

MUTO

The particulars with respect to MUTO, Akira, are to be found in the Summary, Appendix B, page 332. Additional documents in relation to him are Exhibits 2239-2247.

It is readily apparent that the answers of MUTO in his interrogation (Exh. No. 2239) and other documentary and oral evidence support each count of the Indictment in its allegations against MUTO. The evidence, likewise, substantiates the accuracy of the statement of MUTO's individual responsibility as set out in the Indictment, Appendix E, page iv.

The accused MUTO is shown by the evidence to have participated in Japan's over-all aggression in at least two capacities or lines of activity: (1) As an Army officer in the field, (2) As an Army officer in the War Ministry at Tokyo.

The evidence is sufficient to show that the accused has a responsibility for the Manchuria, and still more the China Affairs. He is shown to have been one of the so-called younger Army officers, a Major on the Army General Staff (Rec. 2006) at the time of the incident of 18 September 1931. He was a Colonel and Staff Officer of the Kwantung Army in 1936-1937 (Rec. 16,118). He was Adjutant of the General Staff, North China Army, in 1938-1939 (Rec. 16,118). His services against China are indicated by the evidence (Exh. No. 1272) that he was decorated in 1934 for his services in 1931-1934 "War" and in 1940 for his services in the China "Affair."

The Military Affairs Bureau is shown to have been headed by the accused as Director or Chief from October 1939 to April 1942 (Rec. 16,118) throughout the period of preparation and initiation of the aggressive attacks by Japanese armed forces against the United States, Great Britain, Netherlands East Indies and French Indo-China. The accused first served in this Bureau, as a Section Chief in 1935-36 (Rec. 16,118). On 12 October 1939 MUTO was appointed (Summary, pages 103-298; Exhibits 102 and 118) Chief of the Bureau, Secretary of the



National General Mobilization Council and a member of other bodies, including Planning Board, Manchurian Affairs Board and Cabinet Information Board. The accused in these official positions is shown to have exercised directing or possibly controlling influence over domestic and international policies and politics, over propaganda and press control (Rec. 15,870-1), and over military and naval action. For instance, in June 1940 he was with KOISO in a discussion with the German Ambassador of various aggressive schemes (Exhibit 523).

The accused participated regularly in liaison conferences and conferences before the Throne in 1941. On 13 January 1941, he attended a liaison conference with TOJO and OKA (Rec. 10,057). MUTO attended a liaison conference, with TOJO and others, on 30 January 1941 (Rec. 11,057), on 3, 13 and 20 February (Rec. 11,057), on 2, 6-7 and 11 March, on 10 April, on 3, 8, 12, 15, 22 and 29 May, and on 6, 16-17, 23, 25, 26, 27 and 28 June. (Rec. pages on p. 332, App. B, Summary). At the conference on 25 June it was decided to make aggressive advances to the south, first by diplomacy if possible, then if necessary by arms (Rec. 11,753). MUTO attended the Privy Council Meeting on 28 July 1941 (Rec. 7,069), and Imperial Conferences on 6 September (Rec. 8,814), 5 November (Rec. 10,333), and 1 December (Rec. 10,519). MUTO attended also the Inquiry Committee meeting of the Privy Council at 7:30 a.m. on 8 December, at which the belated declaration of war against the United States and England was discussed.

The last evidence of TANAKA about him is so fresh in the mind of the Tribunal that I will not quote it.

MUTO was recommended to Ribbentrop for the decoration of the Great Cross by Germany because of his contribution to German-Japanese cooperation (Rec. 11,352, Exh. 1272).

I quote from the Military Attache's words: "Without regard to the vacillations of Japanese policy, he always advocated the conclusion of a German-Japanese alliance in a most important position," and from the Ambassador's comments: "Muto, as head of the political



section of the War Ministry has often been mentioned in my reports. In view of the political influence wielded by the Japanese army, his attitude was and is of great importance."

According to TANAKA's evidence which is corroborated by the witness SUZUKI and the numerous documents passing between the Foreign Ministry and the War Ministry about POW it is clear that his bureau had a great responsibility with regard to them, although in his case for a rather short time. As one of those entitled to attend Imperial General Headquarters he must, we submit, have been aware of the entries in the War Diary about the outrages at Singapore in February and March 1942 (Exhibit 476), before he proceeded on 20 April to command the 2nd Imperial Guards Division in Sumatra which was in the same army area, of which the CinC was General Yamashita. He was there until October 1944 during which period there is much evidence of atrocities in the command, and then joined the same General in the Philippines as Chief of Staff until the surrender. It is during this period that some of the worst atrocities were committed there.

The evidence now in the record is such that the motion to dismiss the Indictment with respect to the accused MUTO should, it is submitted, be overruled.