

5 May 1947

Nakayama

R 21435-

21442

Flood down

Mattice atly who put down

on the island.

Chinese Army defending the city within the wall.

- b. Inquire about the civilian population within the wall at the time of attack; the number of Chinese, Japanese and foreigners.
- c. Inquire about the number of Chinese Army casualties after the two days' fighting; of the Japanese Army casualties; of the Chinese civilian casualties; of Japanese civilian casualties.
- d. Find out how strong is the resistance of the defenders; how many buildings were destroyed in the city; did the defenders surrender or flee after the city was captured on the 15th of December; if the Chinese Army fled away before the onslaught of the Japanese Forces, where were they pursued to; after the capture of the city, was it threatened with re-capture by the Chinese; is it not true that no pressure was exerted against the city and its conquerors as attested by the fact that four days after is fall the taking-over ceremonies were celebrated; is it not also attested by the fact that according to the witness it was decided on 19 December that the Tenth Army would be sent back to the Wuchu District to the North Coast of the Yangtse River and Shanghai Districts leaving the Sixteenth Division in the city of Nanking for its protection?
- ee. How many cases of looting, rape or murder were ever made known to the witness personally or through General Headquarters (Note: MUTO when interrogated, stated that there were only ten - twenty incidents reported to General Headquarters); how many were court martialed; how many soldiers were ever punished?
- f. Did the Japanese Army consider Chinese soldiers who surrendered or were captured prisoners of war (Note: MUTO when interrogated, stated that there having been no declaration of war on China, Chinese soldiers captured or surrendered were not considered prisoners of war and that there were no prisoner camps established). In paragraph 19, page 11, of your affidavit you mention "5,000 prisoners of war in Nanking", where were they interned; were the provisions of the Geneva Convention of 1929 regarding treatment of prisoners of war applied to these 5,000 prisoners of war?
- g. What particular places did you inspect in Nanking, particularly on December 13, 14, 16, 17 and two weeks

Very good 13

where

4255  
Q, 3437

thereafter; did you go around the Bund; did you happen to steal along the banks of the Yangtse River that flows through Nanking (Note: prosecution witnesses testified that on the Bund piles of bodies of murdered Chinese of all ages and sexes were found and that on the Yangtse dead Chinese were seen floating).

- h. What date was it when General MATSUI received rumors in Shanghai that illegal acts were being committed in Nanking by Japanese troops as mentioned in your affidavit in paragraph 18, pages 9 and 19; were you with General MATSUI when he received the rumors in Shanghai; were you in Shanghai and present at the time General MATSUI issued his instructions to have those who misbehaved severely punished; was MUTO present when MATSUI received the rumors; was MUTO present when General MATSUI issued instructions?
- i. Witness states in his affidavit the fact that during the attack of Nanking General MATSUI was in Suchow and that MUTO was then colonel and his vice-chief of staff was with him and that when MATSUI flew back from Suchow, he was again accompanied by MUTO. Try to develop the fact that MUTO was the trusted confidant and counselor of MATSUI. Witness states in his affidavit, paragraph 23, page 13, that General MATSUI entered the walled city of Nanking on December 17 and on the 28th left for Shanghai by destroyer with the Chief of Staff. All other members including Colonel MUTO's vice-Chief of Staff reached Shanghai on the 21st or 22nd by a temporarily mended train. Ask witness if he left with General MATSUI on the train for Shanghai; if he did not live with him; did he see General MATSUI and MUTO off at the station when they left on the temporarily mended train (Note: MUTO in his interrogation stated that he stayed in Nanking ten days after the taking-over ceremonies (Note: In his interrogation General MATSUI stated that he stayed a week in Nanking before returning to Shanghai, Record page 3,459).
- j. After the capture of Nanking, was the Japanese Consulate open for business; who was in charge of the office; was there any liaison published between the Consulate and General Headquarters; was GHQ in touch with consular officials. Contrary to the testimony of the witness, General MATSUI maintains in his interrogation that he heard from Japanese diplomats as he entered Nanking, that the troops had committed many outrages there, Record page 3,454.

L

Fix <sup>Early</sup> Terography

Came in Chicago Sat

when was capt Restaurant  
(when water-lined)

Fix the Refugee gives

Contradicted      Watson: 1 wk

when Ray left on 20th

Check Ex 323

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appeared near Holli

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there for Honghai &  
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judicial off was in work.

Wfer uer : Hdcj Flugtaien  
in hantag.

Sumner

1. Geography has for all time  
of

Reports

When Malin Kundah  
from whom.

was it not the duty of  
Persons every of for a  
→ cent any



Reports of the Int Com for the Warby Tokyo, Jan

1. "Refugee quarters" in warby; (see 8/3) &  
your affidavit.

were these established by the Int Com Warby Tokyo, Jan

~~Did you~~ Reports of Int Com for Warby Tokyo, Jan

What disposition was made of the reports made to  
foreign residents.

were not these reports sent to the Army in Warby,  
w. Hidaka R 1.2.45

Whose duty was it to investigate the  
~~information~~ for cases given in these reports.

Shy

5. The first 2 paragraphs on page 10 contradict each other.

1st paragraph: ~~We did not~~  
The Japanese did not investigate because they received no protest, although they heard so.

2nd paragraph: Unlawful acts, ~~had~~ if any, had to be investigated.

6. In spite of his hurried departure, did Matsui ever order investigation into reports of atrocities?

re Prisoners of War

treatment

See Ref Doc 223

on side of proof  
IV 5

Informator re Treatment  
of POWs since 15 Oct 37  
by chief of military affairs Bureau  
Navy Ministry, Dept 1st Ar  
Naval General Staff.

P/W  
Captured Chinese  
Soldiers said well

in Jap

interviewed

did not try to escape

Thought Japans

IKEDA

# 1142

page 2

~~Nakayama~~

5/5/41

Translated by  
Defense Language Branch

Certification

1. August 1937  
The original written order issued on the occasion when the Shanghai Expeditionary Force was activated.
2. October 1937  
The original written order issued on the occasion when the Tenth Army was activated.
3. November 1937  
The original written order issued on the occasion when the Central China Area Army was activated.
4. November 1937  
The original written order designating the area of military operation issued to the Central China Area Army.
5. December 1, 1937  
The original written order issued to the Central China Area Army for the attack of Hanking.
6. December 2, 1937  
The original written order issued by Commander MATSUI. The original instructions and maps attached to the above order.
7. December 8, 1937  
The original written advice of surrender to the Chinese army. As a result of an investigation, I hereby certify that the aforementioned documents are not in the custody of <sup>this</sup> office.

Def. Doc. No. 1345-A

Certified

On this 1st day of May, 1947

The Chief of the Document Section  
of the First Demobilization  
Office.

MIYAMA Yōzo (seal)

I hereby certify that the above signature and seal were  
affixed hereto in the presence of the witness.

At the same place,  
on the same date:

Witness: KAMISHIRO, Takuzen.

Key Doc 1345 A

Official Document

Stood down with  
you with the search  
for document -

2 May 1947

Witness: NAKAYAMA, Yasuto (MUTO)

I. Defense Application

1. Witness expected to testify
  - a. That MUTO had no responsibility for the rape of the so-called Nanking Affair.
2. Background
  - a. Was formerly a staff officer under General MATSUI.
3. Address
  - a. Resident of Tokyo.

II. Summary of Prosecution's Evidence Relating to Witness

1. None.

III. Other Available Facts

1. Curriculum Vitae

- 28 Aug 1937, Appointed staff officer of the Central China District Army.
- 1 Nov 1938, Appointed staff member of the Military Aviation Headquarters.
- 1 Aug 1940, Appointed chief of the Third Section, the General Affairs Division, the Military Aviation Headquarters.
- 1 Sep 1940, Appointed member of the suite of the military representative to the Japan-Dutch conversation.
- 1 Mar 1942, Appointed Director of the General Affairs Department, the Java Military Administration Supervision Headquarters.
- 16 Mar 1943, Appointed sectional chief of the General Staff Office.
- 1 Mar 1944, Appointed Chief of the General Affairs Section, the Army Fuel Depot.
- 15 Feb 1945, Appointed Director of the General Affairs Department, the Army Fuel Depot.
- 5 Sep 1945, Appointed Vice-Chief of Staff of the 1st General Army.
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25 Nov 1945, Appointed Director of the General Affairs Division, the Office under the First Demobilization Ministry for Winding up Business of the Army Fuel Depot.

2. Member of Small Cherry Society.
3. Mr. Laverge, of the Dutch Division, says of the witness:

"Nakayama went to the Netherlands Indies in September 1940 as a member of the Japanese Economic Delegation which was sent there for economic and political negotiations. As regards his activities at that time, his name is mentioned in an official report of the Netherlands Indies Government on Japanese espionage activities. This report (Exhibit 1326 for identification) states on page 61, 'Mamoru Ohta, who for studies of the Dutch language had been attached to the consulate was instructed by the middle of 1940 to look for suitable landing points on the coast of west Java. In the following October he studied once more the local situation from points which would be important for an eventual attack. On this occasion he was accompanied by Colonel Nakayama of the Japanese Economic Delegation.'

"In March 1942 Nakayama returned to the Netherlands Indies, where he became head of the General Affairs Department of the Java Military Administration. Exhibit 1351, p 15, states that this department was the guiding and policy making body of the Military Administration. As head of this department Nakayama would be closely connected with all measures taken by the Japanese in Java during his term of office (presumably until March 1943 when he got a new function). Exhibit 1351 gives a complete survey of the Military Administration of Java.

"No further information concerning Nakayama is at present available here. Slow mail connections and lack of personnel in Batavia make it improbable that additional information will be received within the next three months. However, specific information which you may require can be requested by radiogram."

4. Decorations - None.

#### IV. Suggested Subjects for Cross-Examination

1. Rape of Nanking
  - a. Inquire about the strength of the Tenth Army; the strength of the Shanghai Expeditionary Forces; the strength of the

Chinese Army defending the city within the wall.

- b. Inquire about the civilian population within the wall at the time of attack; the number of Chinese, Japanese and foreigners.
- c. Inquire about the number of Chinese Army casualties after the two days' fighting; of the Japanese Army casualties; of the Chinese civilian casualties; of Japanese civilian casualties.
- d. Find out how strong was the resistance of the defenders; how many buildings were destroyed in the city; did the defenders surrender or flee after the city was captured on the 15th of December; if the Chinese Army fled away before the onslaught of the Japanese Forces, where were they pursued to; after the capture of the city, was it threatened with re-capture by the Chinese; is it not true that no pressure was exerted against the city and its conquerors as attested by the fact that four days after its fall the taking-over ceremonies were celebrated; is it not also attested by the fact that according to the witness it was decided on 19 December that the Tenth Army would be sent back to the Wuchu District to the North Coast of the Yangtze River and Shanghai Districts leaving the Sixteenth Division in the city of Nanking for its protection?
- e. How many cases of looting, rape or murder were ever made known to the witness personally or through General Headquarters (Note: MUTO when interrogated, stated that there were only ten - twenty incidents reported to General Headquarters); how many were court martialed; how many soldiers were ever punished?
- f. Did the Japanese Army consider Chinese soldiers who surrendered or were captured prisoners of war (Note: MUTO when interrogated, stated that there having been no declaration of war on China, Chinese soldiers captured or surrendered were not considered prisoners of war and that there were no prisoner camps established). In paragraph 19, page 11, of your affidavit you mention of "5000 prisoners of war in Nanking", where were they interned; were the provisions of the Geneva Convention of 1929 regarding treatment of prisoners of war applied to these 5,000 prisoners of war?
- g. What particular places did you inspect in Nanking, particularly on December 13, 14, 16, 17 and two weeks thereafter; did you go around the Bund; did you happen to

See extract  
in Interrogation  
not introduced

EX 255  
R 3437

stroll along the banks of the Yangtze River that flows through Nanking (Note: prosecution witnesses testified that on the Bund piles of bodies of murdered Chinese of all ages and sexes were found and that on the Yangtze many dead Chinese were seen floating).

- h. What date was it when General MATSUI received rumors in Shanghai that illegal acts were being committed in Nanking by Japanese troops as mentioned in your affidavit in paragraph 18, pages 9 and 10; were you with General MATSUI when he received the rumors in Shanghai; were you in Shanghai and present at the time General MATSUI issued his instructions to have those who misbehaved severely punished; was MUTO present when MATSUI received the rumors; was MUTO present when General MATSUI issued instructions? You mention in paragraph 16 on pages 8 and 9 of your affidavit that after the entry ceremonies of December 17, General MATSUI gathered in all participating officers and admonished them to be more strict in maintaining military discipline and morale, in view of the fact that he had received a report from the Military Police regarding some crimes connected with military discipline and morale committed by some troops under his command. Will you kindly state if the Military Police was constantly informing him about the conduct of his troops; how often did the Military Police report to him on it; what were some of the crimes; what were some of the troops?
- i. Witness states in his affidavit the fact that during the attack of Nanking General MATSUI was in Suchow and that MUTO was then colonel and his vice-chief of staff was with him and that when MATSUI flew back from Suchow, he was again accompanied by MUTO. Try to develop the fact that MUTO was the trusted confidant and counselor of MATSUI. Witness states in his affidavit, paragraph 23, page 13, that General MATSUI entered the walled city of Nanking on December 17 and on the 20th left for Shanghai by destroyer with the Chief of Staff. All other members including Colonel MUTO, Vice-Chief of Staff, reached Shanghai on the 21st or 22nd by a temporarily mended train. Ask witness if he saw General MATSUI off at the dock and MUTO off at the station when they left (Note: MUTO in his interrogation stated that he stayed in Nanking ten days after the taking-over ceremonies; also, in his interrogation General MATSUI stated that he stayed a week in Nanking before returning to Shanghai, Record page 3,459).
- j. After the capture of Nanking, was the Japanese Consulate open for business; who was in charge of the office; was there any liaison established between the Consulate and General Headquarters; was GHQ in touch with consular officials. Contrary to the testimony of the witness, General MATSUI maintains in his interrogation that he heard from Japanese diplomats as he entered Nanking, that the troops had committed many outrages there, Record page 3,454.

**NAKAYAMA, Yasuo**

**Request by MUTO, Akira**

**a. This person is a Japanese, resident of Tokyo.**

**b. He was formerly a staff officer under General Matsui**

**and can give relevant testimony as to Muto's lack of responsibility  
for the so-called Nanking Affair.**

Date: April 3<sup>rd</sup> 1947

Name of Witness: NAKAYAMA, Yasuo

Completed as to Items Numbers: 1, 2, 3, 4.

Partially completed as to Items Numbers:

If Item 9 is applicable, state briefly the nature of the investigation conducted:

Information from Chinese Division

Sinking of Lady Bird - on error - rec 21 p. 12

~~was the thick mist to be caused~~  
Was the thick mist on the Yentler river the  
sole cause of the ~~sinking~~ <sup>alleged or</sup> the Lady Bird.

you say in your affidavit that Hochmuth made an  
error. Was he not under orders, <sup>as stated in the report</sup> to sink  
all vessels proceeding toward Harbor  
without regard to nationality?

(R. 3466)  
p. 258

2 May 1947

Witness: NAKAYAMA, Yasuto (MUTO)

I. Defense Application

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stroll along the banks of the Yangtze River that flows through Nanking (Note: prosecution witnesses testified that on the Bund piles of bodies of murdered Chinese of all ages and sexes were found and that on the Yangtze many dead Chinese were seen floating).

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DATE 2 April 1947

PROGRESS REPORT OF: NAKAYAMA, Yasuto (MUTO)

<u>ITEM</u>	<u>Partially Completed</u>	<u>Fully Completed</u>
1. Information in the hands of the Investigation Division.	_____	<u>X</u> _____
2. Statement in application for subpoena as to subject of witness's testimony.	_____	<u>X</u> _____
3. Examination of case file, if any.	_____	<u>X</u> _____
4. Cross-reference file on case files in office of Investigation Division.	_____	<u>X</u> _____
5. Cross-reference card file by subject matter of evidentiary documents in Document Division.	_____	<u>X</u> _____
6. Reference in evidence to witness or to the subject matter of his testimony.	_____	<u>X</u> _____
7. Preparation of summary of testimony already given by witness.	_____	<u>X</u> _____
8. Memorandum prepared by Mr. Lopez, dated March 11, 1947, relating to decorations awarded to defendants and their witnesses.	<u>X</u> _____	_____
9. Statement of any other investigation conducted by you.	_____	_____

Pedro Lopez  
Capt. James J. Robinson  
William E. Edwards

By

P. Lopez

Nakayama

# 1345

Motion to Strike out.

log of  
off.

4] A. Sec 11 of the affidavit. The order prepared  
after consultation with Dr. Saito, Yoshio  
Purports to give gist without accounting of  
obscure of the record.

4-5 (2) "The way of capturing the Walled City of Hanko"  
written on another sheet.  
This include # 1, 2, 3 and 4 on p. 5 of the  
affidavit. It refers to "Instructions" that  
were composed at the time of the order

5 B. Instructions entitled "all the orders & words  
of advice concerning the capture of & entry into  
the Walled City of Hanko"

the gist of these are at bottom p. 5 and

Magistrate at 2 3 4 and 5 on p. 11

(1) motion strike sec 12 of the affidavit.  
C. see: maps of 6 & 7 referred to in sec 12 of affidavit  
pp 6-7 over

C (2) 1st pt of Sec 13<sup>17</sup> delivery) the  
order, instructions, & info.

D. Instructions from <sup>gen</sup> Matsui conveyed by  
witness & chief staff 26027 sec

next 2 last pt on p. 10 & 1st sentence

of the last pt

E Orders given, <sup>by Matsui</sup> + stated foreign interests -  
1st 2 sentences of sec 20 on p. 11

Judge Mui

- large
1. Was the entry of troops into Nanjing against the ~~instruction~~ order of the C-in-C? P. 7.
  2. ~~Was an attempt ever made to withdraw some to the outside?~~
  3. Witness seems to be most concerned in preparing for Matsui's living quarters. Did he ever go out to the side streets to see what was going on there? P. 8
  4. ~~What~~ About the worshipping of Chinese, p. 9, whether he referred to Chinese troops or civilians also?

If only troops - that is unreasonable.  
If includes civilians - Matsui must be aware of the great number of dead.

MEMORANDUM

SUBJECT : NAKAYAMA, Yatsuo, Def. Doc. No. 1345, Objections to Affidavit and Motions to Strike Portions Thereof.

The prosecution objects to and moves to strike those portions of the affidavit which refer to documents and purports to give their substance on the ground that the document itself should be produced or the failure to produce it accounted for before the witness may testify as to its substance. This objections applies specifically to the following portions of the affidavit:

1. The whole of section 11, pages 4, 5 and 6 of the affidavit, except the first four sentences of this section. This section refers to two written memoranda one entitled "The Way of Capturing the Walled City of Nanking", mentioned near the bottom of page 4 of the affidavit and its contents summarized on page 5 of the affidavit, the other being instructions entitled "All the Orders and Words of Advice Concerning the Capture of and Entry into the Walled City of Nanking," mentioned in paragraph number 4 on page 5 the gist of which are given in the last paragraph of page 5 and all of page 6 except the last paragraph.
2. All of section 12 purporting to give the answers received from consuls of various countries in Shanghai and the maps prepared by the witness.
3. The first paragraph of section 13 relative to the disposition of the orders and instructions set out in section 11 and the maps prepared by the witness as set out in section 12. The same objections applies to the notes of advice for surrender described in this paragraph.
4. The next to the last paragraph on page 10 and the first sentence of the last paragraph on page 10 as to the instructions transmitted by the witness from General MATSUI.
5. The first two sentences of section 20 as to the orders given by General MATSUI to protect foreign rights and interests.

We move that the prosecution moves to strike these several portions from the affidavit.



MEMORANDUM

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1. The whole of section 11, pages 4, 5 and 6 of the affidavit, except the first four sentences of this section. This section refers to two written memoranda one entitled "The Way of Capturing the Walled City of Nanking", mentioned near the bottom of page 4 of the affidavit and its contents summarized on page 5 of the affidavit, the other being instructions entitled "All the Orders and Words of Advice Concerning the Capture of and Entry into the Walled City of Nanking," mentioned in paragraph number 4 on page 5 the gist of which are given in the last paragraph of page 5 and all of page 6 except the last paragraph.
2. All of section 12 purporting to give the answers received from consuls of various countries in Shanghai and the maps prepared by the witness.
3. The first paragraph of section 13 relative to the disposition of the orders and instructions set out in section 11 and the maps prepared by the witness as set out in section 12. The same objections applies to the notes of advice for surrender described in this paragraph.
4. The next to the last paragraph on page 10 and the first sentence of the last paragraph on page 10 as to the instructions transmitted by the witness from General MATSUI.
5. The first two sentences of section 20 as to the orders given by General MATSUI to protect foreign rights and interests.

We move that the prosecution moves to strike these several portions from the affidavit.

1005 hrs  
17 Apr 47

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16 April 1947

MEMORANDUM FOR : Capt. James J. Robinson  
FROM : Edward P. Monaghan, Acting Chief,  
Investigative Division, IPS  
SUBJECT : NAKAYAMA, Yasuto

1. Please find hereto attached list of material available on the following witness offered by the Defense:

DEFENDANT - ARAKI, Sadao  
MUTO, Akira

WITNESS:

LIST OF MATERIAL AVAILABLE

NAKAYAMA, Yasuto

1. Additional Information

2. Please acknowledge receipt of this memorandum by initialing and returning attached carbon copy to this office, Room 300.

EDWARD P. MONAGHAN, Acting Chief,  
Investigative Division, IPS

Incl.  
(described above)

INTERNATIONAL PROSECUTION SECTION  
NETHERLANDS DIVISION

10 April 1947

To : Mr. Pedro Lopez  
From : A. T. Laverge  
Subject : Witness NAKAYAMA, Yasuto

1. Reference your memorandum 4 April 1947.
2. Nakayama went to the Netherlands Indies in September 1940 as a member of the Japanese Economic Delegation which was sent there for economic and political negotiations. As regards his activities at that time, his name is mentioned in an official report of the Netherlands Indies Government on Japanese espionage activities. This report (Exhibit 1326 for identification) states on page 61, "Mamoru Ohta, who for studies of the Dutch language had been attached to the consulate was instructed by the middle of 1940 to look for suitable landing points on the coast of west Java. In the following October he studied once more the local situation from points which would be important for an eventual attack. On this occasion he was accompanied by Colonel Nakayama of the Japanese Economic Delegation."
3. In March 1942 Nakayama returned to the Netherlands Indies, where he became head of the General Affairs Department of the Java Military Administration. Exhibit 1351, p 15, states that this department was the guiding and policy making body of the Military Administration. As head of this department Nakayama would be closely connected with all measures taken by the Japanese in Java during his term of office (presumably until March 1943 when he got a new function). Exhibit 1351 gives a complete survey of the Military Administration of Java.
4. No further information concerning Nakayama is at present available here. Slow mail connections and lack of personnel in Batavia make it improbable that additional information will be received within the next three months. However, specific information which you may require can be requested by radiogram.

A. T. Laverge

**NAKAYAMA, Yasuto**

**Request by MUTO, Akira**

- a. This person is a Japanese, resident of Tokyo.**
- b. He was formerly a staff officer under General Matsui and can give relevant testimony as to Muto's lack of responsibility for the so-called Nanking Affair.**