

Def. Doc. No. 2703

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Exh. No.

Translated by  
Defense Language Branch

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Matsui

UNITED STATES OF AMERICA, et al

- vs -

ARAKI, Sadao, et al

10 m f. 2

SWORN DEPOSITION (Translation)

Deponent: OGAWA, Sekijiro



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.

Affidavit

1. I was ordered to become Chief of Legal Affairs Section of the Tenth Army (Commanding General was Lieutenant-General YANAGAWA) about the end of September 1937, landed on the northern coast of Hangchow Bay, took part in the battle of Nanking, was attached to the Central China Area Army on 4 January of the following year and became under the direct control of the Commander MATSUI.



2. The Tenth Army, immediately after landing on the shores of Hangchow Bay, come under the command of the Central China Area Army. Commander MATSUI gave us instructions to apply the law strictly in order to protect Chinese law-abiding citizens and to defend foreign interests as well as, of course, to observe strict military discipline and public morals.

3. Before I came to Nanking, I dealt with about 20 cases of offenses on military discipline and public morals. In the course of my dealing with crimes on public morals, I found it very difficult to decide whether the cases were fornication or violation

*was many after*

The reason was that it was not rare on the part of the Chinese women to take a suggestive attitude towards Japanese soldiers, and when they were found as having committed adultery with Japanese soldiers by their husbands or other people, they suddenly changed their attitude and asserted exaggeratedly that they had been raped. Whether adultery or rape, however, I punished indictees in accordance with the law weighing the relative importance of the facts. Those who took intimidation steps, I punished severely.

4. I entered Nanking about noon on 14 December and in the afternoon inspected the garrison area of the Tenth Army (southern part of Nanking).

At that time I saw only six or seven corpses of Chinese soldiers and no other. The Tenth Army evacuated Nanking on 19 December and switched to the Hangchow operations. During my



stay in Nanking, I neither heard any rumors of illegal conduct of the Japanese soldiers nor were there any indictments for illegalities. The Japanese Army remained on a operational basis, and military discipline was strictly maintained. Never did I, of course, receive orders to do or approve illegal conducts from senior officers, much less from Commander-in-Chief MATSUI.

5. The Japanese Military Police also strictly observed the orders from Commander-in-Chief MATSUI and kept strict watch and control. Illegal conducts of the Japanese soldiers were very strictly controlled. For example, Lieutenant Colonel KAMISAGO (Military Police) made a protest of my being too lenient in a case which I had personally investigated thoroughly and announced as not for prosecution, because of its minor offense.

6. On 4 January, 1938 when I met General MATSUI at the Headquarters in Shanghai, the General said laying much stress, "Judgment of crimes shall be fair and strict." I faithfully followed his advice and discharged my duties very strictly.

On this 6th day of October, 1947,

at Tokyo.

DEPONENT: OGAWA, Sekijiro



Def. Doe. No. 2703

I, JODAI, Takayoshi, 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 Tokyo.

Witness: JODAI, Takayoshi

OATH

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

OGAWA, Sekijiro (seal)



Nov 5, 1947

MEMORANDUM FOR: Mr. Sutton; Brig Nolan  
FROM : EDWARD P. MONAGHAN, Chief,  
Investigative Division, IPS  
SUBJECT : Defense Witness

1. Please find attached hereto list of material available on the following witness and/or witnesses.

DEFENDANT

MATSUI

WITNESS

OGAWA, Sekijiro  
• (Kanjiro)

LIST OF MATERIAL AVAILABLE

Curriculum Vitae

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

Incl  
(Described above)

*EP M*  
EDWARD P. MONAGHAN



Permanent Residence and Status: AICHI Prefecture, Warrior Class.  
Former Residence and Status:  
Date of Birth: Dec. 26, 1875  
Name: " OGAWA, Kanjiro  
Former name:  
Father:  
Foster Father:  
Mother:  
Foster Mother:

Nov. 1904 Passed the First Examination for the appointment of judges and public procurators.

Dec. 24, 1904 Appointed a probationary judge by the Justice Ministry. Assigned for training to the Yokohama Local Court and its Prosecutors' Office, and also to the Yokohama District Court and its Prosecutors' Office by the Justice Ministry.

Dec. 14, 1905 Granted an annual salary of 300 yen.

Dec. 20, 1905 Appointed an Acting Prosecutor in the Yokohama District Court by the Justice Ministry.

July 12, 1906 Relieved from the above post.

Dec. 4, 1906 Appointed a judge.  
Given the 7th rank of the Higher Civil Service.  
Appointed an examining judge by the Justice Ministry.  
Given an annual salary of 500 yen by the Justice Ministry.  
Ordered to serve in the Yokohama Local Court by the Justice Ministry.

Feb. 12, 1907 Conferred with the 7th Court Rank, Junior Grade.

May 10, 1907 Ordered to serve in the Utsunomiya District Court (in the jurisdiction of the Locality of Mito).

June 28, 1907 Appointed a Commissioner.  
Given the 8th Rank of the Higher Civil Service by the Cabinet.  
Granted the 11th Grade Salary by the War Ministry.  
Appointed a member of the Judicial Department of the 16th Division.

July 25, 1907 Ordered to serve in the Judicial Department of the 4th Division as a Court official by the War Ministry.

June 27, 1908 Promoted to the 7th Rank of the Higher Civil Service.  
Granted the 10th salary grade.



Oct. 30, 1908	Dismissed from his concurrent position as court official in the Judicial Department of the 4th Division.
Nov. 27, 1908	Dismissed as a member of the Judicial Department, of the 16th Division and appointed a member of the Army's Judicial Department in the Government General of Formosa.
Dec. 25, 191909	Granted the 9th salary grade.
Apr. 1, 191912	Salary regulations for the Higher Civil Service were revised.
Mar. 11, 1912	Conferred with the 7th Court Rank, Senior Grade.
July 31, 1912	Dismissed as a member of the Army's Judicial Department in the Government General of Formosa and appointed a member of the Judicial Department of the 17th Division.
Dec. 25, 1912	Granted the 8th salary grade.
May 19, 1915	Concurrently appointed warden of an Army Prison. Given the 7th rank of the Higher Civil Service by the Cabinet. Appointed warden of the Okayama Garrison Prison by the War Ministry.
June 27, 1916	Promoted to the 6th rank of the Higher Civil Service by the Cabinet. Granted the 7th salary grade by the War Ministry.
Mar. 30, 1917	Conferred with the 6th Court Rank, Junior Grade.
Apr. 30, 1917	Relieved of his concurrent post by the Cabinet.
Mar. 9, 1918	Dismissed from his main post and appointed member of the Judicial Department of the 1st Division.
Oct. 3, 1918	Concurrently appointed warden of an Army Prison. Given the 6th rank of the Higher Civil Service by the Cabinet. Appointed warden of the Nagoya Garrison Prison by the War Ministry.
Dec. 27, 1918	Granted the 6th salary grade by the War Ministry.
Mar. 29, 1919	Awarded the Imperial Order of the Sacred Treasure, 6th Class by the Bureau of Decorations.
Apr. 1, 1919	Relieved of his concurrent post by the Cabinet.
Apr. 29, 1919	Concurrently appointed as a member of the Bureau of Judicial Affairs of the War Ministry by the War Ministry.



June 7, 1919 Appointed a member of the committee giving examinations in the practical training of probationary commissioners on actual affairs. by the War Ministry.

June 30, 1919 Promoted to the 5th rank of the Higher Civil Service by the Cabinet.  
Granted the 5th salary grade by the War Ministry.

Aug. 16, 1920 Partial revision of the Higher Civil Service Ranks and Salaries Regulations. Effective from the month of August.

June 25, 1921 Granted the 5th salary grade by the War Ministry.

Nov. 1, 1920 Awarded the Imperial Order of the Sacred Treasure, 5th Class and a grant of 620 yen for services in the 1915-1920 Incident.

Dec. 27, 1921 Granted the 4th salary grade by the War Ministry.

Apr. 1, 1922 In accordance with Article 540 of the Appendix of Law No. 85 of 1921, Became an Army Judge Advocate.  
Appointed a Trial Judge Advocate of the Imperial Guards Division.

Apr. 20, 1922 Conferred with the 6th Court Rank, Senior Grade.

May 9, 1922 Concurrently appointed Trial Judge Advocate in the Army General Court Martial by the War Ministry.

June 24, 1923 Promoted to the 4th rank of the Higher Civil Service by the Cabinet.

Sept. 22, 1923 Concurrently appointed Trial Judge Advocate in the 1st Division by the War Ministry.

Oct. 13, 1923 Dismissed from his concurrent position as Trial Judge Advocate in the 1st Division by the War Ministry.

Mar. 11, 1924 Dismissed from his main post and given full appointment as Trial Judge Advocate for Army General Courts Martial by the War Ministry.

June 30, 1924 Granted the 3rd grade salary by the War Ministry.

June 10, 1925 Promoted to the 3rd rank of the Higher Civil Service by the Cabinet.

July 1, 1925 Conferred with the 5th Court Rank, Senior Grade.

Nov. 29, 1926 Awarded the Imperial Order of the Sacred Treasure, 4th Class.



June 20, 1927	Granted the 2nd grade salary by the War Ministry.
Aug. 1, 1930	Conferred with the 5th Court Rank, Senior Grade.
Dec. 20, 1930	Promoted to the 2nd rank of the Higher Civil Service by the Cabinet. Granted the 2nd grade salary by the War Ministry.
June 21, 1934	Awarded the Imperial Order of the Sacred Treasure, 3rd Class.
Sept. 2, 1935	Conferred with the 4th Court Rank, Junior Grade.
Mar. 4, 1936	Given the concurrent post of Trial Judge Advocate of the <del>Tokyo</del> Tokyo Army Courts Martial by the War Ministry. Not recorded in official Gazette.
Mar. 4, 1936	Appointed a judge and an examiner by the War Ministry. Not recorded in the Official Gazette.
Oct. 14, 1937	Granted the first salary grade by the War Ministry.
Mar. 26, 1938	Promoted to the 1st rank of the Higher Civil Service by the Cabinet.
Mar. 28, 1938	Dismissed from service by the War Ministry.
Apr. 23, 1938	By his Imperial Grace, promoted one Court Rank. Conferred with the 4th Court Rank, Senior Grade.
Apr. 29, 1940	Awarded the Imperial Order of the Sacred Treasure, 2nd Class for services in the China Incident.



Permanent Residence and Status: ATCHI Prefecture, Warrior Class.  
Former Residence and Status;  
Date of Birth: Dec. 26, 1875  
Name: OGAWA, Kanjiro.  
Former Name;  
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Foster Father;  
Mother;  
Foster Mother;

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Dec. 24, 1904. Appointed a probationary judge by the Justice Ministry. Assigned for training to the Yokohama Local Court and its Prosecutors' Office, and also to the Yokohama District Court and its Prosecutors' Office by the Justice Ministry.

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July 12, 1906. Relieved from the above post.

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Feb. 12, 1907. Conferred with the 7th Court Rank, Junior Grade.

May 10, 1907. Ordered to serve in the Ota District Court (in the jurisdiction of the Locality of Mito).

June 28, 1907. Appointed a Commissioner.  
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Apr. 1, 1919. Awarded the Imperial Order of the Sacred Treasure, 6th Class by the Bureau of Decorations.

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June 7, 1919. Concurrently appointed as a member of the Bureau of Judicial Affairs of the War Ministry by the War Ministry.

June 30, 1919. Appointed a member of the committee giving examinations in the practical training of probationary commissioners on actual affairs. by the War Ministry.

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June 10, 1925. Granted the 3rd grade salary by the War Ministry.

July 1, 1925. Promoted to the 3rd rank of the Higher Civil Service by the Cabinet.

Nov. 29, 1926. Conferred with the 5th Court Rank, Junior Grade.

June 20, 1927. Awarded the Imperial Order of the Sacred Treasure, 4th Class.

Aug. 1, 1930. Granted the 2nd grade salary by the War Ministry.

Dec. 20, 1930. Conferred with the 5th Court Rank, Senior Grade.

June 21, 1934. Promoted to the 2nd rank of the Higher Civil Service by the Cabinet. Granted the 2nd grade salary by the War Ministry.

Sept. 2, 1935. Awarded the Imperial Order of the Sacred Treasure, 3rd Class.

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Mar. 4, 1936. Given the concurrent post of Trial Judge Advocate of the Tokyo Gazette Army Courts Martial by the War Ministry. Not recorded in official/ Appointed a judge and an examiner by the War Ministry. Not recorded in the official gazette.

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