

Affidavit of Kawahara

Now reading	Should read
3 Page 4 line	
" The treatment of P.O.W.	" The disposal of P.O.W.
6 Page 7 line	
"Regulation for the Treatment of P.O.W. (Ex. 1965A)	" Disposal of P.O.W. (Ex. 1965A)

Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

SWORN DEPOSITION (Translation)

Deponent : KAWAHARA, Naoichi (seal)

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.

My name is KAWAHARA, Naoichi.

I. I held the post of Adjutant-General of the War Ministry from August 1939 (Showa 14) to February 1943 (Showa 18).

Lieutenant-General KIMURA (at that time), Vice-War Minister, worked with me under Minister TOJO during the greater part of his tenure of office.

II. I managed the affairs of the Minister's Secretariat by order of the Minister as a senior of the Adjutant Department. My principal business was to take charge of official seals of the Minister and the Ministry, to inspect, receive and send public Correspondance.

(including telegrams) and to inspect finished documents, to receive foreign officers and to conduct general affairs.

III. Vice-Minister KIMURA was a typical soldier. He concentrated his energy chiefly on the administrative business regarding ordnance in which he was well versed and at the same time he endeavored to establish harmony and unity in the Ministry. He helped the Minister ~~passively~~ compared with the acute and positive man, TOJO. Consequently, the Vice-Minister took charge of almost all of the routine and ceremonial affairs and miscellaneous business of the Minister.

IV. Even after he became Premier and War Minister, concurrently, General TOJO managed all affairs of the War Ministry for himself with strenuous efforts, so that the powers of Vice Minister and the matters under his charge were the same as before and were not extended at all; nor was he ordered to act for the Minister.

V. Vice-Minister KIMURA never attended the Liaison Conference or Imperial Conferences nor was he present at the Information Conferences of the Imperial Headquarters, nor the Information Conferences of Chiefs of Departments, nor the commissary Information Conferences held at the General Staff Office.

VI. The Information Conferences of Bureau Chiefs were held with the aim of establishing a close contact between Minister, Vice-Minister, Chiefs of Departments and Chiefs of Bureaus; it was not a means by

which to decide matters. And the Minister presided over them both in name and reality, giving it scrupulous care and apt direction.

The contents of the Vice Minister's Note by Order regarding the "Treatment of Prisoners of War at Present (Ex. 1965A)" was reported directly to the Minister by UEMUR., Chief of the Prisoner of War Control Bureau at the Information Conference of Bureau Chiefs at which time he obtained his approval. I do not recall that any protest concerning the maltreatment of POW was discussed in the Information Conference of Bureau Chiefs during ~~the~~ ^{my} tenure of office ~~of KEMUR. as Vice Minister of War.~~ *as Adjutant-General.*

VII. The affairs of the War Ministry were managed in accordance with both government organization regulations and special regulations which the War Minister issued. According to the above regulations every officer of the Ministry was required to manage the business in his charge according to both sets of regulations holding himself responsible to ~~The~~ ^{The} Minister. / War Minister was to be wholly responsible for the affairs of the War Ministry. The above-mentioned regulations included particulars on some unimportant matters, decision of which was entrusted to the Vice-Minister, Chiefs of Bureaus and Chiefs of Departments. But they were restricted within the usual matters such as interpretation and application of laws, rules and regulations already issued, or the matters about which the Minister's policy or intention had become known. According to circumstances, those matters,

when necessary, were reported to the Minister for obtaining his approval.

Of course, all other important matters needed the Minister's decision. Namely, either by the direct order of the Minister or in accordance with his confirmed intention, a policy or plan important to the Army was formed by the competent Bureau and Department, and was deliberated by Departments and Bureaus concerned and became a definite plan through the Minister's final decision. As was clearly shown in the internal law of the army, it was the most important principle of obedience for soldiers that even if the soldiers were divided in opinion during the procedure, they should efface themselves once the Minister gave his decision and should make strenuous efforts to fulfil their superiors' intention. No liberty was given them of resigning their posts arbitrarily because of their different opinions.

VIII. The matters which were determined through the above-mentioned process were announced or notified to the outside by public documents (including telegrams). And there were three principal forms of notification, all of which took different forms just because of their contents, but were substantially the public documents of the War Ministry which were sent on the responsibility of the War Minister: firstly, general matters such as orders of the Ministry, instructions, public notes, orders and directions were issued in the name of the

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Minister; secondly, other individual matters, not general, or matters which rank second in importance, in the name of the Vice-Minister; thirdly, less important matters and usual ones such as interpretation of laws, in the name of the Adjutant-General. But all of them were notified on the responsibility of the War Minister and the senders were not responsible for their contents; there was no exception among them. Among them there were the public documents (including telegrams) such as Vice-Minister's note by order, Vice-Minister's note, Vice-Minister's inquiry and answer which were issued in the name of Vice Minister or War, and Adjutant-General's note which were issued in the name of Adjutant General. These were classified, as motioned above, by the relative importance of their contents and the recipients of such public documents or the parties to which they are addressed. The classification determined the names of senders and they were classified by the competent Bureau and inspected by the Secretariat. Documents issued in the name of the chief of bureau or department were not recognized as official documents of the Ministry of War and they were not allowed to go beyond the purview of preliminary and liaison negotiations with offices other than those within the Ministry.

The mere fact that a man's name was placed on a piece of official correspondence or order did not necessarily mean that such person was responsible for the subject matter therein contained. To make this clear, the "note sent by order" was invariably preceded by an introductory remark, "as the Minister has decided so I send this note by order".

Furthermore, all the Vice-Minister's notes (not by order) such as answers to inquiries not only included the matters under the charge of the Vice-Minister but they often included matters decided by War Minister or under the charge of Chiefs Bureaus. Moreover, at that time the War Ministry usually dispatched an average of approximately 4,000 official documents a day, and although most of these documents dealt with matters under the charge of Chiefs of Bureaus, they were sometimes sent under the name of the Vice-Minister or in most cases, under the name of the Senior Adjutant.

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As to all the communications, including telegrams and notes between the War Ministry and various Area Armies and divisions, it was customary to use for their sender or addressee either the Chief of Staff or Vice-Minister as the case may be, and the name of the Minister and Divisional Commander were not mentioned in most cases. As examples of "Notification of Vice-Minister by Order", these are the following;

"Regulations for the Treatment of Prisoners of War" (Ex. 1965A) and "Matters concerning the Treatment of Crews of Enemy Aircraft which were Captured in Air Raiding the Imperial Territory, Manchuko, or Our Operational Areas." (Ex. 1992)

As an example of an answer of Vice Minister, there is "Reply from Vice Minister of War to Vice Minister of Foreign Affairs." (Ex 1958)

And as examples of documents which were issued or received in the name of Vice Minister of War and chief of staff of Army, there are the following;

"Inquiry Concerning the Question of Making Available the Manchurian Machine tool Co. for a Rapid Increase in Aircraft Production (Ex. 1970-A).

"Matters concerning Internment of Prisoners of war in Korea" (Ex 1973) and "Matters of the Presenting of Report Concerning the Reaction Among the General Public following Internment of British Prisoners of War (Ex. 1975-A)."

IX. All the official correspondence (including telegrams) which the War Ministry was to send to the outside, as well as these (including telegrams) which were addressed to the Ministry from the outside were first brought to the Adjutant Department without exception. The Adjutant Department forwarded the outgoing official correspondence after inspection, and delivered the incoming correspondence to the competent Section at once. Upon receiving important matters that required direction's from the War Ministry the competent section drafted the necessary instructions or orders in conformity with the Ministers idea. But regarding the disposal of unimportant ones,

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they were offered for superiors' inspection after the preparation of it and some of the less important matters entrusted to the Section were not inspected by superiors. And all of these documents were sent in the names of Minister, Vice-Minister or the Adjutant-General.

X. The matters in the War Ministry concerning the treatment of prisoners of war lay chiefly in the hands of the Chief of the Prisoner of War Control Department, but other Chiefs of Bureaus disposed of the POW matters which fell under their jurisdiction, holding themselves directly responsible to the Minister.

The Chief of the Prisoner of War Control Department was entrusted with a considerable amount of matters concerning unimportant business of treatment of prisoners, but the Vice-Minister was not entrusted with any matters regarding the business under the jurisdiction of the Chief of the Prisoner of War Control Department.

XI. The matters about the investigation of conditions of prisoners and the correspondence on them were chiefly in charge of the Prisoners of War Information Bureau. The Bureau was an organ under the direct control of the War Minister and an outside bureau of the War Ministry which had independent character. Therefore, documents were exchanged between the Bureau and the outside directly, not through the Adjutant Department of the War Ministry. The Vice-Minister was not entrusted with any matters regarding the business which fell under the jurisdiction of the Bureau.

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XII. Foreign officers have visited the Vice War Minister to pay formal courtesies, but have never come on political and practical business.

On this 25 day of March, 1947.

at No. 18, Takamatsu 2 chome, Toshima-ward, Tokyo.

DEPONENT /S/ KAWAHARA, Naoichi (seal)

I, ABE, Akira, 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 _____

Witness: /S/ ABE, Akira (seal)

OATH

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

/S/ KAWAHARA, Naoichi (seal)