

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Sitting at Tokyo, Japan

Case No. 1

UNITED STATES OF AMERICA, et al

- v -

ARAKI, Sadao, et al

APPLICATION ON BEHALF OF THE ACCUSED MATSUI,
Iwane, FOR AN ORDER FOR PRODUCTION OF WITNESSES.

Comes now the accused herein MATSUI, Iwane, and makes known to this Tribunal that he is desirous of obtaining from this Tribunal an order and process for the production of the following named persons as witnesses in his behalf at this trial.

MUTO, Akira This witness' nationality is Japanese.
He is in custody in Sugamo Prison, Tokyo, Japan.

He was Lieutenant-General and Vice Chief of Staff, the Expeditionary Force in Central China, at the time MATSUI, Iwane, was Commander-in-Chief of said Force.

The facts concerning which this witness can give testimony are: - That as Vice Chief of Staff, the expeditionary Force in Central China in 1937-1938, when operations about Shanghai and Nanking occurred, acting on the instructions of MATSUI, Iwane, Commander-in-Chief of said Force, he endeavored to confine the fighting between Japan and China and prevent it from spreading into large scale operation, and protect life and property of Chinese and foreigners, the rights and interests of foreign countries, and every institution of culture; that the purpose of the operations at Shanghai and Nanking was to defend the life and rights of Japanese Nationals in Central China.

This testimony will dispute that adduced by the prosecution tending to show aggression and the responsibility of this accused for any improper treatment of person or property.

H.A.R.D., Kunakichi This witness' nationality is Japanese.
He is said to be in custody of the British in Singapore.

He was Lieutenant-General and Commander of the Special Service Section in Shanghai at the time MATSUI, Iwane, was Commander-in-Chief of the Expeditionary Force in Central China.

The facts concerning which this witness can give testimony are: - That as Commander of the Special Service Section in Shanghai, at the time MATSUI, Iwane, was Commander-in-Chief of the Expeditionary Force in Central China, in 1937-1938, when operations about Shanghai and Nanking occurred, he was sent to Shanghai by Japanese Government under orders to endeavour to end the strife between Japan and China, because Japanese Government did not desire the affair to spread into large scale warfare; that he has knowledge concerning the orders issued by MATSUI and procedures carried out, when above operations occurred, in order to protect life and property of Chinese and foreigners, the rights and interests of foreign countries, and every institution of culture, and will testify that such orders and procedures ordered said protection.

The relevancy of this testimony lies in that it will dispute the claim of the prosecution and its evidence in support thereof tending to show that such incident Japan was the aggressor and its claim MATSUI is responsible for any improper treatment of persons or property.

WHEREFORE, your petitioner prays that appropriate order be entered herein for the issuance of process ad testificandum for the production of said witnesses at this trial.

The precise time when the testimony of these witnesses will be given is unknown to this petitioner, but he states that as to the witness HARADA, said to be in custody at Singapore, the necessity for his presence in Tokyo for interview and consultation is current.

MATSUI, Iwane

By _____
ITO, Kiyoshi

JODAI, Takayoshi

Floyd J. Mattice
His Counsel