

EXHIBIT No. 3099

(23)

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

SWORN DEPOSITION (Translation)

Deponent : KOBAYASHI, Shujiro,

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. KOBAYASHI, Shujiro, live at KITAIDE, SHIMMEI-MURA, IMADACHI-GUN, FUKUI Prefecture and am 48 years old.

In July of the 19th year of SHOWA(1944), I arrived at Manila as the Staff-Officer of the 14th Area Army in the Philippine Islands. When the SHIMBU Group under the command of the said Army was formed at the close of that year, I was ordered to be attached to the Group and, until the termination of war, engaged in the campaign in the region east of Manila. As the Senior Staff-Officer, my main duty was to control the operations and the rear-service. When I arrived at my post, the Commander of the Army was Lieutenant General KURODA. He was succeeded by General YAMASHITA early in October of the 19th year of SHOWA(1944). The U.S. Army started landing in LEYTE on October 18 of the 19th year of SHOWA (1944). Two days later, on October 20, Chief of the Staff MUTO arrived at his post.

I will make a statement as follows on the real state of affairs of the time.

1. I will explain the plan of operations in the vicinity of Manila and the intention of the Commander of the Area Army toward Manila City.

A. As regards the operations in LUZON Island, the policy before October of the 19th year of SHOWA(1944), was to fight decisive battles in the LINGAEN and BATANGAS fronts, especially in their seaside regions. However, not only did the LEYTE campaign deplete our force but also the experience taught us that decisive battles were disadvantageous. The policy was therefore changed to that of delaying tactics, taking up a position in mountain region. The new plan in the middle and southern parts of LUZON Island was that the army in this district would occupy the mountainous region east of Manila with its main force, a part of which were disposed in the BATANGAS Province and that, in Manila, the troops (some 2,500 strong of the army forces) should be stationed for the sake of mere guard and of covering munitions. It was early in December of the 19th ('22 of the original is surely a mistake -- T.N.) year of SHOWA.

It was a serious subject of study whether or not Manila should be defended to the last. But General YAMASHITA decided on a plan of its abandonment. Concerning this problem, Lieutenant General MUTO, the Chief of the Staff, insisted on a plan of abandonment from the outset and gave this opinion to General YAMASHITA. The reasons for his insisting it were as follows:

- (1) The difficulty in supplying food-stuffs for the million citizens of Manila and preventing them from becoming victims of battles;
- (2) Possible danger of reducing the centre of civilization in the Philippine Islands to ashes by the spread of the flames due to a great number of wooden houses in the City;
- (3) The impossibility of establishing solid air defences owing to subterranean water running near the surface of the land.
- (4) The impossibility for the existing Japanese forces of defending the City lying on the seaside plain and requiring a large number of divisions for its defense.

Since, however, it was impossible to remove in a short time the pile of war supplies for the whole of the Southern Army and numerous military establishments from in and around Manila City, it was at first decided to station there a part of the forces to have them transport, carry out and escort the munitions as well as maintain public peace. Some 30,000 tons of munitions remained in Manila early in January of the 20th year of SHOWA (1945).

(B. In order to carry out the above policy, the Area Army Commander took the following steps, besides the disposition of the forces:

- (1) He had the Philippine Government remove to BAGUIO on December 22.
- (2) He manifested the idea of abandoning Manila by means of removing the Army Headquarters from the MCKINLEY Barracks to IPO, about 30 kilometers north-east of Manila on December 26, and expedited transportation of the forces and munitions which had been delayed by indecisive movement from around Manila to the mountainous region.
- (3) Since about the middle of December, he especially ordered me to visit the headquarters of the forces stationed on the west side of the Manila -- MONTALBAN Road (the entrance to the mountainous region, approximately 20 kilometres north-east of Manila) and to urge them on the spot to hurry into the eastern mountainous region;
- (4) He ordered the Manila Defense Headquarters in charge of guarding the City until then, promptly to MONTALBAN north-east of Manila and named the forces the HOBAYASHI Group, after the name of the commander so as to make soldiers change their way of thinking;
- (5) He sent a staff-officer early in January of the 20th year of SHOWA (1945) to the Commander of the Air Forces, who still remained in the City of Manila on account of illness, to hurry him away to the northern LUZON;
- (6) He gave strict instructions to the forces in Manila, forbidding any action of inflicting harms to the citizens as well as prohibiting them from putting any building to warfare use, except that simple works for works for air defense and self-defense were permitted on the MCKINLEY Barracks

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stand on the buildings near the seashore then under the army's use and that preparatory works for destruction of the 3 bridges were permitted for the purpose of preventing the enemy forces, in case of their marching northward from BATANGAS quarters, from using them.

In 4.

In this respect, I endeavored, as the staff-officer left behind at the place east of Manila, to have our forces thoroughly understand the above effect. For instance, at the meeting of staff-officers and adjutants of every group and unit under the command, held at MONTALBAN about the middle of January, I communicated it exactly to them and explained, adding that, even if its result should handicap them in fighting, they should act so as to realize the intention of the Area Army Commander. They all appreciated it and left. Lieutenant YOKOYAMA, the Commander of the SHIMBU Group, as well attached importance to the intention of the Area Army Commander in this connection. He, accordingly, gave instructions early in January to all the officers and men under his command, emphasizing that, as the world was watching every act of our forces fighting in the vicinity of Manila, the international city, they were required to maintain in particular strict discipline and to take such good and just actions that they might not be laughed at by posterity.

2. In regard to the progress of battles in the vicinity of Manila, I will explain the actual condition of the Japanese army.

A. On the morning of February 4, I was informed of the following condition at MONTALBAN 20 kilometres north-east of Manila:
On the evening of the 3rd, the last day, Manila was totally surprised by the U. S. forces advancing from the north which immediately occupied the north of the River PASSIK. The enemy consist of automobile units with numerous tanks, though their power is uncertain.

B. Toward the evening of that day, one marines battalion, in charge of guard of the vicinity of SAN JUAN DELMONTE north-east of Manila, was soon defeated and ran toward the east. At that time, the both banks of the River MARIKINA were in a state of confusion.

C. Putting together informations from various sources, we found:

(1) That the U.S. forces, led by guerilla units, thread their way through gaps of disposition of our forces without taking the main road along the seashore and advanced from the west side of IPO toward the north-east of Manila;

(2) That, in front of our sentries, a guerilla unit on an automobile passed hoisting our general's flag, and following it there appeared unexpectedly U.S. tanks accompanying auto-tracks, on which were many guerillas;

(3) That the enemy strength remained uncertain and could not be estimated;

(4) That a number of barely armed officers, men and civilians in the military service who had been billeted in Manila City and engaged in commissary service including transportation were attacked and butchered by guerilla and by "inhabitants" hostile to the Japanese.

In short, at the outset of the Battle of Manila, the sudden attacks of the enemy threw our soldiers and residents in Manila into complete confusion and disorder, and made accurate informations impossible.

D. Meanwhile, as for our main force stationed in the mountainous region east of Manila, piles of munitions having been burnt by the enemy's air-raid, traffic suspended, they dragged into their positions the provisions and other materials which had some time ago been carried to the front of their positions and built roads and positions. Thus they were awfully dismayed.

E. Toward the 7th, we were informed that the U. S. forces penetrating into Manila were not so mighty the main force of which was at QUEZON and SANJUAN DELMONTE (the north-eastern suburbs of Manila) and that the traffic and communication between the units in the vicinity of Manila and those in the east quarters became difficult owing to the irregular hostilities opened between both sides at the PAKO station (located near the centre of Manila City and many storehouses for our war supplies) and to the advanced enemy forces on the north bank of the River PASSIK on the north of MCKINLEY. So we intended, before everything, to get out of this difficulties, to transport the munitions which had been being carried forward in the vicinity of the River MARIKINA to the eastern mountainous region and to restore the communication with Manila. For these purposes, it was decided to make a part of the forces sally out from the eastern mountainous region and the order was given to that effect. However, it was too late to equip them for the sally, especially, it was hard work to make the troops, prepossessed with the idea of taking the defensive in the mountains, sally out to the plain. Finally, the operations was postponed until the morning of the 24th.

But, since they had no fire-arms under the domination of the enemy air force, not only did they lose vigour and become slow in their sallying movement but also provisions ran short, and thus they were idling away their time. Meantime, the troops in the City of Manila were urged by the Area Army Commander to immediately withdraw from the City to the eastern direction, but while the communication with Manila City ended in failure, the sallying unit withdrew to the former position on the 21st. Such being the case, our forces (mainly the navy) in the City of Manila found it difficult to escape from the City besieged by the enemy. Thereafter, repeated telegraphic orders nor the boats for crossing the River of MARIKINA, and the troops dispatched to cover their picking up into the boats proved effective, but a report was received saying, 'The enemy's complete siege and incessant illumination around us enable none of us to escape here.'

In the meantime, however, there was a certain section of our army forces in the City of Manila which escaped there under cover of darkness led by a company commander. And there was a naval force stationed in the vicinity of MACKINLEY retreated to the east since about the 15th.

F. After all, it can be concluded that our forces in Manila, suffering from suprised attacks, were in chaos from start to finish, owing to the activities of a large number of guerilla, panic-stricken refugees, confused commissary units and hospitals, etc. still remaining

unarmed in the City, irregular struggles by the naval forces unaccustomed to land fighting etc. Meanwhile, the SHIMBU Group Headquarters remaining in the mountain of MONTA LBAN endeavoured to obtain every available information, though they could not ascertain the actual condition due to still deficient networks of communication and observation in the mountain. It was on February 18 that they came to confirm the general progress of battles. Yet the details of the state in the City remained uncertain for them. Some liaison men we had sent there did not return in the end.

3. I will refer to the state of affairs in the BATANGAS Province and thereabout.

The former 8th Division which had been stationed in this district removed, led by the Divisional Commander, to the east of Manila at the close of December. And the remaining troops were left under the command of a colonel. As it was difficult to communicate with them due to their separation by the Lake RAGNA from the main force, we were informed of the condition in this district only through wireless reports.

Up to that time, the guerilla had been considerably active in this district. Now that our force decreased, their activity seemed to have grown in violence. It was inferred from the wireless reports that they were in great difficulties fighting with "the American-Philippine army" and "the superior enemy and Guerilla" forces, nevertheless the details were of course uncertain. As their area of operations was thus separated, they took actions as an independent detachment to which the SHIMBU headquarters could hardly give orders while they fought. The troops in this district were ordered, as their duty, "to hold in check the enemy's landing and advance, taking up the established positions in the vicinity of BATANGAS, and then to occupy the height on the south bank of the Lake RAGNA in order to cover the left flank of the main force of the Group."

4. I will dwell upon the actions taken by the Area Army Commander toward the Philippine inhabitants.

A. General YAMASHITA was rigid particularly in the military discipline. In respect to avoiding troubles to the inhabitants, he ordered the troops, even in case those stationed in the towns until then as well as those reinforced from Japan were removed for the purpose of operations, to restrain (almost prohibit) themselves to the utmost from using any private building and to make it a fundamental rule to be in camp. Besides, he always confirmed this point when he sent us to the place concerned and also he, since his arrival at his post in Manila, used barracks or those similar to them for his residence in order to set an example in person.

B.B. They were also required in general to pay the inhabitants for their food-stuffs, utensils, etc. which they had used and, in an unavoidable case, to give an I.O.U. in place of them and, besides, to obtain their consent. Even when the Group ran out of provisions in May of the 20th year of SHOWA (1945) in the operations among the mountains east of Manila, I saw that the Commander ordered the troops under his command, by a bulletin, to carry out the instructions from the Area Army Commander and that commanders under him also ordered their men to that effect.

C. In case of purging and suppressing the guerilla, he instructed the whole army to carefully discriminate through precise information between guerilla and peaceable people in order to avoid any such action as mistaking peaceable one for the enemy. For this purpose, "Armed guerilla" was definitely indicated suppressive operations.

D. "'How to Escape from War Disasters' for the inhabitants," especially, "'How to Escape' for the citizens of Manila" were put in writing and also arrangements were made for their course of escape in order to prevent them from being mixed with our troops on their taking refuge. Not only that, in the City of Manila, staff-officers of the Manila Defense Headquarters who had good experience in taking care of the citizens in the past were left behind, in consideration of preventing them from causing misunderstanding with our army.

5. I will explain how we directed the treatment of war prisoners and of internees of the hostile Powers.

A. About the middle of December of the 19th year of SHOWA (1944) when the indications of the U.S. army's attack against LUZON became clear, the divisions concerned were instructed to deliver war prisoners and internees peaceably to the U.S. army when they arrived there, to have them carry provisions for one month at least with them, and to escort them against bandits. The SHIMBU Group, in accordance with the above instructions, delivered some 4,000 in Manila and SAINT THOMAS and 3,000 in LOSBAGNIOB to them.

B. Delivery at Manila.

On the evening of February 3 when Manila City was surprised by the American-Philippine forces and the Camp was besieged by the U.S. tank corps, Lieutenant Colonel HAYASHI, the Head of the Camp, with the intention of avoiding eventual spread of disaster to the internment buildings, mustered his staff (I remember they numbered 30 or so.) in the main office and negotiated with the U.S. army. The U.S. army, on the other hand, proposed to him that, though they would comply with the delivery of all the internees, the Japanese forces should wholly be disarmed. The Head of the Camp expressed himself that, although his main duty would conclude with peaceable delivery of the internees, yet they could not stand immediate surrender as the Japanese soldiers and that either they would remove to the Japanese positions individually in arms or, if there was no alternative, they all preferred to fight to death. After negotiations were repeated and as the representatives of the internees gave the U.S. army an advice, saying, "These Japanese looked after us very well," the U.S. army replied that they would comply with the Japanese proposal and that they would immediately lead the way to a safety zone. Accordingly, the Head of the camp ordered scores of his men to be in full arms, had them put the Camp buildings in order and took a roll-call of his men, and they departed there, bidding farewell to the internees. For fear of a possible surprise attack by the U.S. army after going out of the gate, they went forward, making preparations ready to fight. While on the contrary, a colonel of the U.S. army, who guided us was so gentlemanly (a man of BUSHIDO after a Japanese expression) that he warned the Japanese

troops against misunderstanding by the ordinary U.S. troops and told them to walk along either side of road. He, at the head of them in person, led them safely to outside the disposition of the U.S. army and then shook hands with the Head of the Camp. The Head expressed his gratitude to the colonel for his kindness. They bade farewell, wishing each other good health. The above was the personal report of the Head of the Camp after his return.

C. Delivery at LOSBAGNIOS.

It seemed that, as this district was located at a long distance from the SHIMBU Group Headquarters, there was misunderstanding for while due to the difficulty of communication. As a result, about the middle of January, the Head of the Camp tried without leave, to set the internees free and to retreat to a safety zone. So the Commander ordered him, in accordance with the intention of the Area Army Headquarters, to protect them in safety and to supply them with food until the arrival of the U.S. army. The Head of the Camp again took them in the former place and later, when the U.S. army arrived there, sent a messenger to KALAWBA to propose their delivery to the U.S. army. In the end, the purpose was accomplished by setting them free at LOSBAGNIOS.

D. Transportation of the U.S. war prisoners to Japan.

War prisoners were to be transported to Japan by order of the Army Minister and on the ships assigned by the Imperial Headquarters. Early in October of the 19th year of SHOWA (1944), war prisoners were ordered to be transported to Japan. So healthy prisoners of the KABANATSAN Camp were gathered at Manila where they awaited the order, but there was no assignment of ships. They were left there as they were. After the LEYTE operations, however, successive access of the U.S. army to LUZON Island made us worry ourselves, when those war prisoners were ordered about December 10 to sail on board the ORYOKU-MARU by which the Japanese women and children were to be sent home and they departed from Manila on board the ship. This transportation was carried out by the order given by the predecessor to General YAMASHITA at as early as the beginning of the year. The staff of the Headquarters including General YAMASHITA were ignorant of these circumstances until the ORYOKU-MARU was air-raided by the U.S. air forces.

6. I will make a statement on the condition of our knowledge of the real state of the forces in various districts and on the real condition of communication.

Lack of preparations for the operations, especially, inferiority in wireless equipment; the complete command of the air in the daytime by the U.S. army; the difficulty of traffic within our province cut to pieces by the enemy and guerilla; and, in addition, the disorder of our forces, which fought in the vicinity of Manila, being hastily formed including those troops in rear-service, patients discharged from hospitals; and, moreover, abrupt joining by the air and naval landing forces which had no former connection with us. These circumstances prevented us to get from them available reports as desired. Consequently, the Headquarters took great pains. As a striking instance, it was when we read a magazine of the U.S. army in the camp after the termination of the war that we for the first time learned the fact that, as early as on February 4 or 5,

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the powerful U.S. forces had advanced from the south to the southern sides of Manila City. An it was beyond all our imagination that an accident had occurred in Manila and BATANGAS districts. Accordingly, we neither received any report on such a matter nor made any report to the superiors.

On this 26 day of Aug. 1947
At I.M.T.F.E.

DEPONENT KOBAYASHI, Shujiro (Seal)

I, OKAMOTO, Shoichi, 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 the same place

Witness: /S/ OKAMOTO Shoichi (seal)

OATH

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

/S/ KOBAYASHI, Shujiro (seal)