

INDICTMENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

No. 1

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; KODI, Koichi; KIMURA, Heitaro; KOISO, Hukiaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akire; NAGANO, Osami; OKA, Takasumi; OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro.

Defendants.

INDICTMENT.

In the years hereinafter referred to in this Indictment the internal and foreign policies of Japan were dominated and directed by a criminal militaristic clique, and such policies were the cause of serious world troubles, aggressive wars, and great damage to the interests of peace-loving peoples, as well as the interests of the Japanese people themselves.

The mind of the Japanese people was systematically poisoned with harmful ideas of the alleged racial superiority of Japan over other peoples of Asia and even of the whole world. Such parliamentary institutions as existed in Japan were used as implements for widespread aggression, and a system similar to those then established by Hitler and the Nazi party in Germany and by the Fascist party in Italy was introduced. The economic and financial resources of Japan were to a large extent mobilized for war aims, to the detriment of the welfare of the Japanese people.

A conspiracy between the defendants, joined in by the rulers of other aggressive countries, namely, Nazi Germany and Fascist Italy, was entered into. The main objects of this conspiracy was to secure the domination and exploitation by the aggressive States of the rest of the world, and to this end to commit, or encourage the commission of crimes against

peace, war crimes, and crimes against humanity as defined in the Charter of this Tribunal, thus threatening and injuring the basic principles of liberty and respect for the human personality.

In the promotion and accomplishment of that scheme, these defendants, taking advantage of their power and their official positions and their own personal prestige and influence, intended to and did plan, prepare, initiate, or wage aggressive war against 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, the Commonwealth of the Philippines, and other peaceful nations, in violation of international law, as well as in violation of sacred treaty commitments, obligations and assurances; such plan contemplated and carried out the violation of recognized customs and conventions of war by murdering, maiming and ill-treating prisoners of war, civilian internees, and persons on the high seas, denying them adequate food, shelter, clothing, medical care, or other appropriate attention, forcing them to labour under inhumane conditions, and subjecting them to indignities; exploit to Japan's benefit the manpower and economic resources of the vanquished nations, plundering public and private property, wantonly destroying cities, towns and villages beyond any justification of military necessity; perpetrate mass murder, rape, pillage, brigandage, torture, and other barbaric cruelties upon the helpless civilian population of the overrun countries; increase the influence and control of the military and naval groups over Japanese government officials and agencies; psychologically prepare Japanese public opinion for aggressive warfare by establishing so-called Assistance Societies, teaching nationalistic policies of expansion, disseminating war propaganda, and exercising strict control over the press and radio; set up "puppet" governments in conquered countries; conclude military alliances with Germany and Italy to enhance by military might Japan's programme of expansion.

Therefore, the above named Nations by their undersigned representatives, duly appointed to represent their respective Governments in the investigation of the charges against and the prosecution of the Major War Criminals, pursuant to the Potsdam Declaration of the 20th [sic] July, 1945, and the Instrument of Surrender of the 2nd September 1945, and the Charter of the Tribunal, hereby accuse as guilty, in the respects hereinafter set forth, of Crimes against Peace, War Crimes, and Crimes against Humanity, and of Common Plans or Conspiracies to commit these Crimes, all as defined in the Charter of the Tribunal, and accordingly name as Defendants in this cause and as indicated on the Counts hereinafter set out in which their names respectively appear, all the above-named individuals.

Group One: Crimes Against Peace

The following counts charge Crimes against Peace, being acts for which it is charged that the persons named and each of them are individually responsible in accordance with Article 5

and particularly Article 5(a) and (b) of the Charter of the International Military Tribunal for the Far East, and in accordance with International Law, or either of them.

Count 1.

All the Defendants together with divers other persons, between the 1st January, 1928 and the 2nd September, 1945, participated as leaders, organizers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was that Japan should secure the military, naval, political and economic domination of East Asia and of the Pacific and Indian Oceans, and of all countries and islands therein and bordering thereon and for that purpose should alone or in combination with other countries having similar objects, or who could be induced or coerced to join therein, wage declared or undeclared war or wars of aggression, and war or wars in violation of international law, treaties, agreements and assurances, against any country or countries which might oppose that purpose.

The whole of the Particulars in Appendix A, of the Treaty Articles in Appendix B, and of the Assurances in Appendix C, related to this Count.

Count 2.

All the Defendants together with divers other persons, between the 1st January, 1928 and the 2nd September, 1945, participated as leaders, organizers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was that Japan should secure the military, naval, political and economic domination of the provinces of Liaoning, Kirin, Heilungkiang and Jehol, being parts of the Republic of China, either directly or by establishing a separate state under the control of Japan, and for that purpose should wage declared or undeclared war or wars of aggression, and war or wars in violation of international law, treaties, agreements and assurances, against the Republic of China.

The whole of the Particulars in Appendix A, the following Treaty Articles in Appendix B: Nos. 1 to 6 inclusive, 8 to 14 inclusive, 22 to 30 inclusive 32 to 35 inclusive; and the following Assurances in Appendix C: Nos. 1 to 8 inclusive, relate to this Count.

Count 3.

All Defendants together with divers other persons, between the 1st January, 1928 and the 2nd September, 1945, participated as leaders, organizers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was that Japan should secure the military, naval, political and economic domination of the Republic of CHina, either directly or by establishing a separate state or states under the control of Japan, and for that purpose should wage declared or undeclared war or wars of aggression, and war or wags in violation of international law, treaties, agreements and assurances, against the Republic of China.

The whole of the Particulars in Appendix A, and the same Treaty Articles and Assurances as in Count 2, relate to this Count.

Count 4.

All the Defendants together with divers other persons, between the 1st January, 1928 and the 2nd September, 1945, participated as leaders, organizers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was that Japan should secure the military, naval, political and economic domination of East Asia and of the Pacific and Indian Oceans, and of all countries and islands therein or bordering thereon, and for that purpose should alone or in combination with other countries having similar objects, or who could be induced or coerced to join therein, wage declared or undeclared war or wars of aggression, and war or wars in violation of international law, treaties, agreements and assurances against the United States of America, the British COMmonwealth of Nations (which expression wherever used in this Indictment includes the United Kingdom of Great Britain and northern Ireland, the Commonwealth of Australia, Canada, New Zealand, South Africa, India, Burma, the Malay States, and all other parts of the British Empire not separately represented in the League of Nations), the Republic of France, the Kingdom of the Netherlands, the Republic of China, the Republic of Portugal, the Kingdom of Thailand, the Commonwealth of the Philippines, and the Union of Soviet Socialist Republics, or such of them as might oppose that purpose.

The whole of the Particulars in Appendix A, and of the Treaty Articles in Appendix B and of the Assurances in Appendix C, relate to this Count.

Count 5.

All the Defendants together with divers other persons, between the 1st January, 1928 and the 2nd September, 1945, participated as leaders, organizers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was that Germany, Italy and Japan should secure the military, naval, political and economic domination of the whole world, each having special domination in its own sphere, the sphere of Japan covering East Asia, the Pacific and Indian

Oceans and all countries and islands therein or bordering thereon, and for that purpose should mutually assist one another to wage declared or undeclared war or wars of aggression, and war or wars in violation of international law, treaties, agreements and assurances, against any countries which might oppose that purpose, and particularly against the United States of America, the British Commonwealth of Nations, the republic of France, the Kingdom of the Netherlands, the Republic of China, the Republic of Portugal, the Kingdom of Thailand, the Commonwealth of the Philippines, and the Union of Soviet Socialist Republics.

The whole of the Particulars in Appendix A, and of the Treaty Articles in Appendix B and of the Assurances in Appendix C, relate to this Count.

Count 6.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of China.

The following Sections of the Particulars in Appendix A, Nos. 1 to 6 inclusive, and the same Treaty Articles and Assurances as in Count 2, relate to this Count.

Count 7.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the United States of America. The following Sections of the Particulars in Appendix A, Nos. 3, 4, 5, 6, 7, 9 and 10; the following Treaty Articles in Appendix B, Nos. 1 to 10, inclusive, 17 to 19 inclusive, 22 to 35 inclusive and 37; and the whole of the Assurances in Appendix C, relate to this Count.

Count 8.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the United Kingdom of Great Britain and Northern Ireland and all parts of the British Commonwealth of Nations not the subject of separate counts in this Indictment.

The following Sections of the Particulars in Appendix A, Nos. 3, 4, 5, 6, 7, 9 and 10; and the following Treaty Articles in Appendix B, Nos. 1, 2, 5, 10 to 19 inclusive, 22 to 30 inclusive, 32 to 35 inclusive, 37 and 38; and the whole of the Assurances in Appendix C, relate to this Count.

Count 9.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Commonwealth of Australia.

The same Sections of the Particulars in Appendix A, and the same Treaty Articles and Assurances as in Count 8, relate to this Count.

Count 10.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against New Zealand.

The same Sections of the Particulars in Appendix A, and the same Treaty Articles and Assurances as in Count 8, relate to this Count.

Count 11.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against Canada.

The same Sections of the Particulars in Appendix A, and the same Treaty Articles and Assurances as in Count 8, relate to this Count.

Count 12.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against India.

The same Sections of the Particulars in Appendix A, and the same Treaty Articles and Assurances as in Count 8, relate to this Count.

Count 13.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Commonwealth of the Philippines.

The same Sections of the Particulars in Appendix A, and the same Treaty Articles and Assurances as in Count 7, relate to this Count.

Count 14.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Kingdom of the Netherlands.

The following Sections of the Particulars in Appendix A, Nos. 3, 4, 5, 6, 7, 9 and 10; the following Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 10 to 18 inclusive, 20, 22 to 30 inclusive, 32 to 35 inclusive, 37 and 38; and the following Assurances in Appendix C, Nos. 10 to 15 inclusive, relate to this Count.

Count 15.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of France.

The following Sections of the Particulars in Appendix A, Nos. 2, 3, 4, 5, 6, 7, 9 and 10; the following Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 10 to 19 inclusive, 22 to 30 inclusive, and 32 to 38 inclusive; and the following Assurances in Appendix C, Nos. 14 and 15, relate to this Count.

Count 16.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Kingdom of Thailand.

The following Sections of the Particulars in Appendix A, Nos. 2, 3, 4, 5, 6, 7, 9 and 10; the following Treaty Articles in Appendix B, Nos. 3, 4, 5, 10 and 32 to 38 inclusive, relate to this Count.

Count 17.

All the Defendants between the 1st January, 1928 and the 2nd September, 1945, planned and prepared a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Union of Soviet Socialist Republics.

The following Sections of the Particulars in Appendix A, Nos. 1 to 8 inclusive, and the following Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 10 to 18 inclusive, 32 to 35 inclusive, 39 to 47 inclusive, and Assurance No. 13 in Appendix C, relate to this Count.

Count 18.

The Defendants ARAKI, DOHIHARA, HASHIMOTO, HIRANUMA, ITAGAKI, KOISO, MINAMI, OKAWA, SHIGEMITSU, TOJO and UMEZU, on or about the 18th September, 1931, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of China.

Section 1 of the Particulars in Appendix A; and the following Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 11 to 14 inclusive, 22, 23 25, 30, 40 50 43 inclusive, relate to this Count.

Count 19.

The Defendants ARAKI, DOHIHARA, HASHIMOTO, HATA, HIRANUMA, HIROTA, HOSHINA, ITAGAKI, KAYA, KIDO, MATSUI, MUTO, SUZUKI, TOJO and UMEZU, on or about the 7th July, 1931, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of China.

Section 2 of the Particulars in Appendix A; the same Treaty Articles as in Count 18 and the following Assurances in Appendix C, Nos. 3, 4 and 5, relate to this Count.

Count 20.

The Defendants DOHIHARA, HIRANUMA, HIROTA, HOSHINO, KAYA, KIDO, KIMURA, MUTO, NAGANO, OKA OSHIMA, SATO, SHIMADA, SUZUKI, TOGO and TOJO, on or about the 7th December, 1941, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the United States of America.

Section 9 of the Particulars in Appendix A, the following Treaty Articles in Appendix B, Nos. 1 to 9 inclusive; 19, 22 to 30 inclusive, 33, 34 and 37; and the whole of the Assurances in Appendix C, relate to this Count.

Count 21.

The same Defendants as in Count 20 on or about the 7th December, 1941, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Commonwealth of the Philippines.

The same Particulars, Treaty Articles and Assurances as in Count 20, relate to this Count.

Count 22.

The same Defendants as in Count 20 on or about the 7th December, 1941, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the British Commonwealth of Nations.

Section 9 of the Particulars in Appendix A, the following Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 19, 22 to 30 inclusive, 33 and 37; and the whole of the Assurances in Appendix C, relate to this Count.

Count 23.

The Defendants ARAKI, DOHIHARA, HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KIDO, MATSUOKA, MUTO, NAGANO, SHIGEMITSU and TOJO, on or about the 22nd September,

1940, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of France.

The same Particulars, Treaty Articles and Assurances as in Count 15, relate to this Count.

Count 24.

The same Defendants as in Count 20 on or about the 7th December, 1941, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Kingdom of Thailand.

Section 7 of the Particulars in Appendix A, and the following Treaty Articles in Appendix B, Nos. 1 to 5 inclusive, 33, 34, 36, 37 and 38, relate to this Count.

Count 25.

The Defendants ARAKI, DOHIHARA, HATA, HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KIDO, MATSUOKA, MATSUI, SHIGEMITSU, and SUZUKI, during July and August 1938, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances by attacking the Union of Soviet Socialist Republics in the area of Lake Khasan.

The same Particulars, Treaty Articles and Assurances as in Count 17, relate to this Count.

Count 26.

The Defendants ARAKI, DOHIHARA, HATA, HIRANUMA, ITAGAKI, KIDO, KOISO, MATSUI, MATSUOKA, MUTO, SUZUKI, TOGO, TOJO and UMEZU, during the summer of 1939, initiated a war of aggression and a war in violation of international law, treaties, agreements and assurances, by attacking the territory of the Mongolian People's Republic in the area of the Kalkhin-Gol River.

The same Particulars, Treaty Articles and Assurances as in Count 17, relate to this Count.

Count 27.

All the Defendants between the 18th September, 1931 and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances against the Republic of China.

The same Particulars, Treaty Articles, and Assurances as in Count 2, relate to this Count.

Count 28.

All the Defendants between the 7th July, 1937 and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances, against the Republic of China.

The same Particulars, Treaty Articles, and Assurances as in Count 2, relate to this Count.

Count 29.

All the Defendants between the 7th December, 1941 and the 2nd September, 1945, wages a war of aggression and a war in violation of international law, treaties, agreements and assurances against the United States of America.

The following Sections of the Particulars in Appendix A, Nos. 4 to 10 inclusive; and the same Treaty Articles and Assurances as in Count 20, relate to this Count.

Count 30.

All the Defendants between the 7th December, 1941 and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances against the Commonwealth of the Philippines.

The same Particulars, Treaty Articles, and Assurances as in Count 29, relate to this Count.

Count 31.

All the Defendants between the 7th December, 1941 and the 2nd September, 1945, wages a war of aggression and a war in violation of international law, treaties, agreements and assurances against the British Commonwealth of Nations.

The following Sections of the Particulars in Appendix A, Nos. 4 to 10 inclusive; and the same Treaty Articles and Assurances as in Count 22, relate to this Count.

Count 32.

All the Defendants between the 7th December, 1941 and the 2nd September, 1945, wages a war of aggression and a war in violation of international law, treaties, agreements and assurances against the Kingdom of the Netherlands.

The same Particulars, Treaty Articles and Assurances as in Count 14, relate to this Count.

Count 33.

The Defendants ARAKI, DOHIHARA, HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KIDO, MATSUOKA, MUTO, NAGANO, SHIGEMITSU and TOJO, on and after the 22nd September, 1940, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances against the Republic of France.

The same Particulars, Treaty Articles and Assurances as in Count 13, relate to this Count.

Count 34.

All the Defendants between the 7th December, 1941 and the 2nd September, 1945, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances against the Kingdom of Thailand.

The same Particulars, Treaty Articles and Assurances as in Count 24, relate to this Count.

Count 35.

The same Defendants as in Count 25, during the summer of 1938, waged a war of aggression and a war in violation of international law, treaties, agreements and assurances against the Union of Soviet Socialist Republics.

The same Particulars, Treaty Articles and Assurances as in Count 17, relate to this Count.

Count 36.

The same Defendants as in Count 26, during the summer of 1939, waged a war of aggression in violation of international law, treaties, agreements and assurances against the Mongolian People's Republic and the Union of Soviet Socialist Republics.

The same Particulars, Treaty Articles and Assurances as in Count 17, relate to this Count.

Group Two: Murder.

Count 37.

The following Counts charge the crimes of murder, and conspiracy to murder, being acts for which it is charged that the persons named and each of them are individually responsible, being at the same time Crimes against Peace, Conventional War Crimes, and Crimes against Humanity, contrary to all the paragraphs of Article 5 of the said Charter, to International Law, and to the domestic laws of all the countries where committed, including Japan, or to one or more of them.

Count 38.

The Defendants DOHIHARA, HIRANUMA, HIROTA, HOSHINO, KAYA, KIDO, KIMURA, MUTO, NAGANO, OKA OSHIMA, SATO, SHIMADA, SUZUKI, TOGO and TOJO, together with divers other persons between the 1st June, 1940 and the 8th December 1941, participated as leaders, organizers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was unlawfully to kill and murder the persons described below, by initiating unlawful hostilities against the United States of America, the Commonwealth of the Philippines, the British Commonwealth of Nations, the Kingdom of the Netherlands and the Kingdom of Thailand, and unlawfully ordering, causing and permitting the armed forces of Japan to attack the territory, ships and airplanes of the said nations or some of them at times when Japan would be at peace with the said nations.

The persons intended to be killed and murdered were all such persons, both members of the armed forces of the said nations and civilians, as might happen to be in the places at the times of such attacks.

The said hostilities and attacks were unlawful because they were breaches of Treaty Article 5 in Appendix D, and the accused and the said armed forces of Japan could not therefore, acquire the rights of lawful belligerents.

The accused and each of them intended that such hostilities should be initiated in breach of such Treaty Articles, or were reckless whether such Treaty Articles would be violated or not.

Count 38.

The Defendants DOHIHARA, HIRANUMA, HIROTA, HOSHINO, KAYA, KIDO, KIMURA, MATSUOKA, MUTO, NAGANO, OKA OSHIMA, SATO, SHIMADA, SUZUKI, TOGO and TOJO, together with divers other persons between the 1st June, 1940 and the 8th December, 1941, participated as leaders, organizers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was unlawfully to kill and murder the persons described below, by initiating unlawful hostilities against the United States of America, the Commonwealth of the Philippines, the British Commonwealth of Nations, the Kingdom of the Netherlands and the Kingdom of Thailand, and unlawfully ordering, causing and permitting the armed forces of Japan to attack the territory, ships and airplanes of the said nations or some of them.

The persons intended to be killed and murdered were all such persons, both members of the armed forces of the said nations and civilians, as might happen to be in the places at the times of such attacks.

The said hostilities and attacks were unlawful because they were breaches of Treaty Articles 6, 7, 19, 33, 34, and 36 in Appendix B and the accused and the said armed forces of Japan could not therefore, acquire the rights of lawful belligerents.

The accused and each of them intended that such hostilities should be initiated in breach of such Treaty Articles, or were reckless whether such Treaty Articles or any of them would be violated or not.

Count 39.

The same Defendants as in Count 38, under the circumstances alleged in Counts 37 and 38, by ordering, causing and permitting the armed forces of Japan to attack the territory, ships and airplanes of the United States of America, with which nation Japan was then at peace, at Pearl Harbour, Territory of Hawaii, on the 7th December, 1941, at about 0755 hours (Pearl

Harbour time), unlawfully killed and murdered Admiral Kidd and about 4,000 other members of the naval and military forces of the United States of America and certain civilians whose names and number are at present unknown.

Count 40.

The same Defendants as in Count 38, under the circumstances alleged in Counts 37 and 38, by ordering, causing and permitting the armed forces of Japan to attack the territory, ships and airplanes of the British Commonwealth of Nations, with which nations Japan was then at peace, at Kota Bahru, Kelantan, on the 8th December, 1941, at about 0025 hours (Singapore time), unlawfully killed and murdered certain members of the armed forces of the British Commonwealth of Nations whose names and number are at present unknown.

Count 41.

The same Defendants as in Count 38, under the circumstances alleged in Counts 37 and 38, by ordering, causing and permitting the armed forces of Japan to attack the territory, ships and airplanes of the British Commonwealth of Nations, with which nations Japan was then at peace, at Hong Kong, on the 8th December, 1941, at about 0800 hours (Hong Kong time), unlawfully killed and murdered certain members of the armed forces of the British Commonwealth of Nations, whose names and number are at present unknown.

Count 42.

The same Defendants as in Count 38, under the circumstances alleged in Counts 37 and 38, by ordering, causing and permitting the armed forces of Japan to attack H.M.S. *Petrel*, a ship of the British Commonwealth of Nations, with which nations Japan was then at peace, at Shanghai on the 8th December, 1941, at about 0300 hours (Shanghai time), unlawfully killed and murdered three members of the naval forces of the British Commonwealth of Nations, whose names are at present unknown.

Count 43.

The same Defendants as in Count 38, under the circumstances alleged in Counts 37 and 38, by ordering, causing and permitting the armed forces of Japan to attack the territory of the Commonwealth of the Philippines, with which nation Japan was then at peace, at Davao, on the 8th December, 1941, at about 1000 hours (Manila time), unlawfully killed and murdered certain members of the armed forces of the United States of America and of the armed forces and civilians of the Commonwealth of the Philippines, whose names and number are at present unknown.

Count 44.

All the Defendants together with divers other persons between the 18th September, 1931 and the 2nd September, 1945, participated as leaders, organizers, instigators or accomplices

in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was to procure and permit the murder on a wholesale scale of prisoners of war, members of the armed forces of countries opposed to Japan who might lay down their arms, and civilians, who might be in the power of Japan on land or sea, in territories occupied by Japan, and crews of ships destroyed by Japanese forces, in ruthless pursuit of victory in the unlawful wars in which Japan was, or would, during the said period be engaged.

Count 45.

The Defendants ARAKI, HASHIMOTO, HATA, HIRANUMA, HIROTA, ITAGAKI, KAYA, KIDO, MATSUI, MUTO, SUZUKI and UMEZU, on the 12th December, 1937, and succeeding days, by unlawfully ordering, causing and permitting the armed forces of Japan to attack the City of Nanking in breach of the Treaty Articles mentioned in Count 2 hereof and to slaughter the inhabitants contrary to international law, unlawfully killed and murdered many thousands of civilians and disarmed soldiers of the Republic of China, whose names and numbers are at present unknown.

Count 46.

The same Defendants as in Count 45, on the 21st October, 1938, and succeeding days, by unlawfully ordering, causing and permitting the armed forces of Japan to attack the City of Canton in breach of the Treaty Articles mentioned in Count 2 hereof and to slaughter the inhabitants contrary to international law, unlawfully killed and murdered large numbers of civilians and disarmed soldiers of the Republic of China, whose names and number are at present unknown.

Count 47.

The same Defendant as in Count 45, prior to the 27th October, 1938, and on succeeding days, by unlawfully ordering, causing and permitting the armed forces of Japan to attack the City of Hankow in breach of the Treaty Articles mentioned in Count 2 hereof and to slaughter the inhabitants contrary to international law, unlawfully killed and murdered large numbers of civilians and disarmed soldiers of the Republic of China, whose names and number are at present unknown.

Count 48.

The Defendants HATA, KIDO, KOISO, SATO, SHIGEMITSU, TOJO and UMEZU, prior to the 18th June, 1944, and on succeeding days, by unlawfully ordering, causing and permitting the armed force of Japan to attack the City of Changsha in breach of the Treaty Articles mentioned in Count 2 hereof and to slaughter the inhabitants contrary to international law,

unlawfully killed and murdered many thousands of civilians and disarmed soldiers of the Republic of China, whose names and number are at present unknown.

Count 49.

The same Defendants as in Count 48, prior to the 8th August, 1944, and on succeeding days, by unlawfully ordering, causing and permitting the armed force of Japan to attack the City of Hengyang in the Province of Hunan in breach of the Treaty Articles mentioned in Count 2 hereof and to slaughter the inhabitants contrary to international law, unlawfully killed and murdered many thousands of civilians and disarmed soldiers of the Republic of China, whose names and number are at present unknown.

Count 50.

The same Defendants as in Count 48, prior to the 8th August, 1944, and on succeeding days, by unlawfully ordering, causing and permitting the armed force of Japan to attack the Cities of Kweilin and Liuchow in the Province of Kwangsi in breach of the Treaty Articles mentioned in Count 2 hereof and to slaughter the inhabitants contrary to international law, unlawfully killed and murdered many thousands of civilians and disarmed soldiers of the Republic of China, whose names and number are at present unknown.

Count 51.

The Defendants ARAKI, DOHIHARA, HATA, HIRANUMA, ITAGAKI, KIDO, KOISO, MATSUI, MATSUOKA, MUTO, SUZUKI, TOGO, TOJO and UMEZU, by ordering, causing and permitting the armed forces of Japan to attack the territories of Mongolia and the Union of Soviet Socialist Republics, with which nations Japan was then at peace, in the region of the Khalkhin-Gol River in the summer of 1939, unlawfully killed and murdered certain members of the armed forces of Mongolia and the Union of Soviet Socialist Republics, whose name and number are at present unknown.

Count 52.

The Defendants ARAKI, DOHIHARA, HATA, HIRANUMA, HIROTA, HOSHINO, ITAGAKI, KIDO, MATSUOKA, MATSUI, SHIGEMITSU, SUZUKI and TOJO, by ordering, causing and permitting the armed forces of Japan to attack the territory of the Union of Soviet Socialist Republics, with which nation Japan was then at peace, (in the region of Lake Khasan in the months of July and August 1938) unlawfully killed and murdered certain members of the armed forces of the Union of Soviet Socialist Republics, whose names and number are at present unknown.

Group Three: Conventional War Crimes and Crimes Against Humanity.

The following Counts charge conventional War Crimes and Crimes against Humanity, being acts for which it is charged that the persons named and each of them are individually

responsible, in accordance with Article 5 and particularly Article 5 (b) and (c) of the Charter of the International Military Tribunal for the Far East, and in accordance with International Law, or either of them.

Count 53.

The Defendants DOHIHARA, HATA, HOSHINO, ITAGAKI, KAYA, KIDO, KIMURA, KOISO, MUTO, NAGANO, OKA, OSHIMA, SATO, SHIGEMITSU, SHIMADA, SUZUKI, TOGO, TOJO and UMEZU, together with divers other persons, between the 7th December, 1941, and the 2nd September, 1945, participated as leaders, organizers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy, and are responsible for all acts performed by themselves or by any person in execution of such plan.

The object of such plan or conspiracy was to order, authorize and permit the Commanders-in-Chief of the several Japanese naval and military forces in each of the several theatres of war in which Japan was then engaged, and the officials of the Japanese War Ministry, and the persons in charge of each of the camps and labour units for prisoners of war and civilian internees in territories of or occupied by Japan and the military and civil police of Japan, and their respective subordinates frequently and habitually to commit the breaches of the Laws and Customs of War, as contained in and proved by the Conventions, assurances and practices referred to in Appendix D, against the armed forces of the countries hereinafter named and against many thousands of prisoners of war and civilians then in the power of Japan belonging to the United States of America, the British Commonwealth of Nations, the Republic of France, the Kingdom of the Netherlands, the Commonwealth of the Philippines, the Republic of China, the Republic of Portugal and the Union of Soviet Socialist Republics, and that the Government of Japan should abstain from taking adequate steps in accordance with the said Conventions and assurances and Laws and customs of War, in order to secure observance and prevent breaches thereof.

In the case of the Republic of China, the said plan or conspiracy began on the 18th September, 1931, and the following Defendants participated therein in addition to those above-named: ARAKI, HASHIMOTO, HIRANUMA, HIROTA, MATSUI, MATSUOKA, MINAMI.

Count 54.

The Defendants DOHIHARA, HATA, HOSHINO, ITAGAKI, KAYA, KIDO, KIMURA, KOISO, MUTO, NAGANO, OKA, OSHIMA, SATO, SHIGEMITSU, SHIMADA, SUZUKI, TOGO, TOJO and UMEZU, between the 7th December, 1941 and the 2nd September, 1945, ordered, authorized and permitted the same persons as mentioned in Count 53 to commit the offences therein mentioned and thereby violated the laws of War.

In the case of the Republic of China the said orders, authorities and permissions were given in a period beginning on the 18th September, 1931, and the following Defendants were

responsible for the same in addition to those named above: ARAKI, HASHIMOTO, HIRANUMA, HIROTA, MATSUI, MATSUOKA, MINAMI.

Count 55.

The Defendants DOHIHARA, HATA, HOSHINO, ITAGAKI, KAYA, KIDO, KIMURA, KOISO, MUTO, NAGANO, OKA, OSHIMA, SATO, SHIGEMITSU, SHIMADA, SUZUKI, TOGO, TOJO and UMEZU, between the 7th December, 1941 and the 2nd September, 1945, being by virtue of their respective offices responsible for securing the observance of the said Conventions and assurances and the Laws and Customs of War in respect of the armed forces in the countries hereinafter named and in respect of many thousands of prisoners of war and civilians then in the power of Japan belonging to the United States of America, the British Commonwealth of Nations, the Republic of France, the Kingdom of the Netherlands,

the Commonwealth of the Philippines, the Republic of China, the Republic of Portugal and the Union of Soviet Socialist Republics, deliberately and recklessly disregarded their legal duty to take adequate steps to secure the observance and prevent breaches thereof, and thereby violated the laws of war.

In the case of the Republic of China, the said offence began on the 18th September, 1931, and the following Defendants were responsible for the same in addition to those named above: ARAKI, HASHIMOTO, HIRANUMA, HIROTA, MATSUI, MATSUOKA, MINAMI.

Wherefore, this Indictment is lodged with the Tribunal, and the charges herein made against the above-named Defendants are hereby presented to the Tribunal.

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the United States of America.

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H.G. Nolan
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Pedro Lopez
Associate Counsel, acting on behalf of
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