

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

TRANSCRIPT OF PROCEEDINGS

JULY 26, 1946

(pp. 2542--2615 inc.)

901779

DAVID NELSON SUTTON

No. 30
July 26, 1946

36

Handwritten notes or signatures in the top right corner.

I N D E X
Of
WITNESSES

<u>Prosecution's Witnesses</u>	<u>Page</u>
Wilson, Dr. Robert O. (resumed)	2547
Direct by Mr. Sutton	2547
Cross by Mr. S. Okamoto	2551
" " Mr. Ito	2554
Hsu, Chuan-ying	2556
Direct by Mr. Sutton	2557
Cross by Mr. Kanzaki	2583
" " Mr. Ito	2589
Shang, Teh Yi	2599
Direct by Mr. Sutton	2599
Wu, Chang Teh	2603
Direct by Mr. Sutton	2603
Chen, Fu Pao	2608
Direct by Colonel Morrow	2608
Cross by Mr. Ito	2612

I N D E X
Of
EXHIBITS

<u>Pros.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
205		Statement of Hsu, Chuan-ying	2556	
206		" " Shang, Teh Yi		2599
207		" " Wu, Chang Teh		2603
208		" " Chen, Fu Pao		2608

1 Friday, 26 July, 1946

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4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before.

15 For the Defense Section, same as before.

16 - - -

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18 (English to Japanese, Japanese to
19 English, English to Chinese, and Chinese to
20 English interpretation was made by the
21 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
A
b 2 Military Tribunal for the Far East is now resumed.

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a 3 THE PRESIDENT: Except OKAWA, who is re-
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4 presented by counsel, all the accused are present.

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5 Does counsel desire to mention any matter?
M
O 6 Mr.. Warren.

r
S 7 MR. WARREN: If the Tribunal please, there
e
8 was no particular time yesterday for me to say what
9 I am going to. When this witness took the stand I
10 stated that the defense had not been notified. I
11 find that our section was notified, and in the manner
12 the prosecution had told the Tribunal, however, that
13 information did not get to us because we are all
14 very skimpy on help; it did not get to us and I want
15 to apologize to the prosecution and to the Tribunal
16 for having made a remark which was not true.

17 THE PRESIDENT: Mr. Sutton.

18 MR. SUTTON: May it please the Tribunal,
19 in answer to the inquiry propounded by the Court
20 just before adjournment on yesterday, with regard to
21 the relevancy of evidence on the subject of opium and
22 narcotics, I desire to call the Court's attention to
23 the fact that in counts 1, 3, 4, 5, 6, 27 and 38 of
24 the Indictment there is the charge of waging aggressive
25 war. In each of these counts reference is specifically

1 made to Appendix "B" -- I beg pardon, to Appendix
2 "A", Section 4. This section, Section "A", of
3 Appendix 4, reads as follows: "METHODS OF CORRUPTION
4 AND COERCION IN CHINA AND OTHER OCCUPIED TERRITORIES:

5 During the whole period covered by this Indictment,
6 successive Japanese Governments, through their
7 military and naval commanders and civilian agents in
8 China and other territories which they had occupied
9 or designed to occupy, pursued a systematic policy
10 of weakening the native inhabitants will to resist
11 by atrocities and cruelties, by force and threats of
12 force, by bribery and corruption, by intrigue amongst
13 local politicians and generals, by directly and in-
14 directly encouraging increased production and im-
15 portation of opium and other narcotics and by promoting
16 the sale and consumption of such drugs among such
17 people."

18 MR. McMANUS: If your Honor please, I
19 think the Court knows and we know what the Indictment
20 reads, and the appendices thereto. I don't see any
21 reason to read it into the record. It is there; the
22 Court knows. Just why couldn't counsel make reference
23 to it rather than reading it? We all know what it is.

24 THE PRESIDENT: The defense raised the
25 objection and it is for you to establish it, and

1 you may go further than making mere reference. Per-
2 sonally I am glad you read that.

3 MR. SUTTON: The position taken by the
4 defense today is quite inconsistent with the position
5 which they took on yesterday.

6 THE PRESIDENT: I think you have read
7 enough. You had better keep those headphones on or
8 I will have to repeat myself.

9 MR. SUTTON: May it please the Tribunal,
10 I should like to refer to the fact that in the open-
11 ing address of the chief of counsel this statement
12 was made. I will read from page 35 of that document
13 one sentence: "The evidence will also disclose that
14 opium was used as a military weapon to break the
15 morale of the people and to destroy their will to
16 fight, as well as a means of revenue to finance
17 Japan's armies." That is all we wish to say on
18 this point.

19 THE PRESIDENT: The objection is overruled.

20 MR. WARREN: Your Honor, may I be heard on
21 that before I am overruled?

22 THE PRESIDENT: Oh, no, it is obviously
23 a matter upon which evidence can be received. We
24 have heard enough, Mr. Warren.

25 MR. WARREN: On another point, then, your

1 Honor, we should like to object to it, on the ground
2 that his questions are, as you pointed out, entirely
3 leading.

4 THE PRESIDENT: I doubt whether I was right.
5 I looked at the record, and unfortunately I do not
6 hear everything that is said at that lecturn, because
7 counsel sometimes turn away from the microphone.

8 MR. WARREN: And, in addition, your Honor,
9 it assumes a fact that was not in evidence. I made
10 the same type of previous objection.

11 THE PRESIDENT: Surely you can assume the
12 fact that narcotics are used in Nanking.

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WILSON

DIRECT

1 R O B E R T O. W I L S O N, called as a witness
2 on behalf of the prosecution, resumed the stand
3 and testified as follows:

4 DIRECT EXAMINATION (Continued)

5 BY MR. SUTTON:

6 MR. SUTTON: Will the question be read back
7 to the witness?

8 (Whereupon, the last question was
9 read by the President from the Official trans-
10 cript of Thursday, 25 July 1946, as follows:

11 "Q Was there any change in the sale of opium
12 in Nanking following the occupation of the city by
13 the Japanese in December, 1937?"

14 A Prior to the Japanese occupation, I had
15 never seen an opium den with a sign on the outside
16 showing that the sale of opium was going on in that
17 place. It was a capital offense to be found selling
18 opium. About one year after the occupation, in the
19 Spring of 1939, I was bicycling down one of the
20 main streets of the city. In the space of about one
21 mile on Shengjao Road, between Kiang Tang Chieh
22 Methodist Church and Chung Ji-leu, I counted twenty-
23 on) opium dens openly -- twenty-one places openly
24 selling opium. These places all had the Chinese
25 characters "Kwang To" prominently displayed in front

WILSON

DIRECT

1 of the place.

2 Q Doctor, what is the meaning of the Chinese
3 character "Kwang To"?

4 A That is one of the terms used for opium and
5 means "official earth."

6 MR. SUTTON: The defense may cross-examine
7 the witness.

8 THE PRESIDENT: Mr. Warren.

9 MR. WARREN: Apparently there is no cross-
10 examination, your Honor.

11 THE PRESIDENT: No cross-examination?

12 MR. SUTTON: We desire to call as the next
13 witness Dr. Hsu Chuan-wing.

14 THE PRESIDENT: I understand a Japanese
15 counsel wants to say something.

16 (Whereupon, the witness left the box).

17 MR. McMANUS: If the President pleases, we
18 are undetermined at this time, at least, we thought
19 there would be no cross-examination concerning this
20 witness. We understand from Dr. KIYOSE that there
21 might be one Japanese counsel who might like to ask
22 a few questions.

23 THE PRESIDENT: We will give permission to
24 cross-examine the witness, who will be recalled for
25 that purpose. Bring the doctor back. The doctor

1 may have gotten away. I think you had better go on
2 with the next witness.

3 MR. KEENAN: May it please the Court --

4 THE PRESIDENT: Mr. Chief Prosecutor.

5 MR. KEENAN: Yesterday the Court, as I
6 understand it, made the ruling that when a witness
7 spoke in the English language the practice of per-
8 mitting the offering of the affidavit would not be
9 countenanced.

10 THE PRESIDENT: Put it this way: when he
11 is a European, born in America, and educated there up
12 to university standard.

13 MR. KEENAN: With great respect, I want to
14 suggest two matters to the Court. First of all, the
15 Charter itself, in setting forth the admissibility of
16 affidavits, specifically makes no distinction as to
17 the language, either in the original affidavit as
18 filed, or the language of any witness who would tes-
19 tify as to germane subjects. And secondly, in the
20 best estimate of counsel, such a ruling would prolong
21 the length of this trial a matter perhaps between
22 four and five weeks. With great respect, we want to
23 inform the Court of our views and our estimates of
24 time upon that subject, so that if there is a profound
25 reason for the distinction, we do not care to urge the

1 matter any further, but if it is compatible with
2 orderly trial, we greatly request the Court's re-
3 consideration of that ruling to determine if we are
4 within the provisions of the Charter in offering the
5 evidence in affidavit form, as already I understand
6 has been the practice during the proceedings in this
7 Court. We think that in fairness to the Court, we
8 ought to apprise the Court of our intention in future,
9 from the time element, so that that might be given
10 whatever consideration it deserves in the minds of
11 this Tribunal.

12 THE PRESIDENT: Obviously, the Charter
13 does not deprive us of the discretion which we
14 exercised yesterday, that is, to insist upon the
15 examination in chief being conducted orally and not
16 by affidavit. No time was lost in following the
17 normal course. The oral examination was conducted
18 as speedily as the affidavit could have been read.
19 In receiving affidavits we have exercised more
20 liberality than has been displayed at Nuernberg.
21 The Court will continue to exercise its judgment
22 in each case.

23 (Whereupon, Dr. Robert O. Wilson
24 returned to the witness box).
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MR. S. OKAMOTO: I am OKAMOTO, Shoichi, counsel for the defendant MUTO, Akira.

THE PRESIDENT: Doctor, you are still on your former oath.

MR. S. OKAMOTO: I also believe so. In line with the Court's views, I will be quite pleased if the oath should be re-administered -- should be administered again.

THE PRESIDENT: There is no need for that. Please put your questions or retire from the lectern.

CROSS-EXAMINATION

BY MR. S. OKAMOTO:

Q You have testified that the doctors and nurses at your hospital ran away before the fall of Nanking. Does that not also apply to the inhabitants of the adjacent districts?

A The population of Nanking before the war was slightly over one million. At the time that the Japanese took the city a majority of the inhabitants had left and the population was less than half a million.

Q I did not hear the time. When was that that it decreased to that number?

A During the month of November and the first two weeks in December.

1 Q Then you are aware that before the fall of
Nanking a great number of the people had already fled?

2 A That is true.

3 Q Is it correct that you had 170 beds in your
4 hospital?

5 A The number is usually given as 180.

6 Q And you say that these beds immediately be-
7 came full -- became full immediately after the fall
8 of Nanking. When was this?

9 A Within the first week after the fall of Nan-
10 king. Many patients were turned away because we had
11 not enough beds.

12 Q About how many patients did you turn away?
13 Do you remember the general figures, the approximate
14 figures?

15 A I would have no way of telling that, princi-
16 pally because my work was in the operating room and I
17 was there busy most of the time day and night for a
18 few weeks after the occupation. The others handled
19 the out patients and had to turn away patients when
20 there were no beds.

21 Q You have stated that many of your patients,
22 these patients that you treated, had wounds. But as
23 the translation was incorrect, I would like to point
24 out one example. For instance, you say that a woman
25

WILSON

CROSS

1 of about forty had a wound in her neck and that the
2 muscles were cut and were hanging loose. But what was
3 this caused by?

4 A A Japanese sword.

5 Q Were not many of the other wounds due to frag-
6 ments of shells?

7 A Not at that time. During the fall in October
8 and September when we were under many air raids we
9 received numerous wound fragments. But at the time
10 that we are referring to, after the fall of Nanking,
11 there was no fighting.

12 MR. S. OKAMOTO: That is all I have to say.

13 CAPTAIN KLEIMAN: May I?

14 THE PRESIDENT: The Japanese counsel who has
15 just cross-examined was under misapprehension, but you
16 are not. We will not allow you to cross-examine.

17 CAPTAIN KLEIMAN: If it please your Honor,
18 I sit in a far corner of the Tribunal and the head
19 table did not consult me as to whether I wished to
20 cross-examine.

21 THE PRESIDENT: You have a voice and you
22 could have used it from there.

23 CAPTAIN KLEIMAN: I just had two questions in
24 mind, very short.

25 THE PRESIDENT: Well, he was not recalled

WILSON

CROSS

1 for cross-examination by you, Captain Kleiman, but
2 for cross-examination by Japanese counsel.

3 MR. ITO: I am ITO, Kiyoshi, counsel for the
4 defendant MATSUI, Iwane.

5 CROSS-EXAMINATION (Continued)

6 BY MR. ITO:

7 Q As I was unable to get your testimony very
8 well yesterday, being unable to understand English, I
9 would like to just ask you this question.

10 You say that a Chinese woman was raped by a
11 Japanese soldier and that two months later she showed
12 signs of being in the second stage of syphilis. Was
13 that correct?

14 A That is true.

15 Q Thank you. According to my observations --
16 of course I am an amateur so they may not be correct --
17 manifestations of the second stage of syphilis are not
18 usually until after over three months have passed
19 after infection. But is that correct?

20 A That is the third stage.

21 Q Is that a difference in theory? The book
22 that I have here says three months.

23 A I am sure I don't know what that book is.
24 My observations are that any time from six weeks to
25 three months the secondary rash may appear.

WILSON

CROSS

1 Q Well, anyway, according to this book I can-
2 not but conclude that since it takes over three months
3 for the second stage to appear, that this woman could
4 not have been infected by a Japanese soldier two
5 months previously.

6 A You are entitled to your opinion and I am
7 entitled to mine.

8 THE PRESIDENT: You must take the witness'
9 answer. You can call evidence later to contradict
10 him if you wish.

11 MR. ITO: I shall do so later.

12 THE PRESIDENT: Yes. That will do, doctor.

13 (Whereupon, the witness was excused.)

14 MR. SUTTON: The prosecution desires to call
15 as its next witness Hsu Chuan-Ying, of the Republic
16 of China.

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HSU

DIRECT

1 H S U C H U A N - Y I N G, called as a witness
2 on behalf of the prosecution; being first duly
3 sworn, testified as follows:

DIRECT EXAMINATION

4
5 MR. SUTTON: If it please the Court, we de-
6 sire to present International Prosecution Section
7 document 1734.

8 THE PRESIDENT: Exhibit number, Mr. Sutton,
9 please.

10 DEPUTY CLERK OF THE COURT: Document No. 1734
11 will be given exhibit No. 205.

12 (Whereupon, the document above
13 referred to was marked prosecution's exhibit
14 No. 205 for identification.)

15 MR. McMANUS: If your Honor pleases, I would
16 like now to have made the same objection that Mr. Levin
17 made yesterday. This man is a graduate of a university,
18 he can speak the English language, and he is evidently
19 an intelligent man, and definitely we object to any
20 affidavit of his being introduced and request the
21 Court should take direct testimony from him.

22 THE PRESIDENT: I would like to know a little
23 more about him, Mr. McManus. We have not heard much
24 from him yet.

25 You had better open your examination,

HSU

DIRECT

1 Mr. Sutton, so that we might have something on which
2 to form a judgment.

3 MR. McMANUS: Is your Honor accepting the
4 document?

5 THE PRESIDENT: Well, not yet. I have not
6 said "accepted" yet.

7 MR. McMANUS: Well, the Clerk announced it
8 was marked in evidence, if the Court pleases.

9 THE PRESIDENT: No; for identification.

10 BY MR. SUTTON:

11 Q Where were you born, and when?

12 A I was born in Nanking sixty-two years ago.

13 Q Where have you lived throughout your life?

14 A I lived in Nanking since 1923.

15 THE PRESIDENT: Is he a university graduate?

16 MR. SUTTON: Yes, sir.

17 THE WITNESS: I have a B.A. from the Univer-
18 sity of Nanking, and also a Ph.D. from the University
19 of Illinois.

20 THE PRESIDENT: I think you had better examine
21 him orally, and if you strike any real difficulty we
22 may be able at that stage to accept his affidavit.

23 Q Dr. Hsu, where were you educated?

24 THE PRESIDENT: Well, he told you.

25 A I was educated in Nanking and in the University

HSU

DIRECT

1 of Illinois when I was only thirteen years old.

2 Q Following your education, what occupation
3 did you pursue?

4 A After I graduated from the University of Nan-
5 king I taught for about ten years, and after that I
6 went to the States to study further.

7 Q What occupation did you follow when you
8 returned to China?

9 A I joined the railway service. At first I
10 was in the Tientsin-Pukow Railway, and later on I
11 joined the Ministry of Railways in different positions.
12 Later on I was always on the line, either on the line
13 or in the Ministry.

14 Q During what period have you lived in the city
15 of Nanking?

16 A Well, when the government removed to Nanking
17 in 1928, I was in the Ministry of Railways. So I made
18 my home in Nanking and have houses over there.

19 Q Have you continued to make your residence in
20 the city of Nanking since 1928?

21 A Yes, I do.

22 Q When was Nanking occupied by the Japanese Army?

23 A December 13, 1937.

24 Q Was there any resistance on the part of
25 Chinese forces of any nature in the city of Nanking

HSU

DIRECT

1 after December 13, 1937?

2 A On the day of 13 December 1937, there was no
3 resistance at all in the city. Before that date there
4 was some resistance outside of the city, and on that
5 day all the soldiers left Nanking.

6 Q Was there any resistance on the part of Chi-
7 nese soldiers or any organized force after December 13,
8 1937?

9 A No, absolutely none.

10 Q Were you connected with the International
11 Committee for the Nanking Safety Zone?

12 A I was connected with the International Com-
13 mittee where, as a Housing -- as the chief of the Hous-
14 ing Commission.

15 Q How many camps did you have under your juris-
16 diction?

17 A My duty was to look after the accommodations
18 for those who have houses and also those who have not
19 houses in the safety zone. Now, there were people who
20 have relatives or friends in the safety zone, they have
21 houses, they go there. They are there themselves and
22 they took their necessary things with them. For those
23 who do not have friends or relatives now we find -- it
24 is my duty to find houses for them and put them
25 together. So this number of people amounts to quite a

HSU

DIRECT

1 large number. Finally we have twenty-five camps dif-
2 ferent places for them. These twenty-five camps are
3 under my supervision, and these houses I assigned to
4 them, some are public buildings, some are private
5 houses.

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1 Q How many citizens of China were in the safe-
2 ty zone?

3 A Generally speaking -- of course, we have no
4 official figures; but, generally speaking, there are
5 over two hundred thousand -- comes pretty nearly to
6 three hundred thousand people in the safety zone.

7 Q Were you, in December, 1937, connected with
8 the Red Swastika Society, and, if so, in what capac-
9 ity?

10 A Swastika Society was invited by the Inter-
11 national Committee to cooperate with them because
12 they do not have English speaking persons with them,
13 so I was invited by them to represent them in order
14 to cooperate with the International Committee, and I
15 was at that time the Vice-Chairman of the Swastika
16 Society.

17 Q From which direction did the Japanese sold-
18 iers enter the city of Nanking?

19 A From the south side of the city.

20 Q What was the action of the Japanese soldiers
21 toward the civilians as they came into the city?

22 MR. McMANUS: If your Honor pleases, I am
23 compelled to object at this time. I don't think that
24 this question should be permitted, and the questions
25 have been leading, and the answers have been not

HSU

DIRECT

1 responsive. I ask your Honor to entertain my object-
2 ion at this time.

3 THE PRESIDENT: There has been no substan-
4 tial infringement of the rule against leading, assum-
5 ing we have to apply it strictly here. I see nothing
6 wrong in the method of examination in chief.

7 Please continue, Mr. Sutton.

8 MR. SUTTON: Will the reporter read the
9 question back to the witness.

10 (Whereupon, the last question was
11 read by the official court reporter as
12 follows:)

13 "Q What was the action of the Japanese
14 soldiers toward the civilians as they came into the
15 city?"

16 A The Japanese soldiers, when they entered
17 the city -- they were very very rough, and they were
18 very barbarious: They shoot at everyone in sight.
19 Anybody who runs away, or on the street, or hanging
20 around somewhere, or peeking through the door, they
21 shoot them -- instant death.

22 Q Did you witness murders committed by Japane-
23 ese soldiers, and, if so, will you give specific
24 instances?

25 MR. BROOKS: I object to that question. It

HSU

DIRECT

1 is assuming that there was a murder. He is asking
2 about soldiers. It is up to the Court to determine
3 whether this was murder or not.

4 THE PRESIDENT: Objection is overruled.

5 Q (Continuing) The witness will answer.

6 A On the third day I had the chance of the
7 permission of the Japanese military officers to go
8 around the city -- all the cities. I had one Japane-
9 ese going along with me on the car. The purpose of
10 that is to estimate the number of people lying dead
11 on the street and in all the houses. I saw the dead
12 bodies lying everywhere, and some of the bodies are
13 very badly mutilated. Some of dead bodies are lying
14 there as they were, shot or killed, some kneeling,
15 some bending, some on their sides, and some just with
16 their legs and arms wide open. It shows that these
17 been done by the Japanese, and I saw several Japanese
18 were doing that at that very moment.

19 One main street I even started try to count
20 the number of corpses lying on both sides of the
21 street, and I started to counting more than five
22 hundred myself. I say it was no use counting them;
23 I can never do that.

24 I was at that time on the same car and
25 another Chinese with me. He was educated in Japan,

HSU

DIRECT

1 and he speaks Japanese. And he -- we together went
2 to his home, and he found that his brother was also
3 shot in that house and on the step -- on the door-
4 step, not take him away yet.

5 The same condition was found in the south
6 city, in the northern part of the city, on the east
7 and on the west, and many many people killed, still
8 lying there, and all -- no Japanese -- no Japanese
9 soldiers acted any -- showed any courtesy to any
10 people. I was fortunate because I had on the car a
11 Japanese -- a Chinese who can speak Japanese, and
12 many times I was interrupted, and they try to drag
13 me out of the car, and I -- the Japanese on the car
14 help me out because we had permits from them.

15 All these corpses, not a single one I find
16 in uniform -- not a single soldier; they are all
17 civilians, both old and young, and women and child-
18 ren, too. All the soldiers -- we do not see any
19 Chinese soldier around in the whole city.

20 Q Did the Japanese soldiers enter the safety
21 zone and remove Chinese citizens therefrom?

22 A The Safety Zone Committee -- the Inter-
23 national Committee has made a rule, no armed soldier
24 or any soldiers -- military people -- are supposed to
25 be in the military -- in the zone, and they would

HSU

DIRECT

1 never allow -- admit anybody in uniform.

2 On the second day -- that is, December 14 --
3 in the morning, a high military Japanese soldier
4 came into our -- the headquarter of our International
5 Committee office -- headquarter, and I was the one
6 happened to be there early in the morning, about
7 eight o'clock. There his purpose is want to get per-
8 mission or talk over -- want to make a search of the
9 safety zone. He accused us that there were -- are
10 Chinese soldiers hidden in the safety zone. We all
11 said there were no soldiers -- no armed soldiers in
12 the Chinese -- in the safety zone, and Mr. Raabe said
13 so, Mr. Fitch, our Director, said so, and we all said
14 so, but the Japanese insist on searching, and they
15 never get our consent of searching the safety zone.

16 On the following days, with these Japanese
17 military officers -- they came with their own will,
18 and go into the camps and also the houses and try to
19 get -- to drag people out from our camp and from the
20 houses and accusing them as they are soldiers.

21 THE PRESIDENT: We will recess now for
22 fifteen minutes.

23 (Whereupon, at 1045, a recess was
24 taken until 1100, after which the proceed-
25 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Sutton.

4 BY MR. SUTTON (Continued)

5 Q You may proceed with your answer.

6 A The Japanese soldiers came into the safety
7 zone and searched and took away large number of Chinese
8 civilians in the different camps, in different places.

9 One day I was with the other member, distribut-
10 ing Chinese bread and cakes to those refugees in one of
11 the buildings. When we nearly finish, all of a sudden
12 Japanese soldiers came. Two of them guarded the gate.
13 Several soldiers went in and used ropes and tied the
14 refugee people -- the civilians -- all civilians --
15 hand in hand -- some by some several tens, fifteens,
16 and they took them away. I was standing there and
17 astonished what was the meaning of it. In that com-
18 pound, in the building, there are about fifteen hundred
19 civilians -- refugees -- and they are took away in such
20 a manner. They even tried to take some of our Swastika
21 members, but after explanation they seemed to let us go.
22 I, at that time, asked for somebody to report imme-
23 diately to the International Committee -- Mr. Raabe.
24 Mr. Raabe and Mr. Fitch came at my request, but these
25 people -- these civilians -- were already taken away

HSU

DIRECT

1 by the Japanese soldiers. When, after a little talk,
2 Mr. Raabe, Mr. Fitch, and myself, and another Chinese,
3 who speaks Japanese -- we all went immediately to the
4 Special Service Headquarter --- the Japanese Special
5 Service Headquarter. Mr. Raabe made the protest. He
6 asked them first why they entered into the safety zone
7 and took the civilians -- the refugees -- away; and
8 second, what do they took them for, where they are now,
9 and also demanded immediate release. The answer we
10 get is they do not know -- the Japanese head office,
11 special -- head of the Special Service Organization
12 said they don't know. So we waited there and waited
13 there an hour for them -- to enable them to find out
14 where these people go and who took them. We could not
15 find out anything from them. They do not give us any
16 satisfactory answer, and they even promised to give a
17 definite answer before the morning, but they didn't.

18 On the following day, about seven and eight
19 o'clock, we hear machine gun. Now, around that place --
20 around the headquarters of the International Committee
21 and also the Swastika Society, we immediately sent
22 people spying around, and we know those -- we then,
23 at that time we saw those people were machine-gunned
24 and their corpses were pushed into the pond. Later on,
25 we got those corpses up, and also we recognized a few of

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1 them.

2 After this, we had trouble in every camp. Every
3 day the Japanese soldiers came into the camp and looked
4 for Chinese soldiers in the different camps, sometimes
5 a few tenants, sometimes several tenants, and sometimes
6 hundreds of these refugees -- civilians -- took away
7 by these Japanese soldiers; and later on we were sure
8 that they were all shot. Their excuse is that these
9 men are soldiers, and also sometimes they simply, by
10 listening to some others say so and so, ~~are soldiers,~~
11 but in reality they are all civilians, and not a single
12 one even in uniform or armed.

13 Q Who was Mr. Raabe, and what, if any, was his
14 connection with the International Committee for the
15 Nanking safety zone?

16 A Mr. Raabe is a German, and he is the head of
17 the Seamen's Company at Nanking, and he is the Chairman
18 of the International Committee.

19 Q How were the women in the City of Nanking
20 treated by the Japanese soldiers, following their entry
21 into that city?

22 A The action of the Japanese soldiers toward
23 women are even worse, and we can never dream of in this
24 civilized world. The Japanese soldiers -- they are so
25 fond of raping -- so fond of women -- that one cannot

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1 believe.

2 THE PRESIDENT: Witness, you must be satis-
3 fied simply to tell us how the Japanese treated the
4 women in Nanking, if you know.

5 A I know many cases, because in the safety zone
6 in the camps, any Japanese soldier would go in and
7 would try to get a woman or to rape them, I would know
8 about it; they would come to me. So many times I go
9 with a Mr. Sperling, or another foreigner go with me,
10 and get another soldier.

11 In one of the camp, the Japanese soldier came
12 with three trucks in one day, and wanted to take all
13 the girls from that camp, and took them to a place
14 where they can rape them. I went -- tried to stop
15 them, but no effect. Now these girls, these women,
16 ranges from thirteen years old up to forty years old.
17 I see with my very eyes the Japanese soldier raping a
18 woman in a bath room, and his clothes outside, and
19 then afterwards we discovered the bathroom door, and
20 found a woman naked and also weeping and downcast.
21 Once I went with Mr. FUKUDA. At that time he was
22 vice-consul of the Japanese Embassy, now the secretary
23 of the new cabinet in Tokyo. Now we went to the camp
24 to try to get -- to catch two Japanese who were re-
25 ported to be living there. At the time we reached

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1 there we saw one Japanese still sitting there, with
2 a woman on the corner and weeping. I told FUKUDA,
3 "This is the man who did the raping," and that man
4 was sitting there with his head low there, and FUKUDA
5 began to ask, "Why did you do that -- what business
6 have you here?"

7 MR. McMANUS: At this time, if the Tribunal
8 please, I would like to object, and I am objecting on
9 the ground of relevancy. In what way has any of these
10 things that this man has testified about -- in what
11 way is it connected up with any of the defendants?
12 I am making the objection on the ground of relevancy,
13 concerning the connection with these defendants.

14 THE PRESIDENT: There is no doubt at all
15 about the relevancy of this. It shows the type of
16 war conducted by the Japanese, if it be the truth.
17 It is clearly relevant. The objection is overruled.

18 (Mr. McManus again approaches lectern.)

19 I have dealt with your grounds. You cannot
20 add to them now.

21 A (Continued) Mr. FUKUDA rebuked him, it
22 evidently seems the Japanese soldier there, and also
23 then tried to push the man away, and that Japanese
24 soldier left and afterwards, then, Mr. FUKUDA had a
25 little smile on his face, and then, at that time,

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1 this is the first time I thought -- I have the plan --
2 I asked him to write in Chinese. I said, "Your
3 pushing him away is of no use; he may come back again."
4 I said, "Put up a notice prohibiting these soldiers
5 to come in these camps for women." He did write that
6 notice, and we pasted it on that camp, but such notice
7 is of no use. I can repeat instances of this same
8 thing again. Later on we have a puppet government.
9 Now, the head of that Chief of Police I happened to
10 know very well, because he was in the safety zone.
11 So every time I reported something he would do it.
12 Once we caught a Japanese raping, and he was naked.
13 He was sleeping, because then we tied him and we got
14 him to that police office. All we hear about their
15 soldiers raping is that where this soldier had been
16 sent to the Japanese headquarter.

17 Q Were any of the victims killed after they
18 had been attacked by the Japanese soldiers?

19 THE PRESIDENT: You mean any of the women that
20 had been raped; had any of the women been killed after
21 being raped, is that what you mean?

22 MR. SUTTON: Yes, sir.
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A Sin Kai Road, No. 7, on the South Gate, inside of the South Gate there was a family. I went there myself with Mr. Magee. In that house there were eleven killed, -- three raped and two -- there were two of the three, one is fourteen and one is seventeen. After raping, they put foreign stuff into the vagina and the grandmother showed me the stuff. The young girl was raped on the table; and while I was there the blood spilled on the table not all dry yet. And we also see the corpses because they were taken away, not far away, only a few yards from that house, all the corpses there. Of those corpses Mr. Magee and I took pictures of them because they were naked and shows the crimes there.

I know another case where because of the boatman, he happens to be a member of the Swastika Society, he told me this: where he saw that too on his boat, it happened on his boat.

THE PRESIDENT: The Court will have to consider seriously how far it will have to accept this second-hand hearsay.

MR. SUTTON: Shall he proceed?

THE PRESIDENT: Go ahead.

A (Continuing): There was a family of respectable people tried to cross the river on that

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1 boat. Now, in the middle of the water of the river,
2 two Japanese soldiers came. They found -- they want
3 to inspect that boat; where, on seeing the young women
4 there, the young women and girls there, two of them,
5 so they began, started raping right in the eyes
6 of their parents and one of their husbands.

7 After raping, the Japanese asked the old man
8 in that family: "Isn't that good?" Where his son,
9 the husband of one of the young women, he got so
10 angry so he began to beat the Japanese soldier.
11 The old man cannot stand such a thing so he knows
12 that they were all in trouble so he immediately
13 jumped into the river. Then his wife, old wife,
14 the mother of that young man, she began to weep and
15 came out and also followed her husband. I forgot to
16 say that when the Japanese asked the older man whether
17 it is good or not, he wanted the old man to rape
18 that young girl so all the girls -- now I saw this --
19 they all jumped into the river. So the whole family
20 jumped into the river and all drowned. This is not
21 second-hand story. This is a real, real and genuine,
22 and we have, we know that, the boatman has been with
23 us for a long time.

24 Q Did the Red Swastika Society engage in the
25 burial of the civilian dead in the City of Nanking?

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1 A The Red Swastika has made it as a phil-
2 anthropic work to bury the dead who are really not
3 able to be buried. Now, at this time, there are
4 so many dead bodies on the street, nobody to look
5 after. The Japanese also came, Japanese soldiers,
6 Japanese military men came to ask our help, say:
7 "Well, you have been doing this kind of work, why
8 can't you do it for us?" After we get their per-
9 mission to do this, they gave us a permit and
10 passports and some facilities to travel in the city,
11 so we started burying them.

12 We have on our regular staff around two
13 hundred laborers doing this kind of work. We buried
14 over forty-three thousand where the number is really
15 too small. The reason is we are not allowed to give
16 a true number of the people we buried. Where, at
17 first, we do not dare to give a number, to keep any
18 records, and later on we just kept private records.
19 This number represents only what we have buried.
20 These are all civilians and not soldiers. We have
21 nothing to do with the soldiers.

22 Q Were there other organizations engaged in
23 the burial of civilian dead in Nanking?

24 A Yes, there are other organizations ~~were~~
25 chiefly philanthropic organizations. Swastika is

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only one of them.

Q Where were these bodies found that were buried by the Red Swastika Society?

A These dead bodies are found either by ourselves or reported by the people in the surrounding places or some -- many times the Japanese came around, Japanese officers, soldiers would come around; where there were too many dead bodies around a certain place, they would report to us. The reason is they are very afraid of epidemics so they like to keep these dead bodies away, especially in February and January and March. These dead bodies are first get out of their places where, if they are in ponds, get them out of the water; if, in buildings also, they will be get out. Now when they are get out, we find they are, most of them, nearly all of them are tied, tied hand in hand. Now, sometimes they use rope, sometimes they use wire. It is our sacred practice to have a dead body all unloosed if it is tied. We want to unloose everything, and bury them one by one. But with these wires, now it is almost impossible to do that. In many cases these bodies already decayed so we would not be able to bury them one by one. All we can do is simply to bury them in groups.

1 THE PRESIDENT: You need not go into all
2 those details. The method of disposal of the bodies
3 is hardly helpful.

4 A (Continuing) In other case we have found
5 them all burned, the corpses.

6 Q You refer to the work of this society in
7 burying the dead in Nanking in January, February
8 and March. What year was that?

9 A 1937 to 1938.

10 Q What was the action of the Japanese soldiers
11 following their entry into the City of Nanking with
12 regard to the personal property of the citizens of
13 Nanking?

14 A Japanese soldiers do not respect any property
15 rights or any personal possessions. They enter every
16 house and take away everything they like. They burn
17 the houses and they damage the houses. They destroy
18 the houses.

19 MR. MCMANUS: Concerning this latter testi-
20 mony, Mr. President, may I ask whether the witness is
21 testifying from his own knowledge or whether he is
22 just drawing these conclusions and offering them here
23 as evidence and if so, I request the Court to instruct
24 him to please confine himself to the facts and what
25 he knows.

1 THE PRESIDENT: I think he is speaking in
2 the historical present. Most of his evidence has
3 been. The subject matter lends itself to that. I
4 think he is telling us the facts as he understands
5 them, but he is using the present tense in that way.

6 THE WITNESS: My own house has been entered
7 many times and a piano and a disabled motor car been
8 taken away --in addition to all the valuables and
9 the useful stuff that have been taken away.

10 Q Did you see any buildings destroyed by the
11 Japanese soldiers following their occupation of
12 the city?

13 A Japanese soldiers started burning the Russian
14 Legation Embassy where I saw they poured kerosene
15 oil on that and started the fire. That was on January
16 1, 1938, at twelve o'clock. Other institutions like
17 Y. M. C. A., educational buildings and prominent
18 citizens' residences have all been burned.

19 Q Were these buildings burned after the oc-
20 cupation of the city by the Japanese?

21 A Yes, this all wanton destruction all done
22 after the Japanese been in the city many days.

23 Q What did the Japanese soldiers require the
24 civilians to do as they met the Japanese soldiers on
25 the street?

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1 A The Japanese soldiers, especially the guards,
2 they demand bow down to the Japanese very courteously
3 at every place where they are stationed. This is
4 required of everyone. I, myself, am included. I
5 went, whenever I met a Japanese guard at any place,
6 either at a gate, at a city gate or at certain quarter,
7 and I have to bow. 1940, my nephew, for the first
8 time he came to see me. As he get down from the train
9 he had his hat on his head and forget, does not know
10 the necessity of bowing to the guard. The Japanese
11 guard hit him on the face. He does not know. He
12 still walks on but he is driving back and give him
13 another harder kick. Because of this **hit**, his hat
14 was fell off on the ground. He unload himself down
15 and pick that hat again and tried to put it on his
16 head again. The passerby, the man behind him said:
17 "Well, you have to take off your hat and bow him.
18 Otherwise you get always in trouble."

19 THE PRESIDENT: Perhaps you should omit this
20 **face-slapping** evidence.

21 Q How long did the conduct of the Japanese
22 soldiers toward the civilians in Nanking, in the
23 manner which you have described, continue following
24 the fall of that city?

25 A I did not get your question.

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1 MR. SUTTON: Will the reporter read the
2 question back to the witness?

3 (Whereupon, the official court reporter
4 read the last question.)

5 A This same thing continued to the end of the
6 war.

7 Q Do you know of the conduct of the Japanese
8 soldiers toward other cities in the vicinity of
9 Nanking? I beg your pardon. Do you know of the
10 conduct of Japanese soldiers towards civilians in
11 other cities in the vicinity of Nanking?

12 A This same type of conduct exists in all
13 the cities I visited. That is to say, about two
14 hundred li as far as Nanking and Anhueh^{we} cities,
15 all the same cities occupied.

16 I should like to correct that "li" for miles
17 because "li" and "mile" in Chinese is the same.

18 THE PRESIDENT: We will adjourn now until
19 half-past-one.

20 (Whereupon, at 1200, a recess was taken.)
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AFTERNOON SESSION

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2 The Tribunal met, pursuant to recess, at
3 1330.

4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6
7 H S U C H U A N - Y I N G, called as a witness on
8 behalf of the prosecution, resumed the stand
9 and testified as follows:

DIRECT EXAMINATION (Continued)

10
11 BY MR. SUTTON:

12 Q What cities did you visit?

13 A I visited two cities, Kuehchou in 1939 and
14 I visited also Nanking in 1942. I was also in my
15 native city, Kweichi, 1942.

16 Q Are these the cities referred to in the
17 answer to the last question asked you at the morning
18 session?

19 A The same type of conducting the war and also
20 the same kind of attitude of the Japanese soldiers
21 toward the civilians and women all the same, and in
22 smaller cities like Kweichi, my native city, they are
23 worse.

24 Q Were restrictions placed by the Japanese
25 soldiers upon Chinese civilians in the conduct of

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1 private business?

2 A I didn't quite get your question.

3 Q Will the reporter kindly read the question
4 back to the witness?

5 (Whereupon, the question was read
6 by the official court reporter as above
7 recorded.)

8 Q The question is: were restrictions placed
9 by the Japanese soldiers upon Chinese civilians in the
10 conduct of private business?

11 A The restrictions on Chinese civilians in
12 conducting business were severe. I, myself, were
13 trying to bring out to Nanking the charcoal of about
14 eight hundred pounds of charcoal to Nanking by Chinese
15 boat. Now, my -- the secret service men, the Chinese
16 secret service men on the Japanese side, they are good
17 enough to get a permit for me because I offer a partner-
18 ship with them.

19 THE PRESIDENT: Having regard to the number
20 and the magnitude of the issues here, is it worth
21 while to spend any time on that sort of thing,
22 restrictions on business?

23 MR. SUTTON: The evidence is offered in
24 connection with counts 1 to 6 and 18 and 19 of the
25 Indictment which refer for particulars to Appendix A.

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The charge is included in section 3, Appendix A. It is simply one small portion of evidence in connection with that charge.

THE PRESIDENT: Well, it may lead to something bigger but it is a trifle. We trust you to put before us only things that matter.

Q Was opium openly sold in Nanking prior to the Japanese occupation of that city in December, 1937?

A Before December, 1937, opium was not allowed to sell in public, when we have already succeeded more or less at that time, 1937 -- before that time, 1937, opium was wiped out.

Q Was opium openly sold in Nanking after the city was occupied by the Japanese troops?

THE PRESIDENT: You have forgotten that he said it was. He said there were twenty shops on the main street.

MR. SUTTON: If you Honor please, that was Doctor Wilson's testimony.

THE PRESIDENT: I am sorry. Yes, you are right, quite right.

A Opium was publicly open on sale after December, 1937, and there are many opium dens near the city, near the street, where I live and once in a while I just stroll into those open opium dens

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1 and found there are no police, even no police were
2 interfere with them. In addition heroin is very easy
3 to get and I have seen people smoking heroin and much
4 more openly than ever before, and also there are
5 cigarettes with heroin in it and I have picked out one
6 or two brands of cigarettes myself. Heroin cigarettes
7 has been offered to me many times and heroin cigarettes
8 has been offered to the Chinese laborers, so-called
9 "coolies." These laborers, sometimes their age is
10 just over ten and others around thirty. Now, the
11 general method used to get around good with these
12 laborer coolies is to offer them these cigarettes
13 after their work. Cigarettes are sold by the Japanese,
14 make special effort to sell more cigarettes. They
15 are not easy to get other necessities of life, but
16 cigarettes is always ready. But in Nanking, Wu-Hu,
17 An-Ching, An-Hueh they open special shops, give
18 special facilities to sell these cigarettes.

19 MR. SUTTON: The defense may cross-examine
20 the witness.

21 MR. KANZAKI: I am KANZAKI, Masayushi
22 counsel for the defendant HATA.

23 CROSS-EXAMINATION.

24 BY MR. KANZAKI:

25 Q In answer to a question put by the prosecution

1 you answered that the atrocities committed by Japanese
2 soldiers continued until the end -- until the con-
3 clusion of the war. Is that correct?

4 A That is not quite correct. If I remember
5 correctly, my statement is this: where it was the
6 worst about the first few months, especially three
7 months, and later on it gradually diminished more or
8 less. It diminished more or less not because of the
9 Japanese soldiers, because of the efforts made on
10 both sides to get rid of these worst atrocities. You
11 see, there is whore houses and geisha houses have
12 been opened and there are women and girls like pros-
13 titutes. Now they are given a chance for the Japanese
14 to go there.

15 Q Then may I understand that atrocities of
16 the Japanese soldiers continued for a few months, is
17 that so?

18 A No. It didn't continue only for a few months.
19 It is only on a wider scale and less conspicuous. For
20 instance, as late as 1942 one member of my own tribe
21 was raped to death. And also I know another case in
22 Tien-Wang-Su, that is 1943. Two or three Japanese
23 soldiers went to that village and tried to get chickens
24 and meat. It happened in one family they found a
25 very beautiful young woman and they raped her, and

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1 when the husband came back they killed two of the
2 three Japanese soldiers. And afterwards the Japanese
3 got angry at that and the next day -- let me finish.
4 On the following day the Japanese came --

5 Q No, that is sufficient.

6 MR. SUTTON: May it please the Court --

7 THE PRESIDENT: He does not understand.

8 Continue with your answer.

9 A On the following day, then, the Japanese came
10 on the pretention that they will give work to some of
11 the men in that village. So by this way they get most
12 of the men out of that village and take them to work
13 and shoot them, machinegun them, and after that the
14 Japanese gave the fire and burned that whole village
15 out.

16 Q Mr. Witness, you stated earlier that the
17 Japanese soldiers set fire to the Russian Legation.
18 When did this take place?

19 A 1942.

20 Q What month and what date?

21 A Well, it is in the I can't remember
22 the date now.

23 Q You stated earlier that you witnessed this
24 fire. By what method was this fire started?

25 A Well, the fire was started by setting it

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1 burning. All storehouses, very easy to set on fire.

2 Q Mr. Witness, you stated earlier that the fire
3 was set by pouring kerosene. You say that you witnessed
4 the fire. Did you or did you not witness this fire?

5 A You are twisting the facts. What I said in
6 the morning is kerosene, that is the burning of the
7 Russian Legation. That Legation, the houses were very
8 near to the place I lived; that is near Nanking. This
9 is Tien-Wang-Su, about twenty li from Nanking.

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1 Q We are asking about the Russian Legation.

2 A All right. What do you want to ask about the
3 Russian Legation?

4 Q I am talking about the Russian Legation. Will
5 you please tell the Court the state and circumstances
6 of the fire concerning the Russian Legation.

7 A Well, the Russian Legation is only about, well,
8 I shall say a few blocks where maybe I shall say several
9 hundred yards from the place where I lived. Now, when
10 they were there where I was, near that place on the road --
11 because my habit is usually taking a walk in the private
12 places. That's about at noontime I was walking on there.
13 As I walked there I see a number of soldiers, Japanese
14 soldiers there. Of course, at first sight I don't know
15 what was going on. Later on I see so many so I try not
16 to see too much, not walk too near to them. But I still
17 far enough to see that they are doing -- pouring some of
18 the kerosenes on those--- in those places. After a little
19 while then I see big smoke burning there.

20 Q You said you were taking a walk. What time was
21 this, in the morning, or in the afternoon, or in the
22 evening?

23 A It was about noontime, twelve.

24 Q Was the building burned down totally, completely?

25 A From the effects -- from the aftereffects of

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1 course it is burned down, but in the burning I tried
2 to get away from them places. I didn't try to find out
3 how much was burned. That is none my business.

4 Q In regard to the necessity of seeing it, that
5 is beside the point. Could you tell us what the soldiers
6 were doing?

7 THE MONITOR: Could you tell us what you saw
8 when you were there.

9 A I saw the soldiers were pouring this oil on
10 them, and the fire was started. After the burning, of
11 course, I don't like to -- I didn't try even to stop the
12 fire nor to have anything to do with that.

13 Q I am not asking whether you had any interest in
14 it. I am just asking what you actually saw.

15 A I told you what I saw already. Is that not
16 clear? What is not clear?

17 Q This morning you said that the building was
18 totally burned. Now you state that you do not know wheth-
19 er it was completely burned down or not. You just said
20 that you saw some smoke rising. Which is true?

21 A Well, you are misunderstood me. Where I said
22 you were -- I understand you were asking me whether I
23 watched that fire and how much was burned. You are ask-
24 ing me now that question. This morning I told the whole
25 instance. Now, after I didn't watch for the whole

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1 burning of that, but I can see because so near to my
2 home it totally burned .

3 Q But, Mr. Witness, this Russian Legation was not
4 burned. Are you dreaming in regard to this, or are you
5 telling a lie?

6 A Well, I don't know what you mean; the Russian
7 Legation in Nanking not burned?

8 THE PRESIDENT: Counsel must accept the witness'
9 answer.

10 MR. KANZAKI: I understand.

11 Q When the Japanese forces entered the city, that
12 embassy or legation was used by Japanese staff officers.
13 Are you aware of this fact?

14 A No. I wonder whether we are talking the same
15 thing. I am talking the burning on January 1 of 1938.
16 That German Legation -- that Russian Legation were at
17 the back, or near the lake but inside of the city.

18 THE PRESIDENT: We cannot afford to spend any
19 more time on this matter. Get on to something else.

20 MR. KANZAKI: I am through.

21 MR. ITO: I am ITO, counsel for defendant
22 MATSUI.

23 CROSS-EXAMINATION (Continued)

24 BY MR. ITO:

25 Q Mr. Witness, do you know that before the fall

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1 of Nanking the Japanese Commander, that is on December 8,
2 1937, distributed pamphlets from airplanes to the Nanking
3 Army which stated that the Chinese should -- advising the
4 Chinese to surrender the city of Nanking in a peaceful
5 state. Are you aware of this?

6 THE MONITOR: Correction: The date is the 9th
7 of December instead of the 8th.

8 A Well, I know nothing of this kind. Also I live
9 in Nanking, and I have two buildings covering about two
10 miles, but nothing of that kind of pamphlet fell on my
11 compound. I mean two acres -- if I said any wrong words.

12 THE PRESIDENT: Now, this is on mitigation I
13 suppose, not on justification.

14 Q Then, Mr. Witness, do you know of this fact
15 with respect to the advice to surrender which was sent
16 to the Nanking Army and received by them and stated that
17 if the Nanking Army would come to a specified place to
18 negotiate the city of Nanking could be surrendered peace-
19 fully; but they did not accept this and the clash
20 occurred, and this started a clash -- and the clash
21 started a few days later?

22 THE MONITOR: Correction: The fighting broke
23 out as the result of failure by the Chinese to comply
24 with the Japanese advice, and the fighting ensued for
25 several days after that.

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1 A Well, even though there is such a fact, I don't
2 know. But that doesn't come into with the atrocities.
3 The city was taken and no resistance and there was all
4 these atrocities happened. And also I understand that
5 the safety zone, they have already negotiations on both
6 sides, Japan and China, and also these atrocities happened
7 in the city as well as in the safety zone.

8 Q When was this safety zone established?

9 A Well, the safety zone was established -- well,
10 the exact date I don't know because I was not the original
11 member of that. I was only invited and made member on
12 the fourth of December, 1937.

13 Q With regard to the safety zone, wasn't this
14 established by the foreign nationals who feared that
15 Chinese soldiers would plunder and cause devastation in
16 their retreat from Nanking?

17 THE MONITOR: Correction: Was not this safety
18 zone established for the foreigners who feared that
19 prior to the entrance of Japanese forces -- I correct
20 myself. Was this not established for the foreign nation-
21 als prior to the entrance of Japanese forces into the
22 city because there was a fear that Chinese soldiers as
23 they were fleeing from Nanking might indulge in pillage
24 and various atrocious acts?

25 A No, nothing of that kind at all. Where you are

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1 just accusing these good foreign members, well, that is
2 too bad. Well, you see they out of humanity formed a
3 safety zone. That is concerned by the Chinese and also
4 by the Japanese, the same word, although I understand you
5 haven't given a public announcement, acknowledgment. Now,
6 simply because if you want fighting outside of the safety
7 zone, not in the safety zone, that is all what they
8 wished. And also this is simply an act out of humanity.
9 And also you have to understand this also: There are not
10 very many foreign members, foreign friends, in the city
11 at a time when -- on December. And also another thing,
12 the safety zone, the area of it, is very small, it is
13 not very big. Now, they are not supposed to guard against
14 any outrages of the Chinese because they know that the
15 Chinese -- Nanking is a big city, they can get out of
16 the city, and also get in a certain part of the city
17 without coming into the zone.

18 Q Do you know that when the Chinese troops capture
19 a city or flee from a city they usually cause wanton
20 destruction, pillage and set fires?
21

22 THE MONITOR: Correction: Do you know that
23 Chinese troops, when they flee, they occupy a city, ~~or~~
24 when they are fleeing from a city after defeat, indulge
25 in arson, or setting of fires, raping and pillage?

A Well, I have not known any soldiers, Chinese

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1 soldiers, doing that in time of peace when there is no
2 resistance. And the Chinese soldiers were in the city
3 before the Japanese came in and we all lived peacefully
4 and quietly and no atrocities has been reported on such
5 a large scale. And what I told in the morning is that
6 the Japanese after conquering the city, taking the city,
7 and there is no resistance whatever, the city is in their
8 hands and the peoples are under their control; then at
9 that time, only at that time, there is atrocities going
10 on.

11 Q You are stating things which are extraneous to
12 the question. For example, like in the second year of
13 Showa, or 1927, with respect to the so-called Nanking
14 Incident, Chinese troops attacked buildings belonging to
15 the British, the Americans and the Japanese, and assaulted
16 them, and they also pillaged and raped. But do you not
17 know of the Chinese custom whereby Chinese troops when
18 they occupy a city, or flee from a city, they usually
19 indulge in pillage and rape?

20 A Well, what you have just said does not corres-
21 pond to the actual situation in Nanking. Well, I admit
22 maybe only a few instances in time of trouble, but what
23 I am driving at, you say with the Chinese soldiers in the
24 city they do the same thing. But the Chinese soldiers
25 were in the city before the Japanese came in. That is

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1 one thing. There is no atrocities of that kind in the
2 city at that time.

3 Then, after the Japanese came into the city
4 and took the city, the Japanese did all those atrocities
5 and the Japanese authorities did not try to stop them
6 although the city was taken after a few days and several
7 weeks. Not a single proclamation, not a single public
8 notice put on the street to stop all these atrocities.
9 Also we in the International Committee, and also the
10 Chinese, repeatedly complained to your consulate, to
11 the head of the Special Service, and later on when the
12 local self-government was formed again we repeated these
13 things through our local self-government to your embassy
14 and to the commander-in-chief's office, but not a single
15 proclamation has been made prohibiting the Japanese
16 from raping, looting and killing, and also do all sorts
17 of things.

18 In 1937 -- I haven't finished yet -- in 1937,
19 and again in 1938, and in 1939 Japan has sent special
20 men to go into China and find out, investigate these
21 atrocities, whether they are real, whether they are true,
22 and how far, and I have complained at least to one bishop,
23 and one national YMCA leader, and one parliament member,
24 and several pastors, and I told them the same thing.

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1 THE PRESIDENT: Put the light up. Don't be
2 so slow, please.

3 A (Continuing) And no effective measures
4 have been taken to prevent them.

5 THE PRESIDENT: You must exercise closer
6 supervision over the witnesses. The witness must
7 endeavor to keep calm and be satisfied to answer the
8 questions.

9 MR. ITO: Mr. President, I am asking this
10 witness about the behavior of the Chinese soldiers.
11 The witness is replying with respect to only Japanese
12 soldiers.

13 THE PRESIDENT: Translate that.

14 THE INTERPRETER: Mr. President, I am
15 asking the witness with respect to the behavior of
16 the Chinese soldiers. The witness is answering with
17 respect to the Japanese soldiers.

18 THE PRESIDENT: Yes. I must remind you
19 that rape and the murder of women could never be
20 just reprisals. You are assuming that, if the Japan-
21 ese did the things said to be done by the witness,
22 they were just reprisals. Rape and the murder of
23 women and such like things could never be just re-
24 prisals, and it is useless to continue your cross-
25 examination along those lines.

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1 Q Mr. Witness, you stated this morning that
2 there were no Chinese soldiers in refugee camp; is
3 this true?

4 A Yes, no armed soldiers. I also made the
5 ~~statement~~ that the rule of the International Com-
6 mittee is not to let armed soldiers -- armed military
7 men to get into the zone. If they want to get into
8 the zone, they have to disarm.

9 Q Do you know that when the Chinese soldiers
10 are defeated in battle and flee they usually hide
11 and take off their clothes and become ordinary
12 civilians, and when there is the chance, they be-
13 come plain clothes soldiers?

14 THE MONITOR: Correction: Are you aware of
15 the fact that Chinese soldiers, when they are de-
16 feated in battle, try to flee, and, when they can-
17 not find way of fleeing, they hide their arms, and
18 so on, and so forth?

19 THE PRESIDENT: A better way to put the
20 question would be: Is it a fact? However, that is
21 a trifle.

22 Q Are there any such facts?

23 A There might be; but, still, you see, we con-
24 sider them as civilians before they gather themselves
25 together in open resistance. If they are not, they

1 are civilians same as we are here now.

2 Q Then, with respect to the refugee camp
3 which you were in charge of, were there not many
4 plain clothes soldiers like that?

5 A No, we do not have many, and we could not
6 have plain clothes soldiers. As soon as they have
7 thrown down their arms, we don't consider they are
8 soldiers.

9 MR. ITO: As far as my competency is con-
10 cerned, I cannot get the facts or the truth from
11 this witness, and so I regret that I'll have to
12 terminate here.

13 THE PRESIDENT: You must not reflect on the
14 witness. We may have to deal with you if you do.

15 Is there any further cross-examination?

16 MR. WARREN: There is not, your Honor.

17 (Whereupon, the witness was
18 excused.)

19 - - -

20 THE PRESIDENT: I think this is a convenient
21 break. We will recess now for fifteen minutes.

22 (Whereupon, at 1445, a recess was
23 taken until 1500, after which the proceed-
24 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: Mr. Sutton.

4 MR. SUTTON: If it please the Tribunal, the
5 prosecution desires to call as its next witness
6 Shang Teh Yi, a citizen of the Republic of China, who
7 does not speak the English language.

8 MARSHAL OF THE COURT: Mr. President, the
9 witness is in court and will now be sworn.

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1 S H A N G T E H Y I , called as a witness on
2 behalf of the prosecution, being first duly sworn,
3 testified as follows:

4 MR. SUTTON: May it please the Tribunal, we
5 desire to offer in evidence International Prosecution
6 Section document No. 1735, and ask that it be given
7 an exhibit number in this case.

8 CLERK OF THE COURT: Document 1735, Exhibit
9 No. 206.

10 THE PRESIDENT: Admitted.

11 (Whereupon, prosecution's Exhibit No.
12 206 was received in evidence.)

13 DIRECT EXAMINATION

14 BY MR. SUTTON:

15 Q What is your name?

16 A Shang Teh Yi.

17 Q And where do you live?

18 A No. 6 Wu-Chien Road, Nanking.

19 Q Did you sign the paper which you have before
20 you, which is now marked Exhibit No. 206 in this case?

21 A Yes.

22 Q Are the facts stated therein true and correct?

23 A Yes, they are true.

24 MR. SUTTON: I now ask permission to read the
25 statement to the Court. (Reading)

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1 "NAME: Shang Teh Yi
2 Address: No. 6 Wu-Chien-Ting, Tsai-Chieh-Kia,
3 Sun-Chow-Lu, West City, Nanking.

4 Age: 32
5 Native: Nanking
6 Profession: Retail Trade
7 Factual Account:

8 "I lived at No. 1 Hua-Sin-Hsiang, Shanghai
9 Road (in the Refugees' Zone) in 1937. At about 11 a.m.,
10 16 December of that year, I was arrested by Japanese
11 soldiers (presumably of the NAKASHIMA Unit). Arrested
12 at the same time were my elder brother, Teh Jen,
13 formerly secretary at Kiashang Airfield Station,
14 my cousin Teh Kin, formerly in the silk trade, and
15 five other neighbors whose names were unknown to me.
16 Each two of us were bound together by a rope fastening
17 our hands, and sent to Shiakwan, on the bank of the ⁰ Yangtze River. More than 1,000 male civilians were
18 there and were all ordered to sit down, facing more
19 than ten machine-guns about 40 or 50 yards in front
20 of us. We sat there for more than an hour. At about
21 4 o'clock, a Japanese Army Officer came by motor car,
22 and he ordered the Japanese soldiers to start machine-
23 gunning us.

24 "We were ordered to stand up before they did
25 the shooting. I slumped to the ground just before the
firing started, and immediately I was covered with

SHANG

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1 corpses and fainted.

2 "After approximately 9 p.m., I climbed out
3 from the piles of corpses and managed to escape and
4 go back to my house."

5 (Signed) "Shang Teh Yi"
6 Date: 7 April 1946
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1 MR. SUTTON: May it please the Tribunal,
2 the witness is offered for cross-examination.

3 MR. BROOKS: No cross-examination on the part
4 of the defense.

5 MR. SUTTON: May it please the Tribunal,
6 the prosecution desires to call as its next witness,
7 Wu Chang Teh, a citizen of the Republic of China, who
8 does not speak the English language.

9 THE PRESIDENT: The witness now in the box may
10 go.

11 (Whereupon, the witness was excused.)

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1 W U C H A N G T E H , called as a witness on be-
2 half of the prosecution, being first duly sworn,
3 testified as follows:

4 MR. SUTTON: I offer in evidence, and ask that
5 it be marked as an exhibit, International Prosecution
6 Section document No. 2119.

7 CLERK OF THE COURT: Prosecution document No.
8 2119 received as Exhibit No. 207.

9 THE PRESIDENT: Admitted.

10 (Whereupon, prosecution's Exhibit
11 No. 207 was received in evidence.)

12 DIRECT EXAMINATION

13 BY MR. SUTTON:

14 Q What is your name?

15 A My full name is Wu Chang Teh.

16 Q And where do you live?

17 A No. 98 A Tan-fen chow, Nanking.

18 MR. SUTTON: May I ask the Tribunal -- I
19 failed to make a note of it -- the exhibit number as-
20 signed to document No. 2119?

21 CLERK OF THE COURT: No. 207.

22 MR. SUTTON: Thank you.

23 Q You have before you a paper marked Exhibit
24 207 in this case. Will you please state whether or
25 not that is your signature to that paper?

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1 A Yes, it is my signature.

2 Q Are the facts stated in that paper -- marked
3 Exhibit 207 in this case -- true and correct?

4 A Yes, they were true.

5 MR. SUTTON: I now ask permission to read the
6 document into the evidence.

7 THE PRESIDENT: Yes.

8 MR. SUTTON: (Reading)

9 "I, Wu Chang Teh, do certify as follows:

10 "I am 38 years old and am a food merchant in
11 the city of Nanking, China. In December 1937 and for
12 a number of years prior to that time I was a policeman
13 in the city of Nanking. I was never a member of the
14 Chinese Army. After the fall of the city of Nanking
15 I along with some three hundred other policemen was
16 at the Judicial Yuan. We were not armed as all of our
17 arms had been turned over to the International Committee
18 for the Nanking Safety Zone. The Judicial Yuan was a
19 refugee camp and there were many civilians there in
20 addition to the policeman. On Dec. 15, 1937 the
21 Japanese soldiers came to the Judicial Yuan and ordered
22 all the men there to go with them. Two members of the
23 International Committee told the Japanese that we were
24 not former soldiers but they ordered these two men away
25 and forced us to march to the main west gate of the city.

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1 "When we got there we were ordered to sit
2 down just inside the gate. Machine guns were set up
3 by the Japanese soldiers just outside of and on either
4 side of the gate. There is a canal outside this gate
5 and a steep slope leading down to it. There is a
6 bridge across the canal but it is not directly opposite
7 the gate.

8 "These persons in groups of over one hundred
9 at a time were forced to go through the gate at the point
10 of bayonets. As they went outside they were shot with
11 machine guns and their bodies fell along the slope and
12 into the canal. Those who were not killed by the ma-
13 chine gun fire were stabbed with bayonets by the Japane-
14 ese soldiers. About sixteen groups each containing
15 more than 100 persons had been forced through the gate
16 ahead of me and these persons were killed.

17 "When my group of something over 100 was or-
18 dered to go through the gate I ran as fast as I could
19 and fell forward just before the machine guns opened
20 fire, and was not hit by machine gun bullets and a
21 Japanese soldier came and stabbed the bayonet in my
22 back. I lay still as if dead. The Japanese threw
23 some gasoline on some of the bodies and set them afire
24 and left. It was then beginning to get dark. The
25 bodies scattered along the bank and no gasoline was

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1 thrown on me. When I saw the Japanese soldiers had
2 left I climbed out from among the dead bodies and
3 went into a vacant house where I stayed for 10 days.
4 Some one near there sent me a bowl of porridge each
5 day. I then made my way into the city and went to
6 the University Hospital. Dr. Wilson attended me. I
7 stayed in the hospital for more than 50 days and when
8 I got out I went to my native home in Northern Kiangsu.
9 On the occasion I have described around two thousand
10 persons former policemen and civilians were killed.

11 "The foregoing statement is true and I make
12 affidavit to it this 18th day of June 1946 and hereto
13 affix my signature.

14 "Signed in Chinese characters by Wu Chang Te."

15 Q I would like to ask the witness if he will
16 exhibit to the Court the wound in his back, which the
17 affidavit states he received at the hands of a
18 Japanese soldier?

19 MR. LOGAN: If the Tribunal please, the defense
20 objects to any such exhibition.

21 THE PRESIDENT: The defense is not really
22 concerned. We do not wish to see the wounds, unless
23 the defense questions their existence.

24 MR. SUTTON: The defense may cross-examine
25 the witness.

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MR. BROOKS; No questions, your Honor.

THE PRESIDENT; That will do, witness.

(Whereupon, the witness was excused.)

MR. SUTTON; Colonel Morrow will present the next witness on behalf of the prosecution.

THE PRESIDENT; Colonel Morrow.

COLONEL MORROW; Has the witness been sworn?

MARSHAL OF THE COURT; No, sir, he has not, Colonel Morrow. Have you called him officially as yet?

COLONEL MORROW; I will ask for Chen Fu Pao.

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1 CHEN FU PAO, called as a witness on behalf
2 of the prosecution, being first duly sworn, testi-
3 fied as follows:

4 COLONEL MORROW: I desire to present the
5 document No. 1742, if the Court please.

6 CLERK OF THE COURT: Prosecution's document
7 No. 1742, received as Exhibit No. 208.

8 THE PRESIDENT: Admitted.

9 (Whereupon, prosecution's Exhibit No.
10 208 was received in evidence.)

11 DIRECT EXAMINATION

12 BY COLONEL MORROW:

13 Q I will ask the witness to give us his name.

14 A Chen Fu Pao.

15 Q What is your residence and where?

16 A No. 22 Pai Sha Road, Nanking.

17 Q I desire to hand to the witness an exhibit,
18 being a statement in the Chinese language, and ask that
19 he look over the same. I will ask the witness --

20 A This is a statement of mine.

21 Q Is that statement correct?

22 A Yes, it is correct.

23 COLONEL MORROW: I ask if I may read this
24 statement, if the Court please, in the English language.

25 THE PRESIDENT: Yes.

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1 COLONEL MORROW: (Reading)

2 "Statement of Chen Fu Pao.

3 "On the second day the Japanese were in Nan-
4 king, 14 December, they took thirty-nine from the
5 Refugee Area. They were civilian men. They examined
6 them, and those that had a hat mark on the forehead, or
7 a callous spot on hands caused by handling a gun, were
8 brought to a little pond, and taken out on the other side.
9 I and another were put to one side, and the Japanese used
10 light machine guns to kill the rest. There were thirty-
11 seven who were killed in this way, and I saw this. Most
12 of the people were civilians. I am a resident of Nanking
13 and knew a number of these people to be civilians in
14 Nanking. I know one in particular, was a policeman in
15 Nanking. I was 18 at the time, and lived in Nanking.
16 They were buried by the Red Swastika Society four months
17 later and in the meantime the bodies were in a pond where
18 they had been thrown. I helped throw the bodies in the
19 pond; by order of the Japanese. This happened in the
20 day time in the morning near the American Embassy.

21 "This was translated to me by Colonel Tu of
22 the Chinese Army and is correct. The same day in the
23 afternoon I saw three Japanese rape a dumb girl, 16
24 years of age, in a school house, in my presence.

25 "On 16th of December I was taken by Japanese

soldiers again, and also a lot of healthy young men

1 and they put them in a crowd and Japanese soldiers
2 wrestled with them and those that the Japanese could
3 not defeat wrestling, they killed with the bayonet.
4 I saw them kill one man for this reason. On the same
5 day in the afternoon I was taken to Tai Ping road and
6 saw three Japanese soldiers set a fire to two build-
7 ings, which were: one, a hotel, the other, a store
8 or furniture shop. The names of the Japanese soldiers
9 who set the fire are:

10 "UMAYAHARA and MURAKAMI of the Kuwata Regi-
11 ment of the Mukai Unit.

12 "I saw another raping case by one Japanese soldier.
13 The husband of the woman is a photographer. This
14 happened in daytime, in Nanking, the 3rd after the
15 Japanese entered Nanking. At that time I lived in the
16 same house with this lady and a Japanese soldier came
17 in, and drove all the men out of the apartment, there
18 being four in the house, including the husband. I
19 saw the Japanese soldier then go into a room with the
20 lady, and close the door. I was in an adjoining apart-
21 ment, and saw this. The lady was pregnant at the time.
22 The soldier left in about ten minutes. I saw the woman
23 leave the room at that time and she was weeping."

24 The statement is signed.
25

1 I will ask if there is any cross-examination,
2 if the Court please.

3 MR. ITO: I am ITO, Kiyoshi, counsel for the
4 defendant, MATSUI, Iwane.

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1 CROSS-EXAMINATION

2 BY MR. ITO:

3 Q In the third line of the Japanese text
4 you say that thirty-nine men were dragged out and you
5 say that they were all civilians. Then in the
6 tenth line of the Japanese text you say that most
7 of the people were civilians and then in the eleventh
8 line you say that "I know that a number of these
9 people were civilians." In the English version they
10 are lines two, ten and eleven.

11 And then in the following line you say: "I
12 know one in particular was a policeman in Nanking."
13 In this way, concerning whether all these people were
14 civilians or not, you have made four different state-
15 ments. Which of these is true?

16 A The policeman I referred to was the police-
17 man who was on duty before the occupation. Later he
18 was a plain-clothes man civilian.

19 Q No, that is not the point. You have stated
20 first that thirty-nine people were taken from the
21 refugee area and that they were all civilians and
22 then you say that most of them were civilians and
23 then you say that some of them were civilians and then
24 you say one you know in particular was a policeman.
25 But which of these statements is true?

CHEN

CROSS

1 A They were all civilians in the refugees,
2 all of these people. They were all civilians.

3 Q I cannot understand your answer. Did
4 you get my question?

5 THE PRESIDENT: The answer is plain. He
6 said they were all civilians. You must accept it.

7 Q Then when you say "most of them," or when
8 you say "a number of them," are these phrases incor-
9 rect?

10 A Shall I repeat the story from the begin-
11 ning?

12 THE PRESIDENT: No, we don't want that.
13 I think you had better leave it at that. You can
14 invite us to consider his affidavit and compare
15 it with his evidence here.

16 Q In the third paragraph of the affidavit
17 you state that Japanese soldiers set fire to some
18 buildings and you have even given the names of the
19 Japanese soldiers who did this. But do you know
20 whether they did this because they were afraid of
21 epidemics and were doing it as a measure to prevent
22 the spread of epidemics?

23 A I don't know of that.

24 Q Next, you have stated that in the last part
25 of your affidavit, that of a raping case by a

1 Japanese soldier, that the husband of the woman
2 was a photographer, and that a Japanese soldier
3 came in with the lady and that the lady was pregnant.

4 THE PRESIDENT: Can't you put a short
5 question without a long introductory statement?

6 Q How did you know that she was pregnant at
7 the time?

8 A We were living in the same house. After
9 the Japanese left, the lady was weeping there so we,
10 as neighbors, went in to console her.

11 Q Since it is natural that a woman with a
12 husband should be pregnant, I shall not question
13 you on this point further.

14 Turning to another point. In the middle
15 of your affidavit you say: "This was translated to
16 me by Colonel TU of the Chinese Army and is correct."
17 By this Colonel TU do you mean Colonel Tu Ying-Kuang?

18 A No. When I was relating the story to Colonel
19 Morrow, this Colonel TU of the Seventh -- is that
20 War Service Corps?

21 THE PRESIDENT: We have no time to waste
22 on those things.

23 A When I was relating the story to Colonel
24 Morrow, Colonel TU was our interpreter.

25 Q Since, according to the Japanese text, we

CHEN

CROSS

1 will have to interpret it in the following manner.
2 That you, that Colonel TU explained this to you
3 and that, therefore, you heard it from Colonel TU?

4 A No. As I told you, when I was relating
5 the story to Colonel Morrow, this Colonel TU was
6 interpreting for us. That statement, dated 7th of
7 April, is in the office. You can look into that
8 statement. I have given the name of the Japanese
9 military company and the Japanese officer responsible
10 for it.

11 THE PRESIDENT: Now we have heard enough
12 about that.

13 MR. ITO: I conclude my cross-examination.

14 MR. BROOKS: No further cross-examining.

15 MR. SUTTON: May it please the Tribunal,
16 we find ourselves in the position of having run out
17 of witnesses. At the beginning of the afternoon
18 session there were four witnesses in reserve. The
19 others have been sent for but have not yet arrived
20 at the witness room.

21 THE PRESIDENT: Well, in the circumstances,
22 we will adjourn now until half past nine on Monday
23 morning.

24 (Whereupon, at 1548, an adjournment was
25 taken until Monday, 29 July, 1946 at 0930.)