

Exhibit No. 3040

(15)



Def. Doc. No. 2233

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
THE UNITED STATES OF AMERICA, et al.

-vs-

ARAKI Sadao, et al.

- Defendants -

A F F I D A V I T

KUDŌ Tadao

Having first duly sworn on oath as on the attached sheet, in accordance with the procedure prevailing in my country, I hereby depose as follows:

1. I entered the Foreign Ministry in June 1924, and was the Chief of the Third Section of the Bureau of Treaties from 8 January to 31 October 1942. The said Section was in charge chiefly of the business concerning international coöperation including international conferences, international treaties, etc. When I was the Chief of the said Section, the contact of the Foreign Ministry with foreign countries in connection with prisoners of war and civilian internees was transacted chiefly in my Section.

2. It was the desire of my superiors that prisoners of war and internees be treated as leniently as possible in order to lessen their difficulties from the standpoint of justice and humanity, to say nothing of the observance of the stipulations of the treaties to which Japan was a party. We officials of the Foreign Ministry, although we had no authority actually to deal with the matters, exerted our utmost efforts to see the realization of the desire entertained by the Foreign Minister and other superiors.

3. The Foreign Ministry received inquiries and protests from the diplomatic representatives of Switzerland or Argentina acting on behalf of the United States of America or Great Britain respectively in connection with the treatment of prisoners and internees, and we transmitted these representations to the authorities concerned without delay, and on the receipt of the opinions or information from them never failed in transmitting them without delay to the countries concerned.

Generally speaking, when I was in charge of these matters, the treatment being fairly good, if not ideal, we received few complaints or protests from any country in connection with the treatment of prisoners or internees in Japan Proper. Probably it was partly due to the fact that the war was still in its earlier stages and food and clothing were not so scanty as in the latter stages. As to the treatment of prisoners and internees in the occupied territories we received some protests, but receiving replies from the authorities concerned to the effect that they were receiving fair and equitable treatment, and having no means of directly investigating them ourselves, we could only believe what was reported in these replies.

At any rate, we endeavored earnestly and sincerely to alleviate the difficulties of the prisoners and internees as far as possible. Here are some instances which were dealt with by the Foreign Ministry when I was in the Bureau of Treaties.



A) Visits to the internment camps.

The International Red Cross Committee at Geneva requested in the middle of February 1942, that the delegates of the Committee be allowed to visit the internment camps. The Bureau of Treaties conveyed the request to the competent officials of the War Ministry, as well as other ministries concerned, and strove for its realization. As the result of this effort, the visits of the delegates of the International Red Cross Committee were realized as mentioned hereunder:

(a) Camps for prisoners of war.

ZENTSŪJI	on 12 March 1942.
TŌKYŌ	on 21 August 1942
HONG KONG	towards end of May 1942
SHANGHAI	on 18 August 1942

(b) Camps for civilian internees.

SUMIRE GAKUIN, Tōkyō	on 16 May 1942
YOKOHAMA	on 30 May 1942
SHIROYAMA, Nagasaki	on 11 June 1942
MIYOSHI, Hiroshima	on 13 June 1942
KŌBE	on 15 June 1942
SENDAI	on 19 June 1942
HONG KONG	towards end of May 1942

I recall also that the members of the Swiss Legation and Consulate visited various camps on several occasions, although I do not remember the details at present. The above list is a list of the Red Cross visits in my time, but I understand that visits by the delegates of the International Red Cross Committee as well as of the countries protecting the interests of the belligerent countries were made from time to time thereafter.

In connection with these activities of the delegates of the International Red Cross Committee, the Railway Ministry issued free tickets and rendered various other facilities in accordance with our request.

Visits to the internment camps in the occupied territories, however, were not permitted by the military authorities concerned when I was in that office, for the reasons that those regions constituted the theater of operations.

B) Treatment of prisoners of war and civilian internees in Japan.

We requested the authorities concerned to accord as lenient treatment as possible to the prisoners and internees, and we were always told by them that the treatment was good and equitable. In fact, the delegates of the International Red Cross Committee, after visiting various camps as mentioned above, reported that the conditions there were "good", "favorable", or "excellent", as shown by the Defense Document No. 2009.



The Foreign Minister, Mr. Togo, informed the Swiss Minister of the ration of food being supplied to the internees in Japan, on 13 February 1942 (Exhibit 1491) as an instance that the internees were receiving food better than those of the Japanese in general. It was the statement of the condition actually being accorded at that time, not a commitment for the future.

C) Treatment of prisoners of war and civilian internees in the occupied territories.

The Foreign Ministry had little knowledge concerning the condition of the prisoners and internees outside of Japan. When we received an inquiry or protest about this matter, we transmitted it without delay to the authorities concerned, requesting them to supply us necessary information, and on the receipt of the reply from them, we transmitted it immediately to the countries concerned. I recall that communications of this nature were made on the conditions of prisoners of war and internees in Guam, Wake Island, and the Philippines. The information we received at that time on these questions was promptly transmitted to the countries concerned. The Foreign Ministry, having no means of investigation, had to rely upon the information supplied by them and could not do anything further than drawing the attention of the authorities concerned to the necessity of according fair and equitable treatment to the prisoners and internees of enemy countries, especially taking into consideration the residence of Japanese in enemy countries.

Such being the circumstances, nothing was known to us with respect to the ill-treatment of prisoners of war or internees in the occupied areas unless we were informed by the military or naval authorities concerned or by the adversary belligerent countries. As to the prisoners and internees on Wake Island, we received some inquiries from the Swiss Minister in Tokyo in the beginning of 1942, but they were inquiries about conditions and not protests nor complaints, and we did not fail in transmitting them to the authorities concerned, and upon receipt of reply from them, we immediately sent the information obtained at that time to the Swiss Minister, as shown in Exhibit 2034, and a further communication was made to him on 10 August. (Exhibit 2040). It was not known to us at all that ill-treatment was carried out there as testified by Mr. Stewart on 10 January 1947. The so-called "Death March of Bataan" was also a matter unknown to us in those days. As for the Thai-Burma Railway, the matter being exclusively the Army's concern, we did not hear of any plan for its construction, much less, of the employment of prisoners in its construction, when I was in the Bureau of Treaties.

D) Relief of prisoners and internees.

Early in 1942, the British Government made a proposal to send a Red Cross ship from Australia to bring relief goods to the prisoners and internees at Hong Kong and Singapore. The United States Red Cross also made a similar proposal for the benefit of the American prisoners and civilian internees at various places in East Asia. The Foreign Ministry approached the Navy on this matter, but they maintained that the safety of navigation of the ship could not be guaranteed in the light of the war situation in the southwestern Pacific. Thereupon, we exerted ourselves, with success, to receive food, medicine and other relief goods, taking advantage of the voyages for the exchange of diplomats and some civilians, which were then being arranged between Japan and the United States of America and Great Britain. The Asama-maru, the Tatsuta-maru, the Amakura-maru transported the relief goods of about 4,500 tons in total, and these relief goods were distributed to the prisoners and internees through the delegates of the International Red Cross Committee in Japan, at Shanghai and at Hong Kong, and through the competent official at Singapore and Manila where no such delegates were stationed.



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E) Exchange of information concerning prisoners of war and civil internees.

On 9 December 1941, the International Red Cross Committee at Geneva notified the Japanese Government that the Central Bureau for the Information of Prisoners of War of the Committee would act as an intermediary for information concerning prisoners of war and civilians under detention of both belligerent powers, and requested cooperation on the part of the Japanese Government. The Foreign Minister notified the Committee of our compliance. From that time onward, we exerted our efforts, always in concert with the competent authorities of the Prisoners-of-War Information Bureau, the Home Ministry, the Communications Ministry, etc., to offer all information obtainable to the Central Bureau at Geneva as quickly as possible.

In this connection, we further rendered our services so that similar information might be supplied to the representatives of Switzerland and Argentina, then acting as protecting powers on behalf of the United States of America and Great Britain respectively. In some cases delay in supplying information took place, but it was said to us by the authorities concerned that it was owing to the difficult conditions prevailing in the areas of military operations and to the difficulties of communication with the remote regions, and not to their bad faith.

I wish also to add that the Foreign Ministry informed the Swiss Minister that "Regarding the American civilian internees, we are ready to reply to every individual inquiry after the fullest possible investigations," and requested him to supply us the names of persons of whom information was required (Exhibit 2040). This suggestion was made in order to conform more fully with the desires of those concerned in expediting the investigation by the authorities concerned.



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O A T H

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

Kudō Tadao

On this 26th day of August 1947

At Tokyo

DEPONENT Kudō Tadao (seal)

I, Nishi Haruhiko, hereby certify that the above statement was sworn to by the deponent, who affixed his signature and seal thereto in the presence of this witness.

On the same date

At Tokyo

Witness: Nishi Haruhiko (seal)

Translation Certificate

I, Nishi Haruhiko, of the Defense, hereby certify that I am conversant with the English and Japanese languages, and that the foregoing is, to the best of my knowledge and belief, a correct translation of the original document.

Nishi Haruhiko

Tokyo  
26 August 1947