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Tokyo, 23 December 1942

M. le Ministre,

In connection with the instructions of my Government, I have the honor to communicate to Your Excellency a protest from the Government of the United States enumerating cases in which, according to declarations of American citizens repatriated from Japan, they have been subjected to ill treatment by officials or junior Japanese employees.

The Government of the United States has repeated to my Government that it is ready under conditions of reciprocity on the part of Japan to conform with all the provisions of the Geneva Convention concerning prisoners of war and civilian internees, and that it has already demonstrated its intention in asking the cooperation of the Power which represents Japanese interests in the United States, as well as that of the International Red Cross Committee, all of whose representatives have access on American territory to places where Japanese subjects are detained.

It adds that it has always been, and still is, fully disposed to open inquiries on every complaint emanating from the Imperial Government, and that it has always appreciated, and still appreciates, the cooperation which it gets from the power representing the Japanese interests in the United States.

My Government, in taking notice of this last observation, informs me that there is no doubt that the cooperation given by the Government of the United States to the Power protecting Japanese interests in the United States will be accorded in the same measure by the Imperial Government to my country insofar as representing American interests in Japan. This cooperation has already been manifested many times since the Swiss assumed the task of representing in Japan interests of enemy Powers. There is then every reason to admit that insofar as complaints made by the United States Government on the subject of a certain number of its nationals in Japan or the territories occupied by Japan are concerned, the cooperation between the Imperial Government and my country has been shown to be useful, and it is hoped that it will be the same in other regions. After these preliminary observations, I desire to send to Your Excellency the following text of the American protest:

"From American citizens repatriated from Japan and Japanese controlled territories the Government of the United States has learned of instances of gross mistreatment suffered by American civilians and prisoners of war in the power of the Japanese Government in violation of the undertaking of that Government to apply the provisions of the Geneva Convention to prisoners of war taken by Japanese forces and insofar as they may be adaptable to civilians, to American civilian internees in Japan and Japanese controlled territories.

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"It is evident that the Japanese Government has failed to fulfill its undertaking in this regard and that some officers and agencies of that Government have violated the principles of the Geneva Convention in their treatment of certain American nationals not only by positive mistreatment but by failure to provide for these American nationals necessities of life that should, in accordance with the provisions of the Convention be furnished by the holding authorities.

The Government of the United States therefore lodges with the Japanese Government a most emphatic protest and expects that the inhuman and uncivilized treatment accorded American nationals both civilians and prisoners of war will be made a matter of immediate investigation and that the Japanese Government will give assurances that treatment inconsistent with the provisions and spirit of the Geneva Convention is not now and will not in the future be inflicted upon American nationals detained, interned or held prisoners of war in Japan or Japanese controlled territory. The American Government also expects the Japanese Government to take necessary disciplinary action with regard to agents or officers of that Government who have inflicted mistreatment upon American nationals or who have neglected their obligations to supply to American nationals in their care necessities of life which the Geneva Convention provides shall be supplied.

There follows a statement citing cases of mistreatment of American nationals in Japanese hands:

Paragraph A. - CIVILIANS.

a) Conditions in prisons and internment camps.

Americans incarcerated in jails were furnished unhealthful and inadequate rations of common criminals. Those interned were supplied a meager diet for which they were sometimes compelled to pay or they were given no food and had to provide their sustenance under difficulties. This situation apparently still exists in certain areas. It is direct contrast to the treatment accorded Japanese subjects in United States who are provided hygienic quarters with adequate space for individual needs, sufficient wholesome food in proportion of which allowance is made for national differences in taste and in addition allowances of money for tobacco, sweets and toiletries.

I. Bridge House Shanghai.

More than fifty-three Americans have been imprisoned for varying periods up to over six months in gendarmerie prison Bridge House where they were crowded into vermin infested cells with common criminals some of whom suffered from loathsome contagious diseases. Sanitary facilities were primitive and inadequate; food was far below standard necessary to maintain health; no heat was supplied from December to June and medical care was virtually nonexistent. Americans were compelled to sit by day and to sleep by night provided only with filthy and inadequate blankets on cold floor. They were not allowed to converse with each other or smoke at any time. An outstanding example of effects of incarceration at this prison is the condition of Mr. J. B. Powell who through lack of medical attention developed gangrene and lost the front half of both feet.

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II. Army prison Peiping.

Floyd P. Spielman, E. E. McCam, G. J. Bekeline, J. E. Sherwood, E. A. Mills and P. E. Benedict were taken in handcuffs from Tientsin on March 2 to Army prison at Peiping where conditions were as bad as those at Bridge House. During 89 days of imprisonment their first exercise was for five minutes after 37 days in cells. At one time they went without bathing for 23 days and as a result of unhealthful food and harsh treatment they lost an average of forty pounds in weight.

III. Tsingtao.

Frank G. Keefe, Grady Cooper, Frank E. Halling, Charles Liebgold, G. J. Meyer, E. E. Mills and E. J. Zimmerman were confined in an unheated common jail in Tsingtao for a period of three weeks. They were forced to sleep on floors or benches without covering in coldest winter months.

IV. Fort Santiago Manila.

Roy Bennett, Robert Abbott and other Americans are reported to be imprisoned under barbarous conditions in Fort Santiago. They were reported practically unrecognizable in June as a result of hardships and mistreatment suffered. The American Government insists that they be released immediately and receive medical care.

V. Camp Stanley Hongkong.

Americans in Hongkong were taken on January 4th and received no food and very little water during first forty-eight hours. On January 21 they were placed in Fort Stanley where they were forced to provide most of their bedding and other necessities. Food given them was insufficient, amounting to nine hundred calories daily per person. They were subjected to indignities and insults by gendarmes and their faces were frequently slapped. Result of malnutrition: average loss of weight among these internees was thirty pounds.

VI. Santo Tomas Manila.

Americans at Santo Tomas because of lack of preparation were forced to sleep on floors without mosquito nets or covering for at least three nights before they were permitted to obtain necessities from their houses. They were offered choice of being fed by holding authorities at cost of twenty-five centavos per day or of feeding themselves with funds the American Red Cross had in the Philippine National Bank. They were refused permission to use Red Cross funds for supplementing food which holding authorities should have supplied and not being able to exist on twenty-five centavos were obliged to depend entirely on Red Cross funds to feed themselves. These funds may be exhausted and the American Government is gravely concerned regarding the welfare of these internees.

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VII. Davao and other internment camps in the Philippines.

In Davao interned Americans were forced to perform hard labor during the first six weeks of their internment. They were at first provided with an inadequate ration of cornmeal and fish. In April they were informed that they would have to provide for their own sustenance and would have to reimburse the Japanese Authorities for the food previously furnished. From information received, conditions in other internment camps in the Philippines appear equally bad. The American Government expects that the Japanese Government will take immediate steps to fulfill its undertaking to furnish American nationals held by it with suitable and adequate housing and sustenance under humane and hygienic conditions.

b) Mistreatment and Torture.

I. Torture and physical violence.

Japanese authorities have resorted to physical torture of American nationals and numerous of them were subjected to great mental torture by being constantly threatened with treatment far worse than that they were already suffering.

(A.) Three American missionaries in Korea were subjected to "water cure" and brutal beatings. In Keijo, E. C. Reiner, aged fifty-nine, suffered this torture six times during the period from May 1 to May 16. In one instance he collapsed from effect of blows and while lying unconscious on the floor, was kicked by gendarmarie employee named Syo with such force that his rib was broken. When he requested medical attention and pointed to broken rib, gendarmarie employee named Kim, struck him vicious blow directly over broken rib. On one occasion Reiner was given fifty or sixty lashes with rubber hose and gully belting making half inch deep cuts on his arms and legs. Edwin W. Koons, aged sixty-two suffered the same torture at the Ryugwan police station.

(B.) In Ichang, Elsie W. Elcho and Walter P. Morse were taken without explanation to the Japanese headquarters where she was struck many times with a bamboo pole and he was beaten for two hours with an iron rod, one-half inch thick. These acts of brutality were committed in the presence of the commanding officer of the Japanese police in Ichang.

(C.) Joseph L. Macsparran was arrested on December 8th at Yokohama, bound with a rope and taken to Yokohama prison. During his imprisonment in dark unfurnished cell he had three hemorrhages from duodenal ulcers but was denied medical attention despite numerous requests. While undergoing questioning, he collapsed from internal hemorrhage and was unable to stand or walk without assistance, yet he was handcuffed as usual when returned to his cell.

II. Solitary confinement.

Many American citizens were kept in solitary confinement for periods

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ranging from a few days to many weeks in cells, unheated rooms or other equally unhealthful places, in some cases deprived of all reading matter and subjected to indignities from their guards. The following are typical cases:

- 1) H. W. Meyers, aged 70, missionary in Japan since 1897, after harsh treatment during nearly five months in prison at Kobe was deprived of all books and on May 1 put in solitary confinement at Osaka until his release for repatriation on June 7.
- 2) William Mackesy, solitary confinement in one room of his house at Izu Kienan Japan from December 10 to March 30th, 1942.
- 3) Mrs. Alice C. Grube, solitary confinement from December 25th, 1941 to 9 April 1942 in unheated room of Osaka prison.
- 4) J.E.N. Talmadge, aged 57, solitary confinement in common jail Koshu from 8 December 1941 to 2 April 1942.
- 5) Edward Adams, in a common jail at Taijyu, from December 8 to 38.

III. Deaths due to mistreatment and neglect.

- 1) Arthur Dubarel, missionary priest on Guadalcanal is reliably reported to have been bayoneted through the throat by Japanese soldiers after being held prisoner for three weeks.
- 2) Leo Peloguin, aged fifty, requested hospitalization at the Christian Hospital Heijo because of serious heart ailment but Japanese Authorities refused permission and forced his return to Kengai without treatment. He died at Kobe as the result of this neglect.
- 3) Charles Liebgold, aged sixty-seven, imprisoned in an unheated jail at Tsingtao, contracted a cold which developed into a fatal attack of pneumonia.
- 4) George E. MacFarland, aged seventy, at Bangkok, Thailand succumbed after an operation at the Chulalongkorn Hospital in May, 1942. Orders issued by Japanese military Authorities in Bangkok to the police guards at his residence fatally delayed emergency operation necessary to save this life.

The American Government expects that the Japanese Government will take immediate steps to punish the persons guilty of these crimes against American nationals.

IV. Violation of exchange agreement.

- 1) Transportation.

American nationals in Tsingtao and Chafco were required to pay for their passage to Shanghai. Internees who were forced to pay their fare to

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Yokohama from Nagasaki were reimbursed only part of the sum expended. Accommodations provided on local vessels were in some cases worse than those furnished dock passengers.

2) Baggage limitation and search.

Japanese Authorities in some areas ruled that Americans being repatriated might take only as much baggage as they could carry themselves forcing many in Korea, Manchuria, Hongkong and Thailand to leave behind necessary clothing and effects. Americans were forced in some cases to carry their own baggage even where there were available porters when they were prevented from employing. This treatment is in contrast to that accorded Japanese subjects repatriated from the United States who were permitted to take almost unlimited amounts of baggage with them. Baggage was often searched three or four times and different officials made inconsistent decisions as to what Americans could take. The effects of American officials from Korea were searched in violation of the agreement.

Paragraph E. - PRISONERS OF WAR

Reports have been received of inhuman treatment accorded prisoners of war by the Japanese authorities which is completely inconsistent with the provisions and spirit of the Geneva Convention.

I. Philippines.

American and Filipino troops taken at atuan were forced to march ninety miles despite fatigue, sickness and wounds to camp O'Donnell near Barlac. During the march, sick and wounded dropped by the roadside and were left without medical care and when those who survived reached the camp O'Donnell, they were without food for thirty-six hours and without shelter for three days, sick and well equally exposed to the elements. The Japanese Authorities made no effort to give medical care to sick and wounded and American and Filipino nurses and doctors who volunteered their services were refused permission to enter the camp. A death rate estimated at twenty-five percent was the result of this neglect.

Seven American commissioned officers were brought from Zamboanga to Davao where Japanese Authorities forced them to work strapped to the waist in a river bed as a result of which they were severely sunburned. They were given no medical attention and only after lapse of several days was a Filipino doctor permitted to visit them. Their food was entirely insufficient and the Japanese would not allow Filipinos to supplement meager diet with gifts of food. These officers and Filipino officers who were later confined with them were subjected to harsh treatment and indignities from their Japanese guards.

The American Government must insist that the treatment of these prisoners be in accordance with the provisions of the Geneva Convention, that their names be reported and that representatives of the protecting Power be permitted access to them.

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II. Shanghai.

The American Government again most emphatically protests the illegal sentences imposed by a military court at Shanghai on Commander W. S. Cunningham, U.S.N., Lieutenant-Commander D. Smith, U.S.N.R., and/or M. J. Tatters for an attempted escape from Woosung camp. The American Government also protests the mistreatment of four United States Marines, Corporals Stewart, Gerald Story, Brimmer and Battles who, after an unsuccessful attempt to escape from the Woosung war prisoner camp, were imprisoned in the Bridge House at Shanghai and later transferred to Gendarmerie western district substation prison, 94 Jessfield Road, where they were subjected to the so-called "Electric Treatment" in violation of the provisions of the Geneva Convention regarding admissible punishments. The American Government insists that the sentences imposed on these prisoners be cancelled, that their punishment be in accordance with the prisoners of war Convention and that their treatment be in accordance with their rank."

Please accept, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
A. Masayuki TANI
Minister of Foreign Affairs
Tokyo

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Tokyo, 5 February 1944

M. le Ministre,

By letter of 23 December 1942 I had the honor to transmit to His Excellency M. Masayuki TANI, a protest from the Government of the United States of America on the subject of ill-treatment inflicted by Japanese officials and junior officials on certain American citizens in the Far East.

On 26 May last, Your Excellency communicated to me the first reply of the Imperial Government, adding that the result of the inquiries undertaken on the various matters set out in the above mentioned letter would be communicated to me later on.

I have already, by my letter of 16 July, informed you of the views of the United States Government on this reply of the Imperial Government.

The Washington Government requests my Government to send to the Japanese Government the following new communication:

"The Government of the United States refers to its communication delivered to the Japanese Government on 23rd December 1942 (see above-mentioned letter of 23rd December) by the Swiss Legation in Tokyo in charge of American interests in Japan and Japanese occupied territory concerning reports that the Government of the United States had received of the mistreatment of American nationals in Japanese hands. The Swiss Legation in Tokyo on 28th May 1943 (see the above mentioned response of the Imperial Government) forwarded to the Government of the United States a preliminary reply from the Japanese Government to this communication, in which that Government stated that it would communicate in due course the results of investigations concerning each instance referred to in the note of the Government of the United States. No reports of investigations regarding these instances have yet been received.

The Government of the United States has taken due note of the statement of the Japanese Government "concerning the special circumstances prevailing in areas which have until recently been fields of battle" and concerning "the manifold difficulties which exist in areas occupied by the Japanese Forces or where military operations are still being carried on." The Government of the United States points out, however, that the regions in which Americans have been taken prisoner or interned have long ceased to be scenes of active military operations, and that the Japanese holding Authorities have therefore had ample opportunity to establish an orderly and humane internment program in accordance with their Government's undertaking. Despite this fact, the Government of the United States continues to receive reports that the great proportion of American nationals are the victims either of inhuman cruelty or of callous failure to provide the necessities of life on the part of the Japanese holding Authorities in violation of the common laws of civilization and of the Japanese Government undertaking to apply to American nationals the humane provisions of the Geneva Prisoners of War Convention.

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There follows a statement of the principal categories of the deprivation of rights, cruelties, wanton neglect, mistreatment and hardship to which according to information received by the Government of the United States from many sources Americans in Japanese custody have been subjected:

1. The representatives of the Swiss Government entrusted with the protection of American interests in Japan and Japanese occupied territory have not been permitted to go to every place without exception where prisoners of war and civilian internees are interned, have not been permitted to interview without witnesses the persons held, and have not had access to all places occupied by the prisoners (Article 86 of the Geneva Prisoners of War Convention).
2. Representatives of the International Red Cross Committee have been refused permission to visit most of the places where American nationals are held by the Japanese Authorities (Articles 76 and 88).
3. American nationals have not been permitted to forward complaints to the Japanese holding Authorities or to representatives of the protecting Power (Article 42).
4. The Japanese Authorities have punished and have threatened to punish American nationals for complaining concerning the conditions of captivity (Article 43).
5. The Japanese Government has failed to furnish needed clothing to American nationals (Article 12).
6. The Japanese Authorities have confiscated personal effects from American civilian internees and prisoners of war (Article 6).
7. American prisoners of war and civilian internees have been subjected to insults and public curiosity (Article 2).
8. Civilians and prisoners of war interned by Japan are suffering from malnutrition and deficiency diseases because of the failure and refusal of the detaining Authorities to provide health sustaining food for their charges or to permit the United States to make regular shipments on a continuing basis under appropriate neutral guarantees of supplemental food and medical supplies (Article 11 and the specific reciprocal undertaking of Japan to take into account national differences in diet).
9. The Japanese Authorities have devoted to improper and forbidden uses the profits of the sale of goods in camp canteens instead of devoting them to the welfare of the persons held in the camps (Article 12).
10. Contrary to the specific undertaking of the Japanese Government, the detaining Authorities have compelled civilians to perform labor other than that connected with the administration, maintenance and management of internment camps. Officer prisoners of war have been forced to labor and non-commissioned officers to do other than supervisory labor (Article 27).

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11. Prisoners of war have been required to perform labor that has a direct relation with war operations (Article 31).

12. Medical care has in many instances been denied to prisoners of war and civilian internees and when given has been generally so poor as to cause unnecessary suffering and unnecessary deaths (Article 14).

13. The Japanese Government has reported the names of only a part of the American prisoners of war and civilian internees in its hands (Article 77) and of American combatants found dead by Japanese forces (Article 4 of the Convention for the amelioration of the condition of the sick and wounded of armies in the field, to which Japan is a contracting party).

14. The Japanese Government has not permitted internees and prisoners of war freely to exercise their religion (Article 10).

15. The Japanese Government has not posted the Convention in camps in English translation, thus depriving American prisoners of war and civilian internees of knowledge of their rights thereunder (Article 84).

16. The Japanese Government has failed to provide adequate equipment and accommodations in prisoner of war and civilian internment camps and transports but on the contrary forced them to subsist in inhumane conditions (Article 10).

17. The Japanese Government has completely failed to apply the provisions of the Geneva Prisoners of War Convention (Article III, Section V, Chapter 3), with regard to trial and punishment of prisoners of war despite the fact that violations of its undertaking in this respect have repeatedly been called to its attention, but on the contrary has imposed cruel and inhuman punishments without trial.

18. The Japanese authorities have inflicted corporal punishment and torture upon American nationals (Article 45).

The Government of the United States emphasizes that it has based the foregoing charges only on information obtained from reliable sources. Many well authenticated cases can be cited in support of each of the charges.

The Government of the United States also desires to state most emphatically that as the Japanese Government can assure itself from an objective examination of the reports submitted to it by the Spanish, Swedish and International Red Cross representatives who have repeatedly visited all places where Japanese are held by the United States, the United States has consistently and fully applied the provisions of the Geneva Prisoners of War Convention in the treatment of all Japanese nationals held by it as prisoners, as prisoners of war or (so far as they are adaptable), as civilian internees, detainees or evacuees in relocation centers. Japanese nationals have enjoyed high standards of housing, food, clothing and medical care. The American Authorities have furthermore freely and willingly accepted from the representatives of the protecting Powers and the International Red Cross Committee

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suggestions for the improvement of conditions under which Japanese nationals live in American camps and centers and have given effect to many of these suggestions most of which, in view of the high standards normally maintained, are directed toward the obtaining of extraordinary benefits and privileges of a recreational, educational or spiritual nature.

The Government of the United States demands that the Japanese Government immediately take note of the charges made above and take immediate steps to raise the treatment accorded American nationals held by Japan to the standard provided by the Geneva Prisoners of War Convention which the United States and the Japanese Government have mutually undertaken to apply. The Government of the United States also expects the Japanese Government to take proper disciplinary or penal action with regard to those of its officials, employees and agents who have violated its undertakings with respect to the Geneva Convention and the international common laws of decency.

The Government of the United States again directs the attention of the Japanese Government to the system of neutral supervision provided in Article 86 of the Geneva Convention. The Government of the United States again reminds the Japanese Government of the complete fulfillment of the provision of this article as respects the activities of the Government of Spain acting as protecting Power for Japanese interests in the Continental United States and of the Government of Sweden as protecting Power for Japanese interests in Hawaii.

The Government of the United States therefore expects the Japanese Government in accordance with recognized practice of civilized states fully to implement the provisions of the Geneva Prisoners of War Convention. The United States Government demands that the Japanese Government will, among other things, promptly implement the provisions of Article 86 in respect to the activities of the Government of Switzerland as protecting Power for American interests in Japan and Japanese controlled territory and will make it possible for the Government of Switzerland to give to the Government of the United States assurances to the effect that Swiss representatives have been able to convince themselves by the full exercise of the rights granted under Article 86 that the abuses set forth in the foregoing statement have been completely rectified or that steps have been taken in that direction that are considered by Switzerland to be adequate.

The United States Government until the present has refrained from publishing in this country the facts known to it regarding outrages perpetrated upon its nationals, both prisoners of war and civilian internees, by the Japanese. The United States Government hopes that as these facts are now again officially called to the Japanese Government's attention that Government will adopt a policy of according to United States nationals in its hands the treatment to which they are entitled and will permit representatives of the protecting Power to make such investigations and inspections as are necessary in order to give assurances to this Government that improved treatment is in fact being accorded to American nationals. In such case this Government would be in a position to assure the American people that the treatment of American nationals by the Japanese Authorities had been brought into conformity with the standards recognized by civilized nations."

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The Government of the United States has requested at the same time to communicate to the Imperial Government the following facts, upon which it bases the accusations, stating that they constitute only a small number of all those which have come to its attention from a reliable source:

"Ad charges 1 and 2: Prisoner of war and civilian internment camps in the Philippines, French Indo-China, and prisoner of war camp No. 1 in Formosa have never been visited by Swiss representatives although they have repeatedly requested permission to make such visits. None of these camps except the one at Mukden are known to have been visited by International Red Cross representatives. In recent months visits have not been allowed to the prisoner of war camps near Tokyo and Yokohama and the prisoner of war camps in and near Hong Kong although the Swiss representatives have requested permission to make such visits.

The value of such few visits as have been permitted to some camps has been minimized by restrictions. Swiss representatives at Shanghai have been closely escorted by several representatives of the Japanese Consulate General at Shanghai during their visits to camps and have not been allowed to see all parts of camps or to have free discussion with the internees. Similar situations prevail with respect to the civilian internment camps and prisoner of war camps in metropolitan Japan and Formosa.

By contrast all of the camps, stations and centers where Japanese nationals are held by the United States have been repeatedly visited and fully inspected by representatives of Spain and Sweden who have spoken at length without witnesses with the inmates, and International Red Cross representatives have been and are being allowed freely to visit the camps in the United States and Hawaii where Japanese nationals are held.

Ad charge 3: Communications addressed by the persons held to the protecting Power concerning conditions of captivity in several of the civilian camps near Shanghai, among them Ash camp and Chapel camp, remain undelivered. The same situation exists with respect to the civilian internment camp in Baguio and in most if not all of the camps where American prisoners of war are held. Persons held at Baguio, Chafoo, Saigon and at times in the Philippines prisoner of war camps were denied permission to address the camp commander.

Ad charge 4: On one occasion during the summer of 1943 all of the persons held at the Columbia Country Club, Shanghai were punished by cancellation of dental appointments because complaints were made to representatives of the Swiss Consulate General. During the same period at camp "E" Yangchow the entire camp was deprived of a meal by the camp commander because complaints had been made concerning the delivery of spoiled food.

There are cited under Section XVIII below cases of prisoners of war being struck because they asked for food or water.

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Ad charge 5: Civilian internees at Hong Kong have gone without foot-wear and civilian internees at Kobe have suffered from lack of warm clothing. In 1942 and 1943 American and Filipino prisoners of war in the Philippines and civilian internees at Baguio were forced to labor without shoes and clad only in loin cloths.

Ad charge 6: This is reported to have been the case at the following camps: prisoner of war camps in the Philippine Islands, prisoner of war enclosures at Mariveles Bay, Philippine Islands, civilian internment camps at Baguio, Canton, Chefoo, Peking, Manila, Tringtao, Weihai and Tientsin, and at the Ash camp, Chagai camp, Lungkwa camp and Pootung camp in or near Shanghai. The articles most needed by the prisoners and internees have been taken. For example Japanese soldiers took the shoes from an American officer prisoner of war who was forced to walk unshod from Batuan to San Fernando during the march which began about April 10th 1943. Although the prisoners constantly suffered from lack of drinking water, canteens were taken from prisoners during this march; one of these victims was Lieutenant-Colonel William B. Dyess.

At Corregidor a Japanese soldier was seen by Lieutenant-Commander Melvin M. McCoy with one arm covered from elbow to wrist and the other arm half covered with wrist watches taken from American and Filipino prisoners of war.

Ad charge 7: American prisoners of war in Manila were forced by Japanese soldiers to allow themselves to be photographed operating captured American military equipment in connection with the production of the Japanese propaganda film "Rip down the stars and stripes."

Prisoners of war from Corregidor being taken to Manila were not landed at the port of Manila but were unloaded outside the city and were forced to march through the entire city to Elilibid prison about May 23rd 1942.

Japanese school children, soldiers and civilians have been admitted to internment camps and encouraged to satisfy curiosity regarding the persons held. Such tours were conducted at Baguio, Hong Kong and Tsingtao.

Ad charge 8: Deficiency diseases such as beri-beri, pellagra, scurvy, sprue, etc. are common throughout Japanese internment camps. These diseases are least common in the civilian internment camps (called assembly centers) at Shanghai and in some other camps where the persons held have but recently been taken into custody or where trade by the internees themselves with outside private suppliers is allowed. It appears therefore that the great prevalence of deficiency disease in prisoner of war camps where internees have been solely dependent upon the Japanese authorities for their food supply over an extended period is directly due to the callous failure of these authorities to utilize the possibilities for a health sustaining diet afforded by available local products. The responsibility for much of the suffering and many of the deaths from these diseases of American and Filipino prisoners of war rests directly upon the Japanese authorities. As a specific example prisoners of war at Davao penal colony suffering from

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were vitamin deficiencies could see from their camp trees bearing fruit that they were not allowed to pluck. They were not even allowed to retrieve lemons seen floating by on a stream that runs through the camp.

As charge 9: For example, in the prisoner of war camps at Hong Kong the profits of the canteens have not been used by the holding Authorities for the benefit of the prisoners.

As charge 10: At Baguio, civilian internees have been forced to repair sawmill machinery without remuneration. Officers prisoners of war have been compelled by Major Kida, the camp commandant at Davao colony, to perform all kinds of labor including menial tasks such as scrubbing floors, cleaning latrines used by Japanese troops and working in the kitchens of Japanese officers.

As charge 11: For American engineers were required to go to Corregidor in July 1943 to assist in rebuilding the military installations on that island and prisoners of war have been worked in a machine tool shop in the arsenal at Bukiden.

As charge 12: The condition of health of prisoners of war in the Philippine Islands is deplorable. At San Fernando in April 1943 American and Filipino prisoners were held in a barbed wire enclosure so overcrowded that sleep and rest were impossible. So many of them were sick and so little care was given to the sick that human excrement covered the whole area. The enclosure at San Fernando was more than 100 kilometers from Batuan and the deplorable treatment given to the prisoners there cannot be explained by battle conditions. The prisoners were forced to walk this distance in seven days under merciless driving. Many who were unable to keep up with the march were shot or bayoneted by the guards. During this journey as well as at other times when prisoners of war were moved in the Philippine Islands they were assembled in the open sun even when the detaining Authorities could have allowed them to march in the shade. American and Filipino prisoners are known to have been buried alive along the roadside and persistent reports have been received of men who tried to rise from their graves but were beaten down with spears and buried alive.

At camp O'Donnel conditions were so bad that 2,200 Americans and more than 30,000 Filipinos are reliably reported to have died in the first few months of their detention. There is no doubt that a large number of these deaths could have been prevented had the Japanese Authorities provided minimum medical care for the prisoners. The so-called hospital there was absolutely inadequate to meet the situation. Prisoners of war lay sick and naked on the floor receiving no attention and too sick to move from their own excrement. The hospital was so overcrowded that Americans were laid on the ground outside in the heat of the blazing sun. The American doctors in the camp were given no medicine and even had no water to wash the human waste from the bodies of the patients. Eventually when quinine was issued there was only enough properly to take care of ten cases of malaria while thousands of prisoners were suffering from the disease. Over two hundred out of three hundred prisoners from camp O'Donnel died while they were on a work detail in Ostanges.

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At Calanatuan, there was no medicine for the treatment of malaria. All after the prisoners had been in the camp for five months. The first shipment of medicines from the Philippine Red Cross was held up by the camp Authorities on the pretext that they must make an inventory of the shipment. This they were so dilatory in doing that many deaths occurred before the medicine was released. Because of lack of medicines and food, scurvy broke out in the camp in the fall of 1942. Since the prisoners had been at the camp for some months before this disease became prevalent, the responsibility for it rests upon the detaining Authorities.

It is reported that in the autumn of 1943 fifty percent of the American prisoners of war at Davao had a poor chance to live and that the detaining Authorities had again cut the prisoners' food ration and had withdrawn all medical attention.

Though the medical care provided for civilian internees by the Japanese camp Authorities appears to have been better than that provided for prisoners of war, it still does not meet the obligations placed on the holding Authorities by their Government's own free undertaking and by the laws of humanity. At the civilian internment camp, camp John Hay, childbirth took place on the floor of a small storeroom. At the same camp a female internee who was insane and whose presence was a danger to the other internees was not removed from the camp. A dentist who was interned at the camp was not permitted to bring in his own equipment. The Los Banos camp was established at a recognized endemic center of malaria, yet quinine was not provided and the internees were not allowed to go outside of the fence to take anti-malarial measures.

The Japanese Authorities have not provided sufficient medical care for the American civilians held in camps in and near Shanghai and the internees have themselves had to pay for hospitalization and medical treatment. Deaths directly traceable to inadequate care have occurred.

Even in metropolitan Japan, the Japanese Authorities have failed to provide medical treatment for civilian internees and it has been necessary for Americans held at Myerai, Yamakita and Sumire to pay for their own medical and dental care.

Ad charge 14: For example, the internees at camp John Hay were not allowed to hold religious services during the first several months of the camp's operation and priests have not been allowed to minister to prisoners held by the Japanese in French Indo-China.

Ad charge 15: No copy of an English translation of the text of the Geneva Prisoners of War Convention has been available to civilian internees or prisoners of war nor have the Japanese Authorities taken other steps to inform the persons held of their rights under the terms of the Convention. Reports have been received of the Japanese Authorities informing prisoners of war that they were captives having no rights under international law or treaty.

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Ad charge 15: At Camp O'Donnell, many of the men had to live without shelter during 1942. In one case, twenty-three officers were assigned to a shack fourteen by twenty feet in size. Drinking water was extremely scarce, it being necessary to stand in line six to ten hours to get a drink. Officers had no bath for the first thirty-five days in the camp and had but one gallon of water each in which to have their first baths after that delay. The kitchen equipment consisted of cauldrons and a fifty-five gallon drum. Broths (1) were cooked in the cauldrons, washed with a piece of tinker, and each man was served one spoonful as his ration.

In late October 1942, approximately 370 prisoners of war were transferred from the Manila area to the Davao penal colony on a transport vessel providing only twenty inches per man of sleeping space. Conditions on the vessel were so bad that two deaths occurred and subsequently because of weakness some fifty percent of the prisoners fell by the roadside on the march from the water front at Lasang, Davao to the penal colony (1).

The places used by the Japanese Authorities for the internment of American civilians in the Philippine Islands were inadequate for the number of persons interned at the Brent School at Dagupan. Twenty to thirty civilians were assigned sleeping accommodations in a room which had been intended for the use of one person.

At the Columbia Country Club at Shanghai, the internees were obliged to spend 10,000 Chinese dollars of their own funds to have a building de-leused so that they might use it for a needed dormitory. At Wehsien, no refrigeration equipment was furnished by the Japanese Authorities and some of the few household refrigerators of the internees were taken from them and were used by the Japanese guards with the result that food was spoiled during the summer of 1943. The lack of sanitary facilities is reported from all of these camps.

Ad charge 17: American prisoners have suffered death and imprisonment for participation in military operations. Death and long term imprisonment have been imposed for attempts to escape for which the maximum penalty under the Geneva Convention is thirty days arrest. Neither the American Government nor its protecting Power has been informed in the manner provided by the Convention of these cases or of any other instances when Americans were subjected to illegal punishment. Specific instances are cited under the next charge.

Ad charge 18: Prisoners of war who were marched from Batuan to San Fernando in April 1942 were brutally treated by Japanese guards. The guards clubbed prisoners who tried to get water and one prisoner was hit on the head with a club for helping a fellow prisoner who had been knocked down by a Japanese army truck. A colonel who pointed to a man of salmon by the side of the road and asked for food for the prisoners was struck on the side of his head with the can by a Japanese officer. The colonel's face was cut open. Another colonel who had found a sympathetic Filipino with a cart was horsewhipped in the face for trying to give transportation to persons unable to walk. At Davao, a Filipino who had been

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men through and gutted by the Japanese was hung over a barbed wire fence. An American lieutenant-colonel was killed by a Japanese as he broke ranks to get a drink at the stream.

Japanese sentries used rifle butts and bayonets indiscriminately in forcing exhausted prisoners of war to keep moving on the march from the Cabanatuan railroad station to camp No. 2 in late May 1942.

At Cabanatuan, Lieutenant-Colonels Lloyd Biggs and Howard Breitburg and Lieutenant E. (2) Gilbert attempting to escape during September 1942, were severely beaten about the legs and feet and then taken out of the camp and tied to posts, were stripped and were kept tied up for two days. Their hands were tied behind their backs to the posts so that they could not sit down. Passing Filipinos were forced to beat them in the face with clubs. No food or water was given to them. After two days of torture they were taken away and according to the statements of Japanese guards they were killed, one of them by decapitation. Other Americans were similarly tortured and shot without trial at Cabanatuan in June and July 1942 because they endeavored to bring food into the camp. After being tied to a fence post inside the camp for two days, they were shot.

At Cabanatuan, during the summer of 1942, the following incidents occurred: a Japanese sentry beat a private so brutally with a shovel across the back and the thigh that it was necessary to send him to the hospital. Another American was crippled for months after his ankle was struck by a stone thrown by a Japanese. One Japanese sentry used the shaft of a golf club to beat American prisoners and two Americans caught while obtaining food from Filipinos were beaten unmercifully on the face and body. An officer was struck behind the ear with a riding crop by a Japanese interpreter. The same officer was again beaten at Davao penal colony and is now suffering from partial paralysis of the left side as the result of these beatings. Enlisted men who attempted to escape were beaten and put to hard labor in chains.

At the Davao penal colony, about April 1st, 1943, Sergeant McFee was shot and killed by a Japanese guard after catching a canteen full of water which had been thrown to him by another prisoner on the opposite side of a fence. The Japanese authorities attempted to explain this shooting as an effort to prevent escape. However, the guard shot the Sergeant several times and in addition shot into the barrack on the opposite side of the fence toward the prisoner who had thrown the canteen. At about the same time and place, an officer returning from a work detail tried to bring back some sugar cane for the men in the hospital. For this, he was tied to a stake for twenty-four hours and severely beaten.

In the internment camp at Baguio, a boy of sixteen was knocked down by a Japanese guard for talking to an internee girl and an elderly internee was struck with a whip when he failed to rise readily from his chair at the approach of a Japanese officer. Mr. E. Gray died at Baguio on March 16th, 1942 after being beaten and given the water cure by Police authorities.

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23 Santo Tomas, Mr. Regstadt died in a military prison after being severely punished for his attempted escape."

As you will understand, certain words of this communication have been mutilated in the telegraphic transmission. Some of the words will be found in lines 11, 14 and 34 on page 12, and at line 15 of page 12. I have requested the restitution from the postal authorities, and will not fail to inform you of their response as soon as it reaches me.

The Government of the United States requests that the Imperial Government take immediate steps to remedy these matters and take all measures to prevent their recurrence. It desires further that I be enabled to visit, or cause to be visited, all the places without exception where American citizens are detained, in conformity with Article 86 of the Geneva Convention of 27 July 1929, relative to the treatment of prisoners of war.

In asking Your Excellency to let me know the response of the Imperial Government to the communication above mentioned, and to the requests of the United States Government, I take this occasion to renew, M. le Ministre, the assurances of my highest esteem.

Signed by the Swiss Minister

To His Excellency
M. Mamoru KOGAKI
Minister of Foreign Affairs
Tokyo.

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Ext. 2024

Doc. No. 2751-A-3

page 1

THE GARDNER
TOKYO

Translation

No. 93/C.R.

24 April 1944

M. le Ministre,

To follow my letter of 26 May 1943 replying to Your Excellency's letter of 23 December 1942, relative to a protest of the Government of the United States of America on the subject of the treatment of American citizens in the power of Japan, I have the honor to communicate in the annexed statement the result of the inquiries which have been carefully as well as minutely made on each of the cases enumerated in the said protest.

I will be obliged if Your Excellency will transmit this reply to the Government of the United States of America.

Please accept, M. le Ministre, the renewed assurances of my high esteem.

(L. S.) Minister of Foreign Affairs

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Reply on the Individual Cases cited in the
Protest of the American Government.

As was stated in the Japanese Government's reply dated on the 26. May, 1942 addressed to the Swiss Minister in Tokyo the individual cases cited in the protest of the U.S. Government as examples of the treatment accorded American civilians in detention, all relate, with one or two exceptions, to persons charged with criminal offenses, including those who after having been duly tried and convicted, are now actually serving their prison term.

It is unnecessary to explain the impropriety of expecting the application of the stipulations of the Convention of 1929 relative to the treatment of prisoners of war to those criminally accused persons who under the laws of Japan are treated alike regardless of whether they are Japanese subjects or foreigners. Nevertheless, the Japanese authorities concerned have accorded to the American accused, nationals of an enemy country, a treatment as generous as permitted by law, by taking into consideration the mode of their daily life, and their respective social positions and ages, for which they have often expressed their gratitude, as is described hereunder.

That the American Government's protest has been made by distorting and exaggerating the facts which are contradictory for instance, by complaining at one place of the placing of Americans in common jail and remonstrating, at another, against their solitary confinement.

In the following pages are given the description of the actual conditions as regards the individual cases, excepting those to which answers have already been given.

I. CIVILIAN

(a.) Conditions in Prisons and Internment Camps.

I. The Bridge House, Shanghai.

All the cases in Shanghai cited by the American Government are concerned with the violators of military regulations. Such criminals in detention are subject to restrictions as provided for by law, which are applied to all without discrimination between Japanese subjects and foreigners. Needless to say, they are not to be considered as being on the same footing with those civilians interned under civil procedure.

The Military Police Detention House in Shanghai is used for prisoners of all nationalities, Japanese nationals, nationals of enemy countries and those of third countries.

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As regards health, all the inmates, being allowed to take proper exercise, and given proper medical attention by army doctors, there is nothing to be considered unsatisfactory. Food is rationed alike to all, no distinction being made. However, in consideration of their mode of living, Europeans and Americans are permitted to eat such articles of food as they may receive from outside or they may choose to purchase at their own expense. As to wearing apparel, they are allowed to use those of their own, beside those supplied by the institution, including blankets.

As is indicated above, the American inmates of the House, were accorded an unusually good treatment through the special considerations by the authorities. There existed no impropriety nor negligence in the manner or method of their detention. Nor did there occur any case of diseases due to detention, such as are mentioned in the American note.

II. Army Prison, Peking.

The six persons, Floyd F. Spielman, R.E. McCann, C.J. Hakelme, J.B. Sherwood, E.L. Mills and J.H. Benedict, mentioned in the American note, were arrested under the warrant issued on March 7, 1942, by the Procurator of the Military Court of the Japanese Army in North China on account of their violation of military regulations. They were taken into the North China Army Prison in Peking on March 11, at 6:30 o'clock p.m. On the following day at 4:30 o'clock p.m. they were ordered to detention in accordance with the warrant issued on the same day by the Military Procurator.

The agreement for the exchange of diplomatic officials and residents between Japan and the United States was concluded while their cases were being investigated. Accordingly, the proceedings were dropped, and by order of the Military Procurator they were released on June 8, 1942, at 8 o'clock, a.m.

(1.) Conditions of health during detention.

Hakelme was ordered to rest for twenty-three days because of an internal malady and a sprain of the left leg, and Benedict for three days because of inflammation of the bladder, but both recovered, owing to a timely treatment. McCann was examined by an army doctor, and was allowed to wear glasses. The remaining three men maintained good health throughout the period of their detention.

(2.) Food

All those in detention -- Japanese and foreigners -- are alike given the soldier's rations. But in view of their mode of daily life and their ages, and as a special caution against any adverse effect a sudden change of diet might have upon their health, mental as well as physical, these men were served Western meals with bread for breakfast and dinner, and the soldier's food only for lunch, during the first

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month. It was then discovered that they became gradually accustomed to, and began to prefer the soldier's food. In fact, one of the six men, Sherwood indicated his preference for the soldier's food from the outset, while after the lapse of about two months all the men were asking for it.

The daily ration per capita consisted of for main food 600 grammes of cleaned rice, and 187 grammes of cleaned barley; or 900 grammes of wheat (bread); and for subsidiary food 21 grammes of beef, or 42 grammes of fish, with 480 grammes of vegetables, having in all 3,500 calories of nutritive value. All meals were served warm.

(3.) Bathing

A hot bath was regularly provided for all twice a week, on Sundays and Wednesdays, while a shower bath was substituted on occasion during the summer months. Eskaline on account of his malady was ordered to refrain from bathing for twenty-three days from the day of his incarceration until April 2. To the rest of the men bathing was neither prohibited nor suspended at any time throughout the entire period.

(4.) Physical Exercise.

The men were ordered to take outdoor exercises for half an hour to one hour, and to do free exercises indoors in bad weather. Save that for some twenty days Eskaline was ordered to stop exercising upon the doctor's advice, the others were never prohibited for any reason from taking physical exercises for any extended period as is alleged in the American note.

(5.) Detention Cells

Each detention cell has a floor space 15.75 square metres, being 3.34 metres high. It is provided with one window and equipped with ventilation, electric lights, and toilet facilities. The walls being plastered, and the floor and ceiling covered with wooden boards, the cell is of permanent construction. All cells are always kept clean. While two to five persons are usually put in one cell, the Americans in question were allotted one cell for two persons, so that they might have more room. Moreover, their cells were selected from among the best situated and most quiet in the entire prison.

(6.) Clothing and beddings.

The six men were all too big and tall for the regular prison clothes. Accordingly, for the sake of their comfort, they were allowed to use their own clothes which they were wearing, or had brought with them, or those which were presented to them by friends.

As to beddings, the articles in general use were supplied. Although the rule prescribed one cotton quilt, one woolen blanket and one pillow for each person and two mats for three persons, the Americans were provided each with 2 quilts, 2 blankets, a pillow and a mat. And all these articles were regularly laundered and always kept clean.

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It may be added that because at the time they were brought to the prison, the weather was still cold, they were permitted to wear their overcoats they had with them.

(7.) Gains and losses in weight.

The six men were weighed when they were taken into the prison, and when they were released. The figures for their respective weights in grams are as follows:

Names	When taken in	When released	
Spielman	71.900	71.900	-100
McCann	83.100	83.000	-100
Lakeline	78.800	78.500	-300
Shawood	83.500	82.300	-1,200
Hills	62.300	62.350	+50
Beneliet	70.000	70.100	+100

The American note alleges that these men lost an average of about 18 kilograms in weight, but their actual loss, as shown above, amounts to no more than to 253 grams. It should be noted, moreover, that the men were incarcerated in March, while they were released in summer when all persons generally lose in weight, in view of which an average loss of 253 grams is of no significance.

(8.) Special considerations.

The Army prison had no one who could speak English fluently, and the Americans did not know the Japanese language. Accordingly, a Japanese, who had long resided in America, was employed on April, 1942, and was assigned exclusively to the duty as interpreter for the Americans. They all greatly appreciated the devoted service of this man and thanked the prison authorities for the special considerations in this regard. Especially at the time of their departure from Peking for Tientsin the said interpreter proved so helpful in every respect that the Americans were profuse in expressing their gratitude. The alleged maltreatment of these prisoners, mentioned in the American note is utterly groundless.

III. Tsingtao

The seven persons mentioned in the American note, namely, Frank G. Eske, Cady Cooper, Frank B. Halling, Charles Liebgold C.J. Meyer, M.H. Mills, and H.J. Zimmerman -- were all suspected of espionage and taken to the Military Police headquarters on December 6, 1941 and placed in detention in the Assembly Hall of the Tsingtao Municipal Police Bureau for the purpose of examination until the 27th of the same month, on which date Meyer and Mills were released while the others were transferred on the following day to the residence of the Manager of the E. I. Company. Here the five men were held while on the basis of the preliminary investigations the authorities were proceeding

with the examination of the evidences on hand. In the meantime with the operation of the Exchange Agreement they were set free. The conditions under which they lived during the period of their detention are as follows: The conditions of the detention quarters.

The Assembly Hall of the Tsingtao Municipal Police Bureau in which the Americans were first detained, is a large room, about 250 square meters in size, which is used as a classroom and for holding ceremonial functions. Here two large stoves were installed, and the temperature of the hall was maintained at 15 - 20 degrees, Centigrade. The detainees were provided with improvised beds, while they were allowed to use, as they wished, their own clothing and beddings. As to food, they were allowed, according to their wish, to have it sent from their respective homes, and no restriction of any kind was imposed. Daily outdoor exercises for an hour were also permitted, and everything was done to look after their health.

The Manager's residence of the ETO Company to which the five men were transferred is one of the best houses to be found in the City of Tsingtao with complete equipments and facilities. They were allowed to use their own beds, beddings, clothes, and to have their meals sent from their homes, and to use freely the piano and the ping-pong on the premises. Besides, they were permitted to meet friends and the members of their families in the presence of an official.

All in all, these Americans were accorded as generous a treatment as possible. All allegations made in the American note, such as that "they were confined in an unheated common jail for a period of three weeks" have no foundation on facts.

IV. Fort Santiago, Manila.

Of the two men, Roy Bennett and Robert Abbott, who are mentioned in the American note as having been imprisoned in Fort Santiago, Manila, Roy Bennett was placed in the Internment Camp at Santo Thomas on April 20, 1943, where he has been since and is well. As for Robert Abbott, although he had participated in the battles of Bataan and was later captured, he concealed the fact on being admitted in the Philippine National Hospital toward the end of May, 1942; and by pretending to be an engineer so as to evade the treatment as a prisoner of war he entered the Santo Thomas Internment Camp following his discharge from hospital on November 23 of the same year and continued to remain there until January 12, 1949. On the discovery of his fraudulent act, he was sentenced to minor imprisonment for three months, and upon the expiration of the term he was put in the Prisoners of War Camp, where he has since been and is well. In the light of these facts the protest of the American Government is irrelevant, and its insistence upon Abbott's release from prison is void of merit.

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V. Camp Stanley, Hongkong.

All the nationals of the enemy countries interned at Fort Stanley are being well-treated, for which they are grateful. There has never existed, nor exist, such a situation as is described in the American note. The internees are all doing well, being given special permission to use their own things and to purchase whatever articles of food they prefer.

VI. Santo Thomas, Manila.

The Japanese army entered the city of Manila on January 2, 1942, and opened the Internment Camp at Santo Thomas on the 14th of the same month, and let the internees to take charge of management of the camp. The internees were notified in advance to bring with them their personal effects and daily necessities, so as to render their life in the camp as comfortable as possible. In spite of this advance notice given, there were some who failed to bring mosquito nets, clothes, and bedding. In the face of the disruption of communication immediately following the Japanese occupation of the city and the immense number of the internees to be dealt with, which reached 3,000 at the end of January, the military authorities specially granted them permission and facilities to send for their personal belongings. That the Japanese army, while pursuing the retreating enemy on the one hand, went about earnestly on the other hand to take American civilians under protection and placed at their disposal the transportation facilities and men they could ill-afford to spare, was source of general gratitude on the part of all Americans on the spot. It should be noted that the actual situation was totally different from that is alleged to have been in the American note.

The protest regarding food is also in contradiction with facts. At the beginning, in compliance with the wishes of the internees and with a view to avoiding a sudden change of diet and respecting personal preferences, each internee was allotted to obtain his meals at his own expense. But as time passed, it was feared this arrangement might prove unfair to those who did not have much money. Therefore beginning with the last day of February, 1942, in accordance with the general desire of the internees, a ration system was adopted, the Philippine Red Cross Society, which was then in the process of organization, being authorized to pay the cost, while those who so wished, were permitted to purchase supplementary food at their own expense. This system proved satisfactory and convenient to the internees. The Red Cross responsible only for the distribution of the daily rations at the camp as a whole, did not, of course, undertake to loan money to individuals separately. The purchase and preparation of the food was left entirely to the self-governing body of the camp, and the army helped to obtain such commodities as were difficult to find on the market. Never on any occasion, the cost of the ration was limited to 25 centavos. The Philippine Red Cross which was formally established in April, 1942, continued to distribute rations until June. Since then the Japanese Military authorities have borne all the cost of

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the rations and all other expenditures for the maintenance of the camp, while the management of the camp is left as before in the hands of the self-governing body organized by the internees themselves. The food served at the camp has been ever since its opening quite satisfactory both in quality and quantity -- so much so, in fact, that it is even criticized as being too good as compared with the food available to the people of the city in general. Within the camp, order is maintained and various activities are carried on by the abovementioned self-governing body in accordance with the Code of Regulations formulated by itself and through the respective officials appointed by itself. For this magnanimous treatment the internees are all grateful.

VII. Davao and other internment camps in the Philippines.

The 'first six weeks' mentioned in the American note refer to the period during which American residents in the city were housed for protection in the American Club without being required to do absolutely no work. Later some persons for the sake of their health requested to be allowed to do some light outdoor work, and they were assigned the work of removing objects which were lying on the streets and obstructing traffic. On the other hand, the area where the warehouses of Davao for provisions were situated had been set on fire and reduced to ashes by the firing American soldiers, and the provisions in the shops within the city had been carried away and secreted also by American soldiers, so that the people of the city were faced with an extreme scarcity of food. They had practically nothing to eat but corn and millet, and even these were difficult to obtain. That at such a time these Americans at the club were provided with meals containing with certain amounts of corn was due entirely to the generous efforts of the Japanese army, who moreover supplied them with cleaned rice, fish, and various foods out of their own ample stock. Indeed, these Americans were being fed far better than the average Japanese residents and the Philippines at that time.

By April 1942 the situation at Davao had gradually improved, and supplementary articles of food such as vegetables began to appear on the market. Accordingly, in compliance with the wishes of the internees, they were permitted to purchase their food on their own account, while rice, sugar, salt, condiments, etc., that were not easily obtainable were distributed by the military authorities.

At first all Americans were interned for protection in view of the situation which rendered it impossible for them to secure food if they had lived by themselves, and the military authorities used

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their good offices in enabling them to procure the provisions, for which they were required to pay. But since September 1942, when the persons to be interned were decided upon, the cost of provisions for these internees has been borne by the Military authorities, while the matters of purchase, cooking, etc., have been left to the self-governing body organized by the internees themselves.

Americans at other camps in the Philippines have been given a treatment similar to that accorded the American internees at Davao as described above.

B. Mistreatment and Torture.

1. Torture and physical violence.

(1.) R.H. Reiner and Edwin W. Hoops

Beginning with February 3, 1942 Edward Hughes Hill, an American, was being examined at the Ryusan Police Station, Manila as a suspect for espionage. In the course of the said examination it was established from his statements and as the result of the search of his house that Reiner was involved in the crime. He was therefore taken to the Ryusan Police Station and an examination of his case was commenced. It was found that Reiner besides being charged with the aforesaid crime, was also guilty of an infringement upon the Foreign Exchange Control Ordinance. During the examination, though he appeared to be in good health, he was segregated from other criminals and allowed to occupy a solitary cell in view of his rather advanced age. Moreover, he was asked several times to state his wishes, which were taken into consideration in order to afford him the best possible treatment. Whereas his crime was clearly established, the case was dropped with the coming into force of the Exchange Agreement, and he was set free on May 25, 1942. On the occasion of his release, Reiner while thanking the police authorities on behalf of the Americans who had been similarly held at the police station, stated to the effect that as he was being examined as an enemy national suspected of acts of benefiting the enemy, he had anticipated a most severe and rigorous examination, but he had been dealt by police authorities always in the kindest manner; that he deeply admired the Japanese spirit thus manifested.

In the American note of protest it is stated that Reiner was tortured six times between May 1 and May 5, and that he was kicked by a gendarme employee named Iyo in such a manner that his rib was broken, and that a vicious blow was struck over his broken rib by another gendarme employee named Kim. As a matter of fact no gendarmes, to say nothing of their employees, were ever permitted to frequent the premises of the Ryusan Police Station, while the station itself has no employees named either Iyo or Kim. It must be concluded the story is a fabrication. Furthermore, the records of the

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medical examination made on Reimer at the time of his release established the fact that he was sound and healthy and nothing unusual was to be noted on his person. That a man, 59 years of age, who had his rib broken and received "half-inch deep cuts" on his arms and legs should have so quickly and so completely recovered within several days as to retain no trace thereof, is unbelievable. It only proves the careless and groundless character of the American protest.

From the statement of Mills and as the result of the search of his house it was established that Moon was also an accomplice, and he was taken to the Ryonan Police Station on May 11, 1942. He was examined and treated like Reimer. His case was also dropped, and he was released for repatriation. Here the note of the American Government is equally perfunctory and careless. Moon has left a record of his "L'expression" (see Annex I) which proves further how unwarranted is the American protest.

(2.) Beating at Ichang

The allegation that Elsie M. Riese and Walter F. Horne in Ichang were beaten is entirely unfounded. It is plain to common sense whether or not any man can remain alive after having been "beaten for two hours with an iron rod, one-half inch thick."

The above-mentioned two persons were allowed to remain in their respective houses, the only restriction they were subjected to being that they were required to obtain permission for going out to town - excepting to the portion of the city between Ma-lu and Keng Chien-ku. The Japanese authorities prohibited Chinese connected with church to visit the residences of Riese and Horne, but the two were afforded special facilities for obtaining food and daily necessities. Neither of them, except on errands of their own regarding the matter of housekeeping, did ever visit the authorities. Nor did the latter ever take them out anywhere. The statements cited in the American note have no foundation on fact.

(3.) Joseph F. MacSparran

Joseph F. MacSparran was arrested on December 3, 1941 as a suspected violator of the National Defense and Security Ordinance in accordance with the criminal procedure as provided for under the same ordinance. He was placed in the Yokohama Penitentiary for examination. On February 21, 1942 he was indicted on charge of violation of the National Defense and Security Ordinance and the Foreign Exchange Control Ordinance. He was accused on April 21 with an additional offense of violating the Police Peace Regulations. It was while the examination by a preliminary judge was in progress that with the conclusion of the Exchange Agreement the prosecution was cancelled and he was set free.

At the penitentiary MacSparran was accorded a specially favorable treatment, being placed in the best western-style cell, well-lighted and well ventilated and provided with desk and chair, a bed, a washroom with flush toilet.

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Immediately upon his incarceration he was given a medical examination, and thereafter was visited daily by a physician. On December 20, 1941, he said he had a stomach trouble and requested medical examination. It was found he was suffering from no particular ailment, but he was given a medicine. He returned the medicine saying that it was ineffective. Since then special attention was paid to the state of his health. Moreover, he ate, exercised, and bathed as usual, and appeared entirely normal in every respect. Never once did he request medical attention for hemorrhages from duodenal ulcers. Altogether twenty-one times during his incarceration he was questioned by the prosecutor and the preliminary judge, and on every occasion he seemed to be in high spirits and cheerfully answered the questions put to him. The prosecutor came to the penitentiary for the questioning, but whenever it was necessary to take him to the court for preliminary examination light handcuffs were used in conformance with the law of Japan. It was the proper measure to take in the handling of any criminally accused person. That while undergoing questioning he was unable, on account of internal hemorrhages, even to stand up is an allegation without a vestige of truth.

II. Solitary Confinement.

(1) H. W. Meyers.

Suspected of violating the National Defense and Security Ordinance, H. W. Meyers was arrested on December 3, 1941 according to the criminal procedure as prescribed by the said Ordinance. He was taken to the Kobe Detention House where as the result of examination he was acquitted. On the other hand, it was established that he was guilty of violating the Army Criminal Code and the Foreign Exchange Control Ordinance. Accordingly, while released on March 5, 1942, as a suspected violator of the National Defense and Security Ordinance, he was indicted afresh on the same day before the Kobe District court on the charge of violations of the Army Criminal Code and the Foreign Exchange Control Ordinance, and remanded to the Kobe Detention House under the warrant issued by the judge of that court. On April 5 he was sentenced to imprisonment for 7 months counting the 20 days pending the trial. While he was serving his sentence, he was removed to the Osaka prison on May 1st, and was granted a ticket of leave on June 7. During that period he was for a time, January 4 - February 5, 1942, transferred to the temporary jail belonging to the Minatogawa Police Station of Kobe.

At the Kobe Detention House, in consideration of his advanced age and with a view to avoiding any adverse effect that confinement in common jail might have upon his health and especially to enabling him to sleep well, the best and newly furnished cell in the institution was assigned to Meyers for his exclusive occupancy. During his

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He was permitted to use the privy to his liking and allowed to have his shoes. He was provided with a chair, which is not a part of the regular furniture for ordinary cells. As regards meals, he was permitted in compliance with his wishes to obtain them from outside. During his period of servitude after conviction he was furnished with the regular prison food, clothing and meals, but at the same time he was given special permission to wear shoes, and special care was taken in the preparation of his meals. As for books, he was allowed to read those sent to him after they had been duly censored.

During his incarceration in the Osaka Prison, he was shown similar consideration, and given a single cell for solitary confinement. He was permitted to receive the Bible, the Japanese National Reader, etc. from outside. His wife, Grace visited him in the middle of May, under the prison regulations which permit the visit of a relative once a month. He was grateful especially as he was not put in common jail but given a single cell. It is strange that the American Government should make that very fact an object of protest.

(2.) William Mackay

William Mackay was given special permission to remain in his own house until he was interned in the civilian camp in Kobe. He appreciated fully the good will of the authorities concerned, and by avoiding contact with outsiders as much as possible, he endeavored not to give any cause for misunderstanding on the part of the authorities to whom he frequently expressed his words of gratitude. He lived in a room he had rent in a building attached to his church. With the privilege of remaining in his own residence, he was free to regulate his daily life as he liked and enjoyed special comforts and conveniences.

(3.) Alice C. Grabe

Suspected of violation of the National Defense and Security Ordinance, Alice C. Grabe was arrested on December 8, 1941, and taken to the temporary jail belonging to the Yamatsukurai Police Station in Osaka where she was first examined. On the 25th of the same month she was transferred to the Osaka Detention House for further questionings by the Procurator, as the result of which she was cleared of the suspicion, and set free on April 9, 1942.

The authorities of the Osaka Detention House, in deference to her position and prestige, did not confine her in common jail. Instead, she was allowed to occupy exclusively a sunny and healthy cell in the women's section of the institution. Under the strict regulations the cells are not equipped with stoves, and the use of fire for any purpose is prohibited. Special permission was granted Grabe to use a hot-water bottle, which she declined, saying it was unnecessary, as she had a good sunny room.

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Accordingly, she was allowed to wear an overcoat in her cell. The rule prohibiting a detainee to bring in any personal effects or other articles, was waived in her case, and she was allowed to bring with her a large number of articles including 23 books, a bed, 3 cotton quilts, 2 blankets, a complete wardrobe, and toilet requisites. She was always given the first turn for bathing, and provided with such food as she desired, besides tea and coffee, cakes and fruits which she was allowed to purchase as she pleased. Generosity to the maximum degree was shown in her treatment.

(4.) J.B.M. Talmadge.

A search of the house of J.B.M. Talmadge, conducted according to criminal procedure, brought forth articles of evidence for violations of the Military Secrets Preservation Ordinance, the Wireless Telegraphy Ordinance and the Regulations for the Control of fire arms. Accordingly he was taken into custody in the Detention cell of the Koshu Police Station. As the result of investigations he was set for prosecution, which however, was stayed as the consequence of the conclusion of the Exchange Agreement. He was released on April 9, 1942.

During his detention, in view of his age and position Talmadge was given a single cell for solitary confinement. He was permitted to have, clothing, bedding, and books sent from outside, and to take indoor exercises for health. Grateful for the kind treatment accorded, he dispatched at the time of his departure a letter of thanks to the provincial governor of Zenro Mando (see Annex B.).

(5.) Edward Adams

As a suspect for violation of the National Defense and Security Ordinance Edward Adams was arrested on December 9, 1941, and taken to the Teikyo Police Station where he was detained and examined. He was released on the 20th of the same month. The police authorities with due respect to his person did not lock him up in common jail, but confined him in a single cell. He was allowed to bring in his own bedding, and accorded special facilities regarding meals, physical exercise, and other matters. On his departure Adams left behind him a note thanking for the special favors shown to him.

III. Deaths due to mistreatment and neglect.

The American Government protests against the deaths of several Americans, by ascribing them to mistreatment and neglect on the part of Japanese authorities. For instance, it is alleged in the American note that Leo Deloquin was refused to enter a hospital in Tsingtao and forced to return to Kansai. As a matter of fact, it was in compliance with Deloquin's express wish that he was sent back from China. Again, it is alleged that Charles Liebgold imprisoned in an unheated jail at Tsingtao, contracted a cold, which developed into pneumonia. He is told elsewhere under the head of Tsingtao, Liebgold together with other

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American suspects were detained for a period, December 3 - 17, 1941 in the Assembly Hall of the Tsingtao Municipal Police Bureau. The said Assembly Hall, equipped with two large-size stoves, was always kept warm with a temperature at 15 - 20 degrees Centigrade. There he and his fellow detainees were accorded a specially good treatment. In view of such facts, the American protest is utterly unavailing.

Investigations into other instances, have disclosed that the various allegations to the American note are equally unfounded. It appears that the protest of the United States Government is motivated by a desire to attribute to the responsibility of Japanese authorities the deaths of American nationals regardless of their actual causes. Such a protest which, ignoring the generous treatment of Americans by Japanese authorities, demands baseless allegations, cannot be tolerated by the Japanese Government.

IV. Violation of the Exchange Agreement.

(1.) Transportation

As regards the transportation fee of the American citizens evacuating from Tsingtao and Chefoo, requested by the Consul General of Switzerland to Shanghai the Japanese Government are prepared to pay such fee at any time, provided, however, that the Government of the United States shall agree to bear the expenses incurred by the Japanese Consular missions in Brazil in their travelling to the City of Rio de Janeiro, which was already requested by the Japanese Government in their communication dated March 4, 1943 and which will be examined in detail.

The train fare between Nagasaki and Yokohama (Yen 17.90) has been paid to each one of the three men of United States, Francis Henry Ellis, Alfred William Darling, and William Frederick Campbell, on board the exchange vessel, "Mitsumaru". Later it was found that Campbell was already provided with a train ticket at the time of his departure from Nagasaki.

Besides these aforementioned items, it is desired to be informed whether there is any other item still left unpaid. The Japanese Government desire to be notified as to the names of all those persons who have paid their own expenses as well as to their items and amount thereof in detail, in addition to those already demanded by the Government of the United States under the date of March 25, 1943.

(2.) Baggage limitation and search

The baggage of American Government officials was permitted to be shipped without limitation and without inspection. As regards non-official Americans, facilities were afforded those in Japan proper, such as special permission to return to their homes in order to

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attend to their baggage and baggage inspection by custom officers at their own residences. Moreover, they were allowed to take out their baggage without restriction on the amounts as long as it did not contain objectionable articles. Japanese authorities in Chosen, Manchukyo, Hongkong and Thailand were instructed to handle the matter of baggage in a similar manner. Consequently, Americans were allowed to take out only that they could carry themselves but other pieces of their baggage.

In contrast to this treatment, American authorities, as stated in the protest lodged with the American Government by the Japanese Government in its communication of October 27, 1942, addressed to the Spanish Ambassador in Washington, searched the persons of non-official Japanese evacuees in a most outrageous manner, by stripping stark naked practically all persons, subjecting them to intolerable indignities and inhuman treatment. The baggage inspection was extremely harsh and rigorous, and the evacuees had part of their belongings confiscated, so that not a few were obliged to board the ship, leaving everything behind them, save one or two suitcases. To the above-mentioned protest of the Japanese Government, the American Government in its intermediate reply dated December 24, 1942, promised that it would make a report on the completion of investigations. No report has yet been received, and the Japanese Government requests that the said report be transmitted without further delays.

As regards port vs., it is true that a certain number of them were assigned to duties at each place, but in order to avoid disorder and confusion the evacuees were prohibited to employ them on their own account. A similar situation was observed also in the United States.

Regarding the baggage of non-officials the U.S. Government protests against the reinspection of their baggage at the port of embarkation after it had been inspected at the place of departure. But in the United States, the baggage of non-official Japanese nationals was inspected at the place of departure and subjected without exception to a second and most rigid inspection at the port of embarkation.

Japanese custom authorities were instructed not to inspect the baggage of American officials. A case is cited by the American note in which, the effects of American officials in Chosen were said to have been searched, but investigations went into the case, failed to produce anything to substantiate that allegation.

On the contrary, when Japanese Vice Consul, Mr. Masaru Sano, stationed in Houston, Texas, and his wife were leaving that city on January 10, 1943, the American officials in charge at the time had taken away five out of Mr. Sano's personal belongings on the ground that these cases are wooden boxes. Upon arrival at the Rembrandt Hotel in Virginia, Mr. and Mrs. Sano finally succeeded in obtaining those boxes after negotiations made through the Spanish

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Embassy in Washington, D.C., and they were requested to pay the amount of \$50.00 for the transportation. The boxes arrived but every one of them was found to be empty. Several articles contained in the boxes were missing.

This action on the part the American officials clearly constitutes a violation of the agreement, and accordingly, the Japanese Government renew the protest against the Government of the United States.

B. VIOLATIONS OF WAR

The American Government states that it has received reports of inhuman treatment accorded American prisoners of war by the Japanese authorities, which is inconsistent with the provisions and spirit of the Geneva Convention, and proceeds to cite instances alleged to have occurred in the Philippines and the punishment of Americans for an attempted escape at Changhai.

1. The Philippines

The American Government is reminded of the situation in the Philippines during those days immediately following the Japanese occupation of the Batuan Peninsula. Order had not yet been restored; traffic facilities had been destroyed; the American soldiers prior to their retreat and surrender had burned food and medical supplies in accordance with their "scorched-earth" tactics; the Japanese armies themselves were finding it difficult to replenish their stock of provisions and medical supplies; and furthermore, the number of American prisoners of war were far greater than anticipated. It was inevitable that under these circumstances the American war prisoners should have suffered temporarily from scarcity of food and inadequate medical attention. Nevertheless, the Japanese military authorities, in the face of insuperable difficulties, did their best to feed the Americans and to care for the sick and wounded. The Americans captured in Batuan were obliged to go on foot when they were being taken to Camp O'Connell, because owing to the destruction of the means of conveyance it was impossible to send them in automobiles.

However, as regards the alleged instances of mistreatment of the prisoners on their way to and after their arrival at the Camp, cited in the American note, are groundless according to the investigations that have been made under the difficult circumstances.

2. Changhai

Referring to the punishment of W.D. Cunningham and P. Smith, the views of the Japanese Government are clearly set forth in its communication of March 3, 1943, to the Swiss Legation in Tokyo, and they need not be repeated here. It should be noted that the report of alleged mistreatment of American marines, also cited in the American note, is unfounded.

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Annex 1.

Thoughts on Leaving Chosen - May, 1942. L. T. Evans.

On August, 1938, my wife and I came for the fifth time to Chosen, leaving our six children and four grandchildren. We expected to spend the rest of our working lives serving the inhabitants of this peninsula of whatever race and nation.

On less than three years we are returning to our native land. We leave in our house at No. 1 Bongsikcho our household goods, most of our clothing, and many precious personal possessions, hoping to return and resume our life here with its various missionary activities. But at a time like this one is bound to think deeply as to try to reach definite conclusions.

Among the many kindnesses received by the group of foreigners detained in the Theological Seminary since Dec. 8, 1941, has been my being allowed to receive my copy of the Japan Times and Advertiser. Through it we have been able to follow the course of events.

It is with great satisfaction that I read again and again in the J.T. & A. reports of the good treatment of American and other war prisoners. Certainly the group to which I belong has received every kindness possible under present conditions and will always be grateful for many favors.

When I reach the U.S.A. I shall seek an opportunity of serving Japanese internees in a friendly way if the Government and the Board of Foreign Missions will permit this. As always, I shall earnestly pray for good relation between the nationals of these two great countries, and the countries themselves. I am sure there is a bright future for both nations, and I hope that my wife and I can have a part in bringing it about.

L. T. Evans

May 27, 1942.

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ASIA. B.

Kobe, Japan.
Nov 30, 1947.

To the Governor of South Ham Province,
Kobe, Japan.

Honored Sir:

After many pleasant years during which the Southern Presbyterian Mission has labored in Korea under the protection of the Japanese Government, we regret the present international situation which necessitates the complete evacuation of the Mission.

Having received many kindnesses from various officials of the Japanese Government since the outbreak of war between Japan and our country, and much help in enabling us to leave Korea, I wish to convey herewith my appreciation, and trust that you will express our thanks to the officials concerned, as I can not meet them all.

We trust that when peace is restored we shall be able to return and meet again.

Yours very respectfully,
(Signed) Miss J. Wilson

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Exh. 2024

THE GAIJUSHO
TOKYOTranslation

No. 97/C.R.

28 April 1944

M. le Ministre,

In acknowledging receipt of Your Excellency's letter of 5 February last, relative to the treatment of dependent Americans in the area of Japan, I have the honor to ask that the following response of the Imperial Government be communicated to the Government of the United States of America. As to the protest of the Government of the United States against the treatment of dependent Americans by Japanese authorities, communicated 23 December 1942, and to which the said letter made reference, the response has been made by my letter of 24 April 1944 addressed to Your Excellency on the basis of the result of the inquiries.

"The Japanese Government have carefully studied the communication of the United States Government transmitted under date of the 5th February by the Swiss Minister in Tokyo in charge of American interests in Japan regarding the treatment of United States citizens in areas under Japanese administration.

It is considered that the United States communication under review is, as also are their previous communications, based upon a serious misunderstanding as to the position of Japan in respect of the application of the 1929 Convention relating to the Treatment of Prisoners of War. This point will be dealt with in the section headed I below.

The Japanese Government have taken note of the eighteen complaints enumerated in the United States communication, and have caused detailed investigations to be made into the instances given of alleged maltreatment of United States citizens. The results of these investigations are given in the section headed II below.

It is stated in the United States Government's communication that in the treatment of all Japanese subjects within areas under United States administration, the United States has consistently and fully applied the provisions of the 1929 Convention relating to the Treatment of Prisoners of War. But according to information received from perfectly

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reliable sources, the United States Government are not always applying the provisions of the said Convention as fully as they have expressed themselves bound to do. This is stated in detail in the section headed III below. The Japanese Government enter the most emphatic protest on this point, and demand of the United States Government an immediate investigation into each instance given, the rectification of the maltreatment, and the punishment of the persons responsible or the adoption of measures for the improvement of discipline over them.

These facts which are mentioned in the section headed IV below are based upon information from the most reliable sources. While the instances cited in this section are not specifically contemplated by the 1929 Convention relating to the Treatment of Prisoners of War, they are not only contrary to the spirit of the Convention but also are contrary to the principles of international law and to humane feeling. A protest concerning these matters has already been lodged, but no satisfactory reply has yet been received. The Japanese Government therefore take this opportunity once again to enter an emphatic protest, and they demand that the United States Government take adequate measures to improve the state of affairs.

I The position of Japan in respect of the Convention of 1929 relating to the Treatment of Prisoners of War.

As regards the treatment of prisoners of war, Japan has ratified the 1907 Convention relating to the Law and Custom of Land Warfare, and the 1929 Convention for the Amelioration of the Condition of the Wounded and Sick of Armies in the Field, but the Japanese Government have not ratified the Convention of 1929 relating to the Treatment of Prisoners of War. Consequently Japan is under no obligation to be bound by that Convention. However, the Japanese Government have notified the United States Government of their intention on purely humanitarian grounds to apply mutatis mutandis in the present war the provisions of the 1929 Convention relating to the Treatment of Prisoners of War to American prisoners of war within areas under Japanese administration.

As regards the treatment of civilian internees, no international agreement exists, except that an expression of desire is contained in the final protocol to the 1929 Convention relating to the Treatment of Prisoners of War. In the present war, the Japanese Government have notified the United States Government of their intention to apply as far as possible under the condition of reciprocity the provisions of the 1929 Convention relating to the Treatment of Prisoners of War (provided that no labour is imposed upon the internees against their will by the country detaining them).

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By the above-mentioned intention of the Japanese Government to apply *mutatis mutandis* the provisions of the 1929 Convention relating to the Treatment of Prisoners of War to American prisoners of war, it is meant that the provisions of the Convention will be applied with the modifications necessary in order to conform with the provisions of the existing laws and regulations of the country and with the requirements of the actual situation as it develops. In the same manner the provisions of that Convention are also applied to American civilian internees.

In the present war in Greater East Asia the field of operations extends over an extensive area including many remote, undeveloped and pest-ridden regions with innumerable islands scattered over the ocean, involving considerable difficulties in the way of communication and transport. The change introduced by the system of aerial fighting has also made it difficult to distinguish zones of combat from other areas. The Japanese Forces, which have taken under their control an unexpectedly large number of enemy nationals in these areas far distant from Japan, are making the utmost efforts to accord them fair and just treatment. Such a situation was certainly not contemplated at the time when the 1929 Convention relating to the Treatment of Prisoners of War was concluded. That Convention has not been ratified by Japan because there are provisions in it which are not acceptable to this country. The Japanese Government are, however, dealing, from a humanitarian point of view, with matters relating to prisoners of war and civilian internees, on the basis of the 1907 Convention relating to the Law and Custom of Land Warfare and the 1929 Convention for the Amelioration of the Conditions of the Wounded and Sick of Armies in the Field, taking moreover into consideration the provisions of the 1929 Convention relating to the Treatment of Prisoners of War. These intentions of the Japanese Government have already been made known to the United States Government.

In these circumstances, the Japanese Government are unable to understand how the United States Government have seen fit to enumerate certain articles of the Convention and to demand their absolute application as if the Japanese Government by the above-mentioned expression of intention had admitted an obligation to observe the provisions of the Convention as a party thereto.

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II. Reply of the Japanese Government to the protest
of the United States Government dated
the 5th February, 1944.

(1) With reference to 1 and 2 of the American protest the United States Government state, whereas the Japanese Government are permitting the representatives in charge of American interests and representatives of the International Committee of the Red Cross to visit Prisoner of War Camps, Civilian Internee Camps and Civilian Centres in Japan proper, Taiwan, Chosen, China, Manchukuo and Hong Kong; the United States Government protest to the effect that the representatives of the Swiss Government in charge of American interests in Japan and in Japanese occupied territories have not been permitted to go to every place without exception where prisoners of war and civilians were interned; they have not been permitted to interview without witnesses the persons held, and have not had access to all places occupied by the prisoners.

The United States Government state that the representatives of the Swiss government in Japan are entrusted with the protection of American interests in Japanese occupied territories, whereas, as already communicated to the United States Government through the intermediary of the Swiss Government, the policy of the Japanese Government is not to recognize representation of enemy interests in Japanese occupied territories and, therefore, is not permitting visits to the War Prisoner Camps and Civilian Internee Camps in those territories. Furthermore in view of the needs of military operations, visits of the representatives of relief societies and others also are not permitted for the time being.

For interviewing prisoners of war, the presence of witnesses is required by Japanese regulations enacted in accordance with the Regulations concerning the law and custom of land warfare, annexed to the Convention of 1907 ratified by Japan.

The United States Government protest to the effect that Swiss representatives at Shanghai, during their visits to the camps, were closely escorted by representatives of the Japanese Consulate General and were not able to see all parts of camps. According to the investigation, however, the Consul General of Switzerland walked at the head of the visiting party and inspected the camps freely, and though staff members of the Consulate General did accompany him they did so as a matter of courtesy.

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(2) With reference to 3 and 4 of the American protest the United States Government alleged that American nationals were not permitted to forward complaints to the competent Japanese authorities or to representatives of the protecting power, or that the Japanese authorities had punished or had threatened to punish those who made complaints. But, in the prisoner of war camps and civil internment camps in areas under Japanese administration, communications addressed by the prisoners of war and internees to the detaining authorities of the camps are not rejected. Communications addressed to the representatives of the protecting power are being forwarded in exactly the same way as in the case of the mail sent by the prisoners of war, although there might have been some difficulties at the time of opening the camps. Thus, the forwarding of complaints has not been prevented and in no case was a punishment inflicted merely on account of complaints. The protest of the United States Government to the effect that dental appointments at the Columbia Country Club at Shanghai were cancelled in the summer of 1943 for punishment must be due to some misunderstanding. According to investigations carried out by the authorities of the Japanese Government there was no such incident. Neither was there a case of punishment inflicted on the internees at the Civilian Centre at Yangchow.

(3) With reference to 5 of the American protest the United States Government states to the effect that the Japanese Government failed to furnish needed clothing to American nationals and cite the suffering of the internees at Hong Kong, Kobe and in the Philippines, whereas the Japanese Government are giving specially thorough consideration to the matter and proper measures are being taken, with the view to furnishing clothing at the expense of the Japanese Government to the extent that is necessary.

As regards the difficulty of furnishing shoes to the internees at Hong Kong, owing to the fact that there was no stock of boots or shoes in the city at the time they were interned, the authorities could not avoid supplying "sandals" as substitutes and this measure was not taken expressly to cause difficulty or inconvenience in their daily life. As for the internees transferred from the Island of Guam to Kobe, since they possessed no winter clothes, the authorities concerned of the Japanese Government immediately set about procuring the material and preparing the necessary clothing for them. In the meantime, as the Swiss Consulate at Kobe was ready to offer to the internees the heavy clothing, the Japanese authorities helped in securing the materials.

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The question of providing winter clothing was then satisfactorily disposed of, thanks to the efforts of the Swiss Consulate. As regards the statement to the effect that the prisoners of war in the Philippines were forced to labour without shoes and clad only in loin cloths, exactly the same as in the case of Hong Kong, when no boots or shoes are provided, their substitutes are given and clothing for use while at work is also provided. It is possible, however, that the prisoners in question, while at work in the tropical climate, chose to remove their clothes on account of heat.

(4) With reference to 6 of the American protest the United States Government protest to the effect that the Japanese authorities confiscated personal effects from American civilian internees and prisoners of war. According to the regulations concerning the treatment of prisoners of war in Japan, when the persons liable to treatment as prisoners of war are captured, their personal effects are examined at once; arms, munitions and any other article liable to military use are confiscated; other articles are either held in custody; (in which case a receipt for the articles issued to the owner), or handed back to the owner, allowing him to carry them. The troop concerned then must prepare an inventory of the articles confiscated or held in custody; the inventory in question must be handed over to the camp authorities along with the articles which had been held in custody when the prisoners of war are transferred to the prisoner of war camp. The articles thus handed over must be held in custody by the government authorities and returned to the owners when the latter are freed. These regulations are strictly observed in Japan.

The United States Government state that at the prisoner of war camps in the Philippine Islands, prisoner of war enclosures at Mariveles Bay, civilian internment camps at Baguio, Canton, Chefoo, Peking, Manila, Tsingtao, Weilsien and Yangchow, and at Civilian Centres of the Ash camp, Chapel camp, Lungwa camp and Pootung camp in or near Shanghai, the articles most needed by the prisoners and internees have been taken. Since the statement is mere enumeration of various camps, and centres, it was difficult to investigate the matter. According to enquiries, however, made by the Japanese authorities, no such incident, as is complained of, occurred anywhere. At Tsingtao, neither a prisoner of war camp, nor a civil internment camp, nor a civilian centre has ever been set up. As regards the statement that the personal effects of an American prisoner of war were taken, when he was captured in the Philippine Islands in April

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1942, so far no such occurrence is found by the investigation carried out by the Japanese Government.

(5) With reference to 7 of the American protest the United States Government state that whereas the Japanese Government are enforcing strict regulations with a view to according fair treatment under all circumstances, American prisoners of war and civilian internees have been subjected to insults and public curiosity. The allegation is at variance with the treatment actually accorded to prisoners of war and civilian internees.

The United States Government protest by citing the case of a march through Manila city by American prisoners of war, but as a matter of fact, the latter took the road which was necessary in going to the camp. It entailed neither insult nor public curiosity. As for the statement to the effect that at Baguio, Hong Kong and Tsingtao, the public was allowed to visit the internment camps and encouraged to satisfy curiosity regarding the persons held; at Tsingtao, to begin with, neither a prisoner of war camp nor a civil internment camp has been set up, as already pointed out. At all camps and centres in areas under Japanese administration, the entrance of the public (including visits and interviews) to the camps and centres is strictly under official control and no one is allowed to enter without the permission of the commander of the garrison or of the supervising authorities. At Hong Kong, permission of the Governor General is required. A foreigner wishing to enter a prisoner of war camp or internment camp must obtain the permission of the War Minister, or of the supervising authorities in case of civilian internment camp. Even a soldier is not allowed to enter without due cause. Such being the case at the prisoner of war camps and civil internment camps under the supervision of the Japanese authorities, no such incidents as are complained about by the United States Government have ever occurred.

(6) With reference to 8 of the American protest the United States Government state to the effect that the Japanese Government refused to provide health sustaining food to the prisoners of war held by them or did not permit the United States to make regular shipments in a continuing basis under appropriate arrangements of supplemental food and medical supplies and, because of this, the prisoners of war are suffering from diseases resulting from malnutrition and deficiency. On the contrary, the Japanese Government are providing the prisoners of war with food, which is exactly the same as the food for their own reserve army troops in respect of both quantity and quality. Moreover, the authorities

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are giving specially considerate treatment to the prisoners of war, by supplying them for example with European meals and thus taking the national or racial customs of prisoners into special consideration. The conditions of health of the prisoners and the labour performed by them are watched with special care and measures which are considered best are being taken in supplying food to them.

The United States Government regard the deficiency diseases as common throughout Japanese internment camps, and comparing the health conditions of internees at Shanghai and in the Philippines, state that these diseases are relatively less common among the internees at Shanghai on account of presents sent in for them from the outside whereas deficiency diseases prevail among the majority of American prisoners of war in the Philippines. As regards the protest of the United States Government relating to the conditions in the Philippine Islands, as mentioned at length in the reply of the Japanese Government dated April 24th 1944 sent in response to the protest of the United States Government which was forwarded by the Swiss Minister in Tokyo on December 23rd, 1942, the best efforts were made to procure and furnish food at the internment camps at Santo Tomas in the Philippines, Davao and elsewhere, despite the difficulties encountered by the Japanese Army.

That the food supply of the American army was inferior and general sanitary and health conditions had already reached a precarious state at the time the Japanese army occupied the Philippine Islands is evident by the reports of enemy army-surgeons which have come into the possession of the Japanese army. The following is a resume of the said record relating to health conditions that prevailed:

Condition of illness of American soldiers in Bataan Front due to malnutrition after the ration was reduced to two meals a day toward the end of January, 1942.

(a) Field Artillery Corps

Due to vitamin deficiency diseases a certain number of the soldiers has shown the symptoms of paralysis and dropsy of the legs. Their eyes and eyelids were swollen up. The soldiers began to eat covetously various wild plants; some have eaten by mistake noxious plants. Their daily ration was estimated at less than 1500 calories and the soldiers who performed heavy labour lost gradually their vitality.

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(b) The Second Field-Artillery Regiment

Many men's faces turned pale and haggard, suffering beri-beri. Their legs were swollen up due to under-nourishment.

(c) The Flying Corps

Among the soldiers some had the legs swollen up and the haemorrhage of the gums. Generally the body-weight decreased. Two-third of the soldiers became ill because of malnutrition. Toward the end of March some had eaten coupon-nut and bataan-nut. Those who have eaten the first were subject to attacks of vertigo while those who have taken the latter suffered from diarrhoea. Even though they realised the dangerous consequences they have not ceased to eat them as the result of lack of provisions.

(d) Field-Hospital

Soldiers who were admitted to the hospital were suffering from malaria or looked pale and haggard while many of them had their lower thighs swollen up due to the lack of proper nutritions.

Furthermore according to the investigation by the Japanese authorities it was found that in the Field Hospital of American Army near Cap Carben there were about 6000 patients of American and Filipino soldiers on the day of their surrender. The American Army authorities forcibly ejected from the hospital the Filipino soldiers who were dangerously wounded and seriously ill with malaria by reason of food shortage. Many Filipino soldiers suffered death soon after.

From these facts, it is clear that prior to their capitulation, the health conditions of the American army had already reached a precarious state owing to malnutrition and general decline of health, prevalence of beri-beri, malaria, etc. The situation was made worse still by the tactics adopted by the American army of burning, destroying and reducing to ashes all the food and medical supplies that had been stored. Under the war-conditions at that time, the Japanese army itself was short of reserve food; the number of American prisoners of war exceeded by far the original expectation; civilian people in general were also short of food supply so that food could not be obtained from them. In these circumstances, it was inevitable that food supply for the prisoners of war captured by the Japanese Army would be insufficient and medical treatment for them could hardly

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... as would be desired. In spite of all these difficulties, the authorities of the Japanese Government did their utmost to provide for the prisoners of war. The remarkable improvement made in health conditions of the prisoners of war in the Philippine Islands thereafter is clearly traceable by the reduction of death cases among the prisoners of war during 1943. Of approximately 10,000 American prisoners of war in all of the Philippine Islands in 1943, the number of deaths was 168. In November of that year, there was only one case of death.

The United States Government compare the situation in the Philippine Islands with the health conditions of the internees at Shanghai. At Shanghai even enemy-aliens are living peacefully under the protection of the Japanese authorities, but on the other hand, in the Philippine Islands they were subject to the atrocious tactics adopted by the American Army of reducing all to ashes. The Japanese Government cannot but express utter astonishment when the United States Government close their eyes to these facts and venture to censure the Japanese Government, ignoring all the efforts made by the authorities of the Japanese Government and holding Japan responsible for all.

As regards the relief supplies mentioned in the protest of the United States Government, the Japanese Government gave permission to the International Committee of the Red Cross for the reception of the relief articles of approximately 10,000 tons forwarded by the American Red Cross Society on two occasions by the Japan-America exchange vessels. Permission was also given for delivery of these articles to every prisoner of war camp and civil internment camp.

The difficulty of granting further permission for transportation of relief supplies by vessels of neutral powers through the maritime areas of war operation under present conditions of war has already been communicated to the United States Government. At the same time the Japanese Government are at present seriously studying to solve the question, and the Japanese Government have not at all refused the shipment of relief supplies, as has been alleged by the American authorities.

(7) With reference to 9 of the American protest the United States Government state to the effect that the Japanese authorities turned to improper and prohibited uses the profits from the sale of goods in camp canteens instead of devoting them to the welfare of the persons held in the camps. On the contrary the following is the actual handling of profits from the sale of goods in camp canteens according to the investigations carried out:

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(a) The profits from the sale of goods in camp canteens at each prisoner of war camp are being used for the welfare of the interned prisoners of war by their representatives at each camp.

(b) At civil internment camps in Japan Proper, no camp canteen has been set up, because, the number of internees being small, it is more convenient to allow them to purchase from the outside whatever they desire than to store materials in the canteens; hence no question of profits arises.

(c) The protest of the United States Government is irrelevant to the prisoner of war camp at Hong Kong because there the articles sold to the war prisoners are sold at cost price and no profits accrue. According to the report of Mr. Egle representative of the International Committee of the Red Cross at Shanghai who visited the prisoner of war camp at Hong Kong in July 1942, "Conditions of living quarters, of food and clothing, camp canteen, sanitary corps, dental treatment, amusements, provisions, library, observance of religious rites, etc., have been found to be quite satisfactory. The interned prisoners expressed gratitude to the authorities for their kind treatment". The Japanese Government regret that the United States Government have raised a protest distorting the measures taken by the Japanese authorities in favour of the prisoners interned and ignoring such facts as are mentioned above.

(8) With reference to 10 and 11 of the American protest the United States Government protest to the effect that contrary to the specific undertaking of the Japanese Government, the detaining authorities compelled civilians to perform labour other than that connected with the administration, maintenance and management of internment camps; and officers in prisoner of war camps were forced to labour, and non-commissioned officers to do other than supervisory labour. There is also a statement to the effect that prisoners of war were required to perform labour that had a direct relation with war operations. As already communicated to the Swiss Legation in Tokyo by the verbal notes of January 28 and February 4, 1943, regarding intentions with respect to the performance of labour by prisoners of war, the Japanese Government are having prisoners of war perform labour which involves no danger in industry, civil engineering, mining and transportation; they are also performing labour which has no direct relation with war operations. Civilian internees are not required to perform labour other than that connected with the administration, maintenance and management of internment camps.

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As regards the incident alluded to, by the United States Government, of civilian internees forced to repair machinery without remuneration in the Philippines, no such incident occurred according to the investigation carried out by the Japanese authorities. The information must be due to some misunderstanding. At prisoner of war camps, needless to say, no officer prisoner is forced to perform neither labour nor manual labour, since there are always soldiers on duty who perform the personal errands of the officers to whom they are detailed.

Though it is claimed that ten American engineers were required to assist in rebuilding the military installations in Corregidor Island in 1942, an investigation has clearly brought out the facts that the work of clearing away and putting in order the locality such as Corregidor, did require the assistance of expert engineers who are familiar with the locality. It was not, however, in the least in the sense to assist in rebuilding any military installations. Their service was required in directing the work of clearing away or putting in order damaged or destroyed buildings and roads, only to such an extent that it could be regarded as ordinary labour and this cannot be claimed to have a direct relation with war operations. It is also protested that American prisoners of war were made to work in a machine tool shop in the arsenal at Mukden, but this is due to some misinformation. The plant where prisoners of war worked was an ordinary factory with no relation whatever to the arsenal.

(9) With reference to 12 of American protest the United States Government charge that medical care has in many instances been denied to prisoners of war and civilian internees, and when given has been generally so poor as to cause unnecessary sufferings and deaths, adding that conditions of health of prisoners of war in the Philippines Islands is deplorable. As has been explained above under the section (6) relating to rations for prisoners of war, the inadequacy of food and medical supplies for the prisoners of war captured by the Japanese forces in the Philippines was absolutely unavoidable owing largely to the action of the American forces who in pursuance of their "scorched-earth" tactics had burned vital commodities, to the war situation which rendered difficult for procuring food and medical supplies even for the use of Japanese armies, and also to the unexpectedly large numbers of American soldiers surrendered which caused further drain on the provisions on hand. In any case, the general state of health of these prisoners of war at the time of their capture, had been already extremely poor as shown by the reports left by American army surgeons.

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The Japanese authorities are paying proper attention to the health of all prisoners of war and taking appropriate measures including monthly health medical examinations and vaccinations and preventive injections, and recesses for those engaged in labor. As regards food, the daily rations provided war prisoners by the authorities concerned are being criticized as being far too good both in quality and quantity as compared with the food generally available. In the Philippines, Epidemic Squads were organized in 1942, to which was assigned the task of preventing contagious diseases, resulting in a notable improvement in the general conditions of health among the prisoners and in the reductions of deaths as is pointed out under the above mentioned paragraph (6). All these are entirely due to the devoted services of the medical corps of the Japanese armies. The American Government charge that certain internees in the civilian camps at Shanghai and in Japan proper were made to pay for their own medical care and hospital expenses. At all the internment camps the authorities have taken measures for proper medical care, and for hospitalization free of charge. However, in case any internee requests for a physician and hospital of his own choice, the request is granted on the condition he pays the costs on his own account. Accordingly, it is quite proper that those at Shanghai and in Japan proper, who chose their own hospitals and doctors, should have paid the costs on their own accounts.

(10) With reference to 13 of the American protest the United States Government state that the Japanese Government have reported names of only a part of the American prisoners of war and civilian internees and of the American Combatants found dead by Japanese forces. Immediately upon the outbreak of the War of Greater East Asia the Japanese Government established the War Prisoners Information Bureau, to which has been assigned the task of exchanging information regarding prisoners of war, conducting investigations, compiling individual cards, and transmitting names. The Japanese Government are attaching great importance to the reporting of the names of the war prisoners and internees in their hands, and have been exerting special efforts in that direction. As fast as individual cards are filed, the names entered thereon are being cabled regardless of nationality to the Central Agency of the War Prisoners' Informations at Geneva. By the end of March, 1944, the number of the names so reported exceeded 135,000, including more than 25,660 of American nationality. Further reports will continue to be made hereafter.

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(11) With reference to 14 of the American protest the United States Government charge that the Japanese Government have not permitted internees and prisoners of war freely to exercise their religion. Religious freedom is recognized by the Japanese Government at all the War Prisoner Camps and internment camps.

While it may be true that at some camps during the first few weeks the incompleteness of the necessary facilities, the absence of ministers or priests and other circumstance rendered it difficult to hold religious exercises, the Japanese authorities nowhere ever prevented intentionally the free exercise of religion by prisoners of war and internees. In fact, they are being afforded special facilities in this respect, as for instance, in the Tokyo War prisoner camp and internment camp where wine and bread for holy communion are allowed to be sent in and priests from outside are admitted in compliance with the request of the Vatican delegate, for administering the last rites to those of the Roman Catholic faith. In the Philippines, the Japanese Camp authorities are according the inmates such treatment as is suitable to their habits and manners beside respecting their persons and recognizing their complete religious freedom. Those instances alleged by the American Government to having taken place at Camp John Hay and in French Indo-China appear to be based upon erroneous reports.

(12) With reference to 15 of the American protest the United States Government protest against the non-posting of an English text of the Geneva Convention at the camps. The Japanese Government, as they are not applying the 1929 convention exactly as it stands, have not posted the text of the said convention. But they will be prepared to post the rules and regulations concerning the treatment of war prisoners which they have promulgated in accordance with the 1907 Convention relating to law and custom of land warfare at all the camps for war prisoners and for civilian internees.

(13) With reference to 16 of the American protest the United States Government allege that Japanese Government have failed to provide adequate equipment and accommodations in prisoner of war and internment camps and transports, and forced them to subsist in inhuman conditions. The allegation is utterly unfounded.

It is the policy of the Japanese Government to provide prisoners of war with such shelter as will ensure health and sanitation as far as possible. American prisoners of war

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are being housed in buildings free from damp, properly lighted and heated, with sleeping quarters which are in respect of space, ventilation and other accommodations, entirely the same as those for Japanese army. The report by the representative of the International Committee of the Red Cross who have inspected these places, points out that these American prisoners of war are being placed in proper buildings fully adequate for the purposes of health preservation.

The American note cites instances in the Philippines Islands. The conditions in the Philippines during the early days of Japanese occupation have already been described under (6) and (9). According to the investigations conducted by the Japanese Government into the matter of transportation of prisoners of war, all the American War prisoners, about 200 in number, who were captured in the vicinity of Ilinay during the days, May 10-20, 1942, were, after being given food, transported in automobiles and under the supervision of Japanese Officers to the temporary prisoners of war camp. Again some two hundred Americans, who surrendered during May 12-20, in the same year, were all sent to the temporary camp at Jalanga in motor trucks for sanitation after they had been duly provided with food. American civilian internees in internment camps at Baguio and elsewhere in the islands are all grateful to the treatment accorded by the Japanese authorities.

As regards the alleged confiscation by Japanese guards at Weihenstephan Internment Camp of the refrigerators belonging to American internees, the fact of the case as have been brought to light as the result of official investigation is merely that the household refrigerators some internees brought with them were used for the benefit of the entire camp.

(14) With reference to 17 of the American protest the United States Government protest against the non-application by the Japanese Government of the provisions of the 1929 Geneva Convention with regards to trial and punishment of prisoners of war. The views of the Japanese Government relating to the punishment of war prisoners have been communicated and fully explained in their notes of February 17, and of March 3, 1943, addressed to the Swiss Minister in Tokyo.

(15) With reference to 18 of the American protest the American Note Charges the Japanese authorities with inflicting corporal punishment and torture upon American nationals, citing a number of instances alleged to have occurred in the Philippines. As has been repeatedly stated, it is the policy of the Japanese Government to accord a fair and equitable treatment to all prisoners of war, and in pursuance of that

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policy the Japanese authorities concerned are devoting their best efforts to the handling of the war prisoners, and paying the most careful attention to every detail so as to ensure the disposition of all matters under strict military discipline.

The instances cited in the American note all go back to the early days of Japanese occupation of the Philippines. The investigations which have been conducted under difficult circumstances owing to the lapse of time since the alleged events occurred, have not so far brought out any result which substantiate those allegations.

III. Protest of the Japanese Government against cases of ill-treatment by the American authorities of Japanese held by the authorities of the United States Government.

(1) The United States Government stated that when the representatives of the protecting powers for Japanese interests in the United States visited the internment camps and Relocation Centers where Japanese nationals were held, the representatives have spoken at length without witnesses with the Japanese internees and evacuees and fully inspected the places; but such was not the case. At a large number of Internment Camps and Relocation Centers the interview of the representatives of protecting powers for Japanese interests took place in presence of camp authorities and officials of the State Department, etc., and the representatives were able to inspect only such places as would raise no question and could not visit all parts of the camp. When visiting the Internment Camp at Sand Island in Hawaii, for instance, the representatives were generally not allowed to converse with the internees at all, but could only interview their representatives. Moreover, the said interview took place in the presence of the authorities of the internment camp, the army authorities, etc., and the questions raised by the internees were severely restricted.

(2) The authorities of the United States have not improved the treatment despite the fact that complaints have been made by Japanese internees and have not permitted to forward their complaints when they wished to appeal to the representatives of the protecting powers. There are numerous instances of punishment, or threats thereof, inflicted on those who have complaints.

At the temporary camp at Ellis Island, the person who made complaints concerning food on behalf of all inmates was punished, being designated as "detainee for the

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duration of war" and he was sent subsequently to Fort Missoula. In July, 1942, when the Japanese internees at the Lordsburg Internment Camp had their delegates complain about labour, other than that connected with the internment camp, which they had been forced to perform, the delegates were either placed under confinement or forbidden thereafter to leave the building of the internment camp. And not only that, they were forbidden to buy things at the camp canteen. The authorities of the Livingston Internment Camp decreased the amount of food of those who raised complaints about labour. At the Fort Missoula Internment Camp also the authorities placed under confinement those who made complaints.

(3) As regards the supply of clothing, the authorities of the United States did not supply enough winter clothing to the Japanese nationals transferred from Hawaii to the snow-covered McCoy Internment Camp, and thereby exposed the interned Japanese to the severe cold.

(4) The United States authorities confiscated from every internee Japanese books, printed matter, metals (including cameras, fountain pens, cigarette lighter, watches, cuff-buttons, badges, travelling knife and fork, coins, etc.), rubber wares (including the eraser attached to pencils), diapers for infants, drugs, canned food (including vegetables in tin boxes intended for children and canned milk for feeding infants) etc.

In confiscating personal effects, strict inspection was enforced. For instance, at the temporary camp at Ellis Island, for a period of three days from June 7, 1942, the officials of Federal Bureau of Investigation and customs officers inspected the personal effects of the passengers of the exchange vessel without the least concern about the damage caused thereby, thus forcibly opening watches and damaging them; cutting the label of coats and undoing the seams; cutting or tearing belts, etc. Not only they completely undressed the repatriates but also carried on a thorough search even inside their hair. Adhesive plaster applied to cuts or wounds were ripped off. Women were also subjected to severe physical examination, and confiscation was carried out but not on a few occasions no receipt was issued for articles confiscated.

(5) The Japanese civilian internees and spouses have been subjected to insults and public curiosity.

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Immediately after the outbreak of the war, one of approximately two hundred Japanese interned at Sand Island having happened to carry a small knife made by himself, the authorities of the camp made a thorough search of all the internees. In carrying out the search, the Japanese were lined up and left stark naked for two whole hours.

The wife (of British extraction) of Mr. Tanaka, Manager of San Francisco branch of the Nippon Yusen Kaisha and their daughter were forced to remove all their clothes and were examined at the temporary camp at Ellis Island in 1943.

A staff member of the Japanese Consulate at Los Angeles, while being transferred from Fort Missoula to White Sulphur Springs in April 1942, was forced to ride an ordinary coach despite the fact that he was suffering from illness and moreover, was handcuffed by the immigration officer who accompanied him, and chained to the bed even while sleeping and thus was treated like a criminal before the eyes of other passengers.

(6) Japanese nationals interned in the United States are not often receiving food either in quality or quantity necessary for the maintenance of health.

The food for the internees at the Fort Missoula Internment Camp was being provided at 30 cents per head per day. At the Kennedy Internment Camp, food was to be provided at 51 cents per head per day, but the authorities of the said camp, as the Director of the camp admitted, kept back 10 cents and food was actually provided at 41 cents. The Japanese residing in Virginia were imprisoned, when the war broke out, in a negro prison and were subjected to the same treatment as negro prisoners in respect of food and other matters. Not only was contact with the outside forbidden, but nothing was permitted to be sent in from the outside. At the Fort Missoula Internment Camp, the authorities refused to transmit to the internees the drugs sent in by their families, with the excuse of prevention of the use of poison, and the result was that those suffering from chronic illness had difficulty in recovery. Japanese nationals interned at the internment camps at Upton, Ellis Island, Livingston, and Sand Island suffered from weakening eyesight, their weight decreased, and the number of people requiring eye glasses increased on account of malnutrition.

(7) At the Livingston Internment Camp, a large portion of the profits made by sales at the canteen was spent for purchasing second hand car for the use of the officers guarding the camp and also for repainting it.

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(8) The Japanese interned at the internment camps in the United States have been forced to perform labour other than that connected with the administration, management and maintenance of the camps.

At the Lordsburg Internment Camp, the United States authorities forced Japanese nationals to engage in the transport of gravel and road repairing outside the camp, transport of duty cans and scrub iron to the railway station, cleaning of toilets in the guards' barracks and in the recreation hall. One of the soldiers forced the Japanese to perform labour under the blazing sun at the point of the gun, threatening to kill if they dared to take a rest.

At the Livingston Internment Camp, the Japanese were forced to cut grass outside the camp and also to engage in the work of levelling the ground adjacent to the camp for the construction of an aviation field. At Fort Missoula, the authorities, claiming that the Japanese were duty-bound to work without compensation, obliged the Japanese to engage in laundry work for approximately one thousand persons interned in the camp including Italians. Furthermore, they obliged the Japanese to clear the stable of the camp authorities and to engage in the construction of a Japanese garden and swimming pool for Americans not connected with the camp, threatening the Japanese internees that disagreeable consequences would ensue if they should refuse to work.

The authorities of the Santa Fe Internment Camp forced the Japanese over their protest to engage in building work that had been delayed on account of a strike.

The Japanese internees at Sand Island were forced to engage without compensation in the work of putting up tents for the interned Germans and Italians, building fences, planting vegetables and performing laundry work for American officers and men.

The Japanese who were handed over to the United States army by the authorities of Panama at the outbreak of the war were subjected to cruel treatment, being obliged to perform the work of transporting square timber, sharpening and resharpening saws, digging holes in the ground for water closets, mixing gravel with cement and so forth. The internment authorities let the Japanese dig a hole and then fill it again immediately, or let them load a truck with mud with their bare hands using no tools. Neither drinking water nor any rest was allowed. 3 - 5 days who were exhausted and worn were beaten or kicked and all this lasted over a month.

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(9) The United States authorities subjected the interned Japanese to and to work directly connected with war operations.

The authorities of the Livingston Internment Camp subjected the Japanese to the work of removing stumps in the military aviation field, infested with poisonous snakes adjacent to the United States military barracks.

The authorities of the Landsburg Internment Camp forced the Japanese to engage in the digging of trenches and transport of the cases containing rifles and cannon shells.

In May, 1942, the Director of the War Relocation Authority put the Japanese to the work of manufacturing camouflage nets for military use and threatened them with decreased food allowances or worse of treatment in the event that production is not increased.

At the Sand Island Internment Camp, the Japanese were forced to engage in the dangerous work of digging out from the ground unexploded shells of anti-aircraft guns beside digging trenches. In enforcing the performance of the dangerous work, the United States authorities took no proper measures to forestall possible injury or to minimize the risk.

(10) The United States authorities have provided no medical treatment to the interned Japanese. Not only are the medical provisions at internment camps and relocation centers generally imperfect, but the medical staff and pharmaceutical provisions are so defective and deficient that they have caused unnecessary suffering to the patients and have even resulted in deaths as a consequence.

The United States authorities permitted Susiechi Uchi in Los Angeles who has received an injury in his right eye no time for treatment. They interned him first at Tule Lake, transferring him next to the internment camp at Santa Fe but not allowing him to receive treatment in the meantime, with the result that the man eventually lost his eyesight completely.

One Uchi was gravely ill when he was handed over to the American authorities in Panama, but the authorities gave him neither medical treatment, nor liquid nourishment which was all he could take. His wife requested that he be taken into the Panama Hospital but the request was not heeded, and he was sent on to Fort Sill in April 1942 together with other Japanese internees. As no nurse was

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provided at the new camp, his fellow internees looked after him, but no medical treatment having been given, he finally died on Apr 1.

(11) The United States Government have sent neither a list of names nor any detailed official communication concerning the interned Japanese who have been shot to death or died of accidents; nor have they forwarded any precise and complete list regarding all of the interned Japanese. Whereas the total number of prisoners held at relocation centers in the United States amounts to approximately one hundred thousand, the names communicated only recently to Japan are no more than six thousand.

(12) As regards free exercise of religious rites, in July 1942, while Japanese nationals interned at the Lordsburg Internment Camp were observing ceremonial rites in the dining hall, several guards with bayonets in their hands broke into the hall before the ceremony was over and drove out all the participants.

(13) At the Internment Camps in the United States, neither the text, nor Japanese translation, of the International Convention of 1929 relative to the treatment of Prisoners of War is posted. In spite of repeated requests of the interned Japanese to the holding authorities for access to the text of the Convention, they were not able to receive the text for a period of from half a year to a whole year after their internment.

(14) At the Internment Camps, temporary camps, and Relocation Centers, and for transport facilities etc. in the United States, there is no adequate equipment or accommodation and the Japanese have been subjected to inhuman treatment. At the detention place of University Station in Los Angeles, thirteen Japanese were jammed into a room which could admit only two persons. Only prisoners' clothes could be had and they spent a whole day and night there without bedding and without food. The Japanese in that city were interned in the Lincoln Heights Jail and were left there under confinement in cells for a period of two weeks.

At the Internment Camp at Sand Island, meals were always served outdoors on the lawn regardless of weather, rain or shine, but the internees on being transferred thence to the American mainland were herded into the bottom of the boat which was severely guarded with iron nets on all sides and locked. No water was given even for washing one's face.

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The Japanese who were transported from Panama to the United States were also jammed in the bottom of the boat filled with offensive smells. The women's toilets at the Minamur Relocation Center were so imperfectly constructed, having no partitions between one toilet and another. The American Catholic nuns who visited the camp noticed this and protested.

(15) The authorities of the United States maltreated Japanese nationals and inflicted punishment on them without trial or contravention of the principles of humanity.

(a) At the Internment Camp at Fort Grease Road, Japanese nationals are forced on wises to salute the American flag day after day, but in March 1943, one Uchida was placed in solitary confinement on the charge that he failed to attend the saluting ceremony and was given only water and bread for three days and nights. In May 1942, a guard at Fort Sill, seeing Minzaburo Oshima who had become insane as a result of insomnia, approaching the barbed wire fence, was on the point of firing at the man, when a Japanese who saw this cried out: "Don't fire! He is insane." Despite this warning, the guard shot Oshima to death.

In April 1943 at the Tule Relocation Center, one Nakase was shot to death on pretext of not responding to the guard questioning him.

In July 1942, Shiro Obata (53 years), a patient of pulmonary tuberculosis and Taira Isomura (56 years) suffering from spinal disease while being transferred from the Bismarck Internment Camp to Lordsburg Camp with other internees, parted company from the other internees on account of their illness and inability to walk and were left to death by the guards who had escorted them, on the pretext that they had attempted escape. An American soldier who had witnessed the incident and rejoined the company immediately afterwards remarked to the Japanese internees: "Had I been the guard escorting the two men, I would not have shot them to death."

A Japanese in Los Angeles who had received an operation for cancer in the stomach and was still in such a condition that excretion had to be effected by means of a rubber tube run into the abdomen was interned by the United States authorities who permitted him no opportunity for receiving treatment with the result that the man finally died.

Shigefichi Kozumi had received an operation for cancer in the rectum and was in a grave condition but he was transported from his bed to Fort Missoula for internment. During the train trip of three days and nights, the man was treated indiscriminately like an ordinary healthy person and as a result finally died.

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One Nakamura was assaulted by policemen at a police station in Los Angeles and several of his front teeth were broken. He was subsequently interned in the Internment Camp at Fort Meade. The authorities of the camp attempted for some time to sign a document stating that the assault was the result of his own fault, but when he declined to write his signature, he was again assaulted and then placed under confinement.

At the Internment Camp at Fort Lincoln likewise, a Japanese was beaten and kicked by the inspecting officers and two of his front teeth were broken. Many similar incidents occurred at other internment camps in the United States.

(b) In the Philippine Islands, the United States authorities resorted to extreme violence and maltreated all Japanese nationals as described below:

In Manila, at the outbreak of the war, the United States authorities carried out a wholesale arrest of Japanese nationals, broke into their private residences and shops and plundered money and various other articles. Arrests were made indiscriminately irrespective of whether the person was old, young or invalid. People were all bound with rope and taken to places for internment. Countless numbers of persons were beaten and kicked. Those who were arrested at other than their own homes were prevented from having sent from their homes daily necessities, such as changes of clothing. The internment quarters consisted of only three rooms of approximately each four hundred square metres and at least three thousand five hundred persons were confined therein. The rooms were not only overcrowded, but there were neither chairs to sit on nor bedding to sleep in, the internees sleeping on the bare floor. Neither food nor even a drop of water was provided for them. Later they were transferred to houses provided by Japanese commercial establishments for their employees, but congestion was by no means eased. Finally provisions were brought from Japanese owned warehouses and consumed. Of these internees two hundred seventy people were interned in the Bantay-lupa Prison. For two whole days, these people were subjected, at the point of machine guns to the mindless labour of digging holes in the ground and then filling them up again and of carrying water up steep hills after having willfully stopped the city water supply. Any one daring to take a rest was struck on the head with oak clubs. The same people were forced also to clean the kitchen and toilet of the

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guards' office and to repair the road outside the prison compounds. For nearly a fortnight, no vegetables were supplied, and though thereby cases of sickness occurred no medicine was to be had. Neither treatment by one of the interned Japanese doctors nor by hospital physicians was admitted and finally deaths ensued.

On the night of December 23, 1941, as the electric wire in front of the Japanese Consul General's official residence in Manila caught fire, the American troops watching the area commenced to fire at the Consul, claiming that it was the work of the staff members of the Consul General. They were killed to escape from the danger.

The Japanese residing at Davao, numbering eighteen thousand were placed under confinement en masse at the outbreak of the war and subjected to excessive labor by the American military forces, living in air-raid shelters and trenches day in and day out. The accommodation at the internment camp was totally inadequate. Particularly lacking in facilities was the Central Primary School where approximately two hundred Japanese were interned in the outdoor playground. There they were left in mud and mire under a heavy downpour of rain for four long days. During these four days, no food was given during the first two days. From the third day, a handful of uncooked rice and a meager amount of salt were handed out as the day's ration but the recipients had to pay for all he received. The camp was surrounded with iron fences and machine guns. The latter were manipulated to intimidate the internees and in the course of their intimidating manipulation, no less than three Japanese were shot to death. Of the two thousand four hundred Japanese again interned in the Japanese Primary School, a large number suffered outrageous acts and violence perpetrated by the American soldiers. On December 20, American soldiers commanded by American officers brutalized the Japanese nationals who had been interned at the Davao Internment Camp, poured boiling water on the victims, cut their ears off, gouged out their eyeballs, sliced off the tips of their noses, amputated their arms, mutilated their legs and executed after committing this sort of inhuman savagery. The number of Japanese victims tortured and shot to death by the American soldiers during the period of internment rose to as many as fifty six.

IV. The unjust actions taken by the American Government toward Japanese subjects.

(1) Unjust actions toward Japanese nationals in internment camps and relocation centers.

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(a) The American Government forced the hundred thousand Japanese subjects and American citizens of Japanese origin to move into the interior from the Pacific coast States upon an extremely short notice, causing them thereby to lose at one stroke livelihood, property and positions they had won through years of labor, and to suffer immense losses. More recently it is reported that the American military authorities have been empowered to remove Japanese nationals to the interior 300 miles from the Atlantic coast, and that already Japanese residents of Virginia have been ordered to move to Philadelphia, so that these Japanese are also faced with the same fate as those on the Pacific coast. The Japanese Government protest to the American Government against these unjust actions, and at the same time reserves all their rights to make such demands as they may see fit to make upon the American Government.

(b) Since February, 1943, the American authorities subjected Japanese nationals in the various relocation centers to inhuman questionings asking them whether or not they would renounce their allegiance to Japan, or they would take part in the American national defense in case the United States was attacked by an external enemy. Moreover, the American authorities intimidated the Japanese nationals, threatening that those professing allegiance to Japan or desiring to return to Japan would be considered as being disloyal to America and as such they would be segregated, as a measure of punishment, in the special relocation centre at Tule Lake where they would be given a treatment worse than at other centres. Moreover, armed soldiers intervened in connection with declarations of Japanese evacuees whether they would swear allegiance to the United States. Thus, the American authorities exerted undue pressure upon Japanese nationals in their expression of conscience, and likewise in their free choice of the decision as to their repatriation under the Exchange Agreement. At Tule Lake where those "disloyals to America" had been segregated, a disturbance broke out owing to negligence on the part of the American authorities in regard to provisions for evacuees whereupon the American authorities used tanks and machine guns to intimidate the evacuees. According to later reports, it still appears to be the intention of the American authorities to cause Japanese subjects to renounce their allegiance to their home country. The Japanese Government solemnly request the American Government to cease such inhuman actions and to make no discriminations in treatment on account of the attitude of the evacuees regarding the question of conscience.

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(c) The internment camps and relocation centers in the United States are surrounded with barbed-wire fences, equipped with watch towers, and posted with armed soldiers, which is not the case with those maintained by the Japanese Government. The above-mentioned American guard system is a source of considerable apprehension and alarm to the Japanese internees and evacuees. In fact, as stated under III in the present note, there have been victims of illegal shooting by these soldier-guards namely, two at Lordsburg, two at Fort Sill and one at Topaz. Unfortunately, such incidents continue to occur despite the repeated protests by the Japanese Government. On December 1, 1943 one evacuee at Hilla River relocation center, was shot and wounded, and at the same place and during the same month three more men were fired at. According to certain information, the Japanese Government understand that there is no basis in the American law for the posting, as it is actually done, of armed guards at relocation centers and the firing at internees or evacuees. Moreover, those Japanese inmates had not been warned of the risk of being fired at in going near the barbed-wire fence. And in all cases, there was no evidence to prove that any of the victims had intended to escape, and the firing by the soldier guards was clearly illegal. Nevertheless, they have been all unpunished. The Japanese Government demand that the American Government properly punish the culprits, and take such measures as will remove the apprehensions on the part of the Japanese nationals in internment camps and relocation centers and ensure the safety of their lives, and thereby forestall the reoccurrence of similar incidents. Furthermore, the Japanese Government reserve all their rights to make such demands as they may see fit to make regarding each of the above-mentioned cases.

(d) Unjust treatment of Japanese subjects in central and South America.

The American Government exerted pressure on the Government of Panama and caused to send to America all the Japanese nationals residing in the republic, and moreover these Japanese are being mistreated by American authorities, as has already been stated. The Peruvian Government also at the instigation of the American Government resorted to the inhuman act of removing to America some 1,000 Japanese nationals engaged in peaceful pursuits in Peru, and causing them to lose their property and to break up their families. As a matter of fact, the Peruvian authorities let it be known that the initiative for the measure

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was taken by the American Government. Accordingly, the Japanese Government has protested against the inhuman action of the American Government. Nevertheless, in view of the fact that the deportation of Japanese nationals from Peru to the United States is still being continued, the Japanese Government are constrained to demand the immediate suspension of such action even from the humanitarian point of view."

Please accept H. le Ministre, the renewed assurance of my high esteem.

(L.S.) Minister of Foreign Affairs

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Ref. No. "HI" /CONFIDENTIAL/No. 224.

To His Excellency,
OMER GORGES,
ENVOY EXTRAORDINARY and MINISTER PLÉNIPOTENTIAIRE for SWITZERLAND.

Excellency:-

I hereby have the honour of addressing you in writing.

Following my letter No. 97/C-1, dated April 26th whereby, in reply to the protest of the UNITED STATES Government in regard to the treatment of U. S. POWs and Internees within the jurisdiction of the Empire (the Imperial Government) replied to you in detail on the basis of the results of their investigations, we are now in receipt of the following additional data regarding conditions at the POW and Internment Camps at SHANGHAI, CANTON, HONGKONG, JAPAN, and the PHILIPPINES, and beg to send same to you herewith with the request that same be kindly transmitted to the UNITED STATES Government.

I beg to take this opportunity of reassuring Your Excellency of my respects.

Dated the 16th day of August 1944.

(Official) /s/ MINERU SHIGEMITSU,
(seal of) MINISTER FOR FOREIGN AFFAIRS
(FOREIGN)
(MINISTER)

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In regard to the treatment of the American prisoners of war and civilian internees within areas under Japanese administration, the Japanese Government replied in detail to the United States Government under date of the 28th April last. As further information has since been received from the Prisoners of War Camps and Internment Camps in Shanghai, Canton, Hongkong, Java, and the Philippines concerning the manner of treatment accorded, some particulars thereof which it is considered will supplement the above-mentioned reply of the Japanese Government are given below:

CHAPTER I. The Treatment of Prisoners of War at the
Camps in Shanghai

(1) Petitions of Prisoners of War.

It is provided that prisoners of war may make petitions to the camp authorities in accordance with the regulation which is in force.

(2) Clothing for Prisoners of War.

Prisoners of war are provided with clothing of the same quality as that of Japanese soldiers, and are also permitted to use clothing owned by them. All the clothing received from outside as relief supplies is handed over to them.

(3) Permission to retain Personal Effects.

Prisoners of war are permitted to retain and use such personal effects of daily necessity as toilet articles, etc. Other articles which are unnecessary or require control are kept in custody by the Camp authorities, though some of such articles, too, are permitted to be used when necessary.

(4) Food and Nutrition.

The same rate of food supplies which are provided for Japanese soldiers, as to sufficiently maintaining health, is supplied for prisoners of war. Their rations are further supplemented by relief supplies from outside.

The Camp authorities are striving to ensure the supply of variety of provisions for prisoners of war by raising cattle and cultivating vegetables on the Camp premises. They raise swine, rabbits, sheep, plough-oxen, and plough-horses, etc.

Among the prisoners of war in Shanghai, there is at present no one taken with pellagra, scorbutus, or sprue. There are only a few slight cases of beriberi, whose percentage, however, is considerably lower than among Japanese soldiers.

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The weights of the prisoners of war show an average increase of approximately four kilogrammes over those at the time of their commitment to the camp. Among them there is not a single patient suffering from a disease due to malnutrition or undernourishment.

(5) Camp Canteens.

At the prisoners of war camps in Shanghai, the management of Canteens is entrusted to prisoners of war, and the profits realized by sales are permitted to be spent for the comfort and welfare of the prisoners.

(6) Labour.

At the prisoners of war camps in Shanghai, no prisoner has ever been subjected to any labour directly related to war operations.

(7) Medical Facilities.

The prisoners of war camps in Shanghai are adequately provided with medical facilities.

(8) Observance of Religious Rites.

The prisoners of war are permitted to observe religious rites at the camp once a week, in accordance with their respective sects, and a minister of religion is invited from outside once a month. On special occasions like Easter, a Catholic father is permitted to visit the camp to conduct services in prayer and Holy Communion.

(9) Permission for Possession of the text of Treaties.

A certain number of officers are permitted to keep in their possession their own text of treaties.

(10) Letter written by a Prisoner of War.

A copy of a letter written by an American prisoner of war is attached hereto for the information of the United States Government (Annex (No.) 1).

CHAPTER II. The Treatment of Civilian Internees at the Camps in Shanghai.

(1) Visits of the Representative of the United States.
Interests to the Internment Camps.

The Swiss Consul-General at Shanghai, in charge of United States interests, visited and inspected all parts of the Internment Camps in Shanghai. He expressed his satisfaction with the accommodations of the camps.

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The Delegate in Shanghai of the International Red Cross Committee has also visited the camps since they were set up.

Both the Swiss Consul-general and the Red Cross Delegate, during their visits of inspection, spoke to the leader of each compartment and to their acquaintances among the internees.

(2) Petition of Internees.

The internees have through their representatives sometimes made petitions to the camp authorities, but none in the nature of complaint is known to have ever been made.

(3) Clothing.

As the internees brought with them plenty of clothing at the time of their commitment to the camp, it has not been found necessary to make any further supply by the camp authorities.

(4) Provisions.

In addition to the fixed rations supplied by the camp authorities, the International Red Cross Delegation is allowed to send in gifts, and authorized purveyors supply them with supplementary provisions, if desired. Moreover, the camp authorities permit the internees who volunteer for their health and recreation to cultivate vegetables and cereals on a part of the camp premises specially assigned for the purpose, and the yield so obtained is appropriated as food for the internees.

(5) Camp Canteens.

The internment camps in Shanghai being placed under the self-management by the internees, the canteens are also left to their management, and accordingly the camp authorities do not interfere in the disposal of the profits realized by sales.

(6) Labour and Comforts.

At the internment camps in Shanghai, the internees have never been forced to be engaged in any sort of labour.

The internees can enjoy reading, indoor games, open-air exercises, etc., and naturally their health condition is excellent in spite of their average age of forty-seven. Stage equipments are provided in the hall of the camp, where concerts and dramatic performances are often given. Adequate and sufficient comforts are thus secured for the internees.

(7) Medical and Other Facilities.

At the internment camps in Shanghai there are well-equipped medical offices, and sufficient attention is given to the sanitation and

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medical treatment of the internees under the supervision of a Japanese surgeon-captain and with the assistance of soldier nurses and interned physicians. Patients, when found necessary, are temporarily released from internment and sent to specially appointed hospitals outside for treatment.

The internment camps are perfectly equipped with sitting-rooms, bath-rooms, showers, kitchens, lavatories, and heating apparatus. The buildings are spacious, and gardens and play-grounds are attached thereto.

(8) The Observance of Religious Rites.

Perfect freedom is granted to the internees for their observance of religious rites.

In May, 1943, seven marriages among British, American and Greek nationals were permitted and their ceremonies were performed in accordance with their respective religions.

Among the internees there are several ministers of religion, who conduct services every Sunday.

(9) Conclusion.

At the internment camps in Shanghai, the camp authorities pay due regard to the personality of the internees and let them lead their daily life regularly. Consequently, everything is in good order, and no dispute has ever happened there. The internees act in concert with the wishes of the camp authorities, endeavoring always to cooperate in making the life of the internees happy.

A copy of a letter from Mr. Eglo, the Delegate in Shanghai of the International Red Cross Committee, is attached hereto (Annex No. 2).

CHAPTER III. The Treatment of Civilian Internees at the Camp at Canton.

(1) The Internment of Enemy Nationals at Canton.

Upon the outbreak of the War of Greater East Asia, the enemy nationals resident in Canton were prohibited from going out of their respective premises, except for the purchase of necessities of life, bank business, medical treatment, religious service, and such other purposes as the authorities deemed necessary, and for open-air exercises necessary for the preservation of health. Apart from the above, no restriction whatever was imposed upon them.

On the 5th November, 1942, nine of them, four Americans and five British, were moved to an internment camp for the civilian internees, but that camp was closed on the 25th May, 1943, and they were transferred to a civil centre newly set up.

(2) The details of Treatment of the Internees.

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At the internment camp, the internees were not only free from all restraint or restriction bearing on their daily life, but the cooking of their meals, the cleaning of their living rooms and the laundry of their clothes were all done for them by three Chinese women employed by the Japanese Army. Therefore the internees had so much of leisure hour, and some of them volunteered to gardening or ploughing on the camp premises, and there was absolutely no instance of labour being forced upon any internee.

If any internees became ill, they were permitted at once to consult a doctor and receive treatment. The camp authorities never refused them medical treatment, nor did any internee ever make complaint due to illness.

The internees were permitted to observe religious rites not only on every Sunday but also on other occasions demanded.

Since their transference to the civil centre, the internees have continued to receive a fair and just treatment, and the civil centre has been visited from time to time by the Swiss consul.

Due to the very generous treatment accorded to the inmates of the civil centre and also to their own cooperative efforts, none of them have ever been subjected to any punishment up to the present.

CHAPTER IV. The details of the Treatment of Prisoners of War at the Camp at Hongkong.

Goods had been sold at prime cost at the canteens attached to the prisoners of war camp at Hongkong, but since the 1st April, 1944, they are permitted to be sold at a uniform rate of 5 per cent profit, and the profits thus realized are spent under the supervision and permission of the Japanese authorities for the promotion of welfare of the internees. (Annex No. 3).

At the prisoner of war camp at Hongkong, since its establishment never have any school children, soldiers or civilians been permitted to visit there, except those whose visit was specially permitted by the government-general there. Nor has the curiosity of the public in regard to the prisoners of war at the camp ever been allowed to be satisfied.

CHAPTER V. The details of the Treatment of American Prisoners of War and Civilian Internees at the Camps in Java.

The American prisoners of war (one hundred and seventeen, out of whom nine are officers and one hundred and eight are non-commissioned officers or privates) and civilian internees (thirty-nine) in Java are all receiving a fair and just treatment, as stated below.

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(1) Petitions of Prisoners of War.

The senior officer among the prisoners of war and the chairman of the self-government committee of the civilian internees enjoy the privilege of making petitions and stating complaints to the camp authorities, and no punishment has ever been inflicted or threatened to be inflicted upon complainants.

(2) Clothing.

The prisoners of war was supplied with necessary clothing, and the civilian internees are permitted to use clothing of their own. The question of clothing is comparatively simple in this tropical region where there is no seasonal change.

Those of the prisoners of war who are engaged in bodily labour are always supplied with straw hats and sporting shoes.

(3) Personal effects.

The prisoners of war and civilian internees are allowed to retain and use their personal effects for daily use as far as circumstances permit. They are permitted to possess personally certain amounts out of their own money, the remainder being deposited with banks on their respective accounts.

(4) Provisions.

As the American prisoners of war and civilian internees are unaccustomed to rice, they are supplied with bread. Fruits are plentifully rationed to ensure the sufficient vitamin, and the camp stalls are specially ordered to sell papayas, bananas, and oranges. Further, as a preventive measure against the decline of physical strength due to the tropical heat, the prisoners of war and civilian internees are supplied with yeast, prepared from Indian corn by physicians among the prisoners of war.

For the health preservation of those prisoners of war who are engaged in labour, special attention is given by utilizing the nutritious value of vitaminous food such as bovine blood, intestines, etc. To secure the abundance of rations, the prisoners of war are made to attend to cow-milking, the raising of swine, ducks and fish, and the cultivation of vegetables.

(5) Camp Canteens.

The profits accruing from sales at the stalls of the camps at Java, which correspond to canteens in other regions, are spent in purchasing sporting and amusement articles, newspapers and magazines, for the welfare of the prisoners of war.

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(6) Labour.

The officer prisoners of war have attendants appointed to look after their personal affairs. They are not engaged in any labour except gardening and the like which they do of their own accord.

The civilian internees employ themselves in labour connected with the operation, maintenance and management of the camps, and they have never been forced to do any bodily toil at all.

(7) Medical Treatment.

The prisoners of war camps are each provided with a medical office and sick-rooms, and physicians and nurses among the prisoners of war examine and treat patients.

The civilian internees too are looked after by physicians who are appointed from amongst them, and when necessary, patients are permitted to enter and receive medical treatment at the Government or public hospitals outside.

(8) The Observance of Religious Rites.

At the prisoners of war and internment camps, chapels are provided, where the observance of religious rites is permitted, and freedom of faith is granted.

(9) The Accommodations of the Prisoners of War and Internment Camps.

In Java, the prisoners of war are confined in the former Dutch Indian army barracks, and the civilian internees in ordinary dwelling-houses. Electric lighting and water supply is abundant and nothing is wanting to make the places comfortable to live in. Moreover, to prevent the infection of malaria, the prisoners of war and civilian internees are each furnished with a mosquito net.

CHAPTER VI. The details of the Treatment of Prisoners of War
at the Camps in the Philippines.

As regards the details of treatment accorded to the prisoners of war at the camps in the Philippines, the following are attached hereto for the information of the United States Government:

- (1) A radio broadcast speech on the medical treatment in the prisoners of war hospitals made by Commander L.B. Martin, Medical Corps, U.S. Navy (Annex No. 4).
- (2) A radio broadcast speech concerning the observance of religious rites, etc., at the prisoner of war camps made by Chaplain Perry O. Wilcox, Lieutenant Colonel, U.S. Regular Army (Annex No. 5).
- (3) A radio broadcast speech on the athletic games played by the prisoners of war at their camps made by Dr. James L. Langer of the U.S. Navy (Annex No. 6).

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Doc. No. 2551-6

Page 1

CC.1.5.1. - FGo.
CC.2.1.2.

Tokio, 1 March 1945

M. le Ministre,

By letter No. 98/C.N. of 24th April last Your Excellency made known to me the response of the Imperial Government to the protest of the Government of the United States of America on the subject of treatment of American citizens within the power of Japan.

As I informed you by letter of 5th May, I communicated this response to my Government for the attention of the Washington Government.

The Government of the United States has asked to have the following communication addressed to the Japanese Government:

"The Japanese Government's reply of 24th April 1944 to the United States Government's protest of 23rd December 1942 states that the United States Government's protest was 'made by distorting and exaggerating the facts.' The United States Government cannot accept a statement by the Japanese Government regarding its veracity. The United States Government's protest concerning treatment accorded by Japanese authorities to American nationals in Japan and Japanese occupied territory is based on documentary evidence which cannot be refuted in such an arbitrary fashion by the Japanese Government. The statements contained in the Japanese Government's reply of 24th April 1944 are so far removed from the facts as known to the United States Government that it can only conclude that the Japanese Government has permitted its reply to be misled by fabricated reports of local officials and has not made an independent investigation of the matters protested in the United States Government's note of 23rd December 1942. The United States Government therefore considers the reply unsatisfactory and will continue to hold the Japanese Government responsible. The Japanese Government has referred to section IV of the United States Government's protest of 23rd December 1942 making certain charges against the United States Government. The reply to this reference will be the subject of a separate communication from the United States Government."

Minister of Switzerland

To His Excellency
M. Minoru SUGIYAMA
Minister of Foreign Affairs
Tokio

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C E R T I F I C A T E

Exh. 2024

I.P.S. No. 2751-A-1-6

Page 1

Statement of Source and Authenticity

I, Walter Bossi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Swiss Diplomatic Representative and as such official I have custody of the documents, consisting of six letters and notes, as listed on Exhibit A attached hereto and described as follows: True copy of letters and notes in French from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs and the original replies thereto of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.

I further certify that the attached letters and notes are official records of the Swiss Legation in Japan and that they are a part of the official archives and files thereof.

Signed at Tokyo on this

/s/ W. Bossi
Signature of Official

6th day of December, 1946.

Witness: /s/ Max E. Joss

Swiss Diplomatic Representative
Official Capacity

Statement of Official Procurator

I, 2nd Lt. Eric H. Fleisher, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Swiss Government in the conduct of my official business.

Signed at Tokyo on this

/s/ Eric H. Fleisher, 2nd Lt. AFMC
JAN

6th day of December, 1946.

Witness: /s/ Riven Byhill

Investigator, G-2
Official Capacity

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Exhibit A

<u>Document No.</u>	<u>Description</u>
2751-A-1	Letter and attachments, Tokyo, 23 December 1943 from Swiss Minister to Masayuki TANI (CC.3.1.2.-ca. 1.5.1.)
2751-A-2	Letter dated Tokyo, 5 February 1944 from Swiss Minister to SAIGEMITSU (CC.1.5.1.-EDGc.CC.3.1.2.)
2751-A-3	Letter dated 24 April 1944, from SAIGEMITSU to Swiss Minister (No. 28/C.R.)
2751-A-4	Letter dated 26 April 1944 from Japanese Foreign Ministry to Swiss Minister (No. 27/C.R.)
2751-A-5	Letter dated 10 August 1944 from SAIGEMITSU to the Swiss Minister (No. 224/C.R.)
2751-A-6	Letter dated 1 March 1945 from Swiss Minister to SAIGEMITSU (CC.1.5.1.-FGc. CC.3.1.2.)

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Exh 2025

Doc. No. 2756-A-1

Page 1

CC 1.5.2.cr.-

The Swiss Legation has the honor to inform the Imperial Ministry for Foreign Affairs that the Government of the United States is desirous of obtaining full information concerning the conditions under which American prisoners of war are used as laborers. In particular, it desires to be informed precisely of the nature and duration of work, as well as prisoners' pay.

In this regard, it considers it to be of great importance to know if the Imperial Government is applying Articles 27 to 34 of the Geneva Convention of 12 July 1929 relative to labor of prisoners of war.

The Swiss Legation thanks in advance the Imperial Ministry for the information which it is able to furnish on this subject and takes this occasion to renew the assurances of its high esteem.

Tokio, 15 December 1942

To the Imperial Ministry
of Foreign Affairs,
Tokio.

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Exh. 2025

THE GAIJUSHO
TOKYO

Translation

No. 24/G. R.

NOTE VERBALE

The Imperial Ministry for Foreign Affairs has the honor to acknowledge receipt of the Swiss Legation's letter no. CC.1.5.2.-cr., of 15 December last in which the Legation expressed the desire to obtain information on the labor of prisoners of war in Japanese custody.

The Ministry informs the Legation as follows:-

- (1) The labor of prisoners of war is carried out in the spirit of the decision of the Imperial Government to apply *mutatis mutandis* the Convention relative to the treatment of prisoners of war of 27 July 1929.
- (2) Prisoners are employed in labor which is not dangerous, such as factories, bridges and roads, the mining industry, transport, etc.
- (3) The daily hours of labor of prisoners is regulated according to that of civil workers in Japan.
- (4) Prisoners receive pay calculated according to the pay of non-commissioned officers and men of the Japanese Army. Also they receive articles of daily use.

23 January 1943

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No. 276-A-3

Page 1

CC.1.5.2.-dbu.

The Swiss Legation has the honour to acknowledge receipt of the letter from the Imperial Ministry of Foreign Affairs dated 28 January relative to labor performed by prisoners of war in Japan. This information will be forwarded to the British and American Governments.

The Legation would be most obliged to the Ministry if it would state precisely if it is understood that, conforming to the provisions of Article 31 of the Geneva Convention relative to treatment of prisoners of war, prisoners of war in Japan will not be assigned to labor having direct connection with operations of war, and that, in particular, they will not be employed in the manufacture or transport of material to be used in warfare.

In thanking the Imperial Ministry very much for its kind response, the Swiss Legation takes this occasion to renew assurances of its high esteem.

Tokio, 4 February 1943

To the Imperial Ministry
of Foreign Affairs,
Tokio

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THE GAIMUSHO

TOKYO

TRANSLATION

No. 41/CR

NOTE VERBALE

In reply to the Swiss Legation's letter No. CC. 1. 5. 2
- dbu., of 4 February last, the Imperial Ministry for Foreign
Affairs has the honour to state that the labor of prisoners of
war in the power of Japan, by application mutatis mutandis of
the Convention relative to the treatment of prisoners of war,
has no direct connection with operations of war.

20 February 1943

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CC.1.5.2.-3Ad

The Swiss Legation has the honour to inform the Imperial Ministry for Foreign Affairs that according to reliable information supplied by the Diplomatic Corps, the prisoners of war in the Yokohama area were obliged to perform humiliating work in public (namely sweeping streets).

It has also come to the knowledge of the Legation that, after finishing the work, the prisoners, before entering their enclosures, are searched in public by Japanese soldiers to make sure that they have not found any arms in the course of their day's work. This spectacle took place, each day, under the eyes of passers-by and in particular of the children.

The Legation is convinced that it is the fault of the camp commandant at Yokohama. As is stipulated in Article 2 of the prisoners of war code of 27 July 1929, prisoners of war must be "protected against public curiosity". Their human dignity must not be injured.

The Legation would, in consequence, be very obliged to the Imperial Ministry for Foreign Affairs if it would bring these facts to the knowledge of the Japanese High Command at a proper time and ask him if orders have been given to put a stop to these practices which the Imperial Government will certainly recognise as being incompatible with the Geneva Convention.

The Legation thanks very much the Ministry for its kind intervention and takes this occasion to renew assurances of its high esteem.

Tokio, 4 March 1944

To the Imperial Ministry
of Foreign Affairs, Tokio.

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Exh. 2025

THE GAIJISHO

TOKYO

Translation

No. 96/C.R.

N O T E V E R B A L E

The Imperial Ministry for Foreign Affairs has the honour to acknowledge receipt of the Swiss Legation's letter No. CC.1.5.2.-Ad., of 4 March last relative to treatment of prisoners of war.

The Ministry desires to inform the Legation of the following results of inquiries made by competent authorities and at the same time of the opinion of the Imperial Government on this subject.

(1) The Imperial Government is not bound by the Convention of 1929 relative to the treatment of prisoners of war. But it is the policy of the Imperial Government, based on humanitarian considerations, to protect prisoners of war against insults, as it is clearly provided in Article 2 of the Japanese rules for treatment of prisoners of war which provides that prisoners of war must be treated humanely and that they must not be subjected to insults or bad treatment.

(2) There is no doubt that the facts taking place at Yokohama, were not such as to expose prisoners of war to insults; it is remarked in particular that they have never been obliged to clean the streets. All cleaning done by prisoners of war was within camp limits, and seen through the fence. The competent authority has taken care to send the information contained in the Legation's note to the prisoner of war camp.

22 April 1944

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CC.1.5.9.2.-EGc.
CC.1.5.2.-

The Swiss Legation has the honour to acknowledge receipt of the Imperial Ministry's note No. 96/C. R., of 22 April, by which it was informed that the Imperial Government is not bound by the Geneva Convention of 27 July 1929, relative to treatment of prisoners of war. Nevertheless, Japan, for humanitarian reasons, intends to protect prisoners of war against insults, as is provided in Article 2 of the general rules on treatment of prisoners of war. In the particular case of cleaning streets at Yokohama by prisoners of war the Minister has stated that this work was done within camp limits. The Minister added that he had sent to the camp at Yokohama, the information contained in the letter No. CC. 1.5.2. of 4 March.

The Legation remarks that the communication, according to which the Imperial Government would not be bound by the Geneva Convention, does not appear to coincide with the previous declarations in which Japan wished to apply to prisoners of war in its power the provisions of that Convention *mutatis mutandis*, that is to say in a measure which will not conflict with the text of Japanese law. In order to overcome any misunderstanding on the application of the Geneva Convention, the Federal Government, in a letter from the Swiss Minister to F.E. Matsuoka Shigemitsu of 26 February, expressed a desire to obtain as soon as possible full particulars as to the articles of the Prisoners of War Code which the Japanese Government considers inapplicable by reason of internal legislation.

The Legation attaches the greatest importance to know the point of view of the Imperial Government on this important question and in thanking the Ministry for its kind response it takes this occasion to renew its assurances of its high esteem.

Tokio, 27 April 1944.

To The Imperial Ministry
of Foreign Affairs, Tokio裏
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U.S.S.I.-400.

The Swiss Legation has the honour to inform the Imperial Ministry for Foreign Affairs that the Government of the United States of America requests that the following notification be sent to the Japanese Government:

"Reliable information has been received by the United States Government indicating that American prisoners of war who are held in Japan are obliged to labor for excessive hours on work that has direct connection with the operation of the war. They are forced to work on naval docks which are at Tokyo Bay opposite Shinagawa station and likewise inside the fortifications of Shinagawa. Both in Tokyo and in Osaka, they are made to undergo an extremely harsh and rigid regime which involves humiliation and physical suffering and they are exposed to the brutality of their guards who beat them. The United States Government strongly protests against the treatment which the Japanese Government accords to American prisoners of war in its hands. This treatment is widely at variance with the Geneva Prisoners of War Convention the provisions of which the Japanese Government voluntarily agreed to apply in its treatment of American prisoners of war in its custody and with the Hague Convention of 1907 which the Japanese Government ratified and which in its memorandum of April 1944 transmitted to the United States Government by the Spanish Ambassador, it has stated it is applying in dealing with civilian internees and prisoners of war. Under the Geneva Prisoners of War Convention, article 31, it is provided that labour which is furnished by prisoners of war shall have no direct relation with operation of war; and the Hague Convention under article 6 specifies that the tasks performed by prisoners of war shall not be excessive and shall have no connection with war operations. It is provided in both Geneva Prisoners of War Convention, article 2, and Hague Convention, article 1, that prisoners of war are in the power of the hostile Government but not in that of the individuals or of the corps by which they are captured and that they must receive humane treatment. The Government of the United States demands that the conditions which are described above be rectified at once and so warns the Japanese Government that the latter as well as the individual concerned will be held responsible for failure to insure that the provisions of the Hague Convention and the Geneva Prisoners of War Convention be at all times applied in the treatment which is accorded to prisoners of war of American nationality."

The Legation trusts its occasion to make to the Imperial Ministry its assurances of high esteem.

To The Imperial Ministry
of Foreign Affairs,
Tokio

Karlsruhe, 9 June 1945

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Document No. 2756-1-7

Page 1

(OC.1.2.-
OC.1.5.2)

The Swiss Legation has the honour to inform the Imperial Ministry for Foreign Affairs that the Government of the United States of America has requested the Swiss Government to send the following notification to the Japanese Government.

"The United States Government has been reliably informed that the Japanese Authorities in Thailand have quartered prisoners of war in warehouses located at the sea port of Bangkok and have forced them to labour at the railway station and on docks of that city. The Japanese Government voluntarily undertook to apply humane provisions of Geneva Prisoners of War Convention in its treatment of prisoners of war and civilian internees. In spite of its solemn obligations, the Japanese Government has failed to apply the provisions of article 9 and 31 of that Convention in its treatment of prisoners of war in Thailand. The United States Government again strongly protests against the disposition by the Japanese Government of prisoners of war in an area in close proximity to docks, railroad yards and other military objectives and their employment on labour having a direct relation with war operations. The United States Government solemnly warns the Japanese Government that the United States Government will hold the Japanese Government responsible for any failure on its part to protect lives and health of American nationals in Japanese custody."

The Legation would be very much obliged to the Ministry if it would communicate the response of the Imperial Government to the present protest and take this occasion to renew assurances of its high esteem.

To the Imperial Ministry
of Foreign Affairs
Tokio

Kyuzawa, 9 July 1945

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Exh. 2025

Document No. 2766-1-10

Page No. 1

CC.1.5.1/1.5.2

153 GRILLSHO
TOKYO

Translation

"HEO FUTSU" No. 189.

NOTE VARIABLE

The Imperial Ministry of Foreign Affairs has the honour to request the Swiss Legation to transmit to the United States Government that it acknowledges receipt of a Note Verbale of the Legation dated 9th June last transmitting a protest of the United States Government relative to the labour of the prisoners of war detained in the camps in Japan, and as a result of prompt investigations of the fact in the protest by the competent authorities, has received a reply to the effect that they do not admit the fact of subjecting the American prisoners of war to the labour as pointed out by the United States Government.

The Ministry communicates to the Swiss Legation that it is desirous of receiving a reply after due investigations as to the source of the above information which the United States Government is said to have obtained.

1 August 1945.

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Eth. 2075

344-2820-1-13

L.S.G. No. 3706-1-13

Page No. 1

Statement of Source and Authenticity

I, Walter Rossi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Chief Diplomatic Representative, and as such official I have custody of the documents, consisting of ten letters and notes, as listed on exhibit A attached hereto and described as follows: Exemption of letters and notes in French from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs and the original copies thereof of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.

I further certify that the attached letters and notes are official records of the Swiss Legation in Tokyo and that they were a part of the official archives and files thereof.

Signed at Tokyo on this

/s/ W. Rossi
Signature of Official

10th day of June, 1946.

Witness: /s/ [illegible]

Chief Diplomatic Representative
Official Capacity

Statement of Official Source

I, André [illegible], hereby certify that I am connected with the Government of Switzerland in the following capacity: Chief Diplomatic Representative, and that the above certified are attached to me from the above signed official of the Swiss Government in the conduct of an official business.

Signed at Tokyo on this

/s/ André [illegible]
Signature of Official

10th day of Dec., 1946.

Witness: Harry [illegible] /s/

Examination, L.S.
Official Capacity

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EXHIBIT 1

Document No.

Description

- | | |
|-----------|---|
| 2766-1-1 | Letter dated 15 December 1942 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.2-cr.) |
| 2766-1-2 | Note Verbale dated 26 January 1943 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 2/C.A.) |
| 2766-1-3 | Letter dated 4 February 1943 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.2.-Gbu.) |
| 2766-1-4 | Note Verbale dated 20 February 1943 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 11/C.A.) |
| 2766-1-5 | Letter dated 4 March 1943 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.2.-Gbu.) |
| 2766-1-6 | Note Verbale dated 22 April 1944 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 96/C.A.) |
| 2766-1-7 | Letter dated 27 April 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.9.2.-Gbu. CC.1.5.2.) |
| 2766-1-8 | Letter dated 9 June 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.1.-FGc. CC.1.5.2.) |
| 2766-1-9 | Letter dated 5 July 1945 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (CC.1.5.6.-FGc. CC.1.5.-CC.1.5.2.) |
| 2766-1-10 | Note Verbale dated 1 August 1945 from the Japanese Ministry of Foreign Affairs to the Swiss Minister (No. 189/C.A.) |

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Synopsis of Document No. 2766-A (1) - (10)

- 15 Dec 1943 (A-1) Swiss Legation to Foreign Minister (TAMI)
Inquiry in behalf of U. S. asking if Japan is applying articles 27 to 34 of the Geneva Convention of 27 July 1929 re labor of prisoners of war.
- 28 Jan 1944 (A-2) Japanese Foreign Ministry (LAMI) to Swiss Legation
answering letter of 15 Dec., and states:
1. Japanese Government employees prisoner of war labor in spirit of Geneva Convention.
2. Prisoners are employed in labor which is not dangerous.
3. Daily hours of labor of prisoners same as civil workers in Japan.
4. Paid same as non-commissioned officers and men of Japanese Army.
- 4 Feb 1944 (A-3) Swiss Legation to Foreign Ministry (LAMI)
Swiss requests statement that Japan will not assign prisoners of war to labor in the manufacture or transportation of material to be used in warfare or having direct connection with operations of war.
- 20 Feb 1944 (A-4) Foreign Minister (LAMI) to Swiss Legation states labor of prisoners of war has no direct connection with operation of war.
- 4 March 1944 (A-5) Swiss Legation to Ministry of Foreign Affairs.
Complains that prisoners of war in Yokohama area compelled to perform humiliating work in public (namely, sweeping streets), and were searched in public before re-entering their enclosure in violation of Article 2 of the Geneva Convention.
- 22 Apr 1944 (A-6) Japanese Foreign Ministry to Swiss Legation
Foreign Minister Sugawara answering letter of 4 March re treatment of prisoners of war states:
1. Japanese Government is not bound by the prisoner of war convention of 1929 but it is policy of Japanese government to protect prisoners of war against insults as provided in Article 3 of the Japanese rules for treatment of prisoners of war.
2. Denies prisoners of war forced to clean streets but cleaning done within camp and seen through fence.

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27 Apr 1945 (A-7)Swiss Minister to Japanese Ministry of Foreign Affairs
Shigenaga

Answering note of 23 April 1945 remarks statement that Japanese Government would not be bound by Geneva Convention does not coincide with previous declarations in which Japan agreed to apply provisions of the convention without exception. Requested full particulars as to the articles thereof Japanese government considers inapplicable by reason of internal legislation.

9 June 1945 (A-8)Swiss Legation to the Imperial Ministry of Foreign
Affairs (TOGO)

Swiss Legation transmitted protest from U. S. against labor of American prisoners of war held in Japan as (1) working excessive hours having direct connection with the war operations within the fortifications of Shinagawa and at Navy docks at Tokyo Bay. (2) Being humiliated and beaten by guards and demands that conditions be rectified and stated that the Japanese government as well as the individuals concerned be held responsible to insure that the provisions of the Hague and the Geneva prisoners of war convention will at all times be applied to the treatment of prisoners of war.

5 July 1945 (A-9)Swiss Legation to the Ministry of Foreign Affairs (TOGO)

Forwarding protest by U. S. re Japanese authorities in Thailand quartering prisoners of war in warehouses at the port of Bangkok in an area close to docks, railroad yards and other military objectives and their employment on labor having direct relation with war operations. U. S. warned the Japanese Government they will hold government responsible for failure to protect lives and health of Americans in Japanese custody.

1 Aug 1945 (A-10)Japanese Foreign Ministry (TOGO) to Swiss Legation.

Answering protest of U. S. sent by Swiss 9 June 1945 denies fact of subjecting American prisoners of war to the labor pointed out by the U. S.

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The Swiss Legation has the honor to inform the Imperial Ministry of Foreign Affairs that according to a communication from the Federal Political Department, the British Government is greatly concerned about the food supply of PW and it believes in effect that the prisoners, being accustomed to a different diet, suffer from certain under-nourishment. The Government of the United Kingdom proposes that additional food in the form of soya products, such as soya milk, soya flour and soya butter, be distributed to PW and thus augment the nutritive value of their food. It believes in effect that Japan has a large quantity of these products.

The Legation would be obliged to the Imperial Ministry if it would take up with the competent authorities the matter of this request of the British Government.

In thanking the Ministry in advance for its kind response, the Legation takes this occasion to renew the assurances of its highest esteem.

July, 18, 1945

To the Imperial Ministry
of Foreign Affairs
Tokyo

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THE CHAIRMAN
TOKYO

No. 187/C.R.

NOTE VERBALE

The Imperial Ministry of Foreign Affairs has the honor to acknowledge receipt from the Swiss Legation of a note, No. CC.1.5.1.-don., dated 16 June, informing the Imperial Government of the request made by the British Government for soybean products to be supplied to British prisoners of war.

As regards this matter, the British Government had previously made the same proposal through the International Red Cross Committee, to which the Imperial Government had given a reply as per attached copy.

The Ministry requests the Legation to be advised of the particulars from the said copy.

23 June 1943

Attachment

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- c o p y -

FOREIGN OFFICE

10th June 1943

Dear Dr. Peravicini,

With reference to your Memorandum of the 21st May addressed to this Ministry concerning an increase in the quantity of soya bean products supplied to British prisoners of war, I beg to inform you that the authorities concerned, who have been and are paying the best possible attention to the quantity and the nutritive value of the food given to prisoners of war, do not see the necessity of increasing the supply of any particular foodstuff.

Yours sincerely,

/s/ C. SUGI

Dr. F. Peravicini,
Representative in Japan of the International
Red Cross Committee,
No. 254, Tamesite-cho,
Maka-ku,
Yokohama.

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C E R T I F I C A T E

I.P.S. No. 2781-A

Statement of Source and Authenticity

I, Walter Bossi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Swiss Diplomatic Representative, and as such official I have custody of the documents described as follows: No. 2781-A-1 - True copy of letter dated 16 June 1943 from the Swiss Minister to the Imperial Ministry of Foreign Affairs (OO.L.B.I.-Gen); and No. 2781-A-2 - Note Verbale dated 23 June 1943 from the Japanese Foreign Minister to the Swiss Legation (No. 187/C.R.), enclosing copy of Note dated 10 June 1943 from the Japanese Ministry of Foreign Affairs to the International Red Cross Committee.

I further certify that the attached letters and notes are official records of the Swiss Legation in Japan and that they are a part of the official archives and files thereof.

Signed at Tokyo on this /s/ W. Bossi Signature of Official
5th day of December, 1946.

Witness: /s/ Max R. Joss Swiss Diplomatic Representative
Official Capacity

Statement of Official Procurement

I, 2nd Lt. Eric W. Fleisher, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Swiss Government in the conduct of my official business.

Signed at Tokyo on this /s/ Eric W. Fleisher, 2nd Lt. AUSA
5th day of December, 1946. JANE

Witness: /s/ J. A. Curtis Investigation, ICS
Official Capacity

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No. 4501

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I CERTIFY THAT the document hereunto annexed is
under the Seal of the District of Columbia, and that
such Seal is entitled to full faith and credit.

SEAL

IN TESTIMONY WHEREOF, I, DEAN ACHESON,

Acting Secretary of State, have

hereunto caused the seal of the

Department of State to be affixed

and my name subscribed by the

Authentication Officer of the said

Department, at the city of Washington,

in the District of Columbia, this

first day of July, 1946.

/s/ Dean Acheson
Acting Secretary of State

By /s/ H. T. Forreel
Authentication Officer
Department of State

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Serial No. 820

DISTRICT OF COLUMBIA

SEAL

Washington D. C., July 1, 1946.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I CERTIFY that DAVID H. SCULL

whose name is signed to the accompanying paper, is now,
and was at the time of signing the same, a Notary Public
in and for the District of Columbia duly commissioned and
qualified.

IN WITNESS WHEREOF, I, G. M. Thornett

Secretary to the Board of Commissioners
the District of Columbia, have here-
unto caused the Seal of the District
of Columbia to be affixed on the
day and year first above written.

SEAL

/s/ G. M. Thornett
Secretary, Board of Commissioners

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- - INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST - -

THE UNITED STATES OF AMERICA, THE REPUBLIC OF CHINA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF THE SOVIET SOCIALIST REPUBLICS, THE COMMONWEALTH OF AUSTRALIA, CANADA, THE REPUBLIC OF FRANCE, THE KINGDOM OF THE NETHERLANDS, NEW ZEALAND, INDIA, AND THE COMMONWEALTH OF THE PHILIPPINES.

- AGAINST -

ARAKI, Sadao; DOHIMARA, Kenji; HASHIMOTO, Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIROTA, Koki; HOOSHINO, Naoki; ITAGAKI, Seishuro; KAYA, Okinori; KIDO, Leichi; KIYERA, Heitaro; KOISO, Kuniaki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI, Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi; OKAWA, Shunzei; OSHIMA, Hiroshi; SATO, Kenryo; SHIGEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRAFORI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO, Hideki; UMEZU, Yoshijiro.
Defendants.

City of Washington,)
District of Columbia,) ss.
United States of America.)

I, E. TOMLIN BAILEY, being duly sworn, on oath depose and say:

I am Assistant Chief of the Special Projects Division of the Department of State of the United States, in charge of Prisoners of War Branch of that Division, in which branch I have served since November, 1942. Since its organization in 1942 and up to the present time, the Prisoners of War Branch has been charged with the duty of initiating and coordinating State Department policy and action in all matters pertaining to civilian internees and prisoners of war and international conventions relating to their status.

The statements hereinafter made are based upon official records of the Department of State, and in particular of the aforesaid Prisoners of War Branch, and relate to matters coming

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under my cognizance or to my attention in connection with the carrying out of the functions of the Prisoners of War Branch.

Immediately after the Japanese attack on Pearl Harbor, the Department of State took up with Japan the matter of according proper treatment for American nationals in Japanese hands. Although Japan was not a party to the Geneva Prisoners of War Convention, the Department of State obtained from the Japanese Government a commitment to apply the provisions of that convention to American prisoners of war, and, so far as adaptable, to civilian internees held by Japan.

This commitment was made in a communication by the Japanese Government to the Swiss Minister at Tokyo in Charge of American Interests in Japan. The message was received through the American Legation at Bern in a telegram dated February 4, 1942, and stated that the Japanese Government informed the Swiss Minister that, "although not bound by the Convention relative to prisoners of war, Japan will apply mutatis mutandis provisions of that Convention to American prisoners of war in its power." In a telegram dated February 24, 1942, it was reported that the Ministry of Foreign Affairs declared to the Swiss Minister in Tokyo that Japan would "apply on condition of reciprocity Geneva Convention for treatment of prisoners of war and civilian internees in so far as convention shall be applicable."

Thereafter, the State Department by repeated protests and representations, through the Swiss Government, again and again called to the Japanese Government's attention failures on the

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part of Japanese authorities to live up to their Government's undertakings, and warned the Japanese Government in unequivocal terms that the American Government would hold personally and officially responsible for their acts of depravity and barbarity all officers of the Japanese Government who had participated in their commitment and, with the conclusion of the war, would visit upon such Japanese officers the punishment they deserved for their uncivilized and inhumane acts against American prisoners of war.

These protests, representations and warnings originated in the Prisoners of War Branch, and I personally prepared many of them. They were based upon information obtained from representatives of the Swiss Government in charge of American interests in Japan and in Japanese controlled territory, from the International Red Cross Committee, from repatriates and from recovered military personnel.

On January 27, 1944, the State Department despatched to the Japanese Government, via the Swiss Government, two telegrams which were personally drafted by me, summarizing the protests and representations which had theretofore been submitted to the Japanese Government and demanding amelioration of the treatment being accorded American nationals in Japanese custody. The first of these telegrams listed the principal categories of deprivations of rights, cruelties, wanton neglect and mistreatment and referred to the specific Article of the Geneva Prisoners of War Convention, or other undertaking, violated; the second

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recited specific instances coming under each category. These communications included the following charges:

"I. Representatives of the Swiss Government entrusted with the protection of American interests in Japan and Japanese-occupied territory have not been permitted to go to every place without exception where prisoners of war and civilian internees are interned, have not been permitted to interview without witnesses the persons held, and have not had access to all places occupied by the prisoners (Article 86 of the Geneva Prisoners of War Convention).

"II. Representatives of the International Red Cross Committee have been refused permission to visit most of the places where American nationals are held by the Japanese authorities (Articles 79 and 88).

"III. American nationals have not been permitted to forward complaints to the Japanese holding authorities or to representatives of the protecting power (Article 42).

"IV. The Japanese authorities have punished and have threatened to punish American nationals for complaining concerning the conditions of captivity (Article 42).

"V. The Japanese Government has failed to furnish needed clothing to American nationals (Article 12).

"VI. The Japanese authorities have confiscated personal effects from American civilian internees and prisoners of war (Article 6).

"VII. American prisoners of war and civilian internees have been subjected to insults and public curiosity (Article 2).

"VIII. Civilians and prisoners of war interned by Japan are suffering from malnutrition and deficiency diseases because of the failure and refusal of the detaining authorities to provide health sustaining food for their charges, or to permit the United States to make regular shipments on a continuing basis under appropriate neutral guarantees of supplemental food and medical supplies. (Article 11 and the specific reciprocal undertaking of Japan to take into account national differences in diet).

"IX. The Japanese authorities have devoted to improper and forbidden uses the profits of the sale of goods in camp canteens instead of devoting them to the welfare of the persons held in the camps (Article 12).

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"X. Contrary to the specific undertaking of the Japanese Government, the detaining authorities have compelled civilians to perform labor other than that connected with the administration, maintenance and management of internment camps. Officer prisoners of war have been forced to labor and noncommissioned officers to do other than supervisory labor (Article 27).

"XI. Prisoners of war have been required to perform labor that has a direct relation with war operations (Article 31).

"XII. Medical care has in many instances been denied to prisoners of war and civilian internees and when given has been generally so poor as to cause unnecessary suffering and unnecessary deaths (Article 14).

"XIII. The Japanese Government has reported the names of only a part of the American prisoners of war and civilian internees in its hands (Article 77) and of American combatants found dead by Japanese forces (Article 4 of the Convention for the Amelioration of the Condition of the Sick and Wounded of Armies in the Field, to which Japan is a contracting party).

"XIV. The Japanese Government has not permitted internees and prisoners of war freely to exercise their religion (Article 16).

"XV. The Japanese Government has not posted the Convention in camps in English translation, thus depriving American prisoners of war and civilian internees of knowledge of their rights thereunder (Article 84).

"XVI. The Japanese Government has failed to provide adequate equipment and accommodations in prisoner of war and civilian internment camps and transports, but on the contrary forced them to subsist in inhumane conditions (Article 10).

"XVII. The Japanese Government has completely failed to apply the provisions of the Geneva Prisoners of War Convention (Title III, Section V, Chapter 3) with regard to trial and punishment of prisoners of war despite the fact that violations of its undertaking in this respect have repeatedly been called to its attention, but on the contrary has imposed cruel and inhuman punishments without trial.

"XVIII. The Japanese authorities have inflicted corporal punishment and torture upon American nationals (Article 46)."

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In support of the above charges the following specific instances were recited:

"Charges I and II. Prisoner of war camps in the Philippines, French Indo-China, Thailand, Manchuria, Burma, Malaya, and the Dutch East Indies, and prisoner of war camp No. 1 in Formosa have never been visited by Swiss representatives although they have repeatedly requested permission to make such visits. None of these camps except the one at Mukden are known to have been visited by International Red Cross representatives. In recent months visits have not been allowed to the prisoner of war camps near Tokyo and Yokohama, and the prisoner of war camps in and near Hong Kong, although the Swiss representatives have requested permission to make such visits.

"The value of such few visits as have been permitted to some camps has been minimized by restrictions. Swiss representatives at Shanghai have been closely escorted by several representatives of the Japanese Consulate General at Shanghai during their visits to camps and have not been allowed to see all parts of camps or to have free discussion with the internees. Similar situations prevail with respect to the civilian internment camps and prisoner of war camps in metropolitan Japan and Formosa.

"By contrast, all of the camps, stations, and centers where Japanese nationals are held by the United States have been repeatedly visited and fully inspected by representatives of Spain and Sweden who have spoken at length without witnesses with the inmates, and International Red Cross representatives have been and are being allowed freely to visit the camps in the United States and Hawaii where Japanese nationals are held.

"Charge III. Communications addressed by the persons held to the protecting Power concerning conditions of captivity in several of the civilian camps near Shanghai, among them Ash Camp and Chapei, remain undelivered. The same situation exists with respect to the civilian internment camp in Baguio, and in most if not all the camps where American prisoners of war are held. Persons held at Baguio, Chapei, Saigon, and at times in the Philippine prisoner of war camps were denied permission to address the camp commander.

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"Charge IV. On one occasion during the summer of 1943 all of the persons held at the Columbia Country Club, Shanghai, were punished by cancellation of dental appointments because complaints were made to representatives of the Swiss Consulate General. During the same period, at Camp B. Yangchow, the entire camp was deprived of a meal by the Camp Commandant because complaints had been made concerning the delivery of spoiled food.

"There are cited under Section XVIII below, cases of prisoners of war being struck because they asked for food or water.

"Charge V. Civilian internees at Hong Kong have gone without footwear and civilian internees at Kobe have suffered from lack of warm clothing. In 1942 and 1943, American and Filipino prisoners of war in the Philippines and civilian internees at Baguio were forced to labor without shoes and clad only in loin cloths.

"Charge VI. This is reported to have been the case at the following camps: prisoner of war camps in the Philippine Islands; prisoner of war enclosures at Mariveles Bay, Philippine Islands; civilian internment camps at Baguio, Canton, Chefoo, Peking, Manila, Tsingtao, Weihsien, and Yangchow, and at the Ash Camp, Chapoi Camp, Lungwa Camp, and Pootung Camp, in or near Shanghai. The articles most needed by the prisoners and internees have been taken. For example, Japanese soldiers took the shoes from an American officer prisoner of war who was forced to walk unshod from Bataan to San Fernando during the march which began about April 10, 1942. Although the prisoners constantly suffered from lack of drinking water canteens were taken from prisoners during this march; one of these victims was Lieutenant Colonel William E. Dyess.

"At Corregidor a Japanese soldier was seen by Lieutenant Commander Melvyn H. McCoy with one arm covered from elbow to wrist and the other arm half covered with wrist watches taken from American and Filipino prisoners of war.

"Charge VII. American prisoners of war in Manila were forced by Japanese soldiers to allow themselves to be photographed operating captured American military equipment in connection with the production of the Japanese propaganda film "Rip down the Stars and Stripes."

"Prisoners of war from Corregidor being taken to Manila were not landed at the port of Manila but were unloaded outside the city and were forced to march through the entire city to Bilibid Prison about May 23, 1942.

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"Japanese school children, soldiers, and civilians have been admitted to internment camps and encouraged to satisfy curiosity regarding the persons held. Such tours were conducted at Baguio, Hong Kong, and Tsingtao.

"Charge VIII. Deficiency diseases such as beriberi, pellagra, scurvy, sprue, et cetera, are common throughout Japanese internment camps. These diseases are least common in the civilian internment camps (called assembly centers) at Shanghai and in some other camps where the persons held have but recently been taken into custody or where trade by the internees themselves with outside private suppliers is allowed. It appears, therefore, that the great prevalence of deficiency diseases in prisoner of war camps where internees have been solely dependent upon the Japanese authorities for their food supply over an extended period is directly due to the callous failure of these authorities to utilize the possibilities for a health sustaining diet afforded by available local products. The responsibility for much of the suffering and many of the deaths from these diseases of American and Filipino prisoners of war rests directly upon the Japanese authorities. As a specific example, prisoners of war at Davao Penal Colony suffering from grave vitamin deficiencies could see from their camp trees bearing citrus fruit that they were not allowed to pluck. They were not even allowed to retrieve lemons seen floating by on a stream that runs through the camp.

"Charge IX. For example, in the prisoner of war camps at Hong Kong, the profits of the canteens have not been used by the holding authorities for the benefit of the prisoners.

"Charge X. At Baguio civilian internees have been forced to repair sawmill machinery without remuneration.

Officer prisoners of war have been compelled by Major Mida, the Camp Commandant at Davao Penal Colony, to perform all kinds of labor including menial tasks such as scrubbing floors, cleaning latrines used by Japanese troops and working in the kitchens of Japanese officers.

"Charge XI. Ten American engineers were required to go to Corregidor in July 1942 to assist in rebuilding the military installations on that island, and prisoners of war have been worked in a machine tool shop in the arsenal at Mukden.

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"Charge XII. The condition of health of prisoners of war in the Philippine Islands is deplorable. At San Fernando in April 1942, American and Filipino prisoners were held in a barbed-wire enclosure so overcrowded that sleep and rest were impossible. So many of them were sick and so little care was given to the sick that human excrement covered the whole area. The enclosure at San Fernando was more than 100 kilometers from Batangas and the abominable treatment given to the prisoners there cannot be explained by battle conditions. The prisoners were forced to walk this distance in seven days under merciless driving. Many who were unable to keep up with the march were shot or bayoneted by the guards. During this journey, as well as at other times when prisoners of war were moved in the Philippine Islands, they were assembled in the open sun even when the detaining authorities could have allowed them to assemble in the shade. American and Filipino prisoners are known to have been buried alive along the roadside and persistent reports have been received of men who tried to rise from their graves but were beaten down with shovels and buried alive.

"At Camp O'Donnell conditions were so bad that 2,200 Americans and more than 20,000 Filipinos are reliably reported to have died in the first few months of their detention. There is no doubt that a large number of these deaths could have been prevented had the Japanese authorities provided minimum medical care for the prisoners. The so-called hospital there was absolutely inadequate to meet the situation. Prisoners of war lay sick and naked on the floor, receiving no attention and too sick to move from their own excrement. The hospital was so overcrowded that Americans were laid on the ground outside in the heat of the blazing sun. The American doctors in the camp were given no medicine, and even had no water to wash the human waste from the bodies of the patients. Eventually, when quinine was issued, there was only enough properly to take care of ten cases of malaria, while thousands of prisoners were suffering from the disease. Over two hundred out of the three hundred prisoners from Camp O'Donnell died while they were on a work detail at Batangas.

"At Cabanatuan there was no medicine for the treatment of malaria until after the prisoners had been in the camp for five months. The first shipment of medicines from the Philippine Red Cross was held up by the camp authorities on the pretext that they must make an inventory of the shipment. This they were so dilatory in doing that many deaths occurred before the medicine was received. Because of lack

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of medicines and food, scurvy broke out in the camp in the Fall of 1942. Since the prisoners had been at the camp for some months before this disease became prevalent the responsibility for it rests upon the detaining authorities.

"It is reported that in the autumn of 1943 fifty percent of the American prisoners of war at Davao had a poor chance to live and that the detaining authorities had again cut the prisoners' food ration and had withdrawn all medical attention.

"Though the medical care provided for civilian internees by the Japanese camp authorities appears to have been better than that provided for prisoners of war, it still does not meet the obligations placed on the holding authorities by their Government's own free undertaking and by the laws of humanity. At the civilian internment camp, Camp John Hay, childbirth took place on the floor of a small storeroom. At the same camp a female internee who was insane and whose presence was a danger to the other internees was not removed from the camp. A dentist who was interned at the camp was not permitted to bring in his own equipment. The Los Baños Camp was established at a recognized endemic center of Malaria, yet quinine was not provided, and the internees were not allowed to go outside of the fence to take antimalaria measures.

"The Japanese authorities have not provided sufficient medical care for the American civilians held in camps in and near Shanghai and the internees have themselves had to pay for hospitalization and medical treatment. Deaths directly traceable to inadequate care have occurred.

"Even in metropolitan Japan, the Japanese authorities have failed to provide medical treatment for civilian internees, and it has been necessary for Americans held at Myeshi, Yamakita, and Suniro to pay for their own medical and dental care.

"Charge XIV. For example the internees at Camp John Hay were not allowed to hold religious services during the first several months of the camp's operation, and priests have not been allowed to minister to prisoners held by the Japanese in French Indo-China.

"Charge XV. No copy of an English translation of the text of the Geneva Prisoners of War Convention has been available to civilian internees or prisoners of war nor have the Japanese authorities taken other steps to inform the persons held of their rights under the terms of the Convention. Reports have been received of the Japanese authorities informing prisoners of war that they were captives, having no rights under international law or treaty.

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"Charge XVI. At Camp O'Donnell many of the men had to live without shelter during 1942. In one case twenty-three officers were assigned to a shack, fourteen by twenty feet in size. Drinking water was extremely scarce, it being necessary to stand in line six to ten hours to get a drink. Officers had no bath for the first thirty-five days in the camp and had but one gallon of water each in which to have their first baths after that delay. The kitchen equipment consisted of cauldrons and a fifty-five gallon drum. Canotes were cooked in the cauldrons, washed with a piece of timber, and each man was served one spoonful as his ration.

"In late October 1942, approximately 970 prisoners of war transferred from the Manila area to the Davao Penal Colony on a transport vessel providing only twenty inches per man of sleeping space. Conditions on the vessel were so bad that two deaths occurred, and subsequently because of weakness some fifty percent of the prisoners fell by the roadside on the march from the water front at Lasang, Davao, to the Penal Colony.

"The places used by the Japanese authorities for the internment of American civilians in the Philippine Islands were inadequate for the number of persons interned. At the Brent School at Baguio, twenty to thirty civilians were assigned sleeping accommodations in a room which had been intended for the use of one person.

"At the Columbia Country Club at Shanghai the internees were obliged to spend C.R.B. \$10,000 of their own funds to have a building deloused so that they might use it for a needed dormitory. At Weihsien no (repeat no) refrigeration equipment was furnished by the Japanese authorities and some of the few household refrigerators of the internees were taken from them and were used by the Japanese guards, with the result that food spoiled during the summer of 1943. The lack of sanitary facilities is reported from all of these camps.

"Charge XVII. American personnel have suffered death and imprisonment for participation in military operations. Death and long-term imprisonment have been imposed for attempts to escape for which the maximum penalty under the Geneva Convention is thirty days arrest. Neither the American Government nor its protecting Power has been informed in the manner provided by the Convention of these cases or of many other instances when Americans were subjected to illegal punishment. Specific instances are cited under the next charge.

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"Charge XVIII. Prisoners of war who were marched from Bataan to San Fernando in April 1942 were brutally treated by Japanese guards. The guards clubbed prisoners who tried to get water, and one prisoner was hit on the head with a club for helping a fellow prisoner who had been knocked down by a Japanese army truck. A colonel who pointed to a can of salmon by the side of the road and asked for food for the prisoners was struck on the side of his head with the can by a Japanese officer. The colonel's face was cut open. Another colonel who had found a sympathetic Filipino with a cart was horsewhipped in the face for trying to give transportation to persons unable to walk. A Lubao Filipino who had been run through and gutted by the Japanese was hung over a barbed-wire fence. An American Lieutenant Colonel was killed by a Japanese as he broke ranks to get a drink at a stream.

"Japanese sentries used rifle butts and bayonets indiscriminately in forcing exhausted prisoners of war to keep moving on the march from the Cabanatuan railroad station to Camp No. 2 in late May 1942.

"At Cabanatuan Lieutenant Colonels Lloyd Biggs and Howard Breitung and Lieutenant R. D. Gilbert, attempting to escape during September 1942 were severely beaten about the legs and feet and then taken out to the camp and tied to posts, were stripped and were kept tied up for two days. Their hands were tied behind their backs to the posts so that they could not sit down. Passing Filipinos were forced to beat them in the face with clubs. No food or water was given to them. After two days of torture they were taken away and, according to the statements of Japanese guards, they were killed, one of them by decapitation. Other Americans were similarly tortured and shot without trial at Cabanatuan in June or July 1942 because they endeavored to bring food into the camp. After being tied to a fence post inside the camp for two days they were shot.

"At Cabanatuan during the summer of 1942 the following incidents occurred: A Japanese sentry beat a private as brutally with a shovel across the back and the thigh that it was necessary to send him to the hospital. Another American was crippled for months after his ankle was struck by a stone thrown by a Japanese. One Japanese sentry used the shaft of a golf club to beat American prisoners, and two Americans caught while obtaining food from Filipinos, were beaten unmercifully on the face and body. An officer was

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struck behind the ear with a riding crop by a Japanese officer. The officer was again beaten at Davao Penal Colony and is now suffering from partial paralysis of the left side as the result of these beatings. Enlisted men who attempted to escape were beaten and put to hard labor in chains.

"At the Davao Penal Colony, about April 1, 1943, Sergeant McFee was shot and killed by a Japanese guard after catching a canteen full of water which had been thrown to him by another prisoner on the opposite side of the fence. The Japanese authorities attempted to explain this shooting as an effort to prevent escape. However, the guard shot the sergeant several times and, in addition, shot into the barrack on the opposite side of the fence toward the prisoner who had thrown the canteen. At about the same time and place an officer returning from a work detail tried to bring back some sugar-cane for the men in the hospital. For this he was tied to a stake for twenty-four hours and severely beaten.

"In the internment camp at Baguio a boy of sixteen was knocked down by a Japanese guard for talking to an internee girl, and an elderly internee was struck with a whip when he failed to rise rapidly from his chair at the approach of a Japanese officer. Mr. R. Gray died at Baguio on March 15, 1942 after being beaten and given the water cure by police authorities.

"At Sante Tomas, Mr. Krogstadt died in a military prison after being corporally punished for his attempted escape."

From January 27, 1944 until the end of hostilities the State Department made to the Japanese Government numerous additional protests and representations concerning instances similar to those hereinabove set forth. A few of these instances were:

On June 14, 1944 further representations were made regarding visits to prisoner of war camps.

On July 7, 1944 a protest was made against the inadequate housing facilities and medical care given to the aged, ill and helpless American civilian internees at Shanghai.

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On August 25, 1944 a further protest was made regarding the inadequacy of food, clothing and medical supplies accorded American civilian internees in China.

On August 31, 1944 a protest was made against the torture and decapitation of an American airman by the Japanese in New Guinea.

On September 11, 1944 a protest was made against the removal of certain civilians from the internment camp at Los Banos, Philippine Islands, to Fort McKinley near Manila, where the Japanese maintained an ammunition dump.

On September 15, 1944 a protest was made against the Japanese order issued to their armed forces in Siam that enemy air personnel were not to be treated as prisoners of war.

On September 26, 1944 a protest was made concerning the torture and execution of an American soldier near Arayat, Pampanga, Philippines, on September 21, 1943.

On November 1, 1944 a protest was made against the failure of the Japanese Government to report promptly information necessary to enable the United States Government to keep up to date individual records for each prisoner of war. This protest cited the case of an American who was shot by the Japanese and the incident reported one and a half years later.

On January 23, 1945 a protest was made against the treatment and conditions of internment of American prisoners of war at Camp Kawasaki No. 2.

On February 20, 1945 messages were despatched to the effect that the United States Government did not consider that the reply made by the Japanese Government to early protests were satisfactory and that the American Government would continue to hold the Japanese Government responsible.

On March 9, 1945 another protest was made against the continued action of the Japanese Government in locating prisoner of war camps in close proximity to military objectives.

On March 10, 1945 a protest was made regarding the conditions of captivity of American prisoners of war being held at the Lasang Air Field, Philippine Islands, and the inhumane treatment characterizing the administration of prisoner of war camps in the Philippines. On the same day, another protest was made, this time relating to the cruel treatment of American prisoners of war who were aboard a Japanese freighter sunk off Mindanao, Philippine Islands, on September 7, 1944, and the savage behavior of the Japanese after the vessel was torpedoed.

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On April 6, 1945 a protest was made concerning the murder of Messrs. Calkins, Grinnell, Duggleby, and Johnson, who had been held at the Santo Tomas Internment Camp.

On May 12, 1945 a protest was made against the orders issued by the Japanese 14th Army Headquarters and Kaki Forces Headquarters attached to the Ishibashi Unit, to the effect that persons captured by or surrendering to Japanese armed forces in the Philippines would be murdered in cold blood.

On May 19, 1945 a protest was made against the brutal massacre on December 14, 1944 of 150 prisoners of war at Puerto Princesa, Palawan, Philippine Islands.

On May 29, 1945 the Swiss Government was requested to make a strong protest to the Japanese Government against the forced labor of prisoners of war in the fortification of Shinagawa and on the naval docks at Tokyo Bay, and the brutal treatment of these prisoners.

On June 23, 1945 a protest was made against the location of prisoner of war camps in Sian in close proximity to piers, railroad yards, and other military objectives and the employment of prisoners of war labor on projects having a direct relation with war operations.

Virtually all of the protests filed with the American Government by the Japanese Government during the period herein covered related to alleged mistreatment of Japanese nationals who had been evacuated from the West Coast areas of the United States. In none of the instances covered by the Japanese Government's representations was the alleged mistreatment of Japanese nationals comparable even in a remote degree to the mistreatment of American nationals which formed the basis for the American Government's protests. In the State Department's telegram of January 27, 1944 the Japanese Government was advised as follows:

"The Government of the United States also desires to state most emphatically that, as the Japanese Government can assure itself from an objective examination of the reports submitted to it by the Spanish,

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Swedish, and International Red Cross representatives who have repeatedly visited all places where Japanese are held by the United States, the United States has consistently and fully carried the provisions of the Geneva Prisoners of War Convention in the treatment of all Japanese nationals held by it as prisoners of war or (so far as they are admissible) as civilian internees, detainees or evacuees in relocation centers. Japanese nationals have enjoyed high standards of housing, food, clothing, and medical care. The American authorities have furthermore freely and willingly accepted from the representatives of the protecting Powers and the International Red Cross Committee suggestions for the improvement of conditions under which Japanese nationals live in American camps and centers and have given effect to many of these suggestions, most of which, in view of the high standards normally maintained, are directed toward the obtaining of extraordinary benefits and privileges of a recreational, educational or spiritual nature."

/s/ E. Tullin Bailey
E. TULLIN BAILEY

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28th DAY OF JUNE, A.D. 1946

SEAL

/s/ David H. Scull
Notary Public in and for the
District of Columbia

My commission expires July 14,
1946.

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22-1-10, 3
Doc. No. 2702 A

AUSTRALIAN PRISONERS OF WAR (RAAF, AMF, RAAF) IN THE FAR EAST

Exh. 2028
Page 1

SERVICE	Known Prisoners of War	Returned to Military Control	Died whilst Prisoners of War
Royal Australian Navy	332	237	101
Australian Military Forces	21,726	19,324	7,123(a)
Royal Australian Air Force	34,760	226	118(c)
TOTALS	21,726	19,324	7,123

- (a) This figure does not include (i) recorded as PW but still unaccounted for (one believed deceased)
(b) This figure represents (i) notified by Japanese through official channels before conclusion of hostilities
(ii) not so notified
(c) * * *
(i) reported by the Japanese
(ii) reported by Japanese after cessation of hostilities to have died of injuries, illness, or as result of Allied bombing.
(iii) reported by Japanese through official channels before cessation of hostilities to have died of illness, or as result of Allied bombing of camps.
(iv) believed to have died in captivity, particulars unknown as at 1st May 1946.

I certify that this is a true copy of the official record held on file at Army HQ, Melbourne.

30 Aug 46.

Col E. A. Griffin
Director of Prisoners of War and Internees,
Army HQ,
MELBOURNE.

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22-1-10, 4

Doc. No. 2297A

(SIA)
Canada

Exh. 2029

Page. 1

NOTE No. 11.4. 54-27-22-3 (DR 4)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

OTTAWA, CANADA.

Certified that the following figures with regard to Japanese held Canadian Prisoners of War (Canadian Army) are taken from official Records:

Service Personnel

Canadian Army

Known Prisoners of War	1691
Returned to Military Control	1418
Died While Prisoners of War	273

/s/ C. L. Laurin

(C.L. Laurin) Colonel,
Director of Records (Army).

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22-1-10. f

Document No. 2448

Exh. 3030

Lp

STRENGTH AND CAPABILITIES
OF THE
LAND FORCES AND AUXILIARY SERVICES
OF THE UNITED KINGDOM
1939 to 1945

Presented by the Prime Minister and the Minister of Defence
to Parliament by Command of His Majesty
June 1946

London
His Majesty's Stationery Office
Rivonia Road

Cmd. 6832

* * * * *

Total Number of Prisoners of War of the Armed Forces of the United Kingdom
Captured by the Enemy as reported to 28th February 1946

Table 9	Number			
	Total	Royal Navy	Army	Royal Air Force
<u>Captured by Germany and Italy</u>				
Total reported captured	142,319	5,629	126,811	9,879
Killed or died in captivity....	7,319	111	7,047	152
<u>Captured by Japan</u>				
Total reported captured	50,015	2,304	42,610	5,102
Killed or died in captivity....	12,433	421	10,298	1,714

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22-1-10. 6.

Exh. 2031

4

Doc. No. 1804A

Page 1

(SEAL) UNITED KINGDOM AND COLONIAL PRISONERS OF
WAR IN THE FAR EAST REPORTED TO 31st DECEMBER,
1945

<u>U.K. FORCES</u>		Reported Killed or died in captivity.	Total reported captured.
<u>Navy</u>	Officers	11	273
	Other Ranks	403	2,024
<u>Army</u>	Officers	201	2,769
	Other Ranks	8,463	39,850
<u>Air Force</u>	Officers	44	373
	Other Ranks	1,553	4,671
<u>Merchant Seamen</u>		98	1,143
		-----	-----
		10,773	51,103
 <u>COLONIAL FORCES</u>			
<u>Army</u>		190	3,224
		-----	-----
		11,063	54,327
		=====	=====

I, His Britannic Majesty's Attorney-General, hereby certify that, according to information received from the Government Departments concerned, the figures given above regarding United Kingdom and Colonial Prisoners of War in the Far East reported to 31st December, 1945, are correct and authentic.

(SEAL)

/s/ Hartley Shawcross

18th April 1946

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22-1-10.7
Doc. No. 2502 A

Exh. 2082

Page 1

SCHEDULE SHOWING THE NUMBERS OF NEW ZEALANDERS (SERVICE PERSONNEL AND CIVILIANS) WHO WERE REPORTED AS PRISONERS OF WAR IN JAPANESE HANDS, THE NUMBERS LIBERATED, THE NUMBERS DIED WHILE PRISONERS OF WAR, AND THE NUMBERS STILL UNACCOUNTED FOR.

NAME OF SERVICE	PRISONERS OF WAR	LIBERATED	DIED WHILE POW	NOT ACCOUNTED FOR
<u>SERVICE PERSONNEL.</u>				
ROYAL NZ NAVY	55	42	11	2
2nd N.Z.E.F.	25	7	18	-
ROYAL N.Z. AIR FORCE	41	38	2	1
TOTALS	121	87	31	3
<u>CIVILIANS, MERCHANT SEAMEN, AND VOLUNTEER FORCES PERSONNEL.</u>				
CIVILIANS	153	140	12	1
MERCHANT NAVY	35	34	1	-
VOLUNTEER FORCES (FMVF, SSVF., ETC.)	50	41	9	-
TOTALS	238	215	22	1

NOTE: In addition to the above there are still some personnel unaccounted for, or presumed or believed to have died, in the Pacific war theatre. It is not known, however, whether they were at any time prisoners of the Japanese. The following schedule shows the position in this connection.

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NAME OF SERVICE	CLASSIFIED PRESENT OR BELIEVED DEAD	MISSING	TOTAL.
	<u>SERVICE PERSONNEL.</u>		
ROYAL N.Z. NAVY	-	16	16
2ND N.Z.E.F.	5	2	7
ROYAL NZ AIR FORCE	230	27	257
TOTALS:	235	45	280
	<u>CIVILIANS, AND VOLUNTEER FORCE PERSONNEL.</u>		
CIVILIANS	-	7	7
VOLUNTEER FORCE (F.M.E.V.F.)	-	1	1
TOTALS:	-	8	8

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DOMINION OF NEW ZEALAND

Department of External Affairs
Wellington, N.Z.

AIR MAIL

P.M. 106/3/22

27 March 1946

MEMORANDUM for:

Brigadier R.H. Quilliam,
C/- New Zealand Representatives
to Far East War Crimes Commission,
TOKYO, JAPAN.

STATISTICS REGARDING NEW ZEALAND PRISONERS
OF WAR AND CIVILIAN INTERNEES IN JAPANESE
HANDS.

In accordance with the request made in your telegram No. 9 I have to enclose a schedule showing numbers of New Zealand citizens (service personnel and civilians) who were reported as prisoners of war or internees in Japanese hands; the numbers liberated; the numbers died while prisoners of war; and the numbers still unaccounted for.

As your telegram was garbled in transmission it is not clear what type of certificate is required but I take it that this memorandum is sufficient warrant that the figures are authentic.

The additional information for which you have asked will be forwarded as soon as possible.

/s/ G.R. Laking

Per Secretary of External Affairs.

Enclosure

Schedule of Statistics.

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Doc. No. 2942

MEMO - ADVISE

DATE 1 June 1946

REPORT NO. 1

RESTRICTED
MASTER INDEX REPORT - POW

DETAIL	AG POWER	GERMANY AND ITALY				JAPAN				BALCANES				GRAND TOTAL	REMARKS
		ARMY	NAVY	UNKNOWN	TOTAL	ARMY	NAVY	UNKNOWN	TOTAL	ROMANIA	BULGARIA	SLOVANIA	TOTAL		
OFFICIALLY REPORTED INTERNED		93133	20	1	93154	16036	3133	2411	21580	1097	165	8	1270	116004	
RETURNED TO MIL. CONTROL		90124	17	1	90142	10400	2201	1872	14473	1097	165	8	1270	105982	
DIED		2035	3	0	2038	5636	932	539	7107	*	*	*	*	9145	
REPARATED Prior to VE-Day		975	0	0	975	0	0	0	0	0	0	0	0	975	
UNRECOVERED POW		2	0	0	2	1	0	0	1	0	0	0	0	3	
REPORTED K.I.A. BY ENEMY		7579	0	0	7579	0	0	0	0	*	*	*	*		

* Included in figures for Germany and Italy

N.B. The above figures have not been verified or checked and names have been added since this last compilation of figures; however, as of 1 June 1946 these are the figures reported to this office by the enemy detaining powers. The only deaths listed are those reported by the enemy as all other information concerning deaths are reported directly to Casualty Branch, AGO.

/s/ L. E. Griffith
L. E. GRIFFITH, Major, GMP
Chief, Prisoner of War Division

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Exh 2039

Document No. 8431

Page No. 1

No. 144/13

April 20, 1942

To the Minister Extraordinary and Plenipotentiary of Switzerland

I acknowledge receipt of your letter dated March 11 in which you asked for information concerning some Americans on Wake Island.

As a result of investigation by the authorities concerned, of the American prisoners of war still on this island, there are quite a number who cannot be transferred at present because of wounds and illnesses and also those who of their own wish are engaged in peaceful labour. The sick and wounded are receiving kind medical treatment at our hands and as for the labourers, they are engaged in pleasant labour under an agreement of work with the Japanese authorities. The number and names of these people are now being investigated. I shall be grateful if you will communicate this to the Government of the United States.

I take this opportunity of expressing my highest respects to you.

Minister for Foreign Affairs

Shigenori Togo

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RESTRICTED

Classification changed from
"CONFIDENTIAL" to "RESTRICTED"
by order of the Secretary of War
By /s/ T.R.C. King, Lt. Col. Inf.

IN THE MATTER OF The Behanding)
of an American Citizen by)
Japanese Officer at Wake Island)
About May 1942.)
DEPOSITION OF Robert Hugh
LANCASTER, Box 331, Mountain
Home, Idaho,
Formerly Employed as a Foreman
at Wake Island by Pacific Naval
Air Base Contractors.

Taken at Naval Hospital, Mare Island, Vallejo, California.

Presenter: Lieutenant S.A. CHANE, USNR

Date: 10 October 1945

1. Please state your name, permanent home address, and date and place of birth.
A. Robert Hugh LANCASTER, Box 331, Mountain Home, Idaho, born 3 February 1908, at Miami, Oklahoma.
2. What is your occupation, by whom have you been employed, and where?
A. I am an excavating foreman by occupation, and on 4 June 1941 I was employed by Pacific Naval Air Base Contractors to work at Wake Island. I arrived at Wake Island on 2 August 1941.
3. Were you ever held as a prisoner of war by the Imperial Japanese Government?
A. Yes. I was held in custody as a prisoner of war by the Imperial Japanese Government from 23 December 1941 to 14 September 1945. I was taken prisoner when the Japanese Marines invaded Wake Island.
4. What were your major places of imprisonment while you were a prisoner of war?
A. I was held at Wake Island from 23 December 1941 to September 1942; at that time 257 civilian prisoners of war were moved from Wake Island to Camp 18, Saigo, Kyushu, Japan, where we were held until about May 1943, when Camp 18 was dissolved; and we were moved to Camp One, Fukuoka, Kyushu, Japan, where we were held until liberated on 14 September 1945.
5. Name or identify, if you can, any of the enemy officers or persons in authority at your places of imprisonment.

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5. The only name I can remember at the moment is that of an interpreter at Camp One named KATSUOKI (?). In my personal effects, which I do not have possession of at this time but which were returned to the United States by plane, I have the names and date of other officers and persons in authority at the aforementioned places of imprisonment.
6. Do you have direct personal knowledge of any incident that occurred while you were held as a prisoner of war which improperly subjected any American national to injury or death?
- A. Yes.
7. Describe this incident in detail, with particular reference to the circumstances under which it occurred, the manner in which it happened, and the identity and nationality of the persons involved.
- A. At Wake Island, in about April or May 1942, an American civilian employee of Pacific Naval Air Base Contractors was beheaded by a Japanese Officer using a two-handed sword. I do not know the victim's full name, but I can locate it when I get my personal effects, which were shipped back with me by plane. I recall his first name was "Babe", that he was employed as a roofer, and his home was in San Francisco, California. "Babe" had been apprehended stealing cigarettes and other commodities from the warehouses at Wake Island and, aside from this, had been very belligerent and uncooperative with the Japanese guards, who seemed to have a particular dislike for him. I do not know what he had any sort of a trial. He was held a prisoner in the contractor's main office for about a week, where the guards made him walk back and forth continuously until he was totally exhausted. When exhausted, they would beat him and make him continue walking. After he had been held for about a week, we understood that the Commanding Officer received orders or permission from Tokyo to execute him. A grave was dug and a board placed across it. "Babe" was led out blindfolded and tied and made to assume a kneeling position on the board over the grave. The Japanese Commanding Officer, his entire staff, and a great number of Japanese Marines and soldiers were present to witness the execution. Several other prisoners who had also been supervisors and foremen were required to witness the execution. I was standing in the front row about eight or nine feet from "Babe" when he was executed. I recall that just before the execution, the Japanese officer in charge read a long indictment in Japanese, and the interpreter repeated the substance of most of it. I do not recall exactly what was said, but in substance it was to the effect that the Japanese are honorable people, that they do not believe it is necessary to keep locks on warehouses, and that "Babe" had been found guilty of breaking into an unlocked warehouse and stealing material.

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8. Name or identify, if you can, any other persons who witnessed this execution.
- A. "Chuck" DAVIS, a foreman from Boise, Idaho, and Ike WOLFE, foreman, also from Boise, Idaho. I can furnish the names of additional witnesses when I obtain my personal effects, which includes a notebook and papers relating to this incident and others.
9. Does the testimony you have given cover all the pertinent details of this execution which you are now able to remember?
- A. Yes.
10. What type of work were you required to do while you were held as a prisoner at Wake Island?
- A. There were 350 civilian American citizens held for nine months at Wake Island, and they were required to finish the runway at the airport, digging a ditch wide enough to drive an automobile through completely around the island, where machine guns were mounted, and also to build pillboxes.
11. Do you recall that any other American citizens were tortured or beaten at Wake Island?
- A. Yes. All of the prisoners were slapped or beaten practically every day. I recall that "Swede" HOLSON, a rigger superintendent, was beaten severely with a crowbar until the ligaments in his legs were torn, and he has been unable to walk without a cane or crutches since that time. I understand he is enroute back to the United States at this time. I also recall that Carl Scholz, son, from Boise, Idaho, was so severely beaten with clubs that he was unable to walk for four or five days.

/s/ Robert Hugh Lancaster

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STATE OF CALIFORNIA :
County of Solano :

I, Robert Hugh Lancaster, of lawful age,
being duly sworn, state that I have read the foregoing transcription
of my interrogation, consisting of _____ pages, and that all
answers contained therein are true to the best of my knowledge
and belief.

/a/ Robert Hugh Lancaster

Subscribed and sworn to before me this
18 day of October, 1947, at San Francisco, California.

/s/ W.O. Johnson
(Agent) Lt. U.S.M.

STATE OF CALIFORNIA :
County of Solano :

I, Lieutenant S.A. Galloway, USN., certify that (Name) Robert Hugh LANGSTON, (Rank) Civilian, personally appeared before me on the tenth day of October, 1945, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Date: 12 October 1945

17/ S. A. Crane
LIEUTENANT S. A. CRANE, USN

1st Lt., Inf.

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C E R T I F I C A T E

7 January 1947

I HEREBY CERTIFY that the attached document is a true
copy of an affidavit sworn and subscribed to by

ROBERT HUGH LANCASTER

at San Francisco, California, on the 18 day of October, 1945.

I FURTHER CERTIFY that it was copied from an original
in my custody as Chief, Criminal Registry Division, Legal Section,
GHQ, SCAP, Tokyo, Japan. The original of this document can not
be made available immediately as it is required for the trial of
minor war criminals.

s/ Charles A. Reinhard
CHARLES A. REINHARD
Major., P.A.
Chief of Criminal Registry
Division, Legal Section

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(1) October 7, 1943.

I gave the following order to Lt. (SG) Techibena (at present a Lieutenant Commander) who was the Commanding Officer of the headquarters company as well as my acting Executive officer: "Using the men of the headquarters company appropriately and at a place which will not interfere with our positions, execute by firing squad all prisoners of war." I remember it was about one hour after sunset (not definite). Although my recollection of the hour of execution is not definite, I remember that there was a report made by Ensign Nakamura, command platoon leader under Lt. (SG) Ito, more than an hour and a half after my issuance of the order. Ninety-six (96) prisoners were executed and one escaped.

(2) (a) Around July 1943 an unknown person frequently broke into the headquarters company's food stores and this person was captured in the food store. His name is Jack. Previously a warning was given that since the food meant life and death on the island any person stealing food will be severely punished. In order to maintain military discipline it was necessary that the man be executed, so Lt. (JG) Nonaka (transferred to Japan in October, 1943, at present a Lt. (SG) executed the said person on Hagine (Pearle Island) by decapitation. Before the execution was carried out, I wrote a statement giving the reason for the execution and had this translated, and it was read to the person to be executed by Lt. (SG) Monoto (injured on October 7 and later sent back to Japan).

(b) I believe it was about October 15, 1943. The prisoner who escaped on October 7 when the executions were held was discovered and captured near the vicinity of the food stores, located near the shrine, where he obtained his food. At that time, we frequently received situation reports and orders from the fleet (6th based). One of them being that, "A new and powerful tank force was organized and has departed from Hawaii, therefore the Marshalls Area will go into their last defensive positions. Wake Island will prepare for an attack force." Thus we were in the midst of an alerted condition. In order to suppress any danger arising from him, I was forced to execute the said person on Hagima (Pearle Island) about thirty minutes after sunset on the same day. (Execution by decapitation). The officer in charge of prisoners, Ensign Nakamura, and several other enlisted men were also present at the scene.

(3) According to the news broadcast from San Francisco regarding the war criminal trials of Germans by the Allied Nations, it was said that the issuer of the orders as well as the executors of the orders will be persecuted. In case the various actions which were carried out to my orders because the source of any trouble, it will mean that my subordinates too will be involved. There is no greater grief for the commanding officer whose subordinates had to suffer because they had to carry out his absolute orders. Therefore if all cases I would like to shoulder the responsibility for my subordinates.

(4) I voluntarily and without consulting any other officer called all company commanders involved and department heads to a meeting in the conference room, and ordered that a false story be made, saying, "I have a new idea so just do as I say". I had made up this false story beforehand and then I issued the order. Note: at the second meeting I cannot recollect if Petty Officer Miyaki and the others were present.

(5) After the end of the war, it was impossible for me to obtain the contents of the Potsdam proclamation, and thereafter I began to realize that Japan was about to surrender unconditionally. I then realized that we had to obey United States orders. And in considering that in the Imperial rescript it said, "Not to lose faith in the Allied Nations", I reconsidered and decided to confess the truth without hesitation.

"CERTIFIED TO BE A TRUE COPY"
/s/ W. P. Mahoney

"Exhibit A-2(1)"

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(5) I appreciate the good treatment I am receiving.

The above statement is true to the best of my knowledge and recollection. I have given it freely and voluntarily and without being threatened and forced to do so.

Sakibara, Shigematsu

Witnessed.

CERTIFIED TO BE A TRUE COPY

/s/ W. F. Mahoney

"Exhibit 5-B (2)"

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A Statement by Lieutenant Commander Tachibana, Shoichi,
Imperial Japanese Navy.

All my statements hitherto are false. I have no other reason for giving the false statements outside of the order. The Commanding Officer said, "I have thought up a good story concerning the American prisoners of war." To us Japanese military men an order from a superior officer is absolute.

The reason why I concealed the former statements and how will tell the truth.

Several days ago while we were talking things over, the Commanding Officer said, "I don't think we can get away by giving false statements concerning the prisoners of war any more. If we still stick to the false statements my subordinates will have more trouble and furthermore many of my subordinates will be charged with perjury. For me, the Commanding Officer it is unbearable. I am planning to tell the whole truth on my own free will the next time we have an investigation. Now that you know that I am going to confess think it over and tell all that you know." Yesterday when I was called out I had an intuition that the Commanding Officer had already confessed so I followed the Commanding Officer and told the truth.

I was assigned as Headquarters company leader and head of communication in the latter part of September 1943. During that time there wasn't an executive officer so I was assigned as acting executive officer. October 6 and 7 continuously we were bombarded by gunfire and divebombers from a task force. There were a great many casualties. On the 7th at about 1200 a dispatch came from the Air Corps saying that a great convoy had been discovered 100 miles northwest of Wake Island. A message was received from the Commander of the 4th Fleet saying to keep a sharp lookout for a landing invasion. That night a landing invasion was imminent so everyone resolved to fight to the last man. Immediately there were orders to prepare for the counter-offensive. Every unit was busy preparing for the invasion. On the 7th, just after sundown, (I don't know the time), the Commanding Officer and I were at the command post. Then, all of a sudden, he ordered, "The headquarters company leader is to use his men and shoot to death the prisoners of war on the northern shore." It was so sudden that I was startled but I knew that the Commanding Officer was a careful man and I knew he wouldn't come to a conclusion unless he gave it plenty of consideration. (When I was a cadet at the Naval Academy he was my instructor). I didn't have a bit of doubt and thought it was justifiable to execute the prisoners of war according to the situation that night.

I did not know the Commanding Officer's plans, disposition, the lay of the island, etc., because I was just assigned as Executive Officer. In case the Commanding Officer fell in battle, I had to take over so I had to study his plans, etc. I was too busy so I transmitted the orders to the leader of the Command platoon and told him to prepare for the execution and to use the men in the Headquarters company.

A little later Lt. ITO (then a Lt. (jg)) arrived and was assigned as Headquarters Company leader, relieving me, so I passed it on to him. After that I listened to the Commander's plans for awhile. Then I went down below the command post and studied disposition, etc. About an hour after Lt. ITO took over the command of the headquarters company, a soldier came and reported that he heard volleys on the northern shore so I went out to investigate. On the way to the northern shore I met the execution party returning so I returned to the command post. Later a report came to the Commander from Headquarters company that the execution was

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carried out. Later on I heard that the Headquarters company leader had a headache from dengue fever so he did not go to the Commander personally to report the carrying out of the execution. Later on the Commander sent for Paymaster Lt. KA'AGUCHI and ordered him to use his men in the Quartermaster Corps to bury the bodies. At that time I was away so I did not know it until later.

After the 7th of October we were expecting more raids so we were on watch night and day and had training in counter-offense. At about the 11th of October a message came in from the 4th Fleet saying that an American Task Force had left Hawaii and to be prepared for a landing invasion. So we doubled our vigilance. At about the 20th a report came in about someone seeing a caucasian in blue clothing near the woods by the shrine. An order was given to search the area but he couldn't be found so we gave it up. The next day he was found in the first Lieutenants Department warehouse and was taken to headquarters. We found out that he was hiding in the supplies storeroom.

On the same day just before sundown the Commander ordered him to be executed. He said he would do the execution personally by cutting his head off. After sundown the Commander executed him personally with his sword on the eastern end of Peale Island and the body was buried on the spot. When I went there the execution was over and they were almost through burying the body. There were five or six men but it was dark and no moon was out so I wasn't able to recognize anyone. To make sure there wasn't anymore of American prisoners we checked up the remains of the prisoners of war that were buried.

On the night of August 15, 1945 we heard of the surrender from a radio newscast but we did not get any dispatch from Naval General Staff in Tokyo so we did not believe it. On the 16th an Imperial Message was received and we found out the truth.

It was on the 18th or 19th at about 8:00 p.m. The Commander ordered all officers above chiefs of sections near the headquarters area to muster at his quarters. He said, "I just heard over the radio from Melbourne that all criminals of war whether they were ordered or were the officers who gave the orders will be punished." After he said this he just stared at the floor and said nothing else. He seemed to be excited. About ten minutes later the meeting was dispersed. We wondered why the Commander ordered us to muster. Lieut. Comdr. Tachibana, Lt. Comdr. Miyazaki, Lt. Tokuda, and Lt. Ogawa were present.

Paymaster Nakasato, Lt. was sick in bed. Lt. Yamaguchi came just before the meeting was dispersed.

On the 20th or 21st of August all company leaders were ordered to muster. The Commander said, "The case concerning the prisoners of war will be like this. I have thought up a good idea so we are going to make it this way: Half of the prisoners of war died in the bombardment on the 6th of October 1943. The rest of the prisoners of war seemed on the night of the 7th of October and resisted with gunfire so a fight ensued and they all died." He put in a lot more details and said to be prepared according to his fabricated story. The conference lasted about two hours. Those present were: Lt. Comdr. Tachibana, Lt. Comdr. Miyazaki, Lt. Nakasato, Lt. Tokuda, Lt. Heno, Lt. Yamaguchi, Lt. Ogawa, Lt. Chiba, Lt. Mishikawa, Lt. Taniguchi, Lt. Ito, Toraji, Lt. (Jg) Asai, and Captain Nakajima, the Army Liaison Officer.

On the 22nd or 23rd of August 1945, the remains of the prisoners of war were moved to the eastern shore. The headquarters company took charge of the excavating and Ensign Kirata took the charge of the burying party. It took us two days to dig out the remains.

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On the 25th or 26th of August (maybe it was before), an inquiry came from the Bureau of Military Affairs concerning the prisoners of war on Wake. On the same day all officers above the chiefs of sections, including the Executive Officer and all men who took part in the invasion were ordered to muster to give the Bureau of Military Affairs their information. The number shipped to Japan, day's schedule, the kind of work they did, living quarters, food, etc., and also the events that took place on Wake were sent to the Bureau of Military Affairs. It took about two hours. Those present were:

Lieut. Comdr. Tachibana, Lieut. Comdr. Miyazaki, Lt. Nakasato, Lt. Tokuda, Lt. Ueno, Lt. Yamaguchi, Lt. Ozawa, Lt. (jg) Asai, Ensign Morie, Warrant Officer Ariyasu, and Captain Makojima (Army).

Ariyasu stayed only for awhile. On the night of September 8th all officers above company leader and men involved in the case were ordered to muster. More detail was given concerning the fabricated story and ordered that all his subordinates to be thoroughly familiar with the fabricated story. During the conference, Miyaki, Banguchi, Kido and Shibata were called and the details were told to them. The details are the same as the testimony from Miyaki and the other three. This conference lasted about 8 hours. Those present were: Lieut. Comdr. Tachibana, Lieut. Comdr. Miyazaki, Lt. Nakasato, Lt. Tokuda, Lt. Yamaguchi, Lt. Ueno, Lt. Ozawa, Lt. Ito, Toraji, Lt. Nishikawa, Lt. Okanda, Lt. Matsuda, Lt. Itani, Lt. Misawa, Lt. Taniguchi, Lt. Chiba, Lt. Morimoto, Lt. (jg) Asai, Ensign Morie, Warrant Officer Misakabe, Petty Officer Miyaki, Chief Petty Officer Banguchi, Chief Petty Officer Kido and Chief Petty Officer Shibata.

I think this is about all the conferences we had. There might have been another conference for officers above company leaders. The Commander just wanted to make sure we were thoroughly familiar with the fabricated story.

END

The above statement of facts is a true story to the best of my knowledge and recollection of the facts. I have given it freely and voluntarily and without being threatened or forced to do so.

Witnessed.

"CERTIFIED TO BE A TRUE COPY"

/s/ W. P. Mahoney

"Exhibit 6-B"

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STATEMENT OF ITO TORAJI

On the 7th of October 1943 at about 5:30 P.M., I arrived from Kwajalein by plane and was assigned as Commanding Officer of Headquarters company. Then Lt. Tachibana placed me in order saying that the Headquarters company was ordered to shoot the prisoners of war to death.

At the command post, I met one of the platoon leaders in the headquarters company (I think his name was Platoon Leader Nakamura) and told him that I was assigned as Company leader. I learned that the Headquarters Company was at the northern beach so I went there.

When I arrived at the northern beach I saw the Prisoners of War sitting side by side in a single file facing the beach, with their hands tied and blindfolded. About five or six meters behind each of them stood the riflemen. There were about one hundred but I couldn't see the men in the right flank distinctly. A platoon leader came up to me and said that everything was all set. So I said, "Go ahead as ordered."

A Platoon leader came over to me and said, "It is over," so I ordered him to report to Headquarters and then to go back to his post immediately. I went back to the command post (it was about 7 P.M.)

About a week later an order came by phone that someone saw a strange man who looked like an American and to search all their respective areas. After the search, I reported that everything was OK. Later I heard that an American was caught.

All that I stated on Wake Island is false.

(a) I think it was the day of surrender that we were ordered to give the false statement.

(b) All officers above Company Commander were ordered to muster at the Commanding Officer's quarters in the evening.

(c) After the muster, the Commanding Officer said, "Half of the Prisoners of War died in the bombardment and the rest were executed because there were signs of a riot." He further stated that he had sent a detachment to the mainland, and ordered us to testify within this scope.

I certify that the above statement is the truth, the whole truth, and nothing but the truth.

December, 1945 Lt. Ito, Toraji
I saw the following three platoon leaders at the place of execution: Nakamura, Horie, Honaka. I am not sure of these names.

I have made the above statement on my own free will.

Ito, Toraji

Witnessed:

Nitao Nakamura

A true copy. Attest:

Lieutenant, U. S. Naval Reserve,
Judge Advocate

CERTIFIED TO BE A TRUE COPY
/s/ W. W. Mahoney

"Exhibit 7-B(1)"

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INTERNATIONAL PROSECUTION SECTION

City to Tokyo }
Japan }
 } ss:
 }

WITNESSES

I, Richard E. Indisill, Lt. Colonel, QMC, upon oath, make the following statement:

1. I am on duty as Chief of the Investigation Division, Legal Section, General Headquarters, Supreme Commander for the Allied Powers, Room 823, Fifth Building, Tokyo, Japan.

2. My official duties include the direction of investigating officers engaged in the investigation of the treatment of prisoners of war and other Allied nationals during the course of the war.

3. Captain John Hays, United States Marine Corps, has been serving as investigating officer under my direction in the Investigation Division. On 1 October 1946, Captain Hays filed a report based upon investigation made by him and also upon his personal experiences as a prisoner of war. This report presents the following statements of fact on the subject indicated:

(1) SUBJECT: Improper transportation on high seas, clubbings, stealing of valuable personal property, starving of about eleven hundred (1100) prisoners of war, from Wake Island to Woesung (Shanghai) China aboard the NITTA Maru from 12 January to 24 January 1942.

(2) Upon embarkation on NITTA, "HU I was brutally clubbed across my back with a heavy club, slapped in the face by the Jap Guards who searched my small bag, containing, one book, one undershirt, and some toilet gear.

(3) The Guards clubbed and slapped Colonel J. P. S. Pavreux, Commanding Officer, Wake Island Detachment, U. S. Marines, too.

(4) Marines, Navy and Army Enlisted Men, Civilian Defense Workers, were forced to run through a gauntlet, they were barbarically clubbed, with baseball bats, kicked, slapped, by Captain SATTO's guards and NITTA "HU Captain OGIWA Kiyoshita ships crew until many of the men were badly hurt and fell ill.

(5) They were herded like cattle to holds, so crowded, that there was not enough room to stretch or lie down. Existing in dark, damp holds for two (2) weeks, humiliated, clubbed, starved, thirsty, forced to live dirty during the whole trip.

(6) Pfc Trefanaky, USMC, who was seriously wounded in combat, was clubbed until the stitches on his back ripped and the poor man fell unconscious.

(7) PFC Phillip Burford, Pvt. Todd, Pfc Eugene Richter, Sgt. "Pleasant" Lee-16, German Doka, U.S.N., Joe O'Neill, John Pollock, Harry L. McDonald, Red Tooban, civilians, and countless others clubbed terribly.

- (9) As the result of this horrible nightmarish mistreatment, many of our young and husky Marines contracted tuberculosis and other serious ailments. Amongst them was John Gutrie, Sgt. Bartel, and others, who all passed away during our internment in MANAGAN CAMP.
- (10) I also have information concerning two very sick men aboard NITTA "JUN" (name not remembered) who were soon removed from one of the holds by the Japs, to the "sick-bay", but never returned.
- (11) Aviation Mechanist Wata, 3rd Class JAMNIN, U.S. Navy, and two other young American servicemen, who were detailed to help the officers never disappeared with us at Woshung Shenghai. They disappeared too. It is very obvious that three (3) of the five (5), (perhaps all five) U.S. servicemen were beheaded, and their bodies thrown overboard.
- (12) Rahmading, clubbing, stripping the Prisoners of all belongings such as watches, rings, money, pens, pencils, toilet gear, clothing, even personal papers, letters and photographs.
- (13) Colonel DAVENPORT, after a repeated request, was denied the possession of his old "family papers". Perhaps some of these articles could be recovered yet.
- (14) Wounded and sick aboard were absolutely refused medical care by the Jap Doctor. I personally requested treatment for Captain HENRIEL who was suffering from infected shoulder wound and was refused. We tore up a towel and bandaged him up the best we could.
- (15) There was also a big, well-built, loud talking Wip Pette Officer, who clubbed Captain HENRIEL about the head until he collapsed from possible internal injury. I witnessed the clubbing.
- (16) Grate many others, all via naval and civilians alike were clubbed to insensibility.
- (17) During the voyage, Captain SAITO and his staff interrogated officers and men concerning military installations on Oahu, Pearl Harbor, JOHNSON Atoll and, in many cases, they threatened prisoners with beheading, unless the questions properly answered.
- (18) On or about 18 January 1942 the NITTA "JUN" anchored in Yokohama Harbor. The weather was freezing, none of us had warm clothing. The looting of our clothing and valuables caused our very destitute appearance, and not having adequate protection against the inclemencies of weather, great many of us fell sick from exposure.
- (19) All the prisoners were robbed of all their personal possessions. They imposed capital and corporal punishments, kept prisoners in cold, damp holds without light. They imposed unhealthy starvation. They failed to allow prisoners to stay in the open air, or exercise.
- (20) In addition to all the above, the Doctor failed to give medical aid to our wounded and ailing. And to all this: The Commander of the Prisoner Escort NAVY OF THE GREAT JAPANESE EMPIRE published the following: "Regulations for Prisoners".

- (20) "1. The prisoners disobeying the following orders will be punished with immediate death
- a. Those disobeying orders and instructions.
 - b. Those showing a notion of antagonism and raising a sign of opposition.
 - c. Those disordering the regulations by individualism, egoism, thinking only about yourself, rushing for your own goods.
 - d. Those talking without permission and raising loud voices.
 - e. Those walking and moving without order.
 - f. Those carrying unnecessary baggage in embarking.
 - g. Those resisting mutually.
 - h. Those touching the boat's materials, wires, electric lights, tools, switches, etc.
 - i. Those climbing ladder without order.
 - j. Those showing action of running away from the room or boat.
 - k. Those trying to take more meal than given to them.
 - l. Those using more than two blankets.
-
- (21) 6. Navy of the Great Japanese Empire will not try to punish you all with death. Those obeying all the rules and regulations, and believing the action and purpose of the Japanese Navy, cooperating with Japan in constructing the "New Order of the Great East" which lead to the world's peace will be well treated.

The End

/s/ J. A. Jr.,"

- (22) Correspondence, food, clothing, packages were stolen.
- (23) My wife did send me some twenty-four (24) packages. Each was worth about fifty (50) dollars. I never received a single one. Most of the letters were held back in Japan, much destroyed. During three (3) years and nine (9) months in the hands of Japs I received one (1) letter, one (1) Christmas card and two (2) short radio messages at the end of the war from my wife, who wrote to me faithfully every chance she had. Many of her letters and postal cards were written in 1942-43-44-45 and just been returned as "undelivered" from somewhere.

- (24) During the early part of 1945, just before our departure from China (KILINGAN CAMP) a tall, slender, 60 year old Jap Prince of the royal-blood inspected us. He was the General Chairman of the Jap Red Cross from TOKYO. He did not bother to talk to our senior Marine officer, Colonel W. V. Ashurst, who could tell him plenty. The Jap Colonel OREKA just rushed him through the camp, he looked us over and departed.

(25) I still have a good size lump in my back, and a small hole in my skull. My head, left eye and leg is still itching at nights from the clubbings. Both of my legs are still sore and swelling from malnutrition, beri-beri, pellagra and other unpleasant complications forced upon me by the Japs. Even after a year of good American living.

4. I herby certify, upon oath, that the preceding paragraphs beginning with the words "SUBJECT: Improper transportation on high seas....." and ending with the words "...American living", consisting of two, 7-five (25) paragraphs dated 1 October 1946 are a true copy of statements of fact as presented to my Division by Captain Harris.

/s/ EDWARD E. UNDERHILL
Edward E. Underhill
Lt. Colonel, QMC

Subscribed and sworn to before me this 2nd day of January, 1947.

/s/ JAMES V. JOBINSON
Capt., USMC
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I, Yasuo KOMARA, after having been duly sworn to speak the truth conscientiously, adding nothing and concealing nothing whatsoever, testified at the Sugamo Prison, Tokyo, Japan on 14 November 1946, as follows:

My name is Yasuo KOMARA.

My home address is: #651 Onze-Nishi-cho, Nishi-cho-cho, Asakuchi-gun, Okayama-ken. At present I am confined in the Sugamo Prison as a suspected war criminal.

I joined the Imperial Japanese Navy in June 1923. At the outbreak of the Pacific War, I held the rank of Chief Petty Officer and was stationed at the Pure Naval Training Station.

From 25 December 1941 until the end of January 1942, I was assigned as a Prisoner of War Guard aboard the liner NITTA MARU. The NITTA MARU called at Wake Island on 13 January 1942 and took aboard some 1200 American Prisoners of War who had been captured at the time Wake Island surrendered to Japanese military forces in December 1941. From Wake Island the NITTA MARU went to Yokohama, Japan, and put ashore some fourteen American Prisoners of War. From Yokohama the NITTA MARU sailed to Shanghai, China, arriving there about 22 January 1942. All the Prisoners of War remaining on the NITTA MARU were put ashore at that time. Then the NITTA MARU went to Kure, Japan, and I went ashore and took up my regular duties at the Pure Naval Training Station.

The following persons were in the Prisoners of War Guard Detachment on board the NITTA MARU in January 1942:

POSITION	RANK	NAME
Guard Commander	Captain	(FNU) SAITO
2nd-In-Command	2nd Lt.	Young, short, Graduate of the Merchant Marine School.
Guard Officer	1st Lt.	(FNU) YOSHIMURA
Guard N.C.O.	Senior S.P.O.	Usaji HIDA
Guard N.C.O.	S.P.O.	(FNU) TAYAZOE
Guard N.C.O.	S.P.O.	YASUO YOHARA
Guard N.C.O.	S.P.O.	(FNU) ASAKAWA
Guard N.C.O.	S.P.O.	(Name Unknown)
Guard N.C.O.	P.O. 3/e	Tokuichi TAYAMURA
Guards	Seaman	About thirty men, names unknown.

In the afternoon of the second day after the NITTA MARU had departed from Yokohama, Japan, for Shanghai, China, with about 1200 American Prisoners of War from Wake Island on board, Captain SAITO called me into his cabin aboard the NITTA MARU. At this time he showed me a piece of paper which was an execution order for executing five American Prisoners of War aboard the ship. After I had read this order over, Captain SAITO told me that he was ordering me to kill one of these American Prisoners of War. I was astonished that he would order such a thing, and I flatly refused to carry out his order. When I refused, Captain SAITO told me that since I was the senior "COCHON" of the Guard I had to carry out his order. I refused again. But Captain SAITO explained to me that he was giving me a direct order and to use my Japanese sword. I was confused. I didn't know what to say. However, I reasoned to myself that the order from my Commanding Officer, Captain SAITO, was also an order from the Emperor of Japan. I must obey it. I also realized that if I refused this order I would be the one who would be executed.

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Therefore, I could do nothing but carry out the order of Captain SAITO to execute by my own hand an American Prisoner of War. After receiving this order I returned to my cabin as I was feeling ill.

Sometime later, someone came to my cabin, called me, and told me that the execution was ready to take place. I left my cabin and went up on deck. When I reached the quarterdeck, I saw five American Prisoners of War lined up on the port-side portion of the deck. Many of the Prisoners of War Guards and the crew of the NITTA MARU were standing around the American Prisoners of War and on the decks above the deck on which the Prisoners of War were standing. I noticed that it was late afternoon. Very soon Captain SAITO got up on a small platform near the American Prisoners of War and started to read the execution order. I cannot remember exactly how the execution order went, but it sounded something like this.

(First the names of the five American Prisoners of War to be executed were read off).

Then Captain SAITO read:

"Since you have committed -- a crime, it will do no good to the world to let you people live. I hope you will find happiness in the next world. When you are born again, I hope you will become peace-loving citizens."

After reading this execution order, Captain SAITO left his platform and proceeded to have the executions carried out. Captain SAITO ordered Warrant Officer YOSHIMURA to carry out the first execution.

The first American Prisoner of War was blindfolded and his hands were tied behind his back. He was made to kneel down on a small stretcher on the deck. Warrant Officer YOSHIMURA stepped cut by the American Prisoner of War, raised his sword, and struck the American Prisoner of War heavily across the side of the neck. The head was not severed. Therefore, Warrant Officer YOSHIMURA struck the American Prisoner of War again with his sword. I cannot remember where this second blow landed, but I do know that the head still was not severed from the body, and the American Prisoner of War did not die immediately.

Next, Captain SAITO ordered P.O. 3/c Teiichi TAKAURA to execute an American Prisoner of War. P.O. 3/c TAKAURA stepped up to the second American Prisoner of War who was kneeling on the deck. I was so sick from the sight of the execution of the first American Prisoner of War that I closed my eyes. When I opened my eyes, P.O. 3/c TAKAURA was standing, sword lowered, over the sprawled cut, headless body of the American Prisoner of War.

Next, Captain SAITO called out, "Senior 'GOCHO'". I answered, "Yasai". I was scared and shaking. I stopped cut to where the third American Prisoner of War was kneeling on the deck. I raised my sword to strike the American Prisoner of War. However, being unable to bring myself to deliver the sword stroke, I lowered my sword. I opened my eyes, and I saw the red hair above the blindfold of this American Prisoner of War. Since Captain SAITO was standing right beside me and since he had ordered me to do this duty, I raised my sword and attempted to strike. Again, I could not strike. I lowered my sword.

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Then realizing that I was acting on orders from the Emperor of Japan, I closed my eyes, raised my sword, and swung it forcefully downwards. When I opened my eyes, the body of the American Prisoner of War was lying at my feet. His head was severed from his body. I had carried out Capt in SAITO's orders.

Next, Captain SAITO called out C.P.O. ASAKAWA. CPO ASAKAWA stepped out and stood beside the fourth American Prisoner of War. As CPO ASAKAWA raised his sword over the head of the American Prisoner of War, I closed my eyes. When I opened my eyes, the American Prisoner of War was lying dead on the deck, and CPO ASAKAWA was standing over him and striking with excitement.

Next Captain SAITO called out CPO TAKEZOE. When CPO TAKEZOE was called out I left the deck and returned to my cabin. I felt so badly that I could not bear to witness any further executions. I did hear later, however, that CPO TAKEZOE and executed this fifth American Prisoner of War.

After the executions were finished I heard that the bodies of the five executed American Prisoners of War were thrown over the side of the PITTA MARU. I never heard of these five bodies being mutilated by the guards of the Prisoner of War Guard Detachment.

The morning after the execution, the PITTA MARU reached Shanghai, and the American Prisoners of War were put ashore. My duties as a Prisoner of War Guard were over.

While the PITTA MARU was en route from Shanghai to Kure, Captain SAITO called all the Prisoner of War Guards into his cabin and presented each of them several rings and watches which had been gotten away from the American Prisoners of War. I got a wrist watch and a gold ring. I lost this ring when my boat in Kure was burned down during the American air raids on Japan during the war. I left the watch with my wife when I left home to come into Sugamo Prison.

When I got ashore at Kure, I discovered that the original execution order that Captain SAITO had read before the PITTA MARU was in the pocket of my coat. Along with this execution order there was a picture of an American civilian by the name of "TAKASHI" or "TAKASHI" who had been aboard the PITTA MARU and who was called "TAKASHI" by all the Japanese. I took this order home and kept it in my home until it was burned in the air raids. Captain SAITO never asked me for this order. Therefore, I am sure that Captain SAITO did not report the execution of the five American Prisoners of War aboard the PITTA MARU in January 1942 to his superiors at the Kure Naval Training Station. If Captain SAITO had reported the execution, he would have needed the execution order to substantiate the charge and sentence in this execution.

I have nothing further to add at this time.

/s/ YASUO KOBARA (Japanese characters)
YASUO KOBARA

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ALLIED OCCUPATION FORCES)
)
 CITY OF TOKYO)

I, YASUO KOHARA, being duly sworn on oath, state that I had read to me and understood the translation of the foregoing transcription of my testimony and all statements contained therein, consisting of three (3) pages, are true to the best of my knowledge and belief.

/s/ YASUO KOHARA (Japanese characters)
YASUO KOHARA

Subscribed and sworn to before me this 19th day of
 November 1946.

/s/ George F. Getty III
GEORGE F. GETTY III, 1st Lt., Inf.
 Inv. Div., Legal Section SCAP

ALLIED OCCUPATION FORCES)
)
 CITY OF TOKYO)

I, Robert Hashima, Civilian Interpreter, GHQ, SCAP, Tokyo, Japan, being duly sworn on oath, state that I truly translated the foregoing testimony and all statements contained therein, from English to Japanese and from Japanese to English respectively, and that after being transcribed, I truly translated the foregoing deposition containing three (3) pages, to the witness; that the witness thereupon in my presence affixed his signature thereto.

/s/ Robert Hashima
Robert Hashima, Civilian
 Interpreter

Subscribed and sworn to before me this 19th day of
 November 1946.

/s/ George F. Getty III
GEORGE F. GETTY III, 1st Lt., Inf.
 Inv. Div., Legal Section, SCAP

C E R T I F I C A T E

I, George F. Getty III, 1st Lt., Legal Section, SCAP, Tokyo, Japan, certify that on the 19th day of November 1946, personally appeared before me, Yasuo Kohara, and according to Robert Hashima, gave the foregoing testimony, that after his testimony had been transcribed, the said Yasuo Kohara had read to him by the said interpreter the same and affixed his signature thereto in my presence.

/s/ George F. Getty III
GEORGE F. GETTY III, 1st Lt., Inf.
 Inv. Div., Legal Section, SCAP

TOKYO, JAPAN

19 November 1946
 Date

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Doc. No. 8433

Page 1

Tokyo, 26 May 1942

CC.1.2.1./EE.4.6.9.7.--cc.--

Mr. Minister,

As I had the honor of informing Your Excellency by my letter of 21 April, I did not fail to transmit to my government, for the attention of the government of the United States of America, the contents of the letter, No. 144/T3, dated 20 April last, concerning the situation with respect to the American nationals on the island of Wake.

According to a telegram which I have just received, the government of the United States would appreciate knowing the name /sic/ of the prisoners of war and civilian internees that the Japanese military authorities may have removed from the island as well as the place where they are interned. It would also like to have information on the fate of the American nationals, prisoners or otherwise, remaining on the island.

In begging Your Excellency to consent to inform me if it would appear possible for him to communicate to me the information asked by the Government of the United States of America, I take this opportunity to reassure you, Mr. Minister, of my deepest respect.

The Swiss Minister

To His Excellency
Mr. Shigenori Togo
Minister for Foreign Affairs
Tokyo

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Certificate:-

I, Robert M. Boyd, hereby certify that I am thoroughly conversant with the French and English languages, and as a result of the comparison between the French and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 8433.

/s/ Robert M. Boyd
26 December 1946

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Doc. No. 8432A

E2040

Page 1.

T/3 Ordinary No. 346

10 August 1942

Envoy Extraordinary and Minister Plenipotentiary from Switzerland

His Excellency,

Casille Gorge.

I have the honor to acknowledge the receipt of Your Excellency's letter, (No. CC.1.2.1 /EE 4.6.5.7.—ce-) dated 26 May, which, at the request of the American Government, inquires about names of the prisoners of war and civilian internees transferred from Wake Island to other places and their camps; and about the Americans remaining on the island.

Regarding the prisoners of war, the Imperial Government has sent to Your Excellency a list of their names, through the International Red Cross Committee, and thereby please be informed as to the conditions of those Americans taken prisoners of war on Wake Island.

Regarding the American civilian internees, we are ready to reply to every individual inquiry after the fullest possible investigations; therefore please arrange to convey our intention to the Government of America as you see fit.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Minister of Foreign Affairs

Shigenori TOGO (Seal)

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No. 8445

F2041

Page 1

To H. E. Monsieur Masayuki Tani
Minister for Foreign Affairs
Tokyo

CC.1.2.3/1.2.7/-cr.-

Tokyo, 21 September 1942

Monsieur le Ministre,

By letter No. 385 T/3 dated August 25, Your Excellency has been good enough to inform me that the lists of civilian internees and prisoners of war would be, as in the past, sent as fast as they are prepared, to the International Red Cross Committee which would send them to the Government of the United States. Your Excellency added that it was by error that it had been stated that the lists had been sent by the "Asahi Shimbun".

I have the honor of informing you that the Government of the United States has asked me to send to the Imperial Government the following message:

"American Government has taken note of information obtained by Swiss Government and International Redcross Committee regarding the activity of the official Japanese Information Bureau and that since the receipt by the American Information Bureau of Redcross telegram US 70 of June 16 reporting the presence of 29 prisoners of war from Wake Island at Zentsuji only occasional individual names of internees or prisoners of war held by the Japanese have been reported to the American Bureau by the Committee's Information Bureau. The records of the American Bureau still contain the names of only approximately 2000 American prisoners or internees in Japanese hands.

The American Government is unable to accept as a satisfactory reply the statement of the Japanese Foreign Office that lists of civilian internees and prisoners of war are communicated as in the past as prepared to the International Committee of the Redcross and urges both the Swiss Government and the International Redcross Committee to impress upon the Japanese Authorities the great importance that the American Government attaches to prompt fulfillment by the Japanese Government of the obligations it has assumed under article 77 of the prisoners of war Convention and 4 of the Redcross Convention. It desires that the Swiss Government and the International Redcross Committee call on the attention of the Japanese Government that the American Information Bureau transmits to the Central Redcross Information Bureau weekly lists of all Japanese nationals interned, released, paroled, detained, taken prisoner of war, transferred from one

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camp to another, etc. that are based on official information regularly and promptly furnished to the Bureau by the Government Agencies concerned and point out that the American Government has a right under the Geneva Conventions to expect Japanese Agencies concerned to furnish the Japanese Information Bureau promptly with like information for transmission through the central Information Bureau to the United States. In this connection it desires that the Japanese Government be reminded of its agreement that such lists shall be transmitted by cable to the Central Information Bureau at the expense of the state of origin of the Prisoners of War or internees.

The American Government would like to know at the earliest possible moment whether American prisoners of war held by the Japanese have been allowed to prepare and post the capture cards which paragraph 2 of article 36 of the Prisoners of War Convention specifies may be written by each prisoner of war "within a period of not more than a week after his arrival at the camp" and which "shall be forwarded as rapidly as possible and may not be delayed in any manner". If American have been permitted to prepare and post such cards the American Government would like to know urgently how the cards are being forwarded to the United States. If they have not already been forwarded by some other route it is urgently suggested that they, as well as complete lists of prisoners and internees containing information supplementary to that furnished by telegraph be forwarded on future trips of the exchange vessels."

While requesting Your Excellency to enable me to cable to the Government of the United States of America the information asked for, I take this opportunity to renew, my dear Minister, the assurances of my very high respect.

The Swiss Minister

Certificate:-

I, Yale Texon, hereby certify that I am thoroughly conversant with the French and English languages, and as a result of the comparison between the French and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 8445.

/s/ Yale Texon

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E2042

Page 1

Tokyo, 6 October 1942

$$(\mathbb{G}_m \times_{\mathbb{A}^1} \mathbb{A}^1) \times_{\mathbb{A}^1} \mathbb{A}^1 \rightarrow \mathbb{A}^1$$

My dear Winter.

I have the honor to inform Your Excellency that in reply to
No. 100, of the 10th of August last, on the subject
of the American prisoners of war and civilian internees from Wake
Island, the Government of the United States of America has asked
me to notify the Imperial Government as follows:

"United States Government" is still without report on approximately 400 American civilians from Wake Island. While United States Government welcomes offer Japanese Government to report on welfare of individuals upon request it expects Japanese Government to report all names promptly in accordance with Article 7 of the Geneva Prisoners of War Convention through International Red Cross Information Bureau or protecting power."

I must add that contrary to what His Excellency Mr. Togo thought in the aforementioned letter, I have not received any individual slips on American citizens captured at Wake Island by the Japanese forces.

The Sigma Pointer

QUESTIONS

/S/ Tele "axon

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Doc. No. 8496

E2043

Page 1

EX. 4.6.9.7.-dbw.

By the note verbale No. 36/C.R. of February 15, the Imperial Ministry of Foreign Affairs had the kindness to inform the Swiss Legation that the Government of the United States of America, in order to obtain the names of the American internees on the Island of Wake, should refer to the lists sent to the International Red Cross Committee by the War Prisoners Information Bureau.

The Swiss Legation has the honor of informing the Imperial Ministry that the Government of the United States of America, to which this information was transmitted, points out that, considering the lists it received through the agency of the International Committee of the Red Cross, about 400 names of American civilians on the Island of Wake have not yet been communicated to it, which is contrary to the provisions of Article 77 of the Convention relative to the treatment of prisoners of war concluded at Geneva on July 27, 1929.

The Government of the United States of America insists therefore on receiving immediately notification of those 400 names. In addition it would attach importance to knowing the reasons for the delay accorded this notification.

The Legation would be very grateful to the Ministry for being kind enough to enable it to reply to the Government of the United States of America, and in thanking it very much for its kind and prompt reply, takes this occasion to renew the assurances of its high consideration.

TOKYO, April 8, 1943.

CERTIFICATE:-

I, ROBERT M. BOYD, hereby certify that I am thoroughly conversant with the French and English languages, and as a result of the comparison between the French and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 8496.

/s/ Robert M. Boyd

28 December 1946.

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Doc. No. 8437

E 2044
Page 1.

THE GAIMUSHO
TOKYO

No. 106/C.R.

Legation of Swiss Tokyo
Foreign Interest
EE 4.6.9.7 Apr 22, 1943

NOTE VERBALE

In acknowledging receipt of the Note No. EE 4.6.9.7 - DBw of the Swiss Legation dated April 8 concerning the American civilians on the Island of Wake, the Imperial Ministry of Foreign Affairs has the honor to inform the Legation as follows:

1. As regards the Americans on the Island of Wake, all the information to be furnished have been already communicated to the Legation by the Note Verbale No. 346/T. 3. of August 10, 1943 and by the Note Verbale No. 35/C.R. of February 15, 1943.

2. As regards the approximately 400 American civilians whose names are allegedly not included in the list attached to the above mentioned communication, the Ministry begs to be informed of the names, addresses, occupations, etc. thereof, as such information is necessary for investigation.

April 19, 1943.

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(9)
Doc. No. 8438

F2045

Page 1

/Rubber stamp:/
August 24, 1943

EE, 4.6.9.7.- dbm.

To the Imperial Ministry for Foreign Affairs
TOKYO

Referring to your note No. 106/C.R. dated 19 April last, the Swiss Legation has the honor to forward herewith to the Imperial Ministry for Foreign Affairs the list of 432 American civilians who ought, according to the latest information received by the Government of the United States of America, to have been on Wake Island at the moment of the Japanese occupation, but whose names, however, are not found on the lists sent by the Imperial Government to the International Red Cross Committee.

The Government of the United States of America attaches the greatest importance to knowing as soon as possible what happened to these persons and where they actually are now. It believes that investigations undertaken in this regard would be facilitated if a delegate of the Swiss Minister were to be authorized to talk to Mr. William Fairay who is believed, according to messages of the International Red Cross Committee at Washington, held as a prisoner of war in the Far East. In the opinion of the State Department, Mr. Fairay, whose name appears on the list attached, might be able to furnish indications regarding Mr. Leonard Ward and the other persons mentioned in this list.

The Legation takes the liberty of adding in this connection that the name of a Mr. William Fairay is found on list No. 27/4, containing the names of prisoners of war held in the Tokyo camp. This latter list was transmitted to the Legation by the Prisoner of War Information Bureau under the date of 2 June and there is every reason to believe that it relates to the Mr. Fairay from Wake.

The Legation would like to hope that the Imperial Ministry will be able to communicate to it the information requested by the State Department.

Thanking the Ministry heartily in advance for its kind and prompt reply, the Legation takes this opportunity of rendering to the Ministry the assurances of its high consideration.

TOKYO, 21 August 1943.

L. J. J. J.

List of 432 American civilians from Wake Island regarding whose fate the Government of the United States of America desires to be informed.

/Names follow. Not copied here./

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CERTIFICATE:-

I, VALE MAXON, hereby certify that I am thoroughly conversant with the French and English languages, and as a result of the comparison between the French and the English texts, I have established that it is a true and correct translation of International Prosecution Document No. 8438.

/s/ Vale Maxon

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F2046

(Stamp)

Oct. 11, 1943

EM. 4.6.9.7 - cerz.

To the Imperial Ministry for Foreign Affairs
Tokyo

By note of 31 August the Swiss Legation had the honor of submitting to the Imperial Ministry a list of 433 American civilians and of informing it that the United States Government attaches the greatest importance to obtaining information on their present situation. According to the last news received at Washington, they are supposed to have been on Wake Island at the time of the Japanese occupation; however, their names did not figure on the lists sent by the Imperial authorities to the International Red Cross Committee.

Lacking a reply to this day, the Legation takes the liberty of recalling this matter to the kind attention of the Ministry: the Government of the United States is indeed earnestly desirous of receiving this information as soon as possible.

In regard to this, the Ministry will be pleased to remember that according to the aforementioned note, Mr. William Faircy very probably a prisoner of war in the Tokyo camp, would be, in the opinion of the State Department, able to furnish information on the situation of the Americans from Wake.

The Washington Government would therefore like to have a delegate of the Swiss Minister authorized to talk with him on this matter.

Thanking the Imperial Ministry in advance for its prompt and obliging reply, the Legation takes this opportunity to renew assurances of its high regard.

Tokyo, 8 October 1943

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I, Yolo Marx, hereby certify that I am thoroughly conversant with the French and English languages, and as a result of the comparison between the French and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 8438.

/s/ Yolo Marx

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E2047

Doc. No. 8430

/Stamp/
Dec. 13, 1943

Page 1

EE.4.6.9.7.- dem.

By its notes of 21 August and 8 October, the Swiss Legation had the honor of informing the Imperial Ministry for Foreign Affairs that the Government of the United States of America attaches the greatest importance to obtaining information regarding the present situation of 432 American civilians presumed to have been on Wake Island at the time of the Japanese occupation. The Ministry will kindly recall that the Legation communicated to it the list of those concerned by the above-mentioned note of 21 August.

Meanwhile, the Legation has received from the Prisoner of War "Information Bureau" a list No. P.M. 27 of 205 Americans from Wake who are at the present moment prisoners of war in the Yakuoka camp. About 15 names found on the Prisoner of War Bureau list are not found on the list transmitted to the Ministry by the above-mentioned note, hence the Legation now knows the situation of about 190 of the 432 Americans from Wake as to whose fate the Washington Government has asked to be informed. It /the Legation/ is very desirous of receiving as soon as possible detailed information as to the whereabouts of the other Americans mentioned in the list of 21 August.

Thanking the Imperial Ministry in advance for its kind mediation, the Legation takes this opportunity to render to it the assurances of its high consideration.

Tokyo, 10 December 1943.

To the Imperial Ministry
for Foreign Affairs
Tokyo

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CERTIFICATE

I, YALE MAXON, hereby certify that I am thoroughly conversant with the French and English languages, and as a result of the comparison between the French and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 8430.

/s/ Yale Maxon

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Doc. No. 8429

E2048

Page 1.

/stamp/ Feb. 16, 1944

EE. 4.6.2.7.-200

By its note of 21 August last, the Swiss Legation has the honor of presenting to the Imperial Ministry for Foreign Affairs a list of 432 American civilians who are supposed to have been on Wake Island at the time of the Japanese occupation and regarding whose fate the Government of the United States has requested information.

The Legation learned from list number F.M. 37 of the Prisoner of War Information Bureau dated 24 November, that about 190 of the 432 Americans from Wake were in the Fukuoka Camp; the Legation therefore expressed the desire, in its note of 10 December, to receive information as to the fate of the other Americans mentioned in its aforementioned list of 21 August.

Lacking a reply up to this day, the Legation takes the liberty of again calling this matter to the kind attention of the Imperial Ministry and takes this opportunity to renew assurances of its high regard.

Tokyo, 14 February 1944

To the Imperial Ministry
for Foreign Affairs,
Tokyo

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22-1-2. (M2N)

Document No. 8424

E2049

Page 1.

EE.4.6.7-EGc

/stamped/
Sep 2, 1944.

By its note of 21 August 1943, the Swiss Legation had the honor of forwarding to the Imperial Ministry for Foreign Affairs a list of 432 American civilians who are believed to have been on the Island of Wake at the moment of Japanese occupation and regarding whose fate the Government of the United States of America has asked to be informed.

The Legation learned by list No. F.M. 27 from the Prisoner of War Information Bureau dated 24 November that about 190 of the 432 Americans from Wake were in the Fukuoka camp at that time; by its notes of 10 December and 14 February, it expressed its wish to receive information as to the fate of the other Americans mentioned in the abovementioned list of 21 August.

No answer having been received to this day, the Legation takes the liberty of calling this matter to the kind attention of the Imperial Ministry and takes this opportunity to renew the assurances of its high consideration.

Tokyo, 25 September, 1944.

To the Imperial Ministry
for Foreign Affairs,
Tokyo.

Certification:-

I, Yule Wagon, hereby certify that I am thoroughly conversant with the French and English languages, and as a result of the comparison between the French and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 8424.

/s/ Yule Wagon.

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November 7, 1944

EE.4.6.9.7.-204.

Referring to its notes of 10 December, 14 February and 25 September last on the subject of the Americans from the Island of Wake under the control of Japan, the Swiss Legation has the honor of informing the Imperial Ministry of Foreign Affairs that the Government of the United States of America has transmitted to the Swiss Government the list of its nationals from Wake who have not yet been the subject of any official communication from the Imperial Authorities. The Ministry will find a copy of this list attached herewith.

The Washington Government is very desirous of obtaining a report of the actual residence and the condition of these individuals as soon as possible in order to be able to reassure their families.

The Legation is thankful to the Imperial Ministry in advance for its kind intervention in this matter with the competent authorities and, thanking it in advance for its kind reply, takes this opportunity to renew its assurances of high consideration.

Tokyo, 1 November 1944

Annex

To the Imperial Ministry
of Foreign Affairs,
Tokyo.

List of 173 Americans from Wake Island
about whom the United States Government
has received no official communication.

- | | |
|--------------------------|-----------------------|
| 1. Abbott, Cyrus W. Jr., | 7. Bailey, George E., |
| 2. Allen, Forde L., | 8. Ballenger, George, |
| 3. Anderson, Norman A., | 9. Bewcutt, Don E., |
| 4. Andra, Roland L., | 10. Boyce, Dave, |
| 5. Anvick, Allen Wilbur, | 11. Brown, Edward J., |
| 6. Bensch, Carl Alfred, | 12. Bryan, Robert, |

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| 13. Clakins, Clarence C., | 38. Fong, Ginn Shaw, |
| 14. Cantry, Charles A., | 39. Fontas, Glen E., |
| 15. Carlson, Stanley A., | 40. Forsberg, Floyd F., |
| 16. Cavanagh, Allen A., | 41. Francis, Dale G., |
| 17. Chambers, David S., | 42. Franklin, Mark B., |
| 18. Chard, Ronlay D., | 43. French, Albert P., |
| 19. Choy, Robert A.F., | 44. Froberger, Laurence, |
| 20. Church, Carlton G., | 45. Gay, Paul J. Jr., |
| 21. Corriar, Louis, W., | 46. Gee, Yin, G., |
| 22. Corten, Paul, | 47. Gordin, William P., |
| 23. Cox, Karl L., | 48. Gibbons, George F., |
| 24. Cummings, David E., | 49. Gibbs, Charles A., |
| 25. Cunha, James A., | 50. Goebel, Clarence, |
| 26. Davis, Joseph R., | 51. Grossman, Paul A., |
| 27. Davis, Lee R., | 52. Grove, Louis, |
| 28. Dean, George, W., | 53. Griz, Williams B., |
| 29. Dixon, Theuron B., | 54. Haight, Ralph E., |
| 30. Dobyas, Harold, | 55. Haines, William H., |
| 31. Drayer, Henry W., | 56. Hall, John E., |
| 32. Dunn, Joseph W., | 57. Hance, Loren E., |
| 33. Esmy, Fay, L., | 58. Hansen, (John) Vernon, |
| 34. Farstedt, Knut, | 59. Hardisty, Herbert, |
| 35. Fenax, Ijacks, | 60. Harris, George, |
| 36. Flint, Howard A., | 61. Harway, Wilbur C., |
| 37. Follett, Frank P., | 62. Hastie, Frank, |

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| 63. Kettick, Howard L., | 89. Mackie, Elmer E., |
| 64. Hewson, Albert A., | 90. Marshall, Irving E., |
| 65. Higdon, Ralph, | 91. Martin, John, |
| 66. Hill, Norman L., | 92. McDaniel, James B., |
| 67. Highstein, Ernest A., | 93. McEwers, Ralph, |
| 68. Hofmeister, Julius M., | 94. McKoshan, Lloyd S., |
| 69. Hong, Bing Tong, | 95. McInnis, Thomas L., |
| 70. Huntley, John W., | 96. McKinley, Jack Fritz, |
| 71. Jenson, George A., | 97. Meyer, Lester T., |
| 72. Jinison, Harold E., | 98. Miguez, Frank, |
| 73. Johnson Edwin M., | 99. Miguez, Melvin, |
| 74. Jones, Alfred Alwynne, | 100. Miles, William, |
| 75. Kesler, Ora M., | 101. Miller, Charles Myrtilin |
| 76. Kelly, Fred E. M. | 102. Miller, Irwin E., |
| 77. Kelly, Martin T., | 103. Miller, Silas W., |
| 78. Kelso, Orval, | 104. Mitchell, Howard H., |
| 79. Kennedy, Thomas Francis, | 105. Mitchell, Wayne E., |
| 80. Kidwell, Charles A., | 106. Wittendorff, Joe F., |
| 81. Kroeger, Edwin T., | 107. Mueller, Carl, |
| 82. Larson, Julius L., | 108. Myers, Richard B., |
| 83. Lee, Ben Yin, | 109. Necks, Quinton D., |
| 84. Lee, Koon Pak, | 110. Nikolaus, John F., |
| 85. Light, Hollard E., | 111. Nygard, Andrew, |
| 86. Lim, Hong, | 112. Ostend, Clifford A., |
| 87. Lindsey, William O., | 113. O'Hall, John A., |
| 88. Lythgos, Gene, | 114. Pavlotska, Richard P., |

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| 115. Pease, Gordon E., | 141. Stevenson, Clinton L., |
| 116. Peterson, Herschel L., | 142. St. John, Francis Carl, |
| 117. Peterson, Lyle W., | 143. Stone, Clinton, |
| 118. Pratt, Archie Hays, | 144. Stone, Willis C., |
| 119. Preston, Donald Wm., | 145. Streblow, Alvin L., |
| 120. Protanu, George F., | 146. Stringer, Wesley W., |
| 121. Protanu, Lawrence E., | 147. Sullivan, Donald, |
| 122. Puccelli, Elmer, | 148. Susse, Arthur J., |
| 123. Shepard, Orbin L., | 149. Tart, Lucy Franklin |
| 124. Rankin, Morton D., | 150. Thomas, Owen G., |
| 125. Ray, Clyde W., | 151. Thompson, Glenn H., |
| 126. Ray, William H. Jr., | 152. Tucker, Earl E., |
| 127. Reeves, F. Wayne Jr., | 153. Vancil, Vernon, |
| 128. Reid, Russell, | 154. Van Valkenburg, Ralph, |
| 129. Reiger, Gregory Carl, | 155. Vent, Glen, |
| 130. Reynolds, William H., | 156. Villa, Edward E., |
| 131. Robbins, Paul J., | 157. Villinas, Chris., |
| 132. Schenel, Charles M., | 158. Walker, George C., |
| 133. Robbins, Sheldon S., | 159. Williams, Donald L., |
| 134. Schottler, Harwan, | 160. Williamson, Frank E., |
| 135. Shank, Linton F., | 161. Wilger, Edmond, |
| 136. Sherman, Glenford H., | 162. Wong, Sing, |
| 137. Shriner, Gould E., | 163. Wing, Bing Y., |
| 138. Sigran, Russell J., | 164. Wong, Guey Suey, |
| 139. Simpers, William, | 165. Wong, Guey Yick C., |
| 140. Smith, Charles E., | 166. Wong, Kay Ming, |

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167. Wong, San W.,
168. Wong, Thyn, Yeh,
169. Woods, Charles,
170. Wung, Clarence,
171. Yes, Ioon Le,
172. Yuan, Harry T.A.,
173. Yuan, Gusck J.

Certification-

I, Yale Maxon, hereby certify that I am thoroughly conversant with the French and English languages, and as a result of the comparison between the French and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 8423.

/s/ Yale Maxon

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Doc. No. 8426

Page 1

March 20, 1945

To the Imperial Ministry for Foreign
Affairs, Tokyo

EL. 4.6.9.7.--FGJ

By the note of November 1st, the Legation had
the honor of informing the Imperial Ministry of Foreign
Affairs that the Government of the United States of
America would like to get news of her nationals on Wake
under the control of Japan who have never been the subject
of any official communication of the Imperial Authorities.
A list of the interested was attached to the said note.

No answer being made to this day, the Legation
takes the liberty of calling this matter to the kind
attention of the Ministry.

/T.M. The Legation/ takes this opportunity to
renew the assurances of its high regard.

Tokyo, March 19, 1945

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Certificate:-

I, George W. Puffington, hereby certify that I am thoroughly conversant with the French and English languages, and as a result of the comparison between the French and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 8426.

/s/ George W. Puffington

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Document No. 8425

Page No. 1

May 16 1945

E. 4.6.9.7. - PPO.

By the notes of 1 November and 19 March last, the Swiss Legation had the honor of informing the Imperial Ministry for Foreign Affairs that the Government of the United States of America had expressed its desire of receiving more of its nationals from Tokyo who have not been the subject of a single official communication from the Imperial Authorities since they have been under the control of Japan. A list of the names concerned containing 173 names was annexed to the above-cited note of 1 November.

Nothing having been received to this day, the Legation takes the liberty of calling this matter to the kind attention of the Imperial Ministry.

The Government of the United States of America has in effect asked the Federal Authorities to request the Imperial Government in order that information concerning the actual residence and the conditions of these Americans may be sent to it /the Government of the United States/ as soon as possible. Strongly desirous of being able to put the families of those concerned at rest, the /Government of the United States of America/ requests however that the Imperial Government has had 7 years now to compile the report requested and that consequently nothing ought to prevent its immediate transmission.

While asking the Ministry to be kind enough to communicate, for the sake of the Washington Government, the reply of the Imperial Government on this subject, the Legation takes this opportunity to reiterate the assurance of its high consideration.

Karlisle 15 May 1945.

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Document No. 8425

Certificate:-

I, Yoko Koyama, hereby certify that I am thoroughly conversant
with the French and English languages, and as a result of the
comparisons between the French and the English texts, I have
established that this is a true and correct translation of
International Prosecution Document No. 8425.

/s/ Yoko Koyama

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Doc. No. 8422

Page 1.

To The Imperial Ministry for Foreign Affairs
Tokyo

Karuizawa, 27 July 1945

EE.4.6.9.7.-IFg.

By the notes of 1st November 1st, last March 19 and of last May 15, the Swiss Legation had the honor of informing the Imperial Ministry of Foreign Affairs that the Government of the United States of America has expressed the desire to receive news of her nationals on Wake who have not been the subject of any official communication from the Imperial authorities since they have been under the control of Japan. A list of those concerned containing the names of 173 persons was annexed to the aforementioned note of November 1st.

No reply being received until now, the Legation takes the liberty of calling this matter to the kind attention of the Imperial Ministry.

The Government of the United States of America indeed insists on receiving information of the present residence and situation of these Americans from the Imperial Government as soon as possible. Strongly desirous of being able to reassure the families of those concerned, they moreover remark that the Imperial Government has now had three years to write the required report and that consequently nothing should stand in the way of its immediate transmission.

Asking the Ministry to be kind enough to communicate the reply of the Imperial Government on this matter for the sake of the Washington Government, the Legation takes this opportunity to renew the assurances of its high regard.

CERTIFICATE

I, George W. Buffington hereby certify that I am thoroughly conversant with the French and English languages, and as a result of the comparison between the French and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 8422.

/s/ George W. Buffington

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22-1-2. MW (4)

E2054 X

Doc. No. 8483

Page 1

C E R T I F I C A T EStatement of Source and Authenticity

I, Alfred Bessi, hereby certify that I am officially connected with the Government of Switzerland in the following capacity: Swiss Diplomatic Representative, and as such official I have custody of the documents, consisting of forty-four letters and notes, as listed on Exhibit A attached hereto and described as follows: True copy of letters and notes in French from the Minister of Switzerland addressed to the Japanese Ministry of Foreign Affairs and the original replies thereto of the Japanese Ministry of Foreign Affairs addressed to the Minister of Switzerland.

I further certify that the attached letters and notes are official records of the Swiss Legation in Japan and that they are a part of the official archives and files thereof.

Signed at Tokyo on this
6th day of January, 1947.

a/ Alfred Bessi
 Signature of Official

Witness: Max B. Joss

Swiss Diplomatic Representative
 Official Capacity

Statement of Official Procurement

D-423606

I, 2nd Lt. Eric E. Fletcher, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above-signed official of the Swiss Government in the conduct of my official business.

Signed at Tokyo on this
6th day of January, 1947.

a/ Eric E. Fletcher 2nd Lt. G-1 G-1
 G-1 G-1

Witness: Charles E. Cole
 Capt. USAF

Investigator, G-1
 Official Capacity

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Certificate of Sources and AuthenticityEXHIBIT A

<u>Document Nos.</u>	<u>Description</u>
8408	Note Verbale from the Japanese Ministry of Foreign Affairs to the Swiss Legation (Conf. No. 158).
8407	Note dated 12 June 1945 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (OO1.4-FCc).
8418	Note dated 27 June 1945 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (OO4.-FC1. OO1.2).
8422	Note dated 27 July 1945 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (EE4.6.9.7 - FFG).
8423	Note dated 7 Nov. 1944 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (EE4.6.9.7 - EGD).
8424	Note dated 2 September 1944 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (EE4.6.9.7 - EGD).
8425	Note dated 16 May 1945 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (EE4.6.9.7 - FFG).
8426	Note dated 20 Nov. 1945 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (EE4.6.9.7 - FFG).
8427	Letter dated 7 Oct. 1942 from the Swiss Minister to the Japanese Minister for Foreign Affairs (EE4.6.9.7 - CE).
8428	Note dated 11 Oct. 1943 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (EE4.6.9.7 - dote).
8429	Note dated 16 February 1944 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (EE4.6.9.7 - EGD).
8430	Note dated 13 Dec. 1943 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (EE4.6.9.7 - dote).
8431	Letter dated 20 April 1942 from the Japanese Minister for Foreign Affairs (Shigemori Togo) to the Swiss Minister (No. 144/P3).
8432	Letter dated 10 Aug. 1942 from the Japanese Minister for Foreign Affairs (Shigemori Togo) to the Swiss Minister (T/3 Ordinary No. 366).

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<u>Doc. Nos.</u>	<u>Description</u>
8432-B	Letter dated 16 August 1942 from the Japanese Minister of Foreign Affairs to the Swiss Minister. (T3/Ord. No. 366).
8433	Letter dated 26 May 1942 from the Swiss Minister to the Japanese Minister for Foreign Affairs (Shigenori TOGO) (CC 1.2.1. EE 4.6.9.7 - ce).
8436	Note dated 8 April 1943 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (EE 4.6.9.7 - dbw).
8437	Note Verbale dated 19 April 1943 from the Japanese Ministry for Foreign Affairs to the Swiss Legation (No. 106/CR).
8438	Note dated 24 August 1943 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (EE 4.6.9.7 - dbw).
8443	Letter dated 21 Jan. 1942 from the Swiss Minister to the Japanese Minister for Foreign Affairs (Shigenori TOGO) (EE 7.1. - ca).
8445	Letter dated 21 Sept. 1942 from the Swiss Minister to the Japanese Minister for Foreign Affairs (Masayuki Tani) (CC 1.2.3. 12.7/cr).
8396	Letter dated 16 Sept. 1944 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (CC 1.8.0. - EGc).
8401	Letter dated 19 June 1944 from the Swiss Minister to the Japanese Minister for Foreign Affairs (Mamoru S. SHIGEMITSU) - (CC 1.8.0 - EGf).
8402	Declaration of the Swiss Legation dated 30 Dec. 1944 (CC 1.8.0 - FFd) with attached letter dated 29 Dec. 1944 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (CC 1.8.0 - EGc).
8403	Letter dated 28 Dec. 1944 from the Swiss Minister to the Japanese Ministry of Foreign Affairs (Tadao KURI). (CC 1.8.0 - EGd).
8404	Memorandum dated 19 Jan. 1945 from the Japanese Ministry for Foreign Affairs to the Swiss Legation (No. 23/T2).
8409	Note dated 20 April 1945 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (CC 1.8.0. - EGc).
8410	Letter dated 19 May 1945 from the Swiss Minister to the Japanese Ministry for Foreign Affairs. (CC 1.8.0 - FFd).
8411	Memorandum dated 28 April 1945 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (SUGI). (CC 1.8.0 - EGc).
8412	Letter dated 21 Feb. 45 from the Swiss Minister to the Japanese Foreign Minister (Mamoru SHIGEMITSU). (CC 1.8.0 - FFc).

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Doc. Nos.	Description
8413	Note dated 20 February 1945 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (CC 1.8.0 - FGc).
8414	Note Verbale dated 15 May 1945 from the Japanese Foreign Minister to the Swiss Legation (No. 118/T2).
8415	Letter dated 28 Nov. 1944 from Mamoru SHIGEMITSU, Japanese Foreign Minister, to the Swiss Ministry (FC2, Common No. 363).
8395	Letter dated 16 Sept. 1944 from the Swiss Legation to the Japanese Ministry of Foreign Affairs (CC 1.8.0 - EDe).
8397	Letter dated 19 July 1944 from the Swiss Legation to the Japanese Ministry of Foreign Affairs (CC 1.8.0 - EDe).
8400	Letter dated 5 June 1944 from the Swiss Legation to the Japanese Minister for Foreign Affairs (Mamoru SHIGEMITSU) (CC 1.1.3 - EEd - CC 1.8.0).
8416	Letter dated 2 November 1944 from the Japanese Minister for Foreign Affairs (Mamoru SHIGEMITSU) to the Swiss Minister. (2 Ordinary No. 36).
8398	Note dated 23 April 1943 from the Swiss Legation to the Japanese Ministry for Foreign Affairs. (CC 3.1.43 - FGc. CC 3.1.46).
8399	Memoirandum dated 12 May 1945 from the Japanese Minister for Foreign Affairs to the Swiss Legation (No. 113/T2).
8421	Note dated 23 May 1945 from the Swiss Legation to the Japanese Ministry for Foreign Affairs. (CC 3.1.43 - EFe).
8434	Note dated 23 June 1945 from the Swiss Legation to the Japanese Ministry for Foreign Affairs. (CC 3.1.43 - FGc).
8435	Note dated 29 January 1945 from the Swiss Legation to the Japanese Ministry for Foreign Affairs. (CC 3.1.43 - FGc. CC 3.1.46).
8454	Declaration of the Swiss Legation dated 5 June 1945 (CC 1.3.12 - Fg) with annexed note dated 3 June 1945 from the Swiss Legation to the Japanese Ministry for Foreign Affairs (CC 1.3.12 - EFe).
8457	Letter dated 6 June 1945 from the Swiss Minister to the Japanese Ministry for Foreign Affairs (Tadakazu SUZUKI). (CC 1.3.12 - FEd).

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/Statement of OMR. Yoshie, formerly Captain, Imperial Japanese Navy,
pertaining to execution of American prisoners on KIJIMA October 1942./

FOREWORD

This incident took place some years and months ago, and I have no written record of it; moreover, in my personal life, since the loss of my four daughters between March and April of last year, a species of emaciation has made me unable to and the strain of official duties. I have laid aside my pen and lived an isolated existence in the country, devoting myself to farming. My powers of memory have deserted me and the past is like a dream. Accordingly I shall have to state honestly my motto for this statement, calling upon my memories of the past, in accordance with the dictates of my conscience. Though it is my intention to make no false statements, it is difficult to eliminate errors completely; if by any chance I should make mistakes, I take this opportunity of requesting permission to correct them at a later date as I become aware of them.

FACTS

1. 2 September 1942 - nine (9) prisoners of war arrived at KIJIMA from MUKU. Before this I had received a directive from the 6th Base Unit Commanding Officer to the effect that /the prisoners/ were to be sent to TOKYO by first available transportation. Upon their arrival, I was ordered to arrange for their temporary incarceration.

2. Subsequently an effort was made to obtain surface transportation for the prisoners to Japan, but the war offensive was becoming more and more serious, and the situation in the MARSHES and GILBERTS was progressively more disadvantageous.

As a result, the shipping shortage in the KIJIMA area became daily more severe, and arranged surface transportation for the prisoners could not be obtained. Several times the 6th Base Unit Headquarters requested transportation, but it was useless, and the days went by with no result.

3. Around 10 October I was ordered by the Commanding Officer to execute the nine (9) prisoners (this order was known to the Senior Staff Officer). I expressed my opinion.

The Commanding Officer said: "In accordance with a directive received from Central Headquarters, it has been decided to execute the MUKU prisoners here and not send them back to Japan. You will take charge of carrying out this /execution/."

I said: "What! Now more than ever, executing /them/ is a terrible thing, don't you think?" Not to mention international law, the fact that they have been our guests for forty (40) or fifty (50) days makes it even more distasteful to execute them. Isn't there something that can be done about it?"

EXHIBIT 3B

Certified to be a true copy
/s/ E. L. Field, Lt. USNR 26

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The Commanding Officer: "It's the intent of Central Headquarters, and there's nothing we can do about it."

I accepted the execution order, there being no help for it.

4. I was ordered by the Commanding Officer (with the knowledge of the Senior Staff Officer) to use as executioners Warrant Officers or above.

5. Difficulty in selecting executioners.

Of course there were no volunteers for the job, but there was no getting around the Commanding Officer's (JG: JSE's) orders, and we had resolved that if suitable men could not be found, the job would have to be done by the /Guard Unit/ Commanding Officer, the /Guard Unit/ Executive Officer and so on down the line.

Cooperation of the various department heads in finding suitable executioners was requested (with the approval of /Rear-Admiral JSE/).

H.R. Standards observed in selection of executioners:

Youth, vigor, strength of arm, rank (Warrant Officer or above).

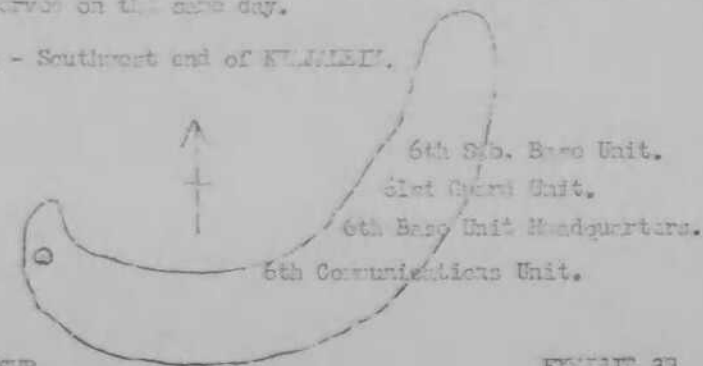
6. Time, place and procedure were decided upon, then approved by the Commanding Officer (JG: Rear-Admiral JSE).

A. Time - 16 October (date of provision? YASUNORI Shrine Festival).

(Reason /why this date was chosen/.)

A military man, whether enemy or Japanese, sacrifices his life or exhausts his strength, all for love of country; we realized that it would be fitting to comfort the brave spirits /of the prisoners/ by deciding upon this day for the execution, since by good fortune the provisional festival of YASUNORI was to be observed on the same day.

B. Place - Southwest end of KUMASU.



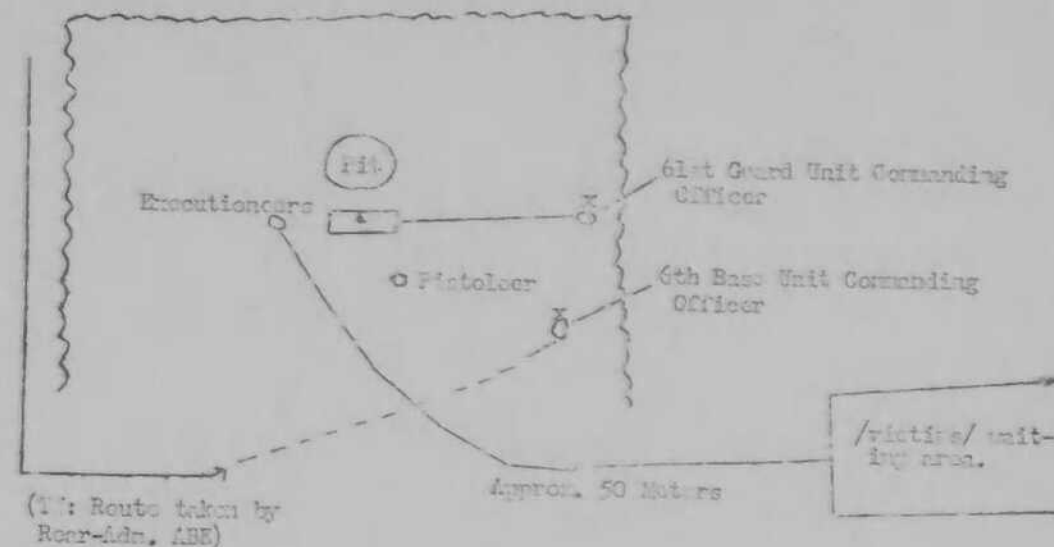
Justified to be a
true copy
/s/ E. L. Field, Lt. USNR

EXHIBIT 33

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3. Procedure.

(1) Arrangement of the site.



(2) Means of execution.

Principal means - Swords.

Auxiliary means - Pistols.

(Explanation:) In a forward area, execution where the emphasis is placed on proper form, it is a custom of the Japanese Armed Forces to behead /the victim/ with a Japanese sword, so as to render death instantaneous and minimize pain. Hanging was not employed because it is not in general use by the Japanese; death before a firing squad involves shortage of ammunition, and the supply difficulties at that particular time also argues against the use of that method. Nevertheless, in the /unlikely event of a failure/ of the sword method /preparations were made to/ use pistols also.

(3) Persons involved at the scene.

Command: Captain OKURA Yoshio (61st Navy Guard Unit Commanding Officer, with additional duty of 6th Seaplane Base Unit Commanding Officer)

Executioners: Lieutenant OKUMURA, 6th Communications Unit; two (2) or three (3) Warrant Officers (?).

Pistolcer: One (1) Petty Officer.

Certified to be a true copy
/s/ E. L. Field, Lt. USNR

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7. Record of the execution.

(16 October, Provisional YASUKUNI Shrine festival date)

Left 61st Guard Unit after the ceremony, wearing same uniform.

On way to execution site, stopped at 6th Base Unit Headquarters to report that the execution would be carried out as scheduled. Arrived at site.

Commanding Officer (TW: Rear-Admiral ABE) visits site (by automobile).

Commencement of executions.

Commanding Officer (TW: Rear-Admiral ABE) leaves site.

Executions completed.

After completion, stopped at 6th Base Unit Headquarters and reported completion to Commanding Officer. (TW: Rear-Admiral ABE).

8. Subsequent details.

The bodies were buried in a hole and covered with dirt. A tombstone was scheduled to be erected later, and flowers were to be placed on the grave; flowers were also to be planted around the spot, but since I was transferred to Japan about a month later, I turned these arrangements over to the 61st Guard Unit Executive Officer.

I swear that I wrote the above of my own volition, and that it is true to the best of my knowledge.

OSAKA Yoshio, 13 March 1946.

A true and correct translation, to the best of my knowledge and ability, of the statement in Japanese of OSAKA Yoshio, Formerly Captain, Imperial Japanese Navy.

Certified to be a true copy
/s/ E. L. Field, Lt. USNR

EXHIBIT 3B

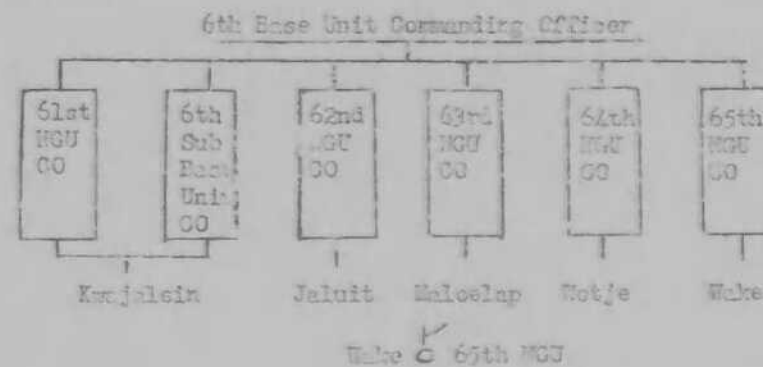
DAVID L. GIBSON, Lieut. U.S.N.R.
Translator.

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Additions and Corrections to my previous statement concerning the Kwajalein incident.

1. Limits of Authority of 61st Navy Guard Unit Commanding Officer (Additional duty as Commanding Officer 6th Submarine Base Unit) and 6th Base Unit Commanding Officer.

As 61st Navy Guard Unit Commanding Officer (Additional duty Commanding Officer 6th Submarine Base Unit) I was on the same island (Kwajalein) as the 6th Base Unit Commanding Officer, and was his direct subordinate. Our quarters were less than a hundred meters apart, and I would frequently visit him and receive his commands orally at any time of the day or night. In the execution of these orders, our relations were like those of the skipper of a flagship and the flag officers. As a result I had absolutely no opportunity for independent decision or action as did the other directly attached units, such as the 62nd, 63rd, 64th, and 65th Navy Guard Units. While I was formally in command, in actual practice, all matters other than administrative affairs within my unit were handled according to the directives of /the 6th Base Unit/ Commanding Officer.



6th Base
Kwajalein 61st NGU

64th NGU
Notje
63rd NGU
Maloelap

Jaluit 62nd NGU

Certified to be a true copy
/s/ R. L. Field, Lt. USNR

ENCLOSURE 4B

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2. Details of efforts to obtain surface transportation for moving prisoners to Japan.

From the beginning the use and disposition of transports and other shipping facilities at KWAJALEIN were entirely under the authority of the 6th Base Unit Commanding Officer. The 61st Navy Guard Unit Commanding Officer was responsible merely for the actual execution of this task. Accordingly, as the Commanding Officer /61st Navy Guard Unit/, from September 2 when the prisoners were temporarily interned until October 11 when the order to execute them was received, I repeatedly petitioned and urged the Commanding Officer and the 6th Base Unit Staff, via the senior staff officer, about surface transportation for moving the prisoners to Japan. For instance, I once wanted to use a Japan-bound destroyer which happened to put into port. Although I petitioned about the matter, my plan did not materialize because of objection raised by the /Captain of the/ ship. Also I heard that the Commanding Officer pressed the matter with dispatches concerning allocation of shipping facilities, to Commander in Chief Fourth Fleet as well as to Central Headquarters.

Finally the tide of war turned against our forces, and the difficulties of surface transportation became daily more severe. We could not secure shipping facilities for transporting the prisoners to Japan.

Time passed, and around forty (40) uneventful days were spent in procrastination. Then, in the first part of October a General Staff Officer, Lieutenant Commander OKADA, came to KWAJALEIN with X. Headquarters Commandant (TM: MOTOBUCHI), and a certain Fourth Fleet Staff Officer. The Central Office directive which they transmitted, on their advice, seems to have been the basis of the 6th Base Unit Commanding Officer's decision - a decision which was regrettably put into effect. (The following note was written in pencil, then crossed from the original.)

Note: Before this, in the air raid on the MARSHALLS of 1 February 1942, the crews of two (2) American planes which crashed, as well as one (1) subsequent small group of prisoners, had been sent back to Japan after a short incarceration by my unit.

3. Condition of prisoners at the time the execution order was passed and I expressed my opinions.

From the time of their temporary incarceration by my unit on 2 September, the prisoners were extremely tractable and caused us no trouble. There were several cases of light illness (diarrhea) among them, however, though these were cured in short order by having our Medical Officer diagnose and dose the victims free of charge.

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At the time in question, when forty (40) days had already passed since the prisoners' incarceration, our social intercourse had reached a high degree of intimacy, and they were looking forward with eager impatience to sightseeing in TOKYO, overcoming language difficulties by means of signs and gestures. They evinced a deep interest in the appearance of TOKYO, Japanese customs, and particularly in the likes and dislikes of Japanese women. This, and the question-and-answer sessions which were held on all subjects, show the perfect accord which existed. Frequently the men in my unit would give their own cigarettes, candy, and hardtack to the prisoners.

At first the difficulties which the prisoners of war experienced in the use of chopsticks were overcome by giving them rice-balls (there was no bread); but by this time they had gotten to the point where manipulating chopsticks did not cause them too much trouble; indeed they were displaying a great interest in things Japanese.

On this desert island in the distant sea, where life was hard and the necessities of life hard to come by, and where the war had brought a lack of recreation, these prisoners became a focal point for the interest of the unit personnel. /Reports of/ interesting occasions (T: lit. phoenix calls) when conversations took place frequently reached my ears.

Under these circumstances, it is not to be wondered at that I was surprised when the Commanding Officer (T: ABS) ordered me to carry out the execution. Aside from the question of the infraction of international law, then more than ever I could not find it in my heart to kill the prisoners, and expressed my opinion to that effect. My opinion, however, was not accepted, since the policy of Central Headquarters was considered inviolable.

There were no grounds upon which to alter the inflexible decision of the Commanding Officer (T: ABS) and I was forced to obey his command. I am sure /the reader/ will not fail to understand my dilemma in accepting this order.

4. My opinions; the Commanding Officer's attitude towards them.

Whether the basis for the Commanding Officer's decision to execute /the prisoners of war/ was a directive from the Central Office brought down by Lieutenant Commander OKUDA, General Staff Officer, whether it was the then policy of Central Headquarters, or whether it was the personal view of OKUDA, I cannot say; at that time I received the impression that it was a statement of policy - not Lieutenant Commander OKUDA's private opinion.

This is why I did not report my opinions. If the order had been based on the Commanding Officer's own idea I ought to have stated my objections again and again. About these things the Commanding Officer's resolve was unshakable. It was only natural that I should have been unable to make my opinion heard, in view of the attitude of the Commanding Officer. He seemed

EXHIBIT 43

Certified to be a true copy
/s/ E. L. Field, Lt. USNR

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determined to comply with (or more than comply with) Central Headquarters policy by executing the prisoners of war. He was particularly inclined to adhere to the wishes of his superiors. For me, understanding as I did the character of the Commanding Officer, to have persisted in the expression of my opinions would have been tantamount to rejecting his orders, and I would have been guilty of insubordination in time of war. Thus there was no way out but to accept the execution order.

5. Difficulty of Selecting Executioners.

Having been ordered by the Commanding Officer (TW: ABE) to carry out the execution, and having been forced to accept this order when my opinion was not allowed, I could not avoid the additional task of selecting the executioners. That task was rendered more difficult by the fact that the Commanding Officer had specified that persons of Warrant rank or higher should be used, thus further restricting the field. First I passed the order on to the senior officers of the 61st Navy Guard Unit, requesting them to get suitable /executioners/ from the 61st Navy Guard Unit personnel of Warrant rank or over; however, due to the fact that the prisoners of war were in the custody of their own unit, they shared my feelings /about the prisoners/, and of the thirty (30) or forty (40) persons of Warrant or higher rank, not one applicant could be found. For this reason I ordered the senior officers of my additional command, the 6th Submarine Base Unit, to produce /executioners/; at the same time, with the approval of the Commanding Officer (TW: ABE) I requested the Commanding Officers of other units present /on YAMAGUCHI/ but under separate jurisdiction to cooperate in the selection of executioners. Those unit Commanding Officers were: Commanding Officer 6th Communications Unit (as regards Communications, this unit was not under the command of the 6th Base Unit) and the Captain of the TOKIWA (though attached directly to the command of Commander in Chief Fourth Fleet, at the time in question the TOKIWA was under the tactical command of the 6th Base Unit Commanding Officer.)

A few days later several Warrant officers, sympathizing with me in my predicament, had volunteered in answer to my request. Further, on the day of the execution, Lieutenant OKUYAMA of the 6th Communications Unit volunteered his services at the same. Otherwise I have no recollection of the executioners' names or of their exact number.

Note: My recollections of the time in question are all hazy, and if I am /sometimes/ able to give exact dates it is because I looked them up in my diary.

6. Persons involved at the scene.

In charge of work - Lieutenant Commander (then Lieutenant) MATSUDA, 61st Naval Guard Unit Officer of the Guard (acting executive officer).

EXHIBIT 4B

Certified to be a true copy
/s/ E. L. FLEMING, Lt. USNR

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Executioners - 6th Communication Unit - Lieutenant OKUYAMA

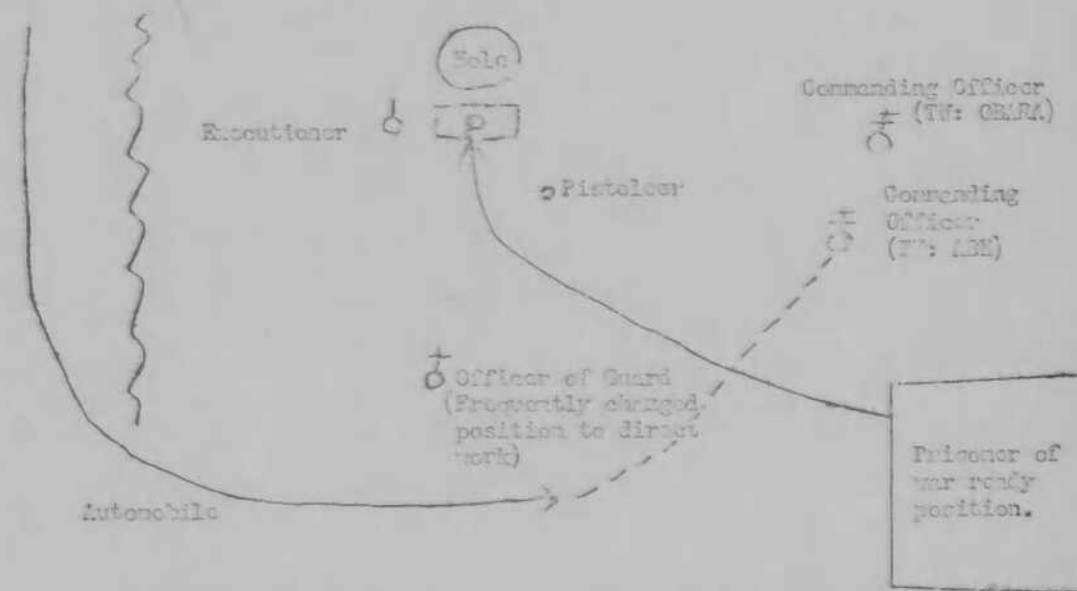
61st Naval Guard Unit	} One (1) Warrant Officer from each.
6th Seaborne Unit	
TOKIMA	

Pistolcar - 61st Naval Guard Unit Petty Officer.

Guards - ten (10) enlisted men from 61st Naval Guard Unit.

Laborers - ten (10) enlisted men from 61st Naval Guard Unit.

Note: Before the commencement, the Commanding Officer (TW: refers to OBIARA) and the Commanding Officer (TW: refers to ABE) (both staff officers) visit the scene.



I affirm that the above was written by me, and that it is the truth, so far as I am concerned.

28 March 1946

OBIARA Yoshio

I certify that the foregoing is a true translation of the statement in Japanese, to the best of my knowledge and ability.

Certified to be a true copy
E. L. F. 10, Lt. USA

EDWARD L. GSPORR, Lieut. USA
Translator.

EX-1001/AB

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STATEMENT OF CAPTAIN OBARA

When I held the nine American prisoners in my unit on September, 1942, I thought that they were respectable and honorable soldiers who had fulfilled their duty, and since they had been captured by us, were no longer but persons who did not differ from our neighbors and fellow countrymen, and they were truly merely unhappy fellows with the status of prisoners.

Thus, since the time that they were interned, I used much care to treat them well, and at the same time I tried to send them back to Japan as soon as possible from the dangerous front. Therefore, I am convinced that the treatment they received was excellent.

But you could hardly imagine my surprise when all of a sudden, I was ordered by the C.O., Abo, who used to be always very prudent, to kill the prisoners in the middle of October. Even when taking into consideration that it was issued so peremptorily and its nature was such that from the standpoint of my private feelings, I could not bear it. Moreover, from the standpoint of common sense, it could not be easily comprehended, since it ran utterly counter to my belief of the justice and humanity which I had firmly believed in all my life.

But now, the order was issued, and its solemnity could not be offended, because it was based on the directive from the Central Headquarters, having the reasons behind it which we were not in position to know. I as a military man know well that orders must be obeyed absolutely.

Now I came to be in a quandary, for as an Obara, with all the feelings of a human being, I had not the heart to kill the prisoners, but as the C.O. of the Guard Unit, I had to obey the order. Thus I, who had no authority to take the initiative, had no way to solve this difficulty except by recommending my opinions to the C.O., Abo.

So I made up my mind, and expressed my opinions to the C.O., Abo, to reconsider the matter, and make necessary arrangements to send them back to Japan, as had been decided by us, but because of the order from Central Headquarters, this also was not accepted. Thus the path that I would follow was absolutely decided. Now I could do nothing but to execute the order merely as his tool.

The course left for me, as a man of Obara, was to do the killing as politely as possible.

I did my very best as a man and as a military person. I firmly believe that anyone who had been in my position would not have been able to find a different way from mine. I am still convinced that the measures and attitude that I took were without a doubt just.

My official life had been unfavorable because I clung too much to the justice and rights of humanity. Therefore I devoted myself to building a

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/s/ E. L. Field, Lt. USMR

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happy family life, and especially to the culture of my children. Thus my four children grew up happily and in good health. However, my oldest son was killed at the front last spring; the other three were killed in the City of Kagoshima in an instant by a bomb during an air raid by the United States, and all my property was destroyed. All that is left to me are my 61 year old mother, and my wife, who is pregnant. My only two older brothers engage in agriculture in the United States, and their three sons are attached to the United States Military forces.

I who have believed in justice and humanity as a matter of faith, have come to be charged with unjust and anti-human murder, and tried before a United States Commission, while I am living bewildered as to what I should do, thinking of my old mother and wife.

How strict and merciless my destiny is! I cannot help but grieve for it. But under the belief that a day will come when destiny will smile again at a life that tried to walk in the path of justice and humanity, I will not cease to utter my conscientious claim that my acts concerning this case were precisely right and were not punishable things.

I implore the commission to realize my spiritual plight and to lead me, who strives to continue to build my road of justice, resisting my merciless destiny, rightly.

OSIMA, Yocaso

Certified to be a true translation to the best of my ability.

M. D. Arvey, Pns. USNR
Translator

Certified to be a true copy
/s/ E. L. Field, Lt. USNR

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2 March 1944.

Interrogation of A. Koso, formerly Vice Admiral, Imperial Japanese Navy, by Commander HEBBY and Lieutenant KATZLEY, Tokyo, Japan.

Interpreter - Lieutenant O'ROURKE.

Recorder - William A. Field, Yeoman first class.

Q What is your full name?

A A. Koso.

Q Were you ever stationed on KAWAJA?

A Yes.

Q What date did you arrive on KAWAJA?

A On the 8th of February 1942.

Q When did you leave KAWAJA?

A Around the end of November 1943.

Q What was your position on KAWAJA?

A I was the commanding officer of the 6th Base Unit.

Q Who were the officers immediately inferior to you by office?

A There was a Captain O'HARA who was commanding officer of the guard unit.

Q Who was your Chief of Staff?

A The senior staff officer at the time was a Commander by the name of TAKAHASHI.

Q What other naval units were under you at KAWAJA?

A The Guard Unit, the Communications Unit, and the Air Group.

Q Captain O'HARA was commanding officer of the guard unit?

A Yes.

Q Who was commanding officer of the Air Unit?

A At first it was Commander TAKAHASHI, but he was relieved later and I don't know exactly who took his place.

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s/ W. A. Field Lt USNR

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Who was commanding officer of the Communications Unit?

A I have forgotten it.

Q During this time who was your immediate superior officer?

A The 4th Fleet Commander at TRUK.

Q That territory was covered by your command?

A The MARSHALL ISLANDS.

Q Does that include KWAJALEIN?

A Yes.

Q Who was in charge of the execution of the American flyers on or about January 1943 on KWAJALEIN?

A There was no execution.

Q We have the first hand evidence, that is a witness, to the beheading of nine (9) American flyers in January 1943 on KWAJALEIN.

A There was no execution.

Prisoner took oath at this time.

Q Do you know the seriousness and the legal effect of answering questions under oath?

A Yes, I understand.

Q Therefore Admiral, I ask you again, what unit was in charge of the execution of the American flyers on KWAJALEIN, on or about January 1943?

A There was no execution.

Q Were you on KWAJALEIN early in 1943 as commanding officer?

A Yes.

Q And yet you know nothing about the execution of American flyers at this time?

A That is right- I don't know anything about it.

Q Did you hear anything about the execution of American flyers about this time on KWAJALEIN?

A No.

s/E. L. Field, Lt., USNR
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Q In what form did you give the order to Admiral SAKAIBARA at WAKE to execute the ninety-six (96) American prisoners there in 1943?

A I didn't issue any such order.

Q Was Admiral SAKAIBARA under you?

A Yes.

Q Did Admiral SAKAIBARA report the deaths of these people to you about this time?

A Yes, I received a report.

Q What was that report?

A As I remember it, the report said roughly that WAKE Island had been subjected to a bombardment by the American Fleet and that the prisoners had engaged in riotous activities against our force and that Admiral SAKAIBARA had disposed of them.

Q Did you pass this information on to the Navy Ministry in TOKYO?

A Yes, I did, in the form in which I received it.

Q When did you send Lieutenant ITO Torashi to WAKE Island?

A I don't remember. I do not remember Lt. ITO ever being on KAWAJALEIN.

Q Was it not just prior to the American Task Force assault on WAKE in October 1943?

A I didn't send him from my location.

Q He came from KAWAJALEIN - didn't he?

A I believe that he just passed through KAWAJALEIN, if he was ever there at all.

Q What was the message you gave him to Admiral SAKAIBARA with reference to the American prisoners of war?

A I didn't tell him anything about the prisoners.

Q Did you get a report on the execution of any American prisoners of war in May, June, or July of 1942?

A No.

s/E. L. Field, Lt., USNR
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Q If Lieutenant ITO did not go from KWAJALEIN to WAKE, but merely passed through KWAJALEIN on his way to WAKE, where did he come from?

A I Don't remember.

Q But you do remember that Lieutenant ITO passed through KWAJALEIN in early October, 1943, do you not?

A I think it is probable that he passed through KWAJALEIN at about that time, but I did not meet him, and don't remember definitely.

Q Why do you think it was probable that he passed through there then?

A Since the route by air travel from Japan to WAKE was by way of SAIPAN, TRUK, KWAJALEIN, and then to WAKE, I think it is possible that he passed through KWAJALEIN.

Q How do you know that he passed through KWAJALEIN - what reason do you have to believe this?

A As I said before, because of the route for air travel.

Q How do you know that he was ever up there?

A I don't have any definite recollection of whether Lieutenant ITO reported to WAKE in October 1943.

Q But you have an idea that he did?

A I have no definite recollection of it.

Q You are reminded that you are under oath and if you are caught telling a lie while under oath, it is a crime of International Law and you can be charged with perjury. Do you understand that?

A Yes.

Q Were any American prisoners of war brought from other islands in the MARSHALLS to KWAJALEIN?

A Yes.

Q What was done with American prisoners of war that were brought to KWAJALEIN?

A They were returned to JAPAN.

s/ W. L. Field, Lt., USNR
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Q Were some of those brought from MALOELAP?

A Yes, I remember, but not clearly.

Q How many were brought from MALOELAP, and when?

A I can't remember exactly at this point.

Q What year? What month?

A I can't remember.

Q As you recall, during your command, about when did the first American prisoners of war arrive from these islands?

A I don't remember exactly - all I know is that it seems to me that some prisoners were sent down from MALOELAP and sent back to JAPAN.

Q What year was this - 1942, 1943, or when?

A I can't remember.

Q When did Vice Admiral HARA leave the Marshalls?

A What was his first name? I don't know him.

Q Who preceded you on command at the MARSHALLS?

A Rear Admiral YOTSUSHIRO.

Q Who succeeded you in command?

A Rear Admiral MIYAMA.

Q What was Captain YAMAGATA's position? Was he not your Chief of Staff on KWAJALEIN at some time?

A No.

Q Who was commanding officer at MALOELAP?

A I can't remember.

Q Did you ever hear of Admiral KONOHA?

A Yes.

Q Was he in command at MALOELAP?

A Yes, he was.

s/ E. L. Field, Lt., USNR
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Q Admiral KOMODA is the one who told us about Captain YAMAGATA being your Chief of Staff.

A I believe he was Captain of a ship.

Q Stationed at KWAJALEIN?

A It was in KWAJALEIN for a while.

Q But he was not under you?

A Yes, he was under my command.

Q What happened to Captain YAMAGATA - what became of him?

A I don't know what happened to him after that.

Q We understand that it is a general policy of the MARSHALLS and eastern CAROLINE ISLANDS to execute American prisoners, especially where an invasion is impending. Did you give this direction, or did it come from higher authority?

A No, I didn't formulate any such policy.

Q Who did formulate this policy?

A Nobody formulated the policy.

Q Have you ever heard of a policy issued from the Japanese Navy regarding the security of a Japanese garrison by executing American prisoners if the need arises?

A I don't remember any such policy.

Q In the case of the WAKE executions - were these executions approved by higher authority?

A I received a report about the executions.

Q Were these executions approved by higher authority? We are not talking about Admiral SUMAISARA.

A When I received the report, I thought there was no help for it.

Q Did you get an acknowledgement of this from TOKYO.

A No, I received no word from the Navy Ministry.

Q Were the actions ever approved, to your knowledge, by the Navy Ministry?
s/E. L. Field, Lt., USNR
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A I don't know.

Q Who do you think, in your opinion, ordered Admiral SAKAIBARA to execute these prisoners?

A I don't believe anybody issued the orders.

Q Then Admiral SAKAIBARA was acting without orders - is that what you mean?

A I don't know the circumstances at that time.

Q Is it the practice of the Japanese Navy for a local commanding officer to execute a great number of prisoners of war on his own initiative.

A In general, it is not done.

Q Do you think it is a little out of order for Admiral SAKAIBARA to execute these men on his own initiative?

A Under those circumstances I suppose he reached a decision under his own initiative.

Q Generally though, that wouldn't be the practice, to execute that great number of prisoners by a local commander on his own initiative?

A Unless there was some special circumstances to make it necessary.

Q But it is a general policy that the local commander may execute in view of special circumstances, such as an invasion - is that the policy of the Japanese Navy?

A I believe that under the circumstances in the case of WAKE, Admiral SAKAIBARA was forced by circumstances to reach the decision that he did.

Q Then he is within the Japanese policy in doing this thing at WAKE?

A Admiral SAKAIBARA was, I believe, forced to execute the prisoners because of their riotous conduct and he had estimated that the Americans would make a landing on the island.

Q Is it not within the bounds of Japanese Naval practice to, if the special circumstances warrant, execute American prisoners of war, as for example, when an invasion is impending?

s/E. L. Field, Lt., USNR
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- A The policy is not like that.
- Q What is the policy? When is a Japanese Commander justified to execute prisoners of war within his power?
- A Execution is not approved under any circumstances.
- Q Now you just got through telling us that you thought Admiral SAKURAI was justified in executing these prisoners.
- A Since it was after the war, we received no reply higher up indicating whether it was approved or disapproved or whether it was thought bad or good.
- Q Have you heard of any executions in the MARSHALLS or TRUK, outside of WAK?
- A I don't remember of hearing of any.
- Q We have witnesses that a Navy Unit on KWAJALEIN beheaded nine (9) American flyers early in 1943 or about that time. If you persist in telling, what to us is apparently a lie we will have to charge you with perjury. It is not common sense that nine (9) prisoners of war could be executed on an island so small as KWAJALEIN without the knowledge of the Commanding Officer. Now either tell us the truth, or commit the crime of perjury.
- A I know what you are talking about. I don't think they were flyers.
- Q Just tell us the circumstances of what you know about the executions.
- A They were prisoners taken in the WAKIN battle.
- Q American prisoners?
- A I believe they were.
- Q Continue with the story.
- A These prisoners were sent up to KWAJALEIN from WAKIN and originally I intended to ship them back to JAPAN. I intended to put them on a ship and send them back to JAPAN but the Navy Ministry informed me that they could not divert a ship to KWAJALEIN. The ship was a destroyer. I was intending to ship them back to JAPAN and a while passed and then a staff officer from the General Staff in TOKYO came down to KWAJALEIN and said I was not to ship the prisoners back to Japan, but to dispose of them on the spot.

s/E. L. Field, Lt., USNR
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This being the case, in accordance with Navy policy, I disposed of the prisoners there.

Q In accordance with the Navy policy brought down by the Navy staff officer - is that what you mean by policy?

A The staff member did not bring back orders and he did not order me to carry out the execution on the spot, but he expressed the opinion which I took to be the Navy policy that that would be the thing to do and I agreed.

Q Who was this staff officer?

A Lieutenant Commander OKADA Sadatomo. From my present view point, I cannot definitely say whether the personal opinion expressed by Lieutenant Commander OKADA was the policy of the Navy, but at the time I believed that it was the policy of the Navy and that is why I did it.

Q Give us the general details of the execution - where they were killed and how many.

A As for the actual killing, I issued orders for that to the Guard Unit Commander.

Q Who was he?

A Captain OFARA.

Q Give all the details you know - what happened?

A I don't remember exactly how many there were.

Q Approximately how many?

A Seven (?) or eight (?) I think.

Q Do you recognize any of these men? (LFE was shown a picture of nine (9) Americans in a group).

A I don't recognize any of them.

Q What method of execution did you order the Guard Unit to use?

A I didn't specify the means of execution when I issued the order to the Guard Unit.

Q What kind did they use? Was it shooting, beheading, or what?

A I am not sure.

s/E.L. Field, Lt., USNR
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- Q What is your opinion of how they were killed?
- A I believe they were beheaded.
- Q What was that date?
- A About October of 1942.
- Q How about the execution in January of 1943?
- A There was no execution then.
- Q Were there any other executions on KILJALEIN during the time you were there?
- A No.
- Q Who was Captain OFARA's executive officer?
- A I don't remember.
- Q What was his rank?
- A Around a Lieutenant Commander, but I am not sure.
- Q Can you give us the names of any other officers in the Navy Guard Unit?
- A No.
- Q What was the number of this Guard Unit?
- A 61st Navy Guard Unit.
- Q Again, who was your senior staff officer at this time - what was his name?
- A HAYASHI.
- Q Did you pass this order to HAYASHI with instructions to pass it on to the commanding officer of the Navy Guard Unit?
- A I don't remember.
- Q Would it ordinarily be the practice to pass it through your Chief of Staff with instructions to pass it on, or to give it directly?
- A As a rule, orders would be passed by way of the senior staff officer.

s/E.L. Field, Lt., USNR
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Q Did you hear of any executions in any other MARSHALL Islands while you were there?

A Aside from WAKE, I have no recollection of any others.

Q In view of what you said about the representative from the General Staff, do you not think it possible that Admiral SAKAIBARA had word from higher authority to execute the Americans on WAKE?

A Since I certainly did not know of the incident before it took place, I am sure that Admiral SAKAIBARA did not receive authority from higher officials.

Q Did you report to TOKYO that you had carried out the execution of these eight (8) Americans from WAKIN?

A My staff officer made an oral report to the staff officer of the 4th Fleet at TRUK.

Q Was it forwarded to TOKYO?

A I don't know.

Q Before you executed these Americans after you had been told by the General Staff Officer that the policy was to execute them on the island and not bring them back to JAPAN, did you check with your superior to justify this policy?

A No, I didn't.

Q You just took the word of this Lieutenant Commander - right?

A There was also a staff officer from the 4th Fleet present, and he said the same thing.

Q And who was he?

A I am not sure, but I believe it was a Lieutenant Commander by the name of IIDA.

AME Koso

s/E.L. Field, Lt., USNR
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I, ABE, Koso, being duly sworn on oath, state that I have had read to me and understood the transcription of the foregoing transcription of my interrogation and all answers contained therein, consisting of fourteen (14) pages, are true to the best of my knowledge and belief.

ABE Koso

Subscribed and sworn to before me this 5th day of March 1946.

WILLIAM P. MAHONEY, Lieut.
154233, U.S.N.R.
War Crimes Officer

COMMANDER NAVAL ACTIVITIES JAPAN) ss
TOKYO, JAPAN

I, being duly sworn on oath, state that I truly translated the questions and answers given from English to Japanese and from Japanese to English respectively, and that after being transcribed, I truly translated the foregoing interrogation, containing fourteen (14) pages to the witness: that the witness thereupon in my presence affixed his signature (name or mark) thereto.

DAVID L. OSBORN, Lieut. USNR.

Subscribed and sworn to before me this 5th day of March 1946.

WILLIAM P. MAHONEY, Lieut.
154233, U.S. N.R.
War Crimes Officer

COMMANDER NAVAL ACTIVITIES JAPAN) ss
TOKYO, JAPAN

I, WILLIAM P. MAHONEY, LIEUTENANT, 154233, USNR certify that on the 2nd day of March 1946 personally appeared before me ABE Koso, and according to David L. Osborn gave the foregoing answers to the questions set forth therein; that after his testimony had been transcribed, the said ABE Koso had read to him by the said interpreter the same and affixed his signature (name or mark) thereto in my presence.

s/E.L. Field, Lt, USNR
CERTIFIED TO BE A TRUE COPY

WILLIAM P. MAHONEY, Lieut.
154233, U.S.N.R.
War Crimes Officer

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STATEMENT OF ABE, Koso

Because the Japanese Military Forces are directed to be in strict order, by the rigorous command which originates in the supreme prerogative of command of His Majesty the Emperor and penetrates from the Emperor on the top down to a private at the bottom, the primary and supreme duty of a military man is absolute submission to an order.

It is natural enough that throughout my long naval career, "not to disobey an order" has been my primary commandment, and I have never tried to deviate from this obligation for a moment.

As for the nine American prisoners concerned in this case, as I've already stated, I tried in every way to send them to Japan as soon as possible. However, a directive was issued to me from the Highest Naval Central Headquarters to dispose of them on my island, and I had nothing to do but obey it without question. Up to that moment never had an idea flashed through my heart and mind to dispose of them. Yet, now that a directive came to me which had been pondered and discussed prudently by the Highest Naval Central Headquarters, what path was left for me but to observe the directive subserviently?

Among hundreds and thousands of Japanese military men, since the Japanese forces were established, has there been or is there even one person who thinks he can be charged with his own acts, which he does pursuant to an order that he is merely following? It is above the understanding of the Japanese that such things must be idealized.

From the Japanese point of view, for instance in this case there is absolutely no doubt I am completely responsible for the acts which Captain OSMAR and Lt. Comdr. MAIKI did pursuant to my order and Captain OSMAR and Lt. Comdr. MAIKI are free from any responsibility. By the same token, the Highest Naval Central Headquarters is completely responsible for the acts which I and the other two did pursuant to its directive, and I and the other two are free from any responsibility.

Is there anything more cruel in this world than the punishment of the acts which the doer himself thinks to be right, and which all members of the society to which he belongs judge to be right also? Such a punishment forces the collapse of thought, and causes personality to perish.

Just at this very moment, I come face to face with the most horrible contradiction between ideas and reality which I have ever met in my life. I am utterly unable to dream of the reason why such a contradiction might come to be real in this world.

I implore the commission to investigate all the circumstances with its sharp judicial insight, and lead me out of this unimaginable plight.

ABE, Koso

Certified to be a true translation to the best of my ability.

Certified to be a true copy
/s/ E. L. Field, Lt. USNR

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E. D. ARVEY, Ens. USNR
Translator

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STATEMENT OF WILLIAM P. McHONEY, Lieutenant, USNR.

I, William P. McHoney, Lieutenant, USNR, swear and depose that the following matters are true to the best of my knowledge and belief, so help me God:

1. (a) The English translation of the interrogation of ABE, Kase, Vice Admiral, Imperial Japanese Navy, dated March 2, 1946, is a transcription of questions I, Lieutenant W. P. McHoney, put to ABE, together with ABE's answers; the answers were freely and voluntarily given and no offers of force or leniency were made; W. A. Bell, Ylc, USNR, was present during the interrogation and transcribed the questions and English translated answers as interpreted by Lieutenant David L. Osborn, after Lieutenant Osborn read back the English translation of the interrogation, dated March 2, 1946 to ABE, ABE, after making corrections, signed the said translation of the interrogation in my presence and in the presence of Lieutenant David L. Osborn.

(b) On March 9, 1946, a modified translation of the interrogation of March 2, 1946, signed by ABE on March 5, 1946, was written in Japanese by Lieutenant Osborn, and, after he, Admiral ABE, had read the translation and made corrections thereon, signed the Japanese copy freely and voluntarily on March 9, 1946 in my presence and in the presence of Lieutenant David L. Osborn.

2. (a) The English translation of the interrogation of OKADA, Yoshio, Captain, Imperial Japanese Navy, dated March 12, 1946, is a transcription of questions I, Lieutenant W. P. McHoney, put to OKADA, together with OKADA's answers; the answers were freely and voluntarily given; W. A. Bell, Ylc, USNR, was present during the interrogation and transcribed the questions and English translated answers as interpreted by Lieutenant David L. Osborn; and, after Lieutenant Osborn read back the English translation of the interrogation to OKADA, OKADA, after making corrections, signed the said translation of the interrogation in my presence and in the presence of Lieutenant David L. Osborn on March 13, 1946.

(b) The statements of OKADA, Yoshio, Captain, Imperial Japanese Navy, dated 12 March 1946 and 26 March 1946 were freely and voluntarily made and acknowledged in my presence by OKADA as his own statements; the English translations thereof were made by Lieutenant David L. Osborn.

KRM:BT 5(1)

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/s/ T. L. Pickle, Lt, USNR

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3. The statement of HAYASHI, Keiichi, Captain, Imperial Japanese Navy, dated March 15, 1946, was freely and voluntarily given and acknowledged in its presence by HAYASHI to be his own statement. The English translation thereof was made by Lieutenant David L. Osborn.

PHILIP P. HENRICH,
Lieutenant, U.S.N.R.,
Judge Advocate & War Crimes Investigator

Witnessed by me this 26th day of April 1946:

EDWARD L. FIELD, Lieutenant, U.S.N.R.
Judge Advocate,

Certified to be a true copy
/s/ E. L. Field, Lt. U.S.N.R.

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EIGHTEENTH DAY

United States Pacific Fleet,
 Commander Marianas,
 Guam, Marianas Islands.
 Friday, September 6, 1946.

The commission met at 9:30 a.m.

Present:

Rear Admiral Arthur G. Robinson, U.S. Navy.
 Captain Eric P. Hoag, Dental Corps, U. S. Navy
 Colonel James V. Ware, Infantry, Army of the United States
 Colonel Pierre B. Denson, Coast Artillery Corps, Army of
 the United States
 Lieutenant Colonel Adolph Zuhar, U.S. Marine Corps,
 Commander Orville O. Doan, U. S. Navy,
 Major Donald B. Conley, junior, U.S. Marine Corps, members and
 Lieutenant Edward L. Field, U.S. Naval Reserve, and
 Lieutenant Frederic T. Suss, U.S. Naval Reserve, judge
 advocates.
 Vivian Kilner, civilian, reporter.
 Each of the accused and his counsel and the interpreters.

No witnesses not otherwise connected with the trial were present.

With the consent of all parties to the trial the reading of the record for the seventeenth day of the trial was waived at this time.

Lieutenant Frederic T. Suss, U.S. Naval Reserve, the witness under examination when the commission adjourned, resumed his seat as a witness. He was warned that the oath previously taken was still binding and continued his testimony.

(Examination continued.)

The proceedings of the Board of Investigation were submitted to the accused and to the commission, and by the judge advocates so much thereof as contains the testimony on March 6, 1946, of the before mentioned witness, Major Matoba, Saseo, IJA, was offered in evidence.

The accused objected to the admission of this evidence on the following grounds:

All the accused and particularly Major Matoba, objected to this document, the interrogation before the Board of Investigation, being introduced into evidence in this case.

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 s/ E. L. Field, Lt., U.S.N.R.

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The prosecution persists in putting into evidence the proceedings of the Board of Investigation convened by the Commanding Officer, Occupation Forces, Bonin Islands. We respectfully object.

The prosecution states that as a result of the untiring efforts of the investigators these fourteen accused are now on trial before this commission. The accused are fortunate to be tried before this judicial commission instead of the Board which investigated them. They now ask, and particularly Major Matoba asks, that the proceedings of the Board be not admitted into evidence before this Commission.

We object for the same reasons as we have objected before during this trial when the proceedings of this Board were offered in evidence. We ask the Commission to again consider all the objections which have heretofore been made.

In addition we further object and wish to emphasize that the proceedings of the board should not be admitted as evidence before this Commission because of the rule previously cited by the prosecution, found in Wharton's Criminal Evidence, Section 722: "the confessions or admissions made by a co-conspirator or co-defendant after the termination of the conspiracy and in the absence of the defendant, are not admissible against the defendant as substantive evidence to prove his guilt. His confession, therefore, subsequently made, even though by the plea of guilty, is not admissible in evidence, as such, against any but himself."

The prosecution would have this commission believe that the Supreme Commander Allied Powers allocated this fundamental rule when he stated under paragraph 5 (d), section (1): "The commission shall admit such evidence as in its opinion would be of assistance in proving or disproving the charge, or such as in the commission's opinion would have probative value in the mind of a reasonable man."

The prosecution can cite no authority for this interpretation of these SCAP rules, except their own opinion. We of the defense maintain that these SCAP rules do not permit putting into evidence the proceedings of the board in question. The prosecution has cited the Horra case as approving the SCAP rules. We respectfully call the Commission's attention to this case: Application of Masaharu Horra as reported in Supreme Court Reporter, March 1, 1946, Volume 66, No. 3, Pages 515 to 517 decided February 11, 1946: On motion for leave to file petition for writs of habeas corpus and prohibition and on petition for a writ of certiorari to the Supreme Court of the Commonwealth of the Philippines. The motion for leave to file petition for writ of habeas corpus and writ of prohibition is denied, and the petition for writ of certiorari is also denied on authority of Application of Yawata, and

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s/E.L. Field, Lt., USFR

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Mr. Justice Murphy 326. 19 - 46 S Ct 740. Mr. Justice Murphy has filed a dissenting memorandum in which Mr. Justice Rutledge concurs. Mr. Justice Rutledge has filed a dissenting memorandum in which Mr. Justice Murphy concurs.

It is not true that these persons were co-conspirators but quite to the contrary, insist that there was no conspiracy nor should they have been joined as co-defendants. They have, however, been joined as co-defendants and therefore such confessions or admissions as any of them made are not admissible against the defendant as substantive evidence to prove his guilt.

In our previous objections we stressed the violation of the rights of the individual by this board. We again call the Commission's attention to the Fifth Amendment of the Constitution of U.S. which states that, "no person shall be compelled to be a witness against himself" and of the Sixth Amendment which guarantees that in all criminal prosecutions the accused shall have the assistance of counsel for his defense. Naval Courts and Boards, section 236 states our point very clearly. "The Constitution provides that no person shall be compelled to give any evidence against himself."

The Board of Investigation was well aware of the provisions of section 734, Naval Courts and Boards, particularly paragraphs (b) and (c) which under the signature of the Senior Member of the Board appears the following: "Throughout the duration of the investigation, the members of the board were fully cognizant of the provisions of section 734 (b) and (c), Naval Courts and Boards; but since the evidence concerning the subject matter of the investigation was so involved and the number of Japanese officers and men implicated so large, it was impossible to give defendants and interested parties properly until all evidence had been received, and to accord them fully their rights and privileges before the board. By deviating from the procedure set forth in section 734 (b) and (c), Naval Courts and Boards, the members of the board believe that the investigation was conducted in the most expeditious manner to ascertain the facts properly, and do not believe that the status of any of the Japanese officers or men concerned was materially jeopardized in any way".

That, gentlemen of the Commission, was what the members of the Board of Investigation said, but what are the facts?

The Commission have before them fourteen of the many Japanese officers and men whom the board said were not materially jeopardized. The fourteen are now accused of crimes the penalty which may well be death if they are found guilty. Can anyone say that the status of these fourteen Japanese officers and men have not been materially jeopardized?

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We say that the rights of these fourteen accused have been most unjustly violated and their very lives put in jeopardy.

We also say that appendix D-14, Naval Courts and Boards, does in no way permit or authorize the abrogation of the fundamental rights guaranteed by the constitution.

We hold that for this Commission to admit the interrogatories of the Board of Investigation is a violation of an act of Congress which directs that such evidence be excluded.

The judge advocate replied.

The commission was cleared.

The commission was opened. All parties to the trial entered.

No witnesses not otherwise connected with the trial were present.

The commission announced that the objection was not sustained and the document in question will be admitted into evidence.

The interrogation of Major Matoba, Suwo, IJA, before the Board of Investigation was so received.

4. Q. I ask the witness to refer to the record of the Board of Investigation and read such portions thereof as contains the testimony on March 6, 1946 of Major Matoba, Suwo, IJA.

The witness read from the Board of Investigation this testimony of Major Matoba, Suwo, IJA, question and answer at a time, and then an interpreter read each question and answer in Japanese as follows:

Major Suwo Matoba, a witness recalled by the recorder, entered. He was warned that the oath previously taken was still binding, and declared as follows:

Examined by the recorder:

1 Q Relate the circumstances of the first case of cannibalism on the island.

A The first case of cannibalism occurred between the 23rd of February, and the 25th of February, 1945. On that day I went to the Divisional Headquarters, and I personally reported to General Tachibana that the flyer would be executed at the Suyewoshi Tai. At the General's headquarters, sake was served and the conversation turned to the Japanese forces stationed on Bougainville and on New Guinea, and it was mentioned that the troops that

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lacked provisions and supplies had to eat human flesh. While I was still at the Divisional Headquarters, a telephone call came through from the 307th Battalion Headquarters, and it was said that we should come to a party which Colonel Kato prepared for General Tachibana and myself. We walked to Colonel Kato's quarters, and when we arrived, we found that Colonel Kato did not have enough drinks and things to go with the drinks. On account of this fact, the general was not satisfied and the question came up there to get something to eat in line of meat and more sake. The general asked me about the execution and about getting some meat. Therefore, I telephoned personally to my headquarters that meat and ten (10) sho of sugar cane rum be delivered to the 307th Battalion Headquarters. I do not recall now if the sugar cane rum was delivered or not, but I know that the meat was. The meat was cooked in Colonel Kato's room, and everyone present had a taste of it. Of course, nobody relished the taste.

Q They all know that it was human flesh?

A Yes.

The accused objected to this answer on the ground that the question called for the opinion of the witness.

The judge advocate replied.

The commission announced that the objection of the accused to the answer of question number two was not sustained.

The judge advocate requested that the commission rule on whether the accused had the right to object to individual and specific questions and answers from an interrogation after this interrogation had been previously submitted to the accused and the entire document objected to by the accused but admitted into evidence over this objection by the commission.

The accused replied.

The commission was cleared.

The commission was opened. All parties to the trial entered.

No witnesses not otherwise connected with the trial were present.

The commission announced as follows:

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On the point raised by the judge advocate the commission rules that either party may interpose objections to any question or answer in any document introduced in evidence in addition to any objection that may have been made to the entire document. The commission will rule in each instance on the objection raised.

3 Q So actually ate some of the flesh? Who did you actually see eat this flesh?

A Captain Ikawa, General Tachibana, Colonel Kato, Captain Kosura, and naturally myself. These five (5), including myself, partook of the flesh. I saw each of them eating the flesh. There were three (3) other company commanders of the 307th Battalion and I do not remember who they were, and I do not know if they ate the flesh or not. They were Captain Enjo, Captain Kobayashi, and one (1) from the machine gun company of the 307th Battalion.

4 Q Then your previous testimony regarding this matter is not true?

A Yes, and I apologize for it. It was not true.

5 Q Approximately how much human flesh was delivered to the headquarters of the 307th Battalion?

A About five (5) or six (6) pounds.

6 Q Who prepared and cooked this flesh?

A Colonel Kato's cook.

7 Q What was his name?

A I do not know.

8 Q Did Captain Ikawa cook the flesh at the table?

A Yes, the cook prepared the flesh and Captain Ikawa actually cooked it at the table.

9 Q Did either Captain Ikawa or the cook object carrying out these orders?

A No, they did not object to it, but I could see on their faces that they did not relish the job.

10 Q Was all the flesh consumed at this meal?

A No, each man only ate a few pieces or just a single piece, and I believe that most of the flesh was left over. What happened to the flesh, I do not know.

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訂正

訂正理由

撮影ミスの為

訂正箇所

直前の

/ コマ取消

/ コマ再撮影

訂正年月日

平成 18 年 11 月 17 日

このフィルムは、上記の理由で取消又は再撮影し訂正しました。

撮影者

海崎伸一郎

印

受託責任者

神奈川県足柄下郡箱根町210番地
富士写真フイルム株式会社
代表取締役 古森 重隆

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11 Q Returning to the persons who actually ate the flesh, are you sure that Captain Kosuga ate some?

A Yes, I am positive. Before I was interned in the stockade, I heard that Captain Kosuga said that he did not eat the flesh, but I knew that he did.

12 Q Isn't it true that the remainder of the flesh was sent to the Rydan Shiroibu on your orders to General Tachibana's galley?

A That is not true. I do not know what happened to the left over flesh.

13 Q Who ordered it delivered there?

A I do not know. I slept at the 307th Battalion headquarters that night, and I returned to the Divisional headquarters the following day.

14 Q Is the cause of your not remembering, because you have forgotten or because you were too drunk to know what orders you had given?

A It might be that I was too drunk to remember giving such orders.

15 Q Before the end of the war, did you ever hear Captain Ikawa boast of the eating of human flesh and say that eating a piece of human flesh gave a man the fighting spirit of ten (10) men?

A No, I did not hear that. I seldom saw Captain Ikawa after the party. I do not know.

16 Q When this flesh was cut from the body of the flyer at the Suyeyoshi Tai, was any delivered to and consumed by the Suyeyoshi Tai?

A I do not know. After we ate human flesh at the 307th Battalion headquarters, various rumors went around the island. I heard of the eating of flesh in other places on the island, and even if it was goat meat, some men would say that it was human flesh, and rumors came on so fast that I do not know.

17 Q Did you ever talk to Lieutenant Suyeyoshi about the execution at the Suyeyoshi Tai, or the eating of flesh at the 307th Battalion, or the eating of flesh by the Suyeyoshi Tai, or about anything else in that regard?

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A Yes.

18 Q What did Lieutenant Suyayoshi have to say about this?

A I do not remember.

19 Q Did Lieutenant Suyayoshi ever say, that he or anyone of his command had eaten human flesh?

A No, I do not remember.

20 Q Did General Tachibana say that this should happen to all of the prisoners of war, following their executions?

A Yes, at a conference at the division headquarters in February, 1945, General Tachibana said that supplies would diminish and ammunition would run short, and in the end men would have to fight even with rocks, and they would be forced even to eat their own comrades killed in combat, and the flesh of the enemy should be eaten.

21 Q You personally heard this?

A Yes.

22 Q Who do you remember was present, who also heard this?

A Every battalion commander. Not only once or twice, but several times the general said this.

23 Q Was this General Tachibana's idea, or Major Horie's?

A I do not know, but I believe it was General Tachibana's.

24 Q Was Major Horie present at the conference?

A Yes, he was present.

25 Q Are you sure about this?

A Yes.

26 Q Did General Tachibana, at this conference, mention the fact that all prisoners of war would be executed?

A Yes, and that the flesh would be eaten.

27 Q Did he mention that these executions would take place on orders from the Imperial Headquarters?

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- A I believe that the Imperial headquarters were of the same policy or had the same policy, and also the higher command of this island had this idea.
- 28 Q Did you ever see any orders from the Imperial headquarters on the treatment of prisoners of war?
- A I did not hear of any and I did not see any. After the fall of Iwo Jima, this island was completely isolated and the Imperial headquarters forgot about us.
- 29 Q Did General Tachibana say that it was the policy, or that he received orders from the Imperial headquarters to execute and eat all flyers captured?
- A I do not know if the general received direct orders from the Imperial headquarters or not, but the general ordered the execution of all flyers, and he said it was necessary to eat them.
- 30 Q Did you hear General Tachibana say, that it was the policy or the order from the Imperial headquarters?
- A I do not recall that.
- 31 Q At that time, was General Tachibana or Admiral Mori in supreme command of the island?
- A Admiral Mori was in command.
- 32 Q Could General Tachibana issue such an order without Admiral Mori's approval?
- A I think that it was impossible to issue such orders without the approval of Admiral Mori.
- 33 Q When Admiral Mori was in charge of the island, was he forceful and did he give strict orders, or was he in charge of his department only?
- A He was a pretty forceful commander and he wanted to know all that went on, and he represented the Navy in any conference which was held on the island. At least he cooperated with the Army in any matter concerning the defense of the island and anything that went on.
- 34 Q When you said, that to execute the flyers was the policy of the higher command on the island, whom did you include in the higher command?

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A That means all of the men in the Army and the Navy headquarters including the Hoken Shiraibu. Admiral Mori of the Navy and General Tachibana of the Ryoden Shiraibu, approved of the policy. When Major Morie handed over all of the prisoners after examination, they were to die.

35 Q When was this agreed upon?

A I believe the question came up of the disposal of flyers around the time of the invasion of Iwo Jima, around February 17th, 1945. We expected the American forces to come a few days after Iwo Jima, and the question of prisoners was settled at that time.

36 Q If this policy was not formulated until February, 1945, why was it that prisoners were executed in August, 1944?

A I do not know. The executions in August took place before my arrival on the island. I arrived on August 16th, 1944, and I heard that the executions in August were ordered by the Ryoden Shiraibu.

37 Q When was it, that the general ordered that all flyers were to be executed, as close to the exact date as you can recall?

A It was several days or a week after February 11th, 1945. It was about the 17th or the 18th of February, 1945. The general stated this policy at a conference of all commanding officers, which I attended.

38 Q Was Admiral Mori or any other naval representative present?

A Yes, Admiral Mori was present.

39 Q Who else from the Navy was present?

A Lieutenant Commander Koriura or Lieutenant Commander Shinoda.

40 Q Was Commander Yoshii there?

A I do not remember. Commander Yoshii commanded the wireless station, so that did not put him on the same basis regarding the defense plans of the island.

41 Q Insofar as you remember, what were the general's exact words?

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- A I do not recall the exact words, but the outline of the general's policy, which he told everybody at the conference, is what I previously told you. The general said the invasion of this island is imminent and probably that this would be the last battle prior to the invasion of Japan, and we must fight even though we had no supplies and no food, and that we should fight and live on the flesh of our comrades and that of the enemy. He said "kichiku", meaning beastly, and that was used in regard to the Americans. It was also said that the enemy is a beast. In all orders and all decrees from the Imperial headquarters this word was always used, and all of the military heads in Japan used the word in speeches, and so General Tachibana used it.
- 42 Q Did you see it in any orders from the Imperial headquarters, or hear it in any speeches made?
- A Yes, Prime Minister Suzuki used it in his speeches over the radio. It was a byword in any orders or any speeches. This came from the higher command and for all of the personnel it was sort of a byword, and was used in speeches by anyone and everyone. This includes Prime Ministers Suzuki and Tojo. I do not know about the Navy. Admiral Mori and General Tachibana agreed that all flyers would be executed as soon as Major Marie was through with them, and as Major Marie was in the higher command, he must have approved of the plan. Therefore, when Major Marie was through, he turned the flyers over and then they were executed.
- 43 Q Did General Tachibana issue an order, that the prisoners would be returned to the units which captured them for executing?
- A The general did not say anything like that. I believe it was Major Marie's idea to return the flyers to the units which captured them, to encourage them to capture more, and the flyers were returned as a reward to the units.
- 44 Q When prisoners of war were given to Navy units, was the order of execution given by General Tachibana, Admiral Mori, or Major Marie?
- A The responsibility for the delivering of prisoners of war to naval units lies on General Tachibana, but the rest of the responsibility lies with Admiral Mori.

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45 Q When the flyer was returned to the unit which captured him, did General Tachibana or Admiral Mori issue an order to execute him immediately or was an order issued to execute the flyer when they felt best?

A There was no definite orders issued by anyone. It was just agreed upon by the higher command and they did it that way.

46 Q In other words, there was no specific order from anyone?

A No. There may be some exceptions like the Suyayoshi Tai. Lieutenant Suyayoshi actually asked the naval headquarters for permission, and received the approval of the naval headquarters for the execution. Admiral Mori thanked me for letting him have a prisoner for execution.

47 Q Admiral Mori personally thanked you?

A Yes.

48 Q Why was the flyer turned over to the Suyayoshi Tai by you?

A On February 18, 1945, two (2) flyers were captured by my unit. On February 27th, one (1) was returned to my battalion from the Hoken Shireibu. Lieutenant Suyayoshi, upon hearing the flyer was returned to my unit, came over to see me and asked me to let him have the flyer. He wanted to show his men an American, and wanted to make his men more accurate in their aim and build their morale. Therefore, I let Lieutenant Suyayoshi have the flyer.

49 Q Previous to the time the flyers were turned over to the Hoken Shireibu, hadn't you let Lieutenant Suyayoshi take the two (2) flyers to his unit and show them to his men, to build morale?

A I do not know. They might have been taken past the Suyayoshi Tai, but I do not believe they were taken in.

50 Q What were the flyer's names?

A I gave the pistol from this flyer to Lieutenant Suyayoshi. One (1) of the two (2) flyers was named Hall, but I do not know the name of the other flyer.

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51 Q From whom, at the naval headquarters, did Lieutenant Suyeyoshi receive permission to execute the flyer?

A I believe that Chief of Staff Shinoda or Kariura gave the permission or the approval, with the approval of Admiral Mori also.

52 Q Your previous testimony regarding this matter was not the truth, then?

A No.

53 Q You said in your previous testimony, that an agreement with Lieutenant Suyeyoshi was made long before. Is this true?

A I promised Lieutenant Suyeyoshi that I would give him a flyer before the actual date of transfer. The prisoners were still at the Hoken Shiroku when I had a talk with Lieutenant Suyeyoshi.

54 Q Who actually took the flyer to the Suyeyoshi Tai?

A Lieutenant Suyeyoshi and a sailor?

55 Q Who executed the flyer?

A I do not know. I do not know the details regarding this.

56 Q If Lieutenant Suyeyoshi wished this execution to be a morale builder, why did he not order his men to be present at the execution?

A I do not think that the execution was done in secret. I believe that at least each of the Suyeyoshi units saw the execution, and I also believe that members of the other units stationed on the hill also saw it.

57 Q Did Lieutenant Suyeyoshi talk with you about the execution after it happened, or tell you who performed the execution and the details regarding it?

A I do not remember if Lieutenant Suyeyoshi said that he was present or not.

58 Q Do you remember, that Lieutenant Suyeyoshi said that Lieutenant Marikita performed the execution?

A No.

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57 Q When you told Lieutenant Suwayoshi that you would give him this flyer for execution, did you at that time tell him that you wanted parts of the flyer's body sent to you?

A No, I do not remember such a thing.

60 Q Didn't you tell Lieutenant Suwayoshi that after the flyer was executed, he should send you two (2) ken of flesh from the flyer's body?

A I might have said it, but I do not remember. I might have said it as a joke. I was at the divisional headquarters at the time of the execution, and I did not know about it.

61 Q At what time?

A The time of the execution. B- I do not know whether the flesh was sent over or not.

62 Q Was any of the flesh from the body of the flyer, killed by the Suwayoshi Tai, delivered to the 308th Battalion and eaten by the personnel of the 308th Battalion.

A I do not believe so.

63 Q When Admiral Mori thanked you for giving the flyer to the Suwayoshi Tai, did he mention anything about the liver?

A No. After the party at the 307th Battalion where human flesh was served and eaten, on my way back I talked to Admiral Mori, and told Admiral Mori of the party. It was then that he told me to bring down a little human liver from the body of the next flyer to be executed by the 308th Battalion.

64 Q Who was present, when you held this conversation with the admiral?

A The staff officers were present.

65 Q Which ones?

A Staff Officers Shinoda, Miyazaki, and Koriura.

66 Q Did you report to General Tachibana, that you had turned this flyer over to the Suwayoshi Tai for execution?

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s/S.L. F. 11, L-1, USNR

Q Yes, I reported the matter to General Tachibana.
The general just said, "Is that so", and nothing more.

67 Q When this prisoner of war was returned to the 308th
Battalion, did he show any evidences of being beaten
or improperly clothed or anything else?

A I do not know as I did not see the flyer upon his
return.

68 Q The two (2) flyers, Ensign Hall and the man captured
with him, were they beaten, kicked, slapped, or other-
wise mistreated, while they were at the 308th Battalion
before they were sent to the Haka Shrine?

A I did not actually see the flyers beaten or mistreated
in any way, but I am sure that they were slapped.

69 Q In other words, it was the policy of the Japanese per-
sonnel to mistreat and beat the captured Americans?

A Yes, I think that every man in the Japanese Army did
not think first, and it was natural for him to do that.
I am sure Major H-ris saying that one (1) of the flyers
executed in August, told him that he was beaten at
least twenty (20) times before he came to the Haka
Shrine.

70 Q Did he say by whom?

A No.

The accused objected to the entire interrogation and
answers and moved they be stricken from the record, on the
ground that the questions were leading; they called for opinions
of the witness and they were very prejudicial to the rights
of the accused, especially the co-defendants Mori and
Tachibana.

The judge advocate replied.

The commission announced that the objection was not
sustained.

The commission then, at 11:30 a.m., took a recess until
2:10 p.m., at which time it reconvened.

Present:

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All the members, the judge advocates, the interpreters, each of the accused and his counsel.

Richard H. Jarvis, yeoman first class, U.S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The judge advocate introduced Tamarura, Fumio, petty officer first class, Imperial Japanese Navy, as interpreter, and he was duly sworn.

With the consent of all parties to the trial this interpreter will be used only to assist in the translation of documents.

Lieutenant Fredric T. Suss, U. S. Naval Reserve, the witness under examination when the recess was taken, resumed his seat as a witness. He was warned that the oath previously taken was still binding and continued the reading of the interrogation of Major Matsuo, Susa, IJA, from the Board of Investigation.

71 Q Tell us in detail, just what you know about the execution at the Yokka wireless station, and the cannibalism of the personnel of that station?

The accused objected to this question on the ground that it is calling for opinion and hearsay evidence and that no proper foundation has been laid for such a question.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A I do not know exactly if two (2) or three (3) prisoners were taken to the Yokka wireless station. One (1) out of the two (2) or three (3), whichever it may be, was sent to the Torpedo Boat Squadron. The prisoner or prisoners who went to the Yokka wireless station went either directly from the Hoken Shireibu or from the Ryodan Shireibu. I do not know if there were two (2) or three (3).

72 Q How many executions were there at the Yokka wireless station?

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A I do not know, either one (1) or two (2). The execution was performed by an officer who was present with his sword. I also heard that human flesh from this flyer was served in soup. This was in the soup for both the officers and the enlisted men. I only heard this, so I am not sure. Staff Officer Miyazaki was present.

The accused objected to the last four sentences of this answer on the ground that they are hearsay and requested that they be stricken from the record.

The judge advocate made no reply.

The commission announced that the objection was sustained and directed that the last four sentences be stricken from the record.

73 Q Did you hear that he was present, or do you know that he was present?

A I do not know if Staff Officer Miyazaki actually witnessed the execution or not. However, I am definitely sure that Miyazaki was present at the party that night at which time human liver was eaten in the officers' mess. I also heard that Miyazaki returned to the naval headquarters with a portion of the liver. I am absolutely positive about this.

74 Q How are you sure about this? Did Staff Officer Miyazaki tell you about this?

A I heard Staff Officer Miyazaki say these things at the naval headquarters. I was present and heard it personally.

75 Q Were any of the officers from the Navy base present at the execution, or at the party?

A I do not know, but I know that Miyazaki was at the Yokosuka wireless station. If he witnessed the execution, or not, I do not know.

76 Q What was the name of the officer, who executed the flyer at Yokosuka?

A I do not know.

77 Q You hadn't heard that Lieutenant Hayashi performed the execution?

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The accused objected to this question on the ground that it was definitely leading.

The judge advocate made no reply.

The commission announced that the objection was sustained.

78 Q Do you know whether or not Commander Shinoda was present at the execution at the Yoske wireless station?

A I do not know.

79 Q Did Commander Yoshii receive permission or orders from Admiral Mori to perform the execution?

A I do not think that Commander Yoshii received any definite orders regarding the execution from Admiral Mori. However, the admiral must have approved the execution, for otherwise it would not have taken place.

The accused objected to that part of the answer in which the person being interrogated gave opinion evidence, and requested that it be stricken from the record.

The judge advocate made no reply.

The commission announced that the objection was sustained and directed that the part of the answer objected to be stricken from the record.

80 Q You and Commander Yoshii were quite good friends weren't you?

A It wasn't a very deep friendship. I met and drank with him on five (5) or six (6) different occasions.

81 Q Was General Tachibana present at the party at Yoske?

A I do not know.

82 Q Did you attend the party?

A No.

83 Q What did Commander Yoshii have to say to you about this, after the execution was performed?

A I only remember that Commander Yoshii mentioned the fact that human flesh, from the body of this flyer executed by his unit, was put into the soup.

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84 Q He told you personally.

A Yes.

85 Q Did Commander Yoshii order the flesh put into the soup?

A I did not hear if it was a specific order from Commander Yoshii or not.

86 Q How soon after the execution, was it reported to Admiral Mori?

A I believe that Commander Yoshii visited the naval headquarters at least once a day. Admiral Mori and his command, I think, knew about it before it actually happened.

The accused objected to this answer on the ground that it was opinion and conclusion on the part of the person being interrogated and requested that it be stricken from the record.

The judge advocate made no reply.

The commission announced that the objection was sustained, and directed that this answer be stricken from the record.

87 Q What kind of man was Commander Yoshii? Was he one (1) who would do things without orders?

A I cannot tell, I do not know; but I believe Commander Yoshii acted on orders or at least approval.

The accused objected to the part of the answer that was the conclusion and opinion of the witness and requested that this part of the answer be stricken from the record.

The judge advocate made no reply.

The commission announced that the objection was sustained and directed that the words, "but I believe Commander Yoshii acted on orders or at least approval" be stricken from the record.

88 Q We understand that Commander Yoshii was tried by court-martial twice on this island. Why was he tried?

The accused objected to this question on the ground that it was highly irrelevant to the issue under question.

The judge advocate made no reply.

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The commission announced that the objection was not sustained.

A I know of one (1) time. I know of once Commander Yoshii was called before court-martial. Captain Izawa of the 304th Battalion was detailed to teach fencing at the Yokosuka wireless station, and one (1) day Captain Izawa and Commander Yoshii had a quarrel. Izawa drew his sword, whereupon some of the men under Commander Yoshii jumped out and tried to prevent the two (2) men from killing each other. It ended up by Commander Yoshii piercing Captain Izawa, but not killing him, and that is why they gave Commander Yoshii a court-martial.

89 Q By whose orders was the flyer turned over to the Yokosuka wireless station?

A The one (1) who went from the Ryoden Shireibu was transferred on the orders of General Tachibana, and the one (1) transferred from the Hoken Shireibu was transferred on orders from Major Horie.

90 Q Why were these flyers not returned to the units which captured them?

A General Tachibana and Commander Yoshii were very good friends. I think that on the request of Commander Yoshii, General Tachibana gave him the flyers because they were personally good friends, but I do not know for sure.

91 Q Did you hear that the other units protested this?

A I believe that they did not like it. They wanted the prisoner returned to them.

92 Q What did you hear that Miyazaki did with the flesh, when he took it down to the naval headquarters?

The accused objected to this question on the ground that it is calling for hearsay evidence and the opinion and conclusion of the witness.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A I heard that it was eaten at the naval headquarters.

93 Q By whom?

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A The admiral and three (3) staff officers.

The accused objected to this answer on the ground that it is clearly hearsay and prejudicial to the rights of the accused.

The judge advocate made no reply.

The commission announced that the objection was sustained and directed that this answer be stricken from the record.

94 Q Did you hear anything else, when you were at the headquarters regarding the execution at Yokohe?

A No.

95 Q Did Commander Yoshii send any of this flesh to the headquarters of the 308th Battalion?

A No.

96 Q Did Commander Yoshii ever tell you personally, that he and his officers had eaten the liver or other parts of this flyer?

A Yes, I heard Commander Yoshii mention in his conversation that they, meaning he and his officers, ate human flesh and liver.

97 Q Did he say that any of the petty officers at the wireless station were given this flesh to eat?

A The personnel ate the flesh in the soup.

98 Q Did you speak to the admiral, at this particular time at the naval headquarters, regarding the liver of the flyer executed at the Yokohe wireless station?

A I did not speak of the liver of the flyer, executed by the wireless station, directly with Admiral Wori. However, the matter was discussed between Shinoda and myself.

99 Q What information do you have on the execution at the Torpedo Boat Squadron, in addition to the name of the officer who executed the flyer?

A What I know of the Torpedo Boat Squadron is by hearsay. According to what I heard, the execution was a public affair. I heard around five hundred (500) to six hundred

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(600) men witnessed the execution, and they came from the Yoko area to the Miyose area to witness the execution. And also I heard, that the liver was taken from the body and eaten by the Torpedo Boat Squadron and the 209th Construction Battalion. I also heard that Lieutenant Commander Miyazaki was also present at the party that night at which the liver was served and eaten. This execution was so public that everyone should know about it from the admiral down to the lowest rank.

The accused objected to this entire answer on the ground that it was hearsay and requested that it be stricken from the record.

The judge advocate did not reply.

The commission was cleared.

The commission was opened. All parties to the trial entered.

No witnesses not otherwise connected with the trial were present.

The commission announced that the objection was not sustained.

100 Q Were you present?

A No.

101 Q Were any of your officers present?

A There might have been an officer from my unit present, but I did not know about it.

102 Q Did you or any of your officers participate in the eating of flesh from this executed flyer?

A No one ate flesh from my unit.

103 Q Were parts of this flyer's body delivered to the 309th Battalion headquarters?

A No.

104 Q Was part of this liver delivered to Commander Yoshii?

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A I do not know if any part of the liver or of the flesh was sent to Commander Yoshii. I remember I heard that Commanders Yoshii and Miyazaki were present at the Torpedo Boat Squadron, and if this was true, nothing would be sent to them because they were present.

105 Q Do you know of any of the names of the personnel, who participated in the party at the Torpedo Boat Squadron when human flesh was eaten?

A I have no idea.

106 Q Did you ever hear say the Kurehara Squadron obtained or wanted this flyer for execution?

A I do not know the reason behind the execution. I only heard from Major Horie that it was Commander Yoshii, who took the flyer to the Torpedo Boat Squadron and had him executed.

The accused objected to that part of the answer, "I only heard from Major Horie that it was Commander Yoshii, who took the flyer to the Torpedo Boat Squadron and had him executed," on the ground that it was hearsay and requested that it be stricken from the record.

The judge advocate did not reply.

The commission announced that the objection was not sustained.

107 Q Do you mean by that, Commander Yoshii had Lieutenant Kurehara execute him?

A I believe that Commander Yoshii brought down the flyer, and the purpose of executing him was to instill better fighting spirit.

108 Q Do you have any evidence, that any of the liver of this flyer was delivered to the Navy base or to Admiral Mori?

A I do not know if part of the liver or even any flesh was delivered to the naval headquarters or not. I heard that human flesh was delivered to naval units in the area. There were many naval units there, under Admiral Mori's command.

The accused objected to that part of the answer, "I heard that human flesh was delivered to naval units in the area," and requested that it be stricken from the record as hearsay evidence.
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The judge advocate did not reply.

The commission announced that the objection was not sustained.

109 Q Which suicide boat units executed American flyers?

A I never heard of any executions by the suicide boat units.

110 Q Do you know of an American flyer, who was executed in the Koriyama area by the 307th Battalion at this time?

A I do not know any details regarding the matter. But according to what I heard from Captain Kocuga, I was led to believe that there were two (2) men executed by the 307th Battalion. But Captain Ikawa, adjutant of the 307th Battalion, told me one (1). He told me personally. I know no details.

111 Q Do you know who killed him, where, and by what method?

A Captain Ikawa told me that the flyer was executed by men of the various units of the 307th Battalion which lost personnel in the American raids, and the prisoner was bayoneted.

112 Q Was Captain Ikawa an eyewitness to this execution?

A I do not know, but it seems that he should probably have been present.

113 Q Did you hear that parts of this flyer's body were eaten by the 307th Battalion, or by any other units?

A It was quite possible, but I do not know.

114 Q Did Captain Ikawa ever tell you that he witnessed an execution at any time?

A No.

115 Q What was Captain Ikawa's reputation for truthfulness?

A I heard that Captain Ikawa was a pretty good liar, and I know that Captain Ikawa was a big boaster and would talk about small things and make them larger. I think that Captain Ikawa knew everything that was going on at the 307th Battalion.

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116 Q Did Colonel Kato witness the execution?

A I do not know.

117 Q How many executions that you know of, took place on Chichi Jima?

A I do not know the exact number, but I would place the total between eight (8) and ten (10).

118 Q Enumerate these.

A The 307th Battalion executed one (1) or two (2); the Ryodan Shireibu executed two (2); the Yosko wireless station executed one (1) or two (2); the Tornado Boat Squadron one (1); the 308th Battalion, two (2); and the Suyayoshi Tai, one (1).

119 Q These are all you know about?

A Yes.

120 Q Is it your opinion that there were others?

A I do not think so. I believe that personnel on Haha Jima captured and executed flyers. It was almost impossible to believe that there were none, and I believe there were executions there.

121 Q What about Ani Jima?

A Anybody captured on Ani Jima would have to be sent over to Chichi Jima, and I do not believe that any executions took place on Ani Jima.

122 Q Wouldn't flyers, captured on Haha Jima, have to be sent to and questioned on Chichi Jima also?

A I do not know the actual facts, but I know that Haha Jima used wireless to Tokyo to show how many planes were shot down, and I believe that they executed some flyers. The flyers should have been sent to Chichi Jima from Haha Jima, but none were sent here.

123 Q Do you know whether or not between July 20th, 1944, and the end of the war, any staff officers were sent to Haha Jima from Chichi Jima and if so, who were they?

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A Yes, there were staff officers sent on different occasions, and I believe that Major Teraki went to Haha Jima twice. Staff Officers Miyazaki, Kuriura, and Shinoda also went to Haha Jima.

124 Q Who was in command at Mako Jima?

A Major Makoto of the 304th Battalion.

125 Q By whose orders did Corporal Nakamura execute Hall?

A The order for the execution of flyers or prisoners came from General Tachibana or Major Hori. I personally did not know that Hall was returned to my unit. Corporal Nakamura received orders from either Sergeant Major Wada, Captain Sato, or Lieutenant Ono. However, the responsibility lies with me. But it so happens that I did not give the order personally. Therefore, Corporal Nakamura would know who gave him the order.

126 Q You would have us believe, then, that officers under your command would issue orders for an execution without your knowing about it?

A Yes, the responsibility lies with me, but one (1) of my officers actually gave the order without my knowledge.

127 Q Without your order?

A Hall was the last man to be executed on the island, and they followed the general policy.

128 Q By whose order was Doctor Teraki to cut out the liver and deliver it to you?

A By my order.

129 Q If you did not order the execution, why did you order Doctor Teraki to be there?

A Sergeant Major Wada or Captain Sato came and reported the execution to me. I then ordered Doctor Teraki to go and cut out the liver of the flyer. I gave the order after I received the report that the flyer was executed. That is, the order for the removal of the liver.

130 Q How was it, that Doctor Teraki was already at the scene of the execution before it occurred with his corpse, ready to perform the dissection?

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A I did not give any orders previous to the execution, but if it so happens that the circumstances point to me giving the orders, I will take the responsibility.

131 Q Do you know Sergeant Furushika?

A Yes.

132 Q Was it that Sergeant Furushika was scheduled to perform the execution?

A Out of the personnel there were some who volunteered and wanted to perform the execution, and Furushika must have been one (1) of them. Sergeant Furushika was sharpening his sword and polished it up and was expecting to execute Hall, when he was returned to the 308th Battalion. It was not the custom of the Japanese to order an execution. Therefore, only volunteers could do the job. The responsibility lies with me, and I am willing to take full responsibility for what happened. If evidence points to the fact that I ordered the removal of the liver previous to the execution, or if the evidence points to the fact that it was after, I will take full responsibility.

133 Q Why is it that an execution would have been performed without your knowing about it?

A The execution at my battalion was the last. In the beginning, execution were handled through the various channels of command, but at the end it was just an understood policy, and it happened that I did not give an order.

134 Q Did anyone report to you that Ensign Hall was returned to the battalion?

A One (1) man out of the four (4) interviewed, told me that Hall would be returned in two (2) or three (3) days. However, nobody reported the fact of his arrival and I did not know.

135 Q Did you issue any orders that the flyer was to be executed and that Sergeant Furushika was to execute him, or did you order that the flyer be executed and Furushika was to do it on his own?

A When the matter was reported to me that the flyer would be returned in two (2) or three (3) days. I just said "Is that so?".

136 Q Are you trying to tell us that your battalion was so poorly run, or that you were so incompetent a commanding officer, that you did not know what was going on?

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A This was a particular case, and it was understood that when a flyer was returned to a unit he was to be executed. All the men knew this and so no specific order was necessary.

137 Q Is it true that you were drunk at the time Hall was returned to the 308th Battalion?

A I do not think so. I might have been playing chess or something else.

138 Q Who reported to you, that a flyer would be returned and sent to you from the Hakan Shiroishi?

A Captain Kammuri or Captain Sato, and I do not know which because I received it by telephone.

139 Q At that time, did you give any orders to Sergeant Major Wad- to go to the Hakan Shiroishi and get this flyer?

A I believe that I told Captain Kammuri or Captain Sato to send someone to get the flyer.

140 Q Didn't Captain Sato report to you, when Hall arrived at the 308th Battalion?

A I do not remember. If the 308th Battalion had been transferring the prisoner somewhere or turning him over to someone, I would have given specific order, but on this occasion I did not take care of him.

141 Q Why did Corporal Nakamura execute Hall?

A I do not know the exact reason behind Corporal Nakamura's performance, but I knew that the corporal told me that he went looking for Sergeant Parrshika and that upon not finding Sergeant Parrshika, he executed the flyer in his place.

142 Q Didn't you intend that this should be a public execution?

A No. The execution was not a public affair. Corporal Nakamura will tell you about it.

143 Q Exactly what instructions did you give to Doctor Teraki, regarding the disposition of the flyer's body?

A I ordered Surgeon Teraki to hurry up and remove the liver because I wanted to take it to the naval headquarters.

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144 Q Who brought the liver to you?

A Doctor Teraki reported to me that the liver was brought and left in my orderly's room. As I could not go to the naval headquarters due to air raids, I had it sliced and dried.

145 Q Wasn't there a party at your headquarters, the night of Hall's execution?

A It wasn't exactly a party, but they ate the liver at the 308th Battalion headquarters that night. It was Hall's liver.

146 Q Who do you actually know ate the liver?

A Captain Sato, Warrant Officer Sawa, Sergeant Major Tada, Captain Kamekuri and myself ate human liver.

147 Q You actually saw these named men eat human flesh?

A Yes, also present were Captain Nakajima and Captain Kurihara but I do not know if they ate human flesh or not. Second Lieutenant Ono was also present, and he said that he was a Christian and could not eat the flesh.

148 Q What about Lieutenant Motomatsu?

A No, he was not there.

149 Q How much of the liver was distributed to the various galleys of the 308th Battalion?

A I did not ration out any liver or flesh to any of the men, but I heard that flesh was eaten by the men under my command.

150 Q You do not know which men in your command or which galleys in your command ate the flesh?

A I heard rumors that flesh was eaten, but by what company, squad, or platoon, I do not know. However, it is possible that the machine gun squad and the third company may have been responsible for the act.

151 Q Do you remember saying to your officers, that eating human liver was good for the stomach or that liver was good stomach medicine?

A Y-s.

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152 Q Only once or several times?

A Several times.

153 Q Tell us what was done with the liver, when you delivered it to the Navy base.

A I had it pierced with bamboo sticks and cooked with soy sauce and vegetables, and then took it to the Navy base and we ate it.

154 Q Who was present at this banquet?

A Lieutenant Colonel Kariya, Lieutenant Commander Shinoda, Admiral Mori, Staff Officer Miyazaki, Second Lieutenant Isosaki, and Eizem Ijima.

155 Q Prior to this, had you taken goat meat to the naval headquarters?

A Yes.

156 Q Isn't it true that before eating this flesh, the other officers present thought that it was goat meat?

A All of the members present knew it was human liver. There is no question about it.

The accused objected to this entire answer and requested that it be stricken from the record on the ground that it was conclusion of the part of the witness.

The judge advocate replied:

The commission was cleared.

The commission was opened. All parties to the trial entered.

No witnesses not otherwise connected with the trial were present.

The commission announced that the objection was not sustained.

157 Q Did you tell them it was human liver?

A Yes, I very clearly told them what I brought.

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158 Q What were your exact words, as far as you remember them.

A I told Admiral Mori that, "I brought you the liver as promised". That was prior to the eating of the liver.

159 Q Then, did you see the men you named, actually eat the liver?

A Yes, definitely they ate it. While we were eating the human liver, Admiral Mori mentioned the fact that during the Chinese-Japanese war human flesh and liver was eaten as a medicine by the Japanese troops. The medicine made from the liver was named Sairogan.

160 Q Are you sure that you did not tell them it was human liver, after they had eaten it?

A I told them all before, and they knew that they were eating human liver.

161 Q Then, did you tell them after they were finished eating it?

A No, I did not need to. They must have known about it because the conversation turned towards it, and everyone should have known about it. Everyone knew it was human liver.

162 Q Are you sure that you did not take any goat meat to the naval headquarters, prior to this?

A No, I never took any goat meat personally. One (1) time when I sent a lot of things to the naval headquarters, I might have sent some goat meat.

163 Q Did Admiral Mori and the others think that this was goat meat?

A Other than Admiral Mori, everyone might have thought that it was goat meat.

164 Q Are you sure that this was not done as a practical joke on Admiral Mori? That is, you brought the flesh and told them it was goat meat and let them eat it, and then told them it was human liver?

A No.

165 Q What did Admiral Mori, Lieutenant Commander Shinoda, and the rest of the officers think of the idea of eating the flesh of prisoners of war?

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A They were all saying that liver was good for the stomach.

166 Q In what other cases of cannibalism did you participate?

A Three (3) times that I ate human flesh: 1. Execution, 30th Battalion headquarters, and at the Navy base. Other than these, I ate a small pill made from human liver in Singapore.

167 Q Then, by your own admission, you are a cannibal?

A Yes, I was a sadman due to the war and that is the only reason I can give for being a cannibal.

168 Q What other details of cannibalism do you want to tell us?

A In my previous testimony, I forgot to mention certain matters, that I would like you to know now. The liver of the flyer beaten to death by Captain Nakajima was eaten at the 30th Battalion headquarters. The liver of Hall was taken to the Navy base headquarters. The liver of the flyer beaten to death by Captain Nakajima was eaten on the day following the execution. The liver of Hall was taken to the naval headquarters and eaten by the warship's ship's crew. I have previously mentioned, that is: Lieutenant Commander Shinoda, Isorai, Kariura, Miyazaki, Admiral Mori, and Ensign Iijima. The flesh of the flyer executed at the Suwayoshi Tai was eaten at the 30th Battalion.

169 Q Where was the party at the 30th Battalion headquarters, the night of the day of Hall's execution?

A I was mistaken. There was no party that night; the flesh was eaten the night after the day the flyer was beaten to death by Captain Nakajima. Regarding the flyer beaten to death by Captain Nakajima, I have heard that the flyer was a rated man and very young.

170 Q Insofar as you can remember, what was the exact date of Hall's execution?

A Sometime toward the end of March.

171 Q Insofar as you can remember, what was the date that Captain Nakajima beat this flyer to death?

A Toward the end of February.

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172 Q Then the 1st of names which you gave us, as eating human flesh at the party on the night of Hall's execution, was actually the list of persons attending the party on the evening after the day when Captain Nakajima beat this flyer to death?

A Yes.

173 Q Who removed the liver from this flyer?

A There were two (2) medical officers at the 308th Battalion. Which one (1) removed the liver, I do not know. One (1) was Doctor Toraki and the other was Doctor Sakabe. If you ask Captain Kanmuri, you could find out.

174 Q Who prepared this flesh for the party?

A I believe it was cooked by my cook, Konishi, on my orders.

175 Q Do you recall the other company commander present at the party at the 307th Battalion, when human flesh was consumed?

A I cannot recall the name of the second company commander present, and the one (1) which I listed previously as Kobayashi is incorrect. The man present was Nakano. I remember two (2) first lieutenants, Enjo and Nakano. They were at the party but I do not know if they ate the flesh or not. I do not know and cannot recall the third man's name.

176 Q What happened the day that the flyer was beaten to death by Captain Nakajima? Tell us what you know about it; who reported the flyer was there; what was going on there; what was said to Captain Sato; and so on?

A At the time, my headquarters had notice from General Tachibana's headquarters to hunt for an American officer who supposedly had landed on Nishi Jima. Major Horio told us that it was a high ranking officer, a lieutenant commander or something. We sent a searching party out for two (2) or three (3) days, but the flyer could not be found. Four (4) or five (5) days later, Maikawa Fukuichiro brought in the two (2) flyers he had captured. On that day, I called in my company commanders and at 1 p.m., we had a party. At 4 p.m., Sergeant Major Wada came there and said that a flyer was found and brought to the headquarters. As the hour was already late, I told him to keep the flyer and bring him to headquarters the next day. Before the end of the party, Captain

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Nakajima left the table, because I reprimanded him for over drinking. Due to over drinking, Captain Nakajima had beaten his men and ran from the Suwayoshi Tai several times. When Captain Nakajima left the table, I think that he went to the prisoner and beat him to death. I did not know at the time. However, the report was made as soon as Captain Nakajima had beaten him. Therefore, I had to report the matter to Major Harie and General Tachibana. I reprimanded Captain Nakajima for his act on the following day.

177 Q At the time the report of a captured flyer reached you, did you order Captain Sato and Captain Nakajima to question the flyer?

A No.

178 Q You gave no orders whatsoever.

A No, the only orders I gave was that the flyer was to be delivered to the divisional headquarters the next day.

179 Q Did Captain Sato leave the party at approximately the same time Captain Nakajima did?

A They did not leave together. However, it was quite possible that Captain Sato left the party before anyone, because he does not drink.

180 Q Then, according to your story, the party was continued that night and the liver of this flyer was served?

A No, not that night. It was on the following day.

181 Q So, on the following day you reprimanded Captain Nakajima for beating the flyer to death, and then you had a party at which this liver was served?

A Yes, that is correct.

182 Q Isn't it rather strange, that you should invite Captain Nakajima to this party, when he was in disgrace for beating the flyer?

A I do not know if the contain ate the liver or not. Anyway, Captain Nakajima did not attend the party, because I reprimanded him at 10 o'clock in the morning. I do not know which body was eaten by various men of the companies. Maybe it was Hall's body or maybe it was the Navy man's body. Many men just came and took pieces of flesh. I heard this, but I did not see this. Sergeant Major Wada would know. CERTIFIED TO BE A TRUE COPY
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183 Q By whose orders was this liver taken from the flyer's body, and served at the party?

A By my orders.

184 Q Do you remember whether you gave the orders to Captain Kennuri or Captain Sato?

A I do not remember.

185 Q At this party, which officers did you actually see eat part of the liver?

A I have already given you the names, but Captain Nakajima was not present. The liver of Hall was taken from the body on my order. I do not know if I gave the order personally to the surgeon, but I gave the order. The liver was sliced and dried and taken to the Navy base.

186 Q Did you have a party one (1) week after Hall's execution, at which time you ate slices of dried liver?

A No.

187 Q What was done with the remainder of the liver from the flyer killed by Captain Nakajima which was not eaten at the party on the day following the execution?

A I do not know if there was any liver left or not.

188 Q Isn't it true that this was kept for your personal use after being dried?

A No.

189 Q In addition to the liver being left in the galley the night of Hall's execution, isn't it true that flesh was also left there?

A No. Maybe the gall bladder was there, but I do not know. The gall bladder might have been in the galley for quite awhile.

The commission then, at 4:35 p.m. adjourned until 9:15 a.m., Saturday, September 7, 1946.

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NINETEENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands,
Saturday, September 7, 1946.

The commission met at 9:15 a.m.

Present:

Rear Admiral Arthur G. Robinson, U.S. Navy
Captain Eric B. Hoag, Dental Corps, U. S. Navy,
Colonel James V. Ware, Infantry, Army of the United States,
Colonel Pierre P. Denson, Coast Artillery Corps, Army of the United States,
Lieutenant Colonel Adolph Zuber, U.S. Marine Corps,
Commander Orville O. Dano, U.S. Navy,
Major Donald R. Godley, Junior, U.S. Marine Corps, members, and
Lieutenant Daniel Flynn, U.S. Naval Reserve,
Lieutenant Edward L. Field, U.S. Naval Reserve and
Lieutenant Fredric T. Suss, U. S. Naval Reserve, judge advocates
Vivian Milner, civilian, reporter.
Each of the accused and his counsel and the interpreters.

No witnesses not otherwise connected with the trial were present.

The record of the proceedings of the seventeenth day of the trial was read and approved.

Lieutenant Fredric T. Suss, U.S. Naval Reserve, the witness under examination when the commission adjourned on the previous day, resumed his seat as a witness. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

5 Q I ask the witness to continue the reading of the interrogation of Major Matsuba from the Board of Investigation.

190 Q Was this flyer beaten to death by Captain Nakajima, the flyer for whom Major Horie and General Tachibana were looking?

A No, this flyer beaten to death was only a radioman.

191 Q Who questioned the flyer?

A Captain Sato or Sergeant Major Wada must have questioned the flyer.

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192 Q What was the flyer's name?

A I do not know.

193 Q Who would know?

A I have no idea. Maybe Sergeant Major Tada would know.

194 Q Does the name Frasier sound familiar to you?

A No.

195 Q Was Captain Sato at your party, at the time the flyer was brought in?

A Yes.

196 Q Did you tell him to go out and question the prisoner?

A No.

197 Q How could he leave the party then?

A I am not certain if Captain Sato left the party or not, but it was possible as he was not a heavy drinker.

198 Q Was it possible that he asked your permission to leave the party?

A Yes. After the night of February 14th, we came up the idea of examining or cross-examining the flyers brought in at the various battalions. In other words the prisoner would have to be examined by the Hoken Chireibu. Therefore, I do not believe that anyone would go out and question the flyer officially.

199 Q You have tried to give us the impression that your reason for eating the flesh was due to the shortage of supplies. Why is it then that only the liver was taken out and eaten?

A My battalion still had sufficient food.

200 Q In other words, it was a deliberate act of cannibalism?

A Yes. They were going to eat Japanese flesh once the American troops landed here. I even said that when I was killed they would have to eat me. If you question the officers and men under me, they would probably give you the actual happenings at the time. However, what I tell you now is the truth, but I am liable to make a lot of mistakes.

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s/E.L. Field, Lt., USNR

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201 Q According to the reports we received, human flesh was kept in the incinerator at Biyebu Dani in March, 1945, and rationed out to the various battalions in their next ration. What information do you have concerning this?

A I do not know a thing about it. I remember once seeing meat that made me sick and made me faint. It was something unusual. If you ask Warrant Officer Soya, you could find out more about this.

202 Q What was the approximate date?

A It was around this time.

203 Q Isn't it true, that liver was left to dry on the line outside of Kanishi's valley for weeks following Hall's execution?

A I do not believe that pieces of liver were dried for a long period. I believe it was gill bladder.

204 Q Everyone told us that pieces of liver were left to hang there for weeks, and during that time they decreased in number.

A I cannot believe that this was liver; they must be wrong. I believe it was gill bladder.

205 Q Of what war crimes were you guilty in Singapore?

A In Singapore I received a bill made from human liver from Major Masada Shichoru.

The accused objected to this question on the ground that both the question and answer showed the character of Major Masada. No proper ground work was laid for this question and it is highly irrelevant in this case.

The judge overruled the objection.

The commission announced that the objection was sustained and directed that both the question and answer be stricken from the record.

206 Q What duties did you have there?

A I was attached to the staff. I was in the headquarters of General Terashima, and I worked under Lieutenant Colonel Pratt. I had this job because I knew something about water transportation. At one (1) time I commanded a battalion.

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s/E. L. F. 12, Lt., USNR

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207 Q What battalion?

A I belonged to one (1) of the battalions in the 18th Division.

208 Q What was the name of the battalion?

A It was a part of the 56th Regiment. The regimental commander was Colonel Nasu.

209 Q How many executions did this battalion perform, while you were there?

A I did not take a single prisoner on my way in Singapore. The prisoners were captured after the city was taken.

210 Q How many of those were executed?

A None were executed which I saw. There were so many that I did not bother with them.

211 Q How many executions did you perform, while you were attached to the staff?

A I was busy with the shipping and I did not have anything to do with prisoners or captured civilians. However, the Japanese Army executed thousands of civilians, but not soldiers.

212 Q You know about them?

A Yes.

The judges did not read questions 213 and 214 of the interrogation. They were highly irrelevant and had no bearing on this case.

215 Q How many times did you eat human flesh on the Chinese front?

A None.

216 Q How many times did you eat human flesh in Singapore, other than eating this liver pill?

A Only this one (1) time.

217 Q From where did this pill come?

A I do not know where it came from.

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s/E.L. Field, Lt. USNR

218 Q Did you know it was made from human flesh or liver?

A Yes, I was told by Major Asada.

The accused objected to the answer of this question, on the ground that the answer is a confession against the accused and is irrelevant to this particular case.

The judge advocate did not reply.

The commission announced that the objection was sustained and directed that this answer be stricken from the record.

219 Q Was this pill part of your medical supplies issued by the Japanese Army?

A No. It was dried liver. It was not an issue of the Army.

220 Q From whose body did it come?

A I have no idea.

221 Q How many executions did you witness in Singapore?

A I did not see any executions of prisoners.

222 Q What about civilians?

A No, none. I heard this took place when I was in the hospital. At that time, I heard of these mass executions.

223 Q Who ordered these executions?

A By order of General Yamashita.

224 Q How many executions did you witness on Chichi Jima?

A None, not one (1).

225 Q How many captured flyers did you personally execute on Chichi Jima?

A None on Chichi Jima. I executed one (1) prisoner in China, a Chinese. This was eight (8) years ago.

226 Q By beheading or by spearing with bamboo spears?

A By beheading.

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s/E.L. Field, Lt., USNR

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At the conclusion of the reading of the interrogation of Major Matsuba the accused stated as follows:

Before the judge gave the continuance, one of the defense went to call the attention of the commission to the statement in the interrogation of Major Matsuba by the Board of Investigation on Chichi Jima. The opening sentence read was that Major Matsuba was recalled as a witness. The defense objected to the entire proceedings of Major Matsuba's testimony and therefore can not ask that Major Matsuba's entire testimony and interrogation be brought in evidence. But the defense wants to call the attention of the commission to the fact that only part of the testimony was read and not the entire testimony. The defense asks some ruling as to whether the entire testimony should be entered in evidence or just the part that has been read.

The judge advocate replied.

The commission was elapsed.

The commission was opened. All witnesses to the trial entered.

No witnesses not otherwise connected with the trial were present.

The commission announced it was aware of the fact that only a part of the testimony of Major Matsuba was introduced by the judge advocate. The accused, however, on cross examination, may request that the testimony given by Major Matsuba at any other appearance before the Board be introduced in evidence if they so desire.

The proceedings of the Board of Investigation were submitted to the accused and to the commission and by the judge advocate so much thereof as contains the statement of Major Matsuba, Surge, Imperial Japanese Army, on April 16, 1946, was offered in evidence.

The defense objected to the statement of Major Matsuba being offered in evidence for the same reasons that were previously given. In addition, it is a statement against Matsuba's interest and the accused is being made to testify against himself. It does not show that this was a voluntary statement or that he voluntarily gave this information of his own free will. It is a statement against the interests of the defendant Matsuba, and also the co-defendants, particularly Lt. Col. Kiyoshi. Therefore we object to the statement being offered in evidence.

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s/ E. L. Field, Lt., USNR

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The judge-advocate replied

The accused further pointed out as a ground for objection the rule written down in Court Martial Order No. 1, on page 72: "A general court martial received in evidence, over the objection of the accused, extracts from the testimony of the accused before a Board of Investigation as an interested party. The Board did not show that he took the stand at his own request, but did show that he was sworn and allowed to testify at length after it was apparent that he was involved in such a way that an accusation against him could be implied, although he was not made a defendant until he had included his testimony. It follows, therefore, that his testimony before the board of investigation could have no evidential value in the instant case, and it should have been excluded by the court." So in this particular case the prosecution is attempting to introduce in evidence a statement made after the interrogator could see that Major Matsuba was involved.

The judge-advocate replied.

The commission announced that the objections were not sustained, and the statement of Major Matsuba will be received in evidence.

The statement of Major Matsuba, Staff, Imperial Japanese Army, submitted to the Board of Investigation April 16, 1946, was so received.

6 C I will ask the witness to read the statement of the accused, Major Matsuba, submitted to the Board of Investigation on April 16, 1946.

The witness read the statement of the accused, Major Matsuba, in English, a certified true copy appended, marked "Exhibit 2".

An interpreter read the statement in Japanese.

The accused requested opportunity to cross-examine the witness on the statement of Major Matsuba.

The commission ruled that the cross-examination should take place when the prosecution is through with this witness.

The proceedings of the Board of Investigation were submitted to the accused and to the commission and by the judge-advocate so much thereof as contains the statement of Captain W. K. Brown, Shikoku, Imperial Japanese Army, on 11 January, 1946, was offered in evidence.

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s/ E. L. Field, Lt., USNR

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The accused objected to the admission of this document in evidence on the ground of the previous reasons and also on the additional ground that this document is dated on a date prior to the Board of Investigation, and therefore we have no proof that this is an authentic document. Moreover, it was brought out before the present convening the Board of Investigation was signed.

The judge advocates replied.

The commission announced that the objection of the accused to the introduction of the statement of the defendant, C-1111, Nakamura, was not sustained.

The statement of the defendant Nakamura was received in evidence.

7 D I ask the witness to refer to the Board of Investigation and read the statement of Commander Nakamura, Shigenobu, Imperial Japanese Army, submitted on 11 January, 1946.

The witness read the statement of the defendant Nakamura, a certified true copy appended, marked "Exhibit 3".

An interpreter then read this document in Japanese.

The accused objected to that part of the statement which related to the character of Major Matsuda on the ground that it is self-incriminating evidence, as stated in Naval Courts and Boards, section 236.

The judge advocates replied.

The commission announced that the objection was not sustained.

8 C As judge advocates of this commission, are you the legal custodian of certain dispatches regarding the identity of the alleged victims York, Marston and Frazier?

A I have the original dispatch from Commander Frazier to the Bureau of Naval Personnel, Casualty Division, and a certified true copy of the reply received. The original of the reply is in Washington, D. C.

Q Q As to the reply, who is the originator and who is the addressee?

A It is addressed from the Bureau of Naval Personnel to Commander Marston, and certified to be a true copy by S.A. Stewart, C. 1111, U.S. Navy. CERTIFIED TO BE A TRUE COPY
S/A.L. Field, Lt., USNR COPY

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DOC NO 8463

10 Q Can you produce before this commission the original dispatch from Commander Marianas to the Bureau of Naval Personnel and the certified true copy from the Bureau of Naval Personnel to Commander Marianas?

A Yes, I have the original from Commander Marianas, to the Bureau of Naval Personnel and I can not produce the original reply from the Bureau of Naval Personnel because the original is in the Navy Department in Washington, but I have the certified true copy as received.

The two dispatches, Commander Marianas dispatch to Bureau of Naval Personnel (Casualty Section) and the Bureau of Naval Personnel (Casualty Section) dispatch to Commander Marianas were submitted to the accused and to the commission and by the judge advocates offered in evidence.

There being no objections they were so received.

11 Q I ask the witness to read these two dispatches.

The witness read the two dispatches, certified true copies of these dispatches appended, marked "Exhibit 4" and "Exhibit 5" respectively.

An interpreter read these dispatches in Japanese.

12 Q As a judge advocate of this commission are you the legal custodian of a certain dispatch from Commander Marianas to the Navy Department, and the reply relating to the identity of the alleged victim Terillhoff?

A I have the original of the dispatch from Commander Marianas to the Bureau of Naval Personnel and the reply from the Bureau of Naval Personnel to Commander Marianas, the original of which is in Washington, but I have a certified true copy.

13 Q Can you now produce before this commission the original dispatch and the certified true copy of the reply?

A Yes.

The two dispatches were submitted to the accused and to the commission and by the judge advocates offered in evidence.

There being no objection they were so received.

CERTIFIED TO BE A TRUE COPY
s/ F. L. Field, Lt., USNR

14 Q I ask the witness to read those two dispatches.

The witness read the two dispatches, certified true copies of these dispatches appended, marked "Exhibit 6" and "Exhibit 7" respectively.

The interpreter read these dispatches in Japanese.

15 Q As a judge advocate of this commission are you the local custodian of a dispatch from Commander Marimons to the Navy Department regarding matters of this trial?

A Yes.

16 Q Can you produce this dispatch?

A I have the original.

The dispatch, Command for Marimons to the Navy Department, Judge Advocate General, regarding information being sent to the Imperial Japanese Government of this trial now in progress, was submitted to the accused and to the commission and by the judge advocate offered in evidence.

There being no objection, they were so received.

17 Q I ask the witness to read this dispatch.

The witness read the dispatch, certified true copy appended, marked "Exhibit 8".

An interpreter read the dispatch in Japanese.

Cross-examined by the accused:

18 Q Was this order that was reported to be signed by Major Wicks on March 9, 1945, actually signed by the major on March 9?

A I can only answer that question from the contents of the document. It appears that the name of the major is subscribed as a signature. It appears to be a reproduction of an order from his memory.

19 Q Was there ever an original written order?

A As it says in the statement, the orders given were verbal.

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s/ E. L. Field, Lt., USNR

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Neither the judge advocate, nor the accused, desired further to examine this witness.

The commission did not desire to examine this witness.

The witness rested his seat as judge advocate.

The prosecution rested.

The commission then, at 11:45 a.m., adjourned to meet Monday, September 9, 1946, at 9:00 a.m.

CERTIFIED TO BE A TRUE COPY
S/ELM. FLEM, Lt., USN

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ORDER REGARDING EXECUTION OF AMERICAN PRISONERS OF WAR.

"Lieutenant Sugiyoshi, Company
Commander of the Sugiyoshi Tai,
receive a prisoner of War from
Adjutant Kammuri. Execute this
Prisoner of War on the plateau
to the East of your company area.
Get the details regarding the
method of execution from Kammuri."

Major MINEMURA
Commander of Army and Naval
Forces
Northern Section.

Date: February 22nd, 1945.
Time: 1400 February 22nd, 1945.

METHOD OF ISSUING ORDER:

Delivered to my presence Adjutant
Kammuri and Lieutenant Sugiyoshi
and personally issued a verbal
order and a written order.

REPORTED COMPLETION OF ORDER TO:

Commander in Chief of Combined Army
and Naval Forces, Chichi Jima:
Major General Tachibana.

Commander in Chief Special Naval
Forces:
Rear Admiral Mori.

The 308th Independent Infantry Battalion.

Certified to be a true copy "EXHIBIT 2" (1)
/s/ E. L. Field, Lt, US R.

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ORDER REGARDING TREATMENT OF AMERICAN PRISONERS OF WAR.

I "First Lieutenant Katsuri have the American Prisoner of War Lieutenant (junior grade) Hall executed at some place fronting the headquarters at 10 a.m. on the 9th of March, 1945."

Station Commander: Major Matsuda
Date: March 9th, 1945.
Time: 9 a.m. March 9th, 1945.
Place: Mikawaki Hill Headquarters

TEXT OF ISSUED ORDER:

Called First Lieutenant Katsuri and gave verbal orders.

PLACE TO REPORT AFTER COMPLETION OF ORDER:

Brigade Commander: Major General Tachibana.
In armed Chief of Staff of detached Divisional Headquarters, Major Harita.

The 308th Independent Infantry Battalion.

Certified to be a true copy
/s/ E. L. Field, Lt. USA

"EXHIBIT A" (2)

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ORDER REGARDING EATING OF FLESH OF AMERICAN PRISONERS

- I "The Battalion wants to eat the flesh of the American Aviator, Lieutenant (junior grade) Hall."
 - II First Lieutenant Kanmuri see to the rationing of this flesh.
 - III Cadet Sakabe (medical corps) attend the execution and have the liver and gall-bladder removed.
- Battalion Commander: Major Matsuba, Sase
- Date: March 29th, 1945
 Time: 9 a.m.
 Place: Matsuba Mill Headquarters.

METHOD OF ISSUING ORDERS:

Called to my presence First Lieutenant Kanmuri and Cadet Sakabe and gave verbal order.

PLACE TO REPORT AFTER COMPLETION OF ORDER:

Brigade Commander: Major General Tachibana

Also in command: Detached Divisional Headquarters: Major Horio.

The 206th Independent Infantry Battalion.

I wrote the above freely, believing it to be the truth.

TATSUBI SHIRO, Major, IJA.
 16 April, 1946.

Certified to be a true copy
 /s/ E. L. Field, Lt. USA

"EXHIBIT 2" (3)

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I, MATOBA Saco, being duly sworn on oath, state that I have had read to me and understood the translation of the foregoing transcription of my statement consisting of three (3) pages, and it is the truth to the best of my knowledge.

MATOB SMO

Subscribed and sworn to before me this 16th day of April, 1946.

ROBERT D. SHIFFER, Major,
06652, U.S.M.C.,
Senior Member

COMMANDER OCCUPATION FORCES)
CHUGHI JEM, BOMBI BEAMES) ss

I, Frederick Arthur Savory, civilian, interpreter, being duly sworn on oath, state that I truly translated the statement and answers from Japanese to English and from English to Japanese respectively, and that after being transcribed, I truly translated the foregoing statement containing three (3) pages to the witness; that the witness thereupon in my presence affixed his signature (name or mark) thereto.

FREDERICK ARTHUR SAVORY

Subscribed and sworn to before me this 16th day of April, 1946.

ROBERT D. SHIFFER, Major,
06652, U.S.M.C.,
Senior Member.

COMMANDER OCCUPATION FORCES)
CHUGHI JEM, BOMBI BEAMES) ss

I, Robert D. Shaffer, Major, 06652, U. S. Marine Corps, certify that on the 16th day of April, 1946, personally appeared before me MATOBA Saco, and according to Frederick Arthur Savory, civilian, gave the foregoing statement set forth therein; that after his testimony had been transcribed, the said MATOBA Saco had read to him by the said interpreter the same and affixed his signature (name or mark) thereto in my presence.

COMMISSIONER
GUN, APRIL, 1946.

ROBERT D. SHIFFER, Major,
06652, U.S.M.C.,
Senior Member.

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Guam, Marianas Islands,
16 April, 1943.

The foregoing statement consisting of three (3) pages, made by me, was not obtained under duress, not prompted by promises, threats, or inducements of any kind. I wrote the foregoing statement freely and willingly.

Katoba, Saco,
Major,
Imperial Japanese Army.

Certified to be a true copy
/s/ E. L. Field, Lt. USNR

"EXHIBIT 2" (5)

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AFFIDAVIT OF

GASTIAN JOHN D. MURPHY, U. S. NAVY,

DIRECTOR WAR CRIMES, PACIFIC OCEAN AREAS

This is to certify that the undersigned is and has been since 2 October 1945 the Director of War Crimes, Pacific Ocean Areas. In this capacity he has been the direct representative of the Commander-in-Chief, U. S. Pacific Fleet and Pacific Ocean Areas, and the Military Governor of the Pacific Ocean Areas, in all matters pertaining to the investigation and prosecution of war crimes in the Pacific Ocean Areas.

In carrying out the above indicated duties the undersigned has caused investigations to be conducted in the following atolls and islands:

Marion's Islands
Marshall Gilberts Area
Truk Atoll
Palau Island
Koror Island
Rabelthaus Island
Anguar Island
Lake Island
Bonin Islands
Iap Island

As a result of the above investigations war crimes were discovered to have been committed at:

Koror Island, Palau Islands
Lake Island
Kajalain Atoll
Mili Atoll
Anguar Island, Jaluit Atoll
Guam, Marianas Islands
Dublon Island, Truk Atoll
Chichi Jima Island, Bonin Islands
Palosap Atoll, Marshall Islands

The nature of the established crimes were (a) mistreatment of prisoners of war, native islanders, and civilian non-Japanese nationals of various countries in violation of the Laws and Customs of War, and included murder, assault and battery, and cannibalism (b) neglect of duty in violation of the Laws and Customs of War (unlawfully failing to protect prisoners of war and failing to control members of the Japanese Armed Forces) and (c) violation of the Laws and Customs of War (unlawfully preventing the

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honorable burial of American prisoners of war).

In so far as my investigations are concerned it is established that a large number of American military personnel, the exact number unknown, were captured alive by the Japanese in the Pacific Ocean Areas. There is attached to and hereby made a part of this affidavit lists, in part, of six hundred ninety-eight (698) persons that are known to have been lost in the areas. Of course many of the persons listed were undoubtedly killed in battle, but on the other hand many were captured by the Japanese. It is significant that not one of the persons listed or any other American or Allied prisoners of war were found alive in any of the islands or atolls of the Pacific Ocean Areas at the time of the Japanese surrender and subsequent thereto. How many were transported to Japan prior to the surrender has not been determined but from the results of attempts to establish this number it appears that only a relatively few and insignificant number ever reached Japan or were subsequently repatriated to the United States and Allied Powers. Investigations show that one hundred forty-nine (149) Americans were illegally executed by the Japanese military authorities while being held as prisoners of war in the Pacific Ocean Areas.

All records concerning prisoners of war captured by the Japanese in the Pacific Ocean Areas were destroyed by the Japanese authorities and in every instance investigators have been confronted with false information by the Japanese Commanding Officers as well as the deliberate intention on the part of the Japanese to conceal any and all information concerning persons who were known to have been captured alive. Accordingly it has been impossible to determine the specific disposition of each individual concerned. In cases where it has been possible to determine the disposition of specific individuals it has been found that they were unlawfully killed by Japanese authorities.

The following is a brief of war crimes cases which were tried by orders of (a) Commander Marshall Gilbert Ives and (b) Commander Kristian Ives. This brief shows the names of the principal accused, offenses, place and date of offenses, place and date of trial, evidence for prosecution, basis of defense, and reports made by various persons concerning the disposal of prisoners of war in various places throughout the Pacific Ocean Areas.

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MARSHALL ISLANDS AREA

page 3

NO.	OFFENSE	PLACE AND DATE OF OFFENSE	PLACE AND DATE OF TRIAL
Colonel Oishi, Chisoto, IJA, et al	Murder of five American flyers	Mili Atoll February 2, 1944	Kwajalein 21 November 1945
II. Rear Admiral Masuda, Nisuke, IJN, et al (Masuda suicide prior to trial)	Murder of three American flyers	Jaluit Atoll March 10, 1944	Kwajalein December 7, 1945.
III. Rear Admiral Sakaibara, Shigenatsu, IJN, Lt. Comdr. Tachibana Seichi, IJN	Murder of ninety-eight Americans	Wake Island October 7, 1943	Kwajalein December 21, 1945.

GUADALUPA MARSHALS AREA

I. Captain Kawasaki, Sasano, IJN, et al	Murder of one American civilian	Wake Island May 1942	Guam April 11, 1946
II. Vice Admiral Abe, IJN, et al	Murder of nine American Marines	Kwajalein October 17, 1942	Guam May 15, 1946

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NAME OF	OFFENSE	PLACE AND DATE OF OFFENSE	PLACE AND DATE OF TRIAL
III. Captain Nakajima, Noburo, IJA et al	Murder of one American flyer.	Chichi Jima, Bonin Islands February 23, 1945	Guam June 3, 1946.
IV. Lt. Colonel Ito, Kikaji, IJA et al	Murder of two American flyers.	Chichi Jima, Bonin Islands August 7, 1944	Guam June 19, 1946.
V. Colonel Kato, Takemura, IJA et al	Murder of one American flyer.	Chichi Jima, Bonin Islands February 23, 1945	Guam July 12, 1946.
VI. Lt. General Tachibana, Yashio, Vice Admiral Mori, Kunino et al	Murder of eight Americans Violation of Laws and Customs of War, Neglect of Duty.	Chichi Jima, Bonin Islands August 1944 through March 1945.	Guam August 15, 1946.

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Doc.	105	MARSHALL GILBERT IS. (Continued)	P. 59 5
EVIDENCE FOR PROSECUTION	BASIS OF DEFENSE	REPORT TO HIGHER AUTHORITIES	
I. Two flyers executed simultaneously by U.S. Army units on Mili Atoll, two flyers executed by the Navy.	: Superior Orders :	: As accused, Lt. Porto, Kiyoshi, IJN says : account of execution of one flyer by his : unit put in unit log and also put in Atoll : Headquarters log. (R.P. 28, Q. 76 & 77)	
II. Three flyers shot and strangled to death as ordered by defendant Iwasaki, the Atoll Commander, Jaluit Atoll, execution carried out in secret.	: Superior Orders :	: Witness for prosecution, Lt(jg) Iwasaki, Kaniok : testified that Admiral Iwasaki in battle report : 4th Fleet at Truk noted on report that American : flyers were killed in an air raid. (R.P. 13, Q. 1)	
III. Mass execution of 98 civilian Americans, October 7, 1943. One American executed July 7, 1943 and October 15, 1943 respectively.	: Fear of invasion by : U.S. Forces made : executions military : necessity. :	: Admiral Sakibara testified he reported by : dispatch to Japanese Government (Bureau of : Military Affairs) "Riotous conduct among prisoners : have executed them". (R.P. 18, Q. 100, R.P. 51, : C. 141, 142, 143).	
CHIEF OF MARIANA IS. (Continued)			
I. One American civilian beheaded in presence of other Americans.	: Victim had broken in : storehouse and stolen : supplies. :	: Kawasaki states that report of execution submitted : in monthly report to Tokyo via chain of command : (R.P. 15, P. 2 & 10).	
I. Nine of German Residents captured on Makin Island August 1942 were transferred to Jaluit in Sept. 1942 and then beheaded.	: On advice of Staff Officer : Iser Okada, (Commander, : IJN) that First Department of Naval General : Staff desired to have : prisoners disposed of : (R.P. 57, Q. 36). Staff	: Report made to Fourth Fleet concerning arrival : prisoners from Makin (R.P. 54, Q. 24). Received : orders to return prisoners to Japan but two or : three days later second telegram cancels order : return prisoners to Japan (R.P. 54, Q. 25). Report : executions taken to Fourth Fleet by Staff Officer : (Commander Kiyoshi) (R.P. 53, Q. 60, R.P. 53, Q. 61)	

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EVIDENCE FOR PROSECUTION	BASIS OF DEFENSE	REPORT TO HIGHER AUTHORITIES
	Officer, Commander IIDA, of Fourth Fleet, stated that Fourth Fleet agreed to the disposal of the prisoners. (R.p. 57 Q. 40)	Commander Miyachi testified he reported executions personally to Captain Hara, Senior Staff Officer of Fourth Fleet (R.p. 12 Q. 57, R.p. 15 Q. 59)
III. Defendant Nakajima beat victim to death with stick.	Intoxication	Nakajima states that Captain Sato reports this murder to the Battalion Commander (Ex. 58) No evidence that this execution reported to any other authorities other than those on Chichi Jima.
IV. Colonel Ito supervised execution by bayoneting and beheading on orders from Brigade Headquarters.	Superior Orders.	Colonel Ito states that he reported executions to Brigade Commander, Tachibana. (See account of Major Mori's report in Tachibana's case.)
V. Flyer disposed of on instructions of Brigade Headquarters.	Superior Orders	Kane reports execution to Brigade Headquarters (R.p. 61 Q. 45). No evidence that this execution reported to any other authority other than those on Chichi Jima.
VI. Eight American flyers executed by various units on Chichi Jima. Four cases cannibalism.	Tachibana - loss of actions did not hold him responsible. Mori - Did not know executions taking place. Other defendants - acting in accord with policy of defendant, Tachibana.	Major Kane testified that he reported the execution of the two flyers in August 1944 to Divisional Commander Kuribayashi at Iwo Jima and received a reply from Kuribayashi's Chief of Staff (R.p. 272 Q. 5 through 19.) No evidence that other executions reported to any authorities other than on Chichi Jima.

The lists referred to in paragraph 4 above are hereafter included.

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ARMY AIR BORNE PERSONNEL LOST OVER THAI

NAME	RANK/RATE	SERIAL NUMBER
BASSETT, Richard M.	2nd Lt	0-813460
BATES, Warren P.	2nd Lt	0-760228
GERSHON, David N.	2nd Lt	0-702407
D'LENE, Alfred J.	2nd Lt	0-702021
CASTNER, Earl M.	S Sgt	19158093
MERCURI, Francis P.	Sgt	33668862
OPHL, Edward J.	S Sgt	22810136
GUCKEL, Merrill R.	S Sgt	12022941
RYAN, William J.	Sgt	15374025
THOMAS, Beatty H. Jr.	Sgt	14092803
HAYES, Wilmer R.	1st Lt	0-801330
BOWDEN, Charles R.	1st Lt	0-801823
EASTLAND, Gerard R.	1st Lt	0-301047
AMES, Charles F.	1st Lt	0-662233
TERPSTR, John R.	T Sgt	12031295
PREY, Frederick E.	S Sgt	12038503
ESROCK, Yale E.	T Sgt	57380389
SEATY, Robert L.	S Sgt	33205925
PEDEY, Thomas J.	Sgt	32435216
WITTSCHEDE, Rudolph H.	S Sgt	22310402
PETER, Earl R.	1st Lt	0-797173
MOFFITT, Jed R.	2nd Lt	0-756285
MURDOCK, James W.	1st Lt	0-2045317
SHOUTIG, Alexander W.	1st Lt	0-741708
COBURN, Lloyd	T Sgt	72408751
FREDRICKS, Leo W.	S Sgt	35506588
CLAWSON, Harold B.	T Sgt	33209040
STULIZ, Robert F.	S Sgt	39680389
ALICHUSKES, Francis T.	T Sgt	33245463
NORRISON, George W.	S Sgt	17051530
BENNETT, John C.	2nd Lt.	0-686311
WIDOWSON, Stewart L., Jr.	2nd Lt.	0-765373
NORTHROP, Jerome F.	2nd Lt	0-708214
STEVEN, Hustus F.	2nd Lt	0-765854
MUILEN, A. F.	S Sgt	18183529
STRAIT, Robert E.	Sgt	35797515
FRANCOIS, Gastone D.	S Sgt	31200589
FOUST, Albert C., Jr.	Cpl	38589060
LINSON, William J.	Sgt	14136150

ARMY AIR FORCE PERSONNEL LOST OVER TRUK (Continued)

NAME	RANK/RATE	SERIAL NUMBER
LOEB, Eldred J.	1st Lt	37676377
BREIT, Eugene	2nd Lt	0-690178
DLVER, Aloysius J.	2nd Lt	0-758431
WUHLER, Harold C.	2nd Lt	0-700815
LAUMIE, Franklin	2nd Lt	0-694454
BOUCHARD, Harold W.	Pvt	39613742
FRANKLIN, Omer E.	Sgt	35567567
SPARROW, Donald I.	Sgt	39119995
WISNIEWSKI, Stanley A.	Sgt	31170627
VERNE, Jerome L.	Sgt	16105409
GUNTHER, John P.	Sgt	32807733
COCK, James F.	Sgt	17097730
DAVID, LaVerne	E/O	W-87393
THOMAS, Joseph L.	E/O	T-1415
MAIER, George F.	2nd Lt	0-692043
RODGERS, William J.	2nd Lt	0-754772
TIPPIN, Oscar R.	Sgt	24394250
SWEET, Charles	Sgt	13112080
LAMP, Thomas F.	Sgt	11117249
GOVE, Kenneth C.	Sgt	11057275
SHEEN, Ernest J.	Sgt	19171370
WALTON, Joshua B.	Sgt	3334487
DYER, Donald W.	2nd Lt	0-678201
JONES, George W.	2nd Lt	0-691018
MAILES, John F.	2nd Lt	0-699620
FRANK, Charles L., Jr.	2nd Lt	0-751898
GREENZ, William E.	Sgt	37253995
MALINOWSKI, Bernard A.	Sgt	35216903
MANTIN, Walter	Sgt	35671201
STOLMER, Seymour J.	Sgt	32419449
OTT, Melvin W.	Sgt	32870456
WIKESKILL, William	Sgt	15019606
BEAIRD, Arthur J.	2nd Lt	0-691219
BACHARD, Alexis G.	2nd Lt	0-696308
PRICE, James R.	2nd Lt	0-707015
WHITE, Clayton J.	2nd Lt	0-691624
EVANS, Lee H.	2nd Lt	38447798
OLSON, Harold J.	Sgt	16050002
CURRY, Warren R.	T Sgt	15084286
PARSONS, Howard G.	Sgt	38268507
GIHN, Edward J.	Sgt	15097483
ASHMORTH, John F.	Sgt	39541054

LIBY AIRBORNE FORCE FPL LOST OVER TUNIS (Continued)

NAME	RANK/DATE	SERIAL FILE
ABDO, Edward S.	Capt.	0-3539
ANGELL/KOF, Peter W.	1st Lt	0-24225
EDWARDS, Robert I.	1st Lt	0-476450
FAUNCE, James J.	1st Lt	0-789792
FURMAN, Irvin E.	1st Lt	0-738631
GENDERING, Nathan	1st Lt.	0-806975
LEWIS, Walter F.	1st Lt	0-748700
SMITH, Edwin E., Jr.	1st Lt	0-658398
ANDERSON, Donald	1st Lt	0-67440
WEIMLICK, Phillip J.	1st Lt	0-678640
LYNCH, Edgar L.	2nd Lt	0-755719
PICKERING, Russell W., Jr.	2nd Lt	0-693816
SAWYER, John R.	1st Lt	0-672873
BEATTY, Merrill L.	Sgt	22318240
WOLFEB ROET, Clarence F.	Sgt	17120936
RICH, Carl E.	T Sgt	16073824
ROBERTS, Malcolm D., Jr.	S Sgt	12158014
RAY, Marion	T Sgt	37390833
MCCANNISTER, Emanuel A.	S Sgt	15394475
HANDWY, Robert W.	S Sgt	18200479
BONHOF, Curtis, Jr.	S Sgt	15340759
ROMIFE, Gene G.	Sgt	39331901
REA, Grant M.	1st Lt	0-684047
MOE, William H., Jr.	1st Lt	0-692807
BLANCHARD, Henry W. II	1st Lt	0-691699
SEPMI, Judd C.	1st Lt	0-685036
SPENNINGTON, Ernest E.	T Sgt	35367050
HEDRICK, Von C.	S Sgt	14165136
LeCHENE, Gregory	T Sgt	12128256
EVANS, Reuben M.	S Sgt	34396817
MATTHE S, Joel M.	S Sgt	14128920
GURRY, Earl A.	S Sgt	36014211
NORISON, William G.	1st Lt	0-736368
BOTY, Walter C.	1st Lt	0-676614
SMITH, Robert B.	1st Lt	0-667445
HEDDRICK, Robert C.	1st Lt	0-671357
McINTYRE, John (n)	Sgt	32474292
WIMM, Kenneth M.	S Sgt	18133906
DOLSKY, Jack (n)	Sgt	16124052
BRADY, Vincent E.	T Sgt	10100436
HUFFMAN, Albion E.	S Sgt	38121812
THOMAS, Michael (n)	Sgt	36210565

NAME	RANK/DATE	SERIAL NUMBER
PETER, Earl R.	1st Lt	0-797173
MOFFETT, Jed R.	2nd Lt	0-756285
MULDON, James W.	1st Lt	0-2045311
SHOUTIS, Alexander W.	1st Lt	0-741708
COBURN, Lloyd	T Sgt	32408751
FRED RICK, Leo F.	S Sgt	35506588
CLARKE, Harold B.	T Sgt	33209040
STULTZ, Robert E.	S Sgt	39680389
ALLISON, Francis T.	S Sgt	33345463
MORRISON, George F.	S Sgt	17051530

1964 AIR FORCE PERSONNEL LEFT CIVILIAN (Continued)

ALCHIERE ROBERT F	2 LT MIA AC 16JUL4	60692845
ANDERSON GARY J	1 LT MIA AC 28JUL4	61287457
ANDERSON GARY J	1 LT MIA AC 28 JUL4	61287457
ANDERSON KENNETH R	8 SC MIA AC 10JUL4	31141687
ANDERSON KENNETH R	8 SC PDB AC 11JUL5	31141687
BAILEY JOHN H	2 LT MIA AC 10JUL4	60684730
BELGROFT GORDON D	1 LT MIA AC 06JUL5	60762214
BERRY GORDON C	8 SC MIA AC 10JUL4	16046394
BURNHOLDS ROBERT L	8 SC MIA AC 05JUL4	35541274
BURNHOLDS ROBERT L	8 SC PDB AC 06JUL5	35541274
CLARK ROBERT C	1 LT MIA AC 10JUL4	62047721
CLARK ROBERT C	1 LT PDB AC 11JUL5	62047721
CLARK D WID S	2 LT MIA AC 10JUL4	60683901
COLLINS IYDOR V	2 LT MIA AC 05 JUL4	60689394
COLLINS IYDOR V	2 LT PDB AC 06JUL5	60689394
CORR JOHN W	8 SC MIA AC 10JUL4	17117727
CORR JOHN W	8 SC PDB AC 11JUL5	17117727
D VINE RAYMOND H	2 LT MIA AC 10JUL4	60742069
DEVINE RAYMOND H	2 LT PDB AC 11JUL5	60742069
DRY WILSON THOMAS L	8 SC MIA AC 05 JUL4	14153918
DRY WILSON THOMAS L	8 SC PDB AC 06JUL5	14153918
EDDY ROBERT K	2 LT MIA AC 05 JUL4	60752610
EDDY ROBERT K	2 LT PDB AC 06JUL5	60752610
EVANS WILLIAM R	1 LT MIA AC 14JUL5	60681633
EVANS WILLIAM R	1 LT MIA AC 14JUL5	60681633
FRISBRIGHT ROBERT D C	1 LT MIA AC 20JUL4	60689958
FRISBRIGHT ROBERT D C	1 LT MIA AC 20JUL4	60689958
GILLIAMS JOHN R	2 LT MIA AC 15 JUL5	62067407
GILLIAMS JOHN R	2 LT PDB AC 22JUL5	62067407
GUYKOT JOHN H	8 SC MIA AC 28JUL4	12207778
GUYKOT JOHN H	8 SC PDB AC 28JUL4	12207778
HANLEY ROBERT J JR	8 SC MIA AC 28JUL4	60661927
HANLEY ROBERT J JR	8 SC PDB AC 28JUL4	60661927
HOPKINSON ROBERT H	1 LT MIA AC 10JUL4	60737947
HOPKINSON ROBERT H	1 LT PDB AC 11JUL5	60737947
HUNT HENRY J	2 LT MIA AC 10JUL4	60758802
HUNT HENRY J	2 LT PDB AC 11JUL5	60758802
HUNT HENRY J	2 LT MIA AC 16 JUL4	19130110
HUNT HENRY J	2 LT PDB AC 20JUL4	19130110
ICK TONKIN JIMMY F	1 LT MIA AC 20JUL4	60689616
ICK TONKIN JIMMY F	1 LT PDB AC 22JUL5	60689616
KALTER D W J	8 SC MIA AC 10JUL4	12181275
KLOCK HENRY J	7 SC MIA AC 10 JUL4	32406344
LINSBOTE ROBERT C	1 LT MIA AC 30JUL4	60689065
LINSBOTE ROBERT C	1 LT PDB AC 09JUL5	60689065

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ARMY AIR BORNE PERSONNEL LOST OVER TRUK (Continued)

LARSON ALVIN L	1 LT MIA AC 10APR4	60733665
LARSON ALVIN L	1 LT PDD AC 11APR5	60733665
LEIFFLER LOWELL L F	1 LT KIA AC 10APR4	60742488
MACINTOSH JOHN G JR	T SG MIA AC 28JUL4	15069283
MACINTOSH JOHN G JR	T SG KIA AC 28JUL4	15069283
MACKLEY JOHN W	2 LT MIA AC 28JUL4	60756278
MACKLEY JOHN W	2 LT KIA AC 28JUL4	60756278
MASON WALTER W	S SG MIA AC 09MAY4	36565554
MASON WALTER W	S SG KIA AC 09MAY4	36565554
MIX RALPH N	1 LT MIA AC 28JUL4	60684883
MIX RALPH N	1 LT KIA AC 28JUL4	60684883
MC DERMOTT EDWARD V	2 LT KIA AC 10APR4	60677832
MESSICK MAJOR M	2 LT MIA AC 05MAY4	60677832
MESSICK MAJOR M	2 LT PDD AC 06MAY5	19124301
METCALF FREDERICK F	S SG MIA AC 05MAY4	19124301
METCALF FREDERICK F	S SG KIA AC 05MAY4	60758839
MYRICK BENJ JR	2 LT MIA AC 05MAY4	60758839
MYRICK BENJ JR	2 LT PDD AC 06MAY5	39106247
NAPOLITANO VERNON F	S SG KIA AC 10APR4	37384238
OSBORNE ROSWELL A	S SG PDD AC 11APR5	37384238
OSBORNE ROSWELL A	2 LT LIA AC 16APR4	60685090
PAVL ELMER T	2 LT RTD AC 19JUN4	60685090
PAVL ELMER T	2 LT LWL AC 12JUN4	60688461
PECK ALIX	2 LT RTD AC 23JUN4	60688461
PECK ALIX	S SG MIA AC 28JUL4	35581321
PIPIS DONALD E	S SG DED AC 29JUL5	35581321
PIPIS DONALD E	T SG LWL AC 12JUN4	12190319
MAGUSA PAUL S	T SG RTD AC 12JUN4	12190319
MAGUSA PAUL S	SGT KIA AC 16APR4	32456221
REIFY JOHN W	T SG MIA AC 10APR4	15077357
RUPNOW FRANCIS	T SG PDD AC 11APR5	15077357
RUPNOW FRANCIS	T SG MIA AC 28JUL4	12185766
SILSKY ALBERT	T SG DED AC 29JUL5	12185766
SILSKY ALBERT	S SG MIA AC 28JUL4	13136358
SMITH GEORGE C	S SG DED AC 29JUL5	13136358
SMITH GEORGE C	1 LT MIA AC 10APR4	60736039
SMITH PHILIP	1 LT PDD AC 11APR5	60736039
SMITH PHILIP	S SG MIA AC 28JUL4	39280472
SNOOK FRANK W	S SG KIA AC 28JUL4	39280472
SNOOK FRANK W	S SG MIA AC 10APR4	13079519
STILLA FRANK V	S SG PDD AC 11APR5	13079519
STILLA FRANK V	E S SG MIA AC 09MAY4	33344121
STOTSLINEURG WILLIAM E	S SG PLD AC 06MAY5	33344121
STOTSLINEURG WILLIAM E	T SG KIA AC 10APR4	13136909
SUMERS GEORGE C	SGT KIA AC 16APR4	38208997
SWIFT CARL B	2 LT SIA AC 16APR4	60745975
SZCZYPINSKI EDWIN T		

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ARMY AIR FORCE PERSONNEL LOST OVER TRUK (Continued)

SZCZYPINSKI EDWIN T	2 LT IUS AC 02JUG4	60745995
SEXTON HILARY J	SGT SIA AC 16APR4	36593204
SZCZYPINSKI EDWIN J	SGT IUS AC 02JUG4	36504204
TUMER SCOTT F	T SG IIA AC 10JUN4	34287878
TURNER SCOTT F	T SG IIA AC 11JUN5	34287878
TURNER LAIL B	S SG KIA AC 10JUN4	12073542
WATKINS WOODROW W	2 LT IIA AC 12JUN4	60746489
WATKINS WOODROW W	2 LT IIA AC 12JUN4	60746489
WEST LISTER R	SGT KIA AC 16APR4	35639067
WESTFALL EDWARD R	SGT KIA AC 16APR4	32731112
WIENCKOWSKI BENJAMIN	2 LT KIA AC 16APR4	60691645
WONG VINCE	S SG IIA AC 02JUN4	14170332
WONG VINCE	S SG IIA AC 02JUN4	14170332
BARRETT JOHN F	SGT KIA AC 19JUN5	31364776

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UNITED STATES PACIFIC FLIT

Commander Marines

Serial:

The foregoing compilation of Army Air Forces personnel lost in missions over Truk was furnished this office by Headquarters U.S. Army Forces Mid-Pacific by ltr. dated 10 June, 1946; Headquarters Pacific Air Command, U.S. Army, by ltr. dated 8 February 1946; and by Headquarters U.S. Army Forces Western Pacific by ltr. dated 6 May 1946.

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NAVY AIR BORN PERSONNEL LOST OVER TRUK

NAME	UNIT/GRADE	SERVICE NUMBER
STOVER, Elsie T.	Lieutenant	93475
FRANCOCK, Jack (n)	ARM2c	234 35 79
SCHIEBLER, Penny A., Jr.	Lieutenant (junior grade)	157172
KANE, Donald C.	Lieutenant (junior grade)	129975
CHALMAN, Charles L.	ARM2c	300 48 46
WILLIAMS, Dick A.	ARM2c	628 36 74
PHILLIPS, John Lloyd	Lieutenant Commander	72804
OGG, John Riterie	Insign	176896
BRIDGES, James Edwin	Lieutenant	104354
BRUTON, Robert Ellis	ARM2c	381 48 07
GREEN, James Albert	ARM2c	649 09 62
PHILLIPS, John Paul	Lieutenant	72921
FRANK, Gilbert James	ARM2c	224 18 49
TILPAS, Paul Edmund	Lieutenant	104614
MACF, Harold Frank	ARM2c	311 43 51
BULLARD, George Clough	Lieutenant	
GLASS, George L.	Lieutenant (junior grade)	114379
AUNSPRUCH, Claude W.	ARM2c	630 16 50
BINKS, Newton B.	Lieutenant (junior grade)	156078
McKENZIE, Frederick S.	ARM2c	622 54 31
STUMP, Stanley S.	ARM2c	
APPLEFIELD, Joseph L.	Lieutenant (junior grade)	156322
NICHOLS, Lloyd	ARM2c	639 05 91
DOCKTIN, Wilbert William	ARM2c	382 46 36
WYOMONT, Len C.	ARM2c	278578
COX, Linton L., Jr.	Insign	250786
DEAN, Donald	Insign	606 58 11
McGOWAN, James Joseph	ARM2c	
GRAHAM, William B.	ARM2c	
FILKIN, William M.	Lieutenant	
ODUM, Robert N.	Insign	
CARTER, Arthur D.	ARM2c	
DILAWAY, Parker L.	ARM2c	
PATTS, James L.	C 1c	
SANCHEZ, Albert T.	Insign	
LE PINEAU, Anthony L.	ARM2c	
BROWDER, Eugene C.	ARM2c	
SCHULTZ, Wallace J.	ARM2c	
McFEE, Ralph D.	Insign	
CARLISLE, Thomas	Insign	
KIRKBY, James J.	Lieutenant (junior grade)	
FISHER, Fred "D"	ARM2c	
UPSON, Richard	Lieutenant Commander	
SLINKS, P.D.	Lieutenant	
WERTMAN, R.L.	ARM2c	

The foregoing compilation of Navy Flier personnel lost in missions over Truk was furnished this office by CinCPac's dispatch 090301 of January 1946 to Commander Task Unit 94.3.1. and Bureau of Naval Personnel ltr. Pers. 5321/-tp dated 7 June 1946.

NAVAL CASUALTIES OCCURRING IN ACTION AGAINST HONAN ISLANDS

NAME	S. S. RANK	DATE	SHIP	STATUS
SHAGIH, Vincent, Jr., S2c	4 July 1944	USS BATTAN	Dead	
BRACCACCIO, Vincent J., S1c	11 Nov 1944	USS YORKTOWN	"	
RACINGER, Carl J., S1c	5 Jan 1945	USS BURNS (DD 582)*	"	
COWEN, Michael T., S2c	8 Sept 1945	USS INDIAN (CV 9)	"	
GLADWIN, Alfred T., Jr.	11 Nov 1944	"	"	
SCM ILT, Norman W., AS12c	"	"	"	
SCM ILT, Charles L., AS13c	"	"	"	
LIUZZI, Victor L., S1c	24 Jan 1945	USS LEXINGTON	"	
KOZLOFF, Benj. L., PM2c	15 June 1944	USS INTREPID	"	
OLDMAN, Frederick T., CM1A	"	USS INTREPID	"	
SWANDRUP, John W., S2c	"	USS INTREPID	"	
GOLDURN, Vernon, S2c	5 Jan 1945	USS DAVID W. TAYLOR	"	
KAYSH, Edward P., PM2c	"	USS DAVID W. TAYLOR	"	
LYNDE, Robert A., AS3	"	USS DAVID W. TAYLOR	"	
MURPHY, Geo. H., F1	"	USS DAVID W. TAYLOR	"	
FINDLSON, Paul F., Jr., Lt.	15 June 1944	VF-1	"	
FOGUE, Jack, Ens.	"	"	"	
SPRIVY, Jas. Ens.	16 June 1944	"	"	
HEINAT, Carl C., Ens.	24 June 1944	"	"	
HOSTLEY, W. C., Lt.	4 July 1944	"	"	
WARD, Arthur J., Lt.(jg)	3 July 1944	"	"	
MARTIN, Gerald S., Lt.(jg)	4 Sept 1944	"	"	
ILLIOTT, Conrad, Lt.(jg)	24 June 1944	VF-2	"	
BUTLER, Robert H., Lt.	3 July 1944	"	"	
CARLSON, Carroll L., Lt.(jg)	7 Sept 1944	"	"	
CZERNY, John B., Lt.(jg)	4 Jan 1945	VF-6	"	
TUDSON, Ansel C., Lt.	5 Aug. 1944	VF-13	"	
LISTERMAN, Roger W., Ens.	"	"	"	
DOUGHTY, Jas. F., Ens.	4 July 1944	VF-14	"	
WISI, Alberto G., Ens.	4 July 1944	"	"	
JONES, Alfred A., Lt.(jg)	15 June 1944	VF-15	"	
STARRS, Robert L., Lt.	24 June 1944	"	"	
W. BLUM, Len S., Ens.	8 Sept 1944	"	"	
TROMPSON, Theroir L., Lt.(jg)	11 Nov 1944	"	"	

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NAVAL CASUALTIES OCCURRING IN ACTION AGAINST PONIN ISLANDS
(Cont)

NAME	CASUALTY DATE	DUTY ASSIGNMENT	STATUS
BURRITT, Edward L., Lt.	5 Aug 1944	VF-19	Dead
KILLY, Joe Lt. (jg)	"	"	"
WAINFIELD, Blair H., Ins.	4 Aug 1944	"	"
WANKEL, Harry, Ins.	15 June 1944	VF-20	"
BROWN, Harry D., Lt (jg)	5 Sept 1944	"	"
COX, Jas E., Ins.	"	"	"
FOLDING, Edward J.	"	"	"
ILLIEN, Paul C., Jr. Ins.	4 July 1944	VF-31	"
MANCOCK, Frank, Jr. Lt. (jg)	"	"	"
LOOMIS, Malcolm L. Lt. (jg)	"	"	"
DIMMILL, Jcs. L., Lt (jg)	24 June 1944	VF-50	"
FRYOR, Fred L., JR 3c	4 July 1944	VF-1	"
DRYSDALE, Jack, Ins.	"	"	"
VINTZ, Owen W., Ins.	"	"	"
WRIGHT, Warren K., Lt.	"	"	"
DALTON, Bruce W., JR 3c	"	"	"
BOWMAN, Milton J., Lt.	"	VB-13	"
FOLSTROM, Carl R., Lt. Cmdr.	6 Aug 1945	"	"
LOINTWAL, Albert D., JR 3c	4 July 1944	"	"
BROOKS, Walter, Jr., JR 1c	6 Aug 1945	"	"
BWADY, Chas. L., Ins.	4 July 1944	VF-14	"
FOOTH, John S., Lt. (jg)	11 Nov 1944	"	"
CLINT, Theo, Ins.	15 June 1944	"	"
KAMIK, Henry W., Lt.	8 Sept 1944	"	"
AVERY, John L., Ins.	11 Nov 1944	"	"
LIVISAY, Alvin C., Ins.	"	"	"
JACKSON, Kenneth L., JR 3c	15 June 1944	"	"
ALBANI, Paul R., JR 2c	4 Aug 1944	VF-19	"
SNOW, John R., JR 2c	5 Aug 1944	"	"
CAVANAUGH, John L., Lt. (jg)	5 Aug 1944	"	"
MAJORS, Roy F., Ins.	4 Aug 1944	"	"
FLAGGSON, Stuart L., Ins.	1 Sept 1944	VF-20	"
LAIR, Jos A., Jr., JR 2c	1 Sept 1944	"	"
OSBORN, Jos V., Jr. JR 1c	6 Sept 1944	"	"
KELLEY, John W., Lt. (jg)	15 June 1944	VF-1	"
NORLANDIN, Alfred A., JR 2c	"	"	"
WIEGHL, Paul R., JR 2c	"	"	"
CAMPBELL, Clarence J. Jr., Lt.	4 Aug 1944	VF-2	"
FIVLY, Walter D., JR 3c	5 Aug 1944	VF-13	"
ROBINETTE, Ralph T., JR 3c	"	"	"
GOODWIN, Warren J., JR 2c	4 July 1944	VF-14	"
DUDLEY, Harold R., JR 2c	15 June 1944	VF-15	"
LIPSIT, Leonard G., JR 3c	"	"	"
GIL, Michael, JR 2c	"	"	"

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NAVAL CASUALTIES OCCURRING IN ACTION AGAINST BONIN ISLANDS
(Con't)

NAME	CASUALTY DATE	DATE ATTACHED	STATUS	
FORNBURG, Donald L.	Lt. (jg)	4 Aug 1944	WT-31	Dead
ANDERSON, Matt. A., AM 2c	"	"	"	"
POUL, Kenneth J., AM 2c	"	"	"	"
DEBARTY, John L., AM 2c	3 Sept 1944	WT-50	"	"
(93) WITTE, W. C., Lt. (jg)	"	"	"	"

UNITED STATES PACIFIC FLEET
COLLATERAL VICTIMS

Serial:

The attached compilation of Navy and Marine Corps prisoners of war executed by the Japanese on Chichi Jima, Bonin Islands on or about 7 August 1944 to 26 April 1945 was furnished by the Record of Proceedings of a Military Commission convened at United States Pacific Fleet, Commander Lorraines, Guam, Marianas Islands, by order of Commander Lorraines, August 15, 1946, in re Lieutenant General Yosio TACHIBANA, Imperial Japanese Army, et al., and BuPers despatch 0630/31 of May 1946 to Commander and BuPers despatch 1143/31 of May 1946 to Commander.

NAVY AND MARINE CORPS PERSONNEL LOST ON BONIN ISLANDS

NAME	DATE/DATE	SERVICE NUMBER	CLASSIF.
WOLLETOF, Lloyd Richard	AM 2c	628 65 11	USNR
DYL, James Wesley, Jr.	AM 3c	145 22 93	USN
YORK, Greedy Alvan	AM 3c	556 82 32	USN
PAUL, Floyd Leing	Ensign	244023	USNR
BRASHON, Berrie William	AM 3c	565 40 88	USN
VAUGHN, Warren Earl	2nd Lt.		USN CR
FINZILL, Glenn Junior	AM 2c	627 81 32	USN

One whose name remained unknown.

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UNITED STATES PACIFIC FLEET
COMMUNAL MARINES

Serial:

The attached compilation of Marine Corps personnel lost in missions over the Bonin Islands was furnished by the BuPers despatch 181700 of January 1945 to Commander Marines.

MARINE CORPS AIR FLEET PERSONNEL LOST OVER BONIN ISLANDS
(Attached Vols 612)

NAME	GRADE/RANK	SERVICE NUMBER
PAIGOUT, Glen Joseph	1st Lt.	023003
JAMES, Clifford Lafayette	1st Lt.	022461
JOHNSTON, John Roger	1st Lt.	027533
KOLPPLN, Charles Bernard	1st Lt.	024792
MAVAY, Edward	1st Lt.	023042
ROBBINS, James William	1st Lt.	025741
HENDER, Melvin William	T Sgt	451622
BOLIN, Warren Noel	Cpl	804143
BOYLAN, Robert John	Sgt	451270
BRUSA, Sandra Jose	Cpl	539528
CONSTANTINE, William Ross	Sgt	498730
DEARY, Frank, Jr.	LT Sgt	464750
FREEMAN, Thomas James	Jr Sgt	823844
JONES, Robert Clarence	LT Sgt	582239
KNOP, John William	PPC	813038
MEDEK, Tony Alphonse	S Sgt	805638
PITHILLI, Richard Harold	Sgt	834312

(Attached ID Apr 4th 1945)

Mc ILROY, James Joseph	Sgt	890230
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ARMY SERVICE FORCES
Office of the Quartermaster General
Washington

in reply refer to SPOTG 293 - MIDPAC

15 March 1946

SUBJECT: Transmitted of Case History Reports for Search
Teams for missing and Unidentified Marine Corps
Dead in the Vicinity of Makin Island, Gilbert
Islands.

TO : Commanding General
Army Forces, Mid-Pacific Area
APO 958, c/o Postmaster
San Francisco, California

FROM: Chief, American Graves Registration Service

1. Inclosed are copies of 16 Case History Reports for
use by search teams for missing and unidentified dead prepared
by the Marine Corps Headquarters for the below named Marine
Corps personnel, who were missing in the vicinity of Makin
Island, Gilbert Islands

Name	Serial No.	Rank or Rate	Branch of Service
ALLARD, Robert Vincent	162210	Sgt.	USMCR
CASTLE, Vernon Leroy	307188	Pfc.	USMC
CHARLES, "I" "B"	293609	Cpl.	USMC
GALLAGHER, William Albert	307593	Pfc.	USMC
GASTON, Daniel Albert	340727	Cpl.	USMC
KUNKLE, Kenneth Kirk	263716	Cpl.	USMC
MCILWINE, Edward (M I)	289149	Cpl.	USMC
MULDING, Robert Denton	317436	Pvt.	USMC
MONTGOMERY, Kenneth Maurice	307326	Pfc.	USMC
MONTGOMERY, Norman Warren	326651	Pfc.	USMC
MODLAND, Franklin Merrill	333878	Pvt.	USMC
MURPHY, William Everett	336074	Pfc.	USMC
PARSON, Robert Brooks	275291	Cpl.	USMC
SILBY, Charles Austin	326461	Pvt.	USMC
VANDENBELL, John Eugene	335768	Pfc.	USMC
YARBROUGH, Nelson Opal	309064	Cpl.	USMC

2. It is requested that when the above area has been
searched for isolated burials, the inclosed forms be returned
to this office accompanied by the burial report if remains
are located, or a statement or report that the remains could
not be located.

FOR THE QUARTERMASTER GENERAL:
/s/ Roy H. Foster

M.V. TURNER
Colonel, QMC
Assistant

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(Page #2, Ltr. OQIG, 15 March 1946, to CG, USAF HIDEAC,
Subject - Transmittal of Case History Rpts. for Search
Teams for Missing and Unidentified Marine Corps Dead in
the vicinity of Makin Island, Gilbert Islands, File SPQYG
393 - LID FIC).

A223

16 Incls:
Case History Reports, as listed.

SIRIAL: 2377
MPYQ 293 (15 Mar 46) 1st Ind. (S-15 Mar 46)
Headquarters United States Army Forces, Middle Pacific,
APO 958 5 Apr 56.

TO: Commander, Mariners, Navy No. 926, Fleet Post Office,
San Francisco, California.

1. This headquarters has no official information on
the extent of the searches for missing personnel that is
being conducted by the Navy, therefore the attached forms
are being forwarded for any available information.

2. It is requested that they be returned to this
headquarters when completed.

FOR THE COMMANDING GENERAL:

16 Incls.

n/c

/s/ W. S. Thatcher

W. S. THATCHER
Lt Colonel, AGC
Asst Adjutant General

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31 Oct 45

DGU-rs
New MC PQ-ID

CASE HISTORY REPORT FOR SELECTED NAMES FOR MISSING AND UNIDENTIFIED DEAD

NAME	(last)	(first)	(middle)
ALLARD		ROBERT	VINCENT
TANK		SECRET NUMBER	BRANCH OF SERVICE
Sgt		262210	USMC

ORGANIZATION TO WHICH ATTACHED

Co. B, 2nd Marine Force, FMF

PLACE OF LAST KNOWN OR PROBABLE OCCURRENCE OF BODY NOT COVERED.

Makin Island, Gilbert Isles

If a finding or determination of death was made give below a complete statement of facts upon which such finding or determination was based. If reported dead without subsequent report of death give all available information regarding circumstances of death with identifying data:

Sgt. Allard was a member of the Second Marine Raider Battalion on August 17, and 18, participating in a raid on the enemy on Makin Island and were reported missing as of August 18, 1942. Reports state that considerable difficulty was experienced by this landing force in its withdrawal from Makin Island due to the heavy surf encountered through which landing boats could not be navigated by any means. Many planes flew over the area strafing such small boats as were available. No further information has been received regarding Sgt. Allard and on 19 August, 1943 was declared dead in compliance with Section 5, Public Law 490.

NOTE: The above information also applies to the below named Marines.

BELCHER, James William	Corp.	USMC	299268	Co. B-2nd Marine Force	FMF
COOK, Dallas Harry	Sgt	USMC	291466	"	"
GIFFORD, Joseph	Corp	USMC	213498	"	"
KLINE, John Irvin	Pvt	USMC	348233	"	"
PHILLIPS, William	PFC	USMC	336074	"	"
Iverett					
OLEARY, Richard Nathan	PFC	USMC	349486	"	"
ROBLINSON, Donald W. H.	Pvt	USMC	348240	"	"
LARSON, Carlyle Oscar	Pvt	USMC	346591	Col.	"
DAVIS, Richard	PFC	USMC	334060	"	"
Illsworth					
MATTISON, Eldon Curtis	Pvt	USMC	337253	"	"
SMITH, Cletus	Pvt	USMC	347549	"	"

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Address reply to
The Bureau of Yards and Docks
and refer to ISAtmb

NAVY DEPARTMENT
Washington 25, D. C.

17 Jul 1946

CONFIDENTIAL (Declassified 29 July 1946)

MEMORANDUM TO CAPTAIN J. J. ROBINSON, USNR - Room 4B915,
Pentagon Building
Subj: PNAB Contractor's Employees - Partial List of.

1. The attached list of Pacific Naval Air Base contractors' employees with their home addresses and occupations is certified to be a true copy of the records available in this Bureau. This list represents the names of those employees who are unaccounted for at the expiration of hostilities with the Japanese.

2. As a result of an investigation conducted by a representative of this Bureau, the Commander Marshall Gilberts (from a letter dated 19 December 1945 (Confidential), Serial 02641, stated in part, "(*) Ninety-eight (98) American POWs remaining on Wake Island were deliberately executed on the order of the Japanese Commander Rear Admiral Sakaibara, ninety-six (96) of whom with hands tied and blindfolded were shot the night of 7 October 1943 on order of Rear Admiral Sakaibara. Previous to that date one was decapitated on order of Rear Admiral Sakaibara. On or about 15 October 1943 he personally decapitated the last remaining American on Wake."

3. As a result of the above, this Bureau notified the next of kin, the U.S. Employees' Compensation Commission and other interested parties that in view of the fact that all other Pacific Naval Air Base contractors' employees have been accounted for with the exception of ninety-eight, it must be presumed that the ninety-eight employees executed on Wake Island were those that were unaccounted for.

4. The addresses given in the enclosed list represent that address of the next of kin or the person that the employee assigned as the next of kin upon his departure from the United States, but does not represent, in all cases, his actual home address.

/s/ J. J. Hamming

Incl: (A) List of the Ninety-eight (98) Civilians who lost their lives on Wake Island dtd 7/16/46

J. J. Hamming
Chief of Bureau

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LIST OF THE NINETY-EIGHT (98) CIVILIANS WHO LOST THEIR LIVES
ON WAKA ISLAND

NAME	HOME ADDRESS	OCCUPATION
1. Abbot, Cyrus W., Jr.	60 Glenwood Glade Oakland 12, Calif.	Plumber
2. Allen, Forrest L.	826-17th Street Sacramento, Calif.	Welder
3. Anderson, Norman A.	6113 Southeast Rhone Portland, Oregon St.	Deckhand
4. Andre, Roland A.	111 South Perkins St. Pendleton, Oregon	Dredge Captain
5. Anvick, Allen E.	Klamath Falls, Oregon	Mechanic
6. Baesch, Carl Alfred	4548 Ellen Street Oakland, Calif.	Carpenter
7. Bellanger, George	661 Terrace Street San Francisco, Calif.	Tug Operator
8. Bowcutt, Don A.	3457 Nellis St. Oakland, Calif.	Mechanic's Helper
9. Boyce, Dave	836 West Seventh St. Hastings, Nebraska	Carpenter Foreman
10. Cantry, Charles L.	Las Vegas, Colorado	Carpenter
11. Cavanagh, Allen L.	15 Osine Street San Francisco, Calif.	Carpenter Foreman
12. Chambers, Davis S.	110 West Vergens St. Grants Pass, Oregon	Tractor Operator
13. Chard, Donlay D.	Pomeroy, Washington	
14. Church, Carleton G.	Hobles Del Rio, Calif.	Carpenter
15. Carrier, Louis H.	c/o Mrs. Margaret Middleton 3775 64th Street Woodside L.I., New York	Secretary
16. Cox, Karl L.	Box #121 Asotin, Washington	Carpenter

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<u>NAME</u>	<u>HOME ADDRESS</u>	<u>OCCUPATION</u>
17. Cummings, David L.	652 Sequel Avenue Santa Cruz, Calif.	Welder
18. Cunha, James A.	1236 Arguello Blvd. San Francisco, Calif.	Dentist
19. Davis, Joseph K.	4507 North Maple St. Spokane, Washington	Carpenter
20. Dean, George W.	1037 North Second Ave. Poyette, Idaho	Carpenter
21. Debyns, Harold	Weaverville, Calif.	Shovel Operator
22. Dwyer, Henry Milton	Aplington, Iowa	Surgical Nurse
23. Dunn, Joseph L.	809 North 17th St. Boise, Idaho	Carpenter
24. Fenox, Jack A.	RFD #1 Cady, Wyoming	Crane Operator
25. Flint, Howard A.	Route #2 Idaho Falls, Idaho	Sheet Metal Worker
26. Fentes, Glen E.	819 North 23rd St. Boise, Idaho	Laborer
27. Forsberg, Floyd F.	1210 North Wilkin Place Hollywood 38, California	Carpenter
28. Francis, Dale G.	154 Hamilton Street Costa Mesa, Calif.	Deckhand
29. French, Albert P.	Apartment #320 265 Guerrero St. San Francisco, Calif.	Roofing Foreman
30. Freburger, Laurence	209 Lincoln Place Brooklyn 17, New York	Electrical Supt.
31. Gardin, William F.	18 Peely Street Little Falls, New York	Mechanic
32. Gibbs, Charles A.	Box #924 Lancaster, Calif.	Carpenter Foreman
33. Goebel, Clarence	653 East 113th Place Los Angeles, California	Reinforcing Steel Worker

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<u>NAME</u>	<u>HOME ADDRESS</u>	<u>OCCUPATION</u>
34. Feight, Ralph E.	Box 302 Winfield, Iowa	Carpenter
35. Haines, William M.	Route #4 Boise, Idaho	
36. Hansen, John Vernon	Clarks County, Neb.	Carpenter
37. Harris, George	1836 Oak Avenue Redwood City, Calif.	Carpenter
38. Harvey, Wilbur C.	834 Northeast Union Ave Portland, Oregon	Second Assistant Engineer
39. Hestie, Frank	4502 Noyes Avenue Charleston 4, West Va.	Welder First Class
40. Hettick, Edward L.	109 East Main Street Visalia, California	Scraper Operator
41. Hochstein, Ernest A.	Route #2, Box #4 Nashville, Oregon	Mechanic First Class
42. Jenson, George	Route #1, Box #158 Berkeley, Calif.	Office Engineer
43. Jones, Alfred Alwayne	1366 King Street San Bernardino, Calif.	Dockhand
44. Keeler, Orr K.	240 Evans Road Waterloo, Iowa	
45. Kelly, Martin T.	130 Parrot Street Roseburg, Oregon	Cook
46. Kennedy, Thomas F.	175-25th Avenue San Francisco, Calif.	Roofer
47. Kidwell, Charles A.	c/o Pvt. Ethel Clevenger 1605901 Sgt. E. 2137th AAF B.U. Hendricks, Fla.	Welder Second Class
48. Kroeger, Woodie W.	432 Glenada St. Albany, Oregon	Carpenter
49. Light, Holland	Neenan, North Dakota	Dredge Dockhand
50. Ling, Henry	1016 G Honolulu, Honolulu	Head Laundry Op.

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<u>NAME</u>	<u>HOME ADDRESS</u>	<u>OCCUPATION</u>
51. Lythgoe, Gene	3810 McLoughlin Blvd. Vancouver, Washington	Laborer
52. Mackie, Elmer	3820 North Gentenbein Portland, Ore. Ave	Labor Foreman
53. McDaniel, James B.	428 Courtland St. Atlanta 3, Georgia	Cobbler
54. McInnes, Thomas L.	400 Dock St. Tacoma, Washington	Port Captain
55. Marshall, Irving L.	18 State Street Lowville, New York	Dredge Operator
56. Martin, John	2713 East Bonne Ave. Spokane, Washington	Carpenter
57. Mieczek, Frank	Route #5, Box #412A Milwaukee, 14, Wisconsin	Store Foreman
58. Mieczek, Melvin	Route #5, Box #412A Milwaukee 14, Wisconsin	Mechanic's Helper
59. Miller, Irwin L.	Box #7 Fritch, North Dakota	Dredge Deckhand
60. Mitchell, Howard W.	Duchasne, Utah	Mechanic First Class
61. Mitchell, Wayne L.	Duchasne, Utah	Oiler
62. Mittendorf, Joe F.	Box #51 Hayden, Arizona	Oiler
63. Mueller, Carl	7 Oakland Drive Astoria, L.I., New York	Baker
64. Myers, Richard B.	314 Cyconore St. Clarkston, Washington	Carpenter
65. Olstead, Clifford A.	Route #1, Box #10 Gridley, Calif.	Shovel Operator
66. Pease, Gordon	Box #226 Lander, Wyoming	Oiler
67. Pratt, Archie Mays	1021 South Record St. Los Angeles 23, Calif.	Field Mechanic

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<u>NAME</u>	<u>HOME ADDRESS</u>	<u>OCCUPATION</u>
68. Preston, Donald Wm.	305 Jess Penthouse Lewiston, Idaho	Carpenter
69. Rankin, Morton D.	4745 Seventh Ave., NE Seattle 5, Washington	Carpenter Apprentice
70. Ray, William W., Jr.	812 Summit Street Downers Grove, Illinois	Grading Supt.
71. Reynolds, William W.	c/o George A. Funk Cherryville, Oregon	Electrician
72. Robbins, Sheldon G.	9304 Hickory Street Los Angeles, Calif.	Carpenter
73. Stetel, Charles H.	Box 533 Uniontown, Washington	Carpenter
74. Schottler, Herman	1135 Valente Road Belwood City San Francisco, Calif.	Hooper
75. Shank, Lawton E.	Trump Building Angola, Indiana	Physician
76. Shepard, Orbin R.	1631 Northeast Samara Portland, Oregon	Crane Operator St.
77. Sherman, Glenwood F.	1511 Suncourt Rockville, Illinois	Welder
78. Shriner, Gould F.	1420 W. Second St. Sioux City, Iowa	Welder First Class
79. Sigman, Russell J.	267 Cleveland St. Idaho Falls, Idaho	Electrician
80. Sinpers, William T.	Wapiti, Wyoming	Carpenter
81. Smith, Charles Elmer	Grant, Florida	Reinforcing Steel Worker
82. St. John, Francis Carl	Box #1202 Lestlang Pascagoula, Miss.	Mechanic First Class
83. Stone, Willie C.	408 McAllister St. Greenville, Mississippi	Craf
84. Streblew, Alvin L.	161-15th Ave. South Wisconsin Rapids, Wis.	Baker
85. Stringer, Wesley W.	Box #1386 Medford, Oregon	Laborer

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<u>NAME</u>	<u>ADDRESS</u>	<u>OCCUPATION</u>
86. Sullivan, Donald	Route #2, Box #517 Longview, Washington	Deckhand
87. Susac, Arthur J.	Route #2, Box #302 Willsboro, Oregon	Mechanic's Help
88. Tart, Lucy Franklin	c/o Gary Clifton Route #2 Winkler, North Carolina	Loveless
89. Thompson, Glenn	Route #2, Box #100 Cadiz, Ohio	Laborer
90. Tucker, Earl L.	Gold Hill, Oregon	Laundryman
91. Vance, Vernon	Star Route, General Snyder, Colorado	Carpenter Foreman Delivery
92. Van Valkenburg, Ralph	6112 South Fausett Ave. Tacoma 8, Washington	Tug Operator
93. Vent, Glen	Route #1, Box #1823 Modesto, California	Carpenter Apprentice
94. Villines, Charles	1145 West 13th South Salt Lake City, Utah	Drill Rigger Helper
95. Williamson, Frank F.	1524 Grand Avenue Edwards, Washington	Carpenter Foreman
96. Wilcox, Leonard	Route #5 Boise, Idaho	Carpenter
97. Woods, Charles	227 West 50th Street National City, Calif.	Carpenter
98. Yoon, Perry T.R.	Metropolitan Market King Street Ponchaia, T. F.	Massman

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Based on my experience of over one year in investigating and prosecuting war crimes, and on such matter as is briefed in this affidavit it is the opinion of the undersigned that a policy was adopted by the responsible officials of the Japanese Imperial Government, relative to the disposal and treatment of prisoners of war, which was in violation of established international law, and the Geneva (Prisoner of War) Convention of 27 July 1929. The pattern of the policy of the Japanese Government seemed to be to require and permit local military commanders to unlawfully kill on the spot all prisoners of war, except certain ones wanted for questioning by higher authority or other specific purposes unknown.

It is further my opinion that the unlawful killings of prisoners of war, which have been proved by trials in specific cases, were done pursuant to the Japanese Imperial Government's sanction.

/s/ John D. Murphy
JOHN D. MURPHY,
Captain, U. S. Navy,
Director War Crimes,
Pacific Ocean Areas.

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I, John D. Murphy, Captain, U. S. Navy, of lawful age, being duly sworn on oath, state that I have read the foregoing affidavit consisting of thirty-one (31) pages, and that matter contained therein is true to the best of my knowledge and belief. That the lists of persons given therein are made from the files of Commander Marjones Legal Office.

/s/ John D. Murphy
JOHN D. MURPHY,
Captain, U. S. Navy.

Subscribed and sworn to before me at
this 19 day of November, 1946

/s/ James J. Robinson
Capt., USNR
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