mentioned.

Article IV.

42. Japan and Russia reciprocally engage not to obstruct any general measures common to all countries, which China may take for the development of the commerce and industry of Manchuria.

Article VII (paragraph 1).

43. Japan and Russia engage to exploit their respective railways in Manchuria exclusively for commercial and industrial purposes and in no wise for strategic purposes.

Article IX (paragraph 2).

44. Japan and Russia mutually agree not to construct in their respective possessions on the Island of Saghalien or the adjacent islands, any fortifications or other similar military works. They also respectively engage not to take any military measures which may impede the free navigation of the Straits of La Perouse and Tartary.

The Convention on Embodying Basic Rules of the Relations between Japan and the Union of Soviet Socialist Republics, signed 20 January 1925 in Peking.

This Convention was signed and ratified by the Signatory Powers.

Article V.

45. The High Contracting Parties solemnly affirm their desire and intention to live in peace and amity with each other, scrupulously to respect the undoubted right of a State to order its own life within its own jurisdiction in its own way, to refrain and restrain all persons in any governmental service for them, and all organizations in receipt of any financial assistance from them, from any act overt or covert liable in any way whatever to endanger the order and security in any part of the territories of Japan or the Union of Soviet Socialist Republics.

It is further agreed that neither Contracting Party shall permit the presence in the territories under its jurisdiction -- (a) of organizations or groups pretending to be the Government for any part of the territories of the other Party, or (b) of alien subjects or citizens who may be found to be actually carrying on political activities for such organizations or groups.

The Neutrality Pact between the Union of Soviet Socialist Republics and Japan, signed 13 April 1941 in Moscow.

This pact was signed and ratified by the Signatory Powers.