

EXHIBIT No. 3186

(13)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

SWORN DEPOSITION (Translation)

Deponent: FUHA, Hiroshi

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

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

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

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

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urgency and the Borneo garrison was, in August, 1944, re-organized into the 37th Army and at the same time was withdrawn

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

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

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

On this 16 day of April, 1947.

At Tokyo.

DEPONENT /s/ KUHA, Hiroshi (seal)

I, ^{KATO} ~~KUTO~~, Takahisa hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this Witness.

On the same date.

At Tokyo.

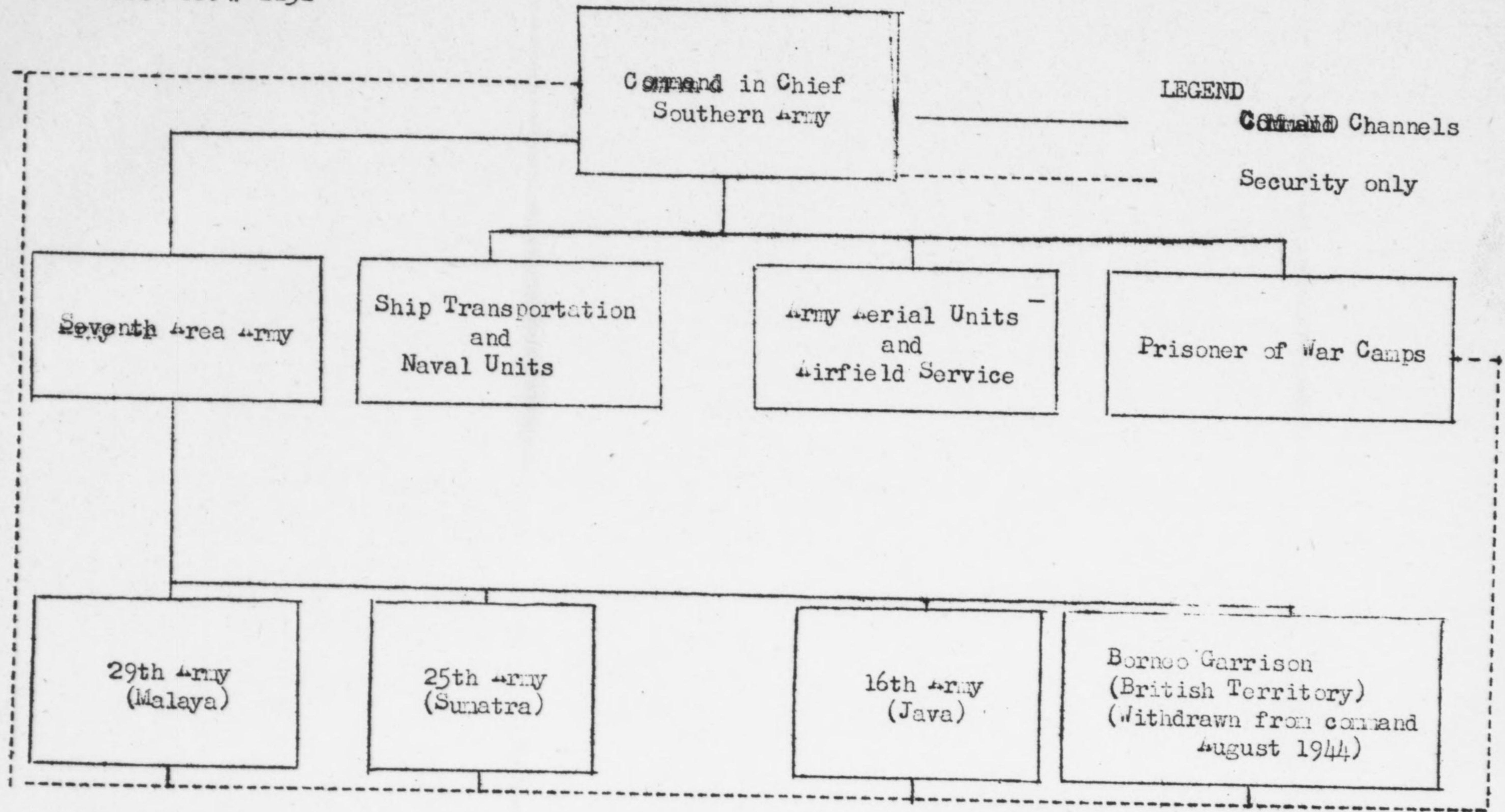
Witness: /s/ ^{KATO TAKAHISA} ~~FUHA, Takahira~~ (seal)

OATH

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

/s/ FUHA, Hiroshi (seal)

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