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U. S. War Department

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WAR CRIMES OFFICE

Judge Advocate General's
Office

File No. 43-35-1 NAVY CASE PART 2
Sub. IWANAMI HIROSHI ET AL

See also Nos.

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U. S. GOVERNMENT PRINTING OFFICE 16-42370-1

188

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8-21

CASE OF
ILJA TAPPI, ET AL

Volume II
Second Carbon Copy

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

1033

Case of

Iwanami, Hiroshi,
Kamikawa, Hidohiro,
Oishi, Totsuo,
Asamura, Shunpei,
Sakagami, Shinji,
Yoshizawa, Kinsaburo,
Homma, Hachiro,
Watanabe, Mitsuo,
Tanabe, Mamoru,
Mukai, Yoshihisa,
Kawashima, Tatsusaburo,
Sawada, Tsunoo,
Tanaka, Tokunosuko,
Akabori, Teichiro,
Kawabara, Hiroyuki,
Tsutsui, Kisaburo,
Hamatomo, 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.

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

VOLUME II

1035

MINUTES

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands,
Wednesday, July 23, 1947.

The commission met at 9:25 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. Castorino, 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. Ragan, U. S. Navy, and
Lieutenant James P. 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 nineteenth day of the trial was read
and approved.

No witnesses not otherwise connected with the trial were present.

The defense began.

Mr. Kunita, Nide, a counsel for the accused, read a written opening
statement for the defense, appended marked "DB."

An interpreter read an English translation of Mr. Kunita's opening
statement, appended marked "DB."

Commander Martin E. Carlson, U. S. Naval Reserve, a counsel for the
accused, read a written opening statement for the defense, appended marked
"DB."

An interpreter read a Japanese translation of Commander Carlson's
opening statement.

Mr. Kunita, Nide, a counsel for the accused, requested the commission
to take judicial notice of the following:

"Japanese Service Regulations for Personnel on Ships."

"General Principles."

"II. Military discipline is the life of the military force in order
to unify the spirits of the military persons, and is the principle to mould
the minds of a thousand persons into one."

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

Therefore, military discipline aboard must be most solemnly observed and maintained without the slightest relaxation by the captain of the ship down to the rank and file. Solemnity of military discipline can be achieved only by training the spirit of each individual military person. Therefore, all hands on ships, in every moment of their service, should bear the imperial will in mind, greatly foster the military spirit, faithfully pursue all with unity in mind and act, and calmly discharge the duty of a military person when faced with death.

"III. The effectiveness of the armed forces lies in the replenishment of its true ability. Therefore, the true object of the training on the ships lies in the fostering of the true ability together with the training of military spirit and enforcement of military discipline.

"IV. Order is the source of military action. It must be precise and pertinent. When an order is once given, the commander should supervise its execution and determine its thoroughness.

"Moreover, the commander should be careful not to give uncertain orders so as to bewilder the receiver, or make impertinent demands so as to make the performance difficult, or overlook the negligence of the receiver without giving correction.....

"VI. Obedience in the military forces is implicit, and it must become second nature. But, once an order is issued, to complain about the difficulty of its execution, or neglect its execution, or to discuss its propriety should definitely not be allowed.

"But there are not a few occasions, when arbitrary action is necessary, when the situation is imminent as to circumstances undergo a change and further instruction cannot be had, so the intention of the commander must be judged and with arbitrary action to cope with the situation the opportunity must be grasped.

"Arbitrary action is not taken in conflict with the spirit of obedience always pursued within the scope of the commander's intention and without ending in self-indulgence."

Japanese Naval Criminal Code, Chapter IV, Crimes of Resisting Order, Article 55:

"Article 55. One who resists the superior officer's order or who is not subordinate to it, shall be condemned to such penalties as follows:

- "1. In the face of the enemy, he shall be condemned to death or a life term or above ten years' confinement.
- "2. In war time, or when in need of emergency measures of rescuing ships, from above one to ten years' confinement.
- "3. In other cases, under five years' confinement."

Commander Martin E. Carlson, U. S. Naval Reserve, a counsel for the accused, requested the commission to take the judicial notice of the following:

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James F. [Signature]
James F. [Signature]
Lieutenant, U. S. Navy
Judge Advocate

Articles for the Government of the United States Navy, Article 61.

The Penal Code of Guam, especially Sections 1510 to 1515 inclusive, which sections read as follows:

"1510. Report of death. - Every death occurring in Guam shall be immediately reported to the Commissioner of the district in which it occurred by the next of kin of the deceased person.

"1511. Additional report to Chief of Police and Health Officer. - Whenever a person has been killed, or has committed suicide, or has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by the act of another by criminal means, the Commissioner of the district shall inform the Chief of Police and the Public Health Officer.

"1512. Chief of Police and Medical Officer to investigate. - The Chief of Police of Guam or his deputy and a Navy Medical officer, assistant to the Public Health Officer, shall proceed to the place where the body is, cause it to be exhumed, if it has been interred, and make a thorough investigation into all the attending circumstances.

"1513. Autopsy at the Naval Hospital. - The body will be transferred by government conveyance under the supervision and direction of the Medical Officer to the Naval Hospital for an autopsy, if necessary.

"1514. Police investigation. - The representative of the Police Department will conduct such investigation as is necessary to apprehend and bring to justice any guilty parties as the circumstances indicate.

"1515. Reports of the Police Department and Medical Officer to Governor. - The Chief of Police of Guam or his deputy and the Medical Officer who conduct the investigation required by this chapter shall report the results of their investigations to the Governor of Guam in writing."

and Orders and Regulations with the force and effect of Law in Guam, particularly Section XX, paragraphs 1 to 9, inclusive, found on page 72, which reads as follows:

"1. A Civil Register is established in the Island of Guam, which shall contain a record of all deaths, marriages, births, entries into the departures from the Island. The said Register shall be under the direction of the Executive Office.

"2. Every record of a death shall contain the name, the age, and the former residence of the deceased, and the date of death.

"3. Every death occurring in the Island shall be reported immediately to the Commissioner of the district in which it occurred, by the next of kin of the deceased present at the time, under a penalty of a \$25.00 fine, to be collected through executive channels.

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

"4. A commissioner, upon receiving information of any death within his district, shall immediately report the same through the Department of Health to the Civil Registrar, giving, in addition to the information required by paragraph 2 of this section, the date of birth and nationality of the deceased, and the name of the attending physician, hospital corpsman, or midwife, if any.

"5. Whenever the death of an inhabitant of Guam occurs under circumstances which are unusual or suspicious, or which indicate foul play, or that death was due to other than natural causes, report should be made immediately to the Police Department.

"6. A medical officer, holding appointment as Medical Examiner, and a representative of the Police Department, shall then proceed at once to inquire into the cause of such death.

"7. After a thorough investigation of all attending circumstances, separate detailed reports shall be submitted to the Governor. Necessary steps shall be taken by the Police Department to apprehend guilty parties, if there be any such, and to gather evidence to insure conviction.

"8. When necessary transportation shall be furnished by the Naval Government.

"9. The Medical Examiner shall make necessary arrangements for suitable transportation of the body of the deceased to the Naval Hospital."

That Truk Atoll was on January 30, 1944; February 1, 1944; and July 20, 1944, in the possession of Japan, a sovereign state, and that Japan did exercise sovereignty over Truk Atoll until September 2, 1945, when Vice Admiral Hara, Imperial Japanese Navy, representing the Japanese Government, surrendered Truk to the United States, as represented by Vice Admiral Murray.

That it is difficult to remove the ill effects of illegal testimony on the minds of the jury and the case of *Wills v. State*, 15 Ala. App. 454, 73 S. 766 (Underhill's *Criminal Evidence*, p. 81).

That cupidity is a most powerful motive to human action and the case of *State v. De Weese*, 51 Utah 515, 172 Pac. 290. (See Underhill's *Criminal Evidence*, pages 81 and 82.)

That morphine is a derivative of opium, and the cases of *James v. U. S.*, 279 Fed. 111; *Ryan v. U. S.*, 283 Fed. 975; *Greenberg v. U. S.*, 285 Fed. 865; *Gain v. U. S.*, 19 Fed. (2d) 472; *James v. U. S.*, 61 Fed. (2d) 912, cert. denied in 288 U. S. 613, 77 L. ed. 987, 93 Sup. Ct. 404; *State v. Brennan*, 89 Mont. 479, 300 Pac. 273; *Jefferson v. State (Okla. Cr.)*, 244 Pac. 460. (See Underhill's *Criminal Evidence*, p. 85.)

Of the facts of chemistry contained in the United States Pharmacopoeia and the case of *Melanson v. United States*, 296 Fed. 783. (See Underhill's *Criminal Evidence*, p. 86.)

Of the inability of witnesses accurately to remember dates, and that their memories are not perfect or infallible, and the cases of *Lynn v. Conn* (Tun. Civ. App.), 241 S. W. 569 and *State v. Johnson*, 215 Iowa 483, 245 N. W. 728. (See Underhill's *Criminal Evidence*, p. 90.)

CERTIFIED TO BE A TRUE COPY:

James P. Kennedy
James P. Kennedy,
Attorney at Law,
P.O. Box 1000.

That a surgeon may give an opinion as to the probable cause of death and may state when in his opinion, death occurred, and the following cases: Alabama: Sims v. State, 139 Ala. 74, 36 So. 138, 101 Am. St. 17; Norden v. State, 143 Ala. 13, 39 S. 406; Burkett v. State, 154 Ala. 19, 45 So. 682; Jones v. State, 155 Ala. 1, 46 So. 579; Iowa: State v. Usher, 136 Iowa 606, 111 N. W. 811; Kentucky: Levering v. Commonwealth, 132 Ky. 666, 117 S. W. 253, 136 Am. Stat. 192, 19 Am. Cas. 140; Massachusetts: Commonwealth v. Thompson, 159 Mass. 56, 33 N. E. 1111; Commonwealth v. Small, 189 Mass. 12, 75 N. E. 75, 3 L. R. A. (N. S.) 1019; Michigan: People v. Sessions, 58 Mich. 594, 26 N. W. 291; People v. Barker, 60 Mich. 277, 27 N. W. 539, 1 Am. St. 501; North Carolina: State v. Wilcox, 132 N. C. 1130, 44 S. E. 625; Oregon: State v. Bergeron, 49 Ore. 259, 88 Pac. 306, 14 Am. Cas. 130; South Carolina: State v. Chiles, 44 S. Car. 338, 22 S. E. 339; Texas: Fay v. State, 52 Tex. Cr. 185, 107 S. W. 55; Stevall v. State, 53 Tex. Cr. 30, 108 S. W. 699; Smith v. State (Tex. Cr.), 99 S. W. 100; Wisconsin: Boyle v. State, 61 Wis. 440, 21 N. W. 289, and State v. Clark, 15 S. Car. 403.

Article 60 of the Geneva Convention of July 27, 1929.

Article 63 of the Geneva Convention of 1929.

The Fifth Amendment to the Constitution of the United States of America.

That International Law, such as the Hague Convention, provides neither courts nor punishments for individuals who violate the laws and customs of war.

That neither Italy nor Bulgaria has ever ratified the 1907 Hague Convention.

The Twenty-fifth and Thirty-eighth Articles of War.

Section 454, Naval Courts and Boards.

That the Forty-first Naval Guard Unit was a separate command on Dublin Island, Truk Atoll.

That the commanding officer of the Imperial Japanese Fourth Naval Hospital, Dublin Island, Truk Atoll, had no duty or responsibility as regards the dispensary or any installations located at the Forty-first Naval Guard Unit, Dublons Island, Truk Atoll.

That neither the Imperial Japanese Navy Regulations nor the law and customs of war impose on a surgeon captain, Imperial Japanese Navy, any duty to control the operations or conduct of other members of the Imperial Japanese Navy.

That the law and customs of war impose no duty on the medical officer in command of a navy hospital to control the operations of members of his command so as to prevent them from killing prisoners of war.

That the law and customs of war impose no duty on the medical officer in command of a navy hospital to take positive measures to protect prisoners of war.

That dissection of the bodies of prisoners of war does not prevent their honorable burial.

CERTIFIED TO BE A TRUE COPY:
James H. Keane
 Lieutenant, U. S. Navy,
 Navy Department.

That the following accused persons were regularly returned by Commander Harrison to Japan as disarmed military personnel and regularly demobilized out of the Imperial Japanese Navy: Lieutenant Commander Hamikawa, Hideo; Lieutenant Oishi, Tetsuo; Lieutenant Asamura, Shunpei; Ensign Yoshizawa, Kenji; Warrant Officer Watanabe, Mitsuo; Warrant Officer Tanaka, Masaru; Warrant Officer Nakai, Yoshihisa; Chief Petty Officer Hamatani, Kazuo; Chief Petty Officer Mitsuhashi, Kichigoro.

Japanese Public Notification Number 13 of February 10, 1900, amended in 1913 by Public Notification Number 102, which reads as follows when translated:

"Public Notification Number 13. 10 February 1900.

"Amended in 1913 by the Public Notification Number 102.

"Subject: Examination by dissection of the dead body of military personnel, gunboats or workmen, regulation of.

"When the family, relatives, friends, or surty of military men, gunboats, or workmen request to dissect the diseased part of the dead body of them with the will of the dead men or with the admission of their family, relatives and friends, the commanding officer of the naval hospital, the commanding officer of the Naval Medical Officers' Academy, the chief surgeon of the Ryokan Naval Station or the chief surgeons of naval port districts may grant the request or perform the examination by dissection. But after the examination is finished, the dead body shall be sewed up."

Public Notification Number 83 of June 22, 1915, which translated into English reads as follows:

"Public Notification Number 83. 22 June 1915.

"Subject: Examination by dissection of the diseased part of military personnel or gunboats when there is a doubt in the cause of death, regulation of.

"(1) When there is a doubt in the cause of death of military personnel or gunboats and it is necessary to examine it by dissection, the commanding officer of the organization, after receiving permission from his direct commander-in-chief, may order it to his surgeon or request it to the commanding officer of the neighboring naval hospital or other surgeons.

"(2) The commander-in-chief, when he gave the permission, shall report it to the Naval Minister.

"(3) In case when a unit is located in an inconvenient place for examination such as in a foreign country or on the ocean navigation, the commanding officer of the unit may omit the above mentioned procedure. In such a case, he shall report it to the commanding officer of his organization or his direct commander-in-chief."

That 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 jurisdiction and where by Act of Congress such offenses are recognized and made punishable and the case of *Pettit v. Walsh*, 294 U.S. 285, 18 U.S.C.A. 451, et seq.

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James P. Henry
JAMES P. HENRY, Jr., U.S.N.
Judge Advocate.

The judge advocate requested a fifteen minute recess to prepare his objection to the request of the accused on judicial notice.

The commission then, at 10:06 a. m., took a recess until 10:30 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 made the following objections:

We object to the commission taking judicial notice of the matters requested by defense counsel. Under section 309 of HCS, this commission can take judicial notice of facts which it knows to be true without any evidence to prove them. Neither the Japanese Service Regulations nor the Japanese Naval Criminal Code falls into this category. Furthermore, section 309 specifically points out that a court may not take judicial notice of a foreign law.

Defense counsel will undoubtedly in reply to this objection argue that this commission in previous cases heard by it took judicial notice of Japanese laws. In answer to this, we point out that in those cases the prosecution maintained and argued that the commission was sitting in the capacity of a local court in one of the ex-mandated areas and therefore the Japanese laws were not foreign laws.

We wish to point out that we have no objection to the content of these documents, but merely to the manner in which they are presented; however, it would seem from their title that these are matters in mitigation. We maintain that this commission should not take judicial notice of the matters but they must be proved by competent evidence like any other fact; i. e., the purport of the actual wording of the law must be introduced into evidence, and it must be further shown that the law or regulation was in force at the time when the alleged act took place.

The judge advocate objects to the commission taking judicial notice "that it is difficult to remove the ill effects of illegal testimony on the minds of the jury." This is not only well known fact and in substantiation of it, the defense counsel quotes a particular case. Section 309, Naval Courts and Boards, points out that the proper way to have the court take judicial notice of a fact not carried in the minds of all intelligent men is for the party desiring it to request that the court take judicial notice, for example, of a particular case, and to furnish the court at the time with an official or otherwise trustworthy copy thereof. Whether or not the witness is to be believed depends upon the testimony of the particular witness and is for the court or the commission to decide.

We also object to the commission taking judicial notice "that cupidity is a most powerful motive to human action." Here again defense counsel quotes a particular case, and we again point out that this is not the best way to do this.

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James P. Kenney
James P. Kenney
Lieutenant, J. G. Navy
Judge Advocate

We object to the commission taking judicial notice of the fact "that morphine is a derivative of opium." It is true that the commission can take judicial notice of well known facts; however, we feel that it is not well known or common knowledge of people that morphine is a derivative of opium. If the members of the commission feel that this falls within their knowledge, then we would withdraw our objection.

We object to the commission taking judicial notice "of the facts of chemistry contained in the United States Pharmacopoeia and the case of Melanson v. United States, 256 Fed. 783." If Commander Carlson desires the commission to take judicial notice of the contents of a particular document, he should make it available to the commission so that both the judge advocate and the commission would have an opportunity to examine it, and this also goes for the particular case cited.

We object to the commission taking judicial notice "that a surgeon may give an opinion as to the probable cause of death and may state when, in his opinion, death occurred and the following cases" that Commander Carlson has cited, numerous cases from numerous jurisdictions in the United States. Again we say that the commission should be provided with a certified copy of these cases so that it may know the surrounding circumstances.

We object to the commission taking judicial notice that "International Law, such as the Hague Convention provides neither courts nor punishments for individuals who violate the law and customs of war." This is not a well known fact. It is a contention of defense counsel. The very fact that courts and commissions have already sat and decided such cases belies the allegation of defense counsel; therefore, we urge that no judicial notice be taken of this.

We object to the commission taking judicial notice "that the Forty-first Naval Guard Unit was a separate command on Dublon Island, Truk Atoll." This is not a fact that is common knowledge of this commission, and, therefore, must be proved like any other fact.

We object to the commission taking judicial notice "that the commanding officer of the Imperial Japanese Fourth Naval Hospital, Dublon Island, Truk Atoll, had no duty or responsibility as regards the dispensary or other installations located at the Forty-first Naval Guard Unit, Dublon Island, Truk Atoll." Surely, this does not fall within the province of judicial notice. If defense counsel is making any such contention, they should be called upon to prove it.

We object to the commission taking judicial notice "that neither the Imperial Japanese Navy Regulations or the law and customs of war impose on a surgeon captain, Imperial Japanese Navy, any duty to control the operations or conduct of other members of the Imperial Japanese Navy." This is not a well known fact. The judge advocate feels that it is, on the contrary, well known that a position of command has imposed upon him the duty to control the actions of the men that serve under his command, and this has been borne out by the decision of the supreme Court on the Yamashita case.

We object, for the same reason, to the commission taking judicial notice "That the law and customs of war impose no duty on the medical officer in command of a navy hospital to control the operations of members of his command so

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James P. Kirby
Lieutenant, U. S. Navy
Duty Station

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as to prevent them from killing prisoners of war."

We object to the commission taking judicial notice "that the law and customs of war impose no duty on the medical officer in command of a navy hospital to take positive measures to protect prisoners of war."

We object to the commission taking judicial notice "that dissection of the bodies of prisoners of war does not prevent their honorable burial." The prosecution has shown that in some instances, the dissections resulted in the removal and non-replacement of various organs of these bodies.

We object to the commission taking judicial notice "that the following accused persons were regularly returned by Commander Marianas to Japan as disarmed military personnel and regularly demobilized out of the Imperial Japanese Navy." This is not a well known fact and must be proved.

We object to the commission taking judicial notice of the Japanese Public Notification Number 13 of February 10, 1900, amended in 1913 by Public Notification Number 102; and to Public Notification Number 83 of June 22, 1915, on the ground that these are foreign laws and, therefore, are not subject to judicial notice (Naval Courts and Boards, section 309).

We object to the commission taking judicial notice "that 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 an Act of Congress such offenses are recognized and made punishable." The Supreme Court has already recognized that there are common law offenses against the law of nations.

The accused waived the reading of the objection of the judge advocate in Japanese in open court at this time.

The accused made no reply.

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

The commission made the following announcement:

The commission takes judicial notice of the following:

1. Article 61, Articles for the Government of the United States Navy:

"Limitation of trials; offenses in general.—No person shall be tried by court martial or otherwise punished for any offense, except as provided in the following article, which appears to have been committed more than two years before the issuing of the order for such trial or punishment, unless by reason of having absented himself, or of some other manifest impediment he shall not have been amenable to justice within that period (R. S., sec. 1624, art. 61; Feb. 25, 1895, c. 128, 28 Stat. 680)."

2. The fact that Truk was in possession of Japan prior to 2 September, 1945.

CERTIFIED TO BE A TRUE COPY:

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

3. The Fifth Amendment to the Constitution of the United States:

"AMENDMENT V--CAPITAL CRIMES; DUE PROCESS.

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment of indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

4. Articles 60 and 63, Geneva Convention, 27 July 1929.

"Article 60. At the opening of a judicial proceeding directed against a prisoner of war the detaining power shall advise the representative of the protecting power thereof as soon as possible and always before the date set for the opening of the trial. . . .

"Article 63. Sentence may be pronounced against a prisoner of war only by the same courts and according to the same procedure as in the case of persons belonging to the armed forces of the detaining power."

5. The fact that neither Italy nor Bulgaria have ratified the Hague Convention of 1907.

6. Articles of War 25 and 38:

"Sec. 1496. Depositions when admissible (article 25). A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or district in which the court, commission, or board is ordered to sit, or beyond the distance of one hundred miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing: Provided, That testimony by deposition may be adduced for the defense in capital cases. (June 4, 1920, c. 227, subchapter II, section 1, 41 Stat. 792.)"

"Sec. 1502. President may prescribe rules (article 38). The President may, by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals, which regulations shall, in so far as he shall deem practicable, apply the rules of evidence generally recognized in the trial of criminal cases in the district courts of the United States: Provided, That nothing contrary to or inconsistent with these articles shall be so prescribed: Provided further, That all rules made in pursuance of this article shall be laid before the Congress annually. (June 4, 1920, c. 227, subchapter II, section 1, 41 Stat. 794.)"

CERTIFIED TO BE A TRUE COPY:

James P. Kelly
James P. Kelly,
Lieutenant, U. S. Army,
Judge Advocate

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7. Section 454, Naval Courts and Boards:

"454. Limitation when a deposition is used.--In any case where a deposition is used in evidence by the prosecution by reason of the fact that oral testimony can not be obtained, as authorized by article 68, A. G. N., the maximum punishment which may be imposed shall not extend to death or to imprisonment or confinement for more than one year.

"Also, as a matter of policy, where a deposition has been used by the prosecution in the trial of a commissioned or warrant officer, the maximum punishment adjudged should not extend to dismissal.

"These limitations apply to all cases, whether or not the trial is for an offense for which a limitation is otherwise prescribed. Where a deposition does not enter into proof of all the specifications, the limitation applies only to those specifications into which it enters."

An interpreter read the ruling of the commission in Japanese.

The commission then, at 11:30 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.

Hayakawa, Hiroyuki, a witness for the prosecution, was recalled as a witness for the defense and warned that the oath previously taken by him was still binding.

Examined by the judge advocate:

1. Q. State your name.
A. Hayakawa, Hiroyuki.

Examined by the accused:

2. Q. When did you first enter the Japanese navy?
A. In September, 1940.
3. Q. What did you enter as?
A. I entered the navy as a pharmacist ensign.
4. Q. Have you been demobilized?
A. Yes.
5. Q. When?
A. On the first of February of last year.
6. Q. Prior to entering the navy as a pharmacist ensign, what schools did you attend?
A. I graduated from elementary school, middle school and from the College of Pharmacy at Nagoya.

CERTIFIED TO BE A TRUE COPY:

John P. Knap, Jr.,
Lieutenant, U. S. Navy,
Judge Advocate.

7. Q. When did you graduate from this school of pharmacy?

A. In April, 1940.

8. Q. Did you get a degree?

A. Yes.

9. Q. What did you do after you graduated?

A. I was employed by the Shonogi Drug Manufacturing Company.

10. Q. What was the nature of your work at this drug company?

A. I was engaged in analyzing new drugs.

11. Q. Since you have been in the navy what work have you been doing?

A. For one month, I attended the naval gunnery school; three months; naval medical school; on board ship for four months, after which I was transferred to the pharmacist's department at the Masui Naval Hospital, this was in April 1941. Around September, 1942, I was transferred to the Masui Hospital; in September, 1943, I was dispatched to the Eighth Naval Hospital at Rabaul from which I was dispatched in April, 1944, to the Fourth Naval Hospital. In November, 1943, I became attached to this Fourth Naval Hospital and have served at the pharmacy department till the end of the war.

12. Q. Are you considered a specialist and expert in drugs?

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.

13. Q. What was your rank when you were demobilized from the navy?

A. I was a pharmacist lieutenant.

14. Q. By that, do you mean that you were a specialist in pharmacy?

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.

15. Q. Did you specialize in pharmacy while you were in the Japanese navy?

A. Yes.

16. Q. What work did you do while you were stationed at Truk?

A. While dispatched from the Eighth Naval Hospital at Rabaul I was doing liaison work in dispatching medical supplies to Rabaul. I worked in the pharmacy department in filling prescriptions and in charge of issuing and receiving medicines.

17. Q. At the Truk hospital, were all the drugs issued from the pharmacy to the different wards?

A. Yes, through the pharmacy department the medicines were distributed to the various wards.

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[Signature]
Judge Advocate.

18. Q. Are you well acquainted with all the drugs that were used at the Fourth Naval Hospital at Truk?

A. Yes.

19. Q. Are you acquainted with the drug scopolamine opium hydrochloride?

A. I am.

20. Q. How did this drug come packed for use at the Fourth Naval Hospital?

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. It was an injection solution and came in small glass capsules, there were ten of these capsules in a box.

21. Q. How big are these capsules?

A. The size is about this much. The witness indicated a size of about one and one-half inches.

22. Q. Do you know what the size of the contents of these glass capsules is?

A. 1.2 cc.

23. Q. What percent solution of scopolamine is contained in these capsules?

A. There is 0.03 percent of scopolamine hydrobromide and one percent of scopolamine opium hydrochloride.

24. Q. What is the color of this scopolamine opium hydrochloride?

A. It is a light brown color.

25. Q. How and for what purposes is this drug used?

A. Usually it is injected under the skin and it is to relieve pain and cramps and is an anesthetic.

26. Q. What is the usual dose?

A. Usually one capsule at least.

27. Q. Is it a habit forming drug?

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.

28. Q. Are you acquainted with the drug strychnine nitrate?

A. Yes.

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JAMES P. KELLEY, JR.
Lieutenant, U. S. Navy,
Judge Advocate.

29. Q. How did this drug come packed for use at the Fourth Naval Hospital?

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. As an injection solution, it is in glass capsules of 1.22 cc. There are ten glass capsules in one cardboard box.

30. Q. What is the percentage of strychnine nitrate in this capsule?
A. Usually it is 0.1 percent.

The judge advocate moved to strike out this answer on the ground that it was the mere opinion of the witness.

The accused replied.

The commission announced that the motion to strike was denied.

31. Q. What is the color of this liquid?
A. It is colorless.

32. Q. How and for what purpose is this drug used?
A. It is injected under the skin and it is a heart stimulant and it boosts the blood pressure and slows down the pulse and tightens the muscles.

The judge advocate moved to strike out this answer on the ground that the witness had not been qualified to give a medical opinion.

The accused replied.

The commission announced that the motion to strike was denied.

33. Q. The .1 percent in strychnine nitrate in 1.2 cc. solution is how many grams strychnine nitrate?
A. It is 0.0012 grams.

34. Q. In your opinion, would five to six cubic centimeters of strychnine nitrate of .1 percent solution in 1.2 cc. injected into a person near the heart kill the person?

This question was objected to by the judge advocate on the ground that it called for a medical opinion which the witness was not qualified to give.

The accused replied.

The commission announced that the objection was sustained.

The accused did not desire further to examine this witness.

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

Neither the judge advocate nor the commission desired to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

An accused, Sakagami, Shinji, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Corporal Lieutenant (junior grade) Sakagami, Shinji.
2. Q. Are you an accused in this case?
A. Yes.

Examined by the accused:

3. Q. When did you first enter the navy?
A. In May, 1930.
4. Q. At what rating did you enter?
A. Navy corpsman fourth class.
5. Q. When were you made a warrant officer?
A. In 1942.
6. Q. In January, 1944, what was your rank?
A. I was a corpsman warrant officer.
7. Q. Were you on duty at the Fourth Naval Hospital, Dublin Island, Truk Atoll, in January, 1944?
A. Yes.
8. Q. What were your duties?
A. I was the Deck Officer.
9. Q. What did your duties as a deck officer consist of?
A. Maintenance and cleanliness of the hospital, of quarters and also miscellaneous work which was not under the various persons in charge.
10. Q. When were you detached from the hospital at Dublin?
A. I remember being dispatched to Toi Island on 8 July 1944.
11. Q. Was Commander Otagawa, Tokiharu, on duty at the Fourth Naval Hospital on Dublin in January, 1944?

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

The accused replied,

CERTIFIED TO BE A TRUE COPY:

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

The commission announced that the objection was not sustained.

A. Yes.

12. Q. When did the first American planes appear over Truk?

A. As I remember, it was on January 14, 1944.

13. Q. Do you remember if these planes bombed Truk?

A. I was watching them, but they did not drop any bombs, but the anti-aircraft guns on the ships were firing at them.

14. Q. When was the first American air raid on Truk?

A. As I remember, 17 February 1944.

15. Q. Do you know if Commander Ohayama was interested in research work while at the Fourth Naval Hospital?

A. He was a person who was very much interested in research work, and he had come to me many times for supplies and materials to use in research work.

16. Q. What supplies and materials did Ohayama ask you for?

A. At first, after the American reconnaissance planes had come over Truk on the fourteenth of January and they came on the first air raid on February 17. Between those dates, one afternoon I remember Ohayama coming to me and asking for a piece of dynamite saying that he was going to experiment on a dog.

17. Q. Did you give him any dynamite?

A. Previous to this, I had heard Ohayama had experimented with dogs and had used dynamite, so this time I also gave him this dynamite.

18. Q. Was this actually dynamite that you gave him?

A. No.

19. Q. What did you give him?

A. It was not dynamite, it was a black gun powder called "haritto."

Interpreter's notes: Haritto: Contents: Ammonium perchlorate, silicon carbide or ferro silicon, wood pulp, and crude oil. Used for blasting.

20. Q. How did you come to have this gun powder?

A. At the hospital at that time there was a lot of construction work going on and as I was in charge of the construction I had this "haritto" in my custody.

21. Q. How is this gun powder packed for use?

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. This black gun powder was packed in a brown paper, it was about eight inches long and the diameter was about three-quarters of an inch.

22. Q. How is this gun powder ignited?

A. To the end of a fuse is placed a percussion cap, and this is in turn placed in the powder. The end of the fuse is lighted and it is the same as fireworks.

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

23. Q. How long are these fuses?

A. The length of the fuse varies according to the place and for what reason it is used. Usually, it is from fifty to one hundred centimeters long.

24. Q. You testified that Ohayama asked you for this dynamite one day between January 14 and February 17, 1944. Do you remember what time of the day this was?

A. As I remember, it was about three in the afternoon.

25. Q. Where were you when he asked you for this charge?

A. I was in my quarters.

26. Q. What did he ask you for?

A. As I remember, Ohayama came to me and said, "I want to experiment with dogs and I want a charge of explosive. Make the fuse long, so that a person who is not experienced with it would be able to use it."

27. Q. How many charges did he ask you for?

A. One charge.

28. Q. How many did you give him?

A. I gave him one charge.

29. Q. Where did you get this charge?

A. The explosives were kept on the hill back of the officers' quarters. From this place I took out a charge and placed a fuse in it and gave it to Commander Ohayama read to light.

30. Q. Was Commander Ohayama at the storage house with you at that time?

A. Yes, he came together with myself.

31. Q. Had you ever given Commander Ohayama gun powder before?

A. Yes.

32. Q. Did you at this time question his right to use this dynamite?

A. As I had heard that Commander Ohayama had used this on dogs before this time, I did not think it was unusual.

33. Q. Did Commander Ohayama state specifically what he wanted this gun powder for this day?

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

The accused replied.

The commission announced that the objection was sustained.

34. Q. After you gave this gun powder to Commander Ohayama at the storage house, what did you do then?

A. After I handed Commander Ohayama this charge, as usual I went to the contagious ward to start my usual inspection of the hospital.

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

35. Q. Then what happened?

A. I remember after I had finished inspecting the contagious wards as I was coming back, I was called by Commander Ohayama to the officers' quarters.

36. Q. Just where was this that you met Commander Ohayama?

A. Commander Ohayama was standing outside of the officers' quarters and I was going by a road which is a little lower than where he was standing toward my quarters.

37. Q. Did Commander Ohayama say anything to you?

A. Yes.

38. Q. What did he say to you?

A. Commander Ohayama said to me, "Deck Officer, I hate to bother you, but I wish you would get me some scopolamine and strychnine nitrate and a hypodermic needle and syringe." I was going to the pharmacy department to get these medicines, but as Commander Ohayama seemed to be in a hurry, I went to the first medical ward and got them.

39. Q. Where did you go to get these medicines or drugs?

A. The first internal medicine ward.

40. Q. What did you ask for when you went to this internal medicine ward?

A. Scopolamine injection fluid and strychnine nitrate, hypodermic needle and syringe.

41. Q. Do you remember when you asked to give you these drugs?

A. I do.

42. Q. When did you ask?

A. A nurse named Hattori Kaede.

43. Q. What did she say when you asked her for these drugs, scopolamine and strychnine nitrate?

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

The accused replied.

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

The commission announced that the objection was sustained.

44. Q. Did you have any trouble getting these drugs from this nurse?

A. When I spoke to the nurse about this medicine which I was asking for for Commander Ohayama, she said, "This is a poison. Are you going to use it?" and I told her that I had no use for such a drug and that I was not going to use it and that I was asked for these drugs by Commander Ohayama just now. The nurse spoke to Surgeon Lieutenant Fukuda who was nearby and Fukuda said that if Commander Ohayama was going to use it, to let us have it.

The judge advocate moved to strike out this answer on the ground that it was not responsive and that it was hearsay.

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

The accused replied.

The commission directed that the answer be stricken out.

45. Q. Did this nurse, Hattori Hada, give you the strychnine nitrate and the scopolamine opium hydrochloride?

A. She did not give it to me immediately.

46. Q. Why didn't she give it to you immediately, do you know?

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 it would rule on the objection after the question had been answered.

A. Because it was a poison.

The commission directed that the question and answer be stricken out.

47. Q. Was there anyone else present when you asked the nurse for these drugs?

A. Surgeon Lieutenant Fukuda was nearby.

48. Q. Did the nurse ask for Fukuda's permission to give you this drug?

A. Yes.

49. Q. Did you hear Fukuda say anything to the nurse in regard to the request for these two drugs?

A. Yes.

50. Q. Did Fukuda authorize the nurse to give you these two drugs?

A. According to what I heard the nurse relayed to Fukuda and Fukuda said, "As it is a request from Commander Okuyama, you can give him the drugs."

51. Q. Did she give you the strychnine nitrate and the scopolamine opium hydrochloride?

A. The nurse gave it to me.

52. Q. How much did she give you of each drug?

A. One box of scopolamine opium bromide and one box of strychnine nitrate and one hypodermic needle and syringe.

53. Q. Were these boxes marked in any particular way on the outside?

A. Yes.

54. Q. How were they marked?

A. There was a label on the top of the box and around it was a red line and in the middle was printed the name of the drug.

55. Q. What name was printed on each of the boxes?

A. One of them was scopolamine opium bromide and the other strychnine nitrate.

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

36. Q. Did the box contain any other markings?

A. There was a character written stating "Poison."

37. Q. What did you do then?

A. Taking the hypodermic needle and the drugs, I went back the way I had come and as Okuyama was standing at a higher level than the road that I was on, I climbed on the slope and gave them to Okuyama.

38. Q. Were these the same drugs that you had received from this nurse that you gave to Commander Okuyama?

A. Yes.

39. Q. Then what did you do?

A. After I had handed him the drugs he hurriedly climbed the hill back of the officers' quarters. I wondered what was the matter and followed him up this road a short time later.

40. Q. Where did you go?

A. To the top of the hill in back of the officers' quarters.

41. Q. What did you see when you got there?

A. On the hill was Commander Okuyama and a surgeon lieutenant whose name I did not know and two foreigners.

42. Q. How were the two doctors dressed?

A. They were wearing summer uniforms which were usually worn in the tropics.

43. Q. Will you describe these uniforms that they were wearing?

A. Commander Okuyama was wearing a white cap with two black lines. He was wearing a khaki colored shirt with short sleeves, short pants of the same color and canvas shoes with rubber soles. On his collar was his insignia of rank which had a black background with two gold stripes, and on the outside were two stripes of red and on these stripes were two cherry blossoms. The other surgeon lieutenant was dressed in the same way; the only difference was in his insignia, which had only one gold stripe with two red stripes and three cherry blossoms.

44. Q. Have you learned since that time the name of that surgeon lieutenant whose name at that time you did not know?

A. Yes.

45. Q. What is his name?

A. He is the person who testified in this court as Surgeon Lieutenant Nakamura.

46. Q. Describe how these two foreigners were dressed.

A. They were not wearing shoes, pants or shirts. They were naked.

47. Q. What was the color of their skin?

A. As I remember, it was a reddish kind of color as when a white skin is sunburned.

48. Q. What was the color of their hair?

A. I do not remember, but it was not black.

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Lieutenant, U. S. Navy.
J. P. Kelly,
J. P. Kelly,
J. P. Kelly.

69. Q. Were their hands tied behind their backs?

A. I could not see their hands well, but the impression I got when I came up the hill was that their hands were tied.

70. Q. You testified that they were naked. Did they have shoes on their feet?

A. As I remember, no.

71. Q. What, if anything, were the two doctors doing?

A. I remember that when I went there that Okuyama and the other doctor were filling the hypodermic needles with these drugs.

72. Q. Were these the drugs that you had given Commander Okuyama?

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.

73. Q. Then what happened.

A. Commander Okuyama filled the hypodermic syringe and needle with scopolamine opium bromide, five or six capsules of scopolamine opium bromide, and injected toward the heart of the prisoner who was by him. After this, the syringe was filled with five or six capsules of strychnine nitrate and this was again injected toward the heart of the other prisoner by the surgeon lieutenant who testified in this court.

The judge advocate moved to strike out that portion of the answer which dealt with the ingredients of the hypodermic needle and syringe on the ground that it was the opinion of the witness.

The accused replied.

The commission announced that it would permit the accused to further question the witness on this subject before ruling on the motion of the judge advocate.

74. Q. Did you see these two doctors opening certain boxes of drugs?

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

The accused withdrew the question.

75. Q. How do you know what drugs were used by these two doctors?

A. There were only two boxes of drugs there. Commander Okuyama broke one of the boxes open and filled his syringe with a brown solution, I could tell it was scopolamine opium bromide. The other box was not open and I could see the label and read the name of the drug, and I could tell that the drug that Okuyama put in the hypodermic syringe and needle was scopolamine opium bromide. I have known from before that the solution of strychnine nitrate was colorless and I could clearly tell that it was strychnine nitrate which was later put into the hypodermic syringe and needle.

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

The commission announced that the motion to strike the answer to question 73 was denied.

76. Q. Do you know how much of the drugs were injected into each of the prisoners?

A. Yes.

77. Q. How much did Commander Okuyama inject into the prisoner?

A. I remember Okuyama filling his hypodermic needle and syringe with five or six capsules of this solution and he injected it all into the prisoner.

78. Q. How much of the drug did you see the other doctor, Nakamura, inject into the prisoner?

A. Yes.

79. Q. How much did he inject?

A. He filled his needle with five to six small glass capsules and injected all of it into the prisoner.

80. Q. Which doctor made the first injection?

A. I remember Commander Okuyama making the first injection.

81. Q. Did Nakamura make the next injection immediately?

A. Yes.

82. Q. Did he make an injection on the same prisoner as Okuyama did?

A. No, on a separate prisoner.

83. Q. What happened then?

A. The one who had been injected second shot two or three times and fell backward on to the ground.

84. Q. How long did you stay on the hill?

A. After the prisoner had fallen to the ground, I became afraid and hurried to my quarters.

85. Q. Why did you become afraid?

A. At first I did not know for what reason the prisoners were being given injections; I was surprised to see poisonous drugs being injected into the hearts of the prisoners. After one of the prisoners shook greatly and fell to the ground, I became afraid.

The commission then, at 4:32 p. m., adjourned until 9 a. m., tomorrow, Thursday, July 24, 1947.

CERTIFIED TO BE A TRUE COPY:

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

TWENTY-FIRST DAY

United States Pacific Fleet,
Commander Marianne,
Guam, Marianas Islands.
Thursday, July 24, 1947.

The commission met at 9:15 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry E. Reese, Coast Artillery Corps, United States
Army,
Lieutenant Colonel Victor J. Carbarino, Coast Artillery Corps, United
States Army,
Lieutenant Colonel William E. Lamm, junior, U. S. Marine Corps,
Lieutenant Commander Bradford W. Lee, junior, U. S. Naval Reserve,
members, and
Lieutenant Commander Joseph A. Ragan, 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 twentieth day of the trial was read and
approved.

No witnesses not otherwise connected with the trial were present.

An accused, Sakagami, Shinji, the witness under examination when the
adjournment was taken, resumed his seat as a witness in his own behalf. He
was warned that the oath previously taken was still binding, and continued
his testimony.

(Examination continued.)

66. Q. You said you could read the characters on the box of drugs. How far
away were you when you read these characters?

A. I did not measure the distance, but I was very near. I think it was
about three meters.

67. Q. How many boxes of drugs did you see?

A. I saw two boxes.

68. Q. You testified that you saw the doctor open five or six of these
capsules of drugs and fill the injector syringe. Do you know what the
capacity of this injector syringe was?

A. As I remember, when I went to the first medical ward to get this, the
hypodermic needle and syringe, the nurse said that she did not have any
small ones, and as Commander Chuyama was in a hurry, I took a five cc or a
ten cc syringe and hypodermic needle that the nurse gave me and I remember
this was the same hypodermic needle and syringe that Commander Chuyama
used on the hill.

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

The judge advocate moved to strike the words "the nurse said that she did not have any small ones," out of the answer on the ground that they were hearsay.

The accused replied.

The commission directed that the words be stricken out.

89. Q. Was anyone else present there at this time?
A. Whom do you mean by anyone?

90. Q. You testified that Commander Ohguma, Lieutenant Nakamura and two foreigners and yourself were there. Was there anyone else there?
A. There was no one else.

91. Q. Are you sure that Captain Iwanami was not there?
A. No, he was not there.

92. Q. How long did you remain at the scene?
A. I do not remember the exact time. The period was very short.

93. Q. Where did you go when you left this scene on the so-called hill?
A. I went to my quarters.

94. Q. How far away from the scene were your quarters?
A. I do not know the exact distance.

95. Q. How long did it take you to get back to your quarters?
A. As I did not look at the time, I do not know exactly. I went straight to my quarters.

96. Q. What kind of quarters did you have at that time?
A. My quarters were under a mango tree. It was about twelve feet long and nine feet wide. It was a rectangular square building with glass windows all around it.

97. Q. Did you see anyone at your house when you returned?
A. As I remember, no one was there.

98. Q. Was there any grass growing around your house?
A. It isn't a place in which grass could grow.

Cross-examined by the judge advocate:

99. Q. On how many occasions have you given Doctor Ohguma this "Caritto" powder that you mentioned yesterday?
A. According to my recollection, it was twice.

100. Q. Do you remember the first time you ever gave him this powder?
A. I do not remember the exact time.

101. Q. Do you know what he did with this powder on this first occasion that you gave it to him?
A. I did not see it, I do not know.

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James P. Kelley
James P. Kelley, Jr., Esq.,
Lieutenant, U. S. Navy,
Judge Advocate.

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102. Q. On this first occasion when you gave Doctor Ohayama this powder, did you follow him to see what he did with it?
A. No.

103. Q. On the second occasion, why did you follow Doctor Ohayama when you gave him this powder?

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

The judge advocate withdrew the question.

104. Q. On this second occasion that you gave Doctor Ohayama this powder, what did he do with it?
A. As I did not see, I do not know.

105. Q. Where was this powder ordinarily kept at the hospital?
A. Before the air raids on Truk, it was kept on the top of the hill in back of the officers' quarters in a concrete tank.

106. Q. Is this where you went to get the powder on the second occasion that you gave it to Doctor Ohayama?
A. Yes.

107. Q. What time of the day was it that you went to get this powder?
A. I did not see a clock, so I cannot say exactly, but I think it was about three o'clock in the afternoon.

108. Q. And this hill that is in back of the officers' quarters, is this the same hill on which later in the day that you saw Doctor Ohayama and Doctor Nakamura and the two Americans?
A. It is the same hill, but there is considerable distance from where the gun powder was stored and this other place.

109. Q. When you went to get the powder, did Doctor Ohayama go with you?
A. Yes.

110. Q. And when you went to get this powder with Doctor Ohayama, did you see anyone else on that hill at three o'clock in the afternoon?
A. As I remember, I saw no one.

111. Q. On the first occasion that you ever gave Doctor Ohayama gun powder, did you have a conversation with him?
A. When you mean the first time, do you mean the first time in the two times that I remember giving Commander Ohayama the powder?

112. Q. Yes.
A. I remember having had a conversation with him.

113. Q. Do you remember exactly what you said and exactly what Doctor Ohayama said?
A. I do not remember everything exactly. There are some things that I remember; some things that I do not.

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

114. Q. What did he say to you in this conversation?

A. I remember distinctly Commander Okuyama saying that, "I would like some powder, because I am going to experiment by killing dogs."

115. Q. Is that all that he said?

A. Concerning the powder, he asked no questions.

116. Q. In this first conversation that you had with Doctor Okuyama concerning powder, didn't he say anything about his being inexperienced in the handling of the powder?

A. I do not remember.

117. Q. But you do remember in the second conversation that he was very careful to tell you that he, Okuyama, was inexperienced in the handling of the gun powder. Is that correct?

A. I would like to have the question repeated.

The question was repeated

A. (continued) I do not remember his saying what is stated in the question.

118. Q. Yesterday, weren't you asked this question and didn't you make this answer: "Q. What did he ask you for?" "A. As I remember Okuyama came to me and said, 'I want to experiment with dogs and I want a charge of explosive and make the fuse long so that a person who is not experienced with it would be able to use it.'" Were you asked that question and did you make that answer?

A. This is how I replied, but didn't the judge advocate ask if Commander Okuyama told me that he was inexperienced with the use of explosives?

119. Q. You're right; but you remember his saying so that a person who has no experience can use it. Is that correct?

A. Yes, this I said.

120. Q. Now, will you tell us since when you remember this particular conversation with Okuyama in which he said so that a person who has no experience can use it. Since when do you remember that conversation and those words?

A. Do you mean the exact date or what do you mean?

121. Q. Have you always remembered it?

A. I knew this since the day I handed him the powder.

122. Q. You have always remembered this conversation with Okuyama. Is that correct?

A. There were times when I forgot this. The reason for this being that I was not always thinking about this.

123. Q. After you gave the dynamite to Doctor Okuyama, where did you go?

A. I went toward the contagious ward on an inspection.

124. Q. Did you go any place else?

A. Do you mean any other place other than the contagious ward?

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James P. Kenny
James P. Kenny, TRUE COPY:
Lieutenant, U. S. Navy,
Judge Advocate.
U. S. Navy,
Judge Advocate.

125. Q. That is right.

A. As I recall, according to my recollection, I inspected the contagious ward.

126. Q. About how much time passed between the time you gave Doctor Chuyana the dynamite and the next time you saw Doctor Chuyana?

A. As I was walking around and not looking at a watch, I cannot say the exact time.

127. Q. Can you approximate it?

A. According to my regular schedule, I can say the approximate time.

128. Q. Well, what is it?

A. I think it was about thirty minutes.

129. Q. And where was Doctor Chuyana when you next saw him?

A. When you say the next time, do you mean after my inspection?

130. Q. That's right.

A. It was while I was walking down the road below the officers' quarters.

131. Q. Did you have a conversation with him at this time?

A. Yes.

132. Q. What did you say to him and what did he say to you?

A. Commander Chuyana stopped me and said: "Back Officer, I hate to bother you, but I wish you would bring me some scopolamine opium hydrochloride and strychnine nitrate, a hypodermic syringe and needle."

133. Q. And what did you say to him?

A. I remember answering "Yes."

134. Q. Now, how long have you remembered this particular conversation with Doctor Chuyana? Have you remembered it ever since having it with him?

A. I can always remember about this time. I have been always able to remember.

135. Q. And have you always been able to remember the exact name of the drugs that he asked you to get for him?

A. One drug, I remember it distinctly, but the other, I had to difficult time in remembering.

136. Q. Which drug did you always remember distinctly?

A. The one that I remember distinctly was strychnine nitrate.

137. Q. And after you had secured these drugs and hypodermic needle and the syringe, what did you do with them?

A. I hurried back to the hill where Commander Chuyana was, but from where I was I could not hand it to Commander Chuyana and the slope going up to where Commander Chuyana was very steep, I could not hand it, I went around and gave it to Commander Chuyana.

138. Q. Why did you follow Commander Chuyana after you handed him these drugs?

A. As Commander Chuyana went up the hill, I had no deep motives or intentions, but I just simply followed him up the hill.

CERTIFIED TO BE A TRUE COPY:

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

139. Q. Did you have any shallow motives?

A. I did not say motive. What I mean is that I did not think, I did not have any particular reason.

140. Q. Did Doctor Ohuyama tell you to come with him?

A. No.

141. Q. Did Doctor Ohuyama know that you were following him?

A. That would have to be asked of Commander Ohuyama, I do not know.

142. Q. Where is Commander Ohuyama? Do you know?

This question was objected to by the accused on the ground that it was irrelevant and immaterial.

The judge advocate withdrew the question.

143. Q. How far did you follow Doctor Ohuyama?

A. The place that Commander Ohuyama stopped on the hill was not too great a distance away and from where I was standing I could see him.

144. Q. And could you see the two foreigners that were there?

A. No.

145. Q. In yesterday's examination you were asked, "Q. What did you see when you got there?" "A. On the hill was Commander Ohuyama and a surgeon lieutenant whose name I did not know and two foreigners." Were you asked that question and do you recall that answer?

A. Yes.

146. Q. Could you see the two foreigners when you go to the top of the hill?

A. Yes.

147. Q. Were these two foreigners standing?

A. They were sitting.

148. Q. How were they sitting?

A. As I remember, they were sitting side by side with their feet stretched out in front of them and their hands were toward their backs as if they were tied and holding themselves up.

149. Q. Were they alive?

A. I do not know.

150. Q. Did you hear them say anything?

A. I do not remember.

151. Q. Did you see them move?

A. I do not remember.

152. Q. Did you notice whether their feet were torn and bleeding?

A. No.

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

153. Q. Were their heads erect?

A. Their head was thrown back a little.

154. Q. When you saw these prisoners for the first time how far distant were you from them?

A. I do not know the exact distance, but on the way up the hill, as I climbed part way up the hill, what I mean was that I could see them before I reached the top of the hill.

155. Q. When you were only three meters away from those two boxes of drugs, how far away were you from the prisoners?

A. About the same.

156. Q. Three meters away from the prisoners?

A. As I did not measure the distance, I cannot say exactly that it was three meters, but approximately.

157. Q. And when you were three meters away from the drugs and three meters away from the prisoners, how far away were you from Doctor Guyana and Doctor Nakamura?

A. As I did not measure the distance, I cannot say the exact distance.

158. Q. Approximate it, please.

A. The doctors were close by where the medicine was.

159. Q. Did you speak to Doctor Guyana and Doctor Nakamura?

A. I do not remember talking to them.

160. Q. Did Doctor Guyana or Doctor Nakamura speak to you?

A. I do not remember of them talking to me.

161. Q. How is it that your eyesight is good enough so that you can read the lettering on a box, but you did not notice the condition of the feet of these prisoners?

A. At this time my eyesight was better than the usual persons. The reason I did not notice their feet was because I wasn't looking at them.

162. Q. How long have you remembered the facts, as you just related them, of this incident on the hill?

A. From the time I saw them.

163. Q. Is this statement in your own handwriting? The judge advocate handed a statement to the witness.

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. The witness examined the statement. Yes.

CERTIFIED TO BE A TRUE COPY:

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

164. Q. Is this statement in your own handwriting? (The judge advocate handed another statement to the witness.)
A. (The witness examined the statement.) Yes.

165. Q. Is this statement in your own handwriting? (The judge advocate handed still another statement to the witness.)
A. (The witness examined the statement.) Yes.

The commission then, at 10:13 a.m., took a recess until 10:43 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.

An accused, Sakagami, Shinji, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

166. Q. That afternoon after you had given Doctor Ohayama this black powder, did you hear the sound of an explosion on that hill?
A. I do not remember distinctly.

167. Q. You do not remember distinctly. Well, what do you remember, if anything?
A. I remember hearing explosions, but I do not know if I heard this on the top of that hill.

168. Q. How many explosions do you remember that afternoon?
A. I do not remember the number.

169. Q. At the Fourth Naval Hospital, was there anyone other than yourself that had dynamite?
A. There is no one else at the hospital who had this powder, but, as I remember, the persons who were working at the hospital from the construction corps had powder.

170. Q. When you followed Doctor Ohayama up on the hill and when you got close enough to notice the labels on the boxes, did you see on that hill any evidence that powder had been used that afternoon?
A. I did not notice.

171. Q. Do you remember writing in a statement the following: "On the hill there is a place where the earth had been dug away and across this area there were a number of cottonwood trees. Five meters north of these trees there were evidences that dynamite had been used?"

This question was objected to by the accused on the ground that it was irrelevant and immaterial and that the statement the judge advocate was quoting was the opinion of this witness.

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I thought this when I was investigated last July for the first time and because I wrote that on a later date when I inspected this area. I thought these were evidences of explosions and I imagined this and wrote it.

172. Q. When did you make the later date examination of this scene?

A. My main duty was to go around the hospital, and I went around and inspected this place every day.

173. Q. When did you notice these evidences of an explosion in relation to the day on which you gave Commander Okuyama that powder?

A. As I remember, I think it was the next day.

174. Q. Was there any particular reason why you went to look for evidences of explosions?

A. This may not be a special reason, but I had doubts in my mind after I had seen the prisoners as to why these drugs were injected and what this powder, that I gave Commander Okuyama, was used for.

175. Q. And when you got to the hill this next afternoon, what did you find up there?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. I remember seeing grass which was flattened about an area of about one meter square. I also saw glass from what I thought were glass capsules.

176. Q. Now, in a statement which you have previously identified, do you remember saying: "When I was making my inspection of the hospital on the following day, I did not notice anything strange on the mountain." Do you remember writing this.

This question was objected to by the accused on the ground that the judge advocate was reading at random from a document which has been prepared under the supervision of the prosecution to test the credibility of the witness.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I feel I may have written it, and I feel that I may not have.

CERTIFIED TO BE A TRUE COPY:

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

177. Q. Is your feeling toward one proposition any stronger than your feeling to the other proposition?

A. I think in some statements I wrote it and in some I did not.

178. Q. Do you remember writing a statement which you have previously identified: "About two or three days later at lunch time, Commander Ohayama ordered me as follows: 'I am going to kill a dog in experiments, so about three o'clock this afternoon take a charge of dynamite up to the hill back of the officers' quarters.' I took it up about five minutes before three and there prepared it so that it could be ignited. But as nobody nor anything was there, I was loafing around in that area for about ten minutes smoking, when Commander Ohayama came up the hill. He said, 'Thanks for your trouble' and took charge of the dynamite I offered him. Thinking my work was finished and that I would look around inside the hospital, I was about to salute Commander Ohayama when a doctor, a lieutenant I had not seen, came up from below." Do you remember writing that in your statement?

This question was objected to by the accused on the ground that the judge advocate was attempting to impeach the witness on matters which were irrelevant and immaterial, citing Section 299, Naval Courts and Boards.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. This statement which I wrote was during a period when we had continuous night work at night, and when this statement was made I also told the investigator that I could not say exactly. We had been working for two weeks continuously with only two to four hours sleep at night. I was in a daze and my feeling was that I did not care what happened. I wanted the investigators to look up Commander Ohayama and this other lieutenant, whom I do not know, and if they could be found, I was sure that they could clear me. I made this statement by piecing together some things that I had heard, what I imagined and what I knew. I was asked to swear that this statement was true, but as I could not swear this, I could not swear that this statement was the truth. There may have been mistakes in this statement, and there are things in it which I imagined, and in this statement there are things written that may not be what I really knew.

179. Q. Do you remember having written that?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I had forgotten it up to now.

180. Q. At the time that you wrote down in your own handwriting the information that has just been read to you, was it the truth or wasn't it the truth?

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

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 the objection was not sustained.

A. There may be parts that are the truth, some that are not.

181. Q. Is it true that you went to get the dynamite by yourself and not that you were accompanied by Commander Okuyama?

A. That is a mistake. The truth is that he came with me.

182. Q. Is it the truth that when you walked down that hill you met a lieutenant coming up it?

A. After I handed Commander Okuyama the powder, I remember seeing a lieutenant I did not know coming up the hill.

183. Q. Was that lieutenant, Lieutenant Nakamura?

A. As I did not see him well at the time I did not know, but the second time I went up the hill and after I had given Commander Okuyama the drugs there was a lieutenant on the hill and I thought that this must be the lieutenant who was coming up the hill before.

184. Q. After you had given Commander Okuyama that stick of powder, did you have a conversation with any other doctor concerning dynamite that day?

A. I do not remember.

185. Q. Do you remember writing in your statement the following: "I saluted and went down the opposite end of the road when I came near the isolation wards. When I went to the officers' quarters, the second section head told me that when dynamite is to be used near the wards, if I did not let it be known beforehand, it surprised everyone, so hereafter to be careful. Within my heart I thought that the first section head had used the dynamite, but since I knew that the second section head and the first section head (Commander Okuyama) were not on such good terms, I replied 'yes' and did not say anything else." Do you remember writing that?

A. I feel that I may have written it.

186. Q. Was it true at the time that you wrote it?

A. I imagined and wrote this.

187. Q. Do you mean that what you wrote you just imagined and it wasn't the truth?

A. What I was thinking at that time was, that if that lieutenant and Commander Okuyama could be found, I would be cleared. That is why looking back on the events that occurred, I thought this must have occurred and that must have occurred and this must have occurred on that day, and putting together all these thoughts was this statement.

188. Q. You still haven't answered the question: Was it true when you wrote it?

A. When I wrote this, I was not sure, I did not think it was the truth.

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James P. Thompson, Jr.
Lieutenant, U. S. Navy,
Judge Advocate.

189. Q. You didn't think it was the truth. Did you know that it wasn't the truth when you wrote it?

A. I did not think that it was not true, but as I stated before, I wasn't sure, and I was told to swear to the document, but I said I couldn't.

The commission then, at 11:30 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.

An accused, Sakagami, Shinji, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

190. Q. Do you know the natives Rose and Harisi?

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

The judge advocate replied.

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

The commission announced that the objection was not sustained.

A. I remember Rose, but I do not remember Harisi.

191. Q. Did the natives that you supervised on Truk refer to you as Deck Officer?

A. At first when I was performing the duties of deck officer they called me Deck Officer.

192. Q. Do you recall having a conversation with Rose on the same day that you gave this dynamite to Commander Ohyanu?

A. I do not remember distinctly.

193. Q. Do you remember at all?

A. At the moment, no.

194. Q. Do you remember telling Rose either that day or the very next day that "they had killed two Americans with dynamite on the hill"?

A. I do not remember.

195. Q. Do you recall at any time having ever told any of the natives on Truk that if they did not work better they would be killed with dynamite as the Americans were on the hill?

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

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I also do not remember having stated anything such as was translated to me in Japanese just now.

196. Q. Do you remember writing in a document that you have said is in your own handwriting the following: "I heard the sound of an explosion. Commander Ohayama called to me to stop when I came below the officers' quarters. He said, 'Quickly bring me an injector needle and medicine.' I forgot the name of the medicine so I went and brought the needle and injector from the internal medicine dispensary. Commander Ohayama took them and quickly went up the mountain. Wondering what the matter was I also climbed the mountain." Do you remember writing that?

A. While I was investigated the interpreter told me many things so that is how I wrote it.

The judge advocate moved to strike this answer on the ground that it was not responsive.

The commission directed that the answer be stricken out and directed the witness to answer the question.

A. (cont.) I did.

197. Q. Do you remember writing the following in this paper which has been identified as being in your handwriting: "Beside him were two foreigners in a position such as having fallen backward. Whether these foreigners were alive or dead I did not know. I was very surprised and returned to my quarters on the run." Do you remember writing that?

A. Yes, but I did not say their position was one of a person who had fallen down backward.

198. Q. Do you mean that that portion that I have just read to you was not written by you in that piece of paper?

A. Just the portion in which it stated the position was one in which they had fallen backward.

199. Q. You did not write that. Is that what you mean?

A. I was asked what was his position and when I was questioned I believe I showed them an example of how they were sitting and after this I was told to write what I had just said so that is why I wrote that.

200. Q. Do you recall having used the word "medicine"?

A. When do you mean?

201. Q. In your statement.

A. As I remember, yes.

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

202. Q. In any statement that you have ever written or in any conversation that you have ever had with any investigator have you ever used the words "scopolamine" or "strychnine nitrate"?

This question was objected to by the accused on the ground that it was irrelevant and immaterial and that it was beyond the scope of the direct examination.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. No.

203. Q. How long have you been on Guam?

A. I have been on Guam since August of last year.

204. Q. When you were in Truk did any American investigators ask you about this incident on the hill?

A. Yes.

205. Q. Since you have been on Guam how many times would you say you have been questioned concerning this incident on the hill?

A. I forget.

206. Q. Have you ever been questioned by Commander Currie?

A. Yes.

207. Q. Have you ever been questioned by Commander Ogden?

A. I do not know what kind of a person Commander Ogden is.

208. Q. Have you ever been questioned by me?

A. Yes.

209. Q. Commander Ogden was the man that was with me these times along with Mr. Savory. Do you remember him now?

A. I recall.

210. Q. Now, in all the times that you have been questioned both at Truk and at Guam by Commander Currie, Commander Ogden and myself, have you ever told any of these investigators that these foreigners were killed on that hill that day by Lieutenant Nakamura with scopolamine or strychnine nitrate? Have you ever told us that before?

This question was objected to by the accused on the ground that it was irrelevant and immaterial.

The judge advocate withdrew the question.

211. Q. In all the times that you have ever been investigated have you ever told Commander Ogden, Commander Currie or myself, have you ever told any of these investigators that these two foreigners on the hill were killed with scopolamine or strychnine nitrate?

ANSWER: A. No. THE COURT:

ORDERED TO BE A TRUE COPY:

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

212. Q. In all the time that you have been held and investigated have you ever told anyone the same story that you have just told this commission on direct examination?

A. Previous to this time?

213. Q. Previous to yesterday.

A. Yes.

214. Q. Who did you ever mention scopalamine or strychnine nitrate to before yesterday?

A. After I was charged I talked with the lawyers and at this time I told them everything about the incident.

215. Q. Have you ever told an American investigator that scopalamine and strychnine nitrate were used and given them the names of the people that used it?

A. Do you mean the investigators?

216. Q. Yes.

A. No.

217. Q. In all the times that you have been questioned concerning this incident on the hill why have you never used the terms strychnine nitrate and scopalamine before?

A. When I was first taken into the stockade at Truk I was questioned that night. I was investigated and the investigator said, "You killed the prisoners and dug a hole close by and buried them in it." I said, "No." In July of last year the investigation was again reopened and again I was told, "You killed the prisoners and as you were in charge of the dynamite you were responsible." Therefore I thought no matter what I said I would not be able to clear myself of suspicion and I was even told that my day of execution had been determined and that it was on the 24th of May at 10 o'clock in the morning and that I was going to be put to death and I pledged myself not to say anything until Commander Ohayama and the other surgeon lieutenant were located. Shortly after I was told that I was going to Guam for a trial and as I did not do anything I waited for that trial. After I arrived at Guam I was told that Commander Ohayama had died and that the other surgeon lieutenant, whose name I did not know and also his unit, was the only one that could clear me of suspicion. I asked the investigator many times to locate this surgeon. In the beginning of March I was told the other lieutenant could not be found and "therefore Sakagami, you have to take the responsibility." I asked why I had to take the responsibility, and was told that there was no one else to do so. Meaning to tell the truth at the trial I kept quiet up to this time.

218. Q. Was it in March of this year that you were told that you had to take the responsibility?

A. Yes.

219. Q. Who told you that?

A. It was Commander Currie.

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James P. Keary
James P. Keary, Esq.
Lieutenant, U. S. Navy.
Judge Advocate.

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220. Q. What exactly did Commander Currie say to you?

A. "Commander Ohguma is dead, the other surgeon lieutenant can not be located and you may have to take the full responsibility." I asked, "Do I have to take the responsibility in place of Commander Ohguma?" and he said, "Yes." As I do not know English I do not know whether Commander Currie said this but what I was told from the interpreter is just as I have stated.

221. Q. Who was the interpreter when you had this conversation with Commander Currie?

A. Savory.

222. Q. When Commander Currie told you that Commander Ohguma was dead why didn't you tell him then the part that Commander Ohguma had taken in this hill incident?

A. I was not told that Commander Ohguma was dead by Commander Currie. The interpreter, Savory, came by himself and told me this.

223. Q. In the conversations that you have had with Commander Ogden and me you were told that Commander Ohguma was dead. Why didn't you ever tell us of the part that Commander Ohguma had played in that hill incident?

A. Before I met the judge advocates I was told that in Japan there was a doctor who was saying things that were very much against me. This was one reason and the other was concerning the injections I could not say whether the doctors were injecting them to heal them or to kill them. I could not judge this. If the doctor in Japan had come down and said that he did not inject them to kill them but to heal them it would mean that I would be telling a lie. As for the actions of the doctors concerning this incident the doctors would have to come forward and state concerning it. That is why I did not say anything.

224. Q. Was it because you thought that we were not telling the truth? Was it because you thought that Commander Ohguma might still be alive and we might confront you with him here in this court room? Is that why you never told us about this incident?

A. No, I was praying from the bottom of my heart that Commander Ohguma would come to Guam as quickly as possible.

225. Q. Of all the men that were on the hill that afternoon how many of them are still alive?

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 the objection was not sustained.

A. One.

226. Q. And that is you, is it not?

A. Yes.

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

227. Q. And there is no one now that can ever come into court and tell us what actually happened on that hill is there?

A. There is someone who can state what happened on the hill that afternoon.

228. Q. That is you, is it not?

A. Yes.

Examinined by the accused:

229. Q. On cross-examination by the judge advocate you stated that one of your main duties was to inspect the hospital every day. Did it also include inspecting the top of the hill?

A. Yes.

230. Q. What installations are there on the top of the hill?

A. At this time there was a place in which explosives were stored.

231. Q. Then the fact that you inspected that location the next day was a routine inspection. Is this correct?

A. Yes.

232. Q. At this time you stated that you saw an area with flattened grass and you thought that it was evidence of an explosion. Can you say that was after an explosion?

A. The previous day I had seen the two doctors inject these drugs into the prisoners. I could tell about the glass capsules and I had also given the dynamite to Commander Ohayama and I just imagined this may have been the place that the power had been used.

233. Q. Then do you mean that you could not judge only by the flattened grass that it was after a charge of explosive but that you judged this through the previous circumstances before and after you saw this grass?

A. Yes, it is only what I imagined.

234. Q. You testified that after you gave Commander Ohayama the dynamite you saw a young doctor that you did not know and that later you saw this doctor inject drugs into a prisoner. Do you know for sure now that it was Surgeon Lieutenant Nakamura?

A. Yes. He stated in this court that he was Nakamura and seeing him I could recall his face. There is no mistake that he was the doctor.

235. Q. When was it that you first learned his name?

A. After this trial started he took the witness stand and he stated his name. This was the first time that I learned his name.

236. Q. Did you see this Lieutenant Nakamura at the stockade?

A. Yes.

237. Q. When did you first see him?

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

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

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The accused replied.

The commission announced that the objection was not sustained.

A. Shortly after I received the charges for the first time.

238. Q. You testified that you received the charges for the first time. In these charges in specification two of charge one was there any mention of strangulation?

A. In the first charges that I received there was no mention of strangulation.

239. Q. Was it after you saw Nakamura that the charges were changed in that it stated strangulation?

A. Yes. It was after Nakamura came to the stockade that this was later changed.

The commission then, at 3:13 p.m., took a recess until 3:31 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.

An accused, Sakagami, Shinji, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

240. Q. You testified that you were told by Savory when he was by himself that Okuyama was dead. Were you ever investigated by this interpreter called Savory without any other investigator or judge advocate with him?

A. Yes.

241. Q. Were you investigated in the usual manner as when an investigator investigated?

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.

242. Q. What kind of investigation did Savory conduct by himself?

A. I forget the exact date but I was questioned concerning my going to the interval ward and getting the medicine.

243. Q. Where was this place that you were investigated?

A. At the small building in front of the guard house where the usual investigations are conducted.

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

244. Q. Was there an investigator or judge advocate present at this time?

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.

245. Q. How many times were you questioned by Savory himself?
A. As I remember two times.

246. Q. You testified that the only ones who could clear you of suspicion were Commander Ohayama and this doctor whom you did not know. After you arrived on Guam you heard that Commander Ohayama was dead, and that you requested many times that this doctor be located. Was this young doctor Surgeon Lieutenant Nakamura?

A. Yes. The person whom I requested to be found many times was this same Doctor Nakamura.

247. Q. Concerning the testimony of this Nakamura in this court, you have heard his testimony and what did you think of it?

This question was objected to by the judge advocate on the ground that it was improper and invaded the province of the commission.

The accused replied.

The commission announced that the objection was sustained.

248. Q. You have been asked many questions about statements that you wrote while under confinement. How many statements did you write for the investigators?

A. As I remember I wrote statements three times.

249. Q. Do you remember when these statements were written?

A. Two times in July of last year and one in March of this year.

250. Q. Where did you write these statements?

A. The first two at the stockade on Truk, the other one at the stockade on this island.

251. Q. Under what circumstances was the first statement made?

A. When you say circumstances do you mean the conditions under which I was living and my environment?

252. Q. The conditions under which you were questioned and by whom you were questioned.

A. At Truk I was investigated by Commander Currie and the two statements I wrote were to the same person. The third time was on this island and in direct investigation by the judge advocate I wrote this third statement.

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

253. Q. Did Savary tell you that he was an authorized investigator for the United States?

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

The accused made no reply.

The commission announced that the objection was sustained.

254. Q. Were these statements that you made made under compulsion?

A. At Truk I was told after I was questioned to write down everything that I had said and I wrote it. The third time on this island I was questioned and told to write down everything that I had said.

255. Q. Were all the statements that the investigators made to you all true statements?

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

The accused withdrew the question.

256. Q. Did the investigators always tell you the truth?
A. There were many things which I could not believe.

257. Q. You testified that someone told you that you were going to be executed at 10 o'clock one day for this crime. Did you believe this?

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.

A. Yes, I believed it.

258. Q. Did you ever admit or confess to the investigators at Truk or at Guam that you killed by blasts of dynamite these two prisoners?
A. No, I did not say this because I absolutely did not do it.

259. Q. Did you ever confess or admit to the investigators at Truk or Guam that you strangled these two prisoners?
A. No, as I absolutely did not do such a thing I did not say that I did.

260. Q. Did you ever admit or confess at Truk or at Guam to the investigators that you did strike these two prisoners?
A. Up to now I have never actually touched a prisoner, therefore there is no truth in that.

261. Q. Did you ever admit or confess to the investigators at Truk or at Guam that you did assault the two prisoners?

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

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

The accused made no reply.

The commission announced that the objection was not sustained.

A. I have never assaulted nor hurt nor helped to assault or hurt or helped in plotting concerning prisoners. I have no connections whatsoever with prisoners and I absolutely did not do the above things.

Re-examined by the judge advocate:

262. Q. You have testified that someone told you that you were going to be executed at ten o'clock some morning and that you believed that. Who told you that?

A. It was a NCO of the stockade at Truk.

263. Q. Has any commissioned officer of the United States ever told you that you were going to be executed?

A. Previous to this incident, yes.

264. Q. Who was he?

A. I forget his name, but he was a full lieutenant.

265. Q. Did you ever make a statement for him?

A. No.

266. Q. You have testified that you made two statements for Commander Currie. Did Commander Currie ever tell you that he was going to have you executed?

A. After I arrived on Guam I was told several times that I might get a heavy sentence but if I told about the other persons it would be much lighter.

267. Q. Did Commander Currie ever tell you that you were going to be executed?

A. I do not remember.

268. Q. Here is something that just happened recently and you can not remember that, but you can remember the other things that happened as far back as the hill incident. You can do better than that. Did Commander Currie ever tell you that you were going to be executed?

A. I do not want to say this but one day Commander Currie and the interpreter Savary came to question me. Commander Currie did not say much but the interpreter said that if I kept quiet about this incident and it goes along as it is I would be sentenced to death. I would be buried separately and my body would never reach my family. I listened to this and would not believe that Commander Currie said this.

269. Q. Is that story that you have just related as true as the story that you have just related about the incidents on the hill?

CERTIFIED TO BE A TRUE COPY:

James P. Kenny JUDGE ADVOCATE

James P. Kenny,

Lieutenant, U. S. Navy,

Judge Advocate, Navy,

Truk, Micronesia.

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. I have never stated one lie since I took this stand, I am just relating the truth that I know.

270. Q. Did you ever tell the truth about the injections to Commander Currie that day?

A. Do you mean about the injections being made?

271. Q. The injections with this strychnine nitrate or whatever it was, that is that I am talking about.

A. I was told that, "Didn't you bring a morphine injection solution?" and as I did not remember having brought this drug I replied that, "I did not."

The commission directed the witness to answer the question.

A. (cont.) No.

272. Q. Did you ever tell Commander Ogden the truth about those injections?

This line of questioning was objected to by the accused on the ground that it was prejudicial to the rights of the accused.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I told Commander Ogden that after I had taken the medicine I saw them putting the medicine into the hypodermic syringe and needle.

273. Q. Did you ever tell Commander Ogden that you saw Commander Ohgawa and Lieutenant Nakamura inject those two Americans that day on the hill?

A. As I did not want to say it at this time I did not say it.

274. Q. Did you ever tell the investigator Savory that you had seen these two Americans injected by Commander Ohgawa and Lieutenant Nakamura?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. No.

275. Q. Did you ever tell anyone that you had seen these two Americans injected by Commander Ohgawa and Lieutenant Nakamura until after you learned that Lieutenant Nakamura was dead?

A. Do you mean the investigator?

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Lieutenant, U.S. Navy,
Judge Advocate.

276. Q. That is right.

A. Because I did not want to say this I did not tell the investigators but I did tell them that I saw them filling a hypodermic needle and syringe with this medicine. The reason for this was that I was told before that the actions of the others were known so I was telling only about my actions and not the actions of the others.

277. Q. Now that you have explained why, will you please answer the question that you were asked?

A. As I stated before, I said that I saw them filling the hypodermic needle and syringe with this medicine but I did not tell them that they had injected this into the prisoners.

278. Q. Who did you ever tell that you had seen Commander Okuyama and Lieutenant Nakamura filling a hypodermic needle on that hill?

A. It was the judge advocate.

279. Q. No?

A. It is the other one.

280. Q. Lieutenant Kenny?

A. No.

281. Q. Commander Ogden?

A. It is a person with a white leaf.

282. Q. Is it Commander Currie?

A. No.

283. Q. You distinctly remember telling him that. Did you tell him at that time what particular kind of medicine was used?

A. As I was not asked I did not say.

284. Q. Weren't you ever asked by either Commander Currie, Commander Ogden or myself what medicine was used that day?

A. I was asked what kind of medicine was used.

285. Q. Did you ever tell anyone of us what kind of medicine was used?

A. Yes.

286. Q. Who?

A. Commander Ogden.

287. Q. What did you tell him?

A. I told him that it was a poisonous drug.

288. Q. Did you tell him the names of that drug, the names that you remember so well?

A. I did not tell him the names.

289. Q. These three statements that you have written, is it not a fact that at the conclusion of the conversations with the investigators from our office that he would ask you to write down everything that you had talked about. Is that not true?

A. I have never been under suspicion for a crime before and I do not know the procedure.

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

The question was repeated in Japanese.

A. I was asked this and I replied to it.

290. Q. In other words you were asked to write down what you knew about the particular incident and you wrote it down in your own handwriting. Is that not correct?

A. I was not told to write down concerning what I knew.

291. Q. What were you told then?

A. I was told to write down what I had replied to the questions I was asked.

292. Q. Were you not asked to write down the truth about what you remember about the incident?

A. No.

293. Q. What were you asked to do then?

A. When I was questioned even though there were things that I knew I did not reply. Therefore there were many things that I knew that I did not write down.

294. Q. Were you not asked to write down the truth of what you remembered about this incident?

A. I was not told what was just said.

295. Q. You were not told to write the truth. Is that what you are telling us?

A. No, I was not told these detailed things, I was not given any detailed instructions.

296. Q. However, you want the commission to believe that for the first time in over two years the true story of the injections of these two Americans on the hill is now being told by you?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. No, this was concerning an incident which occurred two and one-half years before. I only told what I saw. When investigated I was asked many things, but I did not know when the two prisoners came and who brought them and what happened to them, what was the reason for bringing them here, or who took them away, or any of the reasons. I do not know anything about it. All I told the investigator was concerning seeing the prisoners, and matters which they could use in clearing this incident up. What I saw was only negligible. I do not know the reason why the prisoners were there, or what the reasons of the prisoners being there was. I have been under the deepest suspicion. I cannot express the names I wish someone who knew about it would

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

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come out and tell about it. Until this trial started, I have tried to get them to locate the doctor who is the only one who could clear me. I do not know why the injections were made, or why the prisoners of war were brought here. I thought the doctor could tell about it, and if I told too much, it would only complicate it. In what I remember and what the investigator told me, there are many conflicting statements, and I took it when Nakamura came, he would clarify this. There was no one else who could say anything, and I could not say anything about it. He was the only person on whom I placed my hope of clearing me here. His false testimony, why he did this, I did not know, I was shocked and surprised and did not know what to say. Now Nakamura has committed suicide, and there was no one else who could clear me, so I made a special request to be put on the stand so I could tell what I knew about this incident.

The commission then, at 4:40 p.m., adjourned until 9 a.m., tomorrow, Friday, July 25, 1947.

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

THIRTY-SECOND DAY

United States Pacific Fleet,
Commander Marianne,
Guam, Marianas Islands.
Friday, July 25, 1947.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry E. Reese, Coast Artillery Corps, United States
Army,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United
States Army,
Lieutenant Colonel William K. Lowman, 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.
Joseph Base, junior, yeoman second class, U. S. Navy, reporter.
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

An accused, Sakagami, Shinji, the witness under examination when the
adjournment was taken, resumed his seat as a witness in his own behalf. He
was warned that the oath previously taken was still binding, and continued
his testimony.

(Recross-examination continued.)

297. Q. You have told us that when you went to get this scopalamine and
strychnine nitrate, you met a doctor, Surgeon Lieutenant Fukuda. Can you
give us the first name of this doctor?

A. As we usually call the doctors by stating "Number of the Hospital
Fukuda," I can only remember his last name at present.

298. Q. Do you know the present whereabouts of this Lieutenant Fukuda?

A. I do not know.

299. Q. Do you remember the other day being asked the following question
and making the following answer (you were asked this question by Mr.
Akimoto): "Q. Then, the fact that you inspected that location the next
day was a routine inspection. Was that correct?" "A. Yes." Do you
remember being asked that question and making that answer?
A. Yes.

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

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300. Q. Do you remember ever writing down this information which comes from the statement which is in your own handwriting: "From about the afternoon of the next day somehow or other, the following rumors were to be heard: 'It seems there was a dissection of American soldiers last night. It appears that the corpses were taken to the crematorium'; 'It looks like the ones that were killed with dynamite'; 'I guess they were injected and killed'; and 'I suppose they were made to drink poison' and other rumors. I also heard that it seemed that there had been two persons killed. I was surprised to hear those rumors and I immediately went up to the hill and looked. On the hill there is a place where the earth has been dug away and across this area there were a number of cotton-wood trees. Five meters north of these trees there were evidences that dynamite had been used." Do you recall having written that down?

This question was objected to by the accused on the ground that the judge advocate should introduce this statement into evidence if he wants to question the witness about it.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes, I recall.

301. Q. Then, in reality, your inspection of the hill the next day wasn't just a routine inspection, was it?

A. No. As I stated before, when the first statement was written, that unless Okuyama and Nakamura could be found, the complete facts of the incident would not come to light, and I stated that those statements were written as a reference to be used in an investigation and in it were things which I had imagined to have taken place.

The judge advocate moved to strike out that portion of the answer after the word "No" on the ground that it was not responsive.

The accused replied.

The commission directed that that portion of the answer after the word "No" be stricken out.

302. Q. You had a particular reason for going up that hill that afternoon. You wanted to see what the effect of the dynamite had been up there; that is the reason you went up there, not just because you wanted to look at something on the hill. Isn't that so?

This question was objected to by the accused on the ground that the judge advocate was instructing the witness how to testify.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. Yes, I recollect.

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

309. Q. If this story of the injection that you have told us is true as you claimed and you were so anxious to have the American authorities contact Doctor Nakamura to clear you, why didn't you tell the American authorities the part that Doctor Nakamura had played in the hill incident?

A. I asked them to locate Ohayama and the other doctor. If Ohayama could be found, the name of the other doctor would come to light. When I was first taken into custody I was told clearly that "You killed the prisoners by dynamiting them." After this, several months, no investigation was made. The only two doctors that could clear me were Ohayama and the other doctor. As a natural feeling all I thought was that I was supposed to have killed the prisoners with the explosions and if it came to light about the explosions, I would be cleared, and I did not want to testify about the actions of the doctors, therefore, all this was about the action of the explosions.

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

The commission did not desire to examine this witness.

The witness made the following statement:

There is one thing which I would like to ask the commission to take into consideration. I have been under suspicion of murder. I have never committed an act of murder. I swear this before God. The only one who could clear me was Nakamura. I hunted for him for approximately one and one-half years. All this was before the time I had received my charges. After I received my charges, I told all that I saw and all that I heard to defense counsel, Commander Carlson, Mr. Akimoto, Mr. Suzuki, Mr. Hamata and the other lawyer who was the first one to come to me. I told them all about it. After the trial started, I awaited eagerly for Nakamura's testimony. When he took the stand, he made false statements that I could not even imagine. All I can feel is regret. And then there was no one who could clear me. I was placed in a very difficult position. I was the only one who could state as to me; however, I got a chance to state as to what I saw and what I heard on this witness stand. All I answered to the questions of the judge advocate and the defense counsel, are the truth. There were things I did not want to say. I asked the commission to understand and to consider what I have stated fairly. I will swear to this before God or anyone else.

The judge advocate moved to strike the words "When he took the stand, he made false statements that I could not even imagine" from the record on the ground that they were characterizing the testimony of another witness.

The accused made no reply.

The commission directed that the words be stricken out and announced that the commission would accord the remainder of this statement its proper weight.

The witness resumed his status as an accused.

A witness for the defense entered and was duly sworn.

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

Examined by the judge advocate:

1. Q. State your name and former rank.
- A. Corporal Lieutenant, Imperial Japanese Navy, Kurihara, Toyooku.
2. Q. If you recognize those accused, state their names and ranks.
- The witness correctly identified all the accused by name.

Examined by the accused:

3. Q. When did you first enter the Japanese navy?
- A. In 1918.
4. Q. What did you enter the navy as?
- A. Seaman fifth class.
5. Q. When were you first made an officer?
- A. I became a warrant officer in 1932.
6. Q. When did you become an officer?
- A. I became an ensign in 1938.
7. Q. Were you ever stationed at Truk Atoll?
- A. Yes.
8. Q. Where did you have duty at Truk?
- A. The Fourth Naval Hospital.
9. Q. Are you well acquainted with Hamikawa?
- A. Yes.
10. Q. What duties did you have at the Fourth Naval Hospital?
- A. I was assistant to Commander Hamikawa.
11. Q. As assistant to Lieutenant Hamikawa, did you work in the same office with him?
- A. In the same room. We were facing each other.
12. Q. Did you have your meals in the regular officers' wardroom?
- A. Yes.
13. Q. Did you hear Captain Iwanami make any statements regarding prisoners at an evening meal in July of 1944?

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

The accused replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. Yes.

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

14. Q. Tell us what you heard Captain Iwanami say, if you remember it.
A. I remember his saying that he was going to bring prisoners to the hospital.

15. Q. Referring to a conversation you had with Lieutenant Kamikawa in July of 1944, shortly after this, what did Lieutenant Kamikawa say to you?

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

The accused replied,

The commission announced that the objection was sustained.

16. Q. Did you have a conversation with Lieutenant Kamikawa in his office shortly after you heard this conversation in the wardroom, or heard Captain Iwanami make this statement in the wardroom?

A. Yes.

17. Q. What did Lieutenant Kamikawa say to you?

A. One day when I was in the adjutant's office, he came in with a troubled look on his face. When I asked what was the matter, he said, "I was told by Captain Iwanami that he was going to bring prisoners and commit unlawful acts," and he said that "I am very troubled, and I would like to stop him."

18. Q. Did Lieutenant Kamikawa say anything else?

A. And he also stated that, "If the head of the hospital is going through with this, I will have nothing to do with it."

Cross-examined by the judge advocate:

19. Q. What was Kamikawa's rank at that time?

A. He was a surgeon lieutenant.

20. Q. What was Iwanami's rank at that time?

A. He was a surgeon captain.

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

The commission did not desire to examine this witness.

The witness made the following statement:

After this I remember having a conversation with the adjutant to the meaning that they will have to try to stop this incident as much as possible.

The witness was duly warned and withdrew.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

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

1. Q. State your name and former rank.
A. Surgeon Lieutenant (junior grade), Imperial Japanese Navy, Yokota, Haruo.

2. Q. If you recognize any of these accused state their names and ranks.

The witness correctly identified by name all the accused with the exception of Kumabara and Takaishi, whose names he could not remember, but he remembered their faces.

The commission then, at 10:15 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.

Yokota, Haruo, 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.)

3. Q. Have you ever been on Truk?
A. Yes.

4. Q. Through what periods of time were you on Truk?
A. From the twenty-seventh of April, 1944, to the sixteenth of December, 1944.

5. Q. What duties did you have on Truk in 1944?
A. I was a member of the Fourth Naval Hospital and worked in the first surgical department.

6. Q. Do you know of an incident which occurred in July of 1944, which involved prisoners at the Fourth Naval Hospital?
A. I do.

7. Q. How did you come to know about this incident?
A. It was around the twentieth of July of 1944, about three o'clock in the afternoon when myself and Oishi were resting on the veranda of the officers' wardroom. We noticed a commotion in the direction of the head of the hospital's room. One of the enlisted men passed by while we were resting and we asked him what was the matter and he said that a prisoner had arrived on the hill and that he was going to assemble. Lieutenant Oishi said we would probably have to go, so we went up the hill together. When we arrived on the hill there were a great many people assembled there.

The judge advocates moved to strike out the words "Lieutenant Oishi said we would probably have to go" out of the answer on the ground that they were hearsay.

The accused replied.

The commission announced that the motion was denied, and that it would accord the answer its proper weight.

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

8. Q. Was Lieutenant Oishi or yourself the one who asked the enlisted man who passed by what was the matter?
A. It was Lieutenant Oishi.

9. Q. You testified that then yourself and Lieutenant Oishi went up the hill. How was Lieutenant Oishi dressed?
A. I have no definite recollection of how Oishi was dressed.

10. Q. Do you remember if Lieutenant Oishi took a sword with him when we went up the hill?
A. As I went up together with him to the hill, he did not have any sword.

11. Q. What did you do after yourself and Oishi went up the hill?
A. At the scene to the left facing the prisoners were lined up the officers. I lined up in back of them.

12. Q. Tell us simply what you saw at the scene.
A. At the scene there were two prisoners who were blindfolded and their hands tied behind their backs and sitting with their backs to each other, and on two coconut trees was tied a cross-bar. To the right facing the prisoners were lined up the enlisted men; there were officers, some directly further back, directly in front of the prisoners. I stated before the officers were lined up to the left facing the prisoners.

13. Q. Then, what happened to the prisoners?
A. The prisoners were tied to this cross-bar which was between two coconut trees.

14. Q. Do you know what persons tied the prisoners to the cross-bar?
A. Several enlisted men tied the prisoners.

15. Q. Was there any officer who was in charge of these men when they tied the prisoners?
A. No.

16. Q. Did you see Kamikawa in the vicinity?
A. I do not remember seeing him.

17. Q. What happened after these prisoners were tied to this cross-bar?
A. After the head of the hospital, Iwanami, and Captain Tanaka, the head of the first section, came up the hill about ten enlisted men assembled in front. I remember the head of the hospital making a speech; Lieutenant Oishi then talked to the enlisted men and the stabbing began. After the stabbing was over, the prisoners were to be buried. About this time I left the scene so I do not know what happened after that.

18. Q. Do you remember the contents of the speech of the head of the hospital?
A. I do not remember exactly, but it was to the meaning that the two prisoners had dropped bombs on the hospital and in other words they were our enemy and that there is no reason for reserve in executing them.

19. Q. Concerning the bombing of the hospital, did he say anything special concerning this?
A. I do not remember distinctly.

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

20. Q. Did he say anything as to the wounding and dying of patients in the hospital?

A. I do not remember.

21. Q. In what condition was Iwanami when he made this speech. Was he quiet, calm, or excited?

A. I did not feel as if he were too excited.

22. Q. You testified that Lieutenant Oishi spoke, said anything after the speech of the head of the hospital. Before he did this, was he given an order or anything?

A. I do not remember anyone giving Lieutenant Oishi any orders. I believe he made this speech on his own.

23. Q. What was the relation in position of Lieutenant Oishi and Captain Iwanami?

A. As I recall, the head of the hospital when he made his speech was standing in front of the ten enlisted men in front of the column, opposite from where the officers were lined up.

24. Q. Was it a custom in the military service that Oishi make a speech on his own?

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.

25. Q. Do you know what kind of a talk Lieutenant Oishi made?

A. I do not remember exactly what he said, but I think he used a passage from a book written by Confucius in his talk.

26. Q. Did you see Oishi go by the head of the hospital or the head of the hospital go by Oishi before Oishi made this talk?

A. No.

27. Q. How long were you together with Oishi on the top of the hill?

A. I remember going up the hill together with him, but after I arrived there, my attention was taken up with the scene and I did not notice Oishi very much until after the head of the hospital made a speech and then Lieutenant Oishi made this talk.

28. Q. Did you see Kamikawa in the period from the time you arrived at the top of the hill and when you left the hill?

A. I do not remember seeing him.

29. Q. Before this incident, did you ever overhear a conversation of Kamikawa with someone else?

A. It was one day or two days before the incident in the afternoon that I overheard a conversation in the officers' quarters between Lieutenant Murihara, who was in internal affairs, and Kamikawa.

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

30. Q. What were they talking about?

This question was objected to by the judge advocate on the ground that it called for a hearsay answer.

The accused replied.

The commission announced that the objection was sustained.

31. Q. Have you ever heard anything from Oishi concerning this incident?

A. Yes.

32. Q. When, where, and what did you hear from him?

A. It was the day before the incident or two days before the incident, it was after the evening meal that myself and Oishi were sitting on the veranda by the officers' wardroom. At this time I said to Lieutenant Oishi that I heard from someone some things but don't you think you have the same opinion, and he said this shouldn't be done, and this is the part, I remember this conversation clearly.

33. Q. What was the general reputation of Lieutenant Oishi at Truk at the hospital?

A. As for Lieutenant Oishi when he was at the Fourth Hospital, he looked after the men and he was relied upon very much by his superiors. The quality of his work was very good and he was reliable in the performance of his duties. He was relied upon by everyone in the hospital. After he was transferred to the hospital at Fefan, his reputation among the personnel of the construction corps to whom he was attached, and the natives and the persons from the repair units was very good. Now I knew his reputation around there was after he was transferred I went many times to Fefan from Moen where he was stationed and stayed there with him, visited him and talked with him and went on walks with him. I heard about him on Moen. I think there is no one that I know would say anything against Lieutenant Oishi.

34. Q. What was the general reputation of Ennikawa?

A. His reputation with us who were lower ranking was that he did not get along very well with the head of the hospital. He liked to be alone with himself. He was gentle and he was inclined to be reserved.

Cross-examined by the judge advocate:

35. Q. You have testified that when Oishi went up the hill with you, he didn't wear his sword at any time that day. Did you see Oishi with a sword on the hill?

A. I do not recall.

36. Q. Did Oishi ever leave that hill that afternoon before the two prisoners were bayoneted?

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

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Lieutenant, U.S. Navy,
Judge Advocate.

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The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not remember. I went up together with Lieutenant Oishi and as I stated before, after I arrived at the scene my attention was drawn by the scene. I do not remember whether or not Lieutenant Oishi left.

37. Q. You have testified that there were ten men assembled in front of the prisoners. These ten men that assembled in front of the prisoners, did they have anything in their hands?

A. When they assembled, they were armed and as I remember some of them had bayonets and some had iron spears.

38. Q. Can you tell us the names of any of those ten men that were assembled in front of the prisoners armed with bayonets and spears?

A. I think Petty Officer Hosma, Petty Officer Akabori, Petty Officer Tanaka were there, but the rest, I do not remember.

Neither the accused nor the judge advocate 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.

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

Robert B. Miller, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Minato, Tadao, former surgeon lieutenant.

2. Q. If you recognize any of the accused state their names and ranks.

The witness correctly identified all of the accused by name and rank.

Examined by the accused:

3. Q. Have you ever been on Truk?

A. Yes.

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Judge Advocate.

4. Q. Through what periods of time were you at Truk?
A. From April 1943 till August 1944.

5. Q. What were your duties at Truk in July 1944?
A. I was attached to the contagious wards.

6. Q. Contagious disease wards of what unit?
A. Fourth Naval Hospital.

7. Q. Who was the head of the hospital?
A. Surgeon Captain Iwanami, Hiroshi.

8. Q. Do you know of the incident which occurred in July 1944 which involved prisoners of war?
A. I know part of what occurred in that incident.

9. Q. Tell us how you came to know about this and what you know.
A. It was around the eighteenth or nineteenth of July. I was a friend of Oishi's and in the evening I went to visit him. Lieutenant Oishi said to me, "The adjutant told me that the head of the hospital wanted me to dispose of some prisoners. I do not want to do it and I want to reject it, and what should I do?" He asked my advice, I told him to not do it. Try to reject it. He asked me to go along with him to the adjutant to tell him this. We went to the adjutant and then Oishi said to the adjutant that the head of the hospital wanted him, Oishi, to do it, but he wanted it expressly said to the head of the hospital that he did not want to do it. The adjutant said that this was not a regular order, it just came up during the meal and "I would just let you know about it. It does not matter, let it ride." Oishi said, "I can not do it." Then the adjutant said, "I am against it also, all of the officers are against it, we are placed in the difficult position." After having this conversation Oishi and myself felt relieved and returned. Next morning and afternoon I spent in examination. After the evening meal someone said that "they executed two prisoners today and watching them I felt sorry for them." This is all that I know about the incident.

10. Q. You stated that you spent the day making examination. Where was this that you did this?
A. At the contagious disease ward, Fourth Naval Hospital.

11. Q. Then you do not know anything at all of what Oishi did on that day of the incident?
A. I know nothing about it.

12. Q. Did you hear anything about it afterwards?
A. Concerning this I have heard nothing about it afterward.

13. Q. What was the general reputation of Oishi at Truk at this time?
A. There was no one among the officers, enlisted men, patients and nurses who said anything bad against him. After he was transferred to the Construction Corps on Pagan he was looked up to by everyone in the construction corps like a god. The quality of his work was good and there are few persons of such good character I know of.

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Lieutenant, U. S. Navy,
Judge Advocate.

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14. Q. Do you know what school he graduated from?
A. He graduated from the Medical Department of the Keio University.

15. Q. What was his specialty?
A. He does not have any particular specialty.

The accused did not desire further to examine this witness.

Neither the judge advocate nor the commission desired to examine this witness.

The witness said that he had nothing further to state.

The witness was duly sworn and withdrew.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Ota, Seichi, former paymaster ensign.

2. Q. If you recognize any of these accused state their names and ranks.
A. Captain Iwanami, Hiroshi; Lieutenant Commander Hamikawa, Hidehiro; Lieutenant (junior grade) Sakagami, Shinji; Ensign Yoshizawa; Paymaster Warrant Officer Watanabe; Corporal Warrant Officer Honma; Sawada; Nakai; Hamatani. That is all.

Examined by the accused:

3. Q. Tell us briefly what you did in the navy.
A. I entered the navy on June 1, 1932 as a volunteer seaman fourth class. I served thirteen years and two months. At the time I was demobilized from the navy I was a paymaster ensign.

4. Q. Have you ever had duties at Truk?
A. Yes.

5. Q. Through what periods of time were you at Truk?
A. I was at Truk from November 1, 1943 till the first of November 1944, exactly one year.

6. Q. What unit were you attached to during this period at Truk?
A. Fourth Naval Hospital.

7. Q. What was your station at that hospital?
A. I was division officer and also in charge of provisions and clothing.

8. Q. Do you know of an incident in July 1944 which involved prisoners?
A. Yes.

9. Q. Tell us how you came to know of this incident.

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Lieutenant, U. S. Navy,
Judge Advocate.

A. It was about 2:30 of the day of the incident which was I think on twenty August 1944. I was the officer in charge of training of the paymasters. That day I had about fifteen to sixteen men and we were training when a messenger came and said we were to assemble on the top of the hill. We marched up to the top of the hill in formation. There we saw two prisoners blindfolded and sitting on the ground. Forty to fifty of the corporals were assembled there, to the left facing the prisoners were lined up the officers. I marched the paymasters there and had them lined up in two rows in back of the corporals, horizontal to the prisoners. At this time I thought they were going to kill the prisoners so I told the senior petty officer of the paymaster division, Watanabe, not to take part in this. As it was near meal time and I was in charge of provisions I went down to the galley to supervise. About fourteen or fifteen minutes later I returned. The stabbing was about to start. I again told the persons I was in charge of, I said that "I did not want to do it." The stabbing was about to begin, I looked toward Watanabe, the lines were formed and they were still there. When I looked toward my platoon there was no one absent. I did not want to look at the stabbing and kept watching my platoon. In a short while the stabbing was over. I took charge and led the platoon away from the scene. Then I took count, there was no one absent. The only thing was Takemura was very pale. I asked him what was the matter, he said, "As I saw such a thing for the first time I fainted." There was nothing wrong otherwise so I gave the order to fall out and dispersed my men.

10. Q. How many men were there in the paymasters at the Fourth Naval Hospital?

A. There were about 35 to 36.

11. Q. You stated that you were training with fifteen to sixteen persons. Where were the others?

A. The others were on duty at the galley and were preparing the evening meal.

12. Q. You stated that you led your group of men up the hill in formation and had them line up in back of the corporals. Were you the only ones who were lined up in formation?

A. The corporals were also lined up in formation.

13. Q. After you left this group which was lined up where did you go when you came back. Where did you take your position when you came back?

A. I was standing where the warrant officers and officers were lined up. I was standing at a distance where I could always keep an eye on my platoon.

14. Q. You stated that Watanabe was in your platoon. Was Senda there?

A. Senda was there, he was standing in front of Watanabe.

15. Q. After you arrived on the hill did you receive any orders from anyone for the paymasters to stop forward?

A. I received no orders.

16. Q. When you again returned to the hill it was time for the stabbing to begin. Were Senda and Watanabe still where you had left them?

A. Yes.

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

17. Q. Then can you state for sure that they were not in the group of stabbers?

A. I can. The reason for this is that Watanabe is a gentle person, he is not a person who would do this, even if he was told to, and I also did not see him do it and I can say for certain that he did not do it.

The judge advocate moved to strike the words, "Watanabe is a gentle person, he is not a person who would do this even if he was told to" on the ground that it was the opinion of the witness.

The commission directed that the words be stricken out.

18. Q. Then are you sure that Senada did not also stab?

A. I am absolutely certain.

19. Q. When you were lending the men back did you inspect the bayonets and rifles?

A. Yes.

20. Q. Was there anything unusual about them?

A. There was nothing unusual about them.

21. Q. While you were at the scene what officers were at the scene?

A. Lieutenant Commander Okamura, Captain Tanaka, Ensign Yokata, there there.

22. Q. Was Lieutenant Oishi there?

A. Lieutenant Oishi was there.

23. Q. Was Lieutenant Commander Kamihara there?

A. I do not remember.

24. Q. When you say, "I do not remember," do you mean that you do not remember that he was there or you do not remember now whether he was there?

A. I do not remember his being there.

25. Q. What was the reputation of Watanabe who worked under you?

A. He was a gentle person. Before I arrived to take up my duties at the hospital there were no warrant officers there and Watanabe as senior petty officer looked after the affairs of the paymasters well. He was liked by his men. After I arrived there he was a good assistant to me and carried out my orders without failure. He was a little toward the timid side and was a very serious person.

26. Q. What was the reputation of Senada?

A. Senada was a sincere person, his ability to carry out things was remarkable under the difficult food situation at Truk at this time. He never disobeyed any of my orders and the men working in the galley were mostly conscripts who were usually old and difficult to handle and he did a very good job. He handled them well. He did his work willingly.

Cross-examined by the judge advocate:

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

27. Q. On this day in July how many men were there in that platoon that you were drilling?

A. I do not remember exactly but I think about fifteen to sixteen persons.

28. Q. Were they all armed with rifles and bayonets?

A. All the men except Watanabe had bayonets and rifles.

29. Q. What did Watanabe have?

A. All he had was a bayonet at his side.

30. Q. When you got on top of the hill with your fifteen or sixteen bayonet carrying men where were the prisoners that were up there?

A. The prisoners were directly in front of us.

31. Q. Were they already tied to that cross-bar?

A. No.

32. Q. Who tied them to the cross-bar?

A. During this period I was down at the galley so I do not know.

33. Q. What happened to those two prisoners?

A. They were stabbed with bayonets and spears.

34. Q. How many men stabbed them with bayonets and spears?

A. As I was looking sideways I do not know definitely, but I think there were about five men in each row.

35. Q. What were the names of the five men in each row?

A. I do not remember.

36. Q. Look out here over these accused. Were there any of these men that were in those two lines of five men?

A. As I was not looking toward the corporals and I was looking toward the paymasters I do not remember.

37. Q. Did you see Yoshizawa on the hill that day?

A. Yes.

38. Q. Did you see Numa on the hill that day?

A. Yes.

39. Q. Did you see Tanabe on the hill that day?

A. I do not remember.

40. Q. Did you see Nakai on the hill that day?

A. I do not remember.

41. Q. Did you see Kawashima on the hill that day?

A. I do not remember.

42. Q. Did you see Tanaka on the hill that day?

A. I do not remember.

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

43. Q. Did you see Imanami on the hill that day?

A. Yes.

44. Q. Did you see Akabori on the hill that day?

A. I do not remember.

45. Q. Did you see Kumbara on the hill that day?

A. I do not remember.

46. Q. Did you see Kamikawa on the hill that day?

A. I do not remember.

47. Q. Did you see Tsutsui on the hill that day?

A. I do not remember.

48. Q. Did you see Hamatani on the hill that day?

A. I do not remember.

49. Q. Did you see Takaishi on the hill that day?

A. I do not remember.

50. Q. Did you see Mitsuhashi on the hill that day?

A. I do not remember.

51. Q. Were you on the hill that day?

A. Yes.

52. Q. Are you sure that it was the two prisoners that had the blindfolds on and not you?

The judge advocate withdrew the question.

The commission cautioned the judge advocate to refrain from using this type of question on the ground that it was harassing the witness.

53. Q. When you took your men up the hill how many men besides your men were armed with bayonets and spears on that hill?

A. There were forty to fifty persons from the corpsmen there.

54. Q. Were they all armed with bayonets and spears?

A. I do not remember.

55. Q. How many of that forty or fifty corpsmen were armed with bayonets and spears?

A. As I remember it was about one-half.

56. Q. When you took your men up the hill and lined them up in two horizontal rows behind the corpsmen you said you told Watanabe to not do it. What did you mean by that?

A. When I first came up the hill I saw the prisoners and saw they were going to be executed. As this was against humanity, even if it was to be reprimanded, I told them not to be involved.

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

57. Q. Had you received any orders for your men to kill these prisoners?
A. I received orders from no one.

58. Q. Then why was it necessary for you to tell Watanabe to have nothing to do with it?

A. Because I wished none of my men to go against my wishes while I was at the galley so I told Watanabe not to become involved.

59. Q. Was Iwanami on the hill when you gave Watanabe these orders?
A. Yes.

60. Q. Had Oishi already picked out the bayoneteers by the time you gave Watanabe these orders?
A. I do not remember.

61. Q. Who did take charge of the men that were in the bayonetting line?
A. I do not remember.

62. Q. Who gave the orders to these men to stab?
A. This also I do not remember.

63. Q. After the prisoners had been stabbed did you see Asamura use a sword on their heads?
A. I do not know.

64. Q. After these prisoners had been stabbed did you see Oishi use a sword on their heads?
A. I do not know.

65. Q. After these men had been stabbed did you see Yoshizawa use a sword on their heads?
A. I do not know.

66. Q. Can you tell the commission what part Oishi played in this incident on the hill?
A. As I was in the paymaster corps and the paymasters were not let in on anything the corpsmen did I do not know any plans made by them concerning this incident.

67. Q. You have testified that when you returned after having made arrangements for the food the stabbing was ready to begin. Did you not testify so?
A. That I testified.

68. Q. Did you hear Oishi order the stabbers to stab the two prisoners?
A. No, I did not hear.

69. Q. Did you see Honna stab anyone of the prisoners?
A. In the instant I thought they were going to stab but as I looked toward the paymasters I did not know who stabbed.

70. Q. Before this instant when they were going to stab did you look at the men in the stabbers line?
A. I saw them but just now I can not remember who was in the line.

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James D. Kenny
James D. Kenny,
Lieutenant, U. S. Navy,
Judge-Advocate, U. S. Navy.

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71. Q. You can not remember the name of any of the ten men that were in those two lines?

A. I do not remember just now.

72. Q. You can not remember the part that Oishi played in this incident?

A. As soon as the stabbing was over as I led my men off the hill I do not know what Oishi did.

73. Q. I am not talking about after, I am talking about before and while the stabbing was going on.

A. I do not remember.

74. Q. Then it is true that the only information that you can give this commission about that incident in July is that Watanabe and Sawada did not stab. Is that correct?

A. 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.

The commission then, at 3:30 p.m., took a recess until 3:49 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.

An accused, Watanabe, Mitsuo, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Watanabe, Mitsuo, former paymaster warrant officer.

2. Q. Are you an accused in this case?

A. Yes.

Examined by the accused:

3. Q. When did you enter the navy?

A. On the thirtieth of June 1936.

4. Q. What was your rank when you entered the navy?

A. I was a fourth class seaman in the paymasters.

5. Q. What were your duties in the navy?

A. At first I worked in the galley, after which I was transferred at a seaman paymaster where I worked.

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

6. Q. Were you demobilized?

A. Yes.

7. Q. When were you demobilized?

A. On the eighteenth of January 1946.

8. Q. When did you come to Guam?

A. On the sixteenth of November 1946.

9. Q. Have you ever had duty at Truk?

A. Yes.

10. Q. What unit were you attached to?

A. The Fourth Naval Hospital.

11. Q. Through what periods of time did you have duty at the Fourth Naval Hospital?

A. From the eleventh of July 1943 till the eleventh of January 1946.

12. Q. What was your station at this hospital?

A. I was the senior petty officer of the paymasters and I worked in the general affairs and accounts.

13. Q. Have you ever seen any prisoners at the Fourth Naval Hospital?

A. Yes.

14. Q. When and where did you see them?

A. I saw them on a hill back of the officers' quarters of the hospital around July 1944.

15. Q. What was your rank at this time?

A. I was a paymaster chief petty officer.

16. Q. What were you doing on this day that you saw the prisoners?

A. In the morning I went about my regular duties. There was training held every afternoon at one p.m. except Sunday and I was training with Warrant Officer Ota in charge.

17. Q. Then how was it that you saw the prisoners on the hill back of the hospital?

A. While we were training a young corpsman came and called us. Warrant Officer Ota led us up the hill.

18. Q. How did you know the corpsman came to call you?

A. I was standing close by Ota and this messenger came to Ota and was talking to him so I perceived that he came to call him.

19. Q. What do you do when there is training?

A. I am attached to the platoon.

20. Q. Were you told why you were being led up the hill?

A. No, I knew nothing about it and I also did not hear where we were going.

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

21. Q. How were you dressed at this time?

A. I was wearing a field green cap, white working uniform and field green puttees which were dyed by the paymasters and I had a belt with a bayonet.

22. Q. How were the others dressed?

A. Some were wearing summer clothing, some were wearing white working uniforms some were wearing no uniform at all.

23. Q. How were the other paymasters dressed?

A. They were dressed the same with the same things as myself except that they had rifles.

24. Q. What did you do after you arrived at the top of the hill?

A. On the hill were lined up the corporals. We were led up to them and lined up horizontally in back of them.

25. Q. Were you always in this line?

A. Yes.

26. Q. Did you ever leave this line?

A. No.

27. Q. When was this formation of the paymasters dismissed?

A. According to the order of the platoon leader we were dismissed in front of the galley where we are usually dismissed.

28. Q. Did you stab with a spear that afternoon?

A. I have never touched a spear.

29. Q. Did you stab the prisoners with a bayonet?

A. I did not have a rifle.

30. Q. Did you stab borrowing a rifle from another person?

A. No.

31. Q. Did you cut at the head of the prisoner with a sword?

A. I did not have a sword.

32. Q. Have you talked with anyone concerning this incident?

A. Yes, in a little house in front of the guard house where I am at present.

33. Q. When was this?

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. The beginning of January 1947.

34. Q. How was it that you came to be there?

A. In the afternoon the corporal of the guard came and told me to go to the guard house.

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

35. Q. Who were present there?

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

The accused withdrew the question.

36. Q. What kind of a conversation was held at this time?

This line of questioning was objected to by the judge advocate on the ground that it was irrelevant and immaterial since the conversation postdated the alleged acts.

The accused made no reply.

The commission announced that the objection was sustained.

37. Q. What did you tell anyone concerning this incident?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial since the conversation postdated the alleged acts.

The accused replied.

The commission announced that the objection was sustained.

Cross-examined by the judge advocate:

38. Q. When you got on top of that hill in July did you see the prisoners stabbed?

A. No.

39. Q. Were there any prisoners on the hill that day?

A. Yes.

40. Q. What happened to the prisoners?

A. The prisoners were tied to a cross-bar.

41. Q. After they were tied what happened to them?

A. About ten minutes after we arrived on the hill the head of the hospital made a speech.

42. Q. I am not asking what the head of the hospital did, I am asking what happened to the prisoners.

A. The only change I saw in the prisoners was when the blindfolds were taken away.

43. Q. Were the prisoners stabbed?

A. I saw the first one who was going to stab running toward the prisoners. As it was sudden my blood started to drain from my head so I looked down.

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

44. Q. What happened to the prisoners, ^W were they stabbed?

A. As I did not see when the prisoners were stabbed I do not know.

45. Q. This one man that you saw running toward the prisoners. Who was he?

This question was objected to by the accused on the ground that one defendant can not testify against a co-defendant.

The judge advocate replied,

The commission announced that it would not rule on the objection until after the question had been answered,

A. I was standing in the second row of where the paymasters were lined up in front of me were many men lined up of the corporals and I could only see the back of the person who was running toward the prisoners and he was wearing a summer uniform and I could not see his face. He had a rifle in his hand and was running toward the prisoners.

The commission announced that the objection was not sustained.

46. Q. Now that you have gotten over your difficulty in seeing the face of this man we will put the question to you again. Who was this man that you saw running toward the prisoner with a rifle and bayonet?

A. I can not say exactly, I only saw him, I did not see him start, I only saw him while he was running toward the prisoner but I saw Housa who was standing at the head of the left line.

The commission then, at 4:28 p.m., adjourned until 9 a.m., tomorrow, Saturday, July 26, 1947.

CERTIFIED TO BE A TRUE COPY:

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

THIRTY-THIRD DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Saturday, July 26, 1947.

The commission met at 9:30 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. Ragan, U. S. Navy, and
Lieutenant James P. 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 twenty-second day of the trial was
read and approved.

No witnesses not otherwise connected with the trial were present.

An accused, Watanabe, Mitsuo, the witness under examination when the
adjournment was taken, resumed his seat as a witness in his own behalf. He
was warned that the oath previously taken was still binding, and continued
his testimony.

(Cross-examination continued.)

The accused moved to strike out the answer to the last question on the
ground that the witness was testifying against a codefendant.

The judge advocate concurred.

The commission directed that the answer be stricken out.

47. Q. Among these corporals that you saw on the hill that afternoon, do you
remember seeing Goro Kikuchi?

A. No.

48. Q. Do you remember seeing Takahashi?

A. No.

49. Q. Do you remember seeing Yamamoto?

A. No.

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James P. Kenny
James P. Kenny, S. J. W. Y.,
Lieutenant, U. S. Navy,
Judge Advocate.

50. Q. Do you remember seeing Nasagawa?

A. No.

51. Q. Do you remember seeing Hayashi?

A. No.

52. Q. Do you remember seeing Hamada?

A. No.

Reexamined by the accused:

53. Q. That day on the hill, how many persons did you see were assembled there?

A. Do you mean the number including the officers and all the enlisted men?

54. Q. Yes.

A. As I recall, about one hundred.

55. Q. Was there much confusion and excitement at the scene that afternoon?

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

The accused withdrew the question.

56. Q. Did you see a great deal of confusion among these one hundred or more persons that were assembled on the hill that afternoon?

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

The accused made no reply.

The commission announced that the objection was sustained.

57. Q. Were you told anything by Warrant Officer Ota at the scene?

A. Yes.

58. Q. Tell us what you were told.

This question was objected to by the judge advocate on the ground that it called for a hearsay answer and that it was beyond the scope of the cross-examination.

The accused replied.

The commission announced that the objection was sustained.

59. Q. Together with Kikuchi and Yamamoto, with the interpreter Savory present, did you have a talk concerning the responsibility of this incident at the stockade?

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Judge Advocate.

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This question was objected to by the judge advocate on the ground that it was beyond the scope of the cross-examination, irrelevant and immaterial.

The accused replied.

The commission announced that the objection was sustained.

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

The commission did not desire to examine this witness.

The witness made the following statement:

I did not know who had the incident. The persons who did not do anything, the senior petty officer in the division should not take the responsibility and the persons who did not take part in the incident should not take the responsibility and the persons who did should take all the responsibility. To this Yamamoto said concerning the responsibility of all the hospital, the head of the hospital should take all the responsibility. As for the responsibility of the enlisted men, the senior petty officers of the various divisions should take the responsibility. He said this in an excited sort of voice. Yamamoto said this at an assembly where nine persons were assembled, among which was one American officer.

The judge advocate moved to strike out this statement on the ground that it was the mere opinion of the witness and that it was hearsay.

The accused replied.

The commission directed that the statement be stricken out.

The witness resumed his status as an accused.

The accused requested a recess before continuing with the next witness.

The commission then, at 10 a. m., took a recess until 10:15 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.

An accused, Sawada, Tsunoo, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Former Paymaster Chief Petty Officer Sawada, Tsunoo.

2. Q. Are you an accused?
A. Yes.

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

Examined by the accused:

3. Q. When did you enter the navy?
A. On the thirtieth of June, 1936.

4. Q. What was your rank when you entered the navy?
A. I entered the navy as a fourth class seaman in the paymasters.

5. Q. What duties did you have in the navy?
A. I was a member of the galley.

6. Q. Were you demobilized?
A. No.

7. Q. When did you arrive on Guam?
A. As I remember, it was on the fifth of August, 1946.

8. Q. Did you ever have duty on Truk?
A. Yes.

9. Q. What unit were you attached to?
A. The Fourth Naval Hospital.

10. Q. Through what periods of time did you have duty at the hospital?
A. From the fifth of October, 1943, until the tenth of January, 1946.

11. Q. From the tenth of January till you came to Guam, where were you?

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.

12. Q. What was your station at the Fourth Naval Hospital?
A. I was in charge of the galley there.

13. Q. Did you see any prisoners while you were working at the hospital?
A. Yes.

14. Q. When and where did you see them?
A. I saw them on the hill in back of the officers' quarters at the hospital in the latter part of July, 1944.

15. Q. What were the paymasters doing this day?
A. In the morning, the usual work was carried on. In the afternoon, we were training, because it was usual to train in the afternoon of all the weekdays, except Saturdays and Sundays.

16. Q. Then, why did you go to the top of the hill in back of the hospital that afternoon?
A. I do not know.

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

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17. Q. You testified that you saw prisoners on the hill in back of the hospital. How did you come to be there?

A. We were training in the field in front of the former nurses' quarters. At this time, I thought a messenger came to Warrant Officer Ota. He ordered us to stop training and assemble there. In this formation, he led us to this hill.

18. Q. When you were going up the hill, do you know why you were going up this hill?

A. I could not tell.

19. Q. How were you dressed when you were training?

A. It was training with rifles and we were armed.

20. Q. Tell us in detail how you were dressed.

A. I was dressed with a white cap, work uniform, puttees which were dyed dark field green, and a rifle and an ammunition belt.

21. Q. What did you do when you arrived on the hill?

A. When we arrived on the hill, there were a great many persons assembled there. A little up the center of the hill were lined up the corporals. We lined up in back of them and that is where I stayed.

22. Q. Did you ever leave this column?

A. I never left this column. We came down the hill and we were dismissed in front of the galley. That was the first time I left that line.

23. Q. Did you ever receive an order telling you not to leave the lines?

A. I did not receive an order directly, but to the division was attached Senior Petty Officer Watanabe. I overheard Warrant Officer Ota tell Watanabe that the paymasters were to stay here and watch.

24. Q. Did you receive any orders from anyone to leave the column?

A. No.

25. Q. In what part of this line of paymasters were you standing?

A. As I was a petty officer of the division, I was standing at the head of this column.

26. Q. What persons were standing next to you in these columns?

A. I was standing about four or five feet to the right of the last man of the officers who were lined up to the left of me.

27. Q. Where was Warrant Officer Ota standing?

A. As I remember, Warrant Officer Ota led us to the scene, gave an order for right face. After this, as I recall, he lined up in the last column of where the warrant officers and officers were lined up.

28. Q. Did you have a rifle and bayonet all during that afternoon?

A. Yes.

29. Q. Did you stab a prisoner with this rifle and bayonet?

A. No.

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

30. Q. Did you stab a prisoner with a sword?

A. No.

31. Q. Did you cut a prisoner with a sword?

A. I have never cut a prisoner with a sword.

32. Q. Was there anything unusual about the rifle and bayonet that you had?

A. There was nothing unusual about it.

33. Q. Was there anything unusual about the rifles and bayonets that the paymasters had?

A. The rifles were inspected every time we were dismissed by Warrant Officer Ota. When the rifles were inspected, I would step forward from the lines with Petty Officer Watanabe and inspect them. The reason for this was that the rifles were borrowed from the corporals. The reason inspections were made of them was to see that no parts were missing or that they were damaged.

34. Q. Did you stay on duty at the hospital at Truk after the end of the war?

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.

35. Q. Were you one of the senior petty officers of the paymaster division?

A. I was a second ranking petty officer in the paymasters.

36. Q. Do you remember who was standing next to you on the hill that afternoon?

A. As I am a petty officer of the paymaster division, I always stand outside of the column. On this day when we lined up, I was standing outside the column and the place behind me was open, so Watanabe took his position there. The person who was standing to the right next to me, I believe was Chief Petty Officer Sakuma.

37. Q. Are you sure of this?

A. Yes. In back of Chief Petty Officer Sakuma was Petty Officer Takarada.

38. Q. During all the time that you have been in custody as a war criminal suspect, have you ever confessed to the murder of these two prisoners?

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.

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James P. Keany
James P. Keany,
Lieutenant, U.S. Navy,
Judge Advocate, U.S. Navy,
Truk.

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Cross-examined by the judge advocate:

39. Q. You have testified that you overheard Ota tell Petty Officer Watanabe for the men to stay here and watch. What were they supposed to watch?

A. I did not know what was going to happen, but I think he told us to stay here and watch whatever was going to happen before us.

40. Q. What did happen before you?

A. There were two prisoners in front of where we were standing and there were two prisoners standing in front of where we were standing and between in the middle of a shape of a "U." So I think he told us to watch this.

41. Q. What happened to the two prisoners?

A. They were killed.

The accused moved to strike out this answer on the ground that it was the mere opinion of the witness.

The commission directed that the answer be stricken out.

42. Q. Did anyone on that hill do anything to these two prisoners?

A. Yes, there were some persons.

The question was repeated in Japanese.

A. (continued) They did something to the prisoners.

43. Q. What was done to the prisoners?

A. The prisoners were stabbed with spears and bayonets.

44. Q. How many men did you see stab the prisoners with spears and bayonets?

A. I do not have a distinct recollection, but I think it was about ten persons.

45. Q. Did you see anything done to the prisoners after they had been stabbed with spears and bayonets?

A. No.

46. Q. Did you see anyone use swords on the heads of these prisoners after they had been stabbed with spears and bayonets?

A. After the prisoners were stabbed, shortly after we left the hill, so I do not know what happened afterwards.

47. Q. Now, you have testified that you and Watanabe were standing at the end of the line of paymasters. Is that correct?

A. Yes.

48. Q. Isn't it a fact that seniority was strictly observed in the Japanese Navy?

This question was objected to by the accused on the ground that it was irrelevant and immaterial and that it called for the opinion of the witness.

The judge advocate replied:

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

The commission announced that the objection was sustained.

49. Q. Isn't it true that selection for the duty of stabber on that day was made on the basis of seniority?

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 rule after the witness answered the question.

The question was repeated.

A. I cannot tell; I do not know.

The commission announced that the objection was not sustained.

50. Q. Were you the second ranking man in the paymaster's section?
A. Yes.

51. Q. Who was the senior ranking man in the paymaster section?
A. Warrant Officer Watanabe. At this time he was a chief petty officer.

52. Q. Now, you have testified that you know where you were standing on that particular day. Do you know where Lieutenant Commander Kamikawa was standing on that day?

This question was objected to by the accused on the ground that it was prejudicial to the rights of the accused, Kamikawa.

The judge advocate withdrew the question.

53. Q. Did you see Goro Kikuchi on the hill that day?
A. I do not remember seeing him.

54. Q. Did you see Takahashi on the hill that day?
A. I did.

55. Q. Where was Takahashi standing?
A. We passed him as we were coming up hill about two or three men away from the point where we came up to the hill.

56. Q. Do you mean that when you were coming up the hill, he was leaving the hill?
A. I do not remember distinctly what it was, but I remember passing him as we were coming up.

57. Q. Well, was he going in the same direction as you were going?
A. He was going in the opposite direction.

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

58. Q. Do you remember seeing Yamamoto on the hill that day?

A. Yes.

59. Q. Where was he standing?

A. He was going ahead, several steps ahead of Takahashi and he was going in the same direction.

60. Q. And Yamamoto was also leaving the hill that afternoon, is that correct?

A. I am sure I cannot state that he left the hill.

61. Q. But you will say that he was going in the opposite direction?

A. Yes.

62. Q. Did you see Goro Kikuchi going in the opposite direction?

A. I did not see Goro Kikuchi.

63. Q. How about Hasegawa? Did you see him on the hill that day?

A. I do not remember Hasegawa.

64. Q. How about Hayashi? Did you see him on the hill that day?

A. I did not see Hayashi.

65. Q. Did you see Hamada on the hill that day?

A. I do not remember.

66. Q. Did you see the native Sanichi Hosenbik on the hill that day?

A. Is this a native?

67. Q. I said native.

A. I did not see any natives on the hill.

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

The commission did not desire to examine this witness.

The witness made the following statement:

Concerning Kikuchi and Yamamoto, there is one thing further I would like to state. It is not Kikuchi, but Takahashi and Yamamoto. Takahashi and Yamamoto were wearing puttees and were carrying rifles. They were probably going to act as guards on the hill.

The witness resumed his status as an accused.

The commission then, at 11:15 a. m., adjourned until 9 a. m., Monday, July 28, 1947.

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

TWENTY-FOURTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Monday, July 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. 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. 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 twenty-third day of the trial was read
and approved.

No witnesses not otherwise connected with the trial were present.

An accused, Kanikawa, Hidehiro, was, at his own request, duly sworn as a
witness in his own behalf.

Examined by the judge advocates:

1. Q. State your name and former rank.
A. Kanikawa, Hidehiro, former surgeon lieutenant commander.
2. Q. Are you an accused in this case?
A. Yes.

Examined by the accused:

3. Q. You testified that you were a former surgeon lieutenant commander,
Imperial Japanese Navy. Were you ever demobilized?
A. I was demobilized.
4. Q. When?
A. The twenty-third of January, 1946.
5. Q. What did you do after you were demobilized?

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

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Lieutenant, U. S. Navy,
Judge Advocate.

The accused replied.

The commission announced that the objection was sustained.

6. Q. When were you taken into custody?

A. Do you mean on Guam?

7. Q. No, in Japan.

A. I was placed in Sugamo prison on the nineteenth of September, 1946.

8. Q. Were you questioned at that time?

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.

9. Q. When did you come to Guam?

This line of questioning 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.

10. Q. Were you ever questioned on Guam as to the incident with which you are being charged?

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.

11. Q. Do you remember Admiral Hara visiting the Fourth Naval Hospital one day in July, 1944?

A. I cannot say whether Admiral Hara was there on a certain day or not.

12. Q. Why can you not say whether Admiral Hara was there on a special day or not?

A. Around this time, Admiral Hara frequently came to the hospital to fix his teeth and also to visit the patients so I cannot say that he was there on a special day.

13. Q. Have you ever been told that he was there on July 20, 1944?

A. No.

14. Q. Do you remember Captain Iwanami asking the doctors at an evening meal if any of them wanted to conduct experiments on prisoners?

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

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A. I do not remember whether it was the noon meal or the evening meal and I do not remember whether he spoke about experiments on prisoners, but at a meal in July, I overheard a conversation he was having with persons around him concerning prisoners.

15. Q. Were these remarks addressed to you?

A. He did not aim his talk at me. He was talking to the persons on both sides of him and in front of him.

16. Q. Then, you are not sure just what he said in that conversation, are you?

A. As this was a conversation which took place three years ago and also it was not addressed to myself, I do not remember.

17. Q. Sometime after that, did Captain Iwanami ever talk to you about prisoners who had bombed the Truk hospital?

A. I was never told this directly by Captain Iwanami, but I remember the following: On a day in July during a meal, I heard the head of the hospital making the following conversation: "There are prisoners to be executed at the Forty-first Naval Guard Unit. I believe them to be prisoners who bombed the hospital, and I would like to bring them to the hospital to execute them." After this, I met Captain Iwanami at the entrance of the hospital, at this time I was a surgeon lieutenant, my rank was low, but as I was the adjutant, I said to the head of the hospital, "You were talking about bringing prisoners to the hospital and executing them. It is not good and I am against it." When the head of the hospital heard what I had said against this, he said as if to himself, "If all the officers are against it, I will get the Self Defense Section to do it." I said, "Concerning matters about prisoners, no matter who did it, it should not be done. It is not good."

18. Q. What was the head of the hospital's rank at that time?

A. He was a surgeon captain in the Navy.

19. Q. What was your duty at the hospital at that time?

A. I was the adjutant.

20. Q. Did Captain Iwanami, the head of the hospital, talk to you at this time about these prisoners that were at the guard unit?

A. As I stated before, I heard about the prisoners during the meal, but at this time he did not state anything about the prisoners.

21. Q. When did he state anything about these prisoners to you?

A. He did not tell me directly. As I had heard this conversation by Captain Iwanami during the meal, I spoke to him about it when I met him at the entrance.

22. Q. Did Captain Iwanami say anything more to you at this time regarding these prisoners?

A. That was all he said. He was stating as if to himself, "If all the officers are against it, I will try to get the Self Defense Section to do it."

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

23. Q. Are you sure he said "Self Defense Section"?

A. As it is something which occurred a considerable time back, I cannot say exactly, but he stated to this meaning.

24. Q. Did you do anything or say anything to anyone regarding this conversation with Captain Iwanami regarding these prisoners?

A. Yes.

25. Q. What did you do?

A. I think it was the next day near the entrance of the hospital, I met Lieutenant Oishi who was the head of the Self Defense Section, and I thought it would be better for Lieutenant Oishi if I let him know about what the head of the hospital had been saying as if to himself about, "I may get the defense section to do it." This conversation was held standing and it was a very simple conversation. Lieutenant Oishi had an angry expression on his face and without saying anything, left me.

26. Q. What, if anything, did Lieutenant Oishi say at this time?

A. He did not say anything at this time.

27. Q. Did Lieutenant Oishi say anything more to you about the matter that day?

A. No did.

28. Q. What did he say?

A. On the night of that day Lieutenant Oishi came with Surgeon Lieutenant Minato to my room in the officers' quarters and stated as follows: "It is said that the head of the hospital wanted me, Lieutenant Oishi, to dispose of the prisoners. I do not like this and want you to refuse this for me." I said to him, "The head of the hospital was just saying this as if to himself, this is not an order. Let it go for the present." Lieutenant Oishi said, "If the head of the hospital is going through with it, tell him what I said." I said, "All right. If he is going through with it, I will."

The judge advocate moved to strike out this answer on the ground that it was a self-serving declaration.

The commission directed that the answer be stricken.

29. Q. Did you ever inform Captain Iwanami about this?

This question was objected to by the judge advocate on the ground that the answer on which this question was based had already been stricken.

The accused made no reply.

The commission announced that the objection was sustained.

30. Q. What happened then?

A. I think it was the next day when I met the head of the hospital, and I told him that Lieutenant Oishi was saying that he did not want to do it. The head of the hospital did not say anything and left.

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

The judge advocate moved to strike out this answer on the ground that it was a self-serving declaration.

The commission directed that the answer be stricken out.

31. Q. Did you hear anything more from Captain Iwanami?

A. After this, I heard nothing from Captain Iwanami concerning prisoners.

32. Q. Were you in good health at this time?

A. At this time I was weakened by sickness. About the beginning of June, I was stricken with amoebic dysentery. I was entered in the contagious ward. From about the middle of June, the American Saipan operation had become intensified. I heard that Saipan had fallen and as I could not stay in bed resting at a time like this, I got up. There was continuous work and I was kept very busy. As I was still sick, I was authorized by the head of the hospital to retire to my quarters and rest after my work was completed. I was so weak that in September I was again stricken with amoebic dysentery.

33. Q. Do you remember if you went to your room the day of this July incident?

A. Yes, I remember this distinctly.

34. Q. Why?

A. After the work was over, I was returning to my room. On the way to my quarters, I met several enlisted men who were walking toward the hill in back of the hospital. I asked them where they were going and they told me, "Prisoners have come to the hill in back of the hospital. We are going to see them." As I had been against bringing the prisoners to the hospital, I did not want to see them, and I stayed in my room. That is why I remember this clearly.

35. Q. Did you hear anything more about this incident that day?

A. I did. It was just before the evening meal. Many of the officers were coming back and they were talking among themselves that the execution was over. I do not remember exactly who I said it to, but I said, "If it was an enemy who was coming toward me, I would try to kill him, but I cannot kill a person who is tied."

The judge advocate moved to strike the words "I do not remember exactly who I said it to, but I said, 'If it was an enemy who was coming toward me, I would try to kill him, but I cannot kill a person who is tied,'" out of the answer on the ground that they were a self-serving declaration.

The commission directed that the words be stricken out.

36. Q. How long did you continue on duty at the Fourth Naval Hospital, Dublin?

A. On May 27 of the following year, I was ordered to the head of the branch hospital at Uman Island and I left Dublin.

37. Q. When did you leave this Uman branch hospital?

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

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

The accused made no reply.

The commission announced that the objection was sustained.

The commission then, at 10:08 a. m., took a recess until 10:25 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.

An accused, Kanikawa, Hidehiro, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

38. Q. Do you know of a day in July when Admiral Hara came and was talking to the head of the first section, Captain Tanada, and the head of the hospital in the head of the hospital's room?

A. I have no such recollection.

39. Q. Do you remember of an incident in which you walked toward the head of the hospital's room and Captain Tanada called to you and you saluted twice and left?

A. I do not remember this, but as this place is near my adjutant's room, I may have been going in and out of this room, and if there was a superior officer, I may have saluted, but I do not remember going toward the head of the hospital's room where Admiral Hara, Captain Tanada and Captain Iwanami were talking and going away.

40. Q. You testified that on the day of the incident in the afternoon you returned to your room and rested. What were you doing in the morning?

A. At this time I was in charge of the out-patient examination room and on this day, I was examining the patients in this out-patient examination room from about eight o'clock.

41. Q. Did you climb the hill in back of the officers' quarters on the morning of that day?

A. No.

42. Q. Did you climb the hill in the afternoon?

A. I remember distinctly of not having climbed that hill.

43. Q. Do you know Petty Officer Tanabe?

A. Yes.

44. Q. Do you remember Tanabe becoming sick and of your examining him in July of 1944? It is the Tanabe who is a defendant.

A. I remember treating Tanabe in about the middle of July, 1944. At this time the hospital ship came to Truk and many patients were placed on board. We were very busy. I believe it was the next day Tanabe came down with fever and was entered in the second surgical ward. I remember because Tanabe was the senior petty officer in the out-patient examination room.

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

45. Q. Do you remember the exact date in July?

A. I do not remember exactly, but I think it was the fourteenth or fifteenth of July.

46. Q. Do you remember what the symptoms were that Tanabe had?

A. Yes, I examined him. At first he had a fever of about thirty-nine degrees centigrade. He had spots come out on his body; he had headaches and backaches, and as I remember he was in the hospital ward for about ten days, and as I remember I diagnosed it as being dengue fever.

47. Q. Do you remember examining Tanabe on the day of the incident?

A. I feel I remember examining him on the day of the incident.

Cross-examined by the judge advocate:

48. Q. What were your duties at the Fourth Naval Hospital?

A. I was a member of the hospital and also adjutant of the hospital.

49. Q. Now, tell us in detail just what your duties as adjutant consisted of.

A. The duties of adjutant are many, but it pertains to all matters concerning the hospital other to surgical, internal medicine, contagious and pharmacy departments. According to the conditions of the head of the hospital concerning personnel this would come under the direction of the senior section head. The duties of the adjutant in detail also concern that of general affairs, dispatching of documents, pay, provision, the entrance and discharge of patients to the hospital, custody of secret documents and liaison outside of the hospital and also to relay the orders of the head of the hospital. Concerning the relaying there are two means: one is to relay to everyone and the other is relaying the orders to some particular person.

50. Q. In other words, when the adjutant carries out the orders of the head of the hospital in all matters not directly concerning medicine. Is that correct?

A. It is according to the orders of the head of the hospital and when there are no orders this could not be done.

51. Q. If the head of the hospital wishes to call a general assembly, doesn't he usually have you arrange that as adjutant?

A. If it was an order from the head of the hospital that he wanted a general assembly called, I would relay that order to have it relayed, but if there was no order from the head of the hospital, I could not relay it.

52. Q. No one is trying to accuse you of doing anything on your own initiative. We are just trying to clear up the duties of the adjutant. You were Captain Iwanami's adjutant, were you not?

A. I was the adjutant of the head of the hospital, and as I stated before, I could not do anything if there was no orders and I just wanted to state that the adjutant can do nothing independently.

53. Q. You have testified that Captain Iwanami said to himself, "Since the officers are against it, I will have the Self Defense Section do it." What was the Self Defense Section at the Fourth Naval Hospital?

A. As I remember this section was organized to prepare for defense in case of an uprising or in other dangers. This was organized according to an order put out by the Fourth Fleet Headquarters in May or June of that year.

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54. Q. Wasn't the Self Defense Section of the hospital composed of the senior petty officers of the hospital?

A. No.

55. Q. Who composed the members of the Self Defense Section?

A. Do you mean the names?

56. Q. Yes, do you know them?

A. As it was always changing, the same persons were not always on it.

57. Q. As a general rule, weren't the members of this Self Defense Section the petty officers of the hospital?

A. No. It varied accordingly because the station of the men changed and from the various stations the persons who had the time or could be spared made up this section and at times it would be made up of senior petty officers and at times of just petty officers and many times just men also according to the work.

58. Q. In July, 1944, wasn't this defense section made up of the senior petty officers at the hospital?

A. No, it is as I stated before.

59. Q. Didn't this Self Defense Section come under ^{your} authority as adjutant of that hospital?

A. It was directly under the command of the head of the hospital.

60. Q. And being directly under the command of the head of the hospital as you were his adjutant, wasn't it under your command?

A. No, it was a separate thing. If there were any orders which the head of the hospital wanted me to relay to them, but it was directly under the head of the hospital. There were times when the head of the first section would give them instructions and if the head of the hospital wished me to give them instructions, I would give them instructions.

61. Q. Who was the head of the first section?

A. Captain Tanaka.

62. Q. Who was the officer or was there an officer in charge of this Self-Defense Section?

A. What do you mean when you say if any?

63. Q. Was there an officer in charge of this Self Defense Section in July, 1944?

A. Yes.

64. Q. Who was that officer?

A. Lieutenant Oishi.

65. Q. How many men composed this Self Defense Section in July, 1944?

A. As I remember, it was about fifty to sixty men.

66. Q. This conversation that you had with Captain Iwanami in which you said you heard him say, "I will have the defense section do it," didn't he really tell you to have the defense section take care of the two prisoners on the hill?

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A. No, it was because I was against it is why he said this. There is no reason why he should give an order to a person who was against it.

67. Q. Is it not true that you as adjutant were told by the head of the hospital to tell Oishi to get his defense section up on that hill. Is that not a fact?

A. No.

68. Q. Is it not a fact that the only reason that you went to see Lieutenant Oishi was to tell him that his defense section was going to have to take care of these two prisoners?

A. I was against this and as the head of the hospital was saying this I thought it would be better for Lieutenant Oishi if I let him know about it. Also I told Lieutenant Oishi that I was against it and as Oishi was against it he should tell the head of the hospital.

69. Q. What was your rank in July, 1944?

A. Surgeon lieutenant.

70. Q. What was Oishi's rank in July, 1944?

A. He was a surgeon lieutenant.

71. Q. What was Iwanami's rank in July, 1944?

A. He was a surgeon captain.

72. Q. Do you expect this commission to believe that you, a surgeon lieutenant, would tell the head of the Fourth Naval Hospital, a full captain, that you did not like what he told you to do? Is that what you want us to believe?

A. I am only telling the truth. My rank was low, but as I was adjutant it was only natural that I expressed my opinion.

73. Q. Were you asked to express your opinion?

A. The head of the hospital didn't say to express my opinion, but as I was the adjutant my work was to assist him and I could express my opinion before an order was put out.

74. Q. Were you in the habit of giving Captain Iwanami the benefit of your opinion before you carried out his orders?

A. Whenever I thought it was better that I express my opinion, I did.

75. Q. In this particular case you told Captain Iwanami, the head of the hospital, that you were opposed to his actions. Is that correct?

A. Yes.

76. Q. What did Captain Iwanami say to you when you, as a lieutenant, told him, as a captain, that you did not approve of what he was going to do?

A. At this time, he did not say anything, and as if to himself, said, "If the officers are against it, I may get the Self Defense Section to do it."

77. Q. Did the Self Defense Section do it?

A. As I did not go to the scene, I do not know who did it. From what I heard afterwards, it was that he did not have the Self Defense Section do it, but anyone without distinction between the Self Defense Section and the others.

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78. Q. Do you say you were not on the hill that afternoon when the two Americans were killed?

A. Yes, this is certain.

79. Q. You are certain that you did not arrange to get the Self Defense Section and practically ninety percent of the officers and practically ninety percent of the enlisted men on the hill that afternoon?

A. Yes, I am certain that there were figures, ninety percent of officers and enlisted men in the question and what I mean is that I did not have anything to do with the people assembling on the hill. I was not at the scene. I cannot say about these figures.

80. Q. If you didn't arrange the execution of those two Americans on the hill that day who did make the arrangements?

A. I do not know.

81. Q. Do you deny that you had a conversation with Captain Taneda at the top of the hill that afternoon and that you tried to report to him that all preparations for the execution had been made?

A. I wish the president of the commission would listen carefully to this. As I stated before, I remember definitely I did not go on the hill. Captain Taneda testified as if I had gone to the top of the hill. I do not know how he could remember in such detail something that happened three years ago. There could be such a thing as a mistaken recollection. There is also the prejudice that the adjutant should do such a thing so that if there were the people assembled then he should have been there. There were also some persons who stated that the adjutant was there with prejudice and mistaken recollection, as for the testimony of Captain Taneda.....

The judge advocate moved to strike out this answer on the ground that it was not responsive and that it characterized the testimony of Captain Taneda.

The commission directed that the answer be stricken out and directed the witness to answer the question.

A. (continued) That was all false testimony and I can say to this with definiteness, and this is an important point which I wish the president of the commission would understand.

The commission directed that the answer be stricken out on the ground that it was not responsive to the question and was characterizing the testimony of the witnesses, and directed the witness to answer the question.

The question was repeated in Japanese.

A. (continued) I deny it.

82. Q. Do you deny that on the hill that afternoon in July you directed the trying up of the two prisoners on the cross-bar?

A. I deny it.

83. Q. Do you deny that after Captain Ivanami made his speech you passed the order on to Lieutenant Oishi to begin stabbing?

A. Naturally, I deny it.

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Judge Advocate.

84. Q. Taneda, Kikuchi, Hamada, Takahashi, Okamura, Hayashi, all of these men, all of them Japanese, and all of them serving with you at the hospital say you were on the hill that afternoon. How do you explain that?

A. I have heard that at this time most of the persons went to the top of this hill. This incident was something which took place three years before and it is difficult to say who was there. I believe everyone can understand this, even in three years your own memory or recollection fades, also there is the prejudice that the adjutant should have been there; therefore, the adjutant must have been there. There are some people who, without taking their own responsibility, are trying to place the responsibility on someone else. With the relating of these things from one person to another, it can result in a great mistake. Captain Taneda who was the senior section head was an important person who assisted the head of the hospital. I have heard he was at the scene and went together with the head of the hospital to the scene. He was trying to get out of his responsibility and place all the responsibility on the adjutant. I can say this by hearing his testimony; it is pure fabrication and he is trying to place the responsibility on the adjutant and trying to say the adjutant should take the responsibility. They are making up these fabrications and testifying to it. As I am the adjutant, I feel the responsibility of what took place at the hospital during the war when we were taught that the order of the hospital we were to follow blindly and any disobedience would result in punishment. Enlisted men were encouraged in their hostile feeling toward the enemy. I feel even now why could I not have stopped the head of the hospital, even though it meant my life. I am willing to take the responsibility of the adjutant; when they make out that I am lying and testifying here in this court room before the president and members of this commission and saying it is the truth is what I regret most. They are fellow Japanese and served together at the hospital with me. Some were my superiors and some were my subordinates. My feeling is more than I can stand. This incident has been under investigation for one and one-half to three years and can result in a spreading of mistakes. This is just a part of what I think and what I regret most is their saying that I was the adjutant; therefore, I must have been there and stated to that effect.

The commission then, at 11:40 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 accused, Kamikawa, Hideo, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

The witness stated that he had not completed his answer to the previous question.

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A. (continued) At the time the war ended, I was at the branch hospital on Uman Island. I do not know what was being done at the main hospital on Dublin. Concerning this incident, when I was to be repatriated to Japan, Captain Taneda said to me: "You may not have any relation with this incident, but as adjutant, you have some responsibility. Even though you may be put to death, you should talk to no one concerning this incident." After my repatriation to Japan, I worked at the Otake mine sweeper section sweeping mines, which was under the Second Demobilization Department which was also under the supervision of American occupation forces. I was suddenly brought to Guam and placed in the stockade. I cannot testify what was done during this time, but from the facts that I know I can say that the testimony that has been brought forth in this court is false; and while I was at Uman, the head of the hospital became sick. Captain Taneda became the acting head of the hospital and Commander Okamura as his assistant took care of the hospital.

85. Q. You have testified definitely that the testimony of Captain Taneda is false. Tell us now why Kikushi, Hamada, Takahashi, and Hayashi did all tell lies about your participation in this incident?

A. It is all right to speak of what happened in the stockade?

86. Q. We want your reasons why they are lying about you. Tell us anything you care to.

A. Among the things I have stated concerning Captain Taneda, I have already spoke about this. I shall repeat it. It is as follows: This may be due to loss of recollection. The prejudice that the adjutant should naturally have been in such a thing, and this is a prejudice, is a fact that cannot be contested. Over this, many plots were hatched as I stated before. I cannot perceive what plots were hatched, because I did not have the time to look in to them. Also, they may have been swayed by rumors, later coming to think of them as truths and mixing the points. As to the point of responsibility and that of the facts, the long and hard life in the stockade, many plots have been hatched to clear up this incident. It is not my wish to investigate them, and which I hope, and which I cannot do by the reasons I have mentioned, and what I sincerely believe, I have stated the above. It is difficult for me to speak about the former men whom I served together with as a doctor in the navy.

87. Q. Do you insist that of the seven witnesses which the judge advocate has produced into this court, all of whom have identified you as being on that hill that day, there isn't a single one of them that has told this commission the truth?

A. At least all testimony concerning that which pertains that I made preparations for the execution or that I was at the scene are all pure fabrication.

88. Q. Well, if you did not make the preparations for that execution, tell this commission who did make those preparations.

A. I do not have the power to investigate, and I have never done such a thing, so I do not know.

89. Q. If you didn't make the preparations on that day and did not act as the adjutant for Captain Iwanami, who did act as his adjutant that day?

A. As the head of the hospital did not say anything to me, I do not know who made the preparations that day.

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90. Q. Then, the only thing that you tell us is that seven men have lied about you and that you, as the adjutant, didn't fulfill your duties as adjutant that day. Is that correct?

This question was objected to by the accused on the ground that it was not shown by the judge advocate when he presented his case that this adjutant had a duty to perform.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. As for the witnesses, they are clearly lying. As I stated before, the duty of the adjutant is to act by the orders of the head of the hospital. The head of the hospital did not go through the adjutant at this time. I do not know if the adjutant is responsible in such a case, but I feel responsible that such an incident occurred at the hospital and that so many people are suffering by it.

Neither the accused nor the judge advocate 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 resumed his status as an accused.

An accused, Iwanami, Hiroshi, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Former Surgeon Captain, Imperial Japanese Navy, Iwanami, Hiroshi.
2. Q. Are you an accused in this case?
A. Yes.

Examined by the accused:

3. Q. When did you enter the navy?
A. In June of 1923.
4. Q. Tell us briefly your career in the navy.
A. I graduated from the Nagoya Medical School in April of 1923. I entered the navy in June of the same year. From 1933, I spent two and one-half years in the navy medical school laboratory and studied there. I studied mostly on tuberculosis and cerebral anemia. I received my degree in December of 1936. I was promoted to surgeon captain in November of 1941.

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5. Q. Have you ever had duty at the Fourth Naval Hospital on Truk?

A. Yes.

6. Q. Through what periods of time did you have duty there?

A. I had duty as the head of the hospital from November of 1943 to the middle of May, 1946, when I was taken into custody at the Moon stockade.

7. Q. What were your duties from the time the war ended until you were taken into custody?

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.

8. Q. Did you ever see any prisoners while you were attached to the Fourth Hospital?

A. Yes.

9. Q. When was this?

A. The first time it was in the middle of November or December, I do not remember which, of 1943, when two prisoners from a submarine were asked to be treated at the hospital. The second time was around the twentieth of January of 1944, when I saw eight prisoners at the sick bay of the Forty-first Naval Guard Unit.

10. Q. Tell us how you came to see these prisoners and what prisoners you saw?

A. It was about seven-thirty in the morning of about the twentieth of January. I was in my room looking through documents when Commander Okuyama suddenly came into the room and said, "I am going to make some physical tests today." This Commander Okuyama was a person who only took two meals a day and was always stating that any grass that a rabbit could eat, a human being could eat, and always talking about physical strength; and I thought he was going to make physical strength tests and asked him if any help was necessary. He said, "No," and left the room. About eight o'clock of that day, I went to Admiral Wakabayashi, who was very sick. It was after I had returned in the afternoon that Commander Okuyama said that tomorrow morning he was going to the guard unit at eight o'clock and as I was going to see Admiral Wakabayashi again, I said to him that I would give him a ride.

11. Q. What was Commander Okuyama's specialty?

A. He was a surgeon. He was especially skilled in internal operations.

12. Q. Did he have any special attributes?

A. I was struck with his ardent enthusiasm, initiative, and plans.

13. Q. What did you do the next day?

A. The next morning I started a little early and when he came with the instruments, I met Commander Okuyama and Nakamura, who previously testified

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in this court as a witness. He also said he was going to take a dentist along to inspect the teeth and I said, "All right," and while we were going, traveling in the car, we talked about stomach ulcers and the car stopped in front of the guard unit.

14. Q. Was the Nakamura you just testified about a member of the Fourth Naval Hospital?

A. No.

15. Q. What was he doing?

A. I think it was that his ship had been sunk and he was waiting for transportation back to Japan and during this time, he stated that he had the understanding of the higher headquarters, and that it was also all he wished, that he wanted to stay at the hospital and study. For a short time he was living at the hospital and worked under Commander Ohguma.

16. Q. Did you know Nakamura well at this time?

A. He had only come to me once to report his arrival and other to that I had no connection with him.

17. Q. According to whose instructions did Nakamura come along that day?

A. I do not know.

18. Q. What about the dentist?

A. As for the dentist, Commander Ohguma said at the entrance that he was going to have the dentist make the inspection of the teeth.

19. Q. In such a case, can a person in charge of wards give these instructions or do they have to be the orders of the head of the hospital?

A. As a dental section is under the command of the head of the ~~surgical~~ section, if there are instructions from the head of the surgical section, that would be sufficient.

20. Q. Then, who had instructed Nakamura who was only at the hospital temporarily?

A. If he has received an order from a superior officer that he was attached to, he can act.

21. Q. Then, do you mean that both Nakamura and the dentist that went that day with you did not go according to your orders?

A. Yes.

22. Q. What did you do after that?

A. We got out of the car in front of the naval guard unit. At this was the first time I was going to the sick bay there, as I had already come this far, I thought I would go with them and followed them to the sick bay. When I went there I thought it was the recreation room. Even now I think it was a recreation room. I saw eight prisoners leaning against the door. In the middle, among them, was standing Surgeon Lieutenant Hasegawa.

23. Q. You say that this was the first time you had come to the Forty-first Naval Guard Unit. Had you never come to the guard unit before?

A. No.

24. Q. Have you ever visited the commanding officer, Tanaka?

A. Absolutely not.

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Judge Advocate.

25. Q. Do you know Captain Tanaka?

A. Yes.

26. Q. Did you meet him often?

A. I remember him when he was a full commander and I was a lieutenant (junior grade). At Truk I did not meet him. It was just after or before the air raid on Truk when he came to the hospital to be examined for stomach troubles. I introduced him to the head of the internal medicine section.

27. Q. Previously, Lieutenant Hasegawa testified that Okuyama and yourself visited Captain Tanaka concerning the loan of the sick bay. What do you know about this?

A. I was surprised when I heard the testimony of Hasegawa in this court; but then, Hasegawa testified to things that I could not even imagine. There was no such thing.

28. Q. You testified concerning a recreation room and that eight prisoners were standing and that Lieutenant Hasegawa was standing amongst them. Why was Lieutenant Hasegawa standing there?

A. I do not know.

29. Q. Was he doing anything?

A. He had his hands on his hips and just standing among them.

30. Q. Did you have a conversation with Hasegawa at this time?

A. Yes.

31. Q. What kind of a conversation did you have?

A. Okuyama, Hasegawa and myself sat down on a narrow..... Immediately after we arrived, the dentist made an inspection of their teeth, right after which meals were brought. Okuyama and Hasegawa and myself sat down on a narrow bench and had the following conversation: I said, "These people are accustomed to cheese, butter and corned beef, and I do not think the soldiers' food agrees with them." Hasegawa said, "Such things as that I have not got. It can't be helped."

32. Q. What happened then?

A. I saw these eight prisoners for the first time. Among the eight prisoners there was one negro. After the first prisoner had finished eating his meal, Commander Okuyama said he was going to take the pulse, make hemoglobin tests, blood tests and gauge their gripping power and also tests with mercury manometers.

The commission then, at 3:20 p. m., took a recess until 3:37 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.

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An accused, Iwanami, Hiroshi, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

The previous question and answer were read.

33. Q. What happened after that?

A. When I heard about the blood tests, as I had a lot of experience in taking blood tests, I thought I would teach them something concerning it. Even in taking a drop of blood, it should be done skilfully. Taking a needle, I took one-tenth of a drop of blood and spread it on a slide and showed them how to make a test.

34. Q. What did you do after this?

A. When I looked over my shoulder, on a desk with a black tablecloth, there were four instruments for blood tests and an instrument to test hemoglobin, and there were no instruments for testing blood pressure, no mercury manometers and a gauge to gauge the strength. Looking at the instruments, I saw that they were instruments that were made in Japan and not in Germany. I told them that there were some defects in the ones made in Japan, and concerning this instrument, which is called galangau in German, there are defects in sucking up the blood. There is one defect in the entrance, and besides, the scales are inaccurate. Also in making hemoglobin tests, the temperature is important. In reference books, it states thirty to sixty degrees, but forty-five degrees is the best. Also, the time has to be exactly fifteen minutes. I gave these detailed instructions to the person who was nearby.

35. Q. What did you do after this?

A. When I was saying this, Commander Okuyama was disinfecting the ear lobe of the negro to get the blood. I told him if you want it to be good, you should go about it in an orderly fashion, because there were four sets of instruments with which to test this, and I left the room and went to examine Admiral Wakabayashi, who was very sick.

36. Q. When you first came with Commander Okuyama to the guard unit, was Lieutenant Habetani with you?

A. He did not come in the same car.

37. Q. Do you remember Habetani coming while you were there?

A. I do not remember.

38. Q. What was the approximate length of time that you were in the sick bay of the naval guard unit?

A. At the most, about twenty minutes. They had taken their meals. I had told them about the instruments, and as I had made the blood test, at the most it was about twenty minutes.

39. Q. Is there any truth that by the time you left the group of eight prisoners were divided into two groups of four each?

A. I did not notice.

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40. Q. Didn't you take any steps concerning the use of the sick bay in making these tests? Didn't Commander Okuyama get any permission from anyone in the guard unit?

A. I do not know.

41. Q. You stated that you did not visit Captain Tanaka. Have you ever had a conversation with Lieutenant Nasogawa stating that you already had the understanding of the higher authorities?

A. No. I would never do such a thing without permission from the commanding officer, my superior commanding officer, and always I was certain as a department head who was responsible for the maintenance of military discipline and it was never necessary to use my subordinates in this way; and I had also had no interests in such things; therefore, I did not say this.

42. Q. Then, how was it that you came to use this sick bay, this room in the Forty-first Naval Guard Unit?

A. I do not know how this came about.

43. Q. Do you know if there were any contacts made between Lieutenant Nasogawa and Commander Okuyama?

A. I do not know.

44. Q. Do you know of experiments being made on prisoners on the hill in back of the hospital with dynamite?

A. No.

45. Q. Do you know if any injections were made in the prisoners, or whether any prisoners were strangled?

A. No, I do not know.

46. Q. Did you receive any reports from Commander Okuyama after such an incident had occurred?

A. No.

47. Q. Do you know if any dead bodies of prisoners were dissected at the hospital?

A. As I assisted in a dissection, I know of it.

48. Q. When was this?

A. It was around the twenty-first or twenty-second of January.

49. Q. Is this all?

A. Yes.

50. Q. Where was this dissection held?

A. It was done in the dissection room of the Fourth Naval Hospital.

51. Q. When you say that you assisted in a dissection, how many dissections of how many bodies did you assist in?

A. Two.

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52. Q. Who was the one who mainly did the dissection?

A. When I was called to the dissection room, Commander Okuyama and Nakamura were there. I do not remember exactly if Habetani was there. I do not remember any other officers being there.

53. Q. When you arrived at the dissection room, what did you see there?

A. When I arrived there, the breasts had been cut open and the ribs exposed, and the lungs and the heart and the other internal organs were showing.

54. Q. What did you discover by this dissection?

A. When I was called and asked to look in on the dissection, the lights had just come on. I put on the gloves and a white gown and assisted. As it is usual in a dissection, a white cloth was placed on the face. I took off the cloth and looked at the face. The face was composed and calm and peaceful. There were no changes in the throat at all. There was no changes in the bronchial tubes. Nothing was especially wrong with the lungs, heart and internal organs.

55. Q. As a doctor, do you know what these persons had died of?

A. After the first dissection, I said in German (which is used usually among the doctors), "I cannot say the reason for his death." I believe I said this twice. The first time Nakamura and Okuyama did not reply. After the second time I said this, Okuyama said he performed an excellent experiment. At this time Commander Okuyama did not say anything about dynamite and I thought Commander Okuyama may have been trying out a secret medicine that he had.

56. Q. Were these bodies dead for some time?

A. I assisted with gloves on, but it still felt warm through the gloves.

57. Q. Then, do you mean that it was only a short time after they were dead?

A. Yes.

58. Q. Did you see if anyone had any wounds on their feet and legs?

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

The accused withdrew the question.

59. Q. Did you notice anything unusual with the legs?

A. Upon the thighs of the bodies was placed a tray with the instruments for dissection on it that I could not see towards the legs, so I did not notice.

60. Q. Did you notice anything unusual on other parts of the body?

A. I did not notice anything unusual.

61. Q. You testified that the face looked peaceful. Was there anything unusual about the face?

A. It was a good-looking face and it had a serene expression.

62. Q. Do you know what change in expression there would be if a person were strangled?

A. In case a person were strangled, the face would be purplish, the eye balls would be bloodshot, and there would be evidences of agony on the face.

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Lieutenant, U. S. Navy,
Judge Advocate.

63. Q. What changes would there be in the internal organs?

A. The throat would be crushed, and there would be blood-flecked sputum in the bronchial tubes, and the end of the lungs would be enlarged.

64. Q. Was there any evidence of strangulation?

A. There were no signs of strangulation on the throat, no signs on the bronchial tubes, and none in the lungs.

65. Q. Were there any evidences that the face was purplish or that the eyes were bloodshot or that the faces showed signs of agony?

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.

66. Q. You testified that Commander Okuyama said to you that "I had performed an excellent experiment." Did you, as the head of the hospital, give Commander Okuyama any permission to do this?

A. Do you mean did I authorize him to perform this dissection?

67. Q. Include both the dissection and the excellent experiment.

A. No.

68. Q. You testified that you did not authorize the dissection and the excellent experiment. Then, did you permit this without saying anything?

A. Commander Okuyama had come into my room that morning and said, "I would like to perform strength tests on the prisoners"; and, as I knew his usual theory, I just said, "Is that so." I did not give him consent, nor did I give him a silent consent, nor did I encourage him, nor did I give him permission to perform it.

69. Q. Then, do you mean that you just gave him permission to go ahead with physical examination tests and not that you gave him permission to perform the experiments? That you did not give him permission to perform the experiments and that you did not know what Okuyama did?

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

The accused replied.

The commission announced that the objection was not sustained.

A. Yes, I had heard about the blood tests, blood pressure tests, and strength gauge tests, and also I was not at the scene of the explosion, and I do not know about his doing it and I do not know what he did.

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

70. Q. Concerning what Okuyama did, did you take any steps concerning this about Okuyama?

A. Yes. He brought me a written explanation of what he had done.

The commission then, at 4:30 p. m., adjourned until 9 a. m., tomorrow, Tuesday, July 29, 1947.

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

TUESDAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Tuesday, July 29, 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. 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. 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 twenty-fourth day of the trial was read and approved.

No witnesses not otherwise connected with the trial were present.

An accused, Iwanami, Hiroshi, the witness under examination when the adjournment was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

71. Q. Yesterday you testified that Commander Okuyama submitted a written explanation to you. When was it that you received this written explanation?
A. It was two days after the second dissection.

72. Q. When did the second dissection take place?
A. It was the day before that. In the morning I went to visit the contagious disease wards and as I was coming back I passed by the dissection room and through the open door I saw these dead bodies. I thought they had performed a dissection again for the second time at the hospital. I immediately told Sakagami to dispose of the bodies and at the same time I went to Commander Okuyama and said to him, "You did a dissection for the second time, if the headquarters finds out about this it will place me in a difficult position," and as Commander Okuyama ate only two meals and did not eat his breakfast I left to eat my breakfast. The next day he suddenly brought in this written explanation.

73. Q. When you took this written explanation was there anyone else present?
A. Yes.

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

74. Q. Who was present?

A. He brought along three or four corpsmen and came to the office of the head of the hospital.

75. Q. Do you remember which corpsmen they were?

A. There is one I remember among them.

76. Q. Who is he?

A. His name is Odanaka.

77. Q. What is his rank?

A. Chief petty officer.

78. Q. Then what did these persons do?

A. Before me all of them separately placed his seal on it.

79. Q. Why did the others beside Okuyama also place their seal on it?

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

The accused made no reply.

The commission announced that the objection was sustained.

80. Q. Do you remember the contents of that written explanation?

This question was objected to by the judge advocate on the ground that it violated the hearsay rule.

The accused made no reply.

The commission announced that the objection was sustained.

81. Q. Does this written explanation still exist?

A. On the thirty-first of March, 1944, when my office was bombed, I lost it.

82. Q. You testified yesterday that you remember going to your dispensary at the Forty-first Naval Guard Unit on January twentieth. Some witnesses say the beginning of February. Do you remember any exact dates?

A. There is no mistake it was around the twentieth of January. Three days after this Okuyama suddenly came to my office about ten o'clock and stated that he had been ordered by the Chief Surgeon of the Combined Fleet to give a lecture on the treatment of battle wounds at one o'clock that afternoon. I asked, "Why didn't he telephone me about it, there is also the hospital which has its own duties to perform and if you are going to talk to about one hundred men you will need to make a lot of preparations." I remember telling him this, this was the day that the invasion of Kwajalein began. Among the doctors at the lecture there was a doctor who inspected Kwajalein just before the invasion and he said that it was a good thing you had left there three days before this. 120 patients who had been wounded by an American submarine had been taken in the hospital and between January

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thirtieth and February first we worked all of the time on operations. After these were taken care of the orders for Commander Okuyama to be transferred to Japan came through. On the fifth of February I remember he was getting his records on the patients together and there is no mistake that it was around January twentieth.

83. Q. You testified that you gave them a ride in the car to the Forty-first Naval Guard Unit. I wish you to tell us more clearly why you went to the naval guard unit.

A. At that time it was also to conserve fuel and there were only two cars at the hospital, one of them was damaged and could only run a short while, the number one car which I used was usable and if several persons were going any place they had to take the bus used for patients or use a truck, therefore I started a little earlier and gave them a ride as a matter of courtesy.

84. Q. You testified that you got out of the car in front of the naval guard unit and you went to this recreation room where you saw the prisoners. Why did you go there?

A. I went there with a simple feeling that since I had come to the naval guard unit I will take a look at sick bay and as I have come this far I might as well see them.

85. Q. You testified that you went there and that you took the blood from one prisoner and made a hemoglobin test. How do you explain this?

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

The accused withdrew the question.

86. Q. You testified that you assisted in the dissection. How many days after you saw these prisoners at the guard unit did you assist in this dissection?

A. I think it was about one and one-half days.

87. Q. Then do you mean the afternoon of the next day?

A. It was the evening of the next day.

88. Q. You testified concerning the dissection yesterday of one body. Were both of the bodies in the same condition?

A. As I remember they were the same.

89. Q. You testified that you ordered Sakagami to immediately dispose of the bodies. The disposal of how many bodies did you order?

A. I had just seen the bodies through the open door of the morgue and I told Sakagami to get rid of them before people see them, but I did not say how many there were.

90. Q. Why did you order Sakagami to do this?

A. To carry and bury dead bodies was not the work of a carpenter and at this time Sakagami was in charge and supervised the natives and therefore I ordered Sakagami.

91. Q. Were you in command as head of the hospital in July 1944?

A. Yes.

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Lieutenant, U. S. Navy,
Judge Advocate.

92. Q. Where is the location of this Fourth Naval Hospital at Truk?
A. This hospital was located on the point of a peninsula on Dublon and it was close to the seashore and there was a definite distinction which partitioned it off from the other units.

93. Q. Were there any military installations around this hospital?

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.

94. Q. Were there any Red Cross signs on this hospital?

A. There were Red Cross signs on all of the buildings at the hospital.

95. Q. Was it to an extent from which it could be seen from all places?

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

The accused replied.

The commission announced that the objection was sustained.

96. Q. How many patients were there in the hospital in July 1944?

A. About one thousand. These patients were made up of persons wounded by bombings, surgical cases, malnutrition cases and those ailing with chronic internal illness.

97. Q. Was the hospital ever bombed during 1944?

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.

98. Q. Do you know about the incident concerning the prisoners which occurred in July 1944 at the hospital?

A. Yes.

99. Q. How do you know about it?

A. I know because I gave the order and executed them.

100. Q. How did you come to execute these prisoners?

A. Two days before the execution the head medical officer of the naval guard unit came to the hospital and said, "At the naval guard unit there are two Americans, airman prisoners, who are going to be executed." After saying this Commander Uno went home. I thought if the guard unit is going to execute them they should be executed at this hospital which they had bombed

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Lieutenant, U. S. Navy,
Judge Advocate.

many times, especially these two prisoners. As the hospital was bombed on the twelfth of July I thought there was no mistake that these were the ones who had bombed the hospital. As it had already been seven or eight days after the bombing I thought all procedure concerning the prisoners was over. As the guard unit is going to execute them I thought they should be executed at the hospital for their bombing of the hospital with clear markings. I let the men know about it, persons who did such barbaric actions should be killed and also it was necessary to protect the meaning of these markings and also to pacify the spirits of the patients who had died from the bombing, and also as a warning against bombing the hospital. I thought it appropriate to execute them at the hospital.

101. Q. You testified that the hospital was bombed unlawfully on the twelfth of July. What damage did the hospital sustain?

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. This bombing was in the morning of the twelfth about nine o'clock, it was during daylight and it was a clear day. Four 250 kilogram bombs were dropped on the hospital during a low level bombing. Many patients who were lined up in front of the hospital for discharge were wounded and had to reenter the hospital for treatment. There were many patients who had come to the hospital for diagnosis who were wounded. Great damage was done in many places to the hospital. Among the persons were patients whose condition turned for the worse and died.

The commission then, at 10:15 a.m., took a recess until 10:30 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.

An accused, Iwanami, Hiroshi, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

102. Q. You testified as to the damage done by the bombing. Is that all you have to state concerning this? Are you through with your answer?
A. I still have a little more to say.

103. Q. Will you please complete your answer?

A. There were three patients who were buried alive and became unconscious and we had great difficulty in bringing them back to consciousness. Seeing the many wounded patients and this painful sight I was quite aroused.

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

104. Q. You testified that the hospital was bombed many times. How was it that you were quite aroused by this bombing on the twelfth of July?

This question was objected to by the commission on the ground that it was repetitious.

The accused withdrew the question.

105. Q. You testified that you were bombed many times, were you ever bombed before the twelfth of July?

A. Yes.

106. Q. When was this?

A. From the seventeenth of February, 1944, through March to the beginning of April we were bombed. In the beginning of April illuminating bombs were dropped after which one hundred magnesium incendiaries were dropped. One week later oil incendiaries were dropped on the hospital. Then there was another raid by carrier planes, the second raid by carrier planes, and in May the contagious wards and disinfection room were destroyed by bombings. The administration building and nurses' quarters incurred damage several times. The bombings were during the evening, early in the morning or at night. Up to this time I did not think the bombings were intentional, but on the twelfth of July the bombing was in broad daylight, this caused me to become very aroused.

107. Q. What feeling did you have at this time toward the enemy?

A. I was in America several times, I thought it was a great and civilized nation with great social institutions. I thought the culture of America was high and refined. I highly respected them and my one request in life was to go to Boston's religious center where Hawthorne, Thoreau and Whitman were born. In my speeches to my men usually I used this American civilization as a part of my speech. I thought the bombings of the hospital at this time were unintentional and I had no hostile feeling about them, but by the bombing on the twelfth of July, when I had up to this time respected them, then by this unlawful bombing I lost my respect for them and a hostile feeling welled up within me. I thought America who stressed its righteousness and humanism, that the world of this day was a black one. This is how I felt at this time.

The judge advocate moved to strike this answer on the ground that it was irrelevant and immaterial and contained many opinions of the witness.

The accused replied.

The commission was cleared. The commission was opened and all parties to the trial entered. The commission announced that the motion to strike was denied.

108. Q. What did you do after you heard from Commander Ueno that there were prisoners to be executed?

A. That evening after the evening meal I talked to one or two officers about what I heard from Ueno.

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Lieutenant, U.S. Navy,
Judge Advocate.

109. Q. What did you say to them?

A. I said after the evening meal, "There are prisoners to be executed at the naval guard unit, is there anyone who would wish to execute them?"

110. Q. Did you say this to any particular person?

A. It was after the evening meal and many of the officers had left and I just told this to two or three persons who were around the table with me at this time, I just told them how I felt.

111. Q. Do you remember who was present?

A. There were two or three as I remember.

112. Q. What persons were they?

A. There was Okamura and Tanaka and I believe almost all of the rest were out on the veranda of the wardroom.

113. Q. What did the persons reply who heard what you said to them?

A. They didn't say anything.

114. Q. Did they agree with you or did they disagree with you when they said nothing?

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.

115. Q. You testified when you said this to these two or three persons they did not say anything. What did you think at this time?

A. I thought they must be against it.

116. Q. You testified that you said, "There are prisoners to be executed at the Forty-first Naval Guard Unit." Do you remember ever saying, "Is there anyone to experiment with them?"

A. I did not use the word "experiment", I used the word "execute."

117. Q. Are you sure of this?

A. Yes, I am sure of it.

118. Q. Then what did you do?

A. And as I recall after leaving the wardroom I mumbled to myself, "I think I will get the Self Defense Section to do it."

119. Q. What kind of an organization is this Self Defense Section?

A. This was organized after the raid of February 17th in which there was an order which said that each unit would prepare the defense of its own unit. In organizing this it was not as a battle unit but as a defense unit for the preparations in case of attack by Americans or natives while sending them safely and quickly to the rear.

120. Q. Was this organization initiated by yourself or was it by the orders of others?

A. It was an order from the Fleet Headquarters.

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

121. Q. Did this order arrive as an official documented order?
A. I do not remember exactly just now.

122. Q. Do you remember if it was written in the orders of the Fourth Fleet?
A. I can not say exactly just now.

123. Q. How did you organize this Self Defense Section?
A. It consisted of about fifty to sixty corporals with some of the paymasters in it. It was made up of two platoons, there was a person in charge of this section and two assistants who came directly under my command. The members in this section, there were no persons especially assigned to it, but it varied according to stations and duties.

124. Q. Who was the one directly in charge of this section?
A. He was Lieutenant Oishi.

125. Q. Do you know if the paymasters made up one squad in this section?
A. I know that they made up one squad.

126. Q. Who was the person who was directly in charge of this paymaster squad?
A. Paymaster Warrant Officer Ota.

127. Q. What weapons were used in this Self Defense Section?
A. The weapons used were rifles but as there were not sufficient rifles some of the persons used spears because defense could not be constituted with only bare hands.

128. Q. What was the number of rifles?
A. I think there were about forty.

129. Q. You testified there were not sufficient rifles. Is there any special reason why you got spears ready?
A. It was according to the Fleet Headquarter's orders.

130. Q. Then do you mean these spears were not originated by yourself?
A. Naturally, yes.

The commission then, at 11:28 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members; Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate; Joseph Kase, junior, yeoman second class, U. S. Navy, reporter; the accused, with the exception of Tanabe, Mitsuo; their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

An accused, Imanami, Hiroshi, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

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

(Examination continued.)

131. Q. Was the officer-in-charge of the Self Defense Section the same officer all the way through?

A. I think he was always changing.

132. Q. Why was it always changing?

A. Change of duties according to the work of the officers and others.

133. Q. Then, when you say Lieutenant Oishi and Ota were in charge of these Self Defense Sections, you mean at the time of the incident?

A. Yes.

134. Q. You testified that the Self Defense Section was directly under your command. Was there any reason for this?

A. Yes.

135. Q. What reason is that?

A. That there should be arms at a hospital would involve points in international law and according to the Red Cross; therefore, the handling of it, I directly supervised the handling of these weapons.

136. Q. Is it authorized by international law that a hospital have a small amount of arms and defend itself? Do you know this is common knowledge?

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.

A. As common knowledge, I knew a little about this.

137. Q. Tell us what you know.

A. It is authorized to prepare a small amount of arms for the defense of a hospital and owing to patients, by these weapons and not to be used in offensive battle.

The judge advocate interrupted the proceedings to inform the commission that he had just now noted the absence of the accused Tanabe.

The commission announced that it would recess to allow the judge advocate to inquire into the reason for the absence of this accused.

The commission then, at 2:15 p.m., took a recess until 2:40 p.m., at which time it reconvened.

Present: All the members; Lieutenant Commander Joseph A. Regan, U. S. Navy, judge advocate; the reporter; the accused, with the exception of Tanabe, Hideo; their counsel, and the interpreters.

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

The judge advocate advised the commission that the accused Tanabe was suffering from an infected foot and was under the care of a physician. Tanabe would be unable to be present today but would be in court tomorrow morning.

The commission then, at 2:45 adjourned until ~~until~~ tomorrow, Wednesday, July 30, 1947 at 9 a.m.

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

TWENTY-SIXTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Wednesday, July 30, 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 E. Lamm, junior, U. S. Marine Corps,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
members, and,
Lieutenant Commander Joseph A. Rogan, U. S. Navy, and
Lieutenant James P. Kenny, U. S. Navy, judge advocates.
The accused, their counsel, and the interpreters.

The record of proceedings of the twenty-fifth day of the trial was read
and approved.

No witnesses not otherwise connected with the trial were present.

An accused, Iwanami, ^{Niyoshi} Hidetoshi, the witness under examination when the
adjournment was taken, resumed his seat as a witness in his own behalf. He
was warned that the oath previously taken was still binding, and continued
his testimony.

The judge advocate made the following statement: If it please the com-
mission. In view of the fact that counsel for the accused asked certain
questions during the absence of the accused, Tamabe, Minoru, he is going to
put those questions to the witness again.

The commission announced that the procedure outlined by the judge
advocate was approved.

(Examination continued.)

138. Q. Was the officer in charge of the Self Defense Section the same of-
ficer all the way through?
A. He was always changing.

139. Q. Why was it always changing?
A. Because the officer in charge according to a change of duty, transfer or
sickness or other events would be unable to carry them out.

140. Q. Then, when you say that Lieutenant Oishi and Warrant Officer Ota were
in charge of these Self-Defense Sections, do you mean at the time of the
incident?
A. Yes.

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

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141. Q. You testified that the Self Defense Section was directly under your command. Was there any reason for this?

A. That there should be arms at the hospital would involve points in international law and according to the Red Cross Treaty; therefore, the handling of the weapons I directly supervised and paid attention to the handling of these weapons.

142. Q. Do you know to what extent it is authorized by international law that a hospital have a small amount of arms to defend itself? Do you know this as common knowledge?

A. All I know as common knowledge, it is authorized to prepare a minimum amount of arms for the defense of the hospital and its patients.

143. Q. You testified that you mumbled to yourself, "I will get the Self Defense Section to do it." Did you ask anyone in the Self Defense Section to do it?

A. I do not remember asking anyone in particular.

144. Q. Concerning this thing you mumbled to yourself about, "I think I will get the Self Defense Section to do it." Did anyone speak to you about it?

A. I think it was the adjutant, Kamikawa, when I remember saying to me that Lieutenant Oishi of the Self Defense Section absolutely does not like to do this.

145. Q. When was this?

A. I think it was in the morning of the day of the incident.

146. Q. Did you tell Kamikawa to tell Oishi about this?

A. No.

147. Q. Why did Kamikawa talk to you about Oishi concerning this?

A. I do not know.

148. Q. Wasn't Kamikawa by you when you mumbled to yourself?

A. I did not notice.

149. Q. Are you sure of the fact that Kamikawa said to you that Oishi of the Self Defense Section absolutely did not like to do this?

A. There is no mistake.

150. Q. Did you or did you not order the Self Defense Section to do the execution?

A. I gave it up.

151. Q. Then what did you do?

A. I gave up the idea of having the Self Defense Section do it. I thought they would not be of any help. I also thought I would do everything myself so I talked to the executive officer of the guard unit and on the other hand I sent the petty officers to get the prisoners at the guard unit. I also had the fox hole on the hill enlarged. I ordered this to a petty officer who was passing by the entrance of the hospital. I told him to enlarge it, but I did not tell him why.

152. Q. You testified that you talked to the executive officer of the guard unit. What did you say to him?

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

A. I said to him, "I hear there are two airman prisoners who are to be executed. I would like them to be handed over to the hospital."

153. Q. What did the executive officer say?

A. The executive officer said, "All right." I do not know whether he talked especially with Commander Ueno on this but he did not ask any questions.

154. Q. You testified that you had them pick up the prisoners. What did you order the petty officers who went to pick up the prisoners?

A. I do not remember which petty officers it was, but I said, "If you go to the guard unit you will find out."

155. Q. What did you say to the petty officer you had enlarge the fox hole?

A. I told him to enlarge the fox hole that is on our way to the air raid shelter. As it was shallow, I told them to dig it down deeper.

156. Q. On the hill there were two coconut trees with a cross-bar ties to it. Did you order any work concerning this?

A. There was a lookout post near these trees and when this lookout post was built, this cross-bar was used and this cross-bar was not especially tied up but only a cross-bar that was already there.

157. Q. Other to this, tell us what you did on this day.

A. When I telephoned the executive officer at the guard unit it was about nine o'clock in the morning. After the noon meal it was about one o'clock the seaman on duty came and said that the admiral was coming about two or two-thirty to visit the patients. I told the person who had told me this to give a call for general assembly for three o'clock. On the other hand, just previous to this I had given orders for the petty officers to go to the guard unit and pick up the prisoners and to the seaman I said, "When the truck comes back from the guard unit, send it around toward the internal medicine wards and ships store." I think it was about two-thirty when the admiral came to visit the patients. He looked around the wards and after that the admiral, Captain Taneda and myself talked on the veranda.

158. Q. How long were you, Admiral Hara and Captain Taneda talking?

A. I think it was about thirty minutes.

159. Q. While you were talking, how were you sitting facing the entrance of the hospital?

A. My back was towards the entrance.

160. Q. Then your back was facing the entrance of the hospital or which way was it facing?

A. My back was facing towards the entrance.

161. Q. While you were talking with Admiral Hara, did you see the adjutant, Hamikawa, come toward you?

A. Myself and Captain Taneda were both sitting with our backs toward the entrance so I did not notice.

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Lieutenant, U.S. Navy
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162. Q. After Admiral Hara had gone home, did Captain Taneda tell you that Kamikawa had come half way toward the room and that he had saluted and returned?

A. He did not say anything to me at this time, but last year just before I was placed in the Moon stockade he said that the adjutant had come near the three of us and that he had gone back again.

163. Q. If you remember what Taneda said at this time please tell us.

A. I do not remember at the moment.

164. Q. Were you told while you were talking to Admiral Hara that a truck with prisoners had arrived?

A. I was told this.

165. Q. Captain Taneda in this court testified that at that time he said that the adjutant had come close to the room and saluted twice and returned and you said then the preparations must be ready. What is the truth about this?

A. As for myself, I do not remember saying this.

166. Q. Then, what did you do?

A. Then I said, "Let us go up to the hill," and we went up to the hill side by side.

167. Q. Is there any truth that Taneda said that it was not polite to go after the head of the department and that he would go on ahead?

This question was objected to by the judge advocate on the ground that it was improper for the witness to characterize the testimony of another witness and that it was leading.

The accused replied,

The commission announced that the objection was sustained.

168. Q. Then do you mean that Captain Taneda went together up the hill with you side by side?

A. Yes.

169. Q. Did you take anything up the hill?

A. I had a walking stick.

170. Q. After you arrived on the hill, what did you see?

A. There were two prisoners with flyers' uniforms on sitting on the ground blindfolded.

171. Q. You testified that you had given an order to have general assembly called. Were the other officers and men assembled?

A. As I remember, most of them were assembled.

172. Q. How were they assembled?

A. The prisoners were in the middle, facing them to the left were the officers in a single line and facing the prisoners to the right and to the front were the enlisted men.

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Lieutenant, U. S. Navy,
Judge Advocate.

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173. Q. What did you do when you arrived on this scene?

A. As it could not be predicted when an air raid would come, I immediately had several petty officers come forward and tie the prisoners to this cross-bar standing, which had been used in construction work.

174. Q. What did you do after this?

A. I ordered Lieutenant Oishi to have about ten men line up in two columns.

175. Q. Why did you order Lieutenant Oishi to do this?

A. Because I saw Lieutenant Oishi close by armed.

176. Q. And when did Lieutenant Oishi do?

A. Lieutenant Oishi hesitated but as I stated before I did not know when an air raid would come, so I ordered him twice to get about ten men lined up in two columns.

177. Q. What did you do after this?

A. As rifles and spears had already been brought to the scene, I had them handed to these men.

178. Q. Then according to your orders, Lieutenant Oishi lined up ten men from among the enlisted men. Is this correct?

A. Yes.

179. Q. Then what did you do?

A. About ten persons were selected by Lieutenant Oishi and brought forward and then I made a speech of the officers and enlisted men who were looking on.

180. Q. What kind of a speech did you make?

A. I do not remember exactly what I said at this time, and cannot say exactly, but I was very excited and I stated generally as follows: "As you know the hospital is far away from any military installations but the American air force has bombed it many times. As you all know, ten days ago four two hundred fifty kilogram bombs were dropped. America, who preaches righteousness and humanity, is guilty of committing brutal atrocious acts on the Japanese soldiers and officers on Saipan. This is something God or man cannot allow. They have violated the sacred Red Cross. In place of God we are going to punish them. Do you hesitate, strike spiritedly."

181. Q. Then what happened?

A. Then I ordered Lieutenant Oishi to start.

182. Q. Then what did Lieutenant Oishi do?

A. After Lieutenant Oishi heard my order he did not relay my order to the men for some time. I again ordered him to hurry up and begin.

183. Q. Then what happened?

A. Lieutenant Oishi gave the order, but the men who were lined up did not start right away.

184. Q. Then what did you do under these circumstances?

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Lieutenant, U. S. Navy,
Judge Advocate.

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A. Shortly after this, two of the petty officers started toward the prisoners. I went back toward the line of officers and as I did not want to stand before them as the officers were mostly division officers, I went toward the opposite end of the line where Captain Tanada was standing, and I saw this native Otis who previously testified in this court.

185. Q. Where was Otis?

A. He was at the bottom of the hill starting to climb. He looked up and saw my face and stopped.

186. Q. Then what did you do?

A. I wondered where he was going. I wondered if he was going to climb the hill or take the other road and I kept watching this native.

187. Q. What did this native do?

A. The native started walking around the hill toward where his hut was.

The commission then, at 10:18 a. m., took a recess until 10:43 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.

An accused, Iwanami, Hiroshi, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

188. Q. You testified that the native started toward his hut. Where was his hut located?

A. Between the hill and the scene there is a high hill. At the bottom of this hill is where his hut was located.

189. Q. What is the distance in a direct line from the hut to the scene?

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 think it is about two hundred fifty to three hundred meters.

190. Q. Could the scene of the execution be seen from this hut?

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.

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

191. Q. As there was a coconut tree by Otis' house, could he see the scene from this coconut tree?

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.

192. Q. You testified that according to the orders of Lieutenant Oishi the stabbers moved forward and that you started back down toward the line of officers and you saw the native. After this, what happened to the prisoners?
A. After the native went toward his hut I looked back toward the prisoners and at this time the prisoners looked as if they were dead.

193. Q. How was it that the prisoners looked as if they were dead?
A. As a result of my orders in which ten stabbers stabbed the prisoners.

The judge advocate moved to strike out this answer on the ground that it was not responsive.

The accused replied.

The commission directed that the answer be stricken out.

The question was repeated in Japanese.

A. Their legs were bent and their heads were bowed and their posture was not that of a live person.

The judge advocate moved to strike the words "and their posture was not that of a live person" out of the answer on the ground that they were the mere opinion of the witness.

The commission directed that the words be stricken out.

194. Q. How did they come to be as you saw them?
A. Because of the action which was taken according to my orders.

195. Q. What do you mean by action?
A. The stabbing by the enlisted men.

196. Q. Then do you mean that by being stabbed by the enlisted men according to your orders, their legs bent and their heads were bowed?
A. Yes.

197. Q. What happened to the prisoners after this?
A. Then I ordered Lieutenant Oishi and Lieutenant Asamura to cut the heads of the prisoners.

198. Q. Why did you order them to cut the heads of the prisoners?

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Judge Advocate.

A. As you may know, in our country when taking revenge there is a thing in which the finishing stroke is administered; in this, there are two kinds: one in which a blade is stabbed into the throat and the other is to cut off the head. That is why I ordered Lieutenant Oishi and Lieutenant Asamura to do this.

199. Q. When you say cut the head, do you mean cut off the head entirely?
A. It is sufficient that only the blade be placed against the neck.

200. Q. Did Asamura and Oishi act according to your orders?
A. Oishi did according to the custom, while Asamura's sword struck the shoulder and did not go according to custom.

201. Q. Then what did you do?
A. I did not want to ask Yoshizawa who was only half clothed, but as I stated previously many times before, I could not predict when an air raid would come. I had Yoshizawa perform this. He aimed twice and then struck according to custom.

202. Q. What do you mean when you say he aimed twice?
A. I cannot explain exactly, but it is just as I just did, it is to swing the sword without cutting.

203. Q. Then, it is sort of a preliminary action or movement before striking?
A. Yes.

204. Q. Did this sword strike in the accustomed place?
A. Yes, indeed.

205. Q. What happened to the prisoners after this?
A. They were buried in a hole nearby. Before they were buried the clothes that were soiled with blood were removed.

206. Q. Why were they removed?
A. As you may know, in Japan the religion is Buddhism. In Buddhism, if a person is buried in soiled clothing, he does not become a saint.

207. Q. And what did you do after you removed the clothes?
A. Water was sprinkled and they were buried in this fox hole that had been prepared.

208. Q. What did you do after this?
A. All of them bowed their heads in prayer and then I had them give the order to fall out and then this incident was solemnly over.

209. Q. According to your testimony up to this point, you heard from Commander Ueno that there were prisoners to be executed at the Forty-first Naval Guard Unit and that these prisoners had unlawfully bombed the hospital, that you got them and executed them. When it was stated that there were prisoners at the Forty-first Naval Guard Unit to be executed, did you know that they were prisoners for whom trial procedure had already been completed and were awaiting execution.

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

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Judge Advocate.

The accused replied.

The commission announced that the objection was sustained.

210. Q. Did you think the execution of the prisoners at the hospital was a duty given you or how did you think?

A. I thought ten days had already elapsed since the hospital was bombed and that all proceedings were over and if the naval guard unit was going to execute them, I thought there was nothing against their being executed at the hospital which they had bombed in broad daylight, violating the Red Cross markers. That was my feeling at that time.

211. Q. Do you know whether you were permitted to do this by international law or not?

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

The accused replied.

The commission was cleared. The commission was opened, and all parties to the trial entered. The commission announced that the objection was sustained.

212. Q. What did you think of your actions at that time?

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

The accused withdrew the question.

213. Q. What was your mental state when you performed this act?

A. At this time, it was not known when Truk would be invaded by American forces. The conditions were critical; the materials, short, and there was one thousand patients in the hospital, and they were dying. As head of the hospital, under these conditions, I realized my responsibility heavily. At the time of this act, I thought it was right. I was under the influence of war psychology.

The commission then, at 11:29 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 Kass, junior, yeoman second class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

An accused, Iwanami, Hiroshi, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

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

214. Q. In summing up your testimony of the July incident of 1944, in the killing of the prisoners of war, you have stated that you planned and decided for the execution of this incident. What did you think about your part as to responsibility in this incident?

A. I called the general assembly and had them assemble on the hill. They saw the prisoners for the first time when they went up the hill, and I made the speech, and told the men to carry out the execution. They were made to handle the weapons and there was no other way for them to do but act under my orders. And this is how the incident was brought about. They only worked as a machine or robot and it could be said that they did not have any part in it; therefore, I have the complete responsibility of this incident.

215. Q. What is your attitude toward this incident today?

A. It is already two years since the termination of the war and since the incident it is already three years. Thinking quietly about this, for the act I took, I am very sorry that I took it and regret it very much. Again my subordinates have suffered physically and mentally as war crime suspects, which I never dreamed of, and I do not know what to think, and it makes me want to reconsider the matter deeply.

216. Q. What was the command relationship between the Fourth Naval Hospital of which you were the commanding officer and the Forty-first Guard Unit?

A. Each was independent.

217. Q. Is that true also as regards the dispensary in the ^{guard} guard unit?

A. Yes.

218. Q. What was the extent of your authority over the dispensary at the guard unit?

A. I did not have any at all.

219. Q. Was the Forty-first Guard Unit a separate command, then?

A. Yes.

220. Q. In order for you or the members of any of your staff at the Fourth Naval Hospital to use the dispensary at the guard unit, what was necessary, then?

A. I did not use the dispensary, and, therefore, did not think about it, so I do not know what form of steps had to be taken.

221. Q. Do you know who was the commanding officer of the guard unit in January, 1944?

A. Yes, I do.

222. Q. Who was he?

A. Captain Tanaka.

223. Q. Did you make any arrangements with him to use the dispensary that day on which you testified you took and showed one of your officers how to take a blood test from the lobe of the ear of a prisoner?

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Lieutenant, U. S. Navy,
Judge Advocate.

A. I absolutely did not take any steps, and also at that time on Truk, there were the First Fleet, the Second Fleet, the Third Fleet, the Fourth Fleet, and the Sixth Fleet, and also hospital ships and many convoys on Truk, and there were many persons who came to the hospital and they wanted to use the car. There were two cars at the hospital, but one was broken down. Because we were low on gasoline, all the places where I could walk, I walked to save gas; therefore, on this particular day, as I was going, I gave them a ride and when we reached there, I heard that they were going to perform blood tests and because I knew a lot of blood tests by experience, I showed them how to do it.

224. Q. Now, you said that you assisted with two dissections at the hospital. How did you assist?

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

The accused withdrew the question.

225. Q. You were charged with the dissection of eight bodies at the hospital, and you have testified that you assisted with two dissections. Now about the other six bodies which you are charged with having dissected?

A. The other six were performed by Commander Okuyama and other persons, and I do not know anything about them.

226. Q. Do you know what is meant by the word "mutilation"?

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.

227. Q. In your opinion as a medical officer, was there any mutilation of the bodies of these two prisoners in the dissection at which you assisted?

This question was objected to by the judge advocate on the ground that it called for the opinion of the witness and invaded the province of this commission.

The accused replied.

The commission announced that the objection was sustained.

228. Q. Is there any special term in Japanese law as "honorable burial"?

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 replied.

The commission announced that the objection was sustained.

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229. Q. Do you know what the law is as to persons who die at a hospital in time of war in regard to burial?
A. I do not know.

230. Q. Did Commander Ohguma tell you that he had performed that excellent experiment at the Fourth Naval Hospital?

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

The accused made no reply.

The commission announced that the objection was sustained.

231. Q. Do you know where that excellent experiment, which Commander Ohguma told you he had performed, was performed?
A. I do not know.

232. Q. Do you know why these persons put their seals on that document which Commander Ohguma brought to you?

This question was objected to by the judge advocate on the ground that it called for the opinion of the witness and that this question had already been ruled on by the commission.

The record was checked.

The accused withdrew the question.

233. Q. You testified that the written explanation which Commander Ohguma gave to you was lost when your office was bombed on the thirty-first of March, 1944. Who bombed the hospital and your office that day?

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

The accused withdrew the question.

234. Q. What was the extent of the damage?

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 on the ground that it was repetitious.

235. Q. When did you discover that this document that Commander Ohguma had given you was missing?

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

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Judge Advocate.

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The commission announced that this question had previously been answered.

The accused withdrew the question.

236. Q. Was this the original document that you testified had been destroyed in the bombing?

A. Yes.

237. Q. Are there any copies of this document in existence now?

A. I do not have any copies. I did not know a thing like this would happen.

238. Q. Can you testify as to the contents of this document?

A. Roughly, yes, I can.

239. Q. What were the contents of this document, then?

A. I cannot remember the first two lines, but he had the following clauses which he wanted to be understood: (1) These dead bodies were brought to the hospital without anyone's consent; (2) The head of the hospital has been troubled very much by these dissections; (3) The corpses will be disposed of; (4) This incident will be kept secret, at least. I have never told anyone before what at least means, but in this court room, for the first time, today, I am telling what at least actually was. It was that the executed prisoners of war have been used in these experiments. That is all the contents.

240. Q. Was this document signed and sealed in the customary way?

A. Yes, it was signed.

241. Q. Who signed it?

A. On the first line he had: "Written Explanation"; in the second line: "The Surgeon Commander Okuyama, Tokikazu, of the Fourth Naval Hospital, Chief of the First Section." Then he had his seal or signature, and at the end, it was addressed to me.

242. Q. You testified that you ordered Sakagami to dispose of the dead bodies. What do you mean by "dispose of"?

A. I saw a corpse in the morgue, and I was very surprised to see it, and I wanted them buried, so I told Sakagami to the meaning that he was to bury these immediately.

243. Q. Did Sakagami report to you that he had buried these bodies?

A. I do not recall definitely what time of day it was, but I think it was around lunch time of the day I ordered him that he reported to me.

244. Q. As the commanding officer of the Fourth Naval Hospital, who was your immediate superior in command?

A. The Commander in Chief of the Fourth Fleet, Admiral Kobayashi.

245. Q. Were you given any orders by the commanding officer of the Fourth Fleet ordering you to be responsible for prisoners of war as the commanding officer of the hospital?

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

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Judge Advocate.

The accused replied.

The commission was cleared. The commission was opened, and all parties to the trial entered. The commission announced that the objection was sustained on the ground that the question was too broad in its scope.

246. Q. In the Japanese navy, how was the extent of the responsibility of your command as commanding officer of the Fourth Naval Hospital, Truk, determined.

A. My duties were to look after the duties of the officers of the Fourth Naval Hospital, the sending of medicine for treatment to warships and other forces, and the treatment and hospitalization of patients. These were most of my duties.

247. Q. Is there now in existence any publication or document which sets forth the responsibility of the commanding officer of the Fourth Naval Hospital in January to July, inclusive, of 1944?

A. Around the end of May, 1944, the hospital was bombed by American planes and some of the wards were burned. In relation to this, around March or April of 1945, the hospital was bombed by an English task force. So, after this bombardment, thinking that we would not want all the papers to be destroyed this way, we burned almost all of the burnable documents.

248. Q. Was there, then, in January to July of 1944, documents in existence at the Truk hospital which set forth your responsibility as commanding officer of the hospital?

A. There were documents which set forth my responsibility until the time of the bombardment by the English task force.

249. Q. You testified about the hut of Otis, native Trukese. Were there any trees in the immediate vicinity of this hut?

A. I think there are.

250. Q. In your opinion as a medical officer, were the two prisoners dead before you ordered Asamura and Lieutenant Oishi to cut the prisoners?

This question was objected to by the judge advocate on the ground that it called for the opinion of the witness which he had not been qualified to give since there was no showing that he had examined the prisoners.

The accused replied.

The commission announced that the objection was sustained.

251. Q. When these prisoners were tied, you testified that they were tied in an upright position. Can you further describe this upright position?

A. They were made to stand up with two ropes. They were tied so that they would be in upright position.

252. Q. Did you permit the natives and the gunnoks to come to the scene of the execution that day in July?

A. I did not permit them.

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Judge Advocate.

253. Q. Did you post sentries at various points so that natives or gunsokus would not be allowed to come to the scene?

The commission cautioned counsel to refrain from leading questions.

The accused withdrew the question.

254. Q. What means did you take to prevent the natives and gunsokus from coming to the scene of the execution that day?

A. When I called the general assembly, I had the runner state that the general assembly was not for the gunsokus; the gunsokus were excluded from this general assembly. As to the natives, they were all working at their jobs, and I recall, I did not notify them.

255. Q. Did you take any other measures to exclude the gunsokus?

A. I did not have the runner go to the places where the gunsokus were working.

256. Q. At the scene itself, did you take any measures to prevent the gunsokus and natives from coming to the scene?

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. Yes.

257. Q. What steps or measures did you take?

A. I put guards. I posted guards all the way around.

258. Q. Now, you testified that you saw Lieutenant Oishi standing there armed. What do you mean by "Lieutenant Oishi standing there armed"?

A. He just had only his sword and some other officers also had swords.

259. Q. Was Lieutenant Asamura attached to the Fourth Naval Hospital?

A. No.

260. Q. To what unit was he attached, then?

A. The Forty-first Guard Unit.

261. Q. What was Asamura's relation with the hospital then?

A. Asamura came to the peninsula where the hospital stands to defend this peninsula. He came around Judd and as there were no places to sleep, I made him sleep at the hospital.

262. Q. When Asamura came to the hospital, did he officially report to you?

A. Before Lieutenant Asamura came to the hospital, the executive officer of the Forty-first Guard Unit came to me and negotiated with me to let Asamura have the convenience of sleeping quarters at the hospital.

263. Q. You say, "Lieutenant Asamura." Was that his rank in July of 1944?

A. At that time he was an ensign.

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Judge Advocate.

264. Q. Was he an ensign in the medical corps?
A. He was a line officer.

265. Q. Did you order Ensign Asamura to do certain things from the time he reported to you at the hospital?

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

The accused withdrew the question.

266. Q. Did you order Asamura to go to the hill that day?
A. I ordered him to look on as a spectator.

The commission then, at 4:22 p. m., adjourned until 9 a. m., tomorrow, Thursday, July 31, 1947.

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Lieutenant, U. S. Navy,
Judge Advocate.

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THE TRIAL

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Thursday, July 31, 1947.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Henry K. Reese, 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. 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 twenty-sixth day of the trial was read
and approved.

No witnesses not otherwise connected with the trial were present.

An accused, Iwanami, Hiroshi, the witness under examination when the
adjournment was taken, resumed his seat as a witness in his own behalf. He
was warned that the oath previously taken was still binding, and continued
his testimony.

Cross-examined by the judge advocates:

267. Q. In July 1944 were you also the Chief Surgeon of the Fourth Fleet?
A. Yes.

268. Q. This Okuyama that you have testified was at the hospital at the
same time that you were, what was his rank?
A. He was a surgeon commander.

269. Q. And all the time that you were at the hospital, what was your rank?
A. I was a surgeon captain.

270. Q. What was the rank of the Commanding Officer of the Forty-first
Naval Guard Unit in January 1943?
A. He was a navy captain.

271. Q. In January and February of 1944 how often did you visit the Forty-
first Naval Guard Unit?
A. I did not visit the guard unit.

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Lieutenant, U. S. Navy,
Judge Advocate.

272. Q. When I used the term "visit" I meant how many times did you physically go to the guard unit in January and February 1944.
A. Just once in January on the day that the incident was presumed to have occurred.

273. Q. How often did you go in February, 1944?
A. I never went.

274. Q. You are quite definite that in January and February 1944 you went to the Forty-first Naval Guard Unit on only one occasion. Is that correct?
A. Yes.

275. Q. This Admiral Wakabayashi whose ulcers you treated, where were his quarters in relation to the Forty-first Naval Guard Unit?
A. It is between the hospital and the Forty-first Naval Guard Unit, it is a little closer to the hospital.

276. Q. What was the name of your chauffeur at the hospital in January and February 1944?
A. The drivers name was Ito.

277. Q. Now, on this occasion that you admit that you went to the Forty-first Naval Guard Unit, did you see Captain Tanaka there?
A. I did not see Captain Tanaka.

278. Q. In January or February 1944 did you ever have a conversation with Captain Tanaka in which you asked him for permission to use the dispensary at the guard unit?
A. Absolutely no.

279. Q. Did Commander Okuyama ever tell you that he had requested permission from Captain Tanaka to use the dispensary at the guard unit?
A. No.

280. Q. Did Habetani ever tell you that he had a conversation with Captain Tanaka regarding the use of the dispensary?
A. No.

281. Q. Now, is it not a fact that because you were a captain and because Tanaka was a captain you had to see him to arrange for the use of the dispensary?
A. I do not remember of having made any arrangements of this sort.

282. Q. Is it possible that you would make the arrangements but that you have merely forgotten about them?
A. Such things I do not forget.

283. Q. Do you remember having a conversation with Hasegawa concerning the use the dispensary?
A. Absolutely no.

284. Q. Do you recall ever telling Hasegawa that if he had any patients in the dispensary he could move them to the hospital?
A. No.

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

285. Q. Who was this dentist that went with you and Commander Ohguma to the Forty-first Naval Guard Unit?

A. I forget his name.

286. Q. Was his name Habetani?

A. No, it is not Habetani.

287. Q. Did Nakamura go with you that day to the Forty-first Naval Guard Unit?

A. Yes.

288. Q. When you went to the Forty-first Naval Guard Unit where did you go?

A. I asked where the sick bay was and went to the sick bay.

289. Q. Do you mean to tell us that you didn't know where the sick bay was at the guard unit that day?

A. Yes.

290. Q. When you got to this sick bay what did you find?

A. I saw eight prisoners leaning against the door and among them Nasagawa was standing with his hands on his hips.

291. Q. Did those eight prisoners have any food while you were there?

A. Shortly after I arrived there food was brought.

292. Q. At that time did you have a conversation with Nasagawa?

A. Yes, at this time, Nasagawa, Ohguma and myself had a conversation.

293. Q. Is this the first time that you spoke to Nasagawa concerning prisoners?

A. We did not talk concerning prisoners.

294. Q. Is this the first time that you spoke to Nasagawa concerning the use of the dispensary?

A. I did not speak to him concerning this.

295. Q. Did you and Commander Ohguma have a conversation in that room in the presence of those eight prisoners concerning the experiments that were going to be performed on those eight prisoners?

A. No.

296. Q. Is it not true that you divided those eight prisoners up into two groups of four each?

A. There is no such fact.

297. Q. Is it not true that shortly after Habetani took his four men into another room you followed him into that other room?

A. No.

298. Q. Just what did you do that day in the dispensary?

A. After the usual Commander Ohguma said he was going to make some hemoglobin tests, gauge their grasping power, make tests with a manometer and when I heard that they were going to make blood tests I had many long years of experience in this and I thought I would show them how to do it expertly so that they would not make a messy job of it.

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

299. Q. What is the purpose of a hemoglobin test?

A. I did not make any hemoglobin test, I just showed them how to take a drop of blood without making a messy job of it.

300. Q. I do not care whether you made the test or not, I am now asking you as a doctor what is the purpose of a hemoglobin test?

A. I think the motive for making this test was to see if they were anemic.

301. Q. Isn't this hemoglobin test a very simple one to make?

A. It is a test that can be done simply but in performing it more attention is needed than is stated in the reference books.

302. Q. Was Commander Okuyama a surgeon?

A. Yes.

303. Q. Was Kubetani a surgeon?

A. I think he did not have a specialty at this time.

304. Q. Do you want this commission to believe that with Okuyama being a surgeon that you yourself had to draw drops of blood from the ears of these prisoners so that he would not mess the job up?

A. My motive was not to show Commander Okuyama. As there were some young persons there at this time, I did not know if they were doctors or not, I wanted to show them at this time.

305. Q. If you did not know what these other persons were, what was the necessity for showing them how to take blood from a human ear?

A. I have studied making blood tests for many years and I only thought at this time to teach them how to make these blood tests because making blood tests is a very difficult thing.

306. Q. In reality isn't it a fact that making blood tests is such a simple thing that even nurses can make them?

A. Persons may think it is very simple but in performing it skillfully it takes a certain amount of skill.

307. Q. Then the only reason that you - a doctor, a captain, the commanding officer of the naval hospital on Buhlen - stayed in that room with those eight American prisoners was to make a blood test on them. Is that what you want this commission to believe?

A. No.

308. Q. Then why did you go into that room and stay there?

A. It is just that I gave them a ride to the guard unit and I had never seen the sick bay at the guard unit. I went to see it and when they said they were going to make a blood test it was just my feeling that I wanted to teach them something because of my long years of experience.

309. Q. If you had such little confidence in Okuyama's ability to perform these blood tests how was it that you could trust him to make these experiments?

A. I did not show Okuyama how to make this blood test. After the meal when Okuyama said he was going to make a blood test I saw these four instruments and I just wanted to show the young persons how to do this through my long years experience.

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

310. Q. Do you wish this commission to believe that you did not know that Okuyama was going to experiment with tourniquets and Habetani was going to experiment with streptococcus?
A. Yes.

311. Q. Do you know now that Okuyama did experiment with tourniquets?
A. Yes.

312. Q. When did you first learn of the fact that Okuyama had used tourniquets on some of these prisoners?
A. When Nakamura came and testified on the witness stand.

313. Q. You mean you never heard that Okuyama had used tourniquets on some of the prisoners until you actually came into this court room?
A. Yes.

314. Q. Do you know now that Habetani actually injected streptococcus into four prisoners?
A. I know it now.

315. Q. When did you learn it?
A. I would like the last two answers changed. The first time I heard about Okuyama using tourniquets on prisoners and Habetani injecting streptococcus bacteria into prisoners I heard from Mr. Regan and the other judge advocates who came to the stockade and told me this and it is a mistake that I heard it for the first time in this court room.

316. Q. Isn't it a fact that you didn't hear this from a judge advocate or here in the court room first, but that you were told this in the guard unit by Okuyama and Habetani?
A. No.

317. Q. Isn't it a fact that the only reason these experiments were made was because you, Okuyama and Habetani decided to make them the night before they were done?
A. No, that is not a fact.

318. Q. When you left that room that day did you ever return to it?
A. When you say "room" where do you mean?

319. Q. The room in the dispensary where these eight American prisoners were last seen alive.
A. Immediately after I showed them how to make blood tests I left to make examinations.

320. Q. After showing these people how to make blood tests and then leaving didn't you return there the next morning around ten o'clock in the morning?
A. No, there is no such thing.

321. Q. Didn't Okuyama tell you the next morning that two of these prisoners had died from the application of the tourniquets?
A. As I did not go to the room in the sick bay I had no such conversation.

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Lieutenant, U. S. Navy,
Judge Advocate.

322. Q. Did Okuyama at any time ever tell you that two of the prisoners had died from the constant application of the tourniquets?

A. No.

323. Q. Did you ever discuss with Okuyama the results of the tests that he made on these prisoners?

A. I never talked with him about this.

324. Q. Here is one of your subordinates who tells you in advance that he is going to make some tests on some prisoners, you are there with him and you never once ask him the results of these tests. Is that what you say?

A. I do not remember hearing any results.

325. Q. Do you remember asking for any results?

A. No.

326. Q. Do you remember having another conversation with Hasegawa in which you told him that six of the prisoners had died in the experiments and that the other two were going to be taken to the hospital for further experiments?

A. I absolutely do not remember having such a conversation. In this court room I heard about that for the first time.

327. Q. In relation to your only visit to the Forty-first Naval Guard Unit, when did you take part in the dissection of the foreigners?

A. About five o'clock in the evening of the next day I was called to the dissection room and went.

328. Q. How many bodies were in that room when you got there?

A. There were two.

329. Q. Where were the other two bodies?

A. I do not know.

330. Q. How many bodies did you dissect?

A. When I arrived there the bodies had already been cut open and the one I operated on was the only one.

331. Q. Besides yourself and Okuyama who else was present in that room?

A. Nakamura was there. Other to him I believe there was a doctor from the hospital there.

332. Q. Wasn't that doctor Nabetani?

A. I do not think it was Nabetani.

333. Q. Were there any enlisted corpsmen present?

A. I think there were two or three there.

334. Q. Do you remember the names of these corpsmen?

A. I do not remember.

335. Q. Have you seen these corpsmen since they assisted you in that dissection?

A. During a period of two years I have seen and talked to them at the hospital.

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Lieutenant, U. S. Navy,
Judge Advocate.

336. Q. Didn't you last see them here in court sitting in the same chair you are sitting in?

A. Yes, but I do not remember which person was in the dissection room.

337. Q. According to their testimony they were all there and so were you and so was Nabetani and so was Nakamura and so was Okuyama and so were four dead bodies. How do you account for that?

A. When I was called and went to the dissection room the bodies were cut open. One of the bodies was cut open and was on the right side of the dissection room and Okuyama was present and I am certain Nabetani was not there. Nakamura was there and the notes were being taken by corpomen. I am very regretful that not even one person testified to facts that were as clear as that I remember there is no one who said when the head of the hospital came that is how it was. Concerning this I have told Commander Currie how it was. At this time I regret how uncertain persons recollections are. When I arrived the lights were on but there was no one who stated this that stated there was light and when they called me I was making preparations to go out to dinner and I went there. There was no one who testified that the bodies were cut open and the lights were on and I felt very lonely. When I was there I assisted in the dissection of two bodies and after that I left the room.

338. Q. You only assisted in these dissections. Is that what you are telling us?

A. Yes, I showed them how to cut.

339. Q. What was the necessity of showing anyone how to cut if the bodies had already been cut open?

A. To make a distinction whether anything is wrong with the heart of the spleen is very difficult to do, not only the cutting but this.

340. Q. Did you actually cut those bodies with a knife?

A. The first body I used a scalpel and showed them how to cut the heart and this is how you are to examine the heart.

341. Q. Did you remove any of the organs from those bodies?

A. Unless it is removed from the bodies it could not be examined closely so I took it from the body and examined it closely on a small table.

342. Q. What organs did you remove and not put back?

A. From the two bodies I saw there were no changes of the organs. I took them from the bodies and as there was nothing wrong with them I replaced them in the body again. Of the two bodies there was no changes in them or diseases. The witness stated that I took them out and placed them in a specimen glass but as there were no changes in them I returned them to the body.

343. Q. You also heard that witness say that they were not all replaced in the bodies. Didn't you hear him say that?

A. Concerning the two bodies that I helped to dissect I did not see any of the organs taken and placed in a glass.

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Lieutenant, U. S. Navy,
Judge Advocate

344. Q. What was the cause of death as shown by the dissection?

A. In the two bodies that I assisted in dissecting I stated twice that I could not determine the cause of death. I stated this in German. Nakamura and Okuyama did not say anything. Okuyama just said we had performed an excellent experiment and I thought Okuyama must have tried out his secret medicine that he had.

345. Q. Why were these dissections performed?

A. I do not know. I was just asked, "We want you to teach us something and help us," so I helped them.

346. Q. Were these bodies of white men?

A. Yes.

347. Q. Were these the bodies of some of the men that you had seen at the Forty-first Naval Guard Unit dispensary?

A. Yes.

348. Q. You mean that you never asked Okuyama how these men had come to die?

A. When I asked him what happened he just said, "we did an excellent experiment."

349. Q. Isn't the history of what has happened to a person important in ascertaining how he has met his death?

A. It is an important thing in determining death when a person has been sick a long time.

350. Q. Isn't it true that the history of a patient is more important than the clinical findings when it comes to ascertaining the cause of death?

A. In usual patients yes.

351. Q. Didn't you bother to ask Okuyama what had happened to these people before you saw them there on the dissection table?

A. When I asked what happened he just said, "we have done an excellent experiment."

352. Q. Was Okuyama a subordinate?

A. Yes.

353. Q. Do you mean to tell us that when you could not tell what had been the cause of death in this dissection, you didn't press Okuyama for the cause of the death of these people?

A. As I stated to Commander Currie, at this time I thought he had overgone his limits and I did not feel like asking him this. As he earnestly asked me to assist him I helped him. After I finished assisting on one body I left. I wanted to leave immediately but I thought it was not polite. I asked him later and he said he had done a good experiment. Concerning this I have said this to Commander Currie.

The commission then, at 10:22 a.m., took a recess until 10:44 a.m., at which time it reconvened.

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James D. Kenny,
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.

An accused, Iwanami, Hiroshi, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

354. Q. Then you wish this commission to believe that when you ^{asked} ~~asked~~ in the dissection of two bodies and were unable to find out the cause of death you never bothered to make inquiry of your subordinate to find out what caused the death of these two bodies. Is that what you wish this commission to believe?

A. I do not wish that the commission believe or disbelieve just that I asked him twice what was the cause of death and as he did not answer I thought he had used his secret medicine on them. I did not question him further.

355. Q. Were you too timid to force your subordinate to tell what this wonderful experiment he performed was?

A. I just thought he must have used that secret medicine of his, that he was boasting about, and I did not pursue it further.

356. Q. Isn't it a fact that the reason you did not pursue it further was that you knew what had happened to these two people?

A. No.

357. Q. After you saw these two dead bodies and recognized them as the bodies of two of the eight men that you had seen at the dispensary, did you ever ask Okuyama what had happened to the other six?

A. I did ask him.

358. Q. And what did he say?

A. He said he had performed experiments on all of them.

359. Q. And did he tell you what had happened to them?

A. Then I said "is that so," and I thought that I should not be involved in this dissection and I left the room.

360. Q. Did he tell you that he had performed experiments on the other six at the time that you performed the dissection on the first two?

A. I asked him so he answered in reply to my question.

361. Q. Did he tell you what kind of experiments had been performed?

A. I do not know.

362. Q. Do you think it would have helped to ascertain the cause of death of these two men if you knew what experiments Okuyama had performed?

A. When I heard that he had performed experiments on the others I felt my responsibility and thought I should not be involved so I left the room.

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Lieutenant, U. S. Navy,
Judge Advocate.

363. Q. What was your responsibility in relation to these experiments?

A. I thought if the headquarters find out that the prisoners were experimented on I would have nothing to stand on.

364. Q. Had you not already secured permission from headquarters to perform these experiments?

A. No, that is preposterous.

365. Q. Isn't it a fact that the only reason that Tanaka would lend you the dispensary at his guard unit was because you told him that you already had the authority from higher headquarters to perform these experiments?

A. There is no such thing. I could not say such a thing that I had the permission of the higher headquarters when I did not have it. As a responsibility of the head of the hospital I could not do such a thing when I demanded strict discipline from my subordinates.

366. Q. If you demanded strict discipline from your subordinates, how do you account for the fact of one of your subordinates going out and performing these experiments?

A. I do not know.

367. Q. How is it that you who demanded such strict discipline never said or did anything to Ohuyama about the things that he had done in performing these experiments?

A. Before he performed the experiments he told me in my room where I was examining some documents that he was going to perform physical tests.

368. Q. After you found out that these physical tests were in reality experiments which resulted in the death of the persons against whom they were perpetrated, what disciplinary action did you take against Ohuyama?

A. The next morning after the second dissection I told him that he did a troublesome thing and placed me in a difficult position and as he was the next ranking person at the hospital my reprimand was only to this extent.

369. Q. For the murder of eight people by experiments all Ohuyama got was a private reprimand from you. Is that correct?

A. He brought a written explanation.

370. Q. In this written explanation how many bodies did he say he had brought to the hospital?

A. I think that was not written in his written explanation.

371. Q. How many bodies do you know he brought to the hospital?

A. As I did not see all the bodies of the second dissection I think it was about five or six.

372. Q. Did you aid in that second dissection at all?

A. No.

373. Q. You were not invited to help in this second dissection?

A. Yes, it was done while I did not know about it.

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Lieutenant, U. S. Navy,
Judge Advocate.

374. Q. And after you found out that once again Okuyama had done something without you knowing about, what actions did you take?

A. I went to his room and said, "As head of the hospital you placed me in a difficult position and if this became known to the headquarters there could be no grounds for me to stand on." I told him this explicitly.

375. Q. Is that all you did?

A. Yes.

376. Q. Did headquarters ever ask you what had become of these eight prisoners?

A. No, absolutely no.

377. Q. Did headquarters ever ask Okuyama what had become of these prisoners?

A. Do you mean from headquarters to Okuyama?

378. Q. Yes.

A. I do not know.

379. Q. In any instance did headquarters ever ask you what had become of the prisoners that the hospital had taken care of?

A. There were no inquiries made from anywhere.

380. Q. Is it not a fact that the reason no inquiries were received from headquarters was because you already had permission from headquarters to perform those experiments and that butchery up on the hill in July?

A. No.

381. Q. Did you dissect the heads of any of these prisoners?

A. Yes, I dissected one head.

382. Q. What did you do with it?

A. I sent this to the Tekekazu Naval Medical School and at the same time I sent a letter.

383. Q. Did you yourself sever the head?

A. Yes, one.

384. Q. How many heads did you cut from the prisoners?

A. Just one, but in the statement I wrote I cut four.

385. Q. If you only dissected and cut off one head why did you write four?

A. There is a reason for this.

386. Q. May we have the reason?

A. After I had assisted in the dissection of the two bodies I had the stomach trouble the next day and while there I was thinking that the Americans are a great people, in the future Japan would have to lead the people of Asia and would have to bring up their culture and America is a great nation in science. Then I thought Okuyama had already performed the dissection and I heard they were going to urate the bodies so I thought if the head was

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Lieutenant, U. S. Navy,
Judge Advocate.

taken as a specimen and I thought to tell Ohayama the greatness of the Americans is in intermarriage of the various races and I would like him to perform research in eugenics and I went to Ohayama's room to tell him this. Ohayama was not there. When I asked where he had gone they told me he had gone to the dissection room. When I arrived they had just finished cutting off three heads. I told him that I wanted to send a specimen to the medical school and he said "if you will that will be very good." He told me that he wanted to use the specimens himself and he also said "if the heads are cut off here it is very easily done," and told me to try it. I could not do it very well but as I was doing it Nakamura arrived and he said that he had finished putting together the notes. As Ohayama had willingly agreed to sending one of the heads as a specimen to the medical school I wrote down that I had cut off the four heads.

387. Q. If you had cut off one head why did you write down that you had cut off four heads?

A. Because Ohayama had agreed immediately to my request to send the specimen to the medical school.

388. Q. Because Ohayama had been so nice to you you turned around and lied to us. Is that correct?

A. Yes. Because he had agreed so easily and also it made no difference whether it was one or four but thinking back I think I did a most regrettable thing.

389. Q. Do you mean a regrettable thing in just having taken their heads off or a regrettable thing in murdering them?

A. The two I mean is that I sent a specimen to the medical school and also that I assisted in the dissection.

390. Q. Were these the four heads of the men that were dissected in the first dissection?

A. Yes.

391. Q. Where had the extra two bodies come from?

A. I do not know.

392. Q. Did you ever ask Ohayama where he had gotten these extra two bodies?

A. I remember saying, "Then it was four bodies."

393. Q. And what did he say?

A. I do not remember just now what he said.

394. Q. Did you ever ask Ohayama what these other two bodies had died from?

A. The only thing that was in my mind was that he had used his secret medicine and I did not inquire further.

395. Q. Here we have an instance of the bodies of four white men appearing in your hospital and you say that you had no interest in finding out what had caused their death or how they got there. Is that correct?

A. I knew that they came from the guard unit because the day before I had seen them eat their meals there.

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JAMES P. Kossy
Lieutenant, U.S. Navy,
Judge Advocate

396. Q. Weren't you curious as to how they had come to meet their death?
A. I thought I should not touch further on this incident and he had used a secret medicine and it was something that was over and I did not ask further about it.

397. Q. What became of the bodies after their heads were taken off?
A. And while we were walking toward the officers' quarters I said to him, "I will have the heads boiled in the fireplace near my room so have them bring them there."

398. Q. You said this to whom?

This line of questioning was objected to by the accused on the ground that it was beyond the scope of the direct examination.

The judge advocate replied,

The commission announced that the objection was not sustained.

A. To Takahashi who previously came here as a witness.

399. Q. Did you tell Okuyama that you were going to boil these heads?

A. Yes.

400. Q. Did you tell Tanaki the corpsman to boil the heads?

A. Yes.

401. Q. Did you order Nakamura to cremate the four bodies?

A. Okuyama said, "To take them to the crematorium an examination certificate would be necessary and I can not write one in your place." I told him, "You can write down that you were asked to do this by the head of the hospital."

402. Q. Were the bodies cremated?

A. I do not know. When the written explanation was brought he said he was going to take them to the crematorium and have them cremated.

403. Q. Tell us, doctor, who was running that hospital at Truk, you or Doctor Okuyama?

A. Myself.

The commission then, at 11:30 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 accused, Iwanami, Hiroshi, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

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

(Cross-examination continued.)

404. Q. How many heads did you actually ship to Japan?

A. I sent four.

405. Q. In relation to the first dissection, when did you learn there were additional bodies in the morgue?

A. I think it was two days after the first dissection.

406. Q. How did you learn there were bodies in the morgue?

A. In the morning, on my way back after I had gone to the contagious ward to see the officers, I passed by the morgue and saw them.

407. Q. How many bodies did you see in the morgue?

A. I just noticed that there were bodies, but I did not notice how many there were.

408. Q. Did you recognize these bodies as the bodies of the men that you had seen at the Forty-first Naval Guard Unit dispensary?

A. I just noticed that they were dead bodies, but I did not see them closely.

409. Q. Were they dead bodies of Japanese or dead bodies of white men?

A. When I passed by, I just noticed that they were the dead bodies of white men because of their red-brown hair.

410. Q. Did you notice whether or not those bodies had been dissected?

A. No.

411. Q. How long after seeing these bodies did you order Sakagami to dispose of them?

A. It was shortly after I saw the dead bodies that I had Sakagami come to the administration building of the hospital, I think it was near the entrance, and I was surprised, and I told him to dispose of the dead bodies.

412. Q. Did you ask Doctor Okuyama if he had finished with these bodies?

A. No.

413. Q. You mean you never even bothered to find out what the bodies were doing there before you ordered them disposed of?

A. Before this, I would like to state what I wrote in a statement.

414. Q. Just answer the question.

A. As it was the day after the dissection was performed, I thought they had already been dissected.

415. Q. You know from having taken part in the first dissection yourself and from having consulted with Okuyama that those bodies of the first dissection had already been disposed of, didn't you?

A. No.

416. Q. Did you notice whether or not these bodies still had the heads on?

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Lieutenant, U.S. Navy,
Judge Advocate.

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A. I think I stated this morning that after I had finished assisting with the dissections of the two bodies, as I was leaving, he said in German that he was going to burn or cremate the bodies. That is how I found out that the bodies of the first dissection were burned, were cremated.

417. Q. Now, when you took a glance in this morgue and saw additional bodies there, did you notice whether or not these bodies had been dissected?
A. I did not notice.

418. Q. Did you consult with Ohuyama to find out whether or not he had finished with these bodies?
A. No.

419. Q. Did you consult with Habetani to find out whether or not he had finished with these bodies?
A. No.

420. Q. Why didn't you ask Ohuyama about these bodies before you ordered them disposed of since they apparently were his bodies?
A. The day before, I ordered this to Lieutenant Sakagami. It was about two or three o'clock in the afternoon. There was a telephone call from the fleet headquarters asking about the condition of an officer who was entered in the hospital. As I knew about his condition I replied to the telephone call. At the same time, I told the person on duty at the information desk that if Commander Ohuyama wasn't busy at the moment, I wish he would come to my room and I was told that he was now working in the dissection room.

421. Q. So, therefore, you assumed he had finished dissecting the bodies and that they were ready to be disposed of. Is that what you want us to understand?
A. Yes.

422. Q. Isn't it more of a fact that the reason you knew these bodies were ready to be buried is because you yourself helped Ohuyama dissect these bodies?
A. No. Some time had passed and I thought instantly he had performed two dissections at the hospital and he just performed without cleaning up what he had, so I ordered Sakagami to dispose of them. He performed the second one and didn't clean up the two bodies.

423. Q. Did you ever ask Ohuyama what these men had died from?
A. No.

424. Q. Did you ever ask Habetani what had killed these men?
A. No.

425. Q. Doctor, this morning you told us you were a strict disciplinarian. How do you account for your men taking such independent acts and you finding out about it and never even questioning them about it?
A. As the thing had already been done, it could not be helped, and as Commander Ohuyama was a man ranking person at the hospital, I just told them how I felt about it. I said that it placed me in a difficult position and had it reflect upon his conscience and after I said this, the next day he brought in a written explanation.

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Lieutenant, U. S. Navy,
Judge Advocate.

426. Q. Didn't you ever ask him what this second set of bodies had died from?

A. No.

427. Q. Well, then, if you didn't know what had caused the death of these additional bodies, why was the hospital in a "difficult position"?

A. I was full of the feeling that if the headquarters found out that eight prisoners had been used in an experiment, I was placed in a very difficult position, and I thought I would have nothing to do with these incidents.

428. Q. If you never discussed the second dissection incident with Ohayama, how did you know that he had conducted experiments on these prisoners?

A. In the first dissection, when I said that I cannot find the cause of death, he said that he had performed an excellent experiment and I asked him what he did with the other prisoners and he stated that he had experimented with them. That is why I answered as I did.

429. Q. What particular orders did you give Sakagami with relation to these bodies?

A. As I remember, I ordered him immediately to dispose of the bodies.

430. Q. When you use the term "dispose of," what do you mean?

A. I ordered him to bury them.

431. Q. When you told Sakagami to dispose of these bodies, did you also tell him to take these bodies down and throw them over a cliff?

A. I do not remember.

432. Q. You mean it is possible that you told Sakagami to take the bodies down and throw them over a cliff?

A. I do not remember just now, but I remember saying to have him dispose of them immediately.

433. Q. Did Sakagami ever tell you that he had disposed of these bodies?

A. As I recall, I received a report from him saying that he had taken care of them.

434. Q. When he reported to you that he had taken care of them, did he tell you at that time that he had taken the bodies and had them thrown over a cliff?

A. No.

435. Q. Where are these bodies now, Doctor, if you know?

A. I think they were thrown into the sea outside the reef at Truk.

436. Q. Don't you actually know that they were thrown into the sea outside of a reef at Truk?

A. They were placed in a box and when they were disposing of dangerous items, I had them take this box along and throw it into the sea.

437. Q. When were they placed in the box?

A. I think it was two days before Vice Admiral Durray arrived. It was, I think, on the first of September.

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Lieutenant, U. S. Navy,
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438. Q. The other day, under direct examination, you were perfectly willing to accept the full responsibility for the July incident. Why are you reluctant to accept the full responsibility for the experiment incident?
A. When Commander Ohguma said that he was going to perform physical tests, all I did was say that I didn't want the blood tests made messy, so I just performed one blood test and also this was done when I did not know about it. I did not know how the experiments were done and on the last two, all I did was help in the dissection. Therefore, all I did in the January incident was to assist at the dissection and to send the heads to Tokyo. Therefore, I am willing to take the responsibility for this.

439. Q. Then, you want this commission to believe that the testimony given by Captain Tanaka, the testimony given by Lieutenant Hasegawa, the testimony given by Lieutenant Nakamura and the testimony given by Odanaka, Takahashi, Yamada and Taneda, is all wrong and that you were the only one that is telling the truth about that experiment incident. Is that what you wish the commission to believe?
A. Yes. There are many things which I would like to state concerning this, but that is how it is.

440. Q. When did you learn in July of 1944 that there were American prisoners of war at the Forty-first Naval Guard Unit?
A. I think it was about the twentieth of July.

441. Q. How did you learn that there were prisoners there?
A. Because Commander Ueno came and let me know.

442. Q. What exactly did Ueno say to you?
A. He said there were aviation personnel to be executed at the guard unit.

443. Q. Is that all he said to you?
A. Yes.

444. Q. Do you mean that merely from that one statement of Ueno that you understood that it would be legal to execute those prisoners?
A. As I heard that the executive officer was going to execute them, I thought all procedure concerning them had been taken.

445. Q. When you say all procedure concerning them had been taken, do you mean that you thought they had been court-martialed and sentenced to death?
A. Yes.

446. Q. In the Japanese navy, who has the right to order a court-martial, if you know?
A. I do not know.

447. Q. In the Japanese navy, is it possible for a person to be sentenced to death unless he has been court-martialed first?

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

The judge advocate replied,

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Judge Advocate.

The commission announced that the objection was sustained.

448. Q. Did anyone tell you that these prisoners were already under sentences of death?

A. I did not hear sentence of death, but I heard that they were to be executed, but that is how I took it.

449. Q. Other than the statement, the mere naked statement of Ueno, did you have any other reason to believe that these men had been legally sentenced to death?

A. It was about ten days after the hospital had been bombed openly in broad daylight.

The judge advocate moved that this answer be stricken out on the ground that it was not responsive.

The accused made no reply.

The commission directed that the answer be stricken out and directed the question be again put to the witness.

The question was repeated in Japanese.

A. This, I do not know.

450. Q. What do you recall?

A. I know of nothing other than Ueno's statement.

451. Q. Did you ever receive an order from the Commander in Chief of the Fourth Fleet to execute those prisoners?

A. No.

452. Q. When you called Lieutenant Commander Nakase on the telephone, did you ask him whether or not those prisoners had been legally sentenced to death?

A. No.

453. Q. When you called Lieutenant Commander Nakase on the telephone, what did you say to him in relation to those prisoners?

A. I said, "I hear that there are prisoners to be executed at the guard unit. I would like to have them given over to the hospital."

454. Q. And what did he say to this?

A. He said: "All right."

455. Q. Are you sure that you told him that those prisoners would be executed or did you merely tell him that you wanted the prisoners to make a physical examination of them?

A. I just said, "I would like to have the prisoners who were to be executed handed over to the hospital."

456. Q. When was this in relation to the day on which the prisoners were executed?

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Lieutenant, U. S. Navy,
Judge Advocate.

A. I think it was about nine o'clock on the morning that the prisoners were executed.

457. Q. And how many days was this after the bombing, the daylight bombing of the hospital?

A. About eight days.

458. Q. When you were talking to Nakase on the telephone did he tell you that these two prisoners had been kept on Enderby Island?

A. I did not say this.

459. Q. Did he or anyone else ever tell you that those two prisoners had bombed Truk?

A. No.

460. Q. What made you believe that these two prisoners had bombed Truk?

A. About eight days before this incident occurred, two hundred fifty kilogram bombs were dropped on the hospital. After that, there was no air raid, then suddenly I heard that there were aviation personnel to be executed and I thought these were the persons who had dropped the bombs.

461. Q. Did you know that Truk was more or less the central depot for the collection of prisoners in the Pacific?

A. I did not know this.

462. Q. How many officers did you have at the Fourth Naval Hospital in July of 1944?

A. About twenty.

463. Q. How many enlisted men did you have at that hospital in July of 1944?

A. About ninety.

464. Q. When did you order to go to the Forty-first Guard Unit and secure these prisoners?

A. I do not remember who it was.

465. Q. When you decided to execute these prisoners, when did you order to make the preparations for the execution?

A. It was no one in particular when I gave this order.

466. Q. I show you a piece of paper and ask you is this in your handwriting?

A. Yes.

467. Q. I read to you: "Captain Taneda said that Lieutenant Commander Kanikawa had come to inform me preparations have been completed; however, as I was sitting directly across from the Commander in Chief, I did not actually see him, Kanikawa. Consequently, I did not hear him say, 'preparations have been completed.' Judging from the fact that he came to report that preparations were complete, I believe that he made the preparations, because I ordered him to make them." Do you remember writing that in the statement?

A. Yes, I wrote this. Just before I was placed in the Moan stockade, Captain Taneda came to me and said Kanikawa had come and reported that the preparations had been over, and as I did not know about this, I said "did such a thing happen?" and I wondered if he had heard me. I wrote this when I was just taken to the stockade and was unsettled. What Captain Taneda told me stayed in my mind and I wrote this. This was a mistake and I am so

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Judge Advocate.

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468. Q. In other words, when you wrote that Kanikawa had made the preparations, you weren't telling the truth. Is that what you wish the commission to believe?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

469. Q. When was that statement written, if you remember?

A. After I was confined. Just now, I do not remember when it was.

470. Q. What year was it?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I wrote the statement last year, but I do not remember what month it was. Before I wrote this Captain Tanaka had come and said to me that Kanikawa had said this and this stayed in my mind and without thinking certain of it, I wrote it and I am very sorry I did such a regretful thing for Lieutenant Commander Kanikawa.

471. Q. Your recollection of what occurred in July of 1944 is much better now than it was last year. Is that correct?

A. About the time this statement was written was just before I was placed in the stockade and was written after I was placed there. My feeling was unsettled and the life there was not what I was accustomed to. I could not sleep. I just wrote this statement from what Captain Tanaka had stated, staying in my mind, and this statement is wrong.

472. Q. Then, will you mind answering the last question that was put to you. Is your recollection of what happened on that hill in July of 1944 better today than it was a year ago?

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

The judge advocate replied.

The commission announced that the objection was sustained.

The commission then, at 3:16 p.m., took a recess until 3:40 p.m., at which time it reconvened.

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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.

An accused, Iwanami, Hiroshi, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

473. Q. If you didn't order Kanikawa to make the preparations that day, whom did you order to make those preparations?

A. It is a habit of mine, but whoever I see, I give the order to.

The commission directed the witness to answer the question.

The question was repeated in Japanese.

A. I ordered the petty officers to make the preparations.

474. Q. What petty officers?

A. I gave various orders to various petty officers who were passing by and I do not remember them.

475. Q. What did you do at the Fourth Naval Hospital when you wished preparations made involving eighty per cent of the hospital personnel? Who did the making of the preparations?

A. Usually, I ordered the adjutant.

476. Q. But, you are positive that you didn't order the adjutant to do it on this particular day?

A. Yes, I am positive.

477. Q. Can you tell us the names of any of the petty officers that you had ordered to make the preparations?

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

The judge advocate withdrew the question.

478. Q. What petty officers did you send to the Forty-first Guard Unit to get the prisoners?

A. I do not remember at the moment.

479. Q. What petty officers or other persons did you send through the hospital to announce that it was time a general assembly?

A. I think it was the seamen who came to tell me that Admiral Hara was coming to visit the patients at the hospital.

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Judge Advocate.

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480. Q. What petty officers or seamen did you send to tell Warrant Officer Ota to take his men up to the hill?

A. I think it was the same seaman.

481. Q. And who was that seaman?

A. The seaman on duty is always changing and I do not remember.

482. Q. What seaman or petty officers did you send to the various officers at the hospital to tell them to assemble on top of that hill?

A. I think the seaman that I ordered went through the whole hospital relaying this order.

483. Q. Who told you that the prisoners had arrived at the hospital?

A. No one told me.

484. Q. Didn't Captain Tanada tell you that he had seen the prisoners going by on a truck?

A. I heard this.

485. Q. Did you hear it from Captain Tanada?

A. Yes.

486. Q. Where were you and Tanada when he told you this?

A. I do not remember exactly if it was the veranda of the administration building or at the entrance of the hospital after we had seen Admiral Hara home.

487. Q. In this same conversation with Tanada, didn't you tell him how you were going to kill these prisoners?

A. I did not know. No.

488. Q. Didn't you know at that particular moment just how you were going to kill these prisoners?

A. I did not say.

489. Q. Did you know when you had this conversation with Tanada how you were going to kill these prisoners?

A. I knew how I was going to kill the prisoners.

490. Q. Did you give anyone orders to bring spears up to the top of this hill?

A. Yes.

491. Q. Who did you order to bring those spears up there?

A. I do not remember just now who it was.

492. Q. Had you given any orders that the men were to assemble with rifles and bayonets on top of that hill?

A. I did not put out such an order.

493. Q. Was it customary at the Fourth Naval Hospital to have your general assembly attended by the enlisted men with rifles?

A. No.

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Lieutenant, U. S. Navy,
Judge Advocate.

494. Q. Then, why did they bring their rifles with them that particular day if you didn't order them to do so?

A. I had another person prepare the rifles.

495. Q. Who was this person?

A. I do not remember if it was a seaman or a petty officer.

496. Q. It couldn't possibly have been an officer, could it?

A. No, it wasn't an officer.

497. Q. Did you set out for the hill with Captain Taneda?

A. Yes.

498. Q. Somewhere along the line, did he walk ahead of you up to the top of that hill?

A. No.

499. Q. Did he walk side by side with you to the top of that hill?

A. Yes.

500. Q. When you got to the top of that hill, did anyone report to you that all preparations had been made?

A. No.

501. Q. When you got to the top of that hill, had the prisoners already been tied to the cross-bar?

A. They were not tied to the cross-bar.

502. Q. Who had the prisoners tied to the cross-bar?

A. I gave the order.

503. Q. To whom did you give this order?

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

The judge advocate replied,

The commission announced that the objection was not sustained.

A. To several enlisted men who were at the scene.

504. Q. What were their names, if you know them?

A. I do not remember.

505. Q. Did you order Lieutenant Oishi to have some men line up in two columns before these prisoners?

A. I ordered him.

506. Q. Did you tell Lieutenant Oishi what enlisted men he was to pick?

A. I did not order him what persons to pick.

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Judge Advocate.

507. Q. What men did Lieutenant Oishi pick?

A. He just made a division of the persons who were lined up, a division of about ten-odd persons. He made a division of about ten-odd persons.

508. Q. What were the names of these ten-odd persons?

A. I think it was a part of the persons who are here in this court now.

509. Q. Who decided which men were to carry rifles and spears and which men were to carry bayonets?

A. It was not determined.

510. Q. Who ordered the men to pick up spears?

A. The enlisted men who had brought the weapons to the scene handed them out at random.

511. Q. What do you mean by "at random,"

A. When I say "at random" I mean that it wasn't stated this person a spear or this person a rifle, but just handed out.

512. Q. Were these spears and rifles handed out before Oishi lined up these men?

A. They were handed out before they were lined up.

513. Q. And how many rifles were handed out, if you know?

A. I do not know.

514. Q. How many spears were handed out?

A. I do not remember how many were handed out.

515. Q. After the men had finished stabbing with spears and the rifles and bayonets, how many men used swords on the heads of the prisoners?

A. Three.

516. Q. After these three men had finished using swords on the heads of the prisoners, what became of the bodies of the prisoners?

A. They were buried.

517. Q. Are those bodies still there?

A. No.

518. Q. Where are they?

A. They are buried at the bottom of the lagoon at Truk.

519. Q. Other than today, or rather, other than yesterday under the direct questions of Mr. Akinoto, have you ever told anyone that you believed you were carrying out a legal execution of those two American prisoners?

A. I have no recollection at the moment.

Examined by the accused:

Mr. Akinoto, Trukhire, a counsel for the accused, requested that the document which the judge advocate had used in testing the credibility of this witness be shown to the defense counsel.

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The judge advocate replied and voluntarily made available this document to the defense counsel.

520. Q. You testified that you received a written explanation from Commander Okuyama for his responsibility. What is the method and effect of this written explanation?

A. It is to make clear the responsibility of an act what was committed by that person and was to apologize for that act.

521. Q. You testified to the judge advocate that the only thing that you took from Commander Okuyama for the acts he did was this written explanation. Why was this the only thing that you required of Commander Okuyama?

A. As I have already stated, that it had already been done. I did not have the authority to punish him. I thought about this considerably and I let it go with just a reprimand, but to punish him, the permission of the Commander in Chief would be needed.

522. Q. When you stated that you didn't have the authority to punish him in this case, what did you have to do to punish him?

A. First this would have to be reported to the Commander in Chief and afterward, the necessary procedure taken.

523. Q. Why is it that you could not punish him?

A. He was a good officer and at a time when doctors were short, he was needed. While I was thinking about this, one hundred twenty patients came to the hospital, and worked day and night for the two days, January thirty-first and first of February. His character was good. He had a fine character, and I was overcome. My feelings overcame my common sense and I did not take any steps to report him. Shortly afterwards, his orders for transfer to Japan came through, and I did not take steps in reporting him.

524. Q. Why was it that you were very busy from the thirty-first of January to the first of February?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial, and beyond the scope of the cross-examination.

The accused withdrew the question.

525. Q. You testified that one hundred twenty to thirty patients arrived at the hospital, and you were very busy day and night. Why were you so very busy?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial, and beyond the scope of the cross-examination.

The accused made no reply.

The commission announced that the objection was sustained.

526. Q. When was it that Okuyama was transferred?

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Judge Advocate.

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial and beyond the scope of the cross-examination.

The accused replied,

The commission announced that the objection was sustained.

The commission then, at 4:26 p.m., adjourned until 9 a.m., tomorrow, Friday, August 1, 1947.

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Judge Advocate.

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TWENTY-EIGHTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands,
Friday, August 1, 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 twenty-seventh day of the trial was
read and approved.

No witnesses not otherwise connected with the trial were present.

An accused, Iwanami, Hiroshi, the witness under examination when the
adjournment was taken, resumed his seat as a witness in his own behalf. He
was warned that the oath previously taken was still binding, and continued
his testimony.

(Reexamination continued.)

527. Q. In addition to the ninety men at the hospital, how many men were
detailed from the guard unit to the hospital?

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

The accused replied,

The commission announced that the objection was not sustained.

A. I do not know the exact number.

528. Q. Do you know the approximate number?

A. I think it was about fifty to sixty men.

529. Q. Under what conditions were you when you made the statement that the
judge advocate asked you to identify and that you said you had written?

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Judge Advocate.

A. When I was confined, my environment changed completely, also there was insufficient sleep, feeling of regret and looking back on my actions there was also the feeling of fear.

530. Q. You testified that when you had a conversation with Tanaka you knew how you were going to kill the prisoners. What did you mean by that statement?

A. It was just through my own feeling that I was going to take revenge for the unlawful bombing of the hospital and have them stab with spears and bayonets.

Recross-examined by the judge advocate:

531. Q. Isn't it true that at the same time you wrote this statement saying that Kamikawa had made the preparations for the execution that you wrote other statements to the American authorities complimenting them on the way they were treating you?

A. This was written when I was in the hospital and the doctor and Captain Logan took good care of me.

532. Q. You have testified that you did not have authority to punish Commander Ohguma. Who on Truk did have authority to punish Ohguma?

A. The Commander in Chief.

533. Q. Why didn't you report to the Commander in Chief that one of your doctors, namely Ohguma, had murdered eight Americans by ~~silly~~ experiments?

A. I kept this in secret because it would be troublesome for me as I was charged with the responsibility.

534. Q. If, as you say, you yourself didn't make the arrangements for these experiments, why would it have been your responsibility and why should you have been afraid of reporting Ohguma?

A. I was afraid that I would be charged with neglect of duty in supervising my subordinates.

535. Q. Isn't it true that the reason you didn't report Ohguma was that you had nothing to report on Ohguma and that you yourself had supervised and organized these experiments?

A. No. My feeling at that time, I had no wish to perform experiments on any prisoners. It was only two months after I had arrived at Truk from Tokyo and I had many problems on my hand and had no time to conduct experiments on prisoners.

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:

In the solemnity of this court room I have not gone against the oath that I have taken. I have stated truthfully everything with which I was involved. Concerning the experiments of Commander Ohguma, I did not take part in the experiments. As I think back quietly, I feel responsible for what I

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did and want to take the responsibility for whatever happened in this January incident. I have no feeling at all to shift my responsibility. If Commander Okuyama had come forth in this court, it would have cleared my position greatly. I was surprised when I saw the charges the other day. I even had dreams of Commander Okuyama concerning the digging up of the four bodies after the end of the war. One of our fellow doctors did it, so we had to dig them up and dispose of them. If it was something which I had done, I would have dug them up immediately, but according to what the officers said, I had them dug up just before Admiral Murray arrived on Truk. Concerning the July incident, all my subordinates did was to obey the orders which I forced on them under strict discipline in everyday life. They could not reject that order. All they did was to obey that order. At this time, two years after the war, they have been placed in a prison and under the name of a war criminal have suffered physical and mental suffering. They could not be repatriated. I feel that I could die ten thousand deaths for all the suffering that I have brought on them and their families and I wish at this time to apologize to them. Under the critical conditions which existed at that time at Truk and the continuous dying of the thousand patients I had at the hospital, and with the feeling that the action I had respected for so long, I had been deceived by them by the bombings, I killed the prisoners who were to be executed. At that time I thought it was right. At this time, when I look back, I feel that it was not right and feel my regret deeply.

The witness resumed his status as an accused.

An accused, Oishi, Tetsuo, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Former Surgeon Lieutenant Oishi, Tetsuo.

2. Q. Are you an accused in this case?
A. Yes.

Examined by the accused:

3. Q. How old are you?
A. I am twenty-eight years and eight months old.

4. Q. Tell us your marital state.
A. I am married and have one child.

5. Q. When did you enter the navy?
A. On the fifth of September, 1942.

6. Q. What were you when you entered the navy?
A. I entered as a regular two year enlisted officer in the medical corps.

7. Q. What school did you graduate from before you entered the navy?
A. I graduated from the medical department in the Keio University.

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Lieutenant, U. S. Navy,
Judge Advocate.

8. Q. Have you ever had duty at the Fourth Naval Hospital on Dublin at Truk?
A. Yes.

9. Q. Through what periods of time did you have duty there?
A. From the twenty-seventh of April, 1943, when I arrived at Truk, until September, 1944, when I was dispatched to the Tol Branch Hospital till the time I returned from Tol in January, 1945, until the fifth of April, 1945, when I was transferred to the Fourth Naval Construction Corps.

10. Q. Were you demobilized?
A. Yes.

11. Q. Do you know of the incident concerning prisoners which occurred on the hill in back of the hospital in July, 1944?
A. Yes.

12. Q. Tell us what your rank was at this time.
A. On the first of May, 1944, I was promoted to a surgeon lieutenant and at this time I was a surgeon lieutenant.

13. Q. Do you know how many doctors there were at the hospital at this time?
A. Including the dentists and pharmacists, there were eighteen.

14. Q. Do you know if there was order of rank among the doctors?
A. It is the same as in the line officers.

15. Q. As a doctor where did you come in rank at the hospital?
A. I was the fourteenth in rank from the top.

16. Q. What was your station at the time of this incident?
A. I was attached to the internal medicine wards and worked under Surgeon Captain Shireta and I had been ordered the head of the Self Defense Section.

17. Q. You testified that you were ordered to be head of the Self Defense Section. When were you so ordered?
A. Near the end of May, 1944, when the former head of the Self Defense Section was transferred to Japan.

18. Q. Up to what time were you head of this Self Defense Section?
A. Until the time I was dispatched to Tol Island in the middle of September, 1944.

19. Q. As the head of the Self Defense Section, what did you understand the duties of the Self Defense Section to be?
A. I found out the following as head of the Self Defense Section. After the second large carrier raid on Truk on the thirtieth of April and the first of May in 1944, the Fourth Fleet Headquarters ordered that each department establish a Self Defense Section immediately. The Fourth Naval Hospital being a department according to the order organized a Self Defense Section. The Self Defense Section became active only in case of an allied invasion. Ordinarily it was inactive. It was organized so that it could act at an instant's notice. Usually, it did not exist. The reason the Self Defense Section was set up at the hospital was to protect the patients and the hospital in case of an allied invasion. The hospital was to take shelter on a mountain two miles from the hospital called Terevan San and the Self Defense Section was to take shelter when protecting the patients and that their having a small amount of arms for the defense of the hospital at the hospital was not against international law. These were the things that I was told by my superior officers and I know.

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20. Q. To become a member of this Self Defense Section, how and what kind of persons were selected to become members of this section?

A. In case of enlisted men, the heads of the first section and the second section and the various department heads and also the adjutant would have a conference and select the members. As for the officers, I do not know, but when I was ordered to by the head of the section, I was talked to by the adjutant.

21. Q. Do you know if seamen were also selected to be members of this Self Defense Section?

A. At the hospital, there were only five seamen other to the carpenter and the paymasters and while I was head of this Self Defense Section, in it was one seaman.

22. Q. Do you know what kind of weapons this Self Defense Section had?

A. There were twenty rifles.

23. Q. Who was in charge of the weapons?

A. The rifles had been loaned to the hospital from the Fourth Munitions Depot and the number had been set forth in the fleet order stating twenty rifles and the person in charge of the rifles was Lieutenant Murihara.

24. Q. What was your work, being in charge of this section?

A. According to a schedule, every Sunday for two hours, training would be held. At this time persons who were in this Self Defense Section would assemble and train. I would be there to supervise their training.

25. Q. It seems that the petty officers at the hospital were divided into carpenter and paymasters. At the time of this incident, were the paymasters in this Self Defense Section?

A. Around the end of June or the beginning of July, the paymasters were also ordered to form a Self Defense Section with twenty enlisted men and a warrant officer. I was ordered to be head of both sections. As the work of the carpenter and the paymasters was different, Warrant Officer Ota, who was in charge of the paymasters' Self Defense Section, informed me that they would train separately and would like my understanding, and I gave him my understanding. Therefore, at the time of the incident, the Self Defense Section of the paymasters was also training.

26. Q. Can you state whether there are any persons among these defendants who were not members of this Self Defense Section at this time?

This question was objected to by the judge advocate on the ground that this witness was not competent as a witness for any of the other accused.

The accused replied,

The commission announced that the objection was sustained.

27. Q. Did you hear anything which the head of the hospital said at a meal at the officers' mess concerning prisoners before the incident on the hill back of the hospital that you said you knew about?

A. No.

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28. Q. Tell us if you received any orders from the head of the hospital concerning prisoners before the incident.

A. I did not receive any orders, but there is one incident when on the day before the incident I heard about this suddenly from the adjutant during a short standing conversation. That evening I went and rejected it.

29. Q. Why did you refuse this?

A. There were two reasons for refusing this. The adjutant said to me: "Tomorrow prisoners will come to the hospital and the head of the hospital wishes the Self Defense Section to take care of the prisoners." As this was against the motives for which this Self Defense Section was organized, I refused it. I do not know for what reason, but to kill prisoners at the hospital was against my feelings and I said that I could not accept it.

30. Q. You testified that you refused. To whom did you refuse?

A. It was the evening before the incident that I went to the quarters of the adjutant and refused him.

31. Q. Do you remember if the adjutant said at this time that it was the orders of the head of the hospital?

A. What I heard from the adjutant was to dispose of the prisoners and I asked him what he meant and the adjutant stated that, "I do not know anything about this; the head of the hospital knows. I do know know anything about this."

32. Q. When the adjutant said for the Self Defense Section to dispose of the prisoners, did he state that the head of the hospital had ordered this?

A. I do not remember hearing this.

The commission cautioned counsel for the defense to avoid asking leading questions.

The commission then, at 10:28 a. m., took a recess until 10:58 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 commission announced that due to the illness of a member, Lieutenant Colonel Victor J. Garbarino, the commission would adjourn until 9 a. m., Monday, August 4, 1947.

The commission then, at 11 a. m., adjourned until 9 a. m., Monday, August 4, 1947.

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Judge Advocate.

TENTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands,
Monday, August 4, 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. Lamm, junior, U. S. Marine Corps,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
members, and
Lieutenant Commander Joseph A. Ragan, U. S. Navy, and
Lieutenant James P. 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 twenty-eighth day of the trial was read
and approved.

No witnesses not otherwise connected with the trial were present.

An accused, Oishi, Tetsuo, the witness under examination when the adjourn-
ment was taken, resumed his seat as a witness in his own behalf. He was
warned that the oath previously taken was still binding, and continued his
testimony.

(Examination continued.)

33. Q. You testified that you knew about the incident in July of 1944 on the
hill back of the hospital. How did you come to know about this incident?
A. Because when the incident occurred, I went to the scene of the incident.

34. Q. How did you come to go to the scene of this incident?

A. On the afternoon of the day of the incident, I was reading a book in the
wardroom when I heard hurried footsteps in the garden and in the corridor I
asked an enlisted man who was going by what was the matter, and he stated that
it was a general assembly on the hill back of the hospital and that there were
prisoners there. At this time there were doubts. I half believed that the
prisoners would be executed because I perceived this by remembering the talk
I had with the adjutant when I went to see him at his quarters and stated,
"If the head of the hospital is trying to get the Self Defense Section to dis-
pose of the prisoners, I refuse"; and the adjutant stated, "This is not an
order. This is not an order." He also stated that he was against this and
also were the other officers; therefore, this disposition of prisoners would
not take place. I knew about this conversation, but I did not know about the
incident until the general assembly. As many enlisted men were going by, I
thought I would have to assemble also, and together with Ensign Yokota, who

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was close by, we went to the scene. When a general assembly was called, even though you did not want to go at this time, you were not allowed to refuse.

35. Q. What did you see at the top of the hill?

A. On the hill I saw two prisoners who were blindfolded and with their hands tied behind their backs, sitting on the ground; and other to these, there were twenty to thirty persons from the hospital assembled there.

36. Q. What did you do there?

A. I was there a short time. I also saw two kapok trees with a cross-bar tied between them and there were also officers assembled, and at that time, I noticed that almost all the officers had swords with them. As I did not take my sword at that time, I thought I had to have my sword, so I returned to my quarters and got a sword. I did not go and get this sword with the intention to kill the prisoners with it. During my experience in the navy, whenever an assembly is called, it is always stated how to be dressed, or what you will have to wear, and when I saw them with swords, I thought this assembly was a regular assembly in which swords are used.

37. Q. You testified that you returned to your quarters for your sword. What did you do after you returned to the scene?

A. When I came back to the scene, the number of persons assembled increased to about one hundred, and they were lined up in shape of a "U."

38. Q. What did you do then?

A. I entered the line of officers which was to the left of the prisoners facing them and stood there.

39. Q. Then what did you do?

A. Then I saw the head of the hospital arrive together with Captain Tanaka.

40. Q. What occurred after the head of the hospital arrived?

A. The prisoners were made to stand under the cross-bar.

41. Q. Then what happened?

A. Then the head of the hospital said in a loud voice, "The petty officers step forward!"

42. Q. Then what happened?

A. When the head of the hospital said this, it became very quiet. No one moved; no one spoke, and none of the petty officers stepped forward.

43. Q. Then what happened?

A. The head of the hospital suddenly called out my name. I stepped forward and went to the front. I stood in front of the head of the hospital.

44. Q. Then what did you do?

A. Then the head of the hospital said to me, "Lieutenant Oishi, have the petty officers step forward."

45. Q. Then what did you do?

A. When I came up the hill, I was determined that if it was the execution of the prisoners, I would have nothing to do with it, but when I was called forward and ordered this by the head of the hospital in front of almost everyone in the hospital, I could do nothing else but perform it; and I thought if I had those petty officers step forward that would be all I had to do, so I stepped out in front and called out for the petty officers to step forward.

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46. Q. Then what did you do?
A. No one stepped forward.

47. Q. Then what happened?
A. When I looked I saw that the enlisted men were lined up in order of rank, so I went forward and made a division with my hand and had the petty officers step forward.

48. Q. Then what did you do?
A. The petty officers lined up sideways in two rows and after I saw them lined up, I started to go back to my former position among the officers.

49. Q. Why did you have the petty officers step forward?
A. As I stated before, I determined not to take part in the incident if it occurred, and I thought that I would have nothing such to do, but when I was suddenly called forward by the head of the hospital and given this order by my superior officer in front of my superior officers and subordinates, there is nothing I could do but to obey that order.

50. Q. What did you do after the petty officers were brought forward?
A. When the petty officers were lined up sideways, then I started to go back to my former position, the head of the hospital ordered in a loud voice that the two columns change positions so that they would be lined up vertically and steel spears and rifles with bayonets be handed them and also to have them line up one bayonet, one spear, one bayonet, one spear, in that order.

51. Q. Then what happened?
A. The enlisted men who were lined up around the prisoners came forward bringing rifles and spears and giving it to them, handing them the rifles and bayonets and spears.

52. Q. What happened then?
A. When the head of the hospital gave this order, I stopped in my tracks and looked over my shoulder and watched them. After this, when I saw that they had lined up as the head of the hospital had ordered, I went back and took my former position among the officers.

53. Q. Then what happened?
A. I was again called out by the head of the hospital and came to stand in front of the head of the hospital.

54. Q. Then what happened?
A. The head of the hospital ordered me as follows: "Stand by the petty officers and see that they perform it, and see that they act in an orderly fashion."

55. Q. Then what did you do?
A. When I received these orders, I was very surprised, and I became very upset, and as ordered, I stood by the petty officers.

56. Q. Then what happened?
A. The head of the hospital made a speech.

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57. Q. Do you know the contents of that speech of the head of the hospital?
A. I was very upset and excited, but I remember his stating in his speech as follows: "The Americans have bombed the defenseless cities in Japan. Your parents, brothers and sisters died of this. This hospital was also bombed; therefore, these two prisoners are to be executed. You have nothing to hesitate about. Stab the heart and kill them with one stroke! Stab spiritedly!"

58. Q. Then what happened after the speech of the head of the hospital?
A. The head of the hospital said, "Begin immediately."

59. Q. Then what did he say.
A. I did not expect this, and was confused. I looked back toward the petty officers. They all had worried expressions on their faces. I could not bring myself to present the order in this confused frame of mind. I faced toward the petty officers and made a short speech.

60. Q. What did you tell them?
A. There were two parts to the speech. One was a story which I related in which I tried to convey the fact that the prisoners were to die because of the head of the hospital and not because of the petty officers. Two, was that if the prisoners are to come to this end, they would have been more fortunate if they had been killed in action, but I was in a confused state of mind, but I remember what I stated in that speech exactly.

61. Q. What kind of a story was it that you told them?
A. I stated if you go forward, the prisoners will die. It is the same as when the wind blows toward a tree, the tree will fall. The wind does not blow to make the tree fall down, but it just blows; the tree falls because the roots of that tree have been cut.

62. Q. What did you do after you finished this talk?
A. Before I finished talking, the head of the hospital excitedly struck the ground forcefully with his stick and I remember exactly what he stated. He said, "Hurry up. Why don't you hurry up. What are you hesitating for. If you can't do it, I will be the first one to do it and show you how to do it."

63. Q. What happened then?
A. While the head of the hospital was saying this, I called out the order to go forward.

64. Q. Why did you call out this order?
A. At first when I was ordered that I stand by the petty officers and act in an orderly fashion, I could not go against it. I became all the more confused. I wondered why I was ordered to do this and was very irritated at this; also, most of the persons of the hospital were watching, the head of the hospital called out in a loud voice, "Hurry up!" I could do nothing else but to give that order.

65. Q. How many times did you call out this order to go forward?
A. As I stated before, this was the first and only time that I was in such a confused state of mind, and I remember giving the first order to go forward, but I do not remember how many times I gave this order.

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66. Q. Were you watching the petty officers as they went forward to stab?

A. I was watching the back of the person who was running forward to stab the prisoners.

67. Q. Do you remember, how did the petty officers appear?

A. The impression that remains in my mind is that when I was looking at the backs of these stabbers, they looked very small. I also noticed that there were some who missed when they stabbed.

68. Q. How long did it take for the stabbing to end?

A. As I stated frequently, the scene wasn't at all long, and on the other hand, it seemed very short time. As for myself, I had no sense of time.

69. Q. Then what happened?

A. Before the prisoners were stabbed, they were standing by their own power, but about the middle of the stabbing they were slumped down and it was clear that they were dead.

The judge advocate moved to strike the words "and it was clear that they were dead" out of the answer on the ground that they were the mere opinion of the witness.

The accused made no reply.

The commission directed that the words be stricken out.

70. Q. Then what happened?

A. About this time, I felt my throat being very dry and I felt a little sick; I went toward the road and was sitting on the grass.

71. Q. Then did anything happen after this?

A. When I was resting, an enlisted man came to me and said, "The head of the hospital is calling you."

72. Q. Then what did you do?

A. I went to where the head of the hospital was.

73. Q. Then what did you do?

A. I was given the following order: "Cut the neck of the prisoner with a sword. As this is a ritual, it is not necessary that their head be cut off."

74. Q. Then what did you do?

A. This time I looked around and saw that the "U" shape had been broken up and that they were grouped closer around the prisoners. No one moved and everyone was watching me, holding their breath.

75. Q. Then what did you do?

A. I went to the prisoners and looked at them for a short while.

76. Q. Do you remember how the prisoner looked when you went close by and watched the prisoner for a short time?

A. They were held up by a rope which was tied around their breasts and tied to the cross-bar and also by another rope which was tied around the stomach and tied to the cross-bar and their heads were bowed very deeply and their

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feet slumped, with both of their feet touching the ground. Their complexion was a whitish-green and very pale. I could not observe any movements of breathing. There was no movement at all. It was almost like a statue.

The commission then, at 10:16 a.m., took a recess until 10:37 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.

An accused, Oishi, Tetsuo, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding and continued his testimony.

(Examination continued.)

77. Q. You testified that you were ordered by the head of the hospital to cut the neck of the prisoners and that you went close to the prisoners. What did you do after that?

A. I was standing by the prisoner to the right facing the prisoners. I drew my sword and I swung once. I struck once. I made a small cut in the left shoulder, but I saw no blood coming out.

78. Q. Why did you draw your sword and strike the prisoner?

A. I was ordered directly by the head of the hospital in front of my superior officers and in front of my subordinates who were holding their breath watching me. I was still in this confused or agitated state of mind and I could not refuse. The head of the hospital said "ritual." I knew that in Japan, even on persons who were dead, this cut with a sword was made, and my feeling at that time was not to mutilate the body, but as a ritualistic feeling in doing this.

79. Q. Then what did you do?

A. I stepped back from the prisoners and I looked at the sword.

80. Q. What happened then?

A. When I looked at the sword, there was no blood on the sword, nor was the blade nicked, but about three or four inches from the tip of the sword, it was clouded as if there was some oil on it. When I looked, I saw a bucket with some water in it, so I dipped the sword in some water and wiped it off with a handkerchief, and placed it in the scabbard. I did this because I did not feel it good to just place the sword in the scabbard with the clouded part on it.

81. Q. Do you know the native Otis who took the stand as a witness?

A. Yes.

82. Q. When and where do you remember meeting this Otis?

A. I saw Otis when I was transferred to the branch hospital on Tol. I saw him there.

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83. Q. Tell us if you ever met him before this time?

A. I have no recollection at all of having met him before this time.

84. Q. Referring you to the time when you testified that you made a division in the enlisted men and the petty officers stepped forward. In which formation did you make this division?

A. They were lined up. Everyone was lined up in a shape of a "U," facing the prisoners and the petty officers and the enlisted men were lined up toward the right facing the prisoners. They were lined up in order of rank with the higher ranking persons closest to the prisoners, with some of the seamen lined up directly in front of the prisoners. I made the division at the head of the column which was closest to the prisoners on the right.

85. Q. You testified that you received orders from the head of the hospital. When you received these orders, was there anyone who relayed these orders to you from the head of the hospital?

A. There was no one.

86. Q. You testified that Captain Taneda and the head of the hospital came up to the top of the hill. When they arrived, did anyone else come with them?

A. My recollection was that when the head of the hospital arrived, there was one other person with him and I was not very sure of my recollection as to who this person was, but according to what I have heard in this court, it was Captain Taneda. There was no one else other than these two.

87. Q. While you were at the scene, did you see the adjutant there?

A. No.

88. Q. Have you ever told the judge advocate or investigators who investigated you of any persons who you remembered of not having stabbed?

A. Yes.

89. Q. What did you tell them?

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.

90. Q. In your recollection, do you remember anyone who did not stab that day?

A. I do.

91. Q. Why are they?

A. Among the persons who are here, it was Petty Officer Mukai.

92. Q. How did you learn that he did not stab?

A. When I was ordered by the head of the hospital to stand by the column of petty officers, and while the head of the hospital was making this speech, it was because I saw Mukai standing by himself behind the prisoners, I remember this clearly.

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93. Q. Did you tell the judge advocate about this?

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

The accused withdrew the question.

Cross-examined by the judge advocate:

94. Q. On that day in July of 1944, when this hill incident occurred, when was the first time that you learned that prisoners were coming to the hospital?

A. On the afternoon of the day before the incident.

95. Q. What did you learn then?

A. I found out that the prisoners were coming to the hospital tomorrow.

96. Q. Where did you find this out?

A. In the corridor near the entrance of the administration building at the hospital.

97. Q. Who told you?

A. Surgeon Lieutenant Kamikawa.

98. Q. Now, when did you have this conversation with Kamikawa at which you told him that you were refusing the orders of the head of the hospital?

A. I did not have any conversation saying that I had rejected the orders of the head of the hospital.

99. Q. Were you asked this question and did you make this answer on direct examination: "Q. Tell us if you received any orders from the head of the hospital concerning prisoners before the incident." "A. I did not receive any orders, but there is one incident when on the day before the incident I heard about this suddenly from the adjutant during a short standing conversation. That evening I went and rejected it?"

A. Yes.

100. Q. What was the "it" of "I rejected it"?

A. Because I was told in that standing conversation that he may try to get the Self Defense Section to do it. I meant the Self Defense Section to dispose of the prisoners.

101. Q. Are you telling us that if Captain Iwanami had ordered you as the head of the Self Defense Section to carry out this execution, you would have refused it? Is that what you mean?

A. I was told by the adjutant that if the Self Defense Section would dispose of the prisoners and I rejected what he said to me.

102. Q. In this conversation with Kamikawa, did you understand from the conversation with him that the Self Defense Section was to dispose of the prisoners?

A. In the first conversation, the standing conversation, that is how I understood it.

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103. Q. Did you understand at that time that Kamikawa was only passing on to you the instructions of Captain Iwanami?

A. I did not know whether it was the instructions of Iwanami or not.

104. Q. Did you believe at that time that it was the instructions of Kamikawa?

A. I thought it was the instructions of Kamikawa because he was usually giving instructions to the Self Defense Section.

105. Q. Did you believe that Kamikawa was acting on his own responsibility or acting as the agent of Captain Iwanami?

A. What do you mean?

106. Q. At the time you had the conversation with him, the short standing conversation?

A. In stating this, I would have to explain the attitude of the adjutant at this time. He said this in a joking or a very light manner. I listened to him very seriously. Kamikawa's attitude was rather different. I did not think at this time whether it was the instructions of the head of the hospital, or whether it was Kamikawa. Frankly, my feeling at that time was just one of surprise.

107. Q. When you had this conversation with Kamikawa did he tell you that it was the desire of the head of the hospital that the Self Defense Section dispose of the prisoners?

A. He did not say anything to this effect.

108. Q. Reading from the official record of this trial: "29. Q. Why did you refuse this?" "A. There were two reasons for refusing this. The adjutant said to me, 'Tomorrow prisoners will come to the hospital and the head of the hospital wishes the Self Defense Section to take care of the prisoners.' As this was against the motives for which this Self Defense Section was organized, I refused it. I do not know for what reason, but to kill prisoners at the hospital was against my feelings, and I said that I could not accept it." Were you asked that question and did you make that answer?

A. If that is how it is stated, I clearly withdraw that.

109. Q. Then you now desire the commission to know that when you had the conversation with Kamikawa about the disposal of the prisoners, Kamikawa said nothing to you about Iwanami wanting it done. Is that correct?

A. As I stated before, in yesterday's testimony on direct examination, I asked the adjutant what did he mean by disposal and the adjutant repeated that "I do not know. On this, the head of the hospital knows."

110. Q. But, in the beginning of that conversation with you, he didn't mention the head of the hospital, didn't he, when he suggested that the Self Defense Section dispose of the prisoners?

A. In this first conversation, I asked him what he meant by "dispose of them" and he replied, "I do not know. Only the head of the hospital does."

111. Q. When Kamikawa in this first conversation asked you to dispose of the prisoners, what did you tell him?

A. I asked him what he meant when he said "dispose of them."

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112. Q. Did you tell him that you absolutely rejected it?
A. At this time also I said that, "I can't accept it."

113. Q. And what did he say then?
A. He said, "I would like to have you do it," and left.

114. Q. After you had told Kamikawa that you rejected it he said to you, "I would like to have you do it," and left. Is that correct?
A. As I stated exactly what occurred, that after he said, "I would like to have you do this" two to three times. This term in Japanese has a very broad meaning and it is a term that is used in the navy. As he was leaving, I went after him and expressly said to him that I could not accept it.

115. Q. When you finished that conversation with Kamikawa, did you understand that he wanted you and the Self Defense Section to dispose of those prisoners?
A. I understood that the Self Defense Section may be asked to dispose of the prisoners.

116. Q. By whom?
A. Frankly, at this time, I did not think by whom.

117. Q. Who normally gave you orders in your capacity as the head of the Self Defense Section?

This question was objected to by the accused on the ground that it was irrelevant and immaterial.

The judge advocate withdrew the question.

The commission then, at 11:29 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.

An accused, Oishi, Tetsuo, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding and continued his testimony.

(Cross-examination continued.)

118. Q. You testified in this morning's testimony that Kamikawa was usually giving instructions to the Self Defense Section. What do you mean by that?
A. The enlisted men were being relieved very often so by that I mean that he gave instructions concerning this.

119. Q. Wasn't it usual at the hospital for Captain Iwanami to transmit orders concerning the Self Defense Section to you through Kamikawa?
A. As a matter of fact, as the head of the Self Defense Section, I never received special orders through this channel. We had a schedule and every Sunday morning we would train.

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120. Q. Did you ever receive any orders directly from Captain Iwanami concerning the Self Defense Section?

A. No, I do not recall receiving any.

121. Q. Was Captain Iwanami in the habit of giving you orders directly or did he usually give you orders through Kanikawa?

A. By order to you mean general orders or generally speaking?

122. Q. Generally speaking in respect to the Self Defense Section.

A. While I was head of this Self Defense Section, there was no occasion that Iwanami gave special orders to me.

123. Q. What was the next thing, after this conversation with Kanikawa, that you heard concerning prisoners at the hospital?

A. In the evening of that day I spoke to Lieutenant Minato about my conversation with the adjutant.

124. Q. I am not talking about that day, I am talking about the next day. Did you ever have any conversation with any enlisted man concerning those prisoners?

A. I did not take the initiative in speaking to the enlisted men.

125. Q. On the afternoon of that day in which this incident occurred, did you have a conversation with an enlisted man concerning prisoners?

A. Yes, I spoke with one petty officer.

126. Q. What did you speak about? What did you say to him and what did he say to you?

A. On the afternoon of the day of the incident, I was resting on the veranda near the officers' mess hall, one petty officer who was dressed unusually passed by, and I asked him what was going on. He replied, "I am going to the guard unit to get the prisoners."

127. Q. When you say he was dressed unusually, what do you mean?

A. I mean that he had a rifle with him and also had a bayonet with a belt.

128. Q. Who was this petty officer if you remember?

A. He was Petty Officer Tanaka.

129. Q. After you had this conversation with this petty officer, what next did you hear concerning prisoners?

A. As I have said before, while I was reading in the officers' quarters, I heard men running outside. I thought what was going on and called one of them and asked him and he replied that the general assembly had been called on the hill in back of the officers' quarters and that the prisoners were coming there.

130. Q. When you went up the hill the first time, you did not have your sword with you, did you?

A. No, I did not have my sword.

131. Q. How many other officers on that hill had swords that day?

A. I recall about one-half or two-thirds of the officers that were present there had swords.

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Judge Advocate.

132. Q. When you got up on that hill the first time the prisoners were not tied to the cross-bar were they?

A. Yes, they were not tied.

133. Q. Who tied the prisoners to the cross-bar?

A. Concerning who tied these prisoners to the cross-bar, my recollection had been very vague, but listening to the various testimonies in this court, I recall that four or five enlisted men had tied them to the cross-bar.

134. Q. Do you mean that until you came into this court room you did not remember who had tied these prisoners to the cross-bar?

A. When I spoke to the judge advocate, Lieutenant Commander Regan, I was telling the truth which I believed to have been the truth at the time when I told him, but since that time what I think is the truth has changed a little.

135. Q. Were those prisoners tied to the cross-bar before Captain Iwanami arrived on the hill?

A. At that time my recollection was that they were tied before Captain Iwanami came up the hill, but now I clearly find that my recollection was wrong.

The judge advocate requested the commission to direct the witness to answer only the question put to him and not to enter into a lengthy explanation of what he is saying.

The commission directed the witness to answer the questions put to him more specifically and without all of the explanation, but that it had no objection to a certain amount of qualification of the statements of the witness.

A. (continued.) They were tied after Captain Iwanami came on the hill.

136. Q. Is this statement in your own handwriting? [Showing statement to witness.]

A. [The witness examined the statement.] Yes, it is.

137. Q. Do you recall writing in that statement as follows: "A short time after I had gone to the scene, Petty Officer Yoshizawa came and immediately made the prisoners stand up taking them beneath the kapok trees, tied them to the cross-bar. At this time there were orders from no one. There was no one to stop them. A short time lapsed and then the head of the hospital came." Do you remember writing that in your own handwriting?

This question was objected to by the accused on the ground that the judge advocate had not laid the proper foundation for the question.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I remember writing it.

138. Q. Was that the truth at the time you wrote it?

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This question was objected to by the accused on the ground that the judge advocate had not introduced this document into evidence and that the best evidence was the document itself.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. It was true when I wrote it. I shall now explain to you how I came to write it. Concerning the point when the head of the hospital came to the hill, the other witnesses have testified very simply on that point, but there are many points that were not brought out. When I said this to Commander Regan I had the following things in my memory. First, four or five enlisted men were tying the prisoners to the kapok tree; the second, Yoshisawa, whom I had not noticed, suddenly was there with just a "G" string and just looking at them. These two images were vivid in my mind then, so I simply stated as I did. Therefore, I stated definitely what was only a very vague memory. Concerning this point after I heard the various testimonies of the various witnesses and when I found out that some of them were in error and some of that testimony was correct, my memory was refreshed. Due to this, I am asking my previous statement be corrected.

139. Q. You say your memory of this incident was refreshed during the trial. Was it refreshed before or after Iwanami took the stand?

A. It was way before Iwanami took the stand.

140. Q. Did anyone order you to return to your quarters and get your sword?

A. No, I did not receive such orders.

141. Q. It was your own idea to go back and get your sword. Is that correct?

A. It is my idea, I should say, rather to go back and change my uniform rather than pick up my sword.

142. Q. After Iwanami had arrived on the hill, did he give you the orders to pick out the petty officers that were to take part in this stabbing incident?

This question was objected to by the accused on the ground that the words "pick out" have not been used before in the direct examination.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. After Iwanami shouted in a loud voice, "Petty officers step forward," he called me and told me to have the petty officers step forward.

143. Q. And how did you select the petty officers that were to step forward?

A. I also stepped forward, went in front and in a loud voice called out, "Petty Officers step forward!" but no one stepped forward. Therefore, I noticed at this time that the petty officers were in an "L" form and they were lined up according to rank with the senior petty officers closest to the prisoners, so I then went to this line and then with my hands, I pointed out the petty officers.

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144. Q. Do you remember whether or not Iwanami had you pick out the petty officers or did he have someone else pick out the petty officers?

A. Yes, I remember. He ordered me.

145. Q. Did you ever make a statement contrary to the one you have just made to me?

A. Yes, I have.

146. Q. On this paper which is your own handwriting, do you remember writing the following: "The head of the hospital ordered Petty Officer Nomma and had him move the petty officers out front. Among the persons lined up, petty officers stepped forward and, as I recall, they lined up in two columns." Did you write that?

A. Yes, I remember writing it.

147. Q. Was this paper written before this trial began?

A. Yes, it was written before.

148. Q. Will you explain to the commission why you first said that Iwanami gave orders to Nomma to pick out the men and now you say that Iwanami gave you the orders?

A. As I have stated before, when I wrote the statement for Commander Regan, I had only relied on my memory and I also had forgotten and my memory was in error. Day after day in the stockade, I had to lead a very monotonous life. Moreover, in my eyes I saw many persons being kept in the stockade who had not done any offense; therefore, I was very nervous and unsettled; moreover, I could not tell when the solution of the case would be made, my state of mind was, I was not my usual self. According to my order, these petty officers had stepped forward, lined up horizontally and then with the orders of the head of the hospital, they had changed this line into a vertical line. I had forgotten this. At this time I had in my memory a vivid impression of Nomma in front of the line; therefore, I stated that Nomma had these petty officers line up and I clearly wish to say that my memory concerning this point is in error.

149. Q. When did you make your speech to the two lines of petty officers? Was it before or after Iwanami made his speech?

A. It was after Iwanami made his speech.

150. Q. Did you ever tell me anything different than that which you have just stated?

A. I believe I stated to Commander Regan that I made my talk before Iwanami made his speech.

151. Q. Do you recall having written down in your own handwriting on the paper you have already identified as having written yourself the following: "After I had finished my talk, I reported to the head of the hospital that I had finished. The head of the hospital immediately started his pep talk. I stayed in my present position. I can hardly remember the contents of the head of the hospital's pep talk. It was in a loud and excited voice. I remember that he was describing the bombing of the hospital and the cities of Japan. As I recall, it lasted about five minutes?"

A. Yes, I recall writing this.

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152. Q. Why would you tell anyone two different stories on that particular incident?

A. When I wrote that statement for Commander Regan, I thought that was the truth, but as I have already stated, I found out by myself that in many parts my memory was not correct; therefore, in order to correct this mistake, I have taken the stand. That was one of my purposes in taking the stand.

153. Q. When did your memory concerning these incidents improve? Was it before or after Iwanami took the stand?

A. Before Iwanami took the stand; when the witnesses for the prosecution were taking the stand.

154. Q. How many petty officers did you select?

A. When I divided the petty officers, I did not think about how many to divide, but just divided.

155. Q. How many petty officers finally wound up in those two lines of stabbers?

A. I recall about ten.

156. Q. Could there have been more than ten?

A. According to my recollection, I think there were about from eight to ten.

157. Q. After the stabbing had been completed, what did you do?

A. I went toward the rear and sat on the grass.

158. Q. Why did you approach the two prisoners after the stabbing had been completed?

A. Because I was ordered by the head of the hospital to cut the heads.

159. Q. Do you remember exactly what the head of the hospital said to you then?

A. Yes, I do.

160. Q. What did he say?

A. "Cut the heads. Since this is a ritual, it is not necessary to cut them off."

161. Q. Did you ever give anyone else a different reason as to why you approached these two prisoners?

A. Concerning the point of my approaching the prisoners when I was ordered this by the head of the hospital, there was another officer beside me. This officer had not come when I made that last statement to Commander Regan.

The judge advocate requested the commission to caution the witness to confine his answers to the questions.

The commission cautioned the witness to confine his answers to the questions.

162. Q. Did you ever give a different reason to me?

A. What I have just stated, I did not tell you.

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163. Q. Do you recall writing down in this paper which you have identified as being in your own handwriting the following: "Petty Officer Yoshizawa swung his sword two or three times to lamber up. I went to his side and said, 'Senior Petty Officer, stop it.' He withdrew his sword and looking at me said, 'Then will Lieutenant Oishi cut (with sword).' I looked around at the people around us. The people around us looked into my face. Mingled among them was the fearful face of the head of the hospital looking me in the face. I instantly realized that Yoshizawa was cutting on the orders of the head of the hospital. In this instant, the thought that I should not cut and a funny thought that if he has to be cut, it would be better for this prisoner to be cut by Oishi than Yoshizawa flashed through my head. (The reason for the thought the prisoner would be better off if he were cut by me was because the handling of the prisoners by Yoshizawa, especially when he had the prisoner stand up, I thought was very distasteful.)"

A. Yes, I wrote it.

The commission then, at 3:22 p. m., took a recess until 3:42 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.

An accused, Oishi, Tetsuo, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

164. Q. At the time you wrote that statement you made no reference to the fact that Captain Iwanami had ordered you to cut the heads of the prisoners, did you?

A. No, I did not write about this order.

165. Q. If Iwanami actually had ordered you to cut the head of the prisoners, why didn't you mention it at the time you wrote the statement?

A. When I was given this order by Iwanami, I was ordered this together with Lieutenant Asamura. When making this statement after we had received the order, Asamura took one out at the prisoner. He cut the rope and I did not know exactly whether he cut the prisoner. If I stated about my order from Iwanami, I would have to state concerning Asamura. I could not do this about a person who was not yet in the stockade and I did not know definitely if he had cut the prisoner, so this part I did not write.

166. Q. You wish the commission to believe the real reason you cut the prisoner was because Iwanami ordered you. Is that correct?

A. I will explain this. Just before Asamura failed in cutting, I saw Yoshizawa being told something by the head of the hospital. Yoshizawa came toward the prisoners with a sword. He was only clothed with a "U" string. It looked to me as if Yoshizawa was about to cut the prisoners. I thought Asamura had

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to cut the prisoner to the right ^{and} myself the prisoner to the left. As I did not know that the head of the hospital had ordered Yoshizawa to cut the prisoners, I stopped him. When I saw the face of the head of the hospital and Yoshizawa, it dawned clearly on me that the head of the hospital had ordered Yoshizawa to cut the prisoners and I thought at this time, "If they are to be cut, I will cut them." This is the truth as I recall it now. This was also because I thought about the way he was clothed.

167. Q. Did Iwanami order you to cut the head of the prisoner?
A. I received this order to cut together with Asamura.

168. Q. What do you mean when you say you thought it would be better if you cut rather than Yoshizawa?
A. As I stated before, the way that Yoshizawa was clothed, I did not think was in accordance with the ritual.

Reexamined by the accused:

169. Q. You stated that the enlisted men were lined up in the shape of a "U" facing the prisoners and that they were lined up according to rank. Were the enlisted men of the paymasters and the enlisted men of the carpenters all lined up together?
A. When I saw the enlisted men were lined up in order, I only mean the enlisted men of the carpenters.

170. Q. How many men were in the Self Defense Section on July 20, 1944?
A. There were thirty carpenters, including myself, and there were fifteen to twenty persons of the paymasters under the command of Warrant Officer Ota, but I do not remember their exact number.

171. Q. Were all of the men of the Self Defense Section on the hill on July 20, 1944?
A. As I had never had the Self Defense Section line up that day, I do not remember exactly.

172. Q. When you made these statements that you have identified and stated that you wrote, were you under oath?

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.

173. Q. Where did you make these statements?
A. In a little shed outside of the guard house at the War Crimes Stockade.

174. Q. When did you make these statements?
A. I think it was the middle of April of this year.

175. Q. How long had you been in confinement at this time?

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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.

Recross-examined by the judge advocate:

176. Q. This statement that you have recognized as being in your own handwriting. Why did you write it?

A. When I saw the many persons whom I thought had nothing to do with this incident confined in the stockade and could not tell when this would clear up, I thought I would state what I had done, given the order and out at the dead body, to save my former subordinates from undergoing the ordeal of testifying against me and also to clear up this incident as early as possible. Things which were still vague in my mind concerning prisoners and the events that occurred, I wrote down what I thought at that time to be the truth. I also wanted this to be one of the helps to clear up this incident. Concerning Asamura, I could not bring myself to write about him.

177. Q. Didn't you write this statement at my request?

A. I wanted to tell this to Commander Regan. I told the guard at the guard house one week before this that I wanted to see Commander Regan. One week after I had asked this, I saw Commander Regan and after I had told him about this, that this was the truth, he asked me to write out what I had told him on paper.

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

The commission did not desire to examine this witness.

The witness made the following statement:

I would like to state concerning four points. Concerning the conversation I had with the adjutant, I had one in the afternoon, one in the evening when I went together with Lieutenant Minato. There were two conversations and in the testimony I previously made, it was not clear. The afternoon conversation was as follows: The adjutant said to me, "Tomorrow prisoners will come to the hospital and wish the Self Defense Section to dispose of them"; and I said to the adjutant, "What do you mean, dispose of them?" The judge adjutant replied, "I do not know, the head of the hospital knows." I said to him, "I cannot accept"; and then the adjutant said to me, "Will you understand what I have talked to you about?" Then I replied, "I absolutely cannot accept." The evening conversation I had with the adjutant is as follows: "What do you mean by dispose of them?" The adjutant replied, "I do not know. The head of the hospital does." I said, "When you say dispose of them, if it is meant to execute the prisoners, neither myself nor the Self Defense Section can do it. I wish you would tell this to the head of the hospital." The adjutant replied, "This is not a regular order of the head of the hospital. I just overheard it and thought I would let you know. If he is going through with it, I will refuse it for you to him. I am against it; so are the others. I do not know

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if there is going to be an execution." The second point is preparations for this incident nor its carrying out were not done or made by the Self Defense Section. As head of the Self Defense Section, I received no such orders and I do not remember relaying any such orders. I did not consult beforehand with the head of the hospital about bringing the petty officers forward. I went to the scene and found out for the first time that the petty officers were to do the stabbing. Among the witnesses of the prosecution, there are many who state that the spectators and stabbers were separate from the beginning. There is no truth in this statement. The persons who became the stabbers were those whom I had selected unexpectedly when I had to make this division in the persons lined up. This can also be understood due to the fact that almost all of them who were put forward did not have any weapons in their hands. I believe this was a characteristic of the head of the hospital in ordering anything to a person who happened to be nearby.

The witness resumed his status as an accused.

The commission then, at 4:20 p. m., adjourned until 9 a. m., tomorrow, Tuesday, August 5, 1947.

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THIRTIETH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.
Tuesday, August 5, 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 E. Lamm, junior, U. S. Marine Corps,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
members, and,
Lieutenant Commander Joseph A. Ragan, 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 twenty-ninth day of the trial was read
and approved.

No witnesses not otherwise connected with the trial were present.

An accused, Asamura, Shunpei, was, at his own request, duly sworn as a
witness in his own behalf.

Examined by the judge advocates:

1. Q. State your name and former rank.
A. Former Lieutenant, Imperial Japanese Navy, Asamura, Shunpei.
2. Q. Are you an accused in this case?
A. Yes.

Examined by the accused:

3. Q. Tell us your age and marital state?

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 am twenty-five years and five months, and I am married.

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4. Q. When did you enter the navy?

A. I entered the naval academy on the first of December, 1940.

5. Q. Tell us briefly your history in the navy since that time.

A. While I was at the naval academy, the Japanese navy suffered great losses in the battle of Midway, and battle of Guadalcanal. Also Admiral Yamamoto was lost. Under these critical circumstances, the course of the naval academy, which is usually four years, was cut down to two years and I was graduated from the naval academy in September of 1943. I spent my first period of midshipman training on the battleship Yamashiro. My second period of midshipman training was on the cruiser Chokai. On the tenth of March, 1944, I arrived on Truk to take up my duties with the Forty-first Naval Guard Unit and have been there till the end of the war when I was demobilized.

6. Q. Did you ever see any prisoners at Truk?

A. Yes.

7. Q. When and where did you see them?

A. Around July of 1944, I saw them on the hill in back of the hospital.

8. Q. When you say hospital, what is the correct name?

A. The Fourth Naval Hospital.

9. Q. How did you come to be at the top of this hill?

A. At this time, myself and my men were quartered in a building in which shows and movies were shown at the hospital. On the afternoon of the day of the incident, I had to go to the headquarters of the Forty-first Naval Guard Unit to answer some questions concerning personnel and as the afternoon work had started and the others had gone to their various duties, I went to my quarters and was getting the papers on personnel in order and getting ready to go to the headquarters of the Forty-first Naval Guard Unit. In the next room where the petty officers were staying, one of the first-aid crew members was saying, "Just a while ago some prisoners were taken to the hill in back of the hospital." When I heard this, as I had never seen prisoners up to this time, I went up to the hill to see the prisoners, to see what they looked like. After I went up there and saw them, as I had to go to the administration building, I came down the hill. When I came to the front of the administration building, the head of the hospital was standing there. There was one officer with him. There was one other person with him, I cannot remember who that person is. I saluted the head of the hospital. Then the head of the hospital said to me: "The prisoners are going to be executed on the hill. Go and watch it." And that is how I came to be on the hill.

10. Q. You testified that you were staying at the hospital. What was your relation with the hospital at this time?

A. I was given the following order by Lieutenant Commander Nakase, the executive officer of the guard unit, in the beginning of June: "An order has been put out by the fleet to defend the peninsula, that detachments be sent to the peninsula where the hospital is located, to defend that area. I order you to be the commanding officer of this detachment. As there are no quarters there, and as we have the understanding of the head of the

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hospital, the hospital will supply or furnish you with water and food." Taking two warrant officers and fifty men, I went to the hospital. Our quarters was the building in which shows and movies were shown at the hospital. The food we received from the galley of the hospital. The two warrant officers and myself ate at the hospital wardroom. I stayed at the hospital till the end of 1944. Because of these circumstances, the head of the hospital looked after us as if we were his direct subordinates, and in the same way, he would give me orders concerning work, training, and many times he would give detailed instructions concerning this. Especially after the fall of Saipan, the head of the hospital said that Truk may be next invaded by the American forces. He was very nervous and he became all the more strict in giving orders and instructions. This was my relation with the hospital at this time.

11. Q. What kind of work did you usually do?

A. Mainly our work was in building anti-tank barricades along the seashore of the peninsula, at the end of the peninsula, and also the growing of food in the area around where we were.

12. Q. Why did you do as the head of the hospital said when the head of the hospital said to go up the hill and watch the execution?

A. When I was detached to the hospital, the executive officer told me to take special notice that the head of the hospital was different from the usual doctors in the medical corps. He was very strict and that he was very forceful and told me to mind his instructions. At this time, I believed that to carry out whatever a superior officer told me was in a way a strengthening of my character, no matter how difficult to me it may be to carry out. Every day in performing the everyday work, I was obedient to those orders. At this time I had only become an ensign, while the head of the hospital was a captain. The head of the hospital asked me impossible things to be done, but as it was not a personal thing, but for the defense of Truk, I was obedient and carried them out. The head of the hospital would become very angry when his subordinates would not do as he wished, and he would scold in a loud voice. We were very afraid of him at this time. The circumstances were that I had to obey his orders. I was an officer of the Forty-first Naval Guard Unit and was not directly under his command, but actually, I was in a position in which I had to obey the orders of the head of the hospital. I had always been obedient to his orders and when he said to me "Go to the top of the hill and watch"; without thinking, I just obeyed what he had instructed me.

13. Q. What did you see when you arrived at the hill the second time?

A. Almost all the people of the hospital were assembled on that hill. I do not remember very clearly things on the hill. Things that I remember the most clearly were that the head of the hospital arrived and made a speech.

14. Q. What did the scene look like when the head of the hospital made this speech?

A. The head of the hospital very excitedly made a speech and because of the force of the excitedly made speech, everyone at the scene became very quiet.

15. Q. Then, do you know what happened?

A. Then, according to the orders, direct orders, of the head of the hospital, the stabbing began. Shortly, the stabbing was over.

CERTIFIED TO BE A TRUE COPY:

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

16. Q. Do you know what happened after the stabbing was over?
 A. I thought it was over and was about to leave when I saw Lieutenant Oishi called by the head of the hospital, and they talked. After this, Lieutenant Oishi came toward me and called: "Ensign Asamura." As he called, I went up to him. Lieutenant Oishi said, "The head of the hospital has ordered you and me to cut the necks of the prisoners." I was surprised and looked toward the head of the hospital. The head of the hospital said: "Have you ever cut before?" and I replied, "No." The head of the hospital said: "You are supposed to leave one inch connecting the head and the body." And at this time, without hardly thinking at all, the feeling that the head of the hospital would be mad if they went against his wishes, I went toward the prisoner to the left and stood to the right of the prisoners. The head of the prisoner was bowed deeply; the legs were bent; his face was colorless. The flow of blood from the wound had already stopped. As he was in the same position as when he was stabbed and in a very difficult position to cut, I wondered how to go about it. Everybody there was looking at me and I saw the head of the hospital, but feeling it was as if the feeling is the same as when you are about to jump off a stand which is ten meters high. It was a worried and a sort of hurried feeling. Anyway, I delivered the blow. It did not go well. The feeling which up to that time I had forced upon myself and had kept me going, left me at this time. I felt sick and started to go to the rear. I became all the more sick and as I passed Yoshizawa, I asked him, "Hold this sword for me?" and I went down to the head and returned to my quarters. That is what I did.

The accused did not desire further to examine this witness.

Neither the judge advocate nor the commission desired to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his status as an accused.

An accused, Yoshizawa, Kensaburo, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. State your name and former rank.
 A. Former Corporal Ensign, Yoshizawa, Kensaburo.
2. Q. Are you an accused in this case?
 A. Yes.

Examined by the accused:

3. Q. Tell us your age and marital status.
 A. I am thirty-one years and ten months old. I am married.
4. Q. When did you enter the navy?

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

1. I entered the navy as a fourth class seaman in 1934, at the Yokosuka Naval Barracks. I was a volunteer seaman.

2. Q. Have you ever had duty with the Japanese navy at Truk?

A. Yes.

3. Q. What unit did you have duty with?

A. The Fourth Naval Hospital, Dublon Island, Truk.

4. Q. Through what periods of time did you have duty with the Fourth Naval Hospital on Truk?

A. From the third of September, 1942, till the nineteenth of January, 1945. I was dispatched from the main hospital on Dublon to the branch hospital on Tol on the thirtieth of September, 1944.

5. Q. What was your rank in July of 1944?

A. I was a seaman chief petty officer.

6. Q. What was your station at this time?

A. I was the senior petty officer of the Fourth Naval Hospital.

7. Q. While you had duty at Truk, did you ever see any prisoners?

A. Yes.

8. Q. When and where did you see them?

A. In the latter part of July, 1944, on the hill in front of the officers' quarters.

9. Q. How did you come to be on this hill?

A. On the afternoon of that day, at one o'clock, when everyone lined up to go to their duties, I picked out three workers and went to fix the road in back of the third surgical ward. A truck passed in front of us with two or three enlisted men in it. At this time, I did not notice the prisoners. I did not know how long after this, but I saw enlisted men going up this hill. The distance to the hill from where I was is about one hundred meters and it is in clear view. As many persons were assembled on the hill, and as I was the senior petty officer, I wondered if something had happened, and leaving my work, I went to the hill. At this time, I would like to state concerning the testimony of Takahashi and Yamaguchi, who previously testified. Petty Officer Ito has written that I ordered Petty Officer Tanaka and himself to go to the guard unit, dispatched them to the guard unit to pick up the prisoners. When the truck which I presumed the prisoners to have come in passed by us, it was shortly after we had started to work, and it could not have been that we went after we had lined up for the afternoon. It seemed after we had begun the afternoon's work on someone's orders. Petty Officer Takahashi testified, that hearing the general assembly when he went to the entrance of the hospital, Petty Officer Yoshizawa was there and leading the group of about fifteen men, went up the hill and that there were some spectators and soldiers assembled there. I have no recollection of having led such a group up the hill. Concerning the testimony of Petty Officer Yamaguchi: He said as he was going toward the entrance of the administration building, he met me, and that I said to him, "The men are assembling in front of the administration building and they will be coming up the hill. Go to my room and pick up my sword." There is no truth in this testimony.

WRITTEN TO BE A TRUE COPY:

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

The examination then, at 12:00 a.m., took a recess until 12:30 a.m., at which time it resumed.

Present: All the witnesses, the judge advocate, the reporter, the counsel, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

As ordered, Yoshizawa, Kamekura, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was asked that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

At the request of the judge advocate, the previous question and answer were read.

The judge advocate moved to strike that portion of the answer beginning with and following "At this time, I would like to state concerning the testimony of Takahashi and Yamaguchi, who previously testified.....", out of the answer on the ground that it was not responsive and characterized the testimony of other witnesses.

The counsel replied,

The examination directed that the words be stricken out.

13. Q. What did you do after you arrived at the hill?

A. On the hill were assembled fifty to sixty enlisted men, about two warrant officers and officers, and toward the right from the entrance, coming up the hill, on the grass, were sitting two prisoners blindfolded and with their hands tied behind their backs and seated back to back.

14. Q. Then what did you do?

A. I went toward the prisoners and looked at them closely. I saw that both of them were sitting with their heads bowed, and looked very sad. At this time, I did not smoke, I told some persons who were nearby, "If you have some cigarettes, give them to them." Japji Officer Kamekura was nearby and without saying anything, he brought out two cigarettes and lighted them. I gave one cigarette to the first prisoner and Kamekura gave the other cigarette to the other one who was sitting. At their hands were tied, holding their heads up, he placed a cigarette in each of their mouths, saying, "Cigarettes", and after they had smoked about half of the cigarette, they said, "Thank you very much." They were dressed in a simple flight uniform and had a pocket on their left breast. As I was looking down, I could see into the pocket one of them and in the pocket was a flask made out of bamboo and a little piece of paper. When I saw this, I was startled by it and I thought of some leaves which I had brought up to my room. Taking out the cigarette that the prisoner had smoked about half I gave it back to Kamekura, and went down the hill to my quarters. On the way to my quarters you have to pass the officers' quarters and, as I was passing by, I saw Tachibana or Shimizu without the old red marks about to go up the hill. I went to my room and opened up the window to which the lantern was hanging up, but there were some that were also enough to see. I again went up the hill. At the entrance of the hill, a soldier was stopping, and after me, two or three guards were

EXHIBIT 10 OF A SET 100A

James H. H. H.
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going up the hill, but it looked as if the sentries told them that they could not come, and they left.

15. Q. Do you remember how you were dressed when you went up the hill this second time?

A. I was dressed as when I was working on the road. I had on a sweater, and I had a helmet, a worker's helmet, with holes in it for the air to circulate, and on my feet were some sandals made of banana fibres from the stalk of the banana tree, as shoes were precious at this time.

16. Q. What did you do after you arrived on the hill at this time?

A. When I again arrived on this hill, the prisoners were not sitting on the grass. They were tied to a cross-bow. To the right of the prisoners were twenty-four or twenty-five officers and warrant officers. To the left of the prisoners were lined up the collected men, about forty to fifty collected men of the company. Back of the prisoners were six or seven corporals. In front of the prisoners were lined up about ten persons. In back of the two rows, horizontal to them, were lined up about twenty men of the regiment. When I first arrived on the hill, I did not see the regiment, and also the reason I remember this is that when I was going up the hill I saw that the regiment were still doing something in front of the barracks. When I first came to the hill, I stood by the left side of the prisoners. I perceived instantly that the prisoners were to be killed.

17. Q. What did you do after this?

A. At this time, I do not know what custom exists there is, but in Japan there is a ritual in which a drink of water is given a person before he is to die. There was a bucket of water placed between where the prisoners were and where the officers were standing, and in back of where the regiment were lined up was a banana tree. I went over to the banana tree and cut off two leaves, scooped up two leaves of water and saying, "Water?" gave them to the prisoners. It was a very hot day and they seemed to enjoy the drinking of it very much. They drank it and said, "Thank you very much." After I gave them the drinking water I went to the right and rear of the prisoners. As I was not clothed, I did not line up in any of the formations. The head of the hospital had already arrived at this time.

18. Q. What happened then?

A. The head of the hospital said, "Take off the blindfolds," and two men came out and took off the blindfolds. The prisoners, up to this time, had been blindfolded and could not see. When their blindfolds were taken off, they saw the scene before them, and the prisoner to the right facing them, the thin one, faltered, and became ill. I ran toward the prisoner, and having him lean forward, gently tapped the back of his neck, but he could not recover from his faint. Some men came out and they placed his legs where his head and he recovered. This is an emergency measure, then realizing to place the feet higher than the head and the time was very short; it was about three seconds. It wasn't done roughly.

19. Q. Then what did you do?

A. Then I went to the left and took my position there.

EXHIBIT 10 IS A TRUE COPY

James T. Roy
James T. Roy,
Lieutenant, U. S. Army,
Kings Mountain.

22. Q. Then do you know what happened?

A. After the prisoner had recovered from his faint, the head of the hospital came out from among the officers and made a speech to all persons assembled there.

23. Q. Do you know the contents of that speech?

A. Yes, I remember generally what its contents were.

24. Q. Tell us what you remember.

A. He stated that this prisoner had attacked Turk, killed many of our countrymen, looted quarters, clothing and food, and it is a deplorable case. He has brought Turk in this condition. He has looted the hospital in violation of the Red Cross. "In place of Heaven, I will punish thee, you shall strike spiritually." As many witnesses have testified, the head of the hospital was very excited, a lot different from his usual attitude. Every one at the scene became very quiet, like a frog which is being looked in the eye by a snake which has been stared at by a snake. Everyone was very pale when listening to the speech.

25. Q. Then, do you know what happened after that?

A. I do not remember what he said, but he ordered Lieutenant Stahl to begin the stabbing. As I recall, Lieutenant Stahl was talking to the soldiers, but I do not remember the contents of what he said. I do not know the contents of what he said. At this time, the head of the hospital said, "What are you hesitating about," and was like him hurry up. I do not remember what he said, either to rush or to go forward, but Lieutenant Stahl gave the order. As the persons who were at the head of the line were suddenly given the order, they were taken by surprise, and hesitated. Instead of going forward, it seemed as if they stopped backward. Again the order was given, and they went forward.

26. Q. Did anything happen after the stabbing?

A. The head of the hospital ordered someone and Stahl to cut the necks of the prisoners. Lieutenant Stahl and Lieutenant someone went around on the prisoners. I do not know how they cut, but someone came hurriedly toward me. He was very pale. He asked me, "Will you hold this a minute?" and handed me a sword, and disappeared toward the rear.

27. Q. Then what happened?

A. The head of the hospital said, I do not remember whether he said "the senior petty officer" or "Joshua," but he said, "Do it again."

28. Q. Then what did you do?

A. As I remember, Lieutenant Stahl cut the thin prisoner and Lieutenant someone, the fat one; and when someone cut, he failed in cutting and because it did not look well, as I remember, I was ordered to cut. I was skilled in using the sword, since I had been practicing since I was a child, and I knew how to cut at such a time. As the head of the hospital testified previously, the cutting of the heads made very atrocious to foreigners, but there are three ways in which this is performed as a ritual. In battle when the head of the enemy is cut off to show that he has been killed and the other is striking the head blow to show that he is dead; the other is when a warrior is killed responsible for his wife and has to commit suicide. His head is cut off to shorten his pain, and also to be sure that he is dead.

INTERVIEWED TO BE A TRUE COPY

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

The examination then, at 11:30 a. m., took a recess until 2 p. m., at which time it resumed.

Present: All the witnesses, the judge advocate, the counsel, their counsel, and the interpreters.

Robert A. Miller, junior first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

At recess, Lockman, Executive, the witness under examination when the recess was taken, resumed his post as a witness at his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

The judge advocate moved to strike out the answer given before the recess on the ground that it was not responsive and requested the examination to direct the witness to answer the question.

The counsel replied,

The examination directed that the answer be stricken out and directed the witness to answer the question.

Q. Q. Do you understand what I ask you the question then what happened?
A. I understand the question.

Q. Q. Then what happened?

A. I was ordered by the head of the hospital and I went up to the first patient room.

Q. Q. Tell us how the prisoner looked when you went down up to him?
A. The prisoner was not breathing. He had no strength in his body. His legs were bent and he was slumped down and he was held up by the ropes.

The judge advocate moved to strike the words "The prisoner was not breathing. He had no strength in his body," out of the answer on the ground that they were the mere opinion of the witness.

The counsel replied,

The examination directed that the words be stricken out.

A. (continued) It appeared that the prisoner was not breathing. He had no strength in his body. His legs were bent and he was slumped down and he was held up by the ropes.

Q. Q. What did you do after that?

A. I went into with the count but it was not good to examine the head from the body with that rope, but as a witness to strangle the body with the count.

Q. Q. From the head of the hospital ordered you to cut the count of the prisoner, but did he order you to do that?

A. I do not remember exactly what the head of the hospital said, whether he said, "The count must stop at 14 over count" or "Lockman only." I do not remember what he said.

EXHIBIT 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, 222, 223, 224, 225, 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22. Q. Did the head of the hospital say anything else to you?
A. As I understood the meaning of why I was to strike the dead body and I judged it as this, I just did this without the head of the hospital saying anything else. As I am skilled with the sword I believe I would have separated the head from the body with one stroke.

The judge advocate moved to strike the word "dead" on the ground that it was not responsive and that it was the opinion of the witness.

The record replied,

The commission directed that the word be stricken.

23. Q. You testified that you struck the prisoner with a sword. What sword was it that you struck the prisoner with?
A. It was the sword of Captain Lawrence.

24. Q. Why did you use Lawrence's sword?
A. It was because after Lawrence had said he said, "Will you hold this for me?" and he had handed me the sword and so it was because I did not have my sword with me.

25. Q. Did you ever ask anyone at the time of the incident to bring you your sword?
A. No.

26. Q. Do you know how the prisoners came to be brought to the hospital on the day of the incident?
A. I do not know.

27. Q. Did you ever talk to anyone concerning prisoner before you went to this hill?
A. No.

28. Q. On the day of the incident did you see any enlisted men being carried up the hill in formation?
A. I did not notice.

29. Q. You testified that you went to the hill twice that day. Did you go with anyone to that hill?
A. I went by myself.

30. Q. At the Fourth Naval Hospital is there an enlisted man of the hospital known as Bill who has to report this to the senior petty officer?
A. Yes, whenever a person feels sick and wants to have an examination he would have to report this to the senior petty officer who would write in his division, rate and name on a card and have him go to the ophthalmologist's room.

31. Q. Do you know who the senior petty officer was in July 1944 who reported these reports?
A. It was myself.

RECORDED BY A T-1000
JAMES T. BERRY,
JAMES T. BERRY,
JAMES T. BERRY.

42. Q. In the middle or end of July 1944 was there any one of your enlisted men who had to take an examination?

A. There was one, as I recall it was Chief Petty Officer Trumbo.

43. Q. When you say Trumbo do you mean the Trumbo who is among the defendants?

A. Yes.

44. Q. When was it that he reported that he was sick?

A. As I recall it was one week or ten days before the examination.

45. Q. What was his condition after he became sick, if you know?

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

The accused replied,

The examination answered that the objection was sustained.

46. Q. Concerning the sickness of Trumbo how was it reported?

A. As I remember two or three days after the July incident it was in the morning or afternoon that Trumbo came to the senior petty officers' room. In the senior petty officers' room are the names of all the enlisted men in the hospital and persons who are resting or on light duty of the various divisions and Trumbo I remember came to return his card after saying that he had recuperated from a fever sickness.

47. Q. You testified that two or three days after the July incident Trumbo came back to report that he was recuperated. Do you know whether he was confined in the hospital ward during his sickness?

A. I do not know what ward he was confined in but I think he was confined in a hospital ward.

Cross-examined by the judge advocate

48. Q. Do you know whether or not Trumbo on that day that the July incident took place was able to walk around the hospital?

A. I can not say.

49. Q. Do you know where Trumbo was on the afternoon in which this incident occurred on the top of that hill?

A. I do not remember.

50. Q. The first time that you went up on top of the hill did you see any officers up there?

A. Yes.

51. Q. How many officers did you see?

A. The first time I went and saw them it was a little vague but I think there were about ten officers and several enlisted men.

52. Q. How many commissioned officers were on the hill the first time you went there?

A. As I recall there were about six or seven officers and with the commissioned officers it was about ten.

WITNESSES TO BE A TRUE COPY

James A. [Signature]
James A. [Signature]
Judge Advocate

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53. Q. Can you tell us the name of the senior officer present the first time you went up there?

A. As I walked toward the prisoners and where the officers were standing was some distance from where the prisoners were, I can not remember distinctly. I did not think it would be a trial such as this as I do not remember. Also three years have passed.

54. Q. You say you can not remember distinctly. Can you remember at all the senior officer that was present on that hill?

A. I do not remember.

55. Q. Was it on the occasion of your first visit on the hill that you perceived immediately that the prisoners were going to be killed?

A. I did not notice that they were to be killed.

56. Q. Was it the second time that you went up that hill that you perceived that the prisoners were to be instantly killed?

A. Yes.

57. Q. What was happening that made you believe that the prisoners were going to be killed?

A. It was because, as I testified this morning, there were persons in front of the prisoners with spears and bayonets and the officers and enlisted men were there.

58. Q. The first time you went up that hill, were any preparations being made on that hill?

A. As I remember it there were some things going on.

59. Q. What was going on?

A. I can not say specifically but they were not just standing still, there were some that were moving about. I can not say exactly that preparations were being made.

60. Q. Was there any particular officer in charge of the persons the first time you went up there?

A. I think there was but when I went there the first time I went to where the prisoners were. Around the prisoners were a little more than ten enlisted men grouped around them, the others were at the place where the execution took place.

61. Q. Who was the officer that you think was in charge up there?

A. I do not remember.

62. Q. Did you tie up those prisoners?

A. I have no such recollection.

63. Q. Do you know who did that the prisoners up to the execution?

A. When I arrived the second time the prisoners had already been tied to this executioner.

64. Q. When you arrived the second time did you get there before yourself?

A. Before we already there.

EXHIBIT 10 OF 1000

James A. Ray,
Accused, U. S. Army,
Judge Advocate.

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65. Q. Did you see Jensen going up that hill?

A. No.

66. Q. Do you know when he got there?

A. I do not remember.

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:

That I have stated just now in my testimony I have written in this statement on the twenty-fifth of November of last year and given this to the judge advocate. It was about three days after the witnesses came to the witness camp.

The witness resumed his status as an accused.

An accused, Jensen, Hashiro, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Former Corporal Harriet Officer Jensen, Hashiro.

2. Q. Are you an accused in this case?

A. Yes.

Examined by the accused:

3. Q. When did you enter the navy?

A. On the first of June 1934.

4. Q. Did you ever have duty on Truk?

A. Yes.

5. Q. What unit were you attached to at Truk?

A. The Fourth Naval Hospital.

6. Q. From what time were you attached to the Fourth Naval Hospital?

A. 20 May, 1943.

7. Q. What was your station in the Fourth Naval Hospital?

A. I was head of the laboratory and also I was the senior petty officer of various hospital wards. As my duty in the division was the senior petty officer of the division, also I was section head. Also I have had duties as senior petty officer of the hospital.

8. Q. While you were attached to the Fourth Naval Hospital did you ever see any foreigners?

A. Yes.

RECORDED BY ME A TIME 10:15

[Signature]
Lieutenant R. C. Jorg,
Judge Advocate.

Q. A. When was it that you saw that
A. In a day in the latter part of July 1944.

Q. A. That was your wife at this time?
A. I was a company chief petty officer.

Q. A. When did you become a company chief petty officer?
A. In the first of November 1943.

Q. A. What was your position at this time?
A. Was you any station that kind of position do you want?

Q. A. The position in the west of the hospital and your station of duties in the division.
A. Depending on duties in the west of the hospital I was the head petty officer in the laboratory. I was also the senior petty officer of the second division and also a section leader.

Q. A. When did you see these foreigners?
A. In the M.I. back of the officers' quarters at the hospital.

Q. A. What was the nationality of these foreigners?
A. They were Japanese.

Q. A. What kind of Japanese were they?
A. They were soldiers personnel who were prisoners.

Q. A. You testified that these foreigners were Japanese. How did you know they were Japanese?
A. By the speech of the head of the hospital.

Q. A. You testified that they were prisoners. How did you know that they were prisoners?
A. In the same way, by the speech of the head of the hospital.

Q. A. At this time did you know what a prisoner was?
A. In common knowledge I knew something about them.

Q. A. Tell us what you know.

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

The court replied:

The objection sustained that the objection was sustained on the ground that it was too broad in its scope.

Q. A. Did you ever have information for when you entered the camp?

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

WITNESSES:
James P. King
Lieutenant Junior Grade
United States Navy
Submarine Division

The accused made no reply.

The committee announced that the objection was sustained.

22. Q. You testified that you saw these prisoners in the latter part of July 1944 on the hill back of the hospital. How did you come to be there?
A. On the afternoon of that day of the incident, about 2:30, when I was working in my usual duty I heard the call for general assembly and I assembled in front of the administration building and we were instructed to go to the hill back of the hospital, so I went there.

23. Q. When you arrived on the top of the hill in back of the hospital what did you see?
A. When I arrived at the scene the prisoners were not there.

24. Q. Then when you arrived what was there at the scene?
A. As I remember there were several warrant officers and officers and some enlisted men.

25. Q. When did you first find out that there were prisoners?
A. Shortly after we arrived there the prisoners came up the hill.

26. Q. Then what did you do?
A. As the prisoners arrived at the scene and also some of the enlisted men and officers of the hospital had arrived, according to the orders we were lined up.

27. Q. Then what happened?
A. The head of the hospital and Captain Tinsley, the senior section head, arrived at the scene.

28. Q. Then what happened?
A. According to the orders of the head of the hospital several enlisted men tied up the prisoners.

29. Q. Then what happened?
A. Lieutenant Gishi, who was ordered by the head of the hospital, made a division among the enlisted men lined up and had them stop forward. I was among this group which stopped forward.

30. Q. Then what happened?
A. Steel spears and rifles with fixed bayonets were handed to the persons who had been brought forward by the lower ranking enlisted men.

31. Q. Then what happened?
A. The head of the hospital, Tinsley, made a speech to everyone assembled there.

32. Q. Do you remember the contents of the speech of the head of the hospital?
A. I do.

33. Q. Tell us what you remember.

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James P. Kervy, Jr., Navy,
Lieutenant, U. S. Navy,
Judge Advocate.

4. I do not remember the exact words of Captain Inoué but he stated the following: (1) That these two prisoners were American aviation personnel who are prisoners, (2) Concerning the fall of Saipan, Saipan was suddenly invaded, there were no defense preparations and when it fell the many civilians did not have a chance to leave Saipan and fought together with the soldiers and died, even women and children took up weapons and fell together with Saipan, there are still some remaining and some sectors still fighting. Many soldiers and civilians who were taken prisoners were assembled on the air fields and according to the reports of reconnaissance planes, especially women, they were placed on the field without clothes and steps were taken which human beings should not do. The damage done to Truk by the air raids, the bombing of the hospitals and due to this the condition of the patients turned for the worse and the increasing of deaths of the hospital, especially the bombing of the hospital several days previously done to buildings that were plainly marked with the Red Cross in violation of international law. "I order you to stab and do not hesitate and stab spiritedly with the spirit that has been embedded in you from your everyday training."

The examination 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 advocate, the reporter, the counsel, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

An accused, Kame, Makino, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

Mr. Q. You testified that Captain Inoué spoke concerning the bombing of the hospital. What was your actual experience as to the bombing of the hospital?

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

The accused replied:

The examination answered that the objection was sustained.

Mr. Q. What were the battle conditions at Truk at this time?

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

The accused replied:

The examination answered that the objection was sustained.

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

36. Q. What did you think when you heard the speech of the head of the hospital?

A. When I heard the speech of the head of the hospital I was of the same feeling but when I saw these two prisoners tied before my eyes I felt sorry for them.

37. Q. According to your testimony you were brought forward before the speech of the head of the hospital. Is this correct?

A. Yes.

38. Q. What happened after the speech of the head of the hospital?

A. By the orders of Lieutenant Gishi to stab, Lieutenant Gishi who had received the orders from the head of the hospital gave the order to stab, I started to run.

39. Q. Did you stab?

A. Obeying my orders I did.

40. Q. What did you stab with?

A. A rifle with a fixed bayonet.

41. Q. According to your testimony you were handed this rifle and bayonet after you were brought forward. Is this correct?

A. Yes, one of the men who were watching brought us this rifle and bayonet.

42. Q. Do you remember the name of that man?

A. I forget.

43. Q. What part of the prisoner did you stab?

A. I aimed at his heart and stabbed.

44. Q. Did blood come from where you stabbed?

A. Yes.

45. Q. What happened to the prisoner after you stabbed?

A. His head was bowed deeply and he seemed to be dead.

The judge advocate moved to strike the words, "he seemed to be dead" on the ground that they were the mere conclusion of this witness.

The witness replied,

The conclusion was correct. The conclusion was correct and all parties to the trial entered.

The conclusion announced that the motion to strike was denied.

46. Q. What happened after the stabbing?

A. The bodies were buried.

47. Q. You testified that you stabbed a person. Did you know whether it was good or bad to stab a person?

CERTIFIED TO BE A TRUE COPY:
James H. [Signature]
James H. [Signature]
Lieutenant, U. S. Navy,
Judge Advocate.

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

The accused withdrew the question.

48. Q. What did you think concerning this stabbing?

A. If the orders and challenges in the Japanese military service were not taken into consideration my conscience would tell me that it was bad.

49. Q. In a case such as this what did you think?

A. I was absolutely sure that it was not wrong.

50. Q. Why was this?

A. We were instilled with the feeling that the orders in the Japanese military service were the direct orders of the Emperor. Once an order was issued no matter what happens that order is to be carried out. As this was an order I did not think it was wrong.

51. Q. Did you know what would have happened if you did not obey this order?

A. I do.

52. Q. What would happen to you?

A. To disobey an order in the Japanese military service is one of the heaviest penalties and I have been taught in my nine years that in the front lines if an order is disobeyed the penalty would be death.

53. Q. You testified a short while ago that you aimed for the heart and stabbed. Why did you aim for the heart?

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

The accused made no reply.

The conviction announced that the objection was not sustained.

A. After the speech of the head of the hospital the head of the hospital pointed out with his walking stick the heart of the prisoners and said, "Look the prisoners in the heart." There was this direct order.

54. Q. You testified that after the stabbing the bodies were buried. Do you know what happened to the bodies after they were buried?

A. I know that they were dug up as a policy of the hospital.

55. Q. When was this that they were dug up?

A. I do not remember the exact day but I think it was in the latter part of August, after the end of the war.

56. Q. How did you come to hear about the digging up of these bodies?

A. On the afternoon of that day just after the noon work had begun Commander Gorman, head of the surgical department, and Corporal Edwin Takahashi who

CERTIFIED TO BE A TRUE COPY:

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

The accused made no reply.

The committee announced that the objection was sustained.

22. Q. You testified that you saw these prisoners in the latter part of July 1944 on the hill back of the hospital. How did you come to be there?
A. On the afternoon of that day of the incident, about 2:30, when I was working in my usual duty I heard the call for general assembly and I assembled in front of the administration building and we were instructed to go to the hill back of the hospital, so I went there.

23. Q. When you arrived on the top of the hill in back of the hospital what did you see?

A. When I arrived at the scene the prisoners were not there.

24. Q. Then when you arrived what was there at the scene?

A. As I remember there were several warrant officers and officers and some enlisted men.

25. Q. When did you first find out that there were prisoners?

A. Shortly after we arrived there the prisoners came up the hill.

26. Q. Then what did you do?

A. As the prisoners arrived at the scene and also most of the enlisted men and officers of the hospital had arrived, according to the orders we were lined up.

27. Q. Then what happened?

A. The head of the hospital and Captain Lumsden, the senior section head, arrived at the scene.

28. Q. Then what happened?

A. According to the orders of the head of the hospital several enlisted men tied up the prisoners.

29. Q. Then what happened?

A. Lieutenant Gish, who was ordered by the head of the hospital, made a division among the enlisted men lined up and had them stop forward. I was among this group which stopped forward.

30. Q. Then what happened?

A. Steel spears and rifles with fixed bayonets were handed to the persons who had been brought forward by the lower ranking enlisted men.

31. Q. Then what happened?

A. The head of the hospital, Lumsden, made a speech to everyone assembled there.

32. Q. Do you remember the contents of the speech of the head of the hospital?

A. I do.

33. Q. Tell us what you remember.

TESTIFIED TO BE A TRUE COPY

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

4. I do not remember the exact words of Captain Inoué but he stated the following: (1) That these two prisoners were American aviation personnel who are prisoners, (2) Concerning the fall of Saipan: Saipan was suddenly invaded, there were no defense preparations and when it fell the many civilians did not have a chance to leave Saipan and fought together with the soldiers and died, even women and children took up weapons and fell together with Saipan, there are still some remaining and some sectors still fighting. Many soldiers and civilians who were taken prisoners were assembled on the air fields and according to the reports of reconnaissance planes, especially women, they were placed on the field without clothes and steps were taken which human beings should not do. The damage done to Truk by the air raids, the bombing of the hospital and due to this the condition of the patients turned for the worse and the increasing of deaths of the hospital, especially the bombing of the hospital several days previously done to buildings that were plainly marked with the Red Cross in violation of international law. "I order you to stab and do not hesitate and stab spiritedly with the spirit that has been instilled in you from your everyday training."

The examination then, at 3:25 p.m., took a recess until 3:46 p.m., at which time it recommenced.

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.

An accused, Inoué, Kashiro, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

14. Q. You testified that Captain Inoué spoke concerning the bombing of the hospital. What was your actual experience as to the bombing of the hospital?

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

The accused replied:

The examination announced that the objection was sustained.

15. Q. What were the battle conditions at Truk at this time?

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

The accused replied:

The examination announced that the objection was sustained.

TESTIFIED TO BE A TRUE COPY:

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

36. Q. What did you think when you heard the speech of the head of the hospital?

A. When I heard the speech of the head of the hospital I was of the same feeling but when I saw these two prisoners tied before my eyes I felt sorry for them.

37. Q. According to your testimony you were brought forward before the speech of the head of the hospital. Is this correct?

A. Yes.

38. Q. What happened after the speech of the head of the hospital?

A. By the orders of Lieutenant Gishi to stab, Lieutenant Gishi who had received the orders from the head of the hospital gave the order to stab, I started to run.

39. Q. Did you stab?

A. Obeying my orders I did.

40. Q. What did you stab with?

A. A rifle with a fixed bayonet.

41. Q. According to your testimony you were handed this rifle and bayonet after you were brought forward. Is this correct?

A. Yes, one of the men who were watching brought us this rifle and bayonet.

42. Q. Do you remember the name of that man?

A. I forget.

43. Q. What part of the prisoner did you stab?

A. I aimed at his heart and stabbed.

44. Q. Did blood come from where you stabbed?

A. Yes.

45. Q. What happened to the prisoner after you stabbed?

A. His head was bowed deeply and he seemed to be dead.

The judge advocate moved to strike the words, "he seemed to be dead" on the ground that they were the mere conclusion of this witness.

The witness replied,

The conclusion was correct. The conclusion was correct and all parties to the trial entered.

The conclusion announced that the motion to strike was denied.

46. Q. What happened after the stabbing?

A. The bodies were buried.

47. Q. You testified that you stabbed a person. Did you know whether it was good or bad to stab a person?

IDENTIFIED TO BE A TRUE COPY
James M. Foy
James M. Foy,
Lieutenant, U. S. Navy,
Judge Advocate.

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

The accused withdrew the question.

48. Q. What did you think concerning this stabbing?

A. If the orders and challenges in the Japanese military service were not taken into consideration my conscience would tell me that it was bad.

49. Q. In a case such as this what did you think?

A. I was absolutely sure that it was not wrong.

50. Q. Why was this?

A. We were instilled with the feeling that the orders in the Japanese military service were the direct orders of the Emperor. Once an order was issued no matter what happens that order is to be carried out. As this was an order I did not think it was wrong.

51. Q. Did you know what would have happened if you did not obey this order?

A. I do.

52. Q. What would happen to you?

A. To disobey an order in the Japanese military service is one of the heaviest penalties and I have been taught in my nine years that in the front lines if an order is disobeyed the penalty would be death.

53. Q. You testified a short while ago that you aimed for the heart and stabbed. Why did you aim for the heart?

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. After the speech of the head of the hospital the head of the hospital pointed out with his walking stick the heart of the prisoner and said, "That the prisoner in the heart." There was this direct order.

54. Q. You testified that after the stabbing the bodies were buried. Do you know what happened to the bodies after they were buried?

A. I know that they were dug up as a policy of the hospital.

55. Q. When was this that they were dug up?

A. I do not remember the exact day but I think it was in the latter part of August, after the end of the war.

56. Q. How did you come to hear about the digging up of these bodies?

A. On the afternoon of that day just after the noon work had begun Commander Gorman, head of the surgical department, and Surgeon Major Takahashi who

CERTIFIED TO BE A TRUE COPY:

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

was the Deck Officer came to the master-at-arms room and I heard them telling the officer-of-the-day to keep this incident from becoming known it is necessary to dispose of the bones of the prisoners who were executed and that he wanted the master-at-arms to select the workers from the firing detail and send them to the Deck Officer, Takahashi. That is why I know about it.

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

The commission directed that the answer be stricken.

57. Q. How did you come to know that the bones of these prisoners were dug up?

A. According to the orders of the officer-of-the-day as the work of the senior petty officer I selected the workers.

58. Q. Then according to the orders did you select the personnel?

A. According to the orders of the officer-of-the-day I did.

59. Q. Did you ever go to the scene where the bones were dug up?

A. Yes.

60. Q. Why did you go?

A. A messenger came and said "the head of the hospital is called you at the scene where we are digging," so I went.

61. Q. What happened when you arrived there?

A. At the scene the head of the hospital, Sumner, Commander Sumner and the Deck Officer, Takahashi, were there and the head of the hospital said to me, "I can not find the place where they are buried. You do not happen to know, do you?"

62. Q. Then what did you do when you were asked this question?

A. I tried to recall where it was and tried various places and finally found them the place where I thought they were buried.

63. Q. Were you at the scene till the bones were dug up?

A. At this time I had other duties but just before the evening meal I was again called by the head of the hospital to the scene and when I went there I saw the bones.

64. Q. Then what did you do?

A. By the orders of the head of the hospital and receiving the instructions from the Deck Officer, Takahashi, I was told to sink these bones in the sea before the evening meal.

65. Q. Then what did you do?

A. The head of the hospital in his orders said to use the boat which the firing detail is using. The workers dug up the bones carried the bones down to the boat and I talked to Sergeant Bridge Takahashi and asked him to get permission to use the firing boat because it was the orders of the head of the hospital.

The commission then, at 4:30 p.m., adjourned until 9 a.m., tomorrow, August 6, 1947.

CONTINUED TO BE A TRUE COPY:

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

THIRTY-FIRST DAY

United States Pacific Fleet,
Commander Harianan,
Guam, Marianas Islands.
Wednesday, August 6, 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 E. Lamm, junior, U. S. Marine Corps,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
masters, and
Lieutenant Commander Joseph A. Rogers, U. S. Navy, and
Lieutenant James P. Henry, 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 thirtieth day of the trial was read
and approved.

No witnesses not otherwise connected with the trial were present.

An accused, Kame, Kachiro, the witness under examination when the
adjournment was taken, resumed his seat as a witness in his own behalf. He
was warned that the oath previously taken was still binding, and continued
his testimony.

(Examination continued.)

Q. Then, did you sink this box in the sea?

A. Using the crew members of the fishing boat and the workers, we took the
box out to sea. One of them sank, but the other did not.

Q. What happened to this other box that did not sink?

A. We tied this box to a rock and I told the petty officers in the boat,
"Whenever you come back to fish, bring a sack which you can get from the
galley, place some rocks in it, and sink it," and we went back to the hospital.

Q. According to your testimony up to now, the only relation you had with
the digging up and sinking of these boxes was that as you were in the position
of the senior petty officer, you were given the work of allotting duties to
the enlisted men, and according to your superior orders, you put out workers
to dig up the boxes, and later, when they could not find the place where
the boxes were buried, you were asked and helped in locating the place. Is
that correct?

A. Yes.

TESTIMONY TO BE A TRUE COPY

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

69. Q. Were you given a separate order when you were told to sink these bones in the sea?

A. I was called by the head of the hospital and given a separate order.

70. Q. Was it because you put out the workers to dig up these bones?

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

The accused made no reply.

The commission announced that the objection was sustained.

71. Q. Why was this?

A. I think it was because I had put the workers out to dig up the bones and also because I was the senior petty officer.

72. Q. On the day of the incident when you assembled in front of the administration building and went up the hill in formation, did you know why you were going up the hill before you climbed it?

A. I did not know for what reason we were to go up the hill, but as we were told to go up the hill, I went.

73. Q. When did you first find out that it was to be an execution of prisoners at the hospital?

A. When I first was actually told that there was going to be an execution was after the speech of the head of the hospital, but when the prisoners arrived at the scene and through the circumstances at the time, I thought maybe these prisoners were to be executed.

74. Q. You just now testified about circumstances at that time. Will you tell us specifically what you mean by "circumstances at that time"?

A. That the two prisoners were there, that almost all of the officers of the hospital and enlisted men were assembled at the scene.

75. Q. Was there anything else which made you think that the prisoners may be executed?

A. A short distance from the prisoners a hole was already dug. Some of the enlisted men had rifles and a large number of the officers had swords with them. For these reasons, I thought maybe there might be an execution, that they might be executed.

76. Q. Isn't it usual that officers should bring their swords with them when assembling at a general assembly?

A. It varies according to the occasion, but up to this time, there were hardly any instances in which swords were brought to a general assembly.

77. Q. You testified that you had stalled the prisoners yesterday. When was it that you were given this duty to stall?

A. When Lieutenant Field made a division among the petty officers and had part of them step forward.

IDENTIFIED TO BE A TRUE COPY

James M. Smith
James M. Smith,
Lieutenant, U. S. Navy,
Judge Advocate.

78. Q. What did you do right after you finished talking?

A. I went to the rear of the petty officers who were lined up.

79. Q. You testified that after you talked the prisoner, the prisoner seemed as if he were dead. When did you first notice this?

A. At the time I was excited, and I do not remember exactly, but it was after I went toward the rear of the persons who were lined up.

80. Q. Tell us briefly about the characteristics of Captain Inland as you saw them.

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

The accused withdrew the question.

81. Q. What was the attitude of Captain Inland concerning orders?

A. The orders of the superior officers were absolute. He relied upon the superior officers and absolutely respected them. Captain Inland was a very strict and active person, which was rare among the officers of the medical corps. He was always training the enlisted men in military spirit, and he was also stressing the fact that orders were to be performed immediately. He even had a slogan made which was placed in the hospital concerning this. He would not be satisfied unless his orders were performed before his very eyes. Because he was such a person, all of his orders were carried out absolutely and on the spot.

82. Q. You testified that you had performed the duties as the senior petty officer at the hospital. What are the duties of the senior petty officer?

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.

83. Q. What was the attitude of the head of the hospital when he made this speech?

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 replied,

The commission announced that the objection was sustained on the ground that it was repetitious.

84. Q. Were you investigated concerning this incident?

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

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

The court said to reply.

The court then announced that the objection was sustained.

Q. Did you speak to anyone concerning what you said in this court yesterday and today?

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

The court replied:

The court then announced that the objection was sustained.

Q. Yesterday you testified that a division was made in a part of the party by officers, and that they were sent forward. Being that petty officers was this division made?

A. This division was made in the petty officers who were lined up to the right of the prisoners during this.

Q. Were petty officers from the prisoners lined up in the group?

A. As I remember, some from the prisoners were lined up in the group. When the division was made, the prisoners were lined up directly in front of the prisoners, horizontal to the prisoners.

Q. Was there anyone who lined up in front of the prisoners other to the ones who were made to step forward because of this division?

A. I do not remember.

Q. You testified yesterday when you first went up the hill you saw several soldiers out there. What were they doing?

A. As I remember, they were digging a hole.

Q. In those areas you remember of the persons who were digging that hole?

A. I do not remember exactly, but as I recall, some were in front of the prisoners, there were still some petty officers and one who was still digging the hole, and I believe one of the petty officers was American.

Q. You testified that among the petty officers at that time digging the hole, you saw American. Was there a petty officer at this time?

A. I do not remember the exact number. It was a leading company or a company was petty officer around there, which, I do not remember.

Inter-estimated by the judge advocate

Q. What you heard this call of general assembly, where did you go to the entrance of the administration building at the hospital?

WITNESSED BY ME A NOTARY PUBLIC
James M. Kiser,
Notary Public, T. A. Kiser,
Judge Advocate

Q. Were you the only person that assembled there?
A. No.

Q. How many people assembled with you?
A. I do not remember the exact number, but I think it was about fifty to sixty men assembled. There were also guards in this group.

Q. Were there any officers present there?
A. Yes.

Q. Who were they?
A. I remember that there were three or four officers there, but I do not remember their names.

Q. You said you were given instructions. Who gave you these instructions at the general assembly?
A. It was a warrant officer or above who gave us these instructions, but I do not remember who he was.

Q. Who usually gave instructions at general assemblies?
A. It varies, according to the nature of the general assembly. There may be cases in which the head of the hospital would give orders directly. In some cases the senior medical head would give orders, and other cases the warrant officer or the officer-of-the-day or the junior officer-of-the-day would give the instructions or orders.

Q. Who gave the instructions this day?
A. Which officer it was, I cannot remember. I cannot remember his name. I forget who he was, and I cannot remember his name.

Q. Who was the officer-of-the-day that particular day?
A. I actually do not remember who the officer-of-the-day was.

Q. Did you watch them run up the hill?
A. No.

Q. Who did?
A. I went together with an officer.

Q. What did you go with? What was his name?
A. I forget.

Q. What was the name of the officer that you went up the hill with that day?
A. As I testified before, I forget.

Q. Do you mean you forget, or do you mean you are not going to tell me? What is it?
A. I forget.

Q. Who watched the marching men up the hill that day?
A. When we went up the hill, we were in a group of about twenty men. I did not notice how the rest of the prisoners were marched up this hill.

EXHIBIT TO BE A TRUE COPY

James P. Murray
James P. Murray,
Lieutenant, U. S. Army,
Alger, Algeria.

107. Q. The man in charge of this group of about thirty persons?
A. By thirty, do you mean the group which remained after we had gone up the hill?

108. Q. I mean the group with which you say you went up the hill.
A. As I testified before, I forgot his name. I think it was a junior officer—
of-the-day.

109. Q. You have testified in direct examination that when you first went
on top of that hill you saw several officers there. Tell us the names of those
officers.

A. Among the officers I saw, I remember seeing some of them with words, some
of them had names, but I do not remember their names.

110. Q. Can you give us the names of any particular officers that you remember
seeing on the hill the first time you went up there?

This question was objected to by the counsel on the ground that the witness
has already testified that he did not remember; therefore, it is irrelevant
and immaterial.

The judge overruled the objection.

The counsel answered that the objection was not sustained.

The question was repeated in repetition.

A. At this time, there were twenty-five officers, several officers and an
officer at the hospital. I worked together with them from morning till night
for three years, but I remember some officers being there, but I cannot say
exactly that this officer was there; that this officer wasn't there.

111. Q. The only officers had names on that hill that afternoon?
A. According to my recollection, only one officer had a name.

112. Q. Who brought the prisoners up the hill?
A. The prisoners were brought up the hill by several armed petty officers,
but I do not remember their names.

113. Q. Do you remember the names of any of the petty officers that brought
the prisoners up the hill?
A. I do not remember.

114. Q. Was there an officer in charge of the prisoners when they were coming
up the hill?
A. I do not remember.

115. Q. The only colored men were among this group that you have testified
that you saw being shot?

A. I think it was four or five colored men, but I do not remember the exact
number.

EXHIBIT 10-17-58
[Signature]
[Signature]
[Signature]

116. Q. Was there an officer in charge of them?

A. I think there was an officer there, but I cannot remember his name.

117. Q. Did they finish digging this hole before the soldiers started?

A. When we were brought before the prisoners, there were still some persons digging at the hole.

118. Q. Now that you have told us that, would you mind answering the question? Did they finish before the soldiers finished digging?

This question was objected to by the counsel on the ground that it was irrelevant and immaterial.

The judge alternate replied,

The objection concerned that the objection was not sustained.

A. Shortly after we were brought forward, the speech of the head of the hospital began, and I did not notice.

119. Q. Then you don't know when they finished digging this hole. Is that correct?

A. Yes.

120. Q. How do you know that Captain General told Child to make a division among the petty officers?

A. As we were lined up at this time, we heard the head of the hospital say so to Lieutenant Child.

121. Q. What did he say to him?

A. I do not remember the exact words, but the meaning was to bring forth about these petty officers.

122. Q. Did Captain General give these orders directly to Lieutenant Child or did he give them to someone else?

A. As I recall, from what I remember, the head of the hospital gave the orders directly to Lieutenant Child.

123. Q. Do you remember who was with the head of the hospital when he arrived at that time?

A. I do.

124. Q. Who was with him?

A. Surgeon Captain Trench, who was the senior section head.

125. Q. Was Trench the only person that was with him?

A. When Captain General came up the hill, I remember seeing him coming up together with Captain Trench, and after he came up the hill, and as there was already more than twenty officers assembled there and were called by him, I cannot say who was by him and who was not.

EXHIBIT 10 IN A-100-1000

James A. Fenn,
Lieutenant, U. S. Navy,
Judge Advocate

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126. Q. Were the prisoners tied to the cross-bar before Isumi arrived?
A. When the head of the hospital arrived, the prisoners were sitting on the grass.

127. Q. Who tied the prisoners to the cross-bar?
A. According to the orders of the head of the hospital, some of the men tied the prisoners to the cross-bar.

128. Q. Were those orders of Captain Isumi given directly to the enlisted men or were they transmitted through someone else?
A. I do not remember this.

129. Q. Do you remember the name of any of the enlisted men that tied up these prisoners that day?
A. I do not remember.

130. Q. How many petty officers did Lieutenant Oishi select?

This question was objected to by the accused on the ground that Lieutenant Oishi had been on the stand and the judge advocate had an opportunity to question him and any answer that this witness would make was merely his opinion and the witness should not be required to testify for or against one of his co-defendants.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not remember exactly how many men he had step forward, but the division was about ten.

The commission then, at 10:15 a. m., took a recess until 10:45 a. m., at which time it resumed.

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.

An accused, Isumi, Hashiro, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

(Cross-examination continued.)

131. Q. At the time that Captain Isumi made this speech, how many officers were on that hill?

A. I do not remember exactly, but I recall more than twenty.

132. Q. How many officers were there at the hospital?

A. As I recall, the number of officers at that time was twenty-five.

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

133. Q. Do you know what officers were not on the hill that afternoon?
A. I do not remember.

134. Q. After Lieutenant Oishi had selected the petty officers to line up in front of the prisoners, how many of them were given spears and how many were given rifles?

A. As I recall, the persons in the front row of the petty officers who were brought forward were handed rifles with fixed bayonets and the persons in the rear row were handed steel spears, but I cannot say what the exact number was.

135. Q. When there were two lines facing the prisoners, did one line have rifles with bayonets and the other line have spears?

A. At the time of the speech of the head of the hospital, this was how one line was with rifles, one line with spears, but just before the stabbing, I remember the positions were changed.

136. Q. How were they changed?

A. I do not remember distinctly, but I have two recollections: One was that the two lines vertical to the prisoners, the line on the left had rifles and then a spear, rifle and spear. The right line, spear, rifle, spear, rifle, and so forth. The other recollection is that the first three persons in the left line had rifles and then spear, rifle, spear, rifle, and so forth; the right line, the first three persons with spears, then rifle, spear, rifle, spear, and so on.

137. Q. Was this rearrangement made under the direction of someone?

A. After the speech of the head of the hospital, this was done by the orders of the head of the hospital.

138. Q. Did he give the orders directly or did he pass the orders on through someone?

A. I do not remember exactly, but as I recall, I think he gave instructions through Lieutenant Oishi.

139. Q. Now, you have testified that after you finished stabbing that you went around in back of the line of stalkers and then you noticed that the prisoner's head had slumped down. How far were you from the prisoner when you were at the end of the line of stalkers?

A. About fifteen meters.

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

The commission did not desire to examine this witness.

The witness made the following statement:

I would like to state concerning two points. On the twenty-seventh of December, 1945, the time I was taken into custody by the American forces at the Nam stockade, a year and a half, I have stated nothing concerning this incident. The reasons for this are: After the end of the war, as a policy of the hospital, we were told while the Japanese military forces existed, when a petty officer did something according to an order, it wasn't a crime, but according to American military law, to kill a person, even though

CERTIFIED TO BE A TRUE COPY:

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

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it was through an order, the person committing the act was held responsible and if this came out, persons whom you have fought together with for several years would have to be confined under the name of a war criminal; therefore, you must not tell even your fellow men or anyone from the outside units or the American forces about this incident. And it was told that the head of the hospital and the officers who were serving at the hospital felt deeply the responsibility, and that they would take the responsibility and they would not let the petty officers take it. We were all told that even though you may be questioned by American forces, rely upon your superiors and do not say anything about it. We were told this many times by the superior officers: Captain Taneda, who was the senior section head of the hospital; Captain Iwanami, who was head of the hospital and Captain Okamura, who was acting section head. Under these conditions, I was taken into custody. I came to know that I could not escape from the responsibility; so, therefore, I told the persons who were confined together with me at the same time about my actions in this incident, and strived for the clearing up of this incident, but as we were under confinement and many plans were made on how to clear up this incident, this could not be done. I thought it was dangerous to have the incident cleared up through the vague and faint recollections of the witnesses. Also many petty officers and men who were not responsible at all would suffer. Not only that, but the incident would become all the more confused and enlarged. At this time the many officers at the hospital were not taken into custody. They were leading a peaceful life at the hospital. The head of the hospital and some of the high ranking officers as Captain Taneda were not repatriated and were still living at the hospital, and through their saying that they would take the absolute responsibility, it was the only hope I had, and till this time I did not say anything about this incident. We, the petty officers, who suffered under confinement, had nothing else, no place to stand, and no way of clearing up this incident but this one hope. This is the reason that all the petty officers and men who are in this court have come; it is the policy that they have followed. This incident occurred under the acute circumstances at that time, in which Truk was thought to be invaded by the Allied forces. It was done during the working hours of the hospital. A general assembly was ordered at the scene. The section head, department heads and members of the hospital were there, also the division officers who took charge of all personnel affairs. Also all of the petty officers and men were assembled at the scene. Through the orders of the head of the hospital to an officer, the officer made a division of our ranks and brought us forward. Rifles and bayonets were handed to us. The head of the hospital made a speech. In that speech he gave the reason why these two prisoners before us were to be executed. The head of the hospital relayed an order to the officer who was in charge of us. The officer in charge of us gave us the order to stab and we stabbed. This incident was prompted under the direct orders of the department head. We had no criminal intent or malice aforesought at all. It was rather that seeing the two prisoners before us we had no hostile feelings, but they looked pitiful and we felt sorry for them. From the time I entered the navy it was stressed to the marrow of my bones, obedience to all orders. I was told that obedience to orders was the backbone of military service. I have been taught this for nine years and also to carry out all orders of the superiors. This became second nature. In this case, we, the petty officers, when ordered to stab the prisoners had no authority or duty to reject this when we were given orders. We were taught to carry out the act immediately

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

even though it meant loss of life, going through fire or water; forget your home; forget your parents; forget your wife and children, but go into battle. This was true in the Shanghai incident, in the China incident, in which there were human bombs. It is the same as the kamikaze who had fought in the battle of Okinawa. I am not trying to shirk what I did. For the reasons I have stated above, our hard life in the year and a half that we have been confined has gone for nothing; we cannot believe in anyone. We believe in no one; we can rely on no one. We had to rely upon ourselves. And this is the reason I asked for this chance to speak on this stand. I did this under the absolute orders of the head of the hospital. Concerning the petitions of the petty officers when carrying out the orders of the head of the hospital, I ask your deep consideration of this point.

The commission then, at 11:20 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.

An accused, Homma, Hachiro, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding.

The judge advocate moved to strike the words "We had no criminal intent or malice aforethought at all" out of the statement on the ground that they were a conclusion of law by this witness.

The commission directed that the words be stricken out.

The witness resumed his status as an accused.

An accused, Tanabe, Mamoru, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Former Corpsman Warrant Officer Tanabe, Mamoru.
2. Q. Are you an accused in this case?
A. Yes.

Examined by the accused:

3. Q. What is your age?
A. I am thirty-four years old in the Japanese way of counting.
4. Q. Are you married?
A. Yes.

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

5. Q. Have you ever been on Truk?

A. Yes.

6. Q. Through what periods of time were you on Truk?

A. From the fifteenth of December, 1942, till the twenty-second of December, 1945.

7. Q. Were you demobilized?

A. Yes.

8. Q. When were you demobilized?

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.

9. Q. What were your duties in July of 1944?

A. I was the head petty officers in the out-patients' examination room and also the senior petty officer in the first division.

10. Q. The out-patients' examination room of what unit?

A. The head petty officer of the out-patients' examination room of the Fourth Naval Hospital and also senior petty officer of the first division.

11. Q. What was your rate at this time?

A. I was a corpsman chief petty officer.

12. Q. Do you know about the incident concerning prisoners which occurred in July, 1944, at the Fourth Naval Hospital?

A. I did not know at this time, but I heard about it later.

13. Q. Why was it that you did not know about it at the time of the incident?

A. On the thirteenth of July, when the last hospital ship entered Truk, we were very busy placing patients on the ship to be sent home. On the night of that day, I came down with a fever and the next day I was examined by the doctor in charge of the out-patients' examination room, Lieutenant Kashiwa, and it was stated that I had dengue fever. I was ordered to enter the surgical ward. I reported this to the senior petty officer of the hospital and I entered the ward. I was laid up for ten days and I was in this hospital ward on the day of the incident and I know nothing about it.

14. Q. You testified that when you became sick you reported to the senior petty officer. Who was that senior petty officer?

A. It was Petty Officer Yoshizawa.

15. Q. When was it that you left this ward?

A. As I remember, it was the twenty-fourth of that month and on a Monday.

16. Q. Can you say exactly that it was the morning of the twenty-fourth on Monday?

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

17. Q. Why is it that you can remember it so clearly?

A. At this time, there was a monthly report which had to be submitted to the adjutant on the twenty-second of every month. This report concerned the out-patients' examination. The making up of this report was mainly my work. While I was sick I worried about this report, and on the twenty-second when I was examined, I said to Lieutenant Kamikawa, "I am sorry that I am sick and cannot make up that report." Lieutenant Kamikawa said to me, "Do not worry about the report. It is all right if it is a few days late. Tomorrow is Sunday. Do not worry and try to get well." Monday I was still weak, but I asked to be discharged from the ward and I was discharged and I remember this clearly.

18. Q. When you were discharged from the ward is there any procedure to go through?

A. Yes.

19. Q. What procedure is necessary?

A. It was the same as when you entered the ward. You were supposed to report to the senior petty officer, Yoshizawa, and at this time I did report to the senior petty officer.

20. Q. Did you report to Yoshizawa when you left the hospital ward?

A. I did report to Yoshizawa.

21. Q. You testified that you heard about this incident later. When was it that you heard about this incident?

A. On the morning of the twenty-fourth when I went to report to Yoshizawa I heard about this from him.

22. Q. What did you hear?

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.

23. Q. Were you ever dispatched from the main hospital to any other hospital?

A. Yes.

24. Q. Did you hear anything concerning this incident at this time?

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.

25. Q. Did you have a conversation with Captain Taneda concerning this incident?

A. This was a conversation after the end of the war.

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Lieutenant, U. S. Navy,
Judge Advocate.

26. Q. If you know, tell us what kind of conversation you had with him.

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.

Cross-examined by the judge advocate:

27. Q. Who was the doctor in charge of the out-patients' ward at the hospital?

A. It was Surgeon Lieutenant Kanikawa.

28. Q. And you were the senior petty officer of that ward under Kanikawa. Is that correct?

A. Yes.

29. Q. How long did you work for Kanikawa?

A. While with the out-patients' examination room I worked for him for six months and while working at the duty petty officer stand information desk, I worked for him about six months.

30. Q. Do you remember Kanikawa having treated you on the twentieth of July, 1944?

A. I do not remember having been treated on the twentieth.

31. Q. Did you remain in your hospital bed the entire day of the twentieth of July?

A. Yes, other to my going to the head or smoking a cigarette, I stayed in bed all through the period I was in the ward.

32. Q. Did you hear them pass the order for a general assembly on the twentieth of July?

A. I have no recollection.

33. Q. You have sat here in court and heard the following people: Hamada, Hasegawa, Hayashi, Takahashi, Kikuchi, Yamamoto. These six men have all testified from the same chair that you are sitting in that you were on the hill that afternoon. How do you explain that?

A. Sitting in this court room and listening to the testimony, I have found out for the first time what the contents of this incident were. I know about this incident because I heard about it in this court. I have heard much testimony about the contents of this case. According to that testimony on that day of the incident, there was a general assembly. Almost all the members of the hospital were assembled. The petty officers were brought forward by the orders of the head of the hospital and that they were made to stab. Therefore, I was a member of the Fourth Naval Hospital at that time and the witnesses as they did not know the fact that I was in the hospital at that time thought Tanabe must have naturally taken part in this incident and testified to this effect. That is how I believe it is.

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

34. Q. Hamada who served with you at the hospital, Hayashi who served with you at the hospital and Takahashi who served with you at the hospital not only said that you were on the hill that day, but they testified that they actually saw you stab one of the prisoners. How do you explain their testimony?

A. It is just as I have stated, with that thought in mind. For myself I absolutely did not stab the prisoners; naturally, I was not at the scene; naturally, I did not stab.

Reexamined by the accused:

35. Q. In cross-examination you testified that you did not remember if you were treated by Kamikawa on the twentieth of July. Do you mean that you do not remember if you were treated at all or you do not remember if you were treated on the twentieth?

A. I do not remember and I do not know if I was examined by Lieutenant Kamikawa on the twentieth of July. While I was sick I was examined many times by Lieutenant Kamikawa.

Neither the accused nor the judge advocate 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 resumed his status as an accused.

An accused, Hamatane, Kazuo, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Former Corpsman Chief Petty Officer Hamatane, Kazuo.

2. Q. Are you an accused in this case?

A. Yes.

Examined by the accused:

3. Q. When did you enter the navy?

A. On the first of June, 1940.

4. Q. What was your rate when you entered the navy?

A. I was a fourth class corpsman.

5. Q. Did you ever have duty on Truk?

A. Yes.

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

6. Q. What unit were you attached to?
A. The Fourth Naval Hospital.

7. Q. Through what period of time were you stationed at the Fourth Naval Hospital?
A. The fifteenth of December, 1942, till the nineteenth of December, 1945.

8. Q. While you were stationed at the Fourth Naval Hospital what were your duties there?
A. From the time I arrived at the hospital till the time I left the hospital I was attached to the statistical department.

9. Q. While you were attached to the Fourth Naval Hospital, did you ever see any prisoners?
A. Yes.

10. Q. When and where did you see them?
A. It was around the twentieth of July, 1944, on the hill back of the Fourth Naval Hospital.

11. Q. How did you come to be on the top of this hill when you saw these prisoners?
A. I forget the time, but it was in the afternoon of the day. As it is three years back and I forget the time and who it was, but four or five of us were ordered to dig a hole. The place and size of the hole was shown us. We went to the tool shed and picked up some shovels and picks.

12. Q. What were you told the hole was to be used for?
A. We were told nothing.

13. Q. What was the size of this hole that you were told to dig?
A. As I remember the length was about six feet, the width four feet and the depth three feet.

14. Q. When you were ordered to dig this hole what did you think this hole was to be used for?

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 did not know what the hole was to be used for.

15. Q. How long did it take you to finish digging this hole?
A. Between one or two hours.

16. Q. What did you do after you finished digging this hole?
A. After we finished digging the hole we were resting by the hole.

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James P. Fenny
James P. Fenny,
Lieutenant, U. S. Navy,
Wagon, Toronto.

17. Q. What did you see at this time?

A. I saw the enlisted men of the paymasters training in front of the former nurses' quarters.

18. Q. Did you see anything else?

A. I think it was ten minutes after this that thirty men came up the hill and also two prisoners.

19. Q. Then what happened?

A. I do not remember who it was from among the persons who came up, a person came to us and said, "You will have to dig deeper," and we started to dig.

20. Q. How much further did you dig after this?

A. As I remember, it was about two feet.

21. Q. Did you keep on digging?

A. We took turns at digging.

22. Q. After you had finished digging the hole what did you see?

A. When I had finished digging and had come up from the hole, in front of the prisoners were some men lined up with steel spears and bayonets and they started to stab. Kumabara who was near me said something to me.

23. Q. Is there any special relationship between yourself and Kumabara?

A. He was of the same class as myself and we were the only two at the Fourth Naval Hospital of the same class; therefore, we were very friendly.

24. Q. Where were you watching this?

A. I was watching close by the hole.

25. Q. Then you did not enter the line of stabbers. Is that right?

A. I absolutely was not in the line of stabbers.

26. Q. Did you stab the prisoner with a bayonet?

A. Absolutely not.

27. Q. Did you stab him with a spear?

A. Absolutely not.

28. Q. What did you do after watching this?

A. The bodies were placed in the hole by someone. The head of the hospital ordered someone to cover them up with dirt and they were covered with dirt and water was sprinkled over the grave from a bucket which was nearby.

29. Q. What was your rate at the time of this incident?

A. On paper I was a carpenter petty officer second class, but at this time I had not yet received word of my promotion. I was a leading carpenter and only had the status of leading carpenter. I believe the order of my promotion was received in September of that year and from that time I received the status of a carpenter petty officer second class.

The commission then, at 3:13 p. m., took a recess until 3:36 p. m., at which time it recommenced.

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James P. Kenny
James P. Kenny,
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.

An accused, Hamatani, Kasuo, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

Cross-examined by the judge advocates:

30. Q. About what time of the day was it when you started digging this hole?
A. I don't remember the time.

31. Q. Was it in the morning or the afternoon?
A. As I remember, it was in the afternoon.

32. Q. Were you ordered to dig this hole by an officer?
A. I do not remember who ordered me.

33. Q. Who showed you where to dig?
A. I do not remember.

34. Q. How many people other than yourself dug this hole?
A. Including myself as I remember there were four or five.

35. Q. And other than yourself and Kusahara who also helped dig?
A. Kusahara did not help me dig.

36. Q. If Kusahara did not help you, who did?
A. Some of the lower ranking men.

37. Q. As a matter of fact were you not in charge of this hole digging squad?
A. No.

38. Q. Who was?
A. I do not remember who it was.

39. Q. You say thirty men came up the hill and also two prisoners. Do you mean that thirty men brought the prisoners up the hill?
A. This part I do not remember distinctly.

40. Q. Who brought the prisoners up the hill?
A. I do not remember.

41. Q. Who was in charge of the thirty men who came up the hill?
A. I remember an officer coming up with this group, but who this officer was I do not remember.

42. Q. Who gave you the order to dig the hole two feet deeper?
A. I do not remember distinctly who that officer was.

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

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43. Q. Have you any recollection who that person was?
A. I do not remember his name, but I think it was the junior officer-of-the-day.

44. Q. Who was the senior officer-of-the-day?
A. I do not remember.

45. Q. Did you finish digging this hole before this stabbing ended?
A. As I remember, I finished digging this hole about the same time the stabbing began.

46. Q. Were you down in that hole digging when Iwanami made his speech?
A. I do not remember Iwanami making a speech.

47. Q. How many men took part in the stabbing of these prisoners?
A. I do not remember how many stabbed, but there were eight to ten persons lined up.

48. Q. You mean eight to ten in each line?
A. I mean four or five in a line.

49. Q. Didn't you stop to look at what they were doing?
A. As soon as I came up from the hole the stabbing began.

50. Q. Do you know Takahashi?
A. I know Takahashi, but I do not remember seeing him on the hill.

51. Q. Do you know Hasegawa?
A. I know Hasegawa, but I do not remember seeing him on the hill.

52. Q. Do you know Hamada?
A. Hamada is the same.

53. Q. You know the three of them, but you do you remember seeing them on the hill that day. Is that correct?
A. Yes.

54. Q. Will you explain how Takahashi and Hamada, two men that you do not remember seeing on the hill, saw you on the hill and not only saw you but saw you stab the prisoner. How do you explain that?
A. I was not lined up with the petty officers and men. I did not have a steel spear or a fixed bayonet, and I did not stab. I do not know why they are saying this.

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 resumed his status as an accused.

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

An accused, Fukai, Yoshihisa, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. State your name and former rank.
- A. Fukai, Yoshihisa, former corpsman warrant officer.
2. Q. Are you an accused in this case?
- A. Yes.

Examined by the accused:

3. Q. What is your age?
- A. I am thirty-four years old.
4. Q. Are you married?
- A. Yes.
5. Q. Were you demobilized?
- A. Yes.
6. Q. Through what period of time were you at Truk?
- A. From the fifth of August till the twenty-first of December, 1945.
7. Q. What kind of work were you doing in Truk in July, 1944?
- A. I was working as a corpsman petty officer.
8. Q. Where were you working?
- A. I was in charge of the ships store and also the senior petty officer of the third division.
9. Q. What unit were you attached to?
- A. The Fourth Naval Hospital.
10. Q. Do you know the incident in which prisoners were executed in July, 1944, at the Fourth Naval Hospital?
- A. Yes.
11. Q. How did you come to know about it?
- A. On this day, I was in front of the nurses' quarters, I heard the orders for a general assembly on the hill in back of the hospital and I went to this hill in back of the officers' quarters.
12. Q. About what time of day was it?
- A. As I remember, it was about two-thirty in the afternoon.
13. Q. With whom did you go to the top of this hill?
- A. I do not remember now, but as I recall, I went by myself.
14. Q. What did you do when you arrived at the top of this hill?
- A. When I arrived at the hill there were thirty to forty persons assembled there. I took my place on the right hand of the "U" shape facing the prisoners.

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

15. Q. Were you together with this thirty to forty men?
A. Yes.

16. Q. What were the prisoners doing at this time?
A. The prisoners were sitting on the ground.

17. Q. What did you do after you went into the group of thirty to forty men?
A. As I had never seen a prisoner before, I went close by the officers, about five or six meters to the side of them at an angle, and went to see the prisoners.

18. Q. Where were the officers?
A. To the left of the prisoners facing them.

19. Q. Then what did you do?
A. Shortly after this the head of the hospital and Captain Tanaka arrived at the scene.

20. Q. Then what happened?
A. I do not know who it was, but it seemed as though either Captain Tanaka or the head of the hospital had ordered the blindfolds removed.

21. Q. Continue to tell us what you know.
A. The blindfolds were taken off and the prisoners were tied to the cross-bar. The head of the hospital went close to where the enlisted men were lined up and it seemed as though he said something.

22. Q. Then what happened?
A. After this I think I heard Lieutenant Oishi say something to the effect that petty officers step forward.

23. Q. Then what did you do?
A. I stayed where I was.

24. Q. Could you distinctly hear the order of Lieutenant Oishi?
A. I could not hear distinctly, I just thought that he said for them to step forward.

25. Q. Then do you mean that you stayed in your former position?
A. Yes.

26. Q. What was your rate at this time?
A. I was a seaman chief petty officer.

27. Q. In this case, when Lieutenant Oishi gave this order, should you not have left your position?
A. To have stepped forward would have been the usual thing to do, but as I was outside of the formation and as I did not hear Lieutenant Oishi's orders distinctly and another reason was that I did not like it, I did not step forward.

28. Q. Then what were you doing there?
A. In my former position, I was watching the prisoners.

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

29. Q. What did you see?

A. Shortly the speech of the head of the hospital was over and I saw some ten people who were armed stab the prisoners.

30. Q. Do you remember the number distinctly?

A. I do not remember the number distinctly.

31. Q. Do you mean that you watched the stabbing of the prisoners from where you were?

A. Yes.

32. Q. Up to what time were you in that position?

A. Shortly after the stabbing, the necks of the prisoners were cut. After this was over, I returned to my station.

33. Q. Summarizing your testimony, you saw the prisoners, during this time you were watching the prisoners from where you were standing, during this time the petty officers were brought forward by the order of Lieutenant Oishi and as you were outside of the lines, also you did not hear the order of Lieutenant Oishi distinctly and you did not like it and you stayed in your formation and you stayed in your position and did not stab. Is that correct?

This question was objected to by the judge advocate on the ground that it was highly improper for counsel to summarize the testimony of the witness.

The accused withdrew the question.

34. Q. Then do you mean that you had no relation at all, you were not involved at all in this incident concerning the execution of the prisoners?

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

The accused replied.

The commission announced that the objection was sustained.

35. Q. You testified that by the order of Lieutenant Oishi, some men were brought forward. Did you enter this group or didn't you?

A. I did not enter this group of men.

36. Q. Did you or did you not stab a prisoner?

A. I absolutely did not stab the prisoner. I can state this before anyone.

37. Q. Did you ever hold a spear or bayonet or a weapon while you were on that hill?

A. No.

Cross-examined by the judge advocate:

38. Q. Why did you go up on that hill at all?

A. As I heard the order of general assembly on the top of the hill I went.

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

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39. Q. Did this order specifically say where to assemble?

A. I heard on the top of the hill.

40. Q. When you went to the top of the hill what did you find up there?

A. I saw the following: The prisoners sitting on the ground, the prisoners tied to the cross-bar, the speech of the head of the hospital, the petty officers stabbing the prisoners, the cutting of the necks of the prisoners.

41. Q. When were the prisoners tied to the cross-bar?

A. It was after the head of the hospital and Captain Tanada arrived.

42. Q. Who directed the tying of the prisoners?

A. I do not remember.

43. Q. You say you went close to the officers. At the time you went, what officers were present there?

A. The head of the hospital, Captain Tanada, and Lieutenant Oishi were there.

44. Q. Were there any other officers there that you remember?

A. Other to this, there were ten odd officers there, but I do not remember their names.

45. Q. Who gave the order to commence?

A. Commence what?

46. Q. Commence stabbing.

A. I do not remember.

47. Q. When Lieutenant Oishi gave the order for the petty officers to step out, how many petty officers stepped out?

This question was objected to by the accused on the ground that it was improper to question this witness on what Lieutenant Oishi did that day.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I remember about ten.

48. Q. Who were the ranking petty officers at the hospital?

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 the objection was not sustained.

A. Do you mean the persons who lined up in these two columns?

49. Q. No.

A. The senior petty officer was Yoshizawa, next Kuma, next myself, next Tanaka, next Watanabe, next Fujino, next Tanaka, next Kamashima, after him was Iwada, next was Tanaka.

TESTIFIED TO BE A TRUE COPY:

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

30. Q. You were the third ranking petty officer on the hill that afternoon, and yet you say when Lieutenant Oishi gave the order to step out, you did not step out. Is that correct?
A. Yes.

31. Q. Do you know Takahashi?
A. I do not know Takahashi.

32. Q. Do you know Hayashi?
A. I know Hayashi, but at the time of the incident he was not on the hill.

33. Q. Do you know Hamada?
A. I know Hamada, but at the time of the incident he was not on the hill.

34. Q. Can you give this commission any reason why Takahashi, Hayashi and Hamada should testify and say that they saw you stab one of these prisoners?
A. Their testimony is false.

35. Q. Can you tell us why they would lie about you then? What reason would they have?
A. I do not know.

Reexamined by the accused:

36. Q. When you answered the judge advocate as to the seniority of the petty officers, as of what date was this seniority?
A. It is at the time of the incident.

37. Q. When were you made a chief petty officer?
A. In June, 1944.

38. Q. When was Yoshizawa made a chief petty officer?
A. In November, 1942.

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

The commission did not desire to examine this witness.

The witness made the following statement:

There is a place where I made a mistake in the statement that I submitted to the judge advocate and I would like to have it corrected at this time.

The commission asked the witness if he meant in reply to a question of the judge advocate.

The witness replied: "It is concerning a statement which I submitted previously when I was delivered the charges. I asked that that mistake be corrected and I do not know whether it was corrected or not."

PREPARED TO BE A TRUE COPY:

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

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The commission directed that the statement of the accused be stricken out on the ground that it was irrelevant and immaterial.

The witness resumed his status as an accused.

The commission then, at 4:27 p. m., adjourned until 9 a. m., tomorrow, Thursday, August 7, 1947.

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