

sources it was reported that the Japanese treatment of prisoners of war "left much to be desired." He further stated that this was a matter of importance from the point of view of Japan's international reputation and future relations. He asked that directions be issued to the competent authorities so that the matters might be fully discussed. Thereafter KOISO remained Prime Minister for six months during which the Japanese treatment of prisoners and internees showed no improvement whatever. This amounted to a deliberate disregard of his duty.

The Tribunal finds KOISO guilty under Counts 1, 27, 29, 31, 32 and 55. He is not guilty under Counts 36 and 54.

{49,814}

MATSUI, Iwane

The accused MATSUI is charged under Counts 1, 27, 29, 31, 32, 35, 36, 54 and 55.

MATSUI was a senior Officer in the Japanese Army and attained the rank of General in 1933. He had a wide experience in the Army, including service in the Kwantung Army and in the General Staff. Although his close association with those who conceived and carried out the conspiracy suggests that he must have been aware of the purposes and policies of the conspirators, the evidence before the Tribunal does not justify a finding that he was a conspirator.

His military service in China in 1937 and 1938 cannot be regarded, of itself, as the waging of an aggressive war. To justify a conviction under Count 27 it was the duty of the prosecution to tender evidence which would justify an inference that he had knowledge of the criminal character of that war. This has not been done.

In 1935 MATSUI was placed on the retired list but in 1937 he was recalled to active duty to command the Shanghai Expeditionary Force. He was then appointed Commander-in-Chief of the Central China Area Army, which included the Shanghai Expeditionary Force and the Tenth Army. With these troops he captured the city of Nanking

{49,815}

on 13th December 1937.

Before the fall of Nanking the Chinese forces withdrew and the occupation was of a defenseless city. Then followed a long succession of most horrible atrocities committed by the Japanese Army upon the helpless citizens. Wholesale massacres, individual murders, rape, looting and arson were committed by Japanese soldiers. Although the extent of the atrocities was denied by Japanese witnesses the contrary evidence of neutral witnesses of different nationalities and undoubted responsibility is overwhelming. This orgy of crime started with the capture of the City on the 13th December 1937 and did not cease until early in February 1938. In this period of six or seven weeks thousands of women were raped, upwards of 100,000 people were killed and untold property was stolen and burned. At the height of these dreadful happenings, on 17 December, NATSUI made a triumphal entry into the City and remained there from five to seven days. From his own observations and from the reports of his staff he must have been aware of what was happening. He admits he was told of some degree of misbehavior of his Army by the Kempeitai and by Consular Officials. Daily reports of these atrocities were made to Japanese diplomatic representatives in Nanking who, in turn, reported them to Tokyo. The Tribunal is satisfied that NATSUI knew what

{49,816}

was happening. He did nothing, or nothing effective to abate these horrors. He did issue orders before the capture of the City enjoining propriety of conduct upon his troops and later he issued further orders to the same purport. These orders were of no effect as is now known, and as he must have known. It was pleaded in his behalf that at this time he was ill. His illness was not sufficient to prevent his conducting the military operations of his command not to prevent his visiting the City for days while these atrocities were occurring. He was in command of the Army responsible for these happenings. He knew of them. He had the power, as he had the duty, to control his troops and to protect the unfortunate citizens of Nanking, He must be held criminally responsible for his failure to discharge this duty.

The Tribunal holds the accused MATSUI guilty under Count 55, and not guilty under Counts 1, 27, 29, 31, 32, 35, 36 and 54.

{49,817}

MINAMI, Jiro

MINAMI is charged under Counts 1, 27, 29, 31, 32, 54 and 55.

In the year 1931 MINAMI was a general and from April to December he was Minister of War. Prior to the Mukden Incident he had already associated himself with the conspirators in their advocacy of militarism, of the expansion of Japan, and of Manchuria as "the lifeline of Japan". He was forewarned of the likelihood of the incident occurring. He was ordered to prevent it. He took no adequate steps to prevent it. Then the incident happened he described the action of the Army as "righteous self-defense". The Cabinet at once decided that the incident must not be expanded and MINAMI agreed to put the policy of the Cabinet into effect, but day after day the area of the operations expanded and MINAMI took no adequate steps to restrain the Army. In the Cabinet he supported the steps taken by the Army. He early, advocated Japan's withdrawal from the League of Nations, if that body should oppose the actions Japan had taken in China. The Cabinet decided that there should be no occupation of Manchuria and no military administration. MINAMI knew that the Army was taking steps to carry both those measures into effect but did nothing to stop it. His failure to support the Premier and Foreign minister

{49,818}

by taking steps to control the Army led to the downfall of the Cabinet. Thereafter he advocated that Japan should take over the defense of Manchuria and Mongolia. He had already advocated that a new state must be founded in Manchuria.

From December 1934 to March 1936 he was Commander-in-Chief of the Kwantung Army, completed the conquest of Manchuria, and aided in the exploitation of that part of China for the benefit of Japan. He was responsible for setting up puppet governments in North China and Inner Mongolia under the threat of military action.

He was in part responsible for the development of Manchuria as a base for an attack on the U.S.S.R. and for plans for such an attack.

He became Governor-General of Korea in 1936 and in 1938 supported the prosecution of the war against China, which he called "the Holy War", and the destruction of the National Government of China,

The Tribunal finds MINAMI guilty on Counts 1 and 27. He is not guilty of the charges contained in Counts 29, 31, 32, 54 and 55.