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By: NARA NARA Date: 1973

U. S. War Department

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WAR CRIMES OFFICE

Judge Advocate General's
Office

File No. 48-35-1 NAVY CASE
Sub. IWANAMI HIROSHI ET AL

PART 1

See also Nos.

U. S. vs. Hiroshi IWANAMI et al

0563

**THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET
Headquarters of the Commander in Chief**

**CinCPacFLT File
ALT-25**

**c/o Fleet Post Office,
San Francisco, California.**

Serial 6801

28 NOV 1947

The proceedings, findings of guilty, except the findings on specifications 1, 4 and 5 of charge II as to IWANAMI, Hiroshi, and the action of the convening authority in the foregoing case of IWANAMI, Hiroshi; KAMIKAWA, Hisahiro; OISHI, Tetsuo; ASANUMA, Shunpei; SAKAGAMI, Shinji; YOSHIZAWA, Kenzaburo; NOMA, Naohiro; WATANABE, Hitono; TANAKA, Mamoru; NUKAI, Yoshitaka; KAWASHIMA, Tatsunosuke; SAWADA, Tetsuo; TAKAKA, Shunroku; AKASHI, Teichiro; KUMABARA, Hiroyuki; SUZUKI, Kichiro; HAMAMOTO, Kazuo; TAKAGISHI, Satoru; and MITSUNASHI, Kichiro, are approved.

The record is, in conformity with section B-14, Naval Courts and Boards, and Chief of Naval Operations serial 01722 of 28 November 1945, transmitted to the Secretary of the Navy for confirmation of the death sentence as to accused IWANAMI, Hiroshi, and to the Judge Advocate General of the Navy for revision and record.

**LOUIS DENFELD
Admiral, U. S. Navy,
Commander in Chief Pacific
and United States Pacific Fleet.**

**To: Secretary of the Navy (Office of the Judge Advocate General).
Re: Record of proceedings of a trial by a Military Commission of former
Sergeant Captain Hiroshi IWANAMI, I.J.N., et al.**

**Copies to: (cont. only)
ComNavOps
InComOps
War Crimes Officer (Gunn)**

0564

FF12/A17-10/WC-26
02-JHM-rhj

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Nov 8, 1947

Serial: 20965

The military commission, composed of Army, Navy, and Marine Corps officers, in the foregoing case, was ordered convened 1 March 1947, or as soon thereafter as practicable by the Commander Marianas Area pursuant to his inherent authority as a military commander and the specific authorization of the Commander in Chief, U. S. Pacific Fleet (CinCPac conf. serial 0598, of 8 March 1946) and Pacific Ocean Areas, and Military Governor of the Pacific Ocean Area; and the Judge Advocate General of the Navy (JAG despatch 311730 July 1946). The commission was authorized to take up this case as indicated in the precept. The order for trial (charges and specifications) was issued 8 May 1947 and served on the accused on 10 May 1947. The trial was held under authority of Naval Courts and Boards, except that the Commission was authorized by the precept to relax the rules for naval courts to meet the necessities of the trial and to use the rules of evidence and procedure promulgated 5 December 1945 by the Supreme Commander for the Allied Powers in his Regulations Governing the Trials of Accused War Criminals, and modifications thereof, as necessary to obtain justice.

Specification 1 of Charge I alleges "that IWANAMI, Hiroshi, then a surgeon captain, Imperial Japanese Navy, commanding officer of the Fourth Naval Hospital, attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands, and while so serving at the said Fourth Naval Hospital, with OKUYAMA, Tokikazu, deceased, then a surgeon commander, Imperial Japanese Navy, attached to the Fourth Naval Hospital, and NAKETANI, Reijiro, deceased, then a Surgeon Lieutenant, Imperial Japanese Navy, attached to the Fourth Naval Hospital, and others unknown, did, at Dublon Island, Truk Atoll, Caroline Islands, on or about 30 January 1944, at a time when a state of war existed between the United States of America, its Allies and Dependencies, and the Imperial Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike, injure, infect and kill, by experimenting with injections of virulent bacteria, with exposures to shock and with other methods, the exact nature and character of which are to the relator unknown, six (6) American Prisoners of War, names to the relator unknown, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war." Specification 1 of Charge II alleges that the accused, IWANAMI, acting in the same capacity and at the same time and place, did, unlawfully disregard and fail to discharge his duty to control members of his command and other persons then subject to his control, in that he permitted the aforesaid persons to unlawfully kill and unlawfully cause to be killed the same prisoners alleged to have been killed in specification 1 of Charge I. The allegations of killing of the prisoners (specification 1, Charge I) and the failure of the accused, IWANAMI, to exercise proper control over those under his control (specification 1 of Charge II) being based on the same circumstances, were preferred to provide for the contingencies of proof. Since the accused, IWANAMI, stands convicted on two offenses growing out of one act the finding on specification 1 of Charge II is set aside.

Specification 3 of Charge I alleges "that IWANAMI, Hiroshi, then a Surgeon Captain, Imperial Japanese Navy, Commanding Officer of the Fourth Naval Hospital and Chief Surgeon of the Fourth Fleet, attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands, KANIKAWA, Hidshiro, then a surgeon lieutenant, Imperial Japanese Navy, OISHI, Tetsuo, then a surgeon lieutenant, Imperial Japanese

FF12/A17-10/WG-26
02-JDM-rhj

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 20965

NOV 8 1947

Navy, ASANURA, Shunpei; then an ensign, Imperial Japanese Navy, YOSHIZANA, Kenseburo, then a corpsman chief petty officer, Imperial Japanese Navy, NOMMA, Kachiro, then a corpsman chief petty officer, Imperial Japanese Navy, WATANABE, Mitsuo, then a paymaster chief petty officer, Imperial Japanese Navy, TANABE, Kameo, then a corpsman chief petty officer, Imperial Japanese Navy, MUKAI, Yoshihisa, then a corpsman chief petty officer, Imperial Japanese Navy, KAWASHIMA, Tatsusaburo, then a corpsman petty officer first class, Imperial Japanese Navy, SAWADA, Tameo, then a paymaster petty officer first class, Imperial Japanese Navy, TANAKA, Tokumotoku, then a corpsman petty officer first class, Imperial Japanese Navy, NAMATANE, Kazuo, then a corpsman petty officer second class, Imperial Japanese Navy, TAKAISHI, Susumu, then a corpsman petty officer first class, Imperial Japanese Navy, AKADONI, Teichiro, then a corpsman petty officer second class, Imperial Japanese Navy, KUNABARA, Hiroyuki, then a corpsman petty officer second class, Imperial Japanese Navy, TSUTSUI, Kinsaburo, then a corpsman petty officer second class, Imperial Japanese Navy, MITSUNASHI, Kichigoro, then a corpsman petty officer second class, Imperial Japanese Navy, all attached to and serving at the Fourth Naval Hospital, attached to the military installations of the Imperial Japanese Navy, at Dublin Island, Truk Atoll, Caroline Islands, and others to the relator unknown, did, each and together, on or about 20 July 1944, at Dublin Island, Truk Atoll, Caroline Islands, at a time when a state of war existed between the United States of America, its Allies and Dependencies, and the Imperial Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike and kill, by bayoneting with fixed bayonets, spearing with spears, and by beheading with swords, two (2) American Prisoners of War, names to the relator unknown, both then and there held captive by the armed forces of Japan, this in violation of the law and customs of war." Specification 4 of Charge II alleges that the accused IWANAMI, acting in the same capacity and at the same time and place, did, unlawfully disregard and fail to discharge his duty to control members of his command and other persons, then subject to his control, in that he permitted the aforesaid persons to unlawfully kill and unlawfully cause to be killed the same prisoners alleged to have been killed in specification 3 of Charge I. Specification 5 of Charge II alleges that the accused IWANAMI, acting in the same capacity and at the same time and place, did, unlawfully disregard and fail to discharge his duty to protect the same two prisoners of war in that he permitted their unlawful killing by members of his command and persons subject to his control. The allegation of killing of the prisoners (specification 3 of Charge I), the failure of the accused, IWANAMI, to exercise proper control over those under his control (specification 4 of Charge II), and the failure to protect the two prisoners of war, by permitting them to be killed, (specification 5 of Charge II), being based as they were on the same circumstances, were preferred to provide for the contingencies of proof. Since the accused, IWANAMI, stands convicted of three offenses growing out of one act, the findings on specifications 4 and 5 of Charge II are set aside.

The proceedings, findings of guilty, except on specifications 1, 4, and 5 of Charge II as to the accused IWANAMI, Hiroshi, and the sentences in the foregoing case of IWANAMI, Hiroshi; KANIKAWA, Kichiro; OISHI, Tetsuo; ASANURA, Shunpei; SAKAGAMI, Shinji; YOSHIZANA, Kenseburo; NOMMA, Kachiro; WATANABE, Mitsuo; TANABE, Kameo; MUKAI, Yoshihisa; KAWASHIMA, Tatsusaburo; SAWADA, Tameo; TANAKA, Tokumotoku; AKADONI, Teichiro; KUNABARA, Hiroyuki; TSUTSUI, Kinsaburo; NAMATANE, Kazuo; TAKAISHI, Susumu; and MITSUNASHI, Kichigoro, are approved.



FF12/AT-10/WG-26
02-JMB-rhj

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 20965

NOV 8 1947

IVANAMI, Hiroshi, will be retained in confinement at the War Criminal Stockade, Toman Bay, Amoy, pending instructions from higher authority.

KAMIKAWA, Michio; OSHI, Tetsuo; ARAMURA, Shunpei; SAKAGAMI, Shinji; YOSHIZAWA, Kameburo; HOSHA, Naohiro; WATANABE, Mituo; TANABE, Masaru; IWAKI, Yoshikazu; KAWASHIMA, Tatsunoburo; SAWADA, Tameo; TANAKA, Tokumochi; AKABORI, Teichiro; IWABARA, Hiroyuki; TSUTSUMI, Masaburo; KAWATANI, Kazuo; TAKASHI, Sumu; and NITSUNASHI, Michigoro, will be transferred to the custody of the Commanding General of the 8th U. S. Army, via the first available United States ship, to serve their respective sentences of confinement in Sugamo Prison, Tokyo, Japan.

G. A. POWELL,
Rear Admiral, U. S. Navy,
The Commander Marianas Area.

To: Commander in Chief Pacific and U.S. Pacific Fleet.
Re: Record of Proceedings of Military Commission - case of
former Surgeon Captain Hiroshi IVANAMI, IJN, et al.

Copy to: Island Commander, Guam.

0567

17-18, to Vol 10 & 11

發行人 方樹司 合書

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CERTIFIED TO BE A TRUE COPY:

James P. Tenny,
Lieutenant, U. S. Navy,
Judge Advocate.

1 (1)

0568

又

「力」之諸君、
軍軍事。此等之犯屬也。乃於廿九年第四海軍病院長
當時海軍軍醫大佐佐藤治八郎第四海軍之病院
二年中、中國第四海軍病院任當時海軍軍醫
中佐松岡山農一、當時海軍軍醫大尉故鍋谷禮
次郎及其、他姓名不詳者ト共ニ「アタカ」、合衆國
聯合諸國及其、屬領力大日本帝國ト戰爭狀態ニ
入リ、昭和十二年一月三十一日、
環礁受辱ニ於テ、意欲以何ニ違法ヲ企圖シ、五ノ
意、予以下三當テ理由正ナリ當時日本軍隊ニヨ
リ擄奪セタル又當時同、他姓名不詳、六名、予
「アタカ」、合衆國主權ニ干渉ス、其土地國、主權ノ損
害ヲ及ビ、他當時同、六名、合衆國主權ニ干
擾スル攻撃行為ニ從事セザル之、戦争
法規ヲ、

James P. Kenney,
Lieutenant, U. S. Navy,
Judge Advocate.

$$x = (3)^{-3}$$

0570

「カニ」諸島、大日本帝國海軍軍事施設に配属する中々第四海軍病院長及第一艦隊軍医長喜重海軍軍医主任高波浩八同大日本帝國軍事施設第四海軍病院配属勲功中當事海軍軍医大尉神子嘉博當事海軍軍医大尉石鉄次當時海軍少將淺井泰平當時海軍二等衛生少将三浦健三郎當時海軍上等衛生兵西本間八郎當時海軍一等主計矢野善哉日清戰役當時海軍上等衛生兵藤七郎衛當時海軍一等衛生兵山崎良久當時海軍一等衛生兵島河慎辰三郎當時海軍一等主計矢野源恒雄當時海軍一等衛生兵吉田孝忠之助當時海軍二等衛生兵豐生田原一男當時海軍一等衛生兵高橋富雄當時海軍二等衛生兵池田一輝當時海軍二等衛生兵安部友成陸軍之當時海軍二等衛生兵赤松武井主三郎當時海軍二等衛生兵安部三郎夫柳其雄姓名不詳在十人之中、全數國籍各該國及其家屬等、又日本帝國上戰年狀能記二三人昭和十九年七月二十日頃、「カニ」諸島、大日本帝國海軍軍事施設に配属し、意欲的に行はれたることを證明する理由として當時日本軍

REPRODUCED TO BE A TRUE COPY.

James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

2 (5) 45

(附錄一 附錄二 附錄三 附錄四)

附錄一 附錄二 附錄三 附錄四 附錄五 附錄六 附錄七 附錄八 附錄九 附錄十 附錄十一 附錄十二 附錄十三 附錄十四 附錄十五 附錄十六 附錄十七 附錄十八 附錄十九 附錄二十 附錄二十一 附錄二十二 附錄二十三 附錄二十四 附錄二十五 附錄二十六 附錄二十七 附錄二十八 附錄二十九 附錄三十 附錄三十一 附錄三十二 附錄三十三 附錄三十四 附錄三十五 附錄三十六 附錄三十七 附錄三十八 附錄三十九 附錄四十 附錄四十一 附錄四十二 附錄四十三 附錄四十四 附錄四十五 附錄四十六 附錄四十七 附錄四十八 附錄四十九 附錄五十 附錄五十一 附錄五十二 附錄五十三 附錄五十四 附錄五十五 附錄五十六 附錄五十七 附錄五十八 附錄五十九 附錄六十 附錄六十一 附錄六十二 附錄六十三 附錄六十四 附錄六十五 附錄六十六 附錄六十七 附錄六十八 附錄六十九 附錄七十 附錄七十一 附錄七十二 附錄七十三 附錄七十四 附錄七十五 附錄七十六 附錄七十七 附錄七十八 附錄七十九 附錄八十 附錄八十一 附錄八十二 附錄八十三 附錄八十四 附錄八十五 附錄八十六 附錄八十七 附錄八十八 附錄八十九 附錄九十 附錄九十一 附錄九十二 附錄九十三 附錄九十四 附錄九十五 附錄九十六 附錄九十七 附錄九十八 附錄九十九 附錄一百

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

(6)

0573

中華書局影印 二卷本

[illegible]

James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

$$= (7) \square$$

0574

罪狀項目 其、二 (第三起訴續キ)

「カロリン」諸島「トック」環礁夏島、大日本帝國海軍
軍事施設ニ配属サレテ年々第四海軍病院々長
當時海軍軍医大佐石波浩、同第四海軍病院ニ
勤務中「アメリカ」合衆國駐合諸国及其、属領カ
大日本帝國ト戦争状態ニツタ昭和十九年三月一日
頃指揮乃至統率下ニツタ人々即チ當時海軍
軍医中佐故奥山良一當時海軍衛生兵曹長
坂上信次ト其、他姓名不詳ノ者カ昭和十九年
二月一日頃「カロリン」諸島「トック」環礁夏島ニ於キ
「ダイアイト」、爆破及ビ絞殺ヨリ違法的ニ日本軍隊
ヨリ石環礁ニミ、留サレテ年々當局ニ、姓名不詳
ノ二名、「アメリカ」合衆國俘虜ヲ殺シ又殺サセルト
ヲ許可シ違法的ニ第四海軍病院院長トシテ、
職務ヲ無視シ職務ヲ遂行シタリタ之、戦争
法規並ニ慣習ニ違反スルモデアル。

TESTIFIED TO BE A TRUE COPY:
James P. Kenny
Lieutenant, U. S. Navy,
Jugo Advocate.

四非狀項目其、三（第二起訴續々）

「カロリン」諸島「トラック」環礁夏島、大日本帝國
海軍軍事施設ニ配屬サレテナル第四海軍
病院院長當時海軍軍医大佐岩波浩、同
第四海軍病院ニ勤務中アメリカ合衆國駐合
諸國及其ノ屬領ガ大日本帝國ト戰爭狀態ニ
アツタ昭和十九年二月一日頃當時「カロリン」諸島
「トラック」環礁夏島ニテ日本軍隊ニヨリ抑留サレテ
ナク當局ニハ姓名不詳、二名、アメリカ合衆國、
俘虜ニ對シ第四海軍病院院長、職務權限
内ニ在リ當然保護出来ル情況下ニ在リ保護スル
手續ヲ講ゼズ違法的ニ職務ヲ無視シ遂行
シカリク又指揮乃至統率下ノ者ニヨリ上記
「アメリカ」合衆國俘虜ヲ「クサマツ」爆破及
絞殺ニヨリ違法的ニ殺スコトヲ許可シタ之ハ
戰爭法規並ニ慣習ニ違反スルモノナリ。

CERTIFIED TO BE A TRUE COPY:
James P. Kenny
Lieutenant, U. S. Navy,
Judge Advocate.

(9) 9.

カリシ、諸島、トナリ、環礁、夏島、大日本帝國海軍
軍事施設ニ配属シテ千々第四海軍病院々長及
第四艦隊軍医長當時海軍大佐岩波 浩、同第四
海軍病院ニ勤務中、アメリカ、合衆國聯合諸國及
其、属領、大日本帝國ト戦争状態ニテ、昭和
十九年七月二十日頃、指揮及統率下ニテ、ヲ取締、
テ、ハ、ナ、ラ、カ、タ、人々、即チ同第四海軍病院ニ配属
勤務中、當時海軍送込大尉 神川秀博、當時海
軍送込大尉 大石鉄天、當時海軍少尉 茂竹春平
當時海軍衛生上等兵曹 吉澤健三郎、當時海軍上等
兵曹 本間八郎、當時海軍主計上等兵曹 渡辺光夫
當時海軍衛生上等兵曹 七部衛、當時海軍衛生
上等兵曹 向井榮久、當時海軍衛生一等兵曹
河島辰三郎、當時海軍主計一等兵曹 澤田恒雄
當時海軍衛生一等兵曹 田中惠之助、當時海軍
衛生二等兵曹 生田目一男、當時海軍一等兵曹 實田
茂男、當時海軍衛生二等兵曹 赤堀純一郎
當時海軍衛生二等兵曹 桑原隆之、當時海軍
衛生二等兵曹 苗井昌三郎、當時海軍衛生一等兵曹
高石進、當時海軍衛生二等兵曹 三橋吉三郎、及其

CERTIFIED TO BE A TRUE COPY:
James P. Henry
 James P. Henry,
 Lieutenant, U. S. Navy,
 Judge Advocate.

 $\approx 10^\circ$

(第三起訴四非狀項目其、四就キ)

他姓名不詳者、當時同島ニ在リ日本軍隊ニヨリ
抑留中、當局存ニハ姓名不詳、二名、アメリカ
合衆國信屬ヲ違法的、襲撃攻撃ニ着ケテ銃剣
ニヨリ刺シ槍ニヨリ刺シ刀ニヨリ斬首シテ違法的ニ
殺シ殺マセリコトヲ許可シ第四海軍病院々長ト
シ、戦術ニ違法的、無視シ遂行シテコトク之、
戦争法規立ニ慣習ニ違反シ平也。

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

「ワロリ」の語、島トシテ、環礁夏島、大日本帝國海軍
軍中施設ニ配屬サレタリ。等曰海軍病院々長及
等曰艦隊軍、是等海軍を以テ人任出被テ、同業
海軍に就キ、對等軍ヲモテ、合衆國駐合衆國
人其、雇領人日本帝國ト戰フ狀態ニツク
昭和二年七月二十日頃、當時「ワロリ」諸島
「ワロリ」及び夏島ニ日本軍隊、所屬サレ
タラ當局ニ、姓名不詳、二名ノ「ワロリ」合衆國、
俘虜ニ付シ、船務制限ニ在リ、暫然保護出来
ル階況下ニ在リ。俘虜ヲ保護スル手段ヲ講ゼズ
違法的ニ第四海軍病院々長トシテ、職務ヲ
無視シ、遂行シタリ。指揮乃五統部下、看
ヨリテ上記俘虜ヲ銃劍槍刀ヲ違法的ニ殺ス
事ヲ許可シタリ之ハ戰爭法規並ニ慣習ニ違反ナ
キ。

CERTIFIED TO BE A TRUE COPY:
James P. Kenny
 James P. Kenny,
 Lieutenant, U. S. Navy,
 Judge Advocate.

罪狀項目 其、六 (ホニ起訴號キ)

「コロリン」諸島「トニク」環礁夏島、大日本帝國海軍
 軍中花菱ニ配属サレテオウ第四海軍病院ニ長、當時
 海軍ニ医大佐若波 若、同第四海軍病院ニ勤務中
 同第四海軍病院ニ配属中、當時海軍ニ医中佐
 改兵山 辰一、當時海軍ニ医大尉 長 銅 谷 禮次郎、及
 其他不詳者ト共ニ「アタリ」合衆國 聯合諸國及其、
 屬領カ大日本帝國ト戦争状態ニテ、昭和十九年
 二月三日頃「コロリン」諸島「トニク」環礁夏島ニ在リ
 意思的ニ違法的ニ日本軍隊ニ拘留中死セシメ、當
 局ニ、姓名不詳、八名、「アタリ」合衆國俘虜ヲ
 解離制シ死体ヲ毀損スルコトヨリ名譽ニ及ビ
 埋葬ヲ防止シ防止シメタ之ハ、戦争法規ニ悞習
 ニ違反スルモノナリ

「アタリ」

「アタリ」合衆國海軍少将

「アタリ」海軍司令官

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 Lieutenant, U. S. Navy,
 Foreign Advocate.

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127

L 3-6

CASE OF
ILLIA TAPPI, ET AL

Volume I
Second Carbon Copy

#39

48-35

0581

Cases of

Iwanami, Hiroshi,
Kamikawa, Hidohiro,
Oishi, Totsuo,
Asamura, Shunpei,
Sakagami, Shinji,
Yoshizawa, Kenseiburo,
Homma, Hachiro,
Watanabe, Mitsuo,
Tanabe, Mamoru,
Mukai, Yoshihisa,
Kawashima, Tatsusaburo,
Sawada, Tsunoo,
Tanaka, Tokunosuko,
Akabori, Teichiro,
Kuwabara, Hiroyuki,
Tsutsui, Kisaburo,
Namatomo, Kazuo,
Takaishi, Susumu,
Mitsuhashi, Kichigoro.

June 10, 1947

RECORD OF PROCEEDINGS
of a
MILITARY COMMISSION
convened at
United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands,
by order of
The Commander Marianas Area.

139

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James P. Kenny
Lieutenant, J. S. Navy,
Judge Advocate.

VOLUME I

0582

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 Kashiwagi, Hiroshi,
 Oishi, Tetsuo,
 Asamura, Shunpei,
 Sakagami, Shinji,
 Yoshizawa, Kenzaburo,
 Kuma, Masahiro,
 Watanabe, Mitsuo,
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 Kurohara, Hiroyuki,
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 Takaishi, Susumu,
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Trial by Military Commission

at Guam

Marianas Islands.

June 10, 1947

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J. P. Henry
 JAMES P. HENRY
 Lieutenant, U.S. Navy,
 Judge Advocate

0583

TESTIMONY

Name of witness	Direct and Refutant Amount	Gross and Refutant Amount	Commission
PROSECUTION			
Tanaka, Masaharu, capt., IJN	11:	14 :	
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James P. Kenny
James P. Kenny
Lieutenant, Navy,
Judge Advocate

0584

TESTIMONY			
Name of witness	Direct and Redirect	Gross and Recross	Commission
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James P. Kenny
JAMES P. KENNY
Lieutenant, U.S. Navy,
Judge Advocate

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EXHIBITS (continued)		
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JAMES P. KENNY
Lieutenant, U. S. Navy

0586

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James P. Keene
JAMES P. KEENE
Lieutenant, U. S. Navy,
Judge Advocate

0587

A16-2/FF12/
13-JDM-cn

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 3785

21 February 1947

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. ROBINSON, U. S. Navy.
Subject: Precept for a Military Commission.

1. Pursuant to the authority vested in me by virtue of my office as Commander Marianas Area and Deputy Military Governor Marianas Area and further by the specific authority vested in me by the Commander-in-Chief U.S. Pacific Fleet (CinCPac conf. serial 0558, of March 8, 1946), and Pacific Ocean Areas, and Military Governor of the Pacific Ocean Areas, and by the Judge Advocate General of the Navy (JAG despatch 311730Z, July 1946), a Military Commission is hereby ordered to convene at the Headquarters, Commander Marianas on Guam, Marianas Islands at 10 o'clock a.m. on Saturday, March 1, 1947, or as soon thereafter as practicable, at the call of the President, for the trial of such persons as may be legally brought before it.

2. The Military Commission is composed of the following members, any five of whom are empowered to act, viz:

Rear Admiral Arthur G. ROBINSON, U. S. Navy, President.
Colonel Vernon H. GUYMON, U. S. Marine Corps.
Lieutenant Colonel Henry K. ROSCOE, Coast Artillery Corps, United States Army.
Lieutenant Colonel Victor J. GARBARINO, Coast Artillery Corps, United States Army.
Commander Ramon J. WALLENBORN, Dental Corps, U. S. Navy.
Commander Charles E. INGALLS, junior, U. S. Navy.
Lieutenant Commander Bradnor W. LEE, junior, U. S. Naval Reserve, and of Lieutenant David BOLTON, U. S. Navy and Lieutenant James P. KENNY, U. S. Navy, as judge advocates, either of whom is authorized to act as such.

AKIMOTO, Yuichiro, and SUZUKI, Saizo, of Tokyo, Japan, both furnished by the Japanese Government, and Commander Martin E. CARLSON, U. S. Naval Reserve, all of whom are lawyers, are available and authorized to act as defense counsel. This authorization does not preclude as defense counsel others who are available and are desired by accused.

A duly accredited native of the Marshall Islands is authorized to participate as an observer in any trial of an accused charged with offenses against Marshallese.

"A(1)"

REFUSED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

0588

A16-2/FF12/
13-JDM-cn

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 3785

21 February 1947

Subject: Precept for a Military Commission.

3. The Military Commission shall be competent to try all offenses within the jurisdiction of exceptional military courts. It shall have jurisdiction over offenses and Japanese military personnel now in the custody of Commander Marianas, referred to in the despatch of the Judge Advocate General of the Navy cited in paragraph one (1) above. It shall also have jurisdiction over all persons in the custody of the convening authority at the time of the trial charged with war crimes committed against United States nationals, and any white person whose nationality has not prior to ordering of the trial been established to the satisfaction of the convening authority. Nothing herein limits the jurisdiction of the military commission as to persons and offenses which may be otherwise properly established.

4. The Military Commission upon conviction of an accused is empowered to impose upon such accused any lawful punishment including the death sentence, imprisonment for life or for any less term, fine or such other punishments as the commission shall determine to be proper.

5. The proceedings of the Military Commission will be governed by the provisions of Naval Courts and Boards, except that the commission is permitted to relax the rules for naval courts to meet the necessities for any particular trial, and may use such rules of evidence and procedure, issued and promulgated by the Supreme Commander for the Allied Powers, (Letter General Headquarters, Supreme Commander for the Allied Powers, APO 500, 5 December 1945 A.G. 000.5 (5 Dec. 45) L3, Subject: "Regulations Governing the Trials of Accused War Criminals," and modifications thereof) as are necessary to obtain justice. The commission may adopt such other rules and forms, not inconsistent herewith, as it considers appropriate.

6. Detachment of an officer from his ship or station does not of itself relieve him from duty as a member or judge advocate of this commission. Specific orders for such relief are necessary.

7. Power of adjournment is granted the commission, and adjourned sessions may be held at such times and at such places as the commission may determine.

C. A. POWNALL,
Rear Admiral, U. S. Navy,
The Commander Marianas Area.

Copies to:
Members of the Commission.
Judge Advocates.
Judge Advocate General, U. S. Navy.

CERTIFIED TO BE A TRUE COPY:

James P. Kenney
Lieut., U. S. N.

"A(2)"

0589

FF12/A17-11/(WC-20)
13-JDM-rhj

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 11380

22 Apr 1947

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. Robinson, U. S. Navy,
President, Military Commission, Guam.
Subject: Commander Ramon J. WALLENBORN, Dental Corps, U. S. Navy -
relief of.

1. Subject officer is hereby relieved as a member of the
Military Commissions of which you are President, convened by my precepts
of 15 October 1946 and 21 February 1947, upon the completion of the
trials already begun and except in the event of revision of cases already
tried.

/s/ C. A. Pownall
C. A. POWNALL,
Rear Admiral, U. S. Navy.

cc:
Comdr. R. J. Wallenborn.
Judge Advocate, Military Commission.
Judge Advocate, General, U. S. Navy.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny Lieut. USN

"B"

0590

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

FF12/117-11/(WC-20)
13-JDM-rhj

22 Apr 1947

Serial: 11381

From: The Commander Marianas Area.
To: Rear Admiral Arthur G. Robinson, U. S. Navy,
President, Military Commission, Guam.
Subject: Commander Charles E. INGALLS, junior, U. S. Navy -
relief of.

1. Subject officer is hereby relieved as a member of the
Military Commission of which you are President, convened by my precept
of 21 February 1947, upon the completion of the trials already begun
and except in the event of revision of cases already tried.

/s/ C. A. Pownall
C. A. POWNALL,
Rear Admiral, U. S. Navy.

cc:
Comdr. C. E. Ingalls, junior.
Judge Advocate, Military Commission.
Judge Advocate General, U. S. Navy.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny Lieut. U.S.N.

Serial: 11381

22 APR 1947

From: The Commander Marianas Area.
To: Rear Admiral Arthur G. Robinson, U. S. Navy,
President, Military Commission, Guam.
Subject: Commander Charles E. INGALLS, junior, U. S. Navy -
relief of.

1. Subject officer is hereby relieved as a member of the
Military Commission of which you are President, convened by my precept
of 21 February 1947, upon the completion of the trials already begun
and except in the event of revision of cases already tried.

/s/ C. A. Pownall
C. A. POWNALL,
Rear Admiral, U. S. Navy.

cc:
Comdr. C. E. Ingalls, junior.
Judge Advocate, Military Commission.
Judge Advocate General, U. S. Navy.

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

CERTIFIED TO BE A TRUE COPY:
FF12/117-11/(WC-20)
13-JDM-rhj

Serial: 11381

22 APR 1947

From: The Commander Marianas Area.
To: Rear Admiral Arthur G. Robinson, U. S. Navy,
President, Military Commission, Guam.

0591

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

FF12/A17-11/(WC-20)
13-JDM-rhj

Serial: 11405

22 Apr 1947

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. Robinson, U. S. Navy -
President, Military Commission, Guam.
Subject: Change in membership of Commission.

1. Lieutenant Colonel Arthur A. Poindexter, U. S. Marine Corps, is hereby appointed a member of the military commission of which you are president, convened by my precept of 21 February 1947, vice Colonel Vernon M. Guymon, U. S. Marine Corps, hereby relieved, upon the completion of trials already begun, and except in event of revision of cases already tried.

/s/ C. A. Pownall
C. A. POWNALL,
Rear Admiral, U. S. Navy.

cc:
Lieut. Col. A. A. Poindexter.
Col. V. M. Guymon.
Judge Advocate, Military Commission.
Judge Advocate General, U. S. Navy.

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

FF12/A17-11/(WC-20)

CERTIFIED TO BE A TRUE COPY:

James R. Kenny Lieut. USN

22 Apr 1947

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. Robinson, U. S. Navy -
President, Military Commission, Guam.
Subject: Change in membership of Commission.

1. Lieutenant Colonel Arthur A. Poindexter, U. S. Marine Corps, is hereby appointed a member of the military commission of which you are president, convened by my precept of 21 February 1947, vice Colonel Vernon M. Guymon, U. S. Marine Corps, hereby relieved, upon the completion of trials already begun, and except in event of revision of cases already tried.

/s/ C. A. Pownall
C. A. POWNALL,
Rear Admiral, U. S. Navy.

cc:
Lieut. Col. A. A. Poindexter.
Col. V. M. Guymon.
Judge Advocate, Military Commission.
Judge Advocate General, U. S. Navy.

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

FF12/A17-11/(WC-20)

CERTIFIED TO BE A TRUE COPY:

Serial: 11405

22 Apr 1947

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. Robinson, U. S. Navy -
President, Military Commission, Guam.

0592

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

FF12/A17-11/(WC-20)
13-JDM-rhj

Serial: 11445

23 Apr 1947

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. Robinson, U. S. Navy,-
President, Military Commission, Guam.

Subject: Change in membership of Commission.

1. Major James H. Tatsch, U. S. Marine Corps, is hereby appointed a member of the military commission of which you are president, convened by my precept of 21 February 1947, vice Lieutenant Colonel Arthur A. Poindexter, U. S. Marine Corps, hereby relieved.

/s/ C. A. Pownall
C. A. POWNALL,
Rear Admiral, U. S. Navy.

cc:
Lieut. Col. A. A. Poindexter.
Major J. H. Tatsch.
Judge Advocate, Military Commission.
Judge Advocate General, U. S. Navy.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny Lieut. U.S.N.

0593

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

AL6-2/FF12
13-JDM-cn

7 May 1947

Serial: 12301

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. ROBINSON, U. S. Navy.

Subject: Appointment of a Judge Advocate to Commission.

1. Lieutenant Commander Joseph A. REGAN, United States Navy, is hereby appointed a Judge Advocate of the Military Commission of which you are president, convened by my precept of 21 February 1947.

/s/ C. A. Pownall
C. A. POWNALL
Rear Admiral, U. S. Navy,
Commander Marianas Area.

Copy to:
Lieutenant Commander Joseph A. REGAN, USN.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny Lieut. U.S.N.

0594

FF12/A17-11/(WC-20)/
13-MEC-cn

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 12973

26 May 1947

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. Robinson, U. S. Navy -
President, Military Commission, Guam.

Subject: Change in membership of Commission.

1. Lieut. Col. William K. LANMAN, Jr., USMC 04681, is hereby appointed a member of the military commission of which you are president, convened by my precept of 21 February 1947, vice Major James H. Tatsch, U. S. Marine Corps, hereby relieved, upon the completion of trials already begun, and except in event of revision of cases already tried.

/s/ C. A. Pownall
C. A. POWNALL,
Rear Admiral, U. S. Navy.

cc: Lt. Col. W.K. Lanman, Jr.
Major J.H. Tatsch.
Judge Advocate, Military Commission.
Judge Advocate General, U. S. Navy.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny Lieut. USN

0595

FF12/416-2
13-JDM-cn

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 12147

8 May 1947

From: The Commander Marianas Area.
To: Lieutenant Commander Joseph A. REGAN, USN, and/or
Lieutenant James P. KENNY, USN, and/or
your successors in office as Judge Advocates,
Military Commission, Commander Marianas.

Subject: Charges and Specifications in the case of:

✓ IWANAMI, Hiroshi, 101-2080
✓ KATSUMATA, Hidetsiro, A
✓ OISHI, Tetsuo, 101-2080
✓ ASAMURA, Shunpei, 101-2080
✓ SAKAGAMI, Shinji
✓ YOSHIZAWA, Kensaburo,
✓ HOMMA, Hechiro,
✓ WATANABE, Mitsuo,
✓ TANABE, Mamoru,
✓ MUKAI, Yoshihisa,
✓ KAWASHIMA, Tatsusaburo,
✓ SAWADA, Tsunoo,
✓ TANAKA, Tokunosuke,
✓ KAKIBORI, Teichiro,
✓ KUBOYAMA, Eiroyuki,
✓ TSUTSUMI, Kisaburo,
✓ MATSUME, Kazuo,
✓ KAKISHI, Susumu,
✓ MITSUHASHI, Kichigoro,

1. The above named persons will be tried before the Military Commission of which you are Judge Advocate upon the following charges and specifications. You will notify the president of the commission accordingly, inform the accused of the date set for trial, and summon all witnesses, both for the prosecution and for the defense.

CERTIFIED TO BE A TRUE AND CORRECTED COPY:

Joseph A. Regan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

CERTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

H(1)

0596

11(c6r)

CHARGE I

MURDER

SPECIFICATION 1

In that IWANAMI Hiroshi, then a Surgeon Captain, Imperial Japanese Navy, Commanding Officer of the Fourth Naval Hospital, attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands, and while so serving at the said Fourth Naval Hospital, with OKUYAMA, Tokikazu, deceased, then a Surgeon Commander, Imperial Japanese Navy, attached to the Fourth Naval Hospital, and NABETANI, Reiji, deceased, then a Surgeon Lieutenant, Imperial Japanese Navy, attached to the Fourth Naval Hospital, and others unknown, did, at Dublon Island, Truk Atoll, Caroline Islands, on or about 30 January 1944, at a time when a state of war existed between the United States of America, its Allies and Dependencies, and the Imperial Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike, injure, infect and kill, by experimenting, with injections of virulent bacteria, with exposures to shock and with other methods, the exact nature and character of which are to the relator unknown, six (6) American Prisoners of War, names to the relator unknown, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

CERTIFIED TO BE A TRUE AND CORRECTED COPY:

Joseph L. Rogan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

CERTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

H(2)

0597

111
(cor.)

CHARGE I (continued)

SPECIFICATION 2

In that IWANAMI, Hiroshi, then a Surgeon Captain, Imperial Japanese Navy, Commanding Officer of the Fourth Naval Hospital and SAKAGAMI, Shinji, then a corpsman warrant officer, Imperial Japanese Navy, attached to the Fourth Naval Hospital, both attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands and while so serving at said military installations of the Imperial Japanese Navy, acting with OKUYAMA, Tokikazu, deceased, then a Surgeon Commander, Imperial Japanese Navy, and others unknown, did, each and together, at Dublon Island, Truk Atoll, Caroline Islands, on or about 1 February 1944, at a time when a state of war existed between the United States of America, its Allies and Dependencies, and the Imperial Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike, injure, blast and kill by explosions of dynamite and strangulation, two (2) American Prisoners of War, names to the relator unknown, then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

CERTIFIED TO BE A TRUE AND CORRECTED COPY:

Joseph A. Regan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

CERTIFIED TO BE A TRUE COPY:
James P. Kennedy
James P. Kennedy,
Lieutenant, U. S. Navy,
Judge Advocate.

H(3)

0598

iv (cor)

CHARGE I (continued)

SPECIFICATION 3

In that IWANAMI, Hiroshi, then a Surgeon Captain, Imperial Japanese Navy, Commanding Officer of the Fourth Naval Hospital and Chief Surgeon of the Fourth Fleet, attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands, KAMIKAWA, Hidehiro, then a surgeon lieutenant, Imperial Japanese Navy, OISHI, Tetsuo, then a surgeon lieutenant, Imperial Japanese Navy, ASAMURA, Shunpei, then an ensign, Imperial Japanese Navy, YOSHIKAWA, Kensaburo, then a corpsman chief petty officer, Imperial Japanese Navy, HOMMA, Hachiro, then a corpsman chief petty officer, Imperial Japanese Navy, WATANABE, Mitsuo, then a paymaster chief petty officer, Imperial Japanese Navy, TANABE, Mamoru, then a corpsman chief petty officer, Imperial Japanese Navy, MUKAI, Yoshihisa, then a corpsman chief petty officer, Imperial Japanese Navy, KAWASHIMA, Tatsusaburo, then a corpsman petty officer first class, Imperial Japanese Navy, SAWADA, Tsunoo, then a paymaster petty officer first class, Imperial Japanese Navy, TANAKA, Tokunosuke, then a corpsman petty officer first class, Imperial Japanese Navy, NAMATAME, Kazuo, then a corpsman petty officer second class, Imperial Japanese Navy, TAKAISHI, Susumu, then a corpsman petty officer first class, Imperial Japanese Navy, AKABORI, Toichiro, then a corpsman petty officer second class, Imperial Japanese Navy, KUNABARA, Hiroyuki, then a corpsman petty officer second class, Imperial Japanese Navy, TSUTSUI, Kisaburo, then a corpsman petty officer second class, Imperial Japanese Navy, MITSUHASHI, Kichigoro, then a corpsman petty officer second class, Imperial Japanese Navy, all attached to and serving at the Fourth Naval Hospital, attached to the military installations of the Imperial Japanese Navy, at Dublon Island, Truk Atoll, Caroline Islands, and others to the relator unknown, did, each and together, on or about 20 July 1944, at Dublon Island, Truk Atoll, Caroline Islands, at a time when a state of war existed between the United States of America, its Allies and Dependencies, and the Imperial Japanese Empire, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, assault, strike and kill, by bayoneting with fixed bayonets, spearing with spears, and by beheading with swords, two (2) American Prisoners of War, names to the relator unknown, both then and there held captive by the armed forces of Japan, this in violation of the law and customs of war.

CERTIFIED TO BE A TRUE AND CORRECTED COPY:

Joseph A. Regan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

CERTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

H(4)

0599

v (cor)

CHARGE II

VIOLATION OF THE LAW AND CUSTOMS OF WAR

SPECIFICATION 1

In that IWANAMI, Hiroshi, then a Surgeon Captain, Imperial Japanese Navy, Commanding Officer of the Fourth Naval Hospital, attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands, and while so serving at said Fourth Naval Hospital, did, at Dublon Island, Truk Atoll, Caroline Islands, on or about 30 January 1944, at a time when a state of war existed between the United States of America, its Allies and Dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as the Commanding Officer of the Fourth Naval Hospital to control the operations of members of his command, and persons subject to his control and supervision, namely, OKUYAMA, Tokikazu, deceased, then a Surgeon Commander, Imperial Japanese Navy, attached to the Fourth Naval Hospital and NABETANI, Reijiro, deceased, then a Surgeon Lieutenant, Imperial Japanese Navy, attached to the Fourth Naval Hospital, and others unknown, permitting them the aforesaid persons and persons unknown, to kill unlawfully and cause to be killed unlawfully, on or about 30 January 1944, at Dublon Island, Truk Atoll, Caroline Islands, with medical and other experiments, six (6) American Prisoners of War, names to the relator unknown, then and there held captive by the armed forces of Japan at said Atoll, this in violation of the law and customs of war.

CERTIFIED TO BE A TRUE AND CORRECTED COPY:

Joseph A. Rogan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

CERTIFIED TO BE A TRUE COPY:

James P. Lenny
James P. Lenny,
Lieutenant, U. S. Navy,
Judge Advocate.

H(5)

0600

vi (cor)

CHARGE II (continued)

SPECIFICATION 2

In that IWANAMI, Hiroshi, then a Surgeon Captain, Imperial Japanese Navy, Commanding Officer of the Fourth Naval Hospital, attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands, and while so serving at the said Fourth Naval Hospital, did, at Dublon Island, Truk Atoll, Caroline Islands, on or about 1 February 1944, at a time when a state of war existed between the United States of America, its Allies and Dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as the Commanding Officer of the said Fourth Naval Hospital to control the operations of members of his command and persons subject to his control and supervision, namely, OKUYAMA, Tokikazu, deceased, then a Surgeon Commander, Imperial Japanese Navy and SAKAGAMI, Shinji, then a corpsman warrant officer, Imperial Japanese Navy, and other persons unknown, permitting them, the aforesaid persons and persons unknown to kill unlawfully and cause to be killed unlawfully, on or about 1 February 1944, at Dublon Island, Truk Atoll, Caroline Islands, by explosions of dynamite and strangulation, two (2) American Prisoners of War, names to the relator unknown, then and there held captive by the armed forces of Japan at the said atoll, this in violation of the law and customs of war.

CERTIFIED TO BE A TRUE AND CORRECTED COPY:

Joseph A. Regan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

CERTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

N(6)

0601

vii (cor)

CHARGE II (continued)

SPECIFICATION 3

In that IWANAMI, Hiroshi, then a Surgeon Captain, Imperial Japanese Navy, Commanding Officer of the Fourth Naval Hospital, attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands, and while so serving at the said Fourth Naval Hospital, did, at Dublon Island, Truk Atoll, Caroline Islands, on or about 1 February 1944, at a time when a state of war existed between the United States of America, its Allies and Dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duties as Commanding Officer of the said Fourth Naval Hospital to take such measures as were within his power and appropriate in the circumstances to protect two (2) American Prisoners of War, names to the relator unknown, then held captive by the armed forces of Japan, at Dublon Island, Truk Atoll, Caroline Islands, as it was his duty to do, in that he permitted the unlawful killing with explosions of dynamite and strangulation, by members of his command and persons subject to his control and supervision, of the said two (2) American Prisoners of War, in violation of the law and customs of war.

CERTIFIED TO BE A TRUE AND CORRECTED COPY:

Joseph A. Rogan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

CERTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

H(7)

0602

viii(cor)

CHARGE II (continued)

SPECIFICATION 4

In that IWANAMI, Hiroshi, then a Surgeon Captain, Imperial Japanese Navy, Commanding Officer of the Fourth Naval Hospital and Chief Surgeon of the Fourth Fleet, attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands, and while so serving at said Fourth Naval Hospital, did, on or about 20 July 1944, at Dublon Island, Truk Atoll, Caroline Islands, at a time when a state of war existed between the United States of America, its Allies and Dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding Officer of the said Fourth Naval Hospital, to control the operations of members of his command and persons subject to his control and supervision, namely, KAMIKAWA, Hidehiro, then a surgeon lieutenant, Imperial Japanese Navy, OISHI, Tetsuo, then a surgeon lieutenant, Imperial Japanese Navy, ASAMURA, Shunpei, then an ensign, Imperial Japanese Navy, YOSHIKAWA, Kensaburo, then a corpsman chief petty officer, Imperial Japanese Navy, HOMMA, Hachiro, then a corpsman chief petty officer, Imperial Japanese Navy, WATANABE, Mitsuo, then a paymaster chief petty officer, Imperial Japanese Navy, TANABE, Mamoru, then a corpsman chief petty officer, Imperial Japanese Navy, MUKAI, Yoshihisa, then a corpsman chief petty officer, Imperial Japanese Navy, KAWASHIMA, Tatsusaburo, then a corpsman petty officer first class, Imperial Japanese Navy, SAWADA, Tsunao, then a paymaster petty officer first class, Imperial Japanese Navy, TANAKA, Tokunosuke, then a corpsman petty officer first class, Imperial Japanese Navy, NAMATAME, Kazuo, then a corpsman petty officer second class, Imperial Japanese Navy, TAKARADA, Yoshio, then a Petty Officer First Class, Imperial Japanese Navy, AKABORI, Toichiro, then a corpsman petty officer second class, Imperial Japanese Navy, KUNABARA, Hiroyuke, then a corpsman petty officer second class, Imperial Japanese Navy, TSUTSUI, Kisaburo, then a corpsman petty officer second class, Imperial Japanese Navy, TAKAISHI, Susumu, then a corpsman petty officer first class, Imperial Japanese Navy, MATSUHASHI, Kichigoro, then a corpsman petty officer second class, Imperial Japanese Navy, all attached to and serving at the Fourth Naval Hospital, and other persons unknown, permitting them, the aforesaid persons, and persons unknown, to strike unlawfully, assault and kill, and cause to be killed, by bayoneting with fixed bayonets, spearing with spears, and by beheading with swords, two (2) American Prisoners of War, names to the relator unknown, said American Prisoners of War being then and there held captive by the armed forces of Japan on said island, this in violation of the law and customs of war.

CERTIFIED TO BE A TRUE AND CORRECTED COPY:

Joseph A. Rogan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

CERTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

H(8)

0603

ix (cor)

CHARGE II (continued)

SPECIFICATION 5

In that IWANAMI, Hiroshi, then a Surgeon Captain, Imperial Japanese Navy, Commanding Officer of the Fourth Naval Hospital, and Chief Surgeon of the Fourth Fleet, attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands, and while so serving at the said Fourth Naval Hospital, did, at Dublon Island, Truk Atoll, Caroline Islands, on or about 20 July 1944, at a time when a state of war existed between the United States of America, its Allies and Dependencies, and the Imperial Japanese Empire, unlawfully disregard and fail to discharge his duty as Commanding Officer of the said Fourth Naval Hospital, to take such measures as were within his power and appropriate in the circumstances to protect two (2) American Prisoners of War, names to the relator unknown, then held captive by the armed forces of Japan, at Dublon Island, Truk Atoll, Caroline Islands, as it was his duty to do, in that he permitted the unlawful killing with bayonets, spears and swords, by members of his command and persons subject to his control and supervision, of said two (2) American Prisoners of War, in violation of the law and customs of war.

CERTIFIED TO BE A TRUE AND CORRECTED COPY:

Joseph A. Regan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

4(9)

0604

x (cop)

CHARGE II (continued)

SPECIFICATION 6

In that IWANAMI, Hiroshi, then a Surgeon Captain, Imperial Japanese Navy, Commanding Officer of the Fourth Naval Hospital, attached to the military installations of the Imperial Japanese Navy, Dublon Island, Truk Atoll, Caroline Islands, and while so serving at the said Fourth Naval Hospital with OKUYAMA, Tokikazu, deceased, then a Surgeon Commander, Imperial Japanese Navy, attached to the Fourth Naval Hospital and NABETANI, Reijiro, deceased, then a Surgeon Lieutenant, Imperial Japanese Navy, attached to the Fourth Naval Hospital, and others unknown, did, at Dublon Island, Truk Atoll, Caroline Islands, on or about 3 February 1944, at a time when a state of war existed between the United States of America, its Allies and Dependencies, and the Imperial Japanese Empire, wilfully and unlawfully prevent and cause to be prevented the honorable burial of eight (8) American Prisoners of War, names to the relator unknown, who died in the captivity of the Japanese armed forces, by dissection and mutilation of the bodies of the said prisoners, in violation of the law and customs of war.

/s/ C. A. Pownall,
C. A. POWNALL,
Rear Admiral, U. S. Navy,
The Commander Marianas Area.

CERTIFIED TO BE A TRUE AND CORRECTED COPY:

Joseph A. Regan,
Lieutenant Commander, U. S. Navy,
Judge Advocate.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

H(10)

0605

7712/10-21/
13-JAN-47

31 MAY 1947

From
To :

The Commander Marianas Area. If no objection has been expressed
Lieutenant Commander Joseph A. KENNY, U.S.N. and/or
Lieutenant James P. KENNY, U.S.N., Judge Advocate,
Military Commission, Commander Marianas.

Subject:

Anticipating Amendment in Specifications.

1. You are hereby authorized and directed to change the charges and specifications preferred by me against Captain IWANAMI, Hiroshi, Imperial Japanese Navy, Lieutenant Commander KANIKAWA, Michio, Imperial Japanese Navy, Lieutenant OISHI, Tetsuo, Imperial Japanese Navy, Lieutenant ASAHARA, Shigeo, Imperial Japanese Navy, Lieutenant (jg) SAKABANE, Shigeo, Imperial Japanese Navy, Ensign YOSHIZAKA, Renshuro, Imperial Japanese Navy, Warrant Officer KUMAKI, Masao, Imperial Japanese Navy, Warrant Officer WATANABE, Mitsuo, Imperial Japanese Navy, Warrant Officer TAKANE, Kenzo, Imperial Japanese Navy, Warrant Officer HUKAI, Yoshinori, Imperial Japanese Navy, Chief Petty Officer KAWASHIMA, Tatsunobu, Imperial Japanese Navy, Chief Petty Officer SAWADA, Tameo, Imperial Japanese Navy, Chief Petty Officer TANAKA, Tadamasa, Imperial Japanese Navy, Chief Petty Officer ARIMORI, Teichiro, Imperial Japanese Navy, Chief Petty Officer HIRAHARA, Hisayoshi, Imperial Japanese Navy, Chief Petty Officer TSUTSUMI, Kichiro, Imperial Japanese Navy, Chief Petty Officer HAMATANI, Kazuo, Imperial Japanese Navy, Chief Petty Officer TAKASHI, Susumu, Imperial Japanese Navy, Chief Petty Officer HIRAHASHI, Kichiro, Imperial Japanese Navy, in the following particulars: In the thirteenth line of the second specification of Charge I add the words "and strangulation" after the word "dynamite"; in the second line of the third specification of Charge I add the words "and Chief Surgeon of the Fourth Fleet", after the word "Hospital"; in the fifth line of the first specification of Charge II change the words "1 February" to "30 January"; in the sixteenth line of the second specification of Charge II add the words "and strangulation" after the word "dynamite"; in the fourteenth line of the third specification of Charge II add the words "and strangulation" after the word "dynamite"; in the second line of the fourth specification of Charge II add the words "and Chief Surgeon of the Fourth Fleet" after the word "Hospital"; in the second line of the fifth specification of Charge II add the words "and Chief Surgeon of the Fourth Fleet" after the word "Hospital".

2. You will cause the copy for the accused to be corrected accordingly.

G. A. FOWELL,
Rear Admiral, U. S. Navy,
The Commander Marianas Area.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

"J"

0606

BEST COPY AVAILABLE

12-31-41
12-31-41

As directed by the Convening Authority, the copy for each of
the accused was corrected on 11 May 1947.
The Commander Maritime Area, U.S. Navy,
Lieutenant Commander Joseph A. Ryan, U.S. Navy,
Lieutenant James P. Ryan, U.S. Navy, Judge Advocate,
Military Commission, Commander Maritime Area.

J. A. Ryan
Judge Advocate,
Military Commission, Commander Maritime Area.

1. You are hereby authorized and directed to change the
charges and specifications preferred by me against Captain IWAMOTO, Hiroshi,
Imperial Japanese Navy, Lieutenant Commander KAWABATA, Hideo,
Imperial Japanese Navy, Lieutenant Oishi, Tetsuo, Imperial Japanese Navy, Lieutenant
ABASHI, Shigetaka, Imperial Japanese Navy, Lieutenant (jg) SAKAGAMI, Shigetaka,
Imperial Japanese Navy, Ensign YOSHIMIZU, Kamekazu, Imperial Japanese Navy,
Warrant Officer KOBAYASHI, Hachiro, Imperial Japanese Navy, Warrant Officer
WATANABE, Mitsuo, Imperial Japanese Navy, Warrant Officer TANAKA, Masamune,
Imperial Japanese Navy, Warrant Officer MUKAI, Yoshikazu, Imperial Japanese Navy,
Navy, Chief Petty Officer KAWABATA, Tatsuhide, Imperial Japanese Navy,
Chief Petty Officer SAKAKI, Tameo, Imperial Japanese Navy, Chief Petty
Officer TANAKA, Tameo, Imperial Japanese Navy, Chief Petty Officer
AKABORI, Tetsuo, Imperial Japanese Navy, Chief Petty Officer KAWABATA,
Ensign, Imperial Japanese Navy, Chief Petty Officer TUNO, Kamekazu,
Imperial Japanese Navy, Chief Petty Officer MATSUDA, Kameo, Imperial Japanese Navy, Chief
Navy, Chief Petty Officer TAKASHI, Shunji, Imperial Japanese Navy, Chief
Petty Officer MITSUNISHI, Kichiro, Imperial Japanese Navy, in the following
particulars: In the thirteenth line of the second specification of Charge I
add the words "and strangulation" after the word "dynamite"; in the second
line of the third specification of Charge I add the words "and Chief Surgeon
of the Fourth Fleet" after the word "Hospital"; in the fifth line of the
first specification of Charge II change the words "I February" to "30 January";
in the sixteenth line of the second specification of Charge II add the words
"and strangulation" after the word "dynamite"; in the fourteenth line of the
third specification of Charge II add the words "and strangulation" after the
word "dynamite"; in the second line of the fourth specification of Charge II
add the words "and Chief Surgeon of the Fourth Fleet" after the word "Hospital";
in the second line of the fifth specification of Charge II add the words "and
Chief Surgeon of the Fourth Fleet" after the word "Hospital".

2. You will cause the copy for the accused to be corrected
accordingly.

C. A. FOWELL,
Rear Admiral, U.S. Navy,
The Commander Maritime Area.

EXEMPTED TO BE A TRUE COPY:
James P. Ryan,
Lieutenant, U.S. Navy,
Judge Advocate.

"2"



BEST COPY AVAILABLE

OBJECTION TO THE CHARGES AND SPECIFICATIONS DELIVERED BY MR.
KUNATA, HIROO.

Original document in Japanese prefixed to the original record.
Certified translation prefixed herewith marked "L."

CERTIFIED TRUE & TRUE COPY:

James V. Lenny
James V. Lenny,
Lieutenant, U. S. Navy,
Nagasaki, Japan.

0608

IWANAMI et al;
L

10th June 1947

OBJECTIONS TO THE CHARGES AND SPECIFICATIONS

ACCUSED SURGEON CAPT. IWANAMI, HIROSHI, IJN, AND 18 OTHERS.

Defense Counsel
KUWATA, Hideo

Honorable President and the members of the Commission.

The accused submit the following objections to the charges and specifications of this case. For convenience the objections will be separated into Objection to its wording and to its contents. Furthermore, the latter will be separated into problems dealing with the entire Specifications and the ones dealing with each specific Specification.

I Objections on Wording:

1. Objections to the terms of the ranks of the accused.

(a) I wish the following corrections made on the terms of of the ranks of the accused which appears in the charges:

Surgeon Capt. Iwanami, Hiroshi, IJN
Surgeon Lt. Comdr. Kamikawa, Hidehiro, IJN
Surgeon Lt. Oishi, Tetsuo, IJN.
Lt. Asamura, Shimpei (Asamura being a line officer no correction is necessary.
Corpsman Lt. (jg) Sakagami, Shinji, IJN
Corpsman Ens. Yoshizawa, Kensaburo, IJN
Corpsman W.O. Homma, Hachiro, IJN
Paymaster H.O. Watanabe, Mitsuo, IJN
Corpsman W.O. Tanabe, Mamoru, IJN
Corpsman W.O. Mukai, Yoshihisa, IJN
Corpsman Chief Petty Officer Kawashima, Tatsusaburo, IJN
Paymaster Chief Petty Officer Sawada, Tsuneo, IJN
Corpsman Chief Petty Officer Tanaka, Tokunosuke, IJN
Corpsman Chief Petty Officer Akabori, Toichiro, IJN
Corpsman Chief Petty Officer Kuwabara, Hiroyuki, IJN
Corpsman Chief Petty Officer Tsutsui, Kisaburo, IJN
Corpsman Chief Petty Officer Namatame, Kasuo, IJN
Corpsman Chief Petty Officer Takaishi, Susumu, IJN
Corpsman Chief Petty Officer Mitsuhashi, Kichigoro, IJN

(b) I wish the following correction be made on the terms of the rank of the accused which appears in the Specifications.

Surgeon Lt. Kamikawa, Hidehiro, IJN.
Surgeon Lt. Oishi, Tetsuo, IJN
Ens. Asamura, Shimpei, IJN (Please take special notice)
Corpsman Warrant Officer Sakagami, Shinji, IJN
Corpsman Chief Petty Officer Yoshizawa, Kensaburo, IJN
Corpsman Chief Petty Officer Homma, Hachiro, IJN
Paymaster Chief Petty Officer Watanabe, Mitsuo, IJN
Corpsman Chief Petty Officer Tanabe, Mamoru, IJN
Corpsman Chief Petty Officer Mukai, Yoshihisa, IJN

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
Lieutenant, U. S. Navy,
Judge Advocate.

"L(1)"

0609

IWANAMI, et al;
L

Corpsman 1st Class Petty Officer Kawashima, Tatsusaburo, IJN
Paymaster 1st Class Petty Officer Sawada, Tsuneo, IJN
Corpsman 1st Class Petty Officer Tanaka, Tokunosuke, IJN
Corpsman 2nd Class Petty Officer Akabori, Toichiro, IJN
Corpsman 2nd Class Petty Officer Kuwabara, Hiroyuki, IJN
Corpsman 2nd Class Petty Officer Tsutsui, Kisaburo, IJN
Corpsman 2nd Class Petty Officer Namatame, Kazuo, IJN
(Please take special notice)
Corpsman 1st Class Petty Officer Takaishi, Susumu, IJN
Corpsman 2nd Class Petty Officer Mitsuhashi, Kichigoro, IJN

I request the above correction because in the Japanese Imperial Navy all officers other than line officers have terms as Surgeon, Medical Corps, Paymaster, etc. before their rank.

2. In all the specifications, the term "Fourth Fleet Hospital" is used, but in the Japanese Imperial Navy there is no military installation of this term. It should be corrected to read as "The Fourth Naval Hospital".

II Objection as to contents:

1. Objections common to all the charges and specifications

(a) In all of the specifications it is stated as follows: "American prisoners of war, names to the relator unknown.". As it is set forth, it does not clearly indicate the victim of the crime and therefore it is not clear who the victim is. I sincerely believe it is unlawful to allege this as a fact in the charges. In the first place the concrete facts of a crime are built around the actions of a human being. To identify a crime it is essential that the time, day, place, the criminal, the victim, and the concrete contents of the crime is set forth clearly. At a minimum, the above requirements have to be set forth in the charges, but in these charges, all that is stated is that, "Prisoners names unknown." This does not identify the victim; therefore, it does not fulfill the minimum requirements in the above charges. Names are not the only means by which to identify a person. Therefore even if the name is unknown, I believe this requirement can be fulfilled by listing in detail the address, profession, age, build, physical appearance and the clothing of the person. But in these charges it does not state even one means of identifying a person, including by name. We cannot overlook the fact that the requirements of the charges are not complete.

Especially in this case where the accused in this charge are alleged to have violated the law and customs of war. To enable the U.S. Military Commission to try this crime, the persons on whom the actions of the accused were committed have to be persons who are under the protection of the U.S. I think that this was the reason for stating "American Prisoners of War" in the charges. But how can it be judged that the victims were Americans, if the name, build, physical appearance or language or any other means of identifying a person is not set forth. On this point a grave error has been made in these charges and I believe the efficacy of these charges cannot be recognized.

(b) The charges allege that the acts of the accused violate the law and customs of war. Generally speaking, in order to determine that a concrete act of a certain person is a crime and to punish the crime, it is necessary that a clear provision of the law which stipulates that the act is a crime and that a punishment will be imposed for the crime must exist prior to the commission of the act. Needless to say, so-called

"L(2)"

CERTIFIED TO BE A TRUE COPY:

James L. Kline
James L. Kline,
Lieutenant, U.S. Navy.
Judge Advocate

0610

IWANAMI, et al;
L

"Principe de la legalite des delits et des peines" (principle of the legality of crime and punishment) is the fundamental principle of criminal law in the modern civilized states. What law does the law of war alleged in the charges stand for? What customs do the customs alleged in the charges mean? And what punishments are provided for the violation of these laws and customs? These matters are not clearly shown in the charges, so they cannot be exempted from the defects as to these points.

Objections to Portions of the Charges and Specifications:

1. Objections to Specification 1 of Charge I.

The specification alleges, "with methods, the exact nature and character of which are to the relator unknown." But in order to identify a crime which consists of a concrete act of a concrete person, the contents of his act must be concretely shown; this is what I have stated before. Even though an act of a person causes a disturbance in his environment, if the contents of the act are not clear, we cannot admit a causal relation between them. Therefore, such a vague expression as "with methods, the exact nature and character of which are to the relator unknown" is meaningless as a description in a charge, and I believe it should be rejected.

2. Objections concerning the duplication of the specification in Charge II.

(a) Specification 3 of Charge II states: "... he permitted the unlawful killing with explosions of dynamite and strangulation, by members of his command and persons subject to his control and supervision, of the said American Prisoners of War," but this has already been alleged against the accused IWANAMI in the second specification of the same charge. This is clearly a duplication and ought to be rejected.

(b) Specification 5 of Charge II states: "... he permitted the unlawful killing with bayonets, spears and swords, by members of his command and persons subject to his control and supervision, of said American Prisoners of War" but this also has already been alleged against the accused IWANAMI in the 4th specification of the second charge. This is also clearly a duplication and ought to be rejected.

3. Objection concerning the relation between Specification 1 of Charge I and Specification 2 of Charge II, Specification 2 of Charge I and Specification 2 of Charge II, Specification 3 of Charge I and Specification 4 of Charge II.

Specification 1, 2 and 3 of Charge II each and all, alleges, as the object of its indictment, the fact that IWANAMI together with his subordinates killed the American P.O.W.'s. That is, from the legal point of view, the accused IWANAMI together with his subordinates are indicted as complicity in murdering the American P.O.W.'s. However, Specification 1, 2 and 4 of Charge II each, condemns the accused IWANAMI together with his subordinates, for neglect of duty from the fact that IWANAMI permitted his subordinates to kill the above mentioned P.O.W.'s. That is, from the legal point of view, IWANAMI is held responsible as instigator or accessory for the act of his subordinates. It is the fundamental principle of the theory of complicity, that a person cannot be indicted as an accomplice for one act, and on the other hand, instigator or accessory for the identical act; I believe this is the established principle of Criminal law in every civilized country. Applying this to the present case, if Specifications 1, 2 and 3 of Charge I were to be constituted, then Specifications

"L(3)"

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

0611

IWANAMI, et al;
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1, 2, and 4 of Charge II alleged against IWANAMI should not be constituted. Therefore, due to the above inconsistency, we believe that either of the corresponding Specifications should be deleted.

4. Objection concerning the relation between Specification 2 of Charge I and Specification 3 of Charge II, Specification 3 of Charge I and Specification 5 of Charge II.

In Specification 2 and 3 of Charge I, the accused IWANAMI is held responsible in the same capacity as his subordinates for complicity in murdering the American P.O.W.'s. However, in Specification 3, and 5 of Charge II the accused IWANAMI has been indicted for neglect of duty concerning the identical incident, in that he did not take such measures as were within his power and appropriate under the circumstances to protect the P.O.W.'s who were the victims. But, let us consider whether we can expect protection for the victim, from a person who is condemned as murdering that person? The conclusion is obvious. That is, from the legal point of view, I believe without the slightest doubt, that neglect of duty of the accused IWANAMI in not protecting the American P.O.W.'s should properly be included in his responsibility for murder which has already been condemned in Charge I. However, to have already indicted the accused IWANAMI for murder on one hand, and on the other to indict it as neglect of duty is obviously charging him with two criminal liabilities for one act. I believe, this is a duplication of charges and illegal. Therefore, either of the corresponding specifications should be expunged.

I certify the foregoing to be a true and complete translation of the original objection, to the best of my ability.

EUGENE E. KERRICK, Junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

"L(4)"

0612

IWANAMI, et al;
M

Objections to the Charges and Specifications in the case of Captain Iwanami, Hiroshi, I.J.N. et al. Delivered by Martin E. Carlson, Commander U.S.N.R., Defense Counsel on Tuesday, June 10, 1947 before the Military Commission convened by The Commander Marianas Area, at Guam, Marianas Island.

All the accused further object to the charges and specifications for the following reasons:

First, the accused object to the trial in joinder. Section 17, Naval Courts and Boards reads: "Trial in joinder - Accused persons will not be joined in the same charge and specification unless for concert of action in an offense.

"The mere fact that several persons happen to have committed the same offense at the same time does not authorize their being joined in the charge."

C.M.O. 77-1919 states: Trial in joinder: When joint trial should not be had.

"The mere fact that several persons happen to have committed the same offense at the same time does not authorize their being joined in the charge. Thus where two or more persons in the naval service take occasion to desert or absent themselves without leave, in company but not in pursuance of a common unlawful design and concert, the case is not one of a single joint offense, but of several separate offenses of the same character, which are no less several in law though committed at the same moment."

"File 26262-5714, G.C.M. Rec. No. 41468."

C.M.O. 1-1929 reads: "It is well settled that the necessary elements for a joint charge and joint trial are that the offense must be one that is not in its nature several, and that there must exist a conspiracy or concert of action.

In Digest of Opinions of the Judge Advocate General of the Army (1901) p. 201 it is stated: Properly to warrant the joining of several persons in the same charge and bringing them to trial together thereon, the offense must be such as required for its commission a combination of action and must have been committed by the accused in concert or in pursuance of a common intent....."

Winthrop's Military Law, p. 208 states: "But whenever the offense is, in its nature, several there can be no joinder."

In footnote 3 on page 208, Winthrop quotes 2 Hawkins, c 25, § 89, as follows: "Where the offense indicted doth not wholly arise from the joint act of all the defendants, but from such act joined with some personal and particular defect or omission of each defendant, without which it would be no offense, the indictment must charge them severally and not jointly."

Not only are these nineteen accused joined in trial to the prejudice of each one individually but they are joined with "and others unknown", "and others to the relator unknown", "and other persons unknown". This joinder with other persons unknown is most prejudicial to the substantive rights of the accused because no one of these accused can properly prepare his defense not knowing who is included in the term other persons unknown.

There is a definite conflict of interest between the parties joined

"M(1)"

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James P. Kennedy
James P. Kennedy,
Lieutenant, U. S. Navy,
Judge Advocate General

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IWANAMI, et al;
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to the prejudice of all parties and to be joined with persons unknown is as we have stated most prejudicial because the accused would like to call as witnesses in their behalf certain persons. All such persons are reluctant to testify on the grounds that if they were present at the scene of an alleged war crime they are as guilty as those persons charged with crime. The extent of the rule laid down in Section 332 of the U.S. Criminal Code is not applicable in time of war to persons who because of assignment to a certain group and because of orders issued to the group requiring the members of the group to be present. We hold that Military Law should be applied and not Civil law in such cases.

C.M.O. 4-1935 is quoted on this point: "The weight of authority is to the effect that due to the difference in legal relationship of the parties, the standard set by the civil courts should not be followed by military authorities much less be binding upon them."

The term "and other persons unknown" is further objectionable because this enables the prosecution to evade the rule laid down in Wharton's Criminal Evidence, Volume 2 section 714 which reads: "Narratives of past events after the conspiracy is fully executed are to measures taken in execution or furtherance of the common purpose inadmissible against co-conspirators."

State v. Huckins Holds: "One conspirator does not - - - by its execution under his authority, authorized his co-conspirator to make confessions or admissions of guilt for him or to narrate past events."

"Then the common enterprise is at an end, whether by accomplishment or abandonment, no one of the conspirators is permitted by any subsequent action or declaration of his own to affect the others." from Wharton's Criminal Evidence, Vol. 2, par. 714, citing Logan v. United States, 144 U.S. 263:

Brown V. United States, 150 U.S. 93
Sorenson V. State (C.C.A. 8th) 143F. 820
Gall V. United States, 166F. 419
Hauger V. United States, 173F. 54
Morrow V. United States 11F. (2d) 256
Lane V. United States, 34F. (2d) 413
Collonger V. United States 50F. (2d) 345
Minner V. United States 57F. (2d) 506
Dandagarda V. United States (C.C.A. 10th) 64F. (2d) 182
United States V. White, 5 Crunch (C.C.A.) 38F. Cas No 16-675

The accused and particularly Captain Iwanami, Hiroshi objects to specification 1 of Charge I. Charge I is labeled "Murder" but the specification does not follow the sample specification in Section 53 Naval Courts and Boards. Specification 1, Charge I contains many of the elements of Common Law Murder and several of statutory Murder.

In American Jurisprudence Criminal Law page 158 we read: "There are no common law offenses against the United States and the crime of murder or manslaughter as such is not known to the Federal Government except in places over which it may exercise exclusive jurisdiction and where by Act of Congress such offenses are recognized and made punishable. Citing Pettit v. Walsh, 194 U.S. 205; 18 U.S.C.A. Para 451 et Seq.

Section D-13, Naval Courts and Boards states: "in the cases of the more serious offenses triable by superior provost court and military commission, there should be a detailed specification as in court-martial practice, and such specification should show on its face the circumstances

"M(2)".

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

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IWANAMI, et al;
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conferring jurisdiction, ..."

We shall make a plea to the jurisdiction of this commission to try each and all of those accused but we here object to all the specifications of both Charge I and Charge II because these specifications do not show jurisdiction.

We object because specifications 1, 2, and 3 of Charge I do not show the statute of murder which has been violated. Not to set out the statute verbatim is prejudicial to the substantive rights of the accused and he is precluded from preparing a proper defense not being fully apprised as to the law he has violated.

The specifications 1, 2 and 3 of Charge I allege this to be in violation of the law and customs of war. What law and what customs of war? We hold that not to set out such law and customs is prejudicial to the substantive rights of the accused. Among other things he is not fully apprised of the law and the customs he has violated, and cannot prepare a proper defense.

Specification 1 of Charge I is also objectionable because six separate offenses are alleged in one specification. This we hold is not good pleading.

Specification 1 of Charge I alleges "six (6) American Prisoners of War" names to the relator unknown". This we hold to be insufficient as a description in charging Captain Iwanami, Hiroshi with murder. We ask that the specification be amended to show a more complete description of the victims. Not to do so is to prejudice the rights of the accused. Specification 2 of Charge I alleges at least four separate offenses. This is not good pleading. We shall refer to this later on.

Specification 3 alleges two separate offenses in that two victims are alleged to have been killed. Eighteen accused are joined in this one specification and the victims are said to be "two (2) American Prisoners of War, names to the relator unknown". This all very confusing and the accused do not know and are not fully apprised of offense with which they are charged. All eighteen accused are thereby prejudiced as to their substantive rights.

For the above enumerated reasons the accused Captain Iwanami, Hiroshi and Lt(jg) Sakagami, Shinji object to specification 2 of Charge I. They object to trial in joinder and especially to trial with others unknown".

Two separate offenses are alleged in one specification.

The description of the victims: "two (2) American Prisoners of War, names to the relator unknown" is not sufficient as a description to fully apprise the accused of the crime with which he is charged. This specification does not on its face show jurisdiction.

Common law murder as well as statutory murder is alleged. The statute is not quoted neither is the law or are the customs of war set out verbatim. This is most prejudicial to the rights of the accused.

Sakagami, Shinji is described as "then a Warrant Officer, Imperial Japanese Navy". This should read "Warrant Officer Corsman".

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James P. Kennedy
James P. Kennedy,
Lieutenant, U. S. Navy,
Judge Advocate General.

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IWANAMI, et al;
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For the reasons stated heretofore the accused object to trial in joinder in specification three of Charge I. Because of the great and sharp diversity of and clash of interests of the accused it is most prejudicial to all the accused to so be joined with another in trial. Particularly objectionable is it to be joined with "others to the relator unknown".

Karikawa, Hidehiro is described as a Lieutenant, Imperial Japanese Navy as is Oishi, Tetsuo. They should both be described as Lieutenants, Surgeon, Imperial Japanese Navy.

The insufficiency of description of the victims they being only described as "two (2) American Prisoners of War, names to the relator unknown" is objected to as not being a sufficient description to advise the accused of the circumstances under which it is claimed he committed the crime to enable him to make any defense he may have. Section 27, Naval Courts and Boards.

Specifications 1, 2, and 3 of Charge I are objectionable because of the form of the specifications. It is alleged that the accused did kill. This we hold is a mere conclusion on the part of the pleader. The sample specification set out in Section 53 N.C.&B. contains no such allegation.

In specification 2 of Charge I there are at least four separate offenses, charges in one specification. The accused cannot properly prepare their defense.

It is charged that the accused did kill by explosions of dynamite and then there has been added "and strangulation". Certainly these are separate offenses.

Then the victims are said to be two (2) American Prisoners of War. This makes at least four separate offenses in one specification.

In Charge II specifications 2 and 3 we have a charge of neglect of duty on the part of Captain Iwanami, failure to discharge his duty to control certain members of his command in specification 2.

In specification 3 of Charge II Captain Iwanami is charged with failure to discharge his duty as Commanding Officer to take such measures as were within his power and appropriate in the circumstances to protect (2) American Prisoners of War in that he permitted the unlawful killing with explosions of dynamite and strangulation. Thus in specification 2 of Charge I it is one offense but in Charge II it is two offenses as set out in specification 2 and 3 of Charge II.

This is very confusing and most prejudicial to the substantive rights of the accused particularly Captain Iwanami and Lt.(jg) Sakagami, Shinji because they are not fully apprised of the crimes with which they are charged. They are thus prevented from properly preparing their defense.

The accused and particularly Captain Iwanami, Hiroshi objects to specification 1 of Charge II because in Charge I he is charged with having wilfully murdered six American Prisoners of War and in Charge II he is charged with failing to discharge his duty as Commanding Officer, that is with neglect of duty resulting in murder. Both charges are founded on the same incident.

In C.M.O. 2-1932 it is stated that negligence and wilfulness are opposites of each other. They indicate radically different mental states. Citing 24 S.C. 1015:

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James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

0616

IVANAMI, et al;
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"If the killing was 'wilful' as charged in the indictment, then it could not have been accidental or by 'culpable negligence'. The terms are inconsistent as they cannot both be true. If the killing was by culpable negligence, then it was not intentional."

Thus the accused Captain Ivanami is charged with both wilful and negligent killing. This is prejudicial to the substantive rights of the accused.

This is a military court. Both offenses are military offenses both being said to be "in violation of the law and customs of war."

The victims are not properly described so as to fully acquaint the accused with charge.

The accused as in Charge I objects to omission of law and the customs of war which it is alleged the accused violated. To omit these laws and customs is prejudicial to the rights of the accused.

For the above reasons and the reasons set forth under Charge I, the accused, particularly Captain Ivanami, objects to specification 2, 3, 4, 5, and 6. His rights as an accused are prejudiced by reason of such allegations and want of allegations.

Respectfully

Martin Eilius Carlson,
Commander, U.S.N.R.

"M(5)"

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

0617

IWANAMI, et al;
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If the Commission please -

Much has been made by both the Japanese Attorney and Commander Carlson in their objections to the charges and specifications of the improper ranks and rates assigned to the various defendants. If it is true that the proper ranks and rates have not been assigned to the defendants, the fault lies solely with the defendants personally. While the case was under investigation, the defendants themselves supplied the investigators in answer to direct questions, the ranks and rates now used. More particularly, just before the charges and specifications were drawn, all defendants then on Guam, namely 18 of them were called upon and again asked directly their names, rank or rate in order that they would be properly designated in the charges and specifications. The ranks and rates now complained of were supplied by the defendants. It is interesting to note that even today, Commander Carlson and the Japanese attorney are not in agreement as to the proper title of the defendants.

The Japanese attorney refers to the accused Sakagami as W.O. (Medical Corps) Sakagami, IJN. Commander Carlson wishes to have the Specifications changed so that Sakagami is called "Warrant Officer Corpsman".

The Judge Advocate admits that designations such as "Pharmacist's Mate" "Pay Clerk" are not used. However, this is due to the accused not having supplied this information when it was specifically requested.

In the case of the name of the Hospital. The only reason it is called "Fourth Fleet Hospital" rather than Fourth Naval Hospital is because on the day that I personally made a special trip to the War Criminal Stockade to ask Captain Iwanami the official name of the Hospital he commanded - he personally told me that it was called the Fourth Fleet Hospital.

The Judge Advocate stands ready to bring this matter to the attention of the Convening Authority if the Commission finds that a technical error has been committed. However, the Judge Advocate requests that the Commission direct the attorneys for the accused to confer with them and definitely ascertain from them the designation and rank borne by them at the time these alleged acts took place. We again state that this situation would not have come about if the accused had been as solicitous of their proper ranks or rates at the time they were questioned by representatives of the War Crimes Office as they are apparently at the present moment.

-: Proper Pleading :-

The attorneys for the defense have quarreled with the present charges and specifications claiming that the specifications are not sufficiently definite as to put the accused on notice as to the crime charged against him.

The charges against the accused are two - with 3 specifications of Murder in the first charge and 6 specifications under the second charge of Violation of the Law and Customs of War.

All 9 specifications end with the allegation "this in violation of the law and customs of war". In charge 1 - Murder - these closing words are merely descriptive of the act complained of namely murder. Certainly, the defense does not contend that wilful, deliberate murder is not a violation of the law and customs of war. All persons connected with this trial have had some experience in actual warfare and all can understand that warfare, both by rule and custom, merely permits the killing of the enemy when under arms in actual combat. The killing of unarmed prisoners without a trial and by filthy means is murder and violative of the law and customs of war.

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JUDGE ADVOCATE
L. J. HANLEY, JR.
JAN 22 1946

0618

IWANAMI, et al;
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Under Charge II - Violation of the Law and Customs of War. We set out 6 specifications namely a failure to control and a failure to protect. All crimes against the accused Surgeon Captain Iwanami. The evidence subsequently adduced in the trial will show that Iwanami was as he is presently alleged to be, the Commanding Officer of the Fourth Fleet Hospital and as such had a military duty to control properly the actions of the men subordinate to him.

He also, as the Commanding Officer of the Hospital, had the duty to protect American Prisoners of War - or any prisoners of war for that matter - from acts of violence and surely from murder at the hands of his subordinates.

These specifications of charge II are not contradictory. The Commission has the final decision as to whether or not the defendant did all of the acts complained of or merely certain of them. The Judge Advocate must allege against the accused all specifications that can be brought against him to prepare for the exigencies of the proof. The Commission then has the duty to make a finding as to which of the specifications has been proved.

As the Commission is sitting as a War Crimes Commission, they are cognizant that International Law as exemplified by the Geneva (Prisoners of War) Convention of 27 July 1929, prohibits the perpetration against Prisoners of War of the acts herein complained of.

To return for the moment to the specifications of Charge I. The Judge Advocates must prove each and every allegation of the specifications and it is strange that the defense should complain when by the addition of the descriptive words "this in violation etc -" the Judge Advocates have possibly added to the burden of proof already carried by them.

- Jurisdiction -

The present Commission as set up by the Commander Marianas Area is sitting as a War Crimes Commission and has complete jurisdiction over all War Crimes brought to trial before it. Here the Charges and Specifications specifically allege the murder - and cruel murder of American Prisoners of War. The jurisdiction is obvious from the precept and from the nationality of the defendants. That murder of unarmed Prisoners of War of American nationality on Japanese soil by members of the Japanese Armed Forces is a War Crime is so obvious that nothing further need be said concerning jurisdiction.

- Joinder -

Sec. 17 of Naval Courts and Boards says "Accused persons will not be joined in the same charge and specification unless for concert of action in an offense. The Judge Advocates admit this and contends that the present charges and specifications are not violative of this section. Specification 3 of Charge I which is particularly complained of by the defense as 18 names are mentioned alleges all the named accused "did each and together kill" and they did this killing through a concert of action. As we have alleged, so shall we prove this.

The defense further complains under joinder that the specifications are defective because they contain the further allegation that the accused performed these acts with "others to the relator unknown". The Judge Advocates are being particularly honest both with the Commission and with the accused when the phrase "and others to the relator unknown" is used.

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James P. Lenny
James P. Lenny,
Lieutenant, U. S. Navy,
Judge Advocate.

0619

IVANAMI et al;
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Although this case has been investigated for well over one year the Judge Advocates do not contend that the accused presently before this Commission were the only ones who participated in the criminal acts complained of. But we do contend that these accused did participate as charged. They know the others who aided but are not seated here with them and surely since they have the guilty knowledge they can best make use of it in selecting witnesses for the defense.

When Commander Carlson quoted Court Martial Order 4 of 1935 as authority for his complaint against the phrase "and other persons unknown" he neglected to advise the Commission that this case concerned itself with "Superior Order" and not with joinder, and with the distinction on the question of Superior Orders as made in Military Courts and the distinction made in Civil Courts.

On the question here discussed, namely joinder - there is no distinction - the sole criterion is whether a concert of action is alleged and a perusal of the various specifications of this case shows that this has been done.

- Identity of the Victims -

It is the opinion of the Judge Advocates that the attorneys for the defense are guilty of a colossal piece of effrontery in requesting that the address, profession, rank, physical appearance and so forth of the 10 American victims be given them. We have supplied in the specifications with all the facts concerning the American victims that we possess. We have given the approximate dates on which the outrages took place - the geographic location of the deeds and the number at the time murdered.

Had the Japanese at Truk acted as did this nation in the handling of prisoners of war all the information presently desired by defense counsel could have been supplied them - but then had they acted properly and emulated us - there would be no need for the information for the victims would be alive and the prisoners here would be at home rather than before this tribunal.

Let the attorneys for the defense make their request from the men that they represent for they and they alone know the age and physical appearance of their American victims. They were the last to see them alive and they were the last to view their mistreatment and dead bodies.

Sufficient to say - We allege that the victims were Americans and this we will prove. We have complied with Section 34 of Naval Courts and Boards which is the only requirement.

Joseph A. Regan,
Lieutenant Commander, U.S. Navy,
Judge Advocate.

CERTIFIED TO BE A TRUE COPY

James P. Kennedy
James P. Kennedy,
Lieutenant, U.S. Navy,
Judge Advocate.

"N(3)"

0620

Serial:
13-WC-21

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

16 June 1947

From: Lieutenant Commander Joseph A. Regan, USN, Judge Advocate
Military Commission, Commander Marianas Area.
To: The Commander Marianas Area.
Subject: Corrections in charges and specifications dated 8 May 1947;
Request for.

1. The Military Commission convened by your precept of 21 February 1947 has found the subject charges and specifications not in due form and technically correct in that the first name of the accused ASAMURA is not correctly spelled, that certain accused are not properly described as to rank and rate and that the Fourth Fleet Hospital is not a correct name. It is requested that the following changes be authorized.

- (a) In the subject of the charges and specifications delete all reference to ranks, rates and organizations; that is, show the name only of the accused. Change the name "ASAMURA, Shimpei" to "ASAMURA, Shunpei."
- (b) In the body of the specifications wherever they appear change ranks and rates; and the first name of the accused ASAMURA:

From

KAMIKATA, Hidehiro, then a Lieutenant
OISHI, Tetsuo, then a Lieutenant
ASAMURA, Shimpei, then a Lieutenant
SAKAGAMI, Shinji, then a Warrant Officer
YOSHIZAWA, Kensaburo, then a Chief Petty Officer
HOMMA, Hachiro, then a Chief Petty Officer
WATANABE, Mitsuo, then a Chief Petty Officer
TANABE, Manoru, then a Chief Petty Officer
MURAI, Yoshihisa, then a Chief Petty Officer
KAWASHIMA, Tatsusaburo, then a Petty Officer First Class

To

KAMIKATA, Hidehiro, then a surgeon lieutenant
OISHI, Tetsuo, then a surgeon lieutenant
ASAMURA, Shunpei, then an ensign
SAKAGAMI, Shinji, then a corpsman warrant officer
YOSHIZAWA, Kensaburo, then a corpsman chief petty officer
HOMMA, Hachiro, then a corpsman chief petty officer
WATANABE, Mitsuo, then a paymaster chief petty officer
TANABE, Manoru, then a corpsman chief petty officer
MURAI, Yoshihisa, then a corpsman chief petty officer
KAWASHIMA, Tatsusaburo, then a corpsman petty officer first class

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CERTIFIED TO BE A TRUE COPY:

James P. Regan
James P. Regan,
Lieutenant, U. S. Navy.
Judge Advocate

0621

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

16 June 1947

Serial:
13-70-21

Subject: Corrections in charges and specifications dated 8 May 1947 -
Request for.

From
SAWADA, Tsuneco, then a
Petty Officer First Class
TANAKA, Tokunosuke, then a
Petty Officer First Class
NAMATAKE, Kazuo, then a
Petty Officer First Class
TAKAISHI, Susumu, then a
Petty Officer First Class
AKABORI, Toichiro, then a
Petty Officer Second Class
KUTABARA, Hiroyuki, then a
Petty Officer Second Class
TSUTSUI, Kisaburo, then a
Petty Officer Second Class
MITSUHASHI, Kichigoro, then a
Loading Seaman

To
SAWADA, Tsuneco, then a
paymaster petty officer first class
TANAKA, Tokunosuke, then a
corpsman petty officer first class
NAMATAKE, Kazuo, then a
corpsman petty officer second class
TAKAISHI, Susumu, then a
corpsman petty officer first class
AKABORI, Toichiro, then a
corpsman petty officer second class
KUTABARA, Hiroyuki, then a
corpsman petty officer second class
TSUTSUI, Kisaburo, then a
corpsman petty officer second class
MITSUHASHI, Kichigoro, then a
corpsman petty officer second class

(c) In the body of the specifications wherever it appears, change the name
of the hospital.

From
Fourth Fleet Hospital

To
Fourth Naval Hospital

JOSEPH A REGAN,
Lieutenant Commander, U. S. Navy,
Judge Advocate, Military Commission,
Commander Marianas Area.

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- 2 -

CERTIFIED TO BE A TRUE COPY:

James P. Regan
James P. Regan,
Lieutenant, U. S. Navy,
Judge Advocate.

0622

FF12/A17-13/(JC-21)
13-JDM-Ke

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 14035

19 Jun 1947

From: The Commander Marianas Area.
To : Lieutenant Commander Joseph A. Regan, U. S. Navy, and/or
Lieutenant James P. Kenny, U. S. Navy, Judge Advocates,
Military Commission, Commander Marianas Area.

Subject: Authorizing corrections in charges and specifications dated
8 May 1947.

1. You are hereby authorized and directed to change the charges and specifications dated 8 May 1947 preferred by me against IWANAMI, Hiroshi, and eighteen other accused, in the following particulars:

- (a) In the subject of the charges and specifications delete all reference to ranks, rates and organization; that is, show the name only of the accused. Change the spelling of the first name of accused ASAMURA, from "Shinpei" to "Shunpei."
- (b) In all places in all specifications where the names of the below named persons appear change the ranks and rates of such persons as follows:

KAMIKAWA, Hidehiro, from "then a Lieutenant" to "then a surgeon lieutenant";
OISHI, Tetsuo, from "then a Lieutenant" to "then a surgeon lieutenant";
ASAMURA, Shunpei, from "then a Lieutenant" to "then an ensign";
SAKAGAMI, Shinji, from "then a Warrant Officer" to "then a corpsman warrant officer";
YOSHIZAWA, Kinsaburo, from "then a Chief Petty Officer" to "then a corpsman chief petty officer";
HOMMA, Hachiro, from "then a Chief Petty Officer" to "then a corpsman chief petty officer";
WATANABE, Mitsuo, from "then a Chief Petty Officer" to "then a paymaster chief petty officer";
TANABE, Manoru, from "then a Chief Petty Officer" to "then a corpsman chief petty officer";
MUKAI, Yoshihisa, from "then a Chief Petty Officer" to "then a corpsman chief petty officer";
KAWASHIMA, Tatsusaburo, from "then a Petty Officer First Class" to "then a corpsman petty officer first class";
SAWADA, Tsuneo, from "then a Petty Officer First Class" to "then a paymaster petty officer first class";

- 1 -

"P(1)"

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

0623

FF12/A17-13/(WC-21)
13-JDM-Kg

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 14035

Subject: Authorizing corrections in charges and specifications dated
8 May 1947.

TANAKA, Tokunosuke, from "then a Petty Officer First Class" to "then a corpsman petty officer first class";
NAMATAME, Kazuo, from "then a Petty Officer First Class" to "then a corpsman petty officer second class";
TAKAISHI, Susumu, from "then a Petty Officer First Class" to "then a corpsman petty officer first class";
AKABORI, Toichiro, from "then a Petty Officer Second Class" to "then a corpsman petty officer second class";
KUYABARA, Hiroyuki, from "then a Petty Officer Second Class" to "then a corpsman petty officer second class";
TSUTSUI, Kisaburo, from "then a Petty Officer Second Class" to "then a corpsman petty officer second class";
MITSUHASHI, Kichigoro, from "then a Leading Seaman" to "then a corpsman petty officer second class."

(c) In all specifications where the name "Fourth Fleet Hospital" appears, change it to "Fourth Naval Hospital."

2. You will cause the copies for the accused to be corrected accordingly.

C. A. POWNALL,
Rear Admiral, U. S. Navy,
The Commander Marianas Area.

"p(2)"

0624

FIRST DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Tuesday, June 10, 1947.

The commission met at 9 a.m.

Presents:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry E. Roscoe, Coast Artillery Corps, United States
Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United
States Army,
Lieutenant Colonel William E. Lanman, junior, U. S. Marine Corps,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.

Sergeant Theodore E. Geberek, U. S. Marine Corps, entered with the
accused and reported as provost marshal.

The judge advocates introduced Robert R. Millegan, yeoman first class,
U. S. Navy, and Joseph Hase, junior, yeoman second class, U. S. Navy, as
reporters; and they were duly sworn.

The judge advocates introduced Mr. Frederick Savory, Mr. Isamu Veda,
Mr. Shigeo Yamamoto, and Mr. George Rumi as interpreters, and they were
duly sworn.

Each of the accused requested that Commander Martin E. Carlson, U. S.
Naval Reserve; Mr. Akinoto, Tachihara; Mr. Sumiki, Saise; Mr. Sumata, Hideo;
and Mr. Takami, Katsunuma, act as his counsel. Commander Carlson, Mr.
Akinoto, Mr. Sumiki, Mr. Sumata, and Mr. Takami took seat as counsel for
the accused. JK

The judge advocates read the precept and modifications thereof, copies
prefixed marked "A," "B," "C," "D," "E," "F," "G," and "H."

An interpreter read the precept and modifications thereof in Japanese.

The judge advocates did not object to any member.

The accused objected to Lieutenant Commander Bradner W. Lee, junior,
U. S. Naval Reserve, as follows:

All the accused object to Lieutenant Commander Bradner W. Lee, junior,
U. S. Naval Reserve, as a member of this commission. Lieutenant Commander
Bradner W. Lee, junior, is challenged on the ground that he personally in-
vestigated the charges as a member of the staff of Director of War Crimes,

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

Page 1

0625

Commander Marianas, and/or Pacific Ocean Area, he has formed a positive and definite opinion as to the guilt of the accused. We request that when the challenged member replies he definitely admit or deny that he was a member of the staff of Director of War Crimes, Commander Marianas, during the time when these charges were investigated by the staff of Director of War Crimes, Commander Marianas. In accordance with section 388, "A challenge upon any one of the following grounds, if admitted by the challenged member or proved as provided for in section 390, shall be sustained despite any declaration the challenged member may make: . . . (b) That he has personally investigated the charges and expressed an opinion thereon, or that he has formed a positive and definite opinion as to the guilt or innocence of the accused."

The judge advocate replied as follows:

Before the challenged member replies, the judge advocate would like to call the attention of the commission to two dispatches, one from Commander Marianas to the Judge Advocate General of the Navy requesting relaxation of the rule as stated in section 388(e) of Naval Courts and Boards, in order to carry out these trials, and the other dispatch is a reply in the affirmative from the Judge Advocate General. The dispatch sets forth the requirements that are to be met by the challenged member. These dispatches will not be read because they are classified material; however, they will be shown to Commander Martin E. Carlson, defense counsel, who is a member of the United States Navy, and also to the commission.

The dispatches were shown by the judge advocate to Commander Martin E. Carlson of counsel for the accused and submitted to the commission.

The challenged member replied as follows:

I, Bradner W. Lee, junior, lieutenant commander, U. S. Naval Reserve, state that I have not personally investigated the charges in this case or expressed an opinion thereon; that I have not formed a positive and definite opinion as to the guilt or innocence of any of the accused; that in September, 1946, I was ordered to Commander Marianas for duty in connection with war crimes trials and I reported to the Commander Marianas and was assigned to duty in the office of the Director of War Crimes, Pacific Ocean Area, now designated Pacific Fleet; that I was listed on the rolls of said office as an attorney - investigator; that I have made no investigation of nor know any of the details of the charges or the specifications or any of the facts pertaining to this case; that I have been an active member of the California bar for thirty-five years; that I have deliberately kept myself free and clear from any War Crimes Office details pertaining to any alleged war crimes or prosecutions that might grow out thereof. I can truly state that I can truly try without prejudice or partiality the case now depending according to the evidence which shall come before the commission, the rules of evidence prescribed for the trial, the customs of war in like cases, and my own conscience.

An interpreter read the reply of the challenged member in Japanese.

The commission was cleared. The challenged member withdrawing.

The commission was opened. All parties to the trial entered; the commission announced that the objection of the accused was not sustained.

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

The accused did not object to any other member.

The judge advocates and each member were duly sworn.

Each of the accused stated that he had received a copy of the charges and specifications preferred against him, both in English and in Japanese, on May 10, 1947.

The judge advocates read a letter from the convening authority, prefined marked "J," authorizing and directing him to make a change in the specifications, and stated that the same had been made both in the original and in the copy of the Japanese and English in the possession of the accused.

The judge advocates asked the accused if they had any objection to make to the charges and specifications.

The accused replied in the affirmative. Mr. Kwata, Hideo, a counsel for the accused, read a written objection to the charges and specifications, prefined marked "K."

An interpreter read an English translation of Mr. Kwata's objection, prefined marked "L."

Commander Martin E. Carlson, U. S. Naval Reserve, a counsel for the accused, read a further written objection to the charges and specifications, prefined marked "M."

The accused waived the reading of this objection in Japanese in open court.

The judge advocates requested a recess until 2 p.m., in order to prepare his reply.

The commission then, at 11 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocates, the accused, their counsel, and the interpreters.

Joseph Kase, junior, yeoman second class, U. S. Navy, reporter.

The judge advocates read a written reply to the objection to the charges and specifications, prefined marked "N."

The accused waived the right to have this reply read in Japanese in open court.

The commission was cleared.

The commission was opened, and all parties to the trial entered.

The commission made the following ruling:

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

The commission rules that the objections of the accused to the charges and specifications are overruled with certain exceptions of a technical nature. The commission notes certain apparent errors in the ranks and rates of the accused and in the name of the hospital, and accordingly directs the judge advocate to send a communication to the convening authority requesting that appropriate changes be made, copy prefixed marked "C." The commission finds the charges and specifications otherwise in due form and technically correct. The commission will await the reply of the convening authority.

An interpreter read the ruling of the commission in Japanese.

The accused requested an adjournment until 9 a.m., Tuesday, June 24, 1947, in order to prepare their case.

The judge advocate concurred with the request of the accused.

The commission then, at 4:50 p.m., adjourned until 9 a.m., Tuesday, June 24, 1947.

CERTIFIED TO BE A TRUE COPY:

James P. Keady
James P. Keady,
Lieutenant, U. S. Navy,
Judge Advocate.

SECOND DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Tuesday, June 24, 1947.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States
Army,
Lieutenant Colonel Victor J. Garberino, Coast Artillery Corps, United
States Army,
Lieutenant Colonel William E. Lanman, junior, U. S. Marine Corps,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Robert R. Miller, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

The record of proceedings of the first day of the trial was read and
approved.

No witnesses not otherwise connected with the trial were present.

The judge advocate introduced Lieutenant Eugene E. Kerrick, junior,
U. S. Naval Reserve, as an interpreter and he was duly sworn.

The judge advocate read a letter from the convening authority, prefixed
marked "P," authorizing and directing him to make changes in the charges
and specifications, and stated that the same had been made both in the
original English and Japanese translation and in the copies in the possession
of the accused.

An interpreter read a Japanese translation of the letter from the
convening authority authorizing the judge advocate to make changes in the
charges and specifications.

The judge advocate asked the accused if they had any objection to make
to the charges and specifications.

The accused replied as follows: "The accused would like to continue the
objections to the charges and specifications as originally given before this
commission, except as they relate to the names and ranks of the accused."

The judge advocate replied.

The commission announced that it found the charges and specifications
in due form and technically correct.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

Each of the accused stated that he was ready for trial.

Commander Martin E. Carlson, U. S. Naval Reserve, counsel for the accused, read a written objection to the jurisdiction of the commission over the accused, copy appended marked "Q."

The accused waived the right to have the objection of Commander Carlson read in Japanese in open court at this time.

The commission then, at 10:30 a.m., took a recess until 10:54 a.m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

The judge advocate replied to the objection to jurisdiction.

The accused waived the right to have the reply of the judge advocate read in Japanese in open court at this time.

The commission announced that the objection was not sustained.

The judge advocate read the letter containing the charges and specifications, original prefixed marked "H."

The commission then, at 11:31 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocates, the accused, their counsel, and the interpreters.

Joseph Kase, junior, yeoman second class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

An interpreter read the charges and specifications in Japanese, prefixed marked "I."

The judge advocate arraigned the accused as follows:

Q. Iwamori, Hiroshi, you have heard the charges and specifications preferred against you; how say you to the first specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the second specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

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James P. Henry
James P. Henry
Lieutenant, U. S. Navy,
Judge Advocate.

Q. To the first specification of the second charge, guilty or not guilty?
A. Not guilty.

Q. To the second specification of the second charge, guilty or not guilty?
A. Not guilty.

Q. To the third specification of the second charge, guilty or not guilty?
A. Not guilty.

Q. To the fourth specification of the second charge, guilty or not guilty?
A. Not guilty.

Q. To the fifth specification of the second charge, guilty or not guilty?
A. Not guilty.

Q. To the sixth specification of the second charge, guilty or not guilty?
A. Not guilty.

Q. To the second charge, guilty or not guilty?
A. Not guilty.

Q. Kamikawa, Hidehiro, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?
A. Not guilty.

Q. To the first charge, guilty or not guilty?
A. Not guilty.

Q. Oishi, Tatsuo, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?
A. Not guilty.

Q. To the first charge, guilty or not guilty?
A. Not guilty.

Q. Asamura, Shunpei, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?
A. Not guilty.

Q. To the first charge, guilty or not guilty?
A. Not guilty.

Q. Sakagami, Shinji, you have heard the charge and specification preferred against you; how say you to the second specification of the first charge, guilty or not guilty?
A. Not guilty.

Q. To the first charge, guilty or not guilty?
A. Not guilty.

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

Q. Yoshizawa, Kenseburo, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

Q. Homma, Hachiro, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

Q. Watanabe, Mitsuo, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

Q. Tanabe, Mamoru, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

Q. Nakai, Yoshihisa, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

Q. Kamashima, Tatsuzaburo, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

Q. Sawada, Tameo, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

CERTIFIED TO BE A TRUE COPY.

James P. K...
JAMES P. K...
Lieutenant, U.S. Navy,
Judge Advocate.

Q. Tanaka, Tokunosuke, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

Q. Akabari, Teichiro, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

Q. Sumabara, Kireyuki, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

Q. Tsutsumi, Kisaburo, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

Q. Hamatani, Kameo, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

Q. Takahashi, Susumu, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

Q. Mitsuhashi, Kichigoro, you have heard the charge and specification preferred against you; how say you to the third specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

CERTIFIED TO BE A TRUE COPY:

James P. Kenney
James P. Kenney,
Lieutenant, U. S. Navy,
Judge Advocate.

The prosecution began.

The judge advocates read a written opening statement, appended marked "A."

An interpreter read a Japanese translation of the opening statement of the judge advocates.

The commission then, at 3:14 p.m., took a recess until 3:28 p.m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

The judge advocates requested the commission to take judicial notice of the following:

That a state of war existed between the United States of America and the Imperial Japanese Empire during the year 1944.

The Potsdam Declaration of July 26, 1945, particularly paragraph 10, which reads in part as follows: "We do not intend that the Japanese shall be enslaved as a race or destroyed as a nation, but stern justice shall be meted out to all war criminals, including those who have visited cruelties upon our prisoners."

The Geneva Prisoner of War Convention of July 27, 1929, and of the fact that although Japan has not formally ratified this convention, it agreed through the Swiss Government to apply the provisions thereof to prisoners of war under its control; particularly Title V, Article 76, which reads in part as follows: "Belligerents shall see that prisoners of war dying in captivity are honorably buried....."

That Truk Atoll is part of the territory under the command of Commander Marianas and that Dublon Island is one of the islands of Truk Atoll.

The Hague Convention of October 18, 1907, and especially Article 23(c) which reads as follows: "It is especially forbidden to kill or wound an enemy who, having laid down his arms, or having no longer any means of defense, has surrendered at discretion."

An interpreter read the request to take judicial notice in Japanese.

The accused made the following objections:

The accused objects to the commission taking judicial notice of the Potsdam Declaration of July 26, 1945, particularly paragraph 10. We object to the commission's taking notice of the Geneva Prisoner of War Convention of July 27, 1929, and the fact that although Japan has not formally ratified the convention, it agreed through the Swiss Government to apply the provisions thereof to prisoners of war under its control. Legally,

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James P. Henry
James P. Henry,
Lieutenant, U. S. Navy,
Judge Advocate.

this makes no difference. We also object to the commission taking notice of Truk Atoll as a part of the territory under the command of Commander Marianne, we object to the commission taking judicial notice of the Hague Convention of October 18, 1907, especially of article 23(a). We ask that the judge advocate be required to prove these conventions and declarations and the fact that Truk is a territory under the command of Commander Marianne like any other fact as they are required to do by sections 27 and 309 of Naval Courts and Boards. This commission is, we feel, bound by section 309 to require that the prosecution prove these conventions like any other fact since the accused are basing their defense on a plea to the jurisdiction of this commission to try these accused for a violation of the law and customs of war which is alleged to be set out in these conventions. In our plea to the jurisdiction we maintain that these accused did object to the courts jurisdiction for a trial for offenses in violation of these articles and conventions. Section 309 reads in part as follows:

"A court may not take judicial notice of a foreign law, or of a law of another State, etc., than that within which the court is sitting, the existence of such law being a question of fact which must be proved by competent evidence the same as any other fact - i.e., the purport or the actual wording of the law must be introduced into the evidence - and it must be further shown that the law or regulation was in force at the time when the alleged act in violation thereof took place.

"The proper way to have the court take judicial notice of a fact not carried in mind by all intelligent men is for the party desiring it to request that the court take judicial notice, for example, of 2 U.S. Code 118, and to furnish the court at the time with an official or otherwise trustworthy copy thereof."

The accused waived the reading in open court of this objection in Japanese.

The judge advocate replied.

The commission ruled that the objection was not sustained, and the commission will take judicial notice of the documents and matters referred to by the judge advocate.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. Will you state your name and former rank.
A. Former Captain, Imperial Japanese Navy, Tanaka, Masaharu.
2. Q. Are you presently confined on Guam?
A. Yes.
3. Q. If you recognize the accused, will you tell us who they are.
A. Captain Imanami. The rest, I do not know.
4. Q. While you were on Truk, what were your duties there?
A. I was the commanding officer of the Forty-first Naval Guard Unit.
5. Q. During what period of time were you the commanding officer of the Forty-first Naval Guard Unit?
A. It was from the twenty-seventh of December, 1943, until the twenty-third of February, 1944.

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 James F. Henry
 Lt. Colonel, U.S. Navy,
 Judge Advocate

6. Q. During that period, did the Forty-first Naval Guard Unit ever have in its custody American prisoners of war?

A. Yes.

7. Q. During that time do you know whether or not the Forty-first Naval Guard Unit ever had any prisoners of war other than Americans in its custody?

A. I do not think there were.

8. Q. Were you ever visited at the Forty-first Naval Guard Unit by Captain Iwanami?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

9. Q. Was the Forty-first Naval Guard Unit ever inspected by the head of the Fourth Naval Hospital?

A. I do not remember.

10. Q. On how many occasions have you had conversations with Captain Iwanami?

A. He came to visit me once.

11. Q. And at that time did you have a conversation with him?

A. I did.

12. Q. On this occasion, was he accompanied by another officer?

A. I think there was an officer with him, but as my recollection is faint, I do not know what kind of a person he was.

13. Q. Do you remember the name of this person?

A. I do not remember the name.

14. Q. Will you tell the commission what you said to Captain Iwanami and what Captain Iwanami said to you during this conversation?

A. There are three parts to my conversation with him. When he visited me, I talked with him on the veranda of my quarters. At this time, Iwanami said to me, "I would like to use the prisoners for experiments," and I told him, "the handling of prisoners is a grave matter." Those were the exact words that I used. He again stated that these experiments were for the sake of the Japanese navy, and that, "I will cause you no trouble." I did not like this and after this he got up to leave and I asked, "Do you have the understanding of the Commander-in-Chief of the Fourth Fleet?" and he stated, "Naturally I do." This was all the conversation we had and all that I remember. JK

15. Q. You say he asked you for prisoners to perform experiments on. Did he say where he desired to perform these experiments?

A. He did not say where he was going to do the experiments.

CERTIFIED TO BE A TRUE COPY:

James H. Kinsley
James H. Kinsley
Lieutenant, U. S. Navy,
Judge Advocate General's Office, Navy

16. Q. Did he make any request upon you during this conversation for the use of the dispensary of the guard unit?
A. No.

17. Q. Do you know as a matter of fact whether or not the dispensary of the guard unit was used for these experiments?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. This visit of Iwanami was in the middle of January. I once heard that an experiment had been performed that night.

The accused moved to strike the words "I once heard that an experiment had been performed that night" out of the answer on the ground that they were clearly hearsay.

The judge advocate joined in the motion of the accused, but moved to strike the entire answer and requested that the question be again put to the witness.

The commission directed that the answer be stricken out.

The commission cautioned the witness to answer the question.

The question was repeated in Japanese.

A. As I heard of it, I did know.

18. Q. You said that the conversation took place in January. January of what year?

A. It is January, 1944.

19. Q. Do you know how many American prisoners of war were in the custody of the guard unit in January of 1944?

A. I think there were fifteen.

20. Q. Were any of these prisoners, to your knowledge, ever sent to Japan?

A. Previous to February 17 no prisoners were returned to Japan.

21. Q. Can you tell this commission what became of those fifteen prisoners that you had?

This question was objected to by the accused on the ground that the question included fifteen prisoners and the charges and specifications concerned only ten persons, and what happened to the other five was immaterial and irrelevant.

The judge advocate withdrew the question.

CERTIFIED TO BE A TRUE COPY:

James H. Kelly
James H. Kelly,
Lieutenant, U. S. Navy,
Judge Advocate, Navy.

22. Q. In February, 1944 how many American prisoners were in the custody of the guard unit?

A. I do not know, because I did not check well on them.

23. Q. Did any of your officers ever report to you that the Fourth Naval Hospital staff had experimented on the prisoners in your custody?

This question was objected to by the accused on the ground that it called for hearsay unless the judge advocate laid the ground work.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

The question was repeated in Japanese.

A. I received a report once.

24. Q. Will you tell us what the report was?

A. It was just reported that there was an experiment.

25. Q. Can you tell this commission the name of the officer who reported this to you?

A. I can.

26. Q. Will you give us his name?

A. I think it was Surgeon Lieutenant Hasegawa.

Cross-examined by the accused:

27. Q. You have testified regarding prisoners on Truk in January of 1944. Was the Naval Guard Unit responsible for the custody and safe keeping of prisoners of war on Truk in January of 1944?

A. I was holding them in custody through superior orders.

28. Q. Was the Forty-first Naval Guard Unit a separate command?

A. It was directly under the command of the Fourth Naval Base Force which was a separate command.

29. Q. Was the Forty-first Naval Guard Unit on the same echelon of command as the Fourth Naval Hospital?

A. It was in the same category as a department. It is the same echelon of command.

30. Q. Were you, as the commanding officer of the guard unit, required to carry out the orders of the Fourth Naval Hospital?

This question was objected to by the judge advocate on the ground that it was beyond the scope of the direct examination.

The accused replied.

The commission announced that the objection was not sustained.

The question was repeated in Japanese.

CERTIFIED TO BE A TRUE COPY:

James C. Kenny
James C. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

A. The head of the hospital does not have the authority of command over me.

31. Q. You testified regarding an inspection that the commanding officer of the Fourth Naval Hospital made at the guard unit. Did the commanding officer of the Fourth Naval Hospital have any authority to make such an inspection?

This question was objected to by the judge advocate on the ground that it was beyond the scope of the direct examination and misquoted the testimony of the witness.

The accused withdrew the question.

32. Q. When you testified regarding a visit which the commanding officer of the hospital made to you, was this visit the nature of an inspection by the commanding officer of the hospital?

A. He visited me unexpectedly and all the conversation which was carried on was as I have testified.

33. Q. Were you required to turn any prisoners over to the commanding officer of the hospital?

A. No.

34. Q. Were you present at your own dispensary when the accused, Captain Iwanami, was there in connection with the prisoners?

A. No.

35. Q. Then what you testified to regarding experiments at your own dispensary is only hearsay?

A. It is only what I heard.

36. Q. You did not actually see Captain Iwanami in your own dispensary?

A. No.

37. Q. The question is, you said that Captain Iwanami stated that, "I naturally have the understanding of the commanding officer of the Fourth Fleet, and also of the others." Whom do you mean by the others?

A. I did not ask who the others were, so I do not know.

38. Q. Did you understand who they were without questioning who they were?

A. When I asked this all I was asking about was about the commanding officer of the Fourth Fleet and when the reply was given he stated others without my asking and as I was not interested, I did not press the point.

39. Q. You stated that the Forty-first Naval Guard Unit was directly under the command of the Fourth Naval Base Force. What is the relation concerning orders from the commanding officer of the Fourth Fleet?

A. After this conversation I received no instructions from the commanding officer of the Fourth Fleet. If the commanding officer of the Fourth Fleet had issued orders it would have come down through the Fourth Naval Base Force.

40. Q. When you said Captain Iwanami said "others" did you think that it was the commanding officer of the Fourth Naval Base Force?

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James L. Haskins
Lieutenant, U. S. Navy,
Judge Advocate.

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial, repetitious, and argumentative.

The accused replied.

The commission announced that the objection was sustained.

41. Q. You stated that there were no orders from the commanding officer of the Fourth Fleet and also that there were no orders from the commanding officer of the Fourth Naval Base Force. Then why did you hand over the prisoners to the head of the hospital?

A. I do not remember handing over any prisoners to the head of the hospital.

Neither the judge advocate nor the accused desired further to examine this witness.

The commission did not desire to examine this witness.

The witness made the following statement:

This may be repetitious, but as I think it to be important, I shall repeat it again. There were no instructions from the commanding officer of the Fourth Fleet.

The witness was duly warned and withdrew.

The commission then, at 4:28 p.m., adjourned until 9 a.m., tomorrow, Wednesday, June 25, 1947.

IDENTIFIED TO BE A TRUE COPY
James H. Jones
Judge Advocate
U.S. Navy

THIRD DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Wednesday, June 25, 1947.

The commission met at 9 a. m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States
Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United
States Army,
Lieutenant Colonel William K. Lanman, junior, U. S. Marine Corps,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Robert R. Miller, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

The record of proceedings of the second day of the trial was read and
approved.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocates:

1. Q. Will you state your name and former rank?
A. Surgeon Lieutenant, Imperial Japanese Navy, Hasegawa, Tomio.
2. Q. Are you presently confined on Guam?
A. Yes.
3. Q. If you recognize the accused will you tell us their names and also
their ranks?
A. The person on the extreme left is former Surgeon Captain Iwanami.
4. Q. Do you recognize the others?
A. The third person in the first row is Surgeon Lieutenant Oishi. The
others I know their faces, but I do not know their names.
5. Q. Were you ever on Truk Atoll?
A. Yes.
6. Q. Where did you serve there?
A. The Forty-first Naval Guard Unit.

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CERTIFIED TO BE A TRUE COPY
James P. Kenny
Lieutenant Commander, U. S. Navy,
Judge Advocate

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others I know their faces, but I do not know their names.
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A. Yes.
6. Q. Where did you serve there?
A. The Forty-first Naval Guard Unit.

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JAMES P. KENNY
Judge Advocate
U. S. Navy

7. Q. And during what period of time did you serve at the Forty-first Naval Guard Unit?

A. From June, 1943, to the middle of April, 1944.

8. Q. And what were your duties at the Guard Unit?

A. I was an officer attached to the division of the sick bay.

9. Q. Were you the only doctor attached to the Forty-first Guard Unit?

A. No. The division officer of the sick bay and also the head medical officer was Surgeon Commander Iino and also Surgeon Lieutenant (jg) Kuno.

10. Q. Of all these officers, who was the senior officer?

A. Commander Iino.

11. Q. Did Commander Iino have his office at the Guard Unit?

A. He was not always with the Forty-first Naval Guard Unit as he was also head medical officer of the Fourth Naval Base Force. He came to the Guard Unit about two or three times a week and on these occasions I reported to him.

12. Q. During most of the week, who was the senior medical officer at the Forty-first Guard Unit?

A. Concerning the treatment of patients I was responsible and in charge.

13. Q. Were you also responsible for the dispensary at the guard unit?

A. In matters in which I was not capable of handling, I asked information concerning this by telephone.

14. Q. Will you describe for the commission this dispensary at the Forty-first Guard Unit?

A. The examination of patients were divided between myself and Kuno and there was a dental officer, Wakuda, who took care of the dental cases and the rest of the treatment was taken care of by the corporamen.

15. Q. Will you describe for this commission the physical appearance of this dispensary, the buildings?

A. As you enter the guard unit, toward the left is the officers' quarters, and the opposite end is located the sick bay; as you enter the sick bay, the room on the left is the head medical officer's room, and also the room of the officers; to the left is the examination room and the quarters for the corporamen. Next is the toilet and in a separate building in the same line is the isolation ward.

16. Q. How many rooms does the isolation ward have?

A. There were three rooms.

17. Q. Is there a veranda running around the isolation ward?

A. There was a corridor or veranda.

18. Q. Now, directing your attention to January, 1944, were there any patients in this isolation ward?

A. There were.

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James B. Kent,
Lieutenant, U. S. Navy,
Judge Advocate.

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19. Q. What became of these patients in January, 1944?
A. They continued to receive treatments there.

20. Q. Were they ever moved from the dispensary to the Fourth Naval Hospital?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied.

The commission announced that the objection was sustained.

21. Q. As the medical officer of the Forty-first Naval Guard Unit, was it part of your duties to examine any prisoners of war that the Forty-first Naval Guard Unit had in its custody?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

22. Q. Will you describe to the commission your duties as a medical officer of the Forty-first Guard Unit?

A. My everyday duties were the treatment of the men of the Forty-first Guard Unit. In cases which could not be treated at the Forty-first Naval Guard Unit, they were sent to the Fourth Naval Hospital.

23. Q. Did you have any duties concerning any other personnel other to the persons of the Forty-first Guard Unit?

A. I had no duties for the treatment of the men of other units.

24. Q. Did you have the duties for the treatment of prisoners of war?
A. I received no duties as to the treatment of prisoners of war.

25. Q. Did you ever treat any prisoners of war at the Forty-first Guard Unit?
A. Yes.

26. Q. Can you tell the commission when you treated any prisoners of war at the Forty-first Guard Unit?

A. I think it was in December of 1943, I received a telephone call stating that there were two badly wounded prisoners among the prisoners who had been taken. Up to this time I did not know there were prisoners of war. There were two badly wounded men, one of them, I do not remember whether it was the right or left, but in the palm of his hand a fragment had hit the bone and had completely broken it, the bone was shattered; the other had a bullet wound through the upper part of his arm, and the bone was sticking out of his arm. The flesh around it was infected and pus was coming from the wound. If it was left as it was, he would have contracted tetanus or gas gangrene and would not have had a chance for his life. Both of them were in pain. Among the others there were four or five who had small fragments in several places in their legs and arms. The ones that could be treated there were taken care of by taking the fragments out and treating them. As for the

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James P. Leary
Lieutenant, U.S. Navy
Judge Advocate

first two men, the leg and arm had to be amputated or they would have lost their lives. To do this the dispensary at the guard unit did not have the necessary equipment and enough medical personnel, I therefore telephoned the head medical officer, Iino, and asked him if the hospital would operate on the prisoners for us. Iino told me to ask the hospital. So I telephoned the hospital and told them about the wounds and asked them for permission to operate. It was in the evening, but the quicker the operation it would be better, so I received permission and took the prisoners and two men and went to the hospital. I arrived at the surgical ward where Iwanami and Okuyama and other surgeons came and looked at the prisoners. They said that the operations must be performed quickly or they would die. The operation was started at once, myself and Surgeon Kuno amputated the leg. Surgeon Commander Okuyama and Surgeon Lieutenant Minato amputated the hand. The operations were successful. I thanked the head of the hospital and took the prisoners back to the guard unit and due to the necessary treatment they were placed in the sick bay. They were given shots of dextrose and they became well, pain left and they were happy. There was one more case in which an operation was performed. This was around January, 1944. I received a telephone call stating that there was a wounded prisoner, so I went to examine him. The right leg was broken and there were maggots coming from the wound as he was laying in the guard house. The wound was old and it was bandaged and there was a bad odor coming from the wound. I perceived the necessity for an operation. It was only one prisoner, and new equipment had arrived at the sick bay. Assisted by Surgeon Lieutenant Kuno and Wakuda, I performed the operation. Naturally, I asked the permission of Commander Iino and to the commanding officer and the executive officer I reported the necessity of the operation. In the amputation I tried to leave as much of the leg below the knee as possible in the thought of placing an artificial leg on it. The operation was a success. This prisoner was then placed on a bed in the sick bay because of the treatment. The next morning when I went to see him the pain had left and the prisoner was happy.

27. Q. You have told us that you had a conversation at the Fourth Naval Hospital with Captain Iwanami and Commander Okuyama. Did you ever have any other conversations with these two doctors concerning prisoners?
A. Is it concerning the treatment of the prisoners?

28. Q. Any conversation concerning the prisoners' wounds or anything else.
A. I did.

29. Q. Did one of these conversations take place in January, 1944?
A. Yes.

30. Q. Will you tell the commission about that conversation?
A. About one week after I had operated on the leg I mentioned before, it was after the noon meal and as I was resting on the veranda of the officers' quarters, the executive officer came to me and said, "The commanding officer, Tanaka, is calling for you." I went together with the executive officer to the commanding officer. On the veranda of the commanding officer's quarters I saw the commanding officer, Tanaka, Iwanami and Commander Okuyama there. As I arrived there Iwanami and Okuyama both started to talk to me. They said to me, "I hear there are prisoners at the guard unit; I would like to use eight of them for experiments and also would like the loan of a suitable place. Concerning the experiment, I have the permission and the understanding of the higher command and also I have just received the understanding of

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James P. Kenny
James P. Kenny,
Lieutenant, U.S. Navy,
Judge Advocate.

Tanaka and I would like to be loaned a part of the dispensary." To this I replied that I could not give my permission without the permission of Iino. I was told, "We already have the understanding of Iino."

The accused moved to strike that portion of the answer beginning "They said to me, 'I hear there are prisoners at the guard unit'" to the end of the answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion to strike was denied.

A. (Continued) Actually as the sick bay was full of patients and there were no empty rooms I told them about this. They told me at the hospital it would draw too much attention and it is not good and all preparations for the experiments will be made at the hospital. It would not cause any trouble to the guard unit and I was told to loan them the sick bay. As it was filled with patients, we will take care of the patients for you at the hospital. As I could not refuse under this I decided to empty the isolation ward. Okuyama stated that the prisoners, making a motion of striking with his hand/witness indicates with hand, this way that the prisoners would be disposed of after the experiments and after I was told that the experiments would begin tomorrow I left.

The accused moved to strike that portion of the answer beginning "Okuyama stated that the prisoners" to the end of the answer on the ground that it was hearsay and prejudicial to the rights of the accused.

The judge advocate replied.

The commission announced that the motion to strike was denied.

A. (Continued) Everything I was told in this conversation was told to me both by Imanami and Okuyama, but I would like to add that Okuyama did most of the talking. That is all.

The commission then, at 10:20 a. m., took a recess until 10:35 a. m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Hasagawa, Tomio, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

XI. Q. Concerning this gesture that Okuyama made, will you again describe it?

A. I asked what was to be done after the experiments had been completed. Without saying anything he made the motion with a sidewipe of his open hand.

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James H. Henry
Lieutenant, U. S. Navy,
Judge Advocate.

32. Q. Do you know whether that notion has any particular meaning to the Japanese?

This question was objected to by the accused on the ground that it called for the opinion of the witness and objected to this testimony before the corpus delicti had been proved.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I understood this to mean that after the experiments, if they were still alive, they would be executed.

33. Q. After this conversation had been completed what happened then?

A. I returned to the dispensary and sent the greater part of the patients to the hospital, but took measures to keep a few of them at the sick bay. In the evening to make sure and to report this I telephoned Iino, but the telephone was not in operation. As I stated before, I was told that they had already received the understanding of Iino, so I decided to put off the telephoning and returned to my room.

34. Q. After you returned to your room what happened then?

A. After it became dark, I think it was before eight o'clock, a sailor on duty in front of the administration building brought me a piece of paper and on it was written eight names of prisoners in English. I took the eight prisoners from the guard house and placed them in the sick bay. One of the names was of the prisoner I had operated on and who had been placed in the sick bay previously, so that actually the number was seven taken from the guard house. After I had completed this I returned to my room.

The accused moved to strike out this answer on the ground that from his own testimony the witness has admitted that he was a co-conspirator and further testimony of this witness should not be admitted.

The judge advocate replied.

The commission announced that the motion to strike was denied.

35. Q. What happened then?

A. The next morning after the morning meal I telephoned Iino again. I reported to Iino about yesterday and the head medical officer, Iino, said, "I have not heard of this," and I was placed in a difficult position. I ran to the sick bay. It was around eight o'clock. I thought if the experiments had not been started I would try to get them to stop it. The reason for this being that Iino had stated he did not know of it and this placed me in a difficult position. When I arrived, I learned they had come early in the morning directly to the dispensary and the experiments had already begun.

36. Q. When you say they had come early in the morning, just whom do you mean?

A. I mean the head of the hospital, Iwanami, Commander Okuyama, Lieutenant Commander Habetani and Lieutenant Nakamura.

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James H. Kenney
Lieutenant, U.S. Navy,
Judge Advocate.

37. Q. After you found out the experiments had already begun what did you do?

A. As there was nothing I could do I started out on my sick calls.

38. Q. What happened then?

A. After I had completed the examinations around ten o'clock in the morning, I went to the isolation ward to meet them and this was the first time I talked with them that day.

39. Q. When you went to the isolation ward what did you find?

A. I saw four prisoners with their arms and legs tied with tourniquets and four others were lying down on their sides in the other room.

40. Q. Were these eight men you saw the same men you had seen in the dispensary the night before?

This question was objected to by the accused on the ground that it was leading.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. I thought that they were the same.

41. Q. Will you describe to the commission just where these tourniquets were?

A. I do not remember each one, but they had tourniquets in the upper part of their arms and on their thighs.

42. Q. Were all these eight men in the same room?

A. They were separated in groups of four.

43. Q. Were there four in one room and four in the other room?

A. Yes.

44. Q. Did you observe the four that did not have the tourniquets on them?

A. I did.

45. Q. And what did you observe concerning these men?

A. Lieutenant Habetani stated that he was injecting streptococcus bacteria and was to bring about septicemia and he was performing this.

46. Q. When you say performing this, will you describe just exactly what he was doing?

A. I saw Habetani with the hypodermic needle and syringe filled with streptococcus bacteria.

47. Q. What did you see him do with that needle?

A. I did not see him do the injection. I saw him hold this and saying that he was going to do the injection.

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James P. Henry
Judge Advocate,
U.S. Navy,
San Diego, California.

48. Q. Did he tell you just exactly what he was using in that needle?
A. He did. He stated that it was streptococcus bacteria.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate made no reply.

The commission announced that the motion was denied.

49. Q. Did you have a conversation with Habetani at this time?
A. We talked for a short time concerning this.

50. Q. In this conversation did he tell you why he was injecting them with streptococcus?
A. He stated that he was going to inject this streptococcus and bring about septicemia.

51. Q. What happened after this, doctor?
A. Right after this, I left.

52. Q. Did you ever return again to that dispensary, to the isolation ward rather?
A. I do not remember exactly, but I do not believe I went.

53. Q. Do you know of your own knowledge how long these experiments lasted?

This question was objected to by the accused on the ground that it called for hearsay.

The judge advocate replied,

The commission announced that the objection was not sustained.

A. I do not remember exactly, but I think it was one and one-half days or two and one-half days.

54. Q. At the expiration of this time, did you have any further conversation with any of the doctors from the hospital?
A. Yes.

55. Q. With what doctor?
A. The head of the hospital, Iwanami.

56. Q. Where did this conversation take place?
A. I think it was in the afternoon after the experiments were completed.

57. Q. Where did it take place?
A. I was in the officers' room of the dispensary.

58. Q. What was said in this conversation that you had with Captain Iwanami?
A. The head of the hospital said through the window, "The experiments are over and I am going to return."

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Robert A. Henry
James P. Henry,
Lieutenant, U.S. Navy,
Judge Advocate.

59. Q. Did he say anything about the prisoners?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

60. Q. During this conversation with Iwanami did he say anything else?
A. Iwanami stated that two prisoners were still alive and he believed Okuyama was going to perform further experiments at the hospital.

61. Q. Was anything said during this conversation concerning the remaining prisoners?

A. I asked him what happened to the prisoner I operated on and I was told that he was still alive.

62. Q. Was anything further said concerning any of the other prisoners?
A. No.

63. Q. After this conversation with Iwanami did you ever again see any of these prisoners?
A. No.

64. Q. Directing your attention to the night on which these prisoners were moved from the brig to the isolation ward. In what condition were the prisoners?

This question was objected to by the accused on the ground that it called for hearsay unless the proper groundwork is laid.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. The prisoner I had operated on had become fairly healthy and none of the other prisoners complained of any sickness to me.

The witness was duly warned.

The commission then, at 11:24 a. m., took a recess until 2 p. m., at which time it reconvened.

Present: All the members, the judge advocates, the accused, their counsel, and the interpreters.

Joseph Kane, junior, yeoman second class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Macgregor, Tendo, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

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James P. Henry
James P. Henry,
Lieutenant, U. S. Navy,
Judge Advocate.

Cross-examined by the accused:

65. Q. You stated that you were confined on Guam. For what reason were you confined?

This question was objected to by the judge advocate on the ground that it was irrelevant, incompetent and immaterial.

The accused replied.

The commission announced that the objection was sustained.

66. Q. Are you confined as a suspect in this case.

This question was objected to by the judge advocate on the ground that it was irrelevant, incompetent and immaterial.

The accused made no reply.

The commission announced that the objection was sustained.

67. Q. In answer to the questions of the judge advocate this morning, you answered very clear. Do you remember events which occurred three years ago so clearly?

A. Three years have passed and I do not remember things exactly, but things that I remember I replied. Naturally, there may be points on which I am mistaken.

68. Q. You testified that Nakase came to you and you went to the commanding officer's quarters where you met Iwanami. In this case, did Nakase go together with you to the commanding officer's quarters?

A. According to my recollection, Nakase came together with me to the commanding officer's quarters and soon left.

69. Q. What was the time when you went to the commanding officer's quarters?

A. I think it was a little past noon.

70. Q. Where was the place you went to?

A. To the veranda in front of the commanding officer's quarters.

71. Q. Tell us the positions of the people you talked to there.

A. There was a round table, and Captain Tanaka was seated with his back to the commanding officer's quarters, and opposite him was Iwanami and Ohyama, and I was standing.

72. Q. Do you know what they were wearing at this time?

A. I do not remember, but as we were always wearing summer clothes, I think it was summer clothes.

73. Q. When you stated that you were standing, by whom were you standing?

A. I do not remember by whose side.

74. Q. You stated that you were called by Tanaka, and it is presumed that you were talking to Tanaka. What did you talk about?

A. At first, Tanaka told me they have some people and one from the hospital to speak to you, and after this, as I recall, he hardly said anything.

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James P. Kenney
James P. Kenney
Lieutenant, U. S. Navy,
Judge Advocate.

75. Q. Are you sure that Tanaka did not say anything to you after this?
A. As far as I recall, I do not think he said anything after that.

76. Q. In your testimony this morning, you stated you had a conversation with Iwanami and Okuyama. Do you remember what each person said?
A. I do not remember exactly.

77. Q. Then, you are not sure whether Iwanami stated certain things or whether Okuyama stated certain things. Is this correct?
A. In some particulars which I remember, it is as I have stated previously.

78. Q. This morning in your testimony in answer to the question of the judge advocate, you stated that both of them told you. In my recollection, I do not believe you stated who made certain statements. Will you please repeat your testimony?

This question was objected to by the judge advocate on the ground that it was vague.

The accused replied,

The commission announced that the witness may answer the question and the commission will be able to see whether or not he understands it.

A. As I stated before, I do not remember exactly which person said what, but as I stated before, Okuyama did most of the talking. Concerning the gesture that Okuyama made, I remember it expressedly that he was the one who made this gesture.

79. Q. What the witness has just testified about I believe is after the time which I am asking about. I am asking only about the conversation that you had in the commanding officer's quarters.

A. This reply I made under the presumption that this was about the talk that was held in the commanding officer's quarters, and when I testified this morning, I testified as to the conversation which was held in the commanding officer's quarters.

80. Q. Other to this, was there any conversation held in the commanding officer's quarters?

A. The conversation which was held concerning the prisoners and the experiments was mostly spoken by Commander Okuyama, and as I recall, this is how I testified this morning.

81. Q. You testified this morning that "I was told 'I hear that there are prisoners at the guard unit. I would like to use eight of them for experiments, and would like to be loaned a suitable place. Concerning this experiment, I have the permission and the understanding of the higher command, and I also have just now received the understanding of Captain Tanaka. I wish to be loaned a part of the dispensary.'" Who made these statements?

A. I do not remember exactly which person made each statement.

82. Q. When you testified, "I said I could not give my permission without the understanding of Commander Iino, and there was no way possible for the understanding of Iino." Who made this understanding?

A. This is the same as before. I do not remember exactly, but it is a fact that I heard this.

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James P. Keady
James P. Keady,
Lieutenant, U.S. Navy,
Judge Advocate.

63. Q. Then you cannot say for sure that Inanami was the one who made this statement?

A. I cannot say exactly that Inanami was the one who made this statement.

64. Q. And when you heard this statement, "I have the permission and understanding of the higher command," who did you think this higher command was?

A. I do not know whether it was the Fourth Fleet or the Fourth Naval Base Force, and anyway, I thought it was one of the higher commands.

65. Q. I presume you must have felt a great responsibility in loaning the use of the sick bay. The loan of the use of the sick bay must involve a lot of responsibility. When you were asked this, didn't you want to know who that higher authority was?

A. As for myself, as long as there is permission from the commanding officer, Tanaka, and head medical officer, my responsibility is fulfilled and therefore, I did not feel it was necessary to ask who the higher command was.

66. Q. Then, did you ask Captain Tanaka?

A. I presumed that his understanding was received before I entered the room, so I did not ask him directly.

67. Q. What facial expression did Captain Tanaka have when this was told you?

This question was objected to by the judge advocate on the ground that it was clearly irrelevant.

The accused replied.

The commission announced that the objection was sustained.

68. Q. When it was stated, "we have just received the understanding of Captain Tanaka," did Captain Tanaka affirm this by saying, "Yes" or "That is right" or anything to that effect?

A. As I recall, he did not say anything.

69. Q. When you were told that "we already have the understanding of Commander Iino," did you believe this?

A. I did.

90. Q. In this case, if the understanding of Tanaka was obtained, was it necessary to obtain the understanding of Commander Iino?

A. If it is for the use of the sick bay, I thought it was necessary that I have the understanding of Commander Iino.

91. Q. You testified, "Actually, as the sick bay was full of patients and there were no empty rooms I told them about this. They told me at the hospital it would draw too much attention and it is not good and all preparations for the experiments will be made at the hospital. It would not cause any trouble to the guard unit and I was told to loan them the sick bay. As it was filled with patients, we will take care of the patients for you at the hospital. As I could not refuse under this, I decided to empty the isolation ward." In such a case, did you think it was unusual that no preparations were made with Commander Iino in using a sick bay which was filled with patients?

A. Because I was told that they had the understanding of Commander Iino, I believed this.

CERTIFIED TO BE A TRUE COPY.

James P. Henry
JAMES P. HENRY, JR., USN.
Judge Advocate.

92. Q. Was it difficult to get in touch with Commander Iino by telephone?
A. He can easily be contacted.

93. Q. Then why did you not immediately get in contact with Commander Iino? Did you just take the word of an outsider and believe it was not necessary to get in contact with Commander Iino who was the person responsible?
A. When I am told that the understanding of two of my superior officers had already been obtained, it would be too embarrassing on my part to confirm this, and I could not do it.

94. Q. Then, were Iwanami and Ohiyama your direct superiors?
A. They were not my direct superiors.

95. Q. Were they not persons from another unit?
A. They were outsiders, but they are in the same navy. There were also connections between the sick bay of the guard unit and the hospital, and it is not that I cannot say that I told them all together. I cannot think of such circumstances.

96. Q. Even though they were superior officers who were outsiders? Without confirming with their direct superior, can you say you had fulfilled your responsibility?

This line of questioning was objected to by the judge advocate on the ground that it was argumentative.

The accused made no reply.

The commission announced that the objection was sustained.

97. Q. That night you telephoned Iino and as you could not get in touch with him, the next morning you telephoned Iino again. Didn't you think it was necessary to have the understanding of your superior officer?

This question was objected to by the judge advocate on the ground that this line of questioning had already been ruled on by the commission.

The accused made no reply.

The commission announced that the objection was sustained.

98. Q. I am going to ask you frankly what you testified to in this conversation. Did you not have this conversation at the Fourth Hospital and not at the guard unit?

A. Absolutely not.

99. Q. Isn't it correct that you were not sure of your recollection that Iwanami was present?

A. If you mean at the commanding officer's quarters, Iwanami was definitely there.

100. Q. You testified in your conversation that Iwanami stated, "I would like to use eight prisoners for experiments." How did they know there were eight prisoners?

A. When I heard this, I, myself, was very curious as to how they learned this.

CERTIFIED TO BE A TRUE COPY:

James D. Kent
James D. Kent,
Lieutenant, U. S. Navy,
Judge Advocate.

101. Q. Was the word "experiment" specifically used or was some other word to that meaning used, or some other phrase or word, or was a synonym used?
A. I do not remember the exact word used.

102. Q. Then, is it correct that you do not remember whether the word "experiment" was used or not?
A. It may not have been the exact word, but as I recollect, I think it was to the meaning of experiment.

103. Q. Did anything concerning physical blood tests, blood pressure tests, come out in that conversation?
A. I do not remember.

104. Q. In this instant, did you feel that they were experiments or that they were just the ordinary physical examinations?

This question was objected to by the judge advocate on the ground that it called for the opinion of the witness.

The accused replied.

The commission announced that the objection was not sustained.

A. It could not be thought of as a usual physical examination.

105. Q. You testified this morning it was before eight o'clock and after dark that the seaman on duty brought you a paper, and on it were written the names of eight prisoners in English, and that you took the eight prisoners from the guard house and placed them in the sick bay and also that one of the names was that of the prisoner you had operated on before and had already been placed in the sick bay. That the actual number of prisoners you took from the guard house and placed in the sick bay was seven. Weren't any steps necessary to move them from the guard house to the sick bay?

A. Naturally, I cannot move the prisoners by myself, so I told the executive officer and moved them.

106. Q. You testified, "The next morning after the morning meal, I telephoned him again. I reported about yesterday, and the head medical officer, him, said, 'I have not heard this.' So I ran to the sick bay to see if I could stop it if it had not begun." About what time was this?

A. As I recall, it was a short while after the morning meal when I telephoned.

107. Q. What time was it?

A. I think it was around eight o'clock.

108. Q. What time do the prisoners have their meals?

A. I do not know concerning the meal time of the prisoners.

109. Q. You had a prisoner in your sick bay and you do not know the meal times of the prisoners. Is that correct?

A. I left no instructions concerning this to the carpenter. It was usually the same meals that were given the Japanese were given the prisoners in the sick bay, and I did not feel it was necessary to leave any instructions and presumed that it was being taken care of.

CRERIFIED TO BE A TRUE COPY:

James D. Kemp
James D. Kemp,
Lieutenant, U. S. Navy,
Judge Advocate.

110. Q. Then, you have never seen the prisoner eat his meal?
A. Do you mean the prisoner who was already in the sick bay?

111. Q. Yes.
A. I have never seen him eat his meals.

112. Q. The day that Iwanami and Okuyama arrived in the morning, isn't it correct that you were in the room where the prisoner was taking his morning meal?

A. It is absolutely no such thing. I made this telephone call from the administration building and when I went there about eight or eight-thirty, the head of the hospital and Okuyama were already there. Everyone who was at the sick bay can testify for me on this.

113. Q. In this morning's testimony, I think you testified that "the experiments had already begun, I then made my sick calls and after they had finished this, around ten o'clock, I went to the isolation ward to see them, and this was the first time I met them." Is this correct?

A. The reason I know this is a fact was because when I went to the sick bay, the seaman on duty told me that the persons from the hospital had arrived, and this I have not told anyone, but I was deceived when they told me that they had the understanding of Commander Iino, and I was very angry about this, and I did not feel well toward the whole procedure. As they were my superior officers, I could not say anything to them, but I thought I had to go and greet them, so that was the reason why I went. This is the truth.

114. Q. Then, you testified that you went there at eight o'clock and the witness replied, "It was eight o'clock when I made the telephone call." Then, it is not true that you saw them that morning for the first time?

This question was objected to by the judge advocate on the ground that counsel was misquoting the testimony of the witness.

The accused withdrew the question.

115. Q. This morning you testified that early in the morning they had arrived and the experiments had already been started, and there was a question by the judge advocate as to whom you meant by "they"; you replied: "Iino, Okuyama, Kabetani, and Nakamura"; then you mean that you saw them at this time?

A. In the answer to this when I stated I received a call from Iino it was not that I received, it was that I telephoned him. I thought that the question of the judge advocate was peculiar. I had stated previously that at the guard house when I was questioned concerning that and asked, "Whom do you mean by 'they'?" I didn't know, and I told them to this effect, and then I was told that if I found out later, isn't it the same thing. So today, I answered as I was told. Then to the next question, I was still not sure of this last answer, so I replied that when I went to see them after the sick call, this was the first time I met them.

The judge advocate made the following statement:

May the judge advocate state for the record that he has no recollection of having had any such conversation with the witness as the witness has just recounted. The judge advocate definitely states that he has never made any request of this or any other witness to testify in any certain way. The judge advocate resents the implication of the witness and wishes the commission to know that the present statement of the witness is not true. In direct examination, I asked a certain question and got a certain answer; in cross-examination, the same question has brought forth a different answer. The judge advocate does not care how the witness answers the question, so long as he answers truthfully.

James P. Henry,
Lieutenant, U. S. Navy,
Judge Advocate.

The witness was cautioned by the commission to state the whole truth and nothing but the truth.

A. (continued) It is as the commission has stated. I do not mean to imply as the judge advocate stated, but as it was the same question that I was asked before at the guard house, and I was asked who they were and I told him that I did not meet them, so I didn't know. I found out after the sick call those are the names and it was a coincidence that the same question came up and the question sounded funny even in Japanese. That is why to the next question I stated that I met them for the first time, and I am not trying to help either the prosecution or the defense. I am telling only what I know.

The commission then, at 3:25 p. m., took a recess until 3:45 p. m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Hasagawa, Tomio, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

116. Q. Isn't it correct that, when you went to meet the persons from the hospital after the sick call, you did not meet the head of the hospital? Isn't it correct that the head of the hospital wasn't there?

A. It is correct, and I think definitely that the head of the hospital left shortly after he had arrived. I think it was stated that he had gone to examine a patient.

117. Q. Then, is it correct that Imanami did not assist in the experiments that day?

This question was objected to by the judge advocate on the ground that it was beyond the scope of the direct examination.

The accused withdrew the question.

118. Q. This morning you testified that "as the head of the hospital was leaving, he told me through the window that the experiments were over and he was leaving." When was it that you had this conversation?

A. The time I had this conversation was the day after the experiments had begun, and I do not remember explicitly if it was Captain Imanami or not. As I say, this may sound vague, I wanted to say it this morning, but I didn't have the chance, and I would like to confirm this now. It may have been Doctor Okuyama, my recollection is not clear that it was Imanami.

119. Q. What were your positions when this conversation was held through the window?

A. It was around noon, right after I had finished my sick call. The person must have come up through the entrance of the sick dispensary, and came around the veranda and talked to me through the open window.

RECEIVED COPY: 11/1/56
James J. Kennedy, Jr.,
Lieut. Colonel, U.S. Navy,
Judge Advocate.

120. Q. Then, when you asked, "How was the prisoner that I had operated on a week before?" and you were told the prisoner was still alive, did you understand this to mean that the prisoner was not used for experiments?

A. The prisoner that I had operated on was used in experiments. The reason I asked about him was that I had saved his life when he was about to die, and I recall that though I had saved him he was to die and I felt sorry for him, and I expressed this to Kuno and the other corpman and I think they know about this.

121. Q. Couldn't you express an objection to his being used?

This question was objected to by the judge advocate on the ground that it was irrelevant.

The accused withdrew the question.

122. Q. In January of 1944, how long had you been in the navy?

A. I entered the navy on the twentieth of January, 1942, the period of my naval service was just about two years.

123. Q. As a medical officer in the dispensary of the Forty-first Naval Guard Unit, were you responsible to Captain Tanaka?

A. As there is a Commander Iino, I would have direct responsibility to him.

124. Q. Were you directly responsible to Commander Iino?

A. When Iino wasn't present, I was performing the duties in the dispensary, and in matters which I could not decide upon by myself, I received instructions from Commander Iino. When Commander Iino came to the dispensary everything which had occurred while he was absent was reported to him.

125. Q. Was Commander Iino under the command of Captain Tanaka?

A. As head medical officer of the naval guard unit, I think he was under his command.

126. Q. Do you know how the guard unit got these eight prisoners?

A. I do.

127. Q. By what process or procedure did these prisoners of war get to the Forty-first Naval Guard Unit dispensary and into your custody?

A. I do not know because I had only become a lieutenant in October of 1943, and naturally, I think that with the permission and understanding of the head medical officer and the commanding officer and through the executive officer, that they came here.

128. Q. Did you keep any records at the dispensary of the personnel who were at the dispensary as patients?

A. No records or diaries were kept of the treatment of the prisoners. It was all reported to the commanding officer. He knew what they were being treated for. In the testimony that I gave this morning concerning the two prisoners that were treated at the hospital, I stated that when these two prisoners were returned to Japan, a chart showing the development of their wounds and treatment was sent back together with them.

CERTIFIED TO BE A TRUE COPY:

James P. Kenney
James P. Kenney
Lieutenant, U. S. Navy
Judge Advocate

129. Q. Otherwise no records were kept at the dispensary regarding these prisoners?

A. I had not received an order to treat these prisoners. I would be let know that they were to be treated; I would go over to treat them. I do not know when prisoners come and where they come from because I am not told. When some prisoners have arrived, or anything of that kind, if there is a patient or a person who is sick, then they let me know and I would go to treat them.

130. Q. Did the executive officer ever order you to treat prisoners?

A. When I received a call, a corpsman will take the call and then tell me. I do not know who would make the call. The call would be taken by the corpsman and the corpsman would tell that there was a person that was sick or wounded among the prisoners and I would get my things, instruments, and would go and treat them, and I would report back that it had been treated. In case an operation was necessary, I would go to the executive officer and tell him about it.

131. Q. Did you ever report treatment of prisoners to the executive officer?

This line of questioning was objected to by the judge advocate on the ground that it was immaterial and irrelevant.

The accused replied.

The commission announced that the objection was sustained.

132. Q. You testified that after it became dark one evening a messenger or a sailor gave you a piece of paper with eight names of prisoners in English on it. What eight names were on this piece of paper?

A. I only read it once and I do not remember any names at all.

133. Q. Was the name of the prisoner that you had treated on that list?

A. I went to the guard house and called out the eight names and to one name there was no reply, and I presumed that that was the prisoner who was in the sick bay. I went to the sick bay and asked, then I was able to confirm this.

134. Q. What happened when you called out these names at the guard house?

A. Taking the prisoners, I went to the sick bay.

135. Q. Did you take them yourself?

A. Yes.

136. Q. Without a guard?

A. There were two seamen.

137. Q. What records did you make when these prisoners were taken to the sick bay?

A. I did not make any records, I just placed them in the sick bay.

138. Q. Keep a guard over them?

A. I do not know about that but there was a guard on them the next day.

139. Q. Did you give any instructions to the personnel at the sick bay regarding these prisoners that night?

A. I did. Q7% 00774

CERTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

140. Q. What instructions did you give them?

A. I told them, "Tomorrow the persons from the hospital are going to come and it seems something is to be done. Do not let anyone go into the isolation ward."

141. Q. Did you report to Captain Tanaka what you had done?

A. I did not report anything in detail, but I reported after the experiments were over that the experiments were over and that the persons from the hospital had returned.

142. Q. Did you report to Commander Iino what you had done the night you took the prisoners from the guard house to the dispensary?

A. That night I made a telephone call. The call did not go through, but as I believed that the understanding of Commander Iino had previously been expressed, I decided to put it off until tomorrow morning.

143. Q. For what purpose did you transfer these prisoners from the guard house to the dispensary?

A. This slip of paper with the names on it was brought to me and I had already heard that the experiments were to be held tomorrow, so it was natural that I think that they were to be moved there.

144. Q. When did you transfer the patients from the sick bay to the hospital to make room for these prisoners?

A. It was the afternoon I had heard about it.

145. Q. How many did you transfer?

A. I do not remember exactly, probably about ten.

146. Q. Did you report to Captain Tanaka that you had transferred them?

A. I did not report to Captain Tanaka, but Captain Tanaka was present when this conversation was held and I believe he understood it.

147. Q. Did you report to Commander Iino that you had transferred these people to make room for the prisoners?

A. In the morning when I made this telephone call to Iino and he told me that he did not know anything about it, I was very surprised, and cut the call there and I did not tell him at that time. I went to see if I could stop the experiments and I do not remember if I told him afterwards.

148. Q. Did you ever tell Commander Iino before the experiments or after the experiments about the transfer of patients and about the experiments that were conducted at the dispensary?

A. I did.

149. Q. Before the experiments?

A. It was before the experiments when I made the telephone call. It was four or five days to a week after the experiments that I came upon Commander Iino sitting by the officers' quarters in the administration building. I was coming back from my noon meal and I was placed in a difficult position with him because it turned out that I had turned over the use of the sick bay without the permission of Commander Iino for them to use. I could not stop the experiments, I did not go into detail, but told him that the experiments were over and the hospital personnel had returned.

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James P. Kenny
James P. Kenny,
Lieutenant, U.S. Navy,
Judge Advocate.

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150. Q. If you could not have stopped the experiments, who could have?

This line of questioning was objected to by the judge advocate on the ground that it was going into collateral matter.

The accused made no reply.

The commission announced that the objection was sustained.

151. Q. You testified, regarding a conversation on the veranda, Captain Iwanami was there. Do you remember whether Captain Iwanami said to you that the experiments will begin tomorrow?

A. I do not know if Captain Iwanami himself said this or not.

152. Q. Do you remember anything he said to you that day on the veranda?

A. I think the first that he told me was, "I would like to use the eight prisoners for experiments." I do not know if the word "experiments" was used or not, but these first words, I think, were spoken by Iwanami.

153. Q. You testified regarding seeing experiments conducted that day at the dispensary. Did you arrive at the dispensary and see these experiments that day?

A. As I said before it was after the sick call, and therefore around ten thirty.

154. Q. Did you see Captain Iwanami there at that time?

A. As I recall, I think I saw him standing at the corridor of the isolation ward.

The witness was duly warned.

The commission then, at 4:30 p. m., adjourned until 9 a. m., tomorrow, Thursday, June 26, 1947.

CERTIFIED TO BE A TRUE COPY:

James R. Henry
James R. Henry,
Lieutenant, U. S. Navy,
Judge Advocate, Navy.
Judge Advocate

FOURTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Thursday, June 26, 1947.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United States Army,
Lieutenant Colonel William K. Laman, junior, U. S. Marine Corps,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve, members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates,
Robert R. Miller, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

The record of proceedings of the third day of the trial was read and approved.

No witnesses not otherwise connected with the trial were present.

Hasegawa, Tomic, the witness under examination when the adjournment was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

155. Q. You testified that you were told by the executive officer that Tanaka wanted to see you and that you did go and see him and you had a conversation with him and officers from the hospital. Was Commander Hino at the Guard Unit at this time?
A. No.

156. Q. On direct examination you testified, "In matters in which I was not capable of handling I asked information concerning this by telephone." Who did you telephone regarding these experiments?
A. When I stated that on matters which I could not handle I called and asked for information, this was a general statement and naturally matters concerning medical affairs I telephoned Commander Hino. I did not understand the question exactly.

The question was repeated to the witness both in English and in Japanese.

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate

A. (Continued.) It is natural that I call Commander Iino, but as I was told at this conversation that the understanding of Iino had already been obtained I did not think it was necessary to call Commander Iino. The reason I called Commander Iino was that I was going to report to him about it.

157. Q. Did you actually talk to Commander Iino on the telephone?

A. That evening the call did not go through, but the next morning I talked directly to Commander Iino.

158. Q. During your conversation on the veranda is it not true that you decided on a time when the experiments were to begin in the morning?

A. No, I have not heard of it.

159. Q. Since you did not get in touch with Commander Iino that night, did you feel that you were capable of handling these experiments yourself?

This question was objected to by the judge advocate on the ground that it was irrelevant.

The accused replied.

The commission announced that the objection was sustained.

160. Q. In answer to the question of the judge advocate on direct examination "Do you know whether that notion", referring to the notion of Ohryama, "has any particular meaning to the Japanese," you stated, "I understood this to mean that after the experiments, if they were still alive they would be executed." Now is that an understanding you had at that time or is it an understanding that came to you afterward?

A. I understood this at that time.

161. Q. Yet you willingly consented to turn over prisoners of war and the use of the Guard Unit Dispensary to conduct experiments knowing that these prisoners were to die as a result of the experiments or if still alive after the experiments they were to be executed?

A. I did not have the authority to stop these experiments, that is why I objected to the use of the dispensary many times.

162. Q. What do you mean when you say you objected to the use of the dispensary many times?

A. First I objected to the use of the sick bay, stating that it was all filled, second that I could not let them use the dispensary unless I had the permission of Commander Iino and it was stated that they had the authority of the commanding officer and the commanding officer knew about this and so did the head medical officer of the hospital, Commander Ohryama, and also that the higher command knew about it. As all these people knew about it I, who was but a lieutenant, could not stop them. In the Japanese military service one can not refuse to carry out superior orders.

163. Q. If, as you testified, you did not have the authority to stop the experiments, why did they consult you?

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James P. Henry
James P. Henry
Lieutenant, U.S. Navy,
Judge Advocate.

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This line of questioning was objected to by the judge advocate on the ground that it was immaterial and irrelevant.

The accused replied.

The commission announced that the objection was sustained.

164. Q. Remembering that you took an oath to tell the truth, do you still answer that you do not remember the names of the prisoners or the names that were written on the paper in English?

A. I truly do not know.

165. Q. Did the runner say anything to you when he handed you the paper?

A. I do not know exactly what I was told, but I faintly recall that I was told that this was sent from the hospital to me.

166. Q. Do you know who wrote these names of the prisoners in English on that paper?

A. I do not know.

167. Q. On direct examination in answer to a question by the judge advocate you stated: "I ran to the sick bay, it was around eight o'clock, I thought if the experiments had not been started I would try to get them to stop it." Is that the truth?

A. It is the truth.

168. Q. Did you see the prisoners when you came to the dispensary at eight o'clock in the morning?

A. No.

169. Q. And yet that is what you testified you went to the dispensary for. What did you go to the dispensary at eight o'clock for?

A. When I went to the entrance of the sick bay I was told that the persons from the hospital had already arrived and the experiments already started, so it was meaningless to go further.

170. Q. Who told you this?

A. He was a seaman who was at the entrance of the sick bay.

171. Q. What else did he tell you?

A. He did not tell me anything else.

172. Q. On direct examination to a question by the judge advocate, "When you say they had come early in the morning just who do you mean?" You said, "I mean the head of the hospital, Iwamoto, Commander Ohguma, Lieutenant Commander Habetani and Lieutenant Nakamura." Is this the truth?

A. I have stated concerning this completely yesterday that I found out for the first time after the sick call.

173. Q. Do you remember now whether these eight men were the same men you took out of the guard house the night before and whose names were written in English on the piece of paper given you by the sailor?

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James M. Reany
James M. Reany
Lieutenant, U. S. Navy.
Judge Advocate.

A. When I read off the names they answered so I think there is no mistake. Is the question the prisoners who had been taken to the sick bay the same prisoners whose names were written on the paper?

174. Q. Yes.

A. It is as I replied previously.

175. Q. Then you do know now that they were the same prisoners?

A. I can not understand the question.

176. Q. You were asked if the prisoners whose names were on the piece of paper and when you took out of the guard house were the same prisoners you saw in the dispensary the next day and you answered that they were. Can you definitely state now that they were the same prisoners?

This question was objected to by the judge advocate on the ground that counsel was misquoting the testimony of the witness.

The accused withdrew the question.

177. Q. Then the men that you took out of the guard house were the men whose names were written on that slip of paper. Is that true?

A. That is true.

178. Q. Can you state now of your own knowledge that the eight men you saw in the dispensary the next day were the same men that you took out of the guard house the night before?

A. I think probably they were.

179. Q. But you are not sure that they were?

A. As long as no one moved the prisoners during the night I think they are the same.

180. Q. Did you ask Habetani what he was doing?

A. When I went there after the sick call I asked him what he was doing.

181. Q. Did you see Captain Iwanami in the room at that time?

A. I think he was there with them. Does counsel mean was Iwanami in the same room with Habetani?

182. Q. Yes.

A. He was not in the same room with Habetani.

183. Q. Did you at any time actually see Captain Iwanami do any experiments on these prisoners?

A. I did not see Captain Iwanami perform any experiments directly on any prisoners.

184. Q. You testified, "I saw Habetani with a hypodermic needle filled with streptococcus germs." Did you actually see this?

A. Yes, I saw it.

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James P. Henry
Judge Advocate
U.S. Navy

185. Q. How do you know the syringe was filled with streptococcus bacteria?

A. It was because I was told this.

186. Q. Did you actually examine the syringe so that you can actually say that it contained streptococcus bacteria?

A. As I was told this by Habetani, that is what I believed. I did not take the hypodermic needle in my hand and I did not confirm that it was streptococcus so I can not say. I was told this so that is what I believe.

187. Q. So you do not actually know what was in the syringe?

A. Because Habetani told me it was streptococcus that is what I believe.

188. Q. You testified on direct examination that you did not see Habetani do the injections. Then you can not truthfully say that these prisoners were given an injection of streptococcus bacteria by Habetani?

This question was objected to by the judge advocate on the ground that it was argumentative.

The accused withdrew the question.

189. Q. Do you know of your own knowledge whether Habetani gave any of these prisoners an injection of streptococcus bacteria?

A. I did not actually see any injections made.

190. Q. To the question, "Do you know of your own knowledge how long these experiments lasted?", you answered, "I do not remember exactly, but I think it was one and one-half days or two and one-half days." How can this be of your own knowledge when you previously said that you did not believe that you went to the dispensary again?

A. Because the head of the hospital came and said the experiments were over so I thought the experiments had been completed.

191. Q. During the days when the experiments were taking place did you report this to Commander Hino?

This question was objected to by the judge advocate on the ground that it was irrelevant.

The accused made no reply.

The commission announced that the objection was sustained.

192. Q. Can you describe these eight prisoners?

A. I do not remember them distinctly.

193. Q. How then can you say that you did not see these prisoners again if you can not describe them?

This question was objected to by the judge advocate on the ground that it was argumentative.

The accused withdrew the question.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

194. Q. Why did you state that you never saw these prisoners again?
A. After the experiments were completed and I was told they were completed I went to see if everything had been cleaned up and I did not see the prisoners so I stated I did not see the prisoners again.

195. Q. Who stated that the experiments were over and they were going to take the prisoners to the hospital?
A. As I stated yesterday, I do not remember exactly whether it was the head of the hospital, Iwanami, or Ohguma.

Reexamined by the judge advocate:

196. Q. I show you a statement and ask you is that statement in your own handwriting?
A. Yes.

197. Q. Can you tell us when that statement was written?
A. It was a statement written in Sugamo Prison.

198. Q. Can you tell us what date it was written?
A. January 30, 1947.

199. Q. Directing your attention to the particular portion of your statement will you read it and see whether or not it refreshes your recollection?
A. It does.

(Witness read from statement.)

200. Q. Now after having looked at that document which is in your handwriting, can you tell the commission who the person was that told you that the experiments were completed?

A. There are instances when I may be mistaken in my recollection and I can not say exactly and definitely that it was Iwanami. At that time I thought it was Iwanami, but thinking back on it, it is some time back, and the more I think the more confused I become. I can not state for sure whether it was Iwanami or Ohguma, but it was one of the two.

201. Q. Directing your attention to the morning you visited the dispensary after sick call, can you tell this commission whether or not you actually saw Iwanami present there?

A. He was there.

202. Q. Now concerning these eight prisoners that you placed in the dispensary, did you ever give orders to have them removed from the dispensary?

A. I do not remember giving any orders to that effect.

Neither the judge advocate nor the accused desired further to examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

The witness was duly warned and withdrew.

The commission then, at 10:20 a.m., took a recess until 10:39 a.m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocates:

1. Q. State your name and former rank.
A. Former Lieutenant Commander, Imperial Japanese Navy, Iino, Shisuo.
2. Q. Are you presently confined on Guam?
A. Yes.
3. Q. If you recognize the accused will you tell us who they are?
A. The person on the left in the first row, the head of the hospital, Iwanami.
4. Q. Do you know his former rank?
A. Former surgeon captain. The person next to him is the adjutant, Lieutenant Commander Hamikawa; next person is Surgeon Lieutenant Oishi; the second row, first person is Yoshizawa, I forget his rank at that time, but I think he was senior petty officer of the hospital; the next person next to him I know him, but I can not remember his name (witness indicated Warrant Officer Hanna); third row, the first person is Kawashima. The rest I feel I know their faces, but I do not remember their names.
5. Q. While you were in the Japanese Navy did you ever serve on Truk Atoll?
A. I did.
6. Q. Will you tell us between what dates you served there?
A. From the fifth of November 1943 to the twenty-eighth of May, 1944.
7. Q. To what particular unit were you attached while you served on Truk?
A. The Fourth Naval Base Headquarters. This was my main duty, and I was also acting Head Medical Officer of the Forty-first Naval Guard Unit and also a member of the Fourth Naval Hospital. I did not have any title but there was one work that kept me very busy with the Second Overseas Escort Unit which worked together with the Fourth Naval Base Headquarters. I did not receive orders to take duties with the Second Overseas Escort Unit from the Naval Minister, but I was performing those duties.
8. Q. In your position as Acting Head Medical Officer of the Forty-first Naval Guard Unit did you have any subordinate doctors under you?
A. I had many.

IDENTIFIED TO BE A TRUE COPY:
James J. Kenny
James J. Kenny
Lieutenant, U. S. Navy,
Judge Advocate.

9. Q. Particularly in January and February 1944, do you recall the names of the doctors that served under you at the Forty-first Naval Guard Unit?
A. Surgeon Lieutenant Hasegawa, under him Surgeon Lieutenant (junior grade) Hume, Corporal Warrant Officer Kobayashi. After Hasegawa left a surgeon lieutenant of the same graduating class was brought from the Harbor Department to the Forty-first Naval Guard Unit.

10. Q. Directing your attention to the months of January and February of 1944, did you ever receive a telephone call from any of your subordinates of the Forty-first Naval Guard Unit concerning the dispensary there?
A. Connections between myself and Hasegawa were always done by myself and everything concerning the dispensary was done by telephone. Some times I was telephoned once a week and some times once every two days and times two or three times a day.

11. Q. Do you recall a particular telephone conversation with Hasegawa in which he informed you that some doctors from the Fourth Naval Hospital had requested the use of the dispensary?

This question was objected to by the accused on that ground that it was leading.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do.

12. Q. If you can remember will you tell this commission what Hasegawa said to you and what you said to Hasegawa?

This question was objected to by the accused on the ground that it called for hearsay.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not remember the day, but I received a call and was told that persons from the Fourth Naval Hospital had come to get the prisoners and that they were going to make a physical examination of them and as the guarding at the hospital was not very good they would like to use our dispensary. I told him, "Have the work of the hospital done at the hospital and have them return. Do not let them use the dispensary and have nothing to do with them." I remember telling him this in quite definite terms.

13. Q. Do you recall whether or not the words Hasegawa used were physical examination or experiment?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

IDENTIFIED TO BE A TRUE COPY
James P. Hanning
James P. Hanning
Lieutenant, U. S. Navy
Judge Advocate

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14. Q. This conversation which you have just testified to, did you recognize the voice of the person who you were talking to?
A. There was no mistake that it was Hasegawa.

15. Q. If you recall will you again tell this commission what Hasegawa said to you and what you said to Hasegawa?

A. I was told by Hasegawa that persons from the Fourth Naval Hospital had come to get the prisoners and that they were going to perform physical experiments and as the guarding at the hospital was not good they were going to use our dispensary. I replied, "Do not do it, have the work of the hospital done at the hospital and have them take them to the hospital. If they are going to take the prisoners, take them, if they are going to leave them and stop, have them stop, I do not want them to have it done at the dispensary and have nothing to do with them."

The accused moved to strike this answer on the ground that it was hearsay.

The judge advocate replied,

The commission announced that the motion to strike was denied.

16. Q. Is that all the conversation that you recall having with Hasegawa at this time?

A. That is all of any importance that was said.

17. Q. Now in this conversation did Hasegawa use the word "experiment" or did he use some other word?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied,

The commission announced that the objection was not sustained.

A. I forget exactly what word was used, but I remember distinctly hearing that the guarding was poor at the hospital and human beings were to be used and I understood this as physical experiments.

Cross-examined by the accused:

18. Q. In your testimony concerning the telephone conversation between yourself and Hasegawa you stated that when Hasegawa telephoned you and told you about the persons coming from the hospital and wanting to use the dispensary you told him to have them return take the prisoners with them. Concerning this point two meanings can be taken, (1) have the people from the hospital return or (2) have the people from the hospital return and take the prisoners with them. On this point, do you have the authority to let them take the prisoners?

A. As I stated before, if they came to get the prisoners they should take them and go and do what they are to do at the hospital; if they are to perform physical experiments, to do it at the hospital and not to do it at the Forty-first Naval Guard Unit dispensary. This is what I meant to say.

CERTIFIED TO BE A TRUE COPY:

James M. Henry
James M. Henry
Lieutenant, U.S. Navy
Judge Advocate

19. Q. Then can it be understood that when you said you wanted them to return you meant that you wanted the persons from the hospital to return and have nothing to do with what they were going to do with the prisoners. The question is when you told them to return did you mean for the hospital personnel to go home or that you wanted them to go home and take the prisoners with them. Which did you mean?

A. As they came to get the prisoners for them to take the prisoners and just because they could not very well do it at the hospital not to allow them do it at the Naval Guard Unit dispensary. It was a telephone conversation and I can not exactly say how I said this, but I meant that if they have come to get them, they should get them and go home and not do it at the dispensary.

20. Q. After you received this call from Hasegawa did you receive any reports later concerning these experiments?

This question was objected to by the judge advocate on the ground that it was beyond the scope of the direct examination.

The accused withdrew the question.

21. Q. You testified that you were attached and ordered to duty at the Forty-first Naval Guard Unit and you were asked in the telephone conversation with Hasegawa a question about prisoners at the dispensary. Did you know before this telephone conversation that there were prisoners at the dispensary?

A. I did not think that there were prisoners at the sick bay, but I knew that there were prisoners in the sick bay about one or two months before as patients, but they had recuperated and left the dispensary.

Neither the judge advocate nor the accused desired further to examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 11:26 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocates, the accused, their counsel, and the interpreters.

Joseph Kase, junior, yeoman second class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

COPIED TO BE A TRUE COPY:
James P. Lohr, Jr.,
Lieutenant, U. S. Navy,
Judge Advocate.

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1. Q. State your name and former rank.
A. Former Surgeon Lieutenant, Imperial Japanese Navy, Nakamura, Shigeyoshi.
2. Q. If you recognize the accused, state their names and ranks.
A. Surgeon Captain Iwanami, Surgeon Lieutenant (junior grade) Oishi, Warrant Officer Sakagami. That is all.
3. Q. Are you a licensed physician?
A. Yes.
4. Q. Did you graduate from a medical school in Japan?
A. Yes.
5. Q. And for how long a period of time did you practice?
A. About eight months.
6. Q. In what particular branch of medicine did you practice?
A. It is medical. Internal medicine.
7. Q. When did you join the Japanese navy?
A. In the autumn of 1940.
8. Q. Will you give us a brief description of your naval career?
A. First, I had duty aboard a gunboat; next I was transferred to the Naval Academy; from there I was transferred to a destroyer on which I became sick and later came to Truk; from Truk I returned to Japan.
9. Q. During all your service in the Japanese Navy, have you always had medical duties?
A. Yes.
10. Q. When did you first arrive at Truk?
A. In the end of December, 1943.
11. Q. And where were you assigned duty at Truk?
A. To the Fourth Naval Hospital.
12. Q. At that time was the Fourth Naval Hospital commanded by the accused, Captain Iwanami?
A. Yes.
13. Q. And what were your duties at the Fourth Naval Hospital?
A. As this was a period in which I was recuperating from my sickness, I was ordered to study up on surgery.
14. Q. Did you study under any particular doctor?
A. I received the teachings of Commander Ohayama.
15. Q. And do you know what Commander Ohayama's position was at the Fourth Naval Hospital?
A. As I recollect, he was head of the surgical department of the hospital.

DECLARED TO BE A TRUE COPY:

James P. Keady
James P. Keady
Lieutenant, U. S. Navy,
Judge Advocate

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16. Q. Have you ever seen any American prisoners of war on Truk?
A. Yes.

17. Q. Where did you see them?
A. I saw them at the naval guard unit.

18. Q. How many prisoners were there?
A. There were eight.

19. Q. How did you happen to be at the Forty-first Naval Guard Unit?
A. Because Commander Okuyama ordered me to take notes on experiments on human beings at the guard unit.

20. Q. Can you tell us in what month and in what year he told you to do this?
A. I remember it being the beginning of February, 1944.

21. Q. And where were you when Commander Okuyama gave you these orders?
A. I was at the Fourth Naval Hospital.

22. Q. Were you alone with Commander Okuyama when he gave you these orders?
A. Yes, that is how I remember it.

23. Q. Did Commander Okuyama tell you when the experiments were to be performed?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

24. Q. Did you carry out Commander Okuyama's orders?
A. I did.

25. Q. How soon after you received these orders from Commander Okuyama did you carry them out?
A. As I recollect, about one or two hours.

26. Q. Do you remember what time of the day it was when you received these orders?
A. I remember it being early in the morning.

27. Q. Did Commander Okuyama tell you when he ordered you to keep records of these experiments where these experiments were to be performed?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

28. Q. At the time you received these orders from Commander Okuyama, did you have a conversation with him?
A. Yes.

CERTIFIED TO BE A TRUE COPY:

James P. Henry
James P. Henry,
Lieutenant, U. S. Navy,
Judge Advocate.

29. Q. Will you tell the commission what you said to Commander Okuyama and what Commander Okuyama said to you?

A. Commander Okuyama said that at the guard unit they were going to conduct shock experiments, and experiments with injections of bacteria on the prisoners.

30. Q. Pursuant to the orders of Commander Okuyama, did you go to the guard unit that day?

A. I did.

31. Q. Did you go alone or were you accompanied by other doctors?

A. The head of the hospital, Iwanami, Commander Okuyama, and I went.

32. Q. How did you go?

A. We went by car.

33. Q. And when you got to the Forty-first Naval Guard Unit, where did you go?

A. I went to the dispensary.

34. Q. Did you enter the dispensary?

A. I did.

35. Q. When you went into the dispensary, did anyone go in with you?

A. The head of the hospital, Iwanami, and Commander Okuyama also entered.

36. Q. When you entered the dispensary, what did you find there?

A. I saw eight prisoners lying on the floor.

37. Q. Did you speak to these prisoners?

A. No.

38. Q. Do you speak English?

A. I can speak a little English.

39. Q. Did you overhear these prisoners talking?

A. I did.

40. Q. What language were they speaking?

A. As I recall, it was English.

41. Q. When you saw these eight prisoners, did they appear to you to be in good health?

A. They were not very spirited; but they were not sick.

42. Q. Were any tests made on them to establish whether or not they were in good health?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

43. Q. Were any tests made on these prisoners?

A. Their pulse was taken and blood pressure tests and blood tests were made.

44. Q. When you say blood tests were made, exactly what do you mean?

A. Hemoglobin tests (the count of red corpuscles and white corpuscles) was taken.

James L. Henry
Lieutenant, U. S. Navy,
Judge Advocate.

TESTIFIED TO BE A TRUE COPY:

45. Q. And what did these tests show?
A. It showed that the prisoners were healthy.

46. Q. Who made the hemoglobin test on the prisoners?
A. At first Captain Iwanami did a very good hemoglobin test.

47. Q. Did any of the other doctors make tests of these prisoners?
A. Surgeons Habetani and Okuyama made tests.

48. Q. You have testified that you went to the dispensary with Doctors Iwanami and Okuyama. When did Doctor Habetani arrive there?
A. As I recall, he arrived shortly after we did.

49. Q. Did Doctor Okuyama make any tests on these prisoners?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

50. Q. You have testified that Doctor Iwanami and Doctor Habetani made tests on these prisoners. Did any other doctor make any tests on these prisoners?
A. No.

51. Q. After the tests had been completed, what was done with the prisoners?
A. After the tests were over, the eight prisoners were divided into two groups of four each by the order of Iwanami.

52. Q. After the prisoners had been divided into two groups of four each, what happened then?
A. Tourniquets were placed on the arms and legs of four prisoners and were kept on, some from two to three hours, some for seven to eight hours. After the tourniquets had been placed on some for two hours, this tourniquet was released. When it was released, the prisoner shook with pain and his face became pale. After a short period the pain left. About twenty minutes the tourniquets were again placed on the prisoners. Those who had the tourniquets kept on for seven to eight hours, when released shook greatly with pain, and, about ten minutes later, died.

53. Q. Were tourniquets put on all eight of these prisoners?
A. Tourniquets were placed on four prisoners.

54. Q. Were all of these eight prisoners in the same room?
A. Before the experiments began, four of them were taken by Habetani into the next room.

55. Q. After the prisoners had been taken by Habetani into the next room, what did Commander Okuyama do with his four prisoners?

This question was objected to by the accused on the ground that it was leading.

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James P. Henry
James P. Henry,
Lieutenant, U. S. Navy,
Judge Advocate.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. After Habetani took the four prisoners and went to the other room, Okuyama did the shock experiments with tourniquets.

56. Q. Did you witness these shock experiments?
A. I did.

57. Q. Tell the commission exactly what was done in all the detail that you can remember.

This question was objected to by the accused on the ground that there had been no showing by the judge advocate that the accused, Iwanami, was present.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Of the four prisoners, some had tourniquets placed on their arms; some, on their legs; some had one tourniquet placed on them; some had two. There were none who had three tourniquets on him. Some tourniquets were kept on for short periods; some for long periods from seven to eight hours. When the tourniquets were released on some prisoners after two or three hours, they shook with pain and turned pale, but did not die. Twenty minutes later the tourniquets were again placed on the prisoners. The prisoners on whom the tourniquets were kept from seven to eight hours, when released, shook with pain, their faces turned green, and about ten minutes later, died.

58. Q. When the tourniquets were first applied, who were present in that room?
A. Commander Okuyama and myself.

59. Q. What had become of Captain Iwanami?
A. As I recall, he went into the next room.

60. Q. Into what particular room did he go?
A. As I remember, the room in which the four prisoners other to the ones on whom the tourniquets were placed, were taken into.

61. Q. These two rooms were connecting, were they not?
A. There was a partition between the two rooms, and they are not connected directly.

62. Q. Was there a doorway in this partition?
A. No.

63. Q. Could you go from one room into the other room?
A. It can be entered by going around the corridors.

CERTIFIED TO BE A TRUE COPY:

James P. Henry
James P. Henry,
Lieutenant, U. S. Navy,
Judge Advocate.

64. Q. How long did Doctor Iwanami, if you know, remain in the other room with Doctor Habetani and the four American prisoners?

A. As I recall, about two hours.

65. Q. On how many prisoners were these tourniquets kept for seven to eight hours?

A. Two.

66. Q. Were you present in that room when those prisoners died?

A. Yes.

67. Q. About what time of the day did this shock experiment with tourniquets begin?

A. As I recall, about eleven o'clock.

68. Q. And how long did the experiments on these prisoners with tourniquets continue?

A. As I recall, until about eleven o'clock the next day. From ten o'clock of the evening of the previous day to eight o'clock in the morning of the next day, they were rested.

69. Q. You mean the experiments continued all during one day, the prisoners were permitted to rest through the night and then the experiments continued the next morning. Is that what you mean?

A. Yes.

70. Q. Are you sure Iwanami wasn't present with Doctor Okuyama when that first tourniquet was applied?

A. That is how I remember it.

71. Q. Did you overhear any conversations between Doctor Okuyama and Doctor Iwanami before the tourniquets were applied which would indicate that Doctor Iwanami knew they were going to put them on?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

72. Q. Before the tourniquets were applied, was there a conversation between Doctor Okuyama and Doctor Iwanami?

A. As I remember there was a conversation.

73. Q. Can you give us the substance of that conversation?

A. I remember them talking about experiments by shock and injection of bacteria, but I do not remember the details of that conversation.

74. Q. Where did this conversation take place?

A. As I recall, it was held in the room in which the experiments were made.

75. Q. Did you ever enter the room in which Doctor Habetani and Doctor Iwanami had taken the four American prisoners?

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

This question was objected to by the accused on the ground that there had been no testimony that Doctor Iwanami had taken any prisoners into the room.

The record was checked.

The judge advocate withdrew the question.

76. Q. Did Doctor Iwanami accompany Doctor Habetani and the four other prisoners into the other room?

A. I do not remember if they were together or not.

77. Q. Well, how long after Habetani and the four American prisoners entered that other room did Iwanami follow them?

A. I think it was immediately afterwards.

78. Q. Now, did you ever enter that room into which Doctor Habetani had taken four American prisoners and into which Doctor Iwanami had very shortly followed him?

A. No.

The judge advocate stated that possibly the question had not been understood, and requested that the question be put to the witness again.

The commission replied that this would be satisfactory.

The question was repeated in Japanese.

A. (Continued.) I entered that room the next morning.

79. Q. And when you entered that room, what did you find there?

A. Through injections of bacteria, their faces were red and they were in pain.

80. Q. Whose faces were red and who were in pain?

A. The four prisoners' faces were red and they were suffering.

81. Q. How do you know that they were suffering through injections of bacteria?

A. Because Doctor Habetani told me that through injections of streptococcus bacteria into the blood stream, they were in a fever.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied,

The commission announced that the motion was denied.

82. Q. Did Doctor Habetani also tell you why he had injected these prisoners with streptococcus bacteria?

A. No.

CERTIFIED TO BE A TRUE COPY,
James H. Kenney
James H. Kenney,
Lieutenant, U. S. Navy,
Judge Advocate.

83. Q. About how long a period of time did you remain in that room?
A. I think, as I recollect, it was about five minutes.

84. Q. After this visit, did you ever again visit that room?
A. No.

85. Q. After you left that room in which there were the four American prisoners who were suffering from a high fever, did you ever again see these prisoners alive?
A. No.

86. Q. Did you ever see their dead bodies?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

87. Q. After you left the room in which these four Americans were being treated by Doctor Habetani, where did you go?
A. I went to the next room where Commander Okuyama was.

88. Q. Did any other doctor other than Doctor Okuyama and yourself enter that room that morning?
A. As I remember, the head of the hospital, Iwanami, came.

89. Q. Do you know whether or not Doctor Okuyama made any report to Doctor Iwanami on the experiments he was conducting?
A. As I remember, a report was made.

90. Q. Do you remember what that report was?
A. From what I recall, I think the report was that two prisoners had died the day before.

91. Q. How long during the second day did the tourniquet experiments continue?
A. As I recollect, till about eleven o'clock that morning.

92. Q. And what happened after eleven o'clock that morning?
A. This shock experiment was over and Okuyama, Doctor Okuyama, stated that he was going to do an experiment on the hill back of the hospital with dynamite.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied,

The commission announced that the motion was denied.

93. Q. After Commander Okuyama told you this; namely, that he was going to conduct an experiment on the hill in back of the officers' quarters at the hospital, did he give you any orders?
A. He ordered me to go to that hill.

CERTIFIED TO BE A TRUE COPY

James M. Ryan
James M. Ryan,
Lieutenant, U. S. Navy,
Judge Advocate.

94. Q. Did you carry out those orders?

A. Yes.

95. Q. And when you arrived on the hill, whom did you find there?

A. On the hill was Commander Okuyama, Warrant Officer Sakagami, and the two prisoners, who had lived through the shock experiments at the guard unit, tied to a stake.

96. Q. What happened then?

A. Commander Okuyama and Warrant Officer Sakagami, together, retied the two prisoners to separate stakes, the prisoners sitting down with their legs spread out in front of them.

97. Q. Were their hands tied?

A. As I remember, they were tied.

98. Q. In front of them or in back of them?

A. As I recollect, they were tied in the back.

99. Q. What happened then?

A. At a distance of about one meter in front of the outspread feet, a hole with a depth of about ten centimeters was dug and dynamite placed in it.

100. Q. Who placed the dynamite in this hole?

A. As I recall, it was Warrant Officer Sakagami.

101. Q. Was it the same Sakagami that you identified when you were asked to face the accused and tell us who they were?

A. Yes.

102. Q. After the dynamite had been planted by Sakagami, what happened then?

A. Commander Okuyama ordered me to go to the side of the hill to be protected from the charge from the explosion of dynamite.

103. Q. What happened then?

A. As I remember, Warrant Officer Sakagami lit the fuse to the dynamite with a match, and Commander Okuyama came to that shelter and after him came Sakagami.

104. Q. Did that dynamite explode?

A. Yes. The dynamite exploded and some of the feet were torn, their bones shattered; some were connected only by the skin, and the prisoners were suffering greatly.

105. Q. Did you examine these prisoners after the explosion?

A. I did.

106. Q. Do you know if these prisoners were alive after that explosion?

A. I did.

107. Q. Were they conscious?

A. As I recall, they were conscious.

CERTIFIED TO BE A TRUE COPY:

James H. Kennedy
James H. Kennedy
Lieutenant, U. S. Navy,
Judge Advocate.

108. Q. What happened then?

A. As the prisoners were suffering greatly with pain, Commander Okuyama ordered me to alleviate the pain by giving them injections of morphine, and I did this.

109. Q. Where did you get the morphine?

A. From the dispensary.

110. Q. Did you yourself inject these prisoners with morphine?

A. Yes.

111. Q. Did the morphine alleviate their pain?

A. It lessened their pain, but it did not have too much effect.

112. Q. What happened then?

A. After a short time, as the prisoners continued to suffer, Commander Okuyama felt sorry and ordered Sakagami to choke them?

113. Q. Did Sakagami choke them?

A. Yes.

114. Q. Were they alive before he started to choke them?

A. As I recall, they were alive.

115. Q. Were they dead when he finished choking them?

A. As I recollect, they died.

116. Q. Have you any doubt as to whether or not they died?

A. I do not think I have any doubts.

The commission then, at 3:25 p.m., took a recess until 3:40 p.m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Hakamura, Shigayoshi, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

117. Q. Directing your attention to the morning on which you left for the Forty-first Naval Guard Unit with Doctors Okuyama and Iwanami, did you have a conversation with either of these doctors as to what was going to be done at the guard unit?

A. I heard talk that several experiments with human beings were to be carried out that morning at the guard unit, one of the experiments being that of shock, and the other being bacteria.

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James P. Keary
James P. Keary,
Lieutenant, U. S. Navy,
Judge Advocate.

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118. Q. Did Doctor Iwanami take part in that conversation?
A. Yes, I recall. Okuma and Iwanami were talking.

119. Q. Of the four doctors who were present at the Forty-first Naval

120. Q. Now, directing your attention to the afternoon on which the two survivors of the tourniquet experiments were dynamited and strangled to death, what happened after all of this had taken place?

121. Q. Were you present during this dissection?

122. Q. In relation to the dynamite incident, when ^{did} ~~did~~ the dissection take place? ~~at~~ ^{about} four o'clock in the afternoon of that day.

129. Q. Who, besides yourself was present at that dissection?
A. There was the head of the hospital, Iwanami, Commander Ohayama, Lieutenant Nabetani, and a corpsman, I do not remember the number and the

124. Q. Were all of the four bodies dissected?
A. Yes.

125. Q. Who performed the dissections?
A. It was done mainly by the head of the hospital, Iwanami, assisted by Commander Okuyama.

136. Q. And what part did you play in that room that day?
A. My work was to take down the notes that the persons performing the simulation told me to.

127. Q. What did the dissection consist of?
A. The dead bodies were laid open, cut open through the chest and stomach, and the organs examined.

128. Q. Do you know whether or not the organs taken from these bodies were returned to the bodies?

129. Q. What did the dissections show as to the cause of death of these four American prisoners of war?

130. Q. After the dissection of these four bodies had been completed, was anything else done to these bodies?

131. Q. What was done with these heads, if you know?
A. The four heads were boiled.

132. Q. For what reason? Do you know?
A. As I remember to make specimens - the head of the hospital used them
- specimens.

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133. Q. Did you actually see these heads cut off?
A. I did.

134. Q. Did you see Captain Iwanami - this Captain Iwanami - cut off these heads?
A. Yes.

135. Q. Did you see these heads being boiled?
A. I did.

136. Q. When were the heads boiled in relation to the time they were taken off?
A. As I remember, it was a short time after the heads were cut off, but I do not remember the time.

137. Q. You have testified that the dissection started at four o'clock in the afternoon. Were the heads boiled on the same day or on the next day?
A. As I recall, it was the next day.

138. Q. Do you know what became of these heads?
A. I do not know what happened to the heads after this.

139. Q. Do you know what became of these four headless bodies?
A. They were cremated.

140. Q. How do you know this?
A. I know this because the head of the hospital, Iwanami, told me that he was going to cremate them and he ordered me to go with him to where they were going to cremate the bodies.

141. Q. Did Captain Iwanami go with you when you went to cremate these bodies?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

142. Q. Were the bodies cremated?
A. I went to the crematorium, but I left a short time afterwards, and I did not see the completion of the cremation.

143. Q. Did you take the dead bodies along with you when you went to the crematorium?
A. Yes.

144. Q. Did Captain Iwanami go along with you and the four headless bodies?
A. No.

145. Q. Do you know whether or not the heads that were taken from these four bodies were also cremated with the four bodies?
A. As I recall, they were not cremated.

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate

146. Q. Didn't you actually see these heads after the bodies had been cremated?

A. I saw the heads as they were being boiled at the hospital.

147. Q. Did you see these heads being boiled after you had returned from taking the four headless bodies to the crematorium?

A. That is how I remember it.

148. Q. Did you ever assist in any other dissections on dead American prisoners at Iwak?

A. I was also ordered to take notes on the dissection of the other four prisoners, dead prisoners, and I took notes.

149. Q. When were you ordered to take these notes?

A. As I recall, it was two days after the first dissection.

150. Q. Who gave you these orders?

A. As I recall, it was the head of the hospital, Iwanami.

151. Q. Are you sure they were the same four that Doctor Habetani had experimented on?

A. As I recall, they were the same four.

152. Q. Who, besides yourself, was present at the dissection of these four?

A. As I recall, the head of the hospital, Iwanami, and Lieutenant Habetani.

153. Q. Were there any other doctors present there?

A. As I recall, no.

154. Q. Wasn't Doctor Ohuyama present at all of these dissections?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied,

The commission announced that the objection was not sustained.

The question was repeated.

A. As I recall, he was present.

155. Q. What was done with these bodies?

A. Their bodies were laid open through the chest and stomach and their internal organs examined.

156. Q. As a record keeper of this dissection, did you yourself look at the organs of these bodies?

A. I did.

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James H. King
Judge Advocate
1. Sub. 1000, 2. Navy,
Judge Advocate

157. Q. What was the cause of death as shown by the dissections?

This question was objected to by the accused on the ground that it called for the expert opinion of this witness, which he had not been qualified to give, and that it was hearsay.

The judge advocate withdrew the question.

158. Q. Did you form any opinion as to the cause of death as a result of keeping records of that dissection?

A. My opinion was that they had died of septicemia, which was caused by the injections of streptococcus bacteria into the blood stream.

159. Q. You reached this opinion after having examined the various organs of these bodies. Is that correct?

A. Yes.

160. Q. Were you the official record keeper of this dissection?

A. Yes.

161. Q. And did the official records of this dissection read the same as the opinion you have just expressed?

A. Yes.

162. Q. Do you know what became of the bodies of these four dead Americans after the dissections had been completed?

A. No.

The witness was duly warned.

The commission then, at 4:10 p.m., adjourned until 9 a.m., tomorrow, Friday, June 27, 1947.

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James P. Tenny
James P. Tenny
Lieutenant, U. S. Navy,
Judge Advocate.

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FIFTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Friday, June 27, 1947.

The commission met at 9 a. m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States
Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United
States Army,
Lieutenant Colonel William K. Lanman, junior, U. S. Marine Corps,
Lieutenant Commander Bradford W. Lee, junior, U. S. Naval Reserve,
members, and,
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Robert R. Miller, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

The record of proceedings of the fourth day of the trial was read and
approved.

No witnesses not otherwise connected with the trial were present.

Nakamura, Shigeyoshi, the witness under examination when the adjournment
was taken, entered. He was warned that the oath previously taken was still
binding, and continued his testimony.

Cross-examined by the accused:

163. Q. Where are you at present?

This question was objected to by the judge advocate on the ground that it
was irrelevant and immaterial.

The accused replied,

The commission announced that the objection was not sustained.

A. At present I am staying in the court on Guam.

164. Q. The question is, where have you been living since you arrived on
Guam?

A. I am living in the witness quarters on Guam.

165. Q. Yesterday you testified that Doctor Ohnuma was the head of the
surgical department of the Fourth Naval Hospital and that you received
instructions from him. Were there any other doctors attached to the surgical
department of the Fourth Naval Hospital?

A. As I recall there were Surgeon Lieutenant Matsumoto and Surgeon Lieutenant
(junior grade) Oishi.

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

166. Q. Didn't any of these persons have anything to do with this incident?
A. As I recall, they had nothing to do with these incidents.

167. Q. Then is it correct that these incidents were kept secret by Okuyama, Nabetani and yourself?

A. I do not know if these incidents were kept in secret or not, but I remember receiving orders from Okuyama.

168. Q. Did you receive any orders from Okuyama saying not to say anything of this to other persons?

A. No.

169. Q. Have you ever spoken to anyone about these incidents?

A. No.

170. Q. How much experience do you have concerning dissection?

A. At medical school I watched anatomical pathology. After graduation, I have two or three recollections of watching dissections of some of the patients who died at the hospital.

171. Q. Did you have any other experiences with dissection?

A. After I entered the navy, at the hospital at Truk there was a time when I was ordered to take notes on the dissection of Japanese patients who had died at the hospital.

172. Q. Any other experiences?

A. I was also ordered to take notes on the dissection of the prisoners after the experiments and I took notes on this.

173. Q. Have you ever done any dissections yourself?

A. Right after entering school, it was not dissection concerning anatomical pathology, but everyone experiences dissection during his medical courses.

174. Q. Have you ever done any dissection yourself at the Fourth Naval Hospital?

A. No.

175. Q. How long were you at the hospital?

A. I was at the Fourth Naval Hospital from the end of December, 1943, to right after the experiments, as I recall the eleventh of February 1944, a period of about a year and a half.

176. Q. As a surgeon dispatched to a front line hospital and who was under the instructions of Doctor Okuyama, that you did not perform any dissection yourself is difficult to conceive. Isn't this difficult to conceive?

This question was objected to by the judge advocate on the ground that it was argumentative.

The accused replied.

The commission announced that the objection was sustained.

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James P. Kenny
James P. Kenny
Lieutenant, U. S. Navy,
Judge Advocate.

177. Q. You stated that at the beginning of February 1944 you went to the sick bay of the Forty-first Naval Guard Unit with Imanami and Ohayama. What day of February 1944 do you mean when you say the beginning of February 1944?
A. I do not remember any definite date, but thinking back I think it was around the sixth of February.

178. Q. Then wasn't it the first of February?
A. As I recall, I do not think it was the first of February.

179. Q. Do you remember some hundred patients being entered at the Fourth Naval Hospital from a Japanese submarine which had been hit by an American destroyer around the end of January?
A. I do not remember the number, but I recall many patients being entered at the hospital.

180. Q. Then you know of this fact?
A. I do not clearly remember around this time, but the end of January or the beginning of February patients from a Japanese ship which had been damaged by an American ship were brought to the hospital.

181. Q. Isn't it correct that the hospital was very busy at the beginning of February in taking care of these patients?

This line of questioning was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied,

The commission announced that the objection was sustained.

182. Q. Isn't it a mistake when you state that it was the beginning of February?
A. As I recall there is no mistake.

183. Q. On this date that you went with Imanami and Ohayama to the Forty-first Naval Guard Unit did you hear Doctor Imanami state that he was on his way to examine Vice Admiral Wakabayashi?
A. I do not know.

184. Q. What is the specialty of Doctor Imanami?
A. I believe Doctor Imanami is a specialist in internal medicine.

185. Q. You stated at the time of this incident Doctor Imanami made physical tests and he made a very good test. What kind of a test do you mean in this testimony?

A. As I recall, Doctor Imanami took some blood from the ear of a prisoner with a glass tube and counted the white and red corpuscles and tested the coloring of the blood.

186. Q. On how many prisoners did he make this blood test?
A. As I recall, one.

187. Q. What instruments were brought from the hospital?
A. As I recall, tourniquets, instruments to test the coloring of the blood, and instruments for counting the red and white corpuscles of the blood were brought.

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James P. Ramsey
James P. Ramsey
Lieutenant, U. S. Navy,
Judge Advocate.

188. Q. That the head of the hospital made a good test, was this to show the other doctors an example?

A. As I recall probably that is why it was done.

189. Q. Was this all that the head of the hospital did there?

A. As I recall, yes.

190. Q. You stated that Doctor Iwanami ordered the prisoners to be divided into four groups of four each. Isn't this a mistake in your recollection?

A. From what I recall, I do not think it is a mistake.

191. Q. Isn't this something that the persons were going to do the thing arranged and isn't your recollection mistaken with that of Okuyama? Will you think on it again.

This question was objected to by the judge advocate on the ground that it was argumentative and that counsel was testifying.

The accused replied.

The commission announced that the objection was sustained.

192. Q. In dividing the prisoners in the two groups of four each did Okuyama or Habetani make any statements?

A. I have no recollection.

193. Q. You testified that the room in which Okuyama made his experiments and the room in which Habetani made his experiments were separated by a partition in which there were no doors and to go from one room to another you had to go around a corridor. Is this correct?

A. From what I recall, I think there is no mistake.

194. Q. From the room in which you were with Okuyama, could you see the inside of the room in which Habetani was?

A. From what I remember, I do not think it could be seen or looked into.

195. Q. Yesterday, you stated that before Okuyama placed the tourniquet on the prisoners the head of the hospital left the room and went to Habetani's room. Is it not correct that the head of the hospital did not go to Habetani's room, but left the sick bay?

A. I think there is no mistake in my testimony of yesterday.

196. Q. The other witness Hasegawa stated that the head of the hospital left immediately. How can you say that the head of the hospital, Iwanami, went to Habetani's room?

This question was objected to by the judge advocate on the ground that it was argumentative.

The accused made no reply.

The commission announced that the objection was sustained.

197. Q. You stated that the two rooms were separated by a partition. How did you know that Iwanami went to the other room?

A. My recollection is that he went to the next room.

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

198. Q. Is this your imagination or your recollection?

A. From what I remember, it does not seem to be an imagination.

199. Q. Then, if it is a recollection how do you recall this? You could not see into the other room. How did you know whether he went to that room or whether he left? The question is how do you recall this?

A. From what I recall, his footsteps sounded toward the other room.

200. Q. Then, the sound of the footsteps were in a different direction from the entrance of the sick bay?

A. The entrance to the hospital is very near to the room in which Okuyama was.

201. Q. Wasn't the room in which Nabetani was very close by? Wasn't it the next room?

A. Yes, it was the next room.

202. Q. How did you distinguish between his going to the next room and going toward the entrance?

A. From what I recall, there were steps at the entrance.

203. Q. Your recollection of the head of the hospital going to the other room is based on his footsteps. Then, how do you know how long he stayed there?

A. From what I recall, he was there for about two hours.

204. Q. How do you know this?

The witness hesitated in answering the question.

The commission directed the witness to answer the question.

The witness continued to hesitate in answering the question.

The commission again directed the witness to answer the question.

The witness continued to hesitate in answering the question.

The commission directed that the question be repeated to the witness in Japanese and directed the witness to answer the question.

A. As I recall, I think I saw him going home or leaving.

205. Q. When did you see him leaving?

A. I think it was about ten o'clock.

206. Q. Where did you see him? Can you answer this simple question?

The witness hesitated in answering the question.

The commission directed the witness to answer the question if he understood it.

The witness signified that he understood the question.

The witness continued to hesitate in answering the question.

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James P. Kirby
James P. Kirby
Lieutenant, U. S. Navy
Judge Advocate

The commission again directed the witness to answer the question.

The witness continued to hesitate in answering the question.

The commission directed the interpreter to ask the witness if he intended to answer the question or not, otherwise the commission will have to take some action.

A. I saw him at the Naval Guard Unit.

207. Q. Where at the Naval Guard Unit.

A. As I recall, at the sick bay.

The commission then, at 10:22 a. m., took a recess until 10:38 a. m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Nakamura, Shigeyoshi, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

208. Q. When you were asked the question, "Where did you see Captain Iwanami?" you answered, "At the Forty-first Naval Guard Unit"; and to the question "Where in the Forty-first Naval Guard Unit?" you answered, "As I recall, at the sick bay." The question is: Where in the sick bay did you see Iwanami?

A. At the sick bay.

209. Q. Where in the sick bay?

A. In the room in which the experiments were being made.

210. Q. Which experiment room?

A. In Mabetani's experiment room.

211. Q. In answer to the question of the judge advocate in yesterday's testimony you testified that you did not go to the room in which Mabetani conducted his experiments until the morning of the next day. How is this?

A. I did not go to that room the next morning.

212. Q. Then, do you mean that you saw the head of the hospital the next morning in that room?

A. I saw the head of the hospital the next morning, but not in that room.

213. Q. You stated that Doctor Iwanami was there for two hours. I am asking you how do you know he was there for two hours? Do not waste our time. If you do not know, tell us.

This question was objected to by the judge advocate on the ground that it was highly improper for counsel to reprimand the witness and instruct him how to reply.

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James P. Kenny
James P. Kenny
Lieutenant, U. S. Navy,
Judge Advocate.

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The accused withdrew the question.

214. Q. In the question, "Did you see Iwanami?" you answered that he was there for two hours. I asked you where you saw him, and you answered that you saw him at the Forty-first Naval Guard Unit. Then, I asked you where you saw him at the Forty-first Naval Guard Unit, and you answered that you saw him at the sick bay, and then I asked you where you saw him in the sick bay, and you answered you saw him in the room where the experiments were being conducted. I asked which room in which the experiments were being conducted, and then you answered that you saw him in the room in which Nabetani was. I asked if it was not correct that you testified that you did not go to the room until the next morning. By these questions and answers, I cannot understand what you mean. Therefore, isn't it a mistake of memory that you saw Captain Iwanami?
A. I do not remember definitely, but I think he left after he was there for about two hours.

215. Q. I am asking how do you know that he left after two hours. If you do not remember, you do not remember, but if you know that he was there for two hours, tell us definitely that he was there for two hours.

This question was objected to by the judge advocate on the ground that it was highly improper for counsel to instruct the witness how to answer.

The accused replied.

The commission made the following statement:

Counsel is cautioned to confine his remarks to questions and not directions to the witness. The witness is, however, directed to answer the question. As the commission understands it, the counsel wishes the witness to explain the discrepancy between his two statements and if the witness understands that, the commission desires that he explain it.

A. It is because after he went to the other room, I do not think he left.

216. Q. How do you know that he did not leave?

A. There is a corridor running around the rooms in which the experiments were being conducted and the room in which Okuyama and myself were was toward the entrance and Nabetani's room was further back. When leaving, he would have to pass by our room.

217. Q. Then, do you mean that you were always paying attention to this corridor?

This question was objected to by the judge advocate on the ground that it was argumentative and that counsel was misquoting the witness.

The accused replied.

The commission announced that the objection was sustained.

218. Q. Can you draw a sketch of how the sick bay was laid out?
A. I do not remember definitely but I can do so generally.

219. Q. Will you draw a diagram or a sketch of the sick bay?
A. Yes.

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James J. Kennedy
James J. Kennedy
Lieutenant, U. S. Navy.
Judge Advocate

The witness completed drawing the sketch and it was submitted by the accused to the commission and to the judge advocate for inspection.

220. Q. According to this diagram, it is one building divided into two rooms and a stairs leading up to the building only on Okuyama's side of the building. Do you remember definitely that there was only one entrance leading up to this building?

A. I recall that there was only one entrance with stairs leading up to it.

221. Q. Is this a definite recollection?

This question was objected to by the judge advocate on the ground that it was argumentative.

The accused replied.

The commission announced that the objection was sustained.

222. Q. According to this diagram that you drew, will you show how Iwanami went to the next room on the first day that the experiments were conducted?

A. I do not remember which corridor he had used.

223. Q. What is the distance between the entrance of Okuyama's room and the entrance of Habetani's room?

A. From what I recall, about ten meters.

224. Q. According to the testimony, you stated that you did not remember which corridor he used in going to the other room. Then you do not remember definitely hearing his footsteps leading to the other room. Is this correct?

This question was objected to by the judge advocate on the ground that it was argumentative and repetitions.

The accused made no reply.

The commission announced that the objection was sustained.

225. Q. In your testimony yesterday, the judge advocate asked if you overheard any conversation between Iwanami and Okuyama before the experiments, and you answered that you thought you did and you were asked as to the contents of this conversation and you answered that you thought that they had a conversation concerning experiments with shock and bacteria, but that it was not clear or definite. Then, is it correct that you are not clear whether this was a conversation between Iwanami and Okuyama?

This question was objected to by the judge advocate on the ground that counsel was misquoting the witness.

The accused withdrew the question.

226. Q. Yesterday you stated that Iwanami and Okuyama had a conversation before the tourniquets were placed on the prisoners. Are you sure or isn't there a mistake in your memory?

A. I remember, there is no mistake.

227. Q. You testified the next morning you went to Okuyama's experiment room. From where did you go to this experiment room?

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JAMES P. KENNY, LT, USN.
Judge Advocate.

A. Myself and Okuyama stayed over with the Forty-first Naval Guard Unit that first day.

228. Q. And when you went to this experiment room the next morning, did you go together with Okuyama?

A. I do not remember.

229. Q. Then you do not remember whether you went together with Okuyama or whether you went by yourself? Is this correct?

A. I do not remember whether I went together with Okuyama or whether I went by myself.

230. Q. Do you know if anyone from outside came to that experiment room the next morning?

A. As I recall, the head of the hospital, Iwanami, came.

231. Q. When did he come?

A. From what I recall, he came in the morning.

232. Q. In answer to a question of the judge advocate in yesterday's testimony, you replied that when you went to Okuyama's experiment room, an officer was already there, and you thought that it was Captain Iwanami. In today's testimony you testified you do not remember whether you went by yourself or whether Doctor Okuyama went with you to that room. I believe there is an inconsistency in your testimony. How do you explain this?

This question was objected to by the judge advocate on the ground that counsel was misquoting the witness.

The accused replied.

The commission announced that the objection was sustained.

The witness was duly warned.

The commission then, at 11:26 a. m., took a recess until 2 p. m., at which time it reconvened.

Present: All the members, the judge advocates, the accused, their counsel, and the interpreters.

Joseph Kase, junior, yeoman second class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Makamura, Shigeyoshi, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

233. Q. You testified that you stayed at the guard unit the first night. Did you sleep where the prisoners were?

A. That is how I remember it.

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James P. Henry
Judge Advocate
U. S. Navy

234. Q. Where did Nabetani and Okuyama sleep?

A. I stayed together with Commander Okuyama.

235. Q. Then, you do not know about Nabetani?

A. I do not know about Nabetani.

236. Q. Were any guards placed at the sick bay?

A. I do not remember.

237. Q. You testified that the next day Okuyama discontinued his experiments with tourniquets and stated that he was going to perform an experiment with dynamite on the hill behind the hospital and ordered you to go there, and you testified that you did. Did you go together with Commander Okuyama?

A. From what I recall, I did not go together with Commander Okuyama.

238. Q. With whom did you go?

A. I do not remember with whom I went.

239. Q. Do you remember of having gone with someone?

A. I do not remember.

240. Q. Then, you do not remember whether you went by yourself or with someone else. Is this correct?

A. I have no distinct recollection of how I went.

241. Q. Around what time did you go when you went to this hill?

A. From what I remember, it was two or three o'clock in the afternoon.

242. Q. What time did you leave Okuyama at the guard unit?

A. I do not remember distinctly, but from what I remember it was in the morning; it was during the morning.

243. Q. When you say you left Commander Okuyama, who left the guard unit, Commander Okuyama or yourself?

A. I do not remember.

244. Q. How much time was there from the time you left Commander Okuyama and when you went to the hill?

A. I do not remember definitely how long it was, but I think it was about three hours.

245. Q. Tell the commission what you did during those three hours.

This question was objected to by the judge advocate on the ground that it was irrelevant.

The accused replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. From what I remember, after leaving Commander Okuyama, I returned to the hospital and had my noon meal there, and as I recall I was resting the rest of the time.

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James T. Kennedy
James T. Kennedy
Lieutenant, U.S. Navy,
Judge Advocate.

246. Q. Is this all that occurred during those two or three hours?

A. I have no further recollection.

247. Q. Did you ever meet Commander Okuyama during this period?

A. I have no recollection.

248. Q. Didn't Commander Okuyama go together with you?

This question was objected to by the judge advocate on the ground that it was repetitious.

The accused withdrew the question.

249. Q. When you went to the hill in back of the hospital in the afternoon, is it correct that no one told you to go at this time?

A. After the experiments were discontinued at the guard unit, Commander Okuyama told me that experiments were to be performed in the hill back of the hospital this afternoon, so I knew about it.

250. Q. Was that all that Commander Okuyama told you, that the experiments were to be performed that afternoon?

A. From what I recall, he stated two or three in the afternoon.

251. Q. Don't you remember the exact time?

A. I do not remember.

252. Q. Was the only thing Commander Okuyama said to you for you to come, was that the only thing that was said to you by Commander Okuyama?

A. He ordered me to go there.

253. Q. Was that all he ordered you?

A. Yes.

254. Q. Before you went, didn't you make any preparations?

A. I made no preparations.

255. Q. Didn't you take the dynamite?

A. No.

256. Q. Did you take any medicine?

A. When I first went up the hill, I took nothing with me.

257. Q. Then, is it correct that you climbed the hill twice?

A. Yes.

258. Q. Why did you climb this hill twice?

A. Because the prisoners didn't die with the explosions of dynamite and were suffering, Commander Okuyama ordered me to relieve the pain by giving them morphine.

259. Q. How did you get this morphine?

A. I brought it from the hospital ward.

260. Q. From whom did you receive this morphine?

A. I do not remember from whom I received this morphine.

CERTIFIED TO BE A TRUE COPY:

James P. Kennedy
James P. Kennedy
Lieutenant, U. S. Navy,
Judge Advocate.

261. Q. Didn't Sakagami already brought this morphine?
A. No.

262. Q. Isn't it correct that it was difficult even for you to obtain narcotics?
A. Small amounts were kept in the various hospital wards.

263. Q. Do you mean the surgical ward when you say hospital ward?

This line of questioning was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was not sustained.

A. As I recall, I brought it from the surgical ward.

264. Q. Who was the person who had custody of these drugs?
A. I do not know.

265. Q. Who was usually in charge of these drugs? You are a member of that surgical ward, you should know.

A. As I was not a regular member of the Fourth Naval Hospital, and I was attached there while I was recuperating from my sickness, my position in the hospital was not clear, and according to the circumstances, I had been ordered to go from one ward one day to another ward another, and the conditions there, I do not remember clearly.

266. Q. Even though you may not remember the name of the person whom you asked for this morphine, I believe you can say, describe this person. Can you describe him?

A. I do not remember.

267. Q. Do you remember if it was a man or a woman?

This line of questioning was objected to by the judge advocate on the ground that it was irrelevant.

The accused replied.

The commission announced that the objection was sustained.

268. Q. I will try to refresh your memory. Didn't you receive this medicine from Sakagami who is seated in this court?
A. No.

269. Q. When you brought this medicine, isn't it correct that you took two drugs: morphine and strychnine nitrate?
A. From what I recall, it was morphine.

270. Q. You testified that when you went to the hill you saw Commander Okuyama and Warrant Officer Sakagami there. Isn't it the opposite, that when Sakagami went there, you and Commander Okuyama were present at the scene?
A. When I went there, I remember seeing Warrant Officer Sakagami and Commander Okuyama there.

CERTIFIED TO BE TRUE COPY:
James H. Fenwick
James H. Fenwick
Lieutenant, U. S. Navy,
Judge Advocate.

271. Q. What were they doing?
A. I do not remember exactly.

272. Q. Did Okuyama ever tell you that he was going to do experiments with dynamite on dogs and received the dynamite from Sakagami?
A. No.

273. Q. Did you overhear Commander Okuyama ask Sakagami concerning the use of the dynamite?
A. I do not remember hearing Commander Okuyama asking Sakagami about the use of the dynamite, but I have heard that Commander Okuyama had experimented with dynamite on dogs.

274. Q. Then, is it correct that Commander Okuyama knew how to use this dynamite?
A. On whether he knew how to use this dynamite, I didn't hear from Commander Okuyama, so I don't know.

275. Q. What you heard about Commander Okuyama's experiments on the dogs, was it that Commander Okuyama himself had experimented on the dogs?

This question was objected to by the judge advocate on the ground that it was irrelevant.

The accused replied.

The commission announced that the objection was sustained.

276. Q. What was the size of this dynamite which was used in this experiment?
A. I do not have any definite recollection.

277. Q. Do you generally know how big it was?
A. As I saw it from a distance, I cannot state definitely, but I think the dynamite was about the size of a person's fist.

278. Q. You testified that you saw this dynamite from a distance. Will you tell us the relative positions of each person from where the dynamite was?

This question was objected to by the judge advocate on the ground that it was too vague.

The accused withdrew the question.

279. Q. When was it that you saw this dynamite?
A. It was before the fuse on this dynamite was lit.

280. Q. Didn't you see this dynamite when you went up this hill?
A. I do not remember.

281. Q. How did you come to see this dynamite--was the dynamite lying on the ground or did someone bring it, or where was this dynamite?
A. I saw it when it was going to be placed in the ground.

282. Q. How long was the fuse on this dynamite?
A. I do not have any definite recollections.

CERTIFIED TO BE A TRUE COPY:

James P. Kenney
James P. Kenney,
Lieutenant, U. S. Navy,
Judge Advocate.

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283. Q. Have you no recollection of it as being of unusual length?

A. As this was the first time I had seen a dynamite fuse, I cannot say whether it was long. I can't estimate the size of the fuse.

284. Q. Can you recall if the length was about one meter long?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was sustained.

285. Q. How many pieces of dynamite were there?

A. As I recall, there were two.

286. Q. Yesterday, you testified that the prisoners were made to sit down and their legs stretched out in front of them, and about one meter from their feet, the dynamite was placed. Is that correct?

A. As I recall, there is no mistake.

287. Q. Then, do you mean that dynamite was planted one meter in front of the outstretched feet of each prisoner?

A. Yes.

288. Q. What size hole was dug?

A. From what I recollect, a hole with a depth of about ten centimeters.

289. Q. What was the motive for using this dynamite?

A. As I recall, it was experiments on the effects of the blasts of explosion.

290. Q. It sounds unusual that in testing an explosion blast, the dynamite should be buried. Can experiment on a blast of an explosion be made with the dynamite buried in the ground?

This question was objected to by the judge advocate on the ground that counsel was being allowed to testify without being under oath.

The accused withdrew the question.

291. Q. Can experiment on a blast of an explosion be made with the dynamite buried in the ground?

A. This was the first time I had seen such an experiment, and I had no experience in cases other to this. I have no way of judging.

292. Q. In answer to the question of the judge advocate you stated that the wounds from the blast of dynamite were only on their feet. Were there any other places where they had been wounded by this blast of dynamite?

A. As I recall, there was dirt, smudge, plastered on the chest and stomach; there were smudges and dirt on the stomachs and chests.

293. Q. Other to the fact that they had smudges and dirt on the chests and stomachs, did they have any other wounds of any consequence on them?

A. As I recall, there were no conspicuous wounds.

CERTIFIED TO BE A TRUE COPY
James P. Barry
James P. Barry
Lieutenant, U. S. Army

294. Q. You testified later that you gave injections to the prisoners. Where did you give them this injection?

A. I do not remember whether it was in the right or left arm, but I gave them the injection in the arm.

295. Q. Wasn't it in the chest?

A. As I recall, it was in the arm.

296. Q. Was the arm all right?

A. As I remember, there was nothing wrong with the arm.

297. Q. Was it the same with both of the prisoners?

A. That is how I remember it.

298. Q. Did the dynamite explode simultaneously or did they explode separately?

A. As I recall, there were two sounds of explosions.

299. Q. Was there any difference in time between the sounds of the explosions?

A. As I remember, there was very little difference in time.

300. Q. How much time passed from the time the fuse were lit with a match and when they exploded?

A. I have no definite recollection.

301. Q. You testified at the time this dynamite was set off the people present took shelter. Will you tell us where the persons present took shelter?

A. The explosion took place on a piece of ground leveled off on the side of the hill. There was a road leading down the hill and we took shelter further down hill from where this leveled clearing was, and I do not remember who was on the right of me or who was on the left of me.

302. Q. Were you watching the explosion?

A. To protect ourselves from the explosion, we were lying down on the ground, and I did not see the explosion.

303. Q. To determine the effect of the explosions of the dynamite and the wounds, were the positions of the prisoners as the defense counsel is showing? The defense counsel assumed a sitting position on the floor with both hands behind his back, legs outstretched, and together.

A. As I recall, it was in that position. Their hands were tied behind them.

304. Q. Then there were no wounds on their faces. Is this correct?

A. As I remember, there were none.

The commission then, at 3:18 p. m., took a recess until 3:35 p. m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

CERTIFIED TO BE A TRUE COPY:

James T. Fenwick
James T. Fenwick
Lieutenant, U.S. Navy,
Judge Advocate General's Office

Makamura, Shigeyoshi, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

305. Q. You testified that the diameter of the dynamite was about the size of a person's closed fist. What was the length of this dynamite?
A. I do not remember the exact length of the dynamite, but as I remember it was about from fifteen to twenty centimeters.

306. Q. Was the dynamite placed in the hole and dirt placed over it?
A. As I recall, dirt was not placed over the dynamite.

307. Q. Was the dynamite visible above the ground?
A. As I recall, yes.

308. Q. How much of it could be seen above the ground?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was sustained.

309. Q. What was the color of the fuse of this dynamite?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was sustained.

310. Q. Do you know what the angle of the explosion of the dynamite was, what area the explosion of the dynamite covered, whether it went out this way, or whether it went out straight?

This question was objected to by the judge advocate on the ground that it was irrelevant.

The accused made no reply.

The commission announced that the objection was sustained.

311. Q. I shall ask you again. You have testified again concerning that dynamite. Are you sure there are no mistakes in your testimony concerning this dynamite?

A. I do not think there are.

312. Q. You testified that after the explosion, the prisoners were suffering so you made an injection of morphine. How much morphine did you give them?
A. As I was ordered by Commander Ohayama to relieve the pain of the prisoners, I injected two small ampules of morphine into each prisoner.

CERTIFIED TO BE A TRUE COPY:
James P. Kennedy
James P. Kennedy, Esq.
Lieutenant, U. S. Navy,
Judge Advocate.

313. Q. How much morphine is necessary for a person to die of it?

A. I do not remember the exact amount, but unless a great quantity is given, the person would not die.

314. Q. Then, was this morphine that you injected into the prisoner to help the prisoner?

A. Commander Okuyama ordered that morphine be injected into these two prisoners to relieve their pain.

315. Q. You testified that as they were still suffering from pain after the morphine was injected, Commander Okuyama ordered Warrant Officer Sakagami to choke them. Were both of these orders given for the same motive?

This question was objected to by the judge advocate on the ground that it called for the opinion of the witness.

The accused replied.

The commission announced ^{that} the objection was sustained.

316. Q. Is it correct that Commander Okuyama ordered you to inject the morphine into the prisoners to relieve their pain?

A. As I recall, there is no mistake.

317. Q. When Commander Okuyama ordered Warrant Officer Sakagami to relieve their pain, is it correct that he said this?

A. As I remember, there is no mistake.

318. Q. Anyone knows it is common knowledge that if a person is choked he would die. If the same result can be obtained by choking which could be obtained through morphine, what did you understand this order of Commander Okuyama to choke the prisoners to be?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial, and called for the opinion of the witness.

The accused made no reply.

The commission announced that the objection was sustained.

319. Q. Isn't it correct that the prisoners died from the injection of morphine and that they died from strangulation just a story?

A. As I recall, after the injections of morphine were made, they were still breathing.

320. Q. Does any pain occur through injections of morphine?

A. I am asking the counsel when he says pain through morphine, do you mean pain as a result of the injection of morphine?

321. Q. It is common knowledge that with morphine, senses will be dulled, and I am asking this question: You stated that morphine was injected and they were breathing, and I am asking you whether they were suffering.

A. In the injection itself, when the needle is placed under the skin, it hurts, but after the injection, the pain should be relieved.

CERTIFIED TO BE A TRUE COPY:
James M. Kent
James M. Kent,
Lieutenant, U. S. Navy,
Judge Advocate.

322. Q. Then, isn't it more simple to have a person strangled than to relieve the pain?

This question was objected to by the judge advocate on the ground that it called for the opinion of the witness.

The accused made no reply.

The commission announced that the objection was sustained.

323. Q. I wish you would refresh your memory and tell us whether the fact that Sakagami was present at the scene at this time is a mistake in your recollection or a lie on your part.

This question was objected to by the judge advocate on the ground that it was argumentative and repetitious.

The accused replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. As I recollect, this is the truth.

324. Q. You testified that you were ordered to take notes on the experiments of Commander Okuyama. Were any notes taken of Lieutenant Habetani's experiments?

A. I was ordered to take notes by Commander Okuyama, and I took notes of Commander Okuyama's experiments.

325. Q. Who took notes for Habetani's experiments?

A. I do not know.

326. Q. As a result of the dissection, you testified clearly as to the cause of death, and you also testified that you were certain of these causes of death through your notes of the dissection and through your knowledge. Is this correct?

A. With the knowledge I possessed at that time, I remember, as I recall, this was correct.

327. Q. You testified that death was caused by the injections of streptococcus bacteria into the blood stream which brought about the occurrence of septicemia. What symptoms did you find in the dissection by which you formed your opinion that the prisoners had died from septicemia?

A. Through the physical symptoms of the prisoners, which was told to me by Lieutenant Habetani, also on the valve of the heart there was a new growth of fungus and on the outer side, outer part, on the outer wall of the kidneys there were some hemorrhages; the bladder was a little bloated and was a red-purplish color; there were also hemorrhages, small hemorrhages, on the liver.

328. Q. Could these symptoms be discerned with the naked eye?

A. Yes.

TESTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny
Lieutenant, U.S. Navy
Judge Advocate

329. Q. Were any microscopes used?
A. As I recall, none were used.

330. Q. Didn't you use any methods in which cultures and stains were made?
A. In my recollection, I do not remember of any being made.

331. Q. According to an authority on medicine, septicemia, which is brought about by streptococcus bacteria, could not be discerned by dissection and that it would bring about no change in the organs. This can only be determined by making a culture, and also small hemorrhages can be seen only through a microscope. You are a doctor. Do you know of this?

This question was objected to by the judge advocate on the ground that counsel should give the source of the authority he referred to.

The accused replied.

The commission announced that the objection was sustained.

The witness was duly warned.

The commission then, at 4:30 p. m., adjourned until 9 a. m., tomorrow, Saturday, June 28, 1947.

TESTIFIED TO BE A TRUE COPY:
James H. Kennedy
James H. Kennedy
Lieutenant, U. S. Navy,
Judge Advocate.

SIXTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, W. I.,
Saturday, June 28, 1947.

The commission met at 9 a. m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States
Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United
States Army,
Lieutenant Colonel William K. Lanman, junior, U. S. Marine Corps,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
members, and,
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Robert R. Miller, yeoman first class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

The record of proceedings of the fifth day of the trial was read and
approved.

No witnesses not otherwise connected with the trial were present.

Nakamura, Shigeyoshi, the witness under examination when the adjournment
was taken, entered. He was warned that the oath previously taken was still
binding, and continued his testimony.

(Cross-examination continued.)

332. Q. You testified yesterday that an injection of streptococcus bacteria
into the blood stream brought about an occurrence of septicemia and that you
did not use a microscope in examining the organs. You did not make any
culture or stains. Could you state definitely that they had died of septi-
cemia which resulted from injections of streptococcus bacteria?

A. I can so state from the clinical findings which I heard from
Nabetani, the injection of the streptococcus bacteria and from examination
of the heart, liver, kidneys and bladder. I can state this that they had
died from septicemia caused by the injection of streptococcus bacteria.

333. Q. Then you judged the cause of death on clinical findings and not as
a chemical finding as a result of the dissection?

This question was objected to by the judge advocate on the ground that
counsel was misquoting the witness.

CERTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

The accused replied.

The commission announced that the objection was sustained.

334. Q. Did you ever think that your way of arriving at the findings concerning the cause of death through septicemia caused by the injection of streptococcus bacteria differed from what the ordinary doctors used in determining the cause?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was sustained.

335. Q. Did you arrive at any new finding as a result of this experiment?
A. I think it was confirmed that through an injection of streptococcus bacteria an occurrence of septicemia could be brought about.

336. Q. Did you find that it was a new finding when the symptoms in the organs could be discerned by the naked eye where usually a microscope had to be used?

This question was objected to by the judge advocate on the ground that counsel was testifying.

The accused withdrew the question.

337. Q. You testified that you could see the symptoms in the organs with the naked eye. Did you consider this a new discovery?
A. I can not say.

338. Q. Did Nabetani or Okuyama say anything concerning this?
A. I do not remember.

339. Q. Now I refer you to the prisoners who died of shock. Through what finding did you determine that these prisoners had died of shock?
A. It was because in the dissection almost no changes were noticed in their organs.

340. Q. Then it was because you found no changes in the organs that your opinion was that they died from shock. Is this correct?
A. As I recall in death by shock there are no noticeable changes in the organs.

341. Q. Then is it correct that by dissection you can not discern whether it was death by shock?
A. I was taught in dissection the thoracic gland would be enlarged in some cases, but I was not taught that this was true in all cases.

DECLINED TO BE A TRUE COPY:
James P. Henry
James P. Henry
Lieutenant, U. S. Navy,
Judge Advocate.

342. Q. You testified in this dissection that you could find no changes in the organs. Then, in this dissection you could not see any changes in the organs. Then, is it correct that you could not tell if this death was caused by shock?

This line of questioning was objected to by the judge advocate on the ground that it was argumentative.

The accused replied.

The commission announced that the objection was sustained.

343. Q. You stated as a result of the dissection you found the cause of the death of the prisoners had been from strangulation and dynamite. How did you determine this?

A. This is not true in all cases, but it can be said as a result of dissection no major changes can be noticed in the organs.

The commission announced that the answer was not responsive and directed the witness to answer the question.

A. (Continued). First, because there were no major changes in their organs and second, through the history of the patients.

344. Q. Were these the only two points?

A. There may be other symptoms, but from the knowledge that I was taught that is all I know.

345. Q. Then your opinion is that because there were no major changes in the organs they had died from strangulation and shock and dynamite?

This question was objected to by the judge advocate on the ground that counsel was misquoting the witness.

The accused made no reply.

The commission announced that the objection was sustained.

346. Q. You have testified that between the explosion of the dynamite and the time they were strangled that morphine was injected into the prisoners. Can you explain why this can not be counted as a cause of death?

A. Because the amount was so little.

347. Q. You have given one of the causes of death as shock of explosion. If this together with a small amount of morphine, even though it may have been an amount of morphine insufficient by itself to cause death, can it not be said this can be common knowledge that they would have died?

This question was objected to by the judge advocate on the ground that it called for speculation on the part of the witness.

The accused replied.

CERTIFIED TO BE A TRUE COPY.

James P. Kenny
JAMES P. KENNY,
Lieutenant, U.S. Navy,
Judge Advocate.

The commission announced that the objection was sustained.

348. Q. When did you graduate from medical school?
A. In the spring of 1940.

349. Q. From what medical school did you graduate?
A. Medical Department of the Keio University.

350. Q. As a medical officer in the Japanese Navy was your experience such as to acquaint yourself with the medical or surgical problems encountered in applying tourniquets to wounded persons before operating?
A. Yes.

351. Q. Did the experiments regarding tourniquets in any way aid the Japanese Navy in the amputation of wounded persons?

This question was objected to by the judge advocate on the ground that it was immaterial, irrelevant, and incompetent.

The accused made no reply.

The commission announced that the objection was sustained.

352. Q. Will you tell what you know about the problem of amputation where tourniquets were applied?

A. According to what we were taught, the tourniquets should not be left on more than two hours.

353. Q. You testified that you acted as recorder during the experiments. Did you record the names of the prisoners?

A. I do not remember.

354. Q. What data did you record?

A. At first I recorded the findings of the blood test, the pulse and the blood pressure and then the time the tourniquets were put on and when they were taken off and the findings of the dissection.

355. Q. How did you record this data?

A. As I recall I took them down with pencil on paper.

356. Q. What was done with the data you recorded?

A. I gave them to Ginyama.

357. Q. After Isumami finished the hemoglobin test did he leave the dispensary immediately?

A. As I recall he left the room.

358. Q. You testified that these hemoglobin tests showed that the prisoners were healthy. How did they show this?

A. The blood of a normal healthy person would have a certain thickness.

TESTED BY: JAMES H. HEAVY
CERTIFIED TO BE A TRUE COPY:
James H. Heavy
Lieutenant, U.S. Navy,
Judge Advocate.

359. Q. The question was, what did these tests that you recorded show to indicate that the prisoners were healthy?

A. The hemoglobin index showed a normal thickness and also the blood had the number of red and white corpuscles which a healthy person would have.

360. Q. To the question by the judge advocate, "After the test had been completed, what was done with the prisoners?" you answered, "After the tests were over the prisoners were divided into two groups." What test did you mean?

A. The hemoglobin index, the counting of the red and white corpuscles, the pulse and the blood pressure tests.

361. Q. Didn't Okuyama divide the prisoners?

A. As I recall they were divided by the order of Captain Iwanami.

362. Q. Then do you want to change your testimony that you just gave a few minutes ago that Captain Iwanami left right after these tests were over?

A. No.

363. Q. In your opinion were these hemoglobin tests permissible according to the Japanese medical profession and were they legal?

This question was objected to by the judge advocate on the ground that it was irrelevant, immaterial, and incompetent.

The accused made no reply.

The commission announced that the objection was sustained.

The commission then, at 10:18 a. m., took a recess until 10:35 a. m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Nakamura, Shigeyoshi, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued).

364. Q. Did Captain Iwanami leave the dispensary while the eight prisoners were still all in the one room?

A. As I recall he left after they had been divided into two groups.

365. Q. You testified that when the tourniquets were first applied to the prisoners that only you and Okuyama were present. Was Captain Iwanami present at any time thereafter during the time while the tourniquets were on?

A. As I recall he was.

CERTIFIED TO BE A TRUE COPY:

James P. Henry
James P. Henry
Lieutenant, U. S. Navy,
Judge Advocate.

366. Q. Did you remain in the same room with the prisoners with the tourniquets from the time the experiments were started until they were finished?

A. As I recall there were times when I left the room to go outside.

367. Q. Where did you go?

A. I remember going toward the room facing toward the mountains to rest.

368. Q. Where did you have your meals?

A. I do not remember.

369. Q. Did Commander Okuyama leave the experiment room at any time?

A. As I recall he did.

370. Q. Where did he go?

A. I do not remember where he went.

371. Q. Where did he have his meals?

A. I do not remember.

372. Q. You testified that as you recall Iwanami remained in the room with Habetani for about two hours. Was this during the two hours that the hemoglobin tests were being conducted?

This question was objected to by the judge advocate on the ground that counsel was misquoting the witness.

The accused withdrew the question.

373. Q. You testified that as you recall Iwanami remained in the room with Habetani for about two hours. Was this during the time that the hemoglobin tests were being conducted?

A. As I recall, yes.

374. Q. Were you in the room with Habetani during the two hours you testified that Iwanami was with him?

A. At first we were in the same room.

375. Q. By that do you mean that you were in the same room with Habetani?

A. Until the eight prisoners were divided into groups of four we were in the same room.

376. Q. Was Habetani in this same room?

A. At first we were all in the same room.

377. Q. Did you actually see what was being done to these prisoners by Habetani during the two hours Iwanami was with him?

A. Up until the time the eight prisoners were divided into groups of four I was with them.

TESTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny
Lieutenant, U. S. Navy,
Judge Advocate.

378. Q. Were you with Habetani during the two hours Iwanami was with him?

A. No.

379. Q. Then you can not testify to what took place during those two hours, can you?

A. The eight prisoners were divided into two groups of four each and until this time when they were divided into groups of fours I was together with him.

380. Q. Who made the recordings for Habetani?

A. I do not know.

381. Q. During the period of time from ten p. m. of the first evening until eight a. m. the next morning when you testified that the prisoners rested, were you with the prisoners?

A. Yes.

382. Q. Was Commander Okuyama with them?

A. Yes.

383. Q. Was Captain Iwanami present at eight o'clock the next morning when the experiments started again?

A. As I recall he was there.

384. Q. How long did he remain that day?

A. As I recall twenty to thirty minutes.

385. Q. You testified on direct examination that you remembered a conversation but not the details between Captain Iwanami and Commander Okuyama before the tourniquets were applied. Do you remember if Okuyama said that the Japanese wounded died of shock if the tourniquets were removed in such cases when it was necessary to use tourniquets before amputating legs or arms of wounded Japanese?

A. I do not remember.

386. Q. You testified that you did not enter the dispensary room that Habetani was using until the following morning and that you only remained there five minutes. Was Captain Iwanami there during that five minutes?

A. From what I recall I do not think he was there.

387. Q. During that first day did Habetani stay with his four prisoners from eight in the morning until eleven at night?

A. I have no distinct recollection.

388. Q. Did he stay all night with his four prisoners?

A. I have no recollection of this either.

389. Q. Where did he have his meals?

A. I do not remember.

390. Q. Did Habetani stay all that next day with the prisoners?

A. I have no distinct recollection.

TESTED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy.
Judge Advocate.

391. Q. Was Iwanami present when Okuyama finished his experiments?
A. As I recall he was not there.
392. Q. Who was?
A. As I recall Okuyama was there.
393. Q. Were you there?
A. Yes.
394. Q. Was anyone else there?
A. I do not remember.
395. Q. Was Captain Iwanami present when Habetani finished his experiments?
A. I do not remember.
396. Q. Who was present when Habetani finished his experiments?
A. I do not know.
397. Q. What was done with the four prisoners after Okuyama finished with his experiments?
A. The two prisoners who had lived through the tourniquets experiment were taken to the hill back of the hospital and experimented on with explosions of dynamite.
398. Q. And the other two?
A. I do not know.
399. Q. What was done with the four prisoners after Habetani finished his experiments?
A. I do not know when his experiments were completed, but later they were dissected.
400. Q. Who ordered you to act as recorder?
A. As I recall it was the head of the hospital, Iwanami.
401. Q. Did you report your recordings to the head of the hospital?
A. Do you mean the recordings on the dissection?
402. Q. I mean any recordings that you might have made.
A. From what I recall the notes on the dissection performed by Habetani I gave to Habetani, notes on Okuyama I gave to Okuyama.
403. Q. Why didn't you give them to the head of the hospital? You had been ordered to do this by the head of the hospital.

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

CERTIFIED TO BE A TRUE COPY:
James P. Kennedy
James P. Kennedy
Lieutenant, U. S. Navy
Judge Advocate

The commission announced that the objection was sustained.

404. Q. Did Okuyama tell you not to report the findings to Iwanami?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was sustained.

405. Q. How far from the Forty-first Naval Guard Unit dispensary was the hill back of the officers' quarters?

A. I have no definite recollection, but I do not think it was too far away.

406. Q. How did you get to this hill from the Forty-first Naval Guard Unit dispensary?

A. I returned from the Forty-first Naval Guard Unit to the hospital and from the hospital I went to the hill.

407. Q. How long did it take you then from the time you left the dispensary until you got to the hill?

A. The period of time as I recall was about three hours.

408. Q. With whom did you go?

A. I have no recollection.

409. Q. Were the prisoners taken with you?

A. I do not remember.

410. Q. What time did Okuyama tell you he was going to continue the experiments on the hill?

A. He told me at about eleven o'clock, when the experiments were over at the sick bay.

411. Q. What time did you get to the hill?

A. As I recall, two or three in the afternoon.

412. Q. What time did Sakagami arrive there?

A. I do not know.

413. Q. Did you order Sakagami to tie the prisoners?

A. No.

414. Q. Did Okuyama order Sakagami to tie the prisoners?

A. I do not know.

415. Q. Did Okuyama have any dynamite at that time?

A. I have no recollection.

416. Q. Did Sakagami have any dynamite at that time?

A. I do not remember.

TESTED TO BE A TRUE COPY:

James P. Keady
James P. Keady,
Lieutenant, U.S. Navy,
Judge Advocate.

417. Q. How much dynamite was produced by Sakagami?
A. Do you mean the size of the dynamite?

418. Q. Yes.
A. I do not remember distinctly, but the diameter was about the size of a closed fist and the length about 15 to 20 centimeters.

419. Q. Did you look at Sakagami when he planted the dynamite?
A. Yes.

420. Q. Did he say anything when he planted the dynamite?
A. I do not remember.

421. Q. Will you describe what the dynamite looked like?

This question was objected to by the judge advocate on the ground that it was repetitious.

The accused replied.

The commission announced that the objection was sustained.

422. Q. Have you ever actually seen dynamite so you can describe it?
A. I saw dynamite for the first time at that time.

423. Q. Have you ever seen any since?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was not sustained.

A. No.

424. Q. Were the prisoners blindfolded at this time?
A. I do not recall.

425. Q. Did the prisoners say anything when they knew dynamite was being planted at their feet?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was not sustained.

A. I have no recollection.

IDENTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

426. Q. Was the fuse, which was lighted, a powder fuse?

A. I do not know.

427. Q. How far from the dynamite was the end of the fuse that was lighted?

A. I have no definite recollection.

428. Q. Did you see Sakagami light the fuse?

A. Yes.

429. Q. With what did he light the fuse?

A. As I recall, with a match.

430. Q. How long did it take from the time Sakagami lit the fuse until the dynamite exploded?

A. As this was my first time I can not say exactly, but it was not too long before it exploded.

431. Q. Where were you when Sakagami lit the fuse?

A. I was lying on the ground on the side of the hill because I was told to take shelter by Okuyama.

432. Q. Where were you when the explosion took place?

A. On the side of the hill.

433. Q. Was Okuyama with Sakagami when the fuse was lighted?

A. As I recall, yes.

434. Q. How far away did you take shelter?

A. I have no definite recollection, but I think it was about 20 meters away.

435. Q. When you took shelter there did you run?

A. As I recall I did not run.

436. Q. Could you see the prisoners from your place of shelter?

A. If I stood up on my toes I could see the prisoners.

437. Q. Could you see Okuyama and Sakagami?

A. When do you mean?

438. Q. When they lit the fuse?

This question was objected to by the judge advocate on the ground that counsel was misquoting the witness.

The accused withdrew the question.

439. Q. Could you see Okuyama and Sakagami when the fuse was being lit?

A. Yes.

440. Q. Was there just one explosion?

A. As I recall there were two.

EXHIBIT TO BE A TRUE COPY

James P. Henry
JAMES P. HENRY
LAWYER
JUDGE ADVOCATE

441. Q. How far from the prisoners feet was this dynamite placed?
A. As I recall about one meter.

442. Q. How much of a charge of dynamite was used?
A. Do you mean the size that was used?

443. Q. Yes.

This question was objected to by the judge advocate on the ground that it was repetitions.

The accused made no reply.

The commission announced that the objection was sustained.

444. Q. Was the dynamite on the surface of the ground?
A. Yes.

445. Q. Did the dynamite only injure the feet of the prisoners?
A. The feet and the side of the body facing the dynamite. The face, the chest and the stomach had dirt and soot smeared over them.

446. Q. Did Sakagami examine the prisoners after the explosion?
A. Do you mean did he make an examination or just glance at them?

447. Q. Did Sakagami look closely at the prisoners after the explosion?
A. I do not recall.

448. Q. What did Sakagami say at that time?
A. I do not remember.

449. Q. How did you inject the morphine?
A. As I recall I injected the morphine with a hypodermic needle.

450. Q. Did you see Sakagami choke the two prisoners?
A. Yes.

451. Q. Were the two prisoners blindfolded when he choked them?
A. I do not remember.

452. Q. How long did it take Sakagami to choke each prisoner?
A. I have no definite recollection.

453. Q. Were the prisoners tied?
A. I have no definite recollection.

454. Q. Who was present when the prisoners were choked?
A. As I recall myself, Okuyama and Sakagami were present.

The witness was duly warned.

The commission then, at 11:26 a. m., adjourned until 9 a. m., Monday, June 30, 1947.

CERTIFIED TO BE A TRUE COPY:

James P. Kennedy
James P. Kennedy,
Lieutenant, U. S. Navy,
Judge Advocate Navy,
San Francisco

SUMMARY

United States Pacific Fleet,
Commander Marinas,
Guam, Marianas Islands.
Monday, June 30, 1947.

The commission met at 9:15 a. m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Russo, Coast Artillery Corps, United States
Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United
States Army,
Lieutenant Colonel William K. Lamm, junior, U. S. Marine Corps,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
members, and
Lieutenant Commander Joseph A. Ryan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
Joseph Kane, junior, yeoman second class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

The record of proceedings of the sixth day of the trial was read and
approved.

No witnesses not otherwise connected with the trial were present.

The judge advocate made the following statement:

If the commission please, the judge advocate is unable to produce into
court the prosecution witness, Shigeyoshi Nakamura. Shigeyoshi Nakamura died
on Saturday afternoon, June twenty-eighth of this year. I would like to intro-
duce a witness who will prove this fact.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. Will you state your name, rank and present station.
A. Richard G. Gilmore, first lieutenant, U. S. N. C., present station, War
Graves Stockade, Tumon Bay, Guam, Marianas Islands.
2. Q. If you recognize the accused, will you tell us who they are?
A. I recognize them by face only.
3. Q. Did you know Shigeyoshi Nakamura?
A. Yes, I did.
4. Q. Do you know what has become of Shigeyoshi Nakamura?
A. He died on Saturday, June 28, 1947.

VERIFIED TO BE A TRUE COPY:
James P. Kenny
Lieutenant, U. S. Navy,
Judge Advocate.

5. Q. Did you see the dead body of Shigeyoshi Nakamura?
A. Yes, I did.

6. Q. Where did he die?
A. The War Crimes Stockade, Tumon Bay, Guam, Marianas Islands.

Commander Martin E. Carlson, U. S. Naval Reserve, a counsel for the accused, made the following motion:

May it please the commission. We move that the testimony of this witness be stricken from the record on the ground that the death of the witness, Nakamura, the witness under cross-examination by defense counsel when the commission adjourned, Saturday, June 28, 1947, must be shown by the best evidence which is obtainable.

I quote from Underhill's Criminal Evidence, fourth edition, section 463:

"Deceased or insane witnesses. How death of witness may be proved..... The death of the witness must be shown by the best evidence which is obtainable, preferably a certified copy of the record of his death kept by the proper officer. In the absence of such proof of death, the oral testimony of a person who could swear, of his own knowledge, that the witness was dead would doubtless be received, as, for example, of a physician who had attended his deathbed, or of one who, being acquainted with the witness, had attended his funeral. Evidence that it is generally believed or reported that an absent witness is dead is not competent (citing *State v. Wright*, 70 Iowa, 152, 30 N. W. 388; *Briggers v. U. S.*, 21 Okla. 60, 95 Pac. 612, 17 Ann. Cas. 66; *McDrew v. State*, 13 Tex. App. 340). A statement by the prosecuting attorney that his witness is dead is no proof of the fact such as will let in the missing witness's testimony (citing *Flannigan v. State* (Okla. Cr.), 29 Pac. (2d) 989)."

We hold that the testimony of this witness is comparable to the statement made by a prosecuting attorney that this witness is dead, and that it is not proof of the fact of the death of the witness, Nakamura.

The judge advocate made the following reply:

The judge advocate was very careful to produce into court this morning a witness who testified as to the death of Nakamura. We are not asking the commission to take as proof any statement that the judge advocate has made. Counsel for the defense has pointed out that a man who has attended the funeral of a dead witness is competent to testify as to the death of that witness. The judge advocate has produced into court a man who is even more competent than an individual who has gone to a funeral. This witness, by his own words, has stated that he, himself, having known Nakamura, has seen his dead body, and even better than having followed a hearse to the grave, has seen the dead body of Nakamura, and knows that it was Shigeyoshi Nakamura. We maintain that his testimony is even better than a death certificate and we urge that the commission permit his testimony to stand.

The commission announced that the motion was denied.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny, U. S. Navy,
Judge Advocate.
U. S. Navy,
Judge Advocate.

Cross-examined by the accused:

7. Q. Where did you see the dead body of Nakamura?
A. The War Grimes Stockade, Guam, Marianas Islands.

8. Q. Was a physician present at the time that the body was pronounced dead?
A. Yes, a physician was present.

9. Q. Who was that physician?
A. Doctor Joseph J. Kaufman, Lieutenant (junior grade), Medical Corps, United States Navy.

10. Q. Do you know where the dead body of Nakamura is now?

This question was objected to by the judge advocate on the ground that it was irrelevant.

The accused replied,

The commission announced that the objection was sustained.

11. Q. Are you acquainted with the cause of death of Nakamura?

This question was objected to by the judge advocate on the ground that it was incompetent, immaterial, and irrelevant.

The accused replied,

The commission announced that the objection was sustained.

12. Q. Do you know if the deceased left a will or statement upon his death?
A. No evidence of same was found on the person or among his belongings.

Neither the judge advocate nor the accused desired further to examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrawn.

Commander Martin E. Carlson, counsel for the accused, made the following motion:

May it please the commission: Since the witness Nakamura is dead and the cross-examination of the witness Nakamura has not been completed, we ask that this commission at this time declare a mistrial and we cite from section 798, Underhill's Criminal Evidence, fourth edition, page 780:

"The right to cross-examine. Discretion of Court. The cross-examination of a witness is an absolute right and not a mere privilege, citing Alford v. U. S., 202 US 687, 75 Fed. 621, 21 Sup. Ct. 218, rev. judgment 21 Fed. (2d) 157. Board v. U. S., 235 F. 629; York v. U. S., 299 F. 778; Sunderland v. U. S., 29 F. (2d) 202; Galindez v. U. S., 29 F. (2d) 332; Hamer v. U. S., 27 Fed. (2d) 206; Cassock v. U. S., 43 Fed. (2d) 211.)"

CERTIFIED TO BE A TRUE COPY:

James T. Kennedy
James T. Kennedy, Navy
Lieutenant, U. S. Navy,
Judge Advocate.

"A full cross-examination of a witness upon the subjects of his examination in chief is the absolute right, not the mere privilege, of the party against whom he is called, and a denial of this right is prejudicial and fatal error. Citing: *Heard v. U. S.* (C. C. A. 8th) 255 F. 829; *Conceak v. U. S.* (C. C. A. 9th) 63 F. (2d) 511; *Henry v. State*, 196, Ind. 14, 146 N. E. 822."

In Wharton's *Criminal Evidence*, Volume 3, section 1291, page 2162, we read this: "To a defendant charged with a grave crime, the right of cross-examination should be extended liberally, citing *State v. Christy*, 198 Iowa 1302, 201 N. W. 42."

Continuing further in Wharton's *Criminal Evidence* on the same page: "To a defendant charged with a grave crime, the right of cross-examination shall be extended liberally. The constitutional right of the accused to meet the witnesses against him face to face includes the right to cross-examine every witness not called by himself, and requires their personal presence so that they may be cross-examined by him, citing *State v. Burgham*, 133 S. C. 491, 131 S. E. 603. If, therefore, a witness dies after giving damaging testimony and before opportunity for cross-examination is had, his testimony in chief becomes incompetent and mistrial should be ordered." Accordingly, we move that the commission declare a mistrial. Not to do so at this time after the commission has listened to the testimony of the witness, Nakamura, who is now dead, before opportunity had been given for complete cross-examination will be most prejudicial to the substantive rights of all of those accused, but particularly the accused Captain Iwamori, Hiroshi, I. J. N., and Lieutenant (junior grade) Sakagami, Shinji.

Nothing that can be done now can in our opinion erase or expunge the testimony for the record of this trial. We, therefore, move that the commission declare a mistrial.

Mr. Akinoto, Yuichiro, counsel for the accused, made the following statement in support of the motion for a mistrial.

If it please the commission: I believe it is a principle of American and English law that when the situation is such that the cross-examination is not possible, then previous testimony of a witness should not be admitted as evidence. As a matter of fact, counsel believes that the witness Nakamura had participated in this incident and that he was in a position that he could have been regarded as an accomplice, even though he was not indicted. Therefore, we have great doubt as to the credibility of his testimony. The importance of cross-examining this witness cannot be regarded in the same light as the other witnesses. Since this witness met an unfortunate death during the continuation of cross-examination, counsel has lost his opportunity to indicate further inconsistency and inaccuracy in his testimony. Therefore, the testimony that the witness had already made should not be admitted as evidence.

The judge advocate made the following reply:

If the commission please: I note Commander Carlson quotes from Wharton's *Criminal Evidence*, section 1291, "If therefore a witness dies after giving damaging testimony and before opportunity for cross-examination is had, the testimony in chief becomes incompetent and mistrial should be ordered." That is good law, and the judge advocate agrees. Commander Carlson, unfortunately,

CERTIFIED TO BE A TRUE COPY:

James P. Keane COPY:

James P. Keane,

Lieutenant, U. S. Navy,

Judge Advocate, 3. Navy,

3. Navy.

in his argument, did not agree with this quotation of law when he stated, "had the witness completed his testimony." The book says nothing about its being complete. If the witness Nakamura had not been cross-examined, the judge advocate would be in an unfortunate position and could not easily ask the court to permit his testimony to stand under American law. As the court well knows, Mr. Akinete, who is a defense counsel for Iwanami, cross-examined Nakamura exhaustively for more than one full court day. He took the witness from the conversation with Captain Iwanami and Okuyama in the hospital right up through the dissections. He took him through every phase of his direct testimony without being able to point any inconsistency, although he infers such has been done by his argument on this motion. But that is unimportant at this time. Mr. Akinete had a full and complete opportunity to cross-examine Nakamura and took advantage of it. Commander Carlson himself cross-examined Nakamura, and in fact covered greatly the same testimony that Mr. Akinete had covered. As the court will remember, frequently objections were made to the questions asked by Commander Carlson on the ground that they were repetitious. Under SCAP rules, an unsworn statement may be admitted into evidence if the commission feels that it will be of any probative value. Under SCAP rules, there is no doubt that the testimony of Nakamura should be allowed to remain in the record, but we maintain that regardless of SCAP rules, the testimony should be allowed to remain in the record. We maintain that the principle of law does not cover this case, because we believe it is a fact that the defense has had ample opportunity to cross-examine him, and their rights will be in no way prejudiced in permitting his testimony to stand.

The commission was cleared. The commission was opened, and all parties to the trial entered. The commission announced that the motion was denied.

Commander Martin E. Carlson, counsel for the accused, made the following motion:

If it please the commission: At this time we contend that the testimony of the witness Nakamura, who is now said to be dead, be expunged from the records of this trial. No testimony was elicited from the witness who made a statement that the witness Nakamura was dead. There is nothing to indicate how his death was brought about. The commission can only speculate and we, the defense counsel, can only speculate. Now the witness Nakamura met his death is most important and not to have heard testimony on this is prejudicial to the rights of the accused, particularly the accused Iwanami, Hiroshi, and Sakagami, Shinji. On what basis can the commission decide whether or not the testimony of the dead witness should be expunged? We will again quote from Underhill's Criminal Evidence, page 780:

"The right to cross-examine. Discretion of court. The cross-examination of a witness is an absolute right and not a mere privilege," citing many cases.

And continuing to quote: "A full cross-examination of a witness upon the subjects of his examination in chief is the absolute right, not the mere privilege, of the party against whom he is called, and a denial of this right is prejudicial and fatal error," citing many cases.

And in Wharton's Criminal Evidence, on page 2162, "To a defendant charged with a grave crime, the right of cross-examination should be extended liberally. The constitutional right of the accused to meet the witnesses against him face to face includes the right to cross-examine every witness not called by himself, and requires their personal presence so that they may be cross-examined by him, citing State v. Burghen, 133 S. C. 491, 131 S. E. 603. If, therefore, a witness dies after giving damaging testimony and before opportunity for

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James P. Henry
James P. Henry, Esq.,
Lieutenant, U. S. Navy,
Judge Advocate.

cross-examination is had, his testimony in chief becomes incompetent and mistrial should be ordered."

The accused waived the reading in Japanese of Commander Carlson's motion, in open court.

The judge advocate replied.

The commission announced that the motion was denied.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Corporman Chief Petty Officer, Imperial Japanese Navy, Odanaka, Kinsburo.

2. Q. If you recognize the accused, tell us who they are.

A. The first person in the first row from the left, Captain Iwanami; Lieutenant Commander Kamikawa; Lieutenant Oishi; Lieutenant Asamura; Lieutenant (junior grade) Sakagami; Ensign Yoshizawa; Warrant Officer Nomura; Warrant Officer Watanabe; Warrant Officer Tanabe; Warrant Officer Nakai; Kawashima, chief petty officer; Paymaster Chief Petty Officer Sasaki; Corporman Chief Petty Officer Tanaka; Corporman Chief Petty Officer Akahori; Corporman Chief Petty Officer Hamahara; Corporman Chief Petty Officer Totsui; Corporman Chief Petty Officer Hamatani; Corporman Chief Petty Officer Takaishi; Corporman Chief Petty Officer Mitsuhashi. The witness identified all the defendants, and they stood when identified.

3. Q. Were you ever attached to any hospital at Truk?

A. Yes.

4. Q. What was that hospital?

A. The Fourth Naval Hospital.

5. Q. Will you tell us the dates between which you served at that hospital?

A. Do you mean the time that I was attached to the hospital, even after the end of the war?

6. Q. How long were you attached to the hospital?

A. From November, 1943, to January, 1946.

7. Q. What duties did you have at the hospital?

A. I was attached to a room in which bacteria and also the causes of death were inspected and examined or tested.

8. Q. Can that testing room be the dissection room?

A. Also in this room, dissections are held.

9. Q. What was your rate in January, 1944?

A. I was a corporman petty officer second class.

10. Q. And during that particular month, January of 1944, what were your duties at the Fourth Naval Hospital?

A. I was assigned to duty in this room.

CERTIFIED TO BE A TRUE COPY:

James P. Henry
James P. Henry, U. S. Navy,
Lieutenant, U. S. Navy,
Judge Advocate.

11. Q. Will you describe for the commission exactly what duties you had in the dissection room in that hospital?

A. At times of dissections, I was always ordered to take notes.

12. Q. Do you recall taking any notes on any dissections in January of 1944?

A. There were many dissections. I did not take the notes on the dissections of four dead white men.

13. Q. Were four dead white men dissected in January, 1944?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

14. Q. Who were these four dead white men?

A. I do not know when you say, "Who were these four dead white men?"

15. Q. What do you know about them; where did they come from; what were they doing there; who brought them there?

A. I do not know.

16. Q. Will you tell this commission how you happened to be in that room that day?

A. If I was ordered to take notes on dissections, I was there. I do not remember who put out the order for these dissections, but I heard about this and made preparations to take notes and went there.

17. Q. When you got there, what did you find?

A. There were other corpemen when I arrived there. There were corpemen other to myself present and they were making preparations for the dissections. After I arrived, Lieutenant Habetani, who at this time was a lieutenant, came in and told me to report to Surgeon Commander Okuma who was at that time head of the surgical department.

18. Q. When you say other corpemen assisted there, what were their names, if you know?

A. Do you just mean the names, or also their ranks at that time?

19. Q. Give us the names and their ranks at that time.

A. There was Leading Corpman Yamada, Masao; First Class Corpman Tanaka, I do not know his first name; and First Class Corpman Takahashi, I do not know his first name.

20. Q. Were there any doctors at this dissection?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

CRISTIFIED TO BE A TRUE COPY:

James P. Kenney
James P. Kenney
Lieutenant, U.S. Navy,
Judge Advocate.

21. Q. Other than the three other corpses, yourself, and the four dead white men, were there any other persons in that room?

A. At the time the dissection began, the head of the hospital, Iwami; the head of the surgical department at that time, Commander Ohguma; Lieutenant Habetani, who was in charge of this autopsy room; and I do not know to what unit he belonged, but I remember Lieutenant Nakamura being present.

22. Q. Do you know the rank of Iwami, the head of the hospital, at that time?

A. At that time he was Surgeon Captain, Imperial Japanese Navy, Iwami, Hiroshi.

23. Q. Were any notes kept of this dissection?

A. As I was told that Lieutenant Nakamura would take the notes, I handed him my notebook and I did not take the notes.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion was denied.

24. Q. Who told you to take these notes?

A. It was Commander Ohguma.

25. Q. What happened then?

A. The morgue and the dissection room are located in the same building. As the four dead bodies were in the morgue, the dead bodies were brought in a stretcher to the dissection room and placed on the dissection table and the head of the hospital, Iwami, Commander Ohguma, and Habetani started the dissection. The notes were taken by Nakamura.

26. Q. What were your duties at this dissection?

A. My work was to take notes, but as Nakamura was taking the notes, I did not take the notes, and I helped by cleaning the instruments; also in the middle of the dissection, I made labels to place on the organs which were taken out.

27. Q. Were all the organs that were taken from these bodies returned to the bodies?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied.

The commission announced that the objection was sustained.

28. Q. What became of these organs that you mentioned were taken out and labeled?

A. They were placed in specimen bottles and after the dissection was over, I took them back to the autopsy room and kept them there.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

29. Q. Do you know whether any of these organs that you mentioned were placed in these specimen bottles were ever returned to the bodies from which they were taken?

A. No, they were not returned to the bodies.

30. Q. While the doctors were dissecting these bodies, did you overhear any conversation between these doctors?

A. As they were using a foreign language, I did not understand.

31. Q. Did you learn from attending these dissections the cause of death of these persons?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I did not know.

32. Q. After the dissection had been completed, do you know what became of these bodies?

A. I have heard that the heads were removed from the bodies, and the headless bodies were taken to the crematorium.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate made no reply.

The commission directed that the answer be stricken out.

33. Q. How long did these dissections last?

A. As I recall, about four hours.

The commission then, at 10:35 a. m., took a recess until 11 a. m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Odanaka, Kimburo, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

Cross-examined by the accused:

34. Q. You testified on direct examination by the judge advocate that you knew of the dissection of the four dead bodies of white men in January, 1944. How did you find out about this dissection?

A. Each time there is a dissection, we receive a telephone call, or Rabotani himself personally came and told us to make preparations. In this case, from what I recall, Rabotani came and told us to make preparations.

CERTIFIED TO BE A TRUE COPY:

James M. Kenney
James M. Kenney,
Lieutenant, U. S. Navy,
Judge Advocate.

35. Q. What time of day were you told by Habetani to make preparations for the dissection?

A. I do not remember the time exactly, but I think it was about four o'clock in the afternoon.

36. Q. What time was it when you went to the dissection room?

A. I went about ten minutes after I was told.

37. Q. When you went to the dissection room, the only ones who were there were the corporals, and the doctors were not there. Is this correct?

A. Yes.

38. Q. Was Habetani the first doctor to come there?

A. Yes.

39. Q. When Habetani came to this dissection room, did he say anything to you corporals?

A. Habetani told me to report to Commander Okuyama that the preparations had been made.

40. Q. Did you report this immediately to Commander Okuyama?

A. I went to report immediately.

41. Q. Did Commander Okuyama come immediately to the dissection room?

A. He came a short time later.

42. Q. Who came after him?

A. The head of the hospital, Iwanami, arrived.

43. Q. Did he come immediately after Okuyama arrived, or was it some time after Okuyama had arrived?

A. I have no recollection about the time.

44. Q. When did Lieutenant Nakamura arrive at the dissection room?

A. Well, Nakamura came after the head of the hospital, Iwanami.

45. Q. After Iwanami came to the dissection room, was there considerable time before the dissections were started?

A. Very little time was wasted, and the dissections were begun.

46. Q. What time was it when the dissection began?

A. As I recall, about four thirty.

47. Q. At this time, about what time did the sun go down at Truk?

A. I think it was about five o'clock.

48. Q. Were the lights on?

A. There were lights on at the dissection room.

49. Q. You testified that there were four dead bodies and that there were four doctors, and Lieutenant Nakamura took notes. Did each doctor take one body?

A. The three of them dissected each body together.

OFFICED TO BE A TRUE COPY:

James P. Kelly
James P. Kelly,
Lieutenant, U.S. Navy,
Judge Advocate.

50. Q. Four dissections were performed. Were all dissections performed in the same manner, or were different bodies dissected in different places or in different manners?

A. As I recall, they were all performed in the same way.

51. Q. What kind of a dissection was it?

A. As I am not a doctor, I do not know.

52. Q. From what you saw, what parts were dissected?

A. The bodies were cut open and I think it was examined generally.

53. Q. Were the bodies cut open from the chests down to the stomach?

A. Yes.

54. Q. Then, it was a dissection to examine the internal organs of the body?

A. I think so.

55. Q. Was Iwanami present all during the dissections?

A. From what I remember, he was present all during the time that the three bodies were dissected, but I do not recall if he was present when the fourth body was dissected.

56. Q. Was Captain Iwanami present when the dissection on the third body began?

A. I have no recollection from about the last part of the dissection.

57. Q. Were all the other doctors present until the very end of the dissection?

A. Yes.

58. Q. When did you leave this dissection room?

A. I left the room after all the dissections were completed.

59. Q. Was it after all the cleaning up was over?

A. Yes, and I returned after everything was over. I took the soiled instruments. As I had not eaten my evening meal yet, I left.

60. Q. What happened to the dead bodies after the dissection?

A. I did not see it myself, but what I heard from people was that the heads were removed to the crematorium.

61. Q. When you left this dissection room, were the bodies still in the dissection room?

A. After the dissection was over, as I recall, the bodies were moved to the morgue.

62. Q. You testified that dissections were done at the hospital in a separate room. Were dissections done as a part of the hospital routine or order of business at the hospital?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

OFFERED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

The accused made no reply.

The commission announced that the objection was not sustained.

A. Yes.

63. Q. Did you ever see the notes that were made at the dissection that you testified to?

A. During the dissection, I saw the notes, but as they were written in a foreign language, I could not understand it, and after this I have never seen it.

64. Q. What language were the notes written in?

A. I do not know what foreign language. It was written sideways.

65. Q. Do you know who wrote the notes?

A. Lieutenant Nakamura wrote them.

66. Q. Were the dissections always made on human beings?

A. So far as I know, yes.

67. Q. Did the doctors have permission to dissect the bodies before they started their dissections?

A. Do you mean permission for me?

68. Q. No. Did they have permission to do the dissections before they started?

A. This I do not know. Whenever a dissection is to start I receive orders from Lieutenant Habetani. I think Lieutenant Habetani had permission.

69. Q. Is Captain Iwanami a surgeon, that is, is his specialty that of a doctor of surgery?

A. I do not know.

70. Q. Do you know where this Doctor Okuyama is now?

A. I do not know.

71. Q. Do you know where this Doctor Habetani is now?

A. I do not know.

72. Q. Do you know where this Doctor Nakamura is now?

A. I do not know.

Neither the judge advocate nor the accused desired further to examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 11:23 a. m., took a recess until 2 p. m., at which time it reconvened.

OFFICED TO BE A TRUE COPY:

James P. Kelly
Lieutenant, U. S. Navy,
Judge Advocate.

Presents: All the members, the judge advocates, the accused, their counsel, and the interpreters.

Robert B. Millard, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Corporal Petty Officer Second Class, Tanaka, Hiroko.

2. Q. If you recognize the accused tell us their names and also their ranks.

The witness identified all of the accused with the exception of Lieutenant Asamura, Shunpei.

3. Q. Did you ever serve on Truk?

A. Yes.

4. Q. Where on Truk?

A. Fourth Naval Hospital.

5. Q. Between what dates did you serve at the Fourth Naval Hospital?

A. From the twenty-third of August, 1943, till the seventeenth of June, 1944.

6. Q. And while you were at that hospital, what was your rank?

A. I was a corporal petty officer second class.

7. Q. What were your duties at that hospital in January, 1944?

A. When I first arrived at the hospital, for one week I was attached to the out-patient examination room. After this I was transferred to the statistical department for three months, after which I was transferred to the general affairs section for one month. In January, 1944, I was transferred to the autopsy room, where I continued all of January. From the first of February, I was transferred to the contagious disease wards where I stayed until November 27, 1944. After that time I was attached to the pharmacist's department.

8. Q. In January, 1944, were there any dissections performed in the autopsy room in which you were serving?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

9. Q. Did you ever aid in any dissections at that hospital?

A. Yes, as I recall, on the twenty-fourth or twenty-fifth of January, 1944.

CLASSIFIED TO BE A TRUE COPY
James P. Lang
James P. Lang
Lieutenant, U. S. Navy
Judge Advocate

10. Q. Will you tell us about these dissections?

A. In the afternoon of the 24th or 25th of January, 1944, I was ordered by Hanna for a dissection. After preparations were made, I was told to go immediately to the dissection room. The four of us went to the dissection room, and then to the morgue, and there were four dead bodies there.

11. Q. When you say the four of you went there, give us the names of the persons that went with you.

A. Corporal Chief Petty Officer Odanaka, Kinsaburo; Corporal Petty Officer Second Class Yamada, Masao; myself and Corporal Petty Officer Second Class Takahashi, Masayoshi.

12. Q. When you arrived at the dissection room what did you find?

A. There were four dead bodies there and as I recall, they were white men.

13. Q. Other than the four dead bodies which were white and yourself and the three other corporals, was there anyone else in that room?

A. At the time when we arrived at the dissection room there was no one else there.

14. Q. Did anyone else come in after you arrived?

A. A short time after we arrived, the head of the hospital, Okuyama, Habetani and Nakamura arrived.

15. Q. When you say the head of the hospital, whom do you mean?

A. Captain Iwanami, Hiroshi.

16. Q. What happened then?

A. A short time later, the dissection was performed.

17. Q. When you say a dissection was performed, tell us exactly what was done with these bodies.

A. The dissection started by cutting open the chest and the stomach. The persons who performed the dissection were the head of the hospital, Okuyama, and Habetani, and as I recall Nakamura took the notes.

18. Q. How long did these dissections continue?

A. After the noon meal, the dissection started about three to four in the afternoon and as I recall it took four hours.

19. Q. Was each body dissected?

A. All of the bodies were dissected.

20. Q. And after the bodies had been dissected was anything further done to them?

A. Yes.

21. Q. What was done?

A. Early the next morning, Okuyama called me and told me to come with him to the morgue. There I found four heads in something which looked like a barrel cut in half. He told me to take this in back of the administration building and boil it.

The accused moved to strike out this answer on the ground that it was hearsay.

EXEMPTED TO BE A TRUE COPY:

James P. Kennedy
Lieutenant, U. S. Navy,
Judge Advocate.

The judge advocate replied.

The commission announced that the motion to strike was denied.

22. Q. When you picked up these heads in the morgue, did you recognize them?
A. As the headless bodies were nearby, I recognized them as the heads of the four bodies.

23. Q. Did you recognize the bodies as the bodies that had been dissected the previous day?

This question was objected to by the accused on the ground that it was leading.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. Yes.

24. Q. Were the instructions of Ohgama carried out?

A. Yes.

25. Q. What was done with these heads?

A. I took them back of the administration building and made preparations to boil them.

26. Q. Were you given any instructions as to how to boil these heads?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

27. Q. Were you given any instructions concerning these heads?

A. No.

28. Q. Was Ohgama the only person who gave you any orders concerning these heads?

A. Yes. As I recall, he was the only one.

29. Q. While you were boiling these heads, did you have a conversation with anyone?

A. Yes. Before I started to boil the heads I believe it was the head of the hospital, Inumami, who told me in boiling the heads to use lime and water in the same amounts.

30. Q. Where were you when Inumami told you this?

A. It was at this place. It was at the place where I was to boil the heads.

31. Q. Were you boiling the heads when Inumami told you this?

A. I had not started to boil them yet.

CERTIFIED TO BE A TRUE COPY:
James P. Kennedy
James P. Kennedy,
Lieutenant, U. S. Navy,
Judge Advocate.

32. Q. Were the heads with you?

A. Yes, as I had taken them and placed them there.

33. Q. Did you carry out Iwanami's orders?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

34. Q. After Iwanami had told you to mix the same quantity of water with the same quantity of lime, what did you do?

A. I did as I was told and boiled them.

35. Q. Was this the only time that Captain Iwanami visited you that afternoon?

A. As I recall, he came two or three times.

36. Q. Did he say anything else to you other than giving you instructions on boiling these heads?

A. I do not remember anything else.

37. Q. After you boiled the heads what happened then?

A. I boiled them that afternoon and just before the evening meal, as the heads had become skulls, I thought this was sufficient and reported this to Captain Iwanami.

38. Q. When you reported this to him did he say anything to you?

A. Yes, he did.

39. Q. What did he say?

A. He said that this is all right so you can return, so I returned to my duties.

40. Q. Do you know what became of these skulls?

A. I do not remember.

41. Q. Do you know what became of the four headless bodies?

A. The four headless bodies were all at the morgue when I went to pick up the heads, but as I was working all afternoon back of the administration building, I do not know what happened to them.

42. Q. Was this the only dissection that you had anything to do with?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

Cross-examined by the accused:

43. Q. You testified that you saw four dead bodies of white men when you entered the dissection room. Is this correct?

A. Yes.

CONFIRMED TO BE A TRUE COPY:
James H. Kenney
JUDGE ADVOCATE,
U. S. NAVY.

44. Q. In answer to questions by the judge advocate on direct examination, you testified that you were ordered to make preparations for dissections by Hanna and that when you went to the morgue you saw four dead bodies. How do you explain this?

This question was objected to by the judge advocate on the ground that it was too vague.

The accused withdrew the question.

45. Q. You testified that when you went to the morgue you saw four dead white bodies and then you testified that when you went to the dissection room you saw four dead white bodies. How do you explain this? Is it not an inconsistency?

A. The morgue and the dissection room neighbor each other and the dead bodies were in the morgue, and before the dissection was performed the dead bodies were brought from the morgue to the dissection room.

46. Q. Then when you went to the dissection room, the dead bodies were not there. Is this correct?

A. Yes.

47. Q. Who moved the bodies from the morgue to the dissection room?

A. I do not remember exactly, but as I recall we moved them.

48. Q. Did you yourself move them?

A. Yes.

49. Q. Was Captain Inman present at this dissection from the beginning to the end?

A. From what I recall, Captain Inman, due to some business, left after the second body was dissected.

50. Q. Was the dissection already started when Captain Inman arrived?

A. From what I recall, the dissection had not yet begun.

51. Q. What time were the evening meals taken at the hospital at this time?

A. As I recall about 4:30 in the afternoon.

52. Q. Then, did you go to the dissection room after the evening meal?

A. No, before the evening meal.

53. Q. You testified that the dissection started about four and continued for four hours. During this period, didn't you have your evening meals?

A. As I recall, we had not had our meal yet.

54. Q. Was this dissection continued without rest all the way through?

A. As I recall, it was performed without any rest.

55. Q. Then, was the dissection over about eight?

A. Yes.

CERTIFIED TO BE A TRUE COPY:

James P. Keary
Lieutenant, U. S. Navy,
Judge Advocate

56. Q. What did you do after the dissection?
A. We had our evening meal.

57. Q. I am asking concerning the bodies that were dissected. What did you do after the dissection?
A. The bodies were left as they were after the dissection.

58. Q. Then, do you mean that you left the bodies in the dissection room and yourself and all the others left? Is this correct?
A. Yes.

59. Q. You testified that you were told by Commander Okuyama to come with him to the morgue early the next morning. About what time was this?
A. As I recall, it was about 6:30 in the morning.

60. Q. Where were you at this time?
A. I was at the autopsy room.

61. Q. What time does the daily work in the morning start?
A. Around that time, I believe it was about seven in the morning.

62. Q. Were you and Commander Okuyama the only ones that went or was there anyone else?
A. As I recall, there was no one else besides us.

63. Q. Was there anyone at the morgue?
A. As I recall, there was no one there.

64. Q. Did Okuyama leave immediately after he had brought you to the morgue?
A. Commander Okuyama handed me the heads and left immediately.

65. Q. Did Okuyama say anything as he was leaving?
A. He told me to take it to the back of the administration building.

66. Q. Did you carry these heads by yourself?
A. Yes.

67. Q. All of them at one time?
A. I placed them on a small cart and took them.

68. Q. What time was it when you started to boil the heads?
A. I started right after the morning meal.

69. Q. What time is the morning meal?
A. As I recall, it was from six-thirty to seven in the morning.

70. Q. You testified that you were told to mix the same amount of lime and the same amount of water in boiling the heads. Where did you get this lime?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

TESTIFIED TO BE A TRUE COPY:
James P. Keagy
James P. Keagy
Lieutenant, U. S. Navy
Judge Advocate

The commission announced that the objection was sustained.

71. Q. You testified that just before the evening meal you reported to Captain Iwanami, and Captain Iwanami said that is sufficient. How did you clean up?

A. I did not do the cleaning up.

72. Q. Who did it?

A. I do not know.

73. Q. What is a dissection?

A. I do not know the definition in medical terms, but I believe it is the cutting open of the chest and stomach and the examining of the organs of that body.

74. Q. What is the purpose of a dissection?

A. I think it is to see and look for and examine the internal organs for changes.

75. Q. Is that why the dissections were done that you testified to?

This question was objected to by the judge advocate on the ground that it called for the opinion of the witness.

The accused made no reply.

The commission announced that the objection was not sustained.

A. As I am not a doctor, I do not know.

76. Q. How did you prepare before going to this dissection room?

A. I prepared the instruments for the dissection, such as scalpel, scissors, pinners and other instruments.

77. Q. You did this before you went to the dissection room?

A. Yes.

78. Q. What kind of notes did Nakamura take?

A. I do not know about the notes.

79. Q. Didn't you testify that Nakamura took notes?

A. He took notes as the recorder, but I do not know the contents of his notes.

80. Q. Did you hear anybody order him to take notes?

A. I didn't hear anyone order him but as soon as he entered the dissection room he took up notebooks and pencil and started to take notes.

81. Q. Were you there all during the dissection?

A. I was there till the end.

82. Q. What time did you arrive at the dissection room?

A. Do you mean before the dissection began?

OFFICERED TO BE A TRUE COPY:

James C. Reay
James C. Reay
1. Lieutenant, U. S. Navy,
Judge Advocate.

83. Q. I mean when did you arrive there?
A. As I recall, it was probably about 3:30.

84. Q. What time did the dissection start?

This question was objected to by the judge advocate on the ground that it was repetitious.

The accused made no reply.

The commission announced that the objection was sustained.

85. Q. What time were the dissections finished?

A. As it was about four hours after it started, as I recall, about eight o'clock.

86. Q. Will you describe all of the bodies before they were dissected?

A. The four dead bodies were all strangers. On one of them I remember seeing a large wound on his leg.

87. Q. Do you remember anything else about any of these bodies so that you could describe them so someone would be able to identify them?

A. I do not remember any special points on the bodies, but two which had numerous small wounds and this one which had the large wound on his leg.

The commission then, at 3:15 p. m., took a recess until 3:35 p. m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Tamaki, Eizuka, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

88. Q. Did all these persons whose bodies were being dissected have black hair?

A. I do not remember exactly, but I do not think they were black.

89. Q. What color was their hair?

A. I think it was red hair.

90. Q. Did they all have long faces?

A. Yes.

91. Q. Did they have flat noses?

A. No.

92. Q. How were their noses?

A. They had high noses.

CERTIFIED TO BE A TRUE COPY:

James R. Hickey
Lieut. J. G. Navy,
Judge Advocate.

93. Q. Did they have dark eyes?
A. As I recall, they were brown.

94. Q. Was their skin yellow?

This question was objected to by the judge advocate on the ground that it was repetitious.

The accused made no reply.

The commission announced that the objection was not sustained.

A. No.

95. Q. Did these bodies have any identification tags on them?
A. I do not remember.

96. Q. You said you returned to your duties after you had spoken to the head of the hospital about the skulls. What duty did you return to?
A. Work concerning that of the autopsy room.

97. Q. Did you return to the autopsy room?
A. Yes.

98. Q. About what time was this?
A. It was after I had finished boiling the heads.

99. Q. Do you know about what time of the day or night it was?
A. What time do you mean, when the dissection was over?

100. Q. No, the time you returned to your duties.
A. It was just before the evening meal as I recall.

101. Q. Did you see the head of the hospital, Iwanami, dissect any of the bodies?
A. I did.

102. Q. Can you describe the body that he dissected? Was it different from the other bodies?
A. All I remember is that I think Captain Iwanami was there with the others dissecting up to the second body.

103. Q. Did you actually see him do any of the dissection work himself?
A. I did.

104. Q. Did you see Commander Oniyama do any of the dissection work?
A. I did.

105. Q. And Lieutenant Habetani?
A. I did.

106. Q. And Nakamura?
A. As I recall, he just took notes.

DECLARED TO BE A TRUE COPY
James P. Keary
Lieutenant, U.S. Navy
Judge Advocate

107. Q. Can you describe by answers to some questions the features of the heads of these persons that were being dissected? Can you now describe the four heads that you saw in the barrel the next day?
A. I do not remember distinctly but as I recall I think they were the same bodies as the previous day. The heads and the bodies.

108. Q. Can you not remember anything as to how these heads looked?
A. They were a little large in size, but otherwise I cannot remember.

109. Q. Did Commander Ohguma pick up these heads one at a time out of the barrel and hand them to you?
A. He gave me the container with the heads in it.

110. Q. At that time did he give you any orders?
A. He told me to take this immediately to the back of the administration building and there I would probably receive instructions from Iwanami.

111. Q. How far from where Commander Ohguma handed you this receptacle with the four heads in it was it to the administration building where you went and received your instructions?
A. I have never measured it, but I think it was about two hundred to three hundred meters distance.

112. Q. Did you carry this receptacle yourself?
A. From the pharmacy department I borrowed a small cart and took it on this.

113. Q. Did you take them right up to the office of the head of the hospital?
A. No.

114. Q. What then did you do?
A. After I had boiled the heads, I reported to the head of the hospital and left.

115. Q. No, before you boiled the heads. You just testified that Ohguma said that if you took the heads behind the administration building you will get instructions. How did you take these heads up there where Ohguma told you to take the heads?
A. Yes.

116. Q. Is this where you received the instructions as to what to do with them?
A. As I stated before, I received instructions to use the same amount of water and the same amount of lime.

117. Q. Did you boil the heads in the same receptacle as they were in when Ohguma told you to take them?
A. As I recall, yes.

118. Q. How big was this receptacle?
A. It is about the size of a steel oil drum cut in half.

119. Q. Did you boil them outdoors?
A. Yes, outdoors.

IDENTIFIED TO BE A TRUE COPY
James P. Casey
James P. Casey
Lieutenant, U.S. Navy
Judge Advocate

120. Q. You said that the head of the hospital came several times. How many times did he come?

A. As I recall, two or three times.

121. Q. Where did he come from each time?

A. As I remember, he came from his room.

122. Q. How far away was that from where you were boiling the heads?

A. Six or seven meters away.

123. Q. Who else was with you when the head of the hospital came back there several times?

A. As I recall, no one came near, other than us two.

124. Q. You and who else?

A. The head of the hospital.

125. Q. And you were the only one present boiling the heads, is that correct?

A. Yes.

126. Q. About how much water did you use in this receptacle to boil them?

This question was objected to by the judge advocate on the ground that it was irrelevant.

The accused made no reply.

The commission announced that the objection was sustained.

127. Q. How much calcium did you use?

This question was objected to by the judge advocate on the ground that it was irrelevant.

The accused made no reply.

The commission announced that the objection was sustained.

128. Q. Did Commander Okuyama give you the calcium to use in boiling the heads?

A. As I recall, it was not Okuyama.

129. Q. Who was it?

A. I do not remember.

130. Q. Were all the heads boiled in the same receptacle at the same time?

A. Yes, all four heads were boiled at once.

131. Q. What time did you start to boil these heads?

A. After the morning meal.

132. Q. What time was that?

A. As I recall, about seven in the morning.

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James P. Henry
Lieutenant, U. S. Navy,
Judge Advocate.

133. Q. And what time did you finish?

This question was objected to by the judge advocate on the ground that it was repetitious.

The accused made no reply.

The commission announced that the objection was sustained.

134. Q. You testified concerning the four bodies which were dissected. You stated that two had wounds on their legs, one had a large wound on his leg and the other, numerous small wounds. I wish you would state concretely concerning this. On which leg and what size was the large wound on the person dissected?

A. Both bodies had numerous small wounds on their legs, but one of them, I do not remember whether it was the left or right, his ankle was crushed and the bone shattered.

135. Q. Were there any other wounds discernable other to those numerous ones on the legs? Were there wounds on other parts of the bodies other to the legs?

A. Both of them had numerous small wounds. The numerous small wounds were on the part of the body below the waist.

Neither the judge advocate nor the accused desired further to examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Corporal Petty Officer Second Class, Imperial Japanese Navy, Takahashi, Masayoshi.

2. Q. If you recognize any of these accused, tell us their names and ranks.

The witness identified all of the accused with the exception of Lieutenant Asamura, Shunpei, and stated that he recognized his face, but could not remember his name.

3. Q. Did you ever serve on Truk Atoll?

A. Yes.

4. Q. Where on Truk did you serve?

A. Fourth Naval Hospital on Dublon.

5. Q. Will you give us the dates that you served at that hospital?

A. The twenty-fourth of December, 1943, till the end of August, 1944.

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James P. Henry
Judge Advocate
U. S. Navy

6. Q. During January, 1944, what were your duties at the hospital?
A. I was attached to the autopsy room.

7. Q. What were your duties in connection with the autopsy room?
A. My work was in cleaning up and miscellaneous work around the autopsy room.

8. Q. Were there any dissections performed in this autopsy room during January, 1944?
A. There was none at this autopsy room.

9. Q. Were there any dissections in the dissection room?
A. Yes.

10. Q. Will you tell us about these dissections?
A. Around the end of January, 1944, there was a dissection of four dead bodies who looked like white men.

11. Q. Did you aid in this dissection?
A. Yes, I helped in the preparation.

12. Q. Were you given orders to attend that dissection?
A. I was.

13. Q. Who ordered you to attend the dissection?
A. Warrant Officer Nomma who was at that time in charge of the autopsy room.

14. Q. Is that the Nomma who is present here in court today?
A. Yes, he is the same Warrant Officer Nomma.

15. Q. Were there any other corporals present during that dissection?
A. There were four of us, Odanaka, Yamada, Tanaki and myself.

16. Q. Other than yourself, the three other corporals you have just mentioned and the four dead bodies, who else was present at this dissection?
A. There were four doctors there: Captain Iwanami, Commander Okuyama, Lieutenant Habetani and Lieutenant Nakamura, who was taking notes.

17. Q. Can you tell us who performed these dissections?
A. I can.

18. Q. Tell us.
A. The head of the hospital, Iwanami, and Okuyama did most of the dissecting, and Habetani was close by and he assisted.

19. Q. And what did Nakamura do?
A. He was taking notes.

20. Q. Can you tell us anything about the appearance of these four bodies that were dissected?
A. The bodies had black and blue bruises from the stomach down and one of them had a shattered leg and on some of their thighs looked as if a rubber band had been pressed there.

21. Q. Do you know on how many bodies there appeared marks as if a rubber band had been there?
A. As I recall, on two bodies.

CERTIFIED TO BE A TRUE COPY:

James P. Reedy
James P. Reedy
Lieutenant, U. S. Navy,
Judge Advocate.

22. Q. Were these bodies dissected?

A. They were dissected.

23. Q. What became of the bodies after they were dissected?

A. After the bodies were dissected, we returned them to the morgue.

24. Q. Did you ever see these bodies again?

A. No.

25. Q. Do you know what became of them?

This question was objected to by the accused on the ground that it called for hearsay.

The judge advocate withdrew the question.

26. Q. Was this the only dissection that you aided in during January, 1944?

A. There was another incident about one week after this one.

27. Q. Will you tell the commission about that incident?

A. At the morgue were four dead bodies which looked like white men and these bodies, the same as the others, were cut open.

28. Q. Did any other corpomen aid in this dissection?

A. As I recall, there was Yamada, Odanaka and myself.

29. Q. Were there any doctors present during this dissection?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

30. Q. Other to yourself, Yamada and Odanaka and the four dead bodies, were there any other persons present in that room?

A. As I recall, there were Doctor Iwanami, Commander Okuyama, Habetani, and Nakamura.

31. Q. Did you observe the dissection?

A. I did.

32. Q. Who performed it?

A. Captain Iwanami and Commander Okuyama mainly did the dissection.

33. Q. And what part did Nakamura play?

A. According to my recollection, I do not remember about Nakamura's part in this second dissection.

34. Q. Were any notes taken at this dissection, if you know?

This question was objected to by the accused on the ground that it was leading.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

A. I do not know whether notes were taken.

35. Q. Do you know what became of the four bodies that were dissected?

A. I do not know.

The witness was duly warned.

The commission then, at 4:20 p. m., adjourned until 9 a. m., tomorrow, Tuesday, July 1, 1967.

CERTIFIED TO BE A TRUE COPY:
James P. Keary
Lieut. Comdr., U.S. Navy,
Judge Advocate.

TUESDAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands,
Tuesday, July 1, 1947.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Reeves, Coast Artillery Corps, United States
Army,
Lieutenant Colonel Victor J. Carterine, Coast Artillery Corps, United
States Army,
Lieutenant Colonel William K. Lamm, Junior, U. S. Marine Corps,
Lieutenant Commander Bradner W. Lee, Junior, U. S. Naval Reserve,
members, and
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James P. Kamy, U. S. Navy, judge advocates.
Joseph Kase, Junior, yeoman second class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

The record of proceedings of the seventh day of the trial was read and
approved.

No witnesses not otherwise connected with the trial were present.

Takahashi, Masayoshi, the witness under examination when the adjournment
was taken, entered. He was warned that the oath previously taken was still
binding, and continued his testimony.

The judge advocate requested permission to recall this witness for further
examination at a later date for testimony relative to other incidents here
being tried.

Counsel for the accused stated that they had no objection.

The commission announced that this procedure was approved.

Cross-examined by the accused:

36. Q. You testified yesterday concerning the persons who were present at
the dissection, and concerning the officers present you stated that
Barnes, Grayson, Nakatani, and Nakamura were present at the dissection.
Concerning Nakamura, did you know his name at the time of the dissection,
or did you find out about it later?

A. I did not know his name at that time. I found out later.

37. Q. When did you learn Nakamura's name?

A. I found out after I came to Guam.

COPIED TO BE A TRUE COPY
James P. Kamy
Lieutenant, U. S. Navy,
Judge Advocate.

38. Q. From whom did you hear this?
A. From Petty Officers Yamada and Tanaka.

39. Q. You testified that Iwanami and Ohayama mainly performed the dissection and that Nakatani assisted. What was the specialty of Nakatani?

A. What do you mean by specialty?

40. Q. Internal medicine or surgical?

A. At the hospital, he was mainly in charge of internal medicine.

41. Q. What was the specialty of the head of the hospital, Iwanami?

A. As I recall, the head of the hospital, Iwanami's specialty was internal medicine.

42. Q. Then, the only person who specialized in surgery was Commander Ohayama. Is this correct?

A. As I recall, Commander Ohayama's specialty was surgery.

43. Q. Was Lieutenant Nakamura's specialty also surgery?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied,

The commission announced that the objection was not sustained.

A. I do not know what Nakamura's specialty was.

44. Q. Is there no mistake when you testify that the second dissection was performed one week after the first one?

A. From what I recollect, it was one week.

45. Q. Then you have no recollection that the second dissection was performed one or two days after the first?

A. According to my recollection, no.

46. Q. You testified that the head of the hospital was one of the persons who performed the dissection in the second dissection. Is there no mistake concerning this?

A. As I recall, I think there is no mistake.

47. Q. When, in January, were these four bodies dissected?

A. I do not remember the exact date, but I think it was around the latter part of January.

48. Q. What year?

A. 1944.

49. Q. Did you remain in the dissecting room during the entire time that these four bodies were dissected?

A. There were times when I stepped out of the room to perform small errands.

CERTIFIED TO BE A TRUE COPY:
James P. Keating
Judge Advocate
U.S. Navy

50. Q. How long did it take to do the entire dissection of the four bodies?
A. As I recall, approximately four hours.

51. Q. The first dissection that you testified to, at what time of the day did this start?
A. From what I recollect, the first dissection started about three-thirty.

52. Q. Was there a clock in the dissection room?
A. No.

53. Q. What time did the dissection finish?
A. As I recall, about seven-thirty.

54. Q. Did you have a watch?
A. No.

55. Q. How did you determine when the dissection started?
A. I know this through the clock that is in the autopsy room when I left after I had made my preparations.

56. Q. Did you go back into the autopsy room and look at the clock when the dissections were finished?
A. I did not go back to the autopsy room, but outside it was dark, and I thought it about seven-thirty.

57. Q. When does it get dark on Truk at that time of the year?
A. As I recall, at six o'clock it is already dark.

58. Q. Who was present at the start of the dissection?
A. Of the doctors there were the head of the hospital, Inanami, Commander Ohayama, Lieutenant Nabutani, Lieutenant Nakamura, and of the corporals there were Oshaka, Yamada, Tanaka and myself.

59. Q. You testified that certain persons dissected the bodies. Just what do you mean when you say "did most of the dissecting"?
A. When I say mainly, it is the person who most of the time had the scalpel in their hand.

60. Q. What did Ohayama actually do?
A. As I recall, Commander Ohayama and the head of the hospital, Inanami, did most of the dissecting.

61. Q. Did Ohayama actually do the opening of the bodies?
A. Commander Ohayama together with the head of the hospital, Inanami, cut open the bodies.

62. Q. How many bodies did Ohayama cut open?
A. As I recall, he cut open all four bodies.

63. Q. While he was cutting open these four bodies, one at a time, did anyone else cut at the same time?
A. As I recall, the head of the hospital was also cutting at the same time.

TESTIFIED TO BE A TRUE COPY:

James H. Hickey
James H. Hickey,
Lieutenant, U. S. Navy.
Judge Advocate.

64. Q. On the same body?

A. According to my recollection, both of them were cutting open the same bodies.

65. Q. Were they both talking at the same time?

A. As I recall, both of them were talking while cutting open the bodies.

66. Q. Had you ever seen doctors operate on a person before?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was sustained.

67. Q. Did anyone else cut at the same time on the same bodies while the head of the hospital and Commander Okuyama were cutting?

A. As I recall, there were none.

68. Q. Did the head of the hospital and Commander Okuyama stand on the same side of the body when they were cutting?

A. They were opposite each other.

69. Q. How far away from them were you?

A. About one meter, as I recall.

70. Q. How long did it take them to dissect one body?

A. As I recall, think the first body took a long time, about two hours; and the others, only about thirty minutes each.

71. Q. Were the four bodies in the dissecting room when you came there that day of the first dissection?

A. When I went there, in the morgue there were four bodies.

72. Q. Do you know how long these bodies had been in the morgue?

A. I do not know how long they were in the morgue.

73. Q. Do you know when these persons died?

A. About one day before the time I saw them.

74. Q. Was this morgue air-conditioned like this building is?

A. There was no cooling system.

75. Q. Were the bodies that were kept in the morgue in any way preserved against the hot temperature?

This question was objected to by the judge advocate on the ground that it was beyond the scope of direct examination.

The accused replied.

The commission announced that the objection was not sustained.

DECLARED TO BE A TRUE COPY:
James H. Kennedy
James H. Kennedy,
Lieutenant, U. S. Navy,
Judge Advocate.

A. No steps were taken to preserve the bodies.

76. Q. These black and blue marks that you testified to as being on the bodies, could they have been a result of the hot weather at Truk?

This question was objected to by the judge advocate on the ground that it called for the opinion of the witness and that it was purely speculative.

The accused made no reply.

The commission announced that the objection was sustained.

77. Q. The second dissection that you talked about, what time of the day did that start?

A. As I recall, about two o'clock in the afternoon.

78. Q. How did you determine the time when this started?

A. It was after the noon meal and after the daily work routine had started, and the work started in the afternoon about one o'clock, and I believe the dissections started one hour after the work began, so I believe it was two o'clock.

79. Q. Did you go to the morgue again this time?

A. Yes.

80. Q. At what time by the clock was it when you entered the morgue?

A. As I did not see the clock, I cannot say exactly.

81. Q. Where was the clock located in the morgue?

A. There was no clock in the morgue, but in the autopsy room in which we worked, there was a clock.

82. Q. By the autopsy room, do you mean the dissecting room?

A. The autopsy room and the dissecting room are altogether different.

83. Q. What time did the doctors finish with the second batch of dissections?

A. As I recall, the second dissection was about five o'clock.

84. Q. Did you stay in the dissection room during the entire time that the dissections were taking place?

A. The second time, the same as the first, there were times when I stepped out to perform errands.

85. Q. And the second time, the same as the first, did the head of the hospital, Hansen, and Commander Grayson operate on the bodies at the same time?

A. As I recall, yes.

86. Q. And as you recall, were you standing one meter away also?

A. Yes. At a distance of about one meter.

RECEIVED TO BE A TRUE COPY:
James P. Kennedy
Lieutenant, U.S. Navy,
Jungle Hospital.

87. Q. Do you recall if anyone else dissected the bodies?
A. As I recall, Lieutenant Habetani also assisted a little in the dissection.

88. Q. At the same time as Commander Okuyama and the head of the hospital were dissecting?
A. As I recall, yes.

Neither the judge advocate nor the accused desired further to examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Corporal Petty Officer First Class, Yamada, Masao.

2. Q. If you recognize any of the accused, will you tell us their names and ranks?

The witness identified all the accused except Asamura, Shunpei; each accused standing when identified.

3. Q. Did you ever serve on Dublin Island?
A. I did.

4. Q. Where on that island did you serve?
A. The Fourth Naval Hospital.

5. Q. Will you give us the time when you served at that hospital?
A. From the eighteenth of March, 1943, until the fifth of January, 1946.

6. Q. What were your duties at that hospital in January of 1944?
A. I was attached to the autopsy department.

7. Q. Did you assist in any autopsies in January of 1944?
A. Yes.

8. Q. Will you tell the commission about them?
A. I was told by the person in charge of the autopsy room at this time that there was to be a dissection and made the preparations, took the instruments to the dissection room, and then the doctors came, Doctors Iwanami, Habetani, Okuyama. The carpenter present were myself, Oshaka, Takahashi, and Tanaki, and as the doctors came, the dissections began.

TESTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny
Lieutenant, U.S. Navy.
Judge Advocate.

9. Q. Other to the doctors, Iwanami, Ohguma, and Habetani, were there any other doctors present at this dissection?

A. At the first dissection, I remember Nakamura taking notes.

10. Q. You stated before that you were told by a person in charge of the autopsy room to go, do you know the name of this person?

A. It is Numa, Nishino.

11. Q. Is it the Numa that you just identified a few minutes ago?

A. Yes.

12. Q. Can you describe the bodies that you found in that autopsy room when you got there?

A. All four of them had reddish colored hair, and their bodies were larger than a Japanese. One of them had a large wound on his leg and also on one of them there were traces of a tourniquet on the thigh.

13. Q. Can you tell us the color of their skin?

A. As I recall, it was white.

14. Q. What was done with these bodies if you know?

A. I do not know what was done with the bodies.

15. Q. Were they dissected?

A. They were dissected.

16. Q. Who did the dissections?

A. It was done by the three doctors: Iwanami, Ohguma, and Habetani.

17. Q. What part did Lieutenant Nakamura play in the dissection?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. As I recall, he had a pencil and paper and was taking down what he was told by Iwanami and Ohguma.

18. Q. Did you assist in any other dissections in the early part of 1944?

This question was objected to by the accused on the ground that it was leading.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. There was another dissection about three or four days after this one.

IDENTIFIED TO BE A TRUE COPY:
James P. Kenny
Lieutenant, U.S. Navy,
Judge Advocate

19. Q. Will you tell the commission about that dissection?

A. At this dissection also we were told by the person in charge of the autopsy room and myself and Petty Officer Takahashi took the instruments and went to the dissection room.

20. Q. When you got there, what did you find?

A. There were four bodies.

21. Q. Will you describe the bodies?

A. They were on stretchers with a cloth covering them.

22. Q. Will you tell us the color of their skin?

A. They had a whitish color.

23. Q. Other than yourself, did any other persons attend this dissection?

A. Doctors Iwanami, Ohayama, Habetani, and myself and Corporal Takahashi.

24. Q. Do you remember any other doctor being present at that dissection?

A. I do not have any recollection.

25. Q. Were the bodies dissected?

A. Yes.

26. Q. Can you tell us who performed the dissections?

A. I think it was Captain Iwanami, Commander Ohayama and Lieutenant Habetani.

27. Q. What became of these bodies after they had been dissected?

A. As I didn't clean up afterwards, I do not know what happened to the bodies.

The commission then, at 10:10 a.m., took a recess until 10:25 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Yamada, Kameo, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

Cross-examined by the accused:

28. Q. You testified to questions by the judge advocate that other to the doctors, Iwanami, Ohayama and Habetani, Lieutenant Nakamura was taking notes. Did you know Nakamura's name at the time of this dissection?

A. I remember his name. He did not talk directly with me, but he had come on several occasions to this autopsy room together with Habetani; and Habetani called him "Nakamura," so I knew his name.

TESTED TO BE A TRUE COPY:

James P. Keany
James P. Keany
Lieutenant, U.S. Navy
Jug. Advocate, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 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2014, 2015, 2016, 2017, 2018, 2

29. Q. Are officers who newly take up duties at the hospital introduced to the petty officers and enlisted men?

A. To persons who are newly attached to the hospital, introductions would be made, but persons who just came to the hospital for a short time, no introductions are made.

30. Q. Then, no introductions were made when Nakamura arrived?

A. Yes, none were made.

31. Q. Did you know that Nakamura had come to the hospital to study under Commander Ohayama?

This question was objected to by the judge advocate on the ground that it was beyond the scope of the direct examination, irrelevant and immaterial.

The accused replied.

The commission announced that the objection was sustained.

32. Q. When asked concerning the persons present at the second dissection, you testified that Doctors Iwamoto, Ohayama and Nabetani were present; but you didn't mention Nakamura. Wasn't Nakamura at this dissection?

A. I do not remember.

33. Q. What do you mean by an autopsy?

A. I do not know what is meant by autopsy, but I think it is examining of the dead bodies by the doctors.

34. Q. What work was done in the autopsy room?

A. Measures taken to control the spreading of infectious diseases, clinical inspections of sputum to detect germs and also dissections. These three: the control of contagious diseases; inspections of sputum and stools; and dissections.

35. Q. Were autopsies performed on all persons who died at Truk?

A. I do not think dissections were performed on all persons that died.

36. Q. Were they performed on any Japanese who died on Truk?

A. Yes.

37. Q. Were they performed in the same room which you testified as to those autopsies?

A. Yes, in the same room.

38. Q. Was the entire dissection or autopsy performed in one single room or was there more than one room in connection with the work of autopsies?

A. As I recall, all the dissections were performed in the one room.

39. Q. You testified that you took certain instruments. What instruments did you take to this dissection?

A. Various dissection instruments are in a case, and I took this whole case.

CERTIFIED TO BE A TRUE COPY:

*James P. K...
James P. K...
Lieutenant, U. S. Navy.
Judge Advocate.*

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40. Q. Did you just take one case?
A. Yes.

41. Q. Was there just one case of instruments used at this dissection?
A. As I recall, yes. Also buckets and basins were taken separately.

42. Q. How many instruments are in a case, approximately?

This question was objected to by the judge advocate on the ground that it was irrelevant, incompetent, and immaterial.

The accused made no reply.

The commission announced that the objection was sustained.

43. Q. Do you recall what instruments were used by Commander Okuyama in making the dissections?

A. Instruments needed in cutting open the body.

44. Q. What instruments are those?

A. I do not remember the names of the instruments.

45. Q. Do you remember whether he used only one instrument?
A. I do not remember how many scalpels he used.

46. Q. Do you remember who sewed up the bodies after he finished?
A. I do not remember.

47. Q. Do you remember how many instruments the head of the hospital used?
A. I do not remember.

48. Q. Do you remember whether the head of the hospital used the same instruments as Commander Okuyama did?
A. I remember he used the same instruments.

49. Q. Did anyone else use those same instruments?
A. I remember Habetani using them.

50. Q. Now, since the head of the hospital and Lieutenant Habetani used the same instruments, then they did not use them at the same time, did they?

This
This question was objected to by the judge advocate on the ground that it was vague.

The accused withdrew the question.

51. Q. Did the head of the hospital use the same scalpels as Commander Okuyama did?

A. This I do not know, there were many scalpels.

52. Q. Did one doctor do an entire dissection at one time?

A. To dissect one body, there were two doctors on opposite sides of the body and both of them were performing the dissection.

OFFICED TO BE A TRUE COPY:

James M. Kerner
James M. Kerner,
Lieutenant Colonel, U.S. Navy,
Judge Advocate

53. Q. What two doctors performed the dissection at the same time?
A. As I recall, Captain Inamori and Commander Ohayama performed the dissection. Nakamura was standing by; he would listen to what they had to say; at times he would do part of the dissection.

54. Q. Did you listen to what they had to say?
A. What they spoke in Japanese I could understand, but words, technical terms, used among themselves, I did not understand.

55. Q. Do you recall whether the head of the hospital and Ohayama performed dissections at the second dissection that you testified to?
A. As I recall, both of them did it together.

56. Q. How many days after the first dissection was this?
A. I do not remember exactly, but I think it was three or four days.

57. Q. What is a tourniquet?
A. There are many kinds of tourniquets, one kind is used in cases of a wound to stop the flow of blood.

58. Q. Did these bodies have any wounds on them?
A. There was a wound on one of the persons who was dissected in the first dissection.

59. Q. What are tourniquets made of?
A. I think it is rubber.

60. Q. You testified that there was a trace of a tourniquet on the thigh of one of the bodies. What was there, a piece of rubber that had come off the tourniquet on the thigh of the body?
A. As it was purplish around the leg, I thought it was a tourniquet.

61. Q. You are not sure that the mark was made by a tourniquet then?
A. I do not know for sure. I think it was the mark of a tourniquet.

62. Q. Did anyone tell you that it was a tourniquet?
A. No.

63. Q. Was this mark on the thigh of the leg that was wounded?
A. Yes.

64. Q. Did you hear the head of the hospital tell Nakamura to take notes?
A. No.

65. Q. Did you hear Commander Ohayama tell Nakamura to take notes?
A. No.

66. Q. Did you hear anyone tell Nakamura to take notes?
A. I do not know.

67. Q. How long did you work in this autopsy room in the first hospital?
A. From the time I came to the hospital in 1943 till the end of May or the beginning of June, 1945, from which time I was transferred to work in the branch hospital on Tai Island.

COPIED TO
CERTIFIED TO BE A TRUE COPY:
James H. Kennedy
James H. Kennedy, Navy,
Lieutenant, U.S. Navy,
Judge Advocate.

68. Q. Have you seen many dead bodies?
A. I have.

69. Q. After a person is dead, does his body change color?

This question was objected to by the judge advocate on the ground that it was too vague.

The accused replied.

The commission announced that the objection was not sustained.

A. I think the body turns a little blue, but as I am not a specialist, I do not know for sure.

70. Q. Do you know how long it takes for a body to change color after a person is dead on Truk?

A. I have never tried to find out, so I do not know.

71. Q. Then, these bodies that you saw, they were not white; they were blue, were they not?

A. They were white, but they had a sort of a bluish color. But I think they were whiter than a Japanese person who was dead.

72. Q. At this second dissection, are you sure that there were four doctors there?

This question was objected to by the judge advocate on the ground that the witness had not testified that there were four doctors at the second dissection.

The accused withdrew the question.

73. Q. Are you sure there were only three doctors present at the second dissection?

A. That is how I remember it.

74. Q. Do you remember whether Commander Ohayama was there?

A. Commander Ohayama was there.

75. Q. Do you remember whether Lieutenant Nakamura was there?

A. I do not remember him there.

76. Q. Do you remember whether Kabotani was there?

This line of questioning was objected to by the judge advocate on the ground that it was repetitious.

The accused made no reply.

The commission announced that the objection was sustained.

OFFERED TO BE A TRUE COPY:
James M. Keary
James M. Keary,
Lieutenant, U. S. Navy,
Judge Advocate

Neither the judge advocate nor the accused desired further to examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 11 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocates, the accused, their counsel, and the interpreters.

Robert R. Miller, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocates:

1. Q. State your name and former rank.
A. Osumura, Takeo, surgeon commander, Imperial Japanese Navy.
2. Q. If you recognize any of these accused state their names and ranks.
The witness identified all of the accused.

3. Q. Have you ever served on Dahlen Island?
A. I have.

4. Q. Where on Dahlen Island did you serve?
A. The Fourth Naval Hospital.

5. Q. Tell us when you served with the Fourth Naval Hospital.
A. From the sixth of April 1944 till the end of the war.

6. Q. And what were your duties with the Fourth Naval Hospital?
A. I was head of the surgical department and in charge of the first surgical ward.

7. Q. During the time that you served with the Fourth Naval Hospital tell us the name of the commanding officer of that hospital.
A. Surgeon Captain Leonard.

8. Q. Did you ever see any prisoners of war at the Fourth Naval Hospital?
A. Yes.

9. Q. When was that?
A. It was at the time of the July incident.

IDENTIFIED TO BE A TRUE COPY:
James P. Jones
James P. Jones, U. S. Navy,
Judge Advocate.

10. Q. July of what year?

A. 1944.

11. Q. Before you saw these prisoners did you have a conversation with anyone concerning them?

A. Yes.

12. Q. With whom did you have this conversation?

A. With the head of the hospital.

13. Q. With Captain Iwanami?

A. Yes.

14. Q. What did he say to you and what did you say to him?

A. Two or three days before the incident, I forget whether it was the noon or the evening meal, when all were assembled he said to us that there were two prisoners and asked if there was anyone who would like to do any experiments.

15. Q. What did you say to him?

A. I said I did not want to perform any experiments.

16. Q. Where were you when this was said to you?

A. As it was right after the meal we were still sitting at the table and I was sitting sideways across from him.

17. Q. Were there any other officers present?

A. Almost all of the officers were present.

18. Q. Name some of these officers.

A. Captain Tanaka, Commander Murakami, Lieutenant Commander Kamikawa.

19. Q. Is this the Lieutenant Commander Kamikawa you mentioned?

(Pointing to the accused Kamikawa.)

A. Yes, Lieutenant Habetani, Lieutenant Sato, Lieutenant Oishi.

20. Q. Is this the Lieutenant Oishi?

(Pointing to the accused Oishi.)

A. Yes. Other to this there were many officers but I forget who they were.

21. Q. In this conversation did Captain Iwanami say where these prisoners were?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied,

The commission announced that the objection was not sustained.

A. No.

OFFICE OF THE JUDGE ADVOCATE
CERTIFIED TO BE A TRUE COPY:
James R. Kennedy
James R. Kennedy, Esq.,
Lieutenant, U. S. Navy,
Judge Advocate.

22. Q. In this conversation did Captain Inanami say who these prisoners were?

A. No.

23. Q. I show you a piece of paper. Is this in your handwriting?

A. Yes.

24. Q. Directing your attention to a particular portion of that paper.....

This question was objected to by the accused on the ground that the witness had not signified his desire to have his memory refreshed.

The judge advocate withdrew the question.

25. Q. I am showing you this paper which is in your own handwriting for the purpose of refreshing your recollection. Will you read that particular section that has been pointed out to you and see if it refreshes your recollection?

A. I have refreshed my recollection.

26. Q. In the conversation with Captain Inanami that you just testified to did he tell you what prisoners of war these people were?

A. I recall that he stated that there were two American prisoners of war.

27. Q. Where did you see these two American prisoners of war?

A. Two or three days after this I saw them on a hill back of the hospital.

28. Q. Tell us what they were doing up there. Tell us everything you know about them in every detail that you can remember.

A. When I went up to the hill in back of the hospital two prisoners were tied between trees. By the time I arrived nearly everyone had assembled and there was a crowd gathering around the prisoners and I went among them. Shortly Captain Inanami and the head of the first section Tanaka arrived, after which Inanami made a speech. After the speech about ten armed persons were among the crowd, by the orders of Lieutenant Oishi the stabbing began. As I felt sick I kept my eyes down. After the stabbing as people started to leave I left with them. Before the speech Captain Inanami ordered the blindfolds taken off. He repeated the order several times but no one moved immediately, but as he kept repeating the orders, I forget who did it, but the blindfolds were removed. As we were all against experimenting with the prisoners when this was brought up two or three days before, we had thought he had forgotten about the prisoners.

29. Q. Why did you go up on that hill?

A. On the afternoon of the incident I was in my ward doing my work. As there were sounds of people hurrying along the corridor I asked what was going on. I was told that a general assembly had been called on the hill back of the hospital. I thought I had to go so I went.

30. Q. Did you go up that hill with anyone?

A. I do not remember distinctly but I think I went by myself.

OFFICERED TO BE A TRUE COPY

James P. Keagy
James P. Keagy
Lieutenant, U. S. Navy
Judge Advocate

31. Q. You have testified that you saw two prisoners tied up. Describe for this commission just exactly what you saw.

A. Between the two trees was a cross-bar and on the cross-bar were tied the two prisoners with their hands behind their back.

32. Q. Were their feet touching the ground?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

33. Q. How were their feet?

A. They were standing.

34. Q. When you say standing, were their feet on the ground, were they on tip-toe or were their feet off the ground?

This question was objected to by the accused on the ground that it was a double question and that it was leading.

The judge advocate made no reply.

The commission announced that the objection was sustained.

35. Q. Can you tell us anything else about their feet?

A. As I recall they were standing flat on their feet.

36. Q. Were they suspended at all from this cross-bar?

A. As I recall, no.

37. Q. Did you get a close look at these men?

A. I saw them from a distance.

38. Q. Can you tell this commission the color of their skin?

A. All I can remember is the general impression. What they looked like generally.

39. Q. Describe them generally.

A. I felt that they were foreigners.

40. Q. By foreigners what do you mean?

A. Their build and faces were different and when you looked at them it gave you the impression that they were other than Japanese.

41. Q. You said that Captain Iwamoto made a speech. Can you tell us what he said in that speech?

A. It was right after the fall of Saipan and in his speech Captain Iwamoto was very angry over the fall of Saipan in June. He talked in angry tones about the bombing of the hospital in the end of June or the beginning of July in the daylight by enemy aircraft and he also stated that today he was going to test our spirits.

CONFIRMED TO BE A TRUE COPY:
James P. Kennedy
Lieutenant, U.S. Navy,
Judge Advocate

42. Q. What happened after this speech was made?

A. At the order of Lieutenant Oishi to stab, the stabbing began.

43. Q. Who carried out the stabbing?

A. As I felt sick at this time I do not remember exactly. I remember Tanaka and Hama in the column with bayonets but I did not see them when they stabbed.

44. Q. How many men were in the column that did the stabbing?

A. I just glanced at them but I think there were about ten people in the column.

The accused moved to strike this answer on the ground that it was not responsive.

The commission announced that the motion to strike was denied.

45. Q. Are there any men in the court today that were in that column?

A. Other to the two I have stated before I can not say definitely that they were in the column.

46. Q. Did you see any of these men that are here today on the hill that afternoon?

A. The persons present and almost everyone from the hospital were there.

47. Q. Did you see Lieutenant Commander Kamikawa on the hill that afternoon?

A. I think he was there.

The accused moved to strike this answer on the ground that it was the mere opinion of the witness.

The commission directed that the answer be stricken.

48. Q. Did you see Lieutenant Kamikawa on the hill that afternoon?

A. As I recall he was there.

49. Q. Lieutenant Oishi?

A. Yes.

50. Q. What was he doing on the hill that afternoon?

A. I remember Lieutenant Oishi sticking his sword in the ground that afternoon and I remember his being there.

The accused requested that the record show that they objected to this line of leading questions.

The commission announced that the record would so state.

51. Q. Do you remember anything else about his activities that afternoon?

A. After the speech of the head of the hospital the order was given by Lieutenant Oishi and the stabbing began.

COPIED TO BE A TRUE COPY:
James P. Kelly, Navy,
Lieutenant, U. S. Navy,
Judge Advocate.

52. Q. Lieutenant Asamura, was he on the hill that afternoon?
A. I do not remember him distinctly.

53. Q. Yoshizawa?
A. As I recall Yoshizawa was standing outside of the column.

54. Q. Is that all you remember about Yoshizawa?
A. That is all.

55. Q. Honna?
A. Warrant Officer Honna was in the column.

56. Q. Watanabe?
A. I do not remember distinctly.

57. Q. Tanaka?
A. I do not remember distinctly that he was there.

58. Q. Nakai?
A. I do not remember seeing Nakai's face distinctly.

59. Q. Kawashima?
A. It is the same with Kawashima.

60. Q. Senda?
A. I do not remember Senda exactly.

61. Q. Tanaka?
A. I remember seeing Tanaka.

62. Q. What was he doing?
A. He was in the column.

63. Q. Akahori?
A. I do not remember distinctly.

64. Q. Hamahara?
A. I can not say for sure that he was there because I do not remember.

65. Q. Totsuiki?
A. It is the same with Totsuiki.

66. Q. Hamatani?
A. I do not remember ^{his} face.

67. Q. Takaishi?
A. It is the same.

68. Q. Mitohashi?
A. I do not remember Mitohashi.

CERTIFIED TO BE A TRUE COPY
James P. Hendy
JAMES P. HENDY
Lieutenant, U.S. Navy
Judge Advocate.

69. Q. After the stabbing had been completed what happened then?
A. As soon as the stabbing began I felt sick and I hardly looked at the stabbing and as soon as the stabbing was over and two or three persons started to leave I left immediately afterward. I did not see anything.

70. Q. You say that you did not see what happened after that. Do you know what happened after that?

This question was objected to by the accused on the ground that it called for the opinion of the witness.

The judge advocate replied.

The commission announced that it would reserve its decision until after the question had been answered.

A. I heard about it later.

71. Q. From whom did you hear about it?

A. I do not remember from whom I heard it but I heard that the body had been buried in a hole.

The accused moved to strike this answer on the ground that it was hearsay.

The commission announced that the motion to strike was sustained and directed that the answer be stricken from the record.

72. Q. Did you ever have any conversation with any of the accused about this incident after it happened?

This question was objected to by the accused on the ground that it was presenting improper evidence.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I had a conversation with Captain Iwanami.

73. Q. Tell us what you said to him and what he said to you.

A. I was given an order by Captain Iwanami to keep this incident secret and according to his wishes I replied accordingly.

The accused moved to strike this answer on the ground that it was irrelevant and immaterial and prejudicial to the rights of the accused.

The judge advocate replied.

The commission announced that the motion to strike was denied.

The commission then, at 3:00 p.m., took a recess until 3:30 p.m., at which time it resumed.

IDENTIFIED TO BE A TRUE COPY:
JAMES H. KERRY,
Lieutenant, U.S. Navy,
Judge Advocate.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Okamura, Takeo, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

Cross-examined by the accused:

74. Q. You testified that several days before the incident after a meal you were told by Captain Iwamori that there were two prisoners and asked if there was anyone who wanted to perform any experiments on them. What persons assembled at this meal?

A. It is a wardroom where all the officers, warrant officers and above, of the hospital ate.

75. Q. If all of the warrant officers and officers of the hospital assembled how many would assemble?

A. About twenty.

76. Q. How are the tables in the wardroom arranged?

A. It is in the shape of a square with one end open.

77. Q. How is the seating arrangement in relation to the head of the hospital?

A. On both sides of the head of the hospital were the heads of the first and second sections and in front of him were myself and Commander Murahashi who was head of the pharmacists' department and on the sides of the heads of the sections would be the adjutant and Lieutenant Sato who later became Lieutenant Commander. After that would be Lieutenant Habetani and Lieutenant Oishi and the rest according to rank.

78. Q. When Captain Iwamori made this statement concerning the prisoners and the experiments did he talk to everyone in general or did he point out several persons and speak to them?

A. At first he addressed everyone in general, later as I recall he addressed the persons that I have just mentioned in the previous answer.

79. Q. Did he ask each person?

A. At first he addressed all of us together and as no one replied, I recall he addressed each one of us.

80. Q. You testified that you replied that you did not want to perform any experiments. What were the replies of the others?

A. All of the replies of the others were in the negative.

81. Q. You testified on the day of the incident the petty officers and enlisted men made a commotion and stated as they hurried by that a general assembly had been called. Were you there when you were told this?

A. They didn't make any commotion and I was in the first surgical ward.

CERTIFIED TO BE A TRUE COPY:

James P. Henry
JAMES P. HENRY
Lieutenant, U. S. Navy,
Judge Advocate.

82. Q. Were you making examinations?

A. The examinations were over in the morning and I was doing my own work that afternoon.

83. Q. Were you the only one in that room?

A. Yes.

84. Q. You stated that when you went to the top of the hill there were a lot of people assembled. Were they formed in ranks or were they gathered in a confused group?

A. They were grouped irregularly; to the left were grouped the warrant officers and the officers and others were grouped around in sort of a semi-circle.

85. Q. Where in this semi-circle did you go after you arrived on the hill?

A. I entered the group to the left.

86. Q. What was the distance between yourself and the prisoners?

A. I do not remember exactly but I think it was over twenty meters.

87. Q. From your position could you see the whole scene?

A. I could not see the whole scene. There were many places which I could not see because of people in front of me.

88. Q. When you arrived where were the persons who were to stab already lined up?

A. In the middle of the semi-circle there was a group of about ten armed persons and I think it was them.

89. Q. Were there any armed persons among the onlookers?

A. I do not remember distinctly.

90. Q. Were the armed persons who were grouped inside of the semi-circle irregularly grouped or were they in formation?

A. As I remember they were all lined up.

91. Q. After you had taken your position in the group to the left did you move frequently from that position?

A. I do not remember having moved from that position.

92. Q. You testified that almost all of the persons were assembled. Are there any persons who you remember not having been present, such as persons who may have been ordered to do an errand?

A. There are some that I heard later were not present, but I have no knowledge that I could confirm that they were absent.

93. Q. In the group that was inside of the semi-circle you state that you remember Hanna and Tanaka. Is this due to some relation in your work that you remember them well?

A. I remember Tanaka's face well because he worked in the operation room together with myself and I remember Hanna because he was the next ranking petty officer and also as a person who remained in my recollection due to the fact that he was a very reliable person.

CERTIFIED TO BE A TRUE COPY:

James H. Kenney
James H. Kenney,
Lieutenant, U. S. Navy,
Judge Advocate.

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94. Q. You testified that in the speech of Captain Iwanami he stated that he was angry about the fall of Saipan and that he was very angry about the bombing of the hospital. Did you yourself experience any bombings at the hospital?

This question was objected to by the judge advocate on the ground that it was irrelevant, immaterial, and incompetent.

The accused replied.

The commission announced that the objection was sustained.

95. Q. From the time you went to this hill to the time you left, how much time had gone by?

A. I do not remember exactly, but I think it was about thirty minutes.

96. Q. During this incident was the scene of the incident very quiet?

A. It was quiet.

97. Q. Were any orders given to the assembly to fall out?

A. I do not remember having heard any.

98. Q. There was no order to fall out but you returned. Is this correct?

A. As I was waiting for a chance to leave the scene two or three persons left so I left with them.

99. Q. The persons that started to leave, were they persons of warrant rank and above?

A. I do not remember exactly but I think maybe they were.

100. Q. You testified that you were told to keep this incident secret. When were you told this?

A. I think it was after the end of the war.

101. Q. In answer to the questions of the judge advocate you stated that several days before the incident everyone was assembled in the wardroom and it was stated "there are two prisoners, is there anyone who would like to perform experiments." Do you remember exactly if the head of the hospital Iwanami used the word experiments?

A. I remember he used the word.

102. Q. You testified that you replied no to this. In cross-examination by defense counsel Hamata you testified that this was addressed to everyone in general and later to each person and that all the persons who were asked replied in the negative. Is this correct?

A. Yes, it is correct. I remember he asked the persons, the main persons assembled there. I remember him asking myself and Tanaka. I think he asked others but they replied in the negative.

103. Q. Do you remember that Adjutant Hamihara replied against this?

A. I do not remember exactly his asking Hamihara but there is no mistake that the attitude of everyone there was negative. Everyone was against it.

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James P. Kenny COPY:

James P. Kenny,

Lieutenant, U.S. Navy.

Judge Advocate, U.S. Navy.

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104. Q. Around this time did conditions permit all the officers to assemble for their meals there, or were there circumstances that did not permit this?
A. Other to times when there were air raids the conditions were permissible.

105. Q. In reply to a question by the judge advocate you stated that Captain Ivanand did not state who these prisoners were, then later you were shown a document and you stated that you refreshed your recollection. Is it not correct that you do not have a definite recollection?
A. As I recall I think he stated distinctly that they were American prisoners of war and also prisoners at that time were mostly considered to be Americans.

106. Q. Would all prisoners be Americans? Were there not any allied prisoners?
A. I think this could be said for Truk at this time.

107. Q. For what reason can this be said?
A. Around this time the only ones who bombed Truk were Americans and the English only came for a short time much later and as common knowledge I thought this could be said at this time.

108. Q. You testified that on the day of the incident you were doing your afternoon work and heard people hurrying by and you asked what it was and you were told that it was a general assembly. Is this correct?
A. I was told that it seemed like a general assembly.

109. Q. Who did you hear this from?
A. I do not remember.

110. Q. Was it a person who just passed by?
A. Yes.

111. Q. Then you yourself do not know whether a regular general assembly was called?
A. Even I do not know.

112. Q. In answer to a question by the judge advocate you stated that American planes bombed the hospital during daylight and the interpreter interpreted this between morning and afternoon. When you replied did you mean during the daytime as opposed to night?
A. When I said "and" I meant daytime.

113. Q. In reply to a question by the judge advocate if any of the persons present here were in the line on top of the hill you replied that you did not remember and then to a question by the judge advocate if the persons here were on the hill that afternoon you replied they were all there. Have you any basis for saying that they were all there?
A. As almost all the personnel of the hospital were there I presumed that almost everyone was there and replied accordingly. Also as I have nothing definite to confirm that they were not there I testified as I did.

114. Q. Then is it correct that you can not say exactly that they were there?
A. For some of them this may be said.

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CERTIFIED TO BE A TRUE COPY:
James M. Henry
James M. Henry, Navy,
Lieutenant, U. S. Navy,
Judge Advocate.

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115. Q. In answer to a question by the defense counsel if there was anyone who you knew was not there you replied there were persons I heard of were not there but I have nothing to confirm this. Who did you hear was not present?
A. I have heard the persons themselves, Commander Murahani and Minato, say they were not there.

116. Q. Do you remember having a conversation with Kamikawa after the end of the war in which he stated that he was not present and do you remember telling him that "as you were the adjutant you have a responsibility"?
A. I do not remember distinctly.

117. Q. When you testified that Lieutenant Commander Kamikawa may have been there, did you mean he may have been there or he was there, which do you mean?
A. I have a faint recollection that when the head of the first section and Iwanami came up the hill he went toward them.

118. Q. Do you think this due to the fact that he was the adjutant?

This question was objected to by the judge advocate on the ground that it was argumentative.

The accused replied.

The commission announced that the objection was not sustained.

A. I have a recollection.

The witness was duly warned.

The commission then, at 4:20 p.m., adjourned until 9 a.m., tomorrow, Wednesday, July 2, 1947.

CERTIFIED TO BE A TRUE COPY:
James A. Kenney
James A. Kenney,
Lieutenant, U.S. Navy,
Judge Advocate General's Corps,
Navy Department

NINTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands,
Wednesday, July 2, 1947.

The commission met at 9:15 a. m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United
States Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United
States Army,
Lieutenant Colonel William K. Lanman, junior, U. S. Marine Corps,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
members, and,
Lieutenant Commander Joseph A. Regan, U. S. Navy, and
Lieutenant James F. Kenny, U. S. Navy, judge advocates.
Joseph Kase, junior, yeoman second class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

The record of proceedings of the eighth day of the trial was read and
approved.

No witnesses not otherwise connected with the trial were present.

Okamura, Takao, the witness under examination when the adjournment was
taken, entered. He was warned that the oath previously taken was still
binding.

(Cross-examination continued.)

119. Q. In yesterday's testimony, you testified that in July of 1944, two or
three days before the incident involving the prisoners occurred, you had a
conversation with Captain Iwanami and you were asked if anyone else besides
you were there and you answered, "Almost all the officers were assembled."
Is this correct?

A. Yes. Almost all of them were present.

120. Q. You were asked and you testified that Tanaka, Murakami, Kamikawa,
Kabetani, Sato, and Oishi were present. Do you have a distinct recollection
that these persons were present?

A. As I have a recollection of their being present, I stated their
names.

121. Q. Then do you mean the officers whose names you do not know, you were
not sure that they were present. Is this correct?

A. There were many more officers present, but as I do not remember their
names distinctly, I did not state their names.

CE-101
CERTIFIED TO BE A TRUE COPY:
James F. Kenny
James F. Kenny
Lieutenant, U. S. Navy,
Judge Advocate.

122. Q. According to your testimony yesterday, the seating at the wardroom was according to rank. Is this correct?

A. Yes.

123. Q. What was Oishi's seniority in rank at this time among the doctors?

A. He was one of the group of the younger officers, and he was about the tenth ranking officer.

124. Q. At this time, you were attached to the surgical department, how many doctors were in the surgical department?

A. There were four doctors.

125. Q. Do you remember their names?

A. I do.

126. Q. Tell us their names.

A. Captain Taneda, who was above me, myself, Lieutenant Matsumoto and Ensign Yokota.

127. Q. Then, these persons also took their meals at the wardroom. Is this correct?

A. If they had no duties, they would always eat at the wardroom.

128. Q. Then, at this time, when the thing about the prisoners was spoken about by the head of the hospital, the only one whom you remembered from the surgical department was Captain Taneda. Is this correct?

A. I believe probably they were there, but as I did not remember their faces, I placed them among the others.

129. Q. In what position was Lieutenant Oishi at this time?

A. As I recall, he was in the internal medicine department.

130. Q. Who was the head, at this time, of the internal medicine department?

A. The head of the second section, Shirota.

131. Q. In your testimony yesterday, you testified that Shirota was seated in front of you. Is this correct?

A. Yes.

132. Q. Do you have any recollection that Captain Shirota was present when the conversation about the prisoners was held?

A. I think probably he was not present, because Shirota had a custom of coming early and taking his meals.

133. Q. Is there any reason for your recollection of Lieutenant Oishi at this time, who was seated some distance from you?

A. I only felt as if I remembered his face.

134. Q. You testified that when Captain Iwanami first brought up this topic of the prisoners that he called the attention of everybody in the wardroom before he spoke to them.

A. As I recall, yes.

CERTIFIED TO BE A TRUE COPY.
JAMES H. KERRY
Lieutenant, U.S. Navy,
Judge Advocate.

135. Q. Then, did everyone in that wardroom hear what the head of the hospital had to say?

This question was objected to by the judge advocate on the ground that it called for the opinion of the witness.

The accused withdrew the question.

136. Q. You testified that as no one answered, the head of the hospital talked to each one personally. Is this correct?

A. As I recall, he talked personally to the three or four ranking persons.

137. Q. I believe there are some inconsistencies in your testimony of yesterday, and to clarify this: Did Captain Iwanami speak to Oishi about this?

This question was objected to by the judge advocate on the ground that it was improper form.

The accused withdrew the question.

138. Q. As your testimony is not clear on this point, did Captain Iwanami speak to Oishi about this?

A. I remember distinctly that Captain Iwanami spoke to me, but I do not remember distinctly if he spoke to Lieutenant Oishi.

139. Q. When Captain Iwanami spoke to all the persons assembled, did he say the word "experiment"?

A. When he spoke to me, he distinctly said "experiment", but when he spoke to all the persons in general, I do not remember exactly if he said "experiment" or not.

140. Q. When the word "experiment" is used at the hospital, is it usually taken as meaning medical experiments?

A. That is how I understood it.

141. Q. When you were told this word "experiment", did you understand it at this time as meaning a medical experiment with the prisoners?

A. From the contents of what I was told, I understood it to mean this.

142. Q. When he spoke to persons other than yourself, and when he used the word "experiment", did you also understand this as meaning medical experiments with prisoners?

A. I do not know how the persons who were spoken to understood it; but as for myself, that is what I understood it to be.

143. Q. You testified on direct examination that after the speech of Iwanami, by the orders of Oishi, the stabbing was performed. Were you standing close by Iwanami when this speech was made?

A. As I recall, I was about seven or eight meters away from Captain Iwanami.

CERTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

144. Q. When Captain Iwanami came up the hill, were the ten armed persons already lined up in the semi-circle?
A. As I recall, yes.

145. Q. Weren't the lines of two columns formed after the arrival of the head of the hospital?
A. I do not remember.

146. Q. When you say you do not remember exactly, do you mean you do not remember exactly whether it was formed after the head of the hospital arrived or whether it was before the head of the hospital arrived?
A. Yes.

147. Q. Right after the speech of the head of the hospital, did Oishi give the order to stab?
A. As I recall, Oishi gave the order to stab after the speech of the head of the hospital.

148. Q. Do you remember if Iwanami ordered Oishi to give the orders?
A. I do not remember Iwanami giving oral orders.

149. Q. Do you remember Iwanami giving an order to start, in his conversation, after his speech?
A. I did not know about his conversation after his speech, but in his speech, he said he was going to test the spirit of the people, and also I understood it as meaning to stab.

150. Q. Do you remember if Oishi made a speech before he gave the order to stab?
A. I have no different recollection.

151. Q. You testified that Yoshizawa was standing apart from the columns. Do you remember how he was dressed?
A. I do not remember exactly.

152. Q. You testified that there were ten armed persons lined up in the semi-circle. Can you describe how they were dressed?

This question was objected to by the judge advocate on the ground that it was misquoting the witness.

The accused withdrew the question.

153. Q. You testified that there were ten armed persons lined up in columns inside a semi-circle. Can you describe how they were dressed?
A. They were dressed in work uniforms.

154. Q. Do you remember what was the color of these uniforms?
A. The working uniforms are of a green color.

IDENTIFIED TO BE A TRUE COPY:
James H. King
James H. King
Lieutenant, U.S. Navy,
Judge Advocate.

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155. Q. Was everyone dressed in this green colored work uniform?
A. Most of them were.

156. Q. Then, were there some that were clothed differently?
A. Because I did not notice how they were dressed, I cannot say explicitly that all were dressed in this uniform, that is why I said "most of them."

157. Q. Was this the first time that you ever saw the prisoners when you saw them on the hill that afternoon?
A. Yes.

158. Q. How, then, do you know that they were the same prisoners that Captain Iwanami talked about that evening when you told him you did not want to experiment on prisoners?
A. I do not know if they were the same prisoners or not.

159. Q. How do you know they were Americans?
A. I stated that they looked like foreigners.

160. Q. Whom did you ask what was going on when you heard running in the corridor?

This question was objected to by the judge advocate on the ground that it was repetitious.

The accused withdrew the question.

161. Q. What did they say in reply to your question when you asked them what was going on?

A. I received the answer, "It seems like a general assembly." I asked where, and he said, "It seems to be the hill in back of the hospital."

162. Q. Were you required to go to this general assembly, then?
A. I thought maybe I had to go.

163. Q. Was it a requirement that when a general assembly was ordered that all officers and enlisted men go to this general assembly?
A. If an order was put out, we were supposed to assemble.

164. Q. Did you go directly from your office or the ward where you were to the general assembly on the hill?
A. As my quarters were on the way to the hill, I stopped at my quarters and picked up my cap.

165. Q. Did you get anything else at your quarters that day?
A. I may have changed my shoes, but otherwise, I do not remember.

166. Q. Did you get your sword that day at your quarters?
A. No.

CERTIFIED TO BE A TRUE COPY:
James M. Kennedy
James M. Kennedy
Lieutenant, U. S. Navy,
Judge Advocate.

W-145

0771

167. Q. At a general assembly, were you required to wear your sword?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was not sustained.

A. Unless it is a ceremonial assembly, we would not take our swords.

168. Q. What were the blindfolds that the prisoners had on that day?

A. I think it was black, but it was a cloth of a dark color.

169. Q. How far were you standing from Kamikawa when you were on the hill that day?

A. I do not remember where he was standing, but I remember him after he started to walk, but I do not remember the distance.

170. Q. Do you remember who was standing next to him or who was near him when you did see him?

A. I have no recollection.

171. Q. Was Kamikawa wearing his sword at that time?

A. I do not remember distinctly, but I think he was not wearing his sword.

172. Q. Did you talk to Kamikawa on the hill that afternoon?

A. I have no recollection.

173. Q. Did you see when Kamikawa left?

A. I do not remember.

174. Q. Was Kamikawa still on the hill when you left?

A. I do not remember distinctly.

175. Q. Did you see Kamikawa stab either of the prisoners?

A. I did not see when the prisoners were stabbed.

176. Q. Did you hear Kamikawa order anyone to stab the prisoners?

A. I do not remember.

177. Q. Who was senior to you on the hill that afternoon?

A. Captain Taneda and Captain Iwanami.

178. Q. What was your rank?

A. At that time I was a lieutenant commander.

179. Q. Were not the officers in an orderly group, the senior officers near Captain Iwanami?

A. They were not lined up regularly; they were grouped irregularly.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. KENNY,
Lieutenant, U.S. Navy,
Judge Advocate.
U.S. Navy.

180. Q. How far from Iwanami were you standing?
A. As I recall, seven or eight meters.

181. Q. What officers remained at the hospital to take care of the patients in any emergency that might occur?
A. As it was in the hospital boundaries, and the distance was not too great, I do not believe there were any special persons left behind to take care of emergencies.

182. Q. What were the duties of Kamikawa at the hospital at this time?
A. He was the adjutant.

183. Q. Were the duties of Kamikawa such as would require him to remain at the hospital when most of the officers were assembled on the hill that afternoon?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was sustained.

184. Q. How many officers were attached to the hospital at this time?
A. From fifteen to twenty.

185. Q. Were they all on the hill that afternoon?
A. I think most of them were there.

186. Q. You are not sure, though?
A. As I heard from two officers that they were not there, I am not sure.

187. Q. How many enlisted men were attached to the hospital at that time?
A. Do you also include gunsekus?

188. Q. Yes.
A. As I was not taking charge of personnel affairs, I am not sure, but I believe there was about two hundred to two hundred twenty.

189. Q. Were they all on the hill that afternoon?
A. I do not know if all of them were there.

190. Q. How many persons did you see on the hill that day?
A. I remember there were many people on the hill, but I do not remember the number.

191. Q. Were there a hundred people there?
A. I think there was about a hundred there.

192. Q. You testified that by order of Lieutenant Oishi, the stabbing began. How close were you standing to him when the stabbing began?
A. About ten meters.

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James P. Kevay
James P. Kevay,
Lieutenant, U. S. Navy,
Judge Advocate.

193. Q. What did you hear him say?

A. As I recall, I think he said to stab.

194. Q. You are not sure, then, what you heard him say?

A. I think the contents of what he said was an order.

195. Q. To whom did he direct his remarks?

A. I thought that he directed this to the men who were lined up.

196. Q. Didn't the stabbing begin by orders of the head of the hospital and not by orders of Lieutenant Oishi?

A. I thought that the head of the hospital had given the order and Lieutenant Oishi, taking up the order, relayed it.

197. Q. And that is the way it was, that the head of the hospital gave the orders to commence stabbing, is that right?

A. In the contents of his speech, that is how I understood it.

198. Q. What did the head of the hospital say after he finished his speech?

A. I do not remember what was said after the speech was made.

The commission then, at 10:25 a. m., took a recess until 10:50 a. m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Okamura, Takao, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

199. Q. Did Captain Iwanami say after he had finished his speech, "Begin the stabbing!"?

A. I do not remember distinctly.

200. Q. You testified that you were all against experimenting with the prisoners. Was Lieutenant Commander Kamikawa against experimenting with the prisoners?

A. He was one of the persons assembled who was against the experiments; but at this time when they were assembled, he did not say anything.

201. Q. Was Lieutenant Oishi against experimenting with the prisoners?

A. Lieutenant Oishi was also a member of the persons assembled who were against the experiments, but I do not remember whether he spoke.

202. Q. How far from the two prisoners on the hill were you all during the time?

This question was objected to by the judge advocate on the ground that it was repetitions.

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James P. Kennedy
James P. Kennedy,
Lieutenant, U. S. Navy,
Judge Advocate.

The accused made no reply.

The commission announced that the objection was sustained.

203. Q. Could you see from where you were if the men actually carried out the orders to stab, and did you see them stab the prisoners?

A. I was not in a position to see.

204. Q. Did you look at the prisoners when they were stabbed?

A. After the order to stab was given, I kept my face down and did not look up. I did not see the stabbing.

205. Q. Were the prisoners stabbed one at a time, or were they both stabbed at the same time by two different persons?

A. I could not tell.

206. Q. You stated, "The persons present (meaning the persons here in court) and everyone from the hospital were present that day on the hill." Did they all stab?

A. I do not know. I cannot say exactly.

207. Q. Now, you testified, "As I felt sick at this time, I do not remember who carried out the stabbing"; and you also testified that "As soon as the stabbings began, I felt sick and I hardly looked at the stabbing." Now, did you see Lieutenant Commander Kamikawa stab?

This question was objected to by the judge advocate on the ground that it was vague.

The accused replied.

The commission announced that the objection was not sustained.

A. I do not remember.

208. Q. Did you see Lieutenant Oishi stab?

A. I do not remember.

209. Q. Did you see Lieutenant Asamura stab?

A. As I did not see while the things were taking place, I do not remember.

210. Q. Did you see Ensign Yoshizawa stab?

A. I do not remember.

211. Q. Did you see Homma stab?

A. I do not remember.

212. Q. Did you see Watanabe stab?

A. As I was looking down, I did not see the acts of stabbing.

213. Q. Did you see Tanabe stab?

A. I do not remember.

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James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

214. Q. Did you see Mukai stab?
A. I did not see.
215. Q. Did you see Kawashima stab?
A. I did not see.
216. Q. Did you see Sawada stab?
A. I did not see it.
217. Q. Did you see Tanaka stab?
A. I did not see it.
218. Q. Did you see Akabori stab?
A. I did not see it.
219. Q. Did you see Kuwabara stab?
A. I did not see him stab.
220. Q. Did you see Tsutsui stab?
A. I did not see.
221. Q. Did you see Namatame stab?
A. I did not see him stab.
222. Q. Did you see Takaishi stab?
A. No.
223. Q. Did you see Mitsuhashi stab?
A. I did not see him stab.
224. Q. Did you leave immediately after the stabbing by the enlisted men was finished?
A. As two or three persons started to leave, I also left.

Reexamined by the judge advocate:

225. Q. These ten men that you have testified were in the stabbers line, did they have anything in their hands?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. There were persons with bayonets or spears.

226. Q. While the stabbing was going on, did you hear the stabbers saying anything?

A. I do not remember.

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James P. Kenney
James P. Kenney,
Lieutenant, U. S. Navy,
Judge Advocate.

Neither the judge advocate nor the accused desired further to examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Lieutenant Commander, Imperial Japanese Navy, Nakase, Shohichi.

2. Q. If you recognize any of these accused, tell us their names and ranks.

A. Do you mean persons I know now or persons that I knew at the time of the incident?

3. Q. Persons you know now.

A. At what time?

4. Q. At any time.

A. Now I know all their faces.

5. Q. Whom do you know by name?

A. Iwanami, surgeon captain; Lieutenant Asamura. The rest I know their faces, but I do not know their names.

6. Q. Were you ever attached to any installations on Truk Atoll?

A. I was attached to some installations on Truk.

7. Q. Name them.

A. The Forty-first Naval Guard Unit.

8. Q. What was your position at the Forty-first Naval Guard Unit?

A. I was the acting executive officer, head of the land battle section, head of the guards, and division officer.

9. Q. From what dates were you attached to the Forty-first Naval Guard Unit?

A. From November, 1943, until August, 1946.

10. Q. What organization on Truk had custody of prisoners of war?

A. Prisoners were held at the naval guard unit; other to this I do not know.

11. Q. During January and February of 1944, were there any prisoners at the Forty-first Naval Guard Unit?

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James P. Kenney
James P. Kenney,
Lieutenant, U. S. Navy,
Judge Advocate.

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

12. Q. In July, 1944, were there any prisoners at the Forty-first Naval Guard Unit?

A. Yes.

13. Q. Will you tell us what became of these prisoners?

A. At this time in January or February of 1944, I do not know what happened to them. The prisoners in July were handed over to the hospital.

14. Q. What hospital?

A. The Fourth Naval Hospital.

15. Q. Prior to the prisoners being handed over to the Fourth Naval Hospital, did you have a conversation with anyone concerning these prisoners?

A. I did not talk to anyone about this.

16. Q. Do you recall a conversation with Captain Iwanami of the Fourth Naval Hospital concerning these prisoners?

A. I remember having a talk with Iwanami by telephone.

17. Q. Tell us about this conversation.

A. The gist of that telephone conversation concerned the prisoners here. The head of the hospital telephoned stating: "Lend me the two prisoners that are now in custody at the naval guard unit for questioning concerning medical data"; and I said, "Do you have the understanding of headquarters?" The head of the hospital replied, "The understanding has already been obtained"; and I replied, "If that is the case, I will lend you the prisoners."

18. Q. What happened then?

A. Some time after this, it was during meals, I do not remember whether it was the noon meal or evening meal, a truck came from the hospital and the officer-of-the-day handed over the prisoners.

19. Q. Did you actually see the prisoners getting into that truck?

A. I saw them while I was eating.

20. Q. Were these prisoners ever returned to the custody of the Forty-first Naval Guard Unit?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied.

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James H. Kenney
James H. Kenney, Jr.,
Lieutenant, U. S. Navy,
Judge Advocate.

The commission announced that the objection was not sustained.

A. They were not returned.

21. Q. What, if you know, were the nationalities of these two prisoners?
A. As I did not have any definite information, I do not know.

22. Q. Did the Forty-first Naval Guard Unit at any time have any prisoners in its custody other than Americans?

This question was objected to by the accused on the ground that it was irrelevant and immaterial.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not understand when you say "Americans." There were no colored prisoners that were taken in to the guard unit, so this distinction, white or colored can be made.

23. Q. Did the Forty-first Naval Guard Unit ever have in its custody any prisoners who were natives of the United States of America?

This question was objected to by the accused on the ground that it called for the opinion of the witness.

The judge advocate withdrew the question.

24. Q. In 1944, did the Forty-first Naval Guard Unit have in its custody any prisoners other than nationals of the United States?
A. No.

Cross-examined by the accused:

25. Q. You testified that there were prisoners at the Forty-first Naval Guard Unit in January and February of 1944. How many prisoners were there?
A. As the period of time is very long, I cannot say exactly how many prisoners were there, but if it is stated at such and such a time more specifically, I may be able to judge how many persons there were.

26. Q. At the end of January.

A. In January of 1944, I became sick and entered the sick bay on the twenty-fifth of January. At this time, I think there was about fifteen or sixteen prisoners.

27. Q. You testified that you became sick. When did you recover?
A. On the fifth of March.

28. Q. When you became well, were there any prisoners at the naval guard unit?
A. There were none.

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James P. Kenny
James P. Kenny,
Lieutenant, U.S. Navy,
Judge Advocate.

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29. Q. You testified that you became sick and after about forty days you became well, that when you became sick in January there were fifteen or sixteen prisoners, and after about forty days, when you became well, there were none. Did you ask what had happened to the prisoners?

This question was objected to by the judge advocate on the ground that it was beyond the scope of the direct examination.

The accused made no reply.

The commission announced that the objection was sustained.

30. Q. You stated that there were prisoners in July of 1944. How many prisoners were there at this time?

A. Two.

31. Q. How did these prisoners come to be in the custody of the Forty-first Naval Guard Unit?

A. They were held in custody by orders from the headquarters.

32. Q. What do you mean when you say "headquarters"?

A. The headquarters of the Fourth Naval Base Force.

33. Q. Were the two prisoners brought from the headquarters of the Fourth Naval Base to the Forty-first Naval Guard Unit?

A. No.

34. Q. Then, did you go and get them?

A. No.

35. Q. How did the prisoners get there?

A. There was a telephone call from headquarters that the prisoners would be brought by the army to the guard unit and we should take them into custody.

36. Q. Were they brought from the army unit?

A. They were.

37. Q. Where did the guard unit keep these prisoners?

A. At the guard unit, there is no place to place prisoners, but as there is a brig in which to place the military personnel, they were placed in this brig for the time being.

38. Q. When the prisoners were taken into custody at the guard unit, weren't their names and nationalities investigated?

A. At the guard unit, these questions were not asked. By orders from the Fourth Fleet Headquarters, it was stated that the guard unit should not have to do this sort of thing, so we did not do it.

39. Q. Since the prisoners did not return from the hospital, did you inquire about the prisoners?

A. I did not inquire to the hospital, but by rumor we had heard that they had been disposed of by the hospital, so I did not inquire.

CERTIFIED TO BE A TRUE COPY:

James P. Keane
James P. Keane,
Lieutenant, U. S. Navy,
Judge Advocate.

The witness was duly warned.

The commission then, at 11:32 a. m., took a recess until 2 p. m., at which time it reconvened.

Presents: All the members, the judge advocates, the accused, their counsel, and the interpreters.

Robert R. Miller, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Nakase, Shichihi, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

40. Q. Who was the Officer-of-the-Day who handed over the prisoners?
A. It was the Officer-of-the-Day and I do not remember his name.

41. Q. From what date were you the executive officer of the Forty-first Naval Guard Unit?
A. From November 1943.

42. Q. Until when?
A. August 1946.

43. Q. Were you in a full duty status all that time?
A. From about May, 1944, until July, 1944, during the three months period I was relieved of my duties as acting executive officer because Commander Akutagawa had been sent as executive officer.

44. Q. Did you ever question any of the prisoners at the naval guard unit in July, 1944?
A. Not for the Forty-first Naval Guard Unit.

45. Q. Were any records kept regarding prisoners at the naval guard unit?
A. No.

46. Q. How do you know then of your own knowledge as to the nationality of these prisoners?
A. This I did not know.

47. Q. Were you ever charged with the custody and care of the prisoners that were at the guard unit?
A. I was ordered the custody of handling of these prisoners by the commanding officer.

48. Q. You were ordered by the commanding officer to have custody of these prisoners?
A. Yes.

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

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49. Q. Who was the commanding officer that ordered you?

A. There were three commanding officers.

50. Q. Did you hand over the prisoners that day?

A. I ordered the Officer-of-the-Day to hand the prisoners over and the Officer-of-the-Day handed the prisoners over to the persons on the truck.

51. Q. Did you get a receipt for the prisoners?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was sustained.

52. Q. Was a record made in the guard unit record book on the day that the prisoners were handed over by the officer-of-the-day?

A. Yes.

53. Q. What kind of prisoners were these?

This question was objected to by the judge advocate on the ground that it was vague.

The accused withdrew the question.

54. Q. What is a prisoner of war?

A. Prisoners of war as I know it are enemies captured during battle.

55. Q. Were these two persons prisoners of war?

A. Yes.

56. Q. Who had captured them?

A. I do not know who had captured them.

Neither the judge advocate nor the accused desired further to examine this witness.

The commission did not desire to examine this witness.

The witness made the following statement:

Concerning this point about a citizen of America, I cannot say whether they were Americans. I can just say that they were white compared to a colored person.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

CERTIFIED TO BE A TRUE COPY:

James P. Kennedy
James P. Kennedy
Lieutenant, U. S. Navy,
Judge Advocate.

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1. Q. State your name and former rank.
A. Taneda, Yasuo, Surgeon Captain, Imperial Japanese Navy.

2. Q. If you recognize the accused state their names and ranks.

The witness identified all of the accused with the exceptions of Asamura and Sawada and stated that he recognized their faces but could not remember their names.

3. Q. Did you ever serve at Truk Atoll?
A. Yes.

4. Q. Where there did you serve?
A. Fourth Naval Hospital, Dublon.

5. Q. Between what dates did you serve at that hospital?
A. From February 1944 till the end of August 1946.

6. Q. And during the time that you served at that hospital who was the commanding officer of that hospital?
A. Surgeon Captain Iwanami.

7. Q. What were your duties at the hospital?
A. I was head of the first section.

8. Q. What does that mean?
A. It is a section which handled all surgical matters.

9. Q. During the year 1944 did you see any prisoners of war at the hospital?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes. I have seen some prisoners.

10. Q. Do you remember during what month you saw these prisoners?
A. In July.

11. Q. Where did you see them?
A. At the Fourth Naval Hospital.

12. Q. Did you have a conversation with anyone concerning prisoners of war a few days before you saw these prisoners?
A. I do remember having a conversation.

13. Q. With whom did you have this conversation?
A. The head of the hospital, Captain Iwanami.

CERTIFIED TO BE A TRUE COPY:

James H. Reany
James H. Reany,
Lieutenant, U. S. Navy,
Judge Advocate.

14. Q. Will you tell us where you had this conversation?

A. At the officers' wardroom.

15. Q. Tell the commission what you remember about this conversation, what you said to him and what he said to you.

A. It was the noon meal, Captain Iwanami said, "There are prisoners which I wish to dispose of, do you want to perform any experiments?" and I said, "No, I do not want to perform any experiments."

16. Q. Were ^{there} any other officers present when you had this conversation?

A. Almost all the officers were present.

17. Q. Will you name some of the officers that were present?

A. Before I answer the question, many officers have come and gone, but I do not remember all of them, but I shall tell you the names of the ones that I remember.

The accused objected to the witness identifying any officers other to the ones in the instant case as defendants.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. (Cont.) The head of the hospital, Kamikawa, Oishi and I do not remember seeing Sakagami as he was seated further down the table due to the difference in rank and I could not see him.

18. Q. Can you name any of the other officers that were present when this conversation was had?

A. Other to this I remember persons who are not here, Commander Murakami, Commander Okamura and I am not too sure about Lieutenant Hayakawa and I think Surgeon Captain Shirota was present.

19. Q. About how many days before you actually saw these prisoners was this conversation had?

A. As I recall it was four or five days before this.

20. Q. Where did you first see these prisoners?

A. From the veranda in front of the head of the hospital's room.

21. Q. Were you alone when you first saw them?

A. Together with myself there were three.

22. Q. Will you tell us who they were?

A. Vice Admiral Hara, the head of the hospital and myself.

23. Q. By the head of the hospital do you mean Captain Iwanami?

A. Yes.

24. Q. Where were the prisoners when you first saw them?

A. I saw the prisoners for the first time when the truck with the prisoners went up the road from in front of the veranda.

IDENTIFIED TO BE A TRUE COPY:

James P. Kenny
Lieutenant, U.S. Navy,
Judge Advocate.

25. Q. Did you notice whether there was anyone else in the truck besides the prisoners?

A. There was a corpsman petty officer and several corpsmen on the truck.

26. Q. Can you tell us the names of any of the persons who were on the truck with the prisoners?

A. I heard later the names of some of the persons who were on the truck but at that time I was surprised by seeing the prisoners and I did not notice who else was on the truck.

27. Q. From whom did you hear the names of the persons who were on the truck with the prisoners?

This question was objected to by the accused on the ground that it was irrelevant and immaterial.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I heard from Petty Officer Ikeya.

28. Q. Are you sure you did not hear it from anyone else beside Ikeya?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

29. Q. Did you hear it from anyone else beside Ikeya?

A. No.

30. Q. When did you hear this from Ikeya?

A. Sometime after the investigation of the incident had begun.

31. Q. While you were standing on the veranda with Admiral Hara and Captain Iwanami, did anything happen?

This question was objected to by the accused on the ground that it was irrelevant and immaterial.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. The talk that was held with the vice admiral was concerned merely the conditions of the officers who were sick in the hospital and also miscellaneous items. After the admiral had returned I told Captain Iwanami that about thirty minutes previously the prisoners had gone by on a truck.

CERTIFIED TO BE A TRUE COPY:

James P. Henry
Judge Advocate
U.S. Navy
Judge Advocate

32. Q. Before the conversation between yourself, Hara and Iwanami had ceased were you approached by anyone?

A. A considerable time after the prisoners had passed in front of us, the time was about thirty minutes, the Adjutant Kamikawa came toward the veranda from the entrance of the administration building and about one-half way between the entrance and the veranda saluted and returned.

33. Q. When he saluted you, did you do anything?

A. At this time Captain Iwanami, Vice Admiral Hara and myself were talking and bananas had been put up and we were eating them and when the adjutant approached I put up my hand and told him to come closer but he saluted and left.

34. Q. After Admiral Hara had gone did you report to anyone that Lieutenant Commander Kamikawa had approached?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. As I stated before I told the head of the hospital that a long time previously the prisoners had passed by and he made a gesture as if he was surprised and he said, "Is that so?" and then I asked him, "Are you going to do something with the prisoners as you were saying several days ago?", and he said, "Yes." I told him the adjutant had come toward the room and I had motioned for him to come forward but he had saluted and gone back, then the head of the hospital said, "The preparations have all been made." Then I said, "That must be it, the adjutant came and saluted twice."

The accused moved to strike that portion of the answer that alleged that Lieutenant Commander Kamikawa had made all preparations on the ground that it was hearsay and the opinion of the witness.

The judge advocate replied.

The commission announced that the motion to strike was denied.

35. Q. At this particular time did you say anything else to Captain Iwanami or did he say anything else to you?

A. The head of the hospital said, "As all the preparations should be completed let us go to the top of the hill."

36. Q. Are these papers in your handwriting? (Showing witness papers)

A. I had a paymaster warrant officer take this down because my writing is poor, I had him take it down. The name at the end should be my name.

37. Q. Does that document have your name?

A. Yes.

CERTIFIED TO BE A TRUE COPY:
James M. Kennedy
Lieutenant Commander U.S. Navy,
Judge Advocate

38. Q. Now having read this paper which was dictated by you, is your memory refreshed as to this incident?

A. I remember, I do not need to refresh my memory, I knew it before.

39. Q. Before Iwanami said to you, "Let us go up the hill", did you say anything to him?

A. I asked him what are you going to do and how are you going to do it?

40. Q. And how did he answer?

A. He said he was going to do it with bayonets and spears.

41. Q. Was that all there was to this conversation?

A. The conversation concerning prisoners of war was only this, after this we went up the mountain.

42. Q. Did you go up the mountain side by side with Captain Iwanami?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

43. Q. Did you go up the hill with Captain Iwanami?

A. I was following the head of the hospital up the hill but in the Japanese Navy if there was a general assembly it is impolite to reach the general assembly after the department head, so I passed him and went on ahead of him.

44. Q. Did you meet anyone?

A. I met no one on the way up but after I arrived at the scene which was a small hill in back of the hospital, Lieutenant Commander Kanikawa came toward me.

45. Q. Did you have a conversation with Lieutenant Commander Kanikawa?

A. Lieutenant Commander Kanikawa saluted and I said something to the effect of "all right" and I presumed that he came to report that the preparations had been made and he was reporting this, and I said to him the head of the hospital had said go ahead and start it and Lieutenant Commander Kanikawa started to go back to where the petty officers and enlisted men were lined up but I said, "As he will be here soon, will you report it to him and myself?" and Lieutenant Commander Kanikawa went back toward where everyone else was gathered. Just as I took my place in the line the head of the hospital arrived on the scene.

The accused moved to strike the words "I presumed that he came to report that the preparations had been made and he was reporting this," on the ground that they were the mere opinion of the witness.

The judge advocate agreed with defense counsel.

The commission directed that that portion of the answer which was objected to be stricken from the record.

CERTIFIED TO BE A TRUE COPY:
James P. Kenny
James P. Kenny,
Lieutenant, U.S. Navy,
Judge Advocate.

46. Q. I show you a statement which you have stated was written at your request and was signed with your name. Will you look at it and see if it refreshes your recollection? (Showing witness papers)

A. I forgot and I did not state this portion. I was going to state concerning this.

47. Q. Is that the same statement that you were shown a few minutes ago?
A. It is the same statement.

48. Q. Is your recollection refreshed?
A. Yes.

49. Q. Now what did you say if anything to Lieutenant Commander Kamikawa and what did Lieutenant Commander Kamikawa say to you?

A. Kamikawa said the preparations have been made and saluted. I said the head of the hospital said to have you begin and as Kamikawa was starting to return, I stopped him and said that as the head of the hospital will soon be here to report to him. As I was passing the head of the hospital going up the hill, he told me what I have just testified.

50. Q. What you mean to say is that as you passed the head of the hospital, he told you if all the preparations were made to go ahead and start and that is what you told Lieutenant Commander Kamikawa. Is this correct?

This question was objected to by the accused on the ground that it was leading.

The judge advocate replied.

The commission announced that the objection was sustained.

51. Q. After you had this conversation with Kamikawa what happened?
A. The head of the hospital soon arrived and Kamikawa reported to the head of the hospital.

The commission then, at 3:18 p. m., took a recess until 3:40 p. m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

Tanada, Shisuo, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

52. Q. What happened then?

A. I came and took my place in front of where the officers were grouped. The head of the hospital was a short distance away from me for

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a while, then he went out in front of where the petty officers and enlisted men were lined up and made a speech. I forget whether it was before or after the speech that the head of the hospital told me to have them take the blindfolds from the prisoners and I acted as if I did not hear it, again the head of the hospital said, "Have them take the blindfolds away from the prisoners" and I acted as if I did not hear it because I thought it should not be done. The head of the hospital went toward the front of the prisoners and I do not remember who did it, but he said in a loud voice, "Take away the blindfolds." A short time after the speech, the actual stabbing began.

53. Q. Who did the stabbing?

A. The petty officers and seamen of the hospital. The persons who did the stabbing were persons who were not officers of the hospital.

54. Q. Did you see the prisoners stabbed?

A. I did not see the time that they were stabbed.

55. Q. Did you recognize any of the petty officers who did the stabbing?

A. I have no definite recollections of which petty officers stabbed.

56. Q. Was there any officer in charge of the men and petty officers who did the stabbing?

This question was objected to by the accused on the ground that it was leading.

The judge advocate withdrew the question.

57. Q. Was there anyone in charge of the petty officers who did the stabbing?

A. I did not know who was taking charge.

58. Q. You have testified to a speech that Captain Iwanami made and at the conclusion of the speech he said, "Stab." Did he say that directly to the petty officers or did he say that to someone else who transferred the orders?

This question was objected to by the accused on the ground that it was double.

The judge advocate withdrew the question.

59. Q. Did the head of the hospital, Iwanami, give any orders to the stabbers?

A. Yes, he gave orders. He even gave minute instructions and as for his last words he stated, "Perform it without restraint." It was as if the head of the department directly commanded the stabbers. I was asked was there anyone who acted as go between between the head of the hospital and the petty officers. This I do not know whether it was an officer or a petty officer. Everything that was done or orders given from the head of the hospital to the lowest ranking persons was by the head of the hospital and everything by the instruction of the head of the hospital. Therefore, I do not know, but if there was anyone between the head of the hospital and the actual stabbers, he did not have any consequence and did not know what to do, it would be the

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same as if he were a doll and if it was someone I sincerely believe it was the same as a doll between the head of the hospital and the ones he commanded.

The judge advocate moved to strike that portion of the answer beginning with the words, "but if there was anyone between the head of the hospital " to the end of the answer on the ground that it was the opinion of the witness.

The commission directed that that portion objected to be stricken from the record.

60. Q. About how many men were in this line of stabbers?

A. When I am asked how many were in the lines I can only say that when I came to the scene and looked toward where the enlisted men were, I just felt that the front part of the group are lined up pretty well and also noticed that there were some people armed that were grouped in front, and I also noticed that there were some people who were in the middle who were in fairly good order. In this group were about sixteen to twenty persons. I do not remember if all of them were armed and as I recall, those in that group were not the only ones who were armed but there were others elsewhere.

61. Q. How many men on that hill were armed?

A. As I recall about sixteen to twenty as I stated before.

62. Q. With what were they armed?

A. There were some who had bayonets and some who had spears.

63. Q. Did you see any of the accused that are here today in this court who had bayonets or spears?

A. There is none that I can say exactly that he had a spear or a bayonet.

64. Q. Are there any of the men here in this court today that you can say definitely did not have a spear or bayonet?

A. I remember Yoshizawa distinctly did not have anything.

65. Q. Did he have anything else other than a bayonet or a spear?

A. I think Yoshizawa was the one who had a sword. I did not see Yoshizawa among the persons who were grouped.

66. Q. After the prisoners had been bayoneted and speared what was done to their bodies?

A. They were buried in a hole which had already been dug nearby.

67. Q. Who buried them?

A. It was some of the younger seamen of the hospital.

68. Q. Was there anyone in charge of this burial detail?

A. The head of the hospital was there until the end and gave minute instructions.

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69. Q. What was done with the clothing of these prisoners?

A. They were all burned a short distance from where they were buried.

70. Q. Who was in charge of the burning of the clothing of these prisoners?

A. As the burning of the clothing was very close by there was no one in charge and the head of the hospital gave instructions.

71. Q. Do you know what became of the bodies of the prisoners after they had been buried on the hill?

A. It is said that they were dug up much later.

The accused moved to strike this answer on the ground that it was hearsay.

The judge advocate made no reply.

The commission announced that the motion to strike was denied.

72. Q. Who said so?

A. I do not remember. I heard before but I forget from whom and much later I heard from the head of the hospital.

73. Q. Did you ever have any conversation with the head of the hospital after this day about this incident on the hill?

This question was objected to by the accused on the ground that it was irrelevant and immaterial.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. Yes.

74. Q. What did he say and what did you say?

A. The head of the hospital said the two prisoners who had been buried on the hill had been dug up and disposed of and I replied, "Is this so."

The witness was duly warned.

The commission then, at 4:13 p. m., adjourned until 9 a. m., tomorrow, Thursday, July 3, 1947.

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