

EXHIBIT No. 3101

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Exh. No.
Translated by
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES, et al

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ARAKI, Sadao, et al

Sworn Deposition (Translation)

Deponent: /S/ KODAMA, Kyūzō (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.

I. I, KODAMA, Kyūzō, served in the War Ministry as Chief of the Military Service Section, Military ^{Service} ~~affairs~~ Bureau, during the period between March, 1940, and June, 1944. The duties of the Military Service Section covered matters concerning military discipline, punishment, regulations of various sorts relative to military service, and the proper duties of individual soldiers, etc.

II. Inasmuch as discipline was the backbone of the army, all army forces as well as the central authorities concentrated their best efforts on its enforcement. The central authorities annually called to Tokyo all the division commanders in the homeland as well as the staff chiefs and chief judicial officers of forces stationed at home and abroad in order to give them instructions through the Three Heads of the Army who never failed to lay special stress on the enforcement of military discipline. Moreover, sometimes staff chiefs were called to a special meeting for the exclusive purpose of enforcing discipline.

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Appendix I, 1--3, are specimens of such instructions.

III. In Japan primary importance was attached above all to the strengthening of command power as the basis of military discipline. By emphasizing this point, it was held, it was possible to keep the members of the army away from possible misbehavior and to change for the better the characters of those who had committed any such misbehavior. In time of war, however, more immediate and concrete measures were taken in addition to this in order to prevent such misconduct as might result from the abnormal circumstances at the front as well as the lowered moral standard of the troops owing to the increase in army personnel.

In the following paragraphs I shall describe measures taken by the central authorities in relation to those types of misconduct which are now being tried by military tribunals at various places.

IV. Education and guidance given by the military at the time were as follows:

(1) Manuals: --

Enforcement of military discipline and raising of morale are emphasized in every manual. Especially, the training manual clearly points out the way thereto. It requires soldiers, right from their start for the front, to be careful about the maintenance of military discipline, and the necessary example to be shown to the natives in fighting areas for the heightening of the prestige of the Japanese forces.

(2) As for international law and regulations, both officers and ^{men} were given necessary training in a sensible way. For instance, teaching concerning the Red Cross Treaty was given in Military Training Manual

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No. 60, and the law text-book for the Military Academy Preparatory School (Appendix No. 7) dealt with Land Warfare Regulations. In order that the said international laws and regulations be strictly observed, concrete instructions were given concerning operational movements -- such as the action of a sentry, instructions concerning billeting, and requisition of materials -- and also about the treatment of prisoners of war.

The central authorities did not receive any formal information whatever concerning such cases as appeared before the military tribunals. Consequently, the measures taken by the central authorities were not in most cases adequate for the actual cases to which they were applied. However, in view of the prolonged warfare and the declining tendency of the character and intelligence of troops, necessary principles regarding the education, control, and guid of forces were given, attention was called to them, and other necessary military measures were taken..

1. Wartime Service Manual was compiled and distributed to the officers at large to be used as their reference material and guide-book during their service at the front. It's compilation being owned necessary, was carried out in 1938 (Showa 13) by the Inspectorate-General of Military Training in view of experiences gained up to that time through service abroad.

2. Military discipline and morale Investigation Corps were sent out for investigation and guidance. Staff members of the central authorities were specially ordered in 1939 (Showa 14) to make an inspection tour to various spots in China for a period of some two months. After their return, the central authorities gave all units a guide to rigid enforcement of military discipline and morale, and adopted military administrative measures for

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the sake of the enhancement of recreation facilities and adequate methods of replacement.

3. Articles brought back from abroad by the military men and civilians in the military service on their return^{to} their homeland, were strictly inspected and controlled by every unit, at every port of embarkation, landing spot in the homeland, as well as by the home unit, thereby to discover and prevent breaches of discipline and, above all, plundering in the battle-field.

(4) The copies of the "Instructions to the Men at the Front" were distributed in the 16th year of Showa (1941) for the heightening of morality at the front. As the war was prolonged, a fear of the decline of morality and especially of possible plundering and violations came to be felt. To meet the situation, the said "Instructions" was compiled by the central authorities and distributed in the name of the Minister of War. Every military man at the time always carried a copy of it with him, and by respectfully reading it day and night, exerted himself to comply with the teachings given in it.

(5) In the 17th year of Showa (1942), a part of the Army Criminal Code was revised by Law No. 35. By this change, necessary provisions were newly added or amended in relation to military offences, for the sake of the strengthening and rigid enforcement of military discipline.

It is especially notable, in these changes, that the crime of rape at the front was prescribed as a crime for which "prosecution may be instituted without any complaint by the injured party."

(6) The central authorities gave several times strict warning against

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private punishments. It was applied to the treatment of prisoners of war and the native population as well as to Japanese military men.

(7) Great care was taken by the central authorities as to the prevention of offences and crimes against the natives. A special term "offences against the natives" was invented, and a statistic study of crimes and misdeeds, was made, to which the authorities called the attention of every unit.

(8) The Military Administrative Order was revised in August, 18th year of Showa (1943). An item was added to it that the order was to be applied also to the forces at the front (The Order No.1), and regiment-commanders, it was stated, should give lessons and guidance to their subordinates about the rules for treating the natives. (The Order No.24)

(9) In order to pull back to the right course the mind of soldiers who unawares had become dissipated through prolonged service in the field and especially through disasters and dangers caused by fighting, adequate considerations were taken for affording every possible convenience for the forwarding of letters and dispatches from their homes, forwarding comforts, sending out entertainment groups, as well as for the promotion of recreation facilities at the front, for instance, organization of film corps to make visits and establishment of military men's clubs, etc.

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On this 20th day of August, 1947-

At I^MTFE.

DEPONENT KODAMA, Kyūzō (seal)

I, INOUE, Masutarō 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 I.M.T.F.E.

Witness: /S/ INOUE, Masutarō (seal)

OATH

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

/S/ KODAMA, Kyūzō (seal)