



国际检察局讯问记录

Numerical Case Files Relating to
Particular Incidents and Suspected War Criminals,
International Prosecution Section (1945-1947)

国家图书馆 上海交通大学 编

32

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INTERROGATION OF

OYAMA, Ayao (Fumiyo)

Date and Time: 25 May 1946, 0900-1145 hours

Place : Room 380, War Ministry Building,
Tokyo, Japan

Present : OYAMA, Ayao (Fumiyo)

Mr. Kenneth N. Parkinson, Interrogator
Mr. Masaharu YOSHITANI, Interpreter
Miss Lillian Anderson, Stenographer

Oath of Interpreter, administered by
Mr. Parkinson:

Mr. Parkinson: Do you solemnly swear, by Almighty God,
that you will truly and accurately
interpret and translate from English
into Japanese and from Japanese into
English, as may be required of you in
this proceeding?

Mr. YOSHITANI: I do.

Questions by : Mr. Parkinson

(General OYAMA, Ayao (Fumiyo), presented certain documentary evidence relating to courts-martial, etc., the first one being marked X-1, which refers to the number of courts-martial during the years 1938 to 1941 covering Japan proper, Manchuria, and China. Also lists divisions and locations.)

Q. Do I understand that this represents the entire Japanese army?

A. Yes, the entire Japanese army. Attached to this is a table showing the type of crimes committed for 1939 to 1941, three years. It shows the crimes committed according to rank, officers and enlisted men.

(Document marked X-2 contains certain rules and regulations relating to the care and treatment of prisoners of war that were adopted following the Russian-Japanese war, as amended. Likewise reflects certain additional rules and regulations that were adopted during World War II.)

(Document X-3 reflects certain additional rules and regulations covering the treatment of prisoners of war and was applicable to China as well as other areas.)

OYAMA, Awa (Fumiyo) - 25 May 1946 - cont'd

(Document X-4 is a document setting forth certain orders issued by SATO while Chief of the Military Affairs Bureau. This was between 1942 and 1944.)

(Document #49 published in November 1943 reflects the then existing rules and regulations regarding the treatment, care, and conduct of prisoners of war.)

Q. As I understood your statement, you were Chief of the Justice Bureau from 1933 until sometime in 1945. That was correct, wasn't it?

A. Yes, I was the Chief of the Judicial Bureau from 20 December 1933 to 1945.

Q. I understood you likewise to say that it was the custom to hold meetings of sectional heads of the War Ministry presided over by the War Minister or Assistant War Minister at regular intervals throughout all those years?

A. Yes, it was the custom to hold meetings by bureau chiefs, with the War Minister and Vice War Minister presiding.

Q. Were they held at regularly stated periods or were they just subject to call?

A. They were usually held at regular intervals, but on very frequent occasions they were subject to call.

Q. During the period December 1941 to 1945 could you indicate how often these meetings were held?

A. These meetings were held once or twice a week.

Q. Throughout those years?

A. Yes, throughout those years.

Q. On those occasions, do I understand that any question of importance relating to the military forces was discussed?

A. At these meetings it was the custom of various bureau chiefs to report on their own subjects and it was not a meeting where they made any decisions.

Q. On those occasions, would it likewise be true that bureau heads would be requested to report on certain special subject matters?

A. Yes, it was often requested by the War Minister or the Vice War Minister.

OYAMA, Ayao (Fumio) - 25 May 1946 - cont'd

- Q. Do you know whether or not prior to the issuance of the Imperial Decree relating to prisoners of war the necessity for such a decree or bureau was discussed in the staff meeting?
- A. By the Imperial Decree, do you mean the one that was issued in 1943?
- Q. Setting up this Prisoner of War Bureau. What I am trying to get at is was the subject of prisoners of war, the necessity of setting up provisions for their care and treatment discussed prior to the issuance of that decree?
- A. Do you mean the one in 1941?
- Q. Yes, setting up the prisoner of war camp.
- A. I do not remember that this was discussed prior to the issuing of this Imperial Decree.
- Q. Was it your custom personally as head of the Justice Bureau to attend these meetings?
- A. It was the custom to have the chief of the Judiciary Bureau attend these meetings.
- Q. On occasions when you, because of illness or other reasons could not personally attend, were you represented by an alternate?
- A. Yes.
- Q. When represented by an alternate, would that alternate report to you thereafter as to what took place at that meeting?
- A. It was usually reported to the chief.
- Q. Yes, but my question was when you did not personally attend, would your alternate report to you what transpired?
- A. It was reported to me.
- Q. Orally or in writing?
- A. It was reported orally.
- Q. So that in fact you either knew directly or indirectly what transpired in every meeting of bureau chiefs while you were in office?
- A. Yes, I knew.
- Q. And based on your years of attendance at these meetings, you were able to determine who the most influential and effective bureau chiefs were?

OYAMA, Ayao (Fumiyo) - 25 May 1946 - cont'd

- A. Yes, I can determine the influential bureau chiefs.
- Q. And during the war years, whom would you consider the most influential bureau chiefs?
- A. The Chiefs of the Bureau of Military Affairs, Bureau of Military Service, and Bureau of Supplies, in that order were the most influential.
- Q. During the war period did you ever witness an argument or difference of opinion expressed between SATO and TOJO?
- A. In my recollection, there were no pronounced difference of opinion between TOJO and SATO.
- Q. Would you say they appeared to work in perfect harmony and accord?
- A. I believe so.
- Q. Were you present at a meeting in the Spring of 1942 wherein a decision was reached as to the working of prisoners of war and the establishment of prisoner of war encampments in China and Manchuria areas?
- A. There was a report concerning the establishment of prisoner of war camps in Korea and Manchuria.
- Q. Do you remember General IIMURA announcing at this meeting that the prisoners of war would be treated according to the Geneva Convention, and that he was over-ruled by TOJO who stated they would be subjected to compulsory labor?
- A. I do not recall such an incident.
- Q. Do you recall any such decision ever having been reached?
- A. I have heard the decision that the prisoners of war would be used as laborers.
- Q. Did you attend the meeting where that decision was rendered?
- A. These decisions were not made at these bureau chief meetings.
- Q. Two others who were in attendance at those meetings state definitely that you were present when that decision was rendered.
- A. There may have been discussions of such things at these meetings, but it was never decided upon.

OYAMA, Awa (Fumiyo) - 25 May 1946 - cont'd

- Q. Do you remember the occasion when General IIMURA reporting for the Bureau of Prisoners of War said, "We will treat them this way," and TOJO said, "We will not."
- A. I still do not remember such an incident at the meetings.
- Q. Do you know that among the rules and regulations governing prisoners of war that you delivered to me this morning and dated May 6, 1942, are orders carrying out the very things I have just mentioned?
- A. I know of these regulations because it was actually so.
- Q. Do you recall TOJO making a statement that the placing of these prisoner of war camps in Korea, Manchuria, etc., was to show to the Chinese, Koreans, etc., the might of Japan?
- A. I do not recall that statement.
- Q. For your information, TOJO admits the statement and two others insist that you yourself was present and heard it.
- A. If you say so, it may be true that I was present, but I still do not recall.
- Q. Do you recall attending a meeting of bureau chiefs held in the early part of August 1942 when SATO announced the intention to sentence to death the captured Doolittle flyers?
- A. I do not recall. I do not think it was stated at this meeting.
- Q. Do you recall at what meeting it was stated in?
- A. I do not think so.
- Q. Do you recall any meeting where the disposition of the Doolittle flyers was discussed?
- A. I do not remember that the subject of the Doolittle flyers was brought up in any meeting.
- Q. Did you ever learn that it was intended to courts-martial these Doolittle flyers?
- A. I do know that they were subject to court martial.
- Q. When and how did you learn that they were to be subject to court martial?

OYAMA, Ayao (Fumiyo) - 25 May 1946 - cont'd

- A. I first learned about it in July or August 1942 and the draft of this court martial was submitted to me through the Bureau of Military Affairs.
- Q. Do you recognize this document (indicating)?
- A. Yes, I do recognize this document. (Document #1681)
- Q. Is that the document which was submitted to you for your approval prior to its issuance?
- A. This document was decided at the Chief of Staff and Bureau of Military Affairs and then was submitted to me.
- Q. What was the purpose of its being submitted to you?
- A. The purpose was to apply these regulations, to see that they were carried out.
- Q. In fact, isn't it true that this order would be carried out through the representatives of the Justice Bureau serving with the various army commanders?
- A. It is true that it would be carried out by the representatives of the Judicial Bureau which serves under the area commanders.
- Q. If you were asked to place your finger on any one person most responsible for originating this idea, who would you name? In other words, what I want to find out is who is the person who got up this idea in the first place pertaining to the Doolittle flyers?
- A. I do not know the name of a certain person, but I think the Chief of Staff and the Chief of the Bureau of Military Affairs would be responsible.
- Q. Who was the Chief of Staff at that time?
- A. I think it was General SUGIYAMA.
- Q. And, of course, the head of the Bureau of Military Affairs was SATO. If TOJO says that he is responsible, would you believe him or think he was just being brave by trying to shield another?
- A. Do you refer to this document?
- Q. Yes, this decision to courts martial the Doolittle flyers.
- A. Since TOJO knew about this court martial, I think that he should be responsible.

OYAMA, Ayao (Fumiyo) - 25 May 1946 - cont'd

- Q. True, but don't you think that he is actually being chivalrous?
- A. I think that he may be chivalrous, but I still think that actually TOJO should be responsible.
- Q. In the light of this discussion, don't you now recall that this proposal was made by SATO in a meeting of bureau chiefs and that at that same meeting TOJO stated he thought he was going too far, that it was a dangerous course to pursue?
- A. I do not recall either SATO or TOJO saying that at this meeting.
- Q. You do not recall then whether or not this order that you identified was a compromise between SATO, an extremist on the one hand, and TOJO inviting caution?
- A. I do not know about this incident.
- Q. This order states that air crew members who do not violate the international rules of warfare are to be treated as prisoners of war, and also states that those violating such rules shall be treated as capital criminals or offenders. What do you consider a violation of international rules of warfare by a flyer?
- A. I think that the attacking of objects other than military establishments and inhuman acts such as shooting civilians would be considered violation of international rules of warfare.
- Q. By the way, doesn't that order leave it up to the individual commander to exercise his own discretion in determining what constitutes a violation?
- A. I think so. I think it leaves it up to the area commander.
- Q. In the case of the Doolittle flyers to assure that that would not be abused, wasn't it required that the courts martial proceedings be reviewed by you yourself?
- A. If I considered that it was a violation of the rules, I would object.
- Q. As a matter of fact, you did review the courts-martial proceedings on the Doolittle flyers, didn't you?
- A. I have seen the sentences reported to me concerning the Doolittle flyers.
- Q. Yes, but did you see the courts-martial records before the sentence was carried out?

OYAMA, Ayao (Fumiyo) - 25 May 1946 - cont'd

- A. I have not seen the records of the courts-martial before the sentence.
- Q. Did you see it before the sentence was carried out is what I am getting at?
- A. I saw a report of the sentence before they were sentenced to death.
- Q. Before they were actually executed?
- A. Yes, before they were killed.
- Q. From that, how did you know whether or not they were guilty of violating international law? How would you know whether or not they were in fact guilty of violating international law without seeing the record?
- A. I want to make a correction. I saw those reports of the sentences after the actual execution and on this report, sentence report, it gave the violations of these laws.
- Q. And is there anyone in the War Ministry who would have been consulted prior to the carrying out of that execution?
- A. The War Minister, Vice War Minister, Chief of Bureau of Military Affairs knew about the execution of these flyers prior to their actual execution. I also saw the telegram concerning this execution. This telegram was sent to the War Ministry.
- Q. From Shanghai?
- A. From Shanghai.
- Q. Do you have a copy of the records that you reviewed at that time in relation to these courts martial?
- A. I have no records now.
- Q. They were some of those that were destroyed?
- A. Yes, they were destroyed.
- Q. Do you know the present whereabouts of General NAKASHIMA, divisional commander at Nanking in 1937?
- A. General NAKASHIMA died several years ago. He was the divisional commander of the 16th Division and he died after being on the reserve list.
- Q. Do you recall any order issued in 1945 changing the policy in treatment of aerial prisoners of war?

OYAMA, Ayao (Fumiyo) - 25 May 1946 - cont'd

- A. Can you give me a certain month or date?
- Q. There are two dates I have in mind. One either May or June of 1945 and the other in September.
- A. I do not know of such orders.
- Q. Who was head of the Kempei Tai in September 1945?
- A. I am not sure, but I think it may be Lieutenant-General OKIDO.
- Q. Do you recall an order--instructions or orders issued by that general in September 1945 in which he called for a report on all atrocities perpetrated on prisoners of war?
- A. Was this order issued to the people in general?
- Q. I don't know. I don't know whether it included more than the Kempei Tai or not, but I think it did.
- A. I do not know, but an order may have been issued.
- Q. By the way, in September 1945, were you in your present position?
- A. Yes, I was in reserve.
- Q. Did you issue any order calling for reports from representatives of Judicial Branches serving with area commanders in Japan proper in September or thereabouts? Did you issue an order to those representatives of the Judiciary Bureau dealing with prisoners of war?
- A. During September, I was on the reserve list so I would not know definitely, but after I assumed my present position, I have heard that orders were issued to the representatives of the Judicial Bureau that all personnel that mistreated prisoners of war should be punished.
- Q. Now, I wonder if you can locate a copy of those instructions and also the instructions that were issued by Kempei Tai. The reason I am asking for the latter is that it will help you in identification. These instructions issued by Kempei were signed by General ISHIDA. However, the general himself was so disgusted with it that he x'd out his signature. No one ever got wise to that. It was signed ISHIDA with a lot of x's showing he disavowed it. I wonder if you can locate, particularly the order that went out from Kempei Tai?
- A. These two instructions should be in the Demobilization Ministry although I have not seen the one issued by Kempei Tai. I am quite sure that the one issued by the Judiciary Bureau would be there.

OYAMA, Ayao (Fumiyo) - 25 May 1946 - cont'd

Q. Will you try to locate them?

A. I will try to locate those documents.

Q. As a matter of practice before any courts martial sentence was carried out in an area--take right here in Japan for example, it required approval and a review by a representative of the Judiciary Branch of the staff of that area commander, isn't that true?

A. It is the custom to always review these sentences before their actual execution.

Q. As a matter of practice, didn't the representative of the Judiciary Branch recommend to the area commander the sentence which should be applied?

A. It is usually recommended by the prosecutor, who is usually a member of the Judicial Bureau, a representative of the Judicial Bureau.

Q. And he bases that and his recommendation for courts martial on the interrogation report of Kempei Tai?

A. Most of these did come from the Kempei Tai.

Q. Now, can you tell me how many American flyers that were captured in Japan proper were courts martialed during the year 1945?

A. I do not remember offhand the number of flyers captured, but I do remember that there were thirteen flyers that were sentenced to court martial.

Q. Sentenced to death?

A. Sentenced to death.

Q. And executed?

A. Yes.

Q. Do you remember when and where that execution took place?

A. They were sentenced about June or July of last year, and of the thirteen flyers, eleven were executed in Nagoya and two were executed in Osaka.

Q. Which island is that on?

A. Japan proper, Honshu.

Q. Where would their bodies be buried?

OYAMA, Ayao (Fumiyo) - 25 May 1946 - cont'd

- A. The flyers that were executed in Nagoya may have been buried in the mountains near Nagoya city, or they may have been buried in the compounds of the headquarters in Nagoya. The flyers executed in Osaka were buried in the compound of the military prison in Osaka. Later, all of these bodies were cremated, were dug up and cremated.
- Q. Do you remember when they were dug up and cremated?
- A. I do not recall the date, but the documents concerning the burial and cremation of these bodies can be found in the Demobilization Ministry.
- Q. I am going to look to you to furnish those.
- A. Do you want the date?
- Q. I want any and everything about it. Now, as a matter of fact, there were many many many more courts martial of flyers in the year 1945. Those records have presumably been destroyed. I would like for you to furnish me either the records or a reconstruction of the records of the courts martial of flyers in Japan proper through the year 1945.
- A. These were the only flyers that were executed according to regular courts martial. There may have been many more that were executed without any court martial trials, and that I do not know about.
- Q. Isn't it a fact there was an order issued during the Summer of 1945 directing that they be executed without court martial?
- A. I do not know.
- Q. Do you know that the entire courts martial procedure was relaxed for the purpose of dealing with those flyers? You must know that, as head of the Judiciary Branch.
- A. I do not know about it since I was not in office at that time.
- Q. Well, coming back to this document #1681. I will ask you to locate that portion about a special courts martial procedure that was adopted in 1942.
- A. The special order issued in this court martial regulation is that the capital punishment should be issued according to court martial regulations applied to Japanese during the war.
- Q. As a matter of fact, you know that the courts martial procedure during the war was completely relaxed. I have a complete description of the changes that took place presented to me

OTAMA, Ayao (Fumiyo) - 25 May 1946 - cont'd

by Kempei Tai and they claim that they were drafted by the Judicial Branch of the War Ministry. Do you remember it? I don't want to have to go to the document room and drag them out, but they are there.

- A. Court martial procedure was not relaxed.
- Q. I have complete proof of it from Japanese documents and Japanese witnesses who applied them.
- A. I still think there were no orders issued relaxing court martial procedure.
- Q. Do you recall or have any information or even heard a rumor with the relation to execution of flyers after the surrender of Japan?
- A. I do not know of any such incident.
- Q. And you know of none in the Tokyo area?
- A. I lived in Okayama when the war ended, so I would not know about the Tokyo area.
- Q. Did you hear of any incidents where this order which you issued, I think, in September 1945 and the order issued by the head of Kempei was misapplied because it wasn't understood. Three of those interned at Sugamo charge that your order and that of the head of Kempei were deliberately phrased so as to mislead and enable executions. Now you see how important it is to locate those documents.
- A. If that is the case, it is very important, and I will try to get those documents.
- Q. One of them admits he did this very thing because of the way that order read. He misconstrued it as an order directing him to execute rather than prohibiting it. I don't recall the exact date. I want to see both to make sure.
- A. Are both of those documents issued in September of last year?
- Q. So far as Kempei was concerned, yes. It was to carry out an order from SCAP. I am quite certain that is the date without going back to the records and locating it. I am quite certain it was in September when there was an order issued to report on all atrocities perpetrated on American flyers, and various units were asked to report. That order is claimed so ambiguous one officer assumed it to mean to destroy instead of report on destruction. The true order itself, a copy of it, should be produced so we can see if there is any justification in that charge. It may be that there is no truth in it, that this officer is just trying to excuse himself.

OYAMA, Aiso (Fumiye) - 25 May 1946 - cont'd

- A. I will try to find them.
- Q. It is important. We have been told about summary executions right here in Tokyo. For your own protection I would try to locate every order I could find relating to prisoners of war and I would try to find every report and record relating to the execution of prisoners of war. You have told us about thirteen. We already knew of nineteen in another place. They were actually tried by courts martial, were ordered executed and were executed. Some of those things we know. It would help you a lot if you would find anything and everything you can relating to particularly flyers here in Japan. I think you realize its importance. We realize you weren't in office most of this time, fortunately. In addition to wanting to get the facts, we are just as anxious to acquit people. We have some at Sugamo whose defense lies in obtaining this information. They have told us about it and are quite honorable, and we don't want to keep them there uselessly. There is another thing. I wish you would be kind enough to reflect over all the various and sundry staff meetings you attended, or bureau chief meetings, and I would like to you to write me of the participation of SATO in these various meetings.
- A. The document submitted to you this morning concerning SATO, that gives the orders. If you want those reports in detail, I will get them for you.
- Q. The general has given us the courts martial reports there. How late was that?
- A. The courts martial report?
- Q. Yes, that covered China.
- A. I believe it covered up to 1941.

Certificate of Interpreter

I, Hasaharu YOSHITANI, Civilian
(name) (Rank) (Serial Number)

being sworn on oath, state that I truly translated the questions and answers given from English to Japanese and from Japanese to English respectively, and that the above transcription of such questions and answers, consisting of 11 pages, is true and accurate to the best of my knowledge and belief.

M. Yoshitani

Subscribed and sworn to before me this 1 day of June, 1946.

(Name and Rank)

Duly Detailed Investigating Officer,
International Prosecution Section, GHQ, SCAP.

Certificate of Stenographer

I, Lillian Anderson, hereby certify that I acted as stenographer at the interrogation set out above, and that I transcribed the foregoing questions and answers, and that the transcription is true and accurate to the best of my knowledge and belief.

Lillian Anderson

Certificate of Interrogator.

I, (we) Kenneth N. Parkinson, Civilian, _____

and _____, _____,

certify that on the 25 day of May, 1946, personally appeared before me (us) OXAMA, Ayao (Fumiko) and according to Hasaharu YOSHITANI, Interpreter, gave the foregoing answers to the several questions set forth therein.

Tokyo, Japan
Place

1 June 1946
Date

Kenneth N. Parkinson