

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

*Recd ltr
Nov 15
2 (i)*

THE UNITED STATES OF AMERICA; et al

- vs -

ARAKI, Sadao; et al

- Defendants -

REQUEST FOR PRODUCTION OF WITNESSES

1. NOW COMES HATA, Shunroku and requests the Tribunal, in accordance with Article 9(e) of the Charter, to order the production of the following witnesses and documents necessary to his defense:

A. The Shanghai Nippo, a newspaper published in the city of Shanghai, China in the Japanese language. The issues desired are:

1 February 1938 to 20 December 1938 and 1 March 1941 to 22 November 1944

B. Shanghai Nichi Nichi, a newspaper published in city of Shanghai, China in the Japanese language. The issues desired are:

1 February 1938 to 20 December 1938 and 1 March 1941 to 22 November 1944

C. Tairiku Shinpo, a newspaper published in city of Shanghai, China in the Japanese language. The issues desired are:

1 February 1938 to 28 February 1939 and 1 March 1941 to 22 November 1944

Articles in the desired issues of the above-mentioned newspapers will prove issuance of instructions by petitioner to his troops on conduct toward civilians.

- D. Log (or photostatic copy thereof) of all American naval vessels including gunboats that were in vicinity of Hankow from 25 October to 30 October 1938. These documents will be used to show the absence of atrocities at the fall of Hankow and will contradict the evidence already presented to the Tribunal by a witness for the prosecution.
- E. The records, or other files of the U.S. 14th Air Force of its missions over Changsha, Hengyang, Kweilin and Liuchow June 1944, August 1944, October 1944 and November 1944. These records will be used to show that the destruction of property and the loss of civilian lives imputed to the Japanese forces was at least partly accounted for by actions of the said Air Force.
- F. The book entitled "Record of the Facts of Illegal Acts and Resistance Accompanied with Destruction Committed by the Chinese Communists." This book was published by the Military Committee of the Chungking Government in the year 1938. This book will be used to show that much, if not all, the property destruction and the loss of civilian lives imputed to the Japanese forces in China was caused by the Communist forces in China. The book, despite the best efforts of counsel for the petitioner, cannot be procured in Japan but it is believed that copies of said book can be secured from the Chinese government.
- G. The order of the Chungking government for the beginning of Guerilla Warfare against the Japanese forces in China. This order was promulgated in or about the year 1938. This order and the directions for the waging of Guerilla

Warfare behind Japanese lines and the pursuit of the "Scorched - Earth Policy" in advance of the Japanese troops will be used to prove that much of the destruction imputed to the Japanese forces in China was in fact done by the Chinese themselves in obedience to said order.

- H. Appendix to the book "Instructions In Important Strategic Affairs" a Japanese military book issued by the Japanese military authorities. Despite best efforts of counsel for the petitioner, a copy of the book cannot be found.
- I. The book "Instructions on Chemical Warfare". This book is a Japanese military book and despite best efforts of counsel for petitioner a copy has not yet been found. It is believed the prosecution has a copy.
- J. A copy of every trial for atrocities or mistreatment of prisoners of war in which former members of Japanese military forces have been the accused before American military tribunals in China since the termination of hostilities. Excerpts from the evidence adduced at those trials will be used to show that the petitioner Hata always gave instructions for the proper treatment of civilians and prisoners of war in accordance with the conventions. Further, excerpts from these trials will be used to show that individual commanders failed to obey instructions of petitioner and were responsible for any illegal acts which may have occurred. Excerpts will also be used to show the scope of authority of petitioner over area commanders while he was commander of the expeditionary forces in China.
- K. A copy of every trial for atrocities or mistreatment of

prisoners of war in which former members of Japanese military forces have been the accused before Chinese tribunals in China since the termination of hostilities. Excerpts from the evidence adduced at these trials will be used to show that the petitioner Hata always gave instructions for the proper treatment of civilians and prisoners of war in accordance with the conventions. Further, excerpts from these trials will be used to show that individual commanders failed to obey instructions of petitioner and were responsible for any illegal acts which may have occurred. Excerpts will also be used to show the scope of authority of petitioner over area commanders while he was commander of the expeditionary forces in China.

- L. The reports, or a copy thereof, of the American Military Attaches in China for the year 1938 and the years 1941-44, inclusive, with particular reference to the fall and occupation of the cities of Changsha, Hengyang, Kweilin and Liuchow. Excerpts from these reports will be used to show the petitioner was at all times a strict disciplinarian, kept his troops under strict control, consequently, avoided pillaging, looting, raping and destruction in the cities occupied by forces under his command.
- M. The reports of the American Military Attaches in Tokyo for the years 1939 and 1940. These reports will be used to prove that petitioner, while War Minister, did not support the Tri-Partite Pact as charged.
- N. Father Jaquinot, a French Catholic priest now in Shanghai or Nanking. Father Jaquinot guided the Japanese forces

when they entered the city of Hankow in October 1938 and will testify on the conduct of the Japanese troops there.

- O. A man named Egley (Christian name unknown) a Swiss national, member of International Red Cross, and now in Shanghai as a member of the Swiss Legation or Consulate there. He will testify as to the treatment by the Japanese forces of the prisoners of war in China.
- P. Lt. General Saburo Kawamura, a Japanese national, presently located at Singapore or Java as a prisoner of war. The witness was Chief of Military Affairs Section when petitioner was War Minister and will testify with reference to the Wang Ching Wei regime in Nanking and its relations with the Japanese military forces in China.
- Q. Major General Nichio Kato, a Japanese national who is believed to be a prisoner of war of the Russians. He was secretary of War Ministry when petitioner was War Minister. He will testify as to the actions and utterances of petitioner when petitioner was War Minister.

4 November 1946

HATA, Shunroku

by

KANZAKI, Masayoshi

Aristides George Lazarus