

POW SUMMATION - APPENDIX A

8

SUMMARY OF EVIDENCE OF ATROCITIES COMMITTED
BY JAPANESE IN CHINA BETWEEN 1937 AND 1945.

ATROCITIES AGAINST CIVILIANS AND FORMER CHINESE
SOLDIERS.

1. The evidence introduced before the Tribunal discloses that the atrocities committed against civilians and others by the Japanese troops in China, comprising Class "C" offenses and crimes against humanity, included: (1) Massacre and murder; (2) Torture; (3) Rape; (4) Robbery, looting and wanton destruction of property.

2. That these crimes against humanity by Japanese soldiers continued from 1937 to 1945 and occurred in every province in China occupied by Japanese troops: that knowledge of these continuing acts was brought home not only to the commanding generals in China, but to the government in Tokyo and no effective action was taken to correct the situation; that these acts were assented to if not authorized and directed by both the military and the civilian authorities of Japan; and that the commission of these crimes constituted the Japanese pattern of warfare. The first and most outstanding instance of the commission of these acts was at Nanking and is commonly called the "Rape of Nanking."

A. The Rape of Nanking.

3. When Nanking fell on 13 December 1937 all resistance by Chinese forces within the city entirely ceased. (WILSON, R 2533; HSU, R 2559; BATES, R 2628; MAGEE, R 3894). The Japanese soldiers advancing into the city, indiscriminately shot civilians on the street, especially those who ran from them (HSU, R 2562). After the Japanese soldiers, under the command of General MATSUI, were in complete control of the city an orgy of violence and crime by the soldiers began and continued for more than six weeks. Among the offenses committed by the Japanese troops were (1) murder and massacre, (2) torture, (3) rape, and (4) robbery, looting and wanton destruction of property.

(1) Murder and Massacre.

4. Thousands of Chinese in groups which sometimes included former soldiers and sometimes only civilians were massacred by Japanese troops. Civilians were taken by the Japanese troops under the pretext that they had formerly been soldiers, or because they had failed to answer satisfactorily some question put to them, or for no apparent reason, frequently bound together in groups, marched out of the city, lined up and killed by machine-gun fire and their bodies thrown into ponds or the Yangtze River or sprayed with gasoline and set afire. Civilians in untold numbers were murdered by Japanese troops. Murder of men, women and children appeared to be the order of the day for the Japanese soldiers of Nanking for a period of over six weeks following the fall of that city. Any word or action on the part of a civilian which for any reason an individual soldier did not like

was sufficient ground for the murder of the individual, and civilians were frequently murdered for no apparent reason except for the sport which the Japanese soldiers enjoyed in killing them. Anyone suspected of having formerly been in the Chinese Army was likewise murdered.

5. Dr. Robert O. Wilson testified how the University Hospital which had only fifty patients at the time of the fall of Nanking, within a very few days after 13 December 1937 was filled to overflowing with men, women and children of all ages whose statements to him confirmed the fact that their wounds had been received at the hands of Japanese soldiers (R 2532-33). He mentioned the case of a woman of forty all of the muscles of her neck having been severed by a blow from a Japanese soldier (R 2534-53); of a boy eight years of age with a bayonet wound piercing his stomach (R 2535); of a man severely burned about his head and shoulders who before he died stated that he was the only survivor of a large group who had been bound together, sprayed with gasoline and set afire (R 2538); of an old man who had been stabbed with a bayonet by a Japanese soldier and left for dead (R 2538); of a girl seven years of age whose elbow had been slashed by the same soldier who before her eyes had killed her father and mother (R 2539). He identified Captain Liang and Wu-Chang-teh, each of whom testified in this case, as two of the patients treated by him for wounds received at the hands of the Japanese (R 2539).

6. In reply to a question as to the action of the Japanese soldiers towards the civilians as they came into the city, Dr. Hsu Chuan-Ying testified:

"The Japanese soldiers, when they entered the city - they were very very rough, and they were very barbarous: They shoot at everyone in sight. Anybody who runs away, or on the street, or hanging around somewhere, or peering through the door, they shoot them - instant death." (HSU, R 2562)

7. In describing his trip through the city, on the third day after the occupation, with a Japanese officer for the purpose of estimating the number of people lying dead on the street and in the houses, he stated:

"***I saw the dead bodies lying everywhere, and some of the bodies are very badly mutilated. Some of the dead bodies are lying there as they were, shot or killed, some kneeling, some bending, some on their sides, and some just with their legs and arms wide open. It shows that these have been done by the Japanese, and I saw several Japanese were doing that at that very moment.

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

"All these corpses, not a single one I find in uniform--not a single soldier; they are all civilians, both old and young, and women and children, too. All the soldiers--we do not see any Chinese soldier in the whole city.***"(HSU, R 2563-64)

8. Japanese soldiers repeatedly searched the safety zones and on one occasion they took about 1500 refugees, tied them hand to hand in groups of from ten to fifteen and despite the protests made to the Japanese authorities by Mr. Rabe, the Chairman of the International Committee for the Nanking Safety Zone, Mr. Fitch and Dr. Hsu, these civilians were shot with machine guns and their corpses thrown into a pond (R 2566-67).

9. Dr. M. S. Bates, Vice President of the University of Nanking, and a member of the International Committee for the Nanking Safety Zone, testified that he "observed a whole series of shootings of individual civilians without any provocation or apparent reason whatsoever." (R 2629) After detailing instance after instance of the killing of civilians by Japanese soldiers, he testified, "The total spread of this killing was so extensive that no one can give a complete picture of it;" that to his own sure knowledge 12,000 civilian men, women and children were killed inside the walls; and that there were many killed in the city of which he had no knowledge and large numbers of civilians were killed immediately outside of the city; that these were quite apart from the killing of tens of thousands former Chinese soldiers; that the International Committee arranged for the burial of more than 30,000 soldiers whose bodies were for the most part along the banks of the Yangtze River where they had been killed by machine-gun fire after their surrender; that it was impossible to estimate the number of bodies which had been thrown into the river or otherwise disposed of (R 2630-31). The safety zones were searched day after day for about three weeks, and any person who had a callous on his hands or the mark on his forehead from wearing a hat, most of them ordinary carriers and laborers, were accused of having been soldiers and were taken out by the Japanese military forces and shot (R 2632).

10. Dr. Bates further testified that a peculiar form of treachery was practiced to persuade men to admit that they had been in the service of the Chinese Army. The Japanese officers would urge them, saying

"If you have previously been a Chinese soldier or if you have ever worked as a carrier or laborer in the Chinese Army, that will all now be forgotten and forgiven if you will join this labor corps."

In that way in one afternoon two hundred men were secured from the premises of the University of Nanking and along with many others likewise secured from other safety zones were marched away and executed (BATES, R 2632-33).

11. John G. Magee, a minister who had resided in Nanking from 1912 to 1940, testified to the killing of civilians by Japanese soldiers, which began following the fall of the city and increased until

there was organized killing of great bodies of men. Soon there were bodies of men lying everywhere, and I passed columns of men being taken out to be killed. These people were being killed by rifle fire and machine gun principally. Also, we knew of groups of several hundred being bayoneted to death. (MAGEE, R 3894)

He further testified that on the evening of December 14 he passed two columns of Chinese civilians tied in groups of four, these columns containing at least a thousand men who were marched off and shot; that on December 16 over a thousand civilians, including fourteen from his Christian congregation and the fifteen year old boy of the Chinese pastor, were carried out to the banks of the Yangtze River and mowed down by machine gun fire (R 3898).

12. He thus describes a killing witnessed by himself along with another American and two Russian citizens:

A Chinese was walking along the street before this house in a long silk gown; two Japanese soldiers called to him, and he was so frightened; he was trying to get away. He hastened his pace, was trying to get around a corner in a bamboo fence, hoping there was an opening, but there was no opening. The soldiers walked in front of him and couldn't have stood more than five yards in front of him, and both of them shot him in the face--killed him. They were both laughing and talking as though nothing had happened; never stopped smoking their cigarettes or talking and with no--they killed him with no more feeling than one taking a shot at a wild duck, and then walked on. (MAGEE, R 3900-01)

13. He testified that he saw the bodies of civilians in groups of hundreds along the Bund, many of which were charred, indicating that they had been set afire after they had been shot; that it was impossible to drive down some of the streets because of the number of bodies of dead civilians; that he took pictures of women kneeling in the streets before the Japanese--begging vainly for their menfolk as they were being lined up to be marched off by Japanese soldiers; and that he was gruffly rebuked when he sought to have a Japanese sergeant release from one of these groups the two brothers of his chauffeur (R 3900-02).

14. George A. Fitch, who was born in China and who was for some thirty-six years Secretary of the International Committee of the Y.M.C.A. in China, in his affidavit quotes the following from the diary which he kept at the time:

"On December 15, I saw approximately 1300 men, all in civilian clothes, just taken from one of our camps near our headquarters, lined up and roped together in groups of about 100 by soldiers with fixed bayonets. In spite of my protests to the commanding officer, they were marched off to be shot.***

"On December 22, 1937, I saw about fifty corpses in a pond a quarter of a mile east of my office. All were dressed in civilian clothes, most of them with hands bound behind their backs, and one with the top half of his head completely cut off. Subsequently, I saw hundreds of bodies of Chinese, mostly men but a few women, in a similar condition, in ponds, on the streets, and in houses.***" (FITCH, R 4461-63)

15. J. H. McCallum, an American missionary in Nanking, after recording in his diary many instances of the shooting of civilians by Japanese soldiers, in the entry on 29 December 1937, said

***"It is absolutely unbelievable, but thousands have been butchered in cold blood--how many it is hard to guess, some believe it would approach the 10,000 mark."

In the entry of the following day, he stated how men were carried away from the safety zones on the pretext of having formerly been soldiers, and continues

"The men had friends among the group who could identify them as civilians, but because they had callouses on their hands they were branded without further investigation as soldiers in spite of the protests voiced. Many ricksha and sampan men, as well as other laborers have been shot simply because they have the marks of honest toil upon their hands." (R 4471-72)

16. Shang Teh Yi, a silk merchant, testified that he along with more than a thousand civilians were arrested on 16 December 1937 by Japanese soldiers, bound together by twos and sent to Shiakwan on the bank of the Yangtze River and there seated facing machine guns. On order of a Japanese army officer, Japanese soldiers opened fire on this group. He fainted just before the firing started and when he recovered he was covered with the corpses of the dead (R 2600).

17. Wu Chang Teh, a former policeman in the city of Nanking, who had never been a soldier, along with some three hundred other policemen was taken on December 15 from the Judicial Yuan, in spite of the statements to the Japanese soldiers by members of the International Committee that these policemen had not been soldiers, and marched to the west gate of the city. Over 1700 Chinese had been brought to this point. Machine guns were set up by Japanese soldiers just outside of and on either side of the gate beyond which is a

steep slope leading down to a canal. In groups of over one hundred each, the Chinese were forced through the gate at the point of bayonets and shot down by machine guns, their bodies falling along the slope and into the canal. Those not killed by gunfire were stabbed with bayonets by the Japanese soldiers. After the massacre many of the bodies along the bank were sprayed with gasoline and set afire. The witness escaped the bullets, but was stabbed with a bayonet and feigning death was able to make his escape in the night. He finally made his way to the University Hospital where he was treated by Dr. Wilson (R 2604-6).

18. Chen Fu Pao testified that on 14 December thirty-nine civilians were taken from a refugee camp and because they had a hat-mark on their forehead or a callous mark on their hands were carried to the side of a little pond and killed by machine gun fire. He was required by Japanese soldiers to help throw the bodies into the pond (R 2609).

19. Captain Liang Ting-Fang, a former member of the Medical Corps of the Chinese Army, testified that he was one of approximately five thousand former soldiers who were taken by the Japanese on 16 December from Nanking to Shiakwan on the bank of the Yangtze River, lined up on the edge of the river with their wrists bound, shot with machine guns, and their bodies thrown into the river. About eight hundred Japanese soldiers, including officers, were present. The binding and shooting began about seven o'clock in the evening and kept up until about two o'clock in the morning. He and a friend jumped into the river and though wounded by machine gun fire he escaped and eventually made his way to the hospital where he was treated by Dr. Wilson (R 3370-73).

20. Sun Yuen Cheng, in his statement told that the Chinese people were directed to come to the Japanese military camp near the Nanking Railroad Station to get passes. When they came they were told to go to the bank of the river and line up for a roll call. After approximately ten thousand had been assembled, trucks carrying machine guns came up and opened fire on the group. The shooting lasted for about an hour. After the shooting the bodies were thrown into the river (R 4483-84).

21. Lu Su, in his statement made to the Chief Prosecutor of the District Court of Nanking, and included in the latter's report, said

"Upon entry of Nanking, Chinese civilians of both sexes and of all ages, as well as retreating soldiers, totaling 57,418, were interned by Japanese in the villages at Mu-Fu hill. Many died since neither water nor food was given. Many were frozen to death. In the evening of Dec. 16th, 1937, those who were still alive were marched off to Tsao-Shie-Chi, at Shia-Kuen, in a column of four, while each two were bound together by lead wire. There they were machine-gunned, followed by repeated bayonet thrusts. Corpses were burnt

by kerosene and, at last, the remains of the burnt corpses were thrown into the river.***" (R 4538)

22. Lee Tih Sung stated that he had witnessed the killing of Chinese civilians who had been drafted into a labor camp by the Japanese soldiers because they could not understand what the soldiers had ordered them to do, and that on 23 December he saw fifty or sixty of these civilians lined up in a vacant lot alongside a pond, shot with machine guns, sprayed with gasoline, and set afire (R 4485-87).

23. Mrs. Loh Sung Sze stated that her husband, a teacher, was bayoneted by Japanese soldiers in her presence because he did not carry a burden in the manner the soldiers desired (R 4489).

24. Woo King Zai narrated how the Japanese soldiers on 20 December examined the palms of Chinese laborers who had been drafted to carry their loot to Moo Foo Hill. Five of these civilians were found to have callouses on their hands and were bayoneted to death by the Japanese. He told that the bodies of Chinese, including many children who had been bayoneted, were lying along the road (R 4491-92).

25. The joint statement of Chu Yong Ung and Chang Chi Hsiang affirmed the murder in their presence by Japanese soldiers of four Chinese civilians, one pregnant woman being kicked to death (R 4493).

26. Mrs. Wong Kiang Sze witnessed the killing by Japanese soldiers in her presence of her son, a clerk in the courts, and her son-in-law, an accountant, neither of whom had ever been in the military service (R 4494-Ex 315).

27. Hu Tu Sin stated that he saw a Japanese soldier shoot a civilian whose business was making noodles, because he had callous marks on his right hand (R 4496).

28. Wong Chen Sze saw her husband kicked to death by Japanese soldiers while trying to protect her from being raped (R 4498).

29. Wu Zah Tsing stated that her brother was bayoneted to death by Japanese soldiers because he did not kneel as promptly as they thought he should (R 4499).

30. Yien Wang Sze saw her brother bayoneted to death by Japanese soldiers. He was not a soldier but a member of the volunteer corps raised to prevent looting (R 4500).

31. The official report from the American Vice Consul at Nanking to Johnson, the American Ambassador to China, dated 25 January 1938, giving an account of the happenings at Nanking from 10 December 1937 to 24 January 1938 stated that while accurate records were not then available, it was

estimated that over 20,000 persons were executed by the Japanese soldiers in Nanking during the first few days after its fall on the ground that they had formerly been soldiers. It added "little effort appears to have been made to discriminate between ex-soldiers and those who had never, in fact, served in the Chinese armies. If there was the slightest suspicion that a person had been a soldier such person was seemingly invariably taken away to be shot.***"(R 4569)

The report continues:

Besides the hunting down and execution of all former Chinese soldiers by detachments of Japanese military, small bands of two or three or more Japanese soldiers roamed at will the entire city. It was the killing, raping and looting of these soldiers that perpetrated the worst of the terrors on the city. Whether carte blanche was given to these soldiers to do anything they like or whether the Japanese armies got completely out of control after they entered the city has not been fully explained.

It remains, however, that the Japanese soldiers swarmed over the city in thousands and committed untold depredations and atrocities. It would seem according to stories told us by foreign witnesses that the soldiers were let loose like a barbarian horde to desecrate the city. Men, women, and children were killed in uncounted numbers throughout the city."(R 4571-72)

(2) Torture.

32. Indignities of every nature were committed by Japanese soldiers against Chinese civilians although the Chinese civilians were most abject and pitiful in their submissive attitude. They were kicked and beaten, made to stand undressed in the cold, had water poured down their noses, their bodies stabbed and burned, and subjected to all forms of human torture. Upon the discovery of family relationship among the Chinese, a son would be required to have intercourse with his mother, a father with his daughter, a brother with his sister, in the presence of and to the delight of the Japanese soldiers. (Report of the Procurator of the District Court of Nanking (R4543-44).)

(3) Rape.

33. During the period from December 13, 1937 to February 6, 1938, thousands of Chinese girls and women in Nanking ranging in ages from nine to seventy-seven years of age were horribly, and in many cases repeatedly raped by Japanese soldiers. John Habe, Chairman of the International Committee for the Nanking Safety Zone, in a report submitted to the German Foreign Office, dated 14 January 1938, stated that in the month following the fall of Nanking not less than 20,000 women and girls had been raped by Japanese soldiers (R 4594).

Thousands of these women died as a result of mistreatment at the hands of the Japanese, and other thousands were butchered by the Japanese soldiers after they had been repeatedly raped. Japanese soldiers frequently desecrated the bodies of the victims who had been raped and killed, by inserting a stick or bottle or other foreign substance in the female organ and leaving the body exposed to public view. These crimes of violence occurred almost as frequently in the daytime as at night. If members of the family, or even the children of the victims interfered with the lustful conduct of the soldiers, they were horribly beaten or killed on the spot.

34. For four or five weeks following the fall of the city, soldiers daily entered the grounds of Ginling College, which had been declared a safety zone and on which more than 10,000 women and children refugees were crowded, and the grounds of the University of Nanking which had likewise been declared a safety zone and on which were some 40,000 refugees; and despite the heroic efforts of Miss Vautrin, Mrs. Twinen and Mrs. Tsen, the members of the International Committee and the foreign residents assisting them, openly raped girls and young women on the grounds of these institutions, and selected therefrom groups of the most beautiful girls to carry off to officer's quarters to be raped and horribly debauched. This conduct of the soldiers continued unrestrained for more than six weeks following the fall of the city.

35. In testifying as to the conduct of the Japanese soldiers toward the women of the city, Dr. Bates said:

"That was one of the roughest and saddest parts of the whole picture. Again, in the homes of my three nearest neighbors, women were raped, including wives of University teachers. On five different occasions, which I can detail for you if desired, I, myself, came upon soldiers in the act of rape and pulled them away from the women.

"The safety zone case reports, to which we have previously referred, and my own records of what occurred among the thirty thousand refugees on the various grounds and in the building of the University of Nanking, hold a total of many hundreds of cases of rape about which exact details were furnished to the Japanese authorities at the time. One month after the occupation, Mr. Rabe, the Chairman of the International Committee, reported to the German authorities that he and his colleagues believed that not less than twenty thousand cases of rape had occurred. A little earlier I estimated, very much more cautiously and on the basis of the safety zone reports alone, some eight thousand cases.

"Every day and every night there were large numbers of different gangs of soldiers usually fifteen or twenty in a group, who went about through the city, chiefly in the safety zone because that's where almost all the people were, and went into the houses seeking women. In two cases, which I can remember all too clearly because I nearly lost my life in each of them, officers participated in this seizing and raping of women on the University property. The raping was frequent daytime as well as night and occurred along the roadside in many cases.

"On the grounds of the Nan'king Theological Seminary, under the eyes of one of my own friends, a Chinese woman was raped in rapid succession by seventeen Japanese soldiers. I do not care to repeat the occasional cases of sadistic and abnormal behavior in connection with the raping, but I do want to mention that on the grounds of the University alone a little girl of nine and a grandmother of seventy-six were raped." (BATES, R 2633-34).

36. Dr. Wilson testified to having driven off Japanese soldiers caught in the act of raping Chinese women, and of having treated at the University Hospital victims who told of having been raped by Japanese soldiers, including a girl of fifteen who developed syphilis (R 2537-39).

37. Dr. Hsu testified that Japanese soldiers came with three trucks in one day to the camp in the safety zone and despite his protests took girls and women ranging from thirteen to forty years old to a place where they were raped. (R 2569) Typical of his testimony is his statement of what occurred at No. 7 Sin Kai Road, near the south gate of the city:

"**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 took 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. ***"
(HSU, R 2572)

38. Magee in his testimony confirms this statement and gives additional details of the incident (R 3910-11). Magee testified to numerous instances of rape by Japanese soldiers within his personal knowledge, including that of a ten-year old girl which occurred on 20 December, and a fifteen year old girl who was raped for the sixth

time on 1 February 1938, a widow in her forties who was raped eighteen times, and a widow seventy-seven years old who was twice raped by Japanese soldiers while on her way from her home to the safety zone at Ginling College, of a woman eighty years old who was shot and killed by a Japanese soldier when she refused his advances with the statement, "I am too old." He further testified that a Japanese officer catching a soldier in the actual act of raping a woman, only slapped the soldier, and that Japanese sentries to whom he reported cases of rape by Japanese soldiers only laughed (R 3906-16).

39. Mrs. Shui Fang Tsen, the Director of Dormitories of Ginling College on the grounds of which there were more than 10,000 women and girl refugees, stated how soldiers in spite of all the efforts of Miss Vautrin entered the grounds and carried off girls, some of whom horribly raped and abused by Japanese officers finally made their way back to the safety zone. She stated:

"***During the first four weeks every night soldiers would come to get our girls and Miss Vautrin with what help she had would try to keep them from the girls. The worst of it was during the first four or five weeks.

"***Miss Vautrin went to the Japanese Consul time and time again and reported the action of the soldiers and asked protection for the girls. It was four or five weeks before the situation began to cease and then several months before the danger was passed.

"***In other safety zones where there were no foreigners like Miss Vautrin to help the situation was much worse than at Ginling College.***"(R 4465-66)

40. Wong Pan Sze detailed how Japanese trucks came to a safety zone at No. 100 Shanghai Road where five hundred persons were living and carried off women to be abused by Japanese soldiers. He saw the desecrated body of a girl of fifteen who had died as a result of the raping, and how when a husband tried to protect his wife from Japanese soldiers they stuck a wire through his nose, tied him to a tree, "just like one would tie a bull," and bayoneted him to death (R 4501-03).

41. Mrs. Woo Chang Sze described how a girl of eighteen died as a result of repeated rapings at the hands of Japanese soldiers in a home formerly occupied by a German family near the American Embassy to which she had come as a place of safety (R 4504-05).

42. Mrs. Chang Kia Sze described how twelve Japanese soldiers and officers raped and killed a Chinese woman in the presence of her husband and children, killed the husband for attempting to defend his wife and the two children because they wept when their mother was being raped (R 4506-07).

43. Chen Fu Pao testified that he saw three Japanese soldiers rape a dumb girl sixteen years old, and later saw a Japanese soldier drive a husband from home and rape his pregnant wife (R 2609-10).

44. James H. McCallum, an American missionary, wrote in his diary on 17 December 1937:

***Rape! Rape! Rape! - We estimate at least 1000 cases a night, and many by day. In case of resistance or anything that seems like disapproval there is a bayonet stab or a bullet. We could write up hundreds of cases a day. People are hysterical; they get down on their knees and 'Kowtow' anytime a foreigner appears. They beg for aid. **Women are being carried off every morning, afternoon, and evening. The whole Japanese army seems to be free to go and come anywhere it pleases, and to do what it pleases." (R 4467-68)

And on 3 January 1938, he noted:

***But each day has a long list of bad reports. A man was killed near the relief headquarters yesterday afternoon. In the afternoon a Japanese soldier attempted to rape a woman; her husband interfered and helped her resist; but in the afternoon the soldier returned and shot the husband.

"This morning came another woman in a sad plight and with a horrible story. She was one of five women whom the Japanese soldiers had taken to one of their medical units--to wash their clothes by day, to be raped by night. Two of them were forced to satisfy from 15 to 20 men, and the prettiest one as many as 40 each night. This one who came to us had been called off by three of the soldiers into an isolated place, where they attempted to cut off her head. The muscles of the neck had been cut but they failed to sever the spinal cord. She feigned death but dragged herself to the hospital ---**" (R 4475-76)

And on 8 January 1938 he recorded in his diary:

"Some newspaper men came to the entrance of a concentration camp and distributed cakes and apples, and handed out a few coins to the refugees, and moving pictures taken of this kind act. At the same time a bunch of soldiers climbed over the back wall of the compound and raped a dozen or so of the women. There were no pictures taken out back.***" (R 4477)

45. The official report made to the American Ambassador to China on 25 January 1938 by the Vice Consul following his return to Nanking, summarizing what had occurred in that city since the Japanese occupation, said:

"The soldiers are reported to have sought out the native women wherever they could be found to violate them. Reference is made to the enclosures of this report for description of such occurrences. During the early part of the Japanese occupation over a thousand such cases a night are believed by the foreigners here to have occurred and one American counted thirty such cases in one night in one piece of American property." (R 4573)

(4) Robbery, Looting and Wanton Destruction of Property.

46. Pillage by the soldiers and destruction of private property began after the fall of the city and when it was entirely in the hands of the Japanese military forces. Private residences, schools, hospitals, public buildings were entered and personal property of every kind stolen and carried off by the soldiers. After several days of occupation, organized pillages and burning by the soldiers began and continued for some six weeks. Trucks guarded by soldiers would be stopped in front of a store, all of the goods in the store removed by the soldiers or persons directed by them, and then the building would be burned. This was repeated block by block, day after day, for a period of four or five weeks. The Y.M.C.A. building, numerous church buildings, school buildings, public buildings and private residences including the Russian Embassy, were burned by Japanese soldiers.

47. At the time of its capture, only small sections of the great city of Nanking had been damaged in the military campaign which preceded its capture. As a result of the systematic and continued burning of dwellings, stores, churches, schools, and public buildings by the soldiers during the first five or six weeks following the capture of the city, it became a ruined and despoiled city. Dr. Bates testified:

"***Practically every building in the city was entered many, many times by these roving gangs of soldiers throughout the first six or seven weeks of the occupation. In some cases the looting was well organized and systematic, using fleets of army trucks under the direction of officers. The vaults in the banks, including the personal safe deposit boxes of German officials and residents, were cut open with acetylene torches.***

"The foreign embassies were broken into and suffered robbery, including the German Embassy and the personal property of the Ambassador. Practically all commercial property of any noticeable value was taken.

"***With the exception of one or two minor fires, apparently started by drunken soldiers, there was no burning until the Japanese troops had been in the city five or six days. Beginning, I believe, on the 10th

or 20th of December, burning was carried on regularly for six weeks. In some cases the burning followed the looting of a line of stores, but in most instances we could not see any reason or pattern in it. At no time was there a general conflagration, but the definite firing of certain groups of buildings each day. Sometimes gasoline was used, but more commonly chemical strips, of which I secured samples.

****they (the Russian Embassy buildings) were burned at the beginning of 1938. Also, just to illustrate the range of burning, the Y.M.C.A. building, two important church buildings, the two chief German commercial properties with the Swastika flying upon them, were among those burned." (BATES, R 2635, 2636, 2637, 2638)

Dr. Hsu testified as follows:

****Japanese soldiers do not respect any property rights or any personal possessions. They enter every house and take away everything they like. They burn the houses and they damage the houses. They destroy the houses.

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

"Q Were these buildings burned after the occupation of the city by the Japanese?

"A Yes, this all wanton destruction all done after the Japanese been in the city many days.***" (HSU, R 2576-77)

Magee testified:

****The Japanese soldiers took from the people anything that struck their fancy; wristwatches, fountain pens, money, clothing, food. I took to the hospital in those first few days of occupation a half-witted woman of forty-one who was stabbed in the neck because she grabbed at some bedding that a Japanese soldier was taking away from her.***

****The burning continued day by day in different parts of the city. One of our own Episcopal church missions was partly burned, and later on they finished the job on January 26. The Christian Disciples Mission was burned--one of their school buildings was burned, the YMCA, the Russian Embassy, and a great many homes of the people outside of our Safety Zone.

or 20th of December, burning was carried on regularly for six weeks. In some cases the burning followed the looting of a line of stores, but in most instances we could not see any reason or pattern in it. At no time was there a general conflagration, but the definite firing of certain groups of buildings each day. Sometimes gasoline was used, but more commonly chemical strips, of which I secured samples.

"***they (the Russian Embassy buildings) were burned at the beginning of 1938. Also, just to illustrate the range of burning, the Y.M.C.A. building, two important church buildings, the two chief German commercial properties with the Swastika flying upon them, were among those burned." (BATES, R 2635, 2636, 2637, 2638)

Dr. Hsu testified as follows:

"***Japanese soldiers do not respect any property rights or any personal possessions. They enter every house and take away everything they like. They burn the houses and they damage the houses. They destroy the houses.

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

"Q Were these buildings burned after the occupation of the city by the Japanese?

"A Yes, this all wanton destruction all done after the Japanese been in the city many days.***" (HSU, R 2576-77)

Magee testified:

"***The Japanese soldiers took from the people anything that struck their fancy; wristwatches, fountain pens, money, clothing, food. I took to the hospital in those first few days of occupation a half-witted woman of forty-one who was stabbed in the neck because she grabbed at some bedding that a Japanese soldier was taking away from her.***

"***The burning continued day by day in different parts of the city. One of our own Episcopal church missions was partly burned, and later on they finished the job on January 26. The Christian Disciples Mission was burned--one of their school buildings was burned, the YMCA, the Russian Embassy, and a great many homes of the people outside of our Safety Zone.

"Every once in a while these soldiers would leave behind little black sticks of some substance which may have been termite. It was highly inflammable, and it was no doubt what they were using to set fire to the buildings." (Magee, R 3920-21)

Fitch noted in his diary on December 20, 1937 that:

"***vandalism and violence continued unchecked. All Taiping Road, the most important shopping street in the city, was in flames. I saw many Japanese army trucks being loaded with the loot which they were taking from the shops before setting fire to them, also witnessed one group of soldiers actually setting fire to a building. I drove next to the Y.N.C.A. which was already in flames, evidently fired only a short time previously. That night I counted fourteen fires from my window, some of them covering considerable areas.***" (R 4462)

McCallum recorded in his diary on 27 December 1937:

"***Every foreign house is a sight to behold, untouched until the Japanese army arrived; nothing untouched since. Every lock has been broken, every trunk ransacked. Their search for money and valuables has led them to the flues and inside pianos.

"***Nanking presents a dismal appearance. At the time the Japanese Army entered the city little harm had been done to the buildings. Since then the stores have been stripped of their wares and most of them burned. Taiping, Chung Hwa, and practically every other main business road in the city is a mass of ruins.***"(R 4469)

48. The secret report of a German eye witness which General von Falkenhausen authorized should be transmitted as strictly confidential to the German Foreign Office in Berlin, describing the actions of the Japanese soldiers in Nanking from 8 December 1937 to 13 January 1938, said:

"***They took all seizable stores of food stuffs from the refugees, the woolen sleeping blankets, the clothes, the watches- in short, everything which seemed worth taking with them.

"**It was no rare picture that a single Japanese soldier drove four coolies who had to carry his loot. This organized thieving and plundering lasted fourteen days and even today one is still unsafe from some groups.***" (R 4599-600)

Then, reciting that by far the greater part of the city was undamaged at the time of its capture, the report continues:

"The picture of the city has changed completely under Japanese rule. No day goes by without new cases of arson. It is now the turn of the Taiping Lou, the Chung Shen Tung

Lou, Go Fu Lov, Kio Kian Lov. The entire southern part of the city and Fudse Miave are completely burned and plundered down. Expressed in percentages, one could say that 30 to 40 percent of the city has been burned down.***" (R 4601)

49. The official report made to the American Foreign Office stated, "No attempt is known to have been made to extinguish the flames of any building on fire." (R 4578)

(5) Total Number of Persons Killed at Nanking after the Capture of that City.

50. It is impossible definitely to determine the total number of citizens of Nanking killed by the Japanese soldiers following the fall of that city. Bodies of civilians killed by the Japanese soldiers littered the streets for weeks. Corpses were lying in doorways, yards, gardens, in public buildings and in private dwellings throughout the city. Huge piles of charred remains beside the ponds and the river indicated where massacres had occurred. Two charitable organizations, the Red Swastika Society and the Tsung-Shan-Tong, for months engaged in burying the dead in and around Nanking, burying only those bodies which the family or friends of the decedent had not buried.

51. The records of the Red Swastika Society, of which Dr. Hsu was Vice President show that this society buried 43,071 corpses of civilians--men, women and children--in and around Nanking during the period of several months following the fall of that city (R 4537-40).

52. The records of the Tsung-Shan-Tong indicate that the total number of victims buried by that organization in the vicinity from 26 December 1937 to 20 April 1938 was 112,266 (R 4537-39).

53. The report of the Chief Prosecutor of the District Court of Nanking, dated 20 January 1946, giving the facts which his investigation had disclosed concerning the conditions in Nanking following the fall of that city summarized as approximately 260,000 the number killed by the Japanese troops in and around Nanking following the fall of that city (R 4536-37).

54. The summary report on the investigations of Japanese war crimes committed in Nanking prepared by the Procurator of the District Court of Nanking in February 1946 determined that at least 300,000 persons were massacred collectively or murdered individually by the Japanese troops in Nanking (R 4542-47).

"Every once in a while these soldiers would leave behind little black sticks of some substance which may have been termite. It was highly inflammable, and it was no doubt what they were using to set fire to the buildings." (Magee, R 3920-21)

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(6) The Reign of Terror Continued for More Than Six Weeks.

55. After describing the condition of numerous civilians brought to the hospital to be treated for injuries received at the hands of Japanese troops, Dr. Wilson testified "Cases like this continued to come in for a matter of some six or seven weeks following the fall of the city on 13 December 1937." (R 2538)

56. Dr. Hsu said, with regard to the period of time during which the atrocities continued, "It was the worst about the first few months, especially three months, and later on it gradually diminished more or less." (R 2584) Dr. Bates testified, "The terror was intense for two and one-half to three weeks. It was serious to a total of six to seven weeks." (R 2642)

57. Mr. Magee testified in reply to a question as to how long the action of Japanese soldiers towards civilians as he had described continued following the fall of that city, said "After about six weeks it began to taper off, although many things happened--individual things happened after that." (R 3922)

(7) Knowledge of the Continuing Atrocities by Japanese Soldiers. Was Brought Home to General MATSUI and to the Japanese Government in Tokyo.

a) General MATSUI was in Nanking.

58. From General MATSUI's own statement, he was in Nanking on 17 December 1937 and remained there for one week before returning to Shanghai (R 3459). He heard from Japanese diplomats as soon as he entered Nanking that the troops had committed many outrages there (R 3454). General MATSUI remained in command until February 1938 and stated that he was then relieved of command at his own request (R 3456). The defendant, General MUTO, then adjutant to the Chief of Staff, stated that he came to Nanking with General MATSUI for the taking-over exercises and remained there for ten days (R 3552-53). During the period that General MATSUI remained in command, no effective steps were taken to correct the situation.

b) Reports of the International Committee for the Nanking Safety Zone.

59. The International Committee for the Nanking Safety Zone was organized by a group of German, British, American and Danish citizens who were in Nanking before and at the time of the fall of that city. John H. D. Rabe, a German, was Chairman and Dr. Lewis S. C. Smythe was Secretary of this committee from 14 December 1937 until 10 February 1938. The names and nationalities of the members of the committee appear on pages 4508 and 4509 of the Transcript of Proceedings. The

purpose was to provide a refuge in a small non-combatant zone where civilians might escape the dangers of the fighting. (BATES R 2625) After the fall of the city, between 200,000 and 300,000 people crowded into the safety zones (HSU R 2561).

60. The International Committee for the Nanking Safety Zone made daily personal reports to the Japanese Foreign Office in Nanking, and almost daily this committee delivered to Japanese consuls and representatives of the Japanese Foreign Office in Nanking, written reports setting out in detail specific atrocities committed by the Japanese soldiers in the safety zones in Nanking. These reports covering 425 groups of cases (some groups containing as many as thirty different cases of rape or other crimes) began on 16 December 1937 and continued until 2 February 1938 (R 4509-36). Dr. Smythe in his affidavit states:

"***We filed nearly two protests every day for the first six weeks of the Japanese occupation. Usually one of these was taken to the Japanese Embassy by Mr. Rabe and myself in person; the other was sent by messenger.

"***In the almost daily conferences that Mr. Rabe and I had with the Japanese Embassy, they at no time denied the accuracy of these reports. They continually promised that they would do something about it. But it was February 1938 before any effective action was taken to correct the situation.**"
(R 4457-58)

Dr. Bates testified:

"***Almost daily for the first three weeks I went to the Embassy with a typed report or letter covering the preceding day, and frequently had also a conversation with the officials regarding it. These officials were Mr. T. FUKUI, who had the rank of Consul, a certain Mr. TANAKA, vice-consul, Mr. Toyoyasu FUKUDA. The latter is now secretary to the Premier YOSHIDA. These men were honestly trying to do what little they could in a very bad situation, but they themselves were terrified by the military and they could do nothing except forward these communications through Shanghai to Tokyo." (BATES, R 2638)

"In the letter of December 16th I complained of many cases of abduction of women from the University's properties and of the rape of thirty women in one University building the previous night.

"In the letter of December 17th, besides detailing the specific cases by rote, the reign of terror and brutality continues in the plain view of your buildings and among your own neighbors.

"In the letter of December 18th I reported that on the previous night rape had occurred in six different buildings of the University of Nanking***

"In a letter of December 21st, I complained that many hundreds of refugees had been taken away for forced labor.***

"On Christmas Day I reported that in one building of the University about ten cases per day of rape and abduction were continually occurring.

"On the 27th of December, after a long list of individual cases, I wrote: 'Shameful disorder continues and we see no serious efforts to stop it. The soldiers every day injure hundreds of persons most seriously. Does not the Japanese Army care for its reputation.' (BATES, R 2640-42)

61. He testified that the situation did not substantially improve until the fifth or sixth of February 1938, and that he knew that the reports made to the Japanese Consulate in Nanking were sent by it to the Japanese Foreign Office in Tokyo (R 2643-44; 2661). He said:

"I have seen telegrams sent by Mr. Grew, the Ambassador in Tokyo, to the American Embassy in Nanking, which referred to these reports in great detail and referred to conversations in which they had been discussed between Mr. Grew and officials of the Geimusho, including Mr. HIRATA" (one of the defendants). (BATES, R 2661)

62. On December 16, Smythe, the Secretary of the committee, wrote Mr. FUKUDA of the Japanese Foreign Office, in submitting a detailed list of cases of disorders by Japanese soldiers in the safety zone, "yesterday the continued disorders in the Safety Zone increased the state of panic among the refugees." (R 4509)

63. On December 18, Bates, the Chairman of the committee, wrote the Japanese Embassy giving details of atrocities committed by Japanese troops in the Safety Zone, his letter beginning:

"We are very sorry to trouble you again but the sufferings and needs of the 200,000 civilians for whom we are trying to care make it urgent that we try to secure action from your military authorities to stop the present disorder among Japanese soldiers wandering through the Safety Zone." (R 4516)

64. On December 19 the secretary of the committee wrote the Japanese Embassy in submitting a further list of disorders by Japanese soldiers in the safety zone: "I am also very regretful to have to report that the situation today is as bad as ever." (R 4524)

65. On December 20 the opening paragraph of the letter from Chairman Rabe to the Japanese Embassy was:

"Herewith is the sad continuation of the story of disorders by Japanese soldiers in Nanking, cases Nos. 71 to 96. You will note that of these 26 cases reported to us since yesterday, 14 of them occurred yesterday afternoon, night and today. Consequently there does not seem to be much improvement in the situation" (R 4528).

66. The letter from the Secretary of the committee to the Japanese Embassy on December 21, submitting a list of cases which had occurred since the previous afternoon, stated:

"***It should be borne in mind that some of these women who have daily been raped in our Zone are the wives of pastors, Y.M.C.A. workers, college instructors, and others who have always lived a self-respecting life.**" (R 4531)

67. On 21 December the twenty-two foreign residents of Nanking delivered a letter to the Japanese Embassy asking in the name of humanity and for the welfare of over 200,000 civilians in Nanking that the burning throughout the city and the disorderly conduct of the Japanese troops in the city which was causing so much suffering to the civilian population be immediately stopped. (R 4521-32)

68. On 2 February 1938 a report was filed by the committee setting out seventy-seven separate cases of rape, four cases of murder and thirteen cases of robbery, all reported to have occurred during the last week of January 1938 (R 4536)

69. Magee testified that in addition to the reports from the committee, he went "many times to the Japanese Embassy to tell of individual cases of outrage," (R 3922) and that:

"On December 21st, Vice-Consul ANAKA told me that the bad situation then in Nanking would be changed for a better one and that he thought by December 24th everything would be settled; but by December 24th and after that there was no apparent betterment." (R 3904)

c) The Foreign Office in Tokyo Had Knowledge of the Situation in Nanking.

70. American Ambassador Grew continued through January 1938 to protest to the Japanese Foreign Minister (the defendant HIROTA) the reported conduct of Japanese troops in Nanking, and on January 19 Grew reported from Tokyo that HIROTA had laid his (Grew's) protest before the Cabinet and

"that a drastic measure to assure compliance by forces in the field with instructions from Tokyo is being considered. He said that he would probably be in a position tomorrow to inform us of the measure to be taken" (R 4558).

71. NORUFUMI ITO, Minister-at-large from Japan to China from September 1937 to February 1938, testified that he was in charge of negotiations with the diplomatic corps and members of the press at Shanghai, as well as in charge of information, and that

"I received reports from members of the diplomatic corps and from press men that the Japanese Army at Nanking had committed various atrocities at the time" (R 3505).

He further testified that he did not seek to verify these reports, but sent a general resume of the reports to the Foreign Office in Tokyo, all of which were addressed to the Foreign Minister, (the defendant HIROTA). (R 3505-06)

72. No effective action to correct the situation at Nanking was taken for a period of more than six weeks after knowledge of the continuing atrocities by Japanese soldiers was brought home both to the Japanese Foreign Office and the Japanese high command in Tokyo. These actions were continued with the knowledge and assent of both the military and civil authorities of Japan, and fully justified the statement contained in the secret report of the German eye witness to the happenings in Nanking, sent by Trautman to the German Foreign Office in Berlin on 16 February 1938:

"The fateful days of Nanking have clearly shown two facts: (1) the failure of the control of the defense of the fort of Nanking; (2) the lack of discipline, atrocities, and criminal acts not of an individual but of an entire Army, namely the Japanese." (R 4604).

This was the Japanese winner of waging its undeclared war against China.

B. Similar Atrocities were Committed by Japanese Troops Throughout the Occupied Areas of China.

73. The conduct of the Japanese troops at Nanking was no isolated case. Similar atrocities to those committed against civilians and others there for a period of more than six weeks following the fall of that city took place in every province occupied by Japanese troops in China. The same types of atrocities by Japanese troops against the Chinese people were repeated every year from 1937 to 1945. Typical instances which the evidence discloses of the actions of Japanese troops throughout all parts of occupied China are set out below:

1) Kiangsu Province.

74. Liu Teh Shan stated that when the Japanese troops captured Soochow in Kiangsu Province in November 1937, they killed four merchants, openly declared they would kill all people seen by them and killed innumerable civilians (R 4608). Chen Ya Ching described the massacre with machine guns of more than two hundred merchants by Japanese troops after they occupied Nan Hsiang in Kiangsu Province on 10 October 1937 (R 4609).

2) Hupei Province (in which is situated Hankow, Count 47 of the Indictment).

75. Dorrance, who was at the time Manager of the Standard Oil Company at Hankow, testified that after the occupation of that city by the Japanese in 1938, he watched Japanese soldiers kicking captured Chinese soldiers in the water on the Yangtze River and shooting those who came to the surface (R 3392). When the Japanese troops noticed that their actions were being observed by American citizens, they would put the Chinese soldiers in a steam launch, take them out in the middle of the Yangtze River and there throw them overboard and shoot them when they came up (R 3393). He also testified that he saw on the streets of Hankow, "Chinese men dressed in Chinese gowns with their hands wired behind them, and they had been shot***" (R 3396). This evidence tends to establish the charge in Count 47 of the Indictment. Ten statements were offered in evidence of separate witnesses, showing specific instances of wanton destruction of property by the 65th Regiment, 104th Brigade, 13th Division of the Japanese Army, which occurred in Hupei Province in 1943 (R 4609).

3) Hunan Province (in which are situated Changsha, Count 48 of the Indictment, and Hengyang, Count 49 of the Indictment).

76. TAMURA, Nobusada, Lance Corporal of the Japanese Army, stated:

"During the second Changsha Campaign in September 1941, the third company (under command of Captain SASAKI, Ichi) of the second Battalion (under the command of Major TAKAHASHI, Sakayoshi) attached to the second Independent Mountain Artillery Regiment (under the command of Colonel MARITO, Ryuzo) of the sixth Division of the Japanese Army forced more than 200 Chinese prisoners of war in Chen Tung Shih, Changsha, Hunan, to plunder large quantities of rice, wheat, and other commodities. After they returned, the Japanese forces, numbering more than 200, in order to hide these crimes, massacred these Chinese by artillery." (R 4611-12)

77. Hsieh-Chin Hua described how the Japanese forces after they had occupied Changsha "freely indulged in murder, rape, incendiarism, and many other atrocities throughout the district," and how on the evening of 17 June 1944, more than 100 Japanese soldiers went to To-shih, Shi Shan and machine-gunned and set fire to all houses from both ends of the streets, totally destroying more than a hundred business places with the stocks of goods (R 4612-13).

4) Hopei Province.

78. Liu Yao Hwa testified that 24 civilians were killed in his village by the Japanese soldiers in 1937, and two thirds of the houses in the village were burned. He also testified to instances of rape and murder committed by Japanese soldiers, including the rape of a thirteen year old girl, by eight soldiers resulting in her death, and that two Chinese men were tied, blindfolded, and stabbed to death by bayonets upon order of a Japanese officer (R 4615-16)

79. Ti Shu-tang testified that after the Japanese occupied his village in 1941 they forced about sixty men, women and children into a house and then set the house afire, shooting those who tried to escape; and that in 1942 Japanese troops required about forty Chinese women to undress and parade in public view, shooting those who tried to avoid embarrassment by jumping into a pool; that although he had never been a soldier he was taken with other civilians and required either to join the puppet forces or to go as a captive to Japan. He refused to join the puppet force and was brought to Japan and forced to labor until the end of the war. Of 981 in this group, 418 died (R 4619-20)

80. Colonel KIANG, Cheng-Ting, Judge of the Military Court for Trying War Criminals in the General Headquarters of the Eleventh War Zone of China, described the atrocities committed by Japanese troops throughout North China, detailing numerous instances of torture and murder of civilians, including two separate massacres of civilians in Kao-Yang Hsien in 1938, by the Ishimatsu Unit; the massacre of 200 civilians in September of 1943, and the killing of over a thousand by starvation or freezing in Jen-Chiu Hsien; and the massacre "by swords or burying them alive" of 128 women and children by the 38th Battalion of the 4204 Japanese Army Unit at the village of Chuan-Twen-Tseng in 1945 (R 4634-35).

81. In describing the means of torture Colonel Kiang stated how prisoners were driven into yards where hungry police dogs tore them to pieces, how water was poured into the nostrils of prisoners, electric current was passed through their bodies to force confessions and live matches and hot irons applied to their person. Many women were required to engage in sexual intercourse or be shot (R 4637-38).

82. Cheng Wei-Hsia stated the means of torture used by Japanese troops against members of the secret society of young Chinese who sought to carry on underground work against the Japanese, which included beating into insensibility, pouring water into the victim until he stopped breathing, boring the palms with sharp instruments, passing electric current through the body until the victim became unconscious, swinging in the air by the thumbs, throwing bound victims into pools of water until suffocated, pulling out finger nails and stripping women victims and requiring them to sit over charcoal stoves (R 4640-43).

83. Wong Chung Fu described the torture killing of over 1000 Chinese high school and college students by the Japanese soldiers in Peiping in July 1940 (R 4645).

84. KINOSHITA, Masaichi, a Japanese merchant, stated that seven civilians suspected of having been guerillas were bound to trees by the Japanese soldiers and bayoneted to death (R4646). Wang Chun Fu described the torture and rape of girl students of Bridgeman Middle School, Peiping, in 1940 (R 4647).

- 5) Kwantung Province (in which is situated the city of Canton, Count 46 of the Indictment)

85. Wang Shi Ziang described the massacre of over 700 Chinese civilians by Japanese troops at Liang Doong village, and numerous acts of robbery and wanton destruction of property by the Japanese soldiers in this vicinity (R 4648). Liu Chi Yuan stated that more than 2000 civilians, men, women and children, were massacred by the Japanese troops after they captured the city of Wei-Yang in 1941 (R 4650).

- 6) Kwangsi Province (in which are situated the cities of Kweilin and Liuchow, Count 50 of the Indictment)

86. An official statement from the President and City Council at Kweilin described the organization of an arson corps by the Japanese soldiers in that city, and the wholesale burning of the city, resulting in the destruction of more than 10,000 rooms (R 4652). Nine citizens of the city stated how women were forced into prostitution with Japanese soldiers; and hundreds of Chinese troops who had been taken prisoner were killed and their bodies exposed to view on the Imperial Wall or thrown into the Lee River (R 4653).

87. Twelve additional statements were introduced from citizens of Kwangsi Province, describing twenty-one murders and instances of looting, rape and abduction of by Japanese soldiers which occurred in Kwangsi Province during 1944 and 1945 (R 4654).

7) Jehol Province.

88. Under pretext of searching for members of the guerilla forces, the Japanese troops in August of 1941 killed all members of 300 families and burned the entire village of Si Tu Ti in Ping Chuan District in Jehol Province. (Statement of Liu Cha-un Ju; R 4656).

8) Suiyuan Province.

89. Ten statements were introduced, giving instances of looting, burning and the murdering of civilians by Japanese troops in Suiyuan Province in 1940. Typical of these is the statement of Hu Tsi Ni:

"On 3 February 1940, five Japanese soldiers of the 13th Regiment of the 26th Division under the command of KUYODA Jutoku, went to the home of CHIA Jen. They asked him for pretty women. He failed to find any, thereupon the Japanese soldiers killed him by beating him all over with a red-hot spade."
(R 4660)

9) Shansi Province.

90. Goette testified that he was in Shansi Province several times during 1938, 1939, and 1940 and that British and American missionaries reported to him that missionaries were imprisoned by the Japanese for treating wounded Chinese soldiers in mission hospitals; they also reported many cases of rape committed by Japanese soldiers there; and that

"The formal demand by the Japanese Army on local Chinese officials to provide women for the use of the Japanese Army was a commonplace thing; it was commonly accepted by the Chinese officials and by the Japanese Army.***" (R 3775)

10) Yunnan Province.

91. G. J. Hsu, a Chinese merchant, testified to the looting by Japanese troops of Chinese civilians at the Salween River on the Burma highway in May 1942; and that he was one of two survivors of a group of over thirty civilians captured there by Japanese soldiers, seated in a semi-circle and the others killed by machine-gun fire. He told of instances of rape by Japanese soldiers and how the road to the river was lined with the bodies of over 1000 civilians who had been shot (R 2620-22).

C. The Japanese Pattern of Warfare.

92. The evidence of atrocities committed by Japanese troops against the citizens of the Republic of China is typical of the conduct of

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7) Jehol Province.

88. Under pretext of searching for members of the guerilla forces, the Japanese troops in August of 1941 killed all members of 300 families and burned the entire village of Si Tu Ti in Ping Chuan District in Jehol Province. (Statement of Liu Chai-un Ju; R 4656).

8) Suiyuan Province.

89. Ten statements were introduced, giving instances of looting, burning and the murdering of civilians by Japanese troops in Suiyuan Province in 1940. Typical of these is the statement of Hu Tsi Ni:

"On 3 February 1940, five Japanese soldiers of the 13th Regiment of the 26th Division under the command of KUYODA Jutoku, went to the home of CHIA Jen. They asked him for pretty women. He failed to find any, thereupon the Japanese soldiers killed him by beating him all over with a red-hot spade."
(R 4660)

9) Shansi Province.

90. Goette testified that he was in Shansi Province several times during 1938, 1939, and 1940 and that British and American missionaries reported to him that missionaries were imprisoned by the Japanese for treating wounded Chinese soldiers in mission hospitals; they also reported many cases of rape committed by Japanese soldiers there; and that

"The formal demand by the Japanese Army on local Chinese officials to provide women for the use of the Japanese Army was a commonplace thing; it was commonly accepted by the Chinese officials and by the Japanese Army.***" (R 3775)

10) Yunnan Province.

91. G. J. Hsu, a Chinese merchant, testified to the looting by Japanese troops of Chinese civilians at the Salween River on the Burma highway in May 1942; and that he was one of two survivors of a group of over thirty civilians captured there by Japanese soldiers, seated in a semi-circle and the others killed by machine-gun fire. He told of instances of rape by Japanese soldiers and how the road to the river was lined with the bodies of over 1000 civilians who had been shot (R 2620-22).

C. The Japanese Pattern of Warfare.

92. The evidence of atrocities committed by Japanese troops against the citizens of the Republic of China is typical of the conduct of

Japanese troops in China. The instances of (1) massacre and murder; (2) torture; (3) rape; (4) robbery, looting and wanton destruction of property are shown by the evidence to have occurred in every Province of occupied China and covered the period from 1937 until the end of the war. The commission of these atrocities by Japanese soldiers in city after city and province after province throughout China, and the continuation of this type of conduct on the part of Japanese soldiers month after month and year after year from 1937 to 1945 establishes clearly that this method of warfare was approved by and assented to not only by the commanding officers of the Japanese troops in China, but by the Japanese high command and the Japanese Government in Tckyo. Their responsibility for these crimes which shocked the conscience of humanity is inescapable. This was the Japanese pattern of warfare.