

captives who refused to serve in these armies were transported to Japan to relieve the labor shortage in the munitions industries. At the camp at Akita, on the northwest shore of Honshu Island, 418 Chinese out of a group of 981 so transported to Japan died from starvation, torture or neglect.

THE POLICY REMAINED UNCHANGED AFTER THE MARCO POLO BRIDGE INCIDENT

Both the League of Nations and the meeting at Brussels of the signatories of the Nine-Power Treaty failed to stop Japan's pursuing this "punitive" war on China after the outbreak of hostilities at the Marco Polo Bridge in 1937. This policy of Japan to treat the China War as an "incident" remained unchanged. Even after the establishment of the Imperial General Headquarters which was considered appropriate only in the case of an "incident" of such an extent as to require a declaration of war, as suggested by the War Minister at the Cabinet meeting held on 19 November 1937, no additional effort was made to enforce the laws of war

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in the conduct of the hostilities in China. Although the Government and the fighting services were organized on a full wartime basis, the China War was still treated as an "incident" with the consequent disregard of the rules of war.

THE RAPE OF NANKING

As the Central China Expeditionary Force under command of MATSUI approached the city of Nanking in early December 1937, over one-half of its one million inhabitants and all but a few neutrals who remained behind to organize an International Safety Zone, fled from the city. The Chinese Army retreated, leaving approximately 50,000 troops behind to defend the city. As the Japanese forces stormed the South Gate on the night of 12 December 1937, most of the remaining 50,000 troops escaped through the North and West Gates of the city. Nearly all the Chinese soldiers had evacuated the city or had abandoned their arms and uniforms and sought refuge in the International Safety Zone and all resistance had ceased as the Japanese Army entered the city on the morning of 13 December 1937. The Japanese soldiers swarmed over the city and committed various atrocities. According to one of the eye witnesses they were let loose like a barbarian horde to desecrate the city. It was said by eye witnesses that the city

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appeared to have fallen into the hands of the Japanese is captured prey, that it had not merely been taken in organized warfare, and that the members of the victorious Japanese Army had set upon the prize to commit unlimited violence. Individual soldiers and small groups of two or three roamed over the city murdering, raping, looting and burning. There was no discipline whatever. Many soldiers were drunk. Soldiers went through the streets indiscriminately killing Chinese men, women and children without apparent provocation or excuse until in places the streets and alleys were littered with the bodies of their victims. According to another witness Chinese were hunted like rabbits, everyone seen to move was shot. At least 12,000 non-combatant Chinese men, women and children met their deaths in these indiscriminate killings during the first two or three days of the Japanese occupation of the city.

There were many cases of rape. Death was a frequent penalty for the slightest resistance on the part of a victim or the members of her family who sought to protect her. Even girls of tender years and old women were raped in large numbers throughout the city, and many cases of abnormal and sadistic behavior in connection with these rapings occurred. Many women were killed after the act and their bodies mutilated.

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Approximately 20,000 cases of rape occurred within the city during the first month of the occupation.

Japanese soldiers took from the people everything they desired. Soldiers were observed to stop unarmed civilians on the road, search them, and finding nothing of value then to shoot them. Very many residential and commercial properties were entered and looted. Looted stocks were carried away in trucks. After looting shops and warehouses the Japanese soldiers frequently set fire to them. Taiping Road, the most important shopping street, and block after block of the commercial section of the city were destroyed by fire. Soldiers burned the homes of civilians for no apparent reason. Such burning appeared to follow a prescribed pattern after a few days and continued for six weeks. Approximately one-third of the city was thus destroyed.

Organized and wholesale murder of male civilians was conducted with the apparent sanction of the commanders on the pretense that Chinese soldiers had removed their uniforms and were mingling with the population. Groups of Chinese civilians were formed, bound with their hands behind their backs, and marched outside the walls of the city where they were killed in groups by machine gun fire and with bayonets. More than 20,000 Chinese men of military age are known to

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have died in this fashion.

The German Government was informed by its representative about "atrocities and criminal acts not of an individual but of an entire Army, namely, the Japanese," which Army, later in the report, was qualified as a "bestial machinery."

Those outside the city fared little better than those within. Practically the same situation existed in all the communities within 200 li (about 66 miles) of Nanking. The population had fled into the countryside in an attempt to escape from the Japanese soldiers. In places they had grouped themselves into fugitive camps. The Japanese captured many of these camps and visited upon the fugitives treatment similar to that accorded the inhabitants of Nanking. Of the civilians who had fled Nanking over 57,000 were overtaken and interned. These were starved and tortured in captivity until a large number died. Many of the survivors were killed by machine gun fire and by bayoneting.

Large parties of Chinese soldiers laid down their arms and surrendered outside Nanking; within 72 hours after their surrender they were killed in groups by machine gun fire along the bank of the Yangtze River. Over 30,000 such prisoners of war were so killed.

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There was not even a pretence of trial of these prisoners so massacred.

Estimates made at a later date indicate that the total number of civilians and prisoners of war ordered in Nanking and its vicinity during the first six weeks of the

Japanese occupation was over 200,000. That these estimates are not exaggerated is borne out by the fact that burial societies and other organizations counted more than 155,000 bodies which they buried. They also reported that most of those were bound with their hands tied behind their backs. These figures do not take into account those persons whose bodies were destroyed by burning or by throwing them into the Yangtze river or otherwise disposed of by Japanese.

Japanese Embassy officials entered the city of Nanking with the advance elements of the Army; and on 14 December an official of the Embassy informed the International Committee for the Nanking Safety Zone that the "Army was determined to make it bad for Nanking, but that the Embassy officials were going to try to moderate the action." The Embassy officials also informed the members of the committee that at the time of the occupation of the city no more than 17 military policemen were provided by the Army commanders to maintain order within the city, when it transpired that

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complaints to the Army officials did not have any result, those Japanese embassy officials suggested to the foreign missionaries that the latter should try and get publicity in Japan, so that the Japanese Government would be forced by public opinion to curb the Army.

Dr. Bates testified that the terror was intense for two and one-half to three weeks, and was serious six to seven weeks following the fall of the city.

Smythe, the Secretary of the International Committee for the Safety Zone, filed two protests a day for the first six weeks.

MATSUI, who had remained in a rear area until 17 December, made a triumphal entry into the city on that day and on 18 December held a religious service for the dead, after which he issued a statement in the course of which he said:

"I extend much sympathy to millions of innocent people in the Kiangpei and Chekiang districts, who suffered the evils of war. Now the flag of the Rising Sun is floating high over Nanking, and the Imperial Way is shining in the southern parts of the Yangtze-Kiang. The dawn of the renaissance of the East is on the verge of offering itself. On this occasion I hope for reconsideration of the situation

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by the 400 million people of China."

MATSUI remained in the city for nearly a week.

MUTO, then a colonel, had joined MATSUI's staff on 10 November 1937 and was with MATSUI during the drive on Nanking and participated in the triumphal entry and occupation of the city. Both he and MATSUI admit that they heard of the atrocities being committed in the city during their stay at rear headquarters after the fall of the city. MATSUI admits that he heard that foreign governments were protesting against the commission of these atrocities. No effective action was taken to remedy the situation. Evidence was given before the Tribunal by an eye witness that while MATSUI was in Nanking on the 19th of December the business section of the city was in flames. On that day the witness counted fourteen fires in the principal business street alone. After the entry of MATSUI and MUTO into the city, the situation did not improve for weeks.

Members of the diplomatic corps and press and the Japanese Embassy in Nanking sent out reports detailing the atrocities being committed in and around Nanking. The

Japanese Minister-at-Large to China, Ito, Nobofumi, was in Shanghai from September 1937 to February 1938. He received reports from the Japanese

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Embassy in Nanking and from members of the diplomatic corps and press regarding the conduct of the Japanese troops and sent a resume of the reports to the Japanese Foreign Minister, HIROTA. These reports as well as many others giving information of the atrocities committed in Nanking, which were forwarded by members of the Japanese diplomatic officials in China, were forwarded by HIROTA to the war Ministry of which UMEZU was Vice-Minister. They were discussed at Liaison Conferences which were normally attended by the Prime Minister, War and Navy Ministers, Foreign Minister HIROTA, Finance Minister KAYA, and the Chiefs of the Army and Navy General Staffs.

News reports of the atrocities were widespread. MINAMI, who was serving as Governor-General of Korea at the time, admits that he read these reports in the press. Following these unfavorable reports and the pressure of public opinion aroused in nations all over the world, the Japanese Government recalled MATSUI and approximately 80 of his officers but took no action to punish any of them. MATSUI, after his return to Japan on 5 March 1938, was appointed a Cabinet Councillor and on 29 April 1940 was decorated by the Japanese Government for "meritorious services" in the China War. MATSUI, in explaining his recall, says that he was not replaced

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by HATA because of the atrocities committed by his troops at Nanking but because he considered his work ended at Nanking and wished to retire from the Army. He was never punished.

The barbarous behaviour of the Japanese Army cannot be excused as the acts of a soldiery which had temporarily gotten out of hand when at last a stubbornly defended position had capitulated rape, arson and murder continued to be committed on a large scale for at least six weeks after the city had been taken and for at least four weeks after MATSUI and MUTO had entered the city.

The new Japanese Garrison Commander at Nanking, General Amaya, on 5 February 1938, at the Japanese Embassy in Nanking made a statement to the foreign diplomatic corps criticizing the attitude of the foreigners who had been sending abroad reports of Japanese atrocities at Nanking and upbraiding them for encouraging anti-Japanese feeling. This statement by Amaya reflected the attitude of the Japanese military toward foreigners in China, who were hostile to the Japanese policy of waging an unrestrained punitive war against the people of China.

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THE WAR WAS EXTENDED TO CANTON AND HANKOW

When Shanghai capitulated on 12 November 1937 and MATSUI began his advance on Nanking, the National Government of China under Generalissimo Chiang Kai-shek abandoned its capital city, moved to Chungking with interim headquarters at Hankow and continued the resistance. After the capture of Nanking on 13 December 1937 the Japanese Government established a puppet government at Peiping.

The program designed to "pacify" the inhabitants of this occupied area and "make them rely on the Japanese Army" and force "self examination" on the part of the