

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES

AGAINST

ARAKI, Sadao  
DOHIHARA, Kenji  
HASHIMOTO, Kingoro  
HATA, Shunroku  
HIRANUMA, Kiichiro  
HIROTA, Koki  
HOSHINO, Naoki  
ITAGAKI, Seishiro  
KAYA, Okinori

KIDO, Koichi  
KIMURA, Heitaro  
KOISO, Kuniaki  
MATSUI, Iwane  
MATSUOKA, Yosuke<sup>2</sup>  
MINAMI, Jiro  
MUTO, Akira  
NAGANO, Osami<sup>2</sup>  
OKA, Takasumi  
OKAWA, Shumei<sup>2</sup>

OSHIMA, Hiroshi  
SATO, Kenryo  
SHIGEMITSU, Mamoru  
SHIMADA, Shigetaro  
SHIRATORI, Toshio  
SUZUKI, Teiichi  
TOGO, Shigenori  
TOJO, Hideki  
UMEZU, Yoshijiro

<sup>2</sup> SEE PAGE 467

JUDGMENT

The Judgment of the Tribunal was delivered  
on the 4th till the 12th of November 1948.

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.

MUTO, Akira

The accused is indicted under Counts 1, 27, 29, 31, 32, 33, 36, 54 and 55.

He was a soldier and prior to holding the important post of Chief of the Military Affairs Bureau of the Ministry of War he held no appointment which involved the making of high policy. Further, there is no evidence that in this earlier period he, alone or with others, tried to affect the making of high policy.

When he became Chief of the Military Affairs Bureau he joined the conspiracy. Concurrently with this post he held a multiplicity of other posts from September 1939 to April 1942. During this period planning, preparing and waging wars of aggression on the part of the conspirators was at its height. He played the part of a principal in all these activities.

When he became Chief of the Military Affairs Bureau the fighting at Nomonhan was over. He had no part in the waging of this war.

He was Chief-of-Staff in the Philippines when Japan attacked France in French Indo-China in March 1945. He had no part in the waging of this war.

The Tribunal finds MUTO guilty on Counts 1, 27, 29, 31 and 32. He is not guilty on Counts 33 and 36.

War Crimes. MUTO was an officer on the Staff of MATSUI from November 1937 to July 1938. It was during this period that shocking atrocities were committed by the Army of MATSUI in and about Nanking. We have no doubt that MUTO knew, as MATSUI knew, that these atrocities were being committed over a period of many weeks. His superior took no adequate steps to stop them. In our opinion MUTO, in his subordinate position, could take no steps to stop them. MUTO is not responsible for this dreadful affair.

From April 1942 to October 1944 MUTO commanded the Second Imperial Guards Division in Northern Sumatra. During this period in the area occupied by his troops widespread atrocities were committed for which MUTO shares responsibility. Prisoners of war and civilian internees were starved, neglected, tortured and murdered and civilians were massacred.

In October 1944 MUTO became Chief-of-Staff to Yamashita in the Philippines. He held that post until the Surrender. His position was now very different from that which he held during the so-called "Rape of Nanking". He was now in a position to influence policy. During his tenure of office as such Chief-of-Staff a campaign of massacre, torture and other atrocities was waged by the Japanese troops on the civilian population, and prisoners of war and civilian internees were starved, tortured and murdered. MUTO shares responsibility for these gross breaches of the Laws of War. We reject his defense that he knew nothing of these occurrences. It is wholly incredible. The Tribunal finds MUTO guilty on Counts 54 and 55.

OKA, Takasumi

OKA is charged in Counts 1, 27, 29, 31, 32, 54 and 55 of the Indictment.

OKA was an officer in the Japanese Navy. In October 1940 he was promoted to Rear Admiral and became Chief of the Naval Affairs Bureau of the Navy Ministry.

OKA was an active member of the conspiracy during his tenure of office as Chief of the Naval Affairs Bureau from October 1940 to July 1944. In this office he was an influential member of the Liaison Conference at which the policy of Japan was largely decided. He participated in the formation and execution of the policy to wage aggressive war against China and the Western Powers.

of the Kwantung Army. He was in command only a very few days before the fighting ceased.

UMEZU served as Chief of the Army General Staff from July 1944 until the Surrender. He thereby played a principal part in the waging of the war against China and the Western Powers.

War Crimes. There is not sufficient evidence that UMEZU was responsible for the commission of atrocities.

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

#### SENTENCES<sup>26</sup>

THE PRESIDENT: Under the Charter the Judgment I have read is the Judgment of the Tribunal. The Member for India dissents from the Majority Judgment and has filed a statement of his reasons for such dissent<sup>27</sup>.

The members for France and the Netherlands dissent as to part only from the Majority Judgment and have filed statements of their reasons for such dissents<sup>28</sup>.

The Member for the Philippines has filed a separate opinion concurring with the majority<sup>29</sup>.

Generally, I share the view of the majority as to the facts, but without recording any dissent, I have filed a brief statement of my reasons for upholding the Charter and the jurisdiction of the Tribunal and of some general considerations that influenced me in deciding on the sentences<sup>30</sup>.

These documents will be part of the Record and will be available to the Supreme Commander, to Defense Counsel and to others who may be concerned. Defense Counsel have applied for a reading in court of these separate opinions, but the Tribunal had already considered this matter and decided that they would not be so read.

The Tribunal adheres to this decision.

The accused will be removed from the dock and then returned singly for sentence in the order in which their names appear in the title of the Indictment.

The three accused who are too ill to attend the trial today<sup>31</sup> will be sentenced in their absence after those accused who are present have been sentenced.

To enable the accused who are present to be presented for sentence in the order stated, we will adjourn for fifteen minutes.

.....

In accordance with Article 15-h of the Charter, the International Military Tribunal for the Far East will now pronounce the sentences on the accused convicted on this Indictment.

Accused ARAKI, Sadao,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

Accused DOHIHARA, Kenji,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to death by hanging.

Accused HASHIMOTO, Kingoro,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

Accused HATA, Shunroku,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

Accused HIRANUMA, Kiichiro,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

Accused HIROTA, Koki,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to death by hanging.

Accused HOSHINO, Naoki,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

Accused ITAGAKI, Seishiro,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to death by hanging.

Accused KIDO, Koichi,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

Accused KIMURA, Heitaro,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to death by hanging.

Accused KOISO, Kuniaki,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

Accused MATSUI, Iwane,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to death by hanging.

Accused MINAMI, Jiro,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Accused MUTO, Akira,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to death by hanging.

Accused OKA, Takasumi,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

Accused OSHIMA, Hiroshi,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

Accused SATO, Kenryo,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

Accused SHIGEMITSU, Mamoru,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for seven years as  
from the date of arraignment.

Accused SHIMADA, Shigetaro,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

Accused SUZUKI, Teiichi,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for life.

Accused TOGO, Shigenori,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to imprisonment for twenty years as  
from the date of arraignment.

Accused TOJO, Hideki,  
on the Counts of the Indictment on which you have been convicted, the International  
Military Tribunal for the Far East sentences you to death by hanging.

The Tribunal sentences the accused KAYA, SHIRATORI and UMEZU on the Counts on  
which they have been convicted to imprisonment for life in each case.