



Chapter III

**THE PROOF,
WHICH DENIED
SOME EVIDENCES
SUBMITTED
BY THE PROSECUTION**





As the above stated cross-examinations make clear, these assertions of the Prosecution like what the CCP claims as the 'murders of 300,000', or what the westerners claim as the 'murders of 40,000' are not based on the evidences or materials which are credible or having profound proofs. And, we must say that both claims have extremely weak evidences.

Contrary to their claims, there are some clearly opposite historical documents against the existence of such large-scale murders. For example, one is the photographic and documentary films. Also, there are some opposite data against the existence of such large-scale murders even within the documents, which they have presented as the evidence. Furthermore, some of the actions, which the then KMT has taken, are difficult to comprehend if there have been such large-scale murders.

It might have been difficult to describe what had occurred after the seizure of Nanking. However, we would like to present the following existing rational historical documents, which are totally contradictory to their claims.

1. Photos, movies and witnesses testifying that Nanking was restoring the peace and order

Photos of Nanking, taken by Japanese correspondents

SATO Shinju, correspondent of the Tokyo NichiNichi has taken the photos on December 15 and 16, 1937, at the Safety Zone within the walled city where Chinese inhabitants were opening the street stalls. Among these photos, there is one showing a food stall held by a Chinese refugee where a Japanese soldier was eating as the inhabitants, including women and children watching him.⁷⁰

⁷⁰ SATO Shinju, "I took the photos and eyewitnesses in Shanghai and Nanking." Source Material Relating to the Battle of Nanking, vol.1.



This photo has been taken by SATO Shinju. It shows an aspect of the walled city of December 15, two days after the fall of Nanking. Surprisingly, at the Safety Zone located in the west side of Chungshan North Road, street stalls such as boiled Chinese dumpling sellers have still more been opening. A Japanese soldier has been the first customer. It is apparent that the Japanese occupation has recovered the public order.

Also, there are other photos showing many stall vendors selling vegetables and used clothes. Also the Asahi Shimbun shows a series of photos taken almost in the same time. Among them there is a photo which was taken by Asahi correspondent KAWAMURA on the 17th, showing unarmed Japanese soldiers taking a walk on the street, and another photo shows a barber stall operating.

Also, a film called Nanking, produced by TOHO Film Production, shows a crowd of inhabitants coming to get ID cards at the card issuing office opened in the Safety Zone by the Japanese Army. This has been conducted during the period of December 24, 1937, through January 5, 1938, in order to identify the citizens, separating them from the soldiers. We can observe that the Chinese people shown in the pictures aren't in fear of the Japanese soldiers at all.

According to the claims of the CCP, this period (December 15-17, 1937) when these photos were taken is the one when the large-scale massacre was taking place (December 12-18). Also, the period when the film Nanking was produced is the

one when the CCP claimed that the murders and the large-scale rapes and looting were committed.

As these photos and films represent, the peace and public order of Nanking has been clearly restored. Neither we can observe any fear of Japanese soldiers among the Chinese inhabitants. Of course, they might argue that these are merely the representations of a small part in Nanking, and can not immediately deny the 'Nanking Massacre'. However, who can, rationally, be convinced that the large-scale massacre and incidents of rape and looting could have been committed in the same place where the Chinese inhabitants were living in peace?.

We would like to introduce another film, which represents a contrary view. This film is called *The Battle of China*. This wartime propaganda film is directed by Frank Capra, American famous director of 1930's, and comes out in 1944.⁷¹ In the film, there are ten-second scenes of the description of 'Nanking Massacre'. However, these can hardly be the true description, because of the following reasons.

- 1) An officer is taking a woman by force. His epaulet is entirely different from that of the Japanese officer. The medal he wears on the breast is not of the Japanese Army in terms of design.
- 2) A man wears a revolver belt. But, the then Japanese soldiers don't wear a revolver belt, since they didn't use a revolver. Also, he doesn't wear a saber but a parade sword. But, in war, a parade sword has never been used.
- 3) Chinese inhabitants in the film are in shirts with half sleeves in the cold wintertime.

⁷¹ John W. Dower is expressing in *War without Mercy* (New York: Pantheon Books, 1986) pp.15-18. as follows:

Shortly after the United States entered World War Two, Army Chief of Staff George C. Marshall summoned Frank Capra, the Hollywood director, and asked him to prepare a series of orientation films for viewing by American troops...

Only one film in the series was devoted exclusively to the war in Asia. Titled *The Battle of China* and completed in 1944, this was an epic paean to the resistance of the Chinese people against Japan's aggression...

Viewed by some critics as Capra's most exaggerated portrayal of pure good versus pure evil, *The Battle of China* was temporarily withdrawn because it omitted any mention whatsoever of problems among the Chinese themselves...



A scene of the 'Nanking Massacre' in the film The Battle of China.

This photo has been kept displayed in the Nagasaki Atomic Bomb Museum with a caption, "Chinese People taken to somewhere before slaughter." Afterwards, the investigation has revealed that it is indefinable whether the photo is genuine one or not, so that it has been removed.

- 4) A piece of paper which says 'Three People's Principles' is on the chest of a woman who is being buried alive, but Japanese do not have such a way of thinking.

The whole things are 'forged pictures' and entirely opposite of the TOHO's film Nanking in terms of credibility.

Forged pictures, unidentified sources

Likewise, let us take some similar examples. Among the evidences presented are photo materials. And, none of these photos are dated, and the names of places and photographers are not stated. In other words, there exist none of these photos that are rigidly authentic, and definitely, these photos can not be used as the evidence of



The Japanese rounded up thousands of women. Most of them were gang raped or forced into military prostitution (Politburo of Military Committee, Taipei).

[Photo1]

From *The Rape of Nanking* by Iris Chang. The KMT has used this photo in those days of 1938 as an evidence that 'Japanese soldiers are taking villagers to somewhere by force prior to rape en masse.'

'Nanking Massacre'.

Contrary to the fact, there are many unrelated photos and forged pictures of unknown corpses, to which false statements are attached, as the evidence of Japanese soldiers' brutality.

We would like to introduce two examples from among them.

Photo 1 is the picture displayed at the 'Memorial Hall of Victims in Nanjing Massacre'. It is also displayed in the book *The Rape of Nanking*. The book states "The Japanese rounded up thousands of women. Most of them were gang raped or forced into military prostitution. (Politburo of Military Committee, Taipei)"

However, this photo has nothing to do with the gang-rape nor the military prostitution. This photo has appeared in the *Asahi Graph*, a weekly photo journal,

published in Japan on November 10, 1937, about one month before Nanking battle.

A set of four pictures have appeared in the journal with the explanation, titled as "Utopia Amidst the Gun-power: The 'Rising Sun' Village South of the Yangtze." The very picture is captioned with "A group of women and children from the Rising Sun Village returning from the fields, guarded by our soldiers." In those days in China, the looting is often committed by the deserted Chinese soldiers. Therefore, the farmers have needed the protection of Japanese troops to engage in farming safely. Also, this very photo has been taken by Correspondent KUMASAKI in the province of Paoshan in the vicinity of Shanghai, on October 14, 1937.

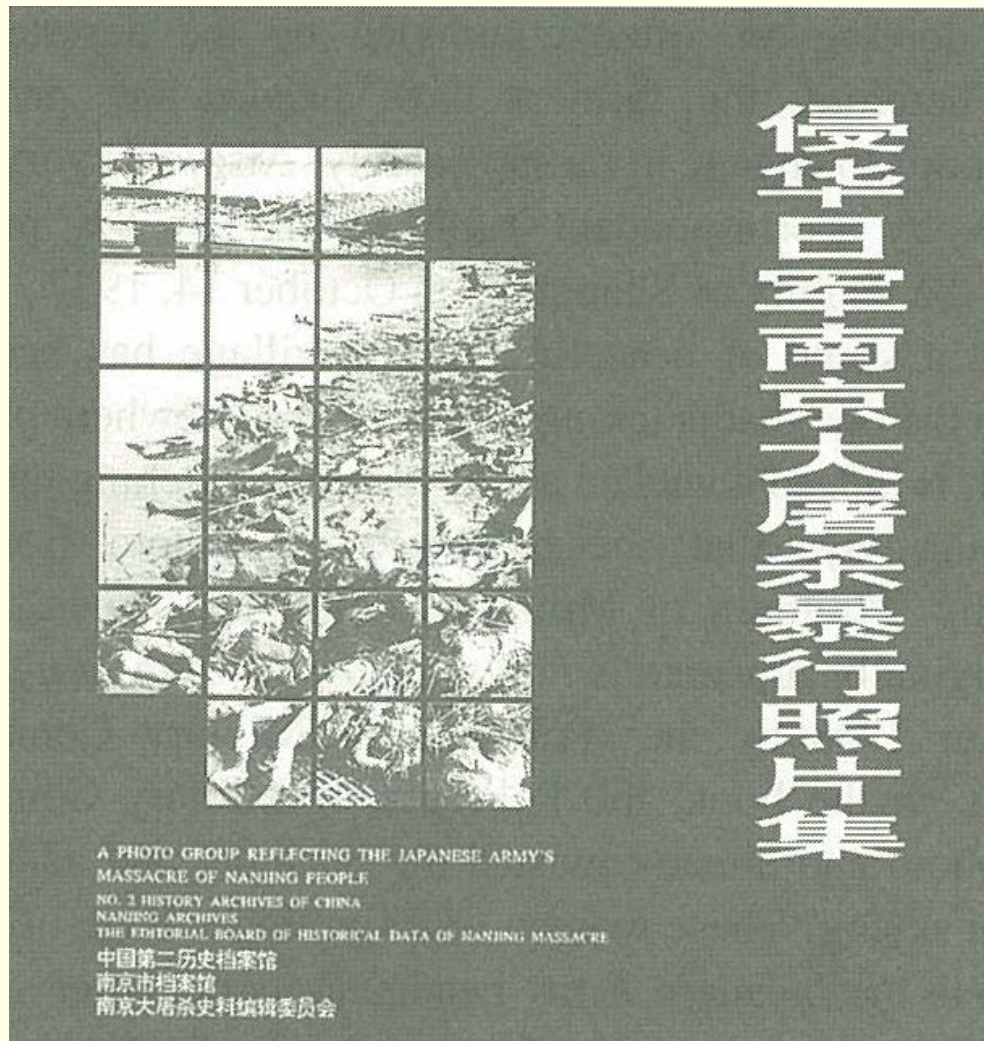
In short, a scene of peaceful farming village has been secretly switched to the one that is taking villagers to somewhere prior to rape en masse. It is indeed a wicked act of secretly switching the picture.

Iris Chang says that she borrowed this photo from a book published by 'Politburo of Military Committee, Taipei'. The book where it originally appeared is Facts of Atrocity of the Japanese Army, published in 1938 by the 'Politburo of Military Committee, the KMT'. But, in the book, the Politburo of Military Committee has used this photo and already twisted the meaning and added to it the explanation saying 'These women of a farming village of Chiangnan were taken to the Japanese Army headquarters one after another, and were raped and murdered.' In other words, the Politburo of Military Committee, the KMT has plagiarized this photo from the weekly photo journal published in Japanese in 1937, and has intentionally turned its caption into the complete opposite of the original.

In November 1997, an illustrated book (with this very photo included in it) that gives the false Chinese perspective of the Rape of Nanking, as it is, has been published in Japan. However, Historian HATA Ikuhiko, has pointed out the facts about the photo were clarified, so this false photo was withdrawn.⁷²

Photo 2 has been used as a symbol of 'Nanking Massacre' in a photo journal, titled A Photo Group Reflecting the Japanese Army's Massacre of Nanjing People published by the Editorial Board of Historical Data of 'Nanjing Massacre'. This

⁷² HATA Ikuhiko, "The Nanking Atrocities: Fact and Fable", Japan Echo, vol.25, No.4 (August 1998) pp.47-57.



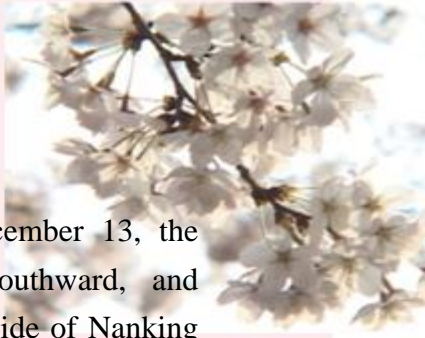
[Photo 2]

A Cover of A Photo Group Reflecting the Japanese Army 's Massacre of Nanjing People.

The CCP still uses this photo as a symbol of 'Nanking Massacre'.

photo is used in the cover page, and also appears on the page 31, with an explanation saying "The Japanese Army drag dead bodies of Nanjing citizens and then throw them into the Yangtze River." This same photo is used in The Rape of Nanking, with an explanation saying "Corpses of Nanking citizens were dragged to the bank of the Yangtze and thrown into the river. (Moriyasa Murase)"

This photo has been taken by a Japanese soldier named MURASE Moriyasu (Chang misspelled Moriyasa) who has actually engaged in the battle of Nanking. It is clarified that these corpses are not massacred ones as we have been able to identify the location of the take through the effort of Professors FUJIOKA Nobukatsu and HIGASHINAKANO Shudo, the authors of The studies of the Rape of Nanking (Tokyo: Shouden-sha, 1999).



Precisely explaining the situation, in the early morning of December 13, the Chinese Army (Nanking Garrison) has been withdrawing southward, and encountered the northward advancing Japanese Army in the west side of Nanking Castle (area between the Castle and the Yangtze River). Especially, the battles have fought at Xinhezhen in mostly close to the Yangtze River, several thousand Chinese soldiers have met with a Japanese Infantry Company (the 11th Company, the 45th Infantry Regiment) and have exchanged heavy fire. The Chinese Army has been heavily damaged, and a part of the troops has tried to escape through the Yangtze River by the rafts, which were temporarily made of lumber found in the area. The Japanese Army attacks them from the riverbank, and the Chinese side counts many casualties on the Yangtze River. In other words, the corpses in the picture are neither the inhabitants of Nanking nor the illegally killed soldiers, they are the corpses of the Chinese soldiers who died in war. Certainly, the photo represents a dreadful scene of corpses lying by the river, but it can not be the proof of 'Nanking Massacre.'


Japanese correspondents deny the 'Nanking Massacre'

These visual materials really correspond to testimonies of many Japanese. There have been more than 100 Japanese news correspondents besides the troops, who entered Nanking during the six weeks when the Prosecution claims that the 'massacre' occurred.

They have testified that they had never witnessed the 'Nanking Massacre' nor heard of such a thing then. Let us hear their testimonies.

YAMAMOTO Osamu, the then correspondent of the Osaka Asahi Shimbun (Shanghai Branch Office) says, "I never witnessed nor heard of such a thing. We used to gather in the evening, but I never heard of such a thing and no one ever mentioned anything like that, the Asahi Shimbun never received any information like that."

Also, MAEDA Yuji, correspondent of the Domei News agency says in his book, Caught in the Current of War as follows:



I was totally shocked with the news of dispatch from overseas that report a large scale looting, rapes, brutal acts, and arsons occurred within the Safety Zone during the occupation. All other Domei's correspondents who used to diligently cover inside the city in those days have never encountered any incidents of brutality that occurred after restoring the public order. If any unlawful things like that had happened, some of us or any correspondent must have caught that. There were more than 100 correspondents.

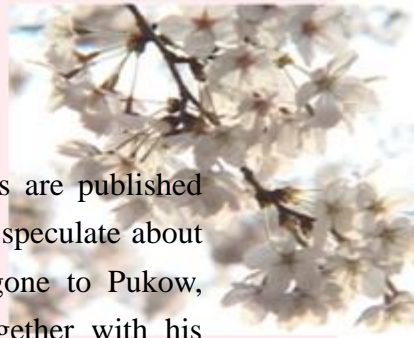
After the fall of Nanking, those correspondents have been able to freely walk around the area within the walled city. There have been some restrictions to cover the military activities, but there have been almost none as to reports on what they witnessed inside and in the vicinity of Nanking. It is very important to point out the fact that most correspondents testified that they had not witnessed incidents such as 'massacre'.

False witnesses made by Japanese correspondents

We cannot say that there were absolutely none of Japanese correspondents who witnessed the massacre. Three correspondents, IMAI Seigou, SUZUKI Jiro, and OMATA Yukio say in their memoirs that they witnessed the massacre. However, it is now obvious that their testimonies were no longer credible, after the verification of the contents of their memoirs.

IMAI Seigou, correspondent of the Asahi Shimbun, writes on his article, "Massive Killings in the City of Nanking", Bungei Shunju, published in December 1956 as follows:

I visited the KMT government office on the morning of December 15, two days after the fall of Nanking. And, in the afternoon, I took a nap in the former Asahi's branch office, which was located in the district where there were many refugees. In the evening, I saw nearly 500 Chinese captured soldiers that were slaughtered at a vacant lot nearby the branch office. At night, I followed endless lines of thousands of Chinese and witnessed a miserable sight of massacre by the bank of the Yangtze River in the dawn... And,... the officer at the site said that there were about 20,000 corpses there.





IMAI has been a star news reporter, and his signed news reports are published almost daily around the fall in the Asahi Shimbun, so that we can speculate about his activities through his news reports. On the 15th, he has gone to Pukow, located in the opposite side of the Yangtze River, to cover together with his colleagues.

He must have spent almost the daytime in order to cover the news materials by going to the town across the Yangtze River. In addition, he sends his news coverage in the same day. Also, he has attended the conference gathering correspondents and cameramen, which has been held at Asahi's temporary office in the night and he opens his mouth there. In other words, IMAI has not had enough time to go to the bank of the Yangtze River on the 15th and eyewitness the massacre. Is it just a mistake that the date he quoted must have been on the night of either 14th or 16th? However, this also cannot be true, because his acts speculated from his news reports could contradict with his testimony.

IMAI has written the news coverage of the entry ceremony into Nanking on the 16th, which was supposed to be held in the following day. (IMAI sent his news coverage before the commencement of the ceremony. He has left Nanking without actually seeing the ceremony.) Moreover, a large scale ceremony hasn't been held since the Russo-Japanese War and no one has known it, so he must have visited the headquarters of the Japanese Army to get information about the ceremony in that daytime. Eventually, it is next to impossible to say that he had enough time to witness the massacre for the period of the evening of 16th through the morning of 17th.

Also, even if it has been the 14th, the date which he witnessed the massacre will contradict with the record in those days. IMAI writes on his article of the Asahi Shimbun, "Returning from the front" dated on January 27, 1938, that on the 14th he met and talked with an American correspondent A. Steele, of the Chicago Daily News, at Chunghwa Gate, and they walked together toward Nanking University. Assuming that IMAI's witness has been on the 14th, the time when he has been able to meet Steele is limited to on the morning of 14th, so that it will have been impossible for IMAI, to come out of Asahi's temporary office on Chungshan Road, leisurely sightsee the KMT governmental buildings, walk 4 kilometers to Chunghwa Gate, meet with Steele, and further walk 6 kilometers to return to the office which was located in Ta Fang Hsiang within the Safety Zone.





On the other hand, according to the testimony of IMAI, his colleague, NAKAMURA Shogo is said to have also witnessed the massacre together, but on the 14th, NAKAMURA has been meeting with the reporters of the New York Times and the Associate Press at Xijiekou located in the center within the castle. Then, NAKAMURA covers the news materials about the activities inside the castle so far and sends the story within the same day. Therefore, it is not possible for the both IMAI and NAKAMURA to have gone together to eyewitness the massacre.

In short, it has been absolutely impossible for IMAI to have gone to witness even if there were two incidents might have occurred.

There is no other way to say that Massive Killings in the City of Nanking which was written by him after the war, is a fiction.


SUZUKI Jiro, correspondent of the Tokyo NichiNichi writes that he saw a group of prisoners lined up on top of Chungshan Gate, and they were stabbed by the bayonets. ("I saw the tragedy of Nanking", the monthly magazine MARU, November 1971). However, it is physically impossible to see the people on top of the gate from 20 meters below. He, even, says that he saw only 'several people' murdered.⁷³

Furthermore, OMATA Yukio, correspondent of the Yomiuri Shimbun writes after the war that the Japanese troops killed 2,000 Chinese captured soldiers with Japanese swords daily by the bank of the Yangtze River. (Invasion and Pillages published by Tokuma Shoten Publishing, 1982) This portion is quoted in The Rape of Nanking. However, OMATA has not witnessed the murders, because he was in Shanghai during the battle of Nanking. When he went to Nanking is a half-year later, after the fall of Nanking.

Soldiers who denied the massacre at the IMTFE

Let us now see the testimonies made by the Japanese soldiers. At the IMTFE, TSUKAMOTO Hirotsugu, the judge advocate of the Shanghai Expeditionary Force,

⁷³ ARA Ken-ichi, Interviews with Witness of the Nanking Battle, p.209.



NAKAYAMA Yasuto, the staff of the Central China Area Army (Intelligence), NAKAZAWA Mitsuo, the chief of staff of the 16th Division, IINUMA Mamoru, the chief of staff of the Shanghai Expeditionary Force, SAKAKIBARA Shukei, the staff of the Shanghai Expeditionary Force and so on are present as the witnesses. (Their titles listed are of the time of the battle.)

The following is a summary of their testimonies.

TSUKAMOTO Hirotsugu testifies as follows:

After the entry into Nanking, unlawful acts have been committed by the Japanese soldiers, and I remember having examined these cases. I also remember Commander MATSUI calling all officers together and telling them of the occurrence of such cases and giving strict orders for the maintenance of military discipline with the greatest severity...

I think that there were four or five officers involving in the above cases I disposed, but the rest were cases mostly sporadically committed by the rank-and-file. The kinds of crimes have been chiefly plunder and rape while the cases of theft and injury were few. And to the best of my knowledge I remember that there happened quite few cases that resulted in death. I remember there were a few murder cases, but have no memory of having punished incendiaries or dealt with mass slaughter criminals.⁷⁴

NAKAYAMA Yasuto says as follows:

The so-called Nanking incident has been rumored after many years since my time with the Central China Area Army. However, I have neither heard nor witnessed any incidents as they have been rumored...

After the fall of Nanking, I have never seen the corpses of civilians within or around Nanking, except for dead bodies of the soldiers in two places when I inspected the city.⁷⁵

⁷⁴ The Tokyo War Crimes Trial, p.21563.

⁷⁵ The Tokyo War Crimes Trial, p.21913.

Also, NAKAZAWA Mitsuo testifies as follows:

I did receive reports from the military police of a few instances of plunder committed by Japanese soldiers. However, as the residents fled their belongings were carried with them and most of their houses were almost empty. I never did hear of any organized or mass plundering. Needless to say it was absolutely without fact that the Headquarters ordered, connived, or permitted such illegal acts. I was informed directly by Chinese victims of plunder that most of the plundering and destruction in the battlefields of China were the common acts of retreating Chinese troops and the following desperate people who risked their lives to break into the battlefields...

It was quite apparent that there was no such fact that Japanese soldiers in Nanking committed organized rapes. There were a few scattered offenses concerning discipline as I recall, but I know they were all punished in accordance with the laws.⁷⁶

The most of the people who have been involved in the Nanking battle say that they have never witnessed such acts of massacre. There are many other testimonies recorded besides them. The reason we have treated those testimonies which appeared at the IMTFE is that these testimonies were the ones testified by the witnesses upon their oaths, also the cross-examinations were made by the Prosecutors. What we see of the testimonies made by Chinese are not even legitimate, and they have never done even the cross-examinations.

AZUMA's testimony, the credibility of which was denied in the court

There are a small number of Japanese soldiers who confessed that they themselves had committed such brutal acts.

The Prosecution uses these confessions and notes as important evidences. However, what they claimed is not be credible, as the official records with respect to each unit to which they belonged did not coincide with their claims, and they also contradicted the testimonies of their colleagues.

⁷⁶ The Tokyo War Crimes Trial, pp.32626-32627.

Let us show you some examples from among such confessions.

TADOKORO Kozo, whose testimony is quoted in *The Rape of Nanking*, says that he committed the crimes of murder and rape during the ten days period after the fall of Nanking. (Japanese weekly entertainment magazine, the *Asahi Geino Journal*, January 28, 1971) However, the unit to which he belonged has already left Nanking on December 15, which was two days after the fall of Nanking. Then, this person has not been able to have stayed in Nanking for ten days. He has confessed later, 'I told a lie because the interviewer asked me to tell something exciting.' Then, he himself has denied credibility of his talk.

SONE Kazuo has published his memoirs, and told his criminal acts of murders and his eye-witnessed stories. {Personal Account of the Nanking Massacre, etc.} He describes himself as an Infantry squad leader. But, he has been a private of an Artillery Regiment. Contrary to the Infantry, the Artillery generally has never been sent to the front line of battle. The 3rd Field Artillery Regiment, the 3rd Division, to which this man was assigned, has been located in the rear area, and has never been engaged in the battle directly against the Chinese Army. To the entry ceremony into Nanking, only a part of his regiment participates instead of the whole regiment. Therefore, it has been impossible for him to execute or eyewitness the brutal criminal acts inside or in the vicinity of Nanking as he described in his book. Also, his colleagues who were together engaged in the operation in Nanking say that they had not witnessed nor done any such criminal acts. In other words, SONE's memoirs are entirely his own creation.

These confessional testimonies describe that their colleagues also did such criminal acts as well as themselves. Then, their lies must deserve the crime of defamation toward his colleagues' characters.

Next, we would like to introduce a case of published diary as to the 'Nanking Massacre', which was proved as a false statement in the Japanese court.

This is a case of AZUMA Shiro's diary presented to the court. AZUMA has claimed that he joined the army during the battle of Nanking and he was keeping his diary since opening hostilities. In his diary, he has recorded numerous brutal acts which Japanese soldiers had committed in Nanking. He has published a book





based on the diary, called My Infantry Unit in Nanking. His diary itself is contained in Nanking Incident Source Material relating to the Kyoto Division.

In his diary, he says that in the central district of Nanking, the then soldier who out-ranked him murdered a Chinese man bagged in a postal bag, to which a hand grenade was attached, and poured kerosene and set afire. To this statement, the accuser who out-ranked him has filed a lawsuit against AZUMA as a case of defamation of character. This case is called 'AZUMA's case', and to this case the public has focused the attention. The results are that the accuser won the cases in both the Tokyo District Court and the Tokyo High Court.

AZUMA has appealed to the Supreme Court. However, on January 21, 2000, the Supreme Court has supported both decisions of the Courts and his appeal has been rejected. The CCP, which was seriously supportive of AZUMA's testimony,⁷⁷ has made a contradictory statement and said, 'This was an unfair judicial decision, which denied the massacre.' However, the judgment has clarified that AZUMA's diary was not credible, because the following two points had been clarified through trials so far.

One is that whether the brutal act, which AZUMA stated, was possible or not. The judgment is that such an act was not physically possible, and it could not possibly be done.

Another is that whether AZUMA's diary can be trustworthy or not. His diary has been presented at the appellate court. However, the portion of the battle of Nanking has not been included in the diary. AZUMA's claim is that the portion of the battle of Nanking was written in his pocket diary, and it was copied down to the new diary in two or three years later. But, the pocket diary has not been presented to the court. AZUMA, further, has claimed that the pocket diary was exhibited at a certain exhibition, and it was not returned. However, the exhibitor has denied

⁷⁷ For example, the CCP printed the following article, entitled "Support for massacre diary writer" in the governmental English paper, the China Daily dated on April 4, 1999.

NANJING [Xinhua] - AZUMA Shiro, a Japanese soldier who took part in the massacre of 300,000 people in Nanjing in 1937, has lost a series of lawsuits in Japanese courts over attempts to reveal details of the mass killings in his wartime diary. Recently, however, the 87-year old man has found strong support in Nanjing, the capital of Jiangsu Province. An exhibition dealing with Azuma Shiro's court trials has been on display in Nanjing since early February.

his claim.

Also, the Tokyo High Court has judged that 'there was a certain doubt that the whole contents were not necessarily written from 1940 through 1944 and some portions of the diary were added or re-written in the later years. (After the war)'

After these examinations, the Tokyo High Court has concluded that 'there was no existence of such a pocket diary which was regarded as primary resources before March 1938' and the Supreme Court has supported the decisions of the Tokyo High Court, too. If there were no primary resources written before March 1938, it has been clear that the AZUMA's testimonies, from the beginning, are not credible.

Thus, it has been already clarified that these soldiers' false testimonies which have been playing as the most powerful evidences of 'Nanking Massacre' are no longer credible.

2. Burial Records which denied the massacre

Not only the Japanese-side's records and testimonies, but also some of the documents presented to prove the massacre, contain records that deny the existence of the massacre. This is something that puzzles those of us who are cross-examining the evidences of the massacre.

For example, here is the burial record presented to the IMTFE by the Red Swastika Society. (Burial log of the Red Swastika Society)⁷⁸ For this, we have already examined in Chapter II and revealed that the record was heavily padded in number of workdays and buried corpses. (Therefore, the actual number is much smaller.) Even if there were some errors and numerical delusion in the statistics, this is the only burial record in existence. The Safety Zone Committee member M. Bates writes a memo based on the record and says, "Evidences from burials indicate that close to 40,000 unarmed persons were killed within and near the gates of Nanking, of whom some 30% had never been soldiers."⁷⁹ This memo becomes the basis of

⁷⁸ HORA Tomio (ed.), Source Material Relating to the Nanking Massacre, vol.1 (Aoki Shoten, 1985) pp.378-380.

⁷⁹ Timperley, What War Means: The Japanese Terror in China, p.59.

the massacre of 40,000 civilians.

In a sense, this is the most important document, which the Prosecution relies upon. However, this burial record contradicts with the existence of the massacre even if we take it as it is. The statistics show where the corpses were found and buried. Only about 2,800 corpses are found inside Nanking castle (walled city of Nanking), and the rest are recovered outside, which were almost 40,000. There are few corpses of women and children. There are only 103 corpses of the women and 46 corpses of the children. (The dates of their burials are not necessarily related to the time of the battle of Nanking, the record contains burials carried out in the period between July to October 1938.)

In other words, even if believing everything that these statistics show, almost all of the corpses (94%) have been found outside the castle, and among them the only 0.3% have been of the women and children. This shows a clear contradiction against the existence of the massacre. Again, Bates has said that 'Evidences from burials indicate that close to 40,000 unarmed persons were killed within and near the gates of Nanking, of whom some 30%, 12,000 people, had never been soldiers, that is to say the civilians.'


However, during the battle of Nanking, almost all the civilians have been living inside the Safety Zone, and there are almost no one living outside the Safety Zone even in Nanking castle. Needless to say, there have been absolutely no civilian living outside the walls where fierce battles happened. If any civilians were killed, the massacre should have been carried out only inside the castle and their corpses should have been left inside the castle.

This is clearly the contradiction between the claim of the massacre of civilians and the fact that 94% of the remains buried were recovered outside the castle. Also, the remains of women and children take only 0.3%, it means that this cannot be the proof of the massacre of civilians.

Also, these statistics don't show the differences of unarmed or armed people, nor the difference of soldiers or civilians. Therefore, their claim of 'nearly 40,000 unarmed victims' cannot be supported.

However, if we take the statistics, as they are, except for the delusional number, the





places where the remains were recovered match the historical facts of the battle of Nanking. Heavy battles have occurred outside the castle, and only the mopping-up operations have been done inside the castle immediately after the fall. Therefore, as the consequence, there have been tens of thousands of war dead (It was heavily padded in number) outside the castle, and have been only a few dead inside.

In other words, these statistics have been presented as evidence of the 'Nanking Massacre', but the fact we can read from them is apparently contradictory with the massacre. Rather it is a material to prove Bates' delusional memo, "Evidences from burials indicate that close to 40,000 unarmed persons were killed within and near the gates of Nanking, of whom some 30% had never been soldiers" cannot be true.

3. Smythe's Investigation which denied the 'massacre of 300,000'

We would like to quote another source. That is what is called Smythe's Investigation (War Damage in the Nanking Area, December 1937 to March 1938). This is the investigation of the war damage in Nanking made by Lewis S. C. Smythe, professor of Sociology, Nanking University and his Chinese assistants.

This investigation has involved the urban area of Nanking and also the rural area. One of each 50 homes within the urban area and one of each 250 homes within the rural area are arbitrarily chosen for the investigation. And, the personal injury and the damage of homes, buildings, agricultural products are investigated through the method of interviewing. But, this investigation is not able to specify whether offenders were Japanese soldiers or somebody else. Also, the distribution map of the damaged areas contradicts with that of the areas in the Japanese Army's operations. However, this is the only scientific damage investigation made under such chaotic social conditions.

According to the Smythe's Investigation, the personal injury among civilians in the urban area is totaled to 15,760. Among them, 2,400 death tolls due to the brutal treatments and 4,200 taken away (those who were taken away were considered dead) in the urban area, and 9,160 death tolls due to the brutal treatments in the rural area of Nanking-Jiangning. How we interpret this data is another problem.

Table 6 Number of death and injuries by date and their cause- by L.C. Smythe

Date (1937-1938)	Deaths by			Injuries by			Taken away ※ ※	Total killed and injured	Percent killed and injured by soldiers' violence
	Military Operations ※	Soldiers' Violence	Unknown	Military operations	Soldiers' violence	Unknown			
Before Dec. 12	600	—	—	50	—	—	—	650	
Dec.12,13	50	250	—	—	250	—	200	550	91
Dec. 14-Jan.3	—	2,000	150	—	2,200	200	3,700	4,550	92
Jan.14-Mar. 15	—	—	—	—	—	—	250	—	
Date Unknown	200	150	—	—	600	50	50	1,000	75
Total	850	2,400	150	50	3,050	250	4,200	6,750	81
Per cent of cases of violence occur- ring after Dec.13th		89			90				

1. ※Military operations' include bombing, shelling and shooting in battle.


2. ※※ Most of those 'taken away' have not been heard from in any manner.

*Source: War Damage in the Nanking Area, December 1937 to March 1938

However, this is all but impossible to prove 300,000 massacred.

In addition, these figures do not specify who were the offenders. The number of deaths, therefore, has not been specified as to whether they were the soldier's deaths or the ones due to the battles, or the victims of the 'Scorched earth operation' practiced by the Chinese Army or the victims due to unlawful acts of the Chinese deserters. Also, the figure of those taken by force has contained those who might have been released later, or some who were taken by force by the Chinese Army as a militiaman or a civilian war worker.

Accordingly, the number of victims caused by the Japanese Army will be far smaller than claimed. Considering these facts, the Prosecution can not use the Smythe's Investigation as a proof of 'Nanking Massacre'. Even, it can be used as a contradictory evidence of 'Nanking Massacre'.



Incidentally, Smythe presented his affidavit to the IMTFE in June 1946, and has never intended to change it. At this same period, the Nanking District Court has presented the claim of the massacre of 300,000 inhabitants. Although Smythe has been living in Nanking and may know the accusation, he has not intended to change the result of his investigation of eight years ago, even after knowing of the claim of the massacre of 300,000.

In other words, Smythe has been thinking that his investigation was correct and kept justified even after the presentation of the claim of the Nanking District Court. It means that Smythe believed more his investigation' s accuracy.

4. Incomprehensible attitudes of the KMT

At last, we would like to touch upon the attitudes of the KMT and its army. The behaviors of the KMT after the 'Nanking Massacre' are difficult to understand, if it actually happened. Its behaviors have been recorded as if there was no such incident.

In March 1938, the Provisional National Conference of the KMT is held in Hankow. At the Conference, Ho Ying-chin, the chief of staff makes a 'Military Report' for the period of March 1937 through March 1938. This has been an official report of the military situation, made immediately after the so-called 'Massacre for six weeks'. At this report, the fall of Nanking has been mentioned in the 'preface' and in the 'process of the battle', but nothing has been said about the massacre.

On July 7, 1938, one year after the start of the China Incident, Chiang Kai-Shek publishes two statements to "Peoples of Friendly Nations" and "An Appeal to Japan". In his messages, Chiang Kai-Shek emphatically mentions the 'brutal acts' of the Japanese Army. For example, he says in his messages, called a statement to "Peoples of Friendly Nations" as follows:⁸⁰

Since we began our resistance to the enemy countless industries and vast quantities of raw material, at the front and in the occupied areas, have been totally

⁸⁰ Chiang Kai-Shek, The collected wartime messages of Generalissimo Chiang Kai-Shek, 1937-1945 (New York: The John Day Company, 1946) pp.83-88.

destroyed, and young men and girls, women and children, the old and the weak, have been subjected to unspeakable horrors, to rape and plunder and burning and death...



Take for example the open city of Canton. Recently for more than half a month it has been bombed continually day and night- and with what result? Several thousands of ordinary folk have not merely heard the sound of exploding bombs, but have been blown to pieces. Officials and nationals of all the friendly Powers have conducted investigations on the spot, or have taken photographs of the bombings. The terrible scenes, unprecedented in world history, have made their blood run cold. They have described in detail what they have witnessed, in order to expose the true character of this barbarous nation. If the savage cruelty of these Japanese bandits perpetrated in the name of civilization is allowed to continue unchecked and unpunished, then the world will never know permanent peace or justice, and we shall be left with an indelible stain upon our consciences.

Chiang Kai-Shek blames 'mass slaughters, rapes, and other merciless acts' of the Japanese Army by quoting the 'Air-raid of Canton'. But, he has never mentioned the 'Nanking Massacre'.

According to HIGASHINAKANO Shudo, professor of Asia University, the most authoritative English Language yearbook called the China Year Book 1939 Edition published in Shanghai in May 1939, never says anything about the 'Nanking Massacre', but only says that 'Nanking was occupied by the Japanese Army.' This yearbook says in its preface that it was compiled by collecting all of the officially recorded events and speeches made. So we can say that the 'Nanking Massacre' had never been officially recorded during that year.

Also, HIGASHINAKANO points out that the part of Bates' memo (Chapter III of the book called What War Means) was quoted in the English Language publications, The War Conduct of the Japanese (April 1938) and Documents of the Nanking Safety Zone (May 1939) which were edited by Shuhsi Hsu, and also, in the Chinese Year Book 1938-1939 which was made by the official records, edited by the above Council in April, 1939. However, according to HIGASHINAKANO, the portion about the 'massacre of 40,000 people' in Bates' memo, is deleted from these books.

League of Nations' Resolution' which did not mention Nanking Massacre'

On August 30, 1937, after the China Incident has stretched out to Shanghai, the KMT has appealed to the League of Nations, claiming that the actions of Japan since the start of the Marco Polo Bridge Incident were in the violations of the 'Kellogg-Briand Pact' and of the 'Nine Powers' Treaty', and has asked them to take necessary measures. On October of the same year, the League of Nations has adopted the resolution to condemn the actions of Japan. Also, in May 1938, the Council of the League of Nations has adopted the resolution again, condemning Japan as follows.⁸¹

- I. Earnestly urges Members of the League to do their utmost to give effect to the recommendations contained in previous resolutions of the Assembly and Council in this matter, and to take into serious and sympathetic consideration requests they may receive from the Chinese Government in conformity with the said resolutions;

Expresses its sympathy with China in her heroic struggle for the maintenance of her independence and territorial integrity, threatened by the Japanese invasion, and in the suffering which is thereby inflicted on her people.

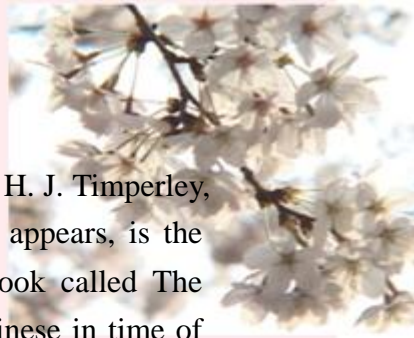
- II. Recalls that the use of toxic gases is a method of war condemned by international law, which cannot fail, should resort be had to it, to meet with the reprobation of the civilized world; and requests the Governments of States who may be in a position to do so to communicate to the League any information that they may obtain on the subject.

In other words, the 'Nanking Massacre' has not been mentioned in the condemnation of the League of Nations, which made with the sympathy toward China and focused on the use of 'poisonous gas'.

As the official records thus stated, it is quite unnatural to think if there was such an incident as the 'Nanking Massacre'.

During those days in Hankow, the Dagong Daily, a Chinese newspaper, has been

⁸¹ League of Nations Official Journal 19th year, No.5-6.



reporting daily the brutal acts committed by the Japanese Army.⁸² H. J. Timperley, the author of *What War Means* in which the 'Nanking Massacre' appears, is the advisor to the Central Propaganda Agency of the KMT. His book called *The Document of the Enemy's Brutal Acts* has been translated into Chinese in time of the first anniversary of the China Incident, and to its publication, the Propaganda of the Military Committee has been putting their full efforts.⁸³ In other words, the KMT has been trying to create the brutal image of the Japanese Army in Nanking to the internal and external public. Also, the KMT has never failed to offer all sorts of information relative to the China Incident to the League of Nations.⁸⁴

At that time, 'the idea of 300,000 massacred' has not been created yet. But, there has been a rumor of the 'Nanking Massacre', which was based on the Bates' memo. In the book called *What War Means*, it says that "Evidences from burials indicate that close to 40,000 unarmed persons were killed within and near the gates of Nanking of whom some 30% had never been soldiers." It doesn't say 300,000, but, even so, these acts must be clearly in violation of the international humanitarian law, and have been able to be suited enough to arouse the international condemnation against Japan. However, neither Chiang Kai-Shek who condemned the brutal acts of the Japanese Army, nor the League of Nations who was sympathetic to China, has mentioned the so-called 'Nanking Massacre'.

It is hard for us to believe their attitudes if there was indeed such an incident as the 'Nanking Massacre'. This means that the KMT was rather playing officially and in world politics with their understanding of the fact that the 'Nanking Massacre' was a war propaganda. And, this is a very natural way of thinking.

⁸² Nanking Incident Research Group (ed.), *Nanking Incident Source Material*, vol.2: Chinese Reference (Tokyo: Aoki Shoten, 1992)

⁸³ SUZUKI Akira, *The illusion of a great Nanking Massacre: New Version* (Tokyo: Asuka Sin-sha, 1999)

⁸⁴ UEMURA Shin-ichi, *History of Japanese Diplomacy: China Incident* (Tokyo, Kashima Institute Publishing, 1971)