

W.B.

17 January 47

Minutes of the Court

Reuter

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OF
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Friday, 17 January 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese, Japanese to
English, French to English and English to
French interpretation was made by the
Language Section, IMTFE.)

GABRILLAGUES

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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now in session.

THE PRESIDENT: All the accused are present
except OKAWA, ARAKI, MATSUI and TOGO, who are repre-
sented by their counsel. We have a certificate from
the prison surgeon at Sugamo certifying that the
accused ARAKI, MATSUI and TOGO are unable to attend
the trial today on account of illness. The certificate
will be recorded and filed.

Mr. Logan.

MR. LOGAN: If the Tribunal please.

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GABRILLAGUES

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1 FERNAND GABRILLAGUES, called as a
2 witness on behalf of the prosecution, resumed the
3 stand and testified further through French inter-
4 preters as follows:

CROSS-EXAMINATION

BY MR. LOGAN (Continued):

7 Q During the course of your investigation you,
8 of course, found out that the Japanese troops entered
9 Northern Indo-China in 1940, isn't that a fact?

10 A The Japanese troops entered Northern Indo-
11 China.

12 Q And you also found out that they entered
13 Southern Indo-China in 1941, isn't that so?

14 A I have not worried about this question.

15 Q Irrespective of whether you worried about
16 it, have you found out that to be a fact?

17 A The documentation which I have consulted
18 does not allow me to answer that question -- to give
19 an answer to that question.

20 Q Irrespective of the documents which you have
21 consulted, is that a fact?

22 A It is possible.

23 Q Irrespective of whether it is possible or
24 not, is it a fact?

25 A I say that it is possible but I cannot give

GABRILLAGUES

CROSS

1 any precisions.

2 Q Do you mean to tell us that you have made
3 all these investigations and you do not know when
4 the Japanese army entered Indo-China?

5 A I know that there were Japanese penetrated
6 into Southern Indo-China but I do not know the exact
7 date of the penetration.

8 Q What is your best recollection on it?

9 THE PRESIDENT: This is utterly trifling
10 and we do not want his assistance on these points at
11 all. He says he does not know and let us leave it at
12 that. You are not testing his credibility effectively
13 that way, Mr. Logan. It is possible he does not know
14 the exact date; I do not. I would have to refresh
15 my memory from the evidence.

16 MR. LOGAN: I am not asking these questions,
17 if the Court please, to test this witness' credibility.
18 I am asking it to try and ascertain the facts.

19 THE PRESIDENT: I will read this note:
20 "Counsel might test his credibility by this line of
21 cross-examination. I think at present the witness is
22 hedging."

23 I do not agree. "Hedging" is the last word
24 in that note.

25 Q From your investigation what was the earliest

GABRILLAGUES

CROSS

1 year that you found out that the Japanese were in --
2 entered Northern Indo-China.

3 MR. ONETO: I object to the question as
4 being immaterial, irrelevant and beyond the scope of
5 the witness' statement. The witness, Mr. Gabrillagues,
6 has been called here to testify on things which are
7 within his functions, that is, atrocities. He was
8 not present when these -- when the facts referred to
9 took place. The question put by counsel refers to
10 the general phase of this case which is already passed
11 and this, the present phase, is on atrocities and only
12 atrocities.

13 THE PRESIDENT: What have you to say,
14 Mr. Logan?

15 MR. LOGAN: I prefaced my question by asking
16 him whether or not he obtained this information from
17 his investigation which brings it squarely within the
18 statement made by this witness on direct testimony.
19 He has made this statement referring to various
20 alleged atrocities. It is important to find out just
21 when the Japanese army entered Indo-China to see if
22 it was actually present at the time of these alleged
23 atrocities and to investigate the further situation
24 of the resistance troops operating in Indo-China.

25 THE PRESIDENT: The question is allowed.

GABRILLAGUES

CROSS

1 Objection overruled.

2 A I cannot give you any precise date. My
3 recollections are not very clear. I recollect some
4 complaints which were -- which date from 1943, 1942,
5 1945, 1946, but my recollections are not very, very
6 clear on this point.

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GABRILLAGUES

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1 Q Let me ask you this, then: Is it a fact
2 that after the Japanese troops entered Indo-China
3 there sprang up a Resistance movement?

4 A The documents do not allow me to answer in
5 a precise manner to this question.

6 Q Well, what would allow you to answer that
7 question?

8 A I was at the war crimes office in charge of
9 researches on crimes committed by the Japanese Army.
10 Complaints were received and on the basis of these
11 complaints I began my investigations. My work was a
12 material work of researching what crimes had been
13 committed and where the criminals were, so that
14 they could be rounded up.

15 Q Have you finished?

16 A Yes.

17 Q Yesterday you referred to the underground.
18 Will you tell us what you meant by that?

19 A During my researches I have sometimes found
20 the word "resistance," "underground," in the docu-
21 ments which I have seen.

22 Q Did you investigate to find out what this
23 underground or resistance was?

24 A No.

25 Q Weren't you interested, as the person in

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CROSS

1 charge of the investigating bureau, to find out what
2 this Resistance group was?

3 A I did not take up that matter.

4 Q Did you ask anybody else to take it up?

5 A Absolutely not.

6 Q Do I understand you, Mr. Witness, that you
7 appear in this Tribunal and present affidavits where
8 you mention "Resistance group" and "underground,"
9 and you mean to tell this Tribunal you don't know what
10 it means?

11 A I do not understand -- I do not very well
12 understand the question as it has been translated.

13 MR. LOGAN: May I have it re-translated,
14 your Honor?

15 (Whereupon, the last question
16 was re-interpreted.)

17 A I did not present any affidavits to this
18 Tribunal. I only -- I have only told of them what
19 I had done, or the work that I had done, in the war
20 crimes office.

21 Q Well, let me ask you this question: Do you,
22 of your own knowledge, know what the Resistance
23 group was?
24

25 MR. ONETO: Mr. President, I object to this
question because I do not find on what part of the

GABRILLAGUES

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1 statement the counsel bases these questions.

2 THE PRESIDENT: It is not for you to take
3 objections. You answer the questions until objec-
4 tion is taken by counsel and allowed.

5 THE FRENCH INTERPRETER: Mr. President,
6 the translation was just given of Mr. Oneto's
7 objection.

8 THE PRESIDENT: Well, that is all right.
9 I misunderstood it. I was reading his statement
10 when Mr. Oneto was speaking.

11 I think the question is allowable and
12 should be answered. It is quite a simple question.

13 A I believe that I have already answered
14 this question.

15 Q Well, answer it again, will you please?

16 A I answered that in the documents that I had
17 I found a few -- several times, the word "resistance."

18 Q I understand what you said, Mr. Witness,
19 but that isn't the question I put. I am asking you
20 now: Do you know, of your own knowledge, what the
21 Resistance movement was.

22 A I have no precise knowledge on movements of
23 the underground -- movement of the Resistance.

24 Q Well, what was that movement?

25 A What I could tell you would only be a

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G 1 THE PRESIDENT: Well, we have no reference
r 2 board as far as French is concerned. We have nobody
e 3 to whom to refer that, and I cannot accept any cor-
b 4 rection from the floor.

r 5 After consulting one of my colleagues, I
g 6 think that the following questions are pertinent,
& 7 and I will ask the witness to answer them:

B 7 Did the members of the Resistance wear
a 8 uniforms?
r 9
t 10

n 10 THE WITNESS: I have not been able to
11 ascertain it.

12 THE PRESIDENT: Of course, we still have
13 crimes against humanity to consider.

14 MR. LOGAN: I appreciate that, your Honor,
15 but they are on different counts in the Indictment.
16 BY MR. LOGAN (Continued):

17 Q Well, tell us what you heard this Resistance
18 Movement was?

19 A I practically have no knowledge of the
20 movement -- concerning the Resistance Movement. I
21 only received complaints from victims of atrocities
22 of the Japanese Army, and I confined my activities
23 to that.

24 Q Isn't it a fact that the Resistance Movement
25 was started in Indo-China against the Japanese and

GABRILLAGUES

CROSS

1 the Vichy Government in French Indo-China?

2 A The documentation which I have seen does
3 not allow me to answer your question.

4 MR. LOGAN: If the Tribunal please, I think
5 I have been patient about this. I think we ought
6 to have a direction and make this witness answer
7 these questions.

8 THE PRESIDENT: Witness, do you, in fact,
9 know anything more than appears in the documents?

10 THE WITNESS: All that I have heard beyond
11 that I consider as hearsay, and I cannot give evi-
12 dence of these before this Tribunal.

13 THE PRESIDENT: You can. You are mistaken.
14 You must answer from hearsay, but you can say the
15 source of your information.

16 THE WITNESS: I haven't heard any informa-
17 tion on this point.

18 BY MR. LOGAN (Continued):

19 Q When you were in the Colonial Service of
20 the French Colonies in Africa, were you in the Vichy
21 Army or were you in the Resistance Movement from
22 that point onward?

23 A I was mobilized -- I was drafted February
24 1, 1943 -- no: 1944.

25 Q Do you understand English?

GABRILLAGUES

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1 A (In English) Very small.

2 Q Was that year incorrect that was just given
3 over the translation system?

4 A (In English) It seems that the number --
5 (In French) I think that the number given, "4," is
6 not exact -- is not correct. It is "'43."

7 Q What time were you a member of the Resistance
8 Movement?

9 A I was drafted February 1, 1943 in the
10 French Army of Africa.

11 Q Was that under the Vichy Government or was
12 that in the Resistance Army?

13 A In the French Army of Africa.

14 Q Was that as a member of the Resistance Group
15 or a member of the forces of the Vichy Government?

16 A It was as a French citizen who was still
17 under military obligations.

18 THE PRESIDENT: It is suggested to me that
19 if you use "Free French" instead of "Resistance,"
20 you might get more satisfactory answers.

21 Q Were you a member of the Free French?

22 A Since February 1, 1943 I belonged to the
23 French Army of Africa, the only army which was in
24 Africa.

25 Q Were you under General Le Clero?

GABRILLAGUES

CROSS

1 A I did not say that I was in Africa. I was
2 in West of Africa -- in French West of Africa.

3 Q I didn't ask you that. Were you under
4 General Le Clerc?

5 A General Le Clerc was not in the West of
6 Africa.

7 Q Were you under him?

8 A Absolutely not.

9 Q Then were you under some General of the
10 Vichy Government?

11 A I do not think so.

12 Q Do you seriously want this Tribunal to
13 understand from your testimony that you were fight-
14 ing for France but you didn't know which army you
15 were in?

16 A I was only thinking of fighting for France.

17 Q And you didn't care which army you were
18 in, is that it? And, furthermore, you don't know
19 which army you were in, is that it?

20 A I was in the French Army.

21 THE PRESIDENT: The French Government
22 employed him on war crimes, apparently, and that
23 is the Free French Government.

24 Q From whom did you receive your pay from
25 1943 on?

GABRILLAGUES

CROSS

1 A The Disbursing Officer of my unit.

2 THE PRESIDENT: Mr. Logan, this is trifling.
3 I say it again subject to any Member of the Tribunal
4 having a different view.

5 MR. LOGAN: It may be trifling, your
6 Honor, but to me it is more serious than that. A
7 witness comes here and testifies the way he has.
8 I'm trying to find out just what the situation was
9 as he investigated it so that he can give this Tri-
10 bunal some information on these alleged crimes.

11 BY MR. LOGAN (Continued):

12 Q Tell me this: Did you ever check to find
13 out if any of the charges made in these affidavits
14 which were submitted by you were false?

15 A It was not for me to judge whether the wit-
16 nesses have made false depositions.

17 Q I am not talking about the depositions;
18 I am talking about the charges in the depositions.

19 A That is just what I wanted to say: If the
20 accusations presented in those depositions were
21 false or not.

22 Q And you made no check to find that out, is
23 that it?

24 A It was not in my province to judge of the
25 exactitude or the directness of witness -- of the

GABRILLAGUES

CROSS

1 depositions made.

2 Q Now, is it a fact that these people who
3 claim to have suffered these alleged atrocities were
4 members of the Resistance Force?

5 A Yes, certainly.

6 Q And the civilians also mentioned in these
7 affidavits, were they assisting the Resistance
8 Force?

9 A Some did and some did not.

10 Q And General Martin was the one in charge
11 of the Resistance Force in Indo-China?

12 A I do not know.

13 Q Did you make any investigation to find out?

14 A I did not try to find out.

15 MR. LOGAN: That is all.

16 THE PRESIDENT: Counsel SHIMANOUCI.

17 CROSS-EXAMINATION (Continued)

18 BY MR. SHIMANOUCI:

19 Q Mr. Witness, what is your age?

20 A I was born January 1, 1918.

21 Q You testified, Mr. Witness, that you were
22 a student prior to the war. Then were you drafted
23 in the Army in September, 1942?

24 A I stated that it was on February 1, 1943.

25 Q Up to that time were you occupied in some

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1 profession or vocation?

2 A I was a student, and then I went to Africa
3 as a Colonial civil servant.

4 Q What duties were you assigned to after
5 you were drafted?

6 A I was infantry platoon leader.

7 Q Have you, Mr. Witness, before you took up
8 your work with the War Crimes Office in September,
9 1946, engaged in any legal business either as a
10 prosecutor or a lawyer?

11 A Not at all.

12 Q Mr. Witness, you have testified as follows
13 in the latter part of Court exhibit 2157. In this
14 passage, Mr. Witness, you state as follows: "Colonel
15 TSUNEYOSHI further stated that General TSUCHIHASHI,
16 Commander-in-Chief of the Japanese troops in Indo-
17 China, to whom the massacres of the prisoners at
18 Langson were reported, declared in these very words:
19 'Act as if I knew nothing about it.'" Does this
20 mean that General TSUCHIHASHI was afraid that other
21 people might know that he, himself, was connected
22 in any way with the massacre at Langson when he heard
23 about it?

24 A I am only repeating what Colonel TSUNEYOSHI
25 told me and adding no commentary to it. I am not

GABRILLAGUES

CROSS

1 interpreting it.

2 Q Then, was it your interpretation that
3 Lieutenant General TSUCHIHASHI was afraid of reporting
4 this massacre to the central authorities in Tokyo --
5 was afraid that this massacre would be reported to
6 the central army authorities in Tokyo?

7 A I cannot give my impression on this subject.

8 MR. SHIMANOUCI: That is all, sir.

9 THE PRESIDENT: Captain Brooks.

10 CROSS-EXAMINATION (Continued)

11 BY MR. BROOKS:

12 Q Mr. Witness, in your investigation, did
13 you investigate to see if any of these alleged acts
14 were taken by way of reprisal?

15 A I think that in certain localities the
16 Japanese may have been irritated by the actions --
17 by the attitude of the French population.

18 Q Did your investigation show that certain
19 actions complained of were to suppress and deter the
20 activities in resistance of franc-tireurs or others?

21 A The massacres at Langson and other places
22 certainly did not aim at suppressing the activities
23 of franc-tireurs.

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Q Did your investigations uncover any actions that would classify the participants as Franc-tireurs?

A In my deposition I have not spoken of relations between the Japanese and those that may be called Franc-tireurs.

Q In other words, you never made any investigation as to the matters that might have been in justification of some of the actions to which you have testified to?

A (No answer)

MR. BROOKS: I didn't get the answer.

THE PRESIDENT: Did you try to find any reason why the Japanese acted as they did?

THE WITNESS: I did not try to discover any reasons. I may have had some echoes of this in the complaints.

MR. BROOKS: That is all.

MR. LOGAN: No further cross-examination.

If the Tribunal please, at this time I move to strike out and disregard all the evidence presented of alleged atrocities in Indo-China on the ground that the evidence shows that these resistance troops were not lawful troops of France, they were fighting contrary to the orders of their own legally recognized government, and cannot claim rights as prisoners of

1 war under international law but fall into the
2 classification of guerrillas or franc-tireurs.

3 THE PRESIDENT: Of course, there is no such
4 evidence as you claim, Mr. Logan. We will, at the
5 proper time, pass judgment on the evidence we have
6 heard. The application to deal with the matter
7 instanter is dismissed.

8 Mr. Oneto.

9 MR. ONETO: Mr. President, there will be no
10 redirect and I ask the permission of the Court to let
11 the witness stand down.

12 THE PRESIDENT: The witness is excused on
13 the usual terms.

14 (Whereupon, the witness was excused.)

15 MR. JUSTICE MANSFIELD: If the Tribunal please
16 that is the end of the French phase of the atrocity
17 part of the prosecution. Mr. Lopez now desires to
18 tender to the Court some two documents which he omitted
19 to tender before.

20 MR. PRESIDENT: Mr. Lopez:

21 MR. LOPEZ: At the request of the New Zealand
22 and Chinese representatives we are introducing as
23 additional evidence on atrocities in the Philippines
24 committed by Japanese Armed Forces on a New Zealand
25 priest and the members of the Chinese Consulate staff
at Manila.

1 We formally tender in evidence IPS document
2 No. 2899 which is an extract from a note addressed by
3 the United States Acting Secretary of State to the
4 Charge d'Affairs ad interim of New Zealand Legation,
5 Washington, on 31 May 1945.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution document
8 No. 2899 will receive exhibit No. 2158.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 2158 and received in evidence.)

12 MR. LOPEZ: From this document we read the
13 following:

14 "The following is quoted from a recent report
15 of the American Consulate General at Manila:

16 "'I have the honor to refer to the Depart-
17 ment's airgram No. 4 of March 10, 1945, transmitting a
18 communication received by an officer of the Department
19 from the New Zealand Legation at Washington concerning
20 the whereabouts and welfare of four Catholic priests
21 and to report that Martin Strong, Arthur Price and
22 Thomas Dwyer are in good health and at present are being
23 quartered in the New Bilibid camp at Muntinlupa.

24 "'According to information received by Arthur
25 Price through Philippine sources, Vernon Douglas was

1 subjected to extreme torture in the presence of a large
2 group of Filipinos at Pililla Convent, Pililla, Rizal,
3 over a period of three days in July of 1942. When last
4 seen by eye-witnesses one eyeball was hanging entirely
5 out of his head and there was a large hole in his fore-
6 head. According to some reports he was then taken to
7 Paete, Laguna, and subsequently to Santa Cruz but it
8 is the belief of Arthur Price that he died near Paete."

9 We further introduce in evidence document
10 No. 2901 which is a summary of evidence of JAG Report
11 No. 33 on the torture and murder of the members of the
12 Chinese Consulate in Manila in January, 1942.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 2901 will receive exhibit No. 2159.

16 (Whereupon, the document above referred
17 to was marked prosecution's exhibit No. 2901 and
18 received in evidence.)

19 THE PRESIDENT: Are you going to read much
20 of this?

21 MR. LOPEZ: We read the whole document, if
22 your Honor please.

23 THE PRESIDENT: We will hear it after the
24 recess. We will recess now for fifteen minutes.

25 (Whereupon, at 1045, a recess was

1 taken until 1100, after which the proceedings
2 were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: Mr. Lopez.

4 Why are you not proceeding to read?

5 MR. LOPEZ: I will read the entire Summary
6 of Evidence.

7 "Briefly summarized, the evidence adduced
8 by the Investigator-Examiners is to the effect that:

9 "When the Imperial Japanese Forces entered
10 Manila on 2 January 1942, the Consulate officials
11 representing the Republic of China in Manila, and
12 consisting of Lr. Clarence Kuangson Young, Kai Yien
13 Mok, Siao Pin Chu (L. P. Chu), Yu Heng Loo (Ping-Se
14 Lu), Tsu Siu Yao, Tom Ming Siao, Ching Siu Young
15 and James Kung Wei Wang, proceeded to hide in the
16 Swiss Consulate in Manila with the exception of
17 Dr. Young who moved to the Manila Hotel. These offi-
18 cials remained at the Consulate for a few days,
19 returning to their homes at No. 15 Brixton Hill,
20 Santa Mesa, Manila, by 4 January.

21 "About 8 January they were all taken into
22 custody by the Japanese and interned at Villamor Hall,
23 University of the Philippines, Manila, for examina-
24 tion and interrogation. They were confined in the
25 music practice room about six by twenty meters in size

1 on the second floor, without any mattresses, cots,
2 clothes or food except that which was brought to them
3 by their respective families. The treatment accorded
4 them in the beginning was fair and they were permitted
5 to walk in the university garden and around Villamor
6 Hall under guard while their families were allowed to
7 visit them because their captors were trying to obtain
8 their cooperation. The Japanese in charge of the
9 Consulate Group were members of the Military Police
10 Command whose headquarters was located at Fort Santiago,
11 Intramuros, Manila.

12 "From 8 January to 28 March they were
13 questioned by the Japanese and it was reported that
14 Dr. Young was asked about 15 March by Lt. Col. OHTA,
15 Commander of the Military Police, how much the Chinese
16 in the Philippines had contributed to the Chungking
17 Government since 1937 to which Dr. Young replied
18 'about twelve million pesos.' This officer then stated
19 that if the Chinese could contribute that much to the
20 Chungking Government, they could contribute more than
21 that amount to the Japanese Army, and demanded that
22 Dr. Young inform the Chinese people in the Philippines
23 to contribute twice that amount within three months,
24 ordered him to denounce the Chungking Government under
25 Chiang Kai-Shek and recognize the Wang Ching Wei (puppet)

1 Government. Furthermore, the Japanese Commander gave
2 Dr. Young three days to make a decision but after dis-
3 cussing the matter with his colleagues he replied that
4 he could not meet the demands.

5 "The Consulate Group were transferred to Fort
6 Santiago, Intramuros, on 28 March, where they were
7 placed in Cell 14, located in a temporary building
8 without windows and with meager ventilation facilities.
9 They were rarely allowed to receive their families and
10 the usual means of conversation with them was through
11 a slit in the cell. They had nothing to sleep on
12 except empty rice sacks, wore only their underwear and
13 were allowed out of the cell once a week for the purpose
14 of bathing and exercising.

15 "The treatment received at Fort Santiago was
16 very poor, so on 5 April, Dr. Young complained to Major
17 NISHIMURA, who was in charge, that there was not even
18 a place to rest or sit down in the cell. On 16 April
19 the Japanese informed the Consulate Group that they
20 would be removed to Muntinglupa Internment Camp, Rizal
21 Province.

22 "Mrs. Kay Lo Mok last visited her husband on
23 the morning of 17 April at ten o'clock when she was
24 informed by the Commander of the Military Police at
25 Fort Santiago that the wives could return and visit

1 their husbands on the following day. At 1700 hours
2 on the afternoon of 17 April, Mr. Ang Tian Sang of the
3 (Pro-Japanese) Chinese Association informed Mrs. Mok
4 and Mrs. Yang Si Cheng Yao that there would be little
5 use for the families of the Consulate Group to try and
6 see their husbands again at Fort Santiago as they had
7 been transferred. In spite of this, Mrs. Clarence K.
8 Young, Mrs. Mok, Mrs. Felisa Cu Loo, Mrs. Shirley Shao
9 Wang, Mrs. Ruby Wang Siao and Mrs. Yao returned to Fort
10 Santiago on 18 April and were told by the Commanding
11 Officer that 'They are not under our custody anymore.
12 They have been transferred to the Army.' Mrs. Mok then
13 went to a Military Chief whose name is unknown and
14 asked him where her husband was and she was told that
15 he was far away and that his whereabouts was secret,
16 but it was suggested that she return in ten or twelve
17 days for an answer 'after he had wired the Emperor.'
18 She waited for this period to elapse and returned to
19 the office of this Military Chief who told her that he
20 was sorry that he could not give her an answer because
21 the Emperor said 'No' and he added, 'Don't come here
22 anymore.' The wearing apparel and personal property
23 of the Group were thereafter returned to their families
24 except articles which the husbands had carried on their
25 persons.

1 "Between 16 and 19 April two internees at Fort
2 Santiago, Joaquin Pardo de Tavera and Jovito Salonga, saw
3 three or four Japanese officers with pistols and sabers
4 line up the Consulate Group in front of their cell,
5 tie their hands and march them away. Actually, at
6 about 1400 hours on 17 April a Japanese convoy including
7 a Military Police automobile, one truck filled with
8 Japanese soldiers and another with the consular
9 officials with guards, entered the gate of the Chinese
10 Cemetery, Santa Cruz, Manila, proceeded towards the
11 Chinese chapel and turned off to the right on a road which
12 passed beside the grave of Lai Yip Sang in Section 25.
13 The motor caravan then turned to the left, drove across
14 the open field about 100 yards from this latter grave
15 and stopped. The entire Consulate Group was taken from
16 the truck and caused to sit on the ground in a circle
17 surrounded by the Japanese soldiers. An unknown
18 priest, presumed to be Japanese, moved around the circle
19 after which the Chinese were lined up in front of a
20 prepared grave eight meters long, with their hands tied
21 behind them, blindfolded, and caused to kneel while a
22 Japanese soldier with a rifle stood behind each of the
23 eight officials. After an officer made an inspection,
24 each soldier shot his victim and those who did not die
25 instantly were bayoneted, after which the soldiers

1 threw some loose earth over the bodies in the grave
2 in Section 9, and then departed.

3 "Other laborers in the cemetery were directed
4 to complete the filling of the grave and a wood marker
5 bearing four Japanese characters meaning 'community
6 grave' was placed thereupon. Mr. Pelagio Reyes,
7 Superintendent of Cemeteries, Department of Health,
8 Manila, whose office was 200 meters away from the
9 Chinese Cemetery, recorded in his book without the
10 knowledge of the Japanese authorities the date of burial
11 and number of bodies interred there during the Japanese
12 occupation. Such records disclose that at 1500 hours
13 on 17 April 1942 eight bodies were buried in a grave
14 prepared upon the order of the Japanese. He marked his
15 record of the burials 'asst'd' (assorted) since he was
16 not certain of their nationality at that time.

17 "On 14 June 1945 the remains of the eight
18 bodies were exhumed from the common grave in Section 9,
19 Chinese Cemetery, in the presence of Shirley Shao Wang,
20 wife of James Kung Wei Wang, Alfonso Young and Yu
21 King Hun (Young King Hun), brothers, and Wy Chut Young,
22 mother of Ching Siu Young; Ruby Wang Siao, wife of
23 Tom Ming Siao; May Lo Mok, wife of Kai Yien Mok; Felise
24 Cu Loo, wife of Yu Heng Loo; Yang Si Cheng Yao, wife
25 of Tsu Siu Yao. These relatives were able to positively

1 identify the bodies as those of the eight Chinese
2 Consulate officials from the shape of their respective
3 skulls and personal property of the victims found in
4 the grave. Mrs. Mok recognized the horn-rimmed glasses
5 found in the common grave as those worn by her husband,
6 and many of the wives of the Consulate Group further
7 identified Dr. Young's white, gold-rimmed and sun
8 eyeglasses. Mrs. Wang, Mrs. Mok and Mrs. Siao believed
9 that a pair of shoes discovered in the grave belonged
10 to Mr. Wang since he had always had two holes in the
11 toes. The red pencil found in the grave of Mr. Loo
12 was the same one which Mr. Chang Chin had given to
13 Mr. Loo during the time he had acted as Deputy Consul
14 in the Chinese Consulate from 1935 to 1940. A brown
15 leather belt taken from Mr. Loo's grave was the one
16 which he had previously purchased before being taken
17 prisoner and his wife was further able to point out
18 that the Dr. West 'Miracle Tuft' toothbrush taken from
19 the grave was identical with the one she had taken to
20 him when he was at Fort Santiago. The upper jaw of the
21 skull of Mr. Loo was examined and a tooth with a silver
22 filling was identified while a toothbrush and a pair
23 of eyeglasses rimmed with silver and a flowery design
24 were found and identified as those of Mr. Yao. Mrs.
25 Siao identified her husband's silver tooth found in

1 his skull; and the suspenders of Mr. Chu and Mr.
2 C.S. Young. There were also taken from the grave a
3 cigarette holder and toothbrush which were recognized
4 as belonging to Ching Siu Young. His mother, Wy
5 Chut Young, and brothers, Alfonso Young and Yu King
6 Hun, further identified the shape of the skull and
7 his four front upper teeth found in the grave."

8 THE PRESIDENT: Mr. Justice Mansfield.

9 MR. JUSTICE MANSFIELD: If the Tribunal
10 please, evidence will now be introduced of Japanese
11 atrocities committed against members of the forces
12 of the Union of Soviet Socialist Republics.

13 The prosecution offers in evidence prosecution
14 document No. 1993, which is the affidavit of Lieutenant
15 Colonel Ivan Fedorovitch Pozinzky. I shall read
16 paragraph 3 thereof.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution document
19 No. 1993 will receive exhibit No. 2160.

20 (Whereupon, the document above
21 referred to was marked prosecution's ex-
22 hibit No. 2160 and received in evidence.)

23 MR. JUSTICE MANSFIELD: (Reading)

24 "On August 2, 1938, I was a captain and
25 arrived with the Artillery Regiment in the area of
the Lake Hasan. The regiment had a task to coordinate with

1 other units of the Red Army and to drive the Japanese
2 troops out of the Soviet territory. I must say that
3 by that time the Japanese had been driven out of the
4 area south of the Lake Hasan, but still they were
5 holding part of the Soviet territory, the Lake Hasan
6 itself and Hill Zaozernaya. On the same day during
7 the artillery reconnaissance in the area south of the
8 Lake Hasan, I found two corpses of the Soviet Red army
9 men and one corpse of a Soviet officer in rank of
10 Junior Lieutenant. All three corpses were atrociously
11 mutilated. The corpse of the junior lieutenant was
12 stabbed with a bayonet in the region of its face, chest,
13 abdomen and legs, besides the bayonet was driven into
14 his mouth and cartridges shot into his eyes. The
15 corpses of the Red army men were also stabbed with
16 bayonets. Besides the mouth of one corpse was slit
17 to the ears, and the head of another one was broken
18 in many places, with heavy instrument and the chest
19 was shot through with ten bullets.

20 "All these I saw personally. I have nothing
21 else to state."

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1 Prosecution offers in evidence prosecution
2 document No. 1996, which is the affidavit of Major
3 Yakov Vasilievich Omelchenko.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document
6 No. 1996 will receive exhibit No. 2161.

7 (Whereupon, the document above
8 referred to was marked prosecution's ex-
9 hibit No. 2161 and received in evidence.)

10 MR. JUSTICE MANSFIELD: I shall read paragraphs
11 4,8,9,10 and 11:

12 "In 1939 I was a lieutenant and held the
13 position of Second in command of the rifle regiment
14 149 which at that time was in the area of the Halhin-
15 Gol river. The conflict in the mentioned area was
16 caused by the provocative actions of the Japanese
17 troops, to which I was a witness."

18 Passing to paragraph 8:

19 "In the course of the fighting, near the
20 Halhin-Gol river, in which our units were engaged
21 against the Japanese troops who encroached on the
22 Mongolian People's Republic, Junior Lieutenant of our
23 company, Komaristih, was wounded and taken prisoner
24 by the Japanese.
25

"It was on the night before the 29th of May,

1 1939. In the morning when we were advancing, near the
2 Mount 'Remizovo' my scouts and I found the corpse of
3 Junior Lieutenant Komaristih. 5 stars were carved out
4 on the back of the corpse. A large star with the
5 sickle and hammer was carved out on the chest.
6 Cartridges were driven into his eyes. The skull was
7 broken in many places; the wrists and ankles were
8 broken whereas the hands were twisted. The penis was
9 cut off, there was an anti-tank shell in the abdomen,
10 the heels of the feet were scorched, the finger nails
11 were torn off, the tongue and the ears were cut off,
12 all the body was pierced through with ramrods. I
13 was witness of the atrocities of the Japanese military
14 clique over our Red Army men and officers.

15 "On the 24th of June, 1939, a Japanese
16 cavalry squadron and 7 Japanese armoured cars surrounded
17 a group of the Red Army men of our regiment. The
18 Group consisted of 13 Red Army men and 1 officer.

19 "All of them were wounded and taken prisoners
20 by the Japanese in the fighting where the odds were
21 against them, a group, under my command consisting of
22 1 battalion was sent to the place of the fighting.
23 When the Japanese were driven out, we saw the following
24 picture: our Red Army men 13 in number and one
25 lieutenant that were taken prisoners by the Japanese

1 lay cut to pieces in one spot.

2 "I have nothing else to state."

3 Prosecution offers in evidence prosecution
4 document No. 1997, which contains the minutes of
5 interrogation of Colonel Vladimir Ivanovitch Kobzev.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution document
8 No. 1997 will receive exhibit No. 2162.

9 (Whereupon, the document above
10 referred to was marked prosecution's ex-
11 hibit No. 2162 and received in evidence.)

12 MR. JUSTICE MANSFIELD: I shall read paragraphs
13 2 to 8 of this document:

14 "Since July 19, 1939, till October 22, 1939,
15 I, as chief of the staff of an artillery regiment in
16 the rank of captain, was at the Nomangan River battle
17 area. When I arrived, stubborn fighting between the
18 Soviet-Mongolian and the Japanese troops was going on
19 there. The Soviet and Mongolian troops had the task
20 of clearing the territory of Mongolian People's
21 Republic of Japanese troops who had penetrated into it.

22 "Remaining all the time on the battle field
23 in immediate vicinity of the Japanese advanced positions,
24 I witnessed atrocities perpetrated by the Japanese
25 military to our Red Army soldiers and officers.

1 "So, on August 27, 1939, a part of Mongolian
2 territory in the vicinity of Peschanaya hill was
3 liberated as a result of our offensive operations.
4 I arrived at that territory together with my scouts
5 to establish a new observation post there. There I
6 saw the corpse of a Red Army soldier, dressed in Red
7 Army uniform, but without a cap. Coming nearer I
8 saw that its nose and ears were cut off, and that the
9 corpse was pinned to the earth through the chest by
10 the bayonets of three Soviet rifles which had broken
11 butts and no locks.

12 "On September 2, 1939, in the vicinity of the
13 Zelenaya hill I conducted officer's reconnaissance of
14 sector where the regiment was to be deployed for
15 defense. The sector of Zelenaya hill was a strongly
16 fortified strongpoint of the Japanese and was in their
17 hands till the last days of August.

18 "Inside this strongpoint there were about
19 15 corpses of Red Army soldiers and officers(12 of
20 them were Red Army soldiers; and 3 officers).

21 "The corpses were decayed. Legs and arms
22 of most of the corpses were cut off. The limbs of some
23 of them were lying there near the corpses. The limbs
24 of other corpses were not cut off completely, and
25 moreover, there were traces of innumerable blows

1 inflicted on the limbs with some sharp cutting weapon.
2 The skin in some places of the chest of almost all
3 the corpses was cut out. All corpses had a great
4 number of stabs and cut wounds on them.

5 "The nature of the wounds excludes all
6 possibilities for them having been received in battle.

7 "All the above said I saw myself."

8 Prosecution offers in evidence prosecution
9 document No. 1995, which is the affidavit of Nikolai
10 Ivanovitch Tomilin.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution document
13 No. 1995 will receive exhibit No. 2163.

14 (Whereupon, the document above
15 referred to was marked prosecution's ex-
16 hibit No. 2163 and received in evidence.)

17 MR. JUSTICE MANSFIELD: I shall read para-
18 graphs 3,4,5 and 6:

19 "In 1939 I was in the rank of major and the
20 second in command of the 1st Army Artillery Group in
21 the Battle area of the Khalhin-Gol river.

22 "In September 1939, when the active hostilities
23 were over, I was appointed by the Soviet Government
24 to the Committee for exchanging of war-prisoners and
25 delivery of corpses.

1 "Personally I received about 60 Soviet war
2 prisoners according to the list from the Japanese
3 Command. All the prisoners were extremely exhausted.
4 They could hardly stand on their feet because of their
5 weakness. Their thinness and paleness were striking.
6 Their faces and bodies were bruised and scratched all
7 over.

8 "After the prisoners were transferred
9 to me they told me in detail about the brutal treat-
10 ment of the Japanese authorities. The prisoners had
11 been subject to systematic beating and they had been
12 starved for a long time."

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1 The prosecution offers in evidence document
2 No. 1999, which is an extract from the affidavit of
3 AMANO, Isamu.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document
6 No. 1999 will receive exhibit No. 2164.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 2164 and received in evidence.)

10 MR. JUSTICE MANSFIELD: I shall read this
11 document:

12 "Extract from the affidavit of defendant AMANO,
13 Isamu of October 12, 1945.

14 "I plead guilty that on the day of the outbreak
15 of the war between the Soviet Union and Japan, i.e.
16 on August 9, 1945, I summoned the chief of the 5th
17 (intelligence) section, senior non-commissioned
18 officer BITO and gave him instructions to get in
19 touch with the Province Police and gendarmery Depart-
20 ments, to arrest the Soviet citizens who lived in
21 the town of Hailar and were on the list of the Police
22 Department and take special measures, i.e. to murder
23 them; I gave also instructions to murder the Soviet
24 scouts who were kept under arrest in the police prison.

25 "On giving the said order to BITO I left for the

1 fortified area. Later BITO came there to see me and
2 reported that my order had been executed; the Soviet
3 citizens living in the town of Hailar and considered
4 to be suspects had been arrested and murdered. BITO
5 reported that the Soviet scouts under arrest in the
6 police prison had also been murdered.

7 "QUESTION How many Soviet citizens were murdered by
8 your order on August 9, 1945.

9 "ANSWER Neither BITO, nor my other subordinates who
10 had participated in the arrest and murder of August
11 9, 1945, reported on the number of the murdered
12 Soviet citizens. But I can tell the interrogators
13 the following:

14 "There were not fewer than 20 Soviet scouts in
15 the police prison who had been arrested in the period
16 between the end of 1944 and July 1945. When I was
17 arrested I was shown a ditch in the yard of the Police
18 Department where 43 bodies were buried. So we may
19 say that in the town of Hailar were arrested and mur-
20 dered about 20 Soviet citizens all of them civilians.

21 "QUESTION Why did you give instructions to murder the
22 Soviet citizens living in the town of Hailar?

23 "ANSWER In accordance with the order of the Com-
24 manding General of the Kwantung Army the Police De-
25 partment had to make up a list of Soviet citizens

1 every year. It was being done in case the war be-
2 tween the Soviet Union and Japan broke out.

3 "Thus these people had to be murdered when the
4 war broke out. This order was to be put into practice
5 by the Police Department. But on August 9, 1945, con-
6 sidering the situation brought about by the Red Army
7 offensive, I took the initiative into my own hands
8 and gave instructions to arrest and murder the Soviet
9 citizens living in the town of Hailar and being sus-
10 pects on the list of the Police Department. I also
11 gave order to murder the Soviet scouts who were being
12 kept in the police prison."

13 Then missing the next question and answer.

14 "QUESTION What were the charges against the Soviet
15 citizens murdered by your order on August 9, 1945?

16 "ANSWER No concrete charges were made against the
17 Soviet citizens arrested and then murdered by my order
18 on August 9, 1945; but in accordance with the order
19 of the Commanding General of the Kwantung Army they
20 were put on the lists of suspects in case the war
21 between the Soviet Union and Japan broke out, be-
22 cause we thought that during the war these persons
23 might carry on espionage and sabotage directed against
24 the Japanese Army."

25 The prosecution offers in evidence prosecution

1 document No. 1998, which contains the minutes of in-
2 terrogation of Nicholai Alexeevitch Romanov. I shall
3 read the questions and answers on page 2.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1998 will receive exhibit No. 2165.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit No.
9 2165 and received in evidence.)

10 MR. JUSTICE MANSFIELD: (Reading):

11 "QUESTION: You Captain of medical corps Romanov,
12 since the beginning of hostilities against Imperialistic
13 Japan, were as a medical officer in X Regiment for
14 providing the rear of the Red Army in the field and
15 being in the town of Dunnan, visited the place of the
16 atrocities perpetrated to Chinese population by Jap-
17 anese. Tell what did you find out as a medical
18 officer in the place of execution?

19 "ANSWER: On August 19, 1945, being in the town of
20 Dunnan in X Regiment, by order of Major Mityaev,
21 Deputy Commander of the Regiment, I accompanied him
22 to the place of massacre of the Chinese population
23 indicated by Chinese. At about one kilometer south-
24 east of the town suburbs, at a certain distance off
25 the road, at the edge of the wood, 22 corpses in dif-

1 different postures among them 2 female corpses, were
2 discovered. One woman, judging by her face, was a
3 European woman; her nationality could not be es-
4 tablished. The majority of corpses were half decayed,
5 as the weather had been very hot, their hands tied
6 behind their backs, some corpses were on their knees
7 with their heads bent to the ground. The cut wounds
8 were on the necks of the corpses, the legs of one
9 of female corpses were cut off, on the back of another
10 male corpse, one vertebrae was broken and there were
11 stabbed wounds. As we succeeded in establishing, the
12 people had been murdered by sabring the neck, but the
13 people were not beheaded at once, only a neck ver-
14 tebrae was cut and in some cases the vertebrae was
15 slightly cut and the people were alive for a long
16 time after that, dying a long and painful death suf-
17 fering from thirst and loss of blood. Several corpses
18 were 100-150 meters from the place of execution and
19 were still fresh, which shows that the people were
20 alive for several days, were crawling and died re-
21 cently from hunger and loss of blood. From the medical
22 point of view, the methods of murdering of the said
23 people I, as a medical officer, consider to be
24 atrocious. I have nothing more to testify concerning
25 the case, all the notes from my words are correct and

1 are read to me."

2 That completes, if the Tribunal please, the
3 presentation of documents relating to atrocities to
4 members of the forces of the Soviet Union.

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1 THE PRESIDENT: Mr. Comyns Carr.

2 MR. COMYNS CARR: Mr. President, I now have
3 to deal with certain questions which arose about the
4 translation of prosecution document 1810A, Court
5 exhibit 473, and prosecution document 1509A, court
6 exhibit 475, which concern the present phase. They
7 were introduced during the evidence of Colonel Wild
8 and relate to the Burma-Siam Railway.

9 In the former case, 473, the translation
10 was prepared by the prosecution, and it appears that
11 there were certain errors and omissions in it. We
12 have, therefore, processed an entirely new one which
13 has been agreed with Major Moore and served upon the
14 defense. I propose to hand it in and ask you to
15 substitute it for the copies you already have,
16 calling attention to the more important differences.

17 THE PRESIDENT: The substitution will be
18 made.

19 MR. COMYNS CARR: Could it be circulated?

20 THE PRESIDENT: And circulated.

21 MR. COMYNS CARR: On the new page 1 there
22 is added in line 2 a description of Minister SUZUKI's
23 position: "Office for the Affairs of Residents in
24 Enemy Countries, Foreign Ministry" and the seal of
25 that Ministry. As already mentioned, the accused

1 SHIGEMITSU was Foreign Minister at that time. The
2 SUZUKI mentioned is not the accused, but the witness.
3 DOHIHARA was Commander in Malaya at that date.

4 At the bottom, under "Distribution," the
5 first item is "War Ministry," not "Minister."

6 Then, on page 3, line 6 reads: "Chiefs of
7 War Camps in Malaya (not Burma) and Siam."

8 At the bottom there is a heading "Distribu-
9 tion," previously omitted, and I call attention to
10 the last line, "Military Affairs Section notified,"
11 i. e. notified by the Prisoner of War Information
12 Bureau.

13 Page 4 is entirely new, but of no special
14 importance.

15 Page 5 again contains the description of
16 SUZUKI and the note with regard to the Military
17 Affairs Section, both previously omitted.

18 Page 6 is entirely new, but again not
19 important.

20 Page 9 is entirely new. It is important
21 to note from the table which it contains that it
22 was proposed to make a report to General Staff Head-
23 quarters and to submit a reply to the Foreign Office.

24 On page 13, which corresponds to the
25 original page 10, the second paragraph now reads:

1 "This matter concerns the sacrifice of the administra-
2 tion of the prisoners of war for operational reasons
3 temporarily and contains no material for refutation
4 against the enemy protest."

5 Page 14 is new and shows the intention to
6 send a composite reply to the Foreign Office when
7 all the reports were collected.

8 This necessitates corresponding corrections
9 in the record on pages 5493, line 10, 5494, line 21,
10 5495, lines 4 and 25, 5497, lines 12 and 13, 5510,
11 line 6.

12 With regard to exhibit 475 the position is
13 different. In that case the Japanese and English
14 versions were both provided, as is frequently the
15 case, by the Japanese authority from which they came.
16 The translation was not made by us. In our submission,
17 therefore, both versions are equally original docu-
18 ments on either of which we are entitled to rely.
19 If there is a discrepancy between them anybody may
20 draw the attention of the Tribunal to it, and you
21 may draw such inferences as you think fit, but
22 nobody is entitled to alter either document. This
23 is a matter of principle, which may in some cases
24 be important. On the Japanese version the heading
25 appears: "Central Investigation Committee relating

1 to Prisoners of War." These do not appear on the
2 English version, nor do the words shown on the copy:
3 "Report by Japanese Government, Burma-Thailand
4 Railway" appear on the document itself. To show
5 where these came from, I now offer in evidence
6 prosecution documents 1509 C and D, the latter being
7 the original covering letter with which the report
8 reached SCAP and the paragraph at the bottom being
9 added subsequently by the latter. The actual
10 exhibit 475 is the copy which reached us through
11 the Swiss Legation.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution document
14 No. 1509C will be given exhibit No. 2166.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 2166 and received in evidence.)

18 CLERK OF THE COURT: Prosecution document
19 1509D will receive exhibit No. 2167.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 2167 and received in evidence.)

23 MR. COMYNS CARR: 2166 (reading):

24 "CONCERNING THE SUBMITTANCE OF REPORT ON
25 THE USE OF WAR PRISONERS IN CONNECTION WITH THE

1 CONSTRUCTION OF THE SIAM-BURMA CONNECTION RAILWAY.

2 "1. The present report is an official
3 document which was submitted to the Headquarters
4 of the Allied Powers from the then War Minister on
5 November 27, 1945 through the Central Liaison Office,
6 Tokyo.

7 "2. The present report was submitted
8 voluntarily on receiving the protest of the Allied
9 Army.

10 "3. Documents concerned with the matter
11 are also attached herewith for your reference."

12 Dated, "September 12, 1946. /s/ S. YOSHIMOTO."

13 - - -

14 "To: Central Liaison Office, Tokyo.

15 "From: First Demobilization Ministry.

16 "Subject: Employment of Prisoners of War
17 in Conxtruction of Thai-Burma Railway.

18 "Due to the protest of the governments of
19 Britain and Australia concerning the employment of
20 prisoners of war for the construction of railroad
21 between Burma and Siam, we investigated the situation
22 as shown in the attached note herewith. Please be
23 bothered to submit it to G. H.Q."
24

25 - - -

"To: General Headquarters of the Supreme

1 Commander for the Allied Powers.

2 "From: Central Liaison Office, Tokyo.

3 "The Japanese Government submits herewith
4 two copies of the written investigations concerning
5 the employment of prisoners of war in the construction
6 of the Thai-Burma Railway concerning which protests
7 have been filed by the British and Australian Govern-
8 ments."

9 2167:

10 "To: General Headquarters of the Supreme
11 Commander for the Allied Powers.

12 "From: Central Liaison Office, Tokyo.

13 "The Japanese Government submits herewith
14 two copies" -- I have read those. And then at the
15 bottom (reading):

16 "Those reports were in answer to protests
17 made by the British and Australian Governments in July
18 1944. Therefore this headquarters has no record of
19 such protests since they were made through the Swiss
20 Legation. One copy has been turned over to the
21 Australian Liaison Office, Brigadier Anderson, and
22 the other has been delivered to the Swiss Legation
23 for information after which it will be given to the
24 British Staff Section."
25

1 THE PRESIDENT: Colonel Woolworth.

2 MR. WOOLWORTH: If the Tribunal please, the
3 prosecution desires to introduce in evidence document
4 No. 5219, which is a list covering the Japanese tried
5 by Australian military courts against whom findings
6 and sentences have been confirmed, up to April 2, 1946.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution's document
9 No. 5219 will receive exhibit No. 2168.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit No.
12 2168 and received in evidence.)

13 MR. WOOLWORTH: If the Tribunal please, in
14 the interest of time saving, the prosecution desires
15 to introduce document No. 5239 and then give to the
16 Court the totals, rather than reading each conviction
17 separately. Document 5239 covers a list of Japanese
18 tried by Australian military courts up to the 28 of
19 May 1946.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 5239 will receive exhibit No. 2169.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit No.
25 2169 and received in evidence.)

1 MR. WOOLWORTH: These two documents contain
2 results of trials by Australian military courts of
3 Japanese charged with commission of war crimes in
4 Bornero, Celebes, Halmahara Islands, Timor, New Guinea
5 and New Britain. They contain particulars of Jap-
6 anese against whom findings and sentence of courts
7 had been confirmed up to May 28, 1946, and of Jap-
8 anese who had been acquitted up to **that** date.

9 Summarizing the results shown in these two
10 documents, 35 were sentenced to death, 198 were sen-
11 tenced to imprisonment, 100 were found not guilty.

12 The crimes of which they were found guilty
13 included murder, massacre, rape, cannibalism, mutila-
14 tion of the dead, torture and ill treatment of
15 prisoners of war.

16 If the Court please, the prosecution desires
17 to call Mr. SUZUKI, Tadekatsu as a witness.

18 THE PRESIDENT: Call him after lunch, but
19 there is one question I would like to put to you,
20 Colonel. Maybe you can answer it. It may be a matter
21 for the Chief of Counsel to answer.
22

23 We understand that you are, before the
24 defense move their motions, to place before us a
25 statement showing the evidence against each of the
accused in respect of every count against him in

1 the Indictment. There is no obligation upon you to
2 provide it, but it occurred to me that you may
3 require something of the kind to meet the defense
4 motions to dismiss.

5 MR. WOOLWORTH: If your Honor please, this
6 is a matter which I think should be taken up with
7 Mr. Higgins and Mr. Tavenner, and I think they will
8 be ready to have a reply made after lunch, if it may
9 be delayed to that hour.

10 THE PRESIDENT: Something was said here or
11 in Chambers which I may have misapprehended, but that
12 is my understanding.

13 MR. WOOLWORTH: I might say that the pro-
14 secution has not yet received copies of all the motions.

15 THE PRESIDENT: We will adjourn.

16 (Whereupon, at 1200, a recess was
17 taken until 1330.)
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AFTERNOON SESSION

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2 The Tribunal met, pursuant to recess,
3 at 1330.

4 MARS HAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: Colonel Woolworth.

7 MR. WOOLWORTH: If the Tribunal please:
8
9 In answer to your Honor's last question in the
10 morning session, I have been instructed to state
11 that before the afternoon session is over an answer
12 will be given to the Tribunal.

13 I desire to recall the witness for the
14 prosecution SUZUKI, Tadakatsu, who has already been
15 sworn.

- - - -

16
17 S U Z U K I, T A D A K A T S U, recalled by the
18 prosecution for further examination, testified
19 through Japanese interpreters as follows:

DIRECT EXAMINATION

20
21 BY MR. WOOLWORTH:

22 THE PRESIDENT: You are still on oath,
23 Witness.

24 Q SUZUKI, will you please state your full
25 name, residence and occupation?

SUZUKI

DIRECT

1 A My name, SUZUKI, Tadakatsu; my present
2 residence, Yokohama; my occupation at the time,
3 director in charge of the office relating to
4 matters pertaining to Japanese nationals in enemy
5 countries.

6 Q Did you hold that position under the
7 Ministry of Foreign Affairs from 1942 to 1945?

8 A Yes.

9 MR. WOOLWORTH: I desire to hand the wit-
10 ness and have marked for identification document
11 No. 3000-10-B-1.

12 CLERK OF THE COURT: Prosecution's docu-
13 ment No. 3010-B-1 will be given exhibit No. 2170
14 for identification only.

15 Correction: document number is 3000-10-B-1.

16 (Whereupon, the document above re-
17 ferred to was marked prosecution's exhibit
18 No. 2170 for identification.)

19 Q Can you state the source of that document,
20 exhibit No. 2170?

21 A This is a copy of a document in the files
22 of the Foreign Office.

23 MR. WOOLWORTH: Prosecution desires to
24 introduce in evidence exhibit No. 2170.

25 THE PRESIDENT: Admitted on the usual terms.

SUZUKI

DIRECT

1 CLERK OF THE COURT: Prosecution's docu-
2 ment No. 3000-10-B-1, exhibit No. 2170, is
3 admitted into evidence according to order of Court.

4 (Whereupon, the document above
5 referred to was received in evidence.)

6 MR. WOOLWORTH: "'Jo' 3, 'Futsu', 'Go' No.
7 53. January 13, Showa 17/1942/

8 "Vice-Minister of War,

9 "Vice-Minister of the Navy,

10 "Vice-Minister of Home Affairs.

11 "Matter Concerning Transmission of the
12 Notes from the American Government with regard to
13 the adherence to the Provisions of the International
14 Treaty and the Red Cross Treaty of July 27, 1929,
15 regarding Treatment of Prisoners of War.

16 "Concerning the above, the Swiss Minister in
17 Tokyo has sent us a note as per separate copy,
18 which is enclosed herewith. Your opinion thereof
19 will be appreciated.

20 "Vice-Minister of Foreign Affairs.

21 "This message addressed to:

22 Vice-Minister of War,

23 Vice-Minister of the Navy,

24 Vice-Minister of Home Affairs.

25 "A copy of note enclosed."

SUZUKI

DIRECT

1 I invite the attention of the Court to
2 the fact that the KIMURA at that time was Vice-
3 Minister of War; Vice-Minister of the Navy was
4 SHIMADA.

5 Prosecution desires to have marked for
6 identification document No. 3000-10-B-2.

7 CLERK OF THE COURT: Prosecution's docu-
8 ment No. 3000-10-B-2 will receive exhibit No.
9 2171 for identification only.

10 (Whereupon, the document above
11 referred to was marked prosecution's ex-
12 hibit No. 2171 for identification.)

13 Q Will you please state the source of that
14 document, exhibit No. 2171?

15 A This is an official copy of the document in
16 the files of the Foreign Office. This also, like the
17 former one.

18 MR. WOOLWORTH: Prosecution desires to
19 introduce into evidence exhibit No. 2171.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's docu-
22 ment No. 3000-10-B-2, given exhibit No. 2171, is
23 admitted into evidence, according to order of Court.

24 (Whereupon, the document above
25 referred to was received in evidence.)

SUZUKI

DIRECT

1 MR. WOOLWORTH: "'Jo' 3, 'Futsu' No. 5.

2 January 21, Showa 17/1942/

3 "Vice-Minister of Overseas Affairs

4 "Matter Concerning Transmission of the Notes
5 from the American Government with regard to the
6 International Treaty of July 27, 1929, regarding
7 Treatment of Prisoners of War.

8 "Concerning the above, the Swiss Minister in
9 Tokyo, representative of American interests, has
10 sent us a note, as per separate copy, enclosed
11 herewith. We would greatly appreciate your opinion
12 concerning the policy of treatment of overseas non-
13 combatant internees of the enemy countries.

14 "Vice-Minister of Foreign Affairs."

15 Prosecution desires to have marked for iden-
16 tification document No. 3000-10-B-3.

17 CLERK OF THE COURT: Prosecution's docu-
18 ment No. 3000-10-B-3 will receive exhibit No. 2172
19 for identification.

20 (Whereupon, the document above
21 referred to was marked prosecution's ex-
22 hibit No. 2172 for identification.)

23 Q Will you please state the source of that
24 document?

25 A This also is an official copy of the docu-

SUZUKI

DIRECT

1 ment in the files of the Foreign Office.

2 MR. WOOLWORTH: Prosecution desires to
3 introduce in evidence exhibit No. 2172.

4 THE PRESIDENT: Admitted on the usual
5 terms.

6 CLERK OF THE COURT: Prosecution's docu-
7 ment No. 3000-10-B-3, given exhibit No. 2172, is
8 admitted into evidence, according to order of Court.

9 (Whereupon, the document above referred
10 to was received in evidence.)

11 MR. WOOLWORTH: "'Jo' 3, 'Futsu' No. 17.
12 January 13, Shows 17/1942/
13 "President of the Japan Red Cross Society

14 "Matters Concerning Transmission of the
15 Notes from the American government with regard to the
16 adherence to the Provisions of the International
17 Treaty and the Red Cross Treaty of July 27, 1929,
18 regarding Treatment of Prisoners of War.

19 "Concerning the above, we have received,
20 from the Swiss Minister in Tokyo, a note, as per
21 separate copy which is enclosed herewith for your
22 information.

23
24 "Vice-Minister of Foreign Affairs."

25 Prosecution desires to have marked for
identification document No. 3000-10-M-1.

SUZUKI

DIRECT

1 CLERK OF THE COURT: Prosecution's docu-
2 ment No. 3000-10-M-1 will receive exhibit No. 2173.
3 for identification.

4 (Whereupon, the document above
5 referred to was marked prosecution's ex-
6 hibit No. 2173 for identification.)

7 Q Will you please state the source of exhibit
8 No. 2173?

9 A This too is an official copy of the docu-
10 ment in the files of the Foreign Office.

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SUZUKI

DIRECT

1 MR. WOOLWORTH: Prosecution desires to
2 introduce in evidence exhibit 2173.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 3000-10-M-1, given exhibit No. 2173, is admitted
6 into evidence according to order of Court.

7 (Whereupon, the document above
8 referred to was received in evidence.)

9 MR. WOOLWORTH: (Reading) "'Kyo Hi Go' No. 93.
10 12 February 1944. The Vice-Minister of Foreign Office.

11 "Chief of POW (Information) Bureau:

12 "Transmittal of the American Government's
13 Protest with regard to the Treatment of Prisoners of
14 War and Civilian Internees under Japanese Jurisdiction.

15 "Inasmuch as the Swiss Minister in Tokyo,
16 stating that he was acting on instructions from his
17 home government, recently presented the Imperial
18 Government with the American Government's protest, as
19 per the enclosed copy, I hereby send you this together
20 with the informal translation of the above. Re counter
21 measures to meet this protest, I wish to confer with
22 you later and in the meantime will you kindly investi-
23 gate the particulars concerned with your bureau.

24 "Concerning a letter which was cited at the
25 beginning of the Swiss Minister's letter relating to

SUZUKI

DIRECT

1 this matter, kindly refer to my telegrams 'Kyo Hi Go'
2 No. 25 dated 15 January last year, and 'Kyo Hi Go'
3 No. 229 dated 27 March, the same year.

4 "This letter addressed to: The Minister of
5 War, Navy, Home Affairs, Justice, Greater Asia, and
6 the Chief of POW Information Bureau."

7 Prosecution desires to have marked for
8 identification document No. 3000-10-S-1.

9 CLERK OF THE COURT: Prosecution's document
10 No. 3000-10-S-1 will receive exhibit No. 2174.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 2174 for identification.)

14 Q Will you please state the source of
15 exhibit 2174?

16 A This also is an official copy of the document
17 in the files of the Foreign Office.

18 MR. WOOLWORTH: Prosecution desires to intro-
19 duce in evidence exhibit 2174.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 3000-10-S-1, given exhibit No. 2174, is admitted
23 into evidence according to order of Court.

24 (Whereupon, the document above
25 referred to was received in evidence.)

SUZUKI

DIRECT

1 MR. WOOLWORTH: (Reading) "'Kyo Hi Go'
2 No. 192. April 25, 1945.

3 "The Chief of Prisoners of War Information
4 Bureau:

5 "Protest from the American Government with
6 Regard to the Treatment of Prisoners of War in the
7 Philippines.

8 "The Swiss Minister in Tokyo transmitted a
9 protest from the American Government with regard to
10 the treatment of prisoners of war in the Philippines
11 by his letter to the Minister of Foreign Affairs dated
12 March 23. We are much obliged if you investigate
13 the actual circumstances of the above-mentioned matter
14 and send us as soon as possible detailed reports as
15 well as your opinion of how to reply to the protest.

16 "Minister SUZUKI. The Office for Affairs of
17 Residents in Enemy Countries, Foreign Office.

18 "This letter addressed to:

19 "The Chief of the Military Affairs Bureau of
20 the War Ministry. The Chief of the Prisoners of War
21 Information Bureau.

22 "Copies of this letter addressed to:

23 "The Chief of the Naval Affairs Bureau of the
24 Navy Ministry."

25 Q Mr. SUZUKI, did you cause a search to be made

SUZUKI

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1 in the office of the Foreign Ministry for documents
2 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 10-J, 10-K,
3 10-L, 10-N, 10-P, 10-T, 10-U, 10-X?

4 A At the request of this Tribunal, I caused
5 to have these documents investigated into at the
6 Foreign Office. The Foreign Office did its best to
7 search for these documents but unfortunately proved
8 unsuccessful.

9 Q The office found no letters of transmittal
10 for those documents?

11 A Yes, the letters of transmittal were not
12 found.

13 MR. WOOLWORTH: I desire to invite the
14 Tribunal's attention to the fact that the exhibit
15 10-S-1 bears the exhibit No. 1482; exhibit 10-M-1
16 bears the exhibit No. 1479; document 10-B-3 bears the
17 exhibit No. 1468; document 10-B-2 bears exhibit
18 No. 1468; and document 10-B-1 bears exhibit No. 1468.

19 THE PRESIDENT: Mr. Logan.

20 MR. LOGAN: If the Tribunal please.

21 CROSS-EXAMINATION

22 BY MR. LOGAN:

23 Q Mr. SUZUKI, according to your testimony last
24 time you were here, you were not in the Foreign Office
25 in January, 1942, were you?

SUZUKI

CROSS

1 A I was not in the Foreign Office.

2 Q So you do not know whether any enclosure was
3 with prosecution's exhibit 2170? That is the letter
4 dated January 13, 1942.

5 A Together with the letter of transmittal,
6 there was also a copy and translation of the protest
7 delivered from the Swiss Legation.

8 Q But you don't know of your own knowledge whether
9 that was actually enclosed in that letter, do you?

10 A With respect to that, I might say that after
11 my office was established I read the documents which
12 were handled previous to the establishment of my office
13 and I recall -- I remember that from memory.

14 Q With respect to prosecution's exhibit 2170
15 dated January 13, exhibit 2171 dated January 21,
16 2172 dated January 13, all for the year 1942, is it
17 not a fact that those letters were written prior to the
18 establishment of the Prisoner of War Information
19 Bureau and the Prisoner of War Administration Bureau?

20 A My understanding is that the Prisoner of War
21 Information Bureau was established shortly after the
22 outbreak of war. But I cannot answer whether this
23 was established prior to the date these letters were
24 written -- these letters were sent.

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1 Q But, in any event, while you were in the
2 Foreign Office, your letters were addressed to the
3 Chief of the Prisoner of War Information Bureau,
4 isn't that so?

5 A Not necessarily to the Chief of the Prison-
6 ers of War Information Bureau only.

7 Q These two exhibits, 2173 dated February 12,
8 1944 and 2174 dated April 25, 1945, they are ad-
9 dressed to the Chief of the Prisoners of War Infor-
10 mation Bureau. Is that the usual way that all your
11 covering letters were addressed?

12 A Before making a reply, I should like to
13 request, if possible, to be given permission to see
14 all of the documents under question.

15 Q Do you understand English?

16 A Yes, some.

17 (Whereupon, documents were handed
18 to the witness.)

19 A (Continuing) May I have the previous
20 question repeated?

21 (Whereupon, the next to the last
22 question was repeated by the interpreter.)

23 A (Continuing) As I said before, I presume
24 that the Prisoners of War Information Bureau was made
25 or established before these letters were sent. But,

SUZUKI

CROSS

1 with respect to the handling of official documents
2 transmitted by the Swiss Government at that time --
3 or some neutral government at that time, I must say,
4 as I have said before in my affidavit, that there
5 was no arrangement or routine established at that
6 time.

7 Q Will you look at exhibit 2173, letter dated
8 February 12, 1944. You will find in there a state-
9 ment. I quote: "I wish to confer with you later."
10 Does that word "you" refer to the Chief of the
11 Prisoner of War Information Bureau?

12 A Yes.

13 Q Now, on that same letter, at the bottom,
14 you have this statement: "This letter addressed to:
15 The Ministers of War, Navy, Home Affairs, Justice,
16 Greater Asia, and the Chief of P.O.W. Information
17 Bureau." Does that mean that the copies of that
18 letter went to those various offices?

19 A No.

20 Q What does it mean?

21 A When this protest was sent out, the same
22 protest was also transmitted in the name of the
23 Foreign Minister, himself, separately to the War,
24 Navy, Home, Justice and Greater East Asiatic Affairs
25 Ministers. And this particular document was sent to

SUZUKI

CROSS

1 the Chief of the Prisoners of War Information Bureau
2 in the name of the Vice-Minister for Foreign Affairs.
3 To repeat, to the various government departments
4 listed in this exhibit separate and independent
5 letters of the same text were sent. To add another
6 word by way of explanation, simultaneously as this
7 letter was sent to the War Minister in the War Office
8 it was sent to the Chief of the Prisoners of War
9 Information Bureau.

10 Q Did those words appearing on the bottom
11 of that exhibit 2173 appear on the copies that you
12 sent to those various offices?

13 A In all official communications the name of
14 the addressees are indicated in similar manner.

15 Q So those names appeared on all the copies
16 that were sent out, is that so?

17 A Yes.

18 Q And isn't it a fact, Mr. SUZUKI, that the
19 words "Chief of POW Information Bureau," as appearing
20 at the top of that exhibit 2173, indicates that the
21 letter was addressed primarily and for the attention
22 of primarily the Chief of the Prisoner of War Infor-
23 mation Bureau?

24 A No. To explain the matter further, with
25 respect to documents relating to the matter contained

SUZUKI

CROSS

1 therein, it so happened that only the copy of the
2 letter sent to the Chief of the Prisoners of War
3 Information Bureau was found in the Foreign Office,
4 and other letters were not found; that is, other
5 letters addressed to other government offices were
6 not found.

7 Q You mean by that that the copies of this
8 letter which was sent to the Ministers of War, Navy,
9 Home Affairs, and so forth, did not have the words
10 "Chief of POW Information Bureau" written at the top?

11 A That is what I mean.

12 Q In other words, each letter that went out
13 had a different salutation on it, is that right?

14 A Yes. The name at the top would bear the
15 words "War Minister" or "Home Minister" or to whom-
16 ever it was sent.

17 Q So that each one of these bureaus who re-
18 ceived a copy of this exhibit 2173 would expect you
19 to confer with them, is that right, according to
20 that statement which I read to you previously?

21 A To speak -- if I might explain the purpose,
22 I should say that the covering of itself is a very
23 simple thing while the text of the protest itself is
24 rather large and bulky and containing many and various
25 items; and the investigations into the subjects in-

SUZUKI

CROSS

1 quired into in the protest are carried on by various
2 agencies concerned with the matter. The Foreign
3 Office's part in this matter is to assemble the
4 reports and information obtained as a result of
5 investigation and to coordinate them and, on the
6 basis of the results drawn up by the Foreign Office,
7 to consult with the government departments concerned --
8 government departments and other agencies concerned.

9 Q When I asked you before, Mr. SUZUKI, about
10 this particular sentence, "I wish to confer with
11 you later," you told me that that was primarily ad-
12 dressed to the Prisoner of War Information Bureau,
13 isn't that so?

14 MR. WOOLWORTH: If your Honor please, I
15 object to the question as misquoting the record.
16 The witness' answer was "no."

17 THE PRESIDENT: I had the impression it was
18 "no," but I may have been wrong. I will have to look
19 it up.

20 A If I may be permitted to continue, I should
21 like to reply on that point. May I explain this
22 fact in this manner: When I -- in speaking of the
23 letter, particularly addressed to the Chief of the
24 Prisoners of War Information Bureau, the "you" refers
25 to that chief. In the letter that would be sent to

SUZUKI

CROSS

1 the War Minister or to the Home Minister or to the
2 Minister of Greater East Asiatic Affairs, the "you"
3 in those letters would be addressed respectively to
4 the addressees.

5 Q So that, according to this letter, you wish
6 to confer with all of these people, is that it?

7 A Yes, and that was necessary.

8 Q Now, this letter of April 25, 1945, prose-
9 cution's exhibit 1274 -- will you explain the
10 meaning of those words at the bottom of that letter:
11 "This letter addressed to": then you have two
12 offices; then "Copies of this letter addressed to"
13 and one office. What is the difference in those two
14 sentences?

15 A The same text of this communication was
16 sent out at the same time, that is, simultaneously
17 and independently and separately, to the Chief of
18 the Military Affairs Bureau of the War Ministry and
19 to the Chief of the Prisoners of War Information
20 Bureau, and the copy of the letters sent to these
21 two officers was sent to the Chief of the Naval Af-
22 fairs Bureau of the Naval Ministry.

23 Q And a copy of that letter, then, did not go
24 to the Chief of the Military Affairs Bureau?

25 THE PRESIDENT: That is not what he said.

SUZUKI

CROSS

1 The letter itself would go to him. What he says is
2 borne out by exhibit 2174.

3 Q Do I understand from your testimony that a
4 copy of this letter, 2174, and also a copy of enclo-
5 sure, went to the Chief of the Military Affairs
6 Bureau and to the Chief of the Prisoners of War
7 Information Bureau?

8 A Yes.

9 Q And just a copy, isn't it so -- just a copy
10 of this particular letter, 2174, went to the Chief
11 of the Military Affairs Bureau and the Navy Minister,
12 isn't that right?

13 A What I mean to say is that the copy of the
14 covering note was sent to the Chief of the Naval
15 Affairs Bureau together with a copy of the protest
16 and the translation.

17 Q And these are the only documents, 2170 to
18 2174, that you have been able to find in your office?

19 A As certified by the Chief of the Archives
20 Section of the Foreign Office, these were the only
21 documents which were found.

22 Q And the fact that these exhibits, 2170 to
23 2174, were addressed to various people -- various
24 officers, and no two of them being alike, does that
25 give rise to the statement in your affidavit in the

SUZUKI

CROSS

1 next to the last paragraph -- next to the last
2 answer: "The affidavit sworn to the 12th day of
3 November, 1946"?

4 MR. WOOLWORTH: If your Honor please, I
5 suggest that the witness be given a copy of his
6 affidavit.

7 (Whereupon, a document was handed
8 to the witness.)

9 A Yes; but, if I am permitted, I should like
10 to explain this in further detail.

11 Q Go ahead.

12 A Especially with respect to documents 10N
13 and 10S, -- I haven't seen the others, and I don't
14 know; but I have seen these two documents actually,
15 and I think that I should repeat what I have said
16 before in different words.

17 In my affidavit I have said that, in case
18 letters or communication was sent to the War Minister,
19 the Vice-Minister of War, the Chief of Military Af-
20 fairs Bureau and the Chief of the Prisoners of War
21 Information Bureau, copies of those letters were
22 also sent to other agencies of the War Minister --
23 War Office concerned. With respect to documents
24 10N and the remainder, the arrangement was estab-
25 lished at the time this matter was in question that

SUZUKI

CROSS

1 instead of having copies of the letter sent -- copies
2 of letters, that is, copies of letters addressed to
3 the War Minister, Vice-Minister, Chief of the
4 Military Affairs Bureau, Chief of the Prisoners of
5 War Information Bureau -- instead of sending of
6 the copies of the letters sent to them to the other
7 agencies of the War Ministry, the arrangement came
8 into being wherein the text of the same letter or
9 the same letter or letter of identical text were
10 sent -- letters of identical text were sent separate-
11 ly to all of these agencies even though these agencies
12 were related to the War Ministry.

13 Q But, isn't it a fact, Mr. SUZUKI, that these
14 protests were primarily concerned with the Prisoner
15 of War Information and Administration Bureaus?
16

17 MR. WOOLWORTH: If your Honor please, I
18 submit that this question has been answered three
19 different times by the witness.

20 THE PRESIDENT: He may answer.

21 A On the basis of the regulations governing
22 the handling of such business, the matter was, of
23 course, in charge of the Prisoners of War Information
24 Bureau. But, at the request of the War Office, this
25 new arrangement was established.

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1 Q Isn't it a fact, Mr. SUZUKI, with respect to
2 exhibits 1477 through 1487, which are the protests,
3 from 10-K through 10-X, that you cannot tell us defin-
4 itely which of those documents were sent to any par-
5 ticular agency?

6 A Unfortunately, not having copies of the docu-
7 ments in question, I cannot say. But on the basis of
8 my memory and experience in handling these documents
9 I can say that such an arrangement was carried out.

10 Q But you don't know definitely which of these
11 documents went to any particular agency, isn't that so?

12 A With respect to that I think I could answer
13 as follows: I think it can be said that with respect to
14 all documents that those addressed to the Chief of the
15 Prisoner of War Information Bureau were also at the same
16 time sent to the Chief of the Military Affairs Bureau,
17 and/or to the Vice-Minister of War, and in some cases
18 to the War Minister himself.

19 Q But you don't know definitely which of those
20 documents were so forwarded?

21 THE PRESIDENT: Well, he did as regards two of
22 them.

23 Q I mean aside from those two you mentioned be-
24 fore.

25 A With regard to the others I cannot say con

SUZUKI

CROSS

1 concretely. However, I can say that these documents
2 were channeled through two routes I might say. The
3 question is this, Mr. Counsel, that these documents were
4 always addressed to the Chief of the Prisoner of War
5 Information Bureau, that I can say definitely, but whether
6 it went to the Chief of the Military Affairs Bureau or
7 to the Vice-Minister of War or to the War Minister I
8 cannot say. However, I can say that it went to one of
9 these three.

10 MR. LOGAN: That is all, thank you.

11 THE PRESIDENT: Major Blakeney.

12 CROSS-EXAMINATION (Continued)

13 BY MR. BLAKENEY:

14 A Mr. Witness, in your affidavit you have al-
15 ready explained the method and routine which your bureau
16 followed in receiving and forwarding protests and other
17 documents. I want to ask you whether in carrying out
18 that routine forwarding of protests and other documents
19 it was the practice of your office always to forward them
20 to the appropriate authorities as promptly as possible --
21 let us say immediately?

22 A Yes, to dispose of such matters as speedily
23 as possible, that we have made an effort to do.

24 Q In addition to the written recommendations
25 which, as you have stated, sometimes accompanied the

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1 communications when they were forwarded to the Prisoner
2 of war Information Bureau or elsewhere, did the Foreign
3 ministry officials from time to time make oral recom-
4 mendations to those other authorities?

5 A Yes, very frequently.

6 Q Is it a fact that you yourself or other officials
7 of the Foreign Ministry from time to time requested the
8 war ministry officials concerned to hasten their replies?

9 A Yes.

10 Q And is it a fact that from time to time the
11 Foreign ministry officials requested the War Ministry
12 officials to make re-investigations in cases where
13 replies had been received?

14 A Yes.

15 Q Prior to the institution of your bureau, was
16 it not the Treaty Bureau of the Foreign Office which was
17 concerned with these matters?

18 A Yes.

19 Q And are you able to state from the investiga-
20 tion and study which you made of the files of the Treaty
21 Bureau pertaining to this subject whether their routine
22 was in all of these respects similar to that which you
23 have described as being your own routine?

24 A The Treaty Bureau of the Foreign Office handled
25 such business for one year after the outbreak of the war.

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1 When my office was established the same arrangements
2 and routines were continued -- were followed.

3 Q aside from the handling of these protests and
4 other correspondence, together with the answers thereto,
5 had your bureau or the Foreign Office itself any authority
6 or power in connection with prisoners of war?

7 A Mr. Counsel, could you possibly reframe your
8 question? I have not been able to get the full meaning
9 of the last question.

10 Q In addition to the matter of handling this
11 correspondence which we have been discussing, what, if
12 any, authority reposed in the Foreign Ministry in con-
13 nection with the prisoners of war?

14 A I do not think there was any authority in the
15 Foreign Office aside from the conducting of the business
16 to which I have already referred.

17 Q When your bureau prepared its replies to the
18 protests or inquiries, were those replies always for-
19 mulated on the basis of information furnished you from
20 the War Ministry people concerned?

21 A Yes.

22 Q And was there any method of obtaining informa-
23 tion available to the Foreign Ministry except through
24 these inquiries to the War Ministry?

25 A There were none.

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1 Q When replies were prepared on the basis of
2 that information, were they always forwarded immediately
3 upon receipt of the information?

4 A Yes, they were.

5 Q May we assume from the name of your bureau,
6 Bureau in Charge of Japanese Nationals in Enemy Countries,
7 that your chief concern was the welfare of those Japanese
8 nationals abroad?

9 A Yes, the primary and official function of my
10 office was to look after the interests of Japanese
11 nationals in enemy countries, especially those who were
12 interned in enemy countries, and to protect their inter-
13 ests.

14 THE PRESIDENT: We will recess for fifteen
15 minutes.

16 (Whereupon, at 1445, a recess was
17 taken until 1500, after which the proceedings
18 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Blakeney.

4 CROSS-EXAMINATION

5 BY MR. BLAKENEY:

6 Q It is true, is it not, that in view of your
7 desire to ameliorate the conditions of Japanese interned
8 in alien countries -- in enemy countries -- you felt
9 that it was to the interest of your Bureau to attempt
10 to ameliorate the conditions of prisoners of war in
11 Japan?

12 A In view of the fact that the two questions,
13 Japanese interned in enemy countries and prisoners of
14 war in Japan were related, we strongly desired to seek
15 the improvement of the conditions of prisoners of war.

16 Q And therefore did all you could toward that
17 end, did you not?

18 A Yes, I think we gave every effort possible
19 toward that end.

20 MR. BLAKENEY: Thank you. That seems to
21 be all the cross-examination, sir.

22 THE PRESIDENT: Colonel Woolworth.

23 MR. WOOLWORTH: If the Tribunal please, something
24 was said by the cross-examiner, Mr. Logan, about the date
25 of the enactment of the -- the date of the formation

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REDIRECT

1 of the Prisoner of War Information Bureau. I am --

2 THE PRESIDENT: Something was suggested
3 by him.

4 MR. WOOLWORTH: I direct the attention of
5 the Tribunal to -- I invite the attention of the
6 Tribunal to exhibit 1965, which shows that the Prisoner
7 of War Information Bureau was established 27th of
8 December 1941.

9 I have one further question to ask the witness.

10 REDIRECT EXAMINATION

11 BY MR. WOOLWORTH:

12 Q Did the search which you made for letters
13 of transmittal go any farther than to look for letters
14 of transmittal to the documents which the Court requested?

15 A No, the search was made only in connection with
16 the documents referred to in my affidavit.

17 MR. WOOLWORTH: That is all.

18 THE PRESIDENT: Do you want him any further?

19 MR. WOOLWORTH: I ask that the witness be
20 excused.

21 THE PRESIDENT: Excused on the usual terms.

22 (Whereupon, the witness was excused.)
23
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1 THE PRESIDENT: Mr. Higgins.

2 MR. HIGGINS: Mr. President and Members of
3 the Tribunal, in reply to the President's question
4 to Colonel Woolworth just before the noon recess, let
5 me say that since the Tribunal indicated that it would
6 hear motions to dismiss, the prosecution has been using
7 all spare time in gathering material for answer. Thus
8 far, motions in behalf of only two of the accused
9 have been served on us. Until the motions are in
10 it would be difficult to prepare any general answer and
11 impossible to prepare a detailed answer. We are anxious
12 to prepare for the Tribunal such replies as will,
13 in our judgement, assist the Tribunal in passing on the
14 questions raised. These replies will be made available
15 as soon as they are completed. At the present time we
16 have no material assembled in a manner near enough to
17 its final form to justify, in our judgement, presenting
18 it to the Tribunal now.

19 Mr. President, due to the absence on account
20 of illness of General Vasiliev, I desire to introduce
21 to the Tribunal Colonel L.M. Smirnov, associate
22 prosecutor for the Soviet Union, a recent addition to
23 our staff. He was formerly Chief Prosecutor of the
24 Investigation Department of the Attorney General's Office
25 of his country.

1 THE PRESIDENT: Colonel Smirnov.

2 COLONEL SMIRNOV: If the Court please, at
3 the session of the Tribunal on October 15, 1946, we pre-
4 sented a photostatic copy of the map of a sector of
5 the frontier line between the USSR and China attached
6 to Hunchun Agreement of 1886. The map was attached to
7 prosecution document No. 2242. The document together
8 with the map was received by the court in evidence and was
9 marked as exhibit No. 753. After the admission of the
10 map by the Court, defense counsel, Mr. Furness, drew
11 the Tribunal's attention to the fact that the frontier
12 line on the photostatic copy of the map was superimposed
13 in yellow paint or ink and was not part of the photograph,
14 and he requested the Tribunal to reject the map as evidence
15 proving the border. (pages 7778-79 of the Record)

16 The President of the Tribunal did not consider
17 it necessary to rule on this matter, and the map remained
18 in evidence, but after this statement of the defense
19 counsel there has remained some uncertainty which may
20 have bearing upon the estimation of the probative value
21 of this document in the future. There is a yellow line
22 on the original photostatic map presented to the Tribunal
23 which indicates the frontier line. The paint by which
24 the line is made is not part of the photograph. However,
25 the line itself is undoubtedly part of the photograph,

1 but it was painted yellow to make the frontier line
2 look more distinct and clear.

3 In order to completely dismiss all uncertainty
4 as regards this matter I had requested and received from
5 Moscow a new photostatic copy of this map which leaves
6 no doubts as to the actual frontier line at this sector.

7 I request the Tribunal for leave to present
8 this photostatic copy in addition to the previous one
9 which is with the Tribunal attached to document No.
10 2242, exhibit No. 753. Copies of this photostatic map
11 which we are going to present to the Tribunal have not
12 been served on the defense because they are identical
13 with those served on them previously, for it is all the
14 same whether the photographs are taken from the original
15 on which the frontier line is indicated in yellow or in
16 black.

17
18 Together with this map we present, as supplement
19 to the same document No. 2242, a photostatic copy of the
20 original "Protocol about thorough checking of the first
21 section of the border between two States" of June 26,
22 1886 with the signatures of the Russian and Chinese
23 parties.

24 Previously we gave only an excerpt from this
25 Protocol quoted in the document No. 2242, the Report of
the Commander of the Frontier Corps of the USSR of

1 March 21, 1946.

2 Presenting the full text of the Protocol I
3 have in view to facilitate the Court and the defense
4 the correct estimation of the document.

5 MR. LOGAN: If the Tribunal please, we
6 haven't seen the new map.

7 With regard to the testimony offered by
8 prosecutor here as to the authenticity and what the
9 yellow line meant on the map, we ask that that be stricken.
10 If there is any doubt about it they should call a witness
11 to give the testimony which was given by the prosecutor
12 here.

13 THE PRESIDENT: The new map can be given
14 provided it is properly certified to and an explanation
15 may be given for tendering a new map. The explanation
16 given is because of that yellow line the Court may not
17 regard it as having probative value. That explanation
18 requires no testimony on oath or otherwise.

19 Tender the new map, if you wish.

20 COLONEL SMIRNOV: With the permission of the
21 Court, I would like to make a short statement. We have
22 presented the map in evidence, your Honor. The map
23 is properly certified by the Chief of the Record Office
24 of the USSR.

25 THE PRESIDENT: Does that appear on the map?

1 Is the certificate under the hand of the
2 party certifying?

3 COLONEL SMIRNOV: It is on the back of the
4 document.

5 THE PRESIDENT: Well, the defense should
6 see the document proposed to be tendered so that it
7 may take objection if they think fit.

8 MR. LOGAN: If the Tribunal please, in order
9 to save time I desire to submit at this time a
10 reservation to object after we have seen the map.
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1 COLONEL SMIRNOV: If the Court please, during
2 the presentation of evidence in the prosecution phase
3 dealing with the Japanese Aggression against the USSR
4 we cancelled temporarily a number of documents concern-
5 ing certain matters and we did not present them because
6 we did not have at our disposal the full documents, as
7 required, but only excerpts therefrom.

8 Mr. President suggested that we present the
9 whole evidence dealing with the matter later. On this
10 ground Minister Golunsky said we should omit this group
11 of documents with the understanding that we should have
12 an opportunity of presenting them at a later date.

13 I respectfully invite the Tribunal's attention
14 to pages 7748-7749 of the record. I have been informed
15 that these documents have now been found and will be
16 sent to us from Moscow at the end of January after
17 having been put in due form. Consequently, we shall
18 get them in the middle of February and I will be able
19 to process them and present them to the Tribunal, if
20 your Honor please, sometime later than the middle of
21 February. I do not want to anticipate the time when
22 these documents may be presented but any decision of
23 the Tribunal as to the time of presenting them is ac-
24 ceptable to us.

25 I am speaking of several documents dealing with

1 subversive activities of the Japanese at the Chinese-
2 Eastern Railroad, with an undeclared war waged in the
3 Nomonghan area, and with subversive activities of the
4 Japanese against the U.S.S.R. which were carried on in
5 the Far East, and of the preparation of war against the
6 U.S.S.R.

7 THE PRESIDENT: You have raised a very nice
8 point as to the extent to which we can receive evidence
9 for the prosecution after the case of the prosecution
10 has been closed. I shall have to discuss that with
11 my colleagues. I will say nothing about it to-day.
12 The defense may wish to be heard on that point too be-
13 fore we come to any decision.

14 MR. LOGAN: You mean now, your Honor, or at a
15 later date?

16 THE PRESIDENT: When the matter is raised.
17 It is obvious that the evidence will not be available
18 before the defense opens their case unless the prosecu-
19 tion are going to take a much longer time to complete
20 their case than I anticipated. It may be, of course,
21 that the prosecution's case will not end before the
22 middle of February. I could not say.

23 COLONEL SMIRNOV: I would like to invite the
24 Tribunal's attention that in the course of the presenta-
25 tion of the prosecution's case that defense counsel,

1 Major Blakeney, presented to the Court a book by
2 Reginald Johnson, "Twilight in the Forbidden City",
3 and then a letter which was supposed to have been
4 written by Pu-Yi was also presented by the defense
5 counsel, so in my submission there is a precedent for
6 the presentation of additional documents in the course
7 of the defense phase of the trial.

8 THE PRESIDENT: It may be a fact here
9 that the prosecution's case may be closed before the
10 evidence that you foreshadow is available. However,
11 we are not in a position to argue the matter to-day,
12 satisfactorily, at all events. The defense will want
13 some notice.

14 Are you tendering that new map?

15 COLONEL SMIRNOV: Yes, your Honor.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document
18 entitled "An addition to document No. 2242", which re-
19 ceived exhibit No. 753, and a new photostatic map at-
20 tached thereto will be given exhibit No. 2175.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 2175 and received in evidence.)

24 COLONEL SMIRNOV: That is all, your Honor.
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1 THE PRESIDENT: Mr. Blewett.

2 MR. BLEWETT: During the presence of the
3 prosecution for the Soviet Republic in Court it might
4 be feasible to inquire when we may expect the produc-
5 tion of the witness Tomenega. I recall the witness --
6 the Court acceded to the request of the defense that
7 he be produced.

8 THE PRESIDENT: Is the prosecutor res-
9 ponsible for that phase present? I can't answer it.
10 Somebody at the prosecution table must answer that.

11 MR. TAVENNER: If it please the Tribunal,
12 that is a matter of which I do not have particular
13 information. I think it is a matter that has always
14 heretofore been handled in Chambers on motion, and
15 we would be very glad to take it up with counsel at
16 any time. I am informed now that General Vasaliev,
17 who is absent today on account of illness, may have
18 information in regard to it.

19 MR. BLEWETT: At the pleasure of the Court,
20 may I also suggest, your Honor, that request has been
21 made for other witnesses in this phase of the case
22 which have not yet been concluded by your Honor and
23 Members of the Tribunal?

24 THE PRESIDENT: I will consult with my
25 colleagues about that, Mr. Blewett.

1 Judge Hsiang.

2 JUDGE HSIANG: Mr. President and Members of
3 the Tribunal: The prosecution introduces in evidence
4 IPS document No. 2955, being a report by Professor
5 Chang Feng-Chu, handwriting expert, chosen at the
6 request of the prosecution to make a study of the
7 handwriting of prosecution witness Pu Yi for the
8 purpose of determining the genuineness of the letter
9 to defendant General MINAMI allegedly written by the
10 hand of Pu Yi, the abdicated Emperor Hsuan Tung of
11 China. This questioned letter received Court exhibit
12 No. 278. See record of Court proceedings, page 4116,
13 page 4164, page 4199, etc.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 2955 will receive exhibit No. 2176.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 2176 and received in evidence.)

20 JUDGE HSIANG: I will now read exhibit No.
21 2167:

22 "A Report on the Study of Pu-Yi's handwriting.

23 "I. Purpose of the Study - Whether the so-
24 called Emperor Hsuan Tung's letter to General MINAMI
25 dated the first day of the ninth moon in the year

1 'Hsin-Wei' - 1931 - is in Pu-Yi's handwriting.

2 "II. Findings of the Study - The so-called
3 Emperor Hsuan Tung's letter to General MINAMI dated
4 the first day of the ninth moon in the year 'Sin-Wei'
5 1931 is NOT in Pu-Yi's handwriting.

6 "III. Reasons supporting the Findings - See
7 photostats at end of document representing papers 1
8 to 5.

9 "Paper 1. On the afternoon of 29 August 1946, in
10 the presence of the representatives of the International
11 Military Tribunal for the Far East, the International
12 Prosecution Section and the Defense together with
13 the handwriting experts chosen by the prosecution and
14 the defense respectively, Pu-Yi made specimens of
15 his handwriting on three sheets of paper. There are
16 123 Chinese characters on the first sheet of paper.
17 (Paper 1). 17 characters on the second sheet (Paper
18 2) and 116 characters on the third sheet (Paper 3.)
19 The characters which Pu-Yi wrote on the first and the
20 second sheets of paper (Papers 1 and 2) were characters
21 taken from the so-called Emperor Hsuan Tung's letter
22 to General MINAMI dated the first day of the ninth
23 moon in the year 'Hsin-Wei' (that is, the 20th year
24 of the Republic of China, namely, the year 1931). As
25 these characters were selected at random and not word

1 for word, the following 37 characters found in the
 2 said questioned letter were not written by Pu-Yi in
 3 our presence: (Ch'u) (Ts'o) (Shih) (Tang) (Shen)
 4 (Min) (Tzu) (Ch'ien) (Huang) (Shih) (Chia)
 5 (Ting) (Chiao) (Shou) (Fu) (Szu) (Chun)
 6 (Ch'en) (Jen) (T'an) (Ch'uan) (Jang) (Han)
 7 (Tsu) (Chi) (Cheh) (Ch'e) (Ti) (Ch'ih) (Huo)
 8 (Tang) (Hsing) (Yeh) (Shih) (Chu) (To) (Chien).

9 "Pu-Yi wrote the characters (pu) (Yi), his
 10 signature in Chinese, which are not found in the
 11 questioned letter.

12 "The third sheet of paper (Paper 3) contains
 13 Pu-Yi's handwriting of characters taken from what is
 14 supposedly written by His Majesty Emperor Hsuan Tung
 15 on a fan belonging to Johnston, his tutor. On this
 16 sheet of paper the two characters (Yee) and (Chin)
 17 are erroneously copied for (Tsao) and (Ling), the
 18 latter two characters appearing on the above mentioned
 19 fan. The two characters (Nan) and (Fei) which Pu-Yi
 20 wrote in his specimen handwriting are not found on
 21 the said fan. On the other hand, the following 12
 22 characters on the fan were not written by Pu-Yi in
 23 his specimen handwriting: (Keng) (Wu) (Hsia)
 24 (Yueh) (Ch'u) (Wei) (Chih) (Tao) (Szu) (Fu)
 25 (Shu). The two characters (pu) (Yi) found in Pu-Yi's

1 specimen handwriting on the third sheet of paper do
2 not appear on the fan.

3 "Upon comparing Pu-Yi's handwriting found in
4 Papers 1, 2 and 3 (see photographic copy) with the
5 handwriting found in Paper 4 which is the photographic
6 reproduction of the questioned letter, I have found that
7 the so-called Emperor Hsuan Tung's letter to General
8 MINAMI dated the first day of the ninth moon of the
9 year 'Hsin-Wai' is definitely a forgery and is cer-
10 tainly not in Pu-Yi's handwriting. The reasons are
11 as follows:

12 "1. Spirit and Air in the Handwriting - Any
13 one with an elementary knowledge of penmanship can
14 readily tell that these two sets of writings are not
15 from the same hand just by comparing the handwriting
16 found in Paper 4 with the handwriting found in Papers
17 1, 2 and 3. Pu-Yi's handwriting as shown in Papers
18 1, 2 and 3, is plump and stiff in general appearance
19 while the handwriting in Paper 4 is soft and thin.
20 The one is clumsy while the other is nimble. The
21 one is heavy and steady while the other is airy and
22 flighty.
23

24 "2. Style of the Handwriting - The style of
25 handwriting used in the so-called Emperor Hsuan Tung's
letter to General MINAMI dated the first day of the

1 ninth moon in the year 'Hsin-Wei' (1931) is commonly
2 known as the 'intermediate style' and the style used
3 by Pu-Yi is his specimen handwriting in Papers 1, 2
4 and 3 is commonly known as the 'square style.' The
5 fact that the one is in the 'intermediate style' and
6 the other is in the 'square style' does not prevent
7 an adequate comparison for the purpose of determining
8 the genuineness of the questioned letter; however,
9 for the purpose of further comparison we requested
10 Pu-Yi while writing in our presence on the afternoon
11 of 29 August 1946 to write also in the 'intermediate
12 style'. Pu-Yi replied that he was unable to comply
13 with our request as he could not write in the 'inter-
14 mediate style'. But we kept on urging him and he
15 finally complied with our request by trying to write
16 in the 'intermediate style'. and the 'running or
17 cursive style'. The result was that although the
18 following Chinese characters (Mou) (Nien) (Tsai)
19 (Chiu) (Yu) (T'su) (Wen) (Fei) (Tung) (Ya)
20 (Chih) (Kung) (Ku) (Shih) (Fu) (Chung) (Wu)
21 (Ning) (Erh) (Yen) (Chen) (Heng) (Yeh) etc.
22 found in the 6th, 7th, 9th and 10th lines of Paper 1
23 are something between the 'intermediate style' and
24 'running or cursive style', they are so poor that it
25 is evident that the handwriting as photographically

1 reproduced in Paper 4 is by a different hand. In
2 general, Pu-Yi, in his better days, must have put
3 some effort in learning to write both small and
4 large characters in the 'square style' as shown in
5 Paper 3. He is definitely weak in the 'intermediate
6 style' of penmanship."

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1 "(3) Strokes in the handwriting -- the dots
2 in Pu-Yi's handwriting forming a part of the following
3 Chinese characters:

4 "(Pien) (Fu) (Yi) (Wen) (Shih) (Chi) (Ning)
5 (Ch'iung) (Hsin), etc. are generally shaped. But the
6 dots appearing in the questioned letter are in the
7 form of . The four Chinese characters (Chih)
8 Yuan) (Ta) (Tu) written by Pu-Yi are entirely different
9 from those found in the said questioned letter. The
10 left component part (Yen) of the character (Hou) in
11 Pu-Yi's handwriting is also greatly different from
12 the (Yen) of (Jaug) and (Mou) appearing in the said
13 letter.

14 "(4) Character (Chang) -- Pu-Yi wrote
15 (Chang Ai) which appear in the said letter as (Chang
16 Ai). The mistake in the left component part of this
17 one Chinese character in the said questioned letter
18 not only proves that the letter is a forgery but
19 also betrays the fact that it was not written by a
20 Chinese.

21 "(5) Note and Signature (Cheng Hsiao-Shu) --
22 In the lower left corner of the paper marked 4 bear-
23 ing the photographic reproduction of the so-called
24 Emperor Hsuan Tung's letter to General MINAMI dated
25 the first day of the ninth moon in the year 'Hsin-Wei'

(1931) is found a note consisting of the following
1 14 Chinese characters:

2 (Chin) (Shang) (Yu) (Pi) (Cheng) (Hsiao)
3 (Shu) (Chia) (Erh) (Yueh) (Erh) (Shih) (Jih).

4 "(Translator's Note: The meaning of the
5 said note is as follows: This is the present
6 Emperor's Handwriting, Cheng Hsiao-Shu, the 20th day
7 of the second moon in the year 'Chia-Si,' namely,
8 1934.)

9 "In connection with Cheng Hsiao-Shu's note
10 and signature, the absence of certain indispensable
11 words absolutely required by convention and court
12 usage; such as the character (Chen, meaning 'Minis-
13 terial Servant') above Cheng Hsiao-Shu's name and the
14 characters (Chin Tih, meaning 'respectfully noted by')
15 attached to his name; reveals the forgery of the
16 document.
17

18 "For the foregoing reasons, I have come
19 to the conclusion that the so-called Emperor Hsuan
20 Tung's letter to General MINAMI dated the first day
21 of the ninth moon in the year 'Hsin-Wei' (1931) is
22 not in Pu-Yi's handwriting.

23 "Iv. Corollary -- Apart from the main
24 result of the study stated above, the sub-findings
25 are given as follows:

1 "1. The so-called His Majesty Emperor
2 Hsuan Tung's handwriting on the fan belonging to
3 Johnston, his tutor (page 5) is not in Pu-Yi's hand-
4 writing.

5 "2. The handwriting in the so-called
6 Emperor Hsuan Tung's letter to General MINAMI,
7 dated the first day of the ninth moon in the year
8 'Hsin-Wei' (1931) and the so-called His Majesty
9 Emperor Hsuan Tung's handwriting on the fan belong-
10 ing to Johnston, his tutor, are not written by the
11 same person.

12 "The handwriting on the fan as shown in
13 Paper 5, being different from Pu-Yi's handwriting
14 as shown in Papers 1, 2 and 3, is also different
15 from the handwriting in the so-called Emperor Hsuan
16 Tung's letter to General MINAMI dated the first day
17 of the ninth moon in the year 'Hsin-Wei' in all
18 respects, such as spirit, style, strokes and so
19 forth. Suffice it to say that even a person with
20 but an elementary knowledge of penmanship can
21 readily tell the difference between the handwriting
22 on the fan and the handwriting in the questioned
23 letter.

24 "Report on Handwriting made by Cheng Feng-
25 Chu (signed). Formerly, Professor of Chinese

1 Literature, National Peking University; formerly,
2 Lecturer on Chinese Literature, Institut des Hautes
3 Etudes Chineise Universite de Paris; at present,
4 Member of the Committee on Educational Research,
5 Ministry of Education, Nanking; concurrently, Cultural
6 Expert of the Chinese Mission in Japan, Tokyo."

7 THE PRESIDENT: That is a unanimous report,
8 is it, Judge Hsiang?

9 JUDGE HSIANG: This is a report made by the
10 expert chosen at the request of the prosecution.

11 THE PRESIDENT: From your side, unanimous.

12 MR. BLAKENEY: May it please the Tribunal,
13 I wish to object to the -- I wish to move to strike
14 out this document for the following reasons: first,
15 that it is supported by no oath of any nature; second,
16 that the document purports to be the expert testimony
17 of a man who does not show himself qualified as an
18 expert; and, to emphasize the significance of that
19 latter point, I should like to point out that his
20 corollary (1) on page 6, that the fan is not in
21 Pu-Yi's handwriting, is directly contrary to the
22 testimony of Pu-Yi himself. Inasmuch as the witness
23 denies the authenticity of the document admitted by
24 the writer, I think the matter of his qualification
25 is of obvious importance. In that connection I refer

1 the Tribunal to page 4292 of the record, in which
2 in response to the question, "In whose handwriting is
3 the fan?" Pu-Yi said, "That is my own handwriting."

4 THE PRESIDENT: Well, it is very unsatis-
5 factory at this stage. We should have an oath, of
6 course, covering this, or have an affidavit.

7 JUDGE HSIANG: May I be permitted to say a
8 few words in explanation. According to the Chinese
9 custom, a paper like this, if he signed it himself,
10 an oath is not necessarily required. A document of
11 this nature --

12 THE PRESIDENT: Well, seeing that he is
13 here in Tokyo, he should be subjected to cross-examina-
14 tion.

15 JUDGE HSIANG: The prosecution will try to
16 obtain him and present him for that purpose.

17 I want to finish my first sentence; that is,
18 a paper of this nature, as it was prepared in original
19 Chinese form, is admissible to the Chinese Court
20 without oath.

21 THE PRESIDENT: If he makes an affidavit
22 do you want to have him tendered for cross-examination,
23 Major?

24 MR. BLAKENEY: We have no desire to cross-
25 examine this witness, your Honor.

1 THE PRESIDENT: Well, you are objecting to
2 this evidence as not being under oath. There should
3 be an affidavit at least.

4 JUDGE HSIANG: We will try to obtain an
5 affidavit for that purpose.

6 THE PRESIDENT: What the effect will be,
7 I would not venture to say. It is a common experience
8 with handwriting experts.

9 MR. BLAKE NEY: I understand the Tribunal
10 is not ruling on the question of the expert's quali-
11 fication on this point.

12 THE PRESIDENT: He should be well qualified
13 in view of his claim to be what he is, but we cer-
14 tainly want what he says on oath, and his oath will
15 extend to his qualification. Until the sworn testi-
16 mony is forthcoming we will not act on the report.

17 Mr. Tavenner.

18 MR. TAVENNER: If it pleases the Tribunal,
19 in an earlier phase of the case I called the Tribunal's
20 attention to the official positions held by some of
21 the accused on 25 November 1941. In this connection,
22 as appears at page 6048 of the transcript of pro-
23 ceedings, I said that the accused SHIRATORI held
24 the position of "Advisor to the Foreign Minister."
25 Further investigation shows that SHIRATORI was relieved

1 from this post at his request on 22 July 1941, and
2 I desire to make this alteration.

3 We now desire to present some additional
4 evidence relating to certain of the accused.

5 The Tribunal, as shown at page 1513 of the
6 transcript of proceedings, granted the prosecution's
7 application to introduce in evidence the testimony
8 given by Dr. OKAWA at his trial in September 1934 in
9 the Tokyo Court of Appeals for his alleged partici-
10 pation in what is known as the "May 15th Incident"
11 of 1932, with the modification that the whole of
12 OKAWA's testimony be presented. As the Tribunal
13 will recall, the translation and processing could
14 not be completed during the phase of the case then
15 being presented, so, with the Tribunal's approval,
16 I desire at this time to file for identification
17 only prosecution document 1908, which is Volume 63
18 of 65, "Proceedings, Tokyo Court of Appeals" marked
19 46, "May 15th Incident and OKAWA Faction," and I
20 offer in evidence the OKAWA testimony taken there-
21 from as document 1908-B.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution document
24 No. 1908 will be given exhibit No. 2177 for identifi-
25 cation only, and the marked excerpts therefrom, bearing

1 document No. 1908-B, will be given exhibit No.
2 2177-A.

3 (Whereupon, document No. 1908 was
4 marked prosecution's exhibit No. 2177 for
5 identification, and document No. 1908-B was
6 marked prosecution's exhibit No. 2177-A and
7 received in evidence.)

8 THE PRESIDENT: We should be given copies
9 of the map tendered by the Soviet prosecutor. That
10 can be done on Monday.

11 We will adjourn until half-past nine on
12 Monday morning.

13 (Whereupon, at 1600, an adjournment
14 was taken until Monday, 20 January 1947, at
15 0930.)
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